



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Thursday, April 2, 2009

The House met at 9 a.m.

Rev. Bruce Frank, Biltmore Baptist Church, Arden, North Carolina, offered the following prayer:

Dear Heavenly Father, we call on You today as the sovereign, almighty, Holy God who can heal our land.

You have said that if wisdom is lacking, ask and You will give it. And so we're asking for wisdom this day. I pray for these congressional leaders. Pray You would fill them with wisdom on what to do. Pray You would give them the courage to do just that.

Pray You surround them with people who will speak truth into their ears and who will place principle above temporary favor. You have said, "Blessed is the Nation whose God is the Lord."

Pray You give us a recognition of our inadequacy for the task at hand and a dependence to carry out that task, for You have said, God resists the proud, but You give grace to the humble, and we're asking for grace today.

You are a God who abhors dishonest scales. Grant a determination to do the people's business with the utmost of integrity and remind us daily of our accountability to You for the service that we give.

May the words that are written behind me "In God We Trust" be true this day, in the name of my God and my Savior, the Lord Jesus Christ, I pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND BRUCE FRANK

The SPEAKER. Without objection, the Chair recognizes the gentleman from North Carolina (Mr. SHULER) for 1 minute.

There was no objection.

Mr. SHULER. Madam Speaker, I want to thank my friend and brother in Christ, Pastor Bruce Frank, for opening the House of Representatives in prayer today.

Bruce Frank is the senior pastor at my church, Biltmore Baptist Church in Arden, North Carolina, where he provides spiritual guidance and inspiration for over 6,000 members.

Pastor Frank was born in Atlanta, Georgia, and grew up in Oklahoma and Texas. He and his wife, Lori, have two sons, Tyler and Conner. Before being called to our church, he served as pastor at Baptist churches both in Houston and Humble, Texas.

Pastor Frank has brought a renewed sense of spirit and purpose to my church and its congregants since he joined us in 2008. I am grateful that he was able to grace us with the same spirit and purpose as he led us in prayer this morning.

Pastor Frank, we love you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 additional 1-minute speeches on each side of the aisle.

RECOGNIZING THE UNIVERSITY STUDIES ABROAD CONSORTIUM

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, I rise today to recognize the University Studies Abroad Consortium. USAC de-

veloped out of an informal exchange of students and professors between the Basque Studies Program at the University of Nevada, Reno, and the University of the Basque Country in San Sebastian, Spain. Under the excellent leadership of Dr. Carmelo Urza, USAC has evolved into one of the largest and most successful study abroad programs in the United States today. Currently, there are 33 U.S. member universities offering programs in 25 countries at 39 sites, with an annual enrollment of about 2,500 students.

USAC is presently holding its annual meeting at the University of Nevada, Las Vegas. This brings together staff from the U.S. member universities and the resident directors of all USAC sites around the globe.

I salute them for their hard work and dedication, because we know that studying abroad provides students with a unique opportunity to develop the knowledge, skills, experience, and attitudes to succeed in the global society of the 21st century.

I offer this in memory of a key member of the USAC team and a dear personal friend, Dr. Felix Menchacatorre, who passed away last August.

Estas en el corazon—you are in our heart—Felix.

BUDGET DEBATE DEFINES CLEAR DIFFERENCES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the debate unfolding over the budget is really one that has always been a part of our Nation's dialogue. Do we want a big government and high taxes, which infringe on our individual freedom, or do we want a limited government that lets the American people keep more of the money that they earn, which expands freedom?

Democrats have a budget that says loud and clear: big government spending is going to be alive and well-fed by

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

massive borrowing and increasing taxes by \$1.2 trillion. They will raise taxes not to pay off debt but, rather, to simply spend more money, mortgaging the future of our students, such as those at Timmerman School of Columbia.

Republicans have offered a budget that does the opposite. We want to cut spending, reduce debt, address short-term and long-term challenges, and provide more relief for American families and small businesses. Our budget is a clear sign of the confidence we have in the American people, not big government, to create jobs and put our fiscal house in order.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE REPUBLICAN BUDGET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, after doubling the national debt under the failed leadership of George Bush, the Republicans unveiled their budget alternative yesterday, very appropriately on April 1, April Fool's Day.

Now, there's a pretense that they're going to restore fiscal stability through budget gimmicks, the spending freeze, no matter how great the need, bridges falling down, veterans need services, to educate our kids, budget's frozen. Well, it's frozen, sort of. There is another part that's not. After the smoke and mirrors are put up, their real agenda comes through, which is more tax cuts for the wealthy.

Here's the amazing thing. They're going to eliminate all taxes on capital gains so people who invest for a living don't have to pay taxes. We have had that argument before. But think of it, it's so beautiful. The hedge fund managers, who averaged \$260 million each year last year creating toxic assets that are destroying our economy, claim that their income is carried interest, which is capital gains.

So the hedge fund managers who put our economy in the tank will contribute zero, zero dollars, under the Republican budget alternative to helping repair the damage in America.

Good work, guys. April fools.

BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, unlike what the gentleman just said, this President's budget spends too much, taxes too much, and borrows too much. This is the most fiscally irresponsible budget in the history of the United States.

The spending levels in the budget are just staggering. Under the President's

budget, the government's spending will represent roughly 30 percent of our economy. That's not the American way.

The right way forward is the PAUL RYAN alternative budget which trims wasteful government spending and lets families and small businesses keep more of their hard-earned money.

I urge my colleagues to join me in supporting the conservative budget proposal that rekindles prosperity, promotes financial security, invests in our future, and saves for our children's future.

Let's go, America. It's the right way to go forward.

□ 0915

A REPEATED FALSEHOOD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. We're going to hear more of our friends from the other side of the aisle talk about their budget proposal today. It's ironic that they're proposing things that they couldn't, wouldn't enact when they ran everything.

But one of the things I find most distressing is their repeated falsehood about some \$3,100 increase in taxes on the American people based on research done by MIT. They talked about it four times again last night.

Talking to Professor John Reilly, who actually did the 2007 study, indicates that they are using an intentional misrepresentation of the study. In fact, when somebody from the Republicans "called me on March 20 and asked about it, I explained why the estimate was incorrect and what they could do to correct it."

The actual number is one-fortieth of what the Republicans are talking about. And the fact is that in the budget we have an opportunity for people who want to be legislators—not communicators—to help us allocate how those benefits will be utilized.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traverse the well while other Members are speaking.

CIGARETTE TAX

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, all in one week we've had April Fool's Day, the Democrats' budget, and the largest increase in cigarette taxes ever. But the American people aren't foolish and they aren't in the mood for gimmicks.

Yesterday, the Federal tax on a pack of cigarettes went up—way up. Was

this tax raised to get people to stop smoking? Or was it raised to pay for a massive expansion in SCHIP? Well, both, actually. And that's a crazy way to run a railroad.

SCHIP needs more money under the Democrats' plan. So we're going to need more people to start smoking, not fewer. In fact, we're going to need about 22 million new people to start smoking.

But this tax increase is going to convince people to stop smoking, which means the SCHIP will be short of funds and the folks in charge in Congress are going to want to raise taxes again soon.

I'm all for health care for kids, and I'm all for getting people to quit smoking, but I'm against health care run by bureaucrats and health care programs funded by cigarette taxes.

The American people must wonder what Democrat leaders are smoking in Washington these days. And that is no laughing matter.

BUDGET FACT CHECK: NO COMPARISON

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the Republicans, the "Party of No," are now the "Party of No New Ideas." The budget plan they released last week is a rerun of the same failed policies that got our country into this deep financial and economic crisis, including massive tax cuts for the wealthiest Americans, huge subsidies to big oil and gas companies, and no plan to bring down the cost of health care. And their approach to the financial market is to ask for more deregulation. The plan will result in deep cuts to vital services like education and public safety.

It's basically the same old thing—the Republican "Party of No." I ask my colleagues, vote for the Democratic budget and vote against the Republican alternative.

CHIEF STEVE WHEELER—TEXAS FIREMAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the small town of Cleveland, Texas, lost one of their finest citizens this week when Fire Chief Steve Wheeler was killed. Steve was more than a Fire Chief. He was a fireman's firefighter—dedicated to the people of his town.

Steve decided at 13 he wanted to be a fireman. He worked at the local barber-shop and watched the firefighters next door at the station jump on fire trucks—and he got the urge to do the same.

After high school, he drove an ambulance and joined the volunteer fire department. He has held just about every

position there ever since—most recently, head of the Cleveland Emergency Management Department. That's the folks that take over during hurricane disasters.

Steve will be remembered most for the 30 years as Chief of the Cleveland Volunteer Fire Department, for that firefighter spirit that he had, and that unwavering devotion to his firemen.

Today, Chief Steve Wheeler answered his last call. Flags will be lowered; the final radio call will be made; and the final fire bell will be rung.

Our prayers go out to the Wheeler family, the Cleveland Fire Department, and the good people of that entire community.

Steve Wheeler—fireman, father, fine Texan.

And that's just the way it is.

RECKLESS SPENDING

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, the House will vote today on a Federal budget that borrows, taxes, and spends more than any other budget in history. Tax increases and deficit spending on big government programs won't help the economy. It will discourage job creation and burden families in the future for additional generations.

We can't spend our way back in terms of the recession and we can't borrow our way out of debt. The budget before us today would increase spending by \$1.9 trillion over the next 10 years, raise taxes by \$1.4 trillion, and add \$3.3 trillion in new debt.

This is reckless spending masquerading as sound budgeting. What our country needs is a responsible budget that scales back spending and borrowing; a budget that will strengthen our economy and put Americans back to work; a budget that will leave our children and grandchildren with better opportunities than we had.

WE MUST WORK TOGETHER TO FIND SOLUTIONS

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Let's just talk about common sense. Budgets are about priorities. They're not just blueprints, but plans on how to achieve goals. Just as families sit down at the kitchen table to map out how to make ends meet to save for college education or their retirement, so too must the government put forward a responsible budget.

This budget identifies important priorities—economic recovery, health care, and energy independence—but I'm concerned. This budget spends too much, borrows too much, and taxes too much.

We must offer tax incentives to invest and create jobs, not raise taxes on job creators and small businesses. We must reduce wasteful spending, not increase the debt by \$9 trillion.

We must work together to find solutions to the challenges before us, not halt progress with "politics as usual."

Despite calls to work together, this budget could permit a government-run health plan to be rammed through Congress without real consideration to protect seniors or the patient-doctor relationship. It's not about big government. It's about families, it's about small businesses, about entrepreneurship.

Let's oppose this budget and advance one that reflects the values found at kitchen tables across our country.

OPPOSITION TO THE DEMOCRATIC BUDGET

(Mr. McCAUL asked and was given permission to address the House for 1 minute.)

Mr. McCAUL. Madam Speaker, I rise today to express my strong opposition to the budget resolution that the majority is forcing on this House and the American people. This budget is an irresponsible and unwise increase in Federal taxes with borrowing and spending that will double the national debt and place a \$50,000 burden on each American.

The budget proposes to spend nearly \$4 trillion over the next year that America simply doesn't have. It also lays the groundwork for radical changes that will further prolong this recession by increasing government control of health care and increasing taxes on small businesses and anyone who uses electricity or gasoline.

This budget maxes out America's credit card and buries future generations in a mountain of debt. This budget and its massive increase in borrowing and spending will lead to higher taxes and return us to big government.

Simply put, Republicans want more freedom for Americans. Democrats want more government control over our lives.

FREEDOM AND THE BUDGET

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, if one looks to the exceptionalism of America, one finds that at its base is freedom. We've always had an agenda for freedom—freedom with responsibility.

Today, we have a budget that's made up of numbers. People wonder how does that somehow have anything to do with freedom. Well, if you spend too much, if you tax too much, if you borrow too much, what it means is you

give greater and greater power to the Federal Government, to elected representatives, to nonelected bureaucrats to make decisions for you and your life, not only today, but in the future.

For the young people that are listening, they ought to understand that the impact of this budget today will be far greater on them than it will be on me. Why? Because we are about to embark on a budget that will give us more debt than at any time in the history of America. And we and those of us who are here will not live long enough to pay it off.

The young people are the ones that are going to pay for it. They are in fact going to have less freedom rather than more freedom unless we come to our senses and vote for a budget that is consistent with the American agenda of freedom.

HONORING SECRETARY MIKE DIBERARDINIS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. I come to the floor today to honor a man that exemplifies public service—a man that hails from the big city of Philadelphia, but who has had a profound impact on my rural district.

Secretary Mike DiBerardinis has served the Rendell administration and the Commonwealth of Pennsylvania with distinction for the past 6 years as the head of the Department of Conservation and Natural Resources, or DCNR.

While I have only had limited interaction with the Secretary personally, his work for the Pennsylvania Wilds Initiative—a nature tourism program that encompasses my district—speaks volumes about his character and his dedication to rural Pennsylvania.

Under the Secretary's leadership, DCNR has taken the PA Wilds from a concept to a budding program, highlighting the beautiful landscape and the many attractions of central and northwestern Pennsylvania. From hiking, to biking, to backpacking, and skiing, Pennsylvania Wilds has it all.

In fact, this past summer, the Secretary was in my hometown breaking ground on the State's first Nature Inn, in Bald Eagle State Park—adding yet another component to an already robust State park system.

So while tomorrow is the Secretary's last day at the helm, I want to say thank you. Thank you for your service to rural Pennsylvania. Your leadership and vision has made a lasting impression.

PROVIDING FOR FURTHER CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014. The concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and any amendment thereto to final adoption without intervening motion except amendments offered by the chair of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. After adoption of House Concurrent Resolution 85 and receipt of a message from the Senate transmitting Senate Concurrent Resolution 13, it shall be in order to take from the Speaker's table Senate Concurrent Resolution 13 and to consider the Senate concurrent resolution in the House. All points of order against consideration of the Senate concurrent resolution are waived. It shall be in order to move to strike all after the resolving clause of the Senate concurrent resolution and to insert in lieu thereof the provisions of House Concurrent Resolution 85 as adopted by the House. All points of order against that motion are waived. The Senate concurrent resolution shall not be subject to a demand for division of the question of its adoption. If the motion is adopted and the Senate concurrent resolution, as amended, is adopted, then it shall be in order to move that the House insist on its amendment to the Senate concurrent resolution and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 0930

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, the resolution provides for further consideration of the budget under a structured rule. It makes in order four substitute amendments.

First, let me once again thank Chairman SPRATT and Ranking Member RYAN for all of their incredibly hard work. They obviously have very significant differences in philosophy, but they strive to make the Budget Committee a very fair and thoughtful place.

Madam Speaker, the rule before us today will allow Members of this House to make a very clear choice: Do you believe we should pass a budget that invests in the American people? Or, do you believe we should pass a budget that makes the same old mistakes of the past?

My friend from California (Mr. DREIER) and I had a very good debate on the floor and in the Rules Committee yesterday, and I know that many of our colleagues will voice their opinions today during the debate. But I would like to take a bit of time to talk about the choice that Members will make today.

In addition to the Democratic and Republican budgets, this rule makes in order proposals from the Progressive Caucus, the Congressional Black Caucus, and the Republican Study Group. So a wide range of options will be presented today.

I will vote proudly for the Democratic budget. Our budget reduces the deficit, it cuts taxes for middle-class families, and it makes critical investments in health care, education, and clean energy.

We will hear a lot today about the deficit, so let's remember one thing: The Obama administration inherited an economy in a deep recession, with a projected annual deficit of over \$1 trillion. This deficit didn't simply appear out of thin air. It was the direct result of the policies of the Bush administration, along with their Republican allies in Congress, who inherited a large surplus and then proceeded to squander it.

Now, my friends on the other side of the aisle will say, "Don't talk about

the administration, they are gone," as though 3 months ago is somehow ancient history. But we must talk about how we got into this mess. Those who ignore bad mistakes of the past are doomed to repeat it.

We believe that the best way, indeed, the only way to effectively reduce the deficit is to grow the economy, to create good-paying jobs for middle-class Americans, to improve the health and education of the American people, to invest in the cutting-edge green energy economy of the future.

By contrast, the Republican budget proposes slashes in health care and in nutrition for the most vulnerable Americans. It ignores the educational needs of our people. And it relies on the same dirty fossil fuels that threaten our environment and increase our dependence on foreign oil.

Now, I would like to talk for a moment about a specific difference between the two budgets on hunger and nutrition. Mr. DREIER got very upset with me yesterday, I believe he used the word "shrill," when I suggested that the Republican budget would cut food stamps and other nutrition programs. He argued that of course Republicans care about hunger, and that to argue otherwise would be class warfare.

Well, what do you know, when you actually look at the Republican budget they do in fact cut food stamps. They rescind the food stamp increases included in the stimulus bill; in other words, cutting the program below current law by more than \$20 billion over 2 years. And if that weren't bad enough, the Republican budget instructs the Agriculture Committee to cut an additional \$38 billion over 10 years.

Now, where would that \$38 billion come from? It can only come from a couple places, agricultural subsidies or nutrition programs, because that is what the Agriculture Committee does. And Mr. RYAN said in the Rules Committee yesterday that they weren't proposing to reopen the farm bill.

So that means it won't come from the agricultural subsidies; that means that the additional \$38 billion would most likely come from reducing nutrition programs for the most vulnerable Americans.

Now, here is what that means to the people at home. Because of the recovery package that we passed a few weeks ago, a family in Massachusetts will see an increase in their food stamp benefits by around \$39 a month. But the Republican budget eliminates that increase, literally taking food out of the mouths of Americans already struggling to make ends meet.

This increase averages out to a little more than \$1 a day. Now, many of my colleagues spend three or four times that amount on a latte. Maybe \$39 a month isn't a big deal to those in this Chamber, but it is a lot of money for

people who have been adversely impacted by this lousy economy.

I believe it is wrong to cut food and nutrition programs for vulnerable people in order to pay for capital gains tax cuts for Wall Street traders.

Madam Speaker, we all talk about how bad things are on Main Street, and our budget should be designed to help the people who live on Main Street and on the side streets as well, whether that is in California or Massachusetts or somewhere in between. But let me tell you how bad things are out there, and let me tell you why the Republican budget will make things worse.

School districts across this country are facing budget shortfalls. Families are having hard times making ends meet. Unfortunately, some families don't even have enough money to pay for the school meals, and the schools are taking drastic measures in response, according to a February 25 Associated Press article.

According to the article, many schools are literally taking kids out of the lunch line because their parents can't afford to pay the cost of a reduced lunch and they are giving them a cheese sandwich, or, in some cases, giving them nothing simply because their parents can't afford to pay for the reduced-price school lunch.

According to this article, the School Nutrition Association recently found that half of the school districts from 38 States surveyed have seen an increase in the number of students charging meals, while 79 percent saw an increase in the number of free lunches served over the last year. This means that more families are relying on the Federally funded school lunch program to help feed their kids; yet, the Republican budget would basically cut school lunch funding from the budget, once again making it harder for our children to get the proper food and nutrition they need.

Now, my good friend from the other side of the aisle will probably say that this is class warfare, that the Democrats are demagoguing this issue. Well, let me tell my good friend from California that the Republican budget requires the Education and Labor Committee to cut almost \$23 billion from programs in their jurisdiction. One of the biggest programs, if not the biggest program, is the school lunch program. And if the Republican Party isn't cutting school lunch, then I would like to hear where they are going to make these cuts. Student loans, special education, funding for basic education needs?

Let me be clear: A vote for the Republican budget is a vote to cut programs that are essential and that are helping Americans get through these tough times today, and it is a vote to ensure that people will not be able to improve their lives.

Madam Speaker, those of us in this Chamber earn a good salary. No matter

what happens, we will all be fine; but there are a lot of people whom we represent who won't be, unless we provide some help. These are difficult times, and we need to rise to the occasion.

So again, Madam Speaker, Members will have the opportunity to make some very clear choices today. I urge my colleagues to join me in supporting the Democratic budget, to believe in the potential of the American people, to restore the American dream, and to leave a better America for future generations.

NO FREE LUNCH: SCHOOLS GET TOUGH ON DEADBEATS

ALBUQUERQUE, N.M.—A cold cheese sandwich, fruit and a milk carton might not seem like much of a meal—but that's what's on the menu for students in New Mexico's largest school district without their lunch money.

Faced with mounting unpaid lunch charges in the economic downturn, Albuquerque Public Schools last month instituted a "cheese sandwich policy," serving the alternative meals to children whose parents fail to pick up their lunch tab.

Such policies have become a necessity for schools seeking to keep budgets in the black while ensuring children don't go hungry. School districts including those in Chula Vista, Calif., Hillsborough County, Fla., and Lynnwood, Wash., have also taken to serving cheese sandwiches to lunch debtors.

Critics argue the cold meals are a form of punishment for children whose parents can't afford to pay.

"We've heard stories from moms coming in saying their child was pulled out of the lunch line and given a cheese sandwich," said Nancy Pope, director of the New Mexico Collaborative to End Hunger. "One woman said her daughter never wants to go back to school."

MIXED REVIEWS

Some Albuquerque parents have tearfully pleaded with school board members to stop singling out their children because they're poor, while others have flooded talk radio shows thanking the district for imposing a policy that commands parental responsibility.

Second-grader Danessa Vigil said she will never eat sliced cheese again. She had to eat cheese sandwiches because her mother couldn't afford to give her lunch money while her application for free lunch was being processed.

"Every time I eat it, it makes me feel like I want to throw up," the 7-year-old said.

Her mother, Darlene Vigil, said there are days she can't spare lunch money for her two daughters.

"Some parents don't have even \$1 sometimes," the 27-year-old single mother said. "If they do, it's for something else, like milk at home. There are some families that just don't have it and that's the reason they're not paying."

The School Nutrition Association recently surveyed nutrition directors from 38 states and found more than half of school districts have seen an increase in the number of students charging meals, while 79 percent saw an increase in the number of free lunches served over the last year.

"FAMILIES STRUGGLING"

In New Mexico, nearly 204,000 low-income students—about three-fifths of public school students—received free or reduced-price

lunches at the beginning of the school year, according to the state Public Education Department.

"What you are seeing is families struggling and having a really hard time, and school districts are struggling as well," said Crystal FitzSimons of the national Food Research and Action Center.

In Albuquerque, unpaid lunch charges hovered around \$55,000 in 2006. That jumped to \$130,000 at the end of the 2007-08 school year. It was \$140,000 through the first five months of this school year.

Charges were on pace to reach \$300,000 by the end of the year. Mary Swift, director of Albuquerque's food and nutrition services, said her department had no way to absorb that debt as it had in the past.

"We can't use any federal lunch program money to pay what they call bad debt. It has to come out of the general budget and of course that takes it from some other department," Swift said.

"DIGNITY AND RESPECT"

With the new policy, the school district has collected just over \$50,000 from parents since the beginning of the year. It also identified 2,000 students eligible to receive free or reduced-price lunches, and more children in the lunch program means more federal dollars for the district.

School officials said the policy was under consideration for some time and parents were notified last fall. Families with unpaid charges are reminded with an automated phone call each night and notes are sent home with children once a week.

Swift added that the cheese sandwiches—about 80 of the 46,000 meals the district serves daily—can be considered a "courtesy meal," rather than an alternate meal.

Some districts, she noted, don't allow children without money to eat anything.

Albuquerque Public Schools "has historically gone above and beyond as far as treating children with dignity and respect and trying to do what's best with for the child and I think this is just another example," Swift said.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I want to begin by expressing my appreciation to my very good friend and debating partner, as he has just outlined from Worcester, for yielding me the customary 30 minutes. And I want to begin by saying that it was very obvious from the moment that he stood up, Madam Speaker, that we have been debating over the last couple of days, and I wish him well in his recovery as he seeks to get his voice back as our debate proceeds.

I also want to say that as I listened to his account of his concern, that we all share, for those who are on food stamps, for those who are suffering during these difficult economic times. I want to congratulate him for his life-long commitment to dealing with those who are suffering, and to say that I stand here with him committed to doing everything that we possibly can to ensure that those who truly are in need, those who are on food stamps, do not see the rug pulled out from under them. That is a commitment that we are proud to make, standing with him on that. And I will say that I don't believe for 1 minute that our budget

would in any way undermine those who are facing the serious economic challenges that we have.

But I have to say, Madam Speaker, it is interesting to note that the budget that was sent here to this Congress was, interestingly enough, entitled, "The New Era of Responsibility," proving once again that, in Washington, spin seems to trump reality every single time.

Slapping the moniker of "responsibility" on a disastrous budget is far easier than actually crafting a responsible budget. But now is not the time to be taking the easy way out and abandoning our duties to wisely and effectively spend the taxpayers' money.

We, as we all know, are facing the gravest economic crisis that we have faced in nearly three decades. If there was ever a time for true leadership, it is now. And, regrettably, my colleague's side of the aisle has chosen this very critical moment to shirk the responsibility for the great task that is before us.

The Democratic budget imposes new taxes, new taxes on small businesses, increasing that burden on job creators. So that will mean more lost jobs, fewer capital investments, and greater strain on our credit markets.

It also increases taxes on every single American household across this country with new energy taxes. In fact, families will see their taxes on energy go up by as much as \$3,100 a year.

Now, these are not—these are not, Madam Speaker, as we all know, tax increases on the super rich, which we regularly hear decried around here. These are regressive taxes that will hit every single family in this country. And, Madam Speaker, it is important to note this energy tax will hit the poorest of families in this country, because they need to turn the light switch on and turn the microwave on as well.

This budget will have immediate and very, very painful consequences. But as painful as the short-term impact will be, the long-term consequences are even more troubling. This budget more than quadruples the deficit. My friend talked about how this budget reduces the deficit. All one needs to do is look at the numbers, Madam Speaker. This budget more than quadruples the deficit. It pushes our national debt to a level that threatens the solvency of this country for years to come, in fact, for generations to come.

Now, some Americans may be wondering why the deficit should matter while so many families are struggling. Well, let me clarify exactly what it is that we are talking about here.

Republicans are not advocating a complete eradication of the deficit in 2009. We have had deficits over the past several years. We all acknowledge that. And while we are committed to reining in wasteful spending, this time of seri-

ous economic challenges is not the time for sudden or extreme austerity.

Our concern with this budget is not that there is any deficit at all; our concern is that the deficit itself is so catastrophically huge. It takes the largest deficit in the last 8 years and expands it exponentially by 450 percent in this year alone, a 450 percent increase in the size of the deficit this year alone.

It is either amusing or tragic, depending on how seriously one takes this issue, to hear my colleagues on the other side of the aisle whine that they inherited deficits. They justify their enormously wasteful budget by saying Republicans ran deficits, too. Yes, there were budget deficits when Republicans controlled Congress. We all acknowledge that. We have been fighting two wars; and, yes, we did not go as far as we would have liked in trimming down wasteful spending. We acknowledge that.

But what twisted and contorted logic, Madam Speaker, is it to say: Republican deficits were bad, so we are responding by making them four times worse. Is this really the Democratic majority's justification for what it is that we are doing today? Do they really think anyone could be fooled by such preposterous reasoning? This argument is not just bizarre, it is downright dangerous. It fails to take seriously the impact of exponentially growing debt.

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It also fails to take seriously the nature of our current economic crisis. Some debt is manageable, as any working family knows. Americans borrow money all the time to buy a new car or pay for college tuition. At reasonable levels, debt is manageable. But as we have learned very painfully, irresponsibly and dramatically increased debt can be catastrophic.

Our Nation's oldest, most prestigious financial institutions have collapsed under the weight of their irresponsible debts. And now the Democratic majority is careening down the path that led these institutions into ruin. Our current economic crisis has come as the result of irresponsible, unaccountable behavior. We all know that. We simply cannot begin our recovery unless and until we begin to learn from our mistakes. The Democratic budget simply repeats and expands on those mistakes.

But, Madam Speaker, we do have another choice. We, as Republicans, have put forth an alternative that heeds the lessons of our economic crisis and applies some common sense to our spending priorities. It also heeds the lessons of history and previous times of economic crisis. We have experienced great economic challenges before throughout our Nation's history. And what have those experiences taught us? Now if we go back to the recessions in the early 1980s and the early 1960s, we

see very clearly a Democratic President and a Republican President. President Ronald Reagan and President John F. Kennedy quickly righted our economies with pro-growth policies that empowered America's job creators. Again, a Democratic President, John F. Kennedy, and a Republican President, Ronald Reagan, both put into place pro-growth policies that empowered the job creators here in the United States. John F. Kennedy, as I said, and Ronald Reagan after him, understood that all the government intervention in the world could never match the power of American entrepreneurship.

Madam Speaker, I am going to quote a Democratic President, President John F. Kennedy, who in 1962 said the following: "To increase demand and lift the economy, the Federal Government's most useful role is not to rush into a program of excessive increases in public expenditures, but to expand the incentives and opportunities for private expenditures." Madam Speaker, I'm going to repeat the words of the great Democratic President, John F. Kennedy. In 1962, as we were dealing with economic challenges, he said, "To increase demand and lift the economy, the Federal Government's most useful role is not to rush into a program of excessive increases in public expenditures, but to expand the incentives and opportunities for private expenditures."

Madam Speaker, history proved John F. Kennedy right. His pro-growth reforms reversed the recession and put our economy back on the path to prosperity. We all know two decades later. My colleague, Mr. LUNGREN, and I were part of that "Reagan Revolution." Reagan followed John F. Kennedy's lead and accomplished the same thing.

Now, Madam Speaker, today Republicans have proposed a budget built on the Kennedy-Reagan model, a budget that draws upon history's lessons and will allow our economy to grow once again. Our alternative also heeds the mistakes that led to our current crisis and rejects the Democratic majority's policy of massive, reckless new debt for the American people. This alternative will not eliminate the deficit immediately, but it responsibly funds our greatest needs while preventing the deficit from ballooning into an utterly unmanageable size.

It does not raise taxes on small businesses and working families, but, in fact, reduces the tax burden they face and empowers them to lead our economic recovery. It meets our needs as a Nation without condemning future generations to a mountain of crippling debt. It is the responsible solution that the American people are expecting. It is the only budget proposal before us today that will carry us through this economic crisis and begin the process of the recovery that I know we all seek in a bipartisan way.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me thank the gentleman from California for his concern for my voice. And I appreciate the fact that he admitted that the Bush deficits were a bad thing. That is the first important step toward a recovery. So I appreciate that. And he mentions the two wars we fought. I would remind him that they were always off budget. And the budget the Democrats present today is a more honest accounting of those expenditures.

At this time, I would like to yield 3 minutes to the distinguished gentleman from New Jersey, a member of the Budget Committee, Mr. ANDREWS.

Mr. ANDREWS. Madam Speaker, I think someone who sells real estate or teaches school for a living must listen to this budget debate and be befuddled by what he or she is hearing. Thankfully, today there will be a chance for that citizen to hear a wide range of alternatives, a wide range of views as to how we should fix the country's economic problems. For that, I commend the Rules Committee under Ms. SLAUGHTER's and Mr. MCGOVERN's leadership, and I hope the minority will vote for the procedure that lets that wide range of views be heard.

But that person who teaches school or sells real estate has heard consistently from the minority that their household will get a \$3,000-a-year tax increase. That isn't so. The fact of the matter is that the hypothetical, mythical energy tax that the minority continuously refers to is not in the budget. If there ever were to be such a tax, it would have to come to this floor for a separate vote, a separate debate and separate consideration. The minority habitually says that small businesses and families will have their taxes increase. The fact of the matter is there are instructions to pay for health care that would probably look to repeal the Bush tax cut for the wealthiest 5 percent of people in this country, a platform the President ran on and was elected on. It is absolutely untrue that the 95 percent below that figure have any sort of tax increase. They don't. In fact, there is a \$1.7 trillion tax reduction for the bottom 95 percent of people in this country, for middle-class people. We hear that small businesses are going to have their taxes increase. That is not true. Ninety-eight percent of the small businesses in this country file tax returns lower than the adjusted gross income that would be affected by the provisions that would help pay for the health care bill.

We hear habitually about deficit and debt, and those on the minority side gnash their teeth and weep that the debt, according to them, will be doubled in 5 years. They know all about that, because that is exactly what they just did. They just doubled the na-

tional debt in the last 5 years under their watch.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 2 minutes.

Mr. ANDREWS. The fact of the matter is that this plan reduces the deficit by two-thirds over the next 5 years.

Now I do agree with my friend from California that this is about choice, this is about how to handle our economic distress. President Obama came to office and said he would do three things. He said he would pass a bill to stimulate the economy by helping people buy houses, buy cars, get construction workers back to work and keep people working and teaching in our schools. He did it. He then said his administration would lay out a plan to stabilize the collapsing banking system. Such a plan was laid out at the beginning of last week. And although it is far too early to measure its results, early signs are good. And then he said he would lay out a long-term plan for economic development, jobs and growth that would address the fundamental, underlying problems of this country. And that is what we are doing today. Stop living on borrowed money; he is cutting the deficit by two-thirds. Make us free from imported energy; he sets out a path to do so that Congress will either follow or not. Deal with health care reform; he sets out a path to do so that we will deal with through reconciliation instructions, whether you vote for it or not. And finally, he sets forth a path to broaden access to education and improve its quality.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I would be happy to yield my friend additional time if he would yield to me.

Mr. ANDREWS. Just one moment. I just want to finish this point. I would love to hear from you.

The other side wants nostalgia. If we were to have a third George Bush term, their alternative is what it would look like; make permanent the tax breaks for the wealthiest, reduce what we spend on education, nutrition, environment, energy and health care, and hope for the best. This is a choice between the future of promise and the failure of the past. And if my friend would like to ask me about the failure of the past, he can certainly do that.

Mr. DREIER. Do I have any other option at all to discuss anything else? Is that all I can discuss is the failure of the past? If my friend would yield, and I'm happy to yield my friend 1 additional minute, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. DREIER. I thank my friend for yielding. Let me just say that if we talk about the failure of the past, clearly the ideological baggage of the past has been the tax, spend and bor-

row policy which is being proposed here. Let me say I'm somewhat confused. I know that the President talked about reducing the deficit by half. Now, of course, if we run multitrillion-dollar deficits and you cut it down by a \$1 trillion or \$2 trillion, yeah, you can maybe cut it in half. But my friend has just said he is going to cut the deficit by two-thirds. I don't know where that comes from.

Mr. ANDREWS. Reclaiming my time, has the gentleman read the majority budget resolution? If the gentleman would read it, he would see that the deficit is two-thirds at the end of the 5-year cycle.

Mr. DREIER. Let me just say from what it is now, based on the projections with all the spending that is in here, that will create deficits that are so extraordinarily high. That is the challenge that we have got here. When you dramatically increase the size of the deficits—I thank my friend for yielding.

Mr. ANDREWS. Reclaiming my time, if I may.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I will yield myself such time as I may consume. And I'm happy to further engage my friend. And I will say that we have proposed a 10-year budget. This is a 5-year budget that my friend has. And I know that if you have multitrillion-dollar deficits that are going to be run, the dramatic increase in debt servicing is going to increase the size of those deficits.

I also have to say that it is very interesting, Madam Speaker, my friend said that I was able to talk about the Bush years. And yes, I'm very proud of the fact that in 2001 and 2003, dealing with the aftermath of September 11, an economic recession that existed in the early part of this decade and corporate scandals, that we were able, for 55 months, to have sustained economic growth. And I think that that is something of which we can be proud. But my point is, my arguments here were bipartisan. And John F. Kennedy was one of our greatest Presidents. And I'm very proud to say that we are standing on the shoulders of John F. Kennedy, if that will make my colleagues feel better. Mr. LUNGREN and I regularly argue that we are standing on the shoulders of Ronald Reagan.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. ANDREWS. The gentleman can stand on whomever's shoulders he wants. I'm afraid that the economic collapse you have left us with is standing on the chest of the working American.

Mr. DREIER. If I can reclaim my time, we are standing on the shoulders of John F. Kennedy and Ronald Reagan

to use policies that have historically been very, very successful and brought about economic recovery through difficult times in our Nation.

At this time, I would like to yield 4 minutes to my very good friend from Gold River, California, our former attorney general and my good friend, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Speaker, John Kennedy's famous words were that a rising tide lifts all boats. I guess conversely then, a receding tide would lower all boats.

Isn't that what we are talking about here? How do we get out of this economic difficulty we are in? My friends on the other side have correctly pointed out that we spent too much and we borrowed too much in the last number of years. I have agreed. I have said that ever since I came back to Congress 4-plus years ago.

But to condemn the actions of the past and then say you're going to get out of it by repeating it but doubling down on it doesn't seem to make a whole lot of sense. Look, I was gone from this place for 16 years. My children are grown now. I now have grandchildren. When I first came here, I had very young children. And I have got to answer to them at some point in time as to what we did when this choice came this year. Did we say that it made us feel good to loft ad hominem arguments at one another, to say that if you are fiscally responsible, what you are going to do is literally take the food out of the mouths of children, as I heard the gentleman from the other side say? The gentleman from the other side said that he has a number of school districts that can no longer give children lunch.

Why is that? They are having difficult economic times there. They are finding out they can't tax their people any more. Their receipts aren't enough at this time to do that. So the gentleman says that all we have to do is come to Washington, D.C., because, of course, our taxpayers are different than the taxpayers back home.

Madam Speaker, the fact of the matter is, they are the same people. They are the same people that are going to suffer if we put them on a road to economic calamity that is going to last for decades.

So we have a responsibility here to look beyond the easy personal shots and to judge these budgets to see whether or not one of them is more responsible than the other. I could point out the \$1 billion placeholder that is in the Democratic budget. What is it for? Nobody knows. It is a hedge against whatever they want to spend it on. I could point out that my Democratic friends are saying that cap and trade, which really translates into cap and tax, is a magical, mystical ride that we

are going to take. It is going to cost nobody anything. And so they criticize us when we say, "do you know that there is a tax inherent in this budget?" Well, tell me how are we going to do this cap and trade that is based on an auction? An auction means somebody has to put a price in order to get the ability to spend. But it is going to come out of nowhere? And my friend from Massachusetts says, "and the Republican budget is going to allow dirty fossil fuels to be used." Once again we are blaming America.

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I know that the fact of the matter is that we have fossil fuels in abundance here in the United States, coal for instance; and somehow, instead of working towards clean coal technology so that we can utilize our abundant resources, our friends on the other side say somehow that's evil.

Mr. DREIER. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I will be happy to yield.

Mr. DREIER. I thank my friend for yielding. And Madam Speaker, I would simply say in response to the cap-and-tax issue about which my friend has just spoken, that we do share a concern about the poor.

And as I mentioned in my remarks earlier, there is a tax of up to \$3,100 for every American family. That includes the working poor, it includes those who are impoverished who are still in their homes. And so the notion that we somehow are doing everything—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield my friend an additional minute. If the gentleman would further yield, the fact of the matter is, with this proposal that our colleagues have, they regularly point the finger of blame at us, that we somehow are trying to hurt the poor by cutting food stamps and nutrition programs, which is just plain wrong. But they fail to recognize that the tax burden, with this energy tax imposed on any family that turns the light switch on, is going to be overwhelmingly strong.

Mr. DANIEL E. LUNGREN of California. Well, the gentleman's statement is only true if you believe that when you buy a carbon credit and pay for it, that actually amounts to money. If somehow, magically it doesn't cost anybody anything, even though it's being auctioned on the market, and then that cost is going to be passed on to the consumer, which is, in the nature of a tax.

Mr. DREIER. If the gentleman would further yield, I would simply say maybe it is perverse that we somehow believe that if a burden is imposed on a business, that it is something that is going to have to be passed on to the consumer. I mean, is that—maybe

there's something wrong with that interpretation.

Mr. DANIEL E. LUNGREN of California. What we have here is an argument that if you can't pay for it back home, you can pay for it here because somehow we have an unlimited amount of money, and it has no impact on anybody whatsoever. As if inflation has no impact.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I'm not sure how pointing out that the Republican budget cuts nutrition is a personal attack. But I guess the truth stings a little bit.

The fact of the matter is that their substitute rescinds \$20 billion in food stamp funding right off the top. I mean, that's just a fact.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I will be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I was just handed a piece here which states that the distinguished chairman of the Agriculture Committee, our colleague, Mr. PETERSON, the gentleman from Minnesota, has made it clear that he is not going to allow for a single cut in agricultural subsidies, a story that has just come out here.

Mr. MCGOVERN. So that means it's only food stamps. And the ranking member of the Budget Committee, Mr. RYAN, said that the farm bill was off the table. So there's a bipartisan, you know, I guess agreement that the farm bill is going to stand. But your budget—

Mr. DREIER. If my friend would further yield, under your budget how do you propose to have the cuts in agriculture if you're going to maintain the food stamp and nutrition program and not bring about cuts in subsidies?

Mr. MCGOVERN. I reclaim my time. Under our budget we do not rescind the \$20 billion in food stamp funding. Beyond that, the Republican budget freezes all discretionary spending. That potentially cuts off nutrition assistance to between 500,000 and 1 million pregnant women, nursing mothers, infants and small children, including monies for the WIC program.

So, we can sit here and talk about abstractions all we want. The bottom line is that these programs that we're talking about, these cuts that are being proposed by the Republican budget, have a direct impact on real people. And maybe those aren't the people that come to Washington to lobby, but I'll tell you, the number of people who have fallen into poverty, the number of people who are still struggling just to hold on to the middle class, they're dwindling. And so your budget makes it much worse.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. And, Madam Speaker, I would simply say to my friend, how does he justify the \$3,100 tax that is imposed on struggling families who are impoverished with the so-called tax?

Mr. BLUMENAUER. Will the gentleman yield on this point?

Mr. MCGOVERN. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I really appreciate the gentleman's courtesy in permitting me to speak to this, because I endured this through the Budget Committee. I didn't say anything in the Budget Committee. I've listened to it on the floor.

Does the gentleman know where the \$3,100 figure comes from? Does the gentleman know?

I yield.

Mr. DREIER. I thank my friend for yielding. There are several different studies which show—

Mr. BLUMENAUER. Does the gentleman know where the \$3,100 figure comes from, that your leadership—

Mr. DREIER. There are several different studies.

Mr. MCGOVERN. I reclaim my time.

Mr. DREIER. There are studies that show there's an increase. The highest I've seen is \$3,100.

Mr. MCGOVERN. I am happy to yield to the gentleman from California to tell me what page in our budget that figure comes from.

Mr. DREIER. I thank my friend for yielding. It's not a page in the budget. It's the fact that there is, in fact, a tax increase that several studies have shown ranged from \$1,600 to \$3,100 for a working family in this country.

Mr. MCGOVERN. Madam Speaker, I reclaim my time.

I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Okay. This \$3,100 figure that has been cited by Republican leadership, MITCH MCCONNELL, JOHN BOEHNER, and referenced, I thought the gentleman from California would talk about it coming from MIT. That's where it came from, and his colleagues have referenced it repeatedly on the floor. This is from research by MIT professor John Reilly, done in 2007.

Republican staffers at one point, since they were citing it, called him and he said, and I quote, "called me March 20 and asked about this. I had to explain why the estimate they had was incorrect, and what they should do to correct it. But I think this wrong number was already floating around by that time." He pointed out that it actually was one-tenth of that figure, it was a net welfare that was going to be \$300 per person, that the Republicans are intentionally misrepresenting the research from MIT.

Now, I would suggest that it's further flawed because we have, in the budget,

left this element to be worked on by people who want a legend. But this cannot ought to be rejected.

Mr. MCGOVERN. I thank the gentleman.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. We are really tight on time, Mr. DREIER.

Mr. DREIER. I reserve the balance of my time.

Mr. MCGOVERN. I yield 1 minute to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding, his leadership, and my colleagues for correcting this number.

Madam Speaker, as we consider the budget proposal for the coming year, we are facing one of the most important votes in recent history. We can choose to honor the pledge we made to the American people in the last election and begin the process of health care reform, make investments that will lead to energy independence, and invest the needed funds to reinvigorate our educational system, or we can follow the same failed policies of the past that brought us to the crisis we find ourselves in today.

Our budget builds on the integrated approach to lifting us out of the recession, and returns us to fiscal discipline by cutting the deficit by two-thirds by 2013.

I urge my colleagues to vote "yes" on this rule and on the leadership's budget blueprint, H. Con. Res. 85.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I know that the time was limited on the other side, so I'd like to respond to my good friend from Oregon and say that there are a number of studies which have indicated what this cost will be. The highest that I saw was this \$3,100 figure.

Now, my friend has just said, this will be worked out later. And in saying this will be worked out later, that creates a degree of uncertainty as to exactly what the tax will be on working families.

I am happy to yield to my friend.

Mr. BLUMENAUER. Okay. I want it to be clear. I didn't say it would be worked out. I said that the study that you and Republicans have repeatedly cited—

Mr. DREIER. If I could reclaim my time, I wanted to say that there are several studies. That is one study. And I don't have the other studies in front of me, Madam Speaker, but I would like to say that it stands to reason that if this structure is going to be put into place, the so-called cap-and-trade, talking about exchange of carbon taxes and the taxes that are out there, they are going to be passed on to consumers. And a number of studies, other than the MIT study, have indicated that this will increase the cost burden on work-

ing families throughout the United States of America, regardless of their economic standing.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield to my friend.

Mr. BLUMENAUER. I would like to clarify that the professor who's being referenced by your leadership said that it would be one-fortieth of that amount.

Mr. DREIER. If I could reclaim my time, the fact is, Madam Speaker, there are several other studies which have talked about that tax burden which is going to be involved, not that single study. They range from roughly \$1,600 to this \$3,100 figure that we had in the past.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield.

Mr. BLUMENAUER. What do you think, assuming that it is one-fortieth or larger, what do you think happens to that money?

Mr. DREIER. What do I think happens to that money? I will tell you. Whatever the tax burden is, it is imposed on the families in this country who are on food stamps, who are on nutrition programs and who are struggling to make ends meet but still have to pay their energy bills.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. My friend from California continually references this energy tax increase. He's very astute on the rules, Madam Speaker, and he knows that the way you can set the predicate to raise revenue in a budget resolution is by a reconciliation instruction.

Would the gentleman care to tell us where the reconciliation instruction is to raise money for this cap-and-tax that he keeps talking about?

Mr. DREIER. If my friend would yield, the fact of the matter is it has not been put into place, and it's very, very clear that there is a \$1 billion place holder there, which is what they're planning to utilize.

Mr. ANDREWS. Reclaiming my time, I thank the gentleman for his statement. It is not in place. Therefore, there's no tax in this budget.

Mr. MCGOVERN. Madam Speaker, I yield 2½ minutes to the gentleman from North Carolina, a member of the Budget Committee, Mr. ETHERIDGE.

Mr. ETHERIDGE. Madam Speaker, you know, a budget's more than just a document. It really is a statement of our Nation's priorities and values. And the underlying bill that we're talking about builds on the work this Congress has done to put our economy back on track and provide jobs for our people

and invest in the current economic crisis of building for future needs.

The bill lays out a plan to cut the deficit by nearly two-thirds, creates jobs and investments, reforms health care, and provides for clean energy and education.

As a former school chief in my home State, I'm particularly pleased that the budget prioritizes education and innovation, a critical foundation piece for building a future.

In recent months, we have seen the economy start to recover as we put things in place. We'll see that in the months to come.

But let me just share a personal story. Just this past week I was at a middle school, Meadow Middle School in Johnson County, met with a bunch of students who will be the first in their family to go to college. That's what this is all about. We're building for the future. These youngsters start in middle school making a decision where they're going. Never has a member of their family been to college. That's what we're about here today.

Certainly we can argue the details, but, you know, let's keep our focus on what it's about. It's about the people of America, those who've lost their jobs, some who've lost hope. But we can give hope to the next generation. We can provide a foundation for building jobs, and we can get our economy moving again. But we have to do it together.

This budget resolution is a step in that direction of building a strong future for America and making a difference—for the leadership position in the world.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to our very thoughtful new colleague from Buffalo, New York (Mr. LEE).

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Mr. LEE of New York. Madam Speaker, I rise to oppose the rule and, more importantly, the budget resolution. Having run a business, I know that, to put together a responsible budget in the middle of a difficult economic climate, you have to prepare for things to get worse, not assume they will get better. The majority's budget fails to meet the commonsense standard by spending taxpayer dollars freely, without the same "do more with less" approach that many of my constituents live by.

For proof of that, look no further than the fact that independent estimates suggest, roughly, 250,000 new Federal bureaucrats may be needed to spend all the money in the President's budget. We should be looking at paring our employment roles, not expanding the already bloated Federal Government. Moreover, by continuing to borrow money we don't have, taxpayers will be on the hook for as much as \$1 trillion in interest payments on this debt. This is only a preview of the mas-

sive burden that will be forced on our children and grandchildren by Washington's refusal to make tough choices now.

My constituents didn't send me here to evaluate how their hard-earned money is spent in the abstract. This is about dollars and cents. By that measure, this budget is reckless spending, and it fails to protect working families, family farms and small businesses who are struggling right now. This budget simply spends too much; it borrows too much, and it taxes too much.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Oregon, a member of the Budget Committee, Mr. SCHRADER.

Mr. SCHRADER. Madam Speaker, I would like to speak to the rule. I appreciate this opportunity.

I'm not going to bore the rest of the body or the American people with more discussion about the inherited deficit we've got and about the necessary recovery plan that has been enacted to put Americans back to work after the Bush administration destroyed our economy, morally bankrupted us, as well as financially.

It also is amazing to me that, in the Republican budget I have here, there is nothing that addresses the long-term cost drivers that the budget of change has that has been put forward by the President of the United States and the Democratic Congress. We're dealing with the long-term cost drivers of health care, with the need for a 21st century education, and with the fact that we can no longer have our economy being at the mercy of people in the Middle East.

What is amazing is what is not in this budget. In this budget, the most explicit piece is about how we get wasteful spending under control. We just heard the Republican floor leader talk about the fact that, yes, we did not go after wasteful spending in the last 8 years. Well, this budget doesn't do it. It is in our budget. We talk about program integrity. We talk about making sure that seniors are taken care of with their Social Security, and we talk about preventing fraud and abuse. That fraud and abuse gives us an \$11 return for every dollar we've invested.

Tax compliance: Instead of letting the wealthy get away with huge tax breaks that hardworking Americans don't get, we actually have a tax compliance feature in this budget that actually makes sure we get \$5 for every dollar invested.

Medicare-Medicaid: The fraud and abuse that's going on in there with wealthy people trying to game the system at the mercy of hardworking individuals and seniors who are destitute is abominable. For getting after that fraud and abuse in our budget, we actually talk about the fact that there's a \$1.60 return for every dollar invested. Most importantly, I think we recognize

that the States are the incubators of a lot of innovation. There is a partnership fund established where we can do some creative work.

A lot of this work has been done in my home State of Oregon. It yielded tremendous benefits when I was in charge of the appropriations process back there.

The last comment I'd make, Madam Speaker, as to what is not in the Republican budget that is in the Democrat budget is: We talk about performance management. We actually make sure that agencies are held accountable for every single tax dollar that's being spent, and I'm sorry to say that that's nowhere in the Republican budget.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to simply say to our new colleague from Oregon, who has just joined us, that it seems that this budget is dealing with what is little more than a 5-year fantasy land. We're dealing with a 10-year proposal here, and the notion of saying, "within a 5-year period of time," these projections are not taking into reality the huge debt that is going to be existing beyond that 5 years.

I've asked my friend from Oregon (Mr. BLUMENAUER) to return, and I've been doing a little research. Our staff has looked into this, and we've found that the professor about whom my friend was speaking from MIT did, in fact, say that there would be this one hundred fortieth level, but it was based on the fact that we would see rebates to those families provided, and yet there is nothing in this budget that provides for those rebates.

In light of that—

Mr. BLUMENAUER. Will the gentleman yield?

Mr. DREIER. Let me just finish my thought, and then I will yield to my friend.

The fact is, if you look at that \$3,100 figure, it does stand because the budget does not have a penny for those rebates.

I'm happy to yield to my friend.

Mr. BLUMENAUER. The budget doesn't have anything for the rebates because the program isn't in the budget. The budget allows—

Mr. DREIER. If I could reclaim my time, Madam Speaker, let me just—

Mr. BLUMENAUER. No. Give me the courtesy—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlemen will suspend. Both the gentlemen will suspend.

The gentlemen must remember to respect the gavel and not talk over each other, and yield and reclaim time in an orderly way to have the debate recorded.

Mr. DREIER. Madam Speaker, who controls the time?

The SPEAKER pro tempore. At that time, the Chair couldn't tell who had the time. The gentleman controls his time.

Mr. DREIER. I think that I control all the time on our side, Madam Speaker, and I think that I've been yielded to.

The SPEAKER pro tempore. The gentleman will suspend. While the gentleman is talking over the Member to whom he has yielded time, it is difficult to understand who actually has the time.

Mr. DREIER. Madam Speaker, if I may, what I said was I'm reclaiming my time. Did the Chair not hear me say that I was reclaiming my time from the gentleman?

The SPEAKER pro tempore. At the time that the gentleman was speaking, the gentleman from Oregon was using the time that had been yielded to him.

Mr. DREIER. Well, there was no amount of time yielded to him, Madam Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Madam Speaker, if I may—

The SPEAKER pro tempore. The gentleman will suspend.

Members will respect the gavel. They will yield and reclaim time in an orderly manner and attempt not to talk over each other so that their comments can be recorded properly.

Mr. DREIER. Madam Speaker, may I be recognized?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DREIER. Thank you very much, Madam Speaker.

I would simply like to state to the Chair that the gentleman said that there was nothing in this budget that specifically referred to that. When he made his point in response to my question, I asked you to allow me to reclaim my time. I said it three times loudly and with enthusiasm, so I don't believe that I was talking over the gentleman. I was asking to reclaim my time.

Am I wrong?

The SPEAKER pro tempore. The gentleman needs to respect the gavel, and the gentleman needs to understand that all comments need to be recorded, and when comments in the nature of rebuttal are being made without a clear yielding or reclaiming of time, it is difficult for the official reporters to make sure that they have all of the comments.

Mr. DREIER. Madam Speaker, let me state very clearly again for the recording clerk: What I was saying was "reclaiming my time." That was the statement that I was making as the gentleman was speaking.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DREIER. Thank you very much, Madam Speaker.

I would say to my friend that, as we look at this issue, there is nothing in this budget, but there is this \$1 billion set-aside there. I would like to ask my

friend if he could guarantee that that \$1 billion will not be used for the so-called cap-and-trade or cap-and-tax plan, or that it will not be in the budget conference report that we have returning to us.

I'm happy to yield to my friend.

Mr. BLUMENAUER. In attempting not to be a potted plant but to respond, there is no detail in terms of a cap-and-trade proposal. There is an—

Mr. DREIER. If I could reclaim my time, Madam Speaker. Madam Speaker, may I reclaim my time?

I reclaim my time to ask again as I just did of my friend: Can the gentleman provide a guarantee that that \$1 billion will not be used for this so-called "cap-and-trade program" and that it will not be included in a conference report that comes back to the House?

I'm happy to further yield to my friend to respond.

Mr. BLUMENAUER. The purpose of a budget resolution is to provide a framework, and if the House and the Senate provide a framework that involves a fee on carbon pollution, then we will have the chance to work our will. There is, in this bill, a framework to move forward.

Mr. DREIER. Madam Speaker, if I could reclaim my time, I will say that the gentleman has made his point, and so he is not providing a guarantee that it is not going to be there, and I appreciate his recognizing that fact.

With that, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask Members to bear in mind the principle that proper courtesy in the process of yielding and reclaiming time in debate, and especially in asking another to yield, helps to foster the spirit of mutual comity that elevates our deliberations above mere argument.

Mr. MCGOVERN. Madam Speaker, may I inquire of how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 7 minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. MCGOVERN. I'd like to yield 10 seconds to the gentleman from Oregon.

Mr. BLUMENAUER. Madam Speaker, nobody can make guarantees, but the framework is to allow the body to work its will. There's no tax. There's an opportunity for us to have a framework to fight carbon pollution.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Madam Speaker, after 8 years of failed policies under the last administration, we have inherited a massive, unprecedented budget deficit projected to be well over \$1 trillion before the current President took office. While growing our economy is a major

component of the budget, reducing the deficit is a top priority for everyone.

The budget before us today will cut the deficit by two-thirds by the end of 2013 with a combination of spending cuts. Now, I'd like to correct the excesses overnight, but like steering a sailboat, it takes some time to turn us around while still not capsizing.

Some say we should chop everything except defense in the interest of leaving less debt to our children, but the fiscal deficit is not the only thing the policies of the last 8 years has left us with:

We have a huge education deficit, Madam Speaker, where children in urban and rural areas in my district don't have decent schools available to them. We have a health care deficit where people even with insurance cannot get the preventative care they need to avoid bigger problems. We have an infrastructure deficit, as demonstrated by leaky sewers and crumbling roads and bridges in my district.

If we reduce the deficit a little more, it will still be substantial thanks to the policies of the past, but it will leave our children with poor education, inadequate health care and crumbling infrastructure. Are we really serving their best interests by doing this?

We must invest in the economy to get rid of the structural deficit that we inherited. Just as someone might take a second mortgage to fix the structural integrity of their family house, we must do this as well. We may have a somewhat bigger mortgage, but we will have a strong house to pass on to our kids. That's what this Obama budget does. Otherwise, we will leave our children with a somewhat smaller mortgage but with no house, with no education, with poor health, and with Third World infrastructure.

That's not why the people of the 25th District of New York elected me. That's not why people elected the 44th President of the United States. The President's budget makes these tough decisions that the people sent us here to make. We must support it and we must support the rule.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 6½ minutes remaining. The gentleman from Massachusetts has 5 minutes remaining.

Mr. DREIER. I'd like to yield a minute and a half to our hardworking colleague from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I have to confess that it's a little tough to be here on the floor and be accused of wanting to keep money from the hardworking Americans, as Republicans, when I have had a bill I have been begging to be allowed to come to the floor that gives a tax holiday to every hardworking American in the country—to everybody. Even those who

don't make enough to pay income tax would get a FICA holiday.

So, to be lectured about our not wanting hardworking Americans to have a break, give me a break. The bill is there. Let it come to the floor. I'm told by people all over the Hill and all over America: Please, see if you can't get the Democratic leadership to give us this holiday.

Then we have a marriage penalty that is exacerbated in this budget, made even worse. Then who do you think is going to pay for this extra energy tax? It'll be passed on, and the people who earn the least will get hurt the most.

The real secret about this budget, Madam Speaker, should not be lost in this one act. Secretary of State Clinton was sent to beg the Chinese to keep loaning us money. What does that say for our future? We're quickly approaching the irreversible in this spending. It has to stop.

Mr. McGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, there is nothing in the underlying budget resolution that adversely affects the marriage penalty situation for any middle-class person. Again, 95 percent of families in this country get a tax cut, not a tax increase. It's just not so.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania, the vice chair of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Madam Speaker, let me first say that, I think, this is a very important debate.

Last night, it was suggested that we have not debated this budget when, in fact, we had 14 hours of markup, of conversation about the debate in the Budget Committee, and of course, we had hours last night and hours this morning. This budget resolution is a statement of our priorities, of our values and of our goals, and it gives direction to the Congress this next year and for years ahead.

The fact is that the President's budget, embraced by the Democratic Congress and modified slightly by us, as is our responsibility, is a change in the direction to this Nation. It is honest. It is fiscally responsible after years of not being so, and it is extremely difficult, and it recognizes the difficulty that we have inherited: the economy, which is, of course, in great difficulty, and the fiscal situation for our Nation, reflected by the \$1.3 trillion deficit that President Obama and this Democratic Congress have inherited from President Bush and the Republican Congress.

□ 1030

It reflects and understands that we have a large debt in this country, and it restores fiscal discipline by commitment to cut that deficit in half in 5

years and to restore fiscal responsibility and fiscal policies that will rebuild this economy and rebuild our Nation.

It is clear that the Republicans want to go back to those failed policies that led us to this moment, and we simply cannot let that happen.

The President and the Democratic budget does, in fact, provide relief for our families and our businesses. It restores fiscal discipline and a commitment to cut that deficit in half in 5 years. And very importantly, it makes clear that we have to make investments in our people, in our businesses, and in our Nation if we're going to grow economically and restore fiscal discipline.

So it sets the opportunity for the debate on three critical issues: on energy independence, on education, and on health care reform. That is the way we are going to rebuild this economy, and we are going to make those investments, and that's what this budget does. And I hope it will be embraced by this Congress and this Nation.

Mr. DREIER. Madam Speaker, may I inquire of my friend if he has any further speakers.

Mr. McGOVERN. We have no further speakers.

Mr. DREIER. If my friend from Worcester is prepared to close, I will yield myself the balance of our time.

Madam Speaker, we all know this has been an interesting debate, a fascinating one, and I think there is going to be a very clear choice that is before us.

The American people are hurting. The people whom I represent in California and people all across this country are suffering because of the economic downturn that we face today. It is a very serious and a challenging one, and I believe that every Democrat and every Republican wants to do what they believe is best to get our economy back on track.

I will tell you that I think that it's important for us to look at history. We need to look at the history of spending and what it has created, and we need to look at the history of what it is that gets our economy growing. Dramatically increasing spending, as study after study has shown, does nothing to get our economy back on track, to get it growing.

I believe that those words that were offered by President Kennedy, that I quoted earlier, in 1962 as he was dealing with a difficult economic time, when he said, "to increase demand and lift the economy, the Federal Government's most useful role is not to rush into a program of excessive increases and public expenditures but to expand the incentives and opportunities for private expenditures."

Now, Madam Speaker, the reason that I point to John F. Kennedy is that at the beginning of this administra-

tion's term and at the beginning of this Congress, we heard Democrats talk about the need for us to work in a bipartisan way. So what we're using, Madam Speaker, is the model of a great Democrat, John F. Kennedy, who recognized that dramatically increasing spending is not the cure that we need to deal with this challenge. And history proved John F. Kennedy right.

We know that tax cuts create jobs and jobs create revenues. It's true that we have a debt and a deficit that need to be addressed. The way to do that is to grow our economy. Tax increases do not increase jobs. And so it is absolutely imperative that we put a pro-growth policy into place, and that's what we do. We grow the economy, we recognize that there are serious societal needs out there, whether it is nutrition, whether it is food stamps. We need to address those. And we do provide for that in our budget. And at the same time, we focus on future generations by saying we are going to responsibly take the debt that exists and we are going to take it on a downward slope.

Now, my colleagues continue to talk about the next 5 years. Our budget focus is on 10 years. Why? Because we know that the 5-year plan that they have where they talk about reducing the multitrillion-dollar deficits that we're going to have, that they skyrocket after that 5-year period of time based on the spending that they plan to have in their budget.

So, Madam Speaker, we're going to continue with this rigorous debate that's taken place over the past hour-plus. We will see it happen throughout the day, and then we're going to have a chance to determine whether or not we are going to put into place policies that stand on the shoulders of John F. Kennedy and Ronald Reagan to grow our economy, reducing the tax burden on working Americans so that they can create jobs and increase the flow of revenues to the Federal Treasury, or are we going to have a policy which taxes too much, spends too much, and borrows too much.

With that, I yield back the balance of my time.

Mr. McGOVERN. Madam Speaker, this has been an interesting debate, but the fact is that Members will have a clear choice. And it's a choice of whether or not you want to stick to the same old-same old, or whether you want to go in a dramatically different direction.

If you have loved the last 8 years, then you should vote for the Republican budget because it's a continuation of the same thing.

If you want a different direction, a direction in which we invest in our economy, invest in our health care, invest in clean energy, invest in education and reduce our deficits, then you need to vote for the Democratic budget.

The fact of the matter is, Madam Speaker, the Republican budget, among other things, repeals most of the economic stimulus package that we passed, a stimulus package that is already helping our economy. In my district, a health IT company has already announced they are going to hire 500 more people because of the money for health IT in the economic stimulus package.

And what I find ironic is that so many of my colleagues on the other side of the aisle who voted against the American Recovery and Reinvestment Act, you know, and who now will vote against it again by voting for the Republican budget, are going back to their districts and will be taking credit for all of this Federal money going to help the people in their communities.

Some of my colleagues on the other side of the aisle have taken so many bows, they are humpbacked.

The fact of the matter is we have a problem not just 5 years from now and not just 10 years from now; we have a problem today. There are people in my district today who can't put food on the table. There are people in my district today who are losing their jobs who can't afford a college education for their kids.

We need to approve the Democratic budget because we need to understand if we're going to reduce our debt, we need to have our economy grow, and the only way to grow is by providing smart, sound, good investments. That's the choice.

And so I urge my colleagues to vote for the Democratic budget. I am proud to stand here in support of it. I have two kids, a 10-year-old son and a 7-year-old daughter. I am voting for this budget because of them. I want to give them a better future. And that's what this debate is about.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. MCGOVERN. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, April 2, 2009, through Saturday, April 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 21, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 2, 2009, through Sunday, April 5, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 20, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of H. Con. Res. 93 will be followed by a 5-minute vote on adoption of H. Res. 316.

The vote was taken by electronic device, and there were—yeas 244, nays 177, not voting 10, as follows:

[Roll No. 183]

YEAS—244

Abercrombie	Carnahan	Dent
Ackerman	Carney	Dicks
Altire	Carson (IN)	Dingell
Andrews	Castor (FL)	Doggett
Baca	Chandler	Doyle
Baird	Childers	Driehaus
Baldwin	Clarke	Edwards (MD)
Barrow	Clay	Edwards (TX)
Bean	Cleaver	Ehlers
Becerra	Clyburn	Ellison
Berkley	Cohen	Engel
Berman	Connolly (VA)	Eshoo
Berry	Conyers	Etheridge
Bishop (GA)	Cooper	Farr
Bishop (NY)	Costa	Fattah
Blumenauer	Costello	Filner
Boccheri	Courtney	Frank (MA)
Boren	Crowley	Fudge
Boswell	Cuellar	Gerlach
Boucher	Cummings	Giffords
Boyd	Dahlkemper	Gonzalez
Brady (PA)	Davis (AL)	Gordon (TN)
Braley (IA)	Davis (CA)	Grayson
Bright	Davis (IL)	Green, Al
Brown, Corrine	Davis (TN)	Green, Gene
Butterfield	DeFazio	Grijalva
Capps	DeGette	Gutierrez
Capuano	Delahunt	Hall (NY)
Cardoza	DeLauro	Halvorson

Hare	McCollum	Schauer
Harman	McDermott	Schiff
Hastings (FL)	McGovern	Schrader
Heinrich	McIntyre	Schwartz
Herseth Sandlin	McMahon	Scott (GA)
Higgins	McNerney	Scott (VA)
Hill	Meek (FL)	Serrano
Himes	Meeks (NY)	Sestak
Hinchee	Melancon	Shea-Porter
Hirono	Michaud	Sherman
Hodes	Miller (NC)	Shuler
Holden	Miller, George	Sires
Holt	Mollohan	Skelton
Honda	Moore (KS)	Slaughter
Hoyer	Moran (VA)	Smith (WA)
Inslee	Murphy (CT)	Snyder
Israel	Murphy, Patrick	Space
Jackson (IL)	Murtha	Speier
Jackson-Lee	Nadler (NY)	Spratt
(TX)	Napolitano	Stark
Johnson (GA)	Neal (MA)	Stupak
Johnson (IL)	Nye	Sutton
Johnson, E. B.	Oberstar	Tanner
Kagen	Obey	Tauscher
Kanjorski	Oliver	Taylor
Kaptur	Ortiz	Teague
Kennedy	Pallone	Thompson (CA)
Kildee	Pastor (AZ)	Thompson (MS)
Kilpatrick (MI)	Payne	Tierney
Kilroy	Perlmutter	Titus
Kind	Perriello	Tonko
Kirkpatrick (AZ)	Peters	Towns
Kissell	Peterson	Tsongas
Kucinich	Pingree (ME)	Van Hollen
Langevin	Polis (CO)	Velázquez
Larsen (WA)	Pomeroy	Visclosky
Larson (CT)	Price (NC)	Walz
Lee (CA)	Rahall	Wasserman
Levin	Rangel	Schultz
Lewis (GA)	Reichert	Waters
Lipinski	Reyes	Watson
Loeb sack	Rodriguez	Watt
Lofgren, Zoe	Ross	Waxman
Lowey	Rothman (NJ)	Weiner
Lujan	Roybal-Allard	Welch
Lynch	Ruppersberger	Wexler
Maloney	Rush	Wilson (OH)
Markey (CO)	Ryan (OH)	Woolsey
Markey (MA)	Salazar	Wu
Marshall	Sánchez, Linda	Yarmuth
Massa	T.	Young (AK)
Matheson	Sanchez, Loretta	Young (FL)
Matsui	Sarbanes	
McCarthy (NY)	Schakowsky	

NAYS—177

Aderholt	Coble	Hunter
Adler (NJ)	Coffman (CO)	Inglis
Akin	Cole	Issa
Alexander	Conaway	Jenkins
Arcuri	Crenshaw	Johnson, Sam
Austria	Culberson	Jones
Bachus	Davis (KY)	Jordan (OH)
Barrett (SC)	Deal (GA)	King (IA)
Bartlett	Diaz-Balart, L.	King (NY)
Barton (TX)	Diaz-Balart, M.	Kingston
Biggart	Donnelly (IN)	Kirk
Bilbray	Dreier	Kline (MN)
Bilirakis	Duncan	Kosmas
Bishop (UT)	Ellsworth	Kratovil
Blackburn	Emerson	Lamborn
Boehner	Fallin	Lance
Bonner	Flake	Latham
Bono Mack	Fleming	LaTourette
Boozman	Forbes	Latta
Boustany	Fortenberry	Lee (NY)
Brady (TX)	Foster	Lewis (CA)
Broun (GA)	Fox	Linder
Brown (SC)	Franks (AZ)	LoBiondo
Brown-Waite,	Frelinghuysen	Lucas
Ginny	Galleghy	Luetkemeyer
Buchanan	Garrett (NJ)	Lummis
Burgess	Gingrey (GA)	Lungren, Daniel
Burton (IN)	Gohmert	E.
Buyer	Goodlatte	Mack
Calvert	Granger	Maffei
Camp	Graves	Manzullo
Campbell	Guthrie	Marchant
Cantor	Hall (TX)	McCarthy (CA)
Cao	Harper	McCauley
Capito	Hastings (WA)	McClintock
Carter	Heller	McCotter
Cassidy	Hensarling	McHenry
Castle	Herger	McHugh
Chaffetz	Hoekstra	McKeon

McMorris Rodgers	Price (GA) Putnam	Shuster Simpson	Giffords Gonzalez	Lynch Maffei	Rush Ryan (OH)	Lungren, Daniel E.	Pence Petri	Shadegg Petri
Mica Miller (FL)	Radanovich Rehberg	Smith (NE) Smith (NJ)	Gordon (TN) Grayson	Maloney Markey (CO)	Salazar Sánchez, Linda	Mack Manzullo	Pitts Platts	Shimkus Shuster
Miller (MI) Minnick	Roe (TN) Rogers (AL)	Smith (TX) Souder	Green, Al Green, Gene	Markey (MA) Marshall	T. Sanchez, Loretta	Marchant McCarthy (CA)	Poe (TX) Posey	Smith (NE) Smith (NJ)
Mitchell Moran (KS)	Rogers (KY) Rogers (MI)	Stearns Sullivan	Griffith Grijalva	Massa Matheson	McCaul McClintock	McKeon McCotter	Price (GA) Putnam	Smith (TX) Souder
Murphy, Tim Myrick	Rohrabacher Rooney	Terry Thompson (PA)	Gutierrez Hall (NY)	Matsui McCarthy (NY)	Schakowsky Schauer	Radanovich Rehberg	Rogers (AL) Rogers (KY)	Stearns Sullivan
Neugebauer Nunes	Ros-Lehtinen Roskam	Thornberry Tiahrt	Halvorson Hare	McCollum McDermott	Schiff Schrader	Reichert Roe (TN)	Rogers (MI) Rohrabacher	Taylor Terry
Olson Paul	Royce Ryan (WI)	Tiberi Turner	Harman Hastings (FL)	McGovern McIntyre	Schwartz Scott (GA)	McMorris Rodgers	Roskam Ros-Lehtinen	Thompson (PA) Thornberry
Paulsen Pence	Scalise Schmidt	Upton Walden	Heinrich Hersteth Sandlin	McMahon McNerney	Scott (VA) Serrano	Melancon Mica	Rogers (MI) Rohrabacher	Tiahrt Tiberi
Petri Pitts	Schock Sensenbrenner	Wamp Whitfield	Higgins Hill	Meek (FL) Meeks (NY)	Sestak Shea-Porter	Miller (FL) Miller (MI)	Rooney Ros-Lehtinen	Turner Upton
Platts Poe (TX)	Sessions Shadegg	Wilson (SC) Wittman	Himes Hinchey	Miller, George Minnick	Sherman Sires	Moran (KS) Murphy, Tim	Roskam Royce	Walden Wamp
Posey	Shimkus	Wolf	Hirono Hodes	Miller, George Mitchell	Skelton Slaughter	Myrick Neugebauer	Ryan (WI) Scalise	Whitfield Wilson (SC)

NOT VOTING—10

Bachmann	Klein (FL)	Richardson
Blunt	Miller, Gary	Westmoreland
Griffith	Moore (WI)	
Hinojosa	Pascrell	

□ 1104

Mr. ADLER of New Jersey changed his vote from “yea” to “nay.”

Mr. HINCHEY changed his vote from “nay” to “yea.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 316, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 182, not voting 7, as follows:

[Roll No. 184]

YEAS—242

Abercrombie	Butterfield	Davis (IL)
Ackerman	Capps	Davis (TN)
Adler (NJ)	Capuano	DeFazio
Altmire	Cardoza	DeGette
Andrews	Carnahan	Delahunt
Arcuri	Carson (IN)	DeLauro
Baca	Castor (FL)	Dicks
Baldwin	Chandler	Dingell
Bean	Clarke	Doggett
Becerra	Clay	Donnelly (IN)
Berkley	Cleaver	Doyle
Berman	Clyburn	Driehaus
Berry	Cohen	Edwards (MD)
Bishop (GA)	Connolly (VA)	Edwards (TX)
Bishop (NY)	Conyers	Ellison
Blumenauer	Cooper	Ellsworth
Boccieri	Costa	Engel
Boren	Costello	Eshoo
Boswell	Courtney	Etheridge
Boucher	Crowley	Farr
Boyd	Cuellar	Fattah
Brady (PA)	Cummings	Filner
Braley (IA)	Dahlkemper	Foster
Bright	Davis (AL)	Frank (MA)
Brown, Corrine	Davis (CA)	Fudge

Giffords	Lynch	Rush	Lungren, Daniel	Pence	Shadegg
Gonzalez	Maffei	Ryan (OH)	E.	Petri	Shimkus
Gordon (TN)	Maloney	Salazar	Mack	Pitts	Shuster
Grayson	Markey (CO)	Sánchez, Linda	Manzullo	Platts	Simpson
Green, Al	Markey (MA)	T.	Marchant	Poe (TX)	Smith (NE)
Green, Gene	Marshall	Sanchez, Loretta	McCarthy (CA)	Posey	Smith (NJ)
Griffith	Massa	McCaul	McCaul	Price (GA)	Smith (TX)
Grijalva	Matheson	McClintock	McClintock	Putnam	Souder
Gutierrez	Matsui	McCotter	McCotter	Radanovich	Stearns
Hall (NY)	McCarthy (NY)	McHenry	McHenry	Rehberg	Sullivan
Halvorson	McCollum	McHugh	McHugh	Reichert	Taylor
Hare	McDermott	McKeon	McKeon	Roe (TN)	Terry
Harman	McGovern	McMorris	McMorris	Rogers (AL)	Thompson (PA)
Hastings (FL)	McIntyre	Rodgers	Rodgers	Rogers (KY)	Thornberry
Heinrich	McMahon	Melancon	Melancon	Rogers (MI)	Tiahrt
Hersteth Sandlin	McNerney	Mica	Mica	Rohrabacher	Tiberi
Higgins	Meek (FL)	Miller (FL)	Miller (FL)	Rooney	Turner
Hill	Meeks (NY)	Miller (MI)	Miller (MI)	Ros-Lehtinen	Upton
Himes	Michaud	Moran (KS)	Moran (KS)	Roskam	Walden
Hinchey	Miller (NC)	Murphy, Tim	Murphy, Tim	Royce	Wamp
Hirono	Miller, George	Myrick	Myrick	Ryan (WI)	Whitfield
Hodes	Minnick	Neugebauer	Neugebauer	Scalise	Wilson (SC)
Holden	Mitchell	Nunes	Nunes	Schmidt	Wittman
Holt	Mollohan	Olson	Olson	Schock	Wolf
Honda	Moore (KS)	Paul	Paul	Sensenbrenner	Young (AK)
Hoyer	Moran (VA)	Paulsen	Paulsen	Sessions	Young (FL)
Inslee	Murphy (CT)				
Israel	Murphy, Patrick				
Jackson (IL)	Murtha				
Jackson-Lee (TX)	Nadler (NY)				
Johnson (GA)	Napolitano				
Johnson, E. B.	Neal (MA)				
Kagen	Nye				
Kanjorski	Oberstar				
Kaptur	Obey				
Kennedy	Oliver				
Kildee	Ortiz				
Kilpatrick (MI)	Pallone				
Kilroy	Pastor (AZ)				
Kind	Payne				
Kirkpatrick (AZ)	Perlmutter				
Kissell	Perriello				
Klein (FL)	Peters				
Kosmas	Peterson				
Kucinich	Pingree (ME)				
Langevin	Polis (CO)				
Larsen (WA)	Pomeroy				
Larson (CT)	Price (NC)				
Lee (CA)	Rahall				
Levin	Rangel				
Lewis (GA)	Reyes				
Lipinski	Richardson				
Loeb sack	Rodriguez				
Lofgren, Zoe	Ross				
Lowey	Rothman (NJ)				
Lujan	Roybal-Allard				
	Ruppersberger				

NAYS—182

Aderholt	Carney	Graves
Akin	Carter	Guthrie
Alexander	Cassidy	Hall (TX)
Austria	Castle	Harper
Bachmann	Chaffetz	Hastings (WA)
Bachus	Childers	Heller
Barrett (SC)	Coble	Hensarling
Barrow	Coffman (CO)	Hergert
Bartlett	Cole	Hoekstra
Barton (TX)	Conaway	Hunter
Biggert	Crenshaw	Inglis
Bilbray	Culberson	Issa
Bilirakis	Davis (KY)	Jenkins
Bishop (UT)	Deal (GA)	Johnson (IL)
Blackburn	Dent	Johnson, Sam
Blunt	Diaz-Balart, L.	Jones
Boehner	Diaz-Balart, M.	Jordan (OH)
Bonner	Dreier	King (IA)
Bono Mack	Duncan	King (NY)
Boozman	Ehlers	Kingston
Boustany	Emerson	Kirk
Brady (TX)	Fallin	Kline (MN)
Brown (GA)	Flake	Kratovil
Brown (SC)	Fleming	Lamborn
Brown-Waite,	Forbes	Lance
Ginny	Fortenberry	Latham
Buchanan	Fox	LaTourette
Burgess	Franks (AZ)	Latta
Burton (IN)	Frelinghuysen	Lee (NY)
Buyer	Gallely	Lewis (CA)
Calvert	Garrett (NJ)	Linder
Camp	Gerlach	LoBiondo
Campbell	Gingrey (GA)	Lucas
Cantor	Gohmert	Luetkemeyer
Cao	Goodlatte	Lummis
Capito	Granger	

NOT VOTING—7

Baird	Moore (WI)	Westmoreland
Hinojosa	Pascrell	
Miller, Gary	Shuler	

□ 1114

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The SPEAKER pro tempore (Mr. ALTMIRE). The unfinished business is consideration of the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When further proceedings were postponed on the bill, all time for debate on the amendment offered by the gentleman from Indiana (Mr. BUYER) had expired.

Pursuant to House Resolution 307, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Indiana.

The question is on the amendment by the gentleman from Indiana.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 284, not voting 5, as follows:

[Roll No. 185]

AYES—142

Aderholt	Bishop (UT)	Brown (SC)
Akin	Blackburn	Buchanan
Alexander	Boehner	Burgess
Austria	Bonner	Burton (IN)
Bachmann	Boozman	Butterfield
Barrett (SC)	Boustany	Buyer
Barton (TX)	Boyd	Calvert
Bilirakis	Brady (TX)	Camp
Bishop (GA)	Bright	Campbell

Cantor
Carter
Cassidy
Coble
Coffman (CO)
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Etheridge
Fleming
Forbes
Foss
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Hill
Hoekstra
Hunter
Inglis
Issa
Johnson, Sam
Jones
King (IA)

NOES—284

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bocieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite,
Ginny
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers

King (NY)
Kingston
Kissell
Kline (MN)
Latham
LaTourette
Lewis (CA)
Luetkemeyer
Lungren, Daniel
E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (NC)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Pastor (AZ)
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Posey
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare

Putnam
Radanovich
Rahall
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

Lucas
Lujan
Lummis
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz

Pallone
Paul
Payne
Perlmutter
Peters
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—5

Blunt
Hinojosa
Miller, Gary
Pascarell
Westmoreland

□ 1132

Messrs. GRIFFITH and LATTA and Ms. SPEIER changed their vote from “aye” to “no.”

Mr. COFFMAN of Colorado changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ROGERS of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill (H.R. 1256) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In section 919(c)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b)(3) of the bill, amend subparagraph (B) to read as follows:

“(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—Fees collected under subsection (a)

are the only funds authorized to be made available for the purpose described in subparagraph (A).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes to support his motion.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my friends for bringing up and working on an issue that we all know is troublesome, smoking in America. We certainly don't want our kids to do it. We wouldn't wish it on any family. And sometimes we disagree on the smallest things and the paths to get there. And I think this is one of those occasions. But some of those differences have huge consequences. We even offered an amendment to say to the FDA if you're going to give them this authority, you ought to be able to get nicotine out of cigarettes. And the majority said “no.”

So what we are going to do is we're going to have them create this whole new government structure to approve or authorize or regulate a drug that, if used as directed, will kill you—for the first time in the history of the FDA. It is a problem. But as long as we get to this place of eliminating smoking, maybe we are moving forward.

But here is a huge problem, and I hope my colleagues listen well. Because for several years during the course of this bill, we have been told and told again and told again that this will not impact the general fund of the FDA. It will not. But, in fact, it will. There is a dangerous loophole in this bill, and we together today can close it. I will tell you why this is important. Because it does allow in the bill specifically for money to come from the general fund of the FDA to get this thing going for as long as 6 months. Six months doesn't seem like a long time. But let me tell you, the FDA is strapped for resources and failing in many of its core missions.

Many of us here agree with that. We have often said it is not meeting its mission requirements. We need to give them more, more resources. This bill today takes away precious resources from some of the most dangerous diseases and cures that may be on their way at the time they don't need it. Do you realize last year the FDA inspected roughly 6,000 of 189,000 food facilities under its jurisdiction? Three percent. Americans eat food imported from 150 countries where they are processed in 189,000 plants, scattered from China to Fiji. But in 2007, the FDA inspected just 96 of those plants.

You pose to the new FDA Commissioner a very dangerous set of policy decisions. Do I not inspect food plants to get this new regulation going today or for the next 6 months? The last salmonella outbreak had 550 illnesses and eight deaths. You will make, today, the FDA Commissioner choose between one more inspection and catching one more

bad outbreak of salmonella or stepping up and starting to regulate, in this new way, tobacco at the FDA. The salmonella outbreak cost the industry about \$100 million just for tomatoes last year alone. People are dying because we are not meeting our obligations for food safety. This bill jeopardizes the Commissioner from meeting that core and important element in food safety in the United States.

But that is not all. Chronic pain. We are very close. They have new technology that is getting close to being approved by the FDA. You will make that Commissioner stand up and say, "I'm sorry that you have arthritis and have waited and prayed every day of your life for that cure, that new medicine that is going to alleviate your pain and give you a quality of life. I'm sorry, we have to wait 6 months for that cure." Six months does mean a lot.

Pediatric cancer, we are very close to some great treatments, some great treatments. If it is your son or your daughter in your family, are you willing to say, let's wait 6 months for that cure, for that medicine, for that very treatment that may save your life? You make the FDA Commissioner choose when you pass this bill today if we don't close this loophole. It is not done.

Biologic drugs, we all know how important they are, what kind of cures they can bring, the innovation. They are already hurting economically. You're telling them, "wait 6 months for that new cure for whatever disease ails you because we want to get this bureaucracy started at the FDA and take some of those resources." What scientist are we going to ask that Commissioner to remove from the bench to do that study for 6 months to find that cure? That is what we are doing today if we don't close this loophole.

Alzheimer's, we have some great cures. But they keep telling us they need additional resources to meet the demands on the new medicines that are coming forward to either alleviate pain or alleviate the disease or slow it or even cure it, God help us all if we can do that soon. But you make the Commissioner decide, today, to stop that research, to stop that process, to slow down the clinical trial so we can institute this new bureaucracy on cigarettes at the FDA.

Some pretty exciting stuff on HPV, cervical cancer is in the works.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Michigan. I will end with this because I can go on and on about all the diseases that mean so much to all of us, a very simple thing, close this dangerous loophole, vote for this motion to recommit, protect the families, stand with them as they pray each night for a cure for their diseases.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair. All Members are reminded not to traffic the well while other Members are under recognition.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, my colleagues, this bill will not divert resources away from other important functions at the Food and Drug Administration. It is fully funded by a user fee from the tobacco industry. And that user fee will fund this effort, and none of the funds to deal with tobacco will come out of other activities at FDA. But there is an exception. In the beginning, until the user fees are collected and disbursed, we want FDA to get going. So we allow the FDA to borrow money, no more than for two quarters, from the general revenue. But they have to pay it back. That is the only use of general revenues that would be borrowed under this motion to recommit.

Now, the American Cancer Society is supporting our legislation. Would they support our legislation if it diverted the FDA from review of drugs that cancer patients rely on to save their lives? The same is true of all the other health groups that support our bill. They believe this bill accomplishes effective tobacco regulation without diverting the FDA from lifesaving activities that the FDA must undertake.

The bill is supported by 1,000 public health and other groups, including the Heart Association, the Lung Association, the Cancer Society and the American Public Health Association. They would not support this bill if it did what the gentleman from Michigan claims it does, because his claim is inaccurate. And these groups know that. And that is why they are supporting the Waxman-Platts legislation.

Simply put, the Waxman-Platts bill makes absolutely clear that the tobacco program will not detract from FDA's other activities, and we shouldn't delay the regulation of tobacco, which is really the impact of this motion to recommit should it be adopted. We shouldn't delay this long overdue measure based on a misplaced concern about FDA's other resource challenges.

So I would urge my colleagues to vote against this motion to recommit and to vote for the underlying bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 6, as follows:

[Roll No. 186]

AYES—169

Aderholt	Forbes	Miller (FL)
Akin	Fortenberry	Moran (KS)
Alexander	Fox	Murphy, Tim
Austria	Franks (AZ)	Myrick
Bachmann	Frelinghuysen	Neugebauer
Bachus	Gallely	Nunes
Barrett (SC)	Garrett (NJ)	Nye
Bartlett	Gerlach	Olson
Barton (TX)	Gohmert	Paul
Billbray	Goodlatte	Paulsen
Bilirakis	Granger	Pence
Bishop (UT)	Graves	Perriello
Blackburn	Guthrie	Petri
Boehner	Hall (TX)	Pitts
Bonner	Harper	Posey
Boozman	Hastings (WA)	Price (GA)
Boustany	Heller	Putnam
Brady (TX)	Hensarling	Radanovich
Bright	Herger	Rehberg
Brown (GA)	Hoekstra	Roe (TN)
Brown (SC)	Hunter	Rogers (AL)
Brown-Waite,	Inglis	Rogers (KY)
Ginny	Issa	Rogers (MI)
Buchanan	Jenkins	Rohrabacher
Burgess	Johnson (IL)	Rooney
Burton (IN)	Johnson, Sam	Roskam
Buyer	Jones	Ryan (WI)
Calvert	Jordan (OH)	Scalise
Camp	King (IA)	Schmidt
Campbell	Kingston	Schock
Cantor	Kirk	Sensenbrenner
Cao	Kirkpatrick (AZ)	Sessions
Capito	Kissell	Shadegg
Carter	Kline (MN)	Shimkus
Cassidy	Lamborn	Shuler
Chaffetz	Latham	Shuster
Chandler	LaTourette	Simpson
Coble	Latta	Smith (NE)
Coffman (CO)	Lee (NY)	Smith (TX)
Cole	Lewis (CA)	Souder
Conaway	Linder	Stearns
Crenshaw	Lucas	Sullivan
Cuellar	Luetkemeyer	Terry
Culberson	Lummis	Thompson (PA)
Davis (KY)	Lungren, Daniel	Thornberry
Deal (GA)	E.	Tiahrt
Dent	Manzullo	Tiberi
Diaz-Balart, L.	Marchant	Turner
Diaz-Balart, M.	McCarthy (CA)	Walden
Donnelly (IN)	McCaul	Wamp
Dreier	McClintock	Whitfield
Duncan	McCotter	Wilson (SC)
Ellsworth	McHenry	Wittman
Emerson	McIntyre	Wolf
Etheridge	McKeon	Young (AK)
Fallin	McMorris	Young (FL)
Flake	Rodgers	
Fleming	Mica	

NOES—256

Abercrombie	Bishop (NY)	Carson (IN)
Ackerman	Blumenauer	Castle
Adler (NJ)	Boccieri	Castor (FL)
Altmire	Bono Mack	Childers
Andrews	Boren	Clarke
Arcuri	Boswell	Clay
Baca	Boucher	Cleaver
Baird	Boyd	Clyburn
Baldwin	Brady (PA)	Cohen
Barrow	Braley (IA)	Connolly (VA)
Bean	Brown, Corrine	Conyers
Becerra	Butterfield	Cooper
Berkley	Capps	Costa
Berman	Capuano	Costello
Berry	Cardoza	Courtney
Biggart	Carnahan	Crowley
Bishop (GA)	Carney	Cummings

Dahlkemper Kratovil
Davis (AL) Kucinich
Davis (CA) Lance
Davis (IL) Langevin
Davis (TN) Larsen (WA)
DeFazio Larson (CT)
DeGette Lee (CA)
Delahunt Levin
DeLauro Lewis (GA)
Dicks Lipinski
Dingell LoBiondo
Doggett Loeb sack
Doyle Lofgren, Zoe
Driehaus Lowey
Edwards (MD) Luján
Edwards (TX) Lynch
Ehlers Mack
Ellison Maffei
Engel Maloney
Eshoo Markey (CO)
Farr Markey (MA)
Fattah Marshall
Filner Massa
Foster Matheson
Frank (MA) Matsui
Fudge McCarthy (NY)
Giffords McCollum
Gingrey (GA) McDermott
Gonzalez McGovern
Gordon (TN) McHugh
Grayson McMahon
Green, Al McNerney
Green, Gene Meek (FL)
Griffith Meeks (NY)
Grijalva Melancon
Gutierrez Michaud
Hall (NY) Miller (MI)
Halvorson Miller (NC)
Hare Miller, George
Harman Minnick
Hastings (FL) Mitchell
Heinrich Mollohan
Herse th Sandlin Moore (KS)
Higgins Moore (WI)
Hill Moran (VA)
Himes Murphy (CT)
Hinchey Murphy, Patrick
Hirono Murtha
Hodes Nadler (NY)
Holden Napolitano
Holt Neal (MA)
Honda Oberstar
Hoyer Obey
Inslee Oliver
Israel Ortiz
Jackson (IL) Pallone
Jackson-Lee Pastor (AZ)
(TX) Payne
Johnson (GA) Perlmutter
Johnson, E. B. Peters
Kagen Peterson
Kanjorski Pingree (ME)
Kennedy Platts
Kildee Poe (TX)
Kilpatrick (MI) Polis (CO)
Kilroy Pomeroy
Kind Price (NC)
King (NY) Rahall
Klein (FL) Rangel
Kosmas Reichert

NOT VOTING—6

Blunt Kaptur Pascrell
Hinojosa Miller, Gary Westmoreland

□ 1200

Mr. TEAGUE changed his vote from “aye” to “no.”

Messrs. WALDEN of Oregon, RADANOVICH and WHITFIELD changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 298, noes 112, not voting 21, as follows:

[Roll No. 187]

AYES—298

Abercrombie Duncan Lowey
Ackerman Edwards (MD) Lynch
Adler (NJ) Edwards (TX) Maffei
Altmire Ehlers Maloney
Andrews Ellison Manzullo
Arcuri Ellsworth Markey (CO)
Austria Emerson Markey (MA)
Baca Engel Marshall
Bachus Eshoo Matsui
Baird Etheridge Matheson
Baldwin Fallin Matsui
Barrow Farr McCarthy (CA)
Bartlett Fattah McCarthy (NY)
Bean Filner McCaul
Berkley Fleming McCollum
Berman Fortenberry McDermott
Berry Foster McGovern
Biggart Frank (MA) McHugh
Bilbray Frelinghuysen McKeon
Bilirakis Fudge McMahan
Bishop (NY) Gallegly McMorris
Blumenauer Gerlach Rodgers
Boccheri Giffords McNerney
Bono Mack Gordon (TN) Meek (FL)
Boren Grayson Meeks (NY)
Boswell Melancon Michaud
Boucher Green, Gene Miller (MI)
Boyd Griffith Miller (NC)
Brady (PA) Hall (NY) Miller, George
Brady (TX) Hall (TX) Minnick
Braley (IA) Halvorson Mitchell
Brown (SC) Hare Mollohan
Brown, Corrine Harper Moore (KS)
Brown-Waite, Hastings (FL) Moore (WI)
Ginny Hastings (WA) Moran (VA)
Buchanan Heinrich Murphy (CT)
Butterfield Herse th Sandlin Murphy, Patrick
Camp Higgins
Cantor Hill Murtha
Cao Himes Nadler (NY)
Capito Hinchey Neal (MA)
Capps Hirono Nye
Capuano Hodes Oberstar
Carnahan Holden Obey
Carson (IN) Holt Oliver
Cassidy Honda Ortiz
Castle Hoyer Pallone
Castor (FL) Inslee Pastor (AZ)
Chandler Israel Paulsen
Childers Jackson (IL) Payne
Clarke Jackson-Lee Perlmutter
Clay (TX) Peters
Cleaver Johnson (GA) Pingree (ME)
Clyburn Johnson (IL) Platts
Cohen Johnson, E. B. Polis (CO)
Connolly (VA) Kagen Pomeroy
Conyers Kanjorski Price (NC)
Cooper Kaptur Putnam
Costa Kennedy Rahall
Costello Kildee Rangel
Courtney Kilpatrick (MI) Rehberg
Crenshaw Kilroy Reichert
Crowley Kind Reyes
Cuellar King (NY) Richardson
Cummings Kirk Rodriguez
Dahlkemper Klein (FL) Rogers (AL)
Davis (AL) Kosmas Ros-Lehtinen
Davis (CA) Kratovil Roskam
Davis (IL) Kucinich Ross
DeFazio Langevin Rothman (NJ)
DeGette Delahunt Ruppertsberger
Delahunt Dent Rush
DeLauro LaTourette Ryan (OH)
Dicks Lee (CA) Sánchez, Linda
Dingell Lee (NY) T.
Doggett Lewis (GA) Sanchez, Loretta
Donnelly (IN) Lipinski Sarbanes
Doyle LoBiondo Schakowsky
Dreier Loeb sack Schauer
Driehaus Lofgren, Zoe Schiff

Schock Spratt Visclosky
Schrader Stark Walden
Schwartz Stupak Walz
Scott (GA) Sutton Wamp
Scott (VA) Tanner Wasserman
Serrano Tauscher Schultz
Sestak Taylor Waters
Shea-Porter Teague Watson
Sherman Terry Watt
Shimkus Thompson (CA) Waxman
Simpson Thompson (MS) Weiner
Sires Tiberi Welch
Skellton Tierney Wexler
Slaughter Titus Wilson (OH)
Smith (NJ) Tonko Wittman
Smith (TX) Towns Wolf
Smith (WA) Tsongas Woolsey
Snyder Turner Yarmuth
Space Upton Young (AK)
Speier Van Hollen Young (FL)

NOES—112

Aderholt Granger Myrick
Akin Graves Neugebauer
Alexander Guthrie Nunes
Bachmann Heller Olson
Barrett (SC) Hensarling Paul
Barton (TX) Herger Pence
Bishop (UT) Hoekstra Perriello
Blackburn Hunter Peterson
Boehner Inglis Petri
Bonner Issa Pitts
Boozman Jenkins Poe (TX)
Boustany Johnson, Sam Posey
Bright Jones Price (GA)
Burgess Jordan (OH) Radanovich
Burton (IN) King (IA) Roe (TN)
Buyer Kingston Rogers (KY)
Calvert Kirkpatrick (AZ) Rogers (MI)
Campbell Kissell Rohrabacher
Carter Kline (MN) Rooney
Chaffetz Lamborn Royce
Coble Latham Ryan (WI)
Coffman (CO) Latta Scalise
Cole Lewis (CA) Schmidt
Conaway Linder Sensenbrenner
Culberson Lucas Sessions
Davis (KY) Luetkemeyer Shadegg
Davis (TN) Lummis Shuler
Deal (GA) Lungren, Daniel Shuster
Diaz-Balart, L. E. Smith (NE)
Diaz-Balart, M. Mack Souder
Flake Marchant Stearns
Forbes McClintock Sullivan
Fox McCotter Thompson (PA)
Franks (AZ) McHenry Thornberry
Garrett (NJ) McIntyre Tiahrt
Gingrey (GA) Mica Whitfield
Gohmert Miller (FL) Wilson (SC)
Goodlatte Moran (KS)

NOT VOTING—21

Becerra Grijalva Napolitano
Bishop (GA) Gutierrez Pascrell
Blunt Hinojosa Roybal-Allard
Broun (GA) Larson (CT) Salazar
Cardoza Levin Velázquez
Carney Luján Westmoreland
Gonzalez Miller, Gary Wu

□ 1207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WU. Mr. Speaker, I rise to inform the House that I missed rollcall No. 187. If I had been present I would have voted “aye” on the final passage of H.R. 1256.

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, April 2, 2009, I was delayed in a Congressional Hispanic Caucus meeting and was not able to vote on rollcall No. 187. Had I been present, I would have voted “aye” on passage of H.R. 1256—Family Smoking Prevention and Tobacco Control Act.

Ms. GRANGER. Mr. Speaker, on rollcall No. 187, I inadvertently pressed the “no” button. I meant to vote “aye” on passage of H.R. 1256.

Mr. BISHOP of Georgia. Mr. Speaker, during rollcall vote No. 187 on H.R. 1256, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. SALAZAR. Mr. Speaker, today the House voted on final passage of H.R. 1256, The Family Smoking Prevention and Tobacco Control Act. I was unavoidably detained and was unable to be here for the vote. Had I been present, I would have voted "aye" on the bill.

Mr. BECERRA. Mr. Speaker, I was detained in an elevator in the Capitol building due to a mechanical malfunction earlier today. As a result, I missed rollcall vote 187 on passage of H.R. 1256, Family Smoking Prevention and Tobacco Control Act. If present, I would have voted "aye."

Mr. LUJÁN. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote due to delayed elevators. Had I been present, I would have voted "aye."

Ms. ROYBAL-ALLARD. Mr. Speaker, on rollcall No. 187, due to delayed elevators. I was unable to get to the Chamber in time to note. Had I been present, I would have voted "aye."

Mr. GRIJALVA. Mr. Speaker, on rollcall No. 187, the elevator was delayed, and I missed the vote. Had I been present, I would have voted "aye."

Ms. VELÁZQUEZ. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote. Had I been present, I would have voted "aye."

Mr. GUTIERREZ. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote. Had I been present, I would have voted "aye."

Mr. LARSON of Connecticut. Madam Speaker, on April 2, 2009, I missed one vote regarding H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Had I been present, I would have voted "yea" on final passage (rollcall vote 187).

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on April 1 during rollcall votes 175 through 182. Had I been present, I would have voted "yea" on rollcall vote 175 to table H. Res. 312; "yea" on rollcall vote 176 on agreeing to H. Res. 305; "yea" on rollcall vote 177 on agreeing to H. Res. 306; "yea" on rollcall vote 178 on passage of H. R. 1575; "yea" on rollcall vote 179 on agreeing to H. Res. 290; "nay" on rollcall vote 180 on agreeing to the Bean amendment to H. R. 1664; and "yea" on rollcall vote 182 on passage of H. R. 1664.

On April 2, I was absent for rollcall 187, final passage of H.R. 1256. Had I been present, I would have voted "aye."

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 305 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 85.

□ 1208

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIR. When the Committee of the Whole House rose earlier, 60 minutes of debate remained on the concurrent resolution.

The gentleman from South Carolina (Mr. SPRATT) has 30 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 30 minutes remaining.

Who yields time?

Mr. SPRATT. Madam Chair, we resume this morning. When we'd broken off last night, we'd had a lively but civil and spirited debate. There were some things said last night that were just so wildly off the mark that they bear just a minute of consideration to correct the RECORD.

It was said repeatedly that this resolution was about the biggest tax increase in history. In fact, don't take it from me. Look at the CBO. After examining the President's budget, they said it will work out to be a net tax reduction of \$1.7 trillion over a 10-year period of time.

The size of the budget was mentioned several times in the debate. It's enormous, no question about it, but it's partly swollen by virtue of what has happened over the past year in the financial services industry, beginning with the failure of Lehman Brothers, of other firms on Wall Street, and due to our intervention, which has cost us substantially and is factored into the budget that we are dealing with today.

Our friends were blaming that crisis on us. In truth, we all share some responsibility for it, but it's one of the reasons we have a swollen number.

Before we begin the debate proper, I would like to recognize for 1 minute the gentleman from New Jersey (Mr. ANDREWS) because he was an active participant in the debate last night. This is just to connect it to where we left off.

Mr. ANDREWS. Madam Chair, I think there are a couple of points that the RECORD should accurately reflect.

Number 1: There is no energy tax in this budget. It's a statement that has been claimed again and again and again. It's not correct.

Number 2: This budget reduces taxes for middle class Americans by a net \$1.7 billion over time.

Number 3: The budget resolution assumes that the Pomeroy estate tax plan will be adopted, meaning that in-

dividuals will get a \$3.5 million exemption and that couples will get a \$7 million exemption from the estate tax.

Then the final point that, I think, can't be stated enough is: When our friends on the other side worry about doubling the national debt in 5 years, it's a subject for which they speak with great authority, because that's exactly what they just did. Their plan doubled that debt over 5 years. So they do know what they're talking about when that happens.

Mr. SPRATT. We now would like to return to the broad issue of fiscal responsibility. For the purposes of leading that debate, I would like to yield 15 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Madam Chair, I want to thank Chairman SPRATT. He and his staff have provided great leadership over the last month or so on the development of this budget resolution, and he has had many difficult positions to reconcile. He has worked closely with myself and with my Blue Dog colleagues, since the new President came into office, to put this budget resolution in place.

In March, Madam Chair, for the first time in 8 years, Congress had a President who sent us a budget blueprint that was honest and that laid out for the American people all of the expenditures and all of the projected revenues, projected expenditures, in an honest way so that the American people could see it.

What do I mean by that?

What I mean is, for the last 7 or 8 years and prior to the new administration coming in, when the President's budget came to Capitol Hill, it neglected to include massive spending obligations such as war-cost funding, Alternative Minimum Tax fixes, the Medicare physician payment fixes—these are all items that the American people and the Congress knew that we would do—disaster relief, middle-class tax cuts, and other tax provisions like the estate tax, which needed to be fixed because of the convoluted mess that was put in place in 2001 under the Bush tax plan.

□ 1215

Therefore, the budget President Obama sent us is honest. But honestly, it left a lot of us with sticker shock when we saw it because I don't think many of us and many of the American people realized how bad the situation had gotten over the last 7 or 8 years. I think we as a group—and I speak for the group that I work with, the Blue Dogs—we had two options: We could say "no" or we could work constructively to place this country back on the right track to fiscal discipline and fiscal responsibility. We chose the latter path, and that is to work with Chairman SPRATT to see if we couldn't get this country back on track.

We inherited a mess. The numbers are bad. But we, working together, we can get back on the right track to start with an honest document, an honest budget, and this certainly provides that.

Madam Chairman, I have several Members that would like to speak, and at this moment I am going to yield 2 minutes to a fellow Blue Dog from Louisiana, one of the leaders of the Blue Dogs, Representative MELANCON.

The CHAIR. The gentleman having the time may yield but not a specific block of time.

Mr. MELANCON. Thank you for the allotment of time, Mr. BOYD.

Let me start by saying that a budget resolution is not a binding document. It is a guideline, it is a principle, it is to give guidance to the Congress and to the administration. It has no taxes that are included in it. There are, in fact, spending cuts included in it.

Working with Chairman SPRATT, who has been diligent in trying to put together a good spending package, a good budget package, we, as the Blue Dogs, have consistently asked for help in trying to bring control over the spending that has occurred in this country over the last 8 years that has given us the deficit we have.

If you go and take a look at the last budget that President Bush put forward, add into that the offline budgets, the offline spending that he had, if you put them together then you'll find President Obama's budget in roughly the same numbers.

We are not fooling the American public anymore. We are trying to say to the American public, This is what your government has been spending and you deserve to know that. And as a Blue Dog, what we're saying is we're here to work with people to try to make this government work for the American public and the taxpayers of this country.

We have gone for too long with deceit and trying to trick the American public by thinking that they are not watching what was spent in the war, by not paying attention that the alternative minimum tax was funded out of budget, that we were just borrowing and spending, borrowing and spending. And if we keep this up, there will come a day when China will tell us when we can borrow and when we can spend, and I think I would rather have the dictate come from the American public rather than the country of China that holds our debt.

Mr. BOYD. I thank the gentleman from Louisiana for his work, and obviously, he has laid out what the problems are that exist before us. And one of the things that we wanted to do in this budget is make sure that we re-incorporated the tools, the fiscal responsibility tools that were put in place in the 1990s by then-President Clinton, a Democratic-controlled

White House, and a Republican-controlled House and Senate working together to put in place tools that would discipline the Congress in the way it collected and spent this money. Those tools were the PAYGO principle. Pay as you go. If you are going to create a new program or a new spending program or new tax cut, you had to figure out where the money was going to come from to pay for it so it would be budget deficit neutral.

Discretionary spending caps, a very important tool that I am sure that some on the other side of the aisle, Mr. RYAN and I, would certainly agree upon.

So those tools were put in place in the 1990s but then allowed to expire in 2002 shortly after the Bush administration came into power in January of 2001.

After those tools were allowed to expire, then you begin to see spending run out of control. And we had increases in all kinds of spending: defense spending, nondefense discretionary spending, mandatory—there were new mandatory programs created like the Medicare Prescription Drug Program without any accommodation for where that money would come from to pay for that.

So that's the kind of lack of discipline, lack of enforcement tools and lack of fiscal management that existed in the first 8 years of this decade. No more.

We have to discipline ourselves, and the Blue Dogs said we want PAYGO back in the statute. We want the tools that are needed to get us back on the fiscal track to get back to balance. We want them back in law. And Chairman SPRATT has accommodated us, and he put statutory PAYGO into this budget resolution, assumes that it will be passed by the House and the Senate and signed into law; and President Obama has committed to work with us on that.

So this has been a top priority for the Blue Dogs for years. We want to see programs like the Medicare Doctor Fix and tax relief and AMT and disaster relief, we want to see those benefit the American people. We want to also say to the American people, This is what your government is doing for you, and this is what it's going to cost you. I think it's time that we had that kind of straight talk for the American people, and this budget presumes that kind of straight talk.

So, Madam Chairman, I am extremely proud of what Chairman SPRATT has done to accommodate these provisions that the Blue Dogs have asked for.

On a more specific note, some of the things that we wanted done is we wanted these new initiatives of the President, we wanted them to be deficit neutral. Health care reform is going to be a major undertaking of this United

States Congress and the new President, but we think it's something that's important for us to do for the benefit of the American people. And Chairman SPRATT has put in this budget resolution that we can do but it needs to be budget-deficit neutral. We don't have to go out and borrow the money some place to pay for that new program.

Climate change, another provision, energy, the whole climate change energy debate that we're going to have this year, and some things have to be done there. We want those provisions to be budget-deficit neutral. And they will be per this budget resolution.

There is always a debate about the amount of nondefense discretionary spending. Nondefense discretionary, you take the discretionary spending, you remove defense from it and then you have your other domestic discretionary nondefense spending and how much do you increase that or do you try to. Our objective was to try to get it as close to inflation with literally no increases until we get back on a good footing financially. And Chairman SPRATT has accommodated that request. I mean, the number—the increase in that number is 1.9 percent above inflation. That is a very, very small number. And we know that the American people are going to have to sacrifice, and we are willing to get into that sacrifice with them.

I see that we've just been joined, Madam Chairman, by the gentleman from Kansas, Mr. MOORE, and if Mr. MOORE would approach the microphone, I would love to yield him some time.

Representative MOORE from Kansas has been a leader in the Blue Dogs for a number of years now, and I would yield to him.

Mr. MOORE of Kansas. Thank you.

After years of irresponsible fiscal and economic policies, we're faced with a financial crisis that's affecting the lives of Americans all across our country. This administration in Congress and our Nation inherited from the previous administration a \$5.8 trillion national debt which increased that much over the last 8 years. We're now in the worst recession since the Great Depression.

But Congress and the administration are working to develop a realistic plan to put our country back on a fiscally responsible path while making targeted investments and health care and energy research that will reduce future costs and lay the foundation for future economic growth. This budget is not perfect, but it does take several steps, in my mind, that are critical for us to return to the sustainable fiscal path.

The budget resolution for the first time makes a good-faith effort to provide us with a true accounting of our Nation's fiscal position and accounts for items that have been left out of the budget for years.

Second, the budget goes further than the President's budget in cutting the deficit by two-thirds over the next 4 years. These deficits are still too high, and there is no question that difficult choices need to be made. But we're back on a sustainable fiscal recovery.

And third, this budget gives us the best opportunity for reinstituting statutory PAYGO. This budget resolution makes sensible investments in several areas that are key to the long-term health of our Nation, including education, renewable energy technologies, and health care reform.

I thank Chairman SPRATT for his work on this budget resolution. I urge my colleagues to support it.

Mr. BOYD. Madam Chair, may I inquire how much time is remaining?

The CHAIR. The gentleman from Florida has 3 minutes remaining.

Mr. BOYD. Madam Chairman, I would like to remind the American people that there are some—and my friends on the other side of the aisle—there are some one-time costs accommodated for in this budget. And some may not think they are important, but I think they are certainly government responsibilities.

And one of these is the one-time cost of the census, the 10-year census. That's coming up soon, and we have to accommodate that census in the spending bill. So I would remind the American people that that is being done and that is a nondefense discretionary spending item.

There is also an item in here that relates to Farmers Home Administration defaults. Obviously, we are in a very unique time in this Nation's history in terms of home mortgage failures and foreclosures, and there are some extraordinary costs that are happening in the Farmers Home Administration as a result of these very difficult economic times we're in. So I would like to remind the American people that we have put some additional money in this budget to accommodate the associated costs with those foreclosures.

Madam Chair, the average level of nondefense discretionary spending between 1969 and 2008 was 3.8 percent. This budget projects a better path on spending than there was under the previous President. I and my Blue Dog colleagues support controls on nondefense discretionary numbers as a way to get our country back on track, and we have made tremendous progress in this budget to control government spending and growth.

Madam Chairman, to close out the few moments that I have left, I would like to call on my friend from Louisiana again, Mr. MELANCON.

Mr. MELANCON. Thank you, Representative BOYD.

A budget is only as strong as those who are here to enforce it. The Blue Dogs have been committed to fiscal responsibility and accountability for

over 15 years, and we will be here to make sure that the House follows this blueprint for putting our government and the economy on a fiscally sustainable path. We are here to work with all in this Congress for a budget, for a country, for a government that works for the people again.

Mr. BOYD. I thank my friend, Mr. MELANCON.

And I would say as we close, Madam Chair, to the American people and to my chairman, Mr. SPRATT, I want to thank him for the great work he's done, and to the ranking member on the Republican side, Mr. RYAN. He's a wonderfully smart man, and we reach out a hand to work with him as we bring the country out of these very difficult economic times that we have.

The CHAIR. The gentleman from Wisconsin is recognized for 30 minutes.

Mr. RYAN of Wisconsin. Madam Chair, I will yield myself 5 minutes at this time.

Madam Chair, I just heard one of my colleagues say the cap-and-trade proposal is not in this budget. Let me show you the stalking horse that's in this budget. Page 30 on the chairman's mark, it says in their reserve fund on increasing energy independence, we can have legislation that provides for and limits reductions in greenhouse gas emissions.

Now, we just heard Mr. BLUMENAUER out on the floor a little while ago saying, "Cap-and-trade. That's what cap-and-trade is. Our proposal to reduce greenhouse gas emissions is cap-and-trade."

□ 1230

Now, it might not say cap-and-trade here, but you're saying we're going to achieve what cap-and-trade is.

One more point. You reconcile the Energy and Commerce Committee. What does that mean for people who don't know what reconciliation means? It means they're telling the Energy and Commerce Committee you can do whatever you want within your jurisdiction, \$1 billion of savings. So you can have a \$1.3 trillion cap-and-trade tax increase, and then have a \$1.2999 trillion spending program out of it, and you satisfy your reconciliation instructions.

I heard somebody say, you know, the debt goes up under all these budgets. That is true. I've got news for everybody. The national debt is going to increase. It's going to go up under anybody's budget, under any conceivable scenario. You know why? The baby boomers are retiring. We've got 40 million people who are going from paying taxes into the programs who are going to retire and collect money from these benefits. So the debt's going up, no two ways about that.

The question is, what are we doing about it? Do we have a really bad fiscal situation right now? Have we inherited

a mess? Yes. The question is, what are we doing to clean up this mess? Are we making it better or are we making it worse?

I would suggest that the budget that is here before the floor makes it so much worse. We have a plan that we will talk about later that gets our debt and our borrowing under control. This is a budget that sends our budget deficit and debt out of control, doubling it in 5½ years, tripling it in a little over 10. More money going out the door in borrowing, raising the national debt under this Presidency than under all prior presidencies combined.

So let's see if we're really being fiscally conservative here. Let's review the budget of our Federal agencies.

The annual average increases in government agencies over the last 8 years, under a Republican President, Democrat and Republican Congress: legislative branch got an annual increase of 6.1 percent; the judiciary, an annual increase of 5.9 percent; education, an annual increase of 10.2 percent; Health and Human Services, annual increase of 7.7 percent; Justice, annual increase of 7.0 percent; Labor, annual increase of 9.1 percent; State Department, an annual increase of 11.9 percent; Transportation Department, annual increase of 6.5 percent. Let's go to the executive office of the President. We had some problems there with Katrina, 87.3 percent annual increase. Total outlays of our government, from our government agencies over the last 8 years: an annual increase of 6.4 percent.

So what's Congress doing this session? Are we being fiscally conservative? Are we being frugal? Are we watching taxpayer dollars? Look at the family budget. Do you think the family budget is going up an average of 6.4 percent a year? Inflation's not even 1 percent. Do you think State and local governments are going up that fast?

Let's look at what we just passed a month ago. An increase in this year's budget from the stimulus, the Education Department, get this, an increase of 196 percent, and this budget says let's throw on top of that a 13 percent increase.

HUD, an increase of 34 percent this year. What's going on top of that in this budget? Another 18 percent increase in their budget.

Labor Department, an increase this year, 38 percent in their budget. What does this do? Another 5 percent on top.

State Department, \$600 million increase in stimulus. What are they saying in this budget? Let's increase the State Department by 41 percent.

The Environmental Protection Agency, good agency, they do smart, important things. In the stimulus bill this year, they got a 92 percent increase in their budget. What does this budget bill propose? Let's give them another 35 percent increase this year in their budget.

Madam Chair, this is reckless. This is reckless spending. Name me a family in Janesville, Wisconsin, that's going to get a 92 percent increase in their family budget. Name me a local government in your communities that's going to get a 196 percent increase in their budget this year.

We are spending like drunken sailors—wait, I apologize to the drunken sailors of America for that comment. This is reckless. This is why this budget doubles our national debt in five-and-a-half years and triples it in 10 years.

Madam Chair, at this moment, I would like to yield 2 minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Chair, I thank the gentleman for the time.

You know, in the confusion and the smoke and mirrors of what frequently passes for floor debate, the budget every year actually offers us very clear contrasts between priorities and the vision and the direction for the Nation.

America is at a historic crossroads. We have severe recession, record foreclosures, lack of credit, growing deficits, and high unemployment.

This year alone, Congress has spent \$787 billion on an economic stimulus and another \$480 billion on what's called an omnibus. This does not take into account the TARP spending, the Federal reserve lending programs that currently expose over \$5 trillion in government capital to financial institutions and companies.

We are in the midst of an all-out economic downturn not experienced in generations, and yet, while families are cutting back from their own spending and reprioritizing their budgets, the Federal budget just keeps spending. Families and small businesses, and even local and State governments, have to make tough decisions, quite frankly decisions this Congress has been unwilling to make.

This isn't a budget. It's an invoice. It's at best a \$3.5 trillion IOU deliverable to every hardworking family across the country, courtesy of Washington, DC. You earn it; we'll spend it.

The administration and the Congress had an opportunity to produce a responsible budget that would do more than throw borrowed money at old problems. Instead, we're debating a budget that proposes more spending, more taxing, more borrowing and no reforms.

If the majority's budget is supposed to represent a new era of responsibility, I'd hate to see what this Congress considers to be irresponsible. Washington continues to ask hardworking families to make tough decisions on their own, but the double-speak coming out of our Nation's capital is quite the opposite.

The Democratic budget we are reconsidering today will not end Washington's spending spree but further saddle

future generations with irresponsible spending priorities of this Congress and this administration. It assumes a peak deficit using terms and numbers that are inconceivable.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. PUTNAM. I thank the gentleman.

It is important that we adopt the Republican budget that offers no new taxes, lower spending, and lower deficits, and a lesser burden on future generations, who are going to be expected to carry America into the 21st century as a strong capitalistic and free society and not the Venezuelan model that we are creeping ever closer to each day.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I'd like to yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Madam Chairman, from the G-20 summit in England to factories in France to the streets of our Nation, the economic crisis is causing and exacerbating societal chaos.

Now, the Democrats' \$3.6 trillion budget, that spends too much, borrows too much, and taxes too much, will wreak the chaos of the financial institutions within our political institutions and, thereby, further the economic disorder within our midst.

Thus, let us remember what working Americans already know: Big Government does not stop chaos. Big Government is chaos. And we cannot build a stable economy on government spending.

I urge rejection of the Democrats' \$3.6 trillion budget that spends too much, borrows too much, and taxes too much.

Mr. RYAN of Wisconsin. At this moment, Madam Chair, I'd like to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), the House Republican Conference chairman.

Mr. PENCE. I thank the gentleman for yielding.

The budget brought to the floor by the Democratic majority today spends too much, taxes too much, and borrows too much, and the American people know it.

This Democrat budget will double the national debt in 5 years, triple it in 10; 2010 spending alone is \$3 trillion, 25 percent of GDP. More than \$1 trillion in tax increases in the majority's budget. The 2010 deficit estimated at \$1 trillion, and independent estimates suggest a deficit of nearly \$1 trillion a year for the next 10 years.

The numbers tell the tale. The Democratic majority is proposing the most fiscally irresponsible budget in American history. But this isn't just about the numbers. It's not about dollars and cents alone.

It's about who we are as a country. It's about the American dream, and it's

about our kids. It's about those small business owners and working families and family farmers that are dreading the idea of paying higher taxes during these hard times, higher marginal rates, higher national energy tax on every American household. And it's about our kids who may not even know or understand what they have to fear in the mountain range of debt that we are piling on.

It reminds me of a time a few years back I went to the CVS, forgot my wallet. I was with my 10-year-old daughter, and I reached down and I grabbed her purse, and I took out her little kid's debit card to pay for my Coke. I felt so guilty about it. I still feel bad about it today. Truth is, that's exactly what we're doing here.

Let's not do this to our kids. Let's not borrow from the next generation of Americans things that we ought to be dealing with in sacrifices and hard decisions today. Every American family, every American business is answering these challenging times by sitting down around tables, sitting down around desks, and with sacrifice and frugality, they're finding their way through these challenging days. Congress should do no different.

Let's reject this Democrat budget. Let's reject runaway Federal spending of those who believe we can borrow and spend and bail our way back to a growing economy, and embrace fiscal discipline and reform and tax relief in the Republican alternative that will truly put our fiscal house in order and get this economy growing again.

Mr. RYAN of Wisconsin. Madam Chair, I would like to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chairman, I thank the gentleman from Wisconsin for his leadership on our alternative budget because, indeed, it is important that we bring forward a budget that is fiscally responsible because the Democrat budget does spend too much, tax too much, borrow too much, and it compromises hope and opportunity for future generations, and that is of such concern to me.

It is something that should not be lost in this debate, that after 232 years in this great Nation and 43 Presidents and the debt that was accrued there and for many of us, like me, that's too much. This budget is going to more than double that, and it is reckless.

I do think it is irresponsible that my grandchildren, one who is 10½ months old, one that will arrive in June, are going to be burdened with a \$70,000 price tag because of the actions of this House. Indeed, I do see that as irresponsible, and it is something that angers me.

It also angers me that section 303 of this bill, it does have an energy tax in there. You can call it anything you want to, but according to MIT, not according to MARSHA, but according to

MIT, \$3,128 per household. Now, that \$8 a week tax rebate that you're going to see in your check certainly goes away when compared with \$3,128.

And Madam Chairman, a previous speaker said we've inherited a mess, the numbers are bad, these deficits are going to continue. You know what, they must have liked the deficits so much that they're going to double and triple them, because that is exactly what they're doing with these actions. Those deficits and that debt should be coming down, but these actions are going to see it double. They're going to triple it. So you must have liked it an awful lot because you're certainly dishing out more of it in the actions you're taking.

Someone else said this budget is just a guideline. You know what, Madam Chairman, isn't it interesting, if you don't spend everything that's in that guideline, all of the sudden the bureaucracy yells, well, look what, they cut us. Let's act responsibly.

Mr. SPRATT. Madam Chairman, for a rejoinder, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chair, I want to ask my friend from Tennessee who just spoke, if she's still here, that when she makes reference to MIT analysis about the so-called cap-and-trade, first of all, as my friend from Wisconsin knows very well, the way that we raise revenue in a budget resolution is to direct reconciliation instructions. And I frankly think his interpretation of the Energy and Commerce instruction is incorrect. It's for health care.

But I want to go back to what our friend from Tennessee just said about the MIT study, and I will ask unanimous consent at the appropriate time to enter this letter into the RECORD, a letter dated April 1 from Professor John Reilly, I believe is his name, who is the author of that study. I will read what he says.

□ 1245

He said, "It has come to my attention that an analysis we conducted examining proposals to reduce greenhouse gas emissions has been misrepresented in recent press releases distributed by the National Republican Congressional Committee.

"The press release claims our report estimates an average cost per family of a carbon cap-and-trade program that would meet targets now being discussed in Congress to be over \$3,000. But that is nearly 10 times the correct estimate, which is approximately \$340."

Is the gentlelady still on the floor? I would yield to my friend, the ranking member, to explain—is that the study on which you're relying?

Mr. RYAN of Wisconsin. I can't speak for her. Let me ask the gentleman this. It's my understanding that that MIT

study comes up with these calculations based on the fact that people are getting rebates to offset the higher energy costs. I think that's right.

Mr. ANDREWS. Reclaiming my time, I believe that's true. But I would like you to answer the fundamental question: Is that the study on which you're relying?

Mr. RYAN of Wisconsin. I can't answer the question because the gentlelady said it. But here's the interesting point. Since you just acknowledged that that study rests upon the fact of having rebates go back to taxpayers, then why is it that this budget you're bringing to the floor repeals the rebates? This budget says the Making Work Pay tax credit goes away.

The CHAIR. The time of the gentleman has expired.

Mr. ANDREWS. If I can just ask for 30 more seconds.

Mr. SPRATT. I'm glad to yield 30 seconds. Maybe Mr. RYAN would yield some more time as well.

Mr. ANDREWS. The budget doesn't repeal any rebate whatsoever. What it does is set up a process where, if the Congress wants to deal with cap-and-trade, it will evaluate all the different ways the money could be raised, the ways rebates could be paid, and what-not.

I'm just very troubled that the minority continues to rely, apparently, on a study that the author claims is just being blatantly misrepresented.

Mr. SPRATT. Does the gentleman desire further time to rejoin?

Mr. RYAN of Wisconsin. I will simply say: Let's put the MIT study aside for a moment and look at the Congressional Budget Office. The Congressional Budget Office is saying it's going to hit families an average of \$1,600 a year. That's still a lot. It's more than the Making Work Pay tax credit.

But I think it's also fairly revealing that since the chairman's mark takes away the Making Work Pay tax credit, the only way to get it back is impose a cap-and-trade regime to get those revenues. Even the Congressional Budget Office says the tax increase on families buying energy will far exceed the amount of the Make Work Pay tax credit.

No matter how you slice it, no matter how you dice it, people are going to get an energy tax increase if you pass that bill.

Mr. ANDREWS. Reclaiming my time, this argument we've heard ad nauseam here that there's \$3,100 per home rests on two arguments. The first is that there is an instruction to raise the revenue in the budget. Mr. DREIER admitted on the floor earlier that's not the case. Then, the \$3,100 rests upon this MIT study—and the author of the study has now told us that's a misrepresentation.

I think a lot of the other claims that the minority makes about the budget are equally invalid.

Mr. RYAN of Wisconsin. Might I ask for a unanimous consent agreement then, just to make sure we're sure about this—to play it doubly safe—I would like to ask unanimous consent to remove the Commerce Committee reconciliation instructions out of this bill to make sure that that doesn't occur.

Mr. ANDREWS. I would object to that.

The CHAIR. The Chair cannot entertain that request in the Committee of the Whole.

Mr. SPRATT. I yield 2 minutes to the chairman of our caucus, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I want to thank the gentleman from South Carolina, Madam Chair, and commend him for the outstanding job that he has done and, most notably, as we heard from the President the other day, the civility in which you and Mr. RYAN conducted the hearings.

Our colleagues on the other side of the aisle are honorable people. They put forward proposals in an honorable fashion. They have done so for several years. This President and this administration inherited a deep and cavernous hole—from which it will take great effort, but we will make a steady ascent out of—not without having to face the largest deficits in the history of this country that were thrust upon this new President and this new Congress.

Yes, it was tried in the past to send more money, tax dollars back to the Nation's wealthiest 1 percent. Yes, they were lax in terms of oversight and review in what transpired on Wall Street that has brought this Nation the great difficulty that it is working through now.

The answer isn't the way it's been done in the past. The answer is in the hope that this administration and, under the tireless work of Mr. SPRATT, that we provide the American people—not the Nation's wealthiest 1 percent, not the barons on Wall Street—but the American people with an opportunity to invest in their health care, to invest in their energy systems.

The other "do nothing approach" of wanting to continue to export \$200 billion abroad annually to pay taxes to Russia and the OPEC nations and Venezuela is counterproductive.

It doesn't help grow our economy here, it doesn't invest in the American people, it doesn't give them what they need in terms of health care and in education. And they are inextricably tied and linked to our future.

In a knowledge-based society, what we need is the budget that has been put before us today—that brings values back and educates our people, puts them back to work and gives them energy that will allow us to be independent from our foreign competitors.

Mr. SPRATT. Could I inquire of the Chair how much time is left on both sides?

The CHAIR. The gentleman from South Carolina has 7½ minutes remaining. The gentleman from Wisconsin has 17 minutes remaining.

Mr. RYAN of Wisconsin. Madam Chair, I will yield myself 2 minutes. The only thing that's on the ascent in this budget is the national debt, the budgets of our government agencies, the tax burden on the American people, the deficits. Because after you lower the deficit a little bit, it goes right back up.

You know what is ascending in this budget is the fact that the national debt goes to double of what it is today in 5½, triples in 10½ years. That's what's on the ascent.

Madam Chair, I appreciate the gentleman who just spoke. We're good friends. And he is an honorable man. We just have honorable disagreements. The chairman and I have a lot of respect for one another. We're friends. We have honest disagreements. I wish we would have more debate about this because we are really, truly debating the fiscal future of this Nation right here.

I asked for this unanimous consent to have what we call "reconciliation" taken out of the bill. What that means is they are setting up a procedural device so that they can bring through nationalizing our health care system, a brand new energy tax on top of all our energy, the largest tax increase in American history, the biggest debt increase ever.

They can bring this thing through here in just a few hours of debate in the people's House, no more than 20 hours of debate in the other Chamber, with no amendments. They can get this agenda passed so fast with this procedural stunt that the American people won't know what hit them.

I just have to ask a question. You know, should we be giving any government agency a 200 percent increase in their budget this year? The Education Department is great. It's education. Six cents on the dollar on education spending which, by the way, comes from the Federal Government. All the rest is State and local government.

Name me a family in America that just got a 196 percent increase in their family budget. We just gave that to the Department of Education. This budget says: Let's give them another 13 percent increase.

In February, we passed a bill giving the Environmental Protection Agency a 92 percent increase in their budget this year. This bill says that wasn't enough.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 30 seconds.

This bill says that wasn't enough. Let's give them another 35 percent. The problem is this: We're chasing ever-higher spending with ever-higher

taxes, and the taxes never catch up with the spending. So the debt we're increasing is the highest we've ever seen. It is just so reckless, so irresponsible.

Madam Chair, at this time I yield 2 minutes to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. Before ever serving in elected office, I spent nearly 20 years practicing public accounting—helping individuals and businesses balance their budgets. Balancing budgets is my business, and I'm certain of one thing—this budget spends too much, taxes too much, and borrows too much.

I recently asked my constituents in Kansas how this budget will impact them. I heard stories from small business owners who are afraid that higher taxes will force them to close their doors and lay off employees, as well as from middle-class families scrimping to pay their bills and just save a little each month.

One family wrote this: "We are not asking for money from the government—just that they carefully take care of the taxes we pay. We consider paying taxes our responsibility as American citizens. But we also need to be able to have enough to live on."

Gimmicks don't hide the fact that this budget will triple the publicly held debt in 10 years, bringing it to \$17.3 trillion by 2019, and will increase the tax burden on working families across the Nation to allow for massive new spending plans to grow government.

My constituents in Kansas sent me to Washington to protect their hard-earned paychecks. It's very disappointing that this budget falls so short of the fiscal discipline rhetoric that we have heard so much about lately.

The House should reject this budget resolution and adopt a responsible plan to curb spending, create jobs, and control debt. Our children's future depend on it.

Mr. RYAN of Wisconsin. At this time, I yield 3 minutes to the vice ranking member of the House Budget Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. As I listened closely to my friends on the other side of the aisle, there's a couple of themes that continue to reoccur. One theme is: It's not our fault. This mess was inherited. We sympathize with President Obama. He inherited a mess.

Well, Madam Chairman, he did inherit a mess—but he inherited a mess from a Democratic-controlled Congress.

In 2007 the deficit stood at \$161 billion. Now, this year, for 2009, it's going to be \$1.8 trillion—a tenfold increase under the Democratic watch in just 2 years. They inherited their own mess.

In December of 2006, unemployment stood at 4.4 percent. Now, 8.1 percent.

Up 84 percent. On January 3, 2007, the Dow stood at 12,400. Most recently, it is now down 40 percent. The economic calamity happened on their watch.

Now, Madam Chair, I don't blame them for everything, but I don't understand how they accept responsibility for nothing. Absolutely nothing.

Madam Chair, what is so ironic, and it would be laughable if it wasn't so sad, is we have had Democratic leaders come to the floor on previous budgets to decry the size of the national debt, to decry the size of the deficit.

When the deficit was less than \$400 billion, and falling—still too great a number—the majority leader of the House, then minority leader, Mr. HOYER, the gentleman from Maryland, said this was equivalent to fiscal child abuse. Fiscal child abuse. And now we have a deficit of four and five times that—and stone-cold silence from the other side.

Madam Chair, reckless doesn't do justice to this budget. This is a radical budget. Radical. Never in the history of America have so few voted so fast to put so many in debt. More debt will be run up on this Democratic budget—this radical budget—in 10 years than has been run up in the entire history of our Republic. A sea of red ink for generations to come.

□ 1300

Now, part of that generation to come is my 7-year-old daughter and my 5-year-old son. I know the people on the other side of the aisle, they love their children, they love their grandchildren. But it is clear they don't love my children; because if they did, this radical budget would not be coming to the floor to put this level of debt which will bankrupt our Nation and crush the next generation, it wouldn't be on the floor. It would not be on the floor.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I give the gentleman an additional 30 seconds.

Mr. HENSARLING. And one other point I would like to make. I don't see the gentleman from New Jersey on the floor now. But in speaking about the national energy tax, it reminds me of that old joke, which I will not and cannot repeat on the floor but whose punch line is: Now we know what you are, now we are just haggling over price.

The Congressional Budget Office says the national energy tax is going to cost the average American family at least \$1,600. We know what you are: You are a national energy tax. Now we are just haggling over the cost that will be imposed on struggling, hard-working families in America imposed by the Democrats.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I yield 2 minutes to the gentleman from California, a member of the Budget Committee, Mr. NUNES.

Mr. NUNES. I thank the gentleman for yielding.

I had to come back down here because I heard folks on the other side of the aisle saying that there was no energy tax in here, and last night out here on the floor late in the evening we talked about cap-and-trade.

A lot of Americans don't know what cap-and-trade means, but cap-and-trade is an energy tax. It is not a baseball cap, it has nothing to do with international trade. It is an energy tax. It is a tax on everything that you use.

So I would ask my colleagues on the other side of the aisle to please explain to me where this \$2 trillion comes from if it is not a tax. Does it come out of the sky? Do we print it at the Federal Reserve? Do we borrow it from the United Nations? But there is \$2 trillion in this bill that has got to come from somewhere. So it is disguised as cap-and-trade, but it is a flat-out energy tax, unless someone can explain to me what it may be.

So what do we know about this budget? We know that it has a cap-and-tax, energy tax, \$2 trillion. We know that we are going to have the largest tax increase in American history. We know that at the end of President Obama's first term that he will have amassed more debt than every single President that this country has ever had. More debt. Those are the things that we know.

So unless the majority can tell us what is going to happen, where this money is going to come from, I don't know what they are smoking but somebody's hallucinating, and we need to figure that out, Madam Chair.

So I would urge a "no" vote on this budget. Let's go back, let's determine where these taxes are coming from, because this is absolutely reckless.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I want to thank the gentleman for his hard work, and I thank you and your staff also for creating this alternative budget. It is a budget I believe that you can be very proud of.

Madam Chair, this alternative budget for fiscal year 2010 would provide \$106.4 billion for veterans health care and programs. This budget is \$540 million above the administration's request.

The Republican alternative also reduces spending, it brings our national debt under control, and creates 2.1 million jobs, actually, more than the Democrat plan, all while not raising taxes.

This alternative budget also reflects the priorities of the House Committee on Veterans Affairs, the Republican views and estimates for FY 2010, which included ensuring a seamless transition from DOD to VA. It also provides for the innovative programs to help veterans gain job skills and good-paying jobs, and making sure the VA provides

world-class health care to veterans; and, ensuring that veterans disability compensation claims are adjudicated quickly and accurately. I believe all of these are issues for which both Republicans and Democrats would equally embrace.

Madam Chair, while I am supportive of the increase that the President's budget proposed for veterans, the overall budget request, for which we are having to vote on here, is nothing more than the same old shell game that we have come to know here in Washington, D.C.

President Obama had promised this open and transparent budget; however, this budget contains many of the same tax hikes and gimmicks that hide the real truth from the American people about the real fiscal situation.

Earlier this year, it was rumored and later confirmed by the Secretary of Veterans Affairs, Eric Shinseki, that the administration was planning a proposal to bill veterans' health insurance to pay for VA treatment of their service-connected injuries. I, like many of my fellow veterans, was outraged by this proposal. We strongly believe that the same military values help guide us in our military service, and define the principles and allow us to say unto the administration that you should not be billing veterans to pay for their disabilities. It is one of the solemn obligations of government.

The budget views and estimates of the Republicans on the House Veterans' Affairs Committee took a very strong stand, while the Democrats' position was very muted. It wasn't until the veterans service organizations met with President Obama at the White House did this proposal then get out unto the American people. Only then did some of my Democrat leaders here in the House then, in order to get in front of that parade, said, "Oh, yes, I am just as outraged."

I look at it like this: Character is defined at the moment of calling. What do you do at the moment of call? Are you muted, or do you stand up and take charge and take control? It didn't happen, and I was greatly disappointed.

Thank you, for the time Mr. RYAN and I thank you and your staff for your hard work on this alternative budget. It is a budget of which we can be proud.

Madam Chair, the Republican Alternative for Fiscal Year 2010 Budget Resolution would provide \$106.4 billion for Veterans healthcare and programs. This budget is \$540 million above the Administration's request.

The Republican Alternative also reduces spending, brings our national debt under control, creates more than 2.1 million more jobs than the Democrat plan all while not raising taxes.

The Republican budget alternative reflects the priorities of the House Committee on Veterans' Affairs Republican Views and Estimates for FY 2010 which include:

ensuring a seamless transition from DoD to VA;

providing innovative programs to help veterans gain job skills and good paying jobs; making sure VA provides world class health care to veterans; and

ensuring the veterans disability compensation claims are adjudicated quickly and accurately.

Madam Chair, while I am supportive of the increase that the President's budget proposes for veterans, the overall budget request is really nothing more than more of the same old Washington shell game. Instead of proposing an open and transparent budget, as President Obama and the Democrats promised, this budget contains many of the same tax hikes and gimmicks that hide the truth from the American people about our real fiscal situation.

Earlier this year it was rumored, and later confirmed by Secretary of Veterans Affairs Eric Shinseki, that the Administration was planning a proposal to bill veterans' health insurance to pay for VA treatment of their service connected injuries.

I, like many of my fellow veterans, was outraged by this proposal and I strongly believe that the same military values that guided me and my fellow servicemembers should define how our government provides benefits and assistance to them now as veterans.

The prospect of VA collecting from third-party insurers for care provided for service-connected conditions is contrary to these military values and our obligation as a grateful Nation.

This proposal was soundly rejected by the Republican Members in our FY 2010 Views and Estimates and in the March 18th letter to the President by all members of the Republican House leadership and all of the Republican members of the Committee on Veterans' Affairs.

It was only after the voice of reason was heard from Republicans and numerous veteran service organizations that President Obama dropped his proposal.

However, by dropping his proposal the President left a \$540 million hole in the VA budget. And, I am proud to say that the Republican Alternative budget includes \$540 million to fill the gap.

While I am happy that this crisis was averted and this outrageous proposal was rejected, the fact that President Obama would even consider such a proposal is worrisome to me and other veterans advocates.

Madam Chair, the overall Democratic budget is not good for Americans, including veterans. The Democratic budget contains a \$1.5 trillion tax hike. This includes tax hikes on veterans and their families, and veterans who own small businesses.

It is unfortunate that Democrats continue to try to pass the largest tax hike in American history. This is the wrong message to send to our veterans and their families when our country is in a recession.

Madam Chair, we are a nation at war, and we will win these wars. The best way to maintain morale of our servicemembers is to make tough decisions here that will engender their confidence in our capacity to preserve the vitality of this nation while they fight for its freedom.

I believe that the Republican alternative helps do exactly that, while honoring the

promises we have made our veterans and their families.

The CHAIR. The gentleman from South Carolina has 7½ minutes remaining.

Mr. SPRATT. Madam Chair, I yield 2 minutes to the gentleman from Texas, the chairman of the Intelligence Committee, a Vietnam veteran, a colonel in the Border Guard, SILVESTRE REYES.

Mr. REYES. Madam Chair, I thank the gentleman for yielding, and I thank him for his leadership of the committee and for the inclusive process that he has utilized to come up with this budget resolution.

Madam Chair, I rise in support of H. Con. Res. 85, and I urge my colleagues to vote for this budget because, at a time when Americans are looking for leadership, at a time when they are looking for this new administration to keep our country safe, this budget resolution provides the tools to do just that. It provides increased support for our national security, it increases the funding for the Department of Defense and for the veterans budget. It also funds above the administration's defense request.

These additions help this country meet its military goals, it supports the efforts to reform the acquisition program, it supports the efforts to improve facilities, it supports and sets out important steps to help our country care for our wounded, our ill, and our injured servicemembers.

The resolution matches the President's request for overseas operations. Having his separate request is important. It provides the transparency that has been missing in describing the real cost of the wars in Iraq and Afghanistan.

This funding is important as we sustain our efforts in Iraq with an eye towards responsibly reducing troop levels throughout the coming 2 years. This funding is also important because it supports the administration's new Afghanistan strategy, and the intelligence community stands committed to supporting the new strategy using every means possible to attain success in Afghanistan.

The CHAIR. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. REYES. Our intelligence professionals stand ready to not only continue their support to the war fighter, but also to continue their support to the policymakers that are working on issues that affect not just our country but the entire world.

Again, I urge my colleagues to support the resolution. Americans are smart. They know who got us in this mess. They know what administration inherited a surplus and what administration inherited a mess. The record is clear. The dog they have sent out isn't hunting.

Mr. RYAN of Wisconsin. I assume the gentleman from South Carolina has the right to close. Is that correct, Madam Chair?

The CHAIR. The gentleman is correct.

Mr. RYAN of Wisconsin. Does the gentleman from South Carolina have any other speakers?

Mr. SPRATT. I yield 1 minute to the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I come from the middle class. I was a military spouse, and my husband is now a veteran; my children and my husband all have a chronic disease, asthma; my mother is elderly; and, I pay college tuition for kids.

I looked at this budget from this prism: Does it help the middle class, the military and military families and vets, and those families with medical problems, the elderly, and families with kids in school? The answer is a resounding "yes." And that is why I support this budget that supports the middle class.

Ninety-five percent of Americans will get a tax cut. This budget helps our military become better prepared and it supports military families. It increases VA funding by more than 11 percent in 2010. It will help reduce health care costs and help Americans get insurance coverage.

Budgets are moral documents stating our Nation's priorities. We are finally investing in America and in our middle class, and I am delighted to support this budget.

Mr. RYAN of Wisconsin. I take it the chairman has no other speakers?

Mr. SPRATT. I have one other speaker in addition possibly to myself. How much time is left?

The CHAIR. The gentleman from South Carolina has 4 minutes remaining, and the gentleman from Wisconsin has 4½ minutes remaining.

Mr. SPRATT. I reserve the balance of my time.

Mr. RYAN of Wisconsin. I take it the gentleman is waiting for the Speaker to come.

Madam Chair, there is a virtual conga line forming around the Capitol right now to come and get money. We are spending so much money these days. We have got to get this spending under control. It is out of control. And because the spending is out of control, the debt is going out of control.

But I want to talk about something else in the closing minutes of the general debate here, and that is about the biggest problem in America today: Jobs. We don't have enough of them. In my hometown of Janesville, Wisconsin, they closed down the General Motors plant. It is about three-quarters of a mile from my house. Two of my neighbors had their jobs there. Gone. High unemployment everywhere.

So the real question is, what are we doing to get jobs back in this economy,

to get out of this deep recession, this the longest recession since 1945?

I would say that it is important to focus on one fact. Small businesses are the engine of economic growth in this economy. Seventy percent of our jobs come from small businesses. That is who got us our prosperity, that is who is going to get us our prosperity back.

And so what does this budget do for small businesses? Do you know what it says to small businesses? We are going to raise your taxes.

You have got to remember, Madam Chair, that the people who pay those rates that are being increased, those tax rates that are being increased in this budget are small businesses. They file their income taxes as individuals.

So we hear speaker after speaker after speaker saying, we are not doing these irresponsible tax cuts for the wealthiest 1 percent, the rich.

Look, Madam Chair, preying on people's emotions of fear and envy may be a good political slogan, but it doesn't create jobs. Tapping into the legitimate anger and anxiety in America today is not leadership. Because what this does with these tax increases on small businesses is it demonizes those successful small businesses that are getting us our jobs, and it demoralizes those small business men and women in America who are trying to become successful. It tells them, you know what? If you work hard, if you achieve, if you take a risk, if you innovate, if you become an entrepreneur in this country, we are going to tax you, we are going to demonize you. You are one of the evil people.

□ 1315

That is not America. That is not what this country is all about. We believe we ought to help people become successful. We want to reward work. We want that entrepreneurial, innovative spirit in America to come alive again.

The problem with this budget at the end of the day is it shuts off the wealth machine, the job creation machine of America. It makes it harder for those small business men and women to survive. The big reason why I voted against that stimulus package is because only 1 percent of it was actually dedicated toward encouraging small businesses to keep and create jobs. The rest of it was spending or tax rebates. There is a big difference here, a huge difference.

The American people finally have a very clear choice. Do you want bloated government? Do you want spending where every government agency gets double and triple-digit increases in their budget? Do you want record deficits, record tax increases and record debt increases? Or do you want to get this stuff under control? Do you want to get spending under control? Do you want to get borrowing under control?

Do you want to get our deficits under control? Do you want to get taxes low so we can create more jobs?

At the end of the day, it is all about freedom. The budget they are bringing to the floor gives us less of it. The budget we are going to bring gives us more of it. That is what America is all about. America is the land of opportunity. We help people when they are down on their luck. We help people who cannot help themselves. But we create an entrepreneur activity. We create a country that rewards freedom, risk taking, advancement and success. Those are good things. This budget squelches that. This budget extinguishes those great aspects of America, the American ideal we have come to know and love. I say we keep it and reject this budget.

Mr. SPRATT. Could the Chair inform me how much time is now remaining?

The CHAIR. The gentleman from South Carolina has 4 minutes remaining.

Mr. SPRATT. I yield myself 3 minutes.

It has been difficult to sit here and listen to the cascade of unfounded facts. It is hard to respond to everything that has been said. But a few things need to be said clearly as we move forward with this debate. First of all, last night in particular, but again today, Member after Member got up and talked about the biggest tax increase in history. It is not here. It is not in this particular budget resolution. If you read CBO's analysis of the President's budget, you will see that CBO, not me, CBO finds that there is a net reduction of \$1.7 trillion due to tax cuts that are incorporated in this budget resolution. For example, we have been saying for years that we would renew the middle-income tax cuts when it came time to, those that were middle-income tax cuts adopted between 2001 and 2003. Well, the date for their expiration is approaching, and we are coming forward with what we have said consistently for the last several years, we are renewing those tax cuts, the marital tax relief, child's tax credit, the 10 percent bracket, the Pomeroy substitute for estate taxes. We provide in this budget resolution for the renewal and the extension of those tax cuts. And as a result we have a net tax cut of \$1.7 trillion.

Then there has been a lot of limiting of the size of the deficit for this year and next year. And as the Lord knows, I share the concerns. I pride myself on having been a budget hawk, on having brought together the Balanced Budget Act of 1997 and for the first time in 30 years actually, actually balanced the budget of the Federal Government. We did it.

Well, what has happened this year with the swollen budget that we have seen before us is that we have had a catastrophe in the financial markets.

And much of the cost of that, the TARP, Fannie Mae, Freddie Mac, AIG, FDIC, the list goes on and on, and the costs that have come out of the Treasury are reflected in the swollen spending level of today. It isn't acknowledged, but spending is projected in the President's book here to come down from \$3.9 trillion to \$3.5 trillion, \$400 billion per his recommendations here. You wouldn't have known that to listen to the cascade of facts coming forth.

Finally, as to spending levels, NDD, nondefense discretionary, often looked upon as an index as to whether or not Congress is exercising restraint in spending, the increase in NDD is about 4, 4½ percent. Defense, national defense, we want a strong national defense. We have always stood for that as Democrats and still do. We think we should restrain, however, the defense spending level. And it is restrained by the President to a 4 percent increase. Some would say that is a modest increase, but it is a big sum of money. We will be spending over \$660 billion on national defense at that level.

For all of these reasons, the resolution before us should be ready and up for debate on the House floor.

I would now like to yield the balance of my time, 1 minute, to the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Madam Chair, I thank the gentleman for yielding. I thank him for his extraordinary mastery of the budget and for presenting us with the opportunity to vote for a statement of our national values here today.

Madam Chair, President Thomas Jefferson wisely stated that "Every difference of opinion is not a difference of principle." That is so. But some are. The difference of opinion over this budget is a difference of principle, in fact, more than one principle. This budget is a statement of our national values and upholds the American principles of opportunity, security, responsibility and fairness.

It upholds the principle of fairness with tax cuts for the middle class, for 95 percent of the American people. It upholds the principle of fairness with health care for all Americans as a right, not a privilege. The budget will not only create a healthier America, but by lowering health care costs, health care reform is entitlement reform. By curtailing the rising costs of Medicare and Medicaid, health care reform will significantly reduce the deficit.

This budget upholds the principle of opportunity by advancing the President's investments in education from early childhood through post-secondary education and training. It supports the President's goal of improving education and training a workforce that is prepared to compete and succeed in the global economy.

This budget upholds the principle of security. The first responsibility we

have as elected officials is to keep the American people safe. I am proud that in doing so, this budget gives the biggest increase ever to our veterans, the first time a President has submitted a budget which exceeds the veterans' independent budget. I hasten to add that in the last Congress, the new direction Congress exceeded the veterans' benefits under the leadership of CHET EDWARDS and Mr. SPRATT as well. On the battlefield, the military promises to leave no soldier behind. And when they come home, we promise to leave no veteran behind.

This budget upholds the principle of responsibility. The budget resolution begins the process of turning around the Republican budget legacy of deep deficits, mounting debt and economic decline due to the Bush administration's reckless fiscal policy. It takes steps to put the budget back on a fiscally sustainable path by restoring fiscal responsibility and cutting the deficit by more than one-half by 2013.

It upholds the principle of responsibility for our planet by investing in science, technology and renewable energy resources to reduce our dependence on foreign oil. That is a national security issue, an economic issue, an environmental health issue and a moral issue, if you believe as I do that this planet is God's creation and we have a moral responsibility to preserve it. It is God's beautiful gift to us, and it is our responsibility to convey it to the next generation intact.

Mr. SPRATT, thank you again for this budget which will create economic growth, make America healthier and honor our veterans.

Decisions are liberating. By deciding to support this budget, Members are freeing themselves from past mistakes and stale assumptions. They are unleashing the possibilities of the future. This budget is the logical progression of the bold initiatives already taken in the first 3 months of this year. By providing health care for 11 million American children in the SCHIP Act and the recovery bill and the omnibus bill's investments in NIH cancer research and in health IT, this Congress has done more for health care in America than has been done in decades.

In terms of education, with the investments we made in the Recovery Act, the omnibus, the Edward M. Kennedy Serve America Act, and now this budget, we have done more for education than has been done in any one other period of time in our history.

On energy proposals, we plow new ground. As President Obama said, "We will harness the sun and the winds and the soil to fuel our cars and run our factories." We have made the investments that will spur new growth of energy that we can produce here in America, creating new green collar jobs for American workers. This budget also allows for fiscally responsible legislation

that will promote energy independence over the long term.

In terms of science, we have made bold and new investments in the area of science in both the Recovery Act and the omnibus. We also just passed a landmark public lands bill that will protect 2 million acres of natural heritage, the most sweeping conservation legislation in decades. So in terms of energy and the environment, we have made historic progress.

This budget is in stark contrast to the Republican budget's hollow shell. We must always strive to find common ground here in the Congress. However, when the American people voted for change in November, they did not vote to send us here to split the difference. They sent us here to make a difference. Sadly, that difference of opinion on this budget is a difference of principle.

Mr. SPRATT, again, I thank you and members of the committee for giving us the privilege of upholding America's principles of fairness, opportunity, security and responsibility today by voting "aye."

Mr. CONYERS. Madam Chair, last fall the American people voted for change and today we are seeing its vision implemented. As such, I rise in strong support of the Democratic budget.

For too long America has been distracted with misplaced priorities such as unnecessary wars, tax cuts for the ultra wealthy, and spending on unnecessary weapons systems. At the same time, our leaders were often negligent when it came to honouring our solemn commitment to the hard working men and women of America. It will take time to reverse failed Republican policies, but I believe the Democratic budget will lead America in a new direction by providing urgently needed health care reform, bringing back our tradition of progressive taxation, improving our education, and confronting global warming.

Everyday, we hear more bad news about companies laying off their workers—a sad occurrence that has increased the already alarming levels of Americans who lack access to health insurance. Madam Chair, access to health care is a human right and enacting today's legislation will bring us one step closer to desperately needed reform. This bill will do so by improving quality, expanding coverage, addressing the rising costs that create so much budget heartache for hardworking citizens. This bill will also add an important provision into the Budget Reconciliation which will allow for expedited consideration for health reform later this year. I enthusiastically support the inclusion of this provision as a means to move this critical legislation to the President's desk this year.

At the State of the Union, President Obama made it clear he wanted to cut the budget deficit in half; this budget fulfils that promise. Today's legislation takes the record deficit that President Obama and the 111th Congress inherited in 2009, and cuts it to \$586 billion in 2013.

Madam Chair, for too long the broken ideology of trickle down economics has promoted tax cuts for the very rich as the solution to our

nation's economic woes. After years of economic decline and stagnation it is evident this ideology is not viable. The Democratic budget will instead provide over \$1.5 trillion in tax cuts to nearly 9 out of 10 Americans. This is done by giving Alternative Minimum Tax (AMT) relief, eliminating the estate tax, giving hard working a fair shot at higher education with tax relief in higher education. The Democratic budget funds these tax cuts by closing corporate loopholes and the "tax gap."

In this era of global competition, it is imperative that we give our students the world class education without staggering amounts of debts. The bill will continue to increase Pell grant funding, expand early childhood education programs, and expand federal school meals initiatives.

While some may see that this budget is too ambitious, I say that the state of our economy demand nothing less. I urge my colleagues to support this bill.

Mr. DINGELL. Madam Chair, today I rise in support of the fiscal year 2010 budget resolution. Today's vote on the budget is a critical one, not only because it finally invests resources in domestic priorities, but because it also takes into consideration the needs of our families.

Our economy is suffering, financial markets are in turmoil, and back home in Michigan we are facing an unemployment rate of 12 percent. My colleagues on the other side of the aisle suggest cutting our spending, while also providing huge tax cuts for their fat cat friends and more subsidies for oil and gas companies. These are not the folks that need government tax breaks and subsidies.

If it is not the government who will pump money into our economy, provide tax cuts to our families and make health care and education more affordable, then who will? We know that our banks are not lending, families are living paycheck to paycheck, and our small businesses and companies are struggling to maintain their payroll. The status quo is not an option.

For the first time in eight long years we have a President who proposed a budget that takes into consideration the long-term stability of our country and provides a strong economic plan to guide us out of this recession. To that end, Congress proposes cutting the deficit by nearly two-thirds by 2013, reducing discretionary spending to its lowest level ever, and including initiatives to cut waste, fraud and abuse, saving taxpayers nearly \$50 billion. And for the first time, Congress and the administration are including the costs of the Wars in Iraq and Afghanistan in the budget, no longer hiding the costs in supplemental legislation.

Yes, Congress and this administration is tackling a lot at once, not only because the last administration left a platter of problems at our feet, but also because we can no longer afford to put off health care reform, or climate change, or quality education. Our country and our economy need a long-term solution.

Through this budget we will begin to tackle the rising costs of healthcare by reducing high administrative costs and rooting out inefficiencies. We will ensure that Medicare physician payments provide clear incentives for better quality care and ensure that primary care phy-

sicians are compensated for the hard work that they do. All of these steps will set the stage for health care reform and provide a down payment for legislation this summer.

This budget also continues our investment in education by raising the maximum Pell grant award, including additional assistance to help more low-income students complete college. This is critical to ensuring that our current and future employers continue to have a highly educated workforce. We need to keep our workforce competitive with our neighbors abroad and I strongly believe that ensuring access to education for all is one way to do that.

Finally, we will look towards laying the foundation for climate change legislation this summer by ensuring that funding and tax incentives in the stimulus bill receive significant funding—producing new sources of energy and creating green jobs across the country. Further, it will set aside funding to be used to pay for climate change legislation that the House and Senate are working on as we speak. This will ensure that the final product that makes it to the President's desk is paid for, allowing for responsible legislation that will cut greenhouse gas emissions, promote energy independence, and create new jobs in the energy sector.

I want to commend the leadership of the Obama administration and Chairman SPRATT for all of their hard work to put together this budget proposal. I know that producing a budget that will address the problems of the last eight years, while also investing in the priorities of our families, was not an easy task. However, it is high time that the budget helps all Americans, not just the wealthy. Let this budget be a message that Congress has heard our families loud and clear—we want to ensure your families are healthy, your children receive quality education, and your paychecks stretch a bit further than they used to. This is particularly true for the people of the 15th District—you can rest assured that I am working tirelessly to help you through this tough time. Together we can, and we will, turn our country's economy around.

Mr. BISHOP of Georgia. Madam Chair, I want to say a few words in support of the Fiscal Year 2010 House Budget Resolution. This important legislation builds on the American Recovery and Reinvestment Act to create jobs and strengthen the American economy for the long-term. It also restores honesty and transparency to the congressional budget process and puts our nation on a clear path to recovery.

I want to especially commend House Budget Committee Chairman JOHN SPRATT, Office of Management and Budget Director Peter Orszag, and the leadership of the Blue Dog Coalition for their outstanding work in crafting this budget. As a Blue Dog, I am pleased that the budget incorporates many of the Coalition's principles—namely, commitments to statutory Pay-As-You-Go budget discipline, deficit neutral health care reform, eliminating \$50 billion in waste and abuse in government spending, and cutting the deficit in half by Fiscal Year 2013.

Concerning the deficit, it is important to recall that America's fiscal house was in order when the Bush Administration took office eight years ago. There was a projected ten-year

budget surplus of \$5.6 trillion. The nation would have had the resources then to pay down the national debt, protect Social Security for future generations, and accommodate tax relief for hardworking American families.

In a few short years, the surplus disappeared and the national debt mushroomed. Rather than a \$5.6 trillion surplus, Congress is now confronting a record \$1 trillion deficit in 2009 alone. In fact, the nation is facing deficits in 2009 and 2010 that would be greater as a share of the economy than in any year since World War II.

According to the Center for Budget and Policy Priorities, the current recession "is compounding the underlying long-term fiscal pressures resulting from rapidly rising health care costs, the aging of the population, past tax cuts, and war costs. If we continue current policies . . . the nation is on a path to amass \$10 trillion in cumulative deficits over the next decade, during which time the deficit will not fall below 5 percent of GDP." Both as a member of the Blue Dog Coalition and, more importantly, as an American citizen, it was troubling to see that our nation's commitment to fiscal discipline was being so recklessly squandered during these eight years.

This budget resolution finally puts America's budget house in order. In addition to ensuring budget discipline, it makes vital investments in a number of areas. The House Budget Resolution strengthens education by providing additional funding for new initiatives in early childhood education and raising the Pell Grant award. It includes provisions to reduce health care costs while improving access to quality medical care.

The House Budget Resolution also supports veterans by increasing Veterans' Affairs funding by 11%. Finally, it increases our investments in renewable energy and energy efficiency by 18% in 2010 to promote clean energy technologies, industries, and jobs.

The House budget makes many of these investments at a lower level of nondefense discretionary funding than President Obama's original request. I also am pleased that it includes tax relief for middle-income taxpayers and small businesses, as well as an accurate accounting of the costs of our military operations in Iraq and Afghanistan.

This budget is good for Georgia and good for America. I am pleased to support it and I urge my colleagues to vote in favor of its adoption.

Mr. PETERS. Madam Chair, I rise today in support of the budget resolution. Like the President, I came to Washington this year at a time when we are both inheriting record budget deficits, and battling the worst economic crisis since the Great Depression. I am a strong believer in fiscal discipline, and I understand that the current budget deficits are unsustainable. However, I also know that it is next to impossible to bring our nation out of a deep recession and balance our budget at the same time. This budget is a blueprint for generating economic expansion. As our economy begins to grow again, deficits will be reduced over time.

This budget makes a great deal of progress on deficit spending, cutting the record budget deficit inherited from the last administration in half over the next five years. The budget also

reaffirms the commitment of this Congress to the PAYGO rules, which require that new spending and tax cuts be offset by cuts in spending or new revenue so new measures do not increase our deficit and our national debt. The budget also ends the use of accounting tricks to hide costs of certain spending. For example, for the first time the budget includes both a full-year estimate for the cost of the wars in Iraq and Afghanistan for the budget year as well as estimates for future costs.

The quickest way to restore balanced budgets is to increase growth, and at a time when our economy is simply not functioning this plan has the investments and incentives to make that growth happen. This budget includes substantial middle class tax cuts, and makes critical investments in education, health care reform, and energy independence that are necessary to revive the economy and ensure that our nation leads the globe in next generation technologies.

In Michigan and Oakland County, this means investments in programs like MEP, which helps small manufacturers retool and retrain as they implement the next generation of manufacturing practices and green technologies. It also means investments in new advanced vehicle technologies, which will help ensure that the next generation of green vehicles are designed and built in Michigan, not overseas.

Madam Chair, I was elected to office along with President Obama because voters were demanding change. This budget delivers on the promises we made to voters last fall, by restoring fiscal discipline, delivering middle class tax cuts, making critical investments in our future, and laying the groundwork for future reforms. I urge my colleagues to join me in supporting this blueprint for job creation and robust economic growth in America.

Mr. TIAHRT. Madam Chair, I rise today in strong opposition to H. Con. Res. 85 Democrat budget resolution. Our economy is in chaos, every day more Americans lose jobs, and our retirement savings are dwindling. The only response Democrat leadership and this White House seems to have is to spend more. My colleagues on the other side of the aisle have forgotten that a successful economy comes from the ground up, not from the government down.

Do I have to remind the Speaker that "money doesn't grow on trees?" This money comes from the American people, directly from their wallets which are growing thinner and thinner by the day. What they need from us isn't a larger government, but a government that tightens its belt as they are forced to do. A government that helps the private sector get back on its feet and prosper. A government that creates a level playing field for American employers on the world market.

The past few months we have all become economics majors as we try to interpret and make decisions on complex financial markets. There is no question in my mind that everyone in this body wants to return to our country's historic economic success. I think there's considerable disagreement on how we get there, but I think at least we can start with the statement that we all want to end up in the same place. A place where our children can start a

business or find a high quality, high paying job. Today's discussion—and indeed the focus of the entire Congress—should be on how to renew the American Dream.

I do not subscribe to Keynesian economics. Every thin dime this Congress spends—or more appropriately borrows—is the functional equivalent of a thick quarter the children of Kansas and the rest of America have to pay back later, and I have yet to see a government job that pays for itself. I don't believe that massive deficit spending as we see in this budget proposal is going to create private sector jobs in the short-term or revive our economy. In the short time he has been in office, we have already amassed \$3 trillion in debt for a total of \$8.7 trillion. \$8.7 trillion is a lot of money, money we don't have and money that our children and grandchildren will be forced to pay back.

One of the very worst things that we, the Congress, can do is follow economic policies that result in raising taxes on American citizens and employers. We have enjoyed economic success in the past in large part because of our relatively low tax rates. To raise taxes will, in my view, not only hurt American wallets immediately, but also stifle the prospect of economic prosperity in the near future. Sadly this is where the administration is headed.

The president has made a big deal recently about Republicans being the "party of no." I am ready to say "yes." To say yes to policies that will help rebuild a sound economy for today and the future. We need to pursue common sense economic policies that work—while reducing the size and scope of a government that has strangled growth. We need to move toward competitive business tax rates to compete with the rest of the world. Ireland, though it too has been caught up in the worldwide downturn, is well poised to recover as it welcomes companies and fosters growth. We desperately need a common sense approach to regulation, with cost-based justification of the rules our bureaucrats impose on those who create jobs. We need to be energy independent. It's well past time that we adopt a "loser pays" approach to litigation as the United Kingdom follows. Finally, I hope we discuss the rising cost of health care (in addition to ensuring health care access), which is one of the biggest burdens on our economy. I believe a consumer-based approach to health care delivery will benefit patients and our economy.

These ideas build the fundamental strength of our economy. That is how we can and will renew the dream and renew opportunity for ourselves and our children.

I'll close by saying that, although we are struggling today, I am confident and optimistic that the American people will overcome this downturn, as we always have. My concern is that borrowing and spending will prolong the pain instead of fixing the problem.

I look forward to our discussion today.

Mr. HOLT. Madam Chair, a budget is a moral document that demonstrates our values and priorities. I want to congratulate Chairman SPRATT for again bringing forth a budget that represents values of which we can be proud. This budget would make real investments in

education, hometown security, veterans' programs, healthcare, and research and development while halving the budget deficit in four years.

I am pleased that this Fiscal Year 2010 budget continues to follow the pay-as-you-go (PAYGO) principle that the House restored at the start of the 110th Congress in January 2007. This ensures that every new dollar of spending is offset and will not worsen the deficit. Although the budget resolution does not set tax or spending levels, it does lay out the plan for the coming years to spend money and to raise revenues.

This budget validates the President's Inaugural declaration that we will "restore science to its rightful place." This resolution restores science to its rightful place in terms of our national innovation investment by providing \$31 billion for the science and research programs. In these troubled economic times, it is important to understand that while research lays the foundation for our long-term prosperity, research also creates jobs now. A report by the Information Technology and Innovation Foundation estimated that each additional \$1 billion investment in research would create approximately 20,000 American jobs a year. This investment would provide jobs not just to scientists but also to research students, electricians who wire the labs, lab technicians who run the instrumentation, construction workers who will renovate the buildings, and many more. This job creation is comparable to or better than job creation for other spending, even in the short term, and over the long term, nothing produces jobs tomorrow like research today.

This budget would make a significant investment in our nation's energy future by building on the significant funding and tax incentives for renewable energy and energy efficiency that were contained in the recovery bill. The budget increases investments in energy programs by 18.4 percent to create new sources of renewable energy, to improve energy efficiency, and to expand research and technological development. The budget is committed to reducing greenhouse gas emissions and ensures that Congress has the flexibility to consider legislation for increasing our nation's energy independence.

Madam Chair, this budget honors our commitment to our nation's children by investing in education. The budget follows on the bold investments made by the economic recovery bill and provides further support for early childhood education. The budget supports education at a young age through a range of approaches, including strengthening and expanding early childhood education programs, home visiting programs, and child nutrition programs such as school meals. I am pleased that the budget also would help make college more affordable and accessible for students in New Jersey and throughout the country by increasing funding for Pell grants and providing additional assistance for low-income high school graduates. The budget further would expand our scientific workforce by tripling the number of graduate fellowships in science.

I am pleased that the budget addresses the fact that 46 million Americans are uninsured, with more than 8 out of 10 of those uninsured living in working families. Specifically, data

from The Henry J. Kaiser Family Foundation show that 16 percent of New Jersey's residents were uninsured in 2007. This is despite the fact that health care spending has grown to about \$7,026 per person as of 2007. According to a report from the Institute of Medicine, working-age Americans without health insurance are more likely to receive too little medical care too late and to receive poorer medical treatment throughout their lives. As a result, they are sick more often and die at a younger age. This budget resolution supports the President's goal for health care reform and provides opportunities for the relevant committees to work this year to draft reform legislation that will help more Americans get health insurance, reduce health care costs, and improve patient safety.

I strongly support the provisions in the budget that would invest \$53.3 billion for veterans' programs, an increase of 11.5 percent over the 2009 level. I am pleased that the budget reverses the policies of the previous administration and restores health care eligibility for non-disabled veterans with modest incomes. This funding is more important than ever to treat the 908,690 Iraq and Afghanistan war veterans, many of whom suffer from post-traumatic stress disorder, traumatic brain injuries, or blast-related injuries.

I also am voting for the two alternatives offered by Mr. SCOTT and Ms. LEE because, although each is imperfect, each in different ways, they would advance the principles of equality and justice in our society and the peaceful resolution of international problems. I expect that neither of those alternatives will prevail over the well-crafted compromise of Mr. SPRATT, yet they are worthy of support.

Madam Chair, the budget produced by the Budget Committee, under the leadership of Representative SPRATT, reflects values of which we can be proud. It supports healthcare, science and engineering research, education, veterans, and national security programs while maintaining our commitment to fiscal responsibility. By adopting this budget and supporting the designated funding levels throughout the appropriations process, we would be investing in priorities important to our future.

Mr. STARK. Madam Chair, I rise today in measured support of H. Con. Res. 85, the FY 2010 Budget Resolution.

A budget is a moral document that should reflect our priorities as a nation and act as a blueprint for the investments our nation needs to be healthy and prosperous. By this measure, the budget resolution before us is not a perfect document. It does, however, provide for vital investments in health care, jobs, education, and the environment that will spur both short-term and long-term economic growth and make our country healthier and more humane.

This budget unfortunately continues to provide far too much money for defense—51 percent of discretionary spending. The \$532.6 billion for defense includes billions for out-dated or just plain bad weapons systems and ideas, such as missile defense, space-based weapons, and the V-22 Osprey. Cutting these and other wasteful defense programs would save nearly \$69 billion. These savings could be invested in reforming our education system,

ending hunger, and rebuilding our infrastructure. The Congressional Progressive Caucus alternative budget would allow for those important investments and I am proud to support it.

While the budget before us is not perfect, it does steer us—after eight years headed the wrong way—in the right direction. It sets the stage for long overdue comprehensive health reform, while providing latitude for us to make improvements to Medicare. Within these budget parameters, we will be able to address structural problems with physician payment policies to increase access to primary care, provide incentives for coordinated patient-centered care, manage chronic diseases, and improve quality. We will build on what works in our existing system by creating a public health insurance plan available to everyone and preserving our existing employer-based system. This budget will allow us to make investments in our people and our future, yielding long-term benefits in both tangible cost savings and improved quality of life by finally achieving quality, affordable health care for all.

This budget provides a framework for economic prosperity and builds on the investments made by the American Recovery and Reinvestment Act in education and energy. Under this budget, education from early childhood through college is given top priority. It allows for the expansion of early childhood education programs and creation of a nurse visitation program that will assist new mothers raise healthy children. The bill also creates a framework to permanently reform the Pell Grant program and ensure that it provides yearly increases for students most in need of assistance.

Creating a clean energy economy will not only allow us to avoid the catastrophic consequences of global warming, it will also create jobs and spur innovation. This budget includes a roadmap for a comprehensive response to global warming and provides for investments in energy efficiency and technology that will lead to good paying jobs across the country. Already, the energy funds in the recovery bill are creating jobs in my district through the financing of a new solar panel manufacturing facility. These types of projects will become more common with the passage of this budget.

This budget clearly distinguishes the priorities of the new Congress and President Obama—jobs, universal health care, and a first rate education system—from the misplaced priorities of past Republican budgets—tax cuts for the wealthy, war, and an eviscerated safety net. I urge all of my colleagues to embrace priorities that put the health and wellbeing of people ahead of the narrow interests of the well connected and support this budget.

Mr. WOLF. Madam Chair, I am deeply disappointed that the FY 2010 budget resolution considering today represents another missed opportunity for both sides of the aisle to come together for the future of our country. Frankly, it continues down a very dangerous path that has been business as usual in the House for far too long. For our children and grandchildren we must come to grips with the financial crisis looming on the horizon.

We all know that we face enormous fiscal challenges in terms of the deficit, the debt,

and solvency of entitlement programs such as Social Security, Medicare, and Medicaid. Addressing these issues in a meaningful and bipartisan way will take strong bipartisan commitment—the kind of commitment that is sorely lacking in the budget resolution that will be voted on in the House.

The statistics accompanying the nation's long-term fiscal health are astounding. The national debt has topped \$11 trillion for the first time in history. While the White House claims that the president's budget proposal would increase the deficit by \$6.9 trillion over ten years, the nonpartisan Congressional Budget Office projects that this figure will be closer to \$9.3 trillion, more than a third higher than the administration's projection. By 2019 the government could be paying over \$800 billion annually just in interest on this amount. China is one of our biggest bankers and now holds the paper on about one out of every 10 American dollars. Standard and Poor's Investment Service predicts loss of our triple-A bond rating as early as 2012. Moody's predicts 2018.

The American people are hurting. The U.S. unemployment rate hit 8.1 percent in February, the highest in more than 25 years. If that isn't troubling enough, leading economists are predicting the jobless rate could hit double digits by year's end.

Many of those lost jobs are coming from the U.S. manufacturing base, or what's left of it. The decay in U.S. manufacturing is real. Drive across the cast iron bridge linking Trenton, New Jersey, with Morrisville, Pennsylvania, and read the outdated sign: "Trenton Makes, the World Takes." There was a time when Trenton made the steel used for the world's longest suspension bridges, its cars, and farm tools. The sign today could be: "The World Makes and America Takes."

This Congress must face the reality of America's long-term financial future and start a process that will reverse the downward slide we're facing. I've said it before and I'll say it again: Congress acting alone will not make the hard choices necessary to right our ship of state. The partisan divisions are too deep. We need a process outside of Congress to come to grips with the burden of debt we are piling on our children and grandchildren.

The American people—our constituents—understand that we are in serious trouble and that regular order in the House offers no way forward. The American people have no confidence in this Congress's ability to think outside of the box and come up with bipartisan solutions to the country's most pressing issues. A recent Peter Hart/Public Opinion Strategies survey confirmed that 56 percent of registered voters say a bipartisan commission rather than the regular congressional process is the best means to begin tackling our growing budget deficit and national debt.

There is a plan on the table right now that this House could act on to set up such a national commission. JIM COOPER and I—a Democrat and a Republican—have been working together on legislation—the SAFE Commission Act—that would establish a bipartisan commission to address entitlement spending, other spending and tax policy. When we reintroduced the bill last month, there were exactly 26 Republicans and 26 Democrats joining the effort as original cosponsors. Every-

thing is on the table, because to reverse the current financial path, we must look at the big picture. And when the commission makes its legislative recommendations to Congress after extensive public hearings around the country, Congress is required to vote up or down, like the base-closing process, on the plan.

The Cooper-Wolf SAFE Commission Act has garnered support from the Heritage Foundation, Brookings Institution, Committee for a Responsible Federal Budget, Concord Coalition, National Federation of Independent Business, Business Roundtable, The Peterson Foundation and former U.S. Comptroller General David Walker. Newspapers across the country, including the Washington Times, Richmond Times-Dispatch, Winchester Star, Dallas Morning News and the Tennessean, have editorialized about SAFE being the only way forward. National syndicated columnists, including David Broder, Robert Samuelson and David Brooks have all written favorably about this proposal.

I submit for the record David Broder's piece "Hiding a Mountain of Debt" from last Sunday's Washington Post which speaks to the inability of Congress to tackle entitlement reform through regular order and suggests the Cooper-Wolf SAFE Commission as a bipartisan process that could help lawmakers face reality.

If there are other ideas about how to come to grips with the mountains of debt under which we are burying our children and grandchildren—that can pass—I implore our colleagues to offer them. We just can't continue with the same old tired process, drawing lines in the sand while the tsunami of debt comes crashing toward America's shore.

That process is on full display today with the business as usual tone on this year's budget resolution. The current process is broken. The SAFE Commission offers an opportunity to make a difference for the country's future, rather than just continuing to score political points as we see in the debate today.

The SAFE Commission process could be the foundation for a renaissance in America. It can renew Americans' confidence in the ability of our elected leaders to act and provide the opportunity to order priorities, create jobs and provide a quality of life unsurpassed in America. It can ensure that we have the funding for education, cutting edge technology, medical research, infrastructure improvements and other programs critical to providing a bright future for the next generation of Americans.

Why is every budget plan today from both sides of the aisle missing this critical component? For our country's future, this Congress and this administration must come together and work to set up a bipartisan panel to deal with America's long-term financial future to give hope to our children and grandchildren. The time bomb of debt is ticking and it's on our watch to act before the explosion buries our country.

[From the Washington Post, March 29, 2009]

HIDING A MOUNTAIN OF DEBT

(By David S. Broder)

With a bit of bookkeeping legerdemain borrowed from the Bush administration, the Democratic Congress is about to perform a cover-up on the most serious threat to America's economic future.

That threat is not the severe recession, tough as that is for the families and businesses struggling to make ends meet. In time, the recession will end, and last week's stock market performance hinted that we may not have to wait years for the recovery to begin.

The real threat is the monstrous debt resulting from the slump in revenue and the staggering sums being committed by Washington to rescuing embattled banks and homeowners—and the absence of any serious strategy for paying it all back.

The Congressional Budget Office sketched the dimensions of the problem on March 20, and Congress reacted with shock. The CBO said that over the next 10 years, current policies would add a staggering \$93 trillion to the national debt—one-third more than President Obama had estimated by using much more optimistic assumptions about future economic growth.

As far as the eye could see, the CBO said, the debt would continue to grow by about \$1 trillion a year because of a structural deficit between the spending rate, averaging 23 percent of gross domestic product, and federal revenue at 19 percent.

The ever-growing national debt will require ever-larger annual interest payments, with much of that money going overseas to China, Japan and other countries that have been buying our bonds.

Reacting to this scary prospect, the House and Senate budget committees took the paring knife to some of Obama's spending proposals and tax cuts last week. But many of the proposed savings look more like book-keeping gimmicks than realistic cutbacks. The budget resolutions assume, for example, that no more money will be needed this year to bail out foundering businesses or pump up consumer demand, even though estimates of those needs start at \$250 billion and go up by giant steps.

Republicans on the budget committees offered cuts that were larger and, in some but not all instances, more realistic.

But the main device the Democratic budgeteers employed was simply to shrink the budget "window" from 10 years to five. Instantly, \$5 trillion in debt disappeared from view, along with the worry that long after the recession is past, the structural deficit would continue to blight the future of young, working families.

The Democrats did not invent this gimmick. They borrowed it from George W. Bush, who turned to it as soon as his inherited budget surpluses withered with the tax cuts and recession of 2001-02. But Obama had promised a more honest budget and said that this meant looking at the long-term consequences of today's tax and spending decisions.

There are plenty of people in Congress for whom the CBO report was no surprise, and some of them have proposed a solution that would confront this reality. Kent Conrad, the chairman of the Senate Budget Committee, and Judd Gregg, its ranking Republican, have offered a bill to create a bipartisan commission to examine every aspect of the budget—taxes, defense and domestic spending, and, especially, Medicare, Medicaid and Social Security. Congress would be required to vote promptly, up or down, on its recommendations, or come up with an alternative that would achieve at least as much in savings.

In the House, Democrat Jim Cooper of Tennessee and Republican Frank Wolf of Virginia have been pressing a similar proposal but have been regularly thwarted.

The roadblock in chief is Nancy Pelosi, the speaker of the House. She has made it clear that her main goal is to protect Social Security and Medicare from any significant reforms. Pelosi has not forgotten how Democrats benefited from the 2005–06 fight against Bush's effort to change Social Security. Her party, which had lost elections in 2000, 2002 and 2004, found its voice and its rallying cry to "Save Social Security," and Pelosi is not about to allow any bipartisan commission to take that issue away from her control.

The price for her obduracy is being paid in the rigging of the budget process. The larger price will be paid by your children and grandchildren, who will inherit a future-blighting mountain of debt.

Mr. ETHERIDGE. Madam Chair, I rise in support of House Concurrent Resolution 85 (H. Con. Res. 85). This resolution builds on the work of this Congress to put our economy back on track, addressing the current crisis and building for future needs.

A budget is more than just a document, it is a statement of our priorities. This is an especially important budget and comes as our nation faces a number of challenges in our struggling economy. Across the country, millions of families are facing foreclosure or have lost their jobs, savings, or access to health care. We have seen the failure of many of our financial institutions, and a lack of credit that is necessary for our small businesses to grow. In my own state of North Carolina, the unemployment rate has risen to a historic high of 10.7 percent.

This budget begins to reverse the Bush Administration's failed policies and restore America's economic strength. H. Con. Res. 85 invests in priorities like health care, education, and energy independence to create jobs and get our economy back on track. As the former Superintendent of Schools in North Carolina, I know that the best investment we can make is in our children. I am pleased that H. Con. Res. 85 strongly supports early learning, including the President's initiatives to help strengthen and expand early childhood education and school meals initiatives. This budget also makes college more affordable and accessible by increasing Pell grants and providing additional assistance to help more low-income high school graduates attend and complete college. Education is the key to economic growth, future success, and access to opportunity for our citizens.

The legacy left by the previous administration includes mounting debt and economic decline and we must return to a fiscally sustainable path. In addition to education, this budget makes investments in health care, energy independence, and other areas in a fiscally responsible way. This budget cuts the deficit in half over four years and bolsters PAYGO, the rule requiring Congress to find revenue to offset spending proposals. As a Member of the Committee on Ways and Means, I am also pleased that this budget supports \$1.5 trillion in tax cuts for low and middle income families.

This Budget Resolution provides a strong blueprint for our economic future. I support H. Con. Res. 85, and I urge my colleagues to join me in voting for its passage.

Ms. GINNY BROWN-WAITE of Florida. Madam Chair, I rise today in opposition to the majority's Budget Resolution.

CAP AND TRADE

The majority and President Obama's budget proposal calls for the passage of Cap and Trade legislation.

The President estimates that the auction associated with Cap and Trade will bring in more than \$640 billion.

The administration admitted that number would be more like \$1 trillion and possibly as high as \$2 trillion.

Cap and Trade is a regressive tax because those with less income spend more of their paychecks on energy.

This plan will raise taxes on an average family by \$1,600 annually.

Furthermore, if the United States acts without the support of China and India, Cap and Trade will only force more jobs out of the country.

Beyond the loss of jobs, Cap and Trade will tax every American for using energy.

SIZE OF DEFICITS/NATIONAL DEBT

If raising your taxes by \$1,600 a year wasn't enough; President Obama and the Democrat Majority's budget resolution will increase your share of the national debt by more than \$20,000 in four short years.

Today, every American's share of the National Debt is \$36,000.

By the end of President Obama's first term in office, the national debt will have exploded to \$54,000 per American.

This is a picture of my grandchildren. If you want to saddle your children and grandchildren with this type of debt then I would encourage you to vote for the majority's budget resolution.

If you do not, there is an alternative way forward. The Republican budget alternative taxes you less, spends less and borrows much less.

Ms. LINDA T. SANCHEZ of California. Madam Chair, I rise this morning to state my strong support for the budget resolution.

I'm excited to see that American working families will once again be prioritized.

It is a sight for sore eyes to see the President present an honest budget, putting an end to years of masking the costs of things we have to pay for, like the wars in Iraq and Afghanistan.

This is good news for working and middle-class families who have been struggling to keep their heads above water. For far too long, these families have been bearing the brunt of misplaced priorities, above all, the ever-rising cost of healthcare.

Too many never see a doctor until they visit an emergency room. The cost to employers, local, state and the federal government is unsustainable.

It is shameful that while the United States spends more than every other nation in the world on health care, we fail to care for everyone.

This budget makes a down payment on health care reform, invests in working families, and sets America on a fundamentally new course. I urge my colleagues to support this critical investment.

Mr. OBERSTAR. Madam Chair, adequate investment in our transportation and other public infrastructure is the foundation for future economic growth, and in these troubled times, it is needed more than ever.

The Budget Resolution before us today recognizes the importance of infrastructure in-

vestment—investment that will not only jumpstart our economy now, but continue to pay dividends for many years into the future.

The Resolution provides a solid foundation for the surface transportation authorization act that must be completed this year. If the Resolution is applied over the six-year period from fiscal year 2010 through fiscal year 2015, it provides a base allocation of \$324 billion for highway, highway safety, and transit programs. Importantly, this allocation restores \$82 billion of highway contract authority that had been eliminated from the baseline because of FY 2009 rescissions that the baseline assumed to recur in all future years.

As a point of comparison, the budget resolution proposed by the Senate Committee on the Budget does not restore this \$82 billion of highway contract authority. I will insert into the CONGRESSIONAL RECORD a state-by-state chart comparing the FY 2010 highway contract authority apportionments under the House and Senate budget resolutions (assuming the current law programs and formulas), to illustrate how devastating the Senate proposal would be for many States.

In addition, the House Budget Resolution establishes a Reserve Fund to allow the base allocation of \$324 billion to be adjusted upward as necessary to accommodate higher funding levels to the extent they can be supported by the Highway Trust Fund. This Reserve Fund provides the flexibility necessary to accommodate surface transportation authorization legislation as it is developed and shaped by Congress this year.

For the Airport Improvement Program (AIP), the Resolution provides the full amounts authorized by H.R. 915, the "FAA Reauthorization Act of 2009", as ordered reported by the Committee on Transportation and Infrastructure on March 5, 2009. Specifically, the Resolution allocates \$4.0 billion for AIP in FY 2010, increasing to \$4.1 billion in FY 2011, and \$4.2 billion in FY 2012. This funding will allow the AIP program to keep pace with inflationary cost increases, and begin to address the investment gap in airport safety and capacity needs.

For passenger rail, the Resolution accommodates the President's proposal for a new Federal commitment to high-speed rail transportation by increasing investment to \$1 billion in FY 2010. Building on the \$8 billion for high-speed rail provided in the American Recovery and Reinvestment Act of 2009, this additional funding will lead to the creation of several high-speed rail corridors across the country linking regional population centers.

For environmental infrastructure, the Resolution assumes \$2.4 billion for the Clean Water State Revolving Fund program in FY 2010, consistent with the President's budget and H.R. 1262, the "Water Quality Investment Act of 2009", as passed by the House on March 12, 2009. I welcome and strongly support the President's proposal to significantly increase Federal support for restoring and maintaining the nation's water quality. It is indeed a refreshing change from the previous eight years, which saw some of the lowest funding levels requested by any administration since the creation of this program.

Finally, the Resolution rejects the Office of Management and Budget's proposal to change

how programs funded by contract authority are treated for budget scoring purposes. This proposal, had it been adopted, would have converted the mandatory contract authority that currently funds our highway, highway safety, transit and airport grant programs to a simple

authorization of appropriations for budget scoring purposes. I am pleased that the Resolution continues to recognize the unique nature of trust-funded programs by rejecting this misguided proposal.

I thank Chairman SPRATT and the Committee on the Budget for their strong support for transportation and infrastructure programs, and I urge my colleagues to support the Resolution.

FY 2010 FEDERAL-AID HIGHWAY CONTRACT AUTHORITY COMPARISON OF HOUSE BUDGET RESOLUTION AND SENATE BUDGET RESOLUTION

State	House Budget Resolution (H. Con. Res. 85)	Senate Budget Resolution (S. Con. Res. 13)	Difference
Alabama	\$750,502,172	\$516,451,803	-\$234,050,368
Alaska	439,554,461	302,479,599	-137,074,861
Arizona	734,391,521	505,364,622	-229,026,899
Arkansas	491,318,142	338,095,044	-153,223,098
California	3,429,330,000	2,359,845,892	-1,069,484,108
Colorado	519,743,051	357,654,101	-162,088,950
Connecticut	488,622,768	335,995,383	-152,627,385
Delaware	163,152,846	112,271,703	-50,881,142
Dist. of Col.	145,767,381	100,307,258	-45,460,123
Florida	1,895,296,186	1,304,234,359	-591,061,827
Georgia	1,279,712,245	880,623,534	-399,088,711
Hawaii	166,547,342	114,523,644	-52,023,698
Idaho	285,381,912	196,383,095	-88,998,817
Illinois	1,296,279,966	892,020,673	-404,259,294
Indiana	951,906,101	655,046,481	-296,859,621
Iowa	451,070,541	310,397,616	-140,672,924
Kansas	376,911,793	259,176,473	-117,735,320
Kentucky	652,507,863	449,017,053	-203,490,810
Louisiana	657,198,643	452,242,292	-204,956,351
Maine	174,639,887	120,551,562	-54,088,325
Maryland	596,761,038	410,652,679	-186,108,360
Massachusetts	604,230,800	415,488,222	-188,742,578
Michigan	1,037,618,157	713,504,389	-324,113,768
Minnesota	625,566,887	430,476,787	-195,090,100
Mississippi	466,071,827	320,721,163	-145,350,663
Missouri	889,273,176	611,943,309	-277,329,867
Montana	366,277,284	252,050,954	-114,226,329
Nebraska	286,487,562	197,142,114	-89,345,448
Nevada	311,525,651	214,373,365	-97,152,286
New Hampshire	166,488,270	114,483,223	-52,005,047
New Jersey	972,008,432	668,876,265	-303,132,167
New Mexico	364,249,524	250,653,966	-113,595,557
New York	1,660,321,081	1,141,694,643	-518,626,438
North Carolina	1,039,925,752	715,614,469	-324,311,283
North Dakota	241,653,208	166,290,394	-75,362,815
Ohio	1,321,137,088	909,125,872	-412,011,216
Oklahoma	570,787,695	392,779,712	-178,007,984
Oregon	456,610,251	314,209,806	-142,400,446
Pennsylvania	1,623,581,576	1,116,433,610	-507,147,966
Rhode Island	193,230,364	135,659,996	-57,570,368
South Carolina	620,987,972	427,326,829	-193,661,143
South Dakota	268,773,569	184,953,497	-83,820,072
Tennessee	824,732,715	567,531,810	-257,200,905
Texas	3,168,619,579	2,180,458,508	-988,161,071
Utah	313,958,483	216,047,035	-97,911,448
Vermont	168,547,458	115,983,429	-52,564,030
Virginia	976,733,110	672,128,732	-304,604,378
Washington	633,569,542	435,980,466	-197,589,075
West Virginia	416,728,500	286,769,231	-129,959,270
Wisconsin	734,296,976	505,300,612	-228,996,364
Wyoming	257,349,706	177,091,532	-80,258,174
TOTAL	37,527,938,057	25,824,428,808	-11,703,509,249

* This table is based on Federal Highway Administration (FHWA) technical assistance, and illustrates the estimated distribution of FY 2010 contract authority under the House and Senate budget resolutions (assuming current law programs and formulas). To have sufficient funds to meet all criteria of the Equity Bonus calculation, as in effect in FY 2009, an estimated \$39 billion in contract authority would be required for apportioned programs. To perform the calculations with the amounts provided by the House and Senate budget resolutions, FHWA altered the funding floor element of the Equity Bonus calculation by lowering the 121 percent floor that is in effect for FY 2009 to 117.5 percent for the House resolution, and 80.8 percent for the Senate resolution.

Mrs. BIGGERT. Madam Chair, I rise to voice my concern over this proposed budget. As many of my colleagues have said, it taxes too much, borrows too much and spends too much.

And it will raise taxes during a recession when we shouldn't even be discussing tax hikes. Why do they want to raise taxes? Not to pay down the deficit but instead to fund another massive expansion of government. This plan, as proposed by the Administration, would place an immense burden on middle-class families.

They want to raise taxes on homeowners by limiting the mortgage tax interest rate deduction. We're facing a wave of foreclosures and should be encouraging responsible homeownership. Instead, this tax will discourage homeownership and further weaken the economy by delaying housing recovery efforts.

The proposal also furthers the Administration's plan to raise taxes on charitable contributions, discouraging Americans from donating to charities and nonprofits. This comes at

a time when these organizations are needed most by struggling families. We should be encouraging Americans to help one another, not the opposite.

Madam Chair, the budget also paves the way for higher taxes on small businesses by reversing cuts to the death tax, punishing thrift, discouraging entrepreneurship and devastating family-owned small businesses.

This is certainly change, and not for the better.

Ms. HARMAN. Madam Chair, one of the most momentous votes I have cast as a Member of Congress occurred in my first year of service. It was a vote for President Clinton's budget, which made some difficult choices—among them, cutting spending and raising taxes to balance the federal budget. While controversial, I knew the Clinton budget charted the best course for the U.S. economy over the long run.

It came as no surprise, but my support for the Clinton budget became the primary issue in my first reelection campaign, which I won

by only a whisker. Many of my colleagues were not so fortunate.

Today, the country is again in a perilous economic position—much more so than in 1993. And a new President is again outlining an ambitious economic agenda that could transform American society.

As in 1993, I intend to support the budget. President Obama inherited an economy and federal balance sheet in total disarray. He has made the difficult decision to prioritize long-delayed investments in health care reform, clean energy, and education, and to pay for them with responsible reversals of Bush Tax cuts for the most fortunate among us. I believe he has done so in an honest manner by, among other things, putting the costs of the wars in Iraq and Afghanistan on budget for the first time.

The budget isn't perfect—no budget is. I would prefer more deficit reduction in its out years. But the President has his priorities right, and is making the investments that this

nation has put off for too long. This Congress should support him and pass this budget.

Ms. JACKSON-LEE of Texas. Madam Chair, as the House of Representatives begins to consider the President's Fiscal Year 2010 Budget, I would like to highlight a number of priorities. First, I would like to begin by saying President Obama has inherited an extensive deficit from the previous administration—the result of mistaken policies, misplaced priorities and an era of profound irresponsibility. This was no April Fools joke. Our budget deficit is a real problem with real consequences for the American people.

For too long, we have ignored the tough choices we needed to make and failed to address the big challenges our economy faces.

This lack of responsibility has left our nation with an economy in recession and an untenable fiscal situation—\$1 trillion a year deficits on average over the coming decade.

The FY2010 budget submitted by the President is up front and honest about the challenges we face. Unlike the previous administration which assumed revenue from the Alternative Minimum Tax overwhelming the middle class and not accounting for the Medicare doctor's fee fix and the cost of the wars in Iraq and Afghanistan, there are no budget gimmicks in President Obama's budget to cover up the mess we're in.

I urge the President to include funding for summer jobs for youth. Our youth, and individuals that have opted not to go to college or institutions of higher learning, need to be engaged and employed. Employment will provide them with skills and aptitudes that are necessary to be productive in society. I urge funding for our youth.

I support the President's call for healthcare reform. I urge the Budget Committee to account for the cost of healthcare reform to ensure that the 45 million uninsured Americans (four million of which are children) have access to quality and affordable healthcare.

In addition, I urge the Committee to account for the following:

Funding the Minority AIDS Initiative at \$610 million this year (an increase of nearly \$200 million) to build capacity among minority run non-governmental organizations and to conduct outreach services among minority communities.

Funding the Ryan White CARE Act at \$2.8 billion this year (an increase of \$578 million) to support care and treatment programs at the local level to address the needs of people living with HIV/AIDS.

Funding the CDC Prevention activities for HIV, STD, TB and Viral Hepatitis at \$2.28 billion (an increase of nearly \$1.2 billion) to fund testing initiatives and support innovative prevention efforts at the local level.

Funding for Housing for people living with HIV/AIDS (HOPWA) at \$360 million (an increase of \$50 million) to provide supportive housing for people with AIDS.

Zeroing out funding for ineffective abstinence only until marriage programs to recover \$99 million in funding. These programs have been proven to be ineffective.

Funding for comprehensive sex education programs that will be authorized by the REAL Act with at least \$50 million this year to reduce spread of HIV and other sexually trans-

mitted diseases and reduce unintended pregnancies.

A \$200 million increase in funding for the National Center on Minority Health and Health Disparities at NIH.

Reserve funding (\$3.5 billion) for the Health Equity and Accountability Act (not yet enacted).

I commend the President for requesting an increase of \$15 billion for the Department of State and other international programs in FY2010, which is a 40% increase over the FY2009 level. I urge the Budget Committee to include this increase in the budget resolution. I am hopeful that these additional funds will go towards the Global Fund to Fight AIDS, Tuberculosis and Malaria; USAID; migration and refugee assistance; peacekeeping efforts in Darfur; education, healthcare and cultural exchange programs; child survival and health programs; and development assistance.

As the President begins to withdraw troops from Iraq, I also urge the Budget Committee to account for the need to increase Iraqi humanitarian assistance by \$1.17 billion in FY2010.

I support the robust funding for our troops and America's national defense. I support reducing funding for the failed Ballistic Missile Defense program and reallocating those funds within the Defense Department to fund increases in shipbuilding, troop readiness, military and civilian pay, cancer research, and mental health services.

I have consistently fought for funding to weed out waste, fraud and abuse within the Department of Defense. The Defense Department has already saved an estimated \$89 billion between FY01 and FY07 by implementing 1,682 of the Government Accountability Office's recommendations. President Obama's FY2010 Budget Overview reflects a similar commitment, as has the House Budget Committee under Chairman Spratt's leadership.

As the economy continues to worsen, I urge the Budget Committee to account for the increased need for income security programs, such as the Supplemental Nutrition Assistance Program, Unemployment Insurance, Medicaid, and the Recovery Act's COBRA subsidy.

I urge the President to consider including the necessary budget authority to account for the cost of increasing the federal minimum wage and indexing it to inflation. In addition, the Committee should consider the cost of reforming current asset tests for economic assistance. As more and more Americans lose their jobs, it makes little sense to force families to drain their savings to the extent necessary to qualify for certain temporary economic assistance programs.

Finally, the President should also consider the cost of redefining the Federal Poverty Level, which is currently \$22,050 for a family of four (100%). I urge the creation of a Decent Living Standard Threshold to determine the amount of annual income that would allow an individual to live beyond deprivation at a safe and decent, but modest, standard of living.

The housing crisis lies at the center of the economic problems we face today. After the series of TARP bills, the Congress has just found out that bank executives have used over \$100 million in TARP funds to pay for executive bonuses and other forms of compensation. I urge the President to reverse

eight years of underfunding of the nation's affordable housing programs and we are pleased that the Administration has proposed a HUD budget that increases funding for the Department by 19 percent. I urge the President to match this aggressive budget authorization and to support large investments into the Community and Regional Development and the Income Security functions in order to account for increases in Affordable Housing programs.

Specifically, the President should consider including the necessary budget authority to fund the Section 8 public housing operating subsidy at 100% of need. In addition, the President must also consider providing sufficient budget authority for the renewal of all Section 8 vouchers currently in use.

Although the public housing capital fund received an injection of \$4 billion in the recent stimulus package, this only represents 12.5 percent of the estimated \$32 billion backlog in deferred capital needs. The President should include sufficient budget authority to allow housing authorities to address ongoing and deferred maintenance needs.

In addition, I urge the President to support the Administration's proposal to fund the National Affordable Housing Trust Fund at \$1 billion and to fully fund the Community Development Block Grant program. I also urge full funding of HUD's housing programs for the elderly, disabled, and Native Americans, as well as for those programs that prevent homelessness. I support an increase in funding for the Neighborhood Stabilization Program, which allows states, localities, and nonprofits to buy up and rehabilitate abandoned and foreclosed properties.

I urge the President to account for funding efforts to combat and reduce juvenile crime and efforts to rehabilitate ex-offenders. I strenuously urge the full funding of the Second Chance Act, which provides transitional assistance to assist ex-offenders in coping with the challenges of reentry. Removing barriers to reentry has proven to reduce recidivism, which in the long run reduces crime. In addition, the President should account for much needed increases in youth crime intervention programs. Research has shown that targeting funding towards intervention rather than incarceration is more effective at reducing crime and saving the taxpayer money in the long run.

I have long supported efforts to increase funding for the Justice Assistance Program, the Juvenile Justice Program, Civil Rights Enforcement, the COPS Program, the Byrne Justice Grant Program, and State and Local Law Enforcement Assistance. I urge the President to account for sustaining many of the important increases for these programs that was included in the American Recovery and Reinvestment Act.

As the Chairwoman of the Children's Caucus, I support the President's efforts to reform and expand the Pell Grant program. Pell Grants are way to make education affordable to disadvantaged youth. This is very important to me.

I would like to see continued and sustained increases in education funding, especially for Title I and IDEA. Even though Congress is to consider the reauthorization of the No Child

Left Behind Act this year, the Budget Committee should still account for the need to address the substantial funding shortfalls of this program over the last eight years. The American Recovery and Reinvestment Act made substantial increases, but I urge the President to account for sustaining many of these new investments.

The President must also account for needed increases in funding for Head Start, TRIO (including Upward Bound), GEAR UP, Youth Build, and vocational education programs. In addition, I urge the President to account for funding for expanded grants to states for workplace and community transition as authorized in the Higher Education Opportunity Act. These grants will better assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills.

I urge this body to account for fully funding the historic increases in funding for Historically Black Colleges and Universities and Minority Serving Institutions authorized in the Higher Education Act reauthorization enacted last year.

I support the President's efforts at increasing spending for infrastructural projects. The President's priorities are reminiscent of the New Deal where this country invested in building up our Nation. The President has made a significant effort at achieving this by his signing of HR 1, the Stimulus Act.

In the Stimulus Act, the President authorized money to be spent on infrastructural projects that were shovel ready, i.e., ready to be started within 120 days. I know that America could use this money.

Indeed, Houston would benefit. Houston's Metro Rail needs to complete its RAIL service in certain quadrants of Houston. The project has been twenty years in the making. I have worked with Leadership and Chairman OBERSTAR to ensure that METRO Rail projects get the funding that they need to be completed.

Completion of this mobility project would decrease congestion and pollution as Houstonians would travel via rail instead of using their cars. This would increase Houston mobility and the health of Houstonians as they would be forced to walk around instead of using their private transport.

The House Budget Committee has shown a commitment to increased funding for the Department of Veterans Affairs. I commend the President's budget for including a \$25 billion above baseline increase for the VA over the next five years.

Other Priorities: Fully fund the Community Development Block Grant;

Increased funding for the Public Housing Capital Fund to continue to address eight years of stagnant funding under the Bush Administration; fully fund the Child Care and Development Block Grant; fully fund the Social Services Block Grant; increased funding for HOPE VI; fully fund the Neighborhood Stabilization Program; increased funding for the Affordable Housing Trust Fund; support for the creation of a National Infrastructure Bank; continued funding for Hurricane Katrina recovery and rebuilding efforts; increased funding for the Environmental Justice Small Grants Program; increased funding for the National Un-

derground Railroad Network to Freedom program at the National Park Service. This is important to me. I worked to get funding for urban parks in the Stimulus bill. This increases the health and overall well being of constituents. It is necessary in urban meccas like Houston.

The CHAIR. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PERLMUTTER) having assumed the chair, Mrs. TAUSCHER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, had come to no resolution thereon.

GENERAL LEAVE

Mr. SPRATT. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on H. Con. Res. 85.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 85.

□ 1329

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of the concurrent resolution is as follows:

H. CON. RES. 85

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal year 2009 and for fiscal years 2011 through 2014.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House.

Sec. 202. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for health care reform.

Sec. 302. Deficit-neutral reserve fund for college access, affordability, and completion.

Sec. 303. Deficit-neutral reserve fund for increasing energy independence.

Sec. 304. Deficit-neutral reserve fund for America's veterans and servicemembers.

Sec. 305. Deficit-neutral reserve fund for certain tax relief.

Sec. 306. Deficit-neutral reserve fund for a 9/11 health program.

Sec. 307. Deficit-neutral reserve fund for child nutrition.

Sec. 308. Deficit-neutral reserve fund for structural unemployment insurance reforms.

Sec. 309. Deficit-neutral reserve fund for child support.

Sec. 310. Deficit-neutral reserve fund for the Affordable Housing Trust Fund.

Sec. 311. Deficit-neutral reserve fund for home visiting.

Sec. 312. Deficit-neutral reserve fund for Low-Income Home Energy Assistance Program trigger.

Sec. 313. Reserve fund for the Surface Transportation Reauthorization.

Sec. 314. Current policy reserve fund for Medicare improvements.

Sec. 315. Current policy reserve fund for middle class tax relief.

Sec. 316. Current policy reserve fund for reform of the alternative minimum tax (AMT).

Sec. 317. Current policy reserve fund for reform of the Estate and Gift Tax.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Adjustments for direct spending and revenues.

Sec. 402. Adjustments to discretionary spending limits.

Sec. 403. Point of order against advance appropriations.

Sec. 404. Oversight of Government performance.

Sec. 405. Budgetary treatment of certain discretionary administrative expenses.

Sec. 406. Application and effect of changes in allocations and aggregates.

Sec. 407. Adjustments to reflect changes in concepts and definitions.

Sec. 408. Exercise of rulemaking powers.

TITLE V—POLICY

Sec. 501. Policy on middle-class tax relief and revenues.

Sec. 502. Policy on defense priorities.

TITLE VI—SENSE OF THE HOUSE

Sec. 601. Sense of the House on veterans' and servicemembers' health care.

Sec. 602. Sense of the House on homeland security.

Sec. 603. Sense of the House on promoting American innovation and economic competitiveness.

Sec. 604. Sense of the House regarding pay parity.

Sec. 605. Sense of the House on college affordability.

Sec. 606. Sense of the House on Great Lakes restoration.

Sec. 607. Sense of the House regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,532,571,000,000.

Fiscal year 2010: \$1,659,525,000,000.

Fiscal year 2011: \$1,933,072,000,000.

Fiscal year 2012: \$2,190,099,000,000.

Fiscal year 2013: \$2,361,429,000,000.

Fiscal year 2014: \$2,507,846,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0.

Fiscal year 2010: -\$6,461,000,000.

Fiscal year 2011: -\$155,559,000,000.

Fiscal year 2012: -\$170,294,000,000.

Fiscal year 2013: -\$153,908,000,000.

Fiscal year 2014: -\$125,832,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,675,133,000,000.

Fiscal year 2010: \$2,892,061,000,000.

Fiscal year 2011: \$2,866,329,000,000.

Fiscal year 2012: \$2,913,316,000,000.

Fiscal year 2013: \$3,095,704,000,000.

Fiscal year 2014: \$3,286,135,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,357,255,000,000.

Fiscal year 2010: \$2,996,234,000,000.

Fiscal year 2011: \$2,981,872,000,000.

Fiscal year 2012: \$2,939,612,000,000.

Fiscal year 2013: \$3,093,577,000,000.

Fiscal year 2014: \$3,261,525,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: \$1,824,684,000,000.

Fiscal year 2010: \$1,336,709,000,000.

Fiscal year 2011: \$1,048,800,000,000.

Fiscal year 2012: \$749,513,000,000.

Fiscal year 2013: \$732,148,000,000.

Fiscal year 2014: \$753,679,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,017,000,000,000.

Fiscal year 2010: \$13,223,000,000,000.

Fiscal year 2011: \$14,350,000,000,000.

Fiscal year 2012: \$15,276,000,000,000.

Fiscal year 2013: \$16,162,000,000,000.

Fiscal year 2014: \$17,100,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,730,000,000,000.

Fiscal year 2010: \$8,768,000,000,000.

Fiscal year 2011: \$9,684,000,000,000.

Fiscal year 2012: \$10,344,000,000,000.

Fiscal year 2013: \$10,934,000,000,000.

Fiscal year 2014: \$11,577,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2009:

(A) New budget authority, \$618,057,000,000.

(B) Outlays, \$646,810,000,000.

Fiscal year 2010:

(A) New budget authority, \$562,033,000,000.

(B) Outlays, \$606,043,000,000.

Fiscal year 2011:

(A) New budget authority, \$570,107,000,000.

(B) Outlays, \$587,945,000,000.

Fiscal year 2012:

(A) New budget authority, \$579,135,000,000.

(B) Outlays, \$576,023,000,000.

Fiscal year 2013:

(A) New budget authority, \$589,895,000,000.

(B) Outlays, \$584,670,000,000.

Fiscal year 2014:

(A) New budget authority, \$603,828,000,000.

(B) Outlays, \$595,476,000,000.

(2) International Affairs (150):

Fiscal year 2009:

(A) New budget authority, \$40,885,000,000.

(B) Outlays, \$37,797,000,000.

Fiscal year 2010:

(A) New budget authority, \$45,320,000,000.

(B) Outlays, \$43,461,000,000.

Fiscal year 2011:

(A) New budget authority, \$49,146,000,000.

(B) Outlays, \$48,642,000,000.

Fiscal year 2012:

(A) New budget authority, \$53,742,000,000.

(B) Outlays, \$52,123,000,000.

Fiscal year 2013:

(A) New budget authority, \$59,160,000,000.

(B) Outlays, \$55,773,000,000.

Fiscal year 2014:

(A) New budget authority, \$64,388,000,000.

(B) Outlays, \$59,292,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2009:

(A) New budget authority, \$35,389,000,000.

(B) Outlays, \$30,973,000,000.

Fiscal year 2010:

(A) New budget authority, \$31,139,000,000.

(B) Outlays, \$32,467,000,000.

Fiscal year 2011:

(A) New budget authority, \$31,493,000,000.

(B) Outlays, \$32,407,000,000.

Fiscal year 2012:

(A) New budget authority, \$33,373,000,000.

(B) Outlays, \$32,465,000,000.

Fiscal year 2013:

(A) New budget authority, \$34,419,000,000.

(B) Outlays, \$33,614,000,000.

Fiscal year 2014:

(A) New budget authority, \$35,686,000,000.

(B) Outlays, \$34,835,000,000.

(4) Energy (270):

Fiscal year 2009:

(A) New budget authority, \$43,919,000,000.

(B) Outlays, \$2,952,000,000.

Fiscal year 2010:

(A) New budget authority, \$5,489,000,000.

(B) Outlays, \$7,267,000,000.

Fiscal year 2011:

(A) New budget authority, \$5,539,000,000.

(B) Outlays, \$11,322,000,000.

Fiscal year 2012:

(A) New budget authority, \$5,732,000,000.

(B) Outlays, \$13,400,000,000.

Fiscal year 2013:

(A) New budget authority, \$6,098,000,000.

(B) Outlays, \$12,133,000,000.

Fiscal year 2014:

(A) New budget authority, \$6,227,000,000.

(B) Outlays, \$10,512,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2009:

(A) New budget authority, \$56,009,000,000.

(B) Outlays, \$36,834,000,000.

Fiscal year 2010:

(A) New budget authority, \$37,387,000,000.

(B) Outlays, \$40,450,000,000.

Fiscal year 2011:

(A) New budget authority, \$38,600,000,000.

(B) Outlays, \$40,237,000,000.

Fiscal year 2012:

(A) New budget authority, \$39,249,000,000.

(B) Outlays, \$40,058,000,000.

Fiscal year 2013:

(A) New budget authority, \$39,348,000,000.

(B) Outlays, \$39,754,000,000.

Fiscal year 2014:

(A) New budget authority, \$40,017,000,000.

(B) Outlays, \$39,957,000,000.

(6) Agriculture (350):

Fiscal year 2009:

(A) New budget authority, \$24,974,000,000.

(B) Outlays, \$23,070,000,000.

Fiscal year 2010:

(A) New budget authority, \$23,690,000,000.

(B) Outlays, \$23,951,000,000.

Fiscal year 2011:

(A) New budget authority, \$24,691,000,000.

(B) Outlays, \$23,998,000,000.

Fiscal year 2012:

(A) New budget authority, \$21,644,000,000.

(B) Outlays, \$17,540,000,000.

Fiscal year 2013:

(A) New budget authority, \$22,497,000,000.

(B) Outlays, \$22,063,000,000.

Fiscal year 2014:

(A) New budget authority, \$23,182,000,000.

(B) Outlays, \$22,150,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2009:

(A) New budget authority, \$694,439,000,000.

(B) Outlays, \$665,437,000,000.

Fiscal year 2010:

(A) New budget authority, \$60,933,000,000.

(B) Outlays, \$85,638,000,000.

Fiscal year 2011:

(A) New budget authority, \$26,181,000,000.

(B) Outlays, \$37,954,000,000.

Fiscal year 2012:

(A) New budget authority, \$9,561,000,000.

(B) Outlays, \$8,645,000,000.

Fiscal year 2013:

(A) New budget authority, \$17,247,000,000.

(B) Outlays, \$5,585,000,000.

Fiscal year 2014:

(A) New budget authority, \$11,226,000,000.

(B) Outlays, -\$2,500,000,000.

(8) Transportation (400):

Fiscal year 2009:

(A) New budget authority, \$122,457,000,000.

(B) Outlays, \$87,784,000,000.

Fiscal year 2010:

(A) New budget authority, \$88,151,000,000.

(B) Outlays, \$95,695,000,000.

Fiscal year 2011:

(A) New budget authority, \$89,071,000,000.

(B) Outlays, \$96,474,000,000.

Fiscal year 2012:

(A) New budget authority, \$90,047,000,000.

(B) Outlays, \$95,851,000,000.

Fiscal year 2013:

(A) New budget authority, \$90,866,000,000.

(B) Outlays, \$96,150,000,000.

Fiscal year 2014:

(A) New budget authority, \$91,809,000,000.

(B) Outlays, \$96,793,000,000.

(9) Community and Regional Development (450):

Fiscal year 2009:

(A) New budget authority, \$23,811,000,000.

<p>(B) Outlays, \$29,983,000,000. Fiscal year 2010: (A) New budget authority, \$18,308,000,000. (B) Outlays, \$29,303,000,000. Fiscal year 2011: (A) New budget authority, \$21,232,000,000. (B) Outlays, \$27,530,000,000. Fiscal year 2012: (A) New budget authority, \$21,311,000,000. (B) Outlays, \$25,722,000,000. Fiscal year 2013: (A) New budget authority, \$21,202,000,000. (B) Outlays, \$24,155,000,000. Fiscal year 2014: (A) New budget authority, \$21,270,000,000. (B) Outlays, \$22,752,000,000. (10) Education, Training, Employment, and Social Services (500): Fiscal year 2009: (A) New budget authority, \$164,276,000,000. (B) Outlays, \$73,219,000,000. Fiscal year 2010: (A) New budget authority, \$93,689,000,000. (B) Outlays, \$140,300,000,000. Fiscal year 2011: (A) New budget authority, \$107,858,000,000. (B) Outlays, \$141,108,000,000. Fiscal year 2012: (A) New budget authority, \$117,121,000,000. (B) Outlays, \$118,391,000,000. Fiscal year 2013: (A) New budget authority, \$115,931,000,000. (B) Outlays, \$118,888,000,000. Fiscal year 2014: (A) New budget authority, \$125,788,000,000. (B) Outlays, \$120,959,000,000. (11) Health (550): Fiscal year 2009: (A) New budget authority, \$380,158,000,000. (B) Outlays, \$354,397,000,000. Fiscal year 2010: (A) New budget authority, \$383,911,000,000. (B) Outlays, \$388,746,000,000. Fiscal year 2011: (A) New budget authority, \$364,910,000,000. (B) Outlays, \$367,628,000,000. Fiscal year 2012: (A) New budget authority, \$369,852,000,000. (B) Outlays, \$368,556,000,000. Fiscal year 2013: (A) New budget authority, \$389,719,000,000. (B) Outlays, \$384,359,000,000. Fiscal year 2014: (A) New budget authority, \$400,451,000,000. (B) Outlays, \$400,173,000,000. (12) Medicare (570): Fiscal year 2009: (A) New budget authority, \$427,076,000,000. (B) Outlays, \$426,736,000,000. Fiscal year 2010: (A) New budget authority, \$449,653,000,000. (B) Outlays, \$449,784,000,000. Fiscal year 2011: (A) New budget authority, \$505,171,000,000. (B) Outlays, \$504,962,000,000. Fiscal year 2012: (A) New budget authority, \$513,824,000,000. (B) Outlays, \$513,591,000,000. Fiscal year 2013: (A) New budget authority, \$558,235,000,000. (B) Outlays, \$558,381,000,000. Fiscal year 2014: (A) New budget authority, \$616,315,000,000. (B) Outlays, \$616,150,000,000. (13) Income Security (600): Fiscal year 2009: (A) New budget authority, \$520,123,000,000. (B) Outlays, \$503,020,000,000. Fiscal year 2010: (A) New budget authority, \$536,169,000,000. (B) Outlays, \$539,918,000,000. Fiscal year 2011: (A) New budget authority, \$510,575,000,000. (B) Outlays, \$513,410,000,000.</p>	<p>Fiscal year 2012: (A) New budget authority, \$478,039,000,000. (B) Outlays, \$478,323,000,000. Fiscal year 2013: (A) New budget authority, \$483,386,000,000. (B) Outlays, \$482,745,000,000. Fiscal year 2014: (A) New budget authority, \$485,396,000,000. (B) Outlays, \$483,758,000,000. (14) Social Security (650): Fiscal year 2009: (A) New budget authority, \$31,820,000,000. (B) Outlays, \$31,264,000,000. Fiscal year 2010: (A) New budget authority, \$20,255,000,000. (B) Outlays, \$20,378,000,000. Fiscal year 2011: (A) New budget authority, \$23,380,000,000. (B) Outlays, \$23,513,000,000. Fiscal year 2012: (A) New budget authority, \$26,478,000,000. (B) Outlays, \$26,628,000,000. Fiscal year 2013: (A) New budget authority, \$29,529,000,000. (B) Outlays, \$29,679,000,000. Fiscal year 2014: (A) New budget authority, \$32,728,000,000. (B) Outlays, \$32,728,000,000. (15) Veterans Benefits and Services (700): Fiscal year 2009: (A) New budget authority, \$97,705,000,000. (B) Outlays, \$94,831,000,000. Fiscal year 2010: (A) New budget authority, \$106,365,000,000. (B) Outlays, \$105,468,000,000. Fiscal year 2011: (A) New budget authority, \$112,842,000,000. (B) Outlays, \$112,386,000,000. Fiscal year 2012: (A) New budget authority, \$108,702,000,000. (B) Outlays, \$108,103,000,000. Fiscal year 2013: (A) New budget authority, \$113,803,000,000. (B) Outlays, \$113,151,000,000. Fiscal year 2014: (A) New budget authority, \$116,021,000,000. (B) Outlays, \$115,480,000,000. (16) Administration of Justice (750): Fiscal year 2009: (A) New budget authority, \$55,783,000,000. (B) Outlays, \$49,853,000,000. Fiscal year 2010: (A) New budget authority, \$52,857,000,000. (B) Outlays, \$51,630,000,000. Fiscal year 2011: (A) New budget authority, \$53,892,000,000. (B) Outlays, \$55,503,000,000. Fiscal year 2012: (A) New budget authority, \$53,738,000,000. (B) Outlays, \$55,441,000,000. Fiscal year 2013: (A) New budget authority, \$53,569,000,000. (B) Outlays, \$54,526,000,000. Fiscal year 2014: (A) New budget authority, \$54,247,000,000. (B) Outlays, \$54,058,000,000. (17) General Government (800): Fiscal year 2009: (A) New budget authority, \$30,405,000,000. (B) Outlays, \$24,629,000,000. Fiscal year 2010: (A) New budget authority, \$21,979,000,000. (B) Outlays, \$22,757,000,000. Fiscal year 2011: (A) New budget authority, \$22,316,000,000. (B) Outlays, \$23,147,000,000. Fiscal year 2012: (A) New budget authority, \$22,737,000,000. (B) Outlays, \$23,795,000,000. Fiscal year 2013: (A) New budget authority, \$22,750,000,000. (B) Outlays, \$23,492,000,000. Fiscal year 2014: (A) New budget authority, \$23,415,000,000.</p>	<p>(B) Outlays, \$23,629,000,000. (18) Net Interest (900): Fiscal year 2009: (A) New budget authority, \$288,955,000,000. (B) Outlays, \$288,955,000,000. Fiscal year 2010: (A) New budget authority, \$284,085,000,000. (B) Outlays, \$284,085,000,000. Fiscal year 2011: (A) New budget authority, \$323,266,000,000. (B) Outlays, \$323,266,000,000. Fiscal year 2012: (A) New budget authority, \$387,483,000,000. (B) Outlays, \$387,483,000,000. Fiscal year 2013: (A) New budget authority, \$470,452,000,000. (B) Outlays, \$470,452,000,000. Fiscal year 2014: (A) New budget authority, \$560,137,000,000. (B) Outlays, \$560,137,000,000. (19) Allowances (920): Fiscal year 2009: (A) New budget authority, \$14,450,000,000. (B) Outlays, \$1,788,000,000. Fiscal year 2010: (A) New budget authority, \$9,422,000,000. (B) Outlays, \$4,893,000,000. Fiscal year 2011: (A) New budget authority, \$8,052,000,000. (B) Outlays, \$5,903,000,000. Fiscal year 2012: (A) New budget authority, \$6,518,000,000. (B) Outlays, \$4,750,000,000. Fiscal year 2013: (A) New budget authority, \$5,543,000,000. (B) Outlays, \$4,122,000,000. Fiscal year 2014: (A) New budget authority, \$3,865,000,000. (B) Outlays, \$2,962,000,000. (20) Undistributed Offsetting Receipts (950): Fiscal year 2009: (A) New budget authority, -\$78,206,000,000. (B) Outlays, -\$78,206,000,000. Fiscal year 2010: (A) New budget authority, -\$68,774,000,000. (B) Outlays, -\$68,774,000,000. Fiscal year 2011: (A) New budget authority, -\$71,993,000,000. (B) Outlays, -\$71,993,000,000. Fiscal year 2012: (A) New budget authority, -\$74,970,000,000. (B) Outlays, -\$74,970,000,000. Fiscal year 2013: (A) New budget authority, -\$77,945,000,000. (B) Outlays, -\$77,945,000,000. Fiscal year 2014: (A) New budget authority, -\$79,861,000,000. (B) Outlays, -\$79,861,000,000. (21) Overseas Deployments and Other Activities (970): Fiscal year 2009: (A) New budget authority, \$82,648,000,000. (B) Outlays, \$25,129,000,000. Fiscal year 2010: (A) New budget authority, \$130,000,000,000. (B) Outlays, \$92,774,000,000. Fiscal year 2011: (A) New budget authority, \$50,000,000,000. (B) Outlays, \$76,530,000,000. Fiscal year 2012: (A) New budget authority, \$50,000,000,000. (B) Outlays, \$67,694,000,000. Fiscal year 2013: (A) New budget authority, \$50,000,000,000. (B) Outlays, \$57,830,000,000. Fiscal year 2014: (A) New budget authority, \$50,000,000,000. (B) Outlays, \$52,085,000,000.</p>
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TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE.

(a) HEALTH CARE REFORM.—

(1) Not later than September 29, 2009, the House Committee on Energy and Commerce shall report changes in laws to reduce the

deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(2) Not later than September 29, 2009, the House Committee on Ways and Means shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) **INVESTING IN EDUCATION.**—Not later than September 30, 2009, the House Committee on Education and Labor shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) **SINGLE ENGROSSMENT.**—The House may direct the Clerk to add at the end of a bill addressed by this section the text of another measure addressed by this section as passed by the House to form a single engrossed reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

SEC. 202. RECONCILIATION IN THE SENATE.

(Senate reconciliation instructions to be supplied by the Senate.)

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes improvements to health care in America, which may include making affordable health coverage available for all, improving the quality of health care, reducing rising health care costs, building on and strengthening existing public and private insurance coverage, including employer-sponsored coverage, and preserving choice of provider and plan by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR COLLEGE ACCESS, AFFORDABILITY, AND COMPLETION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible or that increases college enrollment and completion through reforms to the Higher Education Act of 1965 or other legislation, including increasing the maximum Pell grant award annually by an amount equal to one percentage point more than the Consumer Price Index, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASING ENERGY INDEPENDENCE.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency;

(2) encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration;

(3) limits and provides for reductions in greenhouse gas emissions;

(4) assists businesses, industries, States, communities, the environment, workers, or households as the United States moves to-

ward reducing and offsetting the impacts of greenhouse gas emissions; or

(5) facilitates the training of workers for these industries ("green collar jobs"); by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) enhances health care for military personnel or veterans;

(2) maintains the affordability of health care for military retirees or veterans;

(3) improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process;

(4) expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay (concurrent receipt); or

(5) eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation; and does not authorize the Department of Veterans Affairs (VA) to bill private insurance companies for treatment of health conditions that are related to veterans' military service, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN TAX RELIEF.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief that supports working families, businesses, States, or communities, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes, expands, or improves child nutrition programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STRUCTURAL UNEMPLOYMENT INSURANCE REFORMS.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes structural reforms to make the unemployment insurance system respond better to serious economic downturns by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that increases parental support for children, particularly from non-custodial parents, including legislation that results in a greater share of collected child support reaching the child, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR THE AFFORDABLE HOUSING TRUST FUND.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that capitalizes the existing Affordable Housing Trust Fund by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITING.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides funds to states for a program or programs of home visits to low-income mothers-to-be and low-income families which will produce sizeable, sustained improvements in the health and well-being of children and their parents, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM TRIGGER.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes the Low-Income Home Energy Assistance Program more responsive to energy price increases by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 313. RESERVE FUND FOR THE SURFACE TRANSPORTATION REAUTHORIZATION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this

resolution for any bill, joint resolution, amendment, or conference report that reauthorizes surface transportation programs or that authorizes other transportation-related spending by providing new contract authority by the amounts provided in such measure if such measure establishes or maintains a solvent Highway Trust Fund over the period of fiscal years 2009 through 2015. "Solvency" is defined as a positive cash balance. Such measure may include a transfer into the Highway Trust Fund from other Federal funds, as long as the transfer of Federal funds is fully offset.

SEC. 314. CURRENT POLICY RESERVE FUND FOR MEDICARE IMPROVEMENTS.

(a) PROCEDURE.—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would increase outlays by an amount not to exceed \$87,290,000,000 in fiscal years 2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$284,970,000,000 in fiscal years 2010 through 2019 by reforming the Medicare payment system for physicians to—

(1) change incentives to encourage efficiency and higher quality care in a way that supports fiscal sustainability;

(2) improve payment accuracy to encourage efficient use of resources and ensure that primary care receives appropriate compensation;

(3) improve coordination of care among all providers serving a patient in all appropriate settings; or

(4) hold providers accountable for their utilization patterns and quality of care.

(b) APPLICABILITY.—For the purposes of section 401(a) of this resolution, the revisions made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 315. CURRENT POLICY RESERVE FUND FOR MIDDLE CLASS TAX RELIEF.

(a) PROCEDURE.—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would decrease revenues (or increase outlays, as appropriate) by an amount not to exceed \$698,571,000,000 in fiscal years 2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$1,848,523,000,000 in fiscal years 2010 through 2019, by extending certain provisions of the Internal Revenue Code of 1986 for middle class tax relief, including the—

(1) 10 percent individual income tax bracket;

(2) marriage penalty relief;

(3) child credit at \$1,000 and partial refundability of the credit;

(4) education incentives;

(5) other incentives for middle class families and children;

(6) other reductions to individual income tax brackets; and

(7) small business tax relief.

(b) APPLICABILITY.—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 316. CURRENT POLICY RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX (AMT).

(a) PROCEDURE.—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would decrease revenues by an amount not to exceed \$68,650,000,000 in fiscal years 2010 through 2014 and fiscal years 2010 through 2019 by reforming the AMT so that tens of millions of working families will not become subject to it.

(b) APPLICABILITY.—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 317. CURRENT POLICY RESERVE FUND FOR REFORM OF THE ESTATE AND GIFT TAX.

(a) PROCEDURE.—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would decrease revenues by an amount not to exceed \$72,033,000,000 in fiscal years 2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$256,244,000,000 in fiscal years 2010 through 2019 by reforming the Estate and Gift Tax so that only a minute fraction of estates owe tax, by extending the law as in effect in 2009 for the Estate and Gift Tax.

(b) APPLICABILITY.—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. ADJUSTMENTS FOR DIRECT SPENDING AND REVENUES.

(a) ADJUSTMENTS TO MAINTAIN CURRENT POLICY.—

(1) Subject to the condition specified in paragraph (3), when the chairman of the Committee on the Budget evaluates the budgetary effects of a provision in any bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives relative to baseline estimates that are consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, he shall exclude from his evaluation the budgetary effects of such provision if such effects would have been reflected in a baseline adjusted to maintain current policy.

(2) Paragraph (1) applies only to a provision with respect to which the chairman of the Committee on the Budget has exercised his authority to make budgetary adjustments under sections 314, 315, 316, and 317 of this resolution.

(3) Paragraph (1) shall apply only if the House of Representatives has previously passed a bill to impose statutory pay-as-you-go requirements, or the measure containing the provision being evaluated by the chairman of the Committee on the Budget imposes such requirements, and only if such bill is designated as providing statutory pay-as-you-go requirements under this subsection.

(b) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—Prior to consideration of a bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$3,200,000,000 in funding for the Low-Income Home Energy Assistance program and provides additional appropriations of up to \$1,900,000,000 for that program, then the

chairman of the Committee on the Budget may revise the budgetary treatment of such additional amounts and allocate such additional budget authority and outlays resulting from that budget authority to the Committee on Appropriations.

(c) DEPOSIT INSURANCE.—When the chairman of the Budget Committee evaluates the budgetary effects of a provision of a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives, the chairman shall exclude the budgetary effects of any provision that affects the full funding of the deposit insurance guarantee commitment in effect on the date of enactment of Public Law 110-343, the Emergency Economic Stabilization Act of 2008.

SEC. 402. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) PROGRAM INTEGRITY INITIATIVES.—

(1) SOCIAL SECURITY ADMINISTRATION PROGRAM INTEGRITY INITIATIVES.—

(A) IN GENERAL.—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration and (except as provided in subparagraph (B)) provides an additional appropriation of up to \$485,000,000, and that amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(B) ASSET VERIFICATION.—The additional appropriation of \$485,000,000 may also provide that a portion of that amount, not to exceed \$34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (A).

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$5,117,000,000 to the Internal Revenue Service for Enforcement and provides an additional appropriation of up to \$387,000,000 for Enforcement to address the Federal tax gap, and provides that such sums as may be necessary shall be available from the Operations Support account in the Internal Revenue Service to fully support these Enforcement activities, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates up to \$311,000,000, and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—Prior to consideration

of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to \$50,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(5) **PARTNERSHIP FUND FOR PROGRAM INTEGRITY INNOVATION.**—Prior to consideration of any bill, joint resolution, amendment, or conference report that provides discretionary budget authority for a Partnership Fund for Program Integrity Innovation in the Office of Management and Budget in an amount not to exceed \$175,000,000 for fiscal year 2010 and that designates the amount for the Partnership Fund for Program Integrity Innovation in the Office of Management and Budget, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(6) **PROCEDURE FOR ADJUSTMENTS.**—Prior to consideration of any bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in this subsection for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in this subsection.

(b) **COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.**—

(1) **OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.**—If any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009 or fiscal year 2010 for overseas deployments and related activities and such amounts are so designated pursuant to this subparagraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

(2) **EMERGENCY NEEDS.**—If any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs, then new budget authority and outlays resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

SEC. 403. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) **EXCEPTIONS.**—An advance appropriation may be provided for fiscal year 2011 for programs, projects, activities, or accounts identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for 2012, accounts separately identified under the same heading.

(c) **DEFINITION.**—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 404. OVERSIGHT OF GOVERNMENT PERFORMANCE.

All committees are encouraged to conduct rigorous oversight hearings to root out waste, fraud, and abuse in all aspects of Federal spending and Government operations, giving particular scrutiny to issues raised by the Federal Office of the Inspector General or the Comptroller General of the United States. Based upon these oversight efforts, the committees are encouraged to make recommendations to reduce wasteful Federal spending to promote deficit reduction and long-term fiscal responsibility. Such recommendations should be submitted to the Committee on the Budget in the views and estimates reports prepared by committees as required under 301(d) of the Congressional Budget Act of 1974.

SEC. 405. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) **IN GENERAL.**—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) **SPECIAL RULE.**—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

(d) **ADJUSTMENTS.**—The chairman of the Committee on the Budget may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and

the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 407. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chairman of the Committee on the Budget shall adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 408. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-CLASS TAX RELIEF AND REVENUES.

It is the policy of this resolution to minimize fiscal burdens on working families and their children and grandchildren. It is the policy of this resolution to extend the following tax relief consistent with current policy—

(1) relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law;

(2) middle-class tax relief; and

(3) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit.

In total, this resolution supports the extension of \$1,700,000,000,000 in tax relief to individuals and families relative to current law. This resolution supports additional, deficit-neutral tax relief, including the extension of AMT relief, the research and experimentation tax credit, the deduction for State and local sales taxes, the enactment of a tax credit for school construction bonds, and other tax relief for working families. The cost of enacting such policies may be offset by reforms within the Internal Revenue Code of 1986 that produce higher rates of tax compliance to close the “tax gap” and reduce taxpayer burdens through tax simplification. The President’s budget proposes a variety of other revenue offsets. Unless expressly provided, this resolution does not assume any of the specific revenue offset proposals provided for in the President’s budget. Decisions about specific revenue offsets are made by the Ways and Means Committee, which is the tax-writing committee.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) there is no higher priority than the defense of our Nation, and therefore the Administration and Congress will make the necessary investments and reforms to strengthen our military so that it can successfully meet the threats of the 21st century;

(2) acquisition reform is needed at the Department of Defense to end excessive cost growth in the development of new weapons systems and to ensure that weapons systems are delivered on time and in adequate quantities to equip our servicemen and servicewomen;

(3) the Department of Defense should review defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(4) sufficient resources should be provided for the Department of Defense to aggressively address the 758 unimplemented recommendations made by the Government Accountability Office (GAO) since 2001 to improve practices at the Department of Defense, which could save billions of dollars that could be applied to priorities identified in this section;

(5) the Department of Defense should review the role that contractors play in its operations, including the degree to which contractors are performing inherently governmental functions, to ensure it has the most effective mix of government and contracted personnel;

(6) the Department of Defense report to Congress on its assessment of Cold War-era weaponry, its progress on implementing GAO recommendations, and its review of contractors at the Department as outlined in paragraphs (3), (4), and (5) by a date to be determined by the appropriate committees;

(7) the GAO provide a report to the appropriate congressional committees by December 31, 2009, on the Department of Defense's progress in implementing its audit recommendations;

(8) ballistic missile defense technologies that are not proven to work through adequate testing and that are not operationally viable should not be deployed, and that no funding should be provided for the research or development of space-based interceptors;

(9) cooperative threat reduction and other nonproliferation programs (securing "loose nukes" and other materials used in weapons of mass destruction), which were highlighted as high priorities by the 9/11 Commission, need to be funded at a level that is commensurate with the evolving threat;

(10) readiness of our troops, particularly the National Guard and Reserves, is a high priority, and that continued emphasis is needed to ensure adequate equipment and training;

(11) improving military health care services and ensuring quality health care for returning combat veterans is a high priority;

(12) military pay and benefits should be enhanced to improve the quality of life for military personnel and their families;

(13) the Department of Defense should make every effort to investigate the national security benefits of energy independence, including those that may be associated with alternative energy sources and energy efficiency conversions;

(14) the Administration's budget requests should continue to comply with section 1008, Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and that to the extent practicable overseas military operations should no longer be funded through emergency supplemental appropriations; and

(15) when assessing security threats and reviewing the programs and funding needed to counter these threats, the Administration should do so in a comprehensive manner that includes all agencies involved in our national security.

TITLE VI—SENSE OF THE HOUSE

SEC. 601. SENSE OF THE HOUSE ON VETERANS' AND SERVICEMEMBERS' HEALTH CARE.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the

United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) the President's budget will improve health care for veterans by increasing appropriations for VA by 10 percent more than the 2009 level, increasing VA's appropriated resources for every year after 2010, and restoring health care eligibility to additional non-disabled veterans with modest incomes;

(3) VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service;

(4) VA may find it difficult to realize the level of increase in medical care collections estimated in the President's budget for 2010 using existing authorities; therefore, this resolution provides \$540,000,000 more for Function 700 (Veterans Benefits and Services) than the President's budget to safeguard the provision of health care to veterans;

(5) it is important to continue providing sufficient and timely funding for veterans' and servicemembers' health care; and

(6) this resolution provides additional funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder, and traumatic brain injury.

SEC. 602. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that because making the country safer and more secure is such a critical priority, the resolution therefore provides robust resources in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities that can be used to address our key security priorities, including—

(1) safeguarding the Nation's transportation systems, including rail, mass transit, ports, and airports;

(2) continuing with efforts to identify and to screen for threats bound for the United States;

(3) strengthening border security;

(4) enhancing emergency preparedness and training and equipping first responders;

(5) helping to make critical infrastructure more secure and resilient against the threat of terrorism and natural disasters;

(6) making the Nation's cyber infrastructure resistant to attack; and

(7) increasing the preparedness of the public health system.

SEC. 603. SENSE OF THE HOUSE ON PROMOTING AMERICAN INNOVATION AND ECONOMIC COMPETITIVENESS.

It is the sense of the House that—

(1) the House should provide sufficient investments to enable our Nation to continue to be the world leader in education, innovation, and economic growth as envisioned in the goals of the America COMPETES Act;

(2) this resolution builds on significant funding provided in the American Recovery and Reinvestment Act for scientific research and education in Function 250 (General Science, Space and Technology), Function 270 (Energy), Function 300 (Natural Resources and Environment), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health);

(3) the House also should pursue policies designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future; and

(4) this resolution recognizes the importance of the extension of investments and

tax policies that promote research and development and encourage innovation and future technologies that will ensure American economic competitiveness.

SEC. 604. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 605. SENSE OF THE HOUSE ON COLLEGE AFFORDABILITY.

It is the sense of the House that nothing in this resolution should be construed to reduce any assistance that makes college more affordable and accessible for students, including but not limited to student aid programs and services provided by nonprofit State agencies.

SEC. 606. SENSE OF THE HOUSE ON GREAT LAKES RESTORATION.

It is the sense of the House that this resolution recognizes the importance of funding for an interagency initiative to address regional environmental issues that affect the Great Lakes, and that coordinated planning and implementation among the Federal, State, and local government and nongovernmental stakeholders is essential to more effectively addressing the most significant problems within the Great Lakes basin.

SEC. 607. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

The CHAIR. No amendment to the concurrent resolution is in order except the amendments printed in House Report 111-73. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

□ 1330

AMENDMENT NO. 1 OFFERED BY MS. WOOLSEY

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-73.

Ms. WOOLSEY. Madam Chairman, I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 in the nature of a substitute printed in House Report 111-73 offered by Ms. WOOLSEY:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

Congress declares that the concurrent resolution on the budget for fiscal year 2010 is

hereby established and that the appropriate budgetary levels for fiscal years 2011 through 2019 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2010 through 2019:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2010: \$1,873,257,000,000.
Fiscal year 2011: \$2,212,418,000,000.
Fiscal year 2012: \$2,530,079,000,000.
Fiscal year 2013: \$2,568,867,000,000.
Fiscal year 2014: \$2,651,231,000,000.
Fiscal year 2015: \$2,778,285,000,000.
Fiscal year 2016: \$2,884,437,000,000.
Fiscal year 2017: \$3,000,767,000,000.
Fiscal year 2018: \$3,105,848,000,000.
Fiscal year 2019: \$3,214,880,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2010: \$207,271,000,000.
Fiscal year 2011: \$123,787,000,000.
Fiscal year 2012: \$169,687,000,000.
Fiscal year 2013: \$53,530,000,000.
Fiscal year 2014: \$17,573,000,000.
Fiscal year 2015: \$2,333,000,000.
Fiscal year 2016: –\$12,593,000,000.
Fiscal year 2017: –\$28,218,000,000.
Fiscal year 2018: –\$44,959,000,000.
Fiscal year 2019: –\$64,154,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2010: \$3,624,687,000,000.
Fiscal year 2011: \$3,073,855,000,000.
Fiscal year 2012: \$3,205,250,000,000.
Fiscal year 2013: \$3,458,856,000,000.
Fiscal year 2014: \$3,667,585,000,000.
Fiscal year 2015: \$3,841,631,000,000.
Fiscal year 2016: \$4,054,487,000,000.
Fiscal year 2017: \$4,236,563,000,000.
Fiscal year 2018: \$4,428,912,000,000.
Fiscal year 2019: \$4,701,771,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2010: \$3,394,034,000,000.
Fiscal year 2011: \$3,250,245,000,000.
Fiscal year 2012: \$3,257,052,000,000.
Fiscal year 2013: \$3,455,136,000,000.
Fiscal year 2014: \$3,654,202,000,000.
Fiscal year 2015: \$3,819,843,000,000.
Fiscal year 2016: \$4,032,841,000,000.
Fiscal year 2017: \$4,201,655,000,000.
Fiscal year 2018: \$4,383,317,000,000.
Fiscal year 2019: \$4,662,115,000,000.

(4) **DEFICITS (ON-BUDGET).**—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2010: –\$1,520,777,000,000.
Fiscal year 2011: –\$1,037,828,000,000.
Fiscal year 2012: –\$726,973,000,000.
Fiscal year 2013: –\$886,269,000,000.
Fiscal year 2014: –\$1,002,970,000,000.
Fiscal year 2015: –\$1,041,557,000,000.
Fiscal year 2016: –\$1,148,403,000,000.
Fiscal year 2017: –\$1,200,887,000,000.
Fiscal year 2018: –\$1,277,469,000,000.
Fiscal year 2019: –\$1,447,234,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2010: \$13,623,000,000.

Fiscal year 2011: \$14,753,000,000.
Fiscal year 2012: \$15,719,000,000.
Fiscal year 2013: \$16,798,000,000.
Fiscal year 2014: \$18,048,000,000.
Fiscal year 2015: \$19,341,000,000.
Fiscal year 2016: \$20,726,000,000.
Fiscal year 2017: \$22,167,000,000.
Fiscal year 2018: \$23,082,000,000.
Fiscal year 2019: \$24,774,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2010: \$9,168,000,000.
Fiscal year 2011: \$10,087,000,000.
Fiscal year 2012: \$10,787,000,000.
Fiscal year 2013: \$11,569,000,000.
Fiscal year 2014: \$12,524,000,000.
Fiscal year 2015: \$13,504,000,000.
Fiscal year 2016: \$14,589,000,000.
Fiscal year 2017: \$15,730,000,000.
Fiscal year 2018: \$16,342,000,000.
Fiscal year 2019: \$17,746,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2010 through 2019 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2010:

(A) New budget authority, \$484,913,000,000.
(B) Outlays, \$556,901,000,000.

Fiscal year 2011:

(A) New budget authority, \$490,864,000,000.
(B) Outlays, \$519,644,000,000.

Fiscal year 2012:

(A) New budget authority, \$496,611,000,000.
(B) Outlays, \$498,978,000,000.

Fiscal year 2013:

(A) New budget authority, \$502,421,000,000.
(B) Outlays, \$501,462,000,000.

Fiscal year 2014:

(A) New budget authority, \$510,730,000,000.
(B) Outlays, \$506,373,000,000.

Fiscal year 2015:

(A) New budget authority, \$521,599,000,000.
(B) Outlays, \$515,195,000,000.

Fiscal year 2016:

(A) New budget authority, \$534,444,000,000.
(B) Outlays, \$530,853,000,000.

Fiscal year 2017:

(A) New budget authority, \$547,860,000,000.
(B) Outlays, \$539,662,000,000.

Fiscal year 2018:

(A) New budget authority, \$561,273,000,000.
(B) Outlays, \$548,356,000,000.

Fiscal year 2019:

(A) New budget authority, \$575,711,000,000.
(B) Outlays, \$566,608,000,000.

(2) **International Affairs (150):**

Fiscal year 2010:

(A) New budget authority, \$114,970,000,000.
(B) Outlays, \$73,017,000,000.

Fiscal year 2011:

(A) New budget authority, \$111,536,000,000.
(B) Outlays, \$95,422,000,000.

Fiscal year 2012:

(A) New budget authority, \$116,170,000,000.
(B) Outlays, \$106,351,000,000.

Fiscal year 2013:

(A) New budget authority, \$121,624,000,000.
(B) Outlays, \$114,275,000,000.

Fiscal year 2014:

(A) New budget authority, \$126,909,000,000.
(B) Outlays, \$119,649,000,000.

Fiscal year 2015:

(A) New budget authority, \$132,829,000,000.
(B) Outlays, \$124,896,000,000.

Fiscal year 2016:

(A) New budget authority, \$134,429,000,000.
(B) Outlays, \$127,666,000,000.

Fiscal year 2017:

(A) New budget authority, \$136,053,000,000.
(B) Outlays, \$129,803,000,000.

Fiscal year 2018:

(A) New budget authority, \$137,702,000,000.
(B) Outlays, \$131,638,000,000.

Fiscal year 2019:

(A) New budget authority, \$138,386,000,000.
(B) Outlays, \$133,313,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2010:

(A) New budget authority, \$31,139,000,000.
(B) Outlays, \$32,467,000,000.

Fiscal year 2011:

(A) New budget authority, \$31,493,000,000.
(B) Outlays, \$32,407,000,000.

Fiscal year 2012:

(A) New budget authority, \$33,373,000,000.
(B) Outlays, \$32,465,000,000.

Fiscal year 2013:

(A) New budget authority, \$34,419,000,000.
(B) Outlays, \$33,614,000,000.

Fiscal year 2014:

(A) New budget authority, \$35,686,000,000.
(B) Outlays, \$34,835,000,000.

Fiscal year 2015:

(A) New budget authority, \$37,061,000,000.
(B) Outlays, \$35,852,000,000.

Fiscal year 2016:

(A) New budget authority, \$38,516,000,000.
(B) Outlays, \$37,643,000,000.

Fiscal year 2017:

(A) New budget authority, \$38,934,000,000.
(B) Outlays, \$38,429,000,000.

Fiscal year 2018:

(A) New budget authority, \$39,565,000,000.
(B) Outlays, \$39,063,000,000.

Fiscal year 2019:

(A) New budget authority, \$40,210,000,000.
(B) Outlays, \$39,711,000,000.

(4) **Energy (270):**

Fiscal year 2010:

(A) New budget authority, \$4,489,000,000.
(B) Outlays, \$6,258,000,000.

Fiscal year 2011:

(A) New budget authority, \$34,404,000,000.
(B) Outlays, \$12,806,000,000.

Fiscal year 2012:

(A) New budget authority, \$49,427,000,000.
(B) Outlays, \$22,244,000,000.

Fiscal year 2013:

(A) New budget authority, \$49,619,000,000.
(B) Outlays, \$28,356,000,000.

Fiscal year 2014:

(A) New budget authority, \$49,540,000,000.
(B) Outlays, \$33,827,000,000.

Fiscal year 2015:

(A) New budget authority, \$49,454,000,000.
(B) Outlays, \$37,392,000,000.

Fiscal year 2016:

(A) New budget authority, \$49,374,000,000.
(B) Outlays, \$42,783,000,000.

Fiscal year 2017:

(A) New budget authority, \$49,300,000,000.
(B) Outlays, \$42,783,000,000.

Fiscal year 2018:

(A) New budget authority, \$48,664,000,000.
(B) Outlays, \$45,569,000,000.

Fiscal year 2019:

(A) New budget authority, \$48,096,000,000.
(B) Outlays, \$45,432,000,000.

(5) **Natural Resources and Environment (300):**

Fiscal year 2010:

(A) New budget authority, \$37,267,000,000.
(B) Outlays, \$40,347,000,000.

Fiscal year 2011:

(A) New budget authority, \$38,438,000,000.
(B) Outlays, \$40,102,000,000.

Fiscal year 2012:

(A) New budget authority, \$39,194,000,000.
(B) Outlays, \$39,969,000,000.

Fiscal year 2013:

(A) New budget authority, \$39,288,000,000.
(B) Outlays, \$39,678,000,000.

Fiscal year 2014:

(A) New budget authority, \$39,865,000,000.

(B) Outlays, \$39,837,000,000.
Fiscal year 2015:
(A) New budget authority, \$40,019,000,000.
(B) Outlays, \$39,848,000,000.
Fiscal year 2016:
(A) New budget authority, \$40,790,000,000.
(B) Outlays, \$40,567,000,000.
Fiscal year 2017:
(A) New budget authority, \$41,166,000,000.
(B) Outlays, \$40,981,000,000.
Fiscal year 2018:
(A) New budget authority, \$42,293,000,000.
(B) Outlays, \$40,925,000,000.
Fiscal year 2019:
(A) New budget authority, \$42,960,000,000.
(B) Outlays, \$41,376,000,000.
(6) Agriculture (350):
Fiscal year 2010:
(A) New budget authority, \$23,610,000,000.
(B) Outlays, \$23,871,000,000.
Fiscal year 2011:
(A) New budget authority, \$23,697,000,000.
(B) Outlays, \$23,534,000,000.
Fiscal year 2012:
(A) New budget authority, \$20,494,000,000.
(B) Outlays, \$16,374,000,000.
Fiscal year 2013:
(A) New budget authority, \$20,893,000,000.
(B) Outlays, \$20,464,000,000.
Fiscal year 2014:
(A) New budget authority, \$21,616,000,000.
(B) Outlays, \$20,603,000,000.
Fiscal year 2015:
(A) New budget authority, \$21,016,000,000.
(B) Outlays, \$19,968,000,000.
Fiscal year 2016:
(A) New budget authority, \$21,123,000,000.
(B) Outlays, \$20,225,000,000.
Fiscal year 2017:
(A) New budget authority, \$21,362,000,000.
(B) Outlays, \$20,412,000,000.
Fiscal year 2018:
(A) New budget authority, \$21,967,000,000.
(B) Outlays, \$20,998,000,000.
Fiscal year 2019:
(A) New budget authority, \$22,599,000,000.
(B) Outlays, \$21,455,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2010:
(A) New budget authority, \$311,743,000,000.
(B) Outlays, \$335,449,000,000.
Fiscal year 2011:
(A) New budget authority, \$25,624,000,000.
(B) Outlays, \$37,544,000,000.
Fiscal year 2012:
(A) New budget authority, \$8,132,000,000.
(B) Outlays, \$7,478,000,000.
Fiscal year 2013:
(A) New budget authority, \$15,716,000,000.
(B) Outlays, \$4,304,000,000.
Fiscal year 2014:
(A) New budget authority, \$9,594,000,000.
(B) Outlays, —\$3,892,000,000.
Fiscal year 2015:
(A) New budget authority, \$10,013,000,000.
(B) Outlays, —\$5,730,000,000.
Fiscal year 2016:
(A) New budget authority, \$9,855,000,000.
(B) Outlays, —\$5,609,000,000.
Fiscal year 2017:
(A) New budget authority, \$14,860,000,000.
(B) Outlays, \$27,000,000.
Fiscal year 2018:
(A) New budget authority, \$15,379,000,000.
(B) Outlays, —\$1,512,000,000.
Fiscal year 2019:
(A) New budget authority, \$17,999,000,000.
(B) Outlays, \$4,842,000,000.
(8) Transportation (400):
Fiscal year 2010:
(A) New budget authority, \$75,066,000,000.
(B) Outlays, \$95,695,000,000.
Fiscal year 2011:
(A) New budget authority, \$75,636,000,000.

(B) Outlays, \$96,474,000,000.
Fiscal year 2012:
(A) New budget authority, \$98,462,000,000.
(B) Outlays, \$107,642,000,000.
Fiscal year 2013:
(A) New budget authority, \$119,071,000,000.
(B) Outlays, \$125,386,000,000.
Fiscal year 2014:
(A) New budget authority, \$120,840,000,000.
(B) Outlays, \$134,959,000,000.
Fiscal year 2015:
(A) New budget authority, \$123,757,000,000.
(B) Outlays, \$139,178,000,000.
Fiscal year 2016:
(A) New budget authority, \$126,638,000,000.
(B) Outlays, \$141,433,000,000.
Fiscal year 2017:
(A) New budget authority, \$141,512,000,000.
(B) Outlays, \$150,476,000,000.
Fiscal year 2018:
(A) New budget authority, \$156,430,000,000.
(B) Outlays, \$164,149,000,000.
Fiscal year 2019:
(A) New budget authority, \$171,397,000,000.
(B) Outlays, \$179,113,000,000.
(9) Community and Regional Development (450):
Fiscal year 2010:
(A) New budget authority, \$21,308,000,000.
(B) Outlays, \$29,876,000,000.
Fiscal year 2011:
(A) New budget authority, \$21,232,000,000.
(B) Outlays, \$28,283,000,000.
Fiscal year 2012:
(A) New budget authority, \$21,311,000,000.
(B) Outlays, \$26,559,000,000.
Fiscal year 2013:
(A) New budget authority, \$21,202,000,000.
(B) Outlays, \$24,599,000,000.
Fiscal year 2014:
(A) New budget authority, \$21,270,000,000.
(B) Outlays, \$22,980,000,000.
Fiscal year 2015:
(A) New budget authority, \$16,636,000,000.
(B) Outlays, \$20,935,000,000.
Fiscal year 2016:
(A) New budget authority, \$16,971,000,000.
(B) Outlays, \$19,034,000,000.
Fiscal year 2017:
(A) New budget authority, \$17,313,000,000.
(B) Outlays, \$17,851,000,000.
Fiscal year 2018:
(A) New budget authority, \$17,667,000,000.
(B) Outlays, \$17,433,000,000.
Fiscal year 2019:
(A) New budget authority, \$18,021,000,000.
(B) Outlays, \$17,368,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2010:
(A) New budget authority, \$133,053,000,000.
(B) Outlays, \$154,565,000,000.
Fiscal year 2011:
(A) New budget authority, \$154,265,000,000.
(B) Outlays, \$172,456,000,000.
Fiscal year 2012:
(A) New budget authority, \$164,840,000,000.
(B) Outlays, \$163,698,000,000.
Fiscal year 2013:
(A) New budget authority, \$172,710,000,000.
(B) Outlays, \$168,557,000,000.
Fiscal year 2014:
(A) New budget authority, \$180,538,000,000.
(B) Outlays, \$175,166,000,000.
Fiscal year 2015:
(A) New budget authority, \$184,905,000,000.
(B) Outlays, \$181,800,000,000.
Fiscal year 2016:
(A) New budget authority, \$191,786,000,000.
(B) Outlays, \$187,159,000,000.
Fiscal year 2017:
(A) New budget authority, \$197,379,000,000.
(B) Outlays, \$192,874,000,000.
Fiscal year 2018:

(A) New budget authority, \$202,388,000,000.
(B) Outlays, \$198,073,000,000.
Fiscal year 2019:
(A) New budget authority, \$207,486,000,000.
(B) Outlays, \$203,039,000,000.
(11) Health (550):
Fiscal year 2010:
(A) New budget authority, \$457,065,000,000.
(B) Outlays, \$458,262,000,000.
Fiscal year 2011:
(A) New budget authority, \$449,195,000,000.
(B) Outlays, \$450,767,000,000.
Fiscal year 2012:
(A) New budget authority, \$473,453,000,000.
(B) Outlays, \$471,828,000,000.
Fiscal year 2013:
(A) New budget authority, \$495,022,000,000.
(B) Outlays, \$489,506,000,000.
Fiscal year 2014:
(A) New budget authority, \$518,905,000,000.
(B) Outlays, \$518,537,000,000.
Fiscal year 2015:
(A) New budget authority, \$544,357,000,000.
(B) Outlays, \$541,826,000,000.
Fiscal year 2016:
(A) New budget authority, \$571,489,000,000.
(B) Outlays, \$568,888,000,000.
Fiscal year 2017:
(A) New budget authority, \$605,267,000,000.
(B) Outlays, \$602,522,000,000.
Fiscal year 2018:
(A) New budget authority, \$638,240,000,000.
(B) Outlays, \$635,420,000,000.
Fiscal year 2019:
(A) New budget authority, \$673,957,000,000.
(B) Outlays, \$670,849,000,000.
(12) Medicare (570):
Fiscal year 2010:
(A) New budget authority, \$449,168,000,000.
(B) Outlays, \$449,663,000,000.
Fiscal year 2011:
(A) New budget authority, \$505,060,000,000.
(B) Outlays, \$505,182,000,000.
Fiscal year 2012:
(A) New budget authority, \$513,741,000,000.
(B) Outlays, \$513,808,000,000.
Fiscal year 2013:
(A) New budget authority, \$558,013,000,000.
(B) Outlays, \$558,459,000,000.
Fiscal year 2014:
(A) New budget authority, \$615,870,000,000.
(B) Outlays, \$616,140,000,000.
Fiscal year 2015:
(A) New budget authority, \$646,347,000,000.
(B) Outlays, \$646,087,000,000.
Fiscal year 2016:
(A) New budget authority, \$638,661,000,000.
(B) Outlays, \$635,342,000,000.
Fiscal year 2017:
(A) New budget authority, \$643,767,000,000.
(B) Outlays, \$640,482,000,000.
Fiscal year 2018:
(A) New budget authority, \$649,064,000,000.
(B) Outlays, \$645,615,000,000.
Fiscal year 2019:
(A) New budget authority, \$666,500,000,000.
(B) Outlays, \$662,774,000,000.
(13) Income Security (600):
Fiscal year 2010:
(A) New budget authority, \$628,967,000,000.
(B) Outlays, \$602,778,000,000.
Fiscal year 2011:
(A) New budget authority, \$611,606,000,000.
(B) Outlays, \$603,175,000,000.
Fiscal year 2012:
(A) New budget authority, \$608,287,000,000.
(B) Outlays, \$603,838,000,000.
Fiscal year 2013:
(A) New budget authority, \$618,526,000,000.
(B) Outlays, \$615,949,000,000.
Fiscal year 2014:
(A) New budget authority, \$620,972,000,000.
(B) Outlays, \$617,395,000,000.
Fiscal year 2015:

(A) New budget authority, \$626,055,000,000.
 (B) Outlays, \$622,632,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$638,661,000,000.
 (B) Outlays, \$635,342,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$643,767,000,000.
 (B) Outlays, \$640,482,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$649,064,000,000.
 (B) Outlays, \$645,615,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$666,500,000,000.
 (B) Outlays, \$662,774,000,000.
 (14) Social Security (650):
 Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$35,875,000,000.
 (B) Outlays, \$35,875,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$39,021,000,000.
 (B) Outlays, \$39,021,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$42,449,000,000.
 (B) Outlays, \$42,449,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$46,094,000,000.
 (B) Outlays, \$46,094,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$49,994,000,000.
 (B) Outlays, \$49,994,000,000.
 (15) Veterans Benefits and Services (700):
 Fiscal year 2010:
 (A) New budget authority, \$106,043,000,000.
 (B) Outlays, \$105,412,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$113,588,000,000.
 (B) Outlays, \$113,372,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$108,754,000,000.
 (B) Outlays, \$108,301,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$149,292,000,000.
 (B) Outlays, \$148,847,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$150,628,000,000.
 (B) Outlays, \$150,314,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$152,378,000,000.
 (B) Outlays, \$152,044,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$157,714,000,000.
 (B) Outlays, \$157,603,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$156,141,000,000.
 (B) Outlays, \$156,129,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$154,286,000,000.
 (B) Outlays, \$154,255,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$161,337,000,000.
 (B) Outlays, \$161,244,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2010:
 (A) New budget authority, \$54,299,000,000.
 (B) Outlays, \$52,726,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$55,323,000,000.
 (B) Outlays, \$56,779,000,000.
 Fiscal year 2012:

(A) New budget authority, \$55,159,000,000.
 (B) Outlays, \$56,804,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$54,979,000,000.
 (B) Outlays, \$55,907,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$54,848,000,000.
 (B) Outlays, \$54,948,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$55,776,000,000.
 (B) Outlays, \$55,684,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$56,730,000,000.
 (B) Outlays, \$56,575,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$57,707,000,000.
 (B) Outlays, \$57,512,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$60,517,000,000.
 (B) Outlays, \$60,310,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$62,912,000,000.
 (B) Outlays, \$62,692,000,000.
 (17) General Government (800):
 Fiscal year 2010:
 (A) New budget authority, \$23,137,000,000.
 (B) Outlays, \$23,695,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$23,371,000,000.
 (B) Outlays, \$24,134,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$24,004,000,000.
 (B) Outlays, \$24,972,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$24,018,000,000.
 (B) Outlays, \$24,721,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$24,685,000,000.
 (B) Outlays, \$24,881,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$26,135,000,000.
 (B) Outlays, \$26,140,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$26,954,000,000.
 (B) Outlays, \$26,963,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$27,826,000,000.
 (B) Outlays, \$27,496,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$28,704,000,000.
 (B) Outlays, \$28,314,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$29,679,000,000.
 (B) Outlays, \$29,112,000,000.
 (18) Net Interest (900):
 Fiscal year 2010:
 (A) New budget authority, \$287,050,000,000.
 (B) Outlays, \$287,050,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$328,247,000,000.
 (B) Outlays, \$328,247,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$393,807,000,000.
 (B) Outlays, \$393,807,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$482,392,000,000.
 (B) Outlays, \$482,392,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$584,552,000,000.
 (B) Outlays, \$584,552,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$672,195,000,000.
 (B) Outlays, \$672,195,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$750,106,000,000.
 (B) Outlays, \$750,106,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$823,704,000,000.
 (B) Outlays, \$823,704,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$910,458,000,000.
 (B) Outlays, \$910,458,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$996,787,000,000.

(B) Outlays, \$996,787,000,000.
 (19) Allowances (920):
 Fiscal year 2010:
 (A) New budget authority, \$299,989,000,000.
 (B) Outlays, \$31,654,000,000.
 Fiscal year 2011:
 (A) New budget authority, -\$1,016,000,000.
 (B) Outlays, \$109,350,000,000.
 Fiscal year 2012:
 (A) New budget authority, -\$1,367,000,000.
 (B) Outlays, \$73,953,000,000.
 Fiscal year 2013:
 (A) New budget authority, -\$1,763,000,000.
 (B) Outlays, \$35,147,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$2,040,000,000.
 (B) Outlays, \$19,839,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$2,074,000,000.
 (B) Outlays, \$10,504,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$2,108,000,000.
 (B) Outlays, \$4,320,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$1,943,000,000.
 (B) Outlays, \$241,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$1,978,000,000.
 (B) Outlays, -\$1,338,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$2,015,000,000.
 (B) Outlays, -\$1,594,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2010:
 (A) New budget authority, -\$68,844,000,000.
 (B) Outlays, -\$68,844,000,000.
 Fiscal year 2011:
 (A) New budget authority, -\$72,088,000,000.
 (B) Outlays, -\$72,088,000,000.
 Fiscal year 2012:
 (A) New budget authority, -\$75,080,000,000.
 (B) Outlays, -\$75,080,000,000.
 Fiscal year 2013:
 (A) New budget authority, -\$78,115,000,000.
 (B) Outlays, -\$78,115,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$80,151,000,000.
 (B) Outlays, -\$80,151,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$82,702,000,000.
 (B) Outlays, -\$82,702,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$86,167,000,000.
 (B) Outlays, -\$86,167,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$94,794,000,000.
 (B) Outlays, -\$94,794,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$99,412,000,000.
 (B) Outlays, -\$99,412,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$103,004,000,000.
 (B) Outlays, -\$103,004,000,000.
 (21) Overseas Deployments and Other Activities (970):
 Fiscal year 2010:
 (A) New budget authority, \$130,000,000,000.
 (B) Outlays, \$82,814,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$30,000,000,000.
 (B) Outlays, \$49,142,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$30,000,000,000.
 (B) Outlays, \$36,435,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$30,000,000,000.
 (B) Outlays, \$31,949,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$30,000,000,000.
 (B) Outlays, \$30,682,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$30,000,000,000.
 (B) Outlays, \$30,224,000,000.

Fiscal year 2016:

(A) New budget authority, \$30,000,000,000.

(B) Outlays, \$29,729,000,000.

Fiscal year 2017:

(A) New budget authority, \$30,000,000,000.

(B) Outlays, \$29,729,000,000.

Fiscal year 2018:

(A) New budget authority, \$30,000,000,000.

(B) Outlays, \$29,729,000,000.

Fiscal year 2019:

(A) New budget authority, \$300,000,000,000.

(B) Outlays, \$29,729,000,000.

The CHAIR. The gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Madam Chair, I yield myself 3 minutes.

As we face the huge challenges ahead of us, the financial crisis, wars in two countries, rising unemployment, crumbling infrastructure, lack of affordable health care, high energy prices and global climate change, the budget is the legislation that will address all of these issues at one time. That's why, as co-chair, with Congressman RAÚL GRIJALVA of the Congressional Progressive Caucus, I'm pleased to present the Fiscal Year 2010 Progressive Caucus Budget Alternative.

In November the American people voted to take the country in a new direction, and that is exactly what the CPC budget does, not by making small adjustments, but by fundamentally changing the way our government allocates its resources. That's why the CPC budget eliminates more than \$60 billion in unneeded spending at the Pentagon, much of which is spent on weapons designed to fight the former Soviet Union. Our budget cuts defense spending by a total of \$158 billion in Fiscal Year 2010.

The CPC alternative budget saves another \$8.7 billion a year by fully implementing the nearly 800 outstanding GAO recommendations to reduce waste, fraud and abuse at the DOD.

And finally, we can save another \$90 billion by executing a timely and complete withdrawal of our troops from Iraq.

Our budget restores fairness and balance to the Tax Code by rolling back the Bush tax breaks for the top 1 percent, closing loopholes for corporations that would equal \$100 billion in savings a year, ensuring that Wall Street pays its fair share for the burden placed on taxpayers by the TARP program, and limiting the tax deductibility of excessive CEO pay.

With these offsets, the CPC budget then sets forth an ambitious agenda to address the most pressing matters facing America today. We invest \$991 billion in nondefense discretionary spending for fiscal year 2010, which is \$469 billion over the President's budget. This bold infusion of resources includes \$300 billion in stimulus that was left out of the economic recovery package,

and increases spending for domestic priorities. These investments include: \$120 billion a year to ensure that every American has health care; \$90 billion a year to cut the poverty rate in America by 50 percent; up to \$80 billion a year to rebuild and reinvest in our infrastructure; and an increase of \$60 billion for international assistance for nonmilitary foreign assistance to fight the root causes of terrorism, to support the 21st century diplomacy.

The CHAIR. The time of the gentlewoman has expired.

Ms. WOOLSEY. I yield myself as much time as I may consume. And to meeting basic human needs, universal education and worldwide prevention of HIV/AIDS, TB and malaria.

Thirty billion dollars a year in our budget is for the President's budget to fight global warming and promote energy independence.

Over \$70 billion a year will fully fund the Elementary and Secondary Education Act and IDEA, and \$45 billion a year to make veterans health care an entitlement.

Madam Chair, these are the major priorities of the Progressive Caucus alternative budget, and I urge my colleagues to pay attention to it and to vote for it.

I reserve the balance of my time.

Mr. HENSARLING. Madam Chair, I rise to claim the time in opposition.

The CHAIR. The gentleman from Texas is recognized for 20 minutes.

Mr. HENSARLING. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, first I do want to offer my congratulations to the gentle lady for simply offering the budget. As one who has written budgets before, on behalf of the Republican Study Committee, it is hard, difficult, challenging work, but I know the lady is committed to her set of principles. They are diametrically opposed to mine, but I respect her body of work and her commitment to her philosophy.

Madam Chairman, as we look at this budget and the other Democrat alternatives, frankly, they have a whole lot more in common than they have in their differences. All of these budgets, all of these Democratic budgets, are simply radical. They are radical departures from over 200 years of history in America.

Every single one, Madam Chairman, spends too much. They tax too much, and they borrow too much. We are looking, even prior to the submission of this progressive budget, much less the Democratic-controlled House Budget Committee budget, we were looking at drowning in a sea of red ink. We were looking at entitlement spending simply being out of control.

And don't take my word for it, Madam Chairman. Let's listen to the Federal Reserve. "Without early and meaningful action to address the rapid

growth of entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Listen to our most recent former Comptroller General Walker of the General Accountability Office. "The rising costs of government entitlements are a fiscal cancer, a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America."

Now, Madam Chairman, that was all before the submissions of these budgets. And let's look at the recent history of this Democratic-controlled Congress. Seven hundred billion dollars of bailout money, costing every American household \$6,034. Now, some Members on the other side of the aisle claim the taxpayer is going to get his money back. I hope that proves to be true. As history is my guide, I have some doubts.

A \$1.13 trillion government stimulus plan, not a plan to stimulate the economy, a plan to stimulate big government, costing every American household \$9,810. Madam Chairman, where are they going to get this money? People are losing their jobs. Credit is being contracted. And yet, spending bill after spending bill after spending bill.

Then, Madam Chairman, a \$410 billion omnibus spending bill, costing every American household \$3,534. Now, on top of all this, on top of all this massive spending, we have the single largest budget in American history being proposed, more spending than this Nation has ever seen. More spending than this Nation has ever seen, even with respect to the economy, with the exception of World War II.

These are budgets that are going to impose costs on the average American family of over \$30,000. Again, Madam Chairman, this progressive budget, along with all the other Democratic budgets, spends too much, it taxes too much, and it borrows too much.

Now, Madam Chairman, speaker after speaker has come to the floor to decry the inherited economic mess. There is an economic mess. But our President inherited this economic mess from a Democratic-controlled Congress. When the Republicans were last in control of Congress, the deficit was \$160 billion and falling. And now, just 2 years later, just 2 years later, it was \$1.3 trillion, and the President decided to add on another 500, \$600 billion on top of that. We're looking at an increase in the Federal deficit of tenfold in just 2 years.

And now, Madam Chairman, each one of these Democratic budgets is proposing more debt, more debt in the next 10 years than has been run up in the previous 200 years of our Nation's history, going back to the dawn of the Republic. We have never seen these levels of debt.

Again, Madam Chairman, never in our history have so few voted so fast to

indebt so many and do so little good. As history is my guide, no nation, no nation has ever borrowed or spent its way into prosperity, no matter how they tried. This is simply radical.

Madam Chairman, who ever thought we would see the day where European socialists are lecturing the United States of America about fiscal responsibility. What a topsy-turvy world we live in, Madam Chairman. Never thought we would have seen the day. But now that spectacle is on television.

Madam Chairman, who ever thought we would see the day where our Secretary of State has to go to China and beg them to keep on buying our debt? Even the Chinese, the Communist Chinese, are now lecturing the United States of America about its profligate spending.

Madam Chairman, if any of these Democratic budgets are passed, we will be the first generation in America's history to leave the next generation with less freedom, less opportunity and a lower standard of living. It is unavoidable. And that's why this budget is so radical.

Madam Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chairman, I am honored to yield 3 minutes to the chairman of the Financial Services Committee, BARNEY FRANK of Massachusetts, who is the author of this year's reduction of Cold War weapons in our CPC budget.

Mr. FRANK of Massachusetts. Madam Chairman, I admire the work that's been done by the leadership of the Progressive Caucus and the staff.

Before getting to that I would like to make two, I think, corrections to my friend from Texas. First, I know people on that side have a propensity to see socialists everywhere. But the people who are most lecturing the American Government are the president of France, Nicolas Sarkozy, and the chancellor of Germany, Angela Merkel, two conservatives. So his invocation of socialists lecturing us is a further example of the propensity to see socialists where they are not. In fact, we have not heard that from the British Government, which is run by the Labor Party. But the Gaullist president of France and the Christian Democratic chancellor of Germany would object to being called socialists by my friend from Texas.

Secondly, he says this would be the first administration in history to hand on to the next generation a lower standard of living. No, it won't even be, if that happens, the first administration to do it in this century because the Bush administration has done just that. If you look at what the standard of living was after this terrible economic crisis that came under the Bush administration, we've already hit that goal.

Now, as to spending. A riddle, Madam Chairman. When is government spend-

ing not government spending? And on the other hand, when does government spending which, according to the conservatives, destroys jobs, in fact creates jobs? The answer is when it's for weapons.

We have, on the other side, a form of weaponized Keynesianism. When it comes to spending money to build roads or improve medical infrastructure or do other things that are enhancing the quality of life, they tell us that government spending doesn't create a job. But when we are talking about continuing to produce weapons that have the admirable purpose of defeating the Soviet Union in the Cold War, and we're still producing the weapons, then somehow we have to keep them going because of its job creation capacity.

Military spending. George Bush, in his exit interview with the Wall Street Journal, hardly a harsh critic for him on the editorial page, said the main reason he had to spend so much was the ramp-up in military spending. I just disagree with him that it was necessary. The wholly unnecessary, in fact, damaging Iraq war has cost us hundreds and hundreds of billions of dollars.

I am amazed that people can lament spending and forget the elephant in the room. And when the elephant forgets the elephant in the room, I suppose it's even more surprising, because it is massive military spending now and for the future that is the problem.

We're worried about entitlements. I am less concerned about a 73-year-old woman getting a cost of living increase than I am about building the F-22 when we no longer need it.

And we have missile defense. Now, I don't keep up, since I became chairman of the committee I've been a little diverted, with the news as much as I used to. And I haven't reviewed all the fatwas out of that lunatic regime in Iran. But I do not remember them threatening to destroy Prague. I do not remember the pronouncement in which Iran said, you Czechs better watch out; we're going to bomb you.

Despite the absence of any such threat, the budget that my friends on the other side would like commits us to spending billions of dollars to defend Prague against Iran. I'd rather protect old people against poverty.

Mr. HENSARLING. Madam Chairman, I would first yield myself 30 seconds to say to the distinguished chairman of the Financial Services Committee, and my friend, that I would certainly concede the point that he is probably far more familiar with socialists in Europe than I am, and I concede that point.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HENSARLING. I would be happy to yield to the distinguished chairman.

Mr. FRANK of Massachusetts. Well, the people I mentioned were Nicolas

Sarkozy, who is the non-socialist, Gaullist president of France and Angela Merkel, the non-socialist chancellor of Germany.

Mr. HENSARLING. With 30 seconds, I'll reclaim my time.

I would also point out to the distinguished chairman of the Financial Services Committee Article I, section 9 of our Constitution that puts the spending power with the Congress, and to remind him that his party has been in control for the last 2 years.

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With that, Madam Chair, I would like to yield 3 minutes to the gentleman from South Carolina.

Mr. INGLIS. Madam Chair, I congratulate the gentleman on his work on this alternative that we are going to see.

The one before us is the Progressive budget, and it seems to me that what we have here is a continuation of the problem that we are all focused on, which is we've overdosed on credit, and there really is a limit to how much you can spend. This is an unfortunate thing. We wish that we had no limits, but there are limits. I hope that Progressives won't stand on the floor and say what I've often heard them say before, which is, "The question is not whether we can afford to do this. The question is whether we can afford not to do this," which is, of course, inherently irresponsible because there are limits. There are limits on how much money there is available, on how many resources we can commit to various programs and projects, and we've got to live within those limits.

There has been a lot of talk about inheriting this financial mess, and as the gentleman from Texas said a little while ago, it is a mess, and it is something that this administration is dealing with and that this majority is dealing with, but it's also something that we've got to admit has been coming for a long time. This is not, really, a brand new thing. The housing bubble was new—or the bursting of it was new. The buildup and the blowing up of that bubble took a while. The bursting of it is more recent, but the thing has been going on for a long time under, frankly, Republicans and Democrats. It is the runaway spending and entitlements that must be constrained. I would submit the only way to change it is to change the underlying programs and the incentives and the way that those programs work.

For example, in Medicare, we just have got to find a way to incentivize the patient to care about how much it costs, and we have just got to find a way to make prevention part of our health system. Now, that's something we need to come together on and figure out—Progressives, conservatives, Republicans, Democrats.

How do you do that? How do you change the underlying incentives in a

program like Medicare to bring it under control? I would submit that these sorts of things where you just sort of cap the rate of growth really don't work because we've seen that, we've done that, and then we've extended the cap, so that doesn't work.

What's going to have to happen is we have to figure out a way to come into those programs, those big ones—Medicare, Medicaid, Social Security—and figure out a way to change the underlying program. Hopefully, we can do that in a cooperative, collaborative way. There are ideas on this side of the aisle that will work in health care—that will work to bring down the cost, the runaway cost of Medicare and Medicaid. I hope that we can get to that.

Ms. WOOLSEY. I'm honored to yield a minute and a half to the former co-chair of the Progressive Caucus, Barbara Lee from California.

Ms. LEE of California. Madam Chair, let me just say that I rise today in strong support of the Congressional Progressive Caucus budget substitute, and I want to commend Congresswoman WOOLSEY and Congressman GRIJALVA—co-chairs of the CPC—and their staffs for their very hard and tireless work on this great budget.

Budgets are not only fiscal documents; they are moral documents. They reflect our Nation's values and priorities. For example, in our budget, we redeploy all of our troops and contractors out of Iraq, and we cap the tax deductibility of excessive CEO pay. That totals about \$120 billion in our budget. Our budget, however, puts \$120 billion a year into health care for all Americans. Those are our values.

The CPC budget provides critical relief to those who are suffering during this economic crisis. It revitalizes our economy, and it cuts poverty in half in 10 years. We eliminate waste, fraud and abuse at the Pentagon, and we eliminate Cold War era weapons systems to the tune of about \$60 billion a year. Smart security is also a critical component of this budget, and we must use this in places like Afghanistan where we know that there is clearly no military solution.

I was concerned about that reality on September 14, 2001 when I voted against the military authorization to provide a blank check for endless wars, and I still remain unpersuaded today that sending more troops to Afghanistan will actually advance our national security interests. We must be a Nation committed to exercising the tools of smart security for the 21st century, and this budget puts us on that path.

Mr. HENSARLING. Madam Chair, may I inquire how much time is remaining on each side?

The CHAIR. The gentleman from Texas has 10 minutes remaining. The gentlewoman from California has 12 minutes remaining.

Mr. HENSARLING. At this time, Madam Chair, I would like to yield 3

minutes to the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chair, I rise in opposition to the Democrat budget, and I do so reluctantly. We were hoping that we could come together on something that takes the country forward.

When you look at how Americans are hurting—and I'm from Michigan, and nobody knows about hurting economies like we do in Michigan—it's painful, but the prescription that the Democrats offer is dangerous: Borrow more money. Spend more money. Tax the very people who are going to get us out of this recession—the small business people. It's not that we're taxed too little already, and we have to be taxed more.

I mean this bill says: Listen, you know what? With your electric bill, Americans, you're not paying enough. We're going to charge you the largest utility tax increase in the history of the United States under this cap-and-tax program in the Democrat blueprint. We're going to borrow more in the next 10 years than for all the wars that we've ever fought combined. We're going to spend every penny of it.

So what happens if you're building cars or if, actually, you work for a small business in Lansing, Michigan? You're getting up in the morning under the Democrat tax bill, and you're going to pay a lot more for your shower in the morning. You're going to put the laundry in before you go to work, and you're paying a lot more to do your laundry. Your kids are doing their homework on the Internet. They're paying more to do their homework on the Internet. You turn on your coffee maker, and you're paying more. You get out to the car of which you paid a sales tax. You pay a tax for your license plate. You pay a tax for your driver's license. You pay a State gas tax and a Federal gas tax. Guess what? Your gas bill is going up to drive to work under this plan.

You get to work, and for the privilege of showing up at this small business, you're going to pay more for taxes for that small business. The electric bills in that place are going up, in some cases the estimates are, by 177 percent. You're paying more. You pay a city income tax, a State income tax, a Federal income tax. You pay your unemployment tax and your Workers' Comp tax.

You get home, and you're paying a huge property tax. Oh, by the way, that's going up, too. When you go to call your Congressman to complain, you pay a special universal tax on your phone. You sit down to have a beer to relax, and you pay a Federal excise tax on that beer. You pay more for wine to get it in the country. You pay more for 1 percent milk.

All of this is at a time when people are hurting. It's the most regressive

tax you can propose. The poorest Americans are already taxed to death. This is the wrong prescription. It borrows too much; it spends too much; it taxes too much.

I encourage my friends and colleagues from the other side of the aisle who talk about priorities to name me the importance of raising the cost of doing your laundry, of keeping your food cold, of cooking your food, and of keeping your house either warm or cool to the average American, and tell me that's a good priority for the future of job growth and development.

Madam Chair, I would urge the rejection of the Democrat budget, and would urge putting some common sense back in this equation.

Ms. WOOLSEY. Madam Chair, I yield a minute and a half to a Progressive vice chair, KEITH ELLISON from Minnesota.

Mr. ELLISON. Madam Chair, I rise today in strong support of the Progressive budget, and I want to thank our leadership in the Progressive Caucus for pulling the budget together. Though I do plan on supporting the House Democratic budget resolution, I believe that our Progressive budget differs in two important ways, and that's why I urge my colleagues to support the Progressive budget.

First, the Progressive alternative fully funds President Obama's international affairs request—Function 150 account. I believe robust funding for international affairs, which covers funds to combat HIV, tuberculosis and malaria as well as funding to help reconstruction in Afghanistan, is critical to our Nation's public diplomacy.

Our country has a unique opportunity to rebuild alliances across the globe, and we need to meet our foreign policy challenges in the 21st century. To accomplish this task, our country and this Congress must demonstrate a strong commitment to funding international aid.

Second, the Progressive Caucus budget embraces President Obama's commitment to retire Cold War weapons systems, and the Progressive budget goes further than the House Democratic budget in cutting defense spending. The Progressive budget reduces wasteful spending that, according to the GAO, costs taxpayers \$8.7 billion a year. The Progressive Caucus budget also eliminates unnecessary and obsolete Cold War weapons systems, saving taxpayers \$60 billion a year. I know my Republican colleagues are in favor of cutting those wasteful programs.

The CHAIR. Without objection, the gentleman from California may control the time of the gentleman from Texas.

There was no objection.

Mr. HENSARLING. Thank you, Madam Chair.

Mr. DANIEL E. LUNGREN of California. At this time, I would like to yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from California for yielding.

Madam Chair, folks in western North Carolina are hurting. We've seen the rise in unemployment. We've seen the economic dislocation that this recession has created. We've seen the impact it has on small towns and communities, on families that are struggling to make ends meet, and we've seen the rise in unemployment that generally has occurred. These are tough economic times, and I think we have to have a responsible Federal budget to meet these tough economic times.

Families have to tighten their belts during these tough times. Likewise, I think the Federal Government should do the same. I think it's wrong to raise taxes in a time of recession. I think it's wrong to raise taxes on people who are already hurting. That's why I oppose this budget that's being presented here today.

In fact, it's not simply enough as a public policymaker to reject a proposal, but you should offer your own, your own ideas on the way to properly act. Therefore, I am voting for two alternatives that will be better than the budget offered here today—the Obama-Pelosi budget—that I'm offering through the Republican Study Committee and through the Republican Members.

We have a budget that spends far less without raising taxes and that borrows far less than this current budget. Moreover, I'm supporting a budget alternative that balances the budget without raising taxes, in fact, making the 2001 and 2003 tax cuts permanent, which will help families and small businesses. After all, we should not be taxing and spending and borrowing more. We should be cutting, saving and incentivizing great economic growth, and we should be helping small businesses expand and maintain even the workers that they currently have, and we should be helping small families as well.

So I think it's reasonable to support a balanced budget without raising taxes, and I think it's irresponsible to support a budget that raises taxes, especially to the magnitude of this liberal budget offered here on the House floor.

With that, I urge the adoption of the Republican Study Committee alternative, of the Republican alternative, and urge the rejection of the Obama-Pelosi budget and especially of this very liberal budget offered here on the floor today.

Ms. WOOLSEY. Madam Chair, how much time is remaining?

The CHAIR. The gentlewoman from California has 10½ minutes remaining. The gentleman from California has 4½ minutes remaining.

Ms. WOOLSEY. Madam Chair, I am honored to yield a minute and a half to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1400

Mr. BLUMENAUER. Thank you. I appreciate the gentlewoman's courtesy in permitting me to speak on this.

It was interesting here to watch the exchange on the floor where my good friend, the Chair of the Financial Services Committee, had to instruct my friend from Texas—I guess who's left the floor—about who is a socialist and who isn't.

It's no small point that people on the other side who are offering their world view don't actually know who our allies are and who runs two of the top eight economies in the world. It's the same sort of disregard for facts that has encouraged them to willfully misrepresent the costs of coming to grips with global warming and carbon pollution. And in fact, the chair of the Global Climate Committee Program at MIT had to send a letter to the Republican leader explaining that they are misleading people by attaching a \$3,000 figure, indicating that that is grossly out of proportion and depends entirely on what would happen with a much smaller burden.

The point is, under the progressive budget, under the other Democratic alternatives, these moneys would be returned to people to reduce their energy costs, create green jobs. There was a time when conservatives would be worried about cost overruns in the Department of Defense and wasteful spending on Cold War weapons. That time is not now.

It's why I support these budgets and urge the rejection of the Republican alternatives.

Mr. DANIEL E. LUNGREN of California. Madam Chair, I will reserve at this time.

Ms. WOOLSEY. Madam Chairwoman, I yield 2 minutes to the outspoken Progressive leader, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Chairwoman, we come to this floor with a sobering recognition: \$657 billion spent on the war in Iraq. Certainly we would not take one cent away from our soldiers, their care, the care of their families. But \$657 billion on a war that generated the kind of controversy and questionable results that the Iraq war created puts us in the position we're in today.

For at the same time that we were fighting a war, the last administration saw no reason to ask America to sacrifice. And so it gave these enormous—that administration gave these enormous tax cuts that put us in this very difficult position of reaching \$1 trillion in debt.

What we do today with this budget—and I stand here as a vice chair and one believing in the principles of this administration of helping America restore itself in energy, health care, education—this budget, the Progressive Caucus budget, puts more money to extinguish poverty, it cuts the tax cuts

that have been given to the rich, and it invests those moneys in education, climate control, as well as providing for our veterans, and, yes, it does something enormously unique: it provides a pathway for rehabilitation for ex-offenders. It intervenes with respect to youths who are involved in crime, and it provides the resources to fully fund what we call the Second Chance bill, allowing ex-offenders to be rehabilitated to go back to their families and get their families off of welfare.

Research has shown that targeting funding towards intervention rather than incarceration is more effective than reducing crime and saves the taxpayers' money in the long run.

This is a bill for the people of America. I ask my colleagues to support it and to support the President's budget.

Madam Chair, I would like to rise in support of the budget put forward today by the Congressional Progressive Caucus. This alternative budget combats the worsening poverty and Hurricane Katrina redress, renews federal commitment to fully address the on-going suffering of the victims of Hurricane Katrina and help cut the poverty rate in America by 50 percent during the next decade with increased funding for decent affordable housing, anti-hunger programs, and more quality child care. This Progressive budget restores the 21st century social contract and safety net; Economic Stimulus #2 (\$300 billion), which provides more immediate help to overcome the "Iraq recession" through increased federal assistance for unemployment insurance, food stamps, Federal Medical Assistance Percentage (FMAP) payments to states, and housing assistance.

The Congressional Progressive Budget targets waste, fraud, and abuse in federal government, starting with Pentagon savings and projects enactment of the Common Sense Budget Act, which would save at least \$60 billion/year on largely obsolete Cold War weapons systems plus billions more in waste, fraud, and abuse in DOD spending identified by the nonpartisan Government Accountability Office (GAO).

This Progressive budget repeals the Bush tax cuts for the top 1 percent of taxpayers—due to expire in 2010 regardless and beyond—savings of at least \$222 billion and cracks down on corporate welfare while projecting elimination of various corporate tax loopholes such as deductibility of advertising for junk mail, imaging purposes, etc. and special tax breaks for oil and gas industry and other extraction industries.

This alternative budget shifts some spending and increases other non-military spending to fight root causes of terrorism—21st century diplomacy, meeting basic human needs (e.g. HIV/AIDS/TB, universal basic education for all); Global Warming and Energy Independence, sustained investments in renewable energy and energy independence, including needed extension of production and investment tax credits. This budget includes full funding of authorized levels for green jobs and

pathways out of poverty grants. In addition, climate policy should significantly reduce greenhouse gas emissions in a manner which supports economic security and health of low-income and moderate-income families and communities of color and education for all—fully fund Elementary and Secondary Education Act and IDEA prospectively and improve Teacher Corps and job training. This “progressive” budget includes Medicare for All—affordable, accessible, quality health care for all Americans, starting with full funding of SCHIP to cover every child in America.

Included in this budget is Guaranteed Veterans’ Health Care—which ensures whatever federal funding is needed to provide health care (including mental health) for all America’s veterans (including but not limited to veterans of the Iraq and Afghanistan military operations; support for the Middle-Class—increase funding to protect fundamental worker rights, enforce fair credit and lending practices, and promote livable wages and safe workplaces; and rebuild America’s Communities—substantially increase funding for Community Development Block Grants, Social Services Block Grants, and community policing, and authorize release of funds available through the gas tax to clean-up leaking underground storage tanks that threaten the drinking water of nearly half of all Americans. This progressive budget increases funding supporting the Office of Environmental Justice and environmental justice programs, including community grants and a review of the EPA and other agencies’ policies to ensure they are protective of minority and low-income communities. Madam Chair, we need to pass a real budget for America that’s forward thinking and “progressive” that will get us back on the right track.

Mr. DANIEL E. LUNGREN of California. Madam Chair, I yield myself 1 minute.

Madam Chair, when I listen to some of the debate on the floor, I wonder what the American people might think. As I reflect on the words that were just spoken, it sounds like we have a greater imperative to somehow deal with this notion of climate change than we do with defending the American people.

The budget that’s presented to us by the Congressional Progressive Caucus cuts defense enormously, and yet we keep hearing that, well, we don’t want to take any money away from the troops, we don’t want to take any money away from the equipment. But we cut defense enormously.

And one has to ask, what is the first obligation of government? It is to create a modicum of security so the American people can live their lives in a sense of safety, so they can attempt to be the best that God gave them the skills to be. That’s the first obligation of local governments, the first obligation of State governments, and I would hope at some point in time in this debate it would be acknowledged by the other side that it is the first obligation of the Federal Government.

Ms. WOOLSEY. Madam Chairwoman, I yield 2 minutes to the Progressive Caucus vice chair, DONNA EDWARDS from Maryland.

Ms. EDWARDS of Maryland. Madam Chairman, I rise today in support of the Progressive Caucus budget alternative. Budgets are about goals, aspirations, values and vision. This budget sets the right priorities for the future of this Nation, cutting Cold War weapons systems and investing in the future, investing in our veterans, investing in their families and children and in workers and de-investing in the things that don’t work.

Investment number one. The lack of affordable health care is the number one drain on our economy, and it must be fixed immediately. The Progressive budget steps up the President’s commitment by investing nearly \$120 billion a year to ensure that every American can have affordable, high-quality health care.

Investment number two. We need a national commitment to accelerate the development and commercialization of clean, renewable energy sources to get serious about our dependence on fossil fuels. And any climate change policy must recognize that we have to protect the most vulnerable by significantly reducing greenhouse gas emissions in a manner that supports economic security and the health of low- and moderate-income families and communities of color.

The Progressive budget spends \$30 billion a year for the next decade to create 3 million clean energy jobs dedicated to increasing our energy independence and protecting our environment.

This is about the future, and the budget takes unprecedented steps to eliminate outdated and Cold War weapons systems, repeal the Bush tax cuts and make much-needed investments in our Nation’s infrastructure, including wastewater and energy-efficient transportation systems.

Madam Chairman, I urge my colleagues to vote for the Congressional budget alternative to build on the President’s commitment for a comprehensive approach to meet our current and future fiscal priorities.

Mr. DANIEL E. LUNGREN of California. At this time, Madam Chair, I would yield 2 minutes to the gentleman from Illinois.

Mr. KIRK. Madam Chairman, the United States, according to the Bureau of Public Debt, has already borrowed \$2.07 trillion this year. This is in borrowings of short-term debt and adding new debts to the accounts of the United States.

But what is known, and not well in this Congress, is we gave new authority to the Fed to buy Treasury securities. That means that one part of the government is already borrowing money from another part of the government. This new Fed authority has been used very heavily since the start of the new year. In fact, records from the Bureau of Public Debt show that the Fed has bought \$75 billion of U.S. debt.

But here’s the key thing: All of that purchasing power is from newly printed money. These charts show how the printing presses of the United States are now running on overtime to fund the current spending of this Congress, and the budget underlying this proposal that we’re talking about would accelerate that.

You have to worry with the President of the United States at the G-20 summit now, being told by the Chancellor of the German Republic and by the French President that our borrowing is already too heavy. In fact, according to CBO scoring for the majority budget, which is the real debate that we will consider here today, the United States, if it applied to enter the European Union, would not be allowed because our borrowing is already too heavy and would violate the Maastricht Treaty. You’ve got to worry when the Chinese Government is saying that the dollar is unsound. And when you see these results of the Fed printing money and then purchasing U.S. securities, how the debasing of the dollar threatens the long-term economic future of the United States.

When we see the borrowing rate of the Bureau of the Public Debt, we see that they are now borrowing at a rate of \$159 billion per week. Look it up on their Web site. And that is just to support the underlying budget. To accelerate the borrowing requirement of the United States would be fundamentally unsafe and unsound.

Ms. WOOLSEY. Madam Chairwoman, I now yield 3 minutes to the chairman of the Judiciary Committee, JOHN CONYERS of Michigan.

Mr. CONYERS. Madam Chairman, I am happy that my friend on Judiciary, DAN LUNGREN, is managing the time on the other side because he will remember that it was last Thursday that the Republicans held a press conference and announced their non-budget budget with—but then they said that it’s coming out. And then yesterday the Republican budget came out, and it had a few numbers in it.

And I am intrigued by, I think it’s a general Republican assumption that with a stimulus plan by the present administration to create jobs, to give relief to the poor, to give relief to people who are in distressed markets, we are now saying that the President’s budget is going to—as my friend from Michigan, MIKE ROGERS, just enunciated on the floor—that your electric bills will go up and all costs will rise under the Democratic budget.

Now, clearly both of these can’t be the same. There is something missing here. And what I submit is that we have a progressive budget that goes beyond the good budget offered by the President. But to be comparing, as someone—I think it was the gentleman from California was just talking about—how can you be cutting all of this out of national defense?

Well, easy. Wasting money and having fraud is not a way of protecting the Nation. And the OMB has found billions of dollars of fraud. So that's what we're taking out of the military budget. That doesn't make the country weaker. It makes the country stronger.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. CONYERS. I can't. And furthermore, we're talking about cutting out all of these ancient missile systems. I am sure that the gentleman from California, a veteran legislator in his second career back here, knows that there are a lot of these exotic missile systems that don't work any more. You can't use them in the Middle East or in the kind of warfare that we're fighting when we're fighting against terrorists and insurgents. And people are just fed up with it.

Mr. DANIEL E. LUNGREN of California. Madam Chair, may I inquire as to whether or not the other side has more than one speaker on this subject.

Ms. WOOLSEY. Madam Chairwoman, we have two speakers including closing.

Mr. DANIEL E. LUNGREN of California. I will reserve.

Ms. WOOLSEY. Madam Chairwoman, I am proud to yield 1½ minutes to the chairman of the Africa and Global Health Subcommittee, DONALD PAYNE of New Jersey.

Mr. PAYNE. Madam Chair, let me commend the gentlelady from California for presenting this very important budget. And let me also state, to the gentleman from California, that it's no question that in our parameter we provide for providing for the common defense but we also say that it's a part of our country to promote the general welfare. It seems that that part tends to be left out in many instances.

□ 1415

So I rise in strong support of the Progressive Caucus budget. As a member of the caucus, I am proud of the work we have done to restore common sense to the Federal budget by addressing our Nation's most pressing domestic needs.

As I travel around my congressional district in New Jersey, it is obvious that families are suffering as a result of many of the decisions of the previous administration, including their determination to siphon valuable resources away from our communities and direct them towards the ill-advised invasion and occupation of Iraq.

It is time to rebuild our own Nation by embracing the priorities embodied in this bill: providing a strong economic stimulus package of \$300 billion that includes an extension of unemployment insurance, as well as improvements in transportation infrastructure, school construction, and needed water projects. Our budget pays for these domestic needs by rede-

playing U.S. troops out of Iraq and repealing the Bush tax breaks for the wealthiest among us.

I urge that we support this common-sense Progressive Caucus budget because it puts America first.

Mr. DANIEL E. LUNGREN of California. Madam Chair, I yield myself the balance of our time.

I have never been in a place where a \$4.3 trillion budget over the period that we're talking about, which is what the Republican budget is, is somehow seen as parsimonious. The other side seems to suggest that we are not attempting to try and pay for those things for which there is a reason for the Federal Government to be involved.

Secondly, I would say this. I have been a leader for the last two Congresses in an effort, on a bipartisan basis, to try and reduce or to encourage the President to negotiate with Russia to reduce our overall nuclear weapon arsenal, and the President has indicated this last week he's going to do that. But I have looked at the figures, and if we reduced it to the numbers that the President is talking about that we've urged, it wouldn't even come close to be the cut that you're talking about on your side.

The suggested cuts in defense spending in this budget, in the Democratic budget, but in this budget particularly, it doesn't just cut fat. It cuts muscle. It cuts sinew. It cuts bone. It makes us less able to defend the American people. And let's just be very, very clear about that. No one, no respected member of any previous administration in terms of national defense has suggested that you can support this kind of a budget presented here.

So let's make it very clear to the American people what we're talking about here. Are we going to do the fundamental job of preserving liberty and preserving freedom or are we, in fact, going to cut defense and, in the process, burden our people with more spending, more taxation, more borrowing, increasing the size of government, which ultimately takes freedom away from individual Americans?

Ms. WOOLSEY. Madam Chairman, well, I'd just like to point out that the other side of the aisle must like the Congressional Progressive Caucus budget very much because they've spent the entire hour either promoting their own budget or attacking the President's budget and letting our budget stand as it is.

I'm proud of the Congressional Progressive budget. We cut defense spending by \$158 billion in fiscal year 2010 alone, and we increase nondefense discretionary spending to \$991 billion, and that's quite an effort and quite an accomplishment.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WOOLSEY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 348, not voting 5, as follows:

[Roll No. 188]

AYES—84

Abercrombie	Gutierrez	Payne
Baldwin	Hare	Pingree (ME)
Becerra	Hastings (FL)	Polis (CO)
Blumenauer	Hinchey	Rahall
Brady (PA)	Hirono	Rangel
Capps	Holt	Richardson
Capuano	Honda	Rodriguez
Carson (IN)	Jackson (IL)	Roybal-Allard
Christensen	Jackson-Lee	Rush
Clarke	(TX)	Sánchez, Linda
Clay	Johnson (GA)	T.
Cleaver	Johnson, E. B.	Schakowsky
Clyburn	Kucinich	Serrano
Cohen	Lee (CA)	Slaughter
Conyers	Markey (MA)	Speier
Cummings	McCollum	Stark
Davis (IL)	McDermott	Thompson (MS)
DeFazio	McGovern	Tierney
Doyle	Miller, George	Towns
Edwards (MD)	Moore (WI)	Velázquez
Ellison	Moran (VA)	Waters
Engel	Nadler (NY)	Watson
Faleomavaega	Napolitano	Watt
Farr	Norton	Waxman
Fattah	Oberstar	Welch
Filner	Obey	Wexler
Frank (MA)	Oliver	Woolsey
Fudge	Pallone	Wu
Grijalva	Pastor (AZ)	

NOES—348

Ackerman	Buyer	Emerson
Aderholt	Calvert	Eshoo
Adler (NJ)	Camp	Etheridge
Akin	Campbell	Fallin
Alexander	Cantor	Flake
Altmire	Cao	Fleming
Andrews	Capito	Forbes
Arcuri	Cardoza	Fortenberry
Austria	Carnahan	Foster
Baca	Carney	Fox
Bachmann	Carter	Franks (AZ)
Bachus	Cassidy	Frelinghuysen
Baird	Castle	Gallegly
Barrett (SC)	Castor (FL)	Garrett (NJ)
Barrow	Chaffetz	Gerlach
Bartlett	Chandler	Giffords
Barton (TX)	Childers	Gingrey (GA)
Bean	Coble	Gohmert
Berkley	Coffman (CO)	Gonzalez
Berman	Cole	Goodlatte
Berry	Conaway	Gordon (TN)
Biggert	Connolly (VA)	Granger
Bilbray	Cooper	Graves
Bilirakis	Costa	Grayson
Bishop (GA)	Costello	Green, Al
Bishop (NY)	Courtney	Green, Gene
Bishop (UT)	Crenshaw	Griffith
Blackburn	Crowley	Guthrie
Blunt	Cuellar	Hall (NY)
Boccheri	Culberson	Hall (TX)
Boehner	Dahlkemper	Halvorson
Bonner	Davis (AL)	Harman
Bono Mack	Davis (CA)	Harper
Boozman	Davis (KY)	Hastings (WA)
Bordallo	Davis (TN)	Heinrich
Boren	Deal (GA)	Heller
Boswell	DeGette	Hensarling
Boucher	Delahunt	Herger
Boustany	DeLauro	Herseth Sandlin
Boyd	Dent	Higgins
Brady (TX)	Diaz-Balart, L.	Hill
Braley (IA)	Diaz-Balart, M.	Himes
Bright	Dicks	Hodes
Broun (GA)	Dingell	Hoekstra
Brown (SC)	Doggett	Holden
Brown, Corrine	Donnelly (IN)	Hoyer
Brown-Waite,	Dreier	Hunter
Ginny	Drieaus	Inglis
Buchanan	Duncan	Inslee
Burgess	Edwards (TX)	Israel
Burton (IN)	Ehlers	Issa
Butterfield	Ellsworth	Jenkins

Johnson (IL)	McMorris	Scalise
Johnson, Sam	Rodgers	Schauer
Jones	McNerney	Schiff
Jordan (OH)	Meek (FL)	Schmidt
Kagen	Meeks (NY)	Schock
Kanjorski	Melancon	Schrader
Kaptur	Mica	Schwartz
Kennedy	Michaud	Scott (GA)
Kildee	Miller (FL)	Scott (VA)
Kilpatrick (MI)	Miller (MI)	Sensenbrenner
Kilroy	Miller (NC)	Sessions
Kind	Minnick	Sestak
King (IA)	Mitchell	Shadegg
King (NY)	Mollohan	Shea-Porter
Kingston	Moore (KS)	Sherman
Kirk	Moran (KS)	Shimkus
Kirkpatrick (AZ)	Murphy (CT)	Shuler
Kissell	Murphy, Patrick	Shuster
Klein (FL)	Murphy, Tim	Simpson
Kline (MN)	Murtha	Sires
Kosmas	Myrick	Skelton
Kratovil	Neal (MA)	Smith (NE)
Lamborn	Neugebauer	Smith (NJ)
Lance	Nunes	Smith (TX)
Langevin	Nye	Smith (WA)
Larsen (WA)	Olson	Snyder
Larson (CT)	Ortiz	Souder
Latham	Pascarell	Space
LaTourette	Paul	Spratt
Latta	Paulsen	Stearns
Lee (NY)	Pence	Stupak
Levin	Perlmutter	Sullivan
Lewis (CA)	Perriello	Peters
Linder	Peters	Tanner
Lipinski	Peterson	Petri
LoBiondo	Petri	Tauscher
Loebback	Pierluisi	Taylor
Lofgren, Zoe	Pitts	Teague
Lowey	Platts	Terry
Lucas	Poe (TX)	Thompson (CA)
Luetkemeyer	Pomeroy	Thompson (PA)
Lujan	Posey	Thornberry
Lummis	Price (GA)	Tiahrt
Lungren, Daniel	Price (NC)	Tiberi
E.	Putnam	Titus
Lynch	Radanovich	Tonko
Mack	Rehberg	Tsongas
Maffei	Reichert	Turner
Maloney	Reyes	Upton
Manzullo	Roe (TN)	Van Hollen
Marchant	Rogers (AL)	Vislosky
Markey (CO)	Rogers (KY)	Walden
Marshall	Rogers (MI)	Walz
Massa	Rohrabacher	Wamp
Matheson	Rooney	Wasserman
Matsui	Ros-Lehtinen	Schultz
McCarthy (CA)	Roskam	Weiner
McCarthy (NY)	Ross	Whitfield
McCaull	Rothman (NJ)	Wilson (OH)
McClintock	Royce	Wilson (SC)
McCotter	Ruppersberger	Wittman
McHenry	Ryan (OH)	Wolf
McHugh	Ryan (WI)	Yarmuth
McIntyre	Salazar	Young (AK)
McKeon	Sanchez, Loretta	Young (FL)
McMahon	Sarbanes	

NOT VOTING—5

Hinojosa	Miller, Gary	Westmoreland
Lewis (GA)	Sablan	

□ 1446

Mr. GRIFFITH, Ms. KILPATRICK of Michigan, Messrs. MASSA, KIND, MURPHY of Connecticut, VAN HOLLEN, Mrs. DAVIS of California, Mr. GORDON of Tennessee, and Mr. AL GREEN of Texas changed their vote from “aye” to “no.”

Messrs. ABERCROMBIE, CLEAVER, and WAXMAN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-73.

Mr. JORDAN of Ohio. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 in the nature of a substitute printed in House Report 111-73 offered by Mr. JORDAN of Ohio:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

Congress declares that the concurrent resolution on the budget for fiscal year 2010 is hereby established and that the appropriate budgetary levels for fiscal year 2009 and for fiscal years 2011 through 2019 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2019:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,530,000,000,000.
Fiscal year 2010: \$1,635,000,000,000.
Fiscal year 2011: \$1,885,000,000,000.
Fiscal year 2012: \$2,068,000,000,000.
Fiscal year 2013: \$2,186,000,000,000.
Fiscal year 2014: \$2,284,000,000,000.
Fiscal year 2015: \$2,406,000,000,000.
Fiscal year 2016: \$2,507,000,000,000.
Fiscal year 2017: \$2,617,000,000,000.
Fiscal year 2018: \$2,716,000,000,000.
Fiscal year 2019: \$2,818,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: —\$3,000,000,000.
Fiscal year 2010: —\$31,000,000,000.
Fiscal year 2011: —\$203,000,000,000.
Fiscal year 2012: —\$292,000,000,000.
Fiscal year 2013: —\$329,000,000,000.
Fiscal year 2014: —\$350,000,000,000.
Fiscal year 2015: —\$370,000,000,000.
Fiscal year 2016: —\$390,000,000,000.
Fiscal year 2017: —\$412,000,000,000.
Fiscal year 2018: —\$435,000,000,000.
Fiscal year 2019: —\$461,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,100,000,000,000.
Fiscal year 2010: \$2,468,000,000,000.
Fiscal year 2011: \$2,302,000,000,000.
Fiscal year 2012: \$2,416,000,000,000.
Fiscal year 2013: \$2,501,000,000,000.
Fiscal year 2014: \$2,569,000,000,000.
Fiscal year 2015: \$2,650,000,000,000.
Fiscal year 2016: \$2,728,000,000,000.
Fiscal year 2017: \$2,775,000,000,000.
Fiscal year 2018: \$2,833,000,000,000.
Fiscal year 2019: \$2,907,000,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,041,000,000,000.
Fiscal year 2010: \$2,587,000,000,000.
Fiscal year 2011: \$2,495,000,000,000.
Fiscal year 2012: \$2,536,000,000,000.
Fiscal year 2013: \$2,602,000,000,000.
Fiscal year 2014: \$2,659,000,000,000.
Fiscal year 2015: \$2,733,000,000,000.
Fiscal year 2016: \$2,787,000,000,000.
Fiscal year 2017: \$2,837,000,000,000.
Fiscal year 2018: \$2,897,000,000,000.

Fiscal year 2019: \$2,933,000,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: \$1,511,000,000,000.
Fiscal year 2010: \$952,000,000,000.
Fiscal year 2011: \$610,000,000,000.
Fiscal year 2012: \$468,000,000,000.
Fiscal year 2013: \$416,000,000,000.
Fiscal year 2014: \$375,000,000,000.
Fiscal year 2015: \$327,000,000,000.
Fiscal year 2016: \$280,000,000,000.
Fiscal year 2017: \$220,000,000,000.
Fiscal year 2018: \$181,000,000,000.
Fiscal year 2019: \$116,000,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$9,674,000,000,000.
Fiscal year 2010: \$11,454,000,000,000.
Fiscal year 2011: \$12,440,000,000,000.
Fiscal year 2012: \$13,416,000,000,000.
Fiscal year 2013: \$14,111,000,000,000.
Fiscal year 2014: \$14,717,000,000,000.
Fiscal year 2015: \$15,361,000,000,000.
Fiscal year 2016: \$15,904,000,000,000.
Fiscal year 2017: \$16,443,000,000,000.
Fiscal year 2018: \$16,930,000,000,000.
Fiscal year 2019: \$16,914,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,416,000,000,000.
Fiscal year 2010: \$8,070,000,000,000.
Fiscal year 2011: \$8,543,000,000,000.
Fiscal year 2012: \$8,914,000,000,000.
Fiscal year 2013: \$9,177,000,000,000.
Fiscal year 2014: \$9,425,000,000,000.
Fiscal year 2015: \$9,603,000,000,000.
Fiscal year 2016: \$9,723,000,000,000.
Fiscal year 2017: \$9,782,000,000,000.
Fiscal year 2018: \$9,428,000,000,000.
Fiscal year 2019: \$9,362,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) National Defense (050):

Fiscal year 2009:

(A) New budget authority, \$700,705,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, \$692,033,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2011:

(A) New budget authority, \$620,110,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2012:

(A) New budget authority, \$629,140,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2013:

(A) New budget authority, \$639,900,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2014:

(A) New budget authority, \$653,830,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2015:

(A) New budget authority, \$660,000,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2016:

(A) New budget authority, \$665,000,000,000.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2017:

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2017:
(A) New budget authority, an amount to be

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2016:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2017:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2018:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2019:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2011:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2012:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2013:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2014:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2015:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2016:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2017:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2018:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

Fiscal year 2019:

(A) New budget authority, an amount to be derived from function 050.

(B) Outlays, an amount to be derived from function 050.

TITLE II—RECONCILIATION SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS TO SLOW THE GROWTH IN MANDATORY SPENDING AND TO ACHIEVE DEFICIT REDUCTION.—(1) Not later than July 13, 2009, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by \$1,370,000,000 in outlays for fiscal year 2010 and \$10,185,000,000 in outlays for the period of fiscal years 2010 through 2014.

(B) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by \$1,100,000,000 in outlays for fiscal year 2010 and \$8,300,000,000 in outlays for the period of fiscal years 2010 through 2014.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by \$19,990,000,000 in outlays for fiscal year 2010 and \$241,900,000,000 in outlays for the period of fiscal years 2010 through 2014.

(D) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by \$92,000,000 in outlays for fiscal year 2010 and \$1,710,000,000 in outlays for the period of fiscal years 2010 through 2014.

(E) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by \$250,000,000 in outlays for fiscal year 2010 and \$4,937,000,000 in outlays for the period of fiscal years 2010 through 2014.

(F) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by \$7,000,000,000 for fiscal year 2010 and \$214,800,000,000 for the period of fiscal years 2010 through 2014.

(G) SPECIAL RULE.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) SUBMISSION PROVIDING FOR CHANGES IN REVENUE.—The House Committee on Ways and Means shall report a reconciliation bill not later than June 8, 2009, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$31,000,000,000 for fiscal year 2010 and by not more than \$1,205,000,000,000 for the period of fiscal years 2009 through 2014.

(c) REVISION OF ALLOCATIONS.—(1) Upon the submission to the Committee on the Budget

of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

SEC. 202. SUBMISSION OF REPORTS ON MANDATORY SAVINGS.

In the House, not later than June 15, 2009, all House committees shall identify savings amounting to one percent of total mandatory spending under its jurisdiction from activities that are determined to be wasteful, unnecessary, or lower-priority. For purposes of this section, the reports by the reports by each committee shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than June 15, 2009.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2011 and fiscal years 2012 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$23,565,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 302. TURN OFF THE GEPHARDT RULE.

Rule XXVII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2010.

SEC. 303. EMERGENCY SPENDING.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported,

then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) **CRITERIA.**—

(A) **IN GENERAL.**—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

- (i) sudden, quickly coming into being, and not building up over time;
- (ii) an urgent, pressing, and compelling need requiring immediate action;
- (iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and
- (iv) not permanent, temporary in nature.

(B) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(b) **ENFORCEMENT.**—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (a)(2).

(c) **ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.**—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c).

(d) **DISPOSITION OF POINTS OF ORDER IN THE HOUSE.**—As disposition of a point of order under subsection (b) or subsection (c), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 304. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with section 201(b), that propose to change Federal revenues, the impact of such measure on Federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account—

(1) the impact of the proposed revenue changes on—

- (A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;
- (B) total domestic employment;
- (C) gross private domestic investment;
- (D) general price index;
- (E) interest rates; and
- (F) other economic variables;

(2) the impact on Federal Revenue of the changes in economic variables analyzed under paragraph (1).

(b) The chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to subsection (a).

SEC. 305. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Subsection (a) shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 306. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

- (1) apply while that measure is under consideration;
- (2) take effect upon the enactment of that measure; and
- (3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 307. DIRECT SPENDING SAFEGUARD.

(a) It shall not be in order in the House of Representatives to consider a direct spending legislation that would increase an on-budget deficit or decrease an on-budget surplus as provided by subsection (e) for any applicable time period.

(b) For purposes of this section, the term “applicable time period” means any of the following periods:

- (1) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.
- (2) The period of the 5 fiscal years following first 5 years covered in the most recently adopted concurrent resolution on the budget.

(c) For purposes of this section and except as provided in subsection (d), the term “direct-spending legislation” means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) For purposes of this section, the term “direct-spending legislation” does not include—

(1) any legislation the title of which is as follows: “A bill to preserve Social Security.”; or

(2) any legislation that would cause a net increase in aggregate direct spending of less than \$100,000,000 for any applicable time period.

(e) If direct spending legislation increases the on-budget deficit or decreases an on-budget surpluses when taken individually, it must also increase the on-budget deficit or decrease the on-budget surplus when taken together with all direct spending legislation enacted since the beginning of the calendar year not accounted for in the baseline assumed for the most recent concurrent resolution on the budget, except that direct spending effects resulting in net deficit reduction enacted pursuant to reconciliation instruc-

tions since the beginning of that same calendar year shall not be available.

(f) This section may be waived by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(g) For purposes of this section, the levels of budget authority and outlays for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget.

(h) The Committee on Rules may not report a rule or order proposing a waiver of subsection (a).

SEC. 308. BUDGET PROTECTION MANDATORY ACCOUNT.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the “Budget Protection Mandatory Account”. The Account shall be divided into entries corresponding to the allocations under section 302(a) of the Congressional Budget Act of 1974 in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution (other than an appropriation bill), the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Mandatory Account by the amounts specified in paragraph (2); and

(B) reduce the applicable section 302(a) allocations by the amount specified in paragraph (2).

(2) Each amount specified in paragraph (1)(A) shall be the net reduction in mandatory budget authority (either under current law or proposed by the bill or joint resolution under consideration) provided by each amendment that was adopted in the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in paragraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution, other than an appropriation bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in mandatory authority (either under current law or proposed by a bill or joint resolution under consideration) provided by each amendment adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in paragraph (1) is as follows: “The amount of mandatory budget authority reduced by this amendment may be used to offset a decrease in revenues.”

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term—

(1) “appropriation bill” means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2008 or any subsequent fiscal year, as the case may be.

(2) “mandatory budget authority” means any entitlement authority as defined by, and interpreted for purposes of, the Congressional Budget Act of 1974.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

SEC. 309. BUDGET DISCRETIONARY ACCOUNTS.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the "Budget Protection Discretionary Account". The Account shall be divided into entries corresponding to the allocation to the Committee on Appropriations, and the committee's suballocations, under section 302(a) and 302(b) of the Congressional Budget Act of 1974.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House appropriations bill, the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Discretionary Account by the amounts specified in paragraph (2).

(B) reduce the applicable 302(a) and (b) allocations by the amount specified in paragraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in discretionary budget authority provided by each amendment adopted by the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in paragraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House appropriations bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in discretionary budget authority provided by each amendment that was adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in paragraph (1) is as follows: "The amount of discretionary budget authority reduced by this amendment may be used to offset a decrease in revenues."

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2010 or any subsequent fiscal year, as the case may be.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

SEC. 310. TREATMENT OF RESCISSION BILLS IN THE HOUSE.

(a)(1) By February 1, May 1, July 30, and November 11 of each session, the majority leader shall introduce a rescission bill. If such bill is not introduced by that date, then whenever a rescission bill is introduced during a session on or after that date, a motion to discharge the committee from its consideration shall be privileged after the 10-legislative day period beginning on that date for the first 5 such bills.

(2) It shall not be in order to offer any amendment to a rescission bill except an amendment that increases the amount of budget authority that such bill rescinds.

(b) Whenever a rescission bill passes the House, the Committee on the Budget shall immediately reduce the applicable allocations under section 302(a) of the Congressional Budget Act of 1974 by the total amount of reductions in budget authority and in outlays resulting from such rescission bill.

(c)(1) It shall not be in order to consider any rescission bill, or conference report thereon or amendment thereto, unless—

(A) in the case of such bill or conference report thereon, it is made available to Members and the general public on the Internet for at least 48 hours before its consideration; or

(B)(i) in the case of an amendment to such rescission bill made in order by a rule, it is made available to Members and the general public on the Internet within one hour after the rule is filed; or

(ii) in the case of an amendment under an open rule, it is made available to Members and the general public on the Internet immediately after being offered; in a format that is searchable and sortable.

(2) No amendment to an amendment to a rescission bill shall be in order unless germane to the amendment to which it is offered.

(d) As used in this section, the term "rescission bill" means a bill or joint resolution which only rescinds, in whole or in part, budget authority and which includes only titles corresponding to the most recently enacted appropriation bills that continue to include unobligated balances.

TITLE IV—JOINT SELECT COMMITTEE ON EARMARK REFORM

SEC. 401. JOINT SELECT COMMITTEE ON EARMARK REFORM.

(a) ESTABLISHMENT AND COMPOSITION.—There is hereby established a Joint Select Committee on Earmark Reform. The joint select committee shall be composed of 16 members as follows:

(1) 8 Members of the House of Representatives, 4 appointed from the majority party by the Speaker of the House, and 4 from the minority party to be appointed by the minority leader; and

(2) 8 Members of the Senate, 4 appointed from the majority party by the majority leader of the Senate, and 4 from the minority party to be appointed by the minority leader.

A vacancy in the joint select committee shall not affect the power of the remaining members to execute the functions of the joint select committee, and shall be filled in the same manner as the original selection.

(b) STUDY AND REPORT.—

(1) STUDY.—The joint select committee shall make a full study of the practices of the House, Senate, and Executive Branch regarding earmarks in authorizing, appropriation, tax, and tariff measures. As part of the study, the joint select committee shall consider the efficacy of—

(A) the disclosure requirements of clause 9 of rule XXI and clause 17 of rule XXIII of the Rules of the House of Representatives, House Resolution 491, and rule XLIV of the Standing Rules of the Senate, and the definitions contained therein;

(B) requiring full transparency in the process, with earmarks listed in bills at the outset of the legislative process and continuing throughout consideration;

(C) requiring that earmarks not be placed in any bill after initial committee consideration;

(D) requiring that Members be permitted to offer amendments to remove earmarks at subcommittee, full committee, floor consideration, and during conference committee meetings;

(E) requiring that bill sponsors and majority and minority managers certify the validity of earmarks contained in their bills;

(F) recommending changes to earmark requests made by the Executive Branch through the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code;

(G) requiring that House and Senate amendments meet earmark disclosure requirements, including amendments adopted pursuant to a special order of business;

(H) establishing new categories for earmarks, including—

(i) projects with National scope;

(ii) military projects; and

(iii) local or provincial projects, including the level of matching funds required for such project.

(2) REPORT.—

(A) The joint select committee shall submit to the House and the Senate a report of its findings and recommendations not later than 6 months after adoption of this concurrent resolution.

(B) No recommendation shall be made by the joint select committee except upon the majority vote of the members from each House, respectively.

(C) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint select committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint select committee.

In conducting the study under paragraph (1), the joint select committee shall hold not fewer than 5 public hearings.

(c) RESOURCES AND DISSOLUTION.—

(1) The joint select committee may utilize the resources of the House and Senate.

(2) The joint select committee shall cease to exist 30 days after the submission of the report described in subsection (a)(2).

(d) DEFINITION.—For purposes of this section, the term "earmark" shall include congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits as those terms are used in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate. Nothing in this subsection shall confine the study of the joint select committee or otherwise limit its recommendations.

SEC. 402. MORATORIUM ON CONSIDERATION OF EARMARKS.

(a) IN THE HOUSE.—It shall not be in order to consider a bill, joint resolution, or conference report containing a congressional earmark, limited tax benefit, or limited tariff benefit (as such terms are used in clause 9 of rule XXI of the Rules of the House of Representatives) until the filing of the report required under section 401.

(b) IN THE SENATE.—[To be supplied.]

The CHAIR. The gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 20 minutes.

Mr. SPRATT. Madam Chair, I rise in opposition and ask unanimous consent

that the gentleman from Oregon (Mr. BLUMENAUER) control the remainder of my time.

The CHAIR. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIR. The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Madam Chair, I yield 3 minutes to the chair of the Republican Study Committee, our colleague from the State of Georgia, Congressman PRICE.

Mr. PRICE of Georgia. Madam Chair, we all know that we cannot continue to burn through the future of our kids and grandkids with oversized Federal spending. Our Republican Study Committee budget takes a bold but responsible approach to getting our fiscal house in order, achieving balance by the year 2019. Yes, Madam Chair, achieving balance, as you see from this chart right here.

Our budget preserves the tax relief adopted earlier in this decade, it encourages small businesses to create jobs, and it protects families from any tax increase.

Now, how do we get to balance? Our budget ends, ends the misguided spending bills and bailouts of recent years. Our budget includes a 1 percent annual reduction to all nondefense discretionary spending. Defense is fully funded. We simply require each Department to find and eliminate 1 percent of wasteful spending under their jurisdiction each year, one penny out of every dollar. Is that too much, Madam Chair?

The key to fiscal sustainability lies in reforming entitlements, particularly Medicare, and our Republican Study Committee budget says we must address our entitlement of crisis boldly and today.

Our RSC budget responsibly slows the growth of Medicare to the rate used during the Contract with America. A successful result was a balanced budget. Our budget responsibly says that we cannot just kick this can down the road any further.

In fact, in an op-ed this morning in the Wall Street Journal, Majority Leader STENY HOYER writes, "The single most important thing we can do to get our budget under control is to deal with the costs of our entitlement programs. We simply must act in a bipartisan way to choose and implement such reforms." Absolutely, Mr. Leader. But, unfortunately, their budget and the Democrat's budget ignores a \$34 trillion unfunded liability.

Our RSC budget says we will get our entitlements under control, and we will do it today. We recognize the responsibility we have to come together in a bipartisan way to find solutions that preserve Medicare without bankrupting our Nation.

Budgets are priorities, Madam Chair. And the priority of our budget is a re-

sponsible, stable, and commonsense approach to spending that saves our children's and our grandchildren's future. It is not an easy task, but governing is about making tough choices, and we need to do it today.

I urge my colleagues to stand up for taxpayers, to stand up for market principles, to stand up for the solvency of our Nation and support this responsible, stable, commonsense budget.

Mr. BLUMENAUER. Madam Chair, I yield myself 1 minute.

Today, you are going to have an opportunity to listen to debate from our friends on the other side of the aisle on an alternative that seems too good to be true, and in fact it is, because they are proposing today a budget alternative that they never imposed when they had control of all the levers of power: Additional tax cuts that are outmoded and discredited, and we can't afford; and, most important, cutting aid to Americans most in need, students, the elderly, the sick, disabled, assaulting our environment, the elements that are so important as we are fighting, with our new President, to try and get the economy back on track and moving forward.

With that, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Chair, I thank the gentleman for yielding.

I rise in opposition to the Republican budget because, simply put, their plan represents more of the same failed policies that caused our economic collapse. Their plan is designed to move us backwards.

I support our budget because it will move our country forward. Our plan is honest because it gives the American people a true picture of what we are facing. It is visionary because it invests in health care, energy, and education. And, it is fair because it gives middle-class families real tax relief. It is fiscally responsible because it cuts the deficit in half by 2013.

Our economic plan provides for the overhaul of our health care system, because we can't afford half-hearted reform. Our plan invests in renewable energy to make us energy independent, and creates green jobs to power America for the 21st century.

Our plan invests in educating our citizens, and building a 21st century workforce that can beat the global competition. Our plan will cut the deficit in half by 2013, and provides the largest tax cut for middle-class Americans in history. It is the economic plan to help families who have lost their jobs, who are worried about paying their bills, concerned about how they will afford their children's education and pay for health insurance. Our economic plan will move our economy forward for the millions of working families who are struggling in this economy.

I urge my colleagues to reject the Republican alternative and support our plan to invest in America's future.

Mr. JORDAN of Ohio. I thank the Chair. Before yielding to our colleague from Tennessee, I would say this. Our budget grows every year. It just doesn't grow at a pace that is going to saddle future generations of Americans with a debt they can't pay back. And that is why it is a responsible budget.

I yield to the gentlelady from Tennessee, a champion of conservative principles, Mrs. BLACKBURN, for 2 minutes.

Mrs. BLACKBURN. Madam Chair, I thank the gentleman from Ohio for his great work on our RSC budget, because it is a responsible approach. It is good common sense. It is built on stability. And that is what the American people want to see right now.

I am also so pleased that we continue the tax reductions that were passed in 2001 and 2003. One of the things we are hearing from so many of our small business constituents is that they want to be sure that the death tax does not come back in 2010. Of course, we know the Democrat budget does that. And it is so interesting; our budget does something that is important: It leaves money with the taxpayer, leaves it in their pocket.

And, Madam Chair, I have heard comments from this floor about failed policies and tax codes being too convoluted. But I will tell you, leaving money in the taxpayers' pockets is neither a failed tax policy nor a convoluted tax policy. It is what ought to be done. They have earned that money. They deserve to keep it.

The fact is that our budget would balance, it would come into balance without a tax increase. Without pulling more money out of the taxpayers' pocket, it would come into balance by 2019.

That is something that is important for our children, our grandchildren, and for future generations, because we know you get there by making a reduction in discretionary nondefense, non-veteran spending. That 1 percent across-the-board reduction is legislation I have offered every year that I have been in Congress, and I am so pleased it is included in this budget, as it was in 2006 in the Deficit Reduction Act.

I commend my colleagues for their good work on this. This is a responsible, stable, commonsense approach to our Nation's fiscal situation. I encourage an "aye" vote for the RSC budget.

Mr. BLUMENAUER. Madam Chair, it is my pleasure to yield 2 minutes to the gentleman from Maryland, Mr. VAN HOLLEN, a member of the Ways and Means Committee and a distinguished member of our leadership.

Mr. VAN HOLLEN. I thank my colleague.

This budget is a carbon copy of the failed policies we have seen over the

last 8 years. It is a budget that looks in the rearview mirror in the past; it is not a budget that looks to the future. In fact, this budget, like the next Republican budget we will see, is going to slam a brake on the economic recovery plan that this Congress passed and is now working its way through our economy, through all the communities in this country.

While that economic recovery plan is putting shovels in the ground and putting people back to work, this budget puts up a big stop sign and says, we are not going to provide any funds after the first year. We are going to take those shovels away. We are going to take those jobs back.

I think anybody who thinks that the economic recovery plan should be stopped after only 1 year does not have a clear understanding of the economic pain that is being experienced throughout this country.

On health care, President Obama has said that we need to reform our health care system to provide universal coverage, quality care, and reduced health care costs. This approach takes a meat ax to the Medicare program, cutting hundreds of billions of dollars in an automatic way. It doesn't tell us how to do it, it just says you have got to find a way to do it, cut hundreds of billions of dollars. If you are going to do that, tell us what your plan is so people know how it is going to affect them.

□ 1500

The Republican plan goes back to the same old tax cutting for the wealthiest Americans, whereas the Democratic plan provides tax cuts of \$1.5 trillion for working Americans, not just the wealthiest. We invest in clean energy. They, again, give big tax breaks to the oil companies when we need to be diversifying our sources of energy.

We have seen this plan before. It is the plan that has been given to us for the last 8 years. This is the Bush administration program all over again. I think the American people have learned that those policies that are reflected in this budget helped get us into this fix that we are in today. Let's not look to the past. Let's move to the future. Let's adopt the Spratt budget.

Mr. JORDAN of Ohio. Madam Chair, before I yield to my colleague from Louisiana, I yield myself 30 seconds just to respond briefly.

We do put up a stop sign. We put up a stop sign to debt. Under the Obama Democratic budget plan, \$23 trillion in national debt would be brought to the citizens of this country. Now think about what it takes to repay that. You would have to first get to balance, then you would have to run a \$1 trillion surplus for 23 years just to pay that debt off. So we do put up a stop sign. It is a stop sign to that kind of debt.

And with that, I yield 2 minutes to my good friend from Louisiana (Mr. SCALISE).

Mr. SCALISE. Madam Chair, I want to thank the gentleman from Ohio for yielding and especially for his leadership on bringing here to the floor a vote on a balanced budget. If you look, there is a clear contrast right now between the budget that President Obama presented and this budget that we are going to get to vote on.

If you look at the deficits over the last few years, represented by the blue figures, and in the current budget and the continuation of these runaway deficit spending budgets over the next few years, many of my friends on the other side have criticized this spending, these deficits, right here. Of course, many of them voted for these budgets that increased these deficits. I didn't vote for any of these budgets. And I'm tired of the runaway spending. But those same people who criticized these deficits are voting for this level of spending, these deficits, \$1.9 trillion this year, deficits going out as far as the eye can see. In fact, if you look at the ultimate result of that runaway deficit spending, President Obama, in his first 5½ years, will double the national debt.

We have got to get control of runaway spending and these out-of-control debts that we are racking up for our children and grandchildren to pay off. And if you are wondering what the American people are telling us, do they want this runaway spending? No. All across the country, you are having these uprisings, taxpayer tea parties. Citizens out there are showing up in thousands at a time, two in my district on April 15, bringing tea bags saying, "Enough is enough. Stop this runaway spending."

We finally have a balanced budget that we will get to vote on. And for those people, and I know I reach out to my Blue Dog friends on the other side, anybody who says they are fiscally responsible has to vote for a balanced budget, because you cannot vote for the President's budget for this level of runaway spending and call yourself "fiscally conservative." You just can't do it. Don't go back home and say you're fiscally conservative and come up here in Washington and spend trillions of dollars of our children's and grandchildren's money. This is money we don't have.

We have got to stop this madness. People across the country are saying just that. Four thousand people are showing up in Cincinnati, Ohio, or Orlando and saying "stop." We have an alternative. I would urge my friends on both sides of the aisle to vote for a balanced budget.

Mr. BLUMENAUER. It is interesting that my friend from Louisiana didn't vote for those budget deficits in the past because he wasn't in Congress. But if he had been here and joined with the Republican majority, he would have voted for them. That is what got us into this fix.

I yield 1 minute to the gentleman from New York (Mr. TONKO), a new Member who wasn't a part of this in the past, but is working on solutions in the future.

Mr. SCALISE. Will the gentleman yield?

Mr. BLUMENAUER. I'm happy to yield on your time.

PARLIAMENTARY INQUIRY

Mr. SCALISE. Then I would ask a parliamentary inquiry to the Chair.

The CHAIR. The gentleman may state his inquiry.

Mr. SCALISE. The gentleman from Washington, rather than directing his question to the Chair, made a comment about me saying I would have voted for a bill that I would not have voted for. I would just ask the Chair, isn't it parliamentary procedure to direct questions or comments about people to the Chair, not to individual Members, especially when what they are saying is not accurate about that Member?

The CHAIR. All comments must be directed to the Chair.

Mr. BLUMENAUER. I will take 15 seconds, if I may, before recognizing the gentleman from New York.

What I said was the gentleman didn't vote for it because he wasn't here. But if he was and voted with the majority of Republicans, he would have been part of that problem.

I yield to the gentleman from New York.

Mr. TONKO. Madam Chair, I rise today to express my support for a budget that will help improve our economy and institute a plan to reduce the deficit in the long term. My hope is that this House will pass a budget that provides for a reduction of the deficit of over 50 percent by the year 2013 by cutting ineffective programs and reforming government contracting and defense purchasing.

In addition, we need a budget that finally addresses health care reform, which will reduce the single largest portion of our Federal budget. In addition, critical reforms and investments in energy will increase our energy independence, which will protect our economy and improve our national security.

We must not forget how we got here. It was during the prior administration, the Bush administration, and the Republicans in control of Congress that squandered a record surplus inherited by this House through irresponsible spending and tax cuts. Those solutions were more of the same. But the American people are demanding a new direction, and this budget must represent the reforms that we need. America spoke clearly this past November with a resounding voice. They called for action. They called for a change in the course of the direction of this country. They called for growing our economy. They called for addressing the budget deficit. They called for creating jobs.

This budget that we can vote on, presented by the President, will allow us to address those four major points. I stand in defense of that budget and ask that this House approve that given budget that will be before us later today.

Mr. JORDAN of Ohio. Madam Chair, I would yield 2 minutes to our good friend from Georgia, Congressman KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

And I just wanted to remind my friends, because there seems to be a historical glitch in their brains, but the Democrats took over in October of 2006. For you guys to keep reaching back and insisting all of our problems belong to George Bush is ridiculous. Speaker PELOSI was sworn in in January 2007. Do you have a problem with the spending up here? Talk to Speaker PELOSI. Your budget spends too much, taxes too much and borrows too much. Think about the borrowing for a minute. Here, the RSC budget, which I'm glad to support, moves us towards a surplus. Instead, you take the Pelosi debt of \$11 trillion and you double it in 5 years and triple it in 10 years. Great work.

On tax relief, the Pelosi Democrats call for a \$1.3 trillion tax increase and one that is going to take away from the working people, whereas the RSC budget calls for \$1.2 trillion in tax relief. And I know the Democrat Party has moved away from people who have a lot of achievements. In fact, there seems to be some problem that if you have achieved something, then you're guilty and we need to tax you more. But the RSC budget works for tax fairness.

And I think it is important, particularly for small businesses and corporations. We go out there, and I know we have got our first European President right now going over there to the EU, but those folks, those corporations pay 25 percent in taxes. Globally, we have got to compete against them, where our corporations pay 35 percent in taxes. We need tax fairness. The RSC budget will create 2 to 3 million jobs. And that is what this is about.

In terms of reform, the Pelosi Democrats seem to be determined to put their head in the sand and ignore reforms that are needed for Social Security, Medicaid and Medicare. Now they have taken away from the seniors Medicare Advantage. I'm not sure why they think that is pro-senior. All the seniors I have talked to are very disturbed that the Democrats would take that away from them. But the reality is what we want to do is preserve—

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. I yield the gentleman 1 additional minute.

Mr. KINGSTON. What we want to do is preserve the doctor-patient relation-

ship. It appears that the Pelosi Democrats want to have a government-hospital relationship. And speaking for me, I don't like bureaucrats running health care.

There are some tough decisions that are going to be made. I was a Member of Congress when President Clinton started AmeriCorps. He said it was going to be a 5-year program. Now we just renewed it at \$5 billion. And it is almost two decades later. We need to come together and make some tough choices.

The Republicans have offered several alternatives. We are ready to work with you. If you could back off some of your taxing, some of your spending and some of your borrowing, I think we could come out of here with a good, pro-job budget that turns the economy around. And I look forward to working with you on that.

Mr. BLUMENAUER. I yield myself 15 seconds just to point out to my good friend from Georgia that he confuses the marginal rate with the rate that corporations actually pay. Thirty-five percent is the marginal rate. If he looks at how much American corporations actually pay, because almost nobody pays the marginal rate because of the loopholes, it is down to about 5 percent. It's the second lowest of the top 20 economies.

I yield 2 minutes to my good friend from the real State of Washington, not Oregon, and a member of the Budget Committee, Mr. LARSEN.

Mr. LARSEN of Washington. Madam Chair, perhaps I can rise today and try to lower the temperature a little bit as I rise to oppose the substitute budget before us and express my strong support for the Budget Committee resolution that is on the floor today a little later.

It is because our budget puts President Obama's plan to invest in our Nation's priorities into action, our budget is part of a comprehensive approach to create jobs and to build a foundation for our country's long-term economic strength. Congress and this administration have already taken action to save or create 3.5 million jobs, to keep families in their homes and to stabilize our financial markets. The economy is clearly job number one for all of us here. President Obama inherited an economic mess from the last administration, including record deficits and soaring unemployment. It is going to take some time, some hard work, some very difficult choices for us to get past this economic and this fiscal crisis and to move our country in a new direction.

I hosted some town talks with about 200 of my constituents this past weekend in Marysville and Lake Stevens. And let me tell you, they are worried. They are worried about the economy. They are ready for a new direction. They are looking for answers from this

Congress and from the President. President Obama and Chairman SPRATT have proposed a budget resolution that moves our country in the right direction by investing in clean energy, in education and affordable health care for families and businesses. This budget also invests in our Nation's national security, provides a nearly 4 percent increase in funding for the Department of Defense to keep our country safe and to support our military folks and their families. And for the first time, the President's budget in this resolution includes an honest and transparent accounting of the cost of sustaining our wars in Iraq and Afghanistan. It creates jobs that target investments. It reforms health care, energy and education.

The substitute before us today does the opposite, cutting those investments that we need to strengthen our economy for the long term. Instead of moving us in a new direction that we need, this substitute unfortunately relies on the failed approaches of the past.

So I'm urging my colleagues to oppose the substitute and support the budget resolution that we are going to see later on the floor today.

Mr. JORDAN of Ohio. Madam Chair, I'm pleased to yield 3 minutes to former RSC chair and current conference chair, the gentleman from Indiana.

Mr. PENCE. I thank the gentleman for yielding.

I commend the gentleman from Ohio for his work on the Republican Study Committee Budget Alternative, and I especially commend the chairman of the Republican Study Committee, the gentleman from Georgia, TOM PRICE, for his extraordinary and visionary leadership.

The budget brought to the majority today, as has been said again and again, spends too much, taxes too much and borrows too much, and the American people know it. The Democrat budget will double the national debt in 5 years. It will triple it in 10. The 2010 spending \$3 trillion, 25 percent of gross domestic product, more than \$1 trillion in tax increases on virtually every American, a 2010 deficit of \$1 trillion and nearly \$1 trillion deficits every year for the next 10 years.

The hard truth is the Democrat majority has brought to this floor the most fiscally irresponsible budget in American history. And the American people know we can do better. They are doing better. And every family farm or small business across this country, around every kitchen table, Americans are making tough choices. They are sitting down as families and in enterprises, deciding what they can put off for tomorrow, what they don't have to spend today, finding ways maybe for a job in town for a little more income. Everywhere in America, the American

people are meeting these challenging economic times with frugality, with sacrifice, and with courage, everywhere but in Washington, D.C.

□ 1515

The American people long for men and women in this Congress to show the same character, to make the same tough choices. And I'm proud to stand with the Republican Study Committee and this budget alternative that answers that call.

A balanced budget; under the RSC alternative the budget outlook improves every single year, and achieves a surplus budget in 2019, \$1.2 trillion of tax relief over the next 5 years for virtually every American, fully funding defense spending, and provides zero growth baseline for non-defense spending, and repeals the obscene spending spree of stimulus bills and omnibus bills that has overtaken our country.

No changes in Social Security, increases in Medicare, and provides increases equivalent to inflation in Medicaid. And a raft of reforms of unnecessary spending, ending the earmarking culture on Capitol Hill.

After years of runaway spending, the American people long for courage and sacrifice on the floor of this Congress. And my Republican colleagues have brought together an alternative that answers that call.

It's time that we embrace fiscal discipline and reform, lower taxes and growth. I urge my colleagues to join me in supporting the Republican Study Committee budget alternative.

Mr. BLUMENAUER. Madam Chair, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. My friends here and colleagues here today, there's a rap song that goes "Don't Believe the Hype."

Let me give you the rap sheet on the hype of the proposal that we're about to discuss here today. It's about giving to the wealthiest among us, giving back to the corporate influences that have led us to the job loss that we have found, to the market principles that have led us to near and utter collapse of our housing industry, and cuts in vital programs that invest in our country, our people, and in America.

Now, I know there are some on the other side who believe the principles of Rush Limbaugh, that they want to see our President fail. And by asking our President to fail, they are asking America to fail. And this budget right here that we are talking about, that President Obama has introduced, invests in our people, invests in our programs, and invests in our country.

You know, in 2004, our Secretary of Health and Human Services, under the Bush administration, Tommy Thompson, flew to Iraq to make sure that every man, woman and child in Iraq

had universal health care coverage. Billions of dollars were spent. Yet, my colleagues on the other side didn't bat an eye when those proposals were before us; didn't bat an eye to invest in other countries. But now we have an opportunity to invest in America. A \$1.5 trillion tax cut to middle-class families. We're going to cut the deficit in half by 2013.

And finally, finally, my colleagues, we're going to have honest budgeting accounting principles for America and our people.

The question before us today is, will we act or will we stall? Will we invest, or will we continue to divest in America? Will we believe in our country, and will we believe in our people? That's what this budget debate is about. That's what these investments are about, and that's why it's so important that we reject this notion and embrace our ideas of success.

Mr. JORDAN of Ohio. I would be happy to yield 2 minutes to the gentleman from Arizona, a friend and colleague, Congressman FLAKE.

Mr. FLAKE. I thank the gentleman for yielding.

Madam Chair, I think we owe our constituents a little honesty here. We know that we can't grow an economy when we're dragging around debt that equals about 80 percent of GDP. Yet that's what is contemplated in the Democrats' budget.

We know that future generations will be taxed far in excess of their ability to sustain today's level of spending, yet that is what we are going to impose on future generations.

Now, part of the reason we're in such dire financial straits today is because we had a real estate bubble that burst. More money was invested in the real estate sector than the market could ultimately sustain.

But the budget being proposed today funds another bubble in another sector of the economy, the government sector. Under this budget, more money is being spent by government than the market can ultimately sustain. Now, you can call it government spending. You can call it critical investment. You can call it whatever you want. But it doesn't change the fact that the market simply can't sustain this level of spending.

Madam Chair, we can't suspend the laws of economics. We're trying awful hard here, but we can't. Yet that's what this budget pretends we can do.

We need to pass a budget that recognizes that our job here is to allow the private sector to pull us out of this recession. We should enact a budget that doesn't serve political ends, but rather, imposes a tax and regulatory environment that allows the private sector to allocate capital in a way that rewards hard work and ingenuity. That's what the RSC budget does. It recognizes who will eventually pull us out of this re-

cession, the private sector, not the government sector.

Mr. BLUMENAUER. Madam Chair, may I inquire as to the time remaining for both sides.

The CHAIR. The gentleman from Oregon has 8½ minutes remaining. The gentleman from Ohio has 5 minutes remaining.

Mr. BLUMENAUER. Thank you.

I would like to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I rise in opposition to the amendment. And I must say to my friends on the other side of the aisle, I think they've lost the moral right to lecture us about fiscal responsibility, given their record over the past 8 years.

I will support the overall budget, although I want to state that I have a couple of reservations, which I'm assured will be worked out. The cuts in Function 150 in foreign assistance need to be restored. And I believe very strongly that the \$250,000 threshold that the budget assumes in terms of taxing people above that, that needs to be raised because in high-cost-of-living States like mine in New York, it is not fair to have it at that level. The level needs to be higher.

I like this budget. It talks about the President's vision and America's vision, not only in terms of fixing our economy, but in terms of education, health care, and energy. We should support the overall budget and reject this amendment.

Mr. JORDAN of Ohio. Madam Chair, I would be pleased to yield 2 minutes to the gentleman from Louisiana, Dr. CASSIDY.

Mr. CASSIDY. Madam Chair, I speak against the Democrats' budget and for the alternative. Justice John Marshall said that the power to tax is the power to destroy. Now, that power shouldn't be used unless we understand the consequences.

This Democrats' budget taxes without regard to consequences. And I know that because it includes over \$30 billion in tax increases on America's energy economy.

Now, what are these consequences? The energy industry, which employs about 320,000 people in Louisiana, will not hire new workers and may have to lay some off. And, because we disincentivized domestic production, America will buy more foreign oil, as opposed to using our own oil, which is produced by American workers.

I offered an amendment yesterday to establish a point of order against tax legislation that would either destroy U.S. energy jobs or increase our dependence on foreign oil, and I was defeated on a straight party-line vote.

The only recourse to save these jobs, which are not for CEOs, but are for people who work on rigs, they're welders, they are pipeline pipefitters. The only way to save these jobs and defend

America's energy security is to vote against this Democrats budget.

Mr. BLUMENAUER. Madam Chair, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

Madam Chair, I rise in support of this budget. I didn't do it without some reservation, because I've been spending a lot of time listening to the needs of this country as it juxtaposes itself in the world, in Afghanistan and in Iraq, certainly in South America where I served as a Peace Corps volunteer. And what I think is very dangerous about the thinking of cutting the foreign aid, the 150 account, is that is all the humanitarian aid. If the combatant commanders tell us that you cannot win this war on military terms, that you're going to have to use civilian power, that's what we call soft power, smart power, then that's the account that invests in it, the account that invests in foreign aid and extended IMET programs to bring foreign officers to train in the United States, to send Peace Corps volunteers around the world. And I'm a strong supporter of what has been promised to be working that out. And I think that it's a bold budget for a great new President of the United States, and I look forward to supporting it.

The CHAIR. The gentleman from Ohio has 3½ minutes remaining. The gentleman from Oregon has 6½ minutes remaining.

Mr. JORDAN of Ohio. Madam Chair, I think we'll reserve.

Mr. BLUMENAUER. Madam Chair, I will yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I am committed to what the President is committed to. All of us who believe that there needs to be a new day in America are committed to a new era of responsibility renewing America's promise.

And my good friends on the other side of the aisle are in direct contrast to that because if we pass this budget, the Republican Study Group, study caucus, we will see a continuation of crumbling bridges, workers and veterans waiting months or years for benefits, the very veterans, 167,000 plus, that are returning back from the Iraq war, many who will be returning back from Afghanistan, the very families that we see in our community, we will see them missing out on the necessary resources to provide a new era of responsibility.

One of the important aspects of this legislation, our budget, focuses on protecting families.

Let me share one vision; protect families' financial health. Our budget, the President's budget, has a plan that must reduce the growing premiums and other costs American citizens and businesses pay for health care. People must

be protected from bankruptcy due to catastrophic illness. We have a placeholder, a place to address the question of reforming our health care. We have a provision or a concept to make health care coverage affordable. The plan must reduce high administrative costs, unnecessary tests and services, waste and other inefficiencies.

In the President's budget he believes in renewing America. The budget that we have on the floor now believes in undermining the health care safety net. It does not have the details that are necessary. It cuts key services. It certainly doesn't provide a bridge, an ongoing bridge into the 21st century.

My friends, we need to move forward with the President's vision, and we need to oppose the RSC budget.

Mr. JORDAN of Ohio. I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Ohio for crafting a reasonable budget that brings us to balance. And I'm proud to stand on the House Floor today and support the Republican Study Committee alternative budget, which would bring our Federal budget to balance within the budget window.

The Obama budget, the Obama-Pelosi budget offered here on this House floor today, adds massive amounts to our Federal debt and does not come to balance. Even over 75 years they're running massive deficits that further add to our national debt and pass those debts on to the next generation. I think that's irresponsible.

The Republican Study Committee budget, as I said, brings us to balance. It also funds necessary and important government functions like veterans' health care. It has no cuts to veterans' health care. But it also maintains our commitment to seniors and Social Security. It maintains our commitment to Medicare and Medicaid, but makes those programs sustainable over the next generation and generations to come and, at the same time, reduces our deficit and brings us to balance.

This is a strong budget. It funds veterans' health care, as I said, and it also funds our necessary defense of this great country and maintains a strong posture internationally as well.

This is a good budget that I'm proud to support. As a Member of Congress, and as a policy maker, I think it's important that we put forward realistic ideas. We cannot simply say no to the massive spending of the Obama-Pelosi budget. But we have to say yes to something. And this is a budget that we can say yes to because it brings us to balance. It's good for, not just the current generation, but puts us on the right footing for economic growth, for small business growth and for our families as well.

I think it's very important that we support a balanced budget, and that's why I'm here today to support this budget, and I'm proud to vote "yes."

□ 1530

Mr. BLUMENAUER. Madam Chair, I will yield myself the remainder of the time.

The CHAIR. The gentleman from Oregon is recognized for 4½ minutes.

Mr. BLUMENAUER. Thank you.

It is interesting listening to my other friends because, when they had their hands on the levers of power—of the Presidency and of Congress—they engineered the massive debt that the President inherited with a combination of tax cuts for people who needed it the least and with a rate of spending increase that was greater than Lyndon Johnson's in the Great Society. Not only was it greater than Bill Clinton's spending, but it was greater than Lyndon Johnson's in the Great Society.

Now, all of a sudden, when they're out of power, they're suggesting that they're going to do something that they never did when they had control. They're proposing a massive, across-the-board cut of about \$1.4 trillion over the next 10 years. Now, this is serious money, dealing with serious programs that the American people count on, and they count on them today more than ever before: Pell Grants, food stamps, nutrition activities, health care for low-income people, Medicare.

Madam Chair, the range of activities that would be subjected to the budget knife—again, that they never did when they were in control but that they propose to do now—would have the impact of scaling down our growth and our activities, and it would put the burden on those who can least afford it.

When it comes to taxes, well, they're back to the same old story. They want to make permanent tax cuts that we found out were not affordable in the form that they passed them, and worse, they would increase taxes on about a quarter of the Americans who are lower income Americans.

Madam Chair, in the Democratic budget, there are no tax increases this year. We understand that it's not appropriate to raise taxes.

Mr. MCHENRY. Will the gentleman yield?

Mr. BLUMENAUER. I will yield on your time.

Mr. MCHENRY. Well, I have no more time.

Mr. BLUMENAUER. I will yield on your time.

Mr. MCHENRY. The tax increase yesterday was in place on tobacco, which the gentleman supported.

The CHAIR. The gentlemen will suspend.

The gentleman from Oregon has the time.

Mr. BLUMENAUER. In this budget that we are going to be offering up, there are no tax increases. The House of Representatives, in its wisdom, did recently approve a tobacco tax increase that provides health care for 4 million American children, something that the

last Congress passed, and there were bipartisan votes who supported that because that's good for Americans.

What we are seeing in paychecks this month across America is that 95 percent of the people are witnessing the promise of a reduction in taxes being delivered by President Obama and this Congress. This is for 95 percent of the American people.

I find it interesting the rhetoric about bureaucrats running health care. In fact, my friend from North Carolina just pointed out that they protect the bureaucrats running health care for veterans. They protect the veterans with the program.

Mr. MCHENRY. Will the gentleman yield? Will the gentleman yield since he used my name?

Mr. BLUMENAUER. I will yield on your time only. I have very few minutes left.

Mr. MCHENRY. You don't control the time. Therefore, you can't yield it.

The CHAIR. The gentlemen will suspend.

The gentleman from Oregon does control the time in opposition, and the gentleman from North Carolina has already been told at least once that he is not going to be yielded to.

Mr. MCHENRY. Thank you.

The CHAIR. The gentleman will suspend.

Mr. MCHENRY. Thank you.

Mr. BLUMENAUER. Madam Chair, health care is one of these critical areas. There is nothing in the Democratic budget that suggests we're going to turn over to some shadowy, bureaucratic influence a bureaucratic mechanism that's going to control Americans' health care.

What President Obama has suggested and what we've been discussing in our Ways and Means Committee, for instance, is having an opportunity for more choices for Americans, including some that are subsidized by the Federal Government to help fill some of these gaps.

It's interesting that, on one hand, they'll talk about something that isn't true—the shadowy bureaucratic control of health care—while they kind of conveniently forget that some of the best health care in America is provided by government, itself, by government bureaucrats, if you will, in the Veterans Administration. It's a little embarrassing to watch this schizophrenia that our friends are engaged in.

One of the most insidious portions of both of these budgets is to be found in taking back the recovery funds that States across America are counting on for economic recovery. I suggest that's a mistake as well and another reason to reject the Republican alternative.

The CHAIR. The gentleman's time has expired.

The gentleman from Ohio is recognized for 1½ minutes.

Mr. JORDAN of Ohio. Thank you, Madam Chair.

Before yielding the balance of our time, let me just thank our chairman of the RSC for his leadership on this particular issue. Also, our staff did tremendous work in helping us put this budget together that we think is responsible, stable and represents common sense.

With that, I would yield to our former chairman, the gentleman from Arizona, Congressman SHADEGG.

Mr. SHADEGG. I thank the gentleman for yielding, and I compliment the Republican Study Committee budget.

Madam Chair, it has been, indeed, the most conservative and the lowest spending budget ever presented on this floor, year after year, for every year that I have been here.

I want to address one of the comments made on the other side. The other side has said over and over again there isn't a tax increase. Well, you can use those words carefully, but you have to look at the reality of the budget.

In point of fact, there is, roughly, \$682 billion in government revenue to be derived from the imposition of a cap-and-trade program. That revenue has to come from somewhere. It will come from the American people. Indeed, it probably isn't a tax increase because it will come from every single American, including those who currently don't pay taxes. If that's not a burden on this economy at the wrong time, I don't know what is.

In point of fact, this budget contains the largest deficit, \$1.8 trillion in 2009, four times larger than the largest previous record of \$407 billion. It contains the largest deficit as a percentage of the gross domestic product since World War II, and it will result in the largest national debt, \$12.7 trillion in 2009, greater than the sum of all debt from 1789 to today.

Our grandparents and parents have been recognized as the greatest generation. They conquered fascism. They saved freedom. They put America on a course to prosperity. With this budget, we are progressing rapidly toward what will be labeled, I fear, the "reckless generation." We are shirking our responsibility to our children and to our grandchildren. It will double the national debt in 5 years, and it will triple it in 10.

Do we want to be remembered as that "reckless generation"? Every American balances their budget. We must balance the Nation's budget.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. JORDAN of Ohio. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 322, not voting 4, as follows:

[Roll No. 189]

AYES—111

Aderholt	Gingrey (GA)	Myrick
Akin	Gohmert	Neugebauer
Alexander	Goodlatte	Olson
Bachmann	Graves	Paul
Bachus	Hall (TX)	Pence
Barrett (SC)	Harper	Petri
Bartlett	Hastings (WA)	Pitts
Barton (TX)	Hensarling	Poe (TX)
Bilirakis	Herger	Posey
Bishop (UT)	Hoekstra	Price (GA)
Blackburn	Inglis	Radanovich
Blunt	Issa	Rehberg
Bonner	Johnson, Sam	Roe (TN)
Boozman	Jones	Rogers (MI)
Boustany	Jordan (OH)	Rohrabacher
Brady (TX)	King (IA)	Rooney
Broun (GA)	Kingston	Roskam
Brown (SC)	Kline (MN)	Royce
Burgess	Lamborn	Scalise
Burton (IN)	Latta	Schmidt
Campbell	Linder	Sensenbrenner
Cantor	Luetkemeyer	Sessions
Carter	Lummis	Shadeeg
Cassidy	Lungren, Daniel	Shimkus
Chaffetz	E.	Simpson
Coble	Mack	Smith (NE)
Coffman (CO)	Manzullo	Smith (TX)
Cole	Marchant	Stearns
Conaway	McCarthy (CA)	Sullivan
Culberson	McCauley	Thompson (PA)
Deal (GA)	McClintock	Thornberry
Fallin	McHenry	Tiahrt
Flake	McKeon	Wamp
Fleming	McMorris	Whitfield
Foxx	Rodgers	Wilson (SC)
Franks (AZ)	Mica	Young (AK)
Gallegly	Miller (FL)	Young (FL)
Garrett (NJ)	Moran (KS)	

NOES—322

Abercrombie	Castle	Eshoo
Ackerman	Castor (FL)	Etheridge
Adler (NJ)	Chandler	Faleomavaega
Altmire	Childers	Farr
Andrews	Christensen	Fattah
Arcuri	Clarke	Filner
Austria	Clay	Forbes
Baca	Cleaver	Fortenberry
Baird	Clyburn	Foster
Baldwin	Cohen	Frank (MA)
Barrow	Connolly (VA)	Frelinghuysen
Bean	Conyers	Fudge
Becerra	Cooper	Gerlach
Berkley	Costa	Giffords
Berman	Costello	Gonzalez
Berry	Courtney	Gordon (TN)
Biggart	Crenshaw	Granger
Bilbray	Crowley	Grayson
Bishop (GA)	Cuellar	Green, Al
Bishop (NY)	Cummings	Green, Gene
Blumenauer	Dahlkemper	Griffith
Boccieri	Davis (AL)	Grijalva
Boehner	Davis (CA)	Guthrie
Bono Mack	Davis (IL)	Gutierrez
Bordallo	Davis (KY)	Hall (NY)
Boren	Davis (TN)	Halvorson
Boswell	DeFazio	Hare
Boucher	DeGette	Harman
Boyd	Delahunt	Hastings (FL)
Brady (PA)	DeLauro	Heinrich
Braley (IA)	Dent	Heller
Bright	Diaz-Balart, L.	Herseth Sandlin
Brown, Corrine	Diaz-Balart, M.	Higgins
Brown-Waite,	Dicks	Hill
Ginny	Dingell	Himes
Buchanan	Doggett	Hinchee
Butterfield	Donnelly (IN)	Hirono
Buyer	Doyle	Hodes
Calvert	Dreier	Holden
Camp	Driebeaus	Holt
Cao	Duncan	Honda
Capito	Edwards (MD)	Hoyer
Capps	Edwards (TX)	Hunter
Capuano	Ehlers	Inslee
Cardoza	Ellison	Israel
Carnahan	Ellsworth	Jackson (IL)
Carney	Emerson	Jackson-Lee
Carson (IN)	Engel	(TX)

Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBlundo
Loebbeck
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)

Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer

Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skeltan
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—4

Hinojosa
Miller, Gary

Sablan
Westmoreland

□ 1606

Messrs. MARSHALL, CAPUANO, McDERMOTT, RUSH, Ms. FUDGE, Ms. LORETTA SANCHEZ of California, Messrs. WILSON of Ohio, LEWIS of California, TIERNEY, GUTIERREZ, Ms. SPEIER, Messrs. McMAHON, MOLLOHAN, and BUYER changed their vote from “aye” to “no.”

Messrs. ALEXANDER, REHBERG, SENSENBRENNER, ADERHOLT, BOOZMAN, and LATTA changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. LEE OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-73.

Ms. LEE of California. Madam Chair, I rise to offer that amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 in the nature of a substitute printed in House Report 111-73 offered by Ms. LEE of California:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2010, including appropriate budgetary levels for fiscal years 2011 through 2014.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2010 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2010: \$1,716,425,000,000.

Fiscal year 2011: \$1,959,232,000,000.

Fiscal year 2012: \$2,205,599,000,000.

Fiscal year 2013: \$2,377,029,000,000.

Fiscal year 2014: \$2,524,106,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2010: \$50,439,000,000.

Fiscal year 2011: –\$129,999,000,000.

Fiscal year 2012: –\$154,794,000,000.

Fiscal year 2013: –\$138,308,000,000.

Fiscal year 2014: –\$109,552,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2010: \$2,928,107,000,000.

Fiscal year 2011: \$2,880,744,000,000.

Fiscal year 2012: \$2,920,761,000,000.

Fiscal year 2013: \$3,102,569,000,000.

Fiscal year 2014: \$3,292,316,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2010: \$3,015,166,000,000.

Fiscal year 2011: \$2,999,583,000,000.

Fiscal year 2012: \$2,951,584,000,000.

Fiscal year 2013: \$3,101,616,000,000.

Fiscal year 2014: \$3,268,044,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2010: –\$1,298,741,000,000.

Fiscal year 2011: –\$1,040,351,000,000.

Fiscal year 2012: –\$745,985,000,000.

Fiscal year 2013: –\$724,587,000,000.

Fiscal year 2014: –\$743,938,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2010: \$13,185,000,000.

Fiscal year 2011: \$14,304,000,000.

Fiscal year 2012: \$15,226,000,000.

Fiscal year 2013: \$16,105,000,000.

Fiscal year 2014: \$17,033,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2010: \$8,730,000,000.

Fiscal year 2011: \$9,638,000,000.

Fiscal year 2012: \$10,294,000,000.

Fiscal year 2013: \$10,876,000,000.

Fiscal year 2014: \$11,510,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2010 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2010:

(A) New budget authority, \$562,033,000,000.

(B) Outlays, \$606,043,000,000.

Fiscal year 2011:

(A) New budget authority, \$570,107,000,000.

(B) Outlays, \$587,945,000,000.

Fiscal year 2012:

(A) New budget authority, \$579,135,000,000.

(B) Outlays, \$576,023,000,000.

Fiscal year 2013:

(A) New budget authority, \$589,895,000,000.

(B) Outlays, \$584,670,000,000.

Fiscal year 2014:

(A) New budget authority, \$603,828,000,000.

(B) Outlays, \$595,476,000,000.

(2) International Affairs (150):

Fiscal year 2010:

(A) New budget authority, \$47,820,000,000.

(B) Outlays, \$44,646,000,000.

Fiscal year 2011:

(A) New budget authority, \$50,146,000,000.

(B) Outlays, \$49,806,000,000.

Fiscal year 2012:

(A) New budget authority, \$54,242,000,000.

(B) Outlays, \$52,933,000,000.

Fiscal year 2013:

(A) New budget authority, \$59,660,000,000.

(B) Outlays, \$56,437,000,000.

Fiscal year 2014:

(A) New budget authority, \$64,888,000,000.

(B) Outlays, \$59,864,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2010:

(A) New budget authority, \$31,339,000,000.

(B) Outlays, \$32,568,000,000.

Fiscal year 2011:

(A) New budget authority, \$31,593,000,000.

(B) Outlays, \$32,528,000,000.

Fiscal year 2012:

(A) New budget authority, \$33,473,000,000.

(B) Outlays, \$32,570,000,000.

Fiscal year 2013:

(A) New budget authority, \$34,519,000,000.

(B) Outlays, \$33,715,000,000.

Fiscal year 2014:

(A) New budget authority, \$35,786,000,000.

(B) Outlays, \$34,936,000,000.

(4) Energy (270):

Fiscal year 2010:

(A) New budget authority, \$5,989,000,000.

(B) Outlays, \$7,332,000,000.

Fiscal year 2011:

(A) New budget authority, \$5,789,000,000.

(B) Outlays, \$11,456,000,000.

Fiscal year 2012:

(A) New budget authority, \$5,982,000,000.

(B) Outlays, \$13,561,000,000.

Fiscal year 2013:

(A) New budget authority, \$6,348,000,000.

(B) Outlays, \$12,333,000,000.

Fiscal year 2014:

(A) New budget authority, \$6,477,000,000.

(B) Outlays, \$10,747,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2010:

(A) New budget authority, \$38,387,000,000.

(B) Outlays, \$40,987,000,000.

Fiscal year 2011:

(A) New budget authority, \$39,100,000,000.

(B) Outlays, \$40,719,000,000.

Fiscal year 2012:

(A) New budget authority, \$39,499,000,000.

(B) Outlays, \$40,403,000,000.

Fiscal year 2013:

(A) New budget authority, \$39,598,000,000.

(B) Outlays, \$40,052,000,000.

Fiscal year 2014:
 (A) New budget authority, \$40,267,000,000.
 (B) Outlays, \$40,240,000,000.

(6) Agriculture (350):
 Fiscal year 2010:
 (A) New budget authority, \$23,990,000,000.
 (B) Outlays, \$24,177,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$24,816,000,000.
 (B) Outlays, \$24,134,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$21,719,000,000.
 (B) Outlays, \$17,637,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$22,572,000,000.
 (B) Outlays, \$22,145,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$23,257,000,000.
 (B) Outlays, \$22,226,000,000.

(7) Commerce and Housing Credit (370):
 Fiscal year 2010:
 (A) New budget authority, \$61,933,000,000.
 (B) Outlays, \$86,392,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$26,581,000,000.
 (B) Outlays, \$38,393,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$9,761,000,000.
 (B) Outlays, \$8,929,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$17,447,000,000.
 (B) Outlays, \$5,812,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$11,426,000,000.
 (B) Outlays, —\$2,296,000,000.

(8) Transportation (400):
 Fiscal year 2010:
 (A) New budget authority, \$92,151,000,000.
 (B) Outlays, \$98,713,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$90,071,000,000.
 (B) Outlays, \$97,779,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$91,047,000,000.
 (B) Outlays, \$97,057,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$91,866,000,000.
 (B) Outlays, \$97,189,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$92,809,000,000.
 (B) Outlays, \$97,793,000,000.

(9) Community and Regional Development (450):
 Fiscal year 2010:
 (A) New budget authority, \$19,808,000,000.
 (B) Outlays, \$29,589,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$21,732,000,000.
 (B) Outlays, \$28,002,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$21,811,000,000.
 (B) Outlays, \$26,362,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$21,702,000,000.
 (B) Outlays, \$24,737,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$21,770,000,000.
 (B) Outlays, \$23,300,000,000.

(10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2010:
 (A) New budget authority, \$101,689,000,000.
 (B) Outlays, \$143,798,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$110,858,000,000.
 (B) Outlays, \$145,767,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$119,121,000,000.
 (B) Outlays, \$121,593,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$117,931,000,000.
 (B) Outlays, \$121,001,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$127,788,000,000.
 (B) Outlays, \$122,938,000,000.

(11) Health (550):
 Fiscal year 2010:
 (A) New budget authority, \$391,911,000,000.
 (B) Outlays, \$391,549,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$368,910,000,000.
 (B) Outlays, \$372,589,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$371,852,000,000.
 (B) Outlays, \$372,204,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$391,719,000,000.
 (B) Outlays, \$386,781,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$402,451,000,000.
 (B) Outlays, \$402,273,000,000.

(12) Medicare (570):
 Fiscal year 2010:
 (A) New budget authority, \$449,653,000,000.
 (B) Outlays, \$449,784,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$505,171,000,000.
 (B) Outlays, \$504,962,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$513,824,000,000.
 (B) Outlays, \$513,591,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$558,235,000,000.
 (B) Outlays, \$558,381,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$616,315,000,000.
 (B) Outlays, \$616,150,000,000.

(13) Income Security (600):
 Fiscal year 2010:
 (A) New budget authority, \$539,169,000,000.
 (B) Outlays, \$541,952,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$511,575,000,000.
 (B) Outlays, \$514,689,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$478,289,000,000.
 (B) Outlays, \$478,908,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$483,636,000,000.
 (B) Outlays, \$483,126,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$485,646,000,000.
 (B) Outlays, \$484,026,000,000.

(14) Social Security (650):
 Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.

(15) Veterans Benefits and Services (700):
 Fiscal year 2010:
 (A) New budget authority, \$108,365,000,000.
 (B) Outlays, \$107,110,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$113,842,000,000.
 (B) Outlays, \$113,461,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$109,202,000,000.
 (B) Outlays, \$108,706,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$114,303,000,000.
 (B) Outlays, \$113,682,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$116,521,000,000.
 (B) Outlays, \$115,987,000,000.

(16) Administration of Justice (750):
 Fiscal year 2010:
 (A) New budget authority, \$55,857,000,000.
 (B) Outlays, \$53,911,000,000.

Fiscal year 2011:
 (A) New budget authority, \$54,892,000,000.
 (B) Outlays, \$56,654,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$54,238,000,000.
 (B) Outlays, \$56,151,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$54,069,000,000.
 (B) Outlays, \$55,097,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$54,747,000,000.
 (B) Outlays, \$54,593,000,000.

(17) General Government (800):
 Fiscal year 2010:
 (A) New budget authority, \$22,304,000,000.
 (B) Outlays, \$23,008,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$22,641,000,000.
 (B) Outlays, \$23,446,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$23,062,000,000.
 (B) Outlays, \$24,108,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$23,075,000,000.
 (B) Outlays, \$23,811,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$23,740,000,000.
 (B) Outlays, \$23,952,000,000.

(18) Net Interest (900):
 Fiscal year 2010:
 (A) New budget authority, \$283,806,000,000.
 (B) Outlays, \$283,806,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$322,481,000,000.
 (B) Outlays, \$322,481,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$386,228,000,000.
 (B) Outlays, \$386,228,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$468,617,000,000.
 (B) Outlays, \$468,617,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$557,618,000,000.
 (B) Outlays, \$557,618,000,000.

(19) Allowances (920):
 Fiscal year 2010:
 (A) New budget authority, \$10,422,000,000.
 (B) Outlays, \$5,423,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$9,052,000,000.
 (B) Outlays, \$6,722,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$6,768,000,000.
 (B) Outlays, \$5,268,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$5,793,000,000.
 (B) Outlays, \$4,466,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$4,115,000,000.
 (B) Outlays, \$3,266,000,000.

(20) Undistributed Offsetting Receipts (950):
 Fiscal year 2010:
 (A) New budget authority, —\$68,774,000,000.
 (B) Outlays, —\$68,774,000,000.
 Fiscal year 2011:
 (A) New budget authority, —\$71,993,000,000.
 (B) Outlays, —\$71,993,000,000.
 Fiscal year 2012:
 (A) New budget authority, —\$74,970,000,000.
 (B) Outlays, —\$74,970,000,000.
 Fiscal year 2013:
 (A) New budget authority, —\$77,945,000,000.
 (B) Outlays, —\$77,945,000,000.
 Fiscal year 2014:
 (A) New budget authority, —\$79,861,000,000.
 (B) Outlays, —\$79,861,000,000.

(21) Overseas Deployments and Other Activities (970):
 Fiscal year 2010:
 (A) New budget authority, \$130,000,000,000.
 (B) Outlays, \$92,774,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$50,000,000,000.

(B) Outlays, \$76,530,000,000.

Fiscal year 2012:

(A) New budget authority, \$50,000,000,000.

(B) Outlays, \$67,694,000,000.

Fiscal year 2013:

(A) New budget authority, \$50,000,000,000.

(B) Outlays, \$57,830,000,000.

Fiscal year 2014:

(A) New budget authority, \$50,000,000,000.

(B) Outlays, \$52,085,000,000.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEPARTMENT OF DEFENSE REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) between 2001 and 2007, GAO provided the Department of Defense with 2864 recommendations, many related to improving their business practices and, to date, the Department of Defense has implemented 1389 recommendations and closed 215 recommendations without implementation; and

(2) the GAO estimates that the 1389 implemented recommendations have yielded the Department of Defense a savings of \$63.7 billion between fiscal years 2001 and 2007.

(b) ASSUMPTION; REPORT.—

(1) ASSUMPTION.—This resolution assumes \$300,000,000 to be used by the Department of Defense to implement the remaining 1260 recommendations of the Government Accountability Office.

(2) REPORT.—The Secretary of Defense should submit a report to Congress within 90 days that demonstrates how each such recommendation will be implemented, and, in the case of any such recommendation that cannot be implemented, a detailed reason for such inability to implement such recommendation.

The CHAIR. The gentlewoman from California (Ms. LEE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Madam Chair, I yield myself as much time as I may consume.

As chair of the Congressional Black Caucus and along with my colleague from Virginia, Congressman SCOTT, I rise to offer the Congressional Black Caucus substitute budget amendment.

Madam Chair, a budget is more than a fiscal document. It really is a moral document. It defines who we are as a Nation. It reflects our priorities and our values. That's why I'm pleased that the Congressional Black Caucus' budget priorities are a reflection of our values and the challenges that we face as a Nation. The theme of the CBC budget is, "Building Upon the President's Blueprint for Success."

President Obama's budget is a welcome shift in priorities away from the failed policies of the previous administration. By investing in education, health care, clean energy, transportation, and our veterans, the CBC budget, Mr. SPRATT's budget, the Democratic budget, the President's budget, are all excellent blueprints to continue with our economic recovery and to return to fiscal responsibility.

However, the CBC budget actually builds upon these investments by immediately repealing the 2001 and 2003 Bush-era tax cuts that benefit the wealthiest Americans and shifts those

savings towards education, health care, job training, international trade, justice, transportation, and veterans.

The CBC budget assumes that funding for the ballistic missile defense system will be reduced and reallocated within the national defense function to increase funding for vital health care research programs and care for our wounded warriors.

In addition, reallocated funding should also be set aside to allow the Defense Department to finish implementing the remaining Government Accountability Office's recommendations to address waste, fraud, and abuse within the Defense Department. Our CBC budget targets waste, fraud, and abuse in the Federal Government, starting with, of course, savings at the Pentagon.

Critical reviews by the GAO have already saved \$89 billion—that's just since 2001—in waste, fraud, and abuse, often simply by improving the Pentagon's business and accounting systems.

The CBC budget would fully fund the continued work of implementing all of GAO's recommendations and squeeze these savings from the Department of Defense without sacrificing any of our military strength or readiness.

GAO released the report that my language in the Democratic fiscal year 2009 budget required. The GAO has issued 637 reports to the Defense Department between 2001 and 2007 that included 2,700 specific recommendations for the Department of Defense to save our taxpayers dollars. We have successfully implemented 1,600 of those, saving over \$89 billion, which over the next 7 fiscal years is going to be about \$12.7 billion.

So the Congressional Black Caucus supports our President as he works to clean up this mess that was left to him. This budget, though, reflects our historical reputation, our historical work for the last 40 years, and really does reflect the CBC's role as the conscience of the Congress. This budget builds upon our moral imperative to really ensure the American dream for all.

Now, Madam Chair, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be able to control the remainder of the time.

The CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. SCOTT of Virginia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise in support of the Congressional Black Caucus substitute. The Congressional Black Caucus believes that the historic investments outlined in the President's budget and the Democratic budget are excellent blueprints to continue our road towards economic recovery and return to fiscal responsibility.

The base bill and the CBC alternative adopt the economic theories which

were the basis for the 1993 budget which eliminated the deficit and produced surpluses sufficient to pay off the national debt held by the public by last year when we had the surpluses. It produced record jobs and more than tripled the Dow Jones Industrial Average. And we reject the economic theory that eliminated the surpluses, replaced them with record deficits, produced the worst job performance since the Great Depression, and the Dow lower after 8 years than it started.

The CBC is fully behind the committee budget, as far as it goes. However, the CBC budget builds upon that budget.

First, the CBC budget immediately repeals the remaining Bush tax cuts that primarily affect that portion of the family's income that exceeds \$250,000, rather than waiting for these tax cuts to expire at the end of 2010, as the committee budget does. Over the last 8 years, these tax cuts have cost the Federal Government trillions of dollars, while the promised benefits of trickle-down economics never materialized.

The CBC budget also immediately eliminates the phase out and repeal of what are called PEP and Pease, which deal with itemized deductions and personal exemptions.

□ 1615

These important tax provisions were part of the Omnibus Reconciliation Act of 1990, which was signed into law by the first President Bush.

Together, repealing these provisions of the 2001 and 2003 Bush tax cuts will have virtually no effect on taxpayers with family incomes under \$250,000, and will yield an estimated \$42.2 billion in additional revenue in fiscal year 2010 alone.

In addition, the CBC budget also creates a Bush debt tax, which adds approximately one-half of 1 percent surtax on that portion of a family's income that exceeds \$1 million. The CBC proposes to use the proceeds of this surtax exclusively for deficit reduction. Over a 10-year period, the Joint Committee on Taxation estimates this surtax will raise about \$63 billion.

The CBC budget uses the additional revenue to increase our investments in our priorities for a more prosperous future for every American. Above the committee bill, the CBC budget provides an additional \$18 billion for health care; \$17 billion for education, job training, and social services; \$8 billion for transportation and infrastructure; an additional \$5.5 billion for administration of justice; \$5 billion for international affairs; \$4.7 billion for income security; and the CBC is particularly proud to add \$4.5 billion for veterans' benefits and services—more than enough to fund each of our VA hospitals by more than \$20 billion a year.

The CBC pays for all of these increases and still produces a 5-year

budget deficit that is \$67 billion lower than the base bill and saves the American people \$7 billion in interest on the national debt.

The Congressional Black Caucus wants to reject the reckless budgets over the last 8 years and return to the fiscal responsibility of the 1990s, while creating jobs and addressing our national priorities.

I, therefore, urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I rise in opposition to the amendment.

The CHAIR. The gentleman from Florida is recognized for 20 minutes.

Mr. MARIO DIAZ-BALART of Florida. I'd like to yield myself 1 minute.

First and foremost, I want to thank the CBC for putting together a budget. It's a difficult task. We know how much work it takes. So we thank them for their efforts. I want to thank them for proposing a substitute budget that really highlights the dramatic differences between the two sides—the priority differences.

If you loved the tax increases and the spending binge and the soaring deficits and the unprecedented debt that the underlying budget brings you, you will fall in love with this budget as well. This is the Democratic budget on steroids—even more spending, even more tax increases, and even more deficits.

As economic conditions continue to deteriorate for 2009, this budget immediately increases taxes for small businesses and for individuals that are set to expire in 2011.

Just like the Democrat's budget, this substitute increases taxes by \$1.5 trillion, with a T—make sure we don't get confused here—over the next 10 years. Just like the Democrat's budget, this substitute budget increases spending by \$18.3 trillion, with a T, over just the next 5 years. And just like the Democrat's budget, this substitution also increases the national debt to \$17 trillion by 2014. Again, unprecedented levels of spending of taxes.

I urge a defeat of this amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. First of all, I want to thank the President for his commitment to transforming our health care system so that everyone has access to quality health care—and demonstrating that commitment in this budget.

I then would like to thank Chairwoman BARBARA LEE and Congressman BOBBY SCOTT for adding to and filling out that outline to even better meet the needs of our communities and all Americans, while remaining fiscally responsible.

In health care, with the additional \$18 billion the CBC budget includes, we are able to fund a robust Ryan White that ends ADAP waiting lists; increases funding to the hard-hit South; brings services to incarcerated and ex-offender populations; and increases funding for the Minority AIDS Initiative.

An estimated in excess of 83,000 African Americans die from preventable causes every year. Our budget will raise the National Center for Minority and Health Disparity Research to an institute and increase its funding.

Lastly, our budget sets aside funding for the Health Equity and Accountability Act, which expands needed data collection, provides quality services for individuals with limited English proficiency; expands health programs to build a diverse workforce that is needed today; provides targeted and comprehensive services for diseases causing the disparities; elevates and expands the Indian Health Service; supports facilities and institutions in underserved communities and responds to the call for community-driven programs that address the health and social determinants that fuel the disparities through the creation of Health Empowerment Zones.

I urge our colleagues to pass this budget, to vote "aye" on a budget which ups the investment in all Americans and reduces the deficit.

Mr. MARIO DIAZ-BALART of Florida. I now yield 2 minutes to a member of the Budget Committee, the gentleman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Madam Chairman, today, in America, there is a set of parents that are sitting at the table with their teenage son. Their teenage son does not have a job, but he's provided an allowance by his parents.

They're sitting at the table because, unbeknownst to the parents until today, he has taken out four credit cards and run them up to the maximum. So the discussion with the teenage son is, What are we going to do about this?

The teenage sons says, I will find a summer job mowing lawns. And they say, Well, what are you going to do in the fall? It's going to take you longer than that to pay back your credit cards. Let's worry about that when the fall comes.

In order to avoid a big scene, the parents say, Okay, we'll worry about it when the fall comes. Now give us your credit cards so we can tear them up and stop this bleeding.

The son, of course says, You can't have my credit cards. I've become used to this lifestyle. I'm going to keep my credit cards and run them up some more.

As we know, that teenage son is the Democrat budget and the parents are the American taxpayers.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Let me commend the Congressional Black Caucus and its chair, Congresswoman LEE, and to our leader on the Budget Committee for many, many years, Representative BOBBY SCOTT from Virginia, for presenting this very sound budget.

As we know, we are supposedly a country that not only promotes the general welfare, as it does to provide for the common defense but, in many instances, we find that promoting the general welfare is lost. The Congressional Black Caucus budget takes care of that.

But, in the meantime, as a member of the Foreign Affairs Committee and the chairman of the House Subcommittee on Africa and Global Health, I have been deeply disturbed by the damage done over the past 8 years to the reputation and the standing of the United States of America around the globe.

By replacing diplomacy with the use of force and military threats in the Middle East and other regions and dismissing our longtime allies, France and Germany, as "Old Europe," the previous administration alienated those who had looked to the United States for moral leadership.

Under the Obama administration and the Democrat Congress, we now have the opportunity to move in a more constructive and positive direction by investing in overseas development and restoring diplomacy to our international relations efforts.

In crafting the international affairs portion of the Congressional Black Caucus budget, we have allocated increased funding to assist other nations in lifting themselves out of poverty, a critical part of the plan to restore America's reputation and prestige around the world.

We were pleased that in the Budget Committee our chairman's mark increased funding for international affairs by 11 percent over FY 2009 levels. The CBC budget provides for an additional \$2.5 billion on top of that, which puts funding for international affairs closer to the President's request.

The CHAIR. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield the gentleman an additional 30 seconds.

Mr. PAYNE. The President's request puts us closer to there. The additional allocation would go toward increased funding for the global fund to fight AIDS, tuberculosis, malaria; USAID programs; Iraq humanitarian assistance; migration and refugee assistance; peacekeeping efforts in Darfur; education, health care, and cultural exchange programs; child survival and health programs; and development assistance.

Vote for the CBC budget and let's restore America's promise and America's greatness in the eyes of the world.

Mr. MARIO DIAZ-BALART of Florida. I'd like to yield myself 30 seconds.

I just want to mention that the relationship the gentleman mentioned with Germany and France—how ironic that those two countries are now lecturing the United States because the United States is spending too much. I never thought I'd live to see that happen.

With that, Madam Chairwoman, if I may, I'd like to yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. This is really about the future of our country. For those of us that have worried about the trends in spending and we've watched, of course with alarm—from George Washington to George Bush—we have watched what Thomas Jefferson warned us about. This proclivity in politics to spend now and leave this burden on the next generation has advanced and advanced.

But all of that debt together is not as great as the debt we're undertaking in the next 10 years. We are going to see that debt level double in the next 5½ years because of the massive increase in government spending that we are embarking on. Over the next 10 years we're going to see it triple.

I want you to think for a minute about what this means to your children. The Congressional Budget Office is nonpartisan. The Congressional Budget Office tells us that the tax rates for lower-income Americans, when we finally get around to recognizing that we can't borrow more, will have to go up drastically; will have to go up, in their estimation, to 26 percent. For middle income, it will go from 25 to 66 percent. Think what that's going to mean for small businesses.

No. The time to get a handle on this is now. The time to bring this back into check, because the Congressional Budget Office—even the Director of the President's Budget Office has come out recently and said Oh, these numbers are not sustainable. No, they're not.

And it's here in the House where spending bills originate that we're going to have to reverse this course, because if we do not, how are we going to maintain the ability to continue to go out with these Treasuries and borrow as much as we've borrowed several times again from the Europeans and from the Chinese?

Yes, the governments in Europe are lecturing us. All over the world people are lecturing us. At the G20 they're saying: How can you go forward with these massive spending increases? It is not sustainable. And they're right. They're absolutely right.

I oppose this budget because this unchecked spending will result in borrowing hundreds of billions of dollars from China and the Middle East and other nations that own our growing debt.

I think we all know as individuals that money doesn't grow on trees. But it is the American taxpayer who will

eventually end up paying for all this spending. At a time when many taxpayers are hurting—they can't afford their mortgages right now, they are losing money in their pensions, they're worried about losing their jobs—it is wrong at this time to make the argument that we're going to seize this opportunity to expand all of these government agencies and programs.

When Americans are tightening their belts, shouldn't the government be at least trying to balance its books?

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to a member of the Budget Committee, the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentleman from Virginia. Madam Chair, I rise in favor of the Congressional Black Caucus alternative budget. The CBC budget builds on the essential investments made by the President and the Democratic resolution. Both of these budgets represent the same important priorities—investing in education, health care, energy independence, and veterans.

□ 1630

In order to build on these investments, the CBC budget unashamedly immediately repeals the 2001 and 2003 trickle-down, ownership society, on-your-own tax cuts that benefited the wealthiest Americans, and puts those savings towards strategic investments in ordinary Americans.

In times of recession, the most fortunate must do more to contribute to the common good and to reduce the raging deficit.

The CBC budget supports increased funding for international affairs, which pays for critical life-saving foreign assistance such as HIV/AIDS, TB, malaria, and child survival. Indeed, as Secretary Clinton has said, hunger, poverty, desperation, and chaos are our greatest enemies abroad.

The CBC budget increases funding for veterans' benefits, weatherization assistance, energy efficiency, renewable energy programs, and invests in clean energy technology. The CBC budget increases funding for education which will go towards key programs like title I, Head Start, TRIO, GEAR UP, STEM programs, and early education programs. It is important that we give our young people an opportunity to succeed, and the CBC budget does this.

Last night on the floor, I emphasized that the spread of inequality is astounding, which means more people are forced to take minimum wage jobs, more people receiving government assistance, and even more people falling into poverty. Just this week, over 600,000 people filed for unemployment compensation, and the CBC budget does not ignore this.

The CHAIR. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield an additional 30 seconds.

Ms. MOORE of Wisconsin. The WIC program and Low-Income Energy Assistance Program all recognize this.

I just want to end, Madam Chair, with a quote from Plato.

"The form of law which I propose would be as follows: In a state which is desirous of being saved from the greatest of all plagues, not faction, but rather distraction, there should exist among the citizens neither extreme poverty nor, again, excessive wealth, for both are productive of great evil. Now the legislator should determine what is to be the limit of poverty or of wealth."

Mr. MARIO DIAZ-BALART of Florida. Madam Chair, I now at this time recognize for 3 minutes a gentleman who comes with years of leadership experience in the California legislature, the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Chair, I feel a moment of rare bipartisan agreement coming on. I noticed several of my friends on the left said that our problems are rooted in the fiscal mismanagement of the Bush administration. The gentleman from Virginia had a very good chart entitled Record Deterioration of the Budget Under Republican Administration.

I agree. There is no denying it, George W. Bush increased spending twice as fast as his predecessor Bill Clinton did. He turned a budget surplus into a chronic deficit. You are absolutely right.

So if we all agree that Bush spent too much and borrowed too much, then why in the world would we want to pursue the same folly on an even grander scale? Why would we take that Bush administration's unsustainable rate of spending growth and send it even higher? Why would we want to take that budget deficit, which is indefensible, and triple it?

If budgets that spend too much and borrow too much on the road to economic prosperity work, then why aren't we already enjoying a period of unprecedented economic expansion? The fact is, these policies don't work. And it doesn't matter whether the President is a Democrat or a Republican. They don't work, because government cannot inject a single dollar into the economy that it has not first taken out of that same economy. Those policies don't work for the same reason that you can't spend yourself rich or borrow your way out of debt or tax your way to prosperity.

If you want to know where these policies lead, just look to my home State of California. I have watched three governors, Republican and Democrat, do exactly what my friends on the left assure us is the road to prosperity. They increased spending at unsustainable rates, they ran up unprecedented debts, and they imposed

crushing new taxes. And the result is that today California has been transformed from the Nation's Golden State to a state of collapse.

A record level of government spending has not produced prosperity; it has produced one of the highest unemployment rates in the country. Interest costs driven by years of borrowing are now eating into its budget. Its tax burden is producing a population exodus unknown since the days of the Dust Bowl. In fact, the State has spent so much that it has just imposed the biggest tax increase by any State in American history. California has borrowed so much that it is now in very real danger of defaulting on its obligations before the end of the summer. And, I am concerned that the President and many Democrats in Congress are making exactly the same mistake that the Bush administration made and that three California governors made, only on a much greater scale.

Madam Chair, I would suggest that, at a moment like this, perhaps it is time that we recognize the first law of holes: When you are in one, stop digging.

Mr. SCOTT of Virginia. Madam Chair, I yield 1½ minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Madam Speaker, I rise today in strong support of the Congressional Black Caucus budget alternative, and I thank the able leadership of Chairwoman LEE and Mr. SCOTT for providing us an alternative budget that builds on the framework set forth by President Obama, while increasing investments in areas we in the CBC deem most critical for some of our most vulnerable communities and setting a framework for the future.

Budgets are about priorities, and what has happened over this last decade has been a reframing and reshifting of the priorities, and it is time to get those straight and that is exactly what this budget does:

Provides investments of \$18 billion for health care reform, because the lack of health care is the single largest obstacle to a future of economic prosperity and health for all Americans. This budget provides an additional \$17 billion to improve our education system, including important funding for Job Corps centers across this country to train our young people for jobs for the future. An additional \$8 billion would be added to transportation and infrastructure, because we must increase mass transit capabilities and update our crumbling water and sewer infrastructure nationwide.

And we have to invest in green jobs, which this budget does, for a 21st century global economy. And we make these real commitments for our veterans and military families; and we don't do it by accident; we do it by repealing the Bush tax cuts of 2001 and

2003 immediately. This would result in an estimated \$42.2 billion in additional revenue for fiscal 2010 alone. That's what this budget proposes.

Madam Chair, we have to remember that it was the failed policies of the previous administration that left President Obama and the American people with the largest deficit in history.

The CHAIR. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield an additional 15 seconds.

Ms. EDWARDS of Maryland. And an economy in the worst recession in 70 years.

I urge my colleagues to vote in strong support of the Congressional Black Caucus budget alternative as an important step on the road to economic recovery and prosperity for all for the future.

The CHAIR. The gentleman from Virginia has 4¼ minutes remaining. The gentleman from Florida has 11½ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. I would like to now recognize the gentleman from Missouri (Mr. AKIN) for 3 minutes.

Mr. AKIN. Madam Chair, there have been people that are saying that America as a nation is going down the path of socialism. We are becoming a socialized nation. But, you know, that isn't really quite fair. Not like the socialized nations of Europe anyway. Because, according to the standards of the European Union, they would not accept America with the budget that is being proposed here this very day.

Now, the spending that we are looking at is unprecedented. We have heard about the Bush administration spending money. They spent too much. We have acknowledged that. But let me tell you, what we have seen here in just 3 months makes the Bush administration look like mere pikers.

The Wall Street bailout, we did half of that this year, \$350 billion. Then we added to that this economic stimulus, or as I would prefer to call it, porkulus, \$787 billion. Let's understand what this number "a billion" means.

You have heard that the wars in Afghanistan and Iraq were really expensive. Day after day we have been told, hey, this war in Iraq is just draining money out of America. Yet, add up every day of that war, add it to the war in Afghanistan, and that number is smaller than what the House approved for this stimulus bill in the first 5 weeks that Congress has been in session. And then you have got the omnibus, another 400-some.

So what happens with this level of unprecedented spending? Well, the theory is supposed to be that if you spend enough money, it will make the economy better.

Now, I don't know very many American families who would buy something

as silly as that. If you are in trouble financially, do you go and buy a brand-new car and spend money like mad? No. You hunker down a little bit and you try to be careful what you are spending. And yet somehow there is this theory that if we spend money, it is going to make everything okay.

They tried that in the days of FDR. The Secretary of Treasury, after 8 years of trying that foolishness, came before this Congress in 1939 with the quote, "We have tried spending. The unemployment is as bad as when we started." And it didn't work. It didn't work for Japan, and it won't work for us if we keep down the spending.

Look at the comparison. We have heard about Bush spending. This is his average annual deficit, \$300 billion. This is proposed by the President. The budget we are looking at here is even more, twice as much. If you take a look at the highest deficit, this was Bush in 2008 with the Democrats in Congress, \$459 billion, and yet we are looking at \$1.2 trillion. Our new President makes President Bush look like a piker.

Now, did you ever go to first grade and they said, what is it that doesn't fit in in this picture? Take a look at the deficits that have been run or the actual surpluses of all of these different years. And here we go along. These are the Bush years. And guess what line doesn't fit? I mean, we are talking about absolutely radical levels of spending, and here on the floor right now is being proposed even more than that.

Then we hear that the Democrats are saying, oh, this is really good because, look, we are going to take this great big spike and we are going to spend it at half the rate. It is like somebody has been smoking funny cigarettes around here.

Mr. SCOTT of Virginia. Madam Chair, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Chair, I do believe that it matters whether the President is a Democrat or a Republican. I do believe it matters whether we give huge tax breaks to the wealthiest 1 percent of the population or whether we rescind them.

I want to commend Representatives LEE, SCOTT, and MOORE for their strong leadership on the development of this budget, and I rise in strong support of it. Especially do I want to commend them for looking after the criminal justice needs that exist in our country, and putting in resources for programs to assist those who are in need of help, in need of reentry, in need of trying to get their lives back together so that they, too, can share in the American dream.

So this budget is about the future development of America, and I support it strongly and urge its adoption.

Mr. MARIO DIAZ-BALART of Florida. Madam Chair, I now yield 2 minutes to the distinguished gentleman from the State of Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from Florida for the time.

Madam Chair, the American people deserve order in the fiscal house of government. America deserves a responsible, fair, creative, and smart Federal Government that protects our most vulnerable, strengthens opportunity, and protects our country. Our constituents deserve for us to say together "yes" to fiscal stability, "yes" to a balanced budget, "yes" to small business and entrepreneurs, and "yes" to creating opportunities to help families get ahead in life. But they also need us to say "no," no to the concept that there is free money, free money for the government to give, to spend, and to bail out with. The only thing free here is that the government is acting free from restraint and free from responsibility.

Let's put today's debate into context. Six months ago, Congress passed a bailout for Wall Street, forcing America to buy bad corporate assets. Weeks ago, an omnibus holdover budget bill increased spending by 10 percent. Then a stimulus bill added another \$800 billion. Not to mention that between the Federal Reserve, the Department of the Treasury, and the FDIC there is another \$10 trillion of taxpayer dollars on the line right now. Now, today another budget adds another layer of spending.

It is a dizzying array of interventions that is reshaping the nature of the relationship between this government and our people. The result: Massive Federal debt, \$2 trillion this year alone, larger than the entire Federal budget was before the year 2000.

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This debt is a tax passed on to our children, or it is a sale of the Nation's assets overseas. We owe China \$1 trillion. Or potentially it creates inflationary pressures. That is a particularly regressive form of taxation for the poorest and most vulnerable among us.

Madam Chair, we all know what we must do. And we know it will be hard. There is no denying that. We must prioritize. We must choose. We must be creative. We must be like a family that has to tighten its belt and steady itself during a rough period, but also look forward toward a more excellent way.

Mr. MARIO DIAZ-BALART of Florida. May I inquire from the Chair how much time remains on both sides?

The CHAIR. The gentleman from Florida has 6½ minutes remaining. The gentleman from Virginia has 3¼ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, I would like to yield myself 1 minute.

Again, I just want to emphasize that we keep hearing criticism of the previous administration for spending too much. And yet this bill makes that spending look like child's play. It makes that debt look like child's play. It makes that deficit look like child's play. And so you cannot on one side, like this bill does, criticize a previous administration for spending too much, for putting us in too much debt, and then do much more of the same, much more to an unprecedented level like this country has never seen, never seen such large tax increases, never seen such large debt, has never seen such large deficits as this bill would put on the American people. Again, facts are stubborn things.

With that, I reserve.

Mr. SCOTT of Virginia. Madam Chair, I yield 1 minute to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me acknowledge the leadership of our CBC chair, BARBARA LEE, and Congressman SCOTT and Congresswoman MOORE for spending the time to develop this alternative budget. And this is not because we don't support the President's budget. This is because we wanted to see some progressive and visionary funding that is motivated by principle and compassion. We are not socialists. We do not, however, want to forget that we do have poor and vulnerable people that do not have homes, that do not have health care and do not have enough food.

We are here not because we know we are going to win this vote. We are here because we feel the responsibility to put it before the people. There are a lot of people in this country with problems, and we as a Congressional Black Caucus do not intend to allow it to be forgotten. We are not talking about African Americans. We are talking about all of the poor, the children and the homeless families. They need attention. And we must not forget it. And we must not remain in denial.

Madam Chair, I want to thank Chairwoman BARBARA LEE, the Congressional Black Caucus and my colleague, Congressman SCOTT from Virginia, for their leadership and unwavering support for the development of this alternative budget.

The CBC alternative budget is filled with progressive and visionary funding that is motivated by principle and compassion. It is a budget that voices the concerns and needs of the poor, the children, and the elderly.

I support and agree with President Obama's Budget. I also support CBC budget to increase American priorities such as our transportation system. The CBC budget would add an additional 8 billion dollars to support our transportation needs.

The CBC alternative budget understands that our Nation's transportation system is the backbone of our economy and our way of life, neither of which we can afford to shortchange.

Our Nation's future depends more and more on the quality of our innovative ideas. The

fruits of these investments meet vital national needs and improve the quality of life for all Americans.

Like the President's budget, CBC alternative budget also provides funding for programs and services crucial to the American people, rather than continuing to provide tax breaks for the wealthy.

As lawmakers, we do have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American Dream. Life, liberty, and the pursuit of happiness meant all people.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, I would like to now yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

When you look at the Democrats' budget, the numbers are just staggering. 2010 spending, \$3 trillion, 25 percent of gross domestic product, \$1.2 trillion tax increase over 10 years, \$1 trillion spending increase over 5 years, nondefense discretionary spending increases 12 percent, the national debt increases \$5.1 trillion, doubling over 5 years. The 2010 deficit will be \$1.2 trillion.

How can you look at these numbers and conclude anything other than we simply can't sustain this level of debt? We can't grow an economy when we are dragging this level of debt. It simply defies the laws of economics. We can't do that.

Now some in defense of the Democratic budget will say, "we inherited this fiscal mess that we are in." I will stipulate to that. We didn't do a very good job when we were in the majority controlling spending. But you don't put your foot on the accelerator when you are headed toward a fiscal cliff. And that is what this budget does. It simply gets us there a lot faster. And we simply can't do that.

Madam Chair, I would urge us to reject the overall budget, adopt something that we can actually afford and sustain and that will get us growing economically again.

Mr. SCOTT of Virginia. Madam Chair, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. To my great friend from Arizona, sometimes if you're turning in front of an 18-wheeler, you should hit the accelerator and get out the way. The important point here is that no matter what the cost of education, ignorance costs our country more. What we have is, some who stand in opposition today, they know the cost of everything, but the value of seemingly nothing. It is critically important. And that is why the conscience of the CBC members dictates that this alternative be brought to the floor, that we point a direction, not just complain and recite the problems, but that we offer up real solutions, and that we are required to, as Members of

this body, not just go along to get along.

As a major supporter of President Obama's budget and program, I think he is moving our country in the right direction. But it is important for us to show that even more can be done and should be done. And I believe as we go forward, it will be done. We will work together. Republicans have forfeited their right to lead based on the situation they brought this country to. We are prepared to lead. Others need to step aside.

Mr. MARIO DIAZ-BALART of Florida. I reserve at this time, Madam Chairwoman.

The CHAIR. The gentleman has 4 minutes remaining. He is reserving his time. The gentleman from Virginia has 1¼ minutes.

Mr. SCOTT of Virginia. I would inquire to the gentleman from Florida if he has additional speakers?

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, we might have one but maybe not. We are definitely getting to the bottom here, the bottom of the list I should say.

Mr. SCOTT of Virginia. I will yield 1 minute to the gentlelady from California (Ms. WATERS).

Ms. WATERS. Madam Chair, I wanted to get to the floor to congratulate Congressman BOBBY SCOTT for the hard work that he has done to bring the CBC's budget before this Congress and all of those who worked with him. I would like to thank my colleagues of the CBC, and especially our chairwoman, BARBARA LEE, for continuing the tradition of having an alternative budget. It is so important because each year we show the world what is possible, what can be done, how we can invest in human potential. This budget does just that. What I really like about this budget is it truly is building upon the President's blueprint for success. This budget, in investing in human potential, invests \$18 billion more on health care, \$17 billion more on education, job training and social services, \$8 billion more on transportation and infrastructure. And I am sure you have heard some of these numbers as CBC members have come before you today to support this budget. I won't go any further except to say that this a good budget. Please support it.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, I would like to yield myself 2 minutes.

Madam Chairwoman, one of the things that we need to be aware of is that when we keep hearing about more spending, more spending, more spending, more spending, all that spending is being paid for how? Well, it is very simple, by either huge tax increases, and that is why this budget has the largest tax increases in the history of this country, tax increases that we have never seen before, and unprecedented levels of debt, of borrowing.

What does that mean, government borrowing? Let me tell you what that means, Madam Chairwoman. It is basically like identity theft. The Federal Government is now in the process, if this were to become law, of taking, of stealing our children's and our grandchildren's credit cards and running them up at unprecedented levels. And yes, those credit cards are going to have to be paid back with interest. And that is what we are about to do at unprecedented levels. So when we keep hearing about all these great things that government is going to be doing, just remember, it is on the credit card of our children and our grandchildren.

This is a country that always, always by tradition worked hard to make sure that future generations were better off. We are about to embark on a road that this country has never been on before, leaving our children and our grandchildren with the largest debt, the largest debt that anybody has ever seen, has ever left for future generations. That is totally unacceptable.

I reserve.

Mr. SCOTT of Virginia. Madam Chair, I'm prepared to close. Does the gentleman want to proceed?

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, we thought we had another person. He is not here. I believe we get to close, is that correct?

The CHAIR. Yes. The gentleman from Florida has the right to close.

Mr. MARIO DIAZ-BALART of Florida. I reserve the balance of my time.

The CHAIR. The gentleman from Virginia has 15 seconds.

Mr. SCOTT. Madam Chair, before I start, I would like to yield for a unanimous consent request to the gentlelady from Texas.

Ms. JACKSON-LEE of Texas. Seventeen billion dollars in education and social services. I rise in support of the CBC budget for America.

Madam Chair, I rise today in support of the Congressional Black Caucus (CBC) Budget Substitute for the Fiscal Year Budget for 2010, introduced by my distinguished colleague from California, REPRESENTATIVE BARBARA LEE and my colleague from Virginia, Representative ROBERT C. "BOBBY" SCOTT.

While I support the Budget as put forth by our majority on the Budget Committee, the CBC budget augments the President's budget and the Democratic budget by providing for modest spending increases above the Democratic Budget on important programs.

The President's budget is astonishing as he inherited one of the worst economic situations in recent history. The former administration, after being the first administration since the Civil War to have a surplus turned over to it, the former President left President Obama with the largest deficit in history and an economy that is in the worst recession in seventy (70) years. The CBC Budget will help turn our economy around and return the economy to fiscal responsibility.

I, along with other members of the CBC, support our President as he works to clean up

the mess that was left to him. Nevertheless, the CBC has submitted its budget proposal which I also support.

The CBC budget fully funds No Child Left Behind (NCLB), the State Children's Health Insurance Program (SCHIP), and it provides additional funding for the fight against global AIDS, Community Development Block Grants (CDBG) and higher education among other items.

The CBC pays for these increases by immediately repealing the Bush-era tax cuts for those earning over \$200,000 for single filers and \$250,000 for joint filers. The CBC budget also eliminates the phase-out and repeal of PEP and Pease. These important tax provisions were apart of the Omnibus Reconciliation Act of 1990 and signed into law by the first President Bush and ensure that the wealthiest Americans are paying their fair share in taxes. Repealing these provisions of the 2001 and 2003 Bush tax cuts will yield an estimated \$42.2 billion in additional revenue for Fiscal Year 2010.

Importantly, the CBC Budget creates the Bush Debt Tax, which adds a modest 0.565% surtax on adjustable gross income exceeding \$500,000 for individuals and \$1 million for joint filers. The CBC budget will use this surtax for deficit reduction. Over a ten year period, the Joint Committee on Taxation estimates this surtax will raise about \$63 million. The CBC budget takes these savings and applies them towards increased investments in important functions that will help Americans become more prosperous.

The CBC Budget provides an additional \$18 million for healthcare; \$17 billion for education, job training, and social services, \$8 billion for Transportation and Infrastructure; \$5.5 billion for the administration of justice and approximately the same for international affairs; \$5 billion for income security and veterans benefits, and \$3 billion for community and regional development and homeland security.

The CBC Budget pays for all these increases and still produces a five-year budget deficit that is \$67 billion lower than the Democratic Budget and saves America \$7 billion on the National Debt.

ADVANCING THE PRIORITIES OF THE AMERICAN PEOPLE

We must not only be economically healthy, but assist in balancing it with the health, education, and security of our citizens. The CBC budget will advance the priorities of the American people by:

Covering all eligible children with health insurance through funding SCHIP, more than the Democratic budget to help one of our most vulnerable populations—children;

Ensuring No Child Left Behind (NCLB) has increased funding for Head Start programs, IDEA, college access programs, college loan programs and job training;

Honoring our veterans by increasing funding for health care, benefits and educational opportunities;

Making more local communities with support through increases to Community Development Block Grants, nutrition programs and housing programs; and

Contributing to the global community by investing in child survival and health, international family planning and the global effort to fight AIDS.

HEALTH INITIATIVES

The CBC budget under the Health Function 550 included a program that I continually push for increased funding, and that is the Juvenile Diabetes Research Foundation. Hope for juvenile diabetes cure lies in research. Real progress is being made, thanks largely to government funding of the Special Diabetes Program.

The health and health care spending in the CBC budget alternative is the fiscally, socially and morally appropriate and responsible response and it will improve the health, well being and life opportunities of all Americans.

The CBC budget like the President's budget, strengthens our nation's overwhelmed and under-resourced health care system, champions the critically important health care needs of health care seekers, and fills the gaps in health care access and quality that detrimentally affect our nation's health care providers and the overall health care system.

The CBC budget alternative strengthens and expands the State Children's Health Insurance Program to ensure that the majority of the nation's 9 million uninsured children have access to health care. This is of particular relevance to the CBC because a disproportionate number of the 9 million uninsured children today are African American or Hispanic. Without reliable access to quality health care, children are in poorer health, are less productive in school and in their communities, and are less likely to fulfill their life's potential.

STRENGTHENS MEDICARE

The CBC budget alternative strengthens Medicare—a critically important program that ensures that our nations' senior citizens, as well as those living with disabilities, have access to the health care services and treatments they need to live longer, healthier and fuller lives.

The CBC budget alternative also:

Saves Title VII (health professions training) programs, which are integral to strengthening and expanding tomorrow's health care workforce;

Funds the Ryan White HIV/AIDS Program in a manner that allows it to expand ADAP, the efforts of National Minority AIDS Education Training Centers, and the other important services and treatments offered to our most vulnerable with HIV infection;

Funds the Minority AIDS Initiative in a manner that will build the needed capacity in racial and ethnic minority communities throughout the nation to respond and address HIV/AIDS;

It is our children that will bring forth a thriving future. We need to invest in tomorrow by investing in them today. This starts with their physical well-being. Children, who cannot see the doctor when they are sick, research programs that are not adequately funded to find a cure for diseases such as diabetes, hurt our future generations, and not help lay a foundation for a bright future.

EDUCATION AND AFRICAN AMERICANS IN TEXAS

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This budget provides greater funding to our

nation's schools and colleges than even our Democratic budget supplies.

For African Americans health and education concerns spill beyond budgetary issues into the criminal justice consequences. In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university.

The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

PORT OF HOUSTON AND SECURITY MEASURES

Last week, I had the pleasure of meeting with the Port Authority of Houston. They were here to discuss their security measures but also their need for continued federal dollars. The Bush Administration claims they want to secure our nation but cuts funding in areas that are important to our local security such as the ports in Houston, Texas. The CBC seeks to cure that shortfall.

ADMINISTRATION OF JUSTICE

Under the proposed CBC budget, there is emphasis on the administration of justice and the protection of all Americans. The CBC budget funds programs that are important to our communities. The CBC budget funds the Justice Assistance Grant Program, Juvenile Justice Programs, the Byrne Weed and Seed Program, Office of Violence Against Women, COPS and JAG programs. All of these programs help keep American communities safe and provide for greater law enforcement at the federal, state, and local enforcement levels. The CBC budget reinvests in DOJ Prisoner Reentry Program. In addition, the CBC budget invests in our children by requiring funding for Boys and Girls clubs. This investment in our communities and in our children helps keep our youths safe and out of the prison system.

GENERAL SCIENCES, SPACE AND TECHNOLOGY

The CBC budget proposes to invest heavily in our nation's development in science, space, and technology. The CBC budget also invests in the NSF—Education and Research Programs, with a special emphasis on Minority Post Doctorates. The CBC budget not only invests in minorities, it also invests in women by providing for Graduate Research Fellowships for Women in Engineering and Computer Science.

ENERGY

The CBC budget addresses the environment, energy, and natural resources. These programs are of particular interest to the people of Texas and I think it is necessary for America to remain a vital, energy efficient country.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

The proposed CBC budget puts greater emphasis on education, training, employment, and social services. These are critical to the needs of Americans and minority populations in general.

The CBC budget provides funding for the No Child Left Behind Act. Included in that Act is funding for Title I, Safe and Drug Free Schools, 21st Century Learning Centers, and

Teacher Quality Programs. We must continue to invest in our children because they represent the future of America.

The CBC budget also recognizes that there must be investment in Head Start, mentoring, and drop out prevention. The proposed CBC budget provides money to vocational programs and increases the funding of HBCUs. The CBC budget provides for funding in investment in Minority Science and Engineering Improvement. The CBC budget invests in adult employment and training activities.

CONCLUSION

This important piece of legislation gives us a budget that is balanced fiscally and morally. It does not sacrifice the great many programs and services that this nation needs to correct eight years or more of decay.

Defense of our nation is important, however, we must not support only one portion of the budget to the detriment of everything else. The CBC budget makes tough choices that result in a fiscally and morally responsible budget that will fund essential programs and services vital to our communities and the American people as a whole.

I urge my colleagues to join me in supporting the Congressional Black Caucus Budget Substitute for FY2010.

Mr. SCOTT of Virginia. Madam Chair, I yield myself the balance of my time.

Madam Chair, the Congressional Black Caucus budget is based on the budget of 1990–1993 that worked. It rejects the budget of 2001 that didn't. It saves money and invests in our priorities. It is a good budget. The base budget is good, but the CBC budget is better.

Madam Chair, I ask that we adopt the CBC budget, and I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairwoman, I want to thank the gentleman from Virginia for his hard work. I want to just throw some facts out there. This budget spends too much, it taxes too much and it borrows way too much.

The debt held by the public under this budget will double in 5½ years—double in 5½ years. It triples in a little over 10 years. The kind of red ink that this budget proposes for our children and our grandchildren is more under this presidency than under the presidencies between George Washington and George W. Bush combined.

Again, it increases taxes on all the American people. On January 1, 2011, the income tax rates go up. That is a tax increase. On January 1, 2011, as Mr. RYAN said, the capital gains rates go up. And as he repeated, that is also a tax increase. On January 1, 2011, the dividends tax rate goes up. That is a huge tax increase. On January 1, 2010, the AMT will go up to 26 million Americans who are now not paying it. This imposes a national energy tax, a new tax, a tax increase when you turn on the lights, when you pump your gas, if you use gas to cook, if you use it for industry, on all energy consumption in

this country. That is what we are facing. This puts our country on the road to insolvency.

So I commend the gentleman from Virginia and his colleagues for putting together this amendment. But this is not where this country needs to go. Let's not forget who pays the bills, our children and our grandchildren. Let's not do this to them. Let's leave them a brighter future, a stronger America.

For those reasons, because this does not do that, because this burdens them like never before, I respectfully request a "no" vote on this amendment.

Mr. CONYERS. Madam Chair, as we all know, the recession we are facing today is the most severe since the Great Depression. It is evident that the Bush Administration's economic policies have failed us. With a new President, we now have the ability to begin to repair our economy and get our country back on track.

Madam Chair, we must significantly cut our bloated defense spending. I agree with my friend and fellow chair, Representative BARNEY FRANK, that we should reduce defense spending by at least 25 percent. The CPC budget does this by withdrawing our troops from the senseless war in Iraq, saving American tax payers \$105 billion in 2010, and by ending the procurement of antiquated Cold War weapons systems that no longer further our common national defense. These actions will save another \$60 billion, yes \$60 billion dollars, per year. This budget will also address the root causes of terrorism by enacting and fully funding the SMART Security Platform for the 21st Century. This is a more effective, targeted, and nuanced national security strategy that will focus more of our resources on the critical issues that affect our national security: non-proliferation, conflict prevention, international diplomacy, and multilateralism.

Furthermore, the CPC budget will offer serious reform that will bring back America's tradition of progressive taxation. First, it eliminates the Bush tax cuts for those in the top 1 percent, increasing government revenues by \$84 billion. Moreover, the bill will force banks, who helped create this financial disaster, to self finance their received bail outs by implanting a one quarter of 1 percent tax on all stock and futures trading. Lastly, it will end outrageous overseas corporate tax havens in the Caribbean, Switzerland, and all elsewhere—bringing \$100 billion in taxes back to the American treasury.

With these extra \$300 billion government revenues the CPC budget will help hard working Americans through these tough economic times. Specifically, the budget alternative adds funding for job training, puts Americans to work with robust transportation funding, extends COBRA health benefits, and provides extra food stamps for the poor, women, and infants.

In these dire times, the Progressive Caucus budget will help us realign our fiscal policy with our values as a nation. As we cut useless defense spending and misdirected tax cuts for the wealthy, while providing aid to the middle and working classes, we will make an important statement: America honors work and those who play by the rules; we appreciate the

success of the wealthy, but we expect them to reciprocate when it comes to promoting the common good. America will strengthen its national security by working with our allies around the world and by showing compassion to our brothers and sisters who lack our economic blessings. Finally, and most importantly, America is a flexible country that can and will change with the times, make smart investments, and lead the world in a new economic direction. I encourage my colleagues to support the Progressive Caucus' alternative budget so that we may move forward as a nation that honors work, justice, and peace.

Madam Chair, now more than ever Americans are seeking government to help them during these uncertain times. For too long, Members on the other side advocated for no government intervention, citing the mantra of extreme free market capitalism. Now we are seeing the devastating consequences. The Congressional Black Caucus budget is one way to confront our pressing issues and move America forward.

Today's legislation addresses minority health needs. It calls for significant increases in funding for the Minority AIDS Initiative, Ryan White CARE Act, and CDC Prevention activities for HIV, STD, TB and Viral Hepatitis. Furthermore, the CBC budget calls for a \$200 million increase in funding for the National Center on Minority Health and Health Disparities at NIH. These programs will promote better public health services to the many who depend on these programs.

Madam Chair, in the richest country in the world, access to housing is a human right. After many years of underfunding of the nation's affordable housing programs, the CBC fully funds Section 8 public housing to 100% of need. Furthermore, the bill calls for \$360 million increase to housing for people living with HIV/AIDS (HOPWA). Lastly, the CBC urges an increase in funding for the Neighborhood Stabilization Program, which allows states, localities, and nonprofits to buy up and rehabilitate abandoned and foreclosed properties.

As Chairman of the House Judiciary Committee, I whole heartily support The CBC efforts to reduce juvenile crime and efforts to rehabilitate ex-offenders. Today's legislation would fully fund the Second Chance Act, an important bill that gives assistance ex-offenders during their reclamation to society and may ultimately reduce crime. Furthermore, the CBC budget will increase funding for the Justice Assistance Program, the Juvenile Justice Program, Civil Rights Enforcement, the COPS Program, the Byrne Justice Grant Program, and State and Local Law Enforcement Assistance.

During these tough economic times, we need expanded and improved access to high quality education. The CBC budget supports the President's to expand the Pell Grant program to hardworking students. It is a national shame that the Bush administration woefully underfunded the No Child Left Behind Act and the today's legislation calls for substantial increase in funding level. Furthermore, CBC budget calls on Congress to fully fund Head Start, TRIO (including Upward Bound), GEAR UP, Youth Build, and vocational education programs.

I could go on about the features of this legislation but clearly it puts Americans first. I urge my colleagues to support this legislation.

Mr. MARIO DIAZ-BALART of Florida. I yield back the remaining part of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Ms. LEE).

The question was taken; and the Chair announced that the ayes appeared to have it.

RECORDED VOTE

Ms. LEE of California. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 113, noes 318, answered "present" 1, not voting 5, as follows:

[Roll No. 190]

AYES—113

Abercrombie	Green, Al	Olver
Andrews	Green, Gene	Pallone
Baldwin	Grijalva	Pastor (AZ)
Becerra	Gutierrez	Payne
Berman	Hare	Pingree (ME)
Bishop (GA)	Harman	Price (NC)
Blumenauer	Hastings (FL)	Rangel
Bordallo	Hinchey	Richardson
Brady (PA)	Hirono	Rothman (NJ)
Braley (IA)	Holt	Roybal-Allard
Brown, Corrine	Honda	Rush
Butterfield	Hoyer	Sánchez, Linda
Capps	Jackson (IL)	T.
Capuano	Jackson-Lee	Sarbanes
Carson (IN)	(TX)	Schakowsky
Castor (FL)	Johnson (GA)	Scott (GA)
Christensen	Johnson, E. B.	Scott (VA)
Clarke	Kennedy	Serrano
Clay	Kilpatrick (MI)	Sherman
Cleaver	Larson (CT)	Slaughter
Clyburn	Lee (CA)	Speier
Cohen	Lewis (GA)	Stark
Conyers	Loebach	Sutton
Crowley	Lynch	Thompson (MS)
Cummings	Markey (MA)	Towns
Davis (IL)	Matsui	Van Hollen
DeFazio	McCollum	Velázquez
Delahunt	McDermott	Wasserman
DeLauro	McGovern	Schultz
Doyle	Meek (FL)	Waters
Edwards (MD)	Meeks (NY)	Watson
Ellison	Miller, George	Watt
Engel	Moore (WI)	Waxman
Faleomavaega	Moran (VA)	Weiner
Farr	Nadler (NY)	Welch
Fattah	Napolitano	Wexler
Filner	Norton	Woolsey
Frank (MA)	Oberstar	Wu
Fudge	Obey	

NOES—318

Ackerman	Blunt	Capito
Aderholt	Bocieri	Cardoza
Adler (NJ)	Boehner	Carnahan
Akin	Bonner	Carney
Alexander	Bono Mack	Carter
Altmire	Boozman	Cassidy
Arcuri	Boren	Castle
Austria	Boswell	Chaffetz
Baca	Boucher	Chandler
Bachmann	Boustany	Childers
Bachus	Boyd	Coble
Baird	Brady (TX)	Coffman (CO)
Barrett (SC)	Bright	Cole
Barrow	Broun (GA)	Conaway
Bartlett	Brown (SC)	Connolly (VA)
Barton (TX)	Brown-Waite,	Cooper
Bean	Ginny	Costa
Berkley	Buchanan	Costello
Berry	Burgess	Courtney
Biggert	Burton (IN)	Crenshaw
Billbray	Calvert	Cuellar
Billirakis	Camp	Culberson
Bishop (NY)	Campbell	Dahlkemper
Bishop (UT)	Cantor	Davis (CA)
Blackburn	Cao	Davis (KY)

Davis (TN)	Kosmas	Pomeroy
Deal (GA)	Kratovil	Posey
DeGette	Kucinich	Price (GA)
Dent	Lamborn	Putnam
Diaz-Balart, L.	Lance	Radanovich
Diaz-Balart, M.	Langevin	Rahall
Dicks	Larsen (WA)	Rehberg
Dingell	Latham	Reichert
Doggett	LaTourette	Reyes
Donnelly (IN)	Latta	Rodriguez
Dreier	Lee (NY)	Roe (TN)
Driehaus	Levin	Rogers (AL)
Duncan	Lewis (CA)	Rogers (KY)
Edwards (TX)	Linder	Rogers (MI)
Ehlers	Lipinski	Rohrabacher
Ellsworth	LoBiondo	Rooney
Emerson	Lofgren, Zoe	Ros-Lehtinen
Eshoo	Lowey	Roskam
Etheridge	Lucas	Ross
Fallin	Luetkemeyer	Royce
Flake	Lujan	Ruppersberger
Fleming	Lummis	Ryan (OH)
Forbes	Lungren, Daniel	Ryan (WI)
Fortenberry	E.	Salazar
Foster	Mack	Sanchez, Loretta
Fox	Maffei	Scalise
Franks (AZ)	Maloney	Schauer
Frelinghuysen	Manzullo	Schiff
Gallely	Marchant	Schmidt
Garrett (NJ)	Markey (CO)	Schock
Gerlach	Marshall	Schrader
Giffords	Massa	Schwartz
Gingrey (GA)	Matheson	Sensenbrenner
Gohmert	McCarthy (CA)	Sessions
Gonzalez	McCarthy (NY)	Sestak
Goodlatte	McCaul	Shadegg
Gordon (TN)	McClintock	Shea-Porter
Granger	McCotter	Shimkus
Graves	McHenry	Shuler
Grayson	McHugh	Shuster
Griffith	McIntyre	Simpson
Guthrie	McKeon	Sires
Hall (NY)	McMahon	Skelton
Hall (TX)	McMorris	Smith (NE)
Halvorson	Rodgers	Smith (NJ)
Harper	McNerney	Smith (TX)
Hastings (WA)	Melancon	Smith (WA)
Heinrich	Mica	Snyder
Heller	Michaud	Souder
Hensarling	Miller (FL)	Space
Herger	Miller (MI)	Spratt
Herseth Sandlin	Miller (NC)	Stearns
Higgins	Minnick	Stupak
Hill	Mitchell	Sullivan
Himes	Mollohan	Tanner
Hodes	Moore (KS)	Tauscher
Hoekstra	Moran (KS)	Taylor
Holden	Murphy (CT)	Teague
Hunter	Murphy, Patrick	Terry
Inglis	Murphy, Tim	Thompson (CA)
Inslee	Murtha	Thompson (PA)
Israel	Myrick	Thornberry
Issa	Neal (MA)	Tiahrt
Jenkins	Neugebauer	Tiberi
Johnson (IL)	Nunes	Tierney
Johnson, Sam	Nye	Titus
Jones	Olson	Tonko
Jordan (OH)	Ortiz	Tsongas
Kagen	Pascrell	Turner
Kanjorski	Paul	Upton
Kaptur	Paulsen	Visclosky
Kildee	Pence	Walden
Kilroy	Perlmutter	Walz
Kind	Perriello	Wamp
King (IA)	Peters	Whitfield
King (NY)	Peterson	Wilson (OH)
Kingston	Petri	Wilson (SC)
Kirk	Pierluisi	Wittman
Kirkpatrick (AZ)	Pitts	Wolf
Kissell	Platts	Yarmuth
Klein (FL)	Poe (TX)	Young (AK)
Kline (MN)	Polis (CO)	Young (FL)

ANSWERED "PRESENT"—1

Davis (AL)

NOT VOTING—5

Buyer	Miller, Gary	Westmoreland
Hinojosa	Sablan	

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Messrs. BACA, CALVERT, HALL of Texas, FRANKS of Arizona, and HER-

GER changed their vote from "aye" to "no."

Messrs. ROTHMAN of New Jersey and HINCHEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. RYAN OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-73.

Mr. RYAN of Wisconsin. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 in the nature of a substitute printed in House Report 111-73 offered by Mr. RYAN of Wisconsin:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2010 is hereby established and that this resolution sets forth the appropriate budgetary levels for fiscal year 2009, fiscal years 2011 through 2019, and fiscal years 2020 through 2082.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Recommended Levels and Amounts for Each of Fiscal Years 2009 Through 2019

Sec. 101. Recommended levels and amounts.

Sec. 102. Functional categories.

Subtitle B—Recommended Levels and Amounts for Each of Fiscal Years 2020 Through 2082

Sec. 111. Major categories.

Sec. 112. Social Security spending levels.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—CONGRESSIONAL POLICY STATEMENTS

Sec. 301. Policy statement on Medicare.

Sec. 302. Policy statement on Medicaid.

Sec. 303. Policy statement on affordable and accessible health care.

Sec. 304. Policy statement on Social Security.

Sec. 305. Policy statement on energy.

Sec. 306. Policy statement on taxes.

TITLE IV—SHORT-TERM BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.

Sec. 402. Roll Call Vote Required on Increasing the Debt Limit.

Sec. 403. Budget compliance statements.

Sec. 404. Cost estimates for conference reports and unreported measures.

Sec. 405. Roll call votes for new spending.

Sec. 406. Adjustments to reflect changes in concepts and definitions.

Sec. 407. Social Security off-budget compliance statement.

Sec. 408. Applications and effects of changes in allocations and aggregates.

Sec. 409. Emergency spending and contingency operations.

TITLE V—LONG-TERM BUDGET ENFORCEMENT

Sec. 501. Spending and revenue increase controls.

Sec. 502. Prevent increases in the long-term unfunded liability of the Federal Government.

Sec. 503. Estimates of the Committee on the Budget of the House of Representatives.

Sec. 504. Projections.

TITLE VI—EARMARK REFORM

Sec. 601. Moratorium on consideration of earmarks.

Sec. 602. Joint select committee on earmark reform.

TITLE VII—PAY-AS-YOU-GO ENFORCEMENT FOR MANDATORY SPENDING

Sec. 701. Pay-as-you-go for mandatory spending legislation.

TITLE VIII—DISCRETIONARY SPENDING LIMITS

Sec. 801. Discretionary spending limits.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Recommended Levels and Amounts for Each of Fiscal Years 2009 Through 2019

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2019:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009:	\$1,497,570,000,000.
Fiscal year 2010:	\$1,618,785,000,000.
Fiscal year 2011:	\$1,865,734,000,000.
Fiscal year 2012:	\$2,083,686,000,000.
Fiscal year 2013:	\$2,126,661,000,000.
Fiscal year 2014:	\$2,238,870,000,000.
Fiscal year 2015:	\$2,361,363,000,000.
Fiscal year 2016:	\$2,462,383,000,000.
Fiscal year 2017:	\$2,572,003,000,000.
Fiscal year 2018:	\$2,671,254,000,000.
Fiscal year 2019:	\$2,773,775,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009:	–\$35,000,000,000.
Fiscal year 2010:	–\$47,201,000,000.
Fiscal year 2011:	–\$222,897,000,000.
Fiscal year 2012:	–\$276,706,000,000.
Fiscal year 2013:	–\$388,676,000,000.
Fiscal year 2014:	–\$394,788,000,000.
Fiscal year 2015:	–\$414,589,000,000.
Fiscal year 2016:	–\$434,647,000,000.
Fiscal year 2017:	–\$456,982,000,000.
Fiscal year 2018:	–\$479,553,000,000.
Fiscal year 2019:	–\$505,259,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009:	\$3,653,504,000,000.
Fiscal year 2010:	\$2,691,668,000,000.
Fiscal year 2011:	\$2,601,381,000,000.
Fiscal year 2012:	\$2,626,004,000,000.
Fiscal year 2013:	\$2,767,920,000,000.
Fiscal year 2014:	\$2,928,726,000,000.
Fiscal year 2015:	\$3,047,662,000,000.
Fiscal year 2016:	\$3,191,583,000,000.
Fiscal year 2017:	\$3,288,776,000,000.
Fiscal year 2018:	\$3,402,832,000,000.
Fiscal year 2019:	\$3,471,097,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,355,330,000,000.
 Fiscal year 2010: \$2,727,108,000,000.
 Fiscal year 2011: \$2,684,319,000,000.
 Fiscal year 2012: \$2,653,894,000,000.
 Fiscal year 2013: \$2,778,937,000,000.
 Fiscal year 2014: \$2,924,914,000,000.
 Fiscal year 2015: \$3,037,015,000,000.
 Fiscal year 2016: \$3,184,193,000,000.
 Fiscal year 2017: \$3,278,461,000,000.
 Fiscal year 2018: \$3,388,274,000,000.
 Fiscal year 2019: \$3,487,199,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: \$1,857,760,000,000.
 Fiscal year 2010: \$1,108,323,000,000.
 Fiscal year 2011: \$818,585,000,000.
 Fiscal year 2012: \$570,208,000,000.
 Fiscal year 2013: \$652,276,000,000.
 Fiscal year 2014: \$686,043,000,000.
 Fiscal year 2015: \$675,652,000,000.
 Fiscal year 2016: \$721,810,000,000.
 Fiscal year 2017: \$706,457,000,000.
 Fiscal year 2018: \$717,020,000,000.
 Fiscal year 2019: \$713,424,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of debt are as follows:

Fiscal year 2009: \$12,051,000,000.
 Fiscal year 2010: \$13,206,000,000.
 Fiscal year 2011: \$13,198,000,000.
 Fiscal year 2012: \$14,660,000,000.
 Fiscal year 2013: \$15,470,000,000.
 Fiscal year 2014: \$16,353,000,000.
 Fiscal year 2015: \$17,242,000,000.
 Fiscal year 2016: \$18,177,000,000.
 Fiscal year 2017: \$19,115,000,000.
 Fiscal year 2018: \$19,718,000,000.
 Fiscal year 2019: \$20,683,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,763,000,000,000.
 Fiscal year 2010: \$8,571,000,000,000.
 Fiscal year 2011: \$9,252,000,000,000.
 Fiscal year 2012: \$9,728,000,000,000.
 Fiscal year 2013: \$10,240,000,000,000.
 Fiscal year 2014: \$10,831,000,000,000.
 Fiscal year 2015: \$11,405,000,000,000.
 Fiscal year 2016: \$12,039,000,000,000.
 Fiscal year 2017: \$12,677,000,000,000.
 Fiscal year 2018: \$12,978,000,000,000.
 Fiscal year 2019: \$13,655,000,000,000.

SEC. 102. FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 are as follows:

(1) National Defense (050):

Fiscal year 2009:
 (A) New budget authority, \$693,557,000,000.
 (B) Outlays, \$671,725,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$696,703,000,000.
 (B) Outlays, \$696,128,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$619,767,000,000.
 (B) Outlays, \$663,705,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$628,785,000,000.
 (B) Outlays, \$643,223,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$639,535,000,000.
 (B) Outlays, \$642,425,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$653,458,000,000.
 (B) Outlays, \$647,334,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$668,321,000,000.
 (B) Outlays, \$659,306,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$683,448,000,000.

(B) Outlays, \$677,586,000,000.

Fiscal year 2017:

(A) New budget authority, \$699,003,000,000.

(B) Outlays, \$688,336,000,000.

Fiscal year 2018:

(A) New budget authority, \$715,041,000,000.

(B) Outlays, \$699,584,000,000.

Fiscal year 2019:

(A) New budget authority, \$731,508,000,000.

(B) Outlays, \$720,053,000,000.

(2) International Affairs (150):

Fiscal year 2009:

(A) New budget authority, \$40,885,000,000.

(B) Outlays, \$37,797,000,000.

Fiscal year 2010:

(A) New budget authority, \$35,588,000,000.

(B) Outlays, \$39,430,000,000.

Fiscal year 2011:

(A) New budget authority, \$35,381,000,000.

(B) Outlays, \$39,612,000,000.

Fiscal year 2012:

(A) New budget authority, \$35,967,000,000.

(B) Outlays, \$38,879,000,000.

Fiscal year 2013:

(A) New budget authority, \$37,207,000,000.

(B) Outlays, \$38,229,000,000.

Fiscal year 2014:

(A) New budget authority, \$38,414,000,000.

(B) Outlays, \$37,610,000,000.

Fiscal year 2015:

(A) New budget authority, \$39,983,000,000.

(B) Outlays, \$37,678,000,000.

Fiscal year 2016:

(A) New budget authority, \$40,758,000,000.

(B) Outlays, \$37,809,000,000.

Fiscal year 2017:

(A) New budget authority, \$41,561,000,000.

(B) Outlays, \$38,295,000,000.

Fiscal year 2018:

(A) New budget authority, \$42,332,000,000.

(B) Outlays, \$38,860,000,000.

Fiscal year 2019:

(A) New budget authority, \$43,179,000,000.

(B) Outlays, \$39,496,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2009:

(A) New budget authority, \$35,389,000,000.

(B) Outlays, \$30,973,000,000.

Fiscal year 2010:

(A) New budget authority, \$29,905,000,000.

(B) Outlays, \$31,845,000,000.

Fiscal year 2011:

(A) New budget authority, \$30,132,000,000.

(B) Outlays, \$31,288,000,000.

Fiscal year 2012:

(A) New budget authority, \$30,356,000,000.

(B) Outlays, \$30,346,000,000.

Fiscal year 2013:

(A) New budget authority, \$30,557,000,000.

(B) Outlays, \$30,443,000,000.

Fiscal year 2014:

(A) New budget authority, \$30,883,000,000.

(B) Outlays, \$30,709,000,000.

Fiscal year 2015:

(A) New budget authority, \$30,828,000,000.

(B) Outlays, \$30,542,000,000.

Fiscal year 2016:

(A) New budget authority, \$31,873,000,000.

(B) Outlays, \$31,484,000,000.

Fiscal year 2017:

(A) New budget authority, \$32,444,000,000.

(B) Outlays, \$32,019,000,000.

Fiscal year 2018:

(A) New budget authority, \$32,997,000,000.

(B) Outlays, \$32,571,000,000.

Fiscal year 2019:

(A) New budget authority, \$33,609,000,000.

(B) Outlays, \$33,153,000,000.

(4) Energy (270):

Fiscal year 2009:

(A) New budget authority, \$43,919,000,000.

(B) Outlays, \$2,952,000,000.

(A) Fiscal year 2010:

(A) New budget authority, \$4,534,000,000.

(B) Outlays, \$7,144,000,000.

Fiscal year 2011:

(A) New budget authority, \$4,579,000,000.

(B) Outlays, \$11,004,000,000.

Fiscal year 2012:

(A) New budget authority, \$4,765,000,000.

(B) Outlays, \$12,932,000,000.

Fiscal year 2013:

(A) New budget authority, \$5,126,000,000.

(B) Outlays, \$11,514,000,000.

Fiscal year 2014:

(A) New budget authority, \$5,246,000,000.

(B) Outlays, \$9,746,000,000.

Fiscal year 2015:

(A) New budget authority, \$5,314,000,000.

(B) Outlays, \$6,264,000,000.

Fiscal year 2016:

(A) New budget authority, \$5,404,000,000.

(B) Outlays, \$4,420,000,000.

Fiscal year 2017:

(A) New budget authority, \$5,506,000,000.

(B) Outlays, \$4,263,000,000.

Fiscal year 2018:

(A) New budget authority, \$5,040,000,000.

(B) Outlays, \$3,736,000,000.

Fiscal year 2019:

(A) New budget authority, \$4,662,000,000.

(B) Outlays, \$3,781,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2009:

(A) New budget authority, \$56,009,000,000.

(B) Outlays, \$36,834,000,000.

Fiscal year 2010:

(A) New budget authority, \$35,185,000,000.

(B) Outlays, \$41,367,000,000.

Fiscal year 2011:

(A) New budget authority, \$35,428,000,000.

(B) Outlays, \$40,695,000,000.

Fiscal year 2012:

(A) New budget authority, \$36,118,000,000.

(B) Outlays, \$39,709,000,000.

Fiscal year 2013:

(A) New budget authority, \$36,225,000,000.

(B) Outlays, \$38,525,000,000.

Fiscal year 2014:

(A) New budget authority, \$36,806,000,000.

(B) Outlays, \$38,063,000,000.

Fiscal year 2015:

(A) New budget authority, \$37,078,000,000.

(B) Outlays, \$37,614,000,000.

Fiscal year 2016:

(A) New budget authority, \$38,111,000,000.

(B) Outlays, \$38,252,000,000.

Fiscal year 2017:

(A) New budget authority, \$38,996,000,000.

(B) Outlays, \$39,042,000,000.

Fiscal year 2018:

(A) New budget authority, \$40,420,000,000.

(B) Outlays, \$39,309,000,000.

Fiscal year 2019:

(A) New budget authority, \$41,293,000,000.

(B) Outlays, \$40,027,000,000.

(6) Agriculture (350):

Fiscal year 2009:

(A) New budget authority, \$24,974,000,000.

(B) Outlays, \$23,070,000,000.

Fiscal year 2010:

(A) New budget authority, \$23,747,000,000.

(B) Outlays, \$23,994,000,000.

Fiscal year 2011:

(A) New budget authority, \$24,784,000,000.

(B) Outlays, \$24,076,000,000.

Fiscal year 2012:

(A) New budget authority, \$21,698,000,000.

(B) Outlays, \$17,598,000,000.

Fiscal year 2013:

(A) New budget authority, \$22,508,000,000.

(B) Outlays, \$22,087,000,000.

Fiscal year 2014:

(A) New budget authority, \$23,176,000,000.

(B) Outlays, \$22,153,000,000.

Fiscal year 2015:

(A) New budget authority, \$22,574,000,000.
 (B) Outlays, \$21,518,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$22,694,000,000.
 (B) Outlays, \$21,792,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$22,959,000,000.
 (B) Outlays, \$22,007,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$23,586,000,000.
 (B) Outlays, \$22,616,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$24,247,000,000.
 (B) Outlays, \$23,099,000,000.
 (7) Commerce and Housing Credit (370):
 Fiscal year 2009:
 (A) New budget authority, \$694,439,000,000.
 (B) Outlays, \$665,437,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$53,919,000,000.
 (B) Outlays, \$81,268,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$25,853,000,000.
 (B) Outlays, \$35,561,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$10,548,000,000.
 (B) Outlays, \$8,926,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$18,989,000,000.
 (B) Outlays, \$6,848,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$13,166,000,000.
 (B) Outlays, —\$770,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$13,482,000,000.
 (B) Outlays, —\$2,355,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$13,394,000,000.
 (B) Outlays, —\$2,063,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$18,333,000,000.
 (B) Outlays, \$3,571,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$18,313,000,000.
 (B) Outlays, \$1,686,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$18,526,000,000.
 (B) Outlays, \$6,377,000,000.
 (8) Transportation (400):
 Fiscal year 2009:
 (A) New budget authority, \$122,457,000,000.
 (B) Outlays, \$87,784,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$73,942,000,000.
 (B) Outlays, \$95,080,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$74,428,000,000.
 (B) Outlays, \$95,330,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$74,959,000,000.
 (B) Outlays, \$94,496,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$75,482,000,000.
 (B) Outlays, \$94,646,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$76,250,000,000.
 (B) Outlays, \$94,986,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$77,055,000,000.
 (B) Outlays, \$94,657,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$77,947,000,000.
 (B) Outlays, \$93,628,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$78,847,000,000.
 (B) Outlays, \$93,754,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$79,758,000,000.
 (B) Outlays, \$95,243,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$80,761,000,000.
 (B) Outlays, \$96,852,000,000.
 (9) Community and Regional Development (450):

Fiscal year 2009:
 (A) New budget authority, \$23,811,000,000.
 (B) Outlays, \$29,983,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$15,337,000,000.
 (B) Outlays, \$28,736,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$15,243,000,000.
 (B) Outlays, \$25,640,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$15,372,000,000.
 (B) Outlays, \$22,255,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$15,292,000,000.
 (B) Outlays, \$19,425,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$15,450,000,000.
 (B) Outlays, \$17,388,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$15,679,000,000.
 (B) Outlays, \$16,052,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$15,949,000,000.
 (B) Outlays, \$15,373,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$16,230,000,000.
 (B) Outlays, \$15,537,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$16,502,000,000.
 (B) Outlays, \$15,798,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$16,807,000,000.
 (B) Outlays, \$16,050,000,000.
 (10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2009:
 (A) New budget authority, \$164,276,000,000.
 (B) Outlays, \$73,219,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$94,430,000,000.
 (B) Outlays, \$140,624,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$100,425,000,000.
 (B) Outlays, \$138,168,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$104,574,000,000.
 (B) Outlays, \$109,894,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$99,607,000,000.
 (B) Outlays, \$105,778,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$106,379,000,000.
 (B) Outlays, \$104,136,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$107,578,000,000.
 (B) Outlays, \$109,050,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$110,808,000,000.
 (B) Outlays, \$111,157,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$113,222,000,000.
 (B) Outlays, \$113,434,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$114,972,000,000.
 (B) Outlays, \$115,574,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$116,738,000,000.
 (B) Outlays, \$117,370,000,000.
 (11) Health (550):
 Fiscal year 2009:
 (A) New budget authority, \$380,158,000,000.
 (B) Outlays, \$354,397,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$382,701,000,000.
 (B) Outlays, \$388,322,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$362,157,000,000.
 (B) Outlays, \$366,125,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$366,206,000,000.
 (B) Outlays, \$365,877,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$384,837,000,000.
 (B) Outlays, \$380,587,000,000.

Fiscal year 2014:
 (A) New budget authority, \$393,583,000,000.
 (B) Outlays, \$394,963,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$416,232,000,000.
 (B) Outlays, \$414,586,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$440,850,000,000.
 (B) Outlays, \$438,783,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$472,198,000,000.
 (B) Outlays, \$469,835,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$502,675,000,000.
 (B) Outlays, \$500,219,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$535,998,000,000.
 (B) Outlays, \$533,214,000,000.
 (12) Medicare (570):
 Fiscal year 2009:
 (A) New budget authority, \$427,076,000,000.
 (B) Outlays, \$426,736,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$442,815,000,000.
 (B) Outlays, \$442,947,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$487,442,000,000.
 (B) Outlays, \$487,269,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$491,952,000,000.
 (B) Outlays, \$491,715,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$540,003,000,000.
 (B) Outlays, \$540,125,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$593,406,000,000.
 (B) Outlays, \$593,211,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$618,202,000,000.
 (B) Outlays, \$617,949,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$674,176,000,000.
 (B) Outlays, \$674,288,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$698,771,000,000.
 (B) Outlays, \$698,566,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$724,830,000,000.
 (B) Outlays, \$724,560,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$804,287,000,000.
 (B) Outlays, \$804,379,000,000.
 (13) Income Security (600):
 Fiscal year 2009:
 (A) New budget authority, \$520,123,000,000.
 (B) Outlays, \$503,020,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$531,436,000,000.
 (B) Outlays, \$536,129,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$502,767,000,000.
 (B) Outlays, \$506,623,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$444,772,000,000.
 (B) Outlays, \$445,920,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$448,294,000,000.
 (B) Outlays, \$448,504,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$448,678,000,000.
 (B) Outlays, \$447,863,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$451,192,000,000.
 (B) Outlays, \$450,486,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$461,271,000,000.
 (B) Outlays, \$460,636,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$464,233,000,000.
 (B) Outlays, \$463,622,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$467,351,000,000.
 (B) Outlays, \$466,592,000,000.
 Fiscal year 2019:

(A) New budget authority, \$481,975,000,000.
 (B) Outlays, \$480,964,000,000.
 (14) Social Security (650):
 Fiscal year 2009:
 (A) New budget authority, \$31,820,000,000.
 (B) Outlays, \$31,264,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$35,875,000,000.
 (B) Outlays, \$35,875,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$39,021,000,000.
 (B) Outlays, \$39,021,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$42,449,000,000.
 (B) Outlays, \$42,449,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$46,094,000,000.
 (B) Outlays, \$46,094,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$49,994,000,000.
 (B) Outlays, \$49,994,000,000.
 (15) Veterans Benefits and Services (700):
 Fiscal year 2009:
 (A) New budget authority, \$97,705,000,000.
 (B) Outlays, \$94,831,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$106,358,000,000.
 (B) Outlays, \$105,017,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$112,806,000,000.
 (B) Outlays, \$111,832,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$108,643,000,000.
 (B) Outlays, \$107,500,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$113,722,000,000.
 (B) Outlays, \$112,512,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$115,929,000,000.
 (B) Outlays, \$114,819,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$118,184,000,000.
 (B) Outlays, \$117,546,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$124,798,000,000.
 (B) Outlays, \$124,320,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$124,546,000,000.
 (B) Outlays, \$124,059,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$124,034,000,000.
 (B) Outlays, \$123,478,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$132,515,000,000.
 (B) Outlays, \$131,887,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2009:
 (A) New budget authority, \$55,783,000,000.
 (B) Outlays, \$49,853,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$54,159,000,000.
 (B) Outlays, \$52,611,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$52,227,000,000.
 (B) Outlays, \$54,395,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$52,785,000,000.
 (B) Outlays, \$54,581,000,000.
 Fiscal year 2013:

(A) New budget authority, \$53,363,000,000.
 (B) Outlays, \$54,157,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$54,247,000,000.
 (B) Outlays, \$54,058,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$55,345,000,000.
 (B) Outlays, \$55,083,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$56,664,000,000.
 (B) Outlays, \$56,349,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$58,019,000,000.
 (B) Outlays, \$57,658,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$61,193,000,000.
 (B) Outlays, \$60,826,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$64,023,000,000.
 (B) Outlays, \$63,627,000,000.
 (17) General Government (800):
 Fiscal year 2009:
 (A) New budget authority, \$30,405,000,000.
 (B) Outlays, \$24,629,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$21,590,000,000.
 (B) Outlays, \$22,457,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$21,869,000,000.
 (B) Outlays, \$22,744,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$22,218,000,000.
 (B) Outlays, \$23,311,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$21,988,000,000.
 (B) Outlays, \$22,800,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$22,481,000,000.
 (B) Outlays, \$22,760,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$23,050,000,000.
 (B) Outlays, \$23,200,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$23,673,000,000.
 (B) Outlays, \$23,780,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$24,344,000,000.
 (B) Outlays, \$24,099,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$25,069,000,000.
 (B) Outlays, \$24,743,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$25,833,000,000.
 (B) Outlays, \$25,350,000,000.
 (18) Net Interest (900):
 Fiscal year 2009:
 (A) New budget authority, \$289,044,000,000.
 (B) \$289,044,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$282,801,000,000.
 (B) Outlays, \$282,801,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$317,087,000,000.
 (B) Outlays, \$317,087,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$373,346,000,000.
 (B) Outlays, \$373,346,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$447,727,000,000.
 (B) Outlays, \$447,727,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$530,456,000,000.
 (B) Outlays, \$530,456,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$595,684,000,000.
 (B) Outlays, \$595,684,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$649,165,000,000.
 (B) Outlays, \$648,965,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$695,308,000,000.
 (B) Outlays, \$695,308,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$757,439,000,000.

(B) Outlays, \$759,439,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$813,257,000,000.
 (B) Outlays, \$813,257,000,000.
 (19) Allowances (920):
 Fiscal year 2009:
 (A) New budget authority, −\$120,000,000.
 (B) Outlays, −\$12,000,000.
 Fiscal year 2010:
 (A) New budget authority, −\$145,294,000,000.
 (B) Outlays, −\$240,726,000,000.
 Fiscal year 2011:
 (A) New budget authority, −\$152,721,000,000.
 (B) Outlays, −\$238,695,000,000.
 Fiscal year 2012:
 (A) New budget authority, −\$128,918,000,000.
 (B) Outlays, −\$178,622,000,000.
 Fiscal year 2013:
 (A) New budget authority, −\$154,485,000,000.
 (B) Outlays, −\$189,489,000,000.
 Fiscal year 2014:
 (A) New budget authority, −\$182,519,000,000.
 (B) Outlays, −\$187,808,000,000.
 Fiscal year 2015:
 (A) New budget authority, −\$201,917,000,000.
 (B) Outlays, −\$201,643,000,000.
 Fiscal year 2016:
 (A) New budget authority, −\$232,899,000,000.
 (B) Outlays, −\$225,865,000,000.
 Fiscal year 2017:
 (A) New budget authority, −\$264,079,000,000.
 (B) Outlays, −\$253,329,000,000.
 Fiscal year 2018:
 (A) New budget authority, −\$296,107,000,000.
 (B) Outlays, −\$283,946,000,000.
 Fiscal year 2019:
 (A) New budget authority, −\$445,841,000,000.
 (B) Outlays, −\$409,457,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2009:
 (A) New budget authority, −\$78,206,000,000.
 (B) Outlays, −\$78,206,000,000.
 Fiscal year 2010:
 (A) New budget authority, −\$68,444,000,000.
 (B) Outlays, −\$68,444,000,000.
 Fiscal year 2011:
 (A) New budget authority, −\$71,653,000,000.
 (B) Outlays, −\$71,653,000,000.
 Fiscal year 2012:
 (A) New budget authority, −\$74,620,000,000.
 (B) Outlays, −\$74,620,000,000.
 Fiscal year 2013:
 (A) New budget authority, −\$77,585,000,000.
 (B) Outlays, −\$77,585,000,000.
 Fiscal year 2014:
 (A) New budget authority, −\$79,491,000,000.
 (B) Outlays, −\$79,491,000,000.
 Fiscal year 2015:
 (A) New budget authority, −\$82,077,000,000.
 (B) Outlays, −\$82,077,000,000.
 Fiscal year 2016:
 (A) New budget authority, −\$85,522,000,000.
 (B) Outlays, −\$85,522,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$94,114,000,000.
 (B) Outlays, \$94,114,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$98,707,000,000.
 (B) Outlays, \$98,707,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$102,274,000,000.
 (B) Outlays, \$102,274,000,000.

Subtitle B—Recommended Levels and Amounts for Each of Fiscal Years 2020 Through 2082

nues for the Federal Government for calendar years 2020 through 2082 are as follows:

SEC. 111. MAJOR CATEGORIES.

The Congress determines and declares that the appropriate levels of outlays and reve-

Calendar Year	Debt	Health and Retirement Security	Other Non-interest Spending	Total Spending	Revenues	Deficits
2020	33%	10.3%	8.1%	19.8%	18.0%	−1.5%
2021	33%	10.6%	8.0%	20.1%	18.2%	−1.8%
2022	34%	10.8%	8.0%	20.4%	18.2%	−2.1%
2023	35%	11.2%	8.0%	20.8%	18.3%	−2.5%
2024	37%	11.4%	7.9%	21.0%	18.3%	−2.7%
2025	39%	11.6%	7.9%	21.3%	18.3%	−3.0%
2026	40%	11.7%	7.9%	21.4%	18.3%	−3.1%
2027	43%	11.9%	7.9%	21.7%	18.3%	−3.4%
2028	44%	12.1%	7.9%	22.0%	18.3%	−3.7%
2029	47%	12.0%	7.8%	22.1%	18.3%	−3.8%
2030	49%	12.2%	7.8%	22.3%	18.3%	−4.0%
2031	51%	12.2%	7.7%	22.3%	18.3%	−4.0%
2032	53%	12.3%	7.7%	22.3%	18.3%	−4.0%
2033	55%	12.2%	7.6%	22.3%	18.3%	−4.0%
2034	57%	12.2%	7.6%	22.2%	18.3%	−3.9%
2035	58%	12.3%	7.5%	22.4%	18.3%	−4.1%
2036	60%	12.2%	7.5%	22.4%	18.3%	−4.1%
2037	62%	12.2%	7.4%	22.5%	18.3%	−4.2%
2038	64%	12.1%	7.4%	22.5%	18.3%	−4.2%
2039	66%	12.0%	7.4%	22.4%	18.3%	−4.1%
2040	67%	11.8%	7.3%	22.3%	18.3%	−4.0%
2041	69%	11.7%	7.3%	22.2%	18.3%	−3.9%
2042	70%	11.5%	7.3%	21.9%	18.3%	−3.6%
2043	71%	11.4%	7.2%	21.9%	18.3%	−3.6%
2044	72%	11.3%	7.2%	21.8%	18.3%	−3.5%
2045	72%	11.2%	7.1%	21.6%	18.3%	−3.3%
2046	73%	11.0%	7.1%	21.5%	18.3%	−3.2%
2047	73%	11.1%	7.1%	21.6%	18.3%	−3.3%
2048	74%	10.8%	7.0%	21.3%	18.3%	−3.0%
2049	74%	10.7%	7.0%	21.2%	18.3%	−2.9%
2050	74%	10.7%	7.0%	21.3%	18.3%	−3.0%
2051	74%	10.6%	6.9%	21.1%	18.3%	−2.8%
2052	73%	10.5%	6.9%	20.9%	18.3%	−2.6%
2053	73%	10.5%	6.9%	20.8%	18.3%	−2.5%
2054	73%	10.4%	6.8%	20.7%	18.3%	−2.4%
2055	72%	10.4%	6.8%	20.7%	18.3%	−2.4%
2056	72%	10.3%	6.8%	20.5%	18.3%	−2.2%
2057	71%	10.3%	6.7%	20.5%	18.3%	−2.2%
2058	71%	10.3%	6.7%	20.5%	18.3%	−2.2%
2059	71%	10.4%	6.7%	20.7%	18.3%	−2.4%
2060	71%	10.4%	6.6%	20.5%	18.3%	−2.2%
2061	70%	10.3%	6.6%	20.4%	18.3%	−2.1%
2062	70%	10.3%	6.6%	20.3%	18.3%	−2.0%
2063	69%	10.3%	6.5%	20.2%	18.3%	−1.9%
2064	68%	10.3%	6.5%	20.3%	18.3%	−2.0%
2065	67%	10.3%	6.4%	20.4%	18.3%	−2.1%
2066	67%	10.2%	6.4%	20.2%	18.3%	−1.9%
2067	66%	10.2%	6.4%	20.0%	18.3%	−1.7%
2068	65%	10.3%	6.3%	19.8%	18.3%	−1.5%
2069	64%	10.3%	6.3%	19.7%	18.3%	−1.4%
2070	63%	10.3%	6.3%	19.7%	18.3%	−1.4%
2071	62%	10.3%	6.2%	19.7%	18.3%	−1.4%
2072	61%	10.3%	6.2%	19.8%	18.3%	−1.5%
2073	61%	10.3%	6.2%	19.9%	18.3%	−1.6%
2074	59%	10.4%	6.1%	19.9%	18.3%	−1.6%
2075	59%	10.2%	6.1%	19.6%	18.3%	−1.3%
2076	57%	10.2%	6.1%	19.5%	18.3%	−1.2%
2077	56%	10.2%	6.0%	19.4%	18.3%	−1.1%
2078	54%	10.2%	6.0%	19.0%	18.3%	−0.7%
2079	52%	10.2%	6.0%	18.9%	18.3%	−0.6%
2080	50%	10.2%	5.9%	18.6%	18.3%	−0.3%
2081	48%	10.2%	5.9%	18.3%	18.3%	0.0%
2082	47%	10.1%	5.9%	18.2%	18.3%	0.1%

SEC. 112. SOCIAL SECURITY SPENDING LEVELS.

The concurrent resolution assumes the following levels of Social Security spending as a percentage of gross domestic product from calendar years 2020 through 2082:

Calendar Year	Percent of GDP	Calendar Year	Percent of GDP
2020	5.1%	2025	5.7%
2021	5.2%	2026	5.8%
2022	5.3%	2027	5.9%
2023	5.5%	2028	6.0%
2024	5.6%	2029	6.0%

Calendar Year	Percent of GDP
2030	6.1%
2031	6.1%
2032	6.2%
2033	6.2%
2034	6.2%
2035	6.3%
2036	6.3%
2037	6.3%
2038	6.3%
2039	6.3%
2040	6.3%
2041	6.3%
2042	6.2%
2043	6.2%
2044	6.2%
2045	6.2%
2046	6.1%
2047	6.2%
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2071	6.3%
2072	6.3%
2073	6.3%
2074	6.4%
2075	6.3%
2076	6.3%
2077	6.3%
2078	6.4%
2079	6.4%
2080	6.4%
2081	6.4%
2082	6.4%

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—(1) Not later than July 29, 2009, the House committees named in paragraph (2) shall submit their recommendations to the Committee on the Budget of the House of Representatives. After receiving those recommendations from the applicable committees of the House, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$38,481,000,000 for the period of fiscal years 2010 through 2019.

(B) COMMITTEE ON EDUCATION AND LABOR.—The Committee on Education and Labor shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$22,708,000,000 for the period of fiscal years 2010 through 2019.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$666,135,000,000 for the period of fiscal years 2010 through 2019.

(D) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$28,400,000,000 for the period of fiscal years 2010 through 2019.

(E) COMMITTEE ON FOREIGN AFFAIRS.—The Committee on Foreign Affairs shall report

changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$1,839,000,000 for the period of fiscal years 2010 through 2019.

(F) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$4,320,000,000 for the period of fiscal years 2010 through 2019.

(G) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$1,984,000,000 for the period of fiscal years 2010 through 2019.

(H) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—The Committee on Oversight and Government Reform shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$10,263,000,000 for the period of fiscal years 2010 through 2019.

(I) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$1,665,000,000 for the period of fiscal years 2010 through 2019.

(J) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$605,049,000,000 for the period of fiscal years 2010 through 2019.

(b) SUBMISSION OF REVISED ALLOCATIONS.—(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates. (2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

TITLE III—CONGRESSIONAL POLICY STATEMENTS

SEC. 301. POLICY STATEMENT ON MEDICARE.

(a) MEDICARE POLICY.—It is the policy of this concurrent resolution that Congress will enact legislation to ensure the Medicare benefit continues to provide health care coverage for seniors by establishing a new methodology to make the program solvent and fiscally sustainable. Legislation shall be enacted that:

(1) Expands protections for seniors against catastrophic medical costs, simplifies beneficiary contributions, updates Medicare payments, increases flexibility for hospitals serving unusually high numbers of low-income patients, and reduces the prescription drug benefit subsidy for high-income seniors (household incomes over \$170,000). To ensure that the cost of frivolous litigation is not passed on to beneficiaries, the medical malpractice system is reformed.

(2) Preserves the current Medicare program for individuals 55 and older. For those under 55, the resolution gradually converts the current Medicare program into one in which Medicare beneficiaries receive a premium support payment—equivalent to 100 percent

of the cost of the Medicare benefit—to purchase health coverage from a menu of Medicare-approved plans, similar to options available to Members of Congress. The premium support payment is risk-adjusted to increase with age and health status, and income-related so low-income seniors receive extra support. Premiums continue to be based on an all-beneficiary average, so the phasing of the younger population into the new program will not increase premiums for the population continuing in the existing program.

(b) FORCE AND EFFECT OF THE MEDICARE TRIGGER.—The Medicare trigger as set forth in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 shall apply during the 111th Congress.

SEC. 302. POLICY STATEMENT ON MEDICAID.

It is the policy of this concurrent resolution that Medicaid—

(1) is outdated and fiscally unsustainable;

(2) has a payment error rate of at least 10 percent (as reported by GAO in January 2009);

(3) without major reform, its recipients' access to health care is in jeopardy;

(4) must be reformed to make the health care safety net stronger and more reliable for the neediest populations;

(5) must be modernized by enhancing State flexibility and their sensitivity to spending growth, while allowing States to offer their Medicaid populations more options; and

(6) recipients, like all other Americans, deserve to make their own health care decisions instead of government bureaucrats dictating them.

SEC. 303. POLICY STATEMENT ON AFFORDABLE AND ACCESSIBLE HEALTH CARE.

It is the policy assumption of this concurrent resolution that legislation should be enacted that reforms the health care marketplace by ensuring universal access to health coverage for every American regardless of pre-existing health conditions. It allows individuals who like their health coverage to keep what they have, and offers those without coverage access health care options similar to what Members of Congress have. The resolution prevents the expansion of entitlements, the creation of government-controlled health plans, and the imposition of new mandates or taxes on businesses. Individuals must have the freedom to choose the health care plan that best meets their needs and freedom from government bureaucrats making their health care decisions. Medical professionals must not be prohibited—either through the use of comparative effectiveness data or otherwise—from providing and/or prescribing care they believe to be medically necessary.

SEC. 304. POLICY STATEMENT ON SOCIAL SECURITY.

(a) FINDINGS.—

(1) More than 30 million Americans depend on Social Security as a key part of their retirement. Since enactment, Social Security has served as a vital leg on the “three-legged stool” of retirement security, which today includes employer provided pensions as well as personal savings.

(2) Every year, the Social Security Trustees report warns of the dire financial straits that Social Security is in. Each year without reform, the financial condition of Social Security becomes more precarious, and the threat to seniors becomes more pronounced—

(A) in 2041, the Trust Fund will be exhausted, and will be unable to pay scheduled benefits; and

(B) with the exhaustion of the Trust Fund in 2041, benefits will be cut 22 percent across

the board—hurting all those who rely upon Social Security as a fundamental part of their retirement security; and by 2082, the cuts required would equal 25 percent.

(3) The current recession is exacerbating the crisis to Social Security. The most recent March 2009 CBO baseline finds that the cash surplus in 2010 will only be \$3 billion—down \$22 billion from just 3 months ago. Should the recession continue, we may enter into a cash deficit in 2010—8 years earlier than expected.

(4) Lower-income Americans rely on Social Security for a larger proportion of their retirement income. Therefore, reforms should take into consideration the need to protect lower-income Americans' retirement security.

(5) Americans deserve to have their elected Representatives take seriously the issue of Social Security reform. We must work together—in a bipartisan fashion—in order to solve this crisis. In this spirit, this resolution puts forth a reform that was first proposed by the current Director of the Office of Management and Budget.

(b) **POLICY ON SOCIAL SECURITY.**—It is the policy of this resolution that Congress should begin to act on Social Security. Should the Trustees of the Social Security Trust Fund determine that the Trust Fund would be unable to pay scheduled benefits within five years (currently estimated in 2036); reforms such as the following are recommended to be implemented to mitigate across-the-board cuts in benefit payments:

(1) Provide for a phase in of low-earner benefit enhancement. This would protect lower-income Americans meeting certain requirements by ensuring they receive a benefit of at least 120 percent of the poverty line.

(2) Reduce the 15-percent Primary Insurance Amount bracket by 0.25 percentage points per year, from the date at which SSA finds it cannot meet scheduled benefits within 5 years (currently 2036). Phase in over 20 years.

(3) The spending, revenue, deficit, and debt levels in this concurrent resolution assume current law benefits will be fully paid and do not assume any savings in Social Security.

SEC. 305. POLICY STATEMENT ON ENERGY.

(a) **ENERGY POLICY.**—It is recognized that:

(1) energy is recognized as a vital component to our national and economic security.

(2) our dependence on foreign oil, natural gas, and other sources of energy is a threat to our national and economic security;

(3) our dependence on foreign oil, natural gas, and other fuel sources is contributing to a massive transfer of wealth outside of the United States;

(4) increasing production of domestic energy will reduce our dependence on foreign oil, natural gas, and other sources of energy;

(5) high rates of taxes levied upon domestic production of oil and natural gas energy sources will place domestic producers at a competitive disadvantage relative to foreign competitors and will discourage domestic energy production;

(6) a significant amount of oil and natural gas reserves are believed to be located on Federal lands including the Outer Continental Shelf, the Gulf of Mexico, the Arctic National and Wildlife Refuge, the National Petroleum Reserve, the Intermountain West Region;

(7) domestic energy development on Federal lands should comply with environmental laws and regulations and should be conducted in an environmentally responsible manner that minimizes the disruption to fish, plant, insect, and animal wildlife;

(8) alternative forms of energy development including solar, wind, biomass, wave, tidal, hydro, and other forms can produce pollution-free energy with favorable environmental benefits, including the reduction of global green house gas emissions;

(9) increased nuclear energy is an important component to achieving an energy supply free of green house gas emissions;

(10) lower energy prices will do more to promote economic growth, raise living standards, increase incomes, and create jobs than will higher energy prices;

(11) numerous studies on cap and trade conducted by government agencies, universities, think tanks, and industry groups agree that cap and trade will raise energy prices for businesses and consumers; and

(12) revenues, royalties, fees, and taxes raised from developing energy projects located on Federal lands could provide billions of dollars to the Treasury which could be used to fund increased Federal participation and support for alternative, renewable, and nuclear energy projects without raising new taxes or increasing energy prices on businesses and consumers.

(b) **STATEMENT ON ENERGY POLICY.**—It is the policy of this concurrent resolution that the energy policy of the United States is to—

(1) support our national and economic security by reducing our dependence on foreign oil, natural gas, and other sources of energy;

(2) support the increased development of energy on Federal lands in an environmentally responsible manner consistent with existing laws and regulations in a manner that minimizes the impact on fish, plant, insect, and animal wildlife;

(3) support the development of alternative, renewable, and nuclear sources of energy that will reduce reliance on foreign oil and contribute to reduced levels of global green house gasses;

(4) direct revenues from royalties, bonus bids, fees, rents, and other taxes levied on new energy projects on Federal lands to fund increased Federal participation in research, development, loans, loan guarantees, insurance, tax credits and subsidies, and other assistance that will encourage new development of alternative, renewable, and nuclear sources of energy;

(5) ensure taxes levied on domestic oil and natural gas produces do not place them at a competitive disadvantage relative to foreign competitors, lead to job losses, or encourage a greater dependence on foreign sources of oil, natural gas, or other energy sources; and

(6) pursue policies that keep energy prices low and contribute to economic growth and avoid policies that raise energy prices on American businesses and consumers.

SEC. 306. POLICY STATEMENT ON TAXES.

(a) **IN GENERAL.**—The policies of this concurrent resolution include the following assumptions:

(1) The Federal tax code is needlessly complex and burdensome, and it tends to discourage economic growth and United States competitiveness.

(2) The policies included in this resolution are aimed at addressing these problems.

(b) **TAXES ON INDIVIDUALS.**—This concurrent resolution would give individuals a choice in paying their Federal income taxes. Individuals can choose to pay their Federal taxes under the existing tax code, with all the familiar deductions and schedules, or they could move to a highly simplified income tax system. This simplified tax system broadens the tax base by cleaning out nearly all the existing tax deductions and credits, compresses the tax schedule down to two low

rates and retains a generous standard deduction and exemption level. The tax form for this system could fit on a postcard. Within ten years of enactment of this legislation, individuals would choose one of the two tax systems: the current tax code or the simplified system. Individuals are allowed one additional changeover between the two tax systems over the course of their lifetimes. Individuals are also allowed to change tax systems when a major life event (death, divorce, or marriage) alters their filing status. In contrast to the six rates in the current tax code, the simplified tax has just two rates: 10 percent on adjusted gross income (AGI) up to \$100,000 for joint filers and \$50,000 for single filers; and 25 percent on taxable income above these amounts. These tax brackets are adjusted by a cost-of-living adjustment as measured by the consumer price index. The simplified code eliminates nearly all existing tax deductions, exclusions, and other special provisions, but it retains a generous base exemption amount for all taxpayers. The standard deduction for joint filers is \$25,000 for joint filers and \$12,500 for single filers. The personal exemption amount is \$3,500. This proposal patches the alternative minimum tax (AMT) at the 2009 level for the foreseeable future in order to prevent millions of middle class Americans from being ensnared by an unfair tax hike. This tax system also maintains the current lower rates on capital gains and dividends for all taxpayers.

(c) **TAXES ON CORPORATIONS.**—The U.S. corporate income tax rate is the second highest in the industrialized world. The tax leads to lowers wages for workers, higher prices for consumers, and it also discourages foreign investment in the U.S. This concurrent resolution assumes policies that address these problems by lowering the U.S. corporate tax rate from 35 percent to 25 percent, pushing it into the more competitive range among industrialized countries. In conjunction with this move, the resolution repeals the tax deduction for U.S. production activities (section 199), as companies receiving this benefit will now be taxed at the lower 25-percent rate. It also temporarily suspends the tax on capital gains for the rest of 2009 and 2010. These policies are designed to keep overall Federal tax revenues at approximately 18.3 percent of GDP for the foreseeable future, roughly equivalent to the long-term historical average.

TITLE IV—SHORT-TERM BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) **ADVANCE APPROPRIATION.**—In the House, an advance appropriation may be provided for the fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$23,565,000,000 in new budget authority in each year.

(c) **DEFINITION.**—In this section, the term "advance appropriation" means any new

budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 402. ROLL CALL VOTE REQUIRED ON INCREASING THE DEBT LIMIT.

With respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2010, the clerk of the House shall not prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt.

SEC. 403. BUDGET COMPLIANCE STATEMENTS.

Each report of a committee on a public bill or public joint resolution shall contain a budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974.

SEC. 404. COST ESTIMATES FOR CONFERENCE REPORTS AND UNREPORTED MEASURES.

It shall not be in order to consider a conference report or an unreported bill or joint resolution unless an estimate of costs as described in clause 3(d)(2) of rule XIII has been printed in the Congressional Record at least one day before its consideration.

SEC. 405. ROLL CALL VOTES FOR NEW SPENDING.

The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, for which the chairman of the Budget Committee has advised the Speaker that such bill, joint resolution, or conference report authorizes or provides new budget authority of not less than \$50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 406. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 407. SOCIAL SECURITY OFF-BUDGET COMPLIANCE STATEMENT.

As required by section 13301 of the Budget Enforcement Act of 1990 and section 301(a) of the Congressional Budget Act of 1974, this concurrent resolution on the budget does not include the outlays and revenue totals of the old-age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals.

SEC. 408. APPLICATIONS AND EFFECTS OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and ag-

gregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to reflect the timing of responses to reconciliation directives pursuant to section 201 of this resolution.

SEC. 409. EMERGENCY SPENDING AND CONTINGENCY OPERATIONS.

(a) EMERGENCY SPENDING DESIGNATION.—In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, and such provision is designated as an emergency pursuant to this section, then the new budget authority, new entitlement authority, outlays, or receipts resulting therefrom shall not count for purposes of the Congressional Budget Act of 1974.

(b) CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.—In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes appropriations for fiscal year 2010 for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, then the new budget authority, new entitlement authority, outlays, or receipts resulting therefrom shall not count for purposes of the Congressional Budget Act of 1974.

TITLE V—LONG-TERM BUDGET ENFORCEMENT

SEC. 501. SPENDING AND REVENUE INCREASE CONTROLS.

It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report, unless war has been declared or during a recession, as determined by the House Budget Committee, that causes aggregate—

(1) Federal spending levels, in any fiscal year to exceed the percentage of spending relative to the gross domestic product as set forth in section 510; and

(2) Federal revenue levels, in any fiscal year, to exceed the percentage of revenue relative to the gross domestic product as set forth in section 510.

SEC. 502. PREVENT INCREASES IN THE LONG-TERM UNFUNDED LIABILITY OF THE FEDERAL GOVERNMENT.

(a) LONG-TERM SOLVENCY POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment thereto, or conference report thereon, if such measure includes a provision that causes a net increase in the long-term unfunded liability of the Federal Government.

(b) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure causes, relative to current law—

(1) a net increase in the Medicare Part A Trust Fund's unfunded liability; and

(2) a net increase in the long-term unfunded liability of the Federal Government.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—The GAO shall assess the level of the Federal Government's long-term unfunded obligations and provide a report to the Committee on the Budget of the House, and other appropriate committees, as soon as practicable after the beginning of each session of Congress.

(d) DEPARTMENT OF THE TREASURY.—The Department of the Treasury shall assess the level of the Federal Government's long-term unfunded obligations and provide a report to the Committee on the Budget of the House, and other appropriate committees.

(e) HOUSE BUDGET COMMITTEE DETERMINATION.—The chairman of the House Budget Committee shall advise the Chair as to the whether a measure referred to in subsection (a) complies with this section.

SEC. 503. ESTIMATES OF THE COMMITTEE ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES.

The Committee on the Budget of the House of Representatives shall include in the report referred to section 308(b)(2) of the Congressional Budget Act of 1974 an estimate of the level of total spending in outlays and revenue for the period of fiscal years 2010 through 2082 as a percentage of gross domestic product for purposes of this section.

SEC. 504. PROJECTIONS.

(a) CBO LONG-TERM ECONOMIC GROWTH AND BUDGET PROJECTIONS.—By February 1 of each calendar year, for each fiscal year within the long-term period, as set forth in section 512, CBO shall prepare a report that sets forth the amount of total spending of the Government in outlays, and the amount of total spending for the functional categories set forth in section 112.

(b) INCLUSION IN THE FINAL SPENDING REDUCTION REPORT.—Each report prepared pursuant to subsections [(a) and (b)] shall be included in the preview spending reduction report and final spending reduction report, as applicable, set forth in sections [703 and 704].

TITLE VI—EARMARK REFORM

SEC. 601. MORATORIUM ON CONSIDERATION OF EARMARKS.

(a) IN THE HOUSE.—It shall not be in order to consider a bill, joint resolution, or conference report containing a congressional earmark, limited tax benefit, or limited tariff benefit (as such terms are used in clause 9 of rule XXI of the Rules of the House of Representatives) until the end of the first session of the 111th Congress.

(b) IN THE SENATE.—[To be supplied.]

SEC. 602. JOINT SELECT COMMITTEE ON EARMARK REFORM.

(a) ESTABLISHMENT AND COMPOSITION.—There is hereby established a Joint Select Committee on Earmark Reform. The joint select committee shall be composed of 16 members as follows:

(1) 8 Members of the House of Representatives, 4 appointed from the majority party by the Speaker of the House, and 4 from the minority party to be appointed by the minority leader.

(2) 8 Members of the Senate, 4 appointed from the majority party by the majority leader of the Senate, and 4 from the minority party to be appointed by the minority leader.

A vacancy in the joint select committee shall not affect the power of the remaining members to execute the functions of the joint select committee, and shall be filled in the same manner as the original selection.

(b) STUDY AND REPORT.—

(1) **STUDY.**—The joint select committee shall make a full study of the practices of the House, Senate, and Executive Branch regarding earmarks in authorizing, appropriation, tax, and tariff measures. As part of the study, the joint select committee shall consider the efficacy of—

(A) the disclosure requirements of clause 9 of rule XXI and clause 17 of rule XXIII of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, and the definitions contained therein;

(B) requiring full transparency in the process, with earmarks listed in bills at the outset of the legislative process and continuing throughout consideration;

(C) requiring that earmarks not be placed in any bill after initial committee consideration;

(D) requiring that Members be permitted to offer amendments to remove earmarks at subcommittee, full committee, floor consideration, and during conference committee meetings;

(E) requiring that bill sponsors and majority and minority managers certify the validity of earmarks contained in their bills;

(F) recommending changes to earmark requests made by the Executive Branch through the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code;

(G) requiring that House and Senate amendments meet earmark disclosure requirements, including amendments adopted pursuant to a special order of business; and

(H) establishing new categories for earmarks, including—

- (i) projects with national scope;
- (ii) military projects; and
- (iii) local or provincial projects, including the level of matching funds required for such project.

(2) **REPORT.**—

(A) The joint select committee shall submit to the House a report of its findings and recommendations not later than 6 months after adoption of this concurrent resolution.

(B) No recommendation shall be made by the joint select committee except upon the majority vote of the members from each House, respectively.

(C) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint select committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint select committee.

In conducting the study under paragraph (1), the joint select committee shall hold not fewer than 5 public hearings.

(c) **RESOURCES AND DISSOLUTION.**—

(1) the joint select committee may utilize the resources of the House and Senate.

(2) the joint select committee shall cease to exist 30 days after the submission of the report described in subsection (a)(2).

(d) **DEFINITION.**—For purposes of this section, the term “earmark” shall include congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits as those terms are used in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate. Nothing in this subsection shall confine the study of the joint select committee or otherwise limit its recommendations.

TITLE VII—PAY-AS-YOU-GO ENFORCEMENT FOR MANDATORY SPENDING

SEC. 701. PAY-AS-YOU-GO FOR MANDATORY SPENDING LEGISLATION.

(a) **POINT OF ORDER.**—

(1) **IN GENERAL.**—It shall not be in order in the House to consider any direct spending legislation, excluding the impact of any revenue provisions, that would increase the budget deficit or cause a budget deficit for any of applicable time periods as set forth in paragraph (2).

(2) **APPLICABLE TIME PERIOD.**—For purposes of this subsection, the term “applicable time period” means—

- (A) the current fiscal year;
- (B) the budget year;
- (C) the period of the 5 fiscal years following the current fiscal year; and
- (D) the period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) **DIRECT SPENDING LEGISLATION.**—For purposes of this subsection and except as provided in paragraph (4), the term “direct spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) **BASELINE.**—Estimates prepared pursuant to this subsection shall use the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) **DETERMINATION OF BUDGET LEVELS.**—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget.

(c) **POINT OF ORDER PROTECTION IN THE HOUSE.**—In the House, it shall not be in order to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this section, the Chair shall put the question of consideration with respect to the rule or order that waives the application of subsection (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

TITLE VIII—DISCRETIONARY SPENDING LIMITS

SEC. 801. DISCRETIONARY SPENDING LIMITS.

(a) **DISCRETIONARY SPENDING LIMITS.**—As used in this section, the term “discretionary spending limits” mean—

(1) **NONDEFENSE DISCRETIONARY CATEGORY.**—

(A) **Fiscal Year 2010:**

(i) Budget authority: \$479,559,000,000.

(ii) Outlays: \$538,888,000,000.

(B) **Fiscal Year 2011:**

(i) Budget authority: \$480,712,000,000.

(ii) Outlays: \$552,231,000,000.

(C) **Fiscal Year 2012:**

(i) Budget authority: \$482,150,000,000.

(ii) Outlays: \$546,975,000,000.

(D) **Fiscal Year 2013:**

(i) Budget authority: \$483,679,000,000.

(ii) Outlays: \$547,914,000,000.

(E) **Fiscal Year 2014:**

(i) Budget authority: \$485,264,000,000.

(ii) Outlays: \$547,703,000,000.

(F) **Fiscal Year 2015:**

(i) Budget authority: \$487,437,000,000.

(ii) Outlays: \$548,092,000,000.

(G) **Fiscal Year 2016:**

(i) Budget authority: \$488,275,000,000.

(ii) Outlays: \$549,089,000,000.

(H) **Fiscal Year 2017:**

(i) Budget authority: \$489,369,000,000.

(ii) Outlays: \$551,612,000,000.

(I) **Fiscal Year 2018:**

(i) Budget authority: \$490,787,000,000.

(ii) Outlays: \$553,312,000,000.

(J) **Fiscal Year 2019:**

(i) Budget authority: \$491,468,000,000.

(ii) Outlays: \$555,520,000,000.

(2) **DEFENSE DISCRETIONARY CATEGORY.**—

(A) **Fiscal Year 2010:**

(i) Budget authority: \$691,128,000,000.

(ii) Outlays: \$690,463,000,000.

(B) **Fiscal Year 2011:**

(i) Budget authority: \$614,293,000,000.

(ii) Outlays: \$658,207,000,000.

(C) **Fiscal Year 2012:**

(i) Budget authority: \$623,612,000,000.

(ii) Outlays: \$638,011,000,000.

(D) **Fiscal Year 2013:**

(i) Budget authority: \$634,421,000,000.

(ii) Outlays: \$637,332,000,000.

(E) **Fiscal Year 2014:**

(i) Budget authority: \$648,249,000,000.

(ii) Outlays: \$642,132,000,000.

(F) **Fiscal Year 2015:**

(i) Budget authority: \$663,024,000,000.

(ii) Outlays: \$653,987,000,000.

(G) **Fiscal Year 2016:**

(i) Budget authority: \$678,064,000,000.

(ii) Outlays: \$672,185,000,000.

(H) **Fiscal Year 2017:**

(i) Budget authority: \$693,507,000,000.

(ii) Outlays: \$682,823,000,000.

(I) **Fiscal Year 2018:**

(i) Budget authority: \$709,411,000,000.

(ii) Outlays: \$693,937,000,000.

(J) **Fiscal Year 2019:**

(i) Budget authority: \$725,737,000,000.

(ii) Outlays: \$714,265,000,000.

(b) **ADJUSTMENT AUTHORITY.**—If the chairman of the Committee on the Budget adjusts the allocations set forth pursuant to section 302(a), or other adjustments as applicable, of the Congressional Budget Act of 1974, corresponding adjustments may be made to the discretionary caps set forth in subsection (a).

(c) **POINT OF ORDER.**—It shall not be in order in the House, unless it has been designated pursuant to section 410 of this resolution, to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that causes the discretionary spending limits in this section to be exceeded, as determined by estimates provided by the chairman of the Budget Committee of the House.

(d) **CONCURRENT RESOLUTION ON THE BUDGET.**—It shall not be in order to consider a concurrent resolution on the budget if such resolution—

(1) does not include discretionary caps for the fiscal years covered by this resolution with separate defense and nondefense categories; or

(2) includes discretionary spending levels higher than those included in this section for the nondefense category set forth in this section.

The CHAIR. The gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Madam Chair, at this time, I would like to yield 1 minute to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Wisconsin for yielding.

Madam Chair and my colleagues, I think all of us know that our economy is in big trouble. American families are struggling; small businesses are struggling; unemployment is increasing, and one of the hallmarks of being an American is that each generation was proud of the fact that they were leaving for the next generation a better country with more opportunities, better than what they'd had. A lot of Americans today don't believe that that will happen.

But we can go back to the greatest generation. The greatest generation during World War II was called the "greatest generation" because those men and women stood up and fought for America and did what they had to do so that their kids and grandkids could pursue the American dream. They made the tough choice to get involved, to go to war, to do what they had to do.

As we look at this budget that we have in front of us, there are no tough choices. The Democrat plan to increase spending, to increase taxes and to increase the debt makes no difficult choices. Why? Because, when you just keep spending money, you don't have to make decisions. You just keep spending money. The fact is, if you look at this budget, it spends too much; it taxes too much, and it puts too much debt on the backs of our kids and grandkids.

□ 1730

If you look at the chart next to me, you can see this red line, and this red line indicates the amount of spending that we see in the plan offered by our Democrat colleagues. The green line, as an example, is the spending represented in the Republican budget alternative that does, in fact, spend less.

But it is not just spending. When you look at the taxes in this bill, it will increase taxes several trillion dollars—that's with a "T." Now, the majority wants to say, Well, no, that's not what the budget says. That's why I have described their budget as the Bernie Madoff budget because they tinkered and hid all of the really serious proposals that they all have in mind to do.

They have talked about their cap-and-trade, their national energy tax, but you can't see it in here. And so let us just call it what it is, the Bernie Madoff budget, because if you look at the other documents, they want to do cap-and-trade, which is a national energy tax, \$1.5 trillion, they want to let all of the tax cuts that were passed early in this decade, they want to allow them all to expire and even have other ideas to bring back the death tax, the tax that is on top of taxes that were paid when you earn the money, capital gain taxes you paid along the way. And if you saved money and you did the responsible thing, when you die, we're going to come in and take half of it. Now, this is un-American.

So you have got too much spending, you've got way too many ideas about raising taxes. And then we get to the really tough part of this budget.

We get to the debt. You know, we actually do have to borrow money. The Chinese have been our biggest loaners here over the last decade. We've accumulated some \$5.8 trillion worth of debt over the last 220 years and 43 Presidents. This budget doubles the debt in 5 years. It triples the national debt in 10 years. And one only has to look at this chart—the blue line is the debt that we've accumulated, the red line being the amount of debt that will be accumulated over the course of this budget and into the future. The green line represents a Republican alternative, which I think is a much, much safer bet and, frankly, reduces the debt that our kids and grandkids are going to have to pay.

So if you look at a budget, it's always called an outline, a roadmap. Well, I have a description of what this budget is. It's a roadmap to disaster. As I said earlier this year, we're going to be the party of better solutions. We clearly are not in agreement with the Democrat budget. PAUL RYAN, or my colleague from Wisconsin, and the members of the Budget Committee on our side of the aisle have put together a better solution that has less spending, that has less taxes and much less debt on the backs of our kids and grandkids.

As I said before, previous generations have made tough decisions, tough decisions to ensure that your kids and grandkids would have a brighter future. The budget presented by the majority doesn't make those tough decisions. There is no question that our budget does require us to make tough decisions.

We actually deal with the issue of entitlements, which is important for us to deal with because there is no way to balance the budget and begin to reduce the debt unless you begin to look at these entitlement programs where our generations made promises to ourselves that our kids and grandkids can't afford. We need to do it in a responsible way. We need to do it in a bipartisan way to preserve these, perhaps to help those people who depend upon them, but also to make them affordable for our kids and grandkids who get to pay the bill.

And so we do make tough decisions. And that's the real point of why the American people send us here. They send us here to make the decisions on behalf of our country, on behalf of their kids and grandkids. And we can't just run away from those decisions—which was represented by the Democrat budget—we have to make them. And when we don't make those decisions, those tough decisions, it's our kids and grandkids who are going to pay the price: higher taxes, bigger gov-

ernment, and most importantly, less opportunities for them.

You know, one thing that has been great about America is that we allow the American people to keep more of what they earn in our budget, small businesses to keep more of what they earn. They are the engines of economic growth. They are the engines of opportunity in America. Most of you have traveled around the world and you know, there is no country like ours. None anywhere in the world. Why? Because in America, you can grow up and be anything you want to be, you can do anything you want to do.

And the reason for that is we have a system that allows the American people to keep more of their money, to make decisions for themselves and their own family. We have opportunities, opportunities you don't see any place else in the world.

The budget presented by the majority will stamp out those opportunities because the economic growth that we will have as a result of this budget will slow dramatically, and when you slow economic growth, you slow job creation in America and you slow down the opportunities available to our kids and grandkids to grow up and be anything that they want to be.

I would suggest to my colleagues it's time to say "no" to the irresponsible spending plan, taxing plan, and borrowing plan presented by the majority and to support the Republican alternative, which requires us to make the tough decisions that the American people sent us here to make.

Mr. SPRATT. Madam Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from South Carolina is recognized for 20 minutes.

Mr. SPRATT. Madam Chairman, I yield 1½ minutes to the gentleman from New York, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL.

Mr. RANGEL. Madam Chairman, our minority leader said that it's time for us to say "no." Well, that's all they've been saying since we've been involved in this crisis and every issue that we brought to the floor, saying "no."

Our great Nation is involved in a fiscal sickness that's equivalent to being in intensive care, and anyone who knows serious illness knows that is not the time to negotiate with your doctors or the hospitals as to how you've got to pay the bill. The essential thing is that we regain our health and come out of this as America always has, as a stronger, more competitive country.

Our President is going abroad trying to get the rest of the world to get some type of fiscal order. But we aren't down here to have Republican budgets and Democrat budgets and to take shots at each other, because our constituents that are losing their jobs, losing their health care, that are out there suffering as a result of this crisis, they are

not Republicans or Democrats. They are Americans.

No. I don't think it's time to say "no." I think it's time to say, how can we work together to restore the health of this great Nation? How can we educate the Nation? Give it health care, help to clean the atmosphere, move forward as the world leaders that God blessed us to have the resources.

It's time to stop the fighting and come together and support our President, our economy and our country.

Mr. RYAN of Wisconsin. Madam Chair, this has been a long day, a long couple of days. We're talking about the fiscal future of America.

Here is the budget we propose. There is something that's important, that's worth saying. Obviously we don't like the majority's budget, the President's budget, and I believe it's incumbent upon us to offer an alternative. So that's what we're doing here today.

I want to walk you through our alternative.

A couple of things off the bat.

It has lower deficits, lower spending, lower taxes, lower debt, and a lot more jobs. Specifically on spending, our budget spends \$4.8 trillion less than the majority's budget.

Deficits. Our budget has lower deficits than the Obama-Spratt budget throughout the entire period, and half of it at the end of the period.

Jobs. We asked some economists to take a look at, well, which approach creates the most jobs, and they told us just in the fifth year alone you'd have more than two million more jobs under the Republican alternative than you would under the Democratic proposal, the Obama proposal. Why? Because they raise taxes on small businesses. They raise taxes on pensions, on the assets that make up our savings. They raise taxes on energy. They raise debt borrowing, which will lead to higher interest rates.

But let me tell you something else. This is a long-run chart. My friends on the other side have sort of ridiculed bringing these long-run charts to the floor.

Let me read from a document published by the Brookings Institution and the Heritage Foundation. Signed by experts, economists, from the Concord Coalition, the Brookings Institution, the Heritage Foundation, the New America Foundation, the Progressive Policy Institute and the Urban Institutes. Not exactly your bastion of right-wing think tanks.

They say on page 6, among their top recommendations, "Congress and the President should enact explicit long-term budgets for Social Security, Medicare and Medicaid that are sustainable, that set limits on automatic spending growth that require review every 5 years." More importantly, they say the long-run cost of these programs should be visible in the budget at all

times and considered when decisions are made.

What are they saying? Let's think about the future when we're voting on these budgets. Let's think about what we're doing to the next generation.

The President himself said this is the most transformative budget we've seen in a generation. We haven't seen the kinds of change that this budget proposes, the likes of which we haven't seen since the New Deal.

So let's consider the ramifications of that. Let's think about what we're doing and the fiscal consequences of it.

And so here's what the picture tells you.

Spending. This budget puts us on a path of ever-higher spending to the point where my three children, who are 4, 5 and 7 years old, will see a government that is double the size of the one we have today, double the size of one we've ever had in this country.

The Republican budget gets us back on track to keep the size of our government where it has always been so we can maximize freedom.

What about debt?

This is the tidal wave of red ink that all of the experts are telling us about. The General Accountability Office, the Congressional Budget Office, left and right economists from all around. The point is we shouldn't be looking down the road 5 years, 10 years.

You know what? I have a mom. She is 75 years old. I have got my kids. I just told you how old they were. I'm in the X generation. What we do here affects all of those people. And so when we pass these bills, they have consequences for everybody in America. And when you see that this budget—which, by the way, is being generous to the Obama-Spratt mark—this budget underestimates the fiscal damage their budget will do. It is an island of red ink. It is a future of a banana republic of borrowing. And we say let's not do that.

And you know what? If you start now, these reforms are compassionate. The reforms we're seeing over the next 10 years are, instead of growing mandatory spending at 5.3 percent, let's grow it at 3.9 percent. It's more than double the rate of inflation right now. We're saying for discretionary spending we gave all of these government agencies giant increases in just the last couple of years. They are fat. Let's put them on a diet for a little while. Let's freeze spending, prioritize spending and then have modest increases after that so we can save our country, save our fiscal future.

That's what we're saying. Let's not get in this vicious spiral, as the Obama budget does, of chasing ever-higher spending with ever-higher taxes that never quite catch that spending and gives us ever-higher debt.

It's wrong. It's unconscionable. It's going to hurt our economy. It's going

to bankrupt our country. It's going to give our children a lower standard of living.

At the end of the day, it comes down to this. I asked the Congressional Budget Office, well, what about the standard of living of future Americans? What will the standard of living look like on the current pathway we are on in America? Not the Obama budget but just the current pathway before you would pass this big government budget. And they said this: Inferior standards of living. That's the red line.

We are basically consigning the next generation quantifiably, irrefutably to a lower standard of living. That severs the tie between our generations. That breaks the bond in this country, the legacy, that says each generation takes on its responsibilities, fixes its problems so that the next generation is better off.

You know, my dad told me a number of things when I was a young guy, and he passed away when I was a kid. But I remember a couple of things he always told me. Number one, don't just be part of the problem, be part of the solution. So we're offering a solution. Number two, the great thing about this country is each generation makes it better off for the next, and you better do that when you're my age.

Our budget, according to the Congressional Budget Office, says that the standard of living of Americans in the future currently and consistently goes upwards. We are putting, in this budget, people on the path for prosperity so that we can leave the next generation better off.

□ 1745

And we are offering an economic plan for right now to get jobs back in this economy. We're offering an economic plan that shows we're going to create more jobs.

The answers all don't flow out of Washington. The answers come from individual Americans. That's the power of this country. That's the idea of this country. The nucleus of our country, of our society, of our economy, the genius of it are the American people themselves, not Washington bureaucrats, not the idea that we have to take more money and more power away from the people and spend it on their behalf and exercise it on their behalf.

Unfortunately, that is the arrogant, paternalistic notion that is being brought to the floor here by the budget that the American people are being asked to swallow. I think it's wrong. I think it's dead wrong, and we're following the advice of all the fiscal experts from the left and from the right who are saying think about the consequences, think about the future, think about what your actions are doing.

That's what we are doing, and that is why I argue for our budget, a sensible

budget, a commonsense budget, a budget that says to senior citizens, we can protect your benefits right now if we act to save them for the future. Here's the problem. These programs themselves grow themselves right into extinction. If we don't reform these programs, we can't protect those who are in and near retirement from those cuts. If you act now, we can protect people who are in and near retirement. If we don't act now, we can't.

That's what's wrong about the politics of demagoguery of taking on these challenges, and that is why we need to be grownups and adults and tackle these fiscal challenges before they tackle us.

I reserve the balance of my time.

Mr. SPRATT. I yield 2 minutes to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. This substitute budget is a shortsighted attempt to short-circuit essential investments in our economic recovery and long-term growth. It takes back resources for long overdue investments in education and health care and in energy.

A \$29 billion cut to income security programs over 10 years, \$25 billion of which comes from critical nutrition program increases. The kind of investments that conservative economists tell us have the most powerful stimulative impact, \$1.73 in economic growth created for every dollar spent, if only it were allowed to reach families in need.

But it does not end there. This Republican substitute budget creates even more dramatic reductions in nutrition programs by requiring the Agriculture Committee to cut \$38 billion over 10 years. This is cutting food programs for hungry kids. We know what the devastating effects of unemployment, the cutoff of benefits for health care, that people today are going to food pantries who never thought in their lives they would have to do that.

A gentleman who says I have to take care of my kids, I never thought I would go to a food pantry, I was humiliated, and I felt like a lowlife, but my kids need to eat. That's what this budget would cut, nutrition programs.

To be sure, the committee could reach a target here by reducing farm price supports, but the gentleman from Wisconsin has said that he will not open the farm bill. That means that the nutrition programs are the only place to do their cutting, leaving millions of families, seniors, women, and children to pay the price.

Our opponents have just trotted out the failed programs of the past, and they are dealing with \$3.3 trillion in tax cuts over 10 years.

The CHAIR. The time of the gentlewoman has expired.

Mr. SPRATT. I yield the gentlelady 30 additional seconds.

Ms. DELAURO. They simply ignore urgent challenges that we face as a Na-

tion. They pour \$3.3 trillion into tax cuts over 10 years, most of it going to the wealthiest Americans.

This budget is the last thing our economy needs now or down the road: the kind of drastic cuts to essential services that will raise costs, which will destroy our ability to compete and to grow. It's a relic of 8 long years of a failed economic policy of the Bush administration. The American public rejected it. I urge my colleagues to think realistically about our national challenge and to oppose this substitute budget.

Mr. SPRATT. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, if you ever wonder what a third Bush term would look like, this is it. This is a budget plan that maintains the tax breaks for the wealthiest people in America, pays for it by giving people 55 and under a voucher to go fend for themselves in the insurance market instead of Medicare, which I think would pay maybe 80 percent of what it costs.

Mr. RYAN of Wisconsin. Would the gentleman care to yield on that point?

Mr. ANDREWS. I only have 1 minute. If you give me some of your time.

Mr. RYAN of Wisconsin. Would you yield for a correction?

Mr. ANDREWS. Well, I tell you what, when you get your time, I'll answer your question.

It would privatize Social Security. It would squeeze money out of the Social Security system.

Mr. RYAN of Wisconsin. There's no privatization of Social Security in this bill. Can you show me where that is in this bill, please?

The CHAIR. The gentleman will suspend.

Mr. ANDREWS. May I continue?

The CHAIR. The gentleman from New Jersey has the time.

Mr. ANDREWS. It continues the enormously successful policy of deregulation that has brought us to the brink of financial disaster. It doesn't work. It doesn't work. For every one job this approach has created, our approach has created 108.

We shouldn't go back to a sequel for a movie that was so bad to begin with.

Mr. RYAN of Wisconsin. I yield myself 10 seconds to say, show me where Social Security is privatized. Show me where there is deregulation. There's not even the word "deregulation" in this bill, and all we're saying on Medicare for younger people, so we can save the program, why don't we let them have a program like the one we have in Congress. We have a good health care program. I think it's worthy of theirs.

With that, Madam Chair, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), the chairman of the House Republican Conference.

Mr. PENCE. The budget brought by the majority to the floor today spends

too much, taxes too much, and borrows too much, and the American people know it.

The Democrat budget will double the national debt in 5 years, triple it in 10. 2010 spending: \$3 trillion. More than \$1 trillion in tax increases in a recession, and deficits of nearly \$1 trillion a year for the next 10 years.

Truth is the Democrat majority has brought to this floor the most fiscally irresponsible budget in American history.

While every American family and every small business is answering these challenging times of sacrifice and frugality, the majority in this Congress continues to believe that we can borrow and spend and bail our way back to a growing economy. But not Republicans.

Thanks to the bold and innovative leadership of the ranking member of the Budget Committee, Congressman PAUL RYAN, Republicans have a better solution. In stark contrast to the Democratic budget, the Republican budget alternative puts America on a path to prosperity, spends nearly \$5 trillion less than the Democrats' budget over 10 years, brings debt under control, borrowing nearly \$4 trillion less than the Democrat budget over 10, and it does not raise taxes.

Creating 2.1 million more jobs than the Democrat budget, this Republican alternative puts its faith in individuals and businesses and private sector. Suspending capital gains taxes, reforming the tax code, reducing the corporate tax rate so we can keep American jobs here.

And even while we do so, we fund our national priorities, increasing defense, increasing veterans, providing for healthy retirement security, and touching not one cent of the Social Security program and trust fund.

I urge my Democrats to do the unexpected, as Daniel Webster says on the wall just before us, Let us do something in this generation. Let us perform something worthy to be remembered.

Embrace bipartisanship today. Embrace fiscal discipline, tax relief, and reform. I say to my Democratic colleagues with the deepest respect, say "yes" to the American people. Vote "yes" on the Republican budget alternative.

Mr. SPRATT. I yield myself 3 minutes.

The gentleman from Wisconsin and I are good friends. We work together collegially and cordially, and I don't lightly disagree with him, but I have to take profound exception here, because the budget he proposes before us would lay out draconian cuts in spending, \$2.4 trillion. We're talking about real money over 10 years. These are made in the name of deficit reduction, and they cover the spectrum.

Eleven committees are reconciled with instructions to make enormous

spending reduction: Energy and Commerce, \$666 billion; Ways and Means, \$695 billion; Financial Services, that's housing, \$28 billion. All together \$1.380 trillion in spending cuts is reconciled to 11 committees, and on top of that, it appears that Medicaid and CHIP would be block granted.

This is serious stuff. And I've only begun, because this just applies to mandatory spending. More is in store when you go to discretionary spending. There's \$1 trillion of cost reductions there, achieved by imposing a freeze for five straight years on all discretionary programs except defense and veterans. That's education, that's infrastructure, that's science, NIH, NSF, public health, food safety. The list goes on, frozen for five straight years.

For all the havoc and hurt that's wreaked by this draconian plan, what do we gain? Very little on the bottom line. That's because the \$2.4 trillion in spending cuts is more than offset by \$3.6 trillion in tax cuts.

Under the guise of deficit reduction, more tax cuts are provided for the upper brackets. According to the Citizens for Tax Justice, 25 percent of all Americans would face a tax increase under this budget proposal. The wealthiest 1 percent would get \$100,000 or more. Those are not my numbers but theirs.

This is not the way to go. This is not the way to go to a deficit reduction plan. This is not the way to go if we have any respect for the values that are embodied in this budget. This is something we should all vote down.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chair, may I inquire about the time.

The CHAIR. The gentleman from Wisconsin has 8 minutes remaining. The gentleman from South Carolina has 13 minutes remaining.

Mr. RYAN of Wisconsin. I will wait to let them get caught up.

Mr. SPRATT. I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Chairman, Mr. RYAN said earlier that this vote is "all about freedom," and I agree.

Almost 70 years ago, President Franklin Roosevelt stood in this chamber to report on the State of the Union. He called for a world founded on four essential freedoms: freedom of expression; freedom of religion; freedom of fear; and freedom from want. He explained that freedom from want means securing a healthy, peacetime life for all of our people.

In that same address, President Roosevelt called for ending the special privileges for the few, a wider and constantly rising standard of living, and widening the opportunities for adequate medical care.

By those measures, tens of millions of Americans are less free now than

their parents were, and they worry that their children will be less free still.

This Republican budget drastically reduces, even more than they have been reduced in recent years, the taxes on the richest Americans, including those whose heedless greed created the economic crisis that we now face. That, our colleagues in the minority proclaim, is what freedom means.

Their budget again cheats education, health care, energy. The majority budget invests in education, health care, in energy, investments that are long overdue. The majority budget creates opportunities and provides a liberating hope for middle-class families that they can climb out of desperate debt and enjoy a widening prosperity.

Vote for freedom from want. Vote for the majority budget. Vote against this Republican budget.

Mr. SPRATT. I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank very much the gentleman from South Carolina.

Let me just be very, very brief. I want to take a moment to point out the fallacies in the Republicans' plan.

First of all, the Republicans' plan is based on the weakest effort to try to deal with an economy that is receding. It is of little value to base your plan on tax cuts at a time when the economy is in recession, at a time when the economy is, in many cases, in a depression.

□ 1800

We are losing, on average, 620,000 jobs every month, Madam Chair. That's 21,000 every day. How in the world are we going to make an economic policy based upon tax cuts, which are based upon income, when the income levels of our country is going down?

There's a reason why this country supports what the Democrats are doing under this Democrat President by over 60 percent. And that is because we understand what this economy needs now is growth—and the best way to get this economy to grow is to invest in the American people. And when you invest in the American people, the best way to do that is in education—to get our people educated and strong, to be able to get them retrained to get the kind of jobs that we will need in a new, restructured economy.

In terms of health care—not only to provide it in terms of lowering the cost, but to create jobs in the health care area. Nowhere is that need any greater in terms of jobs than in energy dependence.

That's why the American people are supporting the Democratic initiatives on this, and I urge a positive vote for this budget resolution.

Mr. SPRATT. Madam Chair, how much time remains on this side?

The CHAIR. The gentleman from South Carolina has 10 minutes remain-

ing. The gentleman from Wisconsin has 8 minutes remaining.

Mr. SPRATT. I yield myself 4 minutes.

As we near the end of this long debate, I want to speak to those who are still weighing their vote and to any who are still wavering. To them—in fact, everybody—let me say that with respect to our resolution, if you want to vote for bold initiatives, like health care for the millions who don't have insurance, our resolution lays out the framework for helping that to happen, and for funding it so that the net cost is not added to the deficit.

If you want to say to the next child you meet in a classroom, "You can go to college. Yes, you can go to college. Yes, you can. You can go because Pell Grants will help pay the way if you do your studies and work hard." If you want to look that child in the eye and say just that, our resolution is the resolution you should vote for.

If you want to vote for tax reduction, this resolution supports \$1.7 trillion in net tax reduction over 10 years, including all the middle-income tax cuts that we passed in 2001 and 2003. And that's not my contention; that's CBO's conclusion after reviewing this budget.

If you want to vote for deficit reduction, our resolution reduces this year's deficit of \$1.8 trillion—an unwelcome inheritance from the last administration—our resolution reduces that deficit by two-thirds, down to \$586 billion by the year 2013, when it would be 3.5 percent of GDP—roughly the growth rate that year.

If you want to be sure in voting for the deficit reduction that the deficit will actually be reduced, our party is the party that balanced this budget in 1998; our party is the party that paid off \$400 billion in Treasury debt; and our party is the party that left President Bush a surplus of \$236 billion the year before he came—\$5.6 trillion over the next 10 years of his administration.

We wiped out the deficit. They wiped out the surplus. Not only did they wipe out the surplus, they ran up more than \$5 trillion in debt and left us a tab of \$1.752 trillion in deficit, which we're struggling with right now in the well of this House, and will be for years to come. So when it comes to deficit reduction, we rest our case on the record.

If you want to show where cost savings have been achieved because of the budget you vote for, this resolution saves significant sums by converting guaranteed student loans to direct DOE loans; we save billions more by funding agencies like the IRS, HHS, Labor, and SSA, to wipe out waste, fraud, and abuse; and we save \$176 billion over 10 years by competing Medicare Advantage plans. If you want reasons why you should vote, we've got them.

Finally, if you're still swayed by the other side's rhetoric, let me offer in

evidence exhibit A on this poster right beside me. This chart is a simple side-by-side that shows what Democrats accomplished in the 1980s compared to what Republicans have accomplished since 2001.

Average monthly job growth. This is really dramatic. The Clinton administration, Democrats in the 1990s, 217,000 jobs every month in job creation. Republicans, 2,000, as opposed to 271,000. This is a matter of record.

Net job creation, 22.7 million jobs. That's the net accomplishment of the Clinton administration. The Bush administration's net accomplishment, 1.9 million. Percentage of Americans living in poverty during the Clinton administration, 3.8 percent reduction. During the Bush administration, eight-tenths of a percentage point increase.

The CHAIR. The time of the gentleman has expired.

Mr. SPRATT. I yield myself 30 additional seconds.

Americans without health care or health coverage dropped from 15.3 percent to 13.7 percent in the Clinton years, then went back up to 15.3 in the Bush years.

These facts speak louder than anything I can say. The difference between us is profound. If you want to know whom you can believe, trust, and put your faith in with respect to economic planning, just remember what we did in the 1990s, and what we can do in the period we have now with the President we have and the program we're trying to devise.

Vote for the base resolution—the House Democratic resolution.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chair, at this time I'd like to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. What we just heard was something rather amazing—it is that you can get something for nothing. But as Americans know, that simply isn't true. Indeed, what you get for spending is debt or higher taxes. And there are some facts in this debate.

We spent a lot of time discussing today whether or not the cap-and-trade program is a tax. The majority side said, "Oh, no, no, it's not a tax." But in the Obama budget it produces \$647 billion for the government. That's an additional weight on every single American—not just taxpayers—but every single American. That's higher energy costs, that's higher costs for everything we buy.

Now let's talk about some of the facts.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. SHADEGG. I will yield like you yielded earlier.

The largest tax increase in our history—\$1.4 trillion over 10 years. It contains the largest deficit—\$1.8 trillion in 2009. Four times larger than the pre-

vious record of \$407 billion, the largest deficit as a percentage of the Gross Domestic Product since World War II, and the largest national debt.

I would suggest to you there are facts in this debate. Those facts include that the Republican budget which was put together by the gentleman from Wisconsin (Mr. RYAN) spends \$4.8 trillion less than the Democrat budget, and it borrows \$3.6 trillion less than the Obama budget.

So what does that mean? What it means is that if we pass the Democrat budget, we are rapidly going on the path of becoming—not the greatest generation, which is what our parents and grandparents created, and gave us the defeat of fascism, the advancement of freedom, and putting America on a course to a level of prosperity we have never before seen.

What we are going to give our children, what we are going to give our grandchildren, is the most reckless generation—a generation that is driving itself deeper and deeper and deeper into debt.

It stuns me that the other side was so concerned when my Republican colleagues were overspending, but not concerned today. Well, this budget that the Democrats have proposed will double the national debt in 5 years, triple it in 10. The facts are there.

We cannot do this to the greatest generation or to the next generation. Let's not become the reckless generation.

Mr. SPRATT. I yield 2 minutes to the distinguished chairman of our Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chair, I rise in strong opposition to the Republican substitute, and thank the gentleman for yielding.

Among its many shortcomings, this proposal slashes funding for the international affairs budget 20 percent below the President's request, and 10 percent below this year's spending level. This may be a politically appealing thing to do, but it is as shortsighted and irresponsible and harmful as any other aspect of this proposal—harmful to our national security, harmful to our national interests.

For far too long we have failed to invest adequate resources in our civilian foreign affairs agencies. The State Department has been so starved for funds that a full 11 percent of its overseas diplomatic posts remain unfilled. The U.S. Agency for International Development now relies on only five engineers to oversee hundreds of infrastructure projects around the world.

This glaring void in our civilian capacity is increasingly being filled by the military. Our brave men and women in uniform follow orders and do the best they can, but they are trained to be warfighters, not development and reconstruction professionals.

That's why Defense Secretary Gates called, according to the newspapers, Senate Budget Committee Chairman CONRAD last week to plead for more money—not for the Pentagon, but for the international affairs budget.

The draconian cuts proposed in this substitute could have a direct impact on the success of our efforts to stabilize Afghanistan. President Obama has correctly recognized that the fight against al Qaeda and the Taliban cannot be won by military means alone.

In addition to 21,000 additional troops, he's proposed sending hundreds of agriculture and development specialists to help that war-torn country get back on its feet. This budget would make that possible because there's no way they could absorb the additional cuts and still do that mission.

I would suggest that the President's number, and not the Republican proposal and not the Ryan substitute, is the fiscally conservative position in this debate.

I urge my colleagues to defeat this substitute.

Mr. RYAN of Wisconsin. Madam Chair, the gentleman is correct. We don't have the President's request to increase the State Department's budget by 51 percent. We are guilty as charged.

With that I would like to yield 2 minutes to the minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Wisconsin. First of all, Madam Chair, the American people are looking at us today to see if there is actually going to be a real connection between what this place is about and what people are going through every single day in the communities across this country.

Job number one for us is to get the economy back on track. And the way we do that is to promote job creation. There is, without a doubt, an attack on the job creators on the part of the budget being brought forward by the majority.

How in the world do we expect small businesses to create jobs if we're taxing small businesses? In fact, 50 percent of those individuals who receive a tax hike on the majority's budget are small businesses. And if you've got more employees, you've got higher taxes. That doesn't make sense.

Some of the other accusations are, How do you think you can bring the economy back by lowering taxes? Well, you know, how are we going to bring the economy back by just cranking up government spending? At best, what we do in government spending is redistribute wealth.

We need to get back to creating wealth, creating prosperity.

Madam Chair, there are two divergent views in this House today, there is no question about it. One, the majority's budget is about preserving the

status quo, it is about investing in Washington. The other, in Mr. RYAN's budget, our alternative, is about promoting opportunity. It is about promoting what is best for small businesses and working families in this country.

America has always been more about opportunity. Yes, we want to promote security—financial security. But the way we do that is to promote opportunity.

I hear so many of the old, tired scare tactics coming from the majority: The Republicans—all they will do is ruin Social Security.

We have provisions in our document which say we hold Social Security harmless. The seniors are protected.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 1 additional minute.

□ 1815

Mr. CANTOR. I hear from the other side that somehow we are cutting real money out of the budget. Well, you are darn right we are cutting real money out of the budget. What do you think the working families of this country are having to do every single day? They are having to tighten their belts. They are having to see about how they are actually going to make it through the month and pay the mortgage and pay the bills.

So, yes, our budget alternative reduces the borrowing that goes on, that borrows the money that we don't have. It reduces it by 21 percent. It lessens the spending by almost \$5 trillion.

Ladies and gentlemen of the House, it is high time that we become responsible stewards of taxpayer dollars. As the gentleman from Wisconsin said, we owe it to the people that we represent. We owe it to the working families, to the small business people, to the single working moms out there who are worried about their jobs and the fact that investors are on the sidelines. We owe it to them to try and reinstall the confidence. We have got to set the example. The way we set the example is to be responsible. We have got to lay a path for the future and show that we are good fiscal stewards of the taxpayer dollars.

Mr. SPRATT. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

My friends on the other side of the aisle—and I attempted to claim the attention of my friend from Arizona when not once but twice today he talked about somehow a \$600 billion tax on the American people. I was trying to get his attention to refer to the reserve funds on page 53 for him to look at to find where that number is. Where is that number in the budget proposal before us?

Mr. SHADEGG. On page 30. Will the gentleman yield?

Mr. BLUMENAUER. The reserve fund has no number. It is on page 53.

Mr. SHADEGG. First of all—

Mr. BLUMENAUER. I only have a few seconds.

Mr. SHADEGG. If the gentleman will yield.

Mr. BLUMENAUER. The point is, the people ought to look at the budget, at the reserve fund.

Mr. SHADEGG. If the gentleman will yield.

Mr. BLUMENAUER. And find that it is deficit-neutral, and that the opportunity is here for us to address the climate change. I strongly urge that people refer to it.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. We have no more speakers. So if the chairman would finish his round of speakers, then that would be great with us. I understand the gentleman reserves the right to close, and I would just like to know when his last speaker is up.

Mr. SPRATT. We have the right to close, I believe. We have one more speaker, and we will close with that speaker.

Mr. RYAN of Wisconsin. The next speaker was quoted a couple years ago as saying about our Republican budget when we had a deficit of \$248 billion, "This constitutes nothing less than fiscal child abuse, because they will morally force our children and grandchildren to pay our bills."

I couldn't have said it better myself, Madam Chair. That is exactly what is happening. But the budget deficit is not \$248 billion, it is \$1.8 trillion. We don't even get close to \$248 billion under these budgets.

Yes, we have a tough fiscal situation. We have inherited it. I guess you could say so. The question is, what are we doing about it? Are we make it better, or are we making it worse?

The President's budget, which is here on the floor, makes it so much worse. It doubles the debt in 5½ years and triples it in 10. Massive tax increases in the middle of a recession, on everyone, and chases ever-higher spending with ever-higher taxes forever.

We have different ideas. We have differences. Nowhere else is it more clear about the differences between our two parties than it is today.

The gentleman has spent the last 20 minutes criticizing us for cutting spending. Guilty as charged. Yes, we need to cut spending. Wow. I said it. Holy cow. In Washington. A novel idea.

You know what? We spend too much money in this government. We have got to prioritize spending.

The American people, guess what, this is their money. We don't just make it up. Well, actually, they are printing a lot of it down at the Federal Reserve now, more than they should.

This comes from the American people. It is their money. If you keep taking it away from them, do you know what happens at the end of the day, Madam Chair? They don't have as much freedom. They don't have the ability to put groceries on the table. They don't have the ability to pay their mortgage, which might be underwater.

The engine of the economy of this country is not its government, it is its people, and we believe that we need to get serious about our fiscal situation. Don't raise taxes in a recession. Don't borrow and spend your way to prosperity. It never worked in any other country. Why would it work here?

Let's get our fiscal house in order. Let's get our deficit down. Let's get our borrowing down. Let's get our taxes down. Let's get more jobs and more freedom in this economy. That is exactly what our budget does. It is responsible, it is serious, and it gives me the ability to go home on the airplane tomorrow and look my three kids in the eyes when I hug them and kiss them and tell them, "I just made right by you because I just went to work to make your future better." I am going to go home with a clear conscience. I hope you can say the same.

Mr. SPRATT. Madam Chair, I yield the balance of our time to our distinguished majority leader, Mr. HOYER.

The CHAIR. The gentleman from Maryland is recognized for 2½ minutes.

Mr. HOYER. I thank the Chair, and I thank the chairman for yielding, and I rise with great respect for the quality of character and the quality of intellect that he brings to his job, one of the most important jobs we have in this Congress.

I also rise with great respect for the ranking member, Mr. RYAN. I like Mr. RYAN. I think Mr. RYAN is a very bright, able, conscientious, honest Representative.

By the way, as an aside I will tell the gentleman from Arizona (Mr. SHADEGG) who called our attention to page 30, page 30 is a blank page.

Mr. RYAN of Wisconsin. He was talking about the text of the resolution.

Mr. HOYER. Mr. RYAN gave my quote. I believed that then and I believe it now. I believe we've pursued for too long policies of fiscal irresponsibility, a concept that we need not pay for what we bought. I believe it was called supply side economics, which to me meant that if you do less, you get more. Nothing I have done in my life instructs me that if I do less, I get more.

But because the gentleman used a quote of mine, I thought it might be nice to use a quote of his. May 4, 2003, the *Journal Sentinel*:

"Is the deficit a concern?" This is a quote. "Absolutely. But Congress should not constrain economic growth and keep people out of work to pay down the deficit. Coping with the deficit requires getting the economy

growing at a more robust rate and getting people back to work. More people with jobs means more tax revenue being generated. This will help us pay down the deficit more quickly and address the financial challenges facing Social Security and Medicare as the baby boom generation retires." My, my, my.

Mr. RYAN, you don't seem to feel that way now. The fact of the matter is the Obama administration handed us an inheritance.

Mr. RYAN of Wisconsin. Will my friend yield for a moment on that?

Mr. HOYER. Certainly.

Mr. RYAN of Wisconsin. The deficit went down after that comment, down to \$162 billion, which was the last year when we had control. \$162 billion. So it actually went down because jobs went up.

Mr. HOYER. You mean the deficit was lower.

Mr. RYAN of Wisconsin. No. The deficit was higher in 2003 and it went down in 2006 to \$162 billion because of higher economic growth. And that is what we were trying to advocate for, getting the deficit down, keeping taxes low, getting people into work.

And you know what—we should have done a better job on spending, and on that you are right.

Mr. HOYER. Reclaiming my time, I am glad the gentleman went there.

The gentleman knows that under President Clinton we had a \$5.6 trillion surplus projected. Not by Clinton, but by George Bush. When he took office in March of 2001, he said, "I have inherited a \$5.6 trillion surplus." And, indeed, in the year before the Bush administration came to office, I tell my friend from Wisconsin, we created in that last year 1.9 million new jobs.

Mr. SPRATT spoke of the average 217,000 jobs per month. You need about 100,000 new jobs per month to stay even. Two hundred thirty thousand jobs per month were created, on average. Some months were a lot higher.

Two million new jobs in the last year of the Clinton administration. And what happened in the last year of the Bush administration? After 8 years of the economic policies that you pursued and for 6 years had total hegemony, total control, what happened? You heard the figures of unemployment, but you doubled the deficit from \$5 trillion to \$10 trillion—the debt, not the deficit. That was the result of your economic policy.

I heard the former chairman of the RSC—I was constrained to come to the floor, but my staff tied me down—who said, ladies and gentlemen, that we have been in office for 50 days and look what has happened to the country. Nobody in America thought that was a credible statement. Nobody.

The policies of the last 8 years have led to the worst economy that we have seen in this country in over a half a

century. Some of us stood on this floor and said that is what would happen. We did it because we were fiscally irresponsible and because we were regulatorily negligent. We took the referees off the field. We pretended that the private sector would referee itself, that they would manage risk responsibly. They did not.

And the gentleman from Texas to whom I am referring said we didn't care about his children. That is not right. If he loses his job, we provided as our first bill that his children will have the availability of health care. But we want to provide his children, my children, my grandchildren, and, yes, my great granddaughter, with a fiscally sound Nation. It is not there now, and it will not be next year, and it won't be the year after, because the hole we have dug is so extraordinarily deep that it will take years and years of discipline to get us back to where we were on January 19, 2001. I think everybody in this House wants to do that, but we have different views of how you do that.

I have served in this House, as the gentleman has heard me say before, now 29 years. Eight of those years have been under a Democratic President, Bill Clinton; 20 of those years under Republicans. Every single year of a Republican Presidency since 1981 has run deep deficits, every one, without failure.

Now what is the significance of that, you might say? It is that a President alone can stop spending. The only one that can stop spending. I can vote against spending, my friend Mr. RYAN can vote against spending, but we need 217 other people to do the same. Only the President of the United States by vetoing spending can say "no." President Bush signed bills and presided over an economy that resulted in the doubling of the national debt.

And so, my friends, we come to a responsible budget, but not the budget any of us would like. Why? Because, as they lament on the Republican side of the aisle, the deficits are too high. They are right. I agree with that. I don't like these deficits. I prefer to vote for balanced budgets. I voted for a balanced budget amendment. And, very frankly, had we had a balanced budget amendment, we would be in much better shape today, because you couldn't have enacted your tax cuts because you would have had to have paid for them.

□ 1830

Because you would have had to pay for them, and while you were very prepared to give the wealthiest in America big tax cuts, you were not prepared to pay for them, perhaps because of the logic that you expressed in that article of 2003.

My friends, we have an important decision to make. That decision is whether or not our investments in the future

will continue by the adoption of this budget. We adopted, under the Bush administration, the Troubled Assets Relief Program. There was disagreement on that, not between Mr. RYAN and myself. We believed that was necessary. We didn't like it, too much money, too much debt and too much borrowing. But we thought it essential to bring this economy back and to stabilize it and to try to keep jobs. It hasn't yet succeeded. And we have lost far too many jobs. Too much pain in America, too many people without a job, too many families who aren't sure where their next meal is coming from or how they are going to pay their mortgage payment or how they are going to send their kids to school. There are too many Americans in pain.

Now we can, in my view, deeply cut those items which are there to help people in pain and trouble, as I believe your budget does. Or we can do what Mr. SPRATT has recommended, bring the deficit down, not to where we would like it, but bring it down substantially, about 3.5 percent of the gross domestic product by 2015 as opposed to 10.5 now. Is that too high? It is. Would I like it lower? I would.

But I tell my friends that this is a responsible budget, not just for today but for the long term, because although we had a Recovery and Reinvestment Act, that was to staunch the decline, the fiscal crisis and the economic crisis and the job crisis and the health care crisis that we inherited from the Bush administration.

That is why I'm going to vote for this budget. That is why I urge each and every one of my colleagues to vote for this budget, because it invests in the health care of our people. It invests in the energy independence, and therefore the national security of our people. And yes, it provides for the national security. There are two wars that are going on. This budget provides that we will respond to them and keep our people safe. But it also responds to the need to keep people safe right here at home. That is why I will vote for this budget. That is why I urge each and every one of you to support this budget, not because it does what we would like it to do, as so many of my Republican colleagues have urged us, but those same colleagues indicated to me that their budgets would balance the budget and would cut spending.

Because there has been so much talk of spending on your side of the aisle, Mr. RYAN, I remind you that under the Clinton administration, discretionary spending rose at a rate of 3.5 percent. However, with you totally in control, it rose 7 percent. You doubled spending. So it rings hollow to say that it is spending we ought to cut. You cut taxes, and you increased spending.

This is a tough budget. It is tougher than a lot of people would like. It is tougher than Mr. BERMAN would like.

Because he knows there are children all over this world that we are helping stay healthy, kept alive by feeding. And allies kept on our side when we confront terrorists. This is a tough budget. The Budget Committee made tough decisions, but they were right decisions, right for our country and right for our people.

Support the Spratt budget. Make America better.

Madam Chair, today, with the passage of this budget resolution, the House has the opportunity to set America's priorities for years to come and build a sustainable, widely shared recovery.

Along with the American Recovery and Reinvestment Act, this budget is a key part of our return to prosperity; it provides the long-term investments that will make prosperity last.

Today we have a chance to begin bringing down the cost of healthcare; breaking our addiction to foreign oil; creating the best-prepared workforce in the world; and returning America to fiscal health.

On healthcare, it is clear that rising costs are straining American families and crippling American businesses.

Family premiums have more than doubled since 2000, and over the past five years, our total healthcare spending has increased at more than twice the rate of inflation, consuming more of our economy and our budget each year.

This budget is the start of efforts to reverse that disastrous trend. It makes a significant down-payment on reform, taking steps to lower healthcare costs, improve quality, and expand access.

Healthcare reform is also key to entitlement reform, because we will never be able to control the growth in Medicare and Medicaid spending as long as healthcare costs continue to increase at more than twice the rate of inflation.

On energy, this budget increases support for energy independence programs by 18 percent. That includes incentives for the development of new technology and clean energy jobs; support for cutting-edge research; funding to start on an energy-efficient, money-saving national smart grid; and programs to help Government from the Federal to the local level save energy and money.

On education, this budget builds upon the investments made in President Obama's recovery plan with additional support for early childhood education, elementary and secondary school students, and efforts to help more Americans obtain a college degree.

It expands access to early childhood programs, makes college more affordable with increased Pell grants, and promotes job-training and significant education reform.

A lasting recovery isn't simply about ending the turmoil in our financial markets—it's about having workers who are prepared to compete in the 21st-century economy with anyone in the world.

Finally, this budget reverses the irresponsible Republican policies that turned record surpluses into record deficits and puts us back on a fiscally sustainable path.

That begins with an honest accounting of where we are—an assessment that takes into account the cost of two wars.

From that honest foundation, the budget cuts the deficit from 10.5 percent of GDP in 2009 to 3.5 percent of GDP in 2013. In other words, we cut the deficit by nearly two-thirds.

We do so by restraining spending, investing in oversight that saves taxpayer money, and, most importantly, reinstating the pay-as-you-go rule in law and requiring that new initiatives be paid for.

Our Government must pay for what it buys. Republicans, by contrast, would abandon that discipline in favor of a \$3.6 trillion tax cut, which the non-partisan tax policy center calls "by far, the largest tax cut in history"—one that goes almost exclusively to the richest Americans.

Paying for tax breaks like those, as Mr. RYAN proposes to do, would require deep cuts to vital services. So taking the massive tax breaks to their logical conclusion, Republicans support cutting Medicare, Medicaid, and a host of other essential programs that are critical to our economic recovery.

As the Washington Post notes today, the Ryan substitute would "freeze most Government spending for five years, halt spending approved in the economic stimulus package, and slash federal health programs for the poor and elderly."

When Republicans claim their budget will create jobs, they conveniently ignore the impact that the deep spending cuts in their plan would have on jobs.

Virtually all economists, including conservatives such as Milton Friedman, agree that Government spending during a recession creates jobs.

In fact, when we use the model of the conservative Heritage Foundation and take into account both tax cuts and spending cuts, we find that the Republican plan destroys jobs.

Of course, Republicans have another option to finance their tax breaks—increasing our deficit and piling up our debt even higher. That would be in keeping with the fiscal ideology that has dominated among Republicans as long as I have served in this House, the dogma summed up by Vice President Cheney: "Reagan proved deficits don't matter."

Our country has come to see the foolishness of that belief—and I think it has also come to see that only one party has a track record of responsibly reducing deficits. Chairman SPRATT put it well: "Republicans turn surpluses into deficits. Democrats turn deficits into surpluses."

The Republican case on substance is truly weak—and their argument on process is weaker.

Republicans have repeatedly decried this budget's use of the reconciliation process to provide for a majority, up-or-down vote on health care and education if Congress has not reached agreement on these issues so critical to our economic recovery.

But the truth is that both parties have used reconciliation to implement the policies assumed in budget resolutions.

Under President Bush, it was the Republican option of first resort to pass irresponsible tax cuts; under this budget, it is simply a fallback if partisanship blocks progress.

I urge my colleagues to vote for this budget—one of the most important votes they will take in this Congress.

This is our chance to build the foundation for recovery and plan wisely for the long term. We cannot miss it.

Mr. RYAN of Wisconsin. Madam Chair, may I just ask unanimous consent for the purpose of thanking some staff?

The CHAIR. Without objection, the gentleman from Wisconsin and the gentleman from South Carolina each will control 1 additional minute.

There was no objection.

Mr. RYAN of Wisconsin. Madam Chair, we, on both sides of the aisle, have very hardworking budget staffers. And I just wanted to take a moment to thank them for all of their late nights and all of their hard work, starting with Austin Smythe staff director, Chauncey Goss, Tim Flynn, John Gray, Jim Herz, Matt Hoffmann, Charlotte Ivancic, Patrick L. Knudsen, Angela Kuck, Ted McCann, Stephen McMillin, Courtney Reinhard, Paul Restuccia, Jonathon Romito, Stephen Sepp, Conor Sweeney, Sarah Ulrich and Dana Wade; as well as our interns, who gave us the greatest free labor we ever get around here. And I want them to know that they should double whatever we are paying them. Jacquie Adams, Krysta Carlson, Michael Koutnik, Nicole Marquart, David Rabe, Kyle Roskam and Abigail Weinschel. Thank you, staff, for your hard work.

Mr. SPRATT. Madam Chair, this has been a compressed period for producing a budget. An enormous amount of work has gone into the effort that is manifest on the floor here for the last couple of days. It never would have come to this fruition without their superior assistance. I want to recognize Tom Kahn, our staff director, my longstanding legislative aid and staff director, Sarah Abernathy, Ellen Balis, Arthur Burris, Linda Bywaters, Adam Carasso, Marsha Douglas, Stephen Elmore, Chuck Fant, Jason Freihage, Christen Green, Jose Guillen, Jennifer Hanson-Kilbride, Sheila McDowell, Dick Magee, Diana Meredith, Gail Millar, Morna Miller, Kimberly Overbeek, Scott Russell, Marcus Stephens, Naomi Stern, Lisa Venus, Greg Waring and Andrea Weathers; as well as Adam Brunelle and Andrew Fieldhouse.

I also want to recognize the indispensable work done for both of us by Bob Weinhagen of the Office of Legislative Counsel and the staff of the Congressional Budget Office.

This is a testament to what staff means to us and the kind of work they pull together in a short period of time. They make us look good. We couldn't do without them. They deserve our praises.

Mr. CALVERT. Madam Chair, this week the Majority Party, through this budget, has declared that they stand for bigger government, more taxes, and higher debt.

How does the Democratic budget spend on such high levels over the next ten years? Two

words: tax increases. The budget includes a complicated cap-and-trade energy tax that will cost the average American household up to \$3,128 annually, a new tax on charitable giving that will cost American charities as much as \$16 billion per year, increased taxes on businesses and families that make over \$250,000 per year, and the resurrection of the death tax which will punish family-owned businesses and farms.

The theme seems to be that the government knows best and the people should fall in line.

Fortunately, there are some of us on Capitol Hill who will not fall in line. Republicans have offered an alternative that reflects common-sense economics: when in debt, stop spending.

The Republican alternative places a priority on national defense and veterans' health and temporarily freezes other discretionary spending for five years. It would halve the President's deficit projection for 2019.

It would make the 2001 and 2003 tax cuts permanent, cap the capital gains and dividends tax at 15 percent and give families and individuals options for a simplified tax code. To foster entrepreneurship and small businesses, it would cut the corporate tax rate—the second highest in the world—from 35 percent to 25 percent.

Unlike my friends on the other side of the aisle, I do not think the way forward is through increased government interference, funded by our wallets and our children's piggybanks. I urge members to reject the proposed Democrat budget and vote for the Ryan Budget.

Mr. BACHUS. Madam Chair, it seems that every day brings news of another large government program, intervention, mandate, or tax.

Sometimes the expansion is subtle. Sometimes it's more direct.

Just months into this Congress, this Majority has pushed an additional \$350 billion in TARP funds out the door without additional oversight, passed a \$410 billion spending bill full of wasteful pet projects, and handed our children and grandchildren the tab for the largest single spending bill our nation has ever seen in the form of a \$1.2 trillion so-called stimulus bill.

Today, their budget calls for taxpayers to commit another \$3.6 trillion more of their hard-earned money without transparency or adequate oversight. This budget spends too much, taxes too much, and borrows too much. It expands government control on a scale that we have never seen before, not even during the New Deal.

If you had told me a month ago that Congress wanted to increase the tax burden on charitable contributions, I would have said it's an April Fool's joke. But the fact is that if donations to charities go down, the government will say it has to step in. But there will be a big difference. It will be the government choosing what it wants to support and how. It can support groups like ACORN instead of my local church or local charity. Instead of allowing people to support their own causes and make their own choices about their charitable contributions, the government will expand into what will obviously and clearly be a restriction on private charities as their funds are restricted. Unfortunately, it wasn't an April Fool's

Day joke and that is what is being proposed this very week, restricting private contributions.

The higher taxes on energy will cost the average American household more than \$3000. As a heavy user of coal, Alabama will be especially hard hit by the cap and trade tax. Electricity costs per capita in Alabama could go up by more than \$1500, among the highest in any state. Our families and manufacturers can't afford that, especially in this economy.

But I wanted to know what my constituents thought about this budget and in just a few days I received more than 600 responses. Here are quotes from their letters.

From Barbara in Clanton: "As a small business, we cannot afford to pay any more taxes right now. I don't think our employees can cope with higher fuel prices. I am very concerned about the exploding federal budget deficit."

From Danielle in Pelham: "My goal is to become a small business owner and I'm concerned that any higher taxes on small business will squash my chances of making this goal a reality."

From Randy in Pell City: "I don't want any more energy increases. Our electric, propane, and gas bills have gone up far more than my husband's wages."

We are witnessing a relentless expansion of the federal government, and I, for one, am worried. So are the American people. That's why Republicans offered solutions in our budget aimed at creating jobs and economic growth, not more government and not more unaffordable debt.

The American people understand that this generational theft must end. The Republican budget reflects their priorities, and moves the country in the right direction towards economic recovery.

Mr. FORBES. Madam Chair, today I will vote in favor of the Ryan amendment to H. Con. Res 85. I support this amendment because it recognizes the importance of maintaining a strong national defense and taking care of our veterans. I do not support everything in this budget alternative. However, given the choice between this amendment, which provides more robust funding for our Nation's defense, or the budget priorities of the underlying legislation, I will vote for the Ryan amendment so that the House will have the opportunity for an extended and vigorous debate on the importance of defense spending in our national priorities. At the same time, I have strong reservations about the proposals to reform Medicare as described in the Ryan amendment. Before embarking on any change to Medicare to ensure that this program exists for my children's generation and my grandchildren's generation, I expect the House to engage in a thorough, earnest debate that we have not yet had.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 293, not voting 7, as follows:

[Roll No. 191]

AYES—137

Aderholt	Fortenberry	Myrick
Akin	Fox	Neugebauer
Alexander	Frelinghuysen	Nunes
Austria	Gallely	Olson
Bachmann	Garrett (NJ)	Paulsen
Bachus	Gingrey (GA)	Pence
Barrett (SC)	Gohmert	Petri
Bartlett	Goodlatte	Pitts
Biggart	Granger	Poe (TX)
Blibray	Graves	Posey
Bishop (UT)	Guthrie	Price (GA)
Blackburn	Hall (TX)	Putnam
Blunt	Harper	Radanovich
Boehner	Hastings (WA)	Rehberg
Bonner	Hensarling	Roe (TN)
Bono Mack	Herger	Rogers (KY)
Boozman	Hoekstra	Rogers (MI)
Boustany	Hunter	Rohrabacher
Brady (TX)	Inglis	Roskam
Brown (GA)	Issa	Royce
Brown (SC)	Johnson, Sam	Ryan (WI)
Burton (IN)	Jones	Scalise
Buyer	Jordan (OH)	Schmidt
Calvert	King (IA)	Schock
Camp	Kingston	Sensenbrenner
Campbell	Kline (MN)	Sessions
Cantor	Lamborn	Shadegg
Carter	Latta	Shimkus
Cassidy	Lewis (CA)	Shuster
Chaffetz	Linder	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (TX)
Cole	Lummis	Stearns
Conaway	Lungren, Daniel	Sullivan
Crenshaw	E.	Terry
Culberson	Manzullo	Thompson (PA)
Davis (KY)	Marchant	Thornberry
Deal (GA)	McCarthy (CA)	Tiahrt
Dent	McCauley	Tiberi
Diaz-Balart, L.	McClintock	Turner
Diaz-Balart, M.	McHenry	Wamp
Dreier	McKeon	Whitfield
Ehlers	McMorris	Wilson (SC)
Fallin	Rodgers	Wittman
Flake	Mica	Young (AK)
Fleming	Miller (FL)	
Forbes	Moran (KS)	

NOES—293

Abercrombie	Castle	Farr
Ackerman	Castor (FL)	Fattah
Adler (NJ)	Chandler	Filner
Altmire	Childers	Foster
Andrews	Christensen	Frank (MA)
Arcuri	Clarke	Fudge
Baca	Clay	Gerlach
Baird	Cleaver	Giffords
Baldwin	Clyburn	Gonzalez
Barrow	Cohen	Gordon (TN)
Barton (TX)	Connolly (VA)	Grayson
Bean	Conyers	Green, Al
Becerra	Cooper	Green, Gene
Berkley	Costello	Griffith
Berman	Courtney	Grijalva
Berry	Crowley	Gutierrez
Bilirakis	Cuellar	Hall (NY)
Bishop (GA)	Cummings	Halvorson
Bishop (NY)	Dahlkemper	Hare
Blumenauer	Davis (AL)	Harman
Boccheri	Davis (CA)	Hastings (FL)
Bordallo	Davis (IL)	Heinrich
Boren	Davis (TN)	Heller
Boswell	DeFazio	Herseth Sandlin
Boucher	DeGette	Higgins
Boyd	Delahunt	Hill
Brady (PA)	DeLauro	Himes
Braley (IA)	Dicks	Hinche
Bright	Dingell	Hirono
Brown, Corrine	Doggett	Hodes
Brown-Waite,	Donnelly (IN)	Holden
Ginny	Doyle	Holt
Buchanan	Drieaus	Honda
Burgess	Duncan	Hoyer
Butterfield	Edwards (MD)	Inslee
Cao	Edwards (TX)	Israel
Capito	Ellison	Jackson (IL)
Capps	Ellsworth	Jackson-Lee
Capuano	Emerson	(TX)
Cardoza	Engel	Jenkins
Carnahan	Eshoo	Johnson (GA)
Carney	Etheridge	Johnson (IL)
Carson (IN)	Faleomavaega	Johnson, E. B.

Kagen	Miller (NC)	Schauer
Kanjorski	Miller, George	Schiff
Kaptur	Minnick	Schrader
Kennedy	Mitchell	Schwartz
Kildee	Mollohan	Scott (GA)
Kilpatrick (MI)	Moore (KS)	Scott (VA)
Kilroy	Moore (WI)	Serrano
Kind	Moran (VA)	Sestak
King (NY)	Murphy (CT)	Shea-Porter
Kirk	Murphy, Patrick	Sherman
Kirkpatrick (AZ)	Murphy, Tim	Shuler
Kissell	Murtha	Sires
Klein (FL)	Nadler (NY)	Skelton
Kosmas	Napolitano	Slaughter
Kratovil	Neal (MA)	Smith (NJ)
Kucinich	Nye	Smith (WA)
Lance	Oberstar	Snyder
Langevin	Obey	Souder
Larsen (WA)	Oliver	Space
Larson (CT)	Ortiz	Speier
Latham	Pallone	Spratt
LaTourette	Pascarell	Stark
Lee (CA)	Pastor (AZ)	Stupak
Lee (NY)	Paul	Sutton
Levin	Payne	Tanner
Lewis (GA)	Perlmutter	Tauscher
Lipinski	Perriello	Taylor
LoBiondo	Peters	Teague
Loeb sack	Peterson	Thompson (CA)
Lofgren, Zoe	Pierluisi	Thompson (MS)
Lowe y	Pingree (ME)	Tierney
Luján	Platts	Titus
Lynch	Polis (CO)	Tonko
Mack	Pomeroy	Towns
Maffei	Price (NC)	Tsongas
Maloney	Rahall	Upton
Markey (CO)	Rangel	Van Hollen
Markey (MA)	Reichert	Velázquez
Marshall	Reyes	Visclosky
Massa	Richardson	Walden
Matheson	Rodriguez	Walz
Matsui	Rogers (AL)	Wasserman
McCarthy (NY)	Rooney	Schultz
McCollum	Ros-Lehtinen	Waters
McCotter	Ross	Watson
McDermott	Rothman (NJ)	Watt
McGovern	Roybal-Allard	Waxman
McHugh	Ruppersberger	Weiner
McIntyre	Rush	Welch
McMahon	Ryan (OH)	Wexler
McNerney	Salazar	Wilson (OH)
Meek (FL)	Sánchez, Linda	Wolf
Meeks (NY)	T.	Woolsey
Melancon	Sanchez, Loretta	Wu
Michaud	Sarbanes	Yarmuth
Miller (MI)	Schakowsky	Young (FL)

NOT VOTING—7

Costa	Miller, Gary	Westmoreland
Franks (AZ)	Norton	
Hinojosa	Sablan	

□ 1859

Ms. MCCOLLUM, Messrs. DELAHUNT, HOLT, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHWARTZ, Mr. DAVIS of Tennessee, Mr. CARDOZA and Mr. RUSH changed their vote from “aye” to “no.”

Messrs. HOEKSTRA, FORBES and BACHUS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. NORTON. Madam Chairman, on rollcall No. 191, had I been present, I would have voted “no.”

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. TAUSCHER, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 85)

setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, pursuant to House Resolution 316, she reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 196, not voting 3, as follows:

[Roll No. 192]

YEAS—233

Abercrombie	Fattah	McNerney
Ackerman	Filner	Meek (FL)
Adler (NJ)	Frank (MA)	Meeks (NY)
Altmore	Fudge	Melancon
Andrews	Giffords	Michaud
Arcuri	Gonzalez	Miller (NC)
Baca	Gordon (TN)	Miller, George
Baird	Grayson	Mollohan
Baldwin	Green, Al	Moore (KS)
Bean	Green, Gene	Moore (WI)
Becerra	Grijalva	Moran (VA)
Berkley	Gutierrez	Murphy (CT)
Berman	Hall (NY)	Murphy, Patrick
Berry	Halvorson	Murtha
Bishop (GA)	Hare	Nadler (NY)
Bishop (NY)	Harman	Napolitano
Blumenauer	Hastings (FL)	Neal (MA)
Bocieri	Heinrich	Oberstar
Boswell	Hereth Sandlin	Obey
Boucher	Higgins	Olver
Boyd	Hill	Ortiz
Brady (PA)	Himes	Pallone
Braley (IA)	Hinche y	Pascarell
Brown, Corrine	Hirono	Pastor (AZ)
Butterfield	Hodes	Payne
Holden	Holden	Pelosi
Capps	Holt	Perlmutter
Capuano	Honda	Peters
Cardoza	Hoyer	Peterson
Carnahan	Inslee	Pingree (ME)
Carney	Israel	Polis (CO)
Carson (IN)	Jackson (IL)	Pomeroy
Castor (FL)	Jackson-Lee	Price (NC)
Chandler	(TX)	Rahall
Clarke	Johnson (GA)	Rangel
Clay	Johnson, E. B.	Reyes
Cleaver	Kagen	Richardson
Clyburn	Kanjorski	Rodriguez
Cohen	Kaptur	Ross
Connolly (VA)	Kennedy	Rothman (NJ)
Cooper	Kildee	Roybal-Allard
Costa	Kilpatrick (MI)	Ruppersberger
Costello	Kilroy	Rush
Courtney	Kind	Ryan (OH)
Crowley	Kirkpatrick (AZ)	Salazar
Cuellar	Kissell	Sánchez, Linda
Cummings	Klein (FL)	T.
Dahlkemper	Langevin	Sanchez, Loretta
Davis (AL)	Larsen (WA)	Sarbanes
Davis (CA)	Larson (CT)	Schakowsky
Davis (IL)	Lee (CA)	Schauer
Davis (TN)	Levin	Schiff
DeFazio	Lewis (GA)	Schrader
DeGette	Lipinski	Schwartz
DeLahunt	Loeb sack	Scott (GA)
DeLauro	Lofgren, Zoe	Scott (VA)
Dicks	Lowe y	Serrano
Dingell	Luján	Sestak
Doggett	Lynch	Shea-Porter
Doyle	Maffei	Sherman
Driehaus	Maloney	Shuler
Edwards (MD)	Markey (MA)	Sires
Edwards (TX)	Massa	Skelton
Ellison	Matsui	Slaughter
Ellsworth	McCarthy (NY)	Smith (WA)
Engel	McCollum	Snyder
Eshoo	McDermott	Space
Etheridge	McGovern	Speier
Farr	McMahon	Spratt

Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko

Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

Aderholt	Frelinghuysen	Minnick
Akin	Gallely	Mitchell
Alexander	Garrett (NJ)	Moran (KS)
Austria	Gerlach	Murphy, Tim
Bachmann	Gingrey (GA)	Myrick
Bachus	Gohmert	Neugebauer
Barrett (SC)	Goodlatte	Nunes
Barrow	Granger	Nye
Bartlett	Graves	Olson
Barton (TX)	Griffith	Paul
Biggert	Guthrie	Paulsen
Bilbray	Hall (TX)	Pence
Bilirakis	Harper	Perriello
Bishop (UT)	Hastings (WA)	Petri
Blackburn	Heller	Pitts
Blunt	Hensarling	Platts
Boehner	Herger	Poe (TX)
Bonner	Hoekstra	Posey
Bono Mack	Hunter	Price (GA)
Boozman	Inglis	Putnam
Boren	Issa	Radanovich
Boustany	Jenkins	Rehberg
Brady (TX)	Johnson (IL)	Reichert
Bright	Johnson, Sam	Roe (TN)
Broun (GA)	Jones	Rogers (AL)
Brown (SC)	Jordan (OH)	Rogers (KY)
Brown-Waite,	King (IA)	Rogers (MI)
Ginny	King (NY)	Rohrabacher
Buchanan	Kingston	Rooney
Burgess	Kirk	Ros-Lehtinen
Burton (IN)	Kline (MN)	Roskam
Buyer	Kosmas	Royce
Calvert	Kratovil	Ryan (WI)
Camp	Kucinich	Scalise
Campbell	Lamborn	Schmidt
Cantor	Lance	Schock
Cao	Latham	Sensenbrenner
Capito	LaTourette	Latta
Carter	Latta	Sessions
Cassidy	Lee (NY)	Shadegg
Castle	Lewis (CA)	Shimkus
Chaffetz	Linder	Shuster
Childers	LoBiondo	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Conaway	Lungren, Daniel	Souder
Crenshaw	E.	Stearns
Culberson	Mack	Sullivan
Davis (KY)	Manzullo	Taylor
Deal (GA)	Marchant	Teague
Dent	Markey (CO)	Terry
Diaz-Balart, L.	Marshall	Thompson (PA)
Diaz-Balart, M.	Matheson	Thornberry
Donnelly (IN)	McCarthy (CA)	Tiahrt
Dreier	McCaul	Tiberi
Duncan	McClintock	Turner
Ehlers	McCotter	Upton
Emerson	McHenry	Walden
Fallin	McHugh	Wamp
Flake	McIntyre	Whitfield
Fleming	McKeon	Wilson (SC)
Forbes	McMorris	Wittman
Fortenberry	Rodgers	Wolf
Foster	Mica	Young (AK)
Fox	Miller (FL)	Young (FL)
Franks (AZ)	Miller (MI)	

NOT VOTING—3

Hinojosa	Miller, Gary	Westmoreland
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The SPEAKER (during the vote). Two minutes remain in this vote.

□ 1916

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

HONORING ROBERT FAY ROCKWELL, JR.

(Mr. MASSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASSA. Madam Speaker, I rise today to honor the life of Robert Fay Rockwell, Jr., a close friend of myself and of our community in New York.

Bob Rockwell was born on November 8 of 1911 in Bradford, Pennsylvania. He attended Whittier College in a far-off land in California where he became friends with a fellow student, Richard Nixon. He moved to Corning, New York, in 1933, to run the local department store, the Rockwell Company, owned by his grandfather.

Soon after, he, like so many of the Greatest Generation, departed to serve overseas in World War II and joined the 70th Construction Battalion of the great Seabees in World War II. He was stationed in North Africa and later in California.

Upon his return to Corning, he became close friends with Frederick Carder, founder of the world famous Steuben Glass Works. He amassed the world's largest collection of Frederick Carder's Steuben glass, priceless in its volume.

His liking of aesthetics in art was not limited to only glass. Bob became the largest collector of Western art, including Remingtons and Russells, and in the early 1960s, opened a display of that collection in his department store. He later donated most of these collections to what was then called—and now is world famous—the Rockwell Museum. This museum got its first home in 1976 in an old hotel in downtown Corning.

During that time, he became president of both Corning Chamber of Commerce and Corning Rotary Club and forever left his mark on both organizations. In 1983, the Rockwell Museum of Western Art opened in Corning's refurbished old City Hall building. It's become a popular local and national icon.

The multimillion dollar value of Bob's donated art and glass is a testament to his generosity, but is only one of such testaments. His legacy is further enhanced by his compassion and help to his fellow man.

And let me close by saying, from the heart to Bob and to his family and from all of us in Corning, New York, and in western New York State, Bob, we are always in your debt for your tremendous contributions to our community.

IMAGINE IF A REPUBLICAN WERE PRESIDENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, in a recent Investors Business Daily

op-ed, radio host Larry Elder wondered how the media's reporting would be different if a Republican were President.

Of a potential Republican President, Elder wrote, "Imagine if his Secretary of Treasury had not paid taxes, he granted two dozen waivers to his no-lobbyists-in-government rule and he had promised bipartisanship but only got three across-the-aisle votes for his 'stimulus' package. Or if he tripled the projected annual deficit and intended, within a short period, to double the national debt."

Elder's point is clear. The national media's double standard has meant a free pass for President Obama and the Democrats' budget.

The American people should insist on fair news coverage without regard to political party.

WELCOME TO NEW COMMANDERS AT FORT POLK AND BARKSDALE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, tomorrow, the 94th Brigade Support Battalion, part of the 10th Mountain Division's 4th Brigade Combat Team, will welcome Lieutenant Colonel Anthony Coston as its new commander at Fort Polk in Louisiana.

Lieutenant Colonel Coston most recently served as a joint logistics staff officer in Washington, D.C. He is a well-decorated and well-respected soldier, and I congratulate him on his new command at Fort Polk.

At the other military installation in my district, Barksdale Air Force Base, Colonel Steven Basham assumed command of the 2nd Bomb Wing earlier this week. And may I add that Barksdale was selected today for Global Strike Command.

Colonel Basham is a command pilot with more than 3,300 flying hours and served as director of operations for the first combat deployment of the B-2 bomber during Operation Iraqi Freedom. His leadership has been commended throughout his career, and I am confident he will be an exemplary leader for the airmen under his command at Barksdale.

I welcome both officers to my district and thank them for their dedication to the defense of this Nation.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEMOCRAT SPENDING SINCE TARP

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, this has been a historic day. We just passed a huge bill, cost the American taxpayers \$3.5 trillion. It increased taxes at a time when we shouldn't be increasing taxes, and I won't restate everything that's been said here today because I think my colleagues on both sides of the aisle expressed their positions very well.

But what I would like to say—and I'm not going to take the whole 5 minutes—is that in October we passed the TARP bill, October of last year, \$700 billion. In January, we passed the State Children's Health Insurance Reauthorization, \$73 billion. In February, on the 9th, we passed the American Recovery and Reinvestment Act, the stimulus bill, for \$820 billion plus the interest it will incur, which is about \$348 billion. That's \$1.16 trillion. On February 9, we consolidated the appropriations for fiscal year 2009 in the omnibus bill, \$410 billion plus \$250 billion in interest. That's \$625 billion in total. And then you add to that the budget which we passed today for \$3.5 trillion.

We are in the process of bankrupting this country. We are printing so much money and incurring so much debt that our kids and grandkids, I don't know how they're going to be able to live with it.

I heard my colleagues on the other side of the aisle applauding when we passed this budget today. Those of us on this side of the aisle who have been around here for a while, we were doing anything but applauding. We were thinking about what we've done to this country.

You know, China has about \$700 billion of our debt. Japan has about \$600 billion of our debt. And they don't want to buy any more of our debt. The only reason they're doing it I think is because this is the only game in town, but there is a limit to how much these other countries in the world will spend purchasing our debt.

And so what's going to happen? It's already happening. We're increasing the money supply. Up until just recently, we had increased the money supply by almost 300 percent. That means that we've increased the money supply three times in just recent years. And when that money gets into circulation, along with the money we're going to be printing because of all these expenditures I just enumerated, we're going to have a tremendous amount of dollars chasing fewer and fewer goods and services. More dollars, less production, and that means we're going to have inflation.

So I'd just like to say to my colleagues tonight, you may be celebrating this great budget that you passed, but it's going to end up costing our kids and our grandkids more in taxes and inflation, and they're going

to look back on this day and on what we're doing and they're going to say, why in the world did you do this to us, why did you do it to us?

And I hope I and my colleagues are alive to look back and remember what happened today and what's been happening in recent days, weeks and months. It's a tragedy, and I'm very depressed over it. I hope that something will change the way things are going. I hope people will see the light and will start cutting taxes instead of increasing taxes and spending, but I doubt that's going to happen.

CONDITIONAL ADJOURNMENT TO MONDAY, APRIL 6, 2009

Mr. STUPAK. Madam Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 10 a.m. on Monday, April 6, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 93, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WE NEED TO FIX THE TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, perhaps the most dreaded day of the year for taxpayers will soon be upon us, April 15. We're all at home with paper and pen, with stacks of receipts and books, strewn upon our kitchen table, and as tax day approaches, I come before the House of Representatives to share Kansans' many frustrations and to call upon Congress to fix the Tax Code.

Our country desperately needs a better tax system. The United States Tax Code is complex, confusing, and terribly burdensome to taxpayers, and it impedes our Nation's economic growth. The IRS has estimated that individual taxpayers and businesses spend 7.6 billion hours each year filling out their taxes. To put that number in perspective, that's 3.8 million employees working full time for the entire year.

It's obvious, certainly to anyone filling out their tax return this year, that an overhaul of the Federal Tax Code is required. The Fair Tax Act, which I support, H.R. 25, is a direction we should go and contains many meritorious ideas which would start the process. The fair tax would repeal income, payroll, and a multitude of other taxes. And those taxes would be replaced by a national sales or consumption tax on retail purchases.

But no matter what system we agree upon, what we model our tax reform around, the fact remains: America deserves an easier, commonsense, and less convoluted tax system than we currently have in place. We need a tax system that promotes personal freedom. Decisions should be made based upon what's good for us individually, what's good for our families, and what's good for our businesses. It shouldn't be all about what's good for the tax man.

But instead of tax simplification and tax relief, Americans this year will be facing the same broken system and a budget proposal that increases their taxes to pay for more spending. Many are angry at the reckless spending of this Congress, so much so that a national grassroots movement of tea parties has opened up this spring. On April 15, over 300 tax day tea parties are planned across the country, many of them in Kansas.

Kansans are tired of footing the bill for Wall Street bailouts and rewarding bad behavior in the housing market. They're frustrated with trillion dollar stimulus efforts that fund projects and programs that simply won't stimulate the economy. They're upset with massive government spending that increases our national debt at a time when most American families are forced to tighten their belts and make tough choices.

Americans are struggling, and we need to get the country moving, but increasing taxes to recklessly throw dollars at the problem is not the solution. I am one of only a few of the 435 Members of this House to vote against every stimulus and bailout plan. I'd like to say that there were more of us. Hopefully, this tax day will serve as a reminder for Congress and the administration to put the taxpayer first—spend a lot less and create a tax system that is fair and efficient and that promotes individual freedom.

HONORING MR. AND MRS. JAMES AILSHIE AND THE "J4"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. Madam Speaker, I rise today to congratulate Mr. and Mrs. James Ailshie, who are celebrating their 79th year of marriage. James Ailshie was born in 1912, and his lovely wife, Dussie, in 1914. The two are proud parents of six wonderful children, all of whom are residents of East Tennessee.

When asked how they have maintained such an incredible marriage, the couple always responds with, "The secret of a long life together is a four letter word, love." In my opinion, the Ailshie marriage is a living testimony of what love truly is. Let theirs serve

as an example to all of us, that love and dedication can truly last a lifetime.

However, their marriage is more than simply an affirmation of love. Across the years they have witnessed times of joy and times of hardship, yet their commitment has endured. The qualities of character that have enabled them to sustain their union and build their family are the same qualities that are fundamental to the strength of our Nation. May we continue to be blessed with Americans who cherish the values of our traditions.

Married in 1930, the Ailshies have shared many yesterdays together. It has been said that, "An anniversary is a time to celebrate the joys of today, the memories of yesterday, and the hopes of tomorrow." It is my hope that they will go on and see many, many more tomorrows together.

Madam Speaker, I rise also today to congratulate Jessi, Jedediah, Josiah, and Josephine Smith, better known as "J4," who were declared the winner of the CBS Early Show's Singing Family Face Off this week. The competition began months ago when roughly 700 videos of family bands performing were submitted by Early Show viewers.

The "J4" siblings performed the Mary Mary's song "Shackles," on the Early Show, which advanced them to the finals. CBS said they were chosen as the winner based on votes through the network's Web site.

"J4" is made up of four siblings, aged 7 to 15, all with names beginning with the letter "J" from the Smith family in Bluff City, Tennessee. The oldest two have played for a couple of years for services at the church across the street from their home where their dad, Mark, is pastor.

The Smith kids are the children of Mark and Lori Smith. They're homeschooled and very involved in music, including piano and violin.

Congratulations again to "J4." They make East Tennessee proud.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, earlier today I recounted the calamity that we find ourselves in with the budget and the spending of money here in the United States. Frankly, of course, the budgets over the past 8 years and the enormous expenditure of funds created a huge and growing deficit.

I indicated earlier that we spent \$667 billion for the Iraq war, high unemployment still ongoing, stories that you hear from constituents about mortgage foreclosures, inability to have their loans re-modified, and so you can see the importance of the debate today.

And I'm very proud that, of the number of budgets that I had the opportunity to participate in and to argue for and to suggest the direction that they should take, they all focused on restoring the humanity and dignity of the American people.

The Congressional Progressive Caucus budget focused on reducing the deficit by 58 percent in fiscal year 2012. In addition, it targeted waste, fraud, and abuse. It repealed the Bush tax cuts for the top 1 percent of taxpayers. Let me emphasize that, the top 1 percent of taxpayers. That means that 99 percent of the American people would not get a tax increase of any kind. In fact, alongside of that principle is the principle of the President's budget, the budget we passed finally that guaranteed middle-class Americans a tax cut.

The budget included in the Progressive budget health care for all, affordable, accessible health care so that there would be no tragedies such as young people, children needing transplants or transfusions, and they can't get it because their insurer denies it.

We add an additional \$300 billion as an additional part of the economic stimulus package so that there can be added assistance for unemployment insurance, food stamps, infrastructure spending, housing assistance, job creation.

I come from the gulf region, where we are still suffering both from Hurricane Katrina and Rita and now Hurricane Ike. My neighbor to the south, the city of Galveston, the mayor and city manager and many of her constituents are still facing the calamity of trying to build housing, trying to restore the University of Texas medical branch, and we, as a Texas delegation, worked with the district Member to try to ensure that restoration.

The budgets that were put here today respect the fact that there will be disasters in America, calamities such as fires and floods and, of course, hurricanes, storms, volcanos, that are spilling out such as in the State of Washington, that create havoc if those issues occur. And so this is a time when we opted to opt on the side of the people of America.

The Congressional Black Caucus budget puts in place \$18 billion more in health care, \$17 billion more on education and job training. What happens to a person who is unemployed? They look for jobs or they look to steer themselves into another career. And what do you need to do that? You need job training, whether it's in the community college system like the Houston Community College, whether or not it is going into nursing school, going to become a truck driver, or going into IT, you need job training.

Eight billion dollars on infrastructure so that the roads and the potholes and the bridges and the tunnels can be fixed, but more importantly, people

can be put to work as we make a new America; \$5.5 billion on justice programs; and \$4.5 billion on veterans benefits and services. And of all of these budgets, Madam Speaker, the Congressional Progressive Caucus and CBC and the President's budget all reinforce our commitment to veterans and our returning soldiers who put themselves and their families on the front lines.

□ 1945

Families and our soldiers are likewise on the front lines. So I'm very proud to stand here today to say that we did the right thing in voting on this budget. We did the right thing in focusing on health care reform—trying to fix the broken system of some 44 million to 47 million Americans who are still uninsured.

In that effort, we managed to save some \$316 billion over 10 years; several provisions to improve quality and efficiency in health care. Then, as well, we made a significant down payment on health care reform by putting these savings, along with \$317.8 billion from a tax policy change on upper-income taxpayers, into a \$634 billion health reform reserve.

We're holding a spot, Madam Speaker, so we can fix this for the American people. I mentioned education and energy. That is going to bring about green jobs.

Madam Speaker, we did the right thing for the American people and I'm proud to be part of this Congress and go home to speak with my constituents on how we have helped to change their lives.

THE DIRECTION OF OUR COUNTRY

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. As part of my commitment to the people of Arkansas' Third District, I hold mobile offices in all 12 counties so that I can hear their concerns and help them when I can. As part of that, I relay their troubles here.

For many of the people I saw in Fayetteville on Friday, their attendance at the mobile office was a first. Like so many other people that I hear from through phone calls, e-mails, they are scared with the direction of our country.

They've seen Democrats pass a massive stimulus bill that was full of pet projects but short on job creation, job protection, and protections for pension plans. They've seen President Obama tout an omnibus bill that increases government spending, but what they're looking for is how Washington is tightening its belt, just like so many of them are.

Last week, President Obama said, "It's with a budget that leads to broad economic growth by moving from an

era of borrow and spend to one where we save and invest." Unfortunately, President Obama isn't living up to those words with his budget proposal that spends too much, taxes too much, and borrows too much.

My constituents are upset—and they have every reason to be. "No more Federal deficit spending, please. I beg you to stop the financial bleeding." This is from Leslie in Harrison. She e-mailed me last week, "We cannot afford to continue spending for programs we don't need. What we need are legislators with the veracity and tenacity to stand up and cut the spending programs and pay off the national debt."

Leslie, I hear you. I too have serious doubts. One reason is the proposed Federal budget would enact the largest tax increase in the history of the United States.

I also hear Rebecca from Wesley, who wrote, "I'm 63 years old and have worked very hard. I pay my bills and do not want to pay the bills of others. I'm so furious with what is going on in Washington. No to all tax increases, no to any laws that will increase utility rates, no to government-run health care. I have no confidence that the government can run anything."

We need to work to regain the confidence of the hardworking Americans like Leslie and Rebecca that they had in the past in our government, but no longer. This requires us to vote against budget proposals that include cap-and-trade and that hurt small businesses and discourage charitable giving.

We need a road to recovery that includes curbing wasteful spending, focusing on job creation and debt control. We need to do what is best for our country, and I'm committed to looking for alternative solutions and fighting for a capitalistic democracy.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, today this House passed H.R. 1256, which takes tobacco regulation to a whole new level and, at the same time, imposes onerous new fees that are going to be transferred to consumers as higher prices. The entire debate over the bill was over what method should be used to do so. Before we close today's proceedings, I'd like to offer a somewhat different perspective.

Many years ago, author and commentator Bruce Herschensohn made this point. He said, "For every pleasure in life, there is a corresponding risk. I think that's a universal truth—for every pleasure in life, there is a corresponding risk."

And he pointed out that it's true that with enough taxes and laws and restrictions and regulations and penalties and lectures, government can

produce a virtually risk-free society. But it will also be one of the most colorless, pleasureless, tedious, and miserable societies ever conceived by the mind of man. I believe that's the case.

The health risks of smoking are real and they are well-documented. Our schools rightly make a concerted effort to inform every child of the health risks of tobacco—and they do a good job of it. Our government warns every adult of the health risks of tobacco—and they do a good job of it, too.

As a result, I don't believe there's a single individual in the United States who doesn't well and fully comprehend the health risks of tobacco. But once those warnings are issued, how much farther should government go to make individual decisions for rational adults if they weigh the risks of smoking for themselves?

Ten years ago, after California had imposed yet another tax on tobacco products, I got a letter from a woman who said, "I'm 81 years old. I have been smoking my entire life. If I have to quit now, I'm going to die." She then went on to meticulously calculate how much the new tax cost would cost her on her limited, fixed income, and asked if I could help.

Madam Speaker, in every society, in every part of the world, in every period of history there is always a large group of people who simply want to be left alone to live their lives according to their own best judgment. And there's always a smaller but more domineering group who believe they're so good at running their own lives that they're just naturally entitled to run everybody else's as well.

Rarely has that conflict between these two groups come into sharper focus than in the ongoing efforts to restrict and regulate and tax and harass and intimidate individuals who, after weighing all the risks, decide to smoke anyway.

Personally, I think they're making a very bad decision. But they probably think others are making a very bad decision when they decide to go skiing or bungee jumping or skydiving or thousands of other pleasures that incur corresponding and calculated risks.

I wonder tonight whatever happened to the notion of personal responsibility and whatever happened to the notion, as Jefferson put it, of "a wise and frugal government which shall restrain men from injuring one another but shall leave them otherwise free to regulate their own pursuits of industry and improvement."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 265

Mr. BISHOP of Utah. Madam Speaker, the gentlelady from Texas, who is still here on the floor, had inadvertently put me as one of the cosponsors

on H.R. 265. I would ask unanimous consent to have my name removed from that particular bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MAKING A PARADIGM SHIFT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. A few weeks ago, I was in my office and a respiratory therapist had come into the office. He was talking about one of the patients that he had who came up and asked him if she could have a stronger medicine because what she was using simply did not work for her.

So he said, Well, why don't you show me how you're using it. She showed him how she used it, and he said, Is that the way you always use it? The patient said, Yes. Then he said, Well, let's try it one more time—except this time why don't you take the cap off first.

Now, sometimes I think in the policies that we develop here in the United States we have the same process—we go through the motions but we simply don't flat out take the cap off first. One of the things we need to do to solve our problem is simply take the cap off.

We have had an energy policy in this country for the last 40 years. It's basically been, we develop nothing in the United States and we insist on living on cheap foreign oil. The problem is, doing nothing in the United States for 40 years has put us into a situation that is very tenable. The other problem is there is no longer cheap foreign oil.

We have just recently voted on this floor on a budget—a budget outline. A budget outline that, quite frankly, taxes too much and spends too much and borrows too much. We've all heard that before because, to be honest, whether you talk now about the budget itself or the phrases of taxing, spending, and borrowing, they're basically a redundancy. They are indeed the same thing.

What we have also done in this House is make a major paradigm shift. For the last 20 years, we have been functioning under the basic philosophy that the individual is significant and important. The individual has a worth that is divine. That once you empower that individual and give that individual options, you're ennobling that person.

Well, the budget we just passed changes that basic philosophy. It changed that basic philosophy to say instead of empowering individuals, it is now the role and function of the Federal Government to solve people's prob-

lems. The Federal Government must now be given the power because the Federal Government now becomes the sole solution to the issues and needs of individuals.

Those of us in the West, members of the Western Caucus, have a different point of view because we basically trust people. We recognize that one of the most important things that should be given to any individual is options and choices.

People of the United States must be given options and choices so they can make a decision on how they want their life to develop. States should be given options and choices, regions should be given options. Whenever we try to establish a one-size-fits-all system from Washington, what we do is limit the ability to empower individuals to make decisions for themselves and to change their own lives.

When I was growing up, the only kind of music you could buy were on vinyl records. If you wanted a particular song, you had to basically buy the entire record.

With new gadgets today, even though they have become much smaller than this one that I still have absolutely no idea how to use, with gadgets like these today you can actually download the one record you want. You have a choice. You have options.

And it seems one of the ironies of our life today is that in every facet of human life, options prevail. People have choices—except when it comes to dealing with the government. When that takes place, there is only one choice given: it is the Federal Government's choice.

We are moving dangerously into an area where that becomes the predominant philosophy and the predominant result. Actually, the last bill upon which we voted today, that was exactly the philosophy behind that bill.

It resolves itself also in the way we look at our energy policy and our energy future. We could solve many of our problems if we just had a wiser energy policy. I recognize that there are many people that said the budget we just did is not specifics; it's just broad parameters and directions for the future and whatever. But the basic problem remains that when we talk about people and we insist that our policy as a government should be to give options to people, then we will come with an entirely different approach and a strong and intelligent and rational energy policy for the United States that can open up the opportunities for—I don't care whether we're talking about cap-and-trade or oil leases or oil shale or the energy war on the poor or the myth of green jobs—what we need in each of those areas is to have the government open up options for individuals.

One of the good things about my party is that in every one of these

issues we are presenting alternative Republican options.

□ 2000

We are trying to take the cap off to try and solve problems by looking at the issue in a new way and, in a new degree, based on options.

One of those that has been introduced is the no-cost stimulus bill. A conservative estimate of the no-cost stimulus bill will say that this particular measure, whose goal is, once again, to increase the options that America has with its energy policy, would create at least 2 million new jobs and would introduce at least \$10 trillion of economic growth into our economy. It would reduce the cost of living for individuals, and it would do it with absolutely no tax increase.

Now, I know we have had a lot of people talking in the last few weeks about the idea that the majority of Americans, if our future path goes true, would not face a tax increase. In fact, for many it would be the indications of a middle-class tax cut. I want you to know that I have an element of skepticism with that, because I clearly remember the last time a President and Congress promised me a middle-class tax cut, or at least no increases of middle-class taxes.

At that particular time I was a school teacher making less than \$30,000 a year. And I guess I should have been grateful that the Federal Government in their wisdom would have classified me as one of the rich in America; because in that particular year, when I was offered the opportunity and the guarantee that there would be no increases but instead there would be a decrease in middle-class taxes, that is the year I faced the largest tax increase I have ever faced in my life. My wife had just taken a second job, and everything that she brought in that year was used simply to pay for the tax decrease that I had been promised.

I guess it goes back to the original concept of how income tax was developed. You know, when income taxes were first established, the idea was that somebody else would be taxed to pay for everything. The idea was that only .5 percent—so you know something has changed over the years; .5 percent of your income would be taxed, but the first \$3,000 were excluded, which was meaning basically everybody in America who was a middle-class worker was excluded from taxes. This was going to be a tax on only those rich people.

Ironically enough, 80 percent of the people who would be impacted by the first time we instituted an income tax in this country actually lived in only four States. And, ironically enough, those representatives from those four States were the ones who voted against instituting an income tax. And, ironically enough, in the debate on the

Senate on that installment or beginning of an income tax, the actual debate that took place was a Senator stood up and he said, once we have an income tax, the government will be more responsible for the way it handles other people's money.

I think you have seen some changes in that; which is, once again, why I am so insistent that the no-cost stimulus bill is one we should be considering, because there is zero tax increase to the taxpayer, as opposed to the other budgets we are looking about that simply tax too much, spend too much, and borrow too much.

The No-Cost Stimulus Act treats States fairly. It deals with increasing our net wealth in this country by the use of royalties. If that bill were put into effect, just in the Alaska coast alone there would be \$95 billion of new corporate tax, not imposed on the company, but developed by the expansion of that company. There would be \$114 billion in new royalties that would be coming in and used in this particular country. It would create, just in that one area of Alaska alone, 730,000 new jobs; versus the bill we just passed, which has a specific \$80 billion tax on the oil industry alone, which creates no new jobs, which provides no new income. But that tax on that company is going to be passed on to middle-class taxpayers in this country.

Because, you see, we were talking to an oil executive the other day, and he simply said: It is obvious. If we tax a business, like this \$80 billion tax on only the oil industry, they are going to pass it on to consumers. That is the way it will always be.

Sometimes we play games here in the District of Columbia where the idea is, we are not going to tax people, we will just tax the business; which business then passes that on to the people in the first place. And how is that going to come? I promise you, it is not going to be shown simply at the pump.

Of every barrel of gas and oil that is produced, not all of that goes for energy consumption. A barrel of oil produces exactly 44.68 gallons of product. Of those 44.68 gallons, 19 of them will eventually become gasoline running your cars; nine will be diesel, a fuel; three will be jet fuel. The rest goes to other kinds of products that people use all the time.

We think about oil and gas increases as something that only deals with transportation issues. But when I get on the next airplane, if I get a new Boeing 787 or any of the newer planes, you have to realize that one of reasons these planes are becoming more fuel efficient is because they are lighter weight, which means they are now using composite material. Over 50 percent of the entire airplane of the Boeing 787 will be composed of composites, and all of that composite is made from natural gas.

When you sit on an airplane, you are sitting on natural gas. If you go out to your farmer, or even in your back garden and you need to put some fertilizer on that, realize that fertilizer is a by-product of natural gas. When we fail to develop natural gas in this country, we put farmers at a disadvantage to the point that even today we are importing fertilizer from Russia because we are not doing enough to help ourselves.

Five percent of the global natural gas consumption goes to ammonia, which is the basic product used in fertilizer.

Whenever you pick up one of those electronics that you play with, when your kids start playing with it, they are made of lightweight plastics. That is oil and a natural gas. All of those are developed that way. If you get tired of watching your kids play with those electronics, or you get tired of listening to me speak tonight and you decide to go take an aspirin, I hate to say that, but that is oil and natural gas. What you don't know is that aspirin is derived from hydrocarbons that are found in every barrel of oil.

If you want to have Kevlar to protect our soldiers or our police, you are going to make that stuff out of oil and natural gas. If you are walking around right now, you might look at your shoes and figure out that the stuff that holds them together comes from oil and a natural gas. If you are the tying them, the strings are a petrochemical compound. In fact, the soles are probably going to be imitation rubber, all of which comes out of a barrel of crude oil. Even the shoe polish you use comes from oil and natural gas. If you have a PVC pipe in your basement, that comes from petrocarbons. If you use a ballpoint pen to write a letter—in fact, I have in my hand a list of 84 examples of products that utilize oil and natural gas as the basis of those products, everything from golf balls to pantyhose to perfume to dentures.

And how are the companies that are now being hit by an \$80 billion oil tax going to recoup that? They are passing it on to anyone who uses golf balls or pantyhose or dentures or perfumes, or who writes with a pen or sits on plastic or who wears shoes or who flies in an airplane. That is a tax on all of us when we increase the cost of living.

And how do we solve that problem? Well, we need to look around and simply decide that, as a policy, we are going to take the cap off the medicine, we are going to think of new options, and use what we have to solve our problems, to make our life better, and to solve our budgetary problems, because we have the capacity to do it. We just are refusing to do it right now.

Mr. Speaker, at this time, if I may, I would like to yield some time to the gentleman from Louisiana, who has come up here and done such a great job in his first year as a Member of the House of Representatives. He also

comes from an extremely significant energy region, which is going to be impacted not only by the budget we just passed but also by the energy policy decisions we make in the near future.

If I could yield to the gentleman from Louisiana, Mr. FLEMING, I would appreciate it.

Mr. FLEMING. Well, first of all, I thank the gentleman from Utah, Mr. BISHOP, for his leadership in this area, both on the budget as well as the discussion on petroleum. He was a leader and the one who took the initiative on this no-cost stimulus plan, which I also cosigned as well, along with Mr. VITTER on the other side of the House and I think one or two other Senators. So I thank Mr. BISHOP for his leadership and also allowing me to participate in the discussion tonight about the budget.

What has happened here this afternoon in passing this budget in the House of course yields three very bad things; that is, a budget that spends too much, taxes too much, and borrows too much.

It was only a few days ago that I spoke on the floor here about the fact that it is not just a matter of how much we spend, but it is a matter of where do we get this money from? And there is only two ways to get money that you don't have, and that is if you discount the Social Security Trust Fund, which we of course steal from daily. That is, either to borrow money, and you have to find people who have got the kind of dough that can lend that; or, you have got to print it out of thin air.

Well, who have we been borrowing money from? Well, we have been borrowing it from China. And the amount of spending that we are doing is now getting to an extent that even the Chinese, who seem to be flush with cash, can't seem to keep up and don't know how long that they are going to be able to lend us money before those interest rates begin going up.

Well, of course the other option is to print money. And we have been through that before. In fact, there is a number of precedence that we have seen over history, and the one that I point out that is the most poignant is pre-World War II Germany. And what happened there?

After World War I, the winning powers of the allies imposed a war reparation requirement on Germany. Germany couldn't afford this, and so in order to pay the money back, money they didn't have, they just simply printed it. And of course they had humongous inflationary rates to the point where, to buy a loaf of bread, you had to actually carry your currency in a wheelbarrow. Zimbabwe today is having a very similar situation.

We have also seen this precedence in our own economy. The spending spree that we went on in the sixties began to

hit us in the seventies, along with, of course, the oil and gas problems that we had. And by the late seventies we had severe problems with inflation that was as high as 10, 12, 13 percent. And it was one of those things where, if you didn't get a raise every year, you were actually getting your pay cut. That ultimately led to terrifically high interest rates in the range of 20 percent, and of course we went into a severe recession in the early eighties.

It seems like that we in this body don't seem to learn the lessons. And the lessons are that any way you frame it, if you spend it, you are going to someday have to pay for it. And, you know, it is interesting in our own personal budgets, in our homes, in our cities, and in our States, we have to balance our budget. But for some crazy reason, we in the Federal Government are not required to balance our budgets.

Sometimes it makes sense to borrow money, just as in your home you might want to borrow money to take out a mortgage to buy a home, perhaps that makes sense. But when it comes to running up tremendous credit card debt, spending today and paying tomorrow, then certainly it is a very difficult and dangerous way to live, and that is what we are doing today in America.

With this budget that has just been passed, we are seeing that deficits are now immediately exploding from a high of \$500 billion a year to over \$1 trillion a year. We are going to see a debt that already was growing pretty fast accelerate such that it doubles in 5 years and it triples in 10 years. But let me talk a little bit about the subject that my friend Mr. BISHOP was discussing, and that is energy.

This FY 2010 budget has a negative impact on energy, just as he suggested. For one thing, it removes over \$30 billion in tax incentives for oil and gas businesses. Now, I am sure the Shells and the Chevroons can handle that just fine, but the vast majority of exploratory drillers out there are small family businesses. And, of course, drilling is a risky operation to begin with, and that is the whole reason for having tax incentives is to encourage businessmen to go out and take a risk. But now that the tax incentives have been removed, what is going to happen? There is going to be less risk taken, there will be less drilling. Of course, that is going to further our oil dependence. And in my State of Louisiana, which is a heavy petroleum dependent State, it is going to tremendously affect jobs, and that is good jobs.

□ 2015

We could, over time, lose as many as 70,000 jobs. And again, we are talking about independent oil drillers. We are not talking about the big ones. The loss of the depletion allowance and the

loss of the write-off of intangible drilling costs will effectively shut down these businesses in many cases. It will broaden our dependence on foreign oil, as I mentioned, and result in increased threats to our national security as we have to search around the world to have energy sources to run our Nation.

I support exploring alternative energy resources such as, of course, solar and wind. But when do we expect that we will be pulling up next to a windmill and filling our car up with windmill fuel? It just isn't going to happen. Solar, we are not there yet. None of these technologies are coming on line. Yes, we see them in Europe, but they are subsidized by the governments. They have to stand on their own. We just went through a recent experience with this with ethanol where we were running the cost of feed through corn in order to create ethanol, and that was, of course, done with subsidies. And then in the meantime, it drove up the cost of chicken. And that severely impacted my district, where we have Pilgrims Pride, the chicken-producing farms, and almost created bankruptcy for over 200 chicken-producing families, not to mention the jobs that would have been lost. Hopefully we have saved that. But that came directly as a result of efforts to subsidize and encourage ethanol from corn, which is really a very inefficient use of corn.

Nonetheless, I do support research in these areas. And at some point when we can actually create electricity into our grid in a cost-effective way, I'm all in favor of it. I'm also in favor of the use of nuclear energy. It doesn't produce any carbon dioxide into the atmosphere. And certainly anyone who "thinks green" has got to think that nuclear energy is the way to go for electricity. And other countries have taken the lead on that, such as France, with about 80 percent of its electricity produced that way.

Well, let me discuss a little bit, and I hope the camera can pick this up, this, of course, is the ArkLaTex, this is Arkansas, northwest Louisiana and Texas. And in the crosshatch here is an area called the Haynesville Shale. Now, shale is a rock formation in which certain petroleum products are found, sometimes oil, sometimes natural gas. In this case, it is natural gas. And we have known about these deposits for many years. However, we didn't know how to get to them. The technology was not there. And something was invented called "horizontal drilling," where we can literally go down deep in the ground, turn horizontally, we can crack open the shale and we can take out the natural gas.

Now, what lesson does that teach us? Well, it teaches us that the more we advance technology, the more access to fossil fuels we have and the safer we make it. As far as safety, I will give

you an example, and that is offshore drilling, OCS, where, for instance, with Hurricane Katrina, there were a number of rigs that were destroyed; however, there was not an appreciable leakage of any oil from these rigs. In fact, there is more oil in the ocean leaking today from the bottom naturally than ever from any rigs. So we know that technology, when put together with fossil fuels and with nuclear energy, is really the future until hopefully some day we can harness the power of the wind and the sun.

This Haynesville Shale is projected to contain over 200 trillion cubic feet of natural gas production, one of the, if not the, largest natural gas deposits in the world. Now, natural gas emits probably half the carbon in other products as other forms of energy such as oil, certainly much less than coal. So it is cleaner. And here in Washington, D.C., we see buses driving around, and on the side is printed "this runs on natural gas." You don't detect any odor. You don't see any smoke coming out there. There is no question that that is a better way to go. But we don't have the infrastructure yet where you can pull your car, if it did run on natural gas, to the pump and get it filled. But we can do that. It is just a simple matter of taking the initiative, and that will come with time. So we can become, as a nation, far more independent by using natural gas than we can trying to develop oil. But we still can't ignore the opportunities for oil such as in ANWR and offshore and even on Federal lands.

I will also point out that beyond the 200 trillion cubic feet of natural gas production potential, we are already seeing 10 to 20 million cubic feet of natural gas production per day in the ArkLaTex. Lots of jobs are being produced. Money is flowing in the economy, and it is really helping out northwest Louisiana in these difficult times. In fact, our unemployment level is half what it is in some States. We don't have the real estate issues that others have. And certainly it is not just because of the Haynesville Shale, but it certainly is helping. It is injecting tremendous amounts of capital into our local economy and creating thousands of jobs.

Mr. Speaker, in closing, I just want to say that the issue with the budget is still problematic. We are, again, pushing this country way over into the leftist socialist realm. Even the leftist socialists from socialistic countries in Western Europe think we have lost our marbles. They think what we are doing is crazy. Even the ones that used to criticize us for being too conservative are now criticizing us for being too liberal. Just the other day, both France and Germany said "no more stimulus packages." They think we are crazy if we want to move forward with another one. So enough is enough, Mr. Speaker.

And this budget that passed the House today is way over the top. And I'm afraid that we are going to see even more coming down the pike.

So, in closing, I want to thank Mr. BISHOP, my friend from Utah, for giving me this opportunity to talk about this. And I await some more discussion about the petroleum industry and its impact through the budget.

Mr. BISHOP of Utah. I appreciate very much the gentleman from Louisiana taking some time here and going through and reminding us of options that we do have as a country, and how we should be developing those options. Gas is one of them. Oil is another one of those. We have a whole bunch. And I appreciate his leadership, as well, on a no-cost stimulus bill which has about half a hundred sponsors here in the House already.

One of the problems we do have, though, is we need to be realistic on how we are going to get from here to there. One of the options we always talk about is renewable energy. It is an important option to have. It needs to be developed. But we also have to be realistic on how we can actually get there. According to the Department of the Interior, the EIA, they have tried to estimate where we will need to be in the year 2030. And they estimate we will need about an 11 percent increase in the total amount of energy that we will be consuming by the year 2030. And if you look at where we were back in 1980 and where we need to go 50 years from that into the future of 2030, even if we were able to double the increase of biomass and renewables and double the percentage of nuclear that we are using, and making the assumption that we can actually squeeze a little bit more out of hydrogen power, this clearly shows you where we will be. The bottom three strata all are fossil-based fuel. We will not be able to turn ourselves over into that kind of alternative energy supply by ourselves. There needs to be some kind of impetus to do it. And as the gentleman from Louisiana easily said, if it is going to be a tax policy, that retards the ability because businesses will not be entering into the exploration and development. What we need to do is have a royalty policy, which simply means we are still going to be needing oil, gas and coal in the future, but if we use the royalties that are developed from the expansion of these areas and put them into a trust fund so the United States can use it to develop the alternative sources, we can dramatically change these strata coming in here, and we can do it in a logical and realistic way, which is, once again, what the no-cost stimulus bill tries to do.

What we need to do is simply say, look, there are easy ways for us to move into a better direction if we actually use the resources that we have at hand to help build our fossil-fuel re-

sources to help pay for the renewable resources that we need to have. It is a simple process. We should be doing it. But we are not doing it right now, which is why the American people are probably saying, take the cap off, and use the medicine the way it was intended to be used.

We have one of those other problems that goes along, I will illustrate by being very parochial right now. My State of Utah has a whole lot of public land that has a whole lot of natural gas and oil developed. Recently, the Bureau of Land Management went through a 7-year review for land management policies in the State of Utah. I want to emphasize that again. Seven years of review to come up with a land management policy. What they came up with is actually less area developed that is usable for resources than they had 50 years ago when we first came up with this process of having land management policy plans.

They actually, in this recent one, took 3 million acres out of potential production. Yet there was a cry that took place that said maybe we are trying to drill for oil and gas too close to national parks. Now, I want you, if you have a chance, to see very carefully here, this is Arches National Park outlined in green. The areas in purple around that are what actually the BLM in their land management plan, that took 7 years to develop, took off the table so they could not have any kind of natural oil or gas exploration done in those areas. Now so, far so good. But when they decided to actually produce the other leases and put them out for bid so that private industry—especially as was mentioned before, we think of big oil companies like Exxon or Mobil. Ninety percent of all the oil and natural gas that is drilled in the United States comes from small companies, names that you don't know, people that have less than 500 employees. These are the people who are dealing with these particular lease issues. When those were presented, the Secretary of the Interior decided to remove 77 leases from the table from development with two arguments. Argument number one was we didn't spend enough time to study it. He claimed that there had been a rush to judgment. Now I find that difficult because it took 7 years for the local BLM to do their work and come up with a system that was not only signed off by the BLM but also signed off by the National Park Service and also was signed off by the State of Utah. And I especially find it interesting when we passed a \$1 trillion stimulus bill in this House even after we guaranteed that we would have 48 hours to look at it and we actually ended up having between 4 and 8 hours to look at it, that was okay. But 7 years was a rush to judgment.

The second thing he said is, well, these leases are too close to existing

national parks. Now I pointed out where Arches is. And I pointed to the purple that were taken off. The stuff that is brown is existing leases right now. The stuff that is pink were leases that had been let, and the Secretary of the Interior decided to let them go through. The ones that are in red are the ones he said were too close to the national park. This one up here is in red. This all was allowed. The pink and the brown is in existence. And this is too close to the national park, even though the other leases are not. This one over here, once again, in red, was denied, taken off the table, even though this one was allowed and these are existing leases that take place.

If I were to say "this is irrational," I don't think I would be too far off the point. If I were to say that the reason these red spots were taken off is because they were subject to a lawsuit instituted by a special interest group, I would be closer to the point. The bottom line is this was not a rush to judgment. This was a 7-year, carefully hatched plan that had been reviewed by everybody in hundreds of town meetings with thousands of comments. And they are not too close to the natural beauties of the national parks. They are, in fact, miles away from them with areas that are currently being leased and developed much closer to these who are.

What is the net result of this? The net result is the State of Utah lost \$3 million last year to be put into their education system simply because those were off. And unfortunately, because of the State Trust Land system that we have in the West, many of these areas that are red have State Trust Lands abutting them that are also sterile now and not able to be used to develop funds that we need desperately in the State of Utah for our own kids.

Sometimes I'm amazed when we talk about how the impact of what we do with our oil and gas leasing and our land plans, and we don't take those ancillary effects into account. For example, this is a simple chart that compares the salaries of teachers in Montana and Wyoming.

□ 2030

Montana is the one at the bottom. Wyoming is the one at the top. And if you ask yourself, why is Wyoming starting their teachers at 20 grand a year more than Montana, it's because Wyoming is developing their resources.

There are other spin-off effects. If I want to have decent colleges, or a K-12 system in the State of Utah, I need to develop these resources and not have them capriciously taken off the table because it was a rush to judgment or they are too close to a national park.

Now, those are some of the problems that we simply face. Like, when I was first elected to the legislature in the State of Utah, that was clear back in

1978, we had a policy at that time called a recapture, which means if you put property tax on property in the State of Utah, whatever it raises, there is a minimum the State will guarantee. If your local district cannot raise the minimum school level by local property taxes, the State will subsidize it.

In the seventies, late seventies, when I started, and early eighties, when I started, one of the unique concerns was we had a recapture, which meant there were three school districts in Utah that not only could raise enough property tax revenue to meet the minimum school level, there was enough to be taken away and given to the other districts to help the State out, which meant that every taxpayer in the State of Utah benefited. And the reason we had recapture was because there was energy development. Since the early eighties there has never been a recapture. There is nothing even close to a recapture today. And if I wanted to do a recapture, I need to develop these resources, which the BLM, Bureau of Land Management, after a 7-year study, justified. And unfortunately, because of actions of this administration, they are now taken off the table, and we are still struggling.

And what is really sad is the next time, at a different location, there was a lease sale. It was the worst attended, the lowest productivity lease sale we have had in the history of those sales because, simply, business saw what happened in the State of Utah and realized they're not going to take the chance of developing and putting their resources in an area where the Federal Government simply might change their mind.

All we need to do to solve our problems is say, look, take the cap off the medicine. It'll solve the problem. Some people say, well, we're developing too much land.

I like this comparison. If you see how much land was developed in the Clinton administration, and how much was developed in the Bush administration, I would love to go back to the years of the Clinton administration when we were actually developing more land and developing more leases for energy resources to help us meet the needs of the country. We're actually decreasing in all those areas, not increasing at the same time.

And as you noticed, as I said, the reason these were taken off the table is they were subject to a lawsuit. One of the things we have also found is a significant problem is, simply, we have become litigious-happy in this country.

We are actually up, according to the Department of the Interior, 100 percent in the amount of permits to drill that have been applied. The wells that are completed are up 100 percent. But the environmental lawsuits are up 700 percent in the same area. That's why Utah lost those \$3 million, a 700 percent in-

crease from the year 2000 in the amount of lawsuits that are given.

In 2008, off the coast of Alaska there were 487 leases that were let, and there were 487 lawsuits that were filed immediately afterwards. 50 percent of all the leases for energy development in the inner mountain west are right now involved in some kind of lawsuit. We can never develop our energy independence and our domestic energy policy, which will help solve our problems, if we have to continue going through this process of having continuous lawsuit after continuous lawsuit.

And who are the people that are being hurt by it? Every American that will be paying more for their airplane tickets and their ball point pens and their shoes and their fertilizer, because we're adding more taxes on the oil industry, and every kid that goes to school in the West, because we cannot afford to fund the program because the money has been taken out because we simply have decided not to take the cap off and use the resources we have to help solve our problems. We can create jobs and we can stimulate this economy if we just do things in a logical and rational way.

Now, Mr. Speaker, I have been joined here by the gentleman from Pennsylvania, another great new Member of the House of Representatives who is adding a great deal to the style of this body and the substance of our debate by his understanding of the issues. And even though Pennsylvania is considered an eastern State, we consider him a westerner because he faces the same issues in his part of Pennsylvania that we face in the State of Utah, maybe just with not quite as much public land, but the same issues.

I wish to yield time to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend and colleague from Utah. You know, America does have an energy addiction. There's no doubt about it. But it's an energy addiction to foreign energy. And it's an addiction that's just absolutely unnecessary. We are facing a crisis in the fact that over 70 percent of our energy resources we obtain from foreign countries. Many of those countries are those that, frankly, don't like us very much, and they take our money willingly, but what they use it for could potentially easily do us harm in the future. And that's wrong. That's a threat to our economy.

And we know that we have been spending a lot of time in this body talking about the economy in the past 3 months since I came to Congress. And it's a threat to our national security.

So what are the—such a looming crisis that we're experiencing every day, and what's the solutions that my colleagues on the other side of the aisle, our Democrat Party solution? Well, we saw that just a couple of hours ago

with the budget that was proposed. That was cap-and-trade. That's how we address energy. We put a tax on everything. We put \$1.8 trillion in taxes.

Now, The White House's budget showed somewhere around \$630 billion of new taxes that we placed on. But I know that there was a briefing on the Senate side with somebody from, a White House staffer that was able to talk that actually the impact on the economy will be triple that. We're talking \$1.8 trillion.

I've got to tell you, Mr. BISHOP, before I came to Congress I didn't know how many zeros were in a trillion. That's a new skill for me. Unfortunately, it's a sad skill to have to have and have to profess here.

We're looking at broken promises. The President promised that 95 percent of all Americans would have a decrease, see their taxes decrease. Well, that promise has been broken with cap-and-trade, because cap-and-trade puts a tax on just absolutely everything.

In Pennsylvania alone, it's estimated that our energy costs, the cost of turning on your electrical switch, is going to increase by 40 percent. And that's going to increase, and then you have the tax on everything, anything that's produced or consumed, if it's made with carbon or it's got a carbon footprint which is, you know, we took pride in that, that that advances our economy and our society, but today it's a bad word. But that, anything that uses that puts a tax today.

Well, that's going to impact everybody, businesses industries, families. But I've got to tell you, the people I feel—I'm scared most for are the people that are living, just barely getting by, paycheck to paycheck, those folks who are poor, those who are not making it today. And just the electricity costs alone are going up by 40 percent in Pennsylvania. Cap-and-trade, cap-and-tax, that's a war on the poor. And what that's going to do to people that are just living, just barely getting by today is, it's absolutely unacceptable. It's just not bad policy, frankly, it's harmful.

Now before I came to Congress, I worked 28 years in health care. I actually thought that I was going to retire in nonprofit community health care. And for me that meant that hopefully they'd have a nursing home bed for me when I got to the end of my career in nonprofit community health care.

But one of the things I learned first in my health care career was, do no harm. And I use that in my decision-making here on the House floor. The first thing in terms of any type of public policy is, do no harm. And that's something that would serve all of myself and my colleagues to remember in the public policy we're doing, especially on this energy debate, because cap-and-trade is harmful.

Now, we have great potential, I think, for moving towards and accom-

plishing energy independence. Let me talk a little bit about that, starting with domestic oil.

150 years ago this year, and actually, the third week in August, in Titusville, Pennsylvania, Colonel Drake drilled the first well ever in the history of the world and produced energy, produced oil. And that's something we take great pride in. And we have tremendous domestic oil resources today that we have not been utilizing, that we could be utilizing to not just be dependent on foreign sources, but what a great economic stimulus that would be to take that \$700 billion that we send overseas every year and invest that in American energy-producing companies that hire American workers. That's the best stimulus that we could have done, and that's the stimulus that we need to do, and it will be the first stimulus that we do out of this Congress that will be effective in this congressional cycle.

Let me talk about natural gas. Credible, clean energy. And we have lots of it. The Outer Continental Shelf. We certainly have it throughout my district. We have the third largest natural gas play in the world that goes through Pennsylvania, 15 of my 17 counties, wonderful, clean, natural gas that's available. And we have at least two bus lines in my Congressional district that runs on compressed natural gas. It's clean, it's cheaper, and it's a good resource, and we need to be using more of that.

Nuclear. We haven't built a new nuclear plant in how long? Countries such as France are way ahead of us. Nuclear energy has come a long way since the days when we were concerned about accidents. It's clean, it's safe and the technology advancements are wonderful.

Coal. We have, my district, I'm proud of the fact that we have a tremendous amount of coal. We have a history of providing coal for the country. And, in fact, we've got great educational institutions in my facility, we have lots of them, but one in particular is doing some wonderful research on coal sequestration techniques. And that technology is being developed with the researchers that we have right in rural Pennsylvania where we have these vast coal resources to be able to use.

And then alternative energy. And I do believe in all of the above and support an all-of-the-above approach to addressing our energy independence. But if you take the alternative energies today, where we're at today with solar, with wind, we're looking at producing less than 1 percent, meeting less than 1 percent of our energy needs. So let's say we work real hard and we double that. All right. That's 2 percent. We're a long ways off from fulfilling and meeting the energy needs that our country has today.

We need to be able to use our domestic resources, oil, natural gas, coal, and

continue the research and development of alternative energies.

I'm very proud of the higher education institutions that I do have in the district that are working also on developing these alternative energy sciences. But as I talk with those researchers on alternative energies, they tell me that the best hope for the future, to be able, at one point, to be able to replace the use of fossil fuels perhaps is solar at this point. But even with that, they tell me it is generations and generations away from being developed to the point where we can actually fill that gap.

So for us to be energy independent, to meet our economy needs, to provide good jobs for Americans, producing domestic energy and for our national security, we really need an all-of-the-above type solution to our energy.

So why are we dependent on foreign energy?

Well, the best way to do that is, let me illustrate with a bit of a riddle. My alma mater, I've talked about Penn State. We have a great winning football coach, Joe Paterno. How'd you like to be in your mid eighties and just get a 3-year extension on your contract? He's a great guy and he's got a great record.

So here's the riddle. What's the difference between Coach Paterno's winning record and America's energy policy? Well, actually Coach Paterno's winning record really is there, it really exists. We do not have, America has never had an energy policy. And, in fact, the biggest barrier we have to American energy independence, and American economic independence using our energy resources, has been the Federal Government. And it's time for that to stop.

And let me share with you a living example of how government gets in the way of using domestic resources, domestic energy resources. In my district, in the northern part, we have this wonderful four counties, it includes the Allegheny National Forest. It's 513,000 acres. It's a wonderful area. It was formed back in 1923. 85 years it has existed, and it was formed for the purpose of providing a sustainable timber supply for industry, and also to supply sustainable energy, specifically, oil to begin with, and now natural gas that is drilled in the forest.

And, in fact, the Federal Government, in its wisdom in 1923, when it secured all these lands to form this national forest, chose not to secure the private property subsurface rights, the mineral rights there. And the reason for that was because it felt that private property owners would be better able to access and to produce the energy that is contained in those minerals, the oil and the natural gas that is there today.

□ 2045

Well, that has worked well for us for approximately 85 years. Just about a

little over 70 days ago, the Forest Service, who manages that, decides to no longer proceed with what's called "notices to proceed." That's basically the green light to be able to go after the oil and the natural gas that our country needs to fuel our needs. It's domestic energy.

Now, the impact of that in just 70 days has been, as you can imagine, on the businesses. First of all, it's an attack on those who own the private property rights, which is wrong. We respect private property rights in this country, but then there are the businesses, the drillers who go after the oil. We haven't had a new start on a well in over 70 days. You have the schools and the counties and the municipalities that rely on that, that being the big part of our economy in those four counties. Then you have the families, the families who depend on those jobs, and we have seen job loss, and we have seen people's hours being cut back across the board in many different industries. It's just not the drillers. They're the individuals who are involved with the small excavating companies, who come in to clear the access road. They're the folks who work in timbering, who remove the timber to be able to open up those areas for drilling.

You have to remember that this is something we have worked well together on with the Forest Service for 86 years. It has been a great partnership of making sure that we provide the resources that America needs. Then, all of a sudden, the Forest Service, because of lawsuits by environmentalists, has shut this process down. It has shut down the economy in the four counties, in the Allegheny National Forest and in those counties that depend on that economy around it. Well, that's wrong. That's absolutely wrong.

You know, America has the ingenuity. In terms of being energy independent and in using our resources, we've got the ingenuity. We've got the resources. We've got the American spirit. We've got people who work hard in those industries, I mean long days, days that a lot of Americans wouldn't want to put in, but they do that because that's what they enjoy; that's their passion, and they help to provide the energy resources that our country needs.

As I said before, the biggest barrier to accessing these domestic resources, to accessing America's energy resources for America's being energy independent, has been our own government. It's time for smart government energy policy.

Again, I propose that the best stimulus that we could ever do for our economy would be to access all of our domestic energy resources. That would be oil, natural gas, the building of nuclear plants, the use of coal, the develop-

ment of the alternative energies at the same time, concurrently. As we do that, we put American energy-producing companies to work that are hiring American workers.

I thank my friend and colleague from Utah for the opportunity to join him this evening.

Mr. BISHOP of Utah. I appreciate Mr. THOMPSON from Pennsylvania for going through many of the significant issues that have to be addressed and that can help us solve our budgetary problems if we just provide people options and take the cap off and let them use the medicine.

He did mention one of those, which is cap-and-trade. Now, we did a great deal of talking this week about how we're not going to raise taxes on middle-income individuals, but we've already talked about how the \$80 billion tax increase for the oil industry alone is going to be passed on. Cap-and-trade, which the gentleman also mentioned, has the same individual effort. It has been estimated that cap-and-trade will cost about \$1.9 trillion, and that comes out to an average per household of just under \$2,000 a year for the next 8 years.

For those people who are now going to have to come up with that under the cap-and-trade approach, they either have to make \$2,000 a year more every year or find some way of cutting back. To help them out, the Bureau of Labor has come up with some statistics that show what the average family does spend.

For example, on all of their meat, their poultry, their fish, eggs, dairy products, and fruits and vegetables, the average family will spend about \$1,700 a year. Well, that's not quite enough that they'd have to cut. For all furniture, appliances, carpets, and other furnishings, the average family spends about \$1,700-plus a year. If you just do clothing, the average family spends \$1,800 a year. For electricity and energy needs, the average family spends a little over \$1,700. In property tax, the average family hits again \$1,700.

Those are some ways that people could actually afford the cap-and-trade or cap-and-tax program because—I'm sorry—whether we say it's a tax increase or not, it's going to cost average Americans.

Mr. GARRETT of New Jersey. If the gentleman would yield.

Mr. BISHOP of Utah. I'll yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just a point on this:

For those who were watching the debate—and it went on all day yesterday on this issue and for hours long during today as well—there were assertions on the other side completely made over and over again. Any time we raised this issue as far as the tax on the American family and individuals as well and as to whether it's going to be \$1,600 or \$1,700—you said it's under

\$2,000—there was an assertion on the other side of the aisle that's it's not in there. That's not true.

Ranking Member RYAN, I think, had the definitive statement on it. It's not us making those statements. It's not even outside organizations making those statements. Although, outside organizations have, in fact, confirmed that that would be in place. In fact, it was our very own, nonpartisan CBO, Congressional Budget Office, that came up with that figure. So it is in there. It is relevant, and it has been documented.

I just wanted to reinforce that point.

Mr. BISHOP of Utah. I appreciate the gentleman from New Jersey for pointing that out because, once again, we provide options for people. We take the cap off the medicine, and we can still solve all of our own problems. Let me talk very quickly about two final points:

One is the concept that we can change to green energy jobs. I call it the "myth of green energy." This administration has praised Spain, and has said that they should be an example we should follow as a country who has achieved long-term growth, going down a massive subsidization of green energy jobs.

The only thing I worry about, according to their most recent studies of what has taken place in Spain, is that their green energy efforts simply have hindered their way out of their current economic crisis because, for every green energy job that was produced, it required a subsidy between \$30,000 and \$100,000. The total cost to Spain was \$36 billion. The energy increase to Spain was a 31 percent increase for average people in Spain for their energy increases. I hate to say this, but for every energy job that allegedly was created, there were 2.2 jobs that were killed as a result of them. This is actually a job loss.

One of the problems we have in doing that is, simply, there is no definition of what is a "green job." In reality, as we found once again in Spain, clerical work, bureaucratic work and administrative jobs are now considered green jobs. The net effect, though, still in Spain is, for every job they created, they lost 2.2 jobs.

Now I would like to just say in some conclusion to this—and we could go on and talk about a lot of other things—that there is the issue of offshore drilling in which the previous administration had a 60-day comment period. This administration has decided to put in an unprecedented 6-month comment period as if we don't know what we're doing already.

There is the issue of oil shale in my State, and once again, this administration has decided to stop the development of leases and the development of resources for oil shale. In conservative estimates, there is three times the

amount of oil potential just in the States of Utah, Colorado and Wyoming than there is in Saudi Arabia.

But I want to remind people of why we're talking about this issue of energy as it relates to the budget at all. One of the things we as a government ought to do is try to avoid pain. I realize that there are some people who have said it's a shame to waste any crisis, but one of the things, maybe, that we should be trying to do is to prevent future crises.

I think some of us can remember back to last fall when gasoline was over \$4 a gallon and how terrible the situations and lifestyles were back then, which have now been placed on the back burner because it's not so frantic and not so necessarily needed, because we faced one of the unique phenomena that has happened only once in the world, which is that the entire world dropped their consumption of oil. We are now consuming 1.4 million barrels in the world less than we did last fall when it was \$4 a gallon. Our experts tell us that that will probably continue through the year 2009, but come 2010, it's going to go right back up. Since the United States has yet to solve its energy production problems—not for the short term, not for the long term because we refuse to take the cap off the medicine and make options for people—we still import 40 percent of our energy from foreign countries. We are still bound and determined to do whatever Hugo Chavez wants in some particular way.

For whom are we fighting? Remember last fall for whom we were fighting—for the people in my State, for the kids who need their education, for the 1,100 airline employees who were laid off when 100 planes were taken out of one company's system, for the Ethiopian cab driver here in Washington, D.C. who told me that he had to drive 2 hours every day longer to make up because of the high cost of energy and that, for the first time in his life, he was not able to be home when his kid came home from school, for the father in Virginia who refrained from going to fathers' and sons' activities because he couldn't afford the cost of gas, or for the Wisconsin high school that tried to have a fashion show to show kids how they could dress warmly in fleeces and in zipped sweaters and try and compensate in that particular way, or for North Dakota where they cut their schools back to 4 days a week, or for a district in Iowa that decided the only kinds of trips they could go on were going to be athletic events—no more choir, no more field trips, no more junior high trips whatsoever, even for the American Defense Department, which saw its energy budget go from \$3 billion to \$13 billion a year just because of the increase of gas, or for the church in Vermont that found itself with a \$10,000 increase in its electrical bill out of the

blue, or for the nurse in Chicago who dropped cable television in an effort to try and solve her problems, or for the elderly people who no longer went on trips, or for the guy in St. Paul, Minnesota, who only went out if he were in his electric wheelchair because he could recharge it for free in his apartment.

In this country, when we talk about energy policies, we talk about them as if they were some ethereal concept that was out there, an abstract concept. It's not. When we talk about our energy policy, we are talking about how people cook their food and how they heat their homes, and we create jobs because of it. For every dollar that is spent on energy for those people who are in the most vulnerable situations, for those who are in the lowest half of our economic stratum, for every dollar they have to spend on high-energy costs, it was a dollar they couldn't spend on a luxury like Hamburger Helper.

It is energy that is the great social equalizer. It is energy that creates economic opportunities, and this country has more energy imprisoned than most countries have. All we need to do is to try to tap into that potential, for when prices increase—and they will again—jobs will be lost; income vanishes; social programs suffer; America suffers at the same time, and it hurts those who are on fixed incomes and those who are on the poverty level the most. That's 45 million people who are on fixed incomes. You see, if the social and economic elite of this country can easily solve this problem, if you're rich, the high cost of energy is nothing more than an inconvenience.

We had Presidential candidates who would fly around the country in three different jets one day, and it was okay. All they had to do was buy a carbon offset for it. We have a former political leader whose home consumes 20 times more energy in one day than an average family will consume in a year, and it's okay; he can just buy an offset. It's like going back to the medieval time period. An ancient duke or earl, if he did something wrong, could go out and buy an indulgence, and his life style would go on the same without any kind of impact.

If you're rich, that's what the energy crisis means to you, but if you're poor, that's when you hurt. That's when you have to decide whether you're going to pay for gas or for heating or simply for food. That's who gets hurt the most. Eleven percent of a rich person's income goes for energy consumption. For anyone at the poverty level, 50 percent goes for energy consumption.

This country has the ability of solving that problem. Think of all the great inventions this country has done. In 1784, we came up with bifocals; in 1805, refrigerators; in 1849, the safety pin; 1867 was a great year because this

country came up with the typewriter, barbed wire and toilet paper all in one particular year. And we can't come up with a solution to this problem?

We can if we, once again, unlock the potential within every American and offer them options and then give them rewards for those options.

England had no idea in the 1700s of how to chart the ocean, so they asked for a competition, for somebody to come up with the answer. In 1714, a clock maker came up with the system of longitude and latitude that we are still using today. Napoleon didn't know how to feed his troops. He came up with a competition, and in 1810, the concept of vacuum packing that we use today was developed. Even Lindbergh, when he flew across the Atlantic, was responding to a competition established by a newspaper.

All we need to do is unlock the potential of Americans. We have the potential. We need to have options. We need simply to have the government take the cap off the medicine so America can grow. If we do that, we can solve our energy problems. We can have energy solutions into the future, and we can solve our budget problems all at the same time. They are inter-related, and this is where America simply needs to ask their government to take the cap off.

Let us grow. Let us succeed.

Mr. Speaker, I appreciate your patience, and I appreciate the time. I yield back.

THE GREAT ECONOMIC HOLE

The SPEAKER pro tempore (Mr. NYE). Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

I want to address what is one of the major issues that is now confronting the country. We have the problem of digging out from under the great economic hole in which we find ourselves, not just here but worldwide, but as we do that, it is important that we take steps to make it much less likely that we'll be in such a difficult spot again. It's a hard thing to do simultaneously—to recover from a serious problem and also to prevent its occurrence.

□ 2100

I want to talk today about what we have to do to prevent its recurrence. Now, obviously, to prevent its recurrence, you need to have some sense of what caused the problems. There are two competing theories. The one that I believe, that the President believes, that he is in Europe today discussing—and which a wide variety of European thinkers somewhat inaccurately said

today on the floor from the other side. It was the socialists in Europe who were pushing the President. Well, those socialists were primarily the conservative Christian democratic Chancellor of Germany and the conservative Gaullist President of France. They are the ones who were saying we have to come together and improve financial regulation.

In England, when I became the chairman-in-waiting in 2006 after that election, I was told that we in America should emulate Great Britain. I was told this by conservatives, by people in the financial industry. Great Britain, we were told, had the financial services authority that used the light touch when they regulated.

The head of the financial services authority recently announced the era of light touch, of soft touch regulation is over. That bastion of regulatory flexibility now says we erred with too little regulation. Unregulated credit default swaps. Cauterized debt obligations. Financial entities largely unregulated taking on far more debt than they could pay is a major cause of the problem.

Now, how do we get there? There is to some extent agreement on one particular aspect of this. And that is that it was the proliferation of subprime mortgages to people who could not repay them that was at the root of the problem. The mortgage loans were made to people who couldn't repay them by people who did not expect to be repaid because they were selling that right. They were securitizing them.

And other sophisticated financial institutions then took these badly made loans and rocketed them around the world through sophisticated financial investments. And there is a great agreement that that is the root cause of the problem.

But what caused the cause is disputed.

Now, there is a conservative view that says, You know what happened? It was the liberals, the Democrats. There they went again trying to help poor people, and they forced these poor institutions, these vulnerable lenders, into making bad loans.

Now, we have seen a proliferation, a coordinated proliferation of that argument. It was trying to help poor people that did it. Some of the poor people were black and Hispanic, others—a majority of them, this being the United States with our ethnic composition—were white. But that's what's getting blamed, and it's in a coordinated way.

The talk show hosts, Vice President Cheney said that in his last interview, Mr. Rove has been arguing that. It is fairly coordinated.

Now, I do not argue that we are facing a vast right-wing conspiracy. What we are dealing with is something, however, equally troubling. It is crass

right-wing mendacity. It is systematic dishonesty, lying, distortions, misrepresentations, bad history being promulgated.

Now, I speak as one of the Democrats who's learned our lesson. For too long we acted as if inherent implausibility was self-refuting. A man I admire greatly, John Kerry, a war hero, was victimized in 2004 because for too long he delayed fighting back the inherently implausible charge that he had not distinguished himself in battle. The Swift-boating of John Kerry was a terrible moment in American history, and his decency, his belief in fairness, held him back for a bit. He fought back, but it was later than it should have been.

We've had earlier examples of that. We're seeing it now. We are seeing a concerted right-wing effort to misrepresent the facts to avoid a result they don't want. The result is regulation. The result is that this country will do what it has done at least twice before.

We have a situation in which significant financial innovation in this country, beginning about 20 years ago or so, transformed mortgage lending. Mortgage lending used to be a matter of you going into your community bank—and by the way, among the victims of this whole operation have been the community banks. The community banks who have been no part of the problem but get the criticisms on an undifferentiated way and some of the burden. And we on the Financial Services Committee are determined to do everything we can to shelter them from that kind of unfair denunciation and excessive regulatory burden.

But what we had was a proliferation of lending now outside of the banks. Non-banks were able to lend because of liquidity in the world. You didn't have to go to depositors. If you get money from depositors, you're regulators. If you get money from pools of liquidity from Asia, from oil people in the Middle East, from elsewhere, you do not have to face that regulation.

The other thing, of course, that happened was securitization. Thirty years ago people who got a mortgage were getting it from someone who expected it to be repaid by the borrower, and they were careful about the borrower. Increasingly, loans were made by people who did not expect to be repaid by that borrower but who were going to package the loans and sell them to other people. And the discipline of a direct lender-borrower relationship eroded.

Then the sophisticated collateralized debt obligation derivatives and credit default swaps came in and took loans that should never have been made in the first place and sent them around.

The problem is that there were no regulations, insufficient regulation. In the lending process, virtually no regulation in the process by which the bad

loans were packaged and sent around the world.

So our job today is to do what Theodore Roosevelt and Woodrow Wilson did: address innovations in the private sector. And we are a private sector country fortunately, and it is the private sector that creates wealth. But in periods of great innovation by definition there are no rules, no regulations. So you get a great deal of productive activity and you get some abuses. And the job of a sensible public policy is try to restrain the abuses while getting the benefit of the innovation.

Theodore Roosevelt and Woodrow Wilson did that. They did antitrust laws, they did the Federal Trade Commission. And the contemporary version of today's right-wing ideology said, Oh, my God. You're going to ruin everything. They were bitterly opposed to Theodore Roosevelt and his trust busting.

And when the stock market became important as a consequence of the large industrial enterprises becoming the basis of the economy to a great extent, Franklin Roosevelt did the same thing with the stock market. And if you want to read complaints similar to today's laments that regulation will ruin the economy and throttle competitiveness, go to the CONGRESSIONAL RECORD of the 1930s and read what they had to say about the Securities and Exchange Commission. That's our job today. That's what we want to do. We want to put rules in place that allow us to get the benefit of innovations, the benefit of securitization, but without the abuses.

The economic fundamentalists feel threatened by this. The consequences of their deregulatory policy—which had been successful in America for far too long—are devastating, and they understand that the American people are unhappy with that and plan to impose regulation. And they are as opposed today as they were against Theodore Roosevelt and Woodrow Wilson and against Franklin Roosevelt who said, "The economic royalists hate me, and I welcome their hate because they know I am a threat to them."

We are a threat to the abusers, and by the way, Mr. Speaker, good rules are pro-market. Franklin Roosevelt made it possible for people to invest with confidence when he created the SEC. He created a situation in which you could have mutual funds with the Investment Company Act. We suffer today from people who will not invest because of their fears of abuse, and creating a set of rules that give comfort to investors will get this economy functioning again, get the credit markets functioning again.

All right, what do the conservatives say? First of all, you made us lend money to poor people. It was the Community Reinvestment Act. I will insert in the RECORD the article from October

12 from the McCarthy newspapers, Messrs. Goldstein and Hall about that myth. And we will do a Special Order later on it.

[From McClatchy Newspapers, Oct. 12, 2008]

PRIVATE SECTOR LOANS, NOT FANNIE OR
FREDDIE, TRIGGERED CRISIS

(By David Goldstein and Kevin G. Hall)

Washington.—As the economy worsens and Election Day approaches, a conservative campaign that blames the global financial crisis on a government push to make housing more affordable to lower-class Americans has taken off on talk radio and e-mail.

Commentators say that's what triggered the stock market meltdown and the freeze on credit. They've specifically targeted the mortgage finance giants Fannie Mae and Freddie Mac, which the federal government seized on Sept. 6, contending that lending to poor and minority Americans caused Fannie's and Freddie's financial problems.

Federal housing data reveal that the charges aren't true, and that the private sector, not the government or government-backed companies, was behind the soaring subprime lending at the core of the crisis.

Subprime lending offered high-cost loans to the weakest borrowers during the housing boom that lasted from 2001 to 2007. Subprime lending was at its height from 2004 to 2006.

Federal Reserve Board data show that: More than 84 percent of the subprime mortgages in 2006 were issued by private lending institutions; private firms made nearly 83 percent of the subprime loans to low- and moderate-income borrowers that year; Only one of the top 25 subprime lenders in 2006 was directly subject to the housing law that's being lambasted by conservative critics.

The "turmoil in financial markets clearly was triggered by a dramatic weakening of underwriting standards for U.S. subprime mortgages, beginning in late 2004 and extending into 2007," the President's Working Group on Financial Markets reported Friday.

Conservative critics claim that the Clinton administration pushed Fannie Mae and Freddie Mac to make home ownership more available to riskier borrowers with little concern for their ability to pay the mortgages.

"I don't remember a clarion call that said Fannie and Freddie are a disaster. Lending to minorities and risky folks is a disaster," said Neil Cavuto of Fox News.

Fannie, the Federal National Mortgage Association, and Freddie, the Federal Home Loan Mortgage Corp., don't lend money, to minorities or anyone else, however. They purchase loans from the private lenders who actually underwrite the loans.

It's a process called securitization, and by passing on the loans, banks have more capital on hand so they can lend even more.

This much is true. In an effort to promote affordable home ownership for minorities and rural whites, the Department of Housing and Urban Development set targets for Fannie and Freddie in 1992 to purchase low-income loans for sale into the secondary market that eventually reached this number: 52 percent of loans given to low-to moderate-income families.

To be sure, encouraging lower-income Americans to become homeowners gave unsophisticated borrowers and unscrupulous lenders and mortgage brokers more chances to turn dreams of homeownership into nightmares.

But these loans, and those to low- and moderate-income families represent a small

portion of overall lending. And at the height of the housing boom in 2005 and 2006, Republicans and their party's standard bearer, President Bush, didn't criticize any sort of lending, frequently boasting that they were presiding over the highest-ever rates of U.S. homeownership.

Between 2004 and 2006, when subprime lending was exploding, Fannie and Freddie went from holding a high of 48 percent of the subprime loans that were sold into the secondary market to holding about 24 percent, according to data from Inside Mortgage Finance, a specialty publication. One reason is that Fannie and Freddie were subject to tougher standards than many of the unregulated players in the private sector who weakened lending standards, most of whom have gone bankrupt or are now in deep trouble.

During those same explosive three years, private investment banks—not Fannie and Freddie—dominated the mortgage loans that were packaged and sold into the secondary mortgage market. In 2005 and 2006, the private sector securitized almost two thirds of all U.S. mortgages, supplanting Fannie and Freddie, according to a number of specialty publications that track this data.

In 1999, the year many critics charge that the Clinton administration pressured Fannie and Freddie, the private sector sold into the secondary market just 18 percent of all mortgages.

Fueled by low interest rates and cheap credit, home prices between 2001 and 2007 galloped beyond anything ever seen, and that fueled demand for mortgage-backed securities, the technical term for mortgages that are sold to a company, usually an investment bank, which then pools and sells them into the secondary mortgage market.

About 70 percent of all U.S. mortgages are in this secondary mortgage market, according to the Federal Reserve.

Conservative critics also blame the subprime lending mess on the Community Reinvestment Act, a 31-year-old law aimed at freeing credit for underserved neighborhoods.

Congress created the CRA in 1977 to reverse years of redlining and other restrictive banking practices that locked the poor, and especially minorities, out of homeownership and the tax breaks and wealth creation it affords. The CRA requires federally regulated and insured financial institutions to show that they're lending and investing in their communities.

Conservative columnist Charles Krauthammer wrote recently that while the goal of the CRA was admirable, "it led to tremendous pressure on Fannie Mae and Freddie Mac—who in turn pressured banks and other lenders—to extend mortgages to people who were borrowing over their heads. That's called subprime lending. It lies at the root of our current calamity."

Fannie and Freddie, however, didn't pressure lenders to sell them more loans; they struggled to keep pace with their private sector competitors. In fact, their regulator, the Office of Federal Housing Enterprise Oversight, imposed new restrictions in 2006 that led to Fannie and Freddie losing even more market share in the booming subprime market.

What's more, only commercial banks and thrifts must follow CRA rules. The investment banks don't, nor did the now-bankrupt non-bank lenders such as New Century Financial Corp. and Ameriquest that underwrote most of the subprime loans.

These private non-bank lenders enjoyed a regulatory gap, allowing them to be regu-

lated by 50 different state banking supervisors instead of the federal government. And mortgage brokers, who also weren't subject to federal regulation or the CRA, originated most of the subprime loans.

In a speech last March, Janet Yellen, the president of the Federal Reserve Bank of San Francisco, debunked the notion that the push for affordable housing created today's problems.

"Most of the loans made by depository institutions examined under the CRA have not been higher-priced loans," she said. "The CRA has increased the volume of responsible lending to low- and moderate-income households."

In a book on the sub-prime lending collapse published in June 2007, the late Federal Reserve Governor Ed Gramlich wrote that only one-third of all CRA loans had interest rates high enough to be considered sub-prime and that to the pleasant surprise of commercial banks there were low default rates. Banks that participated in CRA lending had found, he wrote, "that this new lending is good business."

[From the Financial Times, Sept. 9, 2008]

OXLEY HITS BACK AT IDEOLOGUES

(By Greg Farrell in New York)

In the aftermath of the US Treasury's decision to seize control of Fannie Mae and Freddie Mac, critics have hit at lax oversight of the mortgage companies.

The dominant theme has been that Congress let the two government-sponsored enterprises morph into a creature that eventually threatened the US financial system. Mike Oxley will have none of it.

Instead, the Ohio Republican who headed the House financial services committee until his retirement after mid-term elections last year, blames the mess on ideologues within the White House as well as Alan Greenspan, former chairman of the Federal Reserve.

The critics have forgotten that the House passed a GSE reform bill in 2005 that could well have prevented the current crisis, says Mr Oxley, now vice-chairman of Nasdaq.

He fumes about the criticism of his House colleagues. "All the handwringing and bedwetting is going on without remembering how the House stepped up on this," he says. "What did we get from the White House? We got a one-finger salute."

The House bill, the 2005 Federal Housing Finance Reform Act, would have created a stronger regulator with new powers to increase capital at Fannie and Freddie, to limit their portfolios and to deal with the possibility of receivership.

Mr Oxley reached out to Barney Frank, then the ranking Democrat on the committee and now its chairman, to secure support on the other side of the aisle. But after winning bipartisan support in the House, where the bill passed by 331 to 90 votes, the legislation lacked a champion in the Senate and faced hostility from the Bush administration.

Adamant that the only solution to the problems posed by Fannie and Freddie was their privatisation, the White House attacked the bill. Mr Greenspan also weighed in, saying that the House legislation was worse than no bill at all.

"We missed a golden opportunity that would have avoided a lot of the problems we're facing now, if we hadn't had such a firm ideological position at the White House and the Treasury and the Fed," Mr Oxley says.

When Hank Paulson joined the administration as Treasury secretary in 2006 he sent

emissaries to Capitol Hill to explore the possibility of reaching a compromise, but to no avail.

Very simple. The Community Reinvestment Act covers banks, not mortgage finance companies, not all of these other entities, not Fannie Mae, not Freddie Mac, not Goldman Sachs, not Merrill Lynch, not the hedge funds. If mortgage loans had only been made by institutions covered by the Community Reinvestment Act, there would be no crisis. These are the community banks that do not deserve to be falsely blamed. They're not all crazy about the Community Reinvestment Act. But it is not, by any means, the source of this problem.

Most of the bad loans that were made were made by institutions not covered by the Community Reinvestment Act. The article I just quoted says only 1 of the top 25 subprime lenders in 2006 was directly subject to the CRA.

Well, then, they say okay—by the way, to their credit, every regulator in the Bush administration at the Federal Reserve, at the FDIC, at the controller of the currency, repudiates the notion that the Community Reinvestment Act caused this. Literally, no competent bank regulator believes that for a minute because they know, as regulators, they would not have allowed this.

Well, then, the next argument is it was Fannie Mae and Freddie Mac. And I will say I am personally involved here because my conservative colleagues have done me the compliment of impugning to me powers I never thought I had.

Now, here is the legislative record of the Republican Congress during the 12 years that this—the Republicans controlled Congress for 12 years. Here are the legislative records of 12 years of Republican control. Legislation upon bad subprime lending: zero. This is a very energy-efficient chart. You can use the chart for both issues.

Legislation to regulate Fannie Mae and Freddie Mac passed while the Republicans were in power from 1995–2006: zero. Now, one of the arguments—okay, they can't deny the facts.

Mr. KING of Iowa. Will the gentleman yield?

Mr. FRANK of Massachusetts. Will someone tell the gentleman from Iowa I will begin yielding after a certain amount of time. I want to get the complete argument out. I will yield some time and I will say more than that.

I look forward to when we return to debate—these things get too one-sided. Let's each take out an hour and we will share the hours and go back and forth in debates.

But that's irrefutable. Zero. Republicans in control of Congress, no legislation adopted to ban subprime lending or to regulate Fannie Mae and Freddie Mac. Now why is that the case? Well, one argument is that I wouldn't let

them do that. Newt Gingrich and Tom DeLay apparently had a secret passion to regulate Fannie Mae and Freddie Mac, but my secret hold kept them from doing it.

Mr. Speaker, I wish I knew that. If I knew I could have stopped them from doing things, I wouldn't have let them impeach Bill Clinton.

Mr. KING of Iowa. Will the gentleman yield?

Mr. FRANK of Massachusetts. I told the gentleman that I would not yield.

Mr. Speaker, will you please instruct the gentleman from Iowa, who I thought would have known better, that he has to be yielded to.

Mr. KING of Iowa. It's misstated facts.

Mr. FRANK of Massachusetts. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. Please instruct the gentleman from Iowa if he asks me to yield and I say "no," he's not allowed further to speak. Those are the basic rules of the House.

I said to the gentleman after a certain amount of time, I will yield. I am sorry he is upset by the fact that the Republican Party, of which he is a member, had a zero record of accomplishment during those 12 years in which they controlled it. I will allow debate and yielding later. People have spoken for hours on this without any interruption. I am going to speak for at least 40 minutes without interruption and I will then yield.

So I will instruct the gentleman the rules of the House do not allow him to interrupt without permission. I do not interrupt people without permission, neither may he.

Mr. KING of Iowa. I hope the people will stick around, and I will yield to the gentleman when I have the time.

Mr. FRANK of Massachusetts. Mr. Speaker, will you please instruct the gentleman of the rules of the House.

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time and does not wish to yield at this time.

Mr. FRANK of Massachusetts. As I said before the gentleman from Iowa tried to divert attention from it, zero legislation adopted by the Republican.

The argument again is Newt Gingrich and Tom DeLay wanted to do it. They overcame my objection to have a war in Iraq—that I thought was a terrible mistake—to cut taxes to very wealthy people, to intervene in the Terry Shiavo case, to do other things that I thought were unwise.

But I kept them from regulating Fannie Mae and Freddie Mac. Well, I wish I did have that power. I was the minority member of the Committee on Financial Services who had jurisdiction. It was then called the Committee on Banking. In 2003, I did become the senior member, the minority leader.

In the Republican House, the minority leader did not have a great deal of power. The Republicans had the power.

And so here's what happened. It is true that in 2003, the chairman of the committee, Mr. Oxley, decided to try to regulate Fannie Mae and Freddie Mac. He scheduled a vote on the bill, the Republican chairman on the committee, Mr. Oxley. Let me read from a CBS report October 7, 2003.

□ 2115

Strong opposition by the Bush administration forced a top Republican Congressman to delay a vote on the bill that would create a new regulation for Fannie Mae and Freddie Mac.

Let me quote from the Washington Post on October 8. The Bush administration is at odds with the Republican-controlled House Financial Services Committee over legislation to impose tougher oversight over Fannie Mae and Freddie Mac. The dispute dims prospects for quick passage of the bill.

So, Mr. Speaker, apparently I not only had the power to stop the Republican Party; I had a secret power over the minds of men, as the old radio serial used to say, and I managed to get Bush and the Republicans in the Congress to fight with each other. Boy, I wish I'd have known that at the time. There was a lot of damage I could have avoided. So the bill did not pass that year because the Bush administration stopped it because Assistant Secretary of the Treasury Abernathy denounced the Republican bill.

Now, it is true in 2003 I did say at a hearing that I did not think Fannie Mae and Freddie Mac faced a crisis. I did not think they did at the time. I didn't think Wachovia did at the time. I didn't think Merrill Lynch faced one at the time, or AIG or a number of other financial institutions that have failed even more spectacularly than Fannie Mae and Freddie Mac. That didn't mean I wasn't for some regulation. I didn't think they faced a crisis.

But I changed my mind a year later because, in 2004, as is made clear in an excellent book by Mark Zandi—Mr. Zandi is one of our best economists. He's level-headed. He's advised President Obama. He's advised JOHN MCCAIN. He wrote a book called "Financial Shock: A Look at the Sub-Prime Mortgage Implosion."

And here's what he said happened. He said, Clinton started on homeownership for low-income people. President Bush readily took up the baton at the start of his administration. Owning a home became one pillar of his ownership society. To reinforce this effort, the Bush administration—once again, it's my secret power at work—put substantial pressure on Fannie Mae and Freddie Mac to increase their funding of mortgage loans to lower income groups.

So, yes, I didn't think they were in crisis in 2003. In 2004, the Bush administration, according to Mr. Zandi's book, put pressure on them to increase this.

OFHEO, the Bush-controlled regulator, set aggressive goals for the two giant institutions. By the time of the subprime financial shock, both had become sizeable buyers of these securities.

Now, I didn't think that was a good idea. Let me quote from the Bloomberg News Service, Mr. James Tyson. He used to cover financial news. This is from 2004, June 17. As Mr. Zandi noted, it was the Bush administration that pushed Fannie and Freddie, a year after I said they weren't in crisis.

Fannie Mae and Freddie Mac would suffer financially under a Bush administration requirement that they channel more mortgage financing to people with low incomes, said the senior Democrat on the congressional panel that sets regulations. That was me. I was by then the senior Democrat, still in the minority. The rule compelled the companies to put 57 percent of their financing towards homes for people with incomes no greater than the median income. The White House could do some harm if you don't refine the goals, said Representative BARNEY FRANK. FRANK's comments echo concerns that the new goals will undermine profits and put new homeowners into dwellings they can't afford.

Yes, I thought this was a bad idea. I didn't think giving people loans that they couldn't pay back was a good idea. It wasn't we, Democrats and liberals, who were pushing loans to low-income people. It was, as Mr. Zandi said, as Bloomberg said, the Bush administration because they wanted homeownership. By the way, that was part of an overall policy in which they cut funding for affordable rental housing.

And throughout, my difference with them has been I wanted affordable rental housing. Yes, in that 2003 quote I said I was worried that Fannie Mae and Freddie Mac would cut back on affordable housing, and in our language that we use in the housing area, affordable housing is rental housing. I tried to get Fannie Mae and Freddie Mac not to buy bad subprime mortgages but, if they had profits, to put some of them into affordable rental housing.

So, yes, in 2004, I got worried that they were, as Mr. Zandi said, as the Bloomberg News said, putting people into low-income housing. Around that time, I had a discussion with Alphonso Jackson, the Bush Secretary of HUD. He said he wanted to cut people off the rental housing assistance program after 5 years, the section 8 program whereby you help people rent housing. He said, What do you think? I said, Well, if you can stop them from being poor after 5 years that would be perfectly sensible. He said, No, no, be seri-

ous. Why aren't you for it? I said, Mr. Secretary, what will happen to some of these people who can't afford to rent if you cut off their rent supplement after 5 years? He said, I will help them become homeowners.

This was the Bush social policy. This was their compassionate conservatism. They were the ones pushing this, not CRA because it wasn't the banks doing it. Fannie Mae and Freddie Mac were doing it at the orders of the Bush administration.

So, in 2005, I did agree now, given this, that it was time to regulate Fannie Mae and Freddie Mac, and I joined Mr. Oxley, the chairman of the committee who tried to do it in 2003 and was stopped by the Bush administration, and in 2005, Mr. Oxley began again a bill to regulate Fannie Mae and Freddie Mac.

It passed the Committee on Financial Services, of which I was the senior Democrat still, by 65-5. That was the bill Mr. Oxley put out. Five Republicans voted against it. They were on the Bush side; it didn't go far enough. But 28 Republicans voted for it, with all the Democrats. So 65-5. The bill passed the House in 2005 to regulate Fannie Mae and Freddie Mac. It's been argued that, oh, yeah, but the bill was too weak because at the markup session, the committee vote, Democrats blocked good amendments.

Let me be very clear. Let me check the record. I have the record here. I'm going to put it into the CONGRESSIONAL RECORD. No amendment at that session on the committee vote which received a majority of Republican votes was defeated. Some Republicans were defeated, but they had a minority of Republican votes. A majority of Republicans carried the day on every vote.

There were two efforts to try and tighten it. They were both defeated against the chairman's wishes, with a majority of Republicans against them on both sides.

I'll yield later on. I will put that in there. I will yield to the gentleman to clarify that.

Mr. GARRETT of New Jersey. I would like to ask you about that. I'm listening to what you are saying, if I could.

Mr. FRANK of Massachusetts. The gentleman may—I will yield briefly.

Mr. GARRETT of New Jersey. I'm thinking back. If you're referencing the time when—actually, I think I had one of those amendments, if I'm not mistaken. I know one of the amendments I made and I withdrew, and then I made some other amendments, and I think ED ROYCE and I'm trying to think. There was a whole series of amendments.

Mr. FRANK of Massachusetts. I have the amendments. I'll read them. I'm sorry, I'm not going to waste time. I'm sorry, we don't have time, but I'm not going to give up my scarce time while

the gentleman wanders through memory lane. I am sorry, I take back my time. I'll read the amendment. I'll look for the amendment offered by Mr. GARRETT.

An amendment to the amendment in the nature of a substitute offered by Mr. GARRETT, number 1R, was withdrawn. We go down. An amendment was offered by Mr. PAUL. It was defeated 14-56. There were 37 Republicans on the committee. An amendment was offered by Mr. ROYCE. It was defeated, 17-53, 20 beat 17. Then we have the only one I see by Mr. GARRETT, who's asked me to yield, it was withdrawn. So Mr. GARRETT offered one amendment at that markup, and it was withdrawn.

I will put the record in there. I don't have further time to yield. If the gentleman wants to see if the record was incorrect, and at one point I quoted something about the gentleman that was incorrect and I apologize, but this one I have double-checked. So Mr. GARRETT offered one amendment, and it was withdrawn.

Amendments to strengthen the bill, to put some spine in Mr. Oxley, who the Republican administration thought too weak, the author of Sarbanes-Oxley, the coauthor, two Republican amendments taken a roll call, both defeated. A majority of Republicans defeated them, and then we went to the floor of the House on this—and I voted for the bill.

We went to floor of the House. We came to the Rules Committee, and Republicans then in the Rules Committee did something outrageously procedurally. We had in there a provision that said some of the money from Fannie Mae and Freddie Mac profits would go, if they had the profits, to rental housing, not subprime mortgages, to rental housing, and it would go through organizations. Conservative Republicans said, oh, no, some of these organizations are nefarious, you can't be giving money to some of these organizations; you better give only to housing groups; if you give it to a multipurpose organization, bad things will happen.

So they put an amendment in that had not been offered in committee and did not allow a vote on it on the floor. It was a self-executing rule as they call it. A self-executing rule is what you call it when you jam it in and don't let people vote on it. This was the Republicans in the Rules Committee. Mr. Oxley was not in favor of it, but he had to be a good soldier.

It said no organization could get any money to build this rental housing if housing wasn't their prime goal, and we heard from some of those radical organizations who were upset. I remember particularly the Catholic Church, which does a very good job of building affordable housing. I work very closely with the Catholic Church and they do excellent work in the Archdiocese of

Boston, the Diocese of Fall River, Arlene McMame and Lisa Alberghini, two wonderful women working under our cardinal and our bishop in this regard.

And the Catholic Church said, you know, it says we can't get any money unless housing is our main purpose. Now, we care a lot about housing, but God has to be our main purpose. So the Catholic Church apologized for the fact that they could not claim for the purpose of getting money that their main purpose was to build housing. They would have been excluded. I was angry about that, and so when the bill passed the House I voted against it. I still wanted the bill to be passed without that.

But the point is this. 2003, Republicans in power, no bill is offered. So it's apparently my fault that the Republicans, since they were fighting each other, wouldn't offer the bill.

In 2005, it is offered, and unlike the gentleman from New Jersey, I joined the chairman of the committee and a great majority of the Republicans, 32 of the 37 Republicans, to bring the bill to the floor. I didn't vote for it on the floor because I didn't like the housing piece, but it got 300 votes on the floor of the House, and it was about to go to the Senate.

At that point, according to Mr. Oxley, once again the Bush administration intervened to kill it. And Mr. Oxley said—I hope it's late enough in some parts of the country for me to quote Mr. Oxley—in his interview in the *Financial Times*, he said the ideologues at the White House blocked this regulatory bill that would have improved regulation that was voted on by 300 Members of the House, by a 10:1 ratio in the committee, by an overwhelming majority of Republicans in both bodies. He said the administration ideologues gave him the one-finger salute, which I will not illustrate on the floor of the House given propriety.

So, once again, it was blocked by them. I was supportive of Oxley in committee. I wanted a bill that created the housing thing. It got 300 votes on the floor. Did I stop it?

What happened was, it went to the Senate, and then the Republican free-for-all multiplied. It went to the Senate, and the Republican Senate voted the bill out by one vote, but it never went to the floor, and you had a three-way dispute: the Senate Republican chairman, Mr. SHELBY; the House Republican chairman, Mr. Oxley; the President of the United States. The Secretary of the Treasury actually sided with Mr. Oxley, he said.

That's why we got no Fannie Mae bill. That's the history. By now the clock runs out on them. We passed the bill in 2005 in the House. I voted "no," but I was prepared to vote for it with an amendment that did not affect the regulatory structure. Goes to the Senate and dies. The Republicans killed it.

I certainly don't think I had the power to stop anything from happening in a Republican House, but the notion that I have a secret power over the Republican Senate is bizarre even by the standards of the myth-makers who have gotten into this effort.

2007 comes, and I'm told, oh, I'm responsible. In fact, the gentleman from Missouri (Mr. AKIN)—and I checked the record by the way, and Mr. AKIN, there is zero record of Mr. AKIN showing any interest in Fannie Mae or Freddie Mac, filing a bill, making a statement, until the Democrats took power. So my Republican friends, it's kind of like in the bar, the guy who's all ready for the fight as long as the other guy isn't there. When the other guy was there, they were very meek and mild.

Mr. AKIN said, Well, I was chairman of the committee when the collapse came; do I take any responsibility? No, not for that, because I tried to work with Mr. Oxley in 2005 to pass a bill over what he called the Bush ideologues who blocked him. And in 2007, I became chairman of the committee on January 31.

On March 28, the committee passed a bill that improved the regulation of Fannie Mae and Freddie Mac in a way that was tougher than the Oxley bill of 2005. In fact, the Bush administration that thought that the Oxley bill was too weak approved our bill. They said it was the right way to do it. It was the right form of regulation.

In fact, Richard Baker, who unlike many of the Republicans who now are full of fight, was a leader in an effort to restrain Fannie Mae and Freddie Mac, was quoted at the time as saying Mr. Baker had been the leader in this and here's what he had to say, talking about the bill. Here's a quote from *Politico*: BARNEY FRANK had witnessed Baker's battles as ranking member of the House Financial Services Committee. When he became chairman this year, he moved swiftly and pushed the bill through the Chamber in May with a 314-104 vote. The Frank legislation is significantly tougher than the one Fannie and Freddie fought so bitterly in 2000, an irony that pleases Baker. And the gentleman, our former colleague says, With every iteration—it, the bill I sponsored—it got stronger. It's to the point where I didn't know what else there was to put in it.

And then there's a group called FM Focus. They were formed to be a critical block that sought regulation of Fannie Mae and Freddie Mac. Here's what they said in Congressional Quarterly. The chief lobbyist was asked, were any other Democrats helpful? Here it is.

□ 2130

Here's what the chief lobbyist for the Fannie Mae and Freddie Mac group said: "The Senate Banking Committee passed a very good bill in 2004." It

never got to the Senate floor. That was under the Republicans. There I go again stopping the Senate Republicans from bringing their own bill to the floor.

The Senate Republicans had a bill. Never came to the floor of the Senate when I was in the Democratic minority in the House. Then the House introduced a bill, which it passed, but we couldn't get it to the floor of the Senate.

"Then, after the 2006 election, when everyone thought FM policy focus issues would be tough sledding with Democrats in the majority, Barney Frank as the new chairman of the House Financial Services Committee stepped up and said, 'I'm convinced we need to do something. He sat down with Treasury Secretary Hank Paulson and, frankly, upset people in the Senate and Republicans in the House.'" Because they wanted an issue to complain about. They didn't want to see a solution.

"They came up with a bill that was excellent—and it was the bill that largely becomes law, and they were able to be phased out."

So let me just summarize on Fannie Mae and Freddie Mac. The Republicans do nothing to pass a bill in their 12 years in power. 2003, Mike Oxley tries to pass one. The Bush administration called it off by pressuring him.

2005, he gets one passed in the House. The Bush administration denounces, he denounces them, and the Senate doesn't pass it. 2007, when I became chairman, we passed it. So I don't think I apologize for this.

Unfortunately, Senate deadlock again occurred this time with the Democrats in a 2-vote majority, but it has a happier ending because the Democrats in the Senate ultimately did pass the bill.

In January of 2008, worried that the Bush policy of pushing them into too many subprime loans, which I document starting in 2004, I appealed to Secretary Paulson, who will acknowledge this, when we did the economic stimulus bill, and said, please, would you put the Fannie Mae and Freddie Mac regulatory bill which you like into the stimulus. It also had an affordable housing trust fund.

So the right wing didn't like it. They didn't like the idea of helping build affordable rental housing. But building affordable rental housing avoided the problem of bad subprime mortgages. That was the solution I always worked for. And Mr. Paulson basically said, I'd like to do it, but I've got conservatives here who won't let me.

So we could have had that in the stimulus in 2008. It didn't finally pass until July of 2008. By that time, it was too late to avoid the disaster with Fannie Mae and Freddie Mac. But if I had been successful, we would have passed it in 2005, myself, working as a

junior member of a coalition with Mike Oxley. We would have passed it in 2007 if the Senate had been able to do it. So that's the story of Fannie Mae and Freddie Mac.

So it is the Republicans' fault because they ran the House and the Senate and the Presidency that we didn't get passage of a Fannie Mae-Freddie Mac bill until the Democrats came back to power. It's indisputable. Republican President, Republican House, Republican Senate. No bill.

Democrats take over. We get a bill through the House in 1 year. Unfortunately, a year later we have to wait before we get it through the Senate.

But when my Republican friends think about it, I don't want them to feel too bad—on this issue—because while they were clearly the ones who were responsible for no regulation of Fannie Mae and Freddie Mac, I don't think it had as much negative impact as they think. I think the Fannie Mae and Freddie Mac collapse was as much an effect as a cause of the subprime crisis. Fannie Mae and Freddie Mac did not originate mortgages. That's not their goal. They bought mortgages made by other people. If people hadn't made those bad mortgages in the first place, there wouldn't have been any. So were a lot of others in the private sector.

And that's where the real blame lies. Blame lies with Republican policies that resisted our efforts to restrict inappropriate subprime loans. This is the crux of it. Bad subprime loans were the root of this—and there could not be a clear partisan divide on the issue. Again, I would urge people to read Mark Zandi's book.

In 1994, the last time the Democrats had a majority before 2007, my predecessor, an excellent consumer fighter from the State of New York, helped pass a bill called HOEPA, Home Ownership Equity Protection Act. It said to the Federal Reserve: Regulate subprime loans. Remember, the problem I mentioned before is that we got a new form of lending that went outside the banks and went to the mortgage finance companies and they weren't regulated.

So the Democratic Congress said: Mr. Greenspan, regulate them. Mr. Greenspan said explicitly: No. In fact, Mr. Zandi, a man who's been an advisor to John McCain, headlines on page 152 of his book on the Financial Shock, a subchapter headlined: Greenspan's Regulatory Failure.

Mr. Greenspan acknowledges much before the Government Reform Committee this year. By the way, another one of those who has said that we were secretly behind this, who was a member of the Republican Party and did nothing in the House to stop this was the gentleman from California, Mr. ISSA. He was a member of the Government Reform Committee for many of

these years. They did nothing about Fannie Mae and Freddie Mac until Mr. WAXMAN took over and got into it during the first Congress among Democrats.

But Mr. Greenspan refused to do that in 1994. Many pressed him to do it. He refused. In 2004, when the Bush administration began pushing harder for subprime loans, many of us became concerned.

Here's what Mr. Zandi says again. "A group in North Carolina was particularly concerned about that," the Committee for Responsible Lending, "working with two of their very effective and thoughtful members"—members of our Financial Services Committee, Mr. WATT and Mr. MILLER—"they sought to get legislation enacted that would prevent this sort of abuse."

We began conversations. I was then the senior Democrat still on the committee. The Republican chair of the committee that had jurisdiction on Housing was the gentleman from Alabama, Mr. BACHUS, now the ranking member, the minority member.

And I will do him a favor—I will not impute to him the secret powers imputed to me. I don't blame Mr. BACHUS for what we do or don't do. We're the majority and we will take the responsibility. It's the Republicans who won't take the responsibility for their zero batting average for 12 years when we were in the minority.

But we sought, as Mr. Zandi documents, to pass legislation to restrict subprime lending. Alan Greenspan would use his authority, so we tried to do it. And the problem is that the Republican philosophy that ruled of no regulation knocked it out of the box.

I think Mr. BACHUS was serious. Mr. DeLay was even more serious. He didn't want it. We were in negotiations. Now the gentleman from Alabama was chair of the subcommittee. He could have, any time, called a markup, brought a bill out. We thought his bill would have been strong enough. He could have outvoted us. Republicans often did that when they were in the majority, as we often do today.

But here is what Mr. Zandi said: "Democrats in Congress were worried about increasing evidence of predatory lending. The Bush administration and most Democrats wanted a Federal equivalent to the North Carolina law to cover all lenders, not just the banks. The Bush administration and most Republicans in Congress," who were in the majority, "were opposed, believing legislation would overly restrict lending and thus slow the march of home ownership."

"The last attempt to pass antipredatory lending legislation occurred in 2005, but it was also stymied by the Republican leadership."

So here's where the Republicans fail—ure is. They pushed for greater home ownership among low-income people—

not CRA, the Republicans, because this was their philosophy. This was their social program as opposed to rental housing, much more appropriate for low-income people. And then they blocked our efforts to regulate it.

Once again, we had to wait until 2007. In 2007, when the Democrats became the majority, we did pass legislation to block inappropriate subprime lending, predator lending. We got the bill through the House. This time, we weren't able to get it through the Senate but we did have some success because the Federal Reserve under Mr. Bernanke has been a much more responsive institution to these kind of problems than Mr. Greenspan. I thought Mr. Greenspan did a good job in macroeconomic policy. But he was lousy because of his ideological opposition to any kind of regulation.

Mr. Bernanke used the authority in 2007—after we even moved on our legislation—he used the authority Mr. Greenspan wouldn't use and promulgated rules to ban subprime lending. I don't think they go quite far enough, and they should be statutory.

So we will get a test, Mr. Speaker, because when we return from the break, the Committee on Financial Services will bring out a tough bill to put rules on all subprime lending. Essentially, we're going to use our community banks as a model—these well-run institutions. We're going to take the rules they have long used and apply them to all loans to prevent the bad subprime loans.

The last time we did that, two-thirds of the Republicans voted against it. In fact, we were opposed by the Wall Street Journal.

I do think the Wall Street Journal's role here deserves some coverage. The Wall Street Journal has been one of those in this dishonest, anti-historical efforts to blame the Democrats. In particular, they had an editorial recently which said I was pushing for people to get subprime loans. Exactly the opposite is the case. And I wrote a letter, by the way, documenting that, and it could not be printed.

I have to say this. I respect the press, but the people who write the Wall Street Journal editorials in this, Mr. Paul Gigot and Mr. Stephen Moore, are cowards and liars. They print stuff that they know is wrong and will not give me the access to reprint. Fortunately, I have this access, and I'm going to put into the RECORD the letter I sent refuting it.

LETTER TO THE EDITOR OF THE WALL STREET JOURNAL

HOUSE OF REPRESENTATIVES,
FINANCIAL SERVICES COMMITTEE,
Washington, DC, December 5, 2008.

EDITOR: I am used to having my views severely distorted by the Wall Street Journal Editorial Board—in contrast to the accurate representation that its reporters present. But the opening of the editorial on December

3rd doesn't distort—it gets the truth absolutely backwards. In short, the Journal's assertion that I have “spent [my] career encouraging mortgage loans to people who can't repay them,” is not only entirely inaccurate; it blames me for policies that the Journal has itself defended.

I have consistently argued that the push for homeownership that existed in the Clinton administration, but was significantly upgraded in the Bush administration, made the mistake of assuming that virtually all people could be homeowners. In contrast, I argued that the majority of low-income people should be aided by policies that promoted affordable rental housing.

For example, on February 18, 2002, at a hearing on the budget I said “I am in favor of trying to help lower-income people get the advantages of homeownership . . . but almost by definition, the large majority of poor people are going to need rental housing.” On March 6, 2004, the National Journal reported that “When the FHA's plan to insure subprime loans was included in a Senate-passed appropriations bill, Frank . . . a staunch supporter of low-income housing, wrote a highly critical letter urging that the measure not be included . . . Not only had the House committee not examined . . . the proposal he said then, but the measure also offered no protection against lenders inappropriately steering people towards these high-cost loans. Nor did it offer safeguards to ensure that participants ‘were fully suitable for homeownership.’”

That same year, when the Bush administration insisted that Fannie Mae and Freddie Mac raise the percentage of below-median income homeowner mortgages they bought, I was correctly quoted in a Bloomberg article on June 17th as saying that this would “do some harm,” and the writer noted that “Frank's comments echo concerns . . . that the new goals will undermine profits and put new homeowners into dwellings they can't afford.”

It was a consistent series of statements like that on my part, and efforts to act on them—although these were often unsuccessful when I was in the minority—that led frequent Republican economic appointee and Wall Street Journal contributor Larry Lindsey to write in April of this year that “Barney Frank is the only politician I know who has argued that we needed tighter rules that intentionally produce fewer homeowners and more renters. Politicians usually believe that homeownership rates should—must—go ever higher.”

In fact, I was one of the supporters in 1994 of the legislation that directed the Federal Reserve to restrict inappropriate mortgages at the subprime level, and I also lamented Alan Greenspan's refusal to implement this—a refusal which he in a forthright manner acknowledged recently was a grave error. When he refused to do this, I and others in Congress, mostly but not only Democrats, pushed for legislation to restrict subprime mortgages.

As Mark Zandi notes in his recent excellent study of the financial crisis, when “the Bush administration put substantial pressure on Fannie Mae and Freddie Mac to increase their funding of mortgage loans to lower-income groups,” I and other Democrats stepped up our efforts to pass legislation that banned the inappropriate loans that have led to the current crisis. In Zandi's words, “Democrats in Congress worried about increasing evidence of predatory lending . . . and the Democrats wanted a federal (law) that would cover all lenders nation-

wide. The Bush administration and most Republicans in Congress were opposed, believing legislation would overly restrict lending and thus slow the march of homeownership . . . the last attempt to pass any predatory lending legislation occurred in 2005 but it was also stymied.”

In other words, I was consistently arguing against efforts to extend homeownership to people who could not afford it, and instead sought to increase rental housing. Indeed, as the Journal knows, one of their criticisms of my attitude towards Fannie and Freddie has been my ultimately successful effort to create an affordable housing trust fund that takes money from Fannie and Freddie and puts it into rental housing.

In fact, Zandi's comment that the last effort to pass any predatory lending legislation was 2005 is correct as it applies to those years from 1995 until 2006 when the Republicans controlled Congress. However, when the Democrats achieved a majority in 2007, and I became Chairman of the Financial Services Committee, the first major piece of legislation the committee approved was a bill adopting the regulatory upgrade for Fannie and Freddie that had been strongly advocated by the Bush administration, but which it had been unable to get the Republican Congress to pass. Next, we moved on to anti-predatory lending legislation and succeeded later in 2007 in passing a bill that, had it been law earlier—when we were in the minority and unable to enact it—would have prevented most of the bad loans.

But, while the predatory lending bill passed by a large majority in the House, there were staunchly conservative advocates of unlimited homeownership who were critical. One prominent conservative voice lamented in November 2007 that I planned “to hold a committee vote on the Mortgage Reform and Anti-predatory Lending Act that would impose new rules and financial penalties on subprime lenders while providing new lawsuit opportunities for distressed borrowers.” In objecting to this legislation, this commentator defended the record of subprime lending, although conceding that there had been some “lending excesses.” Decrying the attacks on subprime lending, this statement said that “For all the demonizing, about eighty percent of even subprime loans are being repaid on time and another ten percent are only thirty days behind. Most of these new homeowners are low-income families, often minorities, who would otherwise not have qualified for a mortgage. In the name of consumer protection, Mr. Frank's legislation will ensure that far fewer of these loans are issued in the future.”

Exactly. That was my intention then, and it was my intention years earlier when Republicans blocked it and carried out the spirit of these comments to allow fairly unregulated subprime lending. And of course the statement I have been quoting here is the Wall Street Journal Editorial of November 6, 2007.

BARNEY FRANK,
Chairman.

By the way, one response to their argument—this is my letter—that I was pushing for subprime loans—they said that I was the one who was always trying to push subprime loans. Here's a quote from Larry Lindsey. Mr. Lindsey was an advisor to Ronald Reagan and to both Presidents Bush. He was fired by the most recent President Bush because he predicted that the war in Iraq would cost \$100 billion, and he was told

that was wrong. He was wrong. It was way too low. That's not why they fired him.

Here's what Larry Lindsey wrote in the Wall Street Journal, all places, on April 2, 2008, talking about regulation. “In fact, Representative Barney Frank is the only politician I know who has argued that we need tighter rules that intentionally produce fewer homeowners and more renters. Politicians usually believe that homeownership rates should—must—go even higher. The rarity of Mr. Frank's thinking is a reminder that when markets are committing excesses, we should not except Washington actors to check on them.”

The Wall Street Journal, as I said, lies about this. In fact, in 2007, when we passed a bill over the objection of most Republicans, although we had the support of the then ranking member of the Financial Services Committee, although I understand he got in a lot of trouble with his right wing over this and promised maybe never to do it again. We'll see when this comes up.

But here's what the Wall Street Journal editorial said when we passed a bill to stop abusive subprime lending. “For all the demonizing of subprime lending”—2007, they said we were demonizing subprime lending, the Wall Street Journal editorial—“about 80 percent of even subprime loans are being repaid on time, and another 10 percent are only 30 days behind.”

Isn't that wonderful? Only 10 percent are more than a month behind. Ten percent default and 30 days another 10 percent? Only the Wall Street Journal in this ideological fantasy world would think an 80 percent repayment rate of mortgages to low-income people is a good thing.

But here's what they said. “Most of these new homeowners and low-income families are often minorities”—so apparently it the Wall Street Journal who's pushing to get minority loans which are going to get a default at a rate up to 20 percent—“who would not otherwise qualify for a mortgage. In the name of consumer protection, Mr. FRANK's legislation will ensure that far fewer of these loans are issued in the future. I hope so, exactly.”

It was our goal, our intention, our mission to have far fewer of those loans. And if we had gotten the bill passed in 2007, we still would have had a crisis. It wouldn't have been as bad today. It was stopped by Republican opposition in the Senate.

So that's where we are. Republicans are in power. They do nothing to regulate Fannie Mae and Freddie Mac. They do not only nothing to regulate, they push more subprime loans through the Bush administration and they block our efforts to legislate about them.

We now have an agenda to go forward, and I am going to outline that briefly. But I will at this point—I have

about 17 minutes left—I will yield 4 of my 17 minutes to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman for reaching his conclusion and allowing a yield. I sat and listened to this. One thing I think the chairman would agree to as just a minor correction to one of the posters that references Mr. Paulson as Frank Paulson rather than Henry Paulson. Small little correction. It wasn't the reason I asked to yield.

Mr. FRANK of Massachusetts. What poster mentions Frank Paulson?

Mr. KING of Iowa. That's what the poster said. Frank Paulson.

Mr. FRANK of Massachusetts. I thank the gentleman for that profound correction. I will see that the typist is severely chastised.

Mr. KING of Iowa. I know that the gentleman is very interested in making sure the RECORD is correct. Having been corrected myself by the chairman, I would also offer that correction.

But my point was this, if the gentleman would yield to a question, and that is I'm listening to this this evening and I'm thinking of an evening that my recollection tells me was a debate on this floor on October 26, 2005, and it had to do with regulation of Fannie Mae and Freddie Mac. It was an amendment offered by the former chairman of the Financial Services Committee, Mr. Leach of Iowa, that, in essence—and I can't quote it to the gentleman from memory—but, in essence, it would have regulated Fannie Mae and Freddie Mac in the same categories—very similar to the same categories of that of other lending institutions.

Mr. FRANK of Massachusetts. The gentleman is correct. Does the gentleman remember how many votes that got on the floor of the House in a Republican House?

□ 2145

Mr. KING of Iowa. I think there were around 35 to 38 votes.

Mr. FRANK of Massachusetts. Thirty-six. The gentleman has a very good memory, 36; 30 were Republicans, 6 were Democrats.

So it is true, the former chairman of the committee offered an amendment to tighten this up, and then the House, with about 230 Republicans, 30 voted with him and 200 Republicans voted against him. Was that my fault?

Mr. KING of Iowa. If the gentleman would further yield, a recollection from the CONGRESSIONAL RECORD would have been that the gentleman, who is now chairman of the Financial Services Committee, had made the statement in that debate that he wasn't concerned about Fannie Mae and Freddie Mac's viability, and that it wasn't necessary to increase the regulation or the capitalization of Fannie Mae and Freddie Mac. And, that if any-

one was investing in Fannie's and Freddie's shares, they shouldn't be confident that the gentleman from Massachusetts would support a bailout of Fannie and Freddie.

Mr. FRANK of Massachusetts. No.

Mr. KING of Iowa. And today, we have the nationalization of Fannie and Freddie.

Mr. FRANK of Massachusetts. I will take back my time and say it is exactly the opposite. Throughout the debate, I said to people that they should not consider that there was a guarantee, that they should not consider there was an implicit guarantee. I consistently said that. They benefited from people's perception when in fact, the share holders—I'm sorry, I haven't yielded again. I have consistently said that.

When there was an intervention that Mr. Hank Paulson asked for, it did refer to the bondholders, as we often do. The shareholders were wiped out, including the preferred shareholders.

So, in fact, when I was chairman of the committee and we responded to Mr. Paulson, we wiped out the Fannie Mae and Freddie Mac shareholders, as I had always warned that they could be. I did think at the time we passed the bill, at Mr. Paulson's urging, or that we were about to, that it would be helpful. It turned out things were worse than I thought. But he did mention Mr. Leach, so let me give the voting record. And I was neglectful of this.

The bill came to the floor of the House, the bill the Bush administration thought was too weak. Now, the Republican Rules Committee allowed nine amendments. By the way, when the bill came to the floor when I was the chairman, we had 24 amendments, because I do believe, I think, in a more open process. We had the manager's amendment was one of them, a couple by voice vote. Mr. Leach sought to put in minimum capital levels. He lost 378-36. This is in the Republican House.

Again, the argument is, who did it? This is part of your zero. I should have had a footnote. The one time you did try, Mr. Leach, who thought Mr. Oxley was being too weak, he got 30 Republicans with him and 200 against him. Now, Mr. ROYCE also had an amendment; Mr. ROYCE, another critic. He did better than Mr. Leach. He got 73 votes versus 346. So in both cases, the two amendments that were allowed—oh, I take it back. Mr. PAUL had an amendment, too. And I guess this is a sign of the state of the Republican Party.

Mr. KING of Iowa. Would the gentleman yield?

Mr. FRANK of Massachusetts. I am sorry, the gentleman has raised a point and I am going to respond to it.

The point is this: Mr. PAUL also—there were three amendments offered to toughen the bill in 2005. Mr. PAUL got 47 votes. Well, that is the Republican Party; Mr. PAUL gets more votes than Mr. Leach.

But here are three amendments offered to toughen it, all three defeated by an overwhelming majority of Republicans.

The point is, I supported Mr. Oxley. I thought we had a good bill.

I would also note that by 2007—and, by the way, in 2005, I was hoping that we would regulate Fannie Mae and Freddie Mac but also restrict subprime loans. As it became clear to me that Republican opposition would prevent us from blocking subprime loans, I did become convinced of a need for tougher regulation. That is why Mr. Baker, your former colleague, said the bill we brought out in 2007 was as tough as it could be.

Now I will yield again.

Mr. KING of Iowa. And I appreciate the chairman yielding. But is it also true that you opposed those amendments that would have regulated Fannie Mae and Freddie Mac?

Mr. FRANK of Massachusetts. Yes. I will—

Mr. KING of Iowa. The policy underlying—regardless of how the Republican votes came out, did the gentleman oppose those regulatory amendments that came to the floor?

Mr. FRANK of Massachusetts. Yes. I am taking back my time to say yes.

My point is that it was not my fault that 200 Republicans voted against it. I did vote with the overwhelming majority of Republicans. The question is, who is responsible?

But I would also say this. You know, when you are in the minority you can't always shape things. Sometimes you have to make unpleasant choices. When I became the chairman of the committee on January 31, 2007, I was able then to combine tough regulation, knowing that we were going to be able to restrict subprime, and with help for rental housing.

So the fact is that when I was in power, not forced to choose among Republican alternatives but in the majority, I helped pass a bill that was tough enough, tougher than the bill in 2005, that was acceptable to the Bush administration, acceptable to the leading critical group, acceptable to Mr. Baker.

So, yes, I voted with the great majority of Republicans. So I guess that is what I am responsible for: I voted with the overwhelming majority of House Republicans to report out a bill that the Republicans thought would work.

I will yield to the gentleman from New Jersey.

Mr. KING of Iowa. I want to just thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Well, I yielded to the gentleman from New Jersey.

Mr. KING of Iowa. I am happy to thank the gentleman, and compliment him on his diminishment of his own persuasive powers, and be happy to yield back.

Mr. FRANK of Massachusetts. Well, I agree—the gentleman says my persuasive powers. That is the joke of it all. That is, frankly, the gap between the propaganda and the reality.

The Republicans are in control; they pass the bill. In fact, they cut out the affordable housing part I wanted. I did at the time hope that we could combine moderate regulation of the sort Mr. Oxley wanted and the overwhelming majority of Republicans wanted with an affordable housing program and with restrictions on subprime. When we were not able to get the subprime bill through and things had deteriorated, I then said, okay, and I was for tougher regulation.

So, by the way, at that point the gentleman from Iowa I believe voted against it. I know the gentleman from New Jersey did. Do you know why? I will tell people, Mr. Speaker. Because I, in the chairmanship that I had, was able to get a bill that toughened the regulation of Fannie Mae and Freddie Mac.

But what about the Catholic Church getting money to build rental housing, and allowing nonhousing groups like the Catholic Church, and others, to build rental housing? They opposed it.

So, yes, a majority of Republicans voted for the bill in 2005 that the Bush administration was too weak, and a majority of the Republicans opposed the bill in 2007 that the Bush administration was strong enough, because their opposition to rental housing for low-income people overcame that. But that is the story.

Now I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just two quick points. And I appreciate the gentleman yielding. One, as an individual who was one of the few in those numbers who voted “no” on those amendments—

Mr. FRANK of Massachusetts. And “no” in committee.

Mr. GARRETT of New Jersey. Right. And “no” in committee. Obviously, I saw some of the problems and had concerns early on.

Secondly, I will make a suggestion to you as to why you get the accusations, if you will, or the statements about you, as you will. I didn’t see the program. I heard you were on Lou Dobbs and other things like that the other night where those statements are often made. I will make the suggestion as to why that may be, if you will.

Mr. FRANK of Massachusetts. I yielded to the gentleman. He may do what he wishes.

Mr. GARRETT of New Jersey. When I came here in 2002, in that election and that year and joined the committee, I immediately became somewhat involved in this issue, although I had never been involved in it before.

I saw in our committee, between both parties, that one person stood out, in

my mind, and a lot of other people’s mind, as the person who was always trying to fight to rein in the GSEs. And that person, who is no longer with us, is Richard Baker. He was articulate, he was eloquent. He was always on the facts and what have you. He was always pounding, pounding, pounding at every opportunity. So I and other people saw him as being on that side.

And, quite candidly, when we had those debates, when some of those amendments as you referred to before—and I think there were other ones in the later months that I and others made from the conservative point of view; a number of us saw the champion on the other side of that issue out of both parties, out of both Republicans and Democrats; and I agree that there were some Republicans who were vociferous as far as letting Fannie and Freddie do—

Mr. FRANK of Massachusetts. I will take back my time to say a majority of the Republicans at every turn. Don’t say—not some Republicans. A majority of Republicans in the committee, a majority of Republicans on the floor. Not some Republicans. But every time the issue arose, a majority of Republicans were on the side of Mr. Oxley and myself.

Mr. GARRETT of New Jersey. What I am saying is not how the votes were going. I was saying as to which Members actually stood up and were most vociferous on this issues. Not all the Republicans were vociferous on it; there were one or two or three that were vociferous, as Richard Baker was on this side.

And on those other issues, maybe because you were ranking member in the minority years, but otherwise you were very vociferous on opposing those bills.

Mr. FRANK of Massachusetts. I take back my time. Now I guess I am guilty. Yes, I was the senior Democrat, and I spoke out. I wish that I had that effect elsewhere. You would not have been able to kill the affordable housing trust fund.

While I was the ranking minority member, when I was the senior Democrat of the Housing Subcommittee and then on the full committee, the Republican majority killed virtually every affordable rental housing production program we had. They beat up public housing unmercifully, to the great distress of lower-income people.

I wish I was as persuasive as the gentleman now, I must say, less than convincingly tries to argue. And in fact, no, I do not think I charmed the majority of Republicans. And, by the way, it was Mr. Baker whom the gentleman correctly identified as the leading opponent of Fannie Mae and Freddie Mac, who said in 2007, when I became chairman and was able to put together the right ingredients in the bill, quote, “With every iteration, it got stronger. It is to the point where I didn’t know

what else there was to put in there.” So I appreciate Mr. Baker’s endorsement of the bill which I helped pass.

Now, I do want to address one issue as he closes, and I may expand on this. There was one other point—and we have had a legitimate debate.

But in an article in a publication called *Investors Business Daily*, to my great dismay circulated by the Republican staff of the Financial Services Committee, I was accused of betraying my oath and my obligation because of a relationship I had with a man who worked at Fannie Mae. And I want to address that scurrilous piece of defamation right now and express my disappointment that people I have worked with on the Financial Services Committee, that their staff, presumably with the approval of somebody, would have circulated such a scurrilous lie.

As we know, there are members in this body who have spouses and partners who are variously employed, and it has never been the rule that you couldn’t do anything because your partner is employed. We have a Member of the Republican Party who very conscientiously has been voting “present” recently on some measures because of his wife’s position. And the article falsely said that I was having a relationship with a senior executive at Fannie Mae, and that is why I did it.

Now, obviously the fact that it is a gay relationship adds to a certain piquancy with the right wing when they circulate this sort of vicious defamation.

The fact is that the man with whom I had a relationship graduated from business school in 1990. He was a new MBA. He then went to work in an entry-level position at Fannie Mae and Freddie Mac. He was never a senior executive. He had a working position at Fannie Mae and Freddie Mac.

After eight years, we ended the relationship. He left town. I was by that time a lower ranking member of the committee. The events we are talking about happened many years later after we had separated, when he had, to my knowledge, no financial interest, and he was 3,000 miles away.

No, I have to say to the gentleman from New Jersey, I reject the suggestion that I was so persuasive that the only one issue on which I could prevent a right-wing rampage on the part of his party on the Financial Services Committee, in which I was unable to get decent regulation, in which I was unable to get good subprime lending, or I was unable to protect affordable housing—the only thing I was able to do was to stop them from regulating Fannie Mae and Freddie Mac. And that is why a majority of them never took that position and we never got a good bill until I became chairman. No, I think it is something else.

I think it is the fear of the right wing that regulation is coming; that unregulated credit default swaps are going to

be no longer the case; that we will have rules that will prevent irresponsible subprime lending. As Mr. Zandi, a great thinker on this, notes in his closing passage: Regulators didn't create the subprime financial shock, but they did nothing to prevent it.

In other words, no, it wasn't the CRA that did it; it was the lack of regulation that did it. This was the result of first policymakers' distrust of regulation in general, their enduring belief that markets and financial institutions could effectively police themselves; and, second, of the Nation's antiquated regulatory framework. The institutions guiding the Nation's financial system were fashioned during the Great Depression; and, as finance evolved rapidly, they remained largely unchanged, and overhaul was indisputably overdue.

I happen to be chairman of the committee that is going to have a major play in this overhaul, and there are right-wing forces that don't want that to happen. So I accept the fact that I am the target. I don't think it is me, personally. I am not that paranoid. It is that if they can go after me and blame me, and, unfairly, Senator DODD—who wasn't even the senior Democrat when this was happening. It is particularly far-fetched to blame Senator DODD. He wasn't even the senior Democrat. The notion that he was as the second ranking Democrat he was running the Senate I would have thought was too implausible. But, again, we have learned from Swift Boating and elsewhere that vicious right-wing propaganda cannot be allowed to go un rebutted.

The fact is that, yes, there is this concerted effort, there is this fear that we won't have unregulated subprime mortgages. And we will see this when we bring the bill up, that we won't have any more unlimited credit default swaps and collateralized debt obligations.

It is the fear of regulation that Franklin Roosevelt confronted, that Theodore Roosevelt confronted. It is the fear that the disastrous results of the policy of deregulation have led the American people to understand that the time has come, once again, in our history to adopt a good set of regulations.

I believe that is why there are these lies, distortions, and smears about my record, why I am being held accountable for the 0-12 record of the Republican Party. And the time has come to have that debate, because we have learned, I think, that if we wait too long, the lies will stick. And not only will that be bad for reputations; even worse, it will be bad for the public policy we need to prevent a retention.

I yield back the balance of my time.

□ 2200

LENDING REGULATION

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the United States House of Representatives. And I want to say, at the departure of the chairman of the Financial Services Committee, I appreciate his yielding to each of us who have differing opinions on his presentation this evening. And that is something that I'm prepared to do should the gentleman raise an issue with statements I make. I know that Mr. FRANK is competitive and very willing to engage in debate. And I know that he had a lot of things he wanted to get off his chest tonight. I was here to listen to it all. And I heard every word.

Mr. FRANK of Massachusetts. Would the gentleman yield? Yes, I think it would be a very good idea if instead of—and I thought it was catch-up time for me. But when we come back, I would like to have, and we can do 2 hours, we can have one D and one R, and have 5 minutes each. We can have a fair debate thing. I look forward to debating these. So I thank the gentleman for that. And when we return, I'm going to ask my staff to start getting some hours and we can work with Members on the other side. Let's have some genuine debates on these issues. And I thank the gentleman for the spirit in which he said that.

Mr. KING of Iowa. I thank the gentleman, and I will say into the RECORD tonight, that is a request that I would be happy to meet with, and I will be looking forward to the time when we come back on the other side of Easter. I appreciate it.

Again, Mr. Speaker, I listened to the statements made on the part of the chairman of the Financial Services Committee tonight. And it occurs to me that a man who has the full attention of the entire committee on any day he decides to choose to hold a hearing or a markup, a man who has full attention of the floor when he decides to speak here, it seems to me that since we have been through 2 days of budget debate, Mr. Speaker, that there must have been a lot of things that the chairman of the Financial Services needed to get off of his chest. And I heard a lot of them tonight. It occurs to me, though, that there is a high degree of sensitivity. And where I come from, when you throw a rock into the pigpen, the one that squeals is the one that you hit.

So I think what I heard is a rejection of the concept that the gentleman from Massachusetts and many of the Democrats that followed him in his leader-

ship on these financial services issues, a rejection that he resisted the idea of regulating Fannie Mae and Freddie Mac, resisted the idea that the Community Reinvestment Act was a component of the financial meltdown that we had. And I heard the gentleman say to us that there were three Republican amendments on the legislation that would have and could have regulated Fannie Mae and Freddie Mac. I raised the issue of one. And I do remember the day. It was October 26, 2005. It was an amendment that was offered by Mr. Leach of Iowa that would have regulated Fannie Mae and Freddie Mac down the same lines as the regular lending institutions who are providing mortgage loans and real estate. I think that would have been a good thing to do. And I recall that debate. And it was a compelling argument made on the part of Mr. Leach that Fannie and Freddie were underregulated and undercapitalized, and they needed to be capitalized more and regulated more. Now I have just heard the gentleman from Massachusetts say that Republicans are afraid of regulation. In fact, it is the "fear of regulation," he has said, that drives Republicans to reject changes in the control of the financial institutions in this country.

I would submit that we are for regulation. We are for the kind of smart, responsible regulation that ensures that we have viable lending institutions. In fact, we came to this floor and supported amendments that would have capitalized and regulated Fannie Mae and Freddie Mac. I have introduced legislation that would repeal the Community Reinvestment Act. And I have introduced legislation that would capitalize Fannie and Freddie Mac like the other lending institutions and move them towards privatization. I recall the debate that evening on October 26, 2005, when the gentleman who is now the chairman of the Financial Services Committee, and I don't disagree with his characterization here, it is a matter of emphasis, it is not a matter of accuracy, at least the disagreement on the accuracy, but I recall that. And it was that he would not support a bailout of Fannie Mae and Freddie Mac because he didn't believe that they were undercapitalized, underregulated or in trouble.

Well, it turns out that was October of 2005, and easily, by the late fall of 2008, we can all see that Fannie Mae and Freddie Mac were in trouble. In fact, they have been nationalized. And the risk and the liability that comes to the American taxpayers was calculated at the time to be about \$5.5 trillion. Now the taxpayers own Fannie Mae and Freddie Mac. And regardless of whether there was a majority of Republicans that supported or opposed the amendment that would have regulated and capitalized Fannie and Freddie, it is true that the chairman of the Financial Services Committee opposed those

amendments. And I think he underestimates his own persuasive powers. In fact, he must have gotten here for some reason. I think persuasive powers are part of it. I compliment him on that. I think he is an engaging fellow who has a very nimble ability to engage in this debate. And I look forward to those kind of debates, and I know I will be tested. But it remains a fact that some of us wanted to regulate Fannie Mae and Freddie Mac. Some of us wanted to move them towards privatization. Some of us wanted to capitalize them more. Some of us wanted to regulate them more. I am among those people. The voting record and the CONGRESSIONAL RECORD indicates something else on the part of the current chair of the Financial Services Committee. I don't think the Republicans have been opposed at all to regulations of our financial institutions. We have been in favor of smart regulations of our financial institutions, to essentially fix this problem ourselves.

So there is not a fear of the right wing that regulation is coming. There is a fear that we had an underregulation, and that is why we brought those amendments and brought that legislation. That is why the gentleman from New Jersey brings up the issue of Mr. Baker from Louisiana.

I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. To the gentleman from Iowa, I appreciate your organizing this hour on the floor. And I came here ostensibly to talk about the issue affecting the American public today, and that you touch on it at the end there as far as the regulation of our financial system. But inasmuch as the chairman of the Financial Services just did spend the last hour addressing the sub issue of that is whether the charges against him, whether they were legitimate, was the basis of his discussion for the last 55 minutes whether it is legitimate as some on this floor and outside in the media as well and other groups and what have you and have accused him of being primarily or ostensibly responsible for some of the problems that we now find ourselves in.

I will just spend a minute, even though he spent 55 minutes, on that. As I said before, in Congress there have been various champions on either side of this issue. Richard Baker, when I came to Congress and you came at the same time, was a champion of trying to rein in the excesses that were in the GSEs, Fannie Mae and Freddie Mac. There were other people on the outside, as well, actually in the Bush administration. He chastised the Bush administration for not pushing this legislation and putting other impediments of going forward with it. The truth of the matter is that the Bush administration in the form of the Secretary of the Treasury, I believe it was both Snow

and Paulson, who came to the Financial Services committee while I was there, and said, there are problems in the GSEs. There are problems in the Fannie Mae. There are problems in Freddie Mac. And they were ones that the Bush administration was, in fact, pushing for some sort of control, some sort of limitation, some sort of reining in of the GSE. So the Bush administration was doing that.

Richard Baker, who was always sitting up in the top row way above me since I was a freshman and a sophomore at the time, was championing that cause as well to say how do we rein them in? And I became involved with it, and I put in some amendments myself, and one was to direct the new regulator to establish limits on the GSE's portfolios in case there were any issues of safety and soundness or possible systemic risk, a word that we discuss now.

Representative PAUL offered amendments to cut off Fannie and Freddie's \$2 billion line of treasury which would have been one of the key aspects of sending a message to the private markets as to whether they can believe or not, whether the Federal Government were to stand behind them. I know the chairman just said, and he said repeatedly, "to those investors who believe that when they are investing in the GSEs that the full faith and credit of the United States Government would stand behind them, I'm telling them right now it is not the case. Well, that, of course, was the case. It was an implicit guaranty. It became explicit, however, when things began to fall apart in the last year, and now you and I know what has been the cost to the American taxpayer, literally hundreds of billions of dollars.

But the chairman did say, as far back I think it was, as in the year 2000 which before I was even there, when the Bush administration was pushing these issues saying there are some problems here, he said he did not see, the chairman said, actually he would have been the ranking member at that time, he did not see the need for the further regulations because he said "there are no problems here." And he did it again I guess in 2003, saying, again, he did not see a problem with those, either one of those companies. I know later on he did say that, probably in 2003, any one of us would have said the same thing with regard to other banks, the Bank of Scotland or some other banks what have you, there wasn't any problems there, and now, of course, we know—I shouldn't have mentioned this particular bank that he had said—but other banks back in 2003, a lot of us would not have said there were problems in those banks. But we are talking about a different level of problems with that situation.

Today we are having problems with those banks, with their investments.

With the GSEs, the argument that a number of us on our side of the aisle was making, that President Bush's administration was making as well, was a systemic risk, that by allowing basically unfettered lending by these institutions and by the implicit guaranty that the Federal Government placed behind them by the \$2 billion line of credit, you place a systemic risk. And by putting no limitations on either one of those organizations, you allow them to borrow and borrow and borrow with no limitations on their portfolio, which is something I and others were pushing strongly to try and rein them in, you create a systemic risk. So, yes, there was obviously a systemic risk both in 2003 and 2000 as well, until it finally exploded to what we have today.

So I think that is where the outside groups, maybe some Members in this Congress, try to say, that some Members were pushing for tighter regulations, others were leading the fight saying there wasn't any problem, that you didn't need it, so that in 2005 the facts were some of us were actually going to committee, and I don't have them all here, but I was going to committee and saying, here are some other bills, yes, he is right, a lot of Republicans voted against those bills as well, but he was obviously the ranking member and saying that there was no need for those.

And I will yield back.

Mr. KING of Iowa. I thank the gentleman. Reclaiming my time, as I listen to that, and you lived in the middle of the Financial Services Committee for these years into the seventh year, and that is background and experience that hardly anybody in America has shared with you, Mr. GARRETT, and so I just ask you if you could, in the middle of this, throughout those, beginning into the seventh year at least, characterize the general philosophy that you gathered with regard to the thrust now of the committee and the majority within the committee as to whether before this financial meltdown, this economic crisis that we have, did you sense that there was any initiative on the part of the Democrats in the Financial Services Committee to regulate Fannie and Freddie, to capitalize Fannie and Freddie and move them towards any kind of privatization, or would it have been more or less business as usual with Fannie and Freddie? Which way was that line going from the Democrat side on the Financial Services Committee? And I yield.

Mr. GARRETT of New Jersey. I guess it would be a fair generalization that from the other side of the aisle that the push was, the emphasis was for the GSEs to focus on their public housing program, in other words, that they should be created, although that was actually a change in their original mission, as you know, but that new changed mission was to say, how can

they be used to advance the cause of affordable housing? And so that was always the posture from the other side of the aisle. And that is why there was constant pushback when Ed Royce or other Members on our side said, well, maybe we should put some limitations on one of my amendments, on the portfolio, rather the conforming loan limits, to say that it shouldn't be too high. Well, no, they want to have no limitations, or the portfolio limits, no, there should be no limitation. So it is always clear they were in one direction and we were slightly in a different. I yield.

Mr. KING of Iowa. Reclaiming, from the gentleman, if he would further examine this question, I understand their response that the Bush administration was very much focused on increasing the percentage of homeownership. And I recall a State of the Union address made by President Bush here in this Chamber one of those Januarys that made the statement that we had the highest homeownership of a free country in the world, or at least the United States, that 68 percent of the people in America lived in a home that was owned by themselves or one of the people that lived in the home with them. It does sound like it is a laudable goal. And it is certainly a goal that would be reached for, that was reached for by the Bush administration. It would be something that would be reached for I think by all of us, Democrats and Republicans alike.

But from the restraint side of this, from those who were lending a voice of caution, that were saying Fannie Mae and Freddie Mac, the secondary market for mortgages, are getting out of control, they are undercapitalized. They are underregulated, and we need to rein them in before we have a problem that is far bigger than the one that is apparent today. If you had to give credit or blame to Republicans or Democrats in the Financial Services Committee, Mr. GARRETT, where was the predominant voice for caution? Where was the predominant voice for capitalization? Where was the predominant voice for regulation? Where was the predominant voice for privatization of Fannie and Freddie during those years before the crisis was evident to all of us?

Mr. GARRETT of New Jersey. Well, my dad always said give credit where credit is due. And the chairman was correct to say that those of us who were really strongly pushing these issues didn't get as much support as we would have liked to from our colleagues on this side of the aisle. But as I look at some of the other amendments I put in, I got almost virtually no support from the other side of the aisle for some of our amendments which would have put in limitations. For example, I put in an amendment that would require the GSEs to hold only mortgages and mortgage-backed

securities that exclusively support affordable housing.

Now there is an idea if you think about it, if the idea behind the GSEs, one of the functions is to support affordable housing, then if you put that amendment in, it should fall in line with what the other side of the aisle was advocating. And they should support it. But there is another side benefit to allowing them to expand and grow outside of the area of affordable housing and that basically helps their balance sheet and also helps the remuneration to the people at the top of the organizations, to their CEOs, because if their balance sheet is good and their profits are based just like AIG, these bonuses and what have you, it benefits them as well.

□ 2215

But we got no votes, well, from the chairman, I'm certain of, but basically from everyone from the other side of the aisle.

My good friend, I'll explain one other amendment. The portfolio limitation, Representative PRICE offered that amendment as well. Same thing, to reduce the amount of the GSEs portfolios again. I do recall that the chairman was opposed to that, and I believe that just generally speaking, no support from the other side of the aisle.

So I think that's the underlying message that's probably out in the media and outside of this House as well, as to where the two parties stood on it. Maybe we didn't have as much support as you and I would have liked from our side, but clearly it was a one-sided push for a long time of seeing that there was a systemic problem and trying to do something about it.

Mr. KING of Iowa. And reclaiming my time from the gentleman from New Jersey, and I thank him for his historical rendition of what's taken place within the committee. And I would take this a little further and ask this question, and that would be, did the subject of reform of the Community Reinvestment Act or the repeal of the Community Reinvestment Act come up in the Financial Services Committee in the years prior to the financial crisis that emerged here in this Congress, I am going to pick a date, September 19 of last year? Was there discussion dialogue in the committee, and did it take place in a way that would have illuminated the circumstances we have today, and does the gentleman from New Jersey accept the premise that was delivered by the Chair of the Financial Services Committee that only 1 out of 25 lenders were affected by restraints in Community Reinvestment Act? Does that seem to be a balanced delivery, or would there be a particularly different viewpoint that the gentleman would like to discuss?

Mr. GARRETT of New Jersey. Well, I'm certainly not going to question the

statistics of the chairman because I believe he was holding a paper or had some other statistics before him. Since I don't have them, I'd certainly take the chairman at his word.

I think though that you have to see the larger issues that came out of that. And the message that the government was sending, whether through that or through other mechanisms, did have a profound impact upon the rest of the marketplace, not only in the low-income area but otherwise, not only through that program, but through the Federal Reserve regulations, the Boston Fed issuing certain guidelines, if you will, as far as lending practices, and that had profound impact, not only on those institutions as the chairman made reference that may come under their auspices or their control or their authority, but through the rest of the marketplace as well.

In other words, once you sort of get the ball rolling as far as what the new underwriting standards, and this is really what was being created during this time, in one segment of the market, that ball was just continued right across the rest of the marketplace as well. Some of us, as I said before, seeing that as just the beginning piecemeal of this was rolling out we said there may be a problem as that ball goes along and grows, gains weight and what have you and has impact elsewhere, and eventually we saw that it was picked up by the rest of Wall Street.

Mr. KING of Iowa. I thank the gentleman. Reclaiming, I think this might be a good time for me to lay out how I think the sequence of events took place with the economic crisis that we are in. And I'd ask the gentleman's indulgence and analysis of whether he would agree with this particular analysis.

But I would take us back, Mr. Speaker, to 1978, to the inception of the Community Reinvestment Act. The Community Reinvestment Act, I think, was passed for the right motivations, and the idea was that we had lenders that were redlining districts. They were drawing a red line around districts in particular cities and refusing to loan for real estate in those districts because the value of that real estate was not being sustained, and it was declining. That was maybe the right kind of motive to do that. But as we moved on from 1978 until the nineties, when the Community Reinvestment Act was refreshed under the Clinton administration, and it got a little tighter, it essentially said this, that if you're going to be a lending institution that will—that is inclined to want to expand, you're going to have to make loans into these neighborhoods that were heretofore redlined. And we're going to need you to have a certain percentage of the loan portfolios go into these communities that were red-lined around them and provide those loans to

lower-income people. So the bottom line was, the Community Reinvestment Act was a regulation that put an incentive in place to give loans to people that didn't have a record of being able to pay it back and provided a merit for the lenders to do that if they were going to expand. So it was a perverse incentive. It essentially was an incentive that said to lending institutions, if you want to grow, you're going to have to make bad loans. That was the Community Reinvestment Act. Fresh, new 1978, refreshed in the early nineties, about 1993 or 1994 under Bill Clinton. And that became a foundational piece of legislation that didn't seem to be a very big problem except for a couple of things. One of them was, during the last years of the Clinton administration, Mr. Speaker, the technology that we've developed, the ability to store and transfer information more efficiently than ever before created the dot-com bubble. That existed because investors understood this ability to store and transfer information more effectively and more efficiently than ever before. And they invested in that ability. And they didn't make the corrections for the necessity that that ability to store and transfer information needed to translate into more efficiency in our economy, the ability to produce goods and services or deliver them more effectively. That was, Mr. Speaker, the dot-com bubble. So the dot-com bubble came about because of technological success, and let me call it an irrational exuberant optimism about the benefits that would come from that ability to store and transfer information more effectively than ever before. So we had a dot com bubble through the second half the Clinton administration. Part of the reason there was a balanced budget in this Congress was because, 1, the Republican majority here was determined to slow down and shut down spending and the growth in Federal Government, and they did that effectively. The new revolutionaries that arrived here, elected in 1994 and sworn in in January of 1995, were determined to produce a balanced budget, and they did. Part of it was out of fiscal conservatism, and part of it was out of resistance to the Clinton administration. But whatever those proportions were, we had a budget surplus for a number of those years. And we had a dot com bubble in the market that was not adjusted to rationality. And when the lawsuit was brought against Microsoft, that was the needle that penetrated the dot-com bubble until it burst. And when it did, we had a declining economy. A declining economy because of the aftermath of the collapse of the dot-com bubble, translated into the beginning of the George W. Bush administration, the first administration of his, when he was elected in 2000. And Mr. Speaker, when that took place, we needed to do some ad-

justments to recover this economy and we had Alan Greenspan look at this and concluded, I believe, and by reports that I've read, not characterizing his inner thoughts necessarily, that we needed to stimulate the economy. That brought about decisions made that resulted in unnaturally low interest rates, especially on mortgage lending, which created an unnaturally exuberant housing economy. This unnaturally exuberant housing economy that came about from unusually low interest rates was something that helped bring us out of the decline in our economy that resulted in the burst of the dot-com bubble, Mr. Speaker. And as that was finding its place in this economy, we were attacked on September 11, 2001. Our financial centers literally collapsed. We lost 3,000 American lives all in the matter of a few hours. And we needed to do something to stimulate the economy.

And so the President of the United States, George Bush, this Congress came together and decided to quickly enact some tax cuts and a stimulus policy. That was 2001. That bridged a small gap, and they weren't all that particularly effective.

But on May 28 of 2003, the real Bush tax cuts were enacted, and they were the reduction in capital gains, the reduction in interest and dividend income, and that resulted in a real economic growth. But as this economic growth came from the Bush tax cuts, we also had economic growth that came from the unnaturally low interest rates and this housing market that was created by those low interest rates, and we found our way through to this point now where the foundation of our economic difficulty, rooted in the Community Reinvestment Act, flowing through from, as I didn't mention, Fannie Mae and Freddie Mac, a refusal of this Congress to regulate Fannie Mae and Freddie Mac, even though we had legislation that was brought before the Financial Services Committee, as Mr. GARRETT has described, even though there were amendments brought to this floor, which I actively worked for and supported, that would have capitalized Fannie and Freddie, and regulated Fannie and Freddie, those things were resisted by the current leadership, the people that say it wasn't their fault, it was somebody's else fault, seems to be always Republicans fault. But this is a historical document. It can all be read. It all flows through.

In the end, we got to this point where not only was there a dot-com bubble that burst that I think stimulated the unnaturally low interest rates that put us in the place where we had the housing bubble that burst, but the housing bubble was created not just because of unnaturally low interest rates, but because lending institutions were given an incentive under the Community Re-

investment Act to give bad loans in bad neighborhoods, and Fannie Mae and Freddie Mac were undercapitalized and under-regulated, and there was a perverse incentive for them to pick up these secondary market loans and tranche those and roll them on up the chain.

And while that was going on, we had mark to market accounting, which is a good process when you have a market that's going up, and if you have a market that's going down, it accelerates the decline. It was a brutal and horrible self-inflicted wound, the mark to market accounting component of this.

While this was going on, additionally, we had a Congress that again refused to regulate Fannie Mae and Freddie Mac, and you had AIG that was insuring these mortgage-backed securities and these bundles of securities, and they had such a large market share there was nobody in the country that could look over their shoulder and pass judgment upon their evaluation of the risk.

And so we had a market that was under-regulated, a market that wasn't indexed back to the real estate value that underlined the bundles of toxic debt that we call it today, the mortgage-backed securities. That's how we got here.

There were many people that made mistakes along the way. And there was a failure to be clairvoyant on the part of all of us. But the voices that I have heard, there's been many voices that said, from my side of the aisle, capitalize Fannie and Freddie, regulate Fannie and Freddie. The Community Reinvestment Act is a perverse incentive, and mark to market accounting was a self-inflicted wound, a hideous self-inflicted wound on this country.

All of those things, put together, none of us are without fault in this. But there is no one that laid out the clarity of this in the beginning that can look back to the record and say, I got it all right; you just wouldn't listen to me. Some did. Some got parts of it right and we've talked to some them of them tonight.

Mr. Speaker, I would be very happy to yield to the gentleman from Texas, my friend, Mr. GOHMERT, East Texas I might say, and an "Aggie."

Mr. GOHMERT. I appreciate my friend from Iowa yielding, and I appreciate his discussions here on the floor tonight.

And if I may seek indulgence in the last 5 minutes, I'm hoping to pay tribute to one of my constituents that won a—not won, but earned a Silver Star, if I might be allowed to do that at the end of the hour.

But what had concerned me, you know, we all have these meetings and hearings and it goes on all day long and often, around 11, 12, midnight, I sit down and I can catch up on some news. I can catch up on replays, sometimes

on C-SPAN. But anyway, C-SPAN does help because, you know, we can see things from our office that we weren't able to get to the floor because of other things going on.

But I had seen on C-SPAN debate with the chairman with whom my friend from Iowa was engaging earlier, and I had seen him engaging with my friend from Texas, Mr. CULBERSON.

□ 2230

And I became very disturbed. As we know, there are rules of decorum here on the floor that we're not to insult another Member of Congress, that we're not to insult a Senator or the President, and so I became intrigued and very concerned as I heard Chairman FRANK making statements. I've gotten the RECORD since then. The comment was made about my friend Mr. CULBERSON by Chairman BARNEY FRANK.

"I've never seen people, Mr. Chairman, so attached to something they hate. This is presumably a psychological disorder which I'm not equipped to diagnose."

Well, that caught my attention. He's accusing Mr. CULBERSON of having a psychological disorder, and so it seemed—well, in Shakespearean words, "Me thinks he doth protest too much." So I began to listen more. He went on and continued speaking, and this is a quote from Chairman BARNEY FRANK.

"Speaking about being undone, my Republican colleagues are being undone by the loss of their whipping boy."

So I'm wondering this is a gentleman who is getting very sensitive and who is lashing out with what seemed to be inappropriate, perhaps not skirting over the rule, but there were other comments that certainly seemed inappropriate and unnecessary.

Chairman BARNEY FRANK said, "The bill under consideration is 5½ pages. I believe even the gentleman from Texas could have read it by now, and if the gentleman from Texas had not been able to read this 5½-page bill, I will talk long. Even if you read it slow, you'll get it done."

He went on and said, "My colleagues on the other side are kind of like kids who have a toy bear or a blanket, and this security blanket means a lot to them. Their security blanket is being able to complain about something that happened before the break. This bill undoes what happened before the break and makes it a nullity. They at some point, Mr. Chairman, have to outgrow the security blanket."

So he's calling people on this side of the aisle little children. Of course the debate that was going on was the concern from our side that, first of all, we had been promised by our new President and by the Speaker, and we'd even passed a bill in here that said we had to have 48 hours to review any bill that they rushed in here to the floor. We

had to have that chance. Yet they came in and immediately filed a bill. I think it went up on the Internet at around 11:00 or 12:00, and at 9:00 or 10:00 the next morning, we were having a debate on it and a vote on it that day. There was no 24 hours, but we were told we had to do that. It was critical. It was a crisis. People were losing their jobs every minute that we didn't vote on it and pass it.

So they ran roughshod. They would not allow any Member of this body the time to read the bill. They ran roughshod over everybody. Nobody had a chance to read it. Then to come in and accuse people on this side of the aisle, who were concerned about that, of being kids wanting a security blanket, I'll tell you: It is a security blanket to me that we could be able to read bills before we cram them down the throats of Americans. So I'm hearing this on C-SPAN.

Here is another comment by Chairman FRANK: "The gentleman from Texas has now had a chance to read the bill, and has a question for me about this bill."

He goes on and says, "He can have all the Special Orders he wants in order to beat that dead horse, because it is a dead horse. This bill that he does not want to debate the merits of, that he is probably prepared to vote against—that he didn't want to debate the merits of? That was uncalled for and was inappropriate. We were entirely prepared to try to debate the merits, but here again, it had to do with seeing a bill rushed through here without a chance for anybody to read it and then rushing in last week and saying, 'Here. Let's quickly vote on a 90 percent tax after the fact, ex post facto, a bill of attainder in all likelihood, due process issues, taking issues, equal protection issues, all kinds of questions about it.

Rush that in as a fix. Then here they come, rushing right back in, saying, 'Well, we've got another fix. This will even be better,' and we wonder why people would want to question it. Well, you know, is this 5½-page bill any better than the one you rushed through last week? There were concerns.

Chairman FRANK also went on and said, "Apparently, there are two alternative strategies that the minority has in discussing this bill: One, discuss a bill that was passed 6 weeks ago; two, ignore the rules of the House and just talk whenever they feel like it. Neither one seems, to me, to advance debate."

So I'm hearing these things coming from Chairman FRANK. There was something amiss here.

He went on to also say, "This is a revolt against King George, in effect, and it is—King George Bush." That is really unnecessary, slamming the former President. Talk about a whipping boy. They made former President Bush quite the whipping boy at every chance. They still are.

I mean, the Constitution makes very clear that Congress is the one that has to appropriate money and pass spending bills. After the Democrats took the majority in 2007 and 2008 and passed these enormous spending bills, which only Congress can do, they still want to blame the President who had no power to legislate.

Chairman FRANK also went on and said, "I wish I didn't have to listen to some of these speeches, particularly the repetitive ones about the bill 6 weeks ago."

He also said, "But when Members complain about something that might happen that won't happen, it is because they are against what is happening but don't have the confidence that, if they said it, people would believe it." This was also a slam at the motives of the people who had proper concerns about the rush repeatedly to pass something so it looked to people across America that something was being done.

As a former judge, when I hear people being that sensitive and lashing out at others, there is something here, so I had gone back and had pulled some quotes to see if, perhaps, this was the source of the sensitivity.

On September 25, 2003, at the hearing on H.R. 2575, The Secondary Mortgage Market Enterprises, Mr. FRANK said, "There are people in the country who are prepared to lend money to Fannie Mae and Freddie Mac at less interest rates than they might get elsewhere. I thank those people for doing that. I must tell them that I hope they are not doing that on the assumption that, if things go bad, I or my colleagues will bail them out. We will not."

Also on page 4, "I think it is clear that Fannie Mae and Freddie Mac are sufficiently secure, so they are in no great danger."

Also on page 4, this again is Mr. FRANK. "I don't think we face a crisis; I don't think that we have an impending disaster. We have a chance to improve regulation of two entities that I think are, on the whole, working well." Well, we know now they were not at all.

In debate on the floor here on H.R. 1461, to reform regulation of Fannie and Freddie, October 26 of 2005—this is in the CONGRESSIONAL RECORD—Mr. FRANK said, "There are banks who complain that because Fannie and Freddie are perceived to have some backup from Congress—and let me say right now, if you are listening, if you are buying Fannie's or Freddie's paper because you think I am going to vote to bail you out, sell it and cash it in. I am not going to do that. I do not think there is a Federal guarantee." We know, apparently, he didn't mean what he said or he has changed his mind since then.

On July 19 of 2008—and this is Air America's 7 Days quoting Chairman FRANK—"It's really been a test of regulation . . . a conscious decision

brought by Alan Greenspan, who is the arch de-regulator. Because in 1994, not coincidentally, the last time the Democrats had a congressional majority before this year, a bill was passed that was called the Homeowner Equity Protection Act, that said to the Federal Reserve, 'Look, we now have loans being made by non-regulated entities, so please pass some rules. We give you the statutory authority to pass the rules to contain their activity and make it more responsible.' Alan Greenspan said, 'Oh, no. That's interfering with the market. I can't do that.' He didn't do it; that's where the crisis came." Interesting place to blame.

In any event, on September 10 of 2003, there is one other quote from Mr. FRANK. "The more people, in my judgment, who exaggerate a threat of safety and soundness, the more people conjure up the possibility of serious financial losses to the Treasury"—and these are Mr. FRANK's words—"which I do not see. I think we see entities that are fundamentally sound financially and withstand some of the disaster scenarios." That was from *The Wall Street Journal* on October 2, 2008, bringing back that quote from 2003.

So, as I look back—and I was looking for the justification of why such an intellectual man as Mr. FRANK would be lashing out, calling names, accusing people here on the floor of having psychological disorders—I began to get a picture, and it may have to do with what the gentleman from Iowa pointed out earlier about who ends up squealing. There was something there that did trigger, perhaps, more sensitivity than we might have thought necessary, but when you get to the bottom of it, there are quotes here that are a problem, that did help protect Fannie when they should have had some things done to shore them up and should have had a protection that prevented that from happening.

So I appreciate the gentleman yielding.

Again, I go back. There was no need to lash out at Mr. CULBERSON and at others, but the more you look back at the quotes over the last 5 years, even into the nineties, you begin to see, maybe, why there is such sensitivity on these issues.

I appreciate my friend yielding. I yield back to him.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas for that measured response to, I think, the very long response that was delivered by the chairman of the Financial Services Committee.

Mr. Speaker, I sat here for an hour and took notes on that because I thought it was important that I listen carefully to that presentation, as unusual as it is to have the Chair of the Financial Services Committee come and ask for a late hour after the adjournment, after the break for Easter

recess, when most of the Members have gone and have caught flights for home. To have the chairman of the Financial Services Committee come to the floor and ask for an hour to be able to make his case to the American people after a budget is passed, after we've had this intensive 2 days of debate on the finances of this country, I think, is relatively unusual.

In my pages of notes that I took during that 55- or 60-minute period of time, as I scanned those notes after the fact. There seems, to me, to be a lot of things in these notes that are somewhat repetitive, and there are not a lot of significant points that can be raised out to be rebutted. The subject boils down to this, Mr. Speaker, and that is:

Who was in favor of the regulation of our financial industry and who was not? Who is on record as opposing the capitalization and regulation of Fannie Mae and Freddie Mac? Who is on record of supporting the Community Reinvestment Act? Who is on record as advocating the irresponsible financial activities here in this country? Who seems to be, I think, unusually defensive about his position and consistently making the charge that Republicans have a fear of regulation?

Here is another one: "the fear of the right wing that regulation is coming." Another statement would be: "It was a lack of regulation that did it."

There is an emphasis on fear of regulation when we have Members who have consistently supported wise and smart fundamental regulation. In fact, we want to see businesses that are able to operate, function, profit, and thrive within the tax and regulatory environment that we give them.

By the same token, Mr. Speaker, we're opposed to the idea that we should leave holes there that will be perverse incentives that would allow Fannie and Freddie to collapse and to put that entire liability on the backs of the American taxpayers—yes, maybe \$100 billion for each of those entities, Fannie and Freddie, but \$5.5 trillion of potential liability wrapped up in those two. Now it's a wholly-owned subsidiary of the Federal Government. Fannie and Freddie are nationalized, and that's a fact, Mr. Speaker, and they're nationalized because we didn't have the right kind of regulations which I supported and voted for on this floor and that others, who seemed to be very defensive, opposed directly. It's a matter of the CONGRESSIONAL RECORD. It's a matter of the quotes that have been delivered by Mr. GOHMERT of Texas and those that I've pulled out of my memory in the dialogue with the chairman. That's just Fannie Mae and Freddie Mac.

If you go down through the rest of the list of these flaws that we have in our financial structure, where were these clairvoyant gurus in 2007 when mark-to-market accounting slid

through without objection? It's something that didn't show up on very many radar screens. It's something that remains a foundation to the hideously self-inflicted wound that we have in our economy.

□ 2245

That's the regulation of mark-to-market accounting. Additionally, the AIG, which I spoke of, AIG sitting there as a large insurance company, essentially a bonding company that laid out the premiums to guarantee bundles of mortgage-backed securities in their performance not based upon the value of the real estate that was the collateral that underlined those bundles of mortgages but based upon what their judgment was of the performance, the anticipated performance of these bundles of mortgage-backed securities. Based upon speculation but not oversight over the shoulder of AIG.

Another perverse incentive which was that AIG executives, the people who were actually the executives and the front-line people who were marketing these insurance policies that ensured the bundles of mortgage-backed securities were getting their commission out up front, Mr. Speaker. And so once they cashed their check, they didn't have any responsibility any longer or they didn't have any accountability to what would be the result of whether those loans were performed on or whether they were not.

I would be happy to yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate my friend from Iowa yielding.

I have run across some quotes.

I was at the home of some friends of mine in Dallas, and they had a number of fantastic quotes from our history, and I think what we've seen today as this budget, this terrible, terrible budget was passed, just one of the quotes from Thomas Jefferson, this brilliant man, was, "the natural progress of things is for liberty to yield and government to gain ground." And that's exactly what we saw today with this budget. Liberty was yielding, the government taking more and more control of everything. Thomas Jefferson knew it.

I mean, it's like Solomon said, There is nothing new under the sun. These things that people think are new and innovative, it is not new. It failed in the New Testament church, it failed the Pilgrims when half of them nearly starved the first winter. They came up with this grand idea, let's give everybody their own private property and make them responsible for producing on their own property—and they have access. It's theirs. They can borrow it, sell it, whatever. It's theirs. It was a great idea. And that carried over 150 years into the Constitution, this idea of private property and the government not trying to run everything.

But what I would humbly submit, the way it appears to me and why we're seeing so much government intervention, the more it does, the more it feels like it has to do.

But what we've seen like Madoff, things like Countrywide, some of the people there who shoved people into mortgages they couldn't afford, packaged them together and then sold them off without recourse, made their millions. You know, things like that, those are the things this Nation, this government of this Nation, are supposed to be looking for. We're supposed to make sure there is a level playing field. We're supposed to protect this Nation against all enemies, foreign and domestic. We had some domestic enemies that were hurting people in this country.

But what happens is when we get so caught up in trying to run everything, telling Detroit exactly what kinds of cars you have got to make, telling the business people this is what you have got to do, we're so busy telling people how to run their lives, how to run their businesses, that we lost what we are supposed to be doing. We're supposed to provide these people with a defense from the crooks from the domestic and foreign enemies. But oh, no. We're too busy telling them what they are supposed to do.

I love what Abe Lincoln said. He said, "We have been the recipients of the choicest bounties of heaven. We have grown in numbers, wealth and power as no other Nation." He concluded, "though but we have forgotten God. Because if you know that there is an ultimate Universal source of right and wrong, then you care more about doing right and trying to help others do right." And that's what this government is supposed to be doing. We're supposed to be catching cheaters, dishonest people hurting America, and we lose that grip when we try to run everything.

And I would also point out as you try to get your hands around this huge budget that increases the deficit—I mean, people—we got beat up in 2005 and 2006. My first years here, we were in the majority. We were beat up because we were spending too much money, and we were. But then turn around to 2007 and 2008, the Democrats have control of everything. They are not reigning in spending. It goes through the roof. And now it's gone even further.

So if you want to know the bottom-line secret of what this budget is about, I would submit to you it can be found in one action: that was in this administration sending Secretary of State Clinton to China to beg them to loan us more money. That's what this budget does. It makes us beg China for more money.

Mr. KING of Iowa. I very much thank the gentleman from Texas.

I am starting my seventh year here, and I have watched some sea changes politically. I have watched some things shift. I have watched the majority change. I have watched the Presidency change, and I have watched the majority change in the United States Senate. I don't think that I have worked within every possible configuration out of those three entities but a number of different ones.

And one of the things that I have observed is that the voice that I heard from the Democrats consistently over those first 4 years that I was here, and then to some degree over the next two, was especially, especially from the Blue Dogs, Mr. Speaker, that came to this floor and said, We've got to have PAYGO, pay-as-you-go accounting. We've got to have a balanced budget every year. We have to have a fiscally responsible government. And I would make the argument that they would want to tighten down the spending, that we were spending too much money. They always wanted to spend a little more money than we wanted to spend, but they thought we were spending too much in relation to the tax revenue that was coming in.

So their idea was hold down the Democrat spending idea and increase the taxes a little bit and get this thing to a pay-as-you-go equation. That's the mantra of the Blue Dogs. And we've gone through a long debate on this budget, Mr. Speaker, and it has been two intense days that this comes down to, but this debate has gone on several weeks now.

What I have noticed is the absence of the Blue Dogs. Where are they? Where is that voice of "we must balance the budget"? Where is PAYGO? What has happened to the people that were the strongest advocates for fiscal responsibility among the Democrats? I heard the debate. I was impugned by your debate over these last 6 years. But where are you now?

Puts me in mind of Punxsutawney Phil. When he comes out of the hole up there in Pennsylvania, Punxsutawney, Pennsylvania, and the groundhog sees his shadow, he gets scared and goes back in the hole again for 6 more weeks of winter. I don't know that that's necessarily the case, but I think the Blue Dogs have become the groundhogs of politics. They have gone down in the hole, and they are going to stay in there until there is a little bit more favorable climate that comes out, maybe not quite so much bright light shining, not quite so much shadows that are cast by President Obama, NANCY PELOSI, HARRY REID, this troika that drives this irresponsible spending bill. But they feel compelled to support the President. But he's our President, too.

But I don't support an irresponsible budget, Mr. Speaker, and I would have been really regretful to come to this floor to see a President of the United

States of my party that had offered the kind of spending that would double our debt in 5 years and triple it in 10 years. The kind of spending that grows this irresponsible socialization of America—we rejected for a long time the European socialization—the socialized economy of the Europeans, and now we have—the President's over in Europe and is being lobbied by the Germans and the French. They are saying, Get a grip, Mr. President. Don't be spending money so irresponsibly. The Germans are saying, Get a handle on this thing. We don't agree with you in this Keynesian, almost intoxicated Keynesian approach to spending. This is Keynesian.

And the President said to us on a day in early February that—well, he said to America that spending is stimulus. And then he said that FDR's New Deal actually would have worked except FDR essentially lost his nerve and was concerned about spending too much money. And so what you had was, according to the President, was a recession within a depression. And if you look at the records, there was a little dip in the economy in the late 1930s, but he argued that along came the biggest stimulus plan ever, which was World War II, which brought us out of the Great Depression.

Mr. Speaker, I will argue that the New Deal wasn't a good deal. No amount of more government spending, more profligate spending was going to get us out of the Great Depression. If you look at the data, there is no Keynesian approach in free market history that you can demonstrate that prevailed or produced a positive result.

In fact, if you look at the New Deal in the 1930s, that Keynesian spending, which I think intoxicated FDR for the first half of that decade, doesn't show that the economy grew. It shows that it was flat and then it declined.

And if you look at the wild Keynesian spending that took place in Japan when they had their economic recession in the 1990s, the more money they spent, the deeper they went into debt and the less they had to show for it. That's odd. That's what Henry Morgenthau said back in the 1930s as well, Mr. Speaker.

So when you look at that data—and if the people on this side of the aisle and the people that are running this show out of the White House can't point to an economic time in history that their model, which is the New Deal, they can't point to a time in history when it works, the data is not there. It does not exist, Mr. Speaker. And yet the President was only critical of FDR to the extent that he lost his nerve and he should have spent more money in the 1930s.

Well, I can tell you this President has not lost his nerve. He is spending money hand-over-fist in a fashion that is unparalleled in American history

and maybe unconceived by any world leader in American history. And the price that we are paying for this—we've said over and over again—goes into the next generations. And the best you can hope for with a New Deal, a new New Deal—because we had an old New Deal that was a failed New Deal—the best you can hope for with an uber new New Deal of President Obama's is it may diminish the depths to which we might otherwise decline.

But the price for it's a very, very long delayed recovery, Mr. Speaker. That's what we're faced with today.

This budget that's crossed the path of the floor of this House is an irresponsible budget. It's a budget that spends way beyond our means. It's a budget that doubles our deficit in 5 years and triples it in 10. It's a budget that's irresponsible. It's one that doesn't even meet the needs of the United States of America, and it's one that I don't want to see my children saddled with.

And I can tell you, it's one that my children—or now men—call me and send me e-mails on an almost daily basis and are saying, What are you letting happen to me? What is happening to me? And they are going to be paying the price. My grandchildren will be paying the price. And I fear, Mr. Speaker, that my great grandchildren, should I be blessed with any, will be paying the price.

The gentleman from Texas has a point to make before we adjourn. I will be happy to yield.

Mr. GOHMERT. You know, many in this body think this Nation will go on forever. We know no nation will last forever. We are endowed by our Creator with certain inalienable rights. But those rights are like any inheritance. You only get to have them if people are willing to fight and protect them, fighting government and then fight our enemies abroad.

Well, in the summer of 2008, media from around the country released reports on an attack on an American military outpost base in the Kunar province of Afghanistan near the Pakistani border. Accounts say that 45 U.S. paratroopers and 25 Afghan soldiers were assaulted by up to 500 Taliban and al Qaeda fighters, bombarding our soldiers with rocket-propelled grenades and mortars. Nine U.S. soldiers were killed, 15 injured, and it was called the deadliest attack on American forces in Afghanistan since 2005.

I am here today to honor these servicemembers for their incredible sacrifice and to especially recognize one in particular who I am so very proud and humbled to represent as his U.S. Congressman.

□ 2300

Army Specialist Aaron David Davis, from Kilgore, Texas, was serving as an anti-armor gunner of the 173rd Air-

borne Brigade Combat Team and was sent in as reinforcement when insurgents assailed our soldiers on July 13, 2008.

In the rural town of Wanat, Afghanistan, Specialist Davis and his men were bombarded by enemy fire from all sides as insurgents took over homes and mosques in their attempts to seize the newly established American base there. Specialist Davis and his fellow soldiers were vastly outnumbered, but they continued to courageously fight. Specialist Davis saw many of his fellow soldiers killed in the midst of that chaotic combat and was wounded himself; yet he was not deterred from fiercely protecting the base and his friends.

An American military helicopter finally came to the rescue, but even after he was told to get on the helicopter that would surely be his ticket to safety, a wounded and hurting Davis was more concerned with the protection of others. With his own life in peril, he stayed and continued to fight.

Among his heroic actions, Specialist Davis crawled to the frontline to check on a fellow soldier, and then he helped save three fellow soldiers, putting them on gurneys and helping get them airlifted out of the ongoing battle. While fighting to protect these men, Davis was again wounded, receiving shrapnel in his left hand, left arm, and behind his right eye. He became so wounded he finally had to be lifted away from the fight himself.

There is so much more to the story, and I wish there were more time to elaborate on this young man's incredible selflessness. Aaron Davis spend many weeks recovering from his wounds at Walter Reed Army Medical Center, and he is now back on active duty at Fort Sam Houston, continuing to boldly serve his country while still further rehabilitating.

He was recently awarded the Purple Heart for the wounds he suffered, as well as the Silver Star, the third highest military decoration that can be awarded to a member of any branch of the United States Armed Forces, for his incredible courage and unwavering commitment to his country and his fellow soldiers. Specialist Aaron Davis deserves our thanks for his bold bravery and selfless sacrifice.

It is the courage and commitment of Aaron Davis and his fellow soldiers and those like them that allows us to continue to enjoy our freedom as U.S. citizens. We are manifestly proud and permanently grateful. To Specialist Aaron Davis, may God bless Aaron Davis and he and all he has done for this Nation.

Mr. KING of Iowa. I will let that be the concluding word this evening.

HOUSE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates

he had approved and signed bills and a joint resolution of the following titles:

February 4, 2009:

H.R. 2. An Act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

February 17, 2009:

H.R. 1. An Act making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

March 6, 2009:

H.J. Res. 38. A joint resolution making further continuing appropriations for fiscal year 2009, and for other purposes.

March 11, 2009:

H.R. 1105. An Act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

March 20, 2009:

H.R. 1127. An Act to extend certain immigration programs.

H.R. 1541. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

March 30, 2009:

H.R. 146. An Act to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

H.R. 1512. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SENATE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

January 16, 2009:

S.J. Res. 3. A joint resolution ensuring that the compensation and other emoluments attached to the office of the Secretary of the Interior are those which were in effect on January 1, 2005.

January 29, 2009:

S. 181. An Act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

February 11, 2009:

S. 352. An Act to postpone the DTV transition date.

March 9, 2009:

S. 234. An Act to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINOJOSA (at the request of Mr. HOYER) for today on account of major knee surgery and replacement.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of a personal illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MASSA) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, today.

Mr. ROGERS of Michigan, for 5 minutes, today.

Mr. ROE of Tennessee, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the fol-

lowing title, which was thereupon signed by the Speaker:

H.R. 1388. The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, April 6, 2009, at 10 a.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 93, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY AND AFGHANISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 2009

Name of Member or Employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi, Speaker	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. John Larson	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. George Miller	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Rosa DeLauro	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. William Pascrell, Jr.	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Anna Eshoo	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Edward Markey	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Michael Capuano	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Wilson Livingood	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Brian Monaghan	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Michael Sheehy	2/14	2/22	Italy		3,517.00	(3)					3,517.00
Hon. Nancy Pelosi, Speaker	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. John Larson	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. George Miller	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Rosa DeLauro	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. William Pascrell, Jr.	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Anna Eshoo	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Edward Markey	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Michael Capuano	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Wilson Livingood	2/20	2/21	Afghanistan		75.00	(3)					75.00
Hon. Brian Monaghan	2/20	2/21	Afghanistan		75.00	(3)					75.00
Michael Sheehy	2/20	2/21	Afghanistan		75.00	(3)					75.00
Nadeam Elshami	2/14	2/22	Italy		3,802.00	(3)					3,802.00
Stacy Kerr	2/14	2/22	Italy		3,802.00	(3)					3,802.00
Kate Knudson	2/14	2/22	Italy		3,802.00	(3)					3,802.00
Bridget Fallon	2/14	2/22	Italy		3,802.00	(3)					3,802.00
Steven Rusnak	2/14	2/22	Italy		3,802.00	(3)					3,802.00
Committee total											58,522.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Mar. 24 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN VIENNA, AUSTRIA, AND OBERAMMERGAU/GARMISCH, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 2009

Name of Member or Employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Tanner	2/14	2/17	Belgium		618.00		(3)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Hon. John Boozman	2/14	2/17	Belgium		618.00		(3)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN VIENNA, AUSTRIA, AND OBERAMMERGAU/GARMISCH, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 2009—Continued

Name of Member or Employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Jo Ann Emerson	2/20	2/22	Germany		772.64						
	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
Hon. Baron Hill	2/20	2/22	Germany		772.64						
	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
Hon. Carolyn McCarthy	2/20	2/22	Germany		772.64						
	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
Hon. Charlie Melancon	2/20	2/22	Germany		772.64						
	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
Hon. Jeff Miller	2/20	2/22	Germany		772.64						
	2/14	2/17	Belgium		618.00		4,253.93				4,871.93
Hon. Dennis Moore	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Hon. Mike Ross	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Hon. David Scott	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Melissa Adamson	2/14	2/17	Belgium		618.00		(³)				2,880.55
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Kathy Becker	2/14	2/17	Belgium		618.00		3,391.10				6,271.65
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Paul Belkin	2/14	2/17	Belgium		618.00		3,391.10				6,271.65
	2/17	2/18	France		627.78						
	2/18	2/20	Austria		862.13						
	2/20	2/22	Germany		772.64						
Delegation Expenses:											
Representational Funds									17,815.15		17,815.15
Miscellaneous									684.97		684.97
Committee total					35,184.60		11,036.13		18,500.12		64,720.85

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. JOHN S. TANNER, Chairman, Mar. 24, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1178. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Weatherization Assistance Program for Low-Income Persons [Docket No.: EEWAP1201] (RIN: 1904-AB84) received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1179. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementations Plans; Kentucky; Approval Section 110(a)(1) Maintenance Plans for the 1997 8-hour ozone standard for the Huntington-Ashland Area, Lexington Area and Edmonson County [EPA-R04-OAR-2007-1186-200821(a); FRL-8781-5] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1180. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Mary-

land; Reasonably Available Control Technology Requirements for Volatile Organic Compounds [EPA-R03-OAR-2009-0058; FRL-8780-2] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1181. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Volatile Organic Compound Reasonably Available Control Technology for Reynolds Consumer Products Company [EPA-R03-OAR-2009-0093; FRL-8779-8] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1182. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to the Control of Air Pollution from Combustion of Refuse [EPA-R03-OAR-2009-0110; FRL-8782-2] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1183. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson Counties [EPA-R04-OAR-2007-0359-200823(a); FRL-8781-7] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1184. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Other Solid Waste Incinerator Units; Arizona; Pima County Department of Environmental Quality [EPA-R09-OAR-2008-0942; FRL-8781-2] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1185. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California; Amador County Air Pollution Control District, San Diego County Air Pollution Control District [EPA-R09-OAR-2008-0759; FRL-8783-7] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1186. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2008-0756; FRL-8784-9] received March 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1187. A letter from the Senior Legal Advisor, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S. — Canada Border Regions [WT Docket 02-55] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1188. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

1189. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Africa, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1190. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Africa, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1191. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Asia, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1192. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Asia, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1193. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Democracy, Conflict & Humanitarian Assist., transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1194. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Democracy, Conflict & Humanitarian Assist., transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1195. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, Bureau for Global Health, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1196. A letter from the Chief Operating Officer/Executive Secretary, Agency for Inter-

national Development, Bureau for Middle East, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1197. A letter from the Deputy Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1198. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Energy Information Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1199. A letter from the Deputy Chief Human Capital Officer, Department of Energy, National Nuclear Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1200. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Fossil Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1201. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Fossil Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1202. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Nuclear Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1203. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Electricity Delivery & Energy Reliability, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1204. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Environmental Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1205. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Asst. Secretary for Congressional & Intergovernmental Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1206. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Civilian Radioactive Waste Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1207. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Minority Economic Impact, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1208. A letter from the Deputy Chief Human Capital Officer, Department of En-

ergy, Office of Science, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1209. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Under Secretary of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1210. A letter from the Assistant Administrator for Human Capital Mgt, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1211. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Europe and Eurasia, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1212. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Europe and Eurasia, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1213. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Global Health, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1214. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Legislative and Public Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1215. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Legislative and Public Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1216. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Middle East, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1217. A letter from the White House Liaison, U.S. Department of Education, Office of the Under Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1218. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 071212833-8179-02] (RIN: 0648-XM22) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1219. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's Report of the Attorney General on the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2008; to the Committee on the Judiciary.

1220. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan

Engines [Docket No.: FAA-2007-28413; Directorate Identifier 2007-NE-25-AD; Amendment 39-15826; AD 2009-05-02] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1221. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No.: FAA-2008-0735; Directorate Identifier 2008-NM-085-AD; Amendment 39-15803; AD 2009-03-02] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tower, MN [Docket No.: FAA-2008-1186; Airspace Docket No.: 08-AGL-12] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Columbus, OH [Docket No.: FAA-2008-1185; Airspace Docket No.: 08-AGL-11] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1224. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Medford, WI [Docket No.: FAA-2008-1211; Airspace Docket No.: 08-AGL-13] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1225. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30654 Amdt. No.: 3310] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1226. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30655 Amdt. No.: 3311] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1227. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0130; Directorate Identifier 2008-NM-225-AD; Amendment 39-15817; AD 2009-04-11] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1228. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Gain Recognition Agreements with Respect to Certain Transfers of Stock or Securities by United States Persons to Foreign Corporations [TD 9446] (RIN: 1545-BG09) received

March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1229. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2009-6) received March 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1230. A letter from the Under Secretary for Benefits and Acting Under Secretary of Defense Personnel and Readiness, Department of Veterans Affairs and Department of Defense transmitting a report for fiscal year 2008 regarding the activities and accomplishments of both Departments, pursuant to 38 U.S.C. 320; jointly to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111-74). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG:

H.R. 1865. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Ms. BALDWIN, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHAY, Mr. MCCLINTOCK, Mr. GEORGE MILLER of California, Mr. ROHRBACHER, Mr. STARK, and Ms. WOOLSEY):

H.R. 1866. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marijuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona (for herself and Mr. THOMPSON of Mississippi):

H.R. 1867. A bill to authorize additional resources for the Department of Homeland Security to enhance security activities along the international border with Mexico, and for other purposes; to the Committee on Homeland Security.

By Mr. DEAL of Georgia (for himself, Mr. BILBRAY, Mr. DANIEL E. LUNGREN of California, Mr. WESTMORELAND, Mr. JONES, Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. MARCHANT, Mr. CAMPBELL, Mr. KINGSTON, Mr. HELLER, Mr. NEUGEBAUER, Mr. JORDAN of Ohio, Mr. CONAWAY, Mr. WHITFIELD, Mr. LINDER, Mr. CULBERSON, Mr. MCCOTTER, Mr. HERGER, Mr.

AKIN, Mr. GOHMERT, Mr. BOOZMAN, Mr. LAMBORN, Mr. CALVERT, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. SMITH of Nebraska, Mr. TAYLOR, Mr. GARY G. MILLER of California, Mr. COFFMAN of Colorado, Mrs. MYRICK, Mr. BARTLETT, Mr. ROHRBACHER, Ms. FOXX, Mr. KING of New York, Mr. DUNCAN, Mr. POE of Texas, and Mr. PRICE of Georgia):

H.R. 1868. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 1869. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture.

By Mr. MCGOVERN (for himself, Mr. MARKEY of Massachusetts, Mr. BILBRAY, Mr. GRIJALVA, Mr. SIREN, Mr. NADLER of New York, Mr. MCMAHON, Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Mr. WU, Ms. BORDALLO, Mr. DANIEL E. LUNGREN of California, Mr. GARRETT of New Jersey, Mr. GONZALEZ, and Mr. LEWIS of Georgia):

H.R. 1870. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; to the Committee on the Judiciary.

By Mrs. KIRKPATRICK of Arizona:

H.R. 1871. A bill to designate certain counties in the State of Arizona as high-intensity drug trafficking areas; to the Committee on the Judiciary.

By Mr. SPACE (for himself, Mr. FILNER, Mr. WALZ, and Mr. NYE):

H.R. 1872. A bill to require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop and implement a secure electronic method of forwarding the Certificate of Release or Discharge from Active Duty (DD Form 214) to the appropriate office of the Department of Veterans Affairs for the State or other locality in which a member of the Armed Forces will first reside after the discharge or release of the member from active duty; to the Committee on Armed Services.

By Mr. MURPHY of Connecticut (for himself, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, and Mr. HIMES):

H.R. 1873. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to juveniles who have committed offenses, and for other purposes; to the Committee on Education and Labor.

By Ms. SCHAKOWSKY (for herself, Mr. HARE, Mr. HALL of New York, Mr. MICHAUD, Ms. SUTTON, Mr. MASSA, and Ms. WOOLSEY):

H.R. 1874. A bill to provide Federal contracting preferences for, and a reduction in the rate of income tax imposed on, Patriot corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Ms. SLAUGHTER, Ms. KAPTUR, and Mr. MASSA):

H.R. 1875. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself and Mr. BARTLETT):

H.R. 1876. A bill to amend title 10, United States Code, to require the incorporation of Leadership in Energy and Environmental Design (LEED) principles in military construction projects carried out in the United States or overseas, to require a specific goal regarding the use of renewable energy sources on all military installations, and for other purposes; to the Committee on Armed Services.

By Ms. MOORE of Wisconsin (for herself, Mrs. BIGGERT, Ms. WATERS, Mr. DAVIS of Kentucky, Mr. FRANK of Massachusetts, Mrs. CAPITO, and Mr. CARSON of Indiana):

H.R. 1877. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 1878. A bill to establish a health and education grant program related to autism spectrum disorders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself and Ms. BORDALLO):

H.R. 1879. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

By Ms. BEAN (for herself and Mr. ROYCE):

H.R. 1880. A bill to establish a system of regulation and supervision for insurers, insurance agencies, and insurance producers chartered or licensed under Federal law that ensures the stability and financial integrity of those insurers, agencies, and producers and that protects policyholders and other consumers served by such insurers, agencies, or producers; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. CARNEY, Mr. PASCRELL, Ms. ZOE LOFGREN of California, Mr. MARKEY of Massachusetts, Mrs. KIRKPATRICK of Arizona, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Mr. HINCHY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KIND, Mr. MCMAHON, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Ms. NORTON, and Mr. FILNER):

H.R. 1881. A bill to enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mr. JONES):

H.R. 1882. A bill to amend the Truth in Lending Act to provide safeguards for credit card holders whose accounts were, or are about to be, terminated for inactivity, and for other purposes; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Ms. JACKSON-LEE of Texas, and Ms. LEE of California):

H.R. 1883. A bill to require the Secretary of Health and Human Services to carry out a demonstration grants program to provide for certain patient coordination, outreach, and assistance services to reduce barriers to receiving health care and improve health care outcomes; to the Committee on Energy and Commerce.

By Mr. GORDON of Tennessee (for himself, Mr. PITTS, Mr. BOUCHER, and Mr. OLIVER):

H.R. 1884. A bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. SENBRENNER, Mrs. BACHMANN, Mr. CLAY, Mr. COBLE, Mr. COHEN, Mr. CUELLAR, Mr. CUMMINGS, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. GOODLATTE, Mr. GORDON of Tennessee, Mr. HELLER, Mr. HERGER, Mr. HOLT, Mr. ISSA, Mrs. KIRKPATRICK of Arizona, Mr. LOBIONDO, Mr. ROGERS of Kentucky, Mr. ROHRBACHER, Mr. ROYCE, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of Texas, and Mr. WAMP):

H.R. 1885. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, and Mr. WEXLER):

H.R. 1886. A bill to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mrs. CAPPS, Ms. CLARKE, Mrs. DAHLKEMPER, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Ms. TSONGAS, Ms. EDWARDS of Maryland, Mrs. HALVORSON, Ms. KAPTUR, Ms. KILROY, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Ms. MARKEY of Colorado, Ms. WATERS, Mrs. NAPOLITANO, Ms. PINGREE of Maine, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, Ms. TITUS, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Ms. ESHOO):

H.R. 1887. A bill to establish a Presidential Commission on Women, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. JOHNSON of Georgia (for himself, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. KAGEN, and Mr. PERLMUTTER):

H.R. 1888. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to vehicle fleet operators for purchasing tires made from recycled rubber; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. SABLÁN):

H.R. 1889. A bill to amend the Federal Water Pollution Control Act to reserve funding for American Samoa, the Northern Marianas Islands, Guam, and the Virgin Islands;

to the Committee on Transportation and Infrastructure.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. SABLÁN):

H.R. 1890. A bill to amend the Safe Drinking Water Act to increase the percentage of State revolving loan funds reserved for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands; to the Committee on Energy and Commerce.

By Mr. ALEXANDER:

H.R. 1891. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for half of an individual's long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. AUSTRIA:

H.R. 1892. A bill to designate the facility of the United States Postal Service located at 102 North Main Street in Cedarville, Ohio, as the "William 'Brent' Turner Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BACHUS (for himself and Mr. LATOURETTE):

H.R. 1893. A bill to prohibit any person which sells to or otherwise disposes of any asset through a public-private investment program, including the Public-Private Investment Program for Legacy Assets, from purchasing or otherwise acquiring any other asset from or through such programs, and for other purposes; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mr. PAYNE, Mr. GRIJALVA, Mr. MCGOVERN, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. OLIVER, Ms. BALDWIN, Mr. SESTAK, Mr. HINOJOSA, Mr. CULBERSON, Mr. BOSWELL, Mr. GENE GREEN of Texas, Ms. KILPATRICK of Michigan, Mr. PAUL, Mrs. LOWEY, Mr. COURTNEY, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Ms. SCHWARTZ, Mr. SESSIONS, Mr. THOMPSON of California, Ms. KILROY, Ms. HIRONO, Mr. MCDERMOTT, Ms. CASTOR of Florida, Mr. FALEOMAVAEGA, Mrs. DAVIS of California, Mr. ENGEL, Mr. WEXLER, Mr. TANNER, Mr. FARR, Mr. SHERMAN, Ms. WATSON, Ms. TITUS, Ms. MOORE of Wisconsin, Ms. LINDA T. SANCHEZ of California, Ms. KOMAS, Mr. KENNEDY, Mr. GEORGE MILLER of California, Ms. SPEIER, Ms. TSONGAS, Ms. DEGETTE, Mrs. NAPOLITANO, Mr. CARNAHAN, Ms. ROYBAL-ALLARD, Mr. KAGEN, Ms. HARMAN, Mr. SERRANO, Ms. MARKEY of Colorado, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Ms. WOOLSEY, Ms. LEE of California, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, and Mr. PIERLUISI):

H.R. 1894. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself and Mr. CASTLE):

H.R. 1895. A bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LEE of New York):

H.R. 1896. A bill to amend the Internal Revenue Code of 1986 to clarify that installment sales treatment shall not fail to apply to property acquired for conservation purposes by a State or local government or certain tax-exempt organizations merely because purchase funds are held in a sinking or similar fund pursuant to State law; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Mrs. BONO MACK):

H.R. 1897. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. KIND, Mr. TIBERI, and Mr. YARMUTH):

H.R. 1898. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for consultations regarding orders for life sustaining treatment and to provide grants for the development and expansion of programs for such orders; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD (for himself and Mr. MILLER of Florida):

H.R. 1899. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself and Mr. POE of Texas):

H.R. 1900. A bill to provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD (for himself, Mr. KLEIN of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Ms. CASTOR of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1901. A bill to provide for a comprehensive study by the National Research Council of the National Academy of Sciences to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1902. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes; to the Committee on Veterans' Affairs, and in addition

to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR (for himself, Mr. LEE of New York, Mr. DREIER, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. MCCARTHY of California, Mr. CASSIDY, Mr. CAMPBELL, Mrs. BONO MACK, Mr. PAULSEN, and Mr. BOUSTANY):

H.R. 1903. A bill to provide incentives for the residential housing market; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself, Mr. BILBRAY, Mr. MARCHANT, Mr. JONES, and Mr. POE of Texas):

H.R. 1904. A bill to amend the Internal Revenue Code of 1986 to allow individual taxpayers to designate a portion of income taxes to fund the improvement of barriers at the United States border, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. BORDALLO, Mr. FARR, and Ms. MATSUI):

H.R. 1905. A bill to amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. FARR, Mr. WAXMAN, Mr. BERMAN, Mr. STARK, Mr. SCHIFF, Ms. LEE of California, Ms. HARMAN, Ms. WOOLSEY, Mr. HONDA, Ms. ESHOO, Ms. MATSUI, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. WATSON, Ms. WATERS, Mr. BECERRA, Ms. RICHARDSON, Mr. FILNER, Ms. SPEIER, Mrs. TAUSCHER, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, and Mr. MCNERNEY):

H.R. 1906. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. CASTLE (for himself and Ms. HARMAN):

H.R. 1907. A bill to amend the Federal Food, Drug, and Cosmetic Act to use consumer information maintained by retailers to improve recalls of food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COFFMAN of Colorado (for himself, Mr. KIND, Mr. BISHOP of Utah, Mr. LAMBORN, and Ms. MARKEY of Colorado):

H.R. 1908. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property certified by the Environmental Protection Agency under the WaterSense program; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 1909. A bill to direct the Securities and Exchange Commission to suspend the ap-

plication of mark-to-market accounting; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia:

H.R. 1910. A bill to create the Office of the Chief Technology Officer within the Executive Office of the President; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia:

H.R. 1911. A bill to amend the American Recovery and Reinvestment Act of 2009 to require funding to help award recipients defray the costs of data collection requirements initiated pursuant to such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself, Mrs. LUMMIS, and Mr. BLUMENAUER):

H.R. 1912. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr.

FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mrs. BONO MACK, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CAO, Mrs. CAPPS, Mr. CASTLE, Ms. CASTOR of Florida, Mr. CLAY, Mr. CUMMINGS, Mr. DELAHUNT, Mr. DRIEHAUS, Mr. GENE GREEN of Texas, Mr. ISRAEL, Ms. KILROY, Mr. KIRK, Mr. KUCINICH, Mr. LANCE, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Mr. PETERS, Mr. POLIS of Colorado, Ms. ROSLEHTINEN, Mr. SERRANO, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Ms. WOOLSEY):

H.R. 1913. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. DEAL of Georgia (for himself, Mr. BROUN of Georgia, Mr. LINDER, and Mr. WESTMORELAND):

H.R. 1914. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Natural Resources.

By Ms. DELAURO (for herself and Mr. PLATTS):

H.R. 1915. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself and Mr. WITTMAN):

H.R. 1916. A bill to amend the Migratory Bird Hunting and Conservation Stamp Act to

provide for a revised schedule of price increases for the Migratory Bird Hunting and Conservation Stamp, popularly known as the "Duck Stamp", and for other purposes; to the Committee on Natural Resources.

By Mr. FATTAH:

H.R. 1917. A bill to establish the Centennial Historic District in Philadelphia, Pennsylvania, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE (for himself and Mr. MORAN of Kansas):

H.R. 1918. A bill to permit United States companies to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Ms. FOXX (for herself, Mr. PAUL, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. BARTLETT, Mrs. MYRICK, Mrs. BLACKBURN, Mr. PENCE, Mr. KINGSTON, and Mr. WILSON of South Carolina):

H.R. 1919. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income and Social Security taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. LAMBORN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1920. A bill to prohibit United States funding for the 2009 United Nations Durban Review Conference ("Durban II Conference") or any other activity relating to the planning, preparation, or implementation of a follow-up meeting to the 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance ("Durban I Conference") in Durban, South Africa; to the Committee on Foreign Affairs.

By Mr. GERLACH:

H.R. 1921. A bill to establish an Office of Public Advocate within the Department of Justice to provide services and guidance to citizens in dealing with concerns involving the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 1922. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. BARTLETT, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. LAMBORN, Mr. GOHMERT, Mr. BURTON of Indiana, Mr. SHIMKUS, Mr. ISSA, Mr. AKIN, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. FLEMING, Ms. FALLIN, Mr. SCALISE, Mr. FRANKS of Arizona, Mr. PAUL, Mr. ROGERS of Alabama, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. CARTER, Mr. BISHOP of Georgia, and Mr. ROSS):

H.R. 1923. A bill to require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subse-

quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, and Mr. GRIJALVA):

H.R. 1924. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILL, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIRK, Mr. LANCE, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. PIERLUISI, Mr. POLIS of Colorado, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIREN, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WU, and Mr. YARMUTH):

H.R. 1925. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in Utah for the benefit of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. HONDA (for himself, Mr. FARR, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. CAPPS, and Mr. VAN HOLLEN):

H.R. 1926. A bill to authorize the National Science Foundation to establish a Global

Warming Education Program; to the Committee on Science and Technology.

By Mr. ISRAEL (for himself and Mr. TIBERI):

H.R. 1927. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN (for himself, Mr. TERRY, Mr. BOSWELL, Mrs. BONO MACK, Ms. BORDALLO, and Mr. YARMUTH):

H.R. 1928. A bill to increase home healthcare services, particularly for underserved and at-risk populations, by assisting visiting nurse associations and other non-profit home health agencies to improve training and workforce development for home healthcare nurses, promoting and facilitating academic-practice collaborations, and enhancing recruitment and retention of home healthcare nurses; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 1929. A bill to establish the Fannie Mae and Freddie Mac Investigative Commission to investigate the policies and practices engaged in by officers and directors at Fannie Mae and Freddie Mac responsible for making the decisions that led to the enterprises' financial instability and the subsequent Federal conservatorship of such enterprises; to the Committee on Financial Services.

By Mr. KENNEDY (for himself, Mr. SIMPSON, and Mr. CUMMINGS):

H.R. 1930. A bill to amend the Public Health Service Act to provide for a loan repayment program for faculty members at programs of general dentistry or pediatric dentistry to alleviate faculty shortages; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. STARK, and Ms. DELAURO):

H.R. 1931. A bill to improve the treatment of juveniles with mental health or substance abuse disorders by establishing new grant programs for increased training, technical assistance, and coordination of service providers, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Ms. ROS-LEHTINEN, and Mr. LEWIS of Georgia):

H.R. 1932. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida (for himself, Mr. GOHMERT, Mr. SCOTT of Virginia, Mr. NADLER of New York, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, Mr. WEXLER, Ms. WASSERMAN SCHULTZ,

Mr. BOOZMAN, Ms. SUTTON, Ms. ROSELEHTINEN, Ms. BORDALLO, Mrs. MYRICK, Ms. CORRINE BROWN of Florida, Mr. NEAL of Massachusetts, Mr. LATHAM, and Ms. NORTON):

H.R. 1933. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. KRATOVIL (for himself, Mr. CONAWAY, Mr. STUPAK, Mr. WITTMAN, Mr. DELAHUNT, and Mr. GARRETT of New Jersey):

H.R. 1934. A bill to apply in fiscal year 2009 the exemption of returning workers from the numerical limitations for seasonal non-immigrant workers in order to provide short-term immediate relief to small and seasonal businesses; to the Committee on the Judiciary.

By Mr. LEVIN:

H.R. 1935. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of partnership interests held by partners providing services; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. HALL of New York, and Mr. HINCHEY):

H.R. 1936. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. HALL of New York, Mr. HINCHEY, and Mr. ENGEL):

H.R. 1937. A bill to require the Nuclear Regulatory Commission to retain and redistribute certain amounts collected as fines; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 1938. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUETKEMEYER:

H.R. 1939. A bill to direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. BRALEY of Iowa, Mrs. CAPPS, and Mr. SARBANES):

H.R. 1940. A bill to amend the Public Health Service Act to establish a Wellness Trust; to the Committee on Energy and Commerce.

By Mr. MITCHELL (for himself, Mr. FLAKE, Mr. HELLER, and Ms. TITUS):

H.R. 1941. A bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

By Mr. NADLER of New York (for himself and Mr. COHEN):

H.R. 1942. A bill to amend title 11 and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER of New York (for himself, Mrs. LOWEY, and Mr. ISRAEL):

H.R. 1943. A bill to amend the Internal Revenue Code of 1986 to provide for adjustments in the individual income tax rates to reflect regional differences in the cost-of-living; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. TIBERI, Mr. LARSON of Connecticut, Mr. HERGER, Mr. CROWLEY, and Mr. BRADY of Texas):

H.R. 1944. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. NUNES (for himself and Mr. COSTA):

H.R. 1945. A bill to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mr. MORAN of Kansas, and Ms. KILPATRICK of Michigan):

H.R. 1946. A bill to amend the Public Health Service Act to address health workforce shortages; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. PALLONE, Mr. COHEN, and Ms. LINDA T. SANCHEZ of California):

H.R. 1947. A bill to regulate certain deferred prosecution agreements and non-prosecution agreements in Federal criminal cases; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. DAVIS of Kentucky, Mr. PAUL, Mr. EHLERS, Mr. HELLER, Mr. LAMBORN, Mr. SIMPSON, Ms. KILPATRICK of Michigan, Mr. BURGESS, and Mr. SOUDER):

H.R. 1948. A bill to amend the Internal Revenue Code of 1986 to allow reimbursement from flexible spending accounts for certain dental products; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):

H.R. 1949. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):

H.R. 1950. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in prekindergarten, kindergarten, and grades 1 through 12; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MCHENRY):

H.R. 1951. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. HOEKSTRA):

H.R. 1952. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extracurricular activities; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):

H.R. 1953. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to be used for elementary and secondary education expenses; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):

H.R. 1954. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT, Mr. DUNCAN, and Mr. MCHUGH):

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mr. DAVIS of Alabama, and Mr. POE of Texas):

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due; to the Committee on Ways and Means.

By Mr. PETERS:

H.R. 1957. A bill to amend the Internal Revenue Code of 1986 to provide a higher education tuition credit in place of existing education tax incentives; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. GUTIERREZ, and Ms. VELÁZQUEZ):

H.R. 1958. A bill to amend the Military Construction Authorization Act, 1974 to repeal the limitation on the authorized uses of the former bombardment area on the island of Culebra and the prohibition on Federal Government responsibility for decontamination of the area; to the Committee on Armed Services.

By Ms. PINGREE of Maine:

H.R. 1959. A bill to direct the Department of Defense to utilize no-cost economic development conveyances as the preferred method of disposal of excess property generated through the base closure process, and for other purposes; to the Committee on Armed Services.

By Mr. PITTS (for himself, Mr. BLUNT, Mr. BROWN of Georgia, Mr. WESTMORELAND, Mr. ALEXANDER, Mrs. BLACKBURN, Mr. JONES, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. ROONEY, Ms. ROSELEHTINEN, and Mr. BURTON of Indiana):

H.R. 1960. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. KIND, Mr. MCDERMOTT, Mr. BLUMENAUER, Ms. SCHWARTZ, Mr. SESTAK, Mr. ALTMIRE, and Mr. THOMPSON of California):

H.R. 1961. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the saver's credit, to make the credit refundable, and to make Federal matching contributions into the retirement savings of the taxpayer; to the Committee on Ways and Means.

By Mr. POSEY (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 1962. A bill to authorize the Space Shuttle to be flown from 2010 through 2015, and to authorize appropriations for the National Aeronautics and Space Administration for this purpose; to the Committee on Science and Technology.

By Mr. RANGEL (for himself, Mr. FILLNER, and Ms. HERSETH SANDLIN):

H.R. 1963. A bill to amend title 10, United States Code, to ensure that members of the Armed Forces who are being separated from active duty receive comprehensive employment assistance, job training assistance, and other transitional services, to require that such members receive a psychological evaluation in addition to the physical examination they receive as part of their separation from active duty, and for other purposes; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 1964. A bill to address HIV/AIDS in the African-American community, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 1965. A bill to require the Secretary of Transportation and the Secretary of Commerce to submit to Congress reports on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LINDA T. SANCHEZ of California (for herself, Ms. KAPTUR, Mr. YARMUTH, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. GRIJALVA, Mr. HARE, Mr. HIGGINS, Mr. CLAY, Mr. SARBANES, Mr. DAVIS of Illinois, Mr. COURTNEY, and Mr. KIRK):

H.R. 1966. A bill to amend title 18, United States Code, with respect to cyberbullying; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. SMITH of New Jersey):

H.R. 1967. A bill to prohibit funding organizations that support or participate in coercive abortion or involuntary sterilization; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER:

H.R. 1968. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses to \$10,500 and to index such limitation to inflation; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ZOE LOFGREN of California, Mr. CAO, Ms. LORETTA SANCHEZ of California, Mr. ROYCE, Mr. ROHRBACHER, and Mr. PENCE):

H.R. 1969. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mrs. EMERSON, and Mr. BERRY):

H.R. 1970. A bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 1971. A bill to provide for the elimination of duties on certain comforter shells; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. PAULSEN):

H.R. 1972. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to

provide standards and procedures to guide State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 1973. A bill to amend title 39, United States Code, to require post offices to have running water and sanitation facilities, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California (for himself, Mr. HELLER, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. BACHUS, Mrs. BONO MACK, Mr. BOUCHER, Mr. BRALEY of Iowa, Mr. BURTON of Indiana, Mr. CARSON of Indiana, Mr. COURTNEY, Ms. FOXX, Mr. FRANKS of Arizona, Mrs. HALVORSON, Mr. HASTINGS of Washington, Mr. HILL, Ms. KOSMAS, Mr. LOBIONDO, Mr. MCHENNY, Mr. MCHUGH, Mr. MICA, Mr. MOORE of Kansas, Mrs. MYRICK, Mr. PERRIELLO, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. WESTMORELAND, and Mr. CROWLEY):

H.R. 1974. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi:

H.R. 1975. A bill to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the "Minnie Cox Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. RICHARDSON, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. WOLF, Mr. FORTENBERRY, Mrs. BONO MACK, Mr. SCHIFF, Ms. DELAURO, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Ms. MCCOLLUM, Mr. SERRANO, Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. SHERMAN, and Ms. ESHOO):

H.R. 1976. A bill to authorize grants for nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States; to the Committee on Foreign Affairs.

By Mr. WEXLER:

H.R. 1977. A bill to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. GARY G. MILLER of California, Mr. STARK, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA):

H.R. 1978. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. MCGOVERN:

H. Con. Res. 93. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CONYERS (for himself and Mr. DAVIS of Kentucky):

H. Con. Res. 94. Concurrent resolution encouraging the negotiation of an "Incidents at Sea Agreement" between the United States of America and the Government of Iran; to the Committee on Foreign Affairs.

By Mr. CHILDERS:

H. Con. Res. 95. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges; to the Committee on Agriculture.

By Mr. DOYLE (for himself, Mr. SMITH of New Jersey, and Mr. ENGEL):

H. Con. Res. 96. Concurrent resolution recognizing the importance of autism awareness, supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Ms. LEE of California, Mr. LANGEVIN, Mr. GRIJALVA, and Ms. SCHAKOWSKY):

H. Con. Res. 97. Concurrent resolution calling on the President to support United Nations Security Council referrals of situations involving genocide, war crimes, and crimes against humanity to the International Criminal Court, to cooperate with investigations and prosecutions conducted by the International Criminal Court, and participate as an observer at meetings of the Assembly of States Parties to the Rome Statute; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. ESHOO, Ms. MCCOLLUM, Ms. BALDWIN, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CLARKE, Ms. EDWARDS of Maryland, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, and Mr. PAYNE):

H. Con. Res. 98. Concurrent resolution recognizing the disparate impact of climate change on women and the efforts of women globally to address climate change; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H. Con. Res. 99. Concurrent resolution supporting the goals and ideals of a National Early Educator Worthy Wage Day; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. WILSON of South Carolina, Mr. MCHUGH, Mr. GALLEGLY, Mr. TURNER, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. ROYCE, Mr. PENCE, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. MANZULLO, Mr. MCCAUL, Mr. POE of Texas, Mr. SESSIONS, Mr. SHUSTER, Mr. BROUN of Georgia, Mr. SHIMKUS, Mr. KING of New York, and Mr. SMITH of New Jersey):

H. Res. 319. A resolution expressing the sense of the House of Representatives that the President should take all necessary steps to expeditiously deploy a missile defense system in Europe that will help provide such a defense to United States allies in Europe while enhancing United States defenses against missile attacks; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT (for himself, Mr. PRICE of North Carolina, Ms. LEE of California, Ms. BALDWIN, Mr. BECERRA, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COBLE, Mr. COOPER, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAUNO, Mr. EDWARDS of Texas, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ETHERIDGE, Mr. FATTAH, Ms. FOXX, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KIRK, Mr. KISSELL, Mr. ACKERMAN, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MATSUI, Mr. MCHENRY, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. PAYNE, Mr. PERRIELLO, Mr. POMEROY, Ms. RICHARDSON, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHULER, Mr. SNYDER, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WELCH, Mr. WEXLER, Ms. HERSETH SANDLIN, Mr. BARROW, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Mr. CAO, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. GONZALEZ, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. RANGEL, Ms. LINDA T. SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SPRATT, Mr. SULLIVAN, and Ms. VELÁZQUEZ):

H. Res. 320. A resolution honoring the Life and achievements of Dr. John Hope Franklin; to the Committee on Oversight and Government Reform.

By Mr. BACA:

H. Res. 321. A resolution congratulating the boys' basketball team at Eisenhower High School in Rialto, California, for winning the State championship; to the Committee on Education and Labor.

By Ms. GIFFORDS (for herself, Mr. CUELLAR, Mr. MITCHELL, Mrs. KIRKPATRICK of Arizona, and Mr. POE of Texas):

H. Res. 322. A resolution expressing support for the designation of July 25, 2009 as "National Day of the Cowboy"; to the Committee on Oversight and Government Reform.

By Mr. KING of Iowa (for himself, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Ms. FOXX, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. HENSARLING, Mrs. MYRICK, Mr. PAUL, Mr. PITTS, Mr. ROHRBACHER, Mr. SENSENBRENNER, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, and Mrs. BACHMANN):

H. Res. 323. A resolution amending the Rules of the House of Representatives to re-

quire that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 324. A resolution expressing support for designation of April 2009 as "Jazz Appreciation Month" and April 25, 2009, as "Willis Conover Day", and honoring the global impact of jazz music; to the Committee on Oversight and Government Reform.

By Mr. MCCLINTOCK:

H. Res. 325. A resolution expressing support for designation of a "Free Enterprise Education Week" to encourage elementary and secondary schools, institutions of higher education, and small and large businesses to educate students about free enterprise; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON:

H. Res. 326. A resolution expressing support for designation of the week of April 13, 2009, through April 17, 2009, as "Protect Your Pharmacy Week", and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCMAHON:

H. Res. 327. A resolution honoring the humble service of Edward Cardinal Egan as Archbishop of the New York Archdiocese and congratulating Archbishop Timothy Dolan on his appointment by His Holiness Pope Benedict XVI to succeed Cardinal Egan; to the Committee on Oversight and Government Reform.

By Mr. ROE of Tennessee:

H. Res. 328. A resolution expressing the sense of Congress that all Americans should recognize National Military Appreciation Month with appropriate programs and activities; to the Committee on Oversight and Government Reform.

By Mr. SNYDER (for himself, Mr. WAMP, Mr. BERRY, Mr. ROSS, Mr. BOOZMAN, and Mr. DAVIS of Illinois):

H. Res. 329. A resolution recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana; to the Committee on Armed Services.

By Mr. TANNER (for himself, Mr. DUNCAN, Mr. DAVIS of Tennessee, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. COHEN, Mr. COOPER, Mr. GORDON of Tennessee, and Mr. WAMP):

H. Res. 330. A resolution expressing the sense of the House of Representatives that the Secretary of the Navy should name an appropriate Navy ship in honor of Marine Corps General Clifton B. Cates of Tiptonville, Tennessee; to the Committee on Armed Services.

By Mrs. TAUSCHER (for herself, Mr. WOLF, and Ms. WASSERMAN SCHULTZ):

H. Res. 331. A resolution supporting the goals and ideals of National Drowning Prevention and Water Safety Month; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H. Res. 332. A resolution providing that the House of Representatives will focus on removing barriers to a prosperous economy and therefore renew the dream; to the Committee on Education and Labor.

By Ms. WOOLSEY (for herself, Ms. LEE of California, Mr. CONYERS, and Mr. FATTAH):

H. Res. 333. A resolution recognizing non-proliferation options for nuclear understanding to keep everyone safe (NO NUKES); to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

14. The SPEAKER presented a memorial of the State Senate of Oklahoma, relative to Senate Resolution No. 5 strongly opposing the federal Freedom of Choice Act; and directing distribution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TIBERI introduced a bill (H.R. 1979) for the relief of Mary Cole, Decontee Cole, Emmanuel Cole, Anna Cole, Yon Deh Cole, and Emmanuel Cole, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ROONEY, Ms. CLARKE, Mr. MEEK of Florida, Ms. BALDWIN, Mr. PETERS, and Mr. JOHNSON of Illinois.

H.R. 24: Mr. BISHOP of Utah, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CAMP, Mr. LYNCH, Mr. MARIO DIAZ-BALART of Florida, Mrs. SCHMIDT, Mr. WAMP, Mr. FILNER, Mr. SMITH of Washington, Mr. NUNES, Mr. ETHERIDGE, Mr. EHLERS, Mr. SMITH of Texas, Mr. COOPER, Mr. NADLER of New York, Mr. ROONEY, Ms. JENKINS, Mr. LATHAM, Mr. UPTON, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. FLEMING, Ms. FALLIN, Mr. KISSELL, Mr. BILBRAY, Mr. MILLER of North Carolina, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. SOUDER, Mr. CLAY, Mr. MCCARTHY of California, and Mr. PETRI.

H.R. 43: Mr. BARTLETT, Mr. CLEAVER, Ms. BALDWIN, Mr. RUPPERSBERGER, Mr. MICHAUD, Mr. LEVIN, Mr. TURNER, Ms. LINDA T. SANCHEZ of California, Mr. ALTMIRE, Mr. KIND, Mr. GORDON of Tennessee, and Mr. DAVIS of Kentucky.

H.R. 82: Ms. GRANGER, Mrs. McMORRIS RODGERS, Mr. RODRIGUEZ, Mr. RUSH, and Ms. SCHWARTZ.

H.R. 144: Mr. MEEKS of New York.

H.R. 154: Mr. SIRE.

H.R. 179: Mr. DAVIS of Illinois.

H.R. 197: Mr. WITTMAN, Mrs. LUMMIS, Mr. WESTMORELAND, and Mr. HENSARLING.

H.R. 207: Mr. ROONEY, Mr. MARSHALL, Mr. MILLER of Florida, Mr. REYES, and Mr. JONES.

H.R. 211: Mr. LoBIONDO, Mr. HOLDEN, and Mr. PAYNE.

H.R. 235: Mr. MINNICK, Mr. CONNOLLY of Virginia, Ms. WATERS, Mrs. MYRICK, Ms. FALLIN, and Mr. FOSTER.

H.R. 270: Ms. GINNY BROWN-WAITE of Florida.

H.R. 275: Mr. SIMPSON and Mr. ALTMIRE.

H.R. 301: Mr. THORNBERRY.

H.R. 302: Mr. KLEIN of Florida.

H.R. 303: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. MCHUGH.

H.R. 333: Mr. ORTIZ and Mr. WALZ.

H.R. 347: Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. BAIRD, Ms. BALDWIN, Mr. BARTLETT, Mr. TIERNEY, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOOZMAN, Mr. BOREN, Mr. CARNEY, Ms. CASTOR of Florida, Mr. CLEAVER, Mr. DEFazio, Ms. DEGETTE, Mr. DOGGETT, Mr. DOYLE, Mr. DREIER, Mr. ELLISON, Mr. ELLSWORTH, Mr. ENGEL, Mr. FORTENBERRY, Mr. FRANK of Massachusetts, Mr. GOHMERT, Mr. GRAYSON,

Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. KAGEN, Mr. KANJORSKI, Mr. KIND, Mr. KINGSTON, Mr. KENNEDY, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MOLLOHAN, Mr. NADLER of New York, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. ORTIZ, Mr. PAYNE, Mr. PERLMUTTER, Mr. PERRIELLO, Mr. PETERS, Mr. RADANOVICH, Mr. ROYCE, Ms. SCHAKOWSKY, Mr. SIRES, Mr. TEAGUE, Mr. TIAHRT, Ms. Titus, Mr. VAN HOLLEN, Mr. WALZ, Mr. WATT, Mr. WELCH, Mr. WEXLER, and Mr. WILSON of Ohio.

H.R. 415: Mr. YOUNG of Alaska and Mr. WILSON of South Carolina.

H.R. 422: Ms. CLARKE, Mr. PAULSEN, Mr. HIGGINS, Ms. GRANGER, Ms. GINNY BROWN-WAITE of Florida, Mr. HELLER, and Ms. ESHOO.

H.R. 424: Mr. LANCE.

H.R. 442: Mr. HENSARLING.

H.R. 444: Ms. HERSETH SANDLIN, Mr. BRADY of Pennsylvania, and Mr. BISHOP of Georgia.

H.R. 468: Ms. KILPATRICK of Michigan.

H.R. 498: Mr. PITTS.

H.R. 503: Mr. KENNEDY and Mr. DOYLE.

H.R. 520: Mr. BLUMENAUER, Mr. WEINER, and Mr. HALL of New York.

H.R. 556: Mrs. TAUSCHER and Ms. HIRONO.

H.R. 557: Mr. GERLACH, Mr. DANIEL E. LUNGREN of California, and Mr. LUETKEMEYER.

H.R. 560: Mr. NEUGEBAUER.

H.R. 574: Mr. LOBIONDO.

H.R. 616: Mr. SCHIFF, Ms. JENKINS, and Ms. VELÁZQUEZ.

H.R. 708: Mr. ELLSWORTH and Mr. JONES.

H.R. 745: Mr. BILIRAKIS, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. STARK, Mr. KANJORSKI, Mr. PUTNAM, Mr. DENT, Mr. MICA, and Mr. PALLONE.

H.R. 764: Mr. WITTMAN.

H.R. 775: Mr. SALAZAR, Mr. ELLSWORTH, and Mr. DAVIS of Tennessee.

H.R. 832: Ms. VELÁZQUEZ.

H.R. 836: Ms. GIFFORDS, Mr. CAMPBELL, Ms. MARKEY of Colorado, Mr. STUPAK, Mr. BARTLETT, Mrs. McMORRIS RODGERS, Mr. PETRI, Mr. BONNER, Mr. KING of Iowa, Mr. ALEXANDER, Mr. SHIMKUS, Mr. ROSS, Mrs. BIGGERT, Mrs. TAUSCHER, Mr. LOEBSACK, Mr. MAFFEI, Mrs. EMERSON, Mr. WALZ, and Mr. COSTA.

H.R. 848: Ms. FUDGE, Mr. GEORGE MILLER of California, and Mr. WAMP.

H.R. 855: Ms. KOSMAS.

H.R. 874: Mr. RUSH and Ms. DEGETTE.

H.R. 890: Mr. McDERMOTT.

H.R. 896: Mr. GARRETT of New Jersey.

H.R. 900: Mr. GARRETT of New Jersey.

H.R. 904: Mr. BRADY of Pennsylvania.

H.R. 914: Mr. LATTA and Mr. SOUDER.

H.R. 916: Mr. BISHOP of New York.

H.R. 930: Mr. BUTTERFIELD.

H.R. 948: Mr. ALTMIRE.

H.R. 959: Mr. FATTAH.

H.R. 964: Mr. GARRETT of New Jersey.

H.R. 984: Mr. FILNER and Mr. BOUCHER.

H.R. 988: Mr. RUPPERSBERGER and Mr. SOUDER.

H.R. 1024: Mr. GEORGE MILLER of California and Mr. McDERMOTT.

H.R. 1027: Mr. JONES.

H.R. 1033: Mr. PAYNE.

H.R. 1050: Mr. BOEHNER.

H.R. 1061: Mr. COLE.

H.R. 1064: Mr. CONYERS.

H.R. 1067: Mr. BISHOP of New York.

H.R. 1068: Mr. BRALEY of Iowa and Mr. MICHAUD.

H.R. 1074: Mr. HENSARLING.

H.R. 1077: Mr. BISHOP of Georgia, Mr. ROGERS of Kentucky, and Mr. DEFAZIO.

H.R. 1126: Mr. POLIS of Colorado, Mr. ISRAEL, Mr. JOHNSON of Georgia, Mr. GERLACH, and Mr. PAULSEN.

H.R. 1132: Mr. HIGGINS and Mrs. MILLER of Michigan.

H.R. 1158: Mr. CONAWAY and Mr. SCOTT of Georgia.

H.R. 1161: Mr. WILSON of Ohio.

H.R. 1178: Mr. EHLERS, Mr. BURTON of Indiana, Mrs. MILLER of Michigan, Ms. JACKSON-LEE of Texas, Mr. ROHRABACHER, Mr. BROWN of South Carolina, Mr. PLATTS, Mr. CARNEY, Mr. PASTOR of Arizona, Mr. COBLE, Mr. BLUMENAUER, Ms. HERSETH SANDLIN, Mr. CARSON of Indiana, Mr. PAULSEN, Mr. GORDON of Tennessee, Mr. UPTON, and Mr. CASTLE.

H.R. 1179: Mrs. MALONEY.

H.R. 1180: Mr. LAMBORN.

H.R. 1185: Ms. SCHAKOWSKY, Mr. OLVER, Mr. BOUCHER, Mr. MCNERNEY, and Mr. SARBANES.

H.R. 1189: Mr. TOWNS, Mr. GRIJALVA, Mr. GERLACH, Mr. DENT, and Mr. LEWIS of Georgia.

H.R. 1193: Mrs. EMERSON.

H.R. 1203: Mr. ELLSWORTH, Mr. MANZULLO, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. DEAL of Georgia, Mr. LUCAS, Mr. MCINTYRE, Mrs. CAPPS, Mr. SOUDER, Mr. MCHUGH, and Mr. BISHOP of New York.

H.R. 1205: Mr. ROONEY, Mr. KING of New York, Mr. CANTOR, Mr. NUNES, Mr. NEUGEBAUER, Mr. ROE of Tennessee, and Mr. CAMPBELL.

H.R. 1206: Mr. GARRETT of New Jersey, Mr. WESTMORELAND, and Mr. LUETKEMEYER.

H.R. 1207: Ms. FALLIN, Mr. SMITH of Texas, and Mr. WESTMORELAND.

H.R. 1208: Mr. BONNER, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. WESTMORELAND, and Mr. LUETKEMEYER.

H.R. 1209: Mr. BONNER, Mr. ADERHOLT, Mr. BARROW, Mr. ORTIZ, Mr. LARSEN of Washington, Mr. CRENSHAW, Mr. BURGESS, Mr. LOBIONDO, Mr. CLUBBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. CAMP, and Mr. HUNTER.

H.R. 1210: Mr. GRIJALVA.

H.R. 1230: Mr. HONDA.

H.R. 1242: Mr. STEARNS and Ms. MATSUI.

H.R. 1243: Mr. ACKERMAN, Mr. ANDREWS, Mr. BARRETT of South Carolina, Ms. BERKLEY, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BRADY of Pennsylvania, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. CAMPBELL, Mr. CAO, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CASTOR of Florida, Mr. CHAFFETZ, Mr. CHILDERS, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEAL of Georgia, Ms. DEGETTE, Ms. DELAURO, Mr. DENT, Mr. DOYLE, Mr. EHLERS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FOSTER, Mr. MACK, Mr. MARCHANT, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MEEK of Florida, Mr. MELANCON, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. NUNES, Mr. OBEY, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PAULSEN, Mr. PETERSON, Mr. PIERLUISI, Mr. POMEROY, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. RANGEL, Mr. RYAN of Wisconsin, Mr. RYAN of Ohio, Mr. SCALISE, Mr. SCOTT of Virginia, Mr. SESSIONS, Mr. SNYDER, Mr. STARK, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Ms. WATERS, Mr. WELCH, Mr. WEXLER, Mr. HEINRICH, Mr. HENSARLING, Mr. HERGER, Ms. HERSETH SANDLIN, Ms. FUDGE,

Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HIGGINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILROY, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANCE, Mr. LEE of New York, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCCARTHY of California, Mr. McCLINTOCK, Ms. MCCOLLUM, Mr. McDERMOTT, and Mr. MCINTYRE.

H.R. 1250: Mr. TIBERI, Mr. SESTAK, Ms. SLAUGHTER, Mr. PLATTS, Mr. BLUNT, and Mr. PAULSEN.

H.R. 1269: Mr. MARSHALL.

H.R. 1283: Mr. DOGGETT.

H.R. 1294: Mr. HELLER, Mr. ROE of Tennessee, Mr. SMITH of Nebraska, and Mr. PAULSEN.

H.R. 1298: Mr. WOLF and Ms. SCHAKOWSKY.

H.R. 1300: Mr. SMITH of Nebraska.

H.R. 1305: Mrs. MYRICK.

H.R. 1308: Mr. HIMES, Mr. YOUNG of Florida, Mr. FILNER, Mr. SCHIFF, Mr. RODRIGUEZ, and Mr. MINNICK.

H.R. 1310: Ms. MATSUI, Mrs. LOWEY, and Mr. LIPINSKI.

H.R. 1313: Mr. REHBERG.

H.R. 1318: Mr. BERMAN.

H.R. 1324: Mr. KIND, Mr. LARSEN of Washington, Mr. SCHAUER, Mr. FRANK of Massachusetts, Mr. SABLAN, and Ms. MATSUI.

H.R. 1335: Ms. SCHAKOWSKY, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mr. BOCCIERI, Ms. ROS-LEHTINEN, Mr. ADLER of New Jersey, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1349: Mr. DICKS.

H.R. 1350: Mr. SOUDER.

H.R. 1351: Mr. PASCRELL.

H.R. 1352: Mr. SPRATT, Mr. GRAVES, Mr. BONNER, Mr. BARTLETT, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. TERRY.

H.R. 1380: Mr. GORDON of Tennessee, Mr. OLVER, Ms. MATSUI, and Mr. FRANK of Massachusetts.

H.R. 1386: Ms. GIFFORDS.

H.R. 1389: Mr. BISHOP of New York.

H.R. 1392: Mr. SESSIONS.

H.R. 1398: Mr. MCINTYRE.

H.R. 1403: Mr. SOUDER.

H.R. 1414: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1433: Mr. ISRAEL.

H.R. 1443: Mr. STARK, Mr. CARNAHAN, Mr. POLIS of Colorado, Mr. CARSON of Indiana, Mr. MORAN of Virginia, Ms. SCHWARTZ, Mr. BLUMENAUER, Ms. WOOLSEY, and Mr. LIPINSKI.

H.R. 1449: Mr. GORDON of Tennessee, Mr. UPTON, Ms. KAPTUR, and Mr. EHLERS.

H.R. 1454: Mr. CASSIDY, Mr. SOUDER, Mr. BARRETT of South Carolina, Mr. MACK, Mr. WILSON of South Carolina, and Mr. COBLE.

H.R. 1458: Mr. GORDON of Tennessee.

H.R. 1470: Mr. SOUDER and Mr. LATTA.

H.R. 1483: Mr. THOMPSON of California.

H.R. 1499: Mr. SOUDER.

H.R. 1509: Mr. LATTA.

H.R. 1521: Mr. MEEKS of New York, Mr. REHBERG, and Mr. LATTA.

H.R. 1548: Mr. PRICE of North Carolina.

H.R. 1550: Mr. CLAY.

H.R. 1551: Mr. PAYNE and Mr. HONDA.

H.R. 1558: Mr. KILDEE and Mr. FRANK of Massachusetts.

H.R. 1584: Mr. BROWN of South Carolina and Mr. TIERNEY.

H.R. 1585: Mr. LIPINSKI and Mr. HONDA.

H.R. 1587: Mr. SCHAUER, Mr. SESSIONS, Mr. LOBIONDO, Mr. McKEON, Mr. McCOTTER, and Mr. MASSA.

H.R. 1588: Mr. MCCARTHY of California.

H.R. 1604: Mrs. MALONEY, Mr. MICHAUD, Mr. WU, Mr. ELLISON, Mr. BISHOP of Georgia, Mr.

PETERSON, Mr. BERMAN, and Mr. ROTHMAN of New Jersey.

H.R. 1605: Ms. MOORE of Wisconsin and Mr. McMAHON.

H.R. 1612: Mrs. CHRISTENSEN, Mr. INSLEE, Ms. BORDALLO, and Mr. HOLT.

H.R. 1615: Mr. CHAFFETZ.

H.R. 1616: Ms. ESHOO, Mr. SARBANES, and Ms. WATERS.

H.R. 1621: Mr. MILLER of Florida.

H.R. 1622: Mr. BURGESS and Mr. MASSA.

H.R. 1646: Ms. BORDALLO.

H.R. 1662: Mr. GONZALEZ, Mr. DAVIS of Tennessee, Mr. CARNAHAN, Mr. DONNELLY of Indiana, Mr. CARNEY, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mr. SHULER, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. HINCHEY, Mr. CLEAVER, Mr. MILLER of North Carolina, Mr. ISRAEL, Mr. MOLLOHAN, Mr. HOLT, Mr. HASTINGS of Florida, Mr. BOREN, Ms. WASSERMAN SULTZ, Mr. BACA, and Mr. JOHNSON of Georgia.

H.R. 1671: Mr. BAIRD, Mr. McDERMOTT, Mr. GOODLATTE, and Mr. GENE GREEN of Texas.

H.R. 1673: Mr. WAMP.

H.R. 1677: Ms. SUTTON, Ms. TSONGAS, Mr. TONKO, and Mr. FILNER.

H.R. 1681: Mr. COURTNEY and Mr. FILNER.

H.R. 1683: Mr. DEFazio.

H.R. 1685: Mr. PAYNE.

H.R. 1686: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 1689: Mr. SOUDER.

H.R. 1690: Mr. McDERMOTT.

H.R. 1701: Mr. PLATTS.

H.R. 1710: Mr. CONNOLLY of Virginia, Mr. GORDON of Tennessee, Mr. CARSON of Indiana, and Mr. BISHOP of Georgia.

H.R. 1723: Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. SABLAN, Mr. LEWIS of Georgia, Ms. DELAURO, Ms. SCHAKOWSKY, and Ms. LEE of California.

H.R. 1737: Mr. MEEKS of New York.

H.R. 1740: Mr. WITTMAN, Mr. VISCLOSKEY, Mr. MCHUGH, Mr. WHITFIELD, Mr. GRIJALVA, Ms. DEGETTE, Mr. BISHOP of Georgia, and Mr. YOUNG of Florida.

H.R. 1744: Mr. BOOZMAN, Mr. REYES, Mrs. BACHMANN, Ms. FOXX, Mr. WAMP, Mr. BLUNT, and Mr. COBLE.

H.R. 1749: Ms. ESHOO.

H.R. 1762: Ms. GIFFORDS and Mr. FRANKS of Arizona.

H.R. 1764: Ms. CLARKE.

H.R. 1778: Mr. CONNOLLY of Virginia and Ms. DEGETTE.

H.R. 1799: Mr. WESTMORELAND and Mr. COHEN.

H.R. 1800: Mr. WEXLER.

H.R. 1802: Mr. HELLER and Mr. BURTON of Indiana.

H.R. 1805: Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. BARTLETT, and Mr. BURTON of Indiana.

H.R. 1814: Mr. GINGREY of Georgia and Mr. MARCHANT.

H.R. 1815: Ms. FOXX, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, and Mrs. BONO MACK.

H.R. 1829: Ms. ROYBAL-ALLARD.

H.R. 1831: Mr. NUNES, Mr. MORAN of Virginia, Mr. TANNER, Mr. SIMPSON, and Mr. WELCH.

H.R. 1836: Mr. NYE.

H.R. 1844: Mr. WOLF.

H.R. 1846: Mr. MINNICK.

H.R. 1864: Mr. MCKEON, Mr. BISHOP of Utah, and Mr. COFFMAN of Colorado.

H.J. Res. 41: Mr. HOEKSTRA and Mr. MARCHANT.

H. Con. Res. 29: Mr. GERLACH.

H. Con. Res. 48: Mr. WELCH, Mr. KIND, Mrs. DAVIS of California, and Mrs. DAHLKEMPER.

H. Con. Res. 49: Mr. HELLER, Mr. FATTAH, Mr. STEARNS, Mr. RUPPERSBERGER, Mr. PAULSEN, Mr. SPACE, Ms. FALLIN, Mr. CHANDLER, Mr. ANDREWS, and Mr. LAMBORN.

H. Con. Res. 92: Mr. HASTINGS of Florida.

H. Res. 20: Mr. GARRETT of New Jersey.

H. Res. 42: Mr. YOUNG of Alaska.

H. Res. 65: Mr. COHEN.

H. Res. 111: Mr. FOSTER.

H. Res. 130: Mr. PAYNE, Mr. COSTA, and Mr. PASCARELL.

H. Res. 159: Ms. MOORE of Wisconsin and Ms. DELAURO.

H. Res. 191: Mr. CAMPBELL.

H. Res. 204: Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, Mr. SOUDER, Mr. YOUNG of Alaska, and Mr. JONES.

H. Res. 208: Mr. MCHENRY.

H. Res. 244: Mr. SOUDER.

H. Res. 245: Mr. MOORE of Kansas and Mr. TERRY.

H. Res. 248: Mrs. CAPITO.

H. Res. 252: Mr. ROSKAM, Mr. PETERSON, Mr. FRELINGHUYSEN, Mr. CLEAVER, and Ms. ROYBAL-ALLARD.

H. Res. 260: Mr. BRADY of Pennsylvania.

H. Res. 274: Mr. KAGEN, Mr. CONYERS, and Mr. FRANK of Massachusetts.

H. Res. 283: Mr. LAMBORN.

H. Res. 293: Mr. SMITH of New Jersey, Mr. PALLONE, Mr. PAYNE, Mr. SIRES, Mr. LANCE, and Mr. ROTHMAN of New Jersey.

H. Res. 299: Mr. FARR, Mr. FILNER, Ms. KILPATRICK of Michigan, Mr. CLAY, and Ms. NORTON.

H. Res. 300: Mr. RANGEL and Mr. WELCH.

H. Res. 301: Mr. VAN HOLLEN, Mr. MEEKS of New York, Mr. GRIJALVA, and Mr. BOREN.

H. Res. 309: Mr. SIRES and Mr. CONNOLLY of Virginia.

H. Res. 311: Mr. ACKERMAN, Mr. ROSS, and Mr. ELLISON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 265: Mr. BISHOP of Utah.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

23. The SPEAKER presented a petition of the Township of Irvington, New Jersey, relative to Resolution MC 09-0210-8 In Support of and Recommending for Consideration Certain Legislative Initiatives To Be Included Within the Pending Federal Economic Stimulus Plan; to the Committee on Education and Labor.

24. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 87 of 2009 Requesting That The United States House of Representatives and Senate Create, Introduce And Pass Legislation That Would Direct the Nuclear Regulatory Commission (NRC) To Amend 10 CFR Part 54 of The Commission's Regulations (Requirements For Renewal of Operating Licenses For Nuclear Power Plants) To Include The Criteria Used In Licensing A Power Plant; to the Committee on Energy and Commerce.

25. Also, a petition of the City of North Miami Beach, Florida, relative to Resolution No. R2009-14 Expressing Opposition to and Strong Concerns Regarding Senate Bill 630 and Similar Legislation That Would Impose a Moratorium on the Collection of Impact Fees By Local Governments; jointly to the Committees on the Judiciary and Energy and Commerce.

SENATE—Thursday, April 2, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, whose inward presence means cleansing, forgiveness, peace, and power, dissolve the barriers that keep our souls from You. Remove from our lawmakers the self-sufficiency that ignores their need of You and make their hearts receptive to Your plans. Lord, bestow upon them special gifts of wisdom and understanding that they may uphold what is right and follow what is true. Increase their faith, strengthen their judgment, and quicken their zeal for integrity and honor. Spirit of the living God, fall afresh on them. Radiate Your hope through their labors, as they expect to see Your best for our Nation and world. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the budget resolution. Of the statutory time allotted to the budget resolution, 1½ hours remains. Upon the use or yielding back of that time, the Senate will proceed to a series of votes in relation to the pending amendments and any other amendments offered to the budget resolution. We expect those votes will occur around 11:30 a.m., give or take a few minutes.

Under an agreement reached last night, there will be 2 minutes for debate equally divided prior to each vote. Each vote after the first vote will be 10 minutes in duration. Senators should expect rollcall votes throughout the day and maybe even into the evening. Once we start, we have to finish this budget resolution. I encourage Senators to stay here. The first vote will be 15 minutes. After that, there will be 10-minute votes, and we are going to enforce that time. If Members are not here, they will not be counted. The clerks are going to be instructed to turn the votes in very quickly.

JOHN MCCAIN

Mr. REID. Mr. President, let me take a minute to say something because of my friend, JOHN MCCAIN. Every day I come and open the Senate, we give the Pledge of Allegiance to the flag. We do that because of the country and what that flag stands for. But I was struck today having JOHN MCCAIN in the Chamber. Really, he is representative of what that flag is all about—someone who not only comes from a lineage of people who have served our country, but this good man has served our country in so many different ways.

We came to Washington together in 1982. We came to the Senate together in 1986. I can remember while I was still in the House of Representatives I attended a prayer breakfast, and Senator MCCAIN was the presenter. I cannot do justice and I will not even try to describe the presentation he made about a Christmas celebration they had when he was a prisoner of war. He spent so much time in solitary confinement. He could have left the prison much earlier. He would not do that because his comrades were still there.

We take a lot of things for granted. Even though JOHN MCCAIN and I have disagreed on occasion on things political, one thing that will always be in my mind and my heart is people such as JOHN MCCAIN who represent what our country is all about.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOHN MCCAIN

Mr. MCCONNELL. Mr. President, the majority leader said it well. No one has done more for his country than JOHN MCCAIN. We are all privileged to be able to serve with him in the Senate.

Mr. MCCAIN. Mr. President, I thank both leaders. I thank my friend from Nevada. He and I came to the House of Representatives together many years ago. I thank him for his leadership. As he mentioned, we have strong disagreements from time to time, but we have always made a strong effort—and I think successfully—to remain respectful of each other's views. I appreciate his kind words today and that of the Republican leader. I thank them.

THE BUDGET

Mr. MCCONNELL. Mr. President, anyone who turned on C-SPAN2 over the past 2 weeks could be excused for wondering what has been going on here in the Capitol. Most people outside Washington do not know much about reconciliation instructions or points of order. But behind the legislative lingo, an extremely important debate has been taking place on the Senate floor. It is a debate about the future of our country. And in the course of that debate, two very different philosophies have emerged. On one side are those who think American lives will improve in direct proportion to the size of the Federal Government; that the answer to all the challenges we face as a nation is to just simply follow Europe, where people look to the government for almost everything from the cradle to the grave. On the other side are those who think Government has an important role to play in keeping people safe and creating the conditions in which Americans can succeed and that Government can also play a role in helping people weather temporary or permanent troubles and even to provide temporary help to private institutions if the failure of those institutions imperils the well-being of the whole.

But in all these areas, the role of Government is limited. Liberty and freedom are primary. The first group defends the administration's budget proposal which we first saw a couple of months ago and which outlines the administration's vision for America over

the next several years. The second group has warned about the consequences of the budget, which calls for a dramatic and potentially irreversible shift of our Nation to the left in the areas of health care, education, and private enterprise, and which in order to get there imposes the biggest tax hike in history, massive spending, and a titanic amount of debt our children and grandchildren will have to pay back.

This is a debate that has been worth tuning in to because its outcome affects absolutely everyone. So I would like to highlight just a couple of things we have seen over the course of this debate that everyone should know.

The first thing people should know is the one thing that many already do know: The administration's budget simply taxes too much, spends too much, and borrows too much at a moment, interestingly enough, when we can least afford it. There is good reason to believe the American people agree. Several of the amendments Republicans have proposed adding to the budget as a way of protecting American businesses and families have been approved by wide, bipartisan margins.

The American people cannot afford new taxes, and that is why Senators approved the Johannis amendment yesterday, an amendment which forces an open debate on the budget's proposal for a massive new national energy tax that would hit every American family by up to \$3,100 a year. As the senior Senator from Missouri put it on Tuesday, "Families are struggling to make ends meet, unable to pay their mortgage, bills or debts . . . We should oppose an energy tax."

The junior Senator from Nevada also knows Americans cannot afford having their taxes raised, especially in a recession. That is why he offered an amendment yesterday that would make it harder to raise taxes on middle-class couples. As he put it, "Americans are struggling to pay for life's essentials . . . What we should be discussing is extending tax relief," not raising taxes. This is common sense. His amendment passed.

The junior Senator from Texas knows that business owners cannot afford a tax hike. That is why he offered an amendment that would make it harder for Democrats to raise taxes on small businesses. This is also common sense. His amendment also was adopted overwhelmingly.

Americans know the trouble they get into when they spend money they do not have, and they do not want Government to spend money it does not have. That is why the junior Senator from Alabama came to the floor Monday and lamented the lack of fiscal responsibility in this budget.

The American people are worried about the size of the national debt, and they are worried about a budget that

doubles that debt in 5 years and triples it in 10—a budget that adds more debt in 5 years than the entire debt accumulated under every President from George Washington through George W. Bush. The senior Senator from Tennessee is worried about the size of the debt too, and that is why he offered an amendment to keep the growth of that debt relative to the GDP in check. As he put it on the Senate floor on Tuesday:

This is not a matter of not letting the horse get out of the barn. This recognizes that the horse is already out of the barn and we're trying to put a fence around him before he gets into the next country.

Democrats rejected that amendment too.

Throughout this debate, Americans have started to focus a lot on the national debt, and they have heard some troubling things.

If they were listening Tuesday, they would have heard a very illuminating discussion on the topic between the senior Senator from Tennessee and the senior Senator from New Hampshire. The senior Senator from New Hampshire said that at the end of this budget, every American household will have an obligation relative to the Federal debt of \$133,000—\$133,000 per household. The senior Senator from Tennessee asked who holds that debt. The answer, of course, is that China is the primary holder of that debt, along with Russia and oil-producing nations in the Middle East.

Americans are worried about more Government spending, higher taxes, and higher debt that we may never be able to repay, and a lot of groups that represent these Americans are amassing against these things. Groups opposed to this budget include the National Association of Manufacturers, the Tax Relief Coalition, the American Conservative Union, Americans for Prosperity, Citizens Against Government Waste, the Club for Growth, the Council on National Policy, Associated Builders and Contractors, Independent Electric Contractors, International Foodservice Distributors Administration, and the National Association of Wholesaler-Distributors. These groups represent millions of small business owners, independent contractors, and millions of ordinary Americans who do not want to see their dreams fade away because of someone else's vision of what Government should do for them.

Americans want the freedom to do for themselves, and they worry freedom may slip away if this budget passes in its current form. They cannot afford a new national energy tax that could cost every American household up to \$3,100 a year. They do not want to have to pay for 250,000 bureaucrats who will be needed just to spend the money this budget wants to spend. And they do not want their children literally buried in debt. What Americans want is

for Republicans and Democrats to work together to craft a budget that let's them keep their hard-earned wages, spends their tax dollars wisely, and does not saddle their children and grandchildren with debt. That is what they have not seen this week.

What they also will not see are the backdoor negotiations where the chairman of the Budget Committee, the senior Senator from North Dakota, has said he will strip out many of these good amendments we have adopted this week and where some budget writers intend to fast track a massive new energy tax even though we passed an amendment to keep that from happening. Americans oppose this energy tax. And if the senior Senator from North Dakota has as much influence over the outcome of the budget as I hope he does, then he will make sure that the will of the Senate and the American people is reflected in the final product. I hope he will make sure that a new national energy tax costing American households up to \$3,100 a year is not rushed through Congress on a party-line vote.

So the drama that has unfolded in the Senate put two very different philosophies on display. It showed Republicans fighting to keep our Nation from an irreversible drift to the left, and it showed some Democrats agreeing to some of our proposals. But the proof of their commitment is in the final product—what finally comes out of conference.

This debate isn't over with the passage of this budget today, and Republicans are not finished fighting on behalf of the priorities of the American people—not even close.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2011.

Pending:

Ensign amendment No. 805, to require certain higher income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the

budget of the U.S. Government most recently submitted by the President.

McCain amendment No. 882, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 90 minutes of debate remaining on the resolution, of which 40 minutes is for the debate of amendment No. 882, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am going to respond briefly to the Republican leader and then we will go to the McCain amendment.

First of all, I have just listened to remarks that are an attempt to rewrite history. Trying to put this deficit and this debt at the door of our new President is simply misplaced. He inherited a debt that was doubled over the last 8 years, and most of my friends on the other side were silent sentinels as that debt grew and grew and grew. Most of them said nothing; worse, they supported the policies that created that doubling of the debt. Beyond that, they tripled foreign holdings of U.S. debt and left the country in the worst recession since the Great Depression. This President inherited a crisis in the financial markets, a crisis in housing, a fiscal crisis, and two wars.

The budget that is before us is not as described by the Republican leader. The budget before us reduces the deficit by two-thirds over the 5 years of its term. In fact, as a share of GDP—which most economists say ought to be the measuring point because it excludes inflation—we reduce the deficit by three-quarters, all while maintaining the President's key priorities of reducing our dependence on foreign energy. That is not just a Presidential priority, that is an American priority. If we are going to be strong in the future, we have to dramatically reduce our dependence on foreign energy.

On education, there is a focus on excellence in education. If we are not the best educated, we are not going to be the strongest country in the world very long.

The prospect of major health care reform, which is provided for in this budget, is the 800-pound gorilla. We are now spending \$1 of every \$6 in this country on health care. If we stay on the current trend, we will spend more than \$1 of every \$3 in this country on health care. That is utterly unsustainable.

They describe the budget of the President as having all these tax increases. I would remind my colleagues that when the Congressional Budget Office scores the President's budget, they say there is \$2.2 trillion in tax cuts. If they look at the budget I have offered, which is a 5-year budget instead of a 10-year budget, it has \$825 billion in tax cuts on a net basis. As I

say, all while cutting the deficit in half, which was the President's goal. In the President's budget and the budget I have offered, we cut it by two-thirds.

Now, on spending. Well, on spending, the hard fact is, the budget I have offered reduces deficits and debt by \$608 billion compared to the President's budget, on a 5-year comparison to a 5-year comparison. We reduce it by \$608 billion in the budget that is before us. And on spending, we increase domestic spending, on average, by 2½ percent a year. Believe me, I have heard lots of criticism from the left with respect to the fact that is not enough. But when you lose \$2.3 trillion in revenue because of the new CBO forecast, we felt it was necessary to make adjustments in the President's budget while maintaining his priorities.

Now, in terms of middle-class tax relief, which is contained in this budget, let me be clear that all the provisions from 2001 and 2003 are included in this budget. The 10-percent bracket, the child tax credit, the marriage penalty relief, the education incentives—all of it—is in this budget and an extension for the full 5 years.

In addition, the President's Make Work Pay provision was previously provided for in the stimulus package for 2 years, and we provide the ability to extend that, if there are offsets. In addition, we have provided for alternative minimum tax reform, fully funded for 3 years. No other budgets in the last 5 years have done it for that long. It has always been a year-by-year fix.

On estate tax reform, we take the provisions from 2009 and extend them for 2010—a \$3.5 million exemption per person, \$7 million per family. Instead of going back to \$1 million in 2011, we continue that \$3.5 million exclusion per person, \$7 million per couple, adjusted for inflation.

We also provide for the business tax provisions and the extenders fully paid for. That is a total of almost a trillion dollars of tax relief, offset by certain loophole closers to go after these abusive tax shelters—these offshore tax havens. We have the spectacle now of companies buying European sewer systems, not because they are in the sewer business but in order to depreciate them on their books for U.S. tax purposes. That is outrageous—United States companies buying European sewer systems so they can write them off on their books here, and then they lease them back to the European cities that built them in the first place.

The guys who came up with these scams didn't limit themselves to sewer systems. They are doing the same thing with public buildings and city halls. We have companies that have bought city halls in Europe in order to depreciate them on their books in the United States and then lease the city halls back to the European countries

that built them in the first place. Is that acceptable? I don't think so. The President in his budget and we in our budget say: Enough of that. Let's shut down these abusive tax shelters. Let's shut down these offshore tax havens, which our Permanent Subcommittee on Investigations tells us is costing us \$100 billion a year.

If anybody wonders about it, read the Stanford saga. Mr. Stanford was running these offshore tax havens; running billions of dollars through these offshore tax havens. Why? Why are they sending their money down to the Cayman Islands? Is it because they think the banks down there are more secure? Oh, no. They are sending their money down there to dodge the tax liability in the United States. That is the basis upon which Mr. Stanford sold his services.

On a net basis, our budget has \$825 billion in tax cuts. Again, on spending, domestic spending increased at an average rate of 2½ percent a year. That is pretty tough.

In our proposal, in the budget before the body, there is no energy tax. There is none contained here. This reference to a national sales tax on energy, it is not in this budget proposal. It is not there. We have a reserve fund that permits the committees of jurisdiction to come up with a way of reducing our dependence on foreign energy. We have the ability for the committees of jurisdiction to write climate change legislation. But there is no endorsement of any specific plan in this budget around climate change that has been posited by others.

I wish to make clear that this budget is responsible, it controls spending, it reduces the deficit by two-thirds, it extends the middle-class tax cuts, and it adopts the President's priorities of reducing our dependence on foreign energy, putting a focus on excellence in education and providing the possibility of major health care reform. Those are the priorities of the American people, and they are contained in our budget.

Our budget has made significant adjustments from the President's. Again, over 5 years, we have reduced the deficit and debt in the President's proposal by \$608 billion.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 882, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the McCain substitute amendment be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I appreciate the courtesy of the chairman in allowing me to do this modification. I am aware it could have been objected to, and I would like to say that the sense-of-the-Senate provision is removed because I believe that sense-of-

the-Senate resolutions are not done this year in the budget resolution. There was a formula glitch that affected some of the funding levels. We have corrected the problem in the modification. We have corrected budget authority and spending levels.

I thank my friend for allowing me to make this modification.

The ACTING PRESIDENT pro tempore. The amendment has been modified.

The amendment, as modified, is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reducing reserve funds for entitlement commissions—Social Security and Medicare & Medicaid.

Sec. 202. Deficit-neutral reserve fund for comprehensive healthcare reform.

Sec. 203. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 204. Deficit-neutral reserve fund for energy security.

Sec. 205. Deficit-neutral reserve fund for tax code modernization.

Sec. 206. Deficit-neutral reserve fund for defense acquisition and contracting reform.

Sec. 207. Deficit-neutral reserve fund for a bipartisan, comprehensive investigation into the current financial crisis.

TITLE III—BUDGET PROCESS

SUBTITLE A—BUDGET ENFORCEMENT

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Point of order against legislation increasing short-term deficit.

SUBTITLE B—OTHER PROVISIONS

Sec. 311. Oversight of government performance.

Sec. 312. Budgetary treatment of certain discretionary administrative Expenses.

Sec. 313. Application and effect of changes in allocations and aggregates.

Sec. 314. Adjustments to reflect changes in concepts and definitions.

Sec. 315. Exercise of rulemaking powers.

Sec. 316. Cost estimates for conference reports and other measures.

Sec. 317. Limitation on long-term spending proposals

Sec. 318. Revenues collected from closing the tax gap are used only for debt reduction.

Sec. 319. Point of order to save Social Security first.

Sec. 320. Point of order against a budget resolution containing a debt-held-by-the-Public-to-GDP ratio that exceeds 65%.

Sec. 321. Point of order against a budget resolution containing deficit levels exceeding 8% of GDP.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$2,186,000,000,000
Fiscal year 2010: \$2,332,000,000,000
Fiscal year 2011: \$2,651,000,000,000
Fiscal year 2012: \$2,858,000,000,000
Fiscal year 2013: \$3,025,000,000,000
Fiscal year 2014: \$3,166,000,000,000
Fiscal year 2015: \$3,329,000,000,000
Fiscal year 2016: \$3,470,000,000,000
Fiscal year 2017: \$3,625,000,000,000
Fiscal year 2018: \$3,771,000,000,000
Fiscal year 2019: \$3,923,000,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0
Fiscal year 2010: —\$3,000,000,000
Fiscal year 2011: —\$132,000,000,000
Fiscal year 2012: —\$228,000,000,000
Fiscal year 2013: —\$257,000,000,000
Fiscal year 2014: —\$269,000,000,000
Fiscal year 2015: —\$280,000,000,000
Fiscal year 2016: —\$291,000,000,000
Fiscal year 2017: —\$302,000,000,000
Fiscal year 2018: —\$313,000,000,000
Fiscal year 2019: —\$325,000,000,000

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,672,991,000,000
Fiscal year 2010: \$2,843,271,000,000
Fiscal year 2011: \$2,733,991,000,000
Fiscal year 2012: \$2,700,845,000,000
Fiscal year 2013: \$2,828,619,000,000
Fiscal year 2014: \$2,951,763,000,000
Fiscal year 2015: \$3,044,960,000,000
Fiscal year 2016: \$3,167,613,000,000
Fiscal year 2017: \$3,238,948,000,000
Fiscal year 2018: \$3,319,833,000,000
Fiscal year 2019: \$3,472,009,000,000

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,360,034,000,000
Fiscal year 2010: \$2,971,983,000,000
Fiscal year 2011: \$2,875,771,000,000
Fiscal year 2012: \$2,752,996,000,000
Fiscal year 2013: \$2,846,991,000,000
Fiscal year 2014: \$2,943,836,000,000
Fiscal year 2015: \$3,027,078,000,000
Fiscal year 2016: \$3,150,051,000,000
Fiscal year 2017: \$3,214,230,000,000
Fiscal year 2018: \$3,289,783,000,000
Fiscal year 2019: \$3,445,611,000,000

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: —\$1,693,000,000,000
Fiscal year 2010: —\$1,190,000,000,000
Fiscal year 2011: —\$798,000,000,000

Fiscal year 2012: —\$502,000,000,000
Fiscal year 2013: —\$477,000,000,000
Fiscal year 2014: —\$484,000,000,000
Fiscal year 2015: —\$459,000,000,000
Fiscal year 2016: —\$503,000,000,000
Fiscal year 2017: —\$481,000,000,000
Fiscal year 2018: —\$484,000,000,000
Fiscal year 2019: —\$448,000,000,000

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$11,836,000,000,000
Fiscal year 2010: \$13,255,000,000,000
Fiscal year 2011: \$14,321,000,000,000
Fiscal year 2012: \$15,194,000,000,000
Fiscal year 2013: \$16,074,000,000,000
Fiscal year 2014: \$16,943,000,000,000
Fiscal year 2015: \$17,774,000,000,000
Fiscal year 2016: \$18,630,000,000,000
Fiscal year 2017: \$19,470,000,000,000
Fiscal year 2018: \$20,318,000,000,000
Fiscal year 2019: \$21,093,000,000,000

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,496,000,000,000
Fiscal year 2010: \$8,686,000,000,000
Fiscal year 2011: \$9,484,000,000,000
Fiscal year 2012: \$9,986,000,000,000
Fiscal year 2013: \$10,464,000,000,000
Fiscal year 2014: \$10,948,000,000,000
Fiscal year 2015: \$11,407,000,000,000
Fiscal year 2016: \$11,910,000,000,000
Fiscal year 2017: \$12,391,000,000,000
Fiscal year 2018: \$12,875,000,000,000
Fiscal year 2019: \$13,323,000,000,000

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$654,000,000,000
Fiscal year 2010: \$682,000,000,000
Fiscal year 2011: \$719,000,000,000
Fiscal year 2012: \$756,000,000,000
Fiscal year 2013: \$803,000,000,000
Fiscal year 2014: \$842,000,000,000
Fiscal year 2015: \$879,000,000,000
Fiscal year 2016: \$925,000,000,000
Fiscal year 2017: \$962,000,000,000
Fiscal year 2018: \$1,004,000,000,000
Fiscal year 2019: \$1,048,000,000,000

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$662,000,000,000
Fiscal year 2010: \$695,000,000,000
Fiscal year 2011: \$721,000,000,000
Fiscal year 2012: \$749,000,000,000
Fiscal year 2013: \$790,000,000,000
Fiscal year 2014: \$839,000,000,000
Fiscal year 2015: \$891,000,000,000
Fiscal year 2016: \$948,000,000,000
Fiscal year 2017: \$1,008,000,000,000
Fiscal year 2018: \$1,072,000,000,000
Fiscal year 2019: \$1,141,000,000,000

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) **NATIONAL DEFENSE (050):**

Fiscal year 2009:

(A) New budget authority, \$689,926,000,000

(B) Outlays, \$666,842,000,000

Fiscal year 2010:

<p>(A) New budget authority, \$686,128,000,000 (B) Outlays, \$689,963,000,000 Fiscal year 2011: (A) New budget authority, \$614,923,000,000 (B) Outlays, \$657,207,000,000 Fiscal year 2012: (A) New budget authority, \$623,612,000,000 (B) Outlays, \$637,011,000,000 Fiscal year 2013: (A) New budget authority, \$634,421,000,000 (B) Outlays, \$636,332,000,000 Fiscal year 2014: (A) New budget authority, \$648,249,000,000 (B) Outlays, \$641,632,000,000 Fiscal year 2015: (A) New budget authority, \$663,159,000,000 (B) Outlays, \$653,234,000,000 Fiscal year 2016: (A) New budget authority, \$678,149,000,000 (B) Outlays, \$671,890,000,000 Fiscal year 2017: (A) New budget authority, \$694,153,000,000 (B) Outlays, \$683,256,000,000 Fiscal year 2018: (A) New budget authority, \$709,147,000,000 (B) Outlays, \$693,789,000,000 Fiscal year 2019: (A) New budget authority, \$726,167,000,000 (B) Outlays, \$714,089,000,000 (2) International Affairs (150): Fiscal year 2009: (A) New budget authority, \$57,114,000,000 (B) Outlays, \$41,514,000,000 Fiscal year 2010: (A) New budget authority, \$42,847,000,000 (B) Outlays, \$43,622,000,000 Fiscal year 2011: (A) New budget authority, \$43,167,000,000 (B) Outlays, \$43,897,000,000 Fiscal year 2012: (A) New budget authority, \$43,473,000,000 (B) Outlays, \$43,985,000,000 Fiscal year 2013: (A) New budget authority, \$43,759,000,000 (B) Outlays, \$43,911,000,000 Fiscal year 2014: (A) New budget authority, \$44,214,000,000 (B) Outlays, \$43,866,000,000 Fiscal year 2015: (A) New budget authority, \$44,847,000,000 (B) Outlays, \$44,257,000,000 Fiscal year 2016: (A) New budget authority, \$45,621,000,000 (B) Outlays, \$44,870,000,000 Fiscal year 2017: (A) New budget authority, \$46,430,000,000 (B) Outlays, \$45,575,000,000 Fiscal year 2018: (A) New budget authority, \$47,211,000,000 (B) Outlays, \$46,301,000,000 Fiscal year 2019: (A) New budget authority, \$48,084,000,000 (B) Outlays, \$47,105,000,000 (3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250): Fiscal year 2009: (A) New budget authority, \$35,264,000,000 (B) Outlays, \$30,855,000,000 Fiscal year 2010: (A) New budget authority, \$29,780,000,000 (B) Outlays, \$31,707,000,000 Fiscal year 2011: (A) New budget authority, \$30,007,000,000 (B) Outlays, \$31,161,000,000 Fiscal year 2012: (A) New budget authority, \$30,231,000,000 (B) Outlays, \$30,214,000,000 Fiscal year 2013: (A) New budget authority, \$30,432,000,000 (B) Outlays, \$30,312,000,000 Fiscal year 2014: (A) New budget authority, \$30,758,000,000 (B) Outlays, \$30,584,000,000 Fiscal year 2015:</p>	<p>(A) New budget authority, \$30,703,000,000 (B) Outlays, \$30,417,000,000 Fiscal year 2016: (A) New budget authority, \$31,748,000,000 (B) Outlays, \$31,359,000,000 Fiscal year 2017: (A) New budget authority, \$32,319,000,000 (B) Outlays, \$31,984,000,000 Fiscal year 2018: (A) New budget authority, \$32,872,000,000 (B) Outlays, \$32,446,000,000 Fiscal year 2019: (A) New budget authority, \$33,484,000,000 (B) Outlays, \$33,028,000,000 (4) ENERGY (270): Fiscal year 2009: (A) New budget authority, \$44,998,000,000 (B) Outlays, \$5,350,000,000 Fiscal year 2010: (A) New budget authority, \$5,568,000,000 (B) Outlays, \$8,974,000,000 Fiscal year 2011: (A) New budget authority, \$5,582,000,000 (B) Outlays, \$11,303,000,000 Fiscal year 2012: (A) New budget authority, \$5,459,000,000 (B) Outlays, \$11,999,000,000 Fiscal year 2013: (A) New budget authority, \$5,319,000,000 (B) Outlays, \$7,091,000,000 Fiscal year 2014: (A) New budget authority, \$5,175,000,000 (B) Outlays, \$2,082,000,000 Fiscal year 2015: (A) New budget authority, \$5,212,000,000 (B) Outlays, \$3,214,000,000 Fiscal year 2016: (A) New budget authority, \$5,325,000,000 (B) Outlays, \$3,512,000,000 Fiscal year 2017: (A) New budget authority, \$5,478,000,000 (B) Outlays, \$3,765,000,000 Fiscal year 2018: (A) New budget authority, \$5,567,000,000 (B) Outlays, \$3,905,000,000 Fiscal year 2019: (A) New budget authority, \$5,595,000,000 (B) Outlays, \$4,502,000,000 (5) NATURAL RESOURCES AND ENVIRONMENT (300): Fiscal year 2009: (A) New budget authority, \$54,596,000,000 (B) Outlays, \$36,252,000,000 Fiscal year 2010: (A) New budget authority, \$35,085,000,000 (B) Outlays, \$38,866,000,000 Fiscal year 2011: (A) New budget authority, \$35,772,000,000 (B) Outlays, \$37,713,000,000 Fiscal year 2012: (A) New budget authority, \$35,952,000,000 (B) Outlays, \$36,983,000,000 Fiscal year 2013: (A) New budget authority, \$36,160,000,000 (B) Outlays, \$36,478,000,000 Fiscal year 2014: (A) New budget authority, \$36,465,000,000 (B) Outlays, \$36,631,000,000 Fiscal year 2015: (A) New budget authority, \$36,714,000,000 (B) Outlays, \$36,712,000,000 Fiscal year 2016: (A) New budget authority, \$37,002,000,000 (B) Outlays, \$36,845,000,000 Fiscal year 2017: (A) New budget authority, \$37,312,000,000 (B) Outlays, \$36,917,000,000 Fiscal year 2018: (A) New budget authority, \$37,602,000,000 (B) Outlays, \$36,923,000,000 Fiscal year 2019: (A) New budget authority, \$37,952,000,000 (B) Outlays, \$37,215,000,000 (6) AGRICULTURE (350):</p>	<p>Fiscal year 2009: (A) New budget authority, \$6,349,000,000 (B) Outlays, \$6,111,000,000 Fiscal year 2010: (A) New budget authority, \$6,131,000,000 (B) Outlays, \$6,217,000,000 Fiscal year 2011: (A) New budget authority, \$6,150,000,000 (B) Outlays, \$6,133,000,000 Fiscal year 2012: (A) New budget authority, \$6,205,000,000 (B) Outlays, \$6,159,000,000 Fiscal year 2013: (A) New budget authority, \$6,261,000,000 (B) Outlays, \$6,207,000,000 Fiscal year 2014: (A) New budget authority, \$6,319,000,000 (B) Outlays, \$6,261,000,000 Fiscal year 2015: (A) New budget authority, \$6,359,000,000 (B) Outlays, \$6,275,000,000 Fiscal year 2016: (A) New budget authority, \$6,402,000,000 (B) Outlays, \$6,312,000,000 Fiscal year 2017: (A) New budget authority, \$6,455,000,000 (B) Outlays, \$6,345,000,000 Fiscal year 2018: (A) New budget authority, \$6,507,000,000 (B) Outlays, \$6,401,000,000 Fiscal year 2019: (A) New budget authority, \$6,601,000,000 (B) Outlays, \$6,532,000,000 (7) COMMERCE AND HOUSING CREDIT (370): Fiscal year 2009: (A) New budget authority, \$13,216,000,000 (B) Outlays, \$6,253,000,000 Fiscal year 2010: (A) New budget authority, \$6,197,000,000 (B) Outlays, \$8,977,000,000 Fiscal year 2011: (A) New budget authority, \$6,055,000,000 (B) Outlays, \$6,847,000,000 Fiscal year 2012: (A) New budget authority, \$6,097,000,000 (B) Outlays, \$7,436,000,000 Fiscal year 2013: (A) New budget authority, \$5,982,000,000 (B) Outlays, \$7,180,000,000 Fiscal year 2014: (A) New budget authority, \$5,909,000,000 (B) Outlays, \$6,250,000,000 Fiscal year 2015: (A) New budget authority, \$5,860,000,000 (B) Outlays, \$5,915,000,000 Fiscal year 2016: (A) New budget authority, \$5,855,000,000 (B) Outlays, \$5,748,000,000 Fiscal year 2017: (A) New budget authority, \$5,839,000,000 (B) Outlays, \$5,730,000,000 Fiscal year 2018: (A) New budget authority, \$5,814,000,000 (B) Outlays, \$5,701,000,000 Fiscal year 2019: (A) New budget authority, \$5,793,000,000 (B) Outlays, \$5,675,000,000 (8) TRANSPORTATION (400): Fiscal year 2009: (A) New budget authority, \$79,061,000,000 (B) Outlays, \$85,668,000,000 Fiscal year 2010: (A) New budget authority, \$30,312,000,000 (B) Outlays, \$92,847,000,000 Fiscal year 2011: (A) New budget authority, \$30,717,000,000 (B) Outlays, \$93,051,000,000 Fiscal year 2012: (A) New budget authority, \$31,140,000,000 (B) Outlays, \$92,082,000,000 Fiscal year 2013: (A) New budget authority, \$31,544,000,000 (B) Outlays, \$92,110,000,000 Fiscal year 2014:</p>
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(A) New budget authority, \$32,105,000,000
 (B) Outlays, \$92,296,000,000
 Fiscal year 2015:
 (A) New budget authority, \$32,806,000,000
 (B) Outlays, \$91,863,000,000
 Fiscal year 2016:
 (A) New budget authority, \$33,656,000,000
 (B) Outlays, \$90,792,000,000
 Fiscal year 2017:
 (A) New budget authority, \$34,545,000,000
 (B) Outlays, \$90,908,000,000
 Fiscal year 2018:
 (A) New budget authority, \$35,432,000,000
 (B) Outlays, \$92,372,000,000
 Fiscal year 2019:
 (A) New budget authority, \$36,385,000,000
 (B) Outlays, \$93,932,000,000
 (9) COMMUNITY AND REGIONAL DEVELOPMENT
 (450):
 Fiscal year 2009:
 (A) New budget authority, \$23,006,000,000
 (B) Outlays, \$26,252,000,000
 Fiscal year 2010:
 (A) New budget authority, \$14,959,000,000
 (B) Outlays, \$26,337,000,000
 Fiscal year 2011:
 (A) New budget authority, \$15,070,000,000
 (B) Outlays, \$24,669,000,000
 Fiscal year 2012:
 (A) New budget authority, \$15,179,000,000
 (B) Outlays, \$21,493,000,000
 Fiscal year 2013:
 (A) New budget authority, \$15,277,000,000
 (B) Outlays, \$18,981,000,000
 Fiscal year 2014:
 (A) New budget authority, \$15,435,000,000
 (B) Outlays, \$17,445,000,000
 Fiscal year 2015:
 (A) New budget authority, \$15,662,000,000
 (B) Outlays, \$16,156,000,000
 Fiscal year 2016:
 (A) New budget authority, \$15,932,000,000
 (B) Outlays, \$15,504,000,000
 Fiscal year 2017:
 (A) New budget authority, \$16,215,000,000
 (B) Outlays, \$15,664,000,000
 Fiscal year 2018:
 (A) New budget authority, \$16,481,000,000
 (B) Outlays, \$15,911,000,000
 Fiscal year 2019:
 (A) New budget authority, \$16,787,000,000
 (B) Outlays, \$16,153,000,000
 (10) EDUCATION, TRAINING, EMPLOYMENT,
 AND SOCIAL SERVICES (500):
 Fiscal year 2009:
 (A) New budget authority, \$188,508,000,000
 (B) Outlays, \$94,814,000,000
 Fiscal year 2010:
 (A) New budget authority, \$89,417,000,000
 (B) Outlays, \$138,899,000,000
 Fiscal year 2011:
 (A) New budget authority, \$90,007,000,000
 (B) Outlays, \$127,810,000,000
 Fiscal year 2012:
 (A) New budget authority, \$90,588,000,000
 (B) Outlays, \$98,331,000,000
 Fiscal year 2013:
 (A) New budget authority, \$91,092,000,000
 (B) Outlays, \$94,666,000,000
 Fiscal year 2014:
 (A) New budget authority, \$91,948,000,000
 (B) Outlays, \$94,142,000,000
 Fiscal year 2015:
 (A) New budget authority, \$93,164,000,000
 (B) Outlays, \$95,075,000,000
 Fiscal year 2016:
 (A) New budget authority, \$94,657,000,000
 (B) Outlays, \$96,402,000,000
 Fiscal year 2017:
 (A) New budget authority, \$96,235,000,000
 (B) Outlays, \$97,938,000,000
 Fiscal year 2018:
 (A) New budget authority, \$97,739,000,000
 (B) Outlays, \$99,507,000,000

Fiscal year 2019:
 (A) New budget authority, \$99,415,000,000
 (B) Outlays, \$101,130,000,000
 (11) HEALTH (550):
 Fiscal year 2009:
 (A) New budget authority, \$75,483,000,000
 (B) Outlays, \$57,635,000,000
 Fiscal year 2010:
 (A) New budget authority, \$56,948,000,000
 (B) Outlays, \$64,243,000,000
 Fiscal year 2011:
 (A) New budget authority, \$57,413,000,000
 (B) Outlays, \$62,603,000,000
 Fiscal year 2012:
 (A) New budget authority, \$57,881,000,000
 (B) Outlays, \$59,451,000,000
 Fiscal year 2013:
 (A) New budget authority, \$58,305,000,000
 (B) Outlays, \$57,913,000,000
 Fiscal year 2014:
 (A) New budget authority, \$58,971,000,000
 (B) Outlays, \$58,176,000,000
 Fiscal year 2015:
 (A) New budget authority, \$59,879,000,000
 (B) Outlays, \$58,713,000,000
 Fiscal year 2016:
 (A) New budget authority, \$60,974,000,000
 (B) Outlays, \$59,583,000,000
 Fiscal year 2017:
 (A) New budget authority, \$62,124,000,000
 (B) Outlays, \$60,662,000,000
 Fiscal year 2018:
 (A) New budget authority, \$63,242,000,000
 (B) Outlays, \$61,727,000,000
 Fiscal year 2019:
 (A) New budget authority, \$64,465,000,000
 (B) Outlays, \$62,697,000,000
 (12) MEDICARE (570):
 Fiscal year 2009:
 (A) New budget authority, \$5,390,000,000
 (B) Outlays, \$5,255,000,000
 Fiscal year 2010:
 (A) New budget authority, \$5,595,000,000
 (B) Outlays, \$5,566,000,000
 Fiscal year 2011:
 (A) New budget authority, \$5,819,000,000
 (B) Outlays, \$5,781,000,000
 Fiscal year 2012:
 (A) New budget authority, \$5,852,000,000
 (B) Outlays, \$5,828,000,000
 Fiscal year 2013:
 (A) New budget authority, \$5,893,000,000
 (B) Outlays, \$5,855,000,000
 Fiscal year 2014:
 (A) New budget authority, \$5,927,000,000
 (B) Outlays, \$5,920,000,000
 Fiscal year 2015:
 (A) New budget authority, \$5,967,000,000
 (B) Outlays, \$5,935,000,000
 Fiscal year 2016:
 (A) New budget authority, \$6,004,000,000
 (B) Outlays, \$5,955,000,000
 Fiscal year 2017:
 (A) New budget authority, \$6,035,000,000
 (B) Outlays, \$5,962,000,000
 Fiscal year 2018:
 (A) New budget authority, \$6,065,000,000
 (B) Outlays, \$5,975,000,000
 Fiscal year 2019:
 (A) New budget authority, \$6,085,000,000
 (B) Outlays, \$5,992,000,000
 (13) INCOME SECURITY (600):
 Fiscal year 2009:
 (A) New budget authority, \$74,067,000,000
 (B) Outlays, \$64,056,000,000
 Fiscal year 2010:
 (A) New budget authority, \$62,365,000,000
 (B) Outlays, \$67,580,000,000
 Fiscal year 2011:
 (A) New budget authority, \$62,275,000,000
 (B) Outlays, \$67,880,000,000
 Fiscal year 2012:
 (A) New budget authority, \$62,540,000,000
 (B) Outlays, \$66,271,000,000

Fiscal year 2013:
 (A) New budget authority, \$62,803,000,000
 (B) Outlays, \$65,341,000,000
 Fiscal year 2014:
 (A) New budget authority, \$63,328,000,000
 (B) Outlays, \$64,169,000,000
 Fiscal year 2015:
 (A) New budget authority, \$64,221,000,000
 (B) Outlays, \$64,804,000,000
 Fiscal year 2016:
 (A) New budget authority, \$65,362,000,000
 (B) Outlays, \$65,660,000,000
 Fiscal year 2017:
 (A) New budget authority, \$66,561,000,000
 (B) Outlays, \$66,690,000,000
 Fiscal year 2018:
 (A) New budget authority, \$67,716,000,000
 (B) Outlays, \$67,735,000,000
 Fiscal year 2019:
 (A) New budget authority, \$68,976,000,000
 (B) Outlays, \$68,840,000,000
 (14) SOCIAL SECURITY (650):
 Fiscal year 2009:
 (A) New budget authority, \$6,386,000,000
 (B) Outlays, \$5,479,000,000
 Fiscal year 2010:
 (A) New budget authority, \$5,460,000,000
 (B) Outlays, \$5,549,000,000
 Fiscal year 2011:
 (A) New budget authority, \$5,545,000,000
 (B) Outlays, \$5,655,000,000
 Fiscal year 2012:
 (A) New budget authority, \$5,630,000,000
 (B) Outlays, \$5,763,000,000
 Fiscal year 2013:
 (A) New budget authority, \$5,716,000,000
 (B) Outlays, \$5,849,000,000
 Fiscal year 2014:
 (A) New budget authority, \$5,830,000,000
 (B) Outlays, \$5,809,000,000
 Fiscal year 2015:
 (A) New budget authority, \$5,969,000,000
 (B) Outlays, \$5,942,000,000
 Fiscal year 2016:
 (A) New budget authority, \$6,135,000,000
 (B) Outlays, \$6,103,000,000
 Fiscal year 2017:
 (A) New budget authority, \$6,306,000,000
 (B) Outlays, \$6,271,000,000
 Fiscal year 2018:
 (A) New budget authority, \$6,479,000,000
 (B) Outlays, \$6,443,000,000
 Fiscal year 2019:
 (A) New budget authority, \$6,665,000,000
 (B) Outlays, \$6,627,000,000
 (15) VETERANS BENEFITS AND SERVICES (700):
 Fiscal year 2009:
 (A) New budget authority, \$49,394,000,000
 (B) Outlays, \$46,757,000,000
 Fiscal year 2010:
 (A) New budget authority, \$53,263,000,000
 (B) Outlays, \$52,474,000,000
 Fiscal year 2011:
 (A) New budget authority, \$54,417,000,000
 (B) Outlays, \$53,972,000,000
 Fiscal year 2012:
 (A) New budget authority, \$55,855,000,000
 (B) Outlays, \$55,487,000,000
 Fiscal year 2013:
 (A) New budget authority, \$57,384,000,000
 (B) Outlays, \$56,932,000,000
 Fiscal year 2014:
 (A) New budget authority, \$58,969,000,000
 (B) Outlays, \$58,519,000,000
 Fiscal year 2015:
 (A) New budget authority, \$60,971,000,000
 (B) Outlays, \$59,265,000,000
 Fiscal year 2016:
 (A) New budget authority, \$62,494,000,000
 (B) Outlays, \$61,978,000,000
 Fiscal year 2017:
 (A) New budget authority, \$64,367,000,000
 (B) Outlays, \$63,067,000,000
 Fiscal year 2018:

(A) New budget authority, \$65,404,000,000
(B) Outlays, \$65,012,000,000
Fiscal year 2019:
(A) New budget authority, \$67,415,000,000
(B) Outlays, \$65,345,000,000
(16) ADMINISTRATION OF JUSTICE (750):
Fiscal year 2009:
(A) New budget authority, \$54,099,000,000
(B) Outlays, \$48,018,000,000
Fiscal year 2010:
(A) New budget authority, \$48,763,000,000
(B) Outlays, \$49,470,000,000
Fiscal year 2011:
(A) New budget authority, \$50,595,000,000
(B) Outlays, \$51,525,000,000
Fiscal year 2012:
(A) New budget authority, \$50,506,000,000
(B) Outlays, \$51,416,000,000
Fiscal year 2013:
(A) New budget authority, \$50,389,000,000
(B) Outlays, \$51,428,000,000
Fiscal year 2014:
(A) New budget authority, \$50,263,000,000
(B) Outlays, \$50,466,000,000
Fiscal year 2015:
(A) New budget authority, \$50,156,000,000
(B) Outlays, \$49,725,000,000
Fiscal year 2016:
(A) New budget authority, \$50,012,000,000
(B) Outlays, \$49,250,000,000
Fiscal year 2017:
(A) New budget authority, \$50,023,000,000
(B) Outlays, \$49,366,000,000
Fiscal year 2018:
(A) New budget authority, \$50,015,000,000
(B) Outlays, \$49,501,000,000
Fiscal year 2019:
(A) New budget authority, \$50,247,000,000
(B) Outlays, \$46,565,000,000
(17) GENERAL GOVERNMENT (800):
Fiscal year 2009:
(A) New budget authority, \$24,562,000,000
(B) Outlays, \$18,861,000,000
Fiscal year 2010:
(A) New budget authority, \$18,976,000,000
(B) Outlays, \$19,896,000,000
Fiscal year 2011:
(A) New budget authority, \$19,286,000,000
(B) Outlays, \$20,181,000,000
Fiscal year 2012:
(A) New budget authority, \$19,598,000,000
(B) Outlays, \$20,541,000,000
Fiscal year 2013:
(A) New budget authority, \$19,915,000,000
(B) Outlays, \$20,781,000,000
Fiscal year 2014:
(A) New budget authority, \$20,320,000,000
(B) Outlays, \$20,662,000,000
Fiscal year 2015:
(A) New budget authority, \$20,828,000,000
(B) Outlays, \$20,951,000,000
Fiscal year 2016:
(A) New budget authority, \$21,426,000,000
(B) Outlays, \$21,366,000,000
Fiscal year 2017:
(A) New budget authority, \$22,039,000,000
(B) Outlays, \$21,854,000,000
Fiscal year 2018:
(A) New budget authority, \$22,668,000,000
(B) Outlays, \$22,427,000,000
Fiscal year 2019:
(A) New budget authority, \$23,330,000,000
(B) Outlays, \$22,873,000,000
(18) NET INTEREST (900):
Fiscal year 2009:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2010:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2011:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2012:

(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2013:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2014:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2015:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2016:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2017:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2018:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2019:
(A) New budget authority, \$0
(B) Outlays, \$0
(19) ALLOWANCES (920):
Fiscal year 2009:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2010:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2011:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2012:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2013:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2014:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2015:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2016:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2017:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2018:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2019:
(A) New budget authority, \$0
(B) Outlays, \$0
(20) UNDISTRIBUTED OFFSETTING RECEIPTS (950):
Fiscal year 2009:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2010:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2011:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2012:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2013:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2014:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2015:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2016:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2017:

(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2018:
(A) New budget authority, \$0
(B) Outlays, \$0
Fiscal year 2019:
(A) New budget authority, \$0
(B) Outlays, \$0

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-REDUCING RESERVE FUNDS FOR ENTITLEMENT COMMISSIONS—SOCIAL SECURITY AND MEDICARE & MEDICAID.

(a) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a BRAC-like commission to review the current and long-term solvency of Social Security and a BRAC-like commission to review the current and long-term solvency of Medicare and Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) These commissions will provide recommendations to reduce mandatory spending by at least four percent over the next five years, and seven percent over the next ten years.

(c) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than means testing for high-income beneficiaries under the prescription drug benefit under Part D).

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE HEALTHCARE REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address health care costs, coverage, and care in the United States in a manner that reduces the costs of health care, increases access to health insurance, and improves the transparency of the costs and quality for medical care, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, and eliminate the offset between Survivor Benefit Plan annuities and Veteran's Dependency and Indemnity Compensation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote energy security activities including, but not limited to, increasing funding for waste storage alternatives, advanced technology assessment and deployment for clean coal and carbon capture and storage, and clean energy deployment including increasing the use of nuclear power and refurbishing the transmission grid, and allowing loans under the Department of Energy's Innovative Technology Loan Guarantee Program of up to \$50,000,000,000 for the purposes of constructing nuclear power generating units, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR TAX CODE MODERNIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for revenue-neutral income (including AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance and aids U.S. international competitiveness, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

- (1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;
- (2) reduce the use of no-bid and cost-plus contracts; or
- (3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR A BIPARTISAN, COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference

reports for a select senate committee to carry out a bipartisan, comprehensive investigation into the underlying causes of the current economic crisis, and recommend ways to avoid another crisis, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGETARY PROCESS**SUBTITLE A—BUDGET ENFORCEMENT****SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.****(a) SENATE POINT OF ORDER.—**

(1) **IN GENERAL.**—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) **WAIVER.**—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) **SENATE DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) with respect to fiscal year 2009—

(A) for the defense category \$689,926,000,000 in new budget authority and \$666,842,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$49,394,000,000 in new budget authority and \$46,757,000,000 in outlays; and

(C) for the nondefense/non-VA category \$742,099,000,000 in new budget authority and \$532,373,000,000 in outlays.

(2) with respect to fiscal year 2010—

(A) for the defense category \$686,128,000,000 in new budget authority and \$689,963,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c);

(B) for the Veterans Affairs (VA) category \$53,263,000,000 in new budget authority and \$52,274,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c); and

(C) for the nondefense category \$458,515,000,000 in new budget authority and \$608,750,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c).

(3) with respect to fiscal year 2011 —

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(4) with respect to fiscal year 2012—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(5) with respect to fiscal year 2013—

(A) for the defense category \$634,421,000,000 in new budget authority and \$636,332,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$57,384,000,000 in new budget authority and \$56,932,000,000 in outlays; and

(C) for the nondefense/non-VA category \$468,849,000,000 in new budget authority and \$544,103,000,000 in outlays.

(6) with respect to fiscal year 2014—

(A) for the defense category \$648,249,000,000 in new budget authority and \$641,632,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$58,969,000,000 in new budget authority and \$58,515,000,000 in outlays; and

(C) for the nondefense/non-VA category \$472,964,000,000 in new budget authority and \$534,759,000,000 in outlays.

(7) with respect to fiscal year 2015—

(A) for the defense category \$663,159,000,000 in new budget authority and \$6653,234,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$60,971,000,000 in new budget authority and \$59,265,000,000 in outlays; and

(C) for the nondefense/non-VA category \$478,347,000,000 in new budget authority and \$535,954,000,000 in outlays.

(8) with respect to fiscal year 2016—

(A) for the defense category \$678,149,000,000 in new budget authority and \$671,890,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$62,494,000,000 in new budget authority and \$61,978,000,000 in outlays; and

(C) for the nondefense/non-VA category \$486,111,000,000 in new budget authority and \$539,261,000,000 in outlays.

(9) with respect to fiscal year 2017—

(A) for the defense category \$694,153,000,000 in new budget authority and \$683,256,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$64,367,000,000 in new budget authority and \$63,067,000,000 in outlays; and

(C) for the nondefense/non-VA category \$493,916,000,000 in new budget authority and \$545,501,000,000 in outlays.

(10) with respect to fiscal year 2018—

(A) for the defense category \$709,147,000,000 in new budget authority and \$693,789,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$65,404,000,000 in new budget authority and \$65,012,000,000 in outlays; and

(C) for the nondefense/non-VA category \$501,500,000,000 in new budget authority and \$553,275,000,000 in outlays.

(11) with respect to fiscal year 2019—

(A) for the defense category \$726,167,000,000 in new budget authority and \$714,089,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$67,415,000,000 in new budget authority and \$65,345,000,000 in outlays; and

(C) for the nondefense/non-VA category \$509,864,000,000 in new budget authority and \$558,866,000,000 in outlays.

(c) ADJUSTMENTS IN THE SENATE.—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary

spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(3) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term advance appropriation means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first

becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading Accounts Identified for Advance Appropriations in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SUBTITLE B—OTHER PROVISIONS

SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 315. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 316. COST ESTIMATES FOR CONFERENCE REPORTS AND OTHER MEASURES.

It shall not be in order to consider a conference report, bill, or joint resolution unless an estimate of costs has been printed in the Congressional Record at least one day before its consideration.

SEC. 317. LIMITATION ON LONG-TERM SPENDING PROPOSALS

It shall not be in order to consider any bill or joint resolution reported from a committee if such bill or resolution is not accompanied by a cost estimate prepared by the Congressional Budget Office on whether or not the measure would cause a net increase in direct spending in excess of \$5 billion in any of the four next five-year periods.

SEC. 318. REVENUES COLLECTED FROM CLOSING THE TAX GAP ARE USED ONLY FOR DEBT REDUCTION.

(a) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO BUDGET COMMITTEE.—When a bill is cleared for the President, the Congressional Budget Office (CBO), pursuant to section 202 of the Congressional Budget Act of 1974, and the Joint Committee on Taxation shall inform the Chairman of the Committee on the Budget if that measure contains provisions that increase revenues from closing the tax gap. The report shall include the amount of revenue raised each year includ-

ing the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any revenue raised from provisions to close the tax gap (as detailed in the report described in (a)(1)) shall not count as offsets for purposes of section 201 of S. Con. Res. 21, the FY 2008 Budget Resolution.

(b) CRITERIA AND DEFINITIONS.—

(1) The tax gap is the difference between the revenue that is owed to the federal government in accordance with existing tax law and the revenue that is collected by the federal government.

(2) The tax gap is a combination of inadvertent errors and deliberate evasion.

(3) Revenues raised from changes to withholding or payment reporting requirements are examples of efforts to close the tax gap.

(4) The tax gap is not about clarifying existing law in order to close loopholes, broadening the tax base, raising tax rates, or any other action that would change existing tax law.

SEC. 319. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation that would increase the on-budget deficit above the amounts provided for in this resolution in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 320. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING A DEBT HELD BY THE PUBLIC-TO-GDP RATIO THAT EXCEEDS 65%.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains a ratio of debt held by the public-to-Gross Domestic Product which exceeds 65% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SEC. 321. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEFICIT LEVELS EXCEEDING 8% OF GDP.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any

amendment, amendment between Houses, motion, or conference report thereon that contains deficits as a percentage of the Gross Domestic Product in excess of 8% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEFICIT LEVELS.—For purposes of this section, the deficit as a percentage of Gross Domestic Product shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Republican time be allocated as follows, between now and the time of the vote: that Senator HUTCHISON be allowed 5 minutes on the substitute amendment, Senator GRAHAM 5 minutes, Senator COBURN 5 minutes, myself 5 minutes, Senator GREGG 10 minutes, Senator INHOFE 3 minutes, Senator SESSIONS 5 minutes, Senator CHAMBLISS 2 minutes, and Senator WICKER 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from Texas, Mrs. HUTCHISON.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I, first, wish to thank Senator MCCAIN for leading this effort to present an alternative because we all know, after looking at the Democratic budget and the Obama administration budget which produced the Democratic budget, that the debt is unsustainable. This is a budget that would double our debt in 5 years, and if it goes out to 10, it would triple our debt. As a matter of fact, it spends too much, it taxes too much, and it borrows too much.

We have to start putting some common sense in this budget process or we are going to go into an abyss. We must take the reins of this budget and hold it back. Today, our debt-to-gross domestic product is 57 percent. That is pretty high. The average over the last 50 years has been about 40 percent. This underlying budget today would take our debt-to-gross domestic product ratio to 80 percent. That is simply unsustainable on a long-term basis. During the Great Depression, during World War II, we saw numbers such as that, but you cannot sustain it over a long period of time. It was brought back down after World War II so that it was in the 30-percent range. Forty percent is optimum. We are at 57. We would go to 80 if we don't do something.

That is why Senator MCCAIN and those of us who are cosponsoring his substitute are trying to do the right thing. We are trying to produce an alternative that is responsible and takes care of the needs of our country at the same time.

The key points of this substitute are that we would cap discretionary spending at baseline levels plus inflation, except for defense and veterans. That means every program we have can grow with inflation. You are not cutting anything from today, but you are allowing it to just grow by inflation, which will cap it—except for defense, which does increase, and our veterans, which does increase. We have increased our veterans, we have increased defense, we continue to do so because we know our duty to those who are serving our country and protecting our freedom.

This substitute also extends the 2001 and 2003 tax cuts. That means marriage penalty relief will be extended. It means we will not put a shock into the stock market by increasing the capital gains and dividends rates at a time when we want to shore up our stock market. The worst thing we can do is send a signal that those taxes are going to go up in 2 years when our economy is already flailing. It will lower everyone's tax burden—everyone's. It will keep that 10-percent rate instead of moving it up. It will keep everyone's tax burden lower.

Marriage penalty relief is something I am going to offer an amendment on if this substitute does not pass because we need to make it permanent. The marriage penalty in this country, if we go back to the way it used to be, is over \$1,000 a couple. Is this a country that wants to dissuade people from getting married? That is the core of our family support in this country. Our substitute will extend the tax cuts, including marriage penalty, including every bracket, and including capital gains and dividends, to encourage savings and shore up our stock market.

It also takes the bigger picture view. This is a 10-year substitute, so it ensures that revenues collected from closing the tax gap would only be used for debt reduction. This is planning for the future. This is saying we are going to bring down that debt burden that is in the underlying bill before us. It will not be used to increase Federal spending because we are going to cap that at the baseline plus inflation. We are not going to hurt anyone. We are not going to also add to our debt. In fact, we would cut \$4 trillion from the budget that is before us.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mrs. HUTCHISON. I hope my colleagues will look at this responsible alternative.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, the thing many of my colleagues don't know is, before I was a physician I was an accountant, and the thing about numbers is you can make them show anything you want. That, historically, is what Republicans and Democrats have done with budgets. They play games. The only year that counts is the next year, this next 2010 fiscal year. That is the only thing that counts in terms of what they are going to do.

The important thing before us ought to be the following: At the end of the budget that is offered by both President Obama and the majority, the deficit will be higher than it has ever been any time prior to this year, and it will not go down. It will never go down, in light of that, in terms of a sustainable level.

The second point I want to make on this budget is this budget is a real budget that says to every American except our fighting men and women and our seniors and our veterans: Everybody has to sacrifice for us to get out of the mess we are in. The sacrifice will not necessarily be hard because of the tremendous amount of waste that is in the Federal Government right now. At a conservative minimum, 10 percent of everything we spend is pure waste or fraud. We will not do anything about it. One of the things with the McCain budget, the Republican budget, is that it will force us to do something about it.

We take some of that \$380 billion a year that is now defrauded of the Federal Government, or pure waste, and we will recapture that to do something positive. But the underlying point is, as Americans, if we are going to get out of the problems we are in, we cannot spend our way into prosperity, and we can't borrow our way out of debt. That is what this budget does. It attempts to grow Federal Government.

The claim is that it only grows it 2 percent over 5 years. But when you look at the numbers in this budget, it grows at 7 percent in the next year, in terms of discretionary spending. Then all the pain is after that. We all know the reality of the Senate. There will not be any pain. It will be 7 percent the year after that. You watch what comes from the appropriators.

The House budget has a 12-percent increase in it. The President's had an 11-percent increase. We can hear all these statements on the floor, but the No. 1 fact is, everybody in this country is going to have to sacrifice except those who have already sacrificed. If we do anything less than that, then what we are doing is sacrificing the future of our kids and our grandkids.

In this budget we have a proposal that will pick up the 11 million Americans who are eligible for Medicaid who are not even getting health care now and, at the same time, save the States

\$88 billion a year and save the Federal Government \$40 billion a year and improve the health care of everybody on Medicaid today. That is \$1.3 trillion of efficiency in health care that we will save. The States will love the plan.

Does it fit into the overall plan of what we have now? Is it the only way we can do it? No. But the fact is, 40 percent of the doctors and caregivers in our country today will not even see a Medicaid patient. We are up to almost 20 percent not seeing a Medicare patient. We have to do something about that. But we don't need more money in health care; what we need is a more efficient market and common sense in the way we spend the money so we get great quality care at a fair price, which is not happening today.

I hope my colleagues will consider the McCain budget because of the significant truth that underlies it, that everybody is going to have to sacrifice some. Everybody has to sacrifice if we are to get out of the mess we are in. You can be critical of it, but the fact is, there is no program, in terms of total dollars, that is going to see a marked decrease in terms of spending without getting exactly the same or better results.

Our President said he wants a line-by-line review of every program, that he wants competitive bidding, he wants metrics. That is what we do. We actually do what the average American would do. We apply common sense to the way the Government spends money, and we look at it and say we cannot continue on the path we are on without bankrupting our kids.

The very real possibility that out of the budget that is being presented today we will have a fiat currency or a currency that is inflated, which will devalue the assets of everybody in this country, is absolutely real and recognized.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COBURN. I thank the Senator from Arizona for the time to speak on his budget, and I yield.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The majority has 35 minutes and the Republicans also have 35 minutes.

Mr. MCCAIN. I thank the Chair.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the Chair. I appreciate the comments that have been made. I agree first with Senator COBURN's comments about our distinguished chairman's pride in spending less money than the Obama proposal called for for discretionary spending over 5 years. He said

he saved \$600 billion—and it should save some. However, President Obama's budget was an 11-percent increase.

Senator CONRAD came in with a 7-percent increase, which is huge in light of the money we are spending on top of that with the stimulus package we just passed; and at 7 percent, Government spending would double in 10 years. But the House is at 12 percent. So when the bill goes to conference, it is not going to be at 7, it is going to be at 10, 11, maybe 12 percent.

No. 2, his savings are projected in years 2, 3, 4 and 5, and as Senator COBURN said, when we come back next year, this body, if the same Members are here, is going to have another 7 percent or 10 percent. The only one that counts is this year. So I do not believe we have a real change in this budget. I believe Mr. Orszag is correct—the President's budget manager—that this is 98 percent of what he asked for and he asked for a budget over 10 years that doubles the debt in 5 years and triples it in 10. It triples the debt in 10. It is admitted by the President's own budget. It is in the numbers he sent to us. We are not making this up. That is No. 1.

I have several amendments I will be calling to my colleagues' attention. One is the Comprehensive Outer Continental Shelf Study. We have no idea today how much oil and gas may be off our coasts, our Atlantic coast and Pacific coast. Particularly, the Atlantic States are eager to know what is out there and to consider whether they want to produce out there. I think it has great potential for America.

Every barrel of oil and energy we can produce in the United States off our shores so we do not have to transfer our wealth to Saudi Arabia or Venezuela or places around the world but keep it here creating jobs and revenue is progress for America in a significant way. That is an amendment on which I hope we will have bipartisan support.

Missile defense, I am working with Senator LIEBERMAN on that. I am concerned there might be some belief that we can ease off the completion of missile defense. Our missile defense system now has 26 launchers already built or contracted for; we want to do 44. After years and years of science and technology and investment, we are about to be able to complete a missile defense system that will make us all proud and can protect us from such things as a North Korean launch. If we don't get this system up like we need it, we will not be able to do that.

I believe today our technology would knock down that missile if it reached the United States. We need to complete that program. If we slow it down, it will just drive up the cost even more. That is important.

I am concerned about the history of this Congress when it deals with border

security. We have voted repeatedly—the last big vote was 80 to 19—to complete 700 miles of fencing and barriers on our border. The money often does not get appropriated, however. We vote and say we are for it, but when the chips are down the money doesn't get funded. This would call on us to complete the funding for that project. I think all of us would want to complete what we have started.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SESSIONS. Madam President, I want to say it is not impossible for us at least to move substantially toward a balanced budget. In the immediate years ahead it is going to be hard to get to a balanced budget. But the President's budget does not attempt to do so. In fact, in years 7 and 10 of his budget, his deficits are not going down. This is his own document he submitted to us—they are surging upward. In his 10th year, the Congressional Budget Office says his deficit will be, in 1 year, \$1.2 trillion. That will be almost three times the highest deficit this country has ever had in its history.

I thank Senator MCCAIN and others who are working on it.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, how much time remains under my control?

The PRESIDING OFFICER. There is 25 minutes remaining.

Mr. CONRAD. Madam President, how much time is under the control of Senator MCCAIN?

The PRESIDING OFFICER. There is 10 minutes remaining on the McCain amendment.

Mr. CONRAD. I ask unanimous consent that the debate on the McCain amendment appear all as one piece in the RECORD. I think that will be better for those reading this at some point in the future, if someone does care to read it in the future. It will be better if we keep the McCain debate all together as one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. First, I thank and congratulate the Senator from Arizona for producing a budget and a budget alternative. That was not done on their side until he did it, and I commend him for it.

I also commend him for producing a budget that in its overall totals is very close to the budget resolution I have advanced through the Budget Committee.

In fact, if you compare Senator MCCAIN's 5-year totals with my 5-year totals, compare his revenue to my revenue, his spending to my spending, they are 98 percent alike. In addition, the size of the deficit in 2014 is virtually the same. Mine is 2.9 percent of GDP, his is 2.8. And the debt, mine is 98.7, his is 98.3, virtually identical in 2014.

So there is some commonality here, and that is something perhaps we can build on. Of course, there are differences, and differences do matter. Largely they appear in two places. The Senator from Arizona appears to reduce mandatory spending by \$350 billion over 5 years.

But where does he do it? Does he show savings in Medicare? No. Does he show savings in Medicaid and the health care accounts? No. Does he show savings in Social Security? No. Does he show savings in agriculture? No. He does not do it in any of those places that are the major pots of money for mandatory spending. Instead, he takes all of the \$350 billion in savings in Function 920. That is the general overhead function for all of those categories.

So, in effect, what he has is an across-the-board cut in Medicare, Medicaid, Social Security, agriculture, and that is how this budget would work. I do not know if that is the intention, but that is what would happen.

In fact, excluding debt service, 85 percent of the claimed savings are from function 920, no specific savings at all. Where are the remaining 15 percent of the savings? Largely, they are in the international affairs budget. Relative to the budget resolution before us, and that is before we adopted the Kerry amendment yesterday, he reduces spending on international accounts by \$44 billion over the 5 years. The Senator from Arizona assumes an increase of 1.3 percent in 2010 and less than 1 percent over the remaining 5 years. That runs counter to what the Secretary of Defense has asked of us because he has asked that we plus-up the international accounts so that things that really ought to be done in the international accounts, instead of the Defense Department accounts, be shown there.

Disturbingly, next year, when we will still be recovering from the worst recession since the Great Depression, the budget advanced by the Senator from Arizona would cut nondefense discretionary spending, compared to the resolution before us, by \$23 billion. Those cuts would affect virtually every discretionary function, although not defense and not veterans. I commend him for holding them harmless, but that means everything else has to be cut more. That means education, the health care accounts—all of those would have to be cut.

In terms of looking at a budget in a fair and balanced way, while I com-

mend the Senator for producing a budget, it is a budget without detail, a budget without specificity, a budget that is almost "paint your own picture." Because he has this \$350 billion of savings in function 920, because he doesn't specify, that would have to be done across the board. That means all of these other functions—Medicare, Social Security, agriculture, all of the other mandatory accounts—would have to take significant across-the-board cuts.

I commend the Senator from Arizona for offering an alternative, but I think the difference between his plan and my plan in overall numbers is very small, but the differences that do exist matter a great deal.

One other point I want to make: As with many of my GOP colleagues' amendments, the McCain amendment would create 60-vote points of order against future budget resolutions, threatening the ability to maintain the disciplines that come through the budget process. Caps on discretionary spending, allocations to committees, the supermajority points of order against excessive spending—all of that would be put at risk in the name of preventing the growth of deficits and debt. While I share the basic idea and the basic value of trying to control deficits and debt, as an unintended consequence, the cure here is worse than the disease. When the answer is to make it harder to do a budget resolution, you actually lose the disciplines we could employ in order to reduce the growth of deficits and debt.

It is a curious thing, if one thinks about it. The way to prevent the growth of debt is not to do a budget or make it harder to do a budget. Unfortunately, around here one of the few things we have to discipline spending is a budget. That is where all the points of order lie when we go to the appropriations process. If it were successful, if you were able to prevent doing a budget resolution, you would then immediately go to appropriations bills and you would have no points of order, no 60-vote hurdles against excessive spending. We want to think carefully whether that is the answer.

My own view is, we would be much better off doing some kind of special process where all of the major players are at the table, everything is on the table, and we have a special process to get whatever plan they develop to the floor for an actual vote. My own belief is, after 22 years of this, the only real hope for changing the underlying policies, for disciplining entitlements, for fundamental tax reform, the only way to do that is some sort of special bipartisan process where everybody is at the table, everything is on the table, and the work of that group comes to the floor for a guaranteed vote. That is the best hope we have.

With that, I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself a couple of minutes.

First, the fundamental difference between the proposal before us and my proposal is that the budget as proposed has a growth in 2010 for nondefense spending of 8 percent, with about 1 percent growth in each of the following years from 2011 to 2014. That is an old gimmick. The budget proposal before us caps discretionary funding in 2010, which front-loads all the higher costs in the first year. Without caps in the outyears, we will find ourselves right back here next year listening to why the administration can't possibly live with an increase in 2011 of less than 1 percent as recommended in the budget.

Mandatory spending is more than Social Security and Medicare. It is general sciences, space, energy, natural resources. Every estimate we have is that we could cut 10 percent immediately in unnecessary and wasteful spending and fraud across the board, including Medicare, including all of these other programs. We are asking Americans who are tightening their belts, we are asking every State legislature in America to make tough decisions, and we are not making those tough decisions. We are just going on as if it were business as usual. An 8-percent increase in spending for 2010? Tell me one State legislature in America or any family in America that can afford an 8-percent increase in their budget. Only we can because we print money.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that the Senator from Arizona yield 2 minutes to me to speak on the budget.

The PRESIDING OFFICER. The Senator is allotted 2 minutes.

Mr. CHAMBLISS. Madam President, as everyone knows, the chairman of the Budget Committee happens to be a dear friend of mine, a guy with whom I work on any number of issues on a regular basis. I empathize with him for having to take what I think has been generally recognized as a freewheeling spending budget coming from the White House and try to evolve that into something that is meaningful and much more responsible. Unfortunately, that is a difficult task. I don't think it has been done. I thought for a minute, in listening to the chairman of the committee speak about the McCain alternative, that perhaps he was going to support it. But I understand why he can't.

There is one other major difference the Budget Committee chairman fails to point out between the President's budget and the Democratic budget we will be voting on, and it is a fundamental difference. The President's

budget and the Democratic budget focus on where we are going to spend money, versus the McCain budget which seeks to reduce Federal spending for the short term and the long term. The reason that is a fundamental difference is that when you look at the President's budget and you look at the Democratic budget, in the year 2019, for example, the amount of money that will be owed as interest on the debt will exceed the amount of money we are going to spend on discretionary defense. That is outrageous.

I have four grandchildren. Two of them are brand new. They are the ones who will be charged with repaying this debt. By passing the Democratic budget and the President's budget, there is simply no way the grandchildren of all of us are ever going to be able to pay the money back.

I urge support for the McCain alternative.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 30 seconds.

I didn't mention at the beginning of my response, but I wish to express my appreciation for the way the chairman, Senator CONRAD, and Senator GREGG have handled this debate. People have had a good opportunity to express their views. The worst part, obviously, is coming up in about 20 minutes. Both the distinguished chairman and ranking member of the committee have handled the debate in a fashion better than I have ever seen in the past. I congratulate both of them for allowing virtually every Member of the Senate to express their views on this important issue.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I inquire if the Senator from Arizona wishes to go on his amendment. Do we still have Senator GRAHAM?

Mr. MCCAIN. I think he is on his way.

Mr. CONRAD. Could I say, I was told a number of years ago that one of our colleagues called in and said he was on his way, that he was at the airport, and then it turned out he was at the Philadelphia airport.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the chairman.

I wish to remind my colleagues where we are. We have a national debt of \$10.7 trillion. The budget that was proposed by the President was \$3.6 trillion. What we are looking at is a debt of \$10.7 trillion. The Fed just pumped \$1.2 trillion into the economy. The TARP, Troubled Asset Relief Program, was \$700 billion. We passed an omnibus bill of \$410 billion. Prior to that, we passed a \$1.1 trillion stimulus package. And to cap

it all off, the Chinese own \$2 trillion of our paper, of our debt.

This is an unprecedented expenditure of the taxpayers' dollars, and with no way of paying for it. So these are extraordinary times, and we need to do extraordinary things. But let's try not to ignore what we are doing to future generations of Americans. Especially this time of year, I see lots of our citizens around the halls of Congress wearing badges and buttons and carrying signs and advocating for the causes and efforts they believe in. Generally speaking, those causes and efforts, in their view, require more of our tax dollars. I understand that. I appreciate it. And it is wonderful to see people exercising their right to petition Congress, which is guaranteed by the Constitution.

But I do not see anybody who is in the halls of Congress for my kids and my grandkids and your kids and your grandkids. We are laying an astronomical debt on them, which they will have to pay for sooner or later. One of the ways to pay for it is to debase the currency and print money. The result of that is hyperinflation, which is the greatest enemy of the middle class, and we have seen that before in the 1970s.

So, yes, this is a tough budget I am talking about. Yes, these are caps on discretionary spending. Tell me of a family in America—hardly—that is not having to put a cap on their spending. Tell me of a State legislature in America that is not having to put a cap on their spending because of enormous debts. My home State of Arizona is looking at a billion-dollar deficit. That is small compared to what is happening in California.

Madam President, I ask for 2 additional minutes from Senator GREGG's time.

Mr. GREGG. Madam President, I yield the Senator 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. So my point here is—by the way, one of the areas I agree with both Senator GREGG and Senator CONRAD is, we have to have a commission that meets and makes tough decisions on entitlements. We know entitlements cannot be sustained at their present level. And, of course, the first area we ought to look at is the \$60 billion the inspector general has said is wasted in Medicare and Medicaid every year. But tough decisions have to be made.

This is a tough budget proposal here. This is tough. It caps discretionary spending, except for defense and veterans. It increases defense spending. We are in two wars. We are in two wars, and I wish to give a little straight talk. In Afghanistan it is going to get worse before it gets better, and it is going to cost more of American blood and treasure.

It reduces the deficit and debt more than the proposals offered by the Sen-

ate Budget Committee or the President, and I would point out that 10 years is what we have to plan for rather than 5. It addresses the critical problem of Social Security and Medicare solvency by the establishment—according to the proposal both by the chairman and ranking member—of BRAC-like commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years.

It addresses our critical energy goals, and it also extends the tax cuts. This is the wrong time to increase anyone's taxes. History shows us if we raise people's taxes in tough economic times, it exacerbates the economic problems.

I do not pretend this is easy. I do not pretend this does not affect many Americans and their lives. But if we lay these multitrillion-dollar debts on future generations of Americans, we have contradicted and betrayed the commitment this Nation has kept throughout our history; that is, that the next generation of Americans inherit a better Nation than the one we did.

Madam President, I urge a vote for this amendment and this alternate budget proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, could the Chair inform us of the time remaining on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 9 minutes. The Senator from New Hampshire has 7½ minutes. The Senator from Oklahoma has 3 minutes. The Senator from South Carolina has 5 minutes. The Senator from Mississippi has 2 minutes.

Mr. CONRAD. Madam President, I think I will take a bit of my time, then, as we await these other Senators. Perhaps the cloakroom could check on the availability of Senators who have time so we can use the time effectively and efficiently.

With respect to Senator MCCAIN's amendment, his substitute, I want to again indicate there is virtually no difference between the debt at the end of the 5 years under his amendment and the amendment that has come through the Senate Budget Committee. The debt as a share of GDP on the budget that is on the floor is 98.7 percent of GDP in 2014. In the substitute amendment offered by the Senator from Arizona, it is 98.3 percent. There is virtually no difference in the debt levels under the McCain amendment and the budget I have offered our colleagues.

With respect to deficits, in 2014, the deficit as a share of GDP in the budget that is before us is 2.9 percent. Under the McCain amendment, it is 2.8 percent.

So I say to my colleagues, if you rack up, if you look at his revenue compared to my revenue: 98 percent the same.

His spending versus my spending: 98 percent the same. Where have we heard that figure before?

I think the point that needs to be made, though, is that there are differences, and the differences do matter. The big difference here is the Senator from Arizona saves \$350 billion out of the mandatory accounts, but he does not say where. He does not say where. He does not say it is out of Medicare. He does not say it is out of Social Security. He does not say it is out of agriculture. He does not say it is out of the other mandatory accounts. He puts all \$350 billion in section 920, which is an across-the-board cut in all of them—\$350 billion.

Colleagues, if you want to be voting for cuts that could be \$350 billion in Medicare and Social Security, vote for the McCain alternative. If you do not think that is a real good idea, stick with the budget that is before us. Because we have been specific about where the revenues are, about where the spending is, and we have tried to be disciplined about getting down to virtually the same levels on deficits and debt that are in the McCain amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, if it is all right with the bill managers, I would ask for 7 minutes to speak in support of the McCain amendment.

The PRESIDING OFFICER. The Senator has 5 minutes under the order.

Mr. GRAHAM. Five minutes. OK, thank you, Madam President.

I stand today in support of an alternative budget that is being proposed by Senator MCCAIN and others. This country is trying to write a budget for the American people. That should not be unknown to the American people. They are doing it every day. Every business is writing a budget. Every family is trying to plan a budget. The one thing families and businesses are doing is they are tightening their belts. Well, we are not. We are buying a bigger belt. We are buying a bigger suit.

We are trying to mask the fact that we are grossly overburdened. The budget before us is better than President Obama's budget. But Peter Orszag of OMB says it is 98 percent the same. So we are trying to find a different path. You can evaluate the people running your country as to how they want to spend your money and how much.

What we are proposing in this budget is to basically freeze domestic spending, except for defense and veterans—to

do what you are doing, basically; that is, control your spending, to get by on the same amount of money, with allowing some growth in some needed areas, but to rein in what will be a dramatic increase over time of domestic spending. I think we can do that.

We are spending trillions of dollars. We have trillions of dollars available to us. I know we could get by for another year or two on that same amount of money, allowing growth in certain key areas if we wanted to. But we don't have to. It is a choice we make. You don't have that choice. You can't go and print money. If you write a bad check, you go to jail; we call it good government. So you have choices. You have to make choices. We seem not to be bound by any choices.

If you are going to build a budget from a Federal level, what is the most important thing? At home and in your business, you build a budget around the essentials of what your family needs and what your business needs. I think we should be building a budget around securing the Nation. Under the budget of President Obama, defense spending goes from 4.7 percent of GDP—we are in Iraq and Afghanistan; there are all kinds of threats from Iran, North Korea, you name it; the world is a very dangerous place—and over 10 years, his defense budget takes spending down to 3 percent of GDP. I don't know what he is listening to in terms of intelligence reports, but I don't think this world is safe right now, and now is not the time to cut defense. The budget I am supporting, Senator MCCAIN's alternative, does away with tax increases on the job creators. If you make over \$250,000 a year, your taxes are going to go up by about 25 percent. At a time when we are trying to get people to expand their business—and I can tell my colleagues one thing, and John Kennedy understood this—if you raise taxes, people do less business. If you raise the capital gains rates from 15 to 20, people do less capital gains transactions because there is a penalty to engage in business activity. So now is not the time to raise taxes on anyone.

We have to compete with China and India. When you pass on the cost of doing business—and that is what will happen—the American consumer suffers and the American business community is going to suffer because they are competing with people in a global economy who do not have all these tax burdens.

The biggest problem this country faces in terms of long-term debt is Social Security and Medicare. These are entitlement programs. When you get retirement eligible under Social Security, you get a check based on your contributions. Nobody wants to allow that system to go bankrupt, but it is headed toward bankruptcy. Why? Because the amount of money coming in and the amount of money obligated do not match.

When I was born in 1955, there were 15 workers for every retiree. Today there are three and in 20 years there will be two. People will not be able—two workers will not be able to meet the obligations that are owed through the Social Security system unless we act now. This budget puts aside a reserve program to deal with saving Social Security. Medicare and Social Security and Medicaid are a very large part of our budget, and they are on autopilot. I commend the President for wanting to do something in health care, but in his budget, he adds \$1.6 trillion as a downpayment on health care reform.

We already spend more money than any country in the world on health care. Rather than adding another \$1 trillion into the system, let's see if we can better manage the money we have today. This budget puts a new earmark system in place so Senators and Congressmen cannot, in the middle of the night—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. This is an alternative that makes sense. This is an alternative that has to make the same choices you are making in the private sector. I hope the Congress will adopt this proposal.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 875

Mr. SANDERS. Madam President, I ask unanimous consent to call up amendment No. 875.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 875.

Mr. SANDERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

On page 48, line 24, insert "including the identity of each entity to which the Board has provided such assistance, the value or amount of that financial assistance, and what that entity is doing with such financial assistance," after "2008,".

Mr. SANDERS. Madam President, the American people are outraged by the greed, the recklessness, and the illegal behavior they have seen from the masters of the universe on Wall Street, who, through their outrageous behavior, these financial tycoons, many of whom have earned hundreds of millions of dollars, if not billions of dollars in their career, have plunged our country and much of the world into a deep recession which has cost our people millions of jobs, which has cost people

their homes, which has cost people their savings, and which has led millions of Americans to wonder what kind of future their kids are going to have.

All of this is not the result of an act of nature, it is the result of very definitive actions by a small number of people on Wall Street who have shown outrageous greed in their behavior. It goes without saying that we need a major investigation to understand how we got into this disaster, and what we are going to do to get out of it, and whom we are going to hold accountable.

It goes without saying that we need to begin the process of reregulating Wall Street, bringing back Glass-Steagall, and making sure our taxpayers will never again be put in this position of having to bail out the greed on Wall Street. It goes without saying that we have got to address the issue of too big to fail, in my view—and I have said this many times—if an institution is too big to fail, it is too big to exist, and we begin should begin right now in starting the breakup of these mammoth financial institutions whose failure would cause systemic damage to our entire economy.

It goes without saying that we have got to do more than worry about Wall Street, we have got to start worrying about Main Street and the middle class of this country. We need to pass strong mortgage reform legislation, as well as legislation to protect the American people, who are paying outrageously high interest rates on their credit cards.

In that regard, I have introduced legislation, and hope to get it to the floor of the Senate before too long, which would put a cap of 15 percent on the interest rates any credit card holder in this country would be charged.

But those issues dealing with Wall Street and many more will have to wait for another day. Today, I am offering, along with Senators FEINGOLD and WEBB, a very simple, what I believe is a noncontroversial amendment, which I hope will have the support of every Member of this body.

As you well know, the Congress voted to provide \$700 billion in so-called TARP funds to help bail out some of the major financial institutions in our country. I happen to have voted against that bailout. But what is very clear is that every penny of that TARP bailout money is now public.

As part of that bailout legislation, what was mandated is that every financial institution that received 1 penny of the taxpayers' money would be listed on the Treasury Department Web site. And if any American wants to know where that \$700 billion went, they can account for every nickel of that. That is the way it should be.

On the other hand, what many people do not know is that the TARP funds, that \$700 billion, were only one part of

the bailout. What many people do not know is that the Federal Reserve has lent out over \$2 trillion to a number of financial institutions. But if you were to ask me or any Member of the Senate, any Member of Congress, any American, who received that money, what they will tell you is: We do not know. Over \$2 trillion of taxpayer money has been placed at risk, but the American people do not know who received those funds, and what the exact contractual arrangements were.

Anybody who believes in the concept of good government, anybody who believes in transparency, understands that is wrong, that is unacceptable, and that has got to change.

Earlier this month, I had an opportunity to ask Ben Bernanke, who is the Chairman of the Federal Reserve, about this issue when he testified before the Budget Committee, of which I am a member.

At that hearing, Chairman Bernanke told the Budget Committee that since the start of the financial crisis, the Fed has provided loans to "hundreds and hundreds of banks." But Mr. Bernanke declined to name any of those banks, how much assistance they were provided, or what, in fact, those banks are doing with the money that taxpayers gave them.

What the Federal Reserve needs to understand is that this money does not belong to them, it belongs to the American people, and the American people have a right to know who the Fed is lending taxpayer money to, how much they are getting, and what the Fed is asking in return for this money. I cannot imagine anything that is more obvious, more common sense. How can you put \$2.2 trillion of taxpayer money at risk and not know who is receiving that money? I think back now to the financial forms that Members of Congress have to fill out. People want to know, are we in a conflict of interest. We fill out those forms, they are made public. Our staff members fill out those forms. In many instances, when people are applying for Federal aid, they are forced to make public what they are asking for and how much. Some years ago, small farmers in the State of Vermont received some help from the Federal Government as part of the MILC program, if I recall correctly there. It was right in the newspaper, every nickel the struggling farmers were getting. Some of these farmers make \$20,000, \$25,000 a year. Some of them are on food stamps. It was, \$8,399 goes to this farmer and that farmer. They were not happy about it. That is what the process was.

So it seems to me that if small farmers in Vermont are going to see what they get from the Federal Government and hope to keep small farms alive in this country, I think that multibillion dollar financial institutions should also be asked to have what they received made public as well.

The amendment I am offering today is a pretty simple one. It amends an amendment I offered. It was submitted in the Budget Committee. Specifically this amendment calls for increased transparency, including names, which institutions received assistance from the Fed, how much money they received, and what they are doing with this assistance.

I sincerely believe that is not an issue of left versus right. In fact, some of the strongest supporters of this concept are very conservative people such as RON PAUL, a colleague of mine in the House—a former colleague—who supports this type of approach. A number of Republicans have spoken for increased transparency, as well as progressives.

That is the issue. It is as simple and as clear as it can possibly be, that if taxpayers are going to be placed at risk by providing trillions of dollars in loans to large financial institutions, the American people have a right to know who is receiving that money, and what the terms are.

This amendment, once again, is supported by Senator FEINGOLD and Senator WEBB. I ask my colleagues to support this amendment.

I yield the floor.

THE PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from Louisiana to discuss her amendment, not to call it up but to discuss her amendment.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 931

Ms. LANDRIEU. I rise to speak about amendment No. 931 which is at the desk, as modified. I will ask the chairman at a later time for it to be voted on and in order.

I wanted to speak about an issue in the budget as we discuss the importance of laying out a framework for how we may allocate future revenues that come into our general fund from offshore oil and gas drilling.

A couple of years ago, in 2006, Senator Domenici and I led a bipartisan effort to establish what I believe is a breakthrough process as we seek to build a system or a method of energy security for our Nation which would, as the debate is going on in the Congress, include more domestic oil and gas drilling and an expansion of our nuclear capability for the production of electricity. I am very hopeful about alternative energy—wind and solar. We also have some interesting experiments underway with geothermal and energy created by our tides. There are also exciting opportunities for new hydro projects. It is going to take all of the above to help our country maximize domestic energy sources.

Representing the State of Louisiana, I am offering this amendment with the Senator from Alaska as well, Mr. BEGICH, who also represents a State that has contributed a great deal to conventional oil and gas production. It is important that the revenue streams associated with this production are shared equitably and fairly, not only with the Federal Treasury but with States that serve as platforms for this industry and with counties and, in the case of Louisiana, parishes that serve as platforms for this great industry.

More than ever, people in businesses and residences, individuals and families are focused on the cost of energy and electricity, both on the electricity side and the transportation side. While we are not there yet, we are pushing forward with the President's new initiatives and agenda to find a way to make America more energy secure.

In large measure, this debate has actually been led by the chairman of the Budget Committee, who is doing an outstanding job on the budget, but has also been flexing his muscle and lending his voice, and we are so grateful and appreciative, to pushing our country to energy security.

I offer this amendment as a basis to establish a deficit-neutral reserve fund that will continue the precedent and practice that was set by the Gulf of Mexico Energy Security Act, which will set aside 50 percent of future funds to be allocated in a budget-neutral fashion for revenue sharing for States and local governments, along with contributions out of that fund made to the Land and Water Conservation Fund and to investments in energy innovation—those three allocations of funding, whether it is for revenue sharing to establish a partnership with State and local governments, as we consider where else in America we can drill.

This amendment does not say where we are going to drill. It does not authorize drilling. It says when those decisions are made that the revenues should be shared with State and local governments appropriately, to enter into strong, reliable partnerships and mutually beneficial partnerships for increased drilling domestically. I think this is a very smart way to proceed, and it has been voted for by over 72 Members of this Senate, both Republicans and Democrats.

In addition, we understand that a part of this money could be dedicated to conservation, land and water. It could also go to energy innovation, research, and development. So, again, it does not tie our hands to the specifics. It does not authorize any drilling that is not already authorized under the law. But it does establish a deficit reserve fund for us to act in the future.

I understand my time has come to an end. I thank the chairman for his consideration. We will call this amendment up, No. 931, at the appropriate time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the distinguished Senator from Louisiana for her leadership on these issues and for the good working relationship we have enjoyed. One thing I have learned about the Senator from Louisiana: She is persistent with a capital "P." And I will tell you, if I wanted somebody to represent me here in this Capitol to get a result, I would pick her because never have I seen someone more indefatigable in defense of their State than the Senator from Louisiana, and I mean that with the highest praise.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. How much time is still pending for the various parties?

The PRESIDING OFFICER. The Senator from North Dakota has 5½ minutes, the Senator from New Hampshire has a total of 10 minutes, the Senator from Oklahoma has 3 minutes, and the Senator from Mississippi has 2 minutes.

Mr. GREGG. I see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 742.

The PRESIDING OFFICER. Is there objection? Would the Senator restate the number.

Mr. INHOFE. No. 742.

The PRESIDING OFFICER. The clerk will report—

Mr. CONRAD. Madam President, I object. We have a queue here. We have a unanimous consent agreement. It would be out of order to call up an amendment at this point.

Mr. INHOFE. Madam President, let me withdraw that unanimous consent request and let me comment about what this amendment is about. There was a misunderstanding. I thought this was going to be voice voted at some point, or accepted.

It has been accepted on both sides. My cosponsor is Senator AKAKA, who I think is down here now. I will briefly describe what it is and, hopefully, we will be able to get it in before the day is over.

There is a little bit of a problem we have in health care for our veterans, in that quite often—in fact, 19 out of the last 22 years—Congress has been unsuccessful in passing annual funding for veterans health care in time. Over the past 7 years, the VA has received its final budget at an average of 3 months after the beginning of the new year.

There is a solution to this—this discontinuation of health care for our veterans—that doesn't cost anything, and that is what this bill is all about. It would allow us to have advanced appro-

priations for veterans health care. This is not unprecedented; it happens in other areas too.

In October 2008, during his campaign, then-Senator Obama said:

The way our Nation provides funding for VA health care must be reformed . . . My administration will recommend passage of advance appropriations legislation for the fiscal year 2010 appropriations cycle.

So this is a recommendation that actually came from the administration. I am joined by several others, including Senator AKAKA, who is, of course, the head of the Veterans' Committee.

At the appropriate time, I wish to go ahead and get this through, and I will leave it up to the managers of the bill as to when that appropriate time will be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I will yield myself a few minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, we had represented to our colleagues that we would begin voting at 11:30. We have an inordinate number of votes already in the queue. I hope people will appreciate the fact that the number of amendments pending right now is going to take us well into the evening tonight, headed toward midnight. I recognize everybody wants to get their amendment up, and that is their right, but I would simply counsel that if we are going to complete this bill—which probably I should not counsel for since I am not for it, but as a practical matter, if we are going to complete this bill, we need to be a little bit judicious as we ask for votes on amendments; otherwise, we will be here well into Friday, if not into Saturday at this rate.

At this point, in order to recognize the fact that we are already behind schedule a little bit, I would suggest to the chairman that we yield back all time, even though I had a brilliant statement in opposition to the bill.

Mr. ENSIGN. Madam President, if the Senator will yield, I wasn't able to speak on my amendment last night. I wonder if I could have the remaining time until 11:45 to speak on the amendment.

Mr. GREGG. I do have 10 minutes left, so I will yield the Senator 5 minutes.

I, first, wish to take a minute, however, to say I appreciate Senator McCain's full substitute. I think it is a very positive substitute. It does what the American people need to have done. It controls spending in the outyears.

The essence of the problem with the budget that has been brought forward by the President and by the Senator from North Dakota is that in the outyears, the debt explodes and it explodes as a result of an explosion in spending. Senator McCain has taken an aggressive effort to try to change that course of action so our kids have an affordable Government. I congratulate him for it.

I yield 5 minutes to the Senator from Nevada.

Mr. CONRAD. Madam President, if the Senator from Nevada will withhold for 1 minute—and this time will not come out of his time—I think it is very important Senators understand that we have done a 5-year budget here. That is what we have done 30 of the 34 times Congress has done a budget under the Budget Act, including the last 5 years and including 2 when the ranking member was the chairman. Now, why have we done 5-year budgets? It is because the projections beyond 5 years are notoriously unreliable. The ranking member himself has said that second 5 years is a guess. My own belief is the fact that President Obama came forward with a 10-year budget is a useful thing. We have that scored. We know what that does. We know what it does in the second 5 years. But Congress has almost always done 5-year budgets. Thirty of the thirty-four times a budget has been written in Congress, it has been done on a 5-year basis because the outyears are so notoriously unreliable.

One other point I wish to make to colleagues. We now have over 100 amendments pending. If everyone insists on their amendment, we can do three an hour, we will be here for 33 hours. It is in the hands of our colleagues. If everybody is going to insist on their amendment and a vote on their amendment, you can do the math. We can do three votes an hour, and we will be here for 33 hours. I hope my colleagues think carefully about that.

Mr. GREGG. Madam President, 33½ hours.

Mr. CONRAD. So 33½ hours. I stand corrected.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, my amendment which I have offered in the past, is a means testing of Medicare Part D, the prescription drug benefit.

This Congress, under the leadership of President George W. Bush, offered seniors a brand new benefit: Prescription drug coverage. The problem with what this Congress did is that in this brand new benefit, we didn't take into

account wealthier seniors who were getting a benefit from a system they never paid into. People pay taxes for Medicare Part A: Hospital coverage. That is what Part A is for. We currently means test and require seniors that have more means to pay part of the Part B premium, which covers doctors. Well, Part D is to cover prescription drugs. So what we are doing with this amendment is saying to seniors, that instead of a schoolteacher, firefighter or police officer, the middle-income folks out there having to pay higher taxes in order to pay for your prescription drugs, if you have the means, then you should pay for them.

That is all this amendment does. The savings are contributed to deficit reduction.

We are talking about the massive amount of debt this budget puts onto our children and our grandchildren. The Chinese, who are a big buyer of our debt, are questioning whether they want to continue to buy our debt. If that ever happens, if the Japanese, the Chinese, other sovereigns around the world, or if our own citizens quit buying our Treasury bills this country is in trouble. We should be looking at ways to lower our debt, to lower the amount of money we are borrowing from our children and grandchildren.

This amendment saves about \$3 billion. I realize it is small change, but that used to be a lot of money around here. In these tough economic times we should save money whenever we can. This means-testing of Medicare Part D is absolutely a place where we should start saving.

Mr. GREGG. Madam President, will the Senator yield?

Mr. ENSIGN. I am happy to yield.

Mr. GREGG. I know the Senator mentioned this, but I wish to reinforce it. This was a proposal that came from President Obama's administration and it was in his budget; is that correct?

Mr. ENSIGN. The Senator is correct, that the President of the United States did include means testing as a part of his budget, means testing for Part D. He did put that toward health care. There are many of us who believe we spend plenty of money on health care in this country; we just don't spend it in the right way. We have a sick care system that pays people, doctors, and hospitals once people get sick, but we don't do pay for better behavior in this country, such as not smoking.

Safeway was in here talking to us about the program they implemented, and they actually give financial incentives for healthier living. They have actually been able to lower costs, compared to the rest of the United States, by 40 percent over the last 4 years. The United States does not need to spend more money on health care. We need to better allocate the money we are spending. That is why putting the savings from Medicare Part D toward def-

icit reduction is the responsible way to go.

Let's take the \$3 billion in savings, considered a pittance around here, and put it toward deficit reduction so we do not continue to put a huge burden on our children and our grandchildren.

Lastly, when the President says: Let's means test Part D, I think we should do just that. When our children and our grandchildren are saying: Let's not have any more debt, let's not be burdened with huge taxes in the future, we should listen to them as well. We have a responsibility to do that.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this amendment sounds good on the surface, but, frankly, it will make health care reform more difficult. It is difficult enough as it is. This amendment will make it much more difficult.

Some suggest that wealthier Americans should be "means tested;" that is, they should not get the same benefit under the Part D drug benefit as others. That is a policy that needs to be debated. I personally think that is something we should consider. After all, as the Senator from Nevada said, it is in the President's budget to means test Part D drug benefits.

But that is not the point here. The point here is, do we want to help make health care reform easier or more difficult? The effect of the amendment is to reduce the Finance Committee's allocation in health care reform. That is going to make the Finance Committee's effort to get meaningful health care reform more difficult.

I suggest we take up that issue—whether to means test Medicare or not—in the context of health care reform. Then the savings that would be achieved by means testing—if we enacted it—would go toward health care reform.

The effect of the Senator's amendment is twofold. One is to suggest means testing Medicare Part D, which is in the President's budget, but the President doesn't want to use means testing to reduce spending on health care. He doesn't want that. So it would accomplish both purposes; that is, to be sure we meaningfully address means testing but in a way that doesn't hurt the efforts of health care reform.

It makes much more sense to not adopt this amendment but take up the question of means testing in the context of health care reform, where it is part of many other components of health care reform, where the pieces will fit together in a way that makes more sense.

I respectfully say this is not the place to consider means testing. It should be done in the context of health care reform. If we don't approve this amendment, then we can deal with this issue on health care reform.

There are a lot of arguments for and against this. I take no firm position as chairman of the Finance Committee, but I believe the Senator's concept has merit. After all, it is in the President's budget, but it should not be done here, which has the effect of taking it out of the Finance Committee's allocation, which makes it more difficult for the Finance Committee to do its work on health care reform.

I respectfully urge Senators to not support this amendment so we can make it easier to take up health care reform in a way that we can consider this policy as one of the many we take up on health care reform.

Again, I urge that the amendment not be adopted so we can do our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, momentarily, we will go to a vote on the Ensign amendment.

Before we do that, I ask unanimous consent that upon the use of all time remaining for debate on the budget resolution, the Senate then proceed to vote in relation to the following amendments in the order listed; that each amendment be reported by number prior to the time for debate with respect to the amendment; that the previous order remaining debate time and vote time remain in effect; provided further, that if a budget point of order is raised against any amendment, then a motion to waive the applicable point of order be considered made, with the vote occurring on the motion to waive.

The list of amendments is as follows: Ensign, No. 805; McCain, No. 882, as modified; Dodd-Shelby, No. 913; Sanders, No. 875; Johanns, motion to recommit; Bennett, No. 759; Bennet, No. 799; Democratic side-by-side amendment to the Vitter amendment; Vitter No. 787; Coburn, No. 892; Casey, No. 755; Coburn, No. 893; Brown, No. 808; Graham, No. 910; Landrieu, No. 931, as modified, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wish to speak in support of the Ensign amendment. It should have been done long ago. There is no reason that people who are working in a restaurant or at Wal-Mart in New Hampshire should have to subsidize Warren Buffett's drugs, which is what happens under present law. There is no requirement that people who are wealthy have to pay anything on Part D premiums.

I certainly hope we will approve the Ensign amendment.

At this point, I suggest that we yield back all time.

Mr. CONRAD. I am prepared to yield back all time.

Mr. GREGG. We yield back all time, and we will go to the vote on the Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 805, offered by the Senator from Nevada, Mr. ENSIGN.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—39

Alexander	Crapo	Kyl
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McCaskill
Brownback	Feinstein	McConnell
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Specter
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Voinovich

NAYS—58

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Begich	Johnson	Reid
Bennet	Kaufman	Rockefeller
Bingaman	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown	Kohl	Shaheen
Burr	Landrieu	Snowe
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Warner
Conrad	Martinez	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Mikulski	Wyden
Feingold	Murray	
Gillibrand	Nelson (FL)	

NOT VOTING—2

Kennedy

Murkowski

The amendment (No. 805) was rejected.

Mr. CONRAD. Madam President, Senator FEINSTEIN wishes to be recognized for the purpose of changing her vote.

The PRESIDING OFFICER. The Senator from California is recognized.

CHANGE OF VOTE

Mrs. FEINSTEIN. Madam President, I want to change my vote on rollcall No. 128. It was my intention to vote "yes" and I voted "no." Since it will not change the outcome of the vote, I ask unanimous consent that my vote be changed to reflect a "yea" vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Madam President, I announced this morning, though only Senator MCCONNELL and I were on the floor, that today we are going to enforce the rule. This vote was turned in at 20 minutes. The 10-minute votes are going to be enforced. You have a 5-minute leeway. If you are not here exactly on time, the vote will be turned in. The clerks have been instructed of that fact.

Senator MCCONNELL and I believe we have to move this show along today. There is no reason to leave the Chamber. There is something to drink in the cloakroom and a sandwich if someone wants one, but let's cooperate and get this done today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, now that colleagues are in the Chamber, we will give you a status update. We now have over 100 amendments pending. We can do three an hour. If we hold on that, and everybody insists on a vote on their amendment, we will be here for at least 33 hours.

I implore colleagues on both sides, if you can take a voice vote on your amendment, please be willing to do that. So I ask colleagues, if you can take a voice vote on your amendment or if you can hold off to another day, please do so; otherwise, we will be here clear through tomorrow.

Mr. GREGG. The next amendment is Senator MCCAIN, I believe.

AMENDMENT NO. 882, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 882, as modified, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Madam President, this proposal caps discretionary funding at a baseline level plus inflation, a dramatic difference between this proposal and the Senate budget committee proposal. The proposal by Senator CONRAD increases domestic spending by 8 percent for 2010 and then 1 percent in the years following.

We all know that is unrealistic. And we all know we will be back here next year with another 8 percent increase in domestic spending. It is time for some tough love. This is what this budget proposal is.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the chairman's mark that was referenced increases discretionary spending not by 8 percent but by 5.3 percent. That is all domestic discretionary spending is increased—by 5.3 percent. It averages nondefense discretionary spending at a 2½-percent increase over the 5 years.

The McCain offer and the chairman's mark are almost identical with respect to deficit levels and debt levels. In 2014, the debt is 98.3 percent of GDP under the McCain amendment; 98.7 percent under the Chairman's mark—virtually no difference.

But there are differences. He takes \$350 billion in savings out of mandatory programs and doesn't specify whether it comes out of Social Security or Medicare or agriculture—\$350 billion. Where does it land?

If you want to risk cutting Social Security and Medicare by \$350 billion, vote for the McCain substitute. If not, vote no.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 882, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—38

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

NAYS—60

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Warner
Dodd	McCaskey	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NOT VOTING—1

Kennedy

The amendment (No. 882), as modified, was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 913

Mr. CONRAD. Madam President, next in order is the Dodd-Shelby amendment, No. 913.

Senator DODD?

Mr. DODD. Madam President, I offer this amendment on behalf of myself and Senator SHELBY. This amendment calls for increased transparency and disclosure at the Federal Reserve Bank in order to understand better the risks the Fed is taking onto its balance sheets. It also calls for a further evaluation of the costs of the existing Federal Reserve Bank system, which has not been done before.

Our colleagues from Vermont and Kentucky will offer an amendment after our amendment is offered. There is a distinction between these two. The amendment offered by the Senators from Vermont and Kentucky goes one step further than ours. Presently—and it has been the case for years and years—you do not reveal the names of the companies that show up at the discount window. There is a reason for that. The reason is obviously to avoid potential runs on those institutions. Our amendment does not require the disclosure of those companies names. We call for transparency, disclosure of the items I mentioned, the collateral that the Fed is taking, but we stop short of insisting upon naming the people who show up at the discount window. That is a fundamental distinction which our colleagues will have to decide on which course to follow.

We think there is some danger in going the route our colleagues from Vermont and Kentucky are proposing. If we end up naming those names, you could well trigger runs on those institutions, and that could end up costing the taxpayer a lot more. The Dodd-Shelby amendment improves disclosure and transparency at the Federal Reserve but does not risk the problems associated with the other amendment. We urge our colleagues to support our amendment.

I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 913.

The amendment is as follows:

(Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

On page 48, line 21, strike "banks" and all that follows through "purposes," on line 25 and insert the following "banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on

no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes."

Mr. DODD. I do not see Senator SHELBY in the Chamber.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

Mr. CONRAD. Senator SANDERS will have the time in opposition.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. The Dodd-Shelby amendment is a very good step forward in terms of long-overdue transparency of the Fed. I compliment both Senators for their effort, and I support their amendment.

Unfortunately, this amendment, as Senator DODD has just told us, does not go far enough. The bottom line is that the Fed has lent out some \$2.2 trillion, and the American people and the Members of Congress do not know which financial institutions have received that money or what the exact terms of those transactions are. I think it is basically absurd that \$2.2 trillion is at risk without us knowing who has received that money.

I support the Dodd-Shelby amendment, and in a moment I will ask for support for the Sanders-Feingold-Webb amendment as well.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 913.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—96

Akaka	Bennett	Bunning
Barrasso	Bingaman	Burr
Baucus	Bond	Burris
Bayh	Boxer	Byrd
Begich	Brown	Cantwell
Bennet	Brownback	Cardin

Carper	Inouye	Nelson (NE)
Casey	Isakson	Pryor
Chambliss	Johanns	Reed
Coburn	Johnson	Reid
Cochran	Kaufman	Risch
Collins	Kerry	Roberts
Conrad	Klobuchar	Rockefeller
Corker	Kohl	Sanders
Cornyn	Kyl	Schumer
Crapo	Landrieu	Sessions
DeMint	Lautenberg	Shaheen
Dodd	Leahy	Shelby
Dorgan	Levin	Snowe
Durbin	Lieberman	Specter
Ensign	Lincoln	Stabenow
Enzi	Lugar	Tester
Feingold	Martinez	Thune
Feinstein	McCain	Udall (CO)
Gillibrand	McCaskill	Udall (NM)
Graham	McConnell	Vitter
Grassley	Menendez	Voinovich
Hagan	Merkley	Warner
Harkin	Mikulski	Webb
Hatch	Murkowski	Whitehouse
Hutchison	Murray	Wicker
Inhofe	Nelson (FL)	Wyden

NAYS—2

Alexander

Gregg

NOT VOTING—1

Kennedy

The amendment (No. 913) was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 875

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 875, offered by the Senator from Vermont, Mr. SANDERS.

Mr. SANDERS. Madam President, I ask unanimous consent that Senator BUNNING be added as a cosponsor. I will yield 30 seconds to him and 10 seconds to Senator WEBB, who is a very quick speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. The taxpayers of this country, through the Fed, have lent \$2.2 trillion to a number of financial institutions. We do not know who these institutions are or what they received. This is totally absurd. We need to name the names. That is what this amendment is about.

I yield to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, this is a transparency amendment that allows the Fed, forces them, to reveal what banks have received over \$2 trillion in assistance. That is what the amendment says. That is what it does.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask my colleagues to consider 10 words: The American people deserve to know where their money went.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I share Senator SANDER's concern re-

garding the transparency of these programs. We all do. We just voted on the Dodd-Shelby amendment—96 to 2, it passed, I believe.

As Senator DODD has pointed out, however, disclosing the names of the companies may create financial instability by unnecessarily raising concerns about institutions that accessed these facilities, something we should try to avoid. I believe the Senate has already spoken, and we certainly do not need this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 875.

Mr. SANDERS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—59

Akaka	Ensign	Murray
Begich	Feingold	Nelson (FL)
Boxer	Feinstein	Pryor
Brown	Graham	Reid
Brownback	Grassley	Risch
Bunning	Hagan	Roberts
Burr	Harkin	Rockefeller
Burr	Hutchison	Sanders
Byrd	Inhofe	Sessions
Cantwell	Inouye	Snowe
Cardin	Kerry	Specter
Casey	Klobuchar	Stabenow
Coburn	Landrieu	Tester
Collins	Leahy	Thune
Conrad	Levin	Udall (NM)
Cornyn	Lincoln	Vitter
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NAYS—39

Alexander	Enzi	Martinez
Barrasso	Gillibrand	McConnell
Baucus	Gregg	Menendez
Bayh	Hatch	Murkowski
Bennet	Isakson	Nelson (NE)
Bennett	Johanns	Reed
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Carper	Kohl	Shelby
Chambliss	Kyl	Udall (CO)
Cochran	Lautenberg	Voinovich
Corker	Lieberman	Warner
Dodd	Lugar	Wicker

NOT VOTING—1

Kennedy

The amendment (No. 875) was agreed to.

Mr. SANDERS. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the reason this vote took a little longer is because

people, even though it is a 10-minute vote, waited until the last minute to come and vote or to change their vote. It is making it extremely difficult for the people at the desk to do this. There was a mistake made because people were switching votes, so it took a lot longer.

If everyone would stay as close as they can to get the votes out of the way and not wait until the last minute—the Republican cloakroom, we have sent pages back to try to find Members, and to the Democratic cloakroom as well.

The PRESIDING OFFICER. The Republican leader.

SENATOR GRASSLEY'S 10,000TH VOTE

Mr. MCCONNELL. Mr. President, our good friend from Iowa, Senator GRASSLEY, has cast his 10,000th vote. Senator GRASSLEY has been a distinguished Member of this body for 29 years and, in my view, the Nation is always a lot better off when people are paying very close attention to CHUCK GRASSLEY.

Over the course of the past two centuries, nearly 2,000 men and women have served in the Senate. Fewer than 30 have cast more votes than CHUCK GRASSLEY. Only one other Senator from Iowa has served longer. This year Senator GRASSLEY will mark 50 years of public service to the people of the Hawkeye State. While some Members of Congress have a tendency to lose touch with their constituents, Senator GRASSLEY has always worked hard to make sure he never did. He has made it his business to stay connected to the folks back home by holding at least one townhall meeting a year in all of Iowa's 99 counties and by responding to every letter, postcard, e-mail, and phone call his office receives from Iowans.

He also stays close to the land by working his family farm, even while he keeps up with his duties in Washington. CHUCK GRASSLEY may be a U.S. Senator, but he has always preferred to be known as "a farmer from Butler County." Visitors to the Grassley farm say it is not uncommon to see Senator GRASSLEY pulling a cell phone out from under his baseball cap while riding on his tractor. Remind me never to borrow Senator GRASSLEY's cell phone.

A 1955 graduate of the University of Northern Iowa, Senator GRASSLEY ran for the Iowa House at the age of 23 and lost. But this is a man, the Des Moines Register once wrote, for whom the word "dogged" was invented. Three years later, at age 25, he won that seat in the House, and Iowa voters have been reelecting him ever since, including five terms in the Senate.

Over the years, Senator GRASSLEY has distinguished himself for his tenacity and his commitment to the public interest. Whistleblower amendments that he has sponsored have recovered \$18 billion to the U.S. Treasury. He has kept a watchful eye on spending at the

Pentagon and, as the top Republican on the Senate Finance Committee, he has been an equal opportunity foe of loopholes, closing them to corporations and individuals alike. He has also done the hard work of following up on these and other accountability measures he has authored over the years.

Senator GRASSLEY has a lot to be proud of in his career. He and Barbara are also rightly proud of their 54 years of marriage, their five children, and nine grandchildren. CHUCK couldn't have foreseen such an eventful life when he and Barbara met, and Barbara probably certainly didn't expect that 30 years of marriage would pass before she finally got her diamond engagement ring. We all know it is probably because CHUCK didn't want to spend that money.

Senator GRASSLEY has been a farmer, a father, a government watchdog, a steward of the Nation's finances; in short, he is a real statesman. The Senate would not be the same without him, and the Nation, I firmly believe, would be a lot worse off without the remarkable service of CHUCK GRASSLEY. Senator, congratulations.

(Applause, Members rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I join the Republican leader in congratulating CHUCK GRASSLEY, our friend, on casting his 10,000th vote. CHUCK was born in the city of New Hartford—but not Connecticut—Iowa, where he and his wife Barbara raised their five children. They reside there today. After graduating Iowa State Teachers College, he earned a doctorate from the University of Iowa.

I have referred to Senator GRASSLEY on a number of occasions as CHUCK, Senator, Hey You, but now Dr. GRASSLEY. Everyone should understand that.

CHUCK, in addition to his education excellence, worked as an assembly line laborer before he was elected to the Iowa House of Representatives and later to the United States Congress. He has been in the Senate since 1980. CHUCK quickly became known as a friend to taxpayers and a foe to government waste.

As former chairman of the Senate Aging Committee, on which I served under him, Senator GRASSLEY worked to expose the neglectful practices of many of America's nursing homes, and certainly Senator GRASSLEY was a catalyst for change. To ensure that government workers feel free to shine a light on corruption and misappropriation of public funds, CHUCK GRASSLEY coauthored the Whistleblower Protection Act of 1989.

As former chairman and now ranking member of the Finance Committee, Senator GRASSLEY has worked with Members of both sides of the aisle to find bipartisan solutions to put taxpayers first.

He is a man of his word, and once he tells you what he has agreed to do, he goes to the wall. I have found that on a number of different issues working with him.

Senator GRASSLEY is a leader on health care issues. Senator GRASSLEY reached across the aisle to coauthor legislation with Senator KENNEDY 12 years ago that provides middle-class families with the opportunity to buy into Medicare for children with special needs.

I particularly appreciate Senator GRASSLEY's longstanding commitment to developing clean, homegrown renewable energy.

In addition to his leadership on a broad spectrum of national issues, Iowans depend on CHUCK GRASSLEY for his responsiveness to constituent services. He has accomplished the remarkable feat of visiting each one of Iowa's 99 counties—that is so hard for me to comprehend. The State of Nevada, as big as it is, only has 17 counties. Iowa has 99 counties, and he has visited those counties every year at least once since he was first elected to the Senate.

CHUCK and Barbara, as Senator MCCONNELL has mentioned, are the parents of five children: Lee, Wendy, Robin, Michele, and Jay.

An accomplishment for sure—10,000 votes cast in the U.S. Senate. It is a remarkable accomplishment. But as I look at his record, I think one of his greatest accomplishments is the fact that the Senator from Iowa will achieve, this year, his 55th wedding anniversary with Barbara.

Congratulations, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join with the entire Senate family in congratulating my colleague, my good friend, and the senior Senator from Iowa, on casting his 10,000th vote in the Senate. This is a truly remarkable milestone, but even more remarkable is the fact that Senator GRASSLEY has cast nearly 6,000 votes without missing a vote. It has been 16 years since Senator GRASSLEY has missed a vote. The last time he missed a vote, he had to be in Iowa during that terrible flooding we had in 1993. So he has not missed a vote since. It has been 16 years that Senator GRASSLEY has not missed a vote.

I note for the record that Cal Ripken, the great shortstop and third baseman for the Baltimore Orioles, went 16 years without missing a game, and they called him the Iron Man. So now Senator GRASSLEY has gone 16 years without missing a vote, so I guess now we can call him the Iron Man of the U.S. Senate.

But the measure of a Senator is not just how many votes he or she casts, it also includes what he or she accom-

plishes off the floor of the Senate. That is also where Senator GRASSLEY has truly distinguished himself in this body over the last 28 years.

Count me as one of those who believes the executive branch of this Government has gotten too powerful, has arrogated too much power to themselves in relation to the legislative branch.

Mr. BYRD. Yes, yes.

Mr. HARKIN. And it is a power they flaunt. I do not care whether it is a Democratic administration or a Republican administration. I daresay no Senator is more dedicated to providing rigorous, relentless oversight of executive branch agencies—whether during Republican administrations or Democratic administrations—than Senator GRASSLEY. Senator GRASSLEY's dedication to the oversight function has been exemplary, a model every Senator ought to strive to emulate.

CHUCK GRASSLEY and I have served together in the Congress since we were both elected the same year in 1974. We took our oaths of office on the same day in the House in 1975. Of course, he preceded me to the Senate. He came to the Senate in 1981. I followed him here in 1985. Well, we belong to different parties, but I like to think we share a down-to-earth, commonsense Iowa way of looking at the world. I value his friendship and his counsel. I have the highest respect for his work here in the Senate and his work in Iowa on behalf of all Iowans.

So, again, I join my colleagues in congratulating my colleague, my friend, and the senior Senator from Iowa on this remarkable milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have lined up to speak. So many of us want to congratulate the esteemed Senator from Iowa. I congratulate him on his 10,000th vote.

Many of you know CHUCK and I get together once a week. We started this practice at least 8 or 9 years ago, and sometimes he is chairman, sometimes I am chairman; chairman or ranking member, vice versa, back and forth. We meet every Tuesday at 5 o'clock in the afternoon, and we have done this for 8 years. Maybe we have missed five or six or seven times, but constantly, consistently we get together to go over matters, minimize misunderstandings, and so forth. Lately, the last couple, 3 years, the meetings have been in my office. I have a little bit bigger conference room. That is not the real reason, though. The real reason is, as CHUCK always reminds me, in my office the coffee is free, so it is much better to meet in my office.

All of you who know CHUCK know he passes the airport test; that is, if you are ever stranded in an airport for 10 or 12 hours and you are sitting next to

somebody, you get to like the person or you do not get to like the person. CHUCK more than passes the airport test. The more you get to know CHUCK GRASSLEY, the more you will like him. It is his decency, his honesty. He is unpretentious. It is his basic Iowa grass-roots personality. It means so much to me, in spending so much time with him. The only time our meetings are cut short, I might say, is when CHUCK has to dash out and get on the radio and talk to people back home in Iowa; otherwise, CHUCK stays throughout the meeting. The people in Iowa mean so much to him.

I might also say that we know how much he protects taxpayers' interests. It has been mentioned—whistleblower legislation, which he promotes so aggressively. He is also downright parsimonious himself. He turns the balance of his office budget back to the taxpayers. Every year, he returns a good portion back to the taxpayers. He also, I might say, promotes ethanol for several reasons. One, it is good for Iowa. But he also contributes to the reduction of fossil fuel consumption. When he comes back home from plowing his field, he is on his tractor, and he coasts downhill the last mile to save a few pennies of diesel fuel. He does. I checked that out a short while ago. Yes, he does that just to save a few pennies of diesel fuel.

Anyway, I want to tell you how much I appreciate him. He is one of my very best friends.

I think the measure of a Senator really is whether he or she is popular in two different areas, with two different audiences. First is the people back home—how popular is a Senator back home? The second is, how popular is he or she with his or her colleagues? There are two separate audiences. There are two separate criteria. Clearly, CHUCK is popular in both areas. He is very popular in Iowa. The people of Iowa love him. The people, Members of the Senate love him. He is one heck of a guy, and I just feel so honored to be able to serve with CHUCK on the Finance Committee, but also, more importantly, he is a very good friend here in the Senate.

So I congratulate you, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, do you know what, so many of you stayed around. I do not know how many times I have heard of other Senators having voted 10,000 or 12,000 times and I probably did not stay around, and I probably have not earned what you have said about me because I did not pay that much attention to the rest of you who have gone before. So let me apologize for that, and I will bet next time I will stay around.

So I am not flying under false colors, I would like to say a couple things. One

person spoke about my being a farmer, and that is absolutely right. I am. But I can tell you this, that when you get a 25-year-old grandson, grandfathers are not as important in the farming operation as you would like to be. So I consider myself now more of a hired man for Robin Grassley and Pat Grassley than I am a family farmer. But I still am a crop sharer with my son, and I market my own crops, and I am there to help put the crop in when they need me—and wish they needed me more—and help get the crop out, and wish they needed me more. So I do appreciate that.

As much as I would like to be called Dr. GRASSLEY—you can get that impression maybe because I did do 2 years of graduate work beyond my master's degree, but I did not quite finish it because I was elected to the State legislature and I never went back to the University of Iowa to finish it, and I kind of regret that. But I did not get back.

Mr. REID. Will my friend yield?

Mr. GRASSLEY. Yes, I will yield.

Mr. REID. I am sorry. That was something that was prepared for me. You always reminded me of having a Ph.D.

Anyway, here is the story. Somebody like you or me is going to go give a speech—and they give us these speeches, and we walk out and give them—and he is about halfway through his speech, and he comes to a page that is blank, and he says: You are on your own, you SOB. So that is kind of like this. I will check with my staff to make sure they do not make a mistake like that again.

(Laughter.)

Mr. GRASSLEY. Well, it is one of these cases where I passed the French test, and I was ready to write a dissertation, and I never quite got around to it.

One other thing I would like to say is, obviously, thank you for the recognition. I enjoy my job in the Senate very much. I guess if you vote 10,000 times, you are just doing what we are paid to do.

It is a wonderful experience serving here in the Senate. And I think I can say—as Senator BAUCUS has inferred, I hope I am liked by everybody. I like every one of you. I do not know any of you who consider me an enemy. And if you do, I do not want to know who you are.

(Laughter.)

If you wonder why there is some emphasis upon voting, people in this country are very cynical about those of us in elected office. I think: What can you do to reduce cynicism? And I thought a long time ago, sitting in a restaurant one time—and probably nobody at that time knew who I was. I overheard them saying something like: Well, it must be election time; the politicians are in town.

I heard that 30 years ago, and I made up my mind that at least one way I was

going to try to overcome that for politicians generally was to make sure the process of representative government works. So when I was elected to the Senate, it was not something I promised the people of Iowa, it was just something I promised myself: that I am going to go to every county every year to hold at least one town meeting so that person who was griping about only seeing a politician at election time could not say that about CHUCK GRASSLEY, and I hope in the process it has raised the respect people have for those of us who are elected.

The other thing about voting as often as I do here in the Senate, it is an opportunity to let people know when you are in session, you are here working. And when we are not in session, I am back in Iowa with my people. It is an opportunity to kind of quantify what our job is all about and to get over this business of people who, I think, think we are only here in Washington sitting around with our feet up on our desk waiting to take a phone call from somebody—that we are actually doing something. This is one way—maybe a very elementary way, but sometimes that is the way you have to explain government to the American people—that we are on the job, doing our job, and when we are not here, we are at home making the process of representative government work.

So I very much appreciate the kind words that have been said. And I did not record them, but if I did, I would play them back during election time.

Thank you very much for the honor.

I would yield to the Senator—oh, the Senator from Illinois said something nice about me one time, and I did use it in my literature. And some people of his party got on him: Why are you doing that?

Well, I think he said: It was true.

And he came to me one time and he said: Will you say something nice about me? I could put it in my literature.

And I gave him a slip of paper that said: He is not as bad as you think he is.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Nebraska.

MOTION TO RECOMMIT

Mr. JOHANNIS. Mr. President, I have at the desk a motion, and I would ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] moves to recommit S. Con. Res. 13 to the Committee on the Budget with instructions to report the same back to the Senate in 3 days making the following changes:

Mr. JOHANNIS. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

(1) Amend levels in the resolution as to report back a resolution with an aggregate level of budget authority (and associated outlays) for nondefense, nonveterans discretionary accounts for fiscal year 2010 at the level enacted for fiscal year 2009 level, increased by the rate of inflation for 2010 as projected by the Congressional Budget Office.

(2) Amend spending levels in the resolution so as to report back a resolution with aggregate spending levels for discretionary nondefense, nonveterans spending for each subsequent fiscal year in the budget window so as not to exceed the immediately previous fiscal year spending level for discretionary nondefense, nonveterans spending, increased by the rate of inflation for the applicable year as projected by the Congressional Budget Office.

The PRESIDING OFFICER. There is 2 minutes equally divided on the motion.

Mr. JOHANNES. Mr. President, the budget before us increases nondefense discretionary spending by \$42 billion over last year's levels.

Here is what my motion does. It would limit the overall increase in the budget to CBO's projected rate of inflation for nondefense, nonveterans spending. This motion will save \$36 billion in 2010 and \$194 billion over the 5-year budget window.

My motion only affects aggregate spending so it allows some programs to be larger than the rate of inflation; thus, any claim that it is unfair to one particular group would be inaccurate. The motion allows the committee to take a scalpel to the budget, which is exactly what the President called for. If not, our country continues to be in a dire situation. This helps deal with the spending piece of this.

This motion will allow us to take a step back from bloated spending and step forward to fiscal responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHANNES. I urge my colleagues to vote yes and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, in more normal times, this is an amendment I might well support, but these are not normal times. We are faced with the steepest economic decline since the Great Depression. The underlying budget mark already cuts nondefense discretionary spending by more than \$160 billion. This would cut another \$120 billion, much of it front end loaded, at the worst possible time for economic recovery.

One other point I would make. We have more than 200 amendments pending now—more than 200. If the Sen-

ator's amendment were to pass—this is a motion to recommit the budget resolution to the committee. If anybody wants to repeat the entire exercise of this week, the week we get back, I recommend you vote for the Senator's amendment. If you prefer to end this today, I recommend you vote no.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johannes	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NOT VOTING—1

Kennedy

The motion was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I want to inform colleagues that when I said earlier we had 100 amendments pending, I was half right. That was last night. As of now, we have over 230 amendments pending. If you divide 230 by 3, that is almost 80 hours—about 76, 77 hours. That would mean we would be here all day today, tomorrow, and all day Saturday. If everybody sticks to their amendment, that is what is going to happen.

I hope people in the calmness of the moment will think about other op-

tions. No. 1, if you will accept a voice vote—Senator GREGG and I are trying to work things out on amendments that could be accepted. If not, if you would withhold until there is another vehicle—and there will be a lot of vehicles this year. Really, we have been doing this for a lot of years. Amendments have sprouted here. I hope people will think: Do we want to do this for 3 days straight?

AMENDMENTS NOS. 759, 799, 949, 755, AND 808

We have an agreement to take several amendments here by unanimous consent. They are: Bennett No. 759; Bennet No. 799; Democratic side-by-side to Vitter; Casey No. 755, and Brown No. 808. I ask unanimous consent that these amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 759

(Purpose: To prohibit changing current tax laws for charitable contribution tax deductions to pay for modernizing the health care system)

On page 31, line 9, after "purposes," insert "provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and",

AMENDMENT NO. 799

(Purpose: To establish a deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce)

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 755

(Purpose: To establish a deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment)

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 808

(Purpose: To provide for legislation that removes Social Security numbers from Medicare cards and to pay for such legislation by reducing waste, fraud, and abuse in other federal programs)

On page 20, line 24, increase the amount by \$5,000,000.

On page 20, line 25, increase the amount by \$5,000,000.

On page 21, line 3, increase the amount by \$10,000,000.

On page 21, line 4, increase the amount by \$10,000,000.

On page 21, line 7, increase the amount by \$10,000,000.

On page 21, line 8, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$5,000,000.

On page 27, line 24, decrease the amount by \$5,000,000.

On page 28, line 2, decrease the amount by \$10,000,000.

On page 28, line 3, decrease the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$10,000,000.

Mr. CONRAD. Mr. President, I want to make it clear that the side by side to the Vitter amendment we approved by voice vote is No. 949.

With that, the next amendment up is the Vitter—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, on the Bennett amendment No. 759, Senator BENNETT of Utah wishes to be recognized for a brief statement.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I understand from the distinguished Budget Committee chairman that they have

accepted this amendment by unanimous consent. Therefore, I congratulate them on their wisdom and thank them.

This is a serious amendment, which I hope will survive conference. I am glad to have it accepted. It deals with the tax treatment of charitable contributions. I am happy to have it accepted by the other side so that the Senate is on record saying they want the President's budget not to change the tax treatment of charitable contributions.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield time to the Senator from Montana.

Mr. BAUCUS. Mr. President, the Bennett amendment would express the importance of taxpayers' ability to take deductions for contributions to charity. It is also important to recognize that this amendment is not inconsistent with either current law or the President's budget.

This amendment is also consistent with the votes that we took last week when we affirmed our support for charitable contributions.

I urge the Senate to adopt the amendment.

AMENDMENT NO. 949

Mr. CONRAD. Mr. President, on an amendment that we just adopted by voice vote, the Reed amendment No. 949, there is a misunderstanding. There was not unanimous consent. So I think in fairness we ought to go back to that amendment and have Senator REED offer it.

I ask unanimous consent to vitiate the adoption of the Reed amendment No. 949.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. That would be the pending amendment, No. 949, and Senator REED would be recognized to offer the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, my amendment would focus on the issue I think we are all concerned about, and it would be a counterpoint to Senator VITTER's amendment, and that would be the administration of the Troubled Asset Relief Program. My amendment would create a reserve fund, which would focus the remaining resources in the TARP fund on supporting small businesses, saving homeowners from foreclosure, helping the bond market, and making credit more widely available. It would also strengthen the oversight entities, the Special Inspector General, the Congressional Oversight Panel, and the Government Accountability Office.

Senator VITTER's amendment purports to take back the money by striking certain functions, such as function 370. But that function also has the funding for the FHA, the Rural Housing Program, and the Small Business

Administration. In effect, we will not be taking away the TARP money, we will be challenging these other programs to find funds.

I urge adoption of my amendment and the rejection of Senator VITTER's amendment.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. REED. Mr. President, I offer it at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED) proposes an amendment numbered 949.

The amendment is as follows:

(Purpose: To provide for the expenditure of the remaining Troubled Asset Relief Program funds for the benefit of consumers)

At the appropriate place, insert the following:

SEC. ____ . EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, next after this amendment is my amendment. It would return TARP funds not already out the door, except for the \$100 billion set aside for buying toxic assets, which is exactly what TARP was supposed to be about. But it ends everything else and invites the Obama administration to come back to us regarding other programs.

The Reed amendment reaffirms TARP as it has been executed. So if you like everything that has been done under TARP and how it has been done, that model and program changing every other week, vote for the Reed amendment and reaffirm TARP as it is. If you think a change and focus needs to be brought to TARP, vote for the Vitter amendment, which is next.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 949.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—42

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Feingold	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Isakson	Specter
Corker	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	Wicker

NOT VOTING—1

Kennedy

The amendment (No. 949) was agreed to.

Mr. CONRAD. Mr. President, I have a unanimous consent request that I wish to propound on the next group of amendments before we go to the Vitter amendment.

I ask unanimous consent that the following group of amendments be the next to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; and that the amendments be considered in the order listed. This is the order proposed: Senator Hutchison amendment No. 866; Menendez amendment No. 921; Coburn amendment No. 895; Brownback amendment No. 841; Graham amendment No. 898; Boxer amendment No. 953; Reid amendment No. 730; Hutchison amendment No. 868; Snowe amendment No. 773; Senators Murray and Bond amendment No. 880; Thune amendment No. 803; Barrasso-Wyden—I do not have a number on that amendment; a Democratic side by side to Bennett of Utah on spending stimulus; Bennett of Utah amendment No. 954; a

Democratic side by side to the Enzi trigger; Enzi No. 824; Conrad or his designee side by side on AMT; and Grassley on AMT.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we do not have copies of the side by sides. I suggest we hold those four that are involved until we get a copy of the side by sides. That would be the Democratic side by side to Bennett, the Bennett, the Democratic side by side to Enzi, and the Enzi.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I alter the unanimous consent request so that the last four amendments in that request not be included. I also want to clarify that Brownback is No. 840.

The PRESIDING OFFICER (Mr. BROWN). Is there objection?

Mr. GREGG. Reserving the right to object, the wrong number was announced on Brownback. The number is 840.

Mr. CONRAD. That is what I just did.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 787

Mr. VITTER. Mr. President, I now present the Vitter amendment. It is very simple. It says that the Troubled Asset Relief Program, TARP, will actually be about troubled asset relief. It returns the other money not reserved for troubled asset relief to the Treasury for debt reduction, \$136 billion of debt reduction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. VITTER. I offer the amendment at this point.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 787.

The amendment is as follows:

(Purpose: To end \$272 billion in spending on bailouts under TARP and reduce record deficits and levels of debt)

On page 4, line 13, decrease the amount by \$116,626,400,000.

On page 4, line 14, decrease the amount by \$23,103,200,000.

On page 4, line 15, decrease the amount by \$4,939,200,000.

On page 4, line 16, decrease the amount by \$7,053,600,000.

On page 4, line 17, decrease the amount by \$9,575,200,000.

On page 4, line 18 decrease the amount by \$12,156,800,000.

On page 4, line 22, decrease the amount by \$116,626,400,000.

On page 4, line 23, decrease the amount by \$23,103,200,000.

On page 4, line 24, decrease the amount by \$4,939,200,000.

On page 4, line 25 decrease the amount by \$7,053,600,000.

On page 5, line 1, decrease the amount by \$9,575,200,000.

On page 5, line 2, decrease the amount by \$12,156,800,000.

On page 5, line 6, decrease the amount by \$116,626,400,000.

On page 5, line 7, decrease the amount by \$23,103,200,000.

On page 5, line 8, decrease the amount by \$4,939,200,000.

On page 5, line 9, decrease the amount by \$7,053,600,000.

On page 5, line 10, decrease the amount by \$9,575,200,000.

On page 5, line 11, decrease the amount by \$12,156,800,000.

On page 5, line 16, decrease the amount by \$116,626,400,000.

On page 5, line 17, decrease the amount by \$139,729,600,000.

On page 5, line 18, decrease the amount by \$144,668,800,000.

On page 5, line 19, decrease the amount by \$151,722,400,000.

On page 5, line 20, decrease the amount by \$161,297,600,000.

On page 5, line 21, decrease the amount by \$173,454,400,000.

On page 5, line 24, decrease the amount by \$116,626,400,000.

On page 5, line 25, decrease the amount by \$139,729,600,000.

On page 6, line 1, decrease the amount by \$144,668,800,000.

On page 6, line 2, decrease the amount by \$151,722,400,000.

On page 6, line 3, decrease the amount by \$161,297,600,000.

On page 6, line 4, decrease the amount by \$173,454,400,000.

On page 15, line 17, decrease the amount by \$116,000,000,000.

On page 15, line 18, decrease the amount by \$116,000,000,000.

On page 15, line 21, decrease the amount by \$20,000,000,000.

On page 15, line 22, decrease the amount by \$20,000,000,000.

On page 26, line 20, decrease the amount by \$626,400,000.

On page 26, line 21, decrease the amount by \$626,400,000.

On page 26, line 24, decrease the amount by \$3,103,200,000.

On page 26, line 25, decrease the amount by \$3,103,200,000.

On page 27, line 3, decrease the amount by \$4,939,200,000.

On page 27, line 4, decrease the amount by \$4,939,200,000.

On page 27, line 7, decrease the amount by \$7,053,600,000.

On page 27, line 8, decrease the amount by \$7,053,600,000.

On page 27, line 11, decrease the amount by \$9,575,200,000.

On page 25, line 12, decrease the amount by \$9,575,200,000.

On page 27, line 15, decrease the amount by \$12,156,800,000.

On page 27, line 16, decrease the amount by \$12,156,800,000.

Mr. VITTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield time in opposition to Senator REED of Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, the Reed amendment, which we just adopted, focuses the remaining TARP funds on

functions that are critical to the economic progress of the country—keeping people in homes, providing help for small business, supporting the traditional bond market, making credit more widely available. The restriction of these funds proposed by Senator VITTER will undercut these objectives. In addition, the Reed amendment has strengthened the oversight responsibilities.

Secretary Geithner has just announced a program that will focus on these toxic assets. Keeping these TARP funds, I believe, will give the Treasury the flexibility to make that program work more effectively, and I oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Louisiana has 35 seconds.

Mr. VITTER. Mr. President, the program which Secretary Geithner has actually announced about toxic assets is protected even under my amendment. What my amendment says is that we are not any longer going to allow the Treasury to do other things on an ad hoc basis, making it up as they go along every week.

In the process, we would reduce the debt of this country by at least \$136 billion under this amendment. I urge support for the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 787.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—28

Barrasso	DeMint	Nelson (NE)
Bennett	Ensign	Risch
Bond	Enzi	Sessions
Brownback	Feingold	Shelby
Bunning	Grassley	Specter
Burr	Hutchison	Thune
Coburn	Inhofe	Vitter
Collins	Johanns	Wicker
Cornyn	McCain	
Crapo	Murkowski	

NAYS—70

Akaka	Chambliss	Isakson
Alexander	Cochran	Johnson
Baucus	Conrad	Kaufman
Bayh	Corker	Kerry
Begich	Dodd	Klobuchar
Bennet	Dorgan	Kohl
Bingaman	Durbin	Kyl
Boxer	Feinstein	Landrieu
Brown	Gillibrand	Lautenberg
Burris	Graham	Leahy
Byrd	Gregg	Levin
Cantwell	Hagan	Lieberman
Cardin	Harkin	Lincoln
Carper	Hatch	Lugar
Casey	Inouye	Martinez

McCaskill	Reid	Udall (CO)
McConnell	Roberts	Udall (NM)
Menendez	Rockefeller	Voinovich
Merkley	Sanders	Warner
Mikulski	Schumer	Webb
Murray	Shaheen	Whitehouse
Nelson (FL)	Snowe	Wyden
Pryor	Stabenow	
Reed	Tester	

NOT VOTING—1

Kennedy

The amendment (No. 787) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from South Carolina is recognized.

Mr. GRAHAM. I call up amendment No. 910.

Mr. GREGG. Will the Senator allow us to do a unanimous consent?

Mr. GRAHAM. I will.

AMENDMENTS NOS. 892 AND 893

Mr. CONRAD. Mr. President, I ask unanimous consent that the Coburn amendment No. 892 and Coburn amendment No. 893 be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 892 and No. 893) were agreed to, as follows:

AMENDMENT NO. 892

(Purpose: To end bogus bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 893

(Purpose: To support President Obama in his effort to go line by line through the Federal Budget in order to help him eliminate wasteful, inefficient, and duplicative programs)

On page 49, between lines 3 and 4, insert the following:

SEC. ____ DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank Senator COBURN for his courtesy and say he has set a very good example for other Members, a very good example.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 910

Mr. GRAHAM. Mr. President, since I am not a squish like Senator COBURN, I am going to go ahead.

My amendment is straightforward. This amendment creates a budget point of order on legislation that increases the cost of energy for middle-class families. Why are we doing this? The climate change proposal that was in the President's budget would create a massive tax increase on anybody who uses energy, and that would be every American middle-class family, which already has a tough time getting by. This would be a point of order against any bill that would raise the cost of energy on our middle-class families who are struggling to get by.

I ask the Senate to rally around this concept. We can deal with climate change without passing a \$3,000-per-household energy tax on the families of America who are having a hard time paying their bills.

The PRESIDING OFFICER. Is the Senator from South Carolina offering the amendment?

Mr. GRAHAM. Yes. I am sorry. I thought we had done that. Everything I said still goes.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 910.

The amendment is as follows:

(Purpose: To protect middle-income taxpayers from a national energy tax)

On page 68, after line 4, insert the following:

SEC. __. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE INCOME TAXPAYERS.—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) NATIONAL ENERGY TAX INCREASE.—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, it is my intention to vote for this amendment. I ask the Senator from South Carolina, would the Senator from South Carolina, in a moment of comity and weakness, be willing to accept a voice vote?

Mr. GRAHAM. No.

Mr. CONRAD. I thought that might be the answer. All right. My intention is to vote for the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—65

Alexander	Bunning	Conrad
Barrasso	Burr	Corker
Baucus	Byrd	Cornyn
Bayh	Cantwell	Crapo
Begich	Casey	DeMint
Bennet	Chambliss	Dorgan
Bennett	Coburn	Ensign
Bond	Cochran	Enzi
Brownback	Collins	Feingold

Graham	Landrieu	Roberts
Grassley	Lincoln	Sessions
Gregg	Lugar	Shelby
Hagan	Martinez	Snowe
Hatch	McCain	Specter
Hutchison	McCaskill	Tester
Inhofe	McConnell	Thune
Isakson	Murkowski	Vitter
Johanns	Murray	Voinovich
Johnson	Nelson (FL)	Webb
Klobuchar	Nelson (NE)	Wicker
Kohl	Pryor	Wyden
Kyl	Risch	

NAYS—33

Akaka	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Dodd	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Gillibrand	Mikulski	Whitehouse

NOT VOTING—1

Kennedy

The amendment (no. 910) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 931, AS MODIFIED

Mr. CONRAD. Mr. President, the next amendment is the Landrieu amendment with 2 minutes equally divided.

Ms. LANDRIEU. Mr. President, this amendment seeks to establish a deficit-neutral reserve fund based on the current law supporting revenue sharing for coastal States contributions to the Land and Water Conservation Fund and a fund for innovative energy technology.

It would save up to, which is the current law today, which 26 Senators voted on, up to 50 percent which can be set aside from future oil and gas revenues for revenue sharing for coastal States for the Land and Water Conservation Fund and for funds to be created to invest in alternative energy technologies.

This is something that has been debated in the Senate but has been broadly supported by Republicans and Democrats. There has been some opposition. I suspect there may be some today. But there has been broad bipartisan support for revenue sharing for coastal States contributions to the Land and Water Conservation Fund and alternative energy sources.

This does not change the current law, it does not direct drilling anywhere in the country that does not already exist. That is the essence of the amendment I offer with myself and Senator BEGICH from Alaska.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. BEGICH, offers an amendment numbered 931, as modified.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF OIL AND NATURAL GAS LEASING REVENUES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide that up to 50 percent of any revenues collected by the United States from oil and natural gas leases in the outer Continental Shelf shall be—

(1) distributed among coastal energy producing States; and/or

(2) allocated for—

(A) the conduct of innovative alternative energy research; and

(B) supporting parks and wildlife.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not an insignificant amendment. It is not small change. It has very significant consequences to all States. A very small number of States, a handful, will get a big windfall. All of the rest of the States will have money otherwise raised from OCS—raised from revenues from mineral leasing royalties not go to them at all.

Currently, revenue goes to all 50 States. There is a small carving out for some of the coastal States and Florida. This amendment says: All the revenue raised, all the coastal revenue goes to only those few coastal States, which means revenue would not go to the other States that benefit currently from oil and gas leasing revenue.

The other big consequence is, this is a big tax increase. It is a revenue-neutral provision. That means it is \$110 billion, conservatively, over 10 years, which means we have to raise taxes \$110 billion to pay for giving money to a small handful of States and take it away from the majority of the States.

I strongly urge members not to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—37

Barrasso	DeMint	McConnell
Begich	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Shelby
Burr	Hutchison	Vitter
Carper	Inhofe	Warner
Chambliss	Isakson	Webb
Coburn	Johanns	Whitehouse
Cochran	Kyl	Wicker
Cornyn	Landrieu	
Crapo	McCaain	

NAYS—60

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Snowe
Casey	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Tester
Corker	Lincoln	Thune
Dodd	Lugar	Udall (CO)
Dorgan	Martinez	Udall (NM)
Durbin	McCaskill	Voinovich
Feingold	Menendez	Wyden

NOT VOTING—2

Kennedy Sessions

The amendment (No. 931), as modified, was rejected.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ROBERTS has a unanimous consent request on a change of vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished Senator and nattily dressed chairman of the Budget Committee.

Mr. President, on rollcall vote 136, I voted “nay.” It was my intention to vote “yea.” Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would say to colleagues, I do not know what it is about this year, but the hole just keeps getting deeper. We still have over 200 amendments, and nobody seems to be much interested in kind of being collegial here and allowing us to get to some kind of reasonable list. Now, 200 amendments pending, 3 an hour—that is almost 70 hours. That is 3 days. So please work with us and be willing to take voice votes. When we

have amendments that are being adopted overwhelmingly, you know, really, do we really intend to stay here for 3 days? I hope not.

Mr. President, I ask unanimous consent that the following be the next group of amendments to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; that the amendments be considered in the order listed: Hutchison No. 866, Menendez No. 921, Coburn No. 895, Brownback No. 840—we have done this? Well, this is good. We are making progress.

Mr. GREGG. What about voice votes?

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 921, 895, 880, AND 788

Mr. CONRAD. Mr. President, we have four amendments in this list that we could agree to: Menendez No. 921; Coburn No. 895; Murray-Bond No. 880, and Barrasso-Wyden—do we have a number on that?

Mr. GREGG. No. 788.

Mr. CONRAD. No. 788.

Mr. GREGG. Mr. President, I ask unanimous consent that they be agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent that those four amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. What are the four amendments, please?

Mr. CONRAD. Menendez No. 921, Coburn No. 895, Murray-Bond No. 880, Barrasso-Wyden No. 788.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendments (Nos. 921, 895, 880, and 788) were agreed to, as follows:

AMENDMENT NO. 921

(Purpose: To establish a deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs)

On page 49, after line 3, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolu-

tions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 895

(Purpose: To provide a deficit-neutral reserve fund to end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 880

(Purpose: To create a deficit-neutral reserve fund for legislation to enable States to establish or expand quality programs of early childhood home visitation)

At the appropriate place in title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that

has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 788

(Purpose: To fund the account Hazardous Fuel Reduction on Federal Lands (within Function 300) at the level authorized in the Healthy Forests Restoration Act of 2003)

On page 13, line 21, increase the amount by \$200,000,000.

On page 13, line 22, increase the amount by \$140,000,000.

On page 14, line 1, increase the amount by \$60,000,000.

On page 27, line 23, decrease the amount by \$200,000,000.

On page 27, line 24, decrease the amount by \$140,000,000.

On page 28, line 3, decrease the amount by \$60,000,000.

AMENDMENT NO. 788

Mr. WYDEN. Mr. President, this is an amendment that Senator BARRASSO and I have offered to fully fund the Healthy Forests Restoration Act, by providing an additional \$200 million for this purpose. I am very pleased that my colleague from Oregon, Senator MERKLEY, has also joined us in this amendment as well as Senators CRAPO, KYL, ENZI, BENNETT and HATCH.

Significantly, this amendment would provide for full funding for this legislation for the first time since its passage. I helped author the Healthy Forests Restoration Act in 2003—a bipartisan bill that I worked on with a number of my colleagues to help address serious forest health issues and a significant backlog of hazardous fuels that have been building up on our national forests.

When Congress passed the Healthy Forests Restoration Act, HFRA, Congress authorized \$760 million in new money to complete hazardous fuel reduction work on 20 million acres. Yet in each of the past years the Bush administration's budget request has fallen short, in my estimation by well over \$600 million less than Congress authorized. Because the Healthy Forests Restoration Act was never fully funded in the prior administration, it has never really had the chance to work. Our amendment would ensure that rural communities will finally get the resources they were promised. These funds will put these communities on a path to preventing wildfires and bringing jobs back to the forest.

In hearings before the Energy and Natural Resources Committee, pre-

vious administration leaders assured me that even in the face of such severe budget cuts, they could get the work done, possibly within 8 to 10 years. Yet in hearings before the committee we also heard witnesses from the GAO and USDA inspector general's office testify that the agencies were falling far short of meeting this mandate and that hazardous fuels were building up in our forests as much as three times faster than the agencies could remove them.

When you come from a State like mine, where the Federal Government owns so much of the land, the health of those public forests is a very serious issue—one with life or death consequences for communities that are next to these forests and could become raging infernos in the next fire season.

We can no longer dawdle on completing the thinning work that urgently needs to be performed on our Nation's forests. This work would also provide jobs thinning overstocked forests in rural communities, while reducing the threat of wildfires.

Those wildfires are getting more and more costly to fight and consuming more and more of the budget of our public lands agencies. It simply doesn't make sense to not spend the money on preventing the fires and then turn around during the fire season and watch the millions of dollars flow freely while people's homes and livelihoods go up in smoke.

Full funding of the HFRA would also allow for funding to communities so they can implement "community wildfire protection plans" developed in areas that are part of "wildland urban interface" and living on the edge of our public forests.

I hope my colleagues will support this commonsense amendment and get the Healthy Forests Act back on track.

AMENDMENT NO. 840, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent to send a modification to the desk on behalf of Senator BROWNBACK to his amendment No. 840.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

AMENDMENT NO. 866

Mr. CONRAD. Mr. President, that takes us to the Hutchison amendment, No. 866.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, my amendment would create a point of order against any legislation that would impose or increase the marriage penalty tax. We have worked very hard in Congress to eliminate the marriage penalty, which we have not been able to do completely, but we have mitigated it, lowered it significantly.

Before we addressed this issue, the marriage penalty was an average of \$1,100 per couple; that is, two single people getting married caused them to have to pay \$1,100 more in taxes be-

cause of the marriage penalty in the Tax Code. We have mitigated that to a great extent.

This amendment would create a point of order against any legislation that would impose or increase the marriage penalty. We all know we should not in any way discourage marriage in this country. We have been able to do that. I think we need to stick with it, and this is the way to do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. MARTINEZ, Mr. VITTER, Mr. ENZI, and Mr. BROWNBACK, proposes an amendment numbered 866.

The amendment is as follows:

(Purpose: To provide a point of order against legislation that has the effect of imposing a greater tax liability on taxpayers who are married than if such taxpayers had filed individual tax returns)

At the end of subtitle A of title III, insert the following:

SEC. ____ POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) DEFINITION.—In this section, the term "marriage penalty" means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support the Hutchison amendment. I think there is strong support on this side.

Would the Senator be willing to take a voice vote?

Mrs. HUTCHISON. Mr. President, I would.

Mr. CONRAD. I thank the Senator from Texas.

I ask unanimous consent that the Hutchison amendment No. 866 be agreed to.

The PRESIDING OFFICER. The Senator yields back time?

Without objection, the amendment is agreed to.

The amendment (No. 866) was agreed to.

AMENDMENT NO. 840, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to Brownback amendment No. 840. Senator BROWNBACK would describe that amendment. This is a similar circumstance. There is strong support on

this side toward the Senator's amendment, and we could take it on a voice vote if the Senator would be willing to do that.

If the Senator would take a moment to describe his amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would be happy to take a moment to describe the amendment. And if by going by voice vote it is more likely to stay in conference, I would be happy to do a voice vote.

Mr. CONRAD. It is amazing how that will improve the chances.

Mr. BROWNBACK. Well, I am quite excited about that.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 840, as modified.

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 25, line 24, increase the amount by \$3,000,000.

On page 25, line 25, increase the amount by \$3,000,000.

On page 26, line 3, increase the amount by \$6,000,000.

On page 26, line 4, increase the amount by \$6,000,000.

On page 26, line 7, increase the amount by \$8,000,000.

On page 26, line 8, increase the amount by \$8,000,000.

On page 26, line 11, increase the amount by \$8,000,000.

On page 26, line 12, increase the amount by \$8,000,000.

On page 26, line 15, increase the amount by \$4,000,000.

On page 26, line 16, increase the amount by \$4,000,000.

On page 10, line 20, decrease the amount by \$3,000,000.

On page 10, line 21, decrease the amount by \$3,000,000.

On page 10, line 24, decrease the amount by \$6,000,000.

On page 10, line 25, decrease the amount by \$6,000,000.

On page 11, line 3, decrease the amount by \$8,000,000.

On page 11, line 4, decrease the amount by \$8,000,000.

On page 11, line 7, decrease the amount by \$8,000,000.

On page 11, line 8, decrease the amount by \$8,000,000.

On page 11, line 11, decrease the amount by \$4,000,000.

On page 11, line 12, decrease the amount by \$4,000,000.

Mr. BROWNBACK. Mr. President, colleagues, this is an amendment that passed last year. It creates a commission, an independent commission, to review all of Federal spending, make recommendations to the body, and then requires a vote on those recommendations whether to continue the program or discontinue it. It is a way for us to get at failed programs. It is a way for us to get at inefficient pro-

grams or programs that have accomplished their purposes.

This is at the core of what so many people want to see us do; that is, to get our spending under control so we can spend on higher priority categories. That is what this amendment would do, and it does it in a fashion and in a way that we have seen before that has worked on eliminating wasteful Government spending.

This has had broad bipartisan support in the past. I would hope we could accept it and it could stay in the overall budget in conference.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have strong support for the amendment on this side. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The amendment (No. 840), as modified, was agreed to.

AMENDMENT NO. 898 WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent, on behalf of Senator GRAHAM, to withdraw amendment No. 898.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Without objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 953, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to the Boxer amendment, No. 953, afterschool reserve fund.

Senator BOXER.

Mrs. BOXER. I say to the Senators, thank you so much, Senator CONRAD and Senator GREGG. I say thank you very much to Senator ENSIGN. He and I have been working on afterschool for many years.

This is a Boxer-Ensign amendment. There is a modification at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] for herself and Mr. ENSIGN, proposes an amendment numbered 953, as modified.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund for the 21st Century Community Learning Centers afterschool program)

At the end of Title II, insert the following:
SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century

Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mrs. BOXER. Mr. President, we are not adding a penny. We are just saying, within the amounts that are in the education budget, to fully fund afterschool programs. We all know it helps our kids, and there are millions on the list. Senator ENSIGN explained many times—he wanted to speak here today, but he is not on the floor—that afterschool programs really saved his life when he was a young child.

So I hope this amendment will be accepted.

I thank my colleagues, and I yield back.

The PRESIDING OFFICER. Who yields time in opposition?

Mrs. BOXER. Mr. President, I ask for a voice vote, if we could do that.

Mr. GREGG. Mr. President, if the Senator would be willing to let us pass over this amendment for a minute, we have some questions on our side, and hopefully we can clear them up.

Mrs. BOXER. I am sorry?

Mr. GREGG. We have some questions on our side. Hopefully, we can clear them up. I ask the Senator, can we move on to the next amendment and move back to yours?

Mrs. BOXER. Of course. Senator ENSIGN thought it was all taken care of, so he is off the floor. Maybe we can get him back out here. Thank you.

The PRESIDING OFFICER. Is there objection to setting aside the amendment?

Without objection, the amendment is set aside.

AMENDMENT NO. 730

Mr. CONRAD. Mr. President, that takes us to Reid amendment No. 730, and the leader is here.

Senator REID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, prior to the Tax Reform Act of 1986, individuals were entitled to deduct State and local sales taxes. When the deduction was repealed, it put taxpayers in States without an income tax, such as Nevada, Washington, and others, at a disadvantage. It took us 22 years before fairness was restored when the deduction was reinstated in 2004. The problem is that deduction is not a permanent part of the law.

The amendment I have filed with Senators ENSIGN, CANTWELL, MURRAY, NELSON, HUTCHISON, and others fixes that by establishing a reserve fund for legislation making the deduction permanent. Based on all the information we have, this would affect lots of people—almost half a million in Nevada. At a time when families are struggling to make ends meet, every penny counts.

I would accept a voice vote on this amendment, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just been informed that the matching amendment to the Reid amendment may be withdrawn. They are working on that right now. So that would mean a vote on the Reid amendment and the Hutchison amendment may not be necessary.

AMENDMENT NO. 953, AS MODIFIED

So, Mr. President, I ask that we now return to the Boxer amendment because we have reached conclusion on that. We know it will require a vote. If the Senator would be so inclined, we could return to that amendment and go to a vote.

Mr. GREGG. Mr. President, the Senator has used her minute.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Colleagues, if I could ask to be heard for one more moment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I simply want to say that we are a little caught off guard here because we were told this was cleared on the Republican side. This is a Boxer-Ensign amendment. It does not add one penny to the deficit. It does not change anything. It just says, within the funding for education, let's fully fund after-school programs because we have so many kids who are waiting to get into those programs. I am hopeful we will have a strong bipartisan vote for this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 953, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—89

Akaka	Byrd	Ensign
Alexander	Cantwell	Enzi
Barrasso	Cardin	Feingold
Baucus	Carper	Feinstein
Bayh	Casey	Gillibrand
Begich	Chambliss	Graham
Bennet	Cochran	Grassley
Bennett	Collins	Hagan
Bingaman	Conrad	Harkin
Bond	Corker	Hatch
Boxer	Cornyn	Hutchison
Brown	Crapo	Inouye
Brownback	Dodd	Isakson
Burr	Dorgan	Johanns
Burris	Durbin	Johnson

Kaufman	Merkley	Shelby
Kerry	Mikulski	Snowe
Klobuchar	Murkowski	Specter
Kohl	Murray	Stabenow
Landrieu	Nelson (FL)	Tester
Lautenberg	Nelson (NE)	Thune
Leahy	Pryor	Udall (CO)
Levin	Reed	Udall (NM)
Lieberman	Reid	Vitter
Lincoln	Risch	Warner
Lugar	Roberts	Webb
Martinez	Rockefeller	Whitehouse
McCaskill	Sanders	Wicker
McConnell	Schumer	Wyden
Menendez	Shaheen	

NAYS—9

Bunning	Gregg	McCain
Coburn	Inhofe	Sessions
DeMint	Kyl	Voinovich

NOT VOTING—1

Kennedy

The amendment (No. 953), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, if we are really going to have recorded rollcall votes—what was the final tally—on votes that are 89 to 9, we are going to be here a very long time.

Honestly, I have been doing this for 22 years. I don't know if I have ever seen a year where colleagues just seem to be absolutely insistent on having rollcall votes on things that are going to keep us here a very long time. We cannot make people give up their votes or take voice votes. But at some point there has to be a serious consideration. Is this what we are really going to do to each other? Are we going to be here for 70 hours? That is where we are headed.

With that, we can go to the Snowe amendment—or has the Hutchison-Reed amendment been resolved? We should pass over that and go to Senator SNOWE's amendment. She is right here. If the Senator would explain her amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 773

Ms. SNOWE. Mr. President, I call up amendment No. 773.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 773.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses after 2010)

At the end of title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this

resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Ms. SNOWE. Mr. President, my amendment would create a deficit-neutral reserve fund for the tax cuts of 2001 to extend those tax rates to small businesses that earn 50 percent of their income from small business.

If we fail to do that, we can expect small businesses to see their taxes rise by 9 percent by allowing those rates to go up from 33 percent to 36 percent, and 36 percent to 39.6 percent. Why would we want to impose a tax on the very entities that we are depending upon to lead us out of this economic morass by increasing their taxes?

Just this week, the Joint Tax Committee indicated there are 6.5 percent of those small businesses that earn over \$250,000, which is three times the original estimate by those who were opposed to this amendment. Let me say that the Small Business Administration said 93 percent of all small business owners file an individual tax return. The Treasury Department has indicated that 9 percent earn 70 percent of the income in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Mr. President, I ask the Senator if she is willing to take this on a voice vote?

Ms. SNOWE. I am.

Mr. CONRAD. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 773, offered by the Senator from Maine.

The amendment (No. 773) was agreed to.

AMENDMENTS NOS. 816, 885, 872, 827, 764, 788, 795, 817, 837, 818, 874, 839, 877, 797, 802, AND 826 EN BLOC

Mr. CONRAD. Mr. President, we are now ready to offer a draft managers' package No. 1.

Mr. President, I ask unanimous consent that the following amendments be considered en bloc and adopted en bloc, and that the motions to reconsider be considered made and laid on the table. The amendments are as follows:

Boxer, No. 816, dependent care; Bennett of Utah, No. 885, DOE pensions; Dodd, No. 872, firefighter grants; Collins, No. 827; Carper, No. 764; Barrasso, No. 788; Pryor, No. 795; Bunning, No. 817; Dorgan, No. 837; Bunning, No. 818; Landrieu, No. 874; Roberts, No. 839; Reed of Rhode Island, No. 877; Burr, No. 797; Pryor, No. 802, and Enzi, No. 826.

Mr. INHOFE. Reserving the right to object, has the Senator considered my

amendment No. 742, which is accepted on both sides to my knowledge? Senator AKAKA and I put it forward, having to do with the health care of veterans. Nobody has objected to it.

Mr. CONRAD. That is being considered in the next tranche. We are working on that right now.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 816

(Purpose: To provide access to affordable, quality child care for middle class families by making improvements in the employer-provided child care credit and the dependent care tax credit)

On page 38, line 19, after “refundable tax relief” insert “and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit”.

AMENDMENT NO. 885

(Purpose: To establish a deficit-neutral reserve fund to cover the full cost of pension obligations for employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy)

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 872

(Purpose: To add a deficit-neutral reserve fund for provisions of critical resources to firefighters and fire departments)

At the end of Title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for 1 such purpose, provided that such legislation

would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 827

(Purpose: To modify the provision relating to the deficit-neutral reserve fund for clean energy legislation to include industrial energy efficiency programs)

On page 33, line 4, insert “(including through industrial energy efficiency programs)” after “and efficiency”.

AMENDMENT NO. 764

(Purpose: To establish a deficit-reduction reserve fund for the elimination and recovery of improper payments)

On page 49, between lines 3 and 4, insert the following:

SEC. ____ DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

AMENDMENT NO. 795

(Purpose: To modify a deficit neutral reserve fund to ensure improvement of infrastructure related to flood control)

On page 37, between lines 8 and 9, insert the following:

(d) FLOOD CONTROL PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 817

(Purpose: To provide a deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits)

At the end of title II, add the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 837

(Purpose: To increase funding for organ transplantation and organ donation activities at the Health Resources and Services Administration by \$10 million in FY 2010)

On page 19, line 24, increase the amount by \$10,000,000.

On page 19, line 25, increase the amount by \$3,000,000.

On page 20, line 4, increase the amount by \$4,000,000.

On page 20, line 8, increase the amount by \$2,000,000.

On page 20, line 12, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$10,000,000.

On page 27, line 24, decrease the amount by \$3,000,000.

On page 28, line 3, decrease the amount by \$4,000,000.

On page 28, line 7, decrease the amount by \$2,000,000.

On page 28, line 11, decrease the amount by \$1,000,000.

AMENDMENT NO. 818

(Purpose: To provide for a deficit-neutral reserve fund to provide for legislation to increase the amount of capital losses allowed to individuals)

At the end of title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 874

(Purpose: To provide for a deficit-neutral reserve fund for foster care financing reform)

At the end of title II, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 839

(Purpose: To fully fund the small business child care grant program under section 8303 of the Small Business and Work Opportunity Act of 2007)

On page 21, line 24, increase the amount by \$20,000,000.

On page 21, line 25, increase the amount by \$15,200,000.

On page 22, line 3, increase the amount by \$20,000,000.

On page 22, line 4, increase the amount by \$19,800,000.

On page 22, line 7, increase the amount by \$10,000,000.

On page 22, line 8, increase the amount by \$12,400,000.

On page 22, line 12, increase the amount by \$2,500,000.

On page 22, line 16, increase the amount by \$100,000.

On page 27, line 23, decrease the amount by \$20,000,000.

On page 27, line 24, decrease the amount by \$15,200,000.

On page 28, line 2, decrease the amount by \$20,000,000.

On page 28, line 3, decrease the amount by \$19,800,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$12,400,000.

On page 28, line 11, decrease the amount by \$2,500,000.

On page 28, line 15, decrease the amount by \$100,000.

AMENDMENT NO. 877

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Leveraging Educational Assistance Partnership programs)

On page 34, line 13, insert “such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.),” after “students.”

AMENDMENT NO. 797

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 19, line 24, increase the amount by \$850,000,000.

On page 19, line 25, increase the amount by \$170,000,000.

On page 20, line 4, increase the amount by \$476,000,000.

On page 20, line 8, increase the amount by \$136,000,000.

On page 20, line 12, increase the amount by \$51,000,000.

On page 20, line 16, increase the amount by \$17,000,000.

On page 27, line 23, decrease the amount by \$850,000,000.

On page 27, line 24, decrease the amount by \$170,000,000.

On page 28, line 3, decrease the amount by \$476,000,000.

On page 28, line 7, decrease the amount by \$136,000,000.

On page 28, line 11, decrease the amount by \$51,000,000.

On page 28, line 15, decrease the amount by \$17,000,000.

AMENDMENT NO. 802

(Purpose: To provide a deficit-neutral reserve fund for the Veterans Health Administration to ensure that the supply of appropriately prepared health care professionals is available to meet the needs of the Veterans Health Administration)

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

AMENDMENT NO. 826

(Purpose: To establish a deficit-neutral reserve fund to repeal certain deductions from mineral revenue payments made to States)

At the appropriate place in title II, insert the following:

SEC. 2 _____. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111–8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 872

Mr. DODD. Mr. President, I am in strong support of the Dodd-Lieberman-Collins amendment.

A decade ago, many of us in this body worked together to create the FIRE Grant Program—the goal of which was simple, but essential: It gives local fire departments the ability to purchase new equipment and initiate education and training programs.

Soon after we wrote that bill, we were reminded why it was so desperately needed—the Worcester Cold Storage blaze on December 3, 1999, that left 17 children without their fathers.

That story reminds us of the price our fire fighters pay every day to keep our communities safe.

We also wrote the SAFER Act to put an additional 75,000 firefighters on the job.

Today, the FIRE Act provides the single largest stream of Federal funding to communities to train and equip firefighters. Along with the SAFER Act, it has already provided more than \$3 billion in grants to help hire, train, and equip firefighters.

In essence, these historic pieces of legislation have made the Federal Government a partner with our Nation's firefighters.

But to make that partnership as strong as it needs to be to keep our communities safe, we need to ensure that the Federal Government provides the necessary resources. We need to fund those programs.

In fiscal year 2009, the FIRE and SAFER Programs were funded at \$565 million and \$210 million respectively. FIRE is authorized through this fiscal year and will be reauthorized later this year, while SAFER is scheduled for reauthorization next year.

Our amendment will simply ensure there is adequate funding for the FIRE and SAFER Programs for fiscal years 2010 to 2014.

Economic recovery depends on safe and secure communities.

Just recently, East Hartford was forced to eliminate 19 municipal jobs, including firefighters. Farmington is trying to budget for replacing decade old fire engines, while Torrington and Greenwich are deciding whether they will be able to repair and build a new firehouse. This is happening in fire departments across my State.

We already made great strides with the economic recovery package providing \$210 million to help America's first responders. But with this amendment, we can ensure that one thing that will not be left behind during this economic downturn is the safety of our communities.

And so I thank my colleagues and urge them to support this amendment.

AMENDMENT NO. 874

Mr. GRASSLEY. Mr. President, this amendment would create a deficit neutral fund in order to provide for reform of the current foster care system.

The foster care system is broken tremendously overburdened and needs to be fixed.

The system is understaffed and under trained. Children linger too long before securing a safe and permanent home. More funding could be available for family reunification services. Administrative funds could be used more efficiently.

Data collection is insufficient. The foster care financing structure is antiquated and inflexible and prevents states from responding to a variety of challenges.

We need to replace the old system with one that improves the foster care payment structure to support children rather than programs, promotes and improves family preservation and ensures that public funds are used effectively.

Our amendment sets us on a course to make these vital improvements to the foster care system.

I urge my colleagues to support the Landrieu-Grassley amendment.

Mr. CONRAD. Mr. President, that is very helpful. That cleared a lot of amendments on both sides. I now go to Senator HUTCHISON for the purpose of withdrawing her amendment.

AMENDMENT NO. 868 WITHDRAWN

Mrs. HUTCHISON. Mr. President, I withdraw my amendment No. 868. I do support Senator REID's amendment. It is important.

AMENDMENT NO. 868 WITHDRAWN

Mr. CONRAD. I thank the Senator. That is very gracious of her. We could go to the Reid amendment.

I ask unanimous consent that Reid amendment No. 730 be adopted.

Mr. GREGG. Reserving the right to object, and I will not, I want to point out that in New Hampshire we have no sales or income tax. If people want to escape these taxes, they should come to New Hampshire.

Mr. CONRAD. Mr. President, I renew my request.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the amendment is agreed to.

The amendment (No. 730) was agreed to, as follows:

(Purpose: To establish a deficit-neutral reserve fund to permanently extend the deduction for state and local sales taxes)

At the end of Title II, insert the following:

SEC. ____ . RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CONRAD. Mr. President, that takes us to the Thune amendment No. 803.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 803

Mr. THUNE. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. BENNETT, and Mr. ENSIGN, proposes an amendment numbered 803.

The amendment is as follows:

(Purpose: To protect charitable giving by ensuring that organizations that provide important religious, educational, cultural, health care, and environmental services are not negatively impacted by changes to the Federal income tax deduction for charitable donations)

On page 68, after line 4, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. THUNE. Mr. President, my amendment is very straightforward. It creates a budget point of order against any legislation that would raise revenue from a reduction in the tax deduction for charitable donations.

What the Senator from North Dakota is going to say is that it is not included in his budget. As we know, this is a long process, and we also know the President, in his budget, included a proposal that would reduce the amount people could claim as a tax benefit for a charitable donation.

Again, we don't know what is going to happen from this point forward in the budget process. This could go into conference, and a provision like this could be added. Again, this places a point of order against any legislation that would raise revenue from the tax deduction for charitable giving.

Americans gave \$300 billion in 2007 to charitable causes, which is equal to 2 percent of our GDP.

A Washington Post article said this:

Diana Aviv, [president of Independent Sector, a national membership organization of charities] said any decrease in charitable giving caused by Obama's proposal, no matter how small, would be 'seen as a stake in the heart.'—'With all other means of income down, the idea that there will be another potential cut to the income of those nonprofit organizations feels catastrophic,' Aviv said. 'It is utterly unacceptable.'

I hope my colleagues will vote for this amendment.

Mr. CONRAD. Mr. President, would the Senator accept a voice vote? It would help a great deal in terms of moving the agenda and in terms of the disposition of the chairman on results out of the conference committee.

Mr. THUNE. Mr. President, as much as I appreciate the generosity of the Senator in offering me that opportunity, I think this is an important issue. I think the Senate needs to be on record.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Pennsylvania (Mr. SPECTER) would have voted "yea."

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—94

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Rockefeller
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Byrd	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Dorgan	McCain	

NAYS—3

McCaskill Sanders Whitehouse

NOT VOTING—2

Kennedy Specter

The amendment (No. 803) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 824

Mr. CONRAD. Madam President, I propose we go next to Enzi amendment No. 824. It has been cleared on both sides.

Mr. ENZI. Madam President, built into this budget is an assumption that the 33 percent and 35 percent tax

brackets would be allowed to expire. As a result, many individuals and small businesses would see their taxes rise substantially in the very near future.

The Administration has been quick to explain that the tax hike wouldn't take effect until January 2011 after the economy has rebounded. But no one can be sure when our economy will turn the corner and the administration's economic assumptions have been criticized as being more optimistic than most.

While I do not support raising taxes—especially in this economic climate—I realize I am in the minority in this Chamber. So I am here now to offer my friends across the aisle a chance to improve this budget resolution.

My amendment would block any tax increase until the economy has recovered. A sure sign of recovery would be a reduction in the unemployment rate to 5.8 percent, a level many private sector economists associate with a fully productive economy.

Common sense tells us that employment is a key indicator of our economy's strength and potential for growth. The organization formally tasked with identifying U.S. recessions, the National Bureau of Economic Research—NBER—used job numbers to determine the start date of our current recession and it is only right to use job numbers as a signal that it has ended.

I don't support the tax increases in this budget, but if the majority in this Chamber insists on moving forward with higher taxes, they shouldn't do it while the economy is mired in recession.

I urge my colleagues to support this amendment.

Mr. CONRAD. Madam President, I ask unanimous consent that we adopt the Enzi amendment No. 824.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendment (No. 824) was agreed to, as follows:

(Purpose: To protect taxpayers and businesses from the job-killing and growth-stunting impact of tax increases imposed while the domestic economy is in crisis)

At the end of subtitle A of title III, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of

three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. Madam President, I especially thank Senator ENZI, who demonstrates once again why everybody regards him as a gentleman here. I appreciate his being gracious.

Madam President, that takes us next to the Conrad AMT amendment, which I will not pursue, and we will go directly to the Grassley amendment on the alternative minimum tax.

AMENDMENT NO. 950

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 950.

The amendment is as follows:

(Purpose: To ensure that millions of middle-income families do not face an alternative minimum tax increase in 2013 and 2014 and that the budget resolution honestly and accurately reflects that result)

On page 3, line 14, decrease the amount by \$8,608,000,000.

On page 3, line 15, decrease the amount by \$105,822,000,000.

On page 4, line 8, increase the amount by \$8,608,000,000.

On page 4, line 9, increase the amount by \$105,822,000,000.

On page 4, line 17, increase the amount by \$179,046,000.

On page 4, line 18, increase the amount by \$2,901,367,000.

On page 5, line 1, increase the amount by \$179,046,000.

On page 5, line 2, increase the amount by \$2,901,367,000.

On page 5, line 10, increase the amount by \$8,787,046,000.

On page 5, line 11, increase the amount by \$108,723,367,000.

On page 5, line 20, increase the amount by \$8,787,046,000.

On page 5, line 21, increase the amount by \$117,510,413,000.

On page 6, line 3, increase the amount by \$8,787,046,000.

On page 6, line 4, increase the amount by \$117,510,413,000.

On page 27, line 11, increase the amount by \$179,046,000.

On page 27, line 12, increase the amount by \$179,046,000.

On page 27, line 15, increase the amount by \$2,901,367,000.

On page 27, line 16, increase the amount by \$2,901,367,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the chairman's resolution patches the AMT for 2010 through 2012. Now, that is good, but it is not good enough. Since we have a 5-year window, we should patch AMT for all 5 years. My amendment is to make sure that AMT is patched 2013 and 2014 so that the entire 5-year period has an AMT patch.

This would provide tax relief to 18 million families at a cost of \$114 billion. This patch is essential to honest

budgeting because we all know that the AMT will eventually pass without being patched. This amendment also helps families plan their financial affairs properly, rather than leave them guessing as to what their future tax burden will be.

Also, by giving greater stability to this area of the tax law, tax professionals will administer the law better, leading to better compliance and a smaller tax gap.

I ask support for this amendment to patch AMT for 2013 and 2014, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, we already have 3 full years of alternative minimum tax protection in the chairman's mark—3 full years. We have never had that much before in any resolution.

The amendment of the Senator would add \$117 billion to the debt. After we lost \$2 trillion in the CBO forecast, we had to insist that some additional things be paid for. I urge my colleagues to defeat the Grassley amendment and understand we have 3 full years of alternative minimum tax protection in the chairman's mark.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 950.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—40

Alexander	Ensign	McConnell
Barraso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—58

Akaka	Carper	Kaufman
Baucus	Casey	Kerry
Bayh	Conrad	Klobuchar
Begich	Dodd	Kohl
Bennet	Dorgan	Landrieu
Bingaman	Durbin	Lautenberg
Boxer	Feingold	Leahy
Brown	Feinstein	Levin
Bunning	Gillibrand	Lieberman
Burris	Hagan	Lincoln
Byrd	Harkin	McCaskill
Cantwell	Inouye	Menendez
Cardin	Johnson	Merkley

Mikulski	Sanders	Voinovich
Murray	Schumer	Warner
Nelson (FL)	Shaheen	Webb
Pryor	Stabenow	Whitehouse
Reed	Tester	Wyden
Reid	Udall (CO)	
Rockefeller	Udall (NM)	

NOT VOTING—1

Kennedy

The amendment (No. 950) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I ask unanimous consent that under the rules we have been operating on for each of the tranches, that we next go to Inhofe No. 742; followed by Sanders, No. 811; followed by Stabenow, No. 879; followed by Bond, No. 926; followed by Coburn, No. 894; followed by Bennett, No. 954.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, that would take us next to the Inhofe amendment. If the Senator would describe his amendment.

AMENDMENT NO. 742

Mr. INHOFE. Madam President, I ask unanimous consent that the amendment No. 742 be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 742.

The amendment is as follows:

(Purpose: To provide for advance appropriations for medical care for veterans through the Department of Veterans Affairs)

On page 57, strike line 23 and insert the following:

casting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, this is one of the rare amendments we have that is not going to cost anything but makes a rearrangement in the flow of funding. One of the problems we are having now is that in 19 out of the last 22 years, Congress has been unsuccessful in passing annual funding for veterans health care. In fact, over the last 7 years, there has been a delay averaging 3 months in the funding flow for the care of veterans.

This can be corrected. What this amendment does, it offers a solution by providing advance appropriations for veterans health care. It does not mean it increases the cost. It means it actually comes in—and this is used in some other areas of Government. In fact, it is interesting that in October of 2008, then-Senator Obama, a candidate, said:

The way our Nation provides funding for VA health care must be reformed. . . . My

administration will recommend passage of advance appropriations legislation. . . .

For this purpose.

Senator DANNY AKAKE is a cosponsor on this. I ask it be accepted. I do not need a rollcall.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator from Oklahoma be agreeable to a voice vote on this amendment?

Mr. INHOFE. Yes.

Mr. CONRAD. I ask unanimous consent that we accept the Inhofe amendment, No. 742.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 742) was agreed to.

AMENDMENT NO. 811

Mr. CONRAD. Madam President, that takes us then next to the Sanders amendment, No. 811.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to establish a national usury law, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND TO ESTABLISH A NATIONAL USURY LAW.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to establish a national usury law, provided that such legislation does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, this amendment, No. 811, would simply establish a deficit-neutral reserve fund to establish a national usury law. Establishing a national usury law is not a radical concept. About half the States in our country have usury laws now, capping interest rates on their books. Unfortunately, the State usury laws were made meaningless by a 1978 Supreme Court decision that allowed national banks to charge whatever interest rates they wanted if they move to States without an interest rate cap.

The bottom line is people all over this country are tired of bailing out banks and then paying 25 or 30 percent interest rates on their credit cards. That is wrong. We need a national usury rate, and this amendment would begin the process of establishing one.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, obviously, this is not the appropriate vehicle to legislate a national usury law. Even if a national usury law made

sense, which it does not, because this is clearly a States rights issue, I am not sure what we would use here. Would we use the Koran or the Bible for setting this?

Let's be honest, a national usury law is not a good idea. Its time has not come and this amendment should be defeated.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—31

Begich	Harkin	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kohl	Sanders
Cardin	Lautenberg	Schumer
Casey	Leahy	Shaheen
Dodd	Levin	Udall (NM)
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

NAYS—67

Akaka	DeMint	McConnell
Alexander	Dorgan	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bingaman	Hagan	Roberts
Bond	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Inouye	Specter
Byrd	Isakson	Stabenow
Cantwell	Johanns	Tester
Carper	Johnson	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCaIn	

NOT VOTING—1

Kennedy

The amendment (No. 811) was rejected.

The PRESIDING OFFICER. The Senator from Minnesota.

CHANGE OF VOTE

Ms. KLOBUCHAR. Mr. President, thank you very much. And I thank the manager of the bill.

I would like to change my vote on rollcall vote No. 140. It was my intention to vote "nay," and I voted "yea." I voted "yea" when I was presiding. I ask unanimous consent that my vote be changed to reflect a "nay" vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. CONRAD. Madam President, just for the information of colleagues, very soon we are going to need to take a break. Floor staff have not eaten; they have not had a break. So we are going to have to take a break.

Before we do that, I would like to dispose of the remaining amendments in this tranche, and I would ask Senator BOND if we would be willing to take a voice vote on his amendment if Senator STABENOW would take a voice vote on hers?

Mr. BOND. Madam President, I will respond by saying that we on this side would like to have a vote on the point of order on the climate legislation.

Mr. CONRAD. So I take that as—

Mr. BOND. No.

Mr. CONRAD. Well, OK. That means two more votes. I do not know how many times we voted on this already. But if people are insistent on having votes, we will get to stay here.

Mr. DORGAN. Would the chairman of the committee yield? Is it not the case that most of the amendments, perhaps 90 percent of the amendments we have voted on today, would have no real policy implications?

Mr. CONRAD. That is probably a pretty fair estimate. The Budget Committee does not have the authority to tell committees of jurisdiction the specifics of legislative outcomes. These are message amendments, and the truth is, we all do it. We do it on both sides. But I have to say to my colleagues, it has run amok this year. For some reason this year we have hundreds of amendments out there, and people are just stuck. Even when they could get a voice vote and it pass, they still want votes. We have had votes that were nine in opposition. But that is a Senator's right.

Mr. DORGAN. If the Senator would yield further for a question, might it not be advisable, given the fact that most amendments have no policy implications at all, if they are made to the Budget Act, just to accept all amendments en bloc by UC and discard all of those without merit once you get to conference?

Mr. CONRAD. The problem is, that would take unanimous consent. It is very clear we cannot get unanimous consent.

Is Senator COBURN in the Chamber? I ask unanimous consent that we set aside for a moment the Stabenow and Bond amendments for the purpose of going to the Coburn amendment because I am told that Senator COBURN would be willing to take a voice vote; is that correct?

Mr. COBURN. I would take it by unanimous consent.

Mr. CONRAD. Even better. I ask unanimous consent that the Coburn amendment, No. 894, be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 894) was agreed to, as follows:

(Purpose: To provide a deficit-neutral reserve fund to set performance standards to identify failing Government programs)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 879

Mr. CONRAD. I thank our colleague. That takes us back to Stabenow amendment No. 879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN, proposes an amendment numbered 879.

The amendment is as follows:

(Purpose: To modify the authorization for climate change legislation)

On page 33, line 20, strike "or help" and insert "create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help".

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Ms. STABENOW. We have had a number of votes that indicated what we should not do as it relates to a climate change policy. This is about what we should do. I believe, just as with any piece of legislation, if it is done right, it can be very positive.

I believe it can be about creating jobs and revitalizing the economy. I would like to thank Senators BROWN, BOXER, and SHAHEEN for supporting this amendment which lays out a framework for a balanced climate change policy to create jobs and a clean technology economy, strengthening manufacturing competitiveness, diversifying domestic clean energy supplies, protecting consumers, including policies that address regional differences, provide incentives for cost savings

achieved through energy efficiencies, and allowing voluntary opportunities for agriculture and forestry to participate in this process of lowering greenhouse gases.

I ask for support from my colleagues.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Would the Senator take a voice vote?

Ms. STABENOW. My question, I guess, through the Chair would be, is Senator BOND also willing to take a voice vote on his amendment?

Mr. BOND. Madam President, my amendment shoots with real bullets. It provides a Budget Act point of order for any climate change legislation that brings in more revenue than that set forth in the budget resolution.

So it does—if that will be accepted by voice vote, it is creating a new Budget Act point of order. We would like a vote. But it does have real teeth.

Mr. CONRAD. I would just say to the Senator, we would be willing to take yours on a voice vote, Senator STABENOW's on a voice vote, then go to the Bennett for a vote. And we could take a break because people have not had a break.

We have voted on this over and over and over. I do not think the record could be more clear.

Mr. BENNETT. Madam President, assuming a voice vote means approval, I am willing to take a voice vote.

Mr. CONRAD. That is in a separate category. We will have a vote on yours.

Mr. GREGG. We will vote on both.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 879.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—73

Akaka	Carper	Hutchison
Baucus	Casey	Inouye
Bayh	Collins	Johanns
Begich	Conrad	Johnson
Bennet	Crapo	Kaufman
Bingaman	Dodd	Kerry
Bond	Dorgan	Klobuchar
Boxer	Durbin	Kohl
Brown	Feingold	Lautenberg
Brownback	Feinstein	Leahy
Burr	Gillibrand	Levin
Burr	Graham	Lieberman
Byrd	Grassley	Lincoln
Cantwell	Hagan	Lugar
Cardin	Harkin	Martinez

McCaskill	Risch	Thune
Menendez	Roberts	Udall (CO)
Merkley	Rockefeller	Udall (NM)
Mikulski	Sanders	Voinovich
Murray	Schumer	Warner
Nelson (FL)	Shaheen	Webb
Nelson (NE)	Snowe	Whitehouse
Pryor	Specter	Wyden
Reed	Stabenow	
Reid	Tester	

NAYS—25

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bunning	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Corker	Kyl	
Cornyn	Landrieu	

NOT VOTING—1

Kennedy

The amendment (No. 879) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

RECESS

Mr. REID. Mr. President, I have conferred with the Republican leader. I have conferred with the two managers of the bill.

I ask unanimous consent that the Senate stand in recess until 6 o'clock this evening.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, if we could have the attention of the Members so we can explain what we are trying to do. I say to Senator BOND, yours will be the first vote when we come back. I say to colleagues, we need to take a break to try to put together a managers' package and determine the final amendments that require a vote. That will take a little bit of time to best organize so we do not waste everyone's time. In addition, some people have not had a break who have not eaten. They have not had any breaks since 11 o'clock this morning, especially the staff. We wish to emphasize we need to take this 45-minute break.

Members who have multiple amendments, at least with respect to our side, are going to have a much better chance getting some amendment accepted if they are a little reasonable on their other amendments; in other words, prioritize, please. Let's try to work down. Some people have six amendments remaining. We need to try to prioritize. During this period, if people who have remaining amendments can come to us and tell us what are their priorities; we can't do them all.

I thank the Chair and yield the floor. We will resume at 6 o'clock.

The PRESIDING OFFICER. Without objection, the Senate stands in recess until 6 o'clock.

Thereupon, the Senate, at 5:19 p.m., recessed until 6:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENT NO. 926

Mr. BOND. Mr. President, I call up amendment No. 926 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 926.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect workers from significant job loss by providing a point of order against climate change or similar legislation that raises Federal revenues to such an extent that it causes significant job loss in manufacturing- or coal-dependent U.S. regions such as the Midwest, Great Plains or South)

On page 68, after line 4, insert the following:

SEC. ____ . POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and (2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, this amendment provides a new point of order to prevent climate change legislation from raising more revenue than in the resolution, killing jobs in the coal and manufacturing-dependent regions of the United States, such as the Midwest, the Great Plains, and the South.

There is no question climate change legislation will raise trillions of dollars in Federal revenue through its Government auction of carbon allowances.

President Obama said "electricity rates would necessarily skyrocket."

This new energy tax will kill jobs in energy-intensive sectors such as manufacturing, auto assembly, steel, cement, plastics, glass, and fertilizer.

Experts predicted last year's Lieberman-Warner cap-and-trade bill would have killed 3 million to 4 million jobs. The Northeast and west coast will avoid the full impacts because they rely on lower carbon natural gas to generate electricity. However, climate legislation will hit hard the coal and manufacturing-dependent Midwest, Great Plains, and South.

I ask my colleagues to protect our workers by supporting this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, on behalf of the Senator from Michigan, Ms. STABENOW, who had the time in opposition, I wish to indicate that what the Senator is talking about is not part of the chairman's mark. The chairman's mark provides an energy initiatives reserve fund. It is entirely up to the committees of jurisdiction what legislation they write to reduce our dependence on foreign energy, to deal with global climate change. This resolution makes absolutely no determination about what those committees will report. The effect of this amendment, to me, is a nullity because it is creating a budget point of order against something that does not exist in the chairman's mark.

I ask my colleagues to oppose this amendment, on behalf of Senator STABENOW.

Mr. BOND. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—54

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Specter
Collins	Kohl	Tester
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker

NAYS—44

Akaka	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—1

Kennedy

The amendment (No. 926) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the next amendment to be dealt with is Bennett amendment No. 954.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 954, AS MODIFIED

Mr. BENNETT. Mr. President, I call up amendment 954, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [MR. BENNETT] proposes an amendment numbered 954, as modified.

The amendment is as follows:

(Purpose: To save the American taxpayer over \$150,000,000,000 by adjusting spending levels beyond fiscal year 2010 to compensate for spending from the stimulus bill in the corresponding fiscal years)

On page 4, line 15, decrease amount by \$76,325,000,000.

On page 4, line 16, decrease amount by \$38,065,000,000.

On page 4, line 17, decrease amount by \$22,872,000,000.

On page 4, line 18, decrease amount by \$12,787,000,000.

On page 4, line 24, decrease amount by \$76,325,000,000.

On page 4, line 25, decrease amount by \$38,065,000,000.

On page 5, line 1, decrease amount by \$22,872,000,000.

On page 5, line 2, decrease amount by \$12,787,000,000.

On page 5, line 8, decrease amount by \$76,325,000,000.

On page 5, line 9, decrease amount by \$38,065,000,000.

On page 5, line 10, decrease amount by \$22,872,000,000.

On page 5, line 11, decrease amount by \$12,787,000,000.

On page 5, line 18, decrease amount by \$76,325,000,000.

On page 5, line 19, decrease amount by \$114,390,000,000.

On page 5, line 20, decrease amount by \$137,262,000,000.

On page 5, line 21, decrease amount by \$150,049,000,000.

On page 6, line 1, decrease amount by \$76,325,000,000.

On page 6, line 2, decrease amount by \$114,390,000,000.

On page 6, line 3, decrease amount by \$137,262,000,000.

On page 6, line 4, decrease amount by \$150,049,000,000.

On page 9, line 24, decrease amount by \$960,000,000.

On page 9, line 25, decrease amount by \$960,000,000.

On page 10, line 3, decrease amount by \$634,000,000.

On page 10, line 4, decrease amount by \$634,000,000.

On page 10, line 7, decrease amount by \$277,000,000.

On page 10, line 8, decrease amount by \$277,000,000.

On page 10, line 11, decrease amount by \$104,000,000.

On page 10, line 12, decrease amount by \$104,000,000.

On page 10, line 24, decrease amount by \$162,000,000.

On page 10, line 25, decrease amount by \$162,000,000.

On page 10, line 3, decrease amount by \$114,000,000.

On page 10, line 4, decrease amount by \$114,000,000.

On page 10, line 7, decrease amount by \$50,000,000.

On page 10, line 8, decrease amount by \$50,000,000.

On page 11, line 25, decrease amount by \$1,095,000,000.

On page 12, line 1, decrease amount by \$1,095,000,000.

On page 12, line 4, decrease amount by \$750,000,000.

On page 12, line 5, decrease amount by \$750,000,000.

On page 12, line 8, decrease amount by \$174,000,000.

On page 12, line 9, decrease amount by \$174,000,000.

On page 12, line 12, decrease amount by \$63,000,000.

On page 12, line 13, decrease amount by \$63,000,000.

On page 13, line 25, decrease amount by \$13,760,000,000.

On page 14, line 1, decrease amount by \$13,760,000,000.

On page 14, line 4, decrease amount by \$11,759,000,000.

On page 14, line 5, decrease amount by \$11,759,000,000.

On page 14, line 8, decrease amount by \$7,728,000,000.

On page 14, line 9, decrease amount by \$7,728,000,000.

On page 14, line 12, decrease amount by \$5,419,000,000.

On page 14, line 13, decrease amount by \$5,419,000,000.

On page 14, line 25, decrease amount by \$5,685,000,000.

On page 14, line 1, decrease amount by \$5,685,000,000.

On page 14, line 4, decrease amount by \$4,111,000,000.

On page 14, line 4, decrease amount by \$4,111,000,000.

On page 15, line 8, decrease amount by \$2,286,000,000.

On page 15, line 9, decrease amount by \$2,286,000,000.

On page 15, line 12, decrease amount by \$468,000,000.

On page 15, line 13, decrease amount by \$468,000,000.

On page 15, line 25, decrease amount by \$5,584,000,000.

On page 16, line 1, decrease amount by \$5,584,000,000.

On page 16, line 4, decrease amount by \$4,284,000,000.

On page 16, line 5, decrease amount by \$4,284,000,000.

On page 16, line 8, decrease amount by \$3,047,000,000.

On page 16, line 9, decrease amount by \$3,047,000,000.

On page 16, line 12, decrease amount by \$531,000,000.

On page 16, line 13, decrease amount by \$531,000,000.

On page 16, line 25, decrease amount by \$8,785,000,000.

On page 17, line 1, decrease amount by \$8,785,000,000.

On page 17, line 4, decrease amount by \$7,035,000,000.

On page 17, line 5, decrease amount by \$7,035,000,000.

On page 17, line 8, decrease amount by \$6,052,000,000.

On page 17, line 9, decrease amount by \$6,052,000,000.

On page 17, line 12, decrease amount by \$5,422,000,000.

On page 17, line 13, decrease amount by \$5,422,000,000.

On page 19, line 3, decrease amount by \$29,963,000,000.

On page 19, line 4, decrease amount by \$29,963,000,000.

On page 19, line 7, decrease amount by \$4,011,000,000.

On page 19, line 8, decrease amount by \$4,011,000,000.

On page 19, line 10, decrease amount by \$262,000,000.

On page 19, line 11, decrease amount by \$262,000,000.

On page 20, line 3, decrease amount by \$6,421,000,000.

On page 20, line 4, decrease amount by \$6,421,000,000.

On page 20, line 7, decrease amount by \$3,157,000,000.

On page 20, line 8, decrease amount by \$3,157,000,000.

On page 20, line 11, decrease amount by \$842,000,000.

On page 20, line 12, decrease amount by \$842,000,000.

On page 20, line 15, decrease amount by \$183,000,000.

On page 20, line 16, decrease amount by \$183,000,000.
 On page 23, line 3, decrease amount by \$133,000,000.
 On page 23, line 4, decrease amount by \$133,000,000.
 On page 23, line 7, decrease amount by \$150,000,000.
 On page 23, line 8, decrease amount by \$150,000,000.
 On page 23, line 11, decrease amount by \$150,000,000.
 On page 23, line 12, decrease amount by \$150,000,000.
 On page 24, line 3, decrease amount by \$297,000,000.
 On page 24, line 4, decrease amount by \$297,000,000.
 On page 24, line 7, decrease amount by \$133,000,000.
 On page 24, line 8, decrease amount by \$133,000,000.
 On page 25, line 3, decrease amount by \$848,000,000.
 On page 25, line 4, decrease amount by \$848,000,000.
 On page 25, line 7, decrease amount by \$649,000,000.
 On page 25, line 8, decrease amount by \$649,000,000.
 On page 25, line 11, decrease amount by \$750,000,000.
 On page 25, line 12, decrease amount by \$750,000,000.
 On page 26, line 3, decrease amount by \$1,400,000,000.
 On page 26, line 4, decrease amount by \$1,400,000,000.
 On page 26, line 7, decrease amount by \$1,196,000,000.
 On page 26, line 8, decrease amount by \$1,196,000,000.
 On page 26, line 11, decrease amount by \$1,024,000,000.
 On page 26, line 12, decrease amount by \$1,024,000,000.
 On page 26, line 15, decrease amount by \$504,000,000.
 On page 26, line 16, decrease amount by \$504,000,000.
 On page 27, line 3, decrease amount by \$857,000,000.
 On page 27, line 4, decrease amount by \$857,000,000.
 On page 27, line 7, decrease amount by \$457,000,000.
 On page 27, line 8, decrease amount by \$457,000,000.
 On page 27, line 11, decrease amount by \$230,000,000.
 On page 27, line 12, decrease amount by \$230,000,000.
 On page 27, line 15, decrease amount by \$93,000,000.
 On page 27, line 16, decrease amount by \$93,000,000.

Mr. CONRAD. Mr. President, we have not seen the modification.

Mr. BENNETT. I have only one copy which I gave the clerk. We found that some of the numbers had been omitted.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, Senator BENNETT can conclude his remarks.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, according to CBO, the stimulus bill will spend over \$150 billion between fiscal years 2011 and 2014. My amendment will remove that amount from this budget resolution because it seems to me we do not need to fund the same things twice.

By reducing the proposed spending amounts in the budget resolution, Congress will be recognizing that we have already passed money to spend in that area. For those who say, yes, but the stimulus is different, we are all hoping that the need for stimulus will be passed by the time we get to 2014 and it will not be stimulative but, rather, inflationary. It is for that reason that I offer the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator's amendment would eliminate 20 percent of the economic recovery package we passed weeks ago. The Senator's amendment would cut defense by over \$2 billion, would cut veterans by over \$400 million, would cut areas in education, health, and infrastructure.

If there is one thing that united this body, it was investments in infrastructure, much of what would be cut under this amendment.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—56

Akaka	Brown	Conrad
Baucus	Burr	Dodd
Bayh	Byrd	Dorgan
Begich	Cantwell	Durbin
Bennet	Cardin	Feingold
Bingaman	Carper	Feinstein
Boxer	Casey	Gillibrand

Hagan	Lieberman	Sanders
Harkin	Lincoln	Schumer
Inouye	McCaskill	Shaheen
Johnson	Menendez	Stabenow
Kaufman	Merkley	Tester
Kerry	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (FL)	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden
Levin	Rockefeller	

NOT VOTING—1

Kennedy

The amendment (No. 954) was rejected.

Mr. CONRAD. Mr. President, we are now making significant progress on putting together a managers' package and on putting together those amendments that will require a vote. We still have a certain amount of clearing to be done in order to be ready to go to those final lists and get them locked in, but that work is going on right now between the two sides.

Let me just give a status report, if I could. We are down to about 55 amendments. That is pretty good, given the fact we started at 231. But 55 at 3 a.m. would be another 18 hours. So the word needs to go out that we are asking colleagues who can withhold on amendments that they have filed to use them for a later date. Those who would be willing to accept a voice vote, if they could make certain our staffs are notified of that, we will then be able to proceed in the most efficient way possible.

Mr. President, we also should notify Members that at 8 p.m., give or take a few minutes, we intend to vote on the amendment on estate tax. That is the Lincoln-Kyl amendment. We just want to give people a heads-up that the amendment will be voted on at about that time—roughly 8 p.m., give or take.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we need to alert colleagues that we really need them, if they have amendments, to be on the floor or in the cloakroom. We have amendments that we are ready to go to, but we can't find the Senators. So let me just tell you, if we can't find the Senators, they are going to lose their chance to offer their amendment. We are going to give a 5-minute grace period, but if Senators have amendments, they have to be in a place where we can reach them.

AMENDMENT NOS. 889, 881, 955, 809, 912, 794, 876, 899, 883, 970, 820, 887, 917, 838, AND 916

Mr. President, we are ready to go to the next managers' package.

I ask unanimous consent that the managers' package be considered en bloc and agreed to en bloc. It includes the following: Klobuchar amendment No. 889, Dorgan amendment No. 881, Dodd amendment No. 955, Brown amendment No. 809, Begich amendment No. 912, Pryor amendment No. 794, Lincoln-Snowe amendment No. 876, Lincoln-Snowe amendment No. 899, Collins amendment No. 883, Hatch amendment No. 970, Enzi amendment No. 820, Klobuchar amendment No. 887, McCaskill amendment No. 917, Dorgan amendment No. 838, and Tester amendment No. 916.

The PRESIDING OFFICER. The Chair would like to clarify that it is Enzi amendment No. 820?

Mr. CONRAD. Enzi. That is correct.

The PRESIDING OFFICER. Is there objection? There is no objection, and it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 889

(Purpose: To establish a deficit-neutral reserve fund to expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump)

At the appropriate place in title II, insert the following:

SEC. 2 _____. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 881

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to extend and expand the charitable IRA rollover)

On page 38, line 19, insert “, such as enhanced charitable giving from individual retirement accounts, including life-income gifts,” before “or refundable tax relief”.

AMENDMENT NO. 955

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by \$188 million in FY 2010)

On page 19, line 24, increase the amount by \$188,000,000.

On page 19, line 25, increase the amount by \$56,000,000.

On page 20, line 4, increase the amount by \$81,000,000.

On page 20, line 8, increase the amount by \$34,000,000.

On page 20, line 12, increase the amount by \$13,000,000.

On page 27 line 23, decrease the amount by \$188,000,000.

On page 27, line 24, decrease the amount by \$56,000,000.

On page 28, line 3, decrease the amount by \$81,000,000.

On page 28, line 7, decrease the amount by \$34,000,000.

On page 28, line 11, decrease the amount by \$13,000,000.

AMENDMENT NO. 809

(Purpose: To modify the deficit-neutral reserve fund for Clean Energy to create jobs and strengthen American manufacturing competitiveness by establishing clean renewable energy manufacturing supply chains)

On page 33, line 2, after “development,” insert “strengthen and retool manufacturing supply chains.”.

AMENDMENT NO. 912

(Purpose: To include in the deficit-neutral reserve fund for America's veterans and wounded servicemembers funding authority for retirement benefits for members of the Alaska Territorial Guard who served during and after World War II)

On page 41, line 24, insert after “Indemnity Compensation,” the following: “provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II.”.

AMENDMENT NO. 794

(Purpose: To establish deficit-neutral reserve funds to enhance and coordinate drug control efforts among Federal, State, and local law enforcement agencies through the expansion of the High Intensity Drug Trafficking Areas program and increased drug interdiction funding at the Department of Homeland Security)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 876

(Purpose: To ensure that health coverage is affordable to small businesses and individuals who are self-employed)

On page 30, line 10, strike “, households” and insert “(in particular to small business and individuals who are self-employed), households”.

AMENDMENT NO. 899

(Purpose: To provide for a deficit-neutral reserve fund to promote individual savings and financial security, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

AMENDMENT NO. 883

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Federal TRIO programs and Gaining Early Awareness and Readiness for Undergraduate Programs)

On page 34, line 13, insert “such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.),” after “students.”.

AMENDMENT NO. 970

(Purpose: To establish a deficit-neutral reserve fund to support the National Health Service Corps)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with \$235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

AMENDMENT NO. 820

(Purpose: To establish a deficit-neutral reserve fund to improve the animal health and disease program)

At the appropriate place in title II, insert the following:

SEC. 2 _____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint

resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 887

(Purpose: To establish a deficit-neutral reserve fund to promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending)

On page 32, line 10, after “increases;” insert “or” and the following:

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending;

AMENDMENT NO. 917

(Purpose: To expand the matters covered by the deficit-neutral reserve fund for defense acquisition and contracting reform)

On page 43, after line 24, add the following:

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

AMENDMENT NO. 838

(Purpose: To ensure full funding for Adam Walsh Act programs, with an offset)

On page 24, line 24, increase the amount by \$23,000,000.

On page 24, line 25, increase the amount by \$16,000,000.

On page 25, line 4, increase the amount by \$4,000,000.

On page 25, line 8, increase the amount by \$2,000,000.

On page 25, line 12, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$23,000,000.

On page 27, line 24, decrease the amount by \$16,000,000.

On page 28, line 3, decrease the amount by \$4,000,000.

On page 28, line 7, decrease the amount by \$2,000,000.

On page 28, line 11, decrease the amount by \$1,000,000.

AMENDMENT NO. 916

(Purpose: To increase funding for veterans beneficiary travel reimbursement mileage rate, with an offset)

On page 23, line 24, increase the amount by \$133,000,000.

On page 23, line 25, increase the amount by \$133,000,000.

On page 27, line 23, decrease the amount by \$133,000,000.

On page 27, line 24, decrease the amount by \$133,000,000.

AMENDMENT NO. 881

Mr. GRASSLEY. Mr. President, I rise to express my concerns about the Dorgan-Snow amendment No. 881.

The IRA rollover was first enacted as temporary provision in the Pension Protection Act which I championed in 2006. Rollovers to grant-making charitable organizations with some element of donor control, such as private foundations, donor advised funds, and supporting organizations, were specifically prohibited. These entities were specifically prohibited from receiving rollover funds because I wanted to make sure that the money would actually get to charities doing work on the frontlines rather than sit in a donor-controlled account.

The provision has become one of the annual “tax extender” provisions. So under current law, which expires December 31, 2009, an individual may rollover up to \$100,000 from their IRA to a public charity but not to one of the prohibited entities. Amendment No. 881 to the budget resolution, S. Con. Res. 13, promotes the extension of current-law regarding IRA rollovers to charity, which I also support.

However, the amendment also promotes an expansion of the provision by allowing split-interest trusts to receive IRA rollover contributions. Split-interest trusts are more worrisome than those that are currently prohibited from receiving IRA rollover contributions. These trusts allow donors to retain an income stream from the contributed assets for a defined period. So, just like with donor-advised funds and supporting organizations, the contribution does not result in an immediate benefit to a charity actually providing services while the donor receives significant tax benefits at the time of the contribution.

The cost of extending current law through 2009 was almost \$1 billion—expanding the IRA rollover provision to allow more entities to receive them would increase the cost. Before we do that, I believe we should make sure that grant-making entities, including split-interest trusts, are accountable for paying out minimum amounts to actual charities before we allow them to receive IRA rollovers.

I understand that Senator DORGAN is willing to work with me and my staff if and when Senator BAUCUS and I consider an expansion of the IRA rollover provision in the Finance Committee. In light of this good faith offer, I will not object to the unanimous consent request for this amendment today and look forward to working with Senator DORGAN to resolve our differences.

AMENDMENT NO. 876

Ms. SNOWE. Mr. President, I rise today in support of Senate amendment No. 876, which I have cosponsored with my colleague Senator LINCOLN. Our bi-

partisan amendment would simply clarify that a deficit-neutral reserve that would transform the health system will specifically address the needs of small businesses and the self-employed. More than half—52 percent—of our nation’s uninsured either work for a small business or are dependent on someone who does. Yet remarkably, this budget resolution fails to even mention the crucial priority of small business health insurance reform.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, one of the top issues facing small business continues to be access to affordable health insurance. Since 2000, health insurance premiums have increased by 89 percent—far outpacing inflation and wage gains, and only 49 percent of our Nation’s smallest employers, with less than 10 employees, are now able to offer health insurance to their employees as a workplace benefit.

Further compounding the crisis, small businesses are trapped in dysfunctional markets that possess little, if any, meaningful competition among insurers. Just last month, the Government Accountability Office released a report that I requested, along with Senators BOND, DURBIN, and LINCOLN, which highlighted an alarming trend of consolidation in the state small group insurance markets. For example, the combined market share of the five largest carriers represented 75 percent or more in 34 of 39 States surveyed, compared to 26 States in 2005. Large insurers dominated over 90 percent of the market in 23 States, including Maine, where five insurers now control 96 percent of the market.

The sad truth remains that small business insurance markets continue to lack competition among insurers. No competition means higher costs, and higher costs translate to no health insurance.

That is why I will soon reintroduce, with Assistant Majority Leader DURBIN and Senator LINCOLN, the Small Business Health Options Program—SHOP—Act, a bipartisan measure that has generated a broad array of support, including NFIB, the National Association of Realtors, SEIU, AARP, and Families USA. Our bipartisan measure would inject competition into reformed state insurance markets, allow small businesses and the self employed to pool together nationally, and provide a targeted tax credit to small business owners. I firmly believe that the policies in the SHOP Act, including fairer insurance “rating” rules that are not based on an individual’s health status, must be included in the broader health reform debate that is underway in Congress.

I urge all of my colleagues on both sides of aisle to support this non-controversial amendment, which would

clarify that when Congress passes broader health reform and universal coverage this year, it will fully consider the issue of small business health insurance reform.

AMENDMENT NO. 899

I rise as a cosponsor to support amendment No. 899 introduced by my colleague Senator BLANCHE LINCOLN that creates a deficit neutral reserve fund to promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts. I am proud that we have worked together on the issue of financial security and financial literacy over the last several years, in particular on the issue of individual development accounts, IDAs, that will allow low-income individuals to pay for education expenses, first-time homebuyer costs, and business capitalization or expansion costs.

I join Senator LINCOLN in support of this crucial amendment because we must boost savings in the United States, as a sound national savings policy is essential to helping Americans build a better future for themselves. Higher rates of saving can also strengthen the national economy. A paradox of the current economic recession is that our national savings rate has risen as Americans prepare for possible bad times ahead. Personal savings, as a percentage of disposable personal income, was 4.2 percent in February. It was 4.4 percent in January. The last time the saving rate exceeded 4.0 percent two straight months was August and September 1998, up 4.3 percent and 4.2 percent, respectively.

It was more than 10 years ago the last time we had a savings rate above 4 percent. I am glad to see it happening, but we need to increase education on financial security so that Americans have a cushion to get through difficult economic times. I thank the new Chairman of the Subcommittee on Social Security, Pensions and Family Policy for adding me as a cosponsor of this amendment.

Mr. CONRAD. Mr. President, I thank all our colleagues for cooperating on these managers' packages. We are working to clear additional amendments right now. I think at this point, until Senator GREGG returns, we need to note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 957

Mr. CONRAD. Mr. President, the next amendment that requires a vote is the Lautenberg amendment as it affects Amtrak. The Senator is not quite

ready. We will give him a minute to do that.

While we are waiting, let me indicate to colleagues, we need Senators who have amendments to be here or to be in the cloakroom. We have dead time here because, for amendments that are going to require a vote, Senators who are insisting on votes are not here. That is not going to work.

We have now worked on another group of amendments. Momentarily we will be prepared to offer another managers' amendment. I remind colleagues that the estate tax amendment of Senator LINCOLN and Senator KYL will be voted on about 8 o'clock. We need to keep that in mind as we plan the time.

I say to the Senator, we are ready to accept that amendment by unanimous consent. If the Senator wishes to speak, he could, for a minute, or we could take the amendment.

Mr. LAUTENBERG. Mr. President, I want to offer a straightforward amendment that recognizes that investments in our transportation infrastructure system must be a priority for our country. The amendment would simply add transportation, including passenger and freight rail, as an eligible project under the "Investments in America's Infrastructure" reserve fund. It is already included in the budget.

Our highways and skyways are so congested and crowded that passengers and freight are routinely delayed. The estimates show these problems will only get worse with the growth of freight traffic, expected to double its size by 2025. Railroads are the one mode of transportation that can grow to help alleviate the congestion.

Amtrak needs more and better passenger and freight rail service. I ask support for this amendment.

I call up the amendment and ask for its immediate consideration, amendment No. 957.

The legislative clerk read as follows: The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 957.

The amendment is as follows:

(Purpose: To include funding for freight and passenger rail in the deficit-neutral reserve fund for investments in America's infrastructure)

On page 35, line 18, insert "transportation, including freight and passenger rail," after "energy, water,".

The PRESIDING OFFICER. Is there further debate?

Mr. CONRAD. Mr. President, we are prepared to take that amendment.

The PRESIDING OFFICER. The question is on agreeing on the amendment.

The amendment (No. 957) was agreed to.

AMENDMENT NO. 934

Mr. CONRAD. Mr. President, Senator CORNYN is prepared with an amendment. Would the Senator describe his amendment?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I call up amendment No. 934 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 934.

The amendment is as follows:

(Purpose: To increase transparency by requiring five days of public review of legislation before passage by the Senate)

At the appropriate place insert the following:

SEC. 1. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 5 DAYS BEFORE A VOTE ON PASSAGE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to vote on final passage on any bill, joint resolution, or conference report unless the text and a budget score from the Congressional Budget Office of the legislation, are available on a publicly accessible Congressional website five days prior to the vote on passage of the legislation.

(b) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my amendment would pose a 60-vote point of order against a bill that had not been made available for public review along with the score of the Congressional Budget Office on a congressional Web site for at least 5 days.

As everyone will recall, the President himself said this was his goal, to offer greater transparency, hence greater accountability, and thus instill greater confidence in the people and their Government. Unfortunately, that pledge has been violated more times than it has been honored, and in our rush to pass the stimulus bill that was circulated—the conference report—at 11 o'clock on a Thursday night, we were required to vote on it less than 24 hours later and thus the uproar over the AIG bonuses ensued because, frankly, Members of the Senate did not know what they were voting on and could not know what they were voting on without this kind of transparency.

I commend this to my colleagues. It is consistent with what the President has advocated and I think it is a good way to do business.

Mr. CONRAD. Mr. President, I would ask the Senator from Texas, would he be willing to allow us to take this on a voice vote or by unanimous consent?

Mr. CORNYN. I would say to the distinguished chairman of the Budget Committee, I have three amendments which I have on the dock. This is the only one of those three that I would like to have a record vote on.

Mr. CONRAD. Can I put this another way? This amendment is not germane.

So we can have a vote on it, it probably will not succeed, or we could voice vote it and you would succeed.

Mr. CORNYN. Well, we have had this proposition tendered before. I realize that in all likelihood this amendment would be stripped out in conference behind closed doors. I do not think that is particularly an honest way to deal with these important issues—to say yes on the floor and then to strip them out behind closed doors and to act like we are being consistent and not hypocritical.

I understand what the chairman has to do. He will do what he has to do. But I would like a record vote.

Mr. CONRAD. Mr. President, the Senator certainly has that right. Let me raise the germaneness point of order.

Let me ask the Parliamentarian, is the amendment of the Senator germane?

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane.

Mr. CONRAD. I raise the germaneness point of order.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to waive the point of order.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—46

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bayh	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Klobuchar	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—52

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Begich	Feingold	Menendez
Bennet	Feinstein	Merkley
Bingaman	Gillibrand	Mikulski
Boxer	Hagan	Murray
Brown	Harkin	Nelson (FL)
Burris	Inouye	Pryor
Byrd	Johnson	Reed
Cantwell	Kaufman	Rockefeller
Cardin	Kerry	Sanders
Carper	Kohl	Schumer
Casey	Lautenberg	Shaheen
Conrad	Leahy	Stabenow
Dodd	Levin	

Tester	Warner	Wyden
Udall (CO)	Webb	
Udall (NM)	Whitehouse	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from North Dakota.

Mr. CONRAD. Next up is Senator WICKER.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 798

Mr. WICKER. Mr. President, I call up amendment No. 798 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 798.

Mr. WICKER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that law abiding Amtrak passengers are allowed to securely transport firearms in their checked baggage)

On page 37, between lines 8 and 9, insert the following:

(d) ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

Mr. WICKER. The amendment is very simple and straightforward. It aims to ensure that gun owners and sportsmen are able to transport securely firearms aboard Amtrak trains in checked baggage, a practice that is done thousands of times a day at airports across the country. I emphasize that this amendment deals with checked, secured baggage only. It would return Amtrak to a pre-9/11 practice. It does not deal with carry-on baggage. Unlike the airline industry, Amtrak does not allow the transport of firearms in checked bags. This means that sportsmen who wish to use Amtrak trains for hunting trips cannot do so because they are not allowed to check safely a firearm. I emphasize, this bill deals with checked, secure luggage, not carry-on luggage. It would apply to Amtrak the same as airlines.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I yield the time in opposition to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I object to this disruptive amendment offered by the Senator from Mississippi. He wants to enable the carrying of weapons, guns, in checked baggage. One doesn't have to be very much concerned about what we are doing when they look at the history of attacks on railroads in Spain and the UK and such places.

This amendment has no place here interrupting the budgetary procedure. The pending amendment is not germane and, therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. GREGG. Is the germaneness well taken on this?

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Wicker amendment No. 798.

Mr. GREGG. I didn't even make the motion to waive, but I am happy to have the question be on the motion to waive.

The PRESIDING OFFICER. Under the previous order, that motion is automatic.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—63

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Baucus	Feingold	Murkowski
Bayh	Graham	Nelson (NE)
Begich	Grassley	Reid
Bennet	Gregg	Risch
Bennett	Hagan	Roberts
Bingaman	Hatch	Sanders
Bond	Hutchison	Sessions
Brownback	Inhofe	Shaheen
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Casey	Johnson	Specter
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Leahy	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Webb
Dorgan	Martinez	Wicker

NAYS—35

Akaka	Dodd	Lieberman
Boxer	Durbin	McCaskill
Brown	Feinstein	Menendez
Burris	Gillibrand	Merkley
Byrd	Harkin	Mikulski
Cantwell	Inouye	Murray
Cardin	Kaufman	Nelson (FL)
Carper	Kerry	Pryor
Collins	Lautenberg	Reed
Conrad	Levin	

Rockefeller
Schumer

Stabenow
Warner

Whitehouse
Wyden

NOT VOTING—

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Next up—

Mr. GREGG. Mr. President, if the motion was agreed to, then we have to vote on the amendment.

Mr. CONRAD. Why don't we just take it on a voice vote?

Mr. GREGG. Yes. I ask unanimous consent.

Mr. CONRAD. I think we have to do it by voice.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 798) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, Senator LIEBERMAN is next.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 904

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I call up amendment No. 904.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 904.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund to reduce the strain on United States military personnel by providing for an increase in the end strength for active duty personnel of the United States Army)

At the end of title II, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. LIEBERMAN. Mr. President, I am honored to be joined in introducing this amendment by my colleagues, Senators CORNYN, THUNE, and the distinguished occupant of the chair, Senator BEGICH. This amendment would ease the strain on the U.S. Army which today is carrying the bulk of the battle in Iraq and Afghanistan for us by establishing a deficit-neutral reserve fund to increase Army Active-Duty end strength by 30,000 personnel.

Although we have depleted the so-called Grow the Force initiative and the Army is now at an end strength of 547,000, the so-called well time for our soldiers has not improved. They still have little more than 1 day at home for every day they spend in the theater. Our soldiers and their families—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Our soldiers continue to serve under an unacceptable strain. I ask my colleagues to ease that strain by adopting this amendment.

Mr. CONRAD. Mr. President, we are prepared to take that on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 904) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

Mr. CONRAD. Mr. President, the next amendment is from Senator UDALL of Colorado. If he could describe it in 30 seconds.

Mr. UDALL of Colorado. Mr. President, I wish to thank Senator ENSIGN for joining me in this amendment. This is a deficit-neutral reserve fund amendment that would help prevent forest fires. Our State budgets are facing economic wildfires. This would help State and private lands reduce fuel loads so we can prevent catastrophic forest fires. Let's stand with Smokey the Bear. Let's prevent forest fires. Vote for this amendment.

Mr. CONRAD. Mr. President, on behalf of Senator UDALL, I call up his amendment No. 746.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 746.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows.

(Purpose: To establish a deficit-neutral reserve fund for wildland fire management activities)

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CONRAD. Mr. President, we are prepared to take this amendment on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 746) was agreed to.

Mr. CONRAD. Mr. President, next we go to the Lincoln-Kyl amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 873

Mrs. LINCOLN. Mr. President, before I begin, I wish to say a word of thanks to Chairman CONRAD, who has done a tremendous job providing great leadership. He and his staff have done a wonderful job reflecting the President's priorities and, more importantly, putting balance to the budget before us.

Because my time is limited, I wish to take a moment to read to you a few excerpts from an editorial that appeared in the Arkansas Democrat-Gazette earlier this year. It was submitted by a member of a family who runs a timber operation in southwest Arkansas and that has been in the family since 1907. He said:

The estate tax kills jobs. It kills companies that provide jobs. In the process it kills

towns and communities, particularly those in rural areas dependent upon the land and local industry.

Five times this man's family has been subjected to the estate tax—five times.

He goes on:

Between the 1950s and 1980s, vast amounts of money—tens of millions of dollars—were raised to pay the tax. Lands were clear cut, mills liquidated, communities destroyed. . . . The next hit will be too great.

Think about this type of family business. They have grown their business, reinvested in it over a century's worth of time, put almost all their profits back into it, and now this particular company employs over 1,000 Arkansans and has multiple mills that are worth a good bit of money—millions of dollars.

This amendment provides real relief to our family-owned businesses. In a time when our Government has handed out billions upon billions to failed Wall Street banks, it is time we provide a little relief to our businesses on Main Street that are in need of help right now. These are people who employ more than half the workers in Arkansas. These are the people who, if we reform the estate tax, will invest in their businesses and create more jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. I ask my colleagues to look at this seriously and realize we are not protecting the ultrawealthy. We are working for small businesses, family businesses in each and every one of our States.

The PRESIDING OFFICER (Mr. BENNET). I remind the Senator that the amendment has not been called up.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to call up amendment No. 873.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. KYL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Mrs. Landrieu, and Mr. ENZI, proposes an amendment numbered 873.

The amendment is as follows:

(Purpose: To create a deficit-neutral reserve fund for estate tax relief)

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

- (1) an estate tax exemption level of \$5,000,000, indexed for inflation,
- (2) a maximum estate tax rate of 35 percent,
- (3) a reunification of the estate and gift credits, and
- (4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to remind all colleagues that the chairman's mark takes the estate tax exemption from \$1 million per person in 2011 to \$3.5 million, \$7 million a couple. The proposal by the Senator from Arkansas would take it to \$5 million, and \$10 million a couple, reduces the rate from 45 percent to 35 percent. It is in a deficit-neutral reserve fund. The cost of this amendment from 2012 to 2021, when it is fully effective, is over \$100 billion. Where does the money come from? Either by cutting spending somewhere else or raising other taxes.

I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments on my leader time. I am speaking in effect for Senator KYL, who has been our leader on the issue of the death tax for many years.

The Lincoln-Kyl amendment, on which we are about to vote, would decrease the burden on those who get hit with the death tax by increasing the exemption by \$1.5 million to \$5 million and by reducing the rate of taxation down by 10 percent to 35 percent.

No one should have to be taxed on their assets twice, and no one should have to visit the tax man and the undertaker on the same day. It is the Government's final outrage. But if we can't repeal this tax, then we should at least lower it at a time when Americans are already burdened by shrinking retirement savings.

This budget, in keeping with the administration's plan, seeks to keep the death tax exemption at \$3.5 million and the tax rate at 45 percent. By offering an amendment that would lower the rate and the exemption, Senators KYL and LINCOLN are offering crucial support and protection to small businesses, family ranchers, and farms.

This amendment has wide bipartisan support, including Senators NELSON, PRYOR, and LANDRIEU—all on the Democratic side—and Senators GRASSLEY, ROBERTS, ENZI, and COLLINS on the Republican side. It also has strong support from the small business community, which desperately needs relief at the current moment. It would spur economic growth, which we need, and it makes good overall economic sense since the death tax costs more to comply with than it raises in revenue.

The Lincoln-Kyl amendment is important, it is timely, and I strongly urge its support.

Mr. GRASSLEY. Mr. President, the distinguished majority leader, my

friend, Senator REID quoted me by name in his remarks in opposition to the Lincoln-Kyl amendment.

The distinguished leader quoted me as describing death tax relief legislation as “unseemly.”

Since that quote was used to argue against Senator LINCOLN's amendment, which I support, I thought it important to respond to the distinguished leader and set the record straight.

The distinguished leader is correct. I did say, at that time shortly after the Katrina hurricane hit, that proceeding to death tax relief would be “unseemly.”

It is important for everyone to understand the context of that statement. It was made shortly after the terrible hurricane hit the gulf states. At that time, the Senate was about to reconvene after the August recess. The pending business was a cloture motion on the motion to proceed to a House bill that provided death tax relief.

The majority leader, Senator Frist, had filed the cloture motion before the Senate departed for the August recess. Of course, that procedural action occurred weeks before the hurricane hit. When asked about the Senate schedule, I responded that proceeding to the death tax bill, and, thereby not dealing with the hurricane victims, would be unseemly.

The distinguished leader's comments caused me to recall how the finance Committee, which I chaired at the time, dealt with Katrina.

Senator Frist did the right thing and set the Senate in motion to deal with the hurricane victims. The Finance Committee acted with lightning speed on a bipartisan basis, and in concert with the House, to deliver relief to hurricane victims. I was quite proud of our efforts to help people in need. That was the first Katrina tax relief bill.

The second Katrina tax relief bill, unfortunately, took a lot longer to do. Some on the other side saw the Katrina bill as a chance to enact a National agenda of greatly enhancing social programs. I did not question their motives at the time and do not now. But, the bottom line was that this attempt to leverage a crisis for a National agenda, significantly delayed our efforts to rebuild the hard-hit gulf zone.

As the distinguished leader will recall, the gulf state Senators, led by Senator Lott, forced the Senate to focus on helping their states rebuild and recover. A similar effort was underway in the House.

Fortunately, the efforts of the bipartisan group of gulf state Senators caused the leadership on the other side to abandon their efforts to leverage the hurricane disaster for a National agenda. No one accused the leadership on the other side of being unseemly.

Senator Frist did the right thing and focused on the hurricane victims. The leadership on the other side did the

right thing and focused on bipartisan hurricane relief efforts.

There is a lesson in this history for all of us. Do not try to leverage a crisis for unrelated purposes.

Senator LINCOLN's amendment was not "unseemly." To use my reaction to a question about the Senate schedule is to miss the point I was making. The Lincoln/Kyl amendment is a reasonable effort to find a bipartisan compromise on a time-sensitive tax issue. It is an effort to enable a solution to a problem that vexes family farmers and small businesses. The amendment's purpose and substance are the opposite of unseemly. The Lincoln/Kyl amendment is "decorous."

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will use my leader time. This chart says it all. In February, 651,000 Americans lost their jobs. Five million Americans have lost their jobs this past year—5 million. Our unemployment rate currently stands at 8.1 percent. Nevada's unemployment is 10 percent, but Nevada is not the highest. We have some States that are far more than 10 percent unemployed. Three million more children will likely be living in poverty by the end of this year. The net worth of American households dropped by a combined total of \$11 trillion last year—\$11 trillion.

These statistics tell a story—a very clear story—but what is even clearer is the suffering every American sees and feels every day.

Families whose incomes have fallen are now concerned that they won't be able to make their next mortgage payment. Students at this time of the year should be overjoyed with receiving acceptance to go to college, but because of what is happening at home—their dad or mom has lost a job—they can't go to college. Workers who have given decades of loyal service at the office or factory realize now they can't retire because their pensions are gone and their retirement savings have disappeared. Senior citizens on a fixed income used to have to make a decision as to whether it would be medicine or food. Now many seniors don't have the choice for either.

We know what caused this crisis: 8 years of fiscal policies under the previous administration and its allies in Congress who gave away the store at the expense of the rest of America.

President Obama inherited a crisis that no President should have to inherit or fix. Instead of focusing full time on the future, he and we in Congress must first clean up the devastating mistakes of the past. We can only turn the page from the recession to recovery if we watch every single taxpayer dollar the way families watch every dollar in their budget. Every dollar counts.

That is why it is so stunning, so outrageous, that some would choose this

hour of national crisis to push an amendment to slash the estate tax for the superwealthy. This isn't for the wealthy; this is for the superwealthy. Yet that is what we see here today.

The proposal now before us would take \$100 billion of American taxpayer money—actually, it is more than that—more than \$100 billion of taxpayer money over the next few years and spend it on slashing taxes on the estates of the wealthiest two-tenths of 1 percent of Americans. So 99.8 percent of Americans would derive no benefit—none. In fact, 99.8 percent of Americans would actually see their tax dollars redirected to the estates of those who are at the very top of the economic food chain.

Here is what one newspaper said today:

The proverbial millionaires next door—the plumbers, contractors, and accountants who amass substantial wealth through hard work and modest living—are not the intended beneficiaries of the proposed cut. The Obama budget already takes care of them. That means 99.8 percent of estates will never, ever pay a penny of estate tax.

Here is what another newspaper said today, entitled "More Tax Cuts for the Rich":

The hypocrisy here is breathtaking. More fundamentally, it is hard to stomach those who argue for more tax cuts—and then bemoan the failure to stanch rising deficits. A vote for this amendment, at this time of so much red ink and so much suffering, would reflect the most skewed of priorities.

This is only a couple of the Americans all over America today trying to understand what is going on in Washington.

In recent years, Congress has already reduced tax rates on the ultrawealthy estates. In fact, the Tax Policy Center calculates that a \$20 million estate right now—now—will pay an effective tax rate of 23 percent. Nurses pay more than that, schoolteachers pay more than that, and secretaries pay a higher tax rate than that, but we say for an estate of \$20 million, 23 percent is OK. That is what the Tax Policy Center calculates.

But for the proponents of the amendment now before us, that is not good enough. So they propose that we spend \$100 billion on a tax cut for the top two-tenths of 1 percent. Proponents of this legislation say they will find offsets for this \$100 billion giveaway that will make it deficit neutral. Think about that. Deficit neutral. That means you have to get offsets.

Where are we going to get offsets? They have to come from somewhere. They are not coming from the sky. Are we going to take them from Medicare? From Senator INOUE's defense budget? From the Peace Corps? From education?

Even in the best of times, there is no question that we could find a better use for an extra \$100 billion. We could put new textbooks in classrooms. We

could build better renewable energy transmission lines. We could provide health care to more working families. If it got out of hand, we could do what we did in the last years of the Clinton administration: Reduce the debt.

I can think of no way to describe this amendment other than stunning hypocrisy.

Many of the very same Republicans who held hands with President Bush as he squandered a record budget surplus and turned it into a record deficit suddenly claim to be "deficit hawks." They tell us we cannot invest in the middle class—the very people their disastrous policies have harmed.

These same Republicans tried to stop us from providing health insurance to millions of children of low-income families, so that these kids could go to a doctor when they are sick or hurt. They fought against President Obama's economic recovery plan, because it had the audacity to invest in creating jobs for victims of the recession Bush created.

Now they are fighting against a budget that cuts taxes for the middle class, puts us on a path toward cutting the Republican deficit in half, and invests in middle-class priorities, such as health care, education, and clean, renewable energy. That is what Chairman CONRAD has done.

After 8 years of creating a record deficit so that they could slash taxes on the ultrawealthy, now they oppose our efforts to help the middle class.

These newly hatched deficit hawks say no to any proposal that invests in the people their policies harmed. But when it comes to giving away another \$100 billion plus of taxpayer money to the top two-tenths of 1 percent—money that could pay down the deficit they claim to care so much about—these same Senators line up in support.

Again, this is stunning hypocrisy. Not only that; it is outrageous hypocrisy.

When the estate tax issue was debated back in 2005, in the aftermath of Hurricane Katrina, the then-chairman of the Finance Committee, Senator GRASSLEY, said this—remember, at that time there was a defined group of people who were suffering in the gulf, but now it is the whole country. Today, it was announced on the radio that, for the first time since the Great Depression, all 50 States, without exception, have a downturn in their economy. Here is what Senator GRASSLEY said then, after Hurricane Katrina:

It's a little unseemly to be talking about doing away with or enhancing the estate tax at a time when people are suffering.

If Katrina, which was a disaster for this country, was a reason not to do the estate tax, why now when all 300 million Americans are suffering? People are suffering now in every city, State, and town in America.

I urge my colleagues to oppose this amendment. It amounts to nothing but

a giveaway to the wealthiest two-tenths of 1 percent of Americans, at the expense of the other 99.8 percent of Americans.

Especially in this time of economic crisis, this is the wrong priority for our country. I ask everybody to vote “no” on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Lincoln amendment No. 873.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—51

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Sessions
Cantwell	Isakson	Shelby
Chambliss	Johanns	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Tester
Collins	Lincoln	Thune
Corker	Lugar	Vitter
Cornyn	Martinez	Voinovich
Crapo	McCain	Wicker

NAYS—48

Akaka	Feinstein	Menendez
Begich	Gillibrand	Merkley
Bennet	Hagan	Mikulski
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown	Johnson	Rockefeller
Burris	Kaufman	Sanders
Byrd	Kennedy	Schumer
Cardin	Kerry	Shaheen
Carper	Klobuchar	Stabenow
Casey	Kohl	Udall (CO)
Conrad	Lautenberg	Udall (NM)
Dodd	Leahy	Warner
Dorgan	Levin	Webb
Durbin	Lieberman	Whitehouse
Feingold	McCaskill	Wyden

The amendment (No. 873) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 913, AS MODIFIED, AND 875, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendments Nos. 913 and 875, the amendments be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 913, AS MODIFIED

(Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

On page 48, line 21, strike “banks” and all that follows through “2008,” on line 24 and insert the following “banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes.”.

AMENDMENT NO. 875, AS MODIFIED

(Purpose: To require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

In Sec. 215, following “contracts and bidding processes,” add the following: “and (3) including the identity of each entity to which the Board has provided “all loans and other financial assistance since March 24, 2005, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,” after “2008.”.

Mr. CONRAD. Mr. President, I ask unanimous consent that the list I send to the desk be the only amendments remaining in order to the budget resolution and managers’ amendments which have been cleared by the managers and leaders and that a side by side be in order to any of the amendments on the list at the discretion of the managers and leaders; that the order in which the amendments are considered be determined by the managers; that upon disposition of all amendments, the Senate proceed to vote on adoption of the concurrent resolution, with the provisions of the previous orders remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

DeMint healthcare No. 963, Kyl Iran No. 932, Crapo Capital Gains No. 897, Hatch Terrorism Tools POO No. 962, Alexander Student Loans No. 792, DeMint CPSC No. 964, DeMint Autos No. 965, DeMint Earmarks No. 967, Sessions Border Fence POO No. 969, Crapo FDIC No. 958, Burr Veterans Health No. 777, Coburn No. 828, Coburn No. 830, Hatch Medicare Advantage No. 976, Hatch/Baucus (Not Yet Filed), KBH OCS No. 867, Vitter Oil and Gas No. 751, Vitter Drug Testing No. 937, Enzi Unfunded Mandates No. 819, Enzi Health

IT No. 822, Graham Debt/Household No. 959, Barrasso Cow Tax No. 765, Barrasso NEPA No. 960, Barrasso ESA No. 890, Crapo DOE Loan Guarantees No. 733, Crapo Nuclear Research Priority No. 734, Hatch DNR for FDA Facilities No. 939, Snowe/Landrieu DNR for Energy Star No. 940, Session OCS Inventory No. 770, Hatch/Dodd Maternal Child Health Block Grant No. 878, Martinez Trade Agreements No. 843, Murkowski Nat’l Health Service Corps No. 841, Begich Denali No. 901, Begich Arctic Oil No. 903, Brown Training No. 810, Klobuchar Food Safety No. 886, Lautenberg Homeland Security Grants No. 977, Pryor CPSC No. 814.

Mr. CONRAD. Mr. President, we are prepared to go to the DeMint amendment.

Mr. GREGG. No, Durbin.

Mr. CONRAD. I am sorry. Mr. President, next in order is the Durbin amendment and then the DeMint amendment.

Senator DURBIN.

AMENDMENT NO. 974, AS MODIFIED

Mr. DURBIN. Mr. President, I call up amendment No. 974, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 974, as modified.

The amendment is as follows:

(Purpose: To provide that no additional estate tax relief beyond that which is already assumed in this resolution, which protects over 99.7 percent of estates from the estate tax, shall be allowed under any deficit-neutral reserve fund unless an equal amount of aggregate tax relief is also provided to Americans earning less than \$100,000 per year)

At the appropriate place in title II, insert the following:

Sec. ____ . POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond \$3,500,000 per person (\$7,000,000 per married couple) and a graduated rate ending at less than 45 percent unless an equal amount of tax relief is provided to Americans earning less than \$100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

Mr. DURBIN. Mr. President, in the midst of the worst recession in 75 years, with hundreds of thousands of Americans losing their jobs and their homes, 51 Members of the Senate believe our highest priority is to give a generous tax break to the wealthiest

people in America. Many of these same Senators have been wailing for weeks about deficits but obviously believe deficits do not count when it comes to tax breaks for the wealthy.

At this point, it is clear they would move forward with these tax breaks for the wealthiest people in America. My amendment is simple. It creates a point of order. It says we should help struggling Americans first. Before we give an additional \$100 billion in tax breaks to the superwealthy, we must first give at least as much in tax relief to Americans earning less than \$100,000. It will be tax relief beyond that already included in this budget resolution.

The amendment creates a point of order that if the people insist, a majority of Senators, that we give this estate tax to the wealthiest, at least let's help working families first before we do so.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Arizona.

Mr. KYL. Mr. President, the Senate just voted to support estate tax relief set at \$5 million per person to be exempted and at no more than a 35-percent rate. The Durbin amendment creates a point of order unless you have a rate of at least 45 percent and a \$3.5 million per person exempted amount. It is directly contrary to what we just voted for. Were this to be adopted, you would have two absolutely contradictory instructions—one for a \$5 million exempted amount; the Durbin amendment, \$3.5 million. Having voted the way we did, the Durbin amendment should be defeated.

To the extent that it suggests there should be other tax relief, I stipulate to that, I am all for it. But the point of order relates to anything above the \$3.5 million or below the 45-percent rate.

I urge my colleagues to vote against it.

Mr. DURBIN. Do I have any time remaining?

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 974, as modified.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

Akaka
Baucus

Bayh
Begich

Bennet
Bingaman

Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Merkley
Mikulski
Murray

NAYS—43

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Crapo
DeMint

Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl
Landrieu
Lugar
Martinez
McCain

Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

McConnell
Murkowski
Nelson (FL)
Risch
Roberts
Sessions
Shelby
Snowe
Specter
Thune
Vitter
Voinovich
Wicker

The amendment (No. 974), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENTS NOS. 777, 962, AND 946

Mr. CONRAD. Mr. President, we have a number of amendments we can now take by unanimous consent: Burr No. 777, Hatch No. 962, and Dorgan No. 946.

I ask unanimous consent that we approve Burr amendment No. 777, Hatch amendment No. 962, and Dorgan amendment No. 946.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendments (Nos. 777, 962, and 946) were agreed to, as follows:

AMENDMENT NO. 777

(Purpose: To provide that legislation that would provide authority to the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. ____ . LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(c) LEGISLATION DEFINED.—In this section, the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(d) TERMINATION.—The provisions of this section shall terminate on December 31, 2012.

AMENDMENT NO. 962

(Purpose: To ensure the continued safety of Americans against terrorist attack by Al Qaeda and other terrorist organizations by providing a point of order against any legislation that would weaken or eliminate critical terror-fighting tools)

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 946

(Purpose: To increase the budget authority for the Indian Health Service by an additional \$200 million to obtain a total \$600 million increase over the FY 2009 enacted level)

On page 19, line 24, increase the amount by \$200,000,000.

On page 19, line 25, increase the amount by \$130,000,000.

On page 20, line 4, increase the amount by \$40,000,000.

On page 20, line 8, increase the amount by \$20,000,000.

On page 20, line 12, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$200,000,000.

On page 27, line 24, decrease the amount by \$130,000,000.

On page 28, line 3, decrease the amount by \$40,000,000.

On page 28, line 7, decrease the amount by \$20,000,000.

On page 28, line 11, decrease the amount by \$10,000,000.

AMENDMENT NO. 962

Mr. HATCH. Mr. President, since the attacks of September 11, 2001, Congress has taken steps to give the Federal law enforcement and intelligence community the necessary tools to keep our citizens safe from terrorist attacks. Last week, FBI Director Robert Mueller testified before the Senate Judiciary Committee. When asked about expiring provisions of the PATRIOT Act, Director Mueller urged Congress to renew these provisions. He referred to them as “exceptional tools to help protect our national security.” Director Mueller further provided the committee with information regarding the use of these provisions.

From 2004 to 2007, the roving wiretaps provision was used 225 times—that is—25 times over 3 years. That breaks down to 75 times a year. Roving wiretaps were only used 147 times in 3 years. Congress granted the FBI the authority to use national security letters, NSL, in counterterrorism and counterintelligence investigations. The use of NSLs is invaluable in these investigations. Their use also predates the attacks on 9/11.

The uninformed and the paranoid portray these tools as an example of unchecked government monitoring reminiscent of a scene from George Orwell’s book “1984.” I would submit to my colleagues that these figures show that these necessary tools have not been overused. Fail-safes and checks against overuse and improper application exist at numerous levels in this process. Changing administrations does not diminish the terrorism threat to our country. Two days ago, a Taliban leader responsible for brazen attacks in Pakistan issued a threat to attack the White House.

Mr. DORGAN. Mr. President, This amendment will go far in meeting the Federal Government’s trust responsibility to provide health care services to Native Americans.

There is a health care crisis in Indian Country and I have spoken many times on the Senate floor about the importance of funding and meeting our obligation to provide for the health care of the First Americans. There are over 4 million Native Americans in this country, just fewer than 2 million of which depend on the Indian Health Service for their health care needs. However, the Indian Health Service is severely underfunded. Despite our trust obligation to Indian Tribes, the Federal Government spends twice as much on the health care of Federal prisoners as we do on American Indians.

My amendment will increase the budget authority for the Indian Health Service by an additional \$200 million to obtain a total of \$600 million in increased budget authority over the fiscal year 2009 enacted level. The President’s request for “over \$4 billion” for total IHS funding, asks for an increase for IHS of over \$400 million. My amendment will increase the President’s budget request from \$400 million to \$600 million in increased budget authority for the Indian Health Service. This brings us to the total that committee Vice Chairman BARRASSO and I recommended for the Indian Health Service for fiscal year 2010 in our views and estimates letter to the Senate Budget Committee on March 13, 2009. As my colleagues will remember, last year, Congress overwhelmingly passed a similar amendment requesting a \$1 billion increase in Indian Health Service budget authority by a vote of 69 to 31. I ask my colleagues to again consider the great need for assistance in Indian health, even in these tough economic times.

While \$200 million is small in comparison to the unmet needs of the Indian Health Service, when included with the President’s request, the amendment makes the overall increase in budget authority equal to \$600 million. This amendment is crucial because it shows that Congress is committed to funding the Indian Health Service at a higher level and emphasizes the government’s effort to continue to fulfill its trust responsibility to provide health care in Indian Country.

We passed the Indian Health Care Improvement Act on the floor of the Senate in the 110th Congress. I am proud of that because it had been many years since this Congress had addressed the issue of Indian health care. Unfortunately, the bill did not pass the House and Indian Country suffers the consequences.

Through a number of hearings by the Senate Indian Affairs Committee, we have confirmed extensive unmet health care needs in Indian Country. The need includes over \$3 billion just for health facilities and an ever growing \$1 billion for contract health services. The health status of Native Americans are

staggering. For example, Native Americans die at higher rates than other Americans from tuberculosis 600 percent higher, alcoholism, 510 percent higher, diabetes, 189 percent higher, and suicide, 70 percent higher. Third world conditions exist right here in this country on Indian lands.

The story of Jami Rose Jetty highlights what underfunding the Indian health care system means to the lives of our youth and families in Indian Country and communities across the U.S. In February, I held an Indian Affairs oversight hearing on youth suicide. At that hearing, a young woman of 16 years old, named Dana Lee Jetty of the Spirit Lake Nation in North Dakota testified. She told the story of losing her sister, Jami Rose Jetty, who committed suicide at just 14 years old.

Dana described her sister Jami as someone who had a lot of friends and was mature for her age. Jami was an open-minded, caring, and compassionate teenager. The sisters were best friends and part of a middle-class, loving home.

Jami’s mother knew there was something wrong with her daughter. She took Jami to Indian health care facilities over and over again, but no doctor properly diagnosed her depression. Even though her mother knew better, the doctors would say Jami was “just a typical teenager” and send the family home. In November 2008, Jami took her own life.

During her testimony, Dana emphasized that she felt her sister Jami would still be alive had there been trained mental health professionals available near the Spirit Lake Reservation. Unfortunately, Jami didn’t receive the services she needed. Dana, her family, and the entire Spirit Lake community were affected by the loss of this precious young life.

Jami did not receive the care she needed because we have a health care system in Indian Country that is not working. It is dramatically underfunded. We are rationing health care and people are dying as a result. It is truly a scandal, which should be front-page news.

Mr. President, by asking for an increase in Indian health funding, my amendment allows us to continue the dialogue with Indian Country. It emphasizes that the United States understands the health disparities that Native Americans face and that we will make Indian Country a priority this Congress. I thank my colleagues for joining me today and in the future in supporting efforts to improve the health of Native Americans throughout the United States.

AMENDMENT NO. 965

Mr. CONRAD. Mr. President, next we go to an amendment by Senator DEMINT with respect to the auto industry.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I call up amendment No. 965.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 965.

The amendment is as follows:

(Purpose: To prevent taxpayer-funded bailouts for auto manufacturers)

On page 4, line 13, decrease the amount by \$10,829,000,000.

On page 4, line 14, decrease the amount by \$131,000,000.

On page 4, line 15, decrease the amount by \$195,000,000.

On page 4, line 16, decrease the amount by \$279,000,000.

On page 4, line 17, decrease the amount by \$379,000,000.

On page 4, line 18, decrease the amount by \$485,000,000.

On page 4, line 22, decrease the amount by \$10,829,000,000.

On page 4, line 23, decrease the amount by \$131,000,000.

On page 4, line 24, decrease the amount by \$195,000,000.

On page 4, line 25, decrease the amount by \$279,000,000.

On page 5, line 1, decrease the amount by \$379,000,000.

On page 5, line 2, decrease the amount by \$485,000,000.

On page 5, line 6, decrease the amount by \$10,829,000,000.

On page 5, line 7, decrease the amount by \$131,000,000.

On page 5, line 8, decrease the amount by \$195,000,000.

On page 5, line 9, decrease the amount by \$279,000,000.

On page 5, line 10, decrease the amount by \$379,000,000.

On page 5, line 11, decrease the amount by \$485,000,000.

On page 5, line 16, decrease the amount by \$10,829,000,000.

On page 5, line 17, decrease the amount by \$10,960,000,000.

On page 5, line 18, decrease the amount by \$11,155,000,000.

On page 5, line 19, decrease the amount by \$11,434,000,000.

On page 5, line 20, decrease the amount by \$11,813,000,000.

On page 5, line 21, decrease the amount by \$12,298,000,000.

On page 5, line 24, decrease the amount by \$10,829,000,000.

On page 5, line 25, decrease the amount by \$10,960,000,000.

On page 6, line 1, decrease the amount by \$11,155,000,000.

On page 6, line 2, decrease the amount by \$11,434,000,000.

On page 6, line 3, decrease the amount by \$11,813,000,000.

On page 6, line 4, decrease the amount by \$12,298,000,000.

On page 15, line 17, decrease the amount by \$10,800,000,000.

On page 15, line 18, decrease the amount by \$10,800,000,000.

On page 26, line 20, decrease the amount by \$29,000,000.

On page 26, line 21, decrease the amount by \$29,000,000.

On page 26, line 24, decrease the amount by \$131,000,000.

On page 26, line 25, decrease the amount by \$131,000,000.

On page 27, line 3, decrease the amount by \$195,000,000.

On page 27, line 4, decrease the amount by \$195,000,000.

On page 27, line 7, decrease the amount by \$279,000,000.

On page 27, line 8, decrease the amount by \$279,000,000.

On page 27, line 11, decrease the amount by \$379,000,000.

On page 27, line 12, decrease the amount by \$379,000,000.

On page 27, line 15, decrease the amount by \$485,000,000.

On page 27, line 16, decrease the amount by \$485,000,000.

Mr. DEMINT. Mr. President, this amendment is called the Auto Bailout Prevention Amendment. We are debating an amendment which spends more, borrows more, and taxes more than any budget in history. Americans are already fed up with how much we spent on all the bailouts. One of the areas they are most frustrated with is the auto bailouts. We have already taken over \$17 billion from funds designated to financial institutions and now the administration is talking about some form of bankruptcy while General Motors and Chrysler have asked for another \$21.6 billion.

This amendment reduces function 370 funds by \$21.6 billion, which prevents the President from further using TARP to prop up General Motors and Chrysler with taxpayer dollars.

Enough is enough. I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator STABENOW has the time in opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just 3 days ago, President Obama released a bold new plan to revitalize the American auto industry. We need to give this plan a chance to work. There are two or three different outcomes. But they are in the middle of the boldest restructuring of the American auto industry we have ever seen. This would cut the legs out from under that.

Our President has made it clear that we are not going to walk away from the people, the communities or the businesses—the thousands of businesses that depend on the auto industry.

I would finally say that all around the world countries such as Japan helping Toyota, Germany, Korea, China, France—around the world, other countries understand the critical nature for their own national security in terms of the auto industry; their economic security in terms of building a middle class, and they have stepped forward in this global credit crisis to help their auto industries.

We are now in the middle of a plan to save jobs in communities and restructure. I urge strongly a “no” vote.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to amendment No. 965.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Barrasso	Enzi	Nelson (NE)
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Specter
Collins	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Ensign	Murkowski	

NAYS—66

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden

NOT VOTING—2

Byrd
Kennedy

The amendment (No. 965) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we still have probably 30-some amendments left to do. We are working through a process to try to put together managers' packages that could clear the significant majority of those amendments, but we still have a number of amendments that will require votes. One of the lessons I hope we learn from this is to never do it again. That would be my strong recommendation.

In just a moment, we will be prepared to have a managers' package.

AMENDMENTS NOS. 901, 903, 886, 792, 958, 976, 867, 819, 960, 890, 733, 734, 939, 878, AND 841, EN BLOC

Mr. CONRAD. Mr. President, I propose a managers' package that would involve Begich No. 901, Begich No. 903, Klobuchar No. 886, Alexander No. 792, Crapo No. 958, Hatch No. 976, Hutchison No. 867, Enzi No. 819, Barrasso No. 960, Barrasso No. 890, Crapo No. 733, Crapo No. 734, Hatch No. 939, Hatch-Dodd No. 878, and Murkowski No. 841. I ask that they be accepted by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments are as follows:

AMENDMENT NO. 901

(Purpose: To express the sense of the Senate regarding the funding level for the Denali Commission)

On page 35, strike line 11 and insert the following:

(a) INFRASTRUCTURE.—

(1) IN GENERAL.—The Chairman of the Senate

On page 35, between lines 23 and 24, insert the following:

The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

AMENDMENT NO. 903

(Purpose: To modify the deficit-neutral reserve fund to invest in clean energy and preserve the environment to provide for additional funding for the conduct of arctic oil spill research)

On page 33, line 5, before "implement", insert "set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute,".

AMENDMENT NO. 886

(Purpose: To create a deficit-neutral reserve fund to improve the safety of the food supply in the United States)

On page 46, between lines 2 and 3, insert the following:

(c) FOOD SAFETY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 792

(Purpose: To modify the Deficit-Neutral Reserve Fund for Higher Education, to maximize higher education access and affordability by ensuring that institutions of higher education and their students are able to continue to participate in a competitive student loan program, in order to maintain a comprehensive choice of student loan products and services)

On page 34, line 10, strike "affordable," and insert "affordable while maintaining a com-

petitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services,".

AMENDMENT NO. 958

(Purpose: To provide for a deficit-neutral reserve fund to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 976

(Purpose: To establish a deficit-neutral reserve fund to address our Nation's long-term fiscal problems)

On page 32, line 10, after "increases;" insert "or" and the following:

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).

AMENDMENT NO. 867

(Purpose: To reduce U.S. dependence on foreign energy sources, minimize future gasoline price increases, and reduce the federal budget deficit through expanded oil and gas production on the Outer Continental Shelf)

On page 33, line 1 after "reduce our Nation's dependence on imported energy" insert "including through expanded offshore oil and gas production in the Outer Continental Shelf".

AMENDMENT NO. 819

(Purpose: To reinstate the 60-vote point of order under section 425(a)(2) of the Congressional Budget Act of 1974 for legislation that creates unfunded mandates on States and local governments)

On page 68, between lines 4 and 5, insert the following:

SEC. ____ RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658(c)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 960

(Purpose: To increase amounts made available for the conduct of reviews under the National Environmental Policy Act of 1969)

On page 13, line 21, increase the amount by \$50,000,000.

On page 13, line 22, increase the amount by \$50,000,000.

On page 27, line 23, decrease the amount by \$50,000,000.

On page 27, line 24, decrease the amount by \$50,000,000.

AMENDMENT NO. 890

(Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

On page 13, line 21, increase the amount by \$50,000,000.

On page 13, line 22, increase the amount by \$50,000,000.

On page 27, line 23, decrease the amount by \$50,000,000.

On page 27, line 24, decrease the amount by \$50,000,000.

AMENDMENT NO. 733

(Purpose: To establish a deficit-neutral reserve fund for the innovative loan guarantee program of the Department of Energy)

At the appropriate place in title II, insert the following:

SEC. 2 ____ DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 734

(Purpose: To establish a deficit-neutral reserve fund for nuclear research and development)

At the appropriate place in title II, insert the following:

SEC. 2 ____ DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in

subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 939

(Purpose: To establish a deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities)

On page 49, between lines 3 and 4, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 878

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by \$188,000,000 in fiscal year 2010)

On page 19, line 24, increase the amount by \$188,000,000.

On page 19, line 25, increase the amount by \$56,000,000.

On page 20, line 4, increase the amount by \$81,000,000.

On page 20, line 8, increase the amount by \$34,000,000.

On page 20, line 12, increase the amount by \$13,000,000.

On page 27, line 23, decrease the amount by \$188,000,000.

On page 27, line 24, decrease the amount by \$56,000,000.

On page 28, line 3, increase the amount by \$81,000,000.

On page 28, line 7, increase the amount by \$34,000,000.

On page 28, line 11, increase the amount by \$13,000,000.

AMENDMENT NO. 841

(Purpose: To increase funding for the National Health Service Corps)

On page 19, line 24, increase the amount by \$100,000,000.

On page 19, line 25, increase the amount by \$30,000,000.

On page 20, line 4, increase the amount by \$43,000,000.

On page 20, line 8, increase the amount by \$18,000,000.

On page 20, line 12, increase the amount by \$7,000,000.

On page 27, line 23, decrease the amount by \$100,000,000.

On page 27, line 24, decrease the amount by \$30,000,000.

On page 28, line 3, decrease the amount by \$43,000,000.

On page 28, line 7, decrease the amount by \$18,000,000.

On page 28, line 11, decrease the amount by \$7,000,000.

AMENDMENT NO. 792

Mr. ALEXANDER. Mr. President, I am pleased that the Senate unani-

mously approved my amendment to maximize college affordability and access by helping to preserve competition and choice in the student loan program. I look forward to working with my colleagues to preserve the Federal Family Education Loan—FFEL—program as a viable program for students and institutions of higher education.

My amendment is very straightforward and it calls on the Congress to maintain “a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.” We know that institutions of higher education like the ability to choose which program to participate in, and 73 percent of schools choose to use the FFEL program.

I think that we should maintain that ability of institutions to choose which program to participate in so that we can give them, and their students, the best options, the best services, and the best programs.

The President’s budget proposes to originate all new student loans in the Direct Loan program, which is a proposal that I do not support. When I was U.S. Secretary of Education, I opposed the creation of the Direct Loan program because I felt that the Federal Government shouldn’t be in the business of being a bank. I still feel that way. The problem with the government operating as a bank is that we would have to borrow a lot of money and add to the Federal deficit. The FFEL program last year generated \$52.9 billion in loans, while the Direct Loan program generated \$21.8 billion. If we were to move all of the FFEL loans to the government’s loan program, that’s a lot more debt to add to our books. I don’t think we should do that right now when we know that the FFEL program is working.

I also thought that the Federal Government wouldn’t be able to manage that many loans very effectively or efficiently for the students, and I haven’t changed my mind on that. There are 6,000 colleges and universities, and over 15 million loans each year to students and parents. The Department of Education can’t manage that many loans, nor should they. It is a massive undertaking that calls on over 30,000 people throughout our Nation working for banks, guarantors, and nonprofit lenders. We don’t need to increase the Department of Education staffing by 30,000 people, so I don’t see why we should move all of the loans and operations to that agency.

As the president of one of our lenders in Tennessee recently wrote in the Knoxville News Sentinel, “Nationalizing the student loan industry would be the equivalent of the government taking over the parcel shipping industry and doing away with FedEx and UPS, relying entirely on the U.S. Postal Service.” We can’t afford to take

that risk when we are dealing with students.

In the past week we have all heard from many of the institutions of higher education in our States favoring the continuation of the FFEL program. My amendment does just that, and it sends the message that the U.S. Senate supports giving colleges and universities—and ultimately parents and students—the choice which student loan program works best for them.

Mr. CONRAD. Mr. President, let me say that we are just about ready.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 967

Mr. CONRAD. Mr. President, we are prepared to go to DeMint amendment No. 967.

Mr. DEMINT. Mr. President, I would like to call up DeMint Amendment No. 967.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 967.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To implement President Obama’s earmark reforms)

At the appropriate place, insert the following:

SEC. ____ . EARMARK POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes—

(1) a congressional earmark to a private for profit entity that is not subject to the same competitive bidding requirements as other Federal contracts;

(2) a congressional earmark which has not been the subject of a public hearing in the committee of jurisdiction where the member requesting the earmark has testified on its behalf; or

(3) a congressional earmark which has not been posted on the Member sponsor’s website at least 72 hours before consideration of the legislation.

(b) TRADING EARMARKS.—A Senator may not trade a congressional earmark for any political favor, including a campaign contribution.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to

1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) DEFINITION.—In this section, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

Mr. DEMINT. Mr. President, one of the changes President Obama said he would bring to Washington is earmark reform.

Last month, on March 11, he laid out his plan. And that is what this amendment is. It is a four-point plan. I will explain it with quotes from the President: Any earmark for a for-profit private company should be subject to the same competitive bidding requirements as other Federal contracts; No. 2, each earmark must be open to scrutiny at public hearings where Members will have to justify their expense to the taxpayer; No. 3, earmarks that Members do seek might be aired on those Members' websites in advance so the public and the press can examine them and judge their merits for themselves; and, No. 4, that he would prohibit the trading of earmarks for public favors.

It is just that simple. This is the President's plan for earmark reform. I ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Chairman INOUE has the time in opposition.

Mr. INOUE. Mr. President, at this moment, if you are trying to get an earmark in the bill, you have to have it posted on your Web site 30 days before markup to give the public an opportunity to look at the Web site.

Secondly, there is much transparency, much more than ever before.

Thirdly, we have reduced earmarks to less than 1 percent. And now that, as our Senator has indicated, on March 11, the President spoke on the earmarks, it went something further.

The President said:

I recognize that Congress has the power of the purse, and I believe that individual Members of the Congress understand their districts best. They should have the ability to respond to the needs of the communities.

Yes, all of us were elected to represent our districts and our States. We were not elected to be rubberstamps of anyone.

Mr. COCHRAN. Mr. President, the amendment of the Senator from South Carolina creates a point of order

against legislation that does not comply with President Obama's recently proposed earmark reforms.

The amendment ignores the layers of reforms that Congress has adopted in recent years and the reduction in the amount of earmarks that has already taken place.

For the coming fiscal cycle the Appropriations Committee has required that earmarks be posted on the requesting Members' Web sites well in advance of the appropriations bills even being considered in subcommittee. This well exceeds the 72 hour threshold sought by President Obama. And I note that President Obama will not make public his own earmark requests prior to publication of his budget.

The amendment would require all Senators to testify at hearings in support of any earmarks they seek. If testimony by Senators is to be required to justify legislative initiatives, why on Earth would we want to limit this to earmarks? Shouldn't Senators be required to testify at hearings in support of any legislative initiative they advocate? When was the hearing on the amendment of the Senator from South Carolina?

The amendment purports to prohibit earmarks from being traded for “political favors.” Mr. President, does this mean it is OK to trade any other official act for political favors? Does this give Members license to pursue legislative provisions for labor interests or for particular industries in exchange for political favors? Of course, it doesn't. My colleagues are well aware that trading earmarks or any other official act for political favors is already against the laws and ethics rules of this body.

I am happy for earmarks and all other legislative matters to be subject to the scrutiny of the legislative process. That is exactly as it should be. I hope my colleagues will support efforts to consider individual appropriations bills this summer in an orderly and timely manner so that the Senator from South Carolina and all other Members can offer amendments to eliminate spending that they see as wasteful.

But we don't need new points of order to do this. I urge my colleagues to reject this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. DEMINT. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to waive the Budget Act in relation to the DeMint amendment No. 967.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 28, nays 69, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—28

Barrasso	Ensign	Martinez
Bennet	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	Lieberman	

NAYS—69

Akaka	Gillibrand	Murray
Alexander	Gregg	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	Lugar	Voinovich
Conrad	McConnell	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Feinstein	Murkowski	Wyden

NOT VOTING—2

Byrd Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 28, the nays are 69. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from North Dakota.

MODIFICATION TO PURPOSE OF AMENDMENT NO. 890

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 890 by Senator BARRASSO, the amendment be modified in the purpose statement. The modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The purpose, as modified, is as follows:

(Purpose: To provide funding for voluntary efforts to conserve endangered species and to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

AMENDMENTS NOS. 980, AS MODIFIED; 830, 765, 940, 870, AND 810

Mr. CONRAD. Mr. President, I have six amendments that have been agreed to by both sides, starting with Kyl amendment No. 980, as modified, on Iran—I think the modification is at the desk.

Mr. KYL. It is.

Mr. CONRAD. The modification is at the desk—Coburn amendment No. 830; Barrasso No. 765; Snowe-Landrieu No. 940; Thune No. 870; and Brown No. 810.

I ask unanimous consent those six amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 980, as modified; 830, 765, 940, 870, and 810) were agreed to, as follows:

AMENDMENT NO. 980, AS MODIFIED

On page 12, line 21, decrease the amount by \$1.00.

On page 12, line 22, decrease the amount by \$1.00.

On page 27, line 23, decrease the amount by \$1.00.

On page 27, line 24, decrease the amount by \$1.00.

AMENDMENT NO. 830

(Purpose: To provide for legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments)

On page 40, strike lines 9 through 22 and insert the following:

(f) HOUSING ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 765

(Purpose: To provide that the authorized climate change legislation decrease greenhouse gas emissions without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)

On page 33, lines 19 and 20, after “emissions” insert the following: “(without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)”.

AMENDMENT NO. 940

(Purpose: To establish a deficit-neutral reserve fund to require a certain portion of funding for the Energy Star Program of the Environmental Protection Agency to be allocated to the Energy Star for Small Business Program)

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 870

(Purpose: To provide for a total of \$99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 24, line 24, increase the amount by \$99,000,000.

On page 24, line 25, increase the amount by \$12,000,000.

On page 25, line 4, increase the amount by \$28,000,000.

On page 27, line 23, decrease the amount by \$99,000,000.

On page 27, line 24, decrease the amount by \$12,000,000.

On page 28, line 3, decrease the amount by \$28,000,000.

AMENDMENT NO. 810

(Purpose: To modify the deficit-neutral reserve fund for economic stabilization and growth to promote new employment opportunities that are critical to economic recovery by supporting workforce strategies that help workers seeking specialized training for emerging industries)

On page 37, line 24, insert “by increasing support for sector workforce training,” after “products,”.

AMENDMENT NO. 940

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a longstanding steward of the environment, I have continuously requested increased funding for the Environmental Protection Agency's Energy Star for Small Business Program, which has documented how voluntary action by small business owners can reduce energy costs by 30 percent or more.

The Snowe-Landrieu amendment would require that a minimum of 2 percent of the EPA's Energy Star Program's total budget be allocated to the Energy Star for Small Business Program. This critical program provides free unbiased information and technical support for small businesses to improve their company's financial performance by reducing energy waste and

energy costs, while protecting the Earth's environment.

Regrettably, in the past, less than 2 percent of Energy Star's annual funding has been allocated to the Small Business program which is responsible for reaching the entire small business community, thereby restricting its tremendous potential impact. This inadequate percentage grossly underestimates the critical role small businesses can play in improving our Nation's energy efficiency and reducing our carbon footprint.

Through efforts to increase energy efficiency, small businesses can contribute to America's energy security, help to combat global warming, while strengthening their competitive advantage all at the same time. With 27 million small businesses in the U.S. comprising 99.7 percent of all domestic employer firms and producing approximately half of all the commercial and industrial energy in the United States, the role small businesses can play in forging a solution to global climate change and rising energy prices is undeniable.

This amendment would provide small businesses with the funding, technical assistance, and resources necessary to improve small business energy efficiency. Every effort must be made at the Federal level to ensure the connection small businesses can engage in clean and renewable energy. I appreciate the support of my colleagues on this amendment.

AMENDMENT NO. 810

Mr. President, I support the amendment offered by Senator BROWN, which I am cosponsoring, to create a deficit-neutral reserve fund to support funding for critical workforce strategy programs that help individuals seeking specialized training for emerging industries. This reserve fund will help highlight the need for resources to grow new employment opportunities that are critical to economic recovery by supporting workforce strategy programs that help those in need of training.

Any effort to further stabilize our careening economy must include consideration of job training and transformation. Improving and reauthorizing the Workforce Investment Act, WIA, to help the millions of unemployed—and millions more underemployed—must be a critical element of bolstering our economy.

Much has been made of the phenomena of “green jobs” and a “green technology.” At a recent speech in Atlanta, author Tom Friedman urged America to retake the lead in the world through innovation in “ET”—Energy Technology. Friedman said the United States needs to “invent a source of abundant, cheap, clean, reliable electrons.” He compared the “ET” movement to the “IT”—Information

Technology—movement of the last decade. There are thousands of entrepreneurs who are developing the next energy concept that will revolutionize our energy policies, and those concepts will need a highly educated and prepared workforce to make them a reality. The job training programs already in place under the Workforce Investment Act can help activate Americans, and expedite the transformation into a new energy economy. I believe this amendment will help ensure funding for our workers to get the best training and pave the way for just such a revolutionary shift in the future of this country.

Throughout the Nation, workforce strategy programs, like those within WIA, are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created a program called the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

In order to promote programs like the North Star Alliance Initiative, Senator BROWN and I introduced the SECTORS Act, S. 777, which provides grants to industry clusters—inter-related group of businesses, service providers, and associated institutions in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures. This amendment will help ensure that critical funding will be made available for the SECTORS Act if it is passed into law.

AMENDMENT NO. 969

Mr. CONRAD. Mr. President, now we wish to go to the Sessions amendment No. 969.

Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the chairman of the committee.

This Congress passed the Secure Fence Act of 2006 by a vote of 80 to 19, with broad bipartisan support, includ-

ing then-Senators Obama, BIDEN, and Clinton. We committed to 700 miles of barriers. Today we are less than halfway there. The funding has simply not been there.

Some progress is being made in areas where the fencing is in place. We have had a dramatic reduction in crime in the San Diego area since the fence was completed a number of years ago. This will help us reduce crime. It will help us reduce drug smuggling, gun smuggling, and immigration violations. We have a lawless border.

Progress is being made, colleagues. We are seeing a reduction in the number of people entering America, a reduction in the number of arrests. And if we follow through with what we have told the American people we intend to do, we will be able to create a lawful system of immigration, which is a responsibility this Congress has.

I urge support of this amendment. It is consistent with previous votes. It puts a budget point of order against an appropriation in this area that does not fund the fence completion.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 969.

The amendment is as follows:

(Purpose: To provide for a point of order against any appropriations bill that fails to fully fund the construction of the Southwest border fence)

On page 68, between lines 4 and 5, insert the following:

SEC. ____ . POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least \$2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUNSET PROVISION.—This section shall cease to be effective on the earlier of—

(1) the date on which \$2,600,000,000 is appropriated to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

(2) the date that is 2 years after the date of enactment of this Act.

Mr. CONRAD. Mr. President, Senator SCHUMER has the time in opposition.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, many of us supported the fence. Many of us

opposed it. But one thing is for sure, there is only about \$120 million left to complete this section of the fence.

The amendment we have before us—without an evaluation as to whether it is effective, without an evaluation of where the new parts should go, without an evaluation as to whether there are other, better ways to deal with the problem of undocumented and illegal immigration—says vote \$2.6 billion whether it works or not. That does not make much sense at a time when we are trying to balance the budget, be fiscally austere.

I had prepared a side by side. Let's have an evaluation by the Department of Homeland Security and the Border Patrol and everyone else as to whether the fence is working. I do not think that is clear. We should find out where it is working, how to make it better.

Another thing we do here, without even any test, is set a double fence—\$2.6 billion whether we know it works or not. I urge the amendment be defeated; we let the Department of Homeland Security study the most effective way to deal with illegal immigration, and if a double fence or another thing is needed, we will learn about that in time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. GREGG. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 61, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	Cornyn	Johanns
Barrasso	Crapo	Kyl
Bayh	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchinson	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker

NAYS—61

Akaka	Begich	Bingaman
Baucus	Bennet	Boxer

Brown	Kerry	Reed
Burris	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Shaheen
Collins	Levin	Snowe
Conrad	Lieberman	Specter
Dodd	Lincoln	Stabenow
Dorgan	Lugar	Tester
Durbin	Martinez	Udall (CO)
Feingold	McCaskill	Udall (NM)
Feinstein	Menendez	Voinovich
Gillibrand	Merkley	Warner
Hagan	Mikulski	Webb
Harkin	Murkowski	Whitehouse
Inouye	Murray	Wyden
Johnson	Nelson (FL)	
Kaufman	Pryor	

NOT VOTING—2

Byrd Kennedy

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we are now down to six amendments and final passage. I wish to thank all the colleagues who have helped us get to this point.

AMENDMENT NO. 963

The next amendment in order would be the DeMint amendment No. 963 on health care.

Mr. DEMINT. Mr. President, I wish to call up DeMint amendment No. 963.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 963.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To provide for a point of order against any legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor)

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, there are a number of concerns about this

budget, and I have heard from a number of Americans who see in the budget hundreds of millions of dollars for health care which suggests that the Government is not only going to expand into banks and auto companies and education but to expand into health care. One of the propositions President Obama made is that Americans will always be able to pick their own plans and choose their own doctors. This amendment simply codifies that. It creates a point of order against any legislation that would eliminate the ability of a patient to pick their own plans or their own doctor.

I encourage my colleagues to support it.

The PRESIDING OFFICER. Mr. President, would Senator DEMINT be willing to accept a voice vote?

Mr. DEMINT. If you can assure me we will win.

Mr. CONRAD. I assure you.

Mr. DEMINT. It is a done deal. Thank you.

Mr. CONRAD. Mr. President, I ask to take this on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 963) was agreed to.

Mr. CONRAD. Mr. President, that gives us five. We are going to go to the countdown; five plus final passage.

AMENDMENT NO. 964

DeMint No. 964 is the next amendment in order.

Mr. DEMINT. Mr. President, I wish to call up amendment No. 964.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 964.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to protect small and home businesses from the burdensome and impractical requirements of the Consumer Product Safety Improvement Act of 2008)

At the appropriate place, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that fund consumer product safety, including any program that—

(1) delays the lead ban in section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) by 6 months;

(2) exempts thrift stores, consignment shops, and other second hand sellers from the provisions of such section;

(3) exempts children's motorcycles and all terrain vehicles from treatment as banned hazardous substances under such section;

(4) exempts books from treatment as banned hazardous substances under such section;

(5) allows a product to comply with the lead ban in such section if every component of the product complies with the ban; or

(6) does not require products manufactured before the effective date of the ban under such section to be removed from store shelves.

(b) LIMITATION.—The authority described in subsection (a) may not be used unless the appropriations in the legislation described in paragraphs (1) through (6) of subsection (a) would not increase the deficit over—

(1) the 6-year period beginning with the first day of fiscal year 2009; or

(2) the 11-year period beginning with the first day of fiscal year 2009.

Mr. DEMINT. Mr. President, I ask unanimous consent to add as cosponsors Senators BENNETT, ENZI, BROWNBACK, COBURN, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask for my colleagues' attention because this is not a partisan amendment; it is not a messaging amendment.

Many of my colleagues have probably heard from a number of constituents about some problems with the Consumer Product Safety Act that we passed. This amendment simply allows for the improvement of that bill with certain considerations such as allowing current inventory to sell through, exempting thrift stores and secondhand sellers, exempting book sales and children's motorcycles, allowing manufacturers to prove there is no lead content by proving that their components have no lead contents. This means they don't have to destroy existing inventory if they can prove it is safe. This amendment does nothing to diminish safety, but it is common sense.

Please, this is costing millions of dollars, thousands of jobs across this country. I encourage my colleagues to support this amendment.

Mr. CONRAD. Mr. President, Senator PRYOR has the time in opposition.

Mr. CONRAD. Senator PRYOR has the time in opposition.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this amendment is a bad amendment. Last year, the Senate passed this legislation with 97 votes. It is a good bill. It bans lead in children's toys. It does so many other great things to make sure our marketplace is safe. It protects us from unsafe Chinese toys.

We need to vote against this amendment. The problem is not with the act. It is very clear from the Consumer Product Safety Commission, where the Commissioner, who is not the Chairman, says that the single most important step that needs to be taken in furtherance of the implementation of the CPSIA at the agency is to have a third Commissioner who would also be a chairman appointed to lead the agency. Until then, any legislative fixes are premature.

The CPSC has the authority to fix all the problems that have been raised by the Senator from South Carolina.

I strongly urge that we vote for our children and vote no on the DeMint amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—39

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Begich	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hagan	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Klobuchar	Vitter
Corker	Kyl	Voinovich
Crapo	Lugar	Wicker

NAYS—58

Akaka	Gillibrand	Mikulski
Baucus	Gregg	Murray
Bayh	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Cornyn	Lincoln	Warner
Dodd	Martinez	Webb
Dorgan	McCaill	Whitehouse
Durbin	McCaskey	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NOT VOTING—2

Byrd Kennedy

The amendment (No. 964) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 870, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that the Thune amendment, No. 870, be modified with the changes which are at the desk, notwithstanding adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 24, line 24, increase the amount by \$99,000,000.

On page 24, line 25, increase the amount by \$12,000,000.

On page 25, line 4, increase the amount by \$28,000,000.

On page 25, line 8, increase the amount by \$59,000,000.

On page 27, line 23, decrease the amount by \$99,000,000.

On page 27, line 24, decrease the amount by \$12,000,000.

On page 28, line 3, decrease the amount by \$28,000,000.

On page 28, line 7, decrease the amount by \$59,000,000.

Mr. CONRAD. Mr. President, we are now down to three amendments and final passage, and one of the three can be done on a voice vote.

AMENDMENT NO. 828

The next amendment in order is Coburn amendment No. 828.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, imagine tomorrow morning, if we are in session, and you no longer get to vote your conscience, that a Federal bureaucrat will tell you what you can and cannot do.

The fact is, we have wonderful physicians in this country who make decisions every day based on a multitude of factors, including what they think in their conscience is right. This is an amendment which simply protects that right, just as you would want the right for your vote in this body to be protected. It also protects the conscience of a patient to be able to choose the physician and the caregiver to whom they trust their body and their health.

I hope this body will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions)

On page 31, strike lines 3 through 7 and insert the following: "cans;

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; or

(9)(A) subject to subparagraph (B), protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions, which includes, but is not limited to, prohibiting—

(i) discrimination on the basis of a provider's objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals;

(ii) legal coercion against a provider who expresses a conscience objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals; and

(iii) government coercion of patients to enroll in specific health insurance plans or see pre-selected health care providers; and

(B) require the principles described in subparagraph (A) shall not be construed to authorize or shield from liability the denial, on the basis of a patient's race or present or predicted disability, of a surgical or medical

procedure or pharmaceutical that a provider offers to others;".

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator MURRAY has the time in opposition.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this amendment would put in place a regulation that would mean health care providers—not just doctors but anybody in a health care clinic or hospital—could refuse millions of women health care for critical services. It jeopardizes Federal family planning services, Medicaid, and title X, and it undermines State laws that guarantee women access to contraceptive services.

Health and Human Services has proposed to rescind this rule which the Bush administration published when their clock was running out.

This amendment puts ideology ahead of science and ahead of women's health care. Federal law already permits medical professionals to decline to assist in abortions based on their religious beliefs. But stopping this regulation will not change that. This amendment goes way too far and ignores the needs of patients and denies women reproductive health care services.

I encourage my colleagues to vote no.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Casey	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—56

Akaka	Brown	Dodd
Baucus	Burris	Dorgan
Bayh	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Collins	Gillibrand
Boxer	Conrad	Hagan

Harkin	Lincoln	Shaheen
Inouye	McCaskill	Snowe
Johnson	Menendez	Specter
Kaufman	Merkley	Stabenow
Kerry	Mikulski	Tester
Klobuchar	Murray	Udall (CO)
Kohl	Nelson (FL)	Udall (NM)
Landrieu	Reed	Warner
Lautenberg	Reid	Webb
Leahy	Rockefeller	Whitehouse
Levin	Sanders	Wyden
Lieberman	Schumer	

NOT VOTING—2

Byrd Kennedy

The amendment (No. 828) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment that is in order is amendment No. 751 by Senator VITTER, if he could briefly mention the amendment.

AMENDMENT NO. 751

Mr. VITTER. Mr. President, I call up amendment No. 751.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 751.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the more than 6 million Americans employed by the domestic oil and gas industry and to ensure low-cost energy for America's consumers, businesses, and families)

On page 33, line 8, after "legislation", insert the following:

"would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and"

Mr. CONRAD. Mr. President, I ask unanimous consent that we accept the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment (No. 751) was agreed to.

Mr. CONRAD. Mr. President, I thank Senator VITTER, and I also want to take just a moment to thank Senator CRAPO for his graciousness in withdrawing an amendment, as well as Senator MARTINEZ for his graciousness in withdrawing an amendment. We appreciate it very much.

AMENDMENT NO. 937

We are now on to the final amendment before final passage, No. 937, by Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I call up amendment No. 937.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 937.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require States to implement drug testing programs for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, which would encourage healthy, drug-free families instead of encouraging dependent behavior or on-going drug abuse)

At the appropriate place in title II, insert the following:

SEC. ____ RESERVE FUND TO REQUIRE DRUG TESTING AND TO PROVIDE DRUG TREATMENT FOR TANF RECIPIENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program;

(2) Would provide treatment programs for those who test positive for illegal drug use or are convicted of drug-related crime;

(3) Would withhold TANF assistance for two years to any recipient who, after initially testing positive and having been offered treatment, again tests positive; and

(4) Would not reduce or deny TANF assistance allocated for dependents if the dependent's caretaker tests positive for drug use or is convicted of drug-related crime; by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

Mr. VITTER. Mr. President, this amendment is very simple. It advances the policy of drug testing for welfare or TANF recipients. If a recipient were to test positive, they would get treatment. If they tested positive again, then and only then would they be denied the benefit.

Under no circumstances, would the children of that beneficiary be denied the children's benefit because they, of course, would not be a guilty party in any way.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator BAUCUS will speak in opposition to the amendment.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose this amendment for a lot of reasons. No. 1, this is an unfunded mandate. The TANF program, the low-income program, the welfare program, is a block grant program. We give to all the States and the States set up their own

systems under TANF. This is an unfunded mandate. It tells States they have to test all low-income people for drugs.

I think, frankly, it is a mean-spirited amendment. I believe we should not equate all low-income families with drug addiction. States can decide for themselves if they want to drug test. My State of Montana does. TANF, again, is a block grant program. States can decide for themselves what they want to do. We should not equate all low-income families with drug addiction, and I strongly encourage this amendment be soundly defeated.

Mr. VITTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. VITTER. Mr. President, I don't understand what is mean spirited about not giving tax money to folks who have drug problems and about trying to get them help, which is the first and most important thing we can do to actually help them.

I urge broad bipartisan support for this commonsense amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 937.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The result was announced—yeas 18, nays 79, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—18

Barrasso	Cornyn	Inhofe
Brownback	Crapo	Isakson
Bunning	DeMint	Kyl
Burr	Ensign	McConnell
Chambliss	Enzi	Risch
Coburn	Grassley	Vitter

NAYS—79

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Baucus	Gregg	Murkowski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Nelson (NE)
Bennett	Hutchison	Pryor
Bingaman	Inouye	Reed
Bond	Johanns	Reid
Boxer	Johnson	Roberts
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Landrieu	Shaheen
Casey	Lautenberg	Shelby
Cochran	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Corker	Lincoln	Tester
Dodd	Lugar	Thune
Dorgan	Martinez	Udall (CO)
Durbin	McCain	Udall (NM)
Feingold	McCaskill	
Feinstein	Menendez	

Voinovich
Warner

Webb
Whitehouse

Wicker
Wyden

NOT VOTING—2

Byrd

Kennedy

The amendment (No. 937) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. Mr. President, during these recent budget debates, I have been reminded that some in Washington used to mock President Reagan for the “rosy economic scenarios” they said his budgets relied upon. But never—until now—has any President’s economic model differed so fundamentally from those predicted by most independent analysts.

President Obama’s budget chief, Peter Orszag, predicts that from 2010–2013 the economy will grow 4 percent a year. But the blue-chip economic forecasters say it is much lower—about 2.7 percent. That is a big difference when we are talking about hundreds of billions of dollars.

President Obama claims his budget will halve the deficit by 2014. But the way it gets there is by first running up a huge deficit and then cutting that number in half. The Congressional Budget Office now projects a \$1.669 trillion deficit in 2009 that will bottom out at \$658 billion in 2012, which is still more than 40 percent above the highest deficit during the Bush administration. But the Congressional Budget Office also says the deficits accumulated by Obama’s budget will then surge to \$9.2 trillion in 2019.

President Obama has said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by \$1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a colossal energy tax that will impact every American household—regardless of income—and is estimated to drop an additional \$3,168 annual bill on every family, on top of its existing energy costs. Remember, candidate Obama told us that under this energy plan, “electricity rates would necessarily skyrocket.” Why is this a good idea?

Economic historian John Steele Gordon draws this analogy to an energy tax in the recent issue of *Commentary* magazine: “If passed it will act on the economy as a whole exactly the way a governor acts on a steam engine, increasingly resisting any increase in revolutions per minute. . . . The more the economy tries to speed up the more [this tax] will work to prevent it from doing so.”

Think about the incongruity between the growth predicted in President Obama’s budget and the policies his budget would partially implement. This budget would saddle American

taxpayers, businesses, and industry—everyone—with a bevy of new tax increases and regulations that, once enacted, will unavoidably harm job creation and growth by making it more expensive for businesses to hire and by removing money from the private economy and transferring it to Washington.

How can our economy recover with the Government hampering job creation and growth?

Facts are stubborn things, as President Reagan used to say. We know that raising taxes in time of recession has never helped the economy grow. Why would this time be different?

Mr. FEINGOLD. Mr. President, I strongly believe that the Senate needs to address the serious and pressing problem of climate change, and I look forward to that debate this Congress. I do not, however, believe it would be appropriate to use the fast-track procedure known as reconciliation to consider climate change legislation. Reconciliation is intended for legislation that reduces the deficit. I have strongly opposed past efforts to use reconciliation to address policy matters, such as drilling in the Arctic National Wildlife Refuge. It wasn’t appropriate then; it isn’t appropriate now.

Mr. SPECTER. Mr. President, in approaching the budget for fiscal year 2010, I am heavily influenced by the \$700 billion expenditure in President Bush’s bailout package—it was badly administered and I voted against release of the second \$350 billion—and the President Obama twin brother \$787 billion stimulus package. We have to take a closer look than usual at the mounting deficits and mounting national debt. These budget votes are all going to be determined by the Democratic majority largely on party lines so my vote is really a protest vote and to show there is substantial concern, at least with the loyal opposition, to limit Federal expenditures. To that end, I supported amendments offered by Senators SESSIONS, No. 772, and CRAPO No. 844, to freeze domestic discretionary spending. I also supported amendments by Senators ALEXANDER, No. 747, and GREGG, No. 739, to require a 60-vote threshold on any budget resolution that increases public debt.

Congress must take action to address the current deficit spending especially the increasing funds for entitlement programs. I supported an amendment offered by Senator GREGG, No. 835, to establish a commission to examine the long-term obligations of the Federal Government and make recommendations to reduce that spending. Similarly, I voted in favor of the McCain amendment, No. 882, as an alternative budget resolution to lay down a marker to encourage reductions in Federal expenditures. The budget is just an outline without any of these votes being determinative as to what will

occur on appropriations bills, where I will take another look at spending proposals depending on circumstances at that time.

Mr. AKAKA. Mr. President, I support the budget resolution for fiscal year 2010. The resolution embraces many priorities that I strongly support. They include a renewed commitment to energy efficiency, educational improvements, middle-class tax cuts, and our veterans.

The resolution preserves the major priorities in President Obama’s budget that was submitted to Congress. The President’s budget outlined a blueprint for addressing and reversing the effects of the deep recession, collapse of the housing and credit markets, and the rise in joblessness that we inherited from the previous administration by setting the stage for sustained economic growth through investments in energy, education, and infrastructure, which were begun in the American Recovery and Reinvestment Act, ARRA. Since President Obama’s budget was submitted to Congress, the CBO’s re-estimate of that budget has added \$2.3 trillion to long-term deficit projections. Accordingly, the resolution adjusts the President’s budget to cut the long-term deficit in half from \$1.2 trillion in fiscal year 2010 to \$508 billion in fiscal year 2014 while retaining the President’s core priorities.

The resolution matches the funding level in the President’s budget for fiscal year 2010 energy discretionary funding to reduce our dependence on foreign sources of fuel, produce green jobs, promote renewable energy development, and improve the electric transmission grid, while encouraging energy conservation and efficiency.

I am pleased that this resolution continues with green investments made in the American Reinvestment and Recovery Act and provides increases for the energy efficiency and renewable energy program. The resolution will enable investments in further research and development in clean and sustainable energy technologies from resources that are abundant in my State of Hawaii, such as wind, solar, ocean, hydrogen, and biomass.

The resolution invests in our Nation’s future by fully funding the President’s request for discretionary education and training programs. This includes expanding early childhood education programs that have proven to be so instrumental in preparing our Nation’s children for future success. The budget also increases support for programs designed to reach out to low-income students so that every child has an equal opportunity to succeed. Similarly, by providing the necessary funding to support a \$5,550 maximum Pell grant award in the 2010–2011 school year, this budget resolution will provide much needed assistance to individuals striving to achieve their higher

education goals including adults returning to school to revise and revamp their skills in order to more effectively compete in today's workforce.

I was also pleased to see that funding was included in the budget resolution to enhance and improve the capability of the Federal acquisition workforce. In my role as both chairman of the Subcommittee on Oversight of Government Management and a senior member of the Armed Services Committee, I have long advocated for improvements in the hiring and retention of Federal employees. Similarly, I strongly support funding for the reform of Department of Defense processes for the acquisition of weapons systems including the reduction of no-bid and cost-plus contracts.

As chairman of the Federal Workforce Subcommittee, I am pleased the resolution provides pay parity between Federal civilian and military servicemembers in the average annual pay raise, which is consistent with more than 20 years of congressional precedent and my priorities.

Turning to items in the budget resolution for the Department of Veterans Affairs, the resolution includes the President's request, plus \$540 million to compensate for the ill-advised proposal that would have billed veterans' insurance companies for service-connected care. President Obama made the right decision not to move forward with that proposal. Veterans' care and benefits are a cost of war and treatment for conditions directly related to service is the responsibility of the government alone.

The resolution also includes mandatory budget authority for important benefits, such as compensation and pension, for veterans and their survivors. I look forward to working with my colleagues and the administration to enact the funding increases and targeted programs to help VA adapt to the changing needs of veterans and their loved ones.

My colleagues, this resolution, with its targeted investments and changed public-policy priorities, will help us address the essential needs of the Nation.

I urge my colleagues to support the budget resolution for fiscal year 2010.

Mr. KAUFMAN. Mr. President, I believe the document we are now debating reflects two basic realities. First, it reflects the deep troubles that we have inherited from years of lax regulation, excessive risk, neglected oversight, even fraud and criminal behavior in our financial sector.

As President Obama said when he addressed the Joint Session of Congress, America's "day of reckoning" has arrived. The deficit spending of the past administration and the economic collapse that began last fall have created deep structural problems that this budget inherits.

Along with short-sighted budget policies that have put us deeper into debt,

the collapse of our financial sector has brought down virtually every other sector of our economy. Those facts set the difficult context in which we do our work.

Delaware has not been spared from the waves of bad economic news that have swept over our Nation. We have seen the job losses in our manufacturing industries, layoffs in flagship companies like DuPont, and downsizing in our financial services industry.

Nationally, we just lost another three-quarters of a million jobs last month. In Delaware, our statewide unemployment rate has hit 7.4 percent, a level we have not seen in a generation.

As families in Delaware and around the country sit at their kitchen tables, they know that the world outside has changed. For those who have lost their jobs, for the husbands, the mothers, who have come home with that heart-breaking news—the process of sorting out mortgage payments, health insurance, groceries—even school books and lunch money—has taken on a sad urgency.

For the others, whose neighbors are out of work, whose neighborhood now has a foreclosure or two mixed in with the for sale signs, whose own jobs could be among the next to go—basic decisions about family priorities are growing tougher every day.

We must not forget those families as we do our work here on the Federal budget this week.

But this budget reflects another reality, as well. It reflects the fundamental strengths of our country—our faith in the future, our ability to pull together, the strengths of our national character.

And this budget reflects the change in direction, the change in priorities and values, the American people voted for last November.

To help with family finances, this budget provides tax cuts to middle-class families.

To begin the work of making our health care system more affordable, this budget makes health care more accessible for families and small businesses.

It makes a college education more accessible and more affordable, so our children can qualify for the jobs that will define our economic future.

This budget starts winding down our dependence on imported fossil fuels, by investments in clean and renewable energy we can provide right here—creating new processes, new products, and new jobs.

And it begins the process of restoring the balance to our Nation's finances—a balance we had achieved just eight years ago—indeed, a budget surplus that was squandered.

Just as the economic crisis has hit the paychecks of American workers, it has lowered the economic activity that

funds the revenues we need to pay for our national priorities.

One key part of our response to this crisis must be to fill the hole left in our economy by the loss of 5 million jobs, the loss of so much economic activity. Our economic recovery package, passed earlier this year, is a part of that response.

So a key function of this budget will be to continue to fill that gap in our economy, to continue to provide families, businesses, and state and local governments with the resources they need to slow, stop, and reverse the decline in our economy.

But if we are to move beyond the current crisis, we must make the investments that will reshape our future.

This budget is a clear statement of new priorities: it lays down a new foundation for economic growth. These are the priorities, these are the commitments President Obama and Vice President BIDEN campaigned on. These are the priorities the American people voted for last November.

We must not lose sight of the lesson before us: under the previous administration we gave free rein—and huge financial rewards—to short-term risk-taking, to highly leveraged debt, to deals that many times were not worth the paper they were written on.

We now know that tens of billions, or maybe more, of those paper profits were created by criminal enterprises like the one run by Bernie Madoff. Others, while legal, tread on the very border of our outdated and poorly enforced rules and regulations.

At the same time, we failed to recognize and support average families in their struggles with rising health care costs, with the rising costs of a college education.

We wasted years when we could have invested in cleaner and more efficient domestic sources of energy, while our dependence on dirty, dangerous, uncertain sources of imported oil increased. Those wasted years made our country more vulnerable to those who control oil reserves.

The American people have rejected those failed policies and misplaced priorities. This budget replaces them with an agenda for rebuilding our economy and reasserting our values.

Budgets are statements of our priorities, here in Washington, at the kitchen tables of families in Delaware, in the homes of families around the country.

No budget is perfect. All budgets reflect difficult choices. In this economic crisis, our choices are more difficult, and our decisions carry more importance.

I believe this budget reflects the best balance of addressing our present crisis, building a foundation for the future, and putting our finances on a sustainable path.

I urge my colleagues to join me in supporting it.

Mr. LEVIN. Mr. President, I will vote for this budget resolution. It rightfully recognizes that our way through these difficult times is by investing in our future, with significant funding for infrastructure, energy independence and programs that ensure the safety, health, and education of our Nation's children. This budget resolution makes clear that we cannot continue to cut taxes for a handful of wealthy individuals, at the expense of the many and hope that someday the benefits will trickle down. That course of action would lead to deeper and deeper deficits.

The prior administration's fiscal policies failed. They left us in difficult and uncertain times. Unemployment in my state of Michigan and across the country is sky high. The financial markets are in turmoil, and millions of hard-working Americans that still have jobs are not only concerned about their depleted savings and retirement accounts, but making their mortgage payments. And now, some of the greatest companies in our country are under great duress.

Our shared ability to navigate these troubled waters will depend upon our willingness to come together. Through this budget resolution, the Senate will set the blueprint for its work to help reverse the past administration's failed fiscal policies that have been so damaging to our economy.

The Budget Committee includes in this resolution deficit-neutral reserve funds to promote economic recovery and growth, investments in infrastructure, and a long overdue commitment to the health of Americans. With adequate funds, we can modernize the health care system by continuing to progress towards health information technology. With additional dollars to help support and strengthen the health care workforce, we are making a firm statement that we will no longer shirk our responsibilities and will continue to fight for the 45.7 million uninsured individuals who have not had access to health care.

This budget will help reduce our dependence on foreign oil. It allows us to improve our educational system. And it provides tax relief to millions of middle-income Americans, including providing much-needed relief from the alternative minimum tax. Congress, and our citizens, have long known that this tax was never intended to hit middle-class families.

I am also pleased that this budget paves the way for using our committed resources to restore our financial system, while providing critical transparency and accountability for taxpayers. While I was pleased to support the economic stimulus packages, they only provided a partial solution to fixing our economy's problems. We cannot stop now. Although we have already taken unprecedented efforts to stimu-

late and revive our economy, there is more work ahead. While hard-working families struggle to make ends meet, we owe it to them to continue to invest in their futures.

I am pleased that this budget resolution includes my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to take bold, decisive action to revitalize our domestic manufacturing sector. The U.S. has lost more than 4.1 million manufacturing jobs since January 2001 and over 300,000 manufacturing jobs in Michigan since January 2001. It is important that we revitalize and maintain a strong manufacturing base in the U.S. The manufacturing industry faces pressure from international corporations that are strongly supported by their respective governments; our own government needs to lend similar support to keep American manufacturing companies competitive in the global marketplace.

The deficit-neutral reserve fund included in this budget lays the groundwork for legislation to address important initiatives to boost American manufacturing. I look forward to continuing to work with my colleagues to stimulate the manufacturing sector in a meaningful way, and make a wise investment in the long-term growth, health, and stability of the manufacturing industry.

The budget wisely includes a deficit-neutral reserve fund to accommodate legislation that would provide investments in clean energy and reduce greenhouse gas emissions, leaving the details of the legislation to the appropriate committees of jurisdiction. The threat of climate change is real and its impacts could be catastrophic if we do not act quickly. Clean energy and advanced technologies hold the promise for making real progress on reducing harmful greenhouse gases.

While swift action is needed to confront the daunting challenges of global climate change, I oppose misusing the budget reconciliation process in the consideration of climate legislation. That legislation would influence every sector of the U.S. economy and could have far-reaching impacts across the globe. For this reason, I supported an amendment offered by Senator JOHANNIS that would prohibit the use of reconciliation for climate legislation. I voted in support of the Johannis amendment to reaffirm my opposition to an extremely truncated process for climate legislation, which would make a deliberative approach impossible. Taking action on climate change legislation to protect public health, the economy, and natural security should be done in a thoughtful way and not rushed through Congress.

I was pleased to join Senator DORGAN in proposing an amendment to provide an increase of \$10 million for organ donation activities at the Health Re-

sources Services Administration. This modest amendment is aimed at fulfilling the promise of the Organ Donation and Recovery Improvement Act of 2004, to increase the number of organ donations. Currently, over 100,000 individuals are on the organ transplant waiting list, and more than 83,000 of those are in need of a kidney transplant. On average, patients wait 4 years before receiving a kidney transplant. Medicare spends about \$55,000 per patient per year for dialysis. This means that every kidney donation has the potential to save Medicare as much as \$220,000. Unfortunately, nearly 6,000 people die every year while waiting for a transplant. By doing more to educate people about donation and developing programs to encourage donation, we can take steps to reduce that number.

Mr. President, this budget will continue the job of getting our great Nation back on track, and it deserves to pass.

Mr. GREGG. Mr. President, I ask unanimous consent that a list of organizations opposing this budget resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTSIDE GROUPS KEY VOTING AND OPPOSING
THE SENATE BUDGET RESOLUTION
GROUPS KEY VOTING AGAINST FINAL PASSAGE
OF THE BUDGET

Americans for Prosperity, Americans for Tax Reform, Associated Builders and Contractors, Center for Fiscal Accountability, Citizens Against Government Waste, Club for Growth, Concerned Women for America, Freedom Works, Independent Electrical Contractors, International Foodservice Distributors Association, National Association of Wholesaler-Distributors, and National Taxpayers Union.

GROUPS OPPOSING THE BUDGET

American Conservative Union, American Family Business Institute, Americans for Limited Government, Associated General Contractors, Club for Growth, Council on National Policy, Family Research Council, National Association of Manufacturers, Numbers USA, Small Business Entrepreneurship Council, Tax Relief Coalition, and U.S. Chamber of Commerce.

GROUPS OPPOSING USING RECONCILIATION FOR
HEALTH CARE AND CARBON TAX WITHIN THE
BUDGET

Business Roundtable, National Federation of Independent Business, National Mining Association, and Small Business & Entrepreneurship Council.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to say a brief word so we know what we are going to do when we get back on Monday, 2 weeks from Monday.

First of all, I express my appreciation to the whole Senate for the outstanding work done by the managers of this bill, Chairman CONRAD, Ranking

Member GREGG. They did wonderful work. All the Senate speaks with one voice in recognizing the tremendous difficulty of this resolution. The work was done with civility. We had difficult amendments. This is a day the Senate should be proud.

I applaud and commend, I repeat, on behalf of the entire Senate, the brilliant work done by these two fine gentlemen.

When we come back, I was hoping we would not have to have this vote on Monday, but it appears we are going to have to. We have two wars going on. One, as we know, Afghanistan, and one we cannot put out of our mind in Iraq. One of the great career senior foreign service officers whom we have had in recent years, Christopher R. Hill of Rhode Island, has been nominated by the President to be Ambassador to Iraq.

It is hard to comprehend, but I am going to have to file cloture on that tonight before we leave. I would hope everyone who is trying to hold up this man would give this some thought. How does this look? It does not look very good. But we are going to go ahead, and we are going to have this cloture vote on Monday. We have a lot of other things we could work on. We have a lot to do. We have a 5-week work period when we get back. I have already informed the Republican leader as to what days we are not going to have votes; there are three of them.

I hope everyone has a good 2 weeks. We have a lot of time we need to spend at home. We have not been home. These have been very long periods, two long work periods we have had since we have become a new Congress.

Of course, I have to say for all of us, it is very exiting to all of us to see the Presiding Officer.

The VICE PRESIDENT. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to take a minute to thank the majority leader and Republican leader for their assistance in helping us move this bill in a reasonably expeditious way, considering it is the budget.

I especially wish to thank the chairman and his staff, headed up by Mary Naylor. They do an extraordinary job. They are extremely professional and very courteous to the minority. It is always an open and fair process when we take up the budget, and they set an excellent standard.

I additionally wish to thank my staff, headed up by Cheri Reidy and Jim Hearn, Allison Parent, and they do a fabulous job. I also wish to thank the folks up there on the dais because they stay here all day and make sure we are in order and keeping things on the move and we thank them very much for their time.

Mr. BAUCUS. Mr. President, the chairman of the committee and the ranking member did such a wonderful

job. I think we should all express our appreciation.

(Applause, Senators rising.)

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to thank all of our colleagues. This is a tough, difficult day for all of us. I think the Senate has conducted itself well and distinguished itself today.

I wish to thank each of our colleagues for that. I especially wish to thank Leader REID for his support throughout this process; Senator MURRAY, who I think has a special knack for convincing people not to offer amendments. Thank goodness for Senator MURRAY. To my colleague, Senator GREGG, you could not ask for a better partner. There is no one more professional, more decent or somebody whose word is better than Senator GREGG. I deeply appreciate it, as well as his professional staff, who have been terrific to work with.

On our side, Mary Naylor, my staff director; John Righter and Joel Friedman, my deputies; Joe Gaeta, Steve Bailey, Mike Jones, Jamie Morin, Stu Nagurka, Steve Posner, Sarah Kuehl, and all the others who have contributed.

This has been a labor of love. They have worked night and day, weekends for months, and I deeply appreciate their sacrifice.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, let me briefly echo the remarks of the majority leader and congratulate Chairman CONRAD and Ranking Member GREGG and say we have a lot of freshmen Senators. You probably think this is a tough day. I might mention to you, this is one of the least tough budget days we have had in the time that I have been here. I think I see the Vice President smiling. He would agree with that.

That is a tribute largely to Senator GREGG and Senator CONRAD. Thank you so much for an excellent job.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to make a plea, if I can publicly. There is still time between now and tomorrow to try to do something differently on this question of sending our Ambassador to Iraq.

Senator LUGAR is supportive. I am supportive. There is bipartisan support for this nominee. He is going to be approved. We all know that. Iraq is experiencing increasing political difficulties, and the missing ingredient of our capacity to get the success we want is political reconciliation.

Ambassador Crocker has not been well recently. He has put enormous energy in this effort. Getting Christopher Hill there in the next 2 weeks can make a difference. I would urge our colleagues, if there are other issues

linked to this, there are other ways to work it through.

My hope would be that we would be able to free him up. It is a terrible message to send, to tie him to issues of North Korea or otherwise extraneous. It handicaps our capacity to maximize our efforts in a war.

If we are going to treat a war seriously, we ought to treat this Ambassador nomination seriously. I would ask my colleagues to think about that while there is an opportunity to be able to approve it in these next 24 hours.

Mr. ENSIGN. Mr. President, I hate to throw a little cold water on this whole "Kumbaya" party we are having, but I think it is an important precedent that we determine tonight.

I rise to make a parliamentary inquiry regarding the status of the budget resolution: Specifically, I rise to inquire if the resolution remains a privileged measure, notwithstanding the adoption of 10 corrosive points of order, 8 of which reach into the jurisdiction of the Finance Committee, 1 of which reaches into the Veterans' Committee, and 1 into the Judiciary Committee.

In the case of the Durbin amendment, No. 974, the point of order specifies, with exacting detail, what level of taxpayer must receive a tax cut in order to allow death taxes to go forward.

Therefore, I put the question to the Chair: Does the pending budget resolution retain its privileged status despite these corrosive points of order having been adopted?

The VICE PRESIDENT. It does.

Mr. ENSIGN. Further parliamentary inquiry: Does that mean it would require 60 votes for passage?

The VICE PRESIDENT. It does not require 60 votes for passage.

Mr. ENSIGN. Further parliamentary inquiry: Is losing its privileged status at this point, does that mean it would be still fully debatable?

The VICE PRESIDENT. It has not lost its privileged status.

Mr. ENSIGN. So that would be the precedent for the future, 8 to 10 corrosive amendments does not lose its privileged status.

The VICE PRESIDENT. This particular budget resolution has not lost its privileged status.

Mr. ENSIGN. I thank the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, to briefly respond to the Senator from Massachusetts, the chairman of the distinguished Foreign Relations Committee has raised a serious issue about Ambassador Hill.

A number of us on our side have serious questions about Ambassador Hill and how he conducted himself in the last assignment. I would like to see what some of those instructions were from that assignment.

I recognize the seriousness of the situation we are in in Iraq, no question

about that. But I have serious reservations about his position in going to that. I think this will be a good period of time for us to get some of these questions answered from the State Department.

I have proffered a letter to them. I have some serious questions about what took place during the negotiations with North Korea and a possible missile launch that will take place even in this interim, and this was our lead negotiator there.

For those reasons, I, amongst others, am raising questions at this time. I think they need to be answered before he is approved for such an important spot for the United States.

The VICE PRESIDENT. The question is on the adoption of the concurrent resolution, as amended.

Mr. CONRAD. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—55

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskey	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—1

Byrd

The concurrent resolution (S. Con. Res. 13), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Michigan.

NOMINATION OF ASHTON CARTER

Mr. LEVIN. Mr. President, I had the intent, when we got to executive session, of asking unanimous consent that Calendar item No. 47, Ashton Carter's nomination, be agreed to by unanimous consent. There is a hold on this nomination. The two Senators who have that hold have indicated to me their reasons for it. One of those Senators—and I have talked to Senator SHELBY; there is no objection to my identifying him this way—has not had the opportunity that he seeks to talk to Mr. CARTER. He has made a commitment that he will do so as quickly as he possibly can after the recess so we can hopefully get to this nomination very promptly. It is essential this be taken up.

So in light of the assurance I have received from Senator SHELBY particularly, and I have talked also to Senator SESSIONS about this matter, I am not going to make that unanimous consent request tonight.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JANE HOLL LUTE

Mr. COBURN. Mr. President, in a few minutes there will be a unanimous consent request on a voice vote for a nominee to the No. 2 position at Homeland Security—a very nice lady by the name of Ms. Lute.

I would make the point, as the second most senior member on Homeland Security on the minority side, I cast a “no” vote for this person in committee, and that is very well detailed in my statement.

But I think there are some important things the American people should know about her previous service in terms of the peacekeeping forces under her direction as far as the procurement, management, and followup.

Here is what we know. Forty-three percent of all the money spent on international peacekeeping at the United Nations was either involved in fraud or kickback schemes and illegal contracting.

The other thing we know is that the international peacekeepers raped and abused hundreds and hundreds of people, for which at this time today the services under the direction of Ms.

Lute have not been directed toward or the care given for those individuals who suffered those consequences.

The other thing we know is that the contracting associated with her administration in the U.N. was associated with several no-bid contracts that were inefficiently done and ineffectively carried out. It is on that basis that I agreed not to hold up her nomination. She will go through, and she will be confirmed. But this nominee has to prove herself at the Department of Homeland Security. I am willing to be proven wrong, but the fact is, her reason for the problems she had at the U.N. was the lack of cooperation at the U.N. She is going to be running a much larger budget with greater responsibilities, and if, in fact, that is the case, and it was all the U.N., then her limited experience, we can hope, will grow, and she will be an effective Assistant Secretary.

There are other people much more qualified who could fill this position. As I said, this is a very humble lady. She has served with great distinguished service in the Armed Services of this country. There is no personal animosity nor direction toward her individually. But the fact is, one of our most difficult agencies is the Department of Homeland Security. It has big problems, conflicts, lack of transparency, and inefficiency.

It is my hope that after she is confirmed, she will, in fact, be up to the task, and we, both in the Senate and as American taxpayers, will get real value out of her service.

With that, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Calendar Nos. 37, 38, 39, 41, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, and all nominations on the Secretary's desk; that the Agriculture Committee be discharged, and the Senate proceed, en bloc, to PN206, PN213 and PN221; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, and that no further motions be in order.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANKS

Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank;

United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development, vice Henry M. Paulson Jr., resigned.

DEPARTMENT OF STATE

Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

Rose Eilene Gottmoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women's Global Issues.

DEPARTMENT OF DEFENSE

James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.

Alexander Vershbow, of the District of Columbia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael C. Gould

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Debra A. Scullary

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Roger A. Binder
Brigadier General David L. Commons
Brigadier General Anita R. Gallentine
Brigadier General Carl M. Skinner
Brigadier General Howard N. Thompson
Brigadier General Paul M. Van Sickle

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel William B. Binger
Colonel Catherine A. Chilton
Colonel James A. Firth
Colonel Robert M. Haire
Colonel Stayce D. Harris
Colonel Thomas P. Harwood, III
Colonel Maryanne Miller
Colonel Pamela K. Milligan
Colonel Robert K. Millmann, Jr.
Colonel James J. Muscatell, Jr.
Colonel Dennis P. Ployer
Colonel Kevin E. Pottinger
Colonel Derek P. Rydholm
Colonel George F. Williams

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Vincent K. Brooks

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be major general

Brig. Gen. James K. Gilman
Brig. Gen. Philip Volpe

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. William B. Gamble
Col. Richard W. Thomas

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul W. Brier
Col. Frans J. Coetzee

OFFICE OF PERSONNEL MANAGEMENT

John Berry, of the District of Columbia, to be Director of the Office of Personnel Management for a term of four years.

SMALL BUSINESS ADMINISTRATION

Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.

[NEW REPORTS]

DEPARTMENT OF VETERANS AFFAIRS

W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN94 AIR FORCE nomination of Kathy L. Fullerton, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN95 AIR FORCE nominations (3) beginning EMIL B. KABBAN, and ending STEPHEN H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN96 AIR FORCE nominations (29) beginning BRIAN D. ANDERSON, and ending MARGARET M. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN97 AIR FORCE nominations (21) beginning MARK T. ALLISON, and ending PHILIP T. WOLD, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN98 AIR FORCE nominations (3) beginning TINA M. BARBERMATTHEW, and ending REGAN J. PATRICK, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN99 AIR FORCE nominations (32) beginning JAMES J. BALDOCK IV, and ending BRENDA L. YI, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN100 AIR FORCE nominations (67) beginning LISA L. ADAMS, and ending RICHARD J. ZAVADIL, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN101 AIR FORCE nominations (1179) beginning ARIEL O. ACEBAL, and ending STEVEN M. ZUBOWICZ, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN118 AIR FORCE nomination of Jonathon V. Lammers, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN119 AIR FORCE nominations (3) beginning GARY A. FOSKEY, and ending CONNIE L. WARR, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN120 AIR FORCE nominations (7) beginning BRYSON D. BORG, and ending DEXTER W. LOVE, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN155 AIR FORCE nominations (2) beginning GEORGE B. GOSTING, and ending JOSEPH S. PARK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN158 AIR FORCE nominations (51) beginning RICHARD D. BAKER, and ending GREGORY B. YORK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN159 AIR FORCE nominations (15) beginning JEFFREY L. ANDRUS, and ending ROSE M. WOJCIK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN160 AIR FORCE nominations (16) beginning FEDERICO C. AQUINO JR., and ending JUNKO YAMAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN161 AIR FORCE nominations (148) beginning JOSELITA M. ABELEDA, and ending GABRIEL ZIMMERER, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN162 AIR FORCE nominations (40) beginning THOMAS J. BAUER, and ending STACEY E. ZAIKOSKI, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN163 AIR FORCE nominations (286) beginning AMANDA J. ADAMS, and ending DON L. ZUST JR., which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN192 AIR FORCE nominations (3) beginning XAVIER A. NGUYEN, and ending JENNIFER A. TAY, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN193 AIR FORCE nominations (3) beginning JOHN M. BEENE II, and ending ELIZABETH N. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN234 AIR FORCE nomination of Ryan G. McPherson, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN235 AIR FORCE nomination of Mark J. Ivey, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN238 AIR FORCE nominations (37) beginning CHRISTOPHER B. BENNETT, and ending DAVID J. WESTERN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

IN THE ARMY

PN102 ARMY nomination of Peter C. Gould, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN103 ARMY nomination of Garrett S. Yee, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN104 ARMY nominations (6) beginning ROY L. BOURNE, and ending STANLEY W. SHEFTALL, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN121 ARMY nomination of Frank Rodriguez Jr., which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN122 ARMY nomination of Edward E. Turski, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN123 ARMY nomination of Joseph R. Krupa, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN124 ARMY nomination of Kathleen P. Naiman, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN125 ARMY nominations (2) beginning JUAN G. ESTEVA, and ending THOMAS E. STARR, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN126 ARMY nominations (2) beginning ROBERT F. DONNELLY, and ending ANGELICA REYES, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN127 ARMY nominations (3) beginning RICHARD H. DAHLMAN, and ending DAVID A. STILLIS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN128 ARMY nominations (4) beginning JULIE S. AKIYAMA, and ending ANDREW L. HAGEMASTER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN129 ARMY nominations (3) beginning MICHAEL L. NIPPERT, and ending JOHN K. GOERTMILLER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN130 ARMY nominations (3) beginning MARTIN L. BADEGIAN, and ending MARK J. HODD, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN131 ARMY nominations (5) beginning DEBRA H. BURTON, and ending LEE D. SCHNELL, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN132 ARMY nominations (10) beginning PAUL P. BRYANT, and ending CHRISTOPHER R. WARD, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN133 ARMY nominations (77) beginning ROBERT J. ABBOTT, and ending PATRICK J. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN134 ARMY nominations (22) beginning VANESSA A. BERRY, and ending SCOTT F. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN135 ARMY nominations (8) beginning EFREN E. RECTO, and ending WILLIAM A. WOLKSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN136 ARMY nominations (14) beginning SUZANNE D. ADKINSON, and ending BRANDON S. WATKINS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN156 ARMY nominations (7) beginning THOMAS M. CARDEN JR., and ending ANTHONY WOODS, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN194 ARMY nomination of Laura K. Lester, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN195 ARMY nomination of Brigitte Belanger, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN196 ARMY nomination of Mitzi A. Rivera, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN197 ARMY nomination of Catherine B. Evans, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN198 ARMY nomination of Victor G. Kelly, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN199 ARMY nomination of Ryan T. Choate, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN200 ARMY nominations (9) beginning RAFAEL A. CABRERA, and ending CARL J. TADAKI, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN201 ARMY nominations (43) beginning ROBERT A. BORCHERDING, and ending MICHAEL C. WONG, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN241 ARMY nomination of Victor J. Torres-Fernandez, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN242 ARMY nominations (86) beginning JOSEPH ANGERER, and ending MATTHEW J. YANDURA, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN243 ARMY nominations (3) beginning TED R. BATES, and ending PETER M. MENICUCCI, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN244 ARMY nominations (3) beginning JOHN M. DIAZ, and ending LAVORE L. RICHMOND JR., which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN245 ARMY nominations (2) beginning LUISA SANTIAGO, and ending YEVGENY S. VINDMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN246 ARMY nominations (124) beginning RANDALL W. COWELL, and ending DANIEL M. ZERBY, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN247 ARMY nominations (16) beginning ALBERT J. ADKINSON, and ending WILLIAM E. WYNNS JR., which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

IN THE MARINE CORPS

PN112 MARINE CORPS nominations (5) beginning DAVID G. ANTONIK, and ending STEVEN D. PETERSON, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN113 MARINE CORPS nominations (132) beginning KELLY P. ALEXANDER, and ending ANTHONY R. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN137 MARINE CORPS nominations (773) beginning DEREK M. ABBEY, and ending ROBERT B. ZWAYER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN138 MARINE CORPS nominations (464) beginning HARALD AAGAARD, and ending

MARK W. ZIPSIE, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

IN THE NAVY

PN55 NAVY nomination of Scott D. Shiver, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN107 NAVY nominations (2) beginning STEVEN A. KHALIL, and ending DAVID B. ROSENBERG, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN108 NAVY nomination of Miguel Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN109 NAVY nomination of David M. Dromsky, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN110 NAVY nomination of Jed R. Espiritu, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN111 NAVY nominations (27) beginning CHARLES C. ADKISON, and ending TRICIA L. TEAS, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN164 NAVY nominations (2) beginning GREGORY G. GALYO, and ending OLIVER C. MINIMO, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN248 NAVY nominations (12) beginning CHRISTOPHER G. CUNNINGHAM, and ending CHRISTOPHER A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN249 NAVY nominations (3) beginning JANET L. JACKSON, and ending TODD M. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

DEPARTMENT OF AGRICULTURE

James W. Miller, of Virginia, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, vice Mark Everett Keenum, resigned.

Kathleen A. Merrigan, of Massachusetts, to be Deputy Secretary of Agriculture, vice Charles F. Conner, resigned.

Joe Leonard, Jr., of the District of Columbia, to be an Assistant Secretary of Agriculture, vice Margo M. McKay, resigned.

NOMINATION OF KAREN GORDON MILLS

Ms. LANDRIEU. Mr. President, today the Senate Committee on Small Business and Entrepreneurship unanimously reported the President's nomination of Karen Gordon Mills to serve as Administrator for the Small Business Administration. I would like to thank my ranking member, Senator SNOWE, who recommended Ms. Mills for this post and her staff for their work on this nomination.

I am pleased that President Obama nominated Karen Mills. I believe she has the right mix of experience and education and a willingness to serve that will benefit her in this challenging position. As our new SBA Administrator, Ms. Mills will be an extraordinary role model for entrepreneurs across America—particularly for women entrepreneurs.

Ms. Mills graduated magna cum laude from Harvard with a degree in economics. She then stayed at Harvard

to earn her MBA. She started out working as a product manager for General Mills and then segued into what was to become her true passion—growing new businesses. Ms. Mills is a founding partner and was managing director of Solera Capital, a NY-based venture capital firm run largely by women. She currently serves as President at MMP Group, Inc., a private equity investment and advising firm.

Ms. Mills has balanced her role in private, for-profit enterprises with active involvement in her community. This has been demonstrated in the work she has done in Maine, serving on the boards of many nonprofits that work to promote economic development. It also shows in the work that she has done for organizations like the Council on Foreign Relations.

From my meetings with Ms. Mills, it is clear that we share many of the same priorities—for example, assisting women and minority entrepreneurs and making sure small businesses can access credit in these trying economic times.

The SBA is an agency at a crossroads. Under the previous administration, the agency's funding was slashed by 28 percent—the biggest cut of any Federal agency. In my view, the agency was relegated to the back benches during important policy debates on health care, trade and technology innovation, to name a few.

We need strong, capable leadership to return this agency to its rightful place as a Federal advocate for small business interests. In Ms. Mills, I am confident that we have it.

NOMINATION OF JANE HOLL LUTE TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 57, the nomination of Jane Holl Lute.

The assistant legislative clerk read the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

Mr. LIEBERMAN. Mr. President, I rise to express my unqualified endorsement of Jane Holl Lute to be Deputy Secretary for the Department of Homeland Security.

Mrs. Lute has impressive educational credentials—including a Ph.D. from Stanford, a J.D. from Georgetown, and 3 years as a professor at West Point—an outstanding professional history, and broad national security and management experience, all of which is more than ample preparation for the position to which she has been nominated.

She had a distinguished career in the military, served as the European specialist at the National Security Council during the first Bush and Clinton administrations, and for the past sev-

eral years has worked in various positions with United Nations Peacekeeping Operations.

Mrs. Lute joined the Army right out of college and spent the next 16 years serving in a variety of capacities, including as an action officer in Operation Desert Storm, U.S. Army Central Command, Riyadh; as company commander, U.S. Signal Command, a brigade signal officer; and as director for European affairs on the National Security Council for President George H.W. Bush and President Bill Clinton. Her military experience with signals intelligence and on the National Security Council has helped prepare her for the intelligence and counterterrorism missions of DHS.

Since 2003, she has served in a variety of senior leadership positions with the U.N., including as the Assistant Secretary-General of Peacekeeping Operations, and most recently as the Assistant Secretary General for Peacekeeping Support in the Executive Office of the Secretary-General of the U.N.

As Assistant Secretary-General, Mrs. Lute has managed a very large and complex Peacekeeping workforce, with responsibility for hundreds of thousands of military and civilian personnel in over 30 countries, including hotspots such as Kosovo, the Congo, and Darfur, to name just a few. This was no small accomplishment. Her leadership helped to ensure the security and welfare of people around the globe living in unaccommodating and hostile circumstances.

She also managed multibillion-dollar budgets and welcomed oversight and constructive criticism of her department, in an organization that many have described as “openly hostile” to such transparency.

At the U.N., she managed support operations for the second largest deployed military force in the world, and oversaw a multibillion budget, which grew from \$2 billion to nearly \$8 billion annually. She undertook a variety of initiatives to improve the management and financial accountability of the Department of Peacekeeping Operations, which included instituting a requirements review panel for acquisitions and a mission startup monitoring process.

When she noticed that the U.N. was short on the procurement personnel with the language skills and expertise needed for the complex transactions they would work on, she helped institute a program to identify, recruit, and train additional staff.

She also instituted advanced training programs for senior administrative and management personnel, in response to deficiencies she observed.

I am particularly impressed by Mrs. Lute's leadership and management experience in a career dedicated to public service. In her testimony before the

Homeland Security and Governmental Affairs Committee last week, it was apparent that her experiences have helped her develop into the leader she is today: One who recognizes that, in her own words, “people are the most important resource any . . . organization has.”

It is a testimony to Mrs. Lute and her work that the committee has received numerous letters supporting her nomination. Letters have come from the International Association of Emergency Managers, the National Emergency Managers Association, the International Association of Fire Chiefs, the Major Cities Chiefs, the National Sheriffs' Association, Lee Baca, the Sheriff of L.A. County, Lee Hamilton, former congressman and current President and Director, Woodrow Wilson International Center for Scholars, HRH Prince Zeid Ra'ad Al-Husseini, Jordan's Ambassador to the U.S., and many others.

Managing the Department of Homeland Security is no small task, demanding a smart and steady hand. The Deputy Secretary post carries with it diverse responsibilities that range from overseeing preparations to respond to a nuclear terrorist attack to ensuring that DHS employees have adequate office space.

DHS has at times struggled to gain solid footing over the course of its six-year lifespan. Each year it becomes stronger, I am happy to note. And I don't think there is any question that the country is safer as a result of the Department's efforts.

But the Department has a difficult and varied mission and its work is central to the security of all Americans. So we must continue to press forward to improve upon its capabilities.

To that end, I am working to draft the Senate's first authorization bill for the Department as a means of laying out what I believe should be its priorities and to make the Department more efficient and effective in its missions. Needless to say, we will be seeking input from the administration.

One of the biggest problems the Department faces is its management of acquisitions. Some of the Department's largest and most troubled acquisition programs—Deepwater, SBINet, radiation detection portal monitors—need stronger oversight and more decisive leadership than they have gotten in the past.

Furthermore, the Department's heavy reliance on contractors to perform basic services raises serious questions about whether DHS is building sufficient internal capacity and institutional knowledge. Right now, DHS still has insufficient capacity to develop requirements and evaluate the technical feasibility of contractors' proposals.

In recent years the United States has seen serious threats to our cyber networks and we have not yet developed

the tools to detect and defend against these threats. Due to the vulnerabilities that still exist, we have experienced massive identity theft, monetary loss, and leaks of sensitive information. Moreover, if these vulnerabilities are ever fully exploited, there is the potential to do significant damage to our Nation's critical infrastructure. The Department of Homeland Security has the important responsibility of leading Federal efforts to protect domestic cyber networks, both public and private. The Department has made some progress in developing its capabilities in this area, but much more work remains to be done. I look forward to working with Mrs. Lute to bolster the nation's cyber security.

Clearly, our southern border security has also become a central focus for the Department and the Obama administration. Senator COLLINS and I successfully amended the budget resolution this week to add \$550 million for the Departments of Homeland Security and Justice to help stem the flow of drugs and people moving north into the U.S. and guns and money moving south into Mexico. I look forward to a close collaboration with the Department in this area.

The Department faces many other challenges that must be met and conquered if it is to succeed in its ultimate mission of protecting the nation from terrorism and natural disasters. This committee has always worked cooperatively with the Department and will continue to do so to ensure its success.

If confirmed, Mrs. Lute will play a large part in setting the Department on course to overcome these challenges. I want to thank her for her many years of service and say that I believe she is exceptionally qualified to take on DHS' challenges. I urge my fellow Senators to support her confirmation.

Mr. COBURN. Mr. President, Jane Holl Lute has been nominated to become the Deputy Secretary for Management at the Department of Homeland Security, (DHS). If confirmed, she would be responsible for the following at DHS: budget, appropriations, expenditure of funds, accounting and finance; procurement; human resources and personnel; information technology systems; facilities, property, equipment, and other material resources; and performance measurements tracking.

After reviewing the parts of her U.N. record that had to be leaked for any of us to know about it, it is clear that Ms. Lute is either not qualified or not experienced to manage the DHS. When pressed to explain the mismanagement, fraud, and corruption that took place under her watch at U.N. Peacekeeping Operations, Ms. Lute consistently diverted blame to other U.N. officials or departments—making it appear she really didn't manage much of the U.N.

If accurate, she is not experienced. When pressed to explain how she is experienced enough to manage DHS, Ms. Lute then claims she was at the center of Peacekeeping Operations, managed the internal operations—making it appear that she was responsible for everything. If accurate, this means she is also responsible for the mismanagement and waste. Ms. Lute cannot have it both ways.

An overall assessment of Peacekeeping Operations is that they are saturated in fraud and abuse.

In 2007 and 2008, the U.N. Procurement Task Force, a branch of the U.N. Office of Internal Oversight Services, OIOS, issued several reports that had to be leaked in order for anyone outside the U.N. to know about them.

The reports were based on investigations related to U.N. peacekeeping management and procurement that uncovered a significant amount of corruption, fraud, waste, overpayments, abuse, negligence and mismanagement in a number of high value contracts. This reflects a lack of an internal control system within U.N. Peacekeeping procurement under Ms. Lute's management.¹

The findings of the U.N. audit reports are alarming.

For example, the reports found 43 percent of mostly U.N. peacekeeping procurement tainted by fraud. Out of \$1.4 billion in U.N. contracts internally investigated, \$610 million was tainted by 10 "significant fraud and corruption schemes."² Since 43 percent of the procurement contracts are tainted and the U.S. taxpayer contributes up to 26 percent of all U.N. funding, it is safe to say the entire U.S. contribution in this case was tainted by corruption and waste.

"Total disregard for controls" is how the task force described senior U.N. officials involved in peacekeeping procurement fraud.³ In an environment of no controls, Ms. Lute's Peacekeeping Operations suffered from numerous problems that greatly increased the cost of operations or lost resources altogether.

Specific examples listed in the report include criminal acts such as bribery and kickback schemes, overpayments to vendors, lack of competitive bidding, lack of acquisition plans, lack of qualified procurement staff, splitting single contracts apart to avoid reporting requirements, transactions with no contract in place, unauthorized contracts issued, use of uneconomical contractors, unnecessary expenditures, and dysfunctional asset and property management.

The task force found that significant Peacekeeping missions lacked "indicators of achievement and performance measures" for the political and civilian affairs components of operations. Specifically, roles and responsibilities were not formally established, and

there were no defined reporting lines and accountability.⁴

The task force reports that a major roadblock to its investigation is due to "limited cooperation" from U.N. staff and vendors due to the lack of a compulsory process for obtaining documents and testimony.⁵

Even after the task force exposed Peacekeeping mismanagement, peacekeeping and procurement management were not "consistent in applying the standards to which they are supposed to hold staff accountable."⁶

For each of its audits and investigations, the task force made recommendations to Ms. Lute and her U.N. Peacekeeping team on how to address the serious fraud and mismanagement issues. A number of critical recommendations were not accepted.⁷

Regarding Peacekeeping procurement, Ms. Lute tries to have it both ways by diverting blame but also claiming she still has procurement experience.

When asked at her nomination hearing about the procurement corruption under her watch, Ms. Lute claimed that the corruption and mismanagement was not her fault but the fault of procurement staff in the field.

Since she indicated at the hearing that she had little or no responsibility for the Peacekeeping procurement, Ms. Lute was asked in her questions for the record what other procurement experience she had that would qualify her for managing procurement at DHS. Her written response reveals that Ms. Lute was much more responsible for Peacekeeping procurement than she admitted at the hearing. She wrote in her response that she had "responsibility for oversight of personnel responsible for directly engaging and supervising the provision of contract services."

Another indication that Ms. Lute has a much larger role and influence on Peacekeeping procurement than she admitted at her hearing is how she pushed through a no-bid contract for her mission to Darfur in 2007. In 2007, Lute personally steered a \$250 million no-bid contract for U.N. peacekeeping in Darfur to a subsidiary of Lockheed Martin.

At the time, the Officer-in-Charge of the U.N. Department of Management where much of the U.N.'s procurement took place sent Ms. Lute a memo responding to her charges that Peacekeeping procurement problems was the fault of the U.N. Department of Management.

While the Department of Management has many faults and has an equally tarnished record within the U.N., the comments in the memo are telling in that they reinforce the findings of several OIOS and Procurement Task Force reports.

According to the memo, Ms. Lute failed to plan for the Darfur peacekeeping mission which led to sole

source contracting despite having 18 months to prepare. The memo also indicates Ms. Lute failed the preparedness test by not having a logistics concept in place to embark on a logistics delivery capability at short notice that will also meet U.N. procurement rules. Finally, the memo states that the delays in startup of the mission were due to Ms. Lute constantly changing mission requirements. According to the memo, these delays “constitute a pattern, to which oversight bodies of the U.N. may be less charitable towards and may well find the pattern as troubling.”

In a 2008 OIOIS Procurement Task Force report, U.N. auditors expressed concerns that based on prior audits and investigations that Peacekeeping Operations will face a “higher-risk exposure to mismanagement, fraud and corruption” as a result of the no-bid contract requested by Ms. Lute.⁸

It is also important to point out that almost the entire U.N. shares concerns about what Ms. Lute did with this contract. In 2007, the U.N. General Assembly voted 142 to 1, sadly with only the United States dissenting, to express concern about the no-bid contract.⁹

Even though Ms. Lute claimed at her hearing that she had little responsibility in contracting decisions or oversight, she clearly had enough influence on the process to pressure her U.N. colleagues to accept a no-bid contract. Why would she then be unable to use this same influence to press for controls, transparency, and accountability in order to protect her Peacekeeping Operations from being undermined by cost overruns, waste, and illicit behavior?

If the assessment from the U.N. official in the Management Department is correct, Ms. Lute failed the preparedness test when it came to rapid deployment of resources and personnel to respond to new crises. Preparedness is what she was responsible for at U.N. Peacekeeping, and it will be what she is responsible for at DHS.

Another indication that Ms. Lute had more responsibility for Peacekeeping procurement than what she admitted to at her hearing was that she publicly defended the Peacekeeping procurement fraud when it was made public in the media. In 2007, the Washington Post published its report on the Peacekeeping procurement fraud after the U.N. audits were leaked. Ms. Lute chose to respond on behalf of U.N. Peacekeeping. In her op-ed, she makes excuses for the fraud, claims there is no pattern of abuse in peacekeeping procurement, and misrepresented the Washington Post article in order to discredit it. She claims the article was misleading when it said that peacekeeping “suffered losses in the hundreds of millions.” In reality, the article quoted directly from the U.N. audits saying correctly that U.N. audi-

tors found multiple instances of fraud that tainted \$610 million worth of contracts.¹⁰

If Ms. Lute was truly not responsible for the massive amount of procurement fraud, it is odd that she would then choose to represent peacekeeping procurement and rebut this article. Even if she had no responsibility for the mismanagement and fraud, it would have been much more productive if Ms. Lute chose instead to use this opportunity in her op-ed to make the case for reforming Peacekeeping operations and procurement, offer suggestions for cutting waste, and laying out a better preparedness plan and logistics concept. Unfortunately, we have no record of Ms. Lute speaking out about the problems that were undermining U.N. Peacekeeping or offering reform ideas whether at a press conference or in a report to the U.N. Security Council.

The Procurement Task Force released a report in July of 2007 regarding its investigation of ground fuel procurement in the U.N. peacekeeping mission to Haiti, MINUSTAH.¹¹ The conclusion of the report indicated the ground fuel procurement process was not conducted in a fair and transparent manner resulting in bid rigging and the awarding of the contract to a company initially ranked as “non-compliant.” U.N. staff from both Procurement and Peacekeeping Departments was responsible. This report made several findings that reflect on Ms. Lute’s performance as manager of resources and field deployment.

For example, it reports that Ms. Lute failed to staff MINUSTAH with experienced fuel staff that could evaluate the technical and commercial aspects of the fuel contracting.¹²

It also illustrates that Ms. Lute failed to act on the continual supply chain inconsistencies. The report shows that Peacekeeping staff reported problems including the discrepancy between how much fuel was purchased and what was actually delivered, the contractor’s use of substandard fuel tankers, and other problems. Even after the problem had been flagged, the contract was never pulled and reasigned.¹³

Making the U.N.’s risk exposure even worse, under Ms. Lute’s watch, MINUSTAH received its fuel supply with an expired contract. The initial fuel contract expired, and while the long-term contract was being prepared, the poor-performing contractor continued to supply fuel to the mission without a written contract.¹⁴

Ms. Lute failed to step in when poor-performing contractor was given long-term contract despite repeated reports of inconsistent fuel supply and poor performance measurements.¹⁵ Bid rigging by U.N. Peacekeeping and Procurement staff was again to blame.¹⁶

Since this took place towards the end of her time managing U.N. Peace-

keeping, it is telling that, even after five years managing Peacekeeping Operations, Ms. Lute failed to have the proper controls in place that would prevent this from occurring or from being overlooked so many times.

Another U.N. audit report written towards the end of Ms. Lute’s time managing Peacekeeping revealed another mission she deployed without proper controls in place. The Procurement Task Force released an audit in May of 2007 regarding its assessment of procurement fraud indicators in the mission to Liberia, UMIL.¹⁷ The audit was designed to test whether UNMIL had the proper controls in place to protect against fraud and corruption.

Regarding UNMIL’s requisitioning office, which is under Ms. Lute’s management, the audit found that Ms. Lute failed to initiate good business practice and internal control principles by not limiting the number of persons that can raise requisitions.¹⁸ It also found that Ms. Lute failed to staff the requisition office with qualified staff that could ensure specifications on the requisition are accurate. This could lead to inefficient procurement, wasteful purchases, and loss of funds.¹⁹

Ms. Lute’s record responding to Peacekeeper rape and sexual exploitation of women and children is also troubling.

For years, U.N. watchdogs, human rights groups, and now U.N. auditors have been documenting hundreds of allegations and confirmed instances of sexual crimes against women and small children under U.N. peacekeeping care and protection. The perpetrators include both military and civilian Peacekeeping personnel. Allegations of misconduct have been made in every major Peacekeeping operation including the Democratic Republic of Congo, Bosnia, Burundi, Cambodia, Guinea, Haiti, Ivory Coast, Kosovo, Liberia, Sierra Leone, and the Sudan.²⁰

Ms. Lute was responsible for the U.N. response to and prevention of the rape and sexual exploitation. Despite claiming a “zero tolerance” policy and having systems in place to help prevent this abuse, Ms. Lute’s record suggests otherwise with abuse continuing to plague peacekeeping operations and no known prosecution and imprisonment of a single perpetrator.

In 2004, reports first began emerging of the rampant sexual exploitation of children at the Republic of Congo, DRC, peacekeeping mission. According to press reports, in June 2004, U.N. Peacekeeping managers were informed by the head of the DRC Mission that there were initially 50 allegations of sexual abuse, 42 involving minors, but total allegations rose to 72 in a followup report.²¹ The report detailed acts such as the rape of a minor in a U.N. armored personnel carrier and a prostitution network of minors at the U.N. airport.

The media reports indicate that the investigation done by Ms. Lute and the other managers of U.N. Peacekeeping Operations was fatally flawed. There was no witness protection offered to the victims which led to witnesses being bribed or threatened to change their testimony. Investigators were reportedly ordered to only investigate claims in one town while ignoring the numerous claims made throughout the DRC.

It is also reported that a high-ranking Peacekeeping official for the U.N. Mission to the DRC was sexually exploiting minors as young as 13, and eventually 150 cases were brought against Peacekeeping soldiers and civilians ranging from abduction and rape of minors to the finding of more than 250 images of child pornography involving Congolese children on the laptop of a U.N. official.

The OIOS documented in January, 2005 at least 7 cases of underage sexual abuse committed by U.N. peacekeepers, and all but one of them were fully substantiated.

There were also press reports of abuses in the Sudan during this same time period. According to *The Daily Telegraph*, in 2005, U.N. officials knew of the sexual abuse of children as young as 12 that began in 2005 soon after the U.N. Peacekeeping mission in Southern Sudan, UNMIS, went to work to rebuild the region.²² A leaked internal report compiled by the U.N. children's agency, UNICEF, in July 2005 referred to the sexual exploitation perpetrated by U.N. peacekeepers, military police, and civilian staff. According to the paper, this report was substantiated by a preliminary report from a leading U.N. affiliated NGO that was unwilling to be named for political reasons.

Allegedly hundreds of children have been abused, and the *Telegraph* has independently documented at least 20 victims claiming U.N. peacekeepers and civilian staff regularly picked up young children in U.N. vehicles and raped them.

As Under Secretary General for Field Support, Ms. Lute was responsible for responding to this issue and implementing policies to prevent this abuse and bring the perpetrators to justice. Sadly, even after implementing weak reforms—such as what amounts to sexual harassment training for peacekeepers—the abuse continued and there are no known prosecutions or imprisonments for the perpetrators.

In 2006, U.N. investigators at the OIOS substantiated reports that U.N. peacekeepers in Liberia had sexually abused an under-age girl and U.N. peacekeepers in the Sudan had sexually abused four women.²³ In 2008, the NGO *Save the Children* reported that peacekeepers were sexually abusing very young children in war zones and disaster areas in the Ivory Coast, south-

ern Sudan, and Haiti—and going largely unpunished.²⁴ *Save the Children* reports, “Children as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, soap and, in very few cases, luxury items such as mobile phones.”

According to Marianne Mollman of Human Rights Watch, the current status of the U.N. response to peacekeeping abuses continues to be poor.²⁵ Mollman describes investigations of the abuse carried out by Ms. Lute as follows: lack of speed of investigations, lack of transparency and follow through of investigations, and lack of breadth of investigations.

There are other instances of illicit behavior going largely unpunished during Ms. Lute's tenure at Peacekeeping. In 2008, Human Rights Watch issued a letter regarding several cases where Peacekeepers were involved in other illicit activities such as gold-smuggling and weapons trading. In these cases, like the sexual abuse case, Human Rights Watch reports that “the slow process in carrying out this investigation and the continued lack of action raises important questions on how the U.N. investigates itself.”²⁶

When I questioned Ms. Lute about the number of victims she provided assistance to, the budget of her victims' assistance program, the number of perpetrators she successfully had prosecuted, and other basic information, she responded saying she knows of no reports that track this information. This is a disturbing answer from someone claiming to effectively deploy victims' assistance into the field while reports on the ground claim there are many victims that have been waiting for over 4 years but still have not received assistance from Ms. Lute. This certainly does not sound like a policy of “zero tolerance.”

In her response, Ms. Lute also points out that she coordinated meetings and discussions and conferences at the U.N. regarding Peacekeeping abuse and victims' assistance. But she cannot produce any evidence or information illustrating she carried out the victims' assistance programs or whether any such programs were effective.

In my questions for the Record, in order to ascertain whether or not Ms. Lute has the qualifications to manage DHS, I asked Ms. Lute whether she had experience managing DHS issues and activities such as border security, immigration, port security, counterterrorism, or other DHS-specific portfolios. In her written response, Ms. Lute claims she had “responsibilities for border security and management where stopping the flow of illegal arms and narcotics is a central part of the Mission's mandate.”

It is important to point out that we have no evidence or data that suggests Ms. Lute has been successful in this endeavor. Using the Peacekeeping Mis-

sion to Lebanon as an example, this one mission alone illustrates Ms. Lute's poor performance at stopping the flow of illegal arms as Hezbollah has, on multiple occasions, successfully armed and rearmed on the Israeli border. There are also multiple reports of illegal arms smuggling involving Peacekeepers in Africa supplying arms to local militias.²⁷

Ms. Lute also pointed out that she operated a port in the Congo along a river. When I questioned her at the hearing regarding her responsibility for the abuse that took place in the Congo on her watch, she claimed that she had little “on the ground” management responsibilities. Her story changes when asked to provide her experience and qualifications to manage DHS.

In her response to my prehearing questions, Ms. Lute indicated that she utilized several performance indicators to determine whether or not her programs were effective. I then asked Ms. Lute whether there is any record of these performance measures or any reports that audit her operations based on these indicators. Ms. Lute responded that she “cannot recall specifically which report or which measure” were tracking her performance. In other words, it appears Ms. Lute has not received specific performance reports and lacks a working knowledge of how she performed according to those standards. I believe it is impossible to manage what you do not measure.

Unfortunately for Ms. Lute, the entire U.N. system, including Peacekeeping Operations, lacks even the most basic transparency or accountability. Without transparency, we cannot discover whether or not there is evidence that Ms. Lute, during her tenure at U.N. Peacekeeping, was able to turn her operations around, institute controls, make policy reforms, and whether these efforts were successful.

Every U.N. report that we were able to receive after they were first leaked indicates that operations under Ms. Lute's management were undermined by fraud, waste, corruption, and mismanagement. We have no positive record of Ms. Lute's performance measurements. Several former U.N. officials have written letters of endorsement for Ms. Lute, but the endorsements were based on Ms. Lute's verbal commitment to address the waste and fraud, and none of these officials actually investigated what Ms. Lute did in response or whether her response was effective.

I believe that Ms. Lute is unqualified and inexperienced to manage the Department of Homeland Security. Given her record that we are able to document, I cannot in good conscience support her nomination.

ENDNOTES

¹ Report of the Office of Internal Oversight Services Part two: peacekeeping operations,” U.N. Office of Internal Oversight

Services, February 23, 2007 and "Report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007," U.N. Office of Internal Oversight Services, October 5, 2007—<http://tinyurl.com/9ext17>; "Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007," U.N. Office of Internal Oversight Services, February 25, 2008.

²OIOS, October 5, 2007, pg. 16.

³OIOS, February 23, 2007, pg. 2.

⁴OIOS, February 25, 2008, pg. 11.

⁵OIOS, October 5, 2007, pg. 2.

⁶OIOS, February 23, 2007, pg. 8.

⁷OIOS, February 23, 2007, pg. 17.

⁸Pg 9–10, "Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007," U.N. Office of Internal Oversight Services, February 25, 2008.

⁹Lee, Matthew Russel, "UN's Jane Holl Lute Admits No-Bid Lockheed Martin Deal Caused 'Confusion,'" Says No Conflict of Interest in Iraq and Afghan Overlap with Husband's Role," Intercity Press, February 11, 2008—<http://tinyurl.com/cvycq6>

¹⁰Lynch, Colum, "U.N. Finds Fraud, Mismanagement in Peacekeeping," Washington Post, December 18, 2007; Lute, Jane Holl, "Overstating Corruption at the U.N.," Washington Post, December 26, 2007.

¹¹"Report on the Ground Fuel Procurements at MINUSTAH," Report no. PTF-R010/07, OIOS, July 16, 2007.

¹²OIOS, July 16, 2007, pg. 10.

¹³OIOS, July 16, 2007, pg. 22.

¹⁴OIOS, July 16, 2007, pg. 24.

¹⁵OIOS, July 16, 2007, pg. 33.

¹⁶OIOS, July 16, 2007, pg. 44.

¹⁷"Audit Report: Procurement fraud indicators in UNMIL," Assignment no. AP2006/626/02, OIOS, May 21, 2007.

¹⁸OIOS, May 21, 2007, pg. 2.

¹⁹OIOS, May 21, 2007, pg. 3.

²⁰Schaeffer, Brett, "United Nations Peacekeeping: The U.S. Must Press for Reform," Heritage Foundation, September 18, 2008—<http://tinyurl.com/brazs6>

²¹Holt, Kate and Sarah Hughes, "UN: When peacemakers become predators," The Independent, January 11, 2005

²²Holt, Kate and Sarah Hughes, "U.N. Staff Accused of Raping Children in Sudan," The Daily Telegraph, January 4, 2007—<http://tinyurl.com/ympgtn>

²³"Report of the Office of Internal Oversight Services Part two: peacekeeping operations," Office of Internal Oversight, February 23, 2007.

²⁴Corinna Csáky, "No One to Turn To: The Under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers," Save the Children, 2008—<http://tinyurl.com/cun6zb>

²⁵Phone interview with and email from Marianne Mollman, Human Rights Watch, February 2, 2008.

²⁶Roth, Kenneth and Steve Crawshaw, "UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through," Human Rights Watch, July 22, 2007—<http://tinyurl.com/dj36zb>

²⁷Roth, Kenneth and Steve Crawshaw, "UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through," Human Rights Watch, July 22, 2007—<http://tinyurl.com/dj36zb>; "Peacekeepers sell arms to Somalis," BBC News, May 23, 2008—<http://news.bbc.co.uk/2/hi/africa/7417435.stm>.

The PRESIDING OFFICER. The question is, Shall the Senate advise

and consent to the nomination of Jane Holl Lute to be Deputy Secretary of Homeland Security?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Senate was poised today to confirm three more superbly qualified nominees to fill top leadership positions at the Department of Justice before adjourning for the 2-week April recess. Instead, the Republican minority has returned to the tactics of anonymous and unaccountable holds they employed when they were in the majority to block scores of President Clinton's nominees.

Attorney General Holder needs his leadership team in place to rebuild and restore the Department. Tony West, President Obama's nominee to lead the Civil Division, Lanny Breuer, nominated to head the Criminal Division, and Christine Varney, nominated to head the Antitrust Division, have all chosen to leave lucrative private practices to return to Government service.

None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee last week by unanimous consent. We should be confirming them today, not holding them hostage to the tired partisan playbook of Senate Republicans.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . .

executed with the highest degree of integrity." We should be confirming this outstanding leader for the Civil Division today.

President Obama has said that Lanny Breuer has the "depth of experience and integrity" to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Manhattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division."

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Republican minority was not stalling confirmation of Mr. Breuer's nomination.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is "extraordinarily well qualified to lead the Antitrust Division." Twenty former chairs of the American Bar Association Section of Antitrust Law have described Ms. Varney as a "highly accomplished, capable nominee who will serve consumers and this country with distinction" and who will have "immediate credibility" in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. Now is not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School Dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They have yet to consent to a time agreement on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. And they are now holding up three nominations today, including the nomination of Christine Varney to head the Antitrust Division. I am concerned that Republican delay tactics are creating a double standard for these highly qualified women. Republicans did not apply the same standards or make the same demands for extensive followup information and meetings when supporting President Bush's nominations to the same posts.

Indeed, The New York Times and Roll Call yesterday each featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination. Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time.

During last week's formal installation of the Attorney General, President Obama reminded Americans and the world that what makes our country unique is that "we are bound together not by a shared bloodline or allegiance to any one leader or faith or creed, but by an adherence to a set of ideals." The men and women at the Department of Justice have a special duty to uphold the rule of law because "laws are only as effective, only as compassionate, [and] only as fair as those who enforce them."

All of the nominees we should be considering and confirming today fit the mold described by President Obama and the best traditions of the Department of Justice. I urge Republican Senators to reconsider their partisan obstructionist approach and return from recess ready to end the delays and confirm these nominees.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE— EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Monday, April 20, at 5:30 p.m., the Senate proceed to executive session to consider the following nominations, and that once reported, the Senate proceed to vote as follows:

Calendar No. 34, the nomination of Tony West; Calendar No. 35, the nomination of Lanny Breuer; Calendar No. 36, the nomination of Christine Anne Varney.

I further ask that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; and after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 43, the nomination of Christopher R. Hill, to be Ambassador to Iraq.

The assistant legislative clerk read the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sanders, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the nominations specified in a previous order for Monday, April 20, there be 20 minutes of debate, equally divided and controlled between the leaders or their designees prior to the cloture vote on the Hill nomination, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL MICHAEL OUELLETTE

Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of Marine Cpl Michael W. Ouellette, a 29-year-old native of Manchester, NH. Corporal Ouellette died on March 22, 2009, as a result of injuries sustained from an improvised explosive device while on foot patrol in the Helmand Province of Afghanistan. Another marine was killed in the attack and two others were injured.

Corporal Ouellette graduated from Memorial High School in Manchester in 1999. He joined the Marines in June 2005 and was trained as an infantryman. He served two terms in Iraq, deploying there in March 2006 and again in July 2007. He began his third tour overseas when he deployed to Afghanistan in November 2008. Ouellette was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, NC.

Corporal Ouellette served with honor and distinction throughout his highly

decorated military career. He received a number of awards for his duty, including the Afghanistan Campaign Medal, the Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal.

New Hampshire is proud of Corporal Ouellette's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Corporal Ouellette is survived by his parents, Donna and Leonard Ouellette, as well as a brother, Alan, and a sister, Stephanie. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Marine Cpl Michael Ouellette.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to Cpl Michael Ouellette of Manchester, NH, for his service and the sacrifice he paid for his country.

Michael exhibited willingness and enthusiasm to serve and defend his country after visiting hurricane-ravaged New Orleans in 2005. He subsequently joined the U.S. Marine Corps and served two tours of duty in Iraq before deploying to Afghanistan. Tragically, on March 22, 2009, Michael paid the ultimate sacrifice. In support of his brothers in arms and the country he loved, Michael was killed by an improvised explosive device in Helmand Province, Afghanistan. Corporal Ouellette will live on as a decorated hero and the epitome of a patriot.

Michael graduated from Manchester Memorial High School in 1999. A beloved member of the Manchester community, Michael was the embodiment of selflessness. With the same sense of altruistic integrity that led him to help an unfamiliar and unsuspecting Memorial High classmate fix a flat tire; Michael answered the call to help his country.

In giving his life to protect our freedoms, Michael personified our greatest attributes as citizens. His hard work and dedication was paramount to his unit's success and places him among the great heroes and citizens our state has known. Michael was regularly recognized for his courageous actions in Afghanistan and Iraq, receiving the Afghanistan Campaign Medal, Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal. He will always be remembered for his courage, kindness, and unwavering devotion.

My thoughts, condolences, and prayers go out to Michael's family. I offer

them my deepest sympathies and heartfelt thanks for Michael's service. We will keep his memory alive knowing that his efforts have made us safer and have preserved the liberties we enjoy every day. God Bless Michael Ouellette.

60TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Ms. MIKULSKI. Mr. President, I wish today to recognize the 60th anniversary of the creation of the North Atlantic Treaty Organization.

Sixty years ago this April, NATO was created to ensure the freedom and security of western nations in the aftermath of the Second World War. Since then, it has evolved into the most comprehensive international security organization the world has ever known and has become a reliable cornerstone of America's national security.

As many of my Senate colleagues know, I was an active proponent of NATO expansion in 1999 and again in 2004. For me, the debate over whether to expand NATO had deep personal resonance. For many of the countries aspiring to join NATO at that time, freedom did not come to every nation in Europe at the end of the Second World War. For those countries caught behind the Iron Curtain, the end of the Second World War marked the beginning of a long struggle for freedom and democracy. Even after the Iron Curtain fell, their freedom and security was not ensured. For many of those countries, joining NATO in the expansion rounds in 1999 and 2004 provided true security for the first time.

For me, growing up as a Polish American in east Baltimore, I learned about the burning of Warsaw. I knew about the occupation of Poland by the Nazis. I learned about the burning of Warsaw at the end of World War II, when the Germans burned it because of the Warsaw uprising. Soviet troops stood on the other side of the Vistula River and watched it burn. I learned about the Katyn massacre, where Russians murdered more than 4,000 military officers and intellectuals in the Katyn Forest at the start of the Second World War, so there would not be an intellectual force in Poland, ever, to lead it to democracy. I learned that these terrible events must never be permitted again. When the Senate voted to ratify the accession of Poland, the Czech Republic, and Hungary into NATO, I knew that Poland could finally emerge from the shadow of the Cold War to join the family of Western nations.

In the 60 years since it was created, NATO has been an unprecedented success in deterring conflict and promoting peace and stability. To remain relevant and successful in the future, NATO must keep its doors open to

those European democracies ready to bear the responsibilities, as well as the burdens, of membership. We must all remember that for many nations that have been occupied and oppressed over the last 100 years, NATO represents an institution that will guard against a repeat of the despicable and inhumane practices of the old century.

LETTER TO PRESIDENT OBAMA FROM CUBAN PATRIOTS

Mr. MARTINEZ. Mr. President, I wish to share with my colleagues a recent letter from 17 courageous activists within Cuba who are calling for democracy for their country. These individuals represent peaceful local movements across the nation. They represent Cuba's future more than the aged military elite now ruling that country alongside Raul Castro. They are asking for the support of the United States, including a policy that does not "sacrifice the moral leadership of the United States in the face of commercial temptations."

Though Cubans have suffered oppression under the Castro regime for more than 50 years, this is an especially appropriate time to raise awareness of the ongoing plight of the Cuban people. In recent weeks, the Cuban regime has tightened its grip on the reins of power and installed hard-line military officers in top government posts. Ironically, at a time with increasing harassment and imprisonments taking place in Cuba, there are efforts within this Congress to adjust U.S. policy in a way that would essentially reward the Cuban regime.

Before any Member of this body or the President considers loosening the sanctions we have on Cuba, I commend the following letter to their reading:

The material follows:

[Informal Translation]

DEAR PRESIDENT OBAMA, Your election is a formidable symbol of what civic determination can do to institute transcendental social and political change. By assuming and conducting your important Presidential duties, you honor the millions of Americans who have fought for liberty, social justice, civil rights and human dignity.

In Cuba, there is a movement representing a broad racial and religious spectrum, formed by women, men, workers, and young people that—despite being the object of terrible repression by the regime in power—is conducting a peaceful civic struggle for democracy and human rights.

Our movement includes the desire for CHANGE by thousands of Cubans who have defied the repression, the intimidation and have overcome the fear to sign their names in petitions for constitutional reforms and academic freedom. Thousands more have refused to join in the attacks or "actos de repudio" ordered by the political police against those who aspire for peaceful political change. We are sustained by the inspiration of the more than 1.4 million Cubans that boycotted the elections of a single party and candidate organized by the regime in January and February 2008. Every day, in subtle

and not so subtle ways, in visible and invisible ways, the Cuban people increasingly deny their support to the regime in power through acts of civil disobedience.

A great majority of Cubans, including many within the government, yearn for deep democratic changes in Cuba.

The great example of the civil rights movement in the United States is a ray of hope that the full dignity of every Cuban will be restored. We want to determine our future through democratic means.

It is our understanding that your administration will redirect the policy of the United States on Cuba and the regime. We ask that you do not put commercial considerations ahead of political freedom for our people. The regime's repression has increased considerably during the last year, and the militarization at high levels of government is a clear signal of the government's lack of will to initiate real changes. Today, hundreds of political prisoners languish in terrible conditions in Castro's jails. Their only crime has been to fight for the same freedoms that Americans such as Abraham Lincoln and Dr. Martin Luther King, Jr. gave their lives for. Have no doubt Mr. President Obama that their fight is our fight now.

We ask that you consider an international, multilateral strategy that would compel the regime to open itself to its own people by freeing the political prisoners, restoring the civil rights of the Cuban people and organizing free elections with international supervision. Such a policy would reinforce and strengthen the work of many groups of Cubans dedicated to the peaceful political change.

This movement for change seeks to peacefully and deeply transform the political scene of Cuba.

We invite you to not sacrifice the moral leadership of the United States in the face of commercial temptations. Your presidency is a tribute to everything that can be conquered when a cause is just and correct. We dedicate our lives to the movement for the freedom of Cuba and expect—one day—to have a democratically-elected Cuban president who would welcome you to Havana.

Do not forget us. We need your support. We, too, "have a dream" of freedom.

Attentively,

1. Jorge Luis García Pérez "Antúnez", Presidio Político Pedro Luis Boitel

2. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, La Habana

3. Rolando Rodríguez Lobaina, Alianza Democrática Oriental, Guantánamo

4. Idania Yáñez Contreras, Coalición Central Opositora, Villa Clara

5. Juan Carlos González Leiva, Consejo de Relatores de Derechos Humanos, La Habana

6. Iris Pérez Aguilera, Movimiento Feminista de Derecho Civiles Rosa Parks, Villa Clara

7. Alejandro Tur Valladares, Jagua Press, Cienfuegos

8. Ana Margarita Perdígón Brito, Presidio Político Pedro Luis Boitel, Sancti Spiritus

9. Joaquín Cabezas de León, Movimiento Cubano Reflexión, Villa Clara

10. Ricardo Pupo Sierra, Plantados hasta la Libertad y la Democracia, Cienfuegos

11. Enyor Díaz Allen, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo

12. Cristián Toranzo, Movimiento Cubano de Jóvenes por la Democracia, Holguín

13. Marta Díaz Rondón, Movimiento Feminista de Derecho Civiles Rosa Parks, Holguín

14. Margarito Broche Espinosa, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara

15. María de la Caridad Noa González, Comisión de Derechos Humanos y Reconciliación Familiar, Villa Clara

16. Virgilio Mantilla Arango, Fundación Cubana de Derechos Humanos, Camagüey

17. Yorledis Duvalón Gibert, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba

COMMISSION OF INQUIRY

Mr. LEAHY. Mr. President, since I last came to the floor to discuss a proposal for a Commission of Inquiry, Americans have learned disturbing new facts that underscore the need for such a nonpartisan review. In the last 8 years, expansive views of Presidential authority and misguided policies have dominated the question of how best to preserve and protect national security. As Senators, we each take an oath to "support and defend the Constitution of the United States." In the months and years following 9/11, driven by an inflated view of executive power, the Bush-Cheney administration compromised many of the very laws and protections that are the heart of our democracy. Their policies, which condoned torture, extraordinary renditions, and the warrantless wiretapping of Americans, have left a stain on America's reputation in the world.

In recent weeks, we have also seen a few more opinions previously issued by the Office of Legal Counsel after 9/11 that had been kept secret until now. I commend the new Attorney General on their release. I have asked that more be released, and it is my hope that they will be soon. These opinions sought to excuse policies that trample upon the Constitution and our duly enacted legal protections. These opinions arise from an arrogant rationale that the President can do anything he wants to do, that the President is above the law. The last President to make that claim was Richard Nixon. We saw the results of that policy in Watergate. It was through efforts like the Church Committee that we revised our laws and moved forward. In my view, it is time to do so again.

Perhaps the most persuasive new revelation that demonstrates why we cannot just turn the page without reading it is Mark Danner's account of a leaked copy of a report on the treatment of detainees at Guantanamo Bay. The report, compiled by the International Committee of the Red Cross, is nothing short of chilling. One detainee interviewed describes: "Two black wooden boxes were brought into the room outside my cell. One was tall, slightly higher than me and narrow. The other was shorter, perhaps only [3½ feet] in height. I was taken out of my cell and one of the interrogators wrapped a towel around my neck, they then used it to swing me around and smash me repeatedly against the hard walls of the room. . . . I was then put into the tall black box for what I think was

about one and a half to two hours. . . . They put a cloth or cover over the outside of the box to cut out the light and restrict my air supply. It was difficult to breathe."

The report continues to describe how these men were kept naked, shackled to a chair for weeks in freezing cold temperatures, forced with cold water to stay awake for days on end, bombarded with loud music, starved, and beaten over and over again. In one interview, a man describes how he was waterboarded: He was "dragged from the small box, unable to walk properly and put on what looked like a hospital bed, and strapped down very tightly with belts." As they poured water on him, he said "I struggled against the straps, trying to breathe, but it was hopeless. I thought I was going to die."

The report concludes that from those descriptions, this was torture. And there is mounting evidence to suggest it was a Bush administration policy. Media reports suggest that the CIA briefed high-level administration officials on the interrogation plan. Vice President Cheney admitted in an interview with ABC News that he supported the plan that authorized these measures, including waterboarding. In fact he continues to claim, without any basis, that the Bush administration's interrogation tactics, including torture, were appropriate and effective.

This past Sunday, a Washington Post article described how the waterboarding of Abu Zubaida failed to produce any useful intelligence. Of course, Zubaida is a detainee who many Bush administration officials had long claimed provided useful intelligence only after he was subjected to harsh interrogation techniques. According to Post interviews of former senior government officials, "not a single significant plot was foiled as a result of Abu Zubaida's tortured confessions. . . . Nearly all of the leads attained through the harsh measures quickly evaporated, while most of the useful information from Abu Zubaida. . . . was obtained before waterboarding was introduced."

Jack Goldsmith refers to the August 2002 "Bybee memo" as the "golden shield," because it redefined torture in order to shield decisionmakers from liability for these tactics. The release of related memos is needed. Whether they end up shielding decisionmakers from prosecution, they should not shield them from accountability. Accountability does not only happen in a courtroom. We need to know what was done. Transparency and accountability can help restore our reputation around the world. Most importantly, to reestablish the trust of the American public in their government, they deserve to know and understand what happened.

Just last week, we heard about the Bush administration's attempt to silence Binyam Mohammed, a British

citizen held for years as an enemy combatant at the detention facility at Guantanamo Bay. He claims that he was tortured during the course of his detention. Bush administration officials apparently demanded that he sign a secret plea bargain which would have prohibited him from ever suing the United States over his alleged torture in order to be sent back to the United Kingdom. He did not and now Britain is investigating his allegations. When asked about the involvement of a particular British intelligence agent, Mr. Mohammed said, "I feel very strongly that we shouldn't scapegoat the little people. We certainly shouldn't blame 'Witness B,' he was only following orders."

One of my concerns in proposing the Commission of Inquiry is that we not scapegoat or punish those of lesser rank. Such a commission's objective would be to find the truth to provide accountability for the past. People would be invited to come forward and share their knowledge and experiences, not for purposes of constructing criminal indictments, but to assemble the facts, to know what happened and to make sure mistakes are not repeated. We have had successful oversight in some areas, but on issues including harsh interrogation tactics, extraordinary rendition and executive override of the laws, the last administration successfully kept many of us in the dark about what happened and who ordered it.

One month ago, the Judiciary Committee held a hearing to explore my proposal. A bipartisan panel of respected witnesses explained why we need such a commission. Since that time, this idea has received a wide range of support from people all across this country. I am not interested in a panel comprised of partisans intent on advancing partisan conclusions. I regret that Senate Republicans have approached this matter to date as partisans. That was not my intent or focus. Indeed, it will take bipartisan support in order to move this forward.

I continue to talk about this prospect with others in Congress, and with outside groups and experts. I continue to call on Republicans to recognize that this is not about partisan politics. It is about being honest with ourselves as a country. We need to move forward together.

I recently heard from the Nobel Prize recipient Bishop Desmond Tutu about this proposal. Bishop Tutu, respected throughout the world for his efforts for peace and justice in his own country of South Africa, offered his support for what we are trying to do.

The legacy of the last administration left us facing crises in more areas than just the economy, the wars in Iraq and Afghanistan, and the worst recession since the Great Depression. There is no question that those are all pressing

issues. But we cannot ignore the failures of government forever. We do so at our peril.

We are tackling tough issues in these difficult and uncertain times. The Judiciary Committee has a full legislative agenda, having reported bipartisan legislation to fight fraud, public corruption and to aid the economy through patent reform. But the fact remains that under the most remarkably broad expansion of executive authority in my lifetime, we have seen policies on detention and interrogation that undermined our values, our reputation and, many believe, our efforts to ensure national security.

The country will need to have an honest discourse about what happened and what went wrong. I continue to feel strongly that a Commission of Inquiry would provide us the best non-partisan setting in which to undertake that study and national conversation. I think we should proceed sooner rather than later. I am continuing to reach out and to work on the proposal. But a conversation is not something I can undertake unilaterally. As strongly as I feel, it will take the cooperation and commitment of others for this proposal to serve its intended purpose so that we can join together to move past the mistakes of the recent past.

RECOGNIZING HOSTELLING INTERNATIONAL USA

Mr. UDALL of New Mexico. Mr. President, today I wish to recognize Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Since 1934, Hostelling International USA has hosted 22 million visitors in its 70 hostels across the country. These visitors came from across the country and around the world. Hostels made their trips affordable and gave them the opportunity to see more of our country. My State of New Mexico is the proud home of 10 hostels that give visitors the opportunity to see our beautiful landscape and experience our unique culture.

HI-USA works because of the many volunteers who help educate travelers, find sites for new hostels, and promote youth travel.

Please join me in celebrating 75 years of Hostelling International USA.

DENOUNCING THE IMPRISONMENT OF MIKHAIL KHODORKOVSKY

Mr. CARDIN. Mr. President, last October marked the fifth anniversary of the arrest of Mikhail Khodorkovsky, the former head of Yukos, Russia's largest oil company. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded he was charged and imprisoned in a process that did not follow the rule of law and was politically influenced.

This miscarriage of justice in 2003 is significant because it was one of the early signs that Russia was retreating from democratic values and the rule of law.

Last month, Russian authorities decided to go to trial with a second set of charges first introduced in 2007 when Khodorkovsky was to become eligible for parole. Despite credible reports that he was a model prisoner, parole was denied on apparently flimsy and contrived technical grounds. Yet the Russian judiciary recently saw fit to grant parole to Colonel Yuri Budanov, who was serving a sentence for raping and murdering a Chechen girl. I would also like to note that it was Stanislav Markelov, a courageous attorney who was instrumental in putting Budanov behind bars. But Budanov is now free and Markelov was gunned down, along with Anastasia Baburova a journalist for Russia's premier independent newspaper Novaya Gazeta, in broad daylight in central Moscow last January. The message this sends is loud and clear and profoundly disturbing.

Based on the observations of many independent international lawyers and organizations, there was no compelling evidence that Khodorkovsky or any of his associates were guilty of the crimes for which they were originally charged or that the legal process reflected the rule of law or international standards of justice. Even Russian officials have acknowledged that Khodorkovsky's arrest and imprisonment were politically motivated. As reported by the Economist, Igor Shuvalov, First Deputy Prime Minister of Russia, admitted that Khodorkovsky was in a Siberian prison camp "for political reasons." He added that "Once you behead someone, you give a good example (to other Russian tycoons) of how to behave." In other words, freedom for Russia's businessmen is determined by the Kremlin's political expediency. As reported by The Washington Post and the Boston Globe, Shuvalov has called the trial and continued imprisonment of Khodorkovsky a "showflogging" intended to serve as an example to others on the political consequences of challenging the Kremlin's economic ambitions.

The current charges against Khodorkovsky amount to legal hooliganism and highlight the petty meanness of the senior government officials behind this travesty of justice. The charges and verdicts have been inexplicable to Russian and Western lawyers, leading international organizations, courts, and human rights groups to condemn the trial as politically inspired. The second set of charges against Khodorkovsky should be dropped and the new trial should be abandoned.

I strongly support President Obama's call to reset the U.S.-Russian relationship and welcome the statement that

emerged from his meeting in London with Russian President Medvedev. We have many common interests with Russia and must seek to improve the atmosphere and substance of our ties with Moscow. But the Helsinki process is predicated on the idea that domestic politics and inter-state relations are linked. I hope that President Medvedev, a trained jurist from whom many hope to see evidence of a reformist approach, will make that connection. The case of Mikhail Khodorsky is a good place to start.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Due to the price of gas, my husband might get laid off. He shuttles the railroad employees around Idaho. At this time I do not have a job due to being laid off from St. Al's, so gas prices have and will continue to affect our family until something is done about it!

SARAH.

In short, the fuel prices are making small farming extremely difficult. I have been retired for seven years, and have a small farm to help supplement our income. I have empathy for all citizens in this fine country who are struggling. The time is far spent; our resources need to be utilized now. The environmental hacks and the tree huggers as well as the nuke protestors [have caused harm to our country]. America is hurting because of political gaming. My grandchildren desire to see my wife and me; however, we can no longer afford the fuel for long trips. I am thankful for being able to plant two gardens with intentions of helping less fortunate with food items as they struggle to make ends meet. I have discontinued use of any recreational outings to help stave off the discomfort of tight budgets. A sad commentary after working and saving for over 45 years, and this is the kind of retirement that has been foisted upon millions of us seniors.

RALPH, *Mountain Home.*

Thank you for asking: Here is the data—I spend \$85 a week or \$340 a month driving to work. I spend an equal amount for health care; or that amounts to two paychecks in a month leaving me and family two paychecks for food and housing. Simple math makes one question—in whose interests are our elected leaders working?

FLOYD, *Pocatello.*

When we talk about energy, most people think of two things; Gasoline and the power and gas for their homes. When I hear you politicians talk about weaning ourselves off of fossil fuels, it makes me cringe. How far are from having the technology to produce electric engines that will fly an airplane and what will it cost to produce them? Right now we are at least 50 years from become free of fossil fuels unless I am not up to speed on things, (which is possible). Let us not forget also all the other petroleum-based products we use in our everyday lives. Plastics, foam, etc., are all going to still be wanted and they are also going up in price. I like where you stand on nuclear energy, but until we can quiet the environmental extremists on this point, we will not soon get there. As long as this country is held hostage by special interest environmental groups we will continue to slide economically. I hope [conservatives have not] moved so far left already to start curbing some of this.

My husband and I live in Oakley, which is a small farming community located 20 miles from the nearest town of Burley. Our farmers are getting hit extremely hard due to the cost of diesel, which also raises the cost of shipping. We owned a trucking company that we were forced to close due to the rising costs of fuel. My husband is also a disabled Viet Nam veteran and must drive to the VA hospital every week for various treatments. That is a distance of 200 miles. Since we are on a very small fixed income, we are soon going to be unable to afford to pay our basic living expenses. Our elderly parents live on the coast, and we have had to cancel all plans to visit them this summer. Please stop this runaway inflation. I am in favor of using domestic energy sources but congress has been ignoring it. It will soon be too late for most of us.

UNSIGNED.

Yes, I am spending more on gas this year. Yet, I believe we need to put more of our government money into conservation and alternative energies not increasing energy exploitation in the U.S. We have the technology and the innovation as Americans to be creative about this problem. I would love a tax break to purchase a hybrid vehicle or a vehicle that uses biodiesel. Please represent us well and keep our pristine, beautiful environment in Idaho and the coastal U.S. any further.

JENNIFER, *Victor.*

My husband is a dentist and earns a good living, but we have felt a need to curtail our usual driving habits because of fuel prices. My husband drives a diesel pickup to and from work and we also use it to pull our boat. He has been considering buying a scooter/m.bike to ride because of the high diesel price, but I really do not want him crossing busy roads on a vehicle that is harder for another driver to see. I have curtailed my trips to town which cuts down on my consumerism. Not a bad idea, but it will likely be what others are doing which is not good for the local economy. Our own dental practice feels the crunch of conservative

spending. Our grown children that live away from this area are cutting back on their visits. I do not like not being able to see my grandchildren as often. Higher gas prices limits the lifestyle of everyone. We are so spread out in this country that it is an investment to go anywhere. Let us get drilling!!!

RENEE, *Twin Falls.*

I am in the insurance business and use my vehicle for work. The high fuel prices are really eating into my margins and are making it increasingly hard to stay on top of my personal and business finances. The way I see it is we need to: First, increase our refinery capacity. Build new refineries. Second, increase drilling for more crude. But this will not help until we have the refinery capacity to process it. Third build nuclear power plants for inexpensive electricity.

Of course, all of the above are extremely difficult with the left wing environmentalists fighting us but somehow we have got to get it done! I am just not sure alternative fuels are the answer because of the cost of production.

KENT, *Paul.*

I have supported you because you have always listened and tried your best to solve the problems of all of your constituents. Now you ask for stories about how the high price of oil has affected Idaho families. I would like to give you rather than a story is a solution, albeit a simple-minded one.

As gasoline prices keep racing towards \$5 per gallon, I think it is time to rethink some of our policies. OPEC feels it has a stranglehold on the West and continues to tighten. Now a real simplistic approach to this problem from a purely capitalist point of view would be to look at what goods these countries cannot produce themselves and increase prices there until they feel the pressure to release oil at a more reasonable cost per barrel. You know it is supply versus demand. Last time I checked, they cannot grow enough grain or other food products to sustain life in that region and yet we continue to give away everything. I know this does not breed friendship abroad but they are not our friends anyway, they have proved that time and again.

We also need to release all the energy alternatives that oil companies have been withholding from this country to continue [their] stranglehold on the United States for their profits. This would allow us to relinquish our addiction to foreign oil and strengthen our economy, rather than making continually throwing money at our enemies. Then and only then can we become the Land of the Free and Home of the Brave once again.

Just my opinion, Thank you for your time and allowing me to vent these ideas to you.

JEFF, *Nampa.*

My wife and I like many Idahoans and Americans are feeling the pinch with energy costs rising. There are many issues that attribute to the problem and I feel helpless as an individual that any of these issues will be resolved but we must try, we have no alternatives but to try. If I could prioritize a list of things that I feel we should to do help immediately relieve some of the pain, I would say do the following in order of priority:

(1) Stop the big oil companies from getting so much profit by putting controls on their profits and not help them get such big profits;

(2) Use domestic energy sources;

(3) Nuclear power; and

(4) Renewable and alternative sources of energy.

Now the number one priority in my opinion will be the toughest because I believe like so many other Americans that most government officials will not allow this to happen either because of special interest or under the table money they are receiving from big oil companies. The problem is our government officials are doing nothing illegal in most cases because it is not against the law for special interest groups to contribute to or otherwise [provide a political benefit to their supporters]. As long as this is going on, our rising energy problems will never be solved. We need to get this under control otherwise the big oil companies will pillage us Americans as long as they can.

Other obvious fixes are to use domestic energy sources and nuclear power as much as possible. But as long as the oil companies have free reign, our skyrocketing energy costs will never get under control. We need to pass laws against extreme profits and against allowing big oil companies to lobby our Senators and Congressman.

DIRCK and CINDY.

Promoting the transition to a hydrogen economy (fuel cell-powered cars) benefits Idaho in two ways: (1) It reduces our dependence on oil and (2) It will fuel the expansion of Idaho National Lab's nuclear research efforts. The two best contenders to replace fossil fuels are batteries or fuel cells. Fuel cells are more compact and better suited for cars, but energy to charge a car battery is much more readily available.

The Next Generation Nuclear Plant (NGNP) being developed at INL (among other national labs) will produce hydrogen at low cost with no carbon emissions. By promoting the growth of the hydrogen economy, Congress will steer research in the direction of NGNP as a replacement to current oil-derived hydrogen.

To make hydrogen viable, the government needs to make more hydrogen available. This means subsidizing hydrogen "gas stations" in high-commuter areas and pushing the NGNP concept through DOE funding. Idaho is a big part of the solution, but the federal government needs to start tapping its valuable scientific resources now.

AARON.

We live in Parma. There is nothing here, a little store and a gas station, but nothing else. To do any serious shopping we have to go into Caldwell or Nampa or Boise, at a cost of over \$50 for one trip. We do not go shopping often and paying for the gas makes it so expensive we have to cut down on other purchases. We are eating a lot of beans and cornbread, grinding our own wheat and raising a garden because I cannot afford both fuel and food for my little family.

What's going to happen this winter? Where are the programs for underwriting the cost of propane and natural gas? How about helping with the purchase of wood? Have you considered a quick program that would insulate the homes, or help purchase new windows and doors?

There is a new solar energy development from NanoSolar that no one will make available to homeowners. We could have solar power for a few cents a foot on our roofs. Solar is free and clean, unlike the deadly option like nuclear power. If we do not know how to take care of the garbage from nuclear, then we should not have nuclear power in the first place.

If action is not taken in a big way to save what we have and get into renewable power, the country is not going to survive and this winter will be deadly.

ANN, Parma.

I first want to thank Mike Crapo for taking an interest in what we the people are worried about. Finally, someone in our government that is listening to the people and their concerns. I hope that these concerns do not fall on deaf ears and can promise each of you if they do, you will not remain in office long. We as Americans will not tolerate being ignored.

I work in a hospital and help people in need every day by using my field of expertise. (I expect the same from our government representation.) However when I see people holding off until they have no choice but to come in for major medical issues because of financial concerns and when I see many who die because they did not get help soon enough, I feel it time for someone to stand up for them and say enough is enough. It is time for a change.

I do not make a ton of money but know that I am in much better shape than those who work so hard in housekeeping, maintenance, and other lower paying areas in our hospital. I feel the crunch pretty hard with five kids, a mortgage and such and have tried not to drive but walk or ride my bike when I can. However, with the winters, we have and the distance we have to travel in our great state, this is often not possible. So I have to drive. When I get down to a half a tank of fuel, I fill up. Why? Well, it costs me \$72 for a half a tank of diesel and I fear that I would have a stroke on the spot if I had to fill it from empty. That gentleman is ridiculous! I cannot even imagine how those in lower-paying jobs can even make it! When I go to the store and see food prices I am again appalled at what is happening. When I buy clothing, still again I am shocked at the staggering prices. Everything seems to be going up but our wages. Now we do not have the best. We do not buy name brand. We have tightened our belt, and there was not a lot of fat to trim before that. Then we have tightened again. There is not much more to tighten. And I would consider us to be a family in a very modest home, with not much in the way of extras and we have tried to keep our debt to home and car (and never a new car). But with the price of fuel, both for cars and home, things are getting out of hand in a hurry. Why? Greed and power through fear!

Here is the deal. We sit on more oil than OPEC. And yet we have closed at least three refineries in the last ten years. We have never been able to refine oil as cleanly and efficiently then we can now and yet our government chooses not to build more refineries and sink more oil wells. Supply and demand still runs any business and yet if we were to increase supply, we could still make a healthy profit. Enough to pay for the refineries in a hurry and to put more research into alternative fuels. Not to mention lower dramatically the prices not only at the pump, but everywhere else as well. We might even start to help replenish our failing Social Security and pay down our national debt. Business sense is what we need in Washington. Reagan Economics that helps to build for the future, not run our great nation further into the ground. We do not need more taxes; we need more initiative in Washington. We need leaders that put the interests of the people first and the world second. We need to use what we have while developing new technology for the future. We need

some good old fashion farm boy "fix it"—live within your means, balance your own check-book logic. Occam's Razor says that "the simplest answer is usually the best one". We do not need bickering and fighting; we need cooperation. We do not need pork bellies and hidden agendas; we need playing well in the sandbox. We do not need environmentalists dictating to us; we need people who look out for the environment while utilizing in the best way we can, the resources that we have. We need to tap into the creative genius of a nation that has continued to wow the world for over 200 years. We need God and we need to humble ourselves enough to see the other person's ideas for what they are, [accept] what we can use and build together the nation we have had in the past. It is time to put away selfishness and start working with each other toward a stronger more sound America.

Remember that people cannot create and press forward when they can hear nothing but their bellies growling and feel the discomfort of not having their physical needs met. It is when their physical needs are met that they can concentrate on other higher creative thought processes.

Fuel has brought us down in a hurry of late and is a great place to start to bring us back up. Roll up your sleeves and get to work. Supply and demand is still what runs a business, and it seems that we have more than enough supply of professional politicians, saying one thing and doing another or just plain ignoring what we the people say, each of you know where that leads. Be the one to stand shoulder to shoulder with those that have Americas best interest at heart and make a change for the better. We sure do need it if we are to survive.

STEVEN, Idaho Falls.

Thank you for giving the people the opportunity to be involved. There is definitely a need for concern about the energy crisis, economy and environmental impacts. These problems are linked and have been around for a long time. They are only going to get worse unless we take stronger action now. There is a solution for the crisis and there always has been. The solution is to unite the people for the cause. "For united we stand and divided we fall".

The following are topics that can immediately be addressed: (1) personal choices; (2) clean energy economy; (3) adoption of renewables; (4) enhanced energy efficiencies; (5) innovative leadership. Visit www.wecansolveit.org for more details.

My story is to get involved and encourage others to get involved! We can start with personal choices by using products and technologies that enhance energy efficiencies such as light bulbs, water saving and efficient toilets, dishwashers, clothes washers, moisture controlled sprinkler systems, biodegradable products, etc.

Fuel reformulators would increase fuel economy by as much 20% and decrease hydrocarbons in the atmosphere by at least 30%. A bridge over troubled waters? (If everyone participated in this one, it would be like taking approximately 145,000,000 cars and trucks off the highway nationally or 175,000 in the state of Idaho alone!). Visit www.forearthonline.com/EarthLink

Recycle materials and Vote for candidates who are for the people, for the cause, for the earth!

LARRY, Hailey.

ADDITIONAL STATEMENTS

REMEMBERING ANDREA MEAD LAWRENCE

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the memory and deeds of a remarkable American, Andrea Mead Lawrence, who passed away March 31 in the town of Mammoth Lakes in Mono County.

Andrea was born in Vermont, where she developed a life-long love of winter sports. At the age of 15, she participated in the 1948 Winter Olympics in St. Moritz, Switzerland. In the 1952 Winter Olympics she won two Gold Medals in the Olympic Special and Giant Slalom races in Oslo, Norway. She also competed in the 1956 Olympics in Cortina d'Ampezzo, Italy. She was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25. In 1960, she was the torch lighter at the Winter Olympics in Squaw Valley, CA. She remains the only American double-Gold Medalist in Alpine Skiing. Additional honors and her love of winter sports continued the rest of her life.

In 1967, she moved to Mammoth Lakes in California's spectacularly beautiful Eastern Sierra, a place that she fought to protect, for the rest of her life. Serving 16 years on the Mono County Board of Supervisors, she worked tirelessly to protect and restore Mono Lake and as a member of the Great Basin Air Pollution Control District, she saw that air pollution caused by the de-watering of Owens Lake was reduced. She founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much.

Last summer, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra Wild Heritage Act, a bill that became law with the signature of President Barack Obama, the day before she died. Andrea knew that this legislation to protect nearly 500,000 acres of her beloved Eastern Sierra had become law.

Andrea Mead Lawrence passed away surrounded by her children, Cortlandt, Matthew, Dierdre, Leslie and Quentin, and leaves four grandchildren. She was 76 years old. Andrea had a remarkable and wonderful life and she will be sorely missed by all those who were fortunate enough to know her. She leaves a rich legacy that will continue to benefit present and future generations.●

150TH ANNIVERSARY OF CARIBOU, MAINE

• Ms. COLLINS. Mr. President, it is with pride and gratitude that today I commemorate the 150th anniversary of Caribou, ME, which happens to be my hometown.

The early settlers of Caribou were brave, self-reliant pioneers who left the

comfort and security of established communities behind to make their own way in the wilderness of northern Maine. I am proud that my ancestors, led by Samuel Wilson Collins, were among that intrepid number, and grateful that for six generations my family has been a part of this wonderful community.

I have great memories of growing up in Caribou, where my parents both served as mayor, and where my brothers now run our fifth generation family lumber business. I remember fondly starting the school year in August so that we could take time off to pick potatoes, working at the public library, and the fun we had going to high school basketball teams, especially during the exciting 1969 State championship season.

But more than anything, I remember what it was like to grow up in a place that had such a strong sense of community. We learned to care for our friends and neighbors and to value our family members. We learned to help those in need. And Caribou's farm and lumber roots taught us the importance of hard work. The lessons I learned growing up in Caribou have stayed with me my entire life and I know many others who would say the same.

This sesquicentennial year is a time to honor those who turned a remote settlement into a center of commerce, education, arts and recreation. It is a time to honor the valiant young men who served in many wars, beginning with the Civil War, and who have risen to our Nation's defense ever since.

It is a time to honor the people of Caribou who celebrate each others' joys and who share each others' burdens.

Mr. President, a couple of years ago, the television host and author Larry King asked me to contribute to a book he was compiling of short essays describing an all-important lesson the contributors learned growing up. I was delighted by the request and had no trouble recalling that defining moment.

One of my earliest childhood memories is of being taken to the Caribou Memorial Day Parade by my Dad. A decorated World War II veteran, with the modesty characteristic of all who serve our Nation in uniform, he would hoist me onto his shoulders so I could better see the parade. And what I was able to see was the entire street lined by the people of Caribou, taking off their hats and putting their hands over their hearts as our flag went by, their eyes shining with pride in their country and with gratitude for those who serve her. A community that joins together to honor its past and to face its future that is Caribou. That is my hometown.

Mr. President, I am proud of what the people of Caribou, ME, have accomplished in building a great American

community. I am deeply grateful for the many blessings that this community has given me, and so many others.●

TRIBUTE TO ADMIRAL ROBERT PEARY

• Ms. COLLINS. Mr. President, today I wish to commemorate the expedition of ADM Robert Peary and his discovery of the North Pole 100 years ago, on April 6, 1909.

While Robert Peary was born in Pennsylvania, he was educated in the State of Maine, at Bowdoin College in Brunswick. He graduated in 1877. He lived in Portland and Fryeburg, and built a home on Eagle Island, which is now a State park.

A century ago, Admiral Peary and his men set sail for the North Pole in the Maine-built SS *Roosevelt*. They sailed through the frigid, ice-laden North Atlantic and froze the ship into a bay off northern Ellesmere Island. After more than a month of dog sledging over the moving sea ice covering the Arctic Ocean, Admiral Peary, Matthew Henson, and four Inughuit men stood at the northernmost place on Earth—the sea ice that marked the North Pole.

Peary's success had come after a number of previous failures and lessons learned. Nations had competed to get there; countless men had suffered trying to do so, and some had even perished.

The story of Robert Peary, his expeditions, and his attainment of reaching the North Pole is a celebration of the triumph of leadership, creativity and ingenuity.

Though traveling there has become significantly easier than it was in 1909, the North Pole remains a destination for scientists. The fact is, however, the North Pole of today is not the same North Pole that Admiral Peary discovered. The thick, multiyear sea ice that Admiral Peary encountered has disappeared. In the last 30 years, the Arctic has lost sea ice cover over an area ten times as large as the State of Maine, and at this rate the Arctic Ocean will be ice free by 2050. Global climate change is one of the most significant environmental challenges facing our country, and it has renewed scientific interest in the North Pole.

Today, visitors to the Peary-MacMillan Arctic Museum at Bowdoin College can learn more about Admiral Peary's historic journey to the top of the Earth. In special recognition of the 100th anniversary of the expedition, the museum has brought together an impressive collection of objects that were at the North Pole on April 6, 1909, including an American flag that flew at the pole on that day, a page from his diary where he reflects on his accomplishment, and one of his sledges.

The people of Maine, and especially those at Bowdoin College, are proud of

Robert Peary and of all of those involved in his epic journey. I am pleased to honor the anniversary of this historic occasion.●

20TH ANNIVERSARY OF THE EITELJORG MUSEUM OF AMERICAN INDIANS AND WESTERN ART

● Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize a hallmark event taking place this year in Indianapolis, IN—the 20th anniversary of the Eiteljorg Museum of American Indians and Western Art.

The museum's facility first opened its doors on June 24, 1989, and was one of the first cultural institutions to take residence in White River State Park, which has in turn become a vibrant hub of recreational and cultural activities in Indianapolis and greater central Indiana. A popular attraction since its opening, the Eiteljorg Museum continues to thrive. Recently, in 2005, it underwent an important expansion that doubled its space by creating a variety of new galleries, an education center, a café, and a resource center and library.

But it is not only its facility and its existing collections that are to be lauded, for the Eiteljorg is also actively engaged in supporting new generations of artists and their work. This is perhaps best highlighted through the museum's Eiteljorg Fellowship for Native American Fine Art and its artists-in-residence program.

In honor of this year's special anniversary occasion, the museum has planned a series of events for its patrons and the community. The festivities officially began last month, on March 14, 2008, when the new "Facing West: Celebrating 20 Years of the Eiteljorg Museum" exhibition was unveiled during a special opening day celebration. Celebratory events will continue throughout this summer and fall, however, and will include a lecture series, festival days at the museum and the holding of an anniversary gala later this month.

Like so many of my fellow Hoosiers, I take pride in the Eiteljorg's presence in our State and am thankful for its continued commitment to its mission: "to inspire an appreciation and understanding of the art, history and cultures of the American West and the indigenous peoples of North America." In the actualization of this mission, the Eiteljorg has reached a wide patronage of both local residents and visitors alike who have come to this unique and inspiring facility to take advantage of its wonderful offerings.●

TRIBUTE TO MIKE FIELD

● Mr. RISCH. Mr. President, I want to talk for a moment about Mike Field, a man whose public service has done

much to improve the quality of life for people in our home State of Idaho.

Like many Western States, much of Idaho is made up of large swaths of rural areas where it can be challenging to provide the housing, infrastructure and economic opportunities for those residents. Having grown up in the rural community of Grandview, Mike learned this firsthand. Raised by loving and civic-minded parents, Oscar and Francis, he saw the work ethic and generosity that was demonstrated within his own family and by his neighbors. It became a foundation he used as he built his career in extending the helping hand of the State and Federal governments to Idahoans in our rural areas.

He started his work in this body, the U.S. Senate, where he served under Senators Jim McClure and Larry Craig. Mike worked with fellow Idahoans and helped them sort out their difficulties with Federal agencies. Showing a deft touch with people, he became the Idaho State director of USDA Rural Development and later the USDA Farm Service Agency. In both roles, Mike naturally led and served Idaho's many farmers and ranchers, in part based on his days growing up and working with them. Mike then was appointed as a council member to the Northwest Power Planning Council, where he worked to provide an infrastructure for reliable and cost effective power that would reach many areas of Idaho. He also dealt with natural resource issues that impacted the livelihood of many in the rural parts of our State.

From there, he returned as the head of the USDA Rural Development IDAHO, where he has served over the past 8 years. In that capacity he has used his optimism and good nature to lead and motivate a team that has brought hundreds of millions of dollars in improvements to our State. He oversaw many positive changes in housing, drinking water and jobs throughout our rural areas. Mike built a strong trust between the different levels of government, tribes and agencies as he worked to improving the quality of life for rural Idahoans.

I cannot imagine what Idaho, and particularly its rural areas, would look like today without the efforts of Mike Field. Together, with his wife Debbie, they have greatly improved the lives of Idahoans with their dedicated public service.

I congratulate Mike for his many years of outstanding leadership and service to his fellow Idahoans.●

TRIBUTE TO AL SCHOCK

● Mr. THUNE. Mr. President, today I wish to honor Al Schock of Sioux Falls, SD, for his years of extraordinary service to his community as a member of the Downtown Lions Club. Mayor Dave Munson of Sioux Falls will

be recognizing his lifetime of accomplishments by proclaiming April 14, 2009, to be Al Schock, Lion King Day.

Al Schock has been a dedicated member of the Downtown Lions Club since 1949 and has worked to promote its humanitarian mission of improving lives and communities around the world. He has served in almost every capacity possible, including club president, district governor, and member of the Lions International Board of Directors. Since he first joined the Lions Club, he has shown tremendous leadership by recruiting a total of over 100 new members to the organization. He has also excelled in fundraising for the South Dakota Lions Foundation, having sold over 50,000 tickets to community fundraising events.

Schock has also contributed to the community of Sioux Falls through his involvement with the Chamber of Commerce, the Sioux Falls Development Foundation, Augustana College, the YMCA, the First Lutheran Church, Luther Manor health care, and The Banquet. He and his brother, Ozzie Schock, started the Shock Foundation, a nonprofit organization that works to support local charitable organizations. Al Schock's selfless devotion and faithful service to others and to his community is truly commendable.

It gives me great pleasure to congratulate Al Schock for receiving this honor, and to thank him for all his years of service to South Dakota and our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1388. An act entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:58 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1664. An act to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 93. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess of adjournment of the Senate.

The message further announced that pursuant to section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), the Minority Leader appoints The Honorable Christopher Shays of Connecticut to the Commission on Wartime Contracting to fill the existing vacancy thereon.

At 5:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1172. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Import/Export User Fees" (Docket No. APHS-2006-0144) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1173. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specialty Crop Block Grant Program—Farm Bill" (RIN0581-AC88) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1174. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" (Docket No. AMS-FV-08-0106)(FV09-925-1 IFR) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1175. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection", received in the Office of the President of the Senate on March 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1176. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2008 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-1177. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (RIN0648-XN73) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1178. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Groundfish Fishery; Amendment 15; Correction" (RIN0648-AW08) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1179. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (RIN0648-AX44) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1180. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Saugus River, Lynn, MA" ((RIN1625-AA00)(Docket No. USCG-2008-1026)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1181. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant

to law, the report of a rule entitled "Safety Zone; Underwater Object, Massachusetts Bay, MA" ((RIN1625-AA00)(Docket No. USCG-2008-1272)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1182. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida" ((RIN1625-AA00)(Docket No. USCG-2008-0411)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1183. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York" ((RIN1625-AA01)(Docket No. USCG-2008-0155)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1184. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Coast Guard Base San Juan, San Juan Harbor, Puerto Rico" ((RIN1625-AA87)(Docket No. USCG-2008-0440)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1185. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coast Guard Air Station San Francisco Airborne Use of Force Judgmental Training Flights" ((RIN1625-AA00)(Docket No. USCG-2009-0063)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1186. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Baltimore Captain of the Port Zone" ((RIN1625-AA00)(Docket No. USCG-2008-0129)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1187. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA" ((RIN1625-AA00)(Docket No. USCG-2009-0046)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1188. A communication from the Project Counsel, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Merchant Mariner Qualification Credentials" ((RIN1625-AB02)(Docket No. USCG-2006-24371)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1189. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants;

Final Rule To Identify the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment and To Revise the List of Endangered and Threatened Wildlife" (RIN1018-AW41) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Environment and Public Works.

EC-1190. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife" (RIN1018-AW37) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Environment and Public Works.

EC-1191. A communication from the Regulation Coordinator of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Premiums and Cost Sharing" (RIN0938-AO47) received in the Office of the President of the Senate on March 31, 2009; to the Committee on Finance.

EC-1192. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Security-Related Assistance Provided by the United States to the Countries of Central Asia"; to the Committee on Foreign Relations.

EC-1193. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "United States Participation in the United Nations; A Report by the Secretary of State to the Congress for the Year 2007"; to the Committee on Foreign Relations.

EC-1194. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 62nd World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-1195. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles in the amount of \$50,000,000 or more with Mexico; to the Committee on Foreign Relations.

EC-1196. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of defense services and defense articles in the amount of \$100,000,000 or more to Spain; to the Committee on Foreign Relations.

EC-1197. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or defense services in the amount of \$100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC-1198. A communication from the Acting Assistant Secretary, Bureau of Legislative

Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-1199. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$100,000,000 or more with Italy and the United Kingdom; to the Committee on Foreign Relations.

EC-1200. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of two rules entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) and "Annual Financial and Actuarial Information Reporting; Pension Protection Act of 2006" (RIN1212-AB09) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1201. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, an annual report relative to the Federal Employee Anti-Discrimination and Retaliation Act; to the Committee on Homeland Security and Governmental Affairs.

EC-1202. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to agency compliance with the Freedom of Information Act; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-16. A petition transmitted by a private citizen relative to the Long-Term Care Security Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 454. A bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 515. A bill to amend title 35, United States Code, to provide for patent reform.

By Mr. KERRY, from the Committee on Foreign Relations, with amendments and with a preamble:

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. BAYH, Mr. LUGAR, Mr. CHAMBLISS, Mr. CARDIN, Mr. ISAKSON, Mr. BURR, and Ms. LANDRIEU):

S. 781. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 782. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 783. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 784. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 785. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. INOUE, and Mr. LIEBERMAN):

S. 786. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. CARDIN, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. DODD, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 787. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 788. A bill to prohibit unsolicited mobile text message spam; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 789. A bill to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. CASEY, Mr. KOHL, and Mr. UDALL of New Mexico):

S. 790. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Finance.

By Mr. BAUCUS:

S. 791. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Environment and Public Works.

By Mr. SANDERS:

S. 792. A bill to amend the Public Health Service Act to improve the National Program of Cancer Registries by expanding data collection and allowing data sharing for public health objectives, while preserving the confidentiality of patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 793. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 794. A bill to amend title 10, United States Code, to modify certain retirement pay and grade authorities for service performed after eligibility for retirement, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE):

S. 795. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 796. A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BARASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of,

and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 798. A bill to amend the Internal Revenue Code of 1986 to permanently extend existing elective tax treatment for Alaska Native Settlement Trusts; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 799. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. CASEY):

S. 800. A bill to require the President to update and modify the website recovery.gov; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER):

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 802. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. CORNYN, and Mr. UDALL of New Mexico):

S. 803. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 804. A bill to amend subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 to establish incentives for States to extend the minimum length of the school year to 200 full days by 2014, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 805. A bill to provide for a comprehensive study by the National Research Council of the National Academy of Sciences to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska:

S. 807. A bill to reduce fuel prices and improve national energy security by increasing domestic supply, reducing excessive specula-

tion in the markets, and promoting long-term security through alternative energy sources, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 808. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 809. A bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 810. A bill to establish 4 regional institutes as centers of excellence for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 811. A bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 813. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 814. A bill to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. TESTER, Mrs. LINCOLN, and Mr. BENNETT):

S. 816. A bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. BURR, Mr. KENNEDY, Mr. HATCH, and Mrs. MURRAY):

S. 818. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 819. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 820. A bill to amend title 38, United States Code, to enhance the automobile assistance allowance for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 821. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 822. A bill to support the recruitment and retention of volunteer firefighters and emergency medical services personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself, Mr. BAUCUS, Mr. HATCH, Ms. STABENOW, Mr. ENSIGN, Mrs. LINCOLN, Ms. CANTWELL, and Mr. NELSON of Florida):

S. 823. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 824. A bill to establish a Jobs Creation Coordinator in the Department of Commerce to ensure that agencies in the Department use resources in a manner that maximizes the maintenance and creation of jobs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 825. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 826. A bill to promote renewable energy, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. ROBERTS, and Mr. LEAHY):

S. 827. A bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON):

S. 828. A bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. Res. 98. A resolution designating each of April 15, 2009, and April 15, 2010, as "National TEA Party Day"; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BINGAMAN):

S. Res. 99. A resolution expressing the sense of the Senate that the Government of Uzbekistan should immediately enforce its existing domestic legislation and fulfill its international commitments aimed at ending state-sponsored forced and child labor; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. Res. 100. A resolution expressing the support of the Senate for the establishment of an Urban Youth Sport Initiative in partnership with the United States Olympic Committee; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR (for himself and Mrs. HAGAN):

S. Res. 101. A resolution expressing the sense of the Senate on the tragic events at the Pinelake Health and Rehab Center in Carthage, North Carolina on Sunday, March 29, 2009; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 102. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 103. A resolution to authorize testimony and document production in *Richard Bowen v. Department of the Navy (MSPB)*; considered and agreed to.

By Mrs. GILLIBRAND (for herself and Mr. SPECTER):

S. Con. Res. 17. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 27, a bill to establish the Daniel Webster Congressional Clerkship Program.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 442

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 442, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 454

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 467, a bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 475

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 514

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes.

S. 515

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Texas (Mr. CORNYN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 534

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 534, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are

able to travel safely and conveniently on and across federally funded streets and highways.

S. 599

At the request of Mr. CARPER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 605

At the request of Mr. KAUFMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 605, a bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 633

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 661

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 773

At the request of Mr. BAYH, his name was added as a cosponsor of S. 773, a bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes.

S. 778

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 778, a bill to establish, within the Executive Office of the President, the Office of National Cybersecurity Advisor.

S. 780

At the request of Mr. NELSON of Florida, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 780, a bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries.

S. RES. 72

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. Res. 72, a resolution expressing the

sense of the Senate regarding drug trafficking in Mexico.

S. RES. 92

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 92, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

AMENDMENT NO. 742

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 742 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 755

At the request of Mr. CASEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 755 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 764

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 764 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 765

At the request of Mr. BARRASSO, the names of the Senator from Nebraska (Mr. JOHANNIS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 765 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 784

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 784 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the

congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 785

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 785 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 786

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 786 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 787

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 787 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 792

At the request of Mr. ALEXANDER, the names of the Senator from Texas (Mr. CORNYN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 792 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 799

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 799 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

At the request of Mr. BENNETT, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 799 proposed to S. Con. Res. 13, supra.

AMENDMENT NO. 803

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 803 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 808

At the request of Mr. BROWN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 808 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 810

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 810 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 819

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 819 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 821

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 821 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 825

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of amendment No. 825 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010,

revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 838

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 838 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 841

At the request of Ms. MURKOWSKI, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 841 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 843

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 843 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 852

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 852 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 864

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of amendment No. 864 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 870

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 870 proposed to S.

Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 872

At the request of Mr. DODD, the names of the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. SANDERS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 872 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 873

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 873 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 875

At the request of Mr. SANDERS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 875 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 876

At the request of Mrs. LINCOLN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 876 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 881

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 881 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

ing the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 890

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 890 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 904

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Alaska (Mr. BEGICH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 904 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 905

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 905 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 916

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 916 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 920

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 920 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 921

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 921 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 784. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill to allow five Southeast Alaska communities to finally be allowed to form urban corporations under the terms of 1971's Alaska Native Claims Settlement Act, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act.

At the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of congressional policy that explain the underpinnings of this landmark legislation.

The first clause reads, "There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." The second clause states, "The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives."

Mr. President, 37, going on 38, years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Ketchikan, Wrangell, Petersburg, Tenakee and Haines—the five "landless communities" are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded \$966 million and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native corporations—12 based in Alaska. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy clear explanation the Native peoples of the "landless communities," were not permitted by the Alaska Native Claims

Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. For example, Ketchikan had more Native residents in 1970, the year of a member census, than Juneau, which was permitted to form the Goldbelt urban corporation. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 34 years. An independent study issued more than 12 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 38th anniversary of Congress' promise to the Native peoples of Alaska, the promise of a rapid and certain settlement. And still the landless communities of Southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for so long.

The legislation that I am introducing today would enable the Native peoples of the five "landless communities" to organize five "urban corporations," one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to 23,040 acres of land—one township as granted all other village corporations. Sealaska Corporation, the regional Alaska Native Corporation for Southeast Alaska, would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of Southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice that has gone on far too long and finally give the Native peoples of Southeast Alaska the rapid and certain settlement for which they have been waiting.

By Ms. MURKOWSKI (for herself
and Mr. BEGICH):

S. 785. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to speak about a bill that I have introduced, the Southeast Alaska Timber Industry Retooling and Restructuring Act, which is intended to stimulate employment in Southeast Alaska, by helping firms that have focused on the region's timber industry to modernize or branch out into new industries.

In 1954, the US Department of Agriculture encouraged the development of a sawmill and pulp mill timber industry in the Tongass National Forest in Southeast Alaska, which at 16.98 million acres is the largest national forest in America. From the startup of the pulp mills in Ketchikan and in Sitka in 1961 to passage of the Alaska National Interest Lands Conservation Act in 1980, the Tongass was producing about 600 million board feet of timber a year, generating 3,500 direct and 2,500 indirect jobs and providing the largest number of year-round jobs in the region.

But following passage of ANILCA that created 14 wilderness areas covering about 4.9 million acres and the follow up Tongass Timber Reform Act of 1990 that placed another 727,762 acres into protected non-road status and created another 12 wilderness areas containing 300,000 acres, the timber harvest and thus timber industry-related employment plummeted in the region—an area nearly the size of Maine. While the two pulp mills closed in the mid 1990's, sawmills have tried to survive on the then anticipated 268 mmbf of allowable timber harvest. But a litany of Federal forest policy changes from the Clinton-era roadless policy, to changes in Forest Service sale and road policies, to sale delays caused by litigation have resulted in harvest levels falling to 28 million board feet from Federal lands and less than 50 million from private lands in 2008. That harvest level is far below the 192 mmbf reached in 2006 and about half of the 144 mmbf of 2007. Recent years have been drastically down from the 495 million board feet harvested from all lands as recently as 1997.

Year round timber employment, according to U.S. Forest Service in 2007, the last year of current full data, was 402 jobs, just 13 percent of the employment of a decade earlier. The impacts on the region's economy have been clearly documented. According to a report by The McDowell Group consultants, total timber-related payroll in 2007 hit just \$17 million, compared to \$300 million in 1990. Currently, according to the State of Alaska, unemployment in December 2008 has reached 16.5 percent on Prince of Wales Island, the resource base for traditional southern

timber operations, and 24.6 percent in the Hoonah and Angoon area, the former resource base for central timber operations—three times the rising national average.

This bill is a measure that calls on the Federal Government to finally acknowledge its role in the reduction of economic activity in the region. By the act, the Government would on a one-time basis, allow the Secretary of Agriculture to provide grants to allow existing timber facilities to retool either to adopt new timber production practices that can operate profitably on far smaller harvests or to convert timber plants to totally new types of manufacturing/business operations, leaving timber-dependent work. Firms—sawmills, logging companies and road construction companies involved in timber work for at least a decade—that seek funding for “retooling projects” must submit business plans and demonstrate the likelihood of success. More importantly they must commit to the “extent practicable” to continue to employ substantially the same number of employees for a “reasonable” period after completion of a retooling project. To limit the impact of the aid, grants may only go to businesses that operated in the Tongass for not less than 10 years prior to Jan. 1, 2009. The program sunsets within 2 years with the maximum authorization of aid being \$40 million subject to appropriation.

The bill would allow companies that used to build Forest Service timber roads, for example, to buy more appropriate equipment to bid on Federal highway work and water and sewer line work. It could help firms move into sand and gravel operations. It could allow sawmills with water access to be converted to marine repair facilities or into wood treatment plants. And it might allow some mills to convert to higher value-added products requiring less raw materials, like door and window sash manufacturing.

The changes would ease environmental pressures on timber stands, while aiding the economy by helping to replace the former year-round jobs in a region now nearly solely dependent on fishing and tourism income, besides government-sector spending, for employment. In a region where non-government jobs are precious, it could stimulate job retention and help create new employment. At a time when Congress is contemplating spending nearly \$1 trillion to stimulate employment, this measure is a reasonable expenditure to help potentially transition employees to 21st century jobs. The Federal Government was the leading advocate for the establishment of a pulp-timber industry in the region following World War II. It is more than fitting that it provide more assistance to help the region transition to a new era of reduced timber harvests—an era prompted by major environmental leg-

islation that this Congress passed in 1980 and 1990 that is largely responsible for the sharp drop in timber harvests. I hope this body will give fair and swift consideration to this measure.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. INOUE, and Mr. LIEBERMAN):

S. 786. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, today I am reintroducing the Improving Access to Mainstream Financial Institutions Act of 2009. This bill provides economic empowerment and educational opportunities for working families by helping bank the unbanked and increasing access to financial literacy opportunities. It will also encourage the use of mainstream financial institutions for working families that need small loans. I thank my cosponsors, Senators SCHUMER, INOUE, and LIEBERMAN.

Too many Americans lack basic financial literacy. Americans of all ages and backgrounds face increasingly complex financial decisions as members of the nation's workforce, managers of their families' resources, and voting citizens. Many find these decisions confusing and frustrating because they lack the tools necessary that would enable them to make wise, personal choices about their finances.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, effectively evaluate credit opportunities, successfully invest for long-term financial goals in an increasingly complex marketplace, or be able to cope with difficult financial situations. Unfortunately, today too many working families are struggling as they are confronted with increases in energy and food costs or the loss of a job.

We must work toward improving education, consumer protections, and empowering individuals and families through economic and financial literacy in order to build stronger families, businesses, and communities. The bill that I am introducing today would help to educate, empower and protect consumers.

Millions of working families do not have a bank or credit union account. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, and send remittances. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings diminished by reliance on these high-cost and often predatory financial services. Among those families who make up the bottom 20 percent of earners, one in four does not have a transaction account according to the Federal Reserve's Survey of Consumer Fi-

nances. Indeed, the unbanked are often among the most vulnerable. More than 15 percent of families headed by a single parent are unbanked. The unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses making it difficult for these individuals to better their finances.

My bill authorizes grants intended to help low- and moderate-income unbanked individuals establish bank or credit union accounts. Providing access to a bank or credit union account can empower families with tremendous financial opportunities. An account at a bank or credit union provides consumers with alternatives to rapid refund loans, check cashing services, and high cost remittances. In addition, bank and credit union accounts provide access to saving and borrowing services.

Low- and moderate-income individuals are often challenged with a number of barriers that limit their ability to open and maintain accounts. Regular checking accounts may be too costly for some consumers unable to maintain minimum balances or unable to afford monthly fees. Poor credit histories may also hinder their ability to open accounts. By providing Federal resources for product development, administration, outreach, and financial education, banks and credit unions will be better able to reach out and bank the unbanked.

The second grant program authorized by my legislation provides consumers with a lower cost, short term alternative to payday loans. More needs to be done to encourage mainstream financial service providers to develop affordable small loan products. My legislation will help support the development of affordable credit products at bank and credit unions. Working families would be better off by going to their credit unions and banks, mainstream financial services providers, than payday loan shops. Payday loans are cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loans often have triple digit interest rates that range from 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

There is a great need for working families to have access to affordable small loans. My legislation would encourage banks and credit unions to develop payday loan alternatives. Consumers who apply for these loans would

be provided with financial literacy and educational opportunities. Loans extended to consumers under the grant would be subject to the annual percentage rate promulgated by the National Credit Union Administration's, Loan Interest Rates. Several credit unions have developed similar products.

I will work to enact this legislation so vital to empowering our citizens. In our current, modern, complex economy, not having a bank or credit union account severely hinders the ability of families to improve their financial condition or help them navigate difficult financial circumstances. Instead of borrowing money from payday lenders at outrageous fees, we need to encourage people to utilize their credit unions and banks for affordable small loans. Banks and credit unions have the ability to make the lives of working families better by helping them save.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Access to Mainstream Financial Institutions Act of 2009".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) **ALASKA NATIVE CORPORATION.**—The term "Alaska Native Corporation" has the same meaning as the term "Native Corporation" under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The term "community development financial institution" has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) **FEDERALLY INSURED DEPOSITORY INSTITUTION.**—The term "federally insured depository institution" means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(4) **LABOR ORGANIZATION.**—The term "labor organization" means an organization—

(A) in which employees participate;

(B) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and

(C) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(5) **NATIVE HAWAIIAN ORGANIZATION.**—The term "Native Hawaiian organization" means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose, the provision of services to Native Hawaiians.

(6) **PAYDAY LOAN.**—The term "payday loan" means any transaction in which a small cash

advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury.

(8) **TRIBAL ORGANIZATION.**—The term "tribal organization" has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary is authorized to award grants, including multi-year grants, to eligible entities to establish an account in a federally insured depository institution for low- and moderate-income individuals that currently do not have such an account.

(b) **ELIGIBLE ENTITIES.**—An entity is eligible to receive a grant under this section, if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) an agency of a State or local government;

(4) a community development financial institution;

(5) an Indian tribal organization;

(6) an Alaska Native Corporation;

(7) a Native Hawaiian organization;

(8) a labor organization; or

(9) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(c) **EVALUATION AND REPORTS TO CONGRESS.**—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 4. LOW COST ALTERNATIVES TO PAYDAY LOANS.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(b) **ELIGIBLE ENTITIES.**—An entity is eligible to receive a grant under this section if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(c) **TERMS AND CONDITIONS.**—

(1) **PERCENTAGE RATE.**—For purposes of this section, an eligible entity that is a federally insured depository institution shall be sub-

ject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations (or any successor thereto), in connection with a loan provided to a consumer pursuant to this section.

(2) **FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.**—Each eligible entity awarded a grant under this section shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this section.

(d) **EVALUATION AND REPORTS TO CONGRESS.**—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 5. PROCEDURAL PROVISIONS.

(a) **APPLICATIONS.**—A person desiring a grant under section 3 or 4 shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

(b) **LIMITATION ON ADMINISTRATIVE COSTS.**—A recipient of a grant under section 3 or 4 may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out the grant programs authorized by this Act, to remain available until expended.

SEC. 7. REGULATIONS.

The Secretary is authorized to promulgate regulations to implement and administer the grant programs authorized by this Act.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. CARDIN, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. DODD, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 787. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to restore Clean Water Act protections for the same waters that were covered by the Act prior to two recent divisive U.S. Supreme Court decisions. I want to thank Senators BOXER, CARDIN, BROWN, CANTWELL, CARPER, DODD, DURBIN, GILLIBRAND, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, LIEBERMAN, MENENDEZ, MERKLEY, REED, SANDERS, SCHUMER, SHAHEEN, STABENOW, WHITEHOUSE, and WYDEN for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the

Nation's waters. The primary goal of the act to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply and agricultural and industrial uses, and available for wildlife and fish habitat has broad public support not only as a worthy endeavor but also as a fundamental expectation of Government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We must remain committed to the Clean Water Act of 1972, and to that end, Congress must enact legislation. Every day that Congress fails to act, more and more rivers, streams, wetlands and other waters that have long been protected by the Clean Water Act are being stripped of their Clean Water Act protections and being polluted or destroyed altogether. According to the Environmental Protection Agency, over 20,000 determinations have been made since the court decisions on whether specific water bodies are covered by the act. Congress should not delay action until protections are stripped from more water bodies throughout the country. The EPA estimates that the court decisions could ultimately impact over half the stream miles and 20 percent of wetlands in the lower 48 States. Lost protections for these waters means the drinking water sources for over 110 million Americans are in jeopardy of pollution.

The Clean Water Restoration Act must be enacted to restore historical protections, using a surgical fix that reaffirms protections for the same categories of waters identified in the over three-decade-old EPA regulatory definition of "waters of the United States."

This is a serious problem, demanding serious debate and action. If we do not act, we will be allowing the Clean Water Act to be rolled back. That would mean increased uncertainty, confusion, litigation, and permitting delays resulting from the court decisions and subsequent agency guidelines. It also would pose a very real threat to Clean Water Act protections for public water supplies, industrial and agriculture uses, fish and wildlife, and recreation.

I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have support from a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; State agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting, fishing, recreational, and conservation organizations.

In response to suggestions I received last Congress, I made several revisions

to the bill to make Congressional intent very clear.

My bill, the Clean Water Restoration Act, would continue to protect only those waters historically protected by the Clean Water Act prior to the Supreme Court decisions. This is the crux of my bill, Section 4. In 1972, Congress granted Clean Water Act protections to "navigable waters" and broadly defined those as "the waters of the United States, including the territorial seas", in stark contrast to the 1899 Rivers and Harbors Act, which had only provided protections for the commercially navigable waters. Since the 1970s, EPA and Corps regulations, 40 CFR 122.2 and 33 CFR 328.3, have properly established the scope of "waters of the United States" to be protected, including all intrastate and interstate rivers, streams, lakes, and wetlands. My bill simply takes the longstanding, existing regulatory definition for "waters of the United States" and puts it into law, in lieu of defining "navigable waters" as "waters of the United States," as the Act does now. This surgical fix is necessary because the Supreme Court used the word "navigable" to create a more narrow definition for "waters of the United States" than the definition used for over 30 years. The Court did not, however, limit protections more drastically to only "navigable-in-fact" and continuously flowing waters as some interests have called for. This might have been the law in 1899 when the Rivers and Harbors Act focused on commercial navigation, but it would be entirely inappropriate for the modern day clean water protections provided by the Clean Water Act of 1972.

My bill also asserts appropriate constitutional authority to protect the Nation's waters. Despite claims to the contrary, Congress has broad constitutional authority, including under the Commerce Clause, Property Clause, Treaty Clause, and Necessary and Proper Clause, to enact laws protecting our nation's water quality. To prevent future courts from narrowly applying Congress's constitutional authority, my bill includes the phrase "activities affecting those waters."

My bill also maintains existing exemptions for farming, silviculture, ranching, and other activities, and leaves unchanged the activities that require a permit. The bill only ensures that the same types of waters covered before the Supreme Court decisions continue to be protected and does not affect the activities that require permits. In short, if you have not needed a permit for the last thirty-five years for an activity, you will not need one when this bill is enacted.

Importantly, in 1977, when the Act was modified, a significant compromise was reached to exempt farming, silviculture, and forestry activities from the Act. I stand by this understanding, and just to be sure, the Clean

Water Restoration Act explicitly states that the Act's existing exemptions are maintained. As stated in the Act and left unchanged by my bill, agricultural activities are largely exempt from the Clean Water Act [the main permitting programs affecting agriculture address point-source discharge, Section 402, not non-point, and the dredging and filling of waters, Section 404. The following agricultural activities are exempt: normal farming activities (which casts a wide net for plowing, cultivating, harvesting, conservation practices, etc.), agriculture run-off/stormwater discharges, return flows from irrigation, maintenance and construction of farm roads, farm and stock ponds, and irrigation ditches, and maintenance of drainage ditches. There are additional EPA regulatory exemptions for prior converted cropland, and wastewater treatment lagoons and ponds. Again, my bill does not affect these exemptions and the findings make Congressional intent very clear in this regard.

In short, my bill will allow those waters always protected by the Clean Water Act to continue to receive basic protections. I appreciate the depth and breadth of support for reaffirming the Clean Water Act of 1972 and importantly, rejecting efforts to roll back the law.

Mr. WYDEN. Mr. President, If there is one environmental issue that divides us more than unites us, it's water, especially in the West.

Farmers, ranchers, cities, towns, all compete for limited supplies. Salmon and other economically and culturally important fish depend on its flow. If it is not water quantity, then it is water quality that makes what gets passed on to the next water user the source of contention.

The Clean Water Act has been enormously successful at making water users clean up the water that they use before it is discharged back into lakes, rivers, and streams, and, before it's used by the next person downstream. It has also helped ensure the survival of fish and wildlife.

Over the past 8 years, the U.S. Supreme Court has rendered two major decisions that have restricted the scope of the Act. As it is now being interpreted by the U.S. Environmental Protection Agency and the Corps of Engineers, the Act no longer prevents the discharge of pollution or fill into many wetlands or intermittent streams, lakes and ponds. By some estimates, more than half the streams in Oregon could be classified as intermittent streams and no longer protected. Another estimate concludes that over one million Oregonians get their drinking water from sources that would no longer be fully protected by the Clean Water Act. I think this is the wrong thing to do.

Last year, I cosponsored S. 1870—the Clean Water Restoration Act—legislation which was intended to return the protections of the Clean Water Act to the way they were before these two Supreme Court decisions occurred. No more, and no less.

In my town hall meetings around Oregon, I have received questions and complaints about this legislation. The biggest concern that many people had was that this new bill was actually going to expand the reach of the Federal Government over water regulation in ways that would literally threaten the ability of farmers to farm and ranchers to ranch. People were also concerned that this legislation would not only regulate discharges into rivers and streams, but it would also regulate the quantity of water they use.

I am no supporter of Federal water grabs. I would not have cosponsored this legislation in the last Congress if it would threaten Oregon farmers' ability to farm or our ranchers' ability to ranch. I would have opposed it.

Ranchers and farmers and forest owners know how to be stewards of the land they ranch and farm and manage because their livelihoods depend on it, and if they are not careful about how they manage that land there will be nothing to pass on to the next generation. The same is true for how we must treat our rivers, streams and wetlands.

So over the past few months, my staff and I have worked with Senator FEINGOLD, the primary sponsor of the bill, to clarify that intent of this legislation is to simply restore the interpretation of the Clean Water Act to what it had been before these Supreme Court decisions. No more, and no less.

Earlier this year, in response to my concerns about how the bill would impact rural Oregon, Senator FEINGOLD reiterated in a letter to me his intent that the Clean Water Restoration Act not expand the scope of the law. Sen. FEINGOLD also revised the text of the bill in a way that I believe makes it even clearer that the goal is not to expand the scope of the Clean Water Act beyond what it was in 2001 before the Supreme Court decisions.

First of all, the bill again includes a savings clause that clearly continues the existing exemption for irrigation return flows from Clean Water Act regulation. It continues the exemption for dredged or fill materials from normal farming, silviculture and ranching activities. It continues the exemption for construction and maintenance of farm or stock ponds or irrigation ditches and drainage ditches. It continues the exemption for construction and maintenance of farm roads or forest roads.

Second, the bill now contains a much more detailed set of findings that make it absolutely clear that the intent of Congress with enactment of the bill is to restore the regulatory system for the Clean Water Act to what it was be-

fore these two Supreme Court decisions. These findings also make it clear that the bill is not regulating ground water, only surface water, just as the Clean Water Act has always done. The findings make it clear that exclusions for prior converted cropland and man-made impoundments remain in place. They make it clear that the intent is to regulate water quality, not quantity or ownership.

If more changes are needed to ensure that the bill does what Sen. FEINGOLD and I say it does, then I am certainly open to making more changes to make sure the Senate gets this crucial issue right.

Some people do not like the pre-2001 Clean Water Act regulatory system. Some believe that the Supreme Court did the right thing by removing many wetlands and intermittent streams and lakes from the protections of the Clean Water Act. I disagree. I think those protections are needed to protect our water supplies and our environment and wildlife habitat. Farmers and ranchers need those protections for their livelihoods. But I want to be absolutely clear, that I will not support expanding Federal authority in this area beyond what it was before 2001.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 8, 2009.

Hon. RON WYDEN,

U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for your commitment to reinstating longstanding Clean Water Act protections, which have been unquestionably reduced and blurred by recent Supreme Court decisions. I appreciate you contacting me on behalf of your constituents with some important questions about the intent and effect of my bill, the Clean Water Restoration Act.

Like you, I am committed to restoring the scope of the Clean Water Act of 1972 and strongly oppose efforts to roll back the Act—which is happening and will continue to happen until Congress acts. A recent investigation by the House Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure found that the 2006 Rapanos case and subsequent agency guidance are directly responsible for “a drastic deterioration of [the Environmental Protection Agency’s] Clean Water Act enforcement program . . . hundreds of violations have not been pursued.” The investigation revealed that top EPA officials warned that “the difficulty in interpreting and applying the Rapanos decision and the Inter-Agency guidance has created a drain on [EPA] resources, caused delays and uncertainty in compliance determinations. . . .” According to the EPA, over 50 percent of U.S. streams, 20 million acres of wetlands, and the drinking water for 110 million Americans remain in jeopardy of being polluted or destroyed as a result of the Supreme Court decisions.

Since Congress is the only branch of government that can reinstate protections and

prevent a significant roll-back of the Act. I introduced the Clean Water Restoration Act to do just that, and only that.

The bill will not increase permitting and does not change the requirements for what activities need a permit. The Clean Water Restoration Act would only modify one term in the Act and does not alter any other sections of law, including those identifying what activities need a permit. Nevertheless, when the bill was reintroduced in the 110th Congress, we added a savings clause to make it explicitly clear that the exemptions for agriculture, ranching, and forestry are maintained. The Act was amended in 1977 to add these permitting exemptions and my bill will not change those exemptions, or existing exemptions in the regulations that do not require permits for agricultural activities affecting prior converted cropland or for wastewater treatment systems.

As you know, the Clean Water Act protects “navigable waters,” which the Act broadly defines as “waters of the United States, including the territorial seas” (though often a source of confusion, the term “navigable waters” has a very different meaning in the Clean Water Act than it does in the Rivers and Harbors Act of 1899, which extends only very narrow protections to commercially navigable waters). “Navigable waters” and “waters of the United States” are broadly defined, for purposes of the Clean Water Act, in the Environmental Protection Agency and U.S. Army Corps of Engineers’ regulations to cover all waters necessary to achieve the Act’s water quality purposes. This includes such so-called isolated wetlands as prairie potholes and playa lakes, which have been jeopardized since the 2001 SWAIVCC case, as well as intermittent streams, which remain jeopardized by the 2006 Rapanos case and subsequent agency guidance. In order to meet the intent and purpose of the Clean Water Act of 1972, we must ensure all these waters continue to be protected—which is why the Clean Water Restoration Act defines “waters of the United States” using the same list of waters.

In your letter, you asked about an exchange at a hearing on the bill in 2008 where the former Administrator of the EPA, Carol Browner, responded to a question about whether a “puddle” is a “wetland.” Though the question was likely intended in jest, there is a longstanding, scientific process for determining and delineating a wetland. Professional determinations are made, for purposes of Section 404 of the Clean Water Act, using the Corps regulatory definition of a wetland. Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328.3(b)).

Lastly, the Clean Water Act does not regulate water quantity, only water quality. Its purpose is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters” (33 U.S.C. 1251 et seq.). I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have your support, as well as that of a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; state agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting, fishing, recreational, and conservation organizations.

Thanks for your efforts to educate others about the importance of this legislation and the true purpose of the Clean Water Restoration Act. As always, I am committed to

working with you and others to restore historical protections to the waters of the United States.

Sincerely,

RUSSELL D. FEINGOLD.

By Ms. SNOWE (for herself and Mr. NELSON, of Florida):

S. 788. A bill to prohibit unsolicited mobile text message spam; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator BILL NELSON, to introduce legislation that would curb a growing nuisance that millions of wireless customers experience on a daily basis—unsolicited text messages or mobile spam.

Spam has long been loathed by email users around the world. It is for good reason—percent of all email sent worldwide is considered spam, which means close to 200 billion spam messages are sent every day. The vast majority of the spam sent on the Internet is done so illegally through the use of botnets, which are “networks” of hijacked or compromised computers. One botnet, Srizbi, which consists of more than 450,000 compromised PCs is able to send on average more than 60 billion spam messages per day. Many of these spam messages include viruses, malicious spyware, or are phishing attacks.

With more data functionality and improved user interfaces with wireless devices, it is expected that mobile spam will grow over the next several years. Those viruses and malware that are so prevalent on a user's computer could and most likely will show up on their cell phones through m-spam. So a very significant threat to wireless users looms.

While the FCC and the FTC have adopted rules to prohibit sending unwanted commercial e-mail messages to wireless devices without prior permission, text messages are not covered by their rules so it is not having the desired effect of deterring distribution of mobile spam, let alone email spam. The m-SPAM Act would provide more government attention to this growing problem and makes modifications to existing law in order to improve efforts to restrain mobile spam—before it becomes more than an annoyance.

More text and voice spam are steadily invading handsets. Wireless users in the U.S. received more than 1.1 million spam text messages in 2007, up 38 percent from 2006. Mobile spam not only clutters a wireless user's inbox, but it also unduly increases the monthly wireless bill—wireless subscribers typically are charged for sending and receiving text messages—sometimes as much as 20 cents per message.

Some telephone companies have been proactive in preventing spam—wireless carriers already block up to 200 million unsolicited text messages per month, but many times the senders cannot be located and brought to justice without

Government help. In May 2007, Verizon Wireless sued telemarketers that had inundated the company with more than 12 million mobile spam messages. The carrier was able to block most of them but the inundation still hit consumers with unwanted charges and the carrier with a congested network. So more can be done to prevent this aggravating practice and relieve consumers of having to resolve these charges on their bills. Even the wireless industry recently has urged government to do more to catch and prosecute spammers.

That is why I sincerely hope that my colleagues will join Senator BILL NELSON and me in supporting this critical legislation.

By Mr. BINGAMAN (for himself, Mr. CASEY, Mr. KOHL, and Mr. UDALL, of New Mexico):

S. 790. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators ROBERT CASEY, HERB KOHL, and TOM UDALL to introduce the Health Access and Health Professions Supply Act of 2009.

Health care reform is a national priority—far too many Americans do not have access to meaningful, affordable health insurance. But even if every person in the U.S. had health insurance, we do not have a cohesive or coordinated strategy to address health workforce emergencies and shortages, and problems with reliable access to quality, affordable care. Over 20 percent of Americans are living in health professions shortage areas without access to adequate medical, dental, and mental and behavioral health services. This workforce deficiency will worsen as the population ages and grows by an estimated 25 million individuals per decade and, could be severely exacerbated by epidemics and disasters. It is estimated that without intervention, the United States will experience shortages of as many as 200,000 physicians and one million nurses by 2020. It takes many years to create a pipeline of health professionals. I am introducing the Health Access and Health Professions Supply Act of 2009 to coordinate our health workforce strategy, to build and maintain this pipeline, so that health and safety of every American is protected. The legislation is based on the most recent recommendations developed by Council on Graduate Medical Education and other health workforce experts.

This legislation addresses these issues in an unprecedented and comprehensive manner. It creates a Permanent National Health Workforce Commission to assure that the Federal in-

vestment in the education of health professionals is a public good that address the needs of the American people. The Commission is tasked to design, revise, implement and evaluate programs, grants, and regulations related to the nation's health workforce.

The Health Access and Health Professions Supply Act of 2009 expands the Medicare medical home demonstration project. This pilot program would include 1,000 medical home primary care providers working in interdisciplinary teams. These clinicians will provide the highest quality medical care using the best health information technology, and personalized, coordinated, and accessible care.

But new models are not enough. We have allowed our primary care educational infrastructure to crumble. Without intervention, the decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps. Yet, the number of graduates from medical school in the U.S. who choose to practice family medicine has plummeted 50 percent in less than 10 years. Currently, less than 5 percent of graduates from medical school specialize in primary care. This is despite the fact that one of the most significant measures of the effectiveness and efficiency of a healthcare system is the degree to which the population has access to meaningful and coordinated primary care.

Experts tell us that the dearth of primary care providers may be attributed to many factors including low reimbursement levels and a lack of federal incentives to teaching institutions to promote primary care. My legislation would allow the National Health Workforce Commission to analyze these issues and recommend solutions including changes in Federal reimbursement systems. For example, this bill calls for improved transparency and accountability for Federal dollars spent for medical education through direct Graduate Medical Education, GME, and Indirect Medical Education, IME, and money paid in Disproportionate Share, DSH, support for safety net services provided under the Medicare and Medicaid programs.

This legislation also substantially increases funding for the National Health Service Corps. This will help provide healthcare access to the areas of our country that are in most desperate need. Also, included are expanded loan forgiveness and grant programs to develop new training programs in rural and other underserved communities to help us train health professionals in areas where they are needed.

The Health Access and Health Professions Supply Act of 2009 establishes a U.S. Public Health Sciences Track to train physicians, dentists, nurses, physician assistants, mental and behavior health specialists, pharmacists, and public health professionals emphasizing team-based service, public health, epidemiology, and emergency preparedness and response in affiliated institutions. Students in this program are accepted as Commission Corps officers in the U.S. Public Health Service and will receive tuition remission and a stipend with a two year service commitment for each year of school covered. This group will form an elite cadre of healthcare professionals that can be deployed when epidemics, natural or other disasters strike.

I am introducing the Health Access and Health Professions Supply Act of 2009 with the understanding that our health workforce shortfall cannot be solved using a piecemeal approach. We must address health workforce issues in health care reform to guarantee access to quality care for all Americans but we must also ensure that taxpayer dollars used to support health professions education are spent wisely.

This legislation has received widespread support and is endorsement by the: National Association of Community Health Centers, National Rural Health Association, American Medical Students Association, Trust for America's Health, American Psychological Association, American Association of Colleges of Pharmacy, American Academy of Physician Assistants, Commissioned Officers Association of the U.S. Public Health Service, National Rural Recruitment and Retention Network, American Academy of Child and Adolescent Psychiatry, New Mexico Health Resources, New Mexico Medical Society, New Mexico Chapter of the American College of Physicians, and the Santa Fe Project Access.

I urge my colleagues in the Senate to join us in support of the Health Access and Health Professions Supply Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Health Access and Health Professions Supply Act of 2009” or “HAHPSA 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—AMENDMENTS TO THE SOCIAL SECURITY ACT

Sec. 101. Permanent National Health Workforce Commission.

Sec. 102. State health workforce centers program.

Sec. 103. Medicare medical home service and training pilot program.

Sec. 104. Improvements to payments for graduate medical education under medicare.

Sec. 105. Distribution of resident trainees in an emergency.

Sec. 106. Authority to include costs of training of psychologists in payments to hospitals for approved educational activities under Medicare.

TITLE II—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

Sec. 201. Expansion of National Health Service Corps programs.

Sec. 202. National health service corps scholarship program for medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students in the United States public health sciences track in affiliated schools.

Sec. 203. Federal medical facility grant program and program assessments.

Sec. 204. Health professions training loan program.

Sec. 205. United States Public Health Sciences Track.

Sec. 206. Medical education debt reimbursement for physicians of the Veterans Health Administration.

TITLE III—HEALTH PROFESSIONAL TRAINING PIPELINE PARTNERSHIPS PROGRAM

Sec. 301. Grants to prepare students for careers in health care.

SEC. 2. FINDINGS.

(a) **FINDINGS RELATED TO HEALTH CARE ACCESS IN RURAL, FRONTIER, AND URBAN UNDERSERVED AREAS OF THE UNITED STATES.**—Congress finds the following:

(1) The United States does not have a cohesive or coordinated approach to addressing health workforce shortages and problems with reliable access to quality, affordable health care.

(2) There are 50,000,000 citizens of the United States living in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as health professional shortage areas.

(3) The population of the United States will grow by 25,000,000 each decade.

(4) The number of individuals over 65 years of age in the United States will double between 2000 and 2030, with such individuals accounting for 20 percent of the total population of the United States in 2030.

(5) Individuals over 65 years of age have twice as many doctor visits as those individuals under 65 years of age, resulting in an increase in the demand for physicians, physician assistants, pharmacists behavioral and mental health professionals, nurses, and dentists.

(6) The rates of chronic diseases (such as diabetes) are increasing in the population of the United States.

(7) There are 47,000,000 citizens of the United States who do not have health insurance, and over 130,000,000 individuals within the United States who do not have dental insurance. Those individuals who are uninsured have limited access to health care.

(8) Academic health centers, Federal medical facilities, and teaching hospitals provide a substantial percentage of safety net services in the United States to uninsured and

underinsured populations and to those individuals who have 1 or more chronic diseases. Such centers, facilities, and teaching hospitals provide those safety net services while concurrently providing for the training of health professionals.

(9) The pipeline for the education of health professionals—

(A) begins and often ends in urban areas;

(B) does not reliably include Federal support for nonphysician training;

(C) does not incorporate modern training venues and techniques, including community-based ambulatory sites; and

(D) discourages interdisciplinary, team, and care coordination models as a result of restrictive regulations.

(10) Health reform must include measures to transform the health delivery system to assure access, quality, and efficiency by utilizing contemporary models and venues of care.

(11) Reform of the health delivery system will require modernization of the training of health professionals to ensure that health professionals—

(A) practice in integrated teams in a variety of delivery venues (including inpatient and ambulatory settings and long-term care facilities) to utilize decision support and health information systems;

(B) deliver patient-centered care;

(C) practice evidence-based health care;

(D) learn performance-based compensation systems, comparative effectiveness, and costs of care across the spectrum; and

(E) deliver culturally appropriate, personalized care.

(b) **FINDINGS RELATED TO ACCESS TO ORAL HEALTH.**—Congress finds the following:

(1) Dental care is the number 1 unmet health care need in children, and is 1 of the top 5 unmet health care needs in adults.

(2) Over 130,000,000 citizens of the United States are without dental insurance.

(3) Over 45,000,000 citizens of the United States live in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as dental health professional shortage areas.

(4) Rural counties have less than half the number of dentists per capita compared to large metropolitan areas (29 versus 62 for population of 100,000).

(5) In 2006, over 9,000 dentists were needed in such dental health professional shortage areas.

(6) Between 27 and 29 percent of children and adults in the United States have untreated cavities.

(7) The number of dental school graduates in the United States decreased by 20 percent between 1982 and 2003 and the average age of practicing dentists in the United States is 49.

(8) There were over 400 dental faculty vacancies in the school year beginning in 2006.

(9) In 2007, the average debt of a dental student at graduation was \$172,627.

(c) **FINDINGS RELATED TO PHYSICIAN SHORTAGES, EDUCATION, AND DISTRIBUTION.**—Congress finds the following:

(1) By 2020, physician shortages are forecasted to be in the range of 55,000 to 200,000.

(2) Although 21 percent of the population of the United States lives in rural areas, only 10 percent of physicians work in rural areas and, for every 1 physician who goes into practice in regions with a low supply of physicians, 4 physicians go into practice in regions with a high supply of physicians.

(3) According to a 2004 report by Green et al. for the Robert Graham Center of the American Academy of Family Physicians, the number of applicants from rural areas

accepted to medical school has decreased by 40 percent in the last 20 years while the number of such applications has remained the same.

(4) In order to respond to forecasted shortages, experts have recommended an increase between 15 and 30 percent in class size at medical schools over the next 10 years.

(5) There are 55,000,000 citizens of the United States who lack adequate access to primary health care because of shortages of primary care providers in their communities.

(6) The number of graduates from medical school in the United States who choose to practice family medicine has plummeted 50 percent in less than 10 years. Without congressional intervention, such decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-Federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps.

(7) Current trends indicate that fewer resident trainees from pediatric and internal medicine residencies pursue generalist practice at graduation.

(8) Funding for medical education which is provided through direct Graduate Medical Education (GME) and Indirect Medical Education (IME) under the Medicare program is not transparent or accountable, nor is it aligned to the types of health professionals most needed or to the areas in which health professionals are most needed.

(9) Physician supply varies 200 percent across regions and there is no relationship between regional physician supply and health needs.

(10) The Council on Graduate Medical Education's 18th Report (issued in 2007), entitled "New Paradigms for Physician Training for Improving Access to Health Care", and 19th Report (issued in 2007), entitled "Enhancing Flexibility in Graduate Medical Education", each call for changes to address the healthcare needs of the United States by removing barriers to expanding and more appropriately training the physician workforce.

(d) FINDINGS RELATED TO NURSING SHORTAGES, EDUCATION, AND DISTRIBUTION.—Congress finds the following:

(1) By 2020, nursing shortages are forecast to be in the range of 300,000 to 1,000,000 and the Bureau of Labor Statistics of the Department of Labor estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(2) Nurse vacancy rates are currently 8 percent or greater in hospitals and community health centers receiving assistance under section 330 of the Public Health Service Act, and for nursing faculty positions.

(3) Surveys indicate that 40 percent of nurses in hospitals are dissatisfied with their work and, of nurses who graduate and go into nursing, 50 percent leave their first employer within 2 years.

(4) Nursing baccalaureate and graduate programs rejected more than 40,000 qualified nursing school applicants in 2006, with faculty shortages identified by such programs as a major reason for turning away qualified applicants.

(5) More than 70 percent of nursing schools cited faculty shortages as the primary reason for not accepting all qualified applicants into entry-level nursing programs.

(6) The nursing faculty workforce is aging and retiring and, by 2019, approximately 75

percent of the nursing faculty workforce is expected to retire.

(7) The average age of nurses in the United States is 49 and the average age of an associate professor nurse faculty member in the United States is 56.

(8) Geriatric patients receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from skilled nursing facilities and nursing facilities to hospitals.

(e) FINDINGS RELATED TO PUBLIC HEALTH WORKFORCE SHORTAGES.—Congress finds the following:

(1) The United States has an estimated 50,000 fewer public health workers than it did 20 years ago while the population has grown by approximately 22 percent.

(2) Government public health departments are facing significant workforce shortages that could be exacerbated through retirements.

(3) Twenty percent of the average State health agency's workforce will be eligible to retire within 3 years, and by 2012, over 50 percent of some State health agency workforces will be eligible to retire.

(4) Approximately 20 percent of local health department employees will be eligible for retirement by 2010.

(5) The average age of new hires in State health agencies is 40.

(6) 4 out of 5 current public health workers have not had formal training for their specific job functions.

(f) FINDINGS RELATED TO PHYSICIAN ASSISTANT SHORTAGES.—Congress finds the following:

(1) The purpose of the physician assistant profession is to extend the ability of physicians to provide primary care services, particularly in rural and other medically underserved communities.

(2) Physician assistants always practice medicine as a team with their supervising physicians, however, supervising physicians need not be physically present when physician assistants provide medical care.

(3) Physician assistants are legally regulated in all States, the District of Columbia, and Guam. All States, the District of Columbia, and Guam authorize physicians to delegate prescriptive authority to physician assistants.

(4) In 2007, physician assistants made approximately 245,000,000 patient visits and prescribed or recommended approximately 303,000,000 medications.

(5) The National Association of Community Health Centers, the George Washington University, and the Robert Graham Center for Policy Studies in Family Medicine and Primary Care found that while the number of patients who seek care at community health centers has increased, the number of primary care providers, including physician assistants, has not. The report estimates a need for 15,500 primary health care providers to provide care at community health centers.

(g) FINDINGS RELATED TO MENTAL HEALTH PROFESSIONAL SHORTAGES.—Congress finds the following:

(1) The National Institute of Mental Health estimates that 26.2 percent of citizens of the United States ages 18 and older suffer from a diagnosable mental disorder. Approximately 20 percent of children in the United States have diagnosable mental disorders with at least mild functional impairment.

(2) The Health Resources and Services Administration reports that there are 3,059 mental health professional shortage areas within the United States with 77,000,000 peo-

ple living in those areas. More than 5,000 additional mental health professionals are needed to meet demand.

(3) According to the Department of Health and Human Services, minority representation is lacking in the mental health workforce. Although 12 percent of the population of the United States is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American. Moreover, there are only 29 mental health professionals who are Hispanic for every 100,000 individuals who are Hispanic in the United States, compared with 173 non-Hispanic White providers for every 100,000 individuals who are non-Hispanic White in the United States.

(h) FINDINGS RELATED TO HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) In 2006, the National Health Service Corps had a total of 4,200 vacant positions in health professional shortage areas, but only 1,200 of those positions were funded. For each National Health Service Corps award, there are 7 applicants.

(2) Community health centers receiving assistance under section 330 of the Public Health Service Act have expanded to serve 16,000,000 individuals in over 1,000 sites. Such community health centers have high vacancy rates for family physicians (13 percent), obstetricians and gynecologists (21 percent), dentists, nurses, and other health professionals.

(3) The Institute of Medicine of the National Academies has recommended that medical education and public health issues be more closely aligned, especially in relation to preparedness for natural disasters, pandemic, bioterrorism, and other threats to public health.

(4) The education of health professionals must be more closely aligned with health care needs in the United States, with special attention to underserved populations and areas, health disparities, the aging population, and individuals with 1 or more chronic diseases.

(5) There is some duplication, and little coordination, between the Council on Graduate Medical Education (related to the physician workforce), the National Advisory Committee on Nursing Programs (related to the nursing workforce), the Advisory Committee on Training in Primary Care Medicine and Dentistry, and other advisory committees and councils.

(6) The Association of Academic Health Centers calls for making the health workforce of the United States a priority domestic policy issue and creating a national health workforce planning body that engages Federal, State, public, and private stakeholders.

TITLE I—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 101. PERMANENT NATIONAL HEALTH WORKFORCE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Permanent National Health Workforce Commission (in this section referred to as the "Commission").

(b) DUTIES.—

(1) REVIEW OF FEDERAL POLICIES AND ANNUAL REPORTS.—

(A) REVIEW.—The Commission shall review Federal policies with respect to the training, financing, and distribution of the health professional workforce, particularly with respect to such workforce in rural, frontier, and urban underserved areas, including the specific topics described in paragraph (2). Such review shall include a comprehensive analysis and reporting of—

(i) the most recent COHPPERDDUST Annual Report;

(ii) the number of medical students and residents, physician assistant students, pharmacy students and residents, behavioral and mental health students and residents, dental students and residents, nursing students and advance practice nursing trainees, and other health professionals in need of training, the rates of payment for such training; and the methodologies for funding such training;

(iii) how to align payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) with other Federal and State subsidies and payments for health professions education with desired outcomes for the health professional workforce;

(iv) whether Federal medical facilities should be permitted to train health professionals with support paid directly by the entity sponsoring the health professional;

(v) whether the establishment of transparent, accountable Federal payment policies for training health professionals would ensure that the types of health professionals trained and the distribution of such health professionals would meet the health care needs of the population of the United States;

(vi) the feasibility of establishing a National Health Professions Education Trust Fund to ensure an open and fair system of Federal, State, and private support for providing education for health professionals; and

(vii) any other issues related to such Federal policies as the Commission determines appropriate.

(B) COHPPERDDUST ANNUAL REPORTS.—Not later than each of January 1 of each year (beginning with 2012) the Commission shall submit to the Secretary and to Congress a report containing—

(i) the results of the review conducted under subparagraph (A); and

(ii) recommendations—

(I) with respect to the Health Professions Pipeline, Education, Research, Diversity & Distribution to Underserved Areas Utilizing Service/Training Models; and

(II) for such legislation or administrative action, including regulations, as the Commission determines appropriate.

(2) SPECIFIC TOPICS DESCRIBED.—

(A) PAYMENTS FOR HEALTH PROFESSIONS EDUCATION.—Specifically, the Commission shall review, with respect to the training, financing, and distribution of the health professional workforce, the following:

(i) The regular update, revision, and standardization of hospital-specific and sponsoring institution-specific base-period per resident amounts and cost reporting periods for payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(ii) The feasibility of the Secretary, subject to review by the Commission, granting a waiver under the Medicare program, such as the waiver granted to the Utah Medical Education Commission, which would allow States flexibility to utilize funding under titles XVIII, XIX, and XXI of the Social Security Act for direct graduate medical education and indirect graduate medical education to support coordinated and comprehensive health workforce training innovations.

(iii) Replacement of the current methodology for making payments for such direct graduate medical education costs and such indirect costs of medical education with a workforce adjustment payment, based on a Sustainable Growth Rate formula or a prospective payment system, under which—

(I) payments would be made directly to the sponsoring institution where such education is provided; and

(II) payments would be separated to reflect the costs to the professional and facility components of such education.

(iv) The establishment of standards for the financing of education for health professionals who are not physicians.

(v) The expansion of the definition, for purposes of making payments for health professions education (including such direct graduate medical education costs and such indirect costs of medical education), of the term “sponsoring institution”, which traditionally has been a teaching hospital or medical school, to include nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing the training and education required to address healthcare access, quality, and costs and to meet workforce needs.

(vi) The provision of health professions education by nonteaching hospital-based entities (including rural health clinics (as defined in subsection (aa)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x)), community health centers (as defined in section 330 of the Public Health Service Act (42 U.S.C. 254b)), and Federally qualified health centers (as defined in subsection (aa)(4) of such section 1861) that are not sponsoring institutions (as defined under clause (v)) as affiliates of the sponsoring institution for purposes of providing more limited, but highly valuable clinical training.

(vii) The establishment of incentives to promote interdisciplinary, team-based, and care coordination-based education of health professionals, including incentives to encourage the development of health information technology (such as a repository of consumer health status information in computer processable form) which can be used for diagnosis, management, and treatment and includes price and cost information.

(viii) Adjustment to the Medicare caps on graduate medical education positions to increase the number of primary care residents, general dentistry residents, geriatric fellowship trainees, and other health professionals trained in Federal medical facilities.

(ix) The development of pay-for-performance methodologies for payments for health professions education (including such direct graduate medical education costs, payments for such indirect costs of medical education, and disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))) to—

(I) increase payments to sponsoring institutions and the affiliates of such institutions that achieve desired outcomes; and

(II) reduce payments to such institutions and such affiliates that do not perform.

(x) The correlation between Federal policies with respect to the training, financing, and distribution of the health professional workforce and specific evidence-based, measurable, and comparative outcomes across sponsoring institutions and the affiliates of such institutions.

(xi) Disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) made

to service and training institutions that provide safety net access, community-based outreach programs, measurable and transparent community benefit, and planned financial assistance to low-income patients, Medicare beneficiaries, and underinsured (including uninsured) individuals in rural, frontier, and urban underserved areas.

(xii) The establishment of a workforce adjustment payment under the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, the State Children's Health Insurance Program under title XXI of such Act, and other publicly funded health insurance programs to support training programs for health professionals in Federal medical facilities, under which such workforce adjustment payment would be made directly to the sponsoring institution. Such payment would, as the Secretary determines appropriate, in consultation with the Commission, replace or supplement the provisions under clause (iii).

(B) DATA COLLECTION AND REVIEW.—Specifically, the Commission shall review, with respect to the adequacy, supply, and distribution of undergraduate and graduate education programs for health professionals, the following:

(i) Available data on the adequacy, supply, and distribution of such education programs for physicians, physician assistants, nurses, dentists, psychologists, pharmacists, behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i))), public health professionals, and other health professionals, including data collected under the State Health Workforce Centers Program established under section 102.

(ii) Processes for improving the collection of data on health professionals, including the collection of more consistent, independent, and comprehensive data from entities (such as State licensure boards) to inform health professions workforce issues. In conducting such review, the Commission shall determine the costs of implementing such data collection.

(3) CONDUCT OF HEARINGS.—

(A) IN GENERAL.—The Commission shall conduct hearings on health professions education to assess performance, identify barriers, speed approval of innovative programs, improve flexibility, and reduce bureaucratic obstacles balancing hospital training while emphasizing sustained affiliation agreements with community-based, interdisciplinary, team, and care management methodologies and education designed to improve quality and efficiency of patient care across the care delivery system.

(B) TESTIMONY.—In conducting hearings under subparagraph (A), the Commission shall solicit testimony from the Accreditation Council for Graduate Medical Education, Residency Review Committees, and other appropriate organizations that accredit education programs for health professionals.

(C) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(ii) PROVISION OF INFORMATION.—The head of the agency shall provide the information to the Commission at the request of the Chairperson of the Commission.

(4) REDUCING HEALTH PROFESSIONAL ISOLATION AND BUILDING COMMUNITY HEALTH PROFESSIONAL TRAINING INFRASTRUCTURE.—

(A) IDENTIFICATION OF PROGRAMS.—The Commission shall identify programs to reduce health professional isolation and build community health professional training infrastructure in rural, frontier, and urban underserved areas through continuing education (including continuing education utilizing information technology, such as telehealth and health information technology), mentoring, and precepting activities.

(B) ANALYSIS.—The Commission shall examine—

(i) whether the establishment of regional or statewide Health Advice Lines would reduce after-hours calls responsibilities for overworked health professionals in remote sites with few health professionals available to fulfill such responsibilities; and

(ii) what support should be given to health professionals fulfilling such responsibilities—

(I) in hospitals and emergency departments in areas designated under section 332 of the Public Health Service Act as health professional shortage areas;

(II) under practice relief programs that allow health professionals practicing in such areas to have their practice and calls covered when they are ill, pursuing continuing education, or taking a vacation;

(III) with respect to field faculty development to become supervisors, mentors, and preceptors for health professional students and trainees;

(iii) support structures (such as Area Health Education Centers) for health professionals; and

(iv) whether the establishment of Rural Health Education Offices, based on the model of agricultural extension offices, would—

(I) help build community health professional service and training capacity; and

(II) spur local economic development.

(5) DEVELOPMENT OF GUIDING PRINCIPLES AND ACCOUNTABILITY STANDARDS.—The Commission shall develop guiding principles and accountability standards for Federal, State, and private sector education of health professionals. Such guidelines shall be crafted to assure that the Federal investment in the education of health professionals is a public good, regardless of whether a portion of such education is funded by other sources.

(6) IDENTIFICATION OF STATE AND REGIONAL HEALTH PROFESSIONS EDUCATION COMMISSIONS.—The Commission shall identify State and regional Health Professions Education Centers. The Commission shall enter into agreements with such Centers under which the Centers shall provide data and reports to the Commission to provide a balanced and adequate assessment of the entire Nation's healthcare workforce.

(c) SECRETARIAL RESPONSIBILITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, in consultation with the Commission, and through negotiated rulemaking, promulgate regulations to address the matters reviewed under clauses (i) through (vii) of subsection (b)(1)(A), as the Secretary determines appropriate to address access and health professional shortages and needs identified by the Commission with respect to titles XVIII, XIX, and XXI of the Social Security Act.

(d) MEMBERSHIP.—

(1) NUMBER OF APPOINTMENT.—The Commission shall be composed of 20 members appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS.—The membership of the Commission shall include representatives of—

(A) dentists and dental hygienists who practice in urban underserved and rural areas;

(B) primary care providers who practice in urban underserved and rural areas;

(C) nurses and physician assistants who practice in urban underserved and rural areas;

(D) psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)) who practice in urban underserved and rural areas;

(E) public health professionals;

(F) clinical pharmacists who practice in a Federal market or are sole-community providers;

(G) national and specialty physician and nursing organizations;

(H) schools of medicine, osteopathy, and nursing, educational programs for public health professionals, behavioral and mental health professionals (as so defined), and physician assistants, public and private teaching hospitals, and ambulatory health facilities, including Federal medical facilities;

(I) health insurers;

(J) business;

(K) labor; and

(L) any other health professional organization or practice site the Comptroller General determines appropriate.

(e) STAFF.—

(1) IN GENERAL.—The Comptroller General of the United States shall provide for the appointment of an executive director, deputy director, and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Comptroller General of the United States may fix the compensation of the executive director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director, deputy director, and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) STATUS AS PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) DEFINITIONS.—In this section:

(1) COHPPERDDUST ANNUAL REPORT.—The term “COHPPERDDUST Annual Report” means the annual report submitted by the Commission under subsection (b)(1)(B).

(2) FEDERAL MEDICAL FACILITY.—The term “Federal medical facility” means a facility for the delivery of health services, and includes—

(A) a Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 102. STATE HEALTH WORKFORCE CENTERS PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program (in this section referred to as the “program”) under which the Secretary makes grants to participating States for the operation of State Health Workforce Centers to carry out the activities described in subsection (c).

(b) PARTICIPATING STATES.—A State seeking to participate in the program shall submit an application to the Secretary containing such information and at such time as the Secretary may specify. The Secretary may only consider under the preceding sentence 1 application submitted by each State which has been certified by the Governor or the chief executive officer of the State.

(c) USE OF FUNDS.—Grants awarded under subsection (a) may be used to support activities designed to improve the training, deployment, and retention of critical health professionals in underserved areas and for underserved populations, including the following:

(1) Conducting assessments of key health professional capacity and needs. Such assessments shall be conducted in a coordinated manner that provides for the nationwide collection of health professional data.

(2) Convening State health professional policymakers to review education, education financing, regulations, and taxation and compensation policies which affect the training, deployment, and retention of health professionals. A participating State may, taking

into consideration the results of such reviews, develop short-term and long-term recommendations for improving the supply, deployment, and retention of critical health professionals in underserved areas and for underserved populations.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$13,750,000 to carry out this section.

(2) MATCHING REQUIREMENT.—The Secretary may require a State, in order to be eligible to receive a grant under this section, to agree that, with respect to the costs incurred by the State in carrying out the activities for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to a percent of Federal funds provided under the grant (as determined appropriate by the Secretary).

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(2) STATE.—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

SEC. 103. MEDICARE MEDICAL HOME SERVICE AND TRAINING PILOT PROGRAM.

(a) EXPANSION OF MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall expand the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 2987) by adding a Medicare medical home service and training pilot program (in this section referred to as the “pilot program”) to redesign the methodologies for payments to primary care providers for coordinating the care of applicable Medicare beneficiaries. Such pilot program shall be in addition to, and run concurrently with, the Medicare medical home demonstration program. Except for any modifications under this section, the Secretary shall carry out the pilot program under similar terms and conditions as the Medicare medical home demonstration program.

(2) APPLICABLE MEDICARE BENEFICIARIES DEFINED.—In this section, the term “applicable Medicare beneficiary” means an individual who—

(A) is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act, or is enrolled under part B of such title;

(B) has 1 or more chronic illnesses (such as diabetes, hypertension, chronic obstructive pulmonary disease, asthma, congestive heart failure, end stage liver disease, and end stage renal disease); and

(C) is in the top 2 quartiles of cost under the Medicare program under such title (as determined based on Medicare claims data for the most recent 2 years for which data is available).

(b) DETAILS.—

(1) DURATION; SCOPE.—The pilot program shall operate during the period beginning on January 1, 2011 and ending on December 31, 2014 and shall include not more than 1,000 medical home primary care providers.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary may implement the pilot program—

(i) under title XVIII of the Social Security Act; or

(ii) subject to subparagraph (B), under a combination of such title and other public or private programs or organizations.

(B) SPECIAL RULE.—In the case where the Secretary implements the pilot program under a combination of title XVIII of the Social Security Act and other public or private programs or organizations, the Secretary shall establish procedures to ensure that any funding made available under such title for the pilot program is only used to furnish items and services to Medicare beneficiaries.

(3) PARTICIPATION OF PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—In no case shall participation in the pilot program be limited to primary care providers in those States participating in the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 2987). Any primary care provider in the United States that meets the requirements and definitions under this section and, if applicable, such section 204, shall be eligible to participate in the pilot program. In selecting primary care providers to participate in the pilot program, the Secretary shall give preference to sites where clinical services and health professional education are provided concurrently, taking into consideration priorities of the Permanent National Health Workforce Commission established under section 101 of the Health Access and Health Professions Supply Act of 2009.

(B) DEFINITION OF PRIMARY CARE PROVIDERS.—In this section, the term “primary care provider” means—

(i) a personal physician (as defined in subsection (c)(1) of section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 2987), except that, in applying such definition under this section, the requirements described in subsection (c)(2)(B) of such section 204 shall specify that the staff and resources of the physician may include a team of health professionals (such as nurse practitioners, clinical nurse specialists, certified nurse midwives, psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)), physician assistants, and other primary care providers that meet requirements established by the Secretary); and

(ii) any other primary care provider (such as a nurse practitioner or a physician assistant) that is subject to State licensure laws and the requirements of the Secretary.

(C) LIMITATION ON NUMBER OF PRIMARY CARE PROVIDERS PARTICIPATING IN THE PILOT PROGRAM WHO ARE NOT PERSONAL PHYSICIANS.—The Secretary shall ensure that the total number of independently practicing primary care providers who are not personal physicians participating in the pilot program reflects the percentage of such primary care providers in the United States (as determined by the Secretary), not to exceed 10 percent of the total number of primary care providers participating in the pilot program.

(4) SERVICES PERFORMED.—A primary care provider shall perform or provide for the performance of at least the services described in subsection (c)(3) of such section 204 under the pilot program.

(c) CARE COORDINATION FEE PAYMENT METHODOLOGY.—Under the pilot program, the Secretary shall provide for payment under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) of a per member per month care coordination fee to primary care providers for the care of eligible Medicare

beneficiaries participating in the pilot program. The Secretary shall appoint a committee to make recommendations about the design and implementation of a methodology for payment of the per member per month care coordination fee.

(d) PROVISION OF DATA AND TECHNICAL ASSISTANCE.—The Secretary shall provide—

(1) data to primary care providers participating in the pilot program; and

(2) technical assistance to such primary care providers that do not meet the criteria for the highest tier of the pilot program (as defined by the Secretary).

(e) REPORTS BY THE SECRETARY.—

(1) INTERIM REPORT.—Not later than January 1, 2013, the Secretary shall submit to Congress an interim report on the pilot program.

(2) FINAL REPORT.—Not later than January 1, 2014, the Secretary shall submit to Congress a final report on the pilot program. Such report shall include outcome measures reported by the Secretary under the pilot program, including at least the following:

(A) The total costs to the Medicare program per eligible Medicare beneficiary participating in the pilot program.

(B) The performance of primary care providers participating in the pilot program with regard to—

(i) quality measures developed by the Secretary; and

(ii) patient safety indicators developed by the Secretary.

(C) The experience of eligible Medicare beneficiaries and primary care providers participating in the pilot program.

(D) An assessment of savings to the Medicare program per eligible Medicare beneficiary participating in the pilot program that are a result of such participation, as compared to traditional Medicare fee-for-service payment methodologies.

(f) GAO ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall, at the completion of the pilot program, provide for an overall assessment of the efficacy of the pilot program.

(2) REPORT.—Not later than January 1, 2014, the Comptroller General shall submit to Congress a report containing the results of the assessment under paragraph (1).

SEC. 104. IMPROVEMENTS TO PAYMENTS FOR GRADUATE MEDICAL EDUCATION UNDER MEDICARE.

(a) INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS.—

(1) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(A) in clause (i), by inserting “clause (iii) and” after “subject to”; and

(B) by adding at the end the following new clause:

“(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

“(I) IN GENERAL.—For cost reporting periods beginning on or after January 1, 2011, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital by an amount equal to 15 percent of the amount of the otherwise applicable limit (determined without regard to this clause). Such increase shall be phased-in equally over a period of 3 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital.

“(II) QUALIFYING HOSPITAL.—In this clause, the term ‘qualifying hospital’ means a hospital that agrees to use the increase in the number of full-time equivalent residents under subclause (I) to support community-based training which emphasizes underserved areas and innovative training models which address community needs and reflect emerging, evolving, and contemporary models of health care delivery. A qualifying hospital shall give priority to providing such training and training models to health professionals in specialties which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines are in high-need (including family medicine, general surgery, geriatrics, general internal medicine, general surgery, and obstetrics and gynecology).”

“(III) INCREASE IN PAYMENTS.—Notwithstanding any other provision of law, in the case of full-time equivalent residents added to a hospital’s training program as a result of such increase, the Secretary shall provide for an increase in the amounts otherwise payable under this subsection with respect to direct graduate medical education costs that would otherwise apply with respect to such residents by 10 percent. Such increased payments shall be made to the facility in which the training is provided to such residents.”

(2) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

“(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.”

(b) APPLICATION OF MEDICARE GME PAYMENTS TO ADDITIONAL TRAINING SITE VENUES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall, by regulation, provide for the use of payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) to support the implementation of community-based training and innovative training models under subsections (h)(4)(F)(iii)(II) and (d)(5)(B)(x) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(2) USE OF MODEL OF CARE DELIVERY.—In promulgating regulations under paragraph (1), the Secretary shall consider the model of care delivery of the Institute of Medicine of the National Academies.

(3) CONSULTATION.—In promulgating such regulations, the Secretary shall consult with the Permanent National Health Workforce Commission established under section 101(a).

(c) DETERMINATION OF HOSPITAL-SPECIFIC APPROVED FTE RESIDENT AMOUNTS.—Section 1886(h)(2) of the Social Security Act (42 U.S.C. 1395ww(h)(2)) is amended by adding at the end the following new subparagraph:

“(G) FLEXIBILITY IN DETERMINATION.—

“(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, the approved FTE resident amount for each cost reporting period beginning on or after January 1, 2011, with respect to an applicable resident shall be determined using a methodology established by the Secretary that allows flexibility for payments to be made for costs in addition to the costs of hospital-

sponsored education. Such methodology shall provide that nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing graduate medical education may receive payments for providing graduate medical education, either as the sponsor of such graduate medical education program or as an affiliate of such a sponsor.

“(ii) APPLICABLE RESIDENT.—In this subparagraph, the term ‘applicable resident’ means a resident—

“(I) in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need;

“(II) in a health professional shortage area (as defined in section 332 of the Public Health Service Act);

“(III) in a medically underserved community (as defined in section 799B of the Public Health Service Act), or with respect to a medically underserved population (as defined in section 330(b)(3) of the Public Health Service Act); and

“(IV) in a Federal medical facility.

“(iii) FEDERAL MEDICAL FACILITY.—In this subparagraph, the term ‘Federal medical facility’ means a facility for the delivery of health services, and includes—

“(I) a community health center (as defined in section 330 of the Public Health Service Act), a public health center, an outpatient medical facility, or a community mental health center;

“(II) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

“(III) a migrant health center or an Indian Health Service facility;

“(IV) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act) or a State correctional institution;

“(V) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act); or

“(VI) any other Federal medical facility.”

SEC. 105. DISTRIBUTION OF RESIDENT TRAINEES IN AN EMERGENCY.

(a) EXCLUSION FROM 3-YEAR ROLLING AVERAGE.—Notwithstanding any other provision of law, in the case of a host hospital participating in an emergency Medicare GME affiliation agreement on or after the date of enactment of this Act and training residents in excess of its cap, consistent with the rolling average provisions applicable for closed programs as specified in section 413.79(d)(6) of title 42, Code of Federal Regulations, the Secretary of Health and Human Services shall exclude from the 3-year rolling average FTE residents associated with displaced residents during the period in which such agreement is in effect.

(b) ASSESSMENT AND REVISION OF GME POLICIES.—

(1) REVIEW.—The Secretary of Health and Human Services shall review policies with respect to payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(2) REVISION AND REPORT.—Not later than January 1, 2011, the Secretary shall—

(A) as appropriate, revise such policies that constrain the ability of the Secretary to

respond to emergency situations and situations involving institutional and program closure; and

(B) in the case where the Secretary determines legislative action is necessary to make such revisions, submit to Congress a report containing recommendations for such legislative action.

SEC. 106. AUTHORITY TO INCLUDE COSTS OF TRAINING OF PSYCHOLOGISTS IN PAYMENTS TO HOSPITALS FOR APPROVED EDUCATIONAL ACTIVITIES UNDER MEDICARE.

Effective for cost reporting periods beginning on or after the date that is 18 months after the date of enactment of this Act, for purposes of payment to hospitals under the Medicare program under title XVIII of the Social Security Act for costs of approved educational activities (as defined in section 413.85 of title 42, Code of Federal Regulations), such approved educational activities shall include a 1-year doctoral clinical internship operated by the hospital as part of a clinical psychology training program that is provided upon completion of university course work.

TITLE II—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 201. EXPANSION OF NATIONAL HEALTH SERVICE CORPS PROGRAMS.

(a) IN GENERAL.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended—

(1) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

“(1) for fiscal year 2009, \$165,000,000;

“(2) for fiscal year 2010, \$198,000,000;

“(3) for fiscal year 2011, \$231,000,000;

“(4) for fiscal year 2012, \$264,000,000;

“(5) for fiscal year 2013, \$297,000,000; and

“(6) for fiscal year 2014, \$330,000,000.”; and

(2) by adding at the end the following:

“(d) EXPANSION OF PROGRAMS.—The Secretary shall use amounts appropriated for each of fiscal years 2010 through 2014 under subsection (a), that are in excess of the amount appropriated under such subsection for fiscal year 2009, to address shortages of health professionals in rural, frontier, and urban underserved areas through an expansion of the number of scholarships and loan repayments under this subpart to address health workforce shortages in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3)).”

(b) EXPANSION OF OTHER PROGRAMS.—The Director of the Indian Health Service, the Secretary of Defense, and the Secretary of Veterans Affairs, shall expand existing loan repayment programs to emphasize the provision of health professions services to facilities that have health professional shortages.

(c) NO TAX IMPLICATIONS.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any amount received under a health-related Federal loan repayment program by a health professional providing health-related services in a Federal medical facility shall not be included in the gross income of such professional.

(2) DEFINITION.—In this subsection, the term “Federal medical facility” means a facility for the delivery of health services, and includes—

(A) a federally qualified health center (as defined in section 330A of the Public Health Service Act (42 U.S.C. 254c)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

(d) **REDUCED LOAN SUPPORT FOR PART TIME PRACTITIONERS.**—Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended by adding at the end the following:

“(e) Notwithstanding any other provision of this subpart, the Secretary shall develop procedures to permit periods of obligated services to be provided on a part-time basis (not less than 1,040 hours of such service per year). Such procedures shall prohibit an individual from holding other part-time employment while providing such part-time obligated services. The Secretary may provide for a reduction in the loan repayments provided to individuals who provide part-time obligated services under the authority provided under this subsection.”

(e) **LOAN SUPPORT FOR PARTICIPATING PRECEPTORS, MENTORS, AND ATTENDINGS TO SUPERVISE STUDENTS AND TRAINEES ON-SITE.**—Section 338C of the Public Health Service Act (42 U.S.C. 254m), as amended by subsection (d), is further amended by adding at the end the following:

“(f) The Secretary shall develop procedures to permit up to 20 percent of the service obligation of an individual under this section to be provided by the individual through precepting or mentoring activities, or by preparing curriculum, for on-site students and trainees. The procedures developed under subsection (e) shall provide for the proportional application of this subsection with respect to individual providing obligated service on a part-time basis.”

SEC. 202. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

(a) **PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.) is amended—

(A) in the heading by inserting “, **Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools,**” after “**Scholarship Program**”; and

(B) by inserting after section 338A the following:

“SEC. 338A-1. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program to be known as the Na-

tional Health Service Corps Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools (in this section referred to as the ‘U.S. Public Health Sciences Track Scholarship Program’) to ensure, with respect to the provision of high-needs health care services, including primary care, general dentistry, nursing, obstetrics, and geriatricians pursuant to section 331(a)(2), an adequate supply of physicians, physician assistants, pharmacists, behavioral and mental health professionals, public health professionals, dentists, and nurses. The purpose of this program is to train an additional 150 medical students, 100 dental students, 100 physician assistant students, 100 behavioral and mental health students, 100 public health students, and 250 nursing students during each year. Of the 150 scholarships awarded to the medical students as described under the preceding sentence, 10 shall be for training at the Uniformed Services University of the Health Sciences as members of the Commissioned Corps of the Public Health Service.

“(2) **RELATIONSHIP TO NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.**—Scholarships provided under this section are intended to complement, and not take the place of, scholarships provided to students enrolled in courses of study leading to a degree in medicine, osteopathic medicine, dentistry, or nursing or completion of an accredited physician assistant, pharmacy, public health, or behavioral and mental health educational program under the National Health Service Corps Scholarship Program authorized by section 338A.

“(b) **ELIGIBILITY.**—To be eligible to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program, an individual shall—

“(1) be accepted for enrollment as a full-time student—

“(A) in an accredited (as determined by the Secretary) educational institution in a State; and

“(B) in a course of study, or program, offered by such institution leading to a degree in medicine, osteopathic medicine, dentistry, physician assistant, pharmacy, behavioral and mental health, public health, or nursing;

“(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

“(3) submit an application to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program; and

“(4) sign and submit to the Secretary, at the time of submittal of such application, a written contract to accept payment of a scholarship and to serve (in accordance with this subpart) for the applicable period of obligated service in an area in which the need for public health-related services may be demonstrated.”

(2) **NO TAX IMPLICATIONS.**—For purposes of the Internal Revenue Code of 1986, any amount received under the National Health Service Corps Scholarship Program for Medical, Dental and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools under section 338A-1 of the Public Health Service Act, as added by paragraph (1), by a medical student, dental student, or nursing student shall not be included in the gross income of such student.

(b) **GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHAR-**

MACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.—Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

“SEC. 749. GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.

“(a) **PROGRAM AUTHORIZED.**—The Secretary may make grants to medical, dental, public health, and nursing schools and physician assistant, pharmacy, and behavioral and mental health programs for the following purposes:

“(1) To increase the capacity of the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program, to accept additional medical, dental, public health, nursing, physician assistant, pharmacy, or behavioral and mental health students each year.

“(2) To develop curriculum.

“(3) To acquire equipment.

“(4) To recruit, train, and retain faculty.

“(5) To provide assistance to students who have completed a course of study at the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program during the period in which such students are completing a residency or internship program affiliated with the recipient institution.

“(b) **APPLICATION.**—A medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(c) **DEFINITION OF MEDICAL SCHOOL.**—In this section, the term ‘medical school’ means a school of medicine or a school of osteopathic medicine.”

SEC. 203. FEDERAL MEDICAL FACILITY GRANT PROGRAM AND PROGRAM ASSESSMENTS.

(a) **FEDERAL MEDICAL FACILITY GRANT PROGRAM.**—Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E, the following:

“PART F—START-UP EXPENSES LOAN AND GRANT PROGRAMS FOR FEDERAL MEDICAL FACILITIES AND HOSPITALS STARTING HIGH NEEDS RESIDENCY PROGRAMS IN SHORTAGE AREAS

“SEC. 781. FEDERAL MEDICAL FACILITY GRANT PROGRAM.

“(a) **IN GENERAL.**—The Secretary shall award grants to eligible facilities to increase interdisciplinary, community-based health professions training in high-needs specialties for physicians, nurses, dentists, physician assistants, pharmacy, behavioral and mental health professionals, public health professionals, and other health professionals as determined appropriate by the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009.

“(b) **ELIGIBLE FACILITIES; APPLICATION.**—

“(1) **DEFINITION OF ELIGIBLE FACILITY.**—In this section, the term ‘eligible facility’—

“(A) means a facility which—

“(i) is located in a health professional shortage area (as defined in section 332);

“(ii) is located in a medically underserved community (as defined in section 799B), or with respect to a medically underserved population (as defined in section 330(b)(3));

“(iii) is a Federal medical facility;

“(iv) is an area health education center, a health education and training center, or a participant in the Quentin N. Burdick program for rural interdisciplinary training, that meet the requirements established by the Secretary; or

“(v) is establishing new residency programs in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need; and

“(B) includes Medicare certified Federally Qualified Health Centers, community health centers, health care for the homeless centers, rural health centers, migrant health centers, Indian Health Service entities, urban Indian centers, health clinics and hospitals operated by the Indian Health Service, Indian tribes and tribal organizations, and urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act), and other Federal medical facilities).

“(2) APPLICATION.—An eligible facility desiring a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) USE OF FUNDS.—An eligible facility shall use amounts received under a grant under subsection (a) to promote—

“(1) the training of health professionals in interdisciplinary, community-based settings that are affiliated with hospitals and other health care facilities and teaching institutions;

“(2) community development programs that assure a diverse health professions workforce through emphasis on individuals from rural and frontier areas and underrepresented minority groups;

“(3) the development of a reliable health professions pipeline that provides an emphasis on health-related careers in schools (such as schools participating in the Health Careers Opportunities Program) and centers of excellence, and that encourage individuals in underrepresented minorities (including Hispanic, African American, American Indian, and Alaska Native individuals) to pursue health professions careers;

“(4) the reduction of health professional isolation in rural, frontier, and urban underserved areas through the provision of continuing education, mentoring, and precepting activities, field faculty development, and the utilization of technology such as telehealth and electronic health records;

“(5) the establishment and operation of regional or statewide health advice telephone lines to reduce after-hours call responsibilities for overworked health professionals who provide services in remote areas that have few health professionals taking such after-hours calls;

“(6) an increase in the number of professionals taking after-hours calls in hospitals and emergency departments in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3));

“(7) the establishment and operation of relief programs that provide health profes-

sionals practicing in health professional shortage areas (as defined in section 332) with patient and call coverage when such professionals are ill, are pursuing continuing education, or are taking a vacation; and

“(8) the exposure of health professions residents to systems of health care that represent the contemporary American healthcare delivery program (such as ‘P4 Prepare the Personal Physician for Practice and the ‘Health Commons’ programs).

“(d) SUBGRANTS.—An eligible facility may use amounts received under a grant under this section to award subgrants to States and other entities determined appropriate by the Secretary to carry out the activities described in subsection (c).

“(e) SET ASIDE.—In awarding grants under this section, the Secretary shall ensure that a total of \$500,000 is awarded annually for the activities of the National Rural Recruitment and Retention Network, or a similar entity.

“(f) DEFINITION OF FEDERAL MEDICAL FACILITY.—In this section, the term ‘Federal medical facility’ means a facility for the delivery of health services, and includes—

“(1) a federally qualified health center (as defined in section 330A), a public health center, an outpatient medical facility, or a community mental health center;

“(2) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

“(3) a migrant health center or an Indian Health Service facility;

“(4) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323) or a State correctional institution;

“(5) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326); or

“(6) any other Federal medical facility.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$623,000,000 for fiscal year 2009, \$666,000,000 for fiscal year 2010, \$675,000,000 for fiscal year 2011, \$700,000,000 for fiscal year 2012, and \$725,000,000 for fiscal year 2013.”.

(b) ASSESSMENTS.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish program assessment rating tools for each program funded through titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 and 296 et seq.).

(2) CRITERIA.—The Secretary, in consultation with the Administrator of the Health Resources and Services Administration and other appropriate public and private stakeholders, shall, through negotiated rule-making, establish criteria for the conduct of the assessments under paragraph (2).

(3) ANNUAL ASSESSMENTS.—The Secretary shall annually enter into a contract with an independent nongovernmental entity for the conduct of an assessment, using the tools established under paragraph (1) and the criteria established under paragraph (2), of not less than 20 percent, nor more than 25 percent, of the programs carried out under titles VII and VIII of the Public Health Service Act, so that every program under such titles is assessed at least once during every 5-year period.

SEC. 204. HEALTH PROFESSIONS TRAINING LOAN PROGRAM.

Part F of title VII of the Public Health Service Act (as added by section 203) is amended by adding at the end the following

“SEC. 782. ESTABLISHMENT.

“(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall award interest-free loans to—

“(1) eligible hospitals to enable such hospitals to establish training programs in high-need specialties; and

“(2) eligible non-hospital community-based entities to enable such entities to establish health professions training programs.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a loan under subsection (a)—

“(A) a hospital shall—

“(i) be located in a health professional shortage area (as such term is defined in section 332);

“(ii) comply with the requirements of paragraph (2); and

“(iii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; or

“(B) a non-hospital community-based entity shall—

“(i) comply with the requirements of paragraph (2); and

“(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) REQUIREMENTS.—To be eligible to receive a loan under subsection (a), a hospital or non-hospital community-based entity shall—

“(A) on the date on which the entity submits the loan application, not operate a residency with respect to a high-needs specialty (as determined by the Secretary in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009) or provide a health professions training program, as the case may be;

“(B) have received appropriate preliminary accreditation from the relevant accrediting agency (American Council for Graduate Medical Education, American Osteopathic Association, or Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing accrediting agencies), as determined by the Secretary; and

“(C) execute a signed formal contract under which the hospital or entity agree to repay the loan.

“(c) USE OF LOAN FUNDS.—Amounts received under a loan under subsection (a) shall be used only for—

“(1) the salary and fringe benefit expenses of residents, students, trainees, and faculty, or other costs directly attributable to the residency, educational, or training program to be carried out under the loan, as specified by the Secretary; or

“(2) facility construction or renovation, including equipment purchase.

“(d) PRIORITY.—In awarding loans under subsection (a), the Secretary shall give priority to applicants that are located in health professional shortage areas (as defined in section 332) or in medically underserved communities (as defined in section 799B), or that serve medically underserved populations (as defined in section 330(b)(3)).

“(e) LOAN PROVISIONS.—

“(1) LOAN CONTRACT.—The loan contract entered into under subsection (b)(2) shall contain terms that provide for the repayment of the loan, including the number and amount of installment payments as described in such contract. Such repayment shall begin on the date that is 24 months after the date on which the loan contract is

executed and shall be fully repaid not later than 36 months after the date of the first payment.

“(2) INTEREST.—Loans under this section shall be repaid without interest.

“(f) LIMITATION.—The amount of a loan under this section with respect to each of the uses described in subsection (c)(1) or (c)(2) shall not exceed \$2,000,000.

“(g) FAILURE TO REPAY.—A hospital or non-hospital community-based entity that fails to comply with the terms of a contract entered into under subsection (b)(2) shall be liable to the United States for the amount which has been paid to such hospital or entity under the contract.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.”.

SEC. 205. UNITED STATES PUBLIC HEALTH SCIENCES TRACK.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

“PART D—UNITED STATES PUBLIC HEALTH SCIENCES TRACK

“SEC. 271. ESTABLISHMENT.

“(a) UNITED STATES PUBLIC HEALTH SERVICES TRACK.—

“(1) IN GENERAL.—There is hereby authorized to be established a United States Public Health Sciences Track (referred to in this part as the ‘Track’), at sites to be selected by the Secretary, with authority to grant appropriate advanced degrees in a manner that uniquely emphasizes team-based service, public health, epidemiology, and emergency preparedness and response. It shall be so organized as to graduate not less than—

“(A) 150 medical students annually;

“(B) 100 dental students annually;

“(C) 250 nursing students annually;

“(D) 100 public health students annually;

“(E) 100 behavioral and mental health professional students annually;

“(F) 100 physician assistant or nurse practitioner students annually; and

“(G) 50 pharmacy students annually.

“(2) LOCATIONS.—The Track shall be located at existing and accredited, affiliated health professions education training programs at academic health centers located in regions of the United States determined appropriate by the Surgeon General, in consultation with the Permanent National Health Workforce Commission.

“(b) NUMBER OF GRADUATES.—Except as provided in subsection (a), the number of persons to be graduated from the Track shall be prescribed by the Secretary. In so prescribing the number of persons to be graduated from the Track, the Secretary shall institute actions necessary to ensure the maximum number of first-year enrollments in the Track consistent with the academic capacity of the affiliated sites and the needs of the United States for medical, dental, and nursing personnel.

“(c) DEVELOPMENT.—The development of the Track may be by such phases as the Secretary may prescribe subject to the requirements of subsection (a).

“(d) INTEGRATED LONGITUDINAL PLAN.—The Surgeon General shall develop an integrated longitudinal plan for health professions continuing education throughout the continuum of health-related education, training, and practice. Training under such plan shall emphasize patient-centered, interdisciplinary, and care coordination skills. Experience with deployment of emergency response teams shall be included during the clinical experiences.

“(e) FACULTY DEVELOPMENT.—The Surgeon General shall develop faculty development programs and curricula in decentralized venues of health care, to balance urban, tertiary, and inpatient venues.

“SEC. 272. ADMINISTRATION.

“(a) IN GENERAL.—The business of the Track shall be conducted by the Surgeon General with funds appropriated for and provided by the Department of Health and Human Services. The Permanent National Health Workforce Commission shall assist the Surgeon General in an advisory capacity.

“(b) FACULTY.—

“(1) IN GENERAL.—The Surgeon General, after considering the recommendations of the Permanent National Health Workforce Commission, shall obtain the services of such professors, instructors, and administrative and other employees as may be necessary to operate the Track, but utilize when possible, existing affiliated health professions training institutions. Members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary so as to place the employees of the Track faculty on a comparable basis with the employees of fully accredited schools of the health professions within the United States.

“(2) TITLES.—The Surgeon General may confer academic titles, as appropriate, upon the members of the faculty.

“(3) NONAPPLICATION OF PROVISIONS.—The limitations in section 5373 of title 5, United States Code, shall not apply to the authority of the Surgeon General under paragraph (1) to prescribe salary schedules and other related benefits.

“(c) AGREEMENTS.—The Surgeon General may negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in the United States (or locations selected in accordance with section 271(a)(2)). Under such agreements the facilities concerned will retain their identities and basic missions. The Surgeon General may negotiate affiliation agreements with accredited universities and health professions training institutions in the United States. Such agreements may include provisions for payments for educational services provided students participating in Department of Health and Human Services educational programs.

“(d) PROGRAMS.—The Surgeon General may establish the following educational programs for Track students:

“(1) Postdoctoral, postgraduate, and technological institutes.

“(2) A graduate school of nursing.

“(3) Other schools or programs that the Surgeon General determines necessary in order to operate the Track in a cost-effective manner.

“(e) CONTINUING MEDICAL EDUCATION.—The Surgeon General shall establish programs in continuing medical education for members of the health professions to the end that high standards of health care may be maintained within the United States.

“(f) AUTHORITY OF THE SURGEON GENERAL.—

“(1) IN GENERAL.—The Surgeon General is authorized—

“(A) to enter into contracts with, accept grants from, and make grants to any non-profit entity for the purpose of carrying out cooperative enterprises in medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing research, consultation, and education;

“(B) to enter into contracts with entities under which the Surgeon General may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by the Track;

“(C) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the Track, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

“(D) to enter into agreements with entities that may be utilized by the Track for the purpose of enhancing the activities of the Track in education, research, and technological applications of knowledge; and

“(E) to accept the voluntary services of guest scholars and other persons.

“(2) LIMITATION.—The Surgeon General may not enter into any contract with an entity if the contract would obligate the Track to make outlays in advance of the enactment of budget authority for such outlays.

“(3) SCIENTISTS.—Scientists or other medical, dental, or nursing personnel utilized by the Track under an agreement described in paragraph (1) may be appointed to any position within the Track and may be permitted to perform such duties within the Track as the Surgeon General may approve.

“(4) VOLUNTEER SERVICES.—A person who provides voluntary services under the authority of subparagraph (E) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

“SEC. 273. STUDENTS; SELECTION; OBLIGATION.

“(a) STUDENT SELECTION.—

“(1) IN GENERAL.—Medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students at the Track shall be selected under procedures prescribed by the Surgeon General. In so prescribing, the Surgeon General shall consider the recommendations of the Permanent National Health Workforce Commission.

“(2) PRIORITY.—In developing admissions procedures under paragraph (1), the Surgeon General shall ensure that such procedures give priority to applicant medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students from rural communities and underrepresented minorities.

“(b) CONTRACT AND SERVICE OBLIGATION.—

“(1) CONTRACT.—Upon being admitted to the Track, a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student shall enter into a written contract with the Surgeon General that shall contain—

“(A) an agreement under which—

“(i) subject to subparagraph (B), the Surgeon General agrees to provide the student with tuition (or tuition remission) and a student stipend (described in paragraph (2)) in each school year for a period of years (not to exceed 4 school years) determined by the student, during which period the student is enrolled in the Track at an affiliated or other participating health professions institution pursuant to an agreement between the Track and such institution; and

“(ii) subject to subparagraph (B), the student agrees—

“(I) to accept the provision of such tuition and student stipend to the student;

“(II) to maintain enrollment at the Track until the student completes the course of study involved;

“(III) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Surgeon General);

“(IV) if pursuing a degree from a school of medicine or osteopathic medicine, dental, public health, or nursing school or a physician assistant, pharmacy, or behavioral and mental health professional program, to complete a residency or internship in a specialty that the Surgeon General determines is appropriate; and

“(V) to serve for a period of time (referred to in this part as the ‘period of obligated service’) within the Commissioned Corps of the Public Health Service equal to 2 years for each school year during which such individual was enrolled at the College, reduced as provided for in paragraph (3);

“(B) a provision that any financial obligation of the United States arising out of a contract entered into under this part and any obligation of the student which is conditioned thereon, is contingent upon funds being appropriated to carry out this part;

“(C) a statement of the damages to which the United States is entitled for the student’s breach of the contract; and

“(D) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this part.

“(2) TUITION AND STUDENT STIPEND.—

“(A) TUITION REMISSION RATES.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, shall establish Federal tuition remission rates to be used by the Track to provide reimbursement to affiliated and other participating health professions institutions for the cost of educational services provided by such institutions to Track students. The agreement entered into by such participating institutions under paragraph (1)(A)(i) shall contain an agreement to accept as payment in full the established remission rate under this subparagraph.

“(B) STIPEND.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission, shall establish and update Federal stipend rates for payment to students under this part.

“(3) REDUCTIONS IN THE PERIOD OF OBLIGATED SERVICE.—The period of obligated service under paragraph (1)(A)(ii)(V) shall be reduced—

“(A) in the case of a student who elects to participate in a high-needs specialty residency (as determined by the Permanent National Health Workforce Commission), by 3 months for each year of such participation (not to exceed a total of 12 months); and

“(B) in the case of a student who, upon completion of their residency, elects to practice in a Federal medical facility (as defined in section 781(e)) that is located in a health professional shortage area (as defined in section 332), by 3 months for year of full-time practice in such a facility (not to exceed a total of 12 months).

“(c) SECOND 2 YEARS OF SERVICE.—During the third and fourth years in which a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student is enrolled in the Track, training should be designed to prioritize

clinical rotations in Federal medical facilities in health professional shortage areas, and emphasize a balance of hospital and community-based experiences, and training within interdisciplinary teams.

“(d) DENTIST, PHYSICIAN ASSISTANT, PHARMACIST, BEHAVIORAL AND MENTAL HEALTH PROFESSIONAL, PUBLIC HEALTH PROFESSIONAL, AND NURSE TRAINING.—The Surgeon General shall establish provisions applicable with respect to dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students that are comparable to those for medical students under this section, including service obligations, tuition support, and stipend support. The Surgeon General shall give priority to health professions training institutions that train medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students for some significant period of time together, but at a minimum have a discrete and shared core curriculum.

“(e) ELITE FEDERAL DISASTER TEAMS.—The Surgeon General, in consultation with the Secretary, the Director of the Centers for Disease Control and Prevention, and other appropriate military and Federal government agencies, shall develop criteria for the appointment of highly qualified Track faculty, medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students, and graduates to elite Federal disaster preparedness teams to train and to respond to public health emergencies, natural disasters, bioterrorism events, and other emergencies.

“(f) STUDENT DROPPED FROM TRACK IN AFFILIATE SCHOOL.—A medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student who, under regulations prescribed by the Surgeon General, is dropped from the Track in an affiliated school for deficiency in conduct or studies, or for other reasons, shall be liable to the United States for all tuition and stipend support provided to the student.

“SEC. 274. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part, section 338A-1, and section 749, such sums as may be necessary.”

SEC. 206. MEDICAL EDUCATION DEBT REIMBURSEMENT FOR PHYSICIANS OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program under which eligible physicians described in subsection (b) are reimbursed for the education debt of such physicians as described in subsection (c).

(b) ELIGIBLE PHYSICIANS.—An eligible physician described in this subsection is any physician currently appointed to a physician position in the Veterans Health Administration under section 7402(b)(1) of title 38, United States Code, who enters into an agreement with the Secretary to continue serving as a physician in such position for such period of time as the Secretary shall specify in the agreement.

(c) COVERED EDUCATION DEBT.—The education debt for which an eligible physician may be reimbursed under this section is any amount paid by the physician for tuition, room and board, or expenses in obtaining the degree of doctor or medicine or of doctor of osteopathy, including any amounts of principal or interest paid by the physician under a loan, the proceeds of which were used by or on behalf of the physician for the costs of obtaining such degree.

(d) FREQUENCY OF REIMBURSEMENT.—Any reimbursement of an eligible physician under this section shall be made in a lump sum or in installments of such frequency as the Secretary shall specify the agreement of the physician as required under subsection (b).

(e) LIABILITY FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—Any eligible physician who fails to satisfactorily complete the period of service agreed to by the physician under subsection (b) shall be liable to the United States in an amount determined in accordance with the provisions of section 7617(c)(1) of title 38, United States Code.

(f) TREATMENT OF REIMBURSEMENT WITH OTHER PAY AND BENEFIT AUTHORITIES.—Any amount of reimbursement payable to an eligible physician under this section is in addition to any other pay, allowances, or benefits that may be provided the physician under law, including any educational assistance under the Department of Veterans Affairs Health Professional Educational Assistance Program under chapter 76 of title 38, United States Code.

TITLE III—HEALTH PROFESSIONAL TRAINING PIPELINE PARTNERSHIPS PROGRAM

SEC. 301. GRANTS TO PREPARE STUDENTS FOR CAREERS IN HEALTH CARE.

(a) PURPOSE.—The purpose of this section is to support the development and implementation of programs designed to prepare middle school and high school students for study and careers in the healthcare field, including success in postsecondary mathematics and science programs.

(b) DEFINITIONS.—In this section:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term “children from low-income families” means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENTS.—The term “eligible recipient” means—

(A) a nonprofit healthcare career pathway partnership organization; or

(B) a high-need local educational agency in partnership with—

(i) not less than 1 institution of higher education with an established health profession education program; and

(ii) not less than 1 community-based, private sector healthcare provider organization.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term “high-need local educational agency” means a local educational agency or educational service agency—

(A) that serves not fewer than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families;

(C) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)); or

(D) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 6221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(b)(1)).

(4) NONPROFIT HEALTHCARE CAREER PATHWAY PARTNERSHIP ORGANIZATION.—The term “nonprofit healthcare career pathway partnership organization” means a nonprofit organization focused on developing career and educational pathways to healthcare professions, that shall include representatives of—

(A) the local educational agencies;

(B) not less than 1 institution of higher education (as defined in section 101(a) of the

Higher Education Act of 1965 (20 U.S.C. 1001(a)) with an established health profession education program; and

(C) not less than 1 community-based, private sector healthcare provider organization or other healthcare industry organization.

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the recipients to develop and implement programs of study to prepare middle school and high school students for postsecondary education leading to careers in the healthcare field.

(2) MINIMUM FUNDING LEVEL.—Grants shall be awarded at a minimum level of \$500,000 per recipient, per year.

(3) RENEWABILITY.—Grants may be renewed, at the discretion of the Secretary, for not more than 5 years.

(d) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the recipient will meet the program requirements described in subsection (f)(2).

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to—

(1) applicants that include a local educational agency that is located in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area;

(2) applicants that include an institution of higher education that emphasizes an interdisciplinary approach to health profession education; and

(3) applicants whose program involves the development of a uniquely innovative public-private partnership.

(f) AUTHORIZED ACTIVITIES/USE OF FUNDS.—

(1) IN GENERAL.—Each eligible recipient that receives a grant under this section shall use the grant funds to develop and implement programs of study to prepare middle school and high school students for careers in the healthcare field that—

(A) are aligned with State challenging academic content standards and State challenging student academic achievement standards; and

(B) lead to high school graduation with the skills and preparation—

(i) to enter postsecondary education programs of study in mathematics and science without remediation; and

(ii) necessary to enter healthcare jobs directly.

(2) PROGRAM REQUIREMENTS.—A program of study described in paragraph (1) shall—

(A) involve a review and identification of the content knowledge and skills students who enter institutions of higher education and the workforce need to have in order to succeed in the healthcare field;

(B) promote the alignment of mathematics and science curricula and assessments in middle school and high school and facilitate learning of the required knowledge and skills identified in subparagraph (A);

(C) include an outreach component to educate middle school and high school students and their parents about the full range of employment opportunities in the healthcare field, specifically in the local community;

(D) include specific opportunities for youth to interact with healthcare professionals or industry representatives in the classroom,

school, or community locations and how these experiences will be integrated with coursework;

(E) include high-quality volunteer or internship experiences, integrated with coursework;

(F) provide high-quality mentoring, counseling, and career counseling support services to program participants;

(G) consider the inclusion of a distance-learning component or similar education technology that would expand opportunities for geographically isolated individuals;

(H) encourage the participation of individuals who are members of groups that are underrepresented in postsecondary education programs in mathematics and science;

(I) encourage participants to seek work in communities experiencing acute health professional shortages; and

(J) collect data, and analyze the data using measurable objectives and benchmarks, to evaluate the extent to which the program succeeded in—

(i) increasing student and parent awareness of occupational opportunities in the healthcare field;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students entering health care professions upon graduation; and

(iv) increasing the number of students pursuing secondary education or training opportunities with the potential to lead to a career in the healthcare field.

(3) PLANNING GRANT SET ASIDE.—Each eligible recipient that receives a grant under this section shall set aside 10 percent of the grant funds for planning and program development purposes.

(g) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this section shall provide, from the private sector, an amount equal to 40 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(h) REPORTS.—

(1) ANNUAL EVALUATION.—Each eligible recipient that receives a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(A) the number of schools involved and student participants in the program;

(B) the race, gender, socio-economic status, and disability status of program participants;

(C) the number of program participants who successfully graduated from high school;

(D) the number of program participants who reported enrollment in some form of postsecondary education with the potential to lead to a career in the healthcare field;

(E) the number of program participants who entered a paid position, either part-time or full-time, in the healthcare field following participation in the program; and

(F) the data and analysis required under subsection (f)(2)(J).

(2) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluations conducted under paragraph (1).

(i) AUTHORIZATION AND APPROPRIATION.—

(1) IN GENERAL.—There are authorized to be appropriated \$100,000,000 for each of fiscal years 2009 through 2013 to carry out this section.

(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and

submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE):

S. 795. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, today, Senator BLANCHE LINCOLN, Senator HERB KOHL, Senator OLYMPIA SNOWE and I will be introducing the Elder Justice Act. The Elder Justice Act we are introducing today was reported by the Senate Finance Committee during the last Congress. In fact, this legislation has been introduced consistently since the 107th Congress. Additionally, it has been reported unanimously by the Finance Committee during the last three Congresses.

I want to express my gratitude to Senator BLANCHE LINCOLN, the other lead sponsor of the Elder Justice Act. Senator LINCOLN's strong commitment to reducing elder abuse has made a tremendous difference. It has been a pleasure to work with her on this important legislation.

In addition, I want to acknowledge the other original cosponsors of this bill, Senator HERB KOHL and Senator OLYMPIA SNOWE. Over the years, Senator KOHL has been strong supporter of this legislation and, as Chairman of the Select Committee on Aging, his support has been greatly appreciated by me. Senator SNOWE has been a strong supporter of the Elder Justice Act for many years.

The Elder Justice Coalition, headed by Bob Blancato, also has been a great ally of the Elder Justice Act. The coalition, which has close to 560 members, is dedicated to eliminating elder abuse, neglect, and exploitation in our country. Over the years, coalition members have worked hard to educate Congress about the Elder Justice Act.

I also must acknowledge the work of former Senator John Breaux on this important legislation. Senator Breaux was the original sponsor of the Elder Justice Act.

In fact, Senator Breaux and I first introduced this legislation in the 107th Congress.

Even though Senator Breaux is no longer in the Senate, he has still fought for passage of this legislation and currently serves as the Honorary Chairman of the Elder Justice Coalition.

As far as the Elder Justice Act is concerned, one of the most significant provisions of this bill is the creation of an Elder Justice Coordinating Council

and an Advisory Board on elder abuse, neglect and exploitation.

The Coordinating Council, which would be chaired by the Secretary of Health and Human Services, would be made up of Federal agency representatives who would be responsible for overseeing programs related to elder abuse.

Advisory Board members would include citizens who have extensively studied issues surrounding elder abuse.

Together, the Council and Advisory Board would be responsible for coordinating public and private activities and programs related to elder abuse.

Today, that goal is unattainable because quite simply, the approach to addressing elder abuse is disjointed among Federal agencies.

Therefore, the major goal of the Elder Justice Act would be to encourage a comprehensive and coordinated response by these Federal agencies to elder abuse.

I also want to take a minute to address a concern that has been raised by some who believe that the Elder Justice Act is duplicative because federal programs already exist to address elder abuse.

I respectfully disagree with that assessment. In fact, last Congress, we spent a lot of time with agency officials to address some of the concerns raised about the bill. It is my hope that we will continue those discussions this year.

That being said, I truly believe that our government needs to do more when it comes to elder abuse. As more and more baby boomers retire over the next 3 decades, we can no longer ignore the reality that elder abuse is prevalent within our society and we must do something to address it. Enacting the Elder Justice Act is the first step.

Senior citizens cannot wait any longer for this legislation to pass. Getting this bill signed into law continues to be one of my top priorities. Therefore, I urge my colleagues to cosponsor the Elder Justice Act and support the passage of this legislation.

Our seniors deserve no less.

Mr. KOHL. Mr. President, I wish today to express my support for the Elder Justice Act of 2009. As in previous years, I am proud to be an original cosponsor. I wish to thank my colleague, Senators HATCH, LINCOLN, and SNOWE for their leadership to address the often-hidden scourge of elder abuse. For years, Congress has failed to take concrete action to address the consequences of elder abuse, and that must change.

The Elder Justice Act takes several important steps to help protect our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which is the chief source of advocacy for individuals who live in nursing homes and assisted living facilities. The bill would advance the un-

derstanding of how to prosecute and address elder abuse by providing funds to focus on and develop the forensics of elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. The legislation provides funding for adult protective services programs and improves training and working conditions for long-term care professionals.

We must also act to prevent abuse of our elders whenever and wherever possible. The Patient Safety and Abuse Prevention Act, which I recently reintroduced with my colleague, Senator Collins, would do much to prevent physical, emotional and financial abuse by providing States with the resources they need to significantly improve background check screening processes for vulnerable populations, including frail elders and individuals with disabilities. We know from the results of a 3-year pilot program that thousands of predators can be eliminated from the long-term care workforce that serves elders simply by improving and tightening screening standards.

In closing, I urge my colleagues to support both the Elder Justice Act and the Patient Safety and Abuse Prevention Act. Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our Nation's nursing homes and other long-term care facilities. Because the current system of State-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from defenseless elders.

I thank Senators HATCH, LINCOLN, and SNOWE for their commitment to the cause of elder justice. I look forward to working with my colleagues to enact the legislation we are introducing today.

By Mr. BINGAMAN:

S. 796. A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Hardrock Mining and Reclamation Act of 2009. This legislation would reform the antiquated Mining Law of 1872, a law that governs the mining of hardrock minerals, such as gold, silver, and copper, from our Federal lands.

When the Mining Law was enacted in 1872, in the aftermath of the California gold rush, Congress sought to encourage settlement of the West. Congress did this by offering free minerals and land to those who were willing to go

West and mine. Congress put in place a system whereby miners could enter the public lands and locate claims for valuable mineral deposits, and mine the minerals with no further payment to the government. In the 1872 law, Congress also provided that the Federal Government would patent, or transfer title in fee simple, to the mining claims on the public domain for \$2.50 or \$5.00 an acre.

In 1920, Congress enacted the Mineral Leasing Act, and removed oil, gas, coal, and certain other minerals from the operation of the Mining Law. In so doing, Congress enacted a management regime that requires the leasing of these minerals. In addition, Congress required payment of per-acre rentals and ad valorem royalties based on the value of production of the oil, gas and coal, providing a return to the public for the production of publicly-owned resources.

However, as we all know, the Mining Law of 1872 continues to govern the disposition of hardrock minerals from Federal lands. While Congress has stepped in and prevented the patenting of lands through annual appropriations riders, patenting provisions allowing the transfer of mineralized Federal lands for \$2.50 or \$5.00 per acre are still on the books. In addition, to this day under the Mining Law, billions of dollars of hardrock minerals can be mined from Federal lands without payment of a royalty. General land management and environmental laws apply, but there are no specific statutory provisions under the Mining Law setting surface management or environmental standards.

Efforts to comprehensively reform the Mining Law have been ongoing literally for decades, but results have thus far been elusive. Congress came close to enacting comprehensive reform in 1994, and Congress has enacted moratoria on patent issuance and has imposed claim maintenance fees through the appropriations process. The House passed reform legislation last Congress and several of us in the Senate had discussions regarding how we could address this issue.

There is a growing number of people saying that finally this Congress may be the time to achieve this long-awaited reform. Chairman RAHALL, a champion of reform in the House of Representatives, has again introduced mining reform legislation. The bill that I introduce today differs in many significant ways from the House legislation, and builds on discussions in the Senate last Congress. My bill, like other reform proposals, reflects a view that the law needs to be amended to ensure that the public gets a fair return for its resources, that environmental and land use requirements are modernized, and that certainty is provided to the mining industry.

I note that my bill includes a range for both the royalty rate and the reclamation fee which will be set by the Secretary through a rulemaking process. This ensures that the Secretary will have the benefit of comments and information from interested parties and the public in setting the royalty and fee. We must look comprehensively at the subject of royalties and fees to ensure that we continue to maintain a healthy domestic hardrock mining industry with the benefits that the nation derives from that industry, including jobs and strategic minerals. At the same time, we want to ensure that the public gets the fair return on these resources that the American people deserve. I hope to receive additional input on this issue of royalties and fees during consideration of the bill.

Another part of this legislation warrants special attention—that is the provisions relating to abandoned hardrock mine reclamation. While estimates vary, a recent survey of States indicated that there are as many as 500,000 abandoned hardrock mine sites nationwide with most of these in the West. These abandoned mines pose serious public health and safety risks. They also degrade our environment and pose special threats to our most precious resource: water.

As we discuss the size and shape of legislation to reform the 1872 law, there appears to be substantial support for enacting a robust hardrock abandoned mine land program. My legislation would enact a reclamation fee to fund this effort. In 1977, Congress enacted a coal AML program as part of the Surface Mining Control and Reclamation Act to address the serious problem of abandoned coal mines. This program was funded by a fee levied on coal production. We are overdue to enact a similar program to deal with abandoned hardrock mines.

Mr. President, the bill I introduce today reforms the Mining Law of 1872 in important ways. The key provisions of this bill are outlined.

The bill eliminates patenting of Federal lands, but grandfathers patent applications filed and meeting all requirements by September 30, 1994.

The bill makes modest increases in the annual claim maintenance fee, from \$125 to \$150, and claim location fee, from \$30 to \$50. The legislation requires the mine operator to pay a fee in exchange for the use of Federal land that is included within the mine permit area. The bill provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess funds are deposited into the Hardrock Minerals Reclamation Fund.

The bill provides that the production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of

the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from lands under permit that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund.

The bill includes a provision for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur.

The bill states that permits are required for all mineral activities on Federal land except for "casual use" that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities. The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Financial assurances attributable to the cost of water treatment will not be released until the discharge has ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

The Secretary of Agriculture must take any action necessary to prevent unnecessary or undue degradation in administering mineral activities on National Forest System land. The bill directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

The bill requires within 3 years a review of certain lands to determine whether they will be available for future mining claim location. The Governor of a state, Chairman of an Indian tribe, or appropriate local official may petition the Secretary to undertake a review of an area.

The bill establishes a program for the reclamation of abandoned hardrock mines in 14 western states. Creates a Hardrock Minerals Reclamation Fund comprised of hardrock royalties, fees, and donations. Each operator of a hardrock mining operation on Federal, state, tribal or private land, must pay a reclamation fee established by the Secretary of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals for deposit into the Fund. The bill provides grant programs for all states for hardrock reclamation projects and for public entities and nonprofit organizations for collaborative restoration projects to improve

fish and wildlife habitat affected by past hardrock mining.

Reform of the Mining Law of 1872 is a matter that has come before the Congress repeatedly and that we simply must address. I ask that my colleagues join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HARDROCK MINING AND RECLAMATION ACT OF 2009

Eliminates Patenting—Eliminates the practice of patenting Federal land (i.e., transferring title) while grandfathering patent applications filed and meeting all requirements by September 30, 1994.

Claim Maintenance and Location Fees—Increases the current annual claim maintenance fee to \$150 (up from \$125 under current law) which is paid in lieu of annual assessment work, with an exception for claim holders with 10 or fewer claims. Increases the current claim location fee to \$50 per claim (up from \$30 under current law). Provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess is deposited into the Hardrock Minerals Reclamation Fund. Provides for adjustment of the fees to reflect changes in the Consumer Price Index.

Royalties—Production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from existing mines that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund. Provides for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur. Provides for enforcement for royalty and certain fee collections. Provides for a look-back report on the impacts of royalties and fees.

Permits—Permits are required for all mineral activities on Federal land except for "casual use" that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities.

Land Use Fees—With respect to new mines, requires the operator to pay a land use fee as determined by the Secretary by regulation equal to 4 times the claim maintenance fee imposed for each 20 acres of Federal land that is included within the mine permit area. Upon approval of the mining permit and payment of the fee, the operator may use and occupy the Federal land within the permit area, consistent with the mining permit and all applicable law.

Financial Assurances—The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Water Reclamation—Financial assurances attributable to the cost of water treatment will not be released until the discharge has

ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

Operation and Reclamation—Creates a uniform standard for operation and reclamation on both BLM and Forest Service lands by applying the “unnecessary or undue degradation” standard currently applicable to BLM land to National Forest System land. Directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

Land Open to Location—Amends the Federal Land Policy and Management Act to require within 3 years that local Federal land managers review specified categories of lands for withdrawal from operation of the Mining Law, subject to valid existing rights. The categories to be reviewed are: designated wilderness study areas and National Forest System land identified as suitable for wilderness designation; areas of critical environmental concern; Federal land in which mineral activities pose a reasonable likelihood of substantial adverse impacts on National Conservation System units as defined in the bill; certain areas with potential for inclusion in the Wild and Scenic Rivers System as specified; and areas identified in the set of inventoried roadless area maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000). Based on the review and recommendation of the local Federal land manager, areas can be removed from operation of the Mining Law, subject to valid existing rights. The Governor of a state, head of an Indian tribe, or appropriate local official may petition the Secretary to direct the local Federal land manager to undertake a review of an area to determine whether land should be withdrawn, subject to valid existing rights.

Inspection and Monitoring—Requires the Secretary concerned to conduct inspections at least once each quarter. All operators must develop and maintain a monitoring and evaluation system.

Hardrock Minerals Reclamation Fund—Provides for the payment of royalties, fees, and donations into a Hardrock Minerals Reclamation Fund to be administered by the Secretary of the Interior through the Office of Surface Mining Reclamation and Enforcement.

Use of the Fund—The Secretary may use amounts in the Fund without further appropriation for the reclamation of land and water (Federal, State, tribal and private) affected by past hardrock mining and related activities in 14 western states when there is no continuing reclamation responsibility of the claim holder or operator, and for hardrock reclamation grant programs nationwide as specified in the bill.

Allocation of the Fund—Provides for allocation of the Fund: to states and tribes based on current hardrock production and on the quantity of hardrock minerals historically produced; to agencies for expenditure on Federal land; for grants to states other than the 14 designated western states for reclamation of abandoned hardrock mine sites; for grants to public entities and nonprofit organizations for collaborative restoration projects to improve fish and wildlife habitat affected by past hardrock mining; and for program administration.

Abandoned Mine Land Fee—Each operator of a hardrock mineral mining operation on

Federal, state, tribal or private land, shall pay to the Secretary a reclamation fee established by the Secretary by regulation of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals mining operation for each calendar year for deposit into the Fund.

Transition—If a plan of operations is approved or a notice of operations is filed for mineral activities before the date of enactment, mineral activities will be subject to the approved plan of operations or the notice for 10 years after the date of enactment. All fees apply starting on the date of enactment of this Act, except that the land use fee applies only to mining permits or modifications after the date of enactment. No royalty is required on production from Federal land that is subject to an operations permit on the date of enactment of this Act and that produces valuable locatable minerals in commercial quantities on the date of enactment.

Enforcement—Provides for enforcement, including civil penalty authority for the Secretary.

Uncommon Varieties—Subject to valid existing rights, makes minerals classified as “common varieties with distinct and special value” subject to disposal under the Materials Act of 1947.

Review of Uranium Development on Federal Land—Provides for a National Academy of Sciences review of legal and related requirements applicable to the development of uranium on Federal lands.

By Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce the Tribal Law and Order Act of 2009.

Last Congress, as Chairman of the Committee on Indian Affairs, I chaired eight hearings on the criminal justice system as it relates to American Indian and Alaska Native communities. Those hearings confirmed that a longstanding and life threatening public safety crisis exists on many of our Nation's American Indian reservations.

One of the primary causes for violent crime in Indian Country is the broken system of justice. The current system limits local tribal government authority to combat crime in their own communities, and requires reservation residents to rely on Federal officials to investigate and prosecute violent crimes in district courts that are often hundreds of miles away from the reservation.

The United States created this system. In so doing, our Government ac-

cepted the responsibility to police Indian lands, and incurred a legal obligation to provide for the public safety of tribal communities.

Unfortunately, we are not meeting that obligation.

The following is a partial listing of Indian Country criminal justice statistics. These statistics represent more than numbers. They represent the dark reality faced by hundreds of tribal communities on a daily basis.

The violent crime rate in Indian country is nearly twice the national average, and more than 20 times the national average on some reservations.

Thirty-four percent of Native women will be raped in their lifetimes; and 39 percent will be subject to domestic violence.

Fewer than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian lands—less than ½ of the law enforcement presence in comparable communities nationwide.

The lack of police presence has resulted in significant delays in responding to victims' calls for assistance, which in turn adversely affects the collection of evidence needed to prosecute domestic violence and sexual assaults.

In addition, Federal officials have seized business documents from organized crime operations citing the lack of police presence and jurisdictional confusion as reasons for targeting Indian reservations for the manufacture and distribution of drugs.

An Interior Department report found that 90 percent of existing Bureau of Indian Affairs and tribal detention facilities must be replaced. The lack of jail bed space has forced tribal courts to release a number of offenders.

Tribal communities rely solely on the U.S. to investigate and prosecute felony-level crimes occurring on the reservation. However, between 2004 and 2007, Federal prosecutors declined 62 percent of Indian country criminal cases, including 72 percent of child and adult sex crimes.

To address this crisis, I am introducing the Tribal Law and Order Act of 2009 with the support of my colleagues Committee Vice Chairman BARRASSO, and Senators BAUCUS, BINGAMAN, BEGICH, CANTWELL, JOHNSON, KYL, LIEBERMAN, MURKOWSKI, TESTER, THUNE, UDALL, and WYDEN.

This bill will take initial steps to mend this broken system by arming tribal justice officials with the needed tools to protect their communities. Importantly, the bill would enable tribal courts to sentence offenders up to 3 years in prison for violations of tribal law, an increase from the current limit of 1 year. It also arms tribal police with better access to national criminal databases, and improves their ability to make arrests for reservation crimes.

In addition, the bill would provide for greater accountability on the part of

Federal officials responsible for investigating and prosecuting reservation crimes. To increase coordination of prosecutions, the bill would require U.S. Attorneys to file declination reports and maintain data when refusing to pursue a case. Maintaining consistent data on declinations will enable Congress to direct funding where the additional resources are needed. It would also require greater consultation and coordination between federal law enforcement officials, tribal leaders, and community members.

To address the epidemic of domestic violence, the bill would require Federal health and law enforcement officials to establish consistent sexual assault protocols. It would require officials to testify to aid tribal court prosecutions. The bill would also require Federal officials to receive specialized training to properly interview victims of domestic and sexual violence, and improve evidence collection and preservation, which will help improve the prosecution of domestic violence and sexual assaults in Federal and tribal courts.

Improving the system will ensure that Federal dollars appropriated to fight reservation crime will be used in a more efficient manner. To that end, the bill also reauthorizes and amends several Federal programs designed to supplement tribal justice systems to enable them to better combat crime locally. These programs would provide funding for tribal courts, tribal police, Indian youth programs, and tribal jails construction.

This bill was developed in consultation with tribal, Federal and State law enforcement officials, judges, prosecutors, public defenders, victims, victims' advocates and many others.

I want to again thank the co-sponsors for their support. Many of the co-sponsors sit on the Indian Affairs Committee with me, and have repeatedly heard from Federal and tribal officials about this longstanding problem. The residents of Indian Country deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tribal Law and Order Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.

Sec. 102. Declination reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State criminal jurisdiction and resources.

Sec. 202. Incentives for State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.

Sec. 302. Drug enforcement in Indian country.

Sec. 303. Access to national criminal information databases.

Sec. 304. Tribal court sentencing authority.

Sec. 305. Indian Law and Order Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.

Sec. 402. Indian tribal justice; technical and legal assistance.

Sec. 403. Tribal resources grant program.

Sec. 404. Tribal jails program.

Sec. 405. Tribal probation office liaison program.

Sec. 406. Tribal youth program.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

Sec. 501. Tracking of crimes committed in Indian country.

Sec. 502. Grants to improve tribal data collection systems.

Sec. 503. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.

Sec. 602. Domestic and sexual violent offense training.

Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;

(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and must be or will

soon need to be replaced, creating a multibillion-dollar backlog in facility needs;

(7) a number of Indian country offenders face no consequences for minor crimes, and many such offenders are released due to severe overcrowding in existing detention facilities;

(8) tribal courts—

(A) are the primary arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts have no criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of—

(A) misdemeanors committed by non-Indian persons; and

(B) all felony crimes in Indian country;

(10) a significant percentage of cases referred to Federal agencies for prosecution of crimes allegedly occurring in tribal communities are declined to be prosecuted;

(11) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities; and

(B) has been increasingly exploited by criminals;

(12) the violent crime rate in Indian country is—

(A) nearly twice the national average; and

(B) more than 20 times the national average on some Indian reservations;

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;

(14) the lack of police presence and resources in Indian country has resulted in significant delays in responding to victims' calls for assistance, which adversely affects the collection of evidence needed to prosecute crimes, particularly crimes of domestic and sexual violence;

(15) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in tribal communities;

(16) the rate of methamphetamine addiction in tribal communities is 3 times the national average;

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations;

(19)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian country law enforcement is shared among Federal, tribal, and State authorities; and

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials that can be difficult to establish;

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities;

(21) consistent communication among tribal, Federal, and State law enforcement agencies has proven to increase public safety and justice in tribal and nearby communities; and

(22) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women;

(5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) **IN GENERAL.**—In this Act:

(1) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRIBAL GOVERNMENT.**—The term “tribal government” means the governing body of an Indian tribe.

(b) **INDIAN LAW ENFORCEMENT REFORM ACT.**—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

“(10) **TRIBAL JUSTICE OFFICIAL.**—The term ‘tribal justice official’ means—

“(A) a tribal prosecutor;

“(B) a tribal law enforcement officer; or

“(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.”.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) **DEFINITIONS.**—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”.

(b) **ADDITIONAL RESPONSIBILITIES OF OFFICE.**—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking “(b) There is hereby established within the Bureau a Division of Law Enforcement Services which” and inserting the following:

“(b) **OFFICE OF JUSTICE SERVICES.**—There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”;

(B) in paragraph (2), by inserting “and, with the consent of the Indian tribe, tribal criminal laws, including testifying in tribal court” before the semicolon at the end;

(C) in paragraph (8), by striking “and” at the end;

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(10) the development and provision of dispatch and emergency and E-911 services;

“(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

“(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

“(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

“(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

“(15) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

“(A)(i) the number of full-time employees of the Bureau and tribal government who serve as—

“(I) criminal investigators;

“(II) uniform police;

“(III) police and emergency dispatchers;

“(IV) detention officers;

“(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; or

“(VI) tribal court judges, prosecutors, public defenders, or related staff; and

“(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

“(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detainees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

“(C) a list of the unmet staffing needs of law enforcement, corrections, and court per-

sonnel at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

“(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

“(16) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

“(17) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”;

(B) in paragraph (3)—

(i) by striking “regulations which shall establish” and inserting “regulations, which shall—

“(A) establish”;

(ii) by striking “reservation.” and inserting “reservation; but”;

(iii) by adding at the end the following:

“(B) support the enforcement of tribal laws and investigation of offenses against tribal criminal laws.”; and

(C) in paragraph (4)(i), in the first sentence, by striking “Division” and inserting “Office of Justice Services”;

(4) in subsection (e), by striking “Division of Law Enforcement Services” each place it appears and inserting “Office of Justice Services”;

(5) by adding at the end the following:

“(f) **LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.**—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

“(1) proposed activities for the construction of detention facilities (including regional facilities) on Indian land;

“(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

“(3) proposed activities for contracting with State and local detention centers, upon approval of affected tribal governments;

“(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

“(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.

“(g) **LAW ENFORCEMENT PERSONNEL OF BUREAU AND INDIAN TRIBES.**—

“(1) **REPORT.**—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of

Representatives a report regarding vacancies in law enforcement personnel of Bureau and Indian tribes.

“(2) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a long-term plan to address law enforcement personnel needs in Indian country.”

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking “,” or” and inserting “or offenses committed on Federal property processed by the Central Violations Bureau); or”; and

(2) in paragraph (3), by striking subparagraphs (A) through (C) and inserting the following:

“(A) the offense is committed in the presence of the employee; or

“(B) the offense is a Federal crime and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime;”

SEC. 102. DECLINATION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

“(a) REPORTS.—

“(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement officer or employee of any Federal department or agency declines to initiate an investigation of an alleged violation of Federal law in Indian country, or terminates such an investigation without referral for prosecution, the officer or employee shall—

“(A) submit to the appropriate tribal justice officials evidence, including related reports, relevant to the case that would advance prosecution of the case in a tribal court; and

“(B) submit to the Office of Indian Country Crime relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

“(i) the type of crime alleged;

“(ii) the status of the accused as an Indian or non-Indian;

“(iii) the status of the victim as an Indian; and

“(iv) the reason for declining to initiate, open, or terminate the investigation.

“(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law in Indian country, the United States Attorney shall—

“(A) submit to the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, evidence relevant to the case to permit the tribal prosecutor to pursue the case in tribal court; and

“(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

“(i) the type of crime alleged;

“(ii) the status of the accused as an Indian or non-Indian;

“(iii) the status of the victim as an Indian; and

“(iv) the reason for the determination to decline or terminate the prosecution.

“(b) MAINTENANCE OF RECORDS.—

“(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information

received under paragraph (1) or (2) of subsection (a) relating to declinations.

“(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

“(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

“(d) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.

“(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

“(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).”

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “, including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country”; and

(2) by adding at the end the following:

“(c) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under this section to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”

(b) TRIBAL LIAISONS.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

“SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

“(a) APPOINTMENT.—Each United States Attorney the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

“(b) DUTIES.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

“(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

“(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

“(3) Consulting and coordinating with tribal justice officials and victims’ advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

“(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims’ advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

“(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

“(6) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

“(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

“(8) Coordinating with the Office of Indian Country Crime, as necessary.

“(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

“(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

“(1) FINDINGS.—Congress finds that—

“(A) many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

“(B) tribal liaisons have dual obligations of—

“(i) coordinating prosecutions of Indian country crime; and

“(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

“(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

“(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

“(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

“(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

“(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

“(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

“(i) the crime rate exceeds the national average crime rate; or

“(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

“(B) to coordinate with applicable United States magistrate and district courts—

“(i) to ensure the provision of docket time for prosecutions of Indian country crimes; and

“(ii) to hold trials and other proceedings in Indian country, as appropriate;

“(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

“(D) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Tribal Justice.”.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

“SEC. 106. OFFICE OF TRIBAL JUSTICE.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2009, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

“(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

“(c) ADDITIONAL DUTIES.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2009, the Office of Tribal Justice shall—

“(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

“(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

“(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

“(A) the trust responsibility of the United States to Indian tribes;

“(B) any tribal treaty provision;

“(C) the status of Indian tribes as a sovereign governments; or

“(D) any other tribal interest.”.

(b) OFFICE OF INDIAN COUNTRY CRIME.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

“SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.

“(a) ESTABLISHMENT.—There is established in the criminal division of the Department of Justice an office, to be known as the ‘Office of Indian Country Crime’.

“(b) DUTIES.—The Office of Indian Country Crime shall—

“(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

“(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

“(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

“(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

“(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

“(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

“(1) APPOINTMENT.—The Attorney General shall appoint a Deputy Assistant Attorney General for Indian Country Crime.

“(2) DUTIES.—The Deputy Assistant Attorney General for Indian Country Crime shall—

“(A) serve as the head of the Office of Indian Country Crime;

“(B) serve as a point of contact to United States Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

“(C) carry out such other duties as the Attorney General may prescribe.”.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of Public Law 90-284 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through “The consent of the United States” and inserting the following:

“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

“(a) CONSENT OF UNITED STATES.—

“(1) IN GENERAL.—The consent of the United States”; and

(2) by adding at the end the following:

“(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.”.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) APPLICABLE LAW.—At the request of an Indian tribe, and after consultation with the Attorney General—

“(1) sections 1152 and 1153 of this title shall remain in effect in the areas of the Indian country of the Indian tribe; and

“(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.”.

SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT CO-OPERATION.

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the At-

torney General a plan for a program to achieve the purpose described in subsection (a).

(2) PLAN REQUIREMENTS.—A joint program plan under paragraph (1) shall include a description of—

(A) the proposed cooperative tribal and State or local law enforcement program for which funding is sought, including information on the population and each geographic area to be served by the program;

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

(E) the individual or group of individuals who will exercise daily supervision and control over law enforcement officers participating in the program;

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

(H) the recordkeeping procedures and types of data to be collected pursuant to the program; and

(I) other information that the Attorney General determines to be relevant.

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands; and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or

(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

(d) FACTORS FOR CONSIDERATION.—In determining whether to approve a joint program plan submitted under subsection (b) and, on approval, the amount of assistance to provide to the program, the Attorney General shall take into consideration the following factors:

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

(2) The complexity of the law enforcement problems proposed to be addressed by the program.

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

(5) The crime rates of the tribal and nearby communities.

(6) The available resources of each entity applying for a grant under this section for

dedication to public safety in the respective jurisdictions of the entities.

(e) **ANNUAL REPORTS.**—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) **REPORTS BY ATTORNEY GENERAL.**—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

(g) **TECHNICAL ASSISTANCE.**—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2010 through 2014.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) **FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.**—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking “(e)(1) The Secretary” and inserting the following:

“(e) **STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.**—

“(1) **STANDARDS OF EDUCATION AND EXPERIENCE.**—

“(A) **IN GENERAL.**—The Secretary”; and

(B) by adding at the end the following:

“(B) **TRAINING.**—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Office of Justice Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or another training academy that meets the relevant Peace Officer Standards and Training.”;

(2) in paragraph (3), by striking “Agencies” and inserting “agencies”; and

(3) by adding at the end the following:

“(4) **BACKGROUND CHECKS FOR OFFICERS.**—The Office of Justice Services shall develop standards and deadlines for the provision of background checks for tribal law enforcement and corrections officials that ensure that a response to a request by an Indian tribe for such a background check shall be provided by not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe.”.

(b) **SPECIAL LAW ENFORCEMENT COMMISSIONS.**—Section 5(a) of the Indian Law Enforcement Reform Act (25 U.S.C. 2804(a)) is amended—

(1) by striking “(a) The Secretary may enter into an agreement” and inserting the following:

“(a) **AGREEMENTS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary shall establish procedures to enter into memoranda of agreement”;

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(2) **CERTAIN ACTIVITIES.**—The Secretary”; and

(3) by adding at the end the following:

“(3) **PROGRAM ENHANCEMENT.**—

“(A) **TRAINING SESSIONS IN INDIAN COUNTRY.**—

“(1) **IN GENERAL.**—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

“(ii) **INCLUSIONS.**—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

“(B) **MEMORANDA OF AGREEMENT.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

“(ii) **AGREEMENT.**—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.”.

(c) **INDIAN LAW ENFORCEMENT FOUNDATION.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

“SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.

“(a) **ESTABLISHMENT.**—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the ‘Indian Law Enforcement Foundation’ (referred to in this section as the ‘Foundation’).

“(b) **DUTIES.**—The Foundation shall—

“(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

“(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.”.

(d) **ACCEPTANCE AND ASSISTANCE.**—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

“(g) **ACCEPTANCE OF ASSISTANCE.**—The Bureau may accept reimbursement, resources, assistance, or funding from—

“(1) a Federal, tribal, State, or other government agency; or

“(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.”.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) **EDUCATION AND RESEARCH PROGRAMS.**—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting “tribal,” after “State,” each place it appears.

(b) **PUBLIC-PRIVATE EDUCATION PROGRAM.**—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting “tribal,” after “State,”; and

(2) in subsection (b)(2), by inserting “, tribal,” after “State”.

(c) **COOPERATIVE ARRANGEMENTS.**—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting “tribal,” after “State,” each place it appears; and

(B) in paragraphs (6) and (7), by inserting “, tribal,” after “State” each place it appears; and

(2) in subsection (d)(1), by inserting “, tribal,” after “State”.

(d) **POWERS OF ENFORCEMENT PERSONNEL.**—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting “, tribal,” after “State”.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) **ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.**—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting “Indian tribes,” after “the States,”;

(2) by striking subsection (d) and inserting the following:

“(d) **INDIAN LAW ENFORCEMENT AGENCIES.**—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

“(1) to directly access and enter information into Federal criminal information databases; and

“(2) to directly obtain information from the databases.”;

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting “, tribal,” after “Federal”.

(b) **REQUIREMENT.**—

(1) **IN GENERAL.**—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements have access to national crime information databases.

(2) **SANCTIONS.**—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) **NCIC.**—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) **CONSTITUTIONAL RIGHTS.**—Section 202 of Public Law 90-284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking "No Indian tribe" and inserting the following:

"(a) IN GENERAL.—No Indian tribe";

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking "and a fine" and inserting "or a fine"; and

(3) by adding at the end the following:

"(b) TRIBAL COURTS AND PRISONERS.—

"(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

"(A) deny any person in such a criminal proceeding the assistance of a defense attorney licensed to practice law in any jurisdiction in the United States;

"(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

"(C) deny any person in such a criminal proceeding the due process of law.

"(2) AUTHORITY.—An Indian tribe exercising authority pursuant to this subsection shall—

"(A) require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States; and

"(B) make publicly available the criminal laws (including regulations and interpretive documents) of the Indian tribe.

"(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

"(A) to serve the sentence—

"(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

"(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

"(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

"(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

"(B) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

"(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

"(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners;

"(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent crimes, crimes involving sexual abuse, and serious drug offenses, as determined by the Bureau of Prisons, in consultation with tribal governments, by regulation;

"(C) shall not affect the jurisdiction, power of self-government, or any other authority of an Indian tribe over the territory or members of the Indian tribe;

"(D) shall contain such other requirements as the Bureau of Prisons, in consultation

with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

"(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

"(c) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country."

(b) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

"(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;"

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the

Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

(A) the investigation and prosecution of Indian country crimes; and

(B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

(A) the authority of Indian tribes; and

(B) the rights of defendants subject to tribal government authority; and

(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2009.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

(A) to prevent juvenile crime on Indian land;

(B) to rehabilitate Indian youth in custody; and

(C) to reduce recidivism among Indian youth;

(3) enhancing the penal authority of tribal courts and exploring alternatives to incarceration;

(4) the establishment of satellite United States magistrate or district courts in Indian country;

(5) changes to the tribal jails and Federal prison systems; and

(6) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative

actions as the Commission considers to be appropriate.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of $\frac{3}{4}$ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of $\frac{3}{4}$ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research

necessary to carry out the duties of the Commission under this section.

(j) TRIBAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the “Tribal Advisory Committee”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

- (i) justice systems;
- (ii) crime prevention; or
- (iii) victim services.

(3) DUTIES.—The Tribal Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “the date of enactment of this subtitle” and inserting “the date of enactment of the Tribal Law and Order Act of 2009”; and

(II) by inserting “, the Attorney General,” after “Secretary of the Interior”;

(ii) in paragraph (2)(A), by inserting “, Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs,”;

(iii) in paragraph (4), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(iv) in paragraph (5), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(v) in paragraph (7), by inserting “, the Attorney General,” after “Secretary of the Interior”;

(B) in subsection (c), by inserting “, the Attorney General,” after “Secretary of the Interior”;

(C) in subsection (d), by striking “the date of enactment of this subtitle” and inserting “the date of enactment of the Tribal Law and Order Act of 2009”.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting “, the Bureau of Justice Assist-

ance, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(B) in subsection (c)(1)(A)(i), by inserting “, the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(C) in subsection (d)(2), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “the period of fiscal years 2010 through 2014”;

(D) in subsection (e), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”; and

(E) in subsection (f)(3), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “the period of fiscal years 2010 through 2014”.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting “, the Attorney General” after “Bureau of Indian Affairs”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the ‘Office of Indian Alcohol and Substance Abuse’ (referred to in this section as the ‘Office’).

“(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

“(i) on a permanent basis; and

“(ii) at a grade of not less than GS-15 of the General Schedule.”;

(ii) in paragraph (2)—

(I) by striking “(2) In addition” and inserting the following:

“(2) RESPONSIBILITIES OF OFFICE.—In addition”;

(II) by striking subparagraph (A) and inserting the following:

“(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205”;

(III) in subparagraph (B)—

(aa) by striking “within the Bureau of Indian Affairs”;

(bb) by striking the period at the end and inserting “; and”;

(IV) by adding at the end the following:

“(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2009, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

“(i) establish the goals and other desired outcomes of this Act;

“(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

“(iii) provides guidelines for resource and information sharing;

“(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

“(v) determines whether collaboration is feasible, cost-effective, and within agency capability.”; and

(iii) by striking paragraph (3) and inserting the following:

“(3) **APPOINTMENT OF EMPLOYEES.**—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.”; and

(C) in subsection (c)—

(i) by striking “of Alcohol and Substance Abuse” each place it appears;

(ii) in paragraph (1), in the second sentence, by striking “The Assistant Secretary of the Interior for Indian Affairs” and inserting “The Director of the Substance Abuse and Mental Health Services Administration”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “Youth” and inserting “youth”; and

(II) by striking “programs of the Bureau of Indian Affairs” and inserting “the applicable Federal programs”.

(4) **REVIEW OF PROGRAMS.**—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(5) **FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.**—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(B) in subsection (b)—

(i) in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(ii) in the second sentence, by inserting “, nor the Attorney General,” after “the Secretary of the Interior”; and

(iii) in the third sentence, by inserting “, the Department of Justice,” after “the Department of the Interior”; and

(C) in subsection (c)(1), by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(6) **NEWSLETTER.**—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended—

(A) in subsection (a), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”; and

(B) in subsection (b), by striking “fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “the period of fiscal years 2010 through 2014”.

(7) **REVIEW.**—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(b) **INDIAN EDUCATION PROGRAMS.**—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

“(a) **SUMMER YOUTH PROGRAMS.**—

“(1) **IN GENERAL.**—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary

for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

“(2) **COSTS.**—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the programs under this subsection such sums as are necessary for each of fiscal years 2010 through 2014.”.

(c) **EMERGENCY SHELTERS.**—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking “as may be necessary” and all that follows through the end of the paragraph and inserting “as are necessary for each of fiscal years 2010 through 2014.”;

(2) in paragraph (2), by striking “\$7,000,000” and all that follows through the end of the paragraph and inserting “\$10,000,000 for each of fiscal years 2010 through 2014.”; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) **REVIEW OF PROGRAMS.**—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(e) **ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.**—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking “, and” at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.”;

(B) in paragraph (2), by striking “United States Custom Service” and inserting “United States Customs and Border Protection”; and

(C) by striking paragraph (3) and inserting the following:

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2014.”; and

(2) in subsection (b)(2), by striking “as may be necessary” and all that follows through the end of the paragraph and inserting “as are necessary for each of fiscal years 2010 through 2014.”.

(f) **LAW ENFORCEMENT AND JUDICIAL TRAINING.**—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **TRAINING PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary of the Interior, in coordination with the Attorney

General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

“(A) the investigation and prosecution of offenses relating to illegal narcotics; and

“(B) alcohol and substance abuse prevention and treatment.

“(2) **YOUTH-RELATED TRAINING.**—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.”; and

(2) in subsection (b), by striking “as may be necessary” and all that follows through the end of the subsection and inserting “as are necessary for each of fiscal years 2010 through 2014.”.

(g) **JUVENILE DETENTION CENTERS.**—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” the first place it appears and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(B) in the second sentence, by striking “The Secretary shall” and inserting the following:

“(2) **CONSTRUCTION AND OPERATION.**—The Secretary shall”; and

(C) by adding at the end the following:

“(3) **DEVELOPMENT OF PLAN.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this paragraph, the Secretary, the Director of the Substance Abuse and Mental Health Services Administration, the Director of the Indian Health Service, and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) **COORDINATION.**—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.”; and

(2) in subsection (b)—

(A) by striking “such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting “such sums as are necessary for each of fiscal years 2010 through 2014”; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) **INDIAN TRIBAL JUSTICE.**—

(1) **BASE SUPPORT FUNDING.**—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

“(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, guardians ad litem, and court-appointed special advocates for children and juveniles.”.

(2) **TRIBAL JUSTICE SYSTEMS.**—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking “the provisions of sections 101 and 102 of this Act” and inserting “sections 101 and 102”; and

(ii) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”;

(B) in subsection (b)—

(i) by striking “the provisions of section 103 of this Act” and inserting “section 103”; and

(ii) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”;

(C) in subsection (c), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”; and

(D) in subsection (d), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting “(including guardians ad litem and court-appointed special advocates for children and juveniles)” after “civil legal assistance”.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking “criminal legal assistance to members of Indian tribes and tribal justice systems” and inserting “criminal legal assistance services to all defendants subject to tribal court jurisdiction and judicial services for tribal courts”.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 106 (25 U.S.C. 3666), by striking “2000 through 2004” and inserting “2010 through 2014”; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking “2000 through 2004” and inserting “2010 through 2014”.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting “to” after the paragraph designation;

(B) in paragraph (1), by striking “State and” and inserting “State, tribal, or”;

(C) in paragraphs (9) and (10), by inserting “, tribal,” after “State” each place it appears;

(D) in paragraph (15)—

(i) by striking “a State in” and inserting “a State or Indian tribe in”;

(ii) by striking “the State which” and inserting “the State or tribal community that”;

(iii) by striking “a State or” and inserting “a State, tribal, or”;

(E) in paragraph (16), by striking “and” at the end

(F) in paragraph (17), by striking the period at the end and inserting “; and”;

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

“(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).”.

(2) in subsection (i), by striking “The authority” and inserting “Except as provided in subsection (j), the authority”; and

(3) by adding at the end the following:

“(j) GRANTS TO INDIAN TRIBES.—

“(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

“(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

“(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2010 through 2014.

“(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

“(1) the problem of intermittent funding;

“(2) the integration of COPS personnel with existing law enforcement authorities; and

“(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.”.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

“(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2010 through 2014 to carry out this section.”.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

“(b) GRANTS TO INDIAN TRIBES.—

“(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

“(A) to Indian tribes for purposes of—

“(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

“(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

“(iii) developing and implementing alternatives to incarceration in tribal jails;

“(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

“(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

“(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

“(A) reservation crime rates;

“(B) annual tribal court convictions; and

“(C) bed space needs.

“(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.”.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting “or consortium of Indian tribes, as applicable,” after “Indian tribe”.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

“(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

“(1) proposed activities for construction of detention facilities (including regional facilities) on Indian land;

“(2) proposed activities for construction of additional Federal detention facilities on Indian land;

“(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

“(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

“(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.”.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

“SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

“To the maximum extent practicable, the Director of the Administrative Office of the United States Courts, in coordination with the Office of Tribal Justice and the Director of the Office of Justice Services, shall—

“(1) appoint individuals residing in Indian country to serve as assistant parole or probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country; and

“(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.”.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(A) in subsection (a), by inserting “, or to Indian tribes under subsection (d)” after “subsection (b)”;

(B) by adding at the end the following:

“(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

“(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

“(A) to support and enhance—

“(i) tribal juvenile delinquency prevention services; and

“(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

“(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

“(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

“(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

“(A) juvenile crime rates;

“(B) dropout rates; and

“(C) percentage of at-risk youth.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking “fiscal years 2004, 2005, 2006, 2007, and 2008” and inserting “each of fiscal years 2010 through 2014”.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking “Nine” and inserting “Ten”; and

(2) in subparagraph (B), by adding at the end the following:

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.”.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109-162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

“(8) the Office of Justice Services of the Bureau of Indian Affairs;”;

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and inserting “tribal, State,”; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting “tribal,” before “State,” each place it appears; and

(2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “, Indian tribes,” after “contracts with”;

(B) in each of paragraphs (3) through (6), by inserting “tribal,” after “State,” each place it appears;

(C) in paragraph (7), by inserting “and in Indian country” after “States”;

(D) in paragraph (9), by striking “Federal and State Governments” and inserting “Federal Government and State and tribal governments”;

(E) in each of paragraphs (10) and (11), by inserting “, tribal,” after “State” each place it appears;

(F) in paragraph (13), by inserting “, Indian tribes,” after “States”;

(G) in paragraph (17)—

(i) by striking “State and local” and inserting “State, tribal, and local”; and

(ii) by striking “State, and local” and inserting “State, tribal, and local”;

(H) in paragraph (18), by striking “State and local” and inserting “State, tribal, and local”;

(I) in paragraph (19), by inserting “and tribal” after “State” each place it appears;

(J) in paragraph (20), by inserting “, tribal,” after “State”; and

(K) in paragraph (22), by inserting “, tribal,” after “Federal”;

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking “To insure” and inserting the following:

“(1) IN GENERAL.—To ensure”; and

(C) by adding at the end the following:

“(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.”;

(3) in subsection (e), by striking “subsection (d)(3)” and inserting “subsection (d)(1)(C)”;

(4) in subsection (f)—

(A) in the subsection heading, by inserting “, Tribal,” after “State”; and

(B) by inserting “, tribal,” after “State”; and

(5) by adding at the end the following:

“(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.”.

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

“(f) GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.—

“(1) GRANT PROGRAM.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

“(2) REGULATIONS.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice offi-

cials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.”.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting “, tribal,” after “State”.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting “, tribal,” after “State”;

(2) in subsection (b)(1), in the first sentence, by striking “officer of the State and of the local jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “officer of the State and of the local jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”; and

(ii) in subparagraph (B), by inserting “, tribal,” after “State” each place it appears; and

(B) in paragraph (2)—

(i) by striking “(2) Notice” and inserting the following:

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—A notice”; and

(ii) in the second sentence, by striking “For a person who is released” and inserting the following:

“(B) RELEASED PERSONS.—For a person who is released”; and

(iii) in the third sentence, by striking “For a person who is sentenced” and inserting the following:

“(C) PERSONS ON PROBATION.—For a person who is sentenced”; and

(iv) in the fourth sentence, by striking “Notice concerning” and inserting the following:

“(D) RELEASED PERSONS REQUIRED TO REGISTER.—

“(i) IN GENERAL.—A notice concerning”; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

“(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in Indian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

“(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

“(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody.”.

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: “, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

“SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

“(a) **APPROVAL OF EMPLOYEE TESTIMONY.**—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee.

“(b) **REQUIREMENT.**—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department of the Interior to maintain strict impartiality with respect to private causes of action.

“(c) **TREATMENT.**—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.”.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

“SEC. 12. COORDINATION OF FEDERAL AGENCIES.

“(a) **IN GENERAL.**—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

“(1) to improve domestic violence or sexual abuse responses;

“(2) to improve forensic examinations and collection;

“(3) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

“(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

“(b) **REPORT.**—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.”.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

Title VIII of the Indian Health Care Improvement Act is amended by inserting after section 802 (25 U.S.C. 1672) the following:

“SEC. 803. POLICIES AND PROTOCOL.

“The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and

Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.”.

Mr. BARRASSO. Mr. President, I rise to join my colleague, Mr. DORGAN, in introducing the Tribal Law and Order Act of 2009. This bill represents a bipartisan effort and crucial step in addressing a serious public safety crisis in many Indian communities throughout our Nation.

During the 110th Congress, the Committee on Indian Affairs held no less than seven hearings on the issue of law and order on Indian reservations. The committee found recurring themes of insufficient resources for law enforcement agencies, inadequate responses to criminal activity, and ineffective communication and coordination.

Criminal elements are well aware of the conditions of near lawlessness in some reservation areas. With great regret, I point to the Wind River Indian Reservation of the Eastern Shoshone and Northern Arapaho peoples in my home state of Wyoming as an example. The Wind River Indian Reservation consists of approximately 2.2 million acres and has a tribal population of over 11,000.

During fiscal year 2008, the Wind River Indian Reservation had a violent crime rate that was 3.58 times the national crime rate, according to the crime reports published by the Bureau of Indian Affairs within the Department of the Interior. Between 2007 and 2008, the crime rate on the Wind River Indian Reservation escalated from 677 to 748 incidents per 100,000 inhabitants.

Yet despite these troubling statistics, the Wind River Indian Reservation has only 9 law enforcement officers to cover all shifts. According to the Bureau of Indian Affairs' fiscal year 2008 crime report, an additional 22 police officers would be necessary to meet the minimum safety needs of this community. This situation would never be tolerated in other communities. We must address the needs for public safety, law enforcement and justice on Indian reservations head on.

Senator DORGAN and I have worked together to ensure that this bill will assist in increasing the number of police officers on the ground. Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse.

We have set important goals for this legislation. To achieve them, we are proposing some significant changes to the status quo. As we move forward, I intend to solicit more input from stakeholders. The bill will inevitably require some modifications, and I look forward to that process. I consider the introduced legislation to be the beginning of a dialogue that will hopefully lead to refinement and improvement.

By Mr. DURBIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 799. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2009. This legislation continues our commitment to preserve natural resources in this country.

America's Red Rock Wilderness Act will designate as wilderness some of our nation's most remarkable, but currently unprotected public lands. Bureau of Land Management, BLM, lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, such as the Grand Staircase-Escalante National Monument, and lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this act would designate as wilderness. I can tell you that the natural beauty of these landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation on the 20th anniversary of the year it was first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As a member of the Utah delegation, Congressman Owens pioneered the Congressional effort to protect Utah's red rock wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of Nation.

The wilderness designated in this bill was chosen based on more than 20 years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed an inventory of approximately 7.5 million acres of the land that would be protected by America's Red Rock Wilderness Act and agreed that the vast majority qualify for wilderness designation.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. Together, we celebrate the recent passage of a national public lands bill that protects over 180,000 acres of wilderness in Washington County, UT, for future generations. The more than 9 million acres of lands that would be protected by this legislation surround eleven of Utah's national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection from commercial development, damaging off-road vehicle use, or oil and gas exploration.

Americans understand the need for wise stewardship of these wild landscapes. This legislation represents a realistic balance between the need to protect our natural heritage and demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of "technically recoverable" undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels. In fact, protecting these lands benefits local economies because of the recreational opportunities they provide.

Unfortunately, scientists have already begun to see the impacts of global warming on public lands throughout the West. Hotter and drier conditions, larger wildfires, shrinking water resources, the spread of invasive species, soil erosion, and dust storms are all expected to increase over the next century. These threats make the need to protect the remaining undisturbed landscapes and wildlife habitats in Utah's red rock wilderness even more urgent.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammelled landscape that so many now cherish.

I would like to thank my colleagues who are original cosponsors of this measure. Origin cosponsors are Senators Boxer, Cantwell, Cardin, Feingold, Harkin, Kennedy, Kerry, Lautenberg, Leahy, Lieberman, Menendez, Reed, Sanders, Stabenow, and Whitehouse. Additionally, I would like to thank the Utah Wilderness Coalition, which includes The Wilderness Society, the Sierra Club, the Natural Resources Defense Council, Earthjustice, and the Wasatch Mountain Club; the Southern

Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "America's Red Rock Wilderness Act of 2009".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Great Basin Wilderness Areas.

Sec. 102. Zion and Mojave Desert Wilderness Areas.

Sec. 103. Grand Staircase-Escalante Wilderness Areas.

Sec. 104. Moab-La Sal Canyons Wilderness Areas.

Sec. 105. Henry Mountains Wilderness Areas.

Sec. 106. Glen Canyon Wilderness Areas.

Sec. 107. San Juan-Anasazi Wilderness Areas.

Sec. 108. Canyonlands Basin Wilderness Areas.

Sec. 109. San Rafael Swell Wilderness Areas.

Sec. 110. Book Cliffs and Uinta Basin Wilderness Areas.

TITLE II—ADMINISTRATIVE PROVISIONS

Sec. 201. General provisions.

Sec. 202. Administration.

Sec. 203. State school trust land within wilderness areas.

Sec. 204. Water.

Sec. 205. Roads.

Sec. 206. Livestock.

Sec. 207. Fish and wildlife.

Sec. 208. Management of newly acquired land.

Sec. 209. Withdrawal.

SEC. 2. DEFINITIONS.

In this Act:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) **STATE.**—The term "State" means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) **FINDINGS.**—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with mas-

sive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and

(C) portions of the Great Basin;

(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;

(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and

(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Beaver Dam Mountains (approximately 30,000 acres).

(2) Beaver Dam Wash (approximately 23,000 acres).

(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).

(4) Canaan Mountain (approximately 67,000 acres).

(5) Cottonwood Canyon (approximately 12,000 acres).

(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).

(7) Joshua Tree (approximately 12,000 acres).

(8) Mount Escalante (approximately 17,000 acres).

(9) Parunuweap Canyon (approximately 43,000 acres).

(10) Red Butte (approximately 4,500 acres).

(11) Red Mountain (approximately 21,000 acres).

(12) Scarecrow Peak (approximately 16,000 acres).

(13) Square Top Mountain (approximately 23,000 acres).

(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Peak Slopes (approximately 2,300 acres).

(D) East of Bryce (approximately 750 acres).

(E) Glass Eye Canyon (approximately 24,000 acres).

(F) Ladder Canyon (approximately 14,000 acres).

(G) Moquith Mountain (approximately 16,000 acres).

(H) Nephi Point (approximately 14,000 acres).

(I) Paria-Hackberry (approximately 188,000 acres).

(J) Paria Wilderness Expansion (approximately 3,300 acres).

(K) Pine Hollow (approximately 11,000 acres).

(L) Slopes of Bryce (approximately 2,600 acres).

(M) Timber Mountain (approximately 51,000 acres).

(N) Upper Kanab Creek (approximately 49,000 acres).

(O) Vermillion Cliffs (approximately 26,000 acres).

(P) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—Congress finds that—

(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;

(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;

(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;

(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and

(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Andalex Not (approximately 18,000 acres).

(B) The Blues (approximately 21,000 acres).

(C) Box Canyon (approximately 2,800 acres).

(D) Burning Hills (approximately 80,000 acres).

(E) Carcass Canyon (approximately 83,000 acres).

(F) The Cockscomb (approximately 11,000 acres).

(G) Fiftymile Bench (approximately 12,000 acres).

(H) Fiftymile Mountain (approximately 203,000 acres).

(I) Heaps Canyon (approximately 4,000 acres).

(J) Horse Spring Canyon (approximately 31,000 acres).

(K) Kodachrome Headlands (approximately 10,000 acres).

(L) Little Valley Canyon (approximately 4,000 acres).

(M) Mud Spring Canyon (approximately 65,000 acres).

(N) Nipple Bench (approximately 32,000 acres).

(O) Paradise Canyon-Wahweap (approximately 262,000 acres).

(P) Rock Cove (approximately 16,000 acres).

(Q) Warm Creek (approximately 23,000 acres).

(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—

(1) FINDINGS.—Congress finds that—

(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;

(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;

(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;

(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and

(E) Escalante Canyon should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Brinkerhof Flats (approximately 3,000 acres).

(B) Colt Mesa (approximately 28,000 acres).

(C) Death Hollow (approximately 49,000 acres).

(D) Forty Mile Gulch (approximately 6,600 acres).

(E) Hurricane Wash (approximately 9,000 acres).

(F) Lampstand (approximately 7,900 acres).

(G) Muley Twist Flank (approximately 3,600 acres).

(H) North Escalante Canyons (approximately 176,000 acres).

(I) Pioneer Mesa (approximately 11,000 acres).

(J) Scorpion (approximately 53,000 acres).

(K) Sooner Bench (approximately 390 acres).

(L) Steep Creek (approximately 35,000 acres).

(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;

(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and

(3) the Moab-La Sal area should be protected and managed as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Arches Adjacent (approximately 12,000 acres).

(2) Beaver Creek (approximately 41,000 acres).

(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).

(4) Big Triangle (approximately 20,000 acres).

(5) Coyote Wash (approximately 28,000 acres).

(6) Dome Plateau-Professor Valley (approximately 35,000 acres).

(7) Fisher Towers (approximately 18,000 acres).

(8) Goldbar Canyon (approximately 9,000 acres).

(9) Granite Creek (approximately 5,000 acres).

(10) Mary Jane Canyon (approximately 25,000 acres).

(11) Mill Creek (approximately 14,000 acres).

(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).

(13) Renegade Point (approximately 6,600 acres).

(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as "Wild Mountain") (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as "Daniels Canyon") (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled "Utah BLM Wilderness Proposed by H.R. []", 111th Congress"; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, streambank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101-628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation to designate areas of pristine Federal lands in Utah as wilderness.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of Southern Utah.

I had an opportunity to travel twice to Utah and view firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

Second, I support this legislation because I believe it sets the appropriate benchmark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah.

Unfortunately, the Senate has not always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. Last Congress, a provision was air-dropped into a bill considered by the Senate—without having been considered by the House or the Senate Energy and Natural Resources Committee—that designated less than 45 percent of the wilderness quality lands included in the America's Red Rock Wilderness Act for

Washington County, Utah. Furthermore, the public lands package omitted a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing omnibus parks legislation that contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunika of the Capital Times, a paper in Madison, WI, wrote: "Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children."

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hiking and sightseeing to hunting.

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the U.S. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans. I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Ms. SNOWE (for herself and Mr. CASEY):

S. 800. A bill to require the President to update and modify the website recovery.gov; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise to introduce legislation to enhance the availability of information to the public concerning the programs funded pursuant to the American Recovery and Reinvestment Act of 2009 enacted in February. I am pleased to be joined by Senator Casey in introducing this bill.

In a recent meeting that I had with constituents from the Maine Municipal Association, several questions arose regarding application deadlines and when funding will be distributed under the act. Additionally, because there is no centralized location listing the opportunities available, some Mayors and First Selectmen had little idea of all the programs for which they may be eligible. Indeed, the officials spoke of finding out about various programs either through meetings or colleagues, and they noted that a regularly updated online database of catalogued programs would be extremely useful.

This modest bill would require that the administration's recovery.gov website be expanded so that States and localities can easily ascertain stimulus funds for which they may be eligible. Cities and towns could benefit greatly if they could use Recovery.gov to quickly learn about funding for which they may be eligible, application deadlines, and who to contact for more information. An enhanced website or "clearinghouse" would facilitate the timely distribution of economic stimulus funds and ensure that they will be used as quickly and efficiently as possible to help restore economic growth throughout the country.

I urge prompt consideration of this bill.

By Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER):

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11,

2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation to create a program within the Department of Veterans Affairs for family caregivers. I am pleased to be joined by my colleagues Senator BURR, the Ranking Member of the Veterans' Affairs Committee, Senator TESTER, Senator BURNS, and Senator ROCKEFELLER, former Chairman of the Committee.

Some veterans returning from the recent wars in Iraq and Afghanistan, as well as previous conflicts, suffer from disabilities that prevent them from being fully independent. This is a sad fact of war. The legislation I am introducing today is designed to provide for several improvements in health care for veterans by supporting the family members who care for them.

The challenges faced by family caregivers are well known to us. We have been working on this issue for nearly two years. Provisions that then-Senator Clinton included in a health care omnibus bill reported by the Committee last Congress would have provided for pilot programs to serve caregivers. We have since learned much more about the role family members play in caring for injured veterans, and the needs of family caregivers. I think we are now beyond the scope of that original pilot program and I believe that a full-fledged permanent program is needed in VA.

First, it is well known that the involvement of family members in the provision of health care dramatically improves speed and success of recovery. This bill will give family members the resources needed to be involved in the care for their loved one. Second, many disabled veterans are not able to complete some tasks of daily living on their own, but do not require care in an institution. Allowing a veteran to remain in the home, while having family members meet the veteran's needs, will vastly improve quality of life for the veteran.

Caregivers, who are members of a veteran's family, often put their lives on hold in order to provide care for the injured or disabled veteran at home. In some instances, these caregivers are unable to maintain regular jobs because of the time consumed in providing sufficient care to the veteran. This has the compound effect of decreasing household income, and possibly preventing the caregiver from keeping health insurance. This legislation would help alleviate these problems so as to allow the caregiver to focus entirely on caring for the veteran.

This bill includes provisions for training and certifying family caregivers or personal care attendants. It

would provide for mental health counseling, health care eligibility, a living stipend, and other critical services to support these caregivers. Additionally, this bill would make improvements to the services VA provides to family members who must travel to take the veteran to a VA facility to receive treatment.

I look forward to working with all of our colleagues to pass this much needed legislation. I especially thank Senators BURR and ROCKEFELLER for cosponsoring this bill. I would also like to thank the dedicated members of the Wounded Warrior Project and Paralyzed Veterans of America for their tireless efforts in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Caregiver Program Act of 2009".

SEC. 2. WAIVER OF CHARGES FOR HUMANITARIAN CARE PROVIDED TO FAMILY MEMBERS ACCOMPANYING CERTAIN SEVERELY INJURED VETERANS AS THEY RECEIVE MEDICAL CARE.

The text of section 1784 of title 38, United States Code, is amended to read as follows:

"(a) IN GENERAL.—The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases.

"(b) REIMBURSEMENT.—Except as provided in subsection (c), the Secretary shall charge for care and services provided under subsection (a) at rates prescribed by the Secretary.

"(c) WAIVER OF CHARGES.—(1) Except as provided in paragraph (2), the Secretary shall waive the charges required by subsection (b) for care or services provided under subsection (a) to an attendant of a covered veteran if such care or services are provided to such attendant for an emergency that occurs while such attendant is accompanying such veteran while such veteran is receiving approved inpatient or outpatient treatment at—

"(A) a Department facility; or

"(B) a non-Department facility—

"(i) that is under contract with the Department; or

"(ii) at which the veteran is receiving fee-basis care.

"(2) If an attendant is entitled to care or services under a health-plan contract (as that term is defined in section 1725(f) of this title) or other contractual or legal recourse against a third party that would, in part, extinguish liability by charges described by subsection (b), the amount of such charges waived under paragraph (1) shall be the amount by which such charges exceed the amount of such charges covered by the health-plan contract or other contractual or legal recourse against the third party.

"(d) DEFINITIONS.—In this section:

"(1) The term 'attendant' includes, with respect to a veteran, the following:

"(A) A family member of the veteran.

"(B) An individual eligible to receive ongoing family caregiver assistance under section

1717A(e)(1) of this title for the provision of personal care services to the veteran.

“(C) Any other individual whom the Secretary determines—

“(i) has a relationship with the veteran sufficient to demonstrate a close affinity with the veteran; and

“(ii) provides a significant portion of the veteran’s care.

“(2) The term ‘covered veteran’ means any veteran with a severe injury incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001.

“(3) The term ‘family member’ with respect to a veteran, includes the following:

“(A) The spouse of the veteran.

“(B) The child of the veteran.

“(C) A parent of the veteran.

“(D) A sibling of the veteran.

“(E) A cousin of the veteran.

“(F) An aunt of the veteran.

“(G) An uncle of the veteran.

“(H) A grandparent of the veteran.

“(I) A grandchild of the veteran.

“(J) A stepparent of the veteran.

“(K) A stepchild of the veteran.

“(L) A stepsibling of the veteran.

“(M) A parent-in-law of the veteran.

“(N) A sister-in-law of the veteran.

“(O) A brother-in-law of the veteran.

“(P) A cousin of the spouse of the veteran.

“(Q) An aunt of the spouse of the veteran.

“(R) An uncle of the spouse of the veteran.

“(S) A grandparent of the spouse of the veteran.

“(T) A grandchild of the spouse of the veteran.

“(U) A stepparent of the spouse of the veteran.

“(V) A stepsibling of the spouse of the veteran.

“(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

“(4) The term ‘severe injury’ means, in the case of a covered veteran, any injury as follows:

“(A) A physiological condition of the veteran if the condition is a permanent or temporary severely disabling disorder that compromises the ability of the veteran to carry out one or more independent activities of daily living.

“(B) A psychological condition of the veteran if the condition is rated at 30 or less on the Global Assessment of Functioning (GAF) scale, as set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision (DSM-IV-TR), or the most recent edition if different than the Fourth Edition Text Revision, of the American Psychiatric Association.

“(C) An injury for which the veteran needs supervision or protection based on symptoms or residuals of neurological or other impairment.

“(D) Any other injury of the veteran that is determined to be a severe injury in accordance with regulations prescribed by the Secretary for purposes of this section.”.

SEC. 3. FAMILY CAREGIVER ASSISTANCE.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1717 the following new section:

“§ 1717A. Family caregiver assistance

“(a) IN GENERAL.—(1) As part of home health services provided under section 1717 of this title, the Secretary shall, upon the joint application of an eligible veteran and a family member of such veteran (or other individual designated by such veteran), furnish

to such family member (or designee) family caregiver assistance in accordance with this section. The purpose of providing family caregiver assistance under this section is—

“(A) to reduce the number of veterans who are receiving institutional care, or who are in need of institutional care, whose personal care service needs could be substantially satisfied with the provision of such services by a family member (or designee); and

“(B) to provide eligible veterans with additional options so that they can choose the setting for the receipt of personal care services that best suits their needs.

“(2) The Secretary shall only furnish family caregiver assistance under this section to a family member of an eligible veteran (or other individual designated by such veteran) if the Secretary determines it is in the best interest of the eligible veteran to do so.

“(b) ELIGIBLE VETERANS.—(1) For purposes of this section, an eligible veteran is a veteran (or member of the Armed Forces undergoing medical discharge from the Armed Forces)—

“(A) who has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in line of duty in the active military, naval, or air service on or after the date described in paragraph (2); and

“(B) whom the Secretary determines, in consultation with the Secretary of Defense as necessary, is in need of personal care services because of—

“(i) an inability to perform one or more independent activities of daily living;

“(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

“(iii) such other matters as the Secretary shall establish in consultation with the Secretary of Defense as appropriate.

“(2) The date described in this paragraph—

“(A) during the period beginning on the date of the enactment of the Family Caregiver Program Act of 2009 and ending two years after the date of the enactment of that Act, is September 11, 2001; and

“(B) beginning on the first day after the date that is two years after the date of the enactment of the Family Caregiver Program Act of 2009, is the earliest date the Secretary determines is appropriate to include the largest number of veterans possible under this section without reducing the quality of care provided to such veterans.

“(c) EVALUATION OF ELIGIBLE VETERANS AND FAMILY CAREGIVERS.—(1) The Secretary shall evaluate each eligible veteran who makes a joint application under subsection (a)(1)—

“(A) to identify the personal care services required by such veteran; and

“(B) to determine whether such requirements could be significantly or substantially satisfied with the provision of personal care services from a family member (or other individual designated by the veteran).

“(2) The Secretary shall evaluate each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) to determine—

“(A) the basic amount of instruction, preparation, and training such family member (or designee) requires, if any, to provide the personal care services required by such veteran; and

“(B) the amount of additional instruction, preparation, and training such family member (or designee) requires, if any, to be the primary personal care attendant designated for such veteran under subsection (e).

“(3) An evaluation carried out under paragraph (1) may be carried out—

“(A) at a Department facility;

“(B) at a non-Department facility determined appropriate by the Secretary for purposes of such evaluation; and

“(C) such other locations as the Secretary considers appropriate.

“(d) TRAINING AND CERTIFICATION.—(1) Except as provided in subsection (a)(2), the Secretary shall provide each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) the basic instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(A).

“(2) The Secretary may provide to a family member of an eligible veteran (or other individual designated by the veteran) the additional instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(B) if such family member (or designee)—

“(A) is certified as a personal care attendant for the veteran under paragraph (3); and

“(B) requests, with concurrence of the veteran, such additional instruction, preparation, and training.

“(3) Upon the successful completion by a family member of an eligible veteran (or other individual designated by the veteran) of basic instruction, preparation, and training provided under paragraph (1), the Secretary shall certify the family member as a personal care attendant for the veteran.

“(4) If the Secretary determines that a primary personal care attendant designated under subsection (e) requires additional training to maintain such designation, the Secretary shall make such training available to the primary personal care attendant.

“(5) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran (or other individual designated by the veteran) in undergoing training under this subsection.

“(6) If the participation of a family member of an eligible veteran (or other individual designated by the veteran) in training under this subsection would interfere with the provision of personal care services to the veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the eligible veteran, provide respite care to the eligible veteran during the provision of such training to the family member so that such family caregiver (or designee) can participate in such training without interfering with the provision of such services.

“(e) DESIGNATION OF PRIMARY PERSONAL CARE ATTENDANT.—(1) For each eligible veteran with at least one family member (or other individual designated by the veteran) who is described by subparagraphs (A) through (E) of paragraph (2), the Secretary shall designate one family member of such veteran (or other individual designated by the veteran) as the primary personal care attendant for such veteran to be the primary provider of personal care services for such veteran.

“(2) A primary personal care attendant designated for an eligible veteran under paragraph (1) shall be selected from among family members of such veteran (or other individuals designated by such veteran) who—

“(A) are certified under subsection (d)(3) as a personal care attendant for such veteran;

“(B) complete all additional instruction, preparation, and training, if any, provided under subsection (d)(2);

“(C) elect to provide the personal care services to such veteran that the Secretary determines such veteran requires under subsection (c)(1);

“(D) has the consent of such veteran to be the primary provider of such services for such veteran; and

“(E) the Secretary considers competent to be the primary provider of such services for such veteran.

“(3) An eligible veteran receiving personal care services from a family member (or other individual designated by the veteran) designated as the primary personal care attendant for the veteran under paragraph (1) may revoke consent with respect to such family member (or designee) under paragraph (2)(D) at any time.

“(4) If an individual designated as the primary personal care attendant of an eligible veteran under paragraph (1) subsequently fails to meet the requirements set forth in paragraph (2), the Secretary—

“(A) shall immediately revoke the individual's designation under paragraph (1); and

“(B) may designate, in consultation with the eligible veteran or the eligible veteran's surrogate appointed under subsection (g), a new primary personal care attendant for the veteran under such paragraph.

“(5) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under paragraph (1) does not interfere with the provision of personal care services required by a veteran.

“(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—(1) Except as provided in subsection (a)(2) and subject to the provisions of this subsection, the Secretary shall provide ongoing family caregiver assistance to family members of eligible veterans (or other individuals designated by such veterans) as follows:

“(A) To each family member of an eligible veteran (or designee) who is certified under subsection (d)(3) as a personal care attendant for the veteran the following:

“(i) Direct technical support consisting of information and assistance to timely address routine, emergency, and specialized caregiving needs.

“(ii) Counseling.

“(iii) Access to an interactive Internet website on caregiver services that addresses all aspects of the provision of personal care services under this section.

“(B) To each family member of an eligible veteran (or designee) who is designated as the primary personal care attendant for the veteran under subsection (e) the following:

“(i) The ongoing family caregiver assistance described in subparagraph (A).

“(ii) Mental health services.

“(iii) Respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite.

“(iv) Medical care under section 1781 of this title.

“(v) A monthly personal caregiver stipend.

“(2)(A) The Secretary shall provide respite care under paragraph (1)(B)(iii), at the election of the Secretary—

“(i) through facilities of the Department that are appropriate for the veteran; or

“(ii) through contracts under section 1720B(c) of this title.

“(B) If the primary personal care attendant of an eligible veteran designated under subsection (e)(1) determines in consultation with the veteran or the veteran's surrogate appointed under subsection (g), and the Secretary concurs, that the needs of the veteran

cannot be accommodated through the facilities and contracts described in subparagraph (A), the Secretary shall, in consultation with the primary personal care attendant and the veteran (or the veteran's surrogate), provide respite care through other facilities or arrangements that are medically and age appropriate.

“(3)(A) The Secretary shall provide monthly personal caregiver stipends under paragraph (1)(B)(v) in accordance with a schedule established by the Secretary that specifies stipends provided based upon the amount and degree of personal care services provided.

“(B) The Secretary shall ensure, to the extent practicable, that the schedule required by subparagraph (A) specifies that the amount of the personal caregiver stipend provided to a primary personal care attendant designated under subsection (e)(1) for the provision of personal care services to an eligible veteran is not less than the amount the Secretary would pay a commercial home health care entity in the geographic area of the veteran to provide equivalent personal care services to the veteran.

“(C) If personal care services are not available from a commercial provider in the geographic area of an eligible veteran, the Secretary may establish the schedule required by subparagraph (A) with respect to the veteran by considering the costs of commercial providers of personal care services in geographic areas other than the geographic area of the veteran with similar costs of living.

“(4) Provision of ongoing family caregiver assistance under this subsection for provision of personal care services to an eligible veteran shall terminate if the eligible veteran no longer requires the personal care services.

“(g) SURROGATES.—If an eligible veteran lacks the capacity to submit an application, provide consent, make a request, or concur with a request under this section, the Secretary may, in accordance with regulations and policies of the Department regarding the appointment of guardians or the use of powers of attorney, appoint a surrogate for the veteran who may submit applications, provide consent, make requests, or concur with requests on behalf of the veteran under this section.

“(h) OVERSIGHT.—(1) The Secretary shall enter into contracts with appropriate entities to provide oversight of the provision of personal care services by primary personal care attendants designated under subsection (e)(1) under this section.

“(2) The Secretary shall ensure that each eligible veteran receiving personal care services under this section from a primary personal care attendant designated under subsection (e)(1) is visited in the veteran's home by an entity providing oversight under paragraph (1) at such frequency as the Secretary shall determine under paragraph (3) to determine if the care received by the veteran under this section meets the needs of the veteran.

“(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the manner of oversight provided under paragraph (1) and the frequency of visits under paragraph (2) for an eligible veteran as the Secretary considers commensurate with the needs of such eligible veteran.

“(B) The frequency of visits under paragraph (2) for an eligible veteran shall be not less frequent than once every six months.

“(4)(A) An entity visiting an eligible veteran under paragraph (2) shall submit to the Secretary the findings of the entity with re-

spect to each visit, including whether the eligible veteran is receiving the care the eligible veteran requires.

“(B) If an entity finds under subparagraph (A) that an eligible veteran is not receiving the care the eligible veteran requires, the entity shall submit to the Secretary a recommendation on the corrective actions that should be taken to ensure that the eligible veterans receives the care the eligible veteran requires, including, if the entity considers appropriate, a recommendation for revocation of a caregiver's certification under subsection (d)(3) or revocation of the designation of an individual under subsection (e)(1).

“(5) After receiving findings and recommendations, if any, under paragraph (4) with respect to an eligible veteran, the Secretary may take such actions as the Secretary considers appropriate to ensure that the eligible veteran receives the care the eligible veteran requires, including the following:

“(A) Revocation of a caregiver's certification under subsection (d)(3).

“(B) Revocation of the designation of an individual under subsection (e)(1).

“(6) If the Secretary terminates the provision of ongoing family caregiver assistance under subsection (f) to a family member of an eligible veteran (or other individual designated by the veteran) because of findings of an entity submitted to the Secretary under paragraph (4) of this subsection, the Secretary may not provide compensation to such entity for the provision of personal care services to such veteran, unless the Secretary determines it would be in the best interest of the eligible veteran to provide compensation to such entity to provide such services.

“(i) OUTREACH.—The Secretary shall carry out a program of outreach to inform eligible veterans and their family members of the availability and nature of family caregiver assistance.

“(j) CONSTRUCTION.—A decision by the Secretary under this section affecting the furnishing of family caregiver assistance shall be considered a medical determination.

“(k) DEFINITIONS.—In this section:

“(1) The term ‘family caregiver assistance’ includes the instruction, preparation, training, and certification provided under subsection (d) and the ongoing family caregiver assistance provided under subsection (f).

“(2) The term ‘family member’ includes, with respect to a veteran, the following:

“(A) The spouse of the veteran.

“(B) The child of the veteran.

“(C) A parent of the veteran.

“(D) A sibling of the veteran.

“(E) A cousin of the veteran.

“(F) An aunt of the veteran.

“(G) An uncle of the veteran.

“(H) A grandparent of the veteran.

“(I) A grandchild of the veteran.

“(J) A stepparent of the veteran.

“(K) A stepchild of the veteran.

“(L) A stepsibling of the veteran.

“(M) A parent-in-law of the veteran.

“(N) A sister-in-law of the veteran.

“(O) A brother-in-law of the veteran.

“(P) A cousin of the spouse of the veteran.

“(Q) An aunt of the spouse of the veteran.

“(R) An uncle of the spouse of the veteran.

“(S) A grandparent of the spouse of the veteran.

“(T) A grandchild of the spouse of the veteran.

“(U) A stepparent of the spouse of the veteran.

“(V) A stepsibling of the spouse of the veteran.

“(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

“(3) The term ‘personal care services’ includes the following:

“(A) Supervision.

“(B) Protection.

“(C) Services to assist a veteran with one or more independent activities of daily living.

“(D) Such other services as the Secretary considers appropriate.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1717 the following new item:

“1717A. Family caregiver assistance.”.

(3) **AUTHORIZATION FOR PROVISION OF HEALTH CARE TO PERSONAL CARE ATTENDANTS.**—Section 1781(a) of such title is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) a family member of a veteran (or other individual designated by the veteran) designated as the primary personal care attendant for such veteran under section 1717A(e) of this title.”.

(4) **CONSTRUCTION.**—The furnishing of family caregiver assistance under section 1717A of title 38, United States Code, as added by paragraph (1), shall be construed to supplement and not supplant the programs of the Department of Veterans Affairs in existence on the date of the enactment of this Act.

(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date that is 270 days after the date of the enactment of this Act.

(b) **IMPLEMENTATION PLAN AND REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan for the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1); and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such plan.

(2) **CONSULTATION.**—In developing the plan required by paragraph (1)(A), the Secretary shall consult with the following:

(A) Veterans described in section 1717A(b) of title 38, United States Code, as added by subsection (a)(1).

(B) Family members of veterans who provide personal care services to such veterans.

(C) Veterans service organizations, as recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(D) Relevant national organizations that specialize in the provision of assistance to individuals with the types of disabilities that personal care attendants will encounter while providing personal care services under section 1717A of title 38, United States Code, as so added.

(E) Such other organizations with an interest in the provision of care to veterans as the Secretary considers appropriate.

(F) The Secretary of Defense with respect to matters concerning personal care services for eligible veterans who are members of the Armed Forces undergoing medical discharge from the Armed Forces.

(3) **REPORT CONTENTS.**—The report required by paragraph (1)(B) shall contain the following:

(A) The plan required by paragraph (1)(A).

(B) A description of the veterans, caregivers, and organizations consulted by the Secretary under paragraph (2).

(C) A description of such consultations.

(D) The recommendations of such veterans, caregivers, and organizations, if any, that were not incorporated into the plan required by paragraph (1)(A).

(E) The reasons the Secretary did not incorporate such recommendations into such plan.

(c) **ANNUAL EVALUATION REPORT.**—

(1) **IN GENERAL.**—Not later than two years after the date described in subsection (a)(4) and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1).

(2) **CONTENTS.**—The report required by paragraph (1) shall include the following:

(A) The number of family members of veterans (or other individuals designated by veterans) that received family caregiver assistance under such section 1717A.

(B) A description of the outreach activities carried out by the Secretary in accordance with subsection (i) of such section 1717A.

(C) The resources expended by the Secretary under such section 1717A.

(D) An assessment of the manner in which resources are expended by the Secretary under such section 1717A, particularly with respect to the provision of monthly personal caregiver stipends under subsection (f) of such section.

(E) A description of the outcomes achieved by, and any measurable benefits of, carrying out the requirements of such section 1717A.

(F) A justification of any determination made under subsection (b)(2) of such section 1717A.

(G) An assessment of the effectiveness and the efficiency of the implementation of such section 1717A.

(H) An assessment of how the provision of family caregiver assistance fits into the continuum of home health care services and benefits provided to veterans in need of such services and benefits.

(I) Such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out the requirements of such section 1717A.

SEC. 4. LODGING AND SUBSISTENCE FOR ATTENDANTS.

Section 111(e) of title 38, United States Code, is amended—

(1) by striking “When any” and inserting “(1) When any”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection—

(A) by inserting “(including lodging and subsistence)” after “expenses of travel”; and

(B) by inserting before the period at the end the following: “for the period consisting of travel to and from a treatment facility and the duration of the treatment episode”; and

(3) by adding at the end the following:

“(2) The Secretary may prescribe regulations to carry out this subsection. Such regulations may include provisions—

“(A) to limit the number of individuals that may receive expenses of travel under paragraph (1) for a single treatment episode of a person; and

“(B) to require attendants to use certain travel services.

“(3) In this subsection:

“(A) The term ‘attendant’ includes, with respect to a person described in paragraph (1), the following:

“(i) A family member of the person.

“(ii) An individual certified as a personal care attendant under section 1717A(d)(3) of this title.

“(iii) Any other individual whom the Secretary determines—

“(I) has a preexisting relationship with the person; and

“(II) provides a significant portion of the person's care.

“(B) The term ‘family member’ includes, with respect to a person described in paragraph (1), the following:

“(i) The spouse of the person.

“(ii) The child of the person.

“(iii) A parent of the person.

“(iv) A sibling of the person.

“(v) A cousin of the person.

“(vi) An aunt of the person.

“(vii) An uncle of the person.

“(viii) A grandparent of the person.

“(ix) A grandchild of the person.

“(x) A stepparent of the person.

“(xi) A stepchild of the person.

“(xii) A stepsibling of the person.

“(xiii) A parent-in-law of the person.

“(xiv) A sister-in-law of the person.

“(xv) A brother-in-law of the person.

“(xvi) A cousin of the spouse of the person.

“(xvii) An aunt of the spouse of the person.

“(xviii) An uncle of the spouse of the person.

“(xix) A grandparent of the spouse of the person.

“(xx) A grandchild of the spouse of the person.

“(xxi) A stepparent of the spouse of the person.

“(xxii) A stepsibling of the spouse of the person.

“(xxiii) Such other individuals as the Secretary shall specify in regulations for purposes of this subsection.”.

By Mr. BINGAMAN:

S. 804. A bill to amend subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 to establish incentives for States to extend the minimum length of the school year to 200 full days by 2014, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the School Day Factor Act of 2009.

This bill would encourage States to provide students with the time they need to master knowledge and skills they will need to succeed in the 21st century, and to provide teachers with sufficient time to deliver effective instruction.

Twenty-first century learners, and their teachers, are faced with educational demands that simply did not exist decades ago. Right now, our economy is struggling. But we have a plan to get it back on track by investing aggressively in scientific R&D, and the deployment of new technologies. If we are to maintain and increase our Nation's competitiveness in the global economy for decades to come, we must allow every child the opportunity for a quality 21st century education. Today's students need to master mathematics,

science, and technology, language arts and social studies, and they must also have opportunities to study foreign languages, the arts, and physical education. No one of these subject areas should be sacrificed at the expense of another. But that is the choices that teachers and students are faced with in schools across the United States. Teachers are being asked to cover more material than before, without being given more time. Students are expected to master more material than students of decades ago, without being given more time. Meanwhile, researchers have demonstrated that reducing instructional time hinders learning. As summarized by the National Research Council, in its report on *How People Learn*, "... significant learning takes major investments of time."

How can a quality, well rounded education be achieved when the average school year in this country includes only 180 days—less than half the number of days in a calendar year? Children today are spending only 20 percent to 30 percent of their waking hours in school, even if they have a record of perfect attendance. According to the American Academy of Child and Adolescent Psychiatry, by the time American students finish high school, they will have spent more time watching television than in the classroom.

In 1991, Congress established the National Education Commission on Time and Learning, an independent advisory group charged with studying the relationship between instructional time and student learning in American schools. Members of the commission visited schools in the U.S. and abroad, and interviewed teachers, administrators, parents, and students. The Commission concluded that students and teachers in American schools are "prisoners of time," captives of an agrarian-based school calendar that robs them of the opportunity for a quality education. To quote from their report, "we have been asking the impossible of our students—that they learn as much as their foreign peers while spending only half as much time in core academic subjects." I add that this means we have also been asking the impossible of our teachers—to deliver effective instruction, without sufficient time. Clearly, our school calendars have not moved forward along with our societal and technological advances.

The Commission's 1994 report was not the first to recommend lengthening the school year. In 1983, the Nation at Risk report recommended increasing the school day to 7 hours per day, and the school year to 200 to 220 days per year, as a means to strengthen our nation's grip on global competitiveness. Well, it has been 25 years since that report, and I believe the time has come to give students and teachers the time they need for a quality education.

The School Day Factor Act will support efforts to expand the school year,

by coordinating school funding with the length of the school year, and by encouraging schools to add five days to their calendar each year, for the next 4 years. This bill introduces a variable, the "School Day Factor," that will reflect the number of mandatory full days included in a state's school year, and it may be adjusted to reflect any increases in instructional hours per day. This variable will be added to existing Title I allocation formulas that determine education grants to States.

The existing funding allocation formulas would be essentially unchanged for States whose school calendars meet a base level number of days per school year. By raising the base level school year length by 5 school days per year, over a 4 year period, the average school year calendar would reach the target of 200 school days per year by 2014. Inclusion of the School Day Factor will result in higher grants to states with school years that exceed the base level number of school days per year, and smaller grants to states with school years that fall below the base level.

I believe that schools are not only ready for this change, but that they are setting the pace for this movement. Some States and school districts have already taken the initiative to expand their school year by 20 days per year. In my own State of New Mexico, a State initiated pilot program to extend kindergarten by 20 to 25 days per year led to such positive outcomes that the program was recently extended to third grade. Requests to participate have increased, as more school districts understand the benefits afforded by expanding students' and teachers' educational time. The School Day Factor Act is an investment that will support the efforts to dramatically increase this participation rate such that the 200 day school year is the norm, not an expanded calendar.

Clearly, more time alone is not sufficient to insure quality learning. By including the School Day Factor Act in the reauthorization of ESEA, it will be paired with actions designed to enhance and support quality instruction delivered by highly qualified teachers. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Day Factor Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the National Center for Education Statistics the length of the average school year steadily increased from 144 to 178 days between 1869 and 1949. In 2008, the average number of school days per year remains at 178.5.

(2) In 1983, a recommendation in the Nation at Risk report was to increase students' instructional time by lengthening the school day or the school year, as a means to strengthen our Nation's grip on global competitiveness. Since then, no systematic school day or school year increase has occurred.

(3) In 2008, 42 States mandate a school year of 180 or fewer days per year, or the equivalent thereof. Across States, the number of school days per year ranges from 173 to 182.

(4) Researchers have demonstrated that—

(A) when class material is covered in a streamlined, shortened unit, students' conceptual mastery of the content suffers; and

(B) significant learning requires investment of time.

(5) Research has demonstrated that all students are at risk for losing educational gains during extended summer breaks in the typical school calendar, particularly children from low income households. The continued lack of out-of-school learning opportunities contributes to a growing achievement gap. Even more so than achievement gaps present at kindergarten, differences in out-of-school learning opportunities experienced by economically advantaged versus disadvantaged youth contribute to the cumulative achievement difference registered by 9th grade, which affects high school placements, high school exit, and postsecondary school attendance.

(6) Since 1991, over 300 expanded learning initiatives have occurred, across 30 States, aimed primarily at schools with high-poverty and high-minority student populations. Outcomes of these initiatives include enhanced student achievement, lower student and teacher absenteeism, and satisfaction of parents, teachers, and students.

(7) Research demonstrates that the increased school time is beneficial not only for students, but also for teachers. Teachers gain planning time, more opportunities for cooperative planning, professional development opportunities, and additional time to individualize instruction. Teacher employment increases from part-year to up to full year, depending on the calendar conversion adopted.

(8) Regarding the costs of expanded learning initiatives, the cost per hour of instruction decreases with the addition of more learning time.

SEC. 3. PURPOSES.

The purposes of this Act are to ensure that all children have sufficient time to achieve in school, that all children have access to a high quality and well-rounded education, and that teachers have sufficient time to deliver quality instruction. Such purposes can be achieved by—

(1) encouraging States to expand the minimum number of days in their school year, to 200 full days, by 2014, without reducing the length of the school day;

(2) modifying the allocations under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) regarding basic, concentration, targeted, and education finance incentive grants, so that each of the formulas used to determine allocations includes a factor that reflects all of the following:

(A) the minimum number of school days in the State-mandated school year length;

(B) the most recent increase in the number of school days in the State-mandated academic year; and

(C) whether the number of school days in an academic year meets, exceeds, or falls short of the base level school year length described in the amendment made by this Act; and

(3) encouraging States to increase the length of the school day.

SEC. 4. SCHOOL DAY FACTOR.

(a) AMENDMENT.—Subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) is amended by adding at the end the following: “SEC. 1128. SCHOOL DAY FACTOR.

“(a) DEFINITIONS.—In this section:

“(1) ACADEMIC YEAR.—The term ‘academic year’ means the period of time beginning with the first day of a school year and ending on the last day of a school year, which typically begins in the late summer and ends in the early summer.

“(2) BASE LEVEL SCHOOL YEAR LENGTH.—The term ‘base level school year length’ means—

“(A) 180 school days for the 2009–2010 academic year;

“(B) 185 school days for the 2010–2011 academic year;

“(C) 190 school days for the 2011–2012 academic year;

“(D) 195 school days for the 2012–2013 academic year; and

“(E) 200 school days for the 2013–2014 academic year and for each succeeding academic year.

“(3) INSTRUCTIONAL HOURS.—The term ‘instructional hours’ means the number of hours within the school day that are directly devoted to student learning in core academic subjects.

“(4) SCHOOL DAY.—

“(A) IN GENERAL.—The term ‘school day’ means a day for which attendance is mandatory for all students attending an elementary school or secondary school in a State, and in which a minimum of 5½ instructional hours are delivered to students.

“(B) PARTIAL DAYS.—Two days for which attendance is mandatory for all students attending an elementary school or secondary school in a State and in which less than 5½ instructional hours per day are delivered to students may be deemed to be 1 school day for purposes of this section, if the total instructional time for the 2 partial days meets or exceeds 5½ instructional hours.

“(5) STATE-MANDATED SCHOOL YEAR LENGTH.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ‘State-mandated school year length’ means the minimum number of school days an elementary school or secondary school student is required by the State to attend school in an academic year. In calculating the State-mandated school year length, days that the State permits to be waived due to teacher professional development, weather, or other reasons shall not be counted.

“(B) STATES THAT MANDATE MINIMUM NUMBER OF INSTRUCTIONAL HOURS.—In the case of a State that does not mandate a minimum number of school days for an academic year and does mandate a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the quotient of—

“(i) the minimum number of mandated instructional hours per academic year, excluding hours that may be waived due to teacher professional development, weather, or other reasons; divided by

“(ii) the greater of—

“(I) the average number of instructional hours per school day in the State’s public elementary schools and secondary schools; or

“(II) 6½ hours.

“(C) STATES THAT DO NOT MANDATE MINIMUM NUMBER OF DAYS OR HOURS.—In the case of a State that does not mandate a minimum number of school days or a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the average number of school days that elementary school or secondary school students in the State attended school during—

“(i) the preceding school year; or

“(ii) in the case where the preceding school year was significantly shorter due to a natural disaster during such school year, the school year that is preceding the preceding school year.

“(b) SCHOOL DAY FACTOR.—

“(1) ADJUSTMENTS AUTHORIZED.—

“(A) IN GENERAL.—Notwithstanding any other provision of this part, the amount of a grant that a State or local educational agency is eligible to receive under section 1124(a), 1124A(a), 1125(b), or 1125A(b) shall be adjusted by multiplying such amount by the school day factor described in paragraph (2) that is applicable to such State or local educational agency, respectively, for such academic year.

“(B) TIMING OF ADJUSTMENT.—The Secretary shall make the adjustment described in subparagraph (A) to the amount of a grant that a State or local educational agency is eligible to receive under section 1124, 1124A, 1125, or 1125A before applying any hold-harmless requirement, minimum grant amount requirement, or ratable reduction requirement under this part.

“(2) SCHOOL DAY FACTOR.—

“(A) IN GENERAL.—The school day factor referred to in paragraph (1) that is applicable to each State and local educational agency in the State for an academic year is a percentage calculated as the sum of the following:

“(i) ⅔ of such percentage shall be equal to—

“(I) the result of—

“(aa) the State-mandated school year length for the academic year preceding the academic year for which the calculation is made; divided by

“(bb) the base level school year length for the academic year preceding the academic year for which the calculation is made; multiplied by

“(II) 100.

“(ii) ⅓ of such percentage shall be equal to—

“(I) the result of—

“(aa) the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made; divided by

“(bb) 5.5; multiplied by

“(II) 100.

“(B) SPECIAL CALCULATION RULE.—In making the calculation described in subparagraph (A) for a State, the value of subparagraph (A)(ii) shall be zero if the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made is less than the number of such State mandated minimum instructional hours for the academic year that precedes by two years the academic year for which the calculation is made.”

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 1127 the following:

“Sec. 1128. School day factor.”.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today with Senator AKAKA to introduce the Federal Executive Board Authorization Act of 2009 in order to provide for the establishment, administration and funding of Federal Executive Boards, FEBs.

As you may know, President Kennedy issued a “Memorandum on the Need for Greater Coordination of Regional and Field Activities of the Government” in 1961 that noted that more than 90 percent of Federal employees work outside of Washington, DC. President Kennedy wanted to strengthen the coordination of their activities, so he directed “the establishment of a Board of Federal Executives” to “consider management matters and interdepartmental cooperation and establish liaison with State and local government officials in their regions.” That Memorandum led to the creation of ten FEBs to “increase the effectiveness and economy of Federal agencies.”

These FEBs proved their worth, because the number of FEBs across the Nation has increased to 28 FEBs total in Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas-Fort Worth, Denver, Detroit, Honolulu, Houston, Kansas City, Los Angeles, Minnesota, Newark, New Mexico, New Orleans, New York City, Oklahoma, Oregon, Philadelphia, Pittsburgh, St. Louis, San Antonio, San Francisco, Seattle, and South Florida. Those FEBs serve an important role in coordinating Federal activities. For example, earlier this year a proactive FEB executive director sent an e-mail to her FEB colleagues in an effort to coordinate stimulus spending.

However, a 2007 Government Accountability Office, GAO, report, “Additional Steps Needed to Take Advantage of Federal Executive Boards’ Ability to Contribute to Emergency Operations,” noted that FEBs have no congressional charter and rely on voluntary contributions from their member agencies for funding. Because such voluntary contributions result in financial uncertainty on the part of FEBs, GAO recommended that the Office of Personnel Management, OPM, develop a proposal to address the uncertainty of funding sources for FEBs. Based on that recommendation, the Federal Executive Board Authorization Act of 2009 provides for the establishment, administration and funding of FEBs.

The legislation is based in large part on Title 5 of the Code of Federal Regulations, where OPM has set forth regulations relating to the authority, location, and membership of FEBs. Similar to those provisions, this bill calls on the Director of OPM to determine where to establish FEBs and requires the Director to consult with agencies in making that determination. The bill also provides that FEBs shall consist of senior officials from appropriate agencies in those areas. Also similar to provisions in the Code of Federal Regulations, the bill authorizes the Director of OPM to establish staffing policies for FEBs, designate an agency to staff each FEB, establish communications policies, performance standards and accountability initiatives for FEBs, and administer FEB funding.

The Federal Executive Board Authorization Act of 2009 also requires each FEB to adopt bylaws or other rules for its internal governance, elect a chairman from among its members, provide a forum for the exchange of information, and develop coordinated approaches to the development and operation of programs that have common characteristics. Under the bill, FEBs would be required to communicate management initiatives and other concerns from Washington, DC to the field and develop relationships with State and local governments and private sector organizations to help coordinate emergency management and homeland security matters.

To address GAO's concern about the uncertainty of FEB funding, the legislation establishes a fund for FEB operations which would be administered by OPM. The fund would consist of contributions from OPM for administrative and oversight activities as well as contributions from each agency participating in FEBs for staffing and operations. Each agency's contribution would be determined by a formula established by the Director of OPM in consultation with agencies and the Office of Management and Budget, and that formula must take into account each agency's number of employees in areas served by FEBs.

President Kennedy showed great foresight when he called for the coordination of Federal agencies' activities in 1961, and FEBs have done a good job since then in coordinating their work. These FEBs need a congressional charter and a set source of funding, so I hope the Senate will act quickly to pass this legislation, which OPM and GAO were consulted in drafting.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Executive Board Authorization Act of 2009".

SEC. 2. FEDERAL EXECUTIVE BOARDS.

(a) IN GENERAL.—Chapter 11 of title 5, United States Code, is amended by adding at the end the following:

"§ 1106. Federal Executive Boards

"(a) PURPOSES.—The purposes of this section are to—

"(1) strengthen the coordination of Government activities;

"(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs;

"(3) facilitate communication and collaboration on Federal emergency preparedness and continuity of operations to address homeland security issues, including natural disasters, acts of terrorism, and other man-made disasters, outside the Washington, D.C. metropolitan area; and

"(4) provide stable funding for Federal Executive Boards.

"(b) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency'—

"(A) means an Executive agency as defined under section 105; and

"(B) shall not include the Government Accountability Office.

"(2) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(3) FEDERAL EXECUTIVE BOARD.—The term 'Federal Executive Board' means an interagency entity established by the Director, in consultation with the headquarters of appropriate agencies, in a geographic area with a high concentration of Federal employees outside the Washington, D.C. metropolitan area to strengthen the management and administration of agency activities and coordination among local Federal officers to implement national initiatives in that geographic area.

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish Federal Executive Boards in geographic areas outside the Washington, D.C. metropolitan area. Before establishing Federal Executive Boards that are not in existence on the date of enactment of this section, the Director shall consult with the headquarters of appropriate agencies to determine the number and location of the Federal Executive Boards.

"(2) MEMBERSHIP.—Each Federal Executive Board for a geographic area shall consist of an appropriate senior officer for each agency in that geographic area. The appropriate senior officer may designate, by title of office, an alternate representative who shall attend meetings and otherwise represent the agency on the Federal Executive Board in the absence of the appropriate senior officer. An alternate representative shall be a senior officer in the agency.

"(3) LOCATION OF FEDERAL EXECUTIVE BOARDS.—In determining the location for the establishment of Federal Executive Boards, the Director shall consider—

"(A) whether a Federal Executive Board exists in a geographic area on the date of enactment of this section;

"(B) whether a geographic area has a strong, viable, and active Federal Executive Association;

"(C) whether the Federal Executive Association of a geographic area petitions the Director to become a Federal Executive Board; and

"(D) such other factors as the Director and the headquarters of appropriate agencies consider relevant.

"(d) ADMINISTRATION AND OVERSIGHT.—

"(1) IN GENERAL.—The Director shall provide for the administration and oversight of Federal Executive Boards, including—

"(A) establishing staffing policies in consultation with the headquarters of agencies participating in Federal Executive Boards;

"(B) designating an agency to staff each Federal Executive Board based on recommendations from that Federal Executive Board;

"(C) establishing communications policies for the dissemination of information to agencies;

"(D) in consultation with the headquarters of appropriate agencies, establishing performance standards for the Federal Executive Board staff;

"(E) developing accountability initiatives to ensure Federal Executive Boards are meeting performance standards; and

"(F) administering Federal Executive Board funding through the fund established in subsection (f).

"(2) STAFFING.—In making designations under paragraph (1)(B), the Director shall give preference to agencies staffing Federal Executive Boards.

"(e) GOVERNANCE AND ACTIVITIES.—Each Federal Executive Board shall—

"(1) subject to the approval of the Director, adopt by-laws or other rules for the internal governance of the Federal Executive Board;

"(2) elect a Chairperson from among the members of the Federal Executive Board, who shall serve for a set term;

"(3) serve as an instrument of outreach for the national headquarters of agencies relating to agency activities in the geographic area;

"(4) provide a forum for the exchange of information relating to programs and management methods and problems—

"(A) between Federal officers and employees in the Washington, D.C. area and Federal officers and employees in the geographic area; and

"(B) among field elements in the geographic area;

"(5) develop local coordinated approaches to the development and operation of programs that have common characteristics;

"(6) communicate management initiatives and other concerns from Federal officers and employees in the Washington, D.C. area to Federal officers and employees in the geographic area to achieve better mutual understanding and support;

"(7) develop relationships with State and local governments and nongovernmental organizations to help in coordinating emergency management and homeland security issues; and

"(8) take other actions as agreed to by the Federal Executive Board and the Director.

"(f) FUNDING.—

"(1) ESTABLISHMENT OF FUND.—The Director shall establish a fund within the Office of Personnel Management for financing essential Federal Executive Board functions, including basic staffing and operating expenses.

"(2) DEPOSITS.—There shall be deposited in the fund established under paragraph (1)—

"(A) contributions from the Office of Personnel Management to fund administrative and oversight activities conducted under subsection (d);

"(B) contributions from the headquarters of each agency participating in Federal Executive Boards, in an amount determined by a formula established by the Director, in consultation with the headquarters of such

agencies and the Office of Management and Budget.

“(3) CONTRIBUTIONS.—

“(A) FORMULA.—The formula for contributions established by the Director shall consider the number of employees in each agency in each geographic area served by a Federal Executive Board. The contribution of the headquarters of each agency to the fund shall be recalculated at least every 2 years.

“(B) IN-KIND CONTRIBUTIONS.—At the sole discretion of the Director, the headquarters of an agency may provide in-kind contributions instead of providing monetary contributions to the fund.

“(4) USE OF EXCESS AMOUNTS.—Any unobligated and unexpended balances in the fund which the Director determines to be in excess of amounts needed for essential Federal Executive Board functions shall be allocated by the Director, in consultation with the headquarters of agencies participating in Federal Executive Boards, among the Federal Executive Boards for the activities under subsection (e) and other priorities, such as conducting emergency preparedness training.

“(g) REPORTS.—The Director shall submit annual reports to Congress and agencies on Federal Executive Board program outcomes and budget matters.

“(h) REGULATIONS.—The Director shall prescribe regulations necessary to carry out this section.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 11 of title 5, United States Code, is amended by inserting after the item relating to section 1105 the following:

“1106. Federal Executive Boards.”

Mr. AKAKA. Mr. President, I am pleased to join my good friend Senator VOINOVICH as we introduce the Federal Executive Board Authorization Act of 2009 to formalize Federal Executive Boards, FEBs, in the Executive Branch of the Federal Government.

President Kennedy issued a Directive in 1961 creating FEBs to allow the heads of Federal agencies outside of Washington, DC to come together to address local issues in their Federal communities. There are now 28 Boards in 20 States, including Hawaii. Because they have never been authorized in legislation, FEBs have no institutionalized structure; each has its own operating structure. Some have an executive director, while some have no permanent staff at all. They also do not receive specific appropriations. As a result, FEBs must cobble together voluntary funding from participating agencies.

The Office of Personnel Management oversees the mission and activities of FEBs. Part of FEBs' mission is to offer agencies outside of Washington, DC an opportunity to share information, collaborate to address shared concerns, discuss management and administrative challenges, and come together as a Federal community. Each Board sets its own specific priorities and activities based on local concerns and the leadership in a given area.

Additionally, FEBs' mission is to play a critical support role in coordinating emergency preparedness and re-

sponse efforts for a given area. The Honolulu-Pacific Federal Executive Board regularly hosts and participates in preparedness exercises in Hawaii and the Pacific Rim. When the Interstate 35 West Bridge collapsed over the Mississippi River in Minneapolis, Minnesota on August 1, 2007, the Executive Director of the Minnesota FEB helped disseminate critical information to over 100 Federal agencies and coordinate with the State and local emergency response network. FEBs have shared information with each other to assist in preparing for large events as well. For example, the Boston FEB used their experience with the Democratic National Convention in 2004 to help the Denver and Minnesota FEBs prepare for the National Party Conventions in 2008.

At a hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia on September 28, 2007, which I chaired, it was clear that FEBs lack of formal structure hinders their critical support role in emergency preparedness and response. At that hearing, the Government Accountability Office, GAO, testified that FEBs have no clear role in national emergency planning, no framework to operate, no accountability in performing their duties, and no funding to carry out their missions. Additionally, FEB Executive Directors from around the country testified about the frustrations of operating without stable funding or a clear structure.

Since the hearing, FEBs have been included in FEMA's National Response Framework, and OPM and FEMA have signed a memorandum of understanding, MOU, giving FEBs a formal role in emergency preparedness and response. The Federal Executive Board Authorization Act of 2009 would implement other recommendations made by GAO and the representatives from FEBs at the 2007 hearing. More specifically, the bill would formalize the role of Federal Executive Boards, which would include interagency collaboration and Federal agency emergency preparedness and response outside of Washington, DC; establish a process for establishing new FEBs; require OPM to establish performance standards for FEBs; specify a funding formula, which OPM will administer, for FEBs based on the number of employees in a Federal agency in a given area; and authorize staffing levels for each FEB to have at least an Executive Director and one support staff member.

Eighty-five percent of the Federal workforce is employed outside of the Washington, DC area. We spend billions of dollars preparing the National Capital Region for emergencies, but we must focus more on Federal Government agency emergency preparedness and response outside of the Washington area. This legislation will address that

pressing need. I urge my colleagues to support this important bill.

By Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 808. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise to introduce, along with Senators BOND, AKAKA, BOXER, COLLINS, DURBIN, KERRY, KLOBUCHAR, LANDRIEU, LAUTENBERG, LIEBERMAN, SCHUMER, and WHITEHOUSE, the Homeless Emergency Assistance and Rapid Transition to Housing Act, HEARTH Act. Representative GWEN MOORE is introducing a bipartisan companion bill today as well. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would consolidate and improve the homeless assistance programs at the Department of Housing and Urban Development to better accomplish the goals of preventing and ending homelessness.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, 2.5 to 3.5 million Americans experience homelessness each year. On any one night, approximately 672,000 men, women, and children are without homes. While strides have been made to reduce homelessness over the last couple of years, the current economic decline has halted such progress. We have already seen tent cities forming, shelters turning away people, and cities reporting increased numbers of homeless people. As unemployment continues to rise, more and more people cannot afford to pay their mortgages or rent, and nonprofits and local governments are unable to keep up.

As a result of the recession, 1.5 million additional Americans are likely to experience homelessness over the next two years according to estimates by the National Alliance to End Homelessness. This means more trauma for children and adults, more dislocation from schools and communities, and more of a drain on local community services.

Sadly, many of those who are homeless have served our country in uniform. Their numbers range between 150,000 and 200,000 on any given night. Three times that many veterans are housed, but are struggling with excessive rent burdens and an increased risk of homelessness. Different sources estimate that between 23 and 40 percent of homeless adults are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it

is estimated that at least 1.35 million children experience homelessness. According to HUD's 3rd Annual Homeless Assessment Report to Congress, on any given night, 248,500 persons in families are homeless. Each year, over 800,000 homeless children and youth are identified and enrolled in public schools. However, this count does not include preschool children, and at least half of all homeless children are under the age of five. Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition, many of those who are homeless have a disability. According to the Homelessness Research Institute, about 23 percent of homeless people were found to be "chronically homeless," which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some supportive services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition's most recent "Out of Reach" report, nowhere in the country can a minimum wage earner afford to rent a one-bedroom home. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

There is also a great societal cost to homelessness, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment. Indeed, studies have shown it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 22 years since the enactment of the Steward B. McKinney Homeless Assistance Act, and we have learned a lot about the problem of homelessness since then. At the time of its adoption in 1987, this law was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 22 years, and put those best practices and proposals into action.

First and foremost, the HEARTH Act focuses federal funding on prevention. It allows up to 20 percent of funds to be used to serve people who are at risk of

homelessness under a new "Emergency Solutions Grants" program. At the same time, it expands the definition of homelessness, which determines eligibility for much of the homeless assistance funding, to include people who will lose their housing in 14 days; any family or individual fleeing or attempting to flee domestic violence, or other dangerous or life threatening situations; and families with children and unaccompanied youth who have experienced a long term period without living independently, have experienced persistent housing instability, and can be expected to continue in such status for an extended period due to a number of enumerated factors, such as a disability. It also allows grantees to use up to an additional 10 percent of competitive funds to serve families defined as homeless under the Education Department homeless definition, but not so defined under the HUD definition. For areas with low levels of homelessness, up to 100 percent of funds may be used for such purposes.

The HEARTH Act also provides communities with greater flexibility in using funds to prevent and end homelessness. Rural communities can participate in a new Rural Housing Stability Assistance Program that would grant rural communities greater discretion in addressing the needs of homeless people or those in the worst housing situations in their communities.

The HEARTH Act would also increase the focus on practices and programs that have demonstrated results. For example, the bill would require that HUD provide incentives for rapid rehousing programs for homeless families. Rapid rehousing programs have been successfully used in numerous communities to significantly reduce family homelessness. By dramatically reducing the length of time families are homeless, rapid rehousing programs ensure a quicker return to stability and self sufficiency.

The HEARTH Act would continue HUD's existing initiative to house people who experience chronic homelessness, but would add families with children to the initiative. It also would designate 30 percent of total funds for new permanent housing for families and individuals with a disability.

Finally, the HEARTH Act would increase the emphasis on performance by measuring applicants' progress at reducing homelessness. It would also allow communities with low levels of homelessness or that are reducing homelessness to focus more on prevention and serving people who are at risk of homelessness.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

The bipartisan HEARTH Act will set us on the path to meeting this important national goal. I hope my colleagues will join us in supporting this bill and other homelessness prevention efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definition of homelessness.
- Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

- Sec. 101. Definitions.
- Sec. 102. Community homeless assistance planning boards.
- Sec. 103. General provisions.
- Sec. 104. Protection of personally identifying information by victim service providers.
- Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

- Sec. 201. Grant assistance.
- Sec. 202. Eligible activities.
- Sec. 203. Participation in Homeless Management Information System.
- Sec. 204. Administrative provision.
- Sec. 205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

- Sec. 301. Continuum of care.
- Sec. 302. Eligible activities.
- Sec. 303. High performing communities.
- Sec. 304. Program requirements.
- Sec. 305. Selection criteria, allocation amounts, and funding.
- Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

- Sec. 401. Rural housing stability assistance.
- Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

- Sec. 501. Repeals.
- Sec. 502. Conforming amendments.
- Sec. 503. Effective date.
- Sec. 504. Regulations.
- Sec. 505. Amendment to table of contents.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the separate homeless assistance programs carried out under title IV

of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 3. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For purposes of this Act, the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ means—

“(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

“(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

“(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

“(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

“(5) an individual or family who—

“(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

“(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

“(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

“(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

“(B) has no subsequent residence identified; and

“(C) lacks the resources or support networks needed to obtain other permanent housing; and

“(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

“(A) have experienced a long term period without living independently in permanent housing,

“(B) have experienced persistent instability as measured by frequent moves over such period, and

“(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of “homeless”, “homeless individual”, or “homeless person” for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following “whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness”;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

“(16) The Commissioner of Social Security, or the designee of the Commissioner.

“(17) The Attorney General of the United States, or the designee of the Attorney General.

“(18) The Director of the Office of Management and Budget, or the designee of the Director.

“(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

“(20) The Director of USA Freedom Corps, or the designee of the Director.”;

(B) in subsection (c), by striking “annually” and inserting “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year”; and

(C) by adding at the end the following:

“(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.”;

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

“(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually.”;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking “at least 2, but in no case more than 5” and inserting “not less than 5, but in no case more than 10”;

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

“(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

“(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies’ identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’, issued February 26, 1999, and ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

“(8) conduct research and evaluation related to its functions as defined in this section;

“(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency.”;

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking “and” at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

“(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person’s property without due process, or are selectively enforced against homeless persons; and

“(13) not later than the expiration of the 6-month period beginning upon completion of

the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 3 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting."

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—
(A) by striking "Federal" and inserting "national";

(B) by striking "and" and inserting "and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made";

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking "property." and inserting "property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council."; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this Act.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

"SEC. 401. DEFINITIONS.

"For purposes of this title:

"(1) **AT RISK OF HOMELESSNESS.**—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

"(A) has income below 30 percent of median income for the geographic area;

"(B) has insufficient resources immediately available to attain housing stability; and

"(C)(i) has moved frequently because of economic reasons;

"(ii) is living in the home of another because of economic hardship;

"(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

"(iv) lives in a hotel or motel;

"(v) lives in severely overcrowded housing;

"(vi) is exiting an institution; or

"(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

"(2) **CHRONICALLY HOMELESS.**—

"(A) **IN GENERAL.**—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

"(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

"(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

"(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

"(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

"(3) **COLLABORATIVE APPLICANT.**—The term 'collaborative applicant' means an entity that—

"(A) carries out the duties specified in section 402;

"(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

"(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

"(4) **COLLABORATIVE APPLICATION.**—The term 'collaborative application' means an

application for a grant under subtitle C that—

"(A) satisfies section 422; and

"(B) is submitted to the Secretary by a collaborative applicant.

"(5) **CONSOLIDATED PLAN.**—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

"(6) **ELIGIBLE ENTITY.**—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

"(7) **FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

"(8) **GEOGRAPHIC AREA.**—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

"(9) **HOMELESS INDIVIDUAL WITH A DISABILITY.**—

"(A) **IN GENERAL.**—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

"(i)(I) is expected to be long-continuing or of indefinite duration;

"(II) substantially impedes the individual's ability to live independently;

"(III) could be improved by the provision of more suitable housing conditions; and

"(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

"(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

"(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

"(B) **RULE.**—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

"(10) **LEGAL ENTITY.**—The term 'legal entity' means—

"(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

"(B) an instrumentality of State or local government; or

"(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

"(11) **METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.**—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

"(12) **NEW.**—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

“(13) OPERATING COSTS.—The term ‘operating costs’ means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; or

“(C) coordination of services as needed to ensure long-term housing stability.

“(14) OUTPATIENT HEALTH SERVICES.—The term ‘outpatient health services’ means outpatient health care services, mental health services, and outpatient substance abuse services.

“(15) PERMANENT HOUSING.—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

“(16) PERSONALLY IDENTIFYING INFORMATION.—The term ‘personally identifying information’ means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

“(17) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(18) PROJECT.—The term ‘project’ means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

“(19) PROJECT-BASED.—The term ‘project-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an owner of a structure that exists as of the date the contract is entered into; and

“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“(20) PROJECT SPONSOR.—The term ‘project sponsor’ means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

“(21) RECIPIENT.—Except as used in subtitle B, the term ‘recipient’ means an eligible entity who—

“(A) submits an application for a grant under section 422 that is approved by the Secretary;

“(B) receives the grant directly from the Secretary to support approved projects described in the application; and

“(C)(i) serves as a project sponsor for the projects; or

“(ii) awards the funds to project sponsors to carry out the projects.

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(23) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

“(24) SOLO APPLICANT.—The term ‘solo applicant’ means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

“(25) SPONSOR-BASED.—The term ‘sponsor-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an independent entity that—

“(I) is a private organization; and

“(II) owns or leases dwelling units; and

“(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

“(26) STATE.—Except as used in subtitle B, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

“(27) SUPPORTIVE SERVICES.—The term ‘supportive services’ means services that address the special needs of people served by a project, including—

“(A) the establishment and operation of a child care services program for families experiencing homelessness;

“(B) the establishment and operation of an employment assistance program, including providing job training;

“(C) the provision of outpatient health services, food, and case management;

“(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

“(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

“(F) the provision of mental health services, trauma counseling, and victim services;

“(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

“(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual’s ability to obtain and retain housing;

“(I) the provision of—

“(i) transportation services that facilitate an individual’s ability to obtain and maintain employment; and

“(ii) health care; and

“(J) other supportive services necessary to obtain and maintain housing.

“(28) TENANT-BASED.—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

“(29) TRANSITIONAL HOUSING.—The term ‘transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

“(30) UNIFIED FUNDING AGENCY.—The term ‘unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

“(31) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

“(32) VICTIM SERVICE PROVIDER.—The term ‘victim service provider’ means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

“(33) VICTIM SERVICES.—The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.”

SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 101(3) of this Act) the following new section:

“SEC. 402. COLLABORATIVE APPLICANTS.

“(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

“(1) submit an application for amounts under this subtitle; and

“(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

“(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

“(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

“(e) APPOINTMENT OF AGENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

“(A) apply for a grant under section 422(c);

“(B) receive and distribute grant funds awarded under subtitle C; and

“(C) perform other administrative duties.

“(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

“(f) DUTIES.—A collaborative applicant shall—

“(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

“(A) to determine compliance with—

“(i) the program requirements under section 426; and

“(ii) the selection criteria described under section 427; and

“(B) to establish priorities for funding projects in the geographic area involved;

“(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

“(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

“(A) collects unduplicated counts of individuals and families experiencing homelessness;

“(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

“(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

“(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

“(i) encryption of data collected for purposes of HMIS;

“(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

“(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

“(iv) rights of persons receiving services under this title;

“(v) criminal and civil penalties for unlawful disclosure of data; and

“(vi) such other standards as may be determined necessary by the Secretary.

“(g) UNIFIED FUNDING.—

“(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

“(A) the collaborative applicant—

“(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

“(ii) is selected to perform such responsibilities by the Secretary; or

“(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

“(i) a finding by the Secretary that the applicant—

“(I) has the capacity to perform such responsibilities; and

“(II) would serve the purposes of this Act as they apply to the geographic area; and

“(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

“(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

“(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

“(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

“(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.”

SEC. 103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 101(2) of this Act) the following new sections:

“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

“(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to fam-

ilies with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

“SEC. 405. TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other non-governmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homelessness.

“(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).”

SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

“In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.”

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle B—Emergency Solutions Grants Program”;

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

“SEC. 412. GRANT ASSISTANCE.

“The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

“(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

“(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.”; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking “amounts appropriated” and all that follows through “for any” and inserting “amounts appropriated under section 408 and made available to carry out this subtitle for any”.

SEC. 202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 201(3) of this Act, and inserting the following new section:

“SEC. 415. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

“(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

“(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

“(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

“(B) the use of assistance under this subtitle would complement the provision of those essential services.

“(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

“(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

“(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, as-

sistance with moving costs, or other activities that are effective at—

“(A) stabilizing individuals and families in their current housing; or

“(B) quickly moving such individuals and families to other permanent housing.

“(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

“(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

“(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.”.

SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 201(3) of this Act, is amended by adding at the end the following new subsection:

“(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.”.

SEC. 204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking “5 percent” and inserting “7.5 percent”.

SEC. 205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM**SEC. 301. CONTINUUM OF CARE.**

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

“Subtitle C—Continuum of Care Program”;
and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

“SEC. 421. PURPOSES.

“The purposes of this subtitle are—

“(1) to promote community-wide commitment to the goal of ending homelessness;

“(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

“(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

“(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

“(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

“(c) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

“(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

“(B) to establish priorities for funding projects in the geographic area.

“(2) ANNOUNCEMENT OF AWARDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

“(1) REQUIREMENTS FOR OBLIGATION.—

“(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

“(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that

compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

“(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

“(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

“(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

“(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

“(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

“(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

“(h) APPEALS.—

“(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

“(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

“(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

“(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

“(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

“(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

“(3) TREATMENT OF CERTAIN POPULATIONS.—

“(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

“(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.”

SEC. 302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

“(1) Construction of new housing units to provide transitional or permanent housing.

“(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

“(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing

transitional or permanent housing, or providing supportive services.

“(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

“(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

“(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

“(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

“(A) are effective at moving homeless individuals and families immediately into housing; or

“(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

“(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

“(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

“(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

“(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

“(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

“(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

“(c) USE RESTRICTIONS.—

“(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

“(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

“(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

“(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

“(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

“(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

“(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

“(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

“(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

“(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.”

SEC. 303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

“(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

“(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) APPLICATION.—

“(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) PUBLICATION OF APPLICATION.—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(1) for any of the eligible activities described in section 423; or

“(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

“(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

“(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

“(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

“(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

“(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by

the collaborative applicant to reduce homelessness.”.

SEC. 304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) **SITE CONTROL.**—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

“(b) **REQUIRED AGREEMENTS.**—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

“(4) to require certification from all project sponsors that—

“(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

“(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

“(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

“(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

“(E) they will provide data and reports as required by the Secretary pursuant to the Act;

“(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the

proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

“(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

“(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children’s education; and

“(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.”;

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this section), by striking “recipient” and inserting “recipient or project sponsor”;

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking “recipient” each place it appears and inserting “recipient or project sponsor”;

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

“SEC. 427. SELECTION CRITERIA.

“(a) **IN GENERAL.**—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

“(b) **REQUIRED CRITERIA.**—

“(1) **IN GENERAL.**—The criteria established under subsection (a) shall include—

“(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

“(i) the length of time individuals and families remain homeless;

“(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

“(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

“(iv) overall reduction in the number of homeless individuals and families;

“(v) jobs and income growth for homeless individuals and families;

“(vi) success at reducing the number of individuals and families who become homeless;

“(vii) other accomplishments by the recipient related to reducing homelessness; and

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

“(B) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced;

“(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

“(iv) the extent to which the recipient will—

“(I) address the needs of all relevant subpopulations;

“(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

“(III) set quantifiable performance measures;

“(IV) set timelines for completion of specific tasks;

“(V) identify specific funding sources for planned activities; and

“(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

“(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

“(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

“(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

“(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

“(iii) is based on objective criteria that have been publicly announced by the recipient; and

“(iv) is open to proposals from entities that have not previously received funds under this subtitle;

“(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

“(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

“(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

“(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

“(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

“(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

“(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

“(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

“(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

“(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

“(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

“(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

“(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

“(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

“(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

“(d) INCENTIVES FOR PROVEN STRATEGIES.—

“(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

“(A) permanent supportive housing for chronically homeless individuals and families;

“(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as

Temporary Assistance for Needy Families and Child Welfare services; and

“(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

“(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

“(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

“(1) under the appropriations account for this title; or

“(2) the section 8 project-based rental assistance account.

“(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

“(1) there is a demonstrated need for the project; and

“(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

“SEC. 430. MATCHING FUNDING.

“(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a

grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 431. APPEAL PROCEDURE.

“(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

“(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

“(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.”.

SEC. 306. RESEARCH.

There is authorized to be appropriated \$8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle G—Rural Housing Stability Assistance Program”; and

(2) in section 491—

(A) by striking the section heading and inserting “rural housing stability grant program.”;

(B) in subsection (a)—

(i) by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

(ii) by inserting “in lieu of grants under subtitle C” after “eligible organizations”; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

“(1) rehousing or improving the housing situations of individuals and families who

are homeless or in the worst housing situations in the geographic area;

“(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income residents of the community to afford stable housing.”;

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

“(H) payment of operating costs for housing units assisted under this title.”;

(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”;

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”;

(F) in subsection (d)—

(i) in paragraph (5), by striking “; and” and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization”; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

(G) by striking subsections (f) and (g) and inserting the following:

“(f) MATCHING FUNDING.—

“(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

“(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the bene-

ficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

“(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the community;

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “The” and inserting “Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”; and

(ii) in paragraph (1)(A), by striking “providing housing and other assistance to homeless persons” and inserting “meeting the goals described in subsection (a)”;

(iii) in paragraph (1)(B), by striking “address homelessness in rural areas” and inserting “meet the goals described in subsection (a) in rural areas”; and

(iv) in paragraph (2)—

(I) by striking “The” and inserting “Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(II) by striking “, not later than 18 months after the date on which the Secretary first makes grants under the program,”; and

(III) by striking “prevent and respond to homelessness” and inserting “meet the goals described in subsection (a)”;

(I) in subsection (k)—

(i) in paragraph (1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “; or” and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking “rural census tract.” and inserting “county where at least 75 percent of the population is rural; or”;

(III) by adding at the end the following:

“(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.”;

(J) in subsection (I)—

(i) by striking the subsection heading and inserting “PROGRAM FUNDING.—”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.”; and

(K) by adding at the end the following:

“(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.”.

SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural

areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

- (1) The Secretary of Agriculture.
- (2) The Secretary of Housing and Urban Development.
- (3) The Secretary of Health and Human Services.
- (4) The Secretary of Education.
- (5) The Secretary of Labor.
- (6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 101(2) of this Act), is amended—

(1) by striking “current housing affordability strategy” and inserting “consolidated plan”; and

(2) by inserting before the comma the following: “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to home-

less individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.”.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this Act, as subtitle D.

SEC. 503. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, this Act and the amendments made by this Act shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this Act, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 504,

whichever occurs first.

SEC. 504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

“Sec. 401. Definitions.
 “Sec. 402. Collaborative applicants.
 “Sec. 403. Housing affordability strategy.
 “Sec. 404. Preventing involuntary family separation
 “Sec. 405. Technical assistance.
 “Sec. 406. Discharge coordination policy.
 “Sec. 407. Protection of personally identifying information by victim service providers.
 “Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Solutions Grants Program

“Sec. 411. Definitions.
 “Sec. 412. Grant assistance.
 “Sec. 413. Amount and allocation of assistance.
 “Sec. 414. Allocation and distribution of assistance.
 “Sec. 415. Eligible activities.
 “Sec. 416. Responsibilities of recipients.
 “Sec. 417. Administrative provisions.
 “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

“Sec. 421. Purposes.
 “Sec. 422. Continuum of care applications and grants.
 “Sec. 423. Eligible activities.
 “Sec. 424. Incentives for high-performing communities.
 “Sec. 425. Supportive services.
 “Sec. 426. Program requirements.
 “Sec. 427. Selection criteria.
 “Sec. 428. Allocation of amounts and incentives for specific eligible activities.

- "Sec. 429. Renewal funding and terms of assistance for permanent housing.
- "Sec. 430. Matching funding.
- "Sec. 431. Appeal procedure.
- "Sec. 432. Regulations.
- "Sec. 433. Reports to Congress.

"Subtitle D—Rural Housing Stability Assistance Program

- "Sec. 491. Rural housing stability assistance.
- "Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing."

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2009, along with my good friend, Senator GRASSLEY from Iowa.

As we all know, the country, including my home State of Montana, is losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Montana has begun to recognize the importance of using conservation easements to preserve these lands. We currently have more than 1.5 million acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life. The Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income, AGI, limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year.

The number of acres protected and easements held by state and local land trusts has grown as a result of this incentive. According to the Land Trust Alliance, America's Land Trusts protected 535,000 more acres with con-

servation easements in the first two years with the new tax incentive than in the previous two years, a 36 percent increase. In 2006 and 2007, land trusts added over 6,000 easements, about 2,000 more than the 2 years before the incentive.

The Rural Heritage Conservation Extension Act of 2009 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Government, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Heritage Conservation Extension Act of 2009".

SEC. 2. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, the Immigration and Nationality Act, INA, imposes what has become known as the "widow penalty," requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first two years of marriage. Today, joined by Senators DURBIN, FEINSTEIN, KENNEDY, KERRY AND MENENDEZ, I am introducing the Fairness to Surviving Spouses Act of 2009. My bill will amend the INA to

remedy this unintended and unjustified administrative procedure.

This legislation is needed because, under current law, when a US citizen marries a non-citizen, the non-citizen is eligible to become a legal permanent resident and receive a green card. During the first two years of marriage, the only way this can be accomplished is through a petition that the citizen files on the non-citizen spouse's behalf. The non-citizen cannot self-petition for legal permanent resident status during this time.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending—and delays in the process are often caused due to bureaucratic delay—the petition automatically is denied, and the non-citizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, and shared finances, exists. It is even the case if a couple had a U.S. born child.

Because of the widow penalty, law-abiding and well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the US Citizenship and Immigration Services, CIS, to address the issue administratively were unsuccessful. In the current administration, Secretary of Homeland Security Janet Napolitano has directed that the Department of Homeland Security review a number of immigration issues, including the widow penalty. Although this review is welcome, there is some question regarding the Secretary's authority to end the penalty administratively. That is why a clean legislative fix is needed, as scores of women and children face immediate deportation today.

There have been more than 200 widow penalty victims throughout the country, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; a woman whose husband was killed while on duty with the U.S. Border Patrol; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case, placed in shackles, and sent to a detention facility.

The widow penalty has received national extensive national media attention, including from 60 Minutes, which profiled Raquel Williams, a widow who lives with her in-laws in Orlando, in a segment entitled, "For Better or For Worse—A Loss of Love and Country." After she was deemed deportable following the sudden death of her husband from sleep apnea and heart problems, Ms. Williams and her in-laws have been telling their story to raise awareness about this issue.

The harsh and unfair widow penalty can be eliminated by allowing the petition to be adjudicated even though the citizen spouse has died. The proposed legislation affects only a small group of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

Today, Rep. JIM MCGOVERN is introducing identical legislation in the House. His bill passed out of the House Judiciary Committee during the 110th Congress with bipartisan support, including from Republicans who led the charge against comprehensive immigration reform. The widows who face deportation today should not be forced to wait for the Congress to take up comprehensive immigration reform. This legislation is needed now because it simply corrects an arbitrary and unjust sanction, one which would never have occurred but for the Government's failure to act more in a more timely manner and the unfortunate fact that the citizen spouse died before the couple's second anniversary.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF FOR SURVIVING SPOUSES.

(a) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit)” after “for at least 2 years at the time of the citizen's death”.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(2) TRANSITION CASES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an alien described in subparagraph (B) who seeks immediate relative status pursuant to the amendment made by subsection (a) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if—

(i) the alien's United States citizen spouse died before the date of the enactment of this Act;

(ii) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(iii) the alien has not remarried.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Pacific Salmon Stronghold Conservation Act of 2009, together with my colleague from Alaska Senator Murkowski. I am grateful for all the input and collaboration from key stakeholders in Washington State that I have received on this legislation. I am especially grateful for the input from the Quileute Tribe, the Wild Salmon Center, and Bill Ruckelshaus.

Wild Pacific salmon are central to the culture, economy, and environment of western North America. While current Federal, State, and local salmon recovery efforts are focused on recovering salmon listed under the Endangered Species Act, ESA, seeking to restore what we've lost—the Salmon Stronghold Act seeks to protect what we have. Current efforts to recover threatened or endangered salmon stocks are vital. This is why I have consistently fought for increased funding for the Pacific Coast Salmon Recovery Fund, PCSRF, and will continue to proudly do so.

The PCSRF, since its inception in 2000, has allowed my home State of Washington to focus the efforts of counties and conservation districts, on average, to remove 300 barriers to fish passage and to open 300 miles of habitat each year. That's 2,400 barriers removed and 2,400 miles of habitat restored. In 2008, for every Federal dollar spent on this program it leveraged about \$2 local and State dollars.

I will continue the fight to protect this salmon recovery funding. But more must be done. A key purpose of this act is to complement existing Federal, State and local salmon recovery efforts by directing new Federal resources to conserve healthy salmon populations. This legislation will utilize sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the Pacific States.

This bill establishes a new regional Salmon Stronghold Partnership program that provides federal support and resources to protect a network of the healthiest remaining wild Pacific salmon ecosystems in North America. The bill promotes enhanced coordination and cooperation of Federal, tribal,

State and local governments, public and private land managers, fisheries managers, power authorities, and non-governmental organizations in efforts to protect salmon strongholds.

It is time to increase funding for recovery efforts, but also focus on prevention. It is time to adopt the kind of comprehensive solution that can solidify the place wild Pacific salmon hold in American culture for generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pacific Salmon Stronghold Conservation Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Salmon Stronghold Partnership.
- Sec. 5. Information and assessment.
- Sec. 6. Salmon stronghold watershed grants and technical assistance program.
- Sec. 7. Interagency cooperation.
- Sec. 8. International cooperation.
- Sec. 9. Acquisition and transfer of real property interests.
- Sec. 10. Administrative provisions.
- Sec. 11. Limitations.
- Sec. 12. Reports to Congress.
- Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Several species of salmon native to the rivers of the United States are highly migratory, interacting with salmon originating from Canada, Japan, Russia, and South Korea and spending portions of their life history outside of the territorial waters of the United States. Recognition of the migratory and transboundary nature of salmon species has led countries of the North Pacific to seek enhanced coordination and cooperation through multilateral and bi-lateral agreements.

(2) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems. They are also an indicator of ecosystem health and potential impacts of climate change.

(3) Salmon are a central part of the culture, economy, and environment of Western North America.

(4) Economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs.

(5) During the anticipated rapid environmental change during the period beginning on the date of the enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity will be vital to ensuring the health of salmon populations.

(6) Salmon strongholds provide critical production zones for commercial, recreational, and subsistence fisheries.

(7) Taking into consideration the frequency with which fisheries have collapsed

during the period preceding the date of the enactment of this Act, using scientific research to correctly identify and conserve core centers of abundance, productivity, and diversity is vital to sustain salmon populations and fisheries in the future.

(8) Measures being undertaken as of the date of the enactment of this Act to recover threatened or endangered salmon stocks, including Federal, State, and local programs to restore salmon habitat, are vital. These measures will be complemented and enhanced by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the range of salmon species.

(9) The effects of climate change are affecting salmon habitat at all life history stages and future habitat conservation must consider climate change projections to safeguard natural systems under future climate conditions.

(10) Greater coordination between public and private entities can assist salmon strongholds by marshaling and focusing resources on scientifically-supported, high priority conservation actions.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand Federal support and resources for the protection and restoration of the healthiest remaining salmon strongholds in North America to sustain core centers of salmon abundance, productivity, and diversity in order to ensure the long-term viability of salmon populations—

(A) in the States of California, Idaho, Oregon, and Washington, by focusing resources on cooperative, incentive-based efforts to conserve the roughly 20 percent of salmon habitat that supports approximately two-thirds of salmon abundance; and

(B) in the State of Alaska, a regional stronghold that produces more than one-third of all salmon, by increasing resources available to public and private organizations working cooperatively to conserve regional core centers of salmon abundance and diversity;

(2) to maintain and enhance economic benefits related to fishing or associated with healthy salmon stronghold habitats, including flood protection, recreation, water quantity and quality, carbon sequestration, climate change mitigation and adaptation, and other ecosystem services; and

(3) to complement and add to existing Federal, State, and local salmon recovery efforts by using sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout their range.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Assistant Administrator for the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

(2) BOARD.—The term “Board” means the Salmon Stronghold Partnership Board established under section 4.

(3) CHARTER.—The term “charter” means the charter of the Board developed under section 4(g).

(4) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(5) ECOSYSTEM SERVICES.—The term “ecosystem services” means an ecological benefit generated from a healthy, functioning ecosystem, including clean water, pollutant fil-

tration, regulation of river flow, prevention of soil erosion, regulation of climate, and fish production.

(6) PROGRAM.—Except as otherwise provided, the term “program” means the salmon stronghold watershed grants and technical assistance program established under section 6(a).

(7) SALMON.—The term “salmon” means any of the wild anadromous *Oncorhynchus* species that occur in the Western United States, including—

(A) chum salmon (*Oncorhynchus keta*);

(B) pink salmon (*Oncorhynchus gorbuscha*);

(C) sockeye salmon (*Oncorhynchus nerka*);

(D) chinook salmon (*Oncorhynchus tshawytscha*);

(E) coho salmon (*Oncorhynchus kisutch*); and

(F) steelhead trout (*Oncorhynchus mykiss*).

(8) SALMON STRONGHOLD.—The term “salmon stronghold” means all or part of a watershed or that meets biological criteria for abundance, productivity, diversity (life history and run timing), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout their range, as defined by the Board.

(9) SALMON STRONGHOLD PARTNERSHIP.—The term “Salmon Stronghold Partnership” means the Salmon Stronghold Partnership established under section 4(a)(1).

(10) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Commerce.

SEC. 4. SALMON STRONGHOLD PARTNERSHIP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Salmon Stronghold Partnership that is a cooperative, incentive-based, public-private partnership among appropriate Federal, State, tribal, and local governments, private landowners, and nongovernmental organizations working across political boundaries, government jurisdictions, and land ownerships to identify and conserve salmon strongholds.

(2) MEMBERSHIP.—To the extent possible, the membership of the Salmon Stronghold Partnership shall include each entity described under subsection (b).

(3) LEADERSHIP.—The Salmon Stronghold Partnership shall be managed by a Board established by the Secretary to be known as the Salmon Stronghold Partnership Board.

(b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

(1) IN GENERAL.—The Board shall consist of representatives with strong scientific or technical credentials and expertise as follows:

(A) 1 representative from each of—

(i) the National Marine Fisheries Service, as appointed by the Administrator;

(ii) the United States Fish and Wildlife Service, as appointed by the Director;

(iii) the Forest Service, as appointed by the Chief of the Forest Service;

(iv) the Environmental Protection Agency, as appointed by the Administrator of the Environmental Protection Agency;

(v) the Bonneville Power Administration, as appointed by the Administrator of the Bonneville Power Administration;

(vi) the Bureau of Land Management, as appointed by the Director of the Bureau of Land Management; and

(vii) the Northwest Power and Conservation Council, as appointed by the Northwest Power and Conservation Council.

(B) 1 representative from the natural resources staff of the office of the Governor or

of an appropriate natural resource agency of a State, as appointed by the Governor, from each of the States of—

(i) Alaska;

(ii) California;

(iii) Idaho;

(iv) Oregon; and

(v) Washington.

(C) Not less than 3 and not more than 5 representatives from Indian tribes or tribal commissions located within the range of a salmon species, as appointed by such Indian tribes or tribal commissions, in consultation with the Board.

(D) 1 representative from each of 3 nongovernmental organizations with salmon conservation and management expertise, as selected by the Board.

(E) 1 national or regional representative from an association of counties, as selected by the Board.

(F) Representatives of other entities with significant resources regionally dedicated to the protection of salmon ecosystems that the Board determines are appropriate, as selected by the Board.

(2) FAILURE TO APPOINT.—If a representative described in subparagraph (B), (C), (D), (E), or (F) of paragraph (1) is not appointed to the Board or otherwise fails to participate in the Board, the Board shall carry out its functions until such representative is appointed or joins in such participation.

(c) MEETINGS.—

(1) FREQUENCY.—Not less frequently than 3 times each year, the Board shall meet to provide opportunities for input from a broader set of stakeholders.

(2) NOTICE.—Prior to each meeting, the Board shall give timely notice of the meeting to the public, the government of each county, and tribal government in which a salmon stronghold is identified by the Board.

(d) BOARD CONSULTATION.—The Board shall seek expertise from fisheries experts from agencies, colleges, or universities, as appropriate.

(e) CHAIRPERSON.—The Board shall nominate and select a Chairperson from among the members of the Board.

(f) COMMITTEES.—The Board—

(1) shall establish a standing science advisory committee to assist the Board in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information; and

(2) may establish additional standing or ad hoc committees as the Board determines are necessary.

(g) CHARTER.—The Board shall develop a written charter that—

(1) provides for the members of the Board described in subsection (b);

(2) may be signed by a broad range of partners, to reflect a shared understanding of the purposes, intent, and governance framework of the Salmon Stronghold Partnership; and

(3) includes—

(A) the defining criteria for a salmon stronghold;

(B) the process for identifying salmon strongholds; and

(C) the process for reviewing and awarding grants under the program, including—

(i) the number of years for which such a grant may be awarded;

(ii) the process for renewing such a grant;

(iii) the eligibility requirements for such a grant;

(iv) the reporting requirements for projects awarded such a grant; and

(v) the criteria for evaluating the success of a project carried out with such a grant.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 5. INFORMATION AND ASSESSMENT.

The Administrator shall carry out specific information and assessment functions associated with salmon strongholds, in coordination with other regional salmon efforts, including—

(1) triennial assessment of status and trends in salmon strongholds;

(2) geographic information system and mapping support to facilitate conservation planning;

(3) projections of climate change impacts on all habitats and life history stages of salmon;

(4) development and application of models and other tools to identify salmon conservation actions projected to have the greatest positive impacts on salmon abundance, productivity, or diversity within salmon strongholds; and

(5) measurement of the effectiveness of the Salmon Stronghold Partnership activities.

SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Director, shall establish a salmon stronghold watershed grants and technical assistance program, as described in this section.

(b) PURPOSE.—The purpose of the program shall be to support salmon stronghold protection and restoration activities, including—

(1) to fund the administration of the Salmon Stronghold Partnership in carrying out the charter;

(2) to encourage cooperation among the entities represented on the Board, local authorities, and private entities to establish a network of salmon strongholds, and assist locally in specific actions that support the Salmon Stronghold Partnership;

(3) to support entities represented on the Board—

(A) to develop strategies focusing on salmon conservation actions projected to have the greatest positive impacts on abundance, productivity, or diversity in salmon strongholds; and

(B) to provide financial assistance to the Salmon Stronghold Partnership to increase local economic opportunities and resources for actions or practices that provide long-term or permanent conservation and that maintain key ecosystem services in salmon strongholds, including—

(i) payments for ecosystem services; and

(ii) demonstration projects designed for specific salmon strongholds;

(4) to maintain a forum to share best practices and approaches, employ consistent and comparable metrics, forecast and address climate impacts, and monitor, evaluate, and report regional status and trends of salmon ecosystems in coordination with related regional and State efforts;

(5) to carry out activities and existing conservation programs in, and across, salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership;

(6) to accelerate the implementation of recovery plans in salmon strongholds that have salmon populations listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(7) to develop and make information available to the public pertaining to the Salmon Stronghold Partnership; and

(8) to conduct education outreach to the public, in coordination with other programs,

to encourage increased stewardship of salmon strongholds.

(c) SELECTION.—Projects that will be carried out with assistance from the program shall be selected and administered as follows:

(1) SITE-BASED PROJECTS.—A project that will be carried out with assistance from the program within 1 State shall be selected as follows:

(A) STATE SELECTION.—If a State has a competitive grant process relating to salmon conservation in effect as of the date of enactment of this Act and has a proven record of implementing an efficient, cost-effective, and competitive grant program for salmon conservation or has a viable plan to provide accountability under the program—

(i) the National Fish and Wildlife Foundation, in consultation with the Board, shall provide program funds to the State; and

(ii) the State shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(B) NATIONAL FISH AND WILDLIFE FOUNDATION SELECTION.—If a State does not meet the criteria described in subparagraph (A)—

(i) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(ii) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(2) MULTISITE AND PROGRAMMATIC INITIATIVES.—For a project that will be carried out with assistance from the program in more than 1 State or that is a programmatic initiative that affect more than 1 State—

(A) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(B) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer such projects to be carried out, in accordance with subsection (d).

(d) CRITERIA FOR APPROVAL.—

(1) CRITERIA DEVELOPED BY THE BOARD.—

(A) REQUIREMENT TO DEVELOP.—The Board shall develop and provide criteria for the prioritization of projects funded under the program in a manner that enables projects to be individually ranked in sequential order by the magnitude of the project's positive impacts on salmon abundance, productivity, or diversity.

(B) SPECIFIC REQUIREMENTS.—The criteria required by subparagraph (A) shall require that a project that receives assistance under the program—

(i) contributes to the conservation of salmon;

(ii) meets the criteria for eligibility established in the charter;

(iii) (I) addresses a factor limiting or threatening to limit abundance, productivity, diversity, habitat quality, or other biological attributes important to sustaining viable salmon populations within a salmon stronghold; or

(II) is a programmatic action that supports the Salmon Stronghold Partnership;

(iv) addresses limiting factors to healthy ecosystem processes or sustainable fisheries management;

(v) has the potential for conservation benefits and broadly applicable results; and

(vi) meets the requirements for—

(I) cost sharing described in subsection (e); and

(II) the limitation on administrative expenses described in subsection (f).

(C) SCHEDULE FOR DEVELOPMENT.—The Board shall—

(i) develop and provide the criteria required by subparagraph (A) prior to the initial solicitation of projects under the program; and

(ii) revise such criteria not less often than once each year.

(e) COST SHARING.—

(1) FEDERAL SHARE.—

(A) NON-FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is not owned by the United States shall not exceed 50 percent of the total cost of the project.

(B) FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is owned by the United States, including the acquisition of inholdings, may be up to 100 percent of the total cost of the project.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a project that receives assistance under the program may not be derived from Federal grant programs, but may include in-kind contributions.

(B) BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity used to carry out a project that receives assistance under the program shall be credited toward the non-Federal share of the cost of the project.

(f) ADMINISTRATIVE EXPENSES.—Of the amount available to a State or the National Fish and Wildlife Foundation under the program for each fiscal year, such State and the National Fish and Wildlife Foundation shall not expend more than 5 percent of such amount for administrative and reporting expenses necessary to carry out this section.

(g) REPORTS.—

(1) REPORTS TO STATES OR NFWF.—Each person who receives assistance through a State or the National Fish and Wildlife Foundation under the program for a project shall provide periodic reports to the State or the National Fish and Wildlife Foundation, as appropriate, that includes the information required by the State or the National Fish and Wildlife Foundation to evaluate the progress and success of the project.

(2) REPORTS TO THE ADMINISTRATION.—Not less frequently than once every 3 years, each State that is provided program funds under subsection (c)(1)(A) and the National Fish and Wildlife Foundation shall provide reports to the Administrator that include the information required by the Administrator to evaluate the implementation of the program.

SEC. 7. INTERAGENCY COOPERATION.

The head of each Federal agency or department responsible for acquiring, managing, or disposing of Federal land that is within a salmon stronghold shall, to the extent consistent with the mission of the agency or department and existing law, cooperate with the Administrator and the Director—

(1) to conserve the salmon strongholds; and

(2) to effectively coordinate and streamline Salmon Stronghold Partnership activities and delivery of overlapping, incentive-based programs that affect the salmon stronghold.

SEC. 8. INTERNATIONAL COOPERATION.

(a) AUTHORITY TO COOPERATE.—The Administrator and the Board may share status and trends data, innovative conservation strategies, conservation planning methodologies,

and other information with North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to promote conservation of salmon and salmon habitat.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator and the Board, or entities that are members of the Board, should and are encouraged to provide information to North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to support the development of a network of salmon strongholds across the nations of the North Pacific.

SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY INTERESTS.

(a) USE OF REAL PROPERTY.—No project that will result in the acquisition by the Secretary or the Secretary of the Interior of any land or interest in land, in whole or in part, may receive funds under this Act unless the project is consistent with the purposes of this Act.

(b) PRIVATE PROPERTY PROTECTION.—No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the 1 or more owners of the property or interest in property.

(c) TRANSFER OF REAL PROPERTY.—No land or interest in land, acquired in whole or in part by the Secretary of the Interior with Federal funds made available under this Act to carry out a salmon stronghold conservation project may be transferred to a State, other public agency, or other entity unless—

(1) the Secretary of the Interior determines that the State, agency, or entity is committed to manage, in accordance with this Act and the purposes of this Act, the property being transferred; and

(2) the deed or other instrument of transfer contains provisions for the reversion of the title to the property to the United States if the State, agency, or entity fails to manage the property in accordance with this Act and the purposes of this Act.

(d) REQUIREMENT.—Any real property interest conveyed under subsection (c) shall be subject to such terms and conditions as will ensure, to the maximum extent practicable, that the interest will be administered in accordance with this Act and the purposes of this Act.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) CONTRACTS, GRANTS, AND TRANSFERS OF FUNDS.—In carrying out this Act, the Secretary may—

(1) consistent with a recommendation of the Board and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into cooperative agreements, contracts, and grants;

(2) notwithstanding any other provision of law, apply for, accept, and use grants from any person to carry out the purposes of this Act; and

(3) make funds available to any Federal agency or department to be used by the agency or department to award financial assistance for any salmon stronghold protection, restoration, or enhancement project that the Secretary determines to be consistent with this Act.

(b) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to authorize the organization to carry out activities under this Act; and

(B) accept donations of funds or services for use in carrying out this Act.

(2) PROPERTY.—The Secretary of the Interior may accept donations of property for use in carrying out this Act.

(3) USE OF DONATIONS.—Donations accepted under this section—

(A) shall be considered to be gifts or bequests to, or for the use of, the United States; and

(B) may be used directly by the Secretary (or, in the case of donated property under paragraph (2), the Secretary of the Interior) or provided to other Federal agencies or departments through interagency agreements.

(c) INTERAGENCY FINANCING.—The Secretary may participate in interagency financing, including receiving appropriated funds from other agencies or departments to carry out this Act.

(d) STAFF.—Subject to the availability of appropriations, the Administrator may hire such additional full-time employees as are necessary to carry out this Act.

SEC. 11. LIMITATIONS.

Nothing in this Act may be construed—

(1) to create a reserved water right, express or implied, in the United States for any purpose, or affect the management or priority of water rights under State law;

(2) to affect existing water rights under Federal or State law;

(3) to affect any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity;

(4) to affect the authority, jurisdiction, or responsibility of any agency or department of the United States or of a State to manage, control, or regulate fish and resident wildlife under a Federal or State law or regulation;

(5) to authorize the Secretary or the Secretary of the Interior to control or regulate hunting or fishing under State law;

(6) to abrogate, abridge, affect, modify, supersede, or otherwise alter any right of a federally recognized Indian tribe under any applicable Federal or tribal law or regulation; or

(7) to diminish or affect the ability of the Secretary or the Secretary of the Interior to join the adjudication of rights to the use of water pursuant to subsections (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

SEC. 12. REPORTS TO CONGRESS.

Not less frequently than once every 3 years, the Administrator, in consultation with the Director, shall submit to Congress a report describing the activities carried out under this Act, including the recommendations of the Administrator, if any, for legislation relating to the Salmon Stronghold Partnership.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator, to be distributed by the National Fish and Wildlife Foundation as a fiscal agent, to provide grants under the program, \$30,000,000 for each of fiscal years 2009 through 2013.

(2) BOARD.—The National Fish and Wildlife Foundation shall, from the amount appropriated pursuant to the authorization of appropriations in paragraph (1), make available sufficient funds to the Board to carry out its duties under this Act.

(b) TECHNICAL ASSISTANCE.—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Administrator \$300,000 to provide technical assistance under the program and to carry out section 5.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to an authorization of

appropriations in this section are authorized to remain available until expended.

By Mr. BINGAMAN (for himself, Mr. BURR, Mr. KENNEDY, Mr. HATCH, and Mrs. MURRAY):

S. 818. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues Senators BURR, KENNEDY, HATCH and MURRAY to introduce the Achievement Through Technology and Innovation, ATTAIN, Act of 2009.

This bill would amend title II of the Elementary and Secondary Education Act of 1965 to rename part D, Achievement through Technology and Innovation, and reauthorize it through FY2014. I am very pleased that ATTAIN is supported by the Consortium for School Networking, International Society for Technology and Education, Software and Information Industry Association, State Educational Technology Directors Association, and many other education groups.

In 2002, Congress enacted the No Child Left Behind Act to close the achievement gap between low-income, underperforming students and their more affluent peers. Without a renewed dedication to the quality of programs used in our schools, this goal, as well as providing an excellent education for students, will be difficult to achieve. While there is no question that we have made progress in recent years in advancing educational opportunity, I remain concerned about the number of schools that are failing to meet the performance criteria set out in the No Child Left Behind Act.

The bill I am introducing represents a critical step forward in advancing learning technologies for millions of students across the country. Many schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's students. Furthermore, technology and e-learning in our schools are a must if we are to meet our Nation's science, technology, engineering, and mathematics education needs and to provide students with the skills necessary to succeed in the 21st century knowledge-based, global economy.

By authorizing the Enhancing Education Through Technology Act, EETT, as part of NCLB, Congress recognized that Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement. EETT has shown to be effective, particularly in my home State of New Mexico. As you know, many schools often do not have access to learning resources that enable their students to gain an academic background with the technological skills and knowledge

necessary to succeed in college or the modern workplace. Through EETT, programs such as the Online Teaching and Learning Opportunities Year 2, have become bright spots of opportunity in some of our Nation's most isolated communities and have brought technical training, professional development and advanced technology resources to teachers and students. Notwithstanding this record of success, it is critical that states such as New Mexico have the opportunity to further advance the use of learning technologies to deliver innovative instruction and curriculum.

To this end, the ATTAIN Act has three main objectives. First, to ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of NCLB and to prepare all students for the 21st century. Second, to build upon and increase the use of evidence-based and innovative systemic school redesign that centers around technology. And finally, to provide meaningful professional development around technology that leads to changes in teaching and curriculum and improves student technology literacy.

The future of our students' success depends on the quality of their educational experience. I want to thank Senators BURR, KENNEDY, HATCH, and MURRAY for their leadership and commitment to improving education in this country. They remain tireless advocates for our Nation's students, and I am pleased to be working with them on this legislation as we begin reauthorizing the No Child Left Behind Act.

This legislation is an integral step in advancing State and local learning technologies for millions of students across the country, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION.

Part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6751 et seq.) is amended to read as follows:

"PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

"SEC. 2401. SHORT TITLE.

"This part may be cited as the 'Achievement Through Technology and Innovation Act of 2009' or the 'ATTAIN Act'.

"SEC. 2402. FINDINGS, PURPOSES, AND GOALS.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Learning technologies in our Nation's schools are critical—

"(A) to meet the goals of the No Child Left Behind Act of 2001 of raising student achievement, closing the achievement gap, and ensuring high-quality teaching; and

"(B) to ensure that our Nation's students are prepared to compete in the 21st century knowledge-based global economy.

"(2) Increased professional development opportunities are needed if teachers are to be highly qualified and effective in a 21st century classroom with today's digital native students, including professional development opportunities—

"(A) in the use of learning technologies to deliver innovative instruction and curriculum; and

"(B) to use data to inform instruction.

"(3) Scientifically based research, conducted with Federal funding, demonstrates that systemic redesign initiatives centered around technology have shown great promise in improving teaching and learning, including the following:

"(A) In Utah, Missouri, and Maine, the eMINTS program provides schools and teachers with educational technology tools, curriculum, and more than 200 hours of professional development to change how teachers teach and students learn. In classrooms in the same school (1 with eMINTS and 1 without), the student achievement of students in the eMINTS classroom was repeatedly over 10 percent higher than the control classroom.

"(B) In West Virginia, students receiving access to online foreign language courses performed at least as well as students in face-to-face versions of the classes, providing comparable high-quality instruction for students in rural areas who otherwise would not have access to such courses.

"(C) In Michigan's Freedom to Learn technology program, proficiency on Michigan Education Assessment Program (MEAP) tests of 8th grade mathematics increased from 31 percent in 2004 to 63 percent in 2005 in 1 middle school, and science achievement increased from 68 percent of students proficient in 2003 to 80 percent in 2004.

"(D) In Texas, the Technology Immersion Pilot (TIP), implemented in middle schools, demonstrated that discipline referrals went down by more than ½ with the changes in teaching and learning; while in 1 school, the percentage of 6th graders who passed the reading portion of the 2006 State assessment (TAKS) test was up 17 points from 2004, and the percentage of 7th graders who passed the mathematics portion of the TAKS rose 13 points. The students participating in the Technology Immersion Pilot have become more responsible for their learning, more engaged in the classroom, and much more knowledgeable about the role of technology in problem solving and learning.

"(E) In Iowa, after connecting teachers with sustainable professional development and technology-based curriculum interventions, students taught by such teachers had scores that increased by 14 points in 8th grade mathematics, 16 points in 4th grade mathematics, and 13 points in 4th grade reading compared with control groups.

"(4) Technology and e-learning in our Nation's schools are necessary to meet our Nation's science, technology, engineering, and mathematics (STEM) education needs and to provide students with 21st century skills, including technology literacy, information literacy, communication skills, problem solving skills, and the ability for self-directed life-long learning.

"(5) A 2003 Department of Commerce report credits United States industry's investments in information technology between 1989 and 2001 with 'producing positive and probably lasting changes in the Nation's economic potential', but finds United States education

last in intensity of information technology in 55 industry sectors.

"(6) Many of our Nation's schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's digital native students, including—

"(A) software, digital content, and broadband resources; and

"(B) other technologies.

"(7) According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), insufficient or outdated technology presented a substantial barrier to technology use for teaching and learning for more than 40 percent of students, while the lack of support specialists was a barrier to technology use for more than 50 percent of students.

"(8) Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement through leveraging educational technologies. According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), 'Because funds generated locally through bonds or taxes frequently have legal restrictions requiring them to be spent on hardware and connectivity purchases only, Federal and State funds supporting the use of technology resources fill a critical gap.'

"(b) PURPOSES.—The purposes of this part are the following:

"(1) To ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of this part, and to prepare all students and the United States for the 21st century.

"(2) To evaluate, build upon, and increase the use of evidence-based and innovative systemic school redesigns that center on the use of technology that leads to school improvement and increased student achievement.

"(3) To increase ongoing, meaningful professional development around technology that—

"(A) leads to changes in teaching and curriculum;

"(B) improves student achievement, including in core academic subjects;

"(C) improves student technology literacy; and

"(D) is aligned with professional development activities supported under section 2123.

"(c) GOALS.—The goals of this part are the following:

"(1) To improve student academic achievement with respect to State academic standards through the use of professional development and systemic school redesigns that center on the use of technology and the applications of technology.

"(2) To improve professional development to ensure every school administrator—

"(A) possesses the leadership skills necessary for effective technology integration and every teacher possesses the knowledge and skills to use technology across the curriculum;

"(B) uses technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

"(C) uses technology for data analysis to enable individualized instruction; and

"(D) uses technology to improve student technology literacy.

"(3) To ensure that every student is technologically literate by the end of 8th grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

“(4) To improve student engagement, opportunity, attendance, graduation rates, and technology access through enhanced or redesigned curriculum or instruction.

“(5) To more effectively use data to inform instruction, address individualized student needs, and support school decisionmaking.

“SEC. 2403. DEFINITION OF STUDENT TECHNOLOGY LITERACY.

“In this part:

“(1) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—The term ‘local educational agency’ includes a consortium of local educational agencies.

“(B) IMPLEMENTING REGULATIONS.—The Secretary shall promulgate regulations implementing subparagraph (A).

“(2) STUDENT TECHNOLOGY LITERACY.—The term ‘student technology literacy’ means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning, and citizenship in the knowledge-based, digital, and global 21st century, which includes, at a minimum, the ability—

“(A) to effectively communicate and collaborate;

“(B) to analyze and solve problems;

“(C) to access, evaluate, manage, and create information and otherwise gain information literacy;

“(D) to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

“(E) to do so in a safe and ethical manner.

“SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, \$1,000,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—Of the funds made available under subsection (a) for a fiscal year—

“(1) 3 percent or \$10,000,000, whichever amount is less, shall be available to carry out subpart 2, of which—

“(A) \$2,000,000 shall be available to carry out section 2411(1); and

“(B) 1.5 percent or \$4,000,000, whichever amount is less, shall be available to carry out section 2412; and

“(2) the remainder of the funds made available under subsection (a) shall be available to carry out subpart 1.

“(c) LIMITATION.—

“(1) LOCAL ADMINISTRATIVE COSTS.—Of the funds made available to a local educational agency under this part for a fiscal year, not more than 3 percent may be used by the local educational agency for administrative costs.

“(2) STATE ADMINISTRATIVE COSTS.—Of the funds made available to a State educational agency under section 2406(a)(1), not more than 60 percent may be used by the State educational agency for administrative costs.

“Subpart 1—State and Local Grants

“SEC. 2405. ALLOTMENT AND REALLOTMENT.

“(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(2) for a fiscal year—

“(1) the Secretary shall reserve—

“(A) $\frac{3}{4}$ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

“(B) $\frac{1}{2}$ of 1 percent to provide assistance under this subpart to the outlying areas; and

“(2) subject to subsection (b), the Secretary shall use the remainder to award

grants by allotting to each State educational agency an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

“(b) MINIMUM ALLOTMENT.—The amount of any State educational agency’s allotment under subsection (a)(2) for any fiscal year shall not be less than $\frac{1}{2}$ of 1 percent of the amount made available for allotments to State educational agencies under this part for such year.

“(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use the State educational agency’s entire allotment under this subpart for that fiscal year, the Secretary shall reallocate the amount of the State educational agency’s allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

“(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term ‘State educational agency’ does not include an agency of an outlying area or the Bureau of Indian Affairs.

“SEC. 2406. USE OF ALLOTMENT BY STATE.

“(a) IN GENERAL.—Of the amount provided to a State educational agency under section 2405(a)(2) for a fiscal year—

“(1) the State educational agency may use not more than 5 percent of such amount or \$100,000, whichever amount is greater, to carry out activities under section 2408(a);

“(2) the State educational agency shall use 2.5 percent of such amount or \$50,000, whichever amount is greater, to carry out activities under section 2408(b); and

“(3) the State educational agency shall distribute the remainder as follows:

“(A) The State educational agency shall use 60 percent of the remainder to award Improving Teaching and Learning through Technology subgrants to local educational agencies having applications approved under section 2409(c) for the activities described in section 2410(b) by allotting to each such local educational agency an amount that bears the same relationship to 60 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State, subject to subsection (b)(2).

“(B) The State educational agency shall use 40 percent of the remainder to award Systemic School Redesign through Technology Integration subgrants, through a State-determined competitive process, to local educational agencies having applications approved under section 2409(b) for the activities described in section 2410(a).

“(b) SUFFICIENT AMOUNTS.—

“(1) SPECIAL RULE.—In awarding subgrants under subsection (a)(3)(B), the State educational agency shall—

“(A) ensure the subgrants are of sufficient size and scope to be effective, consistent with the purposes of this part;

“(B) ensure subgrants are of sufficient duration to be effective, consistent with the purposes of this part, including by awarding subgrants for a period of not less than 2 years that may be renewed for not more than an additional 3 years;

“(C) give preference in the awarding of subgrants to local educational agencies that

serve schools in need of improvement, as identified under section 1116, including those schools with high populations of—

“(i) students with limited English proficiency;

“(ii) students with disabilities; or

“(iii) other subgroups of students who have not met the State’s student academic achievement standards; and

“(D) ensure an equitable distribution of subgrants under subsection (a)(3)(B) among urban and rural areas of the State, according to the demonstrated need for assistance under this subpart of the local educational agencies serving the areas.

“(2) MINIMUM SUBGRANT.—The amount of any local educational agency’s subgrant under subsection (a)(3)(A) for any fiscal year shall be not less than \$3,000.

“(c) REALLOTMENT OF UNUSED FUNDS.—If any local educational agency does not apply for a subgrant under subsection (a)(3)(A) for a fiscal year, or does not use the local educational agency’s entire allotment under this subpart for that fiscal year, the State shall reallocate the amount of the local educational agency’s allotment, or the unused portion of the allotment, to the remaining local educational agencies that use their entire allotments under this subpart in accordance with this section.

“SEC. 2407. STATE APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing the contents described in subsection (b) and such other information as the Secretary may reasonably require.

“(b) CONTENTS.—Each State educational agency application submitted under subsection (a) shall include each of the following:

“(1) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in meeting, and help improve the local educational agencies’ capacity to meet, the purposes and goals of this part and the requirements of this subpart, including through technical assistance.

“(2) A description of the State educational agency’s long-term goals and strategies for improving student academic achievement, including in core academic subjects and in student technology literacy, through the effective use of technology in classrooms and schools throughout the State.

“(3) A description of the priority area upon which the State educational agency will focus the State educational agency’s guidance, technical assistance, and other assistance under this subpart, and other local support under this subpart, such that the priority area shall be identified by the State educational agency from among the core academic subjects, grade levels, and student subgroup populations that may be causing the most number of local educational agencies in the State to not make adequate yearly progress, as defined in section 1111(b)(2)(C).

“(4) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in implementing, and will help improve the local educational agency’s capacity to implement, professional development programs pursuant to section 2410(b)(1)(A).

“(5) A description of how the State educational agency will ensure that teachers, paraprofessionals, library and media personnel, and administrators served by the

State educational agency possess the knowledge and skills—

“(A) to use technology across the curriculum;

“(B) to use technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

“(C) to use technology for data analysis to enable individualized instruction; and

“(D) to use technology to improve student technology literacy.

“(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of activities described in section 2408(b).

“(7) Identification of the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy, and a description of how the State educational agency will assess, not less than once by the end of 8th grade, student performance in gaining technology literacy only for the purpose of tracking progress towards achieving the 8th grade technology literacy goal but not for meeting adequate yearly progress goals, including through embedding such assessment items in other State tests or performance-based assessments portfolios, or through other valid and reliable means, except that nothing in this subpart shall be construed to require States to develop a separate test to assess student technology literacy.

“(8) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

“(9) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to those local educational agencies identified by the State educational agency as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number—

“(A) of students from families with incomes below the poverty line;

“(B) of students not achieving at the State proficiency level;

“(C) of student populations identified under section 2406(b)(1)(C); or

“(D) of schools identified as in need of improvement under section 1116.

“(10) A description of how the State educational agency will ensure that each subgrant awarded under section 2406(a)(3)(B) is of sufficient size, scope, and duration to be effective as required under section 2406(b), and that such subgrants are appropriately targeted and equitably distributed as required under section 2406(b) to carry out the purposes of this part effectively.

“(11) A description of how the State educational agency consulted with local educational agencies in the development of the State application.

“SEC. 2408. STATE ACTIVITIES.

“(a) MANDATORY AND PERMISSIVE ACTIVITIES.—

“(1) MANDATORY ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency shall carry out each of the following activities:

“(A) Identify the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy.

“(B) Assess not less than once by the end of the 8th grade student performance in gaining technology literacy consistent with subparagraph (A), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means, except that such assessments shall be used only to track student technology literacy and shall not be used to determine adequate yearly progress.

“(C) Publish the results of the State educational agency's technology literacy assessment administered under subparagraph (B) not less than 3 months after the assessment is administered such that the results are made widely available to local educational agencies, parents, and citizens, including through presentation on the Internet, and transmit such results to the Secretary.

“(D) Provide guidance, technical assistance, and other assistance in the priority area identified by the State pursuant to section 2407(b)(3) to local educational agencies receiving subgrants of less than \$10,000 under section 2406(a)(3)(A) with a priority given to those local educational agencies with the highest need for assistance described in section 2407(b)(9).

“(E) Provide technical assistance to local educational agencies, with a priority given to those local educational agencies identified by the State as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number of (i) students from families with incomes below the poverty line, (ii) students not achieving at the State proficiency level, (iii) student populations described in section 2406(b)(1)(C), and (iv) schools identified as in need of improvement under section 1116, in the following ways:

“(i) Submitting applications for funding under this part.

“(ii) Carrying out activities authorized under section 2410, including implementation of systemic school redesigns as described in section 2409(b).

“(iii) Developing local educational technology plans and integrating such plans with the local educational agency's plans for improving student achievement under sections 1111 and 1112, and, if applicable, section 1116.

“(F) Provide guidance, technical assistance, and other assistance to local educational agencies regarding the local educational agency's plans to assess, and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of the functional capabilities, age, and other specifications of the technology, including to ensure such technologies can process, at scale, new applications and online services such as video conferencing, video streaming, virtual simulations, and distance learning.

“(2) PERMISSIVE ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency may carry out 1 or more of the following activities:

“(A) State leadership activities and technical assistance that assist local educational agencies that receive subgrants under this subpart in achieving the purposes and goals of this part.

“(B) Assist local educational agencies that receive subgrants under this subpart in the development and utilization of research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of

technology, including distance learning technologies.

“(C) Assisting local educational agencies that receive subgrants under this subpart in providing sustained and intensive, high-quality professional development pursuant to section 2410(b)(1)(A), including through assistance in a review of relevant research.

“(b) ACTIVITIES RELATING TO RESEARCH.—From funds made available under section 2406(a)(2), a State educational agency shall carry out 1 or more of the following activities:

“(1) Conduct scientifically based or other rigorous research to evaluate the impact of 1 or more programs or activities carried out under subsection (a) in meeting the purposes and goals of this part.

“(2) Provide technical assistance to local educational agencies in carrying out evaluation research activities as required under section 2410(a)(1).

“(3) Create 1 or more evaluation research protocols, designs, performance measurement systems, or other tools to assist local educational agencies in carrying out evaluation activities as required under section 2410(a)(1).

“(4) Collect and disseminate the findings of the evaluation research activities carried out by local educational agencies under paragraphs (1), (2), and (3).

“SEC. 2409. LOCAL APPLICATIONS.

“(a) IN GENERAL.—Each local educational agency desiring a subgrant from a State educational agency under this subpart shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan, and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require. The application shall contain each of the following:

“(1) A description of how the local educational agency will align and coordinate the local educational agency's use of funds under this subpart with—

“(A) the school district technology plan;

“(B) the school district plans and activities for improving student achievement, including plans and activities under sections 1111 and 1112, and sections 1116 and 2123, as applicable; and

“(C) funds available from other Federal, State, and local sources.

“(2) An assurance that financial assistance provided under this subpart will supplement, and not supplant other funds available to carry out activities assisted under this section.

“(3) A description of the process used to assess and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of their functional capabilities, age, and other specifications, in order to ensure technologies can process, at scale, new applications and online services, such as video conferencing, video streaming, virtual simulations, and distance learning courses.

“(4) Such other information as the State educational agency may reasonably require.

“(b) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—In addition to components included in subsection (a), a local educational agency submitting an application for a subgrant under section 2406(a)(3)(B) shall submit to the State educational agency an application containing each of the following:

“(1) A description of how the local educational agency will use the subgrant funds

to implement systemic school redesign, which is a comprehensive set of programs, practices, and technologies that—

“(A) collectively lead to school or school district change and improvement, including in the use of technology and in improved student achievement; and

“(B) incorporate all of the following elements:

“(i) Reform or redesign of curriculum, instruction, assessment, use of data, or other standards-based school or classroom practices through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning.

“(ii) Improvement of educator quality, knowledge and skills through ongoing, sustainable, timely, and contextual professional development described in section 2410(b)(1)(A).

“(iii) Development of student technology literacy and other skills necessary for 21st century learning and success.

“(iv) Ongoing use of formative assessments and other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address individual student learning needs.

“(v) Engagement of school district leaders, school leaders, and classroom educators.

“(vi) Programs, practices, and technologies that are research-based or innovative, such that research-based systemic redesigns are based on a review of the best available research evidence, and innovative systemic redesigns are based on development and use of new redesigns, programs, practices, and technologies.

“(2) An assurance that the local educational agency will use not less than 25 percent of the subgrant funds to implement a program of professional development described in section 2410(b)(1)(A).

“(3) A description of how the local educational agency will evaluate the impact of 1 or more programs or activities carried out under this subpart in meeting 1 or more of the purposes or goals of this part.

“(c) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—In addition to components included in subsection (a), a local educational agency that submits an application for a subgrant under section 2406(a)(3)(A) shall submit to the State educational agency an application containing each of the following:

“(1) An assurance that the local educational agency will use not less than 40 percent of the subgrant funds for—

“(A) professional development described in section 2410(b)(1)(A); and

“(B) technology tools, applications, and other resources related specifically to such professional development activities.

“(2) A description of how the local educational agency will implement a program of professional development required under paragraph (1)(A).

“(3) A description of how the local educational agency will employ technology tools, applications, and other resources in professional development and to improve student learning and achievement in the area of priority identified by the local educational agency pursuant to paragraph (4).

“(4) A description of the priority area upon which the local educational agency will focus the subgrant funds provided under this subpart, such that such priority area shall be identified from among the core academic

subjects, grade levels, and student subgroup populations in which the most number of students served by the local educational agency are not proficient.

“(d) COMBINED APPLICATIONS.—A local educational agency that submits an application to the State educational agency for subgrant funds awarded under section 2406(a)(3)(B) may, upon notice to the State educational agency, submit a single application that will also be considered by the State educational agency as an application for subgrant funds awarded under section 2406(a)(3)(A), if the application addresses each application requirement under subsections (a), (b), and (c).

“(e) CONSORTIUM APPLICATIONS.—For any fiscal year, a local educational agency applying for a subgrant described in section 2406(a)(3) may apply as part of a consortium in which more than 1 local educational agency jointly submits a subgrant application under this subpart, except that no local educational agency may receive more than 1 subgrant under this subpart.

“SEC. 2410. LOCAL ACTIVITIES.

“(a) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—From subgrant funds made available to a local educational agency under section 2406(a)(3)(B), the local educational agency—

“(1) shall use not less than 5 percent of such subgrant funds to evaluate the impact of 1 or more programs or activities carried out under the subgrant in meeting 1 or more of the purposes or goals of this part as approved by the State educational agency as part of the local application described in section 2409(b)(3); and

“(2) shall use the remaining funds to implement a plan for systemic school redesign, which may take place in 1 or more schools served by the local educational agency or across all schools served by the local educational agency, in accordance with section 2409(b)(1), including each of the following:

“(A) Using not less than 25 percent of subgrant funds to improve teacher quality and skills through support for the following:

“(i) Professional development activities, as described in subsection (b)(1)(A).

“(ii) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in clause (i).

“(B) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning the curriculum or instruction in order to—

“(i) increase student learning opportunity or access, student engagement in learning, or student attendance or graduation rates;

“(ii) improve student achievement in 1 or more of the core academic subjects; and

“(iii) improve student technology literacy.

“(C) Acquiring and effectively implementing technology tools, applications, and other resources to—

“(i) conduct ongoing formative assessments and use other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs;

“(ii) support individualized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not

available except through technology and on-line learning, especially in rural and high-poverty schools; and

“(iii) conduct such other activities as appropriate consistent with the goals and purposes of research-based and innovative systemic school redesign, including activities that increase parental involvement through improved communication with teachers and access to student assignments and grades.

“(b) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—From funds made available to a local educational agency under section 2406(a)(3)(A), the local educational agency shall carry out activities to improve student learning, student technology literacy, and achievement in the area of priority identified by the local educational agency under section 2409(c)(4), including each of the following:

“(1) The local educational agency shall use not less than 40 percent of subgrant funds for professional development activities that are aligned with activities supported under section 2123 to improve teacher quality and skills through support for the following:

“(A) Training of teachers, paraprofessionals, library and media personnel, and administrators, which—

“(i) shall include the development, acquisition, or delivery of—

“(I) training that is ongoing, sustainable, timely, and directly related to up-to-date teaching content areas;

“(II) training in strategies and pedagogy in the core academic subjects that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

“(III) training in the use of technology to ensure every educator is technologically literate, including possessing the knowledge and skills—

“(aa) to use technology across the curriculum;

“(bb) to use technology and curriculum redesign as key components of innovating teaching and learning and improving student achievement;

“(cc) to use technology for data analysis to enable individualized instruction; and

“(dd) to use technology to improve student technology literacy; and

“(IV) training that includes ongoing communication and follow-up with instructors, facilitators, and peers; and

“(ii) may include—

“(I) the use of instructional technology specialists, mentors, or coaches to work directly with teachers, including through the preparation of 1 or more teachers as technology leaders or master teachers who are provided with the means to serve as experts and train other teachers in the effective use of technology; and

“(II) the use of technology, such as distance learning and online virtual educator-to-educator peer communities, as a means for delivering professional development.

“(B) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in subparagraph (A).

“(2) The local educational agency shall use the funds that remain after application of paragraph (1) to acquire or implement technology tools, applications, and other resources to improve student learning, student technology literacy, and student achievement in the area of priority identified by the local educational agency, including through 1 or more of the following:

“(A) Conducting ongoing formative assessment and using other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs.

“(B) Supporting individualized student learning, including through instructional software and digital content that supports the learning needs of each student served by the local educational agency under the subgrant, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not available except through technology such as online learning, especially in rural and high-poverty schools.

“(C) Increasing parental involvement through improved communication with teachers and access to student assignments and grades.

“(D) Enhancing accountability, instruction, and data-driven decisionmaking through data systems that allow for management, analysis, and disaggregating of student, teacher, and school data.

“(E) Such other activities as are appropriate and consistent with the goals and purposes of this part.

“(C) MULTIPLE GRANTS.—A local educational agency that receives a grant under subparagraph (A) and subparagraph (B) of section 2406(a)(3) may use all such grant funds for activities authorized under subsection (a).

“Subpart 2—National Activities

“SEC. 2411. NATIONAL ACTIVITIES.

“From the amount made available to carry out national activities under section 2404(b)(1) (other than the amounts made available to carry out subparagraphs (A) and (B) of section 2404(b)(1)), the Secretary, working through and in coordination with the Director of the Office of Educational Technology and collaborating, as appropriate, with the National Center for Achievement Through Technology authorized under section 2412, shall carry out the following activities:

“(1) NATIONAL REPORT.—The Secretary shall annually conduct and publish a national report on student technology literacy to determine the extent to which students have gained student technology literacy by the end of the 8th grade. In conducting the study, the Secretary shall—

“(A) consult first with experts and stakeholders, including educators and education leaders, education technology experts from education and industry, and the business and higher education communities seeking secondary school graduates with student technology literacy; and

“(B) employ a random stratified sample methodology of student technology literacy performance using a cost-effective assessment that is a readily available, valid, and reliable assessment instrument.

“(2) STUDENT TECHNOLOGY LITERACY.—The Secretary shall publish each year the results of the State technology literacy assessments carried out under section 2408(a)(1)(C).

“(3) NATIONAL EDUCATION TECHNOLOGY PLAN.—Based on the Nation’s progress and an assessment by the Secretary of the continuing and future needs of the Nation’s schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan not less often

than once every 5 years, and shall implement such plan.

“(4) OTHER NATIONAL ACTIVITIES.—From the funds remaining after carrying out paragraphs (1), (2), and (3), the Secretary shall carry out 1 or more of the following activities:

“(A) Support efforts to increase student technology literacy, including through outreach to education, business, and elected leaders aimed at building understanding of the knowledge and skills students need to succeed in the 21st century through the use of technology for life-long learning, citizenship, and workplace success.

“(B) Support the work of the National Center for Achievement Through Technology in serving as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies.

“(C) Support efforts to increase the capacity of State and local education officials to budget for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

“(D) Support staff at the Department and other Federal agencies in their understanding of education technology, the role of technology in Federal education programs, and how Federal grantees can be supported in integrating education technologies into the grantees’ programs as appropriate.

“(E) Convene stakeholders in an effort to outline and support a national research and development agenda aimed at supporting public-private partnerships to leverage evolving technologies to meet evolving educational needs.

“(F) Convene practitioners and leaders from local and State education, business and industry, higher education, or other stakeholder communities—

“(i) to carry out the activities under this paragraph, including convening an annual forum on leadership and classroom technology best practices;

“(ii) to otherwise address challenges and opportunities in the use of technology to improve teaching, learning, teacher quality, student achievement, student technology literacy, and the efficiency and productivity of the education enterprise; and

“(iii) to otherwise support school innovation and our Nation’s competitiveness.

“(G) Support efforts to ensure teachers and other educators have the knowledge and skills to teach in the 21st century through the use of technology, including by providing assistance to and sharing information with State accrediting agencies, colleges of teacher education, and other educational institutions and government entities involved in the preparation and certification of teachers, to ensure such teachers possess the knowledge and skills prior to entering the teaching force.

“(H) Support efforts to assist principals, superintendents, and other senior school and school district administrators in adapting to, and leading their schools with, 21st century technology tools and 21st century knowledge and skills, including the following:

“(i) Developing a blueprint for the job skills required and the coursework and experience necessary to be prepared for school leadership.

“(ii) Supporting the development of professional development and training programs that help education leaders obtain the knowledge and skills, including through collaborative efforts with up-to-date programs and institutions.

“(iii) Developing materials, resources, self-assessments, and other tools to meet the activities described in clauses (i) and (ii).

“(I) Undertake other activities that—

“(i) lead to the improvement of—

“(I) our Nation’s educational system in using educational technologies to improve teaching, learning, and student achievement; and

“(II) student technology literacy and related 21st century college preparedness and workforce competitiveness; and

“(ii) complement other such efforts undertaken by public and private agencies and organizations.

“SEC. 2412. NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY.

“(a) PURPOSE.—The purpose of this section is to establish a National Center for Achievement Through Technology that—

“(1) provides national leadership regarding improvement in the use of technology in education, with a focus on elementary and secondary education, including technology’s role in improving—

“(A) student achievement;

“(B) student technology literacy; and

“(C) teacher quality;

“(2) serves as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies to improve teaching and learning, teacher quality, student engagement and opportunity, student achievement and technology literacy, and the efficiency and productivity of the education enterprise, including serving as a national resource for the related research and research on the conditions and practices that support the effective use of technology in education; and

“(3) provides an annual report to Congress that—

“(A) synthesizes the promising practices and exemplary programs that effectively use educational technologies to improve the teaching and learning described in paragraph (2); and

“(B) includes the related research and research on the conditions and practices that support the effective use of technology in education described in paragraph (2).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—From amounts made available under section 2404(b)(1)(B), the Director of the Office of Educational Technology shall award a grant, on a competitive basis, to an eligible entity to enable the eligible entity to establish a National Center for Achievement Through Technology (in this section referred to as the ‘Center’).

“(2) COORDINATION WITH THE INSTITUTE.—The Director of the Office of Educational Technology shall award the grant under paragraph (1) in coordination with the Director of the Institute of Education Sciences, but the Director of the Office of Educational Technology shall administer the grant program under this section.

“(3) DEFINITION OF ELIGIBLE ENTITY.—In this section the term ‘eligible entity’ means an entity that is—

“(A) a research organization or research institution with education technology as one of the organization or institution’s primary areas of focus; or

“(B) a partnership that consists of a research organization or research institution described in subparagraph (A) and 1 or more education institutions or agencies, nonprofit organizations, or research organizations or institutions.

“(4) DURATION.—The grant awarded under this section shall be not less than 2 years in duration, and shall be renewable at the discretion of the Director of the Office of Educational Technology for not more than an additional 3 years.

“(5) PEER REVIEW.—In awarding the grant under this section, the Director of the Office of Educational Technology shall consider the recommendations of a peer review panel, which shall be composed of representatives of the following stakeholder communities:

“(A) Teachers and other educators who use technologies.

“(B) Local and State education leaders who administer programs employing technologies.

“(C) Businesses that develop educational technologies.

“(D) Researchers who study educational technologies.

“(E) Related education, educational technology, and business organizations.

“(c) NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY ACTIVITIES.—The Center shall carry out the following activities:

“(1) PROMISING PRACTICES, EXEMPLARY PROGRAMS AND RESEARCH.—The Center shall identify and compile promising practices, exemplary programs, quantitative and qualitative research, and other information and evidence demonstrating—

“(A) the broad uses and positive impacts of technology in elementary and secondary education; and

“(B) the factors and steps important to technology’s improvement and to the effective use of technology with students so that specific technologies are considered in the context of the comprehensive educational program or practice in which the technologies are used—

“(i) across a curriculum to improve teaching, learning, and student achievement, including in the core academic subjects;

“(ii) to support the teaching and learning of student technology literacy;

“(iii) for formative and summative assessment, including to inform instruction and data-driven decisionmaking, to individualize instruction, and for accountability purposes;

“(iv) to improve student learning and achievement, including through—

“(I) improving student interest and engagement;

“(II) increasing student access to courses and instructors through distance learning and expanded student learning time; and

“(III) individualizing curriculum and instruction to meet unique student learning needs, learning styles, and pace;

“(v) to improve teacher quality, including through professional development and timely and ongoing training and support; and

“(vi) to improve the efficiency and productivity of the classroom and school enterprise, including through data management and analysis, resource management, and communications; and

“(C) the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elemen-

tary and secondary education as outlined in subparagraph (B), including in—

“(i) the knowledge and skills teachers and other educators need to teach in the 21st century through the use of technology, including knowledge and skills necessary—

“(I) to use technology and curriculum redesign as key components of changing teaching and learning;

“(II) to use technology for data analysis to enable individualized instruction; and

“(III) to use technology to improve student technology literacy;

“(ii) the knowledge and skills principals, superintendents, and other senior school and school district administrators need to effectively lead in 21st century schools using technology, including the job skills required and the coursework and experience necessary to be prepared for school leadership; and

“(iii) the budgeting for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

“(2) ORIGINAL RESEARCH.—The Center may conduct, directly or through grants, contracts, or cooperative agreements, original research as necessary to fill important gaps in research necessary to address the areas described in paragraph (1) with a focus on the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elementary and secondary education.

“(3) OUTREACH.—The Center shall consult with appropriate stakeholders, including at least the stakeholders described in subsection (b)(5), in determining priorities for the activities described in paragraph (1), in gathering information pursuant to paragraph (1), and in determining the need for original research pursuant to paragraph (2). The Center shall establish 1 or more informal advisory groups to provide the consultation.

“(4) DISSEMINATION.—The Center shall disseminate widely the information identified and compiled pursuant to paragraph (1) to teachers and other educators, local, regional, State, and Federal education leaders, public and elected officials, the network of federally funded educational resource centers and labs, businesses that develop educational technologies, colleges of teacher education and teacher accrediting agencies, researchers who study educational technologies, other interested stakeholders, and related educator, education leader, and business organizations, including through—

“(A) development and ongoing update of a database accessed through the Internet;

“(B) development, distribution, and delivery of reports, tools, best practices, conference presentations, and other publications; and

“(C) partnerships with organizations representing stakeholders, including educators, education leaders, and technology providers.

“(d) CENTER OPERATIONS.—

“(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—As appropriate, the Center shall award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions,

agencies, or organizations to carry out the activities of the Center, including awarding a grant or entering into a contract or cooperative agreement to disseminate the Center’s findings pursuant to subsection (c)(4).

“(2) REPORT.—The Center shall submit an annual report on March 1 to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that provides a summary synthesis of promising and exemplary practices and programs, and related research, that effectively use educational technologies to improve teaching and learning as described in subsection (c)(1), including the conditions and practices that support the effective use of technology in education, in order to inform Federal education policymaking and oversight.”.

By Mr. DURBIN (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 819. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Autism Treatment Acceleration Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Parental rights rule of construction.
- Sec. 4. Definitions; technical amendment to the Public Health Service Act.
- Sec. 5. Autism Care Centers Demonstration Project.
- Sec. 6. Planning and demonstration grants for services for adults.
- Sec. 7. National Registry.
- Sec. 8. Multimedia campaign.
- Sec. 9. Interdepartmental Autism Coordinating Committee.
- Sec. 10. National Network for Autism Spectrum Disorders Research and Services.
- Sec. 11. National training initiatives on autism spectrum disorders.
- Sec. 12. Amendments relating to health insurance.
- Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Autism (sometimes called “classical autism”) is the most common condition in a group of developmental disorders known as autism spectrum disorders.

(2) Autism spectrum disorders include autism as well as Asperger syndrome, Retts syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified (usually referred to as PDD-NOS), as well as other related developmental disorders.

(3) Individuals with autism spectrum disorders have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to participate fully in, and contribute to, their communities and society through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of society. Individuals with autism spectrum disorders have the right to a life with dignity and purpose.

(4) While there is no uniform prevalence or severity of symptoms associated with autism spectrum disorders, the National Institutes of Health has determined that autism spectrum disorders are characterized by 3 distinctive behaviors: impaired social interaction, problems with verbal and nonverbal communication, and unusual, repetitive, or severely limited activities and interests.

(5) Both children and adults with autism spectrum disorders can show difficulties in verbal and nonverbal communication, social interactions, and sensory processing. Individuals with autism spectrum disorders exhibit different symptoms or behaviors, which may range from mild to significant, and require varying degrees of support from friends, families, service providers, and communities.

(6) Individuals with autism spectrum disorders often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education. With access to, and assistance with, these types of services and supports, individuals with autism spectrum disorders can live rich, full, and productive lives. Greater coordination and streamlining within the service delivery system will enable individuals with autism spectrum disorders and their families to access assistance from all sectors throughout an individual's lifespan.

(7) A 2007 report from the Centers for Disease Control and Prevention found that the prevalence of autism spectrum disorders is estimated to be 1 in 150 people in the United States.

(8) The Harvard School of Public Health reported that the cost of caring for and treating individuals with autism spectrum disorders in the United States is more than \$35,000,000,000 annually (an estimated \$3,200,000 over an individual's lifetime).

(9) Although the overall incidence of autism is consistent around the globe, researchers with the Journal of Paediatrics and Child Health have found that males are 4 times more likely to develop an autism spectrum disorder than females. Autism spectrum disorders know no racial, ethnic, or social boundaries, nor differences in family income, lifestyle, or educational levels, and can affect any child.

(10) Individuals with autism spectrum disorders from low-income, rural, and minority communities often face significant obstacles to accurate diagnosis and necessary specialized services, supports, and education.

(11) There is strong consensus within the research community that intensive treatment as soon as possible following diagnosis not only can reduce the cost of lifelong care by two-thirds, but also yields the most positive life outcomes for children with autism spectrum disorders.

(12) Individuals with autism spectrum disorders and their families experience a wide range of medical issues. Few common standards exist for the diagnosis and management of many aspects of clinical care. Behavioral difficulties may be attributed to the over-

arching disorder rather than to the pain and discomfort of a medical condition, which may go undetected and untreated. The health care and other treatments available in different communities can vary widely. Many families, lacking access to comprehensive and coordinated health care, must fend for themselves to find the best health care, treatments, and services in a complex clinical world.

(13) Effective health care, treatment, and services for individuals with autism spectrum disorders depends upon a continuous exchange among researchers and caregivers. Evidence-based and promising autism practices should move quickly into communities, allowing individuals with autism spectrum disorders and their families to benefit from the newest research and enabling researchers to learn from the life experiences of the people whom their work most directly affects.

(14) There is a critical shortage of appropriately trained personnel across numerous important disciplines who can assess, diagnose, treat, and support children and adults with autism spectrum disorders and their families. Practicing professionals, as well as those in training to become professionals, need the most up-to-date practices informed by the most current research findings.

(15) The appropriate goals of the Nation regarding individuals with autism spectrum disorder are the same as the appropriate goals of the Nation regarding individuals with disabilities in general, as established in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.): to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.

(16) Finally, individuals with autism spectrum disorders are often denied health care benefits solely because of their diagnosis, even though proven, effective treatments for autism spectrum disorders do exist.

SEC. 3. PARENTAL RIGHTS RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to modify the legal rights of parents or legal guardians under Federal, State, or local law regarding the care of their children.

SEC. 4. DEFINITIONS; TECHNICAL AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) by inserting after the header for part R the following:

“Subpart 1—Surveillance and Research Program; Education, Early Detection, and Intervention; and Reporting”;

(2) in section 399AA(d), by striking “part” and inserting “subpart”; and

(3) by adding at the end the following:

“Subpart 2—Care for People With Autism Spectrum Disorders, Registry, and Public Education

“SEC. 399GG. DEFINITIONS.

“Except as otherwise provided, in this subpart:

“(1) **AUTISM SPECTRUM DISORDER.**—The term ‘autism spectrum disorder’ means a developmental disability that causes substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, childhood disintegra-

tive disorder, and other related developmental disorders.

“(2) **ADULT WITH AUTISM SPECTRUM DISORDER.**—The term ‘adult with autism spectrum disorder’ means an individual with an autism spectrum disorder who has attained 22 years of age.

“(3) **AFFECTED INDIVIDUAL.**—The term ‘affected individual’ means an individual with an autism spectrum disorder.

“(4) **AUTISM.**—The term ‘autism’ means an autism spectrum disorder or a related developmental disability.

“(5) **AUTISM MANAGEMENT TEAM.**—The term ‘autism management team’ means a group of autism care providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, other appropriate personnel, and family members who work in a coordinated manner to treat individuals with autism spectrum disorders and their families. Such team shall determine the specific structure and operational model of its specific autism care center, taking into consideration cultural, regional, and geographical factors.

“(6) **CARE MANAGEMENT MODEL.**—The term ‘care management model’ means a model of care that with respect to autism—

“(A) is centered on the relationship between an individual with an autism spectrum disorder and his or her family and their personal autism care coordinator;

“(B) provides services to individuals with autism spectrum disorders to improve the management and coordination of care provided to patients and their families; and

“(C) has established, where practicable, effective referral relationships between the autism care coordinator and the major medical, educational, and behavioral specialties and ancillary services in the region.

“(7) **CHILD WITH AUTISM SPECTRUM DISORDER.**—The term ‘child with autism spectrum disorder’ means an individual with an autism spectrum disorder who has not attained 22 years of age.

“(8) **INTERVENTIONS.**—The term ‘interventions’ means the educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorders.

“(9) **NETWORK.**—The term ‘Network’ means the Network for Autism Spectrum Disorders Research and Services described in section 10 of the Autism Treatment Acceleration Act of 2009.

“(10) **PERSONAL PRIMARY CARE COORDINATOR.**—The term ‘personal primary care coordinator’ means a physician, nurse, nurse practitioner, psychologist, social worker, family therapist, educator, or other appropriate personnel (as determined by the Secretary) who has extensive expertise in treatment and services for individuals with autism spectrum disorders, who—

“(A) practices in an autism care center; and

“(B) has been trained to coordinate and manage comprehensive autism care for the whole person.

“(11) **PROJECT.**—The term ‘project’ means the autism care center demonstration project established under section 399HH.

“(12) **SERVICES.**—The term ‘services’ means services to assist individuals with autism spectrum disorders to live more independently in their communities and to improve their quality of life.

“(13) **TREATMENTS.**—The term ‘treatments’ means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

“(14) AUTISM CARE CENTER.—In this subpart, the term ‘autism care center’ means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

“(A) incorporate the attributes of the care management model;

“(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

“(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.”.

SEC. 5. AUTISM CARE CENTERS DEMONSTRATION PROJECT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 4, is further amended by adding at the end the following:

“SEC. 399HH. AUTISM CARE CENTER DEMONSTRATION PROJECT.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Autism Treatment Acceleration Act of 2009, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a demonstration project for the implementation of an Autism Care Center Program (referred to in this section as the ‘Program’) to provide grants and other assistance to improve the effectiveness and efficiency in providing comprehensive care to individuals diagnosed with autism spectrum disorders and their families.

“(b) GOALS.—The Program shall be designed—

“(1) to increase—

“(A) comprehensive autism spectrum disorder care delivery;

“(B) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

“(C) patient satisfaction;

“(D) communication among autism spectrum disorder health care providers, behaviorists, educators, specialists, hospitals, and other autism spectrum disorder care providers;

“(E) school placement and attendance;

“(F) successful transition to postsecondary education, vocational or job training and placement, and comprehensive adult services for individuals with autism spectrum disorders, focusing in particular upon the transitional period for individuals between the ages of 18 and 25;

“(G) the quality of health care services, taking into account nationally-developed standards and measures;

“(H) development, review, and promulgation of common clinical standards and guidelines for medical care to individuals with autism spectrum disorders;

“(I) development of clinical research projects to support clinical findings in a search for recommended practices; and

“(J) the quality of life of individuals with autism spectrum disorders, including communication abilities, social skills, community integration, and employment and other related services; and

“(2) to decrease—

“(A) inappropriate emergency room utilization, which can be accomplished through initiatives such as expanded hours of care;

“(B) avoidable hospitalizations;

“(C) the duplication of health care services;

“(D) the inconvenience of multiple provider locations;

“(E) health disparities and inequalities that individuals with autism spectrum disorders face; and

“(F) preventable and inappropriate involvement with the juvenile and criminal justice systems.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the Program, an entity shall—

“(1) be a State or a public or private non-profit entity;

“(2) agree to establish and implement an autism care center that—

“(A) enables targeted beneficiaries to designate a personal primary care coordinator in such center to be their source of first contact and to recommend comprehensive and coordinated care for the whole of the individual;

“(B) provides for the establishment of a coordination of care committee that is composed of clinicians and practitioners trained in and working in autism spectrum disorder intervention;

“(C) establishes a network of physicians, psychologists, family therapists, behavioral specialists, social workers, educators, and health centers that have volunteered to participate as consultants to patient-centered autism care centers to provide high-quality care, focusing on autism spectrum disorder care, at the appropriate times and places and in a cost-effective manner;

“(D) works in cooperation with hospitals, local public health departments, and the network of patient-centered autism care centers, to coordinate and provide health care;

“(E) utilizes health information technology to facilitate the provision and coordination of health care by network participants; and

“(F) collaborates with other entities to further the goals of the program, particularly by collaborating with entities that provide transitional adult services to individuals between the ages of 18 and 25 with autism spectrum disorder, to ensure successful transition of such individuals to adulthood; and

“(3) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the treatments, interventions, or services that the eligible entity proposes to provide under the Program;

“(B) a demonstration of the capacity of the eligible entity to provide or establish such treatments, interventions, and services within such entity;

“(C) a demonstration of the capacity of the eligible entity to monitor and evaluate the outcomes of the treatments, interventions, and services described in subparagraph (A);

“(D) estimates of the number of individuals and families who will be served by the eligible entity under the Program, including an estimate of the number of such individuals and families in medically underserved areas;

“(E) a description of the ability of the eligible entity to enter into partnerships with community-based or nonprofit providers of treatments, interventions, and services, which may include providers that act as advocates for individuals with autism spectrum disorders and local governments that provide services for individuals with autism spectrum disorders at the community level;

“(F) a description of the ways in which access to such treatments and services may be sustained following the Program period;

“(G) a description of the ways in which the eligible entity plans to collaborate with other entities to develop and sustain an effective protocol for successful transition from children’s services to adult services for individuals with autism spectrum disorder, particularly for individuals between the ages of 18 and 25; and

“(H) a description of the compliance of the eligible entity with the integration requirement provided under section 302 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182).

“(d) GRANTS.—The Secretary shall award 3-year grants to eligible entities whose applications are approved under subsection (c). Such grants shall be used to—

“(1) carry out a program designed to meet the goals described in subsection (b) and the requirements described in subsection (c); and

“(2) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by autism care centers.

“(e) ADVISORY COUNCILS.—

“(1) IN GENERAL.—Each recipient of a grant under this section shall establish an autism care center advisory council, which shall advise the autism care center regarding policies, priorities, and services.

“(2) MEMBERSHIP.—Each recipient of a grant shall appoint members of the recipient’s advisory council, which shall include a variety of autism care center service providers, individuals from the public who are knowledgeable about autism spectrum disorders, individuals receiving services through the Program, and family members of such individuals. At least 60 percent of the membership shall be comprised of individuals who have received, or are receiving, services through the Program or who are family members of such individuals.

“(3) CHAIRPERSON.—The recipient of a grant shall appoint a chairperson to the advisory council of the recipient’s autism care center who shall be—

“(A) an individual with autism spectrum disorder who has received, or is receiving, services through the Program; or

“(B) a family member of such an individual.

“(f) EVALUATION.—The Secretary shall enter into a contract with an independent third-party organization with expertise in evaluation activities to conduct an evaluation and, not later than 180 days after the conclusion of the 3-year grant program under this section, submit a report to the Secretary, which may include measures such as whether and to what degree the treatments, interventions, and services provided through the Program have resulted in improved health, educational, employment, and community integration outcomes for individuals with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

“(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall allocate not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

“(h) SUPPLEMENT NOT SUPPLANT.—Amounts provided to an entity under this section shall be used to supplement, not supplant, amounts otherwise expended for existing treatments, interventions, and services

for individuals with autism spectrum disorders.”.

SEC. 6. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR ADULTS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 5, is further amended by adding at the end the following:

“SEC. 399II. PLANNING AND DEMONSTRATION GRANT FOR SERVICES FOR ADULTS.

“(a) IN GENERAL.—In order to enable selected eligible entities to provide appropriate services to adults with autism spectrum disorders, to enable such adults to be as independent as possible, the Secretary shall establish—

“(1) a one-time, single-year planning grant program for eligible entities; and

“(2) a multiyear service provision demonstration grant program for selected eligible entities.

“(b) PURPOSE OF GRANTS.—Grants shall be awarded to eligible entities to provide all or part of the funding needed to carry out programs that focus on critical aspects of adult life, such as—

“(1) postsecondary education, vocational training, self-advocacy skills, and employment;

“(2) residential services and supports, housing, and transportation;

“(3) nutrition, health and wellness, recreational and social activities; and

“(4) personal safety and the needs of individuals with autism spectrum disorders who become involved with the criminal justice system.

“(c) ELIGIBLE ENTITY.—An eligible entity desiring to receive a grant under this section shall be a State or other public or private nonprofit organization, including an autism care center.

“(d) PLANNING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities to support the planning and development of initiatives that will expand and enhance service delivery systems for adults with autism spectrum disorders.

“(2) APPLICATION.—In order to receive such a grant, an eligible entity shall—

“(A) submit an application at such time and containing such information as the Secretary may require; and

“(B) demonstrate the ability to carry out such planning grant in coordination with the State Developmental Disabilities Council and organizations representing or serving individuals with autism spectrum disorders and their families.

“(e) IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entities to provide appropriate services to adults with autism spectrum disorders.

“(2) APPLICATION.—In order to receive a grant under paragraph (1), the eligible entity shall submit an application at such time and containing such information as the Secretary may require, including—

“(A) the services that the eligible entity proposes to provide and the expected outcomes for adults with autism spectrum disorders who receive such services;

“(B) the number of adults and families who will be served by such grant, including an estimate of the adults and families in underserved areas who will be served by such grant;

“(C) the ways in which services will be coordinated among both public and nonprofit

providers of services for adults with disabilities, including community-based services;

“(D) where applicable, the process through which the eligible entity will distribute funds to a range of community-based or nonprofit providers of services, including local governments, and such entity’s capacity to provide such services;

“(E) the process through which the eligible entity will monitor and evaluate the outcome of activities funded through the grant, including the effect of the activities upon adults with autism spectrum disorders who receive such services;

“(F) the plans of the eligible entity to coordinate and streamline transitions from youth to adult services;

“(G) the process by which the eligible entity will ensure compliance with the integration requirement provided under section 302 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12182); and

“(H) a description of how such services may be sustained following the grant period.

“(f) EVALUATION.—The Secretary shall contract with a third-party organization with expertise in evaluation to evaluate such demonstration grant program and, not later than 180 days after the conclusion of the grant program under subsection (e), submit a report to the Secretary. The evaluation and report may include an analysis of whether and to what extent the services provided through the grant program described in this section resulted in improved health, education, employment, and community integration outcomes for adults with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

“(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall set aside not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

“(h) SUPPLEMENT, NOT SUPPLANT.—Demonstration grant funds provided under this section shall supplement, not supplant, existing treatments, interventions, and services for individuals with autism spectrum disorders.”.

SEC. 7. NATIONAL REGISTRY.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 6, is further amended by adding at the end the following:

“SEC. 399JJ. NATIONAL REGISTRY FOR AUTISM SPECTRUM DISORDERS.

“(a) ESTABLISHMENT.—The Secretary, in consultation with national health organizations and professional societies with experience and expertise relating to autism spectrum disorders, shall establish a voluntary population-based registry of cases of autism spectrum disorders. Such registry shall be known as the ‘National Registry for Autism Spectrum Disorders’ (referred to in this section as the ‘Registry’). The Secretary shall ensure that the Registry maintains the privacy of individuals and the highest level of medical and scientific research ethics.

“(b) PURPOSE.—The purpose of the Registry is to facilitate the collection, analysis, and dissemination of data related to autism spectrum disorders that can increase understanding of causal factors, rates, and trends of autism spectrum disorders.

“(c) ACTIVITIES.—In carrying out the Registry, the Secretary may—

“(1) implement a surveillance and monitoring system that is based on thorough and complete medical diagnosis data, clinical history, and medical findings;

“(2) collect standardized information concerning the environmental, medical, social, and genetic circumstances that may correlate with diagnosis of autism spectrum disorders;

“(3) promote the use of standardized autism spectrum disorder investigation and reporting tools of the Centers for Disease Control and Prevention, as well as standardized autism spectrum disorder protocols;

“(4) establish a standardized classification system for defining subcategories of autism spectrum disorders for surveillance research activities; and

“(5) support multidisciplinary reviews of autism spectrum disorders.”.

SEC. 8. MULTIMEDIA CAMPAIGN.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 7, is further amended by adding at the end the following:

“SEC. 399KK. MULTIMEDIA CAMPAIGN.

“(a) IN GENERAL.—The Secretary, in order to enhance existing awareness campaigns and provide for the implementation of new campaigns, shall award grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to increase public education and awareness and reduce stigma concerning—

“(1) healthy developmental milestones for infants and children that may assist in the early identification of the signs and symptoms of autism spectrum disorders; and

“(2) autism spectrum disorders throughout the lifespan and the challenges that individuals with autism spectrum disorders face, which may include transitioning into adulthood, securing appropriate job training or postsecondary education, securing and holding jobs, finding suitable housing, interacting with the correctional system, increasing independence, and attaining a good quality of life.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

“(2) provide assurance that the multimedia campaign implemented under such grant will provide information that is tailored to the intended audience, which may be a diverse public audience or a specific audience, such as health professionals, criminal justice professionals, or emergency response professionals.”.

SEC. 9. INTERDEPARTMENTAL AUTISM COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee, to be known as the ‘Interdepartmental Autism Coordinating Committee,’ (referred to in this section as the ‘Committee’) to coordinate all Federal efforts concerning autism spectrum disorders.

(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

(1) develop and annually update a summary of developments in research on autism spectrum disorders, services for people on the autism spectrum and their families, and programs that focus on people on the autism spectrum;

(2) monitor governmental and nongovernmental activities with respect to autism spectrum disorders;

(3) make recommendations to the Secretary of Health and Human Services and other relevant heads of agencies (referred to

in this subsection as the “agency heads”) regarding any appropriate changes to such activities and any ethical considerations relating to those activities;

(4) make recommendations to the agency heads regarding public participation in decisions relating to autism spectrum disorders;

(5) develop and annually update a strategic plan, including proposed budgetary requirements, for conducting and supporting research related to autism spectrum disorders, services for individuals on the autism spectrum and their families, and programs that focus on such individuals and their families; and

(6) annually submit to Congress and the President such strategic plan and any updates to such plan.

(c) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of—

(A) the Director of the National Institutes of Health, and the directors of such national research institutes of the National Institutes of Health as the Director determines appropriate;

(B) the heads of other agencies within the Department of Health and Human Services, as the Secretary determines appropriate; and

(C) representatives of the Department of Education, the Department of Defense, and other Federal agencies that provide services to individuals with autism spectrum disorders and their families or that have programs that affect individuals with autism spectrum disorders, as the Secretary determines appropriate.

(2) NON-FEDERAL MEMBERS.—Not less than 2/5 of the total membership of the Committee shall be composed of public members to be appointed by the Secretary, of which—

(A) at least one such member shall be an individual with an autism spectrum disorder;

(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder;

(C) at least one such member shall be a representative of a nongovernmental organization that provides services to individuals with autism spectrum disorders or their families; and

(D) at least one such member shall be a representative of a leading research, advocacy, and service organization for individuals with autism spectrum disorders and their families.

(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years and may be reappointed for one or more additional 4-year terms. The term of any member appointed under subsection (c)(2)(C) or subsection (c)(2)(D) shall expire if the member no longer represents the organization described in such subsections. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

(3) The Committee shall be chaired by the Secretary or the Secretary's designee. The Committee shall meet at the call of the chairperson and not fewer than 2 times each year.

(4) All meetings of the Committee or its subcommittees shall be public and shall include appropriate time periods for questions and presentations by the public.

(5) The Committee may convene workshops and conferences.

(e) SUBCOMMITTEES: ESTABLISHMENT AND MEMBERSHIP.—

(1) ESTABLISHMENT OF SUBCOMMITTEES.—In carrying out its functions, the Committee may establish—

(A) a subcommittee on research on autism spectrum disorders;

(B) a subcommittee on services for individuals with autism spectrum disorders and their families and programs that focus on individuals with autism spectrum disorders; and

(C) such other subcommittees as the Committee determines appropriate.

(2) MEMBERSHIP.—Subcommittees may include as members individuals who are not members of the Committee.

(3) MEETINGS.—Subcommittees may hold such meetings as are necessary.

(f) INTERAGENCY AUTISM COORDINATING COMMITTEE.—Part R of title III of the Public Health Service Act (42 U.S.C. 280i) is amended by striking section 399CC (42 U.S.C. 284i-2).

SEC. 10. NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.

(a) DEFINITIONS.—In this section:

(1) SERVICES.—The term “services” means services to assist individuals with autism spectrum disorders to live more independently in their communities and improve the quality of life of such individuals.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) TREATMENTS.—The term “treatments” means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

(4) AUTISM CARE CENTER.—In this subpart, the term “autism care center” means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

(A) incorporate the attributes of the care management model;

(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.

(b) ESTABLISHMENT OF THE NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish the National Network for Autism Spectrum Disorders Research and Services (referred to in this section as the “National Network”). The National Network shall provide resources for, and facilitate communication between, autism spectrum disorder researchers and service providers for individuals with autism spectrum disorders and their families.

(c) PURPOSES.—The purposes of the National Network are to—

(1) build upon the infrastructure relating to autism spectrum disorders that exists on the date of enactment of this Act;

(2) strengthen linkages between autism spectrum disorders research and service ini-

tiatives at the Federal, regional, State, and local levels;

(3) facilitate the translation of research on autism spectrum disorders into services and treatments to improve the quality of life for individuals with autism and their families; and

(4) ensure the rapid dissemination of evidence-based or promising autism spectrum disorder practices through the National Data Repository for Autism Spectrum Disorders Research and Services described in subsection (e).

(d) ORGANIZATION AND ACTIVITIES OF THE NATIONAL NETWORK.—

(1) IN GENERAL.—In establishing the National Network, the Secretary, acting through Administrator of the Health Resources and Services Administration, shall ensure that the National Network is composed of entities at the Federal, regional, State, and local levels.

(2) REGIONAL LEADERSHIP AND ORGANIZATION.—In establishing the National Network, the Secretary shall establish a Committee of Regional Leaders, which shall ensure that regional participation is provided through the appointment of regional leaders such as university- and community-based partnerships that represent the needs and interests of regional stakeholders (including individuals with autism spectrum disorders and their families, providers, and researchers). The Committee of Regional Leaders shall be responsible for monitoring, reporting, analyzing, and disseminating information in the Data Repository described in subsection (e) to other stakeholders to ensure that the information contained in such Data Repository is widely available to policymakers and service providers at the State and local levels, and to facilitate communication between various members of the National Network.

(3) STATE AND COMMUNITY LEVEL LEADERSHIP AND ORGANIZATION.—

(A) STATE DIRECTORS.—The regional leaders appointed under paragraph (2) shall appoint State directors who shall coordinate the activities of the National Network at the State and community levels.

(B) STATE AND COMMUNITY SUBNETWORKS.—The Secretary shall ensure that the State directors establish State and community autism subnetworks, which shall engage in a variety of frontline autism activities and provide services, including comprehensive diagnostics, treatment, resource and referral, and support programs, for individuals with autism spectrum disorders.

(e) NATIONAL DATA REPOSITORY FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—

(1) IN GENERAL.—The Secretary shall establish a National Data Repository for Autism Spectrum Disorders Research and Services (referred to in this section as the “Data Repository”) and shall contract with one eligible third-party entity to develop and administer such repository (referred to in this section as the “Data Repository Administrator”). The Data Repository shall be used to collect, store, and disseminate information regarding research, data, findings, models of treatment, training modules, and technical assistance materials related to autism spectrum disorders in order to facilitate the development and rapid dissemination of research into best practices that improve care.

(2) ELIGIBILITY.—To be eligible to receive the contract described in paragraph (1), an entity shall—

(A) be a public or private nonprofit entity; and

(B) have experience—

(i) collecting data;

(ii) developing systems to store data in a secure manner that does not personally identify individuals;

(iii) developing internet web portals and other means of communicating with a wide audience; and

(iv) making information available to the public.

(3) CONTENTS.—The Data Repository shall include—

(A) emerging research, data, and findings regarding autism spectrum disorders from basic and applied researchers and service providers;

(B) emerging or promising models of treatment, service provision, and training related to autism spectrum disorders that are developed in individual care centers or programs; and

(C) training modules and technical assistance materials.

(4) DUTIES OF THE ADMINISTRATOR.—The Data Repository Administrator shall—

(A) collect information from autism spectrum disorders research and service provision agencies and organizations including—

(i) Centers of Excellence in Autism Spectrum Disorder Epidemiology under section 399AA(b) of the Public Health Service Act (42 U.S.C. 280i(b));

(ii) autism care centers;

(iii) recipients of grants through the grant program for adult services under section 399II of the Public Health Service Act, as added by section 6 of this Act;

(iv) members and recipients of the national training initiatives on autism spectrum disorders under section 399LL of the Public Health Service Act, as added by section 11 of this Act; and

(v) the Committee of Regional Leaders, regional leaders, State directors, members of State and community autism subnetworks, and other entities, as determined by the Secretary;

(B) securely store and maintain information in the Data Repository in a manner that does not personally identify individuals;

(C) make information in the Data Repository accessible through an Internet web portal or other appropriate means of sharing information;

(D) ensure that the information contained in the Data Repository is accessible to the National Network, including health care providers, educators, and other autism spectrum disorders service providers at the national, State, and local levels; and

(E) provide a means through the Internet web portal, or through other means, for members of the National Network to share information, research, and best practices on autism spectrum disorders.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures relating to autism spectrum disorders.

SEC. 11. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 8, is further amended by adding at the end the following:

“SEC. 399LL. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

“(a) NATIONAL TRAINING INITIATIVE SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—The Secretary shall award multiyear national training initiative supplemental grants to eligible entities so that such entities may provide training and

technical assistance and to disseminate information, in order to enable such entities to address the unmet needs of individuals with autism spectrum disorders and their families.

“(2) ELIGIBLE ENTITY.—To be eligible to receive assistance under this section an entity shall—

“(A) be a public or private nonprofit entity, including University Centers for Excellence in Developmental Disabilities and other service, training, and academic entities; and

“(B) submit an application as described in paragraph (3).

“(3) REQUIREMENTS.—An eligible entity that desires to receive a grant under this paragraph shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including agreements that the training program shall—

“(A) provide trainees with an appropriate balance of interdisciplinary academic and community-based experiences;

“(B) have a demonstrated capacity to include individuals with autism spectrum disorders, parents, and family members as part of the training program to ensure that a person and family-centered approach is used;

“(C) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the outcomes of the provision of training and technical assistance;

“(D) demonstrate a capacity to share and disseminate materials and practices that are developed and evaluated to be effective in the provision of training and technical assistance; and

“(E) provide assurances that training, technical assistance, and information dissemination performed under grants made pursuant to this paragraph shall be consistent with the goals established under already existing disability programs authorized under Federal law and conducted in coordination with other relevant State agencies and service providers.

“(4) ACTIVITIES.—An entity that receives a grant under this section shall expand and develop interdisciplinary training and continuing education initiatives for health, allied health, and educational professionals by engaging in the following activities:

“(A) Promoting and engaging in training for health, allied health, and educational professionals to identify, diagnose, and develop interventions for individuals with, or at risk of developing, autism spectrum disorders.

“(B) Working to expand the availability of training and information regarding effective, lifelong interventions, educational services, and community supports, including specific training for criminal justice system, emergency health care, legal, and other mainstream first responder professionals, to identify characteristics of individuals with autism spectrum disorders and to develop appropriate responses and interventions.

“(C) Providing technical assistance in collaboration with relevant State, regional, or national agencies, institutions of higher education, advocacy groups for individuals with autism spectrum disorders and their families, or community-based service providers.

“(D) Developing mechanisms to provide training and technical assistance, including for-credit courses, intensive summer institutes, continuing education programs, distance-based programs, and web-based information dissemination strategies.

“(E) Collecting data on the outcomes of training and technical assistance programs

to meet statewide needs for the expansion of services to children with autism spectrum disorders and adults with autism spectrum disorders.

“(b) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the appropriated funds to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to the entities receiving grants under subsection (a) to enable such entities to—

“(1) assist in national dissemination of specific information, including evidence-based and promising best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

“(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

“(3) assist in the coordination of activities of grantees under this section;

“(4) develop an Internet web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

“(5) convene experts from multiple interdisciplinary training programs and individuals with autism spectrum disorders and their families to discuss and make recommendations with regard to training issues related to the assessment, diagnosis of, treatment, interventions and services for, children with autism spectrum disorders and adults with autism spectrum disorders; and

“(6) undertake any other functions that the Secretary determines to be appropriate.

“(c) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures.”.

SEC. 12. AMENDMENTS RELATING TO HEALTH INSURANCE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

“SEC. 715. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

“(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; and

“(2) to prevent a group health plan or a health insurance issuer from negotiating the

level and type of reimbursement with a provider for care provided in accordance with this section.

“(C) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

“(1) 60 days after the first day of the first plan year in which such requirements apply; or

“(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the participant or beneficiary.

“(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

“(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; or

“(2) deny coverage otherwise available under this section on the basis that such coverage will not—

“(A) develop skills or functioning;

“(B) maintain skills or functioning;

“(C) restore skills or functioning; or

“(D) prevent the loss of skills or functioning.

“(e) PREEMPTION; RELATION TO STATE LAW.—

“(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

“(2) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

“(f) DEFINITIONS.—In this section:

“(1) AUTISM SPECTRUM DISORDERS.—The term ‘autism spectrum disorders’ means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Rett's disorder, and childhood disintegrative disorder.

“(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term ‘diagnosis of autism spectrum disorders’ means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

“(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term ‘treatment of autism spectrum disorders’ means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

“(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

“(B) Occupational therapy, physical therapy, and speech therapy.

“(C) Direct or consultative services provided by a psychiatrist or psychologist.

“(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term ‘applied behavior analysis’ means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

“(E) Augmentative communication devices and other assistive technology devices.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 714 the following:

“Sec. 715. Required coverage for autism spectrum disorders.”.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

“SEC. 2708. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

“(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; or

“(2) to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

“(c) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

“(1) 60 days after the first day of the first plan year in which such requirements apply; or

“(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the enrollee.

“(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

“(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely

for the purpose of avoiding the requirements of this section; or

“(2) deny coverage otherwise available under this section on the basis that such coverage will not—

“(A) develop skills or functioning;

“(B) maintain skills or functioning;

“(C) restore skills or functioning; or

“(D) prevent the loss of skills or functioning.

“(e) PREEMPTION; RELATION TO STATE LAW.—

“(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

“(2) ERISA.—Nothing in this section shall be construed to affect or modify the provisions of section 514 of the Employee Income Retirement Security Act of 1974 with respect to group health plans.

“(f) DEFINITIONS.—In this section:

“(1) AUTISM SPECTRUM DISORDERS.—The term ‘autism spectrum disorders’ means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), and Asperger syndrome.

“(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term ‘diagnosis of autism spectrum disorders’ means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

“(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term ‘treatment of autism spectrum disorders’ means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

“(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

“(B) Occupational therapy, physical therapy, and speech therapy.

“(C) Direct or consultative services provided by a psychiatrist or psychologist.

“(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term ‘applied behavior analysis’ means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

“(E) Augmentative communication devices and other assistive technology devices.”.

(2) INDIVIDUAL MARKET.—Subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

“SEC. 2754. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

“‘The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to

health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”.

(C) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—

(A) IN GENERAL.—The amendment made by subsection (a) shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(B) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendment made by subsections (a) and (b)(1) shall not be treated as a termination of such collective bargaining agreement.

(2) INDIVIDUAL PLANS.—The amendment made by subsection (b)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 2010 through 2014 such sums as may be necessary to carry out this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, Mr. HATCH, Ms. STABENOW, Mr. ENSIGN, Mrs. LINCOLN, Ms. CANTWELL, and Mr. NELSON of Florida):

S. 823. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, America's economy is continuing in recession. Companies that have been profitable for years are finding their balance sheets awash in red ink. The economic stimulus bill, the American Recover and Reinvestment Act or “ARRA,” helped some small companies with a provision that allows them to take losses from 2008 and carry them back for up to five years rather than carry them forward for up to 20 or back only two. This net operating loss, NOL, carryback provision gives formerly profitable companies the ability to get a quick infusion of cash by recouping taxes paid when they were profitable in the recent past.

The cash from a 5 year carryback of NOLs allows companies to keep employees on payroll, and stabilize operations during the most trying time businesses have faced in at least a generation. The House and Senate and the Obama Administration all acknowledged the importance of permitting NOL carrybacks during the debate on the economic stimulus with provisions that generally allowed any company to carryback losses incurred in 2008 and 2009. Unfortunately, the final agreement on that law did not contain the sweeping provision that is necessary to help as many companies as are in need of this tax relief.

Companies are permitted to take these losses against future income, for up to 20 years from now. However, that carryforward of losses does nothing to help companies weather the current recession in fact some of these companies might never be able to take these losses because they'll go out of business as a result of this recession. Permitting carryback of losses will help to prevent employees from being laid off today as a result of the credit crunch that continues to exacerbate the downward spiral of our economy. We can help lessen the credit crunch and increase cash flow in companies by permitting companies to carryback losses for 5 years.

Today I am honored to introduce the NOL Carryback Act with the chairman of the Senate Finance Committee, Chairman MAX BAUCUS, and a distinguished group of colleagues from the Finance Committee. This bill mirrors the Senate-passed NOL carryback provision that was passed in ARRA. The Senate-passed bill allowed carrybacks for losses incurred in 2008 and 2009, for any sized business, but it prevented companies that receive cash from the Troubled Asset Relief Program from also receiving this cash infusion.

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 824. A bill to establish a Jobs Creation Coordinator in the Department of Commerce to ensure that agencies in the Department use resources in a manner that maximizes the maintenance and creation of jobs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in response to the devastating job losses resulting from the current economic crisis. Figures released this week show that U.S. companies shed more than 740,000 jobs in March, a 5 percent increase over the 706,000 jobs lost in February. Our country has now lost nearly 4.5 million jobs since the onset of the recession—the most since 1945. Tomorrow's release of government-compiled employment figures is certain to confirm the dismal state of the U.S. job market—a tragic reality that millions of hardworking Americans and the families they support know all too well.

As a senior member of the Senate Committee on Commerce, Science and Transportation, I believe it is essential for the Department of Commerce to respond to this dire situation by focusing its efforts on expanding employment opportunities for Americans. With its statutory mission “to foster, promote, and develop the foreign and domestic commerce,” the Department of Commerce has a clear mandate to defend and grow the U.S. economy through job preservation and creation.

Yet the disparate agencies that comprise the department have little or no

occasion to coordinate their efforts toward maximizing its job maintaining and creating potential. While divisions such as the Economic Development Agency and the Minority Business Development Agency each have their own programs to increase employment in their respective target communities, there is the potential for even greater job creation through the coordination of their efforts with the core functions of other department components, such as the export-promotion activities of the International Trade Administration, the economic analysis of the Economics and Statistics Administration, and the stewardship of technological innovation by the National Telecommunications & Information Administration.

That is why I am today introducing bipartisan legislation with my Commerce Committee colleague Senator Begich to establish a Job Creation Coordinator at the department. Answering directly to the Secretary of Commerce, the Coordinator would not only ensure that each agency is carrying out its primary mission in a way that maximizes U.S. employment, but also would identify and implement opportunities to link separate programs being carried out by the agencies in a way that ensures that department resources are being spent in a manner which guarantees the utmost job creation per dollar appropriated.

Specifically, the Jobs Coordinator would be responsible for making an initial assessment of the private sector jobs currently being maintained or created by Commerce Department programs; formulating an action plan for improving these figures under existing statutory authority; liaising with Congress about additional authority which would enhance the job maintaining and creating abilities of Commerce Department programs; and, overseeing the implementation of new department policies or statutory authorities intended to enhance the department's job maintenance and creation potential.

The millions of Americans who have lost their livelihoods to the economic downturn, or whose jobs are at risk amidst the turmoil, deserve the utmost effort by their government to put an end to the lay-offs and get people back to work. I urge my colleagues to join me in this vital effort by supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—DESIGNATING EACH OF APRIL 15, 2009, AND APRIL 15, 2010, AS “NATIONAL TEA PARTY DAY”

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas the taxpayers of the United States understand that the so-called "stimulus bill", the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), included a laundry list of spending projects;

Whereas the taxpayers of the United States understand that the bailouts of Wall Street by the United States Government have been ineffective and a waste of taxpayer funding;

Whereas the taxpayers of the United States agree that the United States Government should stop wasteful spending, reduce the tax burden on families and businesses, and focus on policies that will lead to job creation and economic growth; and

Whereas taxpayers in the United States are expressing their opposition to high taxes and skyrocketing spending by the United States Government by organizing "Taxed Enough Already" parties, also known as "TEA" parties: Now, therefore, be it

Resolved, That the Senate designates each of April 15, 2009, and April 15, 2010, as "National TEA Party Day".

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF UZBEKISTAN SHOULD IMMEDIATELY ENFORCE ITS EXISTING DOMESTIC LEGISLATION AND FULFILL ITS INTERNATIONAL COMMITMENTS AIMED AT ENDING STATE-SPONSORED FORCED AND CHILD LABOR

Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 99

Whereas the United States has a growing strategic involvement in Central Asia;

Whereas the interests of the United States in Central Asia, including the operations in Afghanistan, can only be secured by the presence in the region of viable, vigorous democracies that fully guarantee the economic and social rights of all people, including children;

Whereas the Government of Uzbekistan continues to commit serious human rights abuses, including arbitrary arrest and detention, torture in custody, and the severe restriction of freedom of speech, the press, religion, independent political activity, and nongovernmental organizations;

Whereas the Government of Uzbekistan detains thousands of people for political or religious reasons;

Whereas Uzbekistan is the third largest exporter of cotton in the world, and cotton is 1 of the largest sources of export revenue for Uzbekistan;

Whereas Uzbekistan has signed and properly deposited with the International Labour Organization (ILO) the Minimum Age Convention, convened at Geneva June 6, 1973 (International Labour Organization Convention Number 138) and the Worst Forms of Child Labour Convention, convened at Geneva June 1, 1999 (International Labour Organization Convention Number 182);

Whereas the Government of Uzbekistan issued a decree in September 2008 that ostensibly prohibited the practice of forced and child labor, but the Government of Uzbek-

istan sent schoolchildren to harvest cotton within weeks after issuing the decree;

Whereas the 2008 Country Reports on Human Rights Practices by the Department of State stated that large-scale compulsory mobilization of youth and students to harvest cotton continued in most rural areas of Uzbekistan and that the students and youths were poorly paid, living conditions were poor, and children were exposed to harmful chemicals and pesticides applied in the cotton fields;

Whereas research by the Environmental Justice Foundation indicates that each year hundreds of thousands of schoolchildren from Uzbekistan, some as young as 7 years old, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to 3 months;

Whereas a policy briefing published by the School of Oriental and African Studies, University of London, in 2008, entitled "Invisible to the World", used extrapolations based on surveys in 6 areas that took place in 2006 and 2007 to conclude that approximately 2,400,000 schoolchildren from Uzbekistan between the ages of 10 and 15 are forcibly recruited into the annual cotton harvest;

Whereas the British Broadcasting Company undertook an investigation in late 2007 and found that the Government of Uzbekistan continues to rely on the state-orchestrated mass mobilization of children to bring in the cotton harvest;

Whereas, in 2008, reports of child labor in the cotton fields were received by multiple media outlets and local human rights activists from the major cotton-growing regions in Uzbekistan, including Djizzak, Namangan, Samarkand, and Ferghana, among others;

Whereas a report by the Rapid Reaction Group indicates that schoolchildren who cannot fulfill their daily picking quotas are forced to make up the difference in cash from the pockets of their own families;

Whereas the Government of Uzbekistan detained and harassed an independent journalist who accompanied a diplomat from the United States on a research trip to Syr Daria province, where the diplomat photographed children working in the cotton fields;

Whereas the children working in the cotton fields are stressed by the pressure to fulfill cotton quotas, physically abused by arduous work in the cotton fields, and subjected to poor and hazardous living conditions during the harvest period;

Whereas international brands such as Gap, H&M, Levi Strauss, Limited Brands, Target, Tesco, and Wal-Mart have banned cotton from Uzbekistan from their products and instructed their suppliers to comply with the ban;

Whereas the Government of Uzbekistan allowed a survey to be conducted by the United Nations Children's Fund (UNICEF), under the strict supervision of the Government of Uzbekistan, yet the survey was not conducted during the fall harvest season (a time when the likelihood of children working in the fields is significantly greater);

Whereas the Government of Uzbekistan refused to fully cooperate with the ILO and the International Cotton Advisory Committee to undertake an independent technical assessment of forced child labor during the fall 2008 harvest season; and

Whereas the ILO has conducted independent investigations into forced and child labor in more than 60 countries around the world, including developing and developed countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of Uzbekistan should—

(1) immediately enforce its existing domestic legislation and fulfill its international commitments aimed at ending state-sponsored forced and child labor;

(2) allow a comprehensive independent investigation into forced and child labor in the cotton sector during the fall 2009 harvest season by the International Labour Organization;

(3) in consultation and cooperation with the International Labour Organization, develop a credible and comprehensive action plan based on the findings of the International Labour Organization and commit the resources necessary to end forced and child labor in the cotton sector; and

(4) take concrete steps towards systemic reform that will—

(A) ensure greater freedom and better returns from their labor for cotton-producing farmers; and

(B) enable such farmers to employ adults in the cotton sector.

SENATE RESOLUTION 100—EXPRESSING THE SUPPORT OF THE SENATE FOR THE ESTABLISHMENT OF AN URBAN YOUTH SPORT INITIATIVE IN PARTNERSHIP WITH THE UNITED STATES OLYMPIC COMMITTEE

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 100

Whereas participation in sports and organized physical education is essential to fostering healthy attitudes and lifestyles in children;

Whereas the National Association for Sport and Physical Education reports that participation among American students in physical education has declined dramatically;

Whereas American children are experiencing obesity in growing numbers, and data continues to highlight the link between obesity and diabetes, heart disease, and other life-threatening medical conditions;

Whereas youth physical fitness through sport improves overall health, aids child development, improves self-esteem, and increases academic success in the classroom;

Whereas participation in adaptive sports improves self-worth, health, independence, and self-esteem for youth with physical and cognitive disabilities;

Whereas the rate of participation by urban youth in organized athletics is approximately one-third of the rate of suburban youth, and this is particularly true for young girls in urban areas;

Whereas both the world and United States populations are becoming increasingly urban, and if the trend of urbanization continues, by 2030 it is estimated that two-thirds of the global population will reside in urban areas;

Whereas establishing sports in urban settings remains a particular challenge because cities often lack the physical space needed for sports and efforts are often fragmented due to communication and coordination challenges;

Whereas the selection of the city of Chicago to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games would leave a legacy of youth engagement in sports in cities across our Nation;

Whereas the city of Chicago and Chicago 2016 are committed to an initiative establishing sustainable urban sport venues and connecting sport venues with programs that address coaching challenges, resource issues, and the difficulties of parental support to run programs;

Whereas the United States Olympic Committee and its 45 member organizations are currently investing in Olympic and Paralympic sport and physical activity programs for Americans in communities throughout the United States; and

Whereas the creation of an Urban Youth Sport Initiative would increase involvement of urban youth in sport, increase the training and availability of coaches in urban areas for youth sports, and enhance the ability of urban cities to administer youth sports programs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the expansion of quality urban youth sports programs to increase urban youth involvement in sport; and

(2) supports the establishment of an Urban Youth Sport Initiative in partnership with the United States Olympic Committee.

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE ON THE TRAGIC EVENTS AT THE PINELAKE HEALTH AND REHAB CENTER IN CARTHAGE, NORTH CAROLINA ON SUNDAY, MARCH 29, 2009

Mr. BURR (for himself and Mrs. HAGAN) submitted the following resolution; which was

S. RES. 101

Resolved, That the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to the staff and their families, who have been deeply affected by the tragic events that occurred at the Pinelake Health and Rehab Center in Carthage, North Carolina on March 29, 2009;

(2) honors the lives of the deceased victims—Jerry Avant, Louise DeKler, Lillian Dunn, Tessie Garner, John Goldstrom, Bessie Hedrick, Margaret Johnson, and Jesse Musser; and

(3) recognizes the heroism of Officer Justin Garner, whose decisive action and bravery preserved the safety of many, and wishes Officer Garner a complete and rapid recovery from the wound he sustained.

SENATE RESOLUTION 102—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was

S. RES. 102

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Dodd, Mr. Durbin, Mr. Bennett, and Mr. Cochran.

SENATE RESOLUTION 103—TO AUTHORIZE TESTIMONY AND DOCUMENT PRODUCTION IN RICHARD BOWEN V. DEPARTMENT OF THE NAVY (MSPB)

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was:

S. RES. 103

Whereas, in the case of Richard Bowen v. Department of the Navy, No. SF-0752-09-0040-I-1, pending before the Merit Systems Protection Board, a request has been made for documents from the office of Senator Jim Webb and a declaration from Jamie Lynch, a former fellow in the office of Senator Webb;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Jamie Lynch is authorized to testify and to produce documents in Richard Bowen v. Department of the Navy, except concerning matters for which a privilege should be asserted.

SENATE CONCURRENT RESOLUTION 17—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR THE UNVEILING OF A BUST OF SOJOURNER TRUTH

Mrs. GILLIBRAND (for herself and Mr. SPECTER) submitted the following concurrent resolution, which was referred to the Committee on Rules and Administration.

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF SOJOURNER TRUTH BUST.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on April 28, 2009, to unveil a bust of Sojourner Truth.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 928. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table.

SA 929. Mr. BROWN submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 930. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 931. Ms. LANDRIEU (for herself, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 932. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 933. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 934. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 935. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 936. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 937. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 938. Mr. VITTER (for himself, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 939. Mr. HATCH (for himself, Mr. MURKOWSKI, Mr. CARDIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 940. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 941. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 942. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 943. Mr. GREGG (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 944. Mr. GREGG (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 945. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 946. Mr. DORGAN (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. BEGICH, Mr. UDALL, of New Mexico, Mr. TESTER, Ms. MURKOWSKI, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 947. Ms. KLOBUCHAR (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 948. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 950. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 951. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 952. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 953. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 954. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 955. Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 957. Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 958. Mr. CRAPO (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 959. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 960. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 961. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 962. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 963. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 964. Mr. DEMINT (for himself, Mr. BENNETT, Mr. ENZI, Mr. BROWNBACK, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 965. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 966. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. BEGICH, Mr. KYL, Ms. MURKOWSKI, Mr. INHOFE, Mr. JOHANNES, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 967. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 968. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 969. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 970. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended

to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 971. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 972. Ms. MURKOWSKI (for herself, Mr. UDALL, of New Mexico, Mr. DORGAN, Mr. JOHNSON, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 973. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 974. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 975. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 976. Mr. HATCH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 977. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 978. Mr. HATCH (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 979. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 980. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

TEXT OF AMENDMENTS

SA 928. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . LIMITATION ON BUDGET RESOLUTIONS SHOWING AN AVERAGE ANNUAL DEFICIT-TO-GROSS DOMESTIC PRODUCT RATIO OF GREATER THAN 3.5 PERCENT.

(a) **POINT OF ORDER.**—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an average annual deficit-to-gross domestic product ratio of greater than 3.5 percent for the period of the current fiscal year through the next 5 years.

(b) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate and projected gross domestic product figures shall be determined on the basis of estimates provided by the Congressional Budget Office.

(f) **SUNSET.**—This section shall expire on September 30, 2010.

SA 929. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 36, line 5, after “programs”, insert “, particularly the Highway Bridge Program,”.

SA 930. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. ____ . POINT OF ORDER AGAINST LEGISLATION THAT REPEALS CERTAIN TAX BENEFITS THAT SUPPORT DOMESTIC ENERGY PRODUCTION.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes a measure that repeals the enhanced oil recovery credit, the marginal well tax credit, expensing of intangible drilling costs, the deduction for tertiary injectants, or the percentage depletion allowance for oil and natural gas properties.

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Ms. LANDRIEU (for herself, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF OIL AND NATURAL GAS LEASING REVENUES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide that 50 percent of any revenues collected by the United States from oil and natural gas leases in the outer Continental Shelf shall be—

(1) distributed among coastal energy producing States; or

(2) allocated for—

(A) the conduct of innovative alternative energy research; and

(B) supporting parks and wildlife.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 932. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, decrease the amount by \$900,000,000.

On page 10, line 21, decrease the amount by \$900,000,000.

On page 12, line 21, decrease the amount by \$553,000,000.

On page 12, line 22, decrease the amount by \$553,000,000.

On page 27, line 23, increase the amount by \$1,453,000,000.

On page 27, line 24, increase the amount by \$1,453,000,000.

SA 933. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, decrease the amount by \$10,000,000.

On page 10, line 21, decrease the amount by \$10,000,000.

On page 12, line 21, decrease the amount by \$10,000,000.

On page 12, line 22, decrease the amount by \$10,000,000.

On page 27, line 23, increase the amount by \$20,000,000.

On page 27, line 24, increase the amount by \$20,000,000.

SA 934. Mr. CORNYN submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place insert the following:

SEC. . REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 5 DAYS BEFORE A VOTE ON PASSAGE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to vote on final passage on any bill, joint resolution, or conference report unless the text and a budget score from the Congressional Budget Office of the legislation, are available on a publicly accessible Congressional website five days prior to the vote on passage of the legislation.

(b) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 935. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(Sec. . POINT OF ORDER ON LEGISLATION THAT RESTRICTS THE CONSTITUTIONAL RIGHTS OF AMERICANS TO OWN A FIREARM.

(a) POINT OF ORDER—

(1) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes a restriction on the right of Americans to own a firearm.

(2) DEFINITION.—In this subsection the term “Restriction on the right of Americans to own a firearm” means any bill that restricts the right of an American to own any firearm.

(3) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 936. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 937. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

SEC. . RESERVE FUND TO REQUIRE DRUG TESTING AND TO PROVIDE DRUG TREATMENT FOR TANF RECIPIENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program;

(2) Would provide treatment programs for those who test positive for illegal drug use or are convicted of drug-related crime;

(3) Would withhold TANF assistance for two years to any recipient who, after initially testing positive and having been offered treatment, again tests positive; and

(4) Would not reduce or deny TANF assistance allocated for dependents if the dependent's caretaker tests positive for drug use or is convicted of drug-related crime; by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 938. Mr. VITTER (for himself, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 15, decrease the amount by \$2,022,800.

On page 4, line 16, decrease the amount by \$4,120,000.

On page 4, line 17, decrease the amount by \$6,348,200.

On page 4, line 18, decrease the amount by \$9,757,700.

On page 4, line 24, decrease the amount by \$2,022,800.

On page 4, line 25, decrease the amount by \$4,120,000.

On page 5, line 1, decrease the amount by \$6,348,200.

On page 5, line 2, decrease the amount by \$9,757,700.

On page 5, line 8, decrease the amount by \$2,022,800.

On page 5, line 9, decrease the amount by \$4,120,000.

On page 5, line 10, decrease the amount by \$6,348,200.

On page 5, line 11, decrease the amount by \$9,757,700.

On page 5, line 18, decrease the amount by \$2,022,800.

On page 5, line 19, decrease the amount by \$6,142,800.

On page 5, line 20, decrease the amount by \$12,491,000.

On page 5, line 21, decrease the amount by \$22,248,700.

On page 6, line 1, decrease the amount by \$2,022,800.

On page 6, line 2, decrease the amount by \$6,142,800.

On page 6, line 3, decrease the amount by \$12,491,000.

On page 6, line 4, decrease the amount by \$22,248,700.

On page 26, line 3, decrease the amount by \$2,000,000.

On page 26, line 4, decrease the amount by \$2,000,000.

On page 26, line 7, decrease the amount by \$4,000,000.

On page 26, line 8, decrease the amount by \$4,000,000.

On page 26, line 11, decrease the amount by \$6,000,000.

On page 26, line 12, decrease the amount by \$6,000,000.

On page 26, line 15, decrease the amount by \$9,000,000.

On page 26, line 16, decrease the amount by \$9,000,000.

On page 27, line 3, decrease the amount by \$22,800.

On page 27, line 4, decrease the amount by \$22,800.

On page 27, line 7, decrease the amount by \$120,000.

On page 27, line 8, decrease the amount by \$120,000.

On page 27, line 11, decrease the amount by \$348,200.

On page 27, line 12, decrease the amount by \$348,200.

On page 27, line 15, decrease the amount by \$757,700.

On page 27, line 16, decrease the amount by \$757,700.

SA 939. Mr. HATCH (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate

budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 940. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 ____ . DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 941. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE MEDICAL LIABILITY REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions,

amendments, motions, or conference reports that—

(1) addresses the national crisis facing patients losing access to quality health care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured patients to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) promotes the reduction of frivolous lawsuits and allows doctors to practice medicine in a manner that is patient-focused and not lawsuit-driven; and

(5) maintains state flexibility; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 942. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHY MOTHERS AND HEALTHY BABIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing women and children who are losing access to quality pre-natal and maternal care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured families to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) allows doctors to practice medicine in a manner that is family-focused and not lawsuit-driven; and

(5) maintains State flexibility; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 943. Mr. GREGG (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years

2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 3, strike “or”.

On page 31, line 7, strike the semicolon and insert the following: “; and

(9) address the unfunded liabilities of our Federal health programs;”.

SA 944. Mr. GREGG (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 3, strike “or”.

On page 31, line 7, strike the semicolon and insert the following: “; and

(9) limit excessive litigation and the practice of defensive medicine, in order to lower health care costs and to ensure patient access to quality medical care;”.

SA 945. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 29, beginning on line 24, strike “and make adjustments to the pay-as-you-go ledger that are deficit neutral over 11 years.”.

On page 31, strike lines 10 and 11 and insert “the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.”.

SA 946. Mr. DORGAN (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. TESTER, Ms. MURKOWSKI, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by \$200,000,000.

On page 19, line 25, increase the amount by \$130,000,000.

On page 20, line 4, increase the amount by \$40,000,000.

On page 20, line 8, increase the amount by \$20,000,000.

On page 20, line 12, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$200,000,000.

On page 27, line 24, decrease the amount by \$130,000,000.

On page 28, line 3, decrease the amount by \$40,000,000.

On page 28, line 7, decrease the amount by \$20,000,000.

On page 28, line 11, decrease the amount by \$10,000,000.

SA 947. Ms. KLOBUCHAR (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 948. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 35, line 18, insert “flood mitigation,” after “water.”.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolu-

tions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 950. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 3, line 14, decrease the amount by \$8,608,000,000.

On page 3, line 15, decrease the amount by \$105,822,000,000.

On page 4, line 8, increase the amount by \$8,608,000,000.

On page 4, line 9, increase the amount by \$105,822,000,000.

On page 4, line 17, increase the amount by \$179,046,000.

On page 4, line 18, increase the amount by \$2,901,367,000.

On page 5, line 1, increase the amount by \$179,046,000.

On page 5, line 2, increase the amount by \$2,901,367,000.

On page 5, line 10, increase the amount by \$8,787,046,000.

On page 5, line 11, increase the amount by \$108,723,367,000.

On page 5, line 20, increase the amount by \$8,787,046,000.

On page 5, line 21, increase the amount by \$117,510,413,000.

On page 6, line 3, increase the amount by \$8,787,046,000.

On page 6, line 4, increase the amount by \$117,510,413,000.

On page 27, line 11, increase the amount by \$179,046,000.

On page 27, line 12, increase the amount by \$179,046,000.

On page 27, line 15, increase the amount by \$2,901,367,000.

On page 27, line 16, increase the amount by \$2,901,367,000.

SA 951. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE BORDER FENCE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would study the current best practices from the sections of the border fence which have already been completed and shall offer required best practices to complete fencing along the international land border, as required by section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103 note), in the manner which is most secure, cost-effective, environmentally sound, and best protects the rights of private property owners as determined by the Secretary of Homeland Security after all the appropriate consultations have been made, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 952. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ . LIMITATION ON SOCIAL SECURITY LEGISLATION.

(a) **POINT OF ORDER.**—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would divert Social Security revenues from the Social Security Trust Fund to any investments in private securities or into private accounts that bear a risk of loss for Social Security recipients.

(b) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 953. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of Title II, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR 21st CENTURY COMMUNITY LEARNING CENTERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by up to \$2.5 billion, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 954. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 15, decrease amount by \$76,325,000,000

On page 4, line 16, decrease amount by \$38,065,000,000

On page 4, line 17, decrease amount by \$22,872,000,000

On page 4, line 18, decrease amount by \$12,787,000,000

On page 4, line 24, decrease amount by \$76,325,000,000

On page 4, line 25, decrease amount by \$38,065,000,000

On page 5, line 1, decrease amount by \$22,872,000,000

On page 5, line 2, decrease amount by \$12,787,000,000

On page 5, line 8, decrease amount by \$76,325,000,000

On page 5, line 9, decrease amount by \$38,065,000,000

On page 5, line 10, decrease amount by \$22,872,000,000

On page 5, line 11, decrease amount by \$12,787,000,000

On page 5, line 18, decrease amount by \$76,325,000,000

On page 5, line 19, decrease amount by \$38,065,000,000

On page 5, line 20, decrease amount by \$22,872,000,000

On page 5, line 21, decrease amount by \$12,787,000,000

On page 9, line 24, decrease amount by \$960,000,000

On page 9, line 25, decrease amount by \$960,000,000

On page 10, line 3, decrease amount by \$634,000,000

On page 10, line 4, decrease amount by \$634,000,000

On page 10, line 7, decrease amount by \$277,000,000

On page 10, line 8, decrease amount by \$277,000,000

On page 10, line 11, decrease amount by \$104,000,000

On page 10, line 12, decrease amount by \$104,000,000

On page 10, line 24, decrease amount by \$162,000,000

On page 10, line 25, decrease amount by \$162,000,000

On page 10, line 3, decrease amount by \$114,000,000

On page 10, line 4, decrease amount by \$114,000,000

On page 10, line 7, decrease amount by \$50,000,000

On page 10, line 8, decrease amount by \$50,000,000

On page 11, line 25, decrease amount by \$1,095,000,000

On page 12, line 1, decrease amount by \$1,095,000,000

On page 12, line 4, decrease amount by \$750,000,000

On page 12, line 5, decrease amount by \$750,000,000

On page 12, line 8, decrease amount by \$174,000,000

On page 12, line 9, decrease amount by \$174,000,000

On page 12, line 12, decrease amount by \$63,000,000

On page 12, line 13, decrease amount by \$63,000,000

On page 13, line 25, decrease amount by \$13,760,000,000

On page 14, line 1, decrease amount by \$13,760,000,000

On page 14, line 4, decrease amount by \$11,759,000,000

On page 14, line 5, decrease amount by \$11,759,000,000

On page 14, line 8, decrease amount by \$7,728,000,000

On page 14, line 9, decrease amount by \$7,728,000,000

On page 14, line 12, decrease amount by \$5,419,000,000

On page 14, line 13, decrease amount by \$5,419,000,000

On page 14, line 25, decrease amount by \$5,685,000,000

On page 14, line 1, decrease amount by \$5,685,000,000

On page 14, line 4, decrease amount by \$4,111,000,000

On page 14, line 4, decrease amount by \$4,111,000,000

On page 15, line 8, decrease amount by \$2,286,000,000

On page 15, line 9, decrease amount by \$2,286,000,000

On page 15, line 12, decrease amount by \$468,000,000

On page 15, line 13, decrease amount by \$468,000,000

On page 15, line 25, decrease amount by \$5,584,000,000

On page 16, line 1, decrease amount by \$5,584,000,000

On page 16, line 4, decrease amount by \$4,284,000,000

On page 16, line 5, decrease amount by \$4,284,000,000

On page 16, line 8, decrease amount by \$3,047,000,000

On page 16, line 9, decrease amount by \$3,047,000,000

On page 16, line 12, decrease amount by \$531,000,000

On page 16, line 13, decrease amount by \$531,000,000

On page 16, line 25, decrease amount by \$8,785,000,000

On page 17, line 1, decrease amount by \$8,785,000,000

On page 17, line 4, decrease amount by \$7,035,000,000

On page 17, line 5, decrease amount by \$7,035,000,000

On page 17, line 8, decrease amount by \$6,052,000,000

On page 17, line 9, decrease amount by \$6,052,000,000

On page 17, line 12, decrease amount by \$5,422,000,000

On page 17, line 13, decrease amount by \$5,422,000,000.
 On page 19, line 3, decrease amount by \$29,963,000,000.
 On page 19, line 4, decrease amount by \$29,963,000,000.
 On page 19, line 7, decrease amount by \$4,011,000,000.
 On page 19, line 8, decrease amount by \$4,011,000,000.
 On page 19, line 10, decrease amount by \$262,000,000.
 On page 19, line 11, decrease amount by \$262,000,000.
 On page 20, line 3, decrease amount by \$6,421,000,000.
 On page 20, line 4, decrease amount by \$6,421,000,000.
 On page 20, line 7, decrease amount by \$3,157,000,000.
 On page 20, line 8, decrease amount by \$3,157,000,000.
 On page 20, line 11, decrease amount by \$842,000,000.
 On page 20, line 12, decrease amount by \$842,000,000.
 On page 20, line 15, decrease amount by \$183,000,000.
 On page 20, line 16, decrease amount by \$183,000,000.
 On page 23, line 3, decrease amount by \$133,000,080.
 On page 23, line 4, decrease amount by \$133,000,000.
 On page 23, line 7, decrease amount by \$150,000,000.
 On page 23, line 8, decrease amount by \$150,000,000.
 On page 23, line 11, decrease amount by \$150,000,000.
 On page 23, line 12, decrease amount by \$150,000,000.
 On page 24, line 3, decrease amount by \$297,000,000.
 On page 24, line 4, decrease amount by \$297,000,000.
 On page 24, line 7, decrease amount by \$133,000,000.
 On page 24, line 8, decrease amount by \$133,000,000.
 On page 25, line 3, decrease amount by \$848,000,000.
 On page 25, line 4, decrease amount by \$848,000,000.
 On page 25, line 7, decrease amount by \$649,000,000.
 On page 25, line 8, decrease amount by \$649,000,000.
 On page 25, line 11, decrease amount by \$750,000,000.
 On page 25, line 12, decrease amount by \$750,000,000.
 On page 26, line 3, decrease amount by \$1,400,000,000.
 On page 26, line 4, decrease amount by \$1,400,000,000.
 On page 26, line 7, decrease amount by \$1,196,000,000.
 On page 26, line 8, decrease amount by \$1,196,000,000.
 On page 26, line 11, decrease amount by \$1,024,000,000.
 On page 26, line 12, decrease amount by \$1,024,000,000.
 On page 26, line 15, decrease amount by \$504,000,000.
 On page 26, line 16, decrease amount by \$504,000,000.
 On page 27, line 3, decrease amount by \$857,000,000.
 On page 27, line 4, decrease amount by \$857,000,000.
 On page 27, line 7, decrease amount by \$457,000,000.

On page 27, line 8, decrease amount by \$457,000,000.
 On page 27, line 11, decrease amount by \$230,000,000.
 On page 27, line 12, decrease amount by \$230,000,000.
 On page 27, line 15, decrease amount by \$93,000,000.
 On page 27, line 16, decrease amount by \$93,000,000.

SA 955. Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by \$188,000,000.
 On page 19, line 25, increase the amount by \$56,000,000.
 On page 20, line 4, increase the amount by \$81,000,000.
 On page 20, line 8, increase the amount by \$34,000,000.
 On page 20, line 12, increase the amount by \$13,000,000.
 On page 27, line 23, decrease the amount by \$188,000,000.
 On page 27, line 24, decrease the amount by \$56,000,000.
 On page 28, line 3, decrease the amount by \$81,000,000.
 On page 28, line 7, decrease the amount by \$34,000,000.
 On page 28, line 11, decrease the amount by \$13,000,000.

SA 956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 16, line 21, increase the amount by \$640,000,000.
 On page 16, line 22, increase the amount by \$640,000,000.
 On page 16, line 25, increase the amount by \$835,000,000.
 On page 17, line 1, increase the amount by \$835,000,000.
 On page 17, line 4, increase the amount by \$1,219,000,000.
 On page 17, line 5, increase the amount by \$1,219,000,000.
 On page 17, line 8, increase the amount by \$1,367,000,000.
 On page 17, line 9, increase the amount by \$1,367,000,000.
 On page 17, line 12, increase the amount by \$1,550,000,000.
 On page 17, line 13, increase the amount by \$1,550,000,000.
 On page 27, line 23, decrease the amount by \$640,000,000.
 On page 27, line 24, decrease the amount by \$640,000,000.
 On page 28, line 2, decrease the amount by \$835,000,000.

On page 28, line 3, decrease the amount by \$35,000,000.
 On page 28, line 6, decrease the amount by \$1,219,000,000.
 On page 28, line 7, decrease the amount by \$1,219,000,000.
 On page 28, line 10, decrease the amount by \$1,367,000,000.
 On page 28, line 11, decrease the amount by \$1,367,000,000.
 On page 28, line 14, decrease the amount by \$1,550,000,000.
 On page 28, line 15, decrease the amount by \$1,550,000,000.

SA 957. Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 35, line 18, insert "transportation, including freight and passenger rail," after "energy, water,".

SA 958. Mr. CRAPO (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

SA 959. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____ SENATE POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEBT LEVELS EXCEEDING \$90,000 PER HOUSEHOLD.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any

amendment, amendment between Houses, motion, or conference report thereon that contains levels of debt held by the public that exceed \$90,000 per household in any year covered by the budget resolution.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **DETERMINATION OF DEBT LEVELS.**—For purposes of this section, the debt level per household shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SA 960. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 13, line 21, increase the amount by \$50,000,000.

On page 13, line 22, increase the amount by \$50,000,000.

On page 27, line 23, decrease the amount by \$50,000,000.

On page 27, line 24, decrease the amount by \$50,000,000.

SA 961. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 27, line 23, increase the amount by \$132,000,000.

On page 27, line 24, increase the amount by \$132,000,000.

SA 962. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 963. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 964. Mr. DEMINT (for himself, Mr. BENNETT, Mr. ENZI, Mr. BROWNBACK, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) **IN GENERAL.**—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that fund consumer product safety, including any program that—

(1) delays the lead ban in section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) by 6 months;

(2) exempts thrift stores, consignment shops, and other second hand sellers from the provisions of such section;

(3) exempts children's motorcycles and all terrain vehicles from treatment as banned hazardous substances under such section;

(4) exempts books from treatment as banned hazardous substances under such section;

(5) allows a product to comply with the lead ban in such section if every component of the product complies with the ban; or

(6) does not require products manufactured before the effective date of the ban under such section to be removed from store shelves.

(b) **LIMITATION.**—The authority described in subsection (a) may not be used unless the appropriations in the legislation described in paragraphs (1) through (6) of subsection (a) would not increase the deficit over—

(1) the 6-year period beginning with the first day of fiscal year 2009; or

(2) the 11-year period beginning with the first day of fiscal year 2009.

SA 965. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 13, decrease the amount by \$10,829,000,000.

On page 4, line 14, decrease the amount by \$131,000,000.

On page 4, line 15, decrease the amount by \$195,000,000.

On page 4, line 16, decrease the amount by \$279,000,000.

On page 4, line 17, decrease the amount by \$379,000,000.

On page 4, line 18, decrease the amount by \$485,000,000.

On page 4, line 22, decrease the amount by \$10,829,000,000.

On page 4, line 23, decrease the amount by \$131,000,000.

On page 4, line 24, decrease the amount by \$195,000,000.

On page 4, line 25, decrease the amount by \$279,000,000.

On page 5, line 1, decrease the amount by \$379,000,000.

On page 5, line 2, decrease the amount by \$485,000,000.

On page 5, line 6, decrease the amount by \$10,829,000,000.

On page 5, line 7, decrease the amount by \$131,000,000.

On page 5, line 8, decrease the amount by \$195,000,000.

On page 5, line 9, decrease the amount by \$279,000,000.

On page 5, line 10, decrease the amount by \$379,000,000.

On page 5, line 11, decrease the amount by \$485,000,000.

On page 5, line 16, decrease the amount by \$10,829,000,000.

On page 5, line 17, decrease the amount by \$10,960,000,000.

On page 5, line 18, decrease the amount by \$11,155,000,000.

On page 5, line 19, decrease the amount by \$11,434,000,000.

On page 5, line 20, decrease the amount by \$11,813,000,000.

On page 5, line 21, decrease the amount by \$12,298,000,000.

On page 5, line 24, decrease the amount by \$10,829,000,000.

On page 5, line 25, decrease the amount by \$10,960,000,000.

On page 6, line 1, decrease the amount by \$11,155,000,000.

On page 6, line 2, decrease the amount by \$11,434,000,000.

On page 6, line 3, decrease the amount by \$11,813,000,000.

On page 6, line 4, decrease the amount by \$12,298,000,000.

On page 15, line 17, decrease the amount by \$10,800,000,000.

On page 15, line 18, decrease the amount by \$10,800,000,000.

On page 26, line 20, decrease the amount by \$29,000,000.

On page 26, line 21, decrease the amount by \$29,000,000.

On page 26, line 24, decrease the amount by \$131,000,000.

On page 26, line 25, decrease the amount by \$131,000,000.

On page 27, line 3, decrease the amount by \$195,000,000.

On page 27, line 4, decrease the amount by \$195,000,000.

On page 27, line 7, decrease the amount by \$279,000,000.

On page 27, line 8, decrease the amount by \$279,000,000.

On page 27, line 11, decrease the amount by \$379,000,000.

On page 27, line 12, decrease the amount by \$379,000,000.

On page 27, line 15, decrease the amount by \$485,000,000.

On page 27, line 16, decrease the amount by \$485,000,000.

SA 966. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. BEGICH, Mr. KYL, Ms. MURKOWSKI, Mr. INHOFE, Mr. JOHANNIS, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 9, line 20, increase the amount by \$9,446,939,000.

On page 9, line 21, increase the amount by \$9,446,939,000.

On page 27, line 23, decrease the amount by \$9,446,939,000.

On page 27, line 24, decrease the amount by \$9,446,939,000.

SA 967. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____ . EARMARK POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes—

(1) a congressional earmark to a private for profit entity that is not subject to the same competitive bidding requirements as other Federal contracts;

(2) a congressional earmark which has not been the subject of a public hearing in the committee of jurisdiction where the member requesting the earmark has testified on its behalf; or

(3) a congressional earmark which has not been posted on the Member sponsor's website at least 72 hours before consideration of the legislation.

(b) TRADING EARMARKS.—A Senator may not trade a congressional earmark for any political favor, including a campaign contribution.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) DEFINITION.—In this section, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SA 968. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT VIOLATES THE SECOND AMENDMENT RIGHTS OF LAW-ABIDING AMERICANS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that violates the Second Amendment rights of law-abiding Americans.

(2) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 969. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. ____ . POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least \$2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUNSET PROVISION.—This section shall cease to be effective on the earlier of—

(1) the date on which \$2,600,000,000 is appropriated to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

(2) the date that is 2 years after the date of enactment of this Act.

SA 970. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a

committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with \$235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

SA 971. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 15, line 21, increase the amount by \$25,000,000.

On page 15, line 22, increase the amount by \$25,000,000.

On page 27, line 23, decrease the amount by \$25,000,000.

On page 27, line 24, decrease the amount by \$25,000,000.

SA 972. Ms. MURKOWSKI (for herself, Mr. UDALL of New Mexico, Mr. DORGAN, Mr. JOHNSON, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$184,000,000.

On page 19, line 25, increase the amount by \$184,000,000.

On page 27, line 23, decrease the amount by \$184,000,000.

On page 27, line 24, decrease the amount by \$184,000,000.

SA 973. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE ON JOB CORPS.
It is the sense of the Senate—

(1) that, through 122 Job Corps centers operating in 48 States, as well as in the District of Columbia and the Commonwealth of Puerto Rico, the Job Corps program established under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et

seq.) helps thousands of youth each year prepare for meaningful careers and employment;

(2) that at a time of economic uncertainty, the United States should work to train and educate all of the Nation's youth; and

(3) that the functional totals in this resolution assume that, in order to be more accessible to all of the Nation's youth, the Job Corps program should receive substantial support and each State should have at least 1 Job Corps center.

SA 974. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . SPECIAL RULE FOR LEGISLATION PROVIDING FOR ADDITIONAL ESTATE TAX RELIEF.

Notwithstanding the provisions of this title, the Chairman of the Senate Committee on the Budget may not revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution with respect to any bill, joint resolution, amendment, motion, or conference report that would provide for estate tax relief with an applicable exclusion amount beyond \$3,500,000 (\$7,000,000 for a married couple) and a graduated rate ending at less than 45 percent unless an amount is or has been provided to Americans earning less than \$100,000 per year which—

(1) is equal to the aggregate amount of such additional estate tax relief, and

(2) is in addition to the aggregate amount of tax relief assumed under this resolution for such Americans.

SA 975. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 18, line 24, increase the amount by \$1,000,000.

On page 18, line 25, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$1,000,000.

On page 27, line 24, decrease the amount by \$1,000,000.

SA 976. Mr. HATCH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 32, line 10, after "increases;" insert "or" and the following:

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).

SA 977. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 17, line 22, increase the amount by \$213,000,000.

On page 17, line 23, increase the amount by \$21,000,000.

On page 18, line 3, increase the amount by \$79,000,000.

On page 18, line 7, increase the amount by \$66,000,000.

On page 18, line 11, increase the amount by \$47,000,000.

On page 27, line 23, decrease the amount by \$213,000,000.

On page 27, line 24, decrease the amount by \$21,000,000.

On page 28, line 3, decrease the amount by \$79,000,000.

On page 28, line 7, decrease the amount by \$66,000,000.

On page 28, line 11, decrease the amount by \$47,000,000.

SA 978. Mr. HATCH (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, strike line 7 and insert the following: "sources of revenue; and

(9) does so through regular order, protecting the rights of the minority;"

SA 979. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . DEFICIT-NEUTRAL RESERVE FUND TO CORRECT THE FAILURE OF THE CONSUMER PRODUCT SAFETY COMMISSION TO PROPERLY IMPLEMENT THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that correct the failure of the Consumer Product Safety Commission to exercise its authority and enforcement discretion in a manner that the Congress intended in order to—

(1) assure enforcement of the mandates of the Consumer Product Safety Improvement Act of 2008 in a comprehensive manner while providing appropriate and common sense relief to businesses and institutions and aiding such businesses and institutions with compliance on a prospective basis, and

(2) provide information and guidance to businesses and institutions that are seeking to comply with the requirements of that Act and the Consumer Product Safety Act as amended by that Act,

by the amounts provided by that legislation for those purposes, *Provided* That such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 980. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 12, line 21, decrease the amount by \$10,000,000.

On page 12, line 22, decrease the amount by \$10,000,000.

On page 27, line 23, increase the amount by \$10,000,000.

On page 27, line 24, increase the amount by \$10,000,000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 23, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Kristina M. Johnson, to be Under Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 2, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Hearing on the Nomination of Regina McCarthy to be Assistant Administrator, Office of Air and Radiation, of the Environmental Protection Agency."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m. to conduct a hearing entitled "Recovery and Reinvestment Spending: Implementing a Bold Oversight Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 2, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate today, April 2, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION INCENTIVE PAYMENTS FOR FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 735 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 735) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009".

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111-8), title II of division F of such Act is amended under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", by striking "That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,*"

FIFTH SUMMIT OF THE AMERICAS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 43, S. Res. 90.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 90) expressing the sense of the Senate regarding the Fifth Summit of the Americas, held in Port of Spain, Trinidad and Tobago, April 17, 18, 19, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the First Summit of the Americas, held in December 1994 in Miami, Florida, resulted in a comprehensive Plan of Action, issued by the region's democracies, which included initiatives on strengthening democracy, promoting human rights, combating corruption, furthering sustainable economic development, encouraging environmental conservation, and committing to access to universal basic education and health care throughout the Americas;

Whereas 3 Summits of the Americas and 2 Special Summits of the Americas have been convened since 1994, resulting in additional initiatives on sustainable development, strengthening democratic practices and good governance, the environment, economic relations, combating HIV/AIDS and other diseases, and numerous other areas of mutual interest and shared responsibility throughout the Western Hemisphere;

Whereas on July 21, 2008, the Draft Declaration of Commitment by the Summit Implementation Review Group proposed an agenda for the Fifth Summit of the Americas to discuss promoting human prosperity, energy security, environmental sustainability, public security, democratic governance, and the Summit's implementation and review process; and

Whereas on February 10, 2009, President Barack Obama stated that he would attend the Fifth Summit of the Americas to "create the kind of partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States": Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to express support for the Fifth Summit of the Americas as an effective multilateral forum, convened in the spirit of cooperation and partnership for the 34 democratically elected heads of state of the region to address shared challenges and foster collaboration throughout the Western Hemisphere;

(2) that the Fifth Summit provides the United States with an early opportunity to reinvigorate and strengthen its engagement with the countries of the Western Hemisphere, especially in—

(A) finding common solutions to the global economic crisis;

(B) promoting energy security; and

(C) combating threats to public and personal security, including threats from terrorism, international narcotics cartels, and organized criminal groups;

(3) that the United States is prepared to work with the countries of the Western Hemisphere on advancing an agenda of human prosperity, including—

(A) encouraging multilateral development institutions to invest in micro- to medium-sized enterprises;

(B) continuing the fight against HIV/AIDS, vector-borne, and noncommunicable diseases;

(C) raising the standard of living of the people in the region who currently live in poverty;

(D) eradicating child labor;

(E) recommitting to the Millennium Development Goals; and

(F) supporting investment in public health and education throughout the Western Hemisphere;

(4) that the United States should use the Fifth Summit of the Americas to strengthen cooperation by working with other nations to formulate and implement a regional energy strategy to promote—

(A) increased technology and information sharing;

(B) regulatory harmonization;

(C) integration; and

(D) renewable and alternative energy sources;

(5) to welcome civil society and nongovernmental organizations at the Fifth Summit, and to encourage their observation and active participation in the Summit's decision-making process to strengthen democratic governance, the rule of law, freedom of the press, and civil society in the Western Hemisphere; and

(6) to set achievable and measurable goals, based on areas of consensus, and to strengthen followup mechanisms to review the implementation, reporting, and progress of Summit initiatives.

TRAGIC EVENTS AT THE PINELAKE HEALTH AND REHAB CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 101.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 101) expressing the sense of the Senate on the tragic events at the Pinelake Health and Rehab Center in Carthage, North Carolina on Sunday, March 29, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 101) was agreed to, as follows:

S. RES. 101

Resolved, That the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to the staff and their families, who have been deeply af-

fected by the tragic events that occurred at the Pinelake Health and Rehab Center in Carthage, North Carolina on March 29, 2009;

(2) honors the lives of the deceased victims—Jerry Avant, Louise DeKler, Lillian Dunn, Tessie Garner, John Goldstrom, Bessie Hedrick, Margaret Johnson, and Jesse Musser; and

(3) recognizes the heroism of Officer Justin Garner, whose decisive action and bravery preserved the safety of many, and wishes Officer Garner a complete and rapid recovery from the wound he sustained.

PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 102.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 102) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to, as follows:

S. RES. 102

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Dodd, Mr. Durbin, Mr. Bennett, and Mr. Cochran.

AUTHORIZING TESTIMONY AND DOCUMENT PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 103.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 103) to authorize testimony and document production in Richard Bowen v. Department of the Navy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in a whistle-blower protection case against the Department of the Navy in which a civilian Navy employee is appealing an adverse employment action

before the Merit Systems Protection Board. The employee is alleging that the Navy retaliated against him for protected whistle-blowing activities about alleged waste in Navy programs.

Among the whistle-blowing activities that the employee relies on is a brief meeting that representatives of a Navy contracting firm had with staff of the Virginia Senate delegation in February 2008 about their firm's work on an energy management contract that the employee managed for the Navy.

The Navy has requested that the Senate make available through written declaration staff who can testify about whether the employee's allegations were raised at the meeting in order to establish whether that meeting constituted protected whistle-blowing activities.

Senator Webb would like to cooperate with this request. Accordingly, this resolution would authorize Jamie Lynch, a former fellow with Senator Webb's office, to testify. The resolution would also authorize production of relevant documents, except where a privilege should be asserted.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of Richard Bowen v. Department of the Navy, No. SF-0752-09-0040-I-1, pending before the Merit Systems Protection Board, a request has been made for documents from the office of Senator Jim Webb and a declaration from Jamie Lynch, a former fellow in the office of Senator Webb;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Jamie Lynch is authorized to testify and to produce documents in Richard Bowen v. Department of the Navy, except concerning matters for which a privilege should be asserted.

MEASURE READ THE FIRST TIME—H.R. 1256

Mr. REID. Mr. President, it is my understanding that H.R. 1256 has been received from the House and is now at the desk.

The PRESIDING OFFICER. The Leader is correct.

Mr. REID. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-2

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 2, 2009, by the President of the United States:

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty (Treaty Document No. 111-2).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Annex VI on Liability Arising From Environmental Emergencies to the Protocol on Environmental Protection to the Antarctic Treaty (Annex VI), adopted on June 14, 2005, at the twenty-eighth Antarctic Treaty Consultative Meeting held in Stockholm, Sweden. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of Annex VI.

The Protocol on Environmental Protection to the Antarctic Treaty (the "Protocol") together with its Annexes I-IV, adopted at Madrid on October 4, 1991, and Annex V to the Protocol, adopted at Bonn on October 17, 1991, received the advice and consent of the Senate to ratification on October 7, 1992, and entered into force for the United States on January 14, 1998, and May 24, 2002, respectively.

In Article 16 of the Protocol, the Parties undertook to elaborate, in one or

more Annexes, rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Protocol. Annex VI sets forth rules and procedures relating to liability arising from the failure of operators in the Antarctic to respond to environmental emergencies.

I believe Annex VI to be fully in the U.S. interest. Its provisions advance the U.S. goals of protecting the environment of Antarctica, establishing incentives for Antarctic operators to act responsibly, and providing for the reimbursement of costs incurred by the United States Government when it responds to environmental emergencies caused by others.

As the report of the Department of State explains, Annex VI will require implementing legislation, which will be submitted separately to the Congress for its consideration.

I recommend that the Senate give early and favorable consideration to Annex VI and give its advice and consent to ratification.

BARACK OBAMA
THE WHITE HOUSE, April 2, 2009.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment of the Senate, the Senate committees may file reported legislation and executive calendar business on Thursday, April 16, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 93.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 93) was agreed to, as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on any legislative day from Thursday, April 2, 2009, through Saturday, April 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 21, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 2, 2009, through Sunday, April 5, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 20, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 28, S. 386. With it, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 28, S. 386, the Fraud Enforcement and Recovery Act of 2009.

Harry Reid, Patrick J. Leahy, Edward E. Kaufman, Jeff Bingaman, John D. Rockefeller, IV, Jon Tester, Bernard Sanders, Charles E. Schumer, Jack Reed, Sheldon Whitehouse, Benjamin L. Cardin, Ron Wyden, Dianne Feinstein, Patty Murray, John F. Kerry, Amy Klobuchar, Debbie Stabenow.

Mr. REID. I ask unanimous consent the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 20, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, April 20, under the provisions of H. Con. Res. 93; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to Calendar No. 28, S. 386, the Fraud Enforcement and Recovery Act of 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, there will be a series of up to four rollcall votes beginning at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, APRIL 20, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:42 a.m., adjourned until Monday, April 20, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDRE M. DAVIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

GERARD E. LYNCH, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE CHESTER J. STRAUB, RETIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RON J. MACLAREN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBIN L. GRAF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID G. RUSSELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPTAIN DOUGLAS J. ASBJORNSEN
CAPTAIN CHARLES K. KARODINE
CAPTAIN ANATOLIO B. CRUZ III
CAPTAIN JOHN E. JOLLIFE
CAPTAIN ROBERT J. KAMENSKY

DEPARTMENT OF AGRICULTURE

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE LINDA AVERY STRACHAN, RESIGNED.

DEPARTMENT OF DEFENSE

JO-ELLEN DARCY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE JOHN PAUL WOODLEY, JR.

DEPARTMENT OF ENERGY

SCOTT BLAKE HARRIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE DAVID R. HILL, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

TIMOTHY W. MANNING, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE DENNIS R. SCHRAEDER.

DEPARTMENT OF VETERANS AFFAIRS

JOHN U. SEPULVEDA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES), VICE MICHAEL W. HAGER.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

GREGORY D. LOOSE, OF VIRGINIA
DOROTHY L. LUTTER, OF THE DISTRICT OF COLUMBIA
WILLIAM M. ZARIT, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

BRIAN C. BRISSON, OF FLORIDA
MICHAEL L. MCGEE, OF ALABAMA
DONALD G. NAY, OF FLORIDA
GREGORY M. WONG, OF HAWAII

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

LASZLO F. SAGI, OF VIRGINIA
DAVID A. THOMANEK, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

STEVEN BRADLEY BENNETT, JR., OF VIRGINIA
ANDY D. NGUYEN, OF VIRGINIA
FATMA A. ROSE, OF ARIZONA

DEPARTMENT OF COMMERCE

JOHN F. CORONADO, OF CALIFORNIA
JAMES S. CRAMER, OF THE DISTRICT OF COLUMBIA
ROBERT W. DUNN, OF VIRGINIA
BRENT E. OMDAHL, OF TEXAS

DEPARTMENT OF STATE

ALFREDO DAVID BARELA, OF TEXAS
JEHAN SADIA JONES, OF THE DISTRICT OF COLUMBIA
CATHERINE HENDERSON SCHWEITZER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

GREGORY HARRIS, OF WASHINGTON
AARON M. HELD, OF CALIFORNIA
FRANKLIN D. JOSEPH, OF THE DISTRICT OF COLUMBIA
DAO M. LE, OF CALIFORNIA
DINAH M. MCDUGALL, OF TEXAS
MARK C. O'GRADY, OF MARYLAND
JANEE PIERRE-LOUIS, OF FLORIDA
ELIZABETH M. SHIEH, OF NEW YORK
WILLIAM P. THORN, JR., OF PENNSYLVANIA

DEPARTMENT OF STATE

AMY MARIE MOSER, OF MISSOURI

SADIE MARIE OKOKO, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRIAN W. CARR, OF VIRGINIA
LAWRENCE D. CORNMAN, OF MARYLAND

DEPARTMENT OF STATE

KATHRINE L. ALDERMAN, OF VIRGINIA
BOOYEON LEE ALLEN, OF CALIFORNIA
CLAY C. ALLEN, OF MASSACHUSETTS
SHANE MICHAEL ANDERSEN, OF VIRGINIA
BEATA ANGELICA, OF VIRGINIA
LA JUNE L. BARNES, OF NEW YORK
NICHOLAS G. BARNETT, OF NEW YORK
CHRISTINA I.M. BISHOP, OF VIRGINIA
JOSEPH E. BURZYNSKI, OF THE DISTRICT OF COLUMBIA
DANIEL J. CARL, OF COLORADO
ALBERT RAY CEA HENRIQUEZ, OF TEXAS
FREDERICK CHARLES, OF VIRGINIA
JOHN PAUL CHARLES, OF WASHINGTON
DONALD K. CODDING, OF OKLAHOMA
SYDNEY A. CODDING, OF OKLAHOMA
ROBERT PATRICK CONTRERAS, OF MISSOURI
CRAIGORY D. CRANK, OF MARYLAND
ERIC T. CUYLER, OF NEBRASKA
PHILLIP NELSON DE ASSIS, OF THE DISTRICT OF COLUMBIA

BIA
BROOKE HEILNER DEAN, OF MARYLAND
ANTHONY J. DIAZ, OF KENTUCKY
RYAN T. DRISCOLL, OF VIRGINIA
EDMUND FLEETWOOD DUNSTAN III, OF MARYLAND
KARYN MALIA CHOQUETTE ELIOT, OF VIRGINIA
ANDREW L. ELLIS, OF VIRGINIA
TIMOTHY F. FARRELL, OF VIRGINIA
MARISA FERGUSON, OF VIRGINIA
JOSE M. GARZA, JR., OF VIRGINIA
NOAH J. GEESAMAN, OF VIRGINIA
JENNIFER H. GIBBS, OF VIRGINIA
KIMBERLY K. GIUSTI, OF OREGON
PALOMA H. GONZALEZ, OF CALIFORNIA
JACOB DANIEL GRANNELL, OF THE DISTRICT OF COLUMBIA

BIA
KERRY J. GROOME, OF MARYLAND
RYAN N. GUIRLINGER, OF VIRGINIA
PRISCILLA GUZMAN, OF TEXAS
CHANSONETTE HALL, OF PENNSYLVANIA
GARTH HALL, OF THE DISTRICT OF COLUMBIA
LAURA J. HAMMOND, OF MINNESOTA
SEAN M. HANFEN, OF VIRGINIA
NICHOLAS HARRIS, OF VIRGINIA
VIRGINIA HARRIS, OF NEW YORK
APRIL M. HAYNE, OF OHIO
CHERYL A. HIPPI, OF CALIFORNIA
RYNA HOK, OF VIRGINIA
KERRY F.A. HYRE, OF NEW YORK
TIFFANY L. JACKSON, OF FLORIDA
CHRISTOPHER C. JENSEN, OF VIRGINIA
VISHAL JINDAL, OF VIRGINIA
KENNETH J. KANN, OF MARYLAND
SONIA JUNG KIM, OF GEORGIA
RICHARD CHARLES KOLKER, OF VIRGINIA
STEPHAN G. LANGLEY, OF WASHINGTON
JOHN B. LAVIN, OF MARYLAND
MICHAEL E. LEE, OF VIRGINIA
THOMAS J. LEIBY, OF PENNSYLVANIA
WENDY ANN LIGON, OF VIRGINIA
BRIDGET MARY LINES, OF TEXAS
LOREN C. LOCKE, OF GEORGIA
RYAN J. LONG, OF WASHINGTON
JAMES MICHAEL LOWELL, OF TENNESSEE
MUNIR DAWAN MADYUN, OF GEORGIA
SARA V. MARTI, OF FLORIDA
ANNA ARAMBULO MARTZ, OF TEXAS
JOEL SUNIL MATHEN, OF VIRGINIA
WESLEY S. MATHEWS, OF TEXAS
TRISHITA MAULA, OF NEW YORK
JAMES PATRICK MCCORMICK, OF OREGON
CHRISTOPHER H. MCHONE, OF TEXAS
ROLAND DAVID MCKAY, OF MICHIGAN
MARY KATHLEEN MCKNIGHT, OF TENNESSEE
DOERING S. MEYER, OF MINNESOTA
MORGAN DANIEL MILES, OF WASHINGTON
AARON TYRELL MITCHELL, OF MARYLAND
DOUG MORROW, OF ILLINOIS
KATHRINE M. MORTENSEN, OF NEW YORK
STEVEN MARK MOUTON, OF VIRGINIA
NATALYA A. NIKIFOROVA-SMITH, OF FLORIDA
CAROLINE CASEY NOHR, OF CALIFORNIA
FREDERICK NICHOLAS NOYES, OF TEXAS
ILENA C. PATTI, OF VIRGINIA
KARLEE MARIE PAYNE, OF VIRGINIA
CHRIS F. PIERSON, OF CONNECTICUT
SUSAN QUINTANA, OF TEXAS
ERIN ALEXIS RATTAZZI, OF CALIFORNIA
SUNIL KUMAR RAVI, OF ARIZONA
STEPHANIE LAUREN REED, OF VIRGINIA
MARK V. REEDY, OF GEORGIA
NICHOLAS B. REID, OF FLORIDA
REGINE RENE, OF LOUISIANA
ANGELICA RODAS-HUGHES, OF VIRGINIA
THOMAS S. ROOKER, OF VIRGINIA
ALISON E. ROWLES, OF MARYLAND
CHUNNONG SAEGER, OF MARYLAND
MARYUM FATIMA SAIFEE, OF TEXAS
FELIX J. SALAZAR, OF MARYLAND
JANICE T. SCHILL, OF CALIFORNIA
PHILIP SCOT SCHWADA, OF VIRGINIA

BEHRANG FARIAN SERAJ, OF CALIFORNIA
ANDREW MICHAEL SHERNUK, OF VIRGINIA
ARATI SHROFF, OF ILLINOIS
ALEXANDREA R. SHYBUT, OF VIRGINIA
CLAIRE ELIZABETH SMOLIK, OF CALIFORNIA
LAURENCE J. SOCHA, OF ILLINOIS
NITZA SOLA-ROTGGER, OF THE DISTRICT OF COLUMBIA
CORY RAJA STELLING, OF VIRGINIA
MASAMI TANAKA, OF ILLINOIS
MEGAN J. TETRICK, OF INDIANA
SYGA THOMAS, OF CALIFORNIA
ROBBIE J. THOMPSON, OF MARYLAND
WOLFGANG TOLLE, OF VIRGINIA
DIANE K. TOMION, OF VIRGINIA
KEISHA N. TOMS, OF NEW YORK
WILLIAM RANDALL TORRANCE, OF TEXAS
CATHERINE TRUONG, OF ILLINOIS
JUSTIN W. TULL, OF CALIFORNIA
PENNY L. VASQUEZ, OF VIRGINIA
YAYOI VICKOVIC, OF VIRGINIA
BENJAMIN WALLACE, OF THE DISTRICT OF COLUMBIA
BRIANNE A. WATTS, OF VIRGINIA
OTTO HAAVERSEN WESTHASSEL, OF NEVADA
ERIC S. WEXLER, OF VIRGINIA
C. LOGAN WHEELER, OF TENNESSEE
AMANDA FAITH WHITESSELL, OF VIRGINIA
HEATHER A. WIGGINS, OF VIRGINIA
DAVID WISNER, OF NEW YORK
HEATHER NICOLE WRIGHT, OF MARYLAND
CHRISTIAN S. YUN, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF MINISTER COUNSELOR:

DANIEL E. HARRIS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN M. KOWALSKI, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

DAVID LEISHMAN, OF WYOMING
ELIZABETH MELLO, OF CALIFORNIA
JEFFREY V. NAWN, OF OHIO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALLYSON MCCOLLUM ALGEO, OF TENNESSEE
MARA SUNSHINE ANDERSEN, OF COLORADO
ANDREA APPELL, OF CALIFORNIA
SELIM ARITURK, OF THE DISTRICT OF COLUMBIA
DAVID P. ARULANANTHAM, OF CALIFORNIA
NATASHA MICHELLE BASLEY, OF CALIFORNIA
LEE ANDREW BELLAND, OF WASHINGTON
ONI KAY BLAIR, OF TEXAS
DAVID J. BOUMAN, OF WASHINGTON
KATHERINE A. CARO, OF FLORIDA
DONALD LEROY CARROLL, OF IDAHO
MARCUS EVAN LAWRENCE CARY, OF WASHINGTON
DELRAM MOKHTAR CAVEY, OF VIRGINIA
ANN MARIE CHIAPPETTA, OF CALIFORNIA
JASON CHUE, OF NEW YORK
CECELIA MASON COLEMAN, OF TEXAS
STEVEN M. CONLON, OF FLORIDA
WAYNE H. CRAWFORD, OF COLORADO
RICHARD D. DAMSTRA, OF MICHIGAN
CHRISTIAN DEITCH, OF ILLINOIS
SARA ELIZABETH DEVLIN, OF VIRGINIA
CAROLINE GRACE DOW, OF PENNSYLVANIA
ALLEN DUBOSE, OF FLORIDA
MATTHEW JOHN EASTER, OF NEW YORK
GINA BETH EL KOURY, OF NEW JERSEY
GUNTHER T. FEHR, OF NORTH CAROLINA
EMILY M. FLECKNER, OF NEW YORK
MELINDA J. FOUNTAIN, OF INDIANA
ELAINE M. FRENCH, OF NEW YORK
NORMAN GALIMBA, OF TEXAS
DAVID HARDT GAMBLE, JR., OF VIRGINIA
ADELLE FAY GILLEN, OF WASHINGTON
TIMOTHY JOHN GILLEN, OF WASHINGTON
SUZANNE GORDON GRANTHAM, OF FLORIDA
LAWRENCE GRIPPO, OF NEW JERSEY
CHRISTOPHER G. GROSSMAN, OF OKLAHOMA
KATHLEEN MARIE GUERRA, OF WASHINGTON
JASON HEUNG, OF VIRGINIA
DREK WILLIAM HOFFMANN, OF INDIANA
JAMES E. HOGAN, OF FLORIDA
PHUONG THAO THANH HONG, OF WASHINGTON
YUEN-HAO HUANG, OF CALIFORNIA
TIMOTHY RAY JOHNSON, OF VIRGINIA
MATTHEW KEENER, OF CALIFORNIA

SHARON S. KETCHUM, OF ARIZONA
LUBNA KHAN, OF WYOMING
ANN MOONJUN KIM, OF CALIFORNIA
KATHRYN ANN KISER, OF FLORIDA
ELIZABETH VIRGINIA KUHSE, OF CONNECTICUT
BENJAMIN AARON LE ROY, OF CALIFORNIA
SHELBBIE CHANDELLE LEGG, OF FLORIDA
GLENN K. LEWIS, OF VIRGINIA
JORGE E. LIZARRALDE, OF TEXAS
JEREMY W. LONG, OF CALIFORNIA
DANIEL EDWARD MANGIS, OF TEXAS
SHAILA B. MANYAM, OF FLORIDA
JAMIE MARTIN, OF RHODE ISLAND
DONALD G. MAYNARD II, OF VIRGINIA
JESSICA MEGILL, OF CALIFORNIA
MAUREEN YVONNE MINNAUGH, OF CALIFORNIA
TODD K. MIYAHIRA, OF VIRGINIA
MOHAMMED MOTIWALA, OF CALIFORNIA
BRADLEY JON NIEMANN, OF CALIFORNIA
VICTORIA STURDIVANT O'CONNELL, OF VIRGINIA
LIAM J. O'FLANAGAN, OF NEW YORK
MICHELLE YVETTE OUTLAW, OF ARIZONA
ERIN PELTON, OF MINNESOTA
CHRISTA MARIE PEROZO, OF WISCONSIN
MARK DAVID PERRY, OF VIRGINIA
ZEBIA REYAZUDDIN, OF CALIFORNIA
CORRIE HEPBURN ROBB, OF CALIFORNIA
NINA J. ROBINSON, OF CALIFORNIA
RANDALL ARTHUR ROBINSON, OF FLORIDA
MELANIE B. RUBENSTEIN, OF OHIO
RYAN J. RUSSELL, OF VIRGINIA
CHARLES R. SELLERS, OF TEXAS
HEATHER STEIL, OF CALIFORNIA
WILLIAM H. SYLL, OF LOUISIANA
JOSEPH R. TRUESDALE IV, OF NEW HAMPSHIRE
JASON HOWARD ULLNER, OF FLORIDA
ROGER CROIX WEBB, OF MISSOURI
PHILIP DOUGLAS WILSON, OF TEXAS
CHAD LEE WILTON, OF ALASKA
ELISABETH F. ZENTOS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DAVID E. AVERNE, OF THE DISTRICT OF COLUMBIA
JOHN P. FAY, OF VIRGINIA
HENLEY K. JONES, OF FLORIDA
KATJA S. KRAVETSKY, OF VIRGINIA
NANCY E. LUTHER, OF THE DISTRICT OF COLUMBIA
PAUL A. TAYLOR, OF COLORADO

DEPARTMENT OF STATE

PATRICK KIMBALL ARMSTRONG, OF VIRGINIA
CHAD ASHLEY, OF VIRGINIA
AARON M. ATKIN, OF VIRGINIA
AKASH BAHL, OF CALIFORNIA
GRAHAM GLYN BARKER, OF FLORIDA
WILLIAM D. BARRY, OF CALIFORNIA
JEFFREY KIRK BENGTTZEN, OF VIRGINIA
CARINA BERNAL, OF TEXAS
LINDA BLOUNT, OF VIRGINIA
KATHERINE LYNN BOESDORFER, OF VIRGINIA
ANDREW J. BRADEN, OF THE DISTRICT OF COLUMBIA
KELLY BUSBY, OF VIRGINIA
JONATHAN S. BUTRY, OF VIRGINIA
KAREN CAHILL, OF VIRGINIA
ALYSSA CAMEL, OF VIRGINIA
OLGA TERESA CARDENAS, OF VIRGINIA
JANE CARTER, OF CALIFORNIA
JORDANA CHAVIN, OF CALIFORNIA
CHERYL CIOCCI, OF VIRGINIA
SARAH CLYMER, OF MINNESOTA
CHIE N. COLE, OF VIRGINIA
SHAYNA COLLEEN CRAM, OF TEXAS
CHANDA M. CREASY, OF THE DISTRICT OF COLUMBIA
PETER JAMES DAVIS, OF VIRGINIA
AUDREY C. DAVISTER, OF VIRGINIA
CHRISTIAAN E.N. DE LUIGI, OF VIRGINIA
BARBARA R. DOENGES, OF OHIO
KENNETH C. DOLL II, OF VIRGINIA
DAWN M. DOWLING, OF VIRGINIA
KATHLEEN ETTER, OF VIRGINIA
STEPHANIE FAIN, OF TEXAS
JENNIFER M. FOLTZ, OF MICHIGAN
RUTH H. GALLANT, OF CALIFORNIA
ANDREW GALLIKER, OF VIRGINIA
ELIAS T. GATES, OF VIRGINIA
BRYON GILBERT, OF MARYLAND
WILLIAM J. GRALEY, OF VIRGINIA
ERIN TERESA GREENWELL, OF THE DISTRICT OF COLUMBIA
ASHLEY COLLEEN GROUNDS, OF VIRGINIA
VINCENT J. GUINEE III, OF VIRGINIA
STEPHANIE MARIE HACKENBURG, OF PENNSYLVANIA
KENNETH THEODORE HARMS, OF VIRGINIA
NICHOLAS RYAN HARROD, OF THE DISTRICT OF COLUMBIA
ROBIN A. HARTSELL, OF ILLINOIS
PATRICK B. HARWOOD, OF VIRGINIA
BRIAN R. HOKE, OF VIRGINIA
BRADFORD HOPEWELL, OF VIRGINIA
MARY R. HOWELL, OF FLORIDA
ETHAN R. HYCHE, OF CALIFORNIA
CHRISTIAAN K. JAMES, OF TEXAS
REBECCA A. JAMES, OF THE DISTRICT OF COLUMBIA
MARY KATHERINE JANTE, OF THE DISTRICT OF COLUMBIA
DANA M. JONES-SHEPPARD, OF VIRGINIA
CHESTER L. KELLEY, OF VIRGINIA

JULI S. KIM, OF TEXAS
 KELLY S. KIM, OF VIRGINIA
 AMANDA H. KING, OF VIRGINIA
 NEIL R. KING, OF THE DISTRICT OF COLUMBIA
 DAWN KIRSCHMAN, OF SOUTH DAKOTA
 JONATHAN LOREN KOEHLER, OF ILLINOIS
 DARREN LABONTE, OF MARYLAND
 MARTIN L. LAHM III, OF NEW YORK
 MATTHEW LANDIN, OF MARYLAND
 SCOTT LANG, OF ILLINOIS
 BRIAN D. LARSEN, OF ILLINOIS
 LISA CHRISTINE LARSON, OF MINNESOTA
 PHYLLIS K. LAVALLAIS, OF TEXAS
 SEAN PATRICK LINDSTONE, OF THE DISTRICT OF COLUMBIA
 MARISA LEIGH MACISAAC, OF MAINE
 JEFFREY T. MAICKE, OF MARYLAND
 MARK W. MAJORS, OF VIRGINIA
 SARAH V. MANAKER, OF VIRGINIA
 JOSEPH R. MASIH, OF VIRGINIA
 ALAN DANIEL MCCARTHY, JR., OF VIRGINIA
 DANIEL LAWRENCE MICHAEL, OF VIRGINIA
 CHIRAG MAYUR MISTRY, OF MARYLAND
 NICHOLAS F. MUTO, OF MARYLAND
 VICTORIA LEIGH NIBARGER, OF KANSAS
 PAUL M. NICHOLS, OF CONNECTICUT
 ERIN THERESA O'CONNOR, OF TEXAS
 DOUGLAS H. OSTERTAG, OF CALIFORNIA
 JEFFREY L. OTTO, OF NEW YORK
 MARK SEBASTIAN PALERMO, OF THE DISTRICT OF COLUMBIA
 JOYCE K. PARK, OF VIRGINIA
 JOHN REED PAYNE, OF TEXAS
 FRANCISCO PÉREZ, OF NEW MEXICO
 KIMBERLY M. PEREZ, OF TEXAS
 LAURA PERRY, OF VIRGINIA
 SUSAN L. POHL, OF VIRGINIA
 ERIK S. PUGNER, OF CALIFORNIA
 REBECCA L. PYLE, OF PENNSYLVANIA
 REBECCA CAROL RAMAN, OF TENNESSEE
 SCOTT E. REESE, OF VIRGINIA
 ALISON M. RESER, OF VIRGINIA
 KEVIN RICH, OF VIRGINIA
 MEGAN JOAN ROBERTS, OF VIRGINIA
 NIKKI NOEL ROMERO, OF VIRGINIA
 MICHAEL RUDDY, OF MASSACHUSETTS
 JACOB J. SALAZAR, OF MICHIGAN
 SUMMER H. SANFORD, OF VIRGINIA
 SARA A. SCARBRO, OF VIRGINIA
 SARA H. SCHORES, OF THE DISTRICT OF COLUMBIA
 LUKE AARON SCHTELE, OF UTAH
 PAUL SCHUBERT, OF MARYLAND
 CHARLES F. SETEN, OF ILLINOIS
 RICKIN D. SHAH, OF THE DISTRICT OF COLUMBIA
 MARK C. SHEPPARD, OF VIRGINIA
 ANNE SIPPEL, OF GEORGIA
 JENNIFER T. SIREGAR, OF FLORIDA
 JON J. SKIBA, OF VIRGINIA
 SARAH F. SKORUPSKI, OF THE DISTRICT OF COLUMBIA
 DOMINIC SO, OF CALIFORNIA
 BRENT SODERBORG, OF VIRGINIA
 DANIELLE EVON THOMAS, OF VIRGINIA
 SHAWN TIMBROOK, OF VIRGINIA
 MINA TOUMAZATOS, OF VIRGINIA
 VINCENT C. TRAVERSO, OF CALIFORNIA
 LLOYD R. VAN LANDINGHAM, OF VIRGINIA
 BEENA VARNAN, OF TEXAS
 MATTHEW VARTHALAMIS, OF THE DISTRICT OF COLUMBIA
 ERIK CHRISTOPHER WAHLSTROM, OF WASHINGTON
 LAURA WANNER, OF VIRGINIA
 ADAM C. WATSON, OF VIRGINIA
 STEPHEN WEEKS, OF FLORIDA
 MATTHEW LAWRENCE WEILL, OF THE DISTRICT OF COLUMBIA
 BRIAN D. WHELAN, OF VIRGINIA
 LUCY AVENT WICHLACZ, OF VIRGINIA
 JOSHUA B. WILCOX, OF VIRGINIA
 DALE P. WURMLINGER, OF VIRGINIA
 JEREMY TERRILL YOUNG, OF VIRGINIA

DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.
 KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE.
 JOE LEONARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, April 2, 2009:

INTERNATIONAL BANKS

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY

FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEPARTMENT OF STATE

RICHARD RAHUL VERMA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

ESTHER BRIMMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS).

ROSE EILENE GOTTEMÖLLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE).

KARL WINFRID EIKENBERRY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

MELANNE VERVEER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR WOMEN'S GLOBAL ISSUES.

DEPARTMENT OF DEFENSE

JAMES N. MILLER, JR., OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

ALEXANDER VERSHLOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF HOMELAND SECURITY

JANE HOLL LUTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

OFFICE OF PERSONNEL MANAGEMENT

JOHN BERRY, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

SMALL BUSINESS ADMINISTRATION

KAREN GORDON MILLS, OF MAINE, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

DEPARTMENT OF VETERANS AFFAIRS

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE.

JOE LEONARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL C. GOULD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DEBRA A. SCULLARY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROGER A. BINDER
 BRIGADIER GENERAL DAVID L. COMMONS
 BRIGADIER GENERAL ANITA R. GALLENTINE
 BRIGADIER GENERAL CARL M. SKINNER
 BRIGADIER GENERAL HOWARD N. THOMPSON
 BRIGADIER GENERAL PAUL M. VAN SICKLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL WILLIAM B. BINGER
 COLONEL CATHERINE A. CHILTON
 COLONEL JAMES A. FIRTH
 COLONEL ROBERT M. HAIRE
 COLONEL STAYCE D. HARRIS
 COLONEL THOMAS P. HARWOOD III
 COLONEL MARYANNE MILLER
 COLONEL PAMELA K. MILLIGAN
 COLONEL ROBERT K. MILLMANN, JR.

COLONEL JAMES J. MUSCATTELL, JR.
 COLONEL DENNIS P. PLOYER
 COLONEL KEVIN E. POTTINGER
 COLONEL DEREK P. RYDHOLM
 COLONEL GEORGE F. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. VINCENT K. BROOKS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JAMES K. GILMAN
 BRIG. GEN. PHILIP VOLPE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. WILLIAM B. GAMBLE
 COL. RICHARD W. THOMAS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL W. BRIER
 COL. FRANS J. COETZEE

IN THE AIR FORCE

AIR FORCE NOMINATIONS OF KATHY L. FULLERTON, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH EMIL B. KABBAN AND ENDING WITH STEPHEN H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. ANDERSON AND ENDING WITH MARGARET M. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MARK T. ALLISON AND ENDING WITH PHILIP T. WOLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH TINA M. BARBERMATTHEW AND ENDING WITH REGAN J. PATRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES J. BALDOCK IV AND ENDING WITH BRENDA L. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH LISA L. ADAMS AND ENDING WITH RICHARD J. ZAVADIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ARIEL O. ACEBAL AND ENDING WITH STEVEN M. ZUBOWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATION OF JONATHAN V. LAMMERS, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GARY A. FOSKEY AND ENDING WITH CONNIE LWARR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRYSON D. BORG AND ENDING WITH DEXTER W. LOVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH GEORGE B. GOSTING AND ENDING WITH JOSEPH S. PARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD D. BAKER AND ENDING WITH GREGORY B. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY L. ANDRUS AND ENDING WITH ROSE M. WOJCIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH FEDERICO C. AQUINO, JR. AND ENDING WITH JUNKO YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JOSELITA M. ABELEDA AND ENDING WITH GABRIEL ZIMMERER,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. BAUER AND ENDING WITH STACEY E. ZAIKOSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH AMANDA J. ADAMS AND ENDING WITH DON L. ZUST, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH XAVIER A. NGUYEN AND ENDING WITH JENNIFER A. TAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. BEENE II AND ENDING WITH ELIZAEBETH N. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

AIR FORCE NOMINATION OF RYAN G. MCPHERSON, TO BE MAJOR.

AIR FORCE NOMINATION OF MARK J. IVEY, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER B. BENNETT AND ENDING WITH DAVID J. WESTERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

IN THE ARMY

ARMY NOMINATION OF PETER C. GOULD, TO BE COLONEL.

ARMY NOMINATION OF GARRETT S. YEE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROY L. BOURNE AND ENDING WITH STANLEY W. SHEFTALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

ARMY NOMINATION OF FRANK RODRIGUEZ, JR., TO BE COLONEL.

ARMY NOMINATION OF EDWARD E. TURSKE, TO BE COLONEL.

ARMY NOMINATION OF JOSEPH R. KRUPA, TO BE MAJOR.

ARMY NOMINATION OF KATHLEEN P. NAIMAN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JUAN G. ESTEVA AND ENDING WITH THOMAS E. STARR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT F. DONNELLY AND ENDING WITH ANGELICA REYES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH RICHARD H. DAHLMAN AND ENDING WITH DAVID A. STILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH JULIE S. AKIYAMA AND ENDING WITH ANDREW L. HAGEMASTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. NIPPERT AND ENDING WITH JOHN K. GOERTMILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH MARTIN L. BADEGIAN AND ENDING WITH MARK J. HODD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH DEBRA H. BURTON AND ENDING WITH LEE D. SCHNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH PAUL P. BRYANT AND ENDING WITH CHRISTOPHER R. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. ABBOTT AND ENDING WITH PATRICK J. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH VANESSA A. BERRY AND ENDING WITH SCOTT F. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH EFREN E. RECTO AND ENDING WITH WILLIAM A. WOLKSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH SUZANNE D. ADKINSON AND ENDING WITH BRANDON S. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH THOMAS M. CARDEN, JR. AND ENDING WITH ANTHONY WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

ARMY NOMINATION OF LAURA K. LESTER, TO BE MAJOR.

ARMY NOMINATION OF BRIGITTE BELANGER, TO BE MAJOR.

ARMY NOMINATION OF MITZI A. RIVERA, TO BE MAJOR.

ARMY NOMINATION OF CATHERINE B. EVANS, TO BE MAJOR.

ARMY NOMINATION OF VICTOR G. KELLY, TO BE MAJOR.

ARMY NOMINATION OF RYAN T. CHOATE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RAFAEL A. CABRERA AND ENDING WITH CARL J. TADAKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT A. BORCHERDING AND ENDING WITH MICHAEL C. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

ARMY NOMINATION OF VICTOR J. TORRES-FERNANDEZ, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH ANGERER AND ENDING WITH MATTHEW J. YANDURA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH TED R. BATES AND ENDING WITH PETER M. MENICUCCI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN M. DIAZ AND ENDING WITH LAVORE L. RICHMOND, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH LUISA SANTIAGO AND ENDING WITH YEVGENY S. VINDMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH RANDALL W. COWELL AND ENDING WITH DANIEL M. ZERBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ALBERT J. ADKINSON AND ENDING WITH WILLIAM E. WYNNIS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID G. ANTONIK AND ENDING WITH STEVEN D. PETERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH KELLY P. ALEXANDER AND ENDING WITH ANTHONE R. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH DEREK M. ABBEY AND ENDING WITH ROBERT B. ZWAYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH HARALD AAGAARD AND ENDING WITH MARK W. ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

IN THE NAVY

NAVY NOMINATION OF SCOTT D. SHIVER, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH STEVEN A. KHALIL AND ENDING WITH DAVID B. ROSENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

NAVY NOMINATION OF MIGUEL GONZALEZ, TO BE CAPTAIN.

NAVY NOMINATION OF DAVID M. DROMSKY, TO BE COMMANDER.

NAVY NOMINATION OF JED R. ESPIRITU, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CHARLES C. ADKISON AND ENDING WITH TRICIA L. TEAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

NAVY NOMINATIONS BEGINNING WITH GREGORY G. GALYO AND ENDING WITH OLIVER C. MINIMO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER G. CUNNINGHAM AND ENDING WITH CHRISTOPHER A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

NAVY NOMINATIONS BEGINNING WITH JANET L. JACKSON AND ENDING WITH TODD M. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

EXTENSIONS OF REMARKS

CELEBRATING THE LIFE AND SERVICE OF RURAL CARRIER MANCEL PRINCE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to recognize the life and service of Mancel Prince, a rural letter carrier from Decherd, Tennessee.

For over thirty years, Mr. Prince has carried out a service that began just 5 days before Christmas in 1899, when the Post Office Department decided to experiment with extending rural free delivery across an entire county for the first time. The service proved viable, and today constituents like mine and all across rural America receive their mail from dedicated carriers like Mr. Prince.

Today Mr. Prince is 89 years old, and has more than 70 years of government service in his past. He first joined the U.S. Army in 1938 and served on active duty in World War II, where he fought for the Allies under the command of General Patton, as well as in the Korean War and the Vietnam War.

Mr. Prince retired from active duty in 1972 as a Command Sergeant Major in Field Artillery, and then joined the U.S. Postal Service. He has served on his route for nearly thirty five years, and currently serves more than 460 boxes over a span of 93.5 miles per day through parts of three counties. He is respected by co-workers and superiors alike and is praised for his work ethic. I understand, too, that he is currently the oldest active employee in the Tennessee District and to my knowledge, he has no plans to retire.

I would ask that my colleagues join me today in rising to honor a great servant of rural America, and a man who has dedicated so much of his life in service to the good of our nation.

HONORING THE TOWN OF BOURNE, MASSACHUSETTS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in commemorating the 125th Anniversary of the Town of Bourne, Massachusetts.

It was on this day in 1884 that the Town of Bourne claimed its rightful independence, a movement that marked the inception of Bourne Incorporated. The significance of the Town's foundation is reflected in historical data that depict a prolonged effort to distin-

guish its identity. As noted by the 1984 Bourne Centennial Celebration Committee, ineffectual attempts at separation were made in the late 1770s and early 1800s—but it was not until 1883 that a successful movement began.

In large measure, geography governed the separation. Long trips were needed to get to the town meeting and in some cases to the meetinghouse. But more importantly, the division was a profound expression of the free will of the people. This movement perfectly epitomized the meaning of the phrase “of the people, by the people, for the people.” As the youngest township on Cape Cod, the Town of Bourne should be recognized for what has been its everlasting pledge to the preservation of life, liberty and the pursuit of happiness.

It is of the utmost importance that we pass on Bourne's rich history to current and future generations, and that we encourage the Town's youth to take pride in their heritage. As we reflect on the Town's 125-year existence, we must proudly recognize the pioneers who spearheaded the Town's founding and the superior achievements the Town and its citizens have realized over the years.

I congratulate all the citizens of the Town of Bourne on this auspicious day, and extend my best wishes for a successful and prosperous future.

HONORING THE LIFE OF GEORGE “HAPPY” IRBY

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CHILDERS. Madam Speaker, I rise today to pay respect to the life of George “Happy” Irby. Happy Irby passed away on his birthday, March 27th, at the age of 94 in his hometown, Columbus, Mississippi. He was a man that lit up a room. His perpetual optimism was contagious; his name “Happy,” was not just a nickname, it was a reflection of the way he lived his life.

Happy Irby worked as an activity coordinator at the Columbus Air Force Base's Officer's Club for 50 years. It is here he founded the Happy Christmas Fund, providing gifts for children in need on Christmas morning and giving fruit baskets to the elderly. He will be remembered as one of Mississippi's most avid philanthropists, which is why Mississippi State Highway 706 was renamed George “Happy” Irby Parkway.

Happy was a devoted husband, father, grandfather, great-grandfather and great-great grandfather. Happy was a proud and faithful member of Missionary Union Baptist Church, where he served as an usher.

Madam Speaker, I thank my colleagues for remembering George “Happy” Irby and his family at this time.

HONORING THE MEMORY OF THE MRS. ABBIE POWE SESSIONS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BONNER. Madam Speaker, Monroe County—and the entire State of Alabama—recently lost a dear friend, and I rise today to honor Mrs. Abbie Powe Sessions and pay tribute to her memory.

A native of Branch in Choctaw County, “Miss Abbie” had been a resident of Hybart in Monroe County for most of her adult life. She graduated from high school in Silas and studied at both Livingston State Teachers College and Troy State Teachers College. A few years ago, she moved into a retirement community in Mobile so she could be closer to her family.

“Miss Abbie” was truly a steel magnolia. She was strong in her faith, devoted to her family and friends and a constant source of inspiration to all who knew and loved her. She was a homemaker and actively assisted her late husband, Jefferson B. Sessions Jr., in his country store and farm equipment business. Their only son, Senator JEFF SESSIONS, credits her hard work and frugality with instilling in him the value of a dollar and the importance of hard work.

Madam Speaker, I ask my colleagues to join me in remembering a friend to many throughout south Alabama. Mrs. Abbie Powe Sessions will be dearly missed by her family—her son, Senator JEFF SESSIONS and his wife Mary; her three grandchildren, Mary Abigail Sessions Reinhardt, Ruth Blackshear Sessions Walk, and Samuel Turner Sessions; her great granddaughter, Jane Ritchie Reinhardt; her sister, Mary P. Powe; and her nephew, Harry A. Powe III—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

PERSONAL EXPLANATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. POSEY. Madam Speaker, on rollcall No. 154, I would ask that the RECORD reflect that I am in favor of H. Res. 273, Recognizing the 188th anniversary of the Independence of Greece and Celebrating Greek and American Democracy. I was present and voted in favor of the resolution, but my vote was not recorded by the electronic device. I would have voted “aye.”

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO THE PIKEVILLE KENTUCKY SOCIAL SECURITY OFFICE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to commend the staff of the Pikeville Kentucky Social Security Office for their strong, effective, and compassionate service to the people of Kentucky. Their dedication and service has earned them the prestigious Social Security's Administration's Best Level Two Office in the Atlanta Region Award.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of everyone.

The field office in Pikeville, Kentucky, is a shining example for this extensive federal agency. The Pikeville staff consistently goes beyond the call of duty to provide valuable benefits to the people of Kentucky. Because of this unwavering commitment to helping others, the Social Security Administration recognized the Pikeville Office as the Best Level Two Office in the Atlanta Region. This is the highest honor a social security office can receive.

This award would not be possible if it weren't for the committed individuals who have dedicated their lives to public service. The Pikeville office is professional, courteous, and goes above and beyond in order to ensure the highest quality of service to all those who are in need of their assistance. This award is a reflection of each and every employee's exceptional performance in delivering quality public-centered service in a timely and efficient manner.

Madam Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Pikeville Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

PRIMARY CARE DENTAL ACADEMIC WORKFORCE DEVELOPMENT ACT OF 2009

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. KENNEDY. Madam Speaker, today I am introducing the Primary Care Dental Academic Workforce Development Act of 2009.

Dental decay is the most common chronic childhood disease in the U.S. and also one of the most preventable. More than one quarter of American children between the ages of 2 and 4, half of children between ages 6 and 8, and nearly 60 percent of 15 year-old children suffer from dental decay. Despite this, schools of dentistry in the United States are experi-

encing difficulty in recruiting and retaining the expert faculty needed to train our nation's future dentists.

A strong dental faculty is needed to recruit and train the dental students needed to provide exceptional dental care to our nation's children. Yet, the nation is currently experiencing a shortage of pediatric dental faculty. While pediatric dentists treat only about 30 percent of children, they are responsible for training all of the dentists who treat children. A critical factor in this shortage is the staggering student loan debt and income disparity compared to private practice. The average graduating dental student loan debt was \$158,104 in 2006, yet faculty positions generally only provide a third of the income as a private practice which many would-be faculty simply cannot afford.

Addressing the pediatric faculty shortage is especially critical for ensuring that children receive appropriate dental care from an early age and is absolutely essential in determining the quality of their oral health throughout their life. Further, the tragic death of Deamonte Driver in 2007 highlights that poor oral health can have tragic health outcomes, including death. Such tragedies should be avoided at all costs in the future.

For these reasons, my colleague Representative MIKE SIMPSON and I are introducing the Primary Care Dental Academic Workforce Development Act of 2009. This legislation would expand authority under the current Title VII pediatric and general dentistry program to allow these training programs to utilize these grants funds to support loan repayment for up to \$250,000 over five years in order to recruit and retain faculty. This authority would significantly assist in recruitment and retention of pediatric dentistry faculty. Currently, pediatric dentistry programs may apply for Title VII funding to expand or enhance training programs, but not for faculty loan repayment.

Our nation's children deserve the best medical care that our nation has to offer. In order to provide this, we need to ensure we have the resources to train our health professionals. I am proud to introduce the Primary Care Dental Academic Workforce Development Act of 2009, and I urge your full consideration of this important legislation.

INTRODUCING THE TEACHER TAX CUT ACT AND THE PROFESSIONAL EDUCATORS TAX RELIEF ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce two pieces of legislation that raise the pay of teachers and other educators by cutting their taxes. I am sure that all my colleagues agree that it is long past time to begin treating those who have dedicated their lives to educating America's children with the respect they deserve. Compared to other professionals, educators are under-appreciated and under-paid. This must change if America is to have the finest education system in the world!

Quality education is impossible without quality teaching. If we continue to undervalue educators, it will become harder to attract, and keep, good people in the education profession. While educators' pay is primarily a local issue, Congress can, and should, help raise educators' take home pay by reducing educators' taxes.

This is why I am introducing the Teachers Tax Cut Act. This legislation provides every teacher in America with a \$3,000 tax credit. I am also introducing the Professional Educators Tax Relief Act, which extends the \$3,000 tax credit to counselors, librarians, and all school personnel involved in any aspect of the K-12 academic program.

The Teacher Tax Cut Act and the Professional Educators Tax Relief Act increase the salaries of teachers and other education professionals without raising federal expenditures. By raising the take-home pay of professional educators, these bills encourage highly qualified people to enter, and remain in, education. These bills also let America's professional educators know that the American people and the Congress respect their work.

I hope all my colleagues join me in supporting our nation's teachers and other professional educators by cosponsoring the Teacher Tax Cut Act and the Professional Educators Tax Relief Act.

HONORING THE MEMORY OF EZRA "BUD" AND MARY CAROTHERS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BONNER. Madam Speaker, the town of Winfield, Alabama recently lost two dear friends, and I rise today to honor Ezra Bonner "Bud" Carothers and Mary Lee Hill Carothers and pay tribute to their memory.

A native of Marion County, Bud was a resident of the Winfield area most of his life. He graduated from Sidney Lanier High School in Montgomery and attended the University of Alabama. He was in the U.S. Marine Corps and served in Okinawa, Iwo Jima, Philippines, Peluloe and Saipan.

Mary was also a native of Marion County. She graduated from Winfield High School and went on to attend Fairfax Hall College in Waynesboro, Virginia, as well as the University of Alabama.

Loved by their family, respected by the entire community, Bud and Mary are perhaps best known for the Winfield Quick Freeze, a meat processing facility in Winfield that the couple owned and operated for almost four decades. They were also both active members of Winfield First United Methodist Church.

Madam Speaker, I ask my colleagues to join me in remembering two dedicated community leaders known to many throughout northwest Alabama.

Ezra Bonner "Bud" Carothers and Mary Lee Hill Carothers will be dearly missed by their family—their sons, William Russell Carothers II and his wife Becky, and Robert Leroy "Bubba" Carothers and his wife Rebecca; their eight grandchildren, Melissa Carothers

Beard, William Russell Carothers III, Christian Hill Carothers, Robert Leroy Carothers Jr., Brooks Reed Carothers, Ryan Lee Carothers, Julia Gardner, and Amanda Gardner; their eight great-grandchildren, Mary Kate Beard, Spencer Beard, Will Carothers, John Carothers, Nicholas Carothers, Elizabeth Carothers, Allie Carothers, and Caroline Carothers; and nieces and nephews—as well as the countless friends they have left behind.

Our thoughts and prayers are with them all during this difficult time.

RECOGNIZING DOCTOR RICHARD STRANGE AND HIS MANY CONTRIBUTIONS TO THE MUSICAL COMMUNITY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Richard E. Strange, who is completing his 34th year with the Tempe Symphony Orchestra.

Before beginning his professional career, he earned his Doctorate of Musical Arts in Performance from Boston University, and also holds degrees from Wichita University, and the University of Colorado. He then went on to teach music classes to elementary and high school students before being drafted to serve in the Korean War. As a former teacher myself, I commend Dr. Strange's commitment to emphasizing music education as an essential component of the learning process. And as a member of the House Committee on Veterans' Affairs, I honor Dr. Strange's service to our country and his continued commitment to our nation's service members both past and present.

Richard is also well known in the band and orchestra community. For many years, he served as the guest conductor for multiple popular symphonies, such as the Texas Wind Symphony and the Carnegie Civic Symphony. Dr. Strange also devoted much time to directing prominent bands for the U.S. Marine Corps., U.S. Air Force, U.S. Army, and U.S. Coast Guard.

In addition to holding music clinics all over the world, Dr. Strange has received a myriad of awards honoring his significant contributions to the musical community. His efforts have certainly had a profound impact on me as well as musicians and audiences around the world.

Madam Speaker, please join me in recognizing Dr. Richard Strange for not only his 34 years with the Tempe Symphony Orchestra, but also for his commitment to our veterans and for the tremendous success of his entire musical career.

HONORING MR. ELMER DUCKINFELD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor Exton resident Elmer

Duckinfield, whose tremendous volunteer spirit and constant compassion have earned him the 2009 Safe Harbor Andrew Dinniman Humanitarian Award.

Elmer first served his country in the Army and Navy and has not stopped looking out for others since that time. He is a founding volunteer and a former Board Member at Safe Harbor, which is a nonprofit shelter serving single homeless men and women in the West Chester area.

Safe Harbor is not the only nonprofit agency benefitting from Elmer's genuine charity, humility and drive to make the world a kinder place for everyone. He has eagerly helped more than 70 nonprofit agencies in southeastern Pennsylvania during the last year, logging more than 15,000 miles in his car and contributing countless hours.

Whether it is collecting bread and pastries for St. Agnes Parish, safely driving pregnant homeless women to emergency shelters or tracking down donations to replace an industrial dishwasher at Safe Harbor, Elmer always stands ready to help anyone in need.

Elmer will receive his much-deserved humanitarian award during the Safe Harbor Gala on Saturday, April 18 in the Atrium of QVC.

Madam Speaker, I ask that my colleagues join me today in honoring Elmer Duckinfield for his exemplary service and never-ending desire to improve the lives of others and the quality of life in his community through outstanding acts of kindness.

HONORING TENNESSEE'S NURSES DURING NATIONAL NURSES WEEK, MAY 6-12, 2009

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor all nurses nationwide and to celebrate National Nurses Week, which begins on May 6, 2009. The week long commemoration honors all nurses, and ends on May 12, Florence Nightingale's birthday.

This year's theme, "Nurses: Building a Healthy America," addresses the important role nurses have in our society. Research has shown that when there are more registered nurses working in health care facilities, there are lower mortality rates, shorter lengths of stay, fewer complications, and lower costs.

As a member of the Congressional Nursing Caucus, I have consistently supported legislation protecting nurses' rights and funding increases for nursing education. There is much work, however, that still needs to be done.

Currently, there is a national nurse shortage. By the year 2020, it is predicted Tennessee alone will have a shortage of 9,495 registered nurses. I hope that National Nurses Week will mark the beginning of a trend in the recruitment and retention of nurses throughout our country.

Undoubtedly, we have all been positively affected by nurses at some point in our lives. Whether they have cared for a family member, a friend, or a loved one, we can all be grateful

for their hard work and service to our communities.

I want to use this opportunity to thank nurses in Tennessee and across the country.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. OBERSTAR. Madam Speaker, during the consideration of H.R. 1664, Pay for Performance Act, I inadvertently voted "aye" on the Bean Amendment (rollcall vote 180). I had intended to vote "nay," and want the record to reflect that I share Chairman FRANK's concerns that this amendment, which would exempt recipients of TARP capital investments from the bill's requirements while taxpayer funds were still outstanding, is contrary to the intent of the bill.

IN HONOR OF DALE SKILLICORN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. FARR. Madam Speaker, I rise today to celebrate the life of Dale Skillicorn of Watsonville, California. Dale passed away on March 14, 2009 at the age of seventy-one, leaving behind a city better for his efforts. He was an extraordinary community leader who served as the city of Watsonville's Mayor Pro Tempore and had served as a city councilmember, representing the city's 7th District, since 2002.

Dale was born on April 4, 1937 in Watsonville, California. He graduated from Watsonville High School then attended Monterey Peninsula College and San Francisco State University. Dale spent more than twenty years in public service positions. He served on the Santa Cruz County Planning Commission for fourteen years, and then spent five years as Santa Cruz County Parks Commissioner. In 2002, Dale was elected to represent Watsonville's District 7 on the city council. He was reelected in 2006 and in 2008 was selected as the Mayor Pro Tempore by his peers on the city council. Dale brought a wealth of knowledge and a unique perspective to the city council.

Dale Skillicorn's public service career will be remembered for his dedication to green job creation and advocacy for the Pajaro Valley's agriculture industry. He played a key role in bringing the Alternative Construction and Energy Expo to the Santa Cruz County Fairgrounds. In addition, many residents in Watsonville will remember Dale through his work as a volunteer in many organizations located in the Pajaro Valley.

Madam Speaker, Dale Skillicorn touched the hearts of everyone he came into contact with, was a pillar to the city of Watsonville. He lived his life as an active member of the community, who was driven by compassion to help others. I am certain I speak for the entire House in

extending our heartfelt sympathy to Dale's wife of 29 years, Jan Skillicorn; his son, Mark Skillicorn; and his two stepdaughters, Valerie Justus-Rusconi and Christina Justus-Garcia.

HONORING ROBERT FAY
ROCKWELL, JR.

HON. ERIC J.J. MASSA

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 2, 2009

Mr. MASSA. Madam Speaker, I rise today to honor Robert Fay Rockwell Jr. Bob Rockwell was born November 8th, 1911 in Bradford, PA. He attended Whittier College in California where he became friends with fellow student, Richard M. Nixon. He moved to Corning, NY in 1933 to run the local department store (The Rockwell Company) owned by his grandfather. Soon after, he departed to serve in the 70th Construction Battalion (the Seabees) in World War II. He was stationed in North Africa and Oakland, CA.

Upon his return to Corning, he became close friends with Frederick Carder, founder of world-famous Steuben Glass. Later he amassed the world's largest collection of Frederick Carder Steuben Glass. His liking of aesthetics wasn't limited to glass art; Bob started collecting Western Art including Remingtons and Russells in the early 1960's for display in his department store. He donated most of these two collections to what was then called The Rockwell Museum. This museum got its first home in 1976 in an old hotel in downtown Corning. During this time, he became president of both the Corning Chamber of Commerce and the Corning Rotary Club. In 1983 the Rockwell Museum of Western Art opened in Corning's refurbished old city hall building and has been popular with the great numbers of tourists who visit the area. The multimillion dollar value of Bob's donated art and glass is a testament to his generosity, but his legacy is further enhanced by his compassion and help to his fellow man.

HONORING REVEREND A.D. KING

HON. JOHN BARROW

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 2, 2009

Mr. BARROW. Madam Speaker, I rise today to honor the life of Reverend A.D. King and to recognize his many contributions on behalf of social justice and peace around the world.

Alfred Daniel Williams King was born July 30, 1930, in Atlanta, Georgia, the youngest of the three children of Reverend Martin Luther King, Sr., and Alberta Williams King. Reverend King shared his family's passion for the ministry and social justice. He graduated from Morehouse College in Atlanta, Georgia, in 1959. That same year, he also became pastor of the Mount Vernon First Baptist Church in Newnan, Georgia.

The book of Proverbs says, "Open your mouth, judge righteously, and defend the rights of the afflicted and needy." Reverend

King lived his life according to this maxim. He believed that war was never the solution and that non-violent means will always overcome.

Whether it was participating in a lunch counter sit-in, strategizing the March on Selma, or organizing the demonstrations that would ultimately lead to the passage of the Civil Rights Act, Reverend King was there, active, engaged, and defending the rights of the afflicted and needy.

Like his brother Martin, Reverend A.D. King passed from this life at the much too young age of 39. His life wasn't full of years, but his years were full of life.

As we recognize the 40th anniversary of Reverend A.D. King's passing this July 21st, I hope that we can all learn from his example of righteousness and citizenship, and shape a better future for ourselves and our posterity, as he did for us.

Reverend King was survived by his wife, Naomi Barbara King, and his five children. Today I honor Reverend A.D. King, and the entire King family, for their contributions and service to America. Their example gives us all a lasting reminder of what can be achieved when we do justice, love mercy, and walk humbly with our God.

HONORING MR. WILLIE BRANDON

HON. BART GORDON

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Mr. Willie Brandon, who will celebrate his 103rd birthday on June 12, 2009.

As a young boy, Willie and his sister Lizzie grew up in Readyville, Tennessee. His parents, Charles and Jimmie Brandon, were sharecroppers. At the age of 12, his father moved the family to Illinois where he worked as a janitor. To help his father support the family, Willie dropped out of school to work.

Willie credits his long life to the fact he's never quit working. For many years, he worked as a cook at the James K. Polk Hotel, City Café, Smyrna Air Force Base, Lamb's Grill, and Po Folks. He also picked and sold blackberries, cut and sold timber, and cut grass.

Willie is now the keeper of the Rutherford County courthouse, a historical place many people pass through, whether for business or to sightsee. He is the caretaker of the same steps on which, more than 150 years ago, his grandfather Jim Brewer was sold as a slave and sent to Virginia.

Willie has a daughter, Anne, and one of his proudest achievements is that she earned a college degree. Willie also has a stepson, three granddaughters, two great-granddaughters and one great-great granddaughter.

Willie's service to his community throughout his life is truly admirable. Willie, you're a great man and you have given us all someone to look up to.

TRIBUTE TO MAYOR CHARLES
LONG, BOONEVILLE, KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to one of the Bluegrass State's most impressive politicians and the longest serving Mayor in the great Commonwealth of Kentucky, Mayor of Booneville, Mr. Charles Long.

Since being elected to the office of Mayor 50 years ago, Mayor Long has set a high standard for public service and politics in Booneville. As a politician, Mayor Long has accomplished a rare political success by having never been contested in an election. The people of Booneville, Kentucky have stood behind Mayor Long and threw their support behind him for 50 consecutive years.

Understanding his legacy of public service provides insight to his longstanding political success. Mayor Long serves the county seat of the third poorest county in the United States but despite the obstacles created by poverty, Mayor Long has brought an insurmountable measure of hope to Owsley County through city water and sewer projects. One hundred percent of the city of Booneville is served by city water, as well as 98 percent of the county. Upon completion of an ongoing sewer project, half of Owsley County will also have sewer service.

Mayor Long understands the necessities of the constituents he represents. Everyday modern privileges, like water and sewer, that are so often taken for granted, are a desired commodity for people in the most rural parts of our Nation. Through hard work and determination Mayor Long has been able to meet the needs of Booneville and bring city water and sewer to an area of the country that had waited a long time for this benefit.

In addition to his success in public service, Mayor Long is also celebrating 70 years of marriage to his lovely wife, Ruth. They have raised two children and their family continues to grow with grandchildren and great-grandchildren. Mayor Long is an honest and caring family man whose work ethic is unmatched—in 50 years he still hasn't missed a day in City Hall.

Madam Speaker, I ask my colleagues to join me in honoring a dedicated public servant in my home state of Kentucky, Booneville Mayor Charles Long. We should all strive to be as dedicated to the people we serve, as Mayor Long has been for more than five decades. I congratulate Mayor Long on his tenure in office, his 70th wedding anniversary and wish him all the best in the years to come.

CHINESE DEFECTOR CONFIRMS SYSTEMATIC GOVERNMENT RE- PRESSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WOLF. Madam Speaker, I would like to bring to the attention of my colleagues the following article which appeared in the March 19 edition of *The Washington Times*. Li Fengzhi, a former intelligence officer at the Ministry of State Security, revealed that the agency is tasked with repressing religious and political dissent among the Chinese civilian population and bolstering the rule of the Chinese Communist Party in addition to gathering secrets from overseas. I urge my colleagues to carefully read Mr. Li's chilling account of the Communist Party's systematic repression of religious and political dissidents.

[From the *Washington Times*, Mar. 19, 2009]

CHINESE SPY WHO DEFECTED TELLS ALL

(By Bill Gertz Contact)

A veteran Chinese intelligence officer who defected to the United States says that his country's civilian spy service spends most of its time trying to steal secrets overseas but also works to bolster Beijing's Communist Party rule by repressing religious and political dissent internally.

"In some sense you can say that intelligence work between two countries is just like war but without the fire," Li Fengzhi told *The Washington Times* in an interview aided by an interpreter.

Mr. Li worked for years as an Ministry of State Security intelligence officer inside China before defecting to the United States, where he is awaiting a response to his request for political asylum. He gave a rare, detailed interview to *The Times* on Sunday regarding the activities of the MSS, China's Communist-controlled civilian spy agency.

His prior work as a Chinese spy was confirmed to *The Times* by a Western government source familiar with his defection. The source spoke on the condition of anonymity because of the sensitivity of Mr. Li's case.

Mr. Li told *The Times* that the MSS focuses on both counterintelligence—working against foreign intelligence agencies—and the collection of secrets and technology.

The MSS, however, is unique from other nations' intelligence services in that it is patterned after the former Soviet Union's KGB political police. Its most important mission is "to control the Chinese people to maintain the rule of the Communist Party," he added.

Wang Baodong, a spokesman for the Chinese Embassy in Washington, did not address Mr. Li's comments directly but repeated past Chinese government statements regarding its intelligence activities.

"Allegations of China conducting spying activities against the United States are groundless and unwarranted," he said Wednesday. "China never engages itself in activities that will harm other countries' national interests."

Mr. Wang said communist rule in China produced historic economic and social progress and that China has contributed to a more secure world. "This is a fact no one can deny," Mr. Wang said.

On those who leave the party, Mr. Wang said "there are also a handful of people who

betray their faith and leave the party, whose acts as well as some people's political lies will never shadow the great feats of the party."

Mr. Li said he left China's intelligence services to protest the agency's role in government repression of political dissidents and religious groups that are outside of the ruling communist system.

The MSS, mainly a foreign intelligence service, is "deeply" involved in domestic repression of nonofficial Christian churches and the outlawed Falun Gong religious group, Mr. Li said.

"The Ministry of State Security is actually not doing things for the security of the country, but rather they spend a lot of effort to control the people, the dissidents, the lower-class Chinese people, and make these people suffer and also make their life miserable," he said.

In the interview, he also said:

China's spy agency is focused on sending spies to infiltrate the U.S. intelligence community, and also on collecting secrets and technology from the United States. "China spends a tremendous effort to send out spies to important countries like the U.S. to collect information," Mr. Li said.

China is censoring the Internet to prevent the population from knowing about what occurs outside the country.

An internal MSS manual that is kept secret from most officers outlines the primary role of the service as the promotion of Communist Party's interests.

Ongoing cooperation between the CIA and FBI and the MSS in countering international terrorism can be constructive, but U.S. agencies need to be cautious because the MSS is mainly an organ of the Chinese Communist Party, and does not directly serve the interests of the Chinese nation or people, he said.

Mr. Li said he worked in the MSS department in charge of gathering economic, political and technical information in Eastern Europe and Central Asia. Some of the work involved targeting and recruiting foreign nationals who visit China.

He was born in 1968 in northern China and was first recruited into a provincial Chinese intelligence service before being promoted to the MSS in Beijing after several years.

Two groups in China that are a main focus of the MSS are unofficial Christian churches and the outlawed Falun Gong religious group, he said.

The MSS also has targeted pro-democracy activists, like those who were involved in the mass demonstrations in Beijing's Tiananmen Square in 1989, he said.

The MSS is China's main civilian spy service that is viewed by U.S. intelligence officials as one of the world's most active in stealing secrets and running foreign spies. The military counterpart, the Second Department of the People's Liberation Army, or 2PLA, is focused on stealing foreign technology, much of it for weapons and military systems.

Together, the Chinese services are estimated to have several thousand trained operatives working around the world, most posing as diplomats, journalists, business representatives and academics. Thousands of other Chinese nationals also function as semiprofessional information gatherers.

Former FBI Special Agent I.C. Smith, a specialist in Chinese counterintelligence, confirmed that the MSS focuses its activities on penetrating U.S. intelligence and government agencies.

"The goal of every intelligence agency is to get someone inside, and in the case of Chi-

nese, they use not just intelligence people but academics and everybody else," Mr. Smith said in an interview.

Mr. Li said his access to information that was banned for the general public helped him to turn against the system, including internal reports on party ideology and information on American values of freedom and democracy.

Mr. Li said that as a doctoral candidate, the MSS sent him to study at an American university, an experience that influenced in his decision to defect. In 2004, after he defected, he was declared an enemy of the state by the MSS in at least two notices sent to security offices in China.

According to U.S. counterintelligence officials, China, unlike the Soviet Union, has had only a small number of defections of intelligence officers like Mr. Li over the past 30 years.

Another spy who defected was a Chinese intelligence officer known publicly by the code-name "Planesman," who gave the FBI data that led to 1985 arrest of CIA interpreter Larry Wu-Tai Chin.

Another intelligence defector was Sr. Col. Yu Jungping, a military intelligence officer once posted to the Chinese Embassy in Washington who came over in the 1990s.

Mr. Li was in Washington to participate in a conference sponsored by the Falun Gong, a Buddhist-oriented group that advocates the replacement of the Chinese communist government. Mr. Li said he announced his formal withdrawal from the Communist Party at the conference, along with that of his father, who is also in the United States.

Mr. Li said he is neither a Christian nor Falun Gong member, but that his interest in religion and fear of being persecuted by the MSS contributed to his decision to defect.

Mr. Li said he thinks there are significant numbers of pro-democracy MSS officers inside the service, including those at high levels, who do not support the party and are "even anti-Communist Party" but fear taking any action.

"But I sincerely hope these people can play a special role in getting rid of the Communist Party," Mr. Li said.

The former intelligence officer, whose family left China with him, said it took him several years to change his views. "After a few years of my personal experience inside the system, I really knew that the Communist Party is very bad," he said.

"My true ideal, actually, in this Chinese security department is really to do something for the Chinese people and the nation. But I really hated doing things just for the interest of the Communist Party and a lot of times those things that are in the interest of the Communist Party are doing harm to the Chinese people."

TRIBUTE TO ELIZABETH EVELYN WRIGHT, FOUNDER OF VOOR- HEES COLLEGE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to Elizabeth Evelyn Wright, a visionary educator and an unsung American hero. Ms. Wright founded Voorhees College in Denmark, South Carolina in 1897, a remarkable accomplishment for a 25-year-

old African American women during the post-Reconstruction era. Her tremendous legacy will be honored by Voorhees College on April 7, 2009 as the campus commemorates and Founders' Day and celebrates the extraordinary contributions of this amazing young woman.

When Elizabeth Evelyn Wright was born on April 3, 1872 the seventh child of John and Virginia Wright in a poverty-stricken black community in Talbotton, Georgia, it would have been hard for anyone to believe she was destined for great things. Yet her academic talents were clear as she worked on the fundamentals of reading, writing, and arithmetic in the basement of St. Phillips AME Church. Her instructors urged and encouraged her to further her education, and despite significant financial challenges, she enrolled at Tuskegee Institute in Alabama in 1888.

While at Tuskegee, Elizabeth worked in the cafeteria to pay for her tuition, and she caught the attention of its principal Booker T. Washington and his wife Olivia. They became her mentors and encouraged her to dedicate herself to the education of young African Americans as they had.

Elizabeth was forced to drop out of Tuskegee in her senior year due to illness. However, she was summoned by Mrs. Almira Steele, a white trustee at Tuskegee, and asked to teach at a school in McNeill, South Carolina. Elizabeth accepted, and in 1892, she began teaching in the Hampton County School. She spent only six months there before arson fueled by bigotry burned the school to the ground.

In 1893, Elizabeth returned to Tuskegee and completed her degree. Still committed to her mission in McNeill, she returned and opened another school for the black children in the area. Two more times, arson destroyed any hope of the school's success, but Elizabeth didn't let that destroy her dream. She encouraged the school's other teachers to join her in opening another school in Denmark.

As it was with her educational pursuits, finances were the primary obstacle for getting the school started. Undeterred Elizabeth began visiting churches to collect donations for the new school. In a fortunate turn of events in 1897, she met Mrs. Sontag, the white owner of a two-story general store in Denmark who gave Elizabeth permission to house her school on the store's vacant second floor. On April 14, 1897, the Denmark Industrial School opened its doors to 14 students.

In one year the enrollment swelled to 270, and Elizabeth's mentors, the Washingtons, sent Martin Menafee, a Tuskegee graduate, to Denmark to help her raise money for a more permanent school. He was able to arrange a meeting with blind-philanthropist, Ralph Voorhees of Clinton, New Jersey. He and his wife Elizabeth became the primary benefactors of the school and enabled it to purchase land for a new structure on the outskirts of Denmark. To honor their generous contributions, the school was renamed Voorhees Industrial School, and in 1904, the South Carolina State Legislature voted to incorporate it.

The following year, Elizabeth Wright and her financial officer, Martin Menafee, married on the campus of their beloved school. But their life together was cut short when Elizabeth

again became gravely ill. She went to a hospital in Battle Creek, Michigan to receive treatment from two of the country's best physicians—Dr. Jean Harris Whitney and one of the Kellogg brothers, Dr. John Kellogg. Despite their best efforts, Elizabeth died on December 14, 1906 at the age of 34.

Elizabeth Wright Menafee believed her mission in life was "to try and help my fellow man to help themselves and if a way was not open for them, I must open it myself." President Cleveland Sellers, his faculty and staff, and the students and alumni of Voorhees are to be commended for celebrating the life and sharing the story of Elizabeth Wright. Hers is an example for others to follow.

Madam Speaker, I ask you and our colleagues to join me in applauding the tremendous legacy of Elizabeth Wright-Menafee. Her life is a testament to President Lincoln's declaration that "it's not the years in your life that count; it's the life in your years." The accomplishments of this extraordinary woman, within such a short life are truly inspirational.

HONORING GEORGE R. BARBOSA,
JR.

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GREEN of Texas. Madam Speaker, I rise today to recognize George R. Barbosa, Jr. for his determination to strive for the best by winning 4th place in the State Wrestling Tournament on behalf of Klein High School.

Mr. Barbosa has shown through his hard work that anything is possible if one has the passion and determination to do so. Winning 4th place in the State Wrestling Tournament on Klein High School's behalf has made him the possessor of the best finish ever by a Klein High School male wrestler. Mr. Barbosa will continue his pursuit for greatness as he has now qualified for the National High School Wrestling Tournament.

I extend my highest regard for Mr. George R. Barbosa, Jr., a student who has chosen to become a role model for not only his sport, but also for his school. On behalf of Klein High School and the City of Houston I send my congratulations.

HONORING MTSU'S COACH DEAN
HAYES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Dean Hayes, Head Coach of the Middle Tennessee State University Men's and Women's Track teams. On March 26, the Tennessee Board of Regents approved MTSU's request to name the University's state-of-the-art track and soccer stadium after Coach Dean Hayes—a timely accolade as the Blue Raiders are set to host

the Sun Belt Conference Outdoor Track and Field Championships this year from May 8–10.

Recently, Coach Hayes was inducted into the 2008 Class of the U.S. Track & Field Cross Country Coaches Association Hall of Fame in Phoenix, Arizona. This is Coach Hayes' fifth hall of fame induction—he has been inducted into the Blue Raider Hall of Fame (1982), Illinois Sports Hall of Fame (1993), Tennessee Sports Hall of Fame (1994), and the Mason-Dixon Athletic Club Hall of Fame (2005).

Coach Hayes is in his 44th year at MTSU. He is credited with opening MTSU's track & field to minorities and welcoming the University's first international student-athletes. Coach Hayes has led Middle Tennessee to 29 Ohio Valley Conference titles, 14 Sun Belt Conference Championships and 18 NCAA Top 25 finishes.

He has won 15 OVC Coach of the Year and 12 SBC Coach of the Year awards, and he was named NCAA Outdoor Track & Field Coach of the Year in 1981. In 1977 and 1981, Coach Hayes was named NCAA District Coach of the Year. He also served as the President of NCAA Division I Track and Field Coaches from 1981–83.

The athletes under his care have gone on to compete in the Olympic Games, World University Games and Pan-American Games; 44 of 84 have won All-American honors; and four have become national champions.

Congratulations, Coach Hayes, on your latest success. I wish you many more. I'm glad Middle Tennessee was able to steal you away from your alma mater, Lake Forest College. Your leadership and dedication to MTSU is truly admirable.

HONORING THE 50TH
ANNIVERSARY OF PING

HON. JOHN. B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. SHADEGG. Madam Speaker, I am honored to recognize today the 50th Anniversary of PING, a company that has become a legend for its contributions to the beloved game of golf.

It was on March 23rd in 1959 that Karsten Solheim, PING's founder, applied for a patent on the 1-A putter that made the famous "ping" sound heard round the world. Not long after that, PING opened their headquarters in Phoenix—where they have proudly stayed for many years.

Their Phoenix facility both manufactures and assembles PING golf clubs and over the years has provided countless jobs for Arizonans. Karsten and his wife Louise have always been mainstays of our community, as widely respected as the clubs they produce. Though Karsten sadly left us nine years ago, his legacy lives on and his story is a credit to our community and a testament to the drive and creativity of the American entrepreneur.

I congratulate PING and all its employees on this most auspicious occasion and wish them another 50 years of great success.

FAMILY EDUCATION FREEDOM
ACT**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to \$5,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty". Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" than ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system.

According to a survey conducted by Education Next/Harvard PEPG, the majority of Americans support education tax credits. This poll also found strong support for education tax credits among liberals, moderates, conservatives, low-income individuals, African-Americans, and public-school employees. This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The \$5,000 tax credit will make a better education affordable for millions of parents. Madame Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. A recent review of the relevant research conducted by Andrew J. Coulson of the CATO Institute shows that increasing parental controls increases academic achievement, efficiency, the orderliness of the classrooms, and the quality of school facilities. Not surprisingly, graduates of education system controlled by parents tend to achieve higher levels of education and earn more than their counterparts in bureaucratically controlled education systems.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Madam Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No Nation can remain free when the State has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

FREE LIU XIAOBO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WOLF. Madam Speaker, I would like to call the attention of my colleagues to the following letter written by Liu Xia, the wife of imprisoned Chinese human rights activist Liu Xiaobo. Liu Xiaobo is the leader of the Charter '08 movement which calls on the Chinese government to implement democratic reforms. His courageous leadership caused the Chinese security forces to take Mr. Liu from his home in Beijing on December 8, 2008. I call on my colleagues in the Congress and the Administration to advocate for the immediate and unconditional release of Liu Xiaobo.

APRIL 1, 2009.

Hon. FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF, Please forgive me for writing to you directly, but it is only out of the most desperate of circumstances that I do so.

As you may already know, my husband, Liu Xiaobo, was taken from our home by Chinese police on December 8th, 2008 after he and more than three hundred other Chinese citizens signed Charter 08, a manifesto modeled after the Czechoslovakian Charter 77 that appeals for comprehensive democracy and human rights in China. Xiaobo is a writer who cares for nothing more than his duty as an intellectual to speak out for the disadvantaged in society. Now, however, he cannot even protect his own rights.

One hundred fourteen days have now passed since my husband's disappearance. On two occasions (01/01/2009 and 03/20/2009) police took me to an undisclosed location where I was permitted to meet with him and share a meal together. During our conversations, which were closely monitored, my husband told me that he has been kept in solitary confinement in a closed room measuring approximately ten square meters in size. A single light bulb is his only source of light. And of the more than 60 books I had brought him, he received only a few, the rest having been confiscated by the prison officials.

In the three to four months that have passed since his abduction (I can find no other suitable words to describe his situation, as no arrest warrant or other official documents were presented to justify his detention), nearly all of the other 300 signatories have been summoned and investigated by the police. It is obvious to me that the authorities are attempting to gather evidence of my husband's "crime," which will most likely be designated as "inciting the subversion of state power." I fear that the government wants to carry out a sham trial and hand down a severe sentence to my husband.

This is the fourth time that my husband has been dragged away from our home in front of my eyes. When my husband was released from prison in 1990, after serving half a year in prison for his participation in the 1989, pro-democracy demonstrations at Tiananmen Square, he apologized to me because he had decided during that time that he never wants to have children. As he explained, "I want to continue working as a writer. You may lose me again, but I do not want see a child lose its father." Nor do I. His words came true in 1996 when he disappeared behind bars for three more years,

owing to writings of his that promoted freedom and democracy. Now, I am alone once again. I continue writing letters to him, knowing that he will never receive them, just as the letters he has sent me in the past hundred or so days have never reached my hands.

I plead with you to help my husband in regaining his freedom. He has done nothing but to give voice to the thoughts and wishes that are shared by many in my country. I will be forever in your debt if you can provide him with any assistance.

Sincerely yours,

LIU XIA.

INDUSTRIAL HEMP FARMING ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Industrial Hemp Farming Act. The Industrial Hemp Farming Act requires the Federal Government to respect State laws allowing the growing of industrial hemp.

Eight States—Hawaii, Kentucky, Maine, Maryland, Montana, North Dakota, Vermont, and West Virginia—allow industrial hemp production or research in accord with State laws. However, Federal law is standing in the way of farmers in these States growing what may be a very profitable crop. Because of current Federal law, all hemp included in products sold in the United States must be imported instead of being grown by American farmers.

Since 1970, the Federal Controlled Substances Act's inclusion of industrial hemp in the schedule one definition of marijuana has prohibited American farmers from growing industrial hemp despite the fact that industrial hemp has such a low content of THC (the psychoactive chemical in the related marijuana plant) that nobody can be psychologically affected by consuming hemp. Federal law concedes the safety of industrial hemp by allowing it to be legally imported for use as food.

The United States is the only industrialized nation that prohibits industrial hemp cultivation. The Congressional Research Service has noted that hemp is grown as an established agricultural commodity in over 30 nations in Europe, Asia, North America, and South America. The Industrial Hemp Farming Act will relieve this unique restriction on American farmers and allow them to grow industrial hemp in accord with State law.

Industrial hemp is a crop that was grown legally throughout the United States for most of our Nation's history. In fact, during World War II, the Federal Government actively encouraged American farmers to grow industrial hemp to help the war effort. The Department of Agriculture even produced a film "Hemp for Victory" encouraging the plant's cultivation.

In recent years, the hemp plant has been put to many popular uses in foods and in industry. Grocery stores sell hemp seeds and oil as well as food products containing oil and seeds from the hemp plant. Industrial hemp is also included in consumer products such as paper, cloths, cosmetics, and carpet. One of the more innovative recent uses of industrial hemp is in the door frames of about 1.5 million

cars. Hemp has even been used in alternative automobile fuel.

It is unfortunate that the Federal Government has stood in the way of American farmers, including many who are struggling to make ends meet, competing in the global industrial hemp market. Indeed, the founders of our Nation, some of whom grew hemp, would surely find that Federal restrictions on farmers growing a safe and profitable crop on their own land are inconsistent with the constitutional guarantee of a limited, restrained Federal Government. Therefore, I urge my colleagues to stand up for American farmers and cosponsor the Industrial Hemp Farming Act.

TRIBUTE TO THE 20TH ANNIVERSARY OF ABODE SERVICES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to the 20th anniversary of Abode Services, formerly known as Tri-City Homeless Coalition, based in Fremont, California.

Abode Services' roots lie in a coalition of Tri-City church congregations that mobilized support in the 1980s to help growing numbers of individuals and families who had no place to live. Former Fremont Councilmember Judy Zlatnik, a community activist and member of one of the congregations, remembers the day people came together at Fremont's Senior Center to develop a plan. The newly formed coalition implemented a plan to shelter people in churches on a rotating schedule, at first during the winter months only, but later, on a year round basis. In 1989, the coalition became known as the Tri-City Homeless Coalition of Fremont.

In the beginning, the coalition thought that it would serve as an emergency solution for homeless individuals and families seeking a safe place to get out of the cold. When it soon became apparent that the need for shelter was long-term and enduring, the agency set its sights on a permanent building. They then selected a site to build Sunrise Village, one of the first shelters in the country designed and built from the ground up as a shelter for families and single adults. In August 1993, their goal materialized when the first residents moved into Sunrise Village.

Abode Services became an early adopter of Housing First, a national movement pioneered in the 1990s that addresses the most pressing and urgent needs for homeless families and individuals with a full compliment of social services. Abode Services collaborates with more than 30 organizations to leverage program resources.

Abode Services now offers eleven housing programs linked to support services for homeless families and individuals. These programs provide an essential safety net for approximately 2,000 people annually who are homeless or at risk of becoming so, including single adults, families, emancipated foster youth, people with disabilities and seniors. Abode Services' Project HOPE Mobile Health Clinic, operated in collaboration with Tri-City Health

Center, serves more than 1,000 homeless persons annually. Since 2005, Abode Services has created 325 units of permanent supportive housing for previously homeless families.

I join the community in congratulating Abode Services on this significant milestone of 20 years of exemplary leadership and service. The organization continues to fulfill its vision and mission of providing affordable housing and supportive services to individuals and families throughout Alameda.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BECERRA. Madam Speaker, on Wednesday, April 1, 2009, I was unavoidably detained and missed rollcall vote 175 on a motion to table H. Res. 312. If present, I would have voted "yea."

386TH ENGINEERING BATTALION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the men and women of the 386th Engineering Battalion and the Christus Spohn Healthcare System.

Since December 2006, members of the 386th Engineering Battalion have been working side-by-side with their civilian counterparts in the only level three trauma center in the Corpus Christi area. During their drill weekends, these soldiers are assigned to duties inside the hospital's emergency room to work in triage, fast track or trauma.

Through this joint effort, the 386th Engineering Battalion was able to utilize these real world experiences on the battlefields of Iraq and Afghanistan.

I would like to take some time now to honor Lt. Col. John Beignano and Lt. Col. Francisco Zuniga. These gentlemen worked tirelessly with the Christus Spohn Healthcare System administrators to make this idea a reality. By participating in this important work, these soldiers are making significant contributions to the community and to their fellow soldiers. Their families and loved ones should be proud of their service to the country and the extraordinary way they have improved people's lives.

Today, I ask that my colleagues join me in commemorating the men and women of the 386th Engineering Battalion and the Christus Spohn Healthcare System.

CONGRATULATING THE UNIVERSITY OF MICHIGAN LIBRARY SYSTEM FOR ITS 125TH ANNIVERSARY AS A FEDERAL DEPOSITORY LIBRARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. DINGELL. Madam Speaker, I rise today to offer my congratulations to the University of Michigan and its University Library System in Ann Arbor, Michigan, on the occasion of its 125th anniversary as a Federal Depository Library.

Since 1884, the University of Michigan Library has served the University of Michigan and the Southeastern Michigan community as a public space where citizens can find information about their government. As part of the Federal Library Depository Program (FLDP), the University of Michigan Library provides free access to journals, electronic resources, microfilm and more on an endless number of topics and is equipped with thoroughly trained librarians to help navigate. Throughout its history, the FLDP has striven to make our citizenry more informed and ultimately more engaged in the democratic process.

The University of Michigan Library in Ann Arbor is one of the largest university library systems in the United States. It consists of 19 libraries in 11 buildings, which combined, hold over 8 million volumes. These impressive statistics and the fine work of its employees mean this library system has consistently ranked as one of the top ten academic research libraries in North America. The fact that the University of Michigan has, for 125 years, been home to a FDLDP library speaks to both its remarkable record as an educational institution and its committed role in ensuring access to our civic process.

Once again, I congratulate the University of Michigan on this tremendous achievement and I wish the library system and the entire university the very best in the future.

INTRODUCTION OF THE HOPE PLUS SCHOLARSHIP ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I raise to introduce the Hope Plus Scholarship Act, which expands the Hope Education Scholarship credit to cover K-12 education expenses. Under this bill, parents could use the Hope Scholarship to pay for private or religious school tuition or to offset the cost of home schooling. In addition, under the bill, all Americans could use the Hope Scholarship to make cash or in-kind donations to public schools. Thus, the Hope Scholarship could help working parents send their child to a private school, while other parents could take advantage of the Hope credit to help purchase new computers for their children's local public school.

Reducing taxes so that Americans can devote more of their own resources to education is the best way to improve America's schools, since individuals are more likely than federal bureaucrats to insist that schools be accountable for student performance. When the federal government controls the education dollar, schools will be held accountable for their compliance with bureaucratic paperwork requirements and mandates that have little to do with actual education. Federal rules and regulations also divert valuable resources away from classroom instruction.

The only way to reform America's education system is through restoring control of the education dollar to the American people so they can ensure schools provide their children a quality education. I therefore ask all of my colleagues to help improve education by returning education resources to the American people by cosponsoring the Hope Plus Scholarship Act.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE KANSAS CITY PUBLIC LIBRARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the outstanding achievements and cultural legacy of the Kansas City Public Library in Missouri's Fifth Congressional District, which I proudly represent. The Kansas City Public Library, having received the prestigious 2008 National Medal for Museum and Library Service presented by former First Lady Laura Bush for their "Books to Go" project, events and exhibits, represents preservation and celebration of Missouri's Fifth District's diverse history.

The Kansas City Public Library's role is to "actively provide timely, accurate and useful information; support individual of all ages pursuing a program of independent learning; and assists researchers in conducting in-depth study or investigation in specific subject areas". The library has come to serve nearly every contingent of the Fifth District population, in both urban and suburban areas, actively seeking to engage our citizens in classes, discussions, lectures and events. It allows our citizenry to explore its role as America's heartland evolving from a frontier city to a modern day metropolis with racial and cultural diversity. Through clubs, movies and exhibits, people of all ages can participate in the many opportunities that the library has to offer.

Under the wisdom and guidance of Chief Executive Crosby Kemper III and its Board of Directors with Jonathan Kemper serving as Board President, the Kansas City Public Library has emerged as a crucial cultural center in our community. Housing and preserving in multimedia and primary source, the library system has come to foster intellectual enrichment through working collaboratively with our many world-class organizations of cultural preservation and celebration, such as the Ewing Marion Kauffman Foundation, Harry S. Truman Presidential Library and Museum, and

the National World War I Museum, to name a few. Our hallowed library serves as an extension of the works of these fine institutions to ensure that not a corner of our community is denied the opportunity to share in our heritage.

Mr. Crosby Kemper, a graduate of the esteemed Yale University and member of one of Kansas City's most philanthropic families, serves tirelessly as a distinguished administrator and innovator to expose our community to intellectual growth. Due to his efforts and that of the Board of Directors, the Kansas City Public Library provides events and lectures that provoke thought, information and discussion. The library has become a focal point of intellectual conversation in our community.

Perhaps most importantly, the Kansas City Public Library houses the freedom of opportunity which our nation cherishes as the cornerstone of its efficacy. Our understanding of peace and justice requires an intellectual grounding in the events of our shared history. Through history, we find our cultural underpinnings and past solutions which evolve into today's paradigm.

For these reasons and more, I am proud to have nominated the Kansas City Public Library for the National Medal for Museum and Library Service. Madam Speaker, through their efforts, they have let loose imaginations, inspired change and become a cornerstone around which our entire community gathers. A city can only be as good as its public libraries, and we all take pride that ours is among America's very best. Please join me in congratulating the Kansas City Public Library, its Board, Crosby Kemper, and the staff, volunteers and supporters that help to make our state-of-the-art Kansas City Public Library a national award winner.

HONORING MAUD F. ROBINSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WOLF. Madam Speaker, I rise today to honor the service of Maud F. Robinson to the town of Vienna, Virginia. Maud will be retiring from the Vienna Town Council in June, after serving on the council since 2000.

Maud and her husband, Charles A. Robinson, Jr., moved to Vienna in 1951. Since that time, Mrs. Robinson has been involved in every aspect of life in the town. She has served as president of various local organizations, including the Vienna Women's Club, the Ayr Hill Garden Club, and Historic Vienna, Inc. She was a founding member and president of the town's library. She served as a member of Vienna's first Architectural Review Board and on the town's Business Liaison Committee. Among other honors, Mrs. Robinson was selected as Citizen of the Year in Vienna in 1993 and 2000.

Mrs. Robinson was appointed to the Vienna Town Council in 2000, to fill the term of Jane Seeman, who was elected town mayor following the death of Charles Robinson. Mr. Robinson served as town mayor for 27 years. Mrs. Robinson was reelected four times to her seat on the council, for a total of nine years.

Mrs. Robinson is a graduate of Smith College and attended the University of Virginia Law School. She served as a WAVE lieutenant, junior grade, in the United States Navy.

Maud Robinson's commitment to Vienna's citizens and business community is unparalleled. She is a woman of the highest moral integrity and is a true role model for all of Vienna's citizens. I ask my colleagues to join with me today in honoring Maud Robinson.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. NADLER. Madam Speaker, on Wednesday, April 1, 2009, during consideration of the End GREED Act (H.R. 1575), my vote was recorded as "no" on final passage of the bill (rollcall No. 178). I intended to vote "aye."

HONORING STEWARTS CREEK ELEMENTARY SCHOOL TEACHER TREY DUKE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Trey Duke, a teacher at Stewarts Creek Elementary School, who was a 2008 recipient of the Milken Family Foundation National Educator Award. Trey was the only Tennessee educator to receive the award in 2008, and he joins 56 other teachers from the state who have been honored with the award in the past.

The Milken National Educators Award program began in 1985 and is now the largest teacher recognition program in the United States. The award honors K-12 teachers, principals and specialists with \$25,000 individual awards and gives them the opportunity to participate in a national teachers conference. At the conference, award recipients engage in professional development and examine possible solutions to significant issues in education with leaders from academia, government, business and the community.

Prior to receiving the national award, Trey had only been teaching for five years. His creative teaching strategies, which include book clubs, music and PowerPoint presentations, have resulted in his fifth grade students not only meeting but exceeding proficiency goals. At the end of the year, he writes a poem detailing each student's progress and places the poem in his or her report card.

"I feel like part of my job is not just to instruct the students, but to make them excited and to make them want to come to school every day and to get them involved in what we learn," Trey says. His commitment to his students extends beyond the classroom, as evidenced by his leadership roles at the school and system level. Trey is acting principal when Stewarts Creek Elementary School Principal Richard Zago is absent.

Congratulations, again, Trey. To impart a love of learning to children at this formative stage in their life is a gift they will carry with them and always prosper from.

HONORING ADMIRAL ROBERT E. PEARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. MURTHA. Madam Speaker, I rise today to acknowledge a great American and extraordinary explorer, Admiral Robert Edwin Peary, and the one hundredth anniversary of his expedition to the North Pole.

Peary was born on May 6, 1856 in Cresson, Pennsylvania. He graduated from Bowdoin College and joined the United States Navy in 1881. Peary made several expeditions throughout the Arctic, including Greenland, during this lifetime.

On April 6, 1909 Peary concluded his journey to the North Pole. He was accompanied by his longtime companion Matthew Henson and four Inuit men.

Throughout his life, he received many awards, honors, and honorary degrees. In 1911 Peary retired from the Navy with the rank of Rear Admiral. He died on February 20, 1920 in Washington, DC.

Madam Speaker, at this time in history when the North Pole is so important to geopolitics, I hope that our nation will reflect on the hundredth anniversary of Admiral Peary's great accomplishment.

INTRODUCING THE MAKE COLLEGE AFFORDABLE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I rise to help millions of Americans afford higher education by introducing the Make College Affordable Act of 2009, which makes college tuition tax deductible. Today the average cost of education at a state university is \$12,796 per year, and the cost of education at a private university is \$30,367 per year. These high costs have left many middle-class American families struggling to afford college for their children, who are often ineligible for financial aid. Therefore, middle-class students have no choice but to obtain student loans, and thus leave college saddled with massive debt.

Even families who plan and save well in advance for their children's education may have a difficult time because their savings are eroded by taxation and inflation. The Make College Affordable Act will help these middle-class students by allowing them, or their parents or guardians who claim them as dependents, to deduct the cost of college tuition as well as the cost of student loan repayments.

The Make College Affordable Act will also help older or nontraditional students looking to improve their job skills or prepare for a career

change, by pursuing higher education. In today's economy, the average American worker can expect to change jobs, and even careers, several times during his or her working life, making it more important than ever that working Americans be able to devote their resources to continuing their educations.

Helping the American people use their own money to ensure every qualified American can receive a college education is one of the best investments this Congress can make in the future. I therefore urge my colleagues to help strengthen America by ensuring more Americans can obtain college educations by co-sponsoring the Make College Affordable Act.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 180, a Bean (IL)/McMahon (NY) Amendment to H.R. 1664, a bill to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008, I would have voted "nay" on the question.

Had I been present to vote on rollcall No. 181, a Dahlkemper (PA) Amendment to H.R. 1664, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 182, final passage of H.R. 1664, I would have voted "aye" on the question.

THE PATRIOT CORPORATIONS OF AMERICA ACT: INVESTING IN AMERICA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. SCHAKOWSKY. Mr. Speaker, today we find ourselves in the grips of recession. As of this morning there were 5.7 million Americans without a job and we should be doing everything in our power to save jobs—and create new ones.

Today, I am introducing the Patriot Corporations of America Act, which encourages corporations to invest in the American people and the American economy. In this time of change we should lift the spirit of patriotism and create a new corporate ethic in America—one that unites workers and their employers in the mutual goal of building a stronger, more prosperous business that will contribute to a stronger, more prosperous America.

Since the adoption of the Declaration of Independence, we have benefited from the great work and contributions of countless American patriots and Congress has always undertaken efforts to honor those men and women. The Patriot Corporations of America Act continues that tradition by rewarding companies that commit to America and American workers.

It angers Americans, and it angers me, when companies outsource jobs and relocate to avoid giving back to the country that afforded them the opportunity to succeed. Companies that continue to send American jobs abroad during these difficult times should not receive the same benefits as companies who are keeping jobs right here. It is time for the United States to reward companies that show a dedication to the American workforce.

The Patriot Corporation Act will move us along the path to recovery, while simultaneously giving a hand-up to "patriotic" companies that are struggling in the midst of a recession.

Bill Edley, a former State Representative in Illinois, and political scientist Robin Johnson of Monmouth College, introduced a new idea of turning the tables around with the Patriot Corporations of America Act. It would reward companies, like New Maryland Clothing and Tama Manufacturing, that care about our Nation, our communities, and American workers. I am honored to be introducing this common-sense concept in the form of legislation in the U.S. House of Representatives.

In exchange for preferential treatment in government contracting and a 5% tax rate reduction, Patriot Corporations would be asked to pledge their allegiance to our country by producing at least 90% of their goods and doing at least 50% of their research and development in the United States. They would limit top managements' compensation to no greater than 100 times that of their lowest-compensated full-time workers. They would show their commitment to their workers by contributing at least 5% of payroll to portable pension funds and by paying for at least 70% of the cost of health insurance plans. Finally, Patriot Corporations would simply be required to comply with existing federal regulations regarding the environment, workplace safety, consumer protections and labor relations, including maintaining neutrality in employee organizing drives.

Mr. Speaker, the Patriot Corporations for America Act would be revenue neutral. It would be paid for by closing corporate offshoring loopholes that have been exploited and, if necessary, reining in some of the new tax breaks for millionaires.

Patriot Corporations would create a new class of companies committed to uphold the dignity and prosperity of American workers as well as to selling their goods on the American market and around the world.

Patriot Corporations are an expression of the American spirit of our fore fathers and mothers when they took that brave step of declaring our independence and creating the United States of America.

I'm confident that between the Recovery Act and legislation like the Patriots Corporation Act—America will emerge stronger from this recession.

I am honored to be introducing this bill today and I encourage my colleagues to join me in saluting American businesses and workers.

TRIBUTE TO GARDNER MAYOR CAROL LEHMAN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. MOORE of Kansas. Madam Speaker, it is my honor to rise today to honor Gardner, Kansas, Mayor Carol Lehman who is stepping down this year after serving for 20 years as mayor. Before being elected mayor, Carol served two years on the City Council. During her time as mayor, Gardner has grown and prospered, no doubt in part because of the wise and stable leadership that Carol provided. Through it all, Gardner retains all the charm of a Midwestern small town, with the advantages of being a short drive from Kansas City.

I would like to read into the record Mayor Lehman's recent farewell message to her community. In this message, I know you will see the affection and devotion she feels to Gardner, and will understand how much all of us will miss her common sense, humor, and leadership.

It doesn't seem possible I'm writing my last Mayor's message—20 years have gone by in a flash. The advancements we've made in the last 20 years are too numerous to mention, but some do stand out as milestones in our story of growth and change.

When metro dialing became available in Gardner, we weren't "out of town" anymore and homebuilders started making their way down 1–35. When McDonald's came, we surely thought we had arrived when every child in town could have a happy meal—in their own backyard! New subdivisions began popping up and both the City and the School District realized they had many challenges facing them. The excitement of Country Mart locating in Moonlight Plaza, as our first "big" grocery store was only surpassed by Price Chopper becoming a Gardner presence. The construction of TradeNet in Gardner was the first new industry we had seen in years. And finally the arrival of Wal-Mart assured more sales tax dollars would be staying in our community!

By adding the departments of Community Development, Public Safety, Finance, and Parks & Recreation to our City Administration team, a new era of professionalism was established. Some noteworthy accomplishments include: designating Hillsdale Lake as the City's water supply, building the new water treatment plant and the new wastewater treatment plant, the expansion of City Hall, donating land to Johnson County for our new library, partnering with our veterans to build Veteran's Park, forming the Economic Development Corporation with the help of local businesses, enhancing the Gardner Greenway Corridor and walking paths, creating the Downtown Enhancement District, Christmas in the Park, widening Center Street, working on future plans of the BNSF Intermodal Logistics Park and anticipating in the future revenue it will generate in our city, county and state, Gardner's fabulous Sesquicentennial Celebration, building Plum Creek Public Safety Station #2, annexing nearly 5,600 acres and experiencing the population explosion—from 4,380 in 1989 to ap-

proximately 18,000 today! Most recently, the announcement of a 1.1 million square foot warehouse building in Gardner with the promise of 200 jobs is great news for the City and its residents.

I can vividly remember an event that occurred on my birthday in June, 2005. The results of our park sales tax question came in with a resounding Yes, passing by 72%! That was a birthday present to remember! Citizens are now enjoying our fabulous Gardner Aquatics Center and beautiful Celebration Park. The passage of that ballot question emphasized to City leaders how important quality of life is to our families and it also told us that Gardner wants to enjoy leisure time closer to home.

The influx of new citizens and young families has been exhilarating—they have continued to bring, to their new "home town", high expectations, and an enthusiasm and brightness which will light Gardner for years to come. It has been heartwarming to see the blend of new and long time citizens in our churches, neighborhoods and civic organizations—working together to make Gardner a quality community.

In the last 20 years, there have been bumps in the road, but with each challenge we have been fortunate to have the right people in the right places to guide and advise us. With each disappointment we have learned much, pledged to do better the next time and approached the new day with optimism.

Gardner has been blessed with a succession of forward thinking City Council Members and Planning Commissioners. For many years now, the City Council has planned for the future, embraced growth and change and kept the mill levy steady, while at the same time earning the city an A2 bond rating. Together, with a visionary staff whose expertise, professionalism and creativity rates among the best, Gardner has handled our explosive growth well and we will be ready for whatever the future brings.

I cannot adequately express to you what an honor and a privilege it has been to be your Mayor, and I humbly thank you. Gardner has always been a town of wonderful people; if I am certain of one thing as the torch is passed, I know the future shines brightly for this town and its residents.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009. These earmarks are all multi-member requests and national projects/programs.

COMMERCE, JUSTICE AND SCIENCE

Delaware River Basin Commission, P.O. Box 7360, West Trenton, NJ—\$235,000—Funding for the Delaware River Enhanced

Flood Warning System. The funding will be used to assist the Delaware River Basin Commission, in conjunction with NOAA/NWS, USGS and the U.S. Army Corps of Engineers, with the enhancement of the basin's flood warning system. This enhancement will include the evaluation and improvement of existing precipitation and stream gage networks, development of additional NOAA flood forecast points in both non-tidal and tidal stream reaches, and merger of GIS and Doppler radar technology to improve flash flood warning capabilities for smaller watersheds.

ENERGY AND WATER

Mid-Atlantic River Commissions, Delaware River Basin Commission, P.O. Box 7360, West Trenton, NJ—\$2,365,000—This funding is necessary to fulfill the federal government's obligation to provide an equitable share of funding for the commissions, as required under their compacts. This funding will enable the commissions to implement critically important water resources management projects and activities in the national interest.

LABOR HEALTH AND HUMAN SERVICES AND EDUCATION

National Writing Project Corporation, University of California, 2105 Bancroft Way, Berkeley, CA—\$24,291,000—It is my understanding that the funding would be used to fund programs in teacher development, quality writing, and research to help improve student performance in writing.

Reach Out and Read National Center, 56 Roland Street, Boston, MA—\$4,965,000—It is my understanding that the funding would be used for the purposes authorized in Section 5411–5414 of the Elementary and Secondary Education Act.

Center for Civic Education, 5145 Douglas Fir Road, Calabasas, CA—\$25,095,000—It is my understanding that the funding would be used to support the We the People program and the Cooperative Education Exchange, the purposes of which are authorized by the Education for Democracy Act (Elementary and Secondary Education Act, Sections 2341–2346).

National Council on Economic Education, 1140 Avenue of the Americas, Suite 202, New York, NY—\$5,019,000—It is my understanding that the funding would be used to support the Cooperative Education Exchange, the purposes of which are authorized by the Education for Democracy Act (Elementary and Secondary Education Act, Sections 2341–2346).

National History Day, 0119 Cecil Hall, University of Maryland, College Park, MD—\$500,000—It is my understanding that the funding would be used to expand and improve National History Day, a year-long non-profit education program, focused on grades 6–12, that works with both students and teachers to improve the teaching and learning of history in schools.

Reading is Fundamental, Inc., 1825 Connecticut Avenue, N.W., Suite 400, Washington, DC—\$24,803,000—It is my understanding that the funding would be used for the purposes authorized in Section 5451 of the Elementary and Secondary Education Act to support and promote programs, which include the distribution of inexpensive books to young and school-age children, that motivate children to read.

RECOGNIZING MANITOWOC MAYOR KEVIN CRAWFORD ON THE OCCASION OF HIS RETIREMENT FROM PUBLIC SERVICE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PETRI. Madam Speaker, I am pleased to offer my congratulations to the Honorable Kevin Crawford, the longest continually-serving mayor in the history of Manitowoc, Wisconsin. First elected in 1989, Mayor Crawford is stepping down this month to pursue another career path.

Mayor Crawford's energetic and creative leadership over twenty years has helped provide the spark fueling a business and manufacturing revival in Manitowoc that has made the city one of Wisconsin's biggest economic success stories of recent years. His focus on job creation, pursuit of public-private partnerships and instinct for opportunity helped the city capitalize on its already diverse manufacturing base, skilled labor force and unique attributes as a Lake Michigan port city with a proud history as a World War II maritime industry leader.

Over the years, I have worked with Kevin Crawford on many issues of importance to Manitowoc and have come to know him as a tireless and passionate advocate for the city. It's clear to me that his optimism and hard work have not only offered an impetus for progress and growth in the city, but have contributed to the momentum to sustain it.

Last year The Wall Street Journal ran a feature story highlighting the manufacturing and exporting successes of the city and its rebound after the closing of its second-largest employer in 2003. Mayor Crawford has called manufacturing a "core pillar of our economy," and has seen to it that local government takes an active role in developing what he terms "new economy manufacturing," including new technology and jobs.

Indeed, in the current global recession, hits to the Manitowoc economy have been buffered by the presence of promising new energy-related companies that have taken root there in recent years.

During his tenure, Mayor Crawford negotiated the revival of car ferry passenger service between Manitowoc and Ludington, Michigan, and has worked to ensure its continued success. He was instrumental in bringing new owners and leadership to the ailing Burger Boat Company, now firmly positioned as a world leader in luxury yacht manufacturing.

As commissioner of the Manitowoc Public Utilities, Mayor Crawford has been the dedicated chief steward of this city-owned and managed electric and water utility which has grown considerably over the last two decades and affords local citizens some of the lowest utility rates in the country. Considered one of the most knowledgeable local elected officials in the area of electric energy, he has been recognized by the American Public Power Association, the Municipal Electric Utilities of Wisconsin and the Wisconsin Water Association.

Other achievements of the Crawford era in Manitowoc include the construction of a new

city hall, library and public safety building, the development of a new Visitor Information Center, and major retail expansion and infrastructure improvements.

In addition, Mayor Crawford created and has fostered an active sixteen-year sister-city relationship between Manitowoc and Kamagowa, Japan. The partnership has resulted in numerous citizen exchange visits over the years and is acknowledged to be one of the most vibrant sister-city associations in the country.

His colleagues across Wisconsin have also recognized Mayor Crawford's outstanding leadership skills. He is a member of the Board of Directors of the Wisconsin Alliance of Cities and a Past President of the League of Wisconsin Municipalities as well as a member of its legislative committee.

In light of his many years of commitment to the people of Manitowoc, Wisconsin, and his impressive record of accomplishment, I am proud to recognize Mayor Kevin Crawford and extend my congratulations and appreciation to him on his retirement from public service.

INTRODUCTION OF THE LIFE SUSTAINING TREATMENT PREFERENCES ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Life Sustaining Treatment Preferences Act of 2009. As we approach health care reform, there is no other area more vital for honest discussion and careful analysis than what happens at a patient's end of life.

For most of us, the majority of our lifetime health care will be administered in that last year of life. Indeed for many, it is just the last few months where we will use the most doctor care, the most medical procedures, and the most days in a hospital.

Advances in healthcare have led to an aging population facing increasingly complex end of life health care decisions. These strains make complicated, critical decision making about medical care incredibly difficult. Too often, these decisions are avoided until a crisis occurs, resulting in inadequate planning, unknown patient preferences, and families left struggling with the burden of determining their loved ones' wishes. For both families and patients, this is a time of incredible stress, confusion, and pain.

In response, health organizations in Oregon came together in the early 1990s to develop the Physicians Orders for Life Sustaining Treatment program to help seriously ill patients identify their treatment preferences using a clear, standardized template. Written as actionable medical orders and signed by a physician, these forms help communicate patient preference to health care personnel regarding intensity of medical intervention, transfers to the hospital, use of antibiotics, artificially administered nutrition, and resuscitation.

National interest in Oregon's Physicians Orders for Life Sustaining Treatment program

has spread and Oregon has become the national resource for states and communities interested in developing similar programs. Last year, California and New York enacted orders for life sustaining treatment programs and over thirty other states are developing programs.

We can and should do more to support these efforts to enhance quality patient care at the end of life. The Life Sustaining Treatment Preferences Act provides coverage under Medicare for consultations regarding orders for life sustaining treatment. These discussions add quality and value to patient care, but they often require significant time, proper training, and great delicacy, which merit compensation through Medicare. Medicare currently pays for acute care services provided to beneficiaries, but it does not specifically recognize the important benefit of informed discussions between patients and their health provider about care preferences for their last months and years of life.

The Life Sustaining Treatment Preferences Act also creates a grant program to support the development and expansion of these programs, providing necessary resources to states and local communities. These programs provide valuable services to patients, their families, and health care providers through educational materials; professional training on advance care planning; coordinating and collaborating with hospitals, skilled nursing facilities, hospice programs, home health agencies, and emergency medical services to implement such orders across the continuum of care; and monitoring the success of the program.

To be effective, advance care plans must ensure that treatment preferences are elicited and presented in a way that is recognized and respected by the health care community—orders for life sustaining treatment programs do just that. These programs have a track record of promoting patient autonomy through documenting and coordinating a person's treatment preferences, enhancing the authorized transfer of patient records between facilities, clarifying treatment intentions and minimizing confusion, reducing repetitive activities in complying with the Patient Self Determination Act, and facilitating appropriate treatment by emergency personnel. Oregon is nationally recognized for our exemplary end of life care and orders for life sustaining treatment have played a critical role providing quality, patient-centered care for those in their final chapter of life.

I am proud to introduce the Life Sustaining Treatment Preferences Act of 2009, which will lay the groundwork so all seriously ill Americans have the tools to make informed medical care decisions, convey their care plans as clearly as possible, and feel confident their wishes will be known and respected by health care personnel.

INTRODUCING THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Agriculture Education Freedom Act.

This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4-H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program.

Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them. It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes. What ever happened to no taxation without representation? No wonder young people are so cynical about government.

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4-H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

INTRODUCTION OF A BILL TO BRING PARITY TO TSA EMPLOY- EES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I am pleased to join Congresswoman LOWEY and Congresswoman JACKSON-LEE in introducing today a bill that will bring parity to Transportation Security Administration (TSA) employees and ensures security. This legislation would provide the same rights to all TSA employees, including the Transportation Security Officers (TSOs) (i.e., screeners), as those already enjoyed by employees at the Department of Homeland Security (DHS) and numerous front-line security agencies throughout the country, including state law enforcement agencies.

In the 110th Congress, The Committee on Homeland Security worked to give a broad range of rights to the Transportation Security Administration workforce in H.R. 1, Implementing the Recommendations of the 9/11 Commission Act of 2007. Basic workplace protections and collective bargaining rights were a key part of this effort. While the House passed these important measures and the Senate followed suit, to avoid a veto from the Bush Administration, these protections were stripped from the conference report. This bill renews and improves upon this effort by increasing the quality of the entire TSA workforce and not just a smaller part of it. This bill

will increase security by improving workforce morale and employee retention, and will put workers in a position to expose security gaps and put TSA on par with other DHS components.

In 2001, when TSA was created, Congress provided discretionary authority allowing TSA to create different classes of employees, each with different rights and protections. Specifically, the 107th Congress and President Bush gave the TSA Administrator the discretionary authority to set up two different TSAs. One group of TSA employees would be given one set of rights and the other group, the TSOs (i.e., screeners), could be treated differently, with respect to conditions and benefits of employment, discipline, compensation, leave, and other basic employment rights.

Under then TSA Administrator, Admiral James Loy, the Bush Administration exercised discretionary authority to create two classes of TSA employees by denying the TSOs certain employment rights. While this discretionary authority helped quickly establish and stand-up TSA, as intended by the 107th Congress and the Bush Administration, it was, and continues to be the impetus for low employee morale and diminished transportation security.

From survey results to testimony over the past several years, we have seen that the TSA workforce is frustrated by the lack of recognition and rewards for performance and promotion practices, confused by different policies and procedures on leave, training, and other administrative matters.

On March 5, 2009, a House Homeland Security Subcommittee received testimony from employee representatives of the workforce. All of TSA operates under a separate personnel system than other DHS components. Further, the TSO workforce is not allowed to collectively bargain in contrast with the CBP workforce and others across the federal government, including state law enforcement. These discrepancies and differences lead to confusion, frustration and further erode morale.

The time for personnel experiments is now over. The employees of TSA deserve to be treated like their fellow employees in the DHS and across the Federal government—fairly and equitably. Providing basic employment protections and rights is critical to instill confidence in the workforce. The time for two classes of TSA employees is over—this bill eliminates this dichotomy.

This legislation brings parity to the TSA workforce. The bill affords the workforce the same rights and protections their colleagues across the federal government and the Department enjoy under Title 5 of the United States Code and other civil service laws such as provisions of the Federal Labor Standards Act, Equal Pay Act, Age Discrimination in Employment Act and the Rehabilitation Act, among others.

The legislation aims to transition the 60,000 plus TSA workforce in a responsible way from its current and varied personnel systems to that of Title 5. It provides the Secretary and Assistant Secretary the discretion on how and when to move to the new system, although not later than 60 days after the date of enactment. It also provides a window for the transition to allow for consultation with employee representatives and communication with the

workforce. Further, it ensures that no employee will lose any pay, accrued leave or health benefit that is currently afforded to them.

To truly provide comprehensive transportation security, it must start with those who provide the security—in this case all TSA employees, including the TSOs. We must set up a system where all TSA employees are protected, otherwise we will have a system that treats colleagues differently and remains inefficient to the extent of hindering transportation security. In the end, by creating one TSA as a part of one DHS the American public truly receives national security.

We look forward to working with our colleagues to put the TSA workforce in a system that has stood the test of time and shown itself to be fair and equitable.

INTRODUCING THE EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a \$5,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a \$5,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of the top priorities of the American people. After all, many members of Congress have proposed education reforms and a great deal of time is spent debating these proposals. However, most of these proposals expand federal control over education. Many proposals that claim to increase local control over education actually extend federal power by holding schools "accountable" to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other con-

cerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

INTRODUCTION OF A BILL TO BRING PARITY TO TSA EMPLOYEES

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased today to join the Honorable NITA M. LOWEY and the Honorable BENNIE G. THOMPSON, in introducing a bill that will bring parity to Transportation Security Administration (TSA) employees and ensures security. This legislation would provide the same rights to all TSA employees, including the Transportation Security Officers (TSOs) (i.e., screeners), as those already enjoyed by employees at the Department of Homeland Security (DHS) and numerous front-line security agencies throughout the country, including state law enforcement agencies.

In the 110th Congress, The Committee on Homeland Security worked to give a broad range of rights to the Transportation Security Administration workforce in H.R. 1, Implementing the Recommendations of the 9/11 Commission Act of 2007. Basic workplace protections and collective bargaining rights were a key part of this effort. While the House passed these important measures and the Senate followed suit, to avoid a veto from the Bush Administration, these protections were stripped from the conference report. This bill renews and improves upon this effort by increasing the quality of the entire TSA workforce and not just a smaller part of it. This bill will increase security by improving workforce morale and employee retention, and will put workers in a position to expose security gaps

and put TSA on par with other DHS components.

In 2001, when TSA was created, Congress provided discretionary authority allowing TSA to create different classes of employees, each with different rights and protections. Specifically, the 107th Congress and President Bush gave the TSA Administrator the discretionary authority to set up two different TSAs. One group of TSA employees would be given one set of rights and the other group, the TSOs (i.e., screeners), could be treated differently, with respect to conditions and benefits of employment, discipline, compensation, leave, and other basic employment rights.

Under then TSA Administrator, Admiral James Loy, the Bush Administration exercised discretionary authority to create two classes of TSA employees by denying the TSOs certain employment rights. While this discretionary authority helped quickly establish and stand-up TSA, as intended by the 107th Congress and the Bush Administration, it was, and continues to be the impetus for low employee morale and diminished transportation security.

From survey results to testimony over the past several years, we have seen that the TSA workforce is frustrated by the lack of recognition and rewards for performance and promotion practices, confused by different policies and procedures on leave, training, and other administrative matters.

On March 5, 2009, a House Homeland Security Subcommittee received testimony from employee representatives of the workforce. All of TSA operates under a separate personnel system than other DHS components. Further, the TSO workforce is not allowed to collectively bargain in contrast with the CBP workforce and others across the federal government, including state law enforcement. These discrepancies and differences lead to confusion, frustration and further erode morale.

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This legislation brings parity to the TSA workforce. The bill affords the workforce the same rights and protections their colleagues across the federal government and the Department enjoy under Title 5 of the United States Code and other civil service laws such as provisions of the Federal Labor Standards Act, Equal Pay Act, Age Discrimination in Employment Act and the Rehabilitation Act, among others.

The legislation aims to transition the 60,000 plus TSA workforce in a responsible way from its current and varied personnel systems to that of Title 5. It provides the Secretary and Assistant Secretary the discretion on how and when to move to the new system, although not later than 60 days after the date of enactment. It also provides a window for the transition to allow for consultation with employee representatives and communication with the workforce. Further, it ensures that no employee will lose any pay, accrued leave or health benefit that is currently afforded to them.

To truly provide comprehensive transportation security, it must start with those who provide the security—in this case all TSA employees, including the TSOs. We must set up a system where all TSA employees are protected, otherwise we will have a system that treats colleagues differently and remains inefficient to the extent of hindering transportation security. In the end, by creating one TSA as a part of a one DHS the American public truly receives national security.

We look forward to working with our colleagues to put the TSA workforce in a system that has stood the test of time and shown itself to be fair and equitable.

INTRODUCTION OF A BILL TO BRING PARITY TO TSA EMPLOYEES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mrs. LOWEY. Madam Speaker, I am pleased to join Chairman THOMPSON and Congresswoman JACKSON-LEE in introducing today a bill that will bring parity to Transportation Security Administration (TSA) employees and ensures security. This legislation would provide the same rights to all TSA employees, including the Transportation Security Officers (TSOs) (i.e., screeners), as those already enjoyed by employees at the Department of Homeland Security (DHS) and numerous front-line security agencies throughout the country, including state law enforcement agencies.

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We look forward to working with our colleagues to put the TSA workforce in a system that has stood the test of time and shown itself to be fair and equitable.

RECOGNIZING THE NORTHLAND HIGH SCHOOL BOYS BASKETBALL TEAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. TIBERI. Madam Speaker, I rise today to honor and pay tribute to Northland High School in Columbus, Ohio. Northland High School is in my congressional district, and as a Northland graduate, I am proud to recognize a school that not only excels in academics but also distinguishes itself on the basketball court. The Northland High School basketball team recently won the 2009 Ohio Division I Boys Basketball Championship. In the championship game, Northland defeated Cincinnati Princeton 60 to 58.

The basketball team is an outstanding example of hard work, determination and perseverance. They had 27 wins and only one loss in the 2008–2009 season, and have earned the first boys basketball title in school history.

They are led by their top scorer, Jared Sullinger, who was recently named the Associated Press “Mr. Basketball” for Ohio, Junior James “JD” Weatherspoon, Seniors Sam Belisle, Dimonde Hale, Ricky Bennett and Javon Cornley, along with teammates Charles Edgerton, Quentin Henderson, Trey Burke, Lavante Justice, Ke’Chaun Lewis, Jordan Potts, Devon Scott, Jakyl Cornley, and Roberto Pierre.

The team is led by Head Coach J. Satch Sullinger; Assistants Frank Smith, Michael Clouse, Leigh Horston and Jerome White.

It is an honor to represent such a fine group of young people who have a strong dedication to team work and academics. I know each one of them will treasure the memories of their championship season and I commend them, and the Northland community, for this truly great achievement.

HONORING LEON FLEISHER

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. SARBANES. Madam Speaker, I rise today to honor pianist and conductor Leon Fleisher on the occasion of his 80th birthday. His musical contributions have touched the people of Maryland for many years, and the story of Leon’s life is a testament to both the inspirational power of music and the indomitable nature of the human spirit. As a young man, Leon was acclaimed as a once-in-a-generation musical talent, and by his mid-twenties, Leon had become one of the world’s most-respected and sought-after piano soloists, creating a number of timeless interpretations of classic works that are admired to this day.

When a rare neurological condition stripped him of the use of his right hand, he refused to allow the condition to limit his work and continued to contribute to classical music. As a conductor and director, Leon inspired and energized other musicians from such distinguished

organizations as the Baltimore Symphony, the Annapolis Symphony Orchestra, the Peabody Conservatory, the Royal Conservatory of Toronto, and the Kennedy Center's Theater Chamber Players. As a teacher, Leon imparted his own knowledge, passion, and skill to many musicians who now carry the weight of his musical legacy. As a performer, Leon performed the definitive left-handed interpretations of numerous works, inspiring many composers to create new works for the previously underutilized left hand.

After years of special treatments, Leon returned to Carnegie Hall in a truly inspiring culmination of years of determined effort. The recipient of countless awards and accolades, Leon Fleisher has been a true gift to the people of the 3rd district of Maryland, and the field of classical music in general. His performances and personal story remain powerful, and on the occasion of his 80th birthday, I thank him for all he has done, and all he will continue to do, to advance both the world of music and the capacity of the human spirit.

INTRODUCTION OF THE HEALTHY WORKFORCE ACT OF 2009, WHICH WOULD AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE A TAX CREDIT TO EMPLOYERS FOR THE COSTS OF IMPLEMENTING WELLNESS PROGRAMS, AND FOR OTHER PURPOSES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Healthy Workforce Act of 2009. In order to alleviate our public health crisis, we must make it easier for Americans to make small, easy choices that improve their overall health. With many Americans spending more than half of their day at work, it makes sense to encourage our places of employment to offer the information, opportunities and support they need to make healthy choices.

The Healthy Workforce Act provides companies with an up to fifty percent tax credit for implementing employee wellness programs. These programs can include, but are not limited to, health education or health risk assessments, behavioral change programs that encourage healthy lifestyles, such as classes on nutrition or smoking cessation, and to support environment changes to encourage employee participation. Programs like this have a myriad of positive benefits for personal health, employee productivity, workplace environment and the economy.

There can be no doubt that America is facing a public health crisis: 63 percent of Americans are overweight and 31 percent are obese. Even more alarming, according to the Surgeon General, obesity is responsible for 300,000 deaths per year. This crisis not only impacts the daily lives of many Americans, but the bottom line for American companies. Average employer medical costs increased 72 percent between 2000 and 2006, with some companies spending more than fifty percent of

their profits on employee health care expenses. Employers are increasingly bearing the costs of diet-related chronic disease and obesity through employer-provided health care plans and indirectly through higher rates of absenteeism, decreased productivity and higher health care costs. Obesity related health conditions cost employers approximately \$33 billion in health care and other indirect costs.

The Healthy Workforce Act of 2009 will make it easier for companies to encourage their employees to make healthy decisions and in turn, decrease health care costs for employers, employees, and taxpayers.

BIG GOVERNMENT INTERVENTION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WILSON of South Carolina. Madam Speaker, yesterday, The Post and Courier, of Charleston, S.C., reviewed the intervention of government in the management of General Motors. I share the editorial opinion that dismissal of business executives is not a proper function of government personnel.

EDITORIAL

President Obama fired General Motors Chief Executive Officer Rick Wagoner over the weekend, ostensibly due to his failure to come up with a "plan" acceptable to the administration. If he hadn't cleaned out his desk and surrendered his key to the executive washroom, he was told there would be no more taxpayer dollars to keep GM afloat.

CEOs of other corporations taking federal bailout money surely have taken note. The stock market certainly did when the news hit.

If you are not worried by the Obama administration's audacious grab for the commanding heights of the U.S. economy—the banks, the insurance industry, the giant too-big-to-fail manufacturers—you should be. Treasury Secretary Tim Geithner even suggests that government takeover of private corporations that have not accepted federal loans would be warranted, if considered necessary to rescue the overall economy.

The question boils down to this: Would it have been better to let well-established bankruptcy law apply to GM (and other failing corporate giants) rather than suffer Washington's continued exertions on its behalf.

Or, to put it another way, would you like your next car designed in Washington rather than in Detroit?

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below (1) are not directed to an entity or program that will be named after a sitting Member of Congress; and (2) are not intended to be used by an en-

tity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and were included in H.R. 1105, The Omnibus Appropriations Act, FY 2009.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Grass Seed Cropping Systems for Sustainable Agriculture (OR, ID, WA)

Legal Name and Address of Requesting Entity:

Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Idaho, Oregon, and Washington

Description of Project: H.R. 1105 appropriates \$313,000 for the Grass Seed Cropping Systems for Sustainable Agriculture project in Oregon, Washington, and Idaho. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used cooperatively between research and extension faculty from the three states, scientists from the USDA's National Forage Seed Production Research Center, and USDA's Agriculture Research Service to maintain a sustainable grass seed cropping industry in the Pacific Northwest at a time when the grass seed industry faces some critical environmental and economic challenges including public pressure to phase out open-field burning.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Northwest Multi-commodity Marketing Special Research Grant

Legal Name and Address of Requesting Entity:

Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Oregon

Description of Project: H.R. 1105 appropriates \$244,000 for a special research grant program that enhances competitiveness and expands the economic value-added component in Oregon agricultural products through research and outreach in food processing, product development, business strategy, marketing, and consumer testing. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to conduct research to support food processing and food product development, investigate consumer perceptions of product quality and value, and evaluate marketing and food industry strategies.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Organic Cropping Research for the Northwest

Legal Name and Address of Requesting Entity:

Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Oregon and Washington

Description of Project: H.R. 1105 appropriates \$140,000 to Organic Cropping Research for the Northwest. Oregon State University has confirmed in their justification that

the appropriated funds for this project will be help expand the research, education, and extension activities at Oregon State University with a primary focus on the development and implementation of sustainable organic farming systems for higher rainfall locations in the Cascadia bioregion in the states of Oregon and Washington. Oregon's organic agriculture industry will benefit from research directed at problems facing organic commodities and, ultimately, enhance competitiveness of Oregon's organic agriculture products. In Oregon, 357 certified organic farms generate more than \$52.1 million in organic products from approximately 59,200 certified acres. Oregon's strong agricultural infrastructure and unique climate make Oregon's agriculture uniquely positioned to grow dramatically in its market share of organic dairy and meat, tree fruits, specialty seed, berry crops, and processed and fresh market vegetables.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Potato Research (OR, ID, WA, and other states)

Legal Name and Address of Requesting Entity:

Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Oregon, Idaho, Washington, and other states

Description of Project: H.R. 1105 appropriates \$1,037,000 for a research program which is operated jointly by an entity known as Tri-State, which includes: USDA-ARS, Washington State University, Oregon State University, and the University of Idaho. Oregon State University has confirmed in their justification that the appropriated funds for this project will be split equally between the four Tri-State partners and used for research and development of new potato varieties. The Tri-State program is considered to be one of the most elite variety development programs in the world.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Regional Barley Genome Mapping (many states)

Legal Name and Address of Requesting Entity:

Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Many states

Description of Project: H.R. 1105 appropriates \$471,000 to continue funding the United States Barley Genome Project (USBGP). Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to continue the project's long-term goal of enhancing the profitability and sustainability of U.S. agriculture by achieving a complete understanding of the gene networks that determine economically important traits in barley. The rationale behind understanding gene networks is that knowledge regarding the number, location, sequence, expression, regulation, and interaction of genes will allow plant breeders to more efficiently develop barley varieties.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Northwest Center for Small Fruit Research

Legal Name and Address of Requesting Entity: Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Idaho, Oregon, and Washington

Description of Project: H.R. 1105 appropriates \$307,000 for the Northwest Center for Small Fruit Research. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to fund extension, education, and cooperative research activities on peer reviewed small fruits research project proposals that will enhance profitability and sustainability of the small fruits industry in the Pacific Northwest. This funding supports critical aspects of the center not supported by USDAARS funds.

Account: USDA—Cooperative State Research Education and Extension Service

Project Title: Solutions to Environmental and Economic Problems (STEEP) (OR, ID, WA)

Legal Name and Address of Requesting Entity: Oregon State University, College of Agricultural Sciences, 138 Strand Hall, Corvallis, OR 97731

Project Location: Oregon, Idaho, and Washington

Description of Project: H.R. 1105 appropriates \$444,000 for Solutions to Environmental and Economic Problems (STEEP). Oregon State University has confirmed in their justification that the appropriated funds for this project will be used for this program which provides a base for an agricultural research and extension education partnership to address production and environmental issues in cereal cropping systems throughout the Pacific Northwest. The partnership with producers, industry, USDA-ARS, NRCS, conservation districts, and university research and extension personnel enhances programs on: conservation of soil quality; evaluation of reduced pesticide use and other alternatives for crop protection; management options that substitute for residue requirements in farm plans; and on-farm testing. General program objectives are: determining impact of farming practices on soil, water, and air quality; improving profitability of conservation farming systems; facilitating production of biofuels, increasing carbon sequestration and reducing greenhouse gases; developing crop varieties better suited to planting in conservation farming systems; identifying alternative crops for conservation farming systems in the PNW; increasing the no-till acreage in the PNW; and accelerating adoption of profitable conservation farming systems.

Account: Department of Commerce; National Oceanic and Atmospheric Administration; Operations, Research and Facilities

Legal Name and Address of Requesting Entity: Oregon State University

Address of Requesting Entity: Oregon State University, Attn: Larry Curtis, Associate Dean, 138 Strand Hall, Corvallis, OR 97731,

Project Location: Corvallis, Oregon

Rep. Walden Statement for the Congressional Record H.R. 1105, April 2, 2009—Description of Project: H.R. 1105 appropriates \$640,000 to research management actions to reduce disease (ceratomyxosis) in juvenile

salmon in the Klamath River. Research will be conducted through controlled laboratory and field experiments. OSU has stated that all of the appropriated funds will go toward project coordination, laboratory and field studies, field assistance, and website development for information dissemination.

Account: Department of Justice; COPS; Law Enforcement Technology

Legal Name of Requesting Entity: City of Medford, Oregon

Address of Requesting Entity: City of Medford, Attn: Bill Hoke, Dpty. City Manager 411 West 8th Street, Medford, Oregon

Project Location: Medford, Oregon

Description of Project: H.R. 1105 appropriates \$700,000 for the Jackson County, Oregon Consolidated 911 Dispatch Center. The project will consolidated Jackson County, Oregon's two existing 911/emergency dispatch centers into one facility which will improve coordination and interoperability among emergency response agencies, improve call processing times and decrease response times. The City of Medford has stated that the appropriated funds will go toward the purchase of dispatch consoles, computer equipment and software, costs associated with connectivity of current communications tower and new facility.

Account: Department of Justice; Office of Justice Programs; Byrne Discretionary Grants. Legal Name of Requesting Entity: Oregon Health and Science University Address of Requesting Entity: Oregon Health and Science University, 3181 Sam Jackson Park Rd, Portland, OR 97239

Project Location: Portland, Oregon

Description of Project: H.R. 1105 appropriates \$200,000 to the Multidisciplinary Institute for Neuropsychiatric Diagnosis to develop evidence-based medical diagnosis and treatment for psychiatric disorders that may be triggered by use of methamphetamine. OHSU has stated that all of the appropriated funds will go toward salary for MD and PhD scientists, research equipment and the salary for a clinical coordinator.

Account: Department of Justice; OJP; Byrne Discretionary Grants

Legal Name of Requesting Entity: Oregon Health and Sciences University

Address of Requesting Entity: Wasco County, Oregon, Attn: Steve Conover, Wasco Co Sheriffs Dpt. 511 Washington, Ste 102, The Dalles, Oregon

Project Location: Portland, Oregon

Description of Project: H.R. 1105 appropriates \$300,000 for the Wasco County, Oregon Interoperability 911 Center. The project will relocate the County's Emergency Operations Center and equip it with hardware that will provide additional data capacity and communications equipment that meets interoperability requirements of local, state and federal agencies. Wasco County, Oregon has stated that the appropriated funds will go toward relocation costs and the purchase of emergency communications equipment.

Account: EPA—STAG Water and Wastewater Infrastructure Project

Project Name: Milton-Freewater Stormwater Treatment Plant Construction Project

Legal Name and Address of Requesting Entity:

Umatilla County, Oregon Attn: Hulette M. Johnson, 216 SE 4th Street, Pendleton, OR 97801

Project Location: The City of Milton-Freewater, Oregon

Description of Project: H.R. 1105 appropriates \$300,000 for the Milton-Freewater for Stormwater Treatment Plant Construction Project to be located in Milton-Freewater, Oregon. Umatilla County has confirmed in their justification that the appropriated funds for this project will be used by the City of Milton-Freewater to assist in development of storm water treatment system which will result in increased clean drinking water for the local community. Funds provided will enable the community to construct a holding pond to catch silt-laden storm and winter water run off which currently clogs the drainage system and deposits silt into drinking water wells.

Account: US Forest Service—Land Acquisition

Project Name: Columbia River Gorge Land Acquisition

Legal Name and Address of Requesting Entity: Columbia River Gorge Commission, Attn: Jill Arens, Executive Director, 1 Town & Country Square, 57 NE Wauna Avenue, White Salmon, WA 98672

Project Location: Columbia River Gorge, Oregon and Washington

Description of Project: H.R. 1105 appropriates \$2 million for Columbia River Gorge Land Acquisitions in Oregon and Washington. The Columbia River Gorge Commission has confirmed in their justification that the appropriated funds for this project will be used by the U.S. Forest Service (USFS) to purchase those remaining parcels of land with signed options that were offered by landowners by March of 2004 under Section 8(o) of the National Scenic Area Act but never acquired by the USFS. The purchase of these remaining properties would finally fulfill the federal government's commitment to these individuals.

Account: Corps of Engineers Construction

Project Name: Columbia River Channel Improvements, OR and WA

Legal Name and Address of Requesting Entity: Columbia River Channel Coalition, Attn: Dave Hunt, Executive Director, PO Box 903, Clackamas, OR 97015

Project Location: Columbia River in Oregon and Washington

Description of Project: H.R. 1105 appropriates \$34.451 million for the Columbia River Channel Improvements, OR and WA. The Columbia River Channel Coalition has confirmed in their justification that the appropriated funds for this project, which were also included in the President's FY 2009 budget, will be used by the Corps to complete all of the dredging and environmental features of the Columbia River deep-draft navigation channel to a new depth of 43-feet. The channel deepening is economically vital to the Nation and to the Pacific Northwest because each year, \$16 billion in exports and imports are transported via the Columbia River.

Account: Corps of Engineers—Construction

Project Name: Columbia River Treaty Fishing Access Sites, OR and WA

Legal Name and Address of Requesting Entity: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, OR 97801

Project Location: Celilo Village in Oregon and other sites along the Columbia River, OR and WA

Description of Project: H.R. 1105 appropriates \$5.125 million for the Columbia River Treaty Fishing Access Sites, OR and WA. Confederated Tribes of the Umatilla Indian Reservation has confirmed in their justification that the appropriated funds for this project will be used to complete the Celilo Village Redevelopment Columbia River Treaty Fishing Access Site construction by the U.S. Army Corps of Engineers. The President's FY 2009 budget also included funds to complete this project. This site is likely the single most prominent Native American site along the Lewis and Clark Trail, and the present day Village denotes an important and significant way-point for Lewis and Clark among the large Native American fishing and trading community at Celilo on the banks of the Columbia River.

Account: Department of Energy—EERE

Project Name: Columbia Gorge Community College Wind Energy Workforce Training Nacelle

Legal Name and Address of Requesting Entity: Columbia Gorge Community College Attn: Dan Spatz, Chief of Institutional Advancement, 400 East Scenic Drive, The Dalles, OR 97058

Project Location: The City of The Dalles, Oregon

Description of Project: H.R. 1105 appropriates \$237,875 for the Columbia Gorge Community College Wind Energy Workforce Training Nacelle. Columbia Gorge Community College has confirmed in their justification that the appropriated funds for this project will be used to acquire and place a wind turbine nacelle on its campus to provide hands-on, real-world training to complement the classroom and shop training currently offered by the community college. In 2007, Columbia Gorge Community College established the first program of its kind on the West Coast for wind turbine technician training.

Account: Department of Energy—EERE

Project Name: Geothermal Power Generation Plant (OR)

Legal Name and Address of Requesting Entity: Oregon Institute of Technology, Attn: John Lund, Director of the Geo-Heat Center 3201 Campus Drive, Klamath Falls, OR 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 1105 appropriates \$1,522,400 for the Geothermal Power Generation Plant at Oregon Institute of Technology. Oregon Institute of Technology has confirmed in their justification that the appropriated funds for this project will be used to help construct a high-temperature geothermal power plant on the Oregon Institute of Technology campus. The plant would provide 100% of the electricity demand on campus and would be the first geothermal power plant in Oregon.

Account: Department of Energy—EERE

Project Name: Wave Energy Research and Demonstration Center (OR)

Legal Name and Address of Requesting Entity: Oregon State University, Attn: Annette von Jouanne, Electrical Engineering and Computer Science, 3027 Kelley Engineering Center, Corvallis, OR 97331

Project Location: Corvallis, Oregon and near the City of Newport, Oregon

Description of Project: H.R. 1105 appropriates \$2,331,180 for the Wave Energy Research and Demonstration Center to be co-lo-

cated in Corvallis, Oregon at Oregon State University and near the City of Newport, Oregon. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to establish the National Wave Energy Center, which will provide an in-water infrastructure of up to five test berths approximately two miles offshore that will be available to industry and public entities to test wave energy generation devices. Research will emphasize developing high quality wave energy generation systems that are efficient, durable in hazardous ocean conditions, reliable and easily maintained.

Account: Corps of Engineers—Investigations
Project Name: Walla Walla River Watershed OR and WA

Legal Name and Address of Requesting Entity: Confederated Tribes of the Umatilla Indian Reservation, Attn: Rick George, Manager, PO Box 638, Pendleton, OR 97801

Project Location: Walla Walla River Watershed located in Oregon and Washington

Description of Project: H.R. 1105 appropriates \$295,000 for the Walla Walla River Watershed Investigations in Oregon and Washington. The Confederated Tribes of the Umatilla Indian Reservation has confirmed in their justification that the appropriated funds for this project will be used by the U.S. Army Corps of Engineers to initiate the Preconstruction Engineering and Design phase of the Walla Walla River Basin project based on the findings and recommendations of a Feasibility Report and Environmental Impact Statement.

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Burnt, Malheur, Owyhee, and Powder River Basin Water Opt. Feas. Study

Legal Name and Address of Requesting Entity: Powder Basin Water and Stream Health Committee, Attn: Peggy S. Browne—Coordinator, 1995 3rd Street, Baker City, OR 97814

Project Location: Baker and Union Counties, Oregon

Description of Project: H.R. 1105 appropriates \$145,000 for the Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization and Feasibility Study. Powder Basin Water and Stream Health Committee has confirmed in their justification that the appropriated funds for this project will be spent on a feasibility study for the project to address the socio-economic, cultural, and environmental criteria of specific water storage sites in the Powder Basin. Funding authorization for this project "appropriated such sums as are necessary" in the Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001 (P.L. 107-237). The project will ultimately benefit fish and aquatic ecosystems, wildlife and terrestrial ecosystems, agriculture, energy and municipalities in the Powder River Basin.

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Deschutes Project (Water conservation)

Legal Name and Address of Requesting Entity: Deschutes Basin Board of Control, Attn: Steve Johnson, Chairman, 1055 SW Lake Court, Redmond, OR 97756

Project Location: Deschutes Basin, Oregon
Description of Project: H.R. 1105 appropriates \$350,000 for Water Conservation in

the Deschutes Project. Deschutes Basin Board of Control has confirmed in their justification that the appropriated funds for this project will be used by the Deschutes Basin Board of Control, which consists of the seven primary irrigation districts in Central Oregon, to pursue water conservation, piping, lining and efficiency projects that will improve irrigation efficiencies, and result in increased in-stream flows benefiting federally listed steelhead and bull trout in the Deschutes and Crooked Rivers and their tributaries.

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Savage Rapids Dam Removal

Legal Name and Address of Requesting Entity: Grants Pass Irrigation District, Attn: Dan Shepard, Manager, 200 Fruitdale Drive, Grants Pass, OR 97527

Project Location: Savage Rapids Dam on the Rogue River in Oregon.

Description of Project: H.R. 1105 appropriates \$3 million to the Bureau of Reclamation for the Savage Rapids Dam Removal project. Grants Pass Irrigation District has confirmed in their justification that the appropriated funds for this project will be used to finalize construction of the Savage Rapids Pumping Plant located in the Rogue River Basin in Oregon, authorized by P.L. 108–137.

Account: Small Business Administration

Legal Name of Requesting Entity: University of Oregon

Address of Requesting Entity: University of Oregon, 203 Johnson Hall, Eugene, OR 97403

Description of Project: The University of Oregon confirms that this funding will be used for the University of Oregon Integrative Science Complex Phase II. This funding will be used for systems (e.g. oversize freight elevator, crane system, and/or connections to adjacent buildings) to ensure delivery of major scientific equipment to all levels of the building. In order to carry out the previously stated objectives, the University of Oregon has provided the following budget and funding breakdown for the \$100,000 provided for the project in H.R. 1105: to build a permanent crane system to move high tech instrumentation between laboratories (budget is based on a crane system serving five levels)—\$45,000 for a crane and hoist, \$40,000 for gates/landings on 4 levels, and \$15,000 for design, permits, etc.

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Oregon Department of Transportation

Address of Requesting Entity: Oregon Department of Transportation, 355 Capitol Street NE, Room 135, Salem, OR 97301

Description of Project: The Oregon Department of Transportation confirms that it will use this funding to provide a separate lane for trucks to climb the Three Mile Hill section of I–84 near the City of Ontario in Malheur County, Oregon. In order to carry out the previously stated objective, the Oregon Department of Transportation has provided the following budget and funding breakdown for the \$475,000 provided for the project in H.R. 1105: the \$475,000 will supplement the funding currently dedicated to the project and complete the funding necessary to build the truck lane.

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Deschutes County, Oregon

Address of Requesting Entity: Deschutes County, Oregon, 61150 SE 27th Street, Bend, Oregon 97702

Description of Project: Deschutes County, Oregon confirms that it will use this funding for the 19th Street Extension from Redmond to Deschutes Junction. This funding will be used to construct six miles of new road to provide improved access to the Redmond Airport, Deschutes County Fair and Expo Center, and the rapidly growing southeast side of Redmond. In order to carry out the previously stated objectives, Deschutes County has provided the following budget and funding breakdown for the \$570,000 provided for the project in H.R. 1105: \$570,000 for preliminary engineering and possibly right of way acquisition.

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Oregon Department of Transportation

Address of Requesting Entity: Oregon Department of Transportation, 355 Capitol Street NE, Room 135, Salem, OR 97301

Description of Project: The Oregon Department of Transportation confirms that it will use this funding for Highway 140 Freight Improvements. This will realign the intersection of Kirtland and Blackwell roads in Jackson County, Oregon so through traffic does not have to stop. In order to carry out the previously stated objectives, the Oregon Department of Transportation has provided the following budget and funding breakdown for the \$95,000 provided for the project in H.R. 1105: \$95,000 to complete the funding necessary to build the realignment.

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Hermiston, Oregon

Address of Requesting Entity: Attn: Mayor Robert E. Severson, City of Hermiston 180 NE 2nd Street, Hermiston, Oregon 97838

Description of Project: The City of Hermiston confirms that it will use this funding for the Northeastern Oregon Business and Economic Growth Project's Eastern Oregon Regional University Center in Hermiston, Oregon, to construct a learning center to accommodate 500 students and provide them courses in business, technology, science, nursing, and other allied health professions, education, and the liberal arts taught by faculty from Eastern Oregon University and Blue Mountain Community College. In order to carry out the previously stated objectives, the City of Hermiston has provided the following budget and funding breakdown for the \$142,500 provided for the project in H.R. 1105: \$142,500 will go towards construction of the learning center.

Account: Department of Education; Higher Education

Legal Name of Requesting Entity: Oregon Institute of Technology

Address of Requesting Entity: Oregon Institute of Technology, Attn: Michael Kirshner, Center for Health Professions, 3201 Campus Drive, Klamath Falls, OR 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 1105 appropriates \$285,000 for the OIT Center for Health

Professions Health Informatics Simulation Lab to purchase software and equipment to administer real-life training for clinical information management, electronic medical records storage/maintenance/use, picture archiving communication systems and laboratory information systems. Students will receive hands-on experience with sophisticated technology for careers in health professions. OIT has stated that all of the appropriated funds will go toward equipment purchase.

Account: Department of Education; Higher Education

Legal Name of Requesting Entity: Portland State University

Address of Requesting Entity: Portland State University, Attn: Dr. Lindsay Desrochers, VP of Finance and Administration, PO Box 751, Portland, OR 97201

Project Location: Portland, Oregon

Description of Project: H.R. 1105 appropriates \$333,000 for the establishment of the PSU Science Research and Teaching Center that will focus on ways to improve science education at the university and K–12 level and will be a site for continuing education programs for K–12 science teachers. PSU has stated that all of the appropriated funds will go toward lab and research equipment purchase.

Account: Department of Health and Human Services; Administration on Children and Families; Social Services

Legal Name of Requesting Entity: Deschutes County, Oregon

Address of Requesting Entity: Deschutes County, Oregon, Attn: Hilary Saraceno, Director, Commission on Children and Families 1300 NW Wall St, Suite, 200, Bend, OR 97701

Project Location: Bend, Oregon

Description of Project: H.R. 1105 appropriates \$238,000 to expand the reach of the Family Access Network to connect 4,250 additional children and their family members with support services including counseling, clothing and food assistance, medication, after-school programs and shelter. Deschutes County, Oregon has stated that the appropriated funds will go toward program administration and service coordinator salaries.

Account: Department of Health and Human Services; Health Resources and Services Administration; Health Facilities and Services

Legal Name of Requesting Entity: Hood River County, Oregon

Address of Requesting Entity: Hood River County, Oregon, Attn: David Meriwether, County Administrator, 601 State Street Hood River, OR 97031

Project Location: Cascade Locks, Oregon

Description of Project: H.R. 1105 appropriates \$143,000 for development of an integrated health care facility to provide basic medical, public health, mental health, dental and pharmaceutical services to the community of Cascade Locks, Oregon and adjacent community of Stevenson, Washington which currently have no such services. Health care services will be delivered through collaboration between Hood River County, Oregon and three non-profit health care providers. Hood River County, Oregon has stated that all of the appropriated funds will go towards making site improvements and utility upgrades to the property where the facility will be built.

THE CHILD HEALTHCARE CRISIS
RELIEF ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. KENNEDY. Madam Speaker, today I am introducing the Child Healthcare Crisis Relief Act. This legislation addresses the critical mental health needs of our children, and shortage of providers available to meet those needs.

In 1999, then Surgeon General Dr. David Satcher noted the crisis faced by our Nation's children who suffer from mental illness. According to this report, one out of every five children in America suffers from a diagnosable mental disorder, yet only one-third of them receive mental healthcare treatment. Part of the reason for this alarming statistic is that mental health services specific to children are in very short supply.

That is why today Congresswoman ILEANA ROS-LEHTINEN and I are introducing the Child Healthcare Crisis Relief Act. This is a bill designed to help alleviate the scarcity of mental health services for our Nation's youth by providing incentives for mental healthcare workers to specialize in the treatment of children and adolescents.

The Child Healthcare Crisis Relief Act creates incentives to help recruit and retain child mental health professionals providing direct clinical care, and to improve, expand, or help create programs to train child mental health professionals by establishing:

Loan repayment and scholarships for child mental health and school-based service professionals to help pay back educational loans;

Grants to graduate schools to provide for internships and field placements in child mental health services;

Grants to help with pre-service and in-service training of paraprofessionals who work in clinical mental health settings for children; and

Grants to graduate schools to help develop and expand child and adolescent mental health programs.

This bill also allows for an increase in the number of Child and Adolescent Psychiatrists under the Medicare Graduate Medical Education Program and extends the board eligibility period for residents and fellows from four years to six years.

The Child Healthcare Crisis Relief Act is not only about providing incentives for health care workers, it is also a bill about expanding treatment options for children in need. Expanding treatment options expands the opportunities for children with mental health concerns and allows them to grow and become happy and productive members of our society.

The hope and the potential for endless possibilities that we, as a people, attribute to children are diminished with each child who struggles with mental illness and who does not receive adequate treatment. I, therefore, ask my colleagues to lend their support for my Child Healthcare Crisis Relief Act.

FAMILY SMOKING PREVENTION
AND TOBACCO CONTROL ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 1256, the "Family Smoking Prevention and Tobacco Control Act."

This bill will provide the FDA with the authority to restrict the marketing and sale of tobacco products, prohibit false or misleading product claims, and establish tougher tobacco product standards to better protect the public health. It also requires premarket approval of all new tobacco products and sets forth new, stronger standards for warning labels.

Although we've known about the dangers of tobacco use for decades, smoking remains alarmingly common among our Nation's youth. Every day 1,000 youths become regular, daily smokers, and almost 80 percent of new tobacco product users were underage when they started smoking.

Smoking is the leading preventable cause of death in our country and, according to the Institute of Medicine, accounts for more deaths than AIDS, alcohol, cocaine, heroin, homicide, suicide, motor vehicle crashes, and fires combined. Furthermore, the Center for Disease Control and Prevention estimates that cigarette smoking costs over \$193 billion per year in health care costs and lost productivity.

We cannot allow tobacco companies to continue to engage in underhanded product design, marketing, and sales tactics directed toward our children. Stemming the tide of underage smoking will improve our public health, lower our Nation's health care spending, and cut down on preventable deaths. This bill is a significant step forward in the fight against underage smoking, and I urge all of my colleagues to join me in voting for the Family Smoking Prevention and Tobacco Control Act.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ROSS. Madam Speaker, on Tuesday, March 31, 2009, I was not present for rollcall vote 170.

Had I been present for rollcall 170, H.R. 577, the Vision Care for Kids Act of 2009, I would have voted "yea."

IN HONOR OF TEMPIE LYNN ARMSTRONG
PATRIOT AND VETERANS' ADVOCATE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. SESTAK. Madam Speaker, I rise today to honor an exceptional American, Ms. Tempie Lynn Armstrong, who suddenly passed from us on January 27, 2009.

Born February 22, 1967 to Paul and Sara Jane Armstrong as their youngest of 5 children, she was raised with her sisters Patricia, and Jeanie and brothers David and Paul in Wagontown, Pa. Tempie and her siblings were very close and loved each other dearly. Her relationship with Jeanie was the closest of all. There were so inseparable, they were frequently considered to be twins. Each was always there for the other through good times and bad. Their lives traveled parallel paths and their love for one another is eternal.

Tempie also had great affection for, and took enormous pride in, her nephews and nieces, Bryan, Paul Jr, Michael, Amanda and Emily. Her relationship with each was loving and unique. However, as Tempie, Jeanie, Donald and Bryan all shared the same home she had a special relationship with Bryan and was always certain that he would be grow to become a truly great man.

A 1985 graduate of Coatesville Area High School, Tempie was a very good student. While in high school, she entered into a work study program at Coatesville Veterans Administration Medical Center (VAMC). Immediately, she knew that she wanted a career in the Veterans Administration helping those extraordinary men and women in their time of need. She fulfilled that ambition and in twenty-five years of honorable service with our government, she proudly served thousands of hospitalized veterans and their families. Her colleagues would often hear Tempie cheering up Veterans by joking with them about her cats "Phil and Lil", and her dogs "Bear, Maggie, and Rupert". Her love of animals was just behind that of her family 'her Vets'.

For the past seventeen years, she served as the Administrative Support Assistant for the Coatesville VAMC Community and Congressional Affairs office. In that capacity she worked very closely with her supervisor and true friend, Andy Pahountis. The two of them fought tirelessly to meet the daily needs of our nation's Veterans. In addition to their considerable responsibilities at the medical center they also created a superior outreach program to make the public aware of the worthy mission and noble patients of Coatesville VAMC. The love and respect they had for each other was unsurpassed. Tempie was also a close friend to Andy's wife, Carole and considered part of the family by Andy's children Leah and Gregory. Together they spent countless hours at the beach along with Andy's Labrador retrievers Maddie and Lexy. Their friendship will never be forgotten and always treasured.

For the past eight years she was the hub of the Coatesville VAMC community. Her relationships with her friends and co-workers, Jack, John, Jeff, Judi, Wayne, and many others were founded on mutual respect and affection. She worked very closely with Congressional Offices in Pennsylvania, New Jersey and Delaware as well as dozens of Veteran Service Organizations. Everyone who worked with Tempie knew they could depend on her.

Madam Speaker, tragically and unexpectedly, Tempie Lynn Armstrong died recently during surgery for a cardiac condition. When she passed there was great sorrow throughout the proud Coatesville VAMC and among thousands of patients past and present. There, life

without Tempie will never be the same. I ask that this chamber pause and join Veterans and their families everywhere in acknowledging the many contributions made by Tempie Armstrong to her family and friends, our Veterans and our nation. We have lost a great American.

WILLARD V. MEYER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor Pastor Willard V. Meyer of Zion Lutheran Church in Bethalto. Pastor Meyer is retiring after 40 years of ministry. Thirty years of his ministry has been served at Zion Lutheran Church.

Pastor Meyer started his service at Zion Lutheran Church as the Youth Minister and later became the Senior Minister. Pastor Meyer, and his wife Stephanie, are well loved by their congregation and his service will be missed.

As the church is celebrating their sesquicentennial this year, Pastor Meyer was quoted in The Telegraph saying,—"Although many, significant, and profound changes have taken place at Zion over these 150 years, what has been constant and unchanging are the proclamation of the good news of salvation through faith in Jesus Christ and the ministry of sharing that love of Christ throughout the community and the world." Pastor Meyer's remarks could have well been said about his own ministry, constantly proclaiming the good news of Jesus Christ.

Pastor Meyer's words also bring to mind Colossians 3:23-24, "And whatsoever ye do, do it heartily, as to the Lord, and not unto men; Knowing that of the Lord ye shall receive the reward of the inheritance: for ye serve the Lord Christ." For the last 40 years, this could be said of Pastor Meyer's ministry as well.

I praise God for Pastor Meyers 40 years of service to Him. I extend my best wishes to Pastor Meyer for an enjoyable retirement celebration on April 19, 2009. May God richly bless him and his family in the years to come.

IN HONOR OF THE 40TH ANNIVERSARY OF THE PSI GAMMA CHAPTER OF THE OMEGA PSI PHI FRATERNITY, INC. OF KENT STATE UNIVERSITY IN KENT, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 40th Anniversary of the Psi Gamma Chapter of the Omega Psi Phi Fraternity, Incorporated, a proud heritage reflecting four decades of leadership, service, unity, academic achievement and pride.

In March of 1968, the first young men were initiated into the Omega Psi Phi Fraternity at

Kent State University. On April 1, 1969, the Psi Gamma Chapter was chartered at Kent State University. The '68 founding line, the Devine 9, built a foundation of brotherhood and social action, taking up the torch that their brothers carried before them. In 1969, the Defiant 9 were the first bloodline to form at Psi Gamma Chapter at Kent State University, living up to their name as leaders in defiance of social injustice, ignorance and racism, and champions of the Four Cardinal Principles: Manhood, Scholarship, Uplift and Perseverance.

The Omega Psi Phi Fraternity of Kent State University collectively stands on the courageous shoulders of the young men of Howard University in Washington, DC, where the first young black men united in brotherhood and in their universal goal of advancement, civil rights and opportunity for all.

Madam Speaker and Colleagues, please join me in honor and recognition of every member and leader of the Psi Gamma Chapter of the Omega Psi Phi Fraternity at Kent State University, as we join them in celebrating forty years of young black men in brotherhood, service to others and action for the cause of civil rights. The young black men of Psi Gamma Chapter, and the young black men of black fraternities across the country, were a critical influence in the changing course of race in America—and continue to serve as a force of advancement, hope and change—one young man, one chapter at a time. This brotherhood, fortified with an education and unified agenda proudly raised the torch of freedom and the hope for justice and liberty for all, paving the way for civil and human rights and changing the social landscape of our nation forever—from the Psi Gamma Chapter House of Kent State University, to the White House of Washington, DC.

HONORING MARY BARCIKOWSKI

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mrs. Mary Barcikowski, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council. Mary has been selected to receive this award because of her volunteer service at the VA, based on her outstanding dedication to serving the needs of veterans within her community.

Veterans of the United States Armed Forces have dedicated themselves to protecting the lives of every American. Their service to our Nation deserves the highest level of gratitude. It is of the utmost importance that we take the time to recognize the individuals who give of their time and talents to support veterans and ensure their comfort, care, and well-being.

Mrs. Barcikowski is the Business Manager of Public and Community Relations at the Baltimore VA Rehabilitation and Extended Care Center (BRECC). Throughout her years of service as an employee of the VA, she has served as the Coordinator of Voluntary Serv-

ices at the BRECC, and has been employed at Perry Point VA Medical Center. Despite obligations to her family and her ailing father, Mary has given time and money to support veterans on several occasions.

Madam Speaker, I ask that you join with me today to honor Mrs. Mary Barcikowski. Her compassion and dedication to veterans of the U.S. Armed Forces has become an inspiration to us all, and is deserving of the utmost gratitude. It is with great pride that I congratulate Mary on her exemplary service as an advocate and a volunteer.

CONGRATULATING BOONE COUNTY ON THE OPENING OF A NEW JAIL AND LAW ENFORCEMENT FACILITY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BOOZMAN. Madam Speaker, I rise to congratulate the citizens of Boone County, Arkansas on the opening of a new Jail and Law Enforcement Facility.

As Boone County has grown over the decades, the need for a modern jail and law enforcement facility became apparent. Ground was broken for this 27,000 square-foot building in August 2007, and less than 2 years later we have an excellent facility that will help us in the fight to keep the county safe. The people of Boone County should be proud of their new facility.

Thanks is due to my friends Sheriff Danny Hickman and Judge Mike Moore for their leadership, and to the Quorum Court and other elected officials for their hard work. Also, a local ¼ cent sales tax increase was passed to fund construction of this facility, so it is proper to acknowledge that the taxpayers are truly the ones who have enabled the construction of this facility.

We all know and understand that law enforcement is vital to keeping our homes secure, our streets safe, and communities prosperous. This new facility would not have been built without the efforts of everyone working together, and they have my congratulations.

HONORING SUSAN KERN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mrs. Susan Kern, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council. Susan has been selected to receive this award because of her volunteer service at the VA, based on her outstanding dedication to serving the needs of veterans within her community.

Veterans of the United States Armed Forces have dedicated themselves to protecting the lives of every American. Their service to our

Nation deserves the highest level of gratitude. It is of the utmost importance that we take the time to recognize the individuals who give of their time and talents to support veterans and ensure their comfort, care, and well-being.

Mrs. Kern is the Program Manager for Voluntary Services at the Baltimore VA Rehabilitation and Extended Care Center. Throughout her years of service as an employee of the VA, she has consistently gone out of her way to become an advocate for veterans. She has traveled to various events to speak on behalf of veterans, and has arranged extra times for volunteers to get identification badges. Volunteers must go through a certification process including an exam in order to give of their time. Susan has gone out of her way to make sure every volunteer has the opportunity to take the exam at a convenient time. Because of her commitment, more people are able to become volunteers at the VA.

Despite having a family and many personal obligations, Mrs. Kern does most of these activities outside of work, on her own time.

Madam Speaker, I ask that you join with me today to honor Mrs. Susan Kern. Her compassion and dedication to veterans of the U.S. Armed Forces has become an inspiration to us all, and is deserving of the utmost gratitude. It is with great pride that I congratulate Mrs. Kern on her exemplary service as an advocate and a volunteer.

IN REMEMBRANCE OF VIJAYA
EMANI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Vijaya Emani, a profoundly respected and well known leader throughout Northeast Ohio for her work promoting peace, her work with Cleveland's Asian-Indian American community and for working to bring Cleveland's many international communities together.

Vijaya was killed in a tragic accident on the Ohio Turnpike on January 15, 2009, at the age of 51. On that morning Vijaya was on her way to work at Kent State University when she stopped to help crash victims along an icy stretch of the turnpike. She is being honored by the Cleveland Cultural Gardens Federation on April 14 at its Annual Spring Dinner at Karlin Hall in Cleveland's Slavic Village.

Vijaya was an active member of the Asian-Indian community of Greater Cleveland and served at the President of the Federation of Indian Community Associations in Cleveland. Due to her leadership, India is now among the many international countries represented in the Cleveland Cultural Gardens in Rockefeller Park. The Cleveland Cultural Gardens is an internationally known site which serves to represent the numerous diverse ethnic groups which continue to make Cleveland and the United States into the diverse, egalitarian, and pluralistic society we enjoy. Prior to Vijaya's involvement, representation at the Cleveland Cultural Gardens was mainly European; however, following the dedication of the India Cul-

tural Garden, we celebrated the opening of the African-American and Azerbaijani gardens and plans are now underway for Native American, Hispanic, Syrian, Philippine, and Vietnamese gardens.

The India Cultural Garden is also significant for the giant statue of Mohandas K. Gandhi for which Vijaya worked to raise money for. She was a tireless advocate for peace, a Hindu, and a follower of the teachings of Gandhi. She was instrumental in bringing in Mahatma Gandhi's grandson Rajmohan Gandhi, to speak at One World Day at Rockefeller Park last year. Another aspect of Vijaya's quest for world peace was her participation in Toastmasters International. She appreciated Toastmasters founder Ralph Smedley's belief that if people could communicate better with one another, they could break barriers to peace. Vijaya was an active member of the Crossroads Toastmasters club in Strongsville and Toastmasters District 10 in Northern Ohio. She received the one of the highest honors last year when she received the Advanced Communicator Silver award by the Toastmasters International.

Vijaya used her communication skills to advocate peace not only among nations, but among families. She bravely broke her own silence about domestic violence, which even today is not widely discussed among immigrant families. After her own experience, she counseled other immigrant wives and girlfriends trapped in abusive relationships. She brought together fellow community activists in Cleveland's international community to form a coalition to confront domestic violence in immigrant communities.

Madam Speaker and colleagues, please join me in remembrance of one of Cleveland's great champions of peace, Vijaya Emani. She developed her skills as a communicator and community organizer to bring peace in the home and peace in the world. The Greater Cleveland community will surely miss the presence of Vijaya at community events, but the passion and commitment she brought to everything she did will never be forgotten. Our condolences go out to her daughters Sujata and Nirmala, and her extended network of family and friends around the world.

INTRODUCING THE INACTIVE AC-
COUNT CLOSURE NOTIFICATION
ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Inactive Account Closure Notification Act, which protects consumers from having their credit cards closed and their credit scores lowered against their will.

Under current law, credit card companies can close an inactive account without providing any prior notification to the customer.

Often, the customer does not know his or her credit card account is being closed until after the fact.

Because of the way credit scores are calculated, unilateral account closures can lower the credit scores of consumers.

In addition, because credit card companies are only closing inactive accounts that do not carry a balance and do not incur fees or finance charges, the consumers that are seeing their credit scores penalized are likely to be the most responsible borrowers.

Just the other day, I heard from a woman in my district who recently had her credit card terminated for inactivity.

She had never missed a payment on her card and had excellent credit prior to her account being closed.

Her credit card company gave her no early warning that it was planning to terminate her account.

Had she received notification that the company was planning to close her account due to inactivity, she would have been more than happy to use the card again.

She even called the company to see if it would be willing to reopen her account if she used her card, but was told no.

These stories are not unique to my home district of San Diego. Consumers all over the country are going through the same exact experience.

I request permission to enter into the RECORD an article from the Wall Street Journal from March 11 of this year detailing the havoc these account closures are wreaking on the credit scores of consumers across our nation.

The bill I am introducing today—the Inactive Account Closure Notification Act—will protect consumers by requiring credit card companies to provide customers with a 60-day notification before they can close their accounts for inactivity.

During this 60-day period, customers can use their credit cards to prevent their accounts from being closed.

If an account has been closed for inactivity, a customer will still have 30 days to contact the credit card company requesting that his or her account be reopened.

With lenders dramatically tightening their standards in the current economic climate, even a small dent in a consumer's credit score can severely impact his or her ability to take out a mortgage, start a small business, buy a car, or pay for college.

Responsible consumers deserve to have advance warning that their credit cards will be closed and their credit scores will be lowered.

Help me protect our consumers.

I urge the adoption of the Inactive Account Closure Notification Act and yield back my time.

[From the Wall Street Journal, Mar. 11, 2009]

CREDIT CARD ISSUERS: BUY SOMETHING OR
ELSE!

(By Kelli B. Grant)

One of the biggest causes of the financial crisis was that Americans were borrowing (and spending) more money than they could afford to pay back.

So how are credit-card issuers reacting to consumers' attempts to live a more financially responsible lifestyle? They're threatening to cut their credit cards off if they don't spend enough.

Loretta Maxwell of Troy, Mich., thought her credit score of 790 buffered her against most of the fallout of the credit crunch. When Chase closed her \$6,000-limit card in December without warning after two years of inactivity, she called to fight it. She was

unsuccessful. "If you're not using it, they entice you to do so, and then the moment you don't spend enough, they cut your limit," she says. (Chase says it is standard practice is to review inactive accounts. "Inactive cards with large open credit lines present a real risk of fraudulent use and large potential liabilities for Chase," says spokeswoman Stephanie Jacobson.)

Maxwell's experience is far from an isolated incident. Most major issuers, including Chase, Bank of America, American Express and Citibank have been slashing credit lines and closing the accounts of those who don't spend on their card regularly. While these issuers are required to notify you in writing of an account closing, there's no requirement that they do so in advance. Even when they do give early notice, the only way a cardholder can stop their account from getting shut down is to start spending again.

In December, Discover reported that it closed three million accounts during 2008 due to inactivity, and plans to cull up to two million more. A Discover spokeswoman says the issuer is constantly reevaluating cardholder's credit and assessing whether they have the most appropriate credit line and product. Capital One is suspending accounts that have been inactive for at least a year, warning account holders they only have 60 days to redeem their rewards. "Some of these accounts had literally never been used," says spokeswoman Pamela Girardo. A spokeswoman for Bank of America, meanwhile, says the bad economy prompted it to close accounts with zero balances that have been inactive for more than a year. American Express spokeswoman Lisa Gonzalez says it periodically reviews inactive accounts for cancellation. Citibank did not respond to requests for comment.

From a business perspective, cutting off certain customers is a smart financial move, says Sanjay Sakhrani, an analyst with investment bank Keefe, Bruyette & Woods. Closing rarely-used accounts lowers a card issuer's risk profile by keeping their potential liabilities (i.e., the amount of credit available they extend to cardholders) from outweighing their assets. Inactive accounts also cost the issuer money to maintain, without providing the benefit of income from interest or merchant fees, he says.

For consumers, however, closing accounts can be devastating—especially to their credit score. Your credit utilization ratio—the amount of your debt in relation to the amount of your available credit—comprises 30% of your score, says Craig Watts, a spokesman for Fair Isaac Corporation, the company that calculates and issues the FICO credit score that most lenders use. So when an account is closed, you have less credit available to you—and the ratio immediately jumps higher. A person with a solid credit score of 720 or so, whose utilization ratio jumps from 35% to 75% after one of their accounts is closed is likely to see their score drop by "several dozen points," to somewhere in the 600s, he says. That's a far cry from the 760 (or higher) consumers need to get the best rates from lenders.

One thing that somewhat softens the blow is that FICO factors in closed accounts when calculating the longevity of your credit history, which accounts for 15% of your score. While lenders may make a note on your report indicating whether the account was closed by them or you, the information isn't used in the scoring formula, says Watts.

Ironically, an excellent credit score can actually serve as more of a bulls-eye than a shield, says Dennis Moroney, a research di-

rector and senior analyst for consulting firm Tower Group. He says banks figure they can limit cardholder backlash by targeting consumers with few debts and plenty of other accounts. That way, a closed account won't have as much of a detrimental effect on their creditworthiness.

Even years of loyalty and regular spending won't spare some cardholders. David Good of Houston, used to be devoted to American Express, with which he had two credit cards: an unlimited charge account and a \$7,500 revolving account. Yet a solid credit score, eight years of on-time payments and fairly frequent purchases on the cards—including more than \$100,000 last year alone—weren't enough to save his accounts. In December, Good received a written notice that the issuer had closed both due to "low activity in the past six months." "I was shocked," he says. "They lost my trust, totally." (American Express declined to comment on Good's or any other individual's accounts.)

New Yorker Veronica Eady Famira was vacationing in Germany when she discovered that her \$1,500-limit Delta SkyMiles card from American Express had been shut down. "I must have spent \$300 in cellphone charges calling banks," she says. "I was pretty stranded." Adding insult to injury, Famira had just earned a free companion ticket on the card valued at up to \$400 for a domestic flight—now she can't redeem the ticket.

CONGRATULATING EUGENIA ARMBRECHT FOR BEING NAMED FIRST LADY OF MOBILE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mrs. Eugenia Armbricht on the occasion of her being named First Lady of Mobile. The Mobile chapters of Beta Sigma Phi, an international women's network with over 165,000 members, recently bestowed this honor on her.

Known to her many friends as "Gigi," she is a tireless volunteer and has devoted her entire life to improving the lives of countless people who call Mobile and south Alabama home.

Gigi moved to Mobile from Galveston, Texas, just in time for her senior year at Murphy High School. Following graduation, she moved to Tuscaloosa where she attended the University of Alabama and received a bachelor's degree in education. She met her future husband, Conrad Armbricht, in Tuscaloosa, and after graduation, they moved to Mobile where she began teaching first grade.

She soon developed an interest in special education and began working on her first master's degree at the University of South Alabama. Gigi also began giving much of her time as a volunteer for Mobile United, and by 1988, she was a paid employee of the organization. Ten years later, she was recruited to join AT&T, and she now serves as manager of regional and external affairs for the company.

Gigi was also honored this year as a distinguished University of South Alabama alumna and the Junior League of Mobile's Sustainer of the Year.

Madam Speaker, I would like to offer my personal congratulations to Mrs. Eugenia

"Gigi" Armbricht for being named this year's First Lady of Mobile; truly, no one is more deserving of this high honor. And in so doing, I would also like to recognize Gigi for her lifetime of outstanding professional and philanthropic accomplishments; she is truly a role model for our entire community.

Furthermore, I would ask my colleagues to join me in congratulating this respected and dedicated friend to many throughout south Alabama. I know Gigi's family; her husband, Conrad; their two wonderful children, Stewart and Amanda; her granddaughter and her many friends and other family join me in praising Gigi's accomplishments and extending thanks for her never-ending efforts to make south Alabama a better place to live and call home.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday, April 1st, I was in my district attending the funeral of my mother Roffie Pascrell, who recently passed away at the age of 95, and I therefore missed the 8 rollcall votes of the day.

Had I been present I would have voted "yea" on rollcall vote No. 175 on the Motion to Table the Resolution—H. Res. 312.

Had I been present I would have voted "yea" on rollcall vote No. 176 On Agreeing to the Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014—H. Res. 305.

Had I been present I would have voted "yea" on rollcall vote No. 177 On Agreeing to the Resolution Providing for consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards—H. Res. 306.

Had I been present I would have voted "yea" on rollcall vote No. 178 On Motion to Suspend the Rules and Pass, as Amended End Government Reimbursement of Excessive Executive Disbursements (End GREED) Act—H.R. 1575.

Had I been present I would have voted "yea" on rollcall vote No. 179 On Motion to Suspend the Rules and Agree Honoring the lives, and mourning the loss, of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland Police Department in California who were brutally slain in the line of duty—H. Res. 290.

Had I been present I would have voted "nay" on rollcall vote No. 180 On Agreeing to the Amendment—Bean of Illinois Amendment to H.R. 1664.

Had I been present I would have voted "yea" on rollcall vote No. 181 On Agreeing to

the Amendment—Dahlkemper of Pennsylvania Amendment to H.R. 1664.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 182 On Passage To amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards—H.R. 1664.

SALUTING THE SERVICE OF FRED
V. KROEGER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. SALAZAR. Madam Speaker, this evening, the Southwestern Colorado Water Conservation District will bid farewell to a most dedicated, knowledgeable and remarkable man who has served on its board for 55 years.

Fred V. Kroeger of Durango, Colorado is a devoted man—to his family, his community and water resources.

Fred was born in 1918 in Durango, Colorado and he lived there all his life. He graduated from Fort Lewis College and he made his home there with his beloved wife Eleanor. Fred and Eleanor raised their children in Durango and operated a business there—Kroeger's True Value Hardware.

But Fred's grandfather and father were tied to the rural land and the agricultural economy of the region, and Fred's commitment to the farmers and ranchers who were his neighbors continued throughout his life. That commitment was evidenced by Fred's steadfast support for the Animas-La Plata Project, which was to deliver water to the "dry side" so that those farmers and ranchers could thrive with a more reliable and generous water supply. To this day, Fred bemoans the loss of the irrigation features of the project, which is now nearly complete but is limited to municipal and industrial supplies.

Indeed, the first water meeting Fred attended was with the Southwestern District to discuss the Animas-La Plata Project in 1948. In addition to serving on that board, Fred served on the Animas-La Plata Water Conservancy District board for 24 years, the Colorado Water Conservation Board for 21 years and has been a member of the Colorado Water Congress for 51 years.

That organization bestowed upon Fred the prestigious Wayne Aspinall Water Leader of the Year Award, given in the name of one of my predecessors who chaired the then-House Interior Committee where many of the water projects Fred Kroeger fought for were developed.

Fred was active in his community and its civic and cultural organizations. He always carries a little pocket calendar with him, and it is jammed with meeting commitments to boards, business, family and friends.

At 91, Fred has decided to free up some of those days on the calendar, and so he decided to retire from the Southwestern District board. He richly deserves the recognition he

will receive tonight from his colleagues. I offer not only my congratulations to him on his retirement, by a little regret that he will be leaving and a mountain of respect for what he has given to the water resource community.

HONORING THE MEMORY OF ELIZABETH ANN PITTROFF
COPELAND

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and, indeed, the entire State of Alabama recently lost a dear friend, and I rise today to honor Elizabeth Ann Pittroff Copeland and pay tribute to her memory.

Known to her many friends as Betty, she was a lifelong resident of Mobile. She graduated from The Visitation Monastery and was a lifelong member of St. Pius X Catholic Church. She married her husband of 58 years, Reggie Copeland Sr., just three days before he was sent to Germany with the U.S. Army in 1950.

Betty's first priority was raising her children and later her grandchildren. She was known for seamstress skills and for being a prolific note-writer. Whenever she saw something in the newspaper about someone she knew, she would clip it out and send it to them with a personal note.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Elizabeth Ann Pittroff Copeland will be dearly missed by her family—her husband, Mobile City Council President Reggie Copeland Sr.; their five children, Reggie Copeland Jr., Randy Copeland and his wife Alison, Gayle Phillips and her husband Lee, Riley Copeland and his wife Penny, and Russ Copeland and his wife Leigh; their 12 grandchildren, Tre' Copeland, Ryder Copeland, Randall Copeland, Anna Copeland, Grace Copeland, Jordan Phillips, Will Phillips, Riley Phillips, Conrad Copeland, Cunningham Copeland, Madison Copeland, and Anderson Copeland; and her sister, Mary Ellen Ham and her husband Victor—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

HONORING THE SERVICE OF C.
RAY BAKER

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate the service and commitment of C. Ray Baker who has devoted his life to helping make "Life worth living in Fort Smith, Arkansas."

Ray Baker has been a lifelong champion of Fort Smith. He's shown his love for the community through serving its citizens for the past 19 years as Mayor.

He shared his enthusiasm for the community with the generations of students he taught over his 46 years as an educator. His legacy is far reaching beyond the halls of Southside High School where he taught for 44 years.

He has received numerous awards and commendations for his years in the classroom including being named Arkansas PTA Teacher of the Year, a Milken Family National Educator, Arkansas Teacher of the Year and Daughters of the American Revolution National American History Teacher of the Year.

Teaching was only one passion, he has dedicated countless hours volunteering for civic service organizations and the energy he brings to ribbon cuttings, groundbreaking and awards ceremonies and special community events is contagious. His dedication to Fort Smith has inspired an award named after him, the "Ray Baker Lifetime Achievement Award."

Ray is a true American hero. He has had a tremendous impact on me because of the way he lives his life.

His energetic spirit has given us all strength, and we are fortunate to have his leadership and dedication. Fort Smith is a better place because of Ray Baker.

CELEBRATING THE ACCOMPLISHMENTS OF STONY BROOK UNIVERSITY PRESIDENT SHIRLEY STRUM KENNY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of Stony Brook University President, Shirley Strum Kenny, on the occasion of her being recognized as a Stony Brook University "Star" at the Tenth Annual Stars of Stony Brook Gala. In her numerous roles in the field of education, President Kenny has demonstrated her commitment to the principle that education remains the key to breaking down our own economic barriers and to securing our nation's standing in the world. I commend President Kenny for her commitment to public education and dedication to the egalitarian notion that a higher education should be affordable and accessible to all. This commitment is in the finest traditions of Stony Brook University and the State University of New York system as a whole.

In 1994, President Kenny began her tenure as the first woman President of the University. Since that time, Stony Brook has experienced a renaissance with expansions in the opportunities it provides across the board: from Division I Athletics to major improvements to the Stony Brook University Medical Center. During her presidency, enrollment has increased from 17,500 to more than 23,000, faculty numbers are up 8 percent, and demand for a Stony Brook University education has increased exponentially. With President Kenny's leadership, Stony Brook University has undertaken major construction projects, including the Charles B. Wang Center, a Stony Brook Manhattan campus, the Simons Center for Geometry and Physics, new buildings for Life Sciences, Humanities, and Engineering, and

most recently, the Stony Brook University Southampton campus.

Concerned about our nation's educational system as a whole, President Kenny has been a leader for national reform. She launched and chaired the Boyer Commission on Educating Undergraduates in the Research University, which produced a report advocating a dynamic model of education that would engage students and inspire them to conduct research consistent with the unique resources of each institution. She has served as Chair of the Association for American Colleges and Universities, and as a board member of the Carnegie Foundation for the Advancement of Teaching.

President Kenny's impact on countless numbers of students, to whom she has dedicated her life and work, is immeasurable. For her selfless dedication to her students and commitment to advancing education for all, I ask all my colleagues in the House to please join me in honoring President Shirley Strum Kenny.

HONORING CHARLES W. BETZ

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Charles W. Betz, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council. Charles has been selected to receive this award because of his volunteer service and based on his outstanding dedication to serving the needs of veterans within his community.

Veterans of the United States Armed Forces have dedicated themselves to protecting the lives of every American. Their service to our Nation deserves the highest level of gratitude. It is of the utmost importance that we take the time to recognize the individuals who give of their time and talents to support veterans and ensure their comfort, care, and well-being.

Mr. Betz has been a strong advocate for veterans of the Armed Forces through his office as Post Surgeon and Hospital Chairman of the VFW. Not only does he give of his time to prepare and execute visits to the Baltimore VA Rehabilitation and Extended Care Center, but he and his wife also coordinate activities for the residents. Their group sing-a-longs and Bingo games are always received with much appreciation.

Despite personal health problems, with both knee and shoulder surgeries, Mr. Betz has continued to volunteer at least 30 hours a month.

Madam Speaker, I ask that you join with me today to honor Mr. Charles W. Betz. His compassion and dedication to veterans of the U.S. Armed Forces has become an inspiration to us all, and is deserving of the utmost gratitude. It is with great pride that I congratulate Mr. Betz on his exemplary service as an advocate and a volunteer.

INTRODUCTION OF THE LOCAL
LAW ENFORCEMENT HATE
CRIMES PREVENTION ACT OF
2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the bipartisan Local Law Enforcement Hate Crimes Prevention Act of 2009, along with Representatives KIRK, FRANK, BIGGERT, BALDWIN, ROS-LEHTINEN, NADLER, BONO MACK and POLIS. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation passed with bipartisan support by a vote of 237–180. Bipartisan majorities have also voted in favor of hate crimes legislation for the last three consecutive Congresses. With a strong statement of Presidential support, the time has finally come for the enactment of this important legislation.

The Hate Crimes Prevention Act has attracted the support of nearly 300 civil rights, education, religious, and civic organizations. Importantly, virtually every major law enforcement organization in the country has endorsed the bill—including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

At a time when our nation is celebrating its diversity, bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. In the wake of the November Presidential election, the Southern Poverty Law Center has detailed hundreds of hate crime incidents, vandalism and threats, including the election-night assault of Alie Kamara on Staten Island by two teenagers who shouted racial epithets and “Obama!” as they beat him. Moreover, statistics have shown hate crimes against Latinos and Asian Americans rising steadily over the past four years as the immigration has grown more intense. In the last eight months, there have been three brutal hate-related murders of Latinos in New York and Pennsylvania. While intolerance may be in retreat, its presence is still felt in many minority communities.

The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 118,000 hate crimes. For the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics. Law enforcement agencies identified 9,535 victims arising from 9,006 separate criminal offenses. As in the past, racially motivated bias accounted for approximately half (50.8 %) of all incidents. Religious bias accounted for 1,400 incidents (18.4 %) and sexual orientation bias accounted for 1,265 incidents—(16.6 %), followed by ethnicity/national origin bias with 1,007 incidents—

(13.2%). While these numbers are disturbing, it is important to note that, for a variety of reasons, hate crimes are seriously under-reported.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin—but only when the victim is targeted because he/she is engaged in a federally protected activity, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation, which is identical to the version approved in the 110th Congress, will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute. This bill will only apply to criminal conduct that is already being prosecuted.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or other high ranking Justice Department official must approve any prosecutions undertaken pursuant to this law, ensuring federal restraint. However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions—an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, color, national origin, sexual orientation, gender, gender identity, or disability. Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can damage the social fabric of the wider community. The Local Law Enforcement Hate Crimes Prevention Act of 2009 is a constructive and measured response to a problem that continues to plague our nation. These are crimes that shock and shame our national conscience. They should be subject to comprehensive federal law enforcement assistance and prosecution.

CONGRATULATING DR. VIC
MORGAN

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RODRIGUEZ. Madam Speaker, I wish to congratulate my friend, Dr. Vic Morgan, as he formally retires after 18 years of serving as President of Sul Ross State University.

Throughout his tenure as President, Dr. Morgan has demonstrated strong leadership and a commitment to providing a valuable academic experience for the students of Sul Ross State University. Having begun his career at SRSU as an Associate Professor of Mathematics, Dr. Morgan is the first faculty member to be promoted from within the University to its highest position.

In addition to having fulfilled his responsibilities as President, Dr. Morgan remained extremely active in professional organizations in mathematics, student affairs, and educational administration. He has exemplified community service through his selfless work with the Church of Christ, the Lions Club, the Chamber of Commerce, and numerous youth related activities and organizations.

After a decorated career at Sul Ross State University, Dr. Vic Morgan will retire having left a lasting impact on so many students and teachers whose lives he's touched. As a former educator myself, I am especially thankful for his steadfast commitment to students and educators in Texas' 23rd Congressional District. I wish to extend my sincerest wishes to Dr. Vic Morgan and his family for a healthy and much deserved retirement.

HONORING THE DOGWOOD TRAIL
MAIDS FOR PARTICIPATING IN
THE NATIONAL CHERRY BLOSSOM
FESTIVAL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BONNER. Madam Speaker, I rise today to pay tribute to the Dogwood Trail Maids for being selected to participate in this year's National Cherry Blossom Festival.

Held annually, the Cherry Blossom festival commemorates the 1912 gift of 3,000 cherry trees from the mayor of Tokyo to the city of Washington and honors the lasting friendship between the United States and Japan.

Today, more than a million people travel to Washington each year to see the blossoming cherry trees and attend events that signal the beginning of spring in our Nation's capital.

For 49 years, the Dogwood Trail Pageant and Scholarship Program—comprised of six high school girls from Baldwin County—complete nearly 200 hours of community service and make more than 50 appearances, including festivals, charity runs and ceremonies. The trail maids were even invited to both of Governor Bob Riley's Inaugural parades.

Madam Speaker, I ask my colleagues to join me in congratulating the Dogwood Trail Maids

for their participation in the 2009 National Cherry Blossom Festival. I know Baldwin County and indeed, the State of Alabama are so proud for these young ladies to travel to Washington and participate in the organization's first Cherry Blossom parade.

HONORING GARY CHASEY FOR
"CITIZEN OF THE YEAR" AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. HENSARLING. Madam Speaker, I rise today to recognize the exceptional service and leadership of Mr. Gary Chasey of Athens, Texas. Mr. Chasey has served his community for years in many capacities and was recently recognized as the "Citizen of the Year" by the Athens Chamber of Commerce.

Gary, along with his wife, Sharon, volunteers with Court Appointed Special Advocates (CASA). Through this very special and important capacity, Gary has changed the lives of dozens of children in his community. As a CASA volunteer, he looks after the interest of children who are in the court system. He has spent countless hours advocating and watching over abused and neglected children.

For several years, Gary has served as President and Vice-President for Labor of Love of Henderson County. Labor of Love is an organization that repairs homes for those in the community who cannot afford to make repairs or complete maintenance tasks. As a leader in Labor of Love, Gary has helped increase completed projects by over 90%. His financial expertise, leadership and tireless work ethic have undoubtedly benefited countless citizens.

In addition, Gary is a member of the First Presbyterian Church and is active with the Methodist Men at First United Methodist Church.

As the Congressman for the Fifth District of Texas, I am pleased today to recognize Gary Chasey for his many years of public service and countless contributions he has made to make his community and his country a better place. Gary, on behalf of all the constituents of the Fifth District, especially those in Henderson County, I would like to extend our most sincere thanks.

RECOGNIZING THE CONTRIBUTIONS
SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES MEMBER
MANUEL BENAVIDEZ, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize the late Manuel Benavidez, Jr. for his service to the people of Starr County, the State of Texas, and the education community across the country. His life was a symbol of what hard work and desire can achieve. He was a respected member of his community

and of the State of Texas and we will all miss him dearly.

Mr. Benavidez was born in La Grulla, Texas in 1952. A former migrant farm worker, he graduated from Rio Grande City High School and later attended Pan American University where he received a bachelor's degree in bilingual education. Education has been a focal point in Mr. Benavidez's life, where he has not just worked to educate himself but has dedicated himself to helping others enhance their lives through study.

In 1993, he was appointed to the South Texas College Board of Trustees as the representative for Starr County. He worked tirelessly to bring the first community college to the area and through the years he has been instrumental in bringing millions of dollars to the county for STC campuses. His testimony in support of the dual enrollment program was key to getting legislation passed that has helped families across Texas save millions of dollars on the cost of college tuition. His life has revolved around the idea of bettering his community by giving the residents of Starr County an equal opportunity to accessing higher education.

Madam Speaker, please join me in honoring Manuel Benavidez, Jr. for his lifetime of dedicated service to Starr County and to the education community across the country. He was a husband, a father, and an inspiration for all of us. He will be greatly missed.

HONORING VANESSA SCOTT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mrs. Vanessa Scott, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council. Vanessa has been selected to receive this award because of her volunteer service at the VA, based on her outstanding dedication to serving the needs of veterans within her community.

Veterans of the United States Armed Forces have dedicated themselves to protecting the lives of every American. Their service to our Nation deserves the highest level of gratitude. It is important that we take the time to recognize the individuals who give of their time and talents to support veterans and ensure their comfort, care, and well-being.

Mrs. Scott has been an advocate for veterans for the past 15 years. She has worked at both Fort Howard and the Baltimore VA Rehabilitation and Extended Care Center. While raising a family, Vanessa has given of her time to the sick and lonesome men and women in those VA facilities, such as spending her evenings playing Bingo with patients. Her unwavering dedication has inspired those who serve with her to provide exceptional service and care.

Madam Speaker, I ask that you join with me today to honor Mrs. Vanessa Scott. Her compassion and commitment to veterans of the U.S. Armed Forces has become an inspiration

to us all, and is deserving of the utmost gratitude. It is with great pride that I congratulate Mrs. Scott on her exemplary service as an advocate and a volunteer.

TRIBAL LAW AND ORDER ACT OF
2009

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. HERSETH SANDLIN. Madam Speaker, today, I am pleased to reintroduce the Tribal Law and Order Act of 2009, critical legislation to address needs of law enforcement and justice services in Indian Country. I want to thank Senator DORGAN and his colleagues and staff on the Senate Indian Affairs Committee for their tireless dedication to these issues.

The Tribal Law & Order Act would establish accountability measures for the Department of the Interior and the Department of Justice with regard to tribal law enforcement. This bill also seeks to increase local control to tribal law enforcement agencies and to authorize additional resources for tribes to address the safety and security needs of their communities.

In June 2007, the House Committee on Natural Resources held a hearing on the Lower Brule Reservation in South Dakota. Entitled, The Needs and Challenges of Tribal Law Enforcement in Indian Reservations, tribal leaders and law enforcement officials from eight tribes testified for the need to improve government-to-government consultations between tribes and the federal agencies charged with supporting their law enforcement goals. Witnesses explained the need for more resources for officers, equipment, jails, and tribal courts.

For example, the Law Enforcement Department of Cheyenne River Sioux Tribe of South Dakota serves a population spread across 19 communities with a land base of approximately 2.8 million acres. Some of these communities are located as far as 90 miles away from department headquarters. With approximately 4,500 miles of roadways on the reservation, it often takes officers a considerable amount of time to address calls, including emergencies.

At current funding levels, the Cheyenne River Sioux Tribe Law Enforcement Department is unable to provide adequate police protection to all of these communities. In FY08, the tribal police force was reduced by 10 patrol officers due to budget constraints. Now, officers are logging over 4000 hours of overtime each quarter, which leads to stress and strain on the officers and their families, and ultimately, undermines retention efforts and leads to communities that are not as safe as they should be.

From my work with tribal communities in South Dakota and as a Member of the Committee on Natural Resources, I know that Cheyenne River is not an extreme case. In fact, across all Indian Country, there are less than 3,000 tribal law enforcement officers to patrol over 56 million acres of land. This figure represents less than one-half of the law enforcement presence in comparable rural communities. This disparity is unacceptable and shameful.

The Tribal Law and Order Act is an important step to addressing the complex and broken system of law and order in Indian Country. This bill would clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities; increase coordination and communication among Federal, State, tribal, and local law enforcement agencies; empower tribal governments with the authority, resources, and information necessary to effectively provide for the public's safety in tribal communities; reduce the prevalence of violent crime in tribal communities and combat violence against Indian and Alaska Native women; address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

The Senate Indian Affairs Committee has held numerous hearings and has reached out to tribes across the United States while crafting this bill, and I appreciate their efforts to address the concerns raised by tribal members and leaders. I recognize that this bill alone will not solve the problems raised by tribes in these consultations and hearings. As such, I will continue to work for increased funding for law enforcement personnel, detention facilities, equipment and training, tribal courts, and other components required for a successful justice system. I will continue to hold the Bureau of Indian Affairs accountable for upholding the trust responsibility within the realm of law enforcement. Ultimately, I believe that this bill offers important and necessary tools in our shared goal of making Indian Country a safer place to be.

Madam Speak, I urge my colleagues to join with me to pass the Tribal Law and Order Act into law.

RECOGNIZING GALILEE MISSIONARY BAPTIST CHURCH UPON
THEIR 100TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate Galilee Missionary Baptist Church on its 100th anniversary.

Galilee Missionary Baptist Church was originally founded in 1909 near Sanger, Texas. In 1910, Church officials established a church for the community to worship in and a school where they could educate their children. Construction of a new church building began in the 1950s after the first building was not big enough to accommodate the growing number of members.

Galilee Church takes pride in its service as an educational facility and a place for worship for its community. Many members have served in the United States armed forces. Others happily serve their communities through various leadership and service activities, participating as Sanger Sellabration Singers,

Nursing Home Carolers, community Thanksgiving program volunteers, and more. Their Women's Mission Group frequently supports the community by opening their hands and hearts to the Denton State School, Annual School supply drive, African Orphans, Operation smile, Food Pantry and Chamber of Commerce Angel Tree Program.

I am proud to recognize Galilee Missionary Baptist Church for their accomplishment of a century of service to their community. It is my privilege to represent the members of Galilee Missionary Baptist Church in the 26th district of Texas.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that today, April 2nd, I was returning from my district after attending the funeral of my mother Roffie Pascrell, who recently passed away at the age of 95, and I therefore missed the first 5 roll call votes of the day.

Had I been present I would have voted "yea" on rollcall vote #183 On Agreeing to the Resolution Providing for the adjournment of the House and Senate—H. Con. Res. 93.

Had I been present I would have voted "yea" on rollcall vote #184 On Agreeing to the Resolution Providing for consideration of H. Con. Res. 85—H. Res. 316.

Had I been present I would have voted "nay" on rollcall vote #185 On Agreeing to the Amendment—Buyer of Indiana Substitute Amendment to H.R. 1256.

Had I been present I would have voted "nay" on rollcall vote #186 On Motion to Re-commit with Instructions the Family Smoking Prevention and Tobacco Control Act—H.R. 1256.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 187 On Passage of the Family Smoking Prevention and Tobacco Control Act—H.R. 1256.

INTRODUCTION OF THE REAGAN
NATIONAL AIRPORT FAIRNESS
ACT OF 2009

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. MITCHELL. Madam Speaker, today I introduced, with my colleagues JEFF FLAKE and DEAN HELLER, the Reagan National Airport Fairness Act of 2009.

This legislation would allow more nonstop access to Reagan National Airport for passengers from Phoenix, Las Vegas and cities throughout the west.

Currently, that access is limited by a so-called Perimeter Rule that unfairly limits nonstop flights from cities located more than 1,250 miles away.

Flights from cities within 1,250 miles of Washington, D.C., by contrast, are not subject to this limitation.

Originally designed to encourage passengers to use Dulles Airport when it was first built, the Perimeter Rule has long since outlived its intended purpose. Dulles Airport is now one of our nation's busiest.

Congress has already recognized the need to relax these flight restrictions, and now a small number of nonstop flights from western cities are allowed limited access to Reagan National Airport.

In addition, H.R. 915, the Federal Aviation Administration Reauthorization Act, would increase the number of nonstop flights allowed.

This would be another important step forward.

However, in the interest of fairness and free market competition, I believe we must go further.

The legislation we introduced today would allow more flights from more western airports into Reagan National Airport.

It's the right thing to do, and I encourage my colleagues to support it.

HONORING BARBARA SWANN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mrs. Barbara Swann, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council. Barbara has been selected to receive this award because of her volunteer service at the VA, based on her outstanding dedication to serving the needs of veterans within her community.

Veterans of the U.S. Armed Forces have dedicated themselves to protecting the lives of every American. Their service to our Nation deserves the highest level of gratitude. It is of the utmost importance that we take the time to recognize the individuals who give of their time and talents to support veterans and ensure their comfort, care, and well-being.

Mrs. Swann currently serves as the Coordinator of Volunteer Services for the Baltimore Rehabilitation and Extended Care Center. She has been instrumental in an effort to collect non-perishables and other items to send to Marines in Afghanistan. While raising a family, Barbara has worked early mornings and late evenings, giving of her personal time to veterans. She has recruited volunteers and made it a point to ensure their proper training, medical examinations, and understanding of HIPPA leave.

Madam Speaker, I ask that you join with me today to honor Mrs. Barbara Swann. Her compassion and dedication to veterans of the U.S. Armed Forces has become an inspiration to us all, and is deserving of the utmost gratitude. It is with great pride that I congratulate Mrs. Swann on her exemplary service as an advocate and a volunteer.

HONORING LABOR OF LOVE OF HENDERSON COUNTY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. HENSARLING. Madam Speaker, I rise today to recognize the outstanding service that Labor of Love provides the communities in Henderson County, Texas.

The Athens Samaritans was formed as a precursor to Labor of Love in 1986 when members of the First Christian Church of Athens went to Amarillo to help with a Habitat for Humanity project. Members became energized about founding their own organization locally that would help with housing for the disadvantaged. The group decided to focus on repairing existing homes and thus organized the Labor of Love in 1987.

Since that time, the First Presbyterian Church, First United Methodist Church and First Baptist Church joined the effort and helped expand the organization. Labor of Love now has 12 project managers who recruit workers from dozens of volunteers.

In 2008 alone, Labor of Love completed 231 projects in Henderson County. The organization's efforts are supported with resources from the Henderson County United Way, the Cain Foundation and the Murchison Foundation, as well as other foundations, churches, businesses and individuals. Labor of Love also sponsors paint projects for groups such as the Boy Scouts, Young Life, 4-H, church groups and businesses.

This organization provides an invaluable service to those in the community who truly need assistance. Over the years, hundreds of individuals and families have been blessed by the men and women of Labor of Love.

As the Congressman for the Fifth District of Texas, I am pleased today to recognize the Labor of Love for their contributions to Henderson County. To all the men and women who give of their time and efforts so generously, on behalf of all the constituents of the Fifth District, I would like to extend our most sincere gratitude.

CONGRATULATING MARTHA HERNANDEZ FOR 45 YEARS OF COMMITMENT TO FIREMAN'S FUND

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. WOOLSEY. Madam Speaker, in an age in which the average job tenure is 5 years, it is increasingly rare for someone to be with the same company for 20 years, and extraordinary that someone would be with one organization for 45 years and still engaging in the workplace with the same enthusiasm and professionalism that they had throughout their career.

Such is the case with Martha Hernandez, who joined the Fireman's Fund Insurance Company in San Francisco in May 1964 and continues to be with them today, moving with

the company to Novato, California, in my Congressional District.

Martha came to Fireman's Fund as a 14-year-old girl having moved from Mexico City with her parents and brother Rubin to the United States where they settled in Pacifica, California. Her first job at the Fund was manually coding policies that would then go to a key punch operator, high tech for the time, but now the technological equivalent of the horse and buggy age. Over time, Martha's work continued to expand and she became an underwriting technician where she developed an excellent reputation for her attention to detail.

For Martha, the people at Fireman's Fund are a part of her family, and apparently it is a two way street. She left the company for a grand total of two weeks in 1984 when there was a reduction in force, but came back when her friends and colleagues helped find another job for her. As far as everyone is concerned, she never left Fireman's Fund just as no one can ever escape a loving home.

Martha is very involved in her church and is a devoted aunt to her four nephews and one niece and a two-year-old great niece. Over the years, she has made her own unique contributions to the Christmas holiday festivities at Fireman's Fund by bringing in her three types of homemade tamales that have reduced the enthusiasm her colleagues have for the ones they usually get in restaurants.

Martha continues to work at Fireman's Fund in their Resolution Services division, and commutes everyday from her home in San Francisco to Novato in her red and white Mini Cooper.

Madam Speaker, most of the news we read regarding work life is directed at people who are in top management who might be making the big decisions. However, our economy is really dependent upon the people who keep things going, processing the information, and making certain that goods and services are provided for. Martha Hernandez is a person who has helped our country to flourish, and it gives me tremendous pleasure to recognize her contribution to Fireman's Fund and to the well-being of the Bay Area.

TRIBUTE TO BURT BLUMERT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. PAUL. Madam Speaker, Burton Samuel Blumert passed away on Monday March 30, following a long battle with cancer. Burt was a true hero of the freedom movement and my close friend, advisor, and business partner.

As the founder and manager of Camino Coins in Burlingame, CA, Burt was one of the nation's leading dealers in gold and silver coins. A student of Ludwig von Mises and the Austrian school of economics, Burt understood the important role precious metals played in protecting ordinary citizens from the damage wrought by fiat money and inflation. Thus, he regarded his work as a coin dealer not just as a business, but as an opportunity to help people by providing with some protection from the Federal Reserve's inflation tax.

After I stepped down from Congress in 1984, I partnered with Burt in the coin business, a partnership which lasted until I returned to Congress in 1996. Our partnership was based on nothing more than our words. As anyone who ever dealt with Burt could testify, that was all that was needed, because Burt's word was truly his bond. I am unaware of anyone who dealt with Burt who questioned his integrity or his commitment to his customers.

As well-known and respected as he was for his leadership in the coin business, Burt was best known as a promoter of libertarian ideas. Burt was a long time friend and patron of Murray Rothbard, one of Mises' top American students and a pioneer in economics, political theory, history, and much else. Burt helped Murray establish the Center for Libertarian Studies, and served as its president from 1975 until his death.

Burt also played a key role in the flourishing of the Ludwig von Mises Institute, which, as its name suggests, is the leading center for the promotion and development of Austrian economics and libertarian political theory in the nation. Burt served as a founding board member of the Institute and the chaired the Institute's board after the original chair, Mrs. Margit von Mises, passed away in 1993. He also published The Rothbard-Rockwell Report, a well-read libertarian newsletter written by Murray Rothbard and Mises Institute President Lew Rockwell.

Burt played a major role in making the ideas of liberty a force on the internet by serving as the publisher of Lewrockwell.com, as well supporting the development of Mises.org. Burt also played an instrumental role in the development of Antiwar.com. Burt also served as chairman of my first run for the presidency, and important counselor in the second.

In addition to his work with these organizations, Burt was a friend, mentor, and patron to numerous libertarian scholars and activists. He was incredibly generous with both his time and his resources. Talking to Burt was always a treat, because he had one of the best senses of humor I have ever known, and it seemed like he was always in a good mood. Events that would send his friends into fits of depression, rage, or both would be used by Burt as fodder for a series of jokes and wisecracks. Even in the last days of his battle with cancer he remained upbeat. One of Burt's friends called him shortly after learning about Burt's cancer, but instead of consoling Burt, this friend ending up having his spirits lifted by Burt's humor.

It is somewhat of a comfort to myself, and I am sure to Burt's other friends, to know that he lived long enough to see so many of his efforts bear fruit. Today, the Mises Institute teaches sound economics and the principles of liberty to thousands of students every year while Mises.org is one of the leading economics websites in the world. Lewrockwell.com is one of the top providers of political, economic, and cultural commentary on the web, while Antiwar.com is the leading source of information for scholars, journalists, and activists looking for material to combat the propaganda of the war party.

As I travel across the country, I am astounded at the number of young people I met

who are interested in the cause of individual liberty, peace, and sound money. Many of them got their introduction to these ideas through one of the many organizations nurtured by Burt Blumert.

Madam Speaker, perhaps the highest compliment one can pay to a departed friend is to say that they left the world better than they found it. That is certainly true in the case of Burt Blumert. While I am saddened that I will never again benefit from Burt's good humor and wise counsel, I am comforted by knowing that I was blessed by his friendship and the thought that the vibrant and growing freedom movement will serve as a living monument to Burt for years to come. I therefore join friends of liberty around the world in mourning Burt's passing, and saluting all he accomplished during his lifetime.

IN RECOGNITION OF PRINCETON'S BOYS BASKETBALL TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate the Princeton Community High School Boys Basketball Team for winning its first 3A State Championship. The victory capped a perfect 29-0 season for the Tigers and earned them their first state title in school history.

The Tigers defeated the Rochester Zebras by a score of 81-79 in a thrilling double overtime victory at Consecro Fieldhouse in Indianapolis. I was able to attend the game and it was one of the best I've seen, with 16 lead changes and a last second pair of free throws to put Princeton over the top.

As Tigers' coach Tom Weeks said, "That's what Indiana high school basketball is about. It doesn't get any better than what we saw tonight."

These young men are shining examples of the idea that success in life comes to those who are willing to set goals and work hard to achieve them. They are an inspiration to me and everyone in the Princeton, Indiana, community who have followed them throughout the years.

Go Tigers!

RECOGNIZING PAUL K. HARRAL FOR HIS CONTRIBUTIONS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BURGESS. Madam Speaker, I rise today to recognize Paul K. Harral for his service to the Fort Worth community throughout his career with the Fort Worth Star Telegram. After providing his expertise for nearly a quarter-century in almost every news department of the Star Telegram, Harral will retire at the end of April.

Media is Harral's passion. Before joining the Star-Telegram family in 1986, Harral served

the United Press International, Baptist Medical Center and Florida City Magazines Inc. In the Star-Telegram, his goal has always been to present the issues that are important to his community and keep citizens informed. Over the years, Harral served as Senior Editor of Metro news, Ombudsman, Editor of the editorial pages, Editor of zoning operations, and supervised the online department. Under his tenure in 1995, the Texas Associated Press Managing Editors (APME) recognized the weekend and daily commentary sections as best in the state.

Madam Speaker, I am proud to recognize Paul K. Harral for his years of service to Fort Worth. His devotion serves as an example to those who had the privilege of working with him. Even though he is retiring, his contribution will be forever appreciated by the Fort Worth community. It is an honor to represent him as a member of the 26th district of Texas.

TRIBUTE TO KEITH CLARKE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Keith Clarke is one of these individuals. On April 16, 2009, Keith will retire as the Director of the Building Department for the City of Corona.

Keith graduated from Pacifica High School in 1973 and obtained his Associates Degree in Engineering from Cypress Junior College in 1976. He attended the University of California at Los Angeles and then attended California State University at Long Beach from 1977 to 1979.

After attending college, Keith became a General Contractor and contracted a variety of projects which included masonry structures, patio covers and room additions. From 1981 to 1982, Keith worked as a Deputy Concrete and Masonry Inspector for Southern California Testing Labs where he performed inspections on masonry and concrete structures in order to insure compliance with approved plans and structural specifications. In 1982, Keith came to the City of Corona and he began as a Building Inspector. He quickly rose up the ranks: he became a Senior Building Inspector in 1984, an Assistant Building Official in 1986, a Building Official/Director in 1989, the Acting Director of Parks and Community Services in 2005 and the Building Official/Director from October 2005 to March 31, 2009.

Keith is a member of several organizations, including: the International Association of Plumbing and Mechanical Officials, the International Conference of Building Officials (ICBO), the International Association of Electrical Inspectors, the International Fire Code Institute, Building Officials and Code Administrators, the Citrus Belt Chapter of ICBO, and

California Building Officials. He also serves or has served on the California Building Officials (CALBO) Board of Directors, the CALBO State Contractors License Board, the United States Navy League, the CALBO State Historical Code Committee, the ICC Citrus Belt Chapter, the Toastmasters International, and the Rolling Thunder Motorcycle Club and as a Calbo CTI Instructor.

Keith has received several awards over the years including: Building Inspector of the Year; Citrus Belt Chapter ICBO 1986; Building Official of the Year; Citrus Belt Chapter ICBO 1988; Toastmasters, Best Table Topics Speech Contest 1997; California Building Officials, Building Department of the Year, 2003; California Building Officials, Building Official of the Year, 2004; and California Building Officials, Hall of Fame Award, 2009.

Keith's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. I am proud to call Keith a fellow community member, American and friend. I know that many community members are grateful for his service and salute him and his 27 years of service to the City of Corona.

HONORING ROBERT AYERS GOULD,
SR.

HON. JEB HENSARLING—

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. HENSARLING. Madam Speaker, today I would like to honor Mr. Robert Ayers Gould, Sr., for his exceptional leadership and outstanding public service.

After graduating from Athens High School in 1957, Bob joined the United States Navy where he served aboard the USS *Coral Sea*. Following an Honorable Discharge, he returned to Athens where he opened the Gould Insurance Agency in 1962, which he has owned and operated for over forty years.

Bob Gould served on the City Council of Athens for twelve years before his retirement in 2007, where he oversaw many projects benefiting his community. Among his many civic activities, Bob has been the Director and Vice-President of the Athens Chamber of Commerce, Co-Founder of the Texas High School Basketball Hall of Fame, and the Charter Director for the Henderson County YMCA. He has also received many awards from his community, including the Roadhand Award from the Texas Highway Commission and the Athens Citizen of the Year Award in 1984.

In addition to faithfully serving his community, Bob is a husband to Mrs. Peggy Lorene Lubben Gould and father of four children: Robert Jr., Joseph, Patricia, and Mary.

I want to recognize Bob for his service and commitment to his community. Due to Bob's leadership in the city and throughout the business community, Athens remains a strong, supportive, and vibrant community.

Madam Speaker, on behalf of the 5th District of Texas, it is my pleasure to recognize my good friend Mr. Robert Ayers Gould, Sr. for being an invaluable public servant and community leader.

INTRODUCTION OF THE PRIVATE PROPERTY PROTECTION ACT OF 2009

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. WATERS. Madam Speaker, I am pleased today to reintroduce the Private Property Protection Act of 2009. I am also pleased to be joined again by Rep. JIM SENSENBRENNER, the Chairman Emeritus of the Judiciary, and the lead Republican on this bipartisan bill. This bill is successor to H.R. 3053, from the 110th Congress and we are joined today by 24 original copponsors.

The Fifth Amendment to the Constitution provides in part that "nor shall private property be taken for public use, without just compensation."

On June 23, 2005, a majority of the Supreme Court chose to close its eyes to the Constitution and our Nation's rich history of protecting private property rights. The Supreme Court's 5-4 decision in *Kelo vs. City of New London*, held that "economic development" can be a "public use" under the Fifth Amendment's Takings Clause justifying the government's taking of private property. The Court held that the creation of a more lucrative tax base can justify the government's taking of private property from one small homeowner and giving it to a large corporation for a private research facility.

The *Kelo* decision interpreted government taking for "public use" to mean no more than "public purpose." Put simply, this decision meant that government would have an almost unlimited ability to seize private property—homes, churches, synagogues, and thriving businesses—and hand it over to private companies so long as they convince the local land authority that the project will yield economic benefit for a community that has been arbitrarily deemed "distressed." Private companies and developers all over the country went into a frenzy to file project site plans when *Kelo* was decided. They knew that they would be able to make huge amounts of money so long as they produced public benefit—this was a ridiculous over-expansion of the Fifth Amendment to the U.S. Constitution.

As the dissent in *Kelo* pointed out, "To reason, as the Court does, that the incidental public benefits resulting from the subsequent ordinary use of private property render economic development takings 'for public use' is to wash out any distinction between private and public use of property—and thereby effectively to delete the words 'for public use' from the Takings Clause of the Fifth Amendment." The dissent made clear that, as a result of the majority's decision, "Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

The bottom line is that local and Federal governments must take every landowner as a special case because the people who own the properties that are subject to economic redevelopment play just as big a role as the projected revenues that the local jurisdiction hopes to bring in with a new development. Just because you are poor does not mean that your right to private property is worth any less than that of a wealthy developer.

The Private Property Rights Protection Act of 2009 will restore the property rights of all Americans that the Supreme Court changed with the *Kelo* decision. This legislation would prevent the Federal Government or any authority of the Federal Government from using economic development as a justification for exercising its power of eminent domain. This bill would also discourage States and localities from abusing their eminent domain power by denying States or localities that commit such abuse all Federal economic development funds for a period of two years. This bill is substantially similar to H.R. 4128, legislation that passed the House in the 109th Congress by an overwhelmingly vote of 376-38, nearly a 10-1 margin, but unfortunately, was never enacted.

I am looking forward to working with my colleagues on both sides of the aisle to protect the private property rights of every American and hope they will join me in sponsoring the Private Property Rights Protection Act of 2009.

COMMEMORATING THE 30TH ANNI- VERSARY OF THE ENACTMENT OF THE TAIWAN RELATIONS ACT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. WU. Madam Speaker, I rise to commemorate the 30th anniversary of the enactment of the Taiwan Relations Act.

For 60 years, the United States and Taiwan have fostered a close relationship that has been of mutual political, economic, cultural, and strategic benefit. When the United States shifted diplomatic relations from the Republic of China (Taiwan) to the People's Republic of China in January 1979, Congress moved quickly to pass the Taiwan Relations Act to ensure that the United States would have continued commercial, cultural, and other relations with Taiwan. With President Carter's signature on April 10, 1979, this important and lasting piece of legislation became law and codified the basis for relations between the United States and Taiwan. This year will mark the 30th anniversary of the enactment of the Taiwan Relations Act.

Over these past 30 years, Taiwan has seen remarkable changes, from rapid economic growth to significant political transformation. During the late 1980s and early 1990s, Taiwan witnessed a peaceful transition of political power from a one-party state under martial law to a full-fledged democracy and a multi-party political system. In March of last year, the people of Taiwan participated in Taiwan's fourth direct and democratic presidential election. The smooth and peaceful transition from

one administration to another is a testament to Taiwan's continued dedication to the principles of democracy, human rights, and the rule of law.

The Taiwan Relations Act has also been instrumental in maintaining peace, security, and stability across the Taiwan Strait. When the Taiwan Relations Act was signed into law, it affirmed that the United States' decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means. The Act also states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." I believe that, in accordance with the Taiwan Relations Act, the United States should continue to support the legitimate defense needs of Taiwan.

It is my hope that the United States, Taiwan, and the People's Republic of China can continue to work together to promote enduring peace, stability, and prosperity in the Asia-Pacific region, especially across the Taiwan Strait. Let us recognize the past 30 years of the Taiwan Relations Act and maintain and strengthen U.S.-Taiwan relations for many years to come.

HONORABLE JOHN LAWRENCE
MADURO

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. CHRISTENSEN. Madam Speaker, one of the legends of the U.S. Virgin Islands, the Honorable John Lawrence Maduro will be laid to rest next week. Many will rise to speak in his honor for he was one of the founding fathers of the political system in the territory and as a consequence someone who influenced our community in the social and economic aspects as well.

Born on St. Thomas, Maduro was a graduate of Charlotte Amalie High School, New York University and George Washington University School of Law. He served in World War II in the North African and European theaters and achieved the rank of Master Sergeant and later Second Lieutenant in the U.S. Army Reserves.

We were proud to honor him and all living WWII Veterans in the Virgin Islands two years ago, and he was always very proud of his service.

When he returned to the Virgin Islands in the 1950s, he became active in politics and in the process became one of the titans of the Legislature, serving for twenty-two years. He presided over the body twice and during his tenure, worked with his colleagues to achieve political rights for the territory that included the right to elect its own governor and delegate to congress, the right of the Legislature to apportion its seat in accordance to the vote rule, the right to fix the compensation of its members and the rights to override gubernatorial vetoes.

Maduro presented a weekly political radio broadcast that kept his constituency informed

about legislative issues and also was an active partner in the law firm of Birch, deJongh and Farrelly.

It has been said of John L. Maduro that "he was determined to create a Virgin Islands that would offer unlimited opportunities to its citizens in all areas of social, political and economic endeavor and a Virgin Islands where pride in one's heritage and homeland would be everlasting."

Madame Speaker, John L. Maduro and Elmo D. Roebuck, who I spoke of earlier this week are part of a generation of leaders who put their intellect, their discipline and their foresight to the use of the people of the Virgin Islands. They were leaders who we were proud to follow, who rose to the challenge of shepherding the territory through the rapid changes of 20th century modernization and they gave our generation and the generations to follow a territory that is still poised to be a regional leader and a positive example of democratic government.

Madam Speaker, we will miss Johnny Maduro. The people of the Virgin Islands will not forget his example as we work to create for this century, a free and prosperous Virgin Islands.

IRAN'S MISSION FOR NUCLEAR PROLIFERATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to draw attention to Iran's mission for nuclear proliferation. If Iran were to acquire nuclear weapons, the repercussions would be detrimental to our global security. A nuclear Iran would not only pose a threat to the United States and our allies, but would also destabilize an already volatile Middle East region.

Under the guise of energy production, Iran is today actively seeking to acquire nuclear weapon technology. This fact is supported by United Nations inspectors who have found that certain aspects of the Iranian nuclear program are useful only for developing nuclear weapons.

Recently, Iran has further developed its nuclear weapons production capability. In December, Iran constructed a domed containment center adjacent to a heavy water reactor in Arak. This structure makes it impossible to monitor the reactor by satellite. In the past three months, Iran has installed nearly 1,500 centrifuges. As a result, it could take only 2 to 3 months for Iran to enrich uranium to weapons grade. Furthermore, Iran has recently acquired 2,200 pounds of low enriched uranium—enough for one first-generation nuclear bomb.

A nuclear Iran would significantly impact the surrounding region. The repercussions would be felt not only by Middle Eastern countries, but also by countries around the world. The possible outcomes could range from a Middle Eastern nuclear arms race to the sale of nuclear technology to terrorist organizations such as Hezbollah and Hamas.

It is widely accepted that Iran is one of the largest sponsors of terrorism; this reality has been published in the Central Intelligence Agency's World Factbook analysis of Iran. The United States, the United Nations, and the European Union have all placed economic sanctions on Iran due to Iran's sponsorship of terrorism. Hezbollah, a terrorist organization formulated and supported by Iran, is responsible for numerous terrorist attacks; the most infamous of these attacks occurred in Beirut on October 23, 1983 when Hezbollah detonated a bomb inside a U.S. Marine Barracks and killed nearly 300 servicemen.

It is imperative that we in Congress do everything we can to prevent Iran from obtaining nuclear weapons. I am pleased by the recent steps taken by my Congressional colleagues to ensure that this event never takes place. Specifically, I was encouraged that the Financial Services Subcommittee on International Monetary Policy and Trade held a hearing about H.R. 1327, the Iran Sanctions Enabling Act, on March 12. Afterward, I urged Chairman BARNEY FRANK to schedule a markup of H.R. 1327 sometime before the April recess.

In closing, I urge my fellow Members to support taking the necessary steps to limit Iran's access to nuclear weapons. We must convince Iran to turn away from its current, dangerous course of action.

HONORING THE 100TH ANNIVERSARY OF ADMIRAL ROBERT E. PEARY AND MATTHEW HENSON'S ARRIVAL AT THE NORTH POLE

HON. MICHAEL M. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. McMAHON. Madam Speaker, I rise today to honor the 100th anniversary of Admiral Robert E. Peary and Matthew Henson becoming the first documented explorers to reach the North Pole on April 6, 1909.

Admiral Peary and Matthew Henson through careful planning, foresight, and extreme fortitude reached the North Pole through great danger and peril to themselves. Where many men had failed and perished, these two men succeeded.

Completing their mission took over eighteen years and was delayed, hampered, and restarted many times. Through all the failures and hardships these two brave men would not allow adversity or disappointment to keep them from their goal.

Their path to the North Pole was long and arduous, but through ingenuity and with help from the Native Inuit, they managed to plant the American flag at the North Pole and survive the trip back.

Peary and Henson had made previous trips north before their ultimate success. They suffered through the arctic cold and they even needed to turn back because of the rough weather.

Despite not reaching the North Pole on these previous attempts, they had voyaged further north than any men in recorded history.

While pursuing his dream of reaching the North Pole, Peary was on leave from the

United States Navy where he was a civil engineer. Upon successful completion of his eighth and final expedition, he was promoted to the rank of Rear Admiral.

Matthew Henson's contributions to the success of the exploration remained obscured and ignored for many years. His eventual induction into the Explorer's Club and acknowledgement by President Eisenhower can be recognized again by celebrating this important anniversary.

Admiral Robert Peary and Matthew Henson achieved their dreams and proved to America and the rest of the world that we can accomplish anything if we put our minds, hearts, and souls into it. Their drive and hard work still shine as an example to us all.

I am proud today to honor Admiral Robert Peary and Matthew Henson.

WORLD AUTISM AWARENESS DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize World Autism Awareness Day that is held on April 2. This special day is held to educate people about this birth disorder that is the fastest growing serious developmental disability in the U.S. The cause of autism has not been determined so there is a great need for funding to research its cause.

It is important to understand this disorder since 1 in 150 individuals are diagnosed with autism. It occurs in all racial, ethnic, and social groups and is four times more likely to strike boys than girls. Autism impairs a person's ability to communicate and relate to others. It is also associated with rigid routines and repetitive behaviors, such as obsessively arranging objects or following very specific routines. Autism usually is detected by parents who notice unusual behaviors or developmental problems in children as young as 6 months. There are several services available to help autistic people live their own independent lives and to participate and contribute to their communities. Although this is a developmental disability, people with autism still achieve and accomplish many things in life. Several autistic people attend college and hold a variety of jobs from those that require enormous amounts of concentration but limited intense interaction with others, such as computer programming or graphic design, or more repetitive jobs, such as filing.

More still needs to be done to help those that have autism and to find the cause. Through broader awareness this can be accomplished.

IN HONOR OF THE 2008 SACRAMENTO RIVER CATS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. MATSUI. Madam Speaker, as the Sacramento River Cats 2009 home opener ap-

proaches, I rise in tribute of their 2008 season in which they defended their title as Pacific Coast League and the Triple-A Champions. After marching through the Pacific Coast League playoffs, the River Cats defeated the Scranton/Wilkes-Barre Yankees to win the Bricktown Showdown for the second consecutive year. As the River Cats prepare for the 2009 season, I ask all of my colleagues to join with me in recognizing their remarkable 2008 accomplishments.

The River Cats were consistent all year and finished atop the Pacific Coast League Southern Division at the end of the regular season with 83 wins and only 61 losses. Their opening playoff series matched them up with the Salt Lake City Bee's. The River Cats made quick work of the Bee's, defeating them in four games by scoring a total of 39 runs.

The second round pitted the River Cats against the Texas Rangers AAA affiliate, the Oklahoma City Red Hawks. The River Cats prevailed, 3 games to 1, led by post-season MVP Chris Denorfia who went 17-35, with 12 runs scored and four homers in the post-season. By defeating the Red Hawks, the 2008 River Cats won their second straight Pacific Coast League title and their fourth in the last six years.

After claiming the Pacific Coast League title in Oklahoma City, they stayed in Oklahoma City for one more game, the Bricktown Showdown, an annual match up to declare the AAA champion. Led by six different pitchers, the River Cats stifled the Scranton/Wilkes-Barre Yankees offense en route to a 4-1 victory. The game and championship season concluded in dramatic fashion when River Cats infielder Brooks Conrad turned a line drive double-play on an outstanding diving catch.

For another year, the leadership of Art Savage, the River Cats President and CEO, the entire front office, Manger Todd Stevenson, and the players on the field played a vital role in the team's success. On and off the field, the River Cats organization once again was the envy of the entire Pacific Coast League. Their success and professionalism was reciprocated by the Sacramento fans, as the River Cats led the Pacific Coast League in attendance for an astounding 9th year in a row.

Madam Speaker, as the River Cats prepare for another successful season, I am honored to pay tribute to the many hard-working men and women of the River Cats organization who brought so much joy and pride to the people of Sacramento. Their successes are truly remarkable. I ask all my colleagues to join me in celebrating the River Cats 2008 championship season.

IN HONOR OF HULET HORNBECK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to commend to my colleagues an article in the Martinez News Gazette, my hometown paper, that beautifully captures the wonderful contributions that Hulet Hornbeck has made to the environment and

open space in our portion of the East Bay of San Francisco.

The article is entitled, "Life, Love and the Great Outdoors," dated February 28-March 1, 2009.

I have known Hulet for many, many years and I have always admired him as a great leader and an avid defender of the environment. He understood many years ago just how important it is to protect open space for generations to come. He has been a leader in our community in acquiring lands for public use and creating magnificent recreational and open space opportunities for young and old alike.

We owe a debt of gratitude to Hulet for his lifelong work and I am proud to be able to rise today to publicly thank Hulet for his vision and for his tireless efforts on behalf of our community.

[From the Martinez News-Gazette, Feb. 28-March 1, 2009]

LIFE, LOVE AND THE GREAT OUTDOORS

HULET HORNBECK WAS INSTRUMENTAL IN EXPANDING EAST BAY REGIONAL PARKS, THE LARGEST PARK AGENCY IN THE NATION

(By Greta Mart)

At his serene, wooded home in Muir Oaks, Hulet Hornbeck looks out at the horse pastures and wildflower-blanketed hills and savors the sound of silence.

"It's the sound of wind, of birds, or simply the trees rustling, I love it," Hornbeck said, standing on his wooden deck that hugs his one-story house, in which comforting silence permeates. Inside a fire burns quietly in a large stone hearth; non-fiction books are stacked three feet high and four feet deep on the grand piano, oriental rugs dot the hardwood floor, and 50 years of treasures, travel mementos and memories decorate the walls.

In October he will turn 90. A lifetime of adventure, good works and good luck has kept him spry, handsome and spirited. He is one more Martinez resident—one you might see at the store or on Main Street—who holds in his heart an extraordinary character, and if you enjoy the plentiful open space and parkland around the area, you would understand how important his efforts are to you today.

On Thursday he regaled this reporter with an abridged life story.

Born in New Jersey in 1919, Hornbeck spent his first decade in Detroit, until his father abandoned the family at the start of the Great Depression. His mother moved him and his younger sister back to New Jersey to be closer to her two sisters, who provided "some degree of comfort," said Hornbeck.

There, in a suburb of Newark, he shared a bed with a cousin and his sister went to a friend's house while his mother went to work in a factory. During his teenage years, Hornbeck's mother worked her way up the socioeconomic ladder, segueing into sales and earning enough to move the family into a four-story walkup in Bloomfield.

"I liked it, because we could finally live together, and I got good exercise going up and down the stairs," said Hornbeck. "My mother was quite liberal with me, never telling me that I couldn't do something. If I said I wanted to sleep on the roof, she said okay, but tie a rope around your ankle so you don't sleepwalk off."

FALLING IN LOVE WITH THE GREAT OUTDOORS

He was befriended by a local Boy Scout troupe leader, and soon was accompanying groups on camping trips in the Ramapo Mountains. Hornbeck's mother and aunts

liked to hike, and with little money and no car, hiking was a frequent form of entertaining excursions for the family. There was still a great deal of open space and nature in New Jersey in the 1930s, said Hornbeck, before the freeways and industrialization obliterated the landscape.

When his mother purchased a used car, the family took its first vacation, down to Cape May in the southern tip of New Jersey. There they stayed in a boardinghouse, and Hornbeck, at age 17, was so impressed with this new environment he asked his mother if he could stay on there for the summer. She told him to go to the hotel across the street and ask for a job.

"I asked the guy if I could wash dishes, and he made me a bus boy. At that time there weren't a lot of restaurants and such, the hotel fed three meals a day to a lot of people, it was a big dinning hall with the girl waitresses lined up against one wall and the boys on the other," Hornbeck. "There was a separate smaller dinning room, where a big family would sit for meals, curtained off from the main hall. They had their own waitresses and bus boys. My boss told me it was the Ambassador to Great Britain and his family."

The U.S. Ambassador to England at the time was Joseph Kennedy and the children Hornbeck watched meal after meal were Robert, Teddy, Rosemary and the four youngest siblings of JFK. JFK wasn't there, as he was already in his 20s at that point and was studying at Harvard.

"I remember saying to my coworkers, you watch, those kids are going to be something else," said Hornbeck.

A small inheritance from a Unitarian Universalist minister, a suitor of his mother's, then sent Hornbeck to prep school at the Newark Academy.

"He had asked my mother to marry him, but then he died, so for \$50 a month, I got a whole different viewpoint and knowledge for two years," said Hornbeck. "It opened my eyes. After that I hitchhiked to Maine with a friend and we slept in the woods. I got cleaned up in a gas station and went to the registrar of the University of Maine and asked if I could attend. He was impressed that we had come all that way and he said, you're in, just like that."

His time in Maine was spent studying Forestry and luxuriating in the great outdoors, spending school breaks in the White Mountains of New Hampshire.

WORLD WAR II

But the looming clouds of war were gathering and Hornbeck, after his sophomore year, told his friends and family there would be a war in Europe, and he was going to join the military.

"I told them I wanted to be trained by the time it started, and that I wanted to fight in the air, not ground," said Hornbeck. "I joined the Army Air Corps, and was sent to cadet school. They saw pretty quickly that I didn't have good eye/hand coordination, and that I liked mathematics, so they made me a navigator."

Pan American Airlines operated one of the few aerial navigation schools at the time, in Coral Gables, Florida, and Hornbeck studied there until November of 1941, when the Air Corps shipped half of his class to Salt Lake City. There his platoon was, introduced to the brand-new B 17 "Flying Fortress" bombers they would soon be flying in the Pacific Theater.

On December 6, Hornbeck was at Hamilton Field in San Francisco, ready to ship out to the Philippines, with a stop in Honolulu, the next day.

"I was still in my blue cadet's uniform, and right before take-off we heard, 'you can't go,' something has happened," said Hornbeck. "Well, we took off that night I steered us all the way to Hawaii using the compass and drift meter, getting a fix on the stars, and suddenly we were right off of Diamond Head [on the island of Oahu]."

Soon he was part of the famed Reconnaissance Squadrons that plied the South Pacific for the next three years, serving as the eyes of General McCarthy and Fleet Admiral Nimitz, and using his navigation skills to locate the Japanese naval fleet in the vast ocean waters.

After the war Hornbeck returned to the States to earn a law degree at Rutgers University courtesy of the G.I. Bill.

"While we were in the South Pacific, I asked a buddy, where's a good Western town to go live when this is over. He said Boise, Idaho," said Hornbeck. "Sure enough, I got myself to Boise and met Mary-Lynn." The two were married for 50 years until Mary-Lynn's death twelve years ago.

MOVING TO MARTINEZ

The pair first lived in New York City, and soon Hornbeck requested a transfer to San Francisco. They rented a house in Pleasant Hill, until Mary-Lynn found their home in Muir Oaks.

"She said, you don't even have to come look at it, it was built for you," said Hornbeck.

Mary-Lynn attended DVC, and then U.C. Berkeley, while raising their two children, Jane and Lawrence, and teaching fourth grade at John Muir Elementary for 20 years.

"It took her several years to get her degree, because she only went to classes at night or on the weekends, she never attended a full semester. When she was finally finished, she said I'm too embarrassed to go get my diploma, so I went to get it for her," said Hornbeck.

Meanwhile, Hornbeck was working at a large insurance firm in San Francisco, but it was "not what I was cut out to do," and on the side he had started a group of nature enthusiasts called the Contra Costa Park Council.

BRUSH WITH DEATH

In 1965, a doctor's visit revealed melanoma tumor. The doctor gave him five years to live and encouraged him to start pursuing his dreams.

"I went to Bill Mott of the East Bay Regional Park District, and said, I want to work for you," Hornbeck said. "Timing is so significant."

According to the East Bay Regional Parks District's history section of its Web site, "In 1962, William Penn Mott, Jr. became the District's next General Manager. Mott's first order of business at the Park District was to reorganize and plan for the future. He brought new life to every aspect of the District's operation by restructuring, and bringing in talented professionals like Richard Trudeau, Chief of Public Information and Hulet Hornbeck, Chief of Land Acquisition who both would serve as leaders in the park and trail movement during the next 40-years. Mott's enthusiastic vision of a grand system of hilltop and shoreline parks would require additional stable funding, and he moved quickly to increase District revenues. The Forward 1964-1969 Plan was developed by Mott and his staff in 1963 to identify the Park projects that were needed to serve all East Bay residents, even those outside of the District's boundary. In 1962, residents in Contra Costa County had turned down a

funding measure for county parks; so park supporters began pushing for annexation to the Regional Park District. In 1964, voters in West and Central Contra Costa County approved annexation to the District, and Kennedy Grove and Briones were soon developed and opened as the first Regional Parks entirely within Contra Costa County."

Hornbeck said the District didn't have a single square acre of parkland when he started, but by the time he retired in 1985, 64,000 acres were purchased and incorporated into the park system, including much of Briones and the Franklin Hills.

"Now it's over 100,000 acres, and thanks to the recent passage of Measure WW, it will keep growing. As a special district, we had the power of eminent domain, but we never used it as a threat, and we always paid fair market value," said Hornbeck. "We had the support of all the key developers in the area, who knew the value of balancing people with open space, and we always worked with justice and integrity. The public supported us."

Hornbeck said Senator John Nejedlý was instrumental in securing legislation that expanded the District's ability to create a trail system.

The Hulet Hornbeck trail in the Carquinez Strait Regional Shoreline was dedicated in 2005.

"Hulet is credited with overseeing the acquisition of 49,000 acres of parkland, expanding the District's land holdings from eight parks (13,000 acres) to 46 parks (62,000 acres) thus securing the unique position that the East Bay Regional Park District still enjoys today as being the largest regional park agency in the nation," according to the non-profit American Trails organization.

IMPROVING FEDERAL FINANCING FOR WATER INFRASTRUCTURE IN THE TERRITORIES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced two bills to increase the percentage of clean water state revolving loan funds and drinking water state revolving loan funds annually reserved for American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the Virgin Islands under the Federal Water Pollution Control Act and the Safe Drinking Water Act respectively. The effect of these bills would be, if enacted, to increase by approximately 50% the amounts of federal funding awarded by the United States Environmental Protection Agency (USEPA) annually under these state revolving loan funds to each of the governments of these territories to help them finance critical water and wastewater infrastructure projects.

I am joined by my colleagues from the territories, Mr. FALEOMAVEGA of American Samoa, Mrs. CHRISTENSEN of the Virgin Islands, and Mr. SABLAN of the Northern Mariana Islands, in introducing these two bills. H.R. 1889 would amend the Federal Water Pollution Control Act with respect to the Clean Water State Revolving Fund and H.R. 1890 would amend the Safe Drinking Water Act with respect to the Drinking Water State Revolving Fund. These bills help ensure that all Americans, including our constituents, enjoy access to clean and safe drinking water.

Specifically, H.R. 1889 and H.R. 1890 would require the reservation of one half of a percent of amounts made available each fiscal year for grants to the states and territories under both revolving funds. Currently, the four territories are limited by statute to a third of a percent of total funding, meaning that they actually receive less on a per capita basis than a number of states. This inequity persists in spite of the fact that the territories have some of the most severe needs for federal assistance for clean water and drinking water infrastructure projects. With respect to the Pacific territories, the USEPA generally estimates that over 25% of the population lacks access to sanitary drinking water. That figure is a mere 0.6% nationwide. Furthermore, federal courts have ruled that the territories' water and wastewater systems are in non-compliance with federal laws and regulations and have ordered a wide range of improvements and upgrades. However, the territorial governments are currently challenged in financing these court-ordered projects as a result of budget shortfalls and declining revenues associated with the economic downturn. As a result, the territorial governments remain, in certain cases, unable to comply with the court mandates without risking bankruptcy. In sum, the very regions of the United States that have the direst need for assistance in financing water and wastewater infrastructure are limited by federal law to a diminutive fraction of a percent of total funding. In contrast, each state is guaranteed under the Federal Water Pollution Control Act and the Safe Drinking Water Act to receive each fiscal year no less than a full one percent of total funding irrespective of need or population.

Madam Speaker, raising the cap on funding made available to assist the territories from a third of a percent to one-half a percent would be a significant step toward fulfilling critical needs for new infrastructure in the territories. A one-half of a percent funding level is consistent with funding set-asides for the territories under other laws enacted by Congress governing formula grant programs. Finally, because the states are each guaranteed a minimum level of funding as opposed to the ceiling set on the territories, these bills will not significantly impact funding made available to help finance projects in the rest of the United States.

In effect, raising the cap from a third of a percent to a half a percent involves less than five one-thousandths of one percent of the federal budget. It would, however, have a tangible and measurable impact on the health and quality of life for hundreds of thousands of American citizens and nationals residing in the territories. Madam Speaker, I urge a thorough review of this issue and these bills by the committees of jurisdiction.

THE INTRODUCTION OF THE PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. BERMAN. Madam Speaker, I rise this evening to talk about the Pakistan Enduring Assistance and Cooperation Enhancement Act—or PEACE Act—a bill I introduced today with a distinguished group of original cosponsors, including Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE, Mr. SHERMAN, and Mr. WEXLER. The fundamental purpose of this legislation is to strengthen the U.S. relationship with Pakistan—a country that is central to our national security and to global stability.

The timing of this bill could not be more crucial. We stand at a pivotal moment in our relations with Pakistan and in our campaign to bring stability and security to Afghanistan. Several days ago, the Obama Administration unveiled its new strategy for those countries, the main focus of which is to enhance our ability to disrupt, dismantle, and defeat al Qaeda in its safe havens in Pakistan. The PEACE Act is written with that critical goal in mind. But it also reflects our deep appreciation of the fact that it is in our national interest to create a long-term strategic partnership with Pakistan; one that speaks to the needs of the average citizens of Pakistan—those who live in rural areas, without access to adequate education or healthcare, and who have suffered at the hands of a frequently dysfunctional and corrupt judicial system and police force.

By tripling U.S. assistance for democratic, economic and social development, our bill lays the foundation for a creating a stronger, more stable Pakistan. It places a particular emphasis on strengthening Pakistan's fragile democratic institutions—including the parliament and judicial system—enhancing economic development by increasing local capacity, and improving Pakistan's education system and vocational training.

To help ensure that American assistance is spent appropriately, our legislation requires increased auditing, monitoring and evaluation, and includes rigorous reporting requirements. U.S. taxpayers—and the Pakistani people—should know that our assistance is making a real difference, and not being squandered.

For many years, the U.S. relationship with Pakistan has been characterized by fits and starts. Now that Pakistan has returned to an elected civilian democracy, it is important to emphasize our long-term commitment to the Pakistani people. To achieve that goal, our bill establishes a Pakistan Freedom and Prosperity Fund, a permanent fund in the U.S. Treasury that serves as a conduit for all social and economic development assistance. At the same time, we must take a hard look at what we want from Pakistan. We clearly want them to be a partner and a friend. In that spirit, we also expect them to take action against those who threaten Pakistani and American security interests. Our bill clarifies these expectations.

Achieving stability in Pakistan, however, will require more than economic assistance—it will

also require us to provide Pakistan the tools it needs to protect its people, secure its borders and augment its ongoing counterterrorism operations. To that end, our bill authorizes increased Foreign Military Financing (FMF), while requiring that the vast majority of such assistance be used for counterterrorism and counterinsurgency purposes. It also authorizes increased assistance for International Military Education and Training (IMET), which will enhance cooperation between the U.S. and Pakistani militaries.

Finally, our bill requires that military assistance may only be provided to Pakistan if the President determines that the Government of Pakistan is continuing to cooperate with the United States in preventing proliferation of weapons of mass destruction and has both demonstrated a sustained commitment to combating terrorist groups and has made progress towards that end.

Madam Speaker, we cannot succeed in defeating al Qaeda by ourselves. We need a robust, long-term relationship with our strategic partners to prevail against those who threaten our national security. The PEACE Act will help us establish just such a relationship with Pakistan.

HONORING THE LIFE AND PUBLIC SERVICE OF SPEAKER CARLOS P. TAITANO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and public service of the Honorable Carlos Pangelinan Taitano, a distinguished resident of Guam who passed away on March 25, 2009. Carlos served our nation and the people of Guam as an officer in the United States Army, a community leader, businessman, attorney, Assemblyman in the Guam Congress, Senator in the 3rd Guam Legislature and Speaker of the 8th Guam Legislature.

Born on March 14, 1917 to Jose San Nicolas and Dolores P. Taitano of Hagatña, Carlos attended elementary and middle school on Guam. He subsequently moved to Hawaii to attend high school. After his high school graduation from McKinley High School in Hawaii, Carlos enrolled in the University of Hawaii where he earned a Bachelor of Science degree in Chemistry in 1941. After graduation from the University of Hawaii, he was hired by the Honolulu Police Department as an Assistant Chemist. At the onset of World War II Carlos joined the United States Army and was commissioned as an officer. He participated in the campaign to liberate the Philippines. After the war, he was assigned to Fort Ruger, Hawaii and Fort Meade, Maryland. It was during the latter posting in Maryland that he married Marian Agueda Johnston.

Carlos and Marian returned to Guam in 1947, and in 1948 he was elected to the Guam Congress as an Assemblyman. Carlos was an advocate for United States citizenship for the Chamorro people who had endured a brutal enemy occupation. He famously organized a walkout by the Guam Congress on

March 5, 1949 to call attention to Guam's quest for a civilian government to replace the post-war Naval government. He fed news of the walkout to the national media, and coverage of this event in national newspapers helped to raise awareness about the plight of the Chamorro people. This event gave momentum to Congressional efforts to pass the Organic Act of Guam in 1950 which granted United States citizenship to the Chamorros on Guam and established a civilian government. He was the only Chamorro in attendance at the White House signing ceremony of the Organic Act of Guam on August 1, 1950 by President Harry S. Truman.

Carlos was accepted to the law program at Georgetown University in Washington, D.C. where he graduated with a Juris Doctor degree in 1953. While at Georgetown University, Carlos participated in activities with the Guam community in the National Capital area and was instrumental in founding the Guam Territorial Society to promote Guam and our Chamorro culture.

In 1953 Carlos returned to Guam and helped to establish the Territorial Party of Guam, which later became the Republican Party of Guam. He was elected to the 3rd Guam Legislature in 1954. After serving one term in the Legislature, Carlos returned to his business interests which included the Micronesian Village, a gift shop featuring Micronesian and Chamorro arts and crafts. In the mid-1960s Carlos became the President and General Manager of Guam's Coca-Cola Bottling Company, a position he held for six years.

Carlos reentered public service in 1965 and was elected to the 8th Guam Legislature. He was selected by his colleagues to serve as Speaker, an honor that recognized his many contributions to Guam's political development. Under his leadership, the 8th Guam Legislature urged the United States Congress to expand self-governance for the people of Guam by amending the Organic Act to authorize the direct election of the Governor of Guam and to provide a Delegate to Congress. Carlos' vision

for self-governance was passed by the 90th Congress in 1968 for the elected Governor and by the 92nd Congress in 1972 for the Delegate to Congress.

Carlos contributed his time and resources to civic organizations and government boards throughout his life to help improve our community. His civic contributions included notable service as the first president of the Guam Bar Association, past president of the Rotary Club of Guam, past chairman of the Guam Memorial Hospital Authority Board of Trustees, and past president of the Reserve Officers Association of Guam.

Throughout his life, Carlos promoted the preservation and celebration of the Chamorro culture. He was among the first authors of plays and pageants depicting Chamorro epic tales, and he wrote essays calling attention to the need to do more to promote the Chamorro language and culture. He encouraged cultural groups to perform chants and dances that depicted Chamorro culture in the pre-contact era. He helped to found Pa'a Taotao Tano', an organization of cultural performers and their supporters who are dedicated to preserving a more authentic portrayal of Chamorro culture in song and dance. He promoted indigenous culture and pride at a time when Guam was undergoing many social and economic changes, and his voice reminded us then as now of the importance of the Chamorro culture to our people and to our nation.

The people of Guam will always remember Speaker Carlos Pangelinan Taitano as a visionary leader who was proud of his Chamorro heritage. He served our nation and our island as a soldier and statesman and his contributions will always be appreciated and remembered. I join the people of Guam in extending our sympathy to Marian Taitano and to their children, Linda, Carl and Tyrone and their extended family. Speaker Carlos P. Taitano was a leader and public servant who inspired us in many ways and we honor his contributions to our island community and to our nation.

WORLD AUTISM AWARENESS DAY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Mr. REICHERT. Madam Speaker, I rise today in honor of the second annual World Autism Awareness Day. As the Founder and Co-Chair of the Congressional Children's Health Care Caucus, I recognize the debilitating force that is autism and I am proud to recognize Worldwide Autism Awareness Day in order to bring attention to this life-altering and, too often, unrecognized disorder.

I am proud to consistently support medical research on autism and its causes. I have worked with many members of this body and many other individuals and groups to increase funding to the National Institutes of Health (NIH) in order to more fully understand the root causes and best prevention practices to minimize its debilitating effects.

But we must continue to work. Evidence shows that one in every 150 American children is affected by an Autism Spectrum Disorder (ASD). Last year at this time, there was no medical detection or cure for autism. This year, there has been progress to uncover more about the root causes of ASD related disorders and why they may occur more often than expected among people who have certain other medical conditions.

Families need hope, and we must make a commitment to help them find the missing pieces to the puzzle. I urge all of my colleagues to continue supporting NIH funding so that—as groups like Autism Speaks and Families for Early Autism Treatment know—we can continue to fight against the fastest-growing developmental disability in the world.

SENATE—Monday, April 20, 2009*(Legislative day of Day, Month 00, 2009)*

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, Your still small voice invites us to turn from feverish ways. Refresh our hearts and lead us from the cynicism that makes it difficult to know Your will.

Lord, guide our Senators. Warn them through their mistakes, encourage them with their successes, and enrich them through life's seasons of gladness and sadness. Lead them around the pit of overconfidence and inspire them to depend on You to direct their steps. Make them worthy of this Nation's great heritage. As they face today's duties and tomorrow's problems, give them a renewed sense of national destiny. May they commit themselves to work for You with excellence, so that they can experience the delight of knowing they did their best for You. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to S. 386, the Fraud Enforcement and Recovery Act of 2009.

At 5:30 this evening, the Senate will vote on a number of confirmations: Tony West, to be an Assistant Attorney General; Lanny Breuer, to be an Assistant Attorney General; and Christine Varney, to be an Assistant Attorney General.

Upon disposition of those nominations, there will be up to 20 minutes of debate prior to a cloture vote on the nomination of Christopher Hill, to be Ambassador to the nation of Iraq.

As a reminder to my colleagues, before the recess, I filed cloture on the motion to proceed to the Fraud Enforcement legislation, which came from the Judiciary Committee. That cloture vote will occur upon disposition of the Hill nomination. The Republicans have indicated that if cloture is invoked on the Hill nomination, a significant amount of postcloture debate will be used on this matter.

MEASURE PLACED ON THE CALENDAR—H.R. 1256

Mr. REID. Mr. President, it is my belief that H.R. 1256 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Without objection, the bill will be placed on the calendar.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time until 5:30

be equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. REID. Mr. President, our economic troubles can be tallied in statistics but numbers alone cannot tell their toll. Every American knows this. The people in Nevada know this especially well. They have felt the full force of this recession as intensely as anyone in America.

I received a letter this month from Bobby Mockbee. Bobby, his wife Julia, and their two children live in North Las Vegas, NV. Bobby is a stay-at-home dad, and a little over a year ago Julia was laid off from her job. Finding themselves near the end of tens of thousands of dollars they had saved and put away, Bobby and Julia recently tried to get a loan. Similar to many families who are hurting now, the Mockbees played by the rules. They had never been late on any bill at any time. They had excellent credit. Their credit score was terrific. They were no strangers to the ins and outs of the housing market—the job Mrs. Mockbee lost was as vice president of a large title and escrow company. But they were turned down for that loan. Now that the Mockbees are so stretched, they fear that before long they will be the latest in a long line of Nevada families to have lost their homes.

Unemployment in Nevada is now in the double digits—the highest it has been in a quarter of a century. To a worker such as Julia Mockbee, who can no longer collect a paycheck, job loss is more than an economic indicator. Families in my State lose their homes at the worst rate in the Nation. But to someone who has lost a share of the American dream, foreclosure is more than a cause and effect of the Wall Street collapse.

I am confident the steps we have taken this year to address this crisis will ultimately anchor our recovery, but it has not done so yet. As I visited with Nevadans over the past couple weeks, one message became very clear: We as legislators must keep going. We must do more. The hole we have inherited from George Bush is deep, and our long climb back has just begun.

We have seen promising progress and are beginning to see a return on the investments we made in our economic recovery plan, but we are still far closer

to the starting line than the finish line. In that legislation, we indicated we would create or save at least 3½ million jobs. In States such as Texas, Florida, and Ohio, thousands of new construction jobs are already on their way. Students are getting better schools and a better education in Illinois and Tennessee. Veterans, children, and low-income families in New Mexico and Maryland are getting better health care. In Nevada, investment in green technology is leading us not only to economic recovery but energy independence.

This Congress faced monumental challenges when we convened a few short months ago. Our response has been swift and strong. We cut taxes for the middle class so they can keep more of their paychecks at a time when they need it most. We made sure more children get the health care they need to stay healthy with the Children's Health Insurance Program—4 million more. We outlawed pay discrimination, to be sure women will be treated as equals in the workplace and ensure that hard work is rewarded fairly no matter who you are. That is the Ledbetter legislation. We passed a responsible budget that, when put into action, will make investments in health care, clean energy, and education to help us not only recover but to prosper. We passed one of the most important conservation bills in a quarter of a century. That legislation will protect our environment and natural resources for generations to come, and it created more than 2 million acres of wilderness. We also passed national service legislation—legislation that will allow 750,000 Americans to become involved in public service and, in the process, better their education.

I wish I could say we did these things with broad support from Republicans, our colleagues in the Senate. It would have been good for the country if we had. Unfortunately, we only had the help of a few courageous Republican Senators and basically no help in the House. Nevertheless, our progress so far is a healthy downpayment.

There is much more to do to address this crisis. That is why, in the coming weeks, we will keep going. We will attempt to give bankruptcy judges the chance to modify existing mortgages so responsible families who played by the rules can make their payments and stay in their homes.

It is so unusual that the law in our great country says that if someone has a home on the beach, in addition to their primary residence, or near a ski area in the mountains, and they have financial problems, they can go to bankruptcy court and readjust those loans on their second homes but they can't do that on their primary residence. If a person has lost their job, such as Julia Mockbee, or may lose their job, they can't go to bankruptcy

court and get a readjustment of their loan. We have to change that.

We also wish to fight financial fraud in the mortgage business—there is a lot of that going on now—and hold accountable those who game the system on the backs of those who make an honest living. We will fix the criminal code to punish leaders who betray the public trust, take advantage of American families, and further endanger our economy. We will finish work on the budget we passed earlier this month so we can begin to correct the mistakes of the past and invest in our future. We will ensure our troops will have the resources they need to fight effectively the extremists in the Middle East and make Americans safer.

These are not small ambitions, but they are not luxuries. They are priorities we must pass because American families are still suffering. They are still worried about losing their jobs and losing their homes. No effort to recover can succeed unless Democrats and Republicans work together. I had hoped this year for change would have inaugurated a new era of common purpose. Instead, Democrats have met an all-too-familiar wall that reflects Republican opposition. I still hold the hope that we will see the bipartisan cooperation necessary to fulfill the rest of our obligations to the American people. I still believe we can put aside our political differences and move forward.

The last time America looked up from an economic hole so deep, it resoundingly elected a new leader—Franklin Roosevelt—not with a mandate for reticence or for repeating the mistakes of the past but with an urgent instruction—in 1932—to lift our Nation, reject fear, and recover from financial turmoil. Just weeks before the election—again, in 1932—Americans would soon swarm to the polls, but they would also pack theaters to see a Marx Brothers blockbuster called “Horse Feathers.” The film starts with a song that could just as easily have been written by today's Republican Senators. Groucho Marx sang the following in that movie:

I don't know what they have to say. It makes no difference anyway. Whatever it is, I'm against it.

That was Groucho Marx. The lyrics were a hit in Hollywood, and that is where the song should stay. As a legislative strategy, it is nothing short of reckless. The American people expect more from their leaders, and their serious problems deserve better than a vaudeville act, but that is what the Americans have gotten from the Republicans in the Senate: Whatever you want, we are against it.

Nearly eight decades after this song sung by Groucho Marx and this movie with the Marx Brothers, in the face of familiar troubles, we cannot afford to say no because it is easier than doing the hard work to make life better for

struggling families. We cannot afford to work against each other because it is more politically convenient than working together. We cannot afford to bet against America's resilience and recovery, as the Republicans are doing. The American people did not send anyone here to simply be against everything. They still want to hear what Republicans support, not just what they oppose.

One of the Republican leaders in the House said: We are going to be like a thousand mosquitoes. That is the effort of the Republican leadership in the House—a thousand mosquitoes—just biting, not accomplishing anything.

Families are too busy trying to make this week's paycheck last until the next to keep track of who is scoring political points. They worry about paying the electric bill, the mortgage bill or the tuition bill—not about games and gimmicks. In the history of American Government, partisan bickering has never saved a single job or kept one family from losing their home.

I hope Republicans will join us to confront the crises in our communities and around the world, and I hope they will start this afternoon when we vote on moving forward with the nomination of Christopher Hill.

To this point—this few short weeks we have been in session—we have had to file cloture on five of the President's nominees. The Secretary of Labor, a very important job—Hilda Solis—was held up. We had to invoke cloture. The Deputy Attorney General, a man by the name of Ogden, we had to invoke cloture on the Republicans' filibuster of him. In his job, second in command, he is in charge of all the criminal prosecutions in this country. He is also the chief administrator of the attorney general's office. We had to invoke cloture on that.

Two members of the Council of Economic Advisers—we had to invoke cloture. Who are these people? They are the primary economists on whom the President depends. We had to waste valuable time invoking cloture on two filibusters there.

Incredibly, now, tonight, we are going to invoke cloture on the Ambassador to Iraq. I talked to Secretary Gates just a couple of days ago about a number of issues. One of the things he brought up was—Gates said that every time he talks to General Odierno, he asks: When can I get my civilian commander, my civilian counterpart in Iraq? That is what this is all about. We did everything we could prior to the 2-week recess to let us have a vote. No; cloture. We have to file cloture on the Ambassador to Iraq. What a shame.

Christopher Hill is a strong and skilled negotiator who has tackled some of the most complex diplomatic challenges in the world. After he graduated from Bowdoin College, he joined the Peace Corps and served in Africa.

He joined the Foreign Service immediately after that and served tours in half a dozen countries. He has been an ambassador in any number of countries and served so well. He earned a graduate degree from the Naval War College.

The man we will send to Iraq is no stranger to dealing with difficult governments. He has worked hard on ethnic civil wars. He successfully coordinated multilateral negotiations on North Korea's nuclear program and was a key player in the peace talks that ended the conflicts in both Kosovo and Bosnia.

General Petraeus has always said that the cure of Iraq's troubles will be prescribed politically, not militarily. General Odierno has called for civilian help to secure what his brave troops have accomplished. Experts from the left and the right alike have warned against taking our eye off the ball in Iraq. Yet our top diplomat in that country where more than 4,000 Americans have given their lives—and each day, 143,000 more risk their own—sits and waits. When is this man going to be able to come and go to work? It is a shame we have to go through this process on the Ambassador to Iraq.

Each of our three Ambassadors to Iraq since the beginning of the war has called on us to urgently fill this gaping hole in our diplomatic lineup and to fill it with Ambassador Hill. He has spent his entire career in the Foreign Service, and he is ready to answer his country's call once again. It is simply wrong that we have to wait for this man to get over there.

I didn't bring the subject up with Secretary Gates; he brought it up.

I hope Republicans will not make us use all of the 30 hours of procedural time. What do I mean by this? For those who are watching, after we invoke cloture there is 30 hours of time. I say to everyone, we are going to vote on this when the 30 hours expires. If it is midnight tomorrow night or 1 a.m. Wednesday morning, we are going to vote. We are not going to hold this up 1 minute. It is absolutely wrong that we have to do this. We cannot wait any longer for civilian leadership in Iraq. Those who stand in the way should stand down so Ambassador Hill can get to work making America more secure and so the Senate can move to the important work of getting our economy back on track. Democrats and Republicans alike have an interest in stabilizing the Middle East. Democrats and Republicans alike have an interest in stabilizing our economy. But neither security abroad nor prosperity at home can happen unless both Democrats and Republicans work together toward those common goals.

As we begin our common work here after a 2-week recess, I hope my colleagues keep in mind what they saw and heard across the country in the

last few weeks. It was what I heard, that hard-working people in their communities are struggling against conditions they did not create, that the earliest signs of recovery are beginning to bloom in the spring, and with much more to be done, they hope their leaders will be up to the task.

I urge my Republican friends to think twice before they return to the refrain: Whatever Democrats are for, we are against. I remind them what we are for is the success and security of the American people. If we are going to turn the tide, if we are going to change the tone, it is time to sing a different tune and not a song sung by Groucho Marx.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMERICAN CHALLENGES

Mr. McCONNELL. Mr. President, toward the end of 2006, President Bush concluded that American security interests in the Persian Gulf were not being advanced by the military strategy that was then in place in Iraq. He directed a review of military plans and decided to accept the recommendation of GEN David Petraeus and other advisers to adopt a counterinsurgency strategy that would involve a surge of ground forces to secure the Iraqi population. In the face of growing sectarian violence in Iraq, President Bush announced this strategy in early 2007, and the success of this strategy is now so widely acknowledged that it is hard to believe that just 2 years ago some in Washington wanted to cut off funding for our forces on the battlefield and establish arbitrary deadlines for withdrawal without consideration to conditions on the ground.

Over the past 2 years, the American people have witnessed a gradual maturation of the Iraqi Government. Iraqi security forces, working with coalition forces, took control of Basra and Sadr City. General Petraeus's efforts to shift responsibility to the Iraqi Army took place in front of a pessimistic audience that included, of course, Iran. But it worked.

During the recess, I visited General Odierno in Baghdad, and despite ongoing challenges in some provinces and the continuing need of the Iraqi security forces for coalition support, he is optimistic that the security gains made in Iraq are indeed sustainable.

That is why I was encouraged when President Obama moved away from his campaign promise to withdraw all U.S. forces from Iraq within 16 months of his inauguration. Instead, he accepted the advice of Generals Petraeus and Odierno to draw down forces at a pace

that will recognize conditions on the ground, the challenges associated with Iraqi elections, and the need to maintain a presence to conduct training, force protection, and counterterrorism.

To those of us who ignored the calls for arbitrary deadlines for withdrawal and efforts to cut off funding for our forces in combat, it is likewise encouraging to see President Obama has accepted the recommendations of General McKiernan and General Petraeus to order a surge of additional forces in Afghanistan in order to succeed there. I visited with General McKiernan in Kabul last week, and he explained his plans to deploy these additional forces. He is mindful of the challenges associated with Afghan national elections, the need to continue expanding the Afghan National Army and police, and the need to combat corruption within the Afghan ministries. Nonetheless, he is confident of military success. With the lives and security of so many at stake, it is important that the Obama administration follow the best military advice. So far in Afghanistan, this is precisely what the President has done, and he deserves a lot of credit for it.

During the recess, President Obama submitted a supplemental appropriations request to fund the war efforts in Iraq and Afghanistan, and Republicans will aggressively support our combat forces just as we did in the last Congress. In the coming months and years, Congress will continue to play an essential role in preserving and extending the security gains our service men and women have made in Iraq and in fighting the Taliban and al-Qaida in Afghanistan. By approving President Obama's request for war funding, we will provide our men and women in uniform with resources they need to complete their missions and return home with honor.

This is a solemn duty, and Members of Congress should resist the temptation to use these war funding requests as an opportunity to fund unrelated projects. The President's war funding request should be used for its intended purpose; that is, the national defense.

In that vein, this war spending bill falls short in one important respect. It requests up to \$80 million for the purpose of shuttering the secure detention facility at Guantanamo Bay before the administration has a place to put the roughly 240 inmates who live there. The administration has sought to mollify our critics overseas by saying it will transfer the inmates at Guantanamo in a matter of months. The administration should, instead, be assuring the American people that these inmates will not be transferred to American soil or allowed to return to the battlefield—an assurance that so far the new administration has not been able to give.

This is an extremely important issue. As the clock runs out on the administration's plan to shut down Guantanamo within the next 9 months, Americans are paying closer and closer attention to what this means for them. It is one thing to announce the goal of closing this facility; it is quite another to set an arbitrary date for closure before anyone has even come up with a safe alternative. The administration hasn't even been able to assure us that these 240 detainees will not be scattered across the United States. Indeed, when it comes to Guantanamo, the administration doesn't seem to have any plan at all for dealing with men whom many consider to be the most dangerous terrorists alive. Meanwhile, Guantanamo has provided Americans with a high degree of safety and certainty. Of the 800 terrorists who have been held there over the years, not a single one has ever escaped to harm anyone. Not one has escaped to harm anyone.

In the days ahead, Republicans will remind the American people about the dangers of closing Guantanamo without a safe alternative—and prod the administration to rethink its strategy in the same way the President has rethought his campaign proposals on Iraq. In the end, the safety of the American people is of far more important concern than pleasing our foreign critics, many of whom have been far quicker to criticize our detention policies than they have been in offering a hand in adjusting them. On Guantanamo, it is increasingly important that we get the policy right and put the politics aside. If it does so, the administration can expect strong bipartisan support.

RESTORING FISCAL BALANCE

Mr. MCCONNELL. Mr. President, the President has announced today he is directing the members of his Cabinet to cut wasteful Government spending. Obviously, I applaud such an effort, but it is important that we not lose sight of the enormity of our current spending and debt levels, which will only really be addressed through major, bipartisan, politically difficult reforms. The Cabinet has been asked to find \$100 million savings in a \$4 trillion budget. Any amount of savings, obviously, is welcome, but according to the Congressional Budget Office numbers, that is about the average amount we will spend every single day—that \$100 million is about the average amount we will spend every single day just covering the interest on the stimulus package we passed earlier this year.

We need to cut waste, but we will need to do much more to restore fiscal balance. Senators GREGG and CONRAD have proposed a plan that would force us to get debt and spending under control. It deserves our serious attention. I yield the floor.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to S. 386, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consider S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is there on S. 386?

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 87 minutes.

Mr. LEAHY. Mr. President, under the normal circumstances, I would speak as chairman of the Judiciary Committee and as the chief sponsor of this bill. Then we would go, by normal protocol, to either the Republican ranking member or the senior Republican who is cosponsor, which I assume will be done.

I ask unanimous consent that the Senator from Delaware, Mr. KAUFMAN, be recognized next. I ask further unanimous consent that at the completion of my statement, if there is no member of the Republican party seeking recognition, Senator KAUFMAN be recognized; if there is a member of the Republican party seeking recognition on this bill, that, of course, they be recognized first, and then the next person to be recognized be Senator KAUFMAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, this afternoon we begin consideration of the bipartisan Fraud Enforcement and Recovery Act. What this does is to strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy; that not only undermined our economy, they have hurt so many people in this country.

It is going to give the resources and the legal tools needed to police and deter fraud. We have massive recovery efforts now being implemented. But if we do not go after those who are committing fraud against people in this country, much of that effort is going to be wasted.

I commend the Senator from Iowa, Mr. GRASSLEY, our lead cosponsor, for his contributions to this package, and his dedication to protecting taxpayer funds by deterring, investigating, and prosecuting fraud. He worked with me to write this bill. He has been a leader on this legislation every step of the way.

I thank our many cosponsors for their steadfast support for this effort.

Senator SCHUMER has not only supported this measure but has also introduced additional legislative proposals with Senator SHELBY. Senator KAUFMAN is an original cosponsor and has been a strong ally. He has spoken and written about the need for fraud enforcement all year. Senator KLOBUCHAR has participated throughout the course of Judiciary Committee consideration of this bill. As former prosecutors, she and I both know how important it is to have sufficient resources on the ground committed to deterring and discovering these devastating crimes. More recently, we have been joined in our efforts by the ranking Republican on the Judiciary Committee, another former prosecutor and friend, Senator SPECTER, and by Senators SNOWE, HARKIN, LEVIN, DORGAN, WHITEHOUSE, BAYH, SHAHEEN, and MURRAY.

It is a bipartisan effort. And, actually, if you are going to go after people committing crimes and fraud, you should not consider it a Democratic or a Republican effort; this is a bipartisan effort. And we ought to be able to do it, because those who are committing the frauds did not ask if the person they are going to defraud is a Republican or Democrat, they want to defraud them. But what we want to do is to stop them. So whether one supported the economic recovery efforts proposed by President Bush and President Obama or not, I think we can all agree no one wants that money squandered by fraud.

Whether we want to help homeowners in hard times or people who have lost their jobs or were lured into subprime mortgages—some may think it may be their fault they were lured into their subprime mortgages. But if you had people involved in mortgage fraud, they should be held accountable.

I thank the majority leader for moving to proceed to this measure. It is my hope we can get to a time agreement without being filibustered. I hope we will not have to spend a lot of time in a filibuster before we consider anti-fraud efforts on behalf of the American people. Everybody I talk to, whether it is in Vermont or any other State, says those who are involved in mortgage fraud, those who are involved in stealing the money, especially at a time of economic downturn, ought to be prosecuted.

Frankly, as a former prosecutor, I can tell you nothing so focuses the minds of those who want to commit fraud as if they think they might actually be arrested, convicted, and sent to prison.

We are returning from the Easter recess. During these first months of the year, the Judiciary Committee has concentrated on what it can do to assist in the economic recovery. We have already considered and reported this fraud enforcement bill, we considered and reported a patent reform bill, and we also put law enforcement assistance

in the economic recovery legislation. The President's efforts are beginning to show dividends. As he said last week at Georgetown University, this administration has responded to an extraordinary set of economic challenges with extraordinary action, action that has been unprecedented both in terms of its scale and its speed.

We have seen the recovery plan enacted, the bank capitalization program, the housing plan, the strengthening of the nonbank credit market, the auto plan, and the work with the G-20. Those are signs intended to generate economic progress. That is good. That is necessary. I agree with that. But it is not enough. We have to make sure when we send public money, taxpayers' money, that it is going to what it is supposed to go to, it is not being stolen, it is not being dissipated by fraud, it is not going to the hands of people whom nobody in this Chamber, Republican or Democrat, would want it to go to.

We need to ensure those responsible for the downturn through fraudulent acts of financial markets and in the housing market are held to account. That is why we have to enact the Fraud Enforcement and Recovery Act. We have to make every effort to ensure accountability, and this bill will do that. It will build our Nation's capacity to investigate and prosecute financial fraud.

Take a look at this chart. These are the reports of mortgage fraud. This is at near epidemic levels. Look at the number of reports in 1998. Look at them now. In 1998, 2,269. Last year, 65,049. Frauds are up 682 percent over the past 5 years and more than 2,800 percent in the past decade.

Some would estimate that we are losing \$4 billion each year in mortgage fraud alone. Then you have massive new corporate frauds, such as the \$65 billion Ponzi scheme perpetrated by Bernard Madoff. These are being uncovered. How many more are there?

In the past 2 weeks alone, the Justice Department announced prosecutions in mortgage and security scams involving more than \$200 million in fraud. This kind of fraud has even touched my own State of Vermont. We are a very small State. We are the second smallest State in the Union, 650,000 people. But last fall, Federal authorities uncovered a \$26 million mortgage scam involving more than 50 properties being run out of the small town of Highgate, VT. It is affecting everybody. Let's go after these people. Let's prosecute them. Let's throw them in jail. Because, otherwise, if you simply give them a fine, it is a cost of doing business and nobody is deterred by it.

The victims of these frauds must be protected now more than ever. They are homeowners who have been fleeced by unscrupulous mortgage brokers or so-called foreclosure experts who prom-

ise to help. Instead of helping them, they leave them unable to keep their homes and in further debt than before.

We have retirees who have lost their life savings with stock scams and Ponzi schemes. These have come to light only when the markets and corporations have collapsed. They also include the American taxpayers who have invested billions of dollars to restore our economy and support our banking system, and they assume that taxpayers' dollars are going to be there to support our industries, that taxpayer dollars are going to be there to help bail out our economy, that somebody is not going to steal it.

As the economic crisis worsened last fall, I called upon Federal law enforcement to track down and punish those who were responsible for the corporate and mortgage frauds that helped make the economic downturn far worse than anyone predicted. This year, as Congress reconvened, I joined with Senator GRASSLEY to draft and introduce the Fraud Enforcement and Recovery Act, the legislation we consider today, which will provide the new tools and resources needed by law enforcement to carry out this effort. Now, I call on all Senators to support and promptly pass this bill, so we can make sure that those responsible for these frauds are held fully accountable and that the many millions, likely even billions, of dollars lost will be recovered for fraud victims and for the American taxpayer.

Federal law enforcement needs this legislation now to combat fraud effectively. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation—FBI—has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations referred by the Treasury Department each month.

In the late 1980s and early 1990s, we faced a similar financial crisis with the collapse of the federally insured savings and loan industry. At the time, Congress responded by passing legislation to hire prosecutors and agents similar to the bill we consider today, and that effort resulted in more than 600 fraud convictions nationwide and recovery of more than \$130 million in ordered restitution. But the savings and loan collapse is dwarfed in scale by the current crisis, as financial institutions have lost more than \$1 trillion in assets in the past year, compared to only \$160 billion in assets lost during the entire savings and loan era. Clearly, we must respond at least as strongly as we have in the past.

Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts and prosecutors and allocating the resources needed to catch those who took advantage to profit through fraud. We need to do so, again.

At a February 11, 2009, Judiciary Committee hearing, we heard from the FBI, the Special Inspector General for the Troubled Asset Relief Program, TARP, and the Justice Department. All witnesses testified concerning the need for this legislation and these additional law enforcement resources.

Deputy Director Pistole of the FBI testified that the number of mortgage fraud cases opened by the FBI had more than doubled in the past 3 years, with 721 cases open in 2005, and more than 1,800 open at the end of 2008. He warned that the losses in this economic crisis dwarf those of the savings and loan debacle, and the need for more enforcement is even greater now than it was then.

Special Inspector General Barofsky described how law enforcement resources had understandably been diverted from traditional white collar crime to terrorism following the attacks on September 11, 2001. This trend left the Justice Department's capacity to respond to financial and securities fraud significantly weakened, and with the recent trends shifting even more resources to mortgage frauds, other white collar efforts were even further "underfunded and underprosecuted." He warned that with trillions of dollars being spent under TARP and other associated programs, "it is essential that the appropriate resources be dedicated to meet the challenges of both deterring and prosecuting fraud." I agree.

Acting Assistant Attorney General Glavin of the Justice Department testified that our bill would provide the Justice Department with needed tools "to aggressively fight fraud in the current economic climate" and "provide key statutory enhancements that will assist in ensuring that those who have committed fraud are held accountable."

The committee also received written testimony supporting this enforcement effort from the inspector general for the Department of Housing and Urban Development, and from the Acting Chief Postal Inspector.

We all know about Bernard Madoff's infamous \$65 billion Ponzi scheme that went undetected for years. And every month we learn of more and more kinds of schemes. We have to clean this up.

This would allow the FBI, the Justice Department, other agencies, to respond to the crisis. In total, the bill authorizes \$245 million a year over the next two years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our nation's

“white collar” fraud enforcement efforts. While the number of fraud cases is now skyrocketing, we need to remember that resources were shifted away from fraud investigations after 9/11. Because today the ranks of fraud investigators, of prosecutors, are drastically understocked.

Some have said, well, we cannot afford to authorize additional money for fraud investigations. I think that is a bad mistake. The only way you are going to stop it is to show you are going to stop it. The only way you are going to deter it is if you act to deter it, if you investigate the people, if you go after them, if you make them pay, and if we recover money for American taxpayers.

I see the distinguished senior Senator from Minnesota on the floor. She is a former prosecutor. She knows that the way you go after these people is to really go after them. If fraud goes unprosecuted and unpunished, then victims across America lose money. In many cases, American taxpayers take the loss directly. For example, in the case of many mortgage frauds where the Federal Government has guaranteed the loans, and when the fraud remains hidden, American taxpayers, as well as the victim, lose out. If we don't take action to investigate and prosecute this kind of fraud, Americans will lose far more money than this bill costs.

In fact, fraud enforcement is an excellent investment for the American taxpayers. According to recent data provided by the Justice Department, the Government recovers, on average, \$32 for every dollar spent on criminal fraud litigation. Think about that. If you are an investor, you would love to invest and get that kind of return. We spend \$1 on criminal fraud litigation, we get back \$32. The nonpartisan group, Taxpayers Against Fraud, has found that in civil fraud cases, the Government recovers \$15 for every dollar spent in civil fraud cases.

Last year the Justice Department recovered nearly \$2 billion in civil false claims settlements, and in criminal cases, the courts ordered nearly \$3 billion in restitution and recovery. That is why we should pass this and pass it quickly.

I do not want, 8 months from now, when suddenly we find here another hundreds of millions of dollars, billions of dollars, taken from American taxpayers in fraud and theft that we could have stopped, but to say: Gosh, if only that bill had passed.

The Fraud Enforcement and Recovery Act also makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. Specifically, the bill amends the definition of “financial institution” in the criminal code in order to extend

Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Assets Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In *United States v. Santos*, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the “profits” of crimes, rather than the “proceeds” of the offenses. The Court's mistaken decision was contrary to congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams did not make a profit. Indeed, Ponzi schemes like the \$50 billion fraud perpetrated by Bernard Madoff, which by definition turn no profit, are exempt from money laundering charges under this formulation. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

The Fraud Enforcement and Recovery Act also strengthens one of the most potent civil tools we have for rooting out fraud in government—the False Claims Act. The Federal Government has recovered more than \$11 billion using the False Claims Act since it was modernized through the work of Senator GRASSLEY in 1986, but the statute still can be more effective. Recent court decisions and changes in government—contracting practices have limited the effectiveness of the False Claims Act. As we did in the last Congress, Senator GRASSLEY and I have joined together to update and restore the False Claims Act to protect the American taxpayer.

Some may argue that the legal fixes in this bill constitute overreaching by the Federal Government. In fact, this bill does not over-federalize or over-criminalize, as we took great care in

crafting it to avoid those kinds of excesses. The bill creates no new statutes and no new sentences. Instead, it focuses on modernizing existing statutes to reach unregulated conduct and on addressing flawed court decisions interpreting those laws.

This bill has broad bipartisan support. It has the strong backing of the Justice Department and the Obama administration, along with Senator GRASSLEY and Senator SPECTER, the ranking Republican member of the Judiciary Committee. We have Senator SNOWE joining us as a cosponsor. They have joined with Senators KAUFMAN, SCHUMER, KLOBUCHAR, LEVIN, HARKIN, DORGAN, WHITEHOUSE, BAYH, SHAHEEN, and MURRAY who have cosponsored this bill.

The Justice Department sent us a letter. They said:

The Department strongly supports enactment of [the bill]. The provisions of the legislation would provide Federal investigators and prosecutors with significant new tools and resources . . . to combat mortgage fraud, securities and commodities fraud.

Look what the Director of the FBI said:

FERA [referring to our bill,] will be tremendously helpful in giving us the tools to investigate . . . to help prosecutors prosecute, and finally to obtain the convictions and jail sentences that are the deterrent to this activity taking place in the future.

Remember, we certainly want to recover money. Certainly we want those forfeitures. Certainly we want those fines. But I want people to go to jail for this. Because if you think if you are going to defraud someone or groups defraud people of \$100 million, you might get a \$10 million fine, that is 10 percent of your cost of doing business. But if you think you might go to jail, then you are going to think twice.

That is why we received this support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud.

The current epidemic of fraud went hand in hand with the greed and neglect that poisoned our economy in recent years. As banks and private mortgage companies relaxed their standards for loans, approving ever riskier mortgages with less and less due diligence, they created an environment that invited fraud. Private mortgage brokers and lending businesses came to dominate the home housing market, and these companies were not subject to the kind of banking oversight and internal regulations that had traditionally helped to prevent fraud. We are now seeing the results of this lax supervision and lack of accountability.

The problem spread as home mortgages were packaged together and turned into securities that were bought and sold in largely unregulated markets on Wall Street. Here again, the

environment invited fraud. As the value of the mortgages started to decline with falling housing prices, Wall Street financiers began to see these mortgage-backed securities unravel. Some were not honest about these securities, leading to even more fraud, and victimizing investors nationwide.

Only by reinvigorating our antifraud measures and giving law enforcement agencies the tools and resources they need to root out fraud can we ensure that fraud can never again place our financial system at risk and victimize so many Americans. Taxpayers, who bear the burden of this financial downturn, deserve to know that the government is doing all it can to hold responsible those who committed crimes in the run-up to this collapse.

There should be strong support for this. The Justice Department supports it. The FBI supports it. The Secret Service supports it. The Postal Inspection Service supports it, the HUD Inspector General supports it, the Special Inspector General for the Troubled Asset Relief Program supports it, on and on and on.

And, most importantly, some of the most thoughtful members of this body, Republican and Democratic Members alike, support it. So let's go as quickly as we can. Let's have a decent time agreement on this bill.

Let's get it passed. Let's get it through the other body. Let's get it on the President's desk. Then let's go and investigate and lock up the people who cost the American taxpayers hundreds of millions, even billions of dollars.

I see the distinguished cosponsor, the Senator from Iowa. I yield the floor and withhold the remainder of my time.

The ACTING PRESIDENT pro tempore, The Senator from Iowa.

Mr. GRASSLEY. Would the Chair please inform me as to the time allotted on this side?

The ACTING PRESIDENT pro tempore. The minority has 95 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, I thank the Senator from Vermont for his leadership in this area. I very much enjoy working with him. We may come from different political parties, but he has been very cooperative in a lot of the efforts I wanted to make on individual pieces of legislation. On this one, he and I are working together very closely. I thank him for the opportunity to work with him and thank him very much for including within this legislation some things both he and I have an interest in dealing with the False Claims Act.

I am pleased to be an original cosponsor of the Fraud Enforcement Recovery Act. This is a timely piece of legislation, given the current economic downturn and the unprecedented amount of taxpayer dollars that are being expended to shore up banks and financial institutions, corporations, Fannie Mae,

Freddie Mac, et cetera. When taxpayer money is being injected into these corporations, there is more opportunity for fraud, and we ought to stay on top of it. We have a responsibility as Senators, as guardians of taxpayer money, to make sure fraud does not occur anytime but, more importantly, when there is taxpayer money keeping a lot of these organizations afloat that would not otherwise be there.

There can be honest differences between Senators about whether this taxpayer money should have been used in the first place. Some of that I have voted against using. But the fact is, we were in the minority. The money is being used to sustain some of these institutions and corporations and, consequently, we have every responsibility to make sure taxpayer money is protected. That is what this piece of legislation is all about.

For instance, the economic stimulus package handed out nearly \$1 trillion in new spending. Whether a Member supported or opposed these expenditures, he or she must agree we simply cannot allow unscrupulous individuals defrauding the Government and ripping off the taxpayers. This legislation ensures that our law enforcement officials as well as prosecutors have the tools necessary to enforce our laws and also the resources to hunt down bad actors. It makes minor revisions to our criminal fraud laws to ensure that bad actors are not outside the scope of Federal jurisdiction. Further, it amends the civil False Claims Act to ensure that taxpayer money lost to fraud, waste, and abuse can be recovered. These changes will deter potential defrauders from attempting to scam the Government. In addition, this legislation will help instill confidence back into the housing and financial markets.

Over the last few years, unscrupulous individuals found housing and financial markets that were lax in oversight enforcement and regulation. As a result, it was easy for these unscrupulous individuals to commit fraud against homeowners, lenders, and businesses across the country. For example, the Financial Crimes Enforcement Network, referred to as FinCEN, released an updated report outlining filing trends in mortgage loan fraud suspicious activity reports. This report showed that SARs have continued to increase and for the last year ending in June 2008, there were more than 62,000 suspicious activity reports, SARs, filed related to mortgage fraud alone.

While this raw data simply represents investigative leads, it represents a 44-percent increase in suspicious activity from the preceding year. We need to act now to stamp out new fraud claims, to send a message that American taxpayers will not be taken for a ride.

This rise in the number of suspicious activity reports has also increased the

need to investigate leads that come in these reports. As a result, we need to make sure there are resources available so that law enforcement agencies can follow these leads.

During the height of the savings and loan crisis in the late 1980s and early 1990s, the FBI had over 1,000 agents and experts working mortgage fraud cases. Today, it is a lot less, compared to a much bigger amount of money that is at stake. Today the FBI has 180 agents dedicated to mortgage fraud investigations, a significant decrease compared to the 1,000 agents and experts during the S&L crisis.

While this number represents an effort to combat fraud, it is a significant decrease when we consider the hundreds of millions of dollars in write-downs during the S&L crisis—in other words, small—compared to the estimated \$1 trillion in write-downs that may occur as a result of the financial and housing crisis. This bill enables law enforcement agencies, including the FBI, Secret Service, the Housing and Urban Development inspector general, and the Postal Inspection Service to procure the funding necessary to make sure this fraud doesn't happen because you need this sort of joint effort to combat what will be complex financial crimes.

It is important to note this bill recognizes the important work of a number of Federal law enforcement agencies that work to combat and prevent financial crimes.

You don't often think of the Secret Service when you think of mortgage fraud, but the dedicated men and women at the Secret Service have been on the front lines in combating mortgage fraud since the S&L crisis and continue to unravel complex financial crimes. The Postal Inspection Service and the inspector general of the Department of Housing and Urban Development also continue to make significant contributions to stamping out mortgage fraud that abuses Federal Government programs and utilizes the mail to commit this fraud.

In addition to authorizing funding for law enforcement prosecutors so we get the number of people to get the job done, the bill also makes some necessary changes in Federal criminal law. The bill redefines "financial institution" to include mortgage lending businesses, a category currently missing in that definition. It also amends the statute to make it illegal to make false statements on mortgage applications and appraisals. It might surprise Members since common sense ought to dictate that, but common sense has not prevailed in that instance, so we will make that a crime.

Further, it ensures that economic relief funds and TARP funds are included in criminal laws prohibiting fraud against the Government. It adds commodities futures to the securities fraud

statute. The bill also makes two important clarifications to the antimoney laundering laws; first, by defining the term "proceeds" so that a recent Supreme Court decision doesn't limit the ability to go after criminals and drug dealers who launder the proceeds of their ill-gotten gain. This is an incredibly important provision, especially given the recent concerns about the outbound bulk cash smuggling going across the border with Mexico.

Second, the bill amends the international money laundering statute to make it a crime to transport or transfer money out of the country to evade taxes. This provision is also timely given the recent efforts by the Justice Department and the Internal Revenue Service to clamp down on tax cheats and evaders who move money offshore for the sole purpose of avoiding paying taxes with no economic rationale behind it.

Finally and most importantly, the legislation makes important changes to the Federal False Claims Act. The False Claims Act is the Government's premier tool to recover Government money lost to fraud and abuse. The Government has used the False Claims Act to recover over \$22 billion since 1986 when I introduced legislation that amended the previous False Claims Act. This legislation will ensure that the law adheres to the original intent of the False Claims Act.

I think I have some expertise in that area, being the author of this legislation and finding the Supreme Court's ruling contrary to congressional intent, albeit their motivation may be to interpret the law and that is the way they interpret it, but it does not keep us from going back to what we think is the original intent and saying to the courts: You got it wrong.

Specifically, these amendments address a loophole that was created in the False Claims Act by the Supreme Court decision in the Allison Engine case which could be used by fraudfeasors to evade liability by hiring subcontractors to perform work on Government contracts. Some defendants are already filing briefs in court seeking to have the false claims cases dismissed because of that decision. It needs to be addressed to protect taxpayer dollars.

This legislation could not come at a more important time. It will send a message to those who have defrauded homeowners and mortgage lenders and will send an even stronger message to those thinking about committing a future crime. I hope my colleagues will join in supporting the legislation to make sure that taxpayer dollars are protected.

I want to add a little editorial comment outside of this piece of legislation we have before us. There will be a lot of new Members coming to the Senate, maybe not understanding the mo-

tivation behind the False Claims Act of 1986. There was tremendous fraud, particularly in defense contracting, that caused me at that time, as a first-term Senator, to be concerned about it. We got proper amendments to the False Claims Act to protect whistleblowers and to use the information that whistleblowers give us to bring cases.

The motivation behind the False Claims Act is that maybe for philosophical reasons, the Justice Department might want to pursue something or maybe their workload is such that a certain case might have a lower priority. It gives the individual citizen in qui tam type suits the ability to bring cases in a sense as a citizen prosecutor. Of course, if a person is not a lawyer, they will have to hire lawyers to do that for them. But as a motivation for doing it, they get a percent of what is recovered.

Remember, \$22 billion has been recovered since this law was passed. That may not be a lot of money over the period of years, but it sure is one big hunk of money that we wouldn't have access to if it wasn't for whistleblowers and people who were willing to pursue it to the nth degree to make sure that the case is made and to bring back the taxpayer money at the same time.

Consequently, I am sure somebody is going to try to make a case that when some whistleblower gets \$1 million, well, isn't that an awful lot of money for information that has brought back maybe tens of millions of dollars or maybe hundreds of millions of dollars? But the point is, we would not have the case if it was not for the information from the whistleblower.

A lot of people will make a judgment: Well, if you are a public employee or connected to a government program, it is your duty to report that. Well, that is exactly what a lot of people have done without even knowing the false claims law exists. A lot of people whom I have met as whistleblowers have brought to the attention of people higher up in the Government attempts at fraud or actual fraud and got nowhere, and then everybody assumes the only reason they brought it up is because they knew: Well, I can make a case out of this, and I can get a large award for bringing this to people's attention. Most of the whistleblowers whom I know about did not even know about whistleblower protection laws, did not even know about false claims laws until they got into it. Then they find out there is some law that protects them, there is some law that encourages them to move forward.

The point I am trying to make is that when Government cannot do its job of recovering fraud or does not know about it, it seems to me both the \$22 billion that has come back to the Federal Treasury as well as the nature of preventing fraud that is behind it—and that probably does much more

good, but you cannot measure it, than what is evidenced by the \$22 billion—should not be challenged.

Defense contractors during the late 1980s into the 1990s tried to gut this legislation through amendments on appropriations bills or through other attempts. When the defense contractors could not do it, they got people in the health care industry to front for them to try to gut it. In almost every respect, in 20 years, we have stopped various special interests in this town from gutting this legislation. But as we brought this bill forward with Senator LEAHY, we have found those people kind of coming to the surface once again.

I say to my colleagues—and particularly I would like my new colleagues to be aware of this—you are going to find those same special interests that have been around for over a period of the last 20 years trying to gut this legislation because it is one of the most effective tools against fraud. You are going to find them surfacing, not necessarily in amendments that are very transparent that there is a special interest behind it. But let me tell you from the experience I have had defending this legislation over the last 20 years, they are there. They do not like the False Claims Act. I do not mean these interests are about doing fraud, but they do not want the overseer the False Claims Act is, and they do not want the encouragement to whistleblowers that if something is wrong, it might be reported.

I hope my colleagues—as the False Claims Act provisions of this bill might be countered by some of our colleagues—think in terms of this not being a new attack, this is just a return of a constant attack this legislation had on it from maybe 1986 for about 10 years. I have not heard it surface a whole lot since then. But it is there.

Remember, this was a piece of legislation that was originally intended to go after military contract fraud. But let me tell you, now it is one of the best tools to get at health care fraud. That is sometimes the impetus for some of these crippling amendments. So please keep that in the back of your mind as we consider this legislation, or at least this part of this bill dealing with the False Claims Act.

I surely thank Senator LEAHY for including this in the bill, bringing this back to its original intent, so it can be even a more forceful tool to be used against false claims, since it has been weakened by some court decisions. It will help us ferret out fraud. I am sure happy we have a President who is also interested in doing that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that following my

remarks, Senator KLOBUCHAR be recognized and then Senator INHOFE.

Mr. INHOFE. Mr. President, reserving the right to object, just for clarification purposes, generally, we go back and forth on both sides, but it is fine with me to do it this way so Senator KLOBUCHAR can follow the Senator. Does the Senator think the two of you will be more than 30 minutes all together?

Ms. KLOBUCHAR. I say to Senator INHOFE, we will not be. I will only go 10 minutes.

Mr. INHOFE. That is fine. Thank you very much. I do not object. I further ask unanimous consent that following Senator KLOBUCHAR, I have at least 30 minutes. I believe that is the time that is allotted me.

Mr. KAUFMAN. I thank the Senator. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I am proud to join with Chairman LEAHY and Senator GRASSLEY in sponsoring the Fraud Enforcement and Recovery Act.

I applaud their leadership on this issue. I also want to note the significant contributions of Senators SCHUMER and KLOBUCHAR, who have joined us on this bill and have improved it in important ways.

Today's economic crisis has many causes, from serious regulatory failures to recklessness and greed. While we are learning more each day about what happened, one thing is certain right now: financial fraud contributed mightily to this economic collapse.

It is the job of law enforcement to ferret out the behavior that was criminal as opposed to merely reckless or foolish or unethical.

Yet I am certain that in the complex web of systemic failures that have caused devastating harm to so many Americans, law enforcement will uncover a continuum of behavior and requisite blame. At one end will be those responsible bankers and mortgage brokers who never engaged in unduly risky behavior.

There will also be those on the continuum who were merely reckless and based their business plans on the false assumption that housing values would always increase.

But the continuum will be anchored on the other end by mortgage brokers who promoted fraud, and by bankers and financiers who deliberately ignored excessive risk in designing mortgage-related products, and then hid those risks from investors while self-dealing and lining their own pockets. Those people, in my view, should be targets of the FBI.

If we want to restore the public's faith in our financial markets and in the rule of law, then we must identify, prosecute, and send to prison those individuals who broke the law. Their

fraudulent conduct has severely damaged our economy and harmed countless hard-working Americans.

The public needs to know that when mortgage brokers or credit raters or Wall Street bankers break the law, they will be treated like the criminals they are. We can't have one set of rules for people who rob banks and another set of rules for banks who rob people.

Unfortunately, our law enforcement agencies do not have the resources they need to do the job. Right after September 11, Federal law enforcement resources were shifted dramatically, and understandably, to counterterrorism. Regrettably, they have not been replaced.

As a result, our capacity to investigate and prosecute financial crimes has been severely depleted. At the height of the savings and loan crisis, as many as 1,000 FBI agents were investigating financial fraud. As of last month, there were fewer than 250. And no one doubts that the scope of the problem today is far greater than it was during the S & L crisis.

That is why the Fraud Enforcement and Recovery Act begins by providing the resources necessary to rebuild the Nation's white collar enforcement program. Building this capacity is doubly important today, given the substantial Federal funds being spent in connection with bailout and recovery programs.

We need the investigators and analysts in place as soon as possible, not only to uncover and prosecute crimes that have already occurred, but also to deter future crimes.

Prosecuting bad people won't put an end to bad behavior. But it will have an impact on those people in the mortgage industry, on the trading desks, and in the board rooms, who might be tempted to put greed ahead of the law.

The bill authorizes \$165 million a year for hiring fraud investigators and prosecutors at the Department of Justice for fiscal years 2010 and 2011. That includes \$75 million in 2010 and \$65 million in 2011 for the FBI to add 190 agents and 200 professional staff and forensic analysts.

The bill also includes \$50 million a year for U.S. Attorneys' Offices, where much of the financial crime prosecution takes place, and \$40 million for the criminal, civil, and tax divisions at Main Justice, to provide special litigation and investigative support.

Finally, the bill authorizes \$80 million a year over the next 2 years for investigators and analysts at the Postal Inspection Service, the Secret Service, and the inspector general at HUD, all to combat fraud.

This authorization, \$490 million over the next 2 fiscal years, is actually quite modest, given the work that needs to be done. It is also an investment. History tells us that funds spent on fraud enforcement net money for the Govern-

ment, at a rate of about \$15 recovered for every \$1 spent. In so many ways, this is an investment we can't afford not to make.

Beyond providing resources, this bill modernizes several critical areas of Federal fraud law, ensuring that prosecutors have the tools necessary to combat past and future financial fraud.

Chairman LEAHY has spelled out these changes in some detail. I want to highlight a couple of points.

First, the bill updates the definition of "financial institution" in Federal fraud statutes to cover mortgage lending businesses that are not directly regulated or insured by the Federal Government. These are businesses that were responsible for close to half of the residential mortgage market before the economic collapse. Just last month, FBI Director Mueller stated that this single change would be "tremendously helpful" in the fight against mortgage fraud.

The bill also amends Federal fraud law to protect funds expended under both the Troubled Asset Relief Program and the Economic Recovery Act. The Federal Government has provided extraordinary financial support to our banking system, and we need to protect those funds against fraud and abuse.

Finally, I note that the bill provides narrow but important fixes to ill-considered Supreme Court decisions in the areas of money laundering and the False Claims Act. Here, as in the rest of the bill, we have taken an approach that is both carefully considered and precisely targeted. We are not creating new crimes, or establishing entirely new paths to recovering ill-gotten gains. Instead, we have focused on making narrow changes that make sure lawbreakers don't slip through the gaps in existing law.

Complex and sophisticated crimes demand a broad-based and sophisticated response.

In terms of crimes already committed, we can't afford to let the trail get cold.

In terms of future crimes, we must provide both the legal tools and the law enforcement resources necessary to make would-be criminals think twice before allowing their greed to do such terrible damage.

This is not about vengeance or politics. In our haste to target wrongdoers, we should not paint the entire banking industry with a broad brush. Banks struggling to make loans during a deep recession are not bad actors. Indeed, those who avoided the subprime market, avoided securitized pools of subprime mortgages, and never traded in credit default swaps were, in hindsight, models of discipline and prudent management during an era when many lost their heads to greed. Those banks should be applauded and supported, as they continue to work their

way through difficult times and a very challenging real estate market.

The wrongdoers will be known by their deeds and held accountable to the law by a jury, not by the need to scapegoat an entire industry or a few sacrificial lambs to satisfy popular anger.

There will be tell-tale signs for law enforcement to investigate: To find those who used inside information to bail out early while failing to disclose material information; to investigate traders who hid and distorted their trading books until they cashed out a huge bonus; to target mortgage brokers who repeatedly and fraudulently induced mortgage loans which they could quickly package and sell without any responsibility for the ticking time bombs that became weapons of mass financial destruction.

Frauds of the sort addressed by this bill attack the heart of our financial system. For our economy to work for every American, we must restore the public's faith that no one, from Main Street to Wall Street, is above the law.

Speaking of Main Street, the people I talk to are very patient as we work hard to get the financial system and the economy back on track. They understand this will be a long process and that we cannot expect immediate returns on the significant Federal investments made in recent months. At the same time, they rightly expect the Federal Government to spend the time and money necessary to bring to justice the criminals who helped create the crisis in the first place. The authorization of this bill—\$490 million over the next 2 years—is very modest in light of the enormity of the crisis. The American public will not understand if we refuse to make this small investment in order to restore public confidence, both in the markets and in the rule of law.

I again thank Chairman LEAHY and Senator GRASSLEY for their leadership on this issue, and I urge my colleagues to support this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, how much time is remaining on the 30 minutes on our side?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Ms. KLOBUCHAR. Thank you very much.

Mr. President, I thank my colleague from Oklahoma for being so gracious to allow me to speak at this time. I am speaking today in support of the Fraud Enforcement and Recovery Act which I believe is an important and timely piece of legislation that I cosponsored and helped to vote out of our Judiciary Committee. I also thank Senators LEAHY, GRASSLEY, and KAUFMAN, all of whom spoke this afternoon, for their leadership and their work on this bill.

I believe this bill will greatly increase our ability to prosecute and prevent financial crime.

I also note that the President and the administration have come out with their statement on administration policy on this bill and it is very positive, and they are supportive of this bill.

Unfortunately, the need for this legislation could never have been clearer. The Madoff scandal is only one big example of why we need this bill. Because of one man—one man—\$65 billion has been lost in this country. It has been a loss to investors, a loss to people who have nothing left, a loss to some of the charities and charitable organizations in this country that are trying to help people in need during this difficult time. In my home State of Minnesota, literally dozens and dozens of people have lost significant sums of money, and our charities are suffering. This isn't right.

After years of lax oversight and investigation, we are beginning to see many financial crimes come to light as the victims of financial fraud have emerged to tell their stories.

During a recent Judiciary Committee hearing on fraud enforcement, the Acting Assistant Attorney General for the Criminal Division of the Justice Department said that as the economy has declined:

What we may be starting to see [are] . . . these sorts of Ponzy schemes that were able to go along for a little while. And then all of a sudden, there's a rush by the victims of schemes who don't know they're victims yet. And then the money's not there when they go to get the money out.

In other words, as we would say in Minnesota, the chickens are coming home to roost.

All of this reminds me of a famous passage about embezzlement in John Kenneth Galbraith's classic book, "The Great Crash 1929." I remember this because I would often use it as a prosecutor in Minnesota when I would address the legislature about the need to focus on white-collar crimes, especially in times of economic difficulty, and this is what he said:

In goods times, people are relaxed, trusting, and money is plentiful. But even though money is plentiful, there are always many people who need more. Under these circumstances the rate of embezzlement grows [and] the rate of discovery falls off. In depression, all this is reversed. Money is watched with a narrow, suspicious eye. The man who handles it is assumed to be dishonest until he proves himself otherwise. Audits are penetrating and meticulous. Commercial morality is enormously improved.

This may be an almost perfect description of our own time. As Galbraith suggested, our bad economy is now exposing financial crimes that have been concealed for many years.

In the past 3 years, the number of criminal mortgage fraud investigations opened by the FBI, as Senator LEAHY explained, has doubled. And in the past

6 years, there has been a nearly tenfold increase in the number of reports filed with the Treasury Department alleging mortgage fraud.

I fear this is the tip of the iceberg. As our economy has declined, crime will be on the rise. And with billions of dollars going out the door to stimulate the economy—important job-creating investments in transportation infrastructure and broadband networks and much more—we know there are going to be people trying to bilk the system, whether it is for that or the TARP money, and steal money for their own personal profit.

So it is critical that we have a Justice Department and an FBI that will hold accountable the people who are getting government funds, that will watch over the taxpayers' money, and that will make sure people such as Bernie Madoff are prosecuted and brought to justice. In order to do that, we need to make sure law enforcement has the tools and the resources they need to effectively fight, investigate, and prosecute these crimes.

Before entering the Senate, I served as the chief prosecutor for Hennepin County in Minnesota, which consists of Minneapolis and 45 suburban communities. We worked extensively with the U.S. Attorney's Office and the FBI and other Federal agencies on white-collar crime. I remember it well because after the tragedy on 9/11, a number of the white-collar cases that were previously being prosecuted by the U.S. Attorney's Office came to our office since we were the largest prosecutor's office in the State. We took both cases on. We got the people in place to handle them. But I saw then how resource intensive these cases can be.

Most prosecutors have a simple saying about financial fraud cases: "Follow the money and you will find the crooks." Of course, in reality, it is often very hard to do that. It is very time consuming and very expensive to look through thousands and thousands of boxes of documents and computer files to find that money trail and to follow it to where it goes to mortgage fraud and financial fraud. In fact, many white-collar crimes require complex investigations and significant resources to catch the crooks and prosecute them. They often require special—and expensive—expertise such as individual skills in accounting or computer forensics.

Although it is hard and more complex to catch white-collar criminals, it is no less important. For the sake of our economy, for the sake of justice, we must hold people accountable for their crimes, whether it is robbing a convenience store or using a computer to bilk investors out of millions of dollars.

Prosecuting financial crimes also has a ripple effect. Increased enforcement acts as a deterrent, sending a clear

message to those who might want to commit financial fraud that wrongdoers will be prosecuted and subject to the full extent of the law. So oftentimes these white-collar criminals somehow see themselves above the law because they have a good job and because they know people in town. I can say that once we started prosecuting these people, a lot of people started turning money in. My favorite was when we started prosecuting nine commercial airline pilots for not paying taxes to the Minnesota Revenue Department. We suddenly got millions of dollars into the coffers of the revenue department in the State of Minnesota because it turned out other people were also maybe opening up post office boxes in other States and pretending to live there instead of in our State. So there can be a great deterrent effect and bring money in from people who haven't been paying their taxes or actually committing fraud.

Unfortunately, in the last 8 years on the Federal level, I believe there hasn't been enough of this, partly because we haven't had the resources and partly because some of the regulatory agencies have been basically asleep at the wheel.

After the attacks on September 11, the FBI understandably reduced its criminal investigator work to expand its national security role, shifting more than 1,800 agents—or nearly one-third of all agents who were in criminal programs—to terrorism and intelligence duties. Current and former officials say that the cutbacks have left the FBI seriously exposed in investigating an area such as white-collar crime. Right now, the FBI doesn't have enough staff to investigate or even review the 5,000-plus fraud allegations that the Treasury Department receives every month.

Make no mistake, this is having an effect on our economy. In addition to the many families losing their hard-earned money and their homes, fraud has contributed to the collapse in the mortgage-backed securities market. In the past year, banks and financial institutions in our country lost more than \$500 billion because of the subprime mortgage industry.

That is why the Fraud Enforcement and Recovery Act is so important. The bill authorizes \$165 million a year for the Justice Department to hire fraud prosecutors and investigators, including funds for the FBI to bring on an additional 190 special agents and more than 200 professional staff and forensic analysts to rebuild its white-collar investigation program. Additionally, the bill will provide resources for the FBI to double the number of mortgage fraud task forces nationwide that target fraud in the hardest hit areas of our country. I am a big believer in these task forces as a way of bringing local and Federal law enforcement to-

gether. We have seen it work effectively in a number of areas across the country.

In addition to making sure law enforcement has the resources it needs, this legislation also makes sure they have the tools needed to crack down on financial crime. This bill makes it easier to prosecute mortgage lending businesses for fraud—the predatory lenders. These companies were responsible for nearly half of the residential mortgage market before the economic collapse. Yet they currently remain largely unregulated and outside the scope of traditional Federal fraud statutes. This makes no sense. By amending the criminal code, we can hold unregulated mortgage businesses responsible for their actions. Federal fraud laws should apply to private mortgage businesses such as Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks. I know we have a lot of very healthy banks in Minnesota and they have been fighting for this for years.

Why should they be held to a different standard? Why should some of these mortgage companies not be held to the same fiduciary duty as these banks? As a former prosecutor, I know firsthand how challenging it can be to go after these financial crimes, but I also know how important it is. If we are going to get our economy back on track, we have to restore trust in our financial system. That starts with stopping fraud and crime. The Fraud Enforcement and Recovery Act will give our law enforcement agencies the tools and resources they need to do this.

I strongly urge my colleagues to support this bill and to support this incredibly important piece of legislation. The time is right. We not only have the fraud we are already seeing come to light but we also know there are a number of possibilities for fraud as we have seen in the past when government funds go out. There has to be the policeman on the corner. That is our FBI, that is our task forces with local law enforcement, and that is our prosecutors watching what happens so we don't let another Bernie Madoff slip through the cracks.

Thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it was my understanding earlier that I had about 15 more minutes than the 30 minutes that I understand are allotted me now. So if there is time at the end of my main message, I wish to address the problem of the David Hamilton nomination. In fact, I will announce that I will filibuster that nomination. The EPA endangerment findings, the Obama gun control, and then the DHS

report that is very damaging to our veterans.

OBAMA DEFENSE BUDGET

First of all, the main reason I am here is to speak out about a great concern that we are now heading down a very dangerous road leading to the gutting of our military and settling for adequacy as opposed to supremacy. I first made my concerns known on a YouTube video that I did when I was in Afghanistan immediately following the announcement by the Obama administration. My concerns drew an interesting reaction from the left. Not only did they say I was wrong to say that there were proposed cuts to the budget, they actually said the Obama administration proposed to increase the budget. I must confess it is a rare day when liberals actually claim to support increasing our Nation's military.

MSNBC was so outraged with my video that three of their prime time hosts took aim at my comments from Afghanistan that very same night. MSNBC host Ed Schultz featured my video as part of his regular feature "Psycho Talk" and called my concerns "absolutely false" and said I was joining Cheney and Giuliani.

Keith Olbermann said I should "do the math" and his guest, the very unbiased Speaker PELOSI, said my criticism of the Obama defense budget was simply "desperation" and that we are going to be spending more on defense than in 2009.

Not to be left out, Rachel Maddow repeated the same talking points and said once again the budget was actually going to increase. Then she brought on a guest, Eugene Robinson, an associate editor and columnist with the Washington Post, who went so far as to say I was making stuff up and lying.

Not to be outdone, CNN's Rich Sanchez said he was doing a "fact check." He called my words "ridiculous" and brought on a liberal think tank policy wonk, whom Sanchez referred to as a "moderate," to defend his claims. It is interesting that all of the liberal journalists were jumping on and assailing me but not the moderate ones.

I ask unanimous consent that at the conclusion of my remarks, this editorial from the Wall Street Journal be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. The problem is that the left is focused on one number, one piece of military spending, when they need to look at the total defense budget—what DOD actually spends on military operations, and how that money is used to maintain our military capabilities.

In actuality, thanks to the Obama administration, our overall defense spending has been cut by \$10.7 billion

in fiscal 2009 and then cut again in 2010. You might say fiscal 2009 was from the previous administration. But the second part of the emergency supplemental is where the cuts came in, and that was done by the Obama administration.

We have reached a crossroads where we will choose to either invest in modernization and readiness of our military or mistakenly “kick the can down the road,” which we have been doing.

Based on the projected defense budget for the next 10 years, it looks as if this administration is taking us down a path that leads to a weaker military that is poorly equipped. Two weeks ago, on April 6, Secretary Gates announced a broad plan of cuts and adjustments in the fiscal year 2010 DOD budget. His plan intends to “reshape the priorities of America’s defense establishment” and “profoundly reform how the DOD does business.”

However, the programs and systems he intends to cut will severely affect the ongoing effort to rebuild and modernize our military. I was in Afghanistan when this decision was announced. Most of the liberal journalists responded.

This plan comes at a time in our history when we have dramatically increased domestic spending by trillions of dollars under the umbrella of “emergency bailouts” and “stimulus packages.”

Think about it. I think that \$700 billion, quite frankly, was thrown away. It was supposed to be used for damaged assets and it was used to bail out friendly banks. I will defend Paulson a little, because it was Tim Geithner who was the architect behind all of this. I will elaborate on that later.

If you want to stimulate the economy, there are three ways to do it. One would be for military spending, defense spending; another is infrastructure investment—highways, construction, bridges—and another is tax cuts.

Sadly, this President is on track to grow the country’s obligations to 22 percent of our GDP, while he is shrinking defense spending in relation to GDP to 3 percent in 2019.

This chart shows that during the Clinton administration, in the 1990s, we took a holiday from the procurement of new weapons and modernizing the aging weapons systems. This black line is what he inherited in the beginning. If you add inflation to it, that is what it would have been. This line was the Clinton budget—\$412 billion less than what normal inflation would be. It looks like that is where we are going from this point on.

Many of us in the Senate and in the House repeatedly spoke on the floor during the 1990s. We were concerned about the dangers of the massive cuts in personnel and procurement that were taking shape. With very few exceptions, our soldiers, sailors, airmen,

and marines have been using the same weapons systems while fighting a two-fronted war on terror for 8 years. They are weapons and weapons systems designed and produced during the Cold War—weapons used repeatedly over the past two decades around the globe—weapons and weapon systems still in use today.

We have been unsuccessful in trying to get past a bow wave created in the 1990s, when the military budget was cut \$412 billion and acquisition programs and research and development were pushed to the right—delayed.

The cost of kicking our military modernization down the road is a two-fold increase in our cost to modernize—an increase to develop and field new weapons and weapon systems, and an increased cost to operate and maintain our aging equipment.

It is also forcing the military to accept more risk as they decide how to operate with less equipment, how to fight with equipment increasingly difficult to maintain, and what to do when weapon systems reach the end of their service life without an operational replacement.

The major combat systems that our troops use today are those developed and procured during the 1980s and, in some cases, going back to the 1950s.

The Reagan administration was handed a military that was a hollow force in many respects—low morale, low pay, outdated equipment, and unable to maintain the equipment it possessed. Ronald Reagan expanded the military budget, increased troop size, reenergized weapons procurement, and revived our intelligence capabilities, returning this country to its superpower status. He guaranteed the superiority of the U.S. military’s weapon systems and capabilities through long-term investment and ensuring that our troops were provided with the most advanced equipment available.

As Secretary Gates said in January 2009, our military must be prepared for a “full spectrum” of operations, including the type of combat we are facing in Iraq and Afghanistan, as well as large-scale threats that we face in places such as North Korea and Iran.

By the way, I don’t blame Secretary Gates for all of this. He had to use the numbers that the Obama White House gave him.

Far too often we have learned the hard way that we don’t have a crystal ball to precisely predict what types of national security threats the Nation will face. During a hearing in the House Armed Services Committee—this happened when I was on that committee in 1994. We had somebody testify who said that in 10 years we will no longer need ground troops. Look at this. After 7 years engaged in the war on terror, we know he was wrong. The strategic environment has become increasingly complex, dynamic, lethal, and uncertain.

Today, our military is fighting with equipment that is decades old and a force structure that is 40 percent less than what we had in the 1980s.

The Air Force has 2,500 fewer aircraft. The Navy cut its fleet size in half; that is down to 300 ships. The Army reduced its force to half the number of divisions it had during the first gulf war.

For the past 17 years, our military has been asked to do more with much less and older equipment. It is taking a toll on our troops. Unfortunately, what took less than a decade to field in the 1980s will now take us multiple decades to field. A case in point: The KC-X, which will take up to 30 years to replace. We are using KC-135s for these capabilities. The KC-X program would have modernized that. In the case of the KC-135s, some are 50 years old. It gets to the point where the maintenance is more than buying something new.

The United States will have to build and sustain military capabilities required to respond to possible future threats across the spectrum of conflict, and there are numerous potential threats that could impact our national security.

The next war will not be like the last one. We cannot predict. You can talk to smart generals and ask what do we have to pay for 20 years from now, and they are smart, but they will be wrong, just like the guys who said we would no longer need ground troops in 10 years. We don’t know.

In February of 2009, a marine general wrote to one of the young marines:

You say the next conflict will be a guerrilla conflict. I say, it depends. In my lifetime, we have been in five big fights and a bunch of little ones. In only one of those five big ones (Desert Storm) had we prepared for the type of war we wound up having to fight. It is one thing to say that a certain type of fight is more or less likely; it is quite another to say it is certain to be one or the other. In war, the only thing that is certain is uncertainty.

We weren’t able to predict the fall of the Soviet Union, the rapid growth of the ballistic missile capability of North Korea, or the rise in asymmetric warfare. We were wrong in all of that. It doesn’t matter how great our military leaders or intelligence are, our strategic thinking will always be imperfect.

In order to provide stability, America must be able to deter or defeat any threat, be it an insurgency or a challenge from a near-peer competitor.

We can no longer afford to fool ourselves that we are sending our kids out with the best of equipment. Quite often, I talk to people who are really not into this. They are working hard and paying taxes for all this fun we are having up here. When you tell them that our kids are going out there without the very best of equipment, they are outraged. They cannot believe it. Unfortunately, that is the case.

Let's do the math that they are so critical of. As I said, we need to look at the total defense budget, everything DOD spends. This includes national defense funds, DOD funds, DOE funds for nuclear ships and weapons, and other defense-related items, such as selective service system, plus the wartime supplemental.

First, there is a net loss in defense spending in 2009 of \$10.7 billion. President Bush increased the total defense budget in 2009 by \$37.2 billion. He also approved \$65.9 billion in supplemental funds for the first part of fiscal 2009.

President Obama's supplemental request for defense spending is only \$75.5 billion to cover an increase of 21,000 troops in Afghanistan, increased operations in Afghanistan, continued operations in Iraq, and then withdrawing from Iraq. A GOP report on the cost of Iraq withdrawal said it will be a "massive and expensive effort"—that costs would more often increase in the near term. What they are saying is that these things were not included in Obama's budget, but we will pay for them anyway. So he comes out with a figure that he says is going to be more costly.

They went on to say that the cost of equipment repairs, replacements, closing and turning over 283 military installations in Iraq and moving troops and equipment "will likely be significant." This is what we call the cost of withdrawal.

Let's compare 2009 to 2010, where I have been accused of not being able to do the math. Defense spending does increase from 2009 to 2010 by \$14.9 billion. But according to President Obama's letter to Speaker PELOSI on April 9, there will be no more supplementals.

That would mean DOD would have to fund all wartime operations out of the hide of DOD to the tune of about \$100 billion plus.

However, President Obama does fence off \$130 billion for overseas contingency funds, which could be used for getting out of Iraq and increased operations in Afghanistan.

Even adding the entire \$130 billion to defense spending, which is never the case with supplemental funding, the overall increase in defense spending for 2010 is \$3.5 billion.

If we estimate 2 percent inflation for cost growth of just the defense budget, defense spending actually decreases by \$7.3 billion.

Now, add in the accelerated growth of the Army and Marine Corps—a 65,000 and 22,000 increase, respectively, which will cost approximately \$13 billion to cover pay and health care costs, and you start to see the beginnings of how our military modernization gets gutted.

DOD must pay for personnel, operations and maintenance, ongoing wartime and contingency operations. With a zero supplemental fund, the money to

pay for these "must pays"—the things we have to buy—has to be taken from DOD's base budget, and the areas that are always hit are R&D and acquisition.

Look at what is being cut. If you question what I am saying here in terms of dropping down the costs, look at the programs we have to have that they are cutting. They are eliminating future combat systems. This is something we started putting together 8 years ago—the first transformation of ground operations and capabilities in probably 30 years. The C-17s—we need more of them. They have cut the additional C-17s. And the F-22—I am proud that we finally bit the bullet and realized we want to send our kids out in strike vehicles that are better than the ones they are making in Russia. That is the F-22, the fifth generation. They have stopped that.

Originally, we were going to have some 750 F-22s. Now they are stopping it in this budget at 187. So historical defense spending as a percentage of GDP has been 3 percent during the Clinton drawdown; 4.6 percent during the gulf war; 6 percent during the Reagan buildup; 8.9 percent during the Vietnam war; 11.7 percent during the Korean war; and about 35 percent during World War II.

When compared to a sustained annual defense investment of 4 percent of the GDP to recapitalize and modernize our military, the 10-year proposed Obama defense budget is \$1.3 trillion in the red.

We have a similar chart that we had here during the Clinton administration. One thing the Obama defense budget guarantees is that the oldest military in the history of the Nation will get older and more expensive to maintain and operate.

Ships currently average 18 years; Naval aircraft averages 18 years; Marine Corps aircraft, 21 years. Refueling tankers are over 44 years old; Air Force fighter aircraft, 19 years old; special operations aircraft, over 27 years old; and bomber aircraft, over 33 years old.

In order to keep 40-year-old KC-135s, as I mentioned a minute ago, in the air, DOD has to reprogram almost \$3 billion from the KC-X program to repair KC-135s. That means the program that was there to pay for modernizing, to buy new aircraft—the KC-X it is termed—now we are drawing down from that just to repair the old, ancient KC-135s.

In the Army, the current fleet of combat vehicles was developed and procured 30 to 60 years ago and is aging at an increasingly rapid rate. The M1 Abrams tank developed in the 1970s and fielded in the eighties is currently on its third iteration and update and being used extensively on the battlefield.

The M2 Bradley fighting vehicle, also developed over 25 years ago, is on its

third significant modification and has been crucial in defending our troops against IED and RPG threats in Iraq.

Both of these combat-proven vehicles continue to undergo fleetwide reset programs because of their rate of use in the war on terror.

The oldest combat vehicle in the Army inventory is the Paladin Howitzer. This is kind of interesting because this is part of the FCS and is the furthest along right now in its development. The Paladin technology is World War II technology. Every time you fire it, you have to get out and swab the breech. There are now five countries, including South Africa, that make a better cannon than our kids are using.

Over 19,000 artillery rounds were shot from the Paladins in Iraq in 2008; over 27,000 were shot in 2007. Despite some parochial criticism in the media and in this Congress, the fact remains that the U.S. Army is using a system developed over 50 years ago.

By the way, people accuse me of doing something that is parochial. If we look at the footprint that was given by the lead systems integrator, it shows Oklahoma in the bottom 20 in terms of getting funding for the FCS program.

Our artillery soldiers are using this system that has a chassis design that is a half century old and slated to undergo its seventh modification. Let me say at this point that I believe the defense budget should at the very least continue the PIM Program—the Paladin Integrated Management Program—just to keep those vehicles going. We should keep the FCS on track but don't dump the PIM Program with the FCS Program.

Even with the implementation of the PIM update, the Army expects to keep the Paladin in use until 2060. That is 100 years on the battlefield. Our Army is long overdue a thorough and comprehensive modernization program instead of throwing billions of dollars toward updating and maintaining decades-old vehicle platforms.

The proposed defense budget would cancel the manned vehicle portion of the Army's Future Combat System, the modernization program intended to replace the Paladin, Abrams, and the Bradley over the next 25 years.

The FCS vehicles would bring improved armor, a state-of-the-art communications network. These are life-and-death issues. These are our troops on the ground being able to have something that is actually better than our prospective enemies. That is what we are losing in this defense budget.

The Air Force: For nearly two decades, our U.S. Air Force has dominated the skies to ensure our superiority around the world. However, the most recent GAO study stated that the Air Sovereignty Alert Operations—the post-9/11 operations that protect our homeland—are at risk during aging aircraft and insufficient procurement.

The Air Force grounded 259 of its 441 F-15 Eagles in November to January while it looked into the breakup of an F-15C.

Last May, the service parked all 500 of its T-38 trainers. Last October, the Air Force ordered more than half of the 356 A-10 fighters to stay put because of cracks in the wings.

While we have enjoyed the benefit of the investment during the 1980s of the F-15, F-16, A-10, and the F-117s, the F-117 is now retired and the Air Force will be retiring 137 of the F-15s, 177 of the F-16s, and several of the A-10s.

What we are saying is, we are already shutting down and the only way to replace them, if we are going to have a fifth generation strike vehicle, is with the F-22. We are supposed to have 750 of these F-22s. This budget stops the line at 187. That means if something comes along and we have a more responsible, defense-oriented administration coming in, they would have to start up the line, and it will cost much more.

This is being done at a time when Secretary Gates told reporters that the intelligence he has seen indicates a Russian fifth generation fighter could become operational about 2016, and previous estimates by the Pentagon on China's J-12 fifth generation fighter could be fielded by 2020.

Increasing the number of F-35s is not going to do it; the functions are different; their missions are different.

The Navy: At a time when it is being called on to project a presence in more parts of the world than ever before, Secretary Gates has recommended the Navy shrink its carrier fleet to 10 aircraft carriers by 2012 and delay the acquisition of other portions of the fleet.

This reduction of the aircraft carriers goes further below the previous QDR. That is the Quadrennial Defense Review. They stated 20 carriers would be required for moderate risk. When they use "moderate risk," we are talking about lives of our soldiers, sailors, and airmen.

In the last 3 weeks, we have seen how relevant and important the Navy is while watching the various pirate activities off Somalia and some of those activities that are going on now. We did not realize we needed to do that prior to that time. It shows how fluid this is in terms of our expectations and our needs.

China, Japan, Australia, India, Malaysia, Pakistan, Indonesia, Singapore, Bangladesh, South and North Korea either now have or are planning to acquire submarines to compete with ours.

In all, the Navy would be left with less than 300 ships, and that is about half of what it was during the eighties.

Missile defense: I am going to run out of time. I should have had this on before. On February 3, we all know, Iran launched a satellite on the 30th anniversary of the 1979 Islamic revolution,

demonstrating key technologies for propulsion, staging, and so forth.

Two weeks ago, North Korea furthered their missile and nuclear development by launching the Taepodong 2 missile in the South China Sea, despite widespread world condemnation. Despite this, the administration has recommended a 16-percent cut in missile defense. It is interesting, this would come along right at the time of the 26th anniversary when Ronald Reagan put SDI together, recognizing, so prophetically when we were going to have a system, the technology to hit a bullet with a bullet. We have it now.

We told the Czech Republic and Poland that we will be supporting them, putting together a radar and launch system. Now they don't know what we want because that also has either been delayed or canceled. I suggest it has been canceled.

By the way, if Iran develops the capability of doing something from Iran and aiming toward Western Europe, this is the only safeguard we would have. The Czech Republic and Poland have gone along with us, and now we are pulling the rug out from under them.

The last point I wish to make is on the Airborne Laser Program. I wish there was time to explain this program. There are three phases. You have the launch phase, midcourse phase, and terminal phase. These phases are necessary for a national missile defense system.

I agree we need to do something on the acquisition processes. We have been trying to do it for a long period of time. However, acquisition reform should be done in conjunction with, not in lieu of, modernizing and properly equipping our Armed Forces to dominate across the full spectrum of warfare.

I have stated many times in this Chamber that the greatest trust placed in Congress by the American people is to provide for their security by maintaining a strong national defense. We can avoid this far too frequent debate on defense budgeting by assuring a minimal level of funding for our military.

I believe when you talk to the average man on the street as to what is the primary function of Government, that function should be to defend America, and that is the threat we are facing now. Somehow this has taken a back seat to what we are supposed to be doing.

As the Congress considers the administration's budget recommendations in the coming weeks, we have to ask several questions: Are the forces being provided to our commanders in the field postured to counter the full spectrum of threats? Are we providing our troops with the best and most capable equipment available? Certainly we are not today. And can we afford to kick

the can down the road further? The answer is a resounding no.

Finally, the total cost for 2010 to reach this expectation would require an increase of \$28 billion in 2010. With the Obama budget of social welfare that will triple the public debt in 10 years, we have already spent almost \$2 trillion. Mr. President, the \$700 billion of a bank bailout we now know is Tim Geithner's plan to start with, and in October of 2008, we gave \$700 billion to an unelected bureaucrat to do with as he wished with no oversight whatsoever.

I have to say this is the time when we look at the amount of money that is being spent on all the social welfare programs and say: Why not defend America? Clearly, that is not the primary goal of this administration.

I think my fellow Oklahoma Congressman, TOM COLE, said it best. He said: President Obama's charm and eloquence is no substitute for a strong national defense.

I believe that is right. I hope we have a chance to relook at this and make adjustments.

I also remind the administration, you can come out with all these cuts, cutting the F-22s and the Future Combat System and the C-17s and the national missile defense system, but that still has to go through. And thank God we have three branches of Government so we will be able to get the House Armed Services Committee and the Senate Armed Services Committee to review this and try to put America back in a position where its primary goal is to defend America. That is what this is all about.

EPA ENDANGERMENT FINDING

I am very troubled by the EPA proposed endangerment finding that will unleash a torrent of regulations that will destroy jobs, harm consumers, and extend the Agency's reach into every corner of American life. Despite enormous expense and hardship for the American economy, these regulations will have virtually no effect on climate change.

It now appears EPA's regulatory reach will find its way into schools, hospitals, assisted living facilities, and just about any activity that meets minimum thresholds in the Clean Air Act. Representative JOHN DINGELL was right: the endangerment finding will produce a "glorious mess." "It is worth noting that the solution to this 'glorious mess' is not for Congress to pass cap-and-trade legislation, which replaces one very bad approach with another.

Congress should pass a simple, narrowly targeted bill that stops EPA in its tracks.

GUN TREATY SUPPORT

Next, we discovered that President Obama, in his announcement last week, plans to urge the Senate to ratify the Inter-American Convention

Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, known by the acronym CIFTA.

The idea that American-manufactured firearms are responsible for the growing violence in Mexico is not grounded in reality, but the Obama administration is using this violence as justification to require stricter licensing requirements and markings on firearms by U.S. manufacturers. The majority of the gun violence that is occurring in the drug wars in Mexico is the result of assault weapons, including fully automatic versions, which are not even available for sale in the United States. Many of these weapons are coming from other countries in Central and South America and deserters from the Mexican military.

I am strongly opposed to placing more stringent requirements on U.S. gun manufacturers, especially when the evidence shows that they are not the problem. This is an instance of the Obama administration using alternative means to place greater regulations on the manufacture and sale of legal firearms in the United States. I believe that my colleagues in the Senate understand this to be the case and will do as they have for the last 10 years and not ratify this treaty.

LETTER TO DHS EXPRESSING OUTRAGE OVER
CONTROVERSIAL REPORT

I was shocked to learn of a new report by the Department of Homeland Security entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment" which classifies the brave men and women returning home from combat and operational deployments around the globe, who have been honorably defending our country, as potential terrorists.

As a senior member of the Senate Armed Services Committee, I am especially proud of our soldiers returning home, and I find it extremely regretful that they have been subjected to such an insult by this report. Furthermore, I find it reprehensible that within this report Americans who hold certain beliefs regarding issues such as immigration, the second amendment, and abortion fall under the report's broad generalization of rightwing extremists, and are, therefore, considered a potential threat. I believe this report to be very offensive to many Americans.

As a result, I joined Senators TOM COBURN of Oklahoma, DAVID VITTER of Louisiana, SAM BROWNBACK of Kansas, JIM DEMINT of South Carolina, RICHARD BURR of North Carolina, and LISA MURKOWSKI of Alaska to send a letter to Secretary Janet Napolitano expressing concerns.

DAVID HAMILTON

Mr. President, I am not impressed with President Obama's judiciary and

Department of Justice nominees. Eric Holder, David Ogden, Dawn Johnsen, Elena Kagan, and Thomas Perelli are all extreme liberals in their views on everything from the second amendment to abortion to pornography and obscenity. I applauded when President Obama kept Secretary Gates on as his Defense Secretary, and I really hoped that he would choose other individuals who were at least moderate in their political ideology, but that just has not been the case.

Just prior to recess, my colleagues on the Senate Judiciary Committee boycotted the nomination hearing of David Hamilton to sit on the Seventh Circuit Court of Appeals. A hearing was scheduled a mere 2 weeks after the announcement of his nomination. Senator SPECTER and seven of my other Republican colleagues requested another hearing after the spring recess, citing a Senate rule that allows a majority of the minority side of the committee to request a followup. Many remember David Hamilton because of his 2005 decision as a Federal district court judge presiding over the case *Hinrichs v. Bosmah*, in which he enjoined the Speaker of Indiana's House of Representatives from permitting "sectarian" prayers to be offered as part of that body's official proceedings, meaning that the chaplain or whomever opened the proceedings with prayer could not invoke the name of Jesus Christ. In his conclusion, Hamilton wrote: "If the Speaker chooses to continue any form of legislative prayer, he shall advise persons offering such a prayer (a) that it must be nonsectarian and must not be used to proselytize or advance any one faith or belief or to disparage any other faith or belief, and (b) that they should refrain from using Christ's name or title or any other denominational appeal." Further, ruling on a postjudgment motion, Hamilton stated that invoking the name of "Allah" would not advance a particular religion or disparage another. So, praying to Allah would be perfectly acceptable. I find this line of reasoning to be insane. Who in this body would not identify the name of "Allah" with the religion of Islam any less than they would identify the name of Jesus with Christianity? But I believe these are the kind of opinions we may see coming from the Seventh Circuit if David Hamilton is confirmed. I understand that Judge Hamilton's nomination is still pending before the Judiciary Committee, but I had to come to the floor to speak so that the American people, who are very concerned about this nomination, will know that I and my Republican colleagues on the Judiciary Committee are taking interest and are not just going to let this nomination sail through. In fact I will filibuster David Hamilton.

I would also like to speak for a moment on a couple of the nominees that

we will be voting on this evening. Tony West, the nominee for Assistant Attorney General for the Civil Division served as cocounsel for John Walker Lindh. As you all know, Lindh joined the Taliban and fought against our very own American soldiers in the liberation of Afghanistan. Lindh is a traitor and terrorist, but after a plea deal that Mr. West helped obtain, he is only serving 20 years in prison.

Lanny Breuer, the Assistant Attorney General nominee for the Criminal Division, helped obtain a great plea deal for Sandy Berger, who admitted to stealing classified documents from the National Archives. He received a \$50,000 fine, probation, and community service. I understand that every criminal defendant is entitled to representation and that it was the duty of these men to vigorously represent their clients' interests, but it is also the choice of this administration who they nominate to these positions, and I truly believe that better choices could have been made.

EXHIBIT 1

THE PENTAGON'S NEW PRIORITIES

Defense Secretary Robert Gates, a man not known for having his head in the stars, announced his strategic Pentagon blueprint this week, saying his proposals "will profoundly reform how this department does business." We hope he informed Congress, home to 535 procurers in chief.

The Defense procurement system is a mess, and previous Pentagon reforms have faltered thanks mostly to the micromanagers on Capitol Hill who are often more interested in funneling money to their home states than in spending dollars most effectively. Democrats and Republicans both belly up to this bar, usually while castigating the executive branch for failing to make "tough choices."

So give the Defense Secretary an A for optimistic effort, even if we have our disagreements with some of his strategic choices. In announcing his spending priorities, Mr. Gates said he wants to focus on the current wars in Iraq and Afghanistan, rather than on the unknown wars of the future. Among his cuts are the Army's Future Combat Systems and a gold-plated new Presidential helicopter that is late and way over budget. Meanwhile, he added money for unmanned aerial vehicles, increased the number of special forces and announced plans to recruit more cyberwarfare experts.

These seem like reasonable judgment calls, and the focus on combating asymmetrical threats will help the U.S. in Iraq and Afghanistan. But it's worth remembering that the reason our enemies have resorted to terrorism and insurgency is because U.S. conventional forces overwhelmingly dominate on the ground, in the sea and in the air.

That's not an advantage we can take for granted as the Clinton Administration did in the 1990s, when it slashed defense spending to 3% from nearly 5% of GDP. China and Russia are upgrading their conventional forces, and China in particular is aiming to build a navy that can neutralize U.S. forces in the Western Pacific.

Mr. Gate's strategy implies a shrinking Navy with fewer ships and perhaps one fewer carrier group. It's good that he wants to build more Littoral Combat Ships, which are handy for operations such as tracing pirates.

Even so, the Navy is left with a fleet of fewer than 300 ships, which strikes us as perilously small. When a U.S.-flagged container ship was briefly taken by pirates off Somalia this week, the Navy's nearest vessel was hours away.

Mr. Gates's decision to kill the stealthy F-22 fighter jet, which outclasses everything in the sky, is also troubling. We already have 183 F-22s—original plans called for 750—and Mr. Gates wants to order just four more before shutting down the production line. His proposal to double the number of F-35 Joint Strike Fighters and Pentagon buys next year—to 30 from 14 in 2009—is no quid pro quo. The F-35 is a cheaper, more multipurpose plane but it can't begin to compete with the F-22 as a fighter jet.

Pentagon spending is now about 4% of GDP and is expected to decline, which means too little investment against potential threats. In particular, Mr. Gates's budget priorities give no indication of how the Pentagon will ensure that U.S. military dominance extends to the battlefield of the future, outer space. President Obama has said he opposes the "militarization of space," but space is already a crucial area of operations and China is looking for advantages there.

The \$1.4 billion in cuts to missile defense are especially worrisome, with losers including the Airborne Laser, designed to shoot down ballistic missiles in the boost phase, and additional interceptors planned for the ground-based system in Alaska. Instead, Mr. Gates favors theater defenses for soldiers on the battlefield with \$700 million more in funding, arguing that this will address the near-term threat of short-range missiles. But as North Korea's weekend launch showed, rogue regimes aren't far away from securing long-range missiles that could reach the U.S.

Mr. Gates shrewdly made no budget recommendations on nuclear forces, except to say that he'll defer judgment until after the forthcoming Nuclear Posture Review. Perhaps he's counting on being able to change President Obama's mind on the need for updating U.S. strategic weapons and going forward with the Reliable Replacement Warhead for America's aging nuclear arsenal.

Mr. Gates's budget proposals now go to Congress. Since the end of World War II there have been more than 130 studies on procurement reform. Good luck.

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum. I ask unanimous consent that the time in a quorum call be equally divided between both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I wish to speak about S. 386, the Fraud Enforcement and Recovery Act, which Senator LEAHY and others will bring to the floor of the Senate. It is astounding to me that a piece of legislation that

provides and strengthens the Justice Department and investigative agencies with the ability to go after fraud and recovery with respect to this financial collapse—even something that is bipartisan and is so fundamental—is now subject to a filibuster.

Think of it: You can't do anything around here without there being a filibuster. We have to file a cloture petition and ask that it ripen for 2 days and then do 30 hours postcloture. It is unbelievable. It demonstrates, unfortunately, an inability of the majority to get things done because of a minority deciding it wants to filibuster everything.

But look, this legislation authorizes substantial funding to strengthen the ability of the Justice Department, the FBI, and other investigative agencies to fight fraud.

This money, well spent, will recapture that amount of money many times over in the pursuit of financial fraud. If anyone who is reading the papers and watching television and seeing what is happening in the financial crisis in this country believes that there ought not be substantial, enhanced investigative capabilities by the Justice Department to go after fraud and to prosecute where they find fraud, they must be living on a different planet. This reforms the statutes that deal with fraud and with money laundering.

Senator LEAHY and others have put together a bill that I believe will substantially improve the capability to prosecute financial crimes. I think most Americans will be surprised to learn that taxpayers' funds expended under what is called the TARP funds in the economic stimulus package are not necessarily protected under the Federal fraud statutes. By the same token, Federal fraud statutes presently do not include mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies, by the way, were responsible for nearly half of the residential mortgages before the economic collapse. Yet they remain largely unregulated. This piece of legislation would begin to address that.

Let me give some examples of what has happened and what continues to happen. This is something that is on the Internet today. You see all the financial collapse we have had in this country caused by bad mortgages, subprime mortgages. You can go to the Internet and find this:

CC&G Financial Group, working together to build your dreams. You have bad credit, poor credit, good credit, we can get you into your dream home.

They are advertising: If you have bad credit, we will loan you some money and get you a dream home. It is unbelievable.

They say:

With the fantastic values that are available today due to foreclosures and short

sales, now is the time to get into your own home. Come to us, we will get you some money.

It is exactly the same thing that steered this country into a ditch in the first place.

This on the Internet today, called "Speedy Bad Credit Loans." Is that unbelievable? That is unbelievable to me, a company called Speedy Bad Credit Loans. Shame on them.

This says:

Bad credit mortgage—bad credit? OK. No credit? OK. Bankruptcy? No problem. No downpayments, no delays.

Shame on them.

But it is not just these fly-by-night fleabags that are running these schemes. What was the biggest mortgage company in the country? Countrywide—Countrywide mortgage, the biggest mortgage company in America. Here is what they said in the middle of the subprime scandal:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

"Call us," they said—the biggest mortgage lender in the country.

There were mortgage companies willing to lend you money with no principal payment. You just pay interest; or if you can't pay interest and no principal, then just part of the interest and they will put the rest of it on the back of the loan; or no principal and just part of the interest, but you don't have to pay anything for the first 12 months because they will make the first 12 months' payments for you.

If you want to get a loan without having to document your income—they call it a "no doc" loan, a no-documentation loan—you don't have to document what your income is. By the way, don't worry about making payments anytime soon because we will give you a loan no matter what. Then if it doesn't work out, your home value is going to increase and you can sell it off for a profit. Good for you.

This is a shameful display of what is going on in the marketplace. Countrywide, of course, went belly-up. The folks who ran it got off with a couple hundred million dollars, we are told. In the meantime, go to the Internet and see if it is still going on.

This legislation being brought to the floor of the Senate is bipartisan legislation that reforms the statutes that deal with some of these issues, to say: Stop it. You cannot do this stuff anymore.

There is a lot of work to do in investigating and cracking down on financial fraud, including mortgage fraud. The bill we are considering this week is going to go a long way toward that effort. This bill is going to give law enforcement the investigators they need, the prosecutors the resources they need. It is supported by the National Fraternal Order of Police, Taxpayers Against Fraud, Federal Law Enforcement Officers Association, National

Association of Assistant U.S. Attorneys, and the National Association of Certified Fraud Examiners.

Finally, let me just say that I am going to be talking to the chairman of the committee. I have a couple of suggestions for amendments. One will be a sense of the Senate to establish an economic or financial crisis task force in the Justice Department, a multiagency task force that goes after these kinds of crimes. Second, I want to talk to the chairman of the committee and with my colleagues as well about a Senate select committee to investigate the cause of the economic crisis. That is a piece of legislation I introduced with Senator McCAIN a couple of months ago. I want to visit with my colleagues, Senator DODD, the chairman of the Banking Committee on this, and Senator REID, of course, and Senator LEAHY. I think all of these things need to be discussed.

I especially wanted to say that the underlying bill brought to the floor of the Senate has great merit. I hope this week we will be able to finish work on this bill. It will make this country a better place by holding accountable those who have been engaged, in my judgment, in some cases, in some high crimes. The American people have paid a very stiff price for that activity. I think it needs to be investigated and prosecuted aggressively.

I yield the floor.

NORTH DAKOTA NATURAL DISASTERS

Mr. CONRAD. Madam President, I would like to take a few minutes to speak on the unfolding crisis in my State with respect to record flooding all across North Dakota.

We are facing something unseen in recorded history in the State of North Dakota. From east to west, from north to south, there is massive flooding, never seen before in all of recorded history. The eyes of the Nation have been on our State.

As I have said many times in North Dakota, people across the country have liked what they have seen about the response of the people of North Dakota. In Fargo, a town of 90,000, the mayor said we have 80,000 volunteers. That is exactly what it has been like—all across the State, thousands of people coming out, neighbors helping neighbors, helping to protect their homes, helping to protect the community. There was an outpouring of volunteer effort I have never seen before.

Several weeks ago, I was home with General Walsh, who is the commandant of the Mississippi River Division of the Corps of Engineers, the chief flood fighter for that part of the country. We walked into the FARGODOME, which is a place where NDSU—North Dakota State University—plays its football games, and there were thousands of volunteers filling sandbags. There were 3 million sandbags made in just a few days—3 million sandbags—by tens of

thousands of volunteers working around the clock. I went into that FARGODOME, and it was inspirational to see the efforts of people to protect their homes and their community.

By the way, it was not just in Fargo, it was every town up and down the Red River Valley, every town up and down the Cheyenne River Valley, every town up and down the James River Valley, every town up and down the Missouri River Valley, every town up and down the Souris River Valley, because this was flooding on a scale never seen before.

In the midst of it all, in my hometown, here was the newspaper headline: "A Double Shot of Blizzard and Flooding." These two people you can perhaps see here are wading knee-deep through ice and water. This is very close to where I grew up. Ultimately, they had demolition teams come in and blow up the ice because logjams were forming and water was being forced into the southern part of my hometown, which is the capital city of North Dakota.

Well, that was Bismarck, ND. Here is the headline from the Fargo Forum at about the same time: "Race Against Time Spring Flood 2009."

This is a shot of water completely surrounding this particular home and volunteers using shovels to keep the sand moving into funnels to fill the sandbags around the clock in Fargo, ND.

This is the headline from Grand Fork, ND, that was so badly flooded in 1997. There we had a 100-year flood, perhaps a 200-year flood. You will recall that was the flood that was fought in the midst of a blizzard after the worst winter storm in 50 years. This is from Fargo, with the headline: "Fear Is Setting In."

This shows people in winter garb placing sandbags on top of snowbanks. This is the kind of conditions that people were confronting, fighting massive flooding days in the midst of some of the biggest snow storms in our State's history.

Here are some of the headlines that appeared: "Records Fall in Snow Storm;" "Minot Sets December Snowfall Record, 24 Inches in One Month;" "Looks Like A Record December In Grand Forks, 90-Year-Old Record Broken There With 29 Inches of Snow;" "December 2008, Snowiest Month on Books In Fargo-Moorehead;" "Fargo Nears Record December Snowfall."

This is the news from one end of our State to another. So many people have asked me: How did this happen? How could it be that you have flooding unprecedented in recorded history?

Well, as we try to reconstruct events this past fall, precipitation in the eastern part of the State was 2 to 300 percent of average, resulting in the wettest fall on record.

Soil observations taken just prior to the freeze-up revealed nearly saturated

moisture levels in the upper 8 inches of soil across the Red River Valley. Then the onset of winter came very abruptly. The quick, hard freeze occurring with minimal snow cover and saturated soil moisture conditions allowed the frost to quickly penetrate the ground to a level of 2 feet.

Then, in December, the cities from west to east across the State had record snowfalls. Over the past 2 months, areas of North Dakota have had 150 to 300 percent of normal precipitation. In fact, the city of Fargo saw both record rainfall and record snowfall in the month of March.

Who could have believed it? I was in the little town of Linton, ND. I was with the mayor; I was with the sheriff. They told me they were expecting pretty much normal flooding. Then they got hit by 2 inches of rain. That 2 inches of rain brought that snow off the hills surrounding the town, flooded 50 of the homes of people who lived on largely fixed incomes, who have been devastated by these developments. And it is not just in the Red River Valley; as I have indicated earlier, it is all across North Dakota in a way that is unprecedented. In my adult life I have never seen anything like it.

This is the little town of Pembina, ND. I landed there last week. I landed on an airstrip completely surrounded by water—completely surrounded by water. The only thing that was not covered by water was the airstrip itself, and the people I was with, as they were landing, said to the pilot: Boy, it gives you an eerie sense. It feels as if you are landing in the middle of the ocean. That is really what it felt like.

That is Pembina. But we have seen it in town after town. Here in Valley City, the sewer system failed. The sewer system, under this incredible water pressure, broke down. Here is the headline: "Shutdown Continues. Non-essential Businesses Ordered Closed. Porta-Potties Dot The City."

Well, part of this has a humorous note to it. But I tell you, not if you are in that town and you have been asked to shut down, if you are a nonessential business, the mayor has asked thousands of people to do a voluntary evacuation because of a catastrophic breakdown in the sanitary sewer system on Friday morning. That is this last Friday.

I just talked to the mayor, Mayor Mary Lee Nielson, by the way, who has provided outstanding leadership in that community. But you talk about a community that has been dealt a tough hand. You can see work crews out from the public works department, National Guardsmen out trying to contain the damage, and they have done an outstanding job. But now the mayor has said to stop using water in that community, stop using water. "Valley City Sanitary Sewer System Has Failed."

Basements are filling with sewage. The newspaper has had sewage come into its location, the police station as well.

But I can tell you, this is when you really measure the character of people, and the people of my State are proving their grit and their determination because they keep on fighting and they have just done an incredible job of taking on this crisis.

We have so many communities that have been hit. Here the headline is: "Valley City Residents Urged To Get Out." This is a town of 8,000 or 9,000 people. You can imagine having to make the decision to ask people to leave.

Here is a little town, the town of Kathryn. It had to be cleared out, completely evacuated, a small town, less than 100 people. It had to be evacuated because a dam above the town was getting ready to break. To watch what they have done to fight this effort is absolutely fascinating because they brought in not regular sandbags, they have brought in 1-ton sandbags, sandbags bigger than anything I have ever seen before.

Here is a picture of the helicopter. These sandbags are 1-ton sandbags, each of them weighing 2,000 pounds. They were used to drop into this failing dam. That is the kind of effort that has been underway here. This is an eight-bag sling load that was destined for Clausen Springs, which is the dam that threatened the entire community of Kathryn, ND.

Not only have people and homes and communities been so adversely affected, farm families in many cases cannot get out. Here is a farmstead, and you can see it is completely surrounded by water. Here is a big tractor coming out to try to help these people, and you can see their place is completely surrounded by water.

Again, it is certainly families and communities, but it is also livestock. The estimates are now that we have lost nearly 100,000 head of livestock in North Dakota; 100,000 cows and calves have died. They think 80 percent of the deaths are young calves. This is calving season. I talked to one rancher. He was beside himself. He just came back from the fields, digging through snow banks trying to rescue little calves.

Here are cows from one farmstead. You see them trying to swim against the current. Some were able to make it, some not. As we indicated, some 100,000 head of livestock has been lost, and 80 percent of the calves. This looks like a calf right here. And you can imagine, look at the power of that current. These cattle are trapped, in many cases, in a way that there was no place to escape.

I bring this to the attention of the Senate because already tremendous assistance has been extended to my State. The President declared an emer-

gency in record time. He has also provided individual assistance, which has already helped hundreds and hundreds of families in our State. Many more will need assistance. The roads, bridges, and highways in my State have been devastated by this flooding; again, the worst in recorded history. And what is most stunning about it is the extent of it.

Typically, flooding in my State has been up and down the Red River. But this time every river system in our State—the Cheyenne, the Red, the Souris, the James, the Missouri, all of them—has been badly hit. Thousands and thousands of people are adversely affected, thousands of people forced from their homes, and hundreds and hundreds of homes lost, devastated, destroyed.

North Dakota is an agricultural State. This is the time normally you would be planting crops to be harvested in the fall. But, obviously, when the farmland is flooded you cannot plant. So we are going to see this unfolding disaster continue to hurt the people of my State, certainly the economy of my State, because we are not going to plant.

In many parts of the State perhaps you cannot get a crop at all this year. The ground is going to simply be too wet. So we are going to need continuing assistance. That is one reason I am glad in the last farm bill we provided for permanent disaster assistance for circumstances just like this one.

I also want to thank the thousands of volunteers across North Dakota who came out to help in this crisis—the National Guard, thousands of soldiers deployed all across our State. I thank them for their incredible performance. I thank the Corps of Engineers for building hundreds and hundreds of miles of dikes that have so far saved community after community across North Dakota.

Thanks to FEMA for being there and setting up disaster assistance that has already provided substantial sums to individual families who have been hard hit. Thanks to the local officials who have headed up the flood fight, and the mayors, the county commissioners all across North Dakota who have performed so admirably. Thanks to the State leadership for what they have done to coordinate the flood fight and do so effectively.

This is a disaster that is still unfolding. We pray for the families who are affected. They are very much in our hearts and minds, and we are thinking about what can be done to help them; first, win the fight, and then recover from these series of disasters.

I thank the Chair, I thank my colleagues for the many who have called me and written me and spoken to me in the halls and pledged that they would be willing to help our people at a time of such need. I thank the Members of

the House of Representatives who similarly have reached out to us, and thanks certainly to the Obama administration. I want to thank Janet Napolitano, the head of Homeland Security who has been so responsive. Thanks to Rahm Emanuel, the President's Chief of Staff. I want to thank the President himself for meeting with us to get a firsthand report and for again turning around disaster aid in record time at a time when our State really needed it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I would say to the Senator from North Dakota that all of us have noticed the courage of his constituents, the citizens of North Dakota, and we admire that courage and their resilience in the face of such adversity.

Senator CORKER and I saw this same thing in the faces of the men and women in Murfreesboro, TN, who were suddenly hit with a tornado in the springtime. While the size of the disaster was not comparable to the size of the disaster in North Dakota, it was to those families of that kind of disaster. So I appreciate his comments and our thoughts and prayers go out to the families in North Dakota.

ASSOCIATION OF AMERICAN UNIVERSITIES

About 1 hour ago I spoke to the Association of American Universities, which is a group which includes many of our finest public and private research universities, some of them in the State of North Carolina, I might note.

I would like to say to my colleagues on the Senate floor and to our country what I said to them in a private meeting. I told them that not long ago a few of us in the Senate had supper in the majority leader's office with former Brazilian President Fernando Henrique Cardoso, who was completing a year as a scholar-in-residence at the Library of Congress.

One of us asked Dr. Cardoso what memory he would take back to Brazil about his time in the United States.

He replied unhesitatingly:

The American university. The greatness and the autonomy of the American university. There is nothing in the world quite like it.

The United States doesn't only have the best universities in the world, it has almost all the best universities in the world. A recent ranking by Jiao Tong University in Shanghai ranks 35 universities among the top 50 in the world, 8 among the top 10. Higher education, says commentator Fareed Zakaria, is America's best industry. Along with our national laboratories, managed by the Department of Education, our research universities have been our secret weapon in developing many of the competitive advantages that make possible the high American standard of living. In the midst of our

pride about our universities, I suggest we remember the warning George Romney, then president of American Motors, gave Detroit's automakers a half century ago:

Nothing is more vulnerable than entrenched success.

At that time, the big three automakers didn't just make the best cars in the world, they made almost all the best cars. But the automakers didn't listen to George Romney. We know the rest of the story. The Japanese and others perfected smaller, fuel-efficient cars, and today we are bailing out the automakers that didn't listen. American higher education today would do well to heed George Romney's warning of 50 years ago, and so should the rest of us, since our country's success depends so much upon the quality of our colleges and universities as well as upon our access to them. I suggest, therefore, we begin by addressing our research universities. I propose that the national academies assemble a distinguished group of Americans to assess the competitive position of American research universities, both public and private, and then respond to the following question: What are the top 10 actions, in priority order, that Congress, State governments, and the universities themselves could take to assure the ability of the American research university to maintain the excellence needed to help the United States compete, prosper, and be secure in the global community of the 21st century?

I hope this proposal sounds familiar. It is a narrower version of the request I, along with a bipartisan group of Senators and Congressmen, made in 2005, when we asked the national academies to respond to this question: What are the top 10 actions, in priority order, that Federal policymakers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper, and be secure in the global community of the 21st century?

The academies responded to that request by creating a distinguished commission, headed by Norman Augustine, which reported within 10 weeks from its first gathering a list of 20 recommendations, along with strategies to achieve them. That report was entitled "Rising Above the Gathering Storm." After a great deal of bipartisan work in this Chamber and in the House, Congress and the President produced the America COMPETES Act of 2007, which included many of the Augustine Commission recommendations and established a blueprint for maintaining America's competitive position.

That blueprint provided a helpful basis for additional funding that became available earlier this year.

I can still remember the afternoon in the spring of 2005, when I sat through a

long Senate Budget Committee meeting. What was bothering me most and what I heard that day was that the uncontrolled growth of entitlement programs—mainly Medicare and Medicaid—would squeeze out essential investments in education and research critical to the Nation's prosperity. I had seen this as well during the 1980s, when I was Governor of Tennessee, as I struggled, as has almost every Governor since, to pay the growing cost of Medicaid, as well as prisons and public schools, and still have funds left to support quality in higher education. Those struggles have become a losing battle for public universities.

My own research shows that over 6 years, between 2000 and 2006, total State higher education funding has gone up 17 percent, while average tuition at public 4-year institutions has gone up 63 percent, and State funding for Medicaid has gone up 62 percent.

In a 2003 study of funding of public universities, Thomas J. Kane and Peter Orszag, now Director of the Office of Management and Budget in the Obama administration—and he spoke to this same group of university presidents this morning—suggested the quality of students and the compensation of faculty has declined significantly at public universities relative to private universities. They concluded:

Taken together, the results suggest a startling and troubling deterioration of the relative quality of public universities. The most recent set of state budget cutbacks, if anything, will accelerate this trend . . . as a result, the traditional model of higher education finance in the [United States] with large state subsidies to public higher education and modest means tests grants and loans from the federal government is becoming increasingly untenable.

The recent stimulus package with support for higher education offers some relief but only temporary. Here is how Tennessee Gov. Phil Bredesen described the situation in his budget address on March 23. The Governor said:

Higher education presents a challenge. Under the rules we have been given, they are getting a lot of the Tennessee stimulus money;

He means higher education.

they not only won't have to make cuts, but cuts they have already taken in Tennessee have been restored; about \$100 million extra in this fiscal year. Yet when this money ends 21 months from now, our campuses will suddenly need to begin operating with about \$180 million less in state funding than they had this year. More than most other areas, higher education has dodged a bullet and [they have] bought some time, but there is a great deal of work to be done to recognize and streamline for a much leaner future . . .

That was about 2 weeks ago. I considered asking that this new national academies report be only about the pressures on public research universities, but that would have set up competing recommendations and presented an incomplete picture. Private universities have their challenges, too, espe-

cially during this recession. But the changing role of State support for public research universities and its impact on quality deserves special attention in the report I am suggesting. I also believe a portion of the academies' assessment should include the relationship or lack of relationship of our research universities to our 17 Department of Energy national laboratories, which employ more than 30,000 scientists. These labs, three of which were founded during the Manhattan Project in World War II, are also secret weapons in our Nation's strive for competitiveness. I have seen firsthand how the alliance between the University of Tennessee Knoxville and the Oak Ridge National Laboratory has produced joint professorships, distinguished scientists, centers of excellence, and a thriving science alliance between the two campuses.

During the next few days, I will meet with National Academy of Sciences President Ralph Cicerone and discuss with him creating a formal bipartisan letter of request to the national academies and how the academies will respond to that request.

One way Congress could improve the quality of higher education is to stop overregulating. I voted against the new higher education bill enacted by Congress last summer because, after 3 years of work, the Senate spewed forth a well-intentioned contraption of unnecessary rules and regulations that wastes time and money that ought to be spent instead on students and improving quality. At the close of the debate, I carried onto the Senate floor—to be accurate, I asked my staff to bring on the floor and some of the pages—a stack of boxes as tall as I am that contained the rules and regulations for the 6,000 higher education institutions that accept Federal grants and loans. Senator MIKULSKI, who has agreed to work with me to try to reduce the number of these regulations, came over and stood by the stack, and the stack was a foot taller than she.

The former president of Stanford has estimated that these regulations cost institutions—from Harvard to the University of North Carolina to Duke to Vanderbilt to the University of Tennessee and the Nashville Auto Diesel College—7 cents for each Federal dollar to do the busy work to fill out paperwork to comply with the regulations. The bad news is, the new law we passed doubles the rules and regulations with 24 new categories and 100 new reporting requirements. These new requirements include a total of 54 so-called college watch lists, which I believe will be too confusing for families to understand, and complicated rules involving textbooks which will only prove that Members of Congress have no idea how faculty members prepare courses.

Most of these complications of rules, including graduation rates in 48 different categories, disaggregation of

student-reported data by 14 racial, ethnic, and income subgroups, and employment rates of graduates of institutions, will leave college administrators scratching their heads and create thousands of new jobs for people to fill out forms. All this will be put on the Web, and most of it will be shipped to Washington, DC, for someone to read. Having once been the Secretary of Education myself, I do not know who will read all these reports and all these new regulations, and I don't know what they would do about them if they did read them.

The academies, in the report I am suggesting, may also suggest that Congress and States make changes in the way we fund and regulate research universities, but much of the heavy lifting will have to be done by the universities themselves. They are the ones who should be most concerned about George Romney's warning:

There is nothing more vulnerable than entrenched success.

I guarantee that if some of the recommendations are going to have to do with additional funding, Members of Congress and State legislators are going to be asking what universities are doing to reduce costs, especially the cost of attending university.

At the American Council on Education meeting in February, I said that what I hear in Congress every time the issue comes up is, every time we increase Pell grants, colleges raise tuition. That is what my colleagues say to me. That is one reason why, in exasperation, Congressmen and Senators pile new rules on already overregulated colleges. I suggested in February that university administrators might want to be ready with a concrete explanation of what they are doing to reduce costs before asking for more money. I offered two suggestions: One, that colleges offer some—not all, but some—well-prepared students the option of a 3-year baccalaureate degree, cutting one-third the time and one-fourth the cost from a college education; and, two, that community college be free for well-prepared students.

I cited to them a group of Tennessee counties and businesses in northeast Tennessee that make up the difference between the cost of the community college and Federal and State scholarships for qualified local students.

Two weeks ago, I visited a university president in Nashville who actually listened to what I had to say in February. On April 13, Randy Lowry, at Lipscomb University in Nashville, announced a new 3-year option for some qualified students, a plan for veterans to attend tuition free, and a plan to make it easier and cheaper for community college students to attend Lipscomb. Taking into account the student earnings during the year that he or she is in the workforce instead of attending the university, President Lowry estimates

that a Lipscomb graduate with a 3-year degree might avoid up to \$50,000 in debt. In offering a 3-year option, Lipscomb has good company in Hartwick College in New York, Judson College in Alabama, Bates College in Maine, and Valparaiso in Indiana. In February, the State of Rhode Island decided to create a pilot program for a 3-year degree model.

It may seem like a simple, even inconsequential request to ask the national academies to tell us the top 10 actions Congress, States, and research universities need to take to maintain university excellence, but my experience is that most ideas fail in Washington for lack of the idea. We have plenty of planners, publicists, and politicians to run with a good idea. I look forward to the idea: the recommendations in priority order—one set for Congress, one set for the States, one set for the research universities themselves.

There is no reason these recommendations should not have the same impact the "Rising Above the Gathering Storm" report had and continues to have. And remembering George Romney's warning of a half century ago, there is nothing more vulnerable than entrenched success. We should all hope this new report from the National Academies does have that impact.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, today I rise in support of the Fraud Enforcement and Recovery Act. I am pleased to be a cosponsor of this legislation, and I thank Senators LEAHY and GRASSLEY and the members of the Judiciary Committee for their critical work on this very important effort to increase our capacity to investigate and prosecute the fraudulent activity that has severely weakened our economy and hurt the taxpayer.

Fraudulent lending contributed to the collapse of the mortgage-backed securities market, sending our economy into a tailspin and putting taxpayers on the hook for a huge Wall Street bailout. Taxpayers deserve to know that those fraudulent lenders are being held accountable. And we need to send a message to those who would commit fraud in the future they will also be held accountable.

With their current resources, however, Federal agencies are not able to properly investigate claims of mortgage fraud, which have increased more than 10 times in the past 6 years. With

the funding authorized in this bill, the Department of Justice will be able to hire more prosecutors and the FBI will be able to nearly double its mortgage and financial fraud program.

The bill would also allow the Department of Justice to prosecute fraud committed by all mortgage lenders, not just those who are regulated by the Federal Government. Under current law, Federal fraud laws do not apply to nondepository mortgage lenders, which made nearly half of residential mortgages before the housing market collapsed. Including these businesses in the fraud statute will allow the Department of Justice to properly investigate and prosecute fraud in the entire mortgage market.

Last month, I offered an amendment to the budget to expand the capacity of the Housing and Urban Development inspector general to fight mortgage fraud. I was pleased to have the Senate agree with that amendment. Now we have an opportunity to follow up with an explicit authorization of funds to protect vital HUD programs.

The Federal Housing Administration, which a few years ago insured only 2 percent of all new mortgages, now insures roughly a third. Yet the HUD inspector general's office has not expanded. We need to make sure HUD has the resources to properly investigate and remove fraudulent lenders.

With the sharp decline in private mortgage lending, programs such as FHA insurance make home ownership a reality for millions of Americans. By providing HUD with the resources it needs to fight fraud, we will protect FHA's long-term vitality while preventing the taxpayer from footing the bill for another bailout.

Fraud in the financial system greatly contributed to this economic collapse we are experiencing. Every day, taxpayers in New Hampshire and across the country bear the burden of fraudulent activity. I am confident this legislation will help protect those taxpayers by providing the resources and legal tools we need to root out fraud.

I hope my colleagues will join me in support of this bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SPECTER. Madam President, I have sought recognition to comment on the three nominees whose votes are scheduled a little later this afternoon. All three of these nominees were voted out of the Judiciary Committee on a voice vote. All three have outstanding

credentials for the positions for which they have been nominated.

CHRISTINE ANNE VARNEY

Ms. Christine Varney is the nominee for Assistant Attorney General in the Antitrust Division. She has an outstanding academic record, having graduated magna cum laude at Syracuse University in 1978 and having received her law degree from Georgetown University Law Center.

She served as a Commissioner on the Federal Trade Commission from 1994 to 1997, and has been a partner in the firm of Hogan & Hartson for the past 12 years.

I believe her tenure on the Federal Trade Commission gives her a good background beyond being an antitrust lawyer in private practice for this job. We discussed quite a number of legal issues in a private meeting I had with her.

I consider the Antitrust position to be of unique importance. They are all important in the Department of Justice. But I believe she will bring a vigor to the job which I think is most appropriate.

LANNY A. BREUER

The nominee for Assistant Attorney General of the Criminal Division is Lanny A. Breuer, who also has a fine academic background: a bachelor's degree from Columbia and a law degree from Columbia in 1985 and was a Harlan Fiske Stone Scholar. I am impressed with his resume generally but especially the fact that he was an assistant district attorney in the Manhattan DA's Office from 1985 to 1989. I am especially partial to people who have been assistant district attorneys.

One further comment about Mr. Breuer. I emphasize the importance of seeking jail sentences in appropriate cases. Too often, criminal prosecutions result in fines which turn out in the context of the case to be really a license to do business. White-collar crime especially is an area where there can be effective deterrence, and his commitment on that subject was reassuring.

TONY WEST

The nominee for Assistant Attorney General in the Civil Division is Derek Anthony West, who also has a fine academic record: Harvard bachelor's degree, was publisher of the Harvard Political Review—that might be a more important document than the Harvard Law Review; might be—a law degree from Stanford in 1992, president of the Stanford Law Review, so he covered them both. Again, he has an outstanding resume professionally. Of particular interest to me is having been assistant U.S. attorney, Northern District of California, for 5 years, from 1994 to 1999, and was adjunct faculty member of the Lincoln Law School of San Jose, which I think is significant, and has been a partner at Morrison & Foerster for the last 8 years.

I ask unanimous consent to have these resumes printed in the CONGRESSIONAL RECORD following my brief statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I think this is an appropriate time to point out a few factors on the confirmation process.

The first is that Senators are being afforded less time to review the records of almost all of President Obama's nominees than they were for President Bush's nominees. The Judiciary Committee has held hearings for 8 of the 11 Department of Justice nominees faster than it held hearings for President Bush's first nominees to the same positions. The committee has held hearings, on an average, 22 days earlier for these eight nominees. The Senate is confirming almost all of President Obama's Department of Justice nominees faster than it confirmed President Bush's first nominees to the same positions. Assuming that the three nominees scheduled for votes today are confirmed, of the eight Department of Justice nominees who have been confirmed, only two took more time to confirm than President Bush's first nominee to the same position. Attorney General Eric Holder was confirmed 63 days after his nomination. John Ashcroft was confirmed 42 days after his nomination. Lanny Breuer will be confirmed 56 days after his nomination. Michael Chertoff, 24 days. The other six nominees who have been confirmed this year have been confirmed, on average, 44 days faster than President Bush's nominees to the same position.

So I offer these statistical points to counter the contention that there is a slowdown here. The facts simply do not support it. Acknowledging that a little more time was taken with a couple of the nominees, it was for good cause. But as a generalization, the processing has been more expeditious now than under President Bush.

I thank the Chair and yield the floor.

EXHIBIT 1

CHRISTINE A. VARNEY

ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION

Birth: 1955, Washington, DC.

Legal Residence: Washington, DC.

Education: B.A.: The State University of New York, University of Albany, 1977; M.P.A., Magna Cum Laude, Syracuse University, 1978; J.D., Georgetown University Law Center, 1986.

Employment: Associate, Pierson, Semmes & Finley, 1986-1989; General Counsel, Democratic National Committee, 1989-1992; Chief Counsel, Clinton Gore Campaign, 1991; General Counsel, 1992 Presidential Inaugural Committee, 1992; Associate, Hogan & Hartson, 1991-1993; Cabinet Secretary, Executive Office of the President, 1993-1994; Commissioner, Federal Trade Commission, 1994-1997; Partner, Hogan & Hartson, 1997-present; Personnel Counsel, Obama-Biden Transition Project, Nov. 2008-Jan. 2009.

Selected Activities and Honors: Award, Washington, DC, Super Lawyers, 2008; Award, Chambers USA Competition and Antitrust, 2004-2008 (lists top lawyers); Award, Chambers USA Privacy and Data Security, 2007-2008; Director, Ryder System Inc. (delivery trucking company), 1998-present; Director, Parity Communications Inc. (technology company), 1997-present; Director and Chairperson, TRUSTe (internet privacy dispute resolver), 1998-2007; Director, NDN (progressive think tank and advocacy organization), 2003; Advisory Board Member, 2002-2005; Director, Enterasys Networks (technology company), 2001-2002; Director, CommonPlaces LLC (technology company), 1999-2000; Director, Exclusive Resorts LLC (luxury destination club), 2000-present; Member, American Bar Association, 1986-present; Member and Chair, Election Law Committee, Member, Antitrust Section; Advisory Board Member, Aveo Inc. (technology company), 2000; Advisory Board Member, The Industry Standard (technology magazine), 2000; Advisory Board Member, RealNames (technology company), 1999 Chairperson, Online Privacy Alliance, 1998-1999; Technology Advisory Council, Earthlink Network Inc. (internet service provider), 1998-1999.

LANNY A. BREUER

NOMINEE FOR ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Birth: August 5, 1958, New York, NY.

Legal Residence: Washington, DC.

Education: B.A., Columbia College, Columbia University, 1980; J.D., Columbia University Law School, 1985; Harlan Fiske Stone Scholar, 1985.

Employment: Assistant District Attorney, Manhattan District Attorney's Office, 1985-1989; Associate, Covington & Burling LLP, 1989-1995; Partner, 1995-1997. Special Counsel to the President of the United States, 1997-1999; Partner, Covington & Burling LLP, 1999-present.

Selected Activities: Member, American Bar Association, 1987-present; Member, United States Holocaust Memorial Council; Member, Committee on Conscience, 2000-present; Member, Executive Committee, 2000-2002; Member, Development Committee, 2001-2002. Member, Board of Trustees, Aufbau (newspaper), 2001-2005; Fellow, American College of Trial Lawyers, 2006-present; Director, Executive Committee, Columbia College Alumni Association, 2007-present.

DEREK ANTHONY "TONY" WEST

ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

Birth: August 12, 1965, San Francisco, California.

Residence: Oakland, California.

Education: A.B., with honors, Harvard University, 1987; Publisher, Harvard Political Review. J.D., Stanford University Law School, 1992; President, Stanford Law Review.

Employment: Chief of Staff to Treasurer, Dukakis for President, 1987-1988; Finance Director, Democratic Governors' Association, 1988-1989; Chief of Staff to Finance Chairman, California Democratic Party, 1992-1993; Associate, Bingham McCutchen, 1992-1993; Special Assistant to the Deputy Attorney General, U.S. Department of Justice, 1993-1994; Assistant U.S. Attorney, Northern District of California, 1994-1999; Adjunct Faculty Member, Lincoln Law School of San Jose, 1997-1999; Special Assistant Attorney General, California Office of the Attorney General, 1999-2001; Partner, Morrison & Foerster, 2001-present.

Selected Activities: Co-Chair, Obama for America, California Finance Committee, 2007–2008; Member, Obama California Leadership Circle, 2007–2008; Member, NAACP, 1995–present; Member, ACLU of Northern California, 1995–present; Recipient, Leading Lawyer in America, Lawdragon Magazine, 2008; Recipient, Northern California [Top 100] “Super Lawyers,” 2006, 2007, 2008; Recipient, California’s “Top 20 Lawyers Under 40,” The Daily Journal, 2004; Recipient, Executive Office of U.S. Attorneys Director’s Award, 1998; Recipient, Bill Key Memorial Victim/Witness Assistance Award, 1998; Member, Board of Governors, No. California Assoc. of Business Trial Lawyers, 2004–present; Lawyer Representative (unpaid), Northern District of California, Ninth Circuit, 2005–2008; Member, American Bar Association, 2002–present; Board Member, Alameda County Democratic Lawyers Club, 2004–present; Member, Board of Directors, U.C. Hastings College of the Law, 2004–present.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I rise to lend my support to the three nominees with the Justice Department that are pending today and to give my support to Tony West for Assistant Attorney General of the Civil Division, Lanny Breuer for Assistant Attorney General of the Criminal Division, and Christine Varney for Assistant Attorney General of the Antitrust Division. I have documents I wish to submit for the Record for all three.

I wish to speak for a moment about Lanny Breuer, a friend and someone whom I know somewhat socially through actually children’s activities, but I have known of him and his reputation for quite some time. I wanted to come to the floor to say how pleased I am that the committee has seen fit to pass his nomination on to us. I believe the ranking member and the chairman have outlined his phenomenal credentials, but I would just add that, having been a graduate of one of the most prestigious law schools in the country—Columbia Law School—he began his career as an assistant U.S. attorney in New York City, which is a good place to begin to really cut your teeth and learn the ropes, if you will, a place that they say: If you can make it there, you can make it anywhere. And this is true of the work he has undertaken for his life.

He served as a White House counsel, the Office of Special Counsel for, of course, President Clinton. I think most notable to me and to many of my colleagues is the endorsements he has received not just from Democrats but from Republicans as well, people such as Michael Chertoff, who worked with him. He led the Criminal Division at the Department of Justice during the Bush administration. He said Mr. Breuer has “exceptionally broad legal

experience as a former prosecutor and defense attorney.” He has “outstanding judgment, a keen sense of fairness, high integrity and an even temperament.” For the job we have called him to do, he is going to need all of those qualities and qualifications. Brad Berenson, a veteran of the Bush administration’s White House Counsel’s Office, writes that Mr. Breuer is “everything one could hope for in a leader of the Criminal Division.” So he comes with not just great academic credentials, great life experience, tremendous qualifications for this post, but from his peers—both Democrats and Republicans—who believe he is the right person for this job.

So I am pleased to come to the floor for a few minutes today to lend my support to this outstanding nominee, and I look forward to working with him and these other nominees as we build a stronger justice system in the city of New Orleans, south Louisiana, and parts of the gulf coast that still remain, as my colleagues know, in a rebuilding mode from Hurricanes Katrina and Rita. What people don’t realize, it is not just houses and schools, but the criminal justice system was hard-hit in terms of jail space, the sheriff’s office, the district attorneys. So we have an extra responsibility to work with this team in Washington to make sure they keep their eyes on our people down in the gulf coast as we rebuild that great region of this country. I know this team will, and I am happy to support Lanny Breuer for Assistant Attorney General.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS OF TONY WEST TO BE ASSISTANT ATTORNEY GENERAL; LANNY A. BREUER TO BE ASSISTANT ATTORNEY GENERAL; CHRISTINE ANNE VARNEY TO BE ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Tony West, of California, to be Assistant Attorney General; Lanny A. Breuer, of the District of Columbia, to be Assistant Attorney

General; Christine Anne Varney, of the District of Columbia, to be assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, prior to a vote on the West nomination.

Mr. LEAHY. Madam President, this evening, the Senate should act to confirm three of President Obama’s Justice Department nominees: Tony West to serve as the Assistant Attorney General for the Civil Division, Lanny Breuer to serve as the Assistant Attorney General for the Criminal Division, and Christine Varney to serve as the Assistant Attorney General for the Antitrust Division.

I am disappointed that Republican Senators have delayed action on these nominations. In my view, they should have been confirmed before the 2-week Easter recess. There was once a time in the Senate when we acted on nominees pending on the Senate Executive Calendar before a long recess. Certainly at the beginning of a presidential term, it makes sense to have the President’s nominees in place earlier, rather than engage in needless delay, especially when there is no controversy. I know of no controversy regarding any of these outstanding nominations.

All three nominees were named by the President on January 22, 3 months ago. They each participated in a confirmation hearing on March 10, 6 weeks ago. After allowing time for follow-up written questions and answers, they were each considered by the Judiciary Committee, approved without a single negative vote, and reported to the Senate on March 26. Another week passed, but Republicans remained unwilling to confirm them before the April recess. That is how we find ourselves here, more than 12 weeks after they were designated by the President, without having acted on those named to head the Criminal Division, the Antitrust Division, or the Civil Division.

I will be very interested to hear why these nominations could not be approved before the Senate recessed on April 2, and why these additional weeks of delay were needed. I will be interested to see who opposes these nominees, who comes to the floor to speak against them, and who justifies the delay in their confirmations. To date, I know of no one who opposes them. I know that no Republican member of the Judiciary Committee voted against any of them when they were considered by the committee at a business meeting more than 3 weeks ago. As I say, there used to be a tradition of comity, and of acting on executive nominations before a recess. I will be interested to learn how that delay is justified to the Justice Department, to the country and to each of these nominees.

In a statement 2 weeks ago, I noted my disappointment that the Republican minority has returned to the tactics of anonymous and unaccountable holds, and needless delays. Attorney General Holder needs his leadership team in place to rebuild and restore the Department. None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee by unanimous consent. They should have been confirmed weeks ago.

What accounts for the delay? I hope that someone will explain. To date no one has. I am left to think back to a February column written by William Kristol, where he urged the Republican minority to practice obstruction and delay. He was specifically referring to the Republican efforts to oppose the President's proposals to revive our economy and build a new foundation for lasting prosperity. That they have done. Not one Republican Member of the House or Senate voted for the budget and not one Republican Member of the House voted for the emergency economic recovery package. They are adhering to a pundit's advice on important legislation and on the President's nominations. Their creed is to "obstruct and delay." It is not one of bipartisanship to help the President enact his agenda this year. It is one designed to "slow down the train." Mr. Kristol counseled Republicans to insist on "lengthy debate," while noting that they "can't win politically right now," but they can "pick other fights—and they can try in any way possible to break Obama's momentum." That is a destructive prescription, and we see it being played out day after day, issue after issue, nomination after nomination. Rather than join with the new President as he rallies the country and the world to economic recovery and enhanced security, they persist in their efforts to obstruct and delay.

Recently the New York Times described the results of a New York Times/CBS News poll of the American people. Since the Republican opposition is so interested in poll-driven politics, I urge them to consider it, and reconsider their own ill-fated course. The Obama administration is just 11 weeks old, and already the American people have grown more optimistic about the economy and the direction of the country. Americans approve of the President's handling of the economy and foreign policy with fully two-thirds saying they approve of his overall job performance. Following his recent trip to Europe, meetings with other world leaders, his outreach to Turkey and his visit to Iraq, I expect those numbers may be even higher today. More and more people feel that things are headed in the right direction—despite Repub-

lican obstruction. Two and one half months into office, President Obama has broad support on economic and national security matters with almost two-thirds of Americans believing that President Obama is likely to make the right decisions.

By contrast, only 20 percent of Americans believe that congressional Republicans would more likely make the right decisions about the nation's economy. The Republican nay-saying is sinking in. So I urge Senate Republicans, if they will not honor our traditional deference to a new President and vote for his nominees, if they will not join together with President Obama at a time of great challenges to America by working cooperatively and quickly to approve the administration's law enforcement leadership team, if none of those worthwhile reasons convince them to do the right thing, then I urge them to consider how the American people are reacting to their obstruction. I urge them to abandon the across-the-board tactics of resistance and delay. The majority of the American people are calling for us to work together and are rejecting Republican obstruction and delay.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . . executed with the highest degree of integrity." We should confirm this outstanding leader for the Civil Division and should not have delayed his confirmation this long.

President Obama has said that Lanny Breuer has the "depth of experience and integrity" to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Man-

hattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division."

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Republican minority had not stalled the confirmation of Mr. Breuer's nomination needlessly for an additional 2 weeks.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is "extraordinarily well qualified to lead the Antitrust Division." Twenty former chairs of the American Bar Association section of antitrust

law have described Ms. Varney as a “highly accomplished, capable nominee who will serve consumers and this country with distinction” and who will have “immediate credibility” in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. This was not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They delayed for 2 weeks what was a unanimous vote in favor of David Kris to serve as the Assistant Attorney General in charge of the National Security Division at the Justice Department. And they have refused for more than a month to consent to a time agreement for debate and a vote on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. The nominations the Senate considers this evening are three additional nominations they held up needlessly this month.

On April 1, both the New York Times and Roll Call featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. That was no April fool’s joke. That is a serious matter and one that hurts the President’s efforts to restore the rule of law. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination.

Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time. Last month, in an online column for Slate entitled “How Many Ways Can Senate Republicans Show Intellectual Hypocrisy?” Dahila Lithwick observed:

“The irony now on display among Republicans on the Senate Judiciary Committee is staggering.” She could have included Republican Senators who have recently championed the principle that “elections have consequences,” that the President is entitled to his nominees, and that filibustering is an “obstructionist tactic” and “obscene.”

In her April 8 column in the Washington Post, Ruth Marcus reminded “the people who are considering a Johnsen filibuster how hypocritical this stance would be.” She reminded them that Democrats did not filibuster President Bush’s nominations of John Ashcroft or Ted Olson, although there were more than 40 negative votes on each of those nominations. She noted:

“[T]he president is entitled, absent extraordinary circumstances, to have the ad-

visers of his choosing. Voting against a president’s nominee is a serious step. Voting to prevent that nomination from getting an up-or-down vote kicks it up several notches.” She concluded by explaining why, from her own experience and knowledge, Dawn Johnsen is not out of the mainstream or extreme: “This is hardly the kind of nominee so extreme that she should not be entitled to an up-or-down vote.”

The men and women at the Department of Justice have a special duty to uphold the rule of law because, as President Obama reminds us, “laws are only as effective, only as compassionate, [and] only as fair as those who enforce them.” The three nominees Republicans agreed to consider this evening, and Dawn Johnsen, whose nomination they refuse to debate and vote on, are all nominees who meet President Obama’s standards and will work on behalf of the American people in the best traditions of the Department of Justice. I urge Republican Senators to vote to confirm these Assistant Attorney General nominations tonight.

Then I hope we will be able to proceed to a time agreement to consider and vote on the nomination of Dawn Johnsen to serve as the Assistant Attorney General to head the important Office of Legal Counsel at the Justice Department. Her work has been delayed too long. The President designated her back on January 5. The time has come to debate that nomination and vote it up or down. The President has suspended the OLC opinions until they can be reviewed; she will head that review. The delay has gone on long enough. The Senate should vote.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Tony West to be Assistant Attorney General for the Civil Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Tony West has the superb intellect, seasoned judgment, and wealth of experience necessary to be an outstanding head of the Civil Division.

Mr. West’s academic credentials are extremely impressive. He earned his BA from Harvard, where he was the publisher of the Harvard Political Review. He received his JD from Stanford Law School, where he was president of the Stanford Law Review.

Following law school, Mr. West began a career in which he has demonstrated great devotion to public service. In 1993 and 1994, he served with distinction as a Special Assistant in the Department of Justice, where he was involved in the development of national crime policy, including the 1994 omnibus crime bill. He has also served as an assistant U.S. attorney for the Northern District of California, and as a California special assistant attorney general.

In private practice at one of the country’s leading law firms, Mr. West

has also excelled, representing a wide range of clients from indigent individuals in civil rights litigation to multinational corporations in complex commercial matters.

Outside of his practice, Mr. West has been a significant contributor to the legal community. He has served on the governing board of the Northern California Association of Business Trial Lawyers, as a Ninth Circuit lawyer representative, and as a member of the Litigation Section Executive Committee for the San Francisco Bar Association.

Just as important, while in private practice, Mr. West has directed his considerable talent and energy to important pro bono work and public service. By way of example, he has served as a judge in Oakland’s McCullum Youth Court, a courtroom run by students that focuses on rehabilitation of first-time youth offenders.

The Assistant Attorney General for the Civil Division has a set of responsibilities that are always important, never more so than right now.

As just one example, the Civil Division is integral to keeping Americans, and taxpayer dollars, safe from financial fraud. In the aftermath of the financial meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers do not keep their ill-gotten gains. And for our economic recovery plans to work, we must ensure Americans’ faith in our government’s ability to exercise appropriate oversight in the use of the economic recovery funds Congress has appropriated.

The President has made an excellent choice in selecting Tony West to lead the Civil Division. He is a skilled and accomplished lawyer, a leader and a team player, and a person of unquestioned integrity. The Attorney General and the country need him in place as soon as possible.

Mr. UDALL of New Mexico. Madam President, we yield back all remaining time.

The PRESIDING OFFICER. The time is yielded back.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Tony West, of California, to be Assistant Attorney General? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator

from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 4, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—82

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Sanders
Burr	Inouye	Schumer
Burr	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Coburn	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Ensign	McConnell	
Enzi	Menendez	

NAYS—4

Bunning	Isakson
Chambliss	Shelby

NOT VOTING—13

Begich	Kennedy	Rockefeller
Bennett	Kyl	Wicker
Cochran	Lieberman	Wyden
Dodd	McCain	
Durbin	Roberts	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on vote No. 155, I was unavoidably detained due to cancellations and delays of United Airlines flights. Had I been present for the vote, I would have voted to confirm the nomination of Tony West to be an Assistant Attorney General for the Department of Justice, Civil Division.●

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the Breuer nomination.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we have three nominations that should have been confirmed by voice vote. Before we left on recess, the Republicans asked to hold them up for 2 weeks. I wish they had not because these are nominees to vital positions in the De-

partment of Justice. Only four Senators, after holding them up for 2 weeks, not allowing them to be there, only four Senators voted against Tony West to be head of the Civil Division. We now have Lanny Breuer to serve as Assistant Attorney General for the Criminal Division. These are people who were voted out of the Judiciary Committee unanimously by Republicans and Democrats. I hope we have a similar vote. A rollcall has been requested on the Republican side, which is fine; they have that right. But I hope we will confirm this nomination also.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I believe Mr. Breuer warrants confirmation.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination Lanny Breuer to be Assistant Attorney General for the Criminal Division of the Department of Justice.

Lanny Breuer is a superb lawyer with unquestioned integrity. We are fortunate that the President has selected him to head the Criminal Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Mr. Breuer has the sharp intellect, wealth of experience, and superb judgment necessary to be an outstanding leader.

Early in his career, he served as a prosecutor in the Manhattan District Attorney's Office, working for the legendary Robert Morgenthau. While there, he not only gained an appreciation for the important work on the front lines of criminal prosecution, but he also demonstrated the sort of temperament and judgment that are critical to success in the position for which he has been nominated.

Mr. Breuer also served with distinction in the White House as Special Counsel to the President. From there, he moved to one of the country's great law firms, where he currently cochaurs its white collar defense and investigations group. Taken together, this broad experience will serve him well as Assistant Attorney General.

Just as important, Mr. Breuer has a deep appreciation for the importance of public service. Since 2003, he has served as vice chair of his firm's Public Service Committee, which oversees the firm's pro bono programs.

His personal pro bono work has been impressive as well. One of the letters in support received by this committee details Mr. Breuer's application of his impressive legal skills and considerable determination to rid a District of Columbia neighborhood of a powerful drug dealing organization that operated out of a local bar. Almost 20 years later, the neighbors he helped still remember and praise his important work on their behalf.

The Assistant Attorney General for the Criminal Division has a set of re-

sponsibilities that are always important, never more so than right now.

As just one example, the Criminal Division is integral to keeping Americans safe not only from violent crime but also from financial fraud. In the aftermath of the financial meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers will be identified and prosecuted for financial fraud.

Punishing complex financial crimes and deterring future fraud are vital to restoring confidence in our decimated financial markets. We need to get Lanny Breuer in place just as soon as we can, to make sure that the trail of any criminals who contributed to this meltdown does not grow cold.

Finally, I would like to add that Mr. Breuer is not just a brilliant legal mind, but he's also a person of great character. As Robert Morgenthau said in his letter of support:

Mr. Breuer consistently handled his responsibilities with keen analytical ability, common sense, total integrity and an exemplary sense of justice. . . . [H]e also understood that the power and authority possessed by a prosecutor will be best balanced by humility and discretion. He never wavered in his pursuit of fairness and justice.

That is precisely the sort of person we need, right now, to head the Criminal Division of the Department of Justice.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Lanny A. Breuer, of the District of Columbia, to be an Assistant Attorney General?

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

(Rollcall Vote No. 156 Ex.)

YEAS—88

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Burris	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Cardin	Kaufman	Specter
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dorgan	McCaskey	Wicker
Durbin	McConnell	
Ensign	Menendez	

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Varney nomination.

The Senator from Vermont.

Mr. LEAHY. Madam President, the 88-to-0 vote, again, was one that, instead of having a voice vote before the recess on a key member of the Department of Justice, our friends on the Republican side insisted we have. We held it up for 2 weeks. I am glad to see that now the right thing has been done with not a single dissenting vote. I wish it could have been done 2 weeks earlier so they could get to work at the Department of Justice.

Mr. SPECTER. Madam President, I can't hear Senator LEAHY, so I will not know how to formulate my rebuttal.

The PRESIDING OFFICER. The Senator from Vermont may continue.

Mr. LEAHY. Madam President, the third vote is Christine Varney—and I hope we have a similar vote—to serve as Assistant Attorney General for the Antitrust Division. Again, I wish it could have been done 2 weeks ago, but I would hope we would go forward.

Mr. HATCH. Madam President, as the ranking Republican on the Antitrust Subcommittee, I rise to voice my support for the confirmation of Christine Varney to be the next Assistant Attorney General in charge of the Department of Justice's Antitrust Division.

This is a role to which, I believe, she is ideally suited.

Ms. Varney served as a Federal Trade Commissioner from 1994 to 1997. As we all know, our Nation has two separate agencies, the Department of Justice's Antitrust Division and the Federal Trade Commission, that are respon-

sible for enforcing our antitrust laws. Ensuring that these agencies efficiently and effectively execute those laws is a major concern of the Antitrust Subcommittee. In fact, I recently posed the theoretical question as to whether a merger of the FTC's antitrust arm and the Department of Justice's Antitrust Division would not create a more efficient regulatory regime. Although I believe this question deserves further close consideration by the Antitrust Subcommittee, I was delighted to see that Jon Leibowitz, Chairman of the FTC, was present, and even an active participant, at Ms. Varney's nomination hearing. Undoubtedly, this was to support her confirmation and, presumably, to show the intent of these two leaders to bring greater cooperation between the Antitrust Division and the FTC.

In addition to Ms. Varney's experience with an executive agency enforcing our antitrust laws, she has also developed a strong reputation in the private sector. Ms. Varney was heavily involved in one of the most important antitrust cases of modern time: U.S. v. Microsoft. In that matter, she represented Netscape. She also represented Netscape in its merger with AOL. Presently, she is a partner at Hogan and Hartson, where she is head of that firm's Internet Law practice group. Her experience in these matters is of particular relevance due to the recent number of proposed mergers affecting the Internet. The importance of these contemplated mergers has only been highlighted by the number of hearings that the Antitrust Subcommittee has held on the issues that have arisen because of these proposed transactions.

I also appreciate the commitment she made in her written responses to the committee's questions to work with me on an antitrust issue that is close to the hearts of every Utahn: the inequities that occur currently due to the so-called Bowl Championship Series. The current system is a clear violation of our Nation's antitrust laws and I look forward to working with the Antitrust Division to develop an appropriate remedy.

On a personal level, I have had an opportunity to meet and talk to Ms. Varney. I appreciate her collegial and professional manner. I believe she is an individual who will strive to work with Congress to ensure that fair competition is maintained and the rule of law enforced.

Therefore, I recommend Ms. Varney's confirmation to colleagues and look to working with her in the years to come.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Christine Varney to be Assistant Attorney General for the Antitrust Division of the Department of Justice.

In selecting Ms. Varney, the President has chosen wisely. She has the ex-

perience, the intellect, and the judgment necessary to be a superb leader of the Antitrust Division. Just as important, she has the character and integrity to help the Attorney General restore the public faith in the Department of Justice.

Over the course of her impressive 23-year legal career, Ms. Varney has held a wide range of significant positions that make her uniquely qualified for this critical position. After starting her career in private practice, she served in the Clinton administration as an Assistant to the President and Secretary to the Cabinet. In October 1994, President Clinton nominated Ms. Varney to the Federal Trade Commission. After Senate confirmation, she held that position until 1997. As a Commissioner, she distinguished herself in several important ways. Most important to me, she demonstrated her commitment to the idea that antitrust enforcement must be both vigorous and fair.

At this decisive time for our Nation's economy, we need an approach to antitrust enforcement that promotes competition, drives innovation, and protects the consumer. Based on her time at the FTC, and in private practice, I have no doubt that Ms. Varney is the right person to lead the Antitrust Division. Ms. Varney should be confirmed without delay.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination, as the Republicans had requested.

Mr. SPECTER. Is my time reserved, Madam President?

Mr. LEAHY. Yes, it is. I am just asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Let's confirm her.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

Does the Senator from Pennsylvania wish to use his time?

Mr. SPECTER. Madam President, I used all the time I wanted. Let's confirm her.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the

Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—87

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Burr	Inhofe	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kaufman	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Warner
Dorgan	Martinez	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker

NAYS—1

Bunning

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to state my support for the three nominees that the Senate confirmed earlier today. Due to weather delays, I was unavoidably absent from the Senate during the votes on the three nominees to be Assistant Attorneys General in the Department of Justice. Had I been present I would have voted yea for all three nominees.

All three individuals are eminently qualified and I believe will be superb additions to President Obama's administration.

Let me briefly talk about these well-qualified individuals. Tony West will be the next Assistant Attorney General for the Civil Division. He served previously in the Department of Justice as a Special Assistant to two Deputy Attorneys General during the Clinton administration. He also served in the U.S. Attorney's Office for the Northern District of California as a prosecutor. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

Lanny Breuer received both his undergraduate and law degree from Columbia University. After law school, he worked as an Assistant District Attorney in Manhattan. During the Clinton administration, he served as Special Counsel in the White House. He has also worked at the law firm Covington & Burling. Mr. Breuer will serve as the next Assistant Attorney General for the Criminal Division.

Finally, Christine Varney will serve as the next Assistant Attorney General of the Antitrust Division. I believe she is uniquely qualified for this position. A graduate of the Georgetown University Law Center, Ms. Varney served as a U.S. Federal Trade Commissioner and, later, as an assistant to President Clinton and Secretary to the Cabinet.

Again, had I been present I would have voted yea on these nominations and I am pleased that all three nominees were approved overwhelmingly in the Senate today. •

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read as follows:

Nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 20 minutes equally divided for debate on the motion to invoke cloture on the nomination of Christopher Hill.

Who yields time?

Mr. KERRY. I yield 5 minutes to the Senator from Indiana, the distinguished ranking member of the Foreign Relations Committee.

Mr. LUGAR. Madam President, I rise in support of the nomination of Christopher Hill to be Ambassador to Iraq. During his 32-year career, he has led three embassies and served as Assistant Secretary of State for East Asian and Pacific Affairs. In that position, he was the Bush administration's point man at the six party talks on North Korea. As Assistant Secretary, Chris Hill demonstrated outstanding diplomatic and managerial skills in dealing with one of our most difficult foreign policy challenges. His innovative approach contributed to successes, including the ongoing disablement of the Yongbyon nuclear complex in the presence of American monitors, the re-entry into North Korea of IAEA officials, and the potential transition of the six party process into a forum for broader multilateral engagement in Northeast Asia.

North Korea remains an inscrutable regime with unpredictable motivations. Any suggestion that the North

Korea nuclear issue lends itself to obvious solutions or the application of a standard diplomatic playbook is off the mark. Ambassador Hill had to apply both imagination and persistence in moving this complex process forward in five foreign capitals.

Now President Obama has tapped him to address another of the most important foreign policy challenges confronting the United States. In my judgment, it would take extraordinary circumstances for the Senate to deny the President his choice of an Ambassador to carry out his directives in Iraq, especially given that the President will be judged meticulously on what happens there.

Ambassador Hill has unique experience in managing the type of regional diplomatic effort that is likely to be required at this stage of Iraq's development. Iraq's success will increasingly depend on regional factors involving the activities of both friends and adversaries. We must seek to reassure allies and send adversaries the clear message that the United States remains committed to regional stability and has no intention of leaving a vacuum in Iraq that could be exploited.

Prime Minister Maliki's outreach to Sunnis has already reduced tensions among Iraq's Sunni neighbors. Leaders from Turkey, Jordan, Syria, and virtually all of the Gulf States, including Kuwait, have paid high-level visits and appointed ambassadors, indicating acceptance of the Shia-run government.

Across the region, and internationally, the incentive structure for involvement in Iraq is fundamentally different than it was 2 years ago. Coupled with the drawdown, the time is right to expand our engagements, solidify regional security gains, and cultivate more robust regional and international cooperation in Iraq. Ideally, this cooperation would include regular and wide-ranging talks with neighboring states on broader issues of regional security. One of the purposes of these talks must be to avoid surprise and miscalculation in the region that could ignite further conflict.

Through the confluence of many factors, Iraq is showing positive trend lines. American casualties are at their lowest mark since the conflict began 6 years ago. The Iraqi government held successful elections last month, and those provincial councils are convening, electing chairmen, and beginning to set their agendas.

But progress in Iraq remains vulnerable to political rivalry, outside interference, and the slow pace of economic reconstruction. Government institutions at all levels remain underdeveloped, inefficient, and subject to corruption. The economy, which grew at a rate of 3.5 percent in the first two quarters of 2008, has slipped as oil prices have dropped. Oil production rates are flat, and reduced revenues

may slow the efforts of Iraq's government to make necessary infrastructure investments. Unemployment and underemployment remain high. Because of these and other conditions, Ambassador Crocker and General Odierno have described Iraq's progress as fragile and reversible. It is important to get our next Ambassador in place as quickly as possible.

I have appreciated Ambassador Hill's accessibility to the Senate Foreign Relations Committee. In addition to nine appearances before the committee in the last 5 years, he has always been willing to meet with us privately about developments on the Korean Peninsula or elsewhere in East Asia.

I also appreciate his willingness to accept this difficult post, especially after several years of an unrelenting diplomatic activity. I am hopeful that the Senate will move forward on his nomination. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I yield myself 8 minutes.

Colleagues, tomorrow is a terrible day. It is Holocaust Remembrance Day. I want to put up a picture of something that is all too familiar to the world. It is Auschwitz, the main camp. You can see the different buildings that were there. What took place there was a horrible thing that happened. The world will remember that.

There was a new movie out on it last night that was put forward by a group of students from Kansas. They found a lady who had moved through the Polish concentration camp, actually the internment that they did in the city, the slum. She saved a bunch of orphans. It was a beautiful story about a terrible situation.

Tomorrow, Holocaust Remembrance Day, we remember this type of a picture. Let me show you a modern picture that looks eerily similar. It is not the same situation but just look at the barracks. Look at the design. Just look at the setting. This is North Korea. It is a gulag. We have tens of thousands who have been killed. We have 10 percent of the population that have died over the last decade and a half in North Korea.

You want to see an eerie resemblance to something that we always say never again, never again, and yet in our time we see this. Here is the most infamous of the camps. Here is Camp 22. You can get this on Google Earth if you do not trust my images. We did not have that of Auschwitz at the time. We have it now. We know what is going on at Camp 22 from people who have been in North Korea who have made it out. Here is a list of the places where the gulags are throughout the country. We

know where these are. We did not know at the time what was taking place in Auschwitz, what was taking place there. We had thoughts about it. We thought it might be taking place. We were not exactly sure. In some cases I am afraid we acted like we didn't want to know.

I am afraid that is what we are acting like on this issue; we do not want to know this is taking place. Yet it is. We have witnesses and we have Google Earth. You can show pictures of it. Tomorrow we have Holocaust Remembrance Day. Today we consider what is taking place here, and we are considering a nominee to be our most key ambassadorial post—this is in Iraq—who was the key strategist on North Korea strategy, on the six-party talks, who ignored this situation, who lied to me about it that he would involve our human rights ambassador to North Korea in the six-party talks.

That never happened. I have a letter from Jay Lefkowitz, who stated this to me March 25, 2009:

At no point during my tenure as special envoy for human rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any six-party talks.

We know it is going on. We have the pictures. We do not even involve our guy to talk about it, and this is the person now we want to promote to the biggest diplomatic post that we have in the world, a diplomat who ignores the human rights abuses in North Korea. The Washington Post even said this about Chris Hill:

... a stunning lack of urgency on human rights in North Korea.

That is my biggest beef, but let's also look at the diplomatic scorecard on what we have negotiated. Oh, OK, so we ignored human rights in North Korea. Chris Hill, he is the lead of our negotiators. He is also over that region. We are going to ignore human rights. But we must have gotten a great deal out of North Korea then because we are going to ignore this piece of it.

Here is the diplomatic scorecard of what Kim Jung-Il got and what we got out of the six-party talks. I might remind you what happened during the break that we were on, 2 weeks since our adjournment: The North Korean regime launched a multistage ballistic missile over the mainland of Japan toward Western United States; kidnapped and imprisoned two of our citizens, American citizens; pulled out of the six-party talks; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; and, according to at least one news source, is now under investigation for shipping enriched uranium to Iran.

Now, that just happened in the last 2 weeks. That is a pretty good 2 weeks for Kim Jung-Il, I guess. And the guy who negotiated this great deal, now we

want to put him in charge of Iraq. Well, here is the scorecard: Kim Jung-Il gets delisted as a state sponsor of terrorism; he obtains key waivers of U.S. sanctions imposed after the regime's illegal nuclear detonation in 2006; he received tens of millions of dollars' worth of fuel oil assistance from us—that is, what the Soviets used to give him; now that we are sponsoring we are giving him this sort of stuff so he can operate these gulags—allowed to continue totalitarian oppression and starvation of the North Korean people.

We ignore human rights. He likes that. He is never required to release or account for all of the abductees or POWs or to acknowledge a clandestine uranium enrichment program and its role in the Syrian nuclear facility that the Israelis bombed. Remember that one. That was a North Korean facility. It was North Korean designed, able to test ballistic missile technology in violation of U.N. Security Council sanctions without any meaningful consequences.

And what did we do? What did we do? Obtained incomplete declarations from North Korea. I might note to my colleagues, some of you may remember this, the actual papers we got, they radiated. They had radiation coming from the papers themselves. That was probably a gift from Kim Jung-Il.

Implosion of the Yongbyon cooling tower, through the reversal they are already starting to produce plutonium or they are setting back up to produce plutonium at this plant after they blew up the tower. So they did probably the least safest thing, blowing up the tower, but they can still produce plutonium.

That is what we got out of this deal, and now we are going to put Chris Hill in charge of Iraq, a situation and a case where we need the most diplomatic skill, the most accomplished diplomat, and somebody this body trusts because increasingly this moves from a military engagement to a diplomatic engagement. We have to trust the diplomat who is coming forward, who we are putting forward in this situation, and this is what he did on our last account for the United States of America. This is what he did the last time. The camps and human rights is what he ignored the last time around.

Now, I think Chris Hill as an individual is a fine individual. I have met with him, as my colleague from Indiana has. I have great regard for my colleague from Indiana and the chairman from Massachusetts—wonderful individuals. But I am saying, sort out and move away from Republican and Democrat. I opposed Chris Hill and what he was doing during the Bush administration. This is not me saying I am opposed to him because this is about President Obama. It is not. It is about ignoring human rights, it is about the terrible diplomatic scorecard. We are

getting skunked. If this were baseball, they would call the game for the mercy rule. We are just getting skunked on this situation.

Now we are going to put him in Iraq, and we are going to ask him to move this ball forward for us. I, for one, cannot seem to be able to support him to do that. That is why I want to have a fulsome debate about this. I want to have a debate about why we take these sanctions off on North Korea. We should put them back on.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. BROWNBAC. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I am going to speak to the issue raised by Senator BROWNBAC in a moment. But let me say, Ambassador Christopher Hill has made a career, which is now entering his fourth decade, of taking on some of the toughest assignments in our Government.

Today, the President, our country, and our troops, need him to take on this task in Iraq. I hope my colleagues will join the overwhelming majority of the Foreign Relations Committee and Senator LUGAR who has spoken on this in moving to this nomination which is long overdue. This should not be a controversial nomination. There are very few American diplomats with more experience than Chris Hill where it matters most: in negotiating complex, high-stakes, multilateral deals in conflict zones.

In addition to serving as Ambassador to Macedonia, Poland, and South Korea, Chris Hill was one of the top negotiators at the 1995 Dayton Accords that ended the war in Bosnia.

He served as Special Envoy to Kosovo during the 1999 NATO bombing campaign. As Ambassador to South Korea from 2004 to 2005, he managed the bilateral relationship that includes the presence of nearly 30,000 American troops, and, of course, he was the point person in the talks Senator BROWNBAC has referenced. Make no mistake, our troops are beginning to draw down in Iraq, and the entire resolution of Iraq as a success will revolve around the diplomacy we apply and our ability to seek political reconciliation which will be implemented by that diplomacy. We will have more time tomorrow to talk about this, I hope, if we can move to the nomination.

Let me speak quickly to what Senator BROWNBAC has said. Chris Hill was working under daily communications and instructions from the State Department, from Secretary of State Condi Rice, and from the President. What he did was in response to those instructions. He was never admonished publicly or otherwise for going outside those instructions. The argument is made about humanitarian and human rights issues. I ask unanimous consent

that the portion of Ambassador Hill's Senate Foreign Relations Committee testimony be printed in the RECORD so Senators can judge for themselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HILL ON THE ALLEGATION THAT HE REACHED AN AGREEMENT WITH THE NORTH KOREANS WHILE THEY WERE PROLIFERATING TO SYRIA
SENATE FOREIGN RELATIONS COMMITTEE
NOMINATION HEARING, MARCH 25, 2009

Senator WICKER: Okay. Let me ask you one other thing. There's a letter by—signed by some five Senators—Ensign, Inhofe, Bond, Kyle, Brownback—in which they are urging the President not to choose to appoint you. And they say this, in testimony before the Foreign Affairs Subcommittee, Secretary Hill said, "Clearly we cannot be reaching a nuclear agreement with North Korea if at the same time they're proliferating, it is unacceptable," your quote. And yet they say that—that at a time when Congress was trying to answer key questions about Korea's proliferation to Syria, you were involved in those negotiations, contrary to what they believe was your clear statement to the subcommittee.

Mr. HILL: That we cannot reach an agreement if they're proliferating, yes.

Senator WICKER: Yes, well do you see a contradiction there? Congress was still wrestling with the fact that—that North Korea was proliferating to Syria. And yet you went ahead. I'd just ask you to respond to that.

Mr. HILL: Well, yeah. To the best of our estimate—that is other agencies in the U.S. Government, to the best of their estimate—the North Koreans ceased proliferating after this facility was destroyed.

Now, the—it is very clear, at least it's very clear to me and I think very clear to most people—that unbeknownst to us, the North Koreans had carried on a program to assist Syria in the construction of a nuclear reactor. We are not aware, to this day, of any transfer of actual nuclear material. But we are aware, of course, of the transfer of nuclear technology, or we became aware of this. The North Koreans subsequently stated, and it's part of our agreement, that they have no—no ongoing proliferation activity. We wanted that statement to be expanded to acknowledge the fact that they were proliferating. And so, what they did was they acknowledged our concerns about it, they did not acknowledge their past activities.

Do I think that is an honest reaction from the North Koreans, is that in the spirit of what we're trying to do? No, it isn't. The North Koreans are—are a people who try to play by their own set of rules and it is difficult to get things done with them. We felt it was—given that we had assurances that they had stopped, but more importantly we had indications that it stopped.

Because frankly, getting assurances or getting any statements from the North Koreans are not what we're after, we're after facts not statements.

But when we saw that the activities had stopped, we felt it was worthwhile to continue the effort to disable their nuclear facilities in Yongbyon because at the end of the day, if we can prevent the North Korean nuclear problem from becoming a bigger problem than it is—right now it is a 30 kilo problem. Had we not succeeded in shutting down their facilities and in disabling their facilities, that 30 kilo problem could have been a 60 kilo problem, a 100 kilo problem. But I—I am the first to say, Senator, that

the job is not done. They have some 30 kilos and we can not rest until we get the 30 kilos from them.

The issue that I've had to deal with as an implementer of a policy, and I want to stress there was a chain of command here and I was not off on my own. I was receiving instructions pretty much on a daily basis, and during the actual negotiations I received instructions even from Secretary Rice—that our effort was to try to shut down and disable the production of nuclear materials and then to—to continue and get them to put on the table the nuclear materials they had already produced, that is the 30 kilos.

And it was at that phase, which did not come, but that was the phase where we anticipated—and where I explained to Senator Brownback—that is that next phase that we would be prepared, and in return for that nuclear material on the table, we would be prepared to launch a normalization effort with the North Koreans.

Senator BROWNBAC, quite rightly, and I fully respect this position, said, "We can't be normalizing with a country with one of the world's worst human rights records." And so, I quite—by the way, I really respect that position as someone who's dealt with human rights in my 30-some, 32-year career, I know about that, I know very well about that—so I agreed to recommend, and Secretary Rice completely agreed with this, to create a human rights track. So as we're going forward in normalization—this was not just going to be a normalization, you give up the nukes and we treat you like you're some ally—this is a normalization that would include dealing with some of the issues that, serious issues that stand between us.

And so, that is what I—what I supported doing and I regret that we were not able to get the verification agreement that would have allowed us to get onto this next phase.

Senator WICKER: Thank you.

Senator WICKER: [Quoting an article by Stephen Hayes in the Weekly Standard] "Secretary of State, Condoleezza Rice, had given Hill permission to meet face to face with the North Koreans, but only on the condition that diplomats from China were also in the room. Although the Chinese participated in the early moments of the discussions, they soon left, Hill did not leave them.

Now, the article goes on to say that Secretary Rice was angry with you, and that CNN reporter Mike Chenoi wrote, "Although Rice remained supportive of reviving the diplomatic process, Hill had held the bilateral discussion with North Korean negotiator Kim Chyuguan in defiance of her instructions." And the author, Hayes, of this article concludes that the Secretary of State expressly forbade you from participating in the bilateral talks, but that you thought otherwise. So, this is an opportunity for you to give us your version of that.

Mr. Hill: Well, thank you, thank you very much. Actually, what this was—was the start of the—this was in the summer of 2005, and this was an effort to get the Six Party process going, because the North Koreans had boycotted.

And so, what Secretary Rice agreed to—to do, was to have bilateral talk—a bilateral meeting—with the understanding that the North Koreans would then announce, at the end of the bilateral meeting, their participation in the Six Party process, but she wanted the Chinese to be there.

The Chinese came, but the North Koreans were not willing to carry on the meeting with the Chinese, so I was there in the meeting room, the North Koreans were arriving, and the Chinese were disappearing.

So, the question I had—and Secretary Rice was in the air between Anchorage, where she had a refueling stop—and coming into Beijing. So, the audible I had to call at that point was, do I continue the meeting or do I walk out? And I made a judgment to continue the meeting.

We had the meeting, and at the end of the meeting, the North Koreans announced that they were returning to the Six Party process. Secretary Rice arrived that night in Beijing and in the morning—and I remember this very clearly—she was—she was quite angry, but quite angry with the Chinese for not having remained through the process. And she expressed that directly to the Chinese Foreign Minister in a meeting that I—that I attended, that is the next morning.

So that was the incident, with respect to the—to the meeting with the North Koreans.

I know there's some journalists who've tried to make this a rather dramatic moment, quite frankly, it was a little less dramatic than some of the journalistic retellings of it.

Senator WICKER. Was she angry with you?

Mr. HILL. Not to my knowledge. She was angry with the Chinese for not persevering.

Senator WICKER. You and she did not have a verbal confrontation about your audible that you called?

Mr. HILL. Never.

Senator LUGAR. . . . Now, let me just say, Ambassador Hill, you have tried in your opening responses to the chairman's questions to talk about the experience with regard to diplomacy and Iraq, and I have attempted in my opening comments to indicate what I saw to be regional implications, not only the shoring up and strengthening of the Iraqi government.

But for this record, would you respond to Senator Brownback and to others that I have cited personally and from this quote who have raised serious questions about testimony about the South Korean nominee before and the holdup in the Armed Services Committee and other issues that need to be addressed as a part of our moving this nomination forward?

Ambassador HILL. Senator, I would be happy to do so.

First of all, I want to make very clear that I very much respect Senator Brownback's concern about human rights. These are concerns that are deeply felt, and they are well placed. I have said on a number of occasions—and I will say it again here—that the North Korean human rights record is one of the worst in the world. There is no question it is one of the worst in the world, and I have had those conversations with Senator Brownback.

Now, with respect to the specific issues that he raised or were raised in the Armed Services Committee, I would like to make a couple of points.

What I agreed to do was that as we were going through the phase two of the disablement process and verification of the North Korean nuclear declaration, we anticipated moving on to phase three, or a next phase, if you look in the transcript. And what I told Senator Brownback we would do in that next phase was to—the next phase was to include bilateral normalization talks with the North Koreans.

Now, of course, we were not ever going to normalize with North Korea until it had done away with all of its nuclear materials and nuclear ambitions. But the plan was in phase three to sit down with the North Koreans for talks aimed at normalization.

I told Senator Brownback that when we got to that stage, I would be prepared to sup-

port—and I emphasized I would be prepared to support because I did not make the decisions. The decisions were made by Secretary Rice and an interagency group, but I would be prepared to support the creation of a human rights track within the normalization talks.

And what did I have in mind for a human rights track? I thought we could, in this track, acquaint the North Koreans with the fact that if their aspiration is to join the international community, which was the whole concept of the Six Party Talks, they would have to do something about their human rights record. Specifically, we would look at whether we could, for example, give them lists of prisoners of conscience, of whom there are many in North Korea. We would also look to see whether we could stand up some activities, for example, help them with their criminal procedures code or things like that, work with other countries on this. So I told Senator Brownback that we would create, in the context of this bilateral normalization working group, a human rights track.

The second point concerned his concern that the human rights envoy who was envoy from 2005 and 2009, and Senator Brownback was concerned that this envoy should be made a part of the six parties. I told Senator Brownback that I would support—indeed, that I would invite the envoy to any negotiations with the North Koreans that did not deal with nuclear matters, that is, anything beyond nuclear, he would be a participant in. In fact, this statement on my part is addressed in a press release that Senator Brownback issued on July 31st, 2008.

The problem, Senator, was that we were not able to get beyond phase two. We were not able to get beyond phase two because, although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures. We got their agreement to allow people to visit sites. We got their agreement to allow people to visit sites that are not already listed on their declaration. We got them to agree to give us documentation on how the reactor operated. That is, we got daily production records from them from 1986 so that we could track the production of the reactor, and that would help verify whether, indeed, they had produced 30 kilos versus 35.

So we got some verification, but what we were seeking was a fuller international standard verification of the type that one would have in the context of a country that has completely denuclearized and a verification that would be familiar to anyone who has dealt with the IAEA.

So we were not able to get that, and therefore, we were not able to complete phase two, and therefore, we never got on to having these bilateral talks. And so that is why we were not able to do that.

Senator LUGAR. Thank you.

Mr. KERRY. Senator LUGAR asked him about this. He said specifically that, yes, he would have been willing to have the additional participation of the human rights appointee at the talks, but that referred to the talks when they moved beyond the nuclear component. The fact is that he said to Senator LUGAR in committee that they never got to that phase. I will quote him:

We were not able to get beyond phase two because although the North Koreans did

issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures.

Then he goes on about that. He says:

But what we were seeking was a fuller international standard verification, and we were not able to complete phase two. Therefore, we never got on to having the bilateral talks.

They never got to the period where he would have been perfectly happy, as he always was, to deal with the human rights issues.

The fact is, Ambassador Hill has explained this. I respect Senator BROWNBACK's long track record of outspokenness on human rights. What he has shown there in those photographs is unacceptable. It is unacceptable to all of us. But the fact is, Chris Hill, following the President's instructions, kept his primary focus on the denuclearization, while also trying to address a host of other concerns, including human rights, missile proliferation, counterfeiting, drug smuggling, and other illicit activities. That focus was entirely appropriate given the direct threat to our security. Moreover, those who criticize him for not accomplishing more in the area of human rights ought to appreciate that he was, in fact, implementing the specific daily instructions he was receiving. If they don't like that policy, then their real complaint is against President Bush and the Secretary of State.

I will have more to say about this tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate my colleague from Massachusetts and his statement, as well as the ranking member.

This was Chris Hill's strategy in North Korea. He was Assistant Secretary of East Asia and Pacific Affairs during the same period of time. It was a failed strategy. We should have him in the middle of designing our diplomatic strategy toward Iraq on such a failure, where he will be coming back before this body asking us for support?

I will have more to say on this tomorrow.

I will file a bill tonight for myself and several other cosponsors asking that we consider, at the same time as we consider the Chris Hill nomination, reimposing sanctions on North Korea that were lifted during the Bush negotiations. The North Koreans, over this recess, launched a missile and are being investigated for selling uranium to the Iranians. Clearly, we have it within our power to put U.S. sanctions back on North Korea, and that should take place. I hope that during the process of discussing Chris Hill's worthiness for the Iraqi post, which I do not support, we will also vote to put sanctions back on North Korea that were lifted. Clearly, that should take place.

I will be filing this bill tonight and asking for its consideration tomorrow.

I yield back my time and urge a "no" vote on cloture against Ambassador Hill.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sanders, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to Iraq shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The yeas and nays resulted—yeas 73, nays 17, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—73

Akaka	Enzi	Lugar
Alexander	Feingold	Martinez
Barrasso	Feinstein	McCaskill
Baucus	Gillibrand	Menendez
Bayh	Graham	Merkley
Bennet	Gregg	Mikulski
Bingaman	Hagan	Murkowski
Boxer	Harkin	Murray
Brown	Hatch	Nelson (NE)
Burris	Hutchison	Nelson (FL)
Byrd	Inouye	Pryor
Cantwell	Isakson	Reed
Cardin	Johanns	Reid
Carper	Johnson	Sanders
Casey	Kaufman	Schumer
Chambliss	Kerry	Shaheen
Cochran	Klobuchar	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Tester
Dodd	Leahy	Thune
Dorgan	Levin	
Durbin	Lincoln	

Udall (CO)
Udall (NM)

Voinovich
Warner

Webb
Whitehouse

NAYS—17

Bond
Brownback
Bunning
Burr
Coburn
Cornyn

Crapo
DeMint
Ensign
Grassley
Inhofe
McConnell

Risch
Sessions
Shelby
Vitter
Wicker

NOT VOTING—9

Begich
Bennett
Kennedy

Kyl
Lieberman
McCain

Roberts
Rockefeller
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. STABENOW. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BEGICH. Mr. President, I was not able to be present in the Senate at the time of the confirmation votes on the nominations of Tony West, Lanny Breuer, and Christine Varney, to be Assistant Attorneys General of the United States, and the cloture vote on the nomination of Christopher Hill, to be our Ambassador to Iraq.

Had I been present, I would have voted "yea" on the confirmation of each of the Assistant Attorneys General nominees, as well as "yea" on the motion to invoke cloture on the nomination of Christopher Hill.

I ask that the RECORD reflect how I would have voted had I been present at the time of the votes.●

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE ROXANA SABERI

Mr. DORGAN. Mr. President, 2 days ago, Roxana Saberi from Fargo, ND, was convicted of espionage by an Iranian revolutionary court and sentenced to 8 years in prison after a very brief trial that was held behind closed doors.

I have said very little publicly about this case. But when the sentence was announced, I said I thought it was a terrible miscarriage of justice. I don't come to the floor today to inflame the passions about this issue, but I wish to, for a few moments, say some words about Roxana Saberi and to urge the Iranian Government to do the right thing and release this young woman

from prison and allow her to come home to the United States.

Roxana Saberi is not a spy. She is an Iranian American. She was born and raised and educated in Fargo, ND. Her father is Iranian, which means she has dual citizenship. She went to Iran as a journalist because she is interested in the culture of the country which her father came from.

I know Roxana and her family, and let me tell you a bit about the young woman who sits today in a prison in Iran. Roxana was born in Fargo, ND, 31 years ago. Her father Reza is an Iranian, her mother Akiko is Japanese. She is a 1994 honors graduate of Fargo North High School. She was active in music and soccer and key club and dance. She is a member of that high school's hall of fame. She earned a double major in French and communications in 1997 from Concordia College in Moorhead, MN. She was active in music and a sports star in soccer. She reported for the campus television and newspaper. In 1997, she was selected as Miss North Dakota. In 1997, she was one of the 10 finalists in the Miss America Pageant. When she received her Miss North Dakota title, Roxana said her aim was to encourage other young people to appreciate cultural differences. That ambition led her to a career in journalism.

In 1999, she completed a master's degree in broadcast journalism from Northwestern University in Chicago, IL. In 2000, she received a master's degree in international relations from Cambridge University in England. She moved in 2003 to Iran as a freelance journalist. She reported for National Public Radio, Fox News, and the BBC. This is a young woman of great accomplishment. She has two master's degrees, she has a great education, and she so celebrated her culture that she wanted to spend time in the country of Iran, where her father was born, and she did reporting in the country of Iran. She stayed in Iran after her press credentials lapsed in 2006. She stayed to write a book and complete work on a master's degree in Iranian studies and international relations.

At the end of January in this year, Roxana was picked up and sent to prison. She was held nearly 2 months without charge in a prison outside of Tehran. As I indicated, this Saturday she was convicted of espionage and sentenced to 8 years in prison. The trial was a brief closed-door trial, and this young woman was not allowed to speak in her own defense.

Since Roxana Saberi was convicted and sentenced on Saturday, President Mahmoud Ahmadinejad has sent a letter to the Tehran's prosecutor saying Roxana's rights must not be violated in any way and he asked the prosecutor to ensure that she is allowed to offer a full defense in her appeal.

In addition, the head of Iran's judiciary has ordered a "quick and fair" appeal of Roxana's case. Perhaps they understand that because of worldwide attention to the imprisonment of this young woman, Iran's credibility is on trial as well. When Iranian authorities review Roxana's cases, they will see she has not been granted the basic human and judicial rights that are guaranteed—or supposed to be guaranteed—under Iran's Constitution and penal code.

As I said, she was arrested in late January, she was held without charge and kept without communication with her family for weeks before being allowed to call her parents in faring Fargo, ND. It took about 6 weeks before she was allowed to see the lawyer who was hired by her parents. At first, she was told she was imprisoned because she bought a bottle of wine, and the person who sold her the bottle of wine had reported it to Iranian authorities. Then she was accused of working as a journalist without a valid press card. Finally, she was accused of espionage, of spying for the United States, and at the trial—conducted behind closed doors, according to her lawyer—was not allowed to speak in her own defense.

Roxana Saberi's parents have traveled to Iran to work on their daughter's behalf. They say they have been treated courteously by Iranian officials. They have now been able to visit Roxana in prison, and they have been allowed to work with the lawyer and speak to the press. I visited with Roxana's father today and a couple times last week. He is enormously gratified at the outpouring of support for Roxana from all around the world. President Obama, I know, has spoken of this issue, Secretary Clinton, media outlets around the world and nongovernment organizations, foreign governments and the European Union have all appealed on her behalf. Roxana's father has indicated she has not been abused in prison but that she is frail, has lost weight, and he fears she may not survive in prison for a lengthy term.

Some have said this case suggests we shouldn't have any dialogue or discussions with Iran. I think quite the opposite. One of the difficulties of this case is that an American citizen has been imprisoned unfairly in Iran and then charged and tried and sentenced unfairly. We have no embassy and no Ambassador in Iran, so we must work through the Swiss Embassy, which is the protecting power for American citizens in Iran.

My hope is that as a result of what has happened internationally and as a result of what we have heard from President Mahmoud Ahmadinejad and the chief of Iran's judicial system, the Iranian authorities will understand this is a travesty of justice; that this doesn't meet any standard of fairness

and that Roxana Saberi is not—is not, I repeat—a spy. My hope is the Iranian authorities will decide enough is enough, and they will allow this young woman to be freed from prison and to travel back to this country.

She is an American citizen, born, raised, and educated in this country. The Iranians make the case she is an Iranian citizen. That ignores the fact that she was born and raised and educated here. She is an American citizen. To have an American citizen imprisoned in Iran, held 2 months without charge, and then charged in a closed-door trial with espionage is, in my judgment, an affront to fairness, and I think it is an unbelievable miscarriage of justice. My fervent hope is the Iranian authorities will do what should be done in this case and recognize that a miscarriage has occurred. They have the ability and the capability to rectify it.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would like to first address the matter of Roxana Saberi, a young woman from our home State. Roxana Saberi is someone I know. She has interviewed me many times. Roxana is a journalist, and a very good one. She is somebody who had parents with Iranian tradition and legacy in their family. She went to Iran to learn more about her own legacy, her own inheritance. She was always impressed by what she had learned about the Iranian people. She is someone who loves the Iranian people and respects their culture. She is someone who was there in a role as a reporter, providing reports to National Public Radio as well as British Broadcasting. So it was with amazement that we heard of these charges, as Senator DORGAN outlined correctly, first being told she was jailed because she had bought a bottle of wine, then told she had filed reports without a proper authorization, and then the stunning news that she was being charged with espionage and put through a 1-day trial in which she was not able to speak in her own defense. These are circumstances which require us to speak out and to ask the judicial system in Iran to provide a swift appeal and allow Roxana to come home. She was sentenced Saturday to 8 years in prison. Her family reports that while she is not being mistreated, she is somebody who is vulnerable. This has been very difficult for her. So we ask the Iranian authorities to give her a swift appeal and allow her to return to the United States.

Roxana is someone I know well. She is a warm, loving person, somebody who is well regarded as a journalist in my home State, someone about whom I think anyone who would meet her would say: Here is someone who is proud of her heritage, proud of the history of the Iranian culture, and somebody who loves the Iranian people.

I was encouraged that President Ahmadinejad has indicated that he would like to see the court provide justice and that he has asked them to take up the appeal swiftly and to give Roxana and her defense all of the opportunities anyone should be able to expect if they are charged with such serious crimes.

I make my own personal appeal here on the floor of the Senate this evening. Roxana is somebody, as I have said, I know well. She is a terrific reporter, has interviewed me many times. There is no question in my mind that Roxana was in Iran for the purpose of preparing a book on the people of Iran and to do reports to NPR, British Broadcasting, and even to outlets back home.

I hope the Iranian authorities will think very carefully about how they are seen on the world stage based on how they treat this young reporter. Like all of us in public life, we are judged by what we do. We are held accountable. I hope the Iranian authorities are thinking very carefully about how they will be seen in this matter. I plead with them to release Roxana and to permit her to come home. She is a North Dakotan. She is someone of whom we are very proud. She is a reporter. She deserves to be released.

TRIBUTE TO SERGEANT FIRST CLASS LARRY HAWKS

Mr. McCONNELL. Mr. President, I rise today to honor a brave Kentuckian and soldier who has been awarded the Silver Star for valor in defense of our country.

SFC Larry Hawks, a native of Edmonson County in my home Commonwealth of Kentucky, received our Nation's third highest award for gallantry in action against an enemy of the United States. Those rare few who receive the Silver Star do so because of their display of selfless sacrifice and unparalleled courage under fire and Sergeant First Class Hawks has certainly demonstrated that to his fellow soldiers.

Sergeant First Class Hawks showed his bravery and patriotism to all during a 14-hour battle in 115-degree heat while stationed in Afghanistan on July 25, 2005. That morning on combat patrol in the Oruzgan province, his unit encountered and gave chase to a large number of enemy fighters. Our soldiers soon found themselves facing an intense volley of fire from machine guns, small arms and rocket-propelled grenades.

Without regard for his own safety, Sergeant First Class Hawks came out from behind cover to draw and return enemy fire while directing his unit into position to more effectively engage the enemy. He also directed fire from Apache gunships overhead. He passed up a chance to move to a safer position and insisted on staying in the best vantage point over the enemy.

"There were times when some of the guys thought that we weren't going to make it," Sergeant First Class Hawks was quoted as saying after the ordeal. "But I was thinking, you may not, but I am coming out of this. That was my whole thought process."

SFC Larry Hawks's service is continuing proof that there is no finer fighting man on the face of the Earth than the American soldier. Accordingly, a ceremony was held last December at the U.S. Army John F. Kennedy Special Warfare Center and School, in Fort Bragg, NC, for him to receive this honored award.

Mr. President, I ask my colleagues to join me in recognizing Sergeant First Class Hawks for the many sacrifices he has made to our country. We Kentuckians are honored to know and be among such heroes.

I also ask unanimous consent that the full article from the Brownsville, KY, Edmonson News of March 19, 2009, detailing SFC Larry Hawks's service and the actions that led to the awarding of his Silver Star, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Edmonson News, Mar. 19, 2009]
SFC LARRY HAWKS AWARDED SILVER STAR
FOR DEFENDING COMRADES

Edmonson County native Larry Hawks, a 1988 graduate of Edmonson County High School, was recently awarded the nation's third-highest honor for valor in combat, the Silver Star.

Sergeant First Class Hawks's extraordinary acts of heroism while engaged in a military operation in Afghanistan were witnessed by his comrades.

Hawks, his wife Callie, and their four children Tristan, 10; Lorin, 8; Addie, 6; and Aidan, 4, reside in Salemburg, N.C.

In a letter to superiors, it was explained by Sfc. Donald Grambusch that during a 14-hour battle in 115-degree heat, and taking enemy fire from every angle, Hawks, with disregard for his own personal safety, returned fire during their ATV movement which enabled other ATVs in the group to reach sufficient cover. Hawks then directed Apache gunships fire onto the enemy, while using his own weapon to defend their position.

Hawks was recommended for the Distinguished Service Cross for his bravery.

In addition to the Silver Star, Hawks has attained a long list of accolades and awards throughout his distinguished military career.

During his tenure of duty with the 82nd Airborne Division Hawks served in Panama, Egypt, Desert Shield and Desert Storm. In 1992 Hawks was assigned to the XVII Airborne Corps' Long Range Surveillance Co. He also served with the 3rd Special Forces Group (Airborne).

Hawks was featured in an article by Doug Clark in The Sampson Independent, a newspaper in Clinton, North Carolina, on January 25.

Hawks is the son of Tony and Pat Hawks of Wingfield.

His grandparents are the late Larmie and Pernie Hawks, and the late Lee Elmore and Lula Elmore of Wingfield.

TRIBUTE TO JERRILYN DYER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dedicated philanthropist from my home State of Kentucky, Jerrilyn Dyer. Mrs. Dyer is well known in her community for her bright smile and comforting personality.

Mrs. Dyer has contributed countless hours to Kentucky through her volunteer work, including helping at the Pattie A. Clay Hospital Gift Shop and with the Home Meals Delivery service, helping to better the lives of so many over the years. In addition to her work in Kentucky, she was also well known for her volunteer work in Indiana particularly in Madison County.

Along with all her volunteer work, Jerrilyn is a dedicated wife, mother, and grandmother and finds time to travel with her husband of 49 years, Jack, and enjoys spending time with her two children and four grandchildren.

Recently, the Richmond Register in Richmond, Kentucky, published an article detailing Mrs. Dyer's service and accomplishments. I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

Mr. President, I ask my colleagues to join me in honoring Jerrilyn Dyer and her service to the Commonwealth.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Richmond Register, Mar. 28, 2009]
JERRILYN DYER: A NON-STOP VOLUNTEER
FORCE
(By Ronica Shannon)

Jerrilyn Dyer, 67, and her husband Jack moved to Madison County from central Indiana in 1967 when Jack accepted a teaching position at the Eastern Kentucky University.

She has been an active part of the community in several areas ever since. Jack began his doctoral studies and the couple moved to Lexington in 1969, only to return to Richmond in the fall of 1989.

The two graduated from high school in Spencer, Ind. Jerrilyn graduated from Kentucky Christian College with a teaching degree in 1989.

She refers to herself as 'a late bloomer.' Jerrilyn is involved with several volunteer organizations in the community including Home Meals Delivery, which delivers midday meals to homebound residents and hosts the annual "Empty Bowls Friday."

She also is a member of the Madison County Republican Women's Club, which is affiliated with the National Federation of Republican Women. The organization supports the Republican Party and Republican candidates.

"I have served in many capacities for the party and worked as a poll officer," she said. "I feel strongly about voting and each citizen's duty to do so. It's not only a responsibility, but a privilege to participate in our government. There's great satisfaction in helping make our community environment a better place in which to live."

"We need to continually support competent people in our community leadership," she said.

No matter the circumstances, Jerrilyn always seems to have a smile on her face and laughter in her voice. How does she do it? Simple. She thrives at what she does.

"I love volunteering time and effort to several causes," she said. "It always blesses me more than what I give. Home Meals Delivery, for instance, is a program started in 1980 when there was a need. It's not the federally funded program started by the government, but is a locally endowed program relying on volunteers. I have been involved with it for about 15 years since I first heard of it at a club meeting. I am currently serving on the board."

Jerrilyn also is a volunteer at the Pattie A. Clay Hospital Gift Shop and has seen the expansion of the shop over the years.

"It's a lot of fun selling gift items and talking with all the customers who many times just need a friendly listener," she said.

Proceeds from the shop benefit the hospital needs.

"Just recently we were able to donate several thousand dollars for the new East Wing Project," she said. "I've been a member of the Richmond Woman's Club for several years and have participated with the ladies on several community projects including Habitat for Humanity, New Opportunity School for Women, The Salvation Army and (local) veterans (organizations)."

Aside from volunteering, Jerrilyn also has worked as a secretary for several businesses and organizations, including: Westinghouse in Bloomington, Ind.; Indiana State University and 8th Avenue Baptist Church and at Christian Student Fellowship on the University of Kentucky Campus.

"I've also done substitute teaching and been a teacher's aide, and a merchandiser for Gibson Greetings," she said.

Jerrilyn and her husband will celebrate 49 years of marriage this year. The two have a son who is a high school basketball coach (honored as coach of the year in his conference this year) and he teaches in Bristol, Tenn. Their daughter has taught special education for years and is a teacher consultant for six counties, including Shelby County, where she is a resident.

"We have four adorable grandchildren—two girls and two boys," she said "It is truly great being grandparents."

She and her husband enjoy traveling and have made it all over the United States.

Throughout the years, she and her husband have visited all 50 states, all the presidential libraries, all 30 Major League Baseball parks and all the Kentucky state resort parks.

They also spend a lot of time shopping for their grandchildren and playing cards with friends, she said.

The church also plays a large role in the Dyers' life.

She and her husband have been active members of Gardenside Christian Church in Lexington, where their children grew up.

"Over the years we've been Sunday School teachers, youth sponsors, Bible School leaders, etc." Jerrilyn said. "Currently, we're on the Missions and Benevolence Committees and members of a Sunday School Class. I've served in a Women's Circle and Jack is on the board as an elder and deacon."

So why is volunteering in her community so important to Jerrilyn? "There is much to be said for volunteering in a community," she said. "It can promote so much good will among the citizens and can give a special spirit of unity and pride. Volunteers can get so many projects done that otherwise wouldn't be possible using only its paid staff. And, of course, the volunteer probably gets back more than he or she gives."

HONORING OUR ARMED FORCES

CORPORAL JASON G. PAUTSCH

Mr. GRASSLEY. Mr. President, it is with great sadness that I rise today to call attention to a fallen hero. Cpl Jason G. Pautsch, a 20-year-old soldier from Davenport, Iowa, died on April 10, 2009 in Mosque, Iraq, of injuries sustained when an explosive device detonated near his vehicle. My thoughts and prayers go out to his parents, David Pautsch and Teri Johnson, his siblings Jared, Jacob, Josef, and Jenna, and all his friends and family.

Jason was the squadron leader in the Army's 4th Infantry Division and a graduate of Davenport North High School. Graduating a semester early so he could join the Army, Jason was deployed to Iraq last September. His family has a history of military service and his older brother Jacob is currently serving in the Army's 82nd Airborne.

Always a thrill-seeker, Jason enjoyed hunting and racing BMX bikes in his free time. His high school football coach describes him as a strong young man who was passionate about everything he did. Jason had an excellent sense of humor, was a tremendous competitor, and showed dedication in all he did.

Jason told his father David, he "believed in what he was doing" and his sense of patriotic duty is inspirational. I express the greatest respect and sincere gratitude on behalf of all Americans for Jason's commitment to our country. His is a true hero, and his sacrifice will not be forgotten.

RWANDA

Mr. FEINGOLD. Mr. President, while Congress was in recess, Rwanda commemorated the 15-year anniversary of the genocide. Fifteen years ago, a deliberate, centrally planned, and organized campaign of mass murder and rape was set in motion, which displaced millions and eventually took the lives of over 800,000 people. People were killed simply because of their ethnicity or political beliefs or an unwillingness to participate in the violence. The unspeakable acts of terror that ensued over those months in 1994 shocked the world, and yet the international community, including the United States, failed to act. The promises of "never again" rang hollow.

Fifteen years later, Rwandans have come a long way to repair their lives and rebuild their institutions. I am pleased that the International Criminal Tribunal for Rwanda and the Gacaca Courts continue to work to bring to justice those guilty of the most egregious crimes. Accountability is an essential step to promote healing for the survivors and to prevent a return to conflict in Rwanda. At the same time, I have been deeply moved

that many survivors of this terror have been willing to forgive and live side by side with many of those who participated in it. Continuing to foster tolerance and openness, and ensure there is sufficient political space for dissent and discussion is critical to maintain future stability in Rwanda.

As a Washington Post editorial recently noted, while the current Rwanda government has made impressive "accomplishments in righting its country and improving basic services it continues to be intolerant of criticism." According to the State Department's reports and those of non-governmental organizations, there is a worrying pattern of repression in Rwanda against political opponents and civil society. Over the long run, suppression and intimidation can undermine security rather than protect it, forcing healthy debates into illicit channels, and casting doubt on the legitimacy of the prevailing order. If this pattern continues, it could intensify Rwanda's ethnic and social tensions, and ultimately lead to future conflicts.

Rwanda has become a good friend and partner of the United States over the years, and our countries have worked together on many important joint initiatives. Most notably, they have become a leader on the African continent in responding to mass atrocities and contributing to peacekeeping operations. This is deeply inspiring given all that they have gone through, and we should continue to work with them to prevent future genocide and mass atrocity. However, we fail to be true friends to the people of Rwanda when we turn a blind eye to patterns of repression in their country, or fail to raise our voices in support of civil and political rights. As we remember those tragic events 15 years ago and commemorate those who perished, we should resolve to pay close attention to the present. The people of Rwanda deserve more than our regret; they deserve our support for their efforts to build a more just, more free and more secure future.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT

Mr. BOND. Mr. President, I rise to speak on the introduction of S. 808, the Homeless Emergency Assistance and Rapid Transition to Housing Act or "HEARTH" Act, which I am very proud to cosponsor. The HEARTH Act is a landmark housing bill as it significantly improves Federal programs designed to end and prevent the tragedy of homelessness that afflicts too many American individuals and families.

Before I offer some comments on the bill, I praise Senator JACK REED for his long-term commitment and hard work on addressing homelessness. Senator REED has been a longtime leader in

housing issues and I value the strong partnership we have had over the past several years. I also applaud his staff, led by Kara Stein, who has worked tirelessly and patiently over the past 8 years on homeless legislation. Further, I would be remiss to not mention the work of our former colleague, Senator Wayne Allard, who also was heavily involved in this legislation before he retired from this Chamber. Finally, I thank Nan Roman of the National Alliance to End Homelessness and Dr. Dennis Culhane of the University of Pennsylvania School of Social Policy and Practice who have provided us invaluable insights and research on homelessness that helped guide our policy work.

Over 20 years ago, the Federal Government took its first major step in addressing the plight of homelessness through the enactment of the Stewart B. McKinney Homeless Assistance Act, which was later renamed the McKinney-Vento Act after the death of Representative Bruce Vento who was an early advocate of the law. When this comprehensive law was enacted back in 1987, some legislators thought that homelessness was a temporary problem that could be solved in a few years. Unfortunately, this was clearly not the case. Despite billions of private and public dollars spent on the homeless, millions of veterans, families, disabled, and children have and continue to experience the sad tragedy of living without a home.

Fortunately, homelessness is not a hopeless situation. As the former chair and current ranking member of the Senate Appropriations subcommittee that funds most of the Federal homeless programs, I have worked with my colleagues on both sides of the aisle—especially Senators BARBARA MIKULSKI and PATTY MURRAY—to ensure resources were being provided to the appropriate programs. This is an important task and I am proud of being in position to make a difference.

We learned that throwing money at the problem was not going to solve homelessness but that a smarter, more effective approach was needed. Specifically, we learned that providing permanent supportive housing was the key component in solving homelessness, especially those considered to be chronically homeless. Research led by Dr. Culhane found that chronically homeless received housing primarily through regular, long-term use of the emergency shelter system. Serving the chronically homeless through emergency shelters interfered with their treatment regimen, resulting in costly hospital and jail stays. Further, local emergency systems became clogged with permanent users, reducing their ability to address the more temporary problems of families and individuals who are homeless because of an economic crisis. Moving away from emergency shelter programs to permanent

supportive housing has become the most critical change over the past several years and based on recent studies and programs I have seen in my home state of Missouri, it has clearly worked.

To implement this approach, I worked with Senator MIKULSKI to include a provision, beginning in fiscal year 1999 VA-HUD Appropriations Act and carried every year thereafter, to require that at least 30 percent of the Department of Housing and Urban Development's—HUD—homeless assistance grants be used for permanent housing. Focusing a significant amount of funds towards permanent housing helped reverse the revolving door for the homeless using local emergency systems.

We also learned the importance of gathering data and analyzing the characteristics of our homeless population to design and target funds to programs needed to serve the homeless. The establishment of the Homeless Management Information Systems or HMIS through HUD has now become a critical tool for local continuum of care systems throughout the Nation in addressing their particular homeless populations. Requiring and funding HMIS systems through the VA-HUD appropriations bill was another critical component.

Finally, we learned that despite the involvement of several Federal agencies in serving the homeless, there were gaps in services and coordination was lacking. Again, I worked with my colleagues to reactivate the U.S. Interagency Council on Homelessness to improve Federal, State, and local coordination of homeless programs. We also required that 25 percent of HUD homeless funds used for supportive services be matched with other funds to expand funding for these needs by encouraging other Federal agencies such as the Department of Health and Human Services and Department of Veterans Affairs to meet their obligations.

The HEARTH Act codifies these important provisions that have been carried in appropriations and builds on our work over the past several years. In addition, the act includes a number of other important provisions that create a new program to assist rural communities help the homeless, increases local flexibility by combining HUD's competitive grant programs, and provides incentives to house rapidly homeless families.

Homelessness is a national tragedy. We are reminded of this tragedy when walking around Washington, DC, St. Louis, and other towns and cities across the Nation. It is my hope that one day, our Nation's homeless will not be worrying about where they will receive their next meal or where they will be sleeping that night. It is an unacceptable situation. But by working together with advocates, the private

sector, and government, we can solve homelessness. The HEARTH Act is a prime example of that partnership and advances our ability to end homelessness.

Updating and improving our homeless programs is even more critical as more Americans face the prospects of homelessness due to the economic downturn. The housing crisis has already displaced many families and individuals creating more strain on social safety net and homeless programs.

Again, I thank Senator JACK REED for his leadership and commitment on homeless issues and I strongly urge my colleagues to support this legislation so it can be enacted as soon as possible.

JOHN J. DUNCAN, JR. SCHOOL OF LAW

Mr. ALEXANDER. Mr. President, on March 27 colleagues of Congressman JIMMY DUNCAN from the House of Representatives gathered in Knoxville to celebrate the naming of Lincoln Memorial University's John J. Duncan, Jr. School of Law.

This is an appropriate honor both for Congressman DUNCAN and for the university.

The proposed Duncan School of Law received Tennessee Board of Law Examiner approval last month. This allows its graduates to be eligible to sit for the bar exam in Tennessee.

LMU has already submitted a letter of intent to pursue accreditation for the proposed law school. It hopes to begin admitting students and begin classes in August of this year. That first class will consist of approximately 75 part-time students. The full-time program will begin in fall 2010 and consist of another 125 students.

Congressman DUNCAN earned his journalism degree at the University of Tennessee, Knoxville, and his law degree at George Washington University. He has served as Captain in the U.S. Army National Guard and practiced law in Knoxville.

In 1981, when I was Governor of Tennessee, I appointed JIMMY DUNCAN as State trial judge. He served until 1988 and I was always proud of that appointment.

It is especially appropriate to combine the names of President Lincoln and the Duncan family. President Lincoln proposed creating the university as a gesture to the mountain people who fought with the Union in the Civil War. The Duncans, like the Alexanders and many others, were early Scotch-Irish settlers who remained loyal Lincolnites even though the State of Tennessee seceded from the Union. So have been most of the people in the Second Congressional District that Congressman DUNCAN and his father have served. The district has elected only Republicans to the Congress since Abraham Lincoln was President.

President Lincoln once said that education "is the most important subject which we as a people can be engaged in." Naming Lincoln Memorial University's law school for Congressman JOHN J. DUNCAN, Jr., unites two great traditions that will encourage educational excellence in our region.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

I get my health care and medications at the V.A. hospital in Boise, Idaho. That requires a four hour drive of over 170 miles, each way. This year I had to cancel my lab appointments and medication renewal exam because it would have cost me over \$250 to make the trip. My only alternative was to drive to the newly opened V.A. clinic in Lewiston, Idaho an 80-mile trip each way. I was then told that I would have to wait an unknown period of time "to get on a waiting list". This trip cost me over 90 plus dollars and gas/diesel is still climbing. If we allow new oil exploration in ANWR and off of our coast, what guarantees are we going to get that this "oil" will be used for the benefit of Americans. As I understand it now most of the oil from Alaska is shipped to Japan, while some is used for U.S. consumption. This is a national resource on national land and appropriate royalties should be dedicated to make gas and diesel affordable for all Americans. Thank you for your time and consideration.

DWIGHT, *White Bird*.

I'm 72 yrs of age, my wife is 70. We have worked hard all our lives, have been responsible, caring citizens. I am a vet, have served in various leadership positions in different organizations, involvement in Boy Scouts and other youth programs, as a responsible citizen over the years we have voted at all elections to exercise our civic responsibility. We are retired, live on a fixed income, with a modest retirement future. In retirement, one has to adjust your "wants" to what is really needed. When I retired, how could I

have anticipated \$4.00+ a gallon for gas? Somehow, I felt my civic input over the years had placed the correct people in government to oversee the changing variables in life and make the proper adjustments needed to hold sure and steady on course!

Instead now we have intense partisanship, people voting for the good of the "party" instead of what is best for the country, self-interest and self aggrandizement with very little being accomplished—all upon the backs of the "people" who have put them in office. Gas is now a political football; drill here and now, against those who say whatever we can find here is not enough "a liberal party line," if all this is our future, I am sure glad I am 72 and have only a few years to see the further denigration of our political system and our way of life. My biggest regret is the mess my generation is leaving to our children and grandchildren.

LLOYD and CAROL.

You are asking Idahoans to write about gas prices? [Does that mean that you] do not know? I think [questions like that indicate that those in Congress may be out of touch with reality.]

[One of] your colleagues [suggested that] Americans to use alternative routes of transportation and that it is a good thing that gas prices force people to take the bus, ride Bikes, or walk to their destination because it helps reduce global warming. [But that suggestion fails to recognize reality]. I am a driver for a living. I deliver products right here in Boise. I have to drive I have no choice. I am also a salesman, and a night supervisor. I do not have the option of riding the bus! I cannot walk my deliveries or ride my bike with my products. I find it absolutely insulting [to have this lack of comprehension of real life displayed by our political leaders].

I have three jobs! Three jobs, and I am still having problems fueling up! I have had to open credit card accounts for the first time in my life! And my debt is still going up.

You would think with three jobs and three paychecks for one person, I would be doing well? I am not married, no kids! I would be starving with fuel prices if I had a family! I am just barely paying my bills on time as they are, to about \$1500 a month, not including gas prices!

Starting in 2005 till 2007 I did very well financially; I was saving up and putting money away in my savings account. I loved myself for putting money away. This month in June I had to take one-fourth of my life savings out of the bank to pay bills, including gas because the price skyrocketed from \$3 to \$4 a gallon in one month!

This is outrageous! I am [extremely angry at the political leaders who have failed to address this problem. And Congress carries most of the blame.] Congress has done this because [environmentalists have protected caribou in ANWR where we have lots of oil. I am dismayed that Congress displays more concern for the caribou than they do for the economy! My jobs? My gas prices? My bills? My lifestyle? [Congress should be concerned more about the people it represents, not the animals.]

You will not allow drilling off shore? Well, did you know that China is drilling for oil off the coast of Florida? But we cannot? Why? This is outrageous!

Do not listen to those radical environmentalists. They were wrong about the second Ice Age in the 70s. When I was kid in school in the 1980s, my teachers told me by the year 1999 New York would be underwater

and Los Angeles would be a bunch of Islands. It has not happened. Of course, the Earth's temperature changes and jumps over time. The Earth's climate changes all the time; it has been since the Earth cooled and formed. The Earth's temperature does not stay the same all the time. There are so many scientists and people who disagree with [climate change theories].

UNSIGNED.

The area of Terretton, Mud Lake, Montevieu, and Hamer has no grocery store in any of the areas. We live approximately 45 miles from Idaho Falls, or Rexburg, whichever way we go. Either of these towns contains our nearest grocery store. Therefore, we have to drive 90 miles to get to a grocery store and home. Some people live as far as 19 miles farther north in Montevieu, so for them it is over a 125-mile trip to a grocery store and home. I am sure that none of our Senators or Congressmen can even fathom something like this. We do have an implement dealer and a great hardware store in our area but still, for some of the people it is a 20 mile drive to and from this store from the outskirts of Montevieu and Hamer.

We try to make our trips count when we grocery shop, but milk and fresh produce does not last as long as other items. So sometimes it becomes a 125 mile trip for just a few groceries. This makes groceries extra expensive when the trip itself costs \$20 plus just in gas costs. They have to realize, not everyone is in walking distance of all products and services.

Doctors, hospitals, clothing stores, entertainment, etc., are all the same distance. We either stay home or we drive 125 miles for about anything we need. The answer for us is not "just drive less". We have no choice, and this involves a lot of people.

KENT and SHELMA, *Terretton*.

I want to first of all thank you for all of your efforts to help us achieve energy independence. For the one priority of Congress to act upon for our country's energy policy, we need domestic oil, both drilling and more refining. This would stabilize both out economy, and national security, because it would make it so that we are not beholden to the whims of foreign governments, but you already know that, I just wish that some other members of Congress could understand that also.

As far as current fuel cost having an impact on my situation, let me share a few details with you. I own a small window cleaning business, that currently services from Idaho Falls up to Ashton and the Driggs area. We have been planning to expand our service area to include down to Pocatello and up to Island Park this year. But, because of fuel cost, we have had to put off expanding up to Island Park for now. This delay has not only affected me, but I have one other person working for me, and it has also affected him because he gets paid a percentage of any work done. We have been able to do some expanding into the Pocatello area, but it has not gone as fast as we had planned because of the fuel cost.

SCOT, *Teton*.

I just heard on the news that a couple of states are charging a surcharge to speeding tickets. This extra fee penalizes those who are speeding and using more fuel, endangering the lives of their fellow citizens. The money is used to augment the police departments who must pay more for fuel because of higher prices. These higher prices are caus-

ing problems with the budgets of the police departments. It is only fair that those who speed should pay to augment the police departments gasoline bill. Please use your influence to encourage the states to add this surcharge to their speeding tickets and designate the money to the police departments gasoline bills.

We must do something about the high cost of gasoline. It will ruin our country and put millions out of work, as it has done already. The answer is not more supply the answer is to stop the greed of the American oil companies. Its just that simple. It is not right, it is criminal for the oil companies to make billions in profits while bankrupting the citizens of the USA.

Your web site says the average American will spend more than \$50 per month on gasoline than last year. [But] we are spending more then \$50 more per tankful than we did last year! I bought a Subaru that gets 30 MPH on the highway, and it cost over \$50 to fill the tank! The same amount I spend on my 350 V8 Chevrolet pick-up a year ago and it holds 30 gallons. I do not even drive my truck anymore.

CYNTHIA.

ADDITIONAL STATEMENTS

TRIBUTE TO STAN JONES

● Mr. BAYH. Mr. President, I wish to honor Stan Jones, a man who has dedicated his professional life to improving the quality of education for countless students across Indiana.

Stan is Indiana's longtime commissioner of higher education and will unfortunately retire from our State's highest education post this month. Stan has led the Commission for Higher Education since 1995 and during his remarkable tenure was charged with planning and coordinating Indiana's State-supported postsecondary education system and giving students the ability to secure their personal futures.

Stan's commitment to education began in 1974, when, at the age of 24, he was elected to the Indiana House of Representatives. As a member of both the House Education and State Budget Committees, he developed an expertise in higher education and higher education finance that would be enormously beneficial in the years ahead.

Between 1990 and 1995, Stan was one of my closest advisers when I had the privilege of serving as Indiana's Governor. He deserves credit as a primary architect of several landmark education-policy initiatives, including the 21st Century Scholars Program. This program promises at-risk middle school students full tuition scholarships to Indiana colleges and universities in return for being drug, alcohol and crime free and maintaining good grades. I am proud to say that this groundbreaking program was the first of its kind in the Nation to successfully graduate students and has increased the number of low-income students completing postsecondary education.

In his current role, Stan has led several initiatives to increase adult participation in higher education, including the development of the Community College of Indiana. He has also worked relentlessly to increase the number of students pursuing higher learning and to improve their preparation through a focus on raising Indiana's K-12 academic standards. More recently, Stan has led a comprehensive campaign to significantly increase college graduation rates in Indiana.

On a personal note, I have known Stan Jones for nearly 25 years. I am personally grateful to have had the benefit of Stan's wisdom for all these years.

Throughout his public career, Stan has been a tireless advocate for moving educational policy issues to the forefront of Indiana's political agenda. On behalf of all Hoosiers, we thank Stan for a job well done, for his passion and commitment to education, and above all, for his service to the people of Indiana.●

TRIBUTE TO MAJOR GENERAL THOMAS L. CARTER

● Mr. GRAHAM. Mr. President, today I pay tribute to an outstanding military leader, public servant, true patriot, and citizen of Charleston, SC: MG Thomas L. Carter.

General Carter is currently the Mobilization Assistant to the Secretary of the Air Force, and on May 1, after nearly 35 years of distinguished and honorable service, General Carter will retire from the U.S. Air Force Reserve.

General Carter began his active duty service in 1975 after graduating from the ROTC program at Memphis State University. As an Air Force C-141 pilot he flew over 4,000 hours performing missions in support of the U.S. Special Forces. He also had the distinction of serving as the Air Force Aide to President Ronald Reagan from 1984 to 1986, where he spent countless hours with the President "carrying the football" at the height of the Cold War. Following his active duty career, he served 23 years in the U.S. Air Force Reserve.

General Carter's public service also extends to the Senate. From 1986 to 1989 he served as Assistant to the Republican Leader for National Security Affairs in the Office of Senator Robert Dole. His keen understanding of the Senate made him the leader's chief adviser on defense, foreign policy and veterans' affairs matters, and also resulted in his selection as a key member of Senator Dole's 1996 Presidential campaign.

General Carter's legislative prowess was so respected, that he left the Senate to assume the role of Deputy Assistant Secretary of Defense for Senate Affairs in 1989. In that capacity, he counseled the Department of Defense leadership and individual service executives on issues before Congress.

For 13 years, General Carter also served in the Secretary of Air Force's Office of Legislative Liaison, advising numerous Secretaries on government affairs matters. He also trained countless Air Force officers in the ways of Washington, DC. His trademark was his commitment to providing each new assignee to the office with his "Hill 101" where military officers, and many times new congressional staff, would be given the secrets to success for navigating the legislative branch. Many of those he mentored have gone on to tremendous success in the public and private sector, due in large part to General Carter's tutelage.

In 2003, General Carter was named Assistant to the Chairman for Government Affairs during the Columbia Accident Investigation Board. He also served as a civilian in the Department of Defense as a member of the Senior Executive Service while Senior Counselor to the Coalition Provisional Authority—CPA—from 2003-2004. In that capacity, he led numerous congressional delegations through areas of ongoing combat operations including visits to Baghdad, Mosul, Tikrit and Fallujah.

The Nation will miss General Carter's congressional expertise, tireless advocacy for the Air Force, and unwavering commitment to public service. However, I know he will continue to serve his Nation wherever he goes. Tom is the proud father of Kathryn, 28, Will, 26, and Mary-Lee, 15. I am proud to speak on behalf of a grateful Nation in saying thank you to General Carter for his years of service and sacrifice.

I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of selfless dedication to our great Nation. Good luck and Godspeed.●

135TH ANNIVERSARY OF THE SCHOOL SISTERS OF ST. FRANCIS

● Mr. KOHL. Mr. President, today I honor the School Sisters of St. Francis which will be celebrating 135 years of service in Milwaukee on April 24, 2009. I want to share with my colleagues a bit of background on the Sisters and call attention to the pivotal role they play in Milwaukee's faith community.

The School Sisters of St. Francis was founded in 1874 in Wisconsin by three courageous women Emma Franziska, Mother Alexia; Paulina Schmid, Mother Alfons; and Helena Seiter, Sister Clara. A year prior, these women left Germany and came to the United States to fulfill their dream of founding a Franciscan religious order.

Their central mission was to help their fellow immigrants and address the need for service within the Church. Their dedication to helping others has culminated in a network of Sisters who

always strive to respond to the times they are in, and to the needs of the people whose lives are affected by their inspiring work.

Today that spirit lives on with Sisters, associates, staff, and volunteers in India, Europe, Latin America and the United States. The Sisters continually demonstrate their compassion for others and have often been recognized for their pioneering spirit and innovation in education, health care, pastoral ministry, and the arts. Their outstanding work promotes human dignity, justice, and outreach to the poor. It is with great pride that the people of Wisconsin wish the School Sisters of St. Francis a happy 135th anniversary and continued success as they carry out their mission in Wisconsin and across the globe.●

TRIBUTE TO VICKIE VANZANDT AND STEVE HICKOK

● Mrs. MURRAY. Mr. President, I wish to recognize Vickie VanZandt and Steve Hickok for their exemplary record of public service to the Bonneville Power Administration, the people of Washington State, and the Pacific Northwest.

Vickie VanZandt retired on March 28, 2009 after 35 years with the Bonneville Power Administration. She most recently served as Bonneville's transmission business line senior vice president. As the senior executive, Vickie assured the transmission grid operated safely and reliably in order to provide power to over 12 million customers. Her work involved coordinating and setting policy for transmissions system planning, design, construction, operations, and maintenance—clearly, no small feat.

Vickie graduated magna cum laude from the University of Washington's School of Engineering, is a registered engineer, and is a member of Tau Beta Pi engineering honor society. She has been a board member of the Western Regional Transmission Association, past president of the Northwest Regional Transmission Association, and has chaired the arbitration committees of both of these organizations. At the request of the Department of Energy, she also chaired the Operations Team investigating the East Coast Blackout of August 13, 2003.

Steve Hickok, Bonneville Power Administration's deputy administrator, retired on April 4, 2009, after 27 years of faithful service. Previous to his time with Bonneville, Steve served on the staff of my former colleague, Senator Mark Hatfield, as well as with the Senate Committee on Energy and Natural Resources and the Senate Committee on Appropriations. His experience here in the Senate served him well, and at Bonneville, Steve has served as the assistant administrator for conservation and renewable resources development,

the chief operating officer, and the group vice president for sales and customer service. He was appointed as the deputy administrator, the organization's second highest-ranking position, in 2001.

Steve graduated with honors from Pomona College in Claremont, CA, and is also a graduate of the Stanford Executive Program. He has received many awards during his time at Bonneville, including the Secretary of Energy's Meritorious Service Award and the prestigious Presidential Rank Award, which he earned in both 1992 and 2000. Steve has served on the boards of directors of the Electric Power Research Institute, the Western Energy Institute, the American Leadership Forum of Oregon, the Portland Business Alliance, and the Bonneville Environmental Foundation.

Again, I express my thanks to both Vickie VanZandt and Steve Hickok for their years of invaluable service to the Bonneville Power Administration, and to the entire Pacific Northwest region. The people of Washington State and the region have certainly benefited from their dedicated public service and experience. I wish them all the best in their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on April 13, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as

the "Stanley J. Roszkowski United States Courthouse".

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were signed on April 13, 2009, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 77. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1256. To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 14, 2009, she had presented to the President of the United States the following enrolled bills:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1203. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Health Protection: Feeding of Processed Product to Swine" (Docket No. APHIS-2008-0120) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1204. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sugar Program" (RIN0560-AH86) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1205. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Assistance Loans and Loan Deficiency Payments" (RIN0560-AH87) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1206. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Sweet Oranges and Grapefruit From Chile" (Docket No. APHIS-2007-0115) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1207. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations; Technical Amendment" (Docket No. APHIS-2007-0052) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1208. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Delay of Compliance Date for Newly Registered Entities" (Docket No. APHIS-2007-0033) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1209. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Tobacco Crop Insurance Provisions" (RIN0563-AB98) as received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1210. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mandatory Country of Origin Labeling of Muscle Cuts of Beef (including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Ground Lamb, Ground Chicken, Ground Goat, and Ground Pork" (RIN0583-AD38) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1211. A communication from the Acting Under Secretary of Defense (Personnel and

Readiness), transmitting, pursuant to law, a report relative to the use of Aviation Continuation Pay during fiscal year 2008; to the Committee on Armed Services.

EC-1212. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1213. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-1214. A communication from the Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-1215. A communication from the Acting Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the details of the Office's compensation plan for fiscal year 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1216. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Delay of Effective Date" (RIN2501-AD16) as received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1217. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12673)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1218. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12659)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12665)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1220. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12721)) as

received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1221. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12648)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1222. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12657)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1223. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12642)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1224. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Certain Prohibited Conduct; Technical Amendment" (RIN2501-AD23) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1225. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12634)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1226. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12637)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1227. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12628)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1228. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12640)) as received during adjournment of the Senate in the Office of the President of the

Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1229. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12646)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1230. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12653)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1231. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12655)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1232. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12651)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1233. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12694)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1234. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weapons of Mass Destruction Proliferators Sanctions Regulations" (31 CFR Parts 544) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1235. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations" (31 CFR Parts 543) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1236. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Regulatory Flexibility Regarding Ownership of Fixed Assets" (RIN3133-AD53) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1237. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines—Money Market Mutual Funds" (RIN1557-AD15) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1238. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments" (RIN1557-AD12) received in the Office of the President of the Senate on April 20, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1239. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Northeast Gateway Deepwater Port, Atlantic Ocean, MA and Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, MA" ((RIN1625-AA00) (RIN1625-AA87) (Docket No. USCG-2008-0372)(Docket No. USCG-2008-0301))) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1240. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Firework Events; Great Lake Annual Firework Events" ((RIN1625-AA00)(Docket No. USCG-2008-0219)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1241. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with USCG-2007-0140)" (RIN1625-AA00) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1242. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 3 regulations beginning with USCG-2008-0203)" (RIN1625-AA87) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1243. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change" ((RIN1625-AA09)(Docket No. USCG-2007-0043)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1244. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area and Safety

Zone, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11)(Docket No. USCG-2008-1052)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1245. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, NC" ((RIN1625-AA08)(Docket No. USCG-2008-0414)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1246. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD" ((RIN1625-AA11)(Docket No. USCG-2008-0315)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1247. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Long Range Identification and Tracking of Ships" ((RIN1625-AB00)(Docket No. USCG-2005-22612)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1248. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Cleveland Harbor, Dock 32, Cleveland, OH" ((RIN1625-AA87)(Docket No. USCG-2008-0329)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1249. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 18 regulations beginning with USCG-2008-0093)" (RIN1625-AA00) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1250. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Chehalis, Hoquiam, and Wishkah Rivers, Aberdeen and Hoquiam, WA, Schedule Change" ((RIN1625-AA09)(Docket No. USCG-2008-1095)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; West Basin, Port Canaveral Harbor, Cape Canaveral, Florida" ((RIN1625-AA87)(Docket No. USCG-2008-0752)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1252. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Perdido Regional Host Outer Continental Shelf Platform in the Gulf of Mexico" ((RIN1625-AA00)(Docket No. USCG-2008-1051)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1253. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Security Zone; Freeport LNG Basin, Freeport, TX" ((RIN1625-AA87)(Docket No. USCG-2009-0005)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1254. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Port of Mayaguez, Puerto Rico" ((RIN1625-AA87)(Docket No. USCG-2008-0070)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1255. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Moving Security Zone; Freeport Channel Entrance, Freeport, TX" ((RIN1625-AA87)(Docket No. USCG-2009-0006)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1256. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Route 5 Bridge Demolition, Chickahominy River, Charles City County and James City County, VA" ((RIN1625-AA00)(Docket No. USCG-2008-1198)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1257. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone" ((RIN1625-AA87)(Docket No. USCG-2007-0074)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1258. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Fireworks Displays within the Fifth Coast Guard District" ((RIN1625-AA00)(Docket No. USCG-2008-0189)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1259. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License"

((RIN1625-AA41)(Docket No. USCG-2006-24196)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1260. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XL91) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1261. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy Training in the Hawaii Range Complex" (RIN0648-AW86) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1262. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts of Groundfish Using Arrowtooth Flounder as a Basis Species in the Gulf of Alaska" (RIN0648-AW40) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1263. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska; Seabird Avoidance Requirements Revisions for International Pacific Halibut Commission Regulatory Area 4E" (RIN0648-AW94) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1264. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Scup and Black Sea Bass Specifications; Correction" (RIN0648-XN88) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1265. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy's Atlantic Fleet Active Sonar Training (AFAST)" (RIN0648-AW90) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1266. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Swordfish Quotas" (RIN0648-AW61) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1267. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO11) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1268. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN18) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1269. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to General Category Scallop Vessels" (RIN0648-XN68) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1270. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN77) received in the Office of the President of the Senate on April 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1271. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Ewart and Ludington, Michigan" (MB Docket No. 08-26) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes" ((RIN2120-

AA64)(Docket No. FAA-2008-1216)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0668)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0224)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727-100 and 727-200 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1103)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1043)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2006-25390)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes, and Model DHC-8-200, -300, and -400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1361)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes" (RIN2126-AB16) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing

Model 757-200, 757-200PF, and 757-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0846)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0898)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2006-25730)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0831)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model MU-300-10 Airplanes and Model 400 and 400A Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1142)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0522)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 87. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Ladda Tammy Duckworth, of Illinois, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. BROWN):

S. 829. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 830. A bill to modify the definition of children's hospital for purposes of making payments to children's hospitals that operate graduate medical education programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CHAMBLISS, Ms. COLLINS, Mr. KENNEDY, Mrs. LINCOLN, Mr. ROBERTS, Mr. PRYOR, Mr. WHITEHOUSE, Mr. ISAKSON, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. JOHNSON):

S. 831. A bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. AKAKA, Ms. COLLINS, Mr. CORKER, Mr. CRAPO, Mr. DODD, Mr. ENSIGN, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. CARDIN, Mr. INOUE, and Mr. JOHANNES):

S. 832. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. LEAHY, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. FEINSTEIN, Mr. BINGAMAN, and Ms. SNOWE):

S. 833. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. SESSIONS:

S. 834. A bill to require that funding for Federal departments and agencies and programs that remain available at the end of a fiscal year shall be used to pay down the Federal debt; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Ms. COL-

LINS, Mr. THUNE, and Ms. KLOBUCHAR):

S. 835. A bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 836. A bill to provide enhanced authority to the Congressional Oversight Panel established pursuant to the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. ENSIGN, Mr. CORNYN, Mr. BUNNING, Mr. INHOFE, and Mr. COBURN):

S. 837. A bill to require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and North Korea, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. ALEXANDER, Ms. LANDRIEU, Mr. BAYH, Mr. LIEBERMAN, Mr. CASEY, and Mr. JOHNSON):

S. Res. 104. A resolution designating the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mr. BEGICH, Mr. BINGAMAN, Mr. BURR, Mr. CARDIN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. INOUE, Mr. KENNEDY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. SPECTER, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. HATCH, Mr. GREGG, Mr. BROWN, and Mrs. HAGAN):

S. Res. 105. A resolution designating April 24 through 26, 2009, as "Global Youth Service Days"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 167

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 244

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 245

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Ms. SNOWE), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. DORGAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Colorado (Mr. UDALL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 435

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Ohio (Mr. BROWN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry

“Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 456

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 471

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Colorado (Mr. UDALL), the Senator from Washington (Ms. CANTWELL), the Senator from Oregon (Mr. WYDEN), the Senator from Montana (Mr. BAUCUS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 536

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 536, a bill to amend the Clean Air Act to modify the definition of the term "renewable biomass".

S. 541

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 543

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON), the Senator from Maine (Ms. COLLINS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 548

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-

sor of S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

S. 599

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 608

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. UDALL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 624

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 636

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 638

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 654

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 658

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 671

At the request of Mrs. LINCOLN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 682

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 682, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 686

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 687

At the request of Ms. MIKULSKI, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 687, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month

waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Utah (Mr. HATCH) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 715

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 715, a bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses.

S. 717

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 723

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 723, *supra*.

S. 733

At the request of Mrs. MURRAY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 739

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 739, a bill to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. BROWN):

S. 829. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is often for all the wrong reasons: outrageous bonuses, tax avoidance, fraud, profiteering, etc. Yet many of the com-

panies that provide jobs are conscientious corporate citizens that try to treat workers fairly and at the same time create good products that consumers want and maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers and create incentives to encourage more companies to do the same. The Patriot Employers Act does just that.

This legislation, which I am introducing today along with Senator BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages, provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria.

First, invest in American jobs. Maintain or increase the number of full-time workers in America relative to the number of full-time workers outside of America, maintain corporate headquarters in America if the company has ever been headquartered in America, and maintain neutrality in union organizing drives.

Second, pay decent wages. Pay each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least \$8.50 per hour.

Third, prepare workers for retirement. Either provide a defined benefit plan or provide a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance. Pay at least 60 percent of each worker's health care premiums.

Fifth, support our troops. Pay the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and continue their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrongdoing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator BROWN and me in supporting this effort. Our best companies, and

our American workers, deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patriot Employers Act".

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45R. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

"(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

"(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

"(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

"(2) pays at least 60 percent of each employee's health care premiums,

"(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

"(4) if such taxpayer employs at least 50 employees on average during the taxable year—

"(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

"(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2.080,

"(C) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make non-elective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

"(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

"(D) provides full differential salary and insurance benefits for all National Guard and

Reserve employees who are called for active duty, and

"(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

"(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2.080, or

"(B) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make non-elective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

"(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation."

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ", plus", and by adding at the end the following:

"(36) the Patriot employer credit determined under section 45R."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 836. A bill to provide enhanced authority to the Congressional Oversight Panel established pursuant to the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to provide the Congressional Oversight Panel, COP, with subpoena authority so that it can more effectively conduct oversight on behalf of American taxpayers. Created as part of last fall's Emergency Economic Stabilization Act, EESA, to be Congress' watchdog over the Troubled Asset Relief Program, TARP, it has become apparent that a lack of subpoena authority is actively preventing the COP from obtaining all necessary information to safeguard rescue fund dollars. I would like to thank Senator WYDEN for cosponsoring this legislation that would grant the COP subpoena power should three of the Panel's five members feel it is appropriate.

One of three organizations charged with overseeing TARP, the COP's role is to "review the current state of the financial markets and the financial regulatory system" and to report to

Congress every 30 days. Through regular reports, COP must oversee Treasury's actions; assess the impact of spending to stabilize the economy; evaluate market transparency; ensure effective foreclosure mitigation efforts; and guarantee that Treasury's actions are in the best interest of the American people. Notably, Congress provided the COP in EESA the explicit power to secure information from any government agency upon the request of its Chair.

Unfortunately despite the yeoman efforts of COP Chair Elizabeth Warren and her four colleagues, the Panel is having difficulties discharging its duties. In particular, the Panel appears to be having problems obtaining necessary information from the Treasury Department, which is administering the TARP. Indeed, Ms. Warren told the Senate Finance Committee on March 31 that she feels as though the Panel and its requests for information are simply not a priority for the Department. Unfortunately, the facts appear to bolster Ms. Warren's conclusion.

Ms. Warren's written testimony before the Finance Committee notes, "The Oversight Panel has repeatedly called on Treasury to articulate a clear strategy for its use of TARP funds; the absence of such a vision hampers effective oversight. In fact, our first report outlined a series of ten basic questions, starting with the question, 'What is Treasury's strategy?' Months later, Congress and the American people have no clear answer to that question. The ongoing uncertainty has hindered recovery efforts. I have sent two letters to Treasury Secretary Geithner asking for clarification on this specific point. I am disappointed to report that the Oversight Panel has not received a substantive response."

In addition to a letter the Panel sent to Secretary Geithner on March 5 asking him to outline a strategy for TARP and respond to questions regarding the approach taken by the recently announced Financial Stability Plan, Ms. Warren asked that Mr. Geithner testify before the COP on March 12 or March 19. Although Ms. Warren reports that Secretary Geithner replied to her March 5 letter on April 2, nearly two weeks after the requested response date of March 20, a COP hearing with Mr. Geithner as a witness will only now take place on April 21, a delay that has only further impeded the Panel's effectiveness.

Furthermore, other COP members have also noticed Treasury's apparent pattern of failing to respond to critical questions. Deputy Chair Damon Silvers testified before the Joint Economic Committee, JEC, on March 11 about the Panel's attempt to answer the critical question of whether taxpayers are receiving assets commensurate in value with TARP dollars being expended. Unfortunately, the Treasury

Department appears to have been less than helpful in assisting the Panel in its analysis. In fact, Mr. Silvers told JEC the following:

"Our valuation report relied entirely on publicly available data. The Panel did make a broad document request of the Treasury Department pursuant to our authority under Section 125 of the EESA on December 17, 2008. Our purpose was to obtain any non-public information that Treasury possessed that would go to issues of valuation, in addition to contributing to our general ability to oversee the TARP program. In a letter dated December 24, 2008, the Treasury Department declined to provide the material we requested, and raised concerns about our newly formed Panel's internal controls over the confidential documents. Despite extensive discussions between our staff and the Treasury Department, Treasury has only produced a small number of the documents the Panel requested."

With \$700 billion in TARP funds at stake, providing the Congressional Oversight Panel with the tools and resources it requires to conduct effective oversight is absolutely essential. The fact is that we in Congress are duty bound to correct TARP inadequacies but can only do so with reliable information from its overseers. Clearly, the examples I have just cited demonstrate that providing the Panel subpoena authority is warranted so that it can compel Treasury and any other entities to provide all requisite information. For this reason, I ask my colleagues to support this legislation that would do just that so that it can be quickly sent to President Obama for his signature.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBPOENA POWER FOR CONGRESSIONAL OVERSIGHT PANEL.

Section 125(e)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(e)(1)) is amended—

(1) by striking "The Oversight" and inserting the following:

"(A) IN GENERAL.—The Oversight"; and
(2) by adding at the end the following:

"(B) SUBPOENA POWER.—For purposes of carrying out this section, upon majority vote of its members, the Oversight Panel may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Oversight Panel considers advisable.

"(C) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

"(i) ISSUANCE.—A subpoena issued pursuant to subparagraph (B) shall bear the signature of a member of the Oversight Panel, and shall be served by any person or class of persons designated by the Oversight Panel for that purpose.

"(ii) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (B), the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of that court."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—DESIGNATING THE THIRD WEEK OF APRIL 2009 AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. DODD (for himself, Mr. ALEXANDER, Ms. LANDRIEU, Mr. BAYH, Mr. LIEBERMAN, Mr. CASEY, and Mr. JOHNSON) submitted the following resolution, which was considered and agreed to:

S. RES. 104

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 794,000 children were victims of abuse and neglect in the United States in 2007, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas over 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2007, and children younger than 4 years old accounted for nearly 76 percent of all child abuse and neglect fatalities in 2007;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement

personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as "National Shaken Baby Syndrome Awareness Week" since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 105—DESIGNATING APRIL 24 THROUGH 26, 2009, AS "GLOBAL YOUTH SERVICE DAYS"

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mr. BEGICH, Mr. BINGAMAN, Mr. BURR, Mr. CARDIN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. INOUE, Mr. KENNEDY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. SPECTER, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. HATCH, Mr. GREGG, Mr. BROWN, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of Global Youth Service Days are to mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities, to support young people in embarking on a life-long path of volunteer service and civic engagement, and to educate the public, the

media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world but are also leaders and assets today;

Whereas recent research shows that when high quality, semester-long service-learning is used as a teaching and learning strategy that integrates meaningful community service with the academic curriculum, it increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas several private foundations and corporations in the United States support community service and service-learning as a means for young people to explore career aspirations and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a fundamental and conclusive correlation exists between youth service, character development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as poverty, hunger, illiteracy, education, natural disasters, and climate change;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across borders to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, more than 150 National Partners in the United States, 75 State and local Global Youth Service Days Lead Agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 24 through 26, 2009, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youth to participate in community service and service-learning projects and joining youth in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaning-

ful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 22, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency resource standards, including S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Committee on Energy and Natural Resources previously announced for Thursday, April 23, 2009, at 9:30 a.m., has been rescheduled, and will now be held on Thursday, April 23, 2009, at 2:00 p.m.

The purpose of the hearing, which was previously announced to consider the nomination of Kristina M. Johnson, to be the Under Secretary of Energy, will be to consider, in addition to the nomination of Kristina M. Johnson, the nomination of Steven Elliot Koonin, to be the Under Secretary for Science, Department of Energy, the nomination of Ines R. Triay, to be an Assistant Secretary of Energy (Environmental Management), the nomination of Hilary Chandler Tompkins, to be Solicitor of the Department of the Interior, and the nomination of Scott Blake Harris, to be the General Counsel of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or

by e-mail to Amanda Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, April 20, 2009, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Thomas Edwards, a Secret Service detailee in my office, be granted floor privileges for the remainder of the first session of the 111th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

On Thursday, April 2, 2009, the Senate passed S. Con. Res. 13 as follows:

S. CON. RES. 13

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-neutral reserve fund to transform and modernize America's health care system.

Sec. 202. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.

Sec. 203. Deficit-neutral reserve fund for higher education.

Sec. 204. Deficit-neutral reserve fund for child nutrition and WIC.

Sec. 205. Deficit-neutral reserve fund for investments in America's infrastructure.

Sec. 206. Deficit-neutral reserve fund to promote economic stabilization and growth.

- Sec. 207. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
- Sec. 208. Deficit-neutral reserve fund for judicial pay and judgeships and postal retiree assistance.
- Sec. 209. Deficit-neutral reserve fund for defense acquisition and contracting reform.
- Sec. 210. Deficit-neutral reserve fund for investments in our Nation's counties and schools.
- Sec. 211. Deficit-neutral reserve fund for the Food and Drug Administration.
- Sec. 212. Deficit-neutral reserve fund for bipartisan congressional sunset commission.
- Sec. 213. Deficit-neutral reserve fund to improve domestic fuels security.
- Sec. 214. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.
- Sec. 215. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.
- Sec. 216. Deficit-Neutral reserve fund for improving child welfare.
- Sec. 217. Deficit-neutral reserve fund to fully fund the Long-Term Stability/Housing for Victims Program.
- Sec. 218. Deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period.
- Sec. 219. Deficit-neutral reserve fund for monitoring of FHA-insured lending.
- Sec. 220. Deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas.
- Sec. 221. Deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment.
- Sec. 222. Expenditure of remaining TARP funds.
- Sec. 223. Deficit-neutral reserve fund for prohibiting undeserved contracting performance bonuses.
- Sec. 224. Deficit-reduction reserve fund to ensure the pledge of President Obama to eliminate wasteful, inefficient, and duplicative programs.
- Sec. 225. Deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs.
- Sec. 226. Deficit-neutral reserve fund for ending abusive no-bid contracts.
- Sec. 227. Deficit-neutral reserve fund for home visitation programs.
- Sec. 228. Deficit-neutral reserve fund for 21st Century Community Learning Centers.
- Sec. 229. Deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses.
- Sec. 230. Deficit-neutral reserve fund for pension coverage for employees of Department of Energy laboratories and environmental cleanup sites.
- Sec. 231. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments.
- Sec. 232. Deficit-reduction reserve fund for the elimination and recovery of improper payments.
- Sec. 233. Deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits.
- Sec. 234. Deficit-neutral reserve fund for legislation to increase the amount of capital losses allowed to individuals.
- Sec. 235. Deficit-neutral reserve fund for foster care financing reform.
- Sec. 236. Deficit-neutral reserve fund for healthcare professionals for the Veterans Health Administration.
- Sec. 237. Deficit-neutral reserve fund to repeal deductions from mineral revenue payments to States.
- Sec. 238. Reserve fund to promote tax equity for States without personal income taxes.
- Sec. 239. Deficit-neutral reserve fund for setting performance standards to identify failing Government programs.
- Sec. 240. Deficit-neutral reserve fund to expedite research on viability of use of higher ethanol blends at service station pump.
- Sec. 241. Deficit-neutral reserve funds to enhance drug-control efforts within our communities and along our borders.
- Sec. 242. Deficit-neutral reserve fund to promote individual savings and financial security.
- Sec. 243. Deficit-neutral reserve fund for the National Health Service Corps.
- Sec. 244. Deficit-neutral reserve fund to improve animal health and disease program.
- Sec. 245. Deficit-neutral reserve fund for increase in the end strength for active duty personnel of the Army.
- Sec. 246. Deficit-neutral reserve fund for wildland fire management activities.
- Sec. 247. Deficit-neutral reserve fund for estate tax relief.
- Sec. 248. Point of order against legislation that provides additional relief for the estate tax beyond the levels assumed in this budget resolution unless an equal amount of additional tax relief is provided to middle-class taxpayers.
- Sec. 249. Deficit-neutral reserve fund increase FDIC and NCUA borrowing authority.
- Sec. 250. Deficit-neutral reserve fund for innovative loan guarantee program of the Department of Energy.
- Sec. 251. Deficit-neutral reserve fund for nuclear research and development.
- Sec. 252. Deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities.
- Sec. 253. Deficit-neutral reserve fund for Energy Star for Small Business Program.
- Sec. 302. Point of order against advance appropriations.
- Sec. 303. Emergency legislation.
- Sec. 304. Point of order against legislation increasing short-term deficit.
- Sec. 305. Point of order against provisions of appropriations legislation that constitute changes in mandatory programs affecting the Crime Victims Fund.
- Sec. 306. Point of order against legislation that raises taxes on middle-income taxpayers.
- Sec. 307. Point of order on legislation that raises income tax rates on Small Businesses.
- Sec. 308. Point of order against legislation that imposes a National energy tax on middle-income taxpayers.
- Sec. 309. Point of order on legislation that imposes a marriage tax penalty.
- Sec. 310. Point of order on legislation that increases revenue above the levels established in the budget resolution.
- Sec. 311. Point of order on legislation that increases taxes during any period when the unemployment rate is in excess of 5.8 percent.
- Sec. 312. Point of order against legislation that causes significant job loss.
- Sec. 313. Limitations on legislation that would permit the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability.
- Sec. 314. Point of order.
- Sec. 315. Restrictions on unfunded mandates on States and local governments.
- Sec. 316. Point of order on legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor.
- Subtitle B—Other Provisions
- Sec. 321. Oversight of government performance.
- Sec. 322. Budgetary treatment of certain discretionary administrative expenses.
- Sec. 323. Application and effect of changes in allocations and aggregates.
- Sec. 324. Adjustments to reflect changes in concepts and definitions.
- Sec. 325. Debt disclosure requirement.
- Sec. 326. Debt disclosures.
- Sec. 327. Exercise of rulemaking powers.
- TITLE I—RECOMMENDED LEVELS AND AMOUNTS**
- SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**
- The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:
- (1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:
- (A) The recommended levels of Federal revenues are as follows:
- | | |
|-------------------|----------------------|
| Fiscal year 2009: | \$1,506,196,000,000. |
| Fiscal year 2010: | \$1,620,072,000,000. |
| Fiscal year 2011: | \$1,918,926,000,000. |
| Fiscal year 2012: | \$2,123,586,000,000. |
| Fiscal year 2013: | \$2,286,601,000,000. |
| Fiscal year 2014: | \$2,489,829,000,000. |
- (B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:
- | | |
|-------------------|--------------------|
| Fiscal year 2009: | –\$26,374,000,000. |
| Fiscal year 2010: | –\$45,914,000,000. |
- TITLE III—BUDGET PROCESS**
- Subtitle A—Budget Enforcement
- Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.

Fiscal year 2011: \$169,705,000,000.
 Fiscal year 2012: \$236,806,000,000.
 Fiscal year 2013: \$228,736,000,000.
 Fiscal year 2014: \$143,829,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,668,049,000,000.
 Fiscal year 2010: \$2,853,966,000,000.
 Fiscal year 2011: \$2,799,858,000,000.
 Fiscal year 2012: \$2,812,313,000,000.
 Fiscal year 2013: \$2,990,082,000,000.
 Fiscal year 2014: \$3,164,644,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,355,533,000,000.
 Fiscal year 2010: \$2,981,026,000,000.
 Fiscal year 2011: \$2,937,215,000,000.
 Fiscal year 2012: \$2,856,956,000,000.
 Fiscal year 2013: \$3,003,162,000,000.
 Fiscal year 2014: \$3,152,972,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$1,849,337,000,000.
 Fiscal year 2010: \$1,360,954,000,000.
 Fiscal year 2011: \$1,018,289,000,000.
 Fiscal year 2012: \$733,370,000,000.
 Fiscal year 2013: \$716,560,000,000.
 Fiscal year 2014: \$663,142,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,067,919,000,000.
 Fiscal year 2010: \$13,298,235,000,000.
 Fiscal year 2011: \$14,394,517,000,000.
 Fiscal year 2012: \$15,303,842,000,000.
 Fiscal year 2013: \$16,175,508,000,000.
 Fiscal year 2014: \$17,022,970,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,754,355,000,000.
 Fiscal year 2010: \$8,817,043,000,000.
 Fiscal year 2011: \$9,702,393,000,000.
 Fiscal year 2012: \$10,345,439,000,000.
 Fiscal year 2013: \$10,919,379,000,000.
 Fiscal year 2014: \$11,471,742,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000.
 Fiscal year 2010: \$668,208,000,000.
 Fiscal year 2011: \$694,864,000,000.
 Fiscal year 2012: \$726,045,000,000.
 Fiscal year 2013: \$766,065,000,000.
 Fiscal year 2014: \$802,166,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000.
 Fiscal year 2010: \$544,140,000,000.
 Fiscal year 2011: \$564,523,000,000.
 Fiscal year 2012: \$586,897,000,000.
 Fiscal year 2013: \$612,017,000,000.
 Fiscal year 2014: \$639,054,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

ance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:
 (A) New budget authority, \$5,296,000,000.
 (B) Outlays, \$4,945,000,000.

Fiscal year 2010:
 (A) New budget authority, \$6,072,000,000.
 (B) Outlays, \$5,934,000,000.

Fiscal year 2011:
 (A) New budget authority, \$6,568,000,000.
 (B) Outlays, \$6,433,000,000.

Fiscal year 2012:
 (A) New budget authority, \$6,895,000,000.
 (B) Outlays, \$6,809,000,000.

Fiscal year 2013:
 (A) New budget authority, \$7,223,000,000.
 (B) Outlays, \$7,148,000,000.

Fiscal year 2014:
 (A) New budget authority, \$7,599,000,000.
 (B) Outlays, \$7,517,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:
 (A) New budget authority, \$253,000,000.
 (B) Outlays, \$253,000,000.

Fiscal year 2010:
 (A) New budget authority, \$262,000,000.
 (B) Outlays, \$262,000,000.

Fiscal year 2011:
 (A) New budget authority, \$267,000,000.
 (B) Outlays, \$267,000,000.

Fiscal year 2012:
 (A) New budget authority, \$272,000,000.
 (B) Outlays, \$272,000,000.

Fiscal year 2013:
 (A) New budget authority, \$277,000,000.
 (B) Outlays, \$277,000,000.

Fiscal year 2014:
 (A) New budget authority, \$283,000,000.
 (B) Outlays, \$283,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) **National Defense (050):**
 Fiscal year 2009:
 (A) New budget authority, \$693,557,000,000.
 (B) Outlays, \$671,725,000,000.

Fiscal year 2010:
 (A) New budget authority, \$691,703,000,000.
 (B) Outlays, \$695,628,000,000.

Fiscal year 2011:
 (A) New budget authority, \$619,767,000,000.
 (B) Outlays, \$662,705,000,000.

Fiscal year 2012:
 (A) New budget authority, \$628,785,000,000.
 (B) Outlays, \$642,223,000,000.

Fiscal year 2013:
 (A) New budget authority, \$639,535,000,000.
 (B) Outlays, \$641,425,000,000.

Fiscal year 2014:
 (A) New budget authority, \$653,458,000,000.
 (B) Outlays, \$646,834,000,000.

(2) **International Affairs (150):**
 Fiscal year 2009:
 (A) New budget authority, \$55,333,000,000.
 (B) Outlays, \$38,011,000,000.

Fiscal year 2010:
 (A) New budget authority, \$50,667,000,000.
 (B) Outlays, \$48,853,000,000.

Fiscal year 2011:
 (A) New budget authority, \$48,186,000,000.
 (B) Outlays, \$51,034,000,000.

Fiscal year 2012:
 (A) New budget authority, \$50,421,000,000.
 (B) Outlays, \$51,649,000,000.

Fiscal year 2013:
 (A) New budget authority, \$53,324,000,000.
 (B) Outlays, \$52,556,000,000.

Fiscal year 2014:

(A) New budget authority, \$55,992,000,000.

(B) Outlays, \$53,223,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2009:
 (A) New budget authority, \$35,389,000,000.
 (B) Outlays, \$30,973,000,000.

Fiscal year 2010:
 (A) New budget authority, \$31,139,000,000.
 (B) Outlays, \$32,467,000,000.

Fiscal year 2011:
 (A) New budget authority, \$33,993,000,000.
 (B) Outlays, \$33,032,000,000.

Fiscal year 2012:
 (A) New budget authority, \$35,008,000,000.
 (B) Outlays, \$33,749,000,000.

Fiscal year 2013:
 (A) New budget authority, \$35,557,000,000.
 (B) Outlays, \$34,971,000,000.

Fiscal year 2014:
 (A) New budget authority, \$36,211,000,000.
 (B) Outlays, \$36,066,000,000.

(4) **Energy (270):**
 Fiscal year 2009:
 (A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$2,952,000,000.

Fiscal year 2010:
 (A) New budget authority, \$4,488,999,999.
 (B) Outlays, \$6,209,999,999.

Fiscal year 2011:
 (A) New budget authority, \$4,404,000,000.
 (B) Outlays, \$8,906,000,000.

Fiscal year 2012:
 (A) New budget authority, \$4,427,000,000.
 (B) Outlays, \$10,341,000,000.

Fiscal year 2013:
 (A) New budget authority, \$4,619,000,000.
 (B) Outlays, \$5,613,000,000.

Fiscal year 2014:
 (A) New budget authority, \$4,540,000,000.
 (B) Outlays, \$484,000,000.

(5) **Natural Resources and Environment (300):**

Fiscal year 2009:
 (A) New budget authority, \$56,009,000,000.
 (B) Outlays, \$36,834,000,000.

Fiscal year 2010:
 (A) New budget authority, \$37,687,000,000.
 (B) Outlays, \$40,690,000,000.

Fiscal year 2011:
 (A) New budget authority, \$37,914,000,000.
 (B) Outlays, \$39,928,000,000.

Fiscal year 2012:
 (A) New budget authority, \$38,376,000,000.
 (B) Outlays, \$39,419,000,000.

Fiscal year 2013:
 (A) New budget authority, \$38,256,000,000.
 (B) Outlays, \$38,883,000,000.

Fiscal year 2014:
 (A) New budget authority, \$38,602,000,000.
 (B) Outlays, \$38,788,000,000.

(6) **Agriculture (350):**
 Fiscal year 2009:
 (A) New budget authority, \$24,974,000,000.
 (B) Outlays, \$23,070,000,000.

Fiscal year 2010:
 (A) New budget authority, \$23,620,000,000.
 (B) Outlays, \$23,881,000,000.

Fiscal year 2011:
 (A) New budget authority, \$24,602,000,000.
 (B) Outlays, \$23,914,000,000.

Fiscal year 2012:
 (A) New budget authority, \$21,500,000,000.
 (B) Outlays, \$17,410,000,000.

Fiscal year 2013:
 (A) New budget authority, \$22,295,000,000.
 (B) Outlays, \$21,877,000,000.

Fiscal year 2014:
 (A) New budget authority, \$22,920,000,000.
 (B) Outlays, \$21,906,000,000.

(7) **Commerce and Housing Credit (370):**
 Fiscal year 2009:
 (A) New budget authority, \$694,439,000,000.

(B) Outlays, \$665,437,000,000.
Fiscal year 2010:
(A) New budget authority, \$61,113,000,000.
(B) Outlays, \$85,818,000,000.
Fiscal year 2011:
(A) New budget authority, \$25,931,000,000.
(B) Outlays, \$37,798,000,000.
Fiscal year 2012:
(A) New budget authority, \$9,305,000,000.
(B) Outlays, \$8,400,000,000.
Fiscal year 2013:
(A) New budget authority, \$16,985,000,000.
(B) Outlays, \$5,329,000,000.
Fiscal year 2014:
(A) New budget authority, \$10,958,000,000.
(B) Outlays, -\$2,762,000,000.
(8) Transportation (400):
Fiscal year 2009:
(A) New budget authority, \$122,457,000,000.
(B) Outlays, \$87,784,000,000.
Fiscal year 2010:
(A) New budget authority, \$75,246,000,000.
(B) Outlays, \$95,695,000,000.
Fiscal year 2011:
(A) New budget authority, \$75,301,000,000.
(B) Outlays, \$96,147,000,000.
Fiscal year 2012:
(A) New budget authority, \$75,885,000,000.
(B) Outlays, \$95,184,000,000.
Fiscal year 2013:
(A) New budget authority, \$75,758,000,000.
(B) Outlays, \$95,017,000,000.
Fiscal year 2014:
(A) New budget authority, \$75,642,000,000.
(B) Outlays, \$94,972,000,000.
(9) Community and Regional Development (450):
Fiscal year 2009:
(A) New budget authority, \$23,811,000,000.
(B) Outlays, \$29,983,000,000.
Fiscal year 2010:
(A) New budget authority, \$16,338,000,000.
(B) Outlays, \$28,924,000,000.
Fiscal year 2011:
(A) New budget authority, \$16,152,000,000.
(B) Outlays, \$25,574,000,000.
Fiscal year 2012:
(A) New budget authority, \$16,194,000,000.
(B) Outlays, \$22,263,000,000.
Fiscal year 2013:
(A) New budget authority, \$16,043,000,000.
(B) Outlays, \$19,640,000,000.
Fiscal year 2014:
(A) New budget authority, \$16,068,000,000.
(B) Outlays, \$17,870,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2009:
(A) New budget authority, \$164,276,000,000.
(B) Outlays, \$73,219,000,000.
Fiscal year 2010:
(A) New budget authority, \$94,430,000,000.
(B) Outlays, \$140,624,000,000.
Fiscal year 2011:
(A) New budget authority, \$107,858,000,000.
(B) Outlays, \$141,412,000,000.
Fiscal year 2012:
(A) New budget authority, \$117,121,000,000.
(B) Outlays, \$118,480,000,000.
Fiscal year 2013:
(A) New budget authority, \$115,931,000,000.
(B) Outlays, \$118,911,000,000.
Fiscal year 2014:
(A) New budget authority, \$125,788,000,000.
(B) Outlays, \$120,959,000,000.
(11) Health (550):
Fiscal year 2009:
(A) New budget authority, \$380,158,000,000.
(B) Outlays, \$354,397,000,000.
Fiscal year 2010:
(A) New budget authority, \$385,447,000,000.
(B) Outlays, \$389,191,000,000.
Fiscal year 2011:
(A) New budget authority, \$363,906,000,000.
(B) Outlays, \$368,001,000,000.
Fiscal year 2012:
(A) New budget authority, \$368,156,000,000.
(B) Outlays, \$367,749,000,000.
Fiscal year 2013:
(A) New budget authority, \$387,170,000,000.
(B) Outlays, \$382,650,000,000.
Fiscal year 2014:
(A) New budget authority, \$396,523,000,000.
(B) Outlays, \$397,368,000,000.
(12) Medicare (570):
Fiscal year 2009:
(A) New budget authority, \$427,076,000,000.
(B) Outlays, \$426,736,000,000.
Fiscal year 2010:
(A) New budget authority, \$442,828,000,000.
(B) Outlays, \$442,959,000,000.
Fiscal year 2011:
(A) New budget authority, \$487,518,000,000.
(B) Outlays, \$487,336,000,000.
Fiscal year 2012:
(A) New budget authority, \$491,854,000,000.
(B) Outlays, \$491,626,000,000.
Fiscal year 2013:
(A) New budget authority, \$539,711,000,000.
(B) Outlays, \$539,862,000,000.
Fiscal year 2014:
(A) New budget authority, \$592,893,000,000.
(B) Outlays, \$592,733,000,000.
(13) Income Security (600):
Fiscal year 2009:
(A) New budget authority, \$520,123,000,000.
(B) Outlays, \$503,020,000,000.
Fiscal year 2010:
(A) New budget authority, \$536,609,000,000.
(B) Outlays, \$539,949,200,000.
Fiscal year 2011:
(A) New budget authority, \$507,502,000,000.
(B) Outlays, \$511,313,800,000.
Fiscal year 2012:
(A) New budget authority, \$450,091,000,000.
(B) Outlays, \$450,856,400,000.
Fiscal year 2013:
(A) New budget authority, \$454,160,000,000.
(B) Outlays, \$453,934,500,000.
Fiscal year 2014:
(A) New budget authority, \$454,931,000,000.
(B) Outlays, \$453,726,100,000.
(14) Social Security (650):
Fiscal year 2009:
(A) New budget authority, \$31,820,000,000.
(B) Outlays, \$31,264,000,000.
Fiscal year 2010:
(A) New budget authority, \$20,255,000,000.
(B) Outlays, \$20,378,000,000.
Fiscal year 2011:
(A) New budget authority, \$23,380,000,000.
(B) Outlays, \$23,513,000,000.
Fiscal year 2012:
(A) New budget authority, \$26,478,000,000.
(B) Outlays, \$26,628,000,000.
Fiscal year 2013:
(A) New budget authority, \$29,529,000,000.
(B) Outlays, \$29,679,000,000.
Fiscal year 2014:
(A) New budget authority, \$32,728,000,000.
(B) Outlays, \$32,728,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2009:
(A) New budget authority, \$97,705,000,000.
(B) Outlays, \$94,831,000,000.
Fiscal year 2010:
(A) New budget authority, \$106,490,000,000.
(B) Outlays, \$105,593,000,000.
Fiscal year 2011:
(A) New budget authority, \$112,806,000,000.
(B) Outlays, \$112,355,000,000.
Fiscal year 2012:
(A) New budget authority, \$108,643,000,000.
(B) Outlays, \$108,048,000,000.
Fiscal year 2013:
(A) New budget authority, \$113,722,000,000.
(B) Outlays, \$113,071,000,000.
Fiscal year 2014:
(A) New budget authority, \$115,929,000,000.
(B) Outlays, \$115,388,000,000.
(16) Administration of Justice (750):
Fiscal year 2009:
(A) New budget authority, \$55,783,000,000.
(B) Outlays, \$49,853,000,000.
Fiscal year 2010:
(A) New budget authority, \$53,499,000,000.
(B) Outlays, \$52,064,000,000.
Fiscal year 2011:
(A) New budget authority, \$52,061,000,000.
(B) Outlays, \$54,204,000,000.
Fiscal year 2012:
(A) New budget authority, \$51,866,000,000.
(B) Outlays, \$53,839,000,000.
Fiscal year 2013:
(A) New budget authority, \$51,651,000,000.
(B) Outlays, \$52,679,000,000.
Fiscal year 2014:
(A) New budget authority, \$51,488,000,000.
(B) Outlays, \$51,635,000,000.
(17) General Government (800):
Fiscal year 2009:
(A) New budget authority, \$30,405,000,000.
(B) Outlays, \$24,629,000,000.
Fiscal year 2010:
(A) New budget authority, \$22,324,000,000.
(B) Outlays, \$23,024,000,000.
Fiscal year 2011:
(A) New budget authority, \$22,483,000,000.
(B) Outlays, \$23,328,000,000.
Fiscal year 2012:
(A) New budget authority, \$22,715,000,000.
(B) Outlays, \$23,814,000,000.
Fiscal year 2013:
(A) New budget authority, \$22,445,000,000.
(B) Outlays, \$23,260,000,000.
Fiscal year 2014:
(A) New budget authority, \$22,812,000,000.
(B) Outlays, \$23,113,000,000.
(18) Net Interest (900):
Fiscal year 2009:
(A) New budget authority, \$289,021,000,000.
(B) Outlays, \$289,021,000,000.
Fiscal year 2010:
(A) New budget authority, \$284,558,000,000.
(B) Outlays, \$284,558,000,000.
Fiscal year 2011:
(A) New budget authority, \$323,794,000,000.
(B) Outlays, \$323,794,000,000.
Fiscal year 2012:
(A) New budget authority, \$387,620,000,000.
(B) Outlays, \$387,620,000,000.
Fiscal year 2013:
(A) New budget authority, \$470,073,000,000.
(B) Outlays, \$470,073,000,000.
Fiscal year 2014:
(A) New budget authority, \$557,326,000,000.
(B) Outlays, \$557,326,000,000.
(19) Allowances (920):
Fiscal year 2009:
(A) New budget authority, \$0.
(B) Outlays, \$0.
Fiscal year 2010:
(A) New budget authority, -\$16,031,999,999.
(B) Outlays, -\$7,037,199,999.
Fiscal year 2011:
(A) New budget authority, -\$16,046,000,000.
(B) Outlays, -\$15,266,800,000.
Fiscal year 2012:
(A) New budget authority, -\$17,512,000,000.
(B) Outlays, -\$17,654,400,000.
Fiscal year 2013:
(A) New budget authority, -\$19,097,000,000.
(B) Outlays, -\$18,658,500,000.
Fiscal year 2014:
(A) New budget authority, -\$20,674,000,000.
(B) Outlays, -\$19,891,100,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2009:
(A) New budget authority, -\$78,206,000,000.
(B) Outlays, -\$78,206,000,000.
Fiscal year 2010:
(A) New budget authority, -\$68,444,000,000.

(B) Outlays, —\$68,444,000,000.
Fiscal year 2011:

(A) New budget authority, —\$71,653,000,000.

(B) Outlays, —\$71,653,000,000.

Fiscal year 2012:

(A) New budget authority, —\$74,620,000,000.

(B) Outlays, —\$74,620,000,000.

Fiscal year 2013:

(A) New budget authority, —\$77,585,000,000.

(B) Outlays, —\$77,585,000,000.

Fiscal year 2014:

(A) New budget authority, —\$79,491,000,000.

(B) Outlays, —\$79,491,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses (in particular to small business and individuals who are self-employed), households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for universality of health coverage;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue;

by the amounts provided in such legislation for those purposes, provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies

and ensure an adequate supply of residents and physicians;

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases;

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending; or

(5) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services);

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on imported energy including through expanded offshore oil and gas production in the Outer Continental Shelf, produce green jobs, promote renewable energy development, strengthen and retool manufacturing supply chains, create a clean energy investment fund, improve electricity transmission, encourage conservation and efficiency (including through industrial energy efficiency programs), make improvements to the Low Income Home Energy Assistance Program, set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute, implement water settlements, or preserve or protect public lands, oceans or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The Chairman of the Senate Committee on the

Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would invest in clean energy technology initiatives, decrease greenhouse gas emissions (without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production), create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help families, workers, communities, and businesses make the transition to a clean energy economy, without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation, without increasing electricity or gasoline prices, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) ALLOCATIONS.—The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.), such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reauthorize child nutrition programs or the Special Supplemental

Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) **INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, transportation, including freight and passenger rail, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(2) **DENALI COMMISSION.**—The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

(b) **SURFACE TRANSPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new budget authority for surface transportation programs to the extent such new budget authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **MULTIMODAL TRANSPORTATION PROJECTS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities,

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD CONTROL PROJECTS.**—The Chairman of the Senate Committee on the Budget

may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.**—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.

(a) **MANUFACTURING.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **TAX RELIEF.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, or refundable tax relief and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **TAX REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or commit-

tees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD INSURANCE REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **TRADE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) **HOUSING ASSISTANCE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(g) **UNEMPLOYMENT MITIGATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation, enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition, provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II, or expand veterans' benefits (including for veterans living in rural areas), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS AND POSTAL RETIREE ASSISTANCE.

(a) **JUDICIAL PAY AND JUDGESHIPS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **POSTAL RETIREES.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts;

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.

(a) **REGULATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG IMPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **FOOD SAFETY.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or commit-

tees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR BIPARTISAN CONGRESSIONAL SUNSET COMMISSION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide for a bipartisan congressional sunset commission, that will review Federal programs, focusing on unauthorized and non-performing programs;

(2) provide for a process that will help abolish obsolete and duplicative Federal programs;

(3) provide for improved government accountability and greater openness in Government decisionmaking; and

(4) provide for a process that ensures that Congress will consider the commission's reports and recommendations;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 213. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC FUELS SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to achieve domestic fuels security by authorizing the Department of Defense to procure alternative fuels from domestic sources under contracts for up to 20 years, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) and provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered;

(C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 217. DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/

Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time non-refundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 220. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 221. DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 222. EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 224. DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going

through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 227. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 229. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 232. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

SEC. 233. DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a

committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SEC. 237. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Bud-

et of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111–8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 238. RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 239. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 240. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 241. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more

bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 242. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 243. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with \$235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

SEC. 244. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 245. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 246. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 247. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of \$5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 248. POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond \$3,500,000 per person (\$7,000,000 per married couple) and a graduated rate ending at less than 45 percent unless an equal amount of tax relief is provided to Americans earn-

ing less than \$100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

SEC. 249. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

SEC. 250. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 251. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 252. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would

not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 253. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2009, \$1,391,471,000,000 in new budget authority and \$1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, \$1,079,050,000,000 in new budget authority and \$1,268,104,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section

302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

(A) **CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to \$485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(B) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$7,100,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) **HEALTH CARE FRAUD AND ABUSE CONTROL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) **UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to \$50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(E) **REDUCING WASTE IN DEFENSE CONTRACTING.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

gates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) **ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.**—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(4) **REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.**—

(A) **IN GENERAL.**—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) **SUBALLOCATIONS.**—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) **INAPPLICABILITY.**—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—

(1) **POINT OF ORDER.**—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) **DEFINITION.**—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) **EXCEPTIONS.**—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of

managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **INAPPLICABILITY.**—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) **AUTHORITY TO DESIGNATE.**—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SEC. 305. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision or provisions affecting the Crime Victims Fund, as defined by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), which constitutes a change in a mandatory program that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (d) and (e).

(b) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and

sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 306. POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **FEDERAL TAX INCREASE.**—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 307. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) **DEFINITION.**—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 308. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) **DEFINITIONS.**—In this subsection:

(1) **MIDDLE INCOME TAXPAYERS.**—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **NATIONAL ENERGY TAX INCREASE.**—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

SEC. 309. POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) **DEFINITION.**—In this section, the term “marriage penalty” means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 310. POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 311. POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics’ Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 312. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 313. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) **POINT OF ORDER.**—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—

(A) **IN GENERAL.**—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) **VOTE.**—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—

(A) **IN GENERAL.**—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) **VOTE.**—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—

(A) **IN GENERAL.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) **DIVISION.**—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(c) **LEGISLATION DEFINED.**—In this section, the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(d) **TERMINATION.**—The provisions of this section shall terminate on December 31, 2012.

SEC. 314. POINT OF ORDER.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005

(PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 315. RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 316. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Subtitle B—Other Provisions

SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of

1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. DEBT DISCLOSURE REQUIREMENT.

(a) **IN GENERAL.**—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

“SEC. . . DEBT DISCLOSURES.

“(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$_____ from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

“(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$_____ on every United States citizen from the current year, fiscal year 20____ to the fifth year of the budget window, fiscal year 20____.

“(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that \$_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20____ through 20____, on things other than Social Security.”

(b) **SOCIAL SECURITY.**—If any portion of the Social Security surplus is projected to be spent in any year or the gross Federal debt in the fifth year of the budget window is greater than the gross debt projected for the current year, as described in section 101(5) of this resolution, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) **DEFINITIONS.**—In this section, the term “gross Federal debt” means the nominal levels of (or changes in the levels of) gross Federal debt (debt subject to limit as set forth in section 101(5) of this resolution) measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 326. DEBT DISCLOSURES.

(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$4,960,000,000,000 from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$16,200 on every United States citizen from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that \$700,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2010 through 2014, on things other than Social Security.

SEC. 327. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) designating the third week of April 2009 as “National Shaken Baby Syndrome Awareness Week.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 794,000 children were victims of abuse and neglect in the United States in 2007, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas over 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2007, and children younger than 4 years old accounted for nearly 76 percent of all child abuse and neglect fatalities in 2007;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as "National Shaken

Baby Syndrome Awareness Week" since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

GLOBAL YOUTH SERVICE DAYS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 105, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 105) designating April 24 through 26, 2009, as "Global Youth Service Days."

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of Global Youth Service Days are to mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities, to support young people in embarking on a life-long path of volunteer service and civic engagement, and to educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing

more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world but are also leaders and assets today;

Whereas recent research shows that when high quality, semester-long service-learning is used as a teaching and learning strategy that integrates meaningful community service with the academic curriculum, it increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas several private foundations and corporations in the United States support community service and service-learning as a means for young people to explore career aspirations and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a fundamental and conclusive correlation exists between youth service, character development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as poverty, hunger, illiteracy, education, natural disasters, and climate change;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across borders to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, more than 150 National Partners in the United States, 75 State and local Global Youth Service Days Lead Agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 24 through 26, 2009, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youth to participate in community service and service-learning projects and joining youth in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

MEASURE READ THE FIRST TIME—H.R. 131

Ms. STABENOW. Mr. President, I understand that H.R. 131 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 131) to establish the Ronald Reagan Centennial Commission.

Ms. STABENOW. Mr. President, I would ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from Montana, (Mr. BAUCUS); the Senator from Michigan, (Mr. LEVIN); the Senator from California, (Mrs. FEINSTEIN); the Senator from North Dakota, (Mr. DORGAN); Chairman; and the Senator from Ohio, (Mr. BROWN).

ORDERS FOR TUESDAY, APRIL 21, 2009

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, April 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; the Senate then resume executive session in consideration of the nomination of Christopher Hill to be Ambassador to Iraq; that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons; further, that all time in adjournment, recess, and morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, April 21, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN D. TRASVINA, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE KIM KENDRICK, RESIGNED.

HELEN R. KANOVSKY, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE ROBERT M. COUCH.

DEPARTMENT OF TRANSPORTATION

PETER H. APPEL, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE PAUL R. BRUBAKER, RESIGNED.

DEPARTMENT OF COMMERCE

CAMERON F. KERRY, OF MASSACHUSETTS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE LILY FU CLAFFEE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

ROBERT S. RIVKIN, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE DAVID JAMES GRIBBIN, IV, RESIGNED.

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION, VICE RICARDO H. HINOJOSA.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARVIN F. BURGOS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN PATRICK BRADY, OF FLORIDA
KAREN D'ABOVILLE, OF VIRGINIA
BETH DUNFORD, OF THE DISTRICT OF COLUMBIA
JASON A. GIRARD, OF NEW HAMPSHIRE
BENJAMIN GUSTAFSON, OF THE DISTRICT OF COLUMBIA
ERIN HOLLERAN, OF MISSOURI
BARBARA HUGHES, OF MARYLAND
DAVID HULL, OF COLORADO
THOMAS MCANDREWS, OF CALIFORNIA
CHARLES OLIVER, OF NORTH CAROLINA
THOMAS A. PENLOPE, OF NEW YORK
STEVEN K. RAMONAS, OF FLORIDA
JOEL SANDEFUR, OF CALIFORNIA
MADELINE WILLIAMS, OF MARYLAND
PATRICK WILSON, OF NORTH CAROLINA

DEPARTMENT OF STATE

JEFFREY ALLAN SPENCE, OF FLORIDA
FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GREGORY ADAMS, OF VIRGINIA
CATHERINE ANDANG, OF OHIO
CHERYL ANDERSON, OF WASHINGTON
DOUGLAS BALKO, OF CALIFORNIA
ADRIANA BAREL, OF CALIFORNIA
LILY BESHAWRED, OF VIRGINIA
BRADLEY BESSIRE, OF FLORIDA
DAVID BILLINGS, OF FLORIDA
JAMES BROWDER, OF TEXAS
JEREMIAH CAREW, OF VIRGINIA
JONATHAN CHAPPELL, OF VIRGINIA
RACHEL HERR CINTRON, OF FLORIDA
PETER CLOUTIER, OF NORTH CAROLINA
JEFFERY COHEN, OF TENNESSEE
THOMAS CREHAN, OF OHIO
MARKUS DAUSSES, OF CALIFORNIA
VICTOR DIAZ DE LEON, OF TEXAS
NANCY JANE ESlick, OF INDIANA
KAREN FALL, OF TEXAS
BRIAN FRANTZ, OF WASHINGTON
LORETTA GARDEN, OF CONNECTICUT
CHRISTOPHER GOMES, OF MARYLAND
JENNIFER GRAETZ, OF MICHIGAN
GABRIEL GRAU, OF FLORIDA
DALE GREDLER, OF WASHINGTON
ALER GRUBBS, OF THE DISTRICT OF COLUMBIA
JEREMY GUSTAFSON, OF VIRGINIA
DAVID HALLENGREN, OF FLORIDA
PAMELA M. HAMILTON, OF CALIFORNIA
WALTER HAMMOND, OF WASHINGTON
WILLIAM HANSEN, OF VIRGINIA

CROSHELLE HARRIS, OF TEXAS
CRAIG HART, OF VIRGINIA
DAVID HATCH, OF COLORADO
JULIA HENN, OF FLORIDA
LUIS HERNANDEZ, OF NEW YORK
KENT HOWARD, OF MARYLAND
SEAN HUFF, OF TEXAS
LLOYD JACKSON, OF FLORIDA
NIKHIL JAISINGHANI, OF MONTANA
ERIK JANOWSKY, OF MARYLAND
TERENCE JONES, OF VIRGINIA
AARON KARNELL, OF CALIFORNIA
THOMAS LEBLANC, OF CALIFORNIA
JOSEPH LESSARD, OF VIRGINIA
ROBERT LOPEZ, OF MARYLAND
LEANNA MARR, OF THE DISTRICT OF COLUMBIA
ANDREW MAYBROOK, OF ILLINOIS
KEVIN MCGLOTHLIN, OF FLORIDA
MARTIN MCCLAUGHLIN, OF VIRGINIA
MARIE MCLEOD, OF MARYLAND
EDWARD MICHALSKI, OF VIRGINIA
TARA MILANI, OF TEXAS
KHADIJAT MOJIDI, OF FLORIDA
NILS MUELLER, OF THE DISTRICT OF COLUMBIA
AMY PARO, OF WASHINGTON
SANGITA PATEL, OF TEXAS
DORA PLAVETIC, OF MARYLAND
ROBERT POWERS, OF WASHINGTON
SHELLY PRASAD, OF MICHIGAN
DANIELLE REIFF, OF PENNSYLVANIA
LUIS RIVERA, OF MARYLAND
JONATHAN ROSS, OF FLORIDA
MICHAEL SATIN, OF VIRGINIA
MARY E. SKARIE, OF TEXAS
KEVIN SMITH, OF TEXAS
KELLEY STRICKLAND, OF FLORIDA
GORDON TACHUK, OF MARYLAND
ELEANOR TANPIENGCO, OF VIRGINIA
GENE VILLAGRAN, OF TEXAS
KIMBERLY MUELLER ANN WALLER, OF MASSACHUSETTS
SHARON WAYNE, OF FLORIDA
JULIE J. WILSON, OF NEVADA
JESSICA ZAMAN, OF WASHINGTON

DEPARTMENT OF STATE

VICTORIA JEAN DELONG, OF VIRGINIA

DEPARTMENT OF STATE

CHRISTOPHER JONATHAN ANDERSON, OF NEW YORK
JUAN L. ARELLANO, OF WASHINGTON
STEPHANIE C. ARNOLD, OF ILLINOIS
CHRISTOPHER A. BERGAUST, OF IDAHO
DANA CHRISTENE COLE BROWN, OF VIRGINIA
JOSEPH T. BURKE, OF CALIFORNIA
ELLEN CALLAHAN, OF NEVADA
GREGORY J. CAMPBELL, OF NEW YORK
CHERYL BARNES CARSON, OF VIRGINIA
KENNETH PATRICK CHAVEZ, OF TEXAS
MATT BUTLER CHESSEN, OF CALIFORNIA
GRACE H. CHOI, OF CALIFORNIA
ANDREI M. COTTON, OF GEORGIA
NINA F. DIAZ, OF CALIFORNIA
PETER J. DYCAICO, OF CALIFORNIA
JONATHAN SCOTT FISCHER, OF WASHINGTON
BRIAN MICHAEL FRERE, OF THE DISTRICT OF COLUMBIA
MATTHEW GARDNER FULLER, OF TEXAS
WILLIAM JEFFERS FURNISH, JR., OF LOUISIANA
ANDREA GOROG, OF WASHINGTON
JANELLE RENAE GUEST, OF MICHIGAN
KAPIL GUPTA, OF CALIFORNIA
PRASENJIT R. GUPTA, OF IOWA
NATHAN S. HALAT, OF NEW YORK
ERIN PRICE HAMRICK, OF GEORGIA
CAROL M. HANLON, OF GEORGIA
NATHAN NOZOMI HARA, OF OHIO
DANIEL CHARLES HOLTROP, OF MARYLAND
STEPHEN F. IBELL, OF FLORIDA
CHRISTOPHER G. ISTRATI, OF PENNSYLVANIA
CHRISTINE PEYTON JACKSON, OF VIRGINIA
REBECCA NATHALIE KINYON, OF NEW YORK
CHRISTOPHER D. KJELLAND, OF TEXAS
PAYTON LUCAS KNOPF, OF THE DISTRICT OF COLUMBIA
MARK R. LANNING, OF WASHINGTON
JON A. LARSEN, OF OREGON
CARRIE K. LEE, OF CALIFORNIA
LENA LEVITT, OF CALIFORNIA
ERIC TRUMAN LUND, OF VIRGINIA
NATHAN LEWIS MACKLIN, OF WYOMING
MARK CHARLES MATTHEWS, OF THE DISTRICT OF COLUMBIA
BREEANN MARIE MCCUSKER, OF VIRGINIA
MAUREEN BRIGID MCGOVERN, OF FLORIDA
TIMOTHY R. MCGOWAN, OF FLORIDA
DANIEL LEE MCMANUS, OF FLORIDA
TERI KEAS MONICAL, OF FLORIDA
BENJAMIN ABRAHAM MONTANEZ, OF TEXAS
SAMUEL RANDOLPH PEALE, OF VIRGINIA
YAROSLAVA Y. PETROVA, OF CALIFORNIA
BENJAMIN LOYD PIERCE, OF TEXAS
SHANNON D. QUINN, OF FLORIDA
NAZIMA HASHAM RAZICK, OF ILLINOIS
SHIGH LUKE SAPP, OF CALIFORNIA
MEGAN LEIGH SELMON, OF TEXAS
JEFFREY SHELSTAD, OF MINNESOTA
BRIAN T. SMITH, OF INDIANA
HEATHER MARY SMITH, OF MICHIGAN
RACHEL MELANIE SMITH, OF NEW YORK
BRENDA C. SOYA, OF COLORADO
RAY RICHARD SUBWEEKS, OF VIRGINIA
NATHAN TIDWELL, OF TENNESSEE
KIMBERLY C. VALDES-DAPENA, OF OHIO
LYNN VIRGIL, OF NORTH CAROLINA

JONATHAN TIMOTHY WARD, OF WASHINGTON
HEATHER ANN WATSON-AYALA, OF NEVADA
JEFFREY M. WEINSHENKER, OF TEXAS
CARTER W. WILBUR, OF VIRGINIA
DAVID L. WYCHE, OF PENNSYLVANIA
ALEXANDER YUAN, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JAMES D. LINDLEY, OF TEXAS

DEPARTMENT OF STATE

AIME L. ADAMS, OF VIRGINIA
ROSALYN ADAMS, OF CALIFORNIA
SARAH L. ADAMS, OF VIRGINIA
REBECCA CATHERINE ALPER, OF NEW JERSEY
DERIC C. AMASON, OF VIRGINIA
VAHID AMIRGHASSEMI, OF VIRGINIA
MIRIAM R. ASNES, OF MASSACHUSETTS
CHAD REX AUSBURN, OF VIRGINIA
WILLIAM GEORGE BALLARD, JR., OF VIRGINIA
JENNY MARIE BAUER, OF THE DISTRICT OF COLUMBIA
SARA ANN BERNER, OF VIRGINIA
BRIDGET C. BITTLE, OF NEW YORK
AMY J. BLAKENEY, OF MARYLAND
JEWELL RAY BOWEN II, OF VIRGINIA
MARQUIS MCLEMORE BOYCE, OF GEORGIA
DAVID BROCK, OF CALIFORNIA
JEANNETTE BUCHNER, OF THE DISTRICT OF COLUMBIA
CHRISTIAN R. CALI, OF VIRGINIA
MARIA M. CAMACHO, OF VIRGINIA
ROBERT M. CANDRIAN, OF VIRGINIA
CHRISTOPHER E. CANELLAKIS, OF MASSACHUSETTS
DARA ELISABETH CANZANO, OF VIRGINIA
NORMAN LUCZON CAPISTRANO, OF CALIFORNIA
MICHAEL D. CAPLAN, OF THE DISTRICT OF COLUMBIA
CHARLES JOSEPH CARTER, OF VIRGINIA
ALAN M. CLARK, OF FLORIDA
DEANNA M. COATES, OF VIRGINIA
STANLEY B. COPENING, OF VIRGINIA
DONALD B. CORDELL, OF VIRGINIA
JENNIFER ANNE COUNTER, OF MASSACHUSETTS
JAMES D. DELOACH, JR., OF CALIFORNIA
JOSEPH M. DENT, OF VIRGINIA
PAIGE ELIZABETH DEPETRO, OF THE DISTRICT OF COLUMBIA
LAUREN L. DEREBEY, OF WASHINGTON
JASON M. DEROSA, OF VIRGINIA
HEATHER E. DICKENS, OF VIRGINIA
MATTHEW L. DICKEY, OF VIRGINIA
PHILIP M. DIMON, OF THE DISTRICT OF COLUMBIA
STACEY L. DUGAN, OF ILLINOIS
GEORGE A. DUSOE, OF NEW HAMPSHIRE
STEPHANIE T. ESPINAL, OF PUERTO RICO
AMBER E. FARINA, OF FLORIDA
ANNIKA H. FAULK, OF GEORGIA
SPENCER MICHAEL FIELDS, JR., OF VIRGINIA
MARK E. FISCHER, OF VIRGINIA
SARA L. FLEMING, OF VIRGINIA
JOHN HARTMAN FLETCHER, OF VIRGINIA
R. STEVEN FOX, OF NEW YORK
TRACY D. FOX, OF MARYLAND
GRETCHEN M. FRANKE, OF THE DISTRICT OF COLUMBIA
COURTLAND B. FREEMAN, OF THE DISTRICT OF COLUMBIA
SONNET A. FRISBIE, OF TEXAS
ROBERT B. GAGON, OF VIRGINIA
LAURA JEAN GAVINSKI, OF PENNSYLVANIA
ELIZABETH AMANDA GEIGER, OF VIRGINIA
ERIC GESSNER, OF VIRGINIA
NEIL H. GIBSON, OF VIRGINIA
COURTNEY C. GILLESPIE, OF THE DISTRICT OF COLUMBIA
DAVID V. GIOE, OF NEW JERSEY
TORREY ANDREW GOAD, OF WASHINGTON
BETTINA DANETTE GORCZYNSKI, OF VIRGINIA
SARAH M. GOURDE, OF OREGON
JASON H. GREEN, OF TENNESSEE
GERALD J. GRESS, OF VIRGINIA
JAMES RYAN GRIZZLE, OF VIRGINIA
NATALYA I. GROKH, OF MAINE
GISCARD G. GUILLOTEAU, OF FLORIDA
KURT DAVID GUNDERSON, OF THE DISTRICT OF COLUMBIA
TAMRA KAY HACKETT, OF THE DISTRICT OF COLUMBIA
GRAHAM B. HARLOW, OF COLORADO
KRISTINA R. HAYDEN, OF VIRGINIA
NICHOLAS W. HELTZEL, OF VIRGINIA
ELAINE MARIE HENSLE, OF VIRGINIA
EILEEN T. HIGGINS, OF FLORIDA
COURTNEY MILLS HOOD, OF VIRGINIA
ANDREW T. HORNE, OF VIRGINIA
ASHLEIGH D. HORNE, OF VIRGINIA
DAVID C. HUMPHREYS, OF VIRGINIA
SAHAR I. HUSSAIN, OF ARIZONA
JULIETTE BENAUD JARVIS, OF THE DISTRICT OF COLUMBIA
BLAKE A. JOHNSTON, OF COLORADO
C. MELORA JOHNSTON, OF COLORADO
TYLER JAMES JOHNSTON, OF NORTH CAROLINA
SKYE SPENCER JUSTICE, OF WEST VIRGINIA
KIMBERLY KAY, OF THE DISTRICT OF COLUMBIA
WARREN KE, OF VIRGINIA
JONATHAN MAURICE KEISER, OF VIRGINIA
LOUIS J. KELLER, OF MARYLAND
MATT KESSINGER, OF VIRGINIA
SARAH T. KIMBROUGH, OF NEW YORK
DANIEL KOBORG, OF VIRGINIA

STEPHANIE LYN KOTECKI, OF WASHINGTON
PHILIP M. KOZLOWSKI, OF FLORIDA
KEITH ROBERT KRAUSE, JR., OF MARYLAND
BROOKS DE LISLE L'ALLIER, OF VIRGINIA
AMANDA LAMERE, OF MARYLAND
THOMAS C. LEGONES, OF VIRGINIA
JANETTE ELISE LEHOUX, OF UTAH
ANDREA K.S. LINDGREN, OF MINNESOTA
CHRISTIE LIVINGSTON, OF NEW YORK
BARBARA A. MADAR, OF INDIANA
MARIE H. MAFFEI, OF VIRGINIA
JONATHAN JOSEPH MAGSAYSAY, OF CALIFORNIA
BRIAN S. MANNING, OF OKLAHOMA
NAOMI AMANDA MATTOS, OF VIRGINIA
MICHAEL ALAN MATTOZZI, OF VIRGINIA
SARAH MCANINCH, OF FLORIDA
HARRY G. MCFARLAND III, OF VIRGINIA
MICHEL M. MCKEEVER, OF VIRGINIA
CHRISTINE A. MCKINNON, OF VIRGINIA
ERIC T. MOORE, OF VIRGINIA
KENNETH E. NEHRICH, OF FLORIDA
NICHOLAS NOVAK, OF WASHINGTON
ALETA TURNER OKEDJI, OF THE DISTRICT OF COLUMBIA

ROBERT E. ORTEGA, OF ARIZONA
JOEL DEL VALLE ORTIZ, OF VIRGINIA
LISA INGRID OVERMAN, OF THE DISTRICT OF COLUMBIA
DOROTHY ELIZABETH PARKER, OF VIRGINIA
NISHA PATEL, OF VIRGINIA
DANIEL MICHAEL PATTARINI, OF VIRGINIA
RICHARD PAYNE-HOLMES, OF VIRGINIA
BRETT B. PERLEY, OF VIRGINIA
ANN M. PERRELLI, OF MARYLAND
DAVID CONRAD PETERSON, OF KANSAS
JASON E. PETTY, OF COLORADO
KATHERINE PARRINDER PLONA, OF WISCONSIN
PAUL DAVID PLUMLEY, OF VIRGINIA
KARA PREISSEL, OF COLORADO
MICHAEL JOHN RALLIES, OF MINNESOTA
KARL C. RENNE, OF VIRGINIA
ERIN BROOK RENNER, OF THE DISTRICT OF COLUMBIA
JENNIFER RIZZOLI, OF TEXAS
BRETT ROSE, OF ARIZONA
VALERIE RUDENKO, OF VIRGINIA
SHELLEY WALKER SAXEN, OF FLORIDA
AARON JAMES SCHNEIDER, OF VIRGINIA
REBECCA ANN SEWERNY, OF PENNSYLVANIA
RETH A. SNYDER, OF MINNESOTA
SAYNA LEE SOMERS, OF VIRGINIA
ERWIN R. SOTO, JR., OF VIRGINIA
SALLY STERNAL, OF VIRGINIA
CHRISTINA D. STILL, OF VIRGINIA
CHRISTOPHER J. SULLIVAN, OF VIRGINIA
JOLONDA TABB, OF VIRGINIA
CHARLES E. TARVER, OF VIRGINIA
JOSEPH KNOX TAYLOR, JR., OF VIRGINIA
K. SUZANNE THOMAS, OF VIRGINIA
VALERIE D. THOMPSON, OF MARYLAND
AMANDA MARIE TIMKO, OF VIRGINIA
ELIZABETH TIRADO, OF VIRGINIA
GLENN EDWARD TOSTEN II, OF MARYLAND
JAMES S. TOWN, OF PENNSYLVANIA
CHAD M. TWITTY, OF ARIZONA
STEPHEN J. VALEN, OF CALIFORNIA
ANDREW MICHAEL VEVEIROS, OF MARYLAND
CELIA VICKERY, OF VIRGINIA
BRYAN VIG, OF VIRGINIA
LISA A. VOGLE, OF VIRGINIA
DEREK BRUNON VORNDRAN, OF VIRGINIA
JOHN W. WADDELL, OF VIRGINIA
DEBORAH R. WADE, OF VIRGINIA
DAWN R. WAGNER, OF UTAH
PATRICK CHARLES WALLS, OF THE DISTRICT OF COLUMBIA
SANDRA S. WALLS, OF THE DISTRICT OF COLUMBIA
ELIZABETH M. WALTON, OF MARYLAND
KENNAN DANIEL WATT, OF UTAH
TRESSA ANNE WEYER, OF FLORIDA
TIMOTHY H. WILEY, OF MASSACHUSETTS
HOLLY D. WILKERSON, OF TENNESSEE
AMANDA LEA WILLIAMS, OF NEW YORK
MAUREN R. WILLIAMS, OF VIRGINIA
EDWARD H. WINANT, OF WEST VIRGINIA
ARIEL WOLFER, OF VIRGINIA
LINDSAY NICOLE WRIGHT, OF VIRGINIA
SUSAN M. WRIGHT, OF THE DISTRICT OF COLUMBIA
JENNIFER L. YOUNG, OF FLORIDA
LANPING YU, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

JOHN L. WITHERS II, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

STEPHEN ALAN CRISTINA, OF LOUISIANA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. CHARLES B. GREEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS J. OWEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT R. ALLARDICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL THOMAS K. ANDERSEN
BRIGADIER GENERAL SALVATORE A. ANGELELLA
BRIGADIER GENERAL GREGORY A. BISONE
BRIGADIER GENERAL ANDREW E. BUSCH
BRIGADIER GENERAL TIMOTHY A. BYERS
BRIGADIER GENERAL SUSAN Y. DESJARDINS
BRIGADIER GENERAL RICHARD T. DEVEREAUX
BRIGADIER GENERAL JUDITH A. FEDDER
BRIGADIER GENERAL ERIC E. FIEL
BRIGADIER GENERAL CRAIG A. FRANKLIN
BRIGADIER GENERAL DAVID L. GOLDFEIN
BRIGADIER GENERAL BLAIR E. HANSEN
BRIGADIER GENERAL SUSAN J. HELMS
BRIGADIER GENERAL MARY K. HERTOG
BRIGADIER GENERAL JOHN W. HESTERMAN III
BRIGADIER GENERAL DARRELL D. JONES
BRIGADIER GENERAL NOEL T. JONES
BRIGADIER GENERAL JAN MARC JOUAS
BRIGADIER GENERAL ROBERT C. KANE
BRIGADIER GENERAL JAMES M. KOWALSKI
BRIGADIER GENERAL STANLEY T. KRESGE
BRIGADIER GENERAL SUSAN K. MASHIKO
BRIGADIER GENERAL MICHAEL R. MOELLER
BRIGADIER GENERAL CLYDE D. MOORE II
BRIGADIER GENERAL DOUGLAS H. OWENS
BRIGADIER GENERAL JAMES O. POSS
BRIGADIER GENERAL MARK F. RAMSAY
BRIGADIER GENERAL ROBIN RAND
BRIGADIER GENERAL JOSEPH REYNES, JR.
BRIGADIER GENERAL SUZANNE M. VAUTRINOT
BRIGADIER GENERAL LAWRENCE L. WELLS
BRIGADIER GENERAL JANET C. WOLFENBARGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

ADM. JONATHAN W. GREENERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JOHN C. HARVEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SAMUEL J. LOCKLEAR III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. HUNT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK D. HARNITCHEK

IN THE MARINE CORPS

THE FOLLOWING NAMED MARINE CORPS OFFICER FOR REAPPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT

DEPARTMENT OF DEFENSE

ROBERT O. WORK, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY, VICE DIONEL M. AVILES, RESIGNED.

DONALD MICHAEL REMY, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED.

MICHAEL NACHT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOSEPH A. BENKERT.

RAYMOND EDWIN MABUS, JR., OF MISSISSIPPI, TO BE SECRETARY OF THE NAVY, VICE DONALD C. WINTER.

ELIZABETH LEE KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT L. WILKIE, RESIGNED.

WALLACE C. GREGSON, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JAMES SHINN.

EXPORT-IMPORT BANK OF THE UNITED STATES

FRED P. HOCHBERG, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE JAMES LAMBRIGHT, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SANDRA BROOKS HENRIQUEZ, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ORLANDO J. CABRERA.

RAPHAEL WILLIAM BOSTIC, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DARLENE F. WILLIAMS, RESIGNED.

DEPARTMENT OF THE INTERIOR

RHEA S. SUH, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE R. THOMAS WEIMER, RESIGNED.

DEPARTMENT OF ENERGY

DAVID B. SANDALOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE KAREN ALDERMAN HARBERT, RESIGNED.

DANIEL B. PONEMAN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE JEFFREY CLAY SELL, RESIGNED.

DEPARTMENT OF THE INTERIOR

MICHAEL L. CONNOR, OF MARYLAND, TO BE COMMISSIONER OF RECLAMATION, VICE ROBERT W. JOHNSON.

ENVIRONMENTAL PROTECTION AGENCY

MATHY STANISLAUS, OF NEW JERSEY, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE SUSAN P. BODINE, RESIGNED.

PETER SILVA SILVA, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE BENJAMIN GRUMBLES, RESIGNED.

DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE CHRISTOPHER A. PADILLA, RESIGNED.

DEPARTMENT OF THE TREASURY

GEORGE WHEELER MADISON, OF CONNECTICUT, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE ROBERT F. HOYT, RESIGNED.

NEAL S. WOLIN, OF ILLINOIS, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE ROBERT M. KIMMITT, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MIRIAM E. SAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JOHN K. VERONEAU, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HOWARD K. KOH, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JOXEL GARCIA, RESIGNED.

DEPARTMENT OF STATE

JUDITH A. MCHALE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, VICE JAMES K. GLASSMAN, RESIGNED.

BONNIE D. JENKINS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS COORDINATOR FOR THREAT REDUCTION PROGRAMS.

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE C. DAVID WELCH, RESIGNED.

PHILIP J. CROWLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE SEAN IAN MCCORMACK, RESIGNED.

DEPARTMENT OF LABOR

M. PATRICIA SMITH, OF NEW YORK, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE GREGORY F. JACOB, RESIGNED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE NEIL ROMANO, RESIGNED.

DEPARTMENT OF EDUCATION

GABRIELLA CECILIA GOMEZ, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE HOLLY A. KUZMICH, RESIGNED.

JOHN Q. EASTON, OF ILLINOIS, TO BE DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCE, DEPARTMENT OF EDUCATION FOR A TERM OF SIX YEARS, VICE GROVER J. WHITEHURST, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CASS R. SUNSTEIN, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE SUSAN E. DUDLEY.

DEPARTMENT OF HOMELAND SECURITY

RAND BEERS, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY, DEPARTMENT OF HOMELAND SECURITY, VICE ROBERT D. JAMISON, RESIGNED.

DEPARTMENT OF THE INTERIOR

LARRY J. ECHO HAWK, OF UTAH, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE CARL JOSEPH ARTMAN, RESIGNED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

PRISCILLA E. GUTHRIE, OF VIRGINIA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE DALE W. MEYERROSE, RESIGNED.

DEPARTMENT OF JUSTICE

MARY L. SMITH, OF ILLINOIS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE NATHAN J. HOCHMAN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

A. THOMAS MCLELLAN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE SCOTT M. BURNS, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JOSE D. RIOJAS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, SECURITY, AND PREPAREDNESS), VICE CHARLES L. HOPKINS, RESIGNED.

WILLIAM A. GUNN, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE PAUL J. HUTTER.

ROGER W. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE ROBERT T. HOWARD, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DAVID H. STEVENS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE BRIAN D. MONTGOMERY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, April 20, 2009:

DEPARTMENT OF JUSTICE

TONY WEST, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

LANNY A. BREUER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

CHRISTINE ANNE VARNEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 21, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
APRIL 22

9:30 a.m.

Foreign Relations

To hold hearings to examine global climate change, focusing on United States leadership for a new global agreement.

SD-419

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine environmental management stimulus funding.

SR-222

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 548, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors.

SD-366

Environment and Public Works

To hold an oversight hearing to examine the General Services Administration and energy efficiency in public buildings.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, and John Morton, of Virginia, to be an Assistant Secretary for Immigration and Customs Enforcement, both of the Department of Homeland Security.

SD-342

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the current readiness of United States ground

forces, with the possibility of a closed session following in SVC-217.

SR-232A

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Susan Flood Burk, of Virginia, to be Special Representative of the President, with the rank of Ambassador, and Ivo H. Daalder, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, both of the Department of State.

SD-419

Veterans' Affairs

To hold hearings to examine pending health related legislation.

SR-418

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine eliminating waste and fraud in Medicare and Medicaid.

SD-342

APRIL 23

9 a.m.

Homeland Security and Governmental Affairs

To hold an oversight hearing to examine state and local stimulus funding.

SD-342

9:30 a.m.

Joint Economic Committee

To hold hearings to examine a quarterly report by the Special Inspector General for the Troubled Asset Relief Program (TARP).

210, Cannon Building

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Ronald C. Sims, of Washington, to be Deputy Secretary, and Peter A. Kovar, of Maryland, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and David S. Cohen, of Maryland, to be Assistant Secretary for Terrorist Financing, of the Treasury.

SD-538

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold an oversight hearing to examine the funding of the Department of Commerce.

SD-192

Finance

To hold hearings to examine technology neutrality in energy tax, focusing on issues and options.

SD-215

Judiciary

Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost

credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections, and the nominations of R. Gil Kerlikowske, of Washington, to be Director of National Drug Control Policy, Executive Office of the President, and Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.

SD-226

10:15 a.m.

Foreign Relations

To hold hearings to examine soldiers' stories from the Afghan war.

SD-419

10:30 a.m.

Environment and Public Works

Business meeting to consider the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

SD-406

11:30 a.m.

Library

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress.

SC-4, Capitol

11:45 a.m.

Printing

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress.

SC-4, Capitol

2 p.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, and Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SVC-217

2:15 p.m.

Indian Affairs

To hold hearings to examine the nomination of Yvette Roubideaux, of Arizona, to be Director of the Indian Health

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Service, Department of Health and Human Services.	APRIL 28	APRIL 29
2:30 p.m. Appropriations Legislative Branch Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Secretary of the Senate, the Office of the Sergeant at Arms, and the Office of the U.S. Capitol Police.	SD-628 10:30 a.m. Commerce, Science, and Transportation Consumer Protection, Product Safety, and Insurance Subcommittee To hold hearings to examine formaldehyde in textiles and consumer products. SR-253 2:30 p.m. Commerce, Science, and Transportation Surface Transportation and Merchant Marine Subcommittee To hold hearings to examine the future of national surface transportation policy. SD-138	9:30 a.m. Veterans' Affairs To hold hearings to examine pending benefits related legislation. SR-418 MAY 6 9:30 a.m. Veterans' Affairs To hold hearings to examine certain veterans matters. SR-418 MAY 21 9:30 a.m. Veterans' Affairs Business meeting to markup pending legislation. SR-418

SENATE—Tuesday, April 21, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, architect of our destinies, You have entrusted this world to humanity. Make us responsible stewards of its resources. Lord, lead our lawmakers to work and conserve not only inanimate things but human capital as well. Guide them to invest in the talents and creativity of the American people, remembering how our citizens have solved great problems in our past. Use our governmental leaders to bring order from chaos and harmony from discord. Lord, give them the wisdom to be forces for unity and good will. Replenish their physical strength so they can have resiliency for each challenge.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume executive session and consideration of the nomination of Christopher Hill to be Ambassador to Iraq. This is all postcloture time. Cloture was invoked last evening. We have 30 hours, if the Republicans ask we use all that time. Whenever that time is completed, Mr. President—30 hours—we will move to the next matter on which another filibuster is being conducted to prevent us from going to S. 386, the Fraud Enforcement and Recovery Act legislation, which is somewhat astounding since it is a bipartisan bill. But that is where we find ourselves.

It is too bad we cannot move to that and start offering amendments and complete that legislation, but that is the way the minority wishes to proceed—not to allow us to proceed.

The Senate will remain in session, as I indicated yesterday, until we vote on the confirmation of the Hill nomination, and then cloture on the motion to proceed to S. 386, the Fraud Enforcement and Recovery Act. If Senators require the full 30 hours of postcloture debate, we will vote at 1 a.m. this morning.

The Senate will recess from 12:30 to 2:15 p.m. today to allow for the weekly caucus luncheons to meet.

MEASURE PLACED ON THE CALENDAR—H.R. 131

Mr. REID. Mr. President, H.R. 131 is at the desk. It is my understanding it is due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 131) to establish the Ronald Reagan Centennial Commission.

Mr. REID. Mr. President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Without objection, the bill will be placed on the calendar.

NEVADA'S PULITZER PRIZE WINNER

Mr. REID. Mr. President, it is not every day we get to read good news in the newspaper, and it is certainly not common of late to read good news about newspapers. Today is one of those rare days. A newspaper in the State of Nevada—the Las Vegas Sun—has won the Pulitzer Prize because of a

courageous young journalist named Alexandra Berzon. I spoke to her yesterday. This was basically this young woman's first reporting job. She is so excited, as she should be.

I am very happy and proud the Pulitzer is coming to Nevada. This is only the second time in Nevada's history it has received this most prestigious award in journalism and the first time in more than three decades. But I am especially proud because the Sun has been recognized for public service reporting that uncovered lax safety standards and led to actual policy changes that are saving lives.

The famous Las Vegas strip recently saw a \$32 billion building boom. But something else was going up along with the hotels and casinos—the unnecessary deaths of construction workers. Twelve workers died in a little over 17 months. Berzon's careful reporting led to important safety improvements, and not one worker has died since these changes took effect. I applaud Alexandra Berzon, her editors, and everyone at the Las Vegas Sun, which has a storied history of solid investigative journalism.

This newspaper started on a string many years ago—in the 1950s—by a man by the name of Hank Greenspun. He was a crusading newspaperman. He was the first person in the entire country to take on Senator McCarthy and the awful things he was doing to America and about America. He took him on personally on one of McCarthy's visits to Las Vegas.

He also did something else which was very courageous. Nevada had a very powerful Senator. His name was Pat McCarran. He was noted for his use of power, and Hank Greenspun, of the Las Vegas Sun newspaper, took after him big time. McCarran asked all the strip hotels to no longer advertise in that newspaper, and they followed the demand of Senator McCarran. A lawsuit was filed. We only had one Federal judge, and that one Federal judge—even though he had been appointed by McCarran in an antitrust action, which is not a jury trial—ruled in favor of the Sun. He won that lawsuit.

He took on McCarthy, he took on McCarran, and that was only the beginning of this great newspaper and the things it has done, and now they have won a Pulitzer. Hank Greenspun must be smiling from heaven.

Someone who is a modern-day icon of this newspaper was a man who taught me in high school. Fortuitously, he and I, unexpectedly, were elected, independently, Governor and Lieutenant Governor at the same time. He served 8

years. His name was Mike O'Callaghan, Governor of the State, and a very popular person. He could have gone on to make huge amounts of money in other places. He decided not to do that. I was a lawyer. I drew up this big contract where he would go to work for Hank Greenspun running his newspapers. I met with him, handed him the contract, and he said: We don't sign contracts; we shake hands. So they shook hands, and that was the beginning of a relationship that is historic in Nevada. My dear friend Mike O'Callaghan died in church; he went to mass every morning, and died as a young man in church, where I am sure his good thoughts are still coming forward.

With Hank and Mike, I am sure, as I have indicated about Hank, they are looking down from this place we call heaven at this wonderful time for this newspaper.

The kind of reporting Alexandra Berzon did is a model for reporters everywhere to follow. Of the 21 Pulitzer Prizes, only one—the Public Service Award—the one that the Las Vegas Sun was awarded—doesn't come with a cash prize. All the others come with a \$10,000 cash prize but not this one. It comes with a medal. But this medal is going to mean much more to Alexandra than any dollar amount would. It is a reminder that journalism, in its most fundamental role—as a disinterested watchdog for our communities and our citizens, our country—benefits all of us.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GITMO CLOSURE

Mr. McCONNELL. Mr. President, yesterday, I pointed out that the President's war funding request contains up to \$80 million to close the U.S. detention facility in Guantanamo Bay. The administration says Guantanamo will be closed by next January. What they haven't told us is what they plan to do with these killers once it closes. Well, Americans want some assurances that closing Guantanamo will not make them less safe. Frankly, that is a very important and understandable request.

Guantanamo currently houses some of the most dangerous men alive. These are men who are proud of the innocent lives they have taken and who want to return to terrorism. One person who is there, and whom we don't know what we will do with, is Khalid Shaikh Mohammed, the mastermind of the 9/11 attacks. We captured him while he was planning followup attacks to 9/11, including plots to destroy a West Coast skyscraper and to smuggle explosives into New York. If we hadn't captured

him, he may have succeeded in launching the same type of attack on the west coast that he carried out on the east coast. This is a man who brags about decapitating the American journalist Daniel Pearl, with the following quote: "... with my blessed right hand." How does transferring Khalid Shaikh Mohammed make the country safer?

Another person at Guantanamo that the administration doesn't know what it will do with in 9 months is Ali Abd al-Aziz Ali, who served as a key lieutenant for Khalid Shaikh Mohammed during the 9/11 operation. How does transferring him make the country safer?

Then there is Abd al-Rahim al-Nashiri. He was al-Qaida's operations chief in the Arabian Peninsula and the mastermind behind the attack on the USS Cole which killed 17 sailors in 2000. How does transferring or releasing him make our country safer?

These are just 3 of the 240 terrorists that the administration doesn't know what to do with. The one thing they do know is that they claim they are going to close Guantanamo in 9 months, even though they can't say yet whether the alternative is as safe and secure. All of this, despite the fact that after visiting Guantanamo for the first time recently, Attorney General Holder said he was "impressed by the people who are presently running the camp" and that "the facilities there are good ones."

That was certainly my impression when I went there a few years ago.

The administration needs to tell the American people what it plans to do with these men if it closes Guantanamo. Two years ago, the Senate voted 94 to 3—94 to 3—against sending these men to the United States. Foreign countries have so far been unwilling to take any of them in significant numbers—understandably. Even if countries were willing to take them, there is an increasing probability that some of these murderers would return to the battlefield. The Defense Department recently confirmed that 18 former detainees had returned to the battlefield and said that at least 40 more are suspected of having done so. These are people we have already released who are back on the battlefield.

Earlier this year, the Saudi Government said that nearly a dozen Saudis who were released from Gitmo are believed to have returned to terrorism.

The administration has made a priority of closing Guantanamo, but its first priority should be to assure the American people that the detainees at Gitmo will never again be able to harm Americans.

ENTITLEMENT SPENDING

Mr. President, I wish to say another word in addition to my comments yesterday about the President's welcome gesture on wasteful spending. The Cab-

inet has been asked to find \$100 million in savings over the next few months and this is clearly a step in the right direction, but it is just a step. Current levels of Government spending and debt are completely and totally out of control and the threat of a fiscal catastrophe is very real. The only way to address this out-of-control spending is to get at the heart of the problem, which is entitlement spending. A lot of people do not realize that nearly 70 percent of the money the Federal Government spends every year is mandatory spending on very popular programs such as Medicare, Medicaid, Social Security, and on the interest we have to pay on the national debt.

Entitlements are the heart of the problem. As Willie Sutton put it: That's where the money is. And if we don't find a way to address this spending, we will be in very serious trouble as a nation. Fortunately, Senators GREGG and CONRAD have a proposal on the table that addresses entitlement spending head on, by forcing Democrats and Republicans to come together and make the kind of tough choices necessary to steer the country out of an otherwise inevitable financial shipwreck. It deserves much more attention than it has received, and it deserves a vote here in the Senate.

Cutting \$100 million in waste is certainly good, but let's put it in context. The amount of money the President asked the Cabinet to save yesterday, \$100 million, is about how much we will spend every single day on interest on the stimulus bill we passed a while back. Mr. President, \$100 million in savings is certainly good. It amounts to about 33 cents for every single American. Compare that to entitlement spending where, in order to meet all our current and future entitlement promises, we would have to extract \$495,000 from every American household—\$495,000 from every American household. The way I see it, there is simply no question as to where the priority should be.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ—Resumed

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read as follows: Nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior

Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I know we are here to discuss the nomination of Christopher Hill to be our Ambassador to Iraq. I want to talk about that for a few minutes.

But I have to say, as I was sitting there listening to the distinguished minority leader complaining about the interest we are paying on the debt, I almost choked on the absurdity and irony of the situation in which we find ourselves. The reason we have to have an enormous stimulus plan is because of the mismanagement of our entire economy and Government over the course of the last 8 years. Not once—the Senator from Rhode Island will know this—not once did the President of the United States George Bush veto a spending bill—not once. It was under the leadership of the Republicans as the chairs of all the essential spending committees of the Congress. They had the House, they had the Senate, they had the White House. During that period of time, they took a \$5.6 trillion surplus and turned it into a \$10 trillion debt and about a \$5.6 trillion deficit—the most irresponsible period of fiscal management in the history of this country. Not to mention what they did with respect to the management of the regulatory process of our country, where, as we know, deals were allowed to be made on Wall Street that had no business being made. Regulators were taken out of the industry itself and it was like putting the fox in charge of the chicken coop in the most overt sense possible, so regulation went out the window.

We are paying the price for that today. The American taxpayer is paying the price. The average homeowner is paying the price. Retirees are paying the price. Workers—unprecedented numbers of people laid off because of the hollow, empty Ponzi scheme investments and commission schemes that were engaged in on Wall Street and elsewhere. It is staggering.

To listen to them come to the floor with no alternative plan—they don't offer any alternative as to how you put America back to work. They just say: No, don't spend this money. Oh, my God, we are building up a terrible deficit—despite the fact that for 8 years they were silent about the deficit. There is something in public where you earn the right, sort of a moral level of rectitude or of justification for saying the things you say. I have to tell you, it is hard to listen to some of these folks, who were so much a part of that, without even accepting responsibility for it. They don't come down and say, you know, we made a blooper of a mis-

take or, boy, did I misjudge this or that or whatever. It is a wholesale flip-flop transition that is absolutely staggering in its proportions. Judging by the polling numbers on the President reflecting the decisions he is making, tough decisions about how to get the country moving again, I think the American people get it. I hope we are going to spend our time more profitably around here than playing the traditional political game of delay and obfuscation and those tactics.

The reason I mention that is the reason we are on the floor today debating the nomination of Christopher Hill is more of the same. It is exactly part of the same process of politics as usual in Washington, DC. There is no reason that for the last 2 weeks, while the Congress of the United States was on its Easter break—many Members back home or traveling the world, dealing with a lot of issues—there is no reason we did not have an ambassador in Iraq, which is what General Odierno wants, what General Petraeus wants, what the President wants, what the American troops need and deserve.

Time and again, Senators have come to the floor and said there is no military solution in Iraq. The reason we are drawing down our numbers of troops there now is to transfer authority to the Iraqis themselves so our troops can come home and so they can assume responsibility for their country. As all of us know, that cannot happen completely and properly until and unless the political issues of Iraq are resolved. As the Washington Post noted, we have not had an ambassador in Iraq since last February. So we have gone all this time with the principal issue which needs to be resolved, which is political, without the principal player, who is the Ambassador.

It is stunning to me that a few Senators have decided not just to register their opposition—which they can do. They have a right to do that, come to the floor, speak against the nomination and let's have a vote. He is going to be overwhelmingly supported to be the next ambassador to Iraq. But we will have delayed and diddled and who knows what opportunity may have been delayed or lost as a consequence of our not having the principal political player on the ground in Iraq in order to help negotiate.

The fact is, Chris Hill, when you look at the record, even some of the arguments that are being made about him by the few who oppose him do not stand up. They do not stand up to scrutiny. In over three decades of service at the State Department, as ambassador to complicated, difficult parts of the world—Ambassador to Macedonia and Poland, to South Korea—Chris Hill has proven himself to be one of America's most talented diplomats. Today we are asking him to take on one of the most challenging diplomatic posts, one that

if you look at his record through the years he has been preparing for in different ways in each of these different posts.

Senator LUGAR yesterday joined in the effort to get this vote and to approve this nomination. I appreciate enormously the partnership Senator LUGAR has provided for years on the Foreign Relations Committee, as a partner to now-Vice President BIDEN, and now working with me and with the rest of the committee. Senator LUGAR believes in calling things the way he sees them and in making judgments based on the facts—above all, in trying to have a foreign policy presence for the United States that is bipartisan, where the politics end at the water's edge. The fact is, Ambassador Hill's decades of diplomatic experience, as Senator LUGAR has pointed out, give him the skills that matter the most in Iraq—the ability to achieve our objectives in a complex, challenging, sectarian, volatile, complicated environment.

This is exactly the experience Chris Hill brings to this effort. He was one of the principal players in helping to resolve the civil wars in the Balkans. Many of us remember how difficult and, frankly, gridlocked that particular situation looked. He has worked on multiparty international negotiations. He has dealt with hostile regimes in the six-party talks on North Korea's nuclear program. Several times he has conducted his diplomatic efforts alongside a sizable military presence.

His next assignment will require him to bring every single one of these experiences to the table. He will have to do it working against the clock as we finally bring our troops home from Iraq. We have set a timetable. It is a timetable that the military and Defense Department have agreed with, and it is one that many people believe will require the Iraqis to stand up for themselves in ways that they had been unwilling to do previously. But the fact is that to properly effect the transition that is going to be needed to bring those troops home, it is going to require more diplomacy, smarter diplomacy, and more urgent diplomacy. Now more than ever we need to enlist Iraq's neighbors in working constructively to stabilize Iraq, and that includes Iran and Syria.

Iraq today still presents extraordinary challenges. Nobody should believe that because we have announced the troops are going to start to come home that Iraq is a done deal. It is not a done deal. It is still tricky, it is volatile, explosive. There are very complicated issues such as the oil revenues, the Federal Constitution, the resolution of the city of Kirkuk and the Kurds' interests. All are these are political solutions that need to be arrived at. I believe Chris Hill brings the skills necessary to help us to be able to do that.

A few weeks ago, the Foreign Relations Committee strongly endorsed Chris Hill's nomination. As I said a few moments ago, I absolutely respect the right of any Senator to object to a nominee and to want to make their points about that nominee. But when you know you do not have the votes to legitimately block a nomination, to delay that nomination for critical weeks I think borders on the irresponsible. It makes this institution look a little silly in some ways. The fact is, if you look at the issues that have been raised, those issues have been consistently and accurately answered on the record. Let me go through a couple of them.

Concerns have been raised about Ambassador Hill's record dealing with North Korea. Let me address that directly. First, some have attacked Chris Hill for not pressing hard enough against North Korea's atrocious human rights record. My friend Senator BROWNBACK in particular has been outspoken in this regard, arguing that Ambassador Hill reneged on a promise made at a July 31, 2008 Senate Armed Services Committee hearing.

Well, Ambassador Hill has spoken directly to that before our committee in answer to a question he was asked by Senator LUGAR. Yesterday, I asked that portions of Ambassador Hill's Senate testimony be submitted for the RECORD so Senators could read that today in the CONGRESSIONAL RECORD and make their own judgment.

But Ambassador Hill did the following in answer to a question from Senator BROWNBACK: He did consent to invite the Special Envoy for North Korean human rights, a fellow by the name of Jay Lefkowitz, to future negotiations, except those that were specifically dealing with nuclear disarmament. That is appropriate. Those are two totally different portfolios. Mr. Lefkowitz was responsible for human rights, but what was being negotiated was the nuclear component, as Ambassador Hill explained at his nomination hearing. The problem is that the talks with North Korea never got beyond the issue of nuclear disarmament. It never got to the broader, more general issues that were before them.

Furthermore, the call on whether to include the Assistant Secretary for Human Rights in the six-party talks was made above Chris Hill's pay grade. That was not a Chris Hill decision, that was a decision for the President of the United States and the Secretary of State.

Let me tell you precisely what Secretary of State Condi Rice said about Mr. Lefkowitz and his efforts. Publicly in the New York Times, she is quoted rebuking the Human Rights Assistant Secretary in a public way. It is rather extraordinary that that would happen. But here is what she said:

He is the human rights envoy. That is what he knows. That is what he does. He doesn't

work on the Six-Party talks. He does not know what is going on in the Six-Party talks. And he certainly has no say what American policy will be in the Six-Party talks.

That is not a Democrat talking; that is his boss, the Secretary of State, Condi Rice, talking about his interference in the process. And Chris Hill was taking daily instructions, as he ought to be as a diplomat, from Secretary of State Condi Rice and from the President of the United States.

So, you know, this is ridiculous that we are here tying up a nomination over something Chris Hill had absolutely no power to fundamentally change. It was not his right to make that decision. He did not make that decision. He followed his instructions. If Senator BROWNBACK has a complaint, his complaint is with Secretary of State Condi Rice and President George Bush.

Lost in this is also the fact that Chris Hill was extraordinarily outspoken in his criticism of human rights in North Korea. He was plainspoken with respect to that, and he was diligent in his effort to improve human rights in North Korea. Listening to some of his critics, you might get the impression that Chris Hill was somehow indifferent to the suffering of the North Korean people. Nothing could, in fact, be further from the truth.

First, he expressed, on a number of occasions, using the plainest language, that North Korea's human rights record was "abysmal," making clear in public and private that North Korea cannot fully join the international community short of significant improvement on this issue.

Yesterday, my colleague from Kansas showed pictures comparing North Korean gulags to Nazi concentration camps. He warned that he must not be silent about North Korea's conduct. He is right. We must not be silent. Most importantly, Chris Hill agrees with him, and Chris Hill was not silent. He made it plain in open testimony before the Senate Armed Services Committee in July of 2008. Let me quote from that testimony because it speaks eloquently to Ambassador Hill's character and to his concern for the innocent victims of North Korea's repressive system. Here is what Chris Hill said in 2008, well before being nominated for this job, before the Armed Services Committee of the Senate:

The DPRK's human rights record is, quite frankly, abysmal. And every day that the people of North Korea continue to suffer represents an unacceptable continuation of oppression. I have seen—I've personally seen satellite images of the DPRK's extensive prison camp system. This is truly a scar on the Korean Peninsula. . . .

So he refers specifically to the photos Senator BROWNBACK showed yesterday. He goes on to say:

It is reported that North Koreans suffer torture, forced abortion, and in some cases, execution. The dangers faced by North Ko-

rean refugees who flee their country in search of a better life, often only to face suffering or eventual repatriation with a very uncertain fate, are certainly, or are similarly, unacceptable. The United States' dedication to improving the lives of North Korean people will never wane, and we will continue to seek all available opportunities to improve this heartbreaking situation.

We have repeatedly made clear to the DPRK that human rights is not only a U.S. priority—frankly, it's an international priority. It is a part of the standard of joining the international community. We've emphasized how much we value the advancement of human rights in all societies and our need to have this and other outstanding issues of concern discussed in the normalization process.

So Chris Hill could not have been more clear, time and again, in his negotiations, in his public comments, in his testimony to the Senate, about the human rights situation.

Second, Chris Hill worked closely with his colleagues to implement the North Korean Human Rights Act of 2004, sponsored by our friend, the Senator from Kansas. Consistent with that act, Ambassador Hill secured the admission of the first North Korean refugees into the United States in 2006. He helped ensure the safe passage of asylum seekers from the north who were detained in other countries. He backed increased funding of radio broadcasting activities and support for defector organizations in South Korea, regularly meeting with North Koreans who made it out alive.

Finally, it was the team of Ambassador Hill and USAID official John Brause that secured unprecedented access for reputable U.S. nongovernmental organizations to deliver carefully monitored food aid to North Korean children. In my opinion, there can be no higher accomplishment in the field of human rights than to prevent the starvation of children. It was not easy for Hill and Brause to convince North Korea to permit Mercy Corps, World Vision, Samaritan's Purse, Global Resources Service, and Christian Friends of Korea to send Korean-speaking foreign staff to the countryside of North Korea in order to monitor food aid deliveries. But they did that. They accomplished that.

The fact that several of these NGOs are Christian charitable organizations makes this accomplishment even more remarkable given North Korea's poor record on religious freedom issues.

So Chris Hill's record on North Korean human rights is, frankly, unsailable, it is admirable, and we do him a disservice if that is not acknowledged here in the Senate.

What is more, Chris Hill achieved these gains inside the limitations of a policy that was shaped from above by his superiors in the White House, one that properly focused on denuclearization first, while also trying to address a wide range of other concerns, including human rights, missile proliferation, counterfeiting, drug

smuggling, and other illicit activities. From the early days of the Bush administration, the focus was always clearly on security issues. In announcing the results of the Bush administration's North Korea policy review on June 6, 2001, the President instructed his security team to focus on North Korea's nuclear activities, its missile programs, and its conventional military posture. There was no explicit mention of human rights in President Bush's policy at that point in time, although there was a pledge to help the North Korean people, ease sanctions, and encourage progress toward north-south reconciliation. But the focus of the administration at that point was national security. As Secretary Rice testified to in the Foreign Relations Committee back in January of 2005:

Our goal now has to be to make the Six-Party mechanism work for dealing with the North Korean nuclear program and then hopefully for dealing with the greater problem of managing this dangerous regime.

This was 6 weeks before Chris Hill was named envoy to the six-party talks, and it was 3 months before he was even named Assistant Secretary of State. So what are we doing debating the question of Chris Hill and this policy, when the policy was put in place by the President well before he even became Assistant Secretary of State? He followed the policy directives.

My friend Senator BROWNBACK said yesterday that our North Korean policy was a Chris Hill policy. That is not the case, and the record proves that is not the case. The decision to focus on the complete verifiable and irreversible elimination of North Korea's nuclear program was American policy, it was U.S. policy well before Chris Hill arrived, and it remains America's policy today.

Those who criticize Chris Hill for not accomplishing more in the area of human rights should also appreciate that he was, in many cases, hamstrung. I think he would have liked to have gone further in some regards, but his limitations were to the six-party talks, when many of us were pressing for bilateral talks, I might add. I remember in the 2004 campaign, in the debates with President Bush, I advocated moving toward bilateral as the way to get things done. And the President said no. He stood by the concept of six-party talks. For several years, we went on with that. But ultimately it was through the administration's eventual transition to a bilateral set of meetings that we actually made progress and accomplished what was accomplished in that relationship, tenuous as it was.

So Chris Hill was implementing the policy of President Bush, Secretary Rice, National Security Adviser Hadley, Vice President Dick Cheney, and those who had the final say on North Korean policy. That final say did not

then rest with a professional foreign career officer who was implementing the policy of his superiors.

I am also troubled that some of the criticisms of America's policy toward North Korea seem to carry with them the implication that Chris Hill does not care on a personal level about human rights. Well, this runs counter to a lifetime of concern and achievement everywhere he has served.

In Kosovo, Ambassador Hill advocated NATO intervention to prevent ethnic cleansing. When more than a quarter million refugees from Kosovo flooded Macedonia in 1999, it was Ambassador Hill who worked tirelessly to keep the border open and set up dozens of refugee camps across Macedonia, protecting every last refugee and pressuring Macedonia's leadership to keep taking refugees even as they complained that their country could hold no more, even as the number of refugees rose to 10 percent of Macedonia's population, with a wave of Muslim refugees entering a delicately balanced majority-Christian, multireligious society. That is what Chris Hill accomplished. He managed to protect the rights of those people, and he did so under enormously difficult circumstances. He ought to get credit for that. The folks who are sounding the drumbeat of human rights ought to be giving him credit for the record of what he accomplished in those difficult circumstances.

Another particular story shows Chris Hill's commitment to human rights. In the middle of the night, a crowd had gathered in a refugee camp and was preparing to harm two Roma families in that camp. Chris Hill personally risked his own safety to stand in front of that crowd and allow the families who were being targeted to evacuate while he stood there. Those present said it was an impressive display of moral and physical courage.

So while we may disagree with the American policy, let's not allow those disagreements to degenerate into personal accusations against a man who has given his entire life to serving America's interests and ideals and has a decades-long record on human rights to prove it.

Simply put, Chris Hill is one of the best diplomats we have. That is why Senator LUGAR expressed his support and spoke of his outstanding diplomatic and managerial skills. Vice President BIDEN has referred to Ambassador Hill as "one of the gems we have in the Foreign Service."

For years, many in this body have argued that we ought to follow the advice of our commanders on the ground in Iraq. How many times have we had a debate in which people have said: Listen to the generals. Listen to the commanders in Iraq. Well, here is what they are saying:

GEN Ray Odierno, the top military commander in Iraq, said:

Hopefully we will have an ambassador out here very soon. It would certainly help to have an ambassador here as quickly as possible.

The Pentagon's top spokesman went even further. He said:

It is vital that we get an ambassador in Baghdad as soon as possible because there is no substitute for having the President's envoy, the U.S. Ambassador, in place and on the job.

Our Ambassadors have also been unanimous in their support. Ryan Crocker, Zalmay Khalilzad, John Negroponte, the three wartime American Ambassadors to Iraq, wrote a letter together urging a quick confirmation for Chris Hill. They wrote Hill "brings over three decades of experience to this task, especially in the areas of national security, peace-building, and post-conflict reconstruction. We need his experience during this critical time in Iraq. . . . The issues are pressing and the President must have his personal representative on the scene now. We encourage the Senate to act promptly to provide its advice and consent."

One of the principal reasons GEN David Petraeus and Ambassador Ryan Crocker were able to accomplish so much is because they worked together so closely. I know General Petraeus's successor, General Odierno, is looking forward to building a similar relationship with Ambassador Hill, which explains why he is outspoken in the need to send Chris Hill to Baghdad in a timely manner.

So this is not a time for delay. Chris Hill has promised to leave for Iraq within 24 hours of being confirmed, if possible. I believe we should have Chris Hill on a plane tomorrow to Iraq. And I hope my colleagues—I see none of them in the Chamber who oppose this nomination. We are going to try to move to a vote, let me say to my colleagues. If there are people who oppose this nomination, they ought to be here to do so because we are going to try to move to a vote in the early afternoon and not delay this nomination any further.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to join the distinguished chairman of the Foreign Relations Committee in support of Ambassador Christopher Hill as our next United States Ambassador to Iraq.

In helping to negotiate an end to the crisis in the Balkans, in leading three Embassies, and in working to disarm North Korea's nuclear weapons program, Ambassador Hill has gleaned invaluable experience and given invaluable service in over 31 years of diplomatic service to this country.

Ambassador Hill is a fellow son of the Foreign Service. My father and grandfather were Foreign Service officers,

and I have some experience of the sense of calling and dedication that background provides. He is decent, honorable, and snarled right now in Senate politics in a way, frankly, that is less of a reflection on him than it is a reflection on us.

He is also a fellow Rhode Islander, with a family home in Little Compton, RI. His family moved there when he was in the fifth grade, when United States diplomats, including his father, were expelled from Haiti. He attended the Moses Brown preparatory school in Providence and later returned to the Ocean State to attend the U.S. Naval War College.

Now, at the crest of his career, he is a hero of the American Foreign Service and one of our very few most distinguished diplomats. He has shown in his career a special talent for bringing together ethnically divided peoples, a skill that will, obviously, be critical in Iraq. When the Balkans erupted in ethnic conflict, Ambassador Hill was a central player on the Clinton team that forged the Dayton Accords, the peace settlement that ended the Bosnian war.

In his book on the Dayton negotiations, Special Representative for Afghanistan and Pakistan Ambassador Richard Holbrooke described Hill as "brilliant" and "fearless," praising him for being both "very cool and very passionate," and for his strong negotiating skills. These are the very traits we need in an Ambassador to Iraq.

Ambassador Hill served as Ambassador to Macedonia during a troubled time, and as a special envoy to war-torn Kosovo. He said of this conflict that "like a lot of things in life: you've got to do everything you can do" to be satisfied "that you have left no stone unturned." I am confident he will bring the same tenacity to his position as United States Ambassador for Iraq.

As Ambassador to South Korea, Christopher Hill broke diplomatic precedent and charmed the South Korean people by repeatedly visiting hotbeds of anti-American sentiment, such as universities, where he engaged in open debate with audiences. He paid his respects at a memorial for thousands of civilians fired upon by a 1980s military government. No senior U.S. official had ever before visited this memorial, and he won the respect and trust of many through this simple yet momentous gesture. A senior official with the American Chamber of Commerce in South Korea, Tami Overby, stated:

He was here the shortest term among the six ambassadors that I've seen here in my 18 years, but [he] had the most impact.

Ambassador Hill's time in South Korea was cut short as he was tapped to head negotiations in six-party talks over North Korea's nuclear weapons program. At a time of crisis, when the Bush administration had long ignored nuclear proliferation by North Korea,

Ambassador Hill successfully brought China, Japan, South Korea, Russia, and other regional partners to the bargaining table. Though some of my Senate colleagues have criticized Ambassador Hill for negotiating with North Korea, his efforts there culminated in the dismantlement of the Pyongyang reactor, slowing North Korean nuclear proliferation and protecting United States and world security.

Now he is President Obama's nominee as Ambassador to Iraq. Timing, as Senator KERRY has pointed out, is crucial, and the delay is perplexing.

Let's look back to May 2005, when the Republican majority leader took to the floor to comment on the nominations of Miguel Estrada, Priscilla Owen, and Janice Rogers Brown to U.S. courts of appeals. He said then of the Senate Democratic minority:

For the first time in 214 years, they have changed the Senate's "advise and consent" responsibilities to "advise and obstruct."

Well, the shoe is on the other foot. My Republican colleagues are obstructing the nomination of our much needed United States Ambassador to Iraq.

When, in 2006, Kenneth Wainstein was nominated as the Assistant Attorney General for National Security, my colleague from Texas, Senator CORNYN, came to the floor and stated:

Obstruction from the other side of the aisle, Mr. President, is impeding efforts to improve national security.

He continued:

Democratic obstruction is impeding this effort to improve national security.

Today, Republicans are engaged in the very obstruction they criticized.

In 2007, when Michael Mukasey was nominated as Attorney General, the Republican leader came here to state:

If . . . our colleagues intentionally delay the nominee and hold him or her hostage, they will show the American people that their concern for the Department was insincere. . . . In these times, it is especially important that the Senate act promptly. We are, after all, at war.

Well, they will be the first to tell you that we are still at war, and yet on this critical appointment for our new President: obstruction.

Similarly, when it came to the Iraq surge, my colleagues on the other side of the aisle argued vehemently that we should defer to the judgment of General Petraeus and commanders on the ground in Iraq. I am not so sure about that. Civilian control of the military is a longtime and valued American tradition. But that was their argument. We heard the name of Petraeus invoked over and over and over again.

Senator MCCONNELL, in March of 2007, spoke out against setting deadlines for U.S. troop withdrawals in Iraq, stating that deadlines would "interfere with the President and General Petraeus's operational authority to conduct the war in Iraq as he and his commanders see fit. It would sub-

stitute for their judgment the 535 Members of Congress."

In September of 2007, my colleague from South Carolina, Senator GRAHAM, said that "... to substitute the Congress's judgment for General Petraeus's judgment, is ill-advised and unwarranted."

Those of us who were here through that time remember clearly the repeated incantation of the name of Petraeus that featured so prominently in the Republican rhetoric.

Well, I suggest to my Republican colleagues, the time may now have come to heed their own advice. Last month, the U.S. military's chief spokesman, Geoff Morrell, stated:

Generals Odierno and Petraeus have come out very publicly and very forcefully in support of Ambassador Hill's nomination. I know they support it. They know him from previous assignments, they like him, they believe he is well suited to the job and are anxiously awaiting his confirmation.

What happened to the deference to General Petraeus now that he wants Ambassador Hill? And it is not just General Petraeus and General Odierno and the military establishment engaged in that theater. The last three United States Ambassadors to Iraq—all Republican appointees—Ambassador Ryan Crocker, Ambassador Zalmay Khalilzad, and Ambassador John Negroponte, have all also expressed their unequivocal support for Ambassador Hill.

There are areas outside of politics where professional respect prevails. As a former U.S. attorney and attorney general, I have seen it among prosecutors. We saw it when prosecutors of both parties rallied around the Department of Justice when the Bush administration and Attorney General Gonzales made their best efforts to ruin that great Department. The same principle applies here, the politics of this Chamber notwithstanding. The professional colleagues of Ambassador Hill know better. They know how good he is, and they know we need him there.

My distinguished colleague from Indiana, the ranking member of the Senate Committee on Foreign Relations, also agrees. He put it well in Ambassador Hill's confirmation hearing. "We're at war," he said. "This is not a parliamentary struggle among senators with different points of view."

Senator LUGAR is right. This is not or should not be a time for bickering. This is the time to confirm our next United States Ambassador to Iraq without further delay.

Christopher Hill has served in the State Department for 31 years. As Senator KERRY, the distinguished chair of the Senate Committee on Foreign Relations has said, he is one of our Nation's most accomplished diplomats, ready for one of our most difficult assignments. He has the votes to be confirmed. Delay now can only impede

progress in Iraq's future. And it fails me to understand how that could be any Member's goal. The situation is better in Iraq, but it remains difficult.

Arab-Kurd tensions are high in the north. Sectarian groups struggle for power after January's provincial elections, and elections slated for the end of this year will be a key indicator of Iraq's democratic direction. The safety of our 146,400 men and women on the ground in Iraq, of course, is always of concern. History shows that even major gains can always be reversed. So let us get Ambassador Hill out there to lead the transition of the United States mission in Iraq from a military intervention to a much needed focus on stabilization and economic development, and to advance our Nation's interests in that troubled region.

I thank the Acting President pro tempore. I thank the distinguished chairman of the Foreign Relations Committee for his advocacy and his ardent support of this nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am very grateful to the Senator from Rhode Island for his comments now, as well as his leadership on the committee. And I appreciate his coming to the floor to take time to do this.

I know Senator CARDIN has been waiting.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to confirm the nomination of Christopher Hill to be Ambassador to Iraq.

I compliment the distinguished chairman of the Foreign Relations Committee, Senator KERRY, for his comments. I agree with him on the urgency of our action. It is critically important we have a confirmed ambassador in Iraq.

I also concur in the comments of Senator LUGAR, the ranking member of the Foreign Relations Committee. We are at war. We should be coming together, as Senator WHITEHOUSE has pointed out, and acting on this nomination.

I am somewhat confused as to why this nomination has been held up several weeks when I think of the fact that a clear, overwhelming majority of the Members of the Senate are going to vote for Ambassador Hill's confirmation.

It is critically important we have an experienced diplomat in Iraq as our Ambassador. Christopher Hill has devoted his career to service to our country as a diplomat. He first volunteered as a Peace Corps volunteer in Cameroon. He was Special Envoy to Kosovo, a very difficult part of the world. He was Ambassador to Poland and Macedonia and head of the U.S. delegation to the six-party talks on

North Korea. That experience will serve him well as Ambassador to Iraq. He has navigated complex regional dynamics in seemingly intractable conflicts to promote peace and development in parts of the world where we thought we could not make progress. He is exactly the type of experienced diplomat the United States needs representing our interests in Iraq. As has been pointed out, we need a career diplomat, someone who has the confidence of the community to be able to make the type of progress we need to make in Iraq.

Chris Hill has the endorsements of the three prior Ambassadors of the United States to Iraq. As Senator WHITEHOUSE pointed out, they were appointed by a Republican President. However, quite frankly, Ambassador Hill represents a nonpolitical appointment that has bipartisan support in Congress. Again, he is the right type of person at this moment to represent the interests of the United States.

Let me speak a little about the urgency of why we need to move forward now and get Ambassador Hill confirmed as our Ambassador. Mr. President, 140,000 American troops are currently in Iraq. They are entitled to have a confirmed ambassador to represent the interests of the United States in Iraq. Our soldiers are serving valiantly, and they are entitled to have all the tools at their disposal to make sure their mission succeeds. One of the most important tools is to have a confirmed U.S. Ambassador.

By August 31, 2010, America's combat mission in Iraq will end. That puts more urgency on our diplomacy. There may have been some disagreement—there was disagreement—as to the surge of U.S. troops, but there is no disagreement as to the surge and the need of a surge for U.S. diplomacy. This is a critical time for Iraq. They are going through a transition in their political environment. The United States needs to be represented by an experienced, confirmed diplomat. Chris Hill is that type of an individual.

Let me speak about a couple of the other issues, starting with the refugee issue, which I heard Senator KERRY speak about. I was recently in Syria and saw firsthand Iraqi refugees who are currently living in Syria. I have been to Jordan. I have seen Iraqi refugees who are living in Jordan. There are millions of displaced Iraqis—a couple million within Iraq, a couple million outside of Iraq, mostly in the surrounding countries—and one of the challenges to a stable Iraq will be dealing with that refugee issue. The United States has to play a critical role in that, a lead role. We know that. We need an ambassador in Iraq on the ground advising the Obama administration as to what will be the most effective policies in dealing with the displaced individuals within Iraq and the

refugees living in surrounding countries. We need an ambassador in Iraq now to represent those interests to give the President the best advice so we have our best chance of a successful mission within Iraq.

President Obama stated our strategy in Iraq "is grounded in a clear and achievable goal shared by the Iraqi people and the American people: an Iraq that is sovereign, stable, and self-reliant. To achieve that goal, we will work to promote an Iraqi government that is just, representative, and accountable, and that provides neither support nor safe-haven to terrorists."

I think we all agree with President Obama's goals for Iraq, but it is clear to all of us that we need a career, experienced diplomat in Iraq representing our interests at this critical moment.

Quite frankly, I don't understand the delay. I really don't. I think the vote is going to be overwhelmingly in support of his confirmation. Let's get on with it. Let's get him confirmed. As Senator KERRY has said, let's get him on a plane to Iraq as quickly as possible so he can help serve our interests as Ambassador to Iraq.

I urge my colleagues to vote for confirmation—and let's get that vote as quickly as possible—to represent the U.S. interests in Iraq.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Christopher Hill to be Ambassador to Iraq.

Last week, I had the very distinct privilege of joining Senator JACK REED on a trip to Iraq, Afghanistan, and Pakistan to witness firsthand the remarkable contributions of our military and civilians abroad. In each and every meeting in Baghdad, we were asked about the nomination of Ambassador Hill, and it was painstakingly clear that the absence of a U.S. Ambassador creates questions regarding America's commitment to the future of Iraq.

I cannot stress enough the concern expressed by our military and civilian leadership, as well as the Iraqi Government, that there is no high-level civilian representing the United States in Iraq. It is in this regard that I urge my colleagues to join me in supporting Ambassador Hill's confirmation.

Here in the Senate, we understand the intricacies of parliamentary procedures, but outside this delay is interpreted differently. It is seen by far too

many as signifying a low priority, a lack of American interest, and a slight to the people of Iraq.

With the beginning of President Obama's drawdown plan and the withdrawal of American forces from major cities by this summer, we absolutely, positively need an ambassador to coordinate increased civilian efforts needed to replace our military presence.

As Iraqis take important steps to improve security, governance, economic development, and the training of police, we must have an ambassador to coordinate our efforts and continue to channel U.S. resources and support. As Iraq faces the challenge of continued sectarian tension—especially between the Arabs and the Kurds—Ambassador Hill's first task should be focusing on mitigating tensions in the north and helping the Iraqis resolve difficult questions surrounding the status of Kirkuk and the hydrocarbons law.

The future of Iraq is incumbent upon critical developments and critical milestones that were made this year, and it is incumbent upon this body—the Senate—to ensure that the U.S. Embassy in Baghdad—the largest in the world—has the leadership it needs to succeed in Iraq.

I have met with Ambassador Hill and I am positive that he is the right person for this critical task. His extensive experience in diplomacy, nation building, and conflict management—especially in the Balkans—has prepared him for the challenge of Iraq. As a member of Ambassador Holbrooke's team, Ambassador Hill was deeply engaged in the success of the Dayton peace accords in Bosnia. As Ambassador of Macedonia, he helped to ensure refugee camps were established for the Kosovar refugees. As a Special Negotiator for Kosovo, Ambassador Hill was the architect for efforts to secure human rights for the population. When those negotiations failed, he recommended NATO intervention to prevent ethnic cleansing. Ambassador Hill has been tested by some of the very biggest foreign policy challenges in recent decades. He has demonstrated time and time again that he has the skills necessary to succeed in Iraq.

The post of Ambassador to Iraq is vitally important to U.S. security interests in the region, and I am confident the Senate will soon confirm Ambassador Hill. With this in mind, I urge my colleagues who oppose this nomination to reconsider their reservations and concerns. For that reason, I wish to address a few of those concerns now because it is critical to stress the importance of protecting human rights throughout the world, and Ambassador Hill does.

The most serious allegation against Ambassador Hill is related to his alleged unwillingness to push North Korea during the Six Party Talks. I

can tell my colleagues frankly that I would not support Ambassador Hill's nomination if I had any question about his commitment to human rights. But I have none. He coordinated his efforts closely with the State Department's Bureau of Democracy, Human Rights, and Labor. Together they worked to admit the first North Korean refugees to the United States in 2006 and expanded funding in support of North Korean human rights. This included expanded radio broadcasting efforts and support for North Korean defector organizations in South Korea.

He has intervened with foreign governments, including China, to make sure North Korean asylum seekers did not disappear into detention but could have safe transit into third countries. In public and in private, Ambassador Hill has made clear to North Korean officials that human rights are a primary concern of the United States—as important as the nuclear issue. The United States must insist that any settlement with North Korea take into account its atrocious record on human rights. Ambassador Hill was clear about the primacy of human rights in the process of negotiations.

Critics of Ambassador Hill have looked at a disappointing outcome at Six Party Talks and pointed the blame at him. It is a chilling thought, but it must be noted that without Ambassador Hill's commitment, the situation could have been far worse. In this regard, I am grateful to Ambassador Hill for all that he accomplished with a government well-known for its intransigence—clearly, the most intransigent government on the face of the Earth.

The practical diplomatic skills Ambassador Hill demonstrated in the Balkans and North Korea are what we need in Iraq. We will need his past experience with refugees and internally displaced persons. We will need his ability to interact with all parties as a fair arbitrator, and we need his experience with security issues and the training of police.

Now, more than ever, it is absolutely critical to demonstrate to the Iraqi people and the world that we value the importance of the future of Iraq. At this critical turning point, we must have a diplomat in Baghdad who can confront the many challenges and provide the necessary leadership for our mission. It is in this regard that I strongly support the nomination of Ambassador Chris Hill, not only because he is an accomplished diplomat but because he is the right person for the task at hand in Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, today is a sad day in the history of the world. It is Holocaust Remembrance Day. This month marks the 65th anniversary of a daring escape from Auschwitz by a teenager who then revealed the truth about the death camps, only to be ignored by the allied leadership.

In March 1944, the Germans occupied Hungary and prepared to deport that country's Jews—numbering approximately 750,000—to Auschwitz. A 19-year-old prisoner, Rudolph Vrba, together with fellow inmate Alfred Wetzler, decided to do something that almost nobody had ever done before: escape from Auschwitz. They were determined to alert the world about the doom Hungarian Jews would soon face.

On April 7, Vrba and Wetzler slipped away from their slave labor battalion and hid in a hollowed-out woodpile near the edge of the camp. On the advice of Soviet prisoners of war, the fugitives sprinkled the area with tobacco and gasoline, which confused the German dogs that were used to search for them.

On their second day in the woodpile, Vrba and Wetzler heard Allied warplanes overhead. "They came closer and closer—then bombs began to crunch not far away," Vrba later recalled in his searing memoir *I Cannot Forgive*. "Our pulses quickened. Were they going to bomb the camp? Was the secret out? . . . Was this the end of Auschwitz?"

The Allied planes were actually bombing German oil factories in and around the Auschwitz complex. The idea of bombing the death camp had not yet been proposed to the Allied leadership, and details such as the location of the gas chambers and crematoria were not yet known to the Allied war command. But that was about to change.

On April 10, in the dead of night, Vrba and Wetzler emerged from the woodpile and began an 11-day, 80-mile trek to Slovakia. There they met with Jewish leaders and dictated a 30-page report that came to be known as the "Auschwitz Protocols." It included details of the mass-murder process, maps pinpointing the gas chambers and crematoria and warnings of the impending slaughter of Hungary's Jews.

"One million Hungarian [Jews] are going to die," Vrba told them. "Auschwitz is ready for them. But if you tell them now, they will rebel. They will never go to the ovens."

A copy of the report was given to Rudolf Kastner, a Budapest Jewish leader. Instead of publicizing the information, Kastner negotiated a deal that involved bribing the Germans to permit a train with 1,684 of his relatives, friends and Hungarian Jewish leaders to leave the country. Kastner's action became the centerpiece of a controversial trial in Israel after the war.

Another copy of Vrba's Auschwitz Protocols was given to Rabbi Michael Dov Weissmandl, a rescue activist in Bratislava, who then wrote the first known appeal for the use of Allied air power to disrupt the mass murder. Weissmandl's plea to the Allies to bomb the railroad lines between Hungary and Auschwitz reached the Roosevelt administration in June.

Assistant secretary of war John McCloy responded that the request was "impracticable" because it would require "diversion of considerable air support essential to the success of our forces now engaged in decisive operations." He also claimed the War Department's position was based on "a study" of the issue. But no evidence of such a study has ever been found by researchers. In reality, McCloy's position was based on the War Department's standing policy that no military resources should be allocated for "rescuing victims of enemy oppression."

Vrba's report convinced the Jewish Agency leadership in Palestine to change its position on bombing. Agency leaders initially opposed bombing Auschwitz because they believed it was a labor camp, not a death camp. But after receiving the Auschwitz Protocols in June, agency officials lobbied British, American and Soviet officials to bomb the camp or the railways leading to it. Their requests were rebuffed.

Most important, a condensed version of the Auschwitz Protocols reached the U.S. Government's War Refugee Board in June. It helped galvanize the board mobilize international pressure on Hungary to halt the deportations to Auschwitz. Although that effort came too late for the more than 400,000 Hungarian Jews who had been shipped to their doom, it did spare the 200,000-plus who were still alive in Budapest.

The full version of the Vrba report was actually held up in Switzerland for three months by U.S. diplomats who regarded it as low priority. And when the report finally reached Washington in October, the Office of War Information opposed distributing it; OWI director Elmer Davis claimed the report was actually part of a Nazi conspiracy to "create contempt for the [Jewish] inmates" by showing that the Jews were not resisting their killers.

Fortunately, Davis and his cockamamie theories were too late to blunt the impact of the Auschwitz Protocols. The Hungarian deportations had been stopped, and Rudolf Vrba and Alfred Wetzler had played a significant role in bringing that about.

So it was held up by U.S. diplomats, who regarded Auschwitz, in this situation, as a low priority.

I will show you a picture of what is happening in North Korea. These are North Korean children who are being starved to death. These pictures were smuggled out by activists who wanted us to see what is taking place there.

There are reliable estimates that up to 10 percent of the North Korean population has been starved to death in a gulag system, which I have spoken about many times on this floor, or by a regime that willfully gives food to those they deem reliable and willfully keeps food away from those they deem unreliable—including innocent children.

This is taking place today on Holocaust Remembrance Day, in full view of the world, with full knowledge of U.S. diplomatic officials and with the knowledge that this has been going on for some time. They have deemed it a low priority, that it is not essential for us to deal with it at this time, that we have more important obligations to the world and to ourselves. And they starve and they die. It continues.

The situation in North Korea has been studied fairly in depth. Here is a report done by the Committee for Human Rights in North Korea, chaired by Vaclav Havel and Eli Wiesel, among others. It is titled "Failure to Check the Ongoing Challenge in North Korea," about the starvation at the gulags. Here is another report titled "North Korea: Republic of Torture." They gave this report. And we have our own report by the Congressional Research Service, titled "North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options." So we have a number of studies. Ambassador Hill knows of these quite well.

Here on Holocaust Remembrance Day, this sounds eerily familiar—deeming this a low priority, saying that we have other more urgent needs and we should not divert resources or attention or focus to another area. And they continue to die. It seems as if we have seen this play before. It always saddens me to see this play. I don't like it.

The title for this year's Holocaust Remembrance Day is "Never Again: What You Do Matters." I think that title could not be more appropriate when we are debating the new potential Ambassador who will go to Iraq. It does matter. This has been a matter that for some length of time I have negotiated with this Ambassador—to elevate this issue in North Korea. But it hasn't taken place. And we continue to see this situation.

I guess you could say: Well, OK, we could do that. We must have gotten a great deal for letting this situation be ignored. Yet as articulated last night—actually it will be worthwhile to go through it right now.

Let's look at the deal we got from the North Koreans in the six-party talks. Let's put these guys on the side bench. We are not going to consider them right now. It is low priority.

This is what the United States got out of the six-party talks where we set aside the human rights issue—not now, even though we have a special envoy

for human rights, even though the Congress passed a bill, the North Korean Human Rights Act, after we have done all these things, but, OK, we are going to set that aside right now because we got a good deal in the six-party talks out of the North Koreans. I know they are difficult to deal with, tough negotiators, crazy, but we got a good deal this time.

What we got out of it was we obtained an incomplete declaration from North Korea which the United States was unable to verify. They gave us a declaration, and we could not verify it. It was incomplete. It was also radioactive, which is spiteful on the part of the North Koreans. The actual report was radioactive.

They imploded a cooling tower at Yongbyon—a little bit of theater, a camera shot, a photo op. It did not stop them from producing nuclear material there. It is just less safe to do it now in this spot. They are even saying now they are going to produce there.

In the last 2 weeks, they have launched a missile that flew over Japan and has a range to reach the western United States. They have captured and detained two U.S. citizens who were reporting on this situation.

They are being investigated for selling nuclear material to Iran. That is what has happened in the last 2 weeks. They pulled out of the six-party talks and kicked out U.N. inspectors. That has happened. That was the deal we got.

What did the North Korean regime get so we could set aside this sort of human rights mess there and kind of ignore that? What did they get? They got delisted as a state sponsor of terrorism. They were able to access funds they had in an international bank. Probably those were gotten funds by selling drugs or by printing U.S. currency, which they are greatly proficient at doing. They obtained key waivers of U.S. sanctions imposed after the regime's illegal nuclear detonation in 2006. So we waived those sanctions. They got off the state-sponsored terrorism list. They received tens of millions of dollars worth of U.S. energy assistance, fuel oil we gave them. That is what the Soviets used to give the North Koreans. Now the United States is giving it to North Korea. They were allowed to continue totalitarian oppression and starvation of the North Korean people and continued operation of a gulag of concentration camps for political dissidents. They were never required to release or account for all abductees or POWs or acknowledge a clandestine uranium enrichment program or their role in Syria's reactor bombed by the Israelis. That was a North Korean-designed reactor. They didn't have to say: This is what we did with that. They were able to test ballistic missile technology in violation of U.N. Security Council sanctions without any meaningful consequences.

That was the deal we got, and that was the deal North Koreans got. We called off the human rights issue, which I was pushing and a number of people here were pushing for years, holding up different things in the system saying, you have to deal with this because we don't like these pictures; we know what is going on; you have to stop it. No, we have to put all that aside; this is a great deal. It was a terrible deal.

Who was the head of all these negotiations? It turns out it is the individual we are now going to promote to the lead diplomatic post around the world for us, Ambassador Chris Hill, nominated to be our Ambassador to Iraq at the very point in time when those negotiations are moving into the most important diplomatic phase, more from the military phase to the diplomatic phase. This is the key person, this is our lead person on the ground, this is our representative to the Iraqi people whom we put in place, and this is the deal he got in his last assignment. Let's set aside those nettlesome human rights issues that always seem to pop up and get in the way.

On its face, we should not put the individual who negotiated that bad deal and ignored that terrible situation into our best and most important post around the world. We should not do that. And certainly adding insult to injury, doing it on Holocaust Remembrance Day when we have a modern equivalent—not an equivalent, that is not fair to say—we have a systematic modern killing by a government of millions of North Koreans, and that is taking place now.

One can say, I guess, there is nobody else who would take the post in Iraq. And yet CNN was reporting the story about General Zinni, a highly decorated individual of our Government, being offered the post of Ambassador to Iraq by Secretary of State Hillary Clinton, being congratulated by Vice President JOE BIDEN, and then mysteriously it is pulled back and he is not given the post. Here General Zinni, a highly qualified, knowledgeable individual of what is taking place in the region—he was certainly a skeptic on parts of the war, an individual with whom I disagreed, but he had his basis to do that—this is the individual who was initially nominated for this post or initially put forward and then suddenly is abruptly pulled out and instead they bring forward an individual who negotiated this bad deal.

Why not General Zinni? If people are so upset, as they I guess rightfully should be, that we do not have anybody in that post, why did they throw the last ambassador out so quickly before we got this one in or bring in General Zinni who doesn't have these questions and problems and doesn't have this history of a horrific failure. Why not Gen-

eral Zinni? We can move him through fast. No problem. He is knowledgeable and qualified, not this controversial background nor this ignoring of a human rights disaster in North Korea as being problematic and nettlesome and harmful to the overall debate.

Never again, as we say, never again are we going to let this sort of situation bubble up on us. Never again Rwanda. Never again a holocaust. Never again, as it happens today.

I want to go through what is happening. I have a number of points I want to cover, but let me start with this. I had a lengthy and ongoing discussion with Ambassador Hill about the human rights situation in North Korea and the problems with it. He refused to invite the Special Envoy Jay Lefkowitz to those negotiations. I talked directly with Jay Lefkowitz since that period of time. Jay said he was never invited by anybody or by Mr. Hill to the six-party talks or any associated talks. He was kept away from them.

There has been a refusal by Ambassador Hill to comply with the North Korean Human Rights Act. He refused to make use of resources at his disposal to assist in bringing out the human rights issues overall.

I want to read from the record what Ambassador Hill said. We had this ongoing negotiation. I know there is some question about what he actually committed to. I have been talking with people at the State Department for some period of time. They continue to say: No, we are not going to do human rights, but we might do something, this or that. I said: It is not good enough; it needs to be involved in the actual negotiations and is actually a key to getting the regime under control and getting it to stop doing the terrible things it is doing now if you bring up the human rights issues. When you put exterior pressure on North Korea—you have to stop the missiles, nuclear development—the leader can say to his own people: They are threatening us and we have to stand together and be protected. When you talk about human rights, this is what he is doing to his own people. It weakens the regime. They refused to bring that up.

In a hearing before the Armed Services Committee on the six-party talks and implementation activities, Ambassador Hill spoke. Senator John Warner worked with me, saying: Will you work with Ambassador Hill? Yes, if he includes the Special Envoy for human rights in these talks. If he agrees, fine, let's get it out in a public hearing and out on the record and move forward with it. This is what happened at that hearing on July 31 of last year. I was there. I asked Ambassador Hill:

... will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

That was my question in a public hearing on the record. This was choreographed ahead of time. I asked:

... will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

"All future negotiating sessions with North Korea."

Ambassador Hill: I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK: Thank you.

Those are two sentences. As a lawyer, that is pretty clear. It is "all." It says "all." We both say "all." It is not, well, OK, I meant this group, not that group of sessions. There was no parsing of words because I knew this is what would take place if I did not get a complete statement, and it was a complete statement—all future negotiating sessions. "I would be happy to invite him to all future negotiating sessions with North Korea," and that did not occur.

We received a statement from Jay Lefkowitz who was our Special Envoy to North Korea. I talked with Jay about this. Let me dig up the statement he sent back to me on the specifics of whether he was invited to any of those sessions. He said he was invited to none of them. Yet here is a statement that he will be invited to all. Jay Lefkowitz: I was invited to none.

Misleading or lying to a Member of Congress at the Senate Committee on Armed Services by the individual we now are asked to trust with the most important account that we have. He is going to be an individual who is going to come back up to this body and he is going to be asking for resources, he is going to be asking for different things for the Congress to do. This is an individual I have had some depth of experience with and I am going to question what he is asking and what he is guaranteeing then in the process, if this is the way he has dealt with me on a very specific, a very clear issue that has come forward.

A number of my colleagues have questions about his overall qualifications to go to the region in Iraq with no prior experience there, when you have an individual such as General Zinni who wants to take the post and has enormous experience in the types of things about which we are talking. I think this is lamentable.

I put in a bill last night. It calls for resanctioning North Korea with the sanctions that were lifted off this deal that was structured. This bill calls for resanctioning North Korea, putting it back on the terrorism list, not sending them more fuel oil, funds to have at their disposal from us, fuel oil to fuel their economy. I think this is appropriate for us to be discussing at this point in time since the individual who negotiated that deal is the one we are considering for this next future negotiation.

It is my hope that we can bring that bill up, that we can get some sort of vote on it. I remind individuals—and I know President Obama is very concerned about what is taking place in North Korea. He stated it, he stated very publicly that he is concerned about it. He stated it as a candidate, and he stated it as a Senator.

I want to put up a quote from Candidate Obama who was also then Senator Obama at that point in time about what he was saying about North Korea. He said this:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to re-impose sanctions that have been waived, and consider new restrictions going forward.

This is Candidate Obama, Senator Obama, now President Obama, what he stated on June 26, 2008.

What has been the performance by North Korea? I have gone through this. I think it is worth noting, but the most obvious one is a big missile test that took place less than 2 weeks ago. They are now restarting a nuclear reactor. They are being investigated for sending nuclear material to Iran. The North Koreans have arrested two U.S. citizens. That is the performance that has taken place. We go to an international body, the U.N., and they say we ought to put sanctions on them. I am saying we ought to put our own sanctions back on based on what our President said, as a candidate at that time.

In deference to several of my colleagues, I have much more to say, but I will allow others to speak, and then I will come back later in the day to speak further.

With that, at this point in time, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise to speak on behalf of Ambassador Hill. First of all, I wish to commend my colleagues. Yesterday, by a vote of 73 to 17 the Senate confirmed the nomination of Ambassador Chris Hill to serve as our Ambassador to Iraq, and I cast a vote for him. I did not get the chance yesterday to speak prior to the vote, so I wished to take a couple minutes today because I think this is an important issue. It's not just about Chris Hill but also about how we conduct diplomacy and about a professional, an individual who has served in administrations, regardless of politics or party, but as a professional. It is extremely important, in my view, that we have a cadre of professional people in our diplomatic corps who can serve both Democratic and Republican administrations with dignity, with professionalism, with brilliance in this case, and that we recognize them. That will necessitate from time to time that there will be a change in policies, but

having individuals who are able to accommodate those changes and serve the interests of our country in a highly professional capacity is something to be celebrated, in my view, and something we need more of, not less. My support for Chris Hill's nomination is not to suggest that I necessarily agreed with every decision he made when he served at the discretion of Condoleezza Rice and President Bush but because he did so professionally and with great capacity. That willingness is something I believe we need to celebrate, as I said a moment ago, more often.

Chris Hill is one of America's most accomplished Ambassadors and diplomats. He has served as Ambassador of our country to Macedonia, to Poland, and South Korea, as Special Envoy to Kosovo, and as a key negotiator of the 1995 Dayton Accords. He has been the Assistant Secretary of State for East Asia, and the Special Envoy to the six-party talks on North Korea's nuclear program.

His experience, tremendous professionalism and discipline, and his very keen analytical skills have made Ambassador Hill uniquely qualified, I believe, to serve as Ambassador to Iraq. It is high time the Senate confirmed him. This has gone on too long, given the importance of that Nation and the very precarious situation Iraq is in as it transitions from a nation at war with itself to the political stability we all hope will be achieved.

The purpose of the surge in Iraq was to create the breathing space for the Iraqis to engage in political reconciliation and the political processes that would enable the Government to address the needs of its people and to rely less on American Security forces while doing so. The reduction in violence is a very positive sign and one that all of us welcome. But we must ask ourselves some critical questions as well: Have the fundamentals in Iraq changed? Is this reduction in violence organic or temporary? Is it sustainable? Have the fundamental roadblocks to political reconciliation been removed? How real is that progress? How fragile is it? Given the answers to these questions, what strategy should the United States employ in Iraq?

I believe we made the correct decision yesterday by a vote of 73 to 17 that Ambassador Hill is the right person to analyze these questions. He has a wealth of experience in very difficult places around the globe. While he lacks the so-called direct experience in this part of the world, the skill sets he brings to this are absolutely essential, in my view, to navigate these very difficult issues I have raised. So we need to recognize that.

I also believe he is the right individual because he has demonstrated a solid grasp of the complex Iraqi reality, as well as a commitment to working toward reconciliation in Iraq

and helping build an inclusive and responsive government that meets the needs of its people, while allowing American forces to quickly withdraw in the most responsible way possible.

I am confident Ambassador Hill can accomplish this extraordinarily difficult and complex mission because he has demonstrated his ability to do so time and time again. Most recently, with the full confidence of the former President and Secretary of State, Ambassador Hill coordinated difficult and highly sensitive multilateral negotiations over North Korea's nuclear program.

For people who supported President Bush's policy regarding North Korea to raise objections to Ambassador Hill's embrace and faithful execution of that policy is somewhat illogical. Similarly, it is unfair and dangerous for us to sit here and second-guess every split-second decision our Ambassadors around the world have to make, often in extremely difficult and rapidly changing circumstances, when those decisions are consistent with the guidance of the Secretary of State and the President, as they were in the previous administration. On one such occasion, in fact, in his negotiations on North Korea, then-Secretary of State Condoleezza Rice approved of Chris Hill's quick thinking and adaptability, and she was highly critical of his Chinese negotiating partners for complicating an already tenuous situation.

The American people need our Ambassadors to carry out administration policy at the direction of the President and the Secretary of State and to think quickly on their feet when unexpected circumstances arise. Chris Hill has demonstrated the ability time and time and time again to make those kinds of decisions that advance our interests as a nation through the diplomatic process. To do otherwise would be irresponsible.

Moreover, I am concerned about the complaints that Ambassador Hill did not press hard enough against North Korea on its deplorable human rights record. North Korea's human rights practices are horrific. We all know it. I know of no one, including Ambassador Hill, who thinks otherwise. But to claim Ambassador Hill somehow failed to faithfully and energetically carry out the human rights policies of President Bush and Secretary of State Rice, I think, is wrong. It is not just unfair to him and unfair to the former President and Secretary of State, it is a naive oversimplification of a highly complex matter, particularly when the reduction of a nuclear threat was the primary objective of those efforts.

Ambassador Hill, has earned the support of the chairman and ranking member of the Senate Committee on Foreign Relations, Generals Petraeus and Odierno, and the last three U.S. Ambassadors to Iraq. Ambassador Hill

has testified before the Foreign Relations Committee and has answered all our questions on that committee, and I believe it is time we stopped delaying and send this Ambassador to Baghdad, where he is needed to carry out the critical missions of our Nation and advance the interests of our Nation. I know I am not alone in my belief that we are lucky to have such a talented and dedicated public servant to take on this daunting task, and I would urge my colleagues to support his nomination.

I referred earlier to the vote yesterday. That vote was on a cloture motion to go to Ambassador Chris Hill's nomination. When I said it was a vote on his nomination—that vote of 73 to 17—it was a vote that allows us to get to the vote on the nomination. I was confusing the cloture motion with the vote to come on his nomination, which will occur at some point in the next day or two. Again, I urge my colleagues to be as supportive in the nomination as they were on the cloture motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EARTH DAY

Mr. ALEXANDER. Madam President, tomorrow is Earth Day, and it is a good day to save our mountaintops. I live in east Tennessee, near the edge of the Great Smoky Mountains National Park. Millions of Americans visit us every year because of the natural beauty of our landscape. They do not come to Tennessee to see the smog, they do not come to Tennessee to see creeks polluted by mountaintop mining, and they don't come to Tennessee to see ridgetop wind turbines that are three times as tall as our University of Tennessee football stadium, which, with their transmission lines, would create a junkyard in the sky.

The American landscape is a part of our environment. It is essential to the American character. From John Muir and Theodore Roosevelt to Lady Bird Johnson, generations of Americans have worked to protect the landscape. Some of the same groups that have worked hardest to protect the landscape are neglecting it in pursuit of remedies for climate change.

I am working with three Democratic Members of Congress to try to protect the American landscape. The first is Senator TOM CARPER of Delaware. He and I are introducing legislation to put stiffer controls on sulfur, nitrogen, and mercury emissions from coal plants. We have the technology to make the air cleaner, and we should be using it. There is no need to delay dealing with sulfur, nitrogen, and mercury while we figure out what to do about carbon.

Secondly, Senator CARDIN of Maryland and I have introduced legislation to ban the practice of blowing off the tops of mountains and dumping the waste in streams to mine coal. Coal is

essential to our energy future. I hope we will reserve a Nobel Prize for the scientist who finds a way to deal with the carbon from existing coal plants. But we will create many more jobs by saving our mountaintops to attract tourists than we will by blowing them up to find coal, especially because our State produces less than 2 percent of the Nation's coal.

Finally, Representative HEATH SHULER of North Carolina and I hosted a forum in Knoxville highlighting the Tennessee Valley Authority and their choices for renewable energy. Conservation and nuclear power are realistic options for clean electricity for our region, and we should move ahead aggressively with both. But solar power, for the longer term; underwater river turbines in the Mississippi River; biomass, such as wood chips; and methane from landfills are all good choices for renewable electricity as well.

On the other hand, the idea of polluting our landscape with 500-foot wind turbines and their transmission towers is preposterous. It makes no sense to destroy the environment in the name of saving the environment, especially since the wind only blows about 18 percent of the time at TVA's one wind farm. And much of that is at night, when TVA already has thousands of unused megawatts of electricity that we could be using. TVA should take the \$60 million it is spending to buy about 5 megawatts of unreliable wind power and instead buy 10 compact fluorescent light bulbs for every TVA household, which, if used, would save about 920 megawatts of reliable power—the equivalent of an entire nuclear plant.

Senator CARPER and I will host a roundtable this Thursday in the Capitol on our legislation to establish stiff standards for sulfur, nitrogen, and mercury. The Tennessee Valley Authority needs to go ahead and put sulfur, nitrogen, and mercury controls on all its large coal plants that it intends to keep open. But TVA actions alone will not be enough to give us clean air in the Great Smoky Mountains and in Tennessee. We need strong national standards, such as those in our legislation because so much of our dirty air blows in from coal powerplants in other States.

During each of the 2-year Congresses in which I have been a Senator, I have introduced legislation to curb pollutants from coal plants, including carbon. Tomorrow is Earth Day and a good day to save our mountaintops. The way we should do that is to have stiffer controls for cleaner air, to ban mountaintop removal for coal mining, and to stop the practice of wasting ratepayer dollars for ridgetop wind turbines that destroy the landscape, which is also an essential part of the American environment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I thank the Chair.

(The remarks of Mr. CASEY pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, in late February, President Obama made an announcement to thousands of marines in Camp Lejeune about bringing an end to the war in Iraq. After only 5 weeks in office, this President delivered on what I consider to be one of his most important campaign promises—to end this war once and for all.

But amidst this historic position and with this change that is looming, the Senate unfortunately has delayed the confirmation of the United States Ambassador to Iraq. We have gone almost 2 months without an ambassador in Iraq. With more than 140,000 American military personnel literally risking their lives in that country, the Senate has refused to fill this vacancy and to send our highest ranking civil official to Iraq to work with our military for a peaceful conclusion to this war. It is unforgivable. It is inexcusable. It is a fact.

Ambassador Hill, Christopher Hill, the man who has been nominated for this position, is a highly accomplished career diplomat. This is not a man who comes to this job without experience. He has served America for over three decades in some of the world's most difficult and challenging situations. Here is what President Obama said in nominating Christopher Hill to be our Ambassador:

From his time in the Peace Corps to his work in Kosovo and Korea, Ambassador Hill has been tested, and he has shown the pragmatism and the skill that we need right now.

In the former Yugoslavia, Ambassador Hill was at the center of negotiations for the Bosnia peace settlement. He was the first United States Ambassador to Macedonia, where he helped to build the basic institutions of democratic governance and civil society. As our Ambassador to South Korea, Christopher Hill worked with Korean officials and U.S. military leaders to develop and implement the most significant realignment of military posture in the region since the Korean war of the 1950s.

Most recently, as Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador Christopher Hill worked with China, South Korea,

Russia, and other nations to advance negotiations with North Korea over its nuclear program.

Some have argued on the floor that Ambassador Hill did not adequately press the North Korean Government on its deplorable human rights record. But, in truth, Hill did address the North Korean human rights record, but he did so while following the President's request to keep denuclearization of the Korean peninsula at the forefront of his agenda.

President Obama's plan to remove 140,000 troops from Iraq, including all combat forces by next summer, is a challenge. It is a challenge not only for our military but also on the diplomatic front. We will be working with the Iraqi Government throughout this transition to make certain we do everything in our power to have a meaningful handover of authority and a stable Iraq left behind. We are going to have 35- to 50,000 transitional forces that will remain to train and advise Iraqi security forces, to conduct counterterrorism operations, and to protect American civilian and military personnel. Those transitional forces are scheduled to leave by the end of 2012. Is there anyone who believes we can accomplish this without having our best and brightest on the ground in Iraq? Is there any parent or spouse, relative, or friend of a service man or woman now risking their life in Iraq who does not believe we should have an ambassador on the ground? How can we explain to these soldiers that for 2 months, while Congress sits here wringing its hands, we have not sent an ambassador to Iraq?

Yesterday, we were forced to have a cloture vote. A cloture vote basically says: Stop talking, Senators, and get down to business. Make a decision once in a while.

Do you know what the vote was yesterday? It was 73 to 17. That means that not only the 57 Democrats who are here but at least 16 of the Republicans joined us and said: Let's get this moving.

How do we find ourselves in this position where the President wants to send the most important civil representative of our Government to a nation where American soldiers' lives are at risk and the Senate wrings its hands and says: Well, maybe we ought to wait a few days; maybe we ought to wait a few weeks; maybe we ought to let this sit over the Easter recess while we eat our Peeps and jellybeans. I do not buy that. This is a critical decision for America's security interests. Sending a diplomat of the skill of Christopher Hill is absolutely essential to protect America's interests, to protect the interests of servicemen, to make certain we have an ongoing relationship with the Iraqis, so that our service men and women can come home safely and Iraq will be stable and safe itself afterward.

There is no reason to delay this 1 minute more. We should vote on Christopher Hill's nomination immediately. Why are we denying this? Why are we delaying this when 73 Senators yesterday said: Do it. That is enough. There are enough Senators to get this job done.

President Obama stated a clear goal here: ending our combat mission in Iraq by August 31, 2010. When the combat mission ends, the United States will still leave behind in Iraq the largest American Embassy in the world, where we will maintain a diplomatic mission to help a country still struggling to build stability and democracy. Is there anyone who questions whether we need an ambassador to be in that Embassy? Shouldn't that person have been there weeks ago instead of being delayed by the other side in the Senate?

I do not deny to any Senator the right to speak, express their concerns or reservations about any appointment. I do not deny to any committee of this Senate the opportunity to have a hearing, which Ambassador Hill did have. All of that happened in the regular order. At the end of the day yesterday, 73 Democratic and Republican Senators said: Get on with it. Still, we languish over this nomination at this very moment. The military leaders, American military leaders of Iraq, have been begging this Senate to do its job and send an ambassador who can complement the fine work of General Odierno in Iraq. We continue to delay.

The President's plan for Iraq is measured and thoughtful and will bring a resolution to this war. It sends a message to the Iraqi political leadership that they have to take responsibility for their own future. It takes into consideration the concerns and recommendations of the senior military leaders regarding the time for the drawdown and the manner in which it will be implemented. It frees resources for the real battle against al-Qaida in Afghanistan, which was the source of the 9/11 attacks. It includes comprehensive diplomatic engagement with all of the countries of the region not only on the future of Iraq but on other important regional challenges. It begins to put an end to the extraordinary cost to America and American families in terms of lives and dollars that the Iraqi war has entailed.

Our military men and women have served heroically in Iraq. I have been there to visit them. I have been several times in my home State to see our Guard units take off and join the conflict. I have been there to welcome them home, attended the funerals. We could not ask for anything more. They have given us so much, and they continue to do so as we meet in the safety of the Senate Chamber here in the Capitol. More than 4,200 Americans have been killed, 165 from my home State of

Illinois. When the war started, I said I would write a note to the families who lost soldiers from my State. Little did I dream that years later I would still be signing those notes, as I did yesterday. Thousands have suffered serious physical and psychological injuries. That is the real cost of this war. Civilian experts in and out of the Government have also served with distinction and paid with their lives. Thousands of innocent Iraqis have died. I have seen firsthand the dangerously hard work our soldiers face.

We owe them gratitude and admiration, but we also owe them our best efforts to make certain we bring this war in Iraq to an end in the best possible way. President Obama has the strategy, but to implement this strategy we need an experienced ambassador in Iraq without any further delay.

I wonder what would have happened under the previous administration if the Democrats had held up a key appointment of an ambassador to Iraq in the midst of a war. Well, I can tell you what would have happened: The right-wing radio would have gone crazy, talking about endangering American servicemen by not filling this critical position. We would have speeches on the floor about shirking our responsibility and that we cannot go home for a break until we send a full complement of our best and brightest to represent America in Iraq. I can almost predict that would have happened if we had been so shortsighted under the previous administration as to hold back a career diplomat such as Christopher Hill.

Well, it has happened here, and it is happened for too long. It is unforgivable. It is inexcusable. Members have had plenty of time to give their speeches, to express their concerns, even to vote no, which is their right to do if they believe this man is not the right person for the job. But it is time for us to get on with this important mission. We owe it to those men and women who are risking their lives in Iraq. We owe it to all who have served there and to the American people who have sustained this war, as expensive as it has been in terms of life and costs. It is time for us to stop wasting time. It is time for us to fill this position and send Christopher Hill to be the U.S. Ambassador to Iraq.

Mr. DURBIN. Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I trust we are not in a quorum call.

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business and that Senator BROWNBACK be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Chris Hill nomination to be Ambassador to Iraq. I am opposed to that nomination. A number of issues have been raised on this nomination I want to talk about to try to put some factual setting associated with that.

First, though, I wish to have printed in the RECORD at the end of my statement a Jerusalem Post online edition article dated yesterday that I read extensively from in my first presentation regarding the 65th anniversary of the escape from Auschwitz. I ask unanimous consent to have that article printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. I want to note for my colleagues, I read extensively from this article and did not cite that during my initial presentation. I want to make sure they know this came from that reporter and that we were putting that in.

Second, there has been a lot of discussion here about: OK, we have to get this person confirmed. We have to get him out, and it is a terrible shame it has not taken place to date.

I agree we need an ambassador to Iraq. There is no question about that. I appreciate my colleagues' concern about getting an ambassador to Iraq. I would note, there is one who does not have the controversy this one has who was offered the post initially, who accepted it, and then somehow this was mysteriously withdrawn. So there was a person we could have gone forward with, who had accepted it, and for some reason it was pulled back.

Yesterday, CNN was talking to General Zinni, retired General Zinni, and I wish to quote from this report from yesterday.

Zinni told CNN Monday he hasn't been given any explanation about why the offer he got in January for the post—

This is U.S. Ambassador to Iraq—which he accepted was abruptly taken back. Zinni confirmed in an e-mail that he was

asked to take the job by Secretary of State Hillary Clinton, and even congratulated by Vice President JOE BIDEN, but then the offer was revoked and extended to Hill, a development Zinni says he heard on the news. Zinni is a retired four-star Marine general and former head of Central Command. Like President Barack Obama, he was an early critic of the Iraqi war.

He would seem like a likely—logical, actually—pick for our Ambassador to Iraq, putting forward somebody whom I could have seen supporting. He is knowledgeable of the region and not with a history of deception toward this body or of problems dealing with human rights issues.

To my colleagues who put forward: We have to get this done, it is a terrible tragedy you are holding this up, well, why didn't you nominate somebody such as Retired General Zinni, or why did you pick him and then pull him back? That might be a more interesting note to find out. It would be interesting to me, anyway and, I would hope, to a number of other people.

The reason I have trouble with this nominee is because of this nominee's past performance, lack of concern on human rights, and then we are giving him this great, huge assignment for the United States, and I don't agree with that.

Mr. President, I ask unanimous consent that this be printed in the RECORD at the end of my statement as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BROWNBACK. Thank you very much, Mr. President.

There has also been a charge that Ambassador Hill simply didn't raise the human rights issues because the Bush administration wouldn't let him do this and that you needed to look up the ladder, not at Ambassador Hill on this. I can tell my colleagues from my personal conversations with President Bush, he was deeply concerned about human rights. He loathed Kim Jong-Il because of the human rights issues more than any other. Those were his statements. I personally had two direct conversations at length with the President about this.

The idea that somehow Chris Hill couldn't do this because the President and his apparatus wouldn't agree to it raises some major questions about that charge because it certainly wasn't the President who was saying anything such as that. I think that one is patently false on its face.

There is also this unfortunate history that Chris Hill has of diminishing and playing down human rights issues. There are human rights issues in Iraq as well, and there are going to be as we go forward in that region. To have somebody who consistently has played these down, ignored them, papered them over, that raises real questions to me.

To support that, I wish to put forward as well some thoughts from oth-

ers of my colleagues who are concerned about human rights. I have cited my own discussion with him. I have cited previously, but I think this bears putting forward to my colleagues again, Jay Lefkowitz was our North Korean Human Rights Special Envoy, who was appointed pursuant to the North Korean Human Rights Act that this body passed and the President signed, and Jay Lefkowitz wrote to me:

At no point during my tenure as special envoy for human rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any six party talks; any, none, not at all. Jay.

This is after Chris Hill had stated in open testimony before the Senate Armed Services Committee, when I was asking him:

Will you state that the special envoy will be invited to all future negotiating sessions with North Korea?

Ambassador Hill responds:

I would be happy to invite him to all future negotiating sessions with North Korea.

This is on the Record. This is Jay Lefkowitz' statement afterward.

I ask unanimous consent that both of those be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. BROWNBACK. Mr. President, a number of my colleagues will know Congressman FRANK WOLF from the House side as a wonderful human rights advocate and has been for a number of years. He is deeply concerned about human rights issues overall. He has worked these issues for a long period of time. He is a fabulous man on these topics. He wrote Ambassador Hill on February 5, 2009, this to Ambassador Hill on his nomination to go into Iraq:

While I do not question your qualifications as a diplomat, I must be frank in telling you that I was often disappointed in your approach to diplomacy with North Korea; specifically, your marginalization and oftentimes seeming utter neglect of human rights.

In a Washington Post piece Michael Gerson described your shaping of America's North Korea policy in this way—

Now, Michael Gerson was on the inside of the Bush White House and cites to Ambassador Hill as shaping United States-North Korea policy, and Michael Gerson writes this:

Hill has been a tireless advocate of preemptive diplomatic concessions—

preemptive diplomatic concessions—and the exclusion of human rights issues from reports and negotiations.

That is the end of the quote from Gerson.

It is difficult to know how much the policy you were pursuing simply reflected the President and the Secretary's aims or whether you were in fact the chief architect and advocate of this approach. Regardless, while Iraq and North Korea are obviously two very different countries, it gives me pause as I

consider the human rights challenges confronting Iraq's ethno-religious minorities who are increasingly under siege.

This is taking place in Iraq today. We have all these human rights abuses that are boiling in Iraq today, and now we want to send a guy who has a highly questionable record on human rights in his last assignment.

FRANK WOLF goes on:

More than 500,000 Christians, or roughly 50 percent, have fled Iraq since 2003. Even though Christians make up only 3 percent of the country's population, according to the U.N. High Commission for Refugees, they comprise nearly half of all refugees leaving Iraq. As Iraq has continued to stabilize, these minority populations, including the aging Christian community—some of whom still speak Aramaic—is dwindling and increasingly vulnerable to marginalization and increasing attacks, of the sort we witnessed in Mosul this past fall.

This is from Congressman FRANK WOLF.

We have a history of bad human rights in dealing with North Korea and we have a bubbling problem, a current problem in Iraq, and we send Chris Hill who has had big difficulty in dealing with it.

I ask unanimous consent to have this printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. BROWNBACK. Finally, in this tranche, there was a letter sent—this is on January 28 of 2005 and it was to the Permanent Representative of the Democratic People's Republic of Korea to the U.N., our contact point with North Korea diplomatically. It was addressed to Ambassador Pak. It states:

This letter is to inform you and your government of the distress with which the undersigned Members of the Illinois Congressional Delegation received the finding from the Seoul Central District Prosecutor's Office on December 14, 2004 that South Korean citizen and U.S. permanent resident Reverend Kim Dong-Shik had been abducted by agents of your government in northeast China in January of 2000 and taken forcibly into North Korea. Your government regretably has, by its own admission, been involved in the abduction of a number of Japanese citizens as well as an even greater number of South Korean citizens.

Reverend Kim Dong-Shik, as you may be aware, is the spouse of Mrs. Young Hwa Kim of Chicago, Illinois, and is the parent of U.S. citizens, one of whom is currently residing in Skokie, Illinois. Citizens from a Korean-American church in the Chicago area have also raised this matter as an issue of grave concern and requested congressional assistance in ascertaining the facts behind the disappearance and current whereabouts of Reverend Kim. In pursuant of these issues, Mrs. Kim and a delegation from Illinois will be visiting Capitol Hill in the near future.

The successful resolution of this case, therefore, is of critical importance to us—

This is the Illinois delegation—

both because of the constituent interest involved as well as because it is a case involving the most fundamental of human rights.

Reverend Kim, in his selfless efforts to assist refugees escaping in an underground network to third countries, brings to mind two great heroes held in high esteem in the United States. The first is Ms. Harriet Tubman, who established an underground railroad allowing for the escape from slavery of those held in bondage before President Lincoln issued the emancipation proclamation, the second is the Swedish diplomat Raoul Wallenberg who, during the dark days of the world conflict against fascism in the Second World War, rescued Jewish refugees trapped in Hungary. We view Reverend Kim Dong-Shik as also being a hero who assisted with the escape of the powerless and forgotten.

We, therefore, wish to inform the Government of the Democratic People's Republic of Korea that we will not support the removal of your government from the State Department's list of State sponsors of terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of Reverend Kim Dong-Shik following his abduction into North Korea five years ago.

This is signed by U.S. Senators RICHARD J. DURBIN and Barack Obama. They signed this letter to our permanent representative, the permanent representative of North Korea to the U.N. on January 28 of 2005.

Well, those sanctions are now lifted. The guy who pushed for the lifting of them is now being pushed to be the Ambassador to Iraq, and Rev. Kim Dong-Shik—it is still not known where he is. He is still somewhere abducted, hopefully alive—we don't know—in North Korea.

I ask unanimous consent that this letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. BROWNBACK. When people say this is being held up and it is irresponsible and you shouldn't do this, I am just quoting a number of Members of Congress. I am just quoting the President. I am just pointing to a human rights situation that our Ambassador to Iraq will go into, and saying, isn't this reason enough to go with somebody such as General Zinni instead of Ambassador Hill in this situation?

Also, we haven't been able to get information from the State Department. I had asked for the instructions they had given to Ambassador Hill. He had stated in committee testimony here that at one point in time he called it "inaudible" in the negotiations, and in that "inaudible" he made a change. We wanted to find out what State Department instructions were to him, or what they were to him on human rights issues, and that hasn't been received by my office. We haven't been able to get those back.

A number of my colleagues don't remember, or they don't cite to the period of time that Ambassador Hill was working on the Korean desk, but they do cite to what he did in Bosnia and say, OK, he was a successful diplomat, he did this; North Korea is tough, we

are going to ignore that; and now let's put him in Iraq. Well, there are some real questionable records of what he did in the situation in the Balkans and in Bosnia. Here I have an article, dated March 22, of this year. I think it is very interesting and quite troubling. This is about one of the people who is charged with war crimes and his dealings with Ambassador Hill. I am going to quote from this article and enter it into the RECORD.

Every time Radovan Karadzic, the onetime Bosnian Serb leader, appears in court on war crimes charges, he has hammered on one recurring claim: a senior American official pledged that he would never be standing there being charged with war crimes.

The official, Richard C. Holbrooke, now a special envoy on Afghanistan and Pakistan for the Obama administration, has repeatedly denied promising Mr. Karadzic immunity from prosecution in exchange for abandoning power after the Bosnian war.

But the rumor persists, and different versions that recently emerged that line up with Mr. Karadzic's assertion, including a new historical study published by Purdue University in Indiana.

Charles W. Ingrao, the study's co-editor, said that three senior State Department officials, one of them retired, and several other people with knowledge of Mr. Holbrooke's activities, told him that Mr. Holbrooke assured Mr. Karadzic in July 1996 that he would not be pursued by the international war crimes tribunal in The Hague if he left politics.

Mr. Karadzic had already been charged by the tribunal with genocide and other crimes against civilians.

Now, you say, OK, that is charging Mr. Holbrooke, but let's see what the report writers go on to say about this.

The Purdue University study, "Confronting the Yugoslav Controversies: A Scholars' Initiative", instructed his principal assistant, Christopher Hill, to draft the memorandum to be signed by Karadzic, committing him to give up power—

in exchange for not being charged with war crimes.

The author of the study said Mr. Holbrooke used Slobodan Milosevic, the then Serbian leader, and other Serbian officials as intermediaries to convey the promise of immunity and to reach the deal with Mr. Karadzic. "The agreement almost came to grief when Holbrooke vigorously refused Karadzic's demand, and Hill's appeal, that he affix his signature to it," the study says, citing unidentified State Department sources.

Chris Hill's name again.

The study, the product of 8 years of research by historians, jurists, and social scientists from all sides of the conflict, was an effort to reconcile disparate views of the wars that tore the former Yugoslavia apart in the 1990s, Mr. Ingrao said.

The former official said Mr. Karadzic wanted written assurance that he would not be pursued for war crimes and refused to sign without them.

"Holbrooke told the Serbs, 'You can give him my word he won't be pursued,'

but Holbrooke refused to sign anything," the official said. Mr. Holbrooke could make that promise because he knew that American and other western militaries in Bosnia were not then making arrests, the official said.

Neither Mr. Hill nor Mr. Goldberg responded to requests for interviews for this article.

Here is another insertion of Mr. Hill on a huge problem with human rights. This one in the Yugoslav, the Balkans theater. There it is again—North Korea, the Balkans, and we have a brewing situation taking place in Iraq, and we are going to send him there.

I ask unanimous consent that this article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. BROWNBACK. Mr. President, I am doing that so my colleagues and others who study this can look at the factual studies we have in examining what is taking place here.

A number of my colleagues say the North Korean situation is not relevant to the debate we are in today. I don't know why it is not. When we run for office, people go look at our backgrounds and say what did they do in their past job to see if we ought to elect them for this one. People don't kind of walk into the Senate. There is an examination process that the public goes through. I don't know why we would not want to examine somebody to see their track record.

Some have suggested that the human rights issue kind of popped up in North Korea, and that we learned at the last minute, so that Chris Hill had to deal with this at a quick point so he should have had set it aside to get the full deal.

This is a February 4, 2004 article on washingtonpost.com. This is written by Anne Apolebaum. The title is "Auschwitz Under Our Noses."

As I stated, it is Holocaust Remembrance Day today. This article talks about North Korea and what is taking place there in 2004. So this didn't just pop up. There had been a documentary put forward by the BBC describing the atrocities in North Korea. I will read one section that is incredible. It says this:

Look, for example, at the international reaction to a documentary, aired last Sunday night on the BBC. It described atrocities committed in the concentration camps of contemporary North Korea, where, it was alleged, chemical weapons are tested on prisoners. Central to the film was the testimony of Kwon Hyuk, a former administrator at a North Korean camp.

This is what the administrator said:

I witnessed a whole family being tested on suffocating gas and dying in the gas chamber.

He witnessed that.

He said:

The parents, son, and a daughter. The parents were vomiting and dying, but till the

very last moment they tried to save the kids by doing mouth-to-mouth breathing.

The article goes on:

The documentary also included testimony from a former prisoner, who says she saw 50 women die after being deliberately fed poison. And it included documents smuggled out of the country that seemed to sentence a prisoner to a camp "for the purpose of human experimentation."

The author writes this at the end, and this is the whole point of this:

Later—in 10 years, or in 60—it will surely turn out that quite a lot was known in 2004 about the camps of North Korea. It will turn out that information collected by various human rights groups, South Korean churches, oddball journalists, and spies added up to a damning and largely accurate picture of an evil regime. It will also turn out that there were things that could have been done, approaches the South Korean government might have made, diplomatic channels the U.S. Government might have opened, pressure the Chinese might have applied.

Historians in Asia, Europe, and here will finger various institutions, just as we do now, and demand they justify their past actions. And no one will be able to understand how it was possible that we knew of the existence of the gas chambers but failed to act.

That is what I am asking. My goodness. This has been going on, and I tried to push Chris Hill about it for years and nothing happened, and I got an agreement in open testimony in a hearing, and nothing happened after that. But now let's move him to Iraq and give him that account.

I ask unanimous consent this article be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 8.)

Mr. KERRY. Will the Senator yield for a procedural question?

Mr. BROWNBACK. Yes.

Mr. KERRY. I ask my colleague, if he has a moment, to see whether we can set a time for the vote with respect to this issue.

Mr. BROWNBACK. If I may respond through the Chair, I have contacted colleagues. We are still confirming at what time they can speak. Several colleagues want to speak. We are working on that right now.

Mr. KERRY. Does the Senator have a sense of when we could try to come to some arrangement? A lot of Senators on both sides of the aisle are trying to arrange schedules, and the majority leader is trying to deal with the question of the legislative schedule. If we can get a sense of that—I know the Senator is trying to get at it. I think if we could pin this down, that would be helpful. If he could give me a sense of how many Senators, when, and if we will lock in their times and then lock in a vote.

Mr. BROWNBACK. I am contacting colleagues now. We don't have that officially tied down yet so that I can respond at this time. I appreciate my colleague from Massachusetts saying

that, as I understand, there will be a hearing on North Korean—not necessarily on the atrocities, although I hope it will be covered, but also on possible sanctions on North Korea. I appreciate that is being worked on to address some of these concerns. I will be raising, as well—while my colleague is here—that we not put in a supplemental bill support for the North Korean regime that is beyond humanitarian aid, particularly as these things are surfacing now. I realize that is not the Senator's committee, but I want to make my colleagues, who know the situation well, aware of these points that I will be raising.

Mr. KERRY. Let me say that every one of us shares the outrage at the type of government and the way in which the people of North Korea are oppressed. I commend the Senator from Kansas for calling the country's attention and the world's attention and the Senate's at this moment to it. We will have a hearing on May 6. It will be a comprehensive hearing on North Korea. It will involve all of the issues with respect to North Korea. We welcome that. That is an appropriate role for us.

But it is also appropriate for us to try to get this nominee a time certain. He would like to leave for Iraq tomorrow. So we wish, if we can, to have a sense of the timing on the vote. If we can get an agreement here, maybe I could—how many Senators are planning to speak on the Senator's side of the aisle?

Mr. BROWNBACK. Mr. President, we have three who are lined up to speak. There are Senators MCCAIN and KYL, who have scheduling issues later in the day. That is what I am trying to get firmed up. I am not trying to delay my colleagues.

Mr. KERRY. I understood that Senator MCCAIN was going to try to speak at 3:30, which is about 35 minutes from now. We are prepared not to have any further speakers on our side.

I will propound a request. I ask unanimous consent that we allow the Senator from Kansas to control the time, but for, say, 10 minutes between now and the hour of 5 o'clock, and that the vote be at 5 o'clock. I ask for an order to that effect.

Mr. BROWNBACK. Mr. President, I have to object at this time. I simply don't know when Senator KYL can speak, and he desires to speak. Until I can determine that, I cannot agree for others of my colleagues.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. I respect that, but I also know how the Senate works; I have 26 years here. I will come back. I have a meeting going on now, but I will be back in about 20 minutes. I hope we can find Senator KYL between now and then, pin down the time for him, and get an agreement. I think it is important for the Senate to get its business

done. Is that agreeable to the Senator from Kansas?

Mr. BROWNBAC. If we can locate him and if there are not others.

Mr. KERRY. If we cannot contact a member of the Senate who is in the leadership—surely we can find one of the leaders of the Senate in 20 minutes.

Mr. BROWNBAC. I have said what I know.

Mr. KERRY. I will be back at a quarter after, and I hope we can propound an agreement at that time. I thank the Senator for the interruption.

Mr. BROWNBAC. Mr. President, I want to speak about another issue, because this caught a lot of what is involved here. This is a 2004 article called "An Auschwitz in Korea." I had hoped my colleague could stay and hear this, but he has to leave.

This is to the point raised by a number of people that this was kind of quick and the problem with human rights was not known as an issue in North Korea, and that we don't know about it. Chris Hill steps in and he has to make the call that we are not going to pursue human rights, but we are going to go completely after the nuclear issue.

This article is by Jeff Jacoby from the Boston Globe. He puts it so well, because it is to the point we have here. He writes this:

Does "never again" simply mean "never again will Germans kill Jews in Europe between 1939 and 1945?"

Is that what "never again" means? Obviously, that is not the case. We are not going to let this sort of thing happen again on Holocaust Remembrance Day.

That brings us to North Korea. In 2004, this author writes this. This was in the press:

It is not exactly news that the Communist regime of Kim Jong Il has sent millions of North Koreans to early graves. Estimates back to 1998 were that as many as 800,000 people were dying in North Korea each year from starvation and malnutrition caused by Kim's ruthless and irrational policies. World Vision, a Christian relief organization, calculated that 1 million to 2 million North Koreans had been killed by "a full-scale famine" largely of Pyongyang's creation.

They created the famine and people die off who don't support the regime. We have heard about that system before, and some of the purges that took place in the Soviet Union.

The article also says:

Nor is it breaking news that North Korea operates a vicious prison gulag—"not unlike the worst labor camps built by Mao and Stalin in the last century," as NBC News reported more than a year ago. Some 200,000 men, women, and children are held in these slave-labor camps; hundreds of thousands of others have perished in them over the years. Some of the camps are so hellish that 20 percent or more of their prisoners die from torture and abuse each year. The dead can be of any age: North Korea's longstanding policy is to imprison not only those accused of such "crimes" as practicing Christianity [one of

the major crimes] or complaining about North Korean life, but their entire families, including grandparents and grandchildren. The policy there is if one member of the family complains, 3 generations are taken. This is the way they then operate these prison camps.

I want to show a picture of one of the prison camps that looks organized along the lines that Auschwitz was organized. This is taken by Google Earth. They are organized like the Auschwitz ones. The difference here is that they group you by families, so they have taken three generations when one is opposed. They organize this and it is a death camp. Kwon Hyuk was quoted, saying:

I witnessed a whole family being tested on suffocating gas and dying in the gas chamber.

The article says:

The speaker is Kwon Hyuk, a former North Korean intelligence agent and a one-time administrator at Camp 22, the country's largest concentration camp.

We have a picture of camp 22. I will show you what he is talking about here. It is the largest camp. The testimony was heard on a television documentary that aired on BBC, which I mentioned.

Here we have a situation—this writer is writing—of "Gas chambers. Poisoned food. Torture. The murder of whole families. Massive death tolls. How much more do we need to know about North Korea's crimes before we act to stop them? How many more victims will be fed into the gas chambers before we cry out, 'never again!'"—and we mean it?"

Mr. President, I ask unanimous consent to have printed in the RECORD this article titled "An Auschwitz in Korea."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From boston.com, Feb. 8, 2004]

AN AUSCHWITZ IN KOREA

(By Jeff Jacoby)

TWO WORDS—"never again"—sum up the most important lesson that civilized men and women were supposed to have learned from the 20th century. It is forbidden to keep silent, forbidden to look the other way, when tyrants embark on genocide and slaughter—if Auschwitz and Kolyma and the Cambodian killing fields taught us nothing else, they taught us that.

Or so, at any rate, we like to tell ourselves. As Samantha Power discovered upon returning to the United States after two years as a war correspondent in Bosnia, the lesson of "never again" is invoked far more often than it is applied.

"Everywhere I went," Power recalled in a speech at Swarthmore College in 2002, "I heard 'never again.' Steven Spielberg's 'Schindler's List' had been a smash hit. The Holocaust Museum had opened on the Mall in Washington. College seminars were taught on the 'lessons' of the singular crime of the 20th century. But why, I wondered, had nobody applied those lessons to the atrocities of the 1990s: the systematic murder of 200,000 Bosnian civilians in Europe between 1992 and 1995 and the extermination of some 800,000 Rwandan Tutsi in 1994.

"Did 'never again' simply mean 'never again will Germans kill Jews in Europe between 1939 and 1945?'"

Power went on to write "A Problem From Hell," her Pulitzer Prize-winning account of America's failure to intervene in the genocides of the 20th century. The book was hugely and deservedly praised. It made clear, as no book had before, how much Americans knew about some of the most horrific massacres of the last century even as they were happening, and how little we did to stop them—or even, in most cases, condemn them.

Which brings us to North Korea.

It is not exactly news that the communist regime of Kim Jong Il has sent millions of North Koreans to early graves. Estimates back in 1998 were that as many as 800,000 people were dying in North Korea each year from starvation and malnutrition caused by Kim's ruthless and irrational policies. World Vision, a Christian relief organization, calculated that 1 million to 2 million North Koreans had been killed by "a full-scale famine" largely of Pyongyang's creation.

Nor is it breaking news that North Korea operates a vicious prison gulag—"not unlike the worst labor camps built by Mao and Stalin in the last century," as NBC News reported more than a year ago. Some 200,000 men, women, and children are held in these slave-labor camps; hundreds of thousands of others have perished in them over the years. Some of the camps are so hellish that 20 percent or more of their prisoners die from torture and abuse each year. The dead can be of any age: North Korea's longstanding policy is to imprison not only those accused of such "crimes" as practicing Christianity or complaining about North Korean life, but their entire families, including grandparents and grandchildren.

And, of course, it is widely known that Kim is openly pursuing nuclear weapons, has fired missiles capable of reaching Japan, and controls one of the largest military forces on earth.

All of this is hideous enough, and more than sufficient reason for making Kim's ouster—and his prosecution for crimes against humanity—an explicit goal of the United States. But now comes something new.

"I witnessed a whole family being tested on suffocating gas and dying in the gas chamber. The parents, a son, and a daughter." The speaker is Kwon Hyuk, a former North Korean intelligence agent and a one-time administrator at Camp 22, the country's largest concentration camp. His testimony was heard on a television documentary that aired last week on the BBC. "The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing."

Like other communist officials, Kwon was not bothered by what he saw. "I felt that they thoroughly deserved such a death. Because all of us were led to believe that all the bad things that were happening to North Korea were their fault. . . . Under the society and the regime I was in at the time, I only felt that they were the enemies. So I felt no sympathy or pity for them at all."

Soon Ok-lee, who spent seven years in another North Korean camp, described the use of prisoners as guinea pigs for biochemical weapons.

"An officer ordered me to select 50 healthy female prisoners," she testified. "One of the guards handed me a basket full of soaked cabbage, told me not to eat it, but to give it to the 50 women. I gave them out and heard

a scream. . . . They were all screaming and vomiting blood. All who ate the cabbage leaves started violently vomiting blood and screaming with pain. It was hell. In less than 20 minutes, they were dead."

Gas chambers. Poisoned food. Torture. The murder of whole families. Massive death tolls. How much more do we need to know about North Korea's crimes before we act to stop them? How many more victims will be fed into the gas chambers before we cry out "never again!"—and mean it?

Mr. BROWNBACK. Mr. President, this is Camp 22. You can see it outlined, the size and scale. We have some other camp pictures that show this. I want to make sure everybody knows that on Holocaust Remembrance Day we have pictures of this going on. This is not some secret information. This is on Google Earth. Look it up yourself.

This picture is of outside the camp, the westbound coal train from Camp 22 where they do coal mining, slave labor where people go in, but nobody comes out. They are worked to death, starved to death.

There are a couple books on this point—"The Aquariums of Pyongyang" was written by a survivor and "Eyes of Tailless Animals" was written by Soon Ok Lee. Those are a couple books people can look at.

This is another picture from Google Earth. These are people in the concentration camp, this shows outside the fence. About 200,000 people we believe are in concentration camps in North Korea. Here is another picture, one of a concentration camp. I urge my colleagues to get a briefing on this situation so they can look at the high resolution information we have access to, not just Google Earth. Google Earth is useful for this setting.

Here is another concentration camp. Here is the execution site in this particular camp. These have all been run by refugees who have been able to make their way out and now give the information of here is what took place in various places. Here are the coal mine entrances marked No. 1; prisoner housing, No. 2; the execution site, No. 3; No. 4 is a rifle range. I don't know if they use individuals as target practice.

This picture shows the location of various prison camps of the gulag that is in North Korea that we chose to ignore in our six-party talks. These are the selected North Korean prison camp locations, where they are around the country. We know what is taking place in that country. I raise all of these points to point out that we cannot continue to allow this to take place.

I want to raise one final issue. My colleagues have been very generous to allow me to put this forward. I have to do this on this day, Holocaust Remembrance Day, when we are about to confirm an ambassador who looked past all of this while he was there.

We will soon consider the supplemental appropriations bill. That will be coming up shortly before this body.

Last year, this body inserted into the supplemental appropriations bill a waiver to waive the Glenn amendment sanctions against North Korea. The Glenn amendment sanctions do not provide for a Presidential waiver. The Congress has to affirmatively act to waive Glenn amendment sanctions. The Congress did, and that allowed us to send—as the Soviet Union used to send to the North Koreans only we are sending it now. I ask my colleagues not to put in this year's supplemental Glenn amendment waivers and not to put in this year's supplemental funding for North Korea beyond humanitarian assistance. Yes to humanitarian assistance because people are starving to death, but no to fuel, oil aid, no to other aid because they tested missiles in defiance of us and the United Nations. They are being investigated now for sending nuclear material to Iran. They have captured two American journalists and still have them there. They have unaccounted for other people they have captured. They have this incredible human rights gulag system that is tragic and taking place right now. They are forcing people to walk into China, many of whom are women who walk into China to get food and are taken for human trafficking and as concubines.

Let's not continue a regime that is a disaster, that is a horrific situation, and we are allowing this to happen.

Let's not do that in the supplemental. Let's not approve Chris Hill moving on after two big problems on human rights.

I urge my colleagues to vote against this nominee and to not give further funds and aid and waiving sanctions on North Korea.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Jerusalem Post, Apr. 20, 2009]

THE TEENAGER WHO EXPOSED AUSCHWITZ

(By Rafael Medoff)

This month marks the 65th anniversary of a daring escape from Auschwitz, by a teenager who then revealed the truth about the death camp—only to be ignored by the Allied leadership.

In March 1944, the Germans occupied Hungary and began preparing to deport that country's Jews—numbering approximately 750,000—to Auschwitz. A 19-year-old prisoner named Rudolf Vrba, together with fellow-inmate Alfred Wetzler, decided to do something that almost nobody had ever done before: escape from Auschwitz. They were determined to alert the world about the doom that Hungarian Jews would soon face.

On April 7, Vrba and Wetzler slipped away from their slave labor battalion and hid in a hollowed-out woodpile near the edge of the camp. On the advice of Soviet prisoners of war, the fugitives sprinkled the area with tobacco and gasoline, which confused the German dogs that were used to search for them.

On their second day in the woodpile, Vrba and Wetzler heard Allied warplanes overhead. "They came closer and closer—then bombs began to crunch not far away," Vrba later recalled in his searing memoir *I Cannot*

Forgive. "Our pulses quickened. Were they going to bomb the camp? Was the secret out? . . . Was this the end of Auschwitz?"

THE ALLIED PLANES were actually bombing German oil factories in and around the Auschwitz complex. The idea of bombing the death camp had not yet been proposed to the Allied leadership, and details such as the location of the gas chambers and crematoria were not yet known to the Allied war command. But that was about to change.

On April 10, in the dead of night, Vrba and Wetzler emerged from the woodpile and began an 11-day, 80-mile trek to Slovakia. There they met with Jewish leaders and dictated a 30-page report that came to be known as the "Auschwitz Protocols." It included details of the mass-murder process, maps pinpointing the gas chambers and crematoria and warnings of the impending slaughter of Hungary's Jews.

"One million Hungarian [Jews] are going to die," Vrba told them. "Auschwitz is ready for them. But if you tell them now, they will rebel. They will never go to the ovens."

A COPY of the report was given to Rudolf Kastner, a Budapest Jewish leader. Instead of publicizing the information, Kastner negotiated a deal that involved bribing the Germans to permit a train with 1,684 of his relatives, friends and Hungarian Jewish leaders to leave the country. Kastner's action became the centerpiece of a controversial trial in Israel after the war.

Another copy of Vrba's Auschwitz Protocols was given to Rabbi Michael Dov Weissmandl, a rescue activist in Bratislava, who then wrote the first known appeal for the use of Allied air power to disrupt the mass murder. Weissmandl's plea to the Allies to bomb the railroad lines between Hungary and Auschwitz reached the Roosevelt administration in June.

Assistant secretary of war John McCloy responded that the request was "impracticable" because it would require "diversion of considerable air support essential to the success of our forces now engaged in decisive operations." He also claimed the War Department's position was based on "a study" of the issue. But no evidence of such a study has ever been found by researchers. In reality, McCloy's position was based on the War Department's standing policy that no military resources should be allocated for "rescuing victims of enemy oppression."

VRBA'S REPORT convinced the Jewish Agency leadership in Palestine to change its position on bombing. Agency leaders initially opposed bombing Auschwitz because they believed it was a labor camp, not a death camp. But after receiving the Auschwitz Protocols in June, agency officials lobbied British, American and Soviet officials to bomb the camp or the railways leading to it. Their requests were rebuffed.

Most important, a condensed version of the Auschwitz Protocols reached the U.S. government's War Refugee Board in June. It helped galvanize the board to mobilize international pressure on Hungary to halt the deportations to Auschwitz. Although that effort came too late for the more than 400,000 Hungarian Jews who had been shipped to their doom, it did spare the 200,000-plus who were still alive in Budapest.

The full version of the Vrba report was actually held up in Switzerland for three months by U.S. diplomats who regarded it as low priority. And when the report finally reached Washington in October, the Office of War Information opposed distributing it; OWI director Elmer Davis claimed the report was actually part of a Nazi conspiracy to

"create contempt for the [Jewish] inmates" by showing that the Jews were not resisting their killers.

Fortunately, Davis and his cockamamie theories were too late to blunt the impact of the Auschwitz Protocols. The Hungarian deportations had been stopped, and Rudolf Vrba and Alfred Wetzler had played a significant role in bringing that about.

EXHIBIT 2

PREFERENCE FOR HILL OVER ZINNI REMAINS A MYSTERY

(By Dana Bash)

WASHINGTON (CNN)—Chris Hill is slowly overcoming GOP opposition that has delayed his nomination as U.S. ambassador to Iraq, but it's still unclear why the Obama administration revoked the offer they gave to someone else first—General Anthony Zinni.

Zinni told CNN Monday he hasn't been given any explanation about why the offer he got in January for the post, which he accepted, was abruptly taken back.

Zinni confirmed in an e-mail that he was asked to take the job by Secretary of State Hillary Clinton, and even congratulated by Vice President Joe Biden. But then, the offer was revoked and extended to Hill—a development Zinni says he heard on the news.

Zinni is a retired four-star Marine general and former head of Central Command. Like President Barack Obama, he was an early critic of the Iraq war.

Sen. Lindsey Graham, R-South Carolina, told CNN he would have wholeheartedly supported Zinni for position because of his knowledge of the region. Graham, along with Sens. John McCain, R-Arizona, and Sam Brownback, R-Kansas, have led the opposition to Hill, citing his "controversial legacy" as point man in the six-nation talks aimed at dismantling North Korea's nuclear program and his lack of experience in the Middle East.

Graham, however, voted Monday to move Hill's nomination forward, while McCain did not vote. Brownback voted against Hill.

A State Department spokesman had no comment on Zinni.

A senior Democratic congressional source, who would not be quoted speaking about private deliberations, called the decision to nominate Hill over Zinni one of the "great mysteries" of the early days of the Obama administration.

EXHIBIT 3

U.S. SENATE,
Washington, DC, March 25, 2009.

Mr. JAY P. LEFKOWITZ, P.C.,
Kirkland & Ellis LLP, Citigroup Center, New York, NY.

DEAR JAY: Christopher Hill testified today before the Senate Foreign Relations Committee. In response to a question by Senator Lugar, he failed to specifically address whether he invited you to participate in the Six Party Talks to address North Korean human rights. As you recall, in his testimony before the Senate Armed Service Committee on July 31, 2008, he promised to invite you to participate in all future negotiation sessions, without qualifying the nature of those sessions.

Based on my knowledge of the situation, I believe he violated his commitment. Can you please respond to me as to whether or not Christopher Hill or anyone acting on his behalf invited you to the Six Party Talks subsequent to July 31, 2008?

I look forward to your swift reply, and appreciate your cooperation in this matter.

Sincerely,

SAM BROWNBACK,
United States Senator.

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

JAY.

EXHIBIT 4

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

EXHIBIT 5

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2009.

Mr. CHRISTOPHER R. HILL,
Assistant Secretary, Bureau of East Asian and Pacific Affairs, Washington DC.

DEAR MR. HILL: I write in light of your nomination to serve in the critical position of U.S. ambassador to Iraq.

While I do not question your qualifications as a diplomat, I must be frank in telling you that I was often disappointed in your approach to diplomacy with North Korea—specifically your marginalization and often times seemingly utter neglect of human rights. In a Washington Post piece, Michael Gerson described your shaping of America's North Korea policy in this way, "Hill has been a tireless advocate of preemptive diplomatic concessions and the exclusion of human rights issues from reports and negotiations." It is difficult to know how much the policy you pursued simply reflected the president and the secretary's aims or whether you were in fact the chief architect and advocate of this approach. Regardless, while Iraq and North Korea are obviously two very different countries, it gives me pause as I consider the human rights challenges confronting Iraq's ethno-religious minorities who are increasingly under siege.

More than 500,000 Christians, or roughly 50 percent, have fled Iraq since 2003. Even though Christians make up only 3 percent of the country's population, according to the UN High Commission for Refugees, they comprise nearly half of all refugees leaving Iraq. As Iraq has continued to stabilize, these minority populations, including the ancient Christian community—some of

whom still speak Aramaic, the language of Jesus—is dwindling and increasingly vulnerable to marginalization and targeted attacks, of the sort we witnessed in Mosul this past fall.

I have already requested that Secretary Clinton facilitate the development of a comprehensive policy to address the plight of these struggling minority communities, and, consistent with the recommendations of the U.S. Commission on International Religious Freedom, that she appoint a special envoy for human rights in Iraq to our Embassy in Baghdad, reporting directly to her.

Similarly, should you be confirmed, I urge that these communities, which are foundational to a modern pluralistic Iraq, not be neglected on your watch. Before departing for Baghdad, it is critical that you meet with a coalition of NGOs, consisting in part of members of the Iraqi diaspora, so that they might brief you on the unique challenges confronting these ancient faith communities and make additional concrete policy recommendations for their protection.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

EXHIBIT 6

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, January 28, 2005.

His Excellency PAK GIL YON,
Ambassador, Permanent Representative of the Democratic People's Republic of Korea to the United Nations, New York, NY.

DEAR AMBASSADOR PAK: This letter is to inform you and your government of the distress with which the undersigned Members of the Illinois Congressional Delegation received the finding from the Seoul Central District Prosecutor's Office on December 14, 2004 that South Korean citizen and U.S. permanent resident Reverend Kim Dong-Shik had been abducted by agents of your government in northeast China in January 2000 and taken forcibly into North Korea. Your government, regrettably, has, by its own admission, been involved in the abductions of a number of Japanese citizens, as well as an even greater number of South Korean citizens.

Reverend Kim Dong-Shik, as you may be aware, is the spouse of Mrs. Young Hwa Kim of Chicago, Illinois, and is the parent of U.S. citizens, one of whom is currently residing in Skokie, Illinois. Citizens from a Korean-American church in the Chicago area have also raised this matter as an issue of grave concern and have requested Congressional assistance in ascertaining the facts behind the disappearance and current whereabouts of Reverend Kim. In pursuit of these issues, Mrs. Kim and a delegation from Illinois will be visiting Capitol Hill in the near future.

The successful resolution of this case, therefore, is of critical importance to us, both because of the constituent interests involved as well as because it is a case involving the most fundamental of human rights. Reverend Kim, in his selfless efforts to assist refugees escaping in an underground network to third countries, brings to mind two great heroes held in high esteem in the United States. The first is Ms. Harriet Tubman, who established an underground railroad allowing for the escape from slavery of those held in bondage before President Lincoln issued the Emancipation Proclamation; the second is the Swedish diplomat Raoul Wallenberg who, during the dark days of the world conflict against fascism in the Second World War,

rescued Jewish refugees trapped in Hungary. We view Reverend Kim Dong-Shik as also being a hero who assisted with the escape of the powerless and forgotten.

We, therefore, wish to inform the Government of the Democratic People's Republic of Korea (DPRK) that we will NOT support the removal of your government from the State Department list of State Sponsors of Terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of the Reverend Kim Dong-Shik following his abduction into North Korea five years ago.

Sincerely,

J. Dennis Hastert, Speaker of the House of Representatives; Henry J. Hyde, Chairman; Richard J. Durbin, U.S. Senator; Barack Obama, U.S. Senator; Lane Evans, Member of Congress; Jerry F. Costello, Member of Congress; Luis V. Gutierrez, Member of Congress; Donald A. Manzullo, Member of Congress; Bobby L. Rush, Member of Congress; Jesse L. Jackson, Member of Congress. Ray LaHood, Member of Congress; Jerry Weller, Member of Congress; Danny Davis, Member of Congress; John Shimkus, Member of Congress; Judy Biggert, Member of Congress; Jan D. Schakowsky, Member of Congress; Timothy Johnson, Member of Congress; Rahm Emanuel, Member of Congress; Melissa L. Bean, Member of Congress; Daniel Lipinski, Member of Congress.

EXHIBIT 7

STUDY BACKS BOSNIAN SERB'S CLAIM OF IMMUNITY

(By Marlise Simons)

PARIS—Every time Radovan Karadzic, the onetime Bosnian Serb leader, appears in court on war crimes charges, he has hammered on one recurring claim: a senior American official pledged that he would never be standing there.

The official, Richard C. Holbrooke, now a special envoy on Afghanistan and Pakistan for the Obama administration, has repeatedly denied promising Mr. Karadzic immunity from prosecution in exchange for abandoning power after the Bosnian war.

But the rumor persists, and different versions have recently emerged that line up with Mr. Karadzic's assertion, including a new historical study of the Yugoslav wars published by Purdue University in Indiana.

Charles W. Ingrao, the study's co-editor, said that three senior State Department officials, one of them retired, and several other people with knowledge of Mr. Holbrooke's activities told him that Mr. Holbrooke assured Mr. Karadzic in July 1996 that he would not be pursued by the international war crimes tribunal in The Hague if he left politics.

Mr. Karadzic had already been charged by the tribunal with genocide and other crimes against civilians.

Two of the sources cited anonymously in the new study, a former senior State Department official who spent almost a decade in the Balkans and another American who was involved with international peacekeeping there in the 1990s, provided additional details in interviews with The New York Times, speaking on condition that they not be further identified.

The former State Department official said he was told of the offer by people who were close to Mr. Holbrooke's team at the time. The other source said that Mr. Holbrooke personally and emphatically told him about the deal on two occasions.

While the two men agreed, as one of them put it, that "Holbrooke did the right thing and got the job done," the recurring story of the deal has dogged Mr. Holbrooke.

Last summer, after more than a decade on the run, Mr. Karadzic was found living disguised in Belgrade, Serbia's capital. He was arrested and sent to the International Criminal Tribunal for the former Yugoslavia in The Hague for his trial, which is expected to start this year.

Asked for comment for this article, Mr. Holbrooke repeated his denial in a written statement. "No one in the U.S. government ever promised anything, nor made a deal of any sort with Karadzic," he said, noting that Mr. Karadzic stepped down in the summer of 1996 under intense American pressure.

"The agreement almost came to grief when Holbrooke vigorously refused Karadzic's demand, and Hill's appeal, that he affix his signature to it," the study says, citing unidentified State Department sources.

The study, the product of eight years of research by historians, jurists and social scientists from all sides of the conflict, was an effort to reconcile disparate views of the wars that tore the former Yugoslavia apart in the 1990s, Mr. Ingrao said.

Neither Mr. Hill nor Mr. Goldberg responded to requests for interviews for this article.

In an interview, the former State Department official, who had access to confidential reports and to members of the Holbrooke team, said that during that evening in 1996, Mr. Milosevic and other Serbian officials were on the phone with Mr. Karadzic, who was in Pale, Bosnia.

The former official said that Mr. Karadzic wanted written assurances that he would not be pursued for war crimes and refused to sign without them.

"Holbrooke told the Serbs, 'You can give him my word he won't be pursued,' but Holbrooke refused to sign anything," the official said. Mr. Holbrooke could make that promise because he knew that American and other Western militaries in Bosnia were not then making arrests, the official said.

There were some 60,000 American and NATO troops in Bosnia, but the soldiers had no orders to arrest indicted Bosnians, for fear of inciting local rebellion.

In the brief statement Mr. Karadzic eventually signed, he agreed to withdraw "from all political activities" and to step down from office. It carried the signatures of Mr. Milosevic and four other Serbian leaders acting as witnesses and guarantors. It did not include any Americans' names and made no mention of immunity.

The American who was involved in peacekeeping insisted in an interview that Mr. Holbrooke himself told him that he had made a deal with Mr. Karadzic to get him to leave politics. He recalled meeting Mr. Holbrooke in Sarajevo, Bosnia, on the eve of Bosnian elections in November 2000, just after Mr. Milosevic had finally been ousted from power in Serbia.

Mr. Holbrooke was worried about the outcome of the Bosnian vote because he knew that Mr. Karadzic was still secretly running his nationalist political party and picking candidates, including mayors and police chiefs who had run prison camps and organized massacres.

"Holbrooke was angry; he was ranting," the American recalled. He quoted Mr. Holbrooke as saying: "That son of a bitch Karadzic. I made a deal with him that if he'd pull out of politics, we wouldn't go after him. He's broken that deal and now we're going to get him."

Mr. Karadzic's party won those elections in the Bosnian Serb republic. Shortly afterward, he disappeared from public view.

"In subsequent meetings, as a private citizen, I repeatedly urged officials in both the Clinton and Bush administrations to capture Karadzic," Mr. Holbrooke said. "I am glad he has finally been brought to justice, even though he uses his public platform to disseminate these fabrications."

Mr. Holbrooke declined to accept further questions and did not address the specifics of the new accounts.

Mr. Karadzic, by insisting that he is exempt from legal proceedings, has now forced the war crimes tribunal to deal with his allegations, illustrating the difficulty of both administering international justice and conducting diplomacy.

In December, tribunal judges ruled that even if a deal had been made, it would have no bearing on a trial. They said no immunity agreement would be valid before an international tribunal in a case of genocide, war crimes or crimes against humanity. Mr. Karadzic is charged with all three.

But Mr. Karadzic has appealed and filed motions demanding that prosecutors disclose every scrap of confidential evidence about negotiations with Mr. Holbrooke. He has asked his lawyers to seek meetings with American diplomats.

His demands have led the court to write to the United States government for clarification.

Peter Robinson, a lawyer for Mr. Karadzic, said that he had received a promise from Washington that he could interview Philip S. Goldberg, who was on the Holbrooke team meeting in Belgrade the night the resignation was negotiated.

"Goldberg took the notes at that meeting," Mr. Robinson said. "The U.S. government has agreed to search for the notes and provide them if they find them."

A State Department spokesman said that the government was cooperating with the tribunal, but would provide no further details.

Mr. Holbrooke, who brokered the peace agreement that ended the Bosnian war in 1995, returned to Belgrade in 1996 to press Mr. Karadzic to resign as president of the Bosnian Serb republic. Mr. Holbrooke's memoirs recount a night of fierce negotiation on July 18, 1996, but make no mention of any pledge of immunity.

The Purdue University study, "Confronting the Yugoslav Controversies: A Scholars' Initiative," says that Mr. Holbrooke "instructed his principal assistant, Christopher Hill, to draft the memorandum to be signed by Karadzic," committing him to give up power.

Mr. Ingrao said Mr. Holbrooke used Slobodan Milosevic, then the Serbian leader, and other Serbian officials as intermediaries to convey the promise of immunity and to reach the deal with Mr. Karadzic.

EXHIBIT 8

[From washingtonpost.com, Feb. 4, 2004]

AUSCHWITZ UNDER OUR NOSES

(By Anne Applebaum)

Nearly 60 years ago last week, Auschwitz was liberated. On Jan. 27, 1945, four Russian soldiers rode into the camp. They seemed "wonderfully concrete and real," remembered Primo Levi, one of the prisoners, "perched on their enormous horses, between the gray of the snow and the gray of the sky." But they did not smile, nor did they greet the starving men and women. Levi thought he knew why: They felt "the shame

that a just man experiences at another man's crime, the feeling of guilt that such a crime should exist."

Nowadays, it seems impossible to understand why so few people, at the time of the Auschwitz liberation, even knew that the camp existed. It seems even harder to explain why those who did know did nothing. In recent years a plethora of respectable institutions—the Vatican, the U.S. government, the international Jewish community, the Allied commanders—have all been accused of "allowing" the Holocaust to occur, through ignorance or ill will or fear, or simply because there were other priorities, such as fighting the war.

We shake our heads self-righteously, certain that if we'd been there, liberation would have come earlier—all the while failing to see that the present is no different. Quite a lot has changed in 60 years, but the ways in which information about crimes against humanity can simultaneously be "known" and not known hasn't changed at all. Nor have other interests and other priorities ceased to distract people from the feelings of shame and guilt they would certainly feel, if only they focused on them.

Look, for example, at the international reaction to a documentary, aired last Sunday night on the BBC. It described atrocities committed in the concentration camps of contemporary North Korea, where, it was alleged, chemical weapons are tested on prisoners. Central to the film was the testimony of Kwon Hyuk, a former administrator at a North Korean camp. "I witnessed a whole family being tested on suffocating gas and dying in the gas chamber," he said. "The parents, son and a daughter. The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing." The documentary also included testimony from a former prisoner, who says she saw 50 women die after being deliberately fed poison. And it included documents smuggled out of the country that seemed to sentence a prisoner to a camp "for the purpose of human experimentation."

But the documentary was only a piece of journalism. Do we really know that it is true? We don't. It was aired on the BBC, after all, an organization whose journalistic standards have recently been questioned. It was based on witness testimony, which is notoriously unreliable. All kinds of people might have had an interest in making the film more sensational, including journalists (good for their careers) or North Korean defectors (good for their cause).

The veracity of the information has been further undermined by the absence of official confirmation. The South Korean government, which believes that appeasement of the North will lead to reunification, has already voiced skepticism about the claims: "We will need to investigate," a spokesman said. The U.S. government has other business on the Korean Peninsula too. On Monday Secretary of State Colin L. Powell told a group of Post journalists that he feels optimistic about the prospect of a new round of nuclear talks between North Korea and its neighbors. He didn't mention the gas chambers, even whether he's heard about them.

In the days since the documentary aired, few other news organizations have picked up the story either. There are other priorities: the president's budget, ricin in the Senate office building, David Kay's testimony, a murder of a high school student, Super Tuesday, Janet Jackson. With the possible exception of the last, these are all genuinely im-

portant subjects. They are issues people care deeply about. North Korea is far away and, quite frankly, it doesn't seem there's a lot we can do about it.

Later—in 10 years, or in 60—it will surely turn out that quite a lot was known in 2004 about the camps of North Korea. It will turn out that information collected by various human rights groups, South Korean churches, oddball journalists and spies added up to a damning and largely accurate picture of an evil regime. It will also turn out that there were things that could have been done, approaches the South Korean government might have made, diplomatic channels the U.S. government might have opened, pressure the Chinese might have applied.

Historians in Asia, Europe and here will finger various institutions, just as we do now, and demand they justify their past actions. And no one will be able to understand how it was possible that we knew of the existence of the gas chambers but failed to act.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank my colleague from Kansas for making such a powerful, persuasive case for human rights and freedom in North Korea and around the world. I wish to change subjects slightly for a few minutes and talk about some experiences over the last couple of weeks.

STOP THE SPENDING

Last Wednesday, tens of thousands of Americans celebrated tax day by speaking out against the direction of this Federal Government. I attended three tea parties in South Carolina. What struck me the most was how non-partisan these events were. These were families, couples with children, not necessarily Republicans or Democrats, but both were there. They did not care about parties or candidates. They cared about their kids and the debt we are saddling them with, with almost everything we do in Washington. They cited with their signs and their voices that every American today has a \$35,000 share in our national debt. That is just today, not counting what we have added. And it does not count the unfunded costs of Social Security and Medicare that we borrowed from our future.

The way we are spending up here, the per capita debt in our country will soon exceed the per capita income. We are not just bankrupting our country, we are bankrupting generations of Americans not even born yet.

This is a moral issue. Every dollar spent represents another freedom seized, another constitutional principle ignored, another opportunity squandered. The American people are tired of politicians—Republicans and Democrats—borrowing and spending money on programs we do not need, programs they know will not work.

The message of the tea parties is clear: Stop growing Government and spending all our money, all our kids' money, all our grandkids' money.

But will we get the message? We keep hearing that we are in the middle of an

economic crisis, but we are in the middle of a political crisis. We hear a lot about corporate greed, but that pales in comparison to the political greed of elected officials who continue to make promises that we cannot pay for and borrowing the money to do it.

A poll conducted last week suggests that while a majority of American people have a favorable view of these tea parties, only 13 percent of the political class does. It is the same pattern over and over again on the stimulus, on earmarks, on socialized and rationed health care, on the proposed tax on electricity and energy. Americans disagree with Washington on these socialistic experiments, and our leaders act as if it is the American people who are the ones who are out of touch.

Indeed, no sooner had the protesters gone home than they learned that their preference for freedom, limited Government, and local control marked them as potential terrorist threats, according to a report by the Department of Homeland Security.

Americans have been misled and lied to by elected officials who promise the world while stealing our future. And they have had enough. Tea parties are only the beginning. Americans have come to understand that many of our problems are caused by more Government and that they can only be solved by more freedom.

Think of the things that are categorized as crises today—a crisis in education, a crisis in health care, a crisis in energy, our transportation infrastructure, banking and finance, the auto industry. But who has been running these services for the last several decades? Who has been running our education system? It has not been the free market. It has not been the free people. It has been Government, with the price we are paying expanding faster than any other service. We spend more per capita than any other country in the world, yet consistently we lose ground to other industrialized nations. We do not need more Federal control, we need more freedom in education, more choices, more competition, more technology, the kinds of things that Government and union control cannot provide in our education. It may be a crisis, but it is not one caused by freedom, it is one caused by politicians.

What about health care? We talk about the number of uninsured Americans, but have we given freedom a chance? The rules and laws we pass here make it virtually impossible for individuals to own and keep their own insurance policy. There are ways we can solve this problem, there are ways we can get every American insured without spending one additional dime of tax dollars. But instead, the movement in Washington is toward Government health care, socialized medicine, and we have made a downpayment in our recent budget in that direction.

We have an energy crisis, but who has held back this country from exploring and developing our own energy reserves? It has not been the free markets or the free people; it has been this Government. And under the name of environmental protection, we have actually made the environment worse by blocking nuclear energy, blocking natural gas development, and not moving where other countries have toward cleaner energy sources that are within our reach.

What about our transportation infrastructure? Who has been running that? Increasingly, the Federal Government takes more and more gas tax dollars and instead of giving them back to States for their priorities, we earmark it in every different direction. The last Secretary of Transportation basically said we cannot have a transportation program because it is all politically directed. That is political greed. That is not a fault of freedom.

What about banking and finance? The Government was going to help our financial system, so they made loans, not just to those too big to fail. If you talk to local bankers, the Federal Government essentially forced these banks to take this money, and now they will not let them give it back. And they are now talking about converting these loans into common stock so the Federal Government owns the banks. That is not freedom. That is not the America we know. That is nationalization, that is socialization of a country.

Freedom has not failed in the financial markets. It has been this Government, our oversight, and the Government intermediaries of Fannie Mae and Freddie Mac that essentially packaged and brokered all of these so-called toxic assets.

Freedom has not failed. Has freedom failed in our auto industry? Of course not. The Government and the labor unions have been running the American auto companies for years. Management has very little discretion. If you look at other auto companies that are free of Government control, free of the barnacles of unionization, we see these companies succeeding in the United States. You cannot bail them out with more money; you have to bail them out with freedom.

Over the work period, I had a chance to visit Europe and the Middle East. I had a chance to welcome the new Prime Minister, Benjamin Netanyahu, back to office. It was interesting to hear him talk. He is concerned about the direction of our country moving toward a more socialist direction, while he realized the opportunities in Israel were to move away from socialization to more free markets, more land reform that allowed more property ownership, exactly the opposite of where we see us going. He realized that in order to have a prosperous Israel and a strong military and a bright future, he

needed to move his country more toward freedom.

I heard the same thing in Brussels from a lot of our European allies, startled at the level of spending and debt the United States has taken on, concerned that we have the ability to pay it back, concerned that our commitment to the military is falling off, concerned that America will not be there as promised as part of a NATO partner sometime in the future.

But it was concern about our abandonment of free market principles, free trade, the things that can make the world safe and prosperous, that the United States seemed to be pulling back from those principles.

I just wanted to share a few thoughts today because as we talk about more Government and more spending in almost every area of our lives, and we continue to blame our problems on freedom and capitalism—the people who work hard and take personal responsibility—it seems we have it backwards from what actually made America great and exceptional and unique and prosperous and good.

I keep hearing our economic problems were caused by the free market. But what free market? What have I talked about that has had a chance to work as a free market? If you look at those areas where the Government has not yet reached its tentacles in to regulate to the point of paralysis, look at our telecommunication system, which we are talking about in committee as to how we can regulate it. The incredible explosion of innovation and choice and competition—the cell phones, the BlackBerrys, the fantastic ways we have to communicate all over the world—could never have been created by a government system. It was created by free people and free markets, and that can work in every area, as it has before in America.

Let's not blame this financial crisis and the housing problems on freedom and free markets. The Government itself, through its public-private partnership of Fannie Mae and Freddie Mac, was the broker of these deals—the middle man of toxic assets. No private company would take the kind of risks that were taken unless they could first get cheap money, which the Federal Reserve provided, and then have a basic government guarantee for these loans that they were making and packaging. The Government is in the middle of this crisis. It is political greed. It is not the fault of freedom.

This Congress and this Federal Government are really at a crossroads, and the American people are standing there with these tea parties telling us: Don't give up on freedom. Government does not work. Socialism does not work. There is no example in history where it has. Yet we contemplate every day another step closer to more Government control. I am thankful the American

people are standing up. They are alarmed at what we are doing. It has nothing to do with politics. It has nothing to do with a political party. It has everything to do with what makes this country great and good. But we have abandoned it in Congress, and this crossroads at which we stand is the crossroads between freedom and socialism.

Some folks say you shouldn't use that term, "socialism." But, folks, when the Government basically controls or owns most aspects of economic production, which is where we are headed today, we are talking about socialism, and socialism that is to the left of where many European countries are. We can stop it, but we have to stop it starting today, and that is why these tea parties are so important. I hope they will shake up a few people here in both parties. I hope they will send a message that this Government is for the people, and of the people, and by the people. If we don't get it right, if we don't listen to them, these people can take it back, and I am thankful they are willing to stand up and express their voices. And I am very sorry anyone in this administration or this Government would categorize them as a threat in any way just because they are willing to speak out against what they know is wrong in Washington.

I encourage my colleagues, as we think about one spending program after another, one Government takeover after another, that we not give up on freedom and that we listen to the American people.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I came to speak in support of the nomination of Christopher Hill to be the Ambassador to Iraq, but I have heard my distinguished colleague from South Carolina speak, and I feel compelled to say a few things in response.

It is easy to rail against the Government when you are part of it. It is easy to rail against the Government. But when we have a national disaster, whether it be September 11 or hurricanes or floods or tornadoes, it is only the National Government that can come and help our fellow citizens. It is only the National Government that can come at the end of the day and create a common defense. It is only the National Government that very often can stop us from economic collapse.

Now, I am for the free market as much as anyone else, but there is a difference between a free market and a free-for-all market. What we saw over the last 8 years is regulators, who were supposed to act as the cops on the beat, ultimately allowing the private sector, particularly those who are regulated industries, to regulate themselves. The consequence of that is we have excess

that now each and every American is paying for. Yet there are those who want to rail against that.

There are those who also rail about spending. I am with them. But the time to have railed against that was in the last years that saw the debt and the deficit dramatically grow. If President Obama did absolutely nothing—nothing—he would have inherited a \$1.3 trillion deficit. So I think we need some intellectual honesty in this Chamber as we have our debates.

Mr. President, I want to now talk about the President's nomination of Christopher Hill to serve as our next Ambassador to Iraq. I support that. It should be clear to all of us that the position of the Ambassador to Iraq is one of the most critical ambassadorial selections that President Obama will make. We are at the beginning of a period of transition in our relationship with Iraq. We are now working under a Status of Forces Agreement. Our troops are winding down their combat role and many will withdraw by June 30 of this year.

In his speech to the Marine Corps at Camp Lejeune at the end of February, President Obama made his policy clear: by the 31st day of August of the year 2010, in accordance with the Status of Forces Agreement, the combat mission of U.S. troops in Iraq will come to an end. But even though the end of our combat mission in Iraq may now be in sight, we cannot forget that today we still have more than 140,000 U.S. troops there, and we have over 1,000 U.S. civilian employees from the Department of State, from USAID, and many other departments and agencies who have been assigned to work at the Embassy in Baghdad under the authority of our Chief of Mission.

We all look forward to the day when our combat mission in Iraq is ended, our troops are returned home, and the Iraqis enjoy relative peace and security under the full protection of their own security forces. But that day has not yet come. We are at the beginning, not the end, of the transition in our role in Iraq. It is a time of uncertainty and risk, and that is why it is so urgent that the Ambassador's position be filled without delay.

We hear the military counterparts constantly saying—General Odierno—where is my civilian counterpart? Where is the Ambassador?

Now, I certainly respect the decision of any colleague to closely scrutinize any of the President's appointments. This is a keystone position at a critical juncture in our relationship with Iraq, and we need to ensure the person leading our Embassy in Baghdad is and has in full measure the background, skills, and pragmatism needed. I have scrutinized Ambassador Hill's qualifications and his testimony, both before the Foreign Relations Committee, of which I am a member, and in responding to

questions for the record, and I am convinced that in nominating Ambassador Hill, President Obama has chosen exactly the right person to lead our Embassy in Baghdad at this point in time. I urge my colleagues to confirm his nomination without delay.

During his 32-year career in the Foreign Service, Ambassador Hill has developed a well-earned reputation as a diplomatic trouble-shooter by taking on a series of difficult assignments, including serving as an ambassador in the Balkans, Special Envoy to Kosovo, Ambassador to Poland and South Korea, and most recently as Special Envoy to the six-party talks involving North Korea's nuclear program. He was one of the State Department's top negotiators during the 1995 Dayton talks that ended the war in Bosnia. He has never balked from taking on the most difficult assignments and has a long list of honors and awards which stand as evidence of his accomplishments.

Now, one of the concerns raised by my colleague earlier was about Ambassador Hill's experience, or lack of experience, in the Middle East. It should be noted that our three prior ambassadors in Baghdad—Ryan Crocker, Zalmay Khalizad, and John Negroponte—the persons who know best the experience needed to do the job—do not share this concern. They have expressed their support for Ambassador Hill's confirmation.

I am confident the experience Ambassador Hill has gained in other areas can be readily applied to the challenges he will face in Iraq. Ambassador Hill's experience in coordinating the multilateral negotiations on North Korea's nuclear program will serve him well when he seeks the support of Iraq's neighbors on nuclear issues. That experience will also serve him well in working with Iraq's numerous political factions. Ambassador Hill's experience in the Balkans has prepared him to deal with sectarianism, border disputes, human rights, refugees, developmental assistance, and postconflict normalization of relations, all of which will be major issues in his portfolio in Baghdad.

Mr. President, I share the concerns expressed by my colleague about North Korea's human rights record, and I agree completely with Ambassador Hill's own assessment of that record of North Korea when he said it is abysmal. But as others have noted, Ambassador Hill's mission with regard to North Korea was set by his superiors in the Bush administration, not by him. The primary objective was to push the North Koreans to end their nuclear weapons program and their nuclear proliferation activities. That was his mission, directed by the Bush administration. That is the mission he undertook to accomplish.

I appreciate Ambassador Hill's continued willingness to take on these

tough assignments. He is the right person to lead our Embassy in Baghdad at this time, and I urge his nomination be confirmed without delay.

Finally, I too often hear on the other side of the aisle a very familiar refrain lately. It is no—no to just about everything we are trying to do here. President Obama was elected with overwhelming support to try to move this country in a different direction, and what we hear consistently on the other side of the aisle—using the procedural mechanisms of the filibuster in this institution—is no and no and no. Then, while they hold up nominees, such as yesterday's nominees for Assistant Attorneys General—incredibly important to the Attorney General for law and order in this country—when we finally get to the vote, we see overwhelming bipartisan votes.

We have delayed it an inordinate amount of time instead of having those people work for the security of the country, instead of being able to move this agenda forward, instead of having more time for the Senate to meet some of the Nation's critical challenges.

It is time to get over the noes and start saying yes to some of the critical issues we need. The first yes should be today, with Ambassador Hill. That will move our foreign policy agenda ahead in one of the most critical parts of the world today.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for a very precise and important set of arguments about why we ought to proceed forward, and I appreciate his taking time to come to the Senate floor to do that.

Momentarily, it is my hope we will be able to propound a unanimous consent agreement. We are just waiting, I hope, for the word to come back from Senator KYL shortly. I hope that can come very quickly so there could be a vote around 5:15 on this nomination.

Let me just say a couple of words about a few of the things that have been said. Obviously, we hope to be able to divide up the remaining time between us and then conclude the debate, but part of what the Senator from Kansas has said, both this morning and this afternoon, is that the human rights envoy, then Jay Bybee of the State Department, was not invited to take part in the six-party talks per an exchange that Senator BROWNBACK had with Chris Hill—with Ambassador Hill—before the Armed Services Committee.

Ambassador Hill has addressed this issue, I have addressed this issue on a number of occasions, and we have really laid this out. The full text of his remarks has been submitted for the RECORD. In a nutshell, let me just state one last time for the record exactly what happened.

As Ambassador Hill made clear at the time, his promise to Senator BROWNBACK applied to the future negotiating sessions, except those specifically dealing with nuclear disarmament where the Human Rights Assistant Secretary had no portfolio whatsoever. To make it clear, the Senator from Kansas somehow believes that no matter what, Special Envoy Lefkowitz should have been invited to that, but that was not a decision that was up to Ambassador Hill. Let's be clear about this. That was not Ambassador Hill's decision to make.

The New York Times on January of 2008 reported that the decision about who would attend the six-party talks and what issues would be discussed was made by Secretary Rice and the President. Here are the words of Secretary Rice speaking about Human Rights Envoy Jay Lefkowitz as quoted by the New York Times on January 23, 2008. "He," Lefkowitz, "doesn't work on the six-party talks." This is Secretary of State Rice talking, rebuking her own Assistant Secretary.

He doesn't work on the six-party talks. He doesn't know what's going on in the six-party talks and he certainly has no say in what American policy will be in the six-party talks.

That is exactly what Secretary Rice said. So the Senator may have a quarrel but it is not with Ambassador Hill. Secretary Rice was very explicit in that rebuke. Quoting Secretary Rice, again from the New York Times, this is what she said:

I know where the President stands, and I know where I stand, and those are the people who speak for American policy.

That is the level of the rebuke you are talking about here. It is almost unprecedented, frankly. And here the Senator is, trying to carry water for this rebuked Assistant Secretary who was inappropriately asserting himself at that time. But regardless of whether you think he should have been there or should not have been there, it was not Ambassador Hill's decision to make. He took daily instructions from the President and from the Secretary of State, from the State Department. That is what a good diplomat and negotiator at important talks like that does and that is exactly what he did.

I ask unanimous consent the full text of the article in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 23, 2008]

RICE REBUKES BUSH ENVOY WHO CRITICIZED
POLICY ON NORTH KOREA

(By Helene Cooper)

WASHINGTON.—Secretary of State Condoleezza Rice, in a rare public rebuke, has upbraided a White House envoy who criticized United States diplomacy toward North Korea that is aimed at coaxing the North Koreans to give up their nuclear weapons.

Ms. Rice said the official, Jay Lefkowitz, President Bush's special envoy on North Korean human rights, was not speaking for the administration when he told an audience at the American Enterprise Institute last week that the United States "should consider a new approach to North Korea" because the current approach was unlikely to resolve the issue before the end of Mr. Bush's term in a year.

Speaking to reporters aboard her flight to Berlin on Monday, Ms. Rice sharply disagreed, and said Mr. Lefkowitz should stick to human rights and leave the talks over the North's nuclear policy to her, Mr. Bush and the other nations involved: Russia, China, Japan and South Korea.

"He's the human rights envoy," Ms. Rice said. "That's what he knows. That's what he does. He doesn't work on the six-party talks. He doesn't know what's going on in the six-party talks and he certainly has no say in what American policy will be in the six-party talks."

Mr. Lefkowitz, reached at his office in New York, said he and Ms. Rice spoke on Friday about the disagreement, and he described their conversation as "very amicable, substantive and useful."

"I'm going to have a great deal more to say about elevating the issue of human rights in North Korea, which is clearly a priority for the president and Congress," he said.

The dispute comes at a time when nuclear talks have stalled, with North Korea missing a year-end deadline to disclose all of its nuclear programs. A debate within the administration has fractured along familiar lines, with hard-line national security hawks in Vice President Dick Cheney's office and at the White House arguing for a more confrontational approach with the North.

On the other side, Mr. Bush's lead North Korea nuclear negotiator, Christopher R. Hill, backed by Ms. Rice, has argued that the United States should continue a more restrained approach, one that was widely credited with bringing about an agreement last year intended to eventually lead to the denuclearization of the Korean Peninsula.

Ms. Rice said that Mr. Bush had "spoken as to what our policy is in the six-party talks."

"I know where the president stands," she added, "and I know where I stand, and those are the people who speak for American policy."

Mr. KERRY. The second thing alleged here is somehow Ambassador Hill failed to implement the North Korean Human Rights Act. That is not accurate. Facts are facts. Facts, as has been said many times, are stubborn things. Consistent with the Human Rights Act, Ambassador Hill secured the admission of the first North Korean refugees into the United States in 2006. He worked to ensure the safe passage to South Korea of asylum seekers from the North who had been detained in other east Asian countries. He backed increased funding of radio broadcasting by Radio Free Asia. During Ambassador Hill's tenure as Assistant Secretary of State for East Asian and Pacific Affairs, the State Department approved the expenditure of \$2 million of our taxpayer funds to sponsor the Seoul Summit on North Korean Human Rights in South Korea, in December of 2005. Ambas-

sador Hill met regularly with North Korean refugees and defectors who made it out of North Korea.

The record simply doesn't substantiate the notion that Chris Hill was inattentive to human rights. In the morning debate, the Senator from Kansas showed a dramatic picture of starving North Korean children. Noting that today is Holocaust Remembrance Day, Senator BROWNBACK said we should not be indifferent to the suffering of North Korean people and we must not consider human rights inside North Korea to be a low priority. We all agree with the Senator. Of course we should not allow it to be a low priority.

He noted that unnamed "U.S. diplomats" had opposed decisive action to bomb the rail lines leading to Auschwitz during World War II and said the current situation with north Korea is "eerily familiar."

All of us should listen carefully to what the Senator has said about North Korea and its oppression. None of us should forget the lessons of the Holocaust. We have an obligation to respond to great humanitarian crises, whether they are caused by nature or by man.

But to show a picture of starving North Korean children in the debate on Ambassador Hill's qualifications and to imply somehow that he is indifferent to their plight does a good public servant an enormous disservice—particularly one whose record is what I have described, who time and again has fought for the implementation of the Human Rights Act and who has taken personal risks on occasion to enforce human rights.

The date of the photograph that was there was not in fact declared, but I believe it was during the great Republic of North Korea's famine in 1996 and 1997. If that is true, that is 10 years before Ambassador Chris Hill began his duties as the lead envoy in the six-party talks. So, again, to create some sense of linkage or nexus here is inappropriate.

In any case, the bottom line is this. No one is going to deny that North Korea is a country on the brink of famine and failure. It is a failed place. None of us should be idle in the face of this basic threat to the health of the North Korean people and to the security of the peninsula and of the region. It is deplorable that North Korea has recently expelled food aid workers. I hope they are going to reverse that decision. We are going to listen carefully to testimony before our committee on May 6. We will have a comprehensive view on what is happening in North Korea and what the possibilities are for our policy. But let me emphasize: Chris Hill never ignored that situation. He worked with skill and persistence to secure direct access for five U.S. NGOs, including Christian groups, to provide aid to millions of North Koreans, including hungry children exactly like

the kids who were depicted in the photograph on the floor this morning.

Thanks to the work of Ambassador Hill, Korean-speaking U.S. aid workers in 2008–2009 were able to travel to remote parts of North Korea never before reached by U.S. aid workers. That is an extraordinary success for which Ambassador Hill ought to be congratulated. They were able to establish five field offices in rural areas where they had never been before. That is a success. They were able to conduct unannounced visits to schools, hospitals, and orphanages. That is an accountability we never had before. That is a success. They were able to provide 100,000 tons of food aid to help people feed literally millions of North Korean children. That is a success.

This was the first U.S. food aid to North Korea delivered by U.S. NGOs since the year 2000 and this was delivered in the most intrusive, comprehensive monitoring system ever permitted by North Korea. Ambassador Hill deserves praise for his efforts on this issue, not the criticism that was implied on the floor of the Senate.

Mr. President, I ask unanimous consent that at 5:15 p.m. today all postclosure time be yielded back and the Senate proceed to vote on the confirmation of the nomination of Christopher Hill to be Ambassador to Iraq, that the time until then be equally divided and controlled between myself and Senator BROWNBACK or designees of each of us, and that the 10 minutes immediately prior to the vote be equally divided and controlled between myself and Senator BROWNBACK; further, that the time controlled by the Republicans, of that time, Senator KYL control 15 minutes, Senator MCCAIN control 20 minutes, and that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and thank my colleague.

I yield the floor, according to the unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I agreed to this unanimous consent request to try to move this somewhat forward. I do believe this has been a healthy debate. It has been a good thing for us to discuss what took place in North Korea. It has been a good thing for us to discuss human rights. Anytime we can do that I think it is a good thing for us to discuss that setting, moving into Iraq and the human rights concerns there.

I do want to address a few things the Senator from Massachusetts raised. One is on the North Korean Human

Rights Act. I was the author of that bill. I know that bill. I worked to get that bill through. I pushed hard to get it through. One of the provisions in that bill was \$20 million authorized under the North Korean Human Rights Act for use of the North Korean Human Rights Act and to resettle refugees from North Korea in the United States and for a number of other issues. The administration has not requested a single dime under that authorization. It didn't ask for a single appropriation. So the idea that we have implemented the North Korean Human Rights Act when no money was requested underneath that, I guess I am impressed that could take place. I hope the Government can do that well in many other areas, where they do not ask for any money and then they fully comply with an act.

I do not think the act was fully complied with. I stated that specifically here on the RECORD, the places I do not believe it was complied with.

We are digging up right now how many people have been resettled in the United States under this North Korea Human Rights Act. It is a very small number—in the dozens at most. There is a lot of hesitation, hiccups taking place. The State Department is not pushing or working with this. A number of these refugees could have been resettled here by communities in the United States. This is actually one piece that could have been done very cheaply because the Korean-American community here would have resettled them, in many cases, without cost to the Federal Government. Very few were received or brought to the United States.

The chairman of the Foreign Relations Committee is a very distinguished Senator from Massachusetts with a lot of foreign policy experience. I admire all of that. I don't think he has worked quite as much on the Korean issue, certainly not as much as some other Members of this body and myself have worked on it. To say that this was a successful negotiation I think does not stand the overall, just view of this from the public's view, let alone from a diplomatic viewpoint.

When you look at this—you say it was a successful negotiation Ambassador Hill conducted with North Korea and the six-party talks. When you look at what North Korea has done since then and try to call it that, I don't think the Japanese would call this a successful negotiation that a missile was fired over their country, one that could reach the western United States. I don't think the Japanese would call it a successful negotiation that the abductees that were taken from Japan by the North Korean leadership and never accounted for were not accounted for during the negotiation. This was the top issue. I had the Japanese Embassy contacting my office,

complaining about the six-party talks and not being included on their top issues.

Why are they having to go through me? Because they can't go through Chris Hill. What kind of diplomat is that, when he has trouble with one of your main allies on a very specific item and issue that you can at least keep them tuned in and coming along with the overall issue?

China is one of the members of the six-party talks and China has been one of the lead problems with us dealing with North Korea. Yet we do not even push the Chinese on North Korea or North Korean human rights. We don't demand that the U.N. Human Rights Commission, or Commission on Human Rights, be allowed into China to determine are these North Korean refugees who are coming into China, are they economic migrants, are they refugees? We don't even push the Chinese to allow the U.N. in to look and see what the status is here. We do not push them at the six-party talks or the U.N. There is a complete failure of this.

I have had some refugees, a few who made it out of North Korea into the United States, a few more who made it into China—it is hard to get out of China and into the country—I have had a couple into my office, interviewing them, and they talked about the horrible conditions in China for North Korean refugees. Several hundred thousand, probably, are there, stateless, not protected. The women are generally captured and sold as concubines in China—captured like wild animals. This is their fate. We do not push the U.N. Human Rights Commission, don't push the Chinese to allow these individuals in, even though the Chinese have signed the declaration on this. We don't get that done. That is not a success taking place.

North Koreans recently abducted two Americans on the North Korea-China border. That has taken place. We don't object to that. They are developing part of the Syrian nuclear reactor. We don't get any information on that. We get incomplete information. We waive the terrorism list. We get nothing out of this deal. That is called a successful negotiation. I wonder what we will call successful negotiations in Iraq, then, if that is what we are calling a successful negotiation with the North Koreans in the six-party talks. I wonder what we will call successful human rights being determined in Iraq when we see the human rights record of what is taking place in North Korea. I wonder how that is going to be viewed.

For all of those reasons, I think this has been a healthy debate for us to have had. I hope when the supplemental comes up, we as a body do not waive again the Glenn sanctions on North Korea. That will come up in front of this body. It is an annual waiver that will have to take place. I hope

we as a body do not fund North Korea beyond humanitarian assistance. That will come up in the supplemental. I want to lay those markers down for my colleagues. I hope people are watching for this, that we do not reward the North Koreans, that we do not become their supporter like the Soviets were, and we do not continue this practice, much of which Chris Hill negotiated.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to add my voice in support of the nominee, Chris Hill, whom I have had the pleasure of working with extensively in his current assignment, both in my role as a member of the Armed Services Committee and also of the Senate Foreign Relations Committee.

I think he is a uniquely qualified individual. He has a long history of success. If anything, in the current debate, I believe he is perhaps being victimized by the fact that he is a loyal diplomat and was carrying out, with great expertise, the charges that had been given to him as someone who has a career in that area.

The numbers are pretty clear. He is going to get at least 70 votes. I believe it is time for us to end this debate and have the vote and get Chris Hill on his way. I respect the Senator from Kansas. I respect his concerns. He has been a great champion in terms of human rights. I would just suggest that this is not the place to continue this sort of discussion when the situation in Iraq is filled with unknowns, as it is, and our need of getting someone who has these types of qualifications over there to do this job.

The Chris Hill nomination is no more place to have this debate than it was when the nomination of the current Ambassador to South Korea was also held up for similar reasons. The points have been made. I think all of us understand them, and we need to get on with this nomination.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise today in opposition to the confirmation of Assistant Secretary Christopher Hill as U.S. Ambassador to Iraq. I do not often come to the floor and object to nominees of the President of the United States. I believe elections have consequences, and that gives a President of the United States the benefit of the doubt and, even more, as far as the selection of the team he assembles in order to do the best job possible. So it is on a rare occasion that I object to a nominee of the President. But for too long and too deeply the United States of America has been involved in Iraq. There is a fragile situation there. We have recently seen an uptick in violence and attacks by extremist ele-

ments within Iraq. Now is not the time to send a person who I believe is not only unqualified on the face of it but also, in my view, has not conducted himself in the most admirable fashion in his previous work.

Today, we find ourselves in a situation few could have foreseen just a few years ago. In late 2006, the situation in Iraq was deteriorating at an alarming rate. The Government was mired in internal strife and deadlock, sectarian violence crippled the lives of everyday Iraqis, and the outlook for the country's future was increasingly bleak. Yet in the face of seemingly unsurmountable challenges, a drastic change in strategy was introduced. GEN David Petraeus and Ambassador Ryan Crocker launched and executed a civil-military counterinsurgency plan for Iraq that turned the tide of violence in a timeframe and to a degree that surprised even the optimists. The result has been a decrease in violence to the lowest levels since 2003 and real hope about the future of the country in which we have expended so much precious American blood and treasure. Yet as our commanders have repeatedly warned, these gains, though real, are fragile. The recent uptick in violence demonstrates anew that there remain elements within Iraq who wish to continue the violence and use their power to disrupt the transition to a more stable, democratic, and tolerant society. There also remain a number of difficult political and economic issues that lay ahead, including the distribution of oil revenues, the resettlement of refugees and internally displaced Iraqis, and ongoing tensions between Arabs and Kurds.

Ambassador Ryan Crocker was able to tackle these and other issues with great skill and expertise, ensuring unprecedented cooperation between the military, the Embassy, and their counterparts in the Iraqi Government. Ambassador Crocker's remarkable tenure was a byproduct of his lengthy career in the Middle East, not simply incidental to his long record of experience in the region. He had served two tours in Baghdad previously, including in the Coalition Provisional Authority, and he also served as Ambassador to several neighboring countries, including Lebanon, Kuwait, and Syria. His longstanding relationships with the region's leaders, his deep understanding of the complexities of Arab and Iraqi culture, and his ability to speak fluent Arabic were instrumental to his success.

Now, as we reduce the number of combat forces in Iraq, our national interests there will depend to an increasing degree on the skill of our diplomacy. I believe Ambassador Crocker's successor should possess many of the same traits he demonstrated, including experience in the region, an understanding of its players and dynamics,

and relevant language skills. While Ambassador Hill has developed regional expertise, it is not in the Middle East. He has served as Ambassador in Europe and Asia, and speaks, admirably, three European languages but does not speak Arabic. He has not had the opportunity to work with leaders in Iraq or in the region. In fact, he has never been to Iraq. He has limited experience at best in working with the military in the areas of counterterrorism and counterinsurgency.

The next U.S. Ambassador to Iraq will take over at a critical time in history of our involvement there. The U.S. Embassy in Baghdad is the world's largest and, along with our Embassy in Kabul, one of the two most important. The next Ambassador will play a vital role in consolidating our hard-won gains and ensuring that the country does not backslide into violence and turmoil. Given the enormity of our stakes in Iraq, I do not believe it is appropriate to select as our next Ambassador someone who will require on-the-job training in Iraqi affairs and in Middle East issues.

This may well be, I am afraid, the case with Mr. Hill.

There are a number of well-qualified individuals both within the Foreign Service and without it who would make excellent U.S. Ambassadors to Iraq. I do not believe Mr. Hill is among this number.

Our next Ambassador must hit the ground running and quickly work with the ground commander, Iraqi leaders, and others to confront the still great challenges that will present themselves over the next several years. We have made many mistakes in Iraq over a number of years, and they have cost us dearly. We have seen individuals take charge of U.S. efforts there without the background and experience necessary to succeed. I do not want us to repeat this mistake.

In addition to my concerns about Ambassador Hill's lack of Middle East experience, I also have questions arising from his tenure as U.S. Envoy to the six-party talks on North Korea's nuclear program. His legacy in those talks was controversial, as evidenced by complaints that other members of the interagency process were cut out of crucial policy deliberations. In a cable reported in the Washington Post, Thomas Schieffer, then-U.S. Ambassador to Japan, warned of irreparable harm to our relations with Tokyo resulting from an agreement that did not adequately address Japanese interests, including the issue of abductions. Ambassador Schieffer added that he could not play a role in remedying this state of affairs because Ambassador Hill had cut him out of the flow of information on North Korea.

Members of the Senate, including my colleague from Kansas, have asserted

that Ambassador Hill broke a commitment made before a congressional committee to include North Korean Special Envoy for Human Rights Jay Lefkowitz to all future negotiating sessions with North Korea. I am aware that Ambassador Hill has asserted that he did not, in fact, break such a commitment, notwithstanding the fact that Mr. Lefkowitz was not included in these subsequent negotiating sessions.

Given the key role the Congress and non-State Department agencies play in our Iraq policy, however, I believe it is crucial that the next Ambassador to Iraq begin with a surplus of trust and good will with both. Ambassador Hill, I am afraid, starts with a deficit.

Ambassador Hill testified on October 25, 2007, before the House Foreign Affairs Subcommittee that "clearly we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable." Yet, just months later, Ambassador Hill reached an agreement with Pyongyang despite its alleged nuclear proliferation to Syria, and reports have emerged of Iranian-North Korean cooperation in missile technology.

In recent weeks alone, North Korea has tested a ballistic missile in violation of United Nations Security Council resolutions, expelled inspectors from the International Atomic Energy Agency, removed seals on equipment, and turned off surveillance cameras at the Yongbyon nuclear plant and announced that it is withdrawing from the six-party talks.

While Mr. Hill did not bear sole responsibility for the content of U.S. policy toward North Korea, nor for the outcomes I have just described, it is nevertheless inescapable that he has played the key U.S. role in the formulation of policy toward Pyongyang for the past several years. To the eyes of most objective observers, those policies have failed.

Finally, I am troubled at comments and characterizations that appeared in a recent book by New York Times reporter David Sanger. In a statement to associates, for example, Ambassador Hill is quoted—and it is a direct quote—as saying of members of the administration—the administration which he supposedly served—"these [expletive] don't know how to negotiate. Everything is Appomattox. It's just 'Come out with your hands up.' It's not even really Appomattox, because at the end of Appomattox they let the Confederates keep their horses." This is perhaps the most colorful but not the only reference along these lines. Mr. Sanger quotes Ambassador Hill as saying that his instructions "showed a complete lack of understanding about how the world works," and the book, along with other accounts, cites numerous examples of Mr. Hill going beyond his instructions

as authorized by the Department of State.

I know loyalty is a rare commodity in this town, and I do not expect a lot of it. I have seen a lot of situations where people seek to burnish their own images and their own reputations. I guess in some ways this is kind of a classic example, this quote of Ambassador Hill's, talking about the people he works for: "These [expletive] don't know how to negotiate." And he says—and it is a direct quote again—that his instructions "showed a complete lack of understanding about how the world works." I wonder if Mr. Hill really felt this strongly, as these quotes indicate in Mr. Sanger's book, that he might have felt motivated for the good of the country to speak out publicly to remonstrate that "These [expletive] don't know how to negotiate." Instead, many times we see people more interested in how a New York Times reporter describes them than they are in serving the people who appoint them to the positions of responsibility.

In response to a lengthy set of questions I submitted to Ambassador Hill, he wrote that fulfilling the oath taken by a Foreign Service officer "means respecting the chain of command and remaining loyal to my leadership." In this, I agree with Mr. Hill. Mr. Hill, if those quotes are accurate—and I have no reason to believe they are not—obviously did not feel so at the time.

But, most importantly, the stakes in Iraq today could hardly be higher. We have been at this war for 6 long and difficult years. We made many mistakes. We paid an enormous price for the gains we see in that country today. And I must say, in all candor, we have seen another Ambassador to Iraq who went there without experience, and things did not turn out so well.

There are qualified individuals who are serving this Nation in and out of the Foreign Service.

It well known that Marine General Zinni was offered the job, at least by some members of the administration, and then somehow that offer disappeared. The fact is, we have sacrificed a lot. We owe it to the brave men and women who have sacrificed so much to ensure that the remarkable progress they have achieved translates into long-term stability as our combat troops begin leaving the country. After meeting with Ambassador Hill and examining his record, the concerns I raised following his nomination last month remain. For this reason, I must oppose his nomination as the next U.S. Ambassador to Iraq.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I rise in opposition to Ambassador Christopher Hill's nomination to serve as the next U.S. Ambassador to Iraq. As Senator BROWBACK and I stated in a letter to Secretary of State Clinton regarding Ambassador Hill's nomination:

Our role as United States Senators is not to choose the President's envoys. However, in the exercise of the Senate's constitutionally mandated role of advising and consenting to nominations, we are required to judge the qualifications by ambassadorial candidates on several levels, not least their past record of dealing with our own branch of government.

I do not believe Ambassador Hill has the requisite experience to be our Ambassador to Iraq at this critical time in that young democracy's history. Beyond that, serious allegations have been made by members of the press as well as Members of this body that call into question Mr. Hill's ability to follow orders and his willingness to be forthcoming and truthful with the Senate itself. I believe these allegations merit much more rigorous review.

Many of my colleagues believe that Iraq is at a critical and fragile juncture and that now is no time to delay the installation of our Ambassador to that country, and to them I say I could not agree more. However, I would also say to them it is even more critical that we send an Ambassador who has the proper experience for the tough task ahead of him. We should be sending someone who understands the complex and unique historical, cultural, and tribal intricacies of those with whom he will be interacting and negotiating. We should be sending someone who speaks their language, literally. We should be sending someone who, over their distinguished career at the State Department, has at least had one assignment to the Middle East. Ambassador Hill has had none. At no time during his 32 years has he had an assignment there, nor does he speak Arabic. Surely, the State Department has at least one distinguished diplomat who has career experience in the Middle East.

Some of my colleagues argue that Ambassador Hill's experience in Kosovo and Bosnia give him crucial experience solving complex problems of ethnic civil wars. After 6 years of, I would hope, lessons learned, I am sure my colleagues would agree with me that we should not approach the cultural and ethnic nuances in Iraq with a same-thing-only-different diplomacy. I certainly hope the Obama administration is not taking a one-size-fits-all approach to the world.

Iraq's history is not that of Kosovo or Bosnia. Its cultural and ethnic makeup is completely unique. We need someone who understands Iraq's history, culture, and, yes, language. That is why the choice of Ambassador Ryan Crocker was so inspired—a diplomat

who, over his career at the State Department, had been assigned to Iran, Qatar, Lebanon, Egypt, Syria, Afghanistan, and Pakistan—all before he took on his assignment as Ambassador to Iraq. In addition, he spoke Persian and Arabic.

Much of our recent success in Iraq is because of Ambassador Crocker's lifetime of knowledge and understanding of Iraq and its neighbors' cultural and ethnic history. While I don't expect a carbon copy of Ambassador Crocker, I do assert again that surely the State Department has to have at least one distinguished diplomat with relevant experience in the Middle East. If it doesn't—if its bench for Iraq is one diplomat deep—we need to find out what is going on over at the State Department.

Moreover, I worry what signal it sends—when coupled with the recent campaign rhetoric—of our commitment to sustain the hard-fought gains of the surge by sending an ambassador to Iraq with no experience in the region. What message does that send to Iraqi leaders who are nervous that the U.S. commitment to finish what we started has ended?

In addition to his lack of Middle East experience, recent press reports about Ambassador Hill's conduct as head of the U.S. delegation of the six-party talks on the North Korean nuclear issue raise serious doubts about his fitness to serve in such a sensitive position as Ambassador to Iraq.

Twice, Ambassador Hill allegedly disobeyed orders from the President and Secretary Rice not to engage in any bilateral meetings with the North Koreans. According to Stephen Hayes of the *Weekly Standard*:

On July 9, 2005, [Secretary of State] Rice had given approval for a trilateral meeting with the Chinese and the North Koreans in an effort to get the North Koreans to return to the six-party talks on their nuclear program. . . . The Chinese didn't show up, as they had promised. Hill nonetheless met alone with the North Koreans and gave them an important propaganda victory.

We cannot afford to have diplomats exceeding their authority and engaging in freelance diplomacy when they see fit and in direct opposition to the wishes of the President and the Secretary of State.

That is why Senator BROWNBACK and I wrote to Secretary Clinton and asked her to provide us with all relevant cables and correspondence regarding Ambassador Hill's instruction for these two meetings so that we can establish the facts. These matters could have been cleared up by now if the State Department had responded to the letter that Senator BROWNBACK and I sent. It has not chosen to do so. We have no response.

Finally, Senator BROWNBACK raised questions about Ambassador Hill's truthfulness to the Senate. The Senator spoke to this matter.

The position of U.S. Ambassador to Iraq is among the most sensitive missions we have in the world at this time. It is critical that ambassadors follow the letter and spirit of the orders given by the President and the Secretary of State. It is equally important that anytime an ambassador gives assurances to the Senate that something will be carried out, or certain actions will not be engaged in, that those assurances be rock solid.

Mr. President, for the reasons I have articulated—and I associate myself with the remarks of Senators BROWNBACK and MCCAIN—I regret that I cannot support Christopher Hill's nomination to replace Ambassador Crocker as U.S. Ambassador to Iraq.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to express my strong support for Christopher R. Hill to be the next Ambassador to Iraq. I have had the privilege of working with Ambassador Hill and I know him. He is a Rhode Islander. He was born in Little Compton, where he resides. He brought his fine skills and talents to public service many years ago. He has distinguished himself in that service over many years. He is being posted to one of the most critical areas of the world.

Mr. President, you and I just returned from Iraq. One of the comments we heard from General Odierno and from our diplomatic personnel was the need to rapidly confirm Ambassador Hill. They have every confidence in him. They believe he cannot only do the job but do it extremely well. I think their support is much more compelling than the opposition I have heard on the Senate floor today.

We understand, as they do, the real step forward in Iraq is building its governmental capacity and dealing with very explicit problems, one of which—and the Presiding Officer and I have both spoken on this today—is the tension between the Kurds and Arabs around Kirkuk, with respect to oil. Our Ambassador has to hit the ground running and deal with a very difficult set of issues. Chris Hill is prepared to do that.

Together with General Odierno, they will form a team that will continue the progress that has been made over the last several months.

Ambassador Hill, as I mentioned, is from Rhode Island. He earned his B.A. from Bowdoin College and a masters from the Naval War College, also in Rhode Island. He is extremely well qualified for this position, with a lifetime of diplomatic service and facing challenges in many different arenas, and facing them with distinction. He has particular skills in bridging gaps and bringing people together, which will be critical.

Ambassador Hill entered the Foreign Service in 1977. In the 1980s, he served

in various positions within the State Department in Washington. He was an economic officer in the Embassies in Belgrade, Yugoslavia; Warsaw, Poland; and Seoul, Korea.

Beginning in 1991, he spent 2 years as the Deputy Chief of Mission at the U.S. Embassy in Tirana, Albania. From 1994 to 1996, he was the Director of the Office of South Central European Affairs.

Then, in 1996, he was named the Ambassador of Macedonia during a period when the United States was actively engaged in multilateral efforts to prevent the spread of ethnic conflict in Macedonia, bolster Macedonian independence and state viability, and manage bilateral disputes between Macedonia and Greece. He worked with our American military forces during that period.

The first time I met with him I was with the commander of the First Infantry Division of the U.S. Army who was on the ground. So the Ambassador is someone who has already been in a situation in which ethnic tension, bilateral relationships between regional powers, and Army military stabilization operations were underway. I think that experience will make him extremely prepared for and equipped to accomplish the mission he has been assigned in Baghdad.

Ambassador Hill was also part of a team that was assembled by Ambassador Holbrooke that negotiated the Bosnian peace settlement. He fought to ensure that protections were included for those who had been made refugees by the war. In one instance, he personally intervened at the Stenkovac refugee camp to prevent a rioting mob from beating an ethnic Roma family to death.

I think he has a sensitivity to ethnic and sectarian tension, not gleaned from textbooks but from personal involvement and engagement in these situations.

In 2004, he returned to Seoul, Korea, this time as the Ambassador. There he partnered with Korean authorities and the commander of the U.S. Forces Korea, General Leon LePorte, another Rhode Islander, to develop and implement the most significant realignment of our military posture in the region since the Korean war. I think it was an effort that today is bearing fruit in terms of the ability of U.S. forces in Korea to continue their mission with a smaller footprint, and indeed to be able to support operations around the globe as units from Korea are being sent into the combat zone in Iraq and Afghanistan.

Most recently, after his experience as Ambassador to Seoul, he served as Assistant Secretary of State for East Asian and Pacific Affairs and also as head of—as somebody mentioned—the six-party talks, which attempted to get the North Koreans to move away from their path of nuclear progress they had

been making. He worked hard to dismantle their main nuclear facility and provide a full accounting for their plutonium.

Ambassador Hill also engaged in issues of human rights. It has been pointed out that not all of the efforts have been completely successful. But what he was doing was carrying out the policy of the beneficiary administration. He was carrying out the instructions of the Secretary of State and the President of the United States. I think he did that with fidelity to his responsibilities to his superiors and also a keen commitment to improving a situation that had become very dire indeed.

Ambassador Hill has received numerous awards, including the Secretary of State's Distinguished Service Award, the Francis Shattuck Security and Peace Award, the Robert C. Frasure Memorial Award for Peace Negotiations, and the Secretary of Defense Medal of Meritorious Civilian Service.

Ambassador Hill, with his talent, his character, and his commitment to the Nation, has also been recognized because he has been endorsed for this position by the last three Ambassadors to Iraq, including Ryan Crocker, Zalmay Khalilzad, and John Negroponte. These gentlemen did an extraordinarily good job for us there. I am particularly singling out Ryan Crocker—someone whose commitment was not just in terms of his professional skill but his physical skill—risking his life numerous times, working day and night, 7 days a week, and doing it with distinction and grace. That is remarkable.

Again, no one is going to be another Ryan Crocker. I think it is extraordinarily significant that Ryan Crocker, who probably knows that job as well as anybody, would endorse Christopher Hill to take the job. He would not do it just as a courtesy to a fellow State Department officer. He did it because I believe he understands that Ambassador Hill not only can do the job but will do it.

I also say the same thing about the commitment and sincerity and support of Zalmay Khalilzad and John Negroponte. Furthermore, I think both General Petraeus and General Odierno have indicated that not only is he someone with whom they can work, they want to be able to work with him quickly. They want him on the ground. Iraq is at a pivotal juncture in the history of that country and its relationship with the United States. The intelligence and commitment and experience of the Ambassador to Iraq is critical. Ambassador Hill has an abundance of the necessary skills. He has proven again and again he can bring a possible situation to a workable solution. He is the right man for the job. I urge my colleagues to support his nomination.

I yield the floor.

Mr. HARKIN. Mr. President, I strongly support the nomination of Christopher Hill, one of America's most distinguished and accomplished career diplomats, to serve as Ambassador to Iraq.

Our Bagdad Embassy is, obviously, a post of critical importance to United States interests. Our Armed Servicemembers and diplomats serving in Iraq need and deserve an ambassador without further delay. President Obama has set forth a sound strategy for ending our combat role in Iraq and allowing the Iraqi Government to take full responsibility for that Nation's affairs. We will be extremely fortunate to have an ambassador of Christopher Hill's skills, stature, and experience, to oversee this important new phase in our relations with Iraq.

Ambassador Hill's career in the Foreign Service spans more than three decades. He has extraordinary expertise and experience in the fields of national security, peacebuilding, and postconflict reconstruction. He is exactly the right person to have in this critical post at this pivotal time in Iraq.

While serving in the former Yugoslavia from 1996 to 1999, Ambassador Hill was at the center of negotiations for the Bosnia peace settlement, serving as deputy to chief negotiator Richard Holbrooke. He fought to ensure the protection of those who had been made refugees by the war. In one instance, he personally intervened at the Stenkovac refugee camp to prevent a rioting mob from beating to death an ethnic Roma family.

As America's first Ambassador to Macedonia, he worked with local authorities to quell ethno-religious violence and build institutions of democratic governance and civil society.

As Ambassador to South Korea, Hill strengthened a key bilateral alliance, partnering with Korean authorities and the commander of U.S. Forces in Korea to develop and implement the most significant realignment of our military posture in the region since the Korean war.

Most recently, as Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador Hill led extremely complex negotiations to counter North Korea's nuclear ambitions, working with a diverse and powerful group of countries, including China, South Korea, Japan, and Russia.

Ambassador Hill has a master's degree from the Naval War College, and has extensive experience working with our U.S. military on counterterrorism and counterinsurgency. Ambassador Hill has worked with some of the best military commanders of this generation, addressing some of our Nation's toughest challenges GEN Eric Shinseki in the Balkans, GEN Leon LaPorte in Korea, ADM Tim Keating of Pacific Command, to name just a few.

Ambassador Hill's nomination has been endorsed enthusiastically by our last three Ambassadors to Iraq: Ambassador Ryan Crocker, Ambassador Zalmay Khalilzad, and Ambassador John D. Negroponte. We need his experience and seasoned judgment during this crucial time of transition in Iraq. Ambassador Hill's nomination has been vetted through the normal process. It is now time for the Senate to vote on his confirmation, and allow Ambassador Hill to get to work on the significant challenges ahead.

Mr. BUNNING. Mr. President, I rise today to give my remarks on the nomination of Christopher Hill to be United States Ambassador to Iraq. Unfortunately, I cannot support this nomination. There are two principal reasons for my opposition. The first is his inexperience in the Middle East and with the type of challenges provided by Iraq. The second is his actions and behavior during negotiations with North Korea.

It is generally accepted that career diplomats will serve in many very different parts of the globe. However, the position of Ambassador to Iraq is arguably the most important diplomatic post in the world to the United States. To see an example of just the type of person suited to this job one only need to look to the most recent U.S. Ambassador to Iraq: Ryan Crocker. Mr. Crocker previously served as Ambassador to Pakistan, Syria, Kuwait, and Lebanon. He had served in Iraq previously and was Deputy Assistant Secretary of State for Near Eastern Affairs. He is also fluent in Arabic.

Ambassador Hill has none of these credentials. He has spent nearly his entire career concentrating on European affairs, until recently shifting to the Far East to concentrate on issues regarding the Korean peninsula. He has no prior postings or assignments that would give him experience with the Middle East nor that would give him any knowledge of U.S. counterinsurgency efforts there. As the United States begins to draw down the military presence in Iraq, the efforts of our diplomats there will become even more important. We need a more experienced head of these efforts than we have been given in Christopher Hill.

Within Ambassador Hill's experience to date, I have severe concerns in the manner in which he conducted himself as chief U.S. negotiator in the disarmament talks with North Korea. Not only do I find his actions unprofessional but question his negotiating tactics and the concessions he made. Records show he engaged in evasive and unprofessional activities, including sidelining key officials at the State Department and breaking commitments made before congressional committees.

Ambassador Hill also made significant concessions to North Korea during his disarmament talks that I believe were diplomatically unsound and imprudent. I firmly believe they put the

United States at a disadvantage in our efforts to move forward with this rogue Communist regime. Removing North Korea from our list of state sponsors of terrorism along with lifting our sanctions in return for a mere "good faith" declaration of their nuclear weapons program was unsound and irresponsible. True to form, North Korea, through a symbolic process of smoke and mirrors, only partially disclosed their weapons program giving the United States access to information that was already known throughout the international community. North Korea's recent decision to abandon the six party talks and restart their nuclear weapons program only highlights our failed diplomacy and Ambassador Hill's shortcomings.

As we move forward with one of the most diplomatically sensitive missions in American history I do not believe that we can afford to make any mistakes. While Ambassador Hill has a distinguished career of diplomatic service, I do not believe that he is the right nominee for this position. Thus, I respectfully oppose his nomination.

Mr. BROWNBACK. Mr. President, there is a previous agreement that the final 10 minutes be equally divided, 5 minutes on either side, and I rise to use that 5 minutes in opposition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, we are soon to vote on the issue of whether Chris Hill should be the next ambassador to Iraq, and I want to make a few comments about that in closing.

I think there has been a good, full discussion, and I think it has been a good discussion. I misspoke at one point in time, in talking about Auschwitz and Poland. It wasn't a Polish concentration camp. It was in Poland, but it was run by the Nazis. I wanted to make sure I am clear on that to individuals.

Also, I wish to add Senator HUTCHISON to the North Korean Sanctions Act for the RECORD.

Today marks the Holocaust Remembrance Day, as cited earlier on the floor. The Holocaust Museum's theme this year is: "Never again: What You Do Matters." I think what Chris Hill did matters in this case.

I want to read one section of the statement from the Holocaust Museum and what they put forward about what you do matters. They stated:

Remembrance obligates us not only to memorialize those who were killed but also to reflect on what could have been done to save them. Those who survived tell us that as many faced their horrific deaths, their last words were "Remember us. Tell our story." Survivors promised that they would, and that never again would the world stand silent or look the other way.

Well, I can't stand silent and look the other way in North Korea. And I think "never again" ought to mean that. The deeds of Ambassador Hill in

North Korea—no progress on human rights, a terrible deal, failed diplomacy—and I can go through what has happened in the last 2 weeks. To reiterate, North Korea has launched a multistage ballistic missile over Japan, kidnapped two of our citizens, pulled out of the six-party talks, kicked out international nuclear inspectors and American monitors, restarted its nuclear facilities, and according to at least one news source is now under investigation for shipping enriched uranium to Iran.

It was a terrible deal. In all this debate we have had about Chris Hill, not one colleague has defended the deal Chris Hill got with the North Koreans on its merits. Nobody has defended the deal he has gotten on the merits. They just said: Well, it is tough to negotiate. Yes, it is tough to negotiate, but on the merits, this was a terrible deal. And the irony is that the only thing dismantled in the six-party talks was our strategic deterrence and our moral authority. That was the only thing that was dismantled. Convening a six-party dialogue is not success in and of itself, especially when the result is so abhorrent.

We will have a chance to talk about this again shortly. It is going to be coming up in a supplemental. As a reminder here in the Chamber, then-Senator Obama said:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived and consider new restrictions going forward.

In the supplemental fight, there will be a discussion to give North Koreans more heavy fuel oil. I ask my colleagues not to put that in the bill. There will be a sanctions waiver discussion in the supplemental. I ask my colleagues not to waive sanctions on North Korea in the supplemental fight, and I ask instead that we reimpose the sanctions that then-Senator and Presidential candidate, now President Barack Obama called for in June of 2008. That seems to me to be an appropriate route for us to take as we look at this full set of problems we have and the discussion that we have had to date.

I ask my colleagues again to consider the qualifications of Ambassador Hill, the problems that have come under his watch, and the North Korean talks, and not confirm him to be our ambassador for Iraq in a situation where he has produced such terrible results and on a Holocaust Remembrance Day when we say: Never again.

I further ask my colleagues that if you do confirm him, if he is confirmed today, that we actually do remember that what we do matters and what we say matters and that we not go forward here at this point in time and say:

Fine, we are going to go ahead and waive the sanctions. This was part of the Hill strategy toward North Korea; we are going to go ahead and waive these and we are going to let it happen anyway.

Mr. President, I realize I have used my time, and I do appreciate that my colleagues have let us have a full debate on this.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we have given Senators now a chance to air these grievances and raise questions and engage in a pretty full debate on the nomination of Chris Hill. I appreciate the issues my colleague has raised. I know he is deeply concerned about these, and has been one of the leaders in the Senate on the subject of human rights. We all respect that and we are determined in the course of our hearings and in the course of the work of the committee to keep that issue front and center, not just with respect to North Korea but with every country where those issues exist.

I do think it is unfair to suggest that Ambassador Chris Hill has done anything less than meet the standards we would expect with respect to his stewardship, both with the six-party talks as well as in the rest of his career, and I have talked about that a great deal. We have heard the arguments and now is the time to vote. We need an ambassador in Iraq. We need this ambassador in Iraq.

This should not be a controversial nomination. Ambassador Hill is a proven expert negotiator. He is a problem solver and one of the best diplomats we have in the corps. As has been discussed, he has a great deal of experience with the skills that matter the most for the resolution of the remaining issues in Iraq, and he has been particularly involved in ethnic and sectarian conflicts not unlike those he will face when he gets over there. He has worked on multiparty international negotiations, and he is going to have to bring every skill he has learned in the fullness of his career to this task.

Particularly, I want to say we join Senator BROWNBACK in expressing the full concern of every Member of the Senate that we give meaning to the words "never again." That is a solemn responsibility. It is a solemn responsibility particularly on this Holocaust Remembrance Day.

But it is also clear from the record, from Secretary Rice's own words, that

the decision to leave the Special Envoy for Human Rights out of these negotiations was not made by Chris Hill and we should not, in our votes today, hold that decision of his superiors against Chris Hill. It was a decision which Secretary Rice has spoken to publicly and I think we have addressed the major concern that was raised by the Senator from Kansas.

We have also shown the fullness of Chris Hill's own record on human rights and I think that record speaks for itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. I thank the Chair and look forward to this vote. I hope it will be an overwhelming vote in favor of our ambassador to Iraq.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to S. 386 be withdrawn, and that on Wednesday, following a period of morning business, the Senate proceed to the consideration of Calendar No. 28, S. 386.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There will be no further rollcall votes today, of course after the Hill vote. Tomorrow we will consider financial fraud legislation. I encourage those Members who have indicated to the managers interest in offering amendments or coming to speak on the bill, that they do that. I have spoken to the Republican leader today. He said he believes there are a number of amendments—not long in number—that the Republicans wish to offer. We solicit those amendments. There could be several amendments from this side also. It would be good if we could get to legislating on this tomorrow.

I also say I think it set a good tone. We should not have to file cloture on every motion to proceed. I appreciate very much the Republicans not necessitating that wasteful vote. This bill has been on the calendar and available since March 5. No one has to be concerned about not having seen this financial fraud legislation.

Members who have amendments should be ready to go forward with them tomorrow morning.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq?

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—73

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hutchinson	Pryor
Bingaman	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johanns	Sanders
Burris	Johnson	Schumer
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McCaskill	
Enzi	Menendez	

NAYS—23

Bennett	DeMint	McConnell
Bond	Ensign	Risch
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Hatch	Thune
Coburn	Inhofe	Vitter
Cornyn	Kyl	Wicker
Crapo	McCain	

NOT VOTING—3

Kennedy	Roberts	Rockefeller
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

FLOODING IN NORTH DAKOTA

Mr. DORGAN. Madam President, I have come to the floor to talk for a

moment about the unprecedented flooding that has occurred in the State of North Dakota in recent weeks. My colleague, Senator CONRAD, discussed it some yesterday, and I want to discuss it as well.

We have had flood disaster assistance now approved for 38 of North Dakota's 53 counties, and it has been the most unprecedented, unbelievable flooding we have ever seen in the State of North Dakota. This chart I have in the Chamber shows, in red, the counties that have been declared disaster areas as a result of flooding. You can see it covers nearly three-fourths of the State of North Dakota. And we have had more snow, more moisture, more difficulty, more blizzards, and so on, and the rivers across our State have exceeded their banks and threatened very dramatic flooding, which I am going to talk about some today. But before I talk about the water, I want to talk about the people of North Dakota.

The unprecedented flooding that has driven people from their homes and caused so much damage and so much difficulty for so long has caused people in North Dakota to come together to do the most unusual things I have ever seen.

At midnight one night, I peered down the stairs of what is called the FARGODOME to see this large expanse. Inside this large dome building, at near midnight, I peered down on that floor, and there were thousands and thousands of people on the floor of that dome filling sandbags. They filled 3½ million sandbags in about 5½ days—3½ million sandbags in 5½ days. And they did not hire anybody to do that; they just put out a notice on the radio to say: We need people, and people showed up. The most unbelievable thing in Fargo, ND, was to watch what they did with just the people power that showed up. No one thought a group of people could do that, but they did—3½ million sandbags.

The Anne Carlsen School over in Jamestown, ND—on the James River that began flooding—the Anne Carlsen School previously, many years ago, was called the Crippled Children's School. Children who are in that school need a great deal of care. There needed to be an evacuation of the Anne Carlsen School. Eighty athletes from the college and the high school showed up, and in 4 hours, not just the children but the special beds and special equipment and all the things that are necessary to help take care of those children was moved to higher ground and moved to safer quarters.

It is unbelievable that people all over our State just showed up. When all of these volunteers were out there walking the dikes—and particularly the National Guard that walked all of those dikes on the Red River especially, and now in Valley City, which has very high levels at the moment and is in a

very difficult circumstance—we had all of those people involved 24 hours a day.

As is very typical in a State such as mine, hundreds and hundreds of people decided that one way they could participate is to prepare hot dishes and casseroles and meals. I was in meetings where people would show up with big platters of homemade sandwiches. I know volunteers who worked for hour after hour on end would find that people would show up with casseroles and hot dishes, as they call them in our part of the country. One of the ways you fight floods as well is to feed those who are hungry out there in the dike lines and out there who are sandbagging.

Let me show a couple of the sites from the Red River Valley. This is a photograph of a National Guard helicopter. I cannot say enough about the National Guard and how critically important they have been to this flood fight.

But, as you can see from this picture, this area is as flat as a table top. Someone once described the Red River and the Red River Valley as a table top with a scratch in it, the scratch being the Red River. You can see there is not a hill in sight. This is totally, completely flat. You see water simply spreads everywhere. Here is a farmstead completely surrounded by water. That is in the Red River Valley of North Dakota.

In Pembina, ND—and by the way, this Red River runs north and runs out of North Dakota at Pembina into Lake Winnipeg—you will see the city of Pembina is surrounded by water. As shown in this picture, this is an interstate highway surrounded by water. The folks in Pembina, almost every year, have to fight these floodwaters, and this year was no different.

As reported in the Valley City Times Record, a substantial portion of Valley City had to be evacuated. In the middle of this unbelievable fight in Valley City—and by the way, that is on the Sheyenne River—the fight to the finish line here was with so many volunteers to build dikes and to try to do what is necessary to save the city of Valley City. I walked into the Valley City Winter Show facility and saw once again an unbelievable sandbagging operation. Just blowing the city whistle and putting out a notice over the radio meant that people flocked to the area where they were needed to fill sandbags. In Valley City, even as I speak, they are still fighting those floodwaters. As shown in this picture, this is part of the diking around Valley City, as you can see. This happens to be the Sheyenne River. I mentioned the Red River Valley, which is the Red River. The Red River runs north, one of the only rivers in America that run north. The headwaters are in the southern part of North Dakota and South Dakota, so the headwaters are south and

the river runs north. But this is the Sheyenne River, which then eventually runs into the Red River as well. That happens to be the Valley City issue.

This is a picture of Fargo, ND. This photograph is all water. Obviously, this house is flooded. But we had the Coast Guard there. We had propeller boats evacuating people. It is an unbelievable sight.

This is a copy of the Bismarck Tribune: "Forces of Nature." It shows a number of head of cattle simply gathered here on the only piece of dry ground, stranded by all of the water.

Of course, Linton, ND, a little community, a smaller community south of Bismarck, was hit with a significant flood.

Beulah and Hazen were hit with a significant flood, and Bismarck, ND, with ice jams, has a threat to a substantial portion of that city of a wall of 3 or 3½ feet of water that would inundate the southern part of that city if the ice jams broke.

All of these communities were facing those kinds of challenges.

Ransom County, ND. This is dead cattle shown in this picture. We do not know the count yet of how many dead head of livestock we will have, but it will be plenty, and our ranchers will have suffered a substantial amount. In addition to the dead livestock that is going to happen, we will have, undoubtedly, more than 3 million acres of ground that cannot be planted this year because of water—another difficulty as a result of this flood to the agriculture community.

As shown in this picture, this is one block from Main Street in Beulah, ND. I will be in Beulah on Saturday of this week. Here is the threat that Beulah faced, a city in the center of our State, and all of these communities: Valley City, Lisbon, La Moure, Fort Ransom, Mott, Beulah, Linton, Bismarck—and the list goes on—Pembina. All of these cities faced very substantial flooding this year.

Here, shown in this picture, is a feed lot west of Mandan, ND, with a couple dogs and a bucket. All you can see is water because that is all there was because of complete total flooding.

This is a photograph of a flooded yard and outbuilding in Fargo, ND, with a dog looking over the dikes.

Let me say the Corps of Engineers has done a masterful job. Let me also say the mayor and the vice mayor and the folks in Fargo and so many other communities have done an extraordinary job. The mayor of Valley City even today is continuing to fight this fight. If you go into a fight, a flood fight, you want the Corps of Engineers on your side because they have sent hundreds of people into our State to try to fight these floods.

This is a photograph of sandbagging, in this case by National Guardsmen, in Bismarck, ND.

This is a photograph of the dropping of 2,000-pound sandbags in areas of the dike that were about to breach, dropping from a helicopter 2,000-pound sandbags into a crevice to see if they could stop a breach.

These are just a few of the challenges we have faced in so many different communities: Jamestown, La Moure, Linton, Beulah/Hazen, Mott, Fort Ransom—so many other communities.

I want to say that I think almost everyone in North Dakota has been overwhelmed by what the notion of being a good neighbor really means. It means showing up, just showing up when you are needed—not because somebody asked you to but because you just felt you should because it was part of the destiny and the future of your community to be involved in fighting floodwaters.

This is a natural disaster, and it is going to take some long while for our State to recover. But our State is a community of interests that has made me enormously proud. The folks who settled the northern Great Plains are pretty special people. My ancestors showed up there from Europe a long, long time ago and pitched a tent on the prairies and raised a family and then built a house and started a farm. That is the way they started populating the prairies of the northern Great Plains.

In North Dakota, they still look after each other when times are tough. And this is about as tough a time as I have ever seen in my lifetime in the State of North Dakota with respect to natural disasters. We know that 12 years ago, in 1997, the city of Grand Forks faced a flood and the dike breached and the city of 50,000 people was evacuated. It was the largest evacuation of a major city at that time since the Civil War. We well understand a flood fight, well understand the consequences of natural disasters and flooding, and I am proud to say Grand Forks has come roaring back as a city.

I am also proud to say the cities of Fargo and Moorhead and Wahpeton and Breckenridge and others have fought back these floodwaters, and we did not have a breach in the dike, so that a major portion of the cities were protected. But other areas were not. The mayor of Oxbow, ND, for example—I recall standing on a dike with him, and his eyes were full of tears as he recalled and recounted the fight they fought and lost in some areas because they simply could not hold back the waters.

There are so many stories and so much misery as a result of a natural disaster, but I think there is also a second side to it, and that is a very inspirational side of what people can do for each other and with each other to try to deal with these difficult times. The one thing about life is, success is pretty easy to handle. The question is, How do you handle things when times get a little tough?

I wanted to say I am so proud of the people of my State, the State I am privileged to represent. We have a lot now to do with the Corps of Engineers, with future water projects, and the kinds of protections that are needed to be improved for future flood protection. That will come at a different moment in the weeks and months ahead, but for now I simply wanted to describe to my colleagues some of the circumstances we faced in our State and especially the stories about what people did together to try to make a big difference, fighting back the waters of these many rivers that exceeded their banks and caused such havoc in many of our communities.

TRIBUTE TO JOHN HOPE FRANKLIN

Mr. WEBB. Madam President, I would like to take some time today and talk a little bit about an individual for whom I have great admiration who passed away without much comment from this body last month, John Hope Franklin, I think perhaps the most eminent Black historian in America. Even that does not do justice to John Hope Franklin, one of the most eminent historians in our country, who happened to be of African-American descent.

I make these comments as someone who spent a good deal of my life as a writer and dedicated to examining American history, and also I make them in the spirit that our Attorney General offered when he said: Maybe we should have a little more courage when we are talking about issues like race in America.

It is interesting to take a look at the paper this morning and see the Pulitzer Prizes that were awarded this year, the Pulitzer Prize for history being awarded to Annette Gordon-Reed for a book entitled "The Hemingses of Monticello: An American Family," which ties into the continuing saga of Thomas Jefferson; and for general nonfiction, a book entitled "Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War To World War II," by Douglas A. Blackmon, which is another examination of the situation of Black America in the American South.

Those are both important contributions to our understanding of American history. When I look at John Hope Franklin, who died at the age of 94 last month, and the contributions he made and the environment in which he grew up and basically conquered through his success, I look at an individual who had a lot of impact on me when I was a young man trying to put the history of the American South into some context because John Hope Franklin had the courage to not only address Black history but to place it into the context of American history, not to deal with it as a separate issue.

There is a very fine obituary that was written in the Economist April 4 edition which outlined a lot of the high points and the challenges of John Hope Franklin's life. I ask unanimous consent this obituary be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. WEBB. I am going to hit a couple of points in this obituary, then I want to talk about the American South as John Hope Franklin understood it and where we are today, White and Black.

John Hope Franklin grew up in Oklahoma. His father moved to Oklahoma when he was 6 years old to practice law. He had his own challenges in that environment during the Jim Crow laws. He then went to Fisk University, was an outstanding scholar, got a doctorate at Harvard. He became the first African American to lead an all-White history department at Brooklyn College.

He later taught at the University of Chicago, and as the Economist pointed out:

Unlike many after him, he did not see "black history" as an independent discipline and never taught a formal course on it. What he was doing was revising American history as a whole. His books, especially "From Slavery to Freedom" which was first published in 1947, offered Americans their first complete view of themselves.

When I was at Georgetown Law Center, after I left the Marine Corps, and was studying on my own stead, sort of an avocation, of ethnic settlement patterns in America, I was being confronted with a lot of rhetoric that had come out of people who did not understand the American South, who did not really understand that, in truth, the American South has never been White against Black, even during its worst times. It was more a three-tiered than a two-tiered society. It was a small veneer of White aristocrats in many ways manipulating White against Black.

White and Black in the majority of the American South economically differed very little at all. I started reading John Hope Franklin's classic book, "From Slavery to Freedom." I saw that he was an intellectually honest observer, a passionate observer of true history, and he commented in this book on that in 1860, at the height of slavery right before the Civil War began.

Region-wide, less than 5 percent of the Whites in the South owned slaves. If you think about what the American perception is on the issue of South versus slavery, you will realize what an astounding statistic that happens to be. He also went on to say:

Fully three-fourths of the white people of the South had neither had slaves nor an immediate economic interest in the maintenance of slavery or the plantation system.

So contrary to a lot of rhetoric today and a lot of misunderstanding, John

Hope Franklin was giving an actual context that in the South, fully 75 percent of the Whites living alongside Blacks during the Civil War and afterwards had never benefitted from slavery or had never participated in it as an economic institution.

The aftermath of the Civil War was a very difficult time for the American South, White and Black. As I wrote in my book "Born Fighting," between the end of the Civil War and the beginning of World War II, the South was basically an owned place. It was a colonized place and, in fact, it was colonized doubly. It was colonized from the outside, an entire region owned from the outside in its basic infrastructure, its banking systems, its schools not properly funded, and it was also colonized from the inside.

This is the area that we see so many historians commenting on even today; that is, the planters society, early, before the Civil War, became, in many ways, this aristocracy that kept White and Black down at the same time, and it has taken us a very long time to get past that.

In 1933, President Roosevelt published probably the most comprehensive document on the economic conditions of the American South that has ever been written. He pointed out in this document in 1933, the educational base of the South has been decimated, White and Black. Illiteracy in the South was five times as high in the North Central States and more than double the rate in New England than the Middle Atlantic States.

The total endowments of all of the colleges and universities in the South were less than the combined endowments of Harvard and Yale alone. The South was being required to educate one-third of the Nation's children with one-sixth of the Nation's school revenues. The richest State in the South in 1933 ranked lower in per-capita income than the poorest State outside the region.

In 1933, the average annual income in the South was only \$314, while the rest of the country averaged more than \$600. This report pointed out, importantly, using the terms of the time:

Whites and Negroes have suffered alike. Of the 1.8 million tenant families in the region, about 66 percent are white [the South's population at this time was 71 percent white] . . . half of the sharecroppers are white, living under conditions almost identical with those of Negro sharecroppers.

The region had 28 percent of the country's population. In 1937 it had 11 percent of the Nation's bank deposits. So this was a region, all the way into World War II, where you had legal separation, which we were able to overcome through the Civil Rights Movement and through a lot of very courageous people, John Hope Franklin among them.

But once you get past the legal restrictions, the economic conditions

among a preponderance of the population were basically the same. But this has provided downstream implications for both African Americans and people of European descent in the American South.

When I was in law school in 1974, the National Opinion Research Center at the University of Chicago did a study on White ethnic groups, broke them down by 17 different criteria. White Baptists, which basically are a population that has descended out of the American South through the Scotch-Irish migration—of which I wrote in “Born Fighting”—averaged 10.7 years of education. Blacks nationwide averaged 10.6 years of education. So the point to be made is that for both of these groups with a very common heritage, once we set aside, as we have, the legal disparities that tormented the South for so long, have very similar challenges in terms of breaking down generational cycles.

In the obituary from the *Economist* that was written about John Hope Franklin, this point was made:

Militancy was not in his nature. He was too scrupulous a historian for that, and too courteous a man. Asked whether he hated the South, he would say, on the contrary, he loved it. His deepest professional debt was to a white man, Ted Currier, who had inspired him to study history and had given him \$500 to see him through Harvard.

I would say, as we remember this truly brilliant American, that he not only loved the South, he understood it.

EXHIBIT 1

[From the *Economist*, Apr. 4, 2009]

JOHN HOPE FRANKLIN

His chief pleasures were contemplative and patient. With watering can and clippers, he would potter in his greenhouse among hundreds of varieties of orchids. Or, standing in a river, he would wait for hours until a fish tickled his line. These were, one could say, typical historian's amusements; very close, in rhythm and character, to the painstaking, careful accumulation of tiny pieces of fact.

And yet what John Hope Franklin collected, over a lifetime of scholarship, were scraps of horror. Five dollars for the cost of a branding iron. A deed of sale, in Virginia in 1829, for a male slave “of a yellow colour” who “is not in the habit of running away”. Or the testimony from 1860 of Edward Johnson, a black child apprentice:

“I was taced and plased with a rope a round my rists my back intiarly naked and swung up then and there Each of [the men] tuck a cow hide one on Either side and beet me in such a manner when they let me down I fanted and lay on the ground 2 hours.”

To these Mr Franklin could add from his own experience. The train journey to Checotah, Oklahoma, when he was six, that ended when his mother refused to move from the whites-only carriage. His father's small law office in Tulsa, reduced to rubble after a race riot in 1921. The day he was told by a white woman whom he was helping, at 12, across the road, that he should take his “filthy hands” off her. And the warm evening when he went to buy ice cream in Macon, Mississippi—a tall 19-year-old student from Fisk University, scholarly in his glasses—only to find as he left the store that

a semi-circle of white farmers had formed to block his exit, silently implying that he should not try to break through their line.

Academia offered no shelter. He excelled from high school onwards, eventually earning a doctorate at Harvard and becoming, in 1956, the first black head of an all-white history department at a mostly white university, Brooklyn College. Later, the University of Chicago recruited him. But in Montgomery, Louisiana, the archivist called him a “Harvard nigger” to his face. In the state archives in Raleigh, North Carolina, he was confined to a tiny separate room and allowed free run of the stacks because the white assistants would not serve him. At Duke in 1943, a university to which he returned 40 years later as a teaching professor, he could not use the library cafeteria or the washrooms.

Whites, he noted, had no qualms about “undervaluing an entire race”. Blacks were excluded both from their histories, and from their understanding of how America had been made. Mr Franklin's intention was to weave the black experience back into the national story. Unlike many after him, he did not see “black history” as an independent discipline, and never taught a formal course in it. What he was doing was revising American history as a whole. His books, especially “From Slavery to Freedom” (1947), offered Americans their first complete view of themselves.

THOMAS JEFFERSON'S WINE

Militancy was not in his nature. He was too scrupulous a historian for that, and too courteous a man. Asked whether he hated the South, he would say, on the contrary, that he loved it. His deepest professional debt was to a white man, Ted Currier, who had inspired him to study history and had given him \$500 to see him through Harvard. Yet, alongside the dignity and the ready smiles, a sense of outrage burned. He longed to tell white tourists thronging Washington that the Capitol had been built by slaves, and that Pennsylvania Avenue had held a slave market, “right by where the Smithsonian is”. Profits made possible by enslaving blacks had not only allowed Thomas Jefferson to enjoy fine French wines: they had also underpinned America's banks, its economic dynamism and its dominance in the world. The exploitation of blacks was something he admitted he had “never got over”.

Nor had America got over it, despite the march from Selma, in which Mr Franklin led a posse of historians, and Brown v Board of Education, where he lent his scholarship to help prove that the Framers had not meant to impose segregation on the public schools. The “colour line”, as he called it, remained “the most tragic and persistent social problem” the country faced. His own many black firsts—president of the American Historical Association and the Southern Historical Association, membership of Washington's Cosmos Club—had not necessarily opened the door to others. The night before he received the Presidential Medal of Freedom in 1995, a woman at the Cosmos Club asked him to fetch her coat. He was overjoyed by Barack Obama's election, but could not forget the poor, immobile blacks revealed by Hurricane Katrina.

He yearned to improve things, but wondered how Financial reparations he was doubtful about; apologies seemed trifling. Only time, in historical quantities, seemed likely to make a difference. For some months he was chairman of Bill Clinton's Initiative on Race, a disorganized effort that ended by recommending “community co-op-

eration”. Hostile letters poured in, mostly from people who did not think the subject worth talking about. Mr Franklin took them in his stride. He would go and work on his next book, or retire to the greenhouse, implements in hand; and practise patience.

HONORING YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

Mr. REID. Madam President, today, Holocaust Remembrance Day, or Yom Hashoah in Hebrew, is a day to give us pause. Today, we remember the horrific events of over half a century ago, when more than 6 million Jewish men, women, and children were targeted and systematically murdered, along with countless other victims of Nazi persecution. Today, we honor their memories and renew our commitment to stand up against prejudice and hatred in all its forms.

In 1980, Congress passed legislation that would dedicate this week every year to Holocaust Remembrance, so that Americans all over our country could come together and pay tribute to those who perished, and to ensure their stories will never be forgotten. This same legislation created the U.S. Holocaust Memorial Museum, a building that now stands in our Nation's Capital as a center of Holocaust education and learning and a memorial to its victims. Today, the names of some of those who perished will be read aloud in the Museum's Hall of Remembrance, and on Thursday, Holocaust survivor and Nobel Laureate Elie Wiesel will join President Barack Obama and congressional leaders in a ceremony in the Capitol Rotunda.

Even now, so many decades later, we continue to uncover more stories of untold brutality and terror during the Holocaust, as work by the International Institute for Holocaust Research at the Yad Vshem Holocaust Museum exposes new evidence of Nazi genocide. These little-known cases are even more poignant today, as we consider the renewed struggle against anti-Semitism and continued denial by some of the State of Israel's very right to exist.

Next week, on April 29, we will celebrate 61 years since the establishment of Israeli independence, and 61 years of unwavering U.S.-Israeli friendship. Last year, I was proud to lead the Senate in adopting a bipartisan resolution to honor Israel in its achievement of 60 years of statehood, and its resilience as a stronghold of democratic principles and freedoms in a volatile region. Although Israel remains under constant siege from neighboring states and terrorist groups, its unwavering dedication to these ideals and its proud history of survival demonstrate that Israel will endure and it will do so with the United States standing firmly by its side.

Today, as we both remember those who perished in the Holocaust and look

toward the coming celebration of Israel's independence, let us reflect upon the imperative we face. Since the establishment of the term "genocide" in 1944, the terrible events in former Yugoslavia, Rwanda, and now ongoing in Sudan have taught us what will continue to happen when hatred and persecution go unchecked. The day of Yom Hashoah calls upon each one of us to work individually and collectively to rededicate ourselves to overcoming intolerance, and—perhaps just as important—indifference, wherever and whenever we encounter them.

To the vibrant Jewish community that calls our great state of Nevada home, I wish you a joyous celebration of the 61st anniversary of Israeli independence, and I look forward to many more years of productive friendship between the United States and Israel. And to all who gather today and all of this week to pay tribute to the victims and survivors of the Holocaust, let us join together in honoring their memories and pledging to take up our shared mission of remembrance and action.

Mr. NELSON of Florida. Madam President, I rise today for the solemn purpose of commemorating Holocaust Remembrance Day.

I just returned from an overseas visit with SENATORS LEVIN and COLLINS to examine missile defense issues in Russia, the Czech Republic, and Poland. In Poland, I visited the Warsaw Ghetto memorials, one of which was built on the location where the Jews were transported to the death camp at Treblinka, beginning in July 1942. I was moved by visiting that place. We saw another monument built to the heroes of the Warsaw Ghetto uprising. The death camps would not be liberated until 1945, but we remember this courageous struggle against overwhelming odds.

In America and throughout the world, Jews are observing this day in synagogues, reciting prayers. Young people listen to the testimonies of survivors who witnessed and were victims of the worst crimes committed by humankind, so that the Holocaust is not forgotten by future generations.

Florida has the largest number of Holocaust survivors in the entire country. These survivors remind us that the Holocaust was a tragedy of almost unimaginable proportions.

Today we remember those who lost their lives, not because of any crime they committed, but simply because of their faith and their heritage. And, though Jews were indeed the primary victims, we also remember the others who suffered persecution and were murdered by the Nazis: Gypsies and Poles, Jehovah's Witnesses, the handicapped, gays, political dissidents and Soviet prisoners of war.

In addition to marking this day, we in Congress are doing what we can to ensure that we never forget what hap-

pened during the Holocaust and that it never happens again.

Earlier this year, two of my distinguished colleagues, Senators COLLINS and CARDIN, introduced an important resolution that I cosponsored, which condemns anti-Semitism in all its forms.

In respect for the victims of the Holocaust and surviving relatives, I will introduce a resolution on restitution or compensation for property and other assets seized by the Nazi and Communist regimes in postwar Europe, in anticipation of the International Conference on Holocaust Assets that will be held in Prague at the end of June. This conference is a followup to the International Conference that was held 10 years ago in Washington, which established the framework compensation programs that were established throughout western Europe during the past decade.

I would point out that we still must determine how to address the cases of the remaining Holocaust victims who have yet to be compensated for the unpaid value of insurance policies they held before the war. I would support legislation that actually helps survivors to obtain just compensation and avoid dragging out compensation efforts or giving false hope to survivors.

I will also be introducing the World War II War Crimes Accountability Act to encourage foreign governments to prosecute and extradite wanted criminals, and to bring them to justice.

Despite the efforts of the U.S. Government, particularly the Department of Justice, and of groups such as the Simon Wiesenthal Center, a number of perpetrators of crimes against humanity remain at large. What is worse, we know exactly where some of the individuals are living, but the countries where they reside refuse to extradite them to face justice.

We are in a race against time. Each year, more Holocaust survivors are laid to rest. Let us work together quickly to let them see a measure of justice done in their lifetime.

Finally, our Government has made solemn commitments in the past that the horror of the Holocaust will never be repeated. And yet we are all well aware of the grim stories of ethnic cleansing in the former Yugoslavia in the 1990s, the mass murder of Tutsis in Rwanda in 1994, and now the ongoing genocide in Darfur. America as a nation must be a leader on the world stage to prevent genocide.

I urge President Obama, Secretary of State Clinton and UN Ambassador Rice to continue the battle against ignorance, intolerance, and instability that seem to contribute to genocide, and to confront those governments that engage in genocide. And America must make every effort to ensure that those who commit these horrific crimes face justice.

RETIREMENT OF RABBI SOIFER

Mr. REID. Madam President, I rise today to recognize Rabbi Myra Soifer, who will retire on June 30, 2009, after 25 years of service to the congregation of Temple Sinai in Reno, NV. Rabbi Soifer was one of the first ten women ordained as a rabbi after the Reform Jewish movement accepted them in 1972. A well accomplished scholar, she received her undergraduate degree from Lawrence University, her Masters in Hebrew Letters and ordination from Hebrew Union College in Cincinnati, Ohio, and graduate work at the Pacific School of Religion in Berkeley, CA, and the Leo Baeck College Rabbinical School in London, England.

Rabbi Soifer has enriched her community with her grasp of the Torah and its teachings. Under her guidance, Temple Sinai has grown into a vibrant religious community with an expanded religious school and an enlarged campus that can accommodate both the congregation's largest gatherings as well as community meetings.

Besides being a dedicated spiritual leader for her congregants, she has been a powerful voice for good in the community at large. Rabbi Soifer has been a fearless, driving force in bringing the greater faith community together around prayer, and to address moral and political issues. She led Temple Sinai to help organize the Northern Nevada interfaith response to the tragic events of 9/11. She has organized women in the faith community as the founder of the Reno Clergywomen's Association, and she created an interfaith clergy study group known as the "Study Buddies", which has been going strong for over 20 years. The community recognizes her as a passionate advocate for social justice, celebrating cultural and religious diversity, and caring for the underserved locally and globally.

Her accomplishments have been recognized in many ways over the years, as she has been the recipient of the Metropolitan Community Church's Human Rights Award; University of Nevada, Reno's Psychological Services Award; ACLU's Civil Libertarian of the Year; and Reno Magazine's "88 people to watch in '88" Award. Her reach in the community goes beyond the Temple's walls, having worked with the Washoe County School District, Nevada Coalition Against the Death Penalty, Witness For Peace, Reno/Sparks Metro Ministry, Community Coalition to End Hate and Violence, Northern Nevada AIDS Foundation, Planned Parenthood of Northern Nevada, Northern Nevada Black Cultural Awareness Society, and the Food Bank of Northern Nevada.

I join with Nevadans throughout the Silver State to honor Rabbi Myra Soifer for her lifetime dedication to her faith, her community, and the social justice of all people. She has indisputably made a tremendous impact

which will endure in the institutions she has enriched.

LEGACY OF CHICAGO'S ARTURO VELASQUEZ, SR.

Mr. DURBIN. Madam President, at the start of the Great Depression, a Mexican immigrant mother in Gary, IN, found herself with no job, no money and no food. So she did the only thing she could think of: She decided to pack up her young son and move back to Mexico, where they would at least have something to eat.

Fortunately for the city of Chicago, which I am honored to represent, the old Model T Ford they rode in overturned near Albuquerque, leaving them stranded without money.

The mother took a job as a farm worker and they began migrating between sugar beet fields in the Black Hills of South Dakota and tomato farms in Minnesota and Iowa.

Eventually, they landed in Chicago.

Over the next seven decades, that little boy, Arturo Velasquez, would become a civic treasure in Chicago: an entrepreneur, philanthropist, activist, advisor to Chicago's leaders, and patriarch of one of Chicago's leading Hispanic families.

Arturo Velasquez was dedicated to his family, his church, his business, and the city of Chicago, especially the Mexican American community on Chicago's South Side.

This past Friday, Mr. Velasquez passed on at the age of 93. But his influence will live on in the people he inspired, the lives he helped change, and the opportunities he helped create for so many.

Mr. Velasquez was a gracious man. He was also humble. He used to describe himself as a "jukebox operator."

In fact, he owned one of Chicago's largest music and game firms, Velasquez Automated Music Co, which he founded more than 70 years ago. It is run today by his son Ed and daughter Maria Elena.

In 1970, Mr. Velasquez helped another son, Art, found Azteca Foods, Inc; which supplies thousands of groceries and restaurants with tortillas and other food products.

He played a key role in the establishment of the Mexican American Chamber of Commerce, the Azteca Lions Club, the Illinois Federation of Mexican Americans and many other business and civic groups.

Formal education was a luxury for Mr. Velasquez, as it is for many children of migrant workers.

He attended 13 different grade schools and he never went to high school. But he was a strong advocate for education.

He was determined that all five of his children would graduate from college, and they did.

He also worked tirelessly for decades to provide other young people, espe-

cially Mexican Americans, with the educational opportunities he himself never received.

He served as a trustee for two colleges: the City Colleges of Chicago and National Louis University.

And a year ago, Chicago City Colleges' West Side Technical Institute, which Mr. Velasquez supported strongly, was renamed in his honor.

Arturo Velasquez continues to help others, even now.

His family asks that anyone wishing to honor his memory donate to two causes that were important to him.

The first is the City Colleges of Chicago Foundation for Scholarships to the Arturo Velasquez West Side Technical Institute, a scholarship fund for Latinos in the 2-year technical education program who want to go on to 4-year colleges.

The second cause is Alivio Medical Center, near and dear to my heart, a community health center, founded by Mr. Velasquez's daughter Carmen, that provides free health care to thousands of Chicago families each year in the mostly Latino Pilsen, Little Village and Back of the Yards neighborhoods.

I cannot tell you how impressed I am with Carmen and her work at Alivio. The fact that her father inspired her and now wants to continue helping her, even in his passing, says a lot about the family.

Mr. Velasquez received many well-deserved accolades including an honorary doctorate for public service from St. Xavier University, and the Ohtl Award from the Mexican government, the highest award to a Mexican who lives outside that country.

And in 2002, he was honored by the Chicago Historical Society with its Making History Award.

But what meant most to Mr. Velasquez was his family.

He and his wife Shirley were married for 72 years. They were blessed with five children, 11 grandchildren and 19 great-grandchildren.

As a young father, Mr. Velasquez dreamed of being able to provide his family with a home of their own.

It took a while. He bought an empty lot at 72nd Street and St. Louis Avenue in 1945. But he did not build a house on it until 1950.

Mrs. Velasquez once told a reporter, "Every Sunday he would take the kids to the empty lot. He'd tell them, 'Go jump on it. It's yours.' And I'd say, 'Can't you think of any other place to go?'"

In 1959, Mr. Velasquez covered the White Sox for a Spanish-language newspaper. That year, the Sox won their first division pennant in 40 years, only to lose the World Series to the Los Angeles Dodgers.

In 2005, he saw his great-grandson Willy throw out the first pitch during Game 2 of the division series.

He had tickets to every game of the playoffs.

And he saw his beloved White Sox, at last, win the World Series, another dream come true for a man who made the dreams of so many others possible.

I want to express my deep condolences to his wife Shirley, their children, Art, Raymond, Carmen, Maria Elena and Edward, and their grandchildren and great-grandchildren.

Arturo Velasquez was a gracious and generous man and a true community leader. He will be greatly missed.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, today I rise to pay tribute to 11 young Americans who have been killed in Iraq since November 19. This brings to 870 the number of servicemembers either from California or based in California that have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

GySgt Marcelo R. Velasco, 40, of Miami, FL, died November 19 from injuries sustained in a non-hostile incident in Anbar province, Iraq. Gunnery Sergeant Velasco was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert L. Johnson, 21, of Central Point, OR, died December 20 as a result of a nonhostile incident in Anbar province, Iraq. Lance Corporal Johnson was assigned to the 5th Combat Logistics Battalion, 1st Combat Logistics Regiment, 1st Marine Logistics Group, Camp Pendleton, CA.

SPC Tony J. Gonzales, 20, of Newman, CA, died December 28 in Sadr City, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Gonzales was assigned to the 1st Battalion, 6th Infantry Regiment, 2nd Brigade, 1st Armored Division, Baumholder, Germany.

PFC Benjamin B. Tollefson, 22, of Concord, CA, died December 31 in Balad, Iraq, of wounds suffered when insurgents attacked his unit with indirect fire in Ghazaliya. Private First Class Tollefson was assigned to the Special Troops Battalion, 2nd Heavy Brigade Combat Team, 1st Infantry Division, Fort Riley, KS.

PFC Grant A. Cotting, 19, of Corona, CA, died January 25 in Kut, Iraq, of injuries sustained from a noncombat related incident. Private First Class Cotting was assigned to the 515th Sapper Company, 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, MO.

SSG Sean D. Diamond, 41, of Dublin, CA, died February 15 in As Salam, Iraq, when an improvised explosive device detonated near his vehicle. Staff Sergeant Diamond was assigned to the 610th Engineer Support Company, 14th Engineer Battalion, 555th Engineer Brigade, Fort Lewis, WA.

1LT Daniel B. Hyde, 24, of Modesto, CA, died March 7 in Samarra, Iraq, of

wounds sustained in Tikrit when an explosive device struck his unit vehicle. First Lieutenant Hyde was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

PFC Bryce E. Gautier, 22, of Cypress, CA, died April 10 when his military vehicle was struck by a suicide vehicle-borne improvised explosive device in Mosul, Iraq. Private First Class Gautier was assigned to the 1st Battalion, 67th Armor Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SFC Bryan E. Hall, 32, of Elk Grove, CA, died April 10 when his military vehicle was struck by a suicide vehicle-borne improvised explosive device in Mosul, Iraq. Sergeant First Class Hall was assigned to the 1st Battalion, 67th Armor Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SGT Raul Moncada, 29, of Madera, CA, died April 13 near Baghdad, Iraq, of wounds sustained when an explosive device detonated near his vehicle. Sergeant Moncada was assigned to the 563rd Military Police Company, 91st Military Police Battalion, 10th Sustainment Brigade, 10th Mountain Division, Light Infantry, Fort Drum, NY.

LCpl Ray A. Spencer II, 20, of Ridgecrest, CA, died April 16 as a result of a non-hostile incident in Anbar province, Iraq. Lance Corporal Spencer was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, Kaneohe Bay, HI.

I would also like to pay tribute to the four soldiers from CA who have died while serving our country in Operation Enduring Freedom since November 19.

SSG Joshua R. Townsend, 30, of Solvang, CA, died January 16 in Tarin Kowt, Afghanistan, of injuries sustained in a noncombat related incident. Staff Sergeant Townsend was assigned to the 1st Battalion, 7th Special Forces Group, Airborne, Fort Bragg, NC.

SSgt Daniel L. Hansen, 24, of Tracy, CA, died February 14 while supporting combat operations in Farah province, Afghanistan. Staff Sergeant Hansen was assigned to Marine Wing Support Squadron 171, Marine Wing Support Group 17, 1st Marine Air Wing, III Marine Expeditionary Force, Iwakuni, Japan.

LT Florence B. Choe, 35, of El Cajon, CA, died March 27 when an insurgent posing as an Afghan National Army soldier opened fire on personnel assigned to Combined Security Transition Command—Afghanistan at Camp Shaheen, Mazar-E-Sharif, Afghanistan.

A1C Jacob I. Ramsey, 20, of Hesperia, CA, died April 10 of injuries sustained from a noncombat related incident in Kabul, Afghanistan. Airman First Class Ramsey was assigned to the 712th

Air Support Operations Squadron, Fort Hood, TX.

CORPORAL MICHEAL B. ALLEMAN

Mr. HATCH. Madam President, I rise today to pay tribute to CPL Micheal B. Alleman of Logan, UT. Corporal Alleman died in the service to our country on February 23, 2009, of wounds suffered when insurgents attacked his unit using small arms in Iraq's Diyala Province. He was 32 years old and is survived by his parents Boyd and Susan Alleman, his wife Amy, and their two sons Kai and Kennet.

Corporal Alleman served in the 5th Squadron, 1st Cavalry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, Fort Wainwright, AK.

Two years ago, Micheal Alleman decided to put his teaching career on hold to enlist in the U.S. Army. When he explained this decision to his fifth grade class at Nibley Elementary School, he said he wanted to be like the Nation's first President, who left his career as a Virginia planter to take up arms against the British monarchy. He said that George Washington was his hero.

I am proud to talk about another American hero today, CPL Micheal Alleman. He defines what makes our Nation great. With absolute surety, he exhibited a devotion to duty and sense of purpose that transcends personal comfort and desire. Corporal Alleman heard his country's call to duty and in that service he gave his last full measure of devotion. He gave his life so we can continue to remain safe and free each day.

As I read accounts from his family and friends, it was readily apparent he was a tremendously selfless and caring man. He was described as a man who deeply loved his family and cared about those around him. His family would bend over backward for anyone. It is no wonder he so readily decided to serve this Nation.

Let us not forget the sacrifice of CPL Micheal Alleman. His service should inspire everyone in this Chamber. I thank him for his service and pray for his family and friends during this tremendously difficult time. His wife Amy stated, "My boys will always know their father stood up to defend this country." Well, so shall we also remember and cherish the memory of his service.

TREATMENT OF DETAINEES IN U.S. CUSTODY

Mr. LEVIN. Madam President, today we are releasing the declassified report of the Senate Armed Services Committee's investigation into the treatment of detainees in U.S. custody. The report was approved by the committee on November 20, 2008, and has, in the intervening period, been under review at the Department of Defense for declassification.

In my judgment, the report represents a condemnation of both the Bush administration's interrogation policies and of senior administration officials who attempted to shift the blame for abuse—such as that seen at Abu Ghraib, Guantanamo Bay, and Afghanistan—to low ranking soldiers. Claims, such as that made by former Deputy Secretary of Defense Paul Wolfowitz that detainee abuses could be chalked up to the unauthorized acts of a "few bad apples," were simply false.

The truth is that, early on, it was senior civilian leaders who set the tone. On September 16, 2001, Vice President Dick Cheney suggested that the United States turn to the "dark side" in our response to 9/11. Not long after that, after White House Counsel Alberto Gonzales called parts of the Geneva Conventions "quaint," President Bush determined that provisions of the Geneva Conventions did not apply to certain detainees. Other senior officials followed the President and Vice President's lead, authorizing policies that included harsh and abusive interrogation techniques.

The record established by the committee's investigation shows that senior officials sought out information on, were aware of training in, and authorized the use of abusive interrogation techniques. Those senior officials bear significant responsibility for creating the legal and operational framework for the abuses. As the committee report concluded, authorizations of aggressive interrogation techniques by senior officials resulted in abuse and conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody.

In a May 10, 2007, letter to his troops, GEN David Petraeus said that "what sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. While we are warriors, we are also all human beings." With last week's release of the Department of Justice Office of Legal Counsel, OLC, opinions, it is now widely known that Bush administration officials distorted Survival Evasion Resistance and Escape "SERE" training—a legitimate program used by the military to train our troops to resist abusive enemy interrogations—by authorizing abusive techniques from SERE for use in detainee interrogations. Those decisions conveyed the message that abusive treatment was appropriate for detainees in U.S. custody. They were also an affront to the values articulated by General Petraeus.

In SERE training, U.S. troops are briefly exposed, in a highly controlled setting, to abusive interrogation techniques used by enemies that refuse to

follow the Geneva Conventions. The techniques are based on tactics used by Chinese Communists against American soldiers during the Korean war for the purpose of eliciting false confessions for propaganda purposes. Techniques used in SERE training include stripping trainees of their clothing, placing them in stress positions, putting hoods over their heads, subjecting them to face and body slaps, depriving them of sleep, throwing them up against a wall, confining them in a small box, treating them like animals, subjecting them to loud music and flashing lights, and exposing them to extreme temperatures. Until recently, the Navy SERE school also used waterboarding. The purpose of the SERE program is to provide U.S. troops who might be captured a taste of the treatment they might face so that they might have a better chance of surviving captivity and resisting abusive and coercive interrogations.

SERE training techniques were never intended to be used in the interrogation of detainees in U.S. custody. The committee's report, however, reveals troubling new details of how SERE techniques came to be used in interrogations of detainees in U.S. custody.

The committee's investigation uncovered new details about the influence of SERE techniques on military interrogations at Guantanamo Bay, Cuba—GTMO. According to newly released testimony from a military behavioral scientist who worked with interrogators at GTMO, "By early October [2002] there was increasing pressure to get 'tougher' with detainee interrogations" at GTMO. (p. 50). As a result, on October 2, 2002, 2 weeks after attending interrogation training led by SERE instructors from the Joint Personnel Recovery Agency, JPRA, the DOD agency that oversees SERE training, the behavioral scientist and a colleague drafted a memo proposing the use of aggressive interrogation techniques at GTMO. The behavioral scientist said he was told by GTMO's intelligence chief that the interrogation memo needed to contain coercive techniques or it "wasn't going to go very far." (p. 50). Declassified excerpts from that memo indicate that it included stress positions, food deprivation, forced grooming, hooding, removal of clothing, exposure to cold weather or water, and scenarios designed to convince a detainee that "he might experience a painful or fatal outcome." On October 11, 2002, MG Michael Dunlavey, the Commander of JTF-170 at GTMO, requested authority to use aggressive techniques. Major General Dunlavey's request was based on the memo produced by the behavioral scientists.

Major General Dunlavey's request eventually made its way to Department of Defense, DoD, General Counsel Jim Haynes' desk. Notwithstanding serious legal concerns raised by the military service lawyers, Haynes rec-

ommended that Secretary of Defense Donald Rumsfeld approve 15 of the interrogation techniques requested by GTMO. On December 2, 2002, Secretary Rumsfeld approved Haynes' recommendation, authorizing such techniques as stress positions, removal of clothing, use of phobias—such as fear of dogs—and deprivation of light and auditory stimuli.

The committee's investigation revealed that, following Secretary Rumsfeld's authorization, senior staff at GTMO drafted a standard operating procedure—SOP—for the use of SERE techniques, including stress positions, forcibly stripping detainees, slapping, and "walling" them. That SOP stated that "The premise behind this is that the interrogation tactics used at U.S. military SERE schools are appropriate for use in real-world interrogations." Weeks later, in January 2003, trainers from the Navy SERE school travelled to GTMO and provided training to interrogators on the use of SERE techniques on detainees. (pp. 98–104).

The influence of Secretary Rumsfeld's December 2, 2002, authorization was not limited to interrogations at GTMO. Newly declassified excerpts from a January 11, 2003, legal review by a special mission unit, SMU, Task Force lawyer in Afghanistan state that "SECDEF's approval of these techniques provides us the most persuasive argument for use of 'advanced techniques' as we capture possible [high value targets] . . . the fact that SECDEF approved the use of the . . . techniques at GTMO, [which is] subject to the same laws, provides an analogy and basis for use of these techniques [in accordance with] international and U.S. law." (p. 154).

The committee's report also includes a summary of a July 15, 2004, interview with CENTCOM's then-Deputy Staff Judge Advocate, SJA, about Secretary Rumsfeld's authorization and its impact in Afghanistan. The Deputy SJA said: "the methodologies approved for GTMO would appear to me to be legal interrogation processes. [The Secretary of Defense] had approved them. The General Counsel had approved them . . . I believe it is fair to say the procedures approved for Guantanamo were legal for Afghanistan." (p. 156).

The committee's report provides extensive details about how the aggressive techniques made their way from Afghanistan to Iraq. In February 2003, an SMU Task Force designated for operations in Iraq obtained a copy of the SMU interrogation policy from Afghanistan that included aggressive techniques, changed the letterhead, and adopted the policy verbatim. (p. 158). Months later, the Interrogation Officer in Charge at Abu Ghraib obtained a copy of the SMU interrogation policy and submitted it, virtually unchanged, through her chain of command to Combined Joint Task Force 7—CJTF-7—led

at the time by Lieutenant General Ricardo Sanchez. On September 14, 2003, Lieutenant General Sanchez issued an interrogation policy for CJTF-7 that authorized interrogators to use stress positions, environmental manipulation, sleep management, and military working dogs to exploit detainees' fears in their interrogations of detainees.

The committee's investigation uncovered documents indicating that, almost immediately after Lieutenant General Sanchez issued his September 14, 2003, policy, CENTCOM lawyers raised concerns about its legality. One newly declassified email from a CENTCOM lawyer to the Staff Judge Advocate at CJTF-7—sent just three days after the policy was issued—warned that "Many of the techniques [in the CJTF-7 policy] appear to violate [Geneva Convention] III and IV and should not be used . . ." (p. 203). Even though the Bush administration acknowledged that the Geneva Conventions applied in Iraq, it was not until nearly a month later that CJTF-7 revised that policy.

Not only did SERE techniques make their way to Iraq, but SERE instructors did as well. In September 2003, JPRA sent a team to Iraq to provide assistance to interrogation operations at an SMU Task Force. The Chief of Human Intelligence and Counterintelligence at the Task Force testified to the Committee in February 2008 that JPRA personnel demonstrated SERE techniques to SMU personnel including so-called "walling" and striking a detainee as they do in SERE school. (p. 175). As we heard at our September 2008 hearing, JPRA personnel were present during abusive interrogations during that same trip, including one where a detainee was placed on his knees in a stress position and was repeatedly slapped by an interrogator. (p. 176). JPRA personnel even participated in an interrogation, taking physical control of a detainee, forcibly stripping him naked, and giving orders for him to be kept in a stress position for 12 hours. In August 3, 2007, testimony to the committee, one of the JPRA team members said that, with respect to stripping the detainee, "we [had] done this 100 times, 1000 times with our [SERE school] students." The committee's investigation revealed that forced nudity continued to be used in interrogations at the SMU Task Force for months after the JPRA visit. (pp. 181–182).

Over the course of the investigation, the committee obtained the statements and interviews of scores of military personnel at Abu Ghraib. These statements reveal that the interrogation techniques authorized by Secretary Rumsfeld in December 2002 for use at GTMO—including stress positions, forced nudity, and military working dogs—were used by military

intelligence personnel responsible for interrogations.

The Interrogation Officer in Charge in Abu Ghraib in the fall of 2003 acknowledged that stress positions were used in interrogations at Abu Ghraib. (p. 212).

An Army dog handler at Abu Ghraib told military investigators in February 2004 that "someone from [military intelligence] gave me a list of cells, for me to go see, and pretty much have my dog bark at them. . . . Having the dogs bark at detainees was psychologically breaking them down for interrogation purposes." (p. 209).

An intelligence analyst at Abu Ghraib told military investigators in May 2004 that it was "common that the detainees on [military intelligence] hold in the hard site were initially kept naked and given clothing as an incentive to cooperate with us." (p. 212).

An interrogator told military investigators in May 2004 that it was "common to see detainees in cells without clothes or naked" and says it was "one of our approaches." (p. 213).

The investigation also revealed that interrogation policies authorizing aggressive techniques were approved months after the CJTF-7 policy was revised to exclude the techniques, and even after the investigation into detainee abuses at Abu Ghraib had already begun. For example, an interrogation policy approved in February 2004 in Iraq included techniques such as use of military working dogs and stress positions. (p. 220).

A policy approved for CJTF-7 units in Iraq in March 2004 also included aggressive techniques. While much of the March 2004 policy remains classified, newly declassified excerpts indicate that it warned that interrogators "should consider the fact that some interrogation techniques are viewed as inhumane or otherwise inconsistent with international law before applying each technique. These techniques are labeled with a [CAUTION]." Among the techniques labeled as such were a technique involving power tools, stress positions, and the presence of military working dogs. (pp. 220-221).

Some have asked why, if it is okay for our own U.S. personnel to be subjected to physical and psychological pressures in SERE school, what is wrong with using those SERE training techniques on detainees? The committee's investigation answered that question.

On October 2, 2002, LTC Morgan Banks, the senior Army SERE psychologist warned against using SERE training techniques during interrogations in an email to personnel at GTMO, writing that:

[T]he use of physical pressures brings with it a large number of potential negative side effects When individuals are gradually exposed to increasing levels of discomfort, it is more common for them to resist harder

. . . . If individuals are put under enough discomfort, i.e. pain, they will eventually do whatever it takes to stop the pain. This will increase the amount of information they tell the interrogator, but it does not mean the information is accurate. In fact, it usually decreases the reliability of the information because the person will say whatever he believes will stop the pain Bottom line: the likelihood that the use of physical pressures will increase the delivery of accurate information from a detainee is very low. The likelihood that the use of physical pressures will increase the level of resistance in a detainee is very high (p. 53).

Likewise, the Deputy Commander of DOD's Criminal Investigative Task Force at GTMO told the committee in 2006 that CITF "was troubled with the rationale that techniques used to harden resistance to interrogations would be the basis for the utilization of techniques to obtain information." (p. 69).

Other newly declassified emails reveal additional warnings. In June 2004, after many SERE techniques had been authorized in interrogations and JPRA was considering sending its SERE trainers to interrogation facilities in Afghanistan, another SERE psychologist warned: "[W]e need to really stress the difference between what instructors do at SERE school (done to INCREASE RESISTANCE capability in students) versus what is taught at interrogator school (done to gather information). What is done by SERE instructors is by definition ineffective interrogator conduct Simply stated, SERE school does not train you on how to interrogate, and things you 'learn' there by osmosis about interrogation are probably wrong if copied by interrogators." (p. 229).

If we are to retain our status as a leader in the world, we must acknowledge and confront the abuse of detainees in our custody. The committee's report and investigation makes significant progress toward that goal. There is still the question, however, of whether high level officials who approved and authorized those policies should be held accountable. I have recommended to Attorney General Holder that he select a distinguished individual or individuals—either inside or outside the Justice Department, such as retired federal judges—to look at the volumes of evidence relating to treatment of detainees, including evidence in the Senate Armed Services Committee's report, and to recommend what steps, if any, should be taken to establish accountability of high-level officials—including lawyers.

TRIBUTE TO LINDSEY JEWELL

Ms. SNOWE. Madam President, I rise today to recognize the 5 years of outstanding service that Lindsey Jewell has provided to me in various capacities in both my personal office, and on the Senate Committee on Small Busi-

ness and Entrepreneurship, of which I am ranking member. Ever since Lindsey began working in my office in 2004, I have been consistently impressed with her dedication, professionalism, and hard work, and I am sad to see her leave the Senate.

While still a student at the University of Maine Orono, my alma mater, Lindsey began her Senate career as an intern in my Washington office and thereafter as a staff assistant in my Bangor office. There, she served as a key liaison between my office and Maine constituents, assisting them in solving their problems and concerns with the Federal Government. Lindsey's work on behalf of Mainers proved to be her true passion, and after graduating in 2005 with a B.A. in political science, she came back to Washington, DC, to join my staff here.

Upon arriving in Washington, Lindsey hit the ground running as a legislative correspondent, handling a hefty portfolio of issues ranging from taxes, budget, and banking to agriculture, immigration, and foreign affairs. Lindsey's stellar stand-out performance in dealing with these issues led to her earning a promotion to Director of Constituent Correspondence in 2006. In this role, she oversaw all of my office's legislative correspondents, helping me ensure that mail was responded to in a thoughtful and timely manner. Through this position, Lindsey gained immense experience dealing with a vast array of issues the Senate faces. She also proved to be a capable, talented, and amicable leader, who was a tremendous supervisor.

During the summer of 2007, Lindsey left my personal office and moved three floors up in the Russell Building to serve as Senior Research Analyst on the Senate Committee on Small Business and Entrepreneurship. As ranking member of that committee, I continued to benefit from Lindsey's wisdom and insight. That said, her departure certainly left a large void in my personal office. As Lindsey continued to provide me with detailed and thorough materials on a range of small business issues, she once again earned a well-deserved promotion to Professional Staff Member early in 2008. In that capacity, Lindsey advised the committee on matters relating to women-owned businesses, small business energy concerns, entrepreneurial development programs, and military base redevelopment initiatives.

Lindsey was instrumental in my recently introducing the Defense Communities Assistance Act of 2009, a key bill aimed at providing immediate economic development benefits to all base communities, for both closed and active military installations across the country. Additionally, Lindsey helped me prepare an amendment to the fiscal year 2010 budget resolution to ensure that small businesses receive adequate

funding under the Energy Star program. Lindsey's versatile nature and willingness to assist her colleagues in any way possible led to her drafting statements and press releases for a variety of committee hearings, bill introductions, and small business events, covering a host of issues.

Lindsey's sense of humor and easy-goingness make her instantly likeable. But more crucially, her responsible nature and advanced analytical skills make her indispensable to anyone she is working for. And Lindsey is a true team player, never considering any task beneath her. Indeed, she was a key member of my office's softball team this past summer, someone equally feared and respected by opponents!

That is why I am deeply saddened that Lindsey will be leaving us this week. But I am thrilled for Lindsey's future, as she will be marrying her long-term boyfriend, Patrick Hughes, in just a few weeks in Portland, ME. Pat, a Marine officer, and Lindsey will be moving to the San Diego area shortly thereafter, where Pat will be stationed at Camp Pendleton. I wish them both the best in married life, and hope that they enjoy the beautiful California sunshine!

A native born Mainer, Lindsey Jewell is an incredibly talented person. Coming from hard-working, community-oriented roots in the Aroostook county town of Monticello in northern Maine, Lindsey displays the classic values of our State: solidly dependable, intellectually curious, and immensely industrious. I am proud to have had someone like Lindsey on my staff, and even prouder to have gotten to know her over the past several years. Her sincerity, thoughtfulness, creativity, and consideration of others will be sorely missed. Lindsey, thank you for your service to Maine and America, and best wishes for your bright future.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, In mid-JUNE, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what

Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I own a small construction business and, on the surface, high prices do hurt my bottom line; however, that is not such a bad thing. I have always been conscious about my personal and worldwide energy use, but the fast rate of price increase has made me even more, especially about my driving. My driving efficiency has increased, and my total mileage for the year has decreased several thousands of miles. This is a good thing especially when I consider that everybody I am talking to is thinking the same way. Statistics say Americans are driving less; that is a good thing. It is good the people get humbled and remember that every bit of energy and every material object we use was made in the natural world and refined using human intelligence; there are no freebies.

Americans need to plan a future without oil for energy. For some reason, it is taboo to mention solar energy and subsidy in the same sentence. Solar is the best hope for continuous energy yet nobody wants to subsidize the fledgling industry. Farmers and ethanol are subsidized, though they hate to admit it; the coming second nuclear program will be fully subsidized though they attempt to account around it. Even the fossil fuel industry is subsidized, among other ways, by being protected by the U.S. military. (Oil has caused all the havoc in the Middle East, so Iraq and Afghanistan and all the other military deployments acts of security for big oil). Hundreds of billions go to these fruitlessly revolving enterprises. Let us pay to get a nationwide solar plan fully off the ground. Imagine if every single house south facing roof was solar panels and all flat topped roofs were solar panels, we could power the entire country without having to build another structure. Subsidize and organize turning the entire fleet of cars over to solar/battery/electric cars. It would work. Ethanol is a joke, nuclear is a waste, wind is like putting high rise buildings far into the countryside, coal and gas and hydro could be back up to solar; to even the load.

PIKE, Nampa.

Our family has been working to get out of debt and have breathing room to finally start saving for retirement; but with the price of fuel going up daily, there is no way. In fact we are sinking deeper in debt. We have to really struggle with going to watch the grandchildren play ball or buy groceries. We both have to drive quite a distance to our work each week and now feel trapped. We love our home, but cannot afford the commute, but with the housing market and fuel costs, we cannot sell either! So we are still forced to commute, going straight to where we stay when we go down for our work and then our jobs and back again.

We have always been a nation of integrity, of a backbone, fueled by necessity. If our government will get out of the way and let her people do what we need to do to be self-sufficient again, we will all be better off. It is so sad that so many people think the only way we can make it is if government controls, but when government controls we lose as is shown by the dropping dollar and high fuel prices. We have our own fuel and our own ingenuity, let us use it and refine it.

NANCY.

You may not want my input on the high energy prices, because I see a lot of good coming from them. For one thing, the air is a lot cleaner. Also, I would assume there are fewer car accidents/deaths due to fewer cars on the roads. People are improving their health because they are out there walking, bicycling, etc. And I see them reaching out to help one another. It is also forcing people to be more creative in the ways that they are dealing with the higher price of products/food. They are asking themselves, is it something they want or do they actually need it. They are fixing up the things they have instead of throwing them away and filling up the landfill. To me, I see the high energy prices as a change of direction. A good change of direction.

As for all the money that is being accumulated, I think it would be best used on developing alternate forms of energy—wind, solar etc. Drilling for more oil is just going to extend the inevitable. The oil is going to run out and, while we are waiting for it to run out, we will continue to destroy the planet and ourselves.

KATHLEEN.

Thank you for asking for my experience with the recent rapid rise in gasoline/energy prices. My husband and I are in our mid-fifties, and remember the first "energy crisis" in the mid 1970s when fuel prices more than doubled but were still way below one dollar. I purchased my first car during that time—a Toyota Corolla that got 36 mpg. My husband reserved his Dodge van which had much lower mileage for only special needs trips; then he purchased a Ford small truck (made by Mazda) which got 35 mpg. It travelled anywhere in Montana the big 4 wheel drives did with some weight in the bed in winter. We have only driven fuel efficient vehicles since, except for the special trip farm/plow vehicles.

At this time I drive 36 miles round trip from our rural home to work at IDL in Sandpoint. The 2000 Honda CRV gets 29 mpg with windows down and 27 mpg with windows up and internal fan using heat or AC. I find I fill up every 10 days (extra errands after work) and am spending perhaps an extra \$1/ day on gas. Not a big deal.

My husband has telecommuted for his job as an electrical engineer for the last 13 years so he rarely drives his extremely fuel-efficient Honda Fit—a perfect commuter vehicle for one person at 35+mpg. The little Kubota tractor runs on diesel and uses perhaps 10 gallons per summer season. We can absorb that. Our house is fully electric and electric rates have stayed the same. Food at the grocery store has been increasing for a year or two so we eat smarter and raise our own meat.

By learning the lesson of the 1970s, we are not victim to the fluctuations of the fossil fuel markets or contributing greatly to the damages which result. Opening fragile and deteriorating ecosystems to offshore drilling will not bring down fuel prices—people are going to get used to them anyway, as they always have. There are still plenty of large expensive SUVs on the roads in Sandpoint.

If the country, led by Congress, would focus on funneling money to alternative fuels and technologies to get off this destructive bandwagon of the oil companies everyone could be better off. Think about it and please start being a constructive leader.

JAN.

The energy crisis is hitting us like almost everyone in Idaho. It is not bad enough that

we are paying outrageous prices at the pump but we are also paying nearly twice what we were this time last year at the grocery store. In Idaho we do not have mass transit to utilize so we are stuck paying for the gas at the pump.

I did have one idea to help Idaho rely less on oil for power. My husband works at the INL and we have seen the negative publicity about nuclear power. The Federal Government owns all that land, as I understand it is about the size of Rhode Island. Why not put wind mills up out there? That would be free power after paying for the wind mills. There is probably enough area for wind mills that they could power the entire state of Idaho without the use of water or oil. You could most likely find some kind of federal grant to help fund the wind mills. It is just one idea for you to consider.

GAYLE.

I find it absolutely ridiculous that we cannot drill for oil within the United States. I find it insane that we are dependent on foreign sources. I find it ludicrous that Congress refuses to do anything about the issue. I drive forty miles to and from work each day. It is not much, but it adds up quickly at \$4.00+ a gallon. I cannot even pay at the pump anymore, because the \$75 limit on my credit card will not fill my tank. I fully support the Drill Here, Drill Now, Pay Less campaign. Please support any legislation that increases our energy independence and gets the price down!

DANN, *Rigby*.

This last school year 07-08 I lived in Twin Falls and attended the College of Southern Idaho. We had four girls living in our apartment. The first semester two of us had vehicles and two of my roommates received help from their parents. In January, those two roommates moved out and the two that moved in did not receive financial help from their parents either. Because of rising fuel costs we mostly walked to campus even when it was cold because we could not afford gas (campus is a good 25-35 minute walk one way). And when we did go somewhere like to the grocery store we car pooled. We only ate out if it was a special occasion but even then most of the time we had large dinner parties at our apt and we had every one bring something. But we made it! However with the rising cost of everything, partially due to the rise in energy cost, this next year will be even harder. Yes, we could take out student loans for more than just tuition and books but having large amounts of borrowed money with no guaranteed way to pay it back is scary!

On another note, my parents now live in Las Vegas, and I have been here visiting for about a month and a half. My father, who is now 57, has worked hard all his life for our family. Now he works even harder. He gets up every morning to leave the house by 5 a.m. so he can walk 15 minutes to catch the bus and then walk for another 20 minutes to be at work by 6:30 a.m. so he can save a much-needed \$200 a month in gas. It takes him at least 1.5 hours longer each day to get to and from work, that is, if the bus is not so full that he could catch the first one home and would not have to wait for the next one or the next one. He owns two older vehicles that are diesel. When he bought them, diesel was cheaper than gas and they both get 17-18 miles to the gallon. They got the best mileage of SUVs and Trucks. However, even though they are paid for and worth a bit of money, there is no longer a market for vehi-

cles like that so he cannot sell them for close to what they are worth and so he cannot afford to buy another vehicle with better gas mileage.

In my personal opinion, the United States government may not be able to make energy cost go down but I feel that they could make them more secure. The U.S. relies largely on oil and gas from other countries. Most of those countries are in some of the most unstable parts of the world, meaning our energy supply is unstable. We need to bring it home. Yes, there are countries such as Qatar that are stable and I think we should still support them. However, for example, places such as off the coast of Nigeria (Shell and U.S.-based Chevron have had problems due to lack of stability in the region) are not only unstable for reliance of supply but are unstable for the environment. Even if energy cost will not subside, most likely the stability of supply and price would increase and the environment would be better off over all if we were more self-reliant.

EMILY, *Twin Falls*.

My wife, Michelle, and I send our heart-felt thanks for your principled stand for sound energy policy based on factual data and reality as opposed to the potentially catastrophic positions taken by the Democrat party in Congress, and its leadership.

We are solidly in favor of developing our own oil, coal and natural gas resources to reduce or eliminate our dependency on often hostile, foreign sources for the oil our economy requires. We also support an aggressive nuclear power program, and federal assistance to the nuclear power industry in preventing the array of anti-nuclear, anti-power, anti-development and anti-capitalist groups and their attorneys—as well as the dozens of federal environmental agencies—from endlessly delaying or preventing nuclear power facility construction progress.

We agree that alternative energy sources need to be developed by the private sector with as little federal interference as possible, but believe it is misguided to suggest that the oil industry should be spending their capital for R&D into alternative “fuels”. It seems to us that actions to force the oil industry to do so is the equivalent of federally mandating a private industry to incorporate a profound conflict of interest into their business plan. Logic indicates that such a federal action would drive the oil industry to raise product prices to allow their ongoing oil product R&D activities to continue, while pursuing an alternative fuel R&D program for which the industry and its shareholders would have little, if any, business interest in advancing.

The X-Prize type concept Senator McCain recently mentioned to encourage R&D to produce a new super battery for powering vehicles is a concept I have had and shared frequently for several years, although I question why the Senator's focus was narrowed only to one type of energy, rather than offering the prize for the first “vehicle” to meet defined safety, performance, capability and efficiency standards and allow the private competitors to pursue hydrogen fuel-cell technology, compressed air and steam technologies, advanced internal combustion engine technologies, even micro-nuclear technologies or any combination of technologies, rather than only electrical battery technologies. (Batteries for electric cars might be a practical idea in some applications, but it is doubtful if such R&D would benefit the oil burning aviation or shipping industries.)

Anyway, we wanted to thank you for being a clear voice for logical solutions to oil sup-

ply, and for having the courage to stand against the knee-jerk reactionaries who are intent on convincing the American public that industry greed, rather than governmental interference, has caused the current spikes and the price in oil-based consumer products.

STEVE and MICHELLE, *Melba*.

What we really need to do to help our state and our country is to drill, explore, experiment, expand, and adapt. Drill more oil, explore more options for energy, and experiment with new technology to make our state and our country more independent and healthier. Our country needs to expand our public transportation system and make it easier to use. That is the biggest complaint about public transit. Finally, our whole country needs to adapt and realize that this is not the 60s, 70s, 80s or 90s anymore. The economy is different. If we can do this appropriately, then not only do we create jobs, but then we can say we did it without foreign interference.

I am a big supporter of the SUV. But yesterday, I did the hardest thing I could do. I turned in my SUV to the car lot I purchased it from and am now riding the bus system in Boise. It is not the most convenient since you have to make multiple stops and sometimes go a little out of the way to get where you are going, but for the price of two dollars a day, it is worth it. I take two buses in the morning and walk a mile to get to work every day. Every afternoon I walk a mile and take two buses. I am a mom who manages to get it done. It just takes commitment and help from our legislature to get the nation going in the right direction.

SHASTA, *Boise*.

ADDITIONAL STATEMENTS

25TH ANNIVERSARY OF THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY

• Mrs. BOXER, Madam President, I take this opportunity to recognize the 25th anniversary of the Land Conservancy of San Luis Obispo County, LCSLO.

Created in 1984 by a group of local residents determined to protect lands throughout San Luis Obispo County, LCSLO has experienced many successes over the past 25 years in its efforts to ensure a proud legacy of scenic beauty and healthy lands throughout the county. What began as an all-volunteer group working on small conservation agreements has since grown into an established land trust with 16 professional staff members. LCSLO staff and volunteers work to set aside local lands for wildlife, farming, and ranching by preventing poorly planned development; protecting drinking water sources; restoring wildlife habitat; and promoting family farms and ranches.

Since its initial projects in Cambria and Nipomo Mesa, LCSLO has permanently protected over 10,500 acres of land in San Luis Obispo County. The organization has worked to conserve over 100 acres of streamside lands to enhance habitats of steelhead trout, purchased over 300 individual lots to

protect the Monterey Pines in Cambria, and restored hundreds of acres of damaged coastal land in the Guadalupe-Nipomo Dunes. Today, five of the Conservancy's land parcels are available for public use. Parcels that are not open to the public provide space for projects that produce stunning views, protect air and water quality, and preserve local farmland.

The Land Conservancy of San Luis Obispo is a grassroots movement that empowers local farmers, ranchers, and residents to protect the land that make San Luis Obispo County so beautiful. By partnering with local organizations and offering residents the opportunity to contribute hands-on to the preservation of their own community, LCSLO is able to conserve the unique rural culture that is so closely tied to this coastal environment.

For 25 years, LCSLO has worked passionately and effectively to sustain a high quality of life for residents and visitors in a healthy natural environment. I commend LCSLO staff and volunteers for maintaining the natural beauty of San Luis Obispo County and for supporting the county's agricultural and tourism-based economy. I look forward to future generations having the opportunity to enjoy this special part of California for many years to come.●

REMEMBERING PETER K. WILSON

● Mr. CRAPO. Madam President, today I would like to note the sudden passing of Peter K. Wilson, of Lapwai, ID. A lifelong farmer, World War II veteran and father of seven, Peter was a leader in Idaho agriculture. He served as chairman of the Nez Perce County Agricultural Stabilization and Conservation Service, and as a member of the Idaho State Brand Board, the Nez Perce County Fair Board, the Lewiston Grain Growers Board, and the Idaho Co-op Council Board of Directors. From 1988 until his untimely death on March 30, 2009, Peter was an elected commissioner of the Port of Lewiston, and served as chairman for several terms. From 1994 to his death, Peter also served on the board of the Pacific Northwest Waterways, and was chairman from 2003–2005.

He received numerous awards and honors throughout his working life, including the Governor's Award for Lifetime Achievement in Agriculture, Nez Perce County Grassman of the Year and Nez Perce County Outstanding Farm Citizen.

Peter's love of farming, the mountain pastures he called home, and his family was well-known to many. In his contributions to the community and to Idaho agriculture, he touched many lives, working hard and providing strong, principled leadership. Peter will certainly be missed. I offer my condolences to Peter's wife, Pat, and their family at this difficult time.●

HONORING THE LET'S GET READY PROGRAM

● Mr. KERRY. Madam President, Fenway Park, America's most beloved ballpark, will play host to a different collection of superstars on April 30: the young people from cities across Massachusetts including Boston, Brockton, Lawrence, Springfield and Worcester, whose achievements are not measured in batting average or RBIs or All Star Game selections; but in SAT scores, GPA and college acceptance letters.

These young people measure their success by the number of lives they change, the number of young people they help get into college, and the dreams they help make real for hundreds of Massachusetts high school students each year.

Tonight at Fenway Park, you will not find Josh Beckett or Dustin Pedroia or Kevin Youkilis. But you will find Pat Johnson and tonight, to the people at Fenway, he is every bit the superstar David Ortiz is.

Patrick is the incoming Boston College Site Director for Let's Get Ready or LGR, an organization relying wholly on the generosity, compassion and selflessness of college students that guides low-income high school students through the dizzying and daunting college admissions process. He is joined at Fenway tonight by LGR's other volunteers and supporters and by the students and families they work so hard to help.

The college students who volunteer with LGR serve as coaches. These college coaches provide SAT preparation and assistance with all aspects of the college application process to underserved students in five Massachusetts communities. The college application process has become a multimillion-dollar industry and too often low-income students find themselves at a disadvantage. They can not afford the private SAT tutors or professional personal essay advisers more affluent high school students take advantage of. Commercial prep courses cost anywhere from \$1,200 to \$5,000; LGR has a direct cost of only \$500 per student.

That \$500 goes a very long way. LGR helps to level the playing field and ensure the remarkable opportunities that can come from a college education are not reserved for the well-to-do or well-connected. And level the playing field is exactly what the LGR coaches do. Ninety-two percent of LGR students go directly to college after high school, compared to 47 percent of low-income students nationally. LGR students increase their SAT scores an average of 110 points. LGR has provided support to over 7,500 high school students and engaged over 3,500 college students in meaningful service learning experiences.

I commend Pat and all the superstar LGR coaches at Fenway Park tonight and I thank them for their efforts to

ensure no hardworking student with a dream of a college education is left on the sidelines.●

GRAND OPENING OF NUCOR CORPORATION'S DETAILING CENTER

● Mr. NELSON of Nebraska. Madam President, today I wish to recognize a major business expansion in my home State of Nebraska which will serve as an inspiration for all businesses struggling in the face of this economic recession.

The Nucor Detailing Center will celebrate its grand opening on May 1, 2009, in Norfolk. This is a state-of-the-art facility operated by Nucor Corporation, a Fortune 500 Company and national manufacturer of steel products.

Nucor's story is an impressive one. Nationally, Nucor has 20,000 employees; more than 900 of them are in Norfolk, NE. Despite a downturn in America's economy which has hit the steel industry especially hard, Nucor practices a no-layoff policy and has not closed any of its plants.

In fact, in Nebraska, Nucor is expanding with the opening of its Nucor Detailing Center. The Detailing Center is the fourth Nucor division to locate in Norfolk, which is the only city in the world claiming four Nucor divisions.

The Nucor Detailing Center started as a small group with just seven employees. Today, it employs 70 teammates with plans to grow to 200 in the near future. This grand opening, in the midst of an economic crisis, the likes of which our country has not seen since the Great Depression, is a testament to the indomitable spirit of the American businessman and to Nucor's belief in a return on its investment in its most valuable resource—workers.

Nucor has gained a reputation as North America's largest recycler and as a company which puts an emphasis on safety, the environment and social responsibility. Now, Nucor is adding to that reputation by being able to expand and excel even during troubled economic times.

Congratulations to Nucor Detailing Center on its grand opening! Nebraska is proud to have Nucor Corporation as one of our fine corporate citizens.●

TRIBUTE TO JONATHAN EDWARD KOTILNEK

● Mr. THUNE. Madam President, today I wish to recognize Jonathan Edward Kotilnek, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Jonathan is a graduate of T.F. Riggs High School in Pierre, SD. Currently, he is attending Marquette University Law School, where he is obtaining his juris doctor. He is a hard worker who

has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Jonathan for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TESSA JEAN HOLKESVIK

● Mr. THUNE. Madam President, today I wish to recognize Tessa Jean Holkesvik, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Tessa Jean Holkesvik is a graduate of Central High School in Aberdeen, SD. Currently she is attending George Washington University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Tessa for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO BRENNA JANE BAHR

● Mr. THUNE. Madam President, today I wish to recognize Brenna Jane Bahr, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Brenna is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, she is attending the Catholic University of America, where she is majoring in history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brenna for all of the fine work she has done and wish her continued success in the years to come.●

LAFOURCHE PARISH POLICE SOCIAL SERVICES SECTION

● Mr. VITTER. Madam President, today I wish to recognize and pay tribute to the heroic men and women of the Police Social Services Section, PSS, of Lafourche Parish, LA, for their victim advocacy, courage, Federal leadership, and professional innovation in victim services. I would like to take some time to make a few remarks on their tireless efforts and work on behalf of crime victims.

National Crime Victims' Rights Week will be observed from April 26 to May 2, 2009. This year marks the 25th anniversary of the passage of the Victims of Crime Act of 1984, which created the Office for Victims of Crime

and is responsible for nearly \$7 billion in support for crime victim compensation, assistance, and other programs that serve victims. On Thursday, April 23, Attorney General Holder will preside over a national candlelight observance and will join victims, victim advocates, criminal justice professionals, and members of the public to remember crime victims and reflect on progress made in improving victims' rights.

On Friday, April 24, the PSS of Lafourche Parish will receive the Award for Professional Innovation in Victim Services. Team members include: LT. Karla S. Beck, Ms. Deanna Dufrene, SGT. Valerie Day, Deputy Dale Savoie, Deputy Walter Tenney, Deputy Delaune Boudreaux, Advocate Tamara Joseph, Deputy Rebecca Shaver, Deputy Amy Guillot, Deputy Pam Guedry, and Reservist Bernard Lafaso. The team is unique in their innovative and significant efforts on behalf of victim services. The PSS Elderly Services Officer is a devoted, full-time, extensive case manager, visiting the local nursing home and community Council on Aging groups to provide assistance, services, and education to older victims, their family members and caregivers. They also implemented the Crime Victims with Disabilities Program to address victims with disabilities, and also developed a model curriculum, "Beyond the Barriers: Crisis Intervention Training," that has been used to educate law enforcement personnel throughout Louisiana. They were also awarded a grant in 2007 to establish Supervised Visitation Centers—a safe space for children to transition from one parent to another. Due to PSS, the Sheriff's Office has received numerous awards and national and State recognition. PSS started with one full-time deputy and one volunteer. Today, PSS has 12 full-time deputies, two auxiliary deputies, two volunteers, and administrative support, all of whom work together to improve the lives of victims in the aftermath of crime.

Today, I applaud the Lafourche Parish Sheriff's Office for being honored by the Department of Justice for their victim advocacy and thank them for their continued service to the people of Louisiana and the rest of the Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF ONE CONTINUOUS MIXER, ONE JET MILL, AND ONE FILAMENT WINDING CELL IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY, AND THAT THE MATERIAL AND EQUIPMENT, INCLUDING ANY INDIRECT TECHNICAL BENEFIT THAT COULD BE DERIVED FROM THESE EXPORTS, WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of one continuous mixer to be used to manufacture conductive polymer compounds to be further processed to make circuit protection devices, one jet mill to be used for particle size reduction of pigments and other powder products for cosmetic formulations, and one filament winding cell to be used to manufacture fiberglass assembly shelter poles for use in tents and shelters is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.
THE WHITE HOUSE, April 21, 2009.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1286. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL-8407-8) as received during adjournment of the Senate in the Office of the President

of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1287. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Pesticide Tolerance Revocation for Diazinon" (FRL-8410-1) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1288. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to the Product Improvement Pilot Program (PIPP); to the Committee on Armed Services.

EC-1289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-0888) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-0521) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Death Valley, CA" (Docket No. FAA-2008-0137) (Airspace Docket No. 08-AWP-2) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Reno, NV" (Docket No. FAA-2008-1108) (Airspace Docket No. 08-AWP-11) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes and Model A300-600 Series Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-0018) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD)

BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-0224)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1327)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1296. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Average Fuel Economy Standards Passenger Cars and Light Trucks Model Year 2011" ((RIN2127-AK29) (Docket No. NHTSA-2009-0062)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1072)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1298. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Government in the Sunshine Act; to the Committee on Energy and Natural Resources.

EC-1299. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Version Two Facilities Design, Connections and Maintenance Reliability Standards" (Docket No. RM08-11-000) (Order No. 722) as received during adjournment of the Senate in the Office of the President of the Senate on April 7, 2009; to the Committee on Energy and Natural Resources.

EC-1300. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)" (RIN1904-AB49) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Energy and Natural Resources.

EC-1301. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Revision of Expiration Dates for Double Crested Cormorant Depredation Orders" (RIN1018-AW11) received in the Office of the President of the Senate on April 2, 2008; to the Committee on Environment and Public Works.

EC-1302. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska - 2009-10 and 2010-11 Subsistence Taking of Fish Regulations" (RIN1018-AV72) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Environment and Public Works.

EC-1303. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kansas; Update to Materials Incorporated by Reference" (FRL-8760-9) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Environment and Public Works.

EC-1304. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 46" (RIN2050-AD75) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Environment and Public Works.

EC-1305. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the One-Hour Ozone Standard for the Southern New Jersey Portion of the Philadelphia Metropolitan Nonattainment Area" (FRL-8775-5) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1306. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act of 2009 (Recovery Act) Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees" (FRL-8791-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1307. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL-8791-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1308. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Designation of Ocean Dredged Material Disposal Site Offshore of the Rogue River, Oregon" (FRL-8791-2) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8788-9) as received during adjournment of the Senate in the Office of the

President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1310. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 108 Grants; Allotment Formula" (FRL-8792-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1311. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference" (FRL-8789-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1312. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan" (FRL-8892-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1313. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8789-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1314. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Diesel Idling Rule Revisions" (FRL-8757-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1315. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Approval of the Ventura County Air Pollution Control District—Reasonably Available Control Technology Analysis" (FRL-8784-2) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1316. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Update to Materials Incorporated by Reference" (FRL-8892-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1317. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL-8894-1) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1318. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Requirements for Providing Information on the Delegation of the Administrator's Authorities and Responsibilities for Certain States" (FRL-8893-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1319. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Motor Vehicle Emissions Budgets, and 2002 Base Year Emissions Inventory; Houston-Galveston-Braxton 1997 8-Hour Ozone Nonattainment Area" (FRL-8895-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1320. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; NOx SIP Call Phase II" (FRL-8894-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1321. A communication from the Director, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (13) reports relative to vacancy announcements, changes in previously submitted reported information, and designation of acting officers, as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1322. A communication from the Director, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (2) reports relative to vacancy announcements, nominations, action on nominations, and designation of acting officers, as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1323. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Use of Funds Appropriated to the Office of Inspector General for Medicaid-Related Program Integrity Activities"; to the Committee on Finance.

EC-1324. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Flexibility for Medicaid Benefit Packages" (RIN0938-AP72) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Finance.

EC-1325. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Parent Locator Service; Safeguarding Child Support Information; Proposed Delay of Effective Date" (RIN0970-AC01) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1326. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911(d)(4)—2008 Update" (Rev. Proc. 2009-22) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Finance.

EC-1327. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price" (Notice 2009-32) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Finance.

EC-1328. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Certain Section 263A Rules Relating to Property Acquired for Resale" (Notice 2009-25) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Finance.

EC-1329. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Energy Conservation Bond Allocations for 2009" (Notice 2009-29) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1330. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Premium Assistance for COBRA Benefits" (Notice 2009-27) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1331. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Home Affordable Modification Program" (Rev. Proc. 2009-23) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Advanced Coal Project Program" (Notice 2009-24) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1333. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Qualifying Gasification Project Program" (Notice 2009-23) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1334. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ARRA Update to Annual Indexing Revenue Procedures" (Rev. Proc. 2009-21) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Automobile Inflation Adjustments" (Rev. Proc. 2009-24) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-39) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Revenue Procedure for Section 403(b) Prototype Plans" (Announcement 2009-34) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1338. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Build America Bonds and Direct Payment Subsidy Implementation" (Notice 2009-26) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1339. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Effects of the Acquisition of Instruments by the Treasury Department Under Certain Programs Pursuant to the Emergency Economic Stabilization Act of 2008" (Notice 2009-38) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1340. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bond Allocations for 2008 and 2009" (Notice 2009-30) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1341. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified School

Construction Bond Allocations for 2009" (Notice 2009-35) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1342. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "New Clean Renewable Energy Bonds Application Solicitation and Requirements" (Notice 2009-33) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1343. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles" (Notice 2009-37) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1344. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more with Israel; to the Committee on Foreign Relations.

EC-1345. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC-1346. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or defense services in the amount of \$100,000,000 or more with Greece; to the Committee on Foreign Relations.

EC-1347. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles in the amount of \$100,000,000 or more with the Republic of Korea; to the Committee on Foreign Relations.

EC-1348. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles in the amount of \$100,000,000 or more with South Korea; to the Committee on Foreign Relations.

EC-1349. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment

abroad and the export of defense articles and defense services in the amount of \$100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC-1350. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-1351. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more with the United Arab Emirates; to the Committee on Foreign Relations.

EC-1352. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the activities of the Western Hemisphere Institute for Security Cooperation; to the Committee on Foreign Relations.

EC-1353. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0036 - 2009-0046); to the Committee on Foreign Relations.

EC-1354. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the waiver of Section 907 of the FREEDOM Support Act; to the Committee on Foreign Relations.

EC-1355. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$50,000,000 or more with Sweden; to the Committee on Foreign Relations.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BAUCUS for the Committee on Finance.

*Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 838. A bill to provide for the appointment of United States Science Envoys; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. KAUFMAN, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. BEGICH):

S. 839. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. PRYOR, Ms. MURKOWSKI, Mr. BAYH, Mr. BOND, Mr. DORGAN, Mr. MARTINEZ, Ms. CANTWELL, Mr. BURR, and Mr. LUGAR):

S. 840. A bill to establish a Development and Commercialization Committee on Clean and Efficient Energy Technologies within the Asia-Pacific Partnership on Clean Development and Climate Program Office, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. SPECTER):

S. 841. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 842. A bill to repeal the sunset of certain enhancements of protections of servicemembers relating to mortgages and mortgage foreclosures, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay mortgage holders unpaid balances on housing loans guaranteed by Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KERRY, Mr. KENNEDY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CARDIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 843. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. ISAKSON):

S. 844. A bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and other Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. BARRASSO, Mr. BEGICH, Mr. BENNETT, Mr. BROWNBACK, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. MARTINEZ, Mr. RISCH, Mr. ROBERTS, Mr. VITTER, and Mr. WICKER):

S. 845. A bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. BENNETT, Mr. KERRY, Mr. CASEY, Ms. SNOWE, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. BINGA-

MAN, Mr. FEINGOLD, Mr. ENZI, and Mr. PRYOR):

S. 846. A bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WEBB:

S. 847. A bill to amend title 38, United States Code, to provide that utilization of survivors' and dependents' educational assistance shall not be subject to the 48-month limitation on the aggregate amount of assistance utilizable under multiple veterans and related educational assistance programs; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 106. A resolution celebrating the outstanding athletic accomplishments of the University of Findlay men's basketball team for winning the National Collegiate Athletic Association Division II Championship; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 107. A resolution commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 292

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 408

At the request of Mr. INOUE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 456

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 468

At the request of Ms. STABENOW, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers

for Medicare & Medicaid Services Working Group, and for other purposes.

S. 476

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 546

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 565

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 567

At the request of Mr. CRAPO, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 581

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 590

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 590, a bill to assist local communities with closed and active military bases, and for other purposes.

S. 597

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. NELSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were

added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Montana (Mr. TESTER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 749

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 772

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of

post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 802

At the request of Mr. JOHNSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 802, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

S. 809

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 809, a bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn.

S. 816

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 818

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 818, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from

North Carolina (Mr. BURR) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. RES. 84

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 84, a resolution urging the Government of Canada to end the commercial seal hunt.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 838. A bill to provide for the appointment of United States Science Envoys; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The United States is the world's leader in scientific research and discovery.

(2) The United States has produced more Nobel Laureates than any other nation, including—

(A) 90 of the 192 Nobel Laureates in Medicine;

(B) 81 of the 183 Nobel Laureates in Physics;

(C) 43 of the 62 Nobel Laureates in Economics; and

(D) 59 of the 153 Nobel Laureates in Chemistry.

(3) Consistent polling and scholarly research has shown that—

(A) the nations of the world seek a relationship with the United States that is based on mutual respect; and

(B) many of these nations, even nations that disagree with some aspects of United States foreign policy, admire the United States for its leadership in science and technology.

(4) Science and technology provide an external reference around which nations can converge to foster an atmosphere of cooperation and mutual respect based upon the recognition that advances in science and technology are universally beneficial.

(5) International scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between countries and cultures through the collaborative nature of scientific dialogues.

(6) The United States' commitment to technological advances—

(A) displays our Nation's commitment to improving lives throughout the world;

(B) mitigates some political controversy; and

(C) offers other countries a tangible incentive to cooperate with the United States to improve the health and well-being of their citizens.

(7) Short-term visits from renowned and respected American scientists can dramati-

cally affect the standing of the United States among foreign countries.

(8) International scientific cooperation—

(A) produced successful engagements between United States and Soviet scientists throughout the 1970s and 1980s; and

(B) assisted United States outreach efforts with the People's Republic of China before official diplomatic ties were fully established.

(9) Various nongovernmental organizations in the United States have been engaged in international scientific cooperation programs. These organizations include the American Association for the Advancement of Science, the Richard Lounsbery Foundation, and many major United States academic institutions.

SEC. 2. EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

(a) IN GENERAL.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), may increase the number of educational and cultural exchange activities involving persons from scientific, medicine, research, and academic sectors by—

(1) establishing new programs under that Act; and

(2) expanding the coverage of existing programs under that Act.

(b) SCIENTIFIC ENVOY.—The Secretary of State shall appoint United States Science Envoys to represent the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise.

By Mr. CASEY (for himself, Mr. KAUFMAN, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. BEGICH):

S. 839. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about the well-being of our children, both now, today, and also into the future. That is why today I am reintroducing my bill, Prepare All Kids, along with Senator KAUFMAN of Delaware and Senator WHITEHOUSE of Rhode Island.

I believe—and I know this is a belief shared by many people in our country—every child in America is born with a light inside and it is our responsibility to keep that light burning ever brightly. This bill will help States to provide at least 1 year of voluntary prekindergarten education to children between the ages of 3 and 5. The Prepare All Kids Act will also provide funding for important programs that serve the needs of children from birth to age 3, a most critical time in the development of children.

The research is irrefutable. Investing in children in their earliest years greatly improves their life outcomes, and conservative estimates put the savings to our economy at about \$7 for every \$1 we invest. So this is about two

things: It is certainly about our obligation, our abiding obligation to our children, but it is also about our economy, the obligation to our economy that we have to develop skilled workers to compete in a world economy.

There is no question that for some of the most disadvantaged children there is an achievement gap between them and their more privileged peers that sometimes never closes. One study shows that before entering kindergarten, the average cognitive scores of preschool-age children in the highest socioeconomic group were 60 percent above the average scores of children in the lowest socioeconomic group. I believe investing in children is the right thing to do, and it is the smart thing to do. Sometimes the oldest sayings are the truest because years of scientific research on early childhood programs has proven without a doubt that an ounce of prevention is indeed worth a pound of cure—certainly when it comes to investing in our children.

Earlier this year, I was proud to advocate for investments in our children in this year's recovery bill and prouder still when those investments remained intact with passage. Programs such as Early Head Start, Head Start, and childcare programs are receiving desperately needed increases right now, as working parents all across the country struggle to maintain jobs, keep their homes, and ensure their children are well cared for while they take care of their responsibilities. It is critical that working families can depend upon these investments in the years to come.

The Presidency, the administration of Barack Obama, has an important budget blueprint for further recognizing the wisdom of investing in our children. In addition to the recovery bill investments, the President's Zero to Five initiative highlights the importance of investments during the critical period of time between birth and age 5: investments in early learning, nurse home visitation, and creating neighborhoods in which low-income and disadvantaged children can receive the help and assistance they need to succeed in life.

I want to emphasize very clearly today as it relates to the bigger picture of giving children what they need in the early years, my bill, the Prepare All Kids Act, focuses on prekindergarten, but it also focuses on programs that serve infants and toddlers. It is also about investing in and preparing all kids—not just some but all—who are about to enter kindergarten. It is absolutely imperative that we don't see children in pieces, that we not create silos as we begin to focus on the kinds of investments our children need. We cannot allow that to be "siloed" that way, not childcare versus Head Start versus prekindergarten. These programs should not have to compete with

one another, and in my bill I make sure they don't.

We also have to remember that investing in children cannot suddenly begin when they are 3 or 4 years old. It must begin from the earliest days of a child's life, literally beginning before they are born. The Obama administration, in outlining its vision of early childhood, shows a wise commitment to streamlining and coordinating a system of early childhood programs and investments. I could not agree more with the need for such streamlining.

We are also fortunate indeed to have Secretary Duncan and, hopefully very soon, the confirmation of Governor Sebelius as Secretary of Health and Human Services—both of whom really get it, as the President said to a joint session in speaking of another part of our priorities in terms of getting it, understanding what we have to do. When it comes to the continuum of early childhood development and education, both of these officials, as well as the President and Vice President and their team, all get this, and they understand it. That is why they have made Zero to Five such a high priority.

Let me turn to an economic summary of the Prepare All Kids Act. First of all, in this bill we assist States in providing at least 1 year of high-quality prekindergarten education to children. Under my bill, prekindergarten programs must adhere to high-quality standards. That includes a research-based curriculum that supports children's cognitive, social, emotional, and physical development and individual learning styles. Experts tell us that at the preschool stage, social and emotional learning can be as important and perhaps even more important than cognitive learning. That is where early socialization takes place—learning to share, pay attention, work independently, and express feelings. All these are critical to successful childhood development.

Classrooms in our bill will have a maximum of 20 children and children-to-teacher ratios of no more than 10 to 1. Children need individualized and quality attention to thrive, and these requirements provide that. The bill helps States that want to expand pre-K programs to full-day programs as well as extend their programs year round. This supports both children and working parents who need high-quality programs for their children during the workday and in the summer.

Prekindergarten teachers will be required to have a bachelor's degree at the time they are employed, but we give them sufficient time, 6 years, in order to get it. We also allow States to use funds for professional development for teachers. But we want highly qualified and committed teachers in our pre-K programs.

States must create a monitoring plan that will appropriately measure indi-

vidual program effectiveness. And, one more point: infant and toddler programs will receive a significant portion of the funding—15 percent. These programs typically receive the lowest dollars of all early childhood programs, making it difficult for parents, many of them single moms, to find quality childcare for the youngest of our children.

We have to recognize in this bill and other places as well the critical role of parents in the education of their young children by strongly encouraging parental involvement in programs and assisting families in getting the supportive services they may need.

Children come in families. To truly help children, we have to involve and support their parents. We have to involve the whole family. More important, children cannot succeed without the active involvement of their parents. I believe we have an obligation to our children and to our future workforce.

Compared to children who attend high-quality preschool, those who do not attend such programs are five times more likely to be chronic lawbreakers as adults and more likely to abuse illegal drugs. Children who attend high-quality preschool are more successful in school, more likely to graduate from high school, and thus more likely to become productive adults who contribute to the U.S. economy.

But for anyone who needs additional reasons, decades of research on life outcomes of children who have attended early childhood programs proves the wisdom of this investment. Conservative estimates are that we save \$7 for every \$1 invested—in crime, welfare, and education costs. Some studies have shown as much as \$17 in savings.

We must ensure that the light in every child—really, their potential—burns brightly. It is my deep conviction that as elected public servants we have a sacred responsibility to ensure we invest in our children by providing early learning and development, nutrition and health care—these three: nutrition, health care, and early learning. That is why I am committed to serving the children of this Nation and why I am reintroducing the Prepare All Kids Act.

I look forward to working with President Obama and Democrats and Republicans in the Congress who share these priorities. I look forward to giving our children the good start they deserve, to keep their light shining brightly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prepare All Kids Act of 2009”.

SEC. 2. HIGH QUALITY PREKINDERGARTEN PROGRAMS.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

- (1) by redesignating part I as part J; and
- (2) by inserting after part H the following:

**“PART I—HIGH QUALITY
PREKINDERGARTEN PROGRAMS**

“SEC. 1841. FINDINGS.

“Congress makes the following findings:

“(1) Investments in children and early childhood development education should be a national priority.

“(2) State-funded preschool is the most rapidly expanding segment of the United States educational system, but in many States a lack of stable funding poses an enormous threat to the provision or continuation of high quality preschool.

“(3) Researchers, educators, and economists have long noted an achievement gap for low-income and minority students as compared to their more advantaged peers that is often already evident when children enter school for the first time.

“(4) One study showed that before entering kindergarten, the average cognitive scores of preschool-age children in the highest socioeconomic group are 60 percent above the average scores of children in the lowest socioeconomic group.

“(5) For low-income preschoolers, research shows that high quality early education and development is vital to closing the achievement gap between them and their more advantaged peers.

“(6) Numerous studies have shown that high quality preschool programs—

“(A) improve a number of specific life outcomes for children; and

“(B) are cost effective.

“(7) The provision of high quality prekindergarten is a cost-effective investment for children and for the Nation. Research shows that for every \$1 invested in high quality early childhood programs, taxpayers save up to \$7 in crime, welfare, remedial and special education, and other costs.

“(8) High quality early education increases academic success for schoolchildren who received that education by—

“(A) improving skills in areas such as following directions and problem solving;

“(B) improving children’s performance on standardized tests;

“(C) reducing grade repetition;

“(D) reducing the number of children placed in special education; and

“(E) increasing high school graduation rates.

“(9) High quality early education promotes responsible behavior by teens and adults who received that education by—

“(A) reducing crime, delinquency, and unhealthy behaviors such as smoking and drug use;

“(B) lowering rates of teen pregnancy;

“(C) leading to greater employment and higher wages for adults; and

“(D) contributing to more stable families.

“(10) High quality prekindergarten programs prepare children to—

“(A) succeed in school;

“(B) achieve higher levels of education; and

“(C) become citizens who—

“(i) earn more in adulthood;

“(ii) compete in the global economy; and

“(iii) contribute to our national prosperity.

“SEC. 1842. DEFINITIONS.

“In this part:

“(1) **FULL-DAY.**—The term ‘full-day’, used with respect to a program, means a program with a minimum of a 6-hour schedule per day.

“(2) **POVERTY LINE.**—The term ‘poverty line’ has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by that section.

“(3) **PREKINDERGARTEN.**—The term ‘prekindergarten’ means a program that—

“(A) serves children who are ages 3 through 5;

“(B) supports children’s cognitive, social, emotional, and physical development and approaches to learning; and

“(C) helps prepare children for a successful transition to kindergarten.

“(4) **PREKINDERGARTEN TEACHER.**—The term ‘prekindergarten teacher’ means an individual who

“(A) has a bachelor of arts degree with a specialization in early childhood education or early childhood development; or

“(B) during the 6-year period following the first date on which the individual is employed as such a teacher under this part, is working toward that degree.

“(5) **QUALIFIED PREKINDERGARTEN PROVIDER.**—The term ‘qualified prekindergarten provider’ includes a provider of a prekindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that—

“(A) is in existence on the date of the qualification determination; and

“(B) has met applicable requirements under State or local law that are designed to protect the health and safety of children and that are applicable to child care providers.

“SEC. 1843. PROGRAM AUTHORIZATION.

“(a) **PREKINDERGARTEN INCENTIVE FUND.**—The Secretary, in collaboration and consultation with the Secretary of Health and Human Services, shall create a Prekindergarten Incentive Fund, to be administered by the Secretary of Education.

“(b) **GRANTS.**—In administering the Fund, the Secretary shall award grants to eligible States based on a formula established by the Secretary in accordance with subsection (c), to pay for the Federal share of the cost of awarding subgrants to qualified prekindergarten providers to establish, expand, or enhance voluntary high quality full-day prekindergarten programs.

“(c) **MINIMUM ALLOTMENT.**—No State shall receive a grant allotment under subsection (b) for a fiscal year that is less than one-half of 1 percent of the total amount made available to carry out this part for such fiscal year.

“SEC. 1844. STATE APPLICATIONS AND REQUIREMENTS.

“(a) **DESIGNATED STATE AGENCY.**—To be eligible to receive a grant under this part, a State shall designate a State agency to administer the State program of assistance for prekindergarten programs funded through the grant, including receiving and administering funds and monitoring the programs.

“(b) **STATE APPLICATION.**—In order for a State to be eligible to receive a grant under this part, the designated State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) an assurance that the State will award subgrants for prekindergarten programs that are sufficient to provide a high quality prekindergarten experience;

“(2) an assurance that not less than 25 percent of the qualified prekindergarten providers receiving such subgrants will be providers of community-based programs;

“(3) a description of the number of children in the State who are eligible for the prekindergarten programs and the needs that will be served through the prekindergarten programs;

“(4) a description of how the State will ensure that the subgrants are awarded to a wide range of types of qualified prekindergarten providers;

“(5) a description of how the designated State agency will collaborate and coordinate activities with the State Advisory Council on Early Childhood Education and Care, State-funded providers of prekindergarten programs, providers of federally funded programs such as Head Start agencies, local educational agencies, and child care providers;

“(6) a description of how the State will ensure, through a monitoring process, that qualified prekindergarten providers receiving the subgrants provide programs that meet the standards of high quality early education, and use funds appropriately;

“(7) a description of how the State will meet the needs of the most disadvantaged students, including families at or below 200 percent of the poverty line;

“(8) a description of how the State will meet the needs of working parents; and

“(9) a description of how the State will assist in providing professional development assistance to prekindergarten teachers and teacher aides.

“(c) **FEDERAL SHARE.**—The Federal share of the cost described in section 1843(b) shall be 50 percent. The State shall provide the non-Federal share of the cost in cash.

“(d) **SUPPLEMENTARY FEDERAL FUNDING.**—Funds made available under this part may be used only to supplement and not supplant other Federal, State, local, or private funds that would, in the absence of the funds made available under this part, be made available for early childhood programs.

“(e) **MAINTENANCE OF EFFORT.**—A State that receives a grant under this part for a fiscal year shall maintain the expenditures of the State for early childhood programs at a level not less than the level of such expenditures of the State for the preceding fiscal year.

“SEC. 1845. STATE SET ASIDES AND EXPENDITURES.

“(a) **INFANT AND TODDLER SET ASIDE.**—Notwithstanding sections 1842 and 1843, a State shall set aside not less than 15 percent of the funds made available through a grant awarded under this part for the purpose of funding high quality early childhood development programs for children who are ages 0 through 3. Funds made available under this subsection may also be used for professional development for teachers and teacher aides in classrooms for children who are ages 0 through 3.

“(b) **EXTENDED DAY AND EXTENDED YEAR SET ASIDE.**—Notwithstanding section 1843, a State shall set aside not less than 10 percent of the funds made available through a grant awarded under this part for the purpose of extending the hours of early childhood programs to create extended day and extended year programs.

“(c) **ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of the funds made available through such a grant may be used for administrative expenses, including monitoring.

"SEC. 1846. LOCAL APPLICATIONS.

"To be eligible to receive a subgrant under this part, a qualified prekindergarten provider shall submit an application to the designated State agency at such time, in such manner, and containing such information as the agency may reasonably require, including—

"(1) a description of how the qualified prekindergarten provider will meet the diverse needs of children in the community to be served, including children with disabilities, whose native language is not English, or with other special needs, children in the State foster care system, and homeless children;

"(2) a description of how the qualified prekindergarten provider will serve eligible children who are not served through similar services or programs;

"(3) a description of a plan for actively involving parents and families in the prekindergarten program and the success of their children in the program;

"(4) a description of how children in the prekindergarten program, and their parents and families, will receive referrals to, or assistance with, accessing supportive services provided within the community;

"(5) a description of how the qualified prekindergarten provider collaborates with the State Advisory Council on Early Childhood Education and Care and providers of other programs serving children and families, including Head Start agencies, providers of child care programs, and local educational agencies, to meet the needs of children, families, and working families, as appropriate; and

"(6) a description of how the qualified prekindergarten provider will collaborate with local educational agencies to ensure a smooth transition for participating students from the prekindergarten program to kindergarten and early elementary education.

"SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM REQUIREMENTS.

"(a) MANDATORY USES OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this part shall use funds received through the grant to establish, expand, or enhance prekindergarten programs for children who are ages 3 through 5, including—

"(1) providing a prekindergarten program that supports children's cognitive, social, emotional, and physical development and approaches to learning, and helps prepare children for a successful transition to kindergarten; and

"(2) purchasing educational equipment, including educational materials, necessary to provide a high quality prekindergarten program.

"(b) PERMISSIBLE USE OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this part may use funds received through the grant to—

"(1) extend part-day prekindergarten programs to full-day prekindergarten programs and year-round programs;

"(2) pay for transporting students to and from a prekindergarten program; and

"(3) provide professional development assistance to prekindergarten teachers and teacher aides.

"(c) PROGRAM REQUIREMENTS.—A qualified prekindergarten provider that receives a subgrant under this part shall carry out a high quality prekindergarten program by—

"(1) maintaining a maximum class size of 20 children, with at least 1 prekindergarten teacher per classroom;

"(2) ensuring that the ratio of children to prekindergarten teachers and teacher aides shall not exceed 10 to 1;

"(3) utilizing a prekindergarten curriculum that is research- and evidence-based, developmentally appropriate, and designed to support children's cognitive, social, emotional, and physical development, and approaches to learning; and

"(4) ensuring that prekindergarten teachers meet the requirements of this part.

"SEC. 1848. REPORTING.

"(a) QUALIFIED PREKINDERGARTEN PROVIDER REPORTS.—Each qualified prekindergarten provider that receives a subgrant from a State under this part shall submit an annual report, to the designated State agency, that reviews the effectiveness of the prekindergarten program provided. Such annual report shall include—

"(1) data specifying the number and ages of enrolled children, and the family income, race, gender, disability, and native language of such children;

"(2) a description of—

"(A) the curriculum used by the program;

"(B) how the curriculum supports children's cognitive, social, emotional, and physical development and approaches to learning; and

"(C) how the curriculum is appropriate for children of the culture, language, and ages of the children served; and

"(3) a statement of all sources of funding received by the program, including Federal, State, local, and private funds.

"(b) STATE REPORTS.—Each State that receives a grant under this part shall submit an annual report to the Secretary detailing the effectiveness of all prekindergarten programs funded under this part in the State.

"(c) REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that describes the State programs of assistance for prekindergarten programs funded under this part.

"SEC. 1849. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2010 through 2014."

SEC. 3. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking the item relating to the part heading for part I of title I and inserting the following:

"PART J—GENERAL PROVISIONS";

and

(2) by inserting after the items relating to part I of title I and inserting the following:

"PART I—HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS

"Sec. 1841. Findings.

"Sec. 1842. Definitions.

"Sec. 1843. Program authorization.

"Sec. 1844. State applications and requirements.

"Sec. 1845. State set asides and expenditures.

"Sec. 1846. Local applications.

"Sec. 1847. Local prekindergarten program requirements.

"Sec. 1848. Reporting.

"Sec. 1849. Authorization of appropriations."

(b) PROVISIONS.—Sections 1304(c)(2) and 1415(a)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C)) are amended by striking "part I" and inserting "part J".

By Mr. KERRY (for himself and Mr. SPECTER):

S. 841. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of altering blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the Pedestrian Safety Enhancement Act of 2009 with Senator SPECTER. This bill is designed to ensure that those with limited or no vision are able to identify electric and hybrid vehicles as they travel down the road. I am a strong supporter of increasing the number of electric and hybrid electric vehicles on our roads because they will limit our dependence on foreign oil and help limit pollution. However, the silent operation of hybrid vehicles has created a potentially hazardous situation for some pedestrians with limited or no vision. Too often, vision impaired individuals are unable to hear hybrid cars as they pass by them. This makes it more difficult for them to get around.

While I am thankful that there will be less noise on the street, we should be fair to those among us who use senses other than sight to navigate the streets. The bill directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting vision impaired pedestrians of motor vehicle operation. This bill requires that solutions to this problem are studied and the best of these solutions is implemented in a timely manner.

I ask all my colleagues to support this legislation.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KERRY, Mr. KENNEDY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CARDIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 843. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise because yesterday marks 10 years since the shootings at Columbine High School in Littleton, CO, and on this 10th anniversary, we need to speak about the problems with our Nation's gun laws.

Whether it is Columbine, Virginia Tech, Mexican gun trafficking or the recent killings in Pittsburgh, Binghamton, and Oakland we are reminded over and over again that our gun laws are not strong enough, and it is time we said—not another day.

Not another day should we allow the gun show loophole to stand.

Not another day should we allow gun dealers to sell firearms without conducting a background check.

Not another day should we allow terrorists, criminals, gun traffickers and the mentally ill to buy firearms.

It is as easy as ever for criminals to buy guns—easier, in fact, than it is to get a library card.

What happened at Columbine High School 10 years ago was a tragedy none of us can forget.

Two shooters went on a rampage and killed 12 students and 1 teacher.

But here is what a lot of people do not realize: all of the firearms used by the shooters were bought at gun shows.

That means, because of the gun show loophole, they were bought without a background check, and they were bought “cash and carry,” no questions asked.

Those 13 people never should have died because those teenagers never should have had those guns.

Just think: the young woman who bought the guns for the shooters said she wouldn't have done it had a background check been required.

In 1999, I introduced legislation to close the gun show loophole and keep guns from falling into the wrong hands.

In the aftermath of Columbine, the Senate passed my legislation, with Vice President Al Gore casting the tie-breaking vote.

It was a great victory, but it was short lived. The gun lobby stripped my legislation in conference.

Ten years later, this gap in our law still remains.

We were reminded of that last Thursday when we marked the second anniversary of the Virginia Tech shootings.

In that tragedy, a mentally deranged man killed 32 students and faculty in the worst mass shooting in American history.

The Virginia Tech shooter was able to obtain his guns from licensed gun dealers because the records of his mental illness were not in the background check database as they were supposed to be. But if a background check stopped him from buying his guns from a gun dealer, he could have walked to a gun show and purchased the guns with no background check.

Yesterday we marked the 14th anniversary of the Oklahoma City Bombing—the Nation's worst domestic terrorist attack.

The men responsible for that despicable act frequently bought and sold firearms at gun shows.

Gun trafficking to Mexico is another reminder of the dangers of the gun show loophole.

We know that as many as 30 percent of the firearms traveling across our border into Mexico originate from gun shows.

We have an opportunity to save lives—and that is why I am reintroducing legislation today to close the gun show loophole once and for all.

Closing the gun show loophole will not adversely affect licensed gun sell-

ers and it will not place a burden on law-abiding gun owners.

It simply ends a dangerous, unnecessary exemption so that the Brady Law is applied equally.

But that difference—the difference between buying a gun with a background check and not—is everything.

It is the difference between saving lives and putting more at risk, between keeping guns out of the wrong hands and letting terrorists and others have easy access to guns, and the difference between upholding the rule of law or allowing loopholes to undermine it.

Specifically, my legislation would take several steps to make gun show transactions safer for all Americans: gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. This definition includes not only those events where firearms are the main commodity sold, but also other events where a significant number of guns are sold, such as flea markets or swap meets.

Gun show promoters would be required to register with the Bureau of Alcohol, Tobacco, and Firearms, ATF, maintain a list of vendors at all gun shows, and ensure that all vendors acknowledge receipt of information about their legal obligations.

The bill requires that all firearms sales at gun shows go through a Federal Firearms Licensee, FFL. If a non-licensed person is selling a weapon, they would use an FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transaction.

FFLs would be required to submit information including the manufacturer/importer, model, and serial number of firearms transferred at gun shows to the ATF's National Tracing Center, NTC. However, no personal information about either the seller or the purchaser would be given to the ATF. Instead, as under current law, FFLs would maintain this information in their files. The NTC would request this personal information from an FFL only in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

I am proud to be joined in introducing this legislation by Senators REED, WHITEHOUSE, SCHUMER, KERRY, KENNEDY, DURBIN, LEVIN, CARDIN, GILLIBRAND, FEINSTEIN, and MENENDEZ.

Ten years ago we lost 12 students and a teacher to gun violence in Littleton, CO.

One of the best ways to honor those we lost and those who have suffered is to make sure a tragedy like Columbine never happens again.

We owe that—and nothing less—to the young people who died 10 years ago and the young people who count on us today.

By Mr. DURBIN (for himself, Mr. BENNETT, Mr. KERRY, Mr.

CASEY, Ms. SNOWE, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. FEINGOLD, Mr. ENZI, and Mr. PRYOR):

S. 846. A bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than \$1.25 a day, and the 2,600,000,000 people who live on less than \$2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate

shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) **NATIONAL MEDALS.**—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 106—CELEBRATING THE OUTSTANDING ATHLETIC ACCOMPLISHMENTS OF THE UNIVERSITY OF FINDLAY MEN'S BASKETBALL TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II CHAMPIONSHIP

Ms. BROWN (for himself, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas on March 28, 2009, the University of Findlay men's basketball team, known as the Oilers, won the National Collegiate Athletic Association (NCAA) Division II Championship, marking the first time in the history of the university that the basketball program achieved this mark;

Whereas the Oilers' undefeated record marks the first time a NCAA Division II basketball program has recorded 36 wins and 0 losses;

Whereas in winning the Division II National Championship, the Oilers have cemented their role as a symbol of pride for the past and present members of the University of Findlay community;

Whereas the Oilers have finished with a winning record for the past 24 seasons;

Whereas the University of Findlay athletic program strives to improve the academic quality of the university by fostering pride, unity, and academic scholarship to help its members contribute to their community in a significant manner;

Whereas each person, coach, and contributor to the team remained committed to ensuring the Oilers achieved this historic accomplishment; and

Whereas all supporters of the University of Findlay are to be praised for their dedication to, and pride in, the university's basketball program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Findlay men's basketball team for achieving their first ever Division II National Championship; and

(2) recognizes the University of Findlay athletic program for its accomplishments in both sports and academics.

SENATE RESOLUTION 107—COMMENDING THE UNIVERSITY OF CONNECTICUT HUSKIES FOR THEIR HISTORIC WIN IN THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL TOURNAMENT

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas on April 7, 2009, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76 to 54 in the final game of the National Collegiate Athletic Association (NCAA) Division I Women's Basketball Tournament in St. Louis, Missouri;

Whereas the Huskies were undefeated in the 2009 season, with a record of 39-0, and bested each opposing team by at least double digits;

Whereas the Huskies have won 6 national titles, the second most in the history of NCAA Division I women's basketball;

Whereas sophomore forward Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year;

Whereas senior point guard Renee Montgomery was chosen as the winner of the Nancy Lieberman award, which is given to the top point guard in the Nation;

Whereas junior center Tina Charles was chosen as the Women's Final Four Most Valuable Player;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as State Farm First Team All-Americans;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as members of the Final Four First All Tournament Team;

Whereas Head Coach Geno Auriemma was chosen as the Associated Press Coach of the Year;

Whereas the University of Connecticut women's basketball program has a 100 percent graduation rate among 4-year players, exemplifying the commitment of the team to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their time and tireless efforts to the perfect record of the team and the NCAA women's basketball championship title; and

Whereas the residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in the University of Connecticut Huskies: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to the President of the University of Connecticut, Michael Hogan, and the head coach of the University of Connecticut Huskies, Geno Auriemma.

AMENDMENTS SUBMITTED AND PROPOSED

SA 981. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 371, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; which was referred to the Committee on the Judiciary.

TEXT OF AMENDMENTS

SA 981. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 371, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; which was referred to the Committee on the Judiciary, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Respecting States Rights and Concealed Carry Reciprocity Act of 2009”.

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§926D. Reciprocity for the carrying of certain concealed firearms

“Notwithstanding any provision of the law of any State or political subdivision thereof:

“(1) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State and which permits the person to carry a concealed firearm, may carry a concealed firearm in accordance with the terms of the license or permit in any State that allows its residents to carry concealed firearms, subject to the laws of the

State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.

“(2) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State in which the person resides, may carry a concealed firearm in accordance with the laws of the State in which the person resides in any State that allows its residents to carry concealed firearms, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 28th, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony regarding legislation to improve the availability of financing for deployment of clean energy and energy efficiency technologies and to enhance United States' competitiveness in this market through the creation of a Clean Energy Deployment Administration within the Department of Energy. A joint discussion draft of the bill is posted on the Committee's website.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224-0883 or Michael Carr at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. DODD. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the

Senate on Tuesday, April 21, 2009, at 2:30 p.m. to conduct a hearing entitled, “Improving the Ability of Inspectors General to Detect, Prevent, and Prosecute Contracting Fraud.”

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS

Mr. DODD. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 10:30 a.m. to conduct a hearing entitled, “Counternarcotics Enforcement: Coordination at the Federal, State, and Local Level.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 21, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Empowering Workers to Rebuild America's Economy and Longer-Term Competitiveness: Green Skills Training for Workers” on Tuesday, April 21, 2009. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 21, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, to conduct a hearing entitled “Protecting National Security and Civil Liberties: Strategies for Terrorism Information Sharing” on Tuesday, April 21, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that Andrew Keller, who is detailed to the Foreign Relations Committee from the State Department, be granted privileges of the floor for the duration of the debate on the Christopher Hill nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Craig Bryant, a fellow in my office, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 48, S. Res. 87.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 87) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 87

Whereas Public Service Recognition Week provides an opportunity to recognize and

promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—
(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

CELEBRATING ACCOMPLISHMENTS OF THE UNIVERSITY OF FINDLAY MEN'S BASKETBALL TEAM

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of

S. Res. 106 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) celebrating the outstanding athletic accomplishments of the University of Findlay men's basketball team for winning the National Collegiate Athletic Association Division II Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 106

Whereas on March 28, 2009, the University of Findlay men's basketball team, known as the Oilers, won the National Collegiate Athletic Association (NCAA) Division II Championship, marking the first time in the history of the university that the basketball program achieved this mark;

Whereas the Oilers' undefeated record marks the first time a NCAA Division II basketball program has recorded 36 wins and 0 losses;

Whereas in winning the Division II National Championship, the Oilers have cemented their role as a symbol of pride for the past and present members of the University of Findlay community;

Whereas the Oilers have finished with a winning record for the past 24 seasons;

Whereas the University of Findlay athletic program strives to improve the academic quality of the university by fostering pride, unity, and academic scholarship to help its members contribute to their community in a significant manner;

Whereas each person, coach, and contributor to the team remained committed to ensuring the Oilers achieved this historic accomplishment; and

Whereas all supporters of the University of Findlay are to be praised for their dedication to, and pride in, the university's basketball program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Findlay men's basketball team for achieving their first ever Division II National Championship; and

(2) recognizes the University of Findlay athletic program for its accomplishments in both sports and academics.

COMMENDING THE UNIVERSITY OF CONNECTICUT HUSKIES

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 107 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Madam President, I rise today with my colleague and friend, Senator LIEBERMAN, to congratulate the University of Connecticut Women's Basketball team for winning the 2009 NCAA Division I Women's Basketball Tournament. I know that I speak for the entire Connecticut Congressional Delegation when I say how proud I am to be able to stand here and acknowledge the accomplishments of this magnificent group of young women.

I have had the privilege of coming to the floor on numerous other occasions to applaud the Huskies for winning the NCAA Division I Tournament. In fact, this is the sixth time that the University of Connecticut Women's Basketball team has won this championship, the second highest number of wins in all of women's Division I history.

As they did in 1995 and 2002, the Huskies went the entire 2009 season undefeated. In addition to this incredible achievement, this year's team added another accomplishment that is truly unique in the history of the NCAA, as it has never before been achieved by any NCAA basketball team—they bested each and every one of their challengers by double digits. This tremendous accomplishment undoubtedly means that this year's team

is not only among the best to play at UCONN, but one of the best college teams ever.

Numerous factors contributed to the Huskies' historic win, not the least of which is the steadfast dedication and well-honed skills of the individual players. Every player deserves special recognition for her work, and I would like to take a moment to specifically point out the achievements of the impressive trio of stars that led this year's team. Sophomore Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles all played critical roles in UCONN's victory. In recognition of their efforts, all three women have won numerous awards. Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year. For her part, Renee Montgomery was chosen as the winner of the Nancy Lieberman award, an honor that is reserved for the top point guard in the Nation. And Tina Charles, who had a staggering 25 points and 19 rebounds in the championship game, was honored as the Women's Final Four Most Valuable Player.

All three players were named State Farm First Team All-Americans and members of the Final Four First All Tournament Team. These are impressive awards and acknowledgments, but none of this could have been done without the other members of the team. These women, all of whom could be starters or stars at other programs, helped to deliver this year's national championship to UCONN. They are without question an impressive squad who have left an indelible mark upon the history of the Huskies basketball program. I would be remiss if I didn't take a moment to acknowledge the great play and important role that these women played. They are: Heather Buck; Lorin Dixon; Caroline Doty; Jacquie Fernandes; Meghan Gardler; Kalana Greene; Tiffany Hayes; Cassie Kerns; Jessica McCormack; Kaili McLaren; and Tahirah Williams.

In addition to the impressive talents of the young women who make up the team, one must not forget Geno Auriemma, who has led the Huskies to six national championships and three undefeated seasons during his tenure as head coach. For his efforts, Coach Auriemma has once again been picked as the Associated Press Coach of the Year, a well-deserved honor for such an accomplished and hard-working coach. And to add another honor to his impressive resume, Coach Auriemma was just named head coach of the U.S. Women's Olympic Team. I am sure he will bring the same dedication and skill to bringing us another gold medal as he has to UCONN. Also, Chris Dailey, associate head coach; Jamelle

Elliott, assistant coach; and Shea Ralph, assistant coach, contributed immensely to the success of the team.

However, I firmly believe that the most important factor that led the UCONN women to victory this year is the character of each of the team's players. Make no mistake about it, these young women are very dedicated, and have worked extremely hard to get to where they are now. However, their tireless dedication and perseverance extend well beyond the basketball court. You may be interested to know that the UCONN women's basketball program has a 100-percent graduation rate among 4-year players. This statistic is truly astounding given the amount of time each of these women must spend meticulously perfecting her skills on the court. Clearly, each of these women possesses an unquenchable desire to succeed in everything she attempts, a characteristic that makes the team's triumph all the sweeter.

Madam President, thank you for the opportunity to speak about the accomplishments of the Huskies, a committed group of young women, whom, it is safe to say, are the pride of the State of Connecticut. Nothing demonstrates this better than the parade that was held in Hartford recently to honor the Huskies on their victory. A staggering 25,000 people came out to thank the coaches and team for their season. In Connecticut, the Huskies are as beloved, if not more so, than any other sports team. We are so proud of their victory and all these impressive young women have accomplished both on and off the court. So from all the fans of the UCONN Huskies in Connecticut and throughout the country and indeed the world, I say congratulations on a tremendous season and a wonderful accomplishment.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 107

Whereas on April 7, 2009, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76 to 54 in the final game of the National Collegiate Athletic Association (NCAA) Division I Women's Basketball Tournament in St. Louis, Missouri;

Whereas the Huskies were undefeated in the 2009 season, with a record of 39-0, and bested each opposing team by at least double digits;

Whereas the Huskies have won 6 national titles, the second most in the history of NCAA Division I women's basketball;

Whereas sophomore forward Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year;

Whereas senior point guard Renee Montgomery was chosen as the winner of the Nancy Lieberman award, which is given to the top point guard in the Nation;

Whereas junior center Tina Charles was chosen as the Women's Final Four Most Valuable Player;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as State Farm First Team All-Americans;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as members of the Final Four First All Tournament Team;

Whereas Head Coach Geno Auriemma was chosen as the Associated Press Coach of the Year;

Whereas the University of Connecticut women's basketball program has a 100 percent graduation rate among 4-year players, exemplifying the commitment of the team to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their time and tireless efforts to the perfect record of the team and the NCAA women's basketball championship title; and

Whereas the residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in the University of Connecticut Huskies: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to the President of the University of Connecticut, Michael Hogan, and the head coach of the University of Connecticut Huskies, Geno Auriemma.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Dennis Shea, of Virginia, for a term expiring December 31, 2010, and Robin Cleveland, of Virginia, for a term expiring December 31, 2010, vice Mark Esper of Virginia.

UNANIMOUS CONSENT AGREE- MENT—JOINT REFERRAL OF NOMINATION

Ms. KLOBUCHAR. Madam President, as if in executive session, I ask unanimous consent that the nomination of Francisco J. Sanchez, to be Under Secretary of Commerce for International Trade, received in the Senate on April 20, be jointly referred to the Committees on Finance and Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 22, 2009

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, April 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 30 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, I ask that following morning business, the Senate proceed to the consideration of S. 386, the Fraud Enforcement and Recovery Act of 2009, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Wednesday, April 22, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE JAMES M. ANDREW, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2015. (RE-APPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GEORGE E. LOUGHRAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RAYMOND B. ABARCA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

IAN C. B. DIAZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

WILLIAM T. HOUSTON
BETTY TASIE
DAVID L. WELLS II

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ELIZABETH M. SHERR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERIN T. DOYLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

SCOTT A. BIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT G. YOUNG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GEORGE R. BERRY
KIM D. JACKSON
PERRY W. SARVER, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL G. AMUNDSON
MICHAEL L. DEGER
STEVE D. ELLIOTT
DAVID M. FARLEY
TROY J. MOORE
ROBERT S. PARHAM
AUBREY L. RUAN, JR.
LARRY E. SPRUILL
PAUL C. THORN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

BUSTER D. AKERS, JR.
ALWYNMICHAEL S. ALBANO
THOMAS E. ALLEN
GEOFFREY N. BAILEY
DOUGLAS H. BALL II
MICHAEL W. BAUMANN
PAUL T. BERGHAUS
WILLIAM C. BLACK
THOMAS D. BRUCE
RICKEY W. BRUNSON
STACY K. BUFFINGTON
HARRY E. BYRD, JR.
JOHN C. CAREY
DAVID H. CERUTTI
DARREN J. CHESTER
EDWARD I. CHOI
RALPH O. CLARK
JAMES E. COMBS
DAVID R. CROMEENES
ROBERT J. CROWLEY
DAVID P. CURLIN
BRIAN D. CURRY
CHRISTOPHER E. DICKEY
THOMAS J. FAICHNEY
CHRISTOPHER D. FLORO
RAYMOND E. FOLSOM
EDWARD H. FRANKLIN
DOUGLAS D. GIBSON
KENNETH M. GODWIN, JR.

THOMAS M. GORRELL
JOHN M. GRAUER
ALFRED C. GRONDSKI, JR.
DARRICK M. GUTTING
MATTHEW A. HALL
STEPHEN M. HOMMEL
JOHN F. JENSEN
SOON C. JUNG
MICHAEL KEIFMAN
MICHAEL A. KELLY
JOSEPH M. KILONZO
SUK KIM
MATTHEW S. KREIDER
ANDREW F. LAWRENCE
EUGENE K. MACK
JOHN P. MANUEL
JAMES R. MCCAY, JR.
MICHAEL F. MCDONALD
DEREK W. MURRAY
MASAKI NAKAZONO
KEVIN J. NIEHOFF
KENNETH W. NIELSON
KYEREMEH S. OBENG
CHRISTOPHER E. OFFEN
GLENN A. PALMER
SE W. PARK
TOMMIE L. PICKENS
CHARLES J. POPOV
BRIAN D. REED
TIMOTHY R. REYNOLDS
CHRISTOPHER D. RICE
ROGER B. RODRIQUEZ
ANDREW ROPP
DAMON D. SAXTON
DAVID R. SCHLICHTER
CHARLES N. SEARL IV
KEVIN S. SEARS
VERNON L. SHACKELFORD
GEORGE W. SHAFFER
KENNETH C. SHARPE
STEVE SHIN
STANLEY V. SMITH
MATTHEW T. STUART
ROGER A. TAYLOR
KELVIN A. TODD
KYLE L. WELCH
CLINTON A. WHITE
MICHAEL T. WILLIAMS
JON C. WILSON
MICHAEL T. ZELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 531:

To be major

JOHN W. HAHN IV
STEPHANIE L. MALMANGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL T. ECHOLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GREGORY J. HAZLETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN J. ELLIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JESUS S. MORENO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

to be lieutenant commander

COLLEEN L. JACKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GREGORY P. MITCHELL

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JONATHAN V. AHLSTROM

April 21, 2009

TY D. BATHURST
SARA C. BERNARD
JOSEPH C. BROWN III
RICKY G. BURNETT
CHRISTOPHER J. CARTER
STEVEN A. DAWLEY
JASON W. DEBLOCK
WILLARD E. DUFF III
WILLIAM M. DULL
DAVID K. DUWEL
RAFAEL E. DUYOS
JOSEPH E. FALS
ANDREW K. FORTMANN
RAY A. GLENN
BRIAN K. HAMEL
ERIC D. HICKS
SHAWN W. IRISH
GARY M. JOY
RYAN R. KENDALL
ERIC M. KIRLIN

CONGRESSIONAL RECORD—SENATE, Vol. 155, Pt. 8

10155

JOHN J. KITT
ROBERT M. LAIRD, JR.
RICHARD T. LESIW
SEAN P. LEWIS
STEVEN L. LIBERTY
ARRON M. MCGRATH
ALEJANDRO R. NELSON
JONATHAN P. NELSON
CHARLES W. PHILLIPS
ETHAN M. RULE
JARED SEVERSON
ROGER R. SOMERO, JR.
NATHAN L. SPURGEON
JOSHUA C. STEWART
ADAM J. THOMAS
ROBERT WEBSTER
DAVID W. WHITSITT
THOMPSON XIAO
JOEL E. YODER

CONFIRMATION

Executive nomination confirmed by
the Senate, Tuesday, April 21, 2009:

DEPARTMENT OF STATE

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER
MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF
CAREER MINISTER, TO BE AMBASSADOR EXTRAOR-
DINARY AND PLENIPOTENTIARY OF THE UNITED STATES
OF AMERICA TO THE REPUBLIC OF IRAQ.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO
THE NOMINEE'S COMMITMENT TO RESPOND TO RE-
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Tuesday, April 21, 2009

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

April 21, 2009.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who alone measures time against the background of eternity with the vision of faith, give to Your people an honest perspective, that their priorities may surface from the depths of their commitment. Help Members of Congress to accomplish great deeds for the good of this Nation and for the stability of the world's economy.

By an honest assessment of natural and national resources, as well as facing our own human limitations, lead us on a practical course of decisions that will bind the wounds of past sins and free us to live as Your people now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 3, 2009, at 11:08 a.m.:

That the Senate passed S. 735.

That the Senate passed without amendment H. Con. Res. 93.

That the Senate passed without amendment H. Con. Res. 54.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 17, 2009, at 1:08 p.m.:

That the Senate agreed to S. Con. Res. 13.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, April 3, 2009:

S. 383, to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes

S. 520, to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse"

APPOINTMENT AS MEMBERS TO COMMISSION TO STUDY POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO

Pursuant to section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110-229), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission to Study the Potential Creation of a National Museum of the American Latino:

as voting members:

Mr. Luis Cancel, San Francisco, CA
Ms. Eva Longoria Parker, San Antonio, TX
Mr. Henry Munoz, San Antonio, TX
as a nonvoting member:
Ms. Lorraine Garcia-Nakata, San Francisco, CA

MOVING TOWARDS ECONOMIC RECOVERY WITH THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I simply want to report that I held two economic recovery workshops in Dallas yesterday with almost a thousand people attending. And it's because the American Recovery and Reinvestment Act is an unprecedented effort to dig ourselves out of the recession and move toward economic recovery and then long-term sustained prosperity.

Communities in my district have already received tens of thousands of dollars in recovery money. The Los Barrios Unidos Community Clinic was able to open a satellite clinic. DFW Airport will be able to start the \$2 million runway rehabilitation project immediately. The Dallas Independent School District has received more than \$78 million to support low-income students.

We inherited quite a mess with the last administration. There is plenty of work left to do, and we want to be a part of it. I am proud to have voted for the Recovery Act.

SET A STANDARD FOR TECHNOLOGY NEUTRAL, LOW-CARBON FUELS

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. SPEIER. Mr. Speaker, yesterday's Washington Post featured a column by Eli Hopson from the Union of Concerned Scientists calling for a technology neutral, low-carbon fuel standard.

The Congress and the administration should not be picking winners and losers when it comes to technology. We did that for ethanol and it led to dire unintended consequences as land once used for growing food was converted to fuel production and the price of corn has skyrocketed so those who need it for survival can no longer afford it.

Meanwhile, innovators across America are achieving remarkable results. On a recent visit to a company in my district called Solazyme in South San Francisco, I drove an unmodified American car that ran on 100 percent fuel from algae oil produced right here in the United States of America.

Mr. Speaker, exciting projects like this are going on all across our country, and the only thing that the government needs to do to encourage them is to set a standard for low-carbon fuels that is technology neutral and then let the scientists and the innovators race to the top.

TEA PARTY IN TEXAS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, last week I was privileged to join my constituents at TEA parties all across my district, people who are frustrated with the spending here in Washington who wanted to say enough is enough. They are tired of runaway government spending dressed up as stimulus, and more importantly, they are tired of saddling our children with a debt they can never repay.

I came away from these events with hundreds upon hundreds of tea bags from my constituents protesting the spending spree that's going on here in Washington. But for me, one little girl summed it up. At a TEA party in Friendswood, Texas, I got to meet Brittany Hornick, a little 12-year-old girl who lives in Lake City, Texas. She had this sign that sums up what this battle is about. Her sign said, "Stop spending my future income." And that's what this is all about, Mr. Speaker.

The bills that the administration and the Democrats are running up in Congress today will be paid by Brittany and her generation. My Republican colleagues and I will continue to push for responsible spending measures that will ensure that Brittany and her generation are not the first generation of American children worse off than their parents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REVOLUTIONARY WAR AND WAR OF 1812 AMERICAN BATTLEFIELD PROTECTION

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1694) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVOLUTIONARY WAR AND WAR OF 1812 AMERICAN BATTLEFIELD PRO- TECTION.

Section 7301(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) is amended as follows:

(1) In paragraph (1)(A), by inserting after "means" the following: "collectively, both the document entitled 'Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States', prepared by the National Park Service, and dated September 2007, and";

(2) In paragraph (2), by inserting "eligible sites or" after "acquiring";

(3) In paragraph (3), by inserting "an eligible site or" after "acquire";

(4) In paragraph (4), by inserting "an eligible site or" after "acquiring";

(5) In paragraph (5), by striking "An" and inserting "An eligible site or an";

(6) By redesignating paragraph (6) as paragraph (8).

(7) By inserting after paragraph (5) the following new paragraphs:

"(6) WILLING SELLERS.—Acquisition of land or interests in land under this subsection shall be from willing sellers only.

"(7) REPORT.—Not later than 5 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out under this subsection, including a description of—

"(A) preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;

"(B) changes in the condition of the battlefields and associated sites during that period; and

"(C) any other relevant developments relating to the battlefields and associated sites during that period."

(8) In paragraph (8) (as so redesignated), by striking "\$10,000,000 for each of fiscal years

2009 through 2013" and inserting "\$20,000,000 for each of fiscal years 2010 through 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 1694, the Revolutionary War and War of 1812 Battlefield Protection Act, was introduced by my colleague on the Natural Resources Committee, Congressman RUSH HOLT of New Jersey. This bill will provide Federal matching grants that will help in the acquisition and preservation of nationally significant battlefields and sites associated with the Revolutionary War and the War of 1812.

Rapid urbanization and suburban sprawl have increasingly encroached upon these battlefield sites, threatening the historic integrity and resulting in the loss of some sites altogether.

H.R. 1694 will enable State or local governments to obtain Federal grants to leverage matching private funds to acquire these endangered sites and work to restore, protect and preserve them for future generations.

I commend our colleague, Representative HOLT, for his leadership on this issue, his patience and his perseverance, as well as his commitment to the preservation of these historic places which influenced the course of our American history.

I ask my colleagues to support the passage of this measure.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

During hearings on this bill, the committee heard testimony from historian David Hackett Fischer whose writings on the Revolutionary War pointed out General Washington's support for property rights and the strong actions he took to ensure that his soldiers respected the property of civilians, even when that property belonged to Tory sympathizers.

Washington personally gave strict orders to forbid looting, even though plunder was the norm at the time and many of his men were hungry, they were dressed in rags, and they marched barefoot in the snow. It is remarkable in such a desperate situation and in such a noble cause, Washington imposed on the Patriot side such a high standard of conduct.

Washington's honorable policy stood in stark contrast to the routine seizures by British and Hessian troops. It is no accident over the course of the early years of the war, in the battleground State of New Jersey, home of the sponsor of this bill, a population that was once evenly divided in its loyalty threw its support to the American cause.

There are lessons that we can learn from Washington's example. In earlier battlefield protection efforts—not this one but earlier ones—the National Park Service misused its eminent domain powers to seize land from unwilling sellers. The justified resentment this caused hurt subsequent efforts. Our enthusiasm for battlefield protection notwithstanding, it is definitely our hope that as we set out to preserve historic sites, we will emulate George Washington and not George III.

□ 1415

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, at this time, I would like to yield such time as he might consume to the distinguished sponsor of H.R. 1694, Congressman RUSH HOLT of New Jersey.

Mr. HOLT. Mr. Speaker, I thank the gentlelady. I rise as the sponsor of the Revolutionary War and War of 1812 Battlefield Protection Act, which I introduced with others.

If this looks familiar, it is because this House—you, my colleagues—passed this legislation by an overwhelming majority, this exact legislation, a little over a month ago. So here we are for take two.

I would like to thank Chairman RAHALL, Chairman GRIJALVA, and Majority Leader HOYER for helping to bring this legislation back to the floor after a peculiarity, a quirk in parliamentary procedure, had left the previously passed legislation lying on the roadside.

Mr. Speaker, the preservation of tangible history of the United States, especially history of those formative years of our country, is essential for us to see our way forward. Mr. Speaker, history is something we need now more than ever. I urge the passage of this legislation.

I rise as the sponsor of H.R. 1694, the Revolutionary War and War of 1812 Battlefield Protection Act, which I introduced for myself and 12 of my colleagues. This bill may look familiar to many members, a carbon copy passed the House a little over a month ago. However, due to some procedural motions by the other body it is necessary to bring this legislation back to the floor today. I would like to thank Chairman RAHALL, Chairman GRIJALVA, and Majority Leader HOYER for their help in bringing this legislation back to the floor today.

This month marks the 234th anniversary of two defining and symbolic moments in our nation's early struggle for independence. On the night of April 18, 1775, Paul Revere began his

legendary ride to Lexington, Massachusetts to warn Samuel Adams and John Hancock that British troops were marching to arrest them. Along the way, he and his fellow riders alerted countryside residents to the British troops' approach. The next day, dozens of Colonial troops gathered at Lexington to meet the British troops head on officially starting the Revolutionary War. Ralph Waldo Emerson in his poem "The Concord Hymn," commemorated this moment as the "shot heard 'round the world." Paul Revere's Ride and the shot heard round the world are just a few of the stories of the American Revolution that help bring to life the ideals of liberty and Democracy fostered by our Nation's founders.

One can read about the American Revolution and the values that were fought for and established at that time, or read about the War of 1812 when the fledgling country fought to maintain its independence. However, history is best experienced not by reading but by feeling, touching and living what was experienced in those trying times. There is no better way to experience the history of the founding of our great Nation than on the hallowed ground where the epic struggle for our independence took place.

Preserving these American historic treasures is essential to remembering the sacrifices that our forefathers made to secure our freedom and our independence, and it is vital for educating the current generations and future generations about our rich cultural heritage. Unfortunately, urbanization, suburban sprawl and unplanned development continually encroach on many of the significant battlefields of that period posing a severe and growing risk to the preservation of these sites.

Last spring, the National Park Service published its report to Congress on the status of the Revolutionary War and the War of 1812 sites. This report demonstrates that there is a great need to act and to act quickly to preserve many of these sites. Out of the 677 naturally significant battlefields and associated sites of the Revolutionary War and the War of 1812, 99 are lost forever already; 234 are fragmented or in poor condition; an additional 170 are in danger of being destroyed within the next decade.

This bill would help State and local governments and non-profits protect and preserve these battlefields and historic sites by authorizing the use of money from the Land and Water Conservation Fund to provide up to 50 percent of the costs of purchasing battlefield land threatened by sprawl and commercial development. This legislation is patterned after the successful Civil War Battlefield Protection Program that has been in effect for quite some time now.

I might add, it was an oversight, I would say, that decades ago, these battlefields and sites of the War of 1812 and the Revolutionary War were not included under the same umbrella. Now is the time to do it. Now is past the time to do it.

In 1861, Abraham Lincoln visited Trenton on his historic journey to his inauguration in Washington. There, he told the New Jersey State Assembly "In the early Revolutionary struggle, few of the States among the old Thirteen had more of the battle-fields of the country within their limits than old New-Jersey." A

couple years ago, I was pleased when Congress took action to protect the battlefields in historic sites in New Jersey where this conflict took place. We passed legislation that created the Crossroads of the American Revolution National Heritage Area, linking hundreds of Revolutionary War sites across 14 counties in New Jersey. New Jersey was truly the crossroads of the American Revolution for a number of reasons, and I'm pleased we are taking steps to preserve the record of those engagements.

There's a fundamental misconception that the American Revolution and War of 1812 took place only in the Northeast. In truth, the story of the American Revolution and the War of 1812 crisscrosses 33 States, from New York to Louisiana, from Georgia to Oregon. Enacting this legislation would allow each of these States to preserve better their history and their role in the War of 1812 and the American Revolution.

Today, I will be introducing legislation that will provide additional funding for the battlefield protection program created by this bill. My legislation, the American Revolution and War of 1812 Commemorative Coin Act, is modeled after the Civil War Battlefield Commemorative Coin Act of 1992, which has raised over \$6 million for battlefield preservation.

Enacting that bill will allow many more historic battlefields to be preserved. Enacting this bill will make it possible for our children and their children and other generations to enjoy and learn. We want to give Americans the opportunity to learn history, to feel history, to experience history so that they understand the principles on which this country was founded. People who know history can be better citizens, more engaged in current civic affairs and more cognizant of their place in history.

I urge my colleagues to support and vote for this important legislation.

Mr. BISHOP of Utah. Mr. Speaker, at this time, I want to be both partisan and very clear on this thing. This is the third time we have actually had this bill before us. I voted for it the first time; I am going to vote for it again; and I will urge my colleagues to support this legislation at the same time. However, in fairness, I guess in fairness to the sponsor, we should do that again since his original bill did pass, and by machinations then over in the Senate, his bill was stripped and sent back to us in his title, with his number and name, but not with his bill.

Had the Democratic Party leadership not tried so hard with so many machinations to make sure that Republicans were not allowed to try and make amendments to the omnibus land bill, his bill would have passed the first time, legitimately, and it would be done and passed by now. So let us remember that, unfortunately, the good representative from New Jersey lost out because of games that were played on a bill totally separate to this particular one, and I find those games were unfortunate. This bill, however, I once again want to make very clear

that I support this bill, and I will urge my colleagues to support it. We passed another bill dealing with Civil War battlefields with a Republican chief sponsor. It is only fair and appropriate that we now look at Revolutionary War and War of 1812 battlefield sites with the Democratic sponsor.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1694, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program."

A motion to reconsider was laid on the table.

CRANE CONSERVATION ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 388) to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crane Conservation Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient popu-

lations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 5(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

- (A) ensuring positive results;
- (B) assessing problems; and
- (C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 5. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681-237; 16 U.S.C. 4246) a separate account to be known as the “Crane Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (c); and

(2) amounts appropriated to the Fund under section 7.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or \$150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 4.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 6. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 7. FUNDING.

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2010 through 2014, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 388, the Crane Conservation Act, was reintroduced in the 111th Congress by our colleague from Wisconsin, Congresswoman TAMMY BALDWIN. The bill is identical to noncontroversial legislation that passed the House during the 110th Congress.

The overall purpose of the bill is to assist in the conservation of the world's 15 crane species, including the two crane species found in North America, the whooping crane and the sandhill crane. The bill would establish a new crane conservation fund to finance Federal matching grants that support critical conservation projects that conserve these highly endangered birds and their scarce and shrinking habitats in Europe, Asia, South Asia, Africa, and North America. The legislation also mirrors other highly popular and effective wildlife conservation funds authorized under the Multinational Species Conservation Fund that support other critically endangered wildlife species and their habitats.

Mr. Speaker, cranes play an important iconic role in cultures around the world. These birds are viewed as universal symbols of peace, happiness, and good fortune. I ask Members on both sides to support passage of this noncontroversial bill that will help to conserve this family of large, charismatic birds.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to actually speak on this particular bill, H.R. 388, the Crane Conservation Act. Under this legislation, a new international conservation fund is going to be established to assist up to 15 species of

cranes that are in Africa, Asia, Australia, North America—I guess everywhere except South America.

There are currently seven crane species that are protected under our Endangered Species Act. The two most imperiled species reside here in the United States and are covered.

The United States already has several laws on the books which can help conserve domestic cranes and their habitats, which includes such things as the Migratory Bird Treaty, the Neotropical Migratory Bird Conservation Act, wetlands conservation statutes, and the Endangered Species Act.

With the current economic crisis the United States finds itself in—exacerbated by our spending bills in the stimulus, in the budget, and the omnibus bills which simply spend too much, tax too much, and borrow too much—it is highly questionable whether this is the time to once again create another multinational fund to spend taxpayers' money overseas. Other countries should be required to step up to the plate to save their own wildlife without relying on American funds going there.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, at this time, I will submit for the RECORD the following exchange of letters between the Committee on Natural Resources and the Committee on Foreign Affairs concerning H.R. 388 and H.R. 411.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, April 21, 2009.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 388, the Crane Conservation Act of 2009, and H.R. 411, the Great Cats and Rare Canids Act of 2009.

These bills contain provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of these important bills, I am willing to waive this Committee's right mark up these bills. I do so with the understanding that by waiving consideration of the bills, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bills which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the Congressional Record when the Committee has these bills under consideration.

I look forward to working with you as we move these important measures through the legislative process.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, April 21, 2009.
Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, Ray-
burn H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to allow floor consideration of H.R. 388, the Crane Conservation Act of 2009 and H.R. 411, the Great Cats and Rare Canids Act of 2009, to proceed unimpeded.

I understand that this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also understand that you reserve the right to seek to have conferees named from the Committee on Foreign Affairs on these provisions, and would support such a request if it were made.

This letter will be entered into the Congressional Record during consideration of H.R. 388 and H.R. 411 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman,
Committee on Natural Resources.

Mr. Speaker, I now yield such time as she may consume to the sponsor of H.R. 388, our distinguished colleague from Wisconsin, Representative BALDWIN.

Ms. BALDWIN. I thank the gentleman from the U.S. Virgin Islands, Dr. CHRISTENSEN, for yielding time. And I also thank the chairman of the full committee for reporting out this bill for consideration on the suspension calendar.

I rise today in support of the Crane Conservation Act of 2009, legislation to help protect and preserve the world's 15 species of cranes for generations to come.

Cranes are the most endangered family of birds in the world, with 11 of the world's 15 crane species at risk of extinction. Their special characteristics and unique ability to bring people together across city, State, and international boundaries place them in a class worthy of our conservation efforts.

Cranes are revered throughout the world for their beauty, grace, and long-distance migrations, frequently spanning numerous countries. In fact, their appeal is so vast that they figure prominently in the culture, folklore, and art of many people around the world. They are featured in the silks, sculpture, poetry, and folk tales of many cultures. And because of their long lifespans, they have become symbols of longevity and good fortune.

These magnificent birds also have served as ambassadors of harmony and peace in the international arena. Representatives from nations with various political struggles have reached beyond the instability to address the conservation of cranes. In fact, about 2 years ago, representatives from bordering nations, including India, China, Pakistan,

Iran and Afghanistan, and others, met in an attempt to overcome strained relations and send a message of goodwill for the sake of protecting this threatened species. Similarly, African nations which share troubled borders also have joined together in recent years to stop the illegal trade of cranes.

In North America, the whooping crane is the rarest of the crane species. Back in the year 1941, only 21 whooping cranes existed in the entire world. Today, there are almost 400 birds in existence. The resurgence is attributed to the bird's tenacity for survival and to the efforts of conservationists in the United States and Canada. In fact, since 2001, coordinated efforts have focused on encouraging young whooping cranes to migrate from their breeding grounds in Wisconsin's Necedah National Wildlife Refuge to their destination in Florida.

In an effort to reintroduce a migratory flock into their historic range in the eastern United States, the recovery team used ultralight aircraft to train and lead these young cranes on their spectacular journey, stretching from city to city and State to State. Fortunately, these efforts have been successful, and the Crane Conservation Act would complement them, both domestically and internationally.

This bill will provide the resources to support initiatives that protect cranes and, importantly, their habitats, which have deteriorated due to industrial development, pollution, and other human disturbances, including wars and other violent conflicts. The bill will also provide the means for the United States to fulfill various international obligations and commitments, thus having a large environmental and cultural impact across the globe.

Additionally, the Crane Conservation Act will provide resources for the United States to bring people and governments around the world together to protect ecosystems, develop adequate habitats, and encourage overall goodwill. Specifically, the Crane Conservation Act will authorize up to \$5 million per year to be distributed in the form of conservation project grants to protect cranes in the wetlands and grasslands and other ecosystems on which they depend.

Congress has passed similar bills in support of globally significant and endangered wildlife species, including tigers, rhinos, elephants, and neotropical migratory birds. And just as these efforts took significant steps in international wildlife conservation, the Crane Conservation Act would play a similar and promising role in improving endangered wildlife and their habitats.

This bill, in identical form, passed on the suspension calendar last session. I encourage my colleagues to support the Crane Conservation Act of 2009.

Mr. BISHOP of Utah. I am pleased to yield such time as he may consume to

the gentleman from Texas, who is an expert not only in cranes and whooping cranes, but on whoopings themselves.

Mr. GOHMERT. I appreciate my friend from Utah yielding in such an amazing form.

I do appreciate my friend from Wisconsin's sensitivity over cranes. And she is right; they are a thing of beauty. We have seen whooping cranes in Texas. I am glad they are protected; they are beautiful.

We have heard President Obama say recently that we are going to have to make some tough choices, that we are going to have to scour through our appropriations, our authorizations, our budgets and cut things that are not really essential. And it is my understanding that of the 15 crane species here, 13 are not in the United States.

Currently, it is clear we are borrowing a great deal of our money that we use as we appropriate from this floor from the Chinese. As I understand it, many of these crane species are not located in the United States, but are located in Asia. What an incredible irony, that we could borrow money from the Chinese for which we will owe principal and interest to the Chinese, and then potentially turn around and pay money to help habitats in China. The irony is astounding.

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I know all of us have people in our districts who are struggling to maintain their own habitat. As we make tough decisions in this body, this ought to be one that is not that tough: The American people keeping their habitat or cranes in a foreign country keeping their habitat. I think we ought to vote for Americans to keep their habitat. We have got to make some tough choices. It is time to quit borrowing money from China. It's time to quit printing additional money. It's time for some responsibility on this floor. We owe that to future generations not to put them in debt to pay foreign countries to create habitats for cranes.

With that I would urge a "no" vote on this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I would just like to respond briefly to some of the mischaracterizations that have been raised about this legislation.

As I stated earlier, the Crane Conservation Act is identical to non-controversial legislation that passed the House during the 110th Congress. This legislation also mirrors other highly popular and effective wildlife conservation funds authorized under the Multinational Species Conservation Fund that support other critically endangered wildlife species and their habitats. It is no exaggeration to say that the grants awarded through these funds have been pivotal in the recovery of some of the most endangered wildlife populations on the planet. Cranes are no less deserving.

I think that it is also important to note that grants awarded through these funds generate non-Federal matching contributions commonly in excess of three or four times the amount of the Federal grant. As a result, these wildlife programs are some of our most effective conservation programs in leveraging additional funds from partner organizations.

Mr. Speaker, it is expected that future grants awarded from a crane conservation fund will provide the same kind of leveraging benefit as demonstrated by the other funds authorized under the Multinational Species Conservation Fund. The track record for these programs has proven that they are not only good for wildlife conservation, they are also a great value to the Federal taxpayer.

Again, I ask Members on both sides to support passage of this non-controversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I will conclude simply by saying this is a noble concept, but what Dr. CHRISTENSEN argued is exactly the problem inherent in this noble concept. What we are continuing to do more and more is carve out specific funds for specific animal species that then add up to the total that we are doing rather than realizing our common goals and what we need to deal with. There are seven species that are covered already, two of those in the United States already covered on prior pieces of legislation. This is simply extra funding that is not going to assist necessarily on the American side; it is going to assist overseas in other countries where, quite frankly, in these conditions they should be stepping up to deal with their own wildlife problems, not relying on the United States simply to bail them out once again with another special fund crafted out for American money to go overseas.

This is simply another one of several funds that keep growing all the time without any coordinated policy to it. And that is the danger of this bill. It's not the issue at hand. It's not trying to protect these species. It is the haphazard way we go about creating these funds to try to fund specific entities rather than coming up with a comprehensive overall plan and not requiring our friends in other countries to step up to the plate as well.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 388, the Crane Conservation Act of 2009. I strongly endorse this effort to provide financial resources and foster international cooperation to restore and perpetuate healthy populations of endangered species and to protect threatened habitats.

This bill establishes a fund to support specific conservation activities by "any wildlife management authority" of a foreign country that meets certain criteria, as well as groups and individuals with demonstrated, relevant

expertise. While supporting such efforts is a key element of any effective conservation strategy, it seems to me that such funding in effect constitutes a new form of foreign assistance that ought to be carefully coordinated with our other foreign aid programs.

In the first place, it is essential that the Secretary of the Interior, who will be administering these programs, consult closely with the Secretary of State to ensure that these activities will not conflict with our overall foreign policy objectives. For instance, if there are problems with corruption or transparency and accountability in a particular government, the State Department would be in a better position to know which entities are reliable partners, and to ensure that funding is not diverted to unauthorized purposes. There may also be some countries to which all other government-to-government aid has been terminated for political or human rights reasons, and in which these conservation activities ought to be conducted exclusively through non-governmental organizations.

Secondly, the State Department, the United States Agency for International Development, the Millennium Challenge Corporation, the Peace Corps and other foreign policy agencies may be carrying out their own environmental programs in a given country. The conservation activities supported by this new fund must be coordinated with ongoing and planned efforts of such agencies in order to avoid duplication and overlap and to seize openings for collaboration. Without a mechanism for consultation with the State Department and USAID, opportunities to build synergy among programs will be lost and the risks of waste and inefficiency will escalate.

In light of these concerns, I would strongly urge that in implementing these new provisions, the Secretary of Interior develop a mechanism for full and meaningful consultation with the State Department, USAID and the foreign policy agencies under the Department's guidance.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I again just ask colleagues on both sides of the aisle to support H.R. 388, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 388.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GREAT CATS AND RARE CANIDS ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 411) to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Cats and Rare Canids Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are to provide financial resources and to foster international cooperation—

(1) to restore and perpetuate healthy populations of rare felids and rare canids in the wild; and

(2) to assist in the conservation of rare felid and rare canid populations worldwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) CONSERVATION.—The term "conservation"—

(A) means the methods and procedures necessary to bring a species of rare felid or rare canid to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species; and

(B) includes all activities associated with protection and management of a rare felid or rare canid population, including—

(i) maintenance, management, protection, and restoration of rare felid or rare canid habitat;

(ii) research and monitoring;

(iii) law enforcement;

(iv) community outreach and education;

(v) conflict resolution initiatives; and

(vi) strengthening the capacity of local communities, governmental agencies, non-governmental organizations and other institutions to implement conservation programs.

(3) FUND.—The term "Fund" means the Great Cats and Rare Canids Conservation Fund established by section 5.

(4) IUCN RED LIST.—The term "IUCN Red List" means the Red List of Threatened Species Maintained by the World Conservation Union.

(5) RARE CANID.—The term "rare canid"—

(A) except as provided in subparagraph (B), means any of the canid species dhole (*Cuon alpinus*), gray wolf (*Canis lupus*), Ethiopian wolf (*Canis simensis*), bush dog (*Speothos venaticus*), African wild dog (*Lycaon pictus*), maned wolf (*Chrysocyon brachyurus*), and Darwin's fox (*Pseudalopex fulvipes*), including any subspecies or population of such a species; and

(B) does not include any subspecies or population that is native to the area comprised of the United States and Canada or the European Union.

(6) RARE FELID.—The term "rare felid"—

(A) except as provided in subparagraph (B), means any of the felid species lion (*Panthera leo*), leopard (*Panthera pardus*), jaguar (*Panthera onca*), snow leopard (*Uncia uncia*),

clouded leopard (*Neofelis nebulosa*), cheetah (*Acinonyx jubatus*), Iberian lynx (*Lynx pardina*), and Borneo bay cat (*Catopuma badia*), including any subspecies or population of such a species; and

(B) does not include—

(i) any species, subspecies, or population that is native to the United States; and

(ii) any tiger (*Panthera tigris*).

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of rare felid and rare canids for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of rare felid and canids may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a rare felid or rare canid species, respectively; and

(B) any person or group with the demonstrated expertise required for the conservation in the wild of rare felids or rare canids, respectively.

(2) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that includes—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staffing for the project;

(iii) the logistics of the project; and

(iv) community involvement in the project;

(E) an estimate of funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to the appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) ensure the proposal contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate

government officials with jurisdiction over the resources addressed by the project;

(B) approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country within whose borders the project will take place.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will contribute to conservation of rare felids or rare canids in the wild by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and rare felids or rare canids, respectively, that arise from competition for the same habitat or resources;

(3) enhance compliance with CITES, the Endangered Species Act of 1973, and other applicable laws that prohibit or regulate the taking or trade of rare felids and rare canids or regulate the use and management of rare felid and rare canid habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition and health of rare felid or rare canid habitat;

(B) rare felid or rare canid population numbers and trends; and

(C) the ecological characteristics and requirements of populations of rare felids or rare canids for which there are little or no data;

(5) promote cooperative projects among government entities, affected local communities, nongovernmental organizations, and other persons in the private sector; or

(6) funds will not be appropriated for the purchase or lease of lands to be used as suitable habitat for felids or canids.

(e) PROJECT SUSTAINABILITY.—In approving project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of rare felids and rare canids and their habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which there exists some measure of matching funds.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

(h) LIMITATIONS ON USE FOR CAPTIVE BREEDING OR DISPLAY.—Amounts provided as a grant under this Act—

(1) may not be used for captive breeding or display of rare felids and rare canids other than captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals rep-

resenting public and private organizations actively involved in the conservation of felids and canids.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group, including the meeting agenda.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 5. GREAT CATS AND RARE CANIDS CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established, in the Multinational Species Conservation Fund established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 under the heading “MULTINATIONAL SPECIES CONSERVATION FUND”, a separate account to be known as the “Great Cats and Rare Canids Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into such account under subsection (c); and

(2) amounts appropriated to such account under section 7.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than three percent, or up to \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4, and may make public on the Internet website and in publications of the Department of the Interior that the Secretary is authorized to accept and use such donations. Amounts received by the Secretary in the form of such donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND CANID SPECIES.

(a) IN GENERAL.—The Secretary shall initiate within three months after the date of the enactment of this Act a study of felid and canid species listed under the IUCN Red List that are not rare canids and rare felids (as those terms are defined in section 3), respectively, to determine—

(1) the conservation status of such species in the wild, including identification of any such species that are critically endangered or endangered; and

(2) any such species that should be made eligible for assistance under this Act.

(b) REPORT.—Not later than two years after date of the enactment of this Act the Secretary shall report to the Congress the determinations made in the study, including recommendations of additional felid species

and canid species that should be made eligible for assistance under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Fund, \$5,000,000 for each of fiscal years 2010 through 2014 to carry out this Act, other than section 6; and

(2) such sums as are necessary to carry out section 6.

SEC. 8. INELIGIBLE COUNTRIES.

Amounts provided as a grant under this Act may not be used for any project conducted in Iran, Syria, Cuba, Sudan, or North Korea.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 411, the Great Cats and Rare Canids Act, was introduced in the 111th Congress by our colleague from Washington, Congressman JAY INSLEE. The bill before the House today is identical to noncontroversial legislation that passed the House during the 110th Congress.

The overall purpose of the bill is to assist in the conservation of 15 imperiled cat and canid species such as the lion, cheetah, and jaguar and the African wild dog and Darwin's fox. The bill would establish a new Great Cat and Rare Canid Conservation Fund to finance Federal matching grants that support critical conservation projects to conserve these highly endangered wildlife species and their shrinking and fragmented habitats.

Moreover, this legislation is patterned after other noteworthy wildlife conservation funds authorized by the Congress that help conserve and recover critically endangered populations of rhinoceros, tigers, African and Asian elephants, great apes, and marine turtles.

Mr. Speaker, great cats and rare canids are no less deserving than these other keystone wildlife species, and I ask Members on both sides to support the passage of this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

While this legislation is similar to a bill that was approved by the House

last year, and I did, in fact, vote for the bill last year, we have Members who still continue to have concerns with H.R. 411, the Great Cats and Rare Canids Act.

During consideration in the Natural Resources Committee during the last Congress, this bill was amended by Congressman HENRY BROWN to target only 12 imperiled big cats and rare dog species. That was an appropriate amendment especially considering the beginning stages of this particular bill, which had well over 50 different animals listed. However, by the time it went from committee to the floor last year, this bill was expanded, and several other species that are protected under this bill but do not reach the criteria used to create the other five existing wildlife conservation funds under law were added.

I am particularly troubled that the inclusion of things like the Iberian lynx, which lives exclusively in Spain and Portugal, is added. These are clearly two countries that are not impoverished European nations. They could easily afford to conserve their own native wildlife. In addition, I note that few of the species singled out for special treatment under this law could be considered "keystone," unlike the African elephant, the tiger, the rhino that are considered keystone criteria. Under H.R. 411, this bill, these 15 cats and dogs will now be competing for limited funds with the other iconic species.

More importantly, at a time when America has a national debt in excess of \$11 trillion, you still have to question whether this legislation is the proper priority for right now. With Federal spending, bank failures, and home foreclosures reaching historic levels, is it really appropriate to spend our constituents' hard-earned tax money to conserve an African wild dog, an Ethiopian wolf, or a Borneo bay cat in Asia? We still are taxing too much, spending too much, and borrowing too much. And this particular bill once again goes at elements and species that are not considered reaching the criteria of needing this kind of protection. If it were to go back to the original bill that came out last year from the Natural Resources Committee with the Brown amendment intact, then you would have a decent standard bill which I would firmly support. But as long as we are still expanding it to areas that don't meet the criteria that should be used on these types of issues, then I need to urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, at this time I would like to yield such time as he may consume to the sponsor of this legislation, Congressman JAY INSLEE of Washington State.

Mr. INSLEE. Mr. Speaker, I just want to point out a few points about this bill.

First off, this is a bill we passed with broad bipartisan support last year. Two hundred ninety-four Democrats and Republicans stepped up to the plate and took a very, very modest step to try to preserve these endangered species that, in fact, are threatened and are listed on international lists. Having gone through the scientific process, these 15 species are all recognized at risk both under United States considerations and under the international consortiums of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also called CITES; and the World Conservation Union, the IUCN. We know the science is that all 15 of these species are at risk. And I want to suggest in answer to my friend's concern about this investment by Americans, there are at least three reasons Americans should have an interest in these species even though some of them are not in the United States.

Number one and perhaps most important, many of our citizens will never physically be in the presence of a cheetah or physically be in the presence of some of the fox species that are endangered here. But I can tell you that they are enjoying the presence of these species, the Creator's creation, in the Creator's creation watching them on television. I spent a week taking care of my dad recovering from surgery, and he spent about half of his time enjoying watching these creatures, the Creator's creation, because it gives him joy. And we have got constituents who are enjoying the existence of these species. This is a very small down payment to protect that.

Number two, when we preserve these species and when we preserve their habitat, it is in our self-interest because it is in our self-interest that the rain forest in South America is preserved. That is the lungs of the planet. We cannot solve our climate change problems without it. This can, in fact, help Americans through our environmental challenges that we have.

And, third, this bill is a great investment because for every dollar we put in, and it's a very small commitment of \$5 million, but for every one of those dollars, we get \$4 from the international community to match and exceed our investment. It is a prudent investment.

So I would hope that we would continue our efforts that we had on a bipartisan basis last year of standing up for these precious species that are on the cusp. And I realize that these species are sometimes thousands of miles away from us, but they can be only months or years away from extinction; so our great-grandkids will never get to watch them except in old-time videos and old-time documentaries. We owe them more. Let's take this very small step forward and pass this bill.

I rise to present important legislation, the Great Cats and Rare Canids Conservation

Act, which supports the conservation of wild big cats and canine populations outside the United States by providing financial resources to conserve 15 such species that are vital for their ecological value and are listed as endangered or threatened on the International Union for Conservation of Nature and Natural Resources, IUCN, Red List of Endangered Species.

Mr. Speaker, the genesis of the Great Cats and Rare Canids program is nearly a decade old, and the bill under consideration today was also introduced in the past three Congresses. In that time, these species have continued to decline in numbers. I would like to thank Representative UDALL, now Senator UDALL, who brought up this bill in the past.

This bipartisan legislation continues our tradition of protecting threatened and endangered species around the world and comes at a critical time in the survival of these animals. Of the 37 wild felid species worldwide, all are currently recognized as species in need of protection. Of the 35 wild canid species worldwide, nearly 50 percent are recognized as in need of such protection in one of these categories.

The 15 species whose conservation is supported in this bill are umbrella species that, if conserved appropriately, protect their corresponding landscapes and other species dependent on those ecosystems. They include the majestic jaguar of South and Central America, the elusive snow leopard, the cheetah, the African wild dog, and other rare carnivore species.

If enacted, the Great Cats and Rare Canids Conservation Fund would be established, building on the success of the Multinational Species Conservation Fund. Importantly, it leverages private conservation dollars from corporate and non-government sources in order to address the critical need to conserve these threatened large carnivores. Historically, for every \$1 invested by the Federal Government in the programs that are part of the Multinational Species Conservation Fund, there is a \$4 match by private donations. Since 1990, the Multinational Species Conservation Fund which has invested over \$50 million in conservation assistance to the world's charismatic species, has garnered over \$180 million in partner contributions and private funding.

A coalition of over 80 conservation organizations, zoos, sportsmen and hunting groups and other non-governmental organizations support this bill. I would particularly like to recognize Defenders of Wildlife, the International Fund for Animal Welfare, Safari Club International, and the Association of Zoos and Aquariums. These organizations together and their millions of members represent the broad based support among Americans all over the country for Congress to enact this critical piece of legislation.

I would like to thank Chairman RAHALL and committee staff Jim and Dave Jansen for bringing this bill to the floor.

Mr. BISHOP of Utah. Mr. Speaker, just to clarify on the record, for any kind of species to be included, they have to be included on the endangered species list, the appendix I and appendix II in the red list. Three of these 15 do not meet that criteria. Twelve are

legitimate. Three don't meet that criteria.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Again I appreciate the sensitivities with regard to rare cats and dogs around the world. With regard to the previous votes on this bill in the House, to be specific, 227 Democrats voted "aye," 67 Republicans voted "aye," which also was about the same numbers, similar numbers, that voted for the bailout back in September, which was also a huge mistake. There was one Democrat that voted "no" and 118 Republicans that voted "no."

But we are even in different times now. We are still borrowing money from the Chinese. And, once again, the irony here is incredible. We are going to borrow more money from the Chinese to possibly give them money back to create habitats for wild dogs and cats that are rare.

□ 1445

There is no assurance that if we did that we wouldn't end up with moo goo dog pan or moo goo cat pan. There is no way to assure that money will not be wasted when it's sent to foreign countries.

One other thing, Iberian lynx, that cat would be eligible, and he is only found in Spain and Portugal. We would be appropriating \$25 million over 5 years in order to send some money to the very country that has been making ridiculous accusations about the United States here in recent days. Oh, good, accuse us of ridiculous crimes, and then we will send you money for your dogs and cats. At some point we have got to stand up and be more responsible with the money we are borrowing that we are pledging our children and grandchildren and great-grandchildren will pay back.

This is not the time to be passing this bill. I know there were 294 votes, 67 Republicans last time, but I am hoping that because American habitats are again threatened for individual people in America, it's time to quit spending money for habitats in foreign countries for animals.

Mrs. CHRISTENSEN. Mr. Speaker, I would like to once again yield such time as he might consume to the sponsor of the bill, Congressman INSLEE.

Mr. INSLEE. Very briefly, I just wanted to respond to my friend's assertion that the species have not been recognized by the scientific community. I want to assure the gentleman, all of the 15 species, eight cats and seven canine species, are listed on at least one of the salient lists of these endangered and threatened species, and that would be the Endangered Species Act of the United States, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also

called CITES, and the third, the World Conservation Union Red List of Endangered Species. All of the species that we have selected are on at least one of those lists.

I think we will find broad scientific consensus a lot more species are in trouble than these. These are just a tiny fraction of the species that are in trouble, but, frankly, the ones whose existence our constituents enjoy. They are enjoying them in their living rooms, and this is a very small down payment to make sure that continues.

Mr. BISHOP of Utah. May I inquire, Doctor, do you have other speakers?

Mrs. CHRISTENSEN. I have just a brief closing statement.

Mr. BISHOP of Utah. Just in conclusion, once again, the grants that we have pervaded in the past for things like the African elephant, the rhino, the tigers are on all three lists, not just one of the three lists. Twelve of the fifteen categories included in this are on all three, not one of the three, which is why, if you were to go back to the bill that was actually passed in the Resources Committee, the Brown amendment, and take that standard, that is one that I think is clearly defensible here on the floor.

But the fact of the matter is, we have expanded it. And once you expand it, taking not all three criteria, but any of those three criteria, you set the standard for what may or may not happen in the future. And once again, we start moving into the direction of having dedicated reserve funds going to specific areas without having a comprehensive plan of how we want to spend that money overseas.

In our situation, in the budget crunch here that we are in, we should be much more systematic in the way we try to deal with these kind of endangered species and at least demand that everything on that list is covered on all three of those categories, not just one or two, but all three of them.

Let me just say once again, I did vote for this bill last time. And, once again, I think we could make it better and should be making it better.

I do actually want to thank the majority party for putting back an amendment that was inadvertently omitted last time that had been placed in the bill in committee and making sure that that was added in there before this bill came to the floor. That was very kind of them. I appreciate them doing that.

With that, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, President Theodore Roosevelt in a message to the Congress once said, and I am quoting, "To waste, to destroy our natural resources, to skin and exhaust the land instead of using it, so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by

right to hand down to them amplified and developed.”

H.R. 411, the Great Cats and Rare Canids Act, is legislation that embodies the central tenet in President Roosevelt's message by conserving our natural resources. By conserving our natural resources today, we will ensure the prosperity of future generations.

Mr. INSLEE. Will the gentlewoman yield?

Mrs. CHRISTENSEN. I yield to the gentleman from Washington.

Mr. INSLEE. Just to make sure that Members will know about the lists we are talking about, the reason not all of these species are on all three lists that we have alluded to is that canine species that are not traded could not be listed under one of these lists that involve just those that are traded animals. It doesn't mean they are not endangered. It doesn't mean they are not threatened. It just doesn't mean that that is the list that pertains to only traded species.

And I can warrant that you will not find anything but scientific consensus that we have had a very well-targeted rifle shot to the most endangered cats and canines here, not the least. And I am very sensitive to my colleague's concern about our fiscal condition. It is real and his points are well taken.

But there are some things that will not wait, even in respite of our fiscal condition, and extinction is one of them. If we get in better fiscal condition 3 years from now, we can't go back and sort of gin up the DNA from these species. Once the Creator's handiwork is gone, we can't go to our grandkids and say, well, we had a budget crunch and we just couldn't save them. So we hope we get this done.

Mrs. CHRISTENSEN. Just for the record, I think it's important to note also that this legislation has the full support of the cochairs of the bipartisan International Conservation Caucus, which includes Congressman NORM DICKS, Congressman HAROLD ROGERS, Congressman JOHN TANNER and Congressman ED ROYCE, as well as the Safari Caucus.

Mr. Speaker, I ask that Members on both sides support the passage of this noncontroversial bill.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 411, the Great Cats and Rare Canids Act of 2009. I strongly endorse this effort to provide financial resources and foster international cooperation to restore and perpetuate healthy populations of endangered species and to protect threatened habitats.

This bill establishes a fund to support specific conservation activities by “any wildlife management authority” of a foreign country that meets certain criteria, as well as groups and individuals with demonstrated, relevant expertise. While supporting such efforts is a key element of any effective conservation strategy, it seems to me that such funding in effect constitutes a new form of foreign assistance that ought to be carefully coordinated with our other foreign aid programs.

In the first place, it is essential that the Secretary of the Interior, who will be administering these programs, consult closely with the Secretary of State to ensure that these activities will not conflict with our overall foreign policy objectives. For instance, if there are problems with corruption or transparency and accountability in a particular government, the State Department would be in a better position to know which entities are reliable partners, and to ensure that funding is not diverted to unauthorized purposes. There may also be some countries to which all other government-to-government aid has been terminated for political or human rights reasons, and in which these conservation activities ought to be conducted exclusively through non-governmental organizations.

Secondly, the State Department, the United States Agency for International Development, the Millennium Challenge Corporation, the Peace Corps and other foreign policy agencies may be carrying out their own environmental programs in a given country. The conservation activities supported by this new fund must be coordinated with ongoing and planned efforts of such agencies in order to avoid duplication and overlap and to seize openings for collaboration. Without a mechanism for consultation with the State Department and USAID, opportunities to build synergy among programs will be lost and the risks of waste and inefficiency will escalate.

In light of these concerns, I would strongly urge that in implementing these new provisions, the Secretary of the Interior develop a mechanism for full and meaningful consultation with the State Department, USAID and the foreign policy agencies under the Department's guidance.

Mrs. CHRISTENSEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 411, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1219) to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lake Hodges Surface Water Improvement and Reclamation Act of 2009”.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by inserting after section 16 the following:

“SEC. 16. LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Olivenhain Municipal Water District, California, is authorized to participate in the design, planning, and construction of projects to treat, reclaim, and reuse impaired surface water from Lakes Hodges in San Diego County, California.

“(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 16 the following: “Sec. 16. Lake Hodges surface water improvement and reclamation project.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. H.R. 1219 authorizes the Secretary of the Interior, acting through the Bureau of Reclamation, to participate in the Lake Hodges Surface Water Improvement and Reclamation Project.

This project would pre-treat 13,000 acre-feet of impaired Lake Hodges water currently unavailable for consumptive use. We have no objection to this noncontroversial bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I would like to yield to the author of this piece of legislation, this bipartisan piece of legislation, as much time as he shall consume, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, this bill is one that is balanced in time and in effort. At a time when snow packs on Sierra Nevada are very low, at a time when the fact that the water supplies for Southern California have been cut

off dramatically through a court order restriction or outright abolition on pumping in the Delta area of the San Joaquin Valley because of the endangered delta smelt, and especially due to the fact that this problem has run into Hodges, those of us in the Federal Government can take a little bit of responsibility here, seeing the fact that a major contributing factor to the pollution problem in this lake was our procedure in the Endangered Species Act, though meaning well to preserve the species, took time that created the problem.

And let me explain to you what happened here. The lake lowered to a level where habitat for the least Bell's vireo was able to grow on the dry land during that time.

When authorities realized that this was going to become a problem, they were not allowed, because of the permitting process for what had been designated a habitat that was great for the least Bell's vireo, an endangered species at that time, now threatened, but basically to explain it is the process took so long that the lake raised back up, flooded out this habitat, and now that habitat is decomposing and polluting the waters of Lake Hodges.

No one meant this to happen. There was no intention by either the environmental agencies involved or by the local community to address this issue. It was just as our regulations go, we create these less-than-appropriate situations.

This bill is one that not only recognizes the responsibility of the Federal Government to the problem, but really is one where the local community is saying we will take on the great majority of the responsibility of addressing this issue. For every dollar of Federal funds that is committed under this bill, there will be \$3 of local funds to address this.

And this is not an issue that only affects the 50th District, my district, and a small section around Lake Hodges. The entirety of Southern California is desperate for the massive amounts of water—not massive—but large amounts of water that is not safe to drink at this time.

I think this is a good cooperative effort. The local community has said we will match you 3 to 1. We will hold harmless the fact that the procedures didn't work out like we would all like it to do, but we will be able to make available very safe drinking water in a very environmentally, friendly way.

And that's basically one of those things that I think we can look to as Federal representatives of cooperating, not doing something for the local community but helping the local community do itself and addressing concerns and problems that we might have been part and parcel involved, sticking to our responsibility as long as the local community is willing to stand up and take care of theirs.

With that, I would ask passage of this bill, Mr. Speaker. I think it's one of those, as the chairwoman for the committee pointed out, it's a reasonable, balanced approach. And when we talk about a 3 to 1 match, a local, I think we have got a very strong statement here that the Federal Government is willing to participate, especially when a community is willing to match us 3 to 1 for a situation that everyone agrees no one was without fault on this.

Mrs. CHRISTENSEN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. May I simply say in closing on our side that I have to commend the gentleman from California for coming up with this water recycling project that would basically pre-treat the impaired surface of Lake Hodges, California, so that consumer water needs are going to be met.

The drought has largely been man-made because of litigation to protect a 3-inch fish, and it will decrease Southern California's water supplies. As a result, there will be water rationing in some areas and water rates will increase for working families and businesses.

There will be less imported water to recycle. However, water recycling is still, in the long term, a necessity for California and other arid regions in the West. And all these projects together will help ensure that there will be no such thing as a waste of our water. So I urge my colleagues to support this bill.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1219.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

REPEALING THE "BENNETT FREEZE"

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 39) to repeal section 10(f)

of Public Law 93-531, commonly known as the "Bennett Freeze".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending legislation would settle a longstanding dilemma faced by the people of the Navajo and Hopi Nations in Arizona. At the outset, I would commend our colleague from Arizona (Mrs. KIRKPATRICK) for her tenacity in working to have this measure considered by the House, and hopefully by the end of the day, passed and sent to the President for his signature.

The need for this legislation dates back to an executive order issued in 1882 which set aside land in northern Arizona for the Hopi Tribe and such other Indians as the Secretary of the Interior may see fit to settle thereon. A 1934 act of Congress setting aside some of the same lands for the Navajo Nation further complicated the matter.

In 1962, a Federal District Court ruled that both the Hopi Tribe and the Navajo Nation had joint rights to use the land in dispute. This ruling created great tension between the two tribes over critical issues such as access to sacred sites and the development of lands in the joint use area. Because of this situation, in 1966 the Commissioner of the Bureau of Indian Affairs, Robert Bennett, issued a freeze on any development on the disputed lands. This freeze extended to some of the core aspects of tribal life, including the building of homes, improvement to property, public works projects, power lines, and water and sewer access.

After nearly a century of dispute between the Navajo Nation and the Hopi Tribe, the Navajo-Hopi Settlement Act was enacted in 1974 in an attempt to settle rights and interests between the

two Native nations. However, in 1980, Congress amended that act to codify the Bennett Freeze. As a result of this freeze on development, tribal citizens living in the Bennett Freeze region find themselves living in 1966 conditions. Only 3 percent of these families affected by the Bennett Freeze have electricity and only 10 percent have running water.

In 2005, the Navajo and the Hopi governments entered into an intergovernmental agreement that resolved all outstanding issues regarding the land in dispute. This agreement contains language which puts an end to the ban on development on the disputed lands. The Secretary of the Interior approved this agreement in September 2006.

This legislation will clarify the law so that it is in agreement with all of the land users and finally close this longstanding dispute between neighboring Indian tribes.

I once again commend our colleague, Mrs. KIRKPATRICK, who has a companion bill here in the House for her work in getting this bill to the floor today. The aforementioned conditions of those living in the Bennett Freeze area are unacceptable. The tribes have resolved their issues and the administration has fulfilled its duties, and now it is time for us to pass this legislation and fulfill our trust responsibility to these two native nations.

I urge all of my colleagues to support the passage of Senate bill 39.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise to support this bipartisan legislation that was authored by Senator JOHN MCCAIN. This bill would end more than 40 years of Federal restrictions placed upon native people living in the western area of the Navajo Nation. These restrictions have barred area residents from making any improvements and repairs to their homes and property.

Once this legislation becomes law, both Navajo and Hopi people will have the opportunity to move forward with critical development projects aimed at providing relief to their region. This means homes without electricity can now be wired, modern plumbing fixtures can be installed and recent health and safety improvements like smoke detectors and water filters can be realized.

Mr. Speaker, this legislation is identical to a bill that was introduced in the 110th Congress by Senator MCCAIN. Unfortunately, we delayed consideration of this bill during the presidential election, for whatever reason. Hopefully, we are prepared to move ahead with this good public policy.

I am grateful that we are finally able to move forward this legislation that will help both the Navajo and Hopi people. I support the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, it is my pleasure to yield such time as she may consume to the sponsor of the House companion measure to S. 39, the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today to encourage all of my colleagues to support S. 39, the companion to H.R. 1762, which I introduced last month. This bill will repeal the law that has held back growth in my district for 40 years.

In 1966, Commissioner of Indian Affairs Robert Bennett chose to deal with a long-running land dispute between the Navajo and Hopi Nations by establishing a construction freeze on 1.5 million acres in my district. For four decades, no construction was allowed in the area. Families could not even do basic home repair or have electricity put in. There was no economic development, and there was no hope.

Now the Navajo and Hopi have come to an agreement, and in 2006 a judge lifted the Bennett Freeze. But that is not enough. We need to permanently remove the law that kept thousands of folks frozen in time.

Far too many families on tribal lands lack basic necessities. In the area of the freeze, only 10 percent of the people have running water, and even fewer have electricity. We are trying to fight a diabetes epidemic with folks who cannot keep the medication they need at home because they don't have a plug for a refrigerator. These families deserve to know that their government will not stop them from pulling themselves out of poverty.

I was proud to join Senator MCCAIN in introducing this legislation. Senator MCCAIN and I believe that Washington bureaucrats should never stand in the way of folks trying to improve their lives and develop their communities. That is something that I think that everyone in this House on both sides of the aisle can come together on.

I urge your support and encourage passage of this bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentlewoman from Arizona's work on this particular issue. I appreciate Senator MCCAIN's sponsorship of this particular bill. This is indeed a fresh approach that will produce positive benefits for the people in this particular State, and I appreciate it being brought to the floor by the gentlewoman from the Virgin Islands.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Is-

lands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the Senate bill, S. 39.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HONORING JOHN HOPE FRANKLIN

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 320) honoring the life and achievements of Dr. John Hope Franklin.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 320

Whereas Dr. John Hope Franklin was born on January 2, 1915, in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first Black lawyers in the Oklahoma Indian territory, and Mollie Parker Franklin, a schoolteacher and community leader;

Whereas Dr. John Hope Franklin, a noted historian, made significant academic and civic contributions that helped integrate the African-American narrative into American history;

Whereas Dr. John Hope Franklin was a graduate of Fisk University and a recipient of a Ph.D. degree in history from Harvard University;

Whereas in 1936, Dr. John Hope Franklin was appointed to the faculty of Fisk University as Instructor of History and subsequently served as Professor of History at St. Augustine's College, North Carolina Central University, and Howard University;

Whereas in 1956, Dr. John Hope Franklin became the Chairman of the Department of History at Brooklyn College, the first African-American to lead a department at a predominately White institution and later became the first African-American professor to hold an endowed chair at Duke University;

Whereas in 1964, Dr. John Hope Franklin joined the faculty of the University of Chicago, serving as Professor of American History, Chairman of the Department of History from 1967 to 1970, and the John Matthews Manly Distinguished Service Professor from 1969 to 1982 when he became Professor Emeritus of History;

Whereas in 1982, Dr. John Hope Franklin joined the faculty at Duke University and served until his passing, holding such positions as the James B. Duke Professor of History, Professor of Legal History at Duke University Law School, the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. John Hope Franklin's numerous publications include "From Slavery to Freedom: A History of Negro Americans", widely considered the preeminent history of the African-American experience in the United States, "The Emancipation Proclamation", "The Militant South", "The Free Negro in North Carolina", "Reconstruction After the Civil War", "A Southern Odyssey: Travelers in the Ante-bellum North", and his influential autobiography "Mirror to America: The Autobiography of John Hope Franklin";

Whereas Dr. John Hope Franklin's research contributed to the success of

Thurgood Marshall and the NAACP's legal victory in the landmark 1954 Supreme Court case, *Brown v. Board of Education*, which ended the "separate but equal" doctrine in America's public schools;

Whereas Dr. John Hope Franklin was active in numerous professional and educational organizations including serving as President of The Organization of American Historians, the American Studies Association, the Southern Historical Association, the United Chapters of Phi Beta Kappa, and the first African-American to serve as President of the American Historical Association;

Whereas Dr. John Hope Franklin served on many national commissions and delegations, including the National Council on the Humanities, Advisory Commission on Public Diplomacy, and as chair of President Clinton's Race Initiative Advisory Board in 1997;

Whereas Dr. John Hope Franklin was the recipient of numerous awards and accolades, including the Presidential Medal of Freedom in 1995, the inaugural W.E.B. DuBois Award from Fisk University Alumni Association, the Organization of American Historians' Award for Outstanding Achievement, the Alpha Phi Alpha Award of Merit, the NAACP's Spingarn Medal, and Lifetime Achievement Awards from the American Academy of Arts and Sciences, and the American Philosophical Society in 2007;

Whereas in 1996, Dr. John Hope Franklin was named "Historian of the Century" by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina Chapel Hill;

Whereas in 1998, Dr. John Hope Franklin was inducted into the North Carolina Literary Hall of Fame;

Whereas Dr. John Hope Franklin inspired the John Hope Franklin Center for Interdisciplinary & International Studies at Duke University, a consortium of academic programs that encourage creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gain and shared;

Whereas Dr. Franklin described historians as "the conscience of the nation, if honesty and consistency are factors that nurture the conscience", and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas Dr. John Hope Franklin was a true scholar and soldier for justice whose chronicling of American history affirmed the dignity of Black people while giving us all a richer understanding of who we are as Americans and our journey as a people;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy; and

Whereas Dr. John Hope Franklin passed away on March 25, 2009, in Durham, North Carolina, and will be deeply missed: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and achievements of Dr. John Hope Franklin; and

(2) encourages the Nation to recognize his academic contributions, scholarship, and service to the American society and history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the

gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, it is with deep respect that I rise in support of House Resolution 320, which celebrates the life of legendary scholar, professor, author and historian, Dr. John Hope Franklin. I would first like to thank my colleague and friend from North Carolina, Congressman MEL WATT, for sponsoring this afternoon's condolence measure which has amassed over 90 cosponsors since being introduced on April 2nd, 2009. I would also like to thank Congressman DAVID PRICE and Congresswoman BARBARA LEE and Senator KAY HAGAN for cosponsoring similar legislation. The outpouring of bipartisan support surely speaks to Dr. Franklin's legacy.

Dr. Franklin was more than a historian. His academic and civic contributions helped integrate the African American narrative into American history. He did as much or more to influence the American historical perspective than nearly any scholar in recent memory in this respect.

One of Dr. Franklin's first contributions to our national story came when he was a young academic working alongside Thurgood Marshall and the NAACP in the landmark 1954 Supreme Court case, *Brown v. Board of Education*. By his work, Dr. Franklin helped bring an end to the "separate but equal" doctrine in America's public schools, ending decades of institutionalized injustice.

John Hope Franklin graduated from Fisk University in 1935, and received both a master's and Ph.D. in history from Harvard University. He taught at a number of institutions, including Fisk University, North Carolina Central University, St. Augustine's College and Howard University.

In 1956, Mr. Franklin became the Chairman of the Department of History at Brooklyn College and in 1964 he joined the faculty of the University of Chicago and served as Chairman of the Department of History from 1967 to 1970.

In 1982, Dr. Franklin joined the faculty of Duke University, where he remained until his passing. He held such positions as the James B. Duke Professor of History, Professor of History Emeritus and Professor of Legal History at Duke University Law School. In 2000, Duke University opened the

John Hope Franklin Center for Interdisciplinary and International Studies, dedicated to new methods of knowledge sharing and collaborative understanding.

In 1947, Dr. Franklin published the seminal piece, "From Slavery to Freedom: A History of African Americans." Now in its seventh edition, it is considered the preeminent account of the African American experience in the United States. Other works by Dr. Franklin include "The Emancipation Proclamation," "The Free Negro in North Carolina," "The Militant South," "A Southern Odyssey, Travelers in the Antebellum North," "Reconstruction After the Civil War," and his influential autobiography, "Mirror to America."

Dr. Franklin was active in an array of professions and educational organizations. He served as President of the Organization of American Historians, the Southern Historical Association, the American Studies Association, and the United Chapters of Phi Beta Kappa. In 1979, he became the first African American to serve as President of the American Historical Association, and he also served his country on national delegations and commissions, such as the National Council on the Humanities and the Advisory Commission on Public Diplomacy. In 1997, President Clinton tapped Dr. Franklin to chair the Race Initiative Advisory Board.

Dr. Franklin was the recipient of countless awards and accolades, including the Nation's highest civilian honor, the Presidential Medal of Freedom. Dr. Franklin received the inaugural W.E.B. DuBois Award from the Fisk University Alumni Association, the Organization For American Historians Award for Outstanding Achievement, the Alpha Phi Alpha Award of Merit, the NAACP's Spingarn Medal, and the Lifetime Achievement Award from the American Academy of the Arts and Sciences.

□ 1515

Dr. Franklin married his college sweetheart, Aurelia Whittington, in 1940. Aurelia passed away on January 27, 1999. They are survived by their son, John Whittington Franklin.

I ask that this body join the American people in celebrating the life of Dr. John Hope Franklin, who we lost on March 25, at the age of 94. We will certainly miss his keen intellect, his graceful humility and humor. He was a true scholar and stalwart for justice, whose chronicling of American history affirmed the dignity of African Americans everywhere, while giving us a richer understanding of our journey together as Americans.

And so, Mr. Speaker, let us collectively and formally express our appreciation for Dr. John Hope Franklin's life and accomplishments and career by agreeing to House Resolution 320.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 320, honoring the life and achievements of Dr. John Hope Franklin.

Dr. Franklin was born in Oklahoma and graduated from Booker T. Washington High School in Tulsa. He graduated from Fisk University in 1935, and earned a doctorate in history in 1941 from Harvard University.

Dr. Franklin was a dedicated educator, whose career in teaching included periods at many prestigious institutions of higher learning, including Fisk University, St. Augustine's College, North Carolina College, the University of Chicago, Duke University and its law school, and the District's own Howard University.

In 1956 Dr. Franklin became the chair of a major history department when he joined the faculty at Brooklyn College.

Dr. Franklin spent his life on the front lines of social change in the United States of America. In the early 1950s, he served as a historian consultant to the NAACP Legal Defense Fund team led by future Supreme Court Justice Thurgood Marshall that helped develop the brief in *Brown v. Board of Education*. That brief led to the historic decision ending legal segregation in America.

Dr. Franklin was a prolific writer, and from among his works is perhaps best known for "From Slavery to Freedom," first published in 1947, and continually updated. More than 3 million copies have been sold.

Throughout his career as a historian, Dr. Franklin was the recipient of many honors and accolades, including the Society of American Historians' Bruce Catton Prize for Lifetime Achievement in 1994, and the Presidential Medal of Freedom, the nation's highest civilian honor in 1995.

In 2006 Dr. Franklin was announced as the third recipient of the John W. Kluge Prize for Lifetime Achievement in the study of humanity.

Dr. Franklin also served on many national commissions and delegations, including the National Council on the Humanities, and the President's Advisory Commission on Ambassadorial Appointments. He also served as the United States Delegate to the 21st General Conference of UNESCO.

Dr. Franklin also served as the President of the American Historical Association, the American Studies Association, the Southern Historical Association, and the Organization of American Historians.

He was a member of the Board of Trustees at Fisk University, the Chicago Public Library, and the Chicago Symphony Orchestra Association.

Sadly, we lost Dr. Franklin in March, but his work and his impact and his

contributions live on. Dr. John Hope Franklin dedicated his life to education and the study of history, and his achievements can be summed up in his own words: "You can't have a high standard of scholarship without having a high standard of integrity because the essence of scholarship is truth."

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield 5 minutes to the lead sponsor of this measure, the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding time and for reserving this time to bring this important resolution forward.

About 2 weeks ago, following the death of our good friend, John Hope Franklin, I witnessed something that I had never witnessed in this body before. People were lining up to introduce resolutions honoring Dr. John Hope Franklin. And the Congressional Black Caucus was saying, John Hope Franklin is our honored person who has been so important to us.

Representative DAVID PRICE from North Carolina, in whose district John Hope Franklin lived at his death, said, I want the honor of introducing a resolution. Individual Members were all intent on introducing their resolution. And I modestly tell you, Mr. Speaker, that I ended up being the lead sponsor, only after a period of negotiation between people who were anxious to be in this position. And I am honored to have been kind of negotiated into the position of being the lead sponsor.

But out of that process, something important became apparent to me, and that's this: That if 100 of our Members had introduced resolutions honoring the life and times of John Hope Franklin, that still wouldn't have been enough to give him the kind and sufficiency of honor that he deserved.

And if 100 different resolutions had been introduced, I can imagine that they would have covered 100 different aspects of his life. They would have said, he was a scholar, because when John Hope Franklin was researching African American history in this country, there really was no written African American history in this country. And he had to beg his way into the Library of Congress, into places where nobody African American had ever really spent any time to try to find the history and place African Americans in a particular reserved place, tracing their ancestry all the way back into Africa, and giving us the due that we were entitled to have as part of this, the history of this country.

A resolution might have talked about his being the first, because there's a whole list. We could take 20 minutes on our side just listing the things that John Hope Franklin was the first to do; the first to be an African American

head of a Department of History, the first to do this, the first to do that.

We could devote a whole resolution to him as a historian, because the wonderful work that he authored, "From Slavery to Freedom," helped to define the role of African Americans in this country.

We could do a resolution listing just the honors that he received, the number of honorary doctorates and prizes and awards that he received for his scholarship and his participation.

We could do a resolution on his commitment to growing tulips. Here's a man that has had an tulip named after him because he took a liking to tulips, and really went in and probably has the best understanding and the best collection of tulips of any individual in America.

We could do a resolution on his landmark participation, the fact that he was part of the research team that did *Brown v. Board of Education*; that he was part of the research team that made it possible for me to continue to serve in this body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I yield the gentleman an additional 2 minutes.

Mr. WATT. He was part of the team that did the research on the Voting Rights Act that resulted in the Supreme Court upholding the congressional districts that many of the members of the CBC now occupy in this body.

We could do a resolution on his involvement in President Clinton's Race Initiative.

But I tell you, if I were doing a resolution, if I were writing it myself, I'd do it based on this humble genius, the mentorship that he provided to me, the friendship that he provided to me and my family as we grew up in politics, as we came out of the South and assumed the role that I have in this body today.

This is a great, great, great, great man that had so many different ingredients to his greatness. Time doesn't give us enough time or enough resolutions to do appropriate honor to this man. I am grateful that we have this time, but I'm more grateful that we had him for 90-plus years on this Earth.

Mr. CHAFFETZ. Mr. Speaker, I have no other speakers at the moment, but I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point I would like to yield to the gentleman from North Carolina, who is also a cosponsor of this legislation, and earlier the lead sponsor until that position was assumed by Mr. WATT, the distinguished gentleman from North Carolina (Mr. PRICE) for 5 minutes.

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for his work on this resolution, helping us bring it to the floor.

I thank my colleague, Mr. WATT, for his moving and impassioned comments,

and I identify myself totally with what he's saying.

This resolution gives us the occasion to honor a great and good man, and to recognize the impact he's had on our lives personally and, indeed, on American life. Dr. Franklin was arguably the most influential American historian of the 20th century. He was the preeminent scholar of African American history in the United States for nearly six decades. And in pursuing that course, he fundamentally changed the way we understood the Nation's past, showing us that African American history is inseparable from any telling of American history.

It may seem obvious today that our national story is made uniquely American by the shared experience of multiple backgrounds, a common quilt sewn with diverse cultural and ethnic and economic threads. This shared experience is perhaps particularly compelling to those of us from the South, those of us whose formative years were shaped by the civil rights movement of the 1950s and 60s. But this greater understanding and appreciation did not just happen by chance; it's in large part the fruit of Dr. Franklin's labors.

Dr. Franklin made his mark on a number of fine institutions, teaching at Fisk University in Nashville, at St. Augustine's College in Raleigh, at North Carolina College in Durham, now North Carolina Central University, and at Howard University here in the District of Columbia. Dr. Franklin spent nearly two decades at the University of Chicago, serving as Professor of American History, chairman of the Department of History, and John Matthews Manly Distinguished Service Professor of history. Then in 1982 Dr. Franklin joined me and other colleagues on the faculty at Duke University, serving as James B. Duke Professor of History and Professor of Legal History at Duke Law School and, ultimately, inspiring the John Hope Franklin Center For Interdisciplinary and International Studies.

Dr. Franklin's distinguished body of work includes his book that went through multiple editions, *From Slavery to Freedom: A History of Negro Americans*, which is still considered the definitive account of the African American experience in the United States. His clarity of thought and understanding of history were invaluable in aiding Thurgood Marshall's research and victory in the landmark Supreme Court case, *Brown v. Board of Education*, which ended the "separate but equal" doctrine in America's public schools.

Dr. Franklin was a tremendous asset to North Carolina, to the Durham/Chapel Hill/Raleigh area of North Carolina, and to our academic community. He was named "Historian of the Century" by Duke University, North Carolina State, North Carolina Central, and

UNC-Chapel Hill a decade ago. In 1995, Dr. Franklin received the State of North Carolina's highest honor, the Order of the Long Leaf Pine.

Despite his long and impressive resume, I believe Dr. Franklin will be remembered most for his character as a person, as a man—for his gentleness of spirit, the power of his intellect, the sharpness of his wit, the passion of his social engagement.

□ 1530

I'll always be grateful for the opportunity to know him as a constituent and as a friend after his return to North Carolina in the 1980s. My wife and I will always treasure and remember the encouragement and the support he gave us in our various endeavors—she in the cause of gun violence prevention and I in both the academic and political vineyards.

So I thank Mr. WATT and the entire North Carolina delegation who have joined in this tribute. I thank Mr. TOWNS, Ms. LEE and others for their cooperative efforts in crafting this resolution, and I assure our colleagues that this could not be a more deeply felt resolution. It is a heartfelt and a richly deserved tribute to a great and good man.

Mr. CHAFFETZ. Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. In closing, Mr. Speaker, this is a travel day for Members of Congress, but I do want to recognize the other cosponsors of this measure: Representative JAMES CLYBURN from South Carolina; the chairman of our committee, Representative ED TOWNS from Brooklyn; Representative BARBARA LEE from California; Representative SHEILA JACKSON-LEE from Texas; Representative STEVE COHEN from Tennessee; and the gentleman JOHN LEWIS from Georgia, who also, but for the fact that they are traveling today on their way to Washington, would be here to speak in favor of this resolution as well.

Together, we all, the cosponsors and those who have spoken on the floor today, urge our colleagues to join us in this great recognition of Dr. Franklin.

Ms. LEE of California. Mr. Speaker, today I am here to honor a great American who died last month but whose contributions to our nation will live on for many years to come.

John Hope Franklin was a mighty scholar and soldier for justice. H. Res. 320 celebrates the life of Dr. Franklin and his trailblazing achievements in a variety of fields and I'd like to thank Congressmen MEL WATT and DAVID PRICE for their work on this resolution.

A native of Oklahoma, Dr. Franklin received his undergraduate degree from one of the finest HBCU's, Fisk University in Nashville, Tennessee. He received his doctorate in history from Harvard University.

His distinguished academic career began right here in our nation's capitol at Howard University and he would go on to teach at Fisk University, St. Augustine's College and North Carolina Central University.

In 1956, Dr. Franklin became the Chairman of the Department of History at Brooklyn College, the first African American to lead a department at a predominately white institution.

Eight years later in 1964, Dr. Franklin joined the faculty of the University of Chicago, serving as Chairman of the Department of History from 1967 to 1970. At Chicago, he was the John Matthews Manly Distinguished Service Professor from 1969 to 1982, when he became Professor Emeritus.

Dr. Franklin is perhaps best known for his prolific writings including, *The Emancipation Proclamation*, *The Militant South*, *The Free Negro in North Carolina*, *Reconstruction After the Civil War*, and *A Southern Odyssey: Travelers in the Ante-bellum North*.

For many African Americans our first introduction to black history was through Dr. Franklin's book *From Slavery to Freedom*. In its pages we found an account of American history that affirmed the dignity of black people and the nobility of our struggle.

Dr. Franklin was not only a noted historian, but also living history himself. His accomplishments are as many as they are great. He was active in numerous professional and education organizations including serving as President of the following organizations: The American Studies Association, the Southern Historical Association, the United Chapters of Phi Beta Kappa and the American Historical Association.

One of Dr. Franklin's earliest and most important contributions was as a member of the team of scholars who worked with Thurgood Marshall to win the landmark school desegregation case *Brown v. Board of Education*.

Mr. Speaker, our nation will be forever grateful for Dr. Franklin's lasting contributions which gave us all richer understanding of who we are as Americans and our journey as a people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand in support today of H. Res. 320, "Honoring the life and achievements of Dr. John Hope Franklin". This incredible man was a true scholar, social engineer, and civil rights champion. His chronicling of American history affirmed the dignity of African people both in the United States and throughout the Diaspora, while giving us all a richer understanding of who we are as Americans and our journey as a people. His contributions have spanned this country and the world. As Francois Fenelon, a French theologian, poet and writer put it best, "A good historian is timeless; although he is a patriot, he will never flatter his country in any respect". Dr. John Hope Franklin unabashedly served as a clarion call to the triumphs of African peoples throughout the ages, without succumbing to reconstructive history.

It goes without saying that Dr. John Hope Franklin had an accomplished scholarly background, indeed an extraordinary background. Born from humble beginnings, he became one of the great pillars of American scholarly society and a giant in history. He was born on January 2, 1915, in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first Black lawyers in the Oklahoma Indian territory, and Mollie Parker Franklin, a schoolteacher and community leader.

He later was a graduate of Fisk University and a recipient of a Ph.D. degree in history from Harvard University and became a noted historian. Dr. Franklin made significant academic and civic contributions that helped integrate the African-American narrative into American history. As Dr. John Hope Franklin said "It was necessary, as a black historian, to have a personal agenda."

He was not only a great historian, but made an impact on American history. His research contributed to the success of Thurgood Marshall and the NAACP's legal victory in the landmark 1954 Supreme Court case, *Brown v. Board of Education*, which ended the 'separate but equal' doctrine in America's public schools.

Dr. John Hope Franklin was active in numerous professional and educational organizations. He served as President of the Organization of American Historians, the American Studies Association, the Southern Historical Association, the United Chapters of Phi Beta Kappa, and was the first African-American to serve as President of the American Historical Association. In addition, he served on many national commissions and delegations, including the National Council on the Humanities, Advisory Commission on Public Diplomacy, and as chair of President Clinton's Race Initiative Advisory Board in 1997.

Dr. John Hope Franklin was the recipient of numerous awards and accolades, including the Presidential Medal of Freedom in 1995, the inaugural W.E.B. DuBois Award from Fisk University Alumni Association, the Organization of American Historians' Award for Outstanding Achievement, the Alpha Phi Alpha Award of Merit, the NAACP's Spingarn Medal, and Lifetime Achievement Awards from the American Academy of Arts and Sciences, and the American Philosophical Society in 2007. He was also named 'Historian of the Century' by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina Chapel Hill.

Dr. John Hope Franklin passed away on March 25, 2009, in Durham, North Carolina, and will be deeply missed. He deserves Congressional recognition which would honor his life and achievements as well as encourage the Nation to recognize his academic contributions, scholarship, and service to the American society and history. Dr. Franklin has given so much to our great nation and he has inspired generations of young historians with his keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy.

I urge my colleagues to support this resolution and as Dr. Franklin said, 'historians are the conscience of the nation, if honesty and consistency are factors that nurture the conscience', and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present.

Mr. AL GREEN of Texas. Mr. Speaker, I join my colleagues in support of H. Res. 320, a resolution recognizing the life and achievements of one of our country's most preeminent historian, scholar and humanitarian: Dr. John Hope Franklin.

Dr. John Hope Franklin, the grandson of a slave and the son of one of the first black law-

yers in the Oklahoma Indian territory, graduated from Harvard with a Ph.D. in history and later became the Chairman of the Department of History at Brooklyn College making him the first African American to run a department at a predominately white institution. He was also the first African American professor to hold an endowed chair at Duke University, as well as the first African American to serve as President of the American Historical Association.

Franklin's many contributions include writing numerous publications; among them is his seminal work, *From Slavery to Freedom: A History of Negro Americans*, which is considered by many to be an unsurpassed history of the African American experience in the United States. In addition to his writings, Franklin was also a prominent figure in the arena of politics and social activism. He provided important historical research to NAACP Legal Defense Fund lawyer Thurgood Marshall in the historic *Brown v. Board of Education* case that outlawed school segregation.

Over the course of his career, Franklin served on the National Council on the Humanities, and the Advisory Commission on Public Diplomacy, as well as being the chair of President Clinton's Race Initiative Advisory Board. He has also been the recipient of many prestigious awards, including the Presidential Medal of Freedom, the inaugural W.E.B. DuBois Award from Fisk University Alumni Association, and the Organization of American Historians' Award for Outstanding Achievement Society.

During his life, Franklin saw his challenge as being "to weave into the fabric of American history enough of the presence of blacks so that the story of the United States could be told adequately and fairly." Franklin's life, achievements and contributions has had a profound influence on the field of history, in particular, African American history. With this resolution, Franklin's legacy and spirit will endure for years to come.

I commend Representative MELVIN WATT for introducing H. Res. 320, a resolution that honors the life and achievements of Dr. John Hope Franklin, and urge my colleagues to support it.

Mr. BISHOP of Georgia. Mr. Speaker, if there ever were a genuine personification of those treasured values which we call scholarship, commitment, and leadership, Professor John Hope Franklin was it. Franklin, who passed away last month at a youthful ninety-four, lived these values everyday of his distinguished life as one of the twentieth century's most accomplished historians. His celebrated work reflected the trials of his own life and his own race, so that the people of the United States, and the citizens of the world, could better appreciate, better understand, and better embrace our tumultuous—yet always forward-marching—journey.

John Hope Franklin's career began over sixty years ago when, despite rejection from the University of Oklahoma due to the color of his skin, he earned a degree from Fisk University. Franklin then went on to receive a doctorate in history from Harvard University at the age of twenty-six. From there, he entered teaching, seeking to share his deep knowledge of the American experience with his students. Eventually, his acumen as an historian

and skill as an instructor led Brooklyn College to name him as the nation's first African-American Chair of a major history department, a position which earned him the respect and prestige he had been denied years previously. John Hope, as his friends knew him, had achieved the notoriety he had worked hard to deserve.

From Brooklyn College, John Hope Franklin would go on to teach at the University of Chicago and Duke University. He would be honored at the latter institution with the distinction of James B. Duke Professor of History, eventually reaching "emeritus" status in that position. Furthermore, Franklin was the recipient of such honors and accolades as the John W. Kluge Prize in the Human Sciences, a Jefferson Lecturer of the National Endowment for the Humanities, and, in 1995, was the recipient of the Presidential Medal of Freedom, presented by President William Jefferson Clinton, for his contributions and service to American society.

Mr. Franklin's honors and titles are impressive and indeed well-deserved. Yet, they do not tell the entire story of this man's extraordinary impact. As an historian, John Hope Franklin sought to tell the story of his fellow men of color, to instill within our nation an understanding of the struggle over race that has defined so much of our history. His seminal work, *From Slavery to Freedom*, remains to this day a timeless and signature examination of African-American history. It served to illustrate how the history of the United States and the history of racial tensions are so deeply intertwined. Along with the rest of his extensive academic work, *From Slavery to Freedom* constitutes a tremendous educational legacy for which our nation will always remain filled with gratitude to have received.

The ivory towers and rolling lawns of academia, however, could not confine the enlightening force of John Hope Franklin's talents. In 1954, the NAACP Legal Defense Fund and a talented lawyer named Thurgood Marshall took up a lawsuit in the United States Supreme Court against the Board of Education of Topeka, Kansas. Franklin joined this team, utilizing his knowledge and understanding of race relations and the African-American experience to help Marshall win a court decision that forever changed these United States, serving as the first stone tossed in the pond of injustice, releasing countless ripples calling for social equality and civil rights.

Whether examining the history that had been written by others, or working to write the next pages himself, the potency of John Hope Franklin's impact on the understanding of our journey as a nation, and of our identity as a people places him among the giants of American historical study. His exposure and exploration of the path our nation has taken as it has encountered the struggles of racial strife are lasting contributions to the fulfillment of our nation's promise, and will serve to forever shine a light on the darkness of misunderstanding and ignorance.

It is with heartfelt gratitude and unwavering appreciation toward the accomplishments and contributions of the venerable John Hope Franklin, that I therefore urge my colleagues to join me in support of House Resolution 302, so that we may honor this man who embodied

and embraced lasting values of scholarship and service, and who told the story of the United States—our story—with such eloquence and poignancy; a story of which he himself was frequently a resounding character.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Res. 320, which honors the life and achievements of Dr. John Hope Franklin.

Dr. Franklin was a monumental figure in the field of African-American history. In 1947, he published *From Slavery to Freedom: A History of Negro Americans*. This groundbreaking work is considered the definitive history of the African-American experience in the United States. He continually updated the book over the next half-century, selling over 3 million copies. In 1979, he again made history by becoming the first African-American to serve as President of the American Historical Association. Dr. Franklin is the recipient of numerous awards including the NAACP's Spingarn Medal, the Kluge Prize for lifetime achievement in the humanities, and the Presidential Medal of Freedom.

Dr. Franklin's work forced millions of Americans to re-examine the history of the United States and illuminated the African-American experience for people of all races and creeds. Perhaps more than any other figure, Dr. Franklin has crafted a true narrative of African-American history that speaks to the core of America's past and present.

On March 25, 2009, Dr. Franklin passed away in Durham, North Carolina. As great as his presence was, it is likely that his absence will loom even larger. However, his work will forever serve as a testament to his intellectual rigor and original scholarship. He will continue educating generations of Americans to come on the issues of race and our complex history. Today, we honor a life of service and achievement that will not be forgotten and I am proud to join with my colleagues in supporting this important resolution.

Mr. COHEN. Mr. Speaker, I rise today to honor the life and achievements of noted historian and visionary, John Hope Franklin.

I have a copy of Professor John Hope Franklin's book *From Slavery to Freedom: A History of African Americans* in my office. The manual has been an invaluable reference text for me for many years. It was one of my college textbooks while I was an undergrad at Vanderbilt University in Nashville, Tennessee.

Born in 1915 in Tulsa, Oklahoma, John Hope Franklin was the grandson of a slave. He went on to become one of the most prolific chroniclers of civil rights history in America.

Professor Franklin was just 4 or 5 years old when he witnessed the horror of the Tulsa Race riots of 1921. Under Chairman CONYER's Judiciary Committee, I was fortunate enough to meet Professor Franklin in 2007. He came to testify in a hearing before Congress urging the passage of legislation that would clear the way for survivors of the riots in the Greenwood neighborhood of Tulsa to sue. The hearing's main effort was to extend the statute of limitations survivors' claims.

John Hope Franklin was a graduate of Fisk University, a historically African-American university in my home State of Tennessee; he received his Ph.D. from Harvard University.

In 1956, Dr. John Hope Franklin became the first African-American Chairman of the His-

tory Department at the all-white Brooklyn College.

Dr. Franklin's research contributed to the success of Thurgood Marshall and the Legal Defense Fund. Officially, Dr. Franklin was a part of the NAACP Legal Defense Fund team that helped develop the historic *Brown v. Board of Education of Topeka* case that forever changed the face of public education in this country.

In 1982, he became the first African American professor to hold an endowed chair at Duke University.

In 1995, he received the Presidential Medal of Freedom, the highest civilian honor in our country. Dr. Franklin received the National Freedom Award in 2007 from the National Civil Rights Museum in Memphis, Tennessee for his influence over the state of civil and human rights in America.

Dr. John Hope Franklin has been honored by the nation's two oldest learned societies, the American Academy of Arts and Sciences and the American Philosophical Society.

John Hope Franklin integrated the African American narrative into the fabric of American history. He made us recognize that African American history is the history of all of us.

Currently the Judiciary Committee, Chairman CONYERS, and I are working on H.R. 1843, the John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009. H.R. 1843 provides that any Greenwood, Oklahoma, claimant (a survivor or heir/descendant of victims of the Tulsa, Oklahoma, Race Riot of 1921) who has not previously obtained a determination on the merits of a Greenwood claim may, in a civil action commenced within five years after enactment of this Act, obtain that determination. Simply put, this is the legislation that stemmed from the 2007 hearing where I met Professor Franklin. This legislation extends the statute of limitations for survivors and survivors' claims.

Thank you, John Hope Franklin.

Mr. CUMMINGS. Mr. Speaker, I rise in support of H. Res. 320, a resolution that honors the life and accomplishments of one of the most prolific and well-respected chroniclers of America's torturous racial odyssey, John Hope Franklin who passed away on March 25, 2009, at the age of 94.

Born in 1915, in Rentiesville, Oklahoma, Dr. Franklin came from a humble and equally tragic background. His grandfather had been a slave, and his family lost everything in the Tulsa race riot of 1921. However, it was his background of having faced racial horrors firsthand that brought his academic work to the forefront and cemented his reputation among academics, politicians and civil rights figures as an inestimable historian.

John Hope Franklin attended Fisk University and received his master's and doctoral degrees in history from Harvard University. Shortly after graduating from Harvard, Dr. Franklin became widely known as a pioneer in the field of African American history. He published his first book in 1943 entitled, *The Free Negro in North Carolina, 1790–1860*.

Dr. Franklin enjoyed an academic career full of highlights, fellowships, research publications, and honorary degrees. In fact, Dr. Franklin would publish another 20 books in his lifetime and his research helped future Su-

preme Court Justice Thurgood Marshall win the landmark ruling in *Brown vs. Board of Education*. It is these accomplishments that helped pave the way both for other Blacks and for the field of African American studies, which began to blossom on American campuses in the 1960s.

I join President Barack Obama in his insightful observation about the impact of Dr. Franklin's life: "Because of the life John Hope Franklin lived, the public service he rendered, and the scholarship that was the mark of his distinguished career, we all have a richer understanding of who we are as Americans and our journey as a people."

In closing, we are reminded that, in addition to his commitment to academics, Dr. Franklin was a dedicated family man. He was married to Aurelia Whittington, his college sweetheart for nearly 60 years before she passed away in 1999.

To their son, John Whittington Franklin, may the special memories that you created together and the many words of wisdom Dr. Franklin gave you be sources of comfort and strength, now and in the days to come.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 320.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

IRISH-AMERICAN HERITAGE MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 254) recognizing the designation of March 2009 as Irish-American Heritage Month and honoring the significance of Irish-Americans in the history and progress of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 254

Whereas from the earliest days of the Nation, America has inspired the hopes and dreams of countless individuals from around the world in search of a better life for themselves and their children;

Whereas these individuals have come to share in America's gifts of freedom, justice, and opportunity, and, in turn, America's democracy and great diversity owe their success in large part to these immigrants;

Whereas, since before the United States was even founded, Irish men and women undertook the perilous journey to make their home in this place of hope and promise, making inestimable contributions to their new country, both during the struggle for independence and in the founding of the republic;

Whereas nine of the 56 signers of the Declaration of Independence were of Irish origin

and 19 Presidents of the United States can proudly claim Irish heritage, including the first President of the United States, George Washington;

Whereas Irish immigrants who came to the United States during the Great Famine of the 1840's helped transform America's largest cities, building them into dynamic centers of commerce and industry, and the cultural, economic, and spiritual contributions of these immigrants continue to be evident today throughout the United States;

Whereas, with strength, courage, wit, and creativity, Irish-Americans have flourished, making significant contributions in all areas of American life;

Whereas Irish-American writers such as Eugene O'Neill, F. Scott Fitzgerald, and George Bernard Shaw transformed American literature, entrepreneurs like Henry Ford helped revolutionize American transportation and industry, performers such as Gregory Peck, John Wayne, and Helen Hayes enriched the arts, and social reformers such as suffragist Leonora Barry and labor organizer Mary Kenney O'Sullivan fought for the rights of others;

Whereas Irish-Americans have served ably in their communities in numerous capacities, such as public safety and government, including four-term New York State Governor Alfred E. Smith, and in the Armed Services in every war in which the United States has ever fought, including patriots such as Audie Murphy, America's most decorated soldier of World War II;

Whereas approximately one in four Americans trace at least part of their ancestry to Ireland;

Whereas generations of Irish-Americans have worked alongside their fellow Americans to build a more perfect Union, and the United States is a stronger country because of them;

Whereas it is fitting that the House of Representatives honor the rich heritage, enduring contributions, and firm values of the Irish-Americans who continue to enrich and strengthen American families, communities, ideals, and character; and

Whereas President Barack Obama proclaimed March 2009 as Irish-American Heritage Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of Irish-Americans in the history and progress of United States; and

(2) encourages Americans to celebrate Irish-American heritage with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Mr. Speaker, representing the Committee on Oversight and Government

Reform and being one of Irish heritage, I am happy to rise in support of this resolution, House Resolution 254, which is a bill to recognize the importance of Irish-American heritage and to honor the significance of Irish-Americans in the history of the United States.

This bill was introduced by my friend and colleague last month, CAROLYN MCCARTHY of New York, on St. Patrick's Day, and the Committee on Oversight and Government Reform amended the measure on April 2 in order that it be reported by unanimous consent.

House Resolution 254 gives the Members of this Chamber the chance to honor the valuable contributions that Americans of Irish heritage have made to our country since its inception. In fact, nine of the 56 signers of the Declaration of Independence were men of Irish origin, and Irish-Americans have served in the Armed Services for this country in every war in which the United States has ever fought. At least 19 Presidents of the United States can claim Irish heritage, including our current President, Barack Obama.

The works of Eugene O'Neill, F. Scott Fitzgerald and George Bernard Shaw remain invaluable parts of our literary history. Artists including Gregory Peck, John Wayne and Helen Hayes have helped enrich our Nation's culture, and social reformers such as suffragist Leonora Barry and labor organizer Mary Kenny O'Sullivan fought to extend basic rights to others. Henry Ford's assembly line revolutionized manufacturing, and Irish immigrants who settled here in the 1840s helped to make our largest cities into centers of commerce and industry.

I would like to thank my colleague, the gentlelady from New York, CAROLYN MCCARTHY, for sponsoring this measure. I would also like to thank the ranking member of the Committee on Oversight and Government Reform, the gentleman from California (Mr. ISSA), for helping us to get it to the floor today.

Many emigrated here from Ireland, hoping to share in our freedom and prosperity. In turn, they have helped to make our country great. For their countless contributions to American history and progress, I urge my colleagues to support the quick passage of House Resolution 254.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

What began with 300,000 Irish immigrants in 1776 has grown to more than 44 million Irish-Americans today. Throughout our Nation's history, the Irish who came to America saw the promise and hope for their future. Once here, they have been instrumental in building a Nation from the ground up—working on farms, constructing railways and creating major centers of commerce throughout the country. The

Irish have done much to build up this country with their blood, sweat and tears. We have all seen countless ways in which these Irish-Americans have advanced our Nation politically, economically and culturally.

Since first arriving here, the Irish in America have demonstrated a commitment to the growth and prosperity of the Nation through their talent and their values. Their contributions have represented the depth and breadth of American society from the most humble to the most exalted. Nineteen Presidents, including George Washington, and at least eight signers of the Declaration of Independence were of Irish ancestry. Two hundred sixty-three recipients of the Congressional Medal of Honor were born in Ireland, and the list of contributions by Irish-Americans goes on: Elizabeth Cady Stanton's successful fight for women's voting rights; John Barry, the first flag officer of the United States Navy; James Hoban's architectural design for the White House; and Annie Moore's brave passage through Ellis Island as America's first immigrant.

The Irish in America have recognized and have spread the message of opportunity as a result of their great success in our country. The history of our country has shown that the Irish have strengthened the United States in all facets of our growth and development. One in four Americans can trace part of their ancestry to Ireland, including ancestors on my mother's side of my family. Therefore, it is no wonder that the Irish in America have in the past and will continue in the future to strengthen and enrich our country.

Mr. Speaker, I am pleased to support this resolution.

Having no additional speakers, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I just want to thank the gentlelady from New York (Mrs. MCCARTHY). As others are, she is also traveling to Washington at this time, and wanted to be here for this resolution. I ask our colleagues to join Member CAROLYN MCCARTHY in supporting the resolution.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H. Res. 254, a resolution recognizing the unique and distinguished role that Irish Americans have played in the history of our nation.

They have provided the backbone of our workforce, enlivened our art and culture, defended our country, and served in this Congress and as President of the United States.

In fact, there isn't an aspect of our nation that hasn't been improved by the efforts of Irish Americans.

Today, almost one in four Americans can trace their heritage back to Ireland.

With such a large and growing population, it is guaranteed that Irish Americans will continue to have a significant impact on our country for generations to come.

I'm proud to stand today with my colleagues, those lucky enough to be Irish American, as well as those who aren't, and honor

this group that has been so important to our nation.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 254, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A Resolution recognizing the contributions of Irish-Americans in the history and progress of the United States."

A motion to reconsider was laid on the table.

RECOGNIZING KENTUCKY ICE STORM VOLUNTEERS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 214) recognizing the efforts of the countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 214

Whereas the Commonwealth of Kentucky suffered a devastating ice storm on January 26, 2009, that left more than 700,000 homes and businesses without electricity;

Whereas the ice storm is considered the worst natural disaster in Kentucky history;

Whereas State and local officials acted quickly to coordinate relief efforts and enlisted volunteer agencies, faith-based groups, and community organizations;

Whereas volunteers from 25 organizations in 15 States came to the Commonwealth of Kentucky to provide help and support to those affected by the ice storm;

Whereas volunteers operated 192 shelters for victims of the ice storm, providing 7,884 Kentuckians with shelter, food, and water;

Whereas more than 378,160 meals and snacks were provided to victims of the ice storm by volunteers;

Whereas these volunteers played a key role in Kentucky's recovery efforts and gave their valuable time and resources to offer support;

Whereas 4,600 members of the Kentucky National Guard were activated to assist the citizens of the Commonwealth; and

Whereas the resolve, courage, and determination shown by the citizens of the Commonwealth was commendable: Now, therefore, be it

Resolved, That the House of Representatives recognizes the efforts of the countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I join my colleagues in support of House Resolution 214, which recognizes the efforts of volunteers from across the country who helped the Commonwealth of Kentucky recover from a devastating ice storm in January 2009.

I would like to thank our colleague Mr. BRETT GUTHRIE from Kentucky for sponsoring this thoughtful resolution which was introduced on March 5, 2009. I would also like to commend my colleagues on the House Committee on Oversight and Government Reform for acting so quickly to bring this measure to the floor. Additionally, this measure has the support and cosponsorship of 59 Members of Congress, which of course include the entire House delegation from Kentucky.

As many Americans are aware, the Commonwealth of Kentucky suffered a horrendous ice storm on January 26, 2009. More than 700,000 homes and businesses were left without power. Sadly, some estimated 200,000 Americans found themselves without access to water and other basic necessities. In fact, the dreadful ice storm that hit a number of States in the Midwest in addition to the State of Kentucky back in January has been considered the worst natural disaster in Kentucky's history.

As expected, when Americans saw their fellow countrymen in need of help and assistance, support poured into the State of Kentucky immediately following the storm's devastating effect. For example, State and local officials acted quickly to band together in order to coordinate the relief efforts and to ultimately save lives. Volunteer agencies, faith-based groups and community organizations from 15 States came to the aid of Kentucky's cities and neighborhoods, and nearly 200 makeshift shelters provided refuge for almost 8,000 Kentuckians. While certainly tragic in nature, the ice storm once again demonstrated the unyielding resolve of Americans to work together to ensure the common good of the neighbors.

Mr. Speaker, it is also important that we as Members of the House of Representatives take a moment to recognize the supportive efforts of the Kentucky National Guard as some 4,600 guardsmen went door to door throughout the affected communities to make

certain that no citizen was beyond the reach of a helpful hand. For their commitment, we say thank you, and for their service, we say a job well done.

In closing, House Resolution 214 is designed to simply recognize the Commonwealth of Kentucky for showing incredible resolve in the face of disaster. The selflessness exhibited by volunteers and aid agencies speaks volumes about the American spirit.

That said, Mr. Speaker, as Kentucky and their neighboring Midwestern States continue to pick up the pieces, let us take pause to acknowledge those who came to the aid of these Americans in their time of need.

With that, I urge support for House Resolution 214, and I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 214, recognizing the efforts of the countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009.

This past January, the massive ice storm that devastated States from Arkansas to West Virginia hit Kentucky the hardest, leaving more than 700,000 homes and businesses without electricity. This violent storm was Kentucky's worst natural disaster in the State's history as it pounded the area with an inch or more of ice, causing trees and power lines to fall, forcing Statewide evacuations, schools and businesses to close, fuel shortages, as well as causing debris to block more than 5,000 linear miles of roads following the storm. The ice storm left more than 35 people dead, making this the State's most lethal storm in memory and one of Kentucky's deadliest modern weather events.

On January 27, the Kentucky Governor declared a state of emergency for roughly 100 counties, all of which President Obama soon after declared as Federal disaster areas. The Governor also for the first time activated every member of Kentucky's National Guard, dispatching all 4,600 guardsmen to assist with the crisis. With around-the-clock help from local, State and Federal officials and emergency personnel, many working in subzero conditions for days, relief efforts were carried out quickly and safely.

It is important that we recognize the generous support of the many volunteers, private and corporate donors, religious groups, and charitable organizations that assisted the communities in Kentucky in their time of need. This resolution expresses a sincere sympathy for the victims of this devastating storm, and recognizes the action of their public servants, citizens and community leaders who helped hundreds of thousands through this Statewide hardship.

Once again, we are reminded of the strength of the people of this country,

and applaud the citizens of Kentucky who in this very difficult time became beacons of light for those who suffered as a result of this icy disaster.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

□ 1545

Mr. YARMUTH. I thank the gentleman for yielding.

Mr. Speaker, I would like to first thank my distinguished colleague from Kentucky (Mr. GUTHRIE) for his leadership in introducing H. Res. 214 and also the entire Kentucky delegation for supporting this important resolution.

Mr. Speaker, I rise in honor of the thousands of generous and dedicated Kentuckians who took action in the wake of the catastrophic ice storms that hit the Commonwealth on January 26 of this year.

In a week's time, all eyes will turn towards my hometown of Louisville for the 135th running of the Kentucky Derby, sports' most exciting 2 minutes. The mood will be jubilant, and justifiably so, but it could not be so if not for the round-the-clock dedication of thousands of volunteers, first responders and National Guard who spared our region from lasting devastation.

The storm created the worst power outages in Kentucky history, and of the 3,000 streets in Louisville, not one was spared from fallen trees, power lines and other wreckage, leaving our city with enough debris to fill Cardinal Stadium. Thousands were displaced, but they were not alone. Neighbors helped neighbors and people from all walks of life rose to the occasion to provide food and shelter to those in need.

Tragically, a family of three from my community was killed by carbon monoxide poisoning from an enclosed generator, a loss mourned by the entire Commonwealth. But thanks to the efforts of our tireless first responders—police, firefighters and National Guard—untold lives were saved. These men and women walked in freezing temperatures knocking on door after door to ensure that no more families would be subjected to toxic fumes.

Thanks to the leadership of Governor Steve Beshear, Mayor Jerry Abramson, Brigadier General John Heltzel, and countless other officials, the damage was minimized and attention has now turned to the massive cleanup. With 220 men and women working 12-hour days, 7 days a week in Louisville alone, more than half a city has been fully restored, and the rest is not far behind.

But it is the unbridled spirit of thousands of volunteers who have given us new cause to rejoice in this Derby season, again making our Commonwealth great to visit and a place we love to

call home. On behalf of thousands of Kentuckians who suffered in that tragic storm, and the thousands more who helped mitigate that suffering, I urge my colleagues to join me in commending the many outstanding individuals who made that possible. But while we continue to mourn the losses, we must also celebrate a job very well done.

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, as the author of House Resolution 214, I am proud that we're here today to recognize the efforts of countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009.

Today I rise to recognize what went well following this terrible storm, and that is the volunteers who made a distinct difference in the lives of many Kentuckians.

I traveled across the district in the days following the January 26 storm, and I was quickly reminded of how the people of Kentucky joined together in this time of need to serve each other and not themselves. This may have been the worst natural disaster in Kentucky's history, but it brought about the best of our people.

The spirit of volunteerism was seen in county after county and town after town as we all united around a common purpose—to help the countless citizens affected by this devastating storm cope with the aftermath and begin with the recovery process.

Kentucky State and local officials should be praised for their efforts to enlist the help of volunteer agencies, faith-based groups and community organizations that quickly realized the needs that resulted from the ice storm would far exceed what the government could provide. So they asked churches, nonprofit organizations, school groups and many others to help, and help they did.

In the days following the storms, I watched with pride as volunteers provided shelter, meals and other valuable services to lend a hand to many of the people in my district and around Kentucky. I watched the members of the Kentucky National Guard, who were activated to help, and volunteer the use of their personal vehicles to rescue stranded victims. Many public service officers, police officers, first responders, firefighters, and many utility people were out 24 hours a day. And I watched 4-H and Homemakers Clubs plan to serve meals to 75 people but to find the extra resources to serve nearly 200 instead.

While there are many efforts that should be praised today, I am reminded of the effort coordinated in Ohio County by Ms. Charlotte Whittaker who volunteered to organize her county's shel-

ter. Within 48 hours of the storm, Ms. Whittaker opened the doors to a shelter at Southern Elementary School where nearly 400 people from 21 months old to 98 years old found relief in shelters in the days that followed. Nearly 450 volunteers, many young people in high school and college, operated the shelter for 12 days by serving meals, cleaning dirty laundry, sweeping floors, organizing donated clothing and doing whatever needed to be done to help.

The volunteers came from many different States. I talked with a nurse from Alabama and a member of the Red Cross from Indiana and electrical crews from across the Southeast, Midwest, and Mid-Atlantic. I appreciate all of them traveling to give their valuable time and talents. When I visited this shelter, I quickly realized that lives were saved because of Ms. Whittaker's efforts and the many others who volunteered to help in Ohio County.

This is just one example of the many endeavors that took place across Kentucky. No matter the size of the volunteer efforts, they all made a difference in saving lives and helping the Commonwealth of Kentucky get back on its feet after this terrible storm. The volunteers played a key role and should be praised for giving up their valuable time and resources to offer support. They are a true testament to the American spirit.

I want to thank my colleagues from Kentucky for being extremely supportive of this effort in recognizing the volunteers. I want to thank my colleague from our great City of Louisville for being here on the floor today. And I want to thank everybody who helped our Commonwealth recover from this terrible disaster we endured this year.

I ask for my colleagues' support.

Mr. CHANDLER. Mr. Speaker, in Kentucky we have a very important motto: "United We Stand, Divided We Fall." Not only is it on our state seal, but as a battleground state in the Civil War, it has always held a special meaning for Kentuckians.

After the unprecedented ice storms that moved through our state in late January 2009, the Commonwealth and its people were put to the test. Hundreds of thousands were without power or running water for weeks, infrastructure crumbled, and lives were lost.

Against great odds and in a brave display of humanity and strength, Kentuckians stood by one another and proved that together we could weather the storm.

A large debt of gratitude must be paid to the countless unsung, volunteer heroes of this storm: the Kentuckians who helped their neighbors in need with food, clothing, and shelter; the radio stations who pushed aside their regular programming to keep Kentuckians aware of the latest developments; the KEMA and FEMA workers who were on the front lines; and the volunteers at food pantries across the state whose generosity was astounding.

Our Kentucky National Guard, our local communities, and our volunteers from all over the state worked quickly and admirably to restore services, provide emergency meals, and clear debris. Through the swift support of these volunteers and the prudent leadership of Governor Beshear, hundreds if not thousands of lives were saved.

Truly, Kentuckians are deserving of our state motto as they exemplify the courage, leadership, and compassion that bind us together in times of need.

Mr. Speaker, I commend the people of the Commonwealth for yet another heroic example of what it means to be a Kentuckian.

Mr. WHITFIELD. Mr. Speaker, I rise today to pay tribute to the many volunteers who rose above and beyond the call of duty in helping their fellow Kentuckians following what many consider to be the worst natural disaster in the Commonwealth's history.

In late January, severe ice storms left over 700,000 homes without power, countless businesses were crippled and communities across the state were left with miles of roads to clear and enormous amounts of debris to clean up. The First Congressional District bore the brunt of these devastating storms, with many in Western Kentucky being left without power for weeks while local officials and utility workers labored round the clock to restore electricity.

While this was an extremely trying time for the First District, it also brought out the very best in many of our local leaders and ordinary citizens who volunteered their time to help their communities. State and local officials acted quickly to coordinate relief efforts with various community organizations and faith-based groups. Volunteers operated 192 shelters across the Commonwealth, providing shelter, food and water to nearly 8,000 Kentuckians. Individuals from 25 organizations in 15 states traveled to Kentucky to volunteer their time in support of relief efforts.

While the magnitude of the ice storms made recovery efforts more difficult and slower in some areas than was hoped, so many people went above and beyond the call of duty to ensure that Kentuckians were kept safe and that vital supplies were disbursed to those in need. I would like to commend all of the local and state officials, utility workers, volunteers, members of the Kentucky National Guard and all those who contributed to the recovery and relief efforts following the storm. During a difficult time that tried all of our spirits, these individuals rose to the occasion to aid their fellow Kentuckians and help the Commonwealth get back on its feet.

While I applaud everyone who worked so hard to help the Commonwealth cope and recover, the ice storms highlighted the dire need to make federal disaster assistance more effective and efficient following an emergency or natural disaster. For this reason, I am a co-sponsor of legislation to extend the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Pilot Program. The Public Assistance Pilot Program will enable FEMA and local officials to cut through bureaucratic red tape and distribute critical funds immediately following a storm or natural disaster.

In addition, while I am pleased that President Obama issued an emergency declaration

for Kentucky so quickly following the storms, I continue to call on FEMA to pay 100 percent of the costs for repair and clean-up. Nearly 3 months after these storms hit the Commonwealth, debris removal and clean up efforts are still ongoing. With local governments in Kentucky already facing significant budget shortfalls this year, the additional financial burden imposed by the ice storms is simply too much for our counties and towns to bear. It is essential that FEMA step up to the plate and ensure that local officials have the funds and resources they need to clean up and rebuild.

I'd like to thank Congressman BRETT GUTHRIE for his leadership in bringing this Resolution to the floor today as well as all my fellow Members of the Kentucky Congressional Delegation. Too often leaders and hard working citizens of our local communities go without recognition for the good work they do. It is my privilege to be able to honor all those who volunteered their time, donated supplies, worked weekends and overtime hours in an effort to restore power and all those who assisted in the clean-up following the storms. On behalf of the people of Kentucky and all those impacted by the storms, I thank you.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise to honor the countless number of volunteers who made a difference and helped the Commonwealth of Kentucky recover from the devastating ice storm of January 2009.

On January 26, 2009, the Commonwealth of Kentucky suffered a catastrophic ice storm that left more than 700,000 homes and businesses without electricity and tragically claimed the lives of over 30 Kentuckians. This is the worst natural disaster in the history of the Bluegrass State.

Together, State and local municipalities organized relief efforts by coordinating volunteer agencies, faith-based groups and community organizations. This quick action made the difference for the hundreds of thousands that were stranded across the Commonwealth.

Total, volunteers hailed from 25 organizations in 15 States, operated 192 shelters for victims, distributed more than 378,160 meals, and provided 7,884 Kentuckians with shelter, food and water. Furthermore, 4,600 members of the Kentucky National Guard were activated and helped the Bluegrass State recover.

I also rise to commend the courage of the citizens of Kentucky and the bravery and kindness demonstrated from the volunteers who took the time to help the Bluegrass State recover from the destructive ice storm of 2009.

Mr. CHAFFETZ. Mr. Speaker, I urge all Members to support the passage of House Resolution 214.

With no additional speakers, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I join my colleague to ask all of our colleagues to join us in supporting Resolution 214 recognizing the citizens of Kentucky.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 214.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SERGEANT MARCUS MATHES POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1516) to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT MARCUS MATHES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, shall be known and designated as the "Sergeant Marcus Mathes Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Marcus Mathes Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 1516 for consideration.

This legislation will designate the United States postal facility located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office."

Introduced by my colleague, Representative GINNY BROWN-WAITE, on March 16, 2009, and reported out of the Oversight and Government Reform Committee on April 2, 2009, by unanimous consent, H.R. 1516 enjoys the support of the entire Florida House delegation.

A resident of Zephyrhills, Florida, Sergeant Mathes bravely served with the 94th Brigade Support Battalion, 4th Brigade Combat Team, 10th Mountain Light Infantry Division out of Fort Polk, Louisiana. On April 28, 2008, Sergeant Mathes, at age 26, and two of his

fellow soldiers were killed in Baghdad, Iraq, when enemy forces attacked their forward-operating base with indirect rocket fire.

Sergeant Mathes, a graduate of Zephyrhills High School, grew up in the City of Sebring in Highlands County and subsequently became a resident of Pasco County. Stirred by the terrorist attacks of September 11, 2001, Sergeant Mathes proudly joined the United States Army in 2005. He left for boot camp on March 15, 2005, the date of his 23rd birthday. Sergeant Mathes was then deployed in support of Operation Enduring Freedom in Afghanistan from October 2006 until March of 2007. Eight months later, in November of 2007, he was deployed to Baghdad, Iraq, in support of Operation Iraqi Freedom.

As noted by his loving mother, Sue Sawyer, Sergeant Mathes was extremely proud of his duty. He genuinely appreciated the strangers who often approached him to thank him for his service to his country. According to his father, Ralph Mathes, his son loved the excitement, challenges and adventure associated with serving in the United States Army. His love of family and love of country were further evidenced by the tattoos on his body. Alongside the name of his beloved wife were two more tattoos, one reading "United States Army" and the other, the second, an emblem of the American bald eagle.

Sergeant Mathes was full of promise. Just prior to his death in April of 2008, he had passed his Sergeant's exam and has since been posthumously promoted. Additionally, having married his high school sweetheart, Julia, 6 years earlier, he anticipated starting a family.

Mr. Speaker, Sergeant Marcus Mathes' life stands as a testament to the bravery and dedication of the heroic men and women who continue to serve our country at home and abroad. It is my hope that we can further honor his service through the passage of this resolution.

And so I urge my colleagues to join me in supporting H.R. 1516 and dedicating the Church Street Post Office in Dade City, Florida, in honor of our fallen hero.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 1516, naming the post office after Sergeant Marcus Mathes.

Army Sergeant Marcus C. Mathes was much more than a selfless and heroic soldier. He was a devoted husband and lover of life and family. As his mother, Sue Sawyer, described him, he loved anything dangerous or thrilling. He was full of life. He loved life, and he lived it to the fullest.

Sergeant Mathes died on April 28, 2008, in Baghdad of wounds sustained

when enemy forces attacked his forward-operating base with indirect fire. Also lost in the fight were Private First Class Adam L. Marion and Sergeant Mark A. Stone.

Sergeant Mathes was only 26 years old and hailed from Florida. He left for boot camp on his 23rd birthday on March 15, 2005, and was assigned to the 94th Brigade Support Battalion, 4th Brigade Combat Team, 10th Mountain Division out of Fort Polk, Louisiana. He served in Afghanistan from October 2006 until March 2007 and left for Iraq in November of 2007.

Sergeant Mathes was a selfless hero who dedicated his life to being the best soldier he could possibly be. He is remembered by family and friends as someone who loved life and adventure and welcomed a challenge. He loved to hike to waterfalls, SCUBA dive and ride dirt bikes. His father-in-law, Chuck Ehrman, said that he will be remembered as fun-loving and the type to make everyone feel happy around him.

As a loving husband to his wife, Julia, as a son and patriot, Sergeant Mathes made the ultimate sacrifice in April of 2008 serving the country he loved.

I urge my colleagues to support this bill honoring a courageous young man who personified the noblest ideals of our great Nation. His lost life fighting for the freedom enjoyed by all of us, by loved ones back home and his sacrifice, shall not be forgotten.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I continue to reserve my time.

□ 1600

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the State of Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding. And I also thank the gentleman from Massachusetts for the speedy consideration of this bill.

I rise today in support of H.R. 1516, which is the bill that I introduced to rename the post office in Dade City, Florida, after Sergeant Marcus Mathes. Marcus was a resident in my district who gave his life for his country while serving in Iraq.

Inspired by the events of September 11, Sergeant Mathes joined the Army and left for boot camp on his 23rd birthday. He was proud to serve and hoped to make a career out of his service in the Army.

Before serving in Iraq, Marcus was deployed to Afghanistan for a year and a half. He volunteered in not one, but two very dangerous war zones to protect the freedoms that all Americans hold dear.

While repairing an equipment truck outside Baghdad 1 year ago this week,

Marcus was struck and killed by enemy rocket fire. His brother-in-law, who was on patrol with Marcus at the time, recovered his torn Bible from the battle scene, which gave his brother-in-law strength throughout his multiple tours.

Marcus leaves behind a young widow, Julia Mathes. All the people of Pasco County, where Dade City is located, mourn his passing. My heart goes out to this brave, young widow who stood behind her husband when he made the decision to serve our Nation in its time of need.

Julia remembers that she used to visit the Dade City Post Office to mail packages to her husband in Baghdad. By passing this bill, we can make sure that all who visit the post office will remember Marcus and the sacrifices that he made. I hope that the very simple act of renaming this building will memorialize Marcus' brave and selfless life.

Sergeant Mathes epitomized the courage and patriotism of our all-volunteer military, and we must never forget his sacrifice. I urge my colleagues to support this bill.

Mr. LYNCH. Mr. Speaker, I continue to reserve.

Mr. CHAFFETZ. Mr. Speaker, I urge all Members to support the passage of H.R. 1516.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point, I want to thank Ms. BROWN-Waite for bringing this measure before the House. I urge all of my colleagues to unanimously support this bill, which would designate the post office in Dade City in memory of Sergeant Marcus Mathes.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1516.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSTER) at 6 o'clock and 30 minutes p.m.

CERTIFICATION REGARDING EXPORT OF CERTAIN ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-32)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of one continuous mixer to be used to manufacture conductive polymer compounds to be further processed to make circuit protection devices, one jet mill to be used for particle size reduction of pigments and other powder products for cosmetic formulations, and one filament winding cell to be used to manufacture fiberglass assembly shelter poles for use in tents and shelters is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, April 21, 2009.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 388, by the yeas and nays;

H.R. 411, by the yeas and nays;

H.R. 1219, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CRANE CONSERVATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 388, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 388.

The vote was taken by electronic device, and there were—yeas 288, nays 116, not voting 27, as follows:

[Roll No. 193]
YEAS—288

Abercrombie	Gallegly	Murphy (CT)
Ackerman	Gerlach	Murphy, Patrick
Adler (NJ)	Giffords	Murphy, Tim
Altmire	Gonzalez	Nadler (NY)
Andrews	Gordon (TN)	Napolitano
Arcuri	Grayson	Nye
Baca	Green, Al	Oberstar
Baldwin	Green, Gene	Obey
Barrow	Griffith	Olver
Barton (TX)	Grijalva	Ortiz
Bean	Gutierrez	Pallone
Becerra	Hall (NY)	Pascarell
Berkley	Halvorson	Pastor (AZ)
Berman	Hare	Payne
Berry	Harman	Perlmutter
Biggert	Hastings (FL)	Perriello
Billirakis	Heinrich	Peters
Bishop (GA)	Herseth Sandlin	Peterson
Bishop (NY)	Higgins	Petri
Blumenauer	Hill	Pingree (ME)
Boccieri	Himes	Platts
Bono Mack	Hinchee	Polis (CO)
Boren	Hirono	Posey
Boucher	Hodes	Price (NC)
Boustany	Holden	Putnam
Boyd	Holt	Rahall
Brady (PA)	Honda	Rangel
Braley (IA)	Hoyer	Reichert
Brown (SC)	Inslee	Richardson
Brown-Waite,	Israel	Rodriguez
Ginny	Jackson-Lee	Rogers (MI)
Buchanan	(TX)	Ros-Lehtinen
Camp	Johnson (GA)	Roskam
Cao	Johnson (IL)	Ross
Capito	Jones	Rothman (NJ)
Capps	Kagen	Roybal-Allard
Capuano	Kanjorski	Ruppersberger
Cardoza	Kaptur	Rush
Carnahan	Kildee	Ryan (OH)
Carson (IN)	Kilpatrick (MI)	Ryan (WI)
Cassidy	Kilroy	Salazar
Castle	Kind	Salánchez, Linda
Castor (FL)	King (NY)	T.
Chandler	Kirk	Sanchez, Loretta
Childers	Kirkpatrick (AZ)	Sarbanes
Clarke	Klein (FL)	Schakowsky
Clay	Kosmas	Schauer
Cleaver	Kratovil	Schiff
Clyburn	Kucinich	Schmidt
Cohen	Lance	Schock
Connolly (VA)	Langevin	Schrader
Conyers	Larsen (WA)	Schwartz
Cooper	Larson (CT)	Scott (GA)
Costa	LaTourette	Scott (VA)
Costello	Lee (CA)	Serrano
Courtney	Levin	Sestak
Crowley	Lewis (GA)	Shea-Porter
Cuellar	Lipinski	Sherman
Cummings	LoBiondo	Simpson
Dahlkemper	Loeb sack	Sires
Davis (AL)	Lofgren, Zoe	Skelton
Davis (CA)	Lujan	Slaughter
Davis (IL)	Lynch	Smith (NE)
Davis (TN)	Maffei	Smith (NJ)
DeFazio	Maloney	Smith (WA)
DeGette	Markey (CO)	Snyder
Delahunt	Markey (MA)	Space
DeLauro	Marshall	Speier
Dent	Massa	Spratt
Diaz-Balart, L.	Matheson	Stark
Diaz-Balart, M.	Matsui	Stupak
Dicks	McCarthy (NY)	Sutton
Dingell	McCollum	Tanner
Doggett	McCotter	Tauscher
Donnelly (IN)	McDermott	Taylor
Doyle	McGovern	Teague
Driehaus	McHugh	Terry
Edwards (MD)	McIntyre	Thompson (CA)
Edwards (TX)	McMahon	Thompson (MS)
Ehlers	McNerney	Tierney
Ellison	Meek (FL)	Titus
Ellsworth	Meeks (NY)	Tonko
Emerson	Melanco	Towns
Engel	Michaud	Tsongas
Eshoo	Miller (MI)	Turner
Etheridge	Miller (NC)	Upton
Farr	Miller, George	Van Hollen
Fattah	Minnick	Velázquez
Filner	Mitchell	Visclosky
Fortenberry	Mollohan	Walz
Foster	Moore (KS)	Wasserman
Frank (MA)	Moore (WI)	Schultz
Fudge		Waters

Watson
Watt
Waxman
Weiner
Welch

Wexler
Whitfield
Wilson (OH)
Wolf
Wooley

Wu
Yarmuth
Young (FL)

NAYS—116

Aderholt	Goodlatte	Miller (FL)
Akin	Granger	Miller, Gary
Alexander	Graves	Moran (KS)
Austria	Guthrie	Myrick
Bachmann	Hall (TX)	Neugebauer
Bilbray	Harper	Nunes
Bishop (UT)	Hastings (WA)	Olson
Blackburn	Heller	Paul
Blunt	Hensarling	Paulsen
Boehner	Herger	Pence
Bonner	Hoekstra	Pitts
Boozman	Hunter	Poe (TX)
Brady (TX)	Inglis	Price (GA)
Bright	Issa	Rehberg
Burgess	Jenkins	Roe (TN)
Burton (IN)	Jordan (OH)	Rogers (AL)
Buyer	King (IA)	Rogers (KY)
Calvert	Kingston	Rohrabacher
Cantor	Kline (MN)	Rooney
Carter	Lamborn	Royce
Chaffetz	Latham	Scalise
Coble	Latta	Sensenbrenner
Coffman (CO)	Lee (NY)	Shadegg
Cole	Lewis (CA)	Shimkus
Conaway	Linder	Shuster
Culberson	Lucas	Smith (TX)
Davis (KY)	Luetkemeyer	Souder
Deal (GA)	Lummis	Stearns
Dreier	Mack	Sullivan
Duncan	Manzullo	Thompson (PA)
Fallin	Marchant	Thornberry
Flake	McCarthy (CA)	Tiahrt
Fleming	McCaul	Tiberi
Forbes	McClintock	Walden
Fox	McHenry	Wamp
Franks (AZ)	McKeon	Westmoreland
Garrett (NJ)	McMorris	Wilson (SC)
Gingrey (GA)	Rodgers	Wittman
Gohmert	Mica	Young (AK)

NOT VOTING—27

Bachus	Crenshaw	Moran (VA)
Baird	Frelinghuysen	Murtha
Barrett (SC)	Hinojosa	Neal (MA)
Bartlett	Jackson (IL)	Pomeroy
Boswell	Johnson, E. B.	Radanovich
Broun (GA)	Johnson, Sam	Reyes
Brown, Corrine	Kennedy	Sessions
Butterfield	Kissell	Shuler
Campbell	Lungren, Daniel	
Carney	E.	

□ 1902

Messrs. LATHAM and REHBERG changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 193 I did not realize that my voting card did not work. Had it been recorded, I would have voted “yea.”

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2009.

The Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Daniel White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held April 7, 2009, the Honorable MIKE QUIGLEY was elected Representative to Congress for the Fifth Congressional District, State of Illinois.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE BOARD OF ELECTIONS,
STATE OF ILLINOIS,
April 8, 2009.

Hon. LORRAINE C. MILLER,
Office of the Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: Although it is not the normal practice of the Illinois State Board of Elections to release unofficial election results, in response to a request from your office, we are hereby transmitting UNOFFICIAL election results (attached) for the April 7, 2009 Special Congressional Election in the Fifth Congressional District in the State of Illinois.

Sincerely,

DANIEL W. WHITE,
Executive Director.

SWEARING IN OF THE HONORABLE MIKE QUIGLEY, OF ILLINOIS, AS A MEMBER OF THE HOUSE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that the gentleman from Illinois, the Honorable MIKE QUIGLEY, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will Representative-elect QUIGLEY and the members of the Illinois delegation present themselves in the well.

Mr. QUIGLEY appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 111th Congress.

WELCOMING THE HONORABLE MIKE QUIGLEY TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Illinois is recognized.

There was no objection.

Mr. COSTELLO. Madam Speaker, I rise today as Dean of the Illinois Congressional Delegation to introduce the newest Member of Congress in the Illinois delegation, MIKE QUIGLEY. MIKE was elected in a special election on April 7 to represent the Fifth District of Illinois.

Before his election, Congressman QUIGLEY served on the Cook County Board for almost 11 years. As commissioner for the 10th District, he earned a reputation for advocating for fiscal discipline and environmental protection.

Congressman QUIGLEY holds a law degree from Loyola University and a master's in public policy from the University of Chicago. He has also worked as a professor of political science at Loyola and Roosevelt Universities.

His wife, Barbara, and two daughters, Alyson and Meghan, are here with him this evening as well as many, many friends in the gallery.

Madam Speaker, I ask my colleagues to join me in offering a warm welcome to our newest colleague and newest Member of the House, MIKE QUIGLEY.

Mr. QUIGLEY. Thank you, Madam Speaker, Members of the House and many friends back home watching, including a lot of good friends at Loyola University.

First, a word of thanks. To my friends, family and staff here, I wish to thank everyone here who got me down here. It means a lot to me.

To my mom and dad, it's a gift from all of your children today because, without you and without them, I wouldn't be here.

Above all, I want to thank my wife, Barb, and my daughters, Alyson and Meghan. I must put the record clear: Meghan and Alyson already have their puppy. I will tell you that dog is not hypoallergenic either.

I also want to recognize my predecessor, Rahm Emanuel, who is here today.

Madam Speaker, ladies and gentlemen, you may find that the Congressman and I have different styles. Someone suggested different vocabulary, but I wasn't going to add that. We share much in common, and that is that Rahm and I share the same commitment to the working families of our country and of the Fifth District.

Finally, I do want to thank the people of the Fifth District of Illinois. You all know trust is a hard thing to come by these days in this business, and the people of my district gave me their trust. I can't tell you out there what that means to me. It's a humbling experience to take a job when people are losing theirs and to become a Member

of this House when people are losing theirs. It means the world to me that the public gave me their trust. It is for them, for every American confronting these challenges, that I draw my strength, and I look forward to working with each and every one of you to make those things happen.

Thank you and God bless.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois (Mr. QUIGLEY), the whole number of the House is 433.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

GREAT CATS AND RARE CANIDS ACT OF 2009

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 411, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSTER). The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 411, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 290, nays 118, not voting 24, as follows:

[Roll No. 194]

YEAS—290

Abercrombie	Capito	Diaz-Balart, M.
Ackerman	Capps	Dicks
Adler (NJ)	Capuano	Dingell
Altmire	Cardoza	Doggett
Andrews	Carnahan	Donnelly (IN)
Arcuri	Carson (IN)	Doyle
Baca	Castle	Driehaus
Baird	Castor (FL)	Edwards (MD)
Baldwin	Chandler	Edwards (TX)
Barrow	Childers	Ehlers
Bartlett	Clarke	Ellison
Bean	Clay	Ellsworth
Becerra	Cleaver	Engel
Berkley	Clyburn	Eshoo
Berman	Cohen	Etheridge
Berry	Connolly (VA)	Farr
Biggert	Conyers	Fattah
Bilbray	Cooper	Finer
Bilirakis	Costa	Fortenberry
Bishop (GA)	Costello	Foster
Bishop (NY)	Courtney	Frank (MA)
Blumenauer	Crowley	Fudge
Bocciari	Cuellar	Galleghy
Bono Mack	Cummings	Gerlach
Boren	Dahlkemper	Giffords
Boucher	Davis (AL)	Gonzalez
Boustany	Davis (CA)	Gordon (TN)
Boyd	Davis (IL)	Grayson
Brady (PA)	Davis (TN)	Green, Al
Braley (IA)	DeFazio	Green, Gene
Brown (SC)	DeGette	Griffith
Buchanan	Delahunt	Grijalva
Calvert	DeLauro	Gutierrez
Camp	Dent	Hall (NY)
Cao	Diaz-Balart, L.	Halvorson

Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum

McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar

NAYS—118

Aderholt
Akin
Alexander
Austria
Bachmann
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Bright
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culbertson
Davis (KY)
Deal (GA)

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skeltton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Peters
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris
Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey

Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Ryan (WI)
Scalise
Sensenbrenner
Bachus
Barrett (SC)
Boswell
Broun (GA)
Brown, Corrine
Butterfield
Campbell
Carney
Crenshaw

Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Frelinghuysen
Hinojosa
Jackson (IL)
Johnson, Sam
Kennedy
Kissell
Lungren, Daniel
E.
Moran (VA)

NOT VOTING—24

□ 1920

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF FORMER REPRESENTATIVE BILL ORTON OF UTAH

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, it is with regret that I bring before the House the news that a former colleague, Bill Orton from the Third District of Utah, passed away in a tragic accident just last Saturday. He was out with his kids recreating on some sand dunes in central Utah.

Bill was a smart Member of Congress. He was a substantive Member of Congress. He was someone who spoke his mind, and I know that his commitment to public service continued after he left this institution. He was first elected in 1990. He served for 6 years. He was one of the founding members of the Blue Dog Coalition here in the House of Representatives while he was here.

I would like to yield to my colleague from Utah (Mr. BISHOP) for some comments, and then I will ask for a moment of silence.

Mr. BISHOP of Utah. Mr. Speaker, none of us in the delegation had the opportunity of serving with Mr. Orton while he was in Congress. I did, though, have the opportunity to know him, as a result of being majority leader and speaker of the House in the Utah legislature in his first two terms, and as such got to know that Mr. Orton was indeed someone committed to public service. We offer our deep condolences to him and his very young family at this tragic occurrence and remember him with fondness for his commitment to his country and his State.

Mr. MATHESON. We certainly want to offer our condolences to Bill's wife, Jacquelyn; his sons, Will and Wes. And with that, I ask the House recognize this with a moment of silence.

The SPEAKER pro tempore. Will all Members please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1219, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1219.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 43, not voting 27, as follows:

[Roll No. 195]

YEAS—362

Abercrombie	Capps	Ellison
Ackerman	Capuano	Ellsworth
Aderholt	Cardoza	Emerson
Adler (NJ)	Carnahan	Engel
Altmire	Carson (IN)	Eshoo
Andrews	Carter	Etheridge
Arcuri	Castle	Fallin
Austria	Castor (FL)	Farr
Baca	Chaffetz	Fattah
Bachmann	Chandler	Finer
Baird	Childers	Fleming
Baldwin	Clarke	Forbes
Barrow	Clay	Fortenberry
Bartlett	Cleaver	Foster
Barton (TX)	Clyburn	Frank (MA)
Bean	Coffman (CO)	Fudge
Becerra	Cohen	Galleghy
Berkley	Cole	Gerlach
Berman	Connolly (VA)	Giffords
Berry	Conyers	Gonzalez
Biggert	Cooper	Goodlatte
Bilbray	Costa	Gordon (TN)
Bilirakis	Costello	Granger
Bishop (GA)	Courtney	Graves
Bishop (NY)	Crowley	Grayson
Bishop (UT)	Cuellar	Green, Al
Blackburn	Cummings	Green, Gene
Blumenauer	Dahlkemper	Griffith
Bocieri	Davis (AL)	Grijalva
Boehner	Davis (CA)	Guthrie
Bonner	Davis (IL)	Gutierrez
Bono Mack	Davis (KY)	Hall (NY)
Boozman	Davis (TN)	Hall (TX)
Boren	Deal (GA)	Halvorson
Boucher	DeFazio	Hare
Boustany	DeGette	Harman
Boyd	Delahunt	Hastings (FL)
Brady (PA)	DeLauro	Hastings (WA)
Brady (TX)	Dent	Heinrich
Braley (IA)	Diaz-Balart, L.	Heller
Bright	Diaz-Balart, M.	Herger
Brown (SC)	Dicks	Herseht Sandlin
Brown-Waite,	Dingell	Higgins
Ginny	Doggett	Hill
Buchanan	Donnelly (IN)	Himes
Buyer	Doyle	Hinchey
Calvert	Dreier	Hirono
Camp	Drieheaus	Hodes
Cantor	Edwards (MD)	Holden
Cao	Edwards (TX)	Holt
Capito	Ehlers	Honda

Hoyer
Hunter
Inglis
Inslee
Israel
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Lujan
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers

Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Pollis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise

Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Issa
Jackson (IL)
Johnson, Sam
Kennedy
Kissell

Lungren, Daniel
E.
McNerney
Moran (VA)
Murtha
Neal (MA)

Pomero
Radanovich
Reyes
Shuler
Weiner

□ 1932

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 193, The Crane Conservation Act of 2009, I would have voted "yea" on the question.

Had I been present to vote on rollcall No. 194, The Great Cats and Rare Canids Act, I would have voted "yea" on the question.

Had I been present to vote on rollcall No. 195, Lake Hodges Surface Water Improvement and Reclamation Act of 2009, I would have voted "yea" on the question.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1255 AND H.R. 1214

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 1255 and H.R. 1214.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SAN JACINTO DAY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to commemorate one of the most important events in Texas history, frankly, the history of the United States, San Jacinto Day.

Today, in 1836, roughly 900 Texan and Tejano volunteers overpowered a larger, professional Mexican army of conscript soldiers after defeats at Goliad and the Alamo. These outnumbered volunteers succeeded because they were fighting against tyranny and they were fighting for their families.

In the words of the Texas Declaration of Independence, the people's government had been "forcibly changed, without their consent, from a restricted federative republic composed of sovereign states to a consolidated central military despotism."

The Texas Revolution proved the bonds of freedom are stronger than ethnicity, as many Tejanos sacrificed their lives for Texas' freedom at the

Battles of Gonzalez, Bexar, Goliad, the Alamo, and San Jacinto. The war was not between Anglos and Hispanics; it was a struggle between all Texans and military dictatorship in Mexico City.

Texans and Tejanos knew then what we know now—freedom requires sacrifice. And our young men and women going to or coming back from fighting in Afghanistan and Iraq are very aware of this.

Texans are renowned around the world for responding to the call of duty. We hold our heroes willing to sacrifice their lives for the betterment of their fellow man in the highest regard. I am proud to represent the site of the Battle of San Jacinto commemorated by the San Jacinto Monument.

Thanks to the San Jacinto Chapter of the Daughters of the Republic of Texas. Their hard work allowed for the preservation of the San Jacinto Battleground by petitioning the Texas Legislature to purchase the acreage and by donating their treasury to complete the sale in 1900. This San Jacinto Chapter of Daughters of the Republic of Texas and the Texas Veterans Association did tremendous work to ensure that the legacy lives on, and the importance of the park has only expanded since then. The park not only has the San Jacinto Monument to recognize the brave men and women, but it also includes the Battleship Texas, which is a symbol of sacrifices in World War I and World War II.

With the understanding of where they came from, Texans and Americans will continue to respond to the calls of service, thereby continuing their legacy of respect and admiration throughout the world.

God bless Texas and the United States.

THANK YOU TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. During the recess, I was grateful to visit for the 10th time with troops in Iraq, and my eighth visit with troops in Afghanistan. As our delegation met with servicemembers of our home States, it is inspiring to see the commitment to protecting American families at home by defeating terrorists overseas.

We learned in Baghdad that terrorist attacks have been reduced by over 90 percent from 2007 due to the success of the surge. The next day, when President Obama spoke, he stated, "You have given Iraq the opportunity to stand on its own as a democratic country. That is an extraordinary achievement."

As the father of two sons who have served in Iraq, I am especially appreciative of military families. In Afghanistan, it was explained that extensive

NAYS—43

Akin
Alexander
Blunt
Burgess
Burton (IN)
Cassidy
Coble
Conaway
Culberson
Duncan
Flake
Foxy
Franks (AZ)
Garrett (NJ)
Gingrey (GA)

Harper
Hensarling
Hoekstra
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Luetkemeyer
Marchant
McClintock
Miller (FL)
Moran (KS)
Myrick
Neugebauer

Paul
Pence
Pitts
Poe (TX)
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Sullivan
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—27

Bachus
Barrett (SC)
Boswell
Broun (GA)

Brown, Corrine
Butterfield
Campbell
Carney

Crenshaw
Frelinghuysen
Gohmert
Hinojosa

plans are underway to expand the Afghan National Army, the Afghan police, and the Afghan border police. I know firsthand of the success of local forces as my former National Guard unit, the 218th Brigade, completed a year of service at Camp Phoenix last year promoting a civil society.

In conclusion, God bless our troops—and we will never forget September the 11th in the global war on terrorism.

HONORING FORMER MEMBER OF CONGRESS BILL ORTON

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Ladies and gentlemen of the House, today we come to the House floor in memory of a fine Member of this body who distinguished himself here, in my opinion, and left a lasting legacy.

Bill Orton, who our colleague, JIM MATHESON, informed us passed away in an accident in Utah, who represented the people of Utah's Sixth District from 1991 to 1997, died last weekend at the age of 60.

Bill always was an independent thinker and serious-minded public servant. He was elected three times as a Democrat in one of America's most conservative districts, as our friend JIM MATHESON has done, a fact that testifies both to his persuasive skills and the deep respect he earned even from those he didn't persuade.

As a local paper wrote, "Utahans couldn't have done much better than electing Bill Orton." I agree with that sentiment, Mr. Speaker. In just three terms here, Bill left a permanent mark. He was a founder of the Blue Dog Coalition, which has stood up for fiscal discipline ever since and is well represented here tonight.

Bill was instrumental in creating the Democratic ideal of fiscal responsibility. And ever since, when Democrats have come to this floor to defend the government's essential programs while advocating for a balanced budget, they have been following in Bill's footsteps. Now, every time we speak out for a government that pays for what it buys, we have an opportunity to carry on Bill's work.

But as much as we will miss him, I know that his community and his family will miss him incomparably more. Bill became a father late in life, but his boys, Will and Wes, filled what turned out to be the last years of his life with so much joy. Those who know Bill remember, I'm sure, how he turned half of his congressional office into a nursery, or how he proudly brought baby Will to sit with him at hearings.

I know that nothing can make up for the loss of a father, particularly a father of young children. For Jacquelyn Orton, I know that nothing can make

up for the loss of her husband. But I hope it will be some consolation—small, but some—to know that Bill was important to the life of his State and of his Nation, and that he shaped them for the better; that even though he had more to give, he gave much more than most ever do.

To his family, we extend great sympathy. From his country, to Bill Orton, we say thank you; thank you for serving so well the people of Utah and the people of the United States of America. God bless his family.

ON THE PASSING OF FORMER CONGRESSMAN BILL ORTON

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise today to pay tribute to former Third Congressional District Representative Bill Orton. Representative Orton passed away in a tragic accident this past weekend. He served with honor for three terms as a Member of this body. He was described as something of a political maverick and an independent voice for Utah, bucking both parties at times.

It is during times such as these that we set aside our partisan differences and join together in mourning the passing of a great American and a great public servant. Representative Orton cast a long shadow over the State of Utah and the Third Congressional District. It is an honor for me to serve in the congressional district he once held.

I join with my colleagues on both sides of the aisle in expressing my deepest sympathies to the members of the Orton family. I pray that during this period of mourning they will find hope in the great plan of happiness, that they will one day be reunited with their husband and father.

I will conclude by reciting the words of a hymn:

"God be with you till we meet again;
By his counsels guide, uphold you;
With his sheep securely fold you.
God be with you till we meet again."

ESTABLISHING A SELECT COMMITTEE TO EXAMINE THE CAUSES OF THE CURRENT FINANCIAL CRISIS

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, today I've introduced legislation establishing a select committee to examine the causes of the current financial crisis; most certainly, serious financial and other misbehavior on Wall Street and within the banking community. It is modeled on the Pecora Commission,

which held hearings in 1932 and 1933 to investigate the roots of the Great Depression, whose seriousness is only slightly greater than that which we now confront.

As Ferdinand Pecora said of the Great Depression's source, he said, "Legal chicanery and pitch darkness were the banker's stoutest allies." Let us take heed of Pecora's words and support this resolution which will foster a coordinated approach among the several committees of jurisdiction in this matter, and to help us remedy and prevent the unsavory practices that have led our Nation to an economic precipice of gargantuan proportions.

ENSLAVED BY DEBT

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, last week, America witnessed an historic public outcry on tax day as countless Americans exercised their constitutional right—some would say duty—to take to the streets to protest Washington's borrow-and-spend and bailout mentality. Those assembled offered tangible and forceful evidence that average people are concerned by the government's breakneck borrowing spree and the nonstop bailouts of failed companies.

Too many people have played by the rules only to see their children and grandchildren socked with the bill for the bailouts of irresponsible megabanks. To this they are saying "enough is enough." They realize the truth of John Adams' warning on excessive national debt. Adams said, "There are two ways to conquer and enslave a Nation; one is by the sword, the other is by debt."

I hope that for the sake of future generations we take these words to heart and restore the American ideal of small government and individual liberty and responsibility.

HONORING BILL ORTON

(Mr. MATHESON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHESON. Mr. Speaker, I rise to honor our colleague who just passed away this past Saturday, Bill Orton, who represented the Third Congressional District in Utah. Bill was a Congressman who spoke his mind, who was an independent voice. And let me tell you, in today's politics, I think we can all learn something from Bill Orton because I think most people in America don't like the polarization they see in Washington, D.C. Bill was all about trying to find solutions, trying to make progress. We can honor his legacy by behaving more like Bill.

I offer my condolences to his wife, Jacquelyn, and to his sons, Will and Wes. Their father was a great public servant. I hope they can find some solace in the great record of public service their father has.

□ 1945

HOMELAND SECURITY WATCH LIST

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to a recently released secret memo by Homeland Security, America now faces new serious threats. I'm not referring to al Qaeda, the Somali pirates, or radical Islamic terrorists. The memo states we are in danger from single-issue groups like gun owners, returning military veterans, the recent tax protestors at the TEA parties, and those who want to protect the unborn.

Mr. Speaker, these Americans simply disagree with the administration on certain issues. But by disagreeing, they are now labeled and vilified by Homeland Security as extremists and threats to America. So is Homeland Security going to watch those people and spy on them all under the guise of national security? We shall see.

This is a dangerous policy, an attack on individual liberty and a denial of free speech. Homeland Security should do their real job, like figuring out what countries and spies are stealing secrets about the famed F-35 Fighter rather than making a watch list and snooping around in the private lives of patriots who are just exercising their absolute right to disagree.

And that's just the way it is.

TARP REPAYMENTS

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCLINTOCK. Mr. Speaker, many Americans have been shocked in recent days to learn that banks that are seeking to repay TARP money have been told that the Treasury will not allow them to do so. The taxpayers were promised that this money was to be used to buy up toxic assets and that it would be repaid to the Treasury as soon as humanly possible. Well, not a single toxic asset has been purchased, and now when several banks have attempted to return that money, they have been told the Treasury will not allow them to do so.

This is a travesty. Just a few weeks ago, many Members of this House in this Chamber reacted to the AIG bonus fiasco by saying, "We want our money back." And yet when some banks have attempted to do exactly that, they have been turned away at the Treasury gates.

Mr. Speaker, today I have introduced legislation to require the Secretary of the Treasury to accept TARP repayments unconditionally and immediately when they are presented. I hope that I can count on the support of all of those in this House who promised their constituents that these funds would be repaid at the earliest possible opportunity.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF THE LIFE OF DR. JOHN HOPE FRANKLIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute to Dr. John Hope Franklin.

Dr. John Hope Franklin grew up in segregated Oklahoma. He was only 7 years old when his new family home was burned to the ground in the Tulsa race riots of 1921.

As a child, he was evicted from white-only train cars. He was forced to attend segregated schools. And on one occasion he was threatened with lynching. John Hope Franklin tasted the bitter fruits of segregation and racial discrimination, and he didn't like it. But he did not give up, he did not give in, he did not give out.

His parents taught him to hold his head high, that he was the equal of every human being. They told him to forget any thought of oppression and spend his time improving his own value and worth. So he followed his father's example and began spending every evening reading and writing, a habit he continued until he died just a few days ago.

Dr. Franklin attended Fisk University in Nashville, Tennessee, where he graduated at the top of his class. Then he earned a master's and a Ph.D. degree from Harvard College. He had planned to be a lawyer like his father.

But one of his professors encouraged him to tell the story of African Americans, to tell their history. His first book, called "From Slavery to Freedom," sold 3.5 million copies. He became a full professor at Brooklyn College, and he taught one of our colleagues in the Senate. He was appointed Chair of the history department at the University of Chicago, and many years later he became a professor at Duke University.

I knew John Hope Franklin. He was a beautiful human being. He never gave up on the promise of America. Even though he dug deep into America's

dark past, he never lost faith in the dream of a new day. He believed that if we were willing to take a hard look at where we have been, we could reconcile the future of all humanity. He believed in a nation and world community at peace with itself. And he did his part.

John Hope Franklin was not only a great historian, but he was a champion of civil rights and social justice. He worked alongside Thurgood Marshall to help dismantle legalized segregation and racial discrimination. In him we have lost more than a brilliant scholar, more than a noble historian, more than a father of African American history. We have lost one of the great men of our time.

There was a gentle power in his presence, an abiding respect in his name, a brilliance and humility in his spirit that changed us all. He is an inspiration to everyone who met him.

John Hope Franklin was a prince of a man. By sharing the riches of his mind and the wealth of his knowledge, he helped not just to educate but to free a people and an entire Nation. He will be deeply missed.

SAN JACINTO DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, growing up in Houston, Texas, I always liked this day, April 21, because it was a school holiday. I believed there was no school because it was my mother's birthday. She never told me differently. I was proud to be the only kid that had a mother with a school holiday.

It was only later that I came to find out that the holiday also represented the most important military victory in Texas history, one that occurred near my hometown of Houston. It was a unique holiday for Texas called "San Jacinto Day."

It all started when Texas declared independence from Mexico on March 2, 1836. Texans held off the invading Mexican army at a place called the Alamo. They were led by a commander by the name of William Barret Travis, a 27-year-old lawyer from South Carolina. The 187 volunteers held out for 13 days and inflicted vicious casualties on the invaders. But Santa Anna, dictator of Mexico, was able to storm over the Alamo walls on March 6, 1836, and killed all the remaining defenders. He went looking for the rest of the Texans that wanted independence from Mexico. General Sam Houston had been building the Texas army, and Santa Anna's three armies from Mexico were giving chase. The Texans and their families fled east in what historians call the "runaway scrape."

Finally, near the San Jacinto River and Buffalo Bayou at Lynch's Ferry

near Houston, Texas, they stopped to fight. Houston and his army of 700 faced Santa Anna and his army of twice that number on the marshy plains of San Jacinto. Scout Deaf Smith was ordered to burn the only bridge and trapped both armies on the peninsula between the river and the marshes.

It was April 21, 1836. General Sam wanted to charge into battle the next day at dawn, but after discussions with his troops, he decided not to wait any longer. So in the middle of the afternoon, General Sam and the boys marched in a single line in broad daylight with little cover toward the Mexican army.

The outnumbered Texans were an odd, terrifying-looking bunch. Without regular uniforms, they were dressed in buckskins, with pistols in their belts, bowie knives, long muskets, and tomahawks. They came from numerous States and foreign countries like Germany, England, Scotland, and Mexico. The Tejanos, Mexicans loyal for independence, were led by Captain Juan Sequin. So as not to confuse these Tejanos with Santa Anna's army, General Sam had Captain Sequin put a playing card in the headband of each Tejano so they could be easily recognized as Texans and not the invaders.

This was General Houston's first Texas battle. Santa Anna's veteran army had yet to lose any conflict after they invaded Texas. The Texans charged down the hill yelling "Remember the Alamo," "Remember Goliad." They carried a flag of a partially nude Miss Liberty, and the fife played a bawdy house song called "Come to the Bower."

Santa Anna's army was caught napping and was routed. Most of the enemy were killed or wounded. The rest were captured or disappeared. The victory was stunning. The Texans wanted Santa Anna hung because of the Alamo and for murdering Colonel Fannin and his 13 volunteers at Goliad after they had surrendered. Wise and politically astute, Sam Houston would have none of the lynching and spared Presidente Santa Anna for later bartering power.

Texas became a free and independent nation that day and claimed what is now Texas but also parts of New Mexico, Oklahoma, Kansas, Wyoming, and Idaho, all the way to the Canadian border. It was one of the largest land transfers in world history as a result of one battle. The latter land was sold to the United States to pay for Texas' war debts. But Texas was a free independent republic for 9 years and then was admitted into the United States in 1845 by one vote. A Louisiana Senator changed his mind and voted for admission for the State of Texas to become part of the Union. Some now wished the vote had gone the other way.

Texas still has the right, Mr. Speaker, to divide into five States. It also

has the absolute right to fly the Texas flag at the same level of the United States flag because Texas was a country once. In 1936 Texans built the San Jacinto Monument in honor of the Texas War of Independence and General Sam's victory. It looks like the Washington Monument but it has a star on top. But, of course, Mr. Speaker, it's taller than the Washington Monument.

Today the bugles are silent and the battlefield is surrounded by petrochemical plants. Not much is said about Texas Independence or San Jacinto Day. It's not a school holiday anymore. But once again this year, proud Texans were at the San Jacinto battleground today to honor the few brave Texans and Tejanos that made Texas a free nation. We remember our past, knowing we were a nation once, and sometimes we still act like an independent country. I have a grandson who was named in honor of William Barret Travis and Sam Houston. His name is Barret Houston. I flew the Texas Lone Star flag today proudly on this San Jacinto Day. But, also, Mr. Speaker, I sent my mom a bunch of flowers remembering that this glorious day was a school holiday to celebrate her birthday.

And that's just the way it is.

□ 2000

AMERICA'S RE-ENGAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to praise President Obama on his recent meetings with foreign leaders. He changed both the tone and the substance of American foreign policy, and I believe he did a great deal to restore America's reputation throughout the world.

I do not agree with every single detail of his foreign policy decisions, but I certainly applaud his commitment to diplomacy and cooperation as the best way to prevent war, solve international problems and get a dialogue started.

During the G-20 summit in Europe, the President worked hard to restore good relations with our allies, which were stretched to the breaking point by the previous administration's arrogance. He said that America will listen to the concerns of our European friends, and he promised to rebuild our partnership with them.

While he was in London, the President also pledged to work with Russia to reduce both nations' nuclear arsenals, and he announced a new effort to rid the world of nuclear weapons once and for all. And he called for U.S. ratification of the comprehensive nuclear test-ban treaty, which I have been asking for for many, many years.

On his trip to Turkey, Mr. Speaker, the President also reached out to the

Muslim world. He said that the U.S. is not and never will be at war with Islam. Those were very welcome words, while he also promised to seek broader engagement with the Muslim world based on mutual interest and mutual respect.

Along these lines, Mr. Speaker, the administration recently stepped up its effort to engage Iran in talks. They agreed to participate in talks with Iran and other global powers about Iran's nuclear program.

When the President attended the Summit of the Americas a little bit later, he pledged to work closely with the nations of the hemisphere on climate change and economic development and to cooperate with Mexico to end the violence on our border.

Most important, however, Mr. Speaker, President Obama called for a new beginning in our relations with Cuba. After a delegation of Members of Congress visited Cuba during the Easter work period, President Obama lifted some of the restrictions that Americans face when they want to travel to Cuba and/or send money to relatives there.

So far the response of the Cuban Government has been very positive. I hope this is a beginning to the end of the 50-year cold war between the United States and Cuba, but I know we have a lot of work to do. These problems probably won't be solved overnight, but we are on the way.

I also have some concerns, concerns with our very own administration about some of their policies. For example, the administration is planning to prolong our occupation of Iraq until at least the end of 2011, and it appears that they could be expanding our military presence in Afghanistan indefinitely.

The lessons of the past 7 years, Mr. Speaker, have made it clear that a military option won't work in either Iraq or Afghanistan. We must, instead, fundamentally change our mission in both countries to focus on reconciliation, economic development, humanitarian aid and regional diplomacy.

I am, however, encouraged, Mr. Speaker, by the administration's desire to chart a new and better course for America's place in the world.

President Obama is willing to listen, build partnerships and show respect for other cultures. That's a big step forward for making the world a more peaceful place for ourselves and our children.

TOM TANCREDO VISIT TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, America's colleges and universities are training

the future leaders of our Nation. In an academic setting, all viewpoints on matters of public policy deserve the chance to be heard. This tradition of academic freedom must be protected.

Unfortunately, last week at the University of North Carolina at Chapel Hill, students were denied the opportunity to hear a talk by former Congressman Tom Tancredo by protesters who interrupted his speech. Congressman Tancredo had been invited by the University of North Carolina Chapter of Youth for Western Civilization to speak on the topic of in-State tuition for illegal aliens, an issue that has been hotly debated in the State of North Carolina.

Campus police shut down the event after protesters who shouted accusations of racism shattered a window of the classroom where the talk was to be held.

Following the incident, I had the chance to speak with the University of North Carolina Chancellor Holden Thorp by telephone. Chancellor Thorp said he had called Congressman Tancredo to apologize for how he was treated during his visit to the campus. The chancellor also issued a public statement about the incident.

He said, and I quote, "We expect protests about controversial subjects at Carolina. That's part of our culture. But we also pride ourselves on being a place where all points of view can be expressed and heard. There's a way to protest that respects free speech and allows people with opposing views to be heard. Here that's often meant that groups protesting a speaker have displayed signs or banners, silently expressing their opinions while the speaker had his or her say."

That did not happen during Congressman Tancredo's visit.

I commend Chancellor Thorp for extending a personal apology to Congressman Tancredo and for publicly voicing his disappointment that a visitor to the campus was denied the opportunity to express his views.

On behalf of all taxpayers who support North Carolina's public universities and their system, I also would like to apologize to my former colleague, because it all comes down to one simple point: If our public universities cannot protect freedom of speech on their campuses, who will? While his opposition to in-State tuition benefits for illegal immigrants may be controversial to some, Congressman Tancredo is a respected and knowledgeable leader in the immigration reform movement.

It is a shame that those with dissenting viewpoints prevented others from hearing his comments. I hope disciplinary measures will be taken, as warranted, against any student or professor who participated in disrupting Congressman Tancredo's talk. It is my understanding that the school is work-

ing with the students and would like to invite Congressman Tancredo back to campus to speak. In fact, Mr. Speaker, former Congressman Virgil Goode, another opponent of illegal immigration, is already scheduled to speak at the school tomorrow, and I hope that his speech will be protected.

I hope the university will take steps to ensure that future student-sponsored discussions on the university campus at Chapel Hill do not get shut down by those with dissenting viewpoints. We have a right to agree and disagree in this country. But if we cannot protect that at a university, I don't know what the future holds, quite frankly.

Again, in closing, I thank the administrators at the University of North Carolina at Chapel Hill for working to protect the integrity of the university by allowing free speech to be exercised on their campus.

If our men and women in uniform or in Afghanistan and Iraq are trying to protect the freedom in those countries, then let's do what is possible to protect the freedom of different views at our universities and our colleges in America, because they are the future leaders of America, and they have a right to participate with those who agree and disagree.

With that, Mr. Speaker, I ask God to bless our men and women in uniform, and I ask God to please bless America.

HONORING HARRY KALAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise to honor the life and accomplishments of one of the most distinctive voices in all of sports, a true baseball legend, and someone who called the Seventh Congressional District of Pennsylvania home. Harold Norbert "Harry" Kalas, born in Naperville, Illinois, graduate of the University of Iowa and Hall of Fame broadcaster for over 44 years, passed away on April 13, 2009, having lived a life of great distinction.

After graduation, Harry Kalas served in the 25th Infantry Division of our United States Army in Hawaii. After his service, he began his long and honored announcing career broadcasting University of Hawaii and Hawaii Islanders games for KGU radio.

Harry Kalas was a member of the original Houston Astros broadcast team in 1965 and joined the Philadelphia Phillies broadcast team in 1971, sharing the booth for 26 years with his great friend and fellow Hall of Famer, Richie Ashburn. Harry broadcast the opening of the Astrodome in Houston and both Veterans Stadium and Citizens Bank Ballpark in Philadelphia. Harry Kalas' talents and voice were in great demand throughout his illustrious career.

His many accomplishments included calling University of Houston football, Southwest Conference basketball, Big Five basketball, University of Notre Dame football and NFL games, as well as providing voiceovers for NFL films and numerous commercials.

In 2002, Harry Kalas was the Ford C. Frick Award winner, named after the former National League president and Major League Baseball commissioner and annually bestowed by the National Baseball Hall of Fame to a broadcaster for major contributions to baseball.

Harry Kalas called seven National League Championship Series and three World Series, most recently as the voice of the 2008 World Champion Philadelphia Phillies.

Harry Kalas called all of Hall of Famer Steve Carlton's starts as a Phillie, as well as all of Hall of Famer Mike Schmidt's 548 home runs, making the phrase "that ball is outta here" an often imitated but never duplicated signature home-run call known in Philadelphia and throughout the baseball world.

Harry Kalas was named Pennsylvania Sports-caster of the year 18 times and was inducted into the National Sports-casters and Sportswriters Association Hall of Fame in 2008.

Harry Kalas was a remarkable husband to his wife, Eileen, and father to his three sons, Todd, Brad and Kane.

Just this fall Harry Kalas had one of the greatest experiences a father could ask for when he shared broadcasting of the World Series with his son Todd. On that day, Harry was the voice of the Philadelphia Phillies, and Todd, who had followed his father's career path into broadcasting, was the voice of the Tampa Bay Rays.

Harry Kalas was more than just a voice. He was also the finest possible husband, friend, father and veteran. In these challenging economic times, with a Nation at war, it is important that we take the time to recognize those who dedicate their lives to make such times bearable, in his case more than bearable.

Harry Kalas was one of those individuals. He will be sorely missed by Americans in every corner of this great Nation. Thank you, Harry, for who you were, an inspiration to us all.

DETAINEES IN THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, something happened last week that really bothered me a great deal. President Obama decided to release CIA documents that were top secret because they said that they showed that there may have been some violations of law regarding torture when we were getting information from terrorists. So I

would like to talk a little bit about the whole story or as much of it as I could find.

On March 18, the Justice Department told CIA Director Leon Panetta that they were going to recommend to the White House that these memos be released almost completely uncensored. Now, bear in mind these are top secret documents, and when they are top secret like that and labeled that way, that means that there is a security threat, not only to the United States, but to the CIA and the people that did this work for the United States to protect us against terrorism.

Nevertheless, these top secret memos were going to be released. Panetta told Attorney General Eric Holder and officials in the White House that the administration needed to discuss the possibility that the release of the memos might expose CIA officers to lawsuits on allegations of torture and abuse.

□ 2015

Panetta also pushed for more censorship of the memos, officials said. The Justice Department also informed other CIA officials, seniors over there, of the decision to release the memos, and as a courtesy told former agency directors.

Senior CIA officials objected, arguing that the release would hurt the agency's ability to interrogate prisoners in the future. They also said the move would further tarnish CIA officers who had acted on the Bush officials' legal guidance, and they warned that the action would erode foreign intelligence services' trust, other countries' trust in the CIA's ability to protect their national secrets, current and former officials said.

Now, I hope my colleagues will bear in mind that these were top secret documents, that four former directors of the CIA said it would threaten national security, it would eliminate tactics that were used in the past to get information from terrorists that probably protected American citizens and maybe saved a lot of lives. Even Leon Panetta told them that there was a problem. And former Vice President Cheney last night said on the Hannity show, which I watch quite frequently, that he saw memos that proved that the tactics employed by CIA members on terrorists did protect Americans from a terrorist attack.

Now, if that is the case, and I believe Vice President Cheney when he said that, I believe those memos that show that there was a real help to the country in protecting us against terrorist attack and probably saved a lot of lives, I believe those memos should be released, and I hope that President, President Obama will take a hard look at this.

He looked at these documents and said they should be released, even though they were top secret, threat-

ened a lot of CIA members and threatened our national security, in my opinion. So since he did that, I think the President ought to release the memos that show that the tactics used by the CIA did save lives and did protect America from attack by terrorists in this country.

If I were talking to the President tonight, Mr. Speaker, I would say that is only fair. If you are going to release the memos and threaten the CIA with lawsuits and everything else because of the tactics that were employed there, if you are going to threaten possibly former Justice Department officials who wrote opinions saying that these tactics could be employed to extract information from terrorists, that we certainly should see the memos that show that the things that they did did protect America and did save lives. I think that is only fair.

In addition, I would like to end by saying that I don't think those who did their best at the CIA or the Justice Department to protect America should be prosecuted for doing their job to protect this country.

ACTING TO MAKE OUR COUNTRY STRONGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 5 minutes.

Mr. BOCCIERI. Mr. Speaker, it has often been said that leadership is about action, not position. Leadership is about action, not position, and the people from the 16th District of Ohio entrusted me to come to Congress to act, to restore and rebuild our economy, to help create jobs, to transition to a clean energy economy, and to make health care more affordable for all our citizens, and they asked us also to improve education so that every child in America has an opportunity to succeed.

Over this last district work period I had the opportunity to visit some very unique people in my district, for them to hear from their Congress on their corners, and also listen to our leaders back at home who are trying to put our economy back on track. And you know those smokestacks that often sent smoky signals of prosperity and success back home? They are becoming few and far between in the Midwest.

Just last week, Alliance Castings in my hometown announced that 400 jobs would be lost because of the downturn in our economy, and we will lose countless other jobs across our district because of some of the policy decisions we are making right here in Washington, D.C.

I stand here before you today in the House of Representatives suggesting that some of the economic indicators in Ohio are outpacing the national average. In Ohio, we have an unemploy-

ment rate of 9.7 percent, but yet in the counties that comprise the 16th Congressional District, Stark County outpaces by that nearly 1 percent more, at 10.7 percent, outpacing the national average. In Ashland County we are at nearly 13 percent unemployment, and in Wayne County we are almost at 10 percent unemployment.

The people of Northeast Ohio are demanding success stories, and Washington, D.C., has a part in playing a substantial role.

We visited the Heinz plant in Stark County. We also had the opportunity to visit another name brand factory in our district, the Smucker factory. The success stories that are there are clearly evidence that the entrepreneurial spirit of America is alive and strong.

What I heard as the common theme from these great individuals and great Americans was that America will recover and we will rebound, but we have to believe in our leadership, we have to believe in our process of dialogue, and respect that we have in the dialogue, that we have in debate, which will restore our economy, and they expect us to demand public policy that will make America stronger.

I was visiting the Defense Metals Technology Center and also meeting with the Blue Green Alliance on energy back home, and they suggested that we have the right tools with the right leadership in Washington to recover and restore jobs back in Ohio, and I talk to you with the respect and dignity that we should have in this chamber here.

We may differ on ideas. We may differ on opinions about how to move our States and our economy and our country forward. But at the end of the day we all want to see prosperity for our Nation. We all want to see Americans get back to work. And those Americans, like the ones at Alliance Castings that punched the time clock every day, played by the rules, brought a lunch pail to work and believed they were contributing to the future success of their family and their loved ones, are now going to be left on the streets with an unemployment check and a pink slip.

We have got to do our part here. We need a manufacturing policy in America, one that helps us embolden those small employers back home like the Heinz factory and Smuckers, two of the big names that we all recognize, but many more, like Sarah Plastics.

I visited with a CEO and a gentleman that has countless numbers of ideas, but he doesn't have the resources to bring his products to market. We have got to help him, and that is what this Congress is aiming to do with helping small businesses. A tax reduction for 95 percent of the Americans in this country. That is significant. The largest tax reduction with the economic stimulus package, the largest tax reduction in

our Nation's history, for every American in this country and small businesses who help rebuild our economy day-to-day.

I also heard from Project Rebuild, folks who are giving opportunities and second chances to Americans, those students back home that maybe dropped out of school and are now finding success stories working to build a skill and trade that they can take back and use in this great and diverse economy to help build America and make America stronger.

I heard from Walsh University students, giving their speech for one of their business luncheons, the fact that we have young entrepreneurs in that audience who are looking to make America stronger by bringing their innovative ideas and working with the local businesses. I believe that is going to be the key to success in our education stories back home, is that we marry up our local economies to the industry and talent that we have at our local universities.

Leadership is about action, and that is what they expect in this Congress, that we will act on the ideas of public policy to make our country stronger.

REMEMBERING COLUMBINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. COFFMAN) is recognized for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Speaker, Sunday night a candlelight vigil was held at Columbine Memorial at Clement Park in Littleton, Colorado. Yesterday, April 20th, marks the 10-year anniversary of the shootings at Columbine High School in Littleton, Colorado. This senseless act of violence touched all Americans. As a community and Nation, we were in shock and disbelief that such a horrific incident could take place anywhere in the United States.

The volunteer members of the Columbine Memorial Foundation have dedicated themselves to preserving the memories of those who were lost on that terrible day. I am proud to recognize their tireless efforts in establishing the memorial.

The Columbine Memorial Foundation gives a description of the events that occurred immediately following the shootings at Columbine on April 20, 1999, that eventually led to the establishment of the memorial:

"At first, there was an outpouring of flowers, notes, poems, ribbons, stuffed animals, pictures and other objects that were brought to Clement Park to pay tribute to those who had died, were injured or traumatized. From the initial outpouring of emotions and disbelief came the concept of establishing a permanent public memorial near the high school. This memorial should serve to honor those innocent victims,

but also provide an historic record of this tragedy and to deliver a message of hope for many generations to come. This memorial is dedicated to honor and remember the victims of the April 20th, 1999, shootings at Columbine High School.

"The Columbine Memorial consists of an inner ring of Remembrance with unique personal remembrances submitted from the families of those who were murdered. The outer ring of Healing is for all those who were injured on April 20th, 1999, and for the larger community who was touched by the tragic events at Columbine. A variety of general text gathered from interviews of students, teachers, the injured and their families and other community members tell diverse stories of healing, changes in the community and hopes of the future.

"There are overlooks along and on top of Rebel Hill providing panoramic views of the Rocky Mountains, the eastern plains and the Columbine community."

The candlelight vigil was a moving tribute to the memories of the students and the teacher who had fallen and to their families and to the members of this community who have suffered so much from their loss.

We will never be able to thank the members of the Columbine Memorial Foundation enough for their leadership in making the memorial a reality. Through their extraordinary personal contributions to preserve the memories of the lives lost that day, we will never forget the tragic events of April 20th, 1999, at Columbine High School.

THE SUMMIT OF THE AMERICAS WAS AN EMBARRASSMENT FOR THE HEMISPHERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Summit of the Americas held this last weekend in Trinidad and Tobago constituted an embarrassment for this hemisphere. Fidel Castro in Cuba is a psychopath and a serial killer, but he has long had a plan. His long-term goal has been to have the United States apologize to him and for the United States to bankroll his oppressive totalitarian apparatus before he dies. He wants the United States to apologize for having kept the U.S. market and its millions of tourists and billions of dollars in financing from him and for having denied him full diplomatic relations for decades.

In order to achieve his goal, Fidel Castro has been recruiting advocates for years. The ideological and psychological fascination and dependency that Hugo Chavez has on Fidel Castro

has allowed Castro to utilize Chavez's billions of petrodollars to purchase many important advocates.

□ 2030

It is part of the public record that a suitcase of Chavez-cash heading to Mrs. Kirchner in Argentina was accidentally intercepted by authorities before reaching its intended destination.

Castro has purchased advocates through the years via the always present threat of blackmail after trips to totalitarian Cuba where the regime tapes visitors in "compromising" situations, as confirmed by Interior Ministry defector Roberto Hernandez del Llano and Cuban Counter-Intelligence defector Major Roberto Ortega.

Castro also serves as a "banker" for illicit money possessed by those who seek to avoid detection by the anti-laundering mechanisms set up by the international community. It matters not if the money's source is political corruption or narcotrafficking.

Hugo Chavez's absolute dependency on Fidel Castro for every major decision, even for his phrases and gestures in international forums, is unprecedented. While the Soviet Union used to send Castro economic aid and also orders and instructions, Chavez sends Castro billions of dollars and receives orders from him.

What the world witnessed at this last weekend's Summit of the Americas was a culmination of years of preparation in the purchase and cultivation of advocates by Fidel Castro. The goal of the advocates: mass American tourism with its billions of dollars a year and U.S. trade financing, so that the U.S. taxpayer ultimately bails out and bankrolls Fidel Castro.

Castro's advocates know very well that article III of the Charter of the Organization of American States requires the existence of representative democracy in all the countries of our hemisphere, and that the Inter-American Democratic Charter of 2001 even spells out the collective steps to be taken when an American republic's democracy is usurped.

They know that Cuba, under Castro, was the only country in our hemisphere where free elections have not been held in over 50 years, and where dungeons are full of nonviolent political prisoners. They know that under Castro, Cuba is a personal island-estate, a ranch, a personal land holding or homestead, a totalitarian fiefdom, owned by one man, with a brother who enjoys the title of head of state and carefully carries out his brother's orders.

Any goods the people on the island purchase must be purchased in the island fiefdom's "company stores" and with worthless "vouchers" called "convertible pesos" sold by the regime. Castro takes 30 percent of all hard currency "off the top" at the time island

residents purchase the “vouchers,” and all hard currency must be spent with purchased “vouchers” in his “company stores.”

The inducement for child prostitution on the island-fiefdom is unparalleled in the world, because no matter how hard island residents work, only foreign “hard” currency allows them to purchase the “vouchers,” the “convertible pesos,” for use in the stores that sell everything, from food to clothes to soap to toothpaste.

Equally, only foreign “hard” currency allows residents to purchase medicines. The shelves in the old stores and pharmacies where residents used to be able to purchase Soviet-bloc supplies with their ration cards are simply empty since there is no money to be made there by the dictator.

The Castro advocates at the weekend “Summit” knew all this, like when Mrs. Kirchner called for the U.S. to make amends with “our sister republic, Cuba.” Or when Mr. Ortega condemned the U.S. for organizing the Bay of Pigs invasion in 1961. Somehow they knew that President Obama would refer to Castro’s totalitarian fiefdom as “Cuba.” Somehow they knew that President Obama would not respond to Mr. Ortega that at the Bay of Pigs, Cubans bravely fought to spare their country half a century of totalitarian oppression. President Obama said, “I’m grateful President Ortega did not blame me for things that happened when I was 3 months old.” Somehow they knew President Obama would not make clear that, as per U.S. law, the U.S. embargo will go away when all of Castro’s political prisoners are freed and when there is freedom of expression and multi-party elections scheduled in Cuba. Of course they knew. President Obama had just unilaterally granted the fiefdom’s owner hundreds of millions of dollars a year, in exchange for nothing.

A LITTLE BIT OF OPTIMISM ABOUT OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Mr. Speaker, I rise to report on a telephone conversation that I had and actually then an in-person conversation I had with a fellow who was talking to me about his great concern about the economy. And of course, I started the conversation by saying, yes, I share that concern. But he could tell that I had a little bit of optimism about where we are. And he asked why? How could you be optimistic? And I told him two reasons to be optimistic that are immediately apparent with the economy, I think. One is, you know, crisis creates opportunity to fix things. And it could be that we can use this current financial

problem that we’ve got and the incredible spending that we’re doing here in Washington, to finally focus on change to the crucial programs like Medicare, Medicaid and Social Security. Until we’re talking those programs, we’re not talking balancing the budget.

But in the midst of the crisis created by our wild spending, perhaps we can bring our attention to the underlying problem, the problem that’s not new, that’s been going on in Medicare, Medicaid, and Social Security. So that’s one reason for optimism.

Another, I told him, is that really we’ve got an incredible opportunity to grow our way out of this current problem by solving the energy challenge. If we address the energy security question, we can grow out of this problem.

You know, I was here in the Congress during the nineties and served on the Budget Committee. Part of our balancing act in getting to balance in 1999 and 2000 was fiscal restraint, and that’s because of Republicans taking control of the House and having some fiscal restraint.

But it’s also true that what was really happening is there was a massive expansion of the economy because of the tech boom. Because of the advances in PCs and the Internet, the productivity that came with those, and, therefore, growth without inflation, we were able to expand our economy. That economy threw off revenue to the Federal Government and, as a result, we reached balance.

Now we have an opportunity to do the same thing, just energy being the next step up in a plateau of economic development. We climbed up onto the plateau of the tech boom. Now we’ve got the opportunity to climb up onto another high plateau of energy security. If we do that successfully, I believe that we can generate economic growth that will, in turn, generate revenues for this Federal Government. And the result is that we will, once again, balance the budget if we pursue fiscal restraint in coming out of this crisis, together with economic growth that will come from addressing our energy security challenge.

Mr. Speaker, in the weeks and months to come, I hope to speak more about a very specific proposal that can do just that, with an elegant price signal sent throughout our economy about new energy technologies; and with that price signal, I think we can get about solving this fiscal problem by economic growth and, of course, also addressing the underlying problem of out-of-control entitlement spending that needs to be brought under control.

So, Mr. Speaker, tough times; but it’s also true there’s every reason to be optimistic.

PRAYER CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, over the course of the last few weeks, President Obama made the statement while in a foreign country that we are not a Christian Nation, that we are not a Jewish Nation or a Muslim Nation. He said we are citizens with shared values.

Upon President Obama’s return to the United States, he went to Georgetown University, a great Catholic school of higher learning. His staff, it is reported, requested that the Catholic university cover up the image of Christ on the cross before President Obama would give his speech at Georgetown. I don’t know that any previous President, Mr. Speaker, has ever made such a request.

I wonder, Mr. Speaker, if President Abraham Lincoln, one of President Obama’s heroes, would have said overseas that he believed America was a Nation of secularists, or would President Abraham Lincoln have said, America is a Nation which tolerates all faiths, but which is populated primarily by Christians.

President Lincoln felt quite differently than President Obama. Rather than proclaiming the United States a Nation of secularists, President Lincoln warned the people of America to not forget God. In fact, it was on May 30, 1863, that President Abraham Lincoln said, as part of his proclamation for a National Day of Prayer and Fasting, and I quote, Mr. Speaker: “We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own . . . It behooves us then,” said President Lincoln, “to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.”

And, Mr. Speaker, likewise, as President Obama insisted a Catholic university cover the image of Christ during the Easter season while he spoke at that school, George Washington, our first President, demonstrated that he was not offended by the image of the risen Christ. In fact, our Nation’s first President let his views be known quite clearly on his inauguration by a prayer which George Washington himself gave at his inauguration. He said, and I quote, Mr. Speaker: “Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience

to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally, that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

Mr. Speaker, our first President, George Washington, insisted on his inauguration day as the first President of this great country, that unless the citizens of our country imitate the example of Jesus Christ, that we would not be a happy Nation. What a clear contrast between our first President and our current President.

And with all due respect, Mr. Speaker, I think it's so important, on behalf of the Prayer Caucus of this Congress that, as the National Day of Prayer approaches, that all American citizens do what our first President prayed in his inaugural prayer, and what President Lincoln prayed as well in his address and in his proclamation, that we would do well to imitate the life and example of Jesus Christ, and we would do well to humbly not forget God, but to humble ourselves before an Almighty God and not expect that it is we ourselves that have created these blessings for our country, but that it is a gracious heavenly God who holds our Nation in His hands.

CAP-AND-TRADE LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I come to the floor tonight with an issue of enormous importance before the American people on my mind. And I'll be joined in just a few moments by distinguished colleagues from around the country who share my profound concern about legislation that has come to be known as cap-and-trade legislation. It is an effort that is under way here on Capitol Hill and from the Obama administration that could well result in an increase in energy cost for the average American household of more than \$3,000 per year.

□ 2045

Now we want to talk about the facts and the data here because, even in newspapers and in wire services tonight, that number, which is the calculation of a study done by MIT, is the subject of some dispute and of some de-

bate. I want to concede the point that the impact on the average American household, if the President and the majority's cap-and-trade bill were to become law, could actually be much higher than that. In fact, it would be President Obama, himself, as a candidate in January 2008, who spoke these words in a meeting with the editorial board of the San Francisco Chronicle, and I would say to any of our citizens who are looking in and who are Internet savvy: Don't take my word for it. Go to youtube.com and type in the President's name and the San Francisco Chronicle, and you can watch him say it for yourself.

I give the President, whose office and his person I respect, credit for candor. In January of 2008, he referred to this plan upon which he was campaigning and a plan upon which Democrats have now offered legislation, hearings for which begin this week.

The President said, "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket." Adding, "That would cost money, and they will pass that money on to consumers."

Let me say again: While a careful calculation of a study done, I believe, in 2007 by a distinguished university, MIT, estimates that the average American household would experience increased energy costs of some \$3,128 per year, then candidate and now-President of the United States of America, Barack Obama, said that, if his cap-and-trade system passed into law, electricity rates would necessarily skyrocket.

Now, the last time I checked, which was just late last week, most of this country was going through one of the worst recessions we've experienced in decades. I say with a heavy heart that the people of Indiana recently learned that the unemployment rate in my fair State is now at 10 percent. The American people are hurting, struggling under the weight of the listing economic fortunes of this Nation. Let me say that the last thing, I believe, the American people want this Congress to do is to pass energy legislation in the name of dealing with climate change that could result in, to borrow the President's phrase, a skyrocketing of electricity rates on working families, small business owners and family farms.

As I prepare to begin to recognize some of my colleagues, many of whom have gotten to know more about this topic than I will have a chance to learn, I also want to make one more point about this: This legislation, known as the American Clean Energy and Security Act, offered on March 31, 2009, by House Energy and Commerce Chairman WAXMAN of California and by the Energy and Environment Subcommittee Chairman MARKEY, could not only result in this massive energy

tax increase, but I want to say, if this legislation were to pass into law, it would be tantamount to a declaration of economic war on the Midwest by the liberal majority of this Congress.

Now, people who have known me over the last 8 years in this Congress know that I like to turn a phrase, but I don't like to be an alarmist, and so, for me to come to the floor of this Congress and say that I believe if the President's cap-and-trade bill were to become law it would, in effect, be a declaration of economic war by liberals in Washington, D.C. on the Midwest, allow me to defend that point.

According to a recent study done by the Heritage Foundation, what they call their Manufacturing Vulnerability Index, a picture is worth 1,000 words. This map demonstrates the vulnerability being the highest among the dark red-colored States and the beige States being the least impacted by the cap-and-trade legislation. It tells the tale. I can't do better than this. So, when I say that to pass the cap-and-trade legislation could result in a massive national energy tax and would fall four-square on States that are most dependent on coal-burning power plants for the electricity that we use in our homes and in our small businesses and on our farms, the map tells the tale.

The least affected areas are on the coast—on the west coast and in the Northeast—in places like New Jersey, Massachusetts, New York, Maine, and New Hampshire. A wider diversity of electricity sources of energy would be the least impacted. Likewise, California, Arizona, Oregon, and Washington State would be among the least impacted, but for the Midwest and my State, which according to this study is virtually ground zero of the impact of cap-and-trade's economic burden, the coloration of this map tells the tale. States along the Ohio River Valley, States across—let me say with pride—the heartland of this country, States that depend the most on coal-burning power plants will bear the greatest burden and households and small businesses and family farms in that region, a region, which if I can say on a very personal level, is already struggling in these difficult times.

As I mentioned, there is 10 percent unemployment in the State of Indiana, and for my Michigan neighbors who are looking in tonight, forgive me for not knowing the number, but I do know it's worse, and to think that this Congress, even as we speak, would be contemplating a cap-and-trade piece of legislation that may result in a massive national energy tax increase, falling most harshly on the Midwest, is unconscionable.

Now let me say one last item before I yield to a freshman. I'm going to yield 5 minutes to the gentleman from Texas, and we'll hear from Utah and from the gentlelady who just spoke.

Let me say, Mr. Speaker, you've heard that I've qualified my estimates here, because the truth is that the American Clean Energy and Security legislation, offered by the distinguished gentleman from California and by the gentleman from Massachusetts, actually includes no specific numbers on how CO₂ emission allowances would be allocated to energy producers. In other words, we don't know whether they'll be free, whether they'll be auctioned—the so-called cap-and-trade scheme. We don't know what price. Therefore, the bill that is going to be the subject of hearings on Capitol Hill this week provides so little information that the Congressional Budget Office confirmed again today that they cannot score the cap-and-trade bill.

Now, as I told members of the media today, we had a little budget debate a few weeks ago, and I remember the Republicans came out with a budget alternative, you might remember, Mr. Speaker, and a few days before that, we thought it would be helpful to put out an outline of that budget alternative. Yet it's a live-and-learn deal around here, and what I learned was that the media really doesn't appreciate it when Republicans come forward without all the numbers in the proposal. I've internalized that lesson, and I'm applying it to the Waxman-Markey bill.

The truth of the matter is that a nonbinding budget resolution is one thing, but legislation that could literally change the economic fortunes of the heartland of America for generations is another.

The American people, Mr. Speaker, are entitled to know what all of this is going to cost, and we don't know today because the bill that will be the subject of hearings, that will be the subject of subcommittee markups just in a matter of days, I'm told, and that may well be on the floor here before we get to Memorial Day weekend has no numbers, no numbers for us to estimate the impact on the average American family, on the average small business owner and family farmer, and that is just not acceptable. So Republicans are left to use estimates like the study from MIT.

We took MIT's estimate of a key cap-and-trade bill from the 110th Congress, cosponsored then by Senator Obama, because the targets of that Senate bill tracked the emission targets outlined in the President's budget. We took MIT's own number, \$366 billion, divided that by the number of U.S. households. We assumed about 300 million people and an average household size of 2.56 people, all right? If we use that formula, you get roughly \$3,000 per household. Using current census figures, you get \$3,128 per household using MIT's own numbers.

Why are we using that? Why are we doing this calculation? Because we don't have any numbers in the bill.

The American people have a right to know. They have a right to know that the price tag is on the plans of this administration and of this majority to raise a massive national energy tax in the name of climate change. We urge them with all deliberate speed to cease and desist any further progress on cap-and-trade legislation until they put the numbers in the bill—leave aside Republicans in the Congress—and until they give the American people the opportunity to count the cost. You know, the old book tells you: Before you build a tower, before you go to war, you count the cost. The American people deserve the right to count the cost on the cap-and-tax legislation that is going to begin to be considered this week. They deserve nothing less.

So, with that, I'd like to yield to a new Member of Congress from Texas. The distinguished gentleman (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Yes, sir. Well, thank you very much, my friend and colleague from Indiana, the chairman of our conference. I appreciate those eloquent remarks. I'm just going to echo them in a, probably, less eloquent way, but you are right on the money, my friend.

Last week, like my colleagues from Indiana, Utah and Minnesota, I was privileged to attend TEA parties across my district and to listen to my constituents express their outrage at the out-of-control spending that's going on here in Washington, D.C. While Washington goes on a spending spree, the American people are struggling to pay their mortgages on time, are concerned about keeping their jobs or about finding new jobs and are worried that their paychecks won't cover their bills.

Instead of trying to ease the economic burden on our families, congressional Democrats have decided to move forward with what I'll call a cap-and-tax plan—energy legislation that would place burdensome new taxes on American industries in the name of a short-sighted, politically correct and unscientifically proven environmental agenda. Even as families struggle to make ends meet, these new taxes could increase the cost of living of every single American, as my colleague said, by \$3,100 per year for a family of four and could pull \$860 billion out of family budgets to put in the Federal budget. I can't imagine a worse idea, and I can't imagine a worse time to do it. In these trying economic times, we should be doing everything we can to keep jobs in America and to encourage reinvestment in our own resources.

The Democrats' plan will increase the cost of doing business in the United States. It will put U.S. manufacturers at a competitive disadvantage, and it will likely force millions of U.S. manufacturing jobs overseas. The Democrats' bill even acknowledges the potential problem because they include rebates for specific sectors, industrial

sectors, that would be harmed by the energy tax imposed by the bill. These specific industries are not named in the bill. Rather, the administration would get to pick and choose which industries would be eligible for the rebates—who wins, who loses.

As my colleague from Indiana eloquently said, the least the sponsor of this legislation could do is allow an honest debate over the course of the measure. Unfortunately, because of the lack of details in the draft legislation, the Congressional Budget Office is still not able to provide a cost estimate.

□ 2100

The bill does not identify how the tax would be levied or where the proceeds would be spent. How can we expect to debate a bill that will deeply alter our Nation's energy production and affect every American without the most important details? Specifically, how will the Federal Government collect the more than \$640 billion of taxes estimated to be imposed by this bill? And where will that money go once it is in the hands of the Federal Government?

Any plans to implement a cap-and-tax program cannot be considered in a vacuum. We must engage in a broader, more comprehensive energy discussion. But I look forward to working with my colleagues on both sides of the aisle to create an all-of-the-above energy solution that increases domestic energy production, supports renewable fuel innovation and encourages cleaner fuel technologies.

I thank my colleague for yielding.

Mr. PENCE. I thank the gentleman for his remarks and congratulate him on arriving on Capitol Hill and in such a short period of time commanding the respect of colleagues on both sides of the aisle. PETE OLSON, we thank you.

Mr. Speaker, before I recognize the gentlelady from Minnesota, let me amplify a point that Mr. OLSON made about the impact on this economy and jobs.

According to the National Association of Manufacturers, passing the cap-and-tax regime the likes of which Democrats are considering would result in the destruction of at least 3 to 4 million American jobs. According to the nonpartisan association, the National Association of Manufacturers, which really—as the gentlelady arrives at the podium—and I will recognize MICHELE BACHMANN from Minnesota—but this really begs the question, and I think this was a little bit of a question that was asked at some of the so-called TEA parties last Wednesday, people wonder if anybody in Washington here gets it anymore. I mean, during difficult times, every American family, every small business, every family farmer is out there finding ways to put off to tomorrow what they don't have to spend today. They are making sacrifices, they are making hard choices,

they are looking for a little in-town income to supplement—looking for extra means to make it through.

What they are not doing is increasing spending in their family budgets and small business budgets, and they are certainly not increasing their costs. But that's what Washington, DC, is doing.

We've been on a spending spree over the first 3 months of this year: stimulus and omnibus and massive budget. And now the American people—as we dust off from being home with our families over the Passover and Easter holidays—and Congress is prepared to begin to have hearings on what could well be the largest tax increases in American history, a national energy tax that could raise the cost of living on every American household by more than \$3,128 a year, which I hasten to add, as I recognize the gentlelady for 5 minutes until she asks me for more, I hasten to add that the President of the United States, that as a candidate in January of 2008, “Under my plans,” speaking of the President's plan of a cap-and-trade system, “electricity rates would necessarily skyrocket.” And that is precisely the massive tax, national tax increase that we are here to oppose today.

I am very pleased to yield 5 minutes to the gentlelady from Minnesota, MICHELE BACHMANN.

Mrs. BACHMANN. I thank so much my colleague, Mr. PENCE from Indiana, for yielding to me for 5 minutes.

And I want to recognize and honor our colleague, Mr. PETE OLSON. He's a wonderful freshman, and he's focused exactly on where we should be focusing, and that's on solutions.

We have a great solution to America's current energy crisis, and we do have one. And the great news is that the answer is here in our backyard. We have more coal in the United States than any other country in the world. We have abundant sources of natural gas. We have abundant sources of hydropower. We have abundant sources of wind, of solar. We have oil reserves. We have so much here in our backyard.

Instead of talking about a negative, draining our economy with the new cap-and-tax proposals, we could be here on this floor this evening talking about how we can create millions of new American jobs, high-paying jobs; be the lead exporter in the world of energy. That is the American story, and that's part of America's greatness. Unfortunately, the Obama administration, Mr. Speaker, as well as the Democrat majority that runs this body, is proposing a quite different solution. It's the new cap-and-tax proposal.

But people talk about cap-and-tax and they aren't sure exactly what we're talking about. Let's get back to step one: What is the problem? Why did we have to have this tax in the first place?

It's about carbon dioxide. Well, what is carbon dioxide?

Let us just go to a fundamental question. Carbon dioxide, Mr. Speaker, is a natural byproduct of nature. Carbon dioxide is natural. It occurs in Earth. It is a part of the regular life cycle of Earth. In fact, life on planet Earth can't even exist without carbon dioxide. So necessary is it to human life, to animal life, to plant life, to the oceans, to the vegetation that's on the Earth, to the fowls that fly in the air, we need to have carbon dioxide as a part of the fundamental life cycle of Earth.

As a matter of fact, carbon dioxide is portrayed as harmful, but there isn't even one study that can be produced that shows that carbon dioxide is a harmful gas. There isn't one such study because carbon dioxide is not a harmful gas. It is a harmless gas. Carbon dioxide is natural. It is not harmful. It is a part of Earth's life cycle. And yet we're being told that we have to reduce this natural substance and reduce the American standard of living to create an arbitrary reduction in something that is naturally occurring in the Earth.

We're told the crux of this problem is human activity. It's human actions that are creating more carbon dioxide. Is that true or false? Well, carbon dioxide is a natural part of the Earth's atmosphere. But carbon dioxide is perhaps 3 percent of the total atmosphere that's in the Earth. So if you take a pie chart and all of Earth's atmosphere, carbon dioxide is perhaps 3 percent of that total.

What part of human activity creates carbon dioxide? If carbon dioxide is a negligible gas and it's only 3 percent of Earth's atmosphere, what part is human activity? Human activity contributes perhaps 3 percent of the 3 percent. In other words, human activity is maybe 3 percent contributing to the 3 percent of carbon dioxide that's in Earth's atmosphere. It's so negligible; it's a fraction of a fraction of a percent. It can hardly be quantified.

But let's go ahead and give those who believe in the global warming theory, let's give them their due. And let's say that former Vice President Al Gore is completely right in all of his premises. Let's give him his every premise that he believes on carbon dioxide and that emissions are rising here on planet Earth. Let's give him every premise.

And as we give him every premise, let's also give former Vice President Gore every solution that he believes the United States should embrace to address global warming: that we need to reduce our standard of living, tax our people, hike up the taxes. Let's say we put into place every solution that Vice President Gore has put forth for our country.

Even if we give Vice President Gore his premise, even if we give him his solution, what will be the result? Under his own figures, under Al Gore's own figures, we would reduce the amount of

carbon emissions in Earth's atmosphere by the year 2095—the end of this century—we would reduce them by less than seven-hundredths of 1 percent. In other words, the temperature of Earth would drop less than seven-hundredths of 1 percent by the year 2095, and we would be essentially bankrupting our economy to do that. Certainly we would be dramatically lowering the American standard of living.

What will this mean? As my colleague, MIKE PENCE, has said, the American people will be paying not once for their electric bill; they will be paying twice. The American people will be paying double. They will be paying double for their electric bill; they will be paying increased prices at the gas pump, increased prices at the grocery store. They will be paying increased prices when they go to Target or Kohl's to buy clothing or goods for their family or to Wal-Mart. When they go to buy furniture, the prices will be included. Why? Because energy touches every part of American life. There is no part of American life or life anywhere on the planet that energy doesn't touch. What will that mean?

That will mean dramatic job losses. As a matter of fact, a study in Spain was concluded and it talked about new green jobs that were created. For every green job that was created in Spain, 2.2 jobs were lost in Spain. Is that what we want in the United States, create green jobs only to see a dramatic reduction in American jobs? As my colleague, Mr. PENCE, said, the American heartland—I represent the great State of Minnesota—we can't afford that. And the chart that Congressman PENCE pointed to stated in the Heritage Study that Minnesota would lead the Nation in job losses if this new cap-and-tax situation was put into place, is that what America wants? I don't think so.

When you look at the fact that carbon dioxide is a natural Earth substance, part of Earth's life cycle, that human activity only contributes 3 percent of 3 percent, so negligible that even if we give the global warming enthusiasts every premise and put into place every prescription, that even so, by the year 2095, we will only reduce carbon dioxide emissions less than seven-hundredths of a percent. And we are willing to export American jobs to do that and do that in spite of knowing that China and India have already declared, We're not in. We're not in. So you might as well call President Obama's and the Democrats' cap-and-tax plan the “India and China job stimulus plan” because that's exactly what this will mean for the American economy.

We can do so much better.

As our colleague, PETE OLSON, said, we can, instead, embrace American energy solutions and create more natural gas, more oil, more coal, cleaner ways of heating and electrifying our Nation.

That's not the way President Obama wants to go. President Obama said you can build a new coal plant but we will bankrupt you. As my colleague, MIKE PENCE, said, your electricity prices will skyrocket. It doesn't have to be that way.

I am so excited about solutions that we can have in our country, and that would be to make life better for the average American by reducing America's energy cost. This is reality. This is the good news. It's available to you, and the Republicans have a plan to do just that.

I yield back to my colleague from Indiana to tell more of the positive solution and the concerns that we have about this new cap-and-tax. As we go forward in the next weeks, we want to let the American people know, Mr. Speaker, that there are solutions to this problem, that we don't have to reduce America's standard of living.

With that, I would yield back to my colleague and thank him with much appreciation for hosting this remarkable hour this evening.

Mr. PENCE. I thank the gentlelady. And before she departs the floor—reclaiming my time—I would call the attention, Mr. Speaker, to you and anyone who might be looking in, to a map that reflects recent research done by the highly respected Heritage Foundation. They call this the manufacturing vulnerability index, which really calculates what the gentlelady said about her home State of Minnesota, my home State of Indiana, represent those kind of heartland States that will be undeniably most impacted by a cap-and-tax system.

I would yield to the gentlelady for a quick response. We're struggling in Indiana. Our economy, Mr. Speaker, has a 10 percent unemployment rate. The idea of Congress actually making a priority today—in the name of climate change—to pass legislation without numbers in it. Again, I want to emphasize we don't have numbers in this bill, but the estimates are based on independent studies that it will cost millions of jobs, the estimates are that it will burden families.

I would just ask the gentlelady, are the good people of Minnesota in a better position than the people of Indiana to absorb a national energy tax of some \$3,128 per household?

I would yield.

□ 2115

Mrs. BACHMANN. Absolutely not. As a matter of fact, in Minnesota, we have had, historically, a very low level of unemployment. However, now, with the economy in the condition it is in, Minnesota is very unusual; we are upwards of 8 percent unemployment. In my largest city, we are looking at approximately 10 percent unemployment. In one of my great rural counties, we are also at about 10 percent level of un-

employment. In Minnesota, that is absolutely unheard of.

And I would also refer to the map that the gentleman from Indiana is holding. This is a wealth redistribution scheme—some people would call that socialism. This is a wealth redistribution scheme. The reason why I say that is because the individuals in the United States that live in the heartland will be paying the tax, much of which will be redistributed to States on the coast, which will be paying negligible tax. And so all of that money will be taken out of the area in the United States that is very hard hit by this economy and transferred to Washington, D.C. and redistributed to other States.

This is adding insult to injury to an already painful process that a lot of people are going through. And that is why no one can understand this right now. I think no more clear statement needs to be said than that which our President stated perhaps about 4 or 5 weeks ago when he stated, he will have—this is a nonnegotiable. He wants this cap-and-tax. This is President Obama's highest priority. He wants this passed. But he also said that our economy couldn't take the imposition of this tax right now; it couldn't take it because our economy is vulnerable. So he is saying that he wants to delay imposition of this tax until 2012.

What does that tell the American people? The American people are smarter than that. They recognize this is a tremendous burden on their pocketbook and a job killer and, therefore, it should be a deal killer here in the Congress. And I know for you this is, for me this is. We have got to get to a better solution. Thank God we have one.

Mr. PENCE. I thank the gentlelady. And I will let her get on to her evening. But I did hear news reports of the administration's suggestion that they might consider phasing in the cap-and-tax. It kind of reminds me of that story of how you boil a frog, whether you turn the heat up slowly and bring it to a boil or whether you drop it into scalding water, it seems to me you've still got a dead frog at the end of that story.

The truth of the matter is that there are better solutions, solutions where we don't end up transferring enormous amounts of wealth from the heartland of the country, from the manufacturing bedrock of this Nation, if I can say with some regional pride. There are better solutions where we can deal with CO₂ emissions, with new technologies. We can develop a broad, comprehensive energy strategy. And as I thank the gentlelady, Mr. Speaker, and wish her a restful evening, I am prepared to recognize the distinguished gentleman from Utah (Mr. BISHOP).

Let me just assure, it has been mentioned by several of my colleagues, I was actually asked by the Republican

leader of the Congress to lead a Republican Energy Solutions Working Group. We have brought together not only the distinguished ranking member of the Energy and Commerce Committee, JOE BARTON, but also I've got the capable assistance of co-chairmen in the likes of Congressman JOHN SHIMKUS, Congressman FRED UPTON, men who have the experience and the background that helped us develop the American Energy Act as a Republican alternative in the last Congress and are in the process of building a comprehensive Republican energy alternative as we speak.

There are better solutions. There are better options. We can achieve cleaner air without raising taxes on every American household in the form of a national energy tax, a cost of living tax, according to estimates, of more than \$3,128 per year.

Before I yield to the gentleman, let me say this point again because it is—you can probably tell I am a pretty patient man, Mr. Speaker, but when it comes down to denying the American people the information that they need to make informed choices, I am an impatient man. The truth is—and anyone looking on deserves to know—that this week this Congress will begin to debate what could well result in a massive change in our energy generation system in this country, the so-called cap-and-trade system, which would fall foursquare on coal-burning power plants in this country, would fall foursquare on the region of the country that I call home in Indiana and the industrial Midwest that relies so heavily on coal-burning power plants. And this massive multigenerational impact on our economy, on our way of life, all in the name of climate change, and we have no numbers.

Mr. Speaker, it is not acceptable. It is not acceptable that the American Clean Energy and Security legislation that will be the subject of hearings beginning this week has been brought to the floor so bereft of detail that the Congressional Budget Office cannot tell the Members of this Congress or the people of the United States of America how much this is all going to cost. That is not acceptable. I urge my colleagues, burn the midnight oil, put the numbers in, or pull these hearings, pull this legislation until you can produce a bill that my colleagues—like the gentleman sitting across the aisle tonight, colleagues that I respect, colleagues with whom I differ vehemently on issues, but whose integrity I respect—that our colleagues can come together and have an honest debate about what this will really cost the American people.

Let's debate climate change. Let's debate the science. Let's debate the solutions for achieving carbon dioxide reductions and particulates. But let's also debate the cost. Let's allow the

American people to count the cost before this Congress considers a massive national energy tax that could change our economy forever and essentially amounts to an economic declaration of war on the Midwest by liberals here in Washington, D.C.

With that, I am pleased to yield such time as he may consume to the former Speaker of the Utah State House, a distinguished member of the Republican minority, the gentleman from Utah (Mr. BISHOP), an expert on issues of energy and an eloquent spokesman about positive solutions.

Mr. BISHOP of Utah. I appreciate the kind words from the gentleman from Indiana. And I understand not only the passion, but the desire to be able to have some kind of strong, stable numbers that you can grasp to try and discuss the debate. No one really knows what it is going to do when you are trying to go into the darkness of a room that doesn't have the lights turned on—maybe because there is too much of an energy tax—but doesn't have the lights turned on to tell us what those numbers actually are.

We have heard a great deal about the cap-and-tax proposal. I would like to take the debate maybe one step backwards slightly and just talk about a few basic principles if I could. For we have been engaged in this Congress in something I find very unique, something we haven't had in the last 15 or 16 years in either the Bush or Clinton administrations. We are truly involved in a philosophical, fundamental debate in this Congress. There are those in this Congress and in the administration who truly believe that the best solutions to our problems lie in increasing the role of government. And there are others who truly believe that the best way of finding those solutions are in empowering individuals. And on every issue we have had to date in this Congress, that is truly the crux of the debate. I mean, we may be talking about energy today, or we may be talking about health care tomorrow, or we may be talking about bank bailouts, housing, the budget yesterday. But in each of these issues, that was the same debate; is the better solution empowering individuals or growing the size of government? And in each of those debate areas, in all sincerity, the Democrats basically gave us three options. And it doesn't matter which issue you want to use, you can just put it in there and it is basically the same concept, that in each of these issues they decided, first of all, that it will be the government that will dictate and regulate.

In this cap-and-tax or cap-and-trade policy, if it goes through, every person will use the kind of energy and the style of energy as has been dictated by Washington. And in so doing, it would create bigger government, when the EPA will already say without additional legislation they have the power

to control the air that we breathe just as they have said they have the power to control the water so they can illustrate or demand that an irrigation ditch be classified as part of the navigable water system of the United States. That is essentially big government.

The third element is that it will involve higher taxes. By the President's own budget numbers, this program is identified in his budget as adopting \$600-plus billion of new revenue coming from this cap-and-tax. And it is revenue that is not going to the production of alternative energy; it is revenue that would go into the paying for the increase of government that we have done in other bills that we have debated already. And any time that we actually talk about higher taxes, they become winners and losers, as the gentleman from Indiana showed you on his map.

If you go to the west coast, the Speaker's district, for example, with a great deal of hydrogen power, there is less of an impact than if you go to the heartland of this country, into the Midwest, where almost all their energy comes from coal-fired sources. There are winners and losers in this type of approach. And even the President's budget director simply said that this program will impose costs on the economy, and we need to know what those costs are in very, very specific numbers.

You know, last week we had the TEA tax protests that were going on. And as an old history teacher, I'm sorry, I had to think about this, history does repeat itself. Back in 1773, the British East India Company was in financial trouble, and so the Parliament decided the British East India Company was too big to fail and, therefore, they entered into a bailout agreement. And in this bailout agreement, they imposed a one-size-fits-all mandate on the colonies that the only tea they could drink would be imposed and come from the British East India Company, and the only tax they would pay had to go back to one specific source. It is amazing sometimes that we actually do repeat what has happened in history.

Now, I said this is a basic debate and the Democrats have three positions. Well, so do the Republicans, and a vast contrast to them, whatever the issue you want to put in there. But the first one goes back to the idea that the fundamental difference in the solutions that Republicans have proffered—whether they were actually heard on the floor or not, but have proffered—the first one is to go back to the concept that we believe there should be choice and options for Americans. The Founding Fathers in 1773, when they were dumping tea in the harbor, were not just upset about a tax—which, actually, technically, had been lowered—they were upset about the fact that

they were eliminated the choice to drink whatever tea they wanted to; that if they wanted to pay for a more expensive Dutch brand, they could not have that option.

You know, when I was growing up and I wanted a particular song in the age of plastic records, you had to buy the whole album to get the song. Now, I don't know how iPods work, but my kids tell me that it's cool enough right now that you can actually download the particular song you want. You look around in the world we have today, and everybody, in almost every aspect of their lives, is able to select and make choices and options except when you deal with the Federal Government. And maybe it is time the government needs to realize that, rather than giving a one dictate, one solution and regulate it, you allow people the choice to have options, and in so doing, you empower people with those choices.

We have already had different concepts placed on the table that are out there for debate. The No-Cost Stimulus Act is one that I sponsored with Senator VITTER that deals with developing energy sources across the board. The Western Caucus will join with the Republican Study Committee in coming up with an option. There will be more options that will empower Americans to be able to make choices by using all of the above, not taking some energy sources off the table, not trying to use a tax that will pick winners and losers, but simply trying to give those. And those will be alternatives that we will be throwing out.

There are some people that say my party is the party of "no." I have to admit, with some of the bills we have had on the floor, it is very easy to vote that way. But if you were to ask me if the bailout bills excessively entangled business and government, I would say yes. If you asked me if the stimulus bill stimulated the growth of government more than jobs, I would say yes. If the GIVE Act actually paid people to volunteer and allowed groups like ACORN to get Federal funding? Yes. If the omnibus land bill made a difference in making it more difficult for the Park Service to fulfill their mission, I would say yes. If the AIG bonus tax was an unconstitutional tax that was a regressive cumulative tax to try and get even with somebody, I would say yes. But if Homeland Security, when they implied that veterans may be part of a right-wing group that needs to be watched carefully, and you asked me if that was outrageous, I would say yes. If you asked if the budget spends too much, taxes too much, and borrows too much, I would say yes. In all due respect to my colleague from Indiana, I think we are the party of "yes"; it is just the media is not asking the right questions.

And if you were to ask whether empowerment of people and giving them

options and choices is the right thing to do, emphatically yes. Because when we try to lower taxes, we take the winners and losers off the table and realize that far too often when we raise taxes, it is people who are on the margins are the ones who are most likely to be harmed.

□ 2130

If you were rich, a cap-and-trade policy, or a cap-and-tax policy, will be merely an annoyance, just as the \$4-a-gallon gasoline was last fall. It kind of takes you back to the medieval time period where the aristocracy knew that there were sins out there but they could simply go down and buy an indulgence and thereby simply continue on with the same lifestyle without any kind of inhibitions or disruptions whatsoever because they simply bought their way out of it. Poor people could never do that. People on the poverty level today where 50 percent of their income goes to energy, when they hear us talk about energy processes or energy policies, for them that debate is how they heat their homes and how they cook their food and whether they'll be able to afford a luxury like tuna casserole this evening.

Affordable, comprehensive, and available energy has been the great equalizer in the history of this country, allowing people to escape poverty and move forward. When we talk about programs that are either going to take money away from those people and then maybe even return it, that is a ridiculous concept. If we talk about programs that are going to increase the prices for those on the margins to survive and to live, that's the same thing as a direct tax on those individuals. For, indeed, if we get to the point in those different parts of this country where you go into a room and you have to flip on the light switch, and if you're rich, it's okay, you can handle it; but if you're poor, you have to determine where flipping on that light switch today makes a difference on whether you can afford Hamburger Helper tonight, we have reached the point where we are no longer taking care of the needs of our people, and we are putting a great slice of the American population at extreme risk.

That is a dangerous situation in which to move, and it should be done carefully and it should be done realistically with, as the gentleman from Indiana has said, the numbers and the debate all on the table. That's the future, and that is the fundamental debate that we will be having on this issue and with every other issue, transportation, housing, budget, that we will come up with. That's all there.

With that, I thank the gentleman for yielding to me.

Mr. PENCE. I thank the gentleman for his extraordinary remarks and eloquence. And let me thank my col-

leagues who have joined me and let me thank you, Mr. Speaker, for the courtesy of recognizing us for this debate. It will be the first of many, many hours on this floor, in committees, on the airwaves, and on the stump that House Republicans and, I expect, more than a few Democrats are going to be taking a case against this extraordinary national energy tax increase to the American people.

I am very provoked by the larger themes that Congressman BISHOP brought forward tonight because, as I have been tapped to lead the House Republican Energy Solutions Working Group. Republicans will be coming up with an alternative energy strategy that will be built on precisely those ideals, on choices and options, on empowering individuals and small businesses, and on not only not raising taxes, as the President's cap-and-trade plan intends to do, a strategy of tax increases and fees on utility companies that will be passed along to the consuming public, most especially those of us who live in the Midwest; Republicans will be bringing forward ideas to actually use the Tax Code to give incentives for energy-producing companies to develop the new technologies that will result in cleaner air and a safer environment.

But let me recap, if I can. Anyone looking in tonight, Mr. Speaker, has a right to know this week, in the midst of these challenging economic times, this Congress is going to begin hearings and in a matter of a few days is going to begin the process of legislating, marking up, and ultimately bringing to the floor within this month legislation that could result in an increase in the cost of living, energy cost of living, of some \$3,128 per year for every working family, small business, and family farm in America. And as the Heritage Foundation's recent Manufacturing Vulnerability Index showed, the President's cap-and-tax proposal will fall most squarely on the heartland of America, where my heart is, in the State of Indiana, and other great States of the industrial Midwest. Why? Is there an intention to go after a part of the country? Of course not. It's that we out in the Midwest along the Ohio River Valley, there where I went to college, we rely on coal-burning power plants for an inordinate amount of our electrical energy, in our businesses, in our farms, and in our homes. So the President's plan to cap and tax utility companies that burn coal principally will fall foursquare on the Midwest. In fact, the President admitted this point, and I give him high marks for candor and clarity.

In January, 2008, the President said: "Under my plan of cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. They," referring to utility companies, he said, "will pass that

money on to consumers." Give the President of the United States credit for candor.

And, you know, as I always tell folks back home, don't take a politician's word for it. Go to youtube.com and type in the President's name respectfully and type in "San Francisco Chronicle," and you can watch him say it for himself, as more than 200,000 Americans already have.

The last complaint I have is just that it's about the numbers. I spoke to a number of colleagues in the media today and pointed out to them that the Waxman-Markey bill that will begin hearings today includes no specifics whatsoever on how CO₂ emission allowances will be allocated to energy producers. In other words, we don't know if they'll be free or if they'll be auctioned or at what price. This legislation they are about to have hearings on is bereft of numbers. That the Congressional Budget Office can't even tell us what it's going to cost. Namely, the American people are expecting this Chamber to take up legislation that could transform the economy of this Nation forever, transform the economy of the Midwest forever, and we are not being given the numbers necessary to count the cost and make an informed judgment. And that is simply not acceptable.

I close with some words that I first noticed about a year ago. They are the only words chiseled on the wall other than "In God We Trust," which I also believe. But Daniel Webster has got some words up there that without my reading glasses on, I can't get all of them, but they are actually words about the environment, and they are words about natural resources. Isn't it interesting that in the last century as they put together this room, they put words up on the wall that talked about natural resources and energy. It's pretty interesting. Daniel Webster, at some point in his storied career, said, "Let us develop the resources of this great Nation and call forth its power, and in so doing, let us do something worthy to be remembered."

I really believe that the foundation of American greatness is our faith in God, our freedom, and our vast natural resources. The combination and our fealty to those three things, our belief that America wasn't just an accident with somebody sailing on the way to India, that Providence had His hand on this miracle, our belief in freedom and free institutions and private property, economic and political freedom, combined with this extraordinary continent of natural resources, has allowed us to build the freest and most prosperous Nation in the history of the world. We can confront every challenge facing us in the 21st century if we build on that foundation of a belief in freedom and embrace those natural resources and renewing our faith in Him

who set this miracle on these shores. But it all begins with knowing what we're doing.

So let's get the details out. The American people deserve to know what's in the cap-and-tax bill before the hearings start tomorrow, and we will keep coming to this floor until we get the numbers for every single one of those Americans that will be affected.

ENERGY AND THE CLIMATE

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Mr. Speaker, it was enjoyable to listen here to my colleagues from the other side of the aisle with their version of what they would like the debate to be about.

I do hope that the American public zeros in on what we are saying here tonight, listens to my friends on the other side of the aisle, and draws their own conclusions. This is the most important discussion that we are going to have in this session of Congress.

Now, my good friend, the gentleman from Minnesota, doesn't think there are any problems with the concentration of carbon dioxide in the atmosphere. It's interesting to listen to her say that something that was naturally occurring simply couldn't be harmful, ignoring the fact that we have the highest concentrations of carbon dioxide in the atmosphere for two-thirds of a million years. The consensus of the scientific community, not people making things up on the floor of the House, is that this has been profoundly influenced by human activity starting with the dawn of the Industrial Revolution, where we started consuming huge quantities of coal, burning fossil fuels, accelerating that over time. The consensus of the scientific community is that this is, in fact, a serious problem.

The debate is going far beyond sort of the modest disputes that people may take back and forth from one another that it may not work. The new Secretary of the Department of Energy has likened it to somebody who has been given an assessment by an engineer that their house is in danger of falling down, that it has an 80 percent chance of falling down or burning up because of faulty wiring. And the response, before a rational person spends huge sums of money, they might get a second opinion. And if that second opinion says, yes, that house is going to burn up or fall down in the not too distant future, it would be not irrational to maybe get a third or a fourth. But as Secretary Chu points out, it's pretty risky business to run through all the engineering professionals until you find one outlier who says forget

about it, don't worry, your house isn't going to fall down. None of us, none of us, would treat our family that way.

I am embarrassed for them that they continue to trot out the number of somehow a \$3,100 cost on the American public according to an MIT research analysis. Well, as I pointed out during the debate on the budget before the floor of the House of Representatives, that is a hopelessly tortured interpretation of some decent scientific research. The author of that study, John Reilly, sent, on the 1st of April, to JOHN BOEHNER a letter setting the record straight. Mr. Reilly indicated that it was wrong in so many ways, it's hard to begin. The fact is that they totally misrepresented the thrust of the research and they assumed that none of the benefits would flow back to the economy or the families in question.

□ 2145

Professor Reilly pointed out that that's a bogus number, that it is perhaps, at most, one-tenth of that amount, according to their research. And yet the Republican leadership and Republican members keep coming to the floor citing erroneous information, but it is symptomatic of the approach that they have taken to this critical issue. They ignore the fact that we are facing dramatic changes to our economy, to the health and future of our family, to our way of life, to the environment, if we continue down this path.

Sir Nicholas Stern issued a report on behalf of the British Government that indicated, according to their analysis, that the cost of inaction is five times greater than the threat of moving forward and making a change.

So it's one-fortieth of what BOEHNER is talking about and the other Republican talking points, but they are not comparing it to what is happening to our environment now and where this path is going with rising temperatures, with permafrost that is no longer permanent, roads buckling, changing patterns of disease, insects, problems with forests that are infected, coastal areas washed away, drought, loss of snowpack.

These are things that we are facing right now in the United States. The high likelihood is that it is a result of our dependence on fossil fuels, greenhouse gases, failure to act.

And if we follow this path, we are going to pay a much greater price over time. But it is not true that there are no benefits to this alternative.

You know, if our friends on the other side of the aisle would ignore the advice of the Republican leadership that they not be legislators, that they be communicators, if they would ignore that, roll up their sleeves, work in the committees of jurisdiction, we would have an opportunity to have the give-and-take. We would be able to focus on

optimal ways to make sure that the fees for carbon pollution are channeled back to the American public and incentive new matters of economic development.

We are seeing an explosion in solar and wind energy. We have an opportunity to not only create new industries, but of making America no longer the greatest waster of energy in the world. We waste more energy than any country in the world at great cost to American families.

If the Republicans join with us, roll up their sleeves and look at alternative ways of dealing with the fees on carbon pollution, we would be able to provide opportunities for a whole host of new products, techniques, buildings and at the same time we can reduce the energy costs of American families.

It is true that if the massive polluters of carbon pollution into the atmosphere, if they are finally charged a fee, if it is no longer free for them to pollute the atmosphere with carbon like we did with sulfur dioxide, like we did with CFCs—and, I must note, at that time industry analysts, the Republicans, apologists, some of the business associations, claim that acid rain, the trading, was going to wreck the environment. They claimed that the health benefits were not supported by science.

Well, the OMB has found that the acid rain program accounted for the largest quantified human health benefits in history: \$70 billion annually, more than any federally-implemented program in the last 10 years with benefits exceeding costs more than 40-1. Likewise, when we were concerned about ozone-depleting chemicals, DuPont warned that the United States' costs would exceed \$135 billion and "entire industries would fold." Well, the actual costs were almost 100 times less, and not only didn't DuPont fold, but they made millions of dollars selling substitutes for phased-out chemicals.

Mr. Speaker, I hope that there will be some attention from the American public, attention to what the consequences will be for a fee on carbon pollution, the benefits for stopping the progress of global warming, the benefits for a whole new array of industries and practices, ways to make families safer, strengthen America, reduce our dependence on foreign oil, and move us into a path in the future.

Mr. Speaker, I am pleased that I am joined this evening by a number of my distinguished colleagues who are leaders in the efforts to protect the environment and the American public and to chart a new direction for environmental protection and the revitalization of our economy, creating jobs and saving the taxpayer money.

One that I would like to turn to right now is my friend PAUL TONKO from New York, who came to Congress recently, but he has over two decades of administrative, legislative and policy experience. I have been pleased to work with

him on these initiatives to share the program with him, and I would yield to my friend to provide some of his insights into this issue.

Mr. TONKO. I appreciate the gentleman from Oregon, and he obviously has an outstanding voice speaking to what is the smart approach to the future of this country and certainly to the impact that we can make on American households and on American businesses.

The country faces, undeniably, economic energy and certainly climate crises, and this is a time for a plan of action.

I believe that as we have just heard, there are these opportunities that are shelf ready, available to American consumers, to American businesses today. There are emerging technologies as we speak. This requires an immense investment.

And if there is a strategy that has been promoted here by the President that has been advanced by the Speaker of this House, NANCY PELOSI, and endorsed by the leadership, it's to move forward in a way that is intellectually honest, looking at the factors out there that exist. The human elements that are causing an impact through global warming, through climate change that are growing the carbon footprint.

The President knows that the down payment of the Recovery Act was just the beginning of the story. He knows that in order to resolve the many crises facing this country, including, primarily, an economic crisis, we need to be smart about our plan of action. He knows that it will require an investment, an investment through R&D, of research and development that will enable us to produce savings.

And we hear an awful lot of talk about a tax being imposed. The tax that is imposed is coming through billions of dollars, hundreds of billions of dollars paid by American companies, by American consumers, by households, that is going to places like the Middle East and Venezuela, paying for fossil-based fuels that are polluting our environment, that are driving downward, through these crises, the American economy.

We have an option out there, and that option is to be smart, to go forward with American-produced power, done through American jobs, to save and grow American jobs. That is a good and clever strategy. We can do this by embracing the intellectual capacity of this great Nation, shelf-ready opportunities of which I am quite familiar.

Certainly, when I was over at the Energy Research and Development Authority in New York State, I witnessed firsthand how policies and programs were implemented by that authority that is nationally inspected, and it was through the retrofits that we had done with the farming community, with the business community, with households,

through building efforts, that we were able to achieve immense savings.

These savings are dollars and benefits to the consuming public. They are job creating in terms of dynamics. When we look at the renewable standards, the renewable energy standards that are part of the package to respond to the energy crises of this country, we are talking about the creation of some 300,000 jobs.

When we look at the energy efficiency resource standards, we are looking at some 220,000 jobs. When we look at the economic savings of the energy jobs creation, the green-collar job creation, we are talking about a savings of some of \$100 billion. In the area of energy efficiency, a savings of \$170 billion. So these are real dollars. They are savings.

What I think our friends who are speaking so vociferously against this proposal do not comprehend, that savings and cleanup of our environment are benefits that are immeasurable at this point in time, and this economy requires that sort of investment, that sort of policy creation.

Mr. BLUMENAUER. Absolutely spot on, and I hope that you can stay with us.

We have been joined by a number of our colleagues here, and I would like to be able to move as quickly as I can to include them, because we have truly outstanding leaders.

I want to turn next to JOHN HALL, with whom I have been privileged to serve on the Select Committee on Energy Independence and Global Warming.

Our colleague, Congressman HALL, has been a leader in the environmental movement long before he came to Congress. In fact, my wife has music that he recorded, a song that maybe he will sing here from the floor, but a man truly ahead of his time, multitalented and passionate about how we save the environment.

Mr. HALL of New York. Thank you, Mr. BLUMENAUER. If you don't mind, I will confine myself to lyrics tonight.

Like you, I have noticed over the years that industries that are about to be regulated cry wolf and say that jobs will be lost.

As I recall when seat belts were first proposed for cars, the automobile industry said: Oh, you are going to put us out of business. You are going to throw people out of work. And, instead, it created a whole new industry of building and installing and maintaining seat belts. The same thing with air bags in cars: Oh, you are going to put us out of work. You are going to cause a big loss of jobs.

And, instead, SRS and other companies sprang up inventing, designing, installing and maintaining air bags in cars. The same thing goes for scrubbers on coal power plants and so on and so forth.

So I would like to speak as a member of the Transportation and Infrastructure Committee because the surface transportation bill that we are going to work on this year will be critical to solving the climate change problem. This upcoming surface transportation reauthorization is a historic opportunity to take us forward toward a 21st century solution and a 21st century transportation network and begin to deal with climate change.

If this bill does not focus, not only on building and repairing roads and bridges, which is important and does create jobs, but also on increasing the share of funding going toward mass transit, then it will be a missed opportunity.

If the bill does not increase funding for alternative modes of transportation like bicycles and pedestrian walking paths and intercity passenger rail, then it will be a missed opportunity. If this bill does not change the way we think about land use planning so that we focus on smart growth, good land use planning principles and transit-oriented development and complete streets, we will have missed an opportunity.

And if this bill does not encourage the use of renewable fuels on electric vehicles and plug-in hybrids, it will be a missed opportunity.

□ 2200

I must remark that a couple of weeks ago I drove one of the test vehicles that was here outside that gets 250 miles per gallon in the plug-in hybrid version. And the pure electric version, I'm sure you saw it here, I won't mention the brand name because I don't want to be seen as endorsing a particular company, but we could find it on the Internet with a little search. The pure electric version currently gets a 70-mile-per-hour top speed and 100-mile range, well within the commuting range and the speed necessities of most commuters. So we need to look at all these things that, hopefully, will do that in this bill.

Furthermore, there's a great opportunity not just to mitigate climate change effects which have environmental and public health benefits, but also in developing new technologies which cannot or should not be outsourced. We should be creating jobs right here the United States and reinvigorating our economy. We, the country who put a man on the Moon, should be leading the way in these new technologies and not conceding that lead, new technologies to other countries.

So I will stay around to take part in the discussion for a little while. But I appreciate, Congressman BLUMENAUER, your organizing this hour, and thank you for inviting me to be a part of it.

Mr. BLUMENAUER. I deeply appreciate your comments, your insights. We'll worry about the music later.

But it is something that you have helped me with, some of the insights that you've offered on our work on the Global Warming Committee, and I appreciate your joining us.

GENERAL LEAVE

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BLUMENAUER. Congressman HIMES, a new Member of Congress, but somebody who has been involved with community development and finance for a number of years at the local level in Connecticut, has already hit the ground running, being actively involved in these debates and deeply appreciate your willingness to enter into this discussion this evening.

Mr. HIMES. Thank you, Mr. BLUMENAUER. Thank you, Mr. Speaker. I am deeply honored to be standing on this floor where, for over a century and a half, our predecessors have taken the tough decisions, made the hard choices to set the American economy up for greatness. I'm talking about the investment in the highway system. I'm talking about the investment in the Internet, which has opened up vast new swaths of our economy. And we have that kind of opportunity now. In fact, we have that challenge right now. And the question is, will we find the will to rise to that challenge?

And I want to confine my remarks tonight to a very, very important topic, which is the fact that we have a renewable energy resource that is clean, cheap, abundant and available right now, by which of course I refer to the energy that we don't use because we conserve it, because we take advantage of the ugly fact that we are far too inefficient in our use of energy.

There is a history to this. We would simply be accelerating something that has been true now for decades. The Alliance to Save Energy estimates that without the efficiency gains that we were forced to make starting in 1973, when foreign nations decided to force us to make these efficiency gains, that we would use 50 percent more energy than we used to. And there's a lesson here. There is a lesson here that we can continue, not because a foreign country forces us to do it, but that we can choose to affirmatively capture this readily available energy resource.

Let me comment on a couple of ideas and areas that I happen to know well, having worked on the rehabilitation of this country's affordable housing stock for many years. The fact is that roughly 40 percent of the energy that we use in this country is used in our built environment, in our homes, our building,

our commercial facilities, and we operate far less efficiently than we might.

At Enterprise Community Partners, we would do a rehabilitation of a 100-year-old tenement, 5-, 6-story tenement in New York City, built at a time when coal was pennies per ton and, therefore, builders and architects didn't think about efficiency. We would rehabilitate that structure and take 60 or 70 percent of the energy usage out of that building, 60 to 70 percent out a building which represents collectively 40 percent of the this country's energy usage.

You can't always achieve 60 or 70 percent. In our homes we achieve something; when we weatherize we achieve something like 30 percent energy savings. And I'm delighted and proud that the Recovery Act that passed on this floor made available \$1 billion for weatherization around this country.

I was holding a caulk gun a mere 36 hours ago helping to weatherize a home in Bridgeport, Connecticut, where not only would we reduce the energy used in that home, but we would create a healthier home for the individual. And as it happened, these programs target low-income individuals, and so we would cut their energy bill substantially. And in this particular home, this woman was struggling to pay her bills. And if we could take 30 percent off of her utility bills, that would make all the difference between the kind of food she could buy, whether she could take some time off, whether she might educate her children. We can do this. And I'm delighted to say that as part of this much broader effort to rise to the generational challenge of our day, we will be submitting legislation very soon that will require the use of green building standards in HUD-subsidized housing; that will provide financing mechanisms which bridge a gap which has existed for far too long, a guarantee which recognizes the fact that you can spend a little bit of extra money, not a lot, a little bit of extra money to build green, but that you quickly get that money back in reduced utility and power bills in 2, 3 and 4 years.

This mechanism would simply guarantee lending associated with that small increment of additional capital that will very rapidly be repaid through reduced operating costs.

This bill, we hope will drop this week and, hopefully, will take a very big step towards addressing what is 40 percent of the energy usage in this country. So I'm just as excited as possible to stand here with my colleagues to say that we will rise to the generational challenge of our era.

My colleagues on the other side of this floor often are fond of asking us what sorts of burdens are we placing on our children and our grandchildren. The reality is that the energy consumption and use that this country does right now places a tremendous

burden in health, in costs for remediation, in pollution, in further subservience to foreign energy sources on to our children. We have done this for too long. We are presented with a generational challenge that, on this floor, for 150 years, has been met by wise men and women who stood up and said we will take the hard decisions.

Change is never easy. But we will take the hard decisions because our children deserve and should expect nothing less from us.

Mr. BLUMENAUER. Thank you very, very much. And I appreciate your point about the cheapest kilowatt is the kilowatt that we don't expend, that we don't have to build the coal-fired plant or even a solar collector. And we have watched what has happened over the course of the last 30 years because business now in the United States does produce more product per kilowatt than it did before.

This is not going to be easy. And it's not going to be without cost and consequence. But I am absolutely convinced that the hardest part is not going to be the technology, but it's cutting through the misrepresentation and the misunderstandings and, in some cases, I think, willful misrepresentation of the facts.

I was stunned to hear the gentle lady from Minnesota, from the floor of the well tonight, declare that carbon dioxide concentrations were not a problem because carbon dioxide appears naturally in the atmosphere; this coming after the EPA has finally owned up to its responsibilities and acknowledged the fact that the concentration, the greater concentration of carbon dioxide is, in fact, a threat to human health.

Mercury occurs naturally in the environment. But when it is concentrated in the wrong places, it can be deadly. And we need to just be able to get to the heart of some of these issues and sweep aside some of these misrepresentations that, frankly, are dangerous, if they're not refuted.

We've been joined this evening by my colleague, Congressman MASSA from New York, a Naval Academy graduate, a retired Navy commander, serves on a number of committees, but important for the discussion this evening, he's on the House Agriculture Committee, and on the subcommittee that deals with conservation, credit, energy and research, both in his committee assignment and the work that he's done, in his area of upstate New York, or not upstate, I'm not saying it right. I know where it is, to the west. And Congressman, we welcome some observations and comments that you would have.

□ 2210

Mr. MASSA. Thank you very much. It is an honor to be here tonight, and it is a privilege to speak in a space that has seen the great debates that have

shaped this country, and now we embark on just such a debate.

The reality is I rise today with a unique perspective, frankly, from a small town in western New York State, in the heart of Upstate New York, my hometown of Corning, New York. I am reminded of the arguments and debates of the early 1970s when we realized that the crushing burden of smog that obscured the buildings of our great cities like New York and Los Angeles was comprised largely of nitrous oxide, ironically, another naturally occurring chemical but, when concentrated in parts per million above 30, became deadly. Some of us in this Chamber are old enough to remember, looking out at television scenes and, in fact, living in our great metropolises where we could not see a half a mile on a smoggy day, and yet the scientists of this great Nation went to work and understood that it was largely the nitrous oxide being emitted from unregulated internal combustion engines that was literally choking us to death.

Those same scientists, many of them in my hometown of Corning, New York, invented the catalytic converter, and found a way through that process to remove nitrous oxide from the exhaust streams of automobiles. When that solution was laid before chambers like this and before legislatures all over this country, it was deemed, as it often is deemed by my close and intimate friends and colleagues on the other side of the aisle, as attacks. It was said to be a job-killing innovation that would destroy the automobile industry, that would drive millions from their jobs. Yet I come from a town that was fundamentally transformed by that technology and by the provisions of the Clean Air Act of the early 1970s, interestingly enough, formulated largely by some of the same leaders who today stand to draw this country forward under a new cap-and-trade regime that will install and initiate the same revolutionary technologies because, where I come from, thousands of working-class Americans found new jobs in creating innovative technologies and in removing nitrous oxide to the manufacture of catalytic converters—one, two and sometimes four—which are today on every automobile manufactured in the United States of America, throughout Europe and in most of the Far East.

The proof is as clear as the clean skies of Los Angeles where just 30 years ago you could not see the Los Angeles bay from the skyscrapers that overlooked the Pacific Ocean. Yet the argument from my dear and intimate colleagues on the other side of the aisle is always to say “no.” It is to say “no” at the opportunity of every great innovation this Nation in the world has stood to see every single time. It is to scare the public. Tell them they’ll be taxed, and stop technological innovation when, in fact, it is just that re-

gime that will power this Nation well beyond the 21st century.

The last 40 years have seen us move forward in information technology, and now we stand on the cusp of an entirely new economy based on jobs that cannot be exported and on environmental technologies. I come from a small town that has already lived and seen that. It is time for us to fear not. It is time for us to stand in the light of day and to tell the truth.

For the first time in generations, almost a third of the House of Representatives is represented by those who are the sophomore and freshman class, who have been sent here with a mandate by the American people to do the work that needs to be done, not to stand and say “no” and to be obscure and obstructionist but, rather, to get the job done. It is on our shoulders, not fearful of elections, not fearful of false facts, not fearful of lies and of insinuations and of distortions but, rather, to stand in the clear air, much of it created through the innovations that we saw in the Clean Air Act in the 1970s.

It is an honor to stand and to be part of this great debate. Let the debate begin here and now with truth and clarity and forcefulness. Thank you. I yield back the balance of my time.

Mr. BLUMENAUER. Thank you, and I appreciate your bringing this home in very real terms about what the upside has been and what you have seen in Corning as making a difference. Your point about some of the newer Members of Congress, I think, is well taken.

I am struck by the range of talent that we’ve seen here this evening in terms of people who have been legislators, policymakers, businesspeople, musicians. We’re about to hear from another colleague, BEN RAY LUJÁN from New Mexico. In a prior life, he was one of those people charged with actually getting it right in terms of regulation. He was chairman of the New Mexico Public Regulation Commission, and as commissioner, he worked to develop the renewable portfolio standard in New Mexico to increase their renewable energy production by New Mexico utilities to 20 percent by 2020. I’m hopeful that he can give some insights based on his experience as somebody who has been on the ground, working on it, bringing that knowledge to Congress.

Mr. LUJÁN. Mr. BLUMENAUER, I’ll tell you it’s an honor to be here this evening and to be here with so many of our colleagues when we’re talking about a new direction and about moving the country forward and about developing the jobs and policies that will truly transform the way we look at energy, at the way we deliver energy, and at the way we appreciate the resourcefulness of the American people.

In a former life, not many years ago—actually, not many days ago—I had the opportunity and the privilege

of serving on the New Mexico Public Regulatory Commission. It’s the equivalent of public utility commissions around the country. In New Mexico a few years ago, we increased the renewable portfolio standard, the amount of energy that would be produced from utilities in the State of New Mexico, the amount of energy that would come from the sun and from the wind. We were looking to see how we could take advantage of those resources, resources that we know to be abundant all across the country, but it wasn’t just a matter of talking about increasing the amount of energy from one particular source. It was about looking at the way that we could adopt technology and innovation, looking to see how we could ultimately lower the cost of utility bills for people around New Mexico.

A lot of people have asked me, “Well, BEN, when you talk about that and you say, ‘well, we’re going to increase the amount of energy that’s going to come from the sun and from the wind,’ how, indeed, are you going to lower utility bills ultimately for the customers of New Mexico when they say that this technology is so expensive and that we’re not sure how we’re going to be able to move this renewable energy generation forward?”

Well, what’s interesting is, when you talk about natural gas and when you look to see the amount of a utility bill that that makes up and when you talk about the fuel source, it’s about 60–65 percent of the utility bill when you’re heating your home with natural gas. In New Mexico, it’s something we depend on. When you talk about electricity generation and you look at that fuel source, it can range anywhere from 25–35 percent of your utility bill. Well, what a novel thought.

If we’re able to utilize free fuel sources, a fuel source that comes from the sun and the wind—renewable resources—and you can eliminate that costly utility bill, it will ultimately drive those costs down. We’ll be smarter about the technology that we’re moving forward. We’ll be smarter about the partners that we’re engaging with.

Our Los Alamos National Laboratory and national laboratories around the country are research institutions that are moving forward and are coming up with new technologies that are ultimately bringing down the cost of renewable energy, making it more resourceful, making it more of a reality, but making it happen.

I’ve heard from a few of my colleagues who are concerned about rural parts of the country and how it would impact them if we move forward with the strong, renewable energy generation plan in the United States. Well, I come from a rural State. I come from a State where the rural electric cooperatives are participating in our renewable portfolio standard, the equivalent

of our renewable electricity standard that we're talking about.

Just the other day, there was an announcement of a 30-megawatt new facility that is going to be built in a rural part of New Mexico, in the northeastern part of our State, creating up to 120-140 construction jobs. Not including that, we're also going to be creating a real working laboratory, a working environment for our students to go in and to take advantage of learning how to install these phenomenal resources, these large panels and how we're going to move that power. We're teaching these students how they can take advantage of jobs into the future.

□ 2220

But then teaching these students how they can take advantage of jobs into the future.

We made it happen in New Mexico. We worked with our colleagues in Western States. We worked with colleagues across the East and to the West, working to make sure that we were implementing best practices.

It's amazing what happens when you get new ideas and good ideas together. And you lean on the ingenuity and the perseverance of the American people. You know, when it comes to energy, the United States has always been a leader, and we need to be a leader when it comes to being smarter about the way we're generating power and the way that we're moving power.

I heard from my good friend, Mr. HIMES, talk about the importance of building standards and how the community can come together to make a difference in our homes. This last week, I was home and there is a group of students with the youth corps that has come together, and they are actually going to be building a new home for the Habitat for Humanity program for a woman in the community. It's going to be a green home. It's students getting together working with builders to learn how to build our buildings with these new, innovative ways and being smarter about the ways we're doing things. Ultimately, lower utility bills for this family, being able to send their kids and their family to school.

It's so exciting, and you get so passionate when you talk about what can be done, and through the leadership with Speaker PELOSI, with the President, with the budget resolution, the commitment of the American Recovery Act towards a new energy future and a new energy certainty for the United States.

It's amazing to be part of this, Mr. BLUMENAUER.

Mr. BLUMENAUER. We appreciate you making a critical point about the difference between the price in what people pay on the bill and your notion of how we are more energy efficient, we're smarter, we have competition

and the benefits that you, through your leadership, did in New Mexico and now over half the States have gone ahead following. And hopefully it's time the Federal Government is able to do that as well.

I wonder, turning to Mr. TONKO, if, based on your experience, actually on the ground with work in the leadership in the legislative assembly of New York, chairing the committee and your work with the entity in New York dealing with energy efficiency, if there is something that stands out in your mind as an example that illustrates this principle that you think would give us a path of what we can expect in the future.

Mr. TONKO. Obviously, a number of opportunities, and I thank you again, Mr. Speaker, and thank you, Representative BLUMENAUER, for putting this forum together this evening.

But I think immediately of opportunities to work with our business community with manufacturing, retrofitting it with energy-efficiency outcomes. That enables us to see that as a microcosm of activity that when engaged in full efforts, can really repower America in a way that produces jobs, cuts energy costs, and produces wonderful savings to our environment, and certainly to those manufacturers out there in businesses that struggle in this economy.

I look at situations that the price tag for doing nothing means that we lose a market share to places like China, like Germany, like Korea. Doing nothing means losing jobs, energy, green collar jobs to those same nations. Doing nothing means continuing to be taxed in a way that sends money to Venezuela and the Mid East.

But when you ask for a specific example, one that comes to mind also is retrofitting of the dairy industry in the State of New York. That was done through the auspices of NyCerta, the State Energy Research and Development Authority, while I was still at the New York State Assembly chairing the energy committee. We worked in tandem with the local utility, with National Grid. We worked with Cornell University with its efforts to retrofit that dairy sector with energy efficiency seen as the fuel of choice out there. Working with the energy service companies, working with a group of policymakers from within the State Assembly. All of that working in a team spirited way that had, as demonstration projects, two dairy farms. And without even adjusting the rate for the power that they utilize, they had achieved immense savings simply through reducing demand.

And then that demonstration project with two farms was further extrapolated over 70 participants, all of whom had seen the same sorts of positive results, reducing demand severely.

This is where we're at. We're at a cutting knowledge of opportunity.

We're looking at embracing technology in a way that can allow us to practically produce change. That is about job creation. It's about consumer behavior adjustment. It's about the boldness of leadership. It's allowing us to develop the blueprints, the greenprints for tomorrow. And we have the capacity today. There are tons of practical examples.

Even at NyCerta. A demonstration project with kinetic hydropower where the turbulence of the East River alongside Manhattan was producing power that was used in that given region. And there are theories suggesting that some 1,100 megawatts' worth of power statewide could be the result in New York State alone. Think of it: if we multiply that over the many States of this country; think of it if we make the investments that are asked of us here by doing this program in a way that caps the amount of pollution out there, rewards the good behavior and creates the resources to implement the science and technology that is within our grasp today.

There is great potential here. Great job creation, great savings of energy, which is a precious commodity, and the ability to do an American-produced agenda—American-produced power to grow and retain American jobs in a way that creates a new segment of employment out there: employees who are green collar workers. Great potential for the country.

Mr. BLUMENAUER. As we're winding down, I would like to turn again to my colleague, Congressman HALL.

Mr. HALL of New York. Thank you.

I would like to emphasize jobs. It's astonishing to me that the chorus from the other side of the aisle here seems to be that we're going to lose jobs when in fact the U.S. Conference of Mayors released a study recently showing that renewable power generation alone will lead to the creation of over 4.2 million new jobs in manufacturing, legal, construction, engineering, consulting, and research sectors.

And like my colleague, Mr. HIMES, I recently spent a couple of days with my work gloves on and my jeans and a hard hat working doing retrofitting, weatherization of homes in my home county of Dutchess County of New York where last year the Dutchess County Community Action Program only retrofitted and weatherized 183 homes. This year, thanks to the stimulus package, they are looking at over a thousand homes already lined up. They are going to be hiring five times as many people to go out on those teams.

In my district alone, there are many exciting new companies from low-tech to high-tech. For example, Taylor Biomass Energy has an exciting new patent process that turns municipal solid waste, MSW, into clean-burning gas for electricity generation using a process

that is carbon negative. The end result is 75 percent reduction in greenhouse gas emissions because when you take that trash, that organic household waste, whatever it is, goes into the landfill and turns into methane and goes out those upside-down J-shaped fences and goes out into the atmosphere is actually worse than carbon dioxide, 20 times worse.

SpectraWatt, which has just announced a major investment in my district, is creating state-of-the-art solar technology, and they will be building solar panels which we hopefully will sell not only around the country, maybe to New Mexico, but also to other countries like India or China or Germany who right now are in the lead.

Cities and towns are asking for help to do the same thing. The City of Beacon in my district just asked for funds which I was able to secure to install a new solar electric power system on their municipal building, developing a comprehensive plan for a city which recognizes the value of free energy and no emissions. It's sort of the win-win-win policy because it hires people to make the panels and it hires people to install them. And once they get past that initial payoff—and of course the higher the price of gas or diesel or electricity from other sources goes, then the better this looks.

And they will also use it as an educational tool for the students in the City of Beacon, New York, to be able to see how renewable energy works.

□ 2230

And, lastly, I would just say, echoing Congressman TONKO's statements about tidal power and hydropower, that New York State alone, according to the Idaho National Laboratory Web site, which is an offshoot of the Department of Energy's Web site, has more than 4,000 low-head hydroelectric sites. Those are existing dams and waterfalls where water is falling every day by the ton and not being used, going to waste. And just by putting the properly sized turbines where water is already falling, they estimate that we could generate 12 megawatts of power. And think of the people it would hire. That was when you were speaking, Mr. TONKO, I wanted to make this comment that you are hiring electrical workers, you are hiring mechanics, you are hiring engineers, you are, in some cases, hiring attorneys because there are liability questions with orphan dams that need to be worked out. But you are hiring a wide spectrum of workers with different kinds of jobs, ranging from construction and electrical work, to sheet metal, to engineering and so on, and transportation jobs.

And then not only that, but then you have a decentralized grid with a lot of smaller points of generation as opposed to having one huge note of generation

and another huge note of consumption and worrying about blackouts occurring in between. So there are many reasons for us to go down this path, and one of them is that many, many jobs will be created by it.

With that, I yield back.

Mr. BLUMENAUER. Congressman HIMES, any last words?

Mr. HIMES. Well, I just reiterate. We see a tremendous commitment on this floor at this late hour to what I really believe is the legacy that we will leave for those who follow in our footsteps. I really believe that this is the generational challenge of our time. And we will be truthful about it; we will explain it to the American people. And we will act or we will fall prey to the misinformation, to the fear, to the anxiety that is rooted in the desire for political gain, but also in the natural fear that many people have of change.

So I would just close with the notion that we need to stand united and go forward with this terribly important initiative.

Mr. BLUMENAUER. I appreciate your providing that context. I have been involved in the political process all my life. I have watched people meet challenges. I have watched people come up to the edge and simply not have the wherewithal to follow through.

This seems to me to be one of the areas that is most exciting because of the leadership that has been articulated here on the floor. We are finding that actually we have to run to keep up with the public. We have 906 cities across America that have decided they weren't going to wait for the Bush administration, they were moving forward. Each of us have cities, college campuses, churches and synagogues in our district that are rolling up their sleeves and willing to move forward, and I find that a truly exciting development.

As we are winding down, I see Congressman MASSA. I appreciated your earlier eloquence and focusing in on what difference it made to your hometown. Do you have any concluding thoughts?

Mr. MASSA. Well, Congressman and colleagues, thank you very much. After I concluded my remarks, I noticed that I had received a text message from my 18-year-old daughter. My 18-year-old daughter, like many of her age, represents an entirely different way of looking at the future, one, frankly, framed by optimism and not constrained by the ideology of "no." And she text me a message and said, "You go, dad."

Many tell me that I get impassioned about these issues on the floor of the House, and there is some truth in that. But I ask my colleagues and I ask those people who sent me here to Washington and I ask us all, how can you not be? When you are confronted with the tremendous challenges that

we face—and I hope I am mistaken, but I know I am not, because I do believe that global climate change is real and that there is an immediate imperative—but I combine that umbrella under which we conduct this discussion with the very hard-core business reality that we are presented with a tremendous economic and business opportunity to begin a process. And I am honored to be part of that process as we speak power to truth and debunk the incredible false statements that sometimes rise on the floor of this House to scare people away from taking the bold steps that we were sent here to take.

So I look forward to being back with you and my colleagues, the scientists, Representatives like my fellow New Yorker, PAUL TONKO, who already has an incredible legacy of leadership in New York, to my good friend, Congressman HALL, who, frankly, has led this not just from the floor of a stage, but from an absolute understanding of the imperative of science, and to those few words that I can add to this great debate as we move forward to undertake this challenge. I thank you for the opportunity to join you tonight.

Mr. BLUMENAUER. Well, you go, indeed, Mr. MASSA.

Congressman LUJÁN.

Mr. LUJÁN. Mr. BLUMENAUER, and to my colleagues here, we are talking about jobs. And I am reminded of a group of ranchers and farmers on the eastern side of my district in a mainly rural part that came together and they invested and they worked together to invest in the building of wind power, wind generation, wind turbines. And as a community, they came together with the Mesalands Community College in a small town by the name of Tucumcari, New Mexico, to build the National Wind Turbine Research Center out in the rural part of our State, training young people, creating jobs, investing in their community.

And you have to think back to the lack of investment that we saw over the last 8 years. And that is what we are talking about, investing in America, investing in Americans, investing in education, and investing in a new way of generating energy.

It is great to be part of a Congress that is moving forward with this new direction and a Congress that is working boldly, making sure that we are listening to the American people, working with the President, making sure that we are truly being responsible toward those that have entrusted us to do the good work that we are doing here today.

Mr. BLUMENAUER, I can't tell you thanks enough for putting this hour together so we can talk to our friends, our family, the American people about the truth of the matter in this important debate, that we are going to need them to move forward, to work closely

with us as we work with them to make this happen and to transform the way that we generate power, look at power, and save power in our great Nation. Thank you very much.

Mr. BLUMENAUER. Thank you, Congressman LUJÁN.

Congressman HALL, thank you so much, Congressman HIMES, Congressman TONKO. We deeply appreciate your taking time out. It is only 7:36 back home in Oregon, but for you gentlemen, it is the end of a long day—or you are probably going back to your offices. And being willing to be part of this discussion tonight and the work that you are doing in the committees and providing the leadership, for me it is inspirational, and I deeply appreciate it.

I appreciate your focusing in on the economic benefits, even putting aside the problems that we are facing as a result of global warming, but the opportunities to help families reduce their utility bills, to live more comfortably, to create not just thousands of jobs or tens of thousands of jobs, we are talking literally about millions of jobs. And already, as you pointed out this evening, we are seeing the glimmer of what can happen as a result of the economic recovery package.

We are seeing that there are all sorts of advantages from simply moving forward apart from that, in terms of the cost savings, given the fact that energy costs are going to be going back up in the foreseeable future without question. And last, but not least, the cost of inaction dwarfs the cost of action. The downside risk is truly chilling. We are seeing that mount. We have seen study after study that shows that the American economy risks losing trillions of dollars of productivity. And the relatively small amount that we would be investing to forestall disaster seems like a bargain.

I appreciate your willingness to join with us this evening. I hope that we will be able to continue this discussion, not just in our committees, but here on the floor, to be able to put the bigger picture together. And I look forward to continuing that conversation with you.

Mr. Speaker, we thank you for the opportunity to share this with the American people tonight and yield back our time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to speak tonight, on the eve of Earth Day with respect to the most critical environmental crisis that this nation has ever faced: climate change. As daunting as this challenge is, I am proud that this Congress has done more in the past two months to combat climate change than the previous Administration accomplished in eight years.

With passage of the American Recovery and Reinvestment Act, we invested over \$70 billion in clean, renewable energy. This important legislation will save or create over three million jobs. In the area of clean, renewable energy we will put people to work weatherizing

homes of low income Americans. The previous Administration proposed eliminating all funding for the Weatherization Assistance Program. This stimulus legislation will invest \$5 billion dollars over two years, which will weatherize at least two million homes. A wide range of studies suggests that weatherization is the most efficient way to save money while reducing greenhouse gas emissions. With the stimulus legislation, we are off to a great start.

The stimulus also invested \$8.4 billion in transit and \$8 billion in high speed rail. Communities around the nation, including my 11th District of Virginia, are suffering from congestion that threatens to constrain economic growth in some of the most productive communities in the Nation. These transit investments will give commuters choices, reduce congestion, and reduce greenhouse gas emissions. They will spur economic development while reducing greenhouse gas emissions.

The stimulus invests \$2 billion in advanced battery research. This field is essential to develop the next generation of plug in hybrids and to store solar energy. With solar companies creating jobs throughout our region, we must make the investments in innovation that will continue to grow the green jobs sector. America invented the photovoltaic solar panel, yet Germany, China, and Japan now lead us in solar panel production. With these investments, in addition to loan guarantees, we will once again have the opportunity to lead the world in production of green energy. By investing in the development of a smart grid, we will ensure that we conserve energy at home while enabling the transmission of renewable energy.

Although we are already seeing benefits of the stimulus, whether it is repaving potholed roads or creating green jobs, we know that we cannot rest while carbon emissions continue to rise in America, China, and India. We must lead by passing comprehensive greenhouse gas reduction legislation that reaches 80 percent reductions in emissions by 2050, with aggressive but achievable shorter term targets. Without this legislation we will not be able to bring China and India to the table to develop binding goals for those large carbon emitters.

I look at greenhouse gas legislation as an opportunity. For a quarter of a century, we have accepted dependence on foreign oil. For a quarter of a century, we have accepted dramatic declines in mining jobs even as our communities are devastated by acid mine drainage and mountaintop removal. For a quarter of a century, we have lost market share in auto sales as we clung to production of gas guzzling dinosaurs.

No more will we accept the constraints that accompany an unwillingness to innovate. We may look forward to greenhouse gas legislation that sends a strong market signal to invest once again in America: in efficient automobiles, in wind turbines, in solar panels, in weatherization, in transit. These investments will not only protect our climate, and thus our coastal communities and agricultural heartland, but also lay the groundwork for a new age of industrial expansion founded on technological innovation.

The environment cannot sustain further increases in carbon emissions and neither can our economy. We must act now to pass

greenhouse gas reduction legislation that protects our climate while unequivocally redirecting our economy toward a clean energy future.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for half the time to midnight.

Mr. BURGESS. Mr. Speaker, I have come to the floor tonight to talk about health care, but some of the comments that we have just heard in the last hour, I just feel obligated to respond. I cannot let the fantasies that are put forward on this floor stand unchallenged.

We heard the statement made that no investment in renewable energy occurred in the last 8 years. That is absolutely preposterous. The State of Texas has one of the most aggressive renewable portfolio standards in the country. In fact, the State of Texas is the leader in the generation of wind.

And this did not spring from the Earth fully formed on January 21 of this year. This has been the product of well over a decade of hard work back in the State, our renewable portfolio standard that, I might add, was signed into law by Governor George W. Bush back in the 1990s in the State of the Texas.

□ 2240

Please, let's have the debate, but let's argue from the standpoint of facts. Let's not continue to engage in this fantasy that nothing has occurred over the last 8 years. Nothing makes the American people more angry than to hear this type of falsehood repeated over and over again.

Texas is the leader in the production of wind energy. We have an aggressive renewable portfolio standard, and all of that was initiated under the governorship of George W. Bush. It has been continued under the Republican governorship of Rick Perry and, yes, during the 8-year Presidency of George W. Bush.

Thank you for letting me get that off my chest. Now on to health care.

Mr. Speaker, the Health Caucus Web site went live this week, www.healthcaucus.org. I formed the Health Caucus earlier this year because I felt it was important to have a forum to talk about some of the changes, some of the things that we are seeing in this health care debate. The Health Caucus is not a legislative caucus. We're not going to write the law. That never was the intention of the Health Caucus. But the intention of the Health Caucus was to provide a forum where ideas can be exchanged, and, indeed, that's exactly what has happened. And I want to talk about a couple of those that we have had recently.

It was to provide a vehicle for Member education so Members who perhaps weren't as familiar with issues surrounding health care would have an opportunity to avail themselves of recent information and prepare themselves for the debates, prepare themselves for the legislative process that's going to be ahead of us.

Certainly a great deal of effort in the Health Caucus is spent towards staff training, to prepare the communications staff for Member offices on how to communicate with constituents about health care, how to communicate effectively in the health care debate that is going to be ahead of us. And probably most important or one of the most important functions of the Health Caucus that was recently formed is outreach.

We spend a lot of time here in Washington, we spend a lot of time in windowless rooms in the basement of the Capitol of the new Capitol Visitor Center. And as beguiling as those accommodations are, it always seems that we have the same discussion with the same people rehashing the same ideas over and over and over again. And yet out across the country, there are men and women who are engaged and involved in this debate. They are engaged and involved in the actual delivery of health care, taking care of actual real patients on a day-in and day-out basis. They kind of know what works; they kind of know what doesn't. And it is so important for us to go out and solicit those stories, take the advice of the men and women who are working in the health care industry, and bring that information back to Washington, learn from what works, learn from what doesn't work. There is no reason that we should continue policies or try to develop policies that have been proven not to work, say, in a State jurisdiction or a State venue, but it is very important that we learn from those things that do work because we are going to be called upon at some point this year to do something, and it remains to be seen what, but to do something with health care in this Congress.

Now, the Web site, www.healthcaucus.org, that Web site is available. There are links on that Web site to the various forums that have been held where ideas about health care are exchanged. And they're not all Republican ideas or Democratic ideas. We seek to have a balance of opinion. In fact, the very first forum that I held earlier this year had Karen Davis from the Commonwealth Foundation, Grace-Marie Turner from the Galen Institute, ostensibly one speaker from a little bit left of center, one speaker from a little bit right of center. We have had other speakers from the Commonwealth Foundation come and participate in some of our member organizations as well as other members from the Galen

Institute. It's important to expose Members to ideas from both sides of the political stripe.

Today's forum was no exception. We had a lively discussion, in fact, in the Capitol Visitor Center. I will talk a little about the panelists and their presentations later. But, again, a Webcast of today's forum is available for anyone who wants to go to www.healthcaucus.org and view that. When we do these events, they are Webcast live. It's not always possible to compete for C-SPAN coverage, but we do generally Webcast these events live. And the audience that is seated at the forum is certainly free to ask questions. These events are open to the press, and questions can be submitted over the device called "Twitter" that many people use for instant message communications. So today's audience, for example, we had probably between 50 and 70 people in the audience, and we had a similar number who were watching live on the Webcast. And, indeed, we did pose a couple of questions from folks who sent in questions via e-mail and Twitter. We did pose some of those questions to the panelists in the course of that forum.

Also up on the Web site are brief, minute interviews primarily with the panelists who have come and talked, but we have had some other individuals that have just been part of the discussion and part of the debate as we go along. Dr. Mark McClellan, the former head of the Food and Drug Administration under the Bush administration, former head of the Centers for Medicare and Medicaid Services, graciously provided me a brief video which is up on that Web site and also available on Youtube. Today the policy forum was titled "Making Health Care Affordable Without the Government."

You know, it was interesting, yesterday one of the papers that is published up here in Washington called *Politico* had an article, and, in fact, it was a front-page article yesterday, talking about the health care reform debate as it's unfolding; in fact, talking about how it appeared that the Democrats are ahead of the Republicans in the health care debate. Some statements were made that were perhaps a little bit hyperbolic, a little bit overblown. It's not that there is no Republican health care plan right now. There are many Republican health care plans. The challenge is to get us all to agree on a set of facts, a set of principles, and a health care bill going forward. But I would point out that that is no different from the difficulties that are being encountered on the other side of the aisle.

In fact, last fall during the Presidential campaigns, the presidential debates, Senator BAUCUS, the chairman of the Senate Finance Committee, produced a white paper. He had a forum over in the Library of Congress and in-

vited many of the stakeholders, many of the players who are involved in the issues around health care reform, and produced a white paper. Many of us thought that this white paper was, in fact, a prelude to legislation and, in fact, that this legislation would likely appear just shortly before the November elections. It's perhaps somewhat of a surprise that that legislation has not come forward yet. In fact, there was a recently released letter to President Obama from the Democratic leadership in the other body stating that indeed there would be a bill to mark up by early June. So you can see it is difficult not just for Republicans, but it is, indeed, difficult for Democrats. You've got lots of different and differing constituencies to be represented, and it is a challenge to bring everybody together, get everyone reading from the same page, and then going forward with a unified plan.

My suspicion last fall was that that would be very quick to materialize from the other body, from the Democratic leadership in the other body, and perhaps not too surprising that the Republicans are where they are, but very surprising that we had not yet seen more as far as a fully formed plan from the other side.

A question came up during the forum today: What do you think of President Obama's health care plan? And that's a tough one because I don't know if anyone can honestly tell you right now today what the President's health care plan is. In fact, during the Health Care Forum that he put on at the White House a few weeks ago, he was very careful to say that this is legislation that will be developed by the United States Congress. It will come through the appropriate committees on both the House and the Senate, that he would provide guideposts and guidelines and boundaries going along, but the legislation would be developed from the congressional committees. And that's a reasonable thing for the President to say because 15 years prior, another President who was new in town and was trying to also effect some major changes in the way health care is delivered in this country went entirely the other way.

□ 2250

He said, we are going to sit down within the confines of the White House—again, one of those small windowless rooms that we have so many of up here in Washington, D.C.—500 lawyers behind closed doors, and we are going to generate a health care plan, and, by golly, the Congress will like it. But it turns out they didn't. And, as a consequence, no health care reform was done in 1993 and 1994 and the argument languished for many years, 15 years after that.

It's not that nothing happened, I do want to stress. We keep hearing that

the status quo is not acceptable. I will submit to my colleagues on both sides of the aisle here in the House, men and women, American medicine has not sat still during the last 15 years. In fact, there have been dramatic changes in health care in the last 15 years, dramatic changes in the science of health care, dramatic changes in the delivery of health care.

One of the changes that came about as a result of the Republicans having a plan back in 1993 and 1994 to offer, as a counter to the Clintons' plan, was the concept of the health savings account. At the time they were called medical savings accounts.

They came along after the Republicans took control of Congress in 1995. I think it was 1996 or 1997 that the first health savings accounts became available. They have matured over the last 10 or 15 years. In 2003 we expanded, and now they are called health savings accounts. But that program was expanded and some of the more onerous red tape was removed.

And now you do have a system that provides health insurance, on the individual market the high deductible health plans for probably anywhere between 7 and 14 million people. And these are individuals that at least almost half would not have insurance were it not for the availability of this product.

I know that because back in 1994, I attempted to buy an individual policy for a family member and could not find one at any price. I was prepared to write a large check in order to get that insurance coverage, and it just simply was not available.

Fast forward to the present time, you can go on to the Internet, to the search engine of choice and type in "health savings account" and find that there are a variety of programs, a variety of products that are out there and available and priced at a reasonable amount. A 25-year-old, such as I was trying to purchase insurance for back in 1994, a 25-year-old now for a high deductible policy, a good product, a PPO product from a well-recognized company that would be listed on the stock exchange, so you would know they were a reliable company, those policies are available for between \$75 and \$100 a month.

To be sure, there is a high deductible. But, of course, under the HSA laws there is the ability to put a medical IRA, a tax-deferred account away to help defer those high deductible expenditures. And, over time, this can be a very satisfactory type of insurance to have. In fact, it's the type of insurance that I carry. We have a health savings account option through the Federal Employee Health Benefits Program. It costs about half of what the high-option PPO costs. So I am saving the government money. I am putting money away in a medical IRA.

And, in fact, the HSA that is available is very conscious about making sure you have your routine studies done, your routine medical care done. I get e-mail alerts all the time reminding me I need to take care of this or that, and it's a good program. It's one that I think shows a lot of promise for into the future. But I do digress.

Right now, currently, President Obama does not have an official White House health care plan that's out there, so it was very difficult to provide a precise answer to the gentleman's question today in the forum.

During the fall, we heard some campaign rhetoric on what some of the—perhaps the proposals that President Obama would put forward. We heard discussion of a mandate for covering children. I don't hear much talk of that currently.

You hear some talk currently of there being some sort of government-run public plan, either a Medicare, Medicaid or some other type of plan to compete with the private sector.

There is some unease on both sides of the aisle about this type of program, but, nevertheless, these are the relatively broad areas that are being talked about under the Obama plan. There is no specific Obama plan.

So it's a little bit, again, a little bit overly critical for the newspaper article yesterday to say there is no Republican plan. Well, there is no Republican House plan, but there is no Democratic House plan. In fact, there is no White House plan that is being talked about.

The other thing the article said, there is no Republicans leading the charge. I would submit to you that I have been on the floor of this House an hour, at least 1 hour out of every month for the last 2½ years. As many people who suffer from insomnia who from time to time turn on C-SPAN, Mr. Speaker, will recall that I have talked on this subject, sometimes at painstaking length.

And I would just say that there are a number of leaders on the Republican side in the arena of health care. It perhaps does not get the billing that the energy debate does, perhaps does not get the billing as the security debate, but, nevertheless, suffice it to say that there are good and engaged and energetic people on the Republican side who are working this area.

One of the things that did concern me about the article is it points to findings from a Kaiser health tracking poll that said 58 percent of Americans lack confidence in the Republican Party to do the quote, unquote, right thing for health care.

And that does concern me and that is why, when I put together the Health Caucus, I wanted to be sure that we included the communications arm of Members' offices because people do want to hear Republicans talk about health care. In fact, that's one of the

things that comes out consistently in the polling. They do want us to talk more about health care. They want to hear our ideas.

In fact, during the months of the Presidential campaign, from time to time I would be tasked to participate in a debate. Well, after the debate was over and both candidates' points were discussed, as things were winding down and the podiums were being taken away, invariably, invariably I would have a throng of people around me wanting to hear more. Is there really a way to do this without the government taking everything over?

And I would submit to you that there is, and I would submit to you that we are closer now to achieving that state than we really ever have been at any time, certainly in my professional time, having practiced medicine for 25 years before I came to Congress some 6 or 7 years ago.

Isn't it ironic that we are perched on the threshold of being able to provide more care at lower cost and better quality to more people under the existing system, and we are talking about doing things that might fundamentally disrupt the system. And I will tell you that's one of the very difficult things both sides have to wrestle with.

You heard it repeatedly during the Presidential campaign. Both sides said if you like what you have got you can keep it. Of course they said that. Polling shows 65 to 68 percent of Americans are satisfied or very satisfied with their health care and do not want it to change.

Yes, they are concerned about the number of people who are uninsured or underinsured. They want to see that segment of the population get some help, but they are also terribly concerned that, in the process of doing so, will undo what they have.

And that is a great concern. Again, it's something that has to be borne in mind by both sides when they talk about doing anything to the health insurance market.

When Republicans talk about we would like to see more people own their own insurance policies, some people are concerned because that might undo the employer-sponsored insurance that so many people like. When the Democrats talk about we want a robust option to compete with the private sector, people are legitimately concerned that there will be a crowd-out and drive-out of the private sector, and they, indeed, will lose what they have.

The old adage is, if you like what you have got you can keep it right up until the time we take it away from you. Both sides have to be mindful of that concern.

You know, in any case, we have got to continue to move forward in this debate, and it's important that we Republicans, my side of the aisle, continuously challenge and continuously

try to penetrate the echo chamber that surrounds Capitol Hill and hear from Americans that are on the front lines of delivery of health care all over the country.

At some point, both sides are going to unite behind a plan. Both sides maintain they want to unite behind a plan that actually will work, and both sides will be required to take their ideas to the American public.

Now, certainly Democrats have an advantage. They have a huge size advantage here in the House of Representatives. My committee, the Committee on Energy and Commerce is no contest. The Democrats can pass anything they want with no Republican input. It is not necessary for us to even show up and vote most days because they are going to overwhelm us with their numbers in committee and subcommittee.

The Rules Committee upstairs, a 9-4 ratio, Democrats to Republicans. We are not going to win any of the arguments in the Rules Committee.

It is very possible that we will win no arguments here on the floor of the House. It's possible the Democrats can pass whatever they want.

Where it is possible for Republicans to make a difference, and this is why it's so important that we be able to communicate these issues, is we can win this in a court of public opinion.

□ 2300

And that is really where this battle is going to be fought, probably late this summer, but certainly into the fall.

Now, a lot of people have asked me about the time line, what I see ahead as far as the time line for health care reform. We've heard 2 hours tonight on energy tax, cap-and-trade. We're going to do that in our committee before we do health care. Sometime before the end of next month, before the end of May, we will have that work done in our committee, or at least that is what the chairman has told us, and we'll clear the decks for health care in committee starting in June or July.

I would submit to you, having watched then-President Clinton 15 years ago deliver his speech here on the floor of the House to a joint session of the House and Senate, and I think it was about the third week in September of 1993, and he gave a wonderful speech, had everyone in the room mesmerized. Go back and get the video of it and watch it. It was a wonderful speech. But it was about 3 months too late because they were already into an election time and, as a consequence, the ability to get a big concept like that through the Congress was severely compromised.

By the end of September, first of October, a lot of Members here are thinking about their re-election. The House of Representatives has 2-year terms, remember. And we are about to finish

our so-called off year. Our off-year lasts about 6 months, and it will be done by the middle of the summer. So the time window is real very, very narrow for getting a big concept like this through.

Add to that the fact that we are going to do some major piece of legislation on climate change, energy, energy tax, whatever you want to call it. That will be a big push to get that done.

And the President said in his speech last week that he is going to sign a major banking regulatory bill before the end of the year. Those are three very big things to get done. And that's a lot on the to-do list, and we're already halfway through April of this year. And we really haven't gotten the guts of any one of those bills to get to the House floor. So the window of opportunity may be closing faster than some people realize.

Just briefly, today's forum, we had three great folks come and talk to us. We heard from Rick Scott, we heard from Greg Scandlen, we heard from Dr. Nicholas Gettas who is the chief medical officer at CIGNA, a family physician who gave a wonderful talk about how important it is to have things like care coordination; how important it is to have things like disease management to be able to manage the exponential increase in the rising cost of care. Rick Scott talked about a number of outpatient clinics that he runs in Florida and how he manages these clinics by absolute transparency. Everyone who comes in knows exactly what it's going to cost for any procedure that's done, and there is a cap. There is a limit on the amount that can be charged on any patient visit.

And how about this: if you come in to see a doctor in the clinic, say, you've got a viral syndrome, a little cough, a little runny nose, scratchy throat; 3 days later you've taken the medicines they're giving you; not only are you not better, you're worse, you can come back in for a reevaluation, and according to Rick Scott, the patient would not be charged for that revisit within 3 days' time, if, indeed the patient felt that the treatment was—or they were not responding to the treatment that was recommended on the previous visit. So a very forward way of looking at things, both in the outpatient clinic sitting, by being very transparent about price, and with Dr. Gettas within CIGNA Health Care, found that by anticipating problems, covering problems early, taking care of problems early, they could significantly hold costs down. And both of these are different sides of the same coin. They both are what are called consumer-directed health care, where you engage and involve the consumer. You engage and involve the individual in the control of, as an active participant in their health care, and you tend to get the ability to lower cost without resulting in denying

care and without pulling that ratchet that we love to pull, that reduces reimbursement to the physician and creates so much anxiety in our physician community across the country. So these were two very forward looking statements that we, three very forward looking bits of testimony that we heard today. And I would just encourage people who are interested in learning more about this, it's www.healthcaucus.org.

Now, tomorrow morning, for the Member briefing, we're going to have Ramesh Ponnuru, who is the senior editor of the National Review, came to my attention because he wrote an article that appeared in the Dallas Morning News over the break, and he was also talking about ways we can increase affordability; very, very important concepts. He talked about, you know, some people are concerned about universal coverage. Other people are concerned with the desire to reduce costs. Turns out when you poll this, the people who have the desire to reduce costs are much more than those that desire universal coverage. People are concerned about flexibility and policy design and benefit design, and there ought to be ways that we can get around some of the State regulatory problems, the State regulatory burdens that cause insurance in some locations in the country to be priced so high that literally prices some people out of the market.

Another concept that Mr. Ponnuru brought up was the ability to bring more people into, if you hold down costs, the ability to bring more people into a state of insurance coverage. In fact, Steve Parenti out of the University of Minneapolis did an economic study, which indicated that in excess of 20 million people could be brought into coverage simply by doing things that will hold the price of care down.

What about individuals with pre-existing conditions? And this can be a terribly difficult, difficult problem to deal with. But, you know, we've got 34 States right now that are doing what are called assigned-risk or high-risk pools. Some are working better than others. We ought to look at those States, take the best practices from States that are working well and create at least a floor below which no State would go on learning from these best practices.

To be sure, it is going to take some shared support from the insurance company that is providing the insurance, probably will have to be a cap on insurance premiums so that they will stay affordable. The State and the Federal Government are likely going to have to participate, depending upon income levels, but likely have to participate in that shared support.

But it just goes to underscore that doing these three things, where we no longer discriminate against someone in

the Tax Code, where we provide someone the ability to buy an affordable insurance policy in a reasonable fashion, and we take care of, or provide for contingencies for people that have pre-existing conditions, we've gone a long way towards solving a lot of these problems.

And then, just like Dr. Gettas relayed this morning, add to that the care coordination, disease management, the electronic medical records, infection control, the kinds of things that you want to do because they're the right things to do and they provide better care at a lower price. Accountable care organizations are one of the things that I talked to Dr. Mark McClellan about. These are all ways of holding costs down. And you've actually got the nidus of an almost pretty workable health care plan just right there in the last 30 or 40 words that I spoke. So it's not terribly difficult to construct something. What's difficult is to construct something that more of us can agree on than disagree on, and that's certainly the challenge that is ahead of us.

Certainly, the work done through the Health Caucus is going to continue. I did have an opportunity to go to Omaha last Friday and speak with doctors at Alegant Medical Center in Omaha, heard from them about a number of their concerns.

You know, I'm from Texas and we passed a bill in 2003 dealing with medical liability, a bill that put caps on noneconomic damages. Other parts of the country, issues of medical liability are still front and center as far as doctors are concerned, and I did hear a little bit about that in Omaha, a lot of concern that if we really push things in the government-plan realm, that public option, if that's really what catches on, and that's what's going to be the model for reform, that the concern there is that in those settings there's very little incentive to hold down costs, and what we end up doing in these government plans, and we certainly do it in Medicaid and we certainly do it in Medicare. In fact, if we don't do something by the end of this year, doctors across the country are facing a 20 percent cut in Medicare reimbursements.

□ 2310

We go through this type of machination all the time because one of the only levers we have to pull to hold down costs is to decrease reimbursements to providers.

I did hear from one gentleman in Omaha who felt that the way forward was going to be an individual mandate that required everyone to purchase health insurance. We need to be careful. Certainly, there are some States that have done that on an individual basis, and certainly we need to look at and learn from those States that have explored with mandates. We do get

some information back that, yes, more people are covered but that, yes, costs have gone up. Insurance companies are only human. You tell them that, yes, now everybody is going to have to buy your product and, doggone it, wouldn't you know that the price just crept up a little bit.

You do have to be careful about pricing products out of the range where people can afford them because, if you put an individual mandate out there and say you have to buy insurance or you're going to get a fine, some people will look at the cost differential and will say, "You know what? The fine is cheaper than the insurance," and it never crosses their minds that actually the insurance is something of value that they need. They will just simply pay the fine, will pocket the extra cash and then will hope that they'll be able to get care if they do, indeed, ultimately get sick and need that care. So mandates, in my opinion, are something that we need to be extremely judicious of in our approach there.

We just finished tax time. The IRS. There is no bigger and harsher mandate out there than what the Internal Revenue Service places on each and every American. We know that, if we earn above a certain level every year, we've got to file a tax return. We know, if we don't and if we don't pay our taxes, the retribution will be swift and it will be certain. Well, almost. I mean there are a few exceptions. Members of Congress and some members of the administration, perhaps, don't have to pay taxes, but for most Americans, we know that this mandate out there from the Internal Revenue Service exists and that the consequences are extremely unpleasant if we do not comply.

What is the compliance rate with the IRS? What is the voluntary compliance rate with people who pay their income taxes? Well, it's about 85 percent. Right now, we have a voluntary system of insurance in this country. We don't have a mandate. What is our compliance rate? It's about 85 percent. So, before we go down the road of mandates and of putting yet more governmental control into people's lives, I think we ought to look at what the other options are. Well, the other options are keeping the product at an affordable price and to actually create programs that people want.

When part D in Medicare was constructed a few years ago, it was done very, very carefully so that there were six protected classes of drugs that had to be covered, that had to be provided for anyone who wanted to provide a prescription drug benefit. Okay. There are six classes of drugs where you have to at least offer two choices in each of those six classes of drugs. Now, the original cost for the prescription drug benefit—I forget the number—is reported to be at \$35 or \$37 a month under

the plan that was constructed by the Centers for Medicare and Medicaid Services; but with the competition by allowing many people to participate, in fact, we were criticized because there are too many plans out there, and it's hard to choose. There are some plans out there, but the price for that prescription drug coverage was down at about \$24 or \$25, easily \$10 per month under what it would have been under the program designed by the Centers for Medicare and Medicaid Services, and those prices have held now over the past 3 years. It's not that there weren't some problems with the initial rollout, but by and large, 9 out of 10 seniors are satisfied with their prescription drug coverage, and over 9 out of 10 seniors have some type of credible drug coverage. So we have exceeded what we would have expected with voluntary coverage. We have exceeded those numbers, and the satisfaction rates are high.

Well, maybe that's a model that we ought to look at. How was that so successful?

It was so successful because we offered a lot of choice. It was so successful because there was competition between the companies that were involved. Yes, there were some significant parameters laid down. Dr. McClellan would not budge on the concept of the six protected classes of drugs. Now I don't remember all of them, but they dealt with anti-inflammatories and anticancer drugs. There were six classes that he said you had to offer, and each of those classes had to have at least two different offerings. You didn't need to offer everything within that class, but you had to have at least two choices for patients in that. Again, the result is a program that has gained wide acceptance and that has enjoyed significant popularity.

So I would submit that that would be a better model to follow than the IRS model where we put a big, bad penalty out there if you don't comply, and we still see that 15 percent of the people are still willing to take their chances and stay away from the mandate.

The city of Dallas, Texas, close to my home, has an individual mandate for car insurance, and they were having difficulty with compliance. People would just not purchase the car insurance. So now my understanding is, if you get a traffic ticket in the city of Dallas and you cannot provide proof of insurance, they'll tow your automobile. Well, you can't really do that in health care. It just leads to all kinds of bad news stories when you go and repossess people and lock them up for not having health care insurance.

How are you going to enforce that individual mandate? We're going to have to ask ourselves: To what limits are we going to go? Is it going to be purely a monetary penalty? What are going to be the consequences of not providing that mandate?

Remember back during the campaign, then candidate Obama talked about, if he became President, he would have a mandate to cover children—a noble concept to be sure, but nobody could really ever define what was a child as far as: Is that age 18, 19, 25, 30? I heard every one of those numbers during the course of the Presidential debate depending upon the audience that was hearing the information.

Who is going to be responsible for a 23-year-old who had moved out of the home? Obviously, the parents are going to be looked to for the responsibility of a mandate for children if we're going to mandate children's insurance, but what about a 23-year-old who is on his own, perhaps off and not living with his parents any longer? Who is responsible for paying that insurance premium? Is it still the parents? Is it the parent's employer? Is it the child, himself, or the child's employer? No one could define it. It becomes very, very difficult, and there are lots of areas where corners can be cut. Unfortunately, it's in just the areas where those corners are cut where you typically get into the bad problems where someone finds himself without the coverage that he so desperately needs.

When we look going forward at the very programs and plans that might be available, one of the things that concerns me greatly about the so-called "public option plan"—and during the campaign this was always talked about—is that we will have insurance coverage for everyone who is uninsured today. Insurance coverage will be available that's just as good as a Member of Congress'. That's the Federal Employees Health Benefits Plan.

Now, remember. There are a variety of products available under the Federal Employees Health Benefits Plan. I chose a Health Savings Account, which again saves the government money, but who's going to get to pick and choose which of those plans it is? Even with more on the low options side, we're still talking about a tremendous amount of money. How much money were we talking about putting into this?

Well, in the President's own budget that he submitted to Congress, he said \$650 billion is the down payment on health care. That's over a 10-year budgetary window, so that's about \$65 billion a year. Is \$65 billion a year going to pay for insurance in the Federal Employees Health Benefits Plan for 40 or 45 million uninsured individuals? I don't think so. It's not even going to be close.

Steve Parente, the economist from the University of Minneapolis, estimated that cost to be somewhere north of \$700 billion a year. The \$60 billion a year actually buys you a slimmed-down Medicaid product.

□ 2320

Now, many people have difficulty—different States do things differently, but Medicaid has—without the cross-subsidization from the private sector, Medicaid would have a very difficult time providing the coverage that we're required to provide.

So I feel I'm at the end of my time. Obviously, it's not the end of this discussion. We'll be back to do this again many more times before the time is through.

I yield back my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

Ms. KOSMAS (at the request of Mr. HOYER) for March 23 on account of travel delays.

Mr. REYES (at the request of Mr. HOYER) for today on account of illness in family.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of the birth of his second granddaughter.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of an illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. BOCCIERI, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, April 22, 23, 27 and 28.

Mr. JONES, for 5 minutes, today, April 22, 23, 27 and 28.

Mr. BURTON of Indiana, for 5 minutes, today, April 22, 23, 27 and 28.

Mr. COFFMAN of Colorado, for 5 minutes, today.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, April 22 and 23.

Mr. INGLIS, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, April 22 and 23.

Mrs. BACHMANN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008; to the Committee on Ways and Means.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature on Friday, April 3, to enrolled bills of the Senate of the following titles:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 20, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1388. To reauthorize and reform the national service laws

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 22, 2009, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the

House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25: MIKE QUIGLEY, Illinois, Fifth.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2008 and the first quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

HON. JOHN M. SPRATT, JR. Chairman, Apr. 7, 2009.

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Apr. 9, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Apr. 9, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Karen Hyun	2/14	2/22	South Korea		\$2,318.80		\$7,843.06		\$79.00		\$10,240.86
Committee total					\$2,318.80		\$7,843.06		\$79.00		\$10,240.86

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NICK J. RAHALL II, Chairman, Apr. 1, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairwoman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Apr. 6, 2009.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1231. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Organization; Eligibility and Scope of Financing; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Definitions; and Disclosure to Shareholders; Director Elections (RIN: 3052-AC43) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1232. A communication from the President of the United States, transmitting a request for FY 2009 supplemental appropriations for ongoing military, diplomatic, and intelligence operations; (H. Doc. No. 111-27); to the Committee on Appropriations and ordered to be printed.

1233. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report, pursuant to Public Law 110-343, section 125(b); to the Committee on Financial Services.

1234. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, "U.S. Government Foreign Credit Exposure as of December 31, 2007," pursuant to 22 U.S.C. 2656h(b); to the Committee on Financial Services.

1235. A letter from the Interim Assistant Secretary Office of Financial Stability, Department of the Treasury, transmitting the Department's monthly report on its activities and expenditures under section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1236. A communication from the President of the United States, transmitting a proposal to expand significantly the resources available to the International Monetary Fund (IMF) through its New Arrangements to Borrow (NAB); to the Committee on Financial Services.

1237. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's "Major" final rule — Amendments to the Digital-to-Analog Converter Box Program to Implement the DTV Delay Act [Docket Number: 090212171-9172-01] (RIN: 0660-AA19) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1238. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1239. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1240. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1241. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1242. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1243. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1244. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1245. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1247. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1248. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1249. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1250. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998;

to the Committee on Oversight and Government Reform.

1251. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1252. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1255. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1256. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1257. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report for the calendar year 2008, pursuant to 5 U.S.C. 552b(j), section 3(a); to the Committee on Oversight and Government Reform.

1258. A letter from the Acting Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2008, ending September 30, 2008; to the Committee on Oversight and Government Reform.

1259. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1260. A letter from the Acting President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's Fiscal Year 2008 Annual Report, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1261. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Fiscal Year 2008 annual report, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1262. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2009 through March 31, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111-26); to the Committee on House Administration and ordered to be printed.

1263. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. 111-28); to the Committee on the Judiciary and ordered to be printed.

1264. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 111-29); to the Committee on the Judiciary and ordered to be printed.

1265. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. 111-30); to the Committee on the Judiciary and ordered to be printed.

1266. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 111-31); to the Committee on the Judiciary and ordered to be printed.

1267. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report entitled, "Report on Denial of Visas to Confiscators of American Property," pursuant to 8 U.S.C. 1182d Public Law 105-277, section 2225(c); to the Committee on the Judiciary.

1268. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled, "Multidistrict Litigation Restoration Act of 2009"; to the Committee on the Judiciary.

1269. A letter from the Vice President Government Affairs and Corporate Communications, Amtrak National Railroad Passenger Corporation, transmitting an addendum to the Fiscal Year 2010 Legislative and Grant Request of February 17, 2009, pursuant to 49 U.S.C. 24315(a)(2); to the Committee on Transportation and Infrastructure.

1270. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Perdido Regional Host Outer Continental Shelf Platform in the Gulf of Mexico [Docket No.: USCG-2008-1051] (RIN: 1625-AA00) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1271. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos: TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1272. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Security Zone; Freeport LNG Basin, Freeport, TX [USCG-2009-0005] (RIN: 1625-

AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1273. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; West Basin, Port Canaveral Harbor, Cape Canaveral, Florida [Docket No.: USCG-2008-0752] (RIN: 1625-AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1274. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chehalis, Hoquiam, and Wishkah Rivers, Aberdeen and Hoquiam, WA, Schedule Change [Docket No.: USCG-2008-1095] (RIN: 1625-AA09) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1275. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mayaguez, Puerto Rico [Docket No.: USCG-2008-0070] (RIN: 1625-AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1276. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Moving Security Zone; Freeport Channel Entrance, Freeport, TX [USCG-2009-0006] (RIN: 1625-AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1277. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Route 5 Bridge Demolition, Chickahominy River, Charles City County and James City County, VA. [Docket No.: USCG-2008-1198] (RIN: 1625-AA00) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1278. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays within the Fifth Coast Guard District [Docket No.: USCG-2008-0189] (RIN: 1625-AA00) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1279. A letter from the Acting Administrator, Department of Transportation, transmitting the Department's report for fiscal year 2008 on foreign aviation authorities to which the Administrator provided services in the preceding fiscal year, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

1280. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes [Docket No.: FMCSA-2008-0235] (RIN: 2126-AB16) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1281. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Reno, NV [Docket No.: FAA-2008-1108; Airspace Docket No. 08-AWP-11] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1282. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2008-0521; Directorate Identifier 2008-NM-040-AD; Amendment 39-15854; AD 2009-06-17] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1283. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0888; Directorate Identifier 2008-NM-084-AD; Amendment 39-15840; AD 2009-06-04] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1284. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2008-0522; Directorate Identifier 2008-NM-041-AD; Amendment 39-15855; AD 2009-06-18] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1285. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, 757-200PF, and 757-300 Series Airplanes [Docket No. FAA-2008-0846; Directorate Identifier 2008-NM-045-AD; Amendment 39-15857; AD 2009-06-20] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model MU-300-10 Airplanes and Model 400 and 400A Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes [Docket No. FAA-2008-1142; Directorate Identifier 2008-NM-060-AD; Amendment 39-15861; AD 2009-07-02] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2008-0831; Directorate Identifier 2008-NM-051-AD; Amendment 39-15853; AD 2009-06-16] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turbohaft Engines [Docket No. FAA-2006-25730; Directorate Identifier 2006-NE-31-AD; Amendment 39-15798; AD 2009-02-08] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1289. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes, and Model DHC-8-200, -300, and -400 Series Airplanes [Docket No. FAA-2008-1361; Directorate Identifier 2008-NM-140-AD; Amendment 39-15858; AD 2009-06-21] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1290. A letter from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil Rights and Civil Liberties for the First Quarter of Fiscal Year 2009, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1580. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic waste reduction research, development, and demonstration projects, and for other purposes; with amendments (Rept. 111-75). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1145. A bill to implement a National Water Research and Development Initiative, and for other purposes; with amendments (Rept. 111-76). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 749. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate (Rept. 111-77). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1139. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; with an amendment (Rept. 111-78). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 269. Resolution supporting the goals of Motorcycle Safety Awareness Month (Rept. 111-79). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 313. Resolution supporting the goals and ideals of National Public Works Week, and for other purposes (Rept. 111-80). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1747. A bill to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes (Rept. 111-81). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. MANZULLO, Mr. ROYCE, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. FORBES, Mr. WOLF, Mr. KING of New York, Mr. HOEKSTRA, Mr. ROHRBACHER, and Mr. POE of Texas):

H.R. 1980. A bill to continue restrictions against and prohibit diplomatic recognition of the Government of North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OLSON:

H.R. 1981. A bill to require States to report information on Medicaid payments to abortion providers; to the Committee on Energy and Commerce.

By Ms. KILPATRICK of Michigan (for herself, Ms. BORDALLO, Mr. STARK, Mr. COHEN, Mr. GUTIERREZ, and Mr. CONNOLLY of Virginia):

H.R. 1982. A bill to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by veterans; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 1983. A bill to enact certain laws relating to small business as title 53, United States Code, "Small Business"; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. ANDREWS, Ms. WOOLSEY, Mr. SABLAN, Mr. GRIJALVA, Ms. HIRONO, Ms. CLARKE, Mr. HARE, Mrs. DAVIS of California, and Mr. KILDEE):

H.R. 1984. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. SHERMAN, Mr. WEXLER, Mr. KLEIN of Florida, Mr. BLUNT, Mr. MCMAHON, Mr. LOBIONDO, Mr. CHAFFETZ, Mr. LINDER, Ms. KOSMAS, Mr. SCHOCK, Mr. BURTON of Indiana, Ms. FOXX, Mr. SENSENBRENNER, Mr. MARCHANT, Mr. LAMBORN, Mrs. MILLER of Michigan, Ms. BERKLEY, Mr. BILIRAKIS, Mrs. MYRICK, Mr. MCHENRY, Mr. REHBERG, Mr. GARRETT of New Jersey, Mr. PLATTS, and Mr. SHIMKUS):

H.R. 1985. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran to include refined petroleum, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHILDERS:

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 and the Economic Growth and Tax Relief Reconciliation Act of 2001 to restore the estate tax, increase the estate tax unified credit to an exclusion equivalent of \$4,000,000, reduce the maximum estate tax rate to 40 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. BOOZMAN (for himself and Mr. MEEKS of New York):

H.R. 1987. A bill to amend the Foreign Assistance Act of 1961 to provide funding for ca-

pacuity-building to microfinance service providers; to the Committee on Foreign Affairs.

By Mr. ANDREWS:

H.R. 1988. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for independent investment advice for participants and beneficiaries under individual account plans; to the Committee on Education and Labor.

By Mrs. CAPITO:

H.R. 1989. A bill to provide for subsidies for interest on loans for rural multifamily housing guaranteed by the Rural Housing Service of the Department of Agriculture; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 1990. A bill to establish an Oleoresin Capsicum Spray Pilot Program in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 1991. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Ms. CLARKE (for herself and Mr. CONYERS):

H.R. 1992. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

By Mr. COURTNEY:

H.R. 1993. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky:

H.R. 1994. A bill to amend title 10, United States Code, to provide equity between active and reserve component members of the Armed Forces in the computation of disability retired pay for members wounded in action; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. KIRK, Mr. BECERRA, Ms. LEE of California, Mr. HONDA, and Mr. VELAZQUEZ):

H.R. 1995. A bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities, relating to diabetes, within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. BURTON of Indiana, and Mr. MCCOTTER):

H.R. 1996. A bill to prohibit the inclusion of earmarks in the Intelligence Authorization Act for Fiscal Year 2010; to the Committee on Intelligence (Permanent Select).

By Mr. GERLACH:

H.R. 1997. A bill to direct the Secretary of Transportation to update a research report and issue guidance to the States with respect to reducing lighting on the Federal-aid system during periods of low traffic density, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself and Mr. DENT):

H.R. 1998. A bill to improve access to emergency medical services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of New York:

H.R. 1999. A bill to require the Secretary of Education to award grants to local governments that have experienced at least a 15 percent decrease in property tax revenues to fund certain elementary and secondary school education programs; to the Committee on Education and Labor.

By Mr. HOLT (for himself, Ms. ROSELEHTINEN, Mr. MORAN of Virginia, Mr. CARTER, Mr. CAPUANO, Mrs. TAUSCHER, Ms. BALDWIN, Ms. LEE of California, Ms. ROYBAL-ALLARD, Mr. CUMMINGS, Ms. WATSON, Mrs. MALONEY, Mr. CROWLEY, Mr. HONDA, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. THORNBERRY):

H.R. 2000. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. HINCHHEY, Mr. FALCOMA, Mr. CONNOLLY of Virginia, Mr. SPRATT, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts):

H.R. 2001. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL (for himself, Mr. BRADY of Texas, Ms. SCHWARTZ, Mr. MOORE of Kansas, Mr. MCGOVERN, Mrs. BLACKBURN, and Mr. GRIJALVA):

H.R. 2002. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 2003. A bill to amend the Public Health Service Act to include certain children's psychiatric hospitals under the program of payments to children's hospitals that operate graduate medical education programs; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H.R. 2004. A bill to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. BURTON of Indiana, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 2005. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon William Morales and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on Foreign Affairs.

By Mr. KING of New York (for himself, Ms. BALDWIN, Ms. SCHAKOWSKY, and Mr. SESTAK):

H.R. 2006. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder

abuse, neglect, and exploitation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MASSA:

H.R. 2007. A bill to amend the Truth in Lending Act to prevent certain unfair practices by credit card issuers, and for other purposes; to the Committee on Financial Services.

By Mr. MATHESON (for himself and Mr. CHAFFETZ):

H.R. 2008. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; to the Committee on Natural Resources.

By Mr. MCCLINTOCK:

H.R. 2009. A bill to amend the Emergency Economic Stabilization Act of 2008 to permit immediate repayment of direct capital investments received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. MORAN of Virginia:

H.R. 2010. A bill to amend title 49, United States Code, to allow States to regulate tow truck operations; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H.R. 2011. A bill to authorize the Secretary of Education to establish a competitive demonstration grant program to provide funds for local educational agencies in order to increase the effectiveness of substitute teaching, and for other purposes; to the Committee on Education and Labor.

By Mr. PAYNE:

H.R. 2012. A bill to promote youth financial education; to the Committee on Education and Labor.

By Mr. PAYNE:

H.R. 2013. A bill to award posthumously a Congressional Gold Medal to Thurgood Marshall; to the Committee on Financial Services.

By Ms. ROSELEHTINEN (for herself, Mrs. DAVIS of California, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BOSWELL, Mr. CONAWAY, Mr. MCCARTHY of California, Mr. ORTIZ, Mr. RYAN of Ohio, Mrs. TAUSCHER, Mr. EDWARDS of Texas, Mr. LAMBORN, Mr. LUTKEMEYER, Mrs. MALONEY, Mrs. MCMORRIS RODGERS, Mr. MOORE of Kansas, Mr. SNYDER, Ms. BORDALLO, Mr. LOBIONDO, Mr. MASSA, Mr. STEARNS, Mr. MCCAUL, Mr. THORNBERRY, Mr. GOHMERT, Ms. CASTOR of Florida, Ms. BERKLEY, Mrs. CAPPS, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. KLINE of Minnesota, Mr. KISSELL, Mr. ROONEY, Mr. SPRATT, Mrs. KIRKPATRICK of Arizona, Ms. JACKSON-LEE of Texas, Mr. BUCHANAN, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. WOLF, Mr. ALEXANDER, Mr. TURNER, Mr. SMITH of Texas, Mr. HINOJOSA, Mr. SAM JOHNSON of Texas, Ms. PINGREE of Maine, Mr. SCALISE, Ms. WOOLSEY, Mr. BLUMENAUER, Ms. TITUS, Mr. PILNER, Ms. TSONGAS, Mr. HALL of Texas, Mr. MCGOVERN, Ms. ESHOO, Mrs. MYRICK, Mr. CONNOLLY of Virginia, Mr. BISHOP of New York, Mr. YOUNG of Florida, Mr. ROTHMAN of New Jersey, Mrs. CAPITO, Ms. DELAURA, Mr. KLEIN of Florida, Mr.

ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROE of Tennessee, Ms. FALLIN, Mr. MARIO DIAZ-BALART of Florida, Mr. BRADY of Texas, Mrs. BIGGETT, Mr. SERRANO, Mr. SHIMKUS, Mr. DUNCAN, Mr. CAMPBELL, Mr. BROWN of South Carolina, Mr. BILIRAKIS, Ms. HARMAN, Mrs. EMERSON, Mr. BONNER, Ms. GINNY BROWN-WAITE of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. MANZULLO, Mr. PAYNE, Mr. REICHERT, Mr. MACK, Mr. WEINER, Mr. CRENSHAW, Mr. SCHOCK, Mr. LEE of New York, Mr. SHERMAN, Mr. UPTON, Mr. CLAY, Mr. SCHIFF, Mr. GONZALEZ, Mr. SABLAN, Mr. MARCHANT, Ms. GRANGER, Mr. SHULER, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. EHLERS, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. YOUNG of Alaska, Mr. WEXLER, Mr. MCKEON, Ms. SUTTON, Mr. RADANOVICH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. TANNER, Mr. MCCLINTOCK, Mr. ABERCROMBIE, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Mr. SESTAK, Mr. NEAL of Massachusetts, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Mr. SESSIONS, Ms. CORRINE BROWN of Florida, Mr. CULBERSON, Mr. REYES, Mr. RODRIGUEZ, Mr. OBERSTAR, Ms. LINDA T. SANCHEZ of California, Mr. CARDOZA, Mr. FATTAH, Mr. GUTIERREZ, Mr. TIM MURPHY of Pennsylvania, Ms. HERSETH SANDLIN, Mr. ADLER of New Jersey, Mr. WU, Mr. ISRAEL, Mr. CHAFFETZ, Mr. SCOTT of Virginia, Mr. SULLIVAN, Mr. DREIER, Mr. SMITH of New Jersey, Mr. MARSHALL, Mr. COSTELLO, Mr. LANCE, Ms. SCHAKOWSKY, Mr. BARROW, Mrs. BONO MACK, Mr. PIERLUISI, Mr. CARTER, Mr. OLVER, Mr. MORAN of Kansas, Mr. CAO, Ms. MATSUI, Mr. FALCOMA, Mr. MORAN of Virginia, Mrs. LUMMIS, and Mr. ADERHOLT):

H.R. 2014. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"); to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 2015. A bill to instruct the Secretary of Energy to carry out a study on the use of thorium-fueled nuclear reactors; to the Committee on Energy and Commerce.

By Mr. SIRE (for himself and Mrs. MALONEY):

H.R. 2016. A bill to amend the Internal Revenue Code of 1986 to provide that qualified energy efficiency property is eligible for the energy credit; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself and Mr. JONES):

H.R. 2017. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2018. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. KIND, Mr. PETRI, Mr. GENE GREEN of Texas, Mr. YOUNG of Alaska, Mr. HOLT, Mr. LINDER, Mr. WU, Mr. BURTON of Indiana, Mrs. TAUSCHER, Mr. SOUDER, Mr. CONAWAY, and Mr. WEST-MORELAND):

H. Con. Res. 100. Concurrent resolution expressing the support of the Congress regarding the need to facilitate State innovation in national health care reform; to the Committee on Energy and Commerce.

By Mr. LEWIS of California (for himself, Mr. CALVERT, Mr. DANIEL E. LUNGREN of California, Mr. ROHR-ABACHER, Mr. RADANOVICH, Mr. HERGER, Mr. MCKEON, Mr. ROYCE, Mr. DREIER, Mr. NUNES, Mr. GARY G. MILLER of California, Mrs. BONO MACK, Mr. BILBRAY, Mr. CAMPBELL, Mr. HARPER, Mr. HUNTER, Mr. GALLEGLY, Mr. ISSA, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Ms. PELOSI, and Ms. ZOE LOPGREN of California):

H. Con. Res. 101. Concurrent resolution providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol; to the Committee on House Administration.

By Ms. LEE of California (for herself, Mr. CONYERS, Mr. BUTTERFIELD, Mr. HONDA, Mr. BACA, Mr. McDERMOTT, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. OLVER, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. GONZALEZ, Mr. BISHOP of Georgia, Mr. ELLISON, Ms. NORTON, Mr. SIREN, Mr. ABERCROMBIE, Mr. JOHNSON of Georgia, Mr. RUSH, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. KUCINICH, Mr. MCGOVERN, and Mr. SCHIFF):

H. Con. Res. 102. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups, and communities that are impoverished, disadvantaged, or otherwise in poverty; to the Committee on Oversight and Government Reform.

By Mr. PAYNE (for himself, Mr. BOOZMAN, Ms. LEE of California, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. SCHIFF, Mr. ELLISON, Mr. ENGEL, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 103. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Foreign Affairs.

By Ms. LORETTA SANCHEZ of California:

H. Res. 334. A resolution calling on the Government of Vietnam to release from prison, end the detention without trial, and cease the harassment and house arrest of the people who signed the Manifesto on Freedom and Democracy for Vietnam, and expressing the sense of Congress that the President should encourage Vietnam to release such people from prison and to direct the Secretary of State to establish a Countries of Particular Concern list to condemn countries like Vietnam, which engage in "particularly severe violations" of human rights; to the Committee on Foreign Affairs.

By Mr. PLATTS (for himself, Mr. PRICE of North Carolina, and Ms. MATSUI):

H. Res. 335. A resolution supporting the goals and ideals of National Volunteer Week; to the Committee on Education and Labor.

By Mr. EHLERS (for himself and Mr. GRIJALVA):

H. Res. 336. A resolution supporting the goals and ideals of National Library Week; to the Committee on Education and Labor.

By Ms. GRANGER (for herself, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. COURTNEY, and Mr. McDERMOTT):

H. Res. 337. A resolution supporting the observance of National Child Abuse Prevention Month, and for other purposes; to the Committee on Education and Labor.

By Mr. LATHAM (for himself, Mr. WU, Mr. CASTLE, Mr. MILLER of North Carolina, Ms. NORTON, Mr. SABLAN, Mr. COSTELLO, Mr. GORDON of Tennessee, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBBACH, Mr. HINOJOSA, Mr. TANNER, Mr. FOSTER, Mr. MOORE of Kansas, Mr. HONDA, Mr. GONZALEZ, Mr. FATTAH, Mr. FILNER, Ms. MARKEY of Colorado, Mr. ROSS, Mr. EHLERS, Mr. GRIJALVA, Mr. PETERSON, Mr. KENNEDY, Mr. KING of Iowa, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. REYES, Mr. SIREN, Mr. HARPER, Mr. BARRETT of South Carolina, and Ms. CORRINE BROWN of Florida):

H. Res. 338. A resolution supporting the goals and ideals of National Community College Month; to the Committee on Education and Labor.

By Mr. WELCH (for himself, Mr. LANDEVIN, Mr. AKIN, Mr. ALEXANDER, Mr. BISHOP of Utah, Mr. BISHOP of New York, Mr. BOCCIERI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CASTLE, Mr. CHAFFETZ, Mr. CHANDLER, Mr. COFFMAN of Colorado, Mr. COHEN, Mr. CONAWAY, Mr. COSTA, Mr. COURTNEY, Mr. CRENSHAW, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. FOSTER, Mr. HALL of New York, Mr. HEINRICH, Mr. HINCHEY, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Ms. KILROY, Mr. KIRK, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Ms. KOSMAS, Mr. KRATOVL, Mr. LAMBORN, Mr. LARSEN of Washington, Mr. LOBONDO, Mr. MAFFEI, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MARSHALL, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mr. MCMAHON, Mrs. MCMORRIS RODGERS, Mr. MICA, Mr. MINNICK, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. NYE, Mr. ORTIZ, Mr. PALLONE, Mr. PASCARELL, Mr. PETERS, Ms. PINGREE of Maine, Mr. POE of Texas, Mr. REICHERT, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Mr. ROONEY, Mr. ROTHMAN of New Jersey, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHUSTER, Mr. SKELTON, Mr. SPACE, Mr. SPRATT, Mrs. TAUSCHER, Mr. TEAGUE, Mr. TONKO, Mr. WALZ, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Mr. WITTMAN, and Mr. GERLACH):

H. Res. 339. A resolution expressing the sense of the United States House of Representatives regarding the hijacking of the Maersk Alabama, the kidnapping of Captain Richard Phillips by Somali pirates, the rescue of Captain Phillips by United States Navy SEALs and the crews of the USS Bainbridge, USS Boxer, USS Halyburton and Patrol Squadron (VP) 8, and for other purposes; to the Committee on Armed Services.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. BORDALLO, Mr. CHANDLER, Ms. CLARKE, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Ms. DELAULO, Ms. EDWARDS of Maryland, Mr. ENGEL, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HIGGINS, Ms. HIRONO, Mr. HOLT, Mr. ISRAEL, Mr. KENNEDY, Mr. KILDEE, Ms. KILROY, Mr. KING of New York, Mr. LANGEVIN, Ms. LEE of California, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCMAHON, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. PASCRELL, Mr. PIERLUISI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SANCHEZ of California, Ms. WASSERMAN SCHULTZ, Mr. SERRANO, Mr. SHERMAN, Mr. SIREN, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. TONKO, Ms. VELÁZQUEZ, Mrs. WATSON, Mr. WEINER, and Mr. WELCH):

H. Res. 340. A resolution expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York; to the Committee on Oversight and Government Reform.

By Mr. BRIGHT (for himself, Mr. DAVIS of Alabama, Mr. BACHUS, Mr. ROGERS of Alabama, Mr. GRIFFITH, Mr. BONNER, and Mr. ADERHOLT):

H. Res. 341. A resolution expressing heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H. Res. 342. A resolution expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day"; to the Committee on Oversight and Government Reform.

By Mr. CONAWAY (for himself, Mr. MACK, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. OLSON, Mr. HERGER, Mr. JORDAN of Ohio, Mrs. BACHMANN, Mr. BARTLETT, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Mr. LAMBORN, Mr. MCHENRY, Mr. CULBERSON, Mr. PRICE of Georgia, Mr. THORNBERRY, Mr. COOPER, Mr. SOUDER, Mr. HENSARLING, Mr. WITTMAN, Mr. BROWN of Georgia, Mr. DEAL of Georgia, Mr. HALL of Texas, and Mr. DAVIS of Kentucky):

H. Res. 343. A resolution amending the Rules of the House of Representatives to require the reduction of section 302(b) suballocations to reflect floor amendments to general appropriation bills; to the Committee on Rules.

By Mr. COURTNEY (for himself, Ms. DELAULO, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. HIMES, Mr. MEEKS of New York, Ms. BORDALLO, Mrs. CAPITO, Mr. VIS-CLOSKY, and Mr. WELCH):

H. Res. 344. A resolution commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament; to the Committee on Education and Labor.

By Mr. DINGELL:

H. Res. 345. A resolution establishing a select committee to make a thorough and

complete investigation of the causes of the current financial crisis and other matters; to the Committee on Rules.

By Mr. MEEKS of New York (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAPUANO, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. NADLER of New York, Ms. NORTON, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. WATT, and Mr. WU):

H. Res. 346. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating additional funds for research, education, awareness outreach, and early detection; to the Committee on Energy and Commerce.

By Mr. PERRIELLO:

H. Res. 347. A resolution congratulating Averett University in Danville, Virginia, for 150 years of service and leadership to the United States; to the Committee on Education and Labor.

By Mr. PRICE of North Carolina (for himself, Mr. BUTTERFIELD, Mr. ETHERIDGE, Mr. JONES, Ms. FOXX, Mr. COBLE, Mr. MCINTYRE, Mr. KISSELL, Mrs. MYRICK, Mr. MCHENRY, Mr. SHULER, Mr. WATT, and Mr. MILLER of North Carolina):

H. Res. 348. A resolution congratulating the University of North Carolina men's basketball team for winning the 2009 NCAA Division I Men's Basketball National Championship; to the Committee on Education and Labor.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. BACHUS):

H. Res. 349. A resolution expressing support for designation of April 2009 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H. Res. 350. A resolution honoring the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

15. The SPEAKER presented a memorial of the Senate of Michigan, relative to Senate Resolution No. 16, memorializing the Congress of the United States to oppose the Employee Free Choice Act; to the Committee on Education and Labor.

16. Also, a memorial of the House of Representatives of Maine, relative to JOINT

RESOLUTION H.P. 105, MEMORIALIZING THE PRESIDENT-ELECT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE "DIVIDED WE FAIL" EFFORT; to the Committee on Oversight and Government Reform.

17. Also, a memorial of the City of Lauderdale Lakes of Florida, relative to RESOLUTION No. 09-11 EXPRESSING CONGRATULATIONS TO AND SUPPORT FOR BARACK H. OBAMA, THE PRESIDENT OF THE UNITED STATE OF AMERICA; to the Committee on Oversight and Government Reform.

18. Also, a memorial of the Thirtieth Legislature of Guam, relative to Resolution 15(COR) relative to presenting an Agenda of Priority Concerns for Guam on federal-territorial issues for proposed action to President Barack Obama, and to the Congress of the United States; to the Committee on Natural Resources.

19. Also, a memorial of the State Senate of Oklahoma, relative to Resolution No. 5 strongly opposing the federal Freedom of Choice Act; and directing distribution; to the Committee on the Judiciary.

20. Also, a memorial of the House of Representatives of Missouri, relative to House Resolution Nos. 294 & 212 requesting that the Congress be urged to reject the Freedom of Choice Act; to the Committee on the Judiciary.

21. Also, a memorial of the House of Representatives of Kentucky, relative to Resolution No. 216 urging the United States Congress to act swiftly to renew the exemption of the Delta Queen from Public Law 89-777; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 2019) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. KILPATRICK of Michigan.

H.R. 22: Mr. OLVER, Mr. BISHOP of Utah, Mr. CASTLE, Mr. GALLEGLY, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. SHULER, Mr. HALL of New York, Mr. RYAN of Ohio, Mr. STARK, Mr. TEAGUE, Mr. WAXMAN, Mr. SCHRADER, Ms. LORETTA SANCHEZ of California, Mr. NADLER of New York, Mr. INSLEE, Mr. BARROW, Mr. SCOTT of Virginia, Mr. SKELTON, and Mr. WEINER.

H.R. 23: Mr. CALVERT, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. MASSA, Mr. GENE GREEN of Texas, Mr. CARDOZA, Mr. FRANK of Massachusetts, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. ROSS, Mr. COHEN, Mr. HOLDEN, Mr. DAVIS of Tennessee, Mr. ISSA, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Ms. LEE of California, Mrs. BONO MACK, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. JONES, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mr. BARROW, Mr. REYES, Mr. LARSEN of Washington, Mr. SCOTT of Virginia, and Mr. CONNOLLY of Virginia.

H.R. 24: Mr. BARROW.

H.R. 25: Mr. ROE of Tennessee.

H.R. 49: Mr. GARRETT of New Jersey.

H.R. 52: Mr. GONZALEZ and Mr. MOORE of Kansas.

H.R. 61: Mr. PAYNE.

H.R. 98: Mr. BOOZMAN and Mr. MCCAUL.

H.R. 104: Ms. CLARKE.

H.R. 111: Mr. SOUDER, Mr. ROGERS of Alabama, and Mr. WOLF.

H.R. 154: Mr. PLATTS.

H.R. 179: Mr. JOHNSON of Georgia and Ms. JACKSON-LEE of Texas.

H.R. 233: Mr. SNYDER.

H.R. 235: Ms. SPEIER, Mr. DEFazio, Mr. MCCARTHY of California, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. AL GREEN of Texas, and Ms. HERSETH SANDLIN.

H.R. 265: Mr. DRIEHAUS and Ms. WASSERMAN SCHULTZ.

H.R. 305: Mr. LYNCH.

H.R. 327: Mr. ORTIZ and Mr. BONNER.

H.R. 336: Mr. HIGGINS.

H.R. 347: Mr. KISSELL, Mr. ROGERS of Michigan, Mr. CARTER, Ms. ROS-LEHTINEN, Mr. CAPUANO, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, and Mr. RUSH.

H.R. 388: Mr. GONZALEZ.

H.R. 393: Mr. SIMPSON.

H.R. 403: Mr. COURTNEY, Mr. CLEAVER, and Ms. KAPTUR.

H.R. 430: Mr. ROGERS of Michigan and Mr. CONNOLLY of Virginia.

H.R. 433: Mrs. MCMORRIS RODGERS, Mr. MITCHELL, Mr. ROONEY, and Mr. CONNOLLY of Virginia.

H.R. 444: Mr. DAVIS of Illinois and Mr. CARNEY.

H.R. 450: Mr. MCCAUL, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Kentucky, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. RYAN of Wisconsin.

H.R. 470: Mr. ROE of Tennessee.

H.R. 481: Mr. ELLISON.

H.R. 482: Mr. MURPHY of Connecticut, Mr. CONNOLLY of Virginia, and Mr. KISSELL.

H.R. 490: Mr. CRENSHAW.

H.R. 503: Mr. CAMPBELL, Mr. PIERLUISI, Mr. FATTAH, Mrs. DAVIS of California, and Mr. DAVIS of Illinois.

H.R. 509: Mr. PIERLUISI and Mrs. CAPPS.

H.R. 520: Ms. BORDALLO.

H.R. 556: Mr. FILNER.

H.R. 558: Ms. WATSON.

H.R. 560: Mr. GENE GREEN of Texas.

H.R. 578: Mr. OLVER.

H.R. 586: Mr. BISHOP of Georgia.

H.R. 610: Ms. ROYBAL-ALLARD.

H.R. 613: Mr. MCINTYRE, Mr. BAIRD, Mr. PLATTS, Mr. PUTNAM, Mr. HONDA, and Mr. COURTNEY.

H.R. 618: Mr. GORDON of Tennessee and Mr. HASTINGS of Florida.

H.R. 621: Mr. RAHALL, Mr. DENT, Mr. SCHIFF, Mrs. BONO MACK, and Mr. MCINTYRE.

H.R. 622: Mr. BARROW, Mr. NUNES, Mr. BAIRD, Ms. HIRONO, Mr. DELAHUNT, Mr. SCOTT of Georgia, Mr. GOODLATTE, and Mr. SCHRAEDER.

H.R. 626: Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. LOWEY, Ms. CORRINE BROWN of Florida, and Ms. NORTON.

H.R. 656: Mr. JONES.

H.R. 666: Mr. GONZALEZ.

H.R. 667: Mr. DONNELLY of Indiana and Ms. ROS-LEHTINEN.

H.R. 669: Mr. GONZALEZ, Mrs. CAPPS, Mrs. CHRISTENSEN, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 673: Ms. CORRINE BROWN of Florida.

H.R. 676: Mrs. CHRISTENSEN.

H.R. 690: Mr. TIBERI.

H.R. 699: Ms. LEE of California.

H.R. 731: Mr. FILNER.

H.R. 758: Ms. SUTTON.

H.R. 759: Mr. MOORE of Kansas.

H.R. 775: Mr. CLEAVER, Mrs. BIGGERT, Mr. RUSH, Mr. PIERLUISI, Mr. HASTINGS of Florida, Mr. COSTELLO, and Mr. BISHOP of New York.

- H.R. 804: Mr. SESTAK and Mr. BISHOP of Georgia.
- H.R. 808: Mr. RAHALL and Mr. RUSH.
- H.R. 816: Ms. SHEA-PORTER, Mr. WALZ, Mr. GRIJALVA, Mr. CLEAVER, Mr. BONNER, Mr. HINCHEY, Mr. YARMUTH, Mr. HINOJOSA, Mr. RYAN of Ohio, and Mr. MURTHA.
- H.R. 834: Mr. ROHRBACHER.
- H.R. 856: Mr. ISSA.
- H.R. 860: Mr. BACA.
- H.R. 873: Mr. CUMMINGS, Mr. McMAHON, Mr. BLUMENAUER, Mr. SMITH of Washington, and Mr. RYAN of Ohio.
- H.R. 878: Mr. KLINE of Minnesota.
- H.R. 885: Mr. PLATTS and Mr. BRADY of Pennsylvania.
- H.R. 899: Mr. CHAFFETZ.
- H.R. 914: Mr. LUTKEMEYER, Mr. GRAVES, Mr. GOHMERT, Mrs. DAHLKEMPER, and Mr. RAHALL.
- H.R. 927: Mr. TAYLOR and Mr. MCHUGH.
- H.R. 930: Mr. RAHALL, Mrs. DAVIS of California, Mr. DEFazio, Mr. DENT, and Mr. SMITH of Washington.
- H.R. 934: Mr. BACA.
- H.R. 936: Mr. WAMP.
- H.R. 948: Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. KRATOVIL, Mr. BOREN, Ms. TSONGAS, Mr. SMITH of Washington, and Ms. ROYBAL-ALLARD.
- H.R. 949: Mr. BRALEY of Iowa.
- H.R. 950: Ms. BORDALLO.
- H.R. 952: Mr. MEEKS of New York, Mr. CONYERS, and Mr. MITCHELL.
- H.R. 958: Mr. BISHOP of New York, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. MURTHA, Mr. GONZALEZ, Ms. HIRONO, Mr. SPACE, and Mr. BOUCHER.
- H.R. 968: Mr. MCHENRY.
- H.R. 978: Mr. KISSELL.
- H.R. 986: Mr. BARTLETT, Mr. SNYDER, Mr. SMITH of Washington, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. FORBES, Mr. WILSON of South Carolina, Mr. MARSHALL, and Mr. ABERCROMBIE.
- H.R. 997: Mr. ROYCE.
- H.R. 1016: Mr. BOCCIERI, Mr. GUTIERREZ, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. BLUMENAUER, Ms. SUTTON, Mr. ROSS, Ms. KILPATRICK of Michigan, Mr. BOUCHER, Mr. KISSELL, Mr. SABLAN, Ms. MARKEY of Colorado, Mr. MAFFEI, Mr. OBERSTAR, and Mr. PATRICK J. MURPHY of Pennsylvania.
- H.R. 1017: Mr. DOGGETT.
- H.R. 1030: Mr. WILSON of Ohio and Mr. WOLF.
- H.R. 1032: Mr. SNYDER, Mr. CALVERT, Ms. LINDA T. SANCHEZ of California, Mr. COURTNEY, Mr. MCCOTTER, and Mr. JONES.
- H.R. 1034: Mr. SCOTT of Virginia.
- H.R. 1036: Mr. GRIFFITH.
- H.R. 1040: Mr. FORBES.
- H.R. 1054: Mr. CONAWAY.
- H.R. 1067: Mr. ROGERS of Alabama.
- H.R. 1074: Mr. WILSON of South Carolina.
- H.R. 1076: Mr. CARTER.
- H.R. 1101: Mr. WELCH and Mr. SMITH of Nebraska.
- H.R. 1103: Mr. LINCOLN DIAZ-BALART of Florida and Mr. BRALEY of Iowa.
- H.R. 1145: Mr. BLUMENAUER, Mr. TONKO, Mr. BAIRD, Mrs. DAHLKEMPER, Mr. CHANDLER, Mr. HILL, Mr. LIPINSKI, Mr. WU, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. MATHESON, Ms. FUDGE, Mr. GRIFFITH, Ms. EDWARDS of Maryland, and Ms. MCCOLLUM.
- H.R. 1150: Mr. MURTHA, Mr. NEAL of Massachusetts, and Mr. CONNOLLY of Virginia.
- H.R. 1157: Ms. ROS-LEHTINEN, Mr. MCGOVERN, and Mr. WALZ.
- H.R. 1182: Mr. JOHNSON of Georgia, Mr. SHUSTER, Mr. SCHIFF, Mr. BOCCIERI, and Mr. JOHNSON of Illinois.
- H.R. 1188: Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, Mrs. CAPITO, and Mr. MCINTYRE.
- H.R. 1189: Mr. FATTAH, Mr. PLATTS, Mr. UPTON, Mr. GORDON of Tennessee, Mr. RAHALL, and Mr. WAMP.
- H.R. 1190: Mr. HERGER, Mr. SALAZAR, Mr. THOMPSON of Pennsylvania, Mr. OBERSTAR, Mr. JONES, Mr. BONNER, and Mr. ADERHOLT.
- H.R. 1193: Mr. MORAN of Virginia.
- H.R. 1195: Mr. SHULER.
- H.R. 1203: Mr. BACA, Mrs. MYRICK, Mr. TIM MURPHY of Pennsylvania, Mr. CLEAVER, Mr. ADERHOLT, Mr. REYES, Mr. WEXLER, Mr. PETERS, Ms. JENKINS, and Ms. WASSERMAN SCHULTZ.
- H.R. 1204: Ms. JENKINS.
- H.R. 1205: Mr. CALVERT, Mr. BARROW, Mr. LANGEVIN, Mr. WEXLER, Mr. TERRY, Mr. DELAHUNT, Mr. CHAFFETZ, and Mr. MCINTYRE.
- H.R. 1207: Mr. LUCAS, Mr. LAMBORN, Mr. EHLERS, Mr. BILBRAY, Mr. PENCE, Mr. MANZULLO, Mr. MCCAUL, Mr. COLE, Mr. ROE of Tennessee, Mr. HERGER, Mr. BISHOP of Utah, Ms. BALDWIN, Mr. OLSON, Mr. LATHAM, Mr. LUTKEMEYER, and Mr. DOGGETT.
- H.R. 1209: Mr. PERRIELLO, Mr. RADANOVICH, Mr. GOHMERT, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. CONNOLLY of Virginia, Mr. EDWARDS of Texas, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mrs. LOWEY, Mr. McDERMOTT, Mr. PASTOR of Arizona, Mr. SCHIFF, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Mr. MITCHELL, Mr. BACA, Mrs. CAPPS, Mr. CARSON of Indiana, Mr. CLEAVER, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. GRIFFITH, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HERSETH SANDLIN, Mr. HIMES, Mr. HONDA, Mr. KENNEDY, Ms. MCCOLLUM, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. MEEK of Florida, Mr. NYE, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. WEINER, Mr. WEXLER, Mr. HALL of New York, Mrs. McMORRIS RODGERS, Mr. SNYDER, and Mr. MCHENRY.
- H.R. 1211: Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. EDWARDS of Texas, Mr. BOUCHER, and Mr. GRIFFITH.
- H.R. 1214: Mr. KLEIN of Florida, Mr. DAVIS of Illinois, and Mr. JOHNSON of Georgia.
- H.R. 1231: Mr. HODES and Mr. KUCINICH.
- H.R. 1240: Mr. MORAN of Virginia.
- H.R. 1248: Mr. WEXLER.
- H.R. 1271: Mr. BILIRAKIS, Mr. BUCHANAN, Ms. KOSMAS, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. BOYD, Ms. CASTOR of Florida, Mr. GRAYSON, Mr. MACK, Mr. POSEY, Mr. STEARNS, Mr. CRENSHAW, Mr. PUTNAM, Ms. WASSERMAN SCHULTZ, Ms. GINNY BROWN-WAITE of Florida, Mr. MICA, Mr. ROONEY, and Mr. LINCOLN DIAZ-BALART of Florida.
- H.R. 1277: Mr. CAMP, Mr. INGLIS, and Mr. PAULSEN.
- H.R. 1285: Mr. HASTINGS of Florida.
- H.R. 1294: Mr. HASTINGS of Washington and Mr. MCCLINTOCK.
- H.R. 1300: Mr. CALVERT.
- H.R. 1310: Mr. EHLERS, Mr. GRAYSON, Mr. PERRIELLO, Mr. CROWLEY, and Mr. ISRAEL.
- H.R. 1313: Mr. PERRIELLO, Ms. JACKSON-LEE of Texas, Mr. CARNEY, Mr. NYE, Mr. CONNOLLY of Virginia, Mr. ORTIZ, and Mr. SPACE.
- H.R. 1317: Mr. TIM MURPHY of Pennsylvania.
- H.R. 1322: Ms. SHEA-PORTER, Mr. NADLER of New York, Mr. HARE, Mr. McDERMOTT, Mr. OLVER, Mr. BISHOP of New York, Mr. ISRAEL, Mr. GRIJALVA, Mr. STUPAK, Mr. HALL of New York, Mr. MCGOVERN, Mr. KILDEE, and Mr. SARBANES.
- H.R. 1326: Mr. PAYNE and Mr. ACKERMAN.
- H.R. 1327: Mr. GERLACH, Mr. ENGEL, Ms. HARMAN, Ms. FOXX, Mr. COLE, Mr. GORDON of Tennessee, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHIFF, Mr. WELCH, Mr. THOMPSON of Mississippi, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. GUTHRIE, Mr. SIREs, Mr. PALLONE, Mr. JACKSON of Illinois, Mr. DANIEL E. LUNGREN of California, Mrs. MCCARTHY of New York, Mr. TIM MURPHY of Pennsylvania, Mr. McMAHON, Mrs. KIRKPATRICK of Arizona, Mr. ROSKAM, Mr. MCHUGH, Mr. INGLIS, Mr. ANDREWS, Mr. MITCHELL, and Mr. RADANOVICH.
- H.R. 1330: Mr. NADLER of New York.
- H.R. 1354: Mr. LAMBORN, Mr. PIERLUISI, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. SESTAK, Mr. ALEXANDER, and Mr. ROONEY.
- H.R. 1358: Mr. KILDEE.
- H.R. 1380: Mr. RUSH, Mr. COHEN, and Mr. SABLAN.
- H.R. 1398: Mr. SULLIVAN and Mr. BARROW.
- H.R. 1403: Mr. SPACE.
- H.R. 1405: Ms. ROS-LEHTINEN and Mr. SPACE.
- H.R. 1412: Mr. GONZALEZ, Mr. LEWIS of Georgia, and Mr. HASTINGS of Florida.
- H.R. 1415: Mr. EHLERS.
- H.R. 1425: Mr. HASTINGS of Florida.
- H.R. 1427: Mr. GRIJALVA.
- H.R. 1428: Mr. GORDON of Tennessee, Mr. HALL of New York, and Mr. SPACE.
- H.R. 1430: Mr. KIRK.
- H.R. 1437: Ms. TITUS and Mr. MCCAUL.
- H.R. 1443: Mr. GRIJALVA, Mr. COHEN, Mr. BRALEY of Iowa, and Mr. WELCH.
- H.R. 1448: Mr. BILBRAY and Mr. KIRK.
- H.R. 1454: Mr. BISHOP of Utah, Mr. REYES, and Ms. SHEA-PORTER.
- H.R. 1458: Mr. WOLF, Mr. PLATTS, and Mr. EHLERS.
- H.R. 1460: Mr. PAYNE.
- H.R. 1470: Mr. COURTNEY.
- H.R. 1474: Mr. MASSA, Mr. KISSELL, Ms. BORDALLO, Ms. SUTTON, and Mr. SIREs.
- H.R. 1476: Mr. CRENSHAW.
- H.R. 1483: Mr. SESSIONS.
- H.R. 1485: Mr. ARCURI and Mr. BISHOP of New York.
- H.R. 1504: Mr. SERRANO.
- H.R. 1507: Mrs. MALONEY.
- H.R. 1509: Mr. BOOZMAN.
- H.R. 1520: Mrs. BLACKBURN.
- H.R. 1521: Mr. HALL of Texas, Mr. REICHERT, Mr. SPACE, Mr. BOUSTANY, Ms. FOXX, Mr. LAMBORN, Mr. MELANCON, Mr. PLATTS, Mr. CRENSHAW, Mr. TIBERI, and Mr. HOLDEN.
- H.R. 1544: Mr. STARK.
- H.R. 1547: Mr. GORDON of Tennessee, Mr. MEEKS of New York, Mr. CAMPBELL, Mr. ROSS, Mr. BURTON of Indiana, Mr. MITCHELL, Mr. LATHAM, Mrs. NAPOLITANO, Mr. KINGSTON, Ms. CASTOR of Florida, Ms. JENKINS, Mr. DENT, Mr. ARCURI, and Mr. GERLACH.
- H.R. 1550: Ms. MCCOLLUM, Mr. JOHNSON of Georgia, Ms. FUDGE, Mrs. CHRISTENSEN, and Mr. WILSON of Ohio.
- H.R. 1551: Mr. ABERCROMBIE.
- H.R. 1552: Mr. HILL, Mr. KAGEN, Mr. PERRIELLO, Mr. MINNICK, Mr. NYE, Mr. KIRKPATRICK of Arizona, Mrs. MYRICK, Mr. ROONEY, Mr. LANCE, and Mr. MITCHELL.
- H.R. 1558: Mr. HARE, Ms. HIRONO, Ms. SUTTON, Mr. COHEN, Ms. LINDA T. SANCHEZ of California, Ms. LEE of California, and Ms. SHEA-PORTER.
- H.R. 1571: Mrs. SCHMIDT.
- H.R. 1580: Mr. TONKO, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. SESTAK, Mrs. BIGGERT, Mr. EHLERS, Mr. McMAHON, Mr. GRIFFITH, Mrs. DAHLKEMPER, Ms. EDWARDS of Maryland, Mr. BLUMENAUER, and Ms. BORDALLO.

H.R. 1584: Mr. ANDREWS.
 H.R. 1587: Mr. PAUL, Mr. BOOZMAN, Mr. HASTINGS of Washington, Mr. MCCLINTOCK, Mr. UPTON, Mrs. BACHMANN, Mr. GRAVES, Mr. CALVERT, Mr. ROE of Tennessee, and Ms. HERSETH SANDLIN.
 H.R. 1588: Mr. MARSHALL and Mr. CALVERT.
 H.R. 1591: Mr. RODRIGUEZ and Mr. MCCLINTOCK.
 H.R. 1597: Mr. PERRIELLO and Mr. MOORE of Kansas.
 H.R. 1600: Mr. EDWARDS of Texas, Mr. WOLF, and Mr. SMITH of New Jersey.
 H.R. 1619: Mr. ABERCROMBIE.
 H.R. 1622: Mrs. BLACKBURN.
 H.R. 1625: Mr. SIMPSON, Mr. CARSON of Indiana, Mr. WU, Mr. PALLONE, Mr. WEXLER, Ms. BALDWIN, Mr. PLATTS, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. ROHRABACHER, Mr. KING of Iowa, Mr. PETRI, Mr. BLUMENAUER, Mr. LOEBACK, Mr. LIPINSKI, Mr. GORDON of Tennessee, and Mr. BISHOP of Utah.
 H.R. 1633: Mr. BARROW, Ms. ROS-LEHTINEN, Mrs. MALONEY, Mr. RODRIGUEZ, Mr. GEORGE MILLER of California, and Mr. ROGERS of Michigan.
 H.R. 1638: Mr. GOODLATTE.
 H.R. 1660: Mr. RODRIGUEZ, Mr. BARTLETT, and Mr. CARTER.
 H.R. 1669: Mr. EDWARDS of Texas, Mr. JOHNSON of Georgia, and Mr. CLAY.
 H.R. 1676: Mr. COHEN.
 H.R. 1683: Mr. PAYNE.
 H.R. 1684: Mr. PLATTS and Mr. WESTMORELAND.
 H.R. 1685: Mr. BISHOP of New York.
 H.R. 1688: Mr. HALL of New York.
 H.R. 1690: Ms. LEE of California.
 H.R. 1693: Mr. FILNER and Mr. BISHOP of Georgia.
 H.R. 1699: Mr. DOYLE.
 H.R. 1701: Mr. PASCRELL.
 H.R. 1705: Ms. SPEIER, Mr. CONYERS, and Mr. BLUMENAUER.
 H.R. 1723: Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. BISHOP of New York, Ms. BALDWIN, Mr. COHEN, Mr. FARR, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. GONZALEZ, Mr. FILNER, Mr. McDERMOTT, Mr. JOHNSON of Georgia, Mr. HINCHEY, and Mr. BRADY of Pennsylvania.
 H.R. 1740: Mr. HIGGINS, Mr. WOLF, Mr. SHERMAN, and Mr. LoBIONDO.
 H.R. 1741: Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. FATTAH, and Mr. COHEN.
 H.R. 1751: Ms. LEE of California, Mr. ISRAEL, Mr. SERRANO, Mr. FATTAH, Mr. HOLT, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. ORTIZ, Ms. ESHOO, Mrs. DAVIS of California, Mr. CLEAVER, and Ms. SCHAKOWSKY.
 H.R. 1764: Mr. CONYERS.
 H.R. 1765: Mr. MOORE of Kansas.
 H.R. 1770: Mr. COSTA, Mr. ALTMIRE, and Ms. TITUS.
 H.R. 1776: Mr. PAYNE and Mr. MASSA.
 H.R. 1788: Mr. THOMPSON of Mississippi and Mr. PLATTS.
 H.R. 1796: Mr. SHULER and Ms. KILPATRICK of Michigan.
 H.R. 1799: Mr. PUTNAM and Mr. BARROW.
 H.R. 1802: Mrs. BACHMANN and Mr. MACK.
 H.R. 1826: Mr. GRAYSON, Ms. SHEA-PORTER, Mr. COURTNEY, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. WELCH, Mr. HIMES, and Mr. MAFFEI.
 H.R. 1827: Mr. FILNER and Mrs. TAUSCHER.
 H.R. 1831: Mr. McDERMOTT, Mrs. KIRKPATRICK of Arizona, Mr. SPACE, Ms. BERKLEY, Mr. BARROW, Mr. REHBERG, and Mr. BOUCHER.
 H.R. 1835: Mr. SHADEGG, Mr. MARCHANT, Mr. ROSS, Ms. KILPATRICK of Michigan, Mr. SIRE, Mr. BOOZMAN, and Mr. PAUL.

H.R. 1836: Mr. MASSA and Mr. PAULSEN.
 H.R. 1841: Mr. MAFFEI.
 H.R. 1844: Mr. KING of New York and Mr. MCGOVERN.
 H.R. 1847: Mr. HOLDEN.
 H.R. 1855: Mr. HARE and Mr. RYAN of Ohio.
 H.R. 1862: Ms. WOOLSEY.
 H.R. 1873: Mr. STARK.
 H.R. 1874: Mr. GUTIERREZ.
 H.R. 1884: Mr. BOSWELL, Mr. CHANDLER, Mr. BRALEY of Iowa, Mr. HARE, and Mr. CARSON of Indiana.
 H.R. 1893: Mr. PAULSEN.
 H.R. 1910: Mr. MORAN of Virginia and Ms. BORDALLO.
 H.R. 1913: Mr. CAPUANO, Ms. LEE of California, Mr. COHEN, Mr. HARE, Mr. FILNER, Mrs. DAVIS of California, Mr. HASTINGS of Florida, Mr. MAFFEI, Mr. CROWLEY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HOLT, Mr. SIRE, Mr. VAN HOLLEN, and Ms. SCHAKOWSKY.
 H.R. 1920: Mr. MCCOTTER and Mr. POE of Texas.
 H.R. 1921: Mr. SESTAK.
 H.R. 1922: Mr. SESTAK.
 H.R. 1923: Mr. BOOZMAN, Mr. CONAWAY, and Mr. WESTMORELAND.
 H.R. 1926: Mr. ELLISON.
 H.R. 1927: Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. TOWNS, Mr. ALTMIRE, Mr. GRIJALVA, Mrs. CAPPS, and Mr. WOLF.
 H.R. 1928: Ms. KAPTUR and Ms. SHEA-PORTER.
 H.R. 1932: Ms. DELAURO, Mrs. NAPOLITANO, and Ms. BALDWIN.
 H.R. 1941: Mr. FILNER and Mr. FRANKS of Arizona.
 H.R. 1960: Mr. MACK.
 H.R. 1964: Mr. MEEKS of New York, Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. DAVIS of Illinois.
 H.R. 1976: Mr. WAXMAN.
 H.J. Res. 12: Mr. LEWIS of Georgia and Ms. KILPATRICK of Michigan.
 H.J. Res. 41: Mr. BARTON of Texas.
 H. Con. Res. 15: Mr. MEEKS of New York and Mr. BACA.
 H. Con. Res. 24: Mr. HASTINGS of Florida and Mr. RANGEL.
 H. Con. Res. 74: Mr. LEWIS of Georgia and Mr. CONNOLLY of Virginia.
 H. Con. Res. 98: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, and Mr. CONNOLLY of Virginia.
 H. Con. Res. 99: Mr. GRIJALVA.
 H. Res. 57: Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, and Mr. SMITH of Washington.
 H. Res. 109: Mr. MINNICK, Ms. BORDALLO, and Mr. HASTINGS of Florida.
 H. Res. 111: Mr. MEEK of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. LATOURETTE, and Mr. DEFazio.
 H. Res. 156: Mr. POE of Texas.
 H. Res. 175: Mr. BISHOP of Utah, Mr. MCCOTTER, and Mr. MANZULLO.
 H. Res. 185: Mr. CARSON of Indiana, Mr. RANGEL, and Mr. SHULER.
 H. Res. 199: Mr. BURTON of Indiana and Mr. JONES.
 H. Res. 215: Mr. NADLER of New York.
 H. Res. 230: Mr. MEEKS of New York, Mr. ROHRABACHER, Mr. ORTIZ, Mr. FALEOMAVAEGA, Mr. INGLIS, Mr. ENGEL, and Ms. WATSON.
 H. Res. 244: Mr. TURNER.
 H. Res. 247: Mr. NYE.
 H. Res. 248: Mr. LATTA and Ms. KILROY.
 H. Res. 251: Mr. TIM MURPHY of Pennsylvania.
 H. Res. 252: Mr. LYNCH, Mrs. MILLER of Michigan, Mr. DOGETT, Mr. McKEON, Mr.

HINCHEY, Ms. SCHWARTZ, and Mr. LARSON of Connecticut.
 H. Res. 254: Mrs. LOWEY and Mr. KUCINICH.
 H. Res. 259: Mr. BRADY of Pennsylvania, Ms. WATSON, Mr. BROWN of South Carolina, Mr. CARNEY, Mr. GORDON of Tennessee, Mr. PERRIELLO, Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. CULBERSON, Mr. MARSHALL, Mr. WOLF, and Mr. WILSON of South Carolina.
 H. Res. 260: Ms. KILPATRICK of Michigan, Mr. PIERLUISI, Mr. PAYNE, Mr. SABLON, Mr. FARR, Ms. KILROY, and Mr. BISHOP of Georgia.
 H. Res. 267: Mr. ROHRABACHER and Mr. BOREN.
 H. Res. 270: Mr. CALVERT, Mr. JONES, and Mr. PUTNAM.
 H. Res. 283: Mr. HOLT.
 H. Res. 285: Mr. BLUMENAUER, Ms. BERKLEY, and Mr. COHEN.
 H. Res. 291: Mr. WHITFIELD, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. ORTIZ, Mr. BARTLETT, Mrs. TAUSCHER, Mr. CONNOLLY of Virginia, Mr. COHEN, and Mr. SPRATT.
 H. Res. 300: Mr. MASSA, Mr. ARCURI, Mr. TOWNS, Mr. MAFFEI, and Mr. KING of New York.
 H. Res. 311: Mr. GRAYSON, Ms. SHEA-PORTER, Mr. SABLON, Mr. COSTELLO, Mr. SESTAK, Mr. MELANCON, Mr. HINCHEY, Mr. DENT, Ms. LEE of California, and Mr. CONNOLLY of Virginia.
 H. Res. 329: Mr. REYES, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Ms. KILPATRICK of Michigan, Mr. HINCHEY, Mr. BOSWELL, Mr. CONNOLLY of Virginia, Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. MCCAUL, Mrs. DAVIS of California, Ms. SHEA-PORTER, Mr. TAYLOR, Mr. ANDREWS, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. KLINE of Minnesota, Mr. MILLER of Florida, Mr. LoBIONDO, Mr. THORNBERRY, Mrs. McMORRIS RODGERS, Mr. WITTMAN, Mr. AKIN, Mr. SPRATT, Mr. WILSON of South Carolina, Ms. CASTOR of Florida, Mr. LARSEN of Washington, Mr. ELLSWORTH, Mr. SESTAK, Mrs. TAUSCHER, Mr. LANGEVIN, Ms. FALLIN, and Mr. JONES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Bart Gordon, or a designee, to H.R. 1145, the National Water Research and Development Initiative Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1214: Mr. GRIJALVA.
 H.R. 1255: Mr. GRIJALVA.

PETITIONS, ETC.

Under clause 3 of rule XII,

26. The SPEAKER presented a petition of the Detroit Board of Education, relative to A RESOLUTION AUTHORIZING THE REQUEST OF THE UNITED STATES FEDERAL GOVERNMENT FOR FINANCIAL RELIEF AND SUPPORT OF CONTINUED EDUCATION WITHIN THE CITY OF DETROIT;

which was referred to the Committee on Education and Labor.

[Omitted from the Record of March 26, 2009]

the following Members: JOHN R. CARTER and STEVE KING.

Petition 1. March 23, 2009, by Mr. ROBERT E. LATTA on the bill (H.R. 581), was signed by the following Members: ROBERT E. LATTA.

[Omitted from the Record of April 2, 2009]

Petition 2. March 31, 2009, by Mr. JOHN R. CARTER on the bill (H.R. 735), was signed by

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

EXTENSIONS OF REMARKS

CONGRATULATING MS. ALICIA FOX

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate Chester County resident Alicia Fox on her installation as Governor of the Northeast Potomac District of Pilot International.

Alicia has earned the promotion to this distinguished post with more than 22 years of dedicated service to her community and a faithful commitment to the mission of Pilot International.

Admired by peers in the Pilot Club of Valley Forge for her willingness to provide countless hours of volunteer service, Alicia has taught 4H students the craft of sewing, started and supervised an after-school program for local elementary school students and served several years on the board of a local Boy Scout Troop.

She also has selflessly served her church by teaching Sunday school, preparing children for sacraments, caring for the linens and as a member of the Finance Committee.

Alicia will become Governor of the Northeast Potomac District during a ceremony on May 3, 2009.

Madam Speaker, I ask that my colleagues join me today in congratulating Alicia Fox on this tremendous achievement and recognizing her outstanding volunteer spirit and drive to improve the quality of life in her community.

TRIBUTE TO CAROL LAFLEUR

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to share the inspirational story of Carol LaFleur, a resident of Brooklyn Park, MN who changed her life and is now working to change others' lives for the better as well. Mrs. LaFleur has experienced a great deal of hardship throughout her life, but after discovering the gift of education, she completely turned her life around.

Mrs. LaFleur uses her life experiences to guide others and advocate for education. In her time outside of the classroom, she speaks and mentors on issues of mental health, sexual abuse, and disability. In addition, she volunteers for these and multiple other causes. She sets a great example for all Americans, giving her time without asking for anything back.

In addition to all of her accomplishments and hours of volunteerism, she has found an outlet in writing about her experiences. She

has been honored by the Arts in Recovery Program, who chose her essay to be in its exhibit booth online and at the St. Paul Art Crawl.

Madam Speaker, Carol LaFleur is an inspiration, a positive influence for so many who need hope, and a true public servant. She is a great example of the enduring American spirit.

HONORING MAITLAND KEILER OF SUMTER COUNTY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Mr. Maitland Keiler, one of my accomplished constituents who dedicated his life to improving health services in his community and beyond.

Mr. Keiler was born in 1933 in Royal, Florida to Will and Melbira Keiler. In the early 1970's, he moved to Apopka, Florida where he earned a living picking oranges. He then met four Catholic sisters who had worked to found a health clinic for farmers and migrant workers in the area, the West Orange Farmer's Clinic. Working with the sisters and at the clinic began a new chapter in Mr. Keiler's life. He eventually became one of the first African-Americans appointed to serve on the board of the West Orange Farmer's Clinic.

Wishing to bring similar services to his community which was also in dire need, Mr. Keiler approached Mr. Ellery Gray, director of the West Orange Clinic, about opening a clinic in Sumter County. In collaboration with the county, Mr. Grey and Mr. Keiler succeeded in opening "Project Health" in 1974. Once a simple, modest clinic, Project Health is today the Thomas E. Langley Medical Center. The Center has expanded to more than 41,000 square feet of combined medical, dental, behavioral health, radiology, pharmacy and administrative services.

Madam Speaker, men and women like Maitland Keiler are the ones truly making a difference in their communities because of their passion and their drive. Mr. Keiler's story should serve as an inspiration to others, and I am proud to know that one of my constituents worked so hard to make his dream a reality and the lives of his fellow citizens better and healthier.

HONORING DR. ELSA GESKUS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated educator whose

outstanding leadership and guidance has prepared countless teachers for rewarding classroom careers. Dr. Elsa Geskus will be retiring from Kutztown University in Berks County, Pennsylvania after serving the last 12 years as Chairwoman of the Elementary Education Department. She has earned the respect of her fellow faculty members for excellent leadership, scholarship and service.

Colleagues also praised Dr. Geskus for securing national accreditation for the Department and authoring an accreditation report used as a model for colleges and universities throughout the country by the National Council for Accreditation of Teacher Education.

Another highlight of her tenure at Kutztown was establishing the Philadelphia Masters in Elementary Education Graduate Program. This program helped 64 Philadelphia teachers obtain master degrees from Kutztown and led to developing similar programs for teachers in Reading and Allentown.

Outside of the classroom, Dr. Geskus was active in several national organizations, including the Middle States Steering Committee, National Council of Teachers of Mathematics and the College of Education.

Madam Speaker, I ask that my colleagues join me today in honoring the distinguished career of Dr. Elsa Geskus and all who commit themselves to teaching others.

HONORING THE 11 WOMEN
EMISSARIES OF MEMPHIS MUSIC

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor and recognize 11 truly inspirational women who have each played a part in making the music of Memphis world renown. Memphis's music heritage has been called the "soundtrack of America" and these talented artists deserve our thanks and are extremely justified in the recognition bestowed on them today by the Memphis and Shelby County Music Commission.

The esteemed emissaries are Jo Bridges, Joyce Cobb, Jackie Johnson, Susan Marshall, Judy Peiser, Di Anne Price, Reba Russell, Linn Stitler, Pat Kerr Tigrett, Deanie Parker and Ruby Wilson.

Tennessee is the home of country and blues music and the birthplace of the "rock and roll." We are also proud of the thousands of singers, songwriters, performers, producers, and other music industry professionals that make their homes and livelihood within the state and allow Tennessee to compete with New York and California as a hub of creativity and entertainment.

Madam Speaker, I ask my colleagues to join me in both thanking and congratulating the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

new Emissaries of Memphis Music for their dedication and devotion for enriching our lives with wonderful sound and music. These 11 women are truly worthy recipients of this outstanding honor.

CONGRATULATING THE UNIVERSITY OF FINDLAY OILERS ON WINNING THE 2009 NCAA DIVISION II MEN'S BASKETBALL CHAMPIONSHIP

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. JORDAN of Ohio. Madam Speaker, I rise today to congratulate the University of Findlay Oilers on the occasion of their winning the 2009 NCAA Division II men's basketball championship. The Oilers defeated the Cal Poly Pomona Broncos for the championship on Saturday, March 28, 2009, in Springfield, Massachusetts.

The Oilers ended their perfect 36-0 season in overtime when senior guard Tyler Evans hit a fade-away three-point shot as time expired, clinching the university's first ever basketball title. With this win, the Oilers become only the fourth perfect championship team in Division II men's basketball history. The Oilers are also the most winning team in Division II of the past decade, with a record of 238-46.

I would also like to congratulate Head Coach Ron Niekamp and his coaching staff for their outstanding commitment to Oilers basketball. Coach Niekamp was named the 2009 Molten Division II Bulletin Coach of the Year. In addition, senior forward Josh Bostic was named the 2009 Division II Player of the Year.

I am honored to join the chorus of well-wishers as the University of Findlay and the broader community celebrates this remarkable achievement. I join with my colleagues in wishing them all continued success.

REGARDING DUTCH AMERICAN FRIENDSHIP DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise to commemorate the 227th anniversary of formal diplomatic relations between the Netherlands and the United States of America.

On the 19th of April, 1782 in the City of The Hague, the Ambassadorial credentials of John Adams were officially recognized by Prince William V of Orange, thus establishing formal diplomatic ties between the new Government of the United States and the Republic of the Netherlands.

For centuries, the people of the Netherlands and the United States have shared a bond that has influenced the culture of our two nations and contributed to our mutual prosperity.

In September, we will celebrate the 400th anniversary of Henry Hudson's voyage up what would become known as the Hudson

River in New York. Hudson's voyage led to the establishment of New Amsterdam and the New Netherlands colony. Celebrations commemorating this important event have already begun.

As we reflect today on the commercial bond and strategic partnership we have established with the people of the Netherlands over these many years, let us not forget how the strength of our alliance and the endurance of our friendship has helped make both our countries wealthy and stronger and the world more secure as a result.

HONORING THE SERVICE OF THE VOLUNTEER MEDICAL SERVICES CORPS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor an ambulance corps that is celebrating 65 years of faithfully serving communities in southeastern Pennsylvania.

Volunteer Medical Services Corps of Lower Merion, Narberth, Conshohocken and West Conshohocken provides critical care services in a 49 square-mile area and responds to more than 7,200 calls for help each year.

The dedicated and highly-skilled first responders stand ready to answer calls at all hours, in the sweltering heat of summer and the frigid depths of winter, and on some of suburban Philadelphia's most heavily traveled highways, including the Schuylkill Expressway and the Blue Route.

Since its founding in 1944, Volunteer Medical Services Corps has remained true to its mission of providing the highest quality care to each patient its members transport with compassion and dignity.

The Corps owes a large measure of its success to more than 70 volunteers who selflessly give approximately 8,000 hours of service each year.

Madam Speaker, I ask that my colleagues join me today in congratulating Volunteer Medical Services Corps of Lower Merion, Narberth, Conshohocken and West Conshohocken on its 65th anniversary and acknowledging the tremendous commitment and service of its volunteers and professional staff.

RYAN JAMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan James, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and by earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Ryan has shown an extraordinary commitment to

scouting as evidenced by earning several merit badges. Ryan demonstrated a tremendous work ethic in earning his personal merit badge by incorporating his own lawn mowing business.

Ryan's Eagle Scout service project consisted of painting the kitchen and fellowship hall of the United Methodist Church in Maryville, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Ryan James for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE IN RECOGNITION OF THE 25TH ANNIVERSARY OF LOS ANGELES NEIGHBORHOOD HOUSING SERVICES, INC.

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Los Angeles Neighborhood Housing Services, Inc. (LA NHS), a non-profit lender and community developer dedicated to building stronger neighborhoods throughout Los Angeles County, on the occasion of its 25th Anniversary.

Incorporated in 1984, LA NHS has catapulted itself from a small housing agency to the largest, non-profit affordable homeownership provider in Southern California. LA NHS focuses on specific target neighborhoods in Los Angeles County. In addition to the Boyle Heights/East Los Angeles areas in the 34th Congressional District, the organization targets Central Los Angeles, Crenshaw, Pacoima, San Pedro-Wilmington and Carson.

Over the last 25 years, LA NHS has reinvested more than \$2 billion into neighborhoods throughout the county and region. The organization has developed and rehabilitated more than 11,000 housing and commercial units, put 1.9 million families on the road to homeownership, created 175 block clubs, and employed 200 neighborhood youth. As a lender to underserved communities, LA NHS has maintained a loan portfolio with a 3 percent or less delinquency ratio and no foreclosures.

Since 2007, LA NHS, along with its partners through the Los Angeles County NeighborWorks® Center for Foreclosure Solutions, has been on the frontline of the mortgage crisis. The LA NHS 25th Anniversary Gala Dinner Concert & Silent Auction, scheduled for April 30, 2009, will commemorate the partners that have worked tirelessly to keep families in their homes in the midst of this crisis.

As a Community Development Financial Institution during the last fiscal year, Los Angeles Neighborhood Housing Services working with its affiliates, NHS Neighborhood Redevelopment Corporation and NHS Neighborhood Lending Services, reinvested nearly \$97 million into Los Angeles neighborhoods, providing nearly \$70 million in loans to local residents to improve housing conditions, create homeownership opportunities, and combat predatory

lending. In addition, during that time, LA NHS reinvested more than \$9.8 million through real estate services and \$1.5 million through neighborhood revitalization projects.

Through aggressive foreclosure prevention efforts, LA NHS assisted more than 59,000 families over the last fiscal year to preserve their homes and prevent foreclosure. This ongoing multi-faceted initiative includes post-purchase education fairs, clinics and workshops, affordable lending, loan modifications, comprehensive loss mitigation initiatives, and other LA NHS programs.

I had the privilege of seeing firsthand the extraordinarily helpful services provided by LA NHS to residents of the 34th Congressional District. Last July, more than 500 homeowners attended a LA NHS organized-foreclosure prevention fair in the City of Downey. Credit counselors and lenders were on hand at the free event to offer on-site assistance, one-on-one counseling, and information on viable options to avoid foreclosure. Housing, tax and financial professionals also provided presentations to help homeowners understand the foreclosure process, guard against fraud and scams, address tax issues and rebuild their credit. Representatives from the LA County NeighborWorks Center for Foreclosure Solutions, the U.S. Department of Housing and Urban Development, and area banks also participated in the workshop.

LA NHS credits the tremendous efforts of its community volunteers during the last fiscal year for the success of its outreach efforts, including the Downey foreclosure prevention fair. More than 800 volunteers spent more than 6,400 hours participating in the LA NHS sponsored foreclosure prevention fairs, clinics, workshops, and Neighborhood Pride Day events. The two Pride Day events involved more than 400 volunteers who gave their time and labor to refurbish homes and plant flowers in underserved neighborhoods. In total during the last fiscal year, these community outreach events assisted more than 10,000 families to preserve their homes and prevent foreclosure.

Madam Speaker, on the occasion of Los Angeles Neighborhood Housing Services, Inc. 25th Anniversary, I join today with fellow leaders from throughout the state in recognizing President and Chief Executive Officer Lori Gay, Board Chairman Sal Mendoza, the Board of Directors, and the organization's 40 employees for their tireless work to help families throughout Los Angeles County. I extend my thanks on behalf of the residents of the 34th Congressional District for their passion and determination to revitalize communities, build stronger neighborhoods and help families of modest means actualize their dream of homeownership, and I wish them many years of continued success.

HONORING MAYOR TONY ARREDIA
OF DES PLAINES, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ROSKAM. Madam Speaker, I rise today to honor a dedicated public servant from my

Congressional District, Mayor Tony Arredia of Des Plaines. After nine years as Mayor, Tony has decided to retire.

Tony was born and raised on the west side of Chicago, and he attended Mount Carmel High School. In the private sector, Tony brought his talents and relational skills to bear as he worked for Continental Bank and the Asbury Court Retirement Community.

In his first experience with elected public office, Tony served two terms as the 8th Ward Alderman of Des Plaines. Then, in 2000, Tony was appointed to replace Mayor Paul Jung. Over the years, Tony has been an insightful observer, keen in his understanding of the long-term challenges facing the City. Throughout his career, he has tackled these challenges with deft skill, deep understanding, and strong personal integrity.

While constant change has brought a steady stream of new difficulties for Des Plaines to confront, one thing has remained the same. Mayor Arredia has kept a steady hand to the wheel, advising the City Council and working tirelessly for the benefit of the community and her residents.

Tony Arredia has been an advocate for the people of Des Plaines since his very first days in office. Tony truly embodies the meaning of a public servant as he approaches his job with compassion and humility. In his time with the City, he has shown true leadership to bring economic development to the area and to achieve important progress in flood preparedness and relief. Tony has improved all of our lives and left an indelible impression on the City of Des Plaines.

Madam Speaker and Distinguished Colleagues, Tony Arredia is a remarkable leader who has dedicated his life to serving the people of Des Plaines. Please join me in recognizing his extraordinary service and wishing him every happiness in the well deserved respite of his retirement.

IN HONOR OF COACH BRUCE
SNYDER

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the exemplary and inspirational life of Coach Bruce Snyder. Diagnosed with cancer just last year, Coach Snyder passed away early in the morning on Monday, April 13, 2009. He was 69 years old.

Coach Snyder will always be remembered for his many successes as the head football coach at Arizona State University from 1992–2000, and before that at the University of California. Under his leadership, the Sun Devils won 58 games and made four bowl appearances. More than 40 of Coach Snyder's players were drafted into the NFL, and he produced over 100 All-Pac-10 honorees.

ASU alumni the world over remember the magical 1996 season. Bruce Snyder coached the Sun Devils to one of their best seasons in history, going 11–1, upsetting many highly ranked championship teams, and coming heartbreakingly close to a NCAA national

championship. He was named Coach of the Year, an honor that could not have been more appropriate.

Coach Snyder's time at ASU is incredibly impressive, and has certainly left a lasting impression on me. But the ultimate record of his work lies in the positive and lasting impact he has made upon the hearts and minds of the people he touched. Players, family and friends recall Coach Snyder as a man of tremendous personal integrity, culture and caring for those around him. He imparted life lessons on his players that went far beyond the field. As one former player so aptly put it upon learning of Coach Snyder's passing, "He was a good coach, but a better man."

Madam Speaker, please join me and Bruce's wife and children in mourning the loss and honoring the legacy of Bruce Snyder.

RECOGNIZING DR. RUTH PERSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. KILDEE. Madam Speaker, on April 17 the University of Michigan-Flint will install Dr. Ruth Person as their new chancellor. The inaugural ceremony and a public reception will be held on campus that day to celebrate this event.

Dr. Ruth Person received her bachelor's degree from Gettysburg College in Pennsylvania, and her master's and Ph.D. from the University of Michigan. She also earned a master's degree in administration from George Washington University School of Business and Public Management. She also attended the Harvard University Institute of Educational Management.

Prior to coming to the University of Michigan-Flint, Dr. Person was the Chancellor of Indiana University at Kokomo; and she was Vice President of Academic Affairs and Professor of Business Administration at Angelo University in San Angelo, Texas. She has also held positions as Vice President for Academic Affairs at the University of Missouri-St. Louis, dean of the college of Library Science at Clarion University in Pennsylvania, associate dean and faculty member of the School of Library and Information Science at the Catholic University of America. She was an American Council on Education Fellow and served as chief academic officer with the Arizona Board of Regents. Dr. Person is a member of Phi Alpha Theta, Beta Phi Mu, Pi Lambda Theta, Psi Chi, Kappa Delta Pi, Beta Gamma Sigma and is listed in a number of Who's Who publications. The University of Michigan Board of Regents approved her appointment as Chancellor of the Flint campus on June 19, 2008.

Madam Speaker, under Dr. Person's leadership, the University of Michigan-Flint is a vibrant, expanding campus of 7,200 students. The faculty, staff and students are integrating the academic and urban landscapes to develop a unique, unparalleled educational experience. Her vision of the campus-community synergy promises to enhance the quality of life for everyone involved and Dr. Person is guiding the school to be a cornerstone of development and revitalization in the Flint of tomorrow. I ask the House of Representatives to

join me in welcoming her to this position and wish her the best as she shapes our future leaders.

HONORING THOMAS KILLIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Thomas Killian upon his retirement from the California Highway Patrol after twenty-seven years of service. Mr. Killian officially retired on February 13, 2009.

As a young man Mr. Killian joined the United States Marine Corps and served with honor for three years. Upon leaving the Marines he decided to join the California Highway Patrol (CHP); he reported to the CHP Academy in Sacramento for training as a cadet in May 1982. Five months later he graduated from the academy and was immediately promoted to traffic officer in the San Jose Area Office.

During his twenty seven years with the CHP Mr. Killian has held a variety of positions. While in San Jose he was a Field Training Officer; training many young officers who have gone on to have great careers. He was also assigned to the Golden Gate Dignitary Protection Team, where he provided security to former President Ronald Reagan, former Secretary of State George Shultz and many foreign dignitaries. In October 1985 he was transferred to the Modesto Area Office and remained there until his retirement.

In the Modesto Area Office, Mr. Killian was involved in establishing the Modesto CHP Explorer Post in 1991. He continued to mentor the young members, many of which have become law enforcement officers, until the Post disbanded in 2006. He was also the first of two officers assigned to develop a new program in the Modesto area known as "Community Policing." This program provided Mr. Killian the opportunity to serve the smaller communities in Stanislaus County and become personally involved with the people in those communities. In November 2000, Mr. Killian became the Public Information Officer for the Modesto area. He remained in this position until his retirement in February.

Madam Speaker, I rise today to commend and congratulate Thomas Killian upon his retirement from the California Highway Patrol. I invite my colleagues to join me in wishing Mr. Killian many years of continued success.

BILLBOARDS AS "WANTED"
POSTERS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. OBERSTAR. Madam Speaker, in 2006, I brought to the attention of the House of Representatives the use of billboards as "wanted" posters. Since then, donated billboards have become a common tool for law enforcement,

including the new digital billboards that can be changed quickly via computer.

The Federal Bureau of Investigation (FBI) has been a pioneer in the use of digital billboards to help apprehend suspected criminals. After initial success in Philadelphia, the FBI has been using digital billboards across the country. To date, 18 fugitives have been apprehended because they were featured on these high-tech "wanted" signs.

On March 20, 2009, FBI Director Robert S. Mueller presented a 2008 Director's Community Leadership Award to Clear Channel Outdoor, Lamar Advertising, Adams Outdoor Advertising and the Outdoor Advertising Association of Georgia. Together, these entities provide access to more than 1,000 digital billboards to the FBI.

Director Mueller said to those receiving the awards: "Whatever the motivation—an unfilled need, a tragic occurrence, a desire to give back—these are people who make things happen and enlist others in their cause. They are activists who have earned their prestige through good works."

The FBI cites these cases:

On November 12, 2008, Richard Franklin Wiggins, Jr., was arrested for money laundering and for ties to a drug trafficking organization—just three weeks after both Lamar Advertising and Adams Outdoor ran his image on their digital billboards in the Norfolk, Virginia area. Wiggins reportedly turned himself in at the insistence of his family and friends.

On October 24, 2008, Walter Haskell was arrested for an armed robbery in New Jersey that he had committed several months earlier. After the robbery, he fled to Minnesota. His image was plastered on digital billboards across the state, generating tips that led to his apprehension. "If we have a crack at over a quarter-million people seeing that photo every day, then we have a very good chance at catching the person we're after," said Special Agent Sean Quinn, a spokesman for the FBI in Newark. "The exposure gets us started."

On November 9, 2008, Christopher Ellis was apprehended for a multi-state crime spree that included a bank robbery in Kentucky, a kidnapping and carjacking in Georgia, and a home invasion in Tennessee. Our partners placed a photo of Ellis and the truck he was driving on billboards in multiple states across the region. The publicity generated by the digital billboards contributed to a larger campaign which generated the tip that led to his arrest.

As I pointed out in 2006, "wanted" posters are part of American history, including the pictures I saw in the United States Post Office growing up in Chisholm, MN. The success story of "wanted" billboards—and the recent recognition from the FBI—serves to remind us that outdoor advertising is a significant medium of communication.

Madam Speaker, I close with a summation that appears on the website of the FBI: "Long story short: the billboards are working and working well. And that means a safer America for all."

INTRODUCTION OF THE CHILDREN'S HOSPITALS EDUCATION EQUITY ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. KENNEDY. Madam Speaker, our nation is currently experiencing a shortage of child and adolescent mental health professionals. This means that many children and adolescents are not getting the care they need, forcing some families to travel great distances or wait on long waiting lists for their child to receive the mental health services they need. Enhancing the mental health workforce is critical to addressing this problem.

In 1980, the Graduate Medical Education National Advisory Committee recommended that the number of child and adolescent psychiatrists be increased by 8,000 to 10,000 by 1990, in order to meet the projected needs for treatment of child mental disorders. In 1990, the Council of Graduate Medical Education reported that the nation would need more than 30,000 child and adolescent psychiatrists by 2000. Yet in 2009, there are only 7,000 child and adolescent psychiatrists practicing nationwide, and few are located in medically underserved, rural and urban areas. The U.S. Bureau of Health Professions projects that the number of child and adolescent psychiatrists will increase by about 30 percent to 8,312 by 2020, if funding and recruitment remain stable. This is still far less than the estimated number needed to meet the demand.

Today, I am introducing legislation in an effort to address this crisis. The Children's Hospitals Education Equity Act would allow children's psychiatric hospitals to qualify for Medicare Children's Hospital Graduate Medical Education (GME) funding, giving these vital hospitals more of the resources they need to care for our nation's children and adolescents. Current law excludes children's psychiatric hospitals from receiving funding that is used to cover the expense of educating residents, including time attending doctors spend training residents, space and other administrative costs, and equipment use.

The legislation I am introducing today would expand the definition of a "children's hospital" to include certain children's psychiatric hospitals, thus giving them the essential resources they need to build the supply of trained child and adolescent psychiatrists, to advance the quality of training for child psychiatrists, and to provide care for some of our nation's most vulnerable children and adolescents. This change is essential in order to improve the quality of mental health care our children receive.

I thus urge your swift full consideration of this legislation.

CONGRATULATING CIARA
PETRONZIO ON HER PRUDEN-
TIAL SPIRIT OF COMMUNITY
AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ciara Petronzio, recipient of the 2009 Prudential Spirit of Community Award. This award recognizes Ciara's outstanding leadership achievements and her contributions to improving the conditions of sick and abused animals in Arizona.

Ciara has volunteered for Rescue A Golden, an organization devoted to rescuing and providing care to golden retrievers left homeless in Arizona. She has helped ensure that a countless number of golden retrievers have been given the love and attention that they have lacked throughout their short lives. By taking the dogs on walks and giving them their needed medication, Ciara has truly made a difference in their lives.

Her passion for helping animals began at an early age as her family lost a valued member of their family when they had to put their dog to sleep. Her enthusiasm and excitement has made it possible for sheltered dogs to receive the necessary care and help that they require.

A community's quality of life is determined by many factors, such as the policies set by city government and the programs available to its citizens. However, I believe that a community rises and falls on the shoulders of its citizens, and the contributions they make to that community. Ciara exemplifies this commitment and raises the bar for everyone around her.

Madam Speaker, please join me in recognizing Ciara Petronzio's continued work and advocacy for sick and abused golden retrievers in Arizona.

HONORING THE MTA LONG ISLAND
RAIL ROAD

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the MTA Long Island Rail Road, LIRR, for 175 years of service to Long Island and the surrounding metropolitan area. As a subsidiary of New York State's Metropolitan Transportation Authority, the LIRR has been an essential component to the development of Long Island communities and has served as a gateway into the economic growth of the region.

Chartered in 1834, the LIRR continues to be the oldest railroad in the United States still operating under its original name. Connecting communities stretching from Montauk, on the east end of Long Island, to Penn Station, in the heart of Manhattan, the LIRR serves 124 stations in Nassau, Suffolk, Queens, Brooklyn and Manhattan; and with 700 miles of track on 11 different branches, the Long Island railroad is the busiest commuter railroad in North

America, serving over 87 million customers annually.

Throughout its 175 years, the LIRR has been a vital component of the New York metropolitan region's transportation infrastructure, leading to the development of the Long Island communities it serves. Without the LIRR trains, more than 100,000 additional cars would use the roads into New York City each weekday.

Madam Speaker it is my pleasure to acknowledge and thank the Long Island Rail Road and wish them the best of luck in the future.

HONORING THE LIFE OF GIUSEPPE
PETROSINO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ISRAEL. Madam Speaker, I rise today to pay tribute to the life of Lt. Detective Giuseppe Petrosino on the 100th anniversary of his death. Lt. Detective Petrosino was a pioneer in the fight against organized crime, and was the first New York City Police officer to be killed on foreign soil.

An emigrant from Padula, Italy, Petrosino joined the New York City Police Department on October 18, 1883. His relentless pursuit of gangsters and the mafia garnered him the reputation of "the Detective in the Derby." Petrosino was the architect of many programs designed to combat organized crime. These programs, including the Bomb Squad, the Canine Squad, and the Undercover Squad, are all techniques that are still used today.

In 1895, Theodore Roosevelt, who at the time was the police commissioner of New York City, promoted Petrosino to Detective Sergeant in charge of the department's Homicide Division. He became the first Italian-American to lead this division. In 1908, he was promoted to Lieutenant and headed the Italian Squad, which was an elite corps of Italian-American detectives organized to deal with gangster criminal activities.

Lt. Detective Petrosino's service with the Italian Squad was exemplary. In one instance, Petrosino countered a blackmail attempt on the life of the famous Italian tenor, Enrico Caruso. In another instance, Petrosino infiltrated the Italian based anarchist organization that assassinated King Umberto I of Italy. During this mission, he discovered evidence that the organization intended to assassinate President William McKinley during his trip to Buffalo. Petrosino's warning to the Secret Service went unheeded, and President McKinley was tragically assassinated.

Lt. Detective Petrosino's service led him to Italy on a top secret mission. Petrosino's commendable career came to a tragic end, when he was murdered while waiting for who he thought was an informant.

The day of his burial in New York City was declared a holiday to allow citizens to pay their respects. The Manhattan funeral was attended by 250,000 people, a true testament to the honorable service Petrosino paid his community.

On this anniversary of his passing, I remember and applaud the dedication with which Lt. Detective Petrosino protected the citizens of New York. I am proud to honor him today.

HONORING RICHARD A. BERMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Richard A. Berman, the tenth President of Manhattanville College located in Purchase, New York.

A graduate of the University of Michigan, Richard Berman has spent his career serving his community at the federal, state, and local levels. Before joining Manhattanville College, Mr. Berman served as executive vice president of the New York University Medical Center and was appointed to 2 New York State cabinet positions by Governor Hugh Carey.

In 1995, Manhattanville College was in financial trouble. Unable to meet its obligations and running annual shortfalls triple the size of its endowment, the college's buildings were in disarray and low enrollment left dormitories half empty. Under Richard Berman's passionate and pragmatic leadership, the college has more than doubled its enrollment, balanced its books, and earned top-tier recognition in college ranking guides.

In a 2003 article entitled "The Man Who Turned Manhattanville Around," The New York Times recognized Richard Berman as a driving force behind the revitalization of Manhattanville College. Within a decade, the college was transformed from a failing institution into a thriving, top-rated undergraduate liberal arts college committed to offering its students a rigorous academic experience with in a nurturing and diverse environment. Later this year, Richard Berman will retire from Manhattanville College, leaving it a stronger and more sustainable institution than he found it.

Never one to limit his efforts to his local community, Richard Berman has projected his passion for peace and mutual understanding around the world. As chairman of the board of Seeds of Peace, he has worked to empower young leaders from regions of conflict with the leadership skills to work toward reconciliation and lasting peace. He has also provided strategic planning and leadership training at Kabale University in Africa, the only secular university in Uganda's Western Region.

Madam Speaker, I am proud to recognize my friend Richard A. Berman for his remarkable service as president of Manhattanville College and his lifelong commitment to enriching the lives of others. I urge my colleagues to join me in honoring his tremendous accomplishments.

CONGRATULATING MARK PHILLIPS ON HIS PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Mark Phillips, recipient of the 2009 Prudential Spirit of Community Award. This award recognizes Mark's outstanding leadership achievements and his contributions to improving the quality of life for special-needs children in Arizona.

Mark founded the Red Nose Club, a community service organization devoted to raising awareness and opportunities for children with serious illnesses. Through his efforts, Mark has helped raise over \$21,000 for local food banks and hospitals to provide care for sick children.

His passion for helping others began at an early age. His brother was born with a serious heart ailment and Mark has been a champion for children with similar illnesses. His enthusiasm and excitement has spread throughout the state with creative projects that have made it possible for sick children to receive the necessary care and help that they require.

A community's quality of life is determined by many factors, such as the policies set by city government and the programs available to its citizens. However, I believe that a community rises and falls on the shoulders of its citizens, and the contributions they make to that community. Mark exemplifies this commitment and raises the bar for everyone around him.

Madam Speaker, please join me in recognizing Mark Phillips' continued work and advocacy for children with serious illnesses in Arizona.

HONORING ASSISTANT CHIEF GREGORY A. BULANOW OF THE NORTH CHARLESTON FIRE DEPARTMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to congratulate one my constituents in South Carolina, Assistant Chief Gregory A. Bulanow of the North Charleston Fire Department, for successfully completing the Executive Fire Officer Program, or EFOP, on February 27th of this year.

The EFOP is an intensive program designed to give senior fire officers a broad perspective on various aspects of fire administration by providing them with knowledge that they can to apply during emergency situations that occur in their own communities.

It is no small feat to complete such a program, as it is made up of four extensive courses, stretching over a span of years.

As an ardent supporter of all of our nation's fire fighters and emergency personnel, I speak for the people of Charleston and the surrounding areas in saying that we are lucky to

have well trained and skilled individuals like Assistant Chief Bulanow looking out for us every day.

I commend Assistant Chief Bulanow on his achievements and thank him for his devotion to the protection of the people of South Carolina.

HONORING WOMEN IN SERVICE AND ENTERPRISE AWARD WINNERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. HENSARLING. Madam Speaker, for the past seven years, the greater Mesquite area has embraced the opportunity to honor many exceptional women in the community through the Women in Service and Enterprise (WISE) Award Luncheon and Style Show. Today I would like to honor this year's award recipient, Mrs. Jana Hunter-Kovar, who is a shining example of a committed community advocate and servant. I would also like to recognize honorees Barbara Dunn, Lois Buford and Adrianna Harris for their valuable service and commitment to their community.

Jana Hunter-Kovar has dedicated her life and energy to the Mesquite community for many years. She began her work as a home sales advisor before retiring to care for her family and volunteer full time. Through her participation in the Leadership Mesquite Class of 1996, the Mesquite Citizen's Police Academy Class of 1998, as well as her service on the Mesquite Chamber of Commerce Board, Parks & Recreation Board, Mesquite Services League Board, Mesquite Symphony Orchestra Association Board, Mesquite Symphony Guild Board, and the Mesquite Social Services Board, Jana has truly had an integral hand in shaping Mesquite into the successful city it is today.

In recognition of her many hours of service and sacrifice, Jana has been honored with the 2004 Mesquite Social Services' Outstanding Commitment & Achievement Award, the 2003 and 2006 Mesquite Social Services' Star Board Member Award and the 2005-2006 Mesquite Independent School Board's Volunteer of the Year award. In addition to her many civic activities, Jana has been married to her husband, Mike, for 21 and 1/2 years and they are the proud parents of two daughters, Kyleigh and Kaitlyn.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service, community involvement and dedication to enterprise continue to inspire younger generations.

Today, I would like to recognize all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community, state and country a better place.

A TRIBUTE TO MR. PATRICK REED

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Superintendent Patrick Reed, the superintendent of Mammoth Cave National Park, for winning the Superintendent of the Year for Natural Resource Stewardship award from the National Park Service.

Mr. Reed established a collaborative framework for science-informed decisionmaking. This includes disseminating scientific research to park staff, other areas overseen by the National Park Service, local citizens, academic and government partners, and people around the world.

Mr. Reed's effort to develop local, national, and international partners exemplifies how creating a consortium can be a productive method to share information, techniques, and research to aid cave and karst areas around the world. His efforts have initiated sister-park relationships with cave and karst areas in China, Slovenia, and Spain.

Mr. Reed's passion for Mammoth Cave National Park and commitment to better managing the park's world-class natural resources is an example for all to follow. I thank Mr. Reed for his commitment to the people of the Second District and one of our nation's greatest treasures.

TRIBUTE TO "THE GREATEST GENERATION" OF LOUISIANA

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ALEXANDER. Madam Speaker, it is with distinct honor that I pay tribute today to the living veterans of World War II—"The Greatest Generation." On behalf of all the residents of the 5th District of Louisiana, I offer our deepest appreciation.

World War II was a defining moment for our country. Over six decades ago, 16 million selflessly fought to protect and preserve our country's liberty, leaving school, jobs, friends and families behind. We must always remember the sacrifices made by these brave men and women.

At the time when I was growing up, my generation would often hear World War II stories from our fathers or uncles. Today, these stories are becoming more and more precious to hear firsthand.

I would like to thank the American Legion Post 53 of West Carroll Parish for providing an opportunity to reflect on the gallantry of those who served and those who died to protect our freedom in World War II.

Our World War II veterans exemplify the strength and spirit of our country's "Greatest Generation." The men and women who served in uniform during that war dedicated their lives to guiding our nation through some of its most trying hours.

I remain committed to ensuring that all our veterans receive the benefits and honor that

they greatly deserve. They have touched every life in some way.

Madam Speaker, please join with me and all Louisianians in paying tribute to the living veterans of World War II. There will be a special place in our hearts for each one of these brave soldiers.

TRIBUTE TO KENNY PERRY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to recognize the extraordinary accomplishments and contributions of Kentucky native Kenny Perry. Earlier this month, Mr. Perry gave a memorable performance at the 73rd Masters Tournament in Augusta, Georgia. Looking to become the oldest golfer to win a major championship at the age of 48 years and 8 months, Mr. Perry played superbly during the Masters Tournament and finished second in the tournament following two exciting playoff holes. Throughout the tournament, he exhibited the same grace and class he has always shown throughout his auspicious career.

Mr. Perry grew up in Kentucky's First Congressional District, attending Franklin-Simpson High School and eventually graduating from Lone Oaks High School in Paducah. He played golf at both schools before attending Western Kentucky University where he continued to excel at the sport. In 1982, Mr. Perry turned professional and has spent the past 27 years building a solid reputation for himself both as a professional golfer and a community leader. He donates a percentage of his winnings to Lipscomb University in Nashville, TN, to provide scholarships to students. Mr. Perry built Country Creek, a public course in his hometown of Franklin. In 1995, he bought 142 acres of land to design and build the only public course in the town. He designed it for mid-to-high handicappers and kept it affordable so that the game of golf could be accessible to all. Mr. Perry is a member of Western Kentucky University Hall of Fame and Kentucky Golf Hall of Fame. In 2002, he received the Charles Bartlett Award, given to a professional golfer for his unselfish contributions to the betterment of society by the Golf Writers Association of America.

On the course, Mr. Perry currently ranks 3rd in All-Around Ranking on the Professional Golfers Association (PGA) tour. In 2008, when the Ryder Cup was held in Kentucky, Mr. Perry dedicated himself to qualifying for the event. His hard work paid off when he helped the United States retake the cup for the first time since 1999.

Mr. Perry's contributions both on and off the golf course serve as a shining example of what professional athletes should be and I am pleased to have this opportunity to honor him.

HONORING REVEREND DR. HENRY L. FULLER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Reverend Dr. Henry L. Fuller, Jr. as he celebrates his 11th year as pastor of Mt. Calvary Missionary Baptist Church. A banquet was held on Saturday, April 18th to celebrate this occasion.

In 1999 and 2002, Reverend Dr. Fuller was elected Moderator of the Great Lakes Baptist District Association and held this post until 2007. He is also a member of the Board of Trustees of the American Baptist College of A.B.T.S., Nashville; a member of the Strategic Planning Committee of the National Baptist Congress of Christian Education; President of the United Bible Institute of Flint; Member At-large of the Executive Board of the National Baptist Convention, USA, Incorporated; Treasurer of the Todd-Phillip Children's Home; a member of the Mayor's Community Advisory Board in Flint; and Governor Jennifer Granholm named him to the State of Michigan Faith Based State Wide Steering Committee. In 2007 he was elected President of the Wolverine State Baptist Missionary Convention at its 88th Annual Session.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of Reverend Dr. Henry L. Fuller, Jr. I pray that he will continue to bring the good news of Our Lord, Jesus Christ to the Flint community for many, many years to come.

2009 14TH CONGRESSIONAL DISTRICT ART COMPETITION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. DOYLE. Madam Speaker, I rise today to recognize the artistic ability of a young woman from my Congressional District, Steph Goodrow of West Mifflin Area High School. Ms. Goodrow is the winner of the 2009 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery." Ms. Goodrow's artwork, a chalk, pastel, and charcoal composition entitled "A Walk," was selected from a number of outstanding entries to this year's competition.

In fact, fifty-five works from twelve different schools in Pennsylvania's 14th Congressional District were submitted to our panel of respected local artists. It's a real tribute to her skill and vision that her work was chosen as the winner of this year's competition. I am certain that Ms. Goodrow's family is proud of her artistic talents and this impressive accomplishment.

Ms. Goodrow's artwork will represent the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be displayed in the United States Capitol over the coming year. I encourage my colleagues as well as any visitor to

Capitol Hill to view Ms. Goodrow's artwork, along with the winning entries from the high school art contests held in other Congressional Districts, that will be on display in the Capitol tunnel. It is amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country.

I would like to recognize all of the participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery:" from Brashear High School, Nour Qutyan; from the Pittsburgh High School for the Creative and Performing Arts, Sarah Axtell, George Cessna, Dana Laskowski, and Nicolette Santercangelo; from Carlynton High School, Christina Chicci; from Carrick High School, Jessica Dietz, Kristin May, Kaci Scheidter, and Mandy Tice; from Montour High School, Dominique Dabeco, Diane Elbel, and Hilary Wirkowski; from Northgate High School, Linzie Bussard, Crystal Flora, Alicia Patak, and James Silay; from Penn Hills High School, Julian McClain Hubbard, Carly Otte, Chloe Regan, Lauren Tucci, Sidney Turba, and Chloe Weiss; from South Allegheny High School, Angelia Bianchi-Faiello, Rhett Bilec, Bre Graham, Hollah Brielle Graham, Mollie K. Kish, and Brett Nolfi; from Taylor-Allderice High School, Shelby Gitchel, Joseph Godovshik, Jasmine Manguel, Juan Melena-Robles, Casey Snyder, and Yajie Yang; from West Mifflin Area High School, Steph Goodrow, Elyse M. Larouere, Rachel Lynn Playso, and James Vautier; from the Wilson Christian Academy, Elora Boyd; and from Woodland Hills High School, Candace Davis, Alessandra DeChancie, Elijah Johnson, Sarah Morgan, Maddy Moyta, and Sara Savage.

I would like to thank these impressive young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular.

I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

COMMEMORATING YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. HASTINGS of Florida. Madam Speaker, today I remember the millions of souls who died at the hands of the Nazis and, specifically, the approximately six million Jews who perished in the Holocaust. I remember the approximately one and a half million children who were brutally murdered by the Nazis and their collaborators. In the United States Congress and all over the world, we embrace this solemn day of remembrance. It is Yom HaZikaron laShoah ve-laGvura, 'Remembrance Day for the Holocaust and Heroism,' known commonly in Israel and abroad as Yom HaShoah or Holocaust Remembrance Day.

I have always aspired to stand by the saying 'Never be a bystander.' For that reason, I find it appropriate to recall the story which

took place on the 27th of the Hebrew month Nisan, which is the day in 1951 the Israeli parliament, the Knesset, designated as Yom HaShoah. On this day in 1943, a small group of less than one thousand Jewish rebels in Poland's Warsaw Ghetto were in the midst of fighting back against the elite Waffen-SS soldiers who had been tasked with "liquidating" the Ghetto. With only a few firearms, a tiny supply of ammunition, and a small number of makeshift explosives, it took the Nazis nearly a month to defeat the small band of Jewish fighters. Better known as 'the Warsaw Ghetto Uprising,' this was the most significant act of Jewish resistance during the Holocaust. They never lost hope and, although the story ultimately ended tragically, it remains today an inspiration to us all of the unshakable will of human beings to live in freedom.

I quote my friend, the fifth Prime Minister of Israel, Yitzhak Rabin, when he spoke at the Central Memorial Assembly in Warsaw on the 50th Anniversary of the Warsaw Ghetto Uprising in 1993: 'There were those who believed that, with the fall of the Nazis, racism would be abolished from the earth. They were mistaken. Fifty years after the fall of Hitler, his successors have arisen in various corners of the world.'

Today is a time for reflection, but it is not enough to simply remember. We must continue to fight hatred and intolerance wherever it exists, for human freedom depends on the presence of justice, the justice that was denied to so many during the dark days of World War II. To ignore that lesson is unforgivable.

Today in the Darfur region of Sudan, genocide is taking place. This conflict has engulfed millions of people and cost hundreds of thousands of lives. Innocent people are being murdered, starved, and driven from their homes simply because of the color of their skin.

As we commemorate Yom HaShoah, it is my hope that all people will banish the sort of dark hatred that gave rise to the Holocaust and, more recently, to the events in Darfur. May our consciences prevent us always from being bystanders in times and places where that sort of evil is present. Today I remember the past and take a stand for our future.

CONGRATULATING CHRIS GATLIN,
2009 LOUISIANA NURSE OF THE
YEAR

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to congratulate Chris Gatlin, RN, OCN, MHA, a nursing director at the Baton Rouge General, for being named 2009 Nurse of the Year by the Louisiana State Nurses Association.

Chris is a long-time nurse at the Baton Rouge General, and her colleagues and friends state that she is representative of a true leader. From her work as an oncology nurse, to her service to those well beyond the hospital walls, Chris demonstrates the art and caring as a nurse by her promotion of this profession through example and participation.

In addition to being one of the most compassionate caregivers, Chris is involved with many programs, projects, and initiatives related to oncology nursing. From promoting her profession through college classroom visits and national speaking engagements, to teaching classes to help nurses at the Baton Rouge General receive the highest certifications in oncology nursing, Chris is a constant advocate for the profession and a mentor to many.

But one of Chris' most important and meaningful achievements was spearheading an initiative to increase awareness about the management of pain for cancer patients. As an oncology nurse, Chris saw how pain affected the daily lives of those suffering with this terminal disease. With a simple commitment to help her patients, she shepherded resources and stakeholders—creating the Louisiana Pain Initiative. Through this group, she secured grant money from the Pain Foundation to conduct the first Survey on Pain in Louisiana. She was also able to gain support around the state and participated in countless interviews for the "Power Over Pain Louisiana Campaign." Chris continues to work closely with the group, making a difference in the lives of many in our state.

Chris is also highly involved with the American Cancer Society (ACS). She participates annually, usually as a team leader, in the Relay for Life event and serves as a member of ACS's board of directors. She is also active in the community by promoting skin and prostate cancer screenings, breast self-exams, lung cancer awareness, and smoking cessation education.

Anyone who knows Chris quickly learns of her excitement and enthusiasm for nursing and zest for life. Colleagues at the Baton Rouge General look to Chris as an example of how the power of one dedicated person can change the world for many. And though Chris would never seek out this type of recognition for her amazing work, everyone at Baton Rouge General believes she earns the right and privilege to be named Louisiana's Nurse of the Year.

I ask my colleagues to join me in congratulating Chris Gatlin for being named Louisiana's Nurse of the Year. This truly amazing and selfless individual has proven that one person can change the world for many.

INTRODUCTION OF THE MILITARY
OFFICERS ASSOCIATION FED-
ERAL CHARTER ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. VAN HOLLEN. Madam Speaker, today I rise to introduce, along with my colleague WALTER JONES, a bill to grant a federal charter to the Military Officers Association of America.

The MOAA is an independent, non-profit, non-partisan organization that plays an active role in military personnel matters while working with Congress to propose legislation affecting our active duty, National Guard and Reserve forces, the retired community, veterans and survivors of the uniformed services.

The MOAA is the largest professional association for military officers and the fourth largest veterans group in the nation with nearly 370,000 members. Nonetheless, MOAA remains the only major veterans organization in the country without a Congressional Charter.

Although a Federal Charter does not confer any specific rights or benefits, it provides public recognition to membership organizations that serve the public interest. A Charter also will enable some state-level MOAA affiliates to represent veterans on Governor-level veterans advisory councils from which they are presently excluded.

MOAA has established a distinguished 80 year history of service to the military community, veterans, survivors and their families by offering career transition assistance, military benefits counseling, and educational assistance to children of military families.

I am proud to stand in support of MOAA with my colleague Representative JONES and with our Senate colleagues BILL NELSON and SUSAN COLLINS, who introduced the bi-partisan companion bill.

After eight decades of service to our men and women in uniform, the MOAA richly deserves congressional support for a federal charter—not only for their benefit but for the benefit of those whom they serve and represent.

DEAN ROBERT ROSEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to Dean Robert Rosen, outgoing Dean of the internationally acclaimed UCLA School of Theater, Film and Television. A world renowned archivist, recognized for his contribution to the restoration and preservation of films, Bob is to be commended for his work in the preservation of this American art form.

Bob has dedicated thirty years to guiding the growth of the UCLA Film & Television Archive. Evolving from a small study collection to the world's largest university-based holding of original film and television materials second only to the Library of Congress, Bob's dedication has certainly paid off. He has cemented his stature as an international leader in film preservation, first as director of the UCLA Film and Television Archive (1975–99) and since then as Dean of the UCLA School of Theater, Film and Television. Under Bob's leadership, the National Center for Film and Video Preservation at the American Film Institute was founded.

His involvement in the field of film is extensive as he dedicates his time and efforts to serving on numerous boards such as the executive committee of the International Federation of Film Archives and the National Film Preservation Board of the Library of Congress. Along with Martin Scorsese, Bob created the Film Foundation, and today he is the Chair of the Film Foundation's Archivists Advisory Council. His interests extend beyond film with his service as a Board Member of the Geffen Playhouse and the Latino Theater Company.

His many contributions and commitment to film preservation and restoration have not gone unnoticed. In 2008, he received the Film Foundation's John Huston Award from the Directors Guild of America. His work has also been honored internationally, including recognition by the French government as an Officer of Arts and Letters and his receipt of the International Documentary Association's Career Achievement Award for Scholarship and Preservation.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Dean Robert Rosen for his impressive tenure at UCLA and for the indelible mark he has left on the film industry.

RECOGNIZING JOHN M. CONNALLY, JR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. HALL of Texas. Madam Speaker, I rise today in recognition of John M. Connally, Jr., who recently was honored for his contributions to the insurance and financial services industry.

The National Association of Insurance and Financial Advisors-Dallas named John the 2007 Advisor of the Year at their awards ceremony last June. This organization encourages and facilitates the professional growth of insurance and financial services providers and promotes their public image. This award is presented to individuals who have demonstrated outstanding service to their industry and their community.

John began his career in 1963 and has been a major contributor both to his own company as well as to NAIFA. He is currently president and CEO of Financial Protection Life and Annuity Corporation. As a Life Underwriter Training Council Fellow, he serves as secretary of the NAIFA-Dallas Board of Directors, chairman of the Governmental Relations Committee, and will become President of the Association in 2010. He is a life member of the Million Dollar Round Table and has served on the boards of directors of the Dallas Association of Life Underwriters, the El Paso Association of Life Underwriters, and the El Paso General Agents and Managers Association, where he also was president.

Additionally, John has served as a member of the Richardson City Council, a founder of Richardson Sports Incorporated, and has served on various other community boards. He was the Regional Director for John B. Connally for President, Campaign Manager for Wayne Connally for Lieutenant Governor and Preston Smith for Governor. He also served as a Lay Leader for Custer Road United Methodist Church.

John and his wife, Erna, have been married for 35 years. Their family includes Kelle, Katie, Dan, Jaelyn and Brad. John is a Texas Tech graduate, where he earned a BBA in finance, played football on an athletic scholarship and was a member of the Pi Kappa Alpha Fraternity.

Madam Speaker, I commend John M. Connally, Jr., for his service and commitment

to the financial industry, his family and his community. He comes from a great Texas family that has contributed so much to our state and Nation, and their legacy continues in his life and in the lives of his children.

IN RECOGNITION OF QUALITY ROAD, OWNER-BREEDER EDWARD P. EVANS AND SPRING HILL FARM IN CASANOVA, VIRGINIA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WITTMAN. Madam Speaker, I rise to recognize Quality Road, the winner of the Florida Derby on March 28, 2009. Breaking a track record for nine furlongs with his 1:47.72 performance and winning by 1¼ lengths, Quality Road emerged the number one seed from the Southeast Regional for the Kentucky Derby.

Quality Road was foaled on March 23, 2006 at Spring Hill Farm. The three year-old Virginia Thoroughbred colt gets his speed from his sire, Elusive Quality, who was not only a world-class miler, but also sired Smarty Jones, the 2004 Kentucky Derby winner and Raven's Pass, last year's Breeders' Cup Classic winner. His damsire, Strawberry Road, was a worldwide multiple Group I winner, and his dam's full sister, Ajina, won the 1997 Breeders' Cup Distaff and Coaching Club American Oaks.

Located in Casanova, Virginia, Spring Hill Farm is owned by Mr. Edward P. Evans and is recognized nationally and internationally for its accomplishments in Thoroughbred breeding and racing. Mr. Evans has bred leading sires and broodmares in the Thoroughbred industry for more than thirty-five years including Horse of the Year Saint Liam.

The impressive win at the Florida Derby displayed Quality Road's ability to win at the 1½-mile distance and establishes him as a formidable contender for the Kentucky Derby.

Madam Speaker, I rise today to commend and congratulate Edward P. Evans and Spring Hill Farm on the accomplishments of an impeccably-bred horse, Quality Road. I invite my colleagues to join me in wishing Quality Road continued success in the 135th running of the Kentucky Derby and the first leg of the 2009 Triple Crown Series.

HONORING THE BATON ROUGE GENERAL

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ALEXANDER. Madam Speaker, I am proud to honor the Baton Rouge General for earning the tremendous honor—for the fifth time—as the Hospital of the Year by the Louisiana State Nurses Association.

The Baton Rouge General, established more than 100 years ago as the first hospital in the Baton Rouge area, is still committed to

serving the residents of this community. This hospital boasts a legacy rich in clinical achievement, timely and responsive technological advancement, and dependable yet creative approaches to the delivery of quality care and services to those it serves.

The Baton Rouge General aids a nine-parish region as a teaching hospital for both physicians and nurses, and provides the community with an extensive range of services, including one of only two Regional Burn Centers in the state of Louisiana.

Moreover, the Baton Rouge General's Pennington Cancer Center became the first in the nation to treat patients using the ARTISTE™ the most advanced cancer-fighting technology available today. This technology allows cancer patients to remain close to home for treatment—surrounded by friends and family—and still receive the best cancer treatment available anywhere in the country.

In addition to ARTISTE™ the hospital's Pennington Cancer Center has become known for developing the most comprehensive and advanced cancer treatment program in the region, including inpatient, outpatient, surgical and medical oncology services; radiation treatment; and cancer research programs at both campuses of the Baton Rouge General. Also, through the Baton Rouge General's Womack Heart Center, the hospital provides complete cardiac care—recognized by many national organizations for the highest quality and outcomes.

Again, the Baton Rouge General's dedication to excellence was highlighted nationally in 2008 when it was named one of the nation's Top 25 Most Connected Hospitals in America by Health Imaging and IT Magazine. The hospital is in the final stages of developing a \$16 million, state-of-the-art information technology system, which has been the subject of multiple national articles.

As the Baton Rouge General forges into the new millennium, the hospital is more committed than ever to providing exceptional care from the region's best nurses, physicians and clinical professionals.

I ask my colleagues to join me in honoring the Baton Rouge General as it continues to provide needed medical services, life-saving, state-of-the-art technology and the best care to its community.

HOLOCAUST REMEMBRANCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WAXMAN. Madam Speaker, today is Holocaust Remembrance Day, Yom Hashoah, which is marked by ceremonies this week in the United States, Israel and around the world. It is a solemn day commemorating the Hebrew anniversary of the beginning of the Warsaw Ghetto uprising and each year it is an opportunity to revisit the lessons of the Holocaust and the innocent lives and vibrant communities that were destroyed by the Nazis.

Decades have passed since the Nazis and their willing counterparts committed mass genocide of European Jewry. Tragically, despite a clear historical record, Holocaust denial

has become a favored platform for anti-Zionism and anti-Semitism. The threat grows greater as the eyewitnesses who survived the Holocaust pass on.

In a new chapter of struggle, these eyewitnesses increasingly face a different kind of daily challenge for survival. Of the approximately 100,000 Holocaust survivors living in the United States, at least 25 percent live below the federal poverty level. Tragically, the current economic crisis is pushing this already vulnerable population to even further financial uncertainty. In Los Angeles, home to approximately 15,000 survivors, the Holocaust Survivor Program at Jewish Family Services has reported a sharp increase in requests for emergency financial assistance. Those who receive public benefits have already seen a cut in their Social Security payments, and are expecting additional cuts to their medical benefits, and the In-Home Supportive Services program that will go into effect this summer.

Around the country, Holocaust survivors are facing the loss of their homes of many years to foreclosure, at least in part because they have drawn on the equity in their homes to help meet daily expenses. Such displacement is distressing for any senior citizen, but the impact on survivors is often exacerbated by physical and mental health ailments from their wartime experience. It is clear that indigent survivors in Los Angeles, the United States and around the world are in dire need.

The United States and the international community have the opportunity to deliver justice and aid for these survivors at the upcoming "Holocaust Era Assets Conference," which will be hosted in June by the Government of the Czech Republic in Prague. The objective of the conference is to assess the progress made since a similar conference was convened in Washington in 1998.

Key working groups organized for the Prague Conference will focus on property restitution in countries like Poland that still have no applicable laws, looted art and Judaica, and Jewish cultural property. There will also be a special session on "Caring for Victims of Nazism and Their Legacy," which will examine the pressing humanitarian and social needs survivors face.

Those who survived the Holocaust and overcame horrific trauma to rebuild their shattered lives deserve to live their final years with dignity. We cannot talk about remembrance and restitution without addressing survivor destitution. I am hopeful that the Prague forum will answer this urgent call to action.

CONGRATULATING THE WASHINGTON HIGH SCHOOL LADY PANTHERS

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I wish to extend my congratulations to the South Bend Washington High School Lady Panthers, 2009 State Runners-Up in the 4A girls basketball division.

During their remarkable season, the Lady Panthers won 26 games on their way to fin-

ishing second in national rankings by ESPN. In a state championship game that will be remembered as one of the best in Indiana high school basketball history, South Bend Washington lost 71-69 to Ben Davis High School of Indianapolis, the nationally top-ranked squad, on a last second shot. Through their determination, effort, and outstanding achievements, the Lady Panthers can be proud of all that they have done for girls basketball in the state of Indiana.

The South Bend Washington team consisted of 12 young ladies, including: Seniors Skylar Diggins, Alandrea Pfeifer-Nailon, Karis Phillips, Rakeesha Lane, Takoia Larry, Jasmine Watson, and Jazmine Watson; Junior Avante Newsome-Gunn; Sophomores Porscha Hill and Terran Scott; and Freshmen Brytney Bennett and Shareita Patton.

Head Coach Maurice Scott was assisted by Don Coddens. In addition to the Washington High School student body, alumni, and parents, officials such as Mayor Steve Lueke, School Superintendent James Kapsa, Washington Principal George McCullough, Jr., and Athletic Director Marilyn Coddens lent support and encouragement throughout the season.

After averaging 29 points per game, South Bend Washington senior guard Skylar Diggins was named the 2009 Gatorade and Naismith National High School Player of the Year, and was also the winner of the 2009 Indiana Miss Basketball award.

The city of South Bend and the surrounding area rallied behind the Lady Panthers. For the fourth consecutive year, thousands of fans traveled to Indianapolis, where they made the State Championship game feel like a home contest.

Again, I offer my hearty congratulations to the members of the South Bend Washington High School girls basketball team on their Semi-State title, their extraordinary effort in the State Championship game, and for all of their accomplishments this season.

HONORING DONALD NORCROSS UPON HIS RECEIPT OF THE FIRST CIVIC LEADERSHIP AWARD FROM CAMDEN COUNTY COLLEGE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Donald Norcross, who was the recipient of the inaugural Camden County Civic Leadership and Responsibility Award on April 2, 2009. Mr. Norcross received this award in recognition of his tireless efforts championing the causes of local laborers and their families, ensuring that the needs of local social service organizations and their clients are met, and spearheading efforts toward the renewal of the City of Camden.

While a student at Camden County College, Mr. Norcross began his career as an apprentice electrician. Today he is the president of the Southern New Jersey AFL-CIO Central Labor Council, vice president of the Southern New Jersey Building Trades Council, and as-

sistant business manager of the International Brotherhood of Electrical Workers Local 351.

Madam Speaker, Mr. Norcross has also worked to make his community better through his civic endeavors. For more than ten years he has served as a member of the executive board of the United Way of Camden County. He founded the Home Port Alliance, a group of South Jersey veterans, activists and elected officials. This group successfully worked to bring the retired USS *New Jersey*, the most decorated battleship in United States history, to the Camden waterfront. This proud ship now serves as a monument to the brave sailors who served on her during her long and distinguished career as well as an exciting attraction that contributes to the economic development of Southern New Jersey. In light of these considerable achievements, it is fitting that Mr. Norcross was honored with the inaugural Camden County Civic Leadership and Responsibility Award. He is an excellent example for all Camden County College graduates and students. I congratulate Mr. Norcross for receiving the award and wish him the best of luck in his future endeavors.

TRIBUTE TO MURRAY STATE UNIVERSITY SYMPHONIC WIND ENSEMBLE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to recognize the talented Murray State University Symphonic Wind Ensemble from Kentucky's First Congressional District. Tonight, the wind ensemble has been invited to perform at the world renowned John F. Kennedy Center. I have no doubt that these gifted students will represent western Kentucky well in our nation's Capital.

Under the direction of Mr. Dennis L. Johnson, the Murray State University Symphonic Wind Ensemble has gained a reputation for excellence both here in the United States and abroad. This reputation has allowed them to perform in some of the most prestigious venues and events in the world. In 2000 and 2005, they were invited for special performances at Carnegie Hall. In 2001 they were the only ensemble from the United States selected to perform at the International Wind Band Conference in Manchester, England. This year they appeared in a special concert at the state Kentucky Music Educators Association Conference in Louisville. The ensemble has also been selected by competitive audition to perform at the prestigious College Band Director's National Association Conferences.

The Symphonic Wind Ensemble is one of the premiere performing organizations for the highly respected Murray State University Department of Music. Each year the wind ensemble presents a series of concerts featuring international performing artists-conductors and premieres compositions by composers from throughout the world.

Madam Speaker, these students and musicians have shown an unwavering commitment to both their studies and their music. Their

performance this evening at the Kennedy Center is a true testament to their dedication to training and practice. The achievements of Murray State University's Wind Ensemble are noteworthy, and I ask the entire United States Congress to join me in congratulating them for receiving the great honor of being asked to perform at the Kennedy Center. I would also like to commend Murray State University as a whole for their commitment to excellence over the past 87 years. The wind ensemble is a shining example of the many incredible programs the university offers.

HONORING VINCI RICCHIUTI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Vinci Ricchiuti upon being named one of the "2009 Common Threads Honorees" by California State University, Fresno. Mrs. Ricchiuti will be honored at the 13th Annual Common Threads Luncheon to be held on Friday, April 3, 2009.

The Common Threads Award recognizes women who have made a remarkable and visible contribution to the enhancement of their communities. Vinci Ricchiuti was born and raised in Fresno, California, and spent her childhood on and around her family's farm. Her grandparents farmed tree fruit and almonds. She married Patrick Ricchiuti in 1981 and became a member of another farming family; she quickly became an ambassador for fresh fruit and nuts. Even with her role as a businesswoman and mother, she continues to make time for community involvement.

Mrs. Ricchiuti has volunteered for 10 different committees with California State University; including Foundation Board of Governors, Budget Committee Chair, Ambassador for Higher Education Committee, Comprehensive Campaign Leadership Committee and Alumni Board Past Director. She is also a Foundation board member for Community Regional Medical Center, an advisory board member for the Nazareth House and a past president for Fort Washington Elementary School. Between Mrs. Ricchiuti's volunteerism and her philanthropic spirit, the time and produce that she has donated has benefited multiple organizations in the Fresno area including numerous schools within the Clovis Unified School District, the Fresno Art Museum, Fresno Metropolitan Museum, Junior League of Fresno and Assistance League of Fresno. She has made donations to various California State University organizations and the not-for-profit hospitals in the region.

For Mrs. Ricchiuti's commitment and dedication to her community, she has been recognized as the "California State University, Fresno Alumni of the Year" from the School of Arts and Humanities, the "Arthur Safstrom Award for Outstanding Service to Fresno State." She has also been named the California State University, Fresno Alumni Association "Top Dog," the Association of Fundraising Professionals "Volunteer Fundraiser of the Year," and the Foundation for Clovis Schools "Guardian of the Year."

Madam Speaker, I rise today to commend and congratulate Vinci Ricchiuti upon being named a "2009 Common Threads Honoree" by California State University, Fresno. I invite my colleagues to join me in wishing Mrs. Ricchiuti many years of continued success.

HONORING DOCTOR CHARLES JOHNSON

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. McDERMOTT. Madam Speaker, on the occasion of the honoring of his lifetime achievement by one of Seattle's historic organizations and keeper of the arts, the Rainier Club, the people of the State of Washington hold up as a national inspiration the work of one of the world's most distinguished authors, Seattle's own Dr. Charles Johnson.

Dr. Johnson made the journey to Seattle from Long Island in 1976 to teach at the University of Washington. He noted in *Smithsonian Magazine* in 2008 that Seattle is "an ideal environment for nurturing innovation, individualism and the creative spirit." It is in this setting that Dr. Johnson has made a uniquely rich array of contributions to the arts and letters, and became one of his generation's most distinguished African American authors.

While his works are too numerous to list, Madam Speaker, Dr. Johnson counts among his literary gems four novels, *Faith and the Good Thing*, *Oxherding Tale*, *Middle Passage*, and *Dreamer*; as well as short stories, screenplays, aesthetics, comic art, and *King: The Photobiography of Martin Luther King, Jr.* His awards and honors are as abundant as they are approbative.

Dr. Johnson noted in *Seattle's Post-Intelligencer* on April 27, 2007 that American society is threatened by a "diminished literary culture," the cure for which is "the experience of complex, well-wrought, visionary books that challenge our assumptions, our intellectual laziness, and transform as well as deepen our perceptions of the world and ourselves." While he probably intended otherwise, this describes Dr. Johnson's own pivotal role in our literary ethos, as his works consistently have challenged readers' assumptions and intellectual laziness while transforming and deepening our world view and our self-knowledge.

Dr. Johnson's influence is international, but it is our honor that his presence is local to Washington State's 7th Congressional District.

IN HONOR OF THE PERFORMING ANIMAL WELFARE SOCIETY (PAWS)

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. FARR. Madam Speaker, I rise to honor the 25th anniversary of the founding of The Performing Animal Welfare Society, PAWS, which continues to valiantly lead efforts to pro-

tect all animals and to ensure proper humane sanctuary for wildlife who have experienced the inhumanity of the exotic and performing animal trades.

In 1984, Pat Derby and Ed Stewart founded PAWS, sharing their commitment to develop a pristine sanctuary for abused, neglected and retired wildlife. Throughout the last 25 years, I am proud to have worked with PAWS to ensure improved, humane standards for captive wildlife. An early success for PAWS and animal rights activists was celebrated in 1985 with the passing of California Assembly Bill 1620 which introduced humane standards for the care and handling of wildlife. Following that initial success, more support was garnered which led the California Assembly to pass the Elephant Bill in 1995. This historic statute mandated that elephants be provided minimum adequate space to move freely and prohibited the use of chains for confinement.

Building on previous accomplishments, PAWS forged a bipartisan partnership with Congress in 1997 to pass the Asian Elephant Conservation Act. In another watershed moment for animal protection advocates, this important legislation provided financial assistance for projects intended to protect Asian elephants and blocked funding for captive breeding programs. As a co-sponsor of the original Act, and having twice voted to fully fund the Asian Elephant Conservation Reauthorization Acts of 2001 and 2007, I understand the importance and deeply appreciate the beneficence of PAWS. In addition to protecting elephants, PAWS has successfully implemented solutions to rescue and relocate over 35 tigers and other animals from breeding facilities.

Through The Performing Animal Welfare Society's extraordinary accomplishments, which now includes over 2,400 acres of natural protected sanctuaries, countless captive animals have been rescued from hazardous and inhumane conditions and have been provided with healthy and sustainable environments in which to live quality lives. Without their steadfast support and dedication for the humane treatment of wildlife, our nation's efforts to protect these animals would be drastically impaired.

Madam Speaker, it is with the upmost respect and gratitude that I rise to honor the 25th anniversary of PAWS and especially to pay tribute to Pat Derby and Ed Stewart.

TRIBUTE TO THE BOOKER T. WASHINGTON HIGH SCHOOL CLASS OF 1949

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to the Booker T. Washington High School Class of 1949 as they prepare to celebrate their 60th class reunion. Booker T. Washington High School is located in Overtown, Miami, Florida, which is in my congressional District.

Founded in 1926 for African-American students residing from West Palm Beach to Key

West, Booker T. Washington High School has served as a stalwart in the Miami-Dade County community since its inception. By 1949, Booker T. Washington High School was one of three African-American high schools in Miami-Dade County and since then has become a vital center for cultural activities in Overtown.

The Class of 1949 was the first high school alumni group in South Florida to honor Dr. Martin Luther King Jr.'s birthday as a holiday. Additionally, the Class of 1949 has been the sole alumni group in the country to file and successfully conclude a Civil Rights Action, specifically a public accommodation lawsuit against a commercial establishment. Moreover, many "49ers" have engaged in charitable endeavors including granting educational scholarships, annual contributions and support to the United Negro College Fund, the Black Archives and the Sickle Cell Anemia Foundation.

Noteworthy achievements by the "49ers" include: the first African-American elected to public office in Miami-Dade County as a County Commissioner, the first African-American to serve as chairman of a board in Miami-Dade County the Fair Housing and Employment Commission and the first African-American to serve as a head coach at a fully integrated public high school in Miami-Dade County.

Madam Speaker, I am proud to commemorate Booker T. Washington High School for its remarkable role in fostering education among African-Americans and implore its alumni to ensure that future generations have educational access to foster the skills to face complex challenges. I once again extend my congratulations to the members of the Booker T. Washington High School Class of 1949 as they prepare to celebrate their 60th class reunion.

CONGRATULATING THE ROCHESTER HIGH SCHOOL BOYS BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to extend my congratulations to the Rochester High School Boys Basketball Team. The Zebras succeeded in placing second in the IHSAA 3-A State Tournament on March 28, 2009 at Conseco Field House in Indianapolis. After making it to the championship game, they suffered a narrow 79-81 double-overtime loss against the Princeton Tigers.

Returning only two starters from the previous year, the Rochester Zebras enjoyed an incredible season, showing a strong work ethic in their practices and throughout the regular season in order to advance to the IHSAA 3-A State Tournament. The Zebras played brilliantly during the tournament and despite their close loss in the final game, their great effort capped off an impressive 23-4 season.

The Rochester team has 13 members including seniors Bruce Grimm, Jr., Brody Schoen, Austin Lowe and Jason Smith; Juniors Garrett Winegar, Marc Bowers and Colt

Meadows; and Sophomores Nate Basham, Evan Hoff, Collin Harris, Cameron Screeton, Cahner Thompson and Chris Messersmith. The Zebras are led by senior Bruce Grimm, Jr., who averaged an impressive 25.2 points per game and had 40 points in the championship game.

During the championship game, the Rochester Zebras completed 15 three-point shots, setting a new IHSAA record.

I also want to acknowledge the wonderful support the team had from Head Coach Rob Malchow and Assistant Coaches Rex Reinhold, Sean Kelly, Dewayne Stiles, Mike Malchow and Mike Barnett. They helped guide the Zebras to victory. I would also like to thank Principal Dan Ronk, Assistant Principal Jana Vance, Athletic Director Mark Miller and above all, the fans in the community, many of whom traveled to Indianapolis for the game and gathered to welcome the team home upon their return.

I offer my hardy congratulations to the members of the boys' basketball team of Rochester High School, the coaching staff, the school administration, and the community for their accomplishments this season on the road to their second place finish in the IHSAA 3-A State Basketball Tournament.

IN RECOGNITION OF THE JUDGE CHARLES J. VALLONE SCHOLARSHIP DINNER DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay honor to the organizers of the Judge Charles J. Vallone Scholarship Dinner, to the dinner's honorees and to the students who receive scholarships as a result of the generosity of dinner attendees. The scholarship, named for the late Charles J. Vallone, has awarded over half a million dollars to graduating high school seniors from Astoria, making it possible for these bright students to enroll in the colleges of their choice.

Judge Charles Vallone, father of former City Council Speaker Peter Vallone and grandfather of City Councilmember Peter Vallone Jr., founded the Astoria Civic Association with a group of concerned neighbors in 1928. The association was incorporated by the state of New York in 1933 and Judge Vallone served as its first executive chairman. After Judge Vallone died in 1967, his widow, Leah Vallone, founded the scholarship fund in his memory. The Vallone Scholarship fund has grown to be one of the largest private scholarship funds in New York state.

This month, the Astoria Civic Association holds its annual Judge Charles J. Vallone Scholarship Dinner Dance at the Riccardo's by the Bridge in Astoria, Queens. George Alexiou and Gloria DeMarco Aloise, two extraordinary people who are truly pillars of the community, will be this year's honorees. They each have demonstrated remarkable leadership and have been instrumental in supporting the Astoria Civic Association's vital mission.

George Alexiou embodies the American immigrant success story. He was born and

raised in Greece. Following his service in the Greek Army, he went to the Hotel Manager School in Heidelberg, Germany, where he studied for two years. He then worked for two years at the Hilton Hotel in Dusseldorf, Germany, and also worked in the hotel business in Paris and London. In 1972, Mr. Alexiou moved to Astoria, New York. For ten years, Mr. Alexiou worked in top restaurants and hotels before leaving the hospitality industry to start his own business. He established Century 21 Alexiou Realty, which helps Queens residents find housing and enables many to begin the American dream of home ownership. Mr. Alexiou is honorary President of the Greek American Homeowners Association, and is a member of Queens Community Board 1 and the Astoria/Long Island City Kiwanis Club. He resides in Astoria with his lovely wife, Elpida.

Gloria DeMarco Aloise grew up in a political family and has spent a lifetime involved in Queens politics, particularly through the Tamiment Democratic Club. Ms. Aloise is a Democratic District Leader for 36th Assembly District, and has provided organizational skills and guidance to every local elected official in Western Queens. Ms. Aloise has also been an inspiration to countless community leaders through her tireless efforts to improve the quality of life of all the residents of Astoria, New York. Ms. Aloise is active in many community organizations, including the Martin De Porres School, where she has served as a teacher and a caseworker. She is supported by her devoted husband Edward, and by her children and grandchildren.

Madam Speaker, I ask my colleagues to join me in paying tribute to all those who have made the Judge Charles J. Vallone Scholarship Dinner possible and in recognizing the accomplishments of its sponsor, the Astoria Civic Association, and its distinguished 2009 honorees.

RECOGNIZING THE CONTRIBUTIONS OF ALTERNATIVE HOUSE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize an outstanding organization serving at-risk youth in Fairfax County. Alternative House was founded in 1972 as the first emergency shelter for runaway teenagers in Northern Virginia. Through counseling, shelter, crisis intervention and neighborhood outreach, Alternative House provides support to at-risk young children, teens and their families. Recognizing the interdependence of families, Alternative House programs seek to empower young children, teens, and families to work together and build on their strengths.

Alternative House has grown organically from its origins in a trailer on the grounds of Lewinsville Presbyterian Church to a renovated house located on Gallows Road in Dunn Loring. While Alternative House's programs have grown, the organization continues to focus on those most in need of assistance

and those with the greatest possibility for making life-altering changes.

In 1993, Alternative House embarked on an aggressive outreach program for at-risk youth. The effort consisted of a mobile unit with two counselors who walked through our neighborhoods to provide young people with support, resources, and guidance. Since its origins, the Community Outreach Program has expanded to include additional recreation and education services designed to help children and teens stay in school.

In 2002, Alternative House expanded its assistance outreach by opening the Assisting Young Mothers program. This program seeks to provide shelter, education, counseling and support to young women who are homeless, pregnant or already parenting. These programs give young people hope for brighter futures.

In 2008, Alternative House's Emergency Shelter for Teenagers provided safe shelter, food and counseling to an average of more than eighteen young people each month, totaling 220 for the year. In just the past twelve months, Alternative House provided neighborhood-based counseling, outreach, food and after-school programs to more than 1,800 at-risk youth in Fairfax County.

Madam Speaker, I ask my colleagues to join me in honoring the consistently growing and increasingly significant contributions of Alternative House to at-risk young people in Fairfax County. From both its origins to its current efforts, Alternative House is truly an exemplar for community-based assistance programs.

LEGISLATION TO CODIFY TITLE 53, U.S. CODE—SMALL BUSINESS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 53, United States Code, certain general and permanent laws related to small business. This bill was prepared by the Office of the Law Revision Counsel, as part of its ongoing responsibility under 2 U.S.C. §285b to prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

The bill restates the Small Business Act and the Small Business Investment Act of 1958, along with related provisions in other Acts, as a new positive law title of the United States Code. The new positive law title replaces the existing provisions, which are repealed by the bill.

This bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel website at <http://uscode.house.gov/cod>.

Interested parties are invited to submit comments to Tim Trushel, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-304 Ford House Office Building, Washington, D.C., 20515-6711, (202) 226-2411, as well as to the Committee.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. MALONEY. Madam Speaker, yesterday evening marked the beginning of Yom Hashoah, Holocaust Remembrance Day, the day set aside to remember the six-million Jewish victims of the Holocaust. In Israel, it is a national memorial day.

The atrocities of the Holocaust are horrific and unforgivable. Those who perished live on in the memories of those who survived. Today, I would like to recognize one such individual, Fanya Gottesfeld Heller, a survivor and a remarkable woman, who lives in my district and who I am privileged to represent.

Fanya's presence here represents the victory of life over death, of light over darkness, and of goodness over evil. She is a member of the last generation of Holocaust survivors. With the survivor population growing older, with most in their 70s, 80s and beyond, there is an urgent need to record the events of this most tragic period in human history.

Fanya grew up in a tiny village on the Polish-Ukrainian border called Skala. Prior to the war, the Jews, Poles and Ukrainians lived in different worlds with very little interaction. The Nazis were able to take advantage of this lack of communication and centuries' old hatred to turn average citizens—shopkeepers, doctors, lawyers and teachers—into willing participants in the war against the Jews. They brainwashed the public with a media campaign of lies, at a time when there were no jobs, no money and no food. People wanted someone to blame and Hitler took advantage of this anger and frustration and convinced an entire nation to wage a genocidal war against the Jews.

A Polish peasant farmer named Sidor, one of the poorest in the village of Skala, risked his life and that of his wife and young daughter to save Fanya's family. He dug a cave for them under his chicken coop, where Fanya, along with her parents and little brother, hid and remained in a crouching position for nearly two and a half years. They had little air and no light and subsisted on whatever meager rations Sidor was able to share with them. Lice and rats were their constant companions.

Jan, a Ukrainian shoemaker who became a militiaman during the war, was the only other person to help them. Jan had taken a particular romantic interest in Fanya and, because of his love for her, throughout this entire period, he risked his life—hiding them at times in the attic of his family's barn—to save their lives. He brought them food and bits of news from the warfront whenever possible.

Because of the help he gave Fanya's family in hiding, Jan was teased and called a "Jew-

ish Uncle." His own mother turned him in to the Nazis, who in turn beat him mercilessly in order to try to find the Gottesfelds.

Fanya's contributions to the community are multifold. She has raised a wonderful family, three children, eight grandchildren and seven great-grandchildren. In 1998, the New York State Board of Regents awarded her the Louis E. Yavner Citizen Award in recognition of her outstanding contributions to teaching about the Holocaust and other assaults on humanity. Fanya holds a B.A. and an M.A. in psychology from the New School for Social Research and honorary degrees from Yeshiva University and Bar-Ilan University. She serves on the boards of numerous institutions and charitable organizations, many of which focus on Jewish education and the empowerment of women.

She is the author of *Love in a World of Sorrow*, a candid memoir of her experiences during the Holocaust and a public record of one woman's witness to the Holocaust. After publication, Fanya also began to teach. Speaking to young people, mostly not Jewish, Fanya puts a face to the suffering they had read about in their textbooks, providing a message of hope and an emotional connection that can only come from hearing a first person account. There is also a study guide published alongside Fanya's book to help educators present the issue of genocide.

Fanya is committed to helping others understand the power of goodness in a world of evil, the power of just one person, of each individual—that individuals can and must make the right choices instead of remaining bystanders in the face of evil. Fanya wants to insure that these and future generations better understand the tragedy of the past and work to make sure that, in each lifetime, fairness, justice and love will win out over indifference, evil and hatred.

HONORING JIM SAXTON FOR HIS MANY YEARS OF SERVICE TO THE STATE OF NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Jim Saxton for his service to the United States House of Representatives. I was pleased to have the opportunity to previously honor Mr. Saxton at a dinner in Cherry Hill on March 15, 2009.

Since his time as an elementary school teacher and a small business owner, Representative Saxton has worked tirelessly to help the people of New Jersey. He served in the New Jersey General Assembly and the New Jersey Senate. He served the State of New Jersey in the House of Representatives for more than twenty-three years. He became the Ranking Member of the Armed Services and Resources Committee. He has been instrumental in efforts to keep military bases in New Jersey, to stop beach erosion, and to support New Jersey hospitals.

Madam Speaker, Jim Saxton has a proud record of service to the State of New Jersey

and I am proud to call him my friend. I congratulate Mr. Saxton for all his accomplishments and wish him the best of luck in all of his future endeavors.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. PLATTS. Madam Speaker, I rise to announce the projects that I have requested for my Congressional District within the Fiscal Year 2010 Appropriations bills. My office is regularly contacted by non-profit and other organizations within the 19th Congressional District, as well as state and local government entities, to request federal funding as part of the eleven annual appropriations bills. This year sixty-five funding requests were submitted to my office and were reviewed by a ten member advisory board comprised of community leaders throughout the 19th District. The breakdown of members from the three counties was done on an approximate per capita basis.

Based on the recommendations of the board, the following are domestic projects which will be forwarded to the House Appropriations Committee for consideration. If more than five requests were received for a particular appropriations bill, rankings by the board were used to reduce the number of requests to five or—in the event of a tie—six.

All of the projects listed below will compete against all of the other projects submitted by Members of Congress for consideration by the Appropriations Committee. Their appearance on this list does not guarantee that they will receive funding, nor that any funding they receive will be in the amount requested.

Labor-Health-Education Appropriations Bill:

Goodling Advanced Skills Center: The William F. Goodling Regional Advanced Skills Learning Center is a non-profit 501(c)(3) training center providing industry-led training to incumbent workers, dislocated workers, and new entrants into the workforce. Training is also provided to high school seniors. The Advanced Skills Learning Center would use this funding to create the Goodling Innovation and New Technology (GIANT) Center. The GIANT Center will help private industry leverage their idle intellectual properties by matching them with existing companies and start-up businesses in need of those technologies, thereby serving as the link between technology excess and technology success. Additionally, funding would be used for startup costs of this initiative, allowing the GIANT Center to develop a resource network in the region, and assist with administrative costs, staffing needs, and marketing initiatives. This is a good use of taxpayer funds because, due to the increasingly competitive nature of the global economy, firms must innovate in order to survive by developing new technologies, products, and processes. The GIANT Center would play a critical role in working with companies, allowing them to remain competitive. (\$300,000)

William F. Goodling Regional Advanced Skills Center, 2101 Pennsylvania Avenue, York, PA 17404.

Hanover Hospital: Hanover Hospital would use this funding to convert all paper records at the hospital to an electronic medical record system. This is a good use of taxpayer dollars because the use of such records is proven to improve clinical outcomes and enables health systems to better define, measure, monitor, and reward quality care. Electronic medical records create efficiencies for patients, physicians, and the hospital. (\$1 million)

Hanover Hospital, 300 Highland Avenue, Hanover, PA 17331.

Holy Spirit Hospital: Holy Spirit Hospital would use this funding to provide improved outpatient mental health services for older adults within their Seniors' Behavioral Health Services Outreach Program. Funding would be used to partially support the salary costs of trained psychotherapists providing education and support services and registered nurses providing medical support in lieu of the psychiatrist. In addition, funding would be used to produce educational materials specific to mental health issues concerning older adults. This is a good use of taxpayer funds because current barriers to mental health treatment remain significant, and the mental health needs of older adults in the Cumberland, York and Adams County areas remain largely unmet. (\$100,000)

Holy Spirit Hospital, 503 North 21st Street, Camp Hill, PA 17011

Memorial Hospital: Memorial Hospital would use this funding to purchase a new Digital Mammography Unit for the Memorial Hospital Breast Center. The unit would allow for high quality digital breast images to provide earlier diagnosis and treatment of breast cancer. This is a good use of taxpayer funds because breast cancer continues to be on the rise in York County and across the nation. Early detection through mammography is key to early treatment and survival of women diagnosed. (\$100,000)

Memorial Hospital, 325 Belmont Street, York, PA 17403.

WellSpan Health: WellSpan Health would use this funding to purchase a remote monitoring system for the York Hospital Emergency Transitional Care Unit, allowing physicians to monitor patients in a distant location without physically leaving the main Emergency Department. This is a good use of taxpayer funds because the remote monitoring system would create remote access using video/audio conferencing technology so that a physician could monitor multiple patients at one time. In addition, while caring for a patient in the main emergency department, the physician could answer questions and communicate with patients and families who are waiting in the Emergency Transitional Care Unit, eliminating the constant disruption of walking back and forth. (\$99,500)

WellSpan Health, 912 South George Street, York, PA 17403.

York College of Pennsylvania: York College of Pennsylvania is a private, four-year institution of higher education serving over 5,600 students. This is a good use of taxpayer funds because York College would use this funding to expand their existing Nursing Department. Specifically, funds would be used to refurbish laboratories and purchase equipment related to the project. This is a good use of taxpayer

funds because York College operates one of the largest bachelorette nursing programs in the region. York College's ability to continue providing a pool of highly educated and trained nursing graduates helps fill the critical demand for nurses, both locally and nationally. (\$500,000)

York College of Pennsylvania, 441 Country Club Road, York, PA 17403.

Homeland Security Appropriations Bill:

Carroll Valley Borough: Carroll Valley Borough of Pennsylvania is located in Adams County and is a self-governing incorporated borough. Carroll Valley would use this funding to create a Southwest Adams Regional Fleet Fueling Station for First Responders. This above-ground fuel tank system would be accessible to regional first responders on a 24 hour basis to refuel their vehicles. This is a good use of taxpayer funds because it would assist the Fairfield Regional Emergency Management Agency (FREMA) in providing resources to first responders during a declared disaster/emergency. (\$80,700)

Carroll Valley Borough, 5685 Fairfield Road, Fairfield, PA 17320.

Cumberland County Government: Cumberland County would use this funding to construct a new facility for the Department of Public Safety, the Office of Emergency Preparedness (including the Emergency Operations Center), and the 911 Public Safety Answering Point. This is a good use of taxpayer funds because the County is a critical regional player in emergency planning and response and this facility would assist Cumberland County in executing these responsibilities. (\$1 million)

Cumberland County Government, 1 Courthouse Square, Room 200, Carlisle, PA 17013.

Agriculture Appropriations Bill:

NutriCore Northeast: NutriCore Northeast, a not-for-profit alliance of corporations, industry organizations, research universities, and municipal communities, was established in 2003 as the National Center of Excellence in Food and Nutrition Research. This alliance funds nutrition research programs and coordinates services to both industry and government agencies to maximize their investments in food or nutrition research and development. NutriCore would use these funds for research projects as well as staffing and overhead costs. This is a good use of taxpayer funds because food manufacturing and food safety are critical components in our national economy and society. NutriCore NorthEast is directly supporting the development of healthier foods, and providing technological and scientific resources to farmers and food processors that were previously unavailable to them. (\$500,000)

NutriCore NorthEast, 144 Roosevelt Avenue, York, PA 17401.

Penn State University—Improved Dairy Management Practices: Penn State is a public university. Some of the most important challenges facing the dairy industry today lie in the areas of nutrient and emission management. Penn State faculty will use this funding to research nutrient management through cow nutrition modification and the impacts of emission from dairy operations. In addition, funding will be used to develop new technologies to address problems associated with dairy production in Pennsylvania in an effort to improve

water quality, lower impacts of air emissions, and use energy more efficiently. This is a good use of taxpayer funds because the sale of dairy products accounts for nearly half the farm gate value of Pennsylvania's agricultural income. The profitability of Pennsylvania dairy farms is inextricably tied to management decisions that are being made by farmers. (\$550,000)

Penn State University, 117 Old Main, University Park, PA 16802.

Penn State University—Integrated Bioenergy Farm: Penn State would use this funding to create an Integrated Bioenergy Farm. Bioenergy crops would be integrated into food production cropping systems relevant to the Northeast. Initially six systems would be implemented at field-scale to demonstrate the opportunities and challenges associated with reducing fossil energy dependence and greenhouse gas production of farming systems. This is a good use of taxpayer funds because Bioenergy crops harvested from these fields would be converted into biodiesel at Penn State's student run biodiesel pilot plant, ethanol (including cellulosic) at a nearby Bioenergy International pilot plant, or pelletized at the Penn State Energy Institute. (\$1 million)

Penn State University, 117 Old Main, University Park, PA 16802.

Penn State University—Milk Safety Program: Penn State would use this funding to identify issues in milk and dairy products safety and seek interventions that can be transferred to producers, processors, distributors, and retailers to continue to improve consumer confidence in the quality of their food supply. This is a good use of taxpayer funds because dairy is the single largest economic component of the Pennsylvania agricultural portfolio. (\$800,000)

PENN STATE UNIVERSITY, 117 OLD MAIN, UNIVERSITY PARK, 16802.

Penn State University—Sustainable Agriculture and Natural Resources: Penn State University would use this funding to create a new collaborative research and education program that will help diverse farm operations better adopt more sustainable farming practices. Investment in this special grant would increase field research and demonstration to increase the exposure of farm advisors and farmers to sustainable cropping system practices. Practices to be further investigated include: crop species and cultivars for inclusion in crop rotations that improve the performance of sustainable and organic cropping systems, especially for the Northeast; fine-tuning of management guidelines for mechanical control of cover crops and weeds in conservation and no-tillage systems to reduce or eliminate herbicides; factors that better promote conservation of biological control organisms and beneficial soil microorganisms for weed seed predation and management of other pests; and practices that increase soil organic matter. This is a good use of taxpayer funds because the demand for increased farmer understanding and adoption of sustainable farming practices continues to be a high priority in the agricultural community. (\$400,000)

Penn State University, 117 Old Main, University Park, PA 16802.

Commerce, Justice, Science Appropriations Bill:

Adams County Department of Emergency Services: Adams County Department of Emergency Services is the Public Safety Answering Point for Adams County. The entity provides Public Safety Communications to all Emergency Response Agencies within Adams County. Adams County would use this funding to develop a new, standards based wireless communication system that will operate in the 700 MHz and 800 MHz bands. This is a good use of taxpayer funds because the system would be capable of supporting all public safety operations in the County and would allow for increased interoperability. (\$200,000)

Adams County Department of Emergency Services, 230 Greenmyer Lane, Gettysburg, PA 17321.

Carlisle Borough: Carlisle Borough is a municipal government located in Cumberland County. Carlisle Borough would use this funding to acquire between 25 and 50 surveillance cameras to be installed in public areas in downtown Carlisle. The cameras would be operated remotely at the Carlisle Police Department. Cameras would be of a mobile, wireless variety so that they can be relocated if necessary. This is a good use of taxpayer funds because Carlisle has experienced an increase in crime, specifically robberies, which pose a public safety threat. The project is expected to deter crime and assist in the apprehension of suspects. (\$200,000)

Carlisle Borough, 53 West South Street, Carlisle, PA 17013.

Cumberland County Government: Cumberland County would use this funding to relocate and replace communications infrastructure that is essential to the operation of the Department of Public Safety, the Office of Emergency Preparedness (including the Emergency Operations Center), and the 911 Public Safety Answering Point. This is a good use of taxpayer funds because the County is a critical regional player in emergency planning and response and this facility would assist Cumberland County in executing these responsibilities. (\$200,000)

Cumberland County Government, 1 Courthouse Square, Room 200, Carlisle, PA 17013.

Survivors, Inc: Survivors, Inc. is a 501(c)(3) not-for-profit organization which supports individuals who experience domestic violence or sexual assault. Survivors, Inc. provides a 24-hour crisis counseling hotline, shelter services, transitional housing, supportive counseling, support groups, and legal advocacy for individuals affected by domestic violence or sexual assault. Survivors, Inc. would use this funding to partially fund staff salaries, on-call stipends, and expenses for hotline provision. This is a good use of taxpayer funds because safety is one of the most essential needs to both individuals and society. When an individual is not safe in their own home they must have resources available to them to meet their needs. (\$25,000)

Survivors, Inc., 233 West High Street, Gettysburg, PA 17325.

York County Children's Advocacy Center: The York County Children's Advocacy Center is a 501(c)(3) not-for-profit organization that works to reduce the trauma of child abuse investigations, foster professional collaboration and cooperation, and promote education and advocacy regarding the prevention of child

abuse within the community. The York County Children's Advocacy Center would use this funding to establish the Sexual Assault Forensic Examiners (SAFE) Team. SAFE Team members are registered nurses who have advanced education and clinical preparation in forensic examination of sexual assault victims. The SAFE Team would provide compassionate care to victims of child abuse by simultaneously gathering evidence of a crime. Funds would be used to purchase medical supplies and cover exam costs. This is a good use of taxpayer funds because York County ranks as the third highest county in our Commonwealth for substantiated cases of child abuse. Currently, less than 10% of the children involved in substantiated cases receive a forensic medical exam. (\$60,000)

York County Children's Advocacy Center, 28 South Queen Street, York, PA 17403.

Interior, Environment Appropriations Bill:

Adams County Historical Society: Adams County Historical Society is a private, non-profit organization that identifies, preserves, and tells the stories of people, organizations, businesses, and events that have shaped Adams County, Pennsylvania. Adams County Historical Society would use this funding to restore Schmucker Hall, a building that was constructed in 1832 for use as a campus building for the Lutheran Theological Seminary at Gettysburg. After its restoration, Schmucker Hall will be used as a museum. This is a good use of taxpayer funds because Schmucker Hall is nationally significant to United States history, and elements of the building are in poor condition. Its national significance has been recognized by its listing on the National Register of Historic Places. (\$400,000)

Adams County Historical Society, 111 Seminary Ridge, Gettysburg, PA 17325.

Carlisle Borough: Carlisle Borough is a municipal government located in Cumberland County. Carlisle Borough would use this funding to upgrade its wastewater treatment plant facility to achieve the point source effluent nutrient cap loads targeted by the Department of Environmental Protection's Chesapeake Bay Tributary Strategy. This is a good use of taxpayer funds because this project is mandated by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency to benefit the Chesapeake Bay. (\$160,000)

Carlisle Borough, 53 West South Street, Carlisle, PA 17013.

Gettysburg National Military Park: Gettysburg National Military Park is a unit of the National Park Service that preserves and protects the resources associated with the Battle of Gettysburg and the Soldiers' National Cemetery. Gettysburg National Military Park would use funding to develop plans and implement activities which enhance and preserve the resources of the historic district. This is a good use of taxpayer funds because technical assistance funding for the Gettysburg Battlefield Historic District helps accomplish vital historic preservation goals of the National Park Service and the Gettysburg community. (\$100,000)

Gettysburg National Military Park, 1195 Baltimore Pike, Suite 100, Gettysburg, PA 17325.

York City Sewer Authority: The York City Sewer Authority is a public, municipal authority providing wastewater services for residential,

commercial, and industrial users in an eight-municipality service area. The York City Sewer Authority would use this funding to construct a new headworks facility, which includes the replacement of the building's heating and ventilation system and replacement of the activated carbon bed in the building's odor control system. This is a good use of taxpayer funds because the combined improvements provide the most cost-effective solution for updating infrastructure for the authority's residents and businesses. (\$160,000)

York City Sewer Authority, 1701 Blackbridge Road, York, PA 17402.

York County Government: York County Government would use this funding to create a digital Countrywide Geographic Information Systems (GIS) database that will contain all of the major water system features in York County, along with their location and attributes. This information would be standardized throughout the county and could be shared with all participating water companies and all levels of government. This is a good use of taxpayer funds because the water infrastructure within York County continues to rapidly expand to meet the requirements of high development pressure, while the need to maintain its aging components must be fulfilled. It is critical to know where the water infrastructure is located and attributes, such as age, size, and capacity of each component. (\$125,000)

York County Government, 28 East Market Street, York, PA 17401.

Energy, Water Appropriations Bill:

Renewable Energy (Photovoltaic) Project: If this project is funded, PPG Industries would be expected to compete for the contract. PPG Industries is a diversified manager that supplies paints, coatings, chemicals, optical products, specialty materials, glass, and fiber glass. PPG is a publically traded company located in Carlisle, Pennsylvania. PPG would use this funding to develop advanced, in-line process technologies to fabricate thin-film solar cells. This is a good use of taxpayer funds because thin-film technologies could be directly integrated into current manufacturing glass processes in order to reduce the cost per watt while optimizing the photovoltaic supply chain to accelerate the introduction of alternative energy sources in the market. (\$1 million)

PPG Industries, 400 Park Drive, Carlisle, PA 17301.

Transportation, Housing, and Urban Development Appropriations Bill:

Carlisle Borough: Carlisle Borough is a municipal government located in Cumberland County. The Borough of Carlisle would use this funding to carry out the recommendations of the Downtown Traffic Safety and Mobility Project, a comprehensive traffic study of downtown Carlisle. Funding would be used to: reduce High and Hanover Streets from two lanes to one lane in each direction; add bicycle lanes to both sides of High and Hanover Streets; install camera-activated traffic signals; install "bump-out" curbs at all intersections; and implement a truck mitigation program to reduce truck traffic. This is a good use of taxpayer funds because it would improve vehicular and pedestrian safety, calm traffic, reduce air and noise pollution, encourage multi-modal transportation, and revitalize downtown Carlisle. (\$1 million)

Carlisle Borough, 53 West South Street, Carlisle, PA 17013.

Cumberland County Government: Cumberland County would use funding to engineer, design, and replace Craighead Bridge. Craighead Bridge is a 110 year-old steel thru truss bridge that carries nearly 2000 vehicles per day across the Yellow Breeches Creek. This is a good use of taxpayer funds because Craighead Bridge has been named one of the worst bridges in Pennsylvania and is functionally obsolete, structurally deficient, and has an estimated remaining life span of four years. (\$1 million)

Cumberland County Government, 1 Courthouse Square, Room 200, Carlisle, PA 17013.

Cumberland County Government: Cumberland County would use funding to engineer, design, and replace Orr's Bridge. Orr's Bridge is a 52-year-old pre-stressed non-composite adjacent box beam structure that carries over 12,000 vehicles per day across the Conodoguinet Creek. This is a good use of taxpayer funds because the current design has been proven to accelerate deterioration of the bridge's structural system and in turn increases its susceptibility to sudden collapse. (\$1 million)

Cumberland County Government, 1 Courthouse Square, Room 200, Carlisle, PA 17013.

Rabbitransit: The York County Transportation Authority (Rabbitransit) is the public transportation provider for York County. Rabbitransit would use this funding to relocate its facility to a location that could house all 86 buses. The current location can only house 65 buses. Due to rapid growth over the past decade, Rabbitransit has been providing increasingly valuable service to the community. However, because of the growth, Rabbitransit is completely out of parking space and the bus facility has become overcrowded. This is a good use of taxpayer funds because the project would provide Rabbitransit with the ability to continue to meet the needs of the community. (\$1 million)

Rabbitransit, 1230 Roosevelt Avenue, York, PA 17404.

Springettsbury Township: Springettsbury Township is a local government located within York County, Pennsylvania. Springettsbury Township would use this funding to improve the intersection of Northern Way and East Market Street. Specifically, the funding would be used to add a westbound right turn lane to Northern Way. This is a good use of taxpayer funds because it would provide a safe access point to the Township's retail, entertainment, and industrial center, while strengthening and enhancing the commercial and industrial redevelopment in the area. (\$930,732)

Springettsbury Township, 1501 Mount Zion Road, York, PA 17402.

West Manheim Township Park and Recreation Board: West Manheim Township Park and Recreation Board is a non-profit organization dedicated to the planning for and funding of a 113 acre recreation park in West Manheim Township in Hanover, Pennsylvania. The Board would use this funding to outfit two regulation-sized baseball fields with backstops, bases, scoreboards, specialized infield dirt, field drainage systems, and fencing. The funding would also be used to purchase two sets of restroom facilities. This is a good use of

taxpayer funds because the facilities in the park will provide a safe outlet for the activities of the local youth population. The West Manheim Recreation Park will be a premier destination for Southern Pennsylvania and Northern Maryland residents. (\$300,000)

West Manheim Township Park and Recreation Board, 15 Waterview Road, Hanover, PA 17331.

The board also approved forwarding the following defense projects to the House Appropriations Committee for consideration:

Defense Appropriations Bill:

5" Extended Range Insensitive Munition Projectile: This request would provide funding to produce Extended Range Insensitive Munition (ERIM). ERIM projectile is a promising technology for providing extended range and accuracy improvement for the 5" Naval Gun system. This is a good use of taxpayer funds because extended range and accuracy will enable the Naval warfighter to confidently engage specific point targets in both rural and urban terrains. The munition is produced in part by the General Dynamics facility located in Red Lion, Pennsylvania. (\$4 million over the President's Budget)

General Dynamics, 200 East High Street, Red Lion, PA 17356.

EFSS Precision Extended Range Munition: The EFSS is a close fire support, all-weather, quick responsive indirect fire system supporting Marine Expeditionary Units. The system is produced in part by the General Dynamics facility located in Red Lion, Pennsylvania. This is a good use of taxpayer funds because it would provide Research, Development, Test & Evaluation dollars to greatly expand the munition range for the EFSS system. (\$10 million over the President's Budget)

General Dynamics, 200 East High Street, Red Lion, PA 17356.

Future Medical Shelter System: This project would fund the production of a successor to the current tent-based field hospital that has served the Army well but is currently marked for phase-out. This is a good use of taxpayer funds because the 21st Century Military Hospital System is a mobile medical unit that incorporates superior quality in medical care. Gichner Shelter Systems, located in Dallastown, Pennsylvania would design and manufacture the specialty ISO containers used in the mobile medical units (\$9.5 million over the President's Budget)

Gichner Shelter Systems, 490 East Locust Street, Dallastown, PA 17313.

Improved Recovery Vehicle (M88A2): This project would fund the remanufacturing and upgrade of the M88A1 to provide safe and effective recovery capability for the M1 Abrams Tanks. The Abrams Tanks are manufactured in part by the BAE Systems facility located in York, Pennsylvania. This is a good use of taxpayer funds because the tanks are used extensively in Operations Iraqi Freedom and these upgrades will satisfy major deficiencies identified during Operation Desert Storm. (\$72.8 million above the President's Budget)

BAE Systems, 1100 Bairs Road, York, PA 17405.

Paladin Integrated Management (PIM): This project would fund the completion of testing and evaluation of the PIM self-propelled howitzer and companion ammunition resupply vehicle. These vehicles are manufactured in part

by the BAE Systems facility located in York, Pennsylvania. This is a good use of taxpayer funds because the changes to this vehicle will reduce the logistics footprint thereby reducing operational and support costs. (\$9 million above the President's Budget)

BAE Systems, 1100 Bairs Road, York, PA 17405.

Military Construction Appropriations Bill:

York Readiness Center: Funding would be provided to the Pennsylvania Army National Guard to provide soldiers with modern facilities in which to assemble and train in York, Pennsylvania. It would also allow the Guard to close two undersized, inadequate armories now in use. This is a good use of taxpayer funds because the facility will incorporate sustainable design features to achieve LEED NC 2.2 USGBC Silver Certification and improved energy efficiencies. In addition, the new site would implement required Anti-Terrorism/Force Protection. (\$12.8 million)

York Eden Road RC, York, PA.

Members of the advisory board included:

Adams County: Steve Niebler, Director, Adams County Office for Aging, and John R. Peters, Adams County Farm Bureau. Cumberland County: Dean Clepper, Principal (retired), South Middleton School District; John Connolly, Former Chief Clerk, Cumberland County; and Jerry Nailor, Former State Representative, 88th Legislative District. York County: Carl Anderson, President, Community Progress Council Board of Directors, Metro York; Eric Menzer, Wagman Construction, Metro York; Steve Nickol, Former State Representative, 193rd Legislative District; Mario Pirritano, Supervisor, Fairview Township; and Peg Weaver, Former President, Gettysburg-Adams Chamber of Commerce.

RECOGNIZING THE CONTRIBUTIONS OF GLENDA BOOTH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Glenda Booth, an outstanding environmental activist from Fairfax County. On Saturday, April 25th Ms. Booth will receive the Liz Hartwell Conservation Award for her decades of service to her community.

Ms. Booth has served as Chair of the Wetlands Board of Fairfax County, and spearheaded the first program in the state to implement Living Shorelines to protect the upper tidal reaches of the Potomac River, reducing erosion and nutrient pollution that would flow to the Chesapeake Bay.

She has promoted environmental stewardship through the Audubon Society of Northern Virginia, Virginia Conservation Network, Friends of Westgrove Park, Mount Vernon Council of Citizens Associations, Friends of Huntley Meadows Park, Friends of Dyke Marsh, and numerous watershed management advisory committees. She was instrumental in helping me develop and implement Fairfax County's environmental agenda, which the Board of Supervisors adopted shortly after I was elected Chairman. This comprehensive

environmental plan addresses topics ranging from natural landscaping to the reduction of endocrine disruptor pollution. Without Ms. Booth's extraordinary scientific expertise and political acumen the County's environmental policies would not be as inclusive or effective as they are today.

Ms. Booth also is an able advocate at the state and federal levels. By leading the Friends of Dyke Marsh, she has spearheaded efforts to protect wildlife and aquatic life at this remarkable marsh in Fairfax. Through her participation in the Virginia League of Conservation Voters, she has championed stronger environmental policy at the statewide level. Prior to her wide-ranging volunteerism in the community, Ms. Booth served as staff to Senator DIANNE FEINSTEIN of California. This professional experience equipped her to be a highly effective community activist.

Advocates like Ms. Booth have initiated every significant environmental legislative achievement in the past, whether it is legislation to clean up toxic waste at sites such as Love Canal or protect local habitats in Dyke Marsh and Mason Neck. I am grateful for her service, which is more valuable than ever as federal, state, and local governments confront environmental challenges ranging from climate change to restoration of the Chesapeake Bay. Madam Speaker, I ask that my colleagues join with me in congratulating Glenda Booth on receiving the Liz Hartwell Conservation Award to recognize three decades of environmental activism.

WE MUST PREVENT ANOTHER HOLOCAUST

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. SCHIFF. Madam Speaker, at ten o'clock this morning, the nation of Israel observed two minutes of silence in observance of Yom Hashoah, Holocaust Remembrance Day. For those two minutes, all activity in the country ceased to honor of the six million Jews who were murdered by the Nazis during the madness of the Final Solution. For Israelis, the Holocaust remains the crucible that produced their state and its impact is felt daily across Israeli society—from politics to the arts.

Here in the United States, the Holocaust is more remote. The GIs who helped to liberate the Nazi death camps more than six decades ago are fading into history and the grainy black and white footage of the victims images that stunned the world in the 1940s—now seem distant to many Americans.

For Israelis, though, the Holocaust serves as an omnipresent reminder of the historical insecurity of the Jewish people for whom persecution and exile have characterized two millennia of wandering from their ancient homeland. Coupled with Israel's mainly hostile and fundamentally unstable neighbors, the memory of Hitler's attempt to exterminate European Jewry has served to make Israelis extraordinarily vigilant in the face of constant security threats.

Israeli security analysts have focused their concern in recent years on Iran, which they

see as the most critical existential threat to the Jewish state.

Through its support for Hezbollah in Lebanon and Hamas in Gaza and the West Bank, Tehran has taken up positions along Israel's borders and its proxies have repaid their Iranian masters handsomely by provoking large-scale military actions by Israel in 2006 and December of last year.

Through its relentless pursuit of the nuclear fuel cycle, Iran's radical regime seeks to dominate the region and to erect a permanent threat to Israel's security and the Israeli people.

Through its statements and the virulence of state-controlled media, Iranian leaders, particularly President Mahmoud Ahmadinejad are clearly fixated on the demonization and destruction of Israel. Just yesterday, the Iranian president sparked a walkout at a United Nations racism conference in Geneva when he launched into a rambling rant against Israel and Jews. The prospect of Ahmadinejad with nuclear weapons is one that keeps many Israelis up at night and should be keeping many of us awake as well.

Given the potential consequences, the United States must make the prevention of Iran developing the bomb a cornerstone of both its strategy for the Middle East and its nonproliferation agenda. To do otherwise would place Israel in Iran's nuclear crosshairs and likely spur a regional arms race as Saudi Arabia, Egypt and the United Arab Emirates could seek to match any Iranian nuclear weapons capability.

I support President Obama's decision to reach out to Tehran and I believe that tough, concerted diplomacy can be effective in getting the Iranian government to reassess its nuclear policy. But to be effective, that diplomacy must include a wide range of both inducements and disincentives. And it must take into account the character and nature of the current Iranian regime. And, finally, those charged with executing the policy must be willing to consider other alternatives should diplomacy fail.

Tehran's current declared enrichment activities at its Natanz facility are subject to regular inspections by the International Atomic Energy Agency, which should be able to spot diversion or any attempt to produce weapons grade material before it can be turned into a weapon. As long as the IAEA can maintain its surveillance of the Natanz facility, any Iranian intention to produce weapons-grade material there is likely to be frustrated.

What concerns many senior officials in Israel, here in the United States and in Europe, is the possibility that Iran, which continues to withhold a lot of information about its nuclear program, may have a parallel, secret nuclear program that is beyond the reach of the IAEA and western intelligence monitoring. As David Albright, the President of the Institute for Science and International Security, told the Financial Times last week, aside from Natanz "we don't know anything about what they are doing, how many centrifuges they have made, or whether they are ready to go with a duplicate facility that would allow them to produce fissile material."

The juxtaposition of renewed diplomatic overtures and the unease over the extent of

what we do not know about Iran's capabilities or its intentions, may strengthen our hand with the other permanent members of the UN Security Council plus Germany, who are working to produce a collective response to the Iranian nuclear challenge. If our international partners perceive a new American willingness to explore seriously the prospect for a negotiated resolution to the Iran problem, they may also be ready to consider the more robust coercive measures that may become necessary if Iran is shown to be pursuing a nuclear weapons capability.

International cohesion will be absolutely vital if we are to resolve this standoff without resorting to force. Tehran has been adroit at exploiting differences between the United States and its international partners, some of whom have been unwilling to consider the possibility that President Ahmadinejad's vitriol is not merely intended for domestic consumption but is a real reflection of his murderous intentions. This could prove a tragic mistake.

Seventy-five years ago, Europeans, Americans and even many German Jews dismissed Hitler's threats against the Jews as political posturing. How could Germany, a nation with a rich and distinguished culture, whose cities embodied the best of cosmopolitan Europe, follow a depraved Austrian corporal into the depths of hatred? Humanity paid an enormous price for its passivity and the world pledged "never again."

We may now be faced with a similar threat from another society with a rich culture going back thousands of years and a sophisticated citizenry. Do we dismiss Mahmoud Ahmadinejad as a hate-filled demagogue, or do we take his threats seriously? All of us—Americans, Israelis, Europeans and Russians—would be well advised to remember the past, even as we work towards what we hope will be a safer tomorrow.

RECOGNIZING 22ND ANNIVERSARY OF THE INLAND EMPIRE HIS- PANIC NEWS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. BACA. Madam Speaker, in October 1987 the first issue of the Inland Empire Hispanic News was published. To date, we celebrate the 22nd Anniversary of this initial publication. The paper has been widely accepted by both the Hispanic public and the Inland Empire as the premier publication in the distribution areas, with a probable 4.5 person readership per individual paper. The Inland Empire Hispanic News has continually published the tabloid on a bimonthly basis for the past 22 years and has successfully reached out to the Inland Empire communities of Redlands, Rialto, San Bernardino, Colton, Fontana, Rancho Cucamonga, Ontario, Upland, Riverside, and Corona. Since its incorporation, the Inland Empire Hispanic News has been recognized with well over 35 awards varying from congressional, state, city, and other civic and non-profit organizations for its journalistic contributions to the Hispanic community and the Inland Empire.

The newspaper was founded by Mr. Graciano Gomez, who saw an urgent need for a newspaper that would exemplify the positive Hispanic attributes, and further the education, socio-economic and business issues prevalent in the Inland Empire. Mr. Gomez understood that in order to advocate for the greater Hispanic community, he needed to provide a common unified communication vehicle that highlighted both the positive accomplishments within the greater community, as well as the public policies and issues at hand. Mr. Gomez organized a meeting with diverse community leaders and founded the Board of Directors consisting of Ray Abril Jr., Aurelio De La Torre, Esther Mata, Arthur Milian, George Martinez, Ray Nieves, and of course Mr. Graciano Gomez as Chairperson and Publisher. The Board established that the major goals of the Inland Empire Hispanic News would be the advocacy of education, economic development, volunteerism, and political activity that were of critical interest to the greater Hispanic community.

The Inland Empire Hispanic News has since been one of the leading newspapers to highlight important public and social policies in regards to health, education, economic development, and business news. It captures the heart of the greater Inland Empire community by sharing the inspiring stories of outstanding role models of leaders in the community, business, education, and non-profit sectors, and individuals and families who are making positive contributions to our society. The paper has also become a primary source for many interested in current issues, news events, advocacy opportunities and available resources.

With the hard work and commitment of Mr. Gomez and his wife of 30 years, Mrs. Trini Gomez, the Inland Empire Hispanic News provided input from elected officials, governmental agencies, community based organizations, individuals, business and other sources relative to issues and interests of the greater Hispanic community. Since the publication's inception, Mrs. Trini Gomez has played a vital role in the development and on going operation of the newspaper. Together they have made this dream of a creating a vital resource for the Hispanic population within the Inland Empire a reality.

However, the dream of this newspaper, its mission and great accomplishments would not have been possible without Mr. Graciano Gomez. Mr. Gomez was raised in the Inland Empire, graduating from Redlands High School in 1943. Immediately following graduation he was called into the United States Air Force, serving in the India/Burma Theater of War. After being honorably discharged in 1946 he was employed at Norton Air Force Base. In 1952, he resigned in order to accept a position in the County of San Bernardino. He served 34 years with the County of San Bernardino and associated agencies and was recognized for his civil service career by state and county officials.

Since his military discharge in 1946, Mr. Gomez has established himself as a professional pillar of the Inland community, while also continuing a passion and commitment for community service.

After experiencing many injustices, Mr. Gomez is driven to advocate for the Hispanic

community within the Inland Empire. He is dedicated to promoting quality education for all youth, and encouraging civic volunteerism, as well as political and socio-economic involvement. His continual service to the Inland Empire has been recognized with over 73 awards varying from the diocese, congressional, state, city, and other civic and nonprofit organizations.

One of his greatest accomplishments however, is the establishment of the Inland Empire Hispanic News in 1987. In honor and celebration of the 22 years of publication of the Inland Empire Hispanic News, we would like to congratulate Mr. Graciano Gomez for his life long service and commitment to the greater Hispanic community. The Inland Empire Hispanic News has demonstrated an ability to outreach and bring to light the important issues affecting the Hispanic community and by doing so has been an inspirational influence of positive change within the Inland Empire.

TRIBUTE TO GUY EMANUELE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. STARK. Madam Speaker, I rise today to pay a special tribute to Guy Emanuele, former Superintendent of the New Haven Unified School District in Union City, California. On April 24, 2009, the New Haven Schools Foundation will host its 2nd Annual Scholarship luncheon. Friends, colleagues and admirers of Mr. Emanuele will gather at the luncheon to recognize his many years of service to the New Haven Community.

Mr. Emanuele has spent 49 years as a teacher, counselor, administrator and school district trustee. He began his teaching career in 1956 at Barnard Junior High School, now Barnard-White Middle School in Union City. After working as counselor and administrator for several years, he was hired as the school district's superintendent in 1976.

When he took the post, the New Haven school district had existed for only 11 years, and there had already been three superintendents. Guy Emanuele, according to Union City Mayor Mark Green, "found New Haven a district of bricks and he left it a district of marble . . . He was the most important person in the school district's history."

Under Mr. Emanuele's 22-year tenure as superintendent, New Haven created an alternative high school, passed several bond measures and focused on educating students through athletics, arts and extracurricular activities, in addition to academics. As a superintendent and school board member, he maintained a vision of holistic education and advocated for top-notch extracurricular activities to keep students engaged throughout the day and after school. He believes it is cost effective to establish athletics and arts programs on campuses because they keep students engaged and out of trouble.

Guy Emanuele also established the New Haven Schools Foundation in 1981 to provide an alternative source of funds for co-curricular and extra-curricular programs. The Foundation

also provided much of the initial funding for cutting-edge technology for the New Haven School District that made New Haven a model for other California school districts.

He retired as superintendent of the New Haven Unified School District in 1998. After leaving New Haven, Guy Emanuele, a longtime Fremont, California resident, was elected to the Fremont Unified School Board, where he served until 2006.

Guy Emanuele has earned the respect of educators as well as the community for his exemplary contributions to students. I join in expressing appreciation to him for his commitment and dedication.

RECOGNIZING HOLOCAUST REMEMBRANCE DAY

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MACK. Madam Speaker, I rise today, April 21, 2009, to recognize the Holocaust Remembrance Day and to remember and honor the 6 million Jews, among them one-and-a-half million children, who perished during one of mankind's worst atrocities.

As we remember those who were persecuted and who lost their lives, it is also important to honor the countless numbers of people, who at great risk to both themselves and their families, risked everything to come to the aid of the Jews of Europe.

Today we must also pay tribute to the American soldiers, who as a result of their heroic service, liberated a continent besieged by terror and helped to extinguish the flames of the Holocaust.

The wounds of the Holocaust still remain and we must be vigilant in this day and age to confront those who deny the Holocaust or continue to foment agendas of hate and anti-Semitism.

I also want to recognize The Holocaust Museum of Southwest Florida which is located in my district. The museum, and others like it around the country, exists so that this generation of Americans can learn the importance of tolerance and vigilance. The museum has begun a program where the community's students can meet and reflect with the estimated 100 Holocaust Survivors who call Southwest Florida home. In addition, thousands of students from Southwest Florida visit the museum each year in order to learn and remember the Holocaust and its lessons.

Madam Speaker, I urge all of our colleagues to recognize the importance of the Holocaust Remembrance Day. In doing so, we will continue to fulfill our vow of, "never again."

RECOGNIZING THE 250TH ANNIVERSARY OF FAUQUIER COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WOLF. Madam Speaker, I rise today to recognize the commemoration of the 250th

Anniversary of Fauquier County, Virginia, on May 1, 2009. I am honored to represent a portion of this county as part of the 10th District of Virginia.

Fauquier County has a rich and venerable history. The land known as Fauquier County dates back to the early days of our nation, originally described in 1608 as part of the Northern Neck proprietary. It was formed from part of Prince William County in 1759, and named for the Lieutenant Governor Francis Fauquier, who served the Commonwealth from 1758 to 1768. Militiamen fought in the French and Indian Wars in defense of the British Colony, and later participated in the creation of a new nation during the American Revolution.

Supreme Court Chief Justice John Marshall, the father of judicial review and America's most esteemed judge, was a native son of Fauquier County. It was the scene of many important military engagements during the Civil War and served as the base of operations for Colonel John S. Mosby. The county contributed hundreds of soldiers, including five generals, to the Confederate Army during that conflict. Sons and daughters of Fauquier have served with distinction in every armed conflict of the 20th century.

Fauquier County is renowned for its pastoral scenery, agriculture and equine industries, and its open space. Visitors from other states and countries around the world come to enjoy its rich history, warm hospitality and recreational offerings. Madam Speaker, please join me in recognizing and celebrating the rich history of Fauquier County, Virginia, and in congratulating its citizens upon its 250th anniversary.

HONORING MASTER SERGEANT ROBERT MORRELL FOR HIS MANY YEARS OF SERVICE IN THE MARINE CORPS AND TO THE UNITED STATES POSTAL SERVICE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Master Sergeant Robert Morrell of Marine Wing Support Squadron 472 of Willow Grove, PA for his service to the Marine Corps and to the U.S. Postal Service. At fifty-eight years old, he is preparing to deploy to Iraq.

Master Sergeant Morrell joined the Marine Corps in 1969 and spent four years on active duty. He earned the Vietnam Service Medal for his service in the South China Sea. He was also deployed in the Mediterranean. Master Sergeant Morrell became a letter carrier for the United States Postal Service in 1979. He now serves as the financial secretary of The National Association of Letter Carriers Branch 540 Camden NJ Merged. He retired from the postal service on August 31, 2007.

Madam Speaker, Master Sergeant Morrell rejoined the Marine Corps Reserves in 1990. During his two Marine Corps careers he has earned a Selected Marine Corps Reserve medal, a Navy Meritorious Unit Commenda-

tion, the Marine Corps Good Conduct medal, and the National Defense Service medal. In 2007, he was promoted to Master Sergeant in the Marine Corps. When his retirement date from the Marine Corps loomed close, Master Sergeant Morrell chose instead to continue with his unit. He is now getting ready to serve his country in Iraq, just as he served in Vietnam. He is an excellent example for all Americans. I congratulate Mr. Morrell on his tremendous dedication to this country and wish him the best of luck in his future endeavors.

CHIEF TECHNOLOGY OFFICER ACT OF 2009

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, this past weekend President Obama appointed Aneesh Chopra, Virginia's Secretary of Technology, to serve as our nation's Chief Technology Officer.

It was an excellent choice to fill a very important position.

On February 25, the gentleman from Virginia, Mr. MORAN, and I wrote a letter to President Obama urging him to appoint Mr. Chopra because we believed his public and private sector experience made him eminently qualified for the post.

As we make unprecedented investments in innovative technology through the American Recovery and Reinvestment Act, Mr. Chopra's leadership will help us save taxpayer dollars, make government more efficient, ensure accountability, and reinvigorate our economy.

I recently introduced a bill to make it a permanent position by statute. I urge my colleagues to join me in cosponsoring H.R. 1910 to ensure that the Presidentially-appointed Chief Technology Officer will be part of future administrations.

TRIBUTE TO REVEREND DR. GEORGE EDWARD McRAE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to my pastor, Reverend Dr. George Edward McRae on his 50th anniversary in the ministry and 20 years at Mount Tabor Missionary Baptist Church.

Located in the heart of Miami, Florida's Liberty City at 1701 Northwest 66th Street, this citadel of faith has been and continues to be a beacon of comfort and hope in our community while dedicating itself to providing spirituality, service and guidance.

A native son of Florida, Rev. Dr. McRae graduated from Central Academy High School in Palatka; received his Bachelor of Arts Degree from Bethune-Cookman College in Daytona Beach; Master of Divinity from the Interdenominational Theological Center in Atlanta;

and Doctor of Ministry Degree from Columbia Theological Seminary in Atlanta where his doctoral dissertation was entitled, *The Triangle of Death in the African-American Community: Drugs, Prison, and HIV/AIDS*.

Under the leadership of our beloved, Rev. Dr. McRae, Mt. Tabor has taken an active and progressive role in directly addressing the temporal, as well as spiritual needs of our neighbors. I want to commend him for his tireless apostolate in ministering to those who were imprisoned, to the hungry and to all those seeking the love and solace of a Church that seeks to affirm and confirm their dignity as God's children.

Rev. Dr. McRae's humanitarian spirit is evidenced by his tireless efforts in establishing an HIV/AIDS ministry at Mt. Tabor to comfort and solace those suffering from HIV/AIDS. Moreover, Narcotics Anonymous, Alcoholics Anonymous and Prison, Feeding, Shoebox, Job, Sick and Shut-In ministries are all under his guidance and leadership.

My pastor's anniversary in the ministry and at Mt. Tabor takes on a meaning much greater than the passage of time, for Rev. Dr. McRae and the Church have met the spiritual needs of thousands of people who came before us, and through the grace of God will continue to do so for another century to come. It is a magnificent legacy we will celebrate.

Madam Speaker and my colleagues, I ask that you join me in honoring Reverend Dr. George Edward McRae, a humble servant of God, a true beacon of hope and a guiding light in the 17th Congressional District of Florida.

TRIBUTE TO LULU MAE TURNER HOOVER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to recognize one of Kentucky's most esteemed residents and community servants, Lulu Mae Turner Hoover. Born on January 28, 1938 in Wayne County, she was the third of 12 children born to Clyde and Wilmoth Penticuff Turner. She married Welby Hoover on April 8, 1956 and the couple had three children.

Throughout her life Mae contributed greatly to not only her community, but the entire Commonwealth of Kentucky. She started the annual Food for the Needy Drive in Russell County which now feeds nearly 300 families every year at Christmas time. Together with her husband Welby, they started the Lakefest Celebration on the square in Jamestown which is held every 4th of July. From 1987 to 1988, she served as State Representative for Russell, Clinton, Wayne and Cumberland counties, a post also held by her husband and son. Mae was President of the Kentucky Federation of Republican Women; a member of the Board of Directors of the Russell County Chamber of Commerce and the Lake Cumberland Area Development District; a member of the Russell County Jaycee Hall of Fame and Chamber of Commerce Hall of Fame;

Russell County Business and Professional Women's Club "Woman of the Year;" received the Russell County Tourism Commission "Distinguished Service Award;" and served as a Delegate to the 1992 Republican National Convention in New Orleans.

Mae passed away on June 6, 2008. For all her accomplishments, Mae treasured her family above all else. Her life serves as a shining example to us all of the importance of giving back to your community and living life to the fullest.

IN HONOR OF MARVIN BUCHHOLZ OF HAM LAKE, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Marvin Buchholz of Ham Lake, Minnesota for his 40 years of dedicated service to the Ham Lake Fire Department. A resident of Ham Lake his entire life, Marvin is the last remaining charter member of the department.

Since its inception in 1969, the Ham Lake Fire Department has seen many firefighters come and go, but every one of them has known Marvin. Marvin's first firefighting experience was as a high school student. As his school bus passed by a grass fire, members of the Minnesota Department of Natural Resources asked the bus riders to help put the blaze out.

As the close-knit community expanded, the fire department was established and its responsibilities grew. They started with grass fires and are now trained to handle natural disasters and domestic terrorism. In a way familiar to many Ham Lake residents, Marvin explains, "The fire department is advancing further and further and further than just putting the wet stuff on the red stuff."

Madam Speaker, I rise today to congratulate Marvin Buchholz for demonstrating honor and loyalty to the Ham Lake Fire Department for 40 years. As a District Chief, Marvin has seen more calls to service than any other department firefighter and deserves our sincerest appreciation.

HONORING PRESIDENTIAL UNIT CITATION RECIPIENT EDWARD J. TINNEY OF SPRING HILL, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and distinguished recipient of the Presidential Unit Citation. Mr. Edward J. Tinney of Spring Hill, Florida was a proud member of the Alpha Troop, First Squadron, 11th Armored Cavalry Regiment in South Vietnam. The unit was awarded the rare and prestigious citation in recognition of their determination under extremely dangerous and hazardous conditions.

In 1970 in the Republic of South Vietnam, Mr. Tinney's unit distinguished itself through a series of daunting combat missions over many months. After a five-year review, the Department of Defense recommended this small unit for the Citation, a very rare honor. The professional skill and personal devotion displayed by Mr. Tinney and his unit reflect their immense commitment and sacrifice.

Since its inception in 1941, the Citation has been awarded fewer than 100 times to include the Second World War, the Korean War, the Cold War, the war in Vietnam, Operation Iraqi Freedom and Afghanistan and only five units as small as Mr. Tinney's have received the Citation. To be singled out in this manner is a distinct honor.

Madam Speaker, soldiers like Mr. Tinney should be recognized for their service to our nation and for their commitment and sacrifices in battle. I am honored to congratulate Mr. Tinney and his unit on their long overdue Presidential Unit Citation. His family, friends and loved ones should know that we truly consider him one of America's heroes.

HONORING THE ASSYRIAN DEMOCRATIC MOVEMENT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise to honor the thirtieth anniversary of the Assyrian Democratic Movement in Iraq.

The Assyrian Democratic Movement (ADM) is an ethnic Assyrian political party that was established on April 12, 1979. The party was formed in response to the oppressive brutality of the Al-Baath regime and its attempt to forcibly remove ethnic Assyrians from their native lands. Under the leadership of Yonadam Kanna the struggle came to a head in 1982 when the group began an armed battle against the Iraqi regime.

After two decades of building the ADM, former President George W. Bush officially designated the group as a recognized Iraqi opposition movement. In December 2002 this designation allowed for President Bush to invoke articles four and five of the Iraqi Liberation Act of 1998 as a means of allowing the United States government to provide financial resources to the ADM. Yonadam Kanna has served as an integral member of the movement and he has participated in meetings and conferences with world leaders to pursue the ideology of the ADM. Mr. Kanna served on the temporary Iraqi Governing Council that was established after the fall of Saddam Hussein and is currently serving as president of the party.

Today, the party stands for the same political goals that it stood for thirty years ago; to defend their people and to create a free democratic Iraq. The movement calls for the recognition of the rights of all Assyrians and to unify the various individual identities, including Chaldean, Syriac and Assyrian.

Madam Speaker, I rise today to commend the Assyrian Democratic Movement on thirty years of commitment to creating a free and

democratic Iraq. I invite my colleagues to join me in wishing the Assyrian Democratic Movement many years of continued success.

RECOGNIZING OUTSTANDING STUDENTS IN NORTHERN VIRGINIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the achievements of several students in Northern Virginia. These students have participated and excelled in programs administered by their local Parent Teacher Associations and Parent Teacher Student Associations.

Parent Teacher Associations (PTA) and Parent Teacher Student Associations (PTSA) serve a critical role in helping to provide the best possible educational environment for our students. The Northern Virginia District PTA consists of a region with more than 220 schools. Schools located throughout Northern Virginia are consistently recognized as being among the very best schools in our country. I strongly believe one factor in the excellent education received by our students is the high level of involvement and encouragement provided by parents through the PTA and PTSAs. At its annual meeting and dinner, the Northern Virginia District PTA recognized the following students for their outstanding achievements:

In the category of District PTA Citizenship Essay Awards—High School Division the winners are Paul Capp, a senior at McLean High School, and Lisa Pang, a senior at Thomas Jefferson High School for Science and Technology.

In the category of District PTA Citizenship Essay Awards—Middle School Division the winners are Cali Willcockson, a seventh grader at Liberty Middle School, and Ji Soo Song, an eighth grader at Rocky Run Middle School.

A separate special congratulations goes to Paul Capp of McLean High School for placing 3rd in the Virginia State PTA Citizenship Essay Contest—High School Division and to Ji Soo Song who won 1st place in the Virginia State PTA Citizenship Essay Contest—Middle School Division.

The following students were recognized in the category of Virginia PTA Outstanding Interpretation Awards, which recognize artistic achievement: Literature: Senior Division—Alexander Kopenhaver, (9th grade), Washington-Lee High School. Music Composition: Primary Division—Pierre Quan, (2nd grade), Forestville Elementary School; Intermediate Division—Kyle Gatesman, (3rd grade), Canterbury Woods Elementary School. In Photography: Middle/Junior Division—Courtney E. Brown, (6th grade), Bull Run Elementary School. In Visual Art: Primary Division—Kaitlin Phan, (2nd grade), Colin Powell Elementary School; Intermediate Division—Jamie H. Chang, (5th grade), Union Mill Elementary School; Senior Division—William W. Park, (11th grade), Langley High School.

The Frieda M. Koontz Scholarship Award has been awarded to Monica Choudhury, a senior at James Madison High School in Vi-

enna. This scholarship awarded by the Virginia PTA will provide \$1,200 to Ms. Choudhury as she begins her studies at the University of Virginia.

Madam Speaker, I ask my colleagues to join with me today to recognize the outstanding achievements of these students. I also ask that we recognize the Northern Virginia District PTA, in partnership with the Virginia PTA, as they work diligently to develop the diversity of talents and skills of students attending schools throughout Northern Virginia. It gives me great pleasure to acknowledge the achievements of these students and the Parent Teacher Associations that support them.

TEXAS' PORTABLE HOSPITALS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. POE of Texas. Madam Speaker, over the past several years, Southeast Texas has been the target during Hurricane Season. Hurricane Katrina and Hurricane Rita hit in 2006 and the very recent Hurricane Ike in September 2008. Not to mention Hurricane Gustav, which did not cause a disaster in Texas, many believe it was just a trial run before Hurricane Ike. Hurricane Ike came along two weeks later on September 13, 2008.

These hurricanes have taught emergency management officials to be prepared in time of a disaster. Through their preparedness they are able to assist and help other individuals evacuate the city in a timely manner. The most recent development is the Portable Inflatable Hospital presented by the East Texas Gulf Coast Regional Trauma Advisory. With the help of the emergency management officials, numerous area hospitals and others, this incredible development was established. State and federal Grants help fund the hospital that cost around 1.5 million. This portable hospital is a great way for medical personnel to assist patients during a disaster and for the patients to get the quick response medical help they need. The medical assistance can range from distributing medications to on site emergency care. The facility can operate as one or three separate facilities. It is equipped with beds, living areas, and other units. This project has had a great response from individuals willing to donate, but still needs any help it can get from our local Southeast Texans. The medical personnel and emergency officials are very grateful for this newly facility. It will be located in Southeast Texas, but can be set up across the state. The hospital will cost five thousand dollars to operate daily plus an additional twelve thousand dollars to generate the portable hospital.

Emergency preparedness is very crucial in time of a disaster. With our great response teams in Southeast Texas the portable hospital will be ready in time of need. I would like to thank the individuals who spend endless hours preparing for Hurricane Season.

HONORING MR. JACOB TANENBAUM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ENGEL. Madam Speaker, I rise today to honor Mr. Jacob Tanenbaum, an outstanding constituent and educator from the 17th Congressional District of New York, for his exemplary efforts in bringing real scientific research to the classroom.

Jacob Tanenbaum, an elementary school teacher at the South Orangetown schools in Rockland County, New York, was chosen by the National Oceanic and Atmospheric Administration's (NOAA) Teacher at Sea Program to participate in a two-week research cruise in the North Atlantic this past fall to study Atlantic fisheries while aboard NOAA Ship HENRY B. BIGELOW.

Embarking from Newport, Rhode Island, Mr. Tanenbaum's research cruise followed a track off the United States' northeastern coast. Mr. Tanenbaum not only researched fisheries, but also wrote a daily blog, took photographs, interviewed scientists, and engaged in dialogue with his students, fellow teachers, and the general public. Mr. Tanenbaum became an integral part of the research team and ship's crew and established relationships that will give him and his colleagues access to scientific resources for many years to come. With his at-sea experience, Mr. Tanenbaum has been able to enrich his curriculum and excite his students about science.

In one of his blogs, Mr. Tanenbaum wrote, "Through NOAA's Teacher at Sea Program, students are not just learning about exciting research projects at sea, they are witnesses to them, and on some level, participants in them. The Teacher at Sea program is about something far more important than test scores and text books. It is about inspiration and excitement. Inspiring learning and creating excitement about learning are not just simple hoped-for extras in an educational setting—they are the most essential parts of a culture of learning."

I congratulate Mr. Tanenbaum on his spirit of adventure in the name of education, his willingness to try new things, and his ability to bring this experience back into the classroom. NOAA's Teacher at Sea program has afforded Mr. Tanenbaum an unparalleled opportunity to provide his students with hands-on scientific education, grounded in his unique experience. The lessons he learned on the BIGELOW will stay with Mr. Tanenbaum for the rest of his teaching career, acting as a source from which he will always be able to draw inspiration and creativity.

INTRODUCTION OF THE CONFLICTED INVESTMENT ADVICE PROHIBITION ACT OF 2009

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ANDREWS. Madam Speaker, I rise today to introduce the Conflicted Investment

Advice Prohibition Act of 2009, CIAPA, which would restore the Employee Retirement Income Security Act's, ERISA, prohibition on self-interested investment advisers providing advice to employer-sponsored retirement accounts; thereby, safeguarding the retirement savings of millions of hardworking Americans.

On the eve of the inauguration of President Barack Obama, the Bush administration attempted to finalize a regulation concerning the Employee Retirement Income Security Act, ERISA, that raised substantial questions of law and policy. Essentially, the final rule issued would have allowed conflicted financial advice to workers with regard to their 401(k) and other types of defined contribution plans. Fortunately, thanks to letters of opposition from Chairman MILLER and me, as well as several other Members of Congress, as well as consumer advocacy groups and several financial industry insiders who serve in the interest of investors, the Obama administration has delayed the effective date of the regulation for further examination of its intent.

I believe in the value of providing American workers with access to investment advice, so long as the advice is independent and free from conflict—serving in the interest of the worker, rather than the interest of the financial advisor. During a time where American workers have already lost \$2 trillion in assets due to last year's market downturn, exposing their hard-earned retirement savings to greater risk by allowing advisers to offer them conflicted advice is irresponsible and imprudent. During consideration of the Pension Protection Act of 2006, many of my colleagues were well intended with respect to ensuring that if workers were to receive investment advice with respect to their retirement savings, it would be independent. Despite their good intentions, the process of the bill's consideration created a statutory loophole; at the end of the regulatory process, conflicted advice could be offered to workers.

In lieu of exposing workers to conflicted investment advice, CIAPA would permit independent investment advisers to provide advice to workers regarding their retirement goals. Furthermore, it would maintain the allowance of the computer model arrangement so long as an independent expert or agency certifies the model.

I strongly encourage my colleagues to cosponsor and support the Conflicted Investment Advice Prohibition Act of 2009.

RECOGNIZING OUTSTANDING PARENT SUPPORT FOR SCHOOLS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize and pay tribute to the contributions of Parent Teacher Associations (PTA) and Parent Teacher Student Associations (PTSA) in Northern Virginia. These associations serve a critical role in helping to provide the best possible educational environment for our students.

Schools located throughout Northern Virginia are consistently recognized as being

among the very best in our country. I strongly believe one factor in the excellent education received by our students is the high level of involvement and encouragement provided by parents through PTAs and PTSAs. Parent volunteers exist in a number of capacities within each school ranging from providing planning and implementation help for social events to helping ensure that teachers have the classroom resources they need to succeed.

The Northern Virginia District PTA represents a region with more than 220 schools. Maintaining a healthy and strong organization is an important part of allowing these groups to have the greatest possible impact on the students they serve. To encourage such strength, it is important to note the individual PTAs that excel in this mission.

I am pleased to present the following recognitions for 2008–2009 school year:

PTA Schools of Excellence designations have been awarded to the Lake Anne Elementary School PTA and Lake Braddock Secondary School PTSA.

The PTAs at Mantua Elementary School and Oakton Elementary School were acknowledged by the National Parent Teacher Association for their outstanding participation in Take Your Family to School Week.

Eight schools have achieved a PTA membership level exceeding one member per student attending the school. Those associations are Chesterbrook Elementary PTA, Falls Church Elementary PTA, Flint Hill Elementary PTA, Haycock Elementary PTA, Langley High School PTSA, Nottingham Elementary PTA, Waynewood Elementary PTA, and Wolftrap Elementary PTA. All members involved should recognize that these remarkably high levels of parental involvement suggest a strong commitment to ensure a quality public education within our school systems.

The growth and expansion of PTAs is an important part of sustaining the impact of the associations. The Virginia PTA provided a charter for the Quander Road School PTSA in Alexandria. Kelly Greenwood, who serves as President of Quander Road School PTSA, and the school's principal, William Files, should be commended for their efforts to engage parents to participate in this association's founding.

Of particular note are the contributions of three individuals to their respective schools' PTAs: Kristen Arseneau, of Terra Centre Elementary School PTA, was awarded the District Outstanding Achievement Award;

Sue Bernstein, of Hollin Meadows Elementary PTA, has been named District Volunteer of the Year for Primary Schools;

Robin Harris, of George C. Marshall High School PTSA, was named District Volunteer of the Year for Secondary Schools.

Madam Speaker, I ask my colleagues to join with me in recognizing the outstanding achievements of these individuals and the organizations with which they work. Dedicated involvement from so many parents reflects a strong commitment to public education and community service that students in our schools are fortunate to experience. I offer my strong support for these organizations and their dedicated volunteers.

REMEMBERING THE HONORABLE BILL ORTON

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. TANNER. Madam Speaker, I rise today to remember our friend and former colleague William "Bill" Orton, who served with distinction in this chamber from 1991 to 1997. I had the great honor of serving alongside Bill and working closely with him in the early days of the Blue Dog Coalition.

During his time in this body and—before that, working in the executive branch—Bill proved himself to be thoughtful and honorable, and those of us who had the pleasure to serve with him know that he entered public service for the right reasons. He cared deeply about the future of this country and understood the importance of ensuring fiscal sustainability for the generations of Americans who come after us.

Betty Ann and I, along with many others in Congress and across our country, were deeply saddened to learn of Bill's passing. Our thoughts and prayers are with Bill's wife Jacquelyn and their sons Will and Wesley during this difficult time.

Madam Speaker, we appreciate you and our colleagues joining us to remember Bill's service to our nation and offer our condolences to his family and to all Utahns.

U.S. NAVY SEALS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. POE of Texas. Madam Speaker, I stand in this hall that is a symbol for the world of our country's freedom. Americans have fought and paid the ultimate price for this nation and the freedoms we value so deeply.

That is why it is such an honor for me to stand before you today Madam Speaker, because today I am standing to say thank you and to cheer from the gallery for the world to hear—All hail the men and women of the United States Navy and all hail the brave men of the Navy SEALs.

For all the flags we fly and yellow ribbons we tie, for all the times we stand in support of the job carried out by our service men and women. Rarely does a moment come when we as a nation get a chance to thank these individuals whose duty and job it is to go far beyond the limits and demands of a normal soldier.

Rare is the chance this nation gets to see and understand exactly how good these men are at their job, till now.

On Wednesday April 8th a crew of pirates took hostage an unarmed American merchant ship. Captured was Captain Richard Phillips and for 5 days this Sea Captain was held at gun point on a small boat drifting at sea.

On Easter Sunday after many days of unrest, a team of Navy SEALs were sent in to rescue Captain Phillips. It only took 3 shots

from sniper rifles and a matter of minutes for the SEALs to disable all the 3 pirates on the ship and free Captain Phillips.

These brave Navy SEALs take the responsibility to continuously put themselves in the thick of the most dangerous situations the world presents. These SEALs risk their lives to protect Americans and they do it not for their gain and not for glory. They do it out of love for a country and fellow Americans.

In 1962, President John F. Kennedy stood before this nation and talked about the ever changing world that we lived in, how war itself was changing and in order for this country to continue to thrive and protect its own interests this country needed to establish a small, elite military force that could conduct covert missions and battle unconventional warfare. To that end the United States created one of the most highly trained and skilled unit in our armed forces, the Navy SEALs.

A SEAL spends two years training in the harshest conditions simply for the right to do this job. A SEAL's life is one of just being a step ahead of death. These brave men begin a mission and all too often only their failures are ever known.

An opportunity for this nation to stop and thank these SEALs for all that they have done does not come around that often and I for one am glad that today I get this chance.

We need more people like these SEALs in this country, people who are willing to put this nation first and their petty differences aside for the greater good.

We need more people in this country who are willing to stand for all that is right and honorable in this world and be willing to defend those that are weak, held down or scared to fight for themselves.

We need to stop expecting someone else to do the tough jobs for us and start doing them ourselves.

These SEALs are heroes, plain and simple and the debt we owe them, I fear we will never truly be able to repay them. God bless these SEALs, God Bless the men and women who protect this nation each and every day and God Bless America.

And that is just the way it is.

IN MEMORY OF RICHARD ROGGE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GALLEGLY. Madam Speaker, I rise in memory of Richard Rogge, a G-man's G-man, an FBI supervisor on the John F. Kennedy assassination, a man of integrity who stood up to years of accusations from conspiracy theorists, and longtime friend to my wife, Janice, and me.

Richard, who died last week at age 82, worked for the Federal Bureau of Investigation for 30 years. He was serving in the Criminal Division at FBI headquarters on November 25, 1963, when FBI Director J. Edgar Hoover summoned him and told him to fly to Dallas to supervise the investigation into President John F. Kennedy's assassination.

For the next 10 months, Richard and his fellow G-men worked 16-hour days following

every lead and theory and disproving many that later became fodder for the conspiracists. After an exhaustive investigation, Richard and his team determined that a lone gunman seeking personal fame fired the shots that felled a president. He never wavered from that conviction.

Richard returned to Washington, DC, and later served as assistant special agent in charge in Los Angeles, an inspector in Washington, DC, and special agent in charge in Honolulu, Hawaii, Richmond, Virginia, and Buffalo, New York.

Richard and his family moved to Southern California upon his retirement from the FBI in 1977.

Prior to joining the FBI, Richard joined the Marine Corps. He was 17 at the time and served in World War II's Pacific Theater. Among the battles he fought was the invasion of Iwo Jima.

He was attending New York University studying law when he joined the FBI. Studying at night, he switched majors and graduated college with a degree in business.

Madam Speaker, Richard Rogge was an FBI agent at a time when only shoe leather, brain power, grit and determination solved crimes, before the investigative techniques and technology we now take for granted were developed. He was a man of integrity and passion and served his country with honor. Barbara, his wife of 47 years, died in 1995, but I know my colleagues will join Janice and me in offering our condolences to their children, Veronica, Richard Jr., Christopher and Meredith, to their family, and to all who called Richard a friend.

Godspeed, Richard.

CONGRATULATING MILDRED "MIDGE" SLATER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate my good friend Mildred "Midge" Slater on her recent retirement as a Representative for the Communications Workers of America (CWA). Midge has spent the last 30 plus years in the social justice and labor movements. After spending time in the Pittsburgh and upstate New York areas, Midge settled in Iowa and forged a commitment to fighting for civil rights, women's rights and worker's rights.

Midge became active in the CWA, serving in many capacities including Chief Steward, Vice President and President. She went on to serve many years as a CWA International Representative fostering and mentoring many into the fight for social and economic justice while forming strong bonds with those she came to know.

I'm happy to report that despite being retired she still remains active in CWA as she continues to go to the Iowa Capital advocating for others. She has also taken on the task of organizing other retirees to continue to advocate for others.

Midge continues to be active on her church board and serves on many other boards

across the state, including the Iowa Federation of Labor, the AFL-CIO and the Iowa Citizens Action Network. I congratulate her on all of her success and wish her the best in all of her future endeavors.

STATE AND LOCAL PREDATORY TOWING ENFORCEMENT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MORAN of Virginia. Madam Speaker, since the mid-1990's the authority to regulate the towing industry had been in limbo. Through a provision slipped into the Federal Aviation Administration Act of 1994 that defined the tow truck industry as an interstate carrier, state and local regulatory authority of tow truck operations has been preempted. One year later, passage of the Interstate Commerce Termination Act struck down the federal regulatory body that oversaw the towing industry.

With no federal regulator and confusing restrictions and conflicting court rulings on what states and localities are permitted to regulate, no level of government has been able to adequately regulate the towing industry. This lack of regulatory authority has led to more than a decade of major consumer abuses by some unscrupulous towing companies across the country. These bad actors have continued to taint an otherwise much needed and respectable profession.

Complaints about exorbitant towing fees and abusive operators grew so bad that in 2005, Congress agreed, through an amendment to the Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy of Users (SAFETEA-LU), to allow some limited state regulation in the area on non-consensual towing. The amendment also directed the Secretary of Transportation to conduct a study to identify additional means to protect the rights of individuals whose vehicles are towed.

That study offers some recommendations that track with conclusions I made several years ago, that consumers and tow truck operators would be better served by removing the last vestiges of federal preemption. It notes that consumers needing redress for overcharges today or other unfair treatment would no longer be in the Catch-22 position of having their State case thrown out on preemption grounds only to find that they may have no real recourse at the Federal level either. Since business practices vary from place to place, it may also be more practical to have non-consensual towing regulated by the States rather than by the Federal Government.

States are the more logical place to regulate towing. They already have an established body of law in place to do so. This legislation I am introducing today will bring those laws back into effect.

I urge my colleagues to support this legislation.

TRIBUTE TO THE LIFE OF
MICHAEL STERN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. MURTHA. Madam Speaker, I rise today to mourn the passing of philanthropist Michael Stern and to pay tribute to his life of helping others and supporting our military families.

Michael Stern began his career as a journalist, writing for newspapers and magazines before joining the U.S. Army in 1943 as a war correspondent. He traveled with American forces through Sicily and southern Italy; entering Rome a day before the Allies took control in June of 1944. He remained in Italy for the next 50 years, continuing to write articles, publishing a book, and producing several Italian-made films.

Through his friendship with developer Zachary Fisher, the two men started the Intrepid Museum Foundation in 1978. The USS Intrepid (CVS-11), a World War II aircraft carrier in the Pacific Theater, was decommissioned in 1974 and planned to be scrapped. Stern and Fisher led a fundraising campaign to save the carrier, and in 1982 the Intrepid Sea, Air, and Space Museum opened to the public. It became a National Historic Landmark four years later.

In the early 1990s, the men established the Fisher House program to provide our service members and their families with temporary lodging at military bases and VA medical facilities all across the United States. This unique private-public partnership enables families to stay together while undergoing long-term medical treatment from injury or illness. Over 10,000 military families are guests at a Fisher House every year, and their expenses are taken care of by the Foundation.

Stern and Fisher also created the Fisher Center for Alzheimer's Research Foundation at Rockefeller University, where Stern served as President and CEO of the Board of Trustees. Since 1995, the Foundation has been on the cutting-edge of Alzheimer's treatment and research. Shortly after Mr. Fisher's death in 2001, Stern created the Michael Stern Parkinson's Research Foundation, which has provided over \$18 million for Parkinson's research.

Madam Speaker, I knew Michael Stern through his work with the Fisher House program and the Intrepid Museum. I've had the privilege of visiting Fisher Houses throughout our nation, and speaking with hundreds of our military families who are forever grateful because of their generosity and support.

At 98 years old, Michael Stern lived a full and envious life. My thoughts and prayers are with his children, Margaret and Michael Jr., who are truly blessed by knowing that their father dedicated his entire life to helping others, and inspiring us all with his story.

HOLOCAUST REMEMBRANCE DAY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. LAMBORN. Madam Speaker, I rise today to recognize Holocaust Remembrance Day in Israel and the many sacrifices of the Jewish community. It has been sixty-four years since the Allies forced an end to the atrocities of World War II and the genocide of two-thirds of the 9 million European Jewish men, women and children.

Over the centuries, the Jewish people have persevered through hardships and seemingly insurmountable persecutions. In spite of these hardships, they have triumphed and today have a stable democracy in an important and volatile region. Still, they are surrounded by often hostile neighbors, some of whom have vowed to seek Israel's destruction and deny their very right to exist. Israel is a beacon of hope to Jews and freedom-loving people around the world.

Peace can never be achieved by asking Israel to risk its security. It is vital to our national interests to support Israel and work for peaceful relations in the region.

While a lasting peace has been elusive for Israel, one thing is certain—it will only come when every country in the region feels secure and safe from outside threats. I am proud, and America must be proud, to call Israel an ally and friend.

On this day of remembrance in Israel, I stand to ask every Member of this body to take a moment to reflect on the tragedy of genocide—and in particular the suffering of our Jewish allies.

HONORING JAMES M. HENRY

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. WAMP. Madam Speaker, today I rise to honor James "Jim" M. Henry of Kingston, Tennessee. The citizens of Roane County have chosen Jim for its Lifetime Achievement Award because of his demonstrated commitment to the county as a former City Councilman, Mayor and member of the State Legislature in addition to his dedication to children and adults with special needs.

Jim was born on February 22, 1945, in Jefferson City, Tennessee, to Scobey and Lorene Henry. He and his wife Pat were married in December 1988 and have three children, John, Jimmy Jr., and Liesa. Jim is quick to credit his wife Pat as the driving force in his life and the real secret to his continued success.

In 1971 at the age of 26, Jim was elected city councilman in Kingston, Tennessee, and served in that capacity until 1973 when he was elected Mayor of Kingston, an office which he held until 1978. He was elected to the Tennessee House of Representatives from the 32d Legislative District in 1978 where he served until 1990. In his first term, he served

as the chairman of the Republican caucus (1978–1980), and he was elected as the House Minority Leader in 1980, a position he held until 1986. While in the Legislature, Jim Henry also served as the Chairman of the Tennessee Republican Party from 1984 to 1988.

Jim was an early advocate and supporter of the Michael Dunn Center, a school and center in Roane County for special needs children. Jim Henry is currently the President and CEO of Omni Visions, Inc., a business that provides services to developmentally disabled and troubled children and adults. Omni Visions currently supports more than 1,000 children and adults in four states including Tennessee, North Carolina, Kentucky and Georgia.

Jim Henry is a man of integrity, loyalty and outstanding leadership who has truly distinguished himself through his commitment and service. The citizens of Roane County are very fortunate to have a man of his caliber as a pillar of the community. So today I honor my friend, Jim Henry for this award.

IN RECOGNITION OF THE HOLOCAUST MEMORIAL DAY PROGRAM

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise in recognition of the Holocaust Memorial Day program, which commemorates the Warsaw Ghetto Uprising of April 19, 1943 and Yom HaShoah, a day of remembrance for the six million Jews who were killed in the Holocaust. The event, which will be held in my Congressional District, specifically honors six survivors: Jeannette Adler of Glen Rock, Gunther Apfel of Elmwood Park, Ray Fischler of Wayne, Marion Coti of Bergenfield, and Joseph Grabczk and Leoni Salomon of Fair Lawn, New Jersey.

MICROFINANCE CAPACITY BUILDING ACT OF 2009

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. BOOZMAN. Madam Speaker, today my colleague Mr. MEEKS and I are introducing the Microfinance Capacity Building Act of 2009. This bi-partisan effort aims to build the human capacity of microfinance networks working to empower the poor in developing countries across the globe.

Microcredit—the provision of small, collateral-free loans to the poor in developing nations enable poor families to increase their income and have an immediate and lasting impact on quality of life—the ability to afford food, shelter, education and healthcare. As business income increases, the business is able to expand, and the effect spreads beyond the family into the local community, through employment and contribution to the local

economy. Thus, the benefits of microfinance help grow not just businesses, but stronger communities as well.

It is widely recognized that the lack of human capital is the greatest constraint to the growth of practitioner organizations in the microfinance industry. According to some industry estimates, in order to meet the anticipated demand for microfinance, the industry will have to hire 1.6 million new loan officers alone in Africa, Asia, Latin America and the Near East, assuming a loan officer to client ratio of 1:300. And that figure does not include the skilled middle and senior managers that microfinance organizations are struggling to find and retain.

The microfinance capacity-building activities supported by this legislation are intended to drive innovation and provide comprehensive solutions that address the lack of human capacity in developing countries, particularly in sub-Saharan Africa. These activities will provide a framework for a regional and sub-regional approach to maximizing economies of scale and should focus predominately on educating and training country nationals in order to build capacity in the microfinance industry in developing countries.

Through its strategic investment in building microfinance human capacity, this bill would make it possible for more of the world's poor to access financial services to enable them to start or expand a business, develop a steady income and create jobs for their neighbors.

IN MEMORY OF JOHN SPOOR
BROOME

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. GALLEGLY. Madam Speaker, I rise in memory of John Spoor "Jack" Broome, a member of one of Ventura County, California's pioneer families; a successful rancher; a generous philanthropist; an adventurer; and a friend to my wife, Janice, and me.

Jack Broome lived 91 productive and enjoyable years before suffering several strokes this year and passing away earlier this month at the Oxnard Plain ranch he loved and managed since 1946.

As a rancher, Jack's feet were firmly on the ground—but that did not keep him from flying solo for the first time at age 17, serving as a pilot trainer and pilot for the Army Air Force's Air Transport Command over the North Atlantic during World War II, flying for American Airlines, flying a solo round-trip flight across the Atlantic at age 68 and continuing to pilot until just recently.

Nor did it keep him from competing in the Trans-Pacific Yacht Race from Los Angeles to Honolulu three times.

But it's on Ventura County's land that Jack's impact will be felt for generations to come. Rancho Guadalasca, the Mexican land grant Jack's family purchased in 1880, sits adjacent to what is now California State University, Channel Islands. A private man, Jack tried to make a \$5 million anonymous donation to establish a library at the university in 1999—one

of the largest in Ventura County history. He was persuaded to go public only after trustees argued that his donation would spur others. It did. The university named the library after him.

Jack also was an original initiator and supporter of Casa Pacifica, a home for neglected, abused and emotionally disturbed children; founder of the Conejo Savings and Loan Association; chairman of the Ventura County Harbor Commission; chairman of the Camarillo State Hospital Board of Trustees (where the university is now sited); and member of the boards for Pepperdine University and the House Ear Institute in Los Angeles, among others.

Madam Speaker, I know my colleagues will join Janice and me in offering our condolences to Patricia, his wife of more than 60 years; to their children, John Jr., Elizabeth and Ann; their eight grandchildren, and all who knew him, called him a friend and benefited from his spirit and generosity.

Godspeed, Jack.

BIPARTISAN IRAN DIPLOMATIC ENHANCEMENT ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. KIRK. Madam Speaker, the U.N. Security Council has voted five times highlighting the violations of Iran, a party to the Nuclear Non-Proliferation Treaty, for its uranium enrichment activities.

According to the International Atomic Energy Agency (IAEA), as of January 31, 2009, Iran has produced more than 1,000 kilograms of low-enriched uranium hexafluoride, which is 30 percent higher than previous IAEA estimates.

If we are serious about stopping the emergence of a nuclear Iran, our window for effective diplomacy is starting to close.

Former Secretary of State Madeleine Albright is a strong proponent of "enhanced diplomacy." History teaches that negotiations in the absence of effective sanctions are likely to fail. Negotiations following effective sanctions are likely to succeed.

When it comes to Iran, we already know the most effective sanction: a gasoline restriction.

A close look at Iran's economy reveals a significant weakness. This top OPEC nation lacks the required refining capacity to meet domestic demand for fuel and must import some 40 percent of its gasoline.

That's right: Iran depends on foreign gasoline.

Nearly all of Iran's imported gasoline is provided by just five European companies—the Swiss firm Vitol, the Swiss/Dutch firm Trafagura, the French firm Total, the Swiss firm Glencore, and British Petroleum. The majority of tankers carrying gasoline to Iran are insured by Lloyds of London. An interruption in the supply of gasoline to Iran would considerably impact the Iranian economy and significantly bolster diplomatic initiatives.

Just last year, then-Senator Obama suggested "banning the export of refined petroleum to Iran," and said such a restriction

"starts changing their cost benefit analysis" and "starts putting the squeeze on them."

That is why I am joining with Congressman BRAD SHERMAN in introducing the bipartisan Iran Diplomatic Enhancement Act of 2009, which would extend current sanctions to any activity—including production, brokerage, insurance, and tanker delivery services—that contributes to Iran's ability to import gasoline or refine petroleum domestically.

Only from a position of strength can we expect diplomacy to succeed. A restriction of gasoline deliveries to Iran offers the best chance to stop Iran's uranium enrichment program using the soft power of the United States and our allies.

CELEBRATING THE GRAND OPENING OF THE ILLINOIS HOLOCAUST MUSEUM AND EDUCATION CENTER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Ms. SCHAKOWSKY. Madam Speaker, on Sunday, April 19th, over 10,000 people gathered in Skokie, Illinois, joining special guests President Bill Clinton, Elie Wiesel, and Governor Pat Quinn to celebrate the grand opening of the new Illinois Holocaust Museum and Education Center. President Obama personally offered his congratulations on a recorded video. I had the great opportunity to participate in the opening of this beautiful new museum, which will share the history of the Holocaust and teach the importance of combating hatred, indifference, and genocide to current and future generations across the Midwest.

Skokie, located in my district, is a community that knows the importance of preserving memories and teaching history. In the wake of World War II, the community offered an attractive haven to Jewish families, including Holocaust survivors searching for a new life in America. Between 1945 and 1955, an estimated 3,000 Jewish families came to Skokie, building a vibrant Jewish community.

Children who grew up in Skokie during this time recall daily life carrying an underpinning of trauma. They share stories of parents unable to sleep, panicking when their children returned home late, and refusing to take showers. However, while they describe seeing tattooed numbers on arms as commonplace, the Holocaust wasn't something survivors wanted to talk about. Many Skokie Jews remember not knowing which of their friends had survived gas chambers.

That changed in the mid-1970s. In 1976, neo-Nazi Frank Collin threatened to march in the town, distributing fliers proclaiming "we are coming" and telling the Chicago Sun-Times, "I hope they're terrified." Survivors, who had worked for decades to rebuild a sense of personal security, suddenly found themselves threatened once again.

The people of Skokie, led by the survivor community, fought back against Collin. The case ultimately went to court and, after uproar from around the world, the march was held elsewhere.

In the wake of those events, Chicago-area survivors founded the Holocaust Memorial Foundation of Illinois, a group dedicated to fighting hatred through education. The group has educated school and community groups since 1981, and the first museum was opened in 1985. In large part due to the organization and advocacy of the survivor community, in 1990 Illinois became the first state where Holocaust education is mandatory.

Today, there are an estimated 7,000 Holocaust survivors still living in the Chicago area, and as many as 1,000–2,000 of them currently live in Skokie. Most are now in their 70s, 80s, or 90s. Like the town of Skokie itself, the Illinois Holocaust Museum and Education Center would not have been possible without their active involvement and input. Its permanent exhibits show hundreds of artifacts, many which have been collected in recent years from local residents. The museum will also present thousands of video interviews with survivors, conducted and donated by Steven Spielberg and his Shoah Foundation.

Madam Speaker, the Illinois Holocaust Museum and Education Center may be one of the last Holocaust museums to be built in collaboration with survivors. The new 65,000-square foot museum will have the capacity to serve over 250,000 annual visitors, and will teach countless people, young and old, the importance of actively fighting hatred and prejudice. In a world where genocide continues, despite decades of pledging “never again,” these are priceless lessons.

SCRAP IRON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. POE of Texas. Madam Speaker, it is that time of year again; backyards and ballparks are back in swing. I remember when it only cost a few bucks to go to a ball game. Recent news reports show that it costs nearly \$200 for a family of four to go to a major league baseball game these days—that is if you want to park your car, eat a hot dog, drink a Coke and maybe buy your kids a baseball cap.

I remember going to the Houston Buffs games over on the Gulf Freeway, where Finger's is now, and to Colt Stadium to watch the Colt 45s. When the wind blew, the wooden bleachers at Colt Stadium would sway. It was a big deal back then to go to a game. Most of the time, we listened to the broadcast on a transistor radio. (Are there any of those left?) Okay, now I am sounding really old, but there's still nothing better than listening to a game on the radio.

I will never forget the first game in the Eighth Wonder of the World—the Astrodome. I was there, as a high school student, on April 9, 1965, to see the Astros beat the Yankees, 2–1 in 12 innings. Governor John Connally threw out the first pitch and President Lyndon B. Johnson and First Lady Lady Bird joined Astros President Roy Hotheinz in his suite. There were so many flashes going off it was blinding. It was a marvel to the world, the ushering in of indoor baseball.

I've got to say, there was nothing else like the Dome. I remember the players would stand in centerfield and hit balls straight up to see if they could hit the roof. And who could forget the gun slinging cowboy on the scoreboard? It was the best.

My kids remember going to the games, wearing Nolan Ryan's number 34, and cheering for players like Terry Puhl, Joe Niekro, Craig Reynolds, Alan Ashby, Billy Doran and yelling out Jose Cruni-u-u-u-u-u-z. Of course we have had many greats along the way, including Biggio, Bagwell and Berkman—the Killer B's. But one of my all-time favorite players happens to be none other than Kingwood's own, “Scrap-Iron” Phil Garner. You may not have known it, but we have been living amongst a legend right here in our own backyard.

Phil Garner was known for his hard-nosed style of baseball. His defense as an infielder, playing both second and third base in his career, earned him the nickname “Scrap-Iron.” He was known for breaking up double plays, diving for balls, and always playing tough. He left it all on the field every play, every game. He didn't start his career in Texas, but like I say about all great transplants—he got here as fast as he could. And lucky for us he did.

As a two-time All-American for the Tennessee Volunteers, he was drafted by Oakland in 1971. Ten years, three All-Star appearances and a .500 average in a World Series victory with the Pirates later, he landed in Houston. After hanging up his cleats, he hired on as an assistant coach under then Astros Manager Art Howe. He went on to later become manager for the Detroit Tigers and Milwaukee Brewers before coming back to Houston. And like I said, lucky for us he did.

As Skipper for the Astros, Garner led the team to greater success than any other manager in franchise history. Among the many successes the team had under his leadership, nothing was greater than the team's first and only World Series appearance. Even though I lost the bet with a Chicago Congressman and had to send them some real Texas barbecue from the “Tin Roof” Bar-B-Q when the White Sox beat the Astros, I went down swinging with “Scrap Iron.”

I have known Phil and his family for many years. His example and character has had a tremendous impact on my son, Kurt, as well as many other young people that have had the pleasure of knowing him. The Astros, and the entire city of Houston, are lucky to call him one of our own.

The great thing about baseball is everyone can enjoy the game. You don't have to be the biggest or the fastest to play. And if you don't want to take out a loan to go to a major league game, there's still plenty of ball to be seen. You will be hard pressed not to find a little league, high school or college game just about any day of the week and I can assure you our local talent won't disappoint and won't break the bank.

I can't wait to start baseball all over again—this time as a grandfather and take my grandsons and granddaughters to the “National Pastime.” I wish all the area youth leagues, high schools, colleges and of course, the ‘Stros the best of luck this season. Now, let's play ball!

And that's just the way it is.

AN ACCURATE ESTIMATE OF THE COST OF A CAP AND TRADE PROGRAM—

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ANDREWS. Madam Speaker, I would like to bring attention to a letter sent by John M. Reilly, of the MIT Joint Program on the Science and Policy of Global Change, to Minority Leader JOHN BOEHNER. During the debate on the FY10 Budget Resolution, the cost of a cap and trade program became a major point of contention. Mr. Reilly, in this letter, clearly explains the methodology used by MIT to determine the approximate cost to an average family of a cap and trade proposal. As the letter makes evident, the actual cost to the average American family will likely be far less than estimated by our friends on the other side of aisle.

JOINT PROGRAM ON THE SCIENCE AND POLICY OF GLOBAL CHANGE, MASSACHUSETTS INSTITUTE OF TECHNOLOGY,

Cambridge, MA, April 1, 2009.

Representative JOHN BOEHNER (R-OH),
Office of the House Republican Leader, Washington, DC.

It has come to my attention that an analysis we conducted examining proposals to reduce greenhouse gas emissions, Report No. 146, Assessment of U.S. Cap-and-Trade Proposals, has been misrepresented in recent press releases distributed by the National Republican Congressional Committee. The press release claims our report estimates an average cost per family of a carbon cap and trade program that would meet targets now being discussed in Congress to be over \$3,000, but that is nearly 10 times the correct estimate which is approximately \$340. Since the issue of legislation to control greenhouse gases is now under consideration, I wanted to take an opportunity to clear up any misunderstanding created by this press release and to avoid further confusion.

Why is this amount so different? As far as I can tell the \$3,000+ is based on the potential auction revenue the government could collect by auctioning the allowances over the period through 2050 where a simple average over all years from 2015 to 2050 was computed. The tax revenue collected through such an auction, the costs of reducing greenhouse gas emissions, and the average impact on a household are very different concepts. Thus, there are several things wrong with this calculation. First, the auction revenue is determined by the CO₂ price and how many allowances are issued—allowances tell us how many tons of CO₂ (or more broadly greenhouse gases) will continue to be emitted. The cost of reducing emissions depends on how much emissions are reduced not on how much continues to be emitted. Second, the CO₂ price reflects the cost of the last ton of emissions reduced but there are many options that cost much less than avoiding the last ton and so using the CO₂ price multiplied by the number of tons (either reduced or emitted) is also wrong. Third, the average cost to a household depends on how allowances or the allowance revenues are distributed. Fourth, the costs are borne over time

and it is wrong to produce a simple average of such costs as that does not take account of the time value of money.

We assumed in the analysis we did that the revenue is returned to households. From data in the report we can calculate the economic cost in each year (percentage loss times the base welfare level in each year), and divide this by the U.S. population, and then multiply this amount by four to estimate the cost for a representative family of four. We further apply an economic discount rate of 4 percent to get the Net Present Value (NPV) cost in each year in the future. Doing this we find that the NPV cost per family of four starts at about \$75 in 2015, rises to nearly \$510 by 2025, and then falls to \$205 by 2050. We can calculate the average annual NPV cost per family by summing over all years and dividing by the number of years, and this shows the average annual net present value cost to be about \$340—only a part of which would be actual energy bill increases. This \$340 includes the direct effects of higher energy prices, the cost of measures to reduce energy use such as adding insulation to homes, the higher price of goods that are produced using energy, and impacts on wages and returns on capital. The cost per household will vary from our hypothetical average family of four depending on the household's circumstances. Those households with large heating and cooling bills because of the climate in which they live or who drive more than average will face higher costs. Those with smaller homes who live in benign climates will have lower costs. The higher energy prices encourage reductions in energy use by increasing the payback on improvements in energy efficiency, and through such investments households can avoid paying more for energy. Jobs and wages in fossil fuel industries are likely to decline but job opportunities will increase in industries that produce alternative energy sources or that provide ways to save energy.

While the \$340 average annual cost we estimate for a family is just one tenth of the \$3000+ cited in the misleading press release, Congress should address the costs of this transition for middle and lower income families while developing Cap-and-Trade legislation. In another paper (Report 160, Analysis of U.S. Greenhouse Gas Tax Proposals) we make some calculations on the burdens of a GHG tax on families at different income levels. Our Report 160 shows that the costs on lower and middle income households can be completely offset by returning allowance revenue to these households.

Climate change poses severe risks for the U.S. and the world. It will take efforts in the U.S. and abroad to reduce emissions substantially to avoid the most serious risks of climate change. One of the perplexing aspects of the problem is that the solution involves using cleaner energy sources that are more costly than conventional fossil fuels. And the higher energy prices needed to cover the higher costs will fall disproportionately on the poorer members of society in the U.S.

and in the world. However, the less wealthy members of our economy also stand to suffer most from climate change—whether it is through the risks of increased food prices if climate change disrupts crops, the lack of access to air conditioning under extreme heat, or vulnerability to other extreme weather and storm events such as hurricanes which may increase with climate change. Many of the proposals currently being considered by Congress and as proposed by the Administration have been designed to offset the energy cost impacts on middle and lower income households and so it is simplistic and misleading to only look at the impact on energy prices of these proposals as a measure of their impact on the average household. Concern about the cost impacts on middle and low income families needs to be focused on making sure allowance or tax revenue is used to offset cost impacts on these households rather than as an excuse for not proceeding with measures that would help avert dangerous climate change.

Sincerely,

JOHN M. REILLY.

HONORING CONGRESSMAN JIM SAXTON'S CAREER

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. ADLER of New Jersey. Madam Speaker, my predecessor, former Congressman Jim Saxton faithfully represented the 3rd Congressional District of New Jersey for 24 years. His lifelong dedication to public service and integrity made him one of the most respected Members of the House of Representatives.

As a senior member of the House Committee on Armed Services, Congressman Saxton was able to save 17,000 jobs and create 1,500 new ones by pushing through legislation to create the country's first Army-Air Force-Navy megabase by combining Fort Dix, McGuire AFB and Lakehurst Naval Air Station.

Congressman Saxton also left a lasting environmental legacy for New Jersey and for the United States. As a high ranking member of the House Natural Resources Committee and co-founder of the bipartisan Congressional Wildlife Refuge Caucus, the Congressman was dedicated to preserving the county's natural treasures and safeguarding the environment for future generations.

Congressman Jim Saxton's career is a shining example of bipartisanship and public service. I am humbled to represent the district that elected such a worthy and honorable man for over two decades.

In honor of Congressman Saxton's service to the residents of New Jersey's 3rd Congress-

sional District I have sponsored legislation, H.R. 986, which would name the post office in Mount Holly, New Jersey after him. I hope my colleagues will cosponsor this legislation to honor their former colleague.

STOP MARKETING TOBACCO PRODUCTS TO KIDS

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Ms. KILROY. Madam Speaker, for far too long, there has been a lack of oversight and regulation of a product that causes more than 392,000 deaths in the U.S. each year. Our constituents, I'd contend, would be shocked to know what little oversight actually exists over tobacco products—the fuel driving the leading cause of preventable death in the United States.

Today I want to tell you about a new, despicable product being sold in 3 cities around the country, including my hometown of Columbus, Ohio. Reynolds America is currently using my constituents in Columbus as guinea pigs and testing a smokeless tobacco product that looks like a mint. How is a child supposed to tell the difference between a mint that freshens your breath and one that gives you cancer?

According to an article in a suburban Columbus newspaper, many high school students are using smokeless tobacco during school hours. The American Lung Association has confirmed with school janitors that they are finding smokeless tobacco pouches in the trash—confirming that kids are using smokeless tobacco in class. These new forms of tobacco will only make it easier for children to get access to tobacco products and become lifelong addicts. They won't even have to dispose of the evidence.

What we need is for Congress to finally pass into law the Family Smoking Prevention and Tobacco Control Act. This legislation would finally give the U.S. Food and Drug Administration authority to regulate deadly tobacco products. Among other items in this bill, the FDA would be granted authority to regulate these appalling new smokeless, dissolvable tobacco products that are now hitting the market in Columbus.

Chairman WAXMAN stated the other day that he intends to move this legislation "very, very soon." I thank him for his leadership and urge this chamber to do just that so we can reduce the addiction, disease, and death caused by these products.

SENATE—Wednesday, April 22, 2009

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we come to You in weakness and seek Your strength. Without Your presence in our lives, we can't succeed.

Today, strengthen the Members of this body to do Your will. Lift their burdens and fill them with Your wisdom, transforming them into instruments of Your providence. May they dedicate their talents to be used for Your glory. Reach out and touch them with the finger of Your love so that they can feel You guiding them. Lord, make them willing to follow. Give them courage to creatively confront the problems that bring hopelessness to so many in our world. We pray in the Name of Him who is our hope for years to come. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 30 minutes. The Republicans will control the first 15 minutes and the majority will control the final 15 minutes. Following that, the Senate will begin consideration of the Fraud Enforcement and Recovery Act. Rollcall votes in relation to amendments are expected throughout the day.

As I announced last night, we expect some amendments on this bill. We would ask Senators to be ready to start offering those amendments. We have a lot to do. I had a discussion yesterday with the Republican leader as to what we are going to do next. I think he has a pretty good idea of that, and I will be in discussion with him sometime today so we can move toward having a productive week.

I think it speaks well of the Senate that we were able to move to this bill without a vote on the motion to proceed. I think that will allow us to get to the bill quickly and allow whoever doesn't like the bill to try to change it in any way they feel appropriate.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TARP OVERSIGHT

Mr. McCONNELL. Mr. President, last fall, many of us in Congress weren't all that excited about rescuing financial firms from problems that many of them had brought about themselves, but we decided swift action was needed precisely to protect ordinary Americans from the mistakes these firms had made. At the time, Republicans insisted on strong taxpayer protections. None of us had any doubt that once these banks were healthy again, they would pay the money back to the taxpayers who gave it to them.

Let me say that again. None of us had any doubt that once the banks were healthy again, they would pay the money back to the taxpayers. In fact, many of my colleagues on this side of the aisle only supported the bill because of the representations that were made that we would recoup—the Government would recoup—the money. Now we are hearing a different story.

A number of the firms that taxpayers helped out last fall are now on the road to recovery and want to pay back their

loans. Unfortunately, Treasury doesn't seem to want to take the money. Let me say that again. These firms are getting healthy, they want to pay back the money, and Treasury doesn't seem to want to take the money. This wasn't the original plan, and it doesn't seem right to most people. If a bank wants to pay the taxpayers back—if a bank wants to pay the taxpayers back—the Government shouldn't block the door.

Just as troubling is a new report by the special inspector general who is overseeing all the financial rescue programs. It alleges the same kind of fraud we warned about back in October, including about 20 preliminary and full criminal investigations for everything ranging from securities fraud to mortgage fraud, to insider trading, to public corruption related to the \$700 billion in rescue funds.

All of this is a major wakeup call. The Treasury needs to root out the fraud now, particularly at a time when the new administration is vastly expanding the size and the scope of these programs. As these programs expand, so will the potential for abuse. The Treasury Department also needs to let these banks extract themselves from Government control as soon as they want to. That was the original plan the American people signed onto, and they have a right to expect that the original plan will be carried out free from fraud and abuse.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 30 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business, and would the Chair please let me know when I have 2 minutes left.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Chair will do so.

ENERGY POLICY

Mr. ALEXANDER. Mr. President, today is Earth Day, a day of celebration of the environment and the landscape of the great American outdoors. The President is on his way to Iowa to visit a windmill factory.

It is also a good day for us in the Senate to ask, "exactly what is our energy policy in the United States and what should it be?" Is it a national clean energy policy; or is it a national renewable energy policy; or is it a national windmill policy? It makes a difference. Because in terms of electricity, we use about a quarter of all the electricity in the world, and our computers and our homes in the summer and winter and our factories all depend upon a generous supply of reliable, low-cost electricity. That is what we need.

I believe this is our policy, and I believe most on the Republican side believe this as well, and I hope many on the other side do too. I believe that what we should do for the foreseeable future is to produce American energy, and use less energy, and that we ought to do it as cleanly as possible, as reliably as possible, and at as low a cost as possible.

Let's see if that is what we are actually doing and if that is what the legislation we are considering would actually do. Nothing has captured the media's attention, nor the attention of those of us who are elected to office, quite so much as renewable energy. I heard the Presiding Officer make what I believe was his maiden speech on the floor of the Senate on this subject not long ago. And the President of the United States—President Obama—has talked about powering our electricity by capturing the energy of the Sun, and the wind, and the Earth.

We will be considering, within a few weeks, legislation that would require all our electric utilities to generate a portion of their electricity from a very narrowly defined group of energies—mostly the Sun, the wind, and the Earth—and we have huge subsidies, especially for windmills—billions of dollars by taxpayers. That is the subject of another speech, but last year we added another \$13 billion or \$14 billion in subsidies over the next 10 years that we would be giving to banks and wealthy people and others who are wind developers.

The total number is in the \$25 billion to \$26 billion in taxpayer money that is now going just to subsidize wind turbines. The subsidies are huge. As a country, we have gotten infatuated with energy from the Sun, the wind, and the Earth.

I went to the Oak Ridge National Laboratory a year ago and talked about the importance of a clean energy future for our country, and among the suggestions I made was that we have a new Manhattan Project (like the World

War II project that created the atom bomb), or a series of mini Manhattan Projects, and that they would be directed toward such things as making solar cost competitive within 5 years. Solar energy costs three or four times as much as other energies, so the technology needs to be improved. Also, we should make advanced biofuels more of a reality. In other words, making fuel from crops that we don't eat so we don't distort the food market.

We have made some progress on renewable energy, but there is a potentially dangerous energy gap facing us in America because, today, renewable energy from the Sun, the wind, and the Earth produces 1½ percent of all the electricity we use. The President wants to double that. Well, that is 3 percent. What if we tripled it? Well, that is on up to 5 or 6 or 7 percent. What about the other 90 percent? How are we going to heat our homes and cool our homes and how are we going to keep prices low enough so our factories and jobs will stay here rather than going overseas? It will be a long time before electricity or energy from the Sun and the wind and the Earth can power this big country of ours. There will be a gap between the renewable energy we want and the reliable, low-cost energy we must have.

Congressman HEATH SHULER of North Carolina and I are co-chairs of the Tennessee Valley Authority Congressional Caucus. We went to Knoxville last week and held a very interesting forum on the renewable energy options in the Tennessee Valley Authority area. One of the two big plants that make polysilicon, which is essential for solar, provided testimony. We are very glad to see that in Tennessee. But each of those plants uses 120 megawatts of power. They will become almost immediately TVA's largest, or among their largest, customers. They need large amounts of low-cost, reliable electricity to make solar panels. Today, of course, the kind of energy President Obama wants to use only produces 1.5 percent of that needed by the United States. We need low-cost electricity for all jobs, not just green jobs.

Here is what we found that was promising—solar especially. I mentioned it cost a lot more today and that it takes up a whole large area. A nuclear powerplant might take up one square mile. The equivalent amount of solar power might take up 10 times that much area. But nevertheless, our State and the Oak Ridge Laboratory and the University of Tennessee are focused on doing our best to try to make solar cost competitive, and we should redouble that effort in this country. We should be spending our money on energy research and development for that purpose.

For example, we heard about underwater river turbines. The Federal Energy Regulatory Commission says there may be 30,000 megawatts of elec-

tricity that could be produced by turbines in the Mississippi River. That would be pretty good, if it works, because the river runs all the time, unlike the Sun, which only produces energy when the Sun shines. Of course, you can't store energy from the Sun. People overlook that sometimes. You have to use it when it happens. The wind often blows at night, when we don't need it. But the river runs all day long—old man river does—and if it can produce that kind of energy, that would be promising.

Biomass may help. The Southern Companies are building a plant that would have about 100 megawatts. In our part of the world, a bad choice would be wind turbines. We have one wind plant. The problem with it is, No. 1, the wind doesn't blow, at least not enough to make much electricity. It blows 18 percent of the time in the case of TVA's one wind farm—the only wind farm in the southeastern United States.

Second, much of that is at night, when TVA has about seven nuclear powerplants worth of electricity that is unused. So TVA is wasting, in my opinion, \$60 million on big wind turbines that it could be spending on conservation, nuclear power, and pollution control equipment.

More than anything else, we do not want to see giant, 500-foot wind turbines on top of the most beautiful mountains, we believe—with all respect to the Senator from New Mexico—the most beautiful mountains at least in the eastern part of the United States. Boone Pickens was asked if he was going to put wind turbines on his ranch? He said: No, they are ugly. If they are too ugly for his ranch then they are too ugly for the Great Smoky Mountains, and they are the wrong choice for us. Solar? Yes. Underwater turbines? Yes. Biomass? Yes. There may be others, but there are good choices and there are bad choices.

The bridge to the future for clean energy means this. While we do all we can on research and development to find a way to make solar cost competitive, to find a way to create advanced biofuels, we are still going to need a lot of power. Based on what we saw in the TVA region, you could start with conservation. We use 143 percent of the national average, per person, of electricity in Tennessee. We waste a lot of electricity. If we just used the national average, that would be the same as four new nuclear plants, five coal plants the size of Bull Run and nine natural gas plants such as the ones TVA is building in Jackson. So we start with conservation.

If we are talking about fuel, the simplest and easiest thing to do on Earth Day is to recognize we could electrify half of our cars and trucks in America—that might take 20 years—but without building one single new powerplant, not one nuclear plant, not one

coal plant, not one windmill on a mountaintop. We don't have to do that because, in TVA's case, they have 6,000 or 7,000 megawatts of unused electricity at night when we are all asleep and the factories are not working. So plug your car in at night at cheaper rates, bring in a lot less oil from overseas, save billions of dollars. That would take care of us for the next 20 years. That would be a smart decision to make on Earth Day.

But the other thing we need to do is recognize that, if we care about clean air, and especially if we are worried about global warming, as I am, that we have to take nuclear seriously. Nuclear plants in America produce only 20 percent of our electricity but they produce 70 percent of our carbon-free, mercury-free, nitrogen-free, sulfur-free electricity. Let me say that again. They are only 20 percent of our electricity but they are 70 percent of our clean electricity. So in the Tennessee region especially, we should not be wasting money on windmills where the wind doesn't blow and it desecrates the environment. We should be spending money on making coal plants cleaner through pollution control. We know how to do that, except for carbon. We should also build more nuclear plants and retire the dirtiest coal plants. That is the smart thing to do. And we should emphasize conservation.

My point today is simply this. I think all of us want to make sure we have a stable energy future. A stable energy future means plenty of reliable, low-cost electricity so we can heat and cool our homes and keep our jobs from going overseas. And we want to make sure it is clean. So our goals should be to produce more American energy, to make us more energy independent by electrifying our cars, to make coal clean, and to use wind and solar when it is appropriate to do that. But if we truly want to make a difference, we should build 100 new nuclear powerplants in the next 20 years, at least five or six a year, because that is the best way to have clean air. That is the best way to have low costs. And we should launch another mini-Manhattan Project and reserve a Nobel Prize for the scientist who can get rid of the carbon from existing coal plants, because coal provides half our energy. We know what to do about nitrogen, mercury, and sulfur. But we have not figured out what to do about carbon. If we did, India would also do it, China would also do it, the rest of the world would do it, and we could have low-cost energy.

I mention low cost because so often we talk about new forms of energy as if cost didn't matter. It matters to the executives who met with me yesterday from the TVA region. TVA's residential rates are low, relatively. But the industrial rates are not. If they are too high, those jobs move out of our re-

gion, maybe overseas. And last December the people in Nashville, our capital city, did not think the residential rates were so low because 10 percent of them said they were unable to pay their electric bill in December because it was too high.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. ALEXANDER. Thank you very much, Mr. President.

So on Earth Day my suggestion is that, as we celebrate the day, we should ask what is our energy policy—Is it a national clean energy policy? Is it a national renewable energy policy? Is it a national windmill policy?—we should recognize there is a potentially dangerous gap between the renewable energy we want and the reliable low-cost energy we must have, and between now and then we must build a strong bridge to a clean energy future.

We can agree on conservation, but during that time we will need 100 new nuclear plants, we will need offshore drilling for oil, and fast, because we need the gas and we can't electrify all of our cars as quickly as we might like.

Earth Day is a day for celebration, but it is also a day for realism.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

GLOBAL WARMING

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee for acknowledging Earth Day. All of us are conscious of the fact that, at least over the last 30 years or so, we have begun to realize the importance of our environment and the important responsibility we have toward our environment. I am troubled by the fact that only a few weeks ago on this very Senate floor as we debated the budget resolution, amendment after amendment was offered to try to stop us from dealing with the issue of global warming. I think it is a sad commentary that still too many Senators of both political parties are looking for excuses to do nothing. We give our speeches, we acknowledge to student groups and others that we face a challenge. Yet when we have an opportunity, as we do in the Senate, to deal with that, too many of my colleagues race away. We cannot do that any longer. We owe it to future generations to make important, albeit difficult, decisions which will lead us to the point where we are resolving the challenge of global warming and climate change. These are realities. We owe nothing less to the next generation but to come up with responsible approaches to those.

The budget resolution debate of a few weeks ago was a discouraging chapter in this saga. I hope many of my colleagues will come to realize that we must accept this responsibility.

U.S. POLICY TOWARD CUBA

Mr. DURBIN. Mr. President, last month during the vote on the omnibus bill we heard the beginnings of a discussion on the best way to encourage change in Cuba. Shortly thereafter several of my colleagues, including Senators DORGAN, LUGAR, DODD, and ENZI spoke about their bill, the Freedom to Travel to Cuba Act, which I am pleased to cosponsor.

And last week President Obama announced an easing of U.S. policy toward Cuba—one that allows for, among other things, greater family travel and unlimited remittances to the island. These wise steps begin to undo decades of counterproductive policy toward Cuba.

The President's similarly timed visits to Mexico and the Summit of the Americas in Trinidad demonstrate a welcome and hopeful level of reengagement in the region—one in which we have many shared interests and challenges.

Yet the debate on U.S. policy toward Cuba raises many passions and heart felt concerns.

While all of us want to see a more open and democratic Cuba, the means to reach that goal are often vigorously debated.

I am under no illusions about the horrendous record of the Cuban regime regarding human rights and political freedom. The Castro government has regularly jailed those who oppose its rule or want even a semblance of political freedom. Many languish in inhuman conditions without trial or recourse.

According to the State Department's most recent Human Rights Report on Cuba, at least 205 political prisoners and detainees were in jail at the end of 2008 and as many as 5,000 citizens, including 1,000 women, served sentences this year without being charged with a specific crime.

Beatings and harassment of human rights activists and political dissidents by government-recruited mobs, police, and state security officials remain commonplace. Journalists continue to be denied the right to openly criticize their government without fear of reprisal. And domestic human rights groups are not even recognized or permitted to legally function.

We all want this to change. It must change.

Yet for almost 50 years the United States has tried the same policy with Cuba, one of isolation, and it has failed.

I wish that were not true, but it is.

I believe sanctions can be an important foreign policy tool. Their use should be carefully considered on a case by case basis.

Yet after almost half a century of a failed isolation policy in terms of Cuba, don't we owe it to ourselves and the Cuban people to rethink this issue?

I am not arguing that we lift all sanctions against Cuba. The regime must begin to release its political prisoners and implement political reforms before we take any such steps.

The Cuban government must listen to the brave voices of its own people such as Oswaldo Paya, who has collected thousands of signatures for a petition given to the Cuban government requesting greater political freedoms—a petition process that is in fact allowed for under the Cuban constitution.

But President Obama was right in beginning to change U.S. policy toward Cuba.

Cuba is no longer a serious threat to the United States; we no longer need to think in black or white Cold War terms. Since that time, we have seen globalization, an unprecedented flow of information between people in different countries, and the emergence of many new countries seeking democracy.

Why should the people of Cuba be held back from the benefits of this new world? There is already limited use of the Internet and cell phones on the island—but I bet if you ask the Cuban people, they would tell you they want more access to these links to the outside world, not less. President Obama's policy of allowing telecommunications licensing on the island should help foster such access to the outside world.

We should replace the Castro regime with an open, democratic Cuba the same way we brought down the Berlin Wall and the Soviet Union. We need to expand the contact of everyday Cubans with freedom, opportunity and people whose lives are inspired by our values.

Isolation is not the answer. An invasion is the answer—but not a military invasion; the invasion of openness and freedom and new ideas.

It is not a Pollyanna-ish position to argue this. My mother was born in Lithuania. Lithuania, a Baltic nation, was under suppression by the Soviet Union after World War II, isolated, cut off from the world as was most of Eastern Europe. But then the day came when the conversation opened, when the doors opened, when the people of the Baltics and Eastern Europe could see the Western world and realize how much their lives had been denied by totalitarian rule.

I think the same thing can happen in Cuba. We should not be closing the doors to Cuba. We should throw them wide open. I had some friends who recently went to Cuba, through Mexico, with a visa. They came back and said, "You know, they are still using oxen for power in their agriculture." Yoking oxen, in the 21st century, 90 miles offshore from the United States? If they knew and could see what modern agriculture could bring to them, if they could understand what freedom meant, even more, we would have a greater chance of bringing real change to Cuba.

Earlier this year, Congress eased travel restrictions. President Obama has eased them further. The more Americans and Westerners move into Cuba, the more they will bring ideas and commerce and opportunity and change to Cuba. Isolation for 50 years has failed. Why would we cling to a failed policy?

It is a poor country, a nation that struggles with natural disasters as well as poverty of its own creation and one that would be open to change and opportunity.

I might also say that the embargo which we have imposed has hurt our chances to export food to Cuba, which is needed. We should open those opportunities in the hopes that commerce will not only feed people who are hungry but establish stronger relationships and a better understanding by the Cubans of what a free market economy could bring them. The U.S. policy of isolation strengthens the Castro dictatorship. If at a time when we should be opening the doors by closing them, we gave Castro, Fidel Castro, and his brother Raul excuses for the misfortunes that people realize in Cuba, we have an opportunity to change those things, and I certainly hope that we do.

It was interesting to me when the President of the United States went down for this Summit of the Americas, the biggest story that came out of it was the fact that he was not rude to Hugo Chavez of Venezuela, that he actually shook his hand and took a book from him.

Some of the cold warriors that I hear on television, the commentators just cannot get over that. They cannot imagine that we would change a foreign policy that we have had over the Bush administration years, a policy that sadly did not reach its intended goals of better relationships and better respect around the world.

President Obama is opening negotiations and conversations with countries around the world and creating an opportunity, an opportunity for new freedom, an opportunity for new strength, and a new image of the United States. It may trouble some of the cold warriors of years gone by who want confrontation and lack of communication, but that certainly does not serve the needs of the 21st century.

I welcome this change that President Obama has brought to Washington. I welcome this opening of foreign policy in the hope that his approach and his image and status in the world will bring us to a safer place in the 21st century.

I yield the floor.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. BENNET.) The Senate is in morning business with 5 minutes remaining under the majority's control.

Mr. LEAHY. Thank you, Mr. President. I want to compliment the distin-

guished senior Senator from Illinois for what he just said. As he knows, of course, he was the earliest supporter of his then-colleague, then-Senator Barack Obama, and he knows I also supported him very early on.

I was asked why I supported then-Senator Obama, and I said because we have to reintroduce America to the rest of the world. I believe we are a great and wonderful nation. We are the Nation of the Marshall Plan, the Peace Corps, the Nation that brought together a coalition to defeat the fascists and the Nazis and others in World War II. We are a great nation. We discovered polio vaccines. We have done so much. The rest of the world had lost sight of that. There is animosity toward our "it is our way or no way" approach. It is the "we are right you are wrong" attitude of this country and the reference to "Old Europe" and things like this that were so dismissively done. Any of us who traveled around the world realized how that was.

As a proud American, as one who believes we do live in the greatest democracy history has ever known, I wanted to reintroduce America, the America I believe in, to the rest of the world. That is why I supported Barack Obama. That is why I was glad to see President Obama reintroduce us first in Europe and then in Latin America.

The Senator from Illinois is absolutely right. It is all I hear in my State, a State that has a very strong sense of internationalism but a very strong sense of patriotism: Thank goodness somebody is showing what America is.

I commend the President for doing that.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 386, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Enforcement and Recovery Act of 2009" or "FERA".

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” after the semicolon;

(2) in paragraph (9), by striking the period and inserting “; or”; and

(3) by inserting at the end the following:

“(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1).”

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

“§27. Mortgage lending business defined.

“In this title, the term ‘mortgage lending business’ means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.”

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“27. Mortgage lending business defined.”

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking “or” after “the International Banking Act of 1978.”; and

(2) inserting after “section 25(a) of the Federal Reserve Act” the following: “or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1).”

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after “or promises, in” the following: “any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government’s purchase of any preferred stock in a company, or”; and

(2) striking “the contract, subcontract” and inserting “such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance.”

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting “and commodities” after “Securities”;

(B) by inserting “any commodity for future delivery, or any option on a commodity for future delivery, or” after “any person in connection with”; and

(C) by inserting “any commodity for future delivery, or any option on a commodity for future delivery, or” after “in connection with the purchase or sale of”.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting “and commodities” after “Securities”.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting “; and”; and

(B) by inserting at the end the following:

“(9) the term ‘proceeds’ means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.”

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) the terms ‘specified unlawful activity’ and ‘proceeds’ shall have the meaning given those terms in section 1956 of this title.”

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting “(i)” before “with the intent to promote”; and

(2) adding at the end the following:

“(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or”.

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, \$165,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: \$75,000,000 for fiscal year 2010 and \$65,000,000 for fiscal year 2011.

(B) The offices of the United States Attorneys: \$50,000,000.

(C) The criminal division of the Department of Justice: \$20,000,000.

(D) The civil division of the Department of Justice: \$15,000,000.

(E) The tax division of the Department of Justice: \$5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES SECRET SERVICE.—There is authorized to be appropriated to the United States Secret Service of the Department of Homeland Security, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institu-

tions, including financial institutions to which this Act and amendments made by this Act apply.

(e) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), (c), and (d) shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs.

(f) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), (c), and (d) the Attorney General, in consultation with the United States Postal Inspection Service, the Inspector General for the Department of Housing and Urban Development, and the Secretary of Homeland Security, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), (c), and (d) and a certification of compliance with the requirements listed in subsection (e); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) LIABILITY FOR CERTAIN ACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), any person who—

“(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

“(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

“(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);

“(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

“(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

“(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

“(G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

“(2) REDUCED DAMAGES.—If the court finds that—

“(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

“(B) such person fully cooperated with any Government investigation of such violation; and

“(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

“(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘knowing’ and ‘knowingly’—

“(A) mean that a person, with respect to information—

“(i) has actual knowledge of the information;

“(ii) acts in deliberate ignorance of the truth or falsity of the information; or

“(iii) acts in reckless disregard of the truth or falsity of the information; and

“(B) require no proof of specific intent to defraud;

“(2) the term ‘claim’—

“(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

“(i) is presented to an officer, employee, or agent of the United States; or

“(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government’s behalf or to advance a Government program or interest, and if the United States Government—

“(I) provides or has provided any portion of the money or property requested or demanded; or

“(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

“(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual’s use of the money or property;

“(3) the term ‘obligation’ means a fixed duty, or a contingent duty arising from an express or implied contractual, quasi-contractual, grantor-grantee, licensor-licensee, statutory, fee-based, or similar relationship, and the retention of any overpayment; and

“(4) the term ‘material’ means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.”;

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking “subparagraphs (A) through (C) of subsection (a)” and inserting “subsection (a)(2)”.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to conduct on or after the date of

enactment, except that subparagraph (B) of section 3729(a)(1) of title 31, United States Code, as added by subsection (a)(1), shall take effect as if enacted on June 7, 2008, and apply to all claims under the False Claims Act (31 U.S.C. 3729 et seq.) that are pending on or after that date.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Pennsylvania is about to come to the floor. As each of us probably have times we are going to have to be on and off the floor, I am going to begin my comments now.

I said Monday at the outset of this debate on the motion to proceed to the fraud enforcement bill that I hoped the objection to proceeding and any filibuster effort against this bill would be short lived. I am glad to see that cooler heads have prevailed. That actually happens in the Senate now and then.

After being delayed 2 days, we have agreement to turn to the Leahy-Grassley Fraud Enforcement and Recovery Act. I thank the majority leader for his persistence. I regret that the weeks we spent reaching across the aisle for a time agreement on this bill were unavailing. The majority leader was required to file cloture to get us to this point.

We are talking about going after people who defrauded American taxpayers, and the sooner we can go after them, the better we all are. I commend Senators GRASSLEY and KAUFMAN, KLOBUCHAR, DORGAN, and SHAHEEN for their statements to the Senate on Monday in support of this fraud enforcement bill. Their strong statements no doubt contributed to the reversal of the position that now allows us to proceed to what is a bipartisan fraud enforcement bill. In total, six Senators spoke in favor of the bill on Monday and no one spoke against. Each of us who spoke on Monday is a cosponsor. The bipartisan group of 16 Senators who have cosponsored this bill include, Senators SCHUMER, MURRAY, BAYH, SPECTER, SNOWE, HARKIN, LEVIN, WHITEHOUSE, ROCKEFELLER, and SANDERS.

On Monday, as the Senate debated the motion to proceed to the Leahy-Grassley fraud enforcement bill, the Obama administration issued a Statement of Administration Policy on the bill.

I ask unanimous consent to have a copy of the Statement of Administration Policy printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This statement begins:

The Administration strongly supports enactment of S. 386. Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who have committed financial fraud.

I thank the President and the administration for their strong support.

The statement continues:

[The] legislation would benefit U.S. taxpayers by both addressing existing fraud and deterring waste, fraud and abuse of public funds.

That is something we all should be in favor of. They went on to add that it “would provide needed resources to strained law enforcement agencies.” Of course, pointing out what we all know, these additional resources will far more than pay for themselves through fines and penalties, restitution, damages, and forfeitures.

But there is more of a human thing in here. We have families losing their homes, defrauded, and losing their life savings. People are defrauding them and getting away with it. I want to not only get the people who did it, but I want to deter others from doing it in the future.

I said on Monday that the Justice Department and the FBI, the Secret Service, the special inspector general for TARP, law enforcement officers, and many good-government advocates supported the bill.

As we continue our debate, I ask unanimous consent to have printed in the RECORD at the conclusion of my statement a number of editorials and news articles favorable to the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. Just this weekend, the New York Times wrote that fraud enforcement must be one of our priorities as we rebuild our economy, not only to hold accountable those who committed fraud and contributed to these hard times but to protect our efforts to stabilize the banking system and to jumpstart the economy. They wrote:

While Washington is spending billions to shore up the financial system, it is doing far too little to strengthen the federal government’s ability to investigate and prosecute the sort of corporate and mortgage frauds that helped cause the economic collapse.

Those efforts—never fully adequate—have suffered in recent years as money and people were shifted from white-collar fraud to anti-terrorist activities.

That is precisely what law enforcement officials from the Justice Department and the FBI and the special inspector general for the Troubled Asset Relief Program told us in their testimony before the Judiciary Committee.

As the Times wrote, referring to the Fraud Enforcement and Recovery Act:

A bipartisan measure newly approved by the Senate Judiciary Committee and now

coming before the full Senate would begin to close the enforcement gap . . . and strengthen existing federal fraud and money-laundering provisions, updating the definition of "financial institution" in federal fraud statutes to include largely unregulated mortgage businesses, for example, and reversing flawed court decisions that have undermined the effectiveness of the False Claims Act, one of the most potent weapons against government fraud.

Like a similar enforcement buildup in response to the savings and loan crises of the 1980s, this one will contribute far more than it costs to the federal Treasury through restitutions and asset recoveries. . . . Senators should not be asking if the expenditure is affordable, but whether it is enough.

Every prosecutor I have talked to says they need this. I am willing to bet that every person who has been defrauded by some of these unregulated mortgage companies would give anything to have had this on the books and these people there 6 months or a year ago before they lost their life savings, before they lost their homes, their chance for their children to go to college, and before they lost the chance for retirement. But there are still millions of Americans at risk. Let's protect them. Let's show that we are against such crime and that we will provide the tools to stop it.

One of the things every prosecutor knows and learns is, if you ask people if they are against crime, everybody is against crime. If you ask legislative bodies: Are you willing to pass resolutions against crime, of course they are. But then you ask the real question: Will you give us the tools to fight crime? That is where everybody goes: Well, let's see.

Here are the tools to fight crime.

This is something supported across the political spectrum. Look at the Washington Times, a very conservative newspaper. They raised very similar concerns about the need to fight fraud and protect the taxpayers' money being spent on the economic stimulus. In an editorial on March 26 entitled "Stimulus Spending Ripe for Fraud," the Washington Times called for fraud enforcement. In commenting on an Energy Department official who was concerned with waste, fraud, and abuse in stimulus funding, they wrote:

The same attitude must be adopted by all agencies overseeing the implementation of the massive spending measure.

Well, they are right. They went on to say that simply having a Web site to provide greater transparency, while a good thing, is not enough. They said:

[E]ven an unprecedented level of post-spending transparency will do only so much to ensure waste is kept to a minimum. . . . It will take more than a new Web site and the sort of staff training the administration has implemented to turn an understanding of the problem into real accountability. . . .

The administration is, in fact, doing more than creating the most transparent Government in history. They are supporting this bill and its aggres-

sive response to fraud enforcement. The bill will actually translate rhetoric into reality, a reality that can save billions. It is just the kind of action these editorials from the right to the left have asked for.

Look at a front page article of March 12, entitled "Financial Fraud Is the Focus of Prosecutors." The New York Times reported that fraud was surging, particularly mortgage fraud cases.

It is very interesting. We talk about tough enforcement. The chairman of the House Banking Committee said, "Rules don't work if people have no fear of them." Anybody in law enforcement can tell us that. Every State has laws against burglary, for example. But put two warehouses on the same street, one with a rusty lock on the door and no alarm system, no lights, one with a state-of-the-art alarm system, lights, the ability to call police immediately, and which one gets broken into? The law is the same. You are going to break into the one that is easy. You can have all the laws in the world on mortgage fraud, and if people think they are not going to be enforced, they are going to break those laws. If you believe the worst that will happen is you might get a fine, if you have a \$100 million fraud operation going and you might get a \$5 million fine, gee-whiz, that is the cost of doing business. If you find out, however, that you might go to prison, that in all likelihood you will go to prison as well as losing the money you defrauded from people and allow that money to go back to them, then you are going to think twice.

Neil Barofsky, the special inspector general for the Troubled Assets Relief Program, issued a 250-page report warning yet again that the bank bailout funds are particularly vulnerable to fraud. He talked about protecting American taxpayers. He testified about similar concerns when he appeared before the Judiciary Committee in support of the bill.

Strengthening fraud enforcement is a key priority for the President. During the campaign, President Obama promised to "crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement [but also] creating new criminal penalties." The President, in his budget to Congress, called for additional FBI agents "to investigate mortgage fraud and white collar crime," as well as hiring more Federal prosecutors and civil attorneys "to protect investors, the market, and the Federal Government's investment of resources in the financial crisis, and the American public." Additional money was included in the initial recovery package for the FBI, but it was cut out during negotiations that led to its passage. This bill is our chance to authorize the necessary resources.

I can't state enough, it is not enough to have a law on the books that says: Thou shalt not commit crime. It works

only if people think they are going to get caught and they are going to lose the money they have stolen and they are going to go to jail on top of that. As long as people carrying out these frauds and these scams think they will never get caught, will never get prosecuted, the laws aren't tough enough, they are in an unregulated industry, nobody is going to go after them, why not keep trying. The worst that could happen is somewhere along the line you might have to give a little bit of the money back and keep scamming people, keep ruining people's lives, keep taking people's homes away from them, keep taking people's retirement accounts, keep taking the money they have saved for their kids to go to college. If all you think you might get is a little slap on the wrist or in all likelihood you will get away with it completely, what is to stop you?

Obviously not a sense of morality, as we saw with Bernie Madoff and others. We have to have laws to stop them. We have to have enforcement of the laws. We have to have people go to prison for stealing retirement accounts and stealing children's money being saved for college and stealing homes through mortgages scams. We should pass this.

I see the distinguished Senator from Pennsylvania in the Chamber. He is a man with a distinguished career, first as a prosecutor before he came here and now a man who has been both chairman and ranking member of the Senate Judiciary Committee. He understands this.

I yield the floor.

EXHIBIT 1

STATEMENT OF ADMINISTRATION POLICY S. 386—FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

(Sen. Leahy (D) Vermont and 4 cosponsors,
Apr. 20, 2009)

The Administration strongly supports enactment of S. 386. Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who have committed financial fraud.

Specifically, the legislative enhancements would help the Department of Justice to combat mortgage fraud, securities and commodities fraud, money laundering and related offenses, and to protect taxpayer money that has been expended on recent economic stimulus and rescue packages. Further, the legislation would amend the False Claims Act (FCA) in several important respects so that the FCA remains a potent and useful weapon against the misuse of taxpayer funds. In general, this legislation would benefit U.S. taxpayers by both addressing existing fraud and deterring waste, fraud, and abuse of public funds. Moreover, S. 386 would provide needed resources to strained law enforcement agencies and prosecutors that would enable the Department and its partners to advance the pace and reach of the enforcement response to the current economic crisis. These additional resources will provide a return on investment through additional fines, penalties, restitution, damages, and forfeitures. With the

tools and resources that S. 386 provides, the Department of Justice and others would be better equipped to address the challenges that face this Nation in difficult economic times and to do their part to help the Nation respond to this challenge.

EXHIBIT 2

[From the New York Times, Apr. 18, 2009]

FRAUD FACTOR

While Washington is spending billions to shore up the financial system, it is doing far too little to strengthen the federal government's ability to investigate and prosecute the sort of corporate and mortgage frauds that helped cause the economic collapse.

Those efforts—never fully adequate—have suffered in recent years as money and people were shifted from white-collar fraud to anti-terrorist activities. Over time, the ranks of fraud investigators and prosecutors were dramatically thinned, leaving the F.B.I. and the larger Justice Department ill prepared to keep pace with a skyrocketing number of serious fraud allegations. Now they are ill equipped to police the vast infusion of federal money into the economy.

A bipartisan measure newly approved by the Senate Judiciary Committee and now coming before the full Senate would begin to close the enforcement gap.

Sponsored by Senators Patrick Leahy of Vermont and Edward Kaufman of Delaware, both Democrats, and Senator Charles Grassley, Republican of Iowa, the Fraud Enforcement and Recovery Act of 2009 would significantly expand the number of prosecutors, agents and analysts devoted to pursuing financial crimes.

It would strengthen existing federal fraud and money-laundering provisions, updating the definition of "financial institution" in federal fraud statutes to include largely unregulated mortgage businesses, for example, and reversing flawed court decisions that have undermined the effectiveness of the False Claims Act, one of the most potent weapons against government fraud.

The measure envisions spending \$490 million over the next two fiscal years. Like a similar enforcement buildup in response to the savings and loan crisis of the 1980s, this one will contribute far more than it costs to the federal Treasury through restitutions and asset recoveries, according to the Congressional Budget Office forecast. Senators should not be asking if the expenditure is affordable, but whether it is enough.

[From the Washington Times, Mar. 26, 2009]

STIMULUS SPENDING REMAINS RIPE FOR FRAUD

The many billions shoveled to the Energy Department as part of the \$787 billion stimulus package recently signed into law may provide a cautionary tale about potential abuse, judging from a recent Energy Inspector General's warning.

As if on cue, FBI Director Robert Mueller told Congress yesterday that he, too, expects a surge in stimulus-related fraud. "Our expectation is that economic crimes will continue to skyrocket," he said. "... The unprecedented level of financial resources committed by the federal government ... will lead to an inevitable increase in economic crime and public corruption cases."

Undaunted, President Obama earlier this week continued his intense promotion of the stimulus package, ignoring the great potential for significant fraud as federal agencies rush to dispense the money. He hyped the \$59 billion for clean energy and related tax incentives in the stimulus bill as a down pay-

ment on an additional \$150 billion in Energy Department spending in his 2010 budget. He didn't seem to get the recent warnings from Energy Inspector General Gregory Friedman about the high probability for fraud and waste in distributing stimulus dollars, which call into question the agency's ability to even distribute the stimulus money effectively.

Most importantly, Friedman, a Clinton-era appointee, highlighted the need for a level of proactive accountability historically absent in the federal bureaucracy. As reported by Congress Daily, Friedman's memo last week to Energy Secretary Steven Chu and other department officials argues that the massive increase in funding going through the agency will strain and fundamentally change the agency's mission while creating the potential for rampant abuse. The stimulus provides the agency over \$38 billion in funding along with authority over energy loans totaling \$127 billion, spending that dwarfs the \$27 billion provided in the agency's 2009 budget.

Friedman reportedly notes that during regular agency operations misuse of funds, falsification of data, kickbacks, bribes and other forms of fraud happen with "troubling" frequency. He also argues, correctly, that anti-corruption oversight should be a priority. Friedman's laudable honesty exposes both the unintended consequences inherent in the quickly passed package and the daunting task faced.

The same attitude must be adopted by all agencies overseeing the implementation of the massive spending measure. What is true, or likely, at Energy is very likely true or likely at other departments and agencies as well. Exhibit "A" is the continued lax oversight and lack of transparency seen with the Treasury Department's handling of the banking industry bailout. The White House is yet to be convincing that it is adequately addressing the potential of a major waste of taxpayer funds.

Recovery Accountability and Transparency Board chairman Earl Devaney, who is functionally the chief auditor of the stimulus package, told a House panel last week that some fraud is inevitable. But he also expressed horror that accounting industry standards for fraud acceptability is 7 percent, or \$55 billion in taxpayer money. Devaney, who has a reputation for vigilance, promised a zero tolerance approach. That is very good to hear.

With over 40 states launching websites intended to track stimulus spending, Devaney's board will oversee the Web site Recovery.gov, aimed at maintaining public access to the Fed's spending records. The board aims to change the fact that the federal government has never been particularly successful in the timely and reliable tracking of spending data.

But even an unprecedented level of post-spending transparency will only do so much to ensure waste is kept to a minimum. Perusing the data online only comes after the fact. It will take more than a new Web site and the sort of staff training the administration has implemented to turn an understanding of the problem into real accountability.

While some degree of waste is almost inevitable from any government endeavor, the degree must not reach the level of finding 7 percent fraud—\$55 billion in the case of the entire package—an acceptable figure. The White House is saying the right thing by indicating zero is the goal, not \$55 billion. We can only hope their rhetoric translates into

additional action that defies history and saves billions.

[From the New York Times, Mar. 12, 2009]

FINANCIAL FRAUD IS FOCUS OF ATTACK BY PROSECUTORS

(By David Segal)

Spurred by rising public anger, federal and state investigators are preparing for a surge of prosecutions of financial fraud.

Across the country, attorneys general have already begun indicting dozens of loan processors, mortgage brokers and bank officers. Last week alone, there were guilty pleas in Minnesota, Delaware, North Carolina and Connecticut and sentences in Florida and Vermont—all stemming from home loan scams.

With the Obama administration focused on stabilizing the banks and restoring confidence in the stock market, it has said little about federal civil or criminal charges. But its proposed budget contains hints that it will add to this weight of litigation, including money for more F.B.I. agents to investigate mortgage fraud and white-collar crime, and a 13 percent raise for the Securities and Exchange Commission.

Officials at the Justice Department have not said much in public about their plans. But people who have met with Attorney General Eric H. Holder Jr. say he is weighing a range of strategies.

"It's clear that he and other top-level members of the Obama administration want to seize the opportunity to send a message of zero tolerance for mortgage fraud," said Connecticut's attorney general, Richard Blumenthal, who attended a meeting with Mr. Holder and other state attorneys general last week in Washington. "The only question is when and how they will do it."

One person who had discussed the matter with Mr. Holder, but declined to be identified because he was not authorized to speak for the Justice Department, said that the attorney general was deciding whether to form a task force to centralize the effort or allow state attorneys general to develop cases on their own.

A Justice Department spokesman, Matthew A. Miller, would not comment, other than to write by e-mail, "It will be a top priority of the Justice Department to hold accountable executives who have engaged in fraudulent activities."

At the low end of the mortgage transaction ladder, state prosecutors have had a relatively easy time prevailing, but recent history suggests that the government's odds of winning drop when they go after Wall Street executives. Some high-profile convictions have been won in the last decade, but several of the Enron-related prosecutions and some cases brought by Eliot Spitzer when he was New York's attorney general fell apart or were overturned on appeal.

As federal authorities decide on a course of action, Congress is becoming impatient. Representative Barney Frank, chairman of the House Financial Services Committee, announced plans last week for a hearing on March 20, inviting Mr. Holder, bank regulators and leaders of the S.E.C. to answer questions about their enforcement plans.

"Rules don't work if people have no fear of them," Mr. Frank, Democrat of Massachusetts, said. State and local prosecutors, it seems, do not need the nudge. Last week, the district attorney's office in Brooklyn announced the creation of a real estate fraud unit, with 12 employees and a mandate to "address the recent flood of mortgage fraud cases plaguing New Yorkers." In late February, Maryland unveiled a mortgage fraud

task force, bringing together 17 agencies to streamline investigations.

With all the state activity and portents of a new resolve at the federal level, lawyers who defend white-collar clients sense growing momentum to perp walk and prosecute executives involved in the mortgage crisis.

"It's going to be open season," says Daniel M. Petrocelli, a lawyer whose clients include Jeffrey K. Skilling, the former chief executive of Enron. "You'll see a lot of indictments down the road, and you'll see a lot of prosecutions that rely on vague theories of 'deprivation of honest services.'"

Many financial executives have hired lawyers in the last few months, either through internal counsels or, more discreetly, on their own, several lawyers who defend white-collar clients said.

While assorted Wall Street executives have been prosecuted over the years, any concerted legal attack on the financial sector would have little precedent. After the Depression, Congress formed what became known as the Pecora Commission, which grilled top financiers. But the point was mostly to embarrass them, and the upshot was to set the stage for stricter regulations. The most indelible image of the commission's hearings was a photo of J.P. Morgan Jr. with a midget who had been plopped in his lap by an opportunistic publicist.

The question behind any cases brought against Wall Street will boil down to this: Was the worst economic crisis in decades caused by law-breaking or some terrible, but noncriminal, mix of greed, naiveté and blunders? The challenge for the Obama administration will be to prove that it was the former, said Michael F. Buchanan, a partner at Jenner & Block and a former United States attorney in New Jersey.

"We punish people for intentional misconduct, we don't punish them for stupidity or innocent mistakes," he said. "If you're a prosecutor, you want evidence that shows real dishonesty. You want something that shows that these people were doing something wrong, and they knew it."

That nearly all of the banking industry acted the same, possibly reckless, way could actually help any executive who lands in court, lawyers said. The herdlike behavior suggested that bankers were competing for business using widely shared assumptions, rather than trying to get away with a crime. It would be hard to prove that anyone broke the rules, these lawyers said, since regulations in the riskiest parts of the mortgage industry were so lax.

One defense lawyer said he expected to argue that either his clients did not understand the financial instruments they were marketing, or were not warned of the dangers by underlings.

"We'll all sing the stupidity song," said the lawyer, who said he feared that speaking publicly by name would deter potential clients. "We'll all sing the 'These guys never told me' song."

But for government lawyers, the environment for corporate fraud cases could scarcely be more inviting. It is not just that the public's zeal for Wall Street pelts is high. The resources are there, too, because some of the money once used to fight terrorism is being shifted to fighting financial fraud. And in recent years the use of wire fraud statutes has expanded, allowing prosecutors to turn virtually anything said or sent by e-mail in private into a federal crime, if it contradicts what investors were told in public disclosures.

Wire fraud charges were among those against two former Bear Stearns managers

who were arrested in June, accused of praising their hedge fund to clients as they worried about it to colleagues. Federal sentencing guidelines also link the length of a prison term to the size of the financial loss to the public. Given that so many billions have vaporized recently, convictions could easily lead to life sentences, defense lawyers said, and the mere threat of such sentences gives prosecutors enormous leverage in settlement talks.

"There are executives now getting sentences longer than murderers and rapists," said Mr. Petrocelli, the lawyer, referring to white-collar prosecutions in recent years, including that of Mr. Skilling of Enron, who is now serving a 24-year sentence for securities fraud and other crimes.

Why has there not been a batch of subpoenas at the federal level already? The Department of Justice is missing important staff members, says Reid H. Weingarten, a defense lawyer and former trial lawyer for the Justice Department. Former members of the Justice Department say that prosecutors and regulators are reluctant to act while the markets are in such disarray for fear of further unnerving investors and the public.

Lawyers for white-collar clients say they expect to be busy, but not all of them predict that means they will be earning huge fees. In the past, the legal bills of Wall Street higher-ups were paid by insurers that indemnified them. But that is not necessarily the case with banks that have gone bankrupt or disappeared.

"I know bankers are not now evoking much sympathy from the public at large," Mr. Weingarten said. "But these days many Wall Street types are struggling mightily with mortgage payments, tuition bills and health insurance. It's a very different world out there now."

THE PRESIDING OFFICER. The Senator from Pennsylvania.

MR. SPECTER. Mr. President, I have sought recognition to comment on the Fraud Enforcement Recovery Act, the legislation which is currently on the floor. Before the distinguished chairman leaves the Chamber, if I could have his attention, I agree with him about the importance of having strong law enforcement on crimes involving business fraud and on white-collar crimes. We are dealing with a financial situation where there are billions of dollars at stake, if not trillions. It is hard to know exactly how many zeros to add on. We are faced with a very desperate—strong word but understated if anything—challenge as to what to do with the economy worldwide. We had a \$700 billion program proposed by President Bush for companies in trouble and a twin brother proposed by President Obama, \$787 billion.

As I travel through my State, all I hear are questions. I don't hear any commendations. The Congress is not exactly held in high esteem. And the questions are: Why are we bailing out companies which made bad business judgments? If somebody makes a bad business judgment, why shouldn't they sustain the loss instead of coming to the taxpayers for a bailout?

You have these fancy Wall Street instruments. What is a derivative? Then there is the explanation about how no

longer do you have mortgages with simply a home buyer and a banker, but you have all of these commercial papers lumped together and securitized. I do not know how long the word "securitized" has been in the dictionary. In fact, I am not sure it is in the dictionary, and most Americans are trying to find out what it means.

You slice them up, and they are securitized, and they are sold around the world. Much of the time, they are filled with misrepresentations to the extent that they become fraud. Fraud is a crime, and you have prosecutions which are brought which involve extraordinary sums of money, and then there is a fine which looks big in the newspapers but not when compared to what has been involved. It is a license to do business or, perhaps more accurately, a license to steal. But if you have criminal prosecutions and you have jail sentences, that is meaningful.

MR. PRESIDENT, may I direct a question to the distinguished chairman.

I say to the Senator, I believe you were a prosecuting attorney in Vermont. What experience did the Senator have on the difference between a fine and a tough jail sentence?

MR. LEAHY. Well, Mr. President, I suspect my experience is probably similar to that of the distinguished Senator from Pennsylvania. Fines, especially in these commercial fraud type things, were seen as the cost of doing business. If you steal \$100 million, and you get a \$5 million fine, then you stole \$95 million. But if they think they are going to go to prison, that is when they think twice. We saw this after Enron and other things that when people actually believe they are going to go to prison, then they start thinking twice.

I am sure this was the experience the Senator from Pennsylvania had. It is the experience I had. Nothing focuses the attention of somebody who is going to want to defraud someone if they think they are going to spend years in a tiny cell. That focuses their attention, and suddenly it is not worth the effort. That is what we want to do here because the people who are being defrauded are the most defenseless. They are the people who have lost their retirement. They are the people who have lost their homes. They are the people who have lost the ability to pay for their kids to go to college.

The Senator from Pennsylvania is absolutely right.

(Mrs. GILLIBRAND assumed the chair.)

MR. SPECTER. Madam President, may the RECORD show the Presiding Officer has changed while I was looking at Senator LEAHY. I concur with what Prosecutor LEAHY said. It bears out the experience I had when I was a prosecuting attorney myself: that jail sentences are important in the way to deal with this kind of crime.

When I have been questioned by my constituents on my travels through

Pennsylvania about who is going to be held accountable, and I tell them that the prospects for jail sentences are real, they are somewhat assuaged.

Madam President, I note the distinguished Republican leader has come to the floor. If I may have his attention and make an inquiry. If he cares to take precedence—he is busier than I am, although I am very busy—I would be glad to yield to Senator MCCONNELL.

Mr. MCCONNELL. Madam President, I was not seeking the floor. I was going to talk to the Senator from Pennsylvania when he finishes his remarks. So I am not seeking recognition.

Mr. SPECTER. Well, I thank Senator MCCONNELL for those comments.

The statute which is on the floor—the bill which is on the floor, proposed statute—is a very important legislative piece. It will strengthen law enforcement being directed against precisely the kinds of white-collar crime we are talking about.

The bill authorizes \$165 million a year for hiring fraud prosecutors in the Department of Justice, including \$75 million for the FBI to bring on 190 additional special agents and more than 200 professional staff. The bill includes \$50 million a year for the U.S. Attorneys' Offices to staff those strike forces. The bill authorizes \$80 million a year over the next 2 years for the U.S. Postal Inspection Service, the Inspector General, the Secret Service, and the office of Housing and Urban Development.

It amends the definition of "financial institution" to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half of the residential mortgage market before the economic collapse, yet they remain today largely unregulated and outside the scope of traditional Federal fraud statutes. This bill will correct that.

It amends the major fraud statute to protect funds expended under TARP, the Troubled Asset Relief Program, and the economic stimulus package. So we are providing criminal sanctions for the people who are going to misuse the moneys which have been appropriated in the past year.

It amends the Federal securities crime statute to cover fraud schemes involving commodities futures and options, including derivatives involving the mortgage-backed securities that caused such damage to our banking system.

It also amends the Federal money laundering statutes to cover not only profits but proceeds. The Supreme Court interpreted the statutes so narrowly that it needs modification. And there were also judicial interpretations of the False Claims Act which this legislation will correct.

So this is a very important bill. That is a very short statement of the bill

and its purpose. It is my hope anyone who has amendments would come to the floor to offer them. I believe this is a bill which will get very widespread support in the Senate. We have a great many important legislative matters behind it, so it would be my hope we could move this bill through expeditiously, giving people an opportunity to offer amendments if they have some. We would be looking for a time agreement as soon as we could construct one. So I urge my colleagues to come to the floor to help on this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I want to say, the Senator from Pennsylvania is someone who, when I was growing up in Philadelphia, was the district attorney there and known to be a tough and good prosecutor. So having Senator SPECTER speak to this bill says a lot about the bill and about the underpinnings of it.

I want to make a few comments. This bill is important. The American people are upset and outraged with the abuses that have rocked the financial sector, and which has especially put so many Americans into dire financial straits.

It is a good bill, plain and simple. I wish to run through some of the reasons why I think this bill is important and why I think it is one of the easiest votes a Member will make in this session of the Congress.

First, this bill is a critical step to restoring investor confidence in the financial markets by assuring the public that criminal behavior by unscrupulous mortgage brokers and corrupt financiers will be prosecuted and punished.

When I travel around and talk to people, they feel no one is paying a price for this—except the hard-working people out around America who have been hit so hard by this financial crisis. They do not feel as though the people on Wall Street, the people who did this, the people involved and the mortgage brokers are paying a price. Therefore, very importantly, they do not feel it is time to get back into the markets. They are concerned the markets are not fair and the markets are not on the up and up.

So what we are going to do with this legislation is assure the public that criminal behavior by unscrupulous mortgage brokers and corrupt financiers will be prosecuted and punished.

Second, this bill is a deterrent. Prosecuting white-collar crime today sends a message to those who would be tempted to cheat and defraud again. I do not want to be a party to the fact that 5, 10, 15, 20 years from now people will be ready to make a financial deal and someone will say: This is breaking the law. We are doing something here that is against the law. And someone

else will say: Well, they did that back in 2007, 2008, 2009, and no one ever was prosecuted for it. These are very complicated financial dealings. If we do this, we are going to be just fine because, remember, nobody went to jail for what happened. Frankly, if we do not add more FBI agents, more prosecutors, and more financial training, that is exactly what could happen.

Third, this bill rebalances law enforcement resources. If you go back to September 11, many Federal agents were rightly redeployed from criminal work to counterterrorism. Counterterrorism was the key thing. We had to do something about this. We had to find the people who perpetrated 9/11. We had to find the people who could think about doing us harm in the future. So, rightfully, we moved FBI agents away from financial fraud and on to counterterrorism. But the problem is, we never replaced those agents.

In 2008, we had less financial fraud cases brought than we had in 2001. It is incredible to believe that in this environment we had less criminal cases brought in 2008 than in 2001. So what we have to do is rebalance law enforcement resources. That is what this bill does. It allows us to get more Federal agents, more prosecutors, and more training back to where it was before.

We have about 240 FBI agents now working on financial fraud. At the height of the savings and loan crisis, we had over 1,000. So we want to get back to that level. We want to get the FBI agents back, get them the training they need, and get the prosecutors and the training they need. So this is a wonderful way to rebalance law enforcement resources.

Fourth, this bill helps ensure that sophisticated criminals cannot cover their tracks and escape liability. Unless we get more agents working on these cases soon, the trails may go cold.

I know many people in America watch "Law & Order." They know if you do not catch a criminal usually within the first 24 hours, it is very difficult to ever catch them. I think in this case that is what is going on here. This is one of the reasons why we have to pass this bill, and pass this bill soon. Because when you have these complicated financial cases, the sooner you get to the case—before people can cover their tracks, before people can go back and clean up what they have done—the better. We need the FBI agents on the job gathering the data and gathering the information.

Another point is, this bill modernizes several areas of Federal fraud law. Among other things, it updates the definition of "financial institution" to cover mortgage lending businesses that are not directly regulated or insured by the Federal Government.

Remember, much of the things that went on, much of our problem had to

do with the mortgage lending business. The fact is, people went out and searched for and had people take out mortgages, many of whom were not qualified to have the mortgages; then they bundled up the mortgages and securitized them and then went off and sold them. In this area, there is enough anecdotal evidence to indicate there was some kind of fraud going on with this.

What this bill does is it makes financial fraud—it moves the mortgage lending businesses under the definition of “financial institution” so we can go after these folks.

Sixth, this bill is money well spent. Taxpayers have paid billions for bailouts. We should spend the millions it would take to find and prosecute all those who should be in jail. Again, taxpayers have paid billions in bailouts. No American whom I talk to—no American in my home State of Delaware—can understand why we would not spend the money we need to spend to prosecute these people for the crimes they have committed. It sends the wrong signal to the American people if, in fact, we do not get these folks and if we do not take the money and prosecute all those who were involved in this financial fraud.

Next, this bill is an investment. This is easy. As I said, this is the easiest vote anyone will cast in this session of Congress. History tells us funds spent on fraud enforcement net money for the Government at a rate of \$15 recovered for every dollar spent. I have heard from some people concerned about spending this money. I think I have gone through the points on why we should spend the money, but if you are fiscally and financially conservative and if you basically believe there is nothing the Federal Government should spend money on, there is one thing that even you will agree with, and that is spending \$1 to get back \$15. That is the most fiscally conservative program that has ever been invented in the history of the Federal Government. We have a program where we will have to spend some money, but we know we are going to get the money back but many times over.

Finally, and I think most importantly, this bill will make it clear to all Americans that we hold Wall Street to the same standards as Main Street. We have to have people believe—it is essential to our system—that if you break the law, you will suffer the consequences. Keep in mind that many banks and mortgage brokers avoided the subprime market and acted responsibly. Respect for the rule of law demands that we identify, investigate, and punish those who self-dealt millions of dollars to line their own pockets while leaving investors in the dark. However, we have to be careful about whom we are trying and whom we are prosecuting. This is not a witch hunt.

We are not out to get everybody and nail everybody in this business, but we need the FBI agents and the prosecutors to make sure we get the right people and that they are prosecuted to the full extent of the law.

I think the American people—I know the American people—are looking for swift action to restore faith in our financial markets and the rule of law. This bill is a great opportunity to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for 6 minutes for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. KAUFMAN. I thank the Chair.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 853 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. KAUFMAN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

EARTH DAY

Mrs. GILLIBRAND. Mr. President, in honor of Earth Day, I want to share with you some of the experiences I had this week when I was in New York. I met with a number of students from the New York Harbor School. Robert Kennedy, Jr., joined me. We were celebrating the achievements and efforts this school has made to make a difference for our future. The school is focusing on teaching the next generation about the environment and offering an environmental education so that we can create the stewards of our air and water into the next generation.

I was pleased to stand with Bobby Kennedy and these outstanding young people to discuss the importance of progressive environmental policy. I will partner with them and be a strong advocate for a greener New York and country.

What was so exciting about these children is that they were telling me about the work they were doing to ensure a cleaner Hudson River, what they

were doing to make sure we can have a cleaner environment and air. Their curiosity was extremely compelling and inspiring. We talked about how the work they were doing would allow for their communities to be safer, to be able to have a clean Hudson River so they can eat fish out of it someday, and to have air that is cleaner. They really did understand the relationship between the communities around them and what they could do to have an impact in the future.

I met with Murray Fisher, the founder of the New York Harbor School. I met with him in Washington, and then I talked with him and his students in New York. The Harbor School brings innovative environmental and maritime-focused learning to the Bushwick neighborhood of Brooklyn—taking graduation rates from 20 percent, before their program began, to 75 percent this year. The student body of the school represents the most at-risk young people—80 percent come from households that are actually under the poverty line.

The skills these children have been learning—measuring water quality and studying aquaculture—will enable them to be part of a green future, part of the energy revolution. It was inspiring not only to see young people so engaged and enthusiastic about environmental education but realizing in speaking with them that they now understand what it takes to have a cleaner New York and the impact it can have in their own lives. I asked a young girl what she hoped to do when she graduated. She said she wants to be a marine biologist. I asked a young man if this is something he thought could make a difference. He said: I think so because it can change the quality of water and air that we have. They see a future for themselves to be the stewards of our environment.

Too often, the young people of low-income New York neighborhoods live with the risks of polluted environments. There are many brownfields sites across New York City, and the majority are located within the low-income people-of-color communities. Brownfields are clustered in these communities due to a history of industrial use, illegal dumping, or improper storage and handling of commercial products. These incidents have led to health hazards that further diminish the limited opportunities afforded many New Yorkers. For example, in the Bronx, we have the Nation's leading rate of asthma. In the Bronx neighborhood of Hunts Point, for example, we have one in four elementary children who suffers from asthma. I have been to the Bronx and to the community health center there, and I have met with parents. They do worry because the air quality is poor, and they have this historical environmental degradation.

We need to do better by our communities and make sure every child in America has a chance to achieve his or her God-given potential. That means having clean air to breathe, safe water to drink, and a community that is healthy.

When we bring our environmental education into our schools, such as the Harbor School, we are teaching children that they can have an impact on their environment and that it actually creates opportunities for them.

The current economic challenges we face in New York and around the country are significant, but the programs that are offered by the New York Harbor School can really make a difference. Unfortunately, many of these programs are in jeopardy due to budget cuts, and schools are being forced to scale back environmental education. No Child Left Inside, introduced by Senator JACK REED this week, would provide for environmental education in schools; it would provide the critical funding that is necessary to ensure our children receive the kinds of hands-on education that connects them with the environment and prepares them for our future.

Despite all of the economic challenges our country is facing, we must not lose our focus on the important investments that are required to assure New York's and our Nation's leadership in the years to come. The environmental problems that many of our communities face are also opportunities for the young people of the Harbor School to be the problem-solvers of the future and to be able to make a difference in their own communities.

Bobby Kennedy recognized early on that State and Federal environmental legislation cannot only be positive for air, land, and water, but also good for the economy and job creation. He said to me:

We can turn every American into an energy entrepreneur, every home into a power plant, and fuel our country through our own energy initiatives, rather than Saudi oil.

I thought that statement was extremely inspiring. He is saying that through energy entrepreneurialism and innovation, we can transform this economy not only into a green economy but into an energy revolution where we are creating not only the products through energy sources—whether it is fuel cells, hydropower, wind, solar, biofuel, or cellulosic ethanol—but we have the opportunity to transform manufacturing in this country to create the new products that are going to run on these new energy sources. It is a recognition that there is extraordinary opportunity here to make an opportunity for every individual, every home, and every business to be part of the energy solution.

As a country, we have undertaken infrastructure projects with the understanding that once the upfront costs

were incurred and building was completed, private investment would follow, creating lucrative paths of commerce. This has been seen throughout New York's history. In the early days of America, we had one very audacious building project called the Erie Canal. It was going to connect Lake Erie to the Hudson River, opening markets of the eastern seaboard to inland goods. Even some visionaries, such as Thomas Jefferson, didn't think it was a very good idea, calling it "a little short of lunacy," and ultimately it fell on New York State, under Gov. Dewitt Clinton's leadership, to fund the project. The Erie Canal contributed immensely to the economic growth and wealth of New York. From New York City through Buffalo, it made an enormous difference to open Upstate New York and western New York to commerce, and that legacy continues to be with us today.

That is why the vision of President Obama on new infrastructure is so important. Today, we have high-speed rail, which is a great opportunity for mass transit. If we can have high-speed rail from New York City to Niagara, again it would open not only downstate to upstate but upstate to the rest of the eastern seaboard. It is very exciting to be able to create these opportunities for long-term economic growth.

The same thing is true with the power grid. When T. Boone Pickens talks about his windmills, he cannot build them if he doesn't have anyplace to plug in. We cannot have electric cars that can transform the entire automotive industry if we don't have a place to plug in. That is what President Obama's vision is in terms of building the new electric grid, so we can have sustainable, renewable energy and be able to use the new technologies and innovations to drive a new economy.

New York is in the enviable position to lead the Nation's green movement. We have had a history of energy independence. We have had hydropower for well over 100 years, whether you are talking about the Hudson River Valley or Niagara Falls. We have some of the greatest agriculture in the whole Nation, so we can be a source for cellulosic ethanol and other biofuels. We have some of the greatest entrepreneurs of this generation, from fantastic SUNY schools to terrific engineering schools, including engineering students from RPI, where we are at the forefront of photovoltaic energy, wind, and solar. We are in a position to lead the Nation's recovery through energy independence.

I celebrate Earth Day today by commending the great work of the Harbor School and the extraordinary leadership of Robert F. Kennedy, Jr., and also to talk about our future because when children are interested in learning about the environment and they create

a relationship to the environment, whether it is through cleaner air or cleaner water or being that young engineer who figures out how to build an electric car for \$25,000 so all of America can get the equivalent of 240 miles per gallon, that is a vision of the future that I see, and that is the vision of how we are going to turn the economy around and create jobs.

I will work with President Obama to make sure we create good-paying jobs all across New York.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that we are on the financial fraud legislation.

The PRESIDING OFFICER. That is correct.

Mr. REID. That vehicle is open for amendment, true?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 984

Mr. REID. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 984.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis)

At the appropriate place, insert the following:

SEC. ____ . ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING IN SUPPORT OF HUD PROGRAMS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising in support of HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita, and provided, further that at least \$5,000,000 of such amounts are used for Spanish-language advertisements.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—There is authorized to be appropriated to the

Secretary of Housing and Urban Development, to remain available until expended, \$50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(C) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—There is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita.

Mr. REID. Madam President, what we hear on the morning news almost every day—but today especially—is that there are problems in the housing industry around America. Today, they listed the top 10 cities for foreclosure. No. 1 is Las Vegas. We have a lot in common with nine other cities. Many of the 10 are in California, and Phoenix, AZ, is one, and there are places in Michigan and in Florida.

I hope this amendment can be worked out with the managers. It is an amendment that authorizes money in three different areas: \$10 million to HUD for the purpose of providing resources to be used for advertising in support of HUD programs and approved counseling agencies in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita. At least half of those resources are to be used for Spanish-language advertising. We have found that in Las Vegas, which has a significant number of Spanish-speaking people, they are being scammed by people who are trying to take advantage of them and others. The rationale is that some of these metropolitan statistical areas are being flooded with advertising from illegitimate actors promising mortgage reductions and modifications for a fee. HUD will use these funds to advertise HUD services, as well as to explain the availability of HUD-approved counseling to homeowners to avoid some of these scams.

No. 2 is the authorization of \$50 million to be provided through the Housing Counseling Program at the Department of Housing and Urban Development to HUD-certified housing counseling agencies located in the 50 metropolitan statistical areas. These would be areas with the highest incidence of home foreclosures per capita, for the purpose of assisting homeowners with inquiries regarding mortgage modification assistance and mortgage scams.

We have found in the economic recovery package, and in the housing bill, that direct moneys went to these agencies—approved agencies—to help them talk to people and counsel them as to what they can do to avoid foreclosure. It has worked very well.

The 2008 housing bill and subsequent spending bills directed funds to counseling agencies, but the metropolitan statistical areas that are hardest hit—Las Vegas among those—still need more resources given the depth of the problem.

Additional resources will allow HUD-certified agencies to staff up and meet growing demand for their services, which will counterbalance the increase in illegitimate agencies promising mortgage modification services for a fee. These entities that are going to get this money charge nothing.

Finally, Madam President, the authorization of \$5 million to HUD's Office of Fair Housing and Equal Opportunity will help to provide additional personnel in HUD offices located in these 50 areas with the highest incidence of foreclosure. The rationale, of course, is that local HUD offices in these areas are understaffed and unable to meet the demand for their services and expertise concerning mortgage scams. Fair Housing Program personnel are trained to address these issues, and they are badly needed.

I would hope the managers and those other Members who are interested in this issue would review this matter. We believe strongly this is the right direction. If people have a better idea, I would be happy to visit with them. I will not call for a vote until people, of course, have an opportunity to review this in detail.

The PRESIDING OFFICER. The Republican whip.

AMENDMENT NO. 985

Mr. KYL. Madam President, I ask unanimous consent to lay aside the pending amendment for purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 985.

Mr. KYL. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the definition of the term "obligation")

On page 26, strike lines 1 through 5, and insert the following:

"(3) the term 'obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar rela-

tionship, from statute or regulation, or from the retention of any overpayment; and

Mr. KYL. Madam President, let me describe this amendment briefly and note that it is my understanding that when Senator LEAHY is able to be on the Senate floor, it is his intention to suggest that we take this amendment by unanimous consent. It has been worked out with representatives on both sides of the aisle, but I would like to describe it briefly.

This is an amendment relating to section 4 of the bill, which amends the False Claims Act. My amendment replaces the bill's proposed definition of the word "obligation," which has important implications for the so-called "reverse" False Claims Act pursuant to which private parties may be held liable for failing to pay an obligation due to the United States.

This amendment originally grew out of concerns about the underlying bill that were raised by the Chamber of Commerce and other business groups. Having reviewed those concerns, I have concluded that some of them could only arise under a strained reading of the bill.

The bill's new definition of the word "obligation," in particular, posed several problems. The original language spoke of "contingent" obligations. Such contingent or potential duties could include duties to pay penalties or fines, which could arise—and at least become "contingent" obligations—as soon as the conduct that is the basis for the fine has occurred.

Obviously, we don't want the Government or anyone else suing under the False Claims Act to treble and enforce a fine before the duty to pay that fine has been formally established. It is unlikely that Justice would ever have brought suit to enforce a claim of this nature, but the FCA can also be enforced by private realtors who often may be motivated by personal gain and not always exercise the same good judgment that the Government usually does.

To preclude such a reading of the act, my amendment strikes contingent obligations from the FCA's new definition of "obligation."

My amendment also makes a few other housekeeping changes to the definition of "obligation." It removes the words "quasi-contractual relationship." A "quasi-contract" is a remedy for a breach of duty, not an independent source of a duty. The amendment also makes clear that the words "similar relationship" only modify the words "fee-based relationship" and not the entire list of relationships that preclude that term.

Under some readings of the rule of the last antecedent, the comma in the committee-reported bill that preceded the words "or similar relationship" could be read to reverse the usual presumption of that rule and have the

words "similar relationship" modify all of the words in that list. My amendment makes clear that "similar relationship" only modifies "fee-based relationship."

As a result of discussions with the sponsors of the bill, I have also agreed to allow my amendment to add duties arising out of regulations, rather than just statutes, to the list of obligations made actionable under the law. I declined, however, to also allow obligations to be enforced that arise out of a mere rule. The term "rule" is defined at section 551 of title V, and as that definition makes clear, the term is far too broad. It can include all manner of rules of which defendants would have no reasonable notice.

Regulations, on the other hand, are published in the Federal Register in the Code of Federal Regulations, and so Congress can reasonably expect participants in regulated industries to have notice of them. Thus, as amended, the term "obligation" encompasses duties arising out of statutes and out of formal regulations published in the CFR.

I might also say a few words about aspects of the definition of obligation that I ultimately concluded that it was not necessary to address in this amendment. At the Judiciary Committee's mark up of this bill, I circulated an amendment that would limit obligations arising out of the retention of any overpayment so as to make clear that no obligation arises if the defendant is pursuing some type of administrative, judicial, or other process for reconciliation of alleged overpayments. The sponsors of the bill raised the concern, however, that such a safe harbor might immunize parties that intentionally and maliciously obtain an overpayment, and then spend years exhausting a reconciliation process, all in bad faith and knowing full well that they must repay the money, but earning interest on the overpayment in the interim. Apparently incidents like this have occurred, in cases involving sums that allowed the defendant to earn tens of millions of dollars in interest. The sponsors of the bill also noted to me that, under subparagraph (G)'s modification of the reverse False Claims Act, avoiding or decreasing an obligation is only actionable, in relevant part, if the defendant "knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government." Therefore, a good-faith pursuit of a reconciliation process would not be actionable.

I asked my staff to research the meaning of "knowingly and improperly" to confirm that a person who pursues reconciliation of an overpayment in good faith could not be held liable under the reverse False Claims Act. The answer that I received is that the term "knowingly and improperly," though infrequently used in the

caselaw, is consistently construed to mean that a person either acted with bad intent or that he employed means that are inherently tortious or illegal.

For example, the State of Massachusetts uses the standard of "knowing and improper" to determine whether a business competitor's inducing a third party to breach a contract constitutes tortious interference with contract. See *Boyle v. Boston Foundation, Inc.*, 788 F. Supp. 627 (D. Mass. 1992); *Restuccia v. Burk Technology, Inc.*, 1996 WL 1329386, at *3 (Aug. 13, 1996). And as the cases giving content to the Massachusetts standard make clear, under that test the "[d]efendant's liability may arise from improper motives or from the use of improper means." *United Truck Leasing Corp. v. Geltman*, 406 Mass. 811, 816 (1990) (quoting *Top Service Body Shop, Inc. v. Allstate Ins. Co.*, 283 Or. 201, 209-210 (1978)). See also *United Truck Leasing* at pages 816-817, quoting other cases as construing this standard to require an "improper purpose or improper means." The *Top Service Body Shop* case, quoted by the Massachusetts court, further elaborates, at footnote 11, on what types of means constitute "improper means." These are noted to commonly include "violence, threats or other intimidation, deceit or misrepresentation, bribery, unfounded litigation, defamation, or disparaging falsehood." In the False Claim Act context, this list may include other improper means, but "improper means" must be means that are malum in se—that is, means that are inherently wrongful and constitute an independent tort.

Though less carefully considered than the Massachusetts intentional-interference jurisprudence, other judicial uses of the words "knowing and improper" confirm that the term would not reach good-faith exhaustion of procedures for reconciling an overpayment. In the *Matter of Banas*, 144 N.J. 75, 81 (1996), for example, reprimands a lawyer for "knowingly and improperly retaining—his client's—\$5,000 payment." And the court makes clear that it bases this conclusion on a previous finding that the lawyer "knew from the beginning that the purpose of the payment" was to satisfy a condition that he had not met. See *Banas* at 80. In another attorney-sanctions case, *In re Aston-Nevada Limited Partnership*, 391 B.R. 84, 102 (D. Nev. 2006), the court found that the lawyer "repeatedly, knowingly, and improperly" misused particular words in his filings, and then emphasized that the lawyer's "prevarications and misstatements were deliberate and not careless."

Given that the words "knowingly and improperly" have a fixed meaning that, at the very least, requires either improper motives or inherently improper means, the changes made by this bill cannot be read to make actionable the

retention of an overpayment when the defendant is pursuing in good-faith the exhaustion of a reconciliation procedure. It is with this understanding that I have declined to insist on further qualification of the bill's predication of liability on the retention of an overpayment.

Finally, as a matter of usage, I would note that, contrary to the wording of the bill's new definition of "obligation," duties arise from contracts and the like, not from "relationships." The bill's language is somewhat Oprahfied in this regard, but given that the sponsors have accommodated me on other, more substantial issues, I did not think it worth forcing a rewording of the provision to address this problem.

Other groups have also suggested the bill's new definition of the word "claim," by encompassing situations where money is spent or used "to advance a government program or interest," could make actionable under the False Claims Act any garden-variety overbilling or underpayment of a contractor by a subcontractor if some Federal money is involved in the project. I think this is an unreasonable reading of the bill that is precluded by the committee report, as well as by common sense. The report makes clear that the purpose of the new definition of "claim" is to overrule the *Totten* and *Allison Engine* cases and preclude application of a formalistic presentment requirement of an unnecessary intent requirement, and to restore the previous understanding of the law. And that previous understanding, as well as common sense, dictate that a particular transaction does not "advance a Government program or interest" unless it is predominantly federal in character—something that at least would require, as the report notes in footnote 4, that the claim ultimately results in a loss to the government. Obviously, the government does not intend to make actionable under the FCA any garden-variety dispute between a general contractor and a subcontractor simply because the general receives some federal money. On the other hand, if the transaction is still predominantly Federal in character, and the false claim results in a loss to the government, recovery under the FCA should not be precluded simply because the claim was not directly presented to the government, or because the malfasant did not specifically intend to defraud the government.

Madam President, I ask unanimous consent to lay aside this amendment for the purpose of calling up four other amendments pending at the desk, and those numbers are 986, 987, 988, and 989.

Mr. KAUFMAN. Will the Senator please yield so we have a chance to look at the amendments?

The PRESIDING OFFICER. Is there objection?

Mr. KAUFMAN. Object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I am happy to share these amendments with the other side, but I was not aware the other side had a veto over amendments offered by Members of this side of the aisle.

Mr. KAUFMAN. I would just like to—

Mr. KYL. I am happy to share the amendment, of course. I will withhold for a moment so the Senator can see what the amendment is, and perhaps we can move forward.

Mr. KAUFMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LEAHY. Madam President, I understand there is a pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask unanimous consent that the pending amendment be set aside and it be in order for me to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 993

Mr. LEAHY. Madam President, I send to the desk an amendment on behalf of myself and Senator GRASSLEY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. GRASSLEY, proposes an amendment numbered 993.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the amendments relating to major fraud)

On page 15, strike beginning with line 20 through page 16, line 10, and insert the following:

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after “or promises, in” the following: “any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, the Government’s purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in”;

(2) striking “the contract, subcontract” and inserting “such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,”; and

(3) striking “for such property or services”.

Mr. LEAHY. Madam President, I rise to explain what this is, and then I will try to schedule a vote on the Kyl amendment and the Grassley-Leahy amendment at some time, I hope in the next few minutes.

As we begin consideration of the bill, Senator GRASSLEY and I are offering a brief managers’ amendment. I was just explaining for everybody that it makes two simple technical changes in the bill in order to clarify the original intent of the bill and in order to avoid any ambiguity in the statutory language. It makes sure the bill extends the major fraud statute to all the funds being expended to stabilize and strengthen our banking system.

The original language in the bill amended the major fraud statute to protect against frauds related to many Government economic recovery programs, including the purchase of “preferred stock in a company” by the Government as part of our efforts to stabilize banks. The Justice Department advises that this language may be too narrow, as recovery efforts may include purchases of other types of stock or other troubled assets. So the Justice Department, which supports the Leahy-Grassley bill, has requested that the reference to “any preferred stock in a company” be replaced with the phrase “any troubled asset as defined in the Emergency Economic Stabilization Act of 2008.” This simple change will make clear that all troubled assets purchased by the Government as part of the recovery effort will be covered under the major fraud statute. This change is consistent with the original intent of the bill and simply provides greater assurances that taxpayers’ money will be protected to the full extent of the Federal law.

Second, the amendment strikes five words in the bill that could create unintended ambiguity in the statute and could be used to limit the effect of the bill. The phrase “for such property or services” appears in the original statute as a modifier of the kinds of contracts or subcontracts covered by the major fraud statute. With the changes included in the bill, the language is no longer applicable because the transactions involved in our efforts to stabilize banks include grants, loans, and purchases of assets that may not legally be characterized as “property or services.” If this phrase remained in the statute, it could be used improperly to limit the scope of the major fraud statute and undermine the intent of this legislation, which is to cover all of the Government’s efforts to rebuild our economy and restart our banking system.

Frankly, when we send prosecutors out to get people for defrauding Americans, I don’t want to have something unintentionally in the statute which

may limit the ability of prosecutors to go after those who are defrauding Americans.

These changes that have been requested and supported by the Justice Department have the full support of Senator GRASSLEY, the lead Republican cosponsor of this bill and the Republican manager for this bill. All Senators should support this bipartisan managers’ amendment which should protect our efforts to strengthen the banking system and restart the economy.

What I am going to do, Madam President, I am going to suggest that when Senator KYL gets here and Senator GRASSLEY gets back to the floor, we accept this managers’ amendment—I think it is noncontroversial—and that we then have a vote as soon as he has had a chance to say what he would like to on the Kyl amendment. In the meantime, we will leave the managers’ amendment the pending amendment just so Senators then can understand, if we can work it that way, hopefully we will have a vote relatively soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SANDERS are printed in today’s RECORD under “Morning Business.”)

Mr. SANDERS. Mr. President, I now wish to speak in support of S. 386, the Trade Enforcement Recovery Act. I commend Senator LEAHY, my colleague from Vermont, the chairman of the Judiciary Committee, for introducing this important piece of legislation.

As a result of the greed, recklessness and, in my view, illegal behavior of a handful of executives on Wall Street, we are suffering today from the most severe economic crisis that we have experienced since the Great Depression.

Millions of people have lost their homes, their jobs, their life savings, their ability to send their kids to college, and their sense of hope that their children will follow the American dream and have a higher standard of living than they do.

It is critical that we provide the FBI, the Justice Department, and all our Federal agencies the tools and resources they need to hold those responsible for the financial crisis accountable and throw those who engaged in fraud in jail where they belong. That is what the Fraud Enforcement and Recovery Act is all about. It is imperative we pass this bill as soon as possible.

Under President Bush, the Federal Government basically turned a blind eye to white-collar crime. After September 11, about 100 FBI white-collar

fraud investigators had their job responsibilities shifted to focus on terrorism, which is understandable. But the problem is, they were never replaced to do and continue the work on white-collar crime. As a result, literally thousands of allegations of financial and mortgage fraud are going unexamined this day.

Chairman LEAHY's bill will turn this abysmal situation around by providing the resources necessary for the FBI to hire 160 additional special agents and more than 200 professional staff and forensic analysts dedicated to investigating white-collar crime.

This bill also provides the resources necessary for the Justice Department to add up to 200 prosecutors and civil enforcement attorneys nationwide, as well as 100 support staff to focus on fighting fraud. This bill provides the resources necessary for the U.S. Postal Inspection Service, the U.S. Secret Service, and the inspector general at HUD to hire several hundred additional fraud agents, analysts, and investigators to combat fraud.

This bill is desperately needed. It is important that we take a very aggressive look at the fraud that is going on in that area. I hope very much that all our colleagues will support this legislation.

With regard to this issue of what has been going on on Wall Street, there is no question but that the American people are furious—and rightly so. The American people want answers. What I wish to do now is say a word above and beyond this legislation, some of the areas that I think we have to go after we pass this bill. I think the American people are demanding an investigation to understand how we got into this financial crisis in the first place. Who are those people responsible? Some people say: Well, it is all of us. We are all responsible for this financial crisis. That simply is not accurate. The truth of the matter is, there are probably a few hundred people who, through their greed, their recklessness, their illegal behavior, have pulled our Nation and much of the world into a deep recession.

We need to know who they are. We need to know what they did. We need to make sure this never happens again. And where illegal activity has taken place, we need to hold them accountable.

One other area I wished to touch on, to look at another issue that is of concern to people in the State of Vermont—and I get e-mails on this virtually every day, I know it is true nationwide—at the same time as we are bailing out huge Wall Street financial institutions, at the same time as these financial institutions are getting zero interest loans from the Fed, you know what they are saying to the American people. They are saying: Thanks, chump. We appreciate all your help.

Now we are going to charge you 20, 25, 30 percent interest rates on the credit cards we gave you.

Recently, I have been receiving many e-mails from people who have seen the Bank of America, for no particular reason, doubling their interest rates all over this country. People are using their credit cards to pay for their groceries, to pay for basic needs. College kids, they are using credit cards to pay college expenses, and they are being charged outrageous rates.

The reality is, today in America, if you can believe it, one-third of all credit card holders in this country are paying interest rates above 20 percent, and as high as 41 percent, which is more than double what they paid in interest in 1990.

What we are looking at right here is a situation in which the American people are bailing out these large institutions and in return what we get are outrageously high interest rates. I have introduced, along with Senators DURBIN, LEVIN, LEAHY, HARKIN, and WHITEHOUSE, legislation that will require any lender in this country to immediately cap all interest rates on consumer loans at 15 percent, including credit cards.

The reason we have selected that number is, it is precisely what credit unions all over the country are operating under and have operated under for 30 years, and they have done well. They are not coming to Washington for hundreds of billions of dollars in bailouts.

I think if it has worked well for the credit unions, it can work well for financial institutions. I hope we can get that bill on the floor and see it pass to protect millions of credit card holders all over this country.

There is another issue I think we have to address. The reason Congress has provided \$700 billion to bail out Wall Street, against my vote I should say but that is what happened, the reason the Fed has lent out over \$2 trillion to large financial institutions has a lot to do with the phenomenon of "too big to fail."

The thought is, if a large financial institution goes under, it will bring systemic damage to our entire economy, and it has to be propped up. As I said on the floor of this Senate more than once, if an institution is too big to fail, it is too big to exist.

I will be introducing legislation soon to require that the Federal banking regulators examine every bank in this country to make sure no bank is too big to fail over a reasonable period of time. In other words, I think we have to take a look at what Teddy Roosevelt did 100 years ago, over 100 years ago. If an institution is too big to fail, let's start breaking them up right now so we do not find ourselves back in the same place some years from now.

It goes without saying, in another area, we have clearly got to end the de-

regulation of banking laws that were passed over the last decade that helped cause this crisis. There was a belief that if we let Wall Street do all the wonderful things they are capable of doing, well, they are going to provide and create prosperity, not only for their people but all over our country.

Clearly, we have learned a lesson: When you leave Wall Street alone, they will do what they do best; that is, act in a very greedy way to maximize their profits. For them, 20 percent, 30 percent were not enough. They needed 40 percent, they needed 50 percent rates of return. Their CEOs needed not \$20 million, not \$50 million, in some cases they needed \$1 billion.

I think it is now widely understood that we have to reverse the deregulation that took place over the last decade, and we have to move forward with sensible regulation. That means we have to revisit certainly Gramm-Leach-Bliley, we have to restore the firewalls that were imposed by the Glass-Steagall Act in 1934 and that were repealed as a result of deregulation.

On another issue, I think there is growing concern that the Federal Reserve has taken on new responsibilities and that there is a clear lack of transparency in the Fed. The American people have a right to know what is going on there, and today we are kept in the dark.

Regardless of one's views on the merits of the \$700 billion financial rescue package that was signed into law by President Bush on October 3, one thing we can say is that if the taxpayers and the citizens of this country want to know who received this money, all they have to do is go to a Web site and they can find that.

On the other hand, if you want to know who received \$2.2 trillion from the Fed, if you want to know what the terms are of those agreements, you will not find any information whatsoever. All of that information has been kept secret from the American people.

I am grateful that as part of the budget debate, the Senate voted 59 to 39 in favor of an amendment I offered to the budget resolution with Senators BUNNING, WEBB, and FEINGOLD, calling on the Fed to release this information. In my view, it is time for the Fed to listen to the will of the Senate and the American people and release this information as soon as possible.

Let me conclude by simply saying I think today we are debating a very important piece of legislation, the Fraud Enforcement and Recovery Act, introduced by my colleague from Vermont. This is an extremely important legislation. Let's get it passed as soon as possible with as large a vote as we can.

After we do that, let's start turning our attention to other aspects of this Wall Street crisis so we can respond to the frustration and the anger of the

American people, create a new Wall Street, create accountability, lower interest rates, and do many of the things the American people want to us to do. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have been in discussions with the distinguished Republican deputy leader, Senator KYL. We do not have a formal agreement but what we are looking toward doing, in the next 10 minutes or so, is having acceptance of the managers' technical amendment and then going to a rollcall vote on Senator KYL's amendment, which I will support.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 993, AS MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent to modify the Leahy-Grassley amendment at the request of the Justice Department to add the word "or" after the comma at page 2, line 1. I send the modification to the desk.

The ACTING PRESIDENT pro tempore. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

On page 15, strike beginning with line 20 through page 16, line 10, and insert the following:

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after "or promises, in" the following: "any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in";

(2) striking "the contract, subcontract" and inserting "such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,"; and

(3) striking "for such property or services".

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to be recognized until Senator KYL returns to the floor or for a shorter period of time, whichever may be the shortest.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, nobody disputes the intent that we ought to go

after the fraud that has been associated with the mortgage industry and some of the problems thereof. We passed the stimulus bill that had a lot of money for the Justice Department in it. We didn't tell them they should use the money on this. We passed an omnibus bill, none of which did we put money in. We put \$10 million in for the FBI. Now we come before the Senate wanting to authorize \$500 million more for a bill in a department, the Justice Department, that will end this fiscal year with over \$2 billion in the bank. Since I have been a Senator, they have had over \$2 billion at the end of the year. There is something unique about the Justice Department. The Justice Department is the only Federal agency that doesn't ultimately have to send its unspent money back to the Treasury. They get to keep it.

In a time where we are spending money to the tune of \$112 billion a day every day we have been in session so far in this 111th Congress, to say that we ought to send another \$500 million to an agency that is going to have \$2 billion left over at the end of this year and the next few years to come tells us we are not good money managers, but most of the American people know that already.

On fiscal grounds, what we are doing is, we are authorizing money. And that is what will be the response to this debate: It is just an authorization. The fact is, if you are authorizing, you intend to spend it. You are going to try to get another \$500 million appropriated on this bill.

Secondly, we don't have ex post facto laws. So everything this bill does has no application in terms of a statute change to any of the crimes committed, either the fraud or money laundering or anything else. It has no application. None of it will apply to misdeeds and infractions of the law that happened that got us into this crisis.

Additionally, every act that was committed that broke a law under the statutes we have today, both Federal mail fraud and wire fraud, can be prosecuted already. What is going on? What is going on is, we are going to pass a bill in reaction to a problem that Congress created in the first place by incentivizing poor behavior at Fannie Mae and Freddie Mac, by not doing oversight, and we are going to make everybody feel better because we reacted to it. We don't need new laws on the books. What we need to do is enforce the laws we have today. It may be true that the Justice Department might need additional moneys. But where is the oversight?

We released a report earlier this year that showed \$10 billion over the last 5 years of waste in the Justice Department. Here is a department that has wasted \$10 billion over the last 5 years, has \$2 billion at the end of this year with which they could fund this. We

didn't fund any of it except \$10 million in the stimulus bill or the omnibus bill, and we are adding new laws to the books that we don't need to prosecute the people who broke the law. It is a typical congressional reaction when what we should be doing is enforcing the laws already on the books and supplying on a priority basis the funding for the Justice Department to prosecute that.

I see Senator KYL is here. I will continue my comments later.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have the Leahy-Grassley technical amendment. I ask for its passage.

The ACTING PRESIDENT pro tempore. Is there further debate on the pending amendment?

Hearing no further debate, without objection, the amendment, as modified, is agreed to.

The amendment (No. 993), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 985

Mr. LEAHY. I believe it would be in order now to bring up the Kyl amendment; is that correct?

The ACTING PRESIDENT pro tempore. That is the pending amendment.

Mr. LEAHY. I ask for the yeas and nays on the Kyl amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will describe this amendment in one sentence so as not to be more confusing than it otherwise would be. It is clearly a technical amendment and has strong support on both sides. It modifies the bill's definition of the term "obligation" as used in the reverse False Claims Act to exclude contingent obligations, thus precluding the possibility that conduct that makes a defendant liable for a penalty or a fine could become actionable under this law before that fine is actually established or assessed. I believe the amendment is agreed to on both sides.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Arizona. He worked with me and Senator GRASSLEY. We both support his amendment. I will vote for it.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to amendment No. 985.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. Rockefeller) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—94

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shaheen
Burris	Isakson	Shelby
Byrd	Johanns	Snowe
Cantwell	Johnson	Specter
Cardin	Kaufman	Stabenow
Carper	Klobuchar	Tester
Casey	Kohl	Thune
Chambliss	Kyl	Udall (CO)
Coburn	Landrieu	Udall (NM)
Cochran	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lieberman	Webb
Cornyn	Lincoln	Whitehouse
Crapo	Lugar	Wicker
DeMint	Martinez	Wyden
Dodd	McCain	
Dorgan	McCaskill	

NAYS—1

Sanders

NOT VOTING—4

Kennedy	Roberts
Kerry	Rockefeller

The amendment (No. 985) was agreed to.

AMENDMENT NO. 995

(Purpose: To establish the Financial Markets Commission, and for other purposes)

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside and the clerk call up amendment No. 995.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 995.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I am honored to be introducing this amendment today on this piece of legislation. I am particularly pleased to have worked for the past 3½ months with the Senator from North Dakota, Mr. CONRAD, who is the principal cosponsor on what is known as the Financial Markets Commission.

In the last year, the people of the United States have seen the value of their homes decline, the value of their 529 savings accounts for their kids' college decline, their mutual funds, and their investments in whatever category. Declines that started out to be a hiccup became colossal and we now find ourselves in a position where we are deleveraging and we are deflating in the United States of America.

There should be some answers. Quite frankly, there is plenty of blame to go around, but we need some answers. We need some guidance. We need to ensure that my grandchildren and my children and yours don't ever go through the experiences we have gone through and we have shared with the American people in the last 12 months.

The only way to get an objective evaluation of what went wrong and where mistakes were made is to create an independent commission of recognized people of experience to look into the financial markets, the rating agencies, Freddie Mac, Fannie Mae, investment bankers, hedge fund operators, commodities traders—everybody—and FASB and say: What went right, what went wrong, and what could we have done better to have prevented this from going on?

I have a lot of suggestions. I could drop a lot of bills right now, including transparency for hedge funds and changing who compensates the rating agencies from the seller securities to the buyer securities. But we need a forensic audit of the laws of the United States as it relates to the financial markets, the Federal Reserve, and every aspect, so whatever did go wrong that could have been avoided is avoided.

This Commission is designed to operate for 18 months. It has a budget of \$5 million and subpoena powers and it is directed to report back to the Congress of the United States its findings. It is specific in every regard so that anybody who could have been a part of what happened in this financial collapse is subject to investigation, is subject to scrutiny, and is subject to the sunshine that is necessary to get answers.

I think we owe it to the American people. I know I owe it to my children and grandchildren and to those people who voted for me to find out what went wrong and try and make it right.

Senator CONRAD has been diligent in his effort to help. He has made very

constructive suggestions concerning the amendments to this legislation. Jointly with him, we worked with the Banking Committee members, the ranking member, and the chairman to try to incorporate the ideas of everyone and to make sure we don't miss the mark, that we stay on focus, and we get what the American people deserve; that is, answers to what caused the financial collapse that has decreased the value of their homes, the value of their savings accounts, protracted their retirement, and brought about the uncertainty that we have today in the economy of the United States of America.

With that, I thank the Senator from North Dakota for his help. I thank the chairman and ranking member of the Banking Committee.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from North Dakota is recognized.

Mr. CONRAD. I thank Senator ISAKSON for his leadership in this matter. It has been exemplary. I have truly enjoyed working with Senator ISAKSON and his staff. They are the leads on this legislation, which I think is one of the more important pieces of legislation we will consider this year.

We have had two extraordinary tragedies in this country in the last period of time: September 11, when this country was attacked, and also what was very close, I believe, to a global financial meltdown. In fact, I will never forget as long as I live when, last fall, being called to a special urgent meeting in the leader's office with the chairman of the Federal Reserve and the Secretary of the Treasury of the previous administration and being told they were going to take over AIG the next day and they believed if they did not do it, we could suffer irreparable damage to the economy of the United States and, in fact, we could face a global economic meltdown.

After 9/11, we put into place a commission—bipartisan, nonpartisan—to review what happened, why it happened, and what could be done to prevent it from ever happening again.

That is precisely what we must do now with respect to the economic crisis that is upon us. We have an obligation to the people of this country and to our colleagues to put into place a commission, which is separate from partisan politics, to do a careful review of what happened, why it happened, and how it could be avoided from ever happening again.

All across America, millions of people are wondering about their retirement. They are wondering if they will be able to retire. They are wondering what the quality of their life is going to be in retirement. They are wondering how their 401(k) became a 201(k). How did their retirement savings get cut in half? What occurred and who is responsible and what could be done to prevent it from happening again?

This Commission will have 10 members appointed by the majority and minority leaders of the Senate, the speaker and minority leader in the House of Representatives, the chairman and ranking members of the Senate Banking Committee and the House Financial Services Committee. It will be charged with reporting back to the President, the Congress, and the American people by the end of next year. The Commission will also have the authority to refer evidence of criminal wrongdoing to the Justice Department and State attorneys general for prosecution.

I believe this Commission is absolutely essential to determine, in a nonpartisan way, how this financial crisis occurred. Where were the mistakes made? Were there failures of regulation? Were there failures in the regulatory agencies? Were there failures in the private sector?

I think we all know the answer to every one of those questions is yes. There were failures in the Congress of the United States and in the administration. This is not a finger-pointing exercise; this is an exercise to determine, on a fair and objective basis, what occurred and what can be done to prevent it from happening again. That is the goal of the legislation introduced by Senator ISAKSON, which I am proud to cosponsor.

Let me conclude by saying that working with Senator ISAKSON has been a delight. He is a fairminded, serious legislator who has spent an enormous amount of time doing this legislation—and, let me say, doing it right, talking directly to the committees of jurisdiction, trying to get their input, their assessment, and also talking to other colleagues and preparing something that I think is fair, balanced, and is completely intended to be objective in its outcome.

I think all of us have a responsibility to see this through to the end, so that at some future date the American people will be able to look back and find out, on an objective basis, what were the failures of fiscal policy, what were the failures of monetary policy, what were the failures of the private sector, what were the failures of Government regulation and the policymakers in the Congress of the United States and in the administration? What could be done to prevent it from ever happening again? We have that obligation to the American people.

Again, I thank Senator ISAKSON for his leadership on this important matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have listened to some of the things being said. I agree with the distinguished Senator from Georgia, who said we should find out what went wrong and

try to make it right. The distinguished Senator from North Dakota said we should find out what happened and why it happened and make sure it never happens again. And it should be a nonpartisan effort, not finger pointing.

I find myself closely aligned with this. I said the same thing about having an accountability commission on what happened in areas including torture, the OLC memos that twisted statutes and policy, and with White House interference in prosecutions and law enforcement. And I have been making such a recommendation for some time, so that we can find out just what happened. As we now found, opinions were written that were totally contrary to the law. We find such things as the Bybee memo. I hope that Judge Bybee, now that that memo has become public, will do the honest thing, the moral thing, the right thing, and resign from the bench. We find out about more and more of these alarming issues, but we still do not have all the facts.

I think we should have some type of a nonpartisan commission, as the Senator said—not for finger-pointing, as he said—but to find out what happened and why it happened and to make sure it never happens again. We must find out what happened in order to try to make it right, as the Senator has also said.

I am tempted to offer, as a second-degree amendment to this one, an amendment to include an examination of everything that went on during the last administration with regard to the manipulation of prosecutors, the manipulation of the law, and those who wrote memos saying basically that certain people in the Government are above the law, cannot be affected by the law, and cannot be held accountable to the law. Those individuals even went so far as to say that the President could simply decide the law does not apply to him, which, of course, would be the first time in this Nation's history that any binding Executive branch memo has ever claimed a President has that authority that I am aware of. All the arguments made by the Senator from North Dakota, which I believe were good arguments, could be made, for my commission proposal. On the question of why people decide not to follow our laws, how they convinced themselves to do that, and how they managed to get lawyers to write twisted memos to justify the idea that they did not have to follow the law: we had a certain cadre of such people within the White House and within the administration. And they apparently believed they could automatically excuse themselves from following the law.

As I have said, there is the temptation to offer this as a second-degree amendment. I will not. But I simply point out that if it is applicable here, it is certainly applicable in those areas where people were not just trying to

steal money, they were trying to steal the Constitution of the United States. And they are trying to steal the laws of the United States. I think that should be looked into just as much as somebody who might want to steal money from the United States. Money can be paid back and should be paid back. Once you lose honor, once you lose your integrity, once you lose credibility, once you lose adherence to our Constitution, that takes a lot longer to get back.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I will speak on a provision of the bill dealing with money laundering. This section of the bill that I am referring to would amend the criminal money laundering statute to make clear that the proceeds of specified unlawful activity include the gross receipts of illegal activity and not just the profits of that illegal activity.

The money laundering statutes make it an offense to conduct financial transactions involving the "proceeds" of a crime, sometimes referred to as "specific unlawful activity" in the statutes.

These statutes, however, do not define what the term "proceeds" amounts to. Instead, the term has been left to definition by our courts.

For 22 years, since the money laundering statute was enacted in 1986, courts have construed "proceeds" to mean "gross receipts" and not "net profits" of illegal activities consistent with the original intent of Congress.

However, last year, the Supreme Court entered into it and, of course, reverses the definition in a case called *United States v. Santos*.

The Supreme Court suggested that the term "proceeds" was "ambiguous"—that is their word—and as a result, under the rule of lenity, the Court gave the term a much narrower definition.

In this decision, the Court mistakenly limited the term "proceeds" to the "profits" of a crime, not the more global word "receipts."

As a result, the Court's decision has limited the money laundering statutes to only profitable crimes. It gives criminal defendants an argument against their criminal conduct by forcing the Government to prove that they actually made a profit, regardless of the criminal activity.

This decision of the Court is contrary to the intent of Congress in passing the money laundering statutes and weakens one of the Federal Government's

primary tools used to recover the proceeds of illegal activity, including mortgages and securities fraud.

For example, these are some of the problems created by the Santos decision.

If a drug dealer committed a financial transaction with the proceeds of illegal drug dealing but the money was only used to purchase drugs, then they could not be prosecuted for money laundering. I know, everybody hears that, and they say common sense dictates otherwise. But the Supreme Court interpretation puts us in that sense that is contrary to common opinion.

Another example: If a fraudulent broker, such as a mortgage broker, intentionally overvalued the fair market of a home for purposes of a mortgage, that broker could only be charged for money laundering related to any fees or potential profit made in the fraudulent transaction, not based on the full value of the house.

Another example: An executive who committed security fraud could not be charged with money laundering if the fraud were unsuccessful in making a profit even though there was a fully completed financial transaction.

Those are just three of many examples I could give about how Santos very narrowly construes the possible prosecution and limits the prosecution of certain unlawful activity in the area of money laundering.

This legislation corrects the Santos decision and moves us forward so that profit or not, there is money laundering actually going on, we will have an opportunity to prosecute and hopefully succeed in the prosecution.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will in a period of time offer an amendment with my colleague, Senator MCCAIN, dealing with a select committee of the Senate. We are waiting for Senator DODD, and as soon as Senator DODD arrives I will relinquish the floor so he might proceed.

As we are waiting, I wish to commend my colleagues, Senator ISAKSON and Senator CONRAD, on the legislation they have introduced dealing with a commission. The formulation of a commission seems to me to make some sense.

I offered something called the Taxpayer Protection Act in late January of this year. One of the five provisions of that act called for the creation of such a commission. Frankly, Senator

ISAKSON and Senator CONRAD have substantially improved on that idea. Their amendment is very well done. It is something I very strongly support and I think will advance the interests of the Congress and the American people in trying to understand what exactly has happened here.

I do want to mention that the amendment I will offer following a discussion in a few minutes by Senator DODD will be an amendment that relates to S. Res. 62, a Senate resolution Senator MCCAIN and I jointly submitted about 2 months ago calling for the creation of a select committee to investigate, through the use of subpoenas and other approaches, the narrative of what has happened. While I think a commission is valuable in making recommendations, having some of the best minds around the country serving on an independent commission, I also believe there is a responsibility in the Senate for a select committee of the type that has existed in history on a number of occasions to do the work to understand what is the master narrative here, what has happened to cause this unbelievable financial crisis. I will talk more about the issue and the need for the establishment of a select committee when I introduce the amendment, but for the moment I wanted to say a couple of things.

One, I believe this issue of a commission that my colleagues have advanced is something very worth supporting. Both my colleagues, Senator ISAKSON and Senator CONRAD, have done a lot of work on this, and it is very good work and it deserves, in my judgment, our support.

I also want to say, in the context of these discussions, that before our colleague, Senator DODD, who is coming to the floor in a bit, and who is chairman of the Senate Banking Committee, now lies the task of trying to put together the pieces of this puzzle and to find out how all of this works. He has done an enormous number of hearings. What Senator DODD is doing in these hearings in the committee and under his leadership is trying to figure out how do you lift this country out of the ditch? How do you put this system back together? How do you fix what is wrong in this banking system? How do you put the pieces together so they fit and represent the public interest so this doesn't happen again?

Senator DODD has done so many hearings on this in the recent months. Very few Members of the Senate, I think, understand the hours it has taken Senators DODD and SHELBY, leading that committee. But I must say again, they are forward looking to try to figure it all out. This country is in a huge hole. We have a banking system in chaos. We have a financial crisis. How do you get out of this hole? How do you lift this country? How do you

put the pieces back together? How do you fix what is wrong in order to make it right so we can provide for recovery in this country?

I want to say again that our colleague, Senator DODD, and let me also say the ranking member of that committee, has an enormous burden. Under Senator DODD's leadership, I think they have done an extraordinary job and they are at that work even today as I speak.

As we talk here on the floor about these issues, I don't want anybody to misunderstand the responsibilities of the committee and what that committee is trying to do. I don't serve on that committee, but we have some awfully good Senators who do—Republicans and Democrats—and we have a good chairman—who are all trying to figure out how you put this together going forward.

You know, this country has not seen this kind of financial collapse for a long time—the first time in my lifetime, certainly. It is a collapse of the sort that harkens back to the Great Depression. And the question isn't whether this country will recover—it will. This is a great country, very resourceful, and full of great people who want to lift this country up. We need to do that work together. The question isn't whether; the question is when and how we will effect this recovery. And that is part of what all of us are grappling with, most notably, of course, the Senate Banking Committee. The discussions that are underway this afternoon are discussions about a commission, a committee, and so on. They are very important.

Let me make one other point. The legislation that is the subject of amendment is legislation brought to us on a bipartisan basis by Senator LEAHY and Senator GRASSLEY and others. That is a piece of legislation that is very important as well, and I will speak more about that at some later point. But the underlying legislation is another piece of trying to grapple with something that should never have happened but now must be fixed. They are talking about providing the resources necessary for the investigators, for the prosecutors, for the law enforcement functions that need to be exercised here to find accountability—who did what. We don't know.

It is interesting, there are a lot of things that have caused us problems and that steered this country into a financial ditch—a lot of them. Debt, deregulation, and dark money are just three, and I could describe all of them at great length. But our colleagues, Senator LEAHY and Senator GRASSLEY and others, on a bipartisan basis, are bringing something to the floor that says let us have the resources to go after some of these kinds of practices.

Let me show you something. I went to the Internet today. This is on the

Internet today. This is an advertisement: You want to get a loan? These folks want to give you a loan. It is called speedy bad credit loans. Isn't that unbelievable? With all this country has faced, you can go to a company called speedybadcreditloans.com. You have bad credit? They say that is okay. You have no credit? Well, that is OK too. If you have been bankrupt, that is no problem. Come to us, we will give you some money. These are the same shysters who have been involved in this and who ran this country into the ditch.

I was wondering if I should spell that word. Maybe I shouldn't have used the word, but the fact is it is the same kind of folks who ran this country into the ditch in the first place by putting out subprime mortgages and saying: If you have bad credit, come to us. No credit, slow pay, no pay? Come to us. Doesn't matter. We want to give you some money. It is unbelievable to me.

So here on the Internet today—bad credit mortgage, no credit, bad credit, bankruptcy, no downpayments, no delays. You certainly don't need delays if you don't have a good credit rating. You want to get some money from somebody? By the way, these folks are making a fortune. They put money out there on the street and then they would securitize it, pass the risk on up, and everybody was making a bunch of money.

My colleagues, Senators LEAHY and GRASSLEY and others, are saying: You know what, the resources needed to go after these kinds of people and prosecute this bad behavior and hold people accountable, those resources need to be passed by this Congress. And I agree with that.

Here is another on the Internet today. CC&G Financial Group working together to build your dreams. Bad credit? Poor credit? We can get you in your dream home. In fact, we will finance the current home that you have. Isn't that something? CC&G Financial Group says, you have bad credit? You have poor credit? Hey, we have a deal for you. Borrow some money from us.

Let me tell you the little trick these folks have been doing. They put you into a mortgage with a teaser loan. They say: You know what, you are paying way too much on your monthly payment. We will give you a loan with a 2-percent interest rate. We can cut that monthly payment by hundreds and hundreds of dollars a month. Oh, they don't tell you that it will reset; and yes, that 2-percent interest rate that gets that payment way down in about 2 or 3 years will reset to 10 percent or 12 percent, and then you won't be able to afford to make the payment. And by the way, we will lock in something called a prepayment penalty—which you will never hear about. It means you can never repay it.

Now, why do they do that? So they could pack these up like sausages.

They used to pack sawdust in sausages for filler. They would pack them up like sausages with sawdust, and then slice them and dice them and sell them as securitized loans. And they say to these hedge funds, investment banks, and others that wanted to buy all this nonsense, all this investment trash, they would say, we have a good deal for you. We have a bunch of loans in here with prepayment penalties, so they can't get out of it, and by the way, the yield is good. All these smart people in the room didn't understand that nobody was going to be able to repay those loans.

They also say: Do you want a loan with no documentation of your income? It is called a no doc. No documentation. We will give you a loan on your home and you don't even have to document your income. We don't care. No doc. You want a loan you don't have to pay any principal on, just the interest? If that is not good enough, you can't pay the interest even? We will do this for you. You don't have to pay any principal, or all the interest. We will wrap it around the back side of the mortgage. Or even better, we don't have to document your income, you don't have to pay any principal, any interest, and we will make the first 12 payments for you.

That is how lucrative this business was. You got bad credit, can't pay your bills, are you a bad risk? Come to us. The biggest mortgage company in the country—Countrywide Mortgage—here is what they said—the biggest mortgage company in the country. And by the way, they went belly up, and the folks at the top of that company went home with hundreds of millions of dollars—hundreds of millions of dollars. Here is what the biggest mortgage company in the country said in the middle of all this. They said: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. We consider you a buddy, because we can make a bunch of money off of you.

Well, Mr. President, I will discuss more about this later. I have been waiting for my colleague from Connecticut, who I indicated was on his way, and I wish to yield the floor now, and following my colleague's presentation, at that point I wish to offer an amendment with my colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see my colleague from Connecticut is waiting, so I will be brief. There is not much I can add to the words of my friend and colleague Senator DORGAN of North Dakota, whom I have had the privilege of working with in the past on a number of issues, especially the investigation of a scandal that is still ongoing, as a matter of fact, concerning Mr.

Abramoff and his corrupting effect on both sides of the aisle.

All of us just came back from a recess. All of us had an extended opportunity to visit with our constituents. In Arizona, I had that opportunity. Traveling around my State, I saw that there is confusion, there is frustration, and there is justified anger. People are not able to stay in their homes, and they are unable to keep their jobs, with unemployment continuing to go up. A State such as mine was hurt very badly because we were on the crest of the wave of the housing and the crashdown in the most dramatic fashion. So I understand and appreciate and sympathize with the fear and anger and frustration people feel about what is going on in America's economy today, and they want answers.

Actually, they want two things: They want answers and they want relief. But they also want to know what are we going to do to prevent a crisis of this nature from ever happening again. So far we haven't given them any real good answers. That is why the proposal of Senator DORGAN, which I am pleased to join in, is so important at this time. The American people deserve to know what caused this crash, what caused this catastrophe which caused them to lose their homes, their families, their jobs, and futures.

A select committee could get to work right away. We could be in business for a year. I have been on select committees before, including the one on POW and MIA issues. We were able to resolve the issue to a significant degree in a bipartisan fashion. I have no doubt this could be a bipartisan select committee. There have been select committees in the past and there may be select committees in the future, but this is vital to Americans now because they lack confidence in our economy today and in their future.

Americans deserve to know what happened, to apportion responsibilities, and most importantly to know this will never befall them again. So I urge my colleagues to act and act quickly. We can talk about a commission. I have no objection to commissions. Some have been successful, some have not. The 9/11 Commission, which I was proud to sponsor, had magnificent results. The Commission on Social Security and Medicare disappeared like a stone.

I understand there are various areas of jurisdiction. The distinguished chairman of the Judiciary Committee is here, the distinguished chairman of the Banking Committee is here, and I know they are working hard, and I know they are going into their areas of responsibility. But I would allege that these areas of examination include economic, financial, banking, housing, trade, and a broad range of issues which are not under the jurisdiction of

a specific committee. I understand jurisdictional proprietorship. I also understand some people may view this as some kind of encroachment upon their responsibilities. But another thing about a select committee is that it gets the kind of attention that select committees get. I have been around the Congress long enough to see that when there is a crisis, select committees get the kind of attention and the kind of results that can lead to the kinds of reforms that are necessary.

We are in the greatest economic crisis since the Great Depression. Everyone knows that. The American people deserve to know what happened, who caused it, and what we are going to do about it.

It does not just lie under the jurisdiction of one committee. It crosses all lines, and it should be composed, frankly, of the most qualified people and staff we can come up with. So I urge my colleagues, in the interest not of specific committee jurisdiction but in the argument that this crisis, in its size and severity, is nearly unprecedented in American history and requires extraordinary actions. That is not business as usual.

I urge my colleagues to set aside any partisan or jurisdictional differences and vote in favor of an immediate appointment of a select committee to immediately address this crisis which has affected the United States of America in the most painful fashion.

I thank my colleague from North Dakota, who fits the best and finest and most admirable definition of a prairie populist. I thank him and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, on the particular matter, the distinguished Senator from Arizona and the distinguished Senator from North Dakota have spoken about the jurisdiction of the Judiciary Committee, and I assume the chairman of the Rules Committee will speak about it. I also understand that Senators SCHUMER and COBURN have amendments. I urge them to come to the floor because there has been a request for a vote on the Isakson-Conrad amendment. I will not make a unanimous consent request at the moment, but it is our intent to have a vote on that around 4:20, 4:30—on the Isakson-Conrad amendment.

I understand, because of budget matters that come up tomorrow, there is an intent to try to finish this bill tonight. We can finish this bill tonight. I hope we could finish it before 6 or 7 or 8 o'clock. Having an Irish father and Italian mother, I come with a hopeful attitude by nature. But I note we will have a vote around 4:30, 4:20 or 4:30.

There are a number of matters. I see the distinguished and able chairman of the Banking Committee here. There are a number of matters within the ju-

risdiction of the Banking Committee. I will let him speak to that.

I urge Senators who have amendments to bring them to the floor because as soon as we have no amendments apparently here, we are going to try to move to final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me, first of all, commend our colleague from Vermont for his work on the underlying subject matter, which is of great importance not only to the Senate but to the American people, to deal with issues of fraud and related matters. I think it is tremendously helpful.

I was not on the floor. I apologize to my colleague from Georgia, Senator ISAKSON, and to Senator CONRAD, with whom I have joined in offering their proposal to establish a commission to examine, as the Senator from Arizona has accurately pointed out, and the Senator from North Dakota pointed out, the most serious economic crisis in the last 100 years of our Nation. This is a matter that not only deserves our attention, in terms of what steps we take as legislators to avoid the kind of problems we are witnessing today, but also, I think importantly, to look back as to how we ended up in this situation over the last several years.

Going back, it all didn't begin a year ago or 2 years ago, but decisions that were made as many as 20 years ago—15, 10 years ago—had an awful lot to do with the problems that emerged, particularly in the area of residential mortgage foreclosures that became the root cause of the economic collapse.

There is no debate about whether we ought to look back. At least I don't see any. I think it is critically important, as other Congresses at other moments in our Nation's history when confronted with other crises have done. Whether it was the great Civil War, the sinking of the Titanic, the so-called Pecora Commission—which was named for the legal counsel of the Senate Banking Committee during the Great Depression, looking back, obviously, the 9/11 Commission. There is example after example. The only question that remains for us to decide here is what is the best way to do this.

Senator ISAKSON, Senator CONRAD, myself, and others who may join us, believe the outside commission is probably the best alternative, given the magnitude of the problem that must be examined. I think it will take a significant amount of hard work by some very talented and knowledgeable people over the next year, year and a half or so to do the job. Or do we engage in the same effort internally in this body with a select committee made up of Members of the Senate who would have to pretty much dedicate almost their entire time, in my view, to that subject matter at the very time we are trying

to step forward with some answers that will provide some solutions as to how we avoid pitfalls.

Obviously, we were not waiting in the Banking Committee. Senator SHELBY and I, my very able and competent former chairman of the committee and today ranking member, have already had, I think, some 15 or 16 hearings just since the end of January on the subject matter—the Presiding Officer is a distinguished member of our committee—on how we create the architecture to go forward and fill in the gaps so we don't end up with the same kind of problems that created the situation we are in. We cannot wait until the next Congress to do that. I believe it incumbent on us to come up with some answers to that in this Congress. We are working very hard on exactly that effort. There are some other matters we have to pay attention to, but that, I would argue, is the principal job of our committee in this the 111th Congress.

I know other committees are deeply involved. The Finance Committee is deeply involved in health care. Senator MAX BAUCUS and Senator CHUCK GRASSLEY are going to be spending virtually every waking hour over the next several months, along with Senator KENNEDY and Senator ENZI, on the Health and Education, Labor, and Pensions Committee, not to mention others, dealing with that issue.

We have the climate change issues. We have the budgetary matters. Senator CONRAD and his committee, along with JUDD GREGG from New Hampshire, are deeply involved in the budgetary questions.

When you start talking about forming a select committee made up of Members of this body, some of the very people on the Finance Committee, the Banking Committee, the Budget Committee, are already consumed with major responsibilities. The likelihood that a group of ourselves here could dedicate the time and the effort that needs to be dedicated to the examination of this issue while simultaneously trying to get our economy back on its feet again, I think is asking an awful lot.

My disagreement with my very good friend, and he knows this, my close friend from North Dakota, along with JOHN MCCAIN, with whom I have had a very good and positive relationship over the years, is not about whether we ought to do this—there is no debate about that—but where is the best venue for this to occur.

Let me make a second argument to my colleagues. This has already been a pretty acrimonious debate regrettably, but it has turned into that. There was a lot of finger-pointing going on. None of us may like that individually, but it is what it is. I think to the extent we can ask the body, that is a political body in nature, to kind of do the job

without engaging in some of that "blame the other guy for the problems we have" is unavoidable. I don't think any of us objectively believe that is a very good way to proceed. We are not going to get very much out of it if that becomes what happens in these select committees, making sure someone else gets responsibility for the difficulty. Believe me, there is a lot of responsibility to go around.

But I believe if you end up having that kind of framework you are inviting that kind of environment and I think the last thing this body needs at this hour is to be seen as engaging in nothing more than the politics of the blame game.

I argue, again, that an outside commission made up of people who are knowledgeable, coming from the world of finance, academia, labor, consumers, others, who could dedicate the time and effort along with a competent staff to work with them and reporting back to us, the committees that have jurisdiction, as they uncover evidence or ideas that would help us fill in these gaps that we need to do legislatively, makes more sense. For that reason, I commend Senator ISAKSON, who is the principal author of this. Senator CONRAD has joined him, as I have and my staff. We worked together over the last number of days. Senator SHELBY's staff has also been tremendously constructive and positive trying to put together this idea that would make sense to our colleagues.

That is the difference. Do we go with a select committee made up of ourselves—and certainly every committee that has some jurisdiction on this would want some members on the committee. The idea that we would ask a group of us who have nothing to do with the subject matter to become part of the select committee also works counter to what we are trying to achieve, and so the Members who have jurisdiction, I assume, would insist on being a part of it.

Which subcommittee chairs it? How do you decide how big that committee is? All these are matters which could end up dividing us, when our job ought primarily to be to find out what went on and utilize a means that would help us achieve that and then, more importantly, to do our jobs to make sure the very problems and gaps that existed to allow this problem to emerge are taken in so we plug those, in effect, or mend those in a way and help create that architecture that would allow our economy to grow, the confidence to be restored, and the sense of optimism to come back to our country.

I am very complimentary of my colleague from North Dakota for talking some weeks ago. He is not a Johnny-come-lately to the issue. He argued for this idea of looking back. I thought about it a lot and have been trying to determine which way is the best for us

to proceed. It is always with some regret when you disagree with a friend—not about the goals. In that there is an absolutely common interest. But which of the methods should we use to help us achieve those goals? I believe our colleague from Georgia and our colleague, ironically, from North Dakota as well—the two Senators from North Dakota are kind of on opposite ideas of this issue. Not on the issue of what we ought to achieve but rather—

Mr. DORGAN. Would the Senator yield on that point?

Mr. DODD. I will be happy to yield.

Mr. DORGAN. We are not on opposite sides, necessarily. I said I support the Isakson-Conrad-Dodd Commission; I don't think it is a case of either/or. I think it is a case where both are necessary. But I wish to make the point I am not at odds with my colleague from my State or Senator DODD or Senator ISAKSON on this issue.

Mr. DODD. I stand corrected on that point. I appreciate my colleague making that correction.

That is my case, basically. I don't know what my colleague from Georgia, Senator ISAKSON, or my colleague, Senator CONRAD, had to say about this, about how this might have to be constructed, but this may be a choice we have to make in the coming half-hour or an hour or so, as to which of these ideas we will use. The idea that we do both gets a little complicated but, nonetheless, sometimes as an institution we are inclined to take the course or the path of least resistance on these matters, which sometimes can even add to more difficulties down the road.

But I urge my colleagues to support the Isakson-Conrad-Dodd proposal. We think it makes a great deal of sense to achieve that very important goal while simultaneously allowing this institution to perform the function many would expect us to fill and that is to start crafting the structures that would allow the modernization of our financial institutions in a responsible and thoughtful manner. That work alone, as the Presiding Officer knows, is going to be almost all consuming in the coming weeks.

With that, I yield the floor and thank my colleagues for their attention on this matter.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I, too, rise in support, as I have indicated earlier, in support of the proposal that was offered by my colleagues, Senator ISAKSON, Senator CONRAD, Senator DODD. I think it is a worthy thing. As I indicated, I offered a Taxpayer Protection Act in late January that included a commission involved in that 5-step proposal. But I think they have dramatically improved on that. I think this bill they have offered is one worthy of support, and I certainly support it. I think an outside commission makes a great deal of sense.

But as I indicated, it is not either/or. It cannot and should not be either/or. This notion that somehow this is too much politics in the Congress to be evaluating what has happened here and what you need to do about it—I don't know. John F. Kennedy used to say that every mother kind of hopes her child might be able to grow up to be President, as long as they don't have to be active in politics. Oh, yeah? Politics is what we do. The political system is the system in which we make decisions. I happen to agree—the New York Times wrote a piece about this, and I agree with it fully.

The investigation should not be performed by outside experts . . . whose report the Congress is free to accept or reject. It should be a part of the Congressional process and include an investigator with subpoena power and the right to participate in the questioning of witnesses, as well as to prep law-makers for the hearings.

Let me make this point. This is not either/or. I support this Commission. This Commission makes sense. My colleague from Georgia is here, and I wish my colleague from North Dakota were here because, as I read the proposal of theirs, they have done some good work. I strongly support it.

But let me make this point. In addition to an outside commission taking a look outside of this institution, it is this Congress that has offered up \$700 billion of funding to the Secretary of the Treasury. That is what this Congress has done: Here is \$700 billion. We are the ones who appropriate the money. Accountability exists to do what is necessary to find out what has happened, to do the master narrative of what has occurred here and what are the things we can and must and should learn from that.

Let me describe a select committee. Let me describe a committee in 1940 named the Truman Committee. Harry S. Truman on the floor of this Senate, with a member of his own party in the White House, said there is unbelievable waste and fraud going on in defense spending and we ought to investigate it. They investigated for 7 years with a special committee. They did 60 hearings a year. Think of that. The committee spent \$15,000 to be created and saved the taxpayers \$15 billion over 7 years.

What an unbelievable value that was for the Senate to have done, the Truman Committee. In fact, you know, I spoke a while back to Herman Wouk, one of the great authors in America, the author of "War and Remembrance" and so many other great works. He is in his nineties, one of America's great authors. He is still writing, by the way.

One of the things he talked about, he said, I do not know a lot going forward, but I know from about 1950 back, 1945 back.

He talked about the Truman Committee as a part of the history of what the Senate has done in the middle of

the Second World War, a special committee established by the Senate, the Truman Committee, bipartisan, subpoena power, 60 hearings a year, 7 years. Saved the taxpayers \$15 billion, we are told.

Well, you know, I am on the floor with my colleague from Arizona, Senator McCain, because both of us believe there is a requirement for a select committee in this case. The Truman Committee, Kefauver Committee on Organized Crime, Church Committee, Kerry-McCain on POWs-MIAs I mean there have been a lot of examples of committees that have done some extraordinary work here on very big issues.

I said before my colleague from Connecticut came in something that will embarrass him, I am sure. I said the Banking Committee with my colleagues Senator DODD and Senator SHELBY is doing extraordinary work that most of us are not aware of, because we are not sitting over there hour after hour after hour trying to put together the notions of what are the solutions to get us out of this ditch.

The Banking Committee has done extraordinary work and continues to do it and will be required to do that for months now to try to lift this country. So my hat is off to the work of Senator DODD, the leadership he offers us, and all of those who are working on the Banking Committee. This proposal for a select committee is not a reflection on their work at all.

But I would say this: There is not one committee in the Congress—that includes the Banking Committee—there is not one committee here that has anything more than three or four or five investigators at best. No committee has the capability that ought to exist and ought to be required to discharge the responsibilities that fall on the shoulders of this Congress and this Senate, in my judgment.

I know the Speaker of the House last week talked about a Pecora committee. In fact, they called it a Pecora Commission. Pecora, that was not a select committee, but that was right after the financial collapse and the Great Depression. He held a lot of hearings, a lot of hearings. He was I believe the chief counsel to the Senate Banking Committee. History records the Pecora committee or Commission, the Pecora effort. We remember it in 2009 it was so significant, because he was looking back.

Senator DODD does not have that luxury at the moment. We have got to look forward and lift this country up and put the economy back together. And we have got to do it in a hurry. We do not have 3 years or 5 years. We have got to lift this country out of this ditch. This is a financial crisis unlike anything we have seen since the Great Depression. So they do not have a lot

of luxury over in the Banking Committee to say, you know what, we are going to spend a lot of time looking in the rearview mirror. But I will tell you this: If we do not fully understand the narrative of what has happened here, we are destined someday to repeat it. We are destined to allow it to happen again.

I said this, and this relates to the underleaving bill on the floor that Senators LEAHY, GRASSLEY, and others have brought here. Go to the Internet today and take a look at this. This is one. I could have brought many. This is a company who says—it is called speedybadcreditloans.com.

After all we have faced and the financial collapse and the subprime loan scandal, with a bunch of bad actors leaving with hundreds of millions of dollars of ill-gotten gains and leaving victims in their wake all over this country, massive foreclosures and the financial collapse—after all of this, go to the Internet today, and find a company that is called speedybadcreditloans.com. They say on the Internet: Do you have bad credit? That is okay. Do you have no credit? That is all right. Do you have bankruptcy? No problem. Come and get a loan from us. Is that unbelievable? Just unbelievable.

There is one more, CC&G Financial Group. If you have bad credit, you got poor credit—I could do 40 of these, by the way—come to us. We can get you into your dream home, by the way. They say: With all of these values due to foreclosures and short sales, now is the time. Got bad credit, got an appetite to get a new home.

I wonder if they are doing what those mortgage companies did that steered us into the ditch to say to potential borrowers: Hey, come over here. You are paying \$700 a month house payments. You know what, we will give you a mortgage to pay \$200 a month. Why should you pay more than triple what you ought to pay? You get a mortgage from us, \$200 a month. Oh, by the way, you do not even have to document your income. We do not care. We will charge you an extra quarter percent, but you do not have to document it. Well, maybe 2.25 percent will be your new mortgage, maybe \$210 a month. We are going to put a little deal in there, it is going to reset in 3 years, it is going to be 12 percent. That may be a problem, but do not worry, that home value is going like that. You can sell it if there is a problem. But we are going to allow that to reset. And we are not going to mention this to you. We are going to put a prepayment penalty in it so you cannot get out of this.

Then what we are going to do is we are going to wrap it into a big piece of sausage, like they used to fill sausage with filler. Then we are going to chop it up and we are going to sell it. We have got hedge funds and investment

banks that are yearning for these kinds of instruments. So we sell the risk. I am a big old mortgage company that advertises: We want bankrupt people to come to us. We want people with bad credit to come borrow with us, because, you know what, we are not going to sit across the desk and look into their eyeballs to see whether they can repay this loan. No, we are not going to do that. We are going to sell the risk. So we do not have to do what is called underwriting. That means sitting across the desk, and the lender evaluates whether the borrower can actually repay it. It is the old way you used to do things, not the modern way. It is the old way. You do not have to underwrite if you are going to sell the risk. In fact, sell it two or three times.

Then, by the way, when someone is being foreclosed upon, the new technique is to say in court: Show us the original mortgage. And they are having a devil of a time trying to find an original mortgage because it has been sold upstream. Disconnect the borrower and the lender from the risk—well, not the borrower, but the lender from the risk. And meanwhile they are all making massive amounts of money.

You know, the year before last, I looked up to see who was the biggest income earner in the country in the middle of this unbelievable avalanche of financial good news. Who earned the biggest income in the country, individually?

Well, a guy who ran a hedge fund earned the biggest income, \$3.6 billion. Now, that person earned in 3.5 minutes what the average worker in America earned in a year. When that person comes home and says: I had a pretty good day, and the spouse says: Well, honey, how are you feeling?

Well, I made \$10 million today.

Mr. President, \$10 million every day. How is it that people were working those kinds of stratospheric incomes, \$3.6 billion, or even much lower, a CEO from one of the biggest mortgage banks in the country that went belly up, and he left with a couple of hundred million dollars, much lower income? How is it they ended up with all of this money? They ended up with all of this money by creating all kinds of fancy instruments and getting payments by moving all kinds of money around and a lot of victims in their wake. So the question is, what do you do about all of this? Well, the first thing to try to understand here is what has happened. I am talking now about subprime mortgages.

But you know what, that is one piece. It is like a book with several chapters, many chapters. It is one piece. But I am describing how unbelievable this piece is. So the question is, what do we know at this point? What really do we know about what has happened that has caused this collapse?

I talked about dark money a bit ago. Debt helped cause this collapse. Some of that is here. Federal budget debt. Federal trade debt, by the way, \$800 billion a year trade debt. That is money we owe to other countries, \$800 billion a year.

So debt, part of our responsibility. Somebody said to me, well, it is the Federal Government that is spending more than it has. I said: Oh, really, have you taken a look at credit card debt and household debt? Doubled in a reasonably short period of time. Corporate debt. Take a look at household and credit card and corporate debt. Dramatic increases. Take a look at Federal debt by the Congress. Substantial increases. Trade debt. Debt is a problem. We know that.

Deregulation. You decide, you know what, we are going to loosen the rules and not look. We will hire regulators who want to boast that they do not have the foggiest interest in seeing what is happening. Boy, that is a recipe for disaster. And yet that is exactly the case. Dark money, all of this money.

Did anybody know I wrote a piece in 1994, 1994, that was the cover story for the Washington Monthly magazine? My article was the cover story for the Washington Monthly magazine 15 years ago that was titled: "Very Risky Business." It was about the notion that at that point there were \$40 to \$50 trillion dollars of notional value of derivatives in this country. So there is a lot to discuss about the narrative of what has happened with this financial crisis. Some take the position that we should do only a commission and they oppose a select committee of the Senate. I support a commission because I think that would provide another view, another way of outside experts. I think as I said before my colleague from Georgia came in, Senator ISAKSON and Senator CONRAD have produced a piece of legislation that I think is very smartly done, very well crafted, makes a lot of sense. I stand here to strongly support it.

But I disagree with my other colleague who seemed to suggest that it is an either/or. Doing an outside commission does not absolve the responsibility of the Congress, in, I think, one of the most significant and momentous events of our lifetime, that is, the financial collapse that has, at its root, so many different causes.

It does not absolve us of the responsibility to do what is necessary to investigate that cause, understand it, and make sure it can never happen again.

Again, let me read from the editorial I started with from the New York Times:

Investigation needs to be a part of the Congressional process, and include an investigator with subpoena power and the right to participate in the questioning of witnesses, as well as to prep lawmakers for the hearings [and so on.]

We have done that in the past with the Watergate hearings. We have done it in the past with the Church hearings. We have done it in the past with the Truman Committee, which I think is a shrine to what this Congress can and should do when it puts its mind to it.

If we decide we cannot do it now and should not do it now, we will have missed a very significant opportunity, and we will have abrogated a significant responsibility of this Congress. It is our job as well. So I stand here to say, I strongly support the commission proposal. We will vote for it. I am very pleased my colleagues have offered it.

But I also believe, as Senator MCCAIN does, that there is more to do and there is a responsibility that cannot be delegated. And that responsibility that cannot be delegated is our responsibility to empanel a select committee to do what is necessary to investigate from the standpoint of the Congress what has happened to cause this very substantial financial crisis.

I ask unanimous consent to lay aside the pending amendment, and I offer the amendment I have described.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. DORGAN. Let me withhold my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. DORGAN. I will withhold that request for a moment. While I am waiting, let me say that the underlying bill we are dealing with is a piece of legislation that will address the opportunity to prosecute, which is another issue, prosecute wrongdoing and illegal behavior and some of these financial shenanigans that we have seen and that I have discussed.

The underlying bill as well as a piece of legislation is something I would strongly support.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from North Dakota for his comments with regard to the commission. I want to reiterate what I said in my earlier speech. When I thought about this, when I watched my kids' 529s, when I watched my own savings for retirement, when I saw what was happening to men and women across the United States, I felt this was a situation that needed a forensic audit, maybe even an autopsy. The damage had already been done. There were multiple factors that led to it. I am not smart enough—I don't know that anybody is—to put a finger on exactly where the blame lies, but I know this: To not find the problems and cure them would be a mistake on the part of the Senate.

Without talking about the select committee as a pro or a con, I want to say why I didn't go that route with this legislation. We are part of what needs

to be scrutinized—the Senate. We are part of what needs to be seen. If we left this just strictly to a select committee, it would be like appointing the board of directors to AIG to tell us what went wrong with AIG. It wouldn't be a good autopsy. It wouldn't be objective. Senator CONRAD and I have tried to put together a piece of legislation that no one could say is partisan, that no one could say is loaded, that is objective, that gives subpoena power to individuals who have the credibility, the knowledge, and the past experience to evaluate the highly technical derivatives, the highly technical hedge funds, and the rules of trading on the Securities and Exchange Commission.

We may need a select committee for oversight if our committees can't do oversight. But we do not need a select committee to investigate the collapse that has happened. We need an independent body, independent of this body. We need them to have the power and the funds necessary to get the answers to the problem so we can objectively say we exposed ourselves to the same scrutiny to which we wish to expose everybody else. We will have the recommendations of what went wrong, who might have done wrong, and if there were criminal acts on the part of somebody, referrals to the Justice Department.

This is a clean, targeted, bipartisan, specific approach to address the No. 1 financial problem the American people are facing today, and that is the collapse of their savings and the retirement and college education funds of millions of Americans.

I appreciate the endorsement of the Senator from North Dakota, but I want to make sure we understand that a select committee would be no substitute for this independent commission at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to speak in strong support of the underlying bill, the Fraud Enforcement and Recovery Act of 2009, and in particular about its impact on detecting fraud in the housing industry. First, however, let me offer my appreciation to the senior Senator from Vermont for bringing forward this important piece of legislation for our consideration. We all know the grave nature of the economic crisis we are in. Oregon has been hit particularly hard. The unemployment rate in Oregon is 12.1 percent. It has nearly doubled in just over 6 months, the second highest unemployment rate in the Nation. Oregonians are going into foreclosure at record rates. This legislation, by giving law enforcement additional tools, will help stop the bleeding and begin the process of addressing an underlying problem that caused this crisis, deceptive practices in the mortgage industry.

The bill before us today is straightforward but important. It gives the Government the extra tools and resources it needs to combat, identify, and prosecute financial fraud. As the Federal Government spends billions to bring stability to the economy, the modest amount of money authorized in this bill will go a long way to protect our investments and return money to the taxpayer.

Let me highlight just how important this effort is in the area of housing. A lot of attention has been paid to the rising number of foreclosures and the havoc these foreclosures are wreaking on the housing market. But not so much attention has been paid to the role fraud has played in causing these foreclosures.

Just last month, HUD's interim report on the root causes of the foreclosure crisis found that 1 in 10 delinquencies in this crisis has been associated with some form of fraud. That means this week alone 5,000 families will lose their homes to foreclosure as a result of fraud. That is 5,000 families too many.

Mortgage fraud is at an all-time high. The Mortgage Asset Research Institute has found that mortgage fraud increased by 26 percent from 2007 to 2008. Sadly, this number is only growing as new schemes come forward seeking to defraud Americans of the financial foundation of their future.

Let me give a couple of examples. In one widespread fraud, buyers with stolen identities bought homes. If the value of the homes went up, they sold the homes and cashed in. If the value of the homes went down, they walked away, leaving not only a vacant home but leaving the unsuspecting victim of identity theft in a very difficult situation.

In another case identified by HUD, defrauders inflated home values through bogus appraisals, fabricated borrowed deposit amounts, falsified loan documents to obtain FHA-insured mortgages, and HUD lost \$2.3 million on just 30 mortgages. Over 9,000 FHA loans have entered into default after no or only one payment, a particular sign of fraud.

HUD's inspector general has done much to address this. The office captured \$2 billion in questionable expenses, obtained \$80 million in restitution money, and closed over 1,000 cases. That is a significant effort. But it is only the tip of the iceberg. That is why this fraud act we are considering today is so important. It takes a significant step in restoring an investigative unit that was largely dismantled in 2003 under the Bush administration. It expands the inspector general's staff. It takes an important step to restore investigative capabilities which are so important to protecting the vital nature of the American housing market. In these extraordinary economic times,

we need to be especially vigilant against new forms of fraud.

I am thinking now of the predatory foreclosure scams that so many of my Oregon constituents have been talking about. These scams engage in deeply deceptive practices and sometimes outright fraud. The worst of these schemes falsely promised homeowners a way out of foreclosure if they put up a small fee of several thousand dollars. In one such scam—I will call the couple John and Mary who were affected. They are 70 years old and 66 years old, respectively, hard-working Oregonians. John is a self-employed trucker. Most of his business is generated from hauling debris from the demolition of houses. His business has declined with the fall-off of new construction.

In the course of things, John and Mary struggled to keep up their mortgage payments. They reached out to their servicer—at the time it was Countrywide—to explore their options but couldn't connect and get anyone to work with them on their mortgage. But telemarketers started calling with offers to help them modify their mortgage for \$2,000 or \$3,000. It is fortunate that John and Mary didn't sign any of these contracts but instead contacted my office. We connected them with a HUD-approved housing counselor who was able to help them modify their loan and get back on a straight path.

Let me tell my colleagues what might have happened; that is, a scam in which not only is the family facing foreclosure asked to put up a fee, but they are asked to sign over their house to the firm, and then they are converted into being a renter. When they miss a rent payment, they are evicted from their house. So not only do they lose their investment, they lose a place to live. They can go from a homeowner in slight trouble to homeless in short order.

These scams are unacceptable. It is our job to step forward and protect the American people. We must fireproof our mortgage lending business and ban deceptive and risky practices. In the coming days, I and others will be offering and working on legislation to reestablish sound practices in the mortgage finance markets. But today we consider a significant act that empowers our officials to lay down a firebreak against the most blatant forms of fraud. I encourage colleagues to support it. It is an important step. Let's work together to protect American homeowners.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to amendment No. 995 at 4:32 p.m. today and that the 4 minutes immediately prior to the vote be equally divided and controlled between myself and Senator ISAKSON or our designees; that no amendment be in order to the amendment prior to a vote in relation thereto; and upon disposition of amendment No. 995, Senator DORGAN be recognized to offer his select committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. I thank the chairman for the 2 minutes.

Mr. President, Senator CONRAD and I have worked very diligently for 3½ months to create a platform in which we can get the answers the American people deserve and need with regard to the financial collapse that happened to this country. We have created a bipartisan commission that has no elected officials on it—all experts are within their chosen fields—a commission that has both subpoena power and the funding necessary to do precisely what the 9/11 Commission did. It is structured in the same way except targeted on the investigation of the financial markets, the securities markets, the commodities markets, Freddie Mac, Fannie Mae, the financial services market, the hedge funds, and every other institution that had a part in what has been a collapse of our economic system and a great decline in the value of equity for our people, college savings for their children, and retirement for their future.

I urge colleagues to vote favorably on the creation of the Financial Markets Commission.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, has the Senator from Georgia requested a rollcall vote?

Mr. ISAKSON. Mr. President, I consulted with Senator DODD and Senator CONRAD, both of whom want a rollcall.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Mr. President, I yield back all time and ask that the rollcall vote start now.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 995.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—92

Akaka	Durbin	Menendez
Alexander	Ensign	Merkley
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Sanders
Brownback	Inhofe	Schumer
Burr	Inouye	Sessions
Burriss	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Cardin	Kaufman	Specter
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Landrieu	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wicker
Dodd	McCaskill	Wyden
Dorgan	McConnell	

NAYS—4

Bunning	Kyl
Grassley	McCain

NOT VOTING—3

Kennedy	Roberts	Rockefeller
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The amendment (No. 995) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding that the Senator from North Dakota, Mr. DORGAN, is offering an amendment. We are not going to have any more votes tonight. If there is a vote required, we will add it to whatever we have to vote on tomorrow morning. The managers are here, willing to take whatever amendments they think are appropriate tonight.

As I have indicated to the Republican leader, we are going to finish this bill this week, and we are going to finish the budget, getting it to conference this week. We hope we can do it in a real short week; otherwise, we will have to work into the weekend, which we don't want to do and there is no reason to do that. I have a couple of meetings I have to attend tonight involving the Speaker and the President, so we can't have any more votes tonight. I apologize to everyone if they wanted to vote late tonight. I don't think we will be able to do that.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of the Senator from Nevada, the distinguished majority leader. I will stay here for a few minutes, if there are some amendments pending. If there are some amendments pending that we could take by voice vote, I am perfectly willing to do that tonight. If there are rollcalls, if there are amendments people think will need rollcalls, I don't know what time the distinguished leader wants to go back on the bill in the morning, but I would suggest that if we start early on that—

Mr. REID. If my friend would yield, we will have no morning business tomorrow, so we will go to this bill early. But sometime tomorrow we are going to have to go to the budget and conference, so we should, by 1 or 2 o'clock, do our best to finish this bill.

Mr. LEAHY. Then if I might further inquire of the leader—and I think that is perfectly fair—I intend that at such time as there are no amendments pending, or no amendments pending that people actually expect to go forward, we will go to final passage.

This is a bill that saves taxpayers' money but more importantly protects a lot of people who are being preyed upon by people wanting to defraud them out of their homes, out of their retirement, out of the money they have saved for their children to go to college. So I think, with what is happening—and it has been proven—all of these frauds that have taken place all over the country, the last thing in the world the American people want to see is us delay it.

I thank the distinguished leader for bringing up this bill this week. It is my intention—my hope, anyway—to have it finished by noon tomorrow.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would also say to my friend that he covered everything except that this is a bipartisan bill, it is as bipartisan as any bill could be, and there shouldn't be any problem. If people have amendments, the managers of the bill have been ready for those amendments all day.

Mr. LEAHY. I would note further to the leader that Senator GRASSLEY, who is not only the chief sponsor, but we have a dozen or so sponsors on both sides of the aisle—Senator GRASSLEY and I worked very closely with a number of Senators to work out amendments. The first amendment we brought up was one we worked on with Senator KYL on, and I think that passed 95 to 1, or something like that. So we are ready to work with people, but we will finish this bill soon.

Thank you. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

AMENDMENT NO. 999

(Purpose: To establish a select committee of the Senate to make a thorough and complete study and investigation of the facts and circumstances giving rise to the economic crisis facing the United States and to make recommendations to prevent a future recurrence of such a crisis)

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. MCCAIN, proposes an amendment numbered 999.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, I have spoken on this amendment previously. I have spoken of the underlying bill Senator LEAHY and Senator GRASSLEY and others have brought to the floor and my admiration for that bill. That bill falls right in with what the responsibility of the Senate should be at this point. I commend them for that. It is not my intention, nor would it be the intention of my colleague, Senator MCCAIN, as we offer this amendment to in any way interrupt the legislation on the floor. We believe our amendment enhances it.

Second, let me say to my colleague, Senator DODD, the chairman of the Banking Committee, I have spoken at length about what they are doing to try to put the pieces together to lift this country out of the ditch and try to figure out how to put this financial system together in a way that makes it work again.

Having said all of that, I indicated earlier that I offered an amendment with my colleague, Senator MCCAIN, that would establish a select committee of the Senate, in the tradition of the Truman Committee and the Watergate Committee and other select committees, to try to do a narrative of what has happened with respect to the financial crisis. I believe that a commission is fine, but we cannot delegate all responsibility. There is a responsibility for Congress to do comprehensive oversight on this issue, which I think is the largest financial issue we have faced—the financial crisis, the financial collapse—since the Great Depression.

Mr. LEAHY. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. Mr. President, I understand there is a request for a rollcall on the Senator's amendment. I was not going to ask for one, as he knows. I wonder if he would have any problem

with a unanimous consent agreement that when we come back on the bill in the morning, his amendment will be the pending amendment and there be 10 minutes a side, and we then proceed to a vote on it.

I am throwing this out as a suggestion, so my colleagues will hear it. For one thing, rather than spend several hours on the same amendment in the morning, or tonight, perhaps we will be able to do this: I say to the floor staff that this is a unanimous consent request that I will be making. I do not intend to make a unanimous consent request at this time. I will soon make this request.

Mr. DORGAN. Mr. President, I would certainly agree with that. It is a fair request. Let me finish so my colleague, Senator MCCAIN, can say a few words as well.

This amendment doesn't do a disservice to the underlying bill. It is exactly in the tradition of what the Senate ought to do. We cannot delegate the responsibility. This financial crisis has imposed an enormous burden on this country. All of us hope and pray that we can lift this country out of this difficulty. We are all working to do everything we can.

Do you know what. We need to understand what is the dimension, the narrative of what happened, what caused all of this, and make sure we put into place things that will prevent it from happening again. That is our responsibility. In the grand tradition of the Senate of select committees on big issues, this ought to be a bipartisan select committee with subpoena power to understand what happened and to make sure it can never happen again. That is why I have offered this with Senator MCCAIN.

I have one final point. I hope we will be able to get you to take this without a recorded vote. Maybe only one person in the Senate has suggested maybe a recorded vote is necessary. We can talk to this person, and we can talk to that person. Whatever the request will be by the chairman, I will be amenable to it.

I yield the floor so that my colleague from Arizona may speak.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I also thank the chairman of the Judiciary Committee and floor manager for his cooperation. We are trying to get the request for a recorded vote vitiated. Right now, there is a request on this side for a recorded vote. Whatever, I know the distinguished manager wants to move forward with the bill. We are ready to dispense with it as quickly as possible. Senator DORGAN and I have spoken at sufficient length.

I thank Senator DORGAN again for this very important legislation. Why is it important? Mr. President, America is in the midst of the greatest economic crisis of our lifetime. The Amer-

ican people are angry and confused. They have a right to know what caused this. But, most of all, they have a right to know the path out so that we can prevent it from ever happening again to the American people.

All the cards have to be put on the table. Everything that happened that caused this—somebody called it a “house of cards” that collapsed. Many Americans lost homes, jobs, health insurance, and their very futures. They deserve to know. The most effective way to do that, in my view, is a select committee.

I have seen select committees in action before. They have been efficient and effective. The American people have a right to know what caused this train wreck and how we can prevent it from ever happening again. I hope my colleagues cannot only voice-vote it but put enough pressure on so that we could act immediately with the appointment of this select committee with subpoena powers, which I am confident will have bipartisan participation, bipartisan support, and the non-partisan support of the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me just make another brief comment about the amendment that is pending. I will be mercifully brief. I mentioned earlier the grand tradition of the Senate, as demonstrated by the Truman committee, Harry Truman, a former Member of this body, who had a select committee established in 1940 to investigate waste and abuse and fraud with respect to defense contracting. When I talked about the Truman committee, I said I had talked to one of America's great authors, Herman Wouk. I mentioned his book, “War and Remembrance.” He also wrote “Winds of War” and “Caine Mutiny.” He is an unbelievably wonderful man who is now 92 or 93 years old. I had the opportunity, last year and the year before, to visit with him. He is still writing; he is writing a new work. He talked about the Truman committee. He said something interesting because he wrote so much about especially the Second World War.

He said, “I don't know much beyond 1945, but I know everything just before 1945.” He put it in his wonderful books. Then he talked about the contracting going on in Iraq and the stories of waste, fraud, and abuse—perhaps the greatest waste, fraud, and abuse in this country—those are my words. He said, “You ought to create a Truman committee.” He described to me the select committee headed by Harry Truman.

I went back and read the record of what they did in 1940—Truman with a member of his own party in the White House. He traveled around the country to military installations and met with contractors on military bases, and he concluded there needed to be an investigation. They put together a bipartisan committee with subpoena power. It cost \$15,000 to create a select committee and it met for 7 years and held 60 hearings a year and it saved the taxpayers by cutting down on the waste and abuse in defense contracting. They did it in the middle of a war. Think of it.

My point earlier, when I mentioned Herman Wouk, was to describe the Truman committee in the grand tradition of what the Senate can do when it should do what is necessary to make certain that the economy works and the taxpayers' money is spent effectively. So now we find ourselves in a circumstance unlike any we faced in my lifetime—an unbelievable financial wreck that has occurred. The victims of that wreck are all over. We have lots of folks—millions—looking for a job. Can you imagine one person coming home—just one—saying: Honey,

These are people who want to work. It describes why it is so important for an economy to expand and lift opportunity in this great country.

We have been blessed for a long time. It is not some inherent right of ours to live in an economy that grows in an unrelenting way. That is not an inherent right. This economy will grow and will produce expanded opportunities for the American people if we do the right things. We have been through a period where a lot of people in very important positions did a lot of wrong things, trading a lot of paper that didn't have any value at all, making money on both sides, buying things they never had from people who will never get it, and making money on both sides of the trade. That is not real finance. That is not real investment, real productivity. That is a paper economy that is built on speculation and is destined to come down.

I described a while ago just the subprime loan scandal. That is just a part of it. I described it, and it almost makes me sick to see the greed and avarice that existed under the name of responsible business. Shame on all of those people who were making a lot of money. They were making so much they could not count it, and they were leaving victims in their wake. They created this circumstance where the economy collapsed.

Our job is to find out what happened and try to lift it back up. You have to put the pieces of the puzzle together and decide and understand what happened. We owe it to ourselves and the American people to understand all of what happened to make sure we never allow it to happen again.

We cannot delegate that responsibility. I supported the commission, and I complement my colleagues who offered it. Having an outside group of experts to look at this and make recommendations, that makes sense. But we cannot delegate our responsibility. It is our responsibility. That is why this amendment I have offered with Senator MCCAIN is so important.

Finally, the underlying bill to which we are talking about amendments is so important because it is part of the solution—to say those folks who have been doing those things—there has to be a responsibility and funding for prosecutors and investigators to get to the bottom of that and make people accountable for the actions and behavior that steered the economy into a ditch.

I have great hope for the future of this country if we do the right thing. I believe we can. The step offered by Senator LEAHY is a step in that direction.

I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent that on Thursday, April 23, after the Senate resumes consideration of S. 386, the time until 10 a.m. be for debate with respect to Dorgan-McCain amendment No. 999, with the time equally divided and controlled between Senators DORGAN and myself, or our designees; that no amendments be in order to the amendment prior to a vote in relation thereto; that at 10 a.m., the Senate proceed to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 996 TO AMENDMENT NO. 984

Mr. INHOFE. Mr. President, I ask for the regular order so that I may offer a second-degree amendment to the Reid amendment.

The PRESIDING OFFICER. The regular order is the amendment.

Mr. INHOFE. At this point, I wish to offer a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. DEMINT, and Mr. VITTER, and Mr. ALEXANDER, proposes an amendment numbered 996 to amendment No. 984.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 4, United States Code, to declare English as the national language of the Government of the United States)

On page 3, after line 8, add the following:

(d) AMENDMENT TO TITLE 4.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

“CHAPTER 6—LANGUAGE OF THE GOVERNMENT

“Sec.

“161. Declaration of national language.

“162. Preserving and enhancing the role of the national language.

“163. Use of language other than English.

“§ 161. Declaration of national language

“English shall be the national language of the Government of the United States.

“§ 162. Preserving and enhancing the role of the national language

“(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States.

“(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

“(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

“§ 163. Use of language other than English

“Nothing in this chapter shall prohibit the use of a language other than English.”

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

“6. Language of the Government 161”.

Mr. INHOFE. Mr. President, today I am offering an amendment that I have offered on two other occasions. It is called the National Language Act of 2009. I offer it as an amendment to the Reid amendment No. 984. This legislation recognizes the practical reality of the role of English as our national language. It makes English the national language of the U.S. Government, a status in law it has not had before, and it calls on Government to preserve and enhance the role of English as the national language. It clarifies that there is no entitlement to receive Federal documents in languages other than the English language unless required by statutory law, recognizing decades of unbroken court opinions that civil rights laws protecting against national origin discrimination do not create rights to Government services and materials in languages other than English.

Let me be clear, there is nothing in the amendment that prohibits the use of a language other than the English language. When I offered this before, I

remember several times people would stand up and object and the basis of that objection was that we were not able to use other languages. We can use other languages. I have spoken languages, such as the Spanish language, on the floor of this Senate. It has nothing to do with that.

There is no prohibition against giving Medicare services, for example, or any other Government services in languages other than English. All this amendment does is simply say there is no entitlement unless Congress has explicitly provided so. This bill does not ban translation services being offered by Federal employees who have the language skills to do so. Instead, it eliminates the notion that once one translation is provided to someone in one language, a legal entitlement has been created to provide translations to anyone in any language they wish.

The aim is to prohibit class action lawsuits based upon perceived entitlements that some individuals claim.

The National Language Act is an attempt to legislate a common sense language policy that a nation of immigrants needs one national language. Our nation was settled by a group of people with a common vision. As our population has grown, our cultural diversity has grown as well. This diversity is part of what makes our nation great. However, we must be able to communicate with one another so that we can appreciate our differences. When members of our society cannot speak a common language, misunderstandings arise. Furthermore, the individuals who do not speak the language of the majority miss out on many opportunities to advance in society and achieve the American dream. By establishing that there is no entitlement to receive documents or services in languages other than English, we set the precedent that English is a common to us all in the public forum of government.

I want to empower new immigrants coming to our Nation by helping them understand and become successful in their new home. I believe that one of the most important ways immigrants can achieve success is by learning English.

There is enormous popular support for English as the national language, according to polling that has taken place over the last few years. Eighty-seven percent of Americans support making English the official language of the United States. Seventy-seven percent of Hispanics believe English should be the official language of government operations. Eighty-two percent of Americans support legislation that would require the Federal Government to conduct business solely in English. Seventy-four percent of Americans support all election ballots and other government documents being printed in English. This polling data

refers to making English an "official" language of the United States, or further creating an affirmative responsibility on the part of government to conduct its operations in English. While I have drafted legislation that accomplishes this as well, the National Language Act is more measured, simply stating that no entitlement shall arise to government documents or services.

OMB reported in 2002 that they could not accurately endorse any single cost estimate of providing materials and services to Limited English Proficiency—LEP—persons, but that the estimate "may be less than \$2 billion, and perhaps less than \$1 billion." When talking about dollar amounts of this magnitude, we know the cost is high regardless of the OMB's ability to accurately calculate, and it is likely becoming higher. If we are spending all this taxpayer money for services in a foreign language, we need to at least clarify that there is no legal entitlement to such.

My colleagues who have followed this debate will remember that the National Language Act of 2009 is identical to S. 2715 from the 110th Congress. It is also the same as the English amendment that passed the Senate in 2007 as Senate amendment No. 1151, and in 2006 as Senate amendment No. 4064, each being part of the Comprehensive Immigration Reform Act of each respective Congress. Senate amendment No. 1151 was agreed to in the Senate by a vote of 64 to 33. Senate amendment No. 4064 was agreed to in the Senate by a vote of 62 to 35. As you can see, there is widespread and bipartisan support for this legislation, and I hope that you will join me this Congress in supporting the National Language Act of 2009.

This is one of the few things that comes along that everyone is for. The lowest percentage we have from polling in the last 3 years as to people's acceptance of English as the national language is 87 percent. Interestingly enough, we even have polls showing that 71 percent of Hispanics would rather have English as the national language.

It is interesting, I have been around quite a bit, around the African countries quite a bit. Several of the African countries, including Ghana in West Africa, have English as their national language. When you try to explain to people in the real world—when you get out of Washington and get back to Illinois or the State of Oklahoma, you find people ask the question: Why is it some 52 countries have English as the national language and we don't here? There is no logical reason.

It probably enjoys a larger popularity than any amendment we have had in recent years. I ask that it be considered as a second-degree amendment to the Reid amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. INHOFE. I ask the Chair, at such time as we take up the Reid amendment, I will offer this as a second-degree amendment.

The PRESIDING OFFICER. Amendment No. 996 has been offered.

Mr. INHOFE. I ask unanimous consent to set aside this amendment for the purpose of offering an amendment to S. 386.

The PRESIDING OFFICER. I object.

Mr. INHOFE. I understand and appreciate that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 991

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up the Vitter amendment No. 991.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 991.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking "Subject to" and inserting the following:

"(1) REPAYMENT PERMITTED.—Subject to";

(2) by inserting "if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)" after "waiting period,";

(3) by striking "and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price"; and

(4) by adding at the end the following:

"(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph."

Mr. VITTER. Mr. President, this amendment is very simple. It is regard-

ing the TARP program, and it simply allows banks that want to repay taxpayer dollars back to the Government, back into the program, to do so. It is a pretty simple idea. It only allows it if the bank is going to be financially stable and meet all the applicable capital requirements without the money. Again, it is a pretty simple idea. Yet this amendment is clearly necessary in order to allow banks to do that without having Washington bureaucrats veto that decision, which should rest with those private financial institutions.

As this body knows, I have been a cynic and critic of TARP from the very beginning. I voted against it last year under President Bush. Unfortunately, many of my greatest fears about its weaknesses and how it would develop have come to pass. But there is one recent trend with regard to the program that I find enormously promising, and that trend is that more and more banks that got the taxpayer money want to pay it back, want to exit the program and have nothing more to do with it as soon as possible.

I am happy to say that positive trend was begun in Louisiana. It was begun by a significant Louisiana bank named Iberia Bank of Lafayette which became the first bank in the country to try to repay its TARP money. Of course, the Iberia Bank did eventually get to repay that money. The bank said that being a recipient of TARP funds, it realized, after some experience, placed it at an "unacceptable competitive disadvantage."

I think it is very important to underscore that this was not an issue of executive compensation or bonuses. Iberia Bank is in Lafayette, LA, not Wall Street, New York City, NY. It had nobody in its structure that would have been limited in terms of compensation by the rules Congress placed with regard to that. Executive compensation wasn't the issue with them at all. However, they feared a couple of things. They saw the increasing role of government in the boardroom of banks that had accepted TARP money, they saw what they considered a contract with regard to the TARP money between the bank and the taxpayer being unilaterally changed by Federal bureaucrats every week, and they saw that as a very clear building trend. So they decided they wanted out because they feared they were going to be more and more hamstrung by Federal bureaucrats and the government growing to become their senior partner, rather than as the original role of a junior partner. They saw the government becoming more and more involved in how their bank was run, and they wanted out. And as they said very directly, they then considered having the TARP funds as an "unacceptable competitive disadvantage."

Seven banks in all have reached that same conclusion and have been able to

repay TARP funds to the program. That repayment has totaled about half a trillion. Iberia Bank of Lafayette, LA, was the first to start this trend, but they were followed by Bank of Maine Bankcorp, Old National Bankcorp, Signature Bank, Sun Bankcorp, Shore Bancshares, and Centra Financial Holding, Inc. All of these banks said: We want out. We think this is a real problem. The government is getting more and more into how we run our business. We want to repay and get out of the program. And these banks were allowed to repay TARP funds back to the government and withdraw from TARP.

Mr. President, you might say: Well, if these banks were allowed to do it, what is the problem? The problem is that Secretary Geithner and the Treasury Department have made it clear that while they allowed repayment in those cases, they may well not allow it in other cases, particularly in the case of much larger institutions. Again, this is very clear from recent discussion and recent testimony from Secretary Geithner. In the last few days, Secretary Geithner has testified on Capitol Hill, and the main message from that testimony with regard to the ever evolving TARP program and how precisely it is going to be operated in the future is that we are not sure. We are not sure about guidelines for repayment. Stay tuned.

On the one hand, the Secretary indicated a willingness to allow banks to repay, but at the same time, on the other hand, he indicated clearly that it will largely depend on the credit needs of the broader economy and not simply the health of that individual bank.

Yesterday's Wall Street Journal confirmed exactly this, because it reported an interview with Secretary Geithner where he indicated "that the health of individual banks won't be the sole criterion for whether financial firms will be allowed to repay bailout funds." So in other words, the Secretary is taking the position that he wants to maintain a veto over any repayment beyond the issue of whether that single bank, that particular financial institution, would be perfectly sound and healthy without holding on to that TARP money.

I think that is unacceptable. I think that is offensive, in fact. That is a government bureaucrat saying: No, no, no, no. I know this is your business, but we know best. I know you have decided this is best for you, but we have a veto over this because of our general concerns about the broader economy. That is unacceptable.

So again, we come back to my amendment—Vitter amendment No. 991—which is necessary in light of this stance of Secretary Geithner and the Treasury Department. Again, my amendment is very simple. It ensures the immediate repayment of TARP funds for banks that want to repay, but

only in a few circumstances. First, the government must be repaid everything it is owed. The government has to be repaid everything it is owed, although it does prohibit the government from requiring a company to repurchase its warrants.

My amendment also ensures that TARP recipients be well capitalized, meet all the soundness and safety and capitalization liquidity requirements after the repayment. So my amendment wouldn't allow a repayment if that repayment would sink a bank to a position of not being well capitalized, of not meeting the normal capitalization liquidity requirements to ensure safety and soundness. Those requirements are spelled out by the regulators, as they have always been. So my amendment does not threaten that at all. It requires that those capitalization requirements be adhered to and a repayment only happen if the bank meets those capitalization and liquidity requirements after the repayment.

I hope this amendment not only passes but gets overwhelming bipartisan support. After all, why shouldn't it? This amendment is simply saying that a private business will be in control of its own destiny; that a private business can pay back TARP money, with interest, with everything that is required to the government, if it decides that is the best thing for that business to do, as long as that repayment does not affect the safety and soundness of the institution and make it dip below already established guidelines with regard to capitalization and liquidity.

Again, I believe this idea and this amendment should not only pass, it should have overwhelming bipartisan support because it seems to me those who oppose this amendment—presumably including Secretary Geithner—have to be saying one of two things, or maybe both: No. 1, they have to be saying, in a very arrogant way: No, we know better. No, you may run your business, you may be aware of all aspects of it, but we know better so we have to have a veto, or they have to be saying and acting on the basis of: We are now involved in your business. You have the government as a dominant partner, and we are not going to let go because letting go means loss of power and control as well as your repaying the money.

I encourage all of our colleagues, Democrats and Republicans, to come together and support this very reasonable commonsense amendment. Banks that can afford to repay the TARP money and that want to repay the TARP money certainly should have the absolute unquestioned right to repay the TARP money. It is as simple as that. We shouldn't stand here on the Senate floor or in the Department of the Treasury and say: No, we know better. And we certainly shouldn't stand

here on the Senate floor or in the Department of the Treasury and say: No, the government has now sunk its claws into you and we are not letting go. We like the control. We like the takeover. We like the authority and we are not giving that up.

That is a very dangerous statement for the government to get out, and it is quite frankly what so many Americans are fearful of—that these emergency measures in the midst of the financial crisis are really a dramatic, long-term expansion of the authority and role of the Federal Government in the free market.

With that, Mr. President, I look forward to further debate and a vote on this amendment tomorrow.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. VITTER. Certainly.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1000

Mrs. BOXER. Mr. President, I know we are waiting to see if I can send an amendment to the desk, and ask that the pending amendment be set aside. It would be my intention to do so when we can get the clearance on the other side.

This is a bipartisan amendment. I think it is important that people understand it is with Senator CORKER, Senator SNOWE, and Democratic Senator JEFF MERKLEY. What we are trying to do is make sure that in the TARP program, when these toxic assets are sold off, there are no kickbacks between the seller of the asset and the private party. What we would do is make sure that the inspector general has enough funds to go after that type of conflict of interest.

Mr. President, I ask unanimous consent to set aside the pending amendment, and I understand the clerk has my amendment at the desk, if he would read it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY, proposes an amendment numbered 1000.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading be dispensed with, because I have described it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients of non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility)

On page 20, between lines 11 and 12, insert the following:

“(e) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Special Inspector General of the Troubled Asset Relief Program (in this subsection referred to as the Special Inspector General), \$15,000,000 for fiscal year 2010.

“(2) PRIORITIES.—In utilizing funds made available under this subsection, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.”.

MR. BOXER. Mr. President, I thank Chairman LEAHY. I know he is so anxious to get this bill through, and it is not my intention to slow anything up. I do think I stand here as a former stockbroker, and I know we need integrity in the system, and I know that is the purpose of this bill, so I feel this bipartisan amendment would add quality to his already excellent bill.

Mr. President, I yield the floor, and it is my understanding that my amendment would be pending. I ask the Presiding Officer if that is the case.

THE PRESIDING OFFICER. It is currently pending.

MR. BOXER. I thank the Chair, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. BARRASSO. Mr. President, I ask to be able to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

A DOOMSDAY SOLUTION

MR. BARRASSO. Mr. President, I come to the floor today because the Environmental Protection Agency has issued a proposal, a proposal finding that greenhouse gas emissions pose a danger to the public's health and welfare. The Washington Post has referred to this as a “determination that could

trigger a series of sweeping regulations affecting everything from vehicles to coal-fired power plants.” According to legal experts, the scope of these regulations could cover hospitals, schools, farms, commercial buildings, and even nursing homes.

EPA Administrator Lisa Jackson said that the EPA was not looking for a doomsday solution. Well, I have news for the administrator—this is one. In fact, this endangerment finding, once finalized, could cover any source that emits more than 250 tons per year of carbon dioxide. This is the limit expressly mentioned in the Clean Air Act. Hospitals, schools, farms, commercial buildings, and nursing homes will be required to obtain preconstruction permits for their activities. Further, according to the legal scholars, the statutory language is mandatory and does not leave any room for the EPA to exercise discretion or to create exemptions.

The economic consequences of this will be great. According to the U.S. Chamber of Commerce, one-fifth of all food service businesses, one-third of all health care businesses, one-half of the entire lodging industry—all of those could be covered under the scope of the Clean Air Act. According to the Heritage Foundation, such regulations would lead to job losses that would exceed 800,000 jobs. I thought this administration was interested in creating jobs, not killing them. But that is what this ruling says. The gross domestic product lost to the country could be \$7 trillion by the year 2029.

In short, unless Congress acts, this administration is taking an enormous risk, an enormous economic gamble with the future of the American people. It is a bad bet, with no hope for any temperature reductions—which is what they are trying to do.

The EPA Administrator has stated that she wants to avoid a regulatory thicket. If this approach is such a bad option, let's take it off the table. Why would the administration deliberately leave a bad option, a regulatory thicket for Americans, on the table? It makes no sense. It is for that reason that today I have sent a letter to President Obama asking that he take this option off the table. He must urge the Senate leadership and the House leadership right here to pass legislation to exempt the Clean Air Act from becoming a climate change tool. It is a bad option for Americans, and it is no option for America.

The Administrator of the EPA has stated that, if necessary, she is poised to be specific on what we regulate and on what schedule. I asked the EPA nominee, who will oversee the Clean Air Act, how this would be done. She responded that President George W. Bush's advance notice of proposed rulemaking laid out the options. This is the same advance notice of proposed

rulemaking that has been so roundly criticized by the majority.

I asked how the EPA would handle losing court challenges if the department tried to exempt farms and schools and hospitals and nursing homes and small businesses from the reach of the Clean Air Act. The nominee responded again that President Bush's rulemaking “explored a number of possible ways of streamlining” the Clean Air Act. This is not an answer at all. The American people need to know how they will be protected from the long arm of Washington.

The EPA Administrator admits that a better option is to have Congress pass legislation to deal with climate change. The option on the table today is the President's energy tax. The President's energy tax is moving in the House of Representatives. It is called the American Clean Energy and Security Act of 2009. The President's energy tax will fund a trillion-dollar climate bailout scheme—a bailout scheme that will not reduce global temperatures by even a single degree. Moving forward with a \$1 trillion climate bailout scheme to avoid the Clean Air Act regulations is the legislative equivalent of moving the American taxpayers from the frying pan into the fire.

This President's cap-and-trade scheme will dramatically raise prices on businesses as well as on consumers. It is bad for consumers, it is bad for jobs, and it is bad for our economy.

We have passed numerous bailout bills over the past 6 months. We passed a \$787 billion stimulus package for an economic bailout intended to save or create jobs. This is money we have been borrowing from China. They have such concerns they are not so interested in lending it to us anymore.

The American people already have bailout and borrowing fatigue. We all know our deficits are soaring. We have saddled future generations with this debt for years to come. I hear that when I go to the schools and talk to the high school students.

Spending trillions of additional dollars to address climate change through an untested cap-and-trade scheme is an unnecessarily risky approach. It, too, is a regulatory nightmare. This approach will cost thousands of jobs in the very same sectors that will be hit under the Clean Air Act. It is not a viable option, and it is not a responsible option.

I call on the Senate leadership to expedite legislation to the President that takes the Clean Air Act out of the business of regulating the climate. Let us come together and find a solution to our Nation's energy needs. With all seriousness, we need all of it, we need all the sources of energy because we will continue to use it all. We need a solution that makes American energy as clean as we can, as fast as we can, and without hurting our economy.

It is time for the Environmental Protection Agency to get that message.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment for the purpose of offering four amendments.

The PRESIDING OFFICER. In my capacity as the Senator from Illinois, I object.

AMENDMENT NO. 986

Mr. KYL. Mr. President, I will offer one amendment at this time.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. KYL. Mr. President, amendment No. 986 is at the desk. I call it up for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 986.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the amount that may be deducted from proceeds due to the United States under the False Claims Act for purposes of compensating private intervenors to the greater of \$50,000,000 or 300 percent of the expenses and costs of the intervenor)

On page 26, after line 22, insert the following:

SEC. 5. LIMITATION ON AWARDS TO CERTAIN INTERVENORS.

Section 3730(d) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “prosecution of the action”; and

(B) in the second sentence—

(i) by striking “Government Accounting Office” and inserting “Government Accountability Office”; and

(ii) by inserting “but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “advancing the case to litigation”; and

(2) in paragraph (2), by striking the second sentence and inserting “The amount, which shall be paid out of the proceeds of the action or settlement, shall be not less than 25 percent and not more than 30 percent of the amount of such proceeds, but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the third sentence of this paragraph”.

Mr. KYL. I will explain. The other three amendments are precisely the same, except they have a different dollar amount in them. I will ask for their consideration later, or for their introduction at a later time.

At this point, I defer to the Senator from Oklahoma if he is ready.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I rise today to discuss S. 386, the Fraud Enforcement and Recovery Act of 2009. Although I certainly support the well-intended purpose of this bill, I have concerns about the proposal that I would like to explain today.

S. 386 aims to “beef up” the Government’s efforts to combat fraud, particularly in the mortgage industry and Federal assistance programs. To that end, the bill creates a host of new criminal provisions and authorizes nearly half a billion dollars in spending over the next 2 years.

As a threshold matter, I am concerned about the necessity of these new criminal provisions. In my mind, Congress should have a compelling reason for adding to the already monstrous Federal criminal code. With more than 4,400 Federal offenses already on the books, it is hard to imagine there being conduct the Government cannot reach.

The Federal criminal code is often criticized for being overly broad, and legislators on both sides of the aisle have been known to bemoan its growth. Yet when “tough-on-crime” bills come before Congress, nobody wants to stand in their way and risk political consequences. This is a truly unfortunate trend.

Turning back the tables on over-criminalization isn’t a partisan issue. Legislators from both sides of the aisle have seen first-hand the sometimes devastating unintended consequences that flow from the application of Federal law. Democrats and Republicans could be working together to reevaluate some of these provisions; instead, we are doing business as usual, responding to every crisis by further littering the criminal code.

With respect to S. 386, two prominent organizations, the National Association of Criminal Defense Lawyers (NACDL) and the Heritage Foundation, formed an unlikely alliance in opposition to the bill. Both organizations believe that S. 386 contributes to over-criminalization, and their concerns are detailed specifically in a joint letter that describes the new criminal proposals as “redundant and risks over-reaching.” It notes that within the 4,450 offenses already in criminal law, prosecutors have all the tools needed to reach crimes associated with fraud. In general, it points to the Federal mail and wire fraud statutes as being sufficiently broad to cover mortgage fraud and other related crimes. As further evidence, it references an FBI press release identifying nine existing Federal criminal statutes that can be used to prosecute mortgage fraud.

Because it is not my intention to prevent law enforcement from pursuing truly criminal conduct, I studied the issue to determine whether there are any insufficiencies within existing law

that would give perpetrators of fraud safe haven. I have found no examples of conduct or entities outside the reach of current law.

It is true that not every provision of the criminal code reaches certain fraudulent acts. It is also true that not every entity in the mortgage industry is regulated by the Federal Government. It is not true, however, that the conduct or entities targeted by this bill are currently going unpunished. Prosecutors have successfully used other laws, particularly the mail and wire fraud statutes, to aggressively prosecute these crimes at the Federal level.

The FBI’s recent successes serve to demonstrate this point. The FBI has handled mortgage fraud since 1989 and is actively pursuing these crimes now. It has 65 mortgage fraud task forces and working groups across the country that coordinate federal, state and local law enforcement officials. The FBI has 180 agents devoted to the sector. They are handling more than 2,000 investigations, and have opened 734 cases this year. In fiscal year 2008, they obtained 560 indictments/informations and 338 convictions. Last year, one operation resulted in the roundup of more than 400 people accused of inflicting more than \$1 billion in losses, who were caught up in a nationwide sweep named Operation Malicious Mortgage.

The Secret Service has also been working hard to combat fraud directed at financial institutions. It has an established network of 35 financial crimes task forces and 24 electronic crimes task forces. The Secret Service also partners with U.S. Attorney’s Offices across the country to participate in mortgage fraud working groups. In fiscal year 2008 alone, the Secret Service indicted and arrested 5,633 individuals responsible for \$442 million in fraud losses.

These impressive statistics, from both the FBI and the Secret Service, suggest that Federal criminal law is more than sufficient to address crimes of fraud associated with the ongoing economic crisis.

Federal prosecutors are not alone in pursuing mortgage fraud. Just last month, the New York Times ran an article saying, “Across the country, attorneys general have already begun indicting dozens of loan processors, mortgage brokers and bank officers. Last week alone, there were guilty pleas in Minnesota, Delaware, North Carolina and Connecticut and sentences in Florida and Vermont, all stemming from home loan scams.” The article gave specific examples of State actions being taken to address the crisis:

State and local prosecutors, it seems, do not need the nudge. Last week, the district attorney’s office in Brooklyn announced the creation of a real estate fraud unit, with 12 employees and a mandate to “address the recent flood of mortgage fraud cases plaguing New Yorkers.” In late February, Maryland

unveiled a mortgage fraud task force, bringing together 17 agencies to streamline investigations.

As the joint letter from the Heritage Foundation and the National Association of Criminal Defense Lawyers correctly notes, States are the "primary regulators of mortgage brokers and the insurance industry."

State governments are also closest to the people and are well-situated to detect and prosecute these crimes. Aided by the recent allocation of nearly \$5 billion in Federal funding for State and local law enforcement, states should be able to continue and enhance their existing efforts to pursue mortgage fraud.

In short, both Federal and State criminal law is sufficient to combat mortgage and other financial fraud crimes. Congress should resist the temptation to overreach on this issue by enacting new criminal laws, and instead focus its efforts on enforcing existing law.

Enforcing existing law, of course, requires resources. In addition to the significant resources already being expended by the Federal Government to address fraud, S. 386 authorizes \$490 million for fiscal years 2009 and 2010. CBO has scored the bill and estimates that implementing it would cost the full amount over the 2010–2014 period.

Proponents argue that the recent influx of Federal dollars into the economy is sure to invite fraud. I do not disagree, but this problem did not develop overnight. Surely Congress realized the possibility for fraud when it wrote these checks just months ago? Instead of taking time to include safeguards in the bill or otherwise ensure responsible, effective allocation of hard-earned taxpayer dollars, Congress rushed the bills out the door at breakneck speed. In doing so, Congress created an environment ripe for fraud.

The answer to this problem is, of course, to ask the taxpayers to shoulder even more of the burden. The 111th Congress has now spent more than \$1.5 trillion, yet it has somehow neglected to fund a priority as important as combating fraud. The omnibus appropriations bill, passed just weeks ago, only contained \$10 million for the FBI to pursue mortgage fraud. The stimulus bill, which provided \$4 billion for State and local law enforcement, amid nearly \$1 trillion in spending, failed to provide any money specific to fraud enforcement. Why, when opportunities to address this problem arose, did Congress not do the right thing and prioritize the funding authorized by S. 386?

In this time of economic crisis, Congress no longer has the luxury of spending money haphazardly. We must learn to set priorities and make sacrifices, and perhaps even think creatively about how to stretch limited resources to meet our needs.

For example, the Department of Justice has access to "unobligated bal-

ances," which are unspent dollars that have been appropriated but not obligated during a fiscal year. Such money is typically required to be returned to the U.S. Treasury, but the Justice Department has unique authority to retain and carry over its unobligated funds for use in the following year. Fiscal year 2007, DOJ had almost \$2.9 billion in unobligated balances, and it is estimated to have had nearly \$2.3 billion at the end of fiscal year 2008, and to have \$2 billion at the end of fiscal year 2009. This excess would be a good source of funding for priorities such as investigating and prosecuting mortgage fraud during a housing crisis.

Moreover, the Department of Justice has become infamous for its wasteful spending. Last year, I released a report titled, "Justice Denied: Waste & Mismanagement at the Department of Justice," which identified more than \$10 billion in wasteful spending. The Justice Department should be required to make more responsible use of the funds currently within its authority before Congress entrusts it with even more of the taxpayers' hard-earned money.

Unfortunately, many of the dollars wasted at the Department of Justice are done by way of congressional earmarks. Earmarks consume scarce resources and prevent experts at DOJ from allocating money to areas with the most pressing need. Congress should allow DOJ officials to reprogram existing earmarks so that higher priority needs, like combating mortgage fraud, can be met.

One thing is certain, the American taxpayer has already paid too high a price for irresponsible governance. Continuing "business-as-usual," by funding parochial pet projects before we take care of legitimate business, cannot continue.

While I surely support the legislation's goal of addressing fraud, especially in the mortgage industry, I do not believe S. 386 is either necessary or prudent at this time of economic crisis. Our national debt is more than \$11 trillion, and CBO recently set this year's deficit at \$1.7 trillion, projected to rise to \$1.845 trillion by year's end. I believe Government can and should prioritize spending to fulfill its responsibilities without asking more of the American people. I also believe that State and Federal criminal law are sufficient to address fraud and would rather see efforts focused on enforcing those existing laws, rather than on creating new ones.

AMENDMENT NO. 982

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and amendment No. 982 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 982.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the use of TARP funds to cover the costs of the bill)

At the end of the bill, add the following:

SEC. 5. USE OF TARP FUNDS TO PAY FOR ADDITIONAL EXPENDITURES.

Effective upon the date of enactment of this Act, of the amounts of authority made available pursuant to paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) to purchase troubled assets that remain unused as of such date of enactment, such amounts as may be necessary shall be available, notwithstanding any provision of such Act, to provide the amounts authorized under subsections (a), (b), (c), and (d) of section 3.

Mr. COBURN. Earlier today, I spoke for a short period of time on this bill. I wish to retrace some of that before I talk about this amendment. It is important that the American people understand what this bill is doing.

All of us wish to get rid of the fraud, the money laundering, we wish to punish the people who have, in fact, helped cause part of this problem. I would tell you the biggest person or group of people responsible for the problem we face today is the Congress, this body and the House of Representatives.

We failed to do our job on oversight. We incentivized and socialized housing, we incentivized Fannie Mae and Freddie Mac to do things that were inappropriate, to take risks they should not have done, and then we did not have the regulatory mechanisms in place, nor did we do the oversight to see what was going on.

This bill, however, is attempting to fix a problem with a statute, criminal statute. Most people know we do not need more criminal statutes. The fact is, nobody can name an act that occurred on any of this fraud or any of this money laundering that is not prosecutable under the Criminal Code we have today.

Off the record, when we asked some pertinent people from the Justice Department, they laughed when asked if we needed these new criminal statutes. The other point I would make is, none of this, with the exception of the false claim portion, has any application to what has already happened because you cannot apply a new law to a crime that already existed under our Constitution.

So what are we doing? What we are doing is trying to make the American public think we are doing something now that, in essence, does not need to be done. We may need to fund the Justice Department at a greater level because we did not do what we should have done earlier.

It is the typical knee-jerk reaction. We have plenty of laws on the books. As a matter of fact, the new penalties

in some of this stuff are greater for fraud and mortgage than for manslaughter under the Federal Code.

We need to be very careful as we approach this. I am not saying we should not go after all those people. I am not saying we should not put in the resources to do that. But when we put the resource there, we ought to make sure they are used just for that.

No. 2, we ought to look at the Justice Department and how they spend money. Late last year I released a report on the \$10 billion worth of waste in the Justice Department over the previous 5 years, \$10 billion that was wasted over the previous 5 years.

Nobody disputed it. I mean, the Justice Department did not even answer it and say, that is not right, because they knew it was right. The fact is we refuse to make priorities.

This amendment is very simple. If we are going to appropriate a half billion dollars in increased funding to go after the fraud and money laundering associated with this financial situation that the Congress created and incentivized individuals, should we take it from the American taxpayers or should we take it out of money that we have already allocated?

The Justice Department is different than every other agency in the Federal Government, because at the end of the year, every other department's unexpended balances, unobligated balances eventually filter back to the Treasury. Not so at the Justice Department. They actually get to keep theirs. They are the only agency that gets to keep it.

Now, what have they averaged over the last 5 years in unobligated and unexpended balances? Over \$2 billion a year. So here is an agency with \$2 billion that they have not spent, and we are going to give them another \$500 million, and their incentive is not to spend the money on the things we need to do; it is to keep it to do with what they want out of the direction of those that control the purse strings.

What this amendment says is we have already allocated money in terms of TARP funds; that if, in fact, we are going to send more money, which I do not think we should—I think we ought to spend it from the money we have—but if we are going to do it, let's take it from the money we have already taken from the American taxpayer, and it is not the American taxpayer; it is their grandkids, and let us use some of that money because the return on that money will be far greater than the return we are going to get on any TARP money.

It is very simple, very straightforward as a funding treatment. What we will use is money that has already been appropriated in the TARP funds, which they have a significant balance—in the billions—and we will take, over the next 2 years, \$250 million or so to

give to the Justice Department, if we agree we should be giving it to the Justice Department. Do not be fooled by the typical Washington turnaround that happens all the time up here, the sleight of hand that says: We are fixing a problem. We tend to fix problems that are not broken and not fix the problems that are broken. The mess we are in demonstrates that very straight forwardly.

We are going to have a \$2 trillion deficit this year. We are going to double the national debt in 5 years. We are going to triple it in 10 under the Obama budget. Should not we be about priorities? Should not we be about holding the agencies accountable? Should not we be about making sure the money is spent properly?

If we are going to spend new money, try to get it from areas we already are not spending the money in but it has been appropriated. The American people would agree with that. I hope my colleagues will as well.

Mr. DODD. Mr. President, let me begin by complimenting the authors of the bill before the Senate today. The Fraud Enforcement and Recovery Act, or FERA, provides important tools to the Departments of Justice, Homeland Security and Housing and Urban Development to investigate and prosecute mortgage fraud. I am afraid that our government must be particularly vigilant today, as criminals seek to exploit people's economic hardships, and as some persons harmed by the downturn resort to fraud as a desperate measure.

This problem is grave, and it is getting worse by the day. Last year, financial institutions reported that mortgage loan fraud increased by 44 percent from the previous year. And this year, mortgage loan fraud is reportedly increasing even more—26 percent over last year. And still, disappointingly, many incidents of fraud go unnoticed. While this bill appropriately addresses the problem by providing additional resources to bring criminals to justice, including 400 new prosecutors and agents, I believe that efforts to arrest this alarming trend must also focus on preventing frauds from even being perpetrated in the first place.

Fortunately, the Obama administration is doing just that. Earlier this month, a new initiative was announced targeting mortgage loan modification fraud and foreclosure rescue scams. This effort, led by the Department of the Treasury's Financial Crimes Enforcement and Network, or FinCEN, is coordinating efforts across Federal and State governments as well as the private sector to share intelligence and identify criminal enterprises and deceptive schemes. Once such scams were identified, FinCEN is issuing "early warnings" to law enforcement, regulatory agencies, and the consumer protection community to watch for telltale signs of such scams. Already,

FinCEN reports that this information is providing critical leads to protect consumers from falling victim to fraud. In addition, FinCEN is helping private industry perform their own due diligence, issuing advisories to alert financial institutions to the risks of emerging schemes by describing what they call "red flags," that typify loan modification or foreclosure rescue scams. Banks, in turn are thus advised on how to file suspicious activity reports to Treasury, to ensure that law enforcement authorities may stay up-to-date in tracking potential fraud activity.

As the industry publication, *American Banker*, reported last week, increases in the filing of suspicious activity reports this year may be demonstrating a rise in fraud. In any case, in my estimation, these filings indicate that cases of fraud are being taken very seriously both by the government and industry. For that reason, I believe that, if implemented appropriately, the FinCEN-led Foreclosure Rescue Scams & Loan Modification effort will help both law enforcement combat fraud and consumers avoid scams.

I appreciate the Obama administration's efforts, and I urge every law enforcement agency, including the Department of Justice, to coordinate with FinCEN as we attempt to safeguard our financial system from fraud and prosecute those who break the law. I support the bill currently before the Senate, which I believe will greatly complement Treasury's programs to combat financial crimes.

ANTI-MONEY LAUNDERING

Mr. LEVIN. Mr. President, as chairman of the Permanent Subcommittee on Investigations, I have conducted a series of hearings and issued reports on various issues pertaining to money laundering and tax havens, and I appreciate the benefit of the Banking Committee chairman's insight on these matters.

The Fraud Enforcement and Recovery Act of 2009 before us importantly modifies the money laundering statute to include tax evasion. I believe that we should also expand anti-money laundering laws to apply to other entities involved in financial transactions.

In particular, hedge funds, other private investment vehicles, and company formation agents are not subject to the same anti-money laundering regulations as others who play roles in the financial services world. Currently, unregistered investment companies, such as hedge funds and private equity funds, have limited responsibilities under the Bank Secrecy Act. For example, hedge funds themselves are not required to establish Know Your Customer programs or file suspicious activity reports. Suspicious activity and tax evasion by clients may go unnoticed by appropriate authorities. Indeed, offshore tax abuses cost the U.S. Treasury an estimated \$100 billion each year.

Complicating the Government's ability to establish and enforce AML regulations for this industry is the fact that many private investment funds and company formation agents have largely escaped general regulatory oversight. For example, when the Securities and Exchange Commission attempted to require hedge funds to register, the Court of Appeals for the District of Columbia Circuit found that the SEC, lacked the appropriate authority. I believe that the SEC's attempts were well-intentioned, but the court's findings indicate that clearer authority must be established for key sectors of the financial services industry, including hedge funds and company formation agents.

Because hedge funds, private equity funds, and company formation agents are as vulnerable as other financial institutions to money launderers seeking entry into the U.S. financial system, there is no reason why they should continue to serve as pathways into the U.S. financial system for substantial funds of unknown origin. We need to establish a clear statutory mandate for these entities to implement sound anti-money laundering programs and to report on suspicious activities.

Mr. DODD. I appreciate Senator LEVIN's and his subcommittee's hard investigative work on this very difficult subject matter. I share his conviction that America's regulatory system must be reformed to address challenges posed by business practices surrounding 21st century financial products. The United States cannot afford to have investment vehicles used to engage in abusive practices of fraud, illicit activity, and tax evasion. As the Banking Committee undertakes a comprehensive effort to modernize the securities and banking system, I will look forward to engaging the senior Senator from Michigan on issues of particular importance to him, including anti-money laundering measures.

Mr. REID. Mr. President, this housing crisis is the root of our larger economic crisis. As the mortgage mess rapidly worsens—and hurting more hardworking families—the implications for every other part of our economy are disastrous.

Today we learned that the number of American families at risk of losing their homes skyrocketed in the past few months. The problem is significantly worse at the beginning of this year than it was at the same time last year. In Las Vegas alone, 1 in every 22 homes received a foreclosure notice between January and March. That's seven times the national average.

The American people know we must do more. The people of Nevada certainly know this—families in my State lose their homes at the worst rate in the Nation. They know we must act now, before this emergency spins even further out of control.

But the declining health of our housing market comes with serious side effects. As foreclosures rise, so do reports of fraud. According to one report, the Nevada Bureau of Consumer Protection now receives 100 complaints each month from homeowners identifying possible mortgage scams. One Nevada scam recently offered a 100-percent money-back guarantee. The scammer, unsurprisingly, didn't hold up his end of the bargain. Another scheme charged homeowners heavy upfront fee and monthly charges on top of that—only later did they learn they were not getting any services in return.

While we are working to help the millions of desperate homeowners who need to modify their mortgages, countless swindlers are working to take advantage of them. And the way the system works now, we can't keep up.

The mortgage and corporate fraud bill will strengthen our ability to stop those who game the system on the backs of families who play by the rules and make an honest living. It gives law enforcement the necessary tools to probe, prosecute, and punish those responsible for the frauds that exploit hardworking homeowners and endanger our economy.

It is a strong start to solving a critical component of this crisis. But if we are going to protect families, it is not enough to punish the perpetrators—we must also stop the scams before they start. That is what the amendment I have submitted today does.

My Amendment No. 984 complements the larger effort in the underlying bill in three important ways, with each component focusing on the areas where foreclosures are the highest:

First, we will authorize more resources for advertising to help people avoid the mortgage rescue scams that bilk homeowners of thousands of dollars by raising awareness of the problem and encouraging the use of legitimate, free counseling agencies there to help. Because many of these areas have large Latino populations, at least half of those resources will be used for Spanish language advertising.

Second, we will increase resources for HUD-certified housing-counseling agencies in those hardest-hit areas. Las Vegas, Reno and other reeling regions still need more help as this problem gets worse. This amendment will help the agencies staff up and meet the growing demand for their services.

Third, we will send well-trained and experienced HUD officials to further support those agencies and other efforts by the Federal Government to combat the foreclosure crisis and prevent scams.

Hardworking Americans have lost enough in this storm. They need not give thousands of dollars to con artists who will leave them with struggling with the same mortgage and even less money to pay it. They need not be

duped into turning over the keys to their home only to be evicted later.

To stabilize the economy, we must build on the administration's and our own prior efforts to stabilize the housing market. To do that, we must start by stopping fraud. Yes, we must put away the swindlers, but we must also do more to stop the vultures before they can prey on the most vulnerable.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 999

Mr. BEGICH. Mr. President, I ask unanimous consent that the order with respect to a vote in relation to amendment No. 999 be vitiated, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 999) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

DEPARTMENT OF JUSTICE OPINIONS ON CIA'S DETENTION AND INTERROGATION PROGRAM

• Mr. ROCKEFELLER. Mr. President, today Chairman DIANNE FEINSTEIN and I, with the agreement of Vice Chairman KIT BOND, have posted on the Web site of the Senate Select Committee on Intelligence, a document newly declassified by the Obama administration. I ask that this document be printed in the RECORD at the end of my remarks.

In so doing we conclude an effort that I began as chairman of the committee in the last Congress to provide to the public an initial narrative of the history of the interrogation and detention opinions of the Department of Justice's—DOJ—Office of Legal Counsel, OLC.

I applaud President Obama's decisive action last week not only to release

four of the OLC opinions discussed in our narrative but also to state firmly our Nation's support for the front-line intelligence professionals who relied on that legal advice in good faith. I couldn't agree more.

Three of these OLC documents are among those that I sought for the committee starting as far back as 2005, when it became increasingly clear to me that Congress had not been given complete information regarding the Bush administration's interrogation policies and practices.

I said publicly in July of 2005 and still firmly believe today that secret legal opinions that are kept even from oversight by the Congress can lead to great error. In the years since then I—together with Chairman FEINSTEIN and others—have sought within the committee, on the Senate floor, and in written demands to the Bush administration to launch a comprehensive investigation of these issues and to advance legislation to end coercive interrogation practices.

Now, thanks to President Obama's wise decision and to the ongoing work of the Senate Intelligence Committee, we have at last begun the task of fully setting the record straight, holding our government accountable, and learning from past errors in order to protect our country into the future.

Let me be clear—in the wake of 9/11 we all wanted to leave no stone unturned in our pursuit of terrorists to prevent future attacks. At that time and since, the Senate Intelligence Committee sought to work in partnership with the administration to keep America safe. But we now know that essential information was withheld from the Congress on many matters and decisions were made in secret by senior Bush administration officials to obscure the complete picture.

It is my hope and intention that the document we release today helps to fill in some of the facts, even as many other pieces of the puzzle are brought forth.

The genesis of this document is as follows:

Last year, I sought declassification of the August 1, 2002, OLC opinion, along with a short contextual narrative to accompany it. While declassification of that opinion was resisted, we engaged instead in a joint effort with Attorney General Michael B. Mukasey to declassify a broader narrative surrounding all of the OLC's opinions on these matters.

The objective was to produce a text that describes the key elements of the opinions and sets forth facts that provide a context for those opinions, within the boundaries of what the DOJ and the Intelligence Community would recommend in 2008 for declassification.

By late 2008, the DOJ, the Director of National Intelligence—DNI—and the Central Intelligence Agency—CIA—all

had approved the public release of this narrative, but the Bush Administration National Security Council—NSC—held it and would not agree to its declassification.

I renewed the declassification effort as soon as Attorney General Eric Holder took office in early February 2009, and I am pleased to have received the support again of the DOJ, DNI and CIA, and now also of the NSC, for its release as a contextual description of the OLC memos.

Readers of the narrative should bear in mind that its text is current through President Obama's Executive orders of January 22, 2009, but has not been revised following the release of the four OLC opinions on April 16, 2009. While there is now more public information available about those four opinions, the narrative adds important facts about the approval of the interrogation program beginning in 2002 and about opinions subsequent to the four that have been released.

For the moment, I would like to note three points that emerge from the narrative: First, the records of the CIA demonstrate that the lawyers at the Office of Legal Counsel—OLC—did not operate in a vacuum. Key legal officials at the CIA, NSC, DOJ's Criminal Division, the Office of White House Counsel, all participated in meetings leading to the approval of methods used by the CIA. The then Vice President and the National Security Adviser are at the center of the discussions. But, strikingly, unless there is a further story in records not yet shown to us, the Secretary of State and the Secretary of Defense, were not involved in the decision making process despite the high stakes for U.S. foreign policy and for the treatment of the U.S. military.

Second, the narrative and the May 30, 2005, opinion demonstrate that the Detainee Treatment Act of December 2005, was substantially undermined by the May 30, 2005, OLC opinion. The Bush administration had already construed the main provisions of the act to authorize its full gamut of coercive techniques.

Third, the narrative demonstrates that the job of declassifying the interrogation and detention opinions of the OLC is not complete. There were important opinions in 2006 and 2007 that will, among other things, show how OLC interpreted the Detainee Treatment Act and the war crimes amendments of the Military Commissions Act of 2006, and Common Article 3 of the Geneva Conventions. The prompt declassification of those opinions, accompanied by their withdrawal as valid OLC opinions, is essential to completing the progress achieved by the President's declassification and the Attorney General's withdrawal of four opinions last week.

Finally, I am gratified that the release of the August 2002 and May 2005

opinions, followed by the release of this narrative of the history of OLC opinions from 2002 to 2007, are themselves but first steps.

In this new environment, and with the shared determination of our new chairman, the Senate Intelligence Committee is undertaking a major review not only of the origin of the detention and interrogation program but also of its actual implementation. We will be asking probing questions about what took place during interrogations and what intelligence was gained from detainees. We will also be examining what was told to the Congress, including both the content and the limitations on the briefings that were provided.

It is long overdue but certainly not too late. As we enter a new period committed to openness and change, and bid farewell to the former administration's obscurity and dishonesty, there is the potential for great progress in our intelligence and national security activities.

The trust between the executive branch and the Congress was breached, and the trust and confidence of the American people has been eroded. But I remain confident that if we restore the vital role of the Congress in overseeing our intelligence activities, we can bridge the divide, restore integrity, and get back to the business of lawfully and effectively securing this great Nation.

The material follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 17, 2009.
Hon. JOHN D. ROCKEFELLER IV,
Senate Select Committee on Intelligence,
Washington, DC.

DEAR SENATOR ROCKEFELLER: This responds to your letter of February 3, 2009, which requested declassification and release of a narrative regarding advice provided by the Department to the Central Intelligence Agency on the legality of the CIA's use of certain interrogation techniques.

As you know, we have worked with Committee staff in reviewing the narrative for this purpose and we are pleased to advise you that this process has now been completed. We are transmitting the now declassified narrative to you with this letter for the further action necessary in order to disclose the document.

We appreciate the leadership that you and the Senate Select Committee on Intelligence have demonstrated on these important issues. We also are grateful for your patience as we have worked through the process leading to this declassification.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.

Enclosure.

RELEASE OF DECLASSIFIED NARRATIVE DESCRIBING THE DEPARTMENT OF JUSTICE OFFICE OF LEGAL COUNSEL'S OPINIONS ON THE CIA'S DETENTION AND INTERROGATION PROGRAM

(Senator John D. Rockefeller IV, April 22, 2009)

PREFACE

The release of the following declassified narrative completes an effort that I began last year as Chairman of the Select Committee on Intelligence. The document is an effort to provide to the public an initial narrative of the history of the opinions of the Department of Justice's Office of Legal Counsel (OLC), from 2002 to 2007, on the legality of the Central Intelligence Agency's detention and interrogation program.

In August 2008, I asked Attorney General Michael B. Mukasey to join the effort to create such an unclassified narrative. The Attorney General committed himself to the endeavor, saying that if we failed it would not be for want of effort. Over the next months, Committee counsel and representatives of the Department of Justice, CIA, Office of the Director of National Intelligence, and the office of the Counsel to the President discussed potential text. The shared objective was to produce a text that, putting aside debate about the merits of the OLC opinions, describes key elements of the opinions and sets forth facts that provide a useful context for those opinions, within the boundaries of what the Department of Justice (DOJ) and the Intelligence Community would recommend in 2008 for declassification.

The understanding of the participants was that while the final product would be a Legislative Branch document, the collaborative nature of this process would provide the Executive Branch participants with the opportunity to ensure its accuracy. Before the end of the year, this process produced a narrative whose declassification DOJ, the DNI and the CIA supported. However, the prior Administration's National Security Council did not agree to declassify the narrative.

I renewed this effort in early February as soon as Attorney General Eric H. Holder, Jr., took office. Except for this preface, some minor edits, and the addition of a final paragraph to bring the narrative up to date as of President Obama's Executive Orders of January 22, 2009, this document is the same as the one that secured support for declassification last year. This declassification, which National Security Adviser James L. Jones effected on April 16, 2009 and Attorney General Holder transmitted to the Committee on April 17, 2009, is supported again by the DOJ, the DNI, and the CIA. Because the text of the narrative was settled prior to the release on April 16, 2009 of the declassified OLC opinions from August 2002 and May 2005, the narrative does not include additional information from those opinions that is now in the public domain.

JOHN D. ROCKEFELLER IV.

OLC OPINIONS ON THE CIA DETENTION AND INTERROGATION PROGRAM

Submitted by Senator John D. Rockefeller IV for Classification Review

On May 19, 2008, the Department of Justice and the Central Intelligence Agency (CIA) provided the Committee with access to all opinions and a number of other documents prepared by the Office of Legal Counsel of the Department of Justice (OLC) concerning the legality of the CIA's detention and interrogation program. Five of the documents provided addressed the use of waterboarding.

Committee Members and staff reviewed these documents over the course of several weeks; however, the Committee was not allowed to retain copies of the OLC documents about the CIA's interrogation and detention program.

The Committee had previously received one classified OLC opinion—an August 1, 2002, OLC opinion—in May 2004 as an attachment to a special review issued by the CIA's Inspector General on the CIA's detention and interrogation program. The opinion is marked as "Top Secret." The Executive Branch initially provided access to this review and its attachments to the Committee Chairman and Vice Chairman and staff directors. On September 6, 2006, all Members of the Committee obtained access to the Inspector General's review. The August 1, 2002, opinion is currently the only classified OLC opinion in the Committee's possession as to the legality of the CIA's interrogation techniques.

THE CAPTURE OF ABU ZUBAYDAH AND THE INITIATION OF THE CIA DETENTION AND INTERROGATION PROGRAM

In late March 2002, senior Al-Qa'ida operative Abu Zubaydah was captured. Abu Zubaydah was badly injured during the fire-fight that brought him into custody. The CIA arranged for his medical care, and, in conjunction with two FBI agents, began interrogating him. At that time, the CIA assessed that Abu Zubaydah had specific information concerning future Al-Qa'ida attacks against the United States.

CIA records indicate that members of the National Security Council (NSC) and other senior Administration officials were briefed on the CIA's detention and interrogation program throughout the course of the program. In April 2002, attorneys from the CIA's Office of General Counsel began discussions with the Legal Adviser to the National Security Council and OLC concerning the CIA's proposed interrogation plan for Abu Zubaydah and legal restrictions on that interrogation. CIA records indicate that the Legal Adviser to the National Security Council briefed the National Security Adviser, Deputy National Security Adviser, and Counsel to the President, as well as the Attorney General and the head of the Criminal Division of the Department of Justice.

According to CIA records, because the CIA believed that Abu Zubaydah was withholding imminent threat information during the initial interrogation sessions, attorneys from the CIA's Office of General Counsel met with the Attorney General, the National Security Adviser, the Deputy National Security Adviser, the Legal Adviser to the National Security Council, and the Counsel to the President in mid-May 2002 to discuss the possible use of alternative interrogation methods that differed from the traditional methods used by the U.S. military and intelligence community. At this meeting, the CIA proposed particular alternative interrogation methods, including waterboarding.

The CIA's Office of General Counsel subsequently asked OLC to prepare an opinion about the legality of its proposed techniques. To enable OLC to review the legality of the techniques, the CIA provided OLC with written and oral descriptions of the proposed techniques. The CIA also provided OLC with information about any medical and psychological effects of DoD's Survival, Evasion, Resistance and Escape (SERE) School, which is a military training program during which military personnel receive counter-interrogation training.

On July 13, 2002, according to CIA records, attorneys from the CIA's Office of General

Counsel met with the Legal Adviser to the National Security Council, a Deputy Assistant Attorney General from OLC, the head of the Criminal Division of the Department of Justice, the chief of staff to the Director of the Federal Bureau of Investigation, and the Counsel to the President to provide an overview of the proposed interrogation plan for Abu Zubaydah.

On July 17, 2002, according to CIA records, the Director of Central Intelligence (DCI) met with the National Security Adviser, who advised that the CIA could proceed with its proposed interrogation of Abu Zubaydah. This advice, which authorized CIA to proceed as a policy matter, was subject to a determination of legality by OLC.

On July 24, 2002, according to CIA records, OLC orally advised the CIA that the Attorney General had concluded that certain proposed interrogation techniques were lawful and, on July 26, that the use of waterboarding was lawful. OLC issued two written opinions and a letter memorializing those conclusions on August 1, 2002.

AUGUST 1, 2002 OLC OPINIONS

On August 1, 2002, OLC issued three documents analyzing U.S. obligations with respect to the treatment of detainees. Two of these three documents were unclassified: an unclassified opinion interpreting the federal criminal prohibition on torture, and a letter concerning U.S. obligations under the Convention Against Torture and the Rome Statute. Those two documents were released in 2004 and are publicly available.

The third document issued by OLC was a classified legal opinion to the CIA's Acting General Counsel analyzing whether the use of the interrogation techniques proposed by the CIA on Abu Zubaydah was consistent with federal law. OLC had determined that the only federal law governing the interrogation of an alien detained outside the United States was the federal anti-torture statute. The opinion thus assessed whether the use of the proposed interrogation techniques on Abu Zubaydah would violate the criminal prohibition against torture found at Section 2340A of title 18 of the United States Code. The Department of Justice released a highly redacted version of this opinion in July 2008 in response to a Freedom of Information Act lawsuit.

The classified opinion described the interrogation techniques proposed by the CIA. Only one of these techniques—waterboarding—has been publicly acknowledged. In addition to describing the form of waterboarding that the CIA proposed to use, the opinion discusses procedures the CIA identified as limitations as well as procedures to stop the use of interrogation techniques if deemed necessary to prevent severe mental or physical harm. Although a form of "waterboarding" has been employed on U.S. military personnel as part of the SERE training program, the Executive Branch considers classified the precise operational details concerning the CIA's form of the technique.

The opinion also outlined the factual predicates for the legal analysis, including the CIA's background research on the proposed techniques and their possible effect on the mental health of Abu Zubaydah. The opinion described the information provided by the CIA concerning whether "prolonged mental harm" would be likely to result from the use of those proposed procedures. Because the military's SERE training program, like the CIA program, involved a series of stressful interrogation techniques (including a form of waterboarding) the opinion discussed inquiries and statistics relating to

possible adverse psychological reactions to SERE training.

The anti-torture statute prohibits an act "specifically intended" to inflict "severe physical or mental pain or suffering." The opinion separately considered whether each of the proposed interrogation techniques, individually or in combination, would inflict "severe physical pain or suffering" or "severe mental pain or suffering." The opinion also considered whether individuals using the techniques would have the mental state necessary to violate the statute.

The opinion concluded that none of the techniques individually was likely to cause "severe physical pain or suffering" under the statute. With respect to waterboarding, the OLC opinion concluded that the technique would not inflict "severe physical pain or suffering" because it does not inflict actual physical harm or physical pain. The opinion concluded that, although OLC did not then believe physical suffering to be a concept under the statute distinct from physical pain, waterboarding would not inflict severe suffering, because any physical effects of waterboarding did not extend for the protracted period of time generally required by the term "suffering."

The OLC opinion also concluded that none of the techniques would constitute "severe mental pain or suffering" as that term is defined under the anti-torture statute. The opinion concluded that under the anti-torture statute, "severe mental pain or suffering" requires the occurrence of one of four specified predicate acts, as well as "prolonged mental harm." The opinion interpreted "prolonged mental harm" to require harm of some lasting duration, such as mental harm lasting months or years.

With respect to waterboarding, based on information provided by the CIA, the OLC opinion assessed whether it constituted, as a legal matter, one of the four predicate acts under the mental harm component of the anti-torture statute. The opinion concluded that the technique would not cause "severe mental pain or suffering" because, based on the U.S. military's experience with the form of 5 waterboarding used in its SERE program, the CIA did not anticipate that waterboarding would cause prolonged mental harm.

After evaluating the proposed techniques individually, the OLC opinion considered whether the combined use of the proposed interrogation techniques would cause "severe physical pain or suffering" or "severe mental pain or suffering." OLC concluded that the combined use of the interrogation techniques would not constitute severe physical pain or suffering, because individually the techniques fell short of and would not be combined in such a way as to reach that threshold. The opinion concluded that OLC lacked sufficient information concerning the proposed use of the techniques to assess whether their combined use might inflict one of the predicate conditions for severe mental pain or suffering. The opinion concluded, however, that even if a predicate condition would be satisfied, it would not violate the prohibition because there was no evidence that the proposed course of conduct would produce any prolonged mental harm.

Finally, the opinion addressed whether an individual carrying out the proposed interrogation procedures would have the specific intent to inflict severe physical or mental pain or suffering required by the statute. It concluded that the interrogator would not have the requisite intent because of the circumstances surrounding the use of the tech-

niques, including the interrogator's expectation that the techniques would not cause severe physical or mental pain or suffering, and the CIA's intent to include specific precautions to prevent serious physical harm.

For those reasons, the classified opinion concluded that none of the proposed interrogation techniques, used individually or in combination, would violate the criminal prohibition against torture found at section 2340A of title 18 of the United States Code.

EVENTS AFTER ISSUANCE OF AUGUST 1, 2002 OLC OPINION

According to CIA records, after receiving the legal approval of the Department of Justice and approval from the National Security Adviser, the CIA went forward with the interrogation of Abu Zubaydah and with the interrogation of other high-value Al-Qa'ida detainees who were then in, or later came into, U.S. custody. Waterboarding was used on three detainees: Abu Zubaydah, Abd alRahim al-Nashiri, and Khalid Sheikh Muhammad. The application of waterboarding to these detainees occurred during the 2002 and 2003 timeframe.

In the fall of 2002, after the use of interrogation techniques on Abu Zubaydah, CIA records indicate that the CIA briefed the Chairman and Vice Chairman of the Committee on the interrogation. After the change in leadership of the Committee in January of 2003, CIA records indicate that the new Chairman of the Committee was briefed on the CIA's program in early 2003. Although the new Vice-Chairman did not attend that briefing, it was attended by both the staff director and minority staff director of the Committee. According to CIA records, the Chairman and Vice Chairman of the Committee were also briefed on aspects of the program later in 2003, after the use of interrogation techniques on Khalid Sheikh Muhammad.

In the spring of 2003, the DCI asked for a reaffirmation of the policies and practices in the interrogation program. In July 2003, according to CIA records, the NSC Principals met to discuss the interrogation techniques employed in the CIA program. According to CIA records, the DCI and the CIA's General Counsel attended a meeting with the Vice President, the National Security Adviser, the Attorney General, the Acting Assistant Attorney General for the Office of Legal Counsel, a Deputy Assistant Attorney General, the Counsel to the President, and the Legal Adviser to the National Security Council to describe the CIA's interrogation techniques, including waterboarding. According to CIA records, at the conclusion of that meeting, the Principals reaffirmed that the CIA program was lawful and reflected administration policy.

According to CIA records, pursuant to a request from the National Security Adviser, the Director of Central Intelligence subsequently briefed the Secretary of State and the Secretary of Defense on the CIA's interrogation techniques on September 16, 2003.

In May 2004, the CIA's Inspector General issued a classified special review of the CIA's detention and interrogation program, a copy of which was provided to the Committee Chairman and Vice Chairman and staff directors in June of 2004. The classified August 1, 2002, OLC opinion was included as an attachment to the Inspector General's review. That review included information about the CIA's use of waterboarding on the three detainees.

After the issuance of that review, the CIA requested that OLC prepare an updated legal opinion that incorporated actual CIA experiences and practice in the use of the tech-

niques to date included in the Inspector General review, as well as legal analysis as to whether the interrogation techniques were consistent with the substantive standards contained in the Senate reservation to Article 16 of the Convention Against Torture.

Article 16 of the Convention Against Torture requires signatories to "undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman and degrading treatment which do not amount to torture." The Senate reservation to that treaty defines the phrase "cruel, inhuman and degrading treatment" as the treatment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution. Thus, the CIA requested that OLC assess whether the interrogation techniques were consistent with the substantive provisions of the due process clause, as well as the constitutional requirement that the government not inflict cruel or unusual punishment.

In May 2004, after the issuance of the Inspector General review, CIA records indicate that the CIA's General Counsel met with the Counsel to the President, the Counsel to the Vice President, the NSC Legal Adviser, and senior Department of Justice officials about the CIA's program and the Inspector General review.

In June 2004, OLC withdrew its unclassified August 1, 2002, opinion on the anti-torture statute. OLC did not, however, withdraw the classified August 1, 2002 opinion, because it concluded that the classified opinion was narrower in scope than the unclassified opinion that was withdrawn. The classified opinion applied the anti-torture statute to the CIA's specific interrogation methods, but, unlike the unclassified August 1, 2002, opinion, it did not rely on or interpret the President's Commander in Chief power or consider whether torture could be lawful under any circumstances.

In July 2004, the CIA briefed the Chairman and Vice Chairman of the Committee on the facts and conclusions of the Inspector General special review. The CIA indicated at that time that it was seeking OLC's legal analysis on whether the program was consistent with the substantive provisions of Article 16 of the Convention Against Torture.

According to CIA records, subsequent to the meeting with the Committee Chairman and Vice Chairman in July 2004, the CIA met with the NSC Principals to discuss the CIA's program. At the conclusion of that meeting, it was agreed that the CIA would formally request that OLC prepare a written opinion addressing whether the CIA's proposed interrogation techniques would violate substantive constitutional standards, including those of the Fifth, Eighth and Fourteenth Amendments regardless of whether or not those standards were deemed applicable to aliens detained abroad.

DOJ ADVICE FROM JUNE 2004 TO MAY 2005

Following the withdrawal of the unclassified August 1, 2002, opinion in June 2004, OLC began work on preparing an unclassified opinion concerning its interpretation of the anti-torture statute. At the same time, in accord with the request described above, OLC worked on classified opinions that would evaluate the specific techniques of the CIA program, individually and in combination, under its revised interpretation of the anti-torture statute, as well as an opinion that would evaluate whether the program was consistent with the substantive provisions of Article 16 of the Convention Against Torture.

On July 14, 2004, in unclassified written testimony before the House Permanent Select Committee on Intelligence, an Associate

Deputy Attorney General explained the Department of Justice's understanding of the substantive constitutional standards embodied in the Senate reservation to Article 16 of the Convention Against Torture. The official's written testimony stated that under Supreme Court precedent, the substantive due process component of the Fifth Amendment protects against treatment that "shocks the conscience." In addition, his testimony stated that under Supreme Court precedent, the Eighth Amendment protection against Cruel and Unusual Punishment has no application to the treatment of detainees where there has been no formal adjudication of guilt.

While OLC worked on drafting new opinions with respect to the CIA program, the CIA continued its interrogation of high-value Al-Qa'ida detainees in U.S. custody. On July 22, 2004, the Attorney General confirmed in writing to the Acting Director of Central Intelligence that the use of the interrogation techniques addressed by the August 1, 2002, classified opinion, other than waterboarding, would not violate the U.S. Constitution or any statute or treaty obligation of the United States, including Article 16 of the Convention Against Torture. On August 6, 2004, the Acting Assistant Attorney General for OLC advised in writing that, subject to the CIA's proposed limitations, conditions and safeguards, the CIA's use of waterboarding would not violate any of those legal restrictions. The letter noted that a formal written opinion would follow explaining the basis for those conclusions. According to the CIA, the CIA nonetheless chose not to use waterboarding in 2004. Waterboarding was not subsequently used on any detainee, and was removed from CIA's authorized list of techniques sometime after 2005.

On December 30, 2004, the Office of Legal Counsel issued an unclassified opinion interpreting the federal criminal prohibition against torture, 18 USC 2340-2340A, superseding in its entirety the withdrawn August 1, 2002, unclassified opinion. That December 30, 2004, opinion included a footnote stating "While we have identified various disagreements with the August 2002 Memorandum, we have reviewed this Office's prior opinions addressing issues involving treatment of detainees and do not believe that any of their conclusions would be different under the standards set forth in this memorandum."

In January of 2005, in response to a question for the record following his confirmation hearing, Attorney General Gonzales indicated that "the Administration . . . wants to be in compliance with the relevant substantive constitutional standard incorporated in Article 16 [of the Convention Against Torture], even if such compliance is not legally required." Attorney General Gonzales further indicated that "the Administration has undertaken a comprehensive legal review of all interrogation practices. . . . The analysis of practices under the standards of Article 16 is still under way."

The CIA briefed the Chairman and Vice Chairman of the Committee on the CIA's interrogation program again in March 2005. At that time, the CIA indicated that it was waiting for a revised opinion from OLC.

MAY 2005 OPINIONS

In May 2005, OLC issued three classified legal opinions analyzing the legality of particular interrogation techniques. The first legal opinion analyzed the legality of particular interrogation techniques, including waterboarding, under the interpretation of

the federal criminal prohibition against torture set forth in the December 30, 2004, unclassified opinion. The May 2005 opinion includes additional facts about the proposed techniques and a more extensive description of the applicable legal standards than the August 1, 2002, opinion.

With respect to waterboarding, the opinion concluded that while the technique presented a substantial question under the statute, the authorized use of waterboarding, when conducted with measures identified by the CIA as safeguards and limitations, would not violate the federal criminal prohibition against torture. To understand the possible effects of waterboarding, the May 2005 opinion relied on the military's experience in the administration of its form of the technique on American military personnel who had undergone SERE training, while recognizing some limitations with that reliance, such as the expectations of the individual going through the practice. The opinion also relied on the CIA's experience with the use of its form of waterboarding on the three detainees in 2002 and 2003.

The opinion concluded that waterboarding does not cause "severe physical pain" because it is not physically painful. It further reasoned that the CIA's form of waterboarding could not reasonably be considered specifically intended to cause "severe physical pain." The opinion also concluded that under the limitations and conditions adopted by the CIA, the technique would not be expected to cause distress of a sufficient intensity and duration to constitute "severe physical suffering," which the December 30, 2004 unclassified opinion had recognized to be a separate element under the federal anti-torture statute. The opinion concluded that waterboarding would not cause "severe mental pain or suffering" because OLC understood from the CIA that any mental harm from waterboarding would not be "prolonged," even if it met a predicate condition under the statute.

OLC's second legal opinion issued in May 2005 addressed the legality of the combined use of particular techniques, including waterboarding, under the criminal prohibition against torture. That opinion relied on information provided by the CIA concerning the manner in which the individual techniques were proposed to be combined in the CIA program. After considering the combined use of techniques as described by the CIA, OLC concluded that the combined use of the proposed techniques by trained interrogators would not be expected to cause the severe mental or physical pain or suffering required by the criminal prohibition against torture.

OLC's third legal opinion in May 2005 assessed the legality of particular interrogation techniques under Article 16 of the Convention Against Torture. The Executive Branch had previously concluded that Article 16 does not apply to detainees, such as those in CIA custody, who were held outside territory under U.S. jurisdiction. Nonetheless, as articulated in the January 2005 testimony of the Attorney General, the Executive Branch had decided to comply, as a matter of policy, with the relevant substantive constitutional standards incorporated in Article 16. Because of that policy determination, and because of the CIA's request that OLC address the substantive "cruel, inhuman or degrading" standard, OLC analyzed whether a number of interrogation techniques, including waterboarding, would violate the substantive constitutional standards contained in the Senate reservation to CAT.

The May 2005 opinion on Article 16 concluded that the CIA's use of interrogation techniques, including waterboarding, on senior members of al-Qa'ida with knowledge of, or involvement in, terrorist threats would not be prohibited by the Fifth, Eighth or Fourteenth Amendments under the particular circumstances of the CIA program. OLC concluded that with respect to the treatment of detainees in U.S. custody, who had not been convicted of any crime, the relevant constitutional prohibition was the "shocks the conscience" standard of the substantive due process component of the Fifth Amendment. Under the "shocks the conscience" standard, OLC concluded that Supreme Court precedent requires consideration as to whether the conduct is "arbitrary in the constitutional sense" and whether it is objectively "egregious" or "outrageous" in light of traditional executive behavior and contemporary practices.

To assess whether the CIA's interrogation program was "arbitrary in the constitutional sense," OLC asked whether the CIA's conduct of its interrogation program was proportionate to the governmental interests involved. Applying that test, OLC concluded that the CIA's interrogation program was not "arbitrary in the constitutional sense" because of the CIA's proposed use of measures that it deemed to be "safeguards" and because the techniques were to be used only as necessary to obtain information that the CIA reasonably viewed as vital to protecting the United States and its interests from further terrorist attacks.

OLC also concluded that the techniques in the CIA program were not objectively "egregious" or "outrageous" in light of traditional executive behavior and contemporary practice. In reaching that conclusion, OLC reviewed U.S. judicial precedent, public military doctrine, the use of stressful techniques in SERE training, public State Department reports on the practices of other countries, and public domestic criminal practices. OLC concluded that these sources demonstrated that, in some circumstances (such as domestic criminal investigations) there was a strong tradition against the use of coercive interrogation practices, while in others (such as with SERE training) stressful interrogation techniques were deemed constitutionally permissible. OLC therefore determined that use of such techniques was not categorically inconsistent with traditional executive behavior, and concluded that under the facts and circumstances concerning the program, the use of the techniques did not constitute government behavior so egregious or outrageous as to shock the conscience in violation of the Fifth Amendment.

Before the passage of the Detainee Treatment Act, in October of 2005, the Principal Deputy Assistant Attorney General for OLC noted in response to questions for the record: "[I]t is our policy to abide by the substantive constitutional standard incorporated into Article 16 even if such compliance is not legally required, regardless of whether the detainee in question is held in the United States or overseas." Similarly, in December of 2005, both the Secretary of State and the National Security Adviser stated publicly that U.S. policy was to treat detainees abroad in accordance with the prohibition on cruel, inhuman and degrading treatment contained in Article 16.

SUBSEQUENT DEVELOPMENTS IN THE LAW

In December 2005, Congress passed the Detainee Treatment Act (DTA), and the President subsequently signed it into law on December 30, 2005. That Act applied the substantive legal standards contained in the

Senate reservation to Article 16 to the treatment of all detainees in U.S. custody, including those held by the CIA. At the time of the passage of the DTA, the Administration had concluded, based on the May 2005 OLC opinion, that the CIA's interrogation practices, including waterboarding, were consistent with the substantive constitutional standards embodied in the DTA.

In June 2006, in *Hamdan v. Rumsfeld*, the Supreme Court held that Common Article 3 of the Geneva Convention applied to the conflict with Al-Qa'ida, contrary to the position previously adopted by the President. Common Article 3 of the Geneva Conventions requires that detainees "shall in all circumstances be treated humanely," and prohibits "outrages upon personal dignity, in particular, humiliating and degrading treatment" and "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture." At the time of the *Hamdan* decision, the War Crimes Act defined the term "war crime" to include "a violation of Common Article 3."

In August 2006, OLC issued two documents considering the legality of the conditions of confinement in CIA facilities. One of the documents was an opinion interpreting the Detainee Treatment Act; the other document was a letter interpreting Common Article 3 of the Geneva Conventions, as enforced by the War Crimes Act. These documents included consideration of U.S. constitutional law and the legal decisions of international tribunals and other countries.

On September 6, 2006, the President publicly disclosed the existence of the CIA's detention and interrogation program. On the same day, the CIA briefed all Committee Members about the CIA's detention and interrogation program, including the CIA's use of enhanced interrogation techniques.

In October 2006, Congress passed the Military Commissions Act (MCA) to set forth particular violations of Common Article 3 subject to criminal prosecution under the War Crimes Act. Specifically, the MCA amended the War Crimes Act to designate nine actions as grave breaches of Common Article 3, punishable under criminal law. Although only these nine violations of Common Article 3 are subject to criminal prosecution, Congress recognized that Common Article 3 imposes additional legal obligations on the United States. The MCA provided that the President has the authority "to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions."

In July 2007, the President issued Executive Order 13440, which interpreted the additional obligations of the United States imposed by Common Article 3 of the Geneva Conventions. In conjunction with release of that Executive Order, OLC issued a legal opinion analyzing the legality of the interrogation techniques currently authorized for use in the CIA program under Common Article 3 of the Geneva Conventions, the Detainee Treatment Act, and the War Crimes Act.

The July 2007 opinion includes extensive legal analysis of the war crimes added by the MCA, U.S. constitutional law, the treaty obligations of the United States, and the legal decisions of foreign and international tribunals. The July 2007 opinion does not include analysis of the anti-torture statute but rather incorporates by reference the analysis of the May 2005 opinions that certain proposed

techniques do not violate the anti-torture statute, either individually or combined.

In considering "traditional executive behavior and contemporary practices" under the substantive due process standard embodied in the Detainee Treatment Act, OLC considered similar sources to those considered in the May 2005 opinion on Article 16. In addition, OLC examined the legislative history of the MCA, which the President had sought, in part, to ensure that the CIA program could go forward following *Hamdan*, consistent with Common Article 3 and the War Crimes Act. OLC observed that, in considering the MCA, Congress was confronted with the question of whether the CIA should operate an interrogation program for high value detainees that employed techniques exceeding those used by the U.S. military but that remained lawful under the anti-torture statute and the War Crimes Act. OLC concluded that while the passage of the MCA was not conclusive on the constitutional question as to whether the program "shocked the conscience," the legislation did provide a "relevant measure of contemporary standards" concerning the CIA program and suggested that Congress had endorsed the view that the CIA's interrogation program was consistent with contemporary practice.

Because waterboarding was not among the authorized list of techniques, the 2007 OLC opinion did not address the legality of waterboarding. OLC therefore has not considered the legality of waterboarding under either of the two provisions that have been applied to the CIA's treatment of detainees since the passage of the Detainee Treatment Act in December of 2005: Common Article 3 of the Geneva Conventions and the War Crimes Act, as amended by the MCA.

PRESENT CIRCUMSTANCES

On January 30, 2008, at a hearing of the Senate Judiciary Committee on Oversight of the Department of Justice, the Attorney General disclosed that waterboarding was not among the techniques currently authorized for use in the CIA program. He therefore declined to express a view as to the technique's legality. The Attorney General also stated that for waterboarding to be authorized in the future, the CIA would have to request its use, the CIA Director "would have to ask me, or any successor of mine, if its use would be lawful, taking into account the particular facts and circumstances at issue, including how and why it is to be used, the limits of its use and the safeguards that are in place for its use," and the President would have to address the issue.

In February 2008, in testimony before this Committee, the CIA Director publicly disclosed that waterboarding had been used on three detainees, as previously described. At that same hearing, the Director of National Intelligence (DNI) testified that waterboarding was not currently a part of the CIA's program, and that if there was a reason to use such a technique, the Director of the CIA and the Director of National Intelligence would have to agree whether to move forward and ask the Attorney General for a ruling on the legality of the specifics of the situation. The Committee also discussed the CIA's interrogation program with those two officials in closed session.

Although waterboarding was no longer a technique authorized for use in the CIA program, and the Attorney General and DNI testified in 2008 that a new legal opinion based on current law would be required before it could be used again, the May 2005 opinions on the legality of waterboarding under the

anti-torture statute and Article 16 of the Convention Against Torture (the legal standards subsequently embodied in the DTA) remained precedents of the Office of Legal Counsel at the time of the Attorney General's and DNI's 2008 testimony.

On January 22, 2009, the President issued Executive Order 13491 on "Ensuring Lawful Interrogations." The Executive Order revoked Executive Order 13440, limited the interrogation techniques that may be used by officers, employees, or other agents of the United States Government, and established a Special Interagency Task Force on Interrogation and Transfer Policies to report recommendations to the President. With respect to prior interpretations of law governing interrogation, section 3(c) of Executive Order 13491 directed that, unless the Attorney General provides further guidance, officers, employees, and other agents of the United States Government may not rely on interpretations of the law governing interrogations issued by the Department of Justice between September 11, 2001, and January 20, 2009. •

HONORING OUR ARMED FORCES

CORPORAL DONTÉ JAMAL WHITWORTH

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Marine Cpl Donte Jamal Whitworth from Noblesville, IN. Donte was 21 years old when he lost his life on February 28, 2009, from injuries sustained from a vehicular accident near Al Taquddum Air Base in Al Anbar Province, Iraq. He was a member of Combat Logistics Regiment 15, 1st Marine Logistics Group, Marine Corps Air Station of Yuma, AZ.

Donte, a 2005 graduate of Noblesville High School, joined the Marines immediately after graduation, eager to serve his country. While deployed, he commanded supply convoys transporting goods between U.S. military bases in Iraq. Donte was a dedicated basketball fan who always had a smile on his face. Born into a family of marines, he was proud to embrace the tradition and become a member of our country's Armed Forces. Scheduled to return home in March, Donte planned on reenlisting after his tour was complete.

Today, I join Donte's family and friends in mourning his death. Donte will forever be remembered as a loving son, grandson, and friend to many. He is survived by his mother, Carla Plowden; father, Daniel Whitworth; step-father, Kerry McGee; grandparents, Robert and Catherine Williams; and a host of other relatives, friends, and fellow marines.

While we struggle to express our sorrow over this loss, we can take pride in the example Donte set as a dedicated soldier. Today and always, Donte will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as

he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Donte's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Donte Jamal Whitworth in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Donte's family can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Donte.

SERGEANT BRADLEY MARSHALL

Mr. PRYOR. Mr. President, today I pay tribute to the life, achievements, and memory of SGT Bradley Marshall of Little Rock, AR. He gave his life on July 31, 2007, defending citizens of the United States and advancing democracy throughout the world.

Sergeant Marshall served in the 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK. His bravery on behalf of this Nation is heroic. His service, professionalism and allegiance to this country will continue to serve as the standard bearer for which to honor our great Nation.

Friends and family described Bradley as athletic and fun-loving. He was a loyal and valued member of his church, community, and Nation. As a husband and father, Bradley loved his family greatly and always cherished their time together. His wife of 17 years, Gina Marshall, said of him "Brad was the love of my life." His son Wesley remembers his dad stopping by his room each night to say, "I love you." Tanner, Marshall's other son, put together a slide show presenting hundreds of pictures of his father.

He touched many lives and was respected by everyone that knew him. Bradley was known as the dependable man who made sure things got done in his own quiet way such as cutting the grass at church, remodeling a home for his former high school coach, doing chores around the house, and helping with vacations for the family. Bradley's church named their new Brad Marshall Family Life Center in honor of him and the sacrifice he gave to this country.

Mr. President, I ask that my colleagues join me in recognizing the sac-

rifice SGT Bradley Marshall and his family have given to protecting our freedom.

REMEMBERING ELISHA "RAY" NANCE

Mr. WARNER. Mr. President, I wish to pay appropriate tribute today to an American hero—Elisha "Ray" Nance—of Bedford, VA.

He passed away last Sunday at the age of 94, and memorial services are being held today.

Mr. Nance was the last surviving member of what has come to be known as "The Bedford Boys"—members of Company A, 116th Infantry, 29th Division.

Mr. Nance was among 38 National Guardsmen from the close-knit community of Bedford who were called to active service in World War II. On June 6, 1944, 19 were killed when they landed on Omaha Beach at the start of the D-day invasion. Two more died later.

"We Bedford boys," Nance recalled, "we competed to be in the first wave. We wanted to be there. We wanted to be the first on the beach," he would write as he recovered from his own severe wounds.

Bedford recorded 21 casualties out of 38 men who served, all from the same small town of 3,200 people located in central Virginia.

That overwhelming loss led to Bedford's selection as the site of the National D-day Memorial—a worthy project I was honored to support, both as a private citizen and as Virginia Governor.

But Ray Nance's public service did not end with his military service.

To honor his fallen brethren, Nance returned home to Bedford and helped reorganize Company A of the Virginia National Guard, and served as its first commander. He then built a career as a rural postal carrier, and served in the Elks.

At the end of his life, he was a proud resident of the Elks National Home in Bedford.

In recent years, he visited the D-day Memorial often to help teach younger generations about the service, courage and sacrifice demonstrated by "The Bedford Boys" and others of the "greatest generation."

Ray Nance's life and example demonstrate the very best qualities—and the responsibilities—of citizenship.

My thoughts and prayers are with his widow Alpha and their children, grandchildren and great-grandchildren. A grateful Commonwealth and Nation thanks them for their lifetime of support for Ray Nance—a hero—and the last of "The Bedford Boys."

NATIONAL WORKERS MEMORIAL DAY

Mr. CRAPO. Mr. President, today I wish to mark an anniversary, one that

was many tragic years in the making. According to the Idaho AFL-CIO, 35 Idaho workers were killed due to on the job injuries in 2007. Next Tuesday, April 28, is National Worker's Memorial Day, which celebrates the day the Occupational Safety and Health Act—OSHA—became law in 1970.

More than 30 years ago, in 1967 a construction worker in Nampa, ID, Louis Jose Archuleta, was killed in a jobsite accident. Louie and others were installing a sewer line, 35 feet deep, in sandy soil, when the soil caved in. It trapped Louie, and, although fellow workers and rescue crews worked diligently for two and a half hours, their efforts were hampered due to further collapses of cleared areas, and Archuleta did not survive.

But Louie and many other workers knew what they were facing. Just a week before the accident, Louie told his sister Victoria that it was the most dangerous job he had ever worked on. Safety inspectors were in the process of shutting the job down at the time of the accident, a process that, in 1967, took at least 5 days to shut down a job.

Louie was very active in the local labor union and served three terms—9 years—as president of Labor's Union Local No. 267 in Pocatello, ID. He was a strong advocate for a retirement system. As a result of the tragedy, the Idaho AFL-CIO joined the push for Federal legislation to protect workers, legislation that was later known as Occupational Safety and Health Act, OSHA.

With Louie, his family and the many others who have suffered due to worker safety issue, I am honored to recognize National Worker's Memorial Day, keeping in mind Louis Jose Archuleta and all fallen workers for their contribution to the infrastructure of the State of Idaho and the Nation and to the establishment of OSHA and much-needed increased worker safety standards.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. PRESIDENT, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not

only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My personal and family circumstances are good with regard to income and out-go. That being said, the price of fuel, whether diesel or gasoline, is still an outrage, but there is absolutely nothing the government should do about it directly. Yes, we should make a meaningful effort to develop alternative fuel sources and methods of transportation and even responsibly drill for our own oil and gas here at home. But, the minute [price controls are started], that is when all hell breaks loose and things go to hell in a handbasket. Please advise your colleagues to not impose a windfall profits tax on oil companies. That will be another direct tax on the American consumer, [even though many do not pay attention.] Most Americans will just continue to believe it is the oil companies that are the culprits because of what we hear on TV!

Please be smart about this. Let capitalism rule. Tell our "friends" in the Middle East to enjoy selling to China and India and let us become responsibly self-sufficient, like we should be. And, by the way, if oil were not traded as a futures commodity, I am betting the price would tank quickly and substantially. What do you think?

SCOTT, *Malad.*

Thank you for asking about how gasoline prices are affecting my family. The increase of energy costs has allowed my family to make conscious decisions, instead of acting on impulses. Our family is combining trips and errands. We are going with each other instead of separately and enjoying our new shared times. I am so disappointed when I reviewed the salaries of the big oil executives and found them arrogant when I watched them testifying before the Committee on C-SPAN. It looks to me like they pocketed the money and failed to improve their facilities.

I have been discouraged that not one of Idaho's Congressional delegation has asked my family to conserve one ounce of petroleum. I do not want a knee-jerk reaction to higher prices at the pumps and check-outs; I want examination, reviews and bipartisan recommendations. It seems the decisions made in hurry during the last eight years have caught up with us. Slow down and do what is right for America.

JUNE.

I am grateful that you have given us a chance to be able to express our frustrations and opinions on what is going on with the energy situation.

We moved to Idaho Falls from Utah four years ago because my husband was able to get a job, with his Bachelors degree, that paid more per year than I was making with a Masters degree teaching. The cost of living was lower than Utah, and we absolutely love the area. We bought our home, as a foreclosure, three years ago about six miles outside of Idaho Falls, in Iona. It was cheaper to buy a foreclosure than it was to rent an apartment.

We are not extravagant by any means. We try to conserve energy. We are fixing our

home as fast and as cost-effective as we can, which has not been too fast. About a year ago, because all of our bills were going up and our paycheck was not, we made the decision that it was better to forego medical insurance for the family and put money away into a health savings account (HSA). Our reasoning is that we have to live day-to-day paying our bills, and it is an off-chance that we use our insurance. We have definitely paid more for premiums in the last two years than we have used since we married six years ago, besides the fact that the premiums were once again going up to a level that we could not afford them anyway. It was wonderful! We were able to start paying down debt (which we really do not have a lot of outside our house and student loans). We drive older vehicles that are paid off.

Since then, our bills have about doubled. We put a wood stove in our home two years ago because of the high increase in natural gas and, although that has saved us a lot of money, the price increase is still staggering. Our power bill has almost doubled also, although we use our furnace/AC about half as much as we used to, put in the compact fluorescent bulbs and put in a clothesline.

My husband works as a PSR worker and has anywhere from 6-10 clients a week, and is pretty much mandated by Medicaid to spend three or less hours with each client. The only problem is that his clients live anywhere from Menan to Ammon. His work reimburses him \$3/hour/client (billable hour—meaning he has to be with his client to bill) to pay for gas, phone and wear and tear on our vehicle. He puts about 200 miles on the "work car" each week. He is already gone about 55 hours a week, in which he is only paid 40-43 because he is not paid for drive time. Lately [he has been] working overtime which allows us to pay our bills and pay a little extra each month. But his bosses have been getting tough on allowing overtime (which is a catch-22 since they will not guarantee him 40 hours a week—if he has a client cancel on him, tough luck). We have considered him getting another job, but he really does not have any time to fit in another job, and he is scared of leaving his current job because our family depends on him for support and he does not want to go from bad to worse.

Since the price of energy has gone up, we have cut our expenses as much as we can. We did not drive much before but other than my husband working, we go to church on Sunday and go into town, as a family, to do shopping and other errands about once a month. We have also had to cut our grocery list because of the price of food. It is not just gas, electricity and natural gas that have gone up, our water, sewer and now property taxes have gone up too, where is this going to end?

We look at our budget now and wonder what else we can cut when (and we have no illusions that anything is going down anytime soon) energy costs go up anymore. We can cut our internet, landline and our entertainment budgets which will save us \$60 a month—a tank of gas right now. But other than that we are stretched pretty thin, and we are not paying anything into a HSA because there is nothing left.

I do not have all the answers, but I know that it is a failed policy on the part of our government that is making things more difficult than it needs to be. When our country is allowing a minority group of people (environmentalists) create our energy policies the majority of the people are going to suffer. I know that we have a need to protect our environment, but there are new technologies

there that we are not allowed to pursue either. I am frustrated beyond words. Our government is trying to help everyone in a crisis, but is creating a greater crisis with regulations. I could have had the same policy as the government and not gotten a degree because it would not have immediate effects. I could completely neglect my children because the things I teach them now will not have an immediate effect. I could extend the analogy to a lot of things. We need to start working on new energy policies that may not take effect until later, but will help later. Let us stop procrastinating and do.

CAROLYN.

As a small business building contractor, our fuel prices have gone out of sight, let alone building materials, which our increases can hardly cover. The only thing that does not go up is wages. We have to subsidize our workers' fuel just to get them to work. It cannot go on this way for much longer.

J.K.

Like you and countless others, I believe that many of the serious lifestyle challenges we face are energy-related. It is obvious to any thinking Idahoan and hopefully most Americans, that our physical security as a nation is gravely undermined because of our dependence on foreign, particularly Mid-East oil. Unfortunately I do not believe most people understand the severe erosion and peril to our economic security this dependence has placed us in. Our founding fathers warned us against becoming entangled in foreign affairs. I am not ignorant to how the world has become smaller, but for us to be dependent on something so critical as energy independence is to me unconscionable. I believe the Founders roll in their graves when they look down on us and see how we have trampled on the sovereignty they bequeathed to us. I am hopeful that your effort includes work to help us restore the freedoms and independence that has made America such a remarkable phenomenon on the stage of world history. I fear that we as a people and our representatives have forgotten our roots the principles we were founded upon. We are being carefully led down a slippery slope away from a heritage enshrining freedom by federal and world nannies who "know better", patting us on the head along the way. My concern is that in the struggle to get anything "accomplished" in Washington, principles are sometimes sacrificed for the sake of expediency. Compromising principle for short-term gains, in my view, is not the noble and magnanimous deed that most ascribe them to be. Would that we defend principles in the Churchillian fashion of "We will never surrender!"

I know you wish this to be brief and so after that rather lengthy philosophic opener, I will now focus on some specifics. These specifics are predicated that we as Americans act as independent Americans, not vassals to world opinion and the Benedicts amongst us.

New Domestic Oil Reserves: I believe we are smart and responsible enough to aggressively pursue new petroleum sources domestically, including offshore sources, while being good stewards of our environment. No intelligent human wants to soil where he lives. Environmentalists were right with their concerns in the past. We did stupid things while chasing the dollar, ignoring the big picture impact of our actions. However, today's environmental wackos have swung the pendulum out of proportion. To remain a prosperous and free nation, we must have energy independence. This is not an option and

we must move very quickly to achieve it. While doing this we must find a way to foster a climate of competition with existing interests rather than merely providing them more tools to control this vital segment of our economy.

A Call for a Congressional Investigation: The greatest export our country has given to the world is freedom resulting from our remarkable experiment in self-governance. The miracle of our country's success is based upon collective and individual freedom. We have wise laws prohibiting the undermining of competition. I believe that over time, the oil industries have systematically squelched competition and any technology that has had any possible chance of adversely affecting their sacred cash cows. I would like to see a congressional investigation into how the oil industry has been involved in these things over the last 50 years. There is way too much anecdotal evidence of new conservation technologies being snuffed out, new forms of energy being squashed, and collusion amongst oil companies and nations to just simply ignore as the rantings of those engaged in fringe conspiracy theories. Something just does not smell right and I would feel a whole lot better if there was an honest effort to focus the light of day on these issues to see if there will be any cockroaches scurrying for cover.

Nuclear Energy: I know you are aware of all of the arguments for this and I will not belabor the points here. I am in favor of getting the government off of our backs and out of our faces so we can speed up the process of harnessing the power of the atom. New research should also be aggressively pursued, including fusion research for the long term. Current nuclear regulations and bureaucracy have strangled us and created the mess we are in today. It would be an interesting exercise to pull the string on who has benefited from all the obstacles that have been placed in the path of the nuclear industry. While encouraging nuclear energy, care must be taken so that this new form of energy provides competition to those who already have one hand at our throats and the other in our back pockets.

Alternative Forms of Energy: Research should be supported exploring hydrogen, wind, solar, geothermal, hydro, etc. I believe this to be a national security issue and justifies the involvement of the federal government to achieve it. Although these will not solve our problems immediately, we should be doggedly engaged in reducing our dependence on oil from multiple fronts with lasting solutions.

Conservation: While I do not believe conservation adequately addresses the solution to our problems, I believe it plays a part. Conservation efforts need to be encouraged as long as they do not impinge upon the free market or individual constitutional freedoms. The question needs to be asked and then answered, "Who has a vested interest in keeping things as they are by undermining conservation efforts?" Then there are follow-up questions. Do they have the means to impose their wills? If the answer is yes, how and where have they done so? These same questions can also be applied to our lack of progress in moving toward alternate non-petroleum energy sources, including nuclear.

Political: I believe there are very powerful forces at play benefitting those who currently have money, influence, and power, maintaining and advancing their interests. I believe this to be the root problem of our energy situation. Unless this is addressed, I do not believe we will accomplish any lasting

cure. We may win a minor skirmish here and there and deflect or delay the end result, but unless we attack the heart of the problem, in my opinion, we will lose the battle. The battle is over freedom. It is an ancient battle that has been waged from before the foundations of the earth. You are in a unique position to make a difference and what little ability and support I can give to you in that struggle is yours to draw from. I do not envy you if you choose to engage this problem head on but I hope that you recognize the truth in what I am saying. Much is at stake. You would risk much in attempting to tackle it. My prayers are with you.

Thanks for listening and soliciting input on this issue. I wish you good luck and pledge you my support in this Herculean effort if you so choose to fully engage yourself in it.

KEITH, Rigby.

ADDITIONAL STATEMENTS

TRIBUTE TO PETER FITHIAN

• **Mr. INOUE.** Mr. President, as Hawaii celebrates its 50th anniversary of statehood, I would like to recognize Mr. Peter Fithian for his illustrious career of 50 years and invaluable service as founder and director of the Hawaiian International Billfish Tournament.

Peter has been a dear friend of mine for many years, and I am honored to have this opportunity to share with you the profound impact he has had on my home State of Hawaii. His tremendous commitment to the people of Hawaii has led to the establishment of the internationally renowned Billfish Tournament, which truly put Hawaii on the map of sport fishing, drawing both spectators and competitors from all over the world. I commend him for his tireless efforts in building a long-standing tradition while promoting tourism and marine conservation in our island community. Through Peter's unwavering passion in cultivating Hawaii's proud heritage of recreational fishing, he has founded not only an event that encourages warm fellowship, but has created an educational opportunity that deserves our highest praise.

Mr. President, I ask my colleagues to join me in acknowledging the great service and accomplishments of Mr. Peter Fithian.●

BOSTON AREA RAPE CRISIS CENTER

• **Mr. KERRY.** Mr. President, next week is National Crime Victims' Rights Week when our country honors the heroism of crime victims and shows our gratitude to advocates who work to protect those who have been victimized. I am proud to say that as part of this commemoration Attorney General Eric Holder will be honoring the Boston Area Rape Crisis Center, BARCC. I would like to add my congratulations and sincerest thanks for the important work that is done at BARCC.

BARCC has been helping victims of rape and sexual assault in Boston since 1973, making it one of the first such centers of its kind. Highly trained counselors and advocates team with volunteers from the area to create a nurturing, and supportive, environment for these victims. Through their hard work and selfless dedication, they serve over 4,000 victims a year providing critical services to the people of Boston. Additionally, they participate in statewide and national training in best practices and education sharing their knowledge and experiences. BARCC is also committed to preventing future victims by doing outreach in the community on sexual assault awareness, particularly on the many college and university campuses in Boston. Their comprehensive expertise in violence prevention, victims' rights, and victims support is what makes BARCC such an exceptional facility.

I join Attorney General Holder, the people of Boston, and Janet Yassen, director of the Victims of Violence Program, Cambridge Health Alliance, who nominated BARCC for this honor, in expressing our gratitude to the staff and volunteers at BARCC for the incredible service they provide.●

TRIBUTE TO LOUISIANA WWII VETERANS

• **Ms. LANDRIEU.** Mr. President, I am proud to honor a group of 98 World War II veterans from all over Louisiana who will travel to Washington, DC, on April 25 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable service members.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. The veterans visited the World War II, Korea, Vietnam, and Iwo Jima memorials. They also traveled to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the second of four flights Louisiana HonorAir is making to Washington, DC, this spring. It is the 15th flight to depart from Louisiana, which has sent more HonorAir flights than any other State to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and

marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 33,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This group had 31 veterans who served in the U.S. Army, 23 in the U.S. Air Force, 35 in the Navy, 1 in the WAVES—Women Accepted for Volunteer Emergency Service—7 in the Marines, and 1 in the Merchant Marines.

Our heroes trekked the world for their country. Their journeys spanned Europe, the Utah and Omaha Beaches, France, the Rhineland, Central Europe, Holland, Italy and North Africa. They fought in the Pacific as well—at Russell Island, Gilbert Island, the Philippines, Tarawa, Luzon, New Guinea, Tinian, Guam, Okinawa, Iwo Jima, Guadalcanal, New Hebrides, Saipan and Bougainville. Their fight for freedom extended to Alaska, Azores, Iceland, and the Aleutian Islands.

One of our Army Air Corps veterans received the Croix de Guerre Avec Palm and the Bronze Service Star for campaigns in Northern France, Central Europe, and the Rhineland. He also fought at Utah Beach on D-day. Another of our Army Air Corps veterans fought in the Mediterranean Theater and completed 50 missions as a ball turret gunner.

One of our marines received the South Pacific Purple Heart, and an Army veteran fought at Omaha Beach with GEN George Patton. Yet another Army veteran was on GEN Douglas McArthur's staff.

I ask the Senate to join me in honoring these 98 veterans, all Louisiana heroes, who will visit Washington, and Louisiana HonorAir for making these trips a reality.●

TRIBUTE TO MAJOR GENERAL ELDER GRANGER, M.D.

● Mrs. LINCOLN. Mr. President, today I wish to recognize the outstanding service that MG Elder Granger has given to Arkansas and our great Nation through his work in the military medical services.

Since 2005, MG Elder Granger, M.D., has served his country as the deputy director of the TRICARE Management Activity in the Office of the Assistant Secretary of Defense for Health Affairs. Prior to joining TRICARE, Major General Granger led the largest U.S. and multinational battlefield health system in our Nation's recent history as Commander of the Task Force 44th Medical Command and Command Surgeon for the Multinational Corps in Iraq.

Major General Granger also brilliantly implemented TRICARE's \$22.5

billion Defense Health Program that benefitted over 9.2 million people worldwide. With his compassion and dedication, Major General Granger improved patient care for the entire military health system by managing the TRICARE benefits for an international network of 75 military hospitals, 461 service clinics, and a network of civilian providers and hospitals. An enthusiastic advocate for the military health system, Major General Granger directed the launch of a TRICARE Web portal which improved communications between beneficiaries and enhanced health benefits information services. This technology is projected to reach 23 million individuals by 2009.

Through the TRICARE's mail order pharmacy program, Major General Granger increased the number of users utilizing mail-order pharmacy prescriptions by 16 percent, as well as increasing total prescription volume by 21 percent. In addition, he established a Web/call-in center which handled 21,412 beneficiary requests for 47,213 prescription conversions as of November 2008, which amounts to an estimated cost avoidance of \$3.2 million to date. Major General Granger also oversaw the establishment of the voluntary agreement for retail rebates, which has resulted in a pharmaceutical industry rebate of \$28 million since the beginning of 2007. Further, he established electronic claims processing which has already saved \$1.6 million in administrative fees in addition to \$105 million in overhead savings.

A native of West Memphis, AR, MG Elder Granger has played an active role in veterans' medical services since the beginning of his career. He represents the great progress that has and will continue to occur within the military health system. He is a mentor to his staff, a leader in his field, and a soldier ready for any mission.

I am honored to recognize his service.●

TRIBUTE TO HAROLD "BUDDY" BROWN

● Ms. MURKOWSKI. Mr. President, today the people of Interior Alaska—our Native people and the entire Fairbanks community—mourn the loss of one of the most promising Native leaders of this generation.

Harold "Buddy" Brown died yesterday of cancer at the age of 39. Buddy is survived by his wife Patti and two children, Xavier, age 7, and Alana, age 3.

Throughout Indian Country we are witnessing the generational shift in leadership to young people who have mastered the challenge of living in two worlds. They have completed college, gone on to obtain graduate and professional degrees, and returned to serve their people. One foot in the traditional world of their Native communities, the other in the modern worlds

of business, finance, management and law.

Within the Alaska Native community, Buddy Brown stood at the vanguard of this generational shift. After graduating from the University of New Mexico Law School in 1997, he immediately went to work for the Tanana Chiefs Conference, the consortium of 42 tribes in Interior Alaska. He was hired on as associate counsel.

Five years later, Buddy was elected President of the Tanana Chiefs Conference. In this role he led a region which encompasses about 235,000 square miles, an area equal to about 37 percent of the State of Alaska and just slightly smaller than the state of Texas. In 2006, Buddy retired from this position to heal and to spend time with his family.

The Tanana Chiefs region is known throughout the State of Alaska for producing leaders of statewide and national repute—Bridge builders who have a particular talent for engaging the broader community to support the causes and concerns of our Native people.

The late Morris Thompson, who tragically died in the 2000 crash of Alaska Airlines Flight 261, is the best known Native leader to come from this region, beloved throughout the State for his talent in building bridges.

Morris Thompson was Buddy Brown's mentor and friend, and I am told that he expected Buddy Brown would grow to become a leader whose accomplishments would exceed Morris's own. Buddy was widely regarded in Alaska as the best and brightest of this new generation. He reached great heights in a few short years, but I am saddened that Alaska will never realize the true potential of this truly extraordinary individual.

There is little I can say to console our grieving community today but I do have a few words for Xavier and Alana and the Native youth of Interior Alaska. Buddy Brown appreciated that youth is no impediment to leadership, that the energy and new ideas of the youth are desperately needed to keep our Native institutions thriving. Buddy devoted his life to preparing to undertake this leadership role.

Take inspiration from Buddy's life and become the leader that each of you has the potential to be. I want to help you to achieve this goal for yourself, for your people, and for all of Alaska.●

REMEMBERING MORRIS O'QUIN

● Mr. PRYOR. Mr. President, today I honor the life and work of Morris O'Quin of Harrison, AR. Morris passed away unexpectedly on April 19, 2009, due to a sudden respiratory illness. I know the thoughts of many Arkansans and others around the country are with the O'Quin family, especially his wife of 21 years, Dana, and their children, Marrick and Morgan.

Morris devoted his life to public service and Arkansas agriculture. He most recently served as a Farm Service Agency—FSA—county director in Boone County, AR. In this capacity, he also served as a national board member for the National Association of Farm Service Agency State and County Office Employees—NASCOE—where he advocated on behalf of other employees and volunteers who served similar roles as public servants in the agricultural sector in Arkansas and throughout the country. He has been a lifelong advocate for agriculture.

Since coming to the Senate in 2003, I have had the benefit of getting to know Morris well during his frequent trips to Washington to meet with other leaders of the Farm Service Agency, advancing the mission and purpose of the Agency. He was an ambassador for the State of Arkansas and a tireless advocate for the FSA, its mission, and its employees. He understood Arkansas agriculture and the importance of the Agency in supporting continued production of agricultural products. His duty to the Farm Service Agency and the promotion of its mission were his passions.

I vividly remember working closely with Morris in 2005 to ensure that the Department of Agriculture did not irresponsibly move to reduce the essential services that the Farm Service Agency provides to farmers and ranchers through the county office structure. He explained to me that the county offices provide essential services to the farmer through face-to-face interactions and that shutting down multiple county offices without making needed technology upgrades and providing technical assistance for this transition would cause significant harm to our nation's farmers and ranchers.

His advocacy for FSA workers and the farm community in Arkansas along with his leadership within NASCOE helped me pass a critical amendment to 2006 Agriculture appropriations bill to prevent FSA county office closures and further consolidations. This amendment prevented the administration from closing over 700 county offices nationwide and ensured that the critical services provided by these offices would continue until the USDA developed technology upgrades needed to make such a transition, and until the USDA clearly explained the needs and benefits for making such drastic reforms. This was a tremendous accomplishment that would not have been possible without Morris's focus and leadership.

Morris understood that without the hard work and sacrifice of local FSA employees, many family farms would not have the resources necessary to make a living and provide America a safe and affordable food supply that we all too often take for granted. This understanding was behind his drive to

convince me and other lawmakers of the importance of stopping the USDA initiative to diminish the role of FSA offices and employees.

Morris's most recent accomplishment revealed his care for the community. After the devastating Arkansas ice storms that hit in January of this year, Morris spent hours working to deliver essential FSA services to neighbors, farmers, and ranchers in Boone County and other parts of northern Arkansas. The 2009 ice storm caused extreme damage to northern Arkansas, and Morris stepped up to provide much needed assistance. Under much pressure, he was doing a tremendous job of providing Environmental Conservation Program funds to help get impacted farmers back on their feet and producing again. This is just one other example of his exemplary work in his capacity as a public servant.

While I will remember Morris for his work as a county director and a NASCOE advocate, I will remember him most for his kind and calm demeanor, his concern for the well-being of those around him, his tireless work on behalf of those who depended on him, and his character and integrity in all of his endeavors. He was a relatively quiet person, not a personality that you get a lot of in Washington, but he was filled with pride for his work, the work of FSA employees, and American agriculture. He would always articulate the importance of these to me in the most clear, concise, and endearing terms. Meeting with him was always a pleasure as he carried a calmness about him that always reminded me of the best of Arkansas. Much like many Arkansans I know, he possessed a kind heart and a gentle spirit always putting others before him. He earned my enduring respect and admiration. I will remember him for his optimistic spirit, enjoyable personality, and humble and effective leadership.

It is with great sadness, that I come before the Senate today, but I know he has gone to a better place, and deservedly so. I am honored to have known him and worked with him during his time on Earth. I send his wife Dana and their two children my deepest condolences. Morris O'Quin will certainly be missed, but he will never be forgotten. I ask my colleagues to keep the O'Quin family, Morris's coworkers, and his friends in your thoughts and prayers in this most difficult time.●

VERMONT CELEBRATES ITS LEADERS IN LABOR RIGHTS

● Mr. SANDERS. Mr. President, I wish to rise today to honor two Vermont businesses, Chroma Technology Corporation and Seventh Generation, which have been named to the 2009 List of Most Democratic Workplaces. This list, compiled by the labor rights organization WorldBlu, selects the gold

standard in fair labor practices each year.

By creating incentives for workers to constructively participate in the governance of their company, Chroma Technology Corporation of Rockingham, VT, exemplifies the ideal of the Most Democratic Workplace. With a decentralized power structure, and with every worker eligible to become a member of the board of directors, employees genuinely play a major role in business decisions and company practices. Moreover, Chroma is 100 percent employee owned, and sets a limit on executive compensation, a limit determined by a ratio of the pay scale for the lowest-paid workers in the firm. Chroma has also developed an innovative profit-sharing system for all its employees.

The other Vermont business to receive this prestigious award, Seventh Generation, is a producer of cleaning and home care products in Burlington, VT. This impressive firm truly challenges its employees to not only participate in all aspects of the company's operations, but also to take the company's mission of positive change and apply it to the outside world. Employees can apply for committee-approved paid sabbaticals in order to participate in philanthropic endeavors. To foster companywide professional development, Seventh Generation combines teambuilding with cross-functional communication so employees gain perspective on the company's big picture operations and goals. Through these professional opportunities and many other policies, employees work outside of the box and come to share the mission of the company.

Perhaps not all companies can adopt every strategy of these two industry leaders, but we should recognize the value of their business models. Both Chroma and Seventh Generation go above and beyond the duty of an employer, and our entire economy benefits from the investment they make in training the best employees possible. I urge every American company—indeed every lawmaker in Congress—to consider the lessons we can take from these Most Democratic Workplaces. Improving job training and developing human resources is important, especially in our current challenging economy; at the same time, investment in workers creates a lasting benefit that lays the foundation for a strong future.

Treating workers with dignity and respect, enabling them to not only develop their capacities, but participate in decisionmaking, is essential to creating democratic and productive workplaces.

Mr. President, I commend Chroma Technology and Seventh Generation for a job very well done and to congratulate them on their selection as a 2009 Most Democratic Workplace.●

HONORING MICRO TECHNOLOGIES

• Ms. SNOWE. Mr. President, in our present economic situation, small businesses are finding it increasingly difficult to maintain their current operations, let alone expand their facilities, add new employees, or make significant improvements. Despite that, some firms are attempting to move forward on planned expansions, hoping to see a greater return on their investment in the future. I rise today to recognize Micro Technologies, a small company in my home State of Maine that is pushing ahead to expand its business and bring new jobs to Midcoast Maine.

Founded in 1996, Micro Technologies, located in the rural town of Richmond, serves a very specialized niche in the world of science. Focusing on aquatic animal health, Micro Technologies provides critical research and testing, diagnostics, and veterinary services related to the health of various aquatic marine species to a wide range of clients, from government agencies to small farms. The company presently has 13 employees, most of whom are graduates of Maine universities and colleges. Approved by Department of Agriculture, USDA, for export testing, Micro Technologies works with companies across the United States, Central and South America, as well as Europe.

The company's innovative research aids scientists in their quest to explain and solve a plethora of complicated health problems of aquatic animals, from common finfish like salmon and cod, to bivalves such as oysters and clams, to crustaceans like the Maine lobster. For instance, Micro Technologies' work has centered on studying viruses that affect shrimp and the causes of shell disease among lobsters. Additionally, the company tests various species for the presence of harmful viruses, ensuring that firms involved in the shipment of these species have the safest product possible. This, in turn, promotes expedient shipping, and reduces negative environmental impacts.

While the current economic insecurity poses problems to businesses large and small, Micro Technologies is moving forward on a plan to expand its facilities, add employees, and broaden the scope of its work. The company recently received a \$200,000 grant from the Community Development Block Grant Program, which is aimed at helping communities across the country build affordable housing and retain businesses seeking to grow. Richmond's full board of selectmen unanimously endorsed the company's proposal before submitting the application to the Maine Department of Economic and Community Development, which approved the grant. Partnering with the town of Richmond, Micro Technologies will use this grant to make renovations to its existing facility, purchase a nearby building, add seven quality new positions, and expand its

manufacturing capabilities. Micro Technologies also hopes to begin an apprenticeship program to introduce students interested in science to the unique work the company does.

American entrepreneurs have strengthened our country and its economy in good times and bad. As Micro Technologies seeks to grow, it will provide a positive impact on the local community as well as the aquatic animal health industry, which is crucial in Maine. I wish everyone at Micro Technologies best wishes and much success in their planned expansion. •

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 388. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes.

H.R. 411. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

H.R. 1219. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

H.R. 1516. To designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office".

H.R. 1694. An act to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

The message also announced that pursuant to section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229), and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the Commission to study the Potential Creation of a National Museum of the American Latino:

As voting members: Mr. Luis Cancel of San Francisco, California; Ms. Eva

Longoria Parker of San Antonio, Texas; Mr. Henry Munoz of San Antonio, Texas.

As a nonvoting member: Ms. Lorraine Garcia-Nakata of San Francisco, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 388. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

H.R. 411. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

H.R. 1219. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Energy and Natural Resources.

H.R. 1516. An act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1694. An act to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1664. An act to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1356. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerances" (FRL-8406-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1357. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Cyhalofop-butyl; Pesticide Tolerances" (FRL-8406-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1358. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments made to a REMIC pursuant to the Home Affordable Modification Program" (Notice 2009-36) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1359. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Hood Building in Cambridge, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-1360. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Westinghouse Atomic Power Development Plant in East Pittsburgh, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-1361. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Tyson Valley Powder Farm near Eureka, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-1362. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, a report relative to the acquisitions made annually from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-1363. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Public Readiness and Emergency Preparedness (PREP) Act Declarations for Botulinum Toxin, Smallpox, Acute Radiation Syndrome and Pandemic Influenza"; to the Committee on Health, Education, Labor, and Pensions.

EC-1364. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-35, "Randall School Development Project Tax Exemption Temporary Act of 2009" received in the Office of the President of the Senate on April 2, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1365. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-36, "SOME, Inc. Tax Exemption Temporary Amendment Act of 2009" received in the Office of the President of the Senate on April 2, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1366. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-37, "Records Access Temporary Amendment Act of 2009" received in the Office of the President of the Senate on April 2, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1367. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a re-

port relative to activities carried out by the Family Court during 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-1368. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report relative to Federal sector equal employment opportunity complaints filed with the Office during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-1369. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-1370. A communication from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Inspector General, as received during adjournment of the Senate in the Office of the President of the Senate on April 7, 2009; to the Select Committee on Intelligence.

EC-1371. A communication from the Chief Judge, United States Court of Federal Claims, transmitting, pursuant to law, a report relative to the Land Grantors in Henderson, Union, and Webster Counties, Kentucky and their heirs v. United States (Congressional Reference No. 93-648X); to the Committee on the Judiciary.

EC-1372. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Ryan Haight Online Pharmacy Consumer Protection Act of 2008" (RIN1117-AB20) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on the Judiciary.

EC-1373. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Forwarding of Affirmative Asylum Applications to the Department of State" (RIN1615-AB59) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-17. A resolution adopted by the legislature of the Province of Batangas, Republic of the Philippines, forwarded by the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, commending and expressing thanksgiving and commendation to the President of the United States, the U.S. Congress, and the American taxpayers for the signing of the U.S. Economic Stimulus Package, which includes \$198 million in benefits to Filipino veterans who fought side-by-side with American soldiers in World War II; to the Committee on Appropriations.

RESOLUTION No. 169

Whereas, the U.S. Economic Stimulus Package, recently signed into law by President Barack Obama includes some \$198 Million in benefits to Filipino Veterans who

fought with American soldiers of World War II;

Whereas, as provided, a one-time payment of \$15,000 for each Filipino Veteran who had since become a U.S. citizen and \$9,000 for non-citizens will be made to former soldiers or their surviving spouses;

Whereas, historically, it is a fact that Filipino Veterans of World War II had been conscripted and fought side-by-side with their American comrades in the Pacific Theater, more specifically in the battle front of Bataan and Corregidor. Quoting Senator Daniel Inouye of the American Senate: "In 1941, President Franklin Delano Roosevelt issued a military order calling on the Commonwealth Army of the Philippines to serve with the U.S. Army in the Far East, entitling Filipino soldiers who served full U.S. Veterans benefits because of their service";

Whereas, the best feature of the provision is its unequivocal recognition of the role played by Filipino Veterans during the World War II. The implication is that it is important enough to stand alongside solutions to Americans' present day economic slump. This rectifies previous "snubs"—laws reneging on promises made to these soldiers as part of the U.S.' post war cost-saving measures, like the U.S. Recession Act of 1946, duly signed by then President Harry S. Truman into law;

Whereas, the measure is hailed by many and is seen as a victory after more than four decades of expectations. The surviving veterans are now in their 80s and 90s, any form of compensation will help make the remaining days of their lives more meaningful;

Now therefore, on motion by Honorable Board Member Florencio A. De Loyola, duly seconded,

Resolved, As it is hereby resolved, to COM-MEND AND EXPRESS ITS SINCEREST THANKS to his Excellency President BARACK OBAMA of the United States of America, the American Congress more particularly the Speaker of the House of Representatives Honorable NANCY PELOSI, Senate President Honorable JOSEPH R. BIDEN JR., Democrat Senator from Hawaii Honorable DANIEL INOUE and the American Taxpayers, in general, for the signing of the U.S. Economic Stimulus Package which includes some \$198 Million in benefits to Filipino Veterans who fought side-by-side with American Soldiers in World War II.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MCCASKILL (for herself and Ms. SNOWE):

S. 848. A bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER (for himself, Mr. INHOFE, Mrs. BOXER, and Mr. KERRY):

S. 849. A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 850. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve

the conservation of sharks; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 851. A bill to prohibit the issuance of any lease or other authorization by the Federal Government that authorizes exploration, development, or production of oil or natural gas in any marine national monument or national marine sanctuary or in the fishing grounds known as Georges Bank in the waters of the United States; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 852. A bill to apply an alternative payment amount under the Medicare program for certain graduate medical education programs established to train residents displaced by natural disasters; to the Committee on Finance.

By Mr. KAUFMAN (for himself, Mr. CARPER, and Mr. CASEY):

S. 853. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 854. A bill to amend the Federal Water Pollution Control Act to update a program to provide assistance for the planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows, and to require the Administrator of the Environmental Protection Agency to update certain guidance used to develop and determine the financial capability of communities to implement clean water infrastructure programs; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. 855. A bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 856. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. DODD, Mrs. GILLIBRAND, Ms. LANDRIEU, and Mr. VITTER):

S. 857. A bill to amend the Internal Revenue Code of 1986 to allow a \$1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 858. A bill to protect the oceans and Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. KERRY, and Mr. NELSON of Florida):

S. 859. A bill to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program,

and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself, Mr. BARRASSO, Mr. MERKLEY, Mr. JOHANNIS, Mr. CARPER, Ms. KLOBUCHAR, and Mr. KAUFMAN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax exclusion for assistance provided to participants in State student loan programs for certain health professionals; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. MARTINEZ, Mr. DEMINT, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, and Mr. INHOFE):

S. 861. A bill to amend the Nuclear Waste Policy Act of 1982 to require the President to certify that the Yucca Mountain site remains the designated site for the development of a repository for the disposal of high-level radioactive waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 862. A bill to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 863. A bill to amend the Truth in Lending Act to protect consumers from certain practices in connection with the origination of consumer credit transactions secured by the principal dwelling of the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SCHUMER, Mrs. LINCOLN, Ms. STABENOW, Mr. VOINOVICH, Mr. BURR, Mr. PRYOR, Mr. LEAHY, and Mr. LEVIN):

S. 864. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. BENNETT:

S. 865. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Ms. COLLINS, Mr. DODD, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. MENENDEZ, Mr. SANDERS, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. DURBIN):

S. 866. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 867. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. TESTER):

S. 868. A bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 869. A bill to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief

Program for debt reduction; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. ROBERTS, and Ms. SNOWE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, Mr. KERRY, and Mr. CHAMBLISS):

S. Res. 108. A resolution commending Captain Richard Phillips, the crew of the "Maersk Alabama", and the United States Armed Forces, recognizing the growing problem of piracy off Somalia's coast, and urging the development of a comprehensive strategy to address piracy and its root causes; considered and agreed to.

By Mr. CRAPO (for himself, Mr. LUGAR, and Mr. RISCH):

S. Res. 109. A resolution commending the bravery of the girls who attend the Mirwais School for Girls in Kandahar, Afghanistan; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mrs. HAGAN):

S. Res. 110. A resolution congratulating the University of North Carolina Tar Heels basketball team for winning the 2008-2009 NCAA men's basketball championship; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. BINGAMAN, Mr. DURBIN, Mr. CARDIN, Mr. WICKER, Mr. BROWNBACK, Ms. CANTWELL, and Mr. MARTINEZ):

S. Con. Res. 18. A concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria; considered and agreed to.

ADDITIONAL COSPONSORS

S. 263

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 263, a bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for

Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 358

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 386

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 386, *supra*.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mrs. MURRAY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 491

At the request of Mr. WEBB, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE ac-

counts for the care of family members with disabilities, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 540

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 559

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 567

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from North Carolina (Mr. BURR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 621

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 660

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 697

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 697, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventive cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from

South Dakota (Mr. JOHNSON) were added as cosponsors of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 781

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 814

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 814, a bill to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

S. 815

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 815, a bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act.

S. 816

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 837, a bill to require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and North Korea, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAUFMAN (for himself, Mr. CARPER, and Mr. CASEY):

S. 853. A bill to designate additional segments and tributaries of White Clay

Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mr. KAUFMAN. Mr. President, I am joined by Senator CARPER and Senator CASEY in introducing a bill that would expand the designation of the White Clay Creek National Wild and Scenic River in Delaware and Pennsylvania to include two new sites: Lamborn Run in Delaware and the East Branch and Egypt Run in New Garden Township in Pennsylvania.

In 2000, the White Clay Creek watershed was designated Delaware's first and only National Wild and Scenic River. The watershed is home to a wide variety of plant and animal life, archaeological sites dating back to prehistoric times, and a bi-State preserve and State park. It is also a source of drinking water for the region.

A National Park Service study released in 1994 details the watershed's diversity of natural, historic, cultural, and recreational resources, and its results led the way for its original designation.

The watershed covers approximately 107 square miles and drains over 69,000 acres in Delaware and Pennsylvania. Of those 69,000 acres, 5,000 acres are public lands owned by State and local governments and the rest is privately owned and maintained. There are no Federal lands within the watershed and no Federal dollars were used to purchase any of the land within its boundaries.

The watershed is centrally located between the densely urbanized regions of New York and Washington, DC. The legislation being introduced today will expand the designation by incorporating an additional 9 miles to White Clay's National Wild and Scenic River, bringing the total federally recognized miles within the watershed to 199.9 miles.

National Wild and Scenic designation brings recognition to the unique cultural, natural, scenic, and recreational values of the White Clay Creek watershed. It provides an added level of protection from overdevelopment, and it elevates the value of the watershed when applying for State, local, and Federal grants. Projects located within the White Clay Creek watershed have received almost \$4 million in Federal funding since being designated in 2000.

While there are over 160 National wild and scenic rivers, the White Clay Creek can claim a few distinctions. First, it is Delaware's first and only wild and scenic river. It is one of only 12 rivers nationwide that is classified as a partnership river. That is a river that is managed on the local level with support from homeowners and communities and with the limited assistance of government on the local, State, and Federal level. It was the first to be studied and designated on a watershed

basis, and it is the only wild and scenic river that runs through a college or university.

Thirty years ago, I was privileged to be a part of the effort that eventually designated White Clay Creek as Delaware's first and only wild and scenic river. Today, I am proud to introduce legislation that will further expand and preserve this unique region.

I wish to thank everyone who has worked so hard and for so long to celebrate and preserve its natural beauty, so that 30 years from now our children and grandchildren can enjoy the same pristine landscape we appreciate today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Clay Creek Wild and Scenic River Expansion Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) the White Clay Creek watershed is 1 of only a few relatively intact and unspoiled functioning river systems remaining in the highly congested and developed corridor between Philadelphia, Pennsylvania and Newark, Delaware;

(2) Public Law 102-215 (16 U.S.C. 1271 note; 105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, in the States of Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(3) as a part of the study described in paragraph (2), all segments listed in the amendments made by section 3 were found eligible for inclusion in the National Wild and Scenic Rivers System;

(4) local communities and governments along the proposed river segments have passed resolutions in support of the designation of the segments listed in the amendments made by section 3 as components of the National Wild and Scenic Rivers System; and

(5) Public Law 106-357 (16 U.S.C. 1271 note; 114 Stat. 1393) designated 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, to be administered by the Secretary of the Interior.

SEC. 3. DESIGNATION OF SEGMENTS OF WHITE CLAY CREEK, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a)(163) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(163)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "190 miles" and inserting "199 miles"; and

(B) by striking "(dated June 2000)" and inserting "(dated February 2009)";

(2) by striking subparagraph (B) and inserting the following:

“(B) 22.4 miles of the east branch beginning at the southern boundary line of the Borough of Avondale, including Walnut Run, Broad Run, and Egypt Run, outside the boundaries of the White Clay Creek Preserve, as a recreational river.”; and

(3) by striking subparagraph (H) and inserting the following:

“(H) 14.3 miles of the main stem, including Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware beginning at the confluence of the east and middle branches in London Britain Township, Pennsylvania, downstream to the northern boundary line of the City of Newark, Delaware, as a scenic river.”.

SEC. 4. ADMINISTRATION OF WHITE CLAY CREEK.

Sections 4 through 8 of Public Law 106-357 (16 U.S.C. 1274 note; 114 Stat. 1393), shall be applicable to the additional segments of the White Clay Creek designated by the amendments made by section 3.

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. 855. A bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I introduce the Energy Assistance Fund Act of 2009, legislation which will assist people who want to invest in energy conservation and alternative energy technologies and help set us on a path toward energy independence.

As I visit communities around the State of Maine, I hear time and again that the costs of energy create hardship for many of our citizens. Unpredictable, and often increasing, prices for home heating oil, gasoline and diesel fuel are a huge burden for many families, truckers, and small businesses.

I am concerned that in a difficult economy, investments in energy conservation and alternative energy improvements are simply too costly for many American families and small businesses. For example, under the present code, taxpayers who install energy efficient windows and skylights or solar water heating systems receive a 30 percent tax credit. In both instances, the investment which must be made by the taxpayer far exceeds the credit amount. In the current economic climate, most families and small businesses are already scrimping and saving to make ends meet, and they do not have the money to finance the gap between the tax credit we provide and the cost of the investment.

The legislation I am introducing today calls for additional loan authority to support current Federal programs that help families and small businesses finance energy efficiency improvements. The loan authority I am proposing would expand existing

Federal programs that make low-interest loans to individuals and small businesses for energy efficiency improvements. This new loan authority would be made available through a new energy assistance revolving loan fund within the Treasury Department. Individuals who make less than 115 percent of the national average median income would be able to apply for low-interest loans to cover the difference between the tax credits available for energy efficiency improvements and up to 90 percent of the cost of those improvements. The Federal agencies can make these loans through their lender networks.

USDA, HUD, and other Federal agencies already have programs that can make loans of this kind to individuals. Small businesses can seek low-interest loans for energy efficiency improvements under existing loan programs such as the SBA's 7(a) program. The revolving loan fund called for by my bill will enable these agencies to offer more loans to the individuals and small businesses we have asked them to serve.

I urge my colleagues to work together in a bipartisan way so that we can help Americans overcome the challenge of our dependence on foreign oil and restore and strengthen our Nation's economy.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 856. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise to join with my senior colleague from Maine in sponsoring the Commercial Truck Highway Safety Demonstration Program Act, an important bill that addresses a significant safety problem in our State.

Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the Turnpike designation ends, but I-95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Senator SNOWE and I have introduced this legislation several times in recent years. We remain concerned about the safety of our citizens who are needlessly put at risk when heavy trucks are forced off the main interstate and onto secondary roads through our towns and communities. Unfortunately, Maine has experienced two tragic deaths in the past few years due to accidents involving heavy trucks in this situation.

One of these tragic accidents took the life of Susan Abraham, a bright and talented 17-year-old high-school student from Hampden, Maine, when her car was struck by a heavy truck on Route 9. The truck driver could not see Susan's small car turning onto that two-lane road as he rounded a corner. It was an accident, but one that would have been avoided had the truck remained on the Interstate highway. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

That preventable tragedy took place almost one year to the day after Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I-95, which runs directly through Bangor.

The problem Maine faces due to the disparity in truck weight limits affects many communities, but it is clearly evident in the eastern Maine cities of Bangor and Brewer. In this region, a two-mile stretch of Interstate 395 connects two major State highways that carry significant truck traffic across Maine. I-395 affords direct and safe access between these major corridors, but because of the existing Federal truck weight limit, many heavy trucks are prohibited from using this multi-lane, limited access highway.

Instead, these trucks, which sometimes carry hazardous materials, are required to maneuver through the downtown portions of Bangor and Brewer on two-lane roadways. Truckers are faced with two options; the first is a 3.5 mile diversion through downtown Bangor that requires several very difficult and dangerous turns. The second route is a 7.5 mile diversion that includes 20 traffic lights and requires travel through portions of downtown Bangor as well. Congestion is a significant issue, and safety is seriously compromised as a result of these required diversions.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a Federal weight exemption on non-exempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found

that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. A uniform truck weight limit of 100,000 pounds on Maine's interstate highways would reduce highway miles, as well as the travel times necessary to transport freight through Maine, resulting in safety, economic, and environmental benefits.

Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Most important, however, a uniform truck weight limit will keep trucks on the interstate where they belong, rather than on roads and highways that pass through Maine's cities, towns, and neighborhoods.

In addition to the safety of motorists and pedestrians, there is a homeland security aspect to this as well. An accident or attack involving a heavy truck carrying explosive fuel or a hazardous chemical on a congested city street would have devastating consequences. That risk can be alleviated substantially by allowing those trucks to stay on the open highway.

The legislation that Senator SNOWE and I are introducing addresses the safety issues we face in Maine because of the disparities in truck weight limits. The legislation directs the Secretary of Transportation to establish a commercial truck safety pilot program in Maine. Under the pilot program, the truck weight limit on all Maine highways that are part of the Interstate Highway System would be set at 100,000 pounds for three years. During the waiver period, the Secretary would study the impact of the pilot program on safety and would receive the input of a panel on which State officials, and representatives from safety organizations, municipalities, and the commercial trucking industry would serve. The waiver would become permanent if the panel determined that motorists were safer as a result of a uniform truck weight limit on Maine's Interstate Highway System.

Maine's citizens and motorists are needlessly at risk because too many heavy trucks are forced off the interstate and onto local roads. The legislation Senator SNOWE and I are introducing is a commonsense approach to a significant safety problem in my State. Our efforts are widely supported by public officials throughout Maine, including the Governor, the Maine Department of Transportation, the Maine Secretary of State, and the Maine State Police. I urge my colleagues to support this important legislation.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Maine, Senator COLLINS, to once again introduce legislation that seeks not only to rectify an impediment to international

commerce flowing through Maine, but more importantly, will offer a measure of safety and security that many of my constituents in Maine do not currently possess.

As many of our colleagues know, expanding upon the current federal truck weight limitation of 80,000 pounds is often looked upon as too dangerous, flaunting the safety of drivers who may be faced with a truck weighing as much as 145,000 pounds. While my record reflects my long commitment to safety on our roadways, I ask my colleagues not to overlook the safety of pedestrians as well.

Take the situation we face in Maine, where we currently have a limited exemption along the southern portion of the Maine Turnpike. Many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel teeter past elementary schools, libraries, weaving through traffic to reach locations like our Air National Guard station. Not only is it an inefficient method of bringing necessary fuel to Guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called safety argument truly a legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

What is the result of redirecting such traffic onto local roads? According to study conducted by the Maine Department of Transportation, traffic fatalities involving trucks weighing 100,000 pounds are 10 times greater on secondary roads in Maine than on the exempted Interstates. Serious injuries are seven times more likely. Not to mention the exorbitant cost of maintaining these secondary roads, forced to handle these massive trucks. These roads were not designed to handle this kind of traffic. Our Interstates were, yet these trucks are consistently prevented from traveling on them.

As you can see, safety is indeed the issue. Unfortunately, I believe the opponents of such legislation who continually cite safety as the reason behind their opposition are missing the point.

Another argument against allowing such trucks access to these Interstates

is the classic "slippery slope", that if you allow one State to have such an exemption, pretty soon you'll have to give EVERY State such an exemption. Well, I would like to remind the opponents of this bill that we're already almost there. A total of 46 States possess some type of variance, already have some type of exemption, and 4 States allow trucks weighing over 130,000 pounds on some roads within their State! To offer a clear picture of this, if you are driving a truck weighing 100,000 pounds, you can leave Gary, Indiana, just outside of Chicago, and can operate that vehicle all the way to Portland, ME. There, of course, they have to unload the additional weight—this case, 20,000 pounds—to continue on the Interstate, or travel the remainder of the way through the State on these local roads, endangering the populace and other drivers.

Conversely, you can operate a truck weighing 90,000 pounds from Kansas City, Missouri and travel to Seattle, WA. So I ask you, is this truly a legitimate reason for opposition while my constituents are taking their lives in their hands when merely crossing Main Street? Perhaps, for the sake of fairness, every State should rescind their current variances, instead requiring that all States operate at the present federal level of 80,000 pounds. I suspect if that were the case many of our opponents would no longer be so stalwart in their reluctance to support waivers.

Lastly, and most importantly, I would especially like to thank Senator COLLINS for her steadfast effort as, side-by-side, we continue to seek a resolution to this issue so vital to our State's economic competitiveness and to the safety of Maine's people.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. KERRY, and Mr. NELSON, of Florida):

S. 859. A bill to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Marine Mammals Rescue Assistance Amendments Act.

In my home State of Washington, our history and economy is based on a rich maritime tradition that contributes as much as \$3 billion to the State's economy each year. There are 3,000 vessels in Washington's fishing fleet that employ 10,000 fishermen. Nationwide, ocean-dependent industries generate approximately \$138 billion and millions of jobs to the U.S. economy. According to the National Ocean Economic Project, 30 U.S. coastal states accounted for 82 percent of total population and 81 percent of U.S. jobs in 2006.

For these communities, their histories and economies literally ebb and

flow with the tide. It is vital we remember the ocean resources these communities depend on are a public trust, and a resource to be both treasured and protected.

One important element of the oceans' ecosystems is marine mammals. They reflect the greater health of the ocean environment, like a canary in a coal mine.

In Washington state, marine mammals like the endangered Puget Sound southern resident orcas are icons for our region.

My State's coastal waters are inhabited by gray whales, harbor seals, orcas, humpback whales, Dall's porpoise, California sea lions, and sea otters. They are an important part of Washington's marine environment, and deserve to be protected and respected.

But occasionally these remarkable animals run into trouble and need our help. They become stranded on beaches, ensnared in fishing gear, hit by boats, or harmed by marine trash. Human activities endanger these animals, as such, it is our responsibility to do all that we can to protect them.

The Marine Mammals Rescue Assistance Amendments Act continues our Government's efforts to protect and preserve these remarkable creatures.

It would reauthorize and amend provisions of the Marine Mammal Protection Act of 1972 relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, Prescott program.

Before this program was created, saving troubled marine mammals was the burden of small, locally-funded volunteer organizations, many of whom were members of the Marine Mammal Stranding Network. These groups of local citizens took on the financial burden of rescuing and rehabilitating stranded mammals, relied mainly on piecemeal fundraising, and were woefully underfunded.

The Prescott program lends a much-needed helping hand to these organizations, helping to defray their costs for marine mammal rescue and rehabilitation. It also allows eligible Marine Mammal Stranding Network participants to use funds to collect scientific data to improve the treatment and operation of rescue and rehabilitation centers.

Reauthorization of this program is important to the Marine Mammal Stranding Networks around the nation, aquariums and zoos, the environmental community, and NOAA.

For example, in my home state of Washington, organizations like the Orca Network, the Makah Tribe, The Whale Museum, and the Cascadia Research Collective rely on this funding, and last year received a total of \$319,000 in Prescott grant funding to help support their work preserving and protecting marine mammals.

The Marine Mammal Rescue Assistance Amendments Act would amend

section 403 of the MMPA to: define the term "entanglement" and add authorization for entanglement response as eligible for funding under the program; require the Secretary of Commerce to collect and update existing practices and procedures for rescuing and rehabilitating entangled marine mammals; establishes an interest bearing fund in the Treasury for emergency response to marine mammal entanglement and stranding, and allow the program to solicit and accept gifts and other donations to increase the impact of the program; increase authorization for the program to \$7 million for each fiscal years 2009 to 2013; and increase the maximum grant for projects from \$100,000 to \$200,000.

We cannot turn our backs on the damage we do to our marine mammals every day. When marine mammals are harmed by human activities—whether intentional or unintentional, direct or indirect—we have an ethical obligation to do what we can to help.

As stewards of the oceans, we owe it to our coastal communities, our precious marine mammals, and future generations to fulfill that obligation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Amendments of 2009".

SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.

(a) COLLECTION AND UPDATING OF INFORMATION.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting "or entangled" after "stranded".

(b) ENTANGLEMENT RESPONSE AGREEMENTS.—

(1) IN GENERAL.—Section 403 of that Act (16 U.S.C. 1421b) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS." ; and

(B) by striking "stranding." in subsection (a) and inserting "stranding or entanglement." ;

(2) CLERICAL AMENDMENT.—The table of contents for title IV of that Act is amended by striking the item relating to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements." ;

(c) LIABILITY.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting "or entanglement" after "stranding".

(d) ENTANGLEMENT DEFINED.—

(1) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

"(A) on a beach or shore of the United States; or

"(B) in waters under the jurisdiction of the United States." ;

(2) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f-1(a)(2)(B)(i)) is amended by striking "section 410(6)" and inserting "section 410(7)".

(e) UNUSUAL MORTALITY EVENT FUNDING.—Section 405 of such Act (16 U.S.C. 1421d) is amended—

(1) by striking "to compensate persons for special costs" in subsection (b)(1)(A)(i) and inserting "to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs";

(2) by striking "preparing and transporting" in subsection (b)(1)(A)(ii) and inserting "the preparation, analysis, and transportation of";

(3) by striking "event for" in subsection (b)(1)(A)(ii) and inserting "event, including such transportation for";

(4) by striking "and" after the semicolon in subsection (c)(2);

(5) by striking "subsection (d)." in subsection (c)(3) and inserting "subsection (d); and"; and

(6) by adding at the end of subsection (c) the following:

"(4) up to \$500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act." ;

(f) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 408(h) of such Act (16 U.S.C. 1421f-1(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, other than subsection (a)(3), \$7,000,000 for each of fiscal years 2010 through 2014, to remain available until expended, of which—

"(A) \$6,000,000 may be available to the Secretary of Commerce; and

"(B) \$1,000,000 may be available to the Secretary of the Interior.

"(2) RAPID RESPONSE FUND.—There are authorized to be appropriated to the John H. Prescott Marine Mammal Rescue and Rapid Response Fund established by subsection (a)(3), \$500,000 for each of fiscal years 2010 through 2014.

"(3) ADDITIONAL RAPID RESPONSE FUNDS.—There shall be deposited into the Fund established by subsection (a)(3) up to \$500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act." ;

(2) ADMINISTRATIVE COSTS AND EXPENSES.—Section 408(f) of such Act (16 U.S.C. 1421f-1(f)) is amended to read as follows:

"(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided under subsection (a)." ;

(3) EMERGENCY ASSISTANCE.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended—

(A) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

“(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a program to be known as the John H. Prescott Marine Mammal Rescue and Response Funding Program, to provide for the recovery or treatment of marine mammals, the collection of data from living or dead stranded or entangled marine mammals for scientific research regarding marine mammal health, facility operation costs that are directly related to those purposes, and stranding or entangling events requiring emergency assistance. All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f).”;

(B) by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following:

“(2) CONTRACT AUTHORITY.—To carry out the activities set out in paragraph (1), the Secretary may enter into grants, cooperative agreements, contracts, or such other agreements or arrangements as the Secretary deems appropriate.

“(3) PRESCOTT RAPID RESPONSE FUND.—There is established in the Treasury an interest bearing fund to be known as the ‘John H. Prescott Marine Mammal Rescue and Rapid Response Fund’, which shall consist of a portion of amounts deposited into the Fund under subsection (h) or received as contributions under subsection (i), and which shall remain available until expended without regard to any statutory or regulatory provision related to the negotiation, award, or administration of any grants, cooperative agreements, and contracts.”;

(C) by striking “designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants” in paragraph (4), as redesignated, and inserting “as defined in subsection (g)(3). The Secretary”; and

(D) by striking “subregions.” in paragraph (4), as redesignated, and inserting “subregions where such facilities exist.”;

(E) by striking subsections (d) and (e) and inserting the following:

“(d) LIMITATION.—

“(1) IN GENERAL.—Support for an individual project under this section may not exceed \$200,000 for any 12-month period.

“(2) UNEXPENDED FUNDS.—Amounts provided as support for an individual project under this section that are unexpended or unobligated at the end of such period—

“(A) shall remain available until expended; and

“(B) shall not be taken into account in any other 12-month period for purposes of paragraph (1).

“(e) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs of an activity conducted with funds under this section shall be 25 percent of such Federal costs.

“(2) WAIVER.—The Secretary shall waive the requirements of paragraph (1) with respect to an activity conducted with emergency funds disbursed from the Fund established by subsection (a)(3).

“(3) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.”; and

(F) by redesignating paragraph (2) of subsection (g) as paragraph (3) and inserting after paragraph (1) the following:

“(2) EMERGENCY ASSISTANCE.—The term ‘emergency assistance’ means assistance provided for a stranding or entangling event—

“(A) that—

“(i) is not an unusual mortality event as defined in section 409(7);

“(ii) leads to an immediate increase in required costs for stranding or entangling response, recovery, or rehabilitation in excess of regularly scheduled costs;

“(iii) may be cyclical or endemic; and

“(iv) may involve out-of-habitat animals; or

“(B) is found by the Secretary to qualify for emergency assistance.”.

(4) CONTRIBUTIONS.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended by adding at the end the following:

“(i) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.”.

(5) CONFORMING AMENDMENT.—The section heading for section 408 is amended to read as follows:

“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.”.

(g) AUTHORIZATION OF APPROPRIATIONS FOR MARINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—Section 409 of such Act (16 U.S.C. 1421g) is amended—

(1) by striking “1993 and 1994;” in paragraph (1) and inserting “2010 through 2014;”;

(2) by striking “1993 and 1994;” in paragraph (2) and inserting “2010 through 2014;”;

and

(3) by striking “fiscal year 1993.” in paragraph (3) and inserting “each of fiscal years 2010 through 2014.”.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SCHUMER, Mrs. LINCOLN, Ms. STABENOW, Mr. VOINOVICH, Mr. BURR, Mr. PRYOR, Mr. LEAHY, and Mr. LEVIN):

S. 864. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, the Nation's charitable community has been damaged from the harsh realities of the economic downturn. Dwindling contributions and devastating market losses have hit many charities and philanthropic activities, and the trusts and funds that support them.

Experts at the Congressional Research Service suggest that charitable assets could have lost more than \$400 billion in value from the stock market's peak in October 2007. Some foundations with narrow investment portfolios have lost close to 50 percent since that time. Donations are down at many charities across the country.

Yet, the work of these organizations to assist low-income families and individuals facing financial difficulty is more important than ever. The economy is in trouble—20,000 jobs are lost every day and the unemployment rate

is approaching 9 percent. It is not surprising that many charities are seeing an increase in those seeking help for food, rent or mortgage payments or utility bills, along with an increase in the number of working poor seeking services, more generally.

The Senate recently sent a strong message to our charitable community that we understand their financial challenges and will do what it can to help. During consideration of the fiscal year 2010 Budget Resolution, the Senate unanimously passed an amendment I authored with Senator SNOWE that gives a green light to pass legislation to extend and enhance the soon-to-expire charitable individual retirement account, IRA, rollover tool that charities have used to help raise money. This tax incentive allows individuals to make gifts to charities from their IRAs without suffering adverse tax consequences.

Today, I am joined by Senator SNOWE and 9 of our colleagues in introducing the Public Good IRA Rollover Act, which would permanently extend and expand the tax-free charitable IRA rollover incentive.

Congress added a provision to the Tax Code in 2006 that permitted taxpayers age 70½ or older to give money directly from their IRAs to charities, tax-free. This provision is modeled after an approach for direct charitable gifts that we have advanced in the Public Good IRA Rollover Act.

The results of this provision have been very exciting for many in the charitable community. According to one survey, approximately 900 charitable organizations had reported more than 8,500 individual IRA distributions, with a total value of nearly \$140 million.

Unfortunately, the tax-favored benefit of the charitable IRA rollover is only available for a temporary period and is scheduled to expire at the end of this year unless Congress acts. The Public Good IRA Rollover Act will not only extend the charitable IRA rollover, it will modify it in a manner that we believe will result in more gifts to charity without busting the budget. These changes include: allowing taxpayers to make life-income gifts from their IRAs to charities at age 59½, eliminating the current dollar cap, and making the charitable IRA rollover benefits available to more charitable organizations.

Adopting these provisions will result in more charitable giving, particularly allowing taxpayers to make life-time gifts from their IRAs starting at the age of 59½. Many charities secure funds from life-income gifts, which involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. While this provision would stimulate additional giving, evidence also suggests that people who make

life-income gifts become more involved with charities. And, because the income payouts for most gift annuities and charitable trusts will be higher than IRA payouts, IRA rollovers to life-income agreements may produce immediate taxable revenues and score positively. In short, the life-income gift provision would greatly benefit charities in a fiscally-responsible manner.

The Public Good IRA Rollover Act has strong bipartisan support in the Senate and House of Representatives. It has garnered the support of the Independent Sector, the Council on Foundations, and the Partnership for Philanthropic Planning. I am very pleased that the North Dakota Association of Nonprofit Organizations, which represents the interests of more than 140 nonprofits in my State, has also offered its support for this legislation that could help North Dakota charities raise millions of dollars in the coming years.

I also ask my colleagues to review this legislation and consider cosponsoring it.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA ASSOCIATION
OF NONPROFIT ORGANIZATIONS,
Bismarck, ND, April 13, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The North Dakota Association of Nonprofit Organizations (NDANO), on behalf of the more than 140 member nonprofits in our state, writes to express our support for Public Good IRA Rollover Act you will be introducing later this month.

NDANO's mission is strengthening member nonprofits, building community and enhancing quality of life, and one of the key issues on NDANO's public policy agenda is charitable giving. More specifically, NDANO supports actions to preserve and expand tax policies that increase incentives for taxpayers to donate to charitable organizations. Donations by individuals to support nonprofit work in North Dakota are essential to increasing nonprofit capacity to meet the needs of the state's citizens and communities, particularly in these challenging economic times. This Act could be a real boost to fundraising, encouraging those age 59½ and older to make gifts to charities that would not otherwise be given.

NDANO appreciates your commitment to introduce this Act to incentivize charitable giving. Thank you for your continuing support of North Dakota nonprofits and the entire nonprofit sector.

Sincerely,

DANA SCHAAR,
Executive Director.

INDEPENDENT SECTOR,
Washington, DC, April 21, 2009.
Re: Public Good IRA Rollover Act of 2009.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: On behalf of the over 550 member organizations of Independent Sector, I am writing to express our sincere appreciation for your leadership in promoting nonprofits and the work they perform through your introduction of the Public Good IRA Rollover Act of 2009.

Since it was enacted in August 2006, the current IRA charitable rollover has helped nonprofits enrich lives and strengthen communities across the country and around the world by allowing individuals to make direct gifts to charities from their Individual Retirement Accounts without suffering adverse tax consequences. The IRA rollover is particularly helpful for older Americans who do not itemize their tax deductions and would not otherwise receive any tax benefit for their contributions. We wholeheartedly support the provisions in the Public Good IRA Rollover Act of 2009 that make the giving incentive permanent, allow planned giving programs to provide retirement security to donors while helping nonprofits serve their communities, and expand the IRA rollover to donor advised funds and supporting organizations.

We believe that your Public Good IRA Rollover Act of 2009 would greatly enhance the ability of individuals to give back to their communities and offer our assistance in helping to move this important bill through the legislative process.

Sincerely,

PATRICIA READ.

PARTNERSHIP FOR
PHILANTHROPIC PLANNING,
Indianapolis, IN, April 21, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: On behalf of the Partnership for Philanthropic Planning (formerly the National Committee on Planned Giving), I write to thank you for reintroducing the Public Good IRA Rollover Act. We appreciate your efforts to help our nation's charities during this period of economic turmoil.

The Public Good IRA Rollover Act would make permanent and expand the IRA Charitable Rollover enacted in 2006 and extended at the end of last year. As you well know, the IRA Charitable Rollover has already generated a significant amount of new charitable giving by eliminating the barrier in the tax law that had discouraged transfers from individual retirement accounts to charities. These gifts are helping organizations in every state build cancer centers, develop programs for counseling at-risk youth, support housing for homeless families, conserve wilderness areas, help disadvantaged students attend college, and provide therapy for people with disabilities.

We are pleased that your legislation would expand the current law IRA Charitable Rollover by allowing for qualified charitable distributions to life-income gifts, including charitable gift annuities, charitable remainder trusts and pooled income funds. We are

also delighted your legislation would permit distributions from IRA accounts to donor-advised funds, supporting organizations, and private foundations. These important provisions will offer increased options for charitable giving, allowing an entire generation of generous Americans to continue providing for others even in these challenging economic times.

Again, thank you for reintroducing the Public Good IRA Rollover Act. We look forward to working with your office to ensure it is signed into law soon.

Sincerely,

TANYA HOWE JOHNSON,
President and CEO.

COUNCIL ON FOUNDATIONS,
Arlington, VA, April 21, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN AND SENATOR SNOWE: On behalf of the Council on Foundations and our membership of more than 2,100 grantmaking foundations and corporations, we would like to thank you for your continued leadership on issues of critical concern to the philanthropic sector and the communities which we serve. We are particularly appreciative of your sponsorship of the "Public Good IRA Rollover Act of 2009", legislation which would both permanently extend current law authorizing charitable rollovers of individual retirement accounts ("IRAs"), and permit such rollovers to include gifts to donor-advised funds, supporting organizations, and private foundations.

Enactment of the "Public Good IRA Rollover Act of 2009" will be a crucial step forward in ensuring that philanthropic organizations have the means and flexibility to address dramatically growing needs. Making current law regarding IRA rollovers permanent will provide current donors the certainty needed for prudent charitable gift planning, and will ensure future donors have the ability to use this efficient means of giving. Making the charitable IRA rollover available for gifts to donor-advised funds, supporting organizations, and private foundations will enable additional donors, particularly among middle-income Americans, to utilize charitable rollovers for the benefit of organizations that are particularly well-suited to delivering philanthropic resources quickly and effectively to communities in need.

Two recent studies by the Council on Foundations show that, in 2007, donor-advised funds accounted for over one-third of all community foundation assets and 62% of their total grantmaking. In addition, donor-advised funds located within community foundations have a payout rate of 16.4%, over three times the minimum required for private foundations by federal law. The Council also has found that donor-advised funds are a particularly effective tool for middle-income Americans to engage in philanthropy. With most community foundations accepting a donor-advised fund in the range of \$5,000 to \$15,000, donor-advised funds are a philanthropic vehicle that can go to work immediately, a particularly valuable asset given current demands on philanthropic resources.

Thank you again for your leadership in providing philanthropies with the tools needed to fulfill their missions, and to help meet the growing needs of their communities. We

look forward to working with you to achieve passage of the "Public Good Rollover Act of 2009".

Very truly yours,

STEVE GUNDERSON,
President and Chief Executive Officer.

By Mr. REED (for himself, Ms. COLLINS, Mr. DODD, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. MENENDEZ, Mr. SANDERS, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. DURBIN):

S. 866. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2009, which will provide new support for environmental education in our Nation's classrooms. I thank Senators COLLINS, CARDIN, DODD, DURBIN, GILLIBRAND, KERRY, LAUTENBERG, LINCOLN, MENENDEZ, MURRAY, SANDERS, and WHITEHOUSE for agreeing to be original cosponsors of this bill. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two concerns. First, it would provide a new professional development initiative to ensure that teachers possess the content knowledge and pedagogical skills to effectively teach environmental education in the classroom, including the use of innovative interdisciplinary and field-based learning strategies. Second, the bill would create incentives, through new funding, for states to develop a peer-reviewed comprehensive statewide environmental literacy plan to make sure prekindergarten, elementary, and secondary school students have a solid understanding of our planet and its natural resources. Lastly,

the No Child Left Inside Act provides support for school districts to initiate, expand, or improve their environmental education curriculum, and for rigorous national studies to be conducted regarding the effectiveness of environmental education on improving student academic achievement and behavior. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that "in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education . . ." In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development, and national security. A federal study released earlier this month found that students participating in environmental air quality education programs took action that resulted in improved air quality in their communities. The study concludes by recommending increased support for environmental education programs. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. In Rhode Island, organizations such as the Rhode Island Environmental Education Association, Roger Williams Park Zoo, Save the Bay, the Nature Conservancy, and the Audubon Society as well as countless schools, teachers, and other groups across the country, reach out to children each and every day to offer educational and outdoor experiences that these children may never otherwise have, helping to inspire them to learn. Despite these extraordinary ef-

forts, environmental education remains out of reach for too many kids. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "No Child Left Inside Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. Authorization of appropriations.

TITLE I—ENVIRONMENTAL LITERACY PLANS

Sec. 101. Development, approval, and implementation of State environmental literacy plans.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

Sec. 201. Environmental education professional development grant programs.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

Sec. 301. Environmental education grant program to help build national capacity.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, \$100,000,000 for fiscal year 2010 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

"In order for any State educational agency, or a local educational agency served by a

State educational agency, to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

“SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

“(a) SUBMISSION OF PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2009, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies and State natural resource agencies, and with input from the public—

“(A) submit an environmental literacy plan for prekindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

“(B) begin the implementation of such plan in the State.

“(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed in cooperation with a State environmental or natural resource management agency, if such plan complies with this section.

“(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

“(1) Prepare students to understand, analyze, and address the major environmental challenges facing the students’ State and the United States.

“(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

“(3) Create opportunities for enhanced and on-going professional development for teachers that improves the teachers’—

“(A) environmental subject matter knowledge; and

“(B) pedagogical skills in teaching about environmental issues, including the use of—

“(i) interdisciplinary, field-based, and research-based learning; and

“(ii) innovative technology in the classroom.

“(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

“(1) A description of how the State educational agency will measure the environmental literacy of students, including—

“(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will be integrated throughout the prekindergarten to grade 12 curriculum; and

“(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

“(2) A description of programs for professional development for teachers to improve the teachers’—

“(A) environmental subject matter knowledge; and

“(B) pedagogical skills in teaching about environmental issues, including the use of—

“(i) interdisciplinary, field-based, and research-based learning; and

“(ii) innovative technology in the classroom.

“(3) A description of how the State educational agency will implement the plan, in-

cluding securing funding and other necessary support.

“(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review of State environmental literacy plans;

“(2) appoint individuals to the peer review process who—

“(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and nongovernmental organizations; and

“(B) are familiar with national environmental issues and the health and educational needs of students;

“(3) include, in the peer review process, appropriate representatives from the Department of Commerce, Department of Interior, Department of Energy, the Environmental Protection Agency, and other appropriate Federal agencies, to provide environmental expertise and background for evaluation of the State environmental literacy plan;

“(4) approve a State environmental literacy plan not later than 120 days after the plan’s submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

“(5) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

“(6) not decline to approve a State environmental literacy plan before—

“(A) offering the State an opportunity to revise the State environmental literacy plan;

“(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

“(C) providing notice and an opportunity for a hearing; and

“(7) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

“(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

“(B) use specific academic assessment instruments or items.

“(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

“(g) GRANTS FOR IMPLEMENTATION.—

“(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

“(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which

regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

“(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

“(h) REPORTING.—

“(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the State educational agency shall submit to the Secretary a report on the implementation of the State plan.

“(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

“(A) in the form specified by the Secretary;

“(B) based on the State’s ongoing evaluation activities; and

“(C) made readily available to the public.”.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

“PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

“SEC. 2501. PURPOSE.

“The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

“SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

“(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means a partnership that—

“(1) shall include a local educational agency; and

“(2) may include—

“(A) the teacher training department of an institution of higher education;

“(B) the environmental department of an institution of higher education;

“(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

“(D) a Federal, State, regional, or local environmental or natural resource management agency that has demonstrated effectiveness in improving the quality of environmental education teachers; or

“(E) a nonprofit organization that has demonstrated effectiveness in improving the quality of environmental education teachers.

“(b) GRANTS AUTHORIZED.—

“(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States whose State environmental literacy plan has been approved under section 5622, to enable the States to award subgrants under subsection (c).

“(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

“(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

“(c) SUBGRANTS AUTHORIZED.—

“(1) **SUBGRANTS TO ELIGIBLE PARTNERSHIPS.**—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships serving the State, to enable the eligible partnerships to carry out the authorized activities described in subsection (e) consistent with the approved State environmental literacy plan.

“(2) **DURATION.**—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

“(3) **SUPPLEMENT, NOT SUPPLANT.**—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

“(d) **APPLICATION REQUIREMENTS.**—

“(1) **IN GENERAL.**—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

“(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

“(B) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

“(C) a description of how the activities to be carried out by the eligible partnership—

“(i) will be aligned with challenging State academic content standards and student academic achievement standards in environmental education, to the extent such standards exist, and with the State's environmental literacy plan under section 5622; and

“(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

“(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based or service learning to enable the teachers—

“(i) to use the local environment and community as a resource; and

“(ii) to enhance student understanding of the environment and academic achievement;

“(E) a description of—

“(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

“(ii) the eligible partnership's evaluation and accountability plan described in subsection (f); and

“(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

“(e) **AUTHORIZED ACTIVITIES.**—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

“(1) Creating opportunities for enhanced and ongoing professional development of teachers that improves the environmental subject matter knowledge of such teachers.

“(2) Creating opportunities for enhanced and ongoing professional development of teachers that improves teachers' pedagogical skills in teaching about the environment and environmental issues, including in the use of—

“(A) interdisciplinary, research-based, and field-based learning; and

“(B) innovative technology in the classroom.

“(3) Establishing and operating environmental education summer workshops or institutes, including follow-up training, for elementary and secondary school teachers to improve their pedagogical skills and subject matter knowledge for the teaching of environmental education.

“(4) Developing or redesigning more rigorous environmental education curricula that—

“(A) are aligned with challenging State academic content standards in environmental education, to the extent such standards exist, and with the State environmental literacy plan under section 5622; and

“(B) advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components.

“(5) Designing programs to provide teachers at a school to provide mentoring and professional development to other teachers at such school to improve teacher environmental education subject matter and pedagogical skills;

“(6) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

“(7) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

“(8) Promoting outdoor environmental education activities as part of the regular school curriculum and schedule in order to further the knowledge and professional development of teachers and help students directly experience nature.

“(f) **EVALUATION AND ACCOUNTABILITY PLAN.**—

“(1) **IN GENERAL.**—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

“(2) **CONTENTS.**—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

“(g) **REPORT.**—Each eligible partnership receiving a subgrant under this part shall report annually, for each year of the subgrant, to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).”.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

“Subpart 23—Environmental Education Grant Program

“SEC. 5631. PURPOSES.

“The purposes of this subpart are—

“(1) to prepare children to understand and address major environmental challenges facing the United States; and

“(2) to strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

“SEC. 5632. GRANT PROGRAM AUTHORIZED.

“(a) **DEFINITION OF ELIGIBLE PARTNERSHIP.**—In this section, the term ‘eligible partnership’ means a partnership that—

“(1) shall include a local educational agency; and

“(2) may include—

“(A) the teacher training department of an institution of higher education;

“(B) the environmental department of an institution of higher education;

“(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

“(D) a Federal, State, regional, or local environmental or natural resource management agency, or park and recreation department, that has demonstrated effectiveness, expertise, and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced; and

“(E) a nonprofit organization that has demonstrated effectiveness, expertise, and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

“(b) **GRANTS AUTHORIZED.**—

“(1) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of activities under this subpart.

“(2) **DURATION.**—Each grant under this subpart shall be for a period of not less than 1 year and not more than 3 years.

“SEC. 5633. APPLICATIONS.

“Each eligible partnership desiring a grant under this subpart shall submit to the Secretary an application that contains—

“(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting—

“(A) challenging State academic content standards and student academic achievement standards in environmental education, to the extent such standards exist; and

“(B) academic standards that are aligned with the State's environmental literacy plan under section 5622; and

“(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

“SEC. 5634. USE OF FUNDS.

“Grant funds made available under this subpart shall be used for 1 or more of the following:

“(1) Developing and implementing State curriculum frameworks for environmental education that meet—

“(A) challenging State academic content standards and student academic achievement standards for environmental education, to the extent such standards exist; and

“(B) academic standards that are aligned with the State's environmental literacy plan under section 5622.

“(2) Replicating or disseminating information about proven and tested model environmental education programs that—

“(A) use the environment as an integrating theme or content throughout the curriculum; or

“(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students’ overall academic performance, personal health (including addressing child obesity issues), and understanding of nature.

“(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

“(4) Conducting studies of national significance that—

“(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

“(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

“(C) evaluate the effectiveness of using environmental education-based field-based learning, service learning or outdoor experiential learning in helping improve—

“(i) student academic achievement in mathematics, reading or language arts, science, or other core academic subjects;

“(ii) student behavior;

“(iii) student attendance; and

“(iv) secondary school graduation rates.

“(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

“SEC. 5635. REPORTS.

“(a) ELIGIBLE PARTNERSHIP REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear grant under this subpart, the eligible partnership shall submit to the Secretary an annual report that—

“(1) describes the activities assisted under this subpart that were conducted during the preceding year;

“(2) demonstrates that progress has been made in helping schools to meet the State academic standards for environmental education described in section 5634(1); and

“(3) describes the results of the eligible partnership’s evaluation and accountability plan.

“(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the No Child Left Inside Act of 2009 and annually thereafter, the Secretary shall submit a report to Congress that—

“(1) describes the programs assisted under this subpart;

“(2) documents the success of such programs in improving national and State environmental education capacity; and

“(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

“SEC. 5636. ADMINISTRATIVE PROVISIONS.

“(a) FEDERAL SHARE.—The Federal share of a grant under this subpart shall not exceed—

“(1) 90 percent of the total costs of the activities assisted under the grant for the first year for which the program receives assistance under this subpart; and

“(2) 75 percent of such costs for each of the second and third years.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to an eligible partnership under

this subpart for any fiscal year may be used for administrative expenses.

“(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

“SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.”.

By Mrs. FEINSTEIN:

S. 867. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shirley Constantino Tan. Ms. Tan is a Filipina national living in Pacifica, California. She is the loving mother of 12 year old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I have decided to introduce a private bill on Ms. Tan’s behalf because I believe her removal from the U.S. would cause undue hardship for her and her family. Without this legislation, this family will be separated or they will be relocated to a third country where Ms. Tan’s safety and her children’s well-being may be at risk. I believe Ms. Tan merits Congress’ special consideration for such an extraordinary form of relief as a private bill.

Before coming to the U.S., Ms. Tan experienced tragic hardship in the Philippines after her mother and sister were murdered by her cousin. Ms. Tan was only 14 years old at the time and the violent assault left her with a bullet wound in the head. Although the cousin who committed the murders was eventually prosecuted, he received a short sentence and his impending release from jail in 1990 compelled her to leave the country out of fear for her safety. Ms. Tan legally entered the U.S. on a visitor’s visa in 1989.

Ms. Tan faces deportation today in part because of the negligence demonstrated by her previous counsel. Ms. Tan applied for asylum in 1995. After years of appeals, the attorney received a brief from the Board of Immigration Appeals, BIA, outlining the Government’s position on Ms. Tan’s case. The attorney, however, failed to submit a reply brief in her client’s favor and, in May 2002, the case was dismissed and Ms. Tan was granted an order of voluntary departure from the U.S.

Ms. Tan should have received notice of the voluntary removal order from her attorney. However, the attorney had moved offices, did not receive the order, and failed to inform Ms. Tan of the information. As a result, Ms. Tan did not depart the U.S. and the voluntary removal order against her became a deportation order.

The first time that Ms. Tan received notice of the deportation order was on

January 28, 2009, when Immigration and Customs Enforcement officers appeared at her home and took her into custody.

In effect, Ms. Tan was denied the opportunity to adequately represent herself in U.S. immigration proceedings as a result of her attorney’s negligence. Ms. Tan has since filed a complaint against her former attorney with the State Bar of California. A previous complaint has also been filed against the same attorney with the California Bar for similar misconduct.

One of the most compelling reasons for permitting Ms. Tan to remain in the U.S. is the impact that her deportation would have on her two U.S. citizen minor children, Jashley and Joreine.

These children are currently seventh graders at Cabrillo Elementary School in Pacifica, California, where they have made the honor roll. In letters to me from two teachers at Cabrillo Elementary, Jashley and Joreine were described as “ideal” students—“the kinds of kids that make my job feel easy.” One of the teachers described their mother, Ms. Tan, as a highly-involved, “model” parent, one who “attends every conference, drives on field trips and consistently checks in with her boys’ teachers and the rest of our staff to make sure Jashley and Joreine continue to be successful.”

However, if Ms. Tan is forced to leave the United States, this family has stated that they would follow her to the Philippines or relocate to a third country to avoid their separation. This means that Jashley and Joreine will have to cut their education short and have to leave the U.S.—their birthplace and the only country they know to be home.

All too often, young U.S. citizen children like Jashley and Joreine are being put in this position when one or both of their parents may be removed from the United States. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrants who were the parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP to the Urban Institute affirms what many of us know—that the removal or deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children. For families that have no choice but to leave the United States as a unit in order to stay together, this has life-altering consequences for U.S. citizen children. Besides the fact that these children lose the opportunities that come with being raised in the United States, these children are more prone to anxiety, depression, eating and sleeping disorders, post-traumatic stress disorder, and behavior changes.

This is the situation facing the Tan family. While her marriage was legally performed under California law at the time, Ms. Tan cannot take steps to legally adjust her immigration status through the regular family-based immigration channels.

I do not believe that it is in our Nation's best interest to force this family—including two U.S. citizen minor children—to make the choice between being separated and relocation to a country where they may face serious hardships.

The Tan family has built a stable and supportive home for themselves in the Pacifica, California community. Ms. Tan's spouse has worked for 17 years at Biddle-Shaw Insurance Services, Inc., where her employer describes her as "hard-working . . . trustworthy and dependable." This couple owns their own home, and over many years they were active members of the Good Shepherd Catholic Church. At Good Shepherd, Jay was a member of the School Board and Ms. Tan was a consummate volunteer. I received a heartfelt letter from the Pastor at Good Shepherd that describes Ms. Tan as a "dedicated mother" and attests to the family's spirit of volunteerism and commitment at the church.

In fact, I have received 45 letters from friends and community members and 3 letters from organizations, including the Human Rights Campaign, Love Exiles, and Immigration Equality, in support of Ms. Tan remaining in the U.S. I have also been contacted by Representative JACKIE SPEIER's office in support of this case. This family has also received substantial attention from the media in the San Francisco Bay Area.

Enactment of the legislation I am introducing on behalf of Ms. Tan today will enable this entire family to us continue to remain in the U.S. and make positive contributions to their community in Pacifica, California.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States

before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

CABRILLO SCHOOL,
Pacifica, CA, April 2, 2009.

TO WHOM IT MAY CONCERN: Jaylynn Mercado and Shirley Tan are model parents to their 12-year-old twin boys, Jashley and Joriene. It is upsetting to hear that Shirley is being forced to leave the country and be separated from her family. Due to the dedication of these parents, Jashley and Joriene are ideal students. They are well liked by their peers and the faculty of the school. They are both exceptional students. Jaylynn and Shirley are always willing to help the school out in any way possible. They are committed to encouraging their children to do great things. Jaylynn and Shirley have modeled and taught their boys some of the finest traits of respect and compassion. It is my hope that this respect and compassion is returned to the Mercado Family.

Please do what is possible to keep this family intact. They are a lovely addition to our school community. Please contact me if there is any more help that I can give.

Sincerely,

MEGHANN ELSBERND.

CABRILLO SCHOOL,
Pacifica, CA, March 30, 2009.

TO WHOM IT MAY CONCERN: My name is Jared Katz and I am writing this letter in support of Shirley Mercado. I teach 6th grade at Cabrillo Elementary in Pacifica, California and last year I was fortunate to have Joriene and Jashley Mercado in my class. Both boys were exceptional students. They were on the honor roll, athletic, confident, and popular with their peers. Joriene and Jashley are the kinds of kids that make my job feel easy.

Once I got to know their family a little bit I immediately understood why the boys were so successful. Each year I see sixty-four different families, from a variety of cultural and economic backgrounds, and I don't think I've ever seen a family as committed to each other as the Mercados. Being in a room with the four of them together it's impossible to not be envious of the strong bond between them and of the ease and comfort in the way they relate to one another. And from our first meeting it was obvious that Shirley is the center of their family's strength. When you talk to them together all the boys' ac-

tions revolve around her and as a member of our school community she is the model parent. She attends every conference, drives on field trips and consistently checks in with her boys teachers and the rest of our staff to make sure Joriene and Jashley continue to be successful.

When I heard the news this morning that she may be forced to leave the country and be separated from her family I was very shocked and saddened. If there's anything that can be done to help preserve her family I hope that it will be vigorously pursued. And if there's anything I can do to help, please don't hesitate to ask.

Sincerely,

JARED KATZ.

CHURCH OF THE GOOD SHEPHERD,
Pacifica, CA.

DEAR SENATOR FEINSTEIN, It is an honor for me to write this letter of support for one of your constituents, Ms. Shirley Tan. I am her Pastor here at Good Shepherd Catholic Church in Pacifica. I have gotten to know Shirley and her partner Jay Mercado as well as their twin boys Jashley and Joriene. I have been closely connected with this family for the past 5 years. Shirley is a wonderful mother to her sons. She is always available, her gentle spirit and loving heart guiding all that she does as a parent. She and Jay want the best for their sons. They want the boys to grow in wisdom and knowledge and find their true and definite place in this world. They provide a warm and welcoming home, with their door open to family and neighbors (and even strangers!!) Shirley and Jay were school parents here until recently, when, they found a public school that better met the needs of their boys. While they were here at Good Shepherd, Jay was a faithful and responsible member of the School Board, and Shirley was the consummate volunteer . . . always willing and able to help out on campus, as a classroom aide, on special school projects, as a chaperone on field trips . . . Whenever there was a call for help from our Principal or from the School Office, without a moment's hesitation, Shirley would be one of the first to call and offer whatever assistance was needed at the time.

Jay and Shirley were also faithful members of one of our Sunday Mass choirs. Coming to church every week . . . being faithful members of a Christian community . . . being whole-hearted servants of God as ministers of music in this local church . . . bringing their two boys to mass every Sunday and encouraging them to become altar servers . . . Jay and Shirley have for all the time I have known them been wonderful Christian partners, parents, role models for their two boys, and, as Scripture says, "living stones" helping to form and to build up the Church, the Body of Christ, in today's broken and violent world.

I urge you in the strongest possible terms to do to all that you can to assist Shirley and to help quickly and justly resolve her current legal situation.

Sincerely,

PIERS M. LAHEY,
Pastor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 108—COM-
MENDING CAPTAIN RICHARD
PHILLIPS, THE CREW OF THE
“MAERSK ALABAMA”, AND THE
UNITED STATES ARMED FORCES,
RECOGNIZING THE GROWING
PROBLEM OF PIRACY OFF SOMA-
LIA’S COAST, AND URGING THE
DEVELOPMENT OF A COM-
PREHENSIVE STRATEGY TO AD-
DRESS PIRACY AND ITS ROOT
CAUSES

Mr. LEAHY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, Mr. KERRY, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas Somalia has been without a functioning central government since 1991, resulting in lawlessness and an increasingly desperate humanitarian situation;

Whereas according to a Somali human rights group, violence during the period from 2007 to 2009 has killed an estimated 16,000 people, wounded more than 28,000 people, and displaced more than 1,000,000 people;

Whereas these grim conditions and the absence of a functioning government have made Somalia an ideal base for piracy operations and a fertile ground for terrorist organizations, including the group al-Shabaab, whose leaders have ties to al-Qaeda;

Whereas acts of piracy off the coast of Somalia have been on the rise for more than a year, with the International Maritime Bureau reporting an estimated 111 attacks in 2008;

Whereas on Wednesday, April 8, 2009, Somali pirates used grappling hooks and weapons to board the Norfolk, Virginia-based container ship Maersk Alabama, which was captained by Richard Phillips, a resident of Underhill, Vermont, and crewed by 19 other citizens of the United States, and which was delivering food aid from the World Food Programme to hungry people in east Africa;

Whereas Captain Phillips, a native of Winchester, Massachusetts and a 1979 graduate of the Massachusetts Maritime Academy, bravely led the Maersk Alabama crew in successfully retaking control of the ship by offering himself as a hostage in exchange for the release of the crew;

Whereas 4 pirates took Captain Phillips into an 18-foot lifeboat, held him captive at gunpoint, and repeatedly threatened to kill him;

Whereas the United States Central Command dispatched to the scene the destroyer U.S.S. Bainbridge, which was joined in subsequent days by the U.S.S. Halyburton and the U.S.S. Boxer, along with Navy SEAL teams, Marine Corps helicopters, and other joint assets of the United States Armed Forces;

Whereas hostage recovery experts from the Federal Bureau of Investigation gave guidance to the crew of the U.S.S. Bainbridge, while the Department of State stayed in contact with Captain Phillips’ family, including Phillips’ wife Andrea and their 2 children, Daniel and Mariah, in Underhill, Vermont;

Whereas Maersk Limited, based in Norfolk, Virginia, worked diligently with the United States Armed Forces to try to obtain the release of Captain Phillips and the Maersk Alabama crew and to move the ship safely to port in Kenya, while sending personal rep-

resentatives to Vermont to keep the Phillips family informed;

Whereas in the late evening of April 9, 2009, Captain Phillips made an escape attempt, jumping into the water of the Indian Ocean to swim for safety, only to be pursued by the pirates and quickly recaptured;

Whereas the President received regular briefings on the hostage crisis and provided the authority necessary for the United States Armed Forces to resolve it;

Whereas on April 12, 2009, Easter Sunday, Captain Phillips was rescued after the United States Armed Forces, which throughout the crisis spared no effort to defuse the situation and peacefully rescue Phillips, took the lives of 3 of the pirate captors when Phillips was seen to be in imminent danger; and

Whereas international commerce remains under threat while Somali pirates continue to hold for ransom more than 200 crew members of many nationalities: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Captain Phillips deserves the respect and admiration of all people of the United States for his brave conduct under life-threatening circumstances;

(2) the Senate shares the sense of relief and gratitude felt by the family and shipmates of Captain Phillips;

(3) all members of the United States Armed Forces involved in the rescue operation, in particular members of the Navy and Navy SEAL teams who rescued Captain Phillips, the officials of other Federal Government departments and agencies who contributed, and the crew of the Maersk Alabama, are to be commended for their exceptional efforts and devotion to duty; and

(4) the President should work with the international community and the transitional government of Somalia to develop a comprehensive strategy to address both the burgeoning problem of piracy and its root causes.

SENATE RESOLUTION 109—COM-
MENDING THE BRAVERY OF THE
GIRLS WHO ATTEND THE
MIRWAI SCHOOL FOR GIRLS IN
KANDAHAR, AFGHANISTAN

Mr. CRAPO (for himself, Mr. LUGAR, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas, on November 12, 2008, 15 girls who attend the Mirwais School for Girls in Kandahar, Afghanistan, were attacked by militants and sprayed with acid, causing them varying degrees of disfigurement;

Whereas the militants committed the egregious attack to intimidate the girls and their families and to discourage the girls from continuing to attend school;

Whereas, less than one week after the attacks, Headmaster Mahmood Qadari asked parents to return the girls to school;

Whereas, by January 14, 2009, nearly 1,300 girls, almost all the students, had returned to the 40-room Mirwais School for Girls;

Whereas the families of the girls from the Mirwais School for Girls defy threats of personal harm and staunchly assert the right to educate their daughters;

Whereas, according to the United Nations, educating girls and women reduces the incidence of domestic and community violence

and raises the standard of living in a country;

Whereas, according to a study published by the Afghanistan Independent Human Rights Commission, it is a “fact that child marriage takes place in a frequent and pervasive fashion” in Afghanistan;

Whereas, according to that study, of women surveyed for the study, 43.6 percent stated that they married to solve their economic problems, 7.1 percent referred to the resolution of conflicts as the reason for their early marriage, 37 percent said that “badal”, or the exchange of girls between 2 families, was the reason for their marriage, and 12.3 percent cited other reasons for their marriage, such as local traditional practices and parental interference;

Whereas, according to 2007 information from the World Health Organization, the health of women and children in Afghanistan is among the worst in the world;

Whereas, according to estimates from the Department of State for 2008, the literacy rate for women in Afghanistan is 12 percent;

Whereas it is a continuing priority of the United States government to advance the rights of women in Afghanistan by facilitating women’s participation in social, political, and economic affairs and by ensuring women’s safety and well-being;

Whereas the United States Government looks to the government of Afghanistan to proactively support the rights of women and girls, and recognizes that the recently-passed personal security law would severely diminish such rights;

Whereas the United States Agency for International Development (USAID) has integrated women-focused activities into most of its programs by strategic design, with the goal of increasing women’s political participation and access to education, health care, economic opportunities, and roles in civil society;

Whereas USAID has noted that, despite women’s nearly non-existent access to health, education, and political participation in 2001, there has been a 25 percent decrease in maternal mortality since 2001, due in great part to women’s significantly improved access to health and hospital services;

Whereas, since 2001, Afghanistan has experienced a surge in school attendance to more than 6,000,000 children enrolled, of which 35 percent are girls, and has greatly increased participation of women in civil society, with women representing 26 percent of the civil service and holding 27 percent of the seats in the national assembly and 29 percent of provincial council seats; and

Whereas, despite significant gains made through assistance programs in Afghanistan since the fall of the Taliban government in 2001, there remains a great deal more work to be done toward achieving reasonable development in still one of the poorest countries in the world, and such development can be achieved only by empowering the 50 percent of the population that is women: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the extraordinary bravery shown by the girls and families of the Mirwais School for Girls in Kandahar, Afghanistan, especially the girls injured in the November 2008 attack, in the decision to return to school in the face of threats of bodily injury, or worse; and

(2) continues to support efforts to decrease illiteracy and gender-based violence in Afghanistan.

SENATE RESOLUTION 110—CONGRATULATING THE UNIVERSITY OF NORTH CAROLINA TAR HEELS BASKETBALL TEAM FOR WINNING THE 2008-2009 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas on April 6, 2009, the University of North Carolina defeated Michigan State University 89-72 to win the 2008-2009 National Collegiate Athletic Association (NCAA) men's basketball national championship;

Whereas the University of North Carolina was the consensus preseason number 1 basketball team in the Nation;

Whereas the University of North Carolina Tar Heels were saddled with a tremendous amount of pressure to get to the NCAA Final Four and win the national championship in 2009;

Whereas after the Tar Heels' 0-2 record to start the Atlantic Coast Conference (ACC) regular season, the team finished with a record of 13-3 and won 13 out of their last 14 games in conference;

Whereas the Tar Heels were the 2008-2009 ACC regular season conference champions;

Whereas the University of North Carolina's Tyler Hansbrough became the ACC's all-time leading scorer;

Whereas the University of North Carolina's Tyler Hansbrough and Ty Lawson were selected to the 2008-2009 All-Atlantic Coast Conference (All-ACC) first team;

Whereas Tyler Hansbrough became the first player in league history to be unanimously selected 4 times to the All-ACC first team;

Whereas the University of North Carolina's Danny Green was selected to the 2008-2009 All-ACC third team and the All-ACC defensive team;

Whereas the University of North Carolina's Ed Davis was selected to the All-ACC rookie team;

Whereas entering into the 2008-2009 NCAA College Basketball Championship, President Barack Obama picked the Tar Heels to win the championship title;

Whereas the University of North Carolina beat each of Radford University, Louisiana State University, Gonzaga University, and the University of Oklahoma by 12 points or more to win the South Division and reach the Final Four for the second straight year;

Whereas Ty Lawson was named the South Division most valuable player;

Whereas with their victory over the University of Oklahoma, the Tar Heels became the first team in NCAA Tournament history to reach 100 tournament wins;

Whereas several media outlets, including ESPN and CBS, reported that more than 60,000 fans in attendance at the final tournament game would be cheering for Michigan State University;

Whereas the 55 points the University of North Carolina scored in the first half of the championship game broke the all-time first half scoring record for any team in the history of the NCAA tournament;

Whereas the University of North Carolina's Wayne Ellington and Deon Thompson played exceptionally well in the first half of the championship game to push the lead to 21 points;

Whereas the University of North Carolina withstood Michigan State University's late surge and pushed the lead back to 19 points with less than 3 minutes remaining in the game;

Whereas the University of North Carolina's Wayne Ellington was named the Final Four most valuable player;

Whereas Ty Lawson's 8 steals set the record for the most steals in a NCAA championship game;

Whereas the 2008-2009 championship was the University of North Carolina's fifth national championship in school history;

Whereas the 2008-2009 championship was Coach Roy Williams' second national championship since taking over as head coach of the University of North Carolina men's basketball team; and

Whereas with the victory over Michigan State University, the University of North Carolina tied the University of Kentucky for the all-time winningest program in NCAA Division 1 men's basketball history: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of North Carolina for winning the 2008-2009 National Collegiate Athletic Association men's basketball national championship;

(2) recognizes the achievement of the players, coaches, students, and staff of the University of North Carolina whose perseverance and dedication to excellence helped propel the men's basketball team to win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chancellor of the University of North Carolina, H. Holden Thorp;

(B) the athletic director of the University of North Carolina, Dick Baddour; and

(C) the head coach of the University of North Carolina men's basketball team, Roy Williams.

SENATE CONCURRENT RESOLUTION 18—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY, AND REAFFIRMING UNITED STATES LEADERSHIP AND SUPPORT FOR EFFORTS TO COMBAT MALARIA

Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. BINGAMAN, Mr. DURBIN, Mr. CARDIN, Mr. WICKER, Mr. BROWNBACK, Ms. CANTWELL, and Mr. MARTINEZ) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 18

Whereas April 25 of each year is recognized internationally as World Malaria Day and in the United States as Malaria Awareness Day;

Whereas, despite malaria being completely preventable and treatable and the fact that malaria was eliminated in the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas, according to the World Health Organization, nearly 1,000,000 people die from malaria each year, the vast majority of whom are children under the age of 5 in Africa;

Whereas malaria greatly affects child health, with a child dying from malaria roughly every 30 seconds and nearly 3,000 children dying from malaria every day;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas HIV infection increases the risk and severity of malarial illness, and malaria increases the viral load in HIV-positive people, which can lead to increased transmission of HIV and more rapid disease progression, with substantial public health implications;

Whereas in malarial regions, many people are co-infected with malaria and one or more of the neglected tropical diseases (NTDs) such as hookworm and schistosomiasis, which causes a pronounced exacerbation of anemia and several adverse health consequences;

Whereas the malnutrition and chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty;

Whereas an estimated 90 percent of deaths from malaria occur in Africa, and the Roll Back Malaria Partnership estimates that malaria costs countries in Africa \$12,000,000,000 in lost economic productivity each year;

Whereas the World Health Organization estimates that malaria accounts for 40 percent of healthcare expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems;

Whereas heightened efforts over recent years to prevent and treat malaria are currently saving lives;

Whereas the progress and funding to control malaria has increased ten-fold since 2000, in large part due to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas the President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 70,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately \$500,000,000 in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development;

Whereas, according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas the impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-

scale distribution of bed nets and malaria treatments in 2006; and

Whereas a malaria-free future will rely on consistent international, national, and local leadership and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) supports the goals and ideals of Malaria Awareness Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe Malaria Awareness Day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293);

(4) commends the progress made by anti-malaria programs, including the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(5) reaffirms United States support for and contribution toward the achievement of the targets set by the Roll Back Malaria Partnership Global Malaria Action plan;

(6) encourages fellow donor nations to maintain their support and honor their funding commitments for malaria programs worldwide;

(7) urges greater integration of United States and international health programs targeting malaria, HIV/AIDS, tuberculosis, neglected tropical diseases, and basic child and maternal health; and

(8) commits to continued United States leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed and assure access to reliable health information and effective disease surveillance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

SA 983. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 984. Mr. REID (for himself, Mr. KOHL, and Mr. LEVIN) proposed an amendment to the bill S. 386, supra.

SA 985. Mr. KYL proposed an amendment to the bill S. 386, supra.

SA 986. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, supra.

SA 987. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 988. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 989. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 990. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 991. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 386, supra.

SA 992. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 993. Mr. LEAHY (for himself and Mr. GRASSLEY) proposed an amendment to the bill S. 386, supra.

SA 994. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 995. Mr. ISAKSON (for himself, Mr. CONRAD, Mr. DODD, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. CHAMBLISS) proposed an amendment to the bill S. 386, supra.

SA 996. Mr. INHOFE (for himself, Mr. DEMINT, Mr. VITTER, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 984 proposed by Mr. REID (for himself, Mr. KOHL, and Mr. LEVIN) to the bill S. 386, supra.

SA 997. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 998. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 999. Mr. DORGAN (for himself, Mr. MCCAIN, and Mr. GRASSLEY) proposed an amendment to the bill S. 386, supra.

SA 1000. Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill S. 386, supra.

SA 1001. Mr. DORGAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 1002. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 5. USE OF TARP FUNDS TO PAY FOR ADDITIONAL EXPENDITURES.

Effective upon the date of enactment of this Act, of the amounts of authority made available pursuant to paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) to purchase troubled assets that remain unused as of such date of enactment, such amounts as may be necessary shall be available, notwithstanding any provision of such Act, to provide the amounts authorized under subsections (a), (b), (c), and (d) of section 3.

SA 983. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IG REPORT ON ACTIVITIES OF FANNIE MAE AND FREDDIE MAC.

Not later than 18 months after the date of enactment of this Act, the Inspector General of the Federal Housing Finance Agency shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the following:

(1) When did the Federal National Mortgage Association (in this section referred to as "Fannie Mae") and the Federal Home Loan Mortgage Corporation (in this section referred to as "Freddie Mac") begin buying large quantities of subprime and Alt-A mortgages? In what years did Fannie Mae and Freddie Mac purchase the largest number of subprime and Alt-A mortgages?

(2) To what extent were the purchase of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by Congressional action or Executive Order?

(3) To what extent were the purchase of large quantities of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by the Department of Housing and Urban Development affordable housing regulations issued in 1995?

(4) What actions by Fannie Mae and Freddie Mac contributed to the overvaluation of mortgage-backed securities?

(5) What political contributions were made by Fannie Mae and Freddie Mac on behalf of a political candidate or to a separate segregated legal fund described in section 316(b)(2)(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(c)) between 1990 and 2008?

(6) What lobbying expenditures, as such term is defined in section 4911(c)(1) of the Internal Revenue Code of 1986, were made by Fannie Mae and Freddie Mac between 1990 and 2008?

(7) What contributions were made by Fannie Mae and Freddie Mac to any organization described under section 501(c) of the Internal Revenue Code of 1986 between 1990 and 2008?

SA 984. Mr. REID (for himself, Mr. KOHL, and Mr. LEVIN) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING IN SUPPORT OF HUD PROGRAMS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$10,000,000 for each of the fiscal years 2010

and 2011 for purposes of providing additional resources to be used for advertising in support of HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita, and provided, further that at least \$5,000,000 of such amounts are used for Spanish-language advertisements.

(b) **ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.**—There is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) **ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.**—There is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 50 metropolitan statistical areas with the highest incidence of home foreclosures per capita.

SA 985. Mr. KYL proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

On page 26, strike lines 1 through 5, and insert the following:

“(3) the term ‘obligation’ means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

SA 986. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 5. LIMITATION ON AWARDS TO CERTAIN INTERVENERS.

Section 3730(d) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “prosecution of the action”; and

(B) in the second sentence—

(i) by striking “Government Accounting Office” and inserting “Government Accountability Office”; and

(ii) by inserting “but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “advancing the case to litigation”; and

(2) in paragraph (2), by striking the second sentence and inserting “The amount, which shall be paid out of the proceeds of the action or settlement, shall be not less than 25 percent and not more than 30 percent of the amount of such proceeds, but in no event more than the greater of \$50,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the third sentence of this paragraph”.

SA 987. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 5. LIMITATION ON AWARDS TO CERTAIN INTERVENERS.

Section 3730(d) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “but in no event more than the greater of \$20,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “prosecution of the action”; and

(B) in the second sentence—

(i) by striking “Government Accounting Office” and inserting “Government Accountability Office”; and

(ii) by inserting “but in no event more than the greater of \$20,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “advancing the case to litigation”; and

(2) in paragraph (2), by striking the second sentence and inserting “The amount, which shall be paid out of the proceeds of the action or settlement, shall be not less than 25 percent and not more than 30 percent of the amount of such proceeds, but in no event more than the greater of \$20,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the third sentence of this paragraph”.

SA 988. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 5. LIMITATION ON AWARDS TO CERTAIN INTERVENERS.

Section 3730(d) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “but in no event more than the greater of \$10,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “prosecution of the action”; and

(B) in the second sentence—

(i) by striking “Government Accounting Office” and inserting “Government Accountability Office”; and

(ii) by inserting “but in no event more than the greater of \$10,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “advancing the case to litigation”; and

(2) in paragraph (2), by striking the second sentence and inserting “The amount, which shall be paid out of the proceeds of the action or settlement, shall be not less than 25 percent and not more than 30 percent of the amount of such proceeds, but in no event more than the greater of \$10,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the third sentence of this paragraph”.

SA 989. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 5. LIMITATION ON AWARDS TO CERTAIN INTERVENERS.

Section 3730(d) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “but in no event more than the greater of \$5,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “prosecution of the action”; and

(B) in the second sentence—

(i) by striking “Government Accounting Office” and inserting “Government Accountability Office”; and

(ii) by inserting “but in no event more than the greater of \$5,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the fourth sentence of this paragraph” after “advancing the case to litigation”; and

(2) in paragraph (2), by striking the second sentence and inserting “The amount, which shall be paid out of the proceeds of the action or settlement, shall be not less than 25 percent and not more than 30 percent of the amount of such proceeds, but in no event more than the greater of \$5,000,000 or 300 percent of the expenses, fees, and costs awarded to such person under the third sentence of this paragraph”.

SA 990. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLED BY FALSE DESIGNATIONS.

(a) FINDINGS.—Congress finds that—

(1) many seniors are targeted by salespersons and advisers using misleading certifications and professional designations;

(2) many certifications and professional designations used by salespersons and advisers represent limited training or expertise, and may in fact be of no value with respect to advising seniors on financial and estate planning matters, and far too often, such designations are obtained simply by attending a weekend seminar and passing an open book, multiple choice test;

(3) many seniors have lost their life savings because salespersons and advisers holding a misleading designation have steered them toward products that were unsuitable for them, given their retirement needs and life expectancies;

(4) seniors have a right to clearly know whether they are working with a qualified adviser who understands the products and is working in their best interest or a self-interested salesperson or adviser advocating particular products; and

(5) many existing State laws and enforcement measures addressing the use of certifications, professional designations, and suitability standards in selling financial products to seniors are inadequate to protect senior investors from salespersons and advisers using such designations.

(b) DEFINITIONS.—As used in this section—

(1) the term “misleading designation”—

(A) means the use of a purported certification, professional designation, or other credential, that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include any legitimate certification, professional designation, license, or other credential, if—

(i) it has been offered by an academic institution having regional accreditation; or

(ii) it meets the standards for certifications, licenses, and professional designations outlined by the North American Securities Administrators Association (in this section referred to as the “NASAA”) Model Rule on the Use of Senior-Specific Certifications and Professional Designations, or it was issued by or obtained from any State;

(2) the term “financial product” means securities, insurance products (including insurance products which pay a return, whether fixed or variable), and bank and loan products;

(3) the term “misleading or fraudulent marketing” means the use of a misleading designation in selling or advising a senior in the sale of a financial product;

(4) the term “senior” means any individual who has attained the age of 62 or older; and

(5) the term “State” means each of the 50 States, the District of Columbia, and the unincorporated territories of Puerto Rico and the U.S. Virgin Islands.

(c) GRANT PROGRAM.—The Attorney General of the United States (in this section referred to as the “Attorney General”)—

(1) shall establish a program in accordance with this section to provide grants to States—

(A) to investigate and prosecute misleading and fraudulent marketing practices; or

(B) to develop educational materials and training aimed at reducing misleading and

fraudulent marketing of financial products toward seniors; and

(2) may establish such performance objectives, reporting requirements, and application procedures for States and State agencies receiving grants under this section as the Attorney General determines are necessary to carry out and assess the effectiveness of the program under this section.

(d) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) by the State or the appropriate State agency designated by the State—

(1) to fund additional staff to identify, investigate, and prosecute cases involving misleading or fraudulent marketing of financial products to seniors;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of those targeting seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers of financial products;

(5) to provide educational materials and training to seniors to increase their awareness and understanding of designations;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law that could offer additional protection for seniors against misleading or fraudulent marketing of financial products.

(e) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed \$500,000 per fiscal year per State, if all requirements of paragraphs (2), (3), (4), and (5) are met. Such amount shall be limited to \$100,000 per fiscal year per State in any case in which the State meets the requirements of—

(A) paragraphs (2) and (3), but not each of paragraphs (4) and (5); or

(B) paragraphs (4) and (5), but not each of paragraphs (2) and (3).

(2) STANDARD DESIGNATION RULES FOR SECURITIES.—A State shall have adopted rules on the appropriate use of designations in the offer or sale of securities or investment advice, which shall, to the extent practicable, conform to the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations, as in effect on the date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(3) SUITABILITY RULES FOR SECURITIES.—A State shall have adopted standard rules on the suitability requirements in the sale of securities, which shall, to the extent practicable, conform to the minimum requirements on suitability imposed by self-regulatory organization rules under the securities laws (as defined in section 3 of the Securities Exchange Act of 1934), as determined by the Attorney General.

(4) STANDARD DESIGNATION RULES FOR INSURANCE PRODUCTS.—A State shall have adopted standard rules on the appropriate use of designations in the sale of insurance products, which shall, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, as in effect on the

date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(5) SUITABILITY RULES FOR INSURANCE PRODUCTS.—A State shall have adopted suitability standards for the sale of annuity products, under which, at a minimum (as determined by the Attorney General)—

(A) insurers shall be responsible and liable for ensuring that sales of their annuity products meet their suitability requirements;

(B) insurers shall have an obligation to ensure that the prospective senior purchaser has sufficient information for making an informed decision about a purchase of an annuity product;

(C) the prospective senior purchaser shall be informed of the total fees, costs, and commissions associated with establishing the annuity transaction, as well as the total fees, costs, commissions, and penalties associated with the termination of the transaction or agreement; and

(D) insurers and their agents are prohibited from recommending the sale of an annuity product to a senior, if the agent fails to obtain sufficient information in order to satisfy the insurer and the agent that the transaction is suitable for the senior.

(f) APPLICATION.—To be eligible for a grant under this section, the State or appropriate State agency shall submit to the Attorney General a proposal to use the grant money to protect seniors from misleading or fraudulent marketing techniques in the offer and sale of financial products, which application shall—

(1) identify the scope of the problem;

(2) describe how the proposed program will help to protect seniors from misleading or fraudulent marketing in the sale of financial products, including, at a minimum—

(A) by proactively identifying senior victims of misleading and fraudulent marketing in the offer and sale of financial products;

(B) how the proposed program can assist in the investigation and prosecution of those using misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(C) how the proposed program can help discourage and reduce future cases of misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(3) describe how the proposed program is to be integrated with other existing State efforts.

(g) LENGTH OF PARTICIPATION.—A State receiving a grant under this section shall be provided assistance funds for a period of 3 years, after which the State may reapply for additional funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$8,000,000 for each of the fiscal years 2010 through 2014.

SA 991. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking “Subject to” and inserting the following:

“(1) REPAYMENT PERMITTED.—Subject to”;

(2) by inserting “if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)” after “waiting period.”;

(3) by striking “, and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price”; and

(4) by adding at the end the following:

“(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph.”.

SA 992. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ENHANCED OVERSIGHT OF THE TARP.

Section 116(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226(a)(1)) is amended by adding at the end the following:

“(I) With respect to any financial institution or other entity participating in a program established under this Act, any sole expenditure, transaction, or commitment to purchase or any pattern of expenditures, transactions, or commitments to purchase by such financial institution or other entity that exceeds \$10,000, in aggregate, and is not essential to—

“(i) ensuring the recovery of the financial institution or entity;

“(ii) restoring the solvency of the financial institution or entity;

“(iii) improving the liquidity of the financial institution or entity;

“(iv) enhancing returns for the investors of the financial institution or entity; and

“(v) increasing the net worth of the financial institution or entity.”.

SA 993. Mr. LEAHY (for himself and Mr. GRASSLEY) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

On page 15, strike beginning with line 20 through page 16, line 10, and insert the following:

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after “or promises, in” the following: “any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program,

an economic stimulus, recovery or rescue plan provided by the Government, the Government’s purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in”;

(2) striking “the contract, subcontract” and inserting “such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance.”; and

(3) striking “for such property or services”.

SA 994. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

SA 995. Mr. ISAKSON (for himself, Mr. CONRAD, Mr. DODD, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. CHAMBLISS) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . FINANCIAL MARKETS COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the Financial Markets Commission (in this section referred to as the “Commission”) to examine all causes, domestic and global, of the current financial and economic crisis in the United States.

(b) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the majority leader of the Senate;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 1 member shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(F) 1 member shall be appointed by the ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) 1 member shall be appointed by the chairman of the Committee on Financial Services of the House of Representatives; and

(H) 1 member shall be appointed by the ranking member of the Committee on Finan-

cial Services of the House of Representatives.

(2) QUALIFICATIONS; LIMITATION.—

(A) IN GENERAL.—Individuals appointed to the Commission shall be United States citizens having significant experience in such fields as banking, regulation of markets, taxation, finance, economics and housing.

(B) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.

(3) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), the Chairperson of the Commission shall be selected jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives, and the Vice Chairperson shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson of the Commission may not be from the same political party.

(4) INITIAL MEETING.—If, 45 days after the date of enactment of this Act, 4 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(5) QUORUM; VACANCIES.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to examine the causes of the current financial and economic crisis in the United States, including the role, if any, of—

(A) fraud and abuse in the financial sector;

(B) Federal and State financial regulators, including the extent to which they enforced, or failed to enforce statutory, regulatory, or supervisory requirements;

(C) the global imbalance of savings, international capital flows, and fiscal imbalances of various governments;

(D) monetary policy and the availability and terms of credit;

(E) accounting practices, including, market-to-market and fair value rules, and treatment of off-balance sheet vehicles;

(F) tax treatment of financial products and investments;

(G) capital requirements and regulations on leverage and liquidity, including the capital structures of regulated and non-regulated financial entities;

(H) credit rating agencies;

(I) lending practices and securitization, including the originate-to-distribute model for extending credit and transferring risk;

(J) affiliations between insured depository institutions and securities, insurance, and other types of nonbanking companies;

(K) market participant expectations that certain institutions were “too-big-to-fail”;

(L) corporate governance, including the impact of company conversions from partnerships to corporations;

(M) compensation structures;

(N) changes in compensation for employees of financial companies, as compared to compensation for others with similar skill sets in the labor market;

(O) Federal housing policy;
 (P) derivatives and unregulated financial products and practices;

(Q) short-selling;

(R) financial institution reliance on numerical models, including risk models and credit ratings;

(S) the legal and regulatory structure governing financial institutions;

(T) the legal and regulatory structure governing investor protection;

(U) financial institutions and government-sponsored enterprises;

(V) the reliance on credit ratings by Federal financial regulators, and the use of credit ratings in financial regulation; and

(W) the quality of due diligence undertaken by financial institutions;

(2) to examine the causes of the collapse of each major financial institution that failed (including institutions that were acquired to prevent their failure) or was likely to have failed if not for the receipt of exceptional Government assistance from the Department of the Treasury during the period beginning in August 2007 through April 2009;

(3) to submit a report under subsection (g);

(4) to refer to the Attorney General of the United States and any appropriate State attorney general any person that the Commission finds may have violated the laws of the United States in relation to such crisis; and

(5) to review and build upon the record of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, other Congressional committees, the Government Accountability Office, and other legislative panels with respect to the current financial and economic crisis.

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this section—

(A) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(2) SUBPOENAS.—

(A) SERVICE.—Subpoenas issued under paragraph (1)(B) may be served by any person designated by the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(3) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES AND OTHER ENTITIES.—

(A) IN GENERAL.—The Commission may secure directly from any department, agency, or instrumentality of the United States any

information related to any inquiry of the Commission conducted under this section, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, or instrumentality shall furnish such information directly to the Commission upon request.

(B) OTHER ENTITIES.—It is the sense of the Congress that the Commission should seek testimony or information from principals and other representatives of government agencies and private entities that were significant participants in the United States and global financial and housing markets during the time period examined by the Commission.

(5) FUNDING.—The Secretary of the Treasury shall provide, out of money previously appropriated, \$5,000,000 to the Commission to carry out this section, to remain available until expended or until termination of the Commission under subsection (h).

(6) DONATIONS OF GOODS AND SERVICES.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(8) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(e) STAFF OF THE COMMISSION.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(2) STAFF.—The Chairperson and the Vice Chairperson may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under paragraph (1) or (2) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(4) DETAIL EES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(5) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under

section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; APPEARANCE BEFORE AND CONSULTATIONS WITH CONGRESS.—

(1) REPORT.—On December 15, 2010, the Commission shall submit to the President and to Congress a report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.

(2) INSTITUTION-SPECIFIC REPORTS AUTHORIZED.—At the discretion of the chairperson of the Commission, the report under paragraph (1) may include reports or specific findings on any financial institution examined by the Commission under subsection (c)(2).

(3) APPEARANCE BEFORE CONGRESS.—The chairperson of the Commission shall, not later than 120 days after the date of submission of the final reports under paragraph (1), appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding such reports and the findings of the Commission.

(4) CONSULTATIONS WITH CONGRESS.—The Commission shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and may consult with other Committees of Congress, for purposes of informing Congress on the work of the Commission.

(h) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (g).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report submitted under subsection (g).

SA 996. Mr. INHOFE (for himself, Mr. DEMINT, Mr. VITTER, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 984 proposed by Mr. REID (for himself, Mr. KOHL, and Mr. LEVIN) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

On page 3, after line 8, add the following:

(d) AMENDMENT TO TITLE 4.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

“CHAPTER 6—LANGUAGE OF THE GOVERNMENT

“Sec.

“161. Declaration of national language.

“162. Preserving and enhancing the role of the national language.

"163. Use of language other than English.

"§ 161. Declaration of national language

"English shall be the national language of the Government of the United States.

"§ 162. Preserving and enhancing the role of the national language

"(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States.

"(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

"(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

"§ 163. Use of language other than English

"Nothing in this chapter shall prohibit the use of a language other than English."

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government 161".

SA 997. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) ESTABLISHMENT.—There is established in the Department of Justice the Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the "Task Force") to address mortgage fraud in the United States.

(b) SUPPORT.—The Attorney General shall provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) EXECUTIVE DIRECTOR.—The Attorney General shall appoint one staff member provided to the Task Force to be the Executive Director of the Task Force and such Executive Director shall ensure that the duties of the Task Force are carried out.

(d) BRANCHES.—The Task Force shall establish, oversee, and direct branches in each of the 10 States determined by the Attorney General to have the highest concentration of mortgage fraud.

(e) MANDATORY FUNCTIONS.—The Task Force, including the branches of the Task Force established under subsection (d), shall—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and pros-

ecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(f) OPTIONAL FUNCTIONS.—The Task Force, including the branches of the Task Force established under subsection (d), may—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities established under subsection (e), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

(g) DEFINITION.—In this section, the term "mortgage fraud" means a material misstatement, misrepresentation, or omission relating to the property or potential mortgage relied on by an underwriter or lender to fund, purchase, or insure a loan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$1,500,000 for the training of law enforcement personnel under subsection (e)(2); and

(2) \$50,000,000 for the Task Force to carry out this section.

SA 998. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 3, insert the following:

() ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$17,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial

institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$3,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the effectiveness, integrity, and efficiency of the Office of the Inspector General of the Securities and Exchange Commission and submit a report regarding the review to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(B) FOLLOWUP REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review as described in subparagraph (A) and submit a report regarding the review to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SA 999. Mr. DORGAN (for himself, Mr. MCCAIN, and Mr. GRASSLEY) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE II—SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS

SEC. ____ 01. FINDINGS.

The Senate finds the following:

(1) The United States is currently facing an unprecedented economic crisis, with massive losses of jobs in the United States and an alarming contraction of economic activity in the United States.

(2) The United States Government has pledged, committed, or loaned more than \$9,000,000,000,000 as of February 2009 in an attempt to mitigate and resolve the economic crisis and trillions of dollars more may well be necessary before the crisis is over.

(3) The economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the international economy.

(4) Any thorough and complete study and investigation of this complex and far-reaching economic crisis will require sustained and singular focus for many months.

(5) A study and investigation of this size and scope implicates the jurisdiction of several Standing Committees of the Senate and, if it is to be done correctly and timely, will require a degree of undivided attention and resources beyond the capacity of the Standing Committees of the Senate, which are already overburdened.

(6) Adding such a significant study and investigation to the duties of the existing Standing Committees of the Senate would make it difficult for such committees to get their regular required work accomplished, particularly when so much attention and so many resources are appropriately devoted to responding to the ongoing economic crisis.

(7) Dozens of important investigations have been conducted with the creation of a select committee of the Senate for a specific purpose and a set time.

(8) The American public has a right to get straight answers on how this economic crisis developed and what steps should be taken to make sure that nothing like it happens again.

SEC. _02. SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the Economic Crisis (hereafter in this title referred to as the "Select Committee").

SEC. _03. PURPOSE AND DUTIES.

(a) **PURPOSE.**—The purpose of the Select Committee is to study and investigate the facts and circumstances giving rise to the current economic crisis facing the United States and to recommend actions to be taken to prevent a future recurrence of such a crisis.

(b) **DUTIES.**—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the study and investigation specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to examine the facts and circumstances giving rise to the current economic crisis facing the United States, and report on such examination, regarding the following:

- (1) The causes of the current economic crisis.
- (2) Lessons learned from the current economic crisis.
- (3) Actions to prevent a recurrence of an economic crisis such as the current economic crisis.

SEC. _04. COMPOSITION OF SELECT COMMITTEE.

(a) MEMBERSHIP.—

(1) **IN GENERAL.**—The Select Committee shall consist of 7 members of the Senate of whom—

- (A) 4 members shall be appointed by the majority leader of the Senate; and
- (B) 3 members shall be appointed by the minority leader of the Senate.

(2) **DATE.**—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of enactment of this title.

(b) **VACANCIES.**—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **SERVICE.**—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) **CHAIR AND VICE CHAIR.**—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) **REPORTS AND RECOMMENDATIONS.**—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) **TESTIMONY.**—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) **OTHER BUSINESS.**—A majority of the members of the Select Committee, or $\frac{1}{3}$ of the members of the Select Committee if at

least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. _05. RULES AND PROCEDURES.

(a) **GOVERNANCE UNDER STANDING RULES OF SENATE.**—Except as otherwise specifically provided in this title, the investigation, study, and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) **ADDITIONAL RULES AND PROCEDURES.**—In addition to the provisions of section _08(h), the Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation, study, and hearings authorized by this title. Any such additional rules and procedures—

- (1) shall not be inconsistent with this title or the Standing Rules of the Senate; and
- (2) shall become effective upon publication in the Congressional Record.

SEC. _06. AUTHORITY OF SELECT COMMITTEE.

(a) **IN GENERAL.**—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) **POWERS.**—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this title—

- (1) hold hearings;
- (2) administer oaths;
- (3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;
- (4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;
- (5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and
- (6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) **AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.**—

(1) **AUTHORIZATION AND ISSUANCE.**—Subpoenas authorized and issued under this section—

(A) may be done only with the joint concurrence of the Chair and the Vice Chair of the Select Committee;

(B) shall bear the signature of the Chair or the designee of the Chair; and

(C) shall be served by any person or class of persons designated by the Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) **ENFORCEMENT.**—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely

during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) AVOIDANCE OF DUPLICATION.—

(1) **IN GENERAL.**—To expedite the study and investigation, avoid duplication, and promote efficiency under this title, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section _03(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) **ACCESS TO INFORMATION AND MATERIALS.**—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section _03(a).

SEC. _07. REPORTS.

(a) **INITIAL REPORT.**—The Select Committee shall submit to the Senate a report on the study and investigation conducted pursuant to section _03 not later than one year after the appointment of all of the members of the Select Committee.

(b) **UPDATED REPORT.**—The Select Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) **FINAL REPORT.**—The Select Committee shall submit a final report on such investigation not later than two years after the appointment of all of the members of the Select Committee.

(d) **ADDITIONAL REPORTS.**—The Select Committee may submit any additional report or reports that the Select Committee considers appropriate.

(e) **FINDINGS AND RECOMMENDATIONS.**—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section _03.

(f) **DISPOSITION OF REPORTS.**—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. _08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) **IN GENERAL.**—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee considers necessary or appropriate.

(2) **APPOINTMENT OF STAFF.**—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) **COMPENSATION.**—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) **REIMBURSEMENT OF EXPENSES.**—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) **SERVICES OF SENATE STAFF.**—The Select Committee may use, with the prior consent

of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this title.

(e) **DETAIL OF EMPLOYEES.**—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) **TEMPORARY AND INTERMITTENT SERVICES.**—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) **PAYMENT OF EXPENSES.**—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

(h) **CONFLICTS OF INTEREST.**—The Select Committee shall issue rules to prohibit or minimize any conflicts of interest involving its members, staff, detailed personnel, consultants, and any others providing assistance to the Select Committee. Such rules shall not be inconsistent with the Code of Official Conduct of the Senate or applicable Federal law.

SEC. 09. EFFECTIVE DATE; TERMINATION.

(a) **EFFECTIVE DATE.**—This title shall take effect on the date of enactment of this title.

(b) **TERMINATION.**—The Select Committee shall terminate three months after the submittal of the report required by section 07(c).

SA 1000. Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

On page 20, between lines 11 and 12, insert the following:

“(e) **ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to the Special Inspector General of the Troubled Asset Relief Program (in this subsection referred to as the Special Inspector General), \$15,000,000 for fiscal year 2010.

“(2) **PRIORITIES.**—In utilizing funds made available under this subsection, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the

Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.”.

SA 1001. Mr. DORGAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ____ SENSE OF THE SENATE IN SUPPORT OF CREATING AN INTERAGENCY TASK FORCE TO INVESTIGATE FINANCIAL FRAUD.

(a) **FINDINGS.**—The Senate finds that—

(1) the United States is currently facing an unprecedented economic crisis, with massive job losses and an alarming contraction of economic activity;

(2) as of March 31, 2009, the United States Government has spent, loaned, or committed more than \$12,000,000,000,000 in an attempt to mitigate and resolve the economic crisis;

(3) the economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the global economy;

(4) there is compelling evidence of egregious and criminal conduct that has contributed to the collapse of the economy;

(5) any person, company or entity that has benefitted from such financial wrongdoing must be investigated and prosecuted to the full extent of the law;

(6) there are piecemeal initiatives by many different national, State, and local entities to investigate and prosecute financial fraud cases;

(7) a national multiagency task force headed by the Department of Justice would bring singular focus and intensity, coherence, and coordination to the investigations now underway and result in identifying and prosecuting violations of law much more quickly; and

(8) a similar Task Force was created in connection with the Enron scandal and it was instrumental in bringing criminals to justice.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Department of Justice should make it a top priority to facilitate a comprehensive national effort to investigate and prosecute financial fraud cases or any other violation of law that contributed to the collapse of our financial markets; and

(2) the Department of Justice should create an interagency Economic Crisis Financial Crimes Task Force dedicated solely to—

(A) investigating and prosecuting those responsible for creating, causing, or contributing to the financial crisis that is devastating our entire economy; and

(B) seeking to claw back any ill-gotten gains as a result of this wrongdoing.

SA 1002. Mr. THUNE submitted an amendment intended to be proposed by

him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE II—DEBT REDUCTION PRIORITY ACT

SEC. 21. SHORT TITLE.

This title may be cited as the “Debt Reduction Priority Act”.

SEC. 22. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated \$700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of \$250,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not unilaterally determine how these returned funds are spent in the future and the Congress should play a role in any determination of future spending of funds returned through the TARP.

SEC. 23. DEBT REDUCTION.

(a) **IN GENERAL.**—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. DEBT REDUCTION.

“Not later than 30 days after the date of enactment of this section, the Secretary of the Treasury shall deposit any amounts received by the Secretary for repayment of financial assistance or for payment of any interest on the receipt of such financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act, including the Capital Purchase Program, in the Public Debt Reduction Payment Account established under section 3114 of title 31, United States Code.”.

SEC. 24. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) **IN GENERAL.**—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

“§3114. Public Debt Reduction Payment Account

“(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account

(hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be re-issued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) There shall be deposited in the account any amounts which are received by the Secretary of the Treasury pursuant to section 137 of the Emergency Economic Stabilization Act of 2008. The funds deposited to this account shall remain available until expended.

"(d) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(e) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account".

SEC. 25. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the aggregate amounts deposited into the Public Debt Reduction Payment Account pursuant to section 3114(c)" before ", outstanding at one time".

SEC. 26. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 27. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

NOTICES OF HEARINGS

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Committee of Congress on the Library will meet on Thursday, April 23, 2009, at 11:30 a.m., in SC-4 to conduct its organization meeting for the 111th Congress.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee on 202-224-6352.

JOINT COMMITTEE OF CONGRESS ON PRINTING

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Committee of Congress on Printing will meet on Thursday, April 23, 2009, at 11:45 a.m., in SC-4 to conduct its organization meeting for the 111th Congress.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee on 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, April 22, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 10 a.m. in room 406 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 9:30 a.m., to hold a hearing entitled "Global Climate Change: U.S. Leadership for a New Global Agreement."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERAN'S AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 2009. The Committee will meet in room 418 of the Russell Senate office building beginning at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, April 22, 2009 at 3 p.m., to conduct a hearing entitled, "Eliminating Waste and Fraud in Medicare and Medicaid."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 22, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING CAPTAIN RICHARD PHILLIPS, THE CREW OF THE "MAERSK ALABAMA" AND THE UNITED STATES ARMED FORCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 108, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 108) commending Captain Richard Phillips, the crew of the

"Maersk Alabama," and the United States Armed Forces, recognizing the growing problem of piracy off Somalia's coast, and urging the development of a comprehensive strategy to address piracy and its root causes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Today I have submitted—along with Senators GREGG of New Hampshire, FEINGOLD of Wisconsin, KENNEDY and KERRY of Massachusetts, and, of course, my colleague, Senator SANDERS of Vermont—a Senate resolution on Captain Richard Phillips, the ship captain from Underhill, VT, who Somali pirates took hostage 2 weeks ago.

This resolution praises Captain Phillips for his selfless heroism—he offered himself in lieu of his crew as a hostage—his extraordinary rescuers, his family, and the Federal agencies that kept close watch on the captain while the pirates held him literally at gunpoint in an 18-foot lifeboat in the middle of the Indian Ocean.

This situation was an all too real drama that played out on the high seas. With grappling hooks and guns, Somali pirates took control of Captain Phillips' ship, the *Maersk Alabama*. The 20-member crew of the 500-foot container ship retook control after a harrowing struggle.

But to protect his crew from further danger, Captain Phillips agreed to go with the pirates into a lifeboat where he was held hostage at gunpoint for 5 days. Displaying a resourcefulness and the indomitable spirit that speaks to the best qualities of Vermont, New England, and our great Nation, he attempted to escape. He kept his cool and confidence in the most volatile situation where the pirates, in a second, could have easily killed him.

The U.S. Navy arrived, headed up by the guided missile destroyer, USS *Bainbridge*, and when the captain faced imminent danger, snipers from one of our most elite military units, the Navy SEALs, killed his captors.

The entire country has shared feelings of admiration for the courage and fortitude of Captain Phillips, relief that he and his crew are safely home, and gratitude for the outstanding performance of the U.S. Navy, particularly the *Bainbridge* crew and the SEALs, for their rescue of the captain.

The *Maersk Alabama* incident is part of a troubling pattern of piracy that comes from the anarchy and the poverty plaguing Somalia. Pirates have taken hostage more than 200 crew members in dozens of countries. They have absconded with tens of millions of dollars in ransom, reinvesting that money into more advanced equipment and weapons, from guns to rocket-propelled grenades to global positioning systems.

The scale and intensity of the piracy is only getting worse, as this resolution underscores. This piracy has to be addressed.

But on that Wednesday, those pirates met their match, from Captain Phillips and his crew, to the remarkable Phillips family, to the formidable U.S. military, and the wider U.S. Government.

The President monitored the situation closely. He gave the necessary direction to the SEALs to use force if required to protect Phillips. The FBI provided guidance to the USS *Bainbridge* to deal with the hostage situation, while the Department of State kept the family informed.

Andrea Phillips, Captain Phillips' wife, was incredible throughout this crisis. I was receiving calls from the White House. I was told what was going on, as were my staff. I was calling Mrs. Phillips and talking with her. And the calmness of this woman, realizing the harrowing danger that her husband faced, and her respect for our Government's efforts to save him were remarkable—she repeatedly thanked the Navy personnel, the FBI, and others for keeping such close tabs on the situation. Even though this was an especially difficult experience for their two children, Daniel and Mariah, they weathered the crisis and had a happy reunion.

I look forward to the next time I take the ferry boat across Lake Champlain and Daniel is piloting it. I think one of the happiest moments was with several friends at Easter Mass on Easter Sunday. I talked with the White House earlier that morning, and I knew that things may come to a conclusion. But I turned my cell phone off while I was at Mass. I came out and there was a message from the White House: "He is safe." At the top, "He is safe." Then they filled me in on what happened.

I was telling my friends, my wife, Marcelle, who was with me. We were standing there in the parking lot cheering, laughing, tears. People were kind of looking at us wondering just what was going on. I called Mrs. Phillips, and she had the same reaction. Later the President called her, as he called her husband. The reunions last week with the crew arriving at Andrews Air Force Base, Captain Phillips stepping off the plane at the Burlington, VT, airport were moments of joy and relief.

The country is so proud of these Americans who certainly did not want to be at the center of an international crisis. But when they were, they rose to the occasion with the strength and bravery that represent the best of our country.

With this resolution, we commend Captain Phillips and his family, the crew of the *Maersk Alabama*, the U.S. Armed Forces, and the Navy SEALs for their heroism. This resolution has one message above all others: Welcome home.

I yield the floor.

Mr. SANDERS. Mr. President, I wish to say a few words on this resolution

commending Captain Richard Phillips, the crew of the *Maersk Alabama*, and the U.S. Navy.

The resolution recognizes the growing problem of piracy in international waters off the coast of Somalia, a country that has been without a functioning central government since 1991.

The resulting lawlessness and the desperate humanitarian situation have turned the area into a base for pirate operations.

Earlier this month, Somali pirates used grappling hooks and weapons to board the cargo ship captained by Richard Phillips, who lives with his family in Underhill, VT. He led a crew of 19 on the vessel that was delivering food aid to starving people in eastern Africa.

Captain Phillips bravely led the crew in retaking control of the ship by offering himself as a hostage in exchange for the release of his crew.

Four pirates then took Captain Phillips into an 18-foot lifeboat, held him captive at gunpoint, and repeatedly threatened to kill him.

On Easter Sunday, Captain Phillips was rescued by Navy SEALs who determined that Captain Phillips was in imminent danger and took the lives of three of his pirate captors.

The people of Vermont are proud of the extraordinary courage of Captain Phillips, the dignity of his family under great stress and the outstanding performance of the U.S. Navy and other governmental personnel in rescuing Richard and dispatching those who apprehended him.

Mr. LEAHY. Mr. President, Captain Phillips of Underhill, VT, held hostage by Somalians, where his own courage allowed the release of his crew, and the courage of the U.S. Navy and the courage of our military and the courage of our leadership, at the White House, the Department of Defense, and elsewhere brought about his release.

The Phillips family is a wonderful family. They live in a small and beautiful town in Vermont. There are few things that unite everybody. I can say as a lifelong Vermonter, I know my State is united in pride for Captain Phillips. All of us felt our prayers were answered on Easter Sunday when we received word that he was safe and was going back home. I know how much it meant to me to pick up the phone and call Mrs. Phillips, and the day before he arrived back home, to call her up and wish her a happy birthday and say: The best birthday present this Nation can give you is tomorrow afternoon at the Burlington Airport when your husband will arrive.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 108

Whereas Somalia has been without a functioning central government since 1991, resulting in lawlessness and an increasingly desperate humanitarian situation;

Whereas according to a Somali human rights group, violence during the period from 2007 to 2009 has killed an estimated 16,000 people, wounded more than 28,000 people, and displaced more than 1,000,000 people;

Whereas these grim conditions and the absence of a functioning government have made Somalia an ideal base for piracy operations and a fertile ground for terrorist organizations, including the group al-Shabaab, whose leaders have ties to al-Qaeda;

Whereas acts of piracy off the coast of Somalia have been on the rise for more than a year, with the International Maritime Bureau reporting an estimated 111 attacks in 2008;

Whereas on Wednesday, April 8, 2009, Somali pirates used grappling hooks and weapons to board the Norfolk, Virginia-based container ship Maersk Alabama, which was captained by Richard Phillips, a resident of Underhill, Vermont, and crewed by 19 other citizens of the United States, and which was delivering food aid from the World Food Programme to hungry people in east Africa;

Whereas Captain Phillips, a native of Winchester, Massachusetts and a 1979 graduate of the Massachusetts Maritime Academy, bravely led the Maersk Alabama crew in successfully retaking control of the ship by offering himself as a hostage in exchange for the release of the crew;

Whereas 4 pirates took Captain Phillips into an 18-foot lifeboat, held him captive at gunpoint, and repeatedly threatened to kill him;

Whereas the United States Central Command dispatched to the scene the destroyer U.S.S. Bainbridge, which was joined in subsequent days by the U.S.S. Halyburton and the U.S.S. Boxer, along with Navy SEAL teams, Marine Corps helicopters, and other joint assets of the United States Armed Forces;

Whereas hostage recovery experts from the Federal Bureau of Investigations gave guidance to the crew of the U.S.S. Bainbridge, while the Department of State stayed in contact with Captain Phillips' family, including Phillips' wife Andrea and their 2 children, Daniel and Mariah, in Underhill, Vermont;

Whereas Maersk Limited, based in Norfolk, Virginia, worked diligently with the United States Armed Forces to try to obtain the release of Captain Phillips and the Maersk Alabama crew and to move the ship safely to port in Kenya, while sending personal representatives to Vermont to keep the Phillips family informed;

Whereas in the late evening of April 9, 2009, Captain Phillips made an escape attempt, jumping into the water of the Indian Ocean to swim for safety, only to be pursued by the pirates and quickly recaptured;

Whereas the President received regular briefings on the hostage crisis and provided the authority necessary for the United States Armed Forces to resolve it;

Whereas on April 12, 2009, Easter Sunday, Captain Phillips was rescued after the United States Armed Forces, which throughout the crisis spared no effort to defuse the

situation and peacefully rescue Phillips, took the lives of 3 of the pirate captors when Phillips was seen to be in imminent danger; and

Whereas international commerce remains under threat while Somali pirates continue to hold for ransom more than 200 crew members of many nationalities: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Captain Phillips deserves the respect and admiration of all people of the United States for his brave conduct under life-threatening circumstances;

(2) the Senate shares the sense of relief and gratitude felt by the family and shipmates of Captain Phillips;

(3) all members of the United States Armed Forces involved in the rescue operation, in particular members of the Navy and Navy SEAL teams who rescued Captain Phillips, the officials of other Federal Government departments and agencies who contributed, and the crew of the Maersk Alabama, are to be commended for their exceptional efforts and devotion to duty; and

(4) the President should work with the international community and the transitional government of Somalia to develop a comprehensive strategy to address both the burgeoning problem of piracy and its root causes.

CONGRATULATING THE UNIVERSITY OF NORTH CAROLINA TAR HEELS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 110, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 110) congratulating the University of North Carolina Tar Heels basketball team for winning the 2008-2009 NCAA men's basketball national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BEGICH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 110

Whereas on April 6, 2009, the University of North Carolina defeated Michigan State University 89-72 to win the 2008-2009 National Collegiate Athletic Association (NCAA) men's basketball national championship;

Whereas the University of North Carolina was the consensus preseason number 1 basketball team in the Nation;

Whereas the University of North Carolina Tar Heels were saddled with a tremendous amount of pressure to get to the NCAA Final Four and win the national championship in 2009;

Whereas after the Tar Heels' 0-2 record to start the Atlantic Coast Conference (ACC) regular season, the team finished with a record of 13-3 and won 13 out of their last 14 games in conference;

Whereas the Tar Heels were the 2008-2009 ACC regular season conference champions;

Whereas the University of North Carolina's Tyler Hansbrough became the ACC's all-time leading scorer;

Whereas the University of North Carolina's Tyler Hansbrough and Ty Lawson were selected to the 2008-2009 All-Atlantic Coast Conference (All-ACC) first team;

Whereas Tyler Hansbrough became the first player in league history to be unanimously selected 4 times to the All-ACC first team;

Whereas the University of North Carolina's Danny Green was selected to the 2008-2009 All-ACC third team and the All-ACC defensive team;

Whereas the University of North Carolina's Ed Davis was selected to the All-ACC rookie team;

Whereas entering into the 2008-2009 NCAA College Basketball Championship, President Barack Obama picked the Tar Heels to win the championship title;

Whereas the University of North Carolina beat each of Radford University, Louisiana State University, Gonzaga University, and the University of Oklahoma by 12 points or more to win the South Division and reach the Final Four for the second straight year;

Whereas Ty Lawson was named the South Division most valuable player;

Whereas with their victory over the University of Oklahoma, the Tar Heels became the first team in NCAA Tournament history to reach 100 tournament wins;

Whereas several media outlets, including ESPN and CBS, reported that more than 60,000 fans in attendance at the final tournament game would be cheering for Michigan State University;

Whereas the 55 points the University of North Carolina scored in the first half of the championship game broke the all-time first half scoring record for any team in the history of the NCAA tournament;

Whereas the University of North Carolina's Wayne Ellington and Deon Thompson played exceptionally well in the first half of the championship game to push the lead to 21 points;

Whereas the University of North Carolina withstood Michigan State University's late surge and pushed the lead back to 19 points with less than 3 minutes remaining in the game;

Whereas the University of North Carolina's Wayne Ellington was named the Final Four most valuable player;

Whereas Ty Lawson's 8 steals set the record for the most steals in a NCAA championship game;

Whereas the 2008-2009 championship was the University of North Carolina's fifth national championship in school history;

Whereas the 2008-2009 championship was Coach Roy Williams' second national championship since taking over as head coach of the University of North Carolina men's basketball team; and

Whereas with the victory over Michigan State University, the University of North Carolina tied the University of Kentucky for the all-time winningest program in NCAA Division 1 men's basketball history: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of North Carolina for winning the 2008-2009 National

Collegiate Athletic Association men's basketball national championship;

(2) recognizes the achievement of the players, coaches, students, and staff of the University of North Carolina whose perseverance and dedication to excellence helped propel the men's basketball team to win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chancellor of the University of North Carolina, H. Holden Thorp;

(B) the athletic director of the University of North Carolina, Dick Baddour; and

(C) the head coach of the University of North Carolina men's basketball team, Roy Williams.

SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 18, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FEINGOLD. Mr. President, this Saturday, I will join individuals and organizations around the world in marking World Malaria Day. This day is an opportunity to celebrate the progress that has been made by the international community in raising awareness of an invisible killer and the need to significantly reduce malaria deaths. Over the last decade, there has been a remarkable scaling up of efforts to prevent and treat this disease. In some places, such as the island of Zanzibar or the country of Rwanda, malaria prevalence has dropped significantly in just a few years. These success stories are a testament to the kind of positive difference we can make with robust and targeted health assistance.

I am especially proud of the leadership of the United States in this regard, particularly through the President's Malaria Initiative (PMI). Since its launch in 2005, PMI has purchased almost 13 million artemisinin-based combination therapies, protected over 17 million people through spraying campaigns, and distributed over 6 million insecticide-treated bed nets. In addition, the United States has worked multilaterally with international partners to fight this disease, through the Global Fund to Fight AIDS, Tuberculosis and Malaria. The Global Fund has provided roughly 74 million malaria patients with artemisinin-based combination therapies and distributed almost 70 million bed nets.

In addition to commemorating how far we have come, World Malaria Day is also an opportunity to recognize how far we still need to go. This disease is completely preventable and treatable, and yet more than 40 percent of the world's population is still at risk of contracting malaria and nearly 1 million people, the majority of them children, die from malaria each year. According to the World Health Organization, a child still dies every 30 seconds from malaria. Nearly 90 percent of those deaths occur in Africa. Moreover, malaria often coexists with HIV and neglected tropical diseases, and it causes great risks to efforts to promote child and maternal health.

In light of those realities, we must recommit to sustained international, national, and local leadership to end malaria deaths. I am pleased that Congress last year committed over the next 5 years to combat malaria in the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, TB, Malaria Act. We must now deliver on that commitment, including maintaining our support for multilateral efforts of the Global Fund. At the same time, we cannot afford to address malaria in isolation; our efforts must be part of a comprehensive, integrated and sustainable approach to global health. In particular, I believe we need to invest more in strengthening local health systems that can deliver effective, safe, high-quality interventions when and where they are needed and ensure access to reliable health information and effective disease surveillance.

I commend the thousands of Americans and the many organizations that have taken up this cause and continue to work to fight malaria and save lives. On Saturday, we should join them in committing to work toward a malaria-free future. To that end and in support of the World Malaria Day, I have introduced a resolution with Senators ISAKSON, BINGAMAN, DURBIN, CARDIN, WICKER, BROWNBACK, and CANTWELL reaffirming U.S. leadership for efforts to combat malaria. I hope our colleagues will support this resolution and, more importantly, join us over the coming months and years in working toward this year's theme: "counting malaria out."

Mr. BEGICH. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 18) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 18

Whereas April 25 of each year is recognized internationally as World Malaria Day and in the United States as Malaria Awareness Day;

Whereas, despite malaria being completely preventable and treatable and the fact that malaria was eliminated in the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas, according to the World Health Organization, nearly 1,000,000 people die from malaria each year, the vast majority of whom are children under the age of 5 in Africa;

Whereas malaria greatly affects child health, with a child dying from malaria roughly every 30 seconds and nearly 3,000 children dying from malaria every day;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas HIV infection increases the risk and severity of malarial illness, and malaria increases the viral load in HIV-positive people, which can lead to increased transmission of HIV and more rapid disease progression, with substantial public health implications;

Whereas in malarial regions, many people are co-infected with malaria and one or more of the neglected tropical diseases (NTDs) such as hookworm and schistosomiasis, which causes a pronounced exacerbation of anemia and several adverse health consequences;

Whereas the malnutrition and chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty;

Whereas an estimated 90 percent of deaths from malaria occur in Africa, and the Roll Back Malaria Partnership estimates that malaria costs countries in Africa \$12,000,000,000 in lost economic productivity each year;

Whereas the World Health Organization estimates that malaria accounts for 40 percent of healthcare expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems;

Whereas heightened efforts over recent years to prevent and treat malaria are currently saving lives;

Whereas the progress and funding to control malaria has increased ten-fold since 2000, in large part due to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas the President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 70,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately \$500,000,000 in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development;

Whereas, according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas the impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-scale distribution of bed nets and malaria treatments in 2006; and

Whereas a malaria-free future will rely on consistent international, national, and local leadership and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) supports the goals and ideals of Malaria Awareness Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe Malaria Awareness Day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293);

(4) commends the progress made by anti-malaria programs, including the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(5) reaffirms United States support for and contribution toward the achievement of the targets set by the Roll Back Malaria Partnership Global Malaria Action plan;

(6) encourages fellow donor nations to maintain their support and honor their funding commitments for malaria programs worldwide;

(7) urges greater integration of United States and international health programs targeting malaria, HIV/AIDS, tuberculosis, neglected tropical diseases, and basic child and maternal health; and

(8) commits to continued United States leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed and assure access to reliable health information and effective disease surveillance.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 61, the nomination of Ladda Tammy Duckworth to be an Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs; that the nomination be con-

firmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF VETERANS AFFAIRS

Ladda Tammy Duckworth, of Illinois, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURE READ THE FIRST TIME—H.R. 1664

Mr. BEGICH. Mr. President, I understand that H.R. 1664 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

Mr. BEGICH. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, APRIL 23, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, April 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 386.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BEGICH. Mr. President, tomorrow, the Senate will resume consideration of the Fraud Enforcement Recovery Act, and rollcall votes are expected to occur throughout the day in relation to the pending amendments. Earlier today, the majority leader announced if the Senate is unable to complete action on the bill tomorrow, the Senate

would remain in session through the weekend.

In addition, the Senate will turn to the consideration of the House message to request a conference with respect to the budget resolution when it is available. Senators should expect rollcall votes in relation to motions to instruct the conferees during tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

LADDA "TAMMY" DUCKWORTH CONFIRMATION

Mr. DURBIN. Mr. President, I thank the Senator from Alaska for yielding to me and I also thank him for reading into the RECORD the approval of the nomination of Tammy Duckworth as Assistant Secretary of Public and Intergovernmental Affairs for the Veterans' Administration. She is going to have an exceptional responsibility as the chief communicator for the VA, but I cannot think of a better person to fill that job.

Tammy Duckworth's life is one of service to her country. She was born into a military family. The daughter of a marine, she is a second generation Purple Heart recipient.

Tammy started her own military career by joining ROTC in graduate school. She was commissioned in the Army Reserve in 1992. After completing helicopter flight school, she joined the Illinois National Guard in 1996.

In 2004, Tammy was a doctoral student when she made a personal request to be deployed to Iraq. On the afternoon of November 12, 2004, she was on her last mission of the day flying a helicopter for the Illinois National Guard in Baghdad. Her Blackhawk helicopter was struck by a rocket-propelled grenade that ripped through the cockpit and hit Tammy in the legs. Not realizing the degree of her injuries, she tried to assist her copilot in landing the damaged aircraft.

Once on the ground, her crew loaded Tammy onto a second helicopter. Tammy's next memory was waking up at Walter Reed with her husband, Bryan Bowlsbey, also a member of the Illinois National Guard, by the side of her bed. She learned then that the incident in that helicopter had cost her both of her legs and shattered her right arm.

Well, 10 weeks later, after that horrendous experience, I met Tammy Duckworth. Each year, the President gives a State of the Union Address, and

it has been my tradition to invite Illinois soldiers and sailors and airmen and marines who are recuperating in local military hospitals as my guests. That year, they told me there was a MAJ Tammy Duckworth from the Illinois National Guard who would join me. I will never forget it. She was in a wheelchair and in full dress uniform, with both legs missing, her arm in a sling, and her husband behind the wheelchair, and she had a big smile on her face. She came in and introduced herself. We got to know one another and spoke. We left my office then and went to an adjoining office for a press conference, where I introduced my guest to the Illinois press.

A number of people showed up from the Illinois media, and one was a friend of mine, a reporter for the Chicago Sun Times, Lynn Sweet. Lynn asked a hard question—an important one, but a very hard question for someone who is a disabled veteran having lost both of her legs in combat just a few weeks ago. Lynn asked of Major Duckworth: What do you think of those people who object to this war and complain that we never should have been in this war in the first place? What do you think of those who protest that this war should not have ever started?

Tammy paused for a moment and said: Isn't that why we are fighting this war, so that people in America can express their point of view regardless of whether they agree with this Government or not?

I was breathless at the end of that. I thought I cannot believe that answer from a woman who has been through what she had been through. I caught my breath and said: Are there any other questions? No. Afterward, I told Tammy that was the most amazing answer I can ever recall hearing from anybody. We had a good evening. I took her down to the Senate dinner before the State of the Union Address and introduced her to many colleagues, including JOHN MCCAIN, TOM HARKIN, DANNY INOUE, and many others. She was my guest at the State of the Union Address. I kept in touch with her.

Tammy went through rehab. The Walter Reed Military Hospital did an extraordinary job fitting her with computer-assisted legs so she could walk with crutches. She made a miraculous recovery. I kept in touch for the next several months, and when I visited

Walter Reed, a lot of those buff marines, who had lost a limb, said every time they were grunting and groaning and weren't sure they could go forward, somebody would say, "Come on, Tammy," and they would keep pushing forward. She became an inspiration to everybody. At the time, she was the most seriously injured woman veteran in the Iraq war.

I kept in touch with her, and a few months later I called her with a rather bold suggestion. I said: Tammy, have you ever thought about running for office? She said: Never. I said: Would you consider it? We have a vacancy in a congressional seat in Illinois where you live. She called me back and said: Bryan and I have a lot of questions to ask. I said I would be glad to try to answer them.

At the end of the day, she became a candidate for Congress—just 13 months after she had been shot down over Iraq. She ran a spirited campaign. She did not succeed, but she brought together the most amazing group of friends and supporters and volunteers I had ever seen. She was asked to head up the Illinois Veterans Affairs Department, where she did a terrific job. She started several first-in-the-Nation programs in that department: the Illinois Warrior Assistance Program, requiring additional screening for PTSD and traumatic brain injury; the GI Loan for Heroes Mortgage Loan Program; the VetsCash grant program, which provided over \$5 million in grants to service organizations; and Veterans Adaptive Activities Day, bringing together Illinois organizations specializing in adaptive recreations and sports.

Tammy is so self-sufficient and independent, it is hard to believe. She has her own pickup truck, which she likes to motor around in, which is all set up for her to use. She is so independent that the time came when her husband was activated to serve in Iraq, and instead of asking for special consideration because she would have been left alone in her rehabilitative state, she said: He wants to serve, and he should. He left for a year, and she kept things together while he was gone. She did a great job in the process.

When President Obama was elected, he called on Tammy to bring her ethic and record of public service to Washington. I know she is going to do a great job.

She was an Operation Iraqi Freedom veteran. She knows the difficulties servicemembers can face in the battlefield. As a recipient of VA military care at Walter Reed, you can bet the patients won't have a stronger advocate in the VA and for the VA facilities themselves. She uses them today and understands the frustration bureaucracies can create. She will be a real fighter for veterans. She has the perspective of somebody who has worked with and for veterans and is one herself.

As the spouse of a servicemember who deployed to combat, she certainly knows what families go through when that happens.

In nominating Tammy Duckworth, President Obama knew he was getting a committed veterans advocate. She will be a strong voice for veterans. At the hearing the other day before Senators AKAKA and BURR, I know she made a dramatic impression when she gave her testimony. She is the kind of person I am proud to count as a friend. I am so honored that she served our country. She has shown extraordinary heroism throughout her life, and she will show it in her record of public service with the VA, and she will show that the trust President Obama put in her was well placed.

We all look forward to working with Tammy as she enters a new phase of service to our Nation and our veterans.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until 9:30 a.m.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, April 23, 2009, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, April 22, 2009:

DEPARTMENT OF VETERANS AFFAIRS

LADDA TAMMY DUCKWORTH, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Wednesday, April 22, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Father and Creator of all, this Nation is singular and powerful by the very fact that Congress begins its workday with prayer, setting an example for all students and workers of this great land.

By seeking Your presence in moments of prayer each day, we humbly lay before You our limitations and our hopes. We display our openness to Your creative light to guide us in the decisions that need to be made to stay the course of government of Your free people.

By being attuned to Your power, our vision is expanded and our compassion for our brothers and sisters is turned into action.

In You and with You, America's ideals are realized and equal justice for all is within reach both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I am touched by the unwavering spirit of the American people during these tough economic times. We continue to work hard and last week we all paid our taxes. In fact, thousands of immigrants also paid into our tax system through payroll taxes and sales taxes.

There are 12 to 14 million undocumented immigrants that are living and working in this Nation trying to build a better life for their families. I state, a better life for their families. We cannot forget that this country was founded by immigrants who prayed for a better life and who were willing to work hard to make it happen.

By providing a path to citizenship, it is estimated that new legal immigrants would provide \$407 billion to strengthen the Social Security system over the next 50 years. We must bring this working population out from the shadows and allow them to become active contributing members of our society.

I urge my colleagues to work with the CHC and President Obama to support comprehensive immigration reform that will fix our economy and respect all families.

TAXED ENOUGH ALREADY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, when the British Crown initially ignored the Boston Tea Party in 1773 and regarded the participants as rabble, authorities thought nothing would come of the protest. They, of course, were wrong. Early Americans were objecting to the British government for not responding to the concerns of the people.

Now, this year, TEA parties, which means taxed enough already, were held throughout the country where citizens exercised the absolute right under the first amendment "to peaceably assemble and petition government for redress of grievances." Most people seemed to be protesting spending and taxation.

The critics said no one would show up. They, of course, were wrong. Many in the media didn't want to cover the events because, frankly, they were politically opposed to the idea, so they responded by calling the protesters kooks and extremists, sort of like the British calling the colonists rabble and troublemakers.

But thousands of Americans, normal taxpayers who work for a living and not beholden to government giveaway programs showed up to let government know that citizens don't like the government spending so much of their money, borrowing money from China and taxing citizens out of existence. Government would do well to listen.

And that's just the way it is.

FREEDOM AND DEMOCRACY IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of House Resolution 334, which I introduced yesterday. This resolution calls for the release of 118 Vietnamese citizens who have been arrested, detained or harassed for signing the Manifesto on Freedom and Democracy in Vietnam.

The manifesto is a peaceful, non-violent declaration demanding political freedom and respect for Vietnam's citizens.

House Resolution 334 also directs the Secretary of State to establish a "Countries of Particular Concern" list to condemn the government of Vietnam and other countries for engaging in particularly harsh human rights violations. Vietnam's ongoing denial of its citizens' fundamental human rights and political liberties is unacceptable.

I introduced H.R. 334 to mark the 3-year anniversary of the original signing of the manifesto and to raise awareness of the Vietnamese Communist government's failure to improve its human rights record.

In May we will honor the 15th anniversary of Vietnam Human Rights Day. I urge my colleagues to stand up for human rights and to join me in this resolution.

DETROIT FREE PRESS WINS PULITZER PRIZE

(Mrs. MILLER of Michigan asked and was given permission to address the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to congratulate the Detroit Free Press for winning journalism's most esteemed award, the Pulitzer Prize, in the category of Local Reporting. Through old-fashioned hard work and investigative journalism, reporters Jim Schaefer and M.L. Elrick helped to secure their newspaper's prize by uncovering evidence which revealed endemic corruption at Detroit City Hall.

The Free Press's journalistic prowess and integrity provided a needed check to government power and corruption, a tradition which is firmly rooted in America's great tradition of a free press. The reporting of Schaefer and Elrick, and their work in uncovering the truth for the people of Detroit, is something that this entire country can be proud of.

Regardless of all of the ways that the media have changed in recent years, one thing that will never go out of style in America is the ability of a free press to keep the public accurately and honestly informed about its government.

Congratulations to the Detroit Free Press. You make us all proud, and you truly exemplify the spirit of the first amendment.

WATER FOR THE WORLD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, one of the greatest environmental threats in the entire globe is the supply and quality of water.

In honor of the 39th annual Earth Day Celebration, I'm proud to introduce the Paul Simon Water for the World Act of 2009. The purpose of this act is to empower the United States Government to respond to the pressing environmental, poverty and security threats presented by mismanagement and shortage of global fresh water.

Today, one-fifth of the world's population relies on fresh water that's either polluted or inadequately supplied. The lack of safe drinking water and sanitation remains the world's greatest health problem, accounting for 2 million deaths and half the illnesses in the developing world.

The bipartisan "Water for the World Act" builds upon the framework of our 2005 Water for the Poor Act, expanding United States foreign assistance capacity, elevating sustainable water and sanitation policy, and investing in low-cost, high-impact solutions.

There are lots of things that divide us here in Congress, but one of the things that brings us together is a commitment to make the world and its environment better. And I deeply appreciate the leadership of my col-

leagues, Congressmen DONALD PAYNE, WAMP, ROHRBACHER, BOOZMAN and BURTON in joining me on this Earth Day to enact this important legislation.

LOUISIANA STATE REPRESENTATIVE PATRICK WILLIAMS COMPLETES 226-MILE WALK TO BATON ROUGE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to commend Louisiana State Representative Patrick Williams, who recently completed the 226-mile walk from Shreveport, Louisiana, a major city in my district, to the State capitol in Baton Rouge to raise awareness for autism and childhood obesity.

Autism is a serious developmental disability in the United States, with one in 150 children likely to have some form of this disability.

Representative Williams also brought attention to a serious factor affecting childhood obesity—nutrition in the home, especially among poor families.

And let me say parenthetically that for every obese child, we very likely have a future diabetic.

After completing his walk, Representative Williams made a promise to talk to Congress and the U.S. Department of Agriculture to promote healthy eating in regards to food stamp recipients, as well as encouraging them to buy more fruits and vegetables.

As a family physician, I couldn't agree more, and look forward to working with Patrick Williams to find solutions to both of these medical issues.

SUSTAINABLE ENERGY AND ENVIRONMENT CAUCUS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today, on Earth Day, as a member of the Sustainable Energy and Environment Caucus, the so-called Green Dogs, to talk about the importance of investing in clean, renewable energy to help build a new green economy.

Investing in homegrown American renewable energy will create thousands of new American jobs that cannot be shipped overseas. In my State of Nevada, a thriving renewable energy industry will help diversify our local economy, which we so desperately need. Whether it is the researcher in the lab developing new generation biofuels, or the electrician on the roof installing solar panels, these jobs will stay right here in the United States.

We are currently losing clean energy jobs and market share to China, Germany, Korea and other countries, but now we have the opportunity to make

a real difference. I look forward to working with my colleagues on both sides of the aisle to ensure that we make the investments necessary today to help create clean energy jobs for tomorrow.

UNREASONABLE RENEWABLE ENERGY REQUIREMENTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Democrat leadership is moving forward on the change that they've promised. Last week, the EPA, Environmental Protection Agency, moved forward to regulate carbon dioxide emissions under the Clean Air Act, with or without congressional consent.

This week the Committee on Energy and Commerce is holding hearings on cap-and-tax legislation. And this is what we're learning. The renewable energy requirements in the bill are entirely unrealistic.

Currently, 3 percent of our electricity that is generated is by renewable energy, and the chairman's bill is mandating 25 percent by 2025. That would require 20,000 megawatts of renewable energy to come online every year until 2025. That is far above what the projections are, the government-generated projections.

So our question is, are we saddling our States and our energy consumers with unrealistic demands and mandates at prohibitively high prices? Well, basically, the Democrat leadership presents a choice. We can acquiesce to bad regulation that will have certain and disastrous impacts on our economy, or we can legislate an even more harmful system.

Basically, Mr. Speaker, it's as though, when faced with a gun to our heads, we are taking it and opting to shoot ourselves in the chest.

EARTH DAY

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, 39 years ago, then-Senator Gaylord Nelson from Wisconsin established a day on which millions of Americans across the country could demonstrate their support for the most precious resources we have, a healthy, sustainable environment.

For nearly four decades tens of millions of Americans continue on this tradition every April 22, a day we call Earth Day.

I want to acknowledge the commitment and vision of the millions of forward-thinking citizens who use this day to do their part, whether planting a tree, picking up litter, or teaching their children what they can do each

day to better the world. Each and every one of these individuals is playing a crucial role as we work to meet the challenges that we all face as a Nation and as a world.

Mr. Speaker, I have always been a proponent of the environment. In fact, I founded and operated the Lake Erie Arboretum at Frontier Park in Erie, Pennsylvania, and I have tried to impart upon my children the important role they can play in meeting the environmental challenges of the 21st century.

In the House of Representatives, I'm proud to continue this work as we take proactive steps to protect our environment and our way of life.

This week we will consider the National Water Research and Development Initiative Act to help improve our environment by securing fresh, clean water for all Americans. To this end, I'm very proud to have attached my amendment that encourages reuse and recycling of our water to promote conservation and sustainability for generations to come.

Thank you to all Americans and those around the world doing their part not only today—Earth Day—but each and every day.

□ 1015

TEA PARTIES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I come to the floor today with a message from a few of my constituents. This scroll is a petition signed by hundreds of Centre County residents who participated in one of the many TEA parties that took place this past week in my district.

Not only do I agree with their message that the Federal Government has overstepped its bounds and continues to spend, tax and borrow too much, but I am proud of these folks who took a stand.

I came to Washington in January to be a part of democracy in action, and today, I can say that I am proud of my constituents who spoke out in their displeasure with this broken process that we call Washington. I am proud that they exercised their first amendment rights.

You see, Mr. Speaker, what occurred this past week is democracy. It's what our forefathers envisioned when drafting the Constitution and, later, the Bill of Rights. It's what our soldiers fight for each and every day. Mr. Speaker, it is the American way.

With that, I thank my colleague from Texas for his assistance.

THE 10-YEAR ANNIVERSARY OF THE TRAGEDY AT COLUMBINE HIGH SCHOOL

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Thank you, Mr. Speaker.

I rise today to recognize and mourn the 10-year anniversary of the Columbine High School tragedy in Littleton, Colorado.

On April 20, 1999, the people of Colorado and across our Nation learned about the senseless act of violence which took 13 lives that day. My friend Congressman COFFMAN represents Columbine High School. I represent an area where many of the families attended Columbine High School. One of my daughters played soccer against a girl who was killed at Columbine. Our neighbors had a nephew who was killed at Columbine. It was a tragedy that affected our community deeply and affected this country deeply; but from a terrible tragedy such as that, with unspeakable evil and violence, we've seen the growth of a community, the coming back together of a community, and we've learned from the families of the victims of this terrible violence.

There is a memorial now built at Clement Park to honor the victims. It is near where I live, and it serves as a reminder of the loss but also of the growth we can develop from that point on. It was a terrible day in Colorado 10 years ago, but if you take a look at the people who have risen from those ashes, so to speak, we have five kids who attended Columbine that year who are now teachers at the high school. There is growth in this country. We deal with evil from time to time, but when we come back together, we are a stronger Nation for it. I know my community is stronger for the terrible tragedy that we suffered 10 years ago.

TAXPAYER CONSCIENCE PROTECTION ACT OF 2009

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, yesterday I was proud to introduce H.R. 1981, the Taxpayer Conscience Protection Act of 2009. This bill would require individual State departments of health to document whether they are providing any Federal funds they receive through Medicaid to organizations that perform, promote or refer for abortions.

No matter where you stand on the questions of life, this bill would protect the fundamental right that every American taxpayer should enjoy and, frankly, should expect—the right to know whether their money is being spent on activities or organizations to which they are morally opposed.

This administration and this Congress have pledged a new era of govern-

ment transparency. The legislation would bring increased transparency for the millions of pro-life Americans who are currently in the dark regarding whether and how much of their tax dollars are being funneled to abortion providers.

Only by shining the light of day onto this area of government can we ensure that Federal tax dollars do not fund morally objectionable practices.

ARMENIAN GENOCIDE

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 94th anniversary of the start of the Armenian genocide, which was the first genocide of the 20th century. Sadly, that template has been a cycle that continues to this day.

In this case, it was established by history that from 1915 to 1923 the Ottoman Empire systematically killed an estimated 1.5 million Armenians and drove hundreds of thousands of others into exile from their ancestral homeland.

President Obama made promises during his campaign that he would finally recognize the Armenian genocide. It is vital to our Nation and to our foreign policy that we accurately reflect history. My district, in the San Joaquin Valley of California, is home to thousands of Armenian Americans, many of whom are the sons and daughters of survivors. We are quickly approaching the 100th anniversary of the start of the Armenian genocide. I am hopeful we don't have to wait until then to bring justice to my Armenian friends and neighbors.

We know that genocide, sadly, continues to this day. The United States cannot continue a policy of denial regarding the Armenian genocide. I encourage the passage of House Resolution 252 to recognize the Armenian genocide in our Nation.

THE REAL THREAT TO HOMELAND SECURITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to bring to the Members' attention a report from the Department of Homeland Security, Secretary Napolitano, entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment."

On page 2, under Key Findings, the footnote states, "Rightwing extremism in the United States can be broadly divided into those groups, movements and adherents that are primarily hate-oriented (based on hatred of particular

religious, racial or ethnic groups) and those that are mainly antigovernment, rejecting Federal authority in favor of State or local authority or rejecting government authority entirely. It may include groups and individuals that are dedicated to a single issue, such as opposition to abortion or immigration.”

On Page 7, under Disgruntled Military Veterans, they're listed as having the potential to boost the capabilities of the extremists.

Mr. Speaker, this is the same Cabinet member who will no longer use the words “terrorist” or “war on terror” and who now wants to call some of our veterans and pro-life activists “terrorists.” This is outrageous.

President Obama, your Cabinet Secretary is the real threat to our security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HONORING SOJOURNER TRUTH

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, first, I rise to thank Representative JACKSON-LEE for her leadership of her resolution today in honoring Sojourner Truth.

As the Congressman representing Battle Creek, Michigan, I rise on behalf of a community that is proud of its citizen Sojourner Truth, who lived her last 26 years there.

My hometown was home to a pilgrim born into slavery, unable to read or write, who traveled the country, eloquently confronting the injustices of slavery and the unequal treatment of women. She spoke truth to power, and she changed the world. Her life is testimony to the endurance of the human spirit.

Every day that I come to work at my office, I sit across from a portrait of Sojourner Truth, which hangs on my wall. It lifts me and it grounds me, and I know that the memorial in Emancipation Hall, along with a monument at her resting place in Battle Creek, will do the same for the millions of citizens who will view them over the years to come.

EARTH DAY

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to highlight and support the many communities, volunteers, teachers, students, and individuals celebrating Earth Day and their efforts to protect

our environment. For 39 years, Earth Day has remained an annual opportunity to remind ourselves of our daily, ongoing responsibility.

Our Nation has experienced an environmental renaissance as of late with business, popular culture and political leadership getting “green” and becoming galvanized by the challenge of climate change.

The industries and communities of my district in Colorado are on the front lines of a changing climate—from a shrinking ski season and fewer tourist dollars to an increased threat of wildfire and water resources stretched even thinner. My district's economic well-being has a lot riding on a healthy environment.

Mr. Speaker, I commend all of those who will work, volunteer, teach, and learn about the ways we can protect our Earth and economy. I rise in strong support of all of those who work to make Earth Day every day and who understand the fact that our communities and economies are firmly rooted in a healthy environment.

BUDGET DEFICIT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, for the last 2 weeks when I was home in my district, I heard from many of my constituents who were justifiably concerned about the large amounts of deficits that we face, about the borrowing that we will have to do and about the spending that we are proposing to do in the President's budget that he approved recently. You know, those who have sought to, maybe, take advantage of that fear have said, “Nobody ever borrows their way to prosperity.” Oh, really?

In fact, virtually everyone who has grown wealthy in this country—every corporation and any individual—has borrowed to make that possible, and that's exactly what we're doing. We face a choice. We face a choice of having a dysfunctional health care system, of having an energy system that makes us insecure and that damages our environment, and of having an education system that relegates our citizens to a dismal future.

What we are doing in the budget we passed is to borrow, yes, but to invest in those very important matters that will guarantee a brighter life for our society and for our people, and that is what we are committed to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

COMMENDING CAPTAIN RICHARD PHILLIPS, U.S. NAVY SEALS, AND THE U.S. NAVY IN SOMALI PIRATE HIJACKING

Mr. LANGEVIN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 339) expressing the sense of the United States House of Representatives regarding the hijacking of the *Maersk Alabama*, the kidnapping of Captain Richard Phillips by Somali pirates, the rescue of Captain Phillips by United States Navy SEALs and the crews of the USS *Bainbridge*, USS *Boxer*, USS *Halyburton* and Patrol Squadron (VP) 8, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 339

Whereas on April 8, 2009, a group of armed Somali pirates hijacked the Norfolk, Virginia-based *Maersk Alabama*, a U.S. flagged cargo ship;

Whereas this attack represents the first such attack on a U.S. flagged vessel in modern history;

Whereas Captain Richard Phillips of Underhill, Vermont, commander of the *Maersk Alabama*, graduated from the Massachusetts Maritime Academy and has over 20 years of maritime experience;

Whereas Captain Phillips and the crew of the *Maersk Alabama* were delivering a life-sustaining USAID shipment of over 8,000 metric tons of food aid to Kenya, Somalia, and Uganda when the ship came under pirate attack;

Whereas the crew of the *Maersk Alabama* overpowered one of the pirate attackers, and Captain Phillips offered himself up in return for the safe release of his crew and ship;

Whereas four pirates then fled with Captain Phillips to an 18-foot lifeboat;

Whereas the United States Fifth Fleet immediately dispatched Maritime Patrol (P-3) Aircraft to locate and positively identify and monitor the *Maersk Alabama* to vector the closest U.S. Navy ship to the scene;

Whereas the United States Navy destroyer USS *Bainbridge*, which had been patrolling the region due to increased pirate activities, arrived on the scene;

Whereas the USS *Bainbridge*, under the command of U.S. Navy Commander Frank Castellano, monitored the conditions on the lifeboat and prevented the pirates from escaping;

Whereas Commander Castellano served as the on-the-scene coordinator for the combined rescue efforts of the State Department, Federal Bureau of Investigation hostage negotiators, and the U.S. Navy;

Whereas U.S. Navy SEALs quickly deployed to the scene;

Whereas, while being held by pirates, Captain Phillips attempted a daring escape, diving into the ocean and trying to swim to safety before being recaptured;

Whereas the pirates held Captain Phillips at gunpoint for 5 days;

Whereas the Navy SEALs once again demonstrated their extraordinary bravery, skill, and professionalism in rescuing Captain Phillips;

Whereas the USS Halyburton assisted the USS Bainbridge with the rescue operation, by skillfully ensuring that the pirates were blocked in their attempt to reach the Somali coast;

Whereas the USS Boxer assisted in the rescue operation by standing by to provide immediate medical support, which was thankfully not needed in this operation.

Resolved, that the United States House of Representatives—

1. commends the crew of the Maersk Alabama and Captain Phillips, who selflessly placed himself in harm's way to protect his crew;

2. recognizes the United States Navy, the crews of the USS Bainbridge, Boxer, Halyburton, and Patrol Squadron (VP) 8 for their role in the rescue;

3. congratulates the Navy SEALs on the scene for their decisive action that resulted in the rescue of Captain Phillips; and

4. joins all Americans in expressing great relief that the crew has returned home safely.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Colorado (Mr. COFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LANGEVIN. Mr. Speaker, I yield myself such time as I may consume.

I am honored to rise this morning to recognize the efforts of some true heroes during the hijacking of the *Maersk Alabama* and its aftermath. Like millions of Americans, I watched as the ordeal unfolded from the initial attack, to the crew's quick response, to the captain's selfless sacrifice, to the Navy's breathtaking rescue.

Today, I hope all of our colleagues will join me in congratulating and in thanking the many brave Americans who played a role in the successful resolution of what could have been a terrible tragedy.

First, let me thank the gentleman from Vermont, my friend, PETER WELCH, for spearheading this effort. I'm honored to sponsor this resolution with him. I would also like to thank Chairman SKELTON and Ranking Member MCHUGH for working with us to bring this resolution so quickly to the floor.

The story of the merchant vessel *Maersk Alabama* is miraculous, not just for the safe return of its entire U.S. crew but also for the incredible bravery and professionalism displayed by the men and women of the U.S. Navy as

well as Captain Richard Phillips, who gave himself up to ensure the safety of his crew.

□ 1030

We're all familiar with the story by now. On April 8, a group of armed Somali pirates hijacked the Norfolk, Virginia-based *Maersk Alabama*, a U.S.-flagged cargo ship—the first such attack on a U.S.-flagged vessel in modern history. Captain Phillips and his crew were delivering a life-sustaining USAID shipment of over 8,000 metric tons of food aid to Kenya, Somalia, and Uganda when the ship came under pirate attack. The crew overpowered one of the attackers, and Captain Phillips offered himself up in return for the safe release of his crew and ship. The four pirates then fled with Captain Phillips on an 18-foot lifeboat.

After receiving the distress call, the United States Fifth Fleet immediately dispatched maritime patrol aircraft to locate and monitor the *Maersk Alabama* and aid in directing the United States and the Navy destroyer USS *Bainbridge* to the scene.

The USS *Bainbridge*, under the command of Navy Commander Frank Castellano, immediately undertook efforts to monitor conditions on the lifeboat, and along with the USS *Halyburton*, would prevent the pirates from escaping. At one point, Captain Phillips attempted an escape by diving into the ocean but was recaptured. When it appeared that the captain's life was in imminent danger, the Navy SEALs did not hesitate. They drew on their training, and, most importantly, their courage and took decisive action to end the standoff and save the life of Captain Phillips.

Mr. Speaker, the resolution before us today recognizes the bravery of the captain and the crew of the *Maersk Alabama* and congratulates the Navy SEALs and the crews of the USS *Bainbridge*, *Boxer*, *Halyburton* and Patrol Squadron (VP) 8 for their decisive action in ensuring the safe return home of all concerned.

Again, I want to thank Congressman WELCH for his work on this legislation, and I ask all of our colleagues to vote for its passage.

I reserve the balance of my time.

Mr. COFFMAN of Colorado. Mr. Speaker, today I rise in support of House Resolution 339.

I am pleased to join my colleagues, PETER WELCH and JIM LANGEVIN, as well as the many cosponsors of this resolution, in expressing the pride of the United States House of Representatives regarding the heroic actions of Captain Richard Phillips, the crew of the *Maersk Alabama*, and the professionalism and skill of the crews of the USS *Bainbridge*, the USS *Boxer*, the USS *Halyburton*, Patrol Squadron (VP) 8 and the U.S. Navy SEALs.

On April 8, 2009, in what has now become a well-known story, a group of

armed Somali pirates hijacked the Norfolk, Virginia-based *Maersk Alabama*, which is a cargo ship sailing under a U.S. flag. The *Alabama* was on a mission to deliver over 8,000 metric tons of vital food aid to Kenya, Somalia, and Uganda. This food aid had been provided by U.S. taxpayers through the United States Agency for International Development. It was highly ironic, then, that the Somali pirates targeted a vessel destined to provide relief to their home country.

When the *Alabama* came under attack, it was also the first such attack on a U.S.-flagged vessel in modern history. But the surprise that the crew of the *Alabama* must have felt did little to deter positive action on their part. The crew of the *Maersk Alabama* overpowered one of the pirate attackers, and the ship's commander, Captain Richard Phillips, offered himself up in return for the safe release of his crew and ship.

Captain Phillips' courageous action is a credit to him, his 20 years of maritime experience, his alma mater, the Massachusetts Maritime Academy, and his hometown of Underhill, Vermont.

Four of the Somali pirates fled with Captain Phillips to an 18-foot lifeboat and set off for the Somali coast. The length of the Somali coastline is vast, roughly the same length as the entire eastern seaboard of the United States.

Despite the diligent efforts of the international community and the U.S.-led Combined Task Force 151 counter-piracy operations, military vessels cannot be every place at once. As a result, the nearest U.S. ship at the time of the incident was more than 300 nautical miles away.

In response to the distress call from the *Maersk Alabama*, the United States Fifth Fleet immediately dispatched maritime patrol aircraft to locate, positively identify and monitor the *Maersk Alabama* to direct the closest U.S. Navy ship to the rescue. The United States Navy destroyer USS *Bainbridge*, which had been patrolling the region due to the increase in pirate activity, soon arrived. The *Bainbridge*, under command of U.S. Navy Commander Frank Castellano, monitored the conditions on the lifeboat and prevented the pirates from escaping. Commander Castellano also served as the on-the-scene coordinator for the combined rescue efforts of the State Department, Federal Bureau of Investigation, hostage negotiators, and the United States Navy.

While being held by pirates, Captain Phillips attempted a daring escape—diving into the ocean and trying to swim to safety before being captured. Captain Phillips' ordeal cannot be understated. The pirates held him at gunpoint for 5 days until the U.S. Navy SEALs, who had quickly deployed to the scene onboard the USS *Bainbridge*,

rescued Captain Phillips, demonstrating their extraordinary valor and skill.

The captain and crew of the *Bainbridge* were supported by two additional U.S. Navy ships. The USS *Halyburton*, an Oliver Hazard Perry-class frigate, assisted the USS *Bainbridge* with the rescue operation by ensuring that the pirates were blocked in their attempts to reach the Somali coast. The USS *Boxer*, a Wasp-class amphibious assault ship, assisted in the rescue operation by standing by to provide immediate medical support, which was, thankfully, not needed in this operation.

It is also remarkable to note that the namesake for the USS *Bainbridge* is Captain William Bainbridge, one of the United States' earliest naval officers who became the country's most famous pirate hostage.

In October 1803, Captain Bainbridge was in command of the USS *Philadelphia*, a 36-gun frigate, on a mission to blockade North African pirate ships from Tripoli. Following an unfortunate grounding of the *Philadelphia* on a shallow reef near shore, Captain Bainbridge and his crew of 300 were taken hostage and held in captivity for nearly 2 years. When Captain Bainbridge finally returned to this country, he continued to serve in the U.S. Navy and went on to distinguish himself in the War of 1812.

Now, 200 years later, pirates continue to operate along the coast of Africa, and the U.S. Navy ship named in his honor has played such a critical role in thwarting their efforts.

In conclusion, I urge the international community, as well as President Obama, to apply both private and government means to combat piracy. While the U.S. military can have a significant deterrence on piracy and can play a key role in disrupting pirate attacks, a long-term solution to this problem cannot be found through military force alone.

I also urge my colleagues to adopt House Resolution 339 to recognize the bravery of the crew of the *Maersk Alabama*, commend Captain Phillips who selflessly placed himself in harm's way to protect his crew, congratulate the United States Navy, the crews of the USS *Bainbridge*, *Boxer*, *Halyburton*, Patrol Squadron 8 and the Navy SEALs on the scene for their decisive action that resulted in the rescue of Captain Phillips and join all Americans in expressing great relief that the crew has returned home safely.

Mr. Speaker, I reserve the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I am pleased to yield as much time as he might consume to my friend and colleague, the distinguished chairman of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I rise today in strong support of H. Res. 339,

and I thank my friends, Congressmen LANGEVIN and WELCH, for introducing this bill and their leadership on this subject.

Captain Phillips' brave leadership in the defense of his crew and ship, along with the outstanding service of the men and women of the United States Navy, allowed for the safe return of the crew of the motor vessel *Maersk Alabama*. Both Captain Phillips and his crew's actions clearly demonstrate the bravery that is present in our American Merchant Marines. I commend the sailors on the USS *Bainbridge* and *Halyburton*, as well as the Navy SEALs who were involved in the lengthy standoff with the Somali pirates.

On Easter Sunday, every American could be proud and thankful for the commitment and excellence of our servicemembers. The actions of our men and women in uniform highlight the dedication and professionalism present in our Navy servicemembers. This also demonstrates the critical need for the high level of training these sailors have been given which allows them to successfully conduct such a high-risk and complicated operation.

I have long warned of the dangers associated with international piracy. Just last month, I called for and chaired a full Armed Services Committee hearing on international piracy on the high seas. The inherent danger in allowing these types of criminal activities to go unchecked is evident throughout our history. We see prime examples of this when we look as far back as the days of the Barbary pirates, where the pirates were eventually defeated ashore in Algiers; or the recent example of the Straits of Malacca, where it took the combined forces of Malaysia, Indonesia and Singapore working together to secure their waters.

In both of these instances, the international community was dealing with criminals whose sole objective was monetary gain; and when faced with superior forces, they retreated. The pirates off the coast of Somalia are no different. However, like the pirates of the past, they will only retreat as far as they are pushed.

Establishing a working government in Somalia is a solution, but this is a long-term solution. In the short term, it is imperative that the international coalition, already operating in the area, uses its superior force to continue to pursue these pirates into the safe havens where they are operating. This will be the only way to convince these criminals that the risks now outweigh the rewards. The authorities needed to conduct such operations have already been provided in United Nations Security Council Regulations 1846 and 1851.

I applaud the commitment of the international community to solve the problem, but additional work must be done to advance the current inter-

national coalitions operating in the region. Just this weekend we were reminded of the imminence of the ongoing problem. Hostages were freed by Dutch forces, but the gang of pirates responsible were subsequently released due to the lack of a detainment policy within the NATO task force.

The United States must encourage all of our coalition partners to adopt a single set of rules of engagement and authorities. I am encouraged by Secretary Clinton's call on the international community to hold these criminals accountable and agree with her comments about pursuing the pirate sanctuaries along the Somalia coast. Denying the ability of the pirates to operate ashore is the best solution for stopping these attacks in the short term.

□ 1045

Until the international community decides that it will no longer tolerate piracy in any way, we will continue to see history repeat itself, and the merchants operating in the surrounding waters of Somalia will continue to be at risk.

Mr. Speaker, we will not forget the heroic actions of our United States Navy, the United States Navy SEALs, and the brave men aboard the *Maersk Alabama*.

We sent a clear signal to the pirates that such a brazen attack on American people will not be tolerated. I look forward to working with my colleagues and friends in the administration to find a short-term solution to the ongoing piracy problem, and I am hopeful that we can work with our international partners to find a permanent solution to this issue.

I thank the gentlemen, Mr. LANGEVIN and Mr. WELCH, for their foresight in offering this resolution.

Mr. COFFMAN of Colorado. Mr. Speaker, I would like to further comment on the issue of piracy and how we address this in that I feel that there is a cost-effective solution available to us.

Right now, in trying to patrol 1.1 million square miles of ocean, we have deployed a carrier strike group and an additional combined task force; and it is a sledgehammer going after a fly when all we need is a flyswatter.

I would like to propose that the administration consider placing a small detachment of United States Marines or sailors with cruiser weapons aboard U.S.-flagged merchant ships sailing through these waters. There is an average of one U.S. flagship per day sailing through the Gulf of Aiden. And so the Department of Defense response was that we are stretched in resources, and it would be difficult to deploy a squad of marines or the equivalent of sailors aboard this one U.S.-flagged merchant ship going through the Gulf of Aiden on a daily basis. Yet, we are deploying

over 10 ships on a daily basis in these waters, which require far more resources than a small detachment of U.S. marines or sailors.

The precedent for this is certainly during World War II, when we did so to protect our U.S.-flagged merchant shipping. I believe the situation exists today where we have cause to do so. And this is not simply a criminal activity. In 1803, when Captain Bainbridge was in command of the USS *Philadelphia*, President Thomas Jefferson saw fit to see the actions of the Barbary pirates as an act of war, and I view the conduct of the Somalia pirates as the same.

Mr. Speaker, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I am pleased to yield such time as he may consume to my friend and colleague, the original sponsor of this measure, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank my colleague from Rhode Island. I thank the Armed Services Committee and Chairman SKELTON and my colleague, Mr. COFFMAN.

We have heard eloquent statements about the urgent problem of piracy and what the United States has to do. I would like to talk a little bit about Captain Phillips and about his hometown of Underhill, Vermont, and what is the good news behind this extraordinary rescue operation conducted by the United States Navy.

Mr. Speaker, Underhill is a small town in Vermont in the shadow of our largest mountain, Mt. Mansfield; about 2,800 people live there. The center of life is the Underhill Country Store where people go for their morning coffee to have conversation about what's going on. Neighbors know neighbors.

The folks who live in Underhill know the Phillips family very well. And it turned out that in that week when Captain Phillips was a hostage, all of the activity, all of the conversation in Underhill, of course, was totally about him, about his wife, Andrea, about Mariah and David, their son and daughter, both in college. And life in some ways went on in the ordinary course. David went over to a neighbor's and did his morning chores; it is what he said his dad would have wanted. And the neighbors did what neighbors do in Underhill and do in Vermont and do in communities all around this country when one of their own is in peril; they helped out. They brought over food. They checked in on their neighbors. They gave privacy and respect to Andrea and their family while they were going through this ordeal.

It is also the story about an extraordinary seaman, Captain Phillips, who, I think, as much as his bravery impressed all of us. His modesty impressed all of us as well. He insisted that he was not the hero. Let me use

his own words that he was able to recite when he returned. "I'm not a hero, the military is," the cargo shipper, Richard Phillips, told reporters. "I'm a small part. I'm just a bit part in this story. I'm a seaman doing the best I can like all other seamen out there." Captain Phillips insisted on giving all credit to everyone else—his crew, the extraordinary Navy SEALs, the United States Navy, not taking any of the credit for his heroics upon himself.

Now, why is it that he is that way? You know, oftentimes it is said that a hero is a person who is ordinary but, faced with extraordinary circumstances, does extraordinary things. And certainly Captain Phillips fits that description because, when faced with this danger, he put himself and his life on the line to save his crew. It was an extraordinary act in extraordinary circumstances.

But when you reflect on it, Captain Phillips didn't see it that way. He was a seaman doing his job. And maybe what he is reminding us, all of us in America, is that it is doing our jobs day in and day out, what is required of us, that makes us all have it within our reach to be heroic.

Captain Phillips has as his primary responsibility, the way he defines it and the way the law of the sea defines it, to protect his crew. And on some days protecting his crew may be that he has to guide his ship through troubled waters, but on another day, when his ship was seized by pirates, protecting his crew meant turning over his life and his safety to the pirates in exchange for the safety of his crew. And for him, that was just an ordinary, matter-of-fact decision. He didn't even have to think about it because that was his job. It is what he signed up to do. And when the circumstances required he make that decision, he did.

That is what is so inspiring, I think, to so many of us about Captain Phillips, the matter-of-fact way in which he went about being a captain in the Merchant Marine. And it is the same attitude he displays as a dad when he is home, with the jealous guarding of his time with his family that means so much to him so that he can ski, play basketball, do outdoor activities with his kids and with his friends. He is known in the community as just another guy, and that is the person who he wants to return to be.

The inspiring story here is all up and down the line. When a captain was faced with an extraordinary decision, he made it as though it was just an ordinary decision. When one of America's own ships on the high seas was in peril, our Navy responded as they were trained to do. And when one of the hostages, Captain Phillips, was in imminent danger of losing his life, these Navy SEALs, who had trained quietly, relentlessly, and effectively, did what was required of them, and they went on

to live the rest of their lives. So this act is an extraordinary act of heroics because of how Captain Phillips made this an ordinary day in his life.

All of us, of course, are thrilled about the safe return of Captain Phillips to Underhill, Vermont, and the reunification of the family, but we are also very proud of our Navy. We are proud of the Navy SEALs and all the people who were involved in this, doing the jobs they were trained to do, doing it successfully, and then going on about their lives without request for fame or favor.

Mr. LANGEVIN. Mr. Speaker, I am pleased to yield 1 minute to my friend and colleague, one of the newest members of the Committee on Armed Services, the gentleman from Virginia (Mr. NYE).

Mr. NYE. I thank my colleague.

Mr. Speaker, I rise today to commend the actions of all the brave Americans who brought about the safe rescue of the captain and crew of the *Maersk Alabama*.

I have the distinct honor to represent Naval Station Norfolk, the home port of the USS *Bainbridge*, the first ship to respond after the Alabama was attacked and her captain taken hostage by pirates.

In particular, I would like to applaud the quick, decisive, and effective action taken by the men and women of the *Bainbridge* and her commanding officer, Commander Frank Castellano. Throughout his 23 years in the Navy, Commander Castellano has served with distinction and honor and has received numerous awards and commendations. As captain of the USS *Bainbridge*, he skillfully managed the rescue of the *Maersk Alabama*, ensured the safety of her crew, and led the hostage negotiations with the pirates. And on April 12, when Captain Phillips' life was in danger, Commander Castellano did not hesitate; he gave the green light for our SEALs to take action.

Over the 4 days of the rescue operation, as the world watched, Commander Castellano and the men and women of the *Bainbridge* made us all proud and reminded us why the U.S. Navy is second to none. I urge my colleagues to join me in supporting this resolution.

Mr. LANGEVIN. Mr. Speaker, I want to again commend my colleague, Mr. WELCH, for his sponsorship of this resolution. I am proud to join with him. This truly is a story of remarkable heroism and bravery.

I again recognize the leadership of Captain Phillips and his crew and, in particular, the Navy SEALs, and all of our naval vessels and sailors that were involved in this entire effort. They truly are well-trained, and it showed in this. The training paid off.

On a personal note, I have great respect for all of our merchant mariners. Both my grandfather and my great

uncle were both members of the Merchant Marine during World War II. I know the sacrifices that these Merchant Marines give in their daily lives day in and day out to make sure that cargo moves safely around the world.

This is truly a good news story, but clearly we have work to do in stopping pirate activities in the future. This is going to be an ongoing effort. I look forward to working with my colleagues to make sure that this type situation never happens again.

Again, my congratulations to all my colleagues involved in this resolution, particularly Mr. WELCH.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today with great jubilation for the successful rescue of Captain Phillips. I urge my colleagues to support H. Res. 339 "Expressing the sense of the United States House of Representatives regarding the hijacking of the *Maersk Alabama*, the kidnapping of Captain Richard Phillips by Somali pirates, the rescue of Captain Phillips by United States Navy SEALs and the crews of the USS *Bainbridge*, USS *Boxer*, USS *Halyburton* and Patrol Squadron (VP) 8, and for other purposes."

I believe that Congressional recognition is due to the crews of the USS *Bainbridge* and other ships on the scene, and especially the incredible skill of the Navy SEALs who rescued Capt. Phillips. Somali pirates boarded the container ship *Maersk Alabama* about 500 kilometers off the coast of Somalia. The 20 man crew regained control of the Danish-owned, American-operated ship. But the ship's captain—Richard Phillips—was taken hostage as the pirates escaped aboard a lifeboat.

I would like to acknowledge the profound bravery and selflessness that Captain Phillips displayed throughout the entire ordeal. At the time of the hijacking of the *Maersk Alabama*, Captain Phillips placed himself in harm's way to protect his crew. Phillips offered himself as a hostage after the pirates stormed the U.S.-flagged *Alabama*. He is a hero, he rose to the occasion and—thankfully—lived to tell about it.

I commend the Navy SEAL snipers on the destroyer USS *Bainbridge* who killed Captain Phillips's three captors. I applaud President Obama and his administration who gave standing orders for the military to take decisive action if the Captain was in imminent danger.

This is the first time in modern history that the United States has in custody a pirate who carried out an attack on a U.S. citizen. The events that have been taking place off the coast of Somalia are intolerable and I feel that the United States must put an end to piracy.

I am pleased that Captain Phillips is home with his family: his wife, Andrea, and his two children, Daniel and Mariah, in Underhill, Vermont. I wish them all the best as their lives get back to normal.

However, this piracy has not ceased even after the U.S. Navy fatally shot three pirates, who were armed with AK-47 rifles. They are continuing to hijack ships in the Gulf of Aden. More than 200 mariners still remain captives at sea in the hands of pirates. Adm. Rick Gurnon has publicly said, "The pirates have a great business model that works for them: See ships, take ransom, make millions" and that is exactly what they are doing. The pirates from

Somalia often launch one or two speed boats with about four or five men aboard. Armed with automatic weapons and in some cases rocket-propelled grenades, they approach unarmed ships, force them to slow down and then board them in order to gain ransom money.

Analysts blame Somalia's nearly 20 years of lawlessness for fueling piracy's rise. Years ago, foreign trawlers began taking advantage of Somalia's civil war to fish its waters illegally and dump toxic waste there. Vigilante Somali fishermen tried to defend their shores, and later morphed into full-blown pirates. Piracy has been a problem in Somali waters for at least 10 years—when Somali fishermen began losing their livelihoods. Their traditional fishing methods were no match for the illegal trawlers that were raiding their waters. Piracy initially started along Somalia's southern coast but began shifting north in 2007—and as a result, the pirate gangs in the Gulf of Aden are now multi-clan operations.

Attacks have risen markedly in recent weeks, and brigands hold at least 17 other ships and around 300 crew. Meanwhile, Somalia called for international help to rebuild its military to combat piracy and train security forces to track down pirates.

I urge the United States to take swift and immediate action against these Somali pirates. It is unacceptable that unarmed Americans or any persons should be attacked and taken hostage on the high seas, with all the resources available to us in this day and age. This is not an American problem, but an international problem, that must be dealt with on a multilateral level. We can not eradicate piracy alone.

I am relieved that Secretary Clinton said the United States wanted to "seek more effective ways to hold these pirates criminally responsible for their actions, which threaten not only the lives of merchant seamen, but the security of critical maritime routes." I believe the meeting which will take place next month in New York with representatives of 24 nations, in order to look at legal measures in the fight against piracy off Somalia is a large first step in ending this madness.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H. Res. 339.

This resolution honors the incredible work of the United States Navy SEALs, and the crews of the USS *Bainbridge*, USS *Boxer*, USS *Halyburton* and Patrol Squadron (VP) 8. H. Res. 339 also recognizes the crew of the *Maersk Alabama* and the courage of Captain Richard Phillips.

The *Maersk Alabama* and her crew returned safely due to the remarkable service of the men and women of the U.S. Navy. In fact, this event has shown the importance of having a fleet capable of maintaining a global maritime presence that allows the Navy to respond to emergencies around the world.

We must also commend the actions of our remarkable Navy SEAL snipers. The special operations community rarely receives the recognition they deserve, nor do they seek it. While they do not look for notoriety, this resolution honors their service and recognizes their contributions to U.S. national security.

The success of the Navy SEAL snipers who rescued Captain Phillips is a prime example of

the superior training our SEALs receive; training that begins at Naval Amphibious Base Coronado and reinforced through multiple tours of duty in Iraq, Afghanistan, and now off the coast of Somalia.

Mr. Speaker, I know I join all Americans in welcoming this crew home with both great pride and great relief and in honoring our brave service members for a job well done.

I hope all of my colleagues vote in favor of this important measure.

Mr. LANGEVIN. Mr. Speaker, at this time, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Rhode Island (Mr. LANGEVIN) that the House suspend the rules and agree to the resolution, H. Res. 339.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PERMITTING DESIGNATION OF INDIVIDUAL TO DISBURSE CAMPAIGN FUNDS UPON CANDIDATE'S DEATH

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 749) to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO MAKE CAMPAIGN COMMITTEE DISBURSEMENTS IN EVENT OF DEATH OF CANDIDATE.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

“(j)(1) Each candidate may, with respect to each authorized committee of the candidate, designate an individual who shall be responsible for disbursing funds in the accounts of the committee in the event of the death of the candidate, and may also designate another individual to carry out the responsibilities of the designated individual under this subsection in the event of the death or incapacity of the designated individual or the unwillingness of the designated individual to carry out the responsibilities.

“(2) In order to designate an individual under this subsection, the candidate shall file with the Commission a signed written statement (in a standardized form developed by the Commission) that contains the name and address of the individual and the name of the authorized committee for which the designation shall apply, and that may contain the candidate's instructions regarding

the disbursement of the funds involved by the individual. At any time after filing the statement, the candidate may revoke the designation of an individual by filing with the Commission a signed written statement of revocation (in a standardized form developed by the Commission).

“(3) Upon the death of a candidate who has designated an individual for purposes of paragraph (1), funds in the accounts of each authorized committee of the candidate may be disbursed only under the direction and in accordance with the instructions of such individual, subject to the terms and conditions applicable to the disbursement of such funds under this Act or any other applicable Federal or State law (other than any provision of State law which authorizes any person other than such individual to direct the disbursement of such funds).

“(4) Nothing in paragraph (3) may be construed to grant any authority to an individual who is designated pursuant to this subsection other than the authority to direct the disbursement of funds as provided in such paragraph, or may be construed to affect the responsibility of the treasurer of an authorized committee for which funds are disbursed in accordance with such paragraph to file reports of the disbursements of such funds under section 304(a).”

(b) INCLUSION OF DESIGNATION IN STATEMENT OF ORGANIZATION OF COMMITTEE.—Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(7) in the case of an authorized committee of a candidate who has designated an individual under section 302(j) (including a second individual designated to carry out the responsibilities of that individual under such section in the event of that individual's death or incapacity or unwillingness to carry out the responsibilities) to disburse funds from the accounts of the committee in the event of the death of the candidate, a copy of the statement filed by the candidate with the Commission under such section (as well as a copy of any subsequent statement of revocation filed by the candidate with the Commission under such section).”

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to authorized campaign committees which are designated under section 302(e)(1) of the Federal Election Campaign Act of 1971 before, on, or after the date of the enactment of this Act.

□ 1100

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 749, a bill to amend the Federal Election Campaign Act. This bill will allow Federal election candidates to designate someone to disburse their campaign funds in the event of their death. The candidate would simply file an appropriate form with the FEC and could also revoke or change the designee at any time.

H.R. 749 will assure candidates for Federal office that the funds raised by their campaign committees will be distributed in accordance with their expressed wishes after they are deceased.

H.R. 749 is a commonsense fix to the Federal Election Campaign Act. It would provide clear direction to campaign treasurers, who face a wide range of conflicting and confusing State laws. I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself as much time as I may consume.

I am pleased to support H.R. 749, which will permit each Federal candidate to designate an individual who, in the event of the candidate's death, will be authorized to make arrangements for the disbursement of campaign funds.

Every private citizen who decides to become a candidate for public office is driven by issues that inspire and motivate them to want to serve. Often, those issues outlive the individuals who campaign for their ideals.

This bill will ensure that every Federal candidate will have the opportunity to appoint a trusted individual to distribute campaign funds after they have passed. I urge my colleagues to support H.R. 749.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield as much time as he may consume to the author, the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES. I want to thank the chairman and the ranking member for reintroducing this bill and moving it to the floor. Last year we passed this bill at the end of the session, and it went over to the Senate, and the Senate did not have enough time to move the bill.

It has been explained by Chairman BRADY and Mr. MCCARTHY the importance of this bill. There are times in a person's public life that they don't think about the time that they might be called by God. And this happened to my father, as a matter of fact.

I am going to explain the story with my father, just bring it to an end from

my standpoint of why I introduced this bill, to help other candidates who are running for office, to help incumbents, as both have said before me.

My father finished his 26 years in the United States House of Representatives in 1993, and he actually died that year, in the fall of that year. And as we found out, he was one of the last Members of Congress that could actually take the campaign account and use it for personal reasons.

As explained by the chairman, Mr. MCCARTHY, that has changed. Now those funds can be disbursed, given to a charity, can be given to a political party or whatever the individual decides to do.

Well, in my father's situation, the treasurer, a wonderful man, Tom Parrish, a lawyer who was handling my father's campaign account when my father passed, then the attorney in Farmville, North Carolina, where I am from, where my father was from, the attorney who was handling the estate called the treasurer and said we need to transfer those funds to Congressman Walter Jones, Sr.'s account. And the treasurer said, no, this cannot happen. By law, I am responsible for the disbursement and I, by law, cannot transfer the moneys. Anyway, it was resolved.

Now, as we know has been stated, that the campaign account, should a Member of Congress, the United States House or Senate pass on, then the Treasury would be responsible for disbursing those moneys. What this bill would do is allow that candidate or incumbent, sitting Member of the Congress, should that person be called by God, that then the family member that they designate will be able—or a friend, it could be a friend, but the family member would be able to be disburse those moneys knowing the wishes of that individual.

And I want to thank the chairman again, I want to thank Mr. MCCARTHY on the floor today. I think this is a bill that really will make it easy for a family should that Member die while he or she is serving in the United States House or Senate or be a candidate.

So, Mr. Chairman, I want to thank you very much for moving this bill again. I am going to work the Senate if this should pass the House.

Mr. MCCARTHY of California. I have no other speakers. I would just like to thank the gentleman for his work. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. I would also like to thank WALTER JONES for this make-sense resolution. I am in favor of this resolution and urge an “aye” vote.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 749.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1679) to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "House Reservists Pay Adjustment Act of 2009".

SEC. 2. REPLACEMENT OF LOST INCOME FOR HOUSE EMPLOYEES ON ACTIVE DUTY UNDER INVOLUNTARY MOBILIZATION ORDER.

(a) PAYMENT.—

(1) IN GENERAL.—For each active duty month of an eligible employee of the House of Representatives who is also a member of a reserve component of the armed forces, the Chief Administrative Officer of the House of Representatives shall pay to the employee the amount by which—

(A) the amount of regular compensation the employee would have received from the House of Representatives if the month had not been an active duty month, exceeds (if at all)

(B) the total monthly military compensation paid to the employee for the month by the Secretary of Defense.

(2) ELIGIBILITY.—An employee of the House of Representatives is eligible for purposes of paragraph (1) with respect to an active duty month if the employee was an employee of the House of Representatives during each day of the 90-day period which ends on the day on which the employee reports for active duty under an involuntary mobilization order.

(b) DETERMINATION OF COMPENSATION EMPLOYEE WOULD HAVE RECEIVED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of regular compensation an employee would have received from the House of Representatives for a month shall be equal to the amount of compensation the employee received from the House of Representatives for the base month (excluding any bonus or incentive payment made during the month), increased (in a compound manner) by any cost-of-living adjustments applicable to the compensation of employees of the Office of the Chief Administrative Officer for months occurring after the base month.

(2) BASE MONTH DEFINED.—For purposes of paragraph (1), the term "base month" means, with respect to an employee, the most recent month for which the employee received compensation from the House of Representatives which precedes the active duty month.

(c) SPECIAL RULES REGARDING AMOUNT OF PAYMENT.—

(1) REDUCTION FOR AMOUNTS PAID FROM OTHER SOURCES AS REPLACEMENT OF LOST INCOME.—The Chief Administrative Officer shall reduce the amount of any payment made to any individual under subsection (a) with respect to an active duty month by the amount of any payment received by the individual under section 910 of title 37, United States Code, or any other source that is provided to replace income lost by the individual during the month.

(2) MINIMUM AMOUNT REQUIRED FOR PAYMENT.—The Chief Administrative Officer shall not make a payment otherwise required under this section if the amount of the payment (as determined under subsection (a), taking into account the reduction made under paragraph (1)) is not greater than \$50.

(d) DEFINITIONS.—In this section—

(1) the term "active duty month" means, with respect to an employee of the House of Representatives who is also a member of a reserve component of the armed forces, any month during which the employee is not able to perform duties for the office of the employee's employing authority because the employee is on active duty under an involuntary mobilization order for a period of more than 30 days;

(2) the terms "armed forces", "active duty for a period of more than 30 days", and "reserve component" have the meaning given such terms in section 101 of title 37, United States Code; and

(3) the term "total monthly military compensation" has the meaning given such term in section 910(e)(2) of title 37, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for payments under this section.

(f) EFFECTIVE DATE.—This section shall apply with respect to active duty months beginning on or after the date of the enactment of this Act.

SEC. 3. ENSURING CONSISTENCY WITH CODE OF OFFICIAL CONDUCT.

Clause 8 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) Nothing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2009."

SEC. 4. CLARIFICATION OF ELIGIBILITY OF SURVIVORS FOR HOUSE GRATUITY.

The last undesignated paragraph under the center heading "House of Representatives" and the center subheading "Contingent Expenses of the House" in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), is amended by adding at the end the following: "Nothing in this paragraph may be construed to prohibit the Chief Administrative Officer from paying a gratuity to the widow, widower, or heirs-at-law of an employee of the House who dies during an active duty month (as defined in section 2(d) of the House Reservists Pay Adjustment Act of 2009)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on this bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 1679 will replace lost income for military reservists working for the House of Representatives when they are activated for more than 30 days. I introduced this bill after discussion with several House employees who also serve as members of armed services. When they are called up, these men and women must leave their homes, families and jobs, often for an undetermined and unpredictable amount of time.

While on active duty, men and women earn the wages of full-time servicemen and forfeit their regular salary. Many leading companies have helped families survive during this troubling time by paying the difference between their usual salary and their active-duty pay.

This bill would do the same thing for House employees. It requires the CAO to provide that supplement for House employees when they are activated involuntarily. This is a good bill that honors the devoted public service of House employees who not only serve as stewards of the democracy at home but as her defender abroad.

I thank the ranking member, Mr. LUNGREN, Mr. MCCARTHY and now Mr. HARPER for working with us on this legislation. I urge all Members to support it.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, April 21, 2009.

Hon. ROBERT A. BRADY, Chairman, Committee on House Administration, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN BRADY: We write to you regarding H.R. 1679, the "House Reservists Pay Adjustment Act of 2009."

H.R. 1679 contains provisions that fall within the jurisdiction of the Committee on Standards of Official Conduct. Specifically, Clause 8 of House Rule XXIII (the Code of Official Conduct), is amended to provide a new paragraph "(d)", providing that "[n]othing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2009." We write to confirm the mutual understanding of the Committee on House Administration and the Committee on Standards of Official Conduct that this provision does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Standards of Official Conduct to exercise its jurisdiction in this area in the future.

We recognize and appreciate your desire to bring this legislation before the House in an

expeditious manner and, accordingly, we do not plan to act on this bill prior to its consideration on the Floor. However, we agree to waive consideration of this bill with the mutual understanding that our decision to forgo action on the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Standards of Official Conduct over certain provisions in H.R. 1679.

Please place a copy of this letter and your response acknowledging the Committee on Standards of Official Conduct's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

We look forward to working with you as we prepare to pass this important legislation.

Sincerely,

ZOE LOFGREN,
Chair.
JO BONNER,
Ranking Republican
Member.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, April 21, 2009.

Hon. ZOE LOFGREN,
Chair, Committee on Standards of Official Conduct, House of Representatives, The Capitol, Washington, DC.

Hon. JO BONNER,
Ranking Republican Member, Committee on Standards of Official Conduct, House of Representatives, The Capitol, Washington, DC.

DEAR CHAIR LOFGREN AND RANKING REPUBLICAN MEMBER BONNER: Thank you for your April 21, 2009, letter regarding H.R. 1679, the "House Reservists Pay Adjustment Act of 2009".

I agree that certain provisions in H.R. 1679 are within the jurisdiction of the Committee on Standards of Official Conduct. I appreciate your willingness to waive rights to further consideration of H.R. 1679, and I acknowledge that through this waiver your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 1679. Specifically, I confirm our mutual understanding that Floor consideration of H.R. 1679 does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Standards of Official Conduct to exercise its jurisdiction in this area in the future.

This exchange of letters will be placed in the Congressional Record as part of the consideration of H.R. 1679 in the House. Thank you for the cooperative spirit in which you have interacted with the Committee regarding this matter. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

ROBERT A. BRADY,
Chairman.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself as much time as I may consume.

As a member of the House Administration Committee, I am pleased to support H.R. 1679, the House Reservists Pay Adjustment Act of 2009.

I congratulate Chairman BRADY for his leadership in introducing this bill, and I am pleased to support any measure that will alleviate some of the financial burden placed upon our military families.

The men and women of the United States Armed Forces, both Active Duty and Reservists, make many sacrifices

to protect our freedom. When called to active duty, Reservists are asked to spend time away from home, to selflessly put themselves in harm's way and, in many cases, to accept a salary that is less than what they would normally earn in civilian life.

The gap in pay experienced by these servicemen and -women often causes undue hardship to them and their families and increases the already heavy burden placed upon them as they leave for battle. I am pleased that this legislation will empower the House of Representatives to do its part to eliminate the financial hardship for those brave employees and their families.

I urge my colleagues to join me in supporting H.R. 1679.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1679, the "House Reservists Pay Adjustment Act of 2009". I would like to thank my colleague ROBERT BRADY for introducing this legislation. H.R. 1679 moves to require that the Chief Administrative Officer of the House of Representatives to pay an eligible House employee, who is also a member of a Reserve component of the Armed Forces, for each active duty month, the amount by which the employee's regular compensation from the House would have exceeded the total monthly military compensation paid to the employee for the active duty month by the Secretary of Defense.

The men and women in our Nation's reserve program are vital in our country's greatest time of need. They serve as military personnel, taking the time to stay trained and ready to serve this country at anytime when we as Congress vote to send them into combat. Their entire lives are put on hold, and families left behind to pick up the workload when a member is selected for active duty. They also hold civilian jobs like the employees covered under H.R. 1679, those employed by the House of Representatives. This commitment that they make to our country is much greater than the commitment we make today. In passing this legislation we can guarantee that the payment made to these soldiers by the House is the same when these employees are working as civilians or when they are called to active duty. As they watch a family member leave for service and questions of who will do the household duties that they usually perform. The worst thing we as Congress could do is ask them to take a pay cut.

Mr. Speaker, I urge my colleagues to support H.R. 1679, the "House Reservists Pay Adjustment Act of 2009". To require that the Chief Administrative Officer of the House pay House employees, who are also Reservists of the Armed Forces, for each active duty month the amount by which the employee's regular compensation from the House would have exceeded the total monthly military compensation.

Mr. MCCARTHY of California. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr.

BRADY) that the House suspend the rules and pass the bill, H.R. 1679.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CIVIL RIGHTS HISTORY PROJECT ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 586) to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights History Project Act of 2009".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) A fundamental principle of American democracy is that individuals should stand up for their rights and beliefs and fight for justice.

(2) The actions of those who participated in the Civil Rights movement from the 1950s through the 1960s are a shining example of this principle in action, demonstrated in events as varied as the Montgomery Bus Boycott, the sit-ins, the Freedom Rides, the March on Washington, the drive for voting rights in Mississippi, and the March to Selma.

(3) While the Civil Rights movement had many visible leaders, including Thurgood Marshall, Dr. Martin Luther King, Jr., and Rosa Parks, there were many others whose impact and experience were just as important to the cause but who are not as well known.

(4) The participants in the Civil Rights movement possess an invaluable resource in their first-hand memories of the movement, and the recording of the retelling of their stories and memories will provide a rich, detailed history of our Nation during an important and tumultuous period.

(5) It is in the Nation's interest to undertake a project to collect oral histories of individuals from the Civil Rights movement so future generations will be able to learn of their struggle and sacrifice through primary-source, eyewitness material. A coordinated Federal project would also focus attention on the efforts undertaken by various public and private entities to collect and interpret

articles in all formats relating to the Civil Rights movement, and serve as a model for future projects undertaken in museums, libraries, and universities throughout the Nation.

(6) The Library of Congress and the Smithsonian Institution are appropriate repositories to collect, preserve, and make available to the public a collection of these oral histories. The Library and Smithsonian have expertise in the management of documentation projects, and experience in the development of cultural and educational programs for the public.

(b) **PURPOSE.**—It is the purpose of this Act to create a new federally sponsored, authorized, and funded project that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of individuals who participated in the American Civil Rights movement that will build upon and complement previous and ongoing documentary work on this subject, and to assist and encourage local efforts to preserve the memories of such individuals so that Americans of all current and future generations may hear from them directly and better appreciate the sacrifices they made.

SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY OF CONGRESS AND NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF PARTICIPANTS IN AMERICAN CIVIL RIGHTS MOVEMENT.

(a) **ESTABLISHMENT OF PROJECT.**—

(1) **IN GENERAL.**—Within the limits of available funds, the Librarian of Congress (hereafter referred to as the “Librarian”) and the Secretary of the Smithsonian Institution (hereafter referred to as the “Secretary”), acting jointly, shall establish an oral history project—

(A) to survey, during the initial phase of the project, collections of audio and video recordings of the reminiscences of participants in the Civil Rights movement that are housed in archives, libraries, museums, and other educational institutions, as well as ongoing documentary work, in order to augment and complement these endeavors and avoid duplication of effort;

(B) to solicit, reproduce, and collect—

(i) video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and

(ii) visual and written materials (such as letters, diaries, photographs, and ephemera) relevant to the personal histories of individuals;

(C) to create a collection of the recordings and other materials obtained, and to catalog and index the collection in a manner the Librarian and the Secretary consider appropriate; and

(D) to make the collection available for public use through the Library of Congress and the National Museum of African American History and Culture, as well as through such other methods as the Librarian and the Secretary consider appropriate.

(2) **ROLE OF DIRECTOR OF MUSEUM.**—The Secretary shall carry out the Secretary's duties under this Act through the Director of the National Museum of African American History and Culture.

(b) **USE OF AND CONSULTATION WITH OTHER ENTITIES.**—The Librarian and the Secretary may carry out the activities described in subsection (a)(1) through agreements and partnerships entered into with other government and private entities, and may other-

wise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the project under this Act.

(c) **SERVICES OF EXPERTS AND CONSULTANTS; ACCEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAYMENTS.**—In carrying out activities described in subsection (a)(1), the Librarian and the Secretary may—

(1) procure temporary and intermittent services under section 3109 of title 5, United States Code;

(2) accept and utilize the services of volunteers and other uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized under section 5703 of title 5, United States Code; and

(3) make advances of money and payments in advance in accordance with section 3324 of title 31, United States Code.

(d) **TIMING.**—As soon as practicable after the enactment of this Act, the Librarian and the Secretary shall begin collecting video and audio recordings and other materials under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest individuals involved.

(e) **DEFINITION.**—In this Act, the term “Civil Rights movement” means the movement to secure racial equality in the United States for African Americans that, focusing on the period 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights legislation for all American citizens.

SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY PROJECT.

(a) **ENCOURAGING SOLICITATION AND ACCEPTANCE OF DONATIONS.**—The Librarian of Congress and the Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support activities under section 3.

(b) **DEDICATION OF FUNDS PROVIDED TO LIBRARY OF CONGRESS.**—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to support the activities of the Librarian under section 3 shall be deposited entirely into an account established for such purpose;

(2) the funds contained in such account shall be used solely to support such activities; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of supporting such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) \$500,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of the fiscal years 2011 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 586, which would create the Civil Rights History Project. The bill directs the Library of Congress and the Smithsonian Institution, through the Museum of African American History and Culture, to collaborate and establish an oral history project. This joint venture will collect and preserve audio and video recordings by participants in the civil rights movement.

A fundamental principle of our American democracy is that individuals stand up for their rights and beliefs, and pursue justice through peaceful action. Many who participated in the civil rights movement did so at great personal sacrifice. Their actions were heroic and tireless and challenged the practice of racial segregation in the Nation. They challenged the status quo and won equal rights for all American citizens.

Much of this history has never been written down from the perspective of those who were there. As these pioneers age, it is important that their memories of events are documented so that future generations can witness their testimony regarding the lives and times of that era. This bill would ensure that the record of this important period of our Nation's history is not lost.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such as much time as I may consume.

I am pleased to support H.R. 586, a bill that will allow for the collection and preservation of eyewitness accounts of the civil rights movement from the people who lived through it. This investment in history will allow future generations to both learn and be inspired by the sacrifice of those that came before them.

While some stories of prominent civil rights leaders are well-documented, there are many lesser-known experiences and accounts just as important to the cause and lessons we and future generations can learn. Now is the time to collect the stories of those that stood up for their rights and fought for justice.

I believe that this is an important piece of legislation that will provide future generations with the rich collection of oral accounts from individuals who lived through the civil rights movement, and I strongly urge my colleagues to support it.

Mr. BRADY of Pennsylvania. Mr. Speaker, I submit the following Committee report regarding H.R. 586:

PURPOSE OF THE LEGISLATION

H.R. 586, the Civil Rights History Project Act of 2009, would authorize funding to create a comprehensive compilation of audio

and video recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement.

BILL SUMMARY

H.R. 586 would direct the Library of Congress and the Smithsonian Institution's National Museum of African American History and Culture to jointly work to collect and preserve for posterity audio and video recordings of the memories and stories of individuals who participated in and witnessed first-hand the Civil Rights movement during the 1950s and 1960s.

As participants in the Civil Rights movement continue to age, it is important that memories and stories of those individuals who participated in events such as the sit-ins, the Freedom Rides, the drive for voting rights in Mississippi, and the March to Selma are documented so that future generations will be able to access original sources of information regarding the lives and times of that era.

The purpose of this Act is to coordinate at a national level the collection and the preservation of oral and video recordings. It will also serve to complement previous and ongoing documentary work on this subject.

COMMITTEE CONSIDERATION

H.R. 586 was introduced on January 15, 2009 by Representative Carolyn McCarthy of New York along with Representative John Lewis of Georgia. On March 25, 2009, the Committee considered H.R. 151 and, by voice vote, ordered the bill reported favorably without amendment. No recorded votes were taken during the consideration of the bill.

BACKGROUND AND NEED FOR H.R. 586

It is in the best interest of the Nation to undertake the Civil Rights History Project so that future generations will be able to learn of the struggles and sacrifices of those who participated in the Civil Rights movement. A basic principle of democracy is that individuals should stand up for their rights and beliefs and pursue justice. The Library of Congress and the Smithsonian Institution will join forces to develop an extensive collection of oral histories of those participants who played a part and witnessed the American Civil Rights movement.

The Library of Congress and the Smithsonian Institution have jointly signed a letter of intent outlining their agreement to carry out identified activities related to the project to the extent that funding for the project is available through appropriations or donations, specifically committing to create a detailed Memorandum of Understanding within two months of enactment of H.R. 586. That letter is appended to this report.

ANALYSIS OF THE BILL (AS REPORTED)

The Civil Rights History Project Act of 2009 requires the Librarian of Congress and the Secretary of the Smithsonian Institution (acting through the Director of the National Museum of African American History and Culture) to establish an oral history project to: (1) collect video and audio recordings of, and visual and written materials relevant to the personal histories of participants in the Civil Rights movement; and (2) make the collection available for public use through the Library of Congress and the Museum.

Section 1. Section 1 states the short title of the Act, the "Civil Rights History Project Act of 2009."

Section 2. Section 2 states that the participants in the civil rights movement hold an invaluable resource in their first-hand accounts of the era. The retelling of their

memories and stories will capture the real-life events and actions of those who participated in the civil rights movement from the 1950's through the 1960's. Much is known about the lives of Thurgood Marshall, Dr. Martin Luther King, Jr., Rosa Parks and other prominent leaders of the movement; however, there were many others whose impact and experience were just as important to the cause but whose stories are not well known or documented.

Section 3. Section 3 establishes the joint project at the Library of Congress and the National Museum of African American History and Culture. The initial phase of the project will be to survey the collections of audio and video recordings that are housed in various archives, libraries, museums, and other education institutions. The next step will be to solicit and collect materials that will create an extensive collection to be made available for public use through the Library of Congress and the National Museum of African American History and Culture.

Section 4. Section 4 requires private support for the Civil Rights History Project. Both the Librarian of Congress and the Smithsonian Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support the collection of materials.

Section 5. Section 5 authorizes appropriations to carry out this Act—

- 1) \$500,000 for Fiscal Year 2010; and
- 2) Such sums as may be necessary for each of the Fiscal Years 2011 through 2014.

MATTERS REQUIRED UNDER RULES OF THE HOUSE

Constitutional Authority

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration. The Committee cites the legislative power granted to Congress in Article I, Section 8, Clause 18.

COMMITTEE VOTES

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 586.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Clause 3(c)(3) of House Rules XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the CBA, if timely submitted. The Director submitted the following estimate:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 27, 2009.

HON. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.
DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 586, the Civil Rights History Project Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony, who can be reached at 226-2820.

Sincerely,

for DOUGLAS W. ELMENDORF,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MARCH 27, 2009.

H.R. 586 CIVIL RIGHTS HISTORY PROJECT ACT OF 2009

As ordered reported by the Committee on House Administration on March 25, 2009

H.R. 586 would direct the Librarian of Congress and the Secretary of the Smithsonian Institution to establish an oral history project to survey, solicit, reproduce, and collect audio and video recordings of participants in the Civil Rights movement. The bill would permit the Librarian and Secretary to solicit and accept donations of funds and in-kind contributions to support those activities. In addition, H.R. 586 would authorize the appropriation of \$500,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2014.

Based on information from the two agencies, and assuming appropriation of the necessary amounts, CBO estimates that enacting H.R. 586 would cost \$4 million over the 2010-2014 period.

Because H.R. 586 would allow the Librarian and Secretary to accept and spend donations for projects, enacting H.R. 586 could affect direct spending, but the spending would be offset by the amount of the donations, which would be credited as offsetting receipts. Thus, CBO estimates that enacting the provision would not have a significant net effect on direct spending.

H.R. 586 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

Federal Mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 586 includes no federal mandates.

Preemption Clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 586 is not intended to preempt any state or local law.

Oversight Findings

Clause 3(c)(1) of Rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility of the Library of Congress and the Smithsonian Institution. The Committee has included the findings in the body of the report.

Statement of General Performance Goals and Objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee believes enactment of the bill would enhance the collections at both the Library of Congress and the Smithsonian Institution. It would gather and preserve invaluable historical information, and provide additional resources to scholars for research, and to the public.

Congressional "Earmarks"

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions

to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items either as introduced or as reported to the House.

Congressional Accountability Act Applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub.L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation apply to the Legislative Branch. H.R. 586 does not impact any provisions covered by the CAA.

Changes in Existing Law Made by the Bill, as Reported

H.R. 586 makes no changes in existing law.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of my legislation, H.R. 586, the Civil Rights Oral History Project.

I want to thank Chairman BRADY and the Committee on House Administration for moving the bill to the Floor.

I also want to thank my lead co-sponsor on the bill, Congressman JOHN LEWIS of Georgia, himself a civil rights hero, for all of his help in developing and generating support for the bill.

Mr. LEWIS was at the forefront of the battle to end segregation and his contribution to ensuring equality in our country cannot be overstated.

I know I speak for all of my colleagues when I say that we are honored to serve with him and grateful for all that he has done and continues to do for all Americans as a steward of justice and equal rights.

We are fortunate to serve in Congress with several other influential civil rights leaders and I would like to extend a heartfelt "thank you" for their sacrifices and commitment to the cause of freedom.

The fight for civil rights was one of the most significant social and cultural movements in our Nation's history.

The will of a generation to right centuries of injustice changed the world we live in forever.

The leaders of the civil rights movement displayed tremendous courage and persistence to ensure that all Americans were treated equally and with dignity regardless of their ethnic backgrounds, race or origins.

Many leaders from all walks of life put their lives on the line to make it possible for all people to live freely and have the same fundamental rights.

In my Congressional District, there are many important leaders who fought to ensure equal rights for all Long Islanders.

Brave Americans like Irving C. McKnight from Roosevelt, Mr. McNeil from Hempstead, Mrs. Iris Johnson from Freeport, Fred Brewington and Sal Zaccaro from Malverne and so many others.

We can never overstate the contributions of our Nation's civil rights leaders.

Without their efforts many of the things we take for granted every day would not have come to pass.

It is vital that future generations know and understand the struggles and challenges of those that paved the way for us to live in a free Nation.

These brave Americans' stories must continue to be told to not only inspire future gen-

erations, but to remind people of what is possible in America and how far we have come.

Unfortunately, with each passing year, our Nation loses more and more of the people that played major roles in the struggle to secure equal rights for all Americans.

In recent years, we have lost great leaders like Mrs. Coretta Scott King and Mrs. Rosa Parks.

Thankfully, their stories have been well documented in the historic record, but there are many others who have already passed or whose memories are fading.

While we know so much about the lives of the leaders of the Civil Rights Movement, such as Dr. Martin Luther King, our colleague, Congressman JOHN LEWIS, and Thurgood Marshall, it is important that we learn about the everyday people of all races who took a stand during a pivotal time in our Nation's history.

There were so many people who were crucial to the civil rights movement, but have not had as much recorded about their experiences for the public record.

These were the people in many cases that were a part of some of the most significant battles in the fight for equality.

The workers in Memphis that went on strike and marched in protest with Dr. King, the students that held sit-ins at lunch counters in the south, the thousands of people that marched on Washington and witnessed the "I Have a Dream Speech" and the millions of Americans that stood up and worked in their own ways to make our country a better place for all people.

These people are heroes of the civil rights movement and we need to make sure that their stories are woven into the fabric of the American story.

That's why I have introduced the Civil Rights Oral History bill.

The purpose of the Civil Rights Oral History Bill is to catalogue and preserve the stories and experiences of the people who were involved with the civil rights movement.

This legislation stresses the importance of capturing the memories and deeds of the Civil Rights generation and will give us a unique insight into the experiences of the people that were really on the frontlines of the civil rights movement.

This bill will create a joint effort between the future National Museum of African American History and Culture and the Library of Congress to collect oral histories of the people that were involved in the civil rights movement and preserve their stories for future generations.

I urge my colleagues to support this bill and take the time to acknowledge the contributions of those great Americans who fought to make our Nation a more fair and just place.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 586, "Civil Rights History Project Act of 2009." I want to thank my colleague Congresswoman CAROLYN MCCARTHY of New York for introducing this legislation.

I urge my colleagues to support the "Civil Rights History Project Act of 2009," which will require the Librarian of Congress and the Secretary of the Smithsonian Institution (acting through the Director of the National Museum of African American History and Culture) to establish an oral history project to: (1) collect

video and audio recordings of, and visual and written materials relevant to the personal histories of, participants in the Civil Rights movement; and (2) make the collection available for public use through the Library of Congress and the Museum.

Mr. Speaker, I rise today to commemorate the progress we have made in casting out the demons of prejudice and discrimination. I rise today in recognition of the steps we have taken as a nation to get closer to the American creed that all men were created equal.

In the darkest days of slavery, the faith of our ancestors that one day their descendants would live in freedom helped them bear the unbearable burden of bondage. Through all the terrible years of Jim Crow's legalized segregation, the courage of our great-grandparents to provide for their children and maintain their dignity while enduring a hundred daily slights helped bring down the Jericho walls of de jure segregation. In the crucible of the Civil Rights Movement, the determination of our parents and grandparents to secure the full measure of equal treatment under law for themselves and their children changed America and made it better.

From the activism of Frederick Douglass, Sojourner Truth and Harriet Tubman during the abolitionist movement to the efforts of Rosa Parks, Martin King, Thurgood Marshall, and Fannie Lou Hamer during the civil rights movement, Americans have never lost faith in this country to expand democracy and provide true freedom for all Americans.

Now is the time to come together. Now is the time to reach down to our roots and call upon what is important to us. Now is the time to talk to each of our brothers and sisters and let them know that we have to come together on this issue.

The heart of what we have fought for so long is at stake now. We have fought and suffered to attain our place at the table of society, to show America and the rest of the world that diversity does work, that America will make good on its promise, that our society does accept people who are different from each other.

I am reminded of what the late Honorable Barbara Jordan said that "America's mission was and still is to take diversity and mold it into a cohesive and coherent whole that would espouse virtues and values essential to the maintenance of civil order. There is nothing easy about that mission. But it is not mission impossible."

Mr. Speaker, we should not now give up on this start. We must remember the struggles of those freedom fighters. I am reminded of the words of Dr. King when he was the minister at the Dexter Avenue Baptist Church in Montgomery, Alabama when he told a packed house the night before the bus boycott set off by Rosa Parks that they were in the process of making America whole. He told them, "If we are wrong, the Constitution of the United States is wrong. If we are wrong, Jesus of Nazareth was merely a utopian dreamer and never came down to earth. If we are wrong, justice is a lie. And we are determined to work and fight until justice runs down like water and righteousness like a mighty stream."

I urge my colleagues to support H.R. 586, because the most valuable tool, history, gives us is a frame of reference, a perspective, for

viewing our world. This Civil Rights History Project will provide us that magnificent perspective of our tremendous successes and failures in our quest for cultural freedom and acceptance. When we cut ourselves off from the past, either intentionally or simply through an ignorance of the past, we fall prey to every twist and turn, every immediate crisis that life brings along—with no power or stability to resolve those crises. If we ignore the past or are simply ignorant of what has happened before, we may fall prey to a sense of false security, a personal or cultural pride, which blinds us to possibilities all around us, stunting our moral and intellectual growth and limiting our options in every area of life.

Mr. Speaker, this is the challenge we face today and we have to stand up and be understood. We have to be understood that civil rights in America is about opportunity and is the natural extension of Aotir Bill of Rights. It creates a place at the table, a place where we deserve to be, a place that we have earned, a place where we belong. Keep hope alive. Let's not turn out the lights on civil rights.

Mr. BISHOP of Georgia. Mr. Speaker, America's Civil Rights movement was a great step forward for all of the citizens of this great nation. This movement has brought us one step closer to an America where one's race does not serve as a barrier against greater opportunity. This movement has allowed our great country to reach a point where any child—black or white, girl or boy, rich or poor—can dream of becoming President of the United States.

The Civil Rights movement is what allowed many of us in this chamber to be here, myself included. We, and the rest of America, owe a debt of gratitude to this movement and its courageous leaders. Many lived through this movement and fought for it. Others grew up surrounded by its stories.

Unfortunately, as the years go by, we are slowly losing some of our courageous Civil Rights leaders. Just recently, we have lost Civil Rights pioneers such as Mrs. Coretta Scott King and Mrs. Rosa Parks. It is vital that we preserve the stories of these heroes so that future generations will know of the struggles and sacrifices made on their behalf. For this reason, I am urging the passage of H.R. 586, the Civil Rights History Project Act of 2009.

This bill provides for the collection of oral histories from those individuals who were involved first hand in the struggles of the Civil Rights movement. This collection will be organized by the National Museum of African American History and Culture and the Library of Congress.

Now is the time for us to embark on this project. If we wait, we may lose this chance forever. The recorded retelling of these stories will provide a rich history for future generations. It will bring future students of this momentous era closer to the people who shaped it. The voices of the Civil Rights movement—voices which were lifted up in the cause of justice—deserve to be preserved for years to come.

Although the Civil Rights era was a tumultuous time for our country, it is also a time where the nation came out stronger as a whole. The Civil Rights Oral History Project

will celebrate this history and pave the way for future generations to realize what is possible when people come together.

Mr. MCCARTHY of California. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 586.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING EMANCIPATION HALL FOR UNVEILING SOJOURNER TRUTH BUST

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 86) authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 86

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF SOJOURNER TRUTH BUST.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on April 28, 2009, to unveil a bust of Sojourner Truth.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill authorizes the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

Born Isabella Baumfree in 1791 in upstate New York, Sojourner Truth is one of the lasting icons of the dark ages of slavery and an important symbol of the resiliency of the human spirit.

A slave for more than 20 years, Baumfree escaped to freedom in 1826, a year before the New York State Emancipation Act was passed. In 1843, Baumfree changed her name to Sojourner Truth, citing a religious awakening. For more than 40 years, Truth traveled the country preaching religious tolerance, pacifism and gender equality.

Sojourner Truth's lasting legacy is now being recognized in the form of a bust commissioned by Congress. Her image will grace Emancipation Hall, serving as a reminder of our capacity to change and our willingness to endure. I urge passage of this resolution to honor her history.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself as much time as I may consume.

I am pleased to support this resolution authorizing the use of the Capitol Visitor Center for the purpose of unveiling the bust of Sojourner Truth.

The ceremony will take place in Emancipation Hall, a site wholly appropriate for this remarkable woman who was born into slavery, emancipated and spent her adult life fighting for the rights of others.

In 1843, while in her mid-forties, she told her friends that she had been called by the Spirit. She changed her name to Sojourner Truth and embarked on a journey of activism. Upon her death more than 40 years later, Sojourner Truth traveled the country, preaching about abolition, women's suffrage and human rights.

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The inclusion of this work and the collection of arts and artifacts of the Capitol and the display of the bust in the Capitol Visitor Center fill the gap in the representation of historic Americans that contribute much to the betterment of this country.

I would like to take this opportunity to thank the National Congress of Black Women, who generously offered this bust and pedestal as a donation to the collection of the United States Capitol.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would now like to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the author of the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me thank the chairman of the House Administration Committee for his generosity and leadership, and we truly appreciate his being the epitome of the mayor of this great community. I thank the manager of this legislation as well.

I rise today, Mr. Speaker, because sometimes when we reflect on history, if we do not tell the truth of history, it is lost. It gives me a great privilege to come and to acknowledge the origins and the story of the placing of Sojourner Truth, an abolitionist and a suffragette, in the halls of the United States Capitol. Born in 1797, passing in 1883, she was truly an historical figure, and she was a vision of Dr. C. Delores Tucker, the original president of the National Congress of Black Women.

The story begins, as we look in the early years of my coming to the United States Congress, of the women who were characterized and sculptured as suffragettes. In fact, when I came, the stone sculpture was in the basement of this place. It was the leadership of the Women's Caucus, CAROLYN MALONEY, then the Chair, and others who wanted to lift that stone women's sculpture that represented the women who had been suffragettes to a presence of respect. We joined in that, women of all walks of life and all ethnic and racial backgrounds. But we noticed one difference: The presence of Sojourner Truth was not there. That became the cause of C. Delores Tucker, the late president, the former Secretary of State of the National Congress of Black Women. So we worked and worked.

I offer my appreciation to the now Speaker of the House, NANCY PELOSI, who was sensitive to this and has helped us to hold this wonderful ceremony next week. I offer my appreciation to the former Chair of the House Administration Committee, the Honorable Juanita Millender-McDonald, Congresswoman DIANE WATSON, and the many women who understood our plea to respect Sojourner Truth. I'm delighted to have carried the initial legislation and to have joined with my sisters in helping to propose the funding for this sculpture. We managed to do this in the short period of time that was given to us over a 2-year period and to recognize a woman that could be both a suffragette and an abolitionist. On this day, April 28, we will honor the idea of fighting for women's rights and the abolition of slavery, intertwined, a woman.

Might I also suggest to you that there is no African American woman sculpture in the entire body of this United States Capitol. There is one African American man, Dr. Martin Luther King, and a few pictures. We hope to see soon the statue of Rosa Parks. So we are making history on April 28, and, again, we are grateful for this.

Might I share with you the words of this young woman, Sojourner Truth, who explained what being a slave was all about. She was a powerful speaker. And she would tell listeners of how some slaves were kept cowed and afraid to act by beatings, sometimes with spikes, sticks, and chains. She, herself, as a teenager, had been taken into the barn by her master one afternoon for absolutely no reason and tied up by the wrists. Then he tore the shirt from her back and whipped her with a bundle of sticks until her back bled. In a voice contemporarily described as rich and deep, she described how she refused to give him the satisfaction of screaming by clenching her fists so hard, her fingernails drew blood from her palms. She was heard to have said when she was recognized by a speaker in the front of the room by saying, "Yes, sir, what do you want?" she said, and "Ain't I a woman?" Regal with a deep voice but committed to the fight.

And so I'm delighted that the National Congress of Black Women under the leadership of Dr. C. Delores Tucker provided us with the Sojourner Truth crusade. We thank her current president, Dr. E. Faye Williams, and we certainly thank all of those who worked with our office for providing this opportunity. Might I also thank the Senate sponsor who was a champion, Senator Hillary Rodham Clinton, now the Secretary of State, who worked without tiring to provide us the partnership on this legislation. ARLEN SPECTER, CARL LEVIN, Senator Lott were great champions of this effort.

Mr. Speaker and to the chairman, what we have is a fulfillment of the dream of Dr. C. Delores Tucker.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman.

Ms. JACKSON-LEE of Texas. And I am so glad that I was not only able to provide the legislation for holding this ceremony but the actual legislation to pass this House and this Senate in order to provide us with the presence of Sojourner Truth in the body of this United States Capitol.

Again, we could not do it without the chairman of the House Administration Committee, Chairman BRADY. We thank him again for his generosity and the ranking member. And I believe that what we will now do is tell the complete and full story that suffragettes came in many diverse forms, that of an ex-slave, an abolitionist, and a person who advocated for the freedom and empowerment of women. How proud I am to stand here as the author of the original legislation in the name and in tribute to Dr. C. Delores Tucker and as well the legislation that will allow us to celebrate this on April 28, Pay Parity Day, 2009.

I thank the Speaker for her leadership and her assistance in all of this.

May we be benefited for all the history that has been expanded in the Capitol.

Mr. Speaker, I stand in support of H. Con. Res. 86 to authorize the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of the bust of Sojourner Truth. As a senior Member of the Congressional Black Caucus, and a tireless advocate for minorities and women, I am honored to reintroduce this resolution.

Sojourner Truth was a towering figure among the founders of the movement for women's suffrage in the United States.

She was born Isabella Baumfree in 1797 in a plantation in upper New York. As a slave, she endured cruel and harsh beatings and rape. In late 1826, Ms. Truth escaped to freedom to the home of the Van Wagener's, who paid her owner \$20 to keep her from having to return to his plantation. She lived with the Van Wageners until the New York State Emancipation Act was approved a year later.

After living through 30 years of slavery, Sojourner Truth became a leading voice for the abolitionist and the equal rights for women movements. She was a suffragist before it was acceptable to be one and worked to end slavery and improve the conditions of African-Americans before, during, and after the Civil War.

In 1864, Sojourner Truth was received by then-President Lincoln in the White House. Today, we have our first African-American President, and our first woman Speaker of the House—it is truly time for Sojourner to be properly received in the Capitol.

Sojourner Truth said, "Truth is powerful and prevails". While she did not get to see her rights and those of women like her fully realized, Ms. Truth changed the evolution of the path which woman had to take, and continue to take, to gain equal rights. Ms. Truth is one of the founding mothers of the women's rights movement.

Depicting American history in full color instead of as an all-white occurrence is an ongoing enterprise. Omitting Sojourner Truth from the Portrait Monument, which includes Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton, now in the Rotunda of the Capitol, is the equivalent of memorializing the Declaration of Independence without Thomas Jefferson, or the Revolutionary War without George Washington.

The suffrage movement was not a white women's movement alone. Its ranks included woman of all races and ethnicities. These included African American, Hispanic, and Asian women. It included rich and poor alike. Sojourner Truth's now famous speech, "And Ain't I a Women?" at the 1851 Women's Rights Convention in Akron, Ohio rallied a crowd of dispirited and concerned group of Suffrage leaders.

The Congressional Black Caucus, particularly its women members, along with many women's organizations have long pushed for this day. For the first time ever, an African American woman will be represented and honored in the Capitol.

One woman in particular made it her mission to see that Sojourner Truth was memorialized on Capitol Hill. Dr. C. Dolores Tucker deserves much of the credit for making this day happen. She unfortunately cannot be here

to witness the result of her tremendous efforts because she passed away in October 2005. Dr. Tucker was a visionary leader and activist for women's and civil rights. She marched from Selma to Montgomery, Alabama with Dr. Martin Luther King in 1965. Later, she became the first woman to serve as a Secretary of State in 1971. As a member of the Democratic National Committee, Dr. Tucker was deeply involved in efforts to ensure that women were equally represented at all levels of the Democratic party, and she was a primary organizer of the women's caucus.

She was the founding chair in 1984 of the National Political Congress of Black Women, now called the National Congress of Black Women (NCBW). As chair of the NCBW, she fought to have Sojourner Truth included in the Portrait Monument.

In 1995, I learned of Dr. Tucker's efforts to have Sojourner Truth incorporated with the other Suffragists. After many meetings with the Architect of the Capitol, the Members of the Women's Caucus, the Members of the Congressional Black Caucus, and other stakeholders, legislation was ultimately introduced in 2005 to have a separate bust commissioned and installed in the Capitol. And now four years later, here we are.

While Ms. Truth has not yet been included in the portrait monument, it is in large part due to Dr. Tucker's work that Ms. Truth will be the first African-American woman with a statute on Capitol Hill.

I would also like to applaud the efforts of Michelle Battle, the National Council of Negro Women and the National Organization for Women, former Congresswoman Millender-McDonald, Congresswoman DIANE WATSON, and E. Faye Williams and the many other women and men who helped make this event possible.

The presence of this bust in the Capitol Hill will commemorate the struggle of women and African-Americans alike to gain equal rights in the United States. Mr. Speaker, I encourage my colleagues to join me in supporting H. Con. Res. 86 so that we may celebrate Sojourner Truth, a true American hero.

Mr. BRADY of Pennsylvania. I thank the gentlewoman for her remarks.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 86.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR APPOINTMENT OF DAVID RUBENSTEIN TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 8) providing for the appoint-

ment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Anne d'Harnoncourt of Pennsylvania is filled by the appointment of David M. Rubenstein of Maryland. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S.J. Res. 8 would appoint David Rubenstein as one of the public regents to serve on the Board of Regents for the Smithsonian Institution. The Board of Regents has nominated him to join their ranks, and legislation appointing him has been sponsored by all of the members who serve on the board.

Mr. Rubenstein is a co-founder and managing director of the Carlyle Group, one of the world's largest private equity firms. He holds an undergraduate degree from Duke University and a law degree from the University of Chicago. Before co-founding the Carlyle Group over 20 years ago, he had a distinguished career as an attorney in private practice, at the White House, and here on Capitol Hill.

Mr. Rubenstein also has a long history of giving back to the community. He serves on the boards of three of our Nation's most prestigious universities, as well as the Lincoln and Kennedy Centers for the Performing Arts and numerous other charities. He has demonstrated his service on the boards of the Museum of American History and the Museum of Natural History.

The members of the Committee on House Administration had an opportunity to meet with Mr. Rubenstein be-

fore bringing this nomination to the floor. We appreciated his thoughts regarding the future of the institution, and we are confident that he will be a positive addition to the board.

I urge the passage of this resolution. Mr. Speaker, I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Administration Committee, I am pleased to support the appointment of David Rubenstein to be a citizen regent of the Smithsonian Institution. Committee members recently had the opportunity to meet with Mr. Rubenstein, co-founder of the Carlyle Group, and we discussed the heightened expectations and increased responsibilities of the board as it continues to tackle the challenges faced by the institution.

Currently, the Smithsonian Institution is comprised of 19 museums that hosted over 25 million visitors last year, roughly five times the number of visitors that came to the U.S. Capitol. In addition to current facilities, the institution is slated to break ground on the National Museum of African American History and Culture in 2012, a project estimated to cost \$500 million. And just last year, the President signed the Consolidated Natural Resources Act of 2008, which established a commission to study the creation of a national museum dedicated to the art, culture, and history of the Latino community in the United States.

The Smithsonian, like every other growing complex organization, faces unique operational challenges. Yet the institution's core mission, first articulated by James Smithson in 1826, to be "an establishment for the increase and diffusion of knowledge" still stands the test of time.

Through his philanthropy, Mr. Rubenstein has already demonstrated a commitment to James Smithson's original vision. When the last privately owned copy of the Magna Carta became available for purchase, Mr. Rubenstein bought this priceless artifact and then permanently lent it back to the National Archives. Mr. Rubenstein's indisputable dedication to philanthropy coupled with his keen business sense will be a welcome addition at the institution, and I urge my colleagues to join me in supporting his appointment to the Smithsonian Board of Regents.

Ms. MATSUI. Mr. Speaker, today I rise in support of S.J. Res. 8, a bill to nominate David M. Rubenstein to the Smithsonian Board of Regents. As a Member of the Board of Regents' Governance and Nominating Committee which selected Mr. Rubenstein to join the Board, I wanted to express my support for moving his nomination.

Mr. Rubenstein is a native of Baltimore and graduated magna cum laude from Duke, and from the University of Chicago Law School, where he was editor of the law review.

Mr. Rubenstein is Co-Founder and Managing Director of The Carlyle Group, one of

the world's largest private equity firms. David is widely respected for his business prowess.

The Smithsonian, like many institutions during these challenging economic times, faces serious funding issues . . . and it is more important than ever to have Members of the Board with financial expertise.

As part of our Governance efforts, we specifically adopted policy changes that turned the corner toward stronger oversight and accountability, including adopting regent description. These expectations of Regents include overseeing the Smithsonian's mission, as well as attending regular committee and full Board meetings.

As such; we searched to find someone like David Rubenstein. Someone who is committed to giving back to his community; he is, on the Board of Directors of Duke, the Kennedy Center and the Lincoln Center for Performing Arts, among others.

And who has committed to moving the Smithsonian forward during these challenging economic times; he has helped the Carlyle Group grow to a firm with 33 offices around the world.

Today, Mr. Rubenstein is being nominated for the vacant seat that Anne d'Harnoncourt held. Anne was a great colleague on the Board and truly committed to the Smithsonian's mission. She was also chief executive officer of the Philadelphia Museum of Art from 1982 until her death in 2008.

An acclaimed author and internationally respected art historian and administrator, she has been a part of the Smithsonian Institution since 1974. Serving on the Board of Regents from 1995 until 2007 and was awarded Regent Emerita status. Her early death was a tragic loss to the arts community and to the Smithsonian, and she is missed.

Her dedication to the Smithsonian's mission of the increase and diffusion of knowledge is something that David Rubenstein shares. And I look forward to serving with him on the Board of Regents to promote the Smithsonian's mission in the 21st century. I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 8.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR ACCEPTANCE OF RONALD REAGAN STATUE

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 101) providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California

for placement in the United States Capitol.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 101

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF RONALD WILSON REAGAN FROM THE PEOPLE OF CALIFORNIA FOR PLACEMENT IN UNITED STATES CAPITOL.

(a) IN GENERAL.—The statue of Ronald Wilson Reagan furnished by the people of California for placement in the United States Capitol in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of California for providing this commemoration of one of California's most eminent persons.

(b) PRESENTATION CEREMONY.—The State of California is authorized to use the rotunda of the Capitol on June 3, 2009, for a presentation ceremony for the statue accepted under this section. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the rotunda of the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the acceptance of a statue of Ronald Reagan from the State of California and authorizes the use of the Capitol Rotunda for an unveiling ceremony. Title II of the United States Code allows for each State to choose no more than two statues to represent that State in the Statuary Hall collection. The State of California has chosen to replace the statue of Thomas Starr King. The new statue represents Ronald Reagan, who served as President of the United States from 1981 to 1989. I urge that the House pass this resolution for the ceremony acceptance of the statue.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

One of the advantages of having spent a little time around the House of Representatives besides your hair turning gray is that I'm now the senior Republican Member of the delegation and thereby have the privilege of carrying this resolution on behalf of the Members of the House. So, Mr. Speaker, it is my privilege to introduce H. Con. Res. 101 to accept the statue of Ronald Reagan from the people of California for placement in the United States Capitol.

This bill authorizes the State of California to use the Rotunda of the Capitol on June 3, 2009, for a presentation ceremony. The Architect of the Capitol shall display the statue in the Rotunda. The current statue of Thomas Starr King will be relocated to a suitable place in Sacramento, California.

I am honored to have both known and worked with Ronald Reagan both when he was Governor and, of course, as President of the United States. One of the great leaders of the 20th century, Ronald Reagan. His contributions on behalf of freedom around the world are unparalleled since the end of World War II. There is no more Cold War. There is no more Berlin Wall. There is no worldwide threat of Communist dictatorship because of the leadership of President Ronald Reagan.

When the history of our time is written, the accomplishments of President Reagan will shine out. He made America the land of opportunity once again and brought the breath of freedom to millions of people around the world who had spent decades under the yoke of tyranny.

□ 1130

His memory will live on among all the free and loving people around the world.

Mr. Speaker, a statue of Ronald Reagan in the U.S. Capitol is a fitting tribute to one of the most significant leaders of our time. I urge swift passage of H. Con. Res. 101.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I rise to join him in stating what a tremendous action we are taking by bringing the statue of Ronald Reagan to the Capitol. We are sorry that our colleague, the distinguished ranking member of the Committee on Administration, Mr. LUNGREN, couldn't be here today, but I know that he and our colleague KEN CALVERT have worked long

and hard to get us to this day, and I believe that it is going to be a great thing.

It is very fitting, I think, that as we just 3 months ago marked the 20th anniversary of the end of Ronald Reagan's Presidency, that we look at where we are as we deal with the challenges that exist.

Clearly the hallmark of the Reagan Presidency and his philosophy was a very staunch belief in the power of free markets and free peoples. This belief led President Reagan to increase American prosperity, and, as my colleague Mr. LEWIS has just pointed out, champion the cause of democracy and political freedom around the globe, bringing down the Berlin Wall and bringing the Soviet Union to its knees.

Unfortunately, as we look at the challenges that we are dealing with today, there are many demagogues who have pounced on our current economic crisis to cynically advance what are, unfortunately, anti-free market principles. They try to exploit the anxieties and uncertainties of the current situation by claiming that economic freedom inevitably led to the downturn that we are going through today and the only solution is to dramatically increase the nanny-state view of government.

Mr. Speaker, they clearly ignore the true causes of the crisis that we are dealing with today: regulators who failed to do their jobs, individuals who borrowed irresponsibly and banks that lent irresponsibly, government efforts to interfere in the housing market and artificially drive up demand, and unchecked government-sponsored enterprises that behaved recklessly. These are the kinds of things that led to the challenges that we are dealing with, not the failure of the free market.

That is why I think it is important for us to note that Ronald Reagan's vision was a very important one, and I believe passionately that we should, as we are going through the economic challenges that we face, provide the prescription that Ronald Reagan did in 1981 by bringing about broad across-the-board marginal rate reduction to stimulate economic growth, because growth is clearly the single best way for us to deal with the economic crisis that we have, with the debt that has been accumulated, and to deal with the necessary Federal spending that is out there.

Mr. Speaker, one of the great things that Ronald Reagan was known for was his sense of optimism. So I have got to say that I believe fervently, as Ronald Reagan would have if he were here today, that our economy is going to recover. I think that it is going to recover in spite of, not because of the things that we are doing here in the United States Congress and here in Washington, D.C., but we are going to recover because we are Americans.

Now, at the base of this statue that is going to be in the Great Rotunda, unveiled, as Mr. LEWIS has said, on June 3, there are three great statements, and they all come down to the very simple directive that Ronald Reagan always had, and that is America's best days are ahead of us, and by virtue of that, we have to continue to remain optimistic. Using that Reagan spirit, as we deal with the challenges through which virtually every American is going today, is very, very important to us. So I strongly support this resolution.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. Mr. Speaker, today I rise in strong support of H. Con. Res. 101, providing for the acceptance of the statue of Ronald Reagan from the people of California for placement in the United States Capitol.

First, I would like to thank my colleagues who joined me in the original letter requesting the California legislature to pass a resolution to bring the statue of Ronald Reagan to the United States Capitol. A special thanks goes to California State Senator Dennis Hollingsworth for leading the effort and carrying the resolution in the State legislature. I would also like to thank the Ronald Reagan Presidential Foundation for their support and work in bringing the statue to the Capitol, and also artist Chris Fagan, who I am sure did a remarkable job in sculpting the statue of Ronald Reagan.

In my 16 years in the House, initiating the effort to bring the statue of President Reagan to our Nation's Capitol has been one of my greatest privileges. Like many people, President Reagan helped shape my political views as a young man, and as the co-chair of his Riverside County campaign back in the day, I was, of course, very proud to see him succeed in becoming the 40th President of the United States.

As we find ourselves today struggling with hardship and conflict, President Reagan was also confronted with a troubled economy and uncertain times, not just as the Governor of California, but later as President of the United States. In both cases, his characteristic optimism and can-do attitude helped meet those challenges.

Ronald Reagan was elected the 33rd Governor of the State of California in 1967 and during his administration led California toward a "Creative Society," one that "turns away from increasing reliance on government and leads toward renewed respect for—and greater reliance on—the collective genius and common sense of the people."

As President, he inherited an economy facing double-digit unemployment and inflation. President Reagan initiated sweeping economic reforms, deep across-the-board tax cuts and implemented sound monetary policies to contain inflation. His policies resulted in bringing the economy out of recession and turning it into the largest peacetime economic boom in American history.

The country also faced the continuation of a 35-year-long Cold War. President Reagan, in his famous June 1982 speech in the British Parliament, described "a plan and a hope for the long term, the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people."

Five years later, Reagan delivered his courageous address at the Brandenburg Gate in West Berlin near the infamous wall and demanded, "Mr. Gorbachev, tear down this wall." This was the beginning of the end of the Cold War and also signified a new beginning for relations between the United States and Russia.

Mr. Speaker, there were many accomplishments for me to name here, but it is clear that President Reagan was a Californian, an American and a patriot. California is proud to have such a leader as both Governor of our State and President of our Nation who brought so much greatness to the world.

Today, I encourage all of my colleagues to support the resolution and bring the statue of President Ronald Reagan to the Capitol so that visitors from all over the world can honor the man who declared America's destiny is "to be a shining city on the hill for all mankind to see."

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve my time.

Mr. CALVERT. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from California (Mr. LEWIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Mr. Speaker, I would like to first thank the gentleman for his work and also our colleague JERRY LEWIS for his work.

I rise today in support for House Concurrent Resolution 101. President Ronald Reagan was first known widely to the public as a beloved actor. Ronald Reagan became president of the Screen Actors Guild, a two-term Governor of California, and then a two-term President of the United States.

During his time in office as President, Ronald Reagan tamed inflation,

reduced America's tax burden, and faced down the Soviet empire, delivering millions from tyranny.

Speaking at the Berlin Wall on June 12, 1987, President Reagan challenged Soviet General Secretary Gorbachev to bring down the Iron Curtain. Standing at the Brandenburg Gate, Reagan declared, "If you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall."

Upon his death in 2004, when Ronald Reagan was lying in State in the Rotunda, Gorbachev came and paid silent tribute to his erstwhile adversary. Fittingly, in the same Rotunda, the statue of President Ronald Reagan will remain permanently, with a ring of fragments from the Berlin Wall embedded in its pedestal.

President Reagan once said, "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit." While placement of the statue in the Capitol Rotunda does not, in my opinion, offer due credit to the 40th President, by recognizing him in this manner the people of California ensure that Ronald Reagan will have a lasting and symbolic presence for the countless future generations of Americans visiting the United States Capitol.

I would like to thank the former First Lady, Nancy Reagan, and the Ronald Reagan Presidential Library for their tireless work in this tribute. Along with my colleagues KEN CALVERT and JERRY LEWIS, they have been a driving force behind this effort.

Mr. BRADY of Pennsylvania. Mr. Speaker, I continue to reserve.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to our newest Member from the State of California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the statue of Ronald Reagan could not possibly be arriving here at the United States Capitol at a more appropriate time in the history of our Nation. In these difficult days, we need to remind ourselves as a Nation what it was like when it truly was morning again in America.

They say it is always darkest before the dawn, and Ronald Reagan took office at a far more difficult time than the one we are having right now. We tend to forget double-digit unemployment, double-digit inflation, interest rates above 20 percent, mile-long lines around gas stations, American embassies seized with impunity, and an American military so weak it couldn't mount a simple rescue mission.

The arrival of this statue and all that it represents is a potent reminder that when our Nation has drifted off course, we have always found our way back to those grand and uniquely American principles of individual rights, personal responsibility, limited government and

free enterprise that define us as a people.

It is true, Ronald Reagan was a great communicator. But as William Saracino has said, Reagan wasn't communicating cookie recipes. He was communicating the self-evident truths of the American tradition. And those truths resonated throughout the Nation and ultimately produced that bright moment when we realized that it indeed was morning again in America.

May this statue of Ronald Reagan remain here always as a promise that America's greatest days still lie ahead and that our founding principles will always shine as a bright beacon toward a safe harbor in the stormy tempests we have encountered and that we have yet to encounter.

Mr. BRADY of Pennsylvania. Mr. Speaker, I continue to reserve my time.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Speaker, I stand before you to speak of a statesman whose statue will stand tall in the halls of the Capitol, whose character and service to his country will long outlast the 8 years of his Presidency, and whose positive influence on America will endure forever. I stand before you to speak today about a statesman who I have long admired. That statesman was our 40th President, Ronald Reagan.

When Ronald Reagan took office in 1981, the economy was struggling with high unemployment, high interest rates, and Americans were looking for hope. President Reagan brought commonsense values to this country and to Washington. He reduced the tax burden on Americans and helped those small businesses that were struggling. He gave us that confidence and hope that we needed as a country.

His leadership reached far beyond America, as his peace-through-strength approach to rebuilding our military and supporting missile defense, among other things, helped bring an end to communism in the former Soviet Union, giving freedom to millions of people across Eastern Europe.

It is also very personal to my family. My 19-year-old special needs son, Livingston, has collected 45 Ronald Reagan books so far that he has in his office, in his room at home, and he is looking forward to coming to the June 3 ceremony. It is a special event for our family.

This statue will be a constant reminder of the hope he gave us as we continue to our "rendezvous with destiny."

□ 1145

Mr. BRADY of Pennsylvania. I will continue to reserve, Mr. Speaker.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I'm honored to be here to pay tribute to a man known by many and whose influence can be seen throughout the world today.

During his life he was president of the Screen Actors Guild; he was a fan of FDR and his New Deal policies; he was a registered Democrat but became a registered Republican; and he was also a member of the media. Doesn't sound like a person I normally would pay tribute to.

However, he was also an Army officer, he served as 33rd Governor of the State of California; and almost single-handedly won the Cold War. He had the eternal sense of optimism. He summarized it best in this quote: "It's morning in America."

And today we consider the measure which would authorize a statue of Ronald Reagan to be displayed here in this Capitol. It's a fitting tribute. Ronald Reagan arguably is one of the most influential persons in the 20th century. And there's no doubt that the world is a better place because Ronald Reagan was here. You can just ask the millions of people in Eastern Europe that are free today and have freedom because that wall, as he demanded, came down.

Ronald Reagan ushered in a new era, "Reagan Revolution," as it came to be called, and swept across every aspect of America, from the executive branch to the legislative branch and the judicial branch.

Ronald Reagan pursued policies that reflected his personal belief in the worth of the individual. He stood up for the little guy. He advocated small Federal government and more power to the people to make decisions for themselves and their communities. He believed in the sanctity of the Constitution, federalism, a balanced budget and a strong military. He established policies consistent with all of those beliefs.

Ronald Reagan once said, "Each generation goes further than the generation preceding it because it stands on the shoulders of that generation." That statement is true, and I believe our children and our children's grandchildren are better off because they're standing on the shoulders of this great American statesman.

And that's just the way it is.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. CALVERT. May I inquire of the gentleman if he has any speakers?

Mr. BRADY of Pennsylvania. No, I don't.

Mr. CALVERT. I'll give the closing remarks, Mr. Speaker.

In closing, June 3 will be a great day here in the United States Capitol, a great day for our State of California, and certainly, I believe, a great day for America and for the world who appreciated Ronald Reagan's leadership. This was truly a remarkable American. So we look forward to gathering together with the former First Lady and

with other people who will come from throughout the United States and throughout the world to pay tribute to this great man.

Mr. SESSIONS. Mr. Speaker, I rise in memory of Ronald Reagan and his accomplishments as our nation's 40th president. He was a legendary president, skilled actor, and loving husband and father to his family.

Today, we pay tribute to a great American, a man who deeply loved this country. In the midst of darkness, Reagan showed no fear—staring down the face of communism and ultimately leading us to victory in the Cold War. He exhibited unprecedented leadership during a period in our history when our economy seemed bleak, our enemies surrounded us, and the fight against Soviet Communism pushed against our ideals of freedom and democracy. Even after an assassination attempt in 1981, Reagan quickly returned to duty with tremendous grace and ease, giving us a mere glimpse of his strength and determination to better our country. Known as the "Great Communicator," Reagan had an amazing gift of connecting with the public, instilling us with a sense of pride as Americans. President Reagan once stated, "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit." Certainly, these words ring loud and true today in the halls of Congress, reminding us that we are merely servants of the American public.

I wholeheartedly support today's resolution for the acceptance of a statue of President Reagan to be placed in the U.S. Capitol. Mr. Speaker, I ask my esteemed colleagues to join me in supporting this resolution and in expressing our heartfelt gratitude for Ronald Reagan's service to our great Nation.

Mrs. BACHMANN. Mr. Speaker, I rise today to give my support to H. Con. Res. 101 that would forever honor America's 40th President, Ronald Reagan. Both as Governor of California and as our nation's Chief Executive, Reagan faced domestic and international struggles with optimism and decorum that assured us all, "It's morning again in America." President Reagan captured the hearts and minds of Americans by following in the footsteps of our Founding Fathers in advocating less government, private enterprise and a managed budgetary approach.

At a time when we are unsure of our economic future and deal precariously with the nations of the world, a figure of Reagan would serve as a simple reminder that confidence in our country's potential is necessary to our success today. President Reagan once told us, "I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life."

Mr. Speaker, I rise to show my support for honoring President Reagan in this way. It is a gesture appropriate to the legacy he left us as a leader and as an American.

Mr. CALVERT. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr.

BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 101.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTRONIC DEVICE RECYCLING RESEARCH AND DEVELOPMENT ACT

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1580) to authorize the Administrator of the Environmental Protection Agency to award grants for electronic waste reduction research, development, and demonstration projects, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Device Recycling Research and Development Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The volume of electronic devices in the United States is substantial and will continue to grow. The Environmental Protection Agency estimates that over 2 billion computers, televisions, wireless devices, printers, gaming systems, and other devices have been sold since 1980, generating 2 million tons of unwanted electronic devices in 2005 alone.

(2) Electronic devices can be recycled or refurbished to recover and conserve valuable materials, such as gold, copper, and platinum. However, according to the Environmental Protection Agency, only 15 to 20 percent of electronic devices discarded from households reach recyclers.

(3) The electronic device recycling industry in the United States is growing; however, challenges remain for the recycling of electronic devices by households and other small generators. Collection of such electronic devices is expensive, and separation and proper recycling of some of the materials recovered, like lead from cathode-ray tube televisions, is costly.

(4) The export of unwanted electronic devices to developing countries also presents a serious challenge. The crude methods of many of the recycling operations in these countries can expose workers to harmful chemicals, jeopardizing their health and polluting the environment.

(5) Some of the challenges to increasing the recyclability of electronic devices can be addressed by improving the logistics and technology of the collection and recycling process, designing electronic devices to avoid the use of hazardous materials and to be more easily recycled, and encouraging the use of recycled materials in more applications.

(6) The public currently does not take full advantage of existing electronic device recycling opportunities. Studying factors that influence behavior and educating consumers

about responsible electronic device recycling could help communities and private industry develop recycling programs that draw more participation.

(7) The development of tools and technologies to increase the lifespan of electronic devices and to promote their safe reuse would decrease the impact of the production of electronic devices on the environment and likely increase the recyclability of such devices.

(8) Accurately assessing the environmental impacts of the production of electronic devices and the recycling of such devices is a complex task. Data, tools, and methods to better quantify these impacts would help policymakers and others determine the best end-of-life management options for electronic devices.

SEC. 3. ELECTRONIC DEVICE ENGINEERING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Administrator shall award multiyear grants to consortia to conduct research to create innovative and practical approaches to manage the environmental impacts of electronic devices and, through the conduct of this research, to contribute to the professional development of scientists, engineers, and technicians in the fields of electronic device manufacturing, design, refurbishing, and recycling. The grants awarded under this section shall support research to—

(1) increase the efficiency of and improve electronic device collection and recycling;

(2) expand the uses and applications for materials recovered from electronic devices;

(3) develop and demonstrate environmentally friendly alternatives to the use of hazardous and potentially hazardous materials in electronic devices and the production of such devices;

(4) develop methods to identify, separate, and remove hazardous and potentially hazardous materials from electronic devices and to reuse, recycle, or dispose of such materials in a safe manner;

(5) reconsider product design and assembly to facilitate and improve refurbishment, reuse, and recycling of electronic devices, including an emphasis on design for recycling;

(6) conduct lifecycle analyses of electronic devices, including developing tools and methods to assess the environmental impacts of the production, use, and end-of-life management of electronic devices and electronic device components;

(7) develop product design, tools, and techniques to extend the lifecycle of electronic devices, including methods to promote their upgrade and safe reuse; and

(8) identify the social, behavioral, and economic barriers to recycling and reuse for electronic devices and develop strategies to increase awareness, consumer acceptance, and the practice of responsible recycling and reuse for such devices.

(b) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(c) APPLICATIONS.—A consortium shall submit an application for a grant under this section to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require. The application shall include a description of—

(1) the research project that will be undertaken by the consortium and the contributions of each of the participating entities, including the for-profit entity;

(2) the applicability of the project to reduce impediments to electronic device recycling in the electronic device design, manufacturing, refurbishing, or recycling industries;

(3) the potential for and feasibility of incorporating the research results into industry practice; and

(4) how the project will promote collaboration among scientists and engineers from different disciplines, such as electrical engineering, materials science, and social science.

(d) **DISSEMINATION OF RESEARCH RESULTS.**—Research results shall be made publicly available through—

(1) development of best practices or training materials for use in the electronic device manufacturing, design, refurbishing, or recycling industries;

(2) dissemination at conferences affiliated with such industries;

(3) publication on the Environmental Protection Agency's Web site;

(4) demonstration projects; or

(5) educational materials for the public produced in conjunction with State governments, local governments, or nonprofit organizations on problems and solutions related to electronic device recycling and reuse.

(e) **FUNDING CONTRIBUTION FROM FOR-PROFIT MEMBER OF CONSORTIUM.**—The for-profit entity participating in the consortium shall contribute at least 10 percent of the total research project cost, either directly or with in-kind contributions.

(f) **PROTECTION OF PROPRIETARY INFORMATION.**—The Administrator—

(1) shall not disclose any proprietary information or trade secrets provided by any person or entity pursuant to this section;

(2) shall ensure that, as a condition of receipt of a grant under this section, each member of the consortium has in place proper protections to maintain proprietary information or trade secrets contributed by other members of the consortium; and

(3) if any member of the consortium breaches the conditions under paragraph (2) or discloses proprietary information or trade secrets, may require the return of any funds received under this section by such member.

(g) **BIENNIAL REPORT.**—Within 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall transmit a report to Congress that provides—

(1) a list of the grants awarded under this section;

(2) the entities participating in each consortium receiving a grant;

(3) a description of the research projects carried out in whole or in part with funds made available under such a grant;

(4) the results of such research projects; and

(5) a description of the rate and success of the adoption or integration of such research results into the manufacturing processes, management practices, and products of the electronics industry.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section:

(1) \$18,000,000 for fiscal year 2010.

(2) \$20,000,000 for fiscal year 2011.

(3) \$22,000,000 for fiscal year 2012.

SEC. 4. NATIONAL ACADEMY OF SCIENCES REPORT ON ELECTRONIC DEVICE RECYCLING.

(a) **IN GENERAL.**—In order to better recognize gaps and opportunities in the research and training programs established in this Act, the Administrator shall enter into an

arrangement with the National Academy of Sciences for a report, to be transmitted to Congress not later than 1 year after the date of enactment of this Act, on—

(1) opportunities for and barriers to—

(A) increasing the recyclability of electronic devices, specifically addressing—

(i) recycling or safe disposal of electronic devices and low value materials recovered from such devices;

(ii) designing electronic devices to facilitate reuse and recycling; and

(iii) the reuse of electronic devices; and

(B) making electronic devices safer and more environmentally friendly, specifically addressing reducing the use of hazardous materials and potentially hazardous materials in electronic devices;

(2) the environmental and human health risks posed by the storage, transport, recycling, and disposal of unwanted electronic devices;

(3) the current status of research and training programs to promote the environmental design of electronic devices to increase the recyclability of such devices; and

(4) any regulatory or statutory barriers that may prevent the adoption or implementation of best management practices or technological innovations that may arise from the research and training programs established in this Act.

(b) **RECOMMENDATIONS.**—The report under subsection (a) shall identify gaps in the current research and training programs in addressing the opportunities, barriers, and risks relating to electronic device recycling, and the report shall recommend areas where additional research and development resources are needed to reduce the impact of unwanted electronic devices on the environment.

SEC. 5. ENGINEERING CURRICULUM DEVELOPMENT GRANTS.

(a) **GRANT PROGRAM.**—The Administrator, in consultation with the Director of the National Science Foundation, shall award grants to institutions of higher education to develop curricula that incorporate the principles of environmental design into the development of electronic devices—

(1) for the training of electrical, mechanical, industrial, manufacturing, materials, and software engineers and other students at the undergraduate and graduate level; and

(2) to support the continuing education of professionals in the electronic device manufacturing, design, refurbishing, or recycling industries.

(b) **ELIGIBLE ENTITIES.**—The term “institution of higher education”, as such term is used with respect to eligibility to receive a grant under subsection (a)(2), includes any institution of higher education under section 101(b) of the Higher Education Act of 1965 (20 U.S.C. 1001(b)).

(c) **OUTREACH TO MINORITY SERVING INSTITUTIONS.**—The Administrator shall conduct outreach to minority serving institutions for the purposes of providing information on the grants available under this section and how to apply for such grants.

(d) **MERIT REVIEW; COMPETITION.**—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(e) **USE OF FUNDS.**—Grants awarded under this section shall be used for activities that enhance the ability of an institution of higher education to broaden the undergraduate and graduate-level engineering curriculum or professional continuing education curriculum to include environmental engineering design principles and consideration of product lifecycles related to electronic de-

vices and increasing the recyclability of such devices. Activities may include—

(1) developing and revising curriculum to include multidisciplinary elements;

(2) creating research and internship opportunities for students through partnerships with industry, nonprofit organizations, or government agencies;

(3) creating and establishing certificate programs; and

(4) developing curricula for short courses and continuing education for professionals in the environmental design of electronic devices to increase the recyclability of such devices.

(f) **APPLICATION.**—An institution of higher education seeking a grant under this section shall submit an application to the Administrator at such time, in such manner, and with such information and assurances as the Administrator may require.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section:

(1) \$5,000,000 for fiscal year 2010.

(2) \$5,150,000 for fiscal year 2011.

(3) \$5,304,000 for fiscal year 2012.

SEC. 6. ENVIRONMENTALLY FRIENDLY ALTERNATIVE MATERIALS PHYSICAL PROPERTY DATABASE.

(a) **IN GENERAL.**—The Director shall establish an initiative to develop a comprehensive physical property database for environmentally friendly alternative materials for use in electronic devices.

(b) **PRIORITIES.**—The Director, working with the electronic device design, manufacturing, or recycling industries, shall develop a strategic plan to establish priorities and the physical property characterization requirements for the database described in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section:

(1) \$3,000,000 for fiscal year 2010.

(2) \$3,000,000 for fiscal year 2011.

(3) \$3,000,000 for fiscal year 2012.

SEC. 7. DEFINITIONS.

For the purposes of this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **CONSORTIUM.**—The term “consortium” means a grant applicant or recipient under section 3(a) that includes—

(A) at least one institution of higher education, nonprofit research institution, or government laboratory; and

(B) at least one for-profit entity, including a manufacturer, designer, refurbisher, or recycler of electronic devices or the components of such devices.

(3) **DIRECTOR.**—The term “Director” means the Director of the National Institute of Standards and Technology.

(4) **ELECTRONIC DEVICE.**—The term “electronic device” may include computers, computer monitors, televisions, laptops, printers, wireless devices, copiers, fax machines, stereos, video gaming systems, and the components of such devices.

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) **MINORITY SERVING INSTITUTION.**—The term “minority serving institution” means an institution that is an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from

Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1580, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 1580, the Electronic Device Recycling, Research and Development Act. This bill represents the first step forward on a large and growing problem. Every year Americans send millions of old cell phones, televisions, computers, laptops and other electronic devices to landfills. Millions more are stored in desk drawers and attics by consumers unsure of how to get rid of the old computer.

These devices are often termed as electronic waste, but waste is hardly an appropriate name for these sophisticated products. Many can still be used. All can be recycled to recover their constituent materials. And as the Science and Technology Committee learned through a series of hearings, electronics also can contain hazardous materials like lead and cadmium, which do not belong in landfills.

The Environmental Protection Agency reported that nearly 2 billion electronic products were sold between 1980 and 2004. Unfortunately, of the hundreds of millions of now unwanted products, only about 15 percent are recycled. There are many hurdles to increasing this percentage, such as the cost of collecting and processing materials and the low value or the hazardous nature of many of the recoverable materials.

The purpose of H.R. 1580 is to meet these challenges through research and development. The areas the bill addresses were identified through two Science and Technology Committee hearings held this Congress and last, and reflects the considerable input from the electronics producers, manufacturers, recyclers, refurbishers and the environmental interest community.

It's supported by a broad number of stakeholders, including the Consumer Electronics Retailers Coalition, the Consumer Electronics Association, the Institute of Scrap Recycling Industries, The Wireless Association, the National Association of Manufacturers, the Electronics Take Back Coalition, Best Buy, AT&T, the Center for Environmental Health, Lower East Side

Ecology Center, the Product Stewardship Institute, and the National Center for Electronics Recycling.

I'm also pleased that this bill is the product of a bipartisan collaboration and contains the input of both Democratic and Republican members of our committee.

H.R. 1580 directs the Environmental Protection Agency to fund the R&D that will enable efficient and affordable electronic device recycling and find other means of reducing the impact of electronic devices on our environment. Research can foster innovation to enable more efficient recycling, the selection of more environmentally friendly materials, better ways to educate consumers about electronics recycling, and methods to design products for easier disassembly and recycling.

The research supported by H.R. 1580 will also assess the environmental impact of electronic products over their entire lifecycle. This information will allow electronic producers, policymakers and consumers to make wise environmental decisions.

Specifically, the research grants authorized by this bill require university or government-led laboratories to work with electronics producers, recyclers or related for-profit entities. The goal of H.R. 1580 is to ensure research that can be applied to this challenge as soon as possible.

H.R. 1580 also authorizes the EPA, in consultation with the National Science Foundation, to fund grants that will give engineering students the tools and knowledge to incorporate environmental considerations into their future environmental endeavors.

Electronic devices have become indispensable tools for modern living, but they, unfortunately, are a modern environmental problem, too. Research, development and innovation are a key component to addressing this environmental challenge. And I urge my colleagues to support H.R. 1580.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1580. I am pleased that this bill has been introduced and happy that our country will continue to be on the forefront of technology policy. The goals, frankly, of this bill are commendable as we struggle to limit the pollution and amount of waste that is being sent to our landfills.

Obviously, there are a lot of issues to consider when we address disposal, recycling and the reuse of electronic equipment. First, we must consider what technologies are appropriate for reuse and recycling. Obviously, another consideration is the proper disposal of hazardous waste that accompanies electronics. And, finally, we must balance the costs and the benefits of the regulatory issues when you're dealing with export economies.

Now, with each technological advance and each model replacement, we face the question of disposal of those older products. This is a very complex situation which creates a vast array of opinions on possible solutions to the problems.

Now, dealing with this problem is not insurmountable. With the right type of research and development, we can institute new ways of tracking, of sorting, recycling and reusing electronics, and by making them less hazardous from the design stage, from the beginning, before they're even being built, allow them to do less harm when we dispose of them later on in life. So I think this legislation is a move in the right direction to address these concerns.

Through the committee process, Mr. Speaker, we've learned that there are a number of companies, many of them actually, that seek new uses for these products which obviously then reduces the number of them that end up in landfills. And I'm grateful to the chairman for introducing this legislation and also for holding hearings on this subject matter.

So, again, lots of times we hear that legislation gets to the floor without going through the normal order, regular order. In this case, not only has that taken place, but the chairman has had hearings on it, and I think it's important.

Now, again, I endorse the concept behind this bill, and I believe Congress should be encouraging better designs for electronic devices, to increase their life span and, obviously, to make them easier to recycle.

But there are a few aspects of this bill that still I have some concerns with. One such concern comes from an amendment offered in committee requiring that the EPA publish the results of research and development projects authorized by this bill on its Web site. And of course that sounds like something we should all support, and we should.

But here's the concern, that the copyright protections of the research published on the Web site may not be preserved. We should ensure that this is addressed prior to the bill finally being enacted into law. And I look forward to continuing to work with the chairman.

Additionally, it was unclear from the bill's language whether, if there's more than one for-profit entity included in a consortium whether the total contribution from all for-profit entities is to be at least 10 percent, or if each for-profit member is to contribute at least 10 percent. It's not clear. So I appreciate the efforts of the chairman to clarify this in report language, and I hope that he would be willing to modify the legislative language itself, if necessary, to ensure that these issues are addressed. And, again, the chairman, I know, also

has the same concerns because he's addressed it. But I think we need to address it a little bit further.

I believe this bill takes steps towards addressing a very important issue. And I hope that this bill, as it moves forward, will continue to be tweaked a little bit to make sure that it's even better.

So, again, I hope that we can get the best possible bill, the best possible legislation out of this. I commend the chairman.

Mr. Speaker, I reserve the remaining part of my time.

Mr. GORDON of Tennessee. Mr. Speaker, let me first thank my friend from Florida for his constructive advice. I think most of his concerns have been addressed in report language. But this is a continuing product. We want to get the best that we can. And we want to work with you and your compatriots as we go through the whole process. This is an important bill and a good bill.

Now, Mr. Speaker, I yield such time as he may consume to my friend from California (Mr. THOMPSON). Mr. THOMPSON is the cochair of the Working Group on Electronic Waste, but more importantly, really is the leader in Congress on this issue. He has been a longtime advocate and we welcome his time.

Mr. THOMPSON of California. Thank you, Mr. Chairman, for your kind words and for recognizing me on this bill.

Mr. Speaker and Members, I'm here today to speak in strong support of this measure, H.R. 1580. As the chairman noted, I've been involved in this subject of electronic waste or e-waste since I first came to Congress. And I want to applaud the chairman and the Science Committee's work and their interest on this very, very important issue. Chairman GORDON has been a strong leader on e-waste issues and has helped to move this issue forward.

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Electronic product technology is moving at a very, very fast pace, but at the same time, it's creating an ever-growing environmental and waste disposal problem. That's because it's often cheaper or sometimes cooler to buy a new PC or a new cell phone than to upgrade an old one. Today, the average life span of a computer is only 2 years, and Americans are disposing of 3,000 tons of computers every day. These discarded items, more often than not, wind up in landfills in developing countries where the waste is a terrible environmental problem.

A recent GAO study found that most e-waste exported from the U.S. is dismantled under unsafe conditions, often by children, using methods like open-air incineration and acid baths to extract component metals. This puts people at risk and makes e-waste a moral issue, a moral hazard as well.

The bill we are considering today will achieve two important and necessary goals. First, it will establish grant programs to fund studies to evaluate how to make electronic equipment easier to recycle on the front end. Second, it will train our Nation's engineering students in "green design." This important legislation will lay an important piece of the foundation for comprehensive e-waste legislation in the future. Truly, an ounce of prevention is worth a pound of cure. If obsolete computers and other such items can be diverted from the waste stream at the outset, half of our battle will already have been won.

Again, I thank the chairman and the committee for their good work. I urge swift passage of this measure.

Mr. MARIO DIAZ-BALART of Florida. If I may inquire, Mr. Speaker, of the chairman if he has further speakers.

Mr. GORDON of Tennessee. We have no further speakers.

Mr. MARIO DIAZ-BALART of Florida. At this time then, Mr. Speaker, I would like to yield back the balance of my time.

Mr. GORDON of Tennessee. Let me just conclude, Mr. Speaker, by saying this is a good bipartisan bill, and I thank Mr. THOMPSON for his support. As I say, he has been a leader on this issue.

Mrs. BIGGERT. Mr. Speaker, I rise in support of H.R. 1580.

Many of us, whether at home or in our offices, have leftover electronics that eventually find their way to a dark closet corner or basement.

If I took a poll of Members here, everyone would raise a hand to having an old computer, several old cell phones, and at least one old television. For those of us with children and grandchildren, that list probably grows to include first generation Nintendos, Gameboys, and Mp3 players.

Those of us that keep old electronics probably plan to give them away. Or, we buy the latest, most updated gadget without thinking of what to do with the old. We want to dump or donate the old PC, but we worry about what personal information may still be on its hard drive.

H.R. 1580 takes the first step to address all of those issues, and study the prospects and concerns for abandoned electronics and their components stream.

As we heard at our February 11th hearing, coordinated research and education efforts are needed to address disposal, product design, and in general, raise awareness of what opportunities consumers have to recycle unused or what they consider "obsolete" equipment.

A witness at that hearing, and constituent of mine, is one of the first certified Microsoft refurbishers in the country. Thanks to his hard work, forty thousand computers have been refurbished and distributed to schools, non-profits, and homes of at-risk children throughout the Chicago area.

With the right research and development, and more business models like my constitu-

ent's, electronics recycling and refurbishment can be an integral part of our communities, decrease waste in our landfills, and offer budget-friendly alternatives for consumers. It is important to note that every dollar spent on refurbishment stays in the U.S.; every dollar spent on new products may not.

I would like to thank Chairman GORDON for working with the members of the committee to improve H.R. 1580. Thanks to his cooperation, we were able to include an important change from the term "waste" to "device" in the underlying text. Doing so sets a tone of reuse instead of disposal and lessens the opportunity for regulatory or legal hurdles to stall the refurbishing and recycling process that we are trying to promote.

If we can institute new ways of tracking, sorting, recycling, and reusing electronics and make them less hazardous from the design stage, we can allow them to do less harm in the disposal stage. I think this legislation is a move in the right direction to address these concerns.

Although I endorse the concept behind H.R. 1580 and believe Congress should be encouraging better designs for electronic devices to increase their life-span and make them easier to recycle, there are aspects of this bill that concern me.

One such concern comes from an amendment offered in Committee requiring the Environmental Protection Agency to publish the results of research and development projects authorized by this bill on its website. The concern here is that the copyright protections of the research published on the website may not be preserved. We should ensure this is addressed prior to this bill being enacted into law.

Additionally, it is unclear from the bill language whether if there is more than one for-profit entity included in a consortium whether the total contribution from all for-profit entities is to be at least ten (10) percent, or if each for-profit member is to contribute at least ten (10) percent. I appreciate the efforts of the Chairman to clarify this in report language and hope that he would be willing to modify the legislative language, if necessary, to ensure this issue is addressed.

I believe this bill takes steps toward addressing a very important issue and I hope that moving forward we will continue to work together to ensure we produce the best law possible.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 1580, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes."

A motion to reconsider was laid on the table.

GREEN ENERGY EDUCATION ACT OF 2009

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 957) to authorize higher education curriculum development and graduate training in advanced energy and green building technologies.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Green Energy Education Act of 2009”.

SEC. 2. DEFINITION.

For the purposes of this Act:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(2) **HIGH PERFORMANCE BUILDING.**—The term “high performance building” has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 3. GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.

(a) **FUNDING.**—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(b) **CONSULTATION.**—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

SEC. 4. CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.

(a) **FUNDING.**—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this section shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(b) **CONSULTATION.**—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

(c) **PRIORITY.**—In awarding grants with respect to which the Secretary has contributed funds under this section, the Director shall give priority to applications from departments, programs, or centers of a school of

engineering that are partnered with schools, departments, or programs of design, architecture, landscape architecture, and city, regional, or urban planning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 957, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in support of H.R. 957, the Green Energy Education Act of 2009. First, I would like to thank Mr. MCCAUL for his leadership on this legislation. This bill authorizes the Department of Energy to contribute funds to the National Science Foundation's successful Integrative Graduate Education and Research Traineeship program, known as IGERT. IGERT awards prepare doctoral students by integrating research and education in innovative ways that are tailored to the unique requirements of newly emerging interdisciplinary fields and new career options.

This bill also authorizes the Department of Energy's high-performance building technology programs to contribute to the National Science Foundation's ongoing curriculum development activities with the goal of improving the ability of engineers and architects to design and construct high-performance buildings.

In summary, this bill addresses a critical need to provide resources to universities to update their curricula and research efforts in alternative energy and high-performance buildings, and it improves the coordination between the Department of Energy and the National Science Foundation in achieving this goal.

I am pleased to support H.R. 957, the Green Energy Education Act of 2009. Once again, I want to commend Mr. MCCAUL for this important legislation, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to support H.R. 957, and I yield myself as much time as I might consume.

I also urge my colleagues to support this bill, H.R. 957, the Green Energy Education Act of 2009, introduced by my distinguished colleague, Mr. MCCAUL of Texas.

This is a good piece of legislation that, by the way, passed in the 110th Congress, but the Senate did not take it up before adjournment. Simply put, this measure encourages the Department of Energy to work with the National Science Foundation to help develop the next generation of engineers and architects to work effectively together to produce buildings that incorporate the latest in energy-efficient technologies.

Oftentimes, energy-efficient buildings are not being constructed, not because building professionals don't want to do it or think it's a bad idea, but primarily because they just don't even know or are not aware of all of the technology that's available, so this measure is intended to close that gap.

I also want to commend Mr. MCCAUL for his fine work on this very important bill.

With that, Mr. Speaker, I would reserve the balance of my time.

Mr. GORDON of Tennessee. We have no other speakers at this time, and I would reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would now like to yield as much time as he might consume to the sponsor of this legislation, the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, I want to thank the gentleman from Florida for yielding.

I also want to thank the chairman of the Science and Technology Committee for his dedication and strong bipartisan leadership on this committee, which is so important, and for allowing my bill to go out of committee once again and come to the House floor. As the gentleman mentioned, it passed unanimously last Congress out of the House. I hope it does the same this Congress, and I hope the Senate will act on it this time.

Like many other Members of Congress, I am concerned about America's dependence on foreign sources of energy, and the National Academy's “Rising above the Gathering Storm” report has echoed the calls of many in the academic and business communities for a greater need to recruit and develop scientific and engineering talent to work on solving these problems. Increasing energy independence and decreasing the harmful effects of energy production and use are clearly areas of long-term national need. Our reliance on imported energy only serves to increase our vulnerability to external events and to the actions of regimes that are, in many cases, openly hostile to the United States.

One of the ways that we can reduce the need for energy imports is to use our energy more efficiently. Buildings consume more energy than any other sector of the economy, including industry and transportation. According to the United States Department of Energy, American buildings consume 39

percent of our Nation's primary energy and 70 percent of our electricity. However, energy-efficient building practices are still at the fringes of the building sector, in part, because of a lack of awareness about energy-efficient technologies and design practices among building professionals.

That is why I introduced the Green Energy Education Act. This legislation authorizes the Department of Energy to partner with the National Science Foundation to support graduate education and curriculum development to advance DOE's broad energy-technology development mission. Working through NSF, DOE will help develop the next generation of engineers and architects to produce buildings, incorporating the latest energy-efficient buildings and technologies.

In order to reduce the likelihood of duplicative and wasteful programs, this bill allows for the Department of Energy and the National Science Foundation to combine their efforts to find workable solutions to the issues surrounding building efficiency that can be transferred to the marketplace. Specifically, H.R. 957 will authorize DOE's Office of Science and Applied Energy Technology Programs to contribute funds to NSF's successful graduate education and research program.

This bill also authorizes the DOE to contribute to NSF's curriculum development activities in order to improve the ability of engineers and architects to design and to construct more efficient and durable buildings.

So let me, once again, thank the chairman for allowing this to come forward to the House floor, and I urge my colleagues to support this important step towards increasing America's energy independence.

Mr. GORDON of Tennessee. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do want to just yield myself 30 seconds.

I also want to thank the chairman of the committee. The chairman of the committee is always willing to work with all members of his committee to make sure that he gets the finest legislation possible. He goes through the regular process, something that, unfortunately, is not done as much as it should be.

So, again, I would just like to take these seconds to thank the chairman of the committee for working with all of his committee and for always being open. His door is always open.

With that, Mr. Speaker, I would yield back the remaining part of our time.

Mr. GORDON of Tennessee. Well, let me first thank my friend for those compliments, and let me ask that you hold me to those compliments. We need to continue to run the committee that way.

In conclusion, let me also thank, once again, my friend from Texas, Mr.

MCCAUL, for his leadership and for bringing this issue before us. We passed it last year. We're going to pass it again this year. We both need to work together to get this through the other body, and I look forward to working with you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 957, "Green Energy Education Act." H.R. 957 will provide for the promotion of graduate education related to energy research, advanced energy technology research, and development for high performance buildings to the National Science Foundation for curriculum development to improve undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of such buildings. I urge my colleagues to support this important legislation.

As a representative of the 18th Congressional District of Texas, which includes the energy capital of the world, Houston, I am especially pleased to support this bill. This bill fosters education in green energy, which increasingly is becoming a viable alternative to petroleum.

Today, we as a Global Community, take the time out to appreciate the natural resources our planet has provided for us. It is also a day we examine better ways that we can use these resources for the advancement of mankind and the preservation of the world.

Mr. Speaker, H.R. 957 provides an opportunity to learn about the positive actions that we can take to improve energy efficiency; to develop safe, renewable energy sources; to design goods that are durable, reusable, and recyclable; and to eliminate the production of harmful wastes while protecting our environment and encouraging sustainable development throughout the world.

Mr. Speaker, H.R. 957 will allow for the leading authorities to teach and conduct the research on energy consumption throughout our nation. The research and studies are highly detailed, carefully constructed to be statistically representative of the entire population, and are indispensable analysis and policy planning. In gauging the success of any energy efficiency program, data on consumption, price, and product—both prior to and after the research program's implementation—are needed to calculate the change in green use, cost, and product purchase tendencies. By affording these research programs the necessary funding, classes will assist policy planners to better identify the highest-value products to target in designing their programs.

Along with rising gas prices, weak economic growth, continued environmental warnings and scientific studies pointing to global warming, many Americans continue to worry about the state of energy security in the world. Adding green space in city and urban areas, investing in alternative energy and making sure we participate in recycling and conserving our planet's resources are just some ways that we can preserve our wonderful planet, however, our federal government must take the lead in preserving our planet.

I have long been a proponent of green education. For example, during the 110th Congress, I successfully offered amendments to the Comprehensive Energy Independence bill

that was introduced late last year and voted out of the House.

Specifically, I offered amendments that would provide scholarships for post-secondary study in ethanol, wind, solar energy, and other green alternatives to petroleum. I have also offered an amendment to establish Energy Centers of Excellence, which would provide a consortium of HBCU's, Hispanic serving institutions, tribal universities, and majority serving institutions to develop curriculum and programs in green energy. Moreover, my amendments provide scholarships, and concerns of study for minorities to study green energy. Thus, I have long been a proponent of the type of education requirements that this bill requires. Indeed, I count myself as one on the forefront of this cause.

This Congress understands the energy concerns of the American people and we continue to work to ensure this nation moves in a new direction to achieve energy independence and energy security.

Mr. Speaker, I call on all Americans, along with the rest of the global community to come together and continue to produce practical yet creative ways to conserve energy around the world. Let us continue to strive towards a world that respects the natural resources that this planet has provided and use them wisely.

I thank my colleague, Representative MICHAEL MCCAUL, of Texas, for introducing this important legislation, to ensure that we preserve our most treasured resource, and I urge my colleagues to join me in supporting this H.R. 957.

Mr. WU. Mr. Speaker, I rise today in support of H.R. 957, the Green Energy Education Act of 2009.

This bill authorizes the Department of Energy to partner with the National Science Foundation to help universities to develop the next generation of engineers and architects. These students will be trained to work effectively together to produce buildings that incorporate the latest in energy efficient technologies.

Especially in this economy, we need to train our workforce in the latest, most relevant technologies in the green energy job sector in order to help us realize many of our energy policy goals.

In the 110th Congress, I was able to add a provision to the Energy Independence and Security Act that allows colleges and university to research woody biomass, a new form of alternative fuel that shows promise in meeting our energy needs.

We should also continue to support legislation that takes advantage of the growing opportunities to educate and train our college and university students to develop new technologies and find jobs in the green energy economy.

Along with my place on the House Science and Technology Committee, I am also a member of the Education and Labor Committee, and co-chair of the Congressional Community College Caucus. I know that good sustainability practices are a vital component of the effort to move toward a clean, energy independent future. Because community colleges and universities are often at the forefront of this movement, they are a natural place to focus such efforts.

By training students in the latest technologies, we are helping guarantee that companies will have the educated workforce necessary to grow and prosper in coming decades.

I am happy to support this bill, and I am committed to continuing to advocate for policy, partnerships, and projects that will keep universities and community colleges at the forefront of our nation's burgeoning green energy economy.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 957.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 247) expressing support for designation of March 22, 2009, as "National Rehabilitation Counselors Appreciation Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 247

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors and Educators Association (RCEA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas, on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in

bringing to the attention of Congress the need for rehabilitation counselors to be qualified;

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need; and

Whereas March 22, 2009, would be an appropriate date to recognize "National Rehabilitation Counselors Appreciation Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) expressing support for designation of "National Rehabilitation Counselors Appreciation Day"; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 247 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 247 to designate March 22, 2009, as "National Rehabilitation Counselors Appreciation Day."

Across our great country, qualified rehabilitation counselors work to empower people with disabilities to access employment, education and community opportunities and independent living. According to the United States Bureau of Labor Statistics, there are approximately 141,000 rehabilitation counselors in our United States. We are extremely grateful for their commitment to providing professional service and support that is rendered to people with disabilities in a variety of settings, including State and local agencies, medical facilities, educational programs, and community businesses.

As the number of veterans with disabilities increases and people with disabilities struggle to obtain employment in these tough economic times, the need for quality rehabilitation counseling does, in fact, continue to grow. According to the National Bureau of Labor Statistics, the unemployment rate of persons with a disability in February of this year was 14 percent compared to 8.7 percent for persons with no disabilities. Of even greater concern, only 23 percent of people with disabilities are currently in our labor force compared to over 70 percent of

the general population. These are alarming statistics.

Qualified rehabilitation counselors are an important part of the solution as they provide services critical to improving employment outcomes for people with disabilities. We appreciate their hard work and the determination of these professionals. Various professional organizations, including the National Rehabilitation Association, the National Council on Rehabilitation Education, and the Council of State Administrators of Vocational Rehabilitation, advocate for up-to-date education, training and professional standards for rehabilitation counselors, and because of these national organizations' persistent efforts, the quality of rehabilitation services has dramatically improved and expanded.

□ 1215

On March 22 of 1983, Martha Walker, president of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education for the House of Representatives expressing the necessity for rehabilitation counselors to be well-qualified. Ms. Walker's hard work led to the enactment of requirements to ensure that rehabilitation counselors have proper training and credentials so that people with disabilities receive quality rehabilitation service.

Let Congress designate March 22 as National Rehabilitation Counselors Day. This holiday can honor the dedicated rehabilitation counselors and professional organizations that work tirelessly to provide quality rehabilitation support.

I want to thank, particularly, Representative SKELTON for his outstanding leadership on this issue in bringing this important resolution forward. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise today in support of House Resolution 247, which expresses support for designating March 22, 2009, as National Rehabilitation Counselors Appreciation Day.

I am surprised by the number of individuals who do not understand what rehabilitation counselors do, and they might be well advised to read the *Doonesbury* comic strip where, for the past 6 months or more, there's been an ongoing discussion on how to rehabilitate veterans, and describes the work of rehabilitation counselors.

Nearly one in five Americans lives with some type of long-lasting condition or disability that requires extensive rehabilitation. Rehabilitation counselors help people deal with the personal, social and vocational effects of disabilities. They counsel individuals with disabilities resulting from birth defects, illness or disease, accidents or other causes. They evaluate

the strength and limitations of individuals, provide personal and vocational counseling and arrange for medical care, vocational training and job placement. All of these are invaluable to those who need the help.

Rehabilitation counselors interview people with disabilities and their families, evaluate school and medical reports and confer with physicians, psychologists, occupational therapists, and employers to determine the capabilities and skills of the individual.

They develop rehabilitation programs by conferring with clients, which also includes training to help clients develop job skills. Rehabilitation counselors also work toward increasing the client's capacity to live independently. These professionals work with individuals, professional organizations and advocacy groups to address the social barriers that create obstacles for people with disabilities. They are instrumental in building bridges between the often-isolated world of people with disabilities and their families, communities, and school and work environments. They empower individuals to make informed choices so that they can become productive members of society.

Rehabilitation counselors are employed in private practice, by community health organizations and hospitals, and in State and Federal Government positions. There are approximately 141,000 rehabilitation counselors in the United States, according to the U.S. Bureau of Labor Statistics. That number is expected to grow rapidly as medical advances help people survive serious injury or illness, including veterans returning from both the Afghanistan and Iraqi wars.

Rehabilitation counselors provide a great service to the millions of Americans with disabilities. They encourage people with disabilities to participate as active citizens within their communities. These highly trained professionals help many disabled Americans cope with their life-altering situations, and today we recognize them for their hard work and dedication.

I ask for my colleagues' support of this resolution.

I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I am pleased to recognize the gentleman from Missouri (Mr. SKELTON) who we praised in our earlier comments for bringing this awareness of the value of our rehabilitation counselors to the attention of the House, and we applaud him for his efforts, and we recognize him for 5 minutes.

Mr. SKELTON. I thank the gentleman so much for yielding.

And, Mr. Speaker, I ask my colleagues to join in supporting H. Res. 247, which would express support for recognizing March 22 as National Rehabilitation Counselors Appreciation Day. I want to thank my friend, PHIL

GINGREY, the gentleman from Georgia, for joining me in offering this resolution.

On March 22 in 1983, Martha Lentz Walker of Kent State University provided testimony to Members of the U.S. House of Representatives regarding the valuable services provided by qualified rehabilitation counselors. Due in large part to events of that day, rehabilitation counselors today are required to have proper certification in order to provide a higher level of service.

Vocational rehabilitation counselors are dedicated professionals. Their good works assist disabled Americans across the country in living independent and productive lives. An honest day's work is a source of pride, but many individuals with disabilities who want to work just don't have the training, support, or tools they need to enter the workforce. Vocational rehabilitation counselors step in to provide the necessary services that succeed in bringing thousands of disabled Americans into the workforce every day.

Today, we have injured veterans seeking to gain, retain, or regain employment. Today, we have older workers staying in the workforce longer in these difficult economic times. Today, many other individuals want nothing more than to pursue a career. Rehabilitation counselors play an important role in helping them to reach their goals, and I believe the service is worthy of our recognition and our thanks.

Mr. EHLERS. Mr. Speaker, I yield back my time.

Mr. TONKO. Mr. Speaker, the resolution before the House is one of great worth, obviously recognizing the important role that rehabilitation counselors play in the lives of individuals with disabilities. They open doorways, they absolutely enhance the quality of life, and coax the professionalism from those who, amongst us, are in the ranks of the disabled with an awful lot of contribution to be made to society. The rehabilitation counselor is a partner in that effort.

So I ask that, again, we move forward and recognize this and support this resolution.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of House Resolution 247. This Resolution expresses support for the designation of March 22, 2009 as "National Rehabilitation Counselors Appreciation Day."

I am particularly pleased to be able to join my good friend, Chairman IKE SKELTON, on this important Resolution. Since my first days in the Congress, Chairman SKELTON has been a good friend and I have worked with him on a number of issues critical to our nation's defense. It is a particular honor to work with Chairman SKELTON in bringing this Resolution to the floor today.

Mr. Speaker, House Resolution 247 recognizes the hard and important work of our nation's rehabilitation counselors who day in and

day out improve the lives of those who are in need of rehabilitation either from an injury or from a permanent disability. These counselors play an integral role in helping people re-establish control over their daily lives by managing the personal, social, and vocational effects of their disabilities.

Recognizing the importance of multiple sources of support, rehabilitation counselors work both with individuals and their families to plan and implement rehabilitation programs that fit their needs. Counselors often make arrangements for medical care, job training, and job placement services with the aim of achieving the best possible quality of life.

Mr. Speaker, physical disabilities do not discriminate and can affect anyone or any family. Many of us have family members or friends who suffer from disabilities that shape their everyday life. Chairman SKELTON himself is a testament to the positive effect of rehabilitation counseling.

In fact, I was pleased to join Chairman SKELTON a few years back in Warm Springs, Georgia—which at the time was part of the 11th Congressional District. We were there because in his youth, Chairman SKELTON himself benefited from rehabilitation and therapy for his own disability. I know this Resolution has particular and personal importance for him as he remembers those doctors and counselors who were so helpful to him.

Mr. Speaker, in this life, we often face challenges that we cannot overcome alone. Accordingly, we have an obligation to recognize and celebrate those individuals who spend their lives making other lives better. I call on my colleagues to support this Resolution in gratitude for our nation's rehabilitation counselors. I yield back.

Mr. TONKO. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 247.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TONKO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ACKNOWLEDGING AND COMMENDING NATIONAL LIBRARY WEEK

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 336) supporting the goals and ideals of National Library Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 336

Whereas the Nation's school, academic, public, and special libraries make a difference in the lives of millions of people in the United States, today, more than ever;

Whereas librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work in a challenging economy;

Whereas libraries are part of the American Dream, places for opportunity, education, self-help, and lifelong learning;

Whereas according to a December 2008 National Center for Education Statistics (NCES) report, public library use increased to 1,400,000,000 visits nationwide during fiscal year 2006, among all types of library users, continuing a long term trend of increased library usage;

Whereas libraries play a vital role in supporting the quality of life in their communities;

Whereas libraries help people of all ages discover a world of knowledge, both in person and online, as well as provide personal service and assistance in finding needed information;

Whereas libraries are a key player in the national discourse on intellectual freedom and equity of access;

Whereas libraries are narrowing the "digital divide", by providing no-fee public computer and Internet access to accommodate the growing need for access to digital and online information, including e-government, continuing education, and employment opportunities; and

Whereas libraries, librarians, library workers, and supporters across the United States celebrated National Library Week, April 12–18, 2009, with The Campaign for America's Libraries: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Library Week; and

(2) encourages all residents to visit a library to take advantage of the wonderful library resources available, and to thank their librarians and library workers for making information accessible to all who walk through the library's doors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous materials on House Resolution 336 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I rise today in support of House Resolution 336, which encourages all Americans to take advantage of the numerous resources libraries make available.

All across the country, libraries have developed communities by bringing people of all nationalities, ages and socioeconomic levels together to enjoy the pleasures of literature, media and

new technology. Libraries foster national discourse on intellectual freedom and provide informational equity across our great Nation.

Not only do libraries provide free resources, but they preserve historical artifacts and information highlighting societal achievements. Today, we have over 123 libraries nationwide playing a vital role in creating vibrant, energized communities. For example, the Big Read is a national reading program designed to revitalize the role of reading in America, and 208 communities participate in the Big Read program nationwide. American libraries play a central role fostering community participation.

There is also the National Book Festival sponsored by our very own Library of Congress. Representatives from State libraries gather at the Nation's Capital to promote reading and literacy in all of our 50 States. Last September, the 8th annual National Book Festival was a huge success. Hundreds of people gathered to promote reading to children, including professional athletes, actors, and famous writers, authors and poets.

The Library of Congress is also a great resource for the public. As the largest library in the world, the Library of Congress holds more than 120 million items on approximately 530 miles of book shelves. The collections include more than 18 million books, 2.5 million recordings, 12 million photographs, 4.5 million maps and 54 million manuscripts. The massive resource provided by this library to this country is indeed a bit of invaluable information.

National Library Week continues to commend librarians who help the public to interpret the information they need to live, to learn, and to navigate their way in today's challenging and complicated economy.

□ 1230

By providing free educational opportunities and a safe place for lifelong learning, libraries and librarians help people achieve the American Dream. With that said, ultimately libraries help people explore curiosities and make sense of this complex world.

I do want to thank Representative EHLERS for his leadership and bringing this important resolution forward.

Again, I want to extend my gratitude toward libraries for their important work in our communities. I ask my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to recognize Congressman GRIJALVA, who is the principal majority party cosponsor of this resolution. He has a deep interest in libraries as well.

I also wanted to say that I am a great fan of libraries for a number of reasons.

First of all, I have served on a city library board, on a county library board, on the board of the State Library of Michigan, and also, through my service on the House Administration Committee, I have been on the committee governing the Library of Congress. But the main reason is that, when I was a young child, I was quite ill and could not attend school. This gave me a lot of spare time, and I read between six and eight books a week. I was totally dependent on the library for those books, so twice a week I would trudge down to the library—which was only open 2 days a week—and haul out a pile of books which I could read. So I fully appreciate the importance of libraries. There is another factor as well. My daughter, Marla, is Assistant Director of the Grand Rapids Public Library in my hometown and keeps me fully informed about library affairs. And so I say all this in preface as to why I introduced the resolution and why it is so important that we recognize libraries.

First sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association and libraries across the States. This is done every year in April. It is a time to celebrate the contributions of our Nation's libraries and librarians and to promote library use and support.

In the mid 1950s, research showed that Americans were spending less time on books and more on radio, television, and musical instruments. Concerned that Americans were reading less, a nonprofit citizens' organization called the National Book Committee formed in 1954. The committee's goals were ambitious and ranged from encouraging people to read in their increasing leisure time, to improving incomes and health and developing a strong and happy family life.

In 1957, the committee developed a plan for National Library Week based on the idea that once people were motivated to read, they would support and use libraries. With cooperation from various organizations, the first National Library Week was observed in 1958 with the theme, "Wake Up and Read!"

This year's theme, "Worlds Connect at Your Library," highlights how libraries are narrowing the digital divide by providing no-fee public computer and Internet access to meet the growing needs for access to digital and online information, including e-government, continuing education and employment opportunities.

I can vouch for the big changes in libraries. Last year, I visited my daughter's library—perhaps, I should say the Grand Rapids Public Library—and I was just amazed at the number of computers available to the public, and every single computer was in use. I would say there were at least a dozen

there, and people working heartily on them. This has become even more important with the unemployment situation because many workers don't have their own computer and they have to go to the library to polish up their resume, look online for jobs, and so forth. So the library's usefulness has continued to grow over the years.

Libraries truly play a vital role in supporting the quality of life in their communities. They help us discover a world of knowledge, both in person and online, and are a key player in the national discourse on intellectual freedom and the equity of access. In fact, according to the National Center for Education Statistics, library use was up to 1.3 billion visits last year nationwide among all types of library users, continuing a long-term trend of increased library usage.

By recognizing National Library Week, we show our appreciation to libraries, librarians, library workers, and supporters across America. I also should mention that we should at this point recognize and mention the support that Andrew Carnegie gave to libraries initially. When he began giving away his fortune, much of it went to libraries across the country, and you will find Carnegie libraries throughout our Nation, including in my hometown.

I am honored to support this resolution. I ask my colleagues to join me in recognizing the great contributions of libraries and librarians.

Mr. Speaker, I yield back the balance of my time.

Mr. TONKO. I again want to thank Mr. EHLERS for the inspiration to pay tribute to the libraries across this country. They are, indeed, very valuable components of the education infrastructure in this country. They obviously provide tremendous opportunity to individuals throughout this country without any sort of prejudice.

I am reminded of the powerful library in my hometown of Amsterdam, New York, and the wonderful countywide system that is part of Schenectady County, with several sites within their library structure.

And so it is, indeed, very appropriate that we recognize the contribution that libraries, and more specifically, librarians, make to our society and the development of the intellectual capacity and character of our society.

With that, I encourage passage of the resolution.

Mrs. BACHMANN. Mr. Speaker, I rise today to give tribute to the all-American public library upon completion of National Library Week. It was a week filled with activities and celebration designed to highlight the important role libraries and librarians play in our lives.

Based on a theme of "Worlds connect @ your library," libraries across the nation hosted contests and presentations to educate and entertain readers of all ages. Since 1958, National Library Week has been part of the American Library Association's goal of "en-

couraging people to read in their increasing leisure time." It was and has been an impressive goal and today we see libraries full of readers, taking on new challenges and expanding the education of their communities. This week was an opportunity to bring in new library patrons and to encourage reading as part of everyday life.

Former First Lady, Laura Bush, herself a librarian by profession, once said this of our libraries: "Libraries allow children to ask questions about the world and find the answers. And the wonderful thing is that once a child learns to use a library, the doors to learning are always open."

Mr. Speaker, I speak today to honor the work libraries and librarians provide not only children but all in their communities. They are more than buildings that house books and people that help us find resources. They are places to discover and imagine with neighbors gladly serving their fellow citizens in an expanding and challenging world.

Mr. TONKO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 336.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BEST BUDDIES EMPOWERMENT FOR PEOPLE WITH INTELLECTUAL DISABILITIES ACT OF 2009

Mr. TONKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1824) to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities

by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 400,000 individuals in 2009 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1824 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1824. The bill will expand the important work of Best Buddies to empower people with disabilities and put an end to their social isolation.

Best Buddies International is the only national organization focused on improving the lives of individuals with intellectual disabilities through a one-to-one friendship with peers.

People with intellectual disabilities are often excluded from society because of their differences. Sadly, the social isolation of children with disabilities is well-documented by researchers. However, over the last 20 years, Best Buddies has proven something that most of us take for granted, that lasting, meaningful friendships are the key to a better life.

But friendships for people with intellectual disabilities do not always come easily. Over the past 50 years, while this population has gained many civil rights, attitudinal barriers and stereotypes persist. This is something Best Buddies is changing. Since 1989, Best Buddies has worked with 1,300 middle school, high school, and college campuses. Best Buddies volunteers annually contribute services to the community that equate to more than \$17 million. Federal assistance is critical to help Best Buddies expand their efforts to all of our 50 States.

Bullying continues to be a problem in our schools for many children. A 2005 study found that a Best Buddy rela-

tionship is associated with lower frequencies of peer victimization, better adaptive behavior, and fewer psychological problems for youth. Clearly, a friend is a powerful thing.

Through one-to-one matches with peers without disabilities, as well as support of e-mail friendships, citizen programs for adults, and a jobs program that promotes integration into the workplace, Best Buddies expects to impact over 500,000 people by the year 2010.

H.R. 1824 will allow Best Buddies to continue this important work through increased participation and public awareness. It simply authorizes the Secretary of Education to support Best Buddies to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life.

Best Buddies envisions a world where people with intellectual disabilities are so successfully integrated into our schools, our workplaces, and our general communities that their current efforts and services will grow unnecessary. I share that vision.

Mr. Speaker, once again, I express my full support for H.R. 1824, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1824, the Best Buddies Empowerment for People with Intellectual Disabilities Act. This bill would authorize funding for Best Buddies, a nonprofit organization that provides mentors and friends for individuals with intellectual disabilities in order to increase their social relationships and other aspects of community life.

I appreciate Mr. TONKO's comments about bullying. I have introduced a bill dealing with bullying. And I got a letter—not from one of my constituents, but some other constituents—outlining a terrible situation where a young man was bullied so severely he decided he couldn't take it anymore and committed suicide at a very young age. That is the sort of tragedy we have to stop, and Best Buddies is a very important way in which that can be stopped.

Best Buddies was founded in 1989 by Anthony Kennedy Shriver as the first national, social, and recreational program for people with intellectual disabilities. Since that time, this has grown from one chapter to more than 1,400 middle school, high school and college campuses all around the country. It also operates programs on six continents around the world, with additional country programs under development.

Best Buddies offers six programs to students with special needs. Best Buddies Citizens pairs adults with intellectual disabilities with their nondisabled

working peers. Best Buddies Jobs is a supported employment program targeting high-paying white collar jobs for people with intellectual disabilities. Best Buddies High Schools pairs special education students in one-on-one friendships with high school volunteers. Best Buddies Middle Schools pairs students with middle school volunteers. And Best Buddies Colleges pairs students with intellectual disabilities with college student volunteers. And the sixth program, e-Buddies, is a cutting-edge online friendship program.

According to independent researchers, an estimated 7 million individuals—2 percent of the population of the United States—have intellectual disabilities which impair their adaptive skills. These skills, such as communication, self-care, home living, social skills, functional academics, community participation, and employment are daily living skills needed to live and work in the local community as productive citizens.

The three major known causes of intellectual disabilities are Down syndrome, fetal alcohol syndrome, and Fragile X. With early intervention, effective education, and appropriate support into adulthood, many individuals with intellectual disabilities are able to lead independent lives in their communities.

Best Buddies assists in this effort by building personal relationships between Buddies and individuals with intellectual disabilities. The organization currently operates programs in 20 States, including a Best Buddies College program at Grand Valley State University, which is in my congressional district, as well as five other universities in Michigan.

□ 1245

However, there is a great need to ensure that there are programs operating in all 50 States. This new authorization would assist the organization in getting dedicated funding through the U.S. Department of Education in support of its expansion to all 50 States.

I want to thank my good friend, Mr. BLUNT, for his strong support for initiatives that assist students with intellectual disabilities and for introducing this legislation.

I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland, Majority Leader HOYER of the House, whose longstanding commitment to people with disabilities is well-documented. And I have to also make mention that when it comes to a buddy system for incoming freshmen, helping us to navigate on behalf of our constituents, there is a real friend in Majority Leader HOYER.

Mr. HOYER. I thank the gentleman for yielding, and I thank him for his kind comments. The gentleman from New York is very generous.

I want to thank my friend from Michigan (Mr. EHLERS) with whom I served on the House Administration Committee for many years; and also, of course, my dear friend, one of the Republican leaders in this House, Mr. BLUNT, who has cosponsored this legislation with me. It so happens my name is first, but Mr. BLUNT and I have worked on this effort together, because we both believe it's a very important one for our country and for all of those who are advantaged by this program.

I am proud, therefore, to speak in favor of this bill supporting Best Buddies, an organization, as Mr. EHLERS has pointed out, dedicated to the social integration of children and adults with intellectual disabilities.

It was founded some 20 years ago by Anthony Kennedy Shriver. Best Buddies is the first social and recreational program of its kind in the United States. It has already reached hundreds of thousands of Americans, both with and without disabilities, a total that is set to reach a half a million by 2010.

Best Buddies, Mr. Speaker, fosters and supports friendships and mentorships between participants from kindergartners to adult professionals, sponsoring more than 1,000 volunteer-led chapters at schools and workplaces.

Not only do volunteers learn leadership training, they learn firsthand about the important contributions made by their fellow citizens with intellectual disabilities. Participants with disabilities learn that they are valuable members of our communities, capable of forming a wide range of real and lasting friendships.

This legislation authorizes a total of \$10 million for grants, contracts or cooperative agreements to be distributed to Best Buddies by the Department of Education in fiscal year 2010, along with such sums as may be necessary for each of the four succeeding fiscal years.

These funds will enable this important organization to reach hundreds of thousands more potential volunteers and participants, promoting the crucial values of shared participation and community and social equality.

All of us will be advantaged by this program, not those immediate participants alone, but all of those whose communities will be better places for the participation of those directly involved in Best Buddies.

I want to thank Congressman BLUNT for cosponsoring this bill. He and I worked together for many years on this effort, and I urge my colleagues to support it.

Mr. EHLERS. Mr. Speaker, it is my pleasure to yield to the sponsor of this legislation, the gentleman from Missouri (Mr. BLUNT), for as much time as he wishes.

Mr. BLUNT. I thank Mr. EHLERS for yielding.

I certainly was pleased to join my colleague from Maryland, the majority

leader, as an original sponsor of this Best Buddies Empowerment for People with Intellectual Disabilities Act.

This isn't the first time that Mr. HOYER and I have joined with our colleagues to come together in a meaningful way in this important area. In fact, we are both proud of the Special Olympics Sport and Empowerment Act in 2004 that became law during the 108th Congress.

The success stories of healthy athletes, the program that emerged out of that effort, is really the great result of what we did. The reports we get from Special Olympics have been heartening every year as those athletes come together.

It's estimated that between 7 and 8 million Americans live with intellectual disabilities, impacting nearly one in every 10 families. For these individuals, life is not always welcoming. Very rarely is it easy. People with intellectual disabilities are often excluded from society, whether that's a school, in the workplace or in their communities, simply because they are different.

So I have been glad to support a program that we have talked about today, Best Buddies. It's been mentioned that it was organized 20 years ago by Anthony Shriver, and it really was designed to help integrate people with intellectual disabilities into the mainstream of society to end their isolation, to help them embark on productive, fulfilling lives by finding a buddy that didn't have the disabilities that they have.

The Best Buddies program works with volunteers to establish meaningful friendships with their nondisabled peers in order to help increase the self-esteem and confidence of people with and without intellectual disabilities. This is a program that's enhanced the lives of individuals by providing real and safe opportunities for one-on-one friendships and new options for employment.

These can often be life-changing events for individuals and often are life-changing events for those individuals with intellectual disabilities. This is often the first time in their lives that they have had someone to call their friend, someone to be their friend who didn't have disabilities, and introduced them to the world without disabilities.

This bill helps accomplish that goal in a number of significant ways. It authorizes the Secretary of Education to award grants or contracts with Best Buddies to conduct and expand its activities.

It has an eye on increasing the participation of individuals with intellectual disabilities, as well as to promote outreach programs. This bill will go a long way toward dispelling negative hurtful stereotypes and make clear the extraordinary gifts that people with in-

tellectual disabilities nonetheless possess and, with just a little encouragement, are able to utilize.

More important, it will help move people from intellectual disabilities from the margins of society to the mainstream of society.

I know Mr. HOYER, Mr. EHLERS, Mr. TONKO and I hope to see this bill enacted into law, knowing that it will help raise the hope and dignity of people with intellectual disabilities and further empower their full participation in our communities.

I hope my colleagues pass this bill today. We intend to work for its enactment into law and look forward to the difference that this bill, Mr. Speaker, can make in the lives of people.

Mr. TONKO. Mr. Speaker, we have no other Representatives from the majority that choose to speak on the measure, so I would ask if the gentleman from Michigan has others to speak.

Mr. EHLERS. Mr. Speaker, we have no other speakers on this side.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, the House resolution concerning Best Buddies is an outstanding opportunity for us to reinforce the efforts made by Best Buddies as they move towards the mission of integrating individuals with intellectual disabilities into society, into community in the most successful measure. And so for those reasons I would strongly urge support for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1824, the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009. I thank Majority Leader HOYER for introducing this important legislation which authorizes the Secretary of Education to award grants to, or enter into agreements with, "Best Buddies" to promote the expansion of its programs. I urge my colleagues to approve this resolution so this vital nonprofit organization can provide further aid to people with disabilities and help them fit into mainstream society.

H.R. 1824 is needed because it will allow Best Buddies to increase participation in and public awareness about Best Buddies programs so that the organization can help more people in need. This public awareness campaign, and the successful participants in their program, will help dispel negative stereotypes about individuals with disabilities. Moreover, the public awareness campaign will promote the extraordinary contributions of people with disabilities.

This Bill is important because of the importance of the Best Buddies programs. According to the Best Buddies website the program has over 1,300 chapters and will help 400,000 individuals with intellectual disabilities just this year alone through its six program groups. Those groups include Best Buddies Citizens, Colleges, E-Buddies, High Schools, Jobs, and Middle Schools.

While the organization has expanded greatly, there are still many areas of the country that lack the resources to help individuals with intellectual disabilities become a part of mainstream society. Best Buddies is able to help

this broad range of individuals by providing one-on-one friendships and integrated employment.

The vision statement of the Best Buddies organization sums up their important goals best, "Best Buddies envisions a world where people with intellectual disabilities are so successfully integrated into our schools, our workplaces and our general communities that our current efforts and services will be unnecessary".

This vision is still necessary because people with intellectual disabilities are often excluded from society due to their differences. Best Buddies is determined to end the social isolation of people with intellectual disabilities by establishing meaningful, lasting one-to-one friendships with their peers without intellectual disabilities. The friendships Best Buddies create help increase self-esteem, confidence and the abilities of people with and without intellectual disabilities.

Since 1989, Best Buddies has worked towards this vision and operates the first national social and recreational program in the United States for people with intellectual disabilities.

Persons with intellectual disabilities need this crucial assistance to help them gain adaptive life skills. Such skills include communication, self-care, home living, social skills, leisure, health and safety, self-direction, functional academics like reading, writing and basic math as well as community participation and employment.

The effects of intellectual disabilities vary considerably among people. About 87 percent are mildly affected and will be only slightly less proficient than average in learning new information and skills. With the assistance of programs like Best Buddies, a significant portion of our population can become self-reliant and an integral part of society.

According to the Equal Employment Opportunity Commission, an estimated 2.5 million people, approximately 1% of the national population, have an intellectual disability. Estimates also indicate that only 31% of individuals with intellectual disabilities are employed, although many more want to work. Persons with intellectual disabilities successfully perform a wide range of jobs, and can be dependable workers. They just need help to make it happen.

As the Representative of the 18th District of Texas, and a tireless advocate for equal rights for all persons, I strongly support this Resolution. Currently, the Best Buddies Texas headquarters is in Houston and has programs in high schools and colleges within my district. I want to see that more states can get the help from Best Buddies that Texas has been so lucky to receive and ensure that Best Buddies can continue to grow and help even more individuals with intellectual disabilities in Texas and my district. I urge my colleagues to pass this Bill.

Mr. TONKO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and pass the bill, H.R. 1824.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 316, I call from the Speaker's table the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 13

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-neutral reserve fund to transform and modernize America's health care system.
Sec. 202. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.
Sec. 203. Deficit-neutral reserve fund for higher education.
Sec. 204. Deficit-neutral reserve fund for child nutrition and WIC.
Sec. 205. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 206. Deficit-neutral reserve fund to promote economic stabilization and growth.
Sec. 207. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
Sec. 208. Deficit-neutral reserve fund for judicial pay and judgeships and postal retiree assistance.
Sec. 209. Deficit-neutral reserve fund for defense acquisition and contracting reform.
Sec. 210. Deficit-neutral reserve fund for investments in our Nation's counties and schools.
Sec. 211. Deficit-neutral reserve fund for the Food and Drug Administration.

Sec. 212. Deficit-neutral reserve fund for bipartisan congressional sunset commission.

Sec. 213. Deficit-neutral reserve fund to improve domestic fuels security.

Sec. 214. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.

Sec. 215. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.

Sec. 216. Deficit-Neutral reserve fund for improving child welfare.

Sec. 217. Deficit-neutral reserve fund to fully fund the Long-Term Stability/Housing for Victims Program.

Sec. 218. Deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period.

Sec. 219. Deficit-neutral reserve fund for monitoring of FHA-insured lending.

Sec. 220. Deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas.

Sec. 221. Deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment.

Sec. 222. Expenditure of remaining TARP funds.

Sec. 223. Deficit-neutral reserve fund for prohibiting undeserved contracting performance bonuses.

Sec. 224. Deficit-reduction reserve fund to ensure the pledge of President Obama to eliminate wasteful, inefficient, and duplicative programs.

Sec. 225. Deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs.

Sec. 226. Deficit-neutral reserve fund for ending abusive no-bid contracts.

Sec. 227. Deficit-neutral reserve fund for home visitation programs.

Sec. 228. Deficit-neutral reserve fund for 21st Century Community Learning Centers.

Sec. 229. Deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses.

Sec. 230. Deficit-neutral reserve fund for pension coverage for employees of Department of Energy laboratories and environmental cleanup sites.

Sec. 231. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments.

Sec. 232. Deficit-reduction reserve fund for the elimination and recovery of improper payments.

Sec. 233. Deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits.

Sec. 234. Deficit-neutral reserve fund for legislation to increase the amount of capital losses allowed to individuals.

- Sec. 235. Deficit-neutral reserve fund for foster care financing reform.
- Sec. 236. Deficit-neutral reserve fund for healthcare professionals for the Veterans Health Administration.
- Sec. 237. Deficit-neutral reserve fund to repeal deductions from mineral revenue payments to States.
- Sec. 238. Reserve fund to promote tax equity for States without personal income taxes.
- Sec. 239. Deficit-neutral reserve fund for setting performance standards to identify failing Government programs.
- Sec. 240. Deficit-neutral reserve fund to expedite research on viability of use of higher ethanol blends at service station pump.
- Sec. 241. Deficit-neutral reserve funds to enhance drug-control efforts within our communities and along our borders.
- Sec. 242. Deficit-neutral reserve fund to promote individual savings and financial security.
- Sec. 243. Deficit-neutral reserve fund for the National Health Service Corps.
- Sec. 244. Deficit-neutral reserve fund to improve animal health and disease program.
- Sec. 245. Deficit-neutral reserve fund for increase in the end strength for active duty personnel of the Army.
- Sec. 246. Deficit-neutral reserve fund for wildland fire management activities.
- Sec. 247. Deficit-neutral reserve fund for estate tax relief.
- Sec. 248. Point of order against legislation that provides additional relief for the estate tax beyond the levels assumed in this budget resolution unless an equal amount of additional tax relief is provided to middle-class taxpayers.
- Sec. 249. Deficit-neutral reserve fund increase FDIC and NCUA borrowing authority.
- Sec. 250. Deficit-neutral reserve fund for innovative loan guarantee program of the Department of Energy.
- Sec. 251. Deficit-neutral reserve fund for nuclear research and development.
- Sec. 252. Deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities.
- Sec. 253. Deficit-neutral reserve fund for Energy Star for Small Business Program.
- TITLE III—BUDGET PROCESS**
Subtitle A—Budget Enforcement
- Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.
- Sec. 302. Point of order against advance appropriations.
- Sec. 303. Emergency legislation.
- Sec. 304. Point of order against legislation increasing short-term deficit.
- Sec. 305. Point of order against provisions of appropriations legislation that constitute changes in mandatory programs affecting the Crime Victims Fund.
- Sec. 306. Point of order against legislation that raises taxes on middle-income taxpayers.
- Sec. 307. Point of order on legislation that raises income tax rates on Small Businesses.
- Sec. 308. Point of order against legislation that imposes a National energy tax on middle-income taxpayers.
- Sec. 309. Point of order on legislation that imposes a marriage tax penalty.
- Sec. 310. Point of order on legislation that increases revenue above the levels established in the budget resolution.
- Sec. 311. Point of order on legislation that increases taxes during any period when the unemployment rate is in excess of 5.8 percent.
- Sec. 312. Point of order against legislation that causes significant job loss.
- Sec. 313. Limitations on legislation that would permit the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability.
- Sec. 314. Point of order.
- Sec. 315. Restrictions on unfunded mandates on States and local governments.
- Sec. 316. Point of order on legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor.
- Subtitle B—Other Provisions**
- Sec. 321. Oversight of government performance.
- Sec. 322. Budgetary treatment of certain discretionary administrative expenses.
- Sec. 323. Application and effect of changes in allocations and aggregates.
- Sec. 324. Adjustments to reflect changes in concepts and definitions.
- Sec. 325. Debt disclosure requirement.
- Sec. 326. Debt disclosures.
- Sec. 327. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,506,196,000,000.
 Fiscal year 2010: \$1,620,072,000,000.
 Fiscal year 2011: \$1,918,926,000,000.
 Fiscal year 2012: \$2,123,586,000,000.
 Fiscal year 2013: \$2,286,601,000,000.
 Fiscal year 2014: \$2,489,829,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: -\$26,374,000,000.
 Fiscal year 2010: -\$45,914,000,000.
 Fiscal year 2011: -\$169,705,000,000.
 Fiscal year 2012: -\$236,806,000,000.
 Fiscal year 2013: -\$228,736,000,000.
 Fiscal year 2014: -\$143,829,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,668,049,000,000.
 Fiscal year 2010: \$2,853,966,000,000.
 Fiscal year 2011: \$2,799,858,000,000.
 Fiscal year 2012: \$2,812,313,000,000.
 Fiscal year 2013: \$2,990,082,000,000.

Fiscal year 2014: \$3,164,644,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,355,533,000,000.
 Fiscal year 2010: \$2,981,026,000,000.
 Fiscal year 2011: \$2,937,215,000,000.
 Fiscal year 2012: \$2,856,956,000,000.
 Fiscal year 2013: \$3,003,162,000,000.
 Fiscal year 2014: \$3,152,972,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$1,849,337,000,000.
 Fiscal year 2010: \$1,360,954,000,000.
 Fiscal year 2011: \$1,018,289,000,000.
 Fiscal year 2012: \$733,370,000,000.
 Fiscal year 2013: \$716,560,000,000.
 Fiscal year 2014: \$663,142,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,067,919,000,000.
 Fiscal year 2010: \$13,298,235,000,000.
 Fiscal year 2011: \$14,394,517,000,000.
 Fiscal year 2012: \$15,303,842,000,000.
 Fiscal year 2013: \$16,175,508,000,000.
 Fiscal year 2014: \$17,022,970,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,754,355,000,000.
 Fiscal year 2010: \$8,817,043,000,000.
 Fiscal year 2011: \$9,702,393,000,000.
 Fiscal year 2012: \$10,345,439,000,000.
 Fiscal year 2013: \$10,919,379,000,000.
 Fiscal year 2014: \$11,471,742,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000.
 Fiscal year 2010: \$668,208,000,000.
 Fiscal year 2011: \$694,864,000,000.
 Fiscal year 2012: \$726,045,000,000.
 Fiscal year 2013: \$766,065,000,000.
 Fiscal year 2014: \$802,166,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000.
 Fiscal year 2010: \$544,140,000,000.
 Fiscal year 2011: \$564,523,000,000.
 Fiscal year 2012: \$586,897,000,000.
 Fiscal year 2013: \$612,017,000,000.
 Fiscal year 2014: \$639,054,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:
 (A) New budget authority, \$5,296,000,000.
 (B) Outlays, \$4,945,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$6,072,000,000.
 (B) Outlays, \$5,934,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$6,568,000,000.
 (B) Outlays, \$6,433,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$6,895,000,000.

(B) Outlays, \$6,809,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$7,223,000,000.
 (B) Outlays, \$7,148,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$7,599,000,000.
 (B) Outlays, \$7,517,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:
 (A) New budget authority, \$253,000,000.
 (B) Outlays, \$253,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$262,000,000.
 (B) Outlays, \$262,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$267,000,000.
 (B) Outlays, \$267,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$272,000,000.
 (B) Outlays, \$272,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$277,000,000.
 (B) Outlays, \$277,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$283,000,000.
 (B) Outlays, \$283,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) National Defense (050):
 Fiscal year 2009:
 (A) New budget authority, \$693,557,000,000.
 (B) Outlays, \$671,725,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$691,703,000,000.
 (B) Outlays, \$695,628,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$619,767,000,000.
 (B) Outlays, \$662,705,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$628,785,000,000.
 (B) Outlays, \$642,223,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$639,535,000,000.
 (B) Outlays, \$641,425,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$653,458,000,000.
 (B) Outlays, \$646,834,000,000.
 (2) International Affairs (150):
 Fiscal year 2009:
 (A) New budget authority, \$55,333,000,000.
 (B) Outlays, \$38,011,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$50,667,000,000.
 (B) Outlays, \$48,853,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$48,186,000,000.
 (B) Outlays, \$51,034,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$50,421,000,000.
 (B) Outlays, \$51,649,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$53,324,000,000.
 (B) Outlays, \$52,556,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$55,992,000,000.
 (B) Outlays, \$53,223,000,000.
 (3) General Science, Space, and Technology (250):
 Fiscal year 2009:
 (A) New budget authority, \$35,389,000,000.
 (B) Outlays, \$30,973,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$31,139,000,000.
 (B) Outlays, \$32,467,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$33,993,000,000.

(B) Outlays, \$33,032,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$35,008,000,000.
 (B) Outlays, \$33,749,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$35,557,000,000.
 (B) Outlays, \$34,971,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$36,211,000,000.
 (B) Outlays, \$36,066,000,000.
 (4) Energy (270):
 Fiscal year 2009:
 (A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$2,952,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$4,488,999,999.
 (B) Outlays, \$6,209,999,999.
 Fiscal year 2011:
 (A) New budget authority, \$4,404,000,000.
 (B) Outlays, \$8,906,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$4,427,000,000.
 (B) Outlays, \$10,341,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$4,619,000,000.
 (B) Outlays, \$5,613,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$4,540,000,000.
 (B) Outlays, \$484,000,000.
 (5) Natural Resources and Environment (300):
 Fiscal year 2009:
 (A) New budget authority, \$56,009,000,000.
 (B) Outlays, \$36,834,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$37,687,000,000.
 (B) Outlays, \$40,690,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$37,914,000,000.
 (B) Outlays, \$39,928,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$38,376,000,000.
 (B) Outlays, \$39,419,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$38,256,000,000.
 (B) Outlays, \$38,883,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$38,602,000,000.
 (B) Outlays, \$38,788,000,000.
 (6) Agriculture (350):
 Fiscal year 2009:
 (A) New budget authority, \$24,974,000,000.
 (B) Outlays, \$23,070,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$23,620,000,000.
 (B) Outlays, \$23,881,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$24,602,000,000.
 (B) Outlays, \$23,914,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$21,500,000,000.
 (B) Outlays, \$17,410,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$22,295,000,000.
 (B) Outlays, \$21,877,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$22,920,000,000.
 (B) Outlays, \$21,906,000,000.
 (7) Commerce and Housing Credit (370):
 Fiscal year 2009:
 (A) New budget authority, \$694,439,000,000.
 (B) Outlays, \$665,437,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$61,113,000,000.
 (B) Outlays, \$85,818,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$25,931,000,000.
 (B) Outlays, \$37,798,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$9,305,000,000.
 (B) Outlays, \$8,400,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$16,985,000,000.
 (B) Outlays, \$5,329,000,000.

Fiscal year 2014:
 (A) New budget authority, \$10,958,000,000.
 (B) Outlays, -\$2,762,000,000.
 (8) Transportation (400):
 Fiscal year 2009:
 (A) New budget authority, \$122,457,000,000.
 (B) Outlays, \$87,784,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$75,246,000,000.
 (B) Outlays, \$95,695,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$75,301,000,000.
 (B) Outlays, \$96,147,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$75,885,000,000.
 (B) Outlays, \$95,184,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$75,758,000,000.
 (B) Outlays, \$95,017,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$75,642,000,000.
 (B) Outlays, \$94,972,000,000.
 (9) Community and Regional Development (450):
 Fiscal year 2009:
 (A) New budget authority, \$23,811,000,000.
 (B) Outlays, \$29,983,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$16,338,000,000.
 (B) Outlays, \$28,924,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$16,152,000,000.
 (B) Outlays, \$25,574,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$16,194,000,000.
 (B) Outlays, \$22,263,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$16,043,000,000.
 (B) Outlays, \$19,640,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$16,068,000,000.
 (B) Outlays, \$17,870,000,000.
 (10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2009:
 (A) New budget authority, \$164,276,000,000.
 (B) Outlays, \$73,219,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$94,430,000,000.
 (B) Outlays, \$140,624,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$107,858,000,000.
 (B) Outlays, \$141,412,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$117,121,000,000.
 (B) Outlays, \$118,480,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$115,931,000,000.
 (B) Outlays, \$118,911,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$125,788,000,000.
 (B) Outlays, \$120,959,000,000.
 (11) Health (550):
 Fiscal year 2009:
 (A) New budget authority, \$380,158,000,000.
 (B) Outlays, \$354,397,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$385,447,000,000.
 (B) Outlays, \$389,191,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$363,906,000,000.
 (B) Outlays, \$368,001,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$368,156,000,000.
 (B) Outlays, \$367,749,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$387,170,000,000.
 (B) Outlays, \$382,650,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$396,523,000,000.
 (B) Outlays, \$397,368,000,000.
 (12) Medicare (570):
 Fiscal year 2009:
 (A) New budget authority, \$427,076,000,000.

(B) Outlays, \$426,736,000,000.
Fiscal year 2010:
(A) New budget authority, \$442,828,000,000.
(B) Outlays, \$442,959,000,000.
Fiscal year 2011:
(A) New budget authority, \$487,518,000,000.
(B) Outlays, \$487,336,000,000.
Fiscal year 2012:
(A) New budget authority, \$491,854,000,000.
(B) Outlays, \$491,626,000,000.
Fiscal year 2013:
(A) New budget authority, \$539,711,000,000.
(B) Outlays, \$539,862,000,000.
Fiscal year 2014:
(A) New budget authority, \$592,893,000,000.
(B) Outlays, \$592,733,000,000.
(13) Income Security (600):
Fiscal year 2009:
(A) New budget authority, \$520,123,000,000.
(B) Outlays, \$503,020,000,000.
Fiscal year 2010:
(A) New budget authority, \$536,609,000,000.
(B) Outlays, \$539,949,200,000.
Fiscal year 2011:
(A) New budget authority, \$507,502,000,000.
(B) Outlays, \$511,313,800,000.
Fiscal year 2012:
(A) New budget authority, \$450,091,000,000.
(B) Outlays, \$450,856,400,000.
Fiscal year 2013:
(A) New budget authority, \$454,160,000,000.
(B) Outlays, \$453,934,500,000.
Fiscal year 2014:
(A) New budget authority, \$454,931,000,000.
(B) Outlays, \$453,726,100,000.
(14) Social Security (650):
Fiscal year 2009:
(A) New budget authority, \$31,820,000,000.
(B) Outlays, \$31,264,000,000.
Fiscal year 2010:
(A) New budget authority, \$20,255,000,000.
(B) Outlays, \$20,378,000,000.
Fiscal year 2011:
(A) New budget authority, \$23,380,000,000.
(B) Outlays, \$23,513,000,000.
Fiscal year 2012:
(A) New budget authority, \$26,478,000,000.
(B) Outlays, \$26,628,000,000.
Fiscal year 2013:
(A) New budget authority, \$29,529,000,000.
(B) Outlays, \$29,679,000,000.
Fiscal year 2014:
(A) New budget authority, \$32,728,000,000.
(B) Outlays, \$32,728,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2009:
(A) New budget authority, \$97,705,000,000.
(B) Outlays, \$94,831,000,000.
Fiscal year 2010:
(A) New budget authority, \$106,490,000,000.
(B) Outlays, \$105,593,000,000.
Fiscal year 2011:
(A) New budget authority, \$112,806,000,000.
(B) Outlays, \$112,355,000,000.
Fiscal year 2012:
(A) New budget authority, \$108,643,000,000.
(B) Outlays, \$108,048,000,000.
Fiscal year 2013:
(A) New budget authority, \$113,722,000,000.
(B) Outlays, \$113,071,000,000.
Fiscal year 2014:
(A) New budget authority, \$115,929,000,000.
(B) Outlays, \$115,388,000,000.
(16) Administration of Justice (750):
Fiscal year 2009:
(A) New budget authority, \$55,783,000,000.
(B) Outlays, \$49,853,000,000.
Fiscal year 2010:
(A) New budget authority, \$53,499,000,000.
(B) Outlays, \$52,064,000,000.
Fiscal year 2011:
(A) New budget authority, \$52,061,000,000.
(B) Outlays, \$54,204,000,000.
Fiscal year 2012:

(A) New budget authority, \$51,866,000,000.
(B) Outlays, \$53,839,000,000.
Fiscal year 2013:
(A) New budget authority, \$51,651,000,000.
(B) Outlays, \$52,679,000,000.
Fiscal year 2014:
(A) New budget authority, \$51,488,000,000.
(B) Outlays, \$51,635,000,000.
(17) General Government (800):
Fiscal year 2009:
(A) New budget authority, \$30,405,000,000.
(B) Outlays, \$24,629,000,000.
Fiscal year 2010:
(A) New budget authority, \$22,324,000,000.
(B) Outlays, \$23,024,000,000.
Fiscal year 2011:
(A) New budget authority, \$22,483,000,000.
(B) Outlays, \$23,328,000,000.
Fiscal year 2012:
(A) New budget authority, \$22,715,000,000.
(B) Outlays, \$23,814,000,000.
Fiscal year 2013:
(A) New budget authority, \$22,445,000,000.
(B) Outlays, \$23,260,000,000.
Fiscal year 2014:
(A) New budget authority, \$22,812,000,000.
(B) Outlays, \$23,113,000,000.
(18) Net Interest (900):
Fiscal year 2009:
(A) New budget authority, \$289,021,000,000.
(B) Outlays, \$289,021,000,000.
Fiscal year 2010:
(A) New budget authority, \$284,558,000,000.
(B) Outlays, \$284,558,000,000.
Fiscal year 2011:
(A) New budget authority, \$323,794,000,000.
(B) Outlays, \$323,794,000,000.
Fiscal year 2012:
(A) New budget authority, \$387,620,000,000.
(B) Outlays, \$387,620,000,000.
Fiscal year 2013:
(A) New budget authority, \$470,073,000,000.
(B) Outlays, \$470,073,000,000.
Fiscal year 2014:
(A) New budget authority, \$557,326,000,000.
(B) Outlays, \$557,326,000,000.
(19) Allowances (920):
Fiscal year 2009:
(A) New budget authority, \$0.
(B) Outlays, \$0.
Fiscal year 2010:
(A) New budget authority, -\$16,031,999,999.
(B) Outlays, -\$7,037,199,999.
Fiscal year 2011:
(A) New budget authority, -\$16,046,000,000.
(B) Outlays, -\$15,266,800,000.
Fiscal year 2012:
(A) New budget authority, -\$17,512,000,000.
(B) Outlays, -\$17,654,400,000.
Fiscal year 2013:
(A) New budget authority, -\$19,097,000,000.
(B) Outlays, -\$18,658,500,000.
Fiscal year 2014:
(A) New budget authority, -\$20,674,000,000.
(B) Outlays, -\$19,891,100,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2009:
(A) New budget authority, -\$78,206,000,000.
(B) Outlays, -\$78,206,000,000.
Fiscal year 2010:
(A) New budget authority, -\$68,444,000,000.
(B) Outlays, -\$68,444,000,000.
Fiscal year 2011:
(A) New budget authority, -\$71,653,000,000.
(B) Outlays, -\$71,653,000,000.
Fiscal year 2012:
(A) New budget authority, -\$74,620,000,000.
(B) Outlays, -\$74,620,000,000.
Fiscal year 2013:
(A) New budget authority, -\$77,585,000,000.
(B) Outlays, -\$77,585,000,000.
Fiscal year 2014:
(A) New budget authority, -\$79,491,000,000.
(B) Outlays, -\$79,491,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses (in particular to small business and individuals who are self-employed), households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for universality of health coverage;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue;

by the amounts provided in such legislation for those purposes, provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies and ensure an adequate supply of residents and physicians;

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases;

(4) promote payment policies under the Medicare program that reward quality and

efficient care and address geographic variations in spending; or

(5) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services);

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on imported energy including through expanded offshore oil and gas production in the Outer Continental Shelf, produce green jobs, promote renewable energy development, strengthen and retool manufacturing supply chains, create a clean energy investment fund, improve electricity transmission, encourage conservation and efficiency (including through industrial energy efficiency programs), make improvements to the Low Income Home Energy Assistance Program, set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute, implement water settlements, or preserve or protect public lands, oceans or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would invest in clean energy technology initiatives, decrease greenhouse gas emissions (without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production), create new jobs in a clean technology economy, strengthen

the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help families, workers, communities, and businesses make the transition to a clean energy economy, without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation, without increasing electricity or gasoline prices, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) ALLOCATIONS.—The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.), such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) INFRASTRUCTURE.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, transportation, including freight and passenger rail, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(2) DENALI COMMISSION.—The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

(b) SURFACE TRANSPORTATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new budget authority for surface transportation programs to the extent such new budget authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) MULTIMODAL TRANSPORTATION PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities,

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) FLOOD CONTROL PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.**—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.

(a) **MANUFACTURING.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **TAX RELIEF.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, or refundable tax relief and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **TAX REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or

the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD INSURANCE REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **TRADE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) **HOUSING ASSISTANCE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(g) **UNEMPLOYMENT MITIGATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, eliminate the offset between Survivor Benefit Plan annu-

ities and Veterans' Dependency and Indemnity Compensation, enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition, provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II, or expand veterans' benefits (including for veterans living in rural areas), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS AND POSTAL RETIREE ASSISTANCE.

(a) **JUDICIAL PAY AND JUDGESHIPS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **POSTAL RETIREES.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts;

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.

(a) **REGULATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG IMPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **FOOD SAFETY.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR BIPARTISAN CONGRESSIONAL SUNSET COMMISSION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide for a bipartisan congressional sunset commission, that will review Federal programs, focusing on unauthorized and non-performing programs;

(2) provide for a process that will help abolish obsolete and duplicative Federal programs;

(3) provide for improved government accountability and greater openness in Government decisionmaking; and

(4) provide for a process that ensures that Congress will consider the commission's reports and recommendations;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 213. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC FUELS SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to achieve domestic fuels security by authorizing the Department of Defense to procure alternative fuels from domestic sources under contracts for up to 20 years, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) and provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered;

(C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 217. DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time non-refundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 220. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 221. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 222. EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 224. DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing

each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 227. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 229. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in

subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 232. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

SEC. 233. DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports pro-

grams to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SEC. 237. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111-8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 238. RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 239. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 240. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 241. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amend-

ments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 242. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 243. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with \$235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

SEC. 244. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 245. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 246. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 247. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of \$5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 248. POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond \$3,500,000 per person (\$7,000,000 per married couple) and a graduated rate ending at less than 45 percent unless an equal amount of tax relief is provided to Americans earning less than \$100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

SEC. 249. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or

conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

SEC. 250. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 251. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 252. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 253. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in

that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2009, \$1,391,471,000,000 in new budget authority and \$1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, \$1,079,050,000,000 in new budget authority and \$1,268,104,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to \$485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed

\$485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$7,100,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to \$50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(E) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or

Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(4) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sus-

tain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, mo-

tion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the

jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) **SUNSET.**—This section shall expire on September 30, 2018.

(e) **INAPPLICABILITY.**—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SEC. 305. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) **IN GENERAL.**—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision or provisions affecting the Crime Victims Fund, as defined by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), which constitutes a change in a mandatory program that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (d) and (e).

(b) **DETERMINATION.**—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) **GENERAL POINT OF ORDER.**—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pur-

suant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) **FORM OF THE POINT OF ORDER.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 306. POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) **DEFINITIONS.**—In this subsection:

(1) **MIDDLE-INCOME TAXPAYERS.**—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **FEDERAL TAX INCREASE.**—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and

sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 307. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) **DEFINITION.**—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 308. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) **DEFINITIONS.**—In this subsection:

(1) **MIDDLE INCOME TAXPAYERS.**—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **NATIONAL ENERGY TAX INCREASE.**—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

SEC. 309. POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) **DEFINITION.**—In this section, the term “marriage penalty” means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 310. POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—**(1) WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 311. POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 312. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 313. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) **POINT OF ORDER.**—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—

(A) **IN GENERAL.**—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) **VOTE.**—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—

(A) **IN GENERAL.**—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) **VOTE.**—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—

(A) **IN GENERAL.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) **DIVISION.**—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(C) **LEGISLATION DEFINED.**—In this section, the term "legislation" means a bill, joint resolution, amendment, motion, or conference report.

(d) **TERMINATION.**—The provisions of this section shall terminate on December 31, 2012.

SEC. 314. POINT OF ORDER.

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to

1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 315. RESTRICTIONS ON UNFUNDED MAN-DATES ON STATES AND LOCAL GOVERNMENTS.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 316. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Subtitle B—Other Provisions

SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

“SEC. ____ . DEBT DISCLOSURES.

“(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$ _____ from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

“(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$ _____ on every United States citizen from the current year, fiscal year 20____ to the fifth year of the budget window, fiscal year 20____.

“(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that \$ _____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20____ through 20____, on things other than Social Security.”.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent in any year or the gross Federal debt in the fifth year of the budget window is greater than the gross debt projected for the current year, as described in section 101(5) of this resolution, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—In this section, the term “gross Federal debt” means the nominal levels of (or changes in the levels of) gross Federal debt (debt subject to limit as set forth in section 101(5) of this resolution) measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 326. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$4,960,000,000,000 from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$16,200 on every United States citizen from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that \$700,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2010 through 2014, on things other than Social Security.

SEC. 327. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

MOTION OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Spratt moves to strike all after the resolving clause and to insert in lieu thereof the provisions of House Concurrent Resolution 85 as adopted by the House as follows:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the

appropriate budgetary levels for fiscal year 2009 and for fiscal years 2011 through 2014.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House.

Sec. 202. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for health care reform.

Sec. 302. Deficit-neutral reserve fund for college access, affordability, and completion.

Sec. 303. Deficit-neutral reserve fund for increasing energy independence.

Sec. 304. Deficit-neutral reserve fund for America's veterans and servicemembers.

Sec. 305. Deficit-neutral reserve fund for certain tax relief.

Sec. 306. Deficit-neutral reserve fund for a 9/11 health program.

Sec. 307. Deficit-neutral reserve fund for child nutrition.

Sec. 308. Deficit-neutral reserve fund for structural unemployment insurance reforms.

Sec. 309. Deficit-neutral reserve fund for child support.

Sec. 310. Deficit-neutral reserve fund for the Affordable Housing Trust Fund.

Sec. 311. Deficit-neutral reserve fund for home visiting.

Sec. 312. Deficit-neutral reserve fund for Low-Income Home Energy Assistance Program trigger.

Sec. 313. Reserve fund for the Surface Transportation Reauthorization.

Sec. 314. Current policy reserve fund for Medicare improvements.

Sec. 315. Current policy reserve fund for middle class tax relief.

Sec. 316. Current policy reserve fund for reform of the alternative minimum tax (AMT).

Sec. 317. Current policy reserve fund for reform of the Estate and Gift Tax.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Adjustments for direct spending and revenues.

Sec. 402. Adjustments to discretionary spending limits.

Sec. 403. Point of order against advance appropriations.

Sec. 404. Oversight of Government performance.

Sec. 405. Budgetary treatment of certain discretionary administrative expenses.

Sec. 406. Application and effect of changes in allocations and aggregates.

Sec. 407. Adjustments to reflect changes in concepts and definitions.

Sec. 408. Exercise of rulemaking powers.

TITLE V—POLICY

Sec. 501. Policy on middle-class tax relief and revenues.

Sec. 502. Policy on defense priorities.

TITLE VI—SENSE OF THE HOUSE

Sec. 601. Sense of the House on veterans' and servicemembers' health care.

Sec. 602. Sense of the House on homeland security.

Sec. 603. Sense of the House on promoting American innovation and economic competitiveness.

Sec. 604. Sense of the House regarding pay parity.

Sec. 605. Sense of the House on college affordability.

Sec. 606. Sense of the House on Great Lakes restoration.

Sec. 607. Sense of the House regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,532,571,000,000.

Fiscal year 2010: \$1,659,525,000,000.

Fiscal year 2011: \$1,933,072,000,000.

Fiscal year 2012: \$2,190,099,000,000.
 Fiscal year 2013: \$2,361,429,000,000.
 Fiscal year 2014: \$2,507,846,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0.
 Fiscal year 2010: -\$6,461,000,000.
 Fiscal year 2011: -\$155,559,000,000.
 Fiscal year 2012: -\$170,294,000,000.
 Fiscal year 2013: -\$153,908,000,000.
 Fiscal year 2014: -\$125,832,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,675,133,000,000.
 Fiscal year 2010: \$2,892,061,000,000.
 Fiscal year 2011: \$2,866,329,000,000.
 Fiscal year 2012: \$2,913,316,000,000.
 Fiscal year 2013: \$3,095,704,000,000.
 Fiscal year 2014: \$3,286,135,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,357,255,000,000.
 Fiscal year 2010: \$2,996,234,000,000.
 Fiscal year 2011: \$2,981,872,000,000.
 Fiscal year 2012: \$2,939,612,000,000.
 Fiscal year 2013: \$3,093,577,000,000.
 Fiscal year 2014: \$3,261,525,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: \$1,824,684,000,000.
 Fiscal year 2010: \$1,336,709,000,000.
 Fiscal year 2011: \$1,048,800,000,000.
 Fiscal year 2012: \$749,513,000,000.
 Fiscal year 2013: \$732,148,000,000.
 Fiscal year 2014: \$753,679,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,017,000,000,000.
 Fiscal year 2010: \$13,223,000,000,000.
 Fiscal year 2011: \$14,350,000,000,000.
 Fiscal year 2012: \$15,276,000,000,000.
 Fiscal year 2013: \$16,162,000,000,000.
 Fiscal year 2014: \$17,100,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,730,000,000,000.
 Fiscal year 2010: \$8,768,000,000,000.
 Fiscal year 2011: \$9,684,000,000,000.
 Fiscal year 2012: \$10,344,000,000,000.
 Fiscal year 2013: \$10,934,000,000,000.
 Fiscal year 2014: \$11,577,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2009:
 (A) New budget authority, \$618,057,000,000.
 (B) Outlays, \$646,810,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$562,033,000,000.
 (B) Outlays, \$606,043,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$570,107,000,000.
 (B) Outlays, \$587,945,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$579,135,000,000.
 (B) Outlays, \$576,023,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$589,895,000,000.
 (B) Outlays, \$584,670,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$603,828,000,000.

(B) Outlays, \$595,476,000,000.

(2) International Affairs (150):

Fiscal year 2009:

(A) New budget authority, \$40,885,000,000.
 (B) Outlays, \$37,797,000,000.

Fiscal year 2010:

(A) New budget authority, \$45,320,000,000.
 (B) Outlays, \$43,461,000,000.

Fiscal year 2011:

(A) New budget authority, \$49,146,000,000.
 (B) Outlays, \$48,642,000,000.

Fiscal year 2012:

(A) New budget authority, \$53,742,000,000.
 (B) Outlays, \$52,123,000,000.

Fiscal year 2013:

(A) New budget authority, \$59,160,000,000.
 (B) Outlays, \$55,773,000,000.

Fiscal year 2014:

(A) New budget authority, \$64,388,000,000.
 (B) Outlays, \$59,292,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2009:

(A) New budget authority, \$35,389,000,000.
 (B) Outlays, \$30,973,000,000.

Fiscal year 2010:

(A) New budget authority, \$31,139,000,000.
 (B) Outlays, \$32,467,000,000.

Fiscal year 2011:

(A) New budget authority, \$31,493,000,000.
 (B) Outlays, \$32,407,000,000.

Fiscal year 2012:

(A) New budget authority, \$33,373,000,000.
 (B) Outlays, \$32,465,000,000.

Fiscal year 2013:

(A) New budget authority, \$34,419,000,000.
 (B) Outlays, \$33,614,000,000.

Fiscal year 2014:

(A) New budget authority, \$35,686,000,000.
 (B) Outlays, \$34,835,000,000.

(4) Energy (270):

Fiscal year 2009:

(A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$2,952,000,000.

Fiscal year 2010:

(A) New budget authority, \$5,489,000,000.
 (B) Outlays, \$7,267,000,000.

Fiscal year 2011:

(A) New budget authority, \$5,539,000,000.
 (B) Outlays, \$11,322,000,000.

Fiscal year 2012:

(A) New budget authority, \$5,732,000,000.
 (B) Outlays, \$13,400,000,000.

Fiscal year 2013:

(A) New budget authority, \$6,098,000,000.
 (B) Outlays, \$12,133,000,000.

Fiscal year 2014:

(A) New budget authority, \$6,227,000,000.
 (B) Outlays, \$10,512,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2009:

(A) New budget authority, \$56,009,000,000.
 (B) Outlays, \$36,834,000,000.

Fiscal year 2010:

(A) New budget authority, \$37,387,000,000.
 (B) Outlays, \$40,450,000,000.

Fiscal year 2011:

(A) New budget authority, \$38,600,000,000.
 (B) Outlays, \$40,237,000,000.

Fiscal year 2012:

(A) New budget authority, \$39,249,000,000.
 (B) Outlays, \$40,058,000,000.

Fiscal year 2013:

(A) New budget authority, \$39,348,000,000.
 (B) Outlays, \$39,754,000,000.

Fiscal year 2014:

(A) New budget authority, \$40,017,000,000.
 (B) Outlays, \$39,957,000,000.

(6) Agriculture (350):

Fiscal year 2009:

(A) New budget authority, \$24,974,000,000.
 (B) Outlays, \$23,070,000,000.

Fiscal year 2010:

(A) New budget authority, \$23,690,000,000.

(B) Outlays, \$23,951,000,000.

Fiscal year 2011:

(A) New budget authority, \$24,691,000,000.

(B) Outlays, \$23,998,000,000.

Fiscal year 2012:

(A) New budget authority, \$21,644,000,000.

(B) Outlays, \$17,540,000,000.

Fiscal year 2013:

(A) New budget authority, \$22,497,000,000.

(B) Outlays, \$22,063,000,000.

Fiscal year 2014:

(A) New budget authority, \$23,182,000,000.

(B) Outlays, \$22,150,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2009:

(A) New budget authority, \$694,439,000,000.

(B) Outlays, \$665,437,000,000.

Fiscal year 2010:

(A) New budget authority, \$60,933,000,000.

(B) Outlays, \$85,638,000,000.

Fiscal year 2011:

(A) New budget authority, \$26,181,000,000.

(B) Outlays, \$37,954,000,000.

Fiscal year 2012:

(A) New budget authority, \$9,561,000,000.

(B) Outlays, \$8,645,000,000.

Fiscal year 2013:

(A) New budget authority, \$17,247,000,000.

(B) Outlays, \$5,585,000,000.

Fiscal year 2014:

(A) New budget authority, \$11,226,000,000.

(B) Outlays, -\$2,500,000,000.

(8) Transportation (400):

Fiscal year 2009:

(A) New budget authority, \$122,457,000,000.

(B) Outlays, \$87,784,000,000.

Fiscal year 2010:

(A) New budget authority, \$88,151,000,000.

(B) Outlays, \$95,695,000,000.

Fiscal year 2011:

(A) New budget authority, \$89,071,000,000.

(B) Outlays, \$96,474,000,000.

Fiscal year 2012:

(A) New budget authority, \$90,047,000,000.

(B) Outlays, \$95,851,000,000.

Fiscal year 2013:

(A) New budget authority, \$90,866,000,000.

(B) Outlays, \$96,150,000,000.

Fiscal year 2014:

(A) New budget authority, \$91,809,000,000.

(B) Outlays, \$96,793,000,000.

(9) Community and Regional Development (450):

Fiscal year 2009:

(A) New budget authority, \$23,811,000,000.

(B) Outlays, \$29,983,000,000.

Fiscal year 2010:

(A) New budget authority, \$18,308,000,000.

(B) Outlays, \$29,303,000,000.

Fiscal year 2011:

(A) New budget authority, \$21,232,000,000.

(B) Outlays, \$27,530,000,000.

Fiscal year 2012:

(A) New budget authority, \$21,311,000,000.

(B) Outlays, \$25,722,000,000.

Fiscal year 2013:

(A) New budget authority, \$21,202,000,000.

(B) Outlays, \$24,155,000,000.

Fiscal year 2014:

(A) New budget authority, \$21,270,000,000.

(B) Outlays, \$22,752,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2009:

(A) New budget authority, \$164,276,000,000.

(B) Outlays, \$73,219,000,000.

Fiscal year 2010:

(A) New budget authority, \$93,689,000,000.

(B) Outlays, \$140,300,000,000.

Fiscal year 2011:

(A) New budget authority, \$107,858,000,000.

(B) Outlays, \$141,108,000,000.

Fiscal year 2012:

(A) New budget authority, \$117,121,000,000.
 (B) Outlays, \$118,391,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$115,931,000,000.
 (B) Outlays, \$118,888,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$125,788,000,000.
 (B) Outlays, \$120,959,000,000.
 (11) Health (550):
 Fiscal year 2009:
 (A) New budget authority, \$380,158,000,000.
 (B) Outlays, \$354,397,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$383,911,000,000.
 (B) Outlays, \$388,746,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$364,910,000,000.
 (B) Outlays, \$367,628,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$369,852,000,000.
 (B) Outlays, \$368,556,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$389,719,000,000.
 (B) Outlays, \$384,359,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$400,451,000,000.
 (B) Outlays, \$400,173,000,000.
 (12) Medicare (570):
 Fiscal year 2009:
 (A) New budget authority, \$427,076,000,000.
 (B) Outlays, \$426,736,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$449,653,000,000.
 (B) Outlays, \$449,784,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$505,171,000,000.
 (B) Outlays, \$504,962,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$513,824,000,000.
 (B) Outlays, \$513,591,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$558,235,000,000.
 (B) Outlays, \$558,381,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$616,315,000,000.
 (B) Outlays, \$616,150,000,000.
 (13) Income Security (600):
 Fiscal year 2009:
 (A) New budget authority, \$520,123,000,000.
 (B) Outlays, \$503,020,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$536,169,000,000.
 (B) Outlays, \$539,918,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$510,575,000,000.
 (B) Outlays, \$513,410,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$478,039,000,000.
 (B) Outlays, \$478,323,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$483,386,000,000.
 (B) Outlays, \$482,745,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$485,396,000,000.
 (B) Outlays, \$483,758,000,000.
 (14) Social Security (650):
 Fiscal year 2009:
 (A) New budget authority, \$31,820,000,000.
 (B) Outlays, \$31,264,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.

(15) Veterans Benefits and Services (700):
 Fiscal year 2009:
 (A) New budget authority, \$97,705,000,000.
 (B) Outlays, \$94,831,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$106,365,000,000.
 (B) Outlays, \$105,468,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$112,842,000,000.
 (B) Outlays, \$112,386,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$108,702,000,000.
 (B) Outlays, \$108,103,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$113,803,000,000.
 (B) Outlays, \$113,151,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$116,021,000,000.
 (B) Outlays, \$115,480,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2009:
 (A) New budget authority, \$55,783,000,000.
 (B) Outlays, \$49,853,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$52,857,000,000.
 (B) Outlays, \$51,630,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$53,892,000,000.
 (B) Outlays, \$55,503,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$53,738,000,000.
 (B) Outlays, \$55,441,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$53,569,000,000.
 (B) Outlays, \$54,526,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$54,247,000,000.
 (B) Outlays, \$54,058,000,000.
 (17) General Government (800):
 Fiscal year 2009:
 (A) New budget authority, \$30,405,000,000.
 (B) Outlays, \$24,629,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$21,979,000,000.
 (B) Outlays, \$22,757,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$22,316,000,000.
 (B) Outlays, \$23,147,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$22,737,000,000.
 (B) Outlays, \$23,795,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$22,750,000,000.
 (B) Outlays, \$23,492,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$23,415,000,000.
 (B) Outlays, \$23,629,000,000.
 (18) Net Interest (900):
 Fiscal year 2009:
 (A) New budget authority, \$288,955,000,000.
 (B) Outlays, \$288,955,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$284,085,000,000.
 (B) Outlays, \$284,085,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$323,266,000,000.
 (B) Outlays, \$323,266,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$387,483,000,000.
 (B) Outlays, \$387,483,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$470,452,000,000.
 (B) Outlays, \$470,452,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$560,137,000,000.
 (B) Outlays, \$560,137,000,000.
 (19) Allowances (920):
 Fiscal year 2009:
 (A) New budget authority, \$14,450,000,000.
 (B) Outlays, \$1,788,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$9,422,000,000.
 (B) Outlays, \$4,893,000,000.
 Fiscal year 2011:

(A) New budget authority, \$8,052,000,000.
 (B) Outlays, \$5,903,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$6,518,000,000.
 (B) Outlays, \$4,750,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$5,543,000,000.
 (B) Outlays, \$4,122,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$3,865,000,000.
 (B) Outlays, \$2,962,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2009:
 (A) New budget authority, -\$78,206,000,000.
 (B) Outlays, -\$78,206,000,000.
 Fiscal year 2010:
 (A) New budget authority, -\$68,774,000,000.
 (B) Outlays, -\$68,774,000,000.
 Fiscal year 2011:
 (A) New budget authority, -\$71,993,000,000.
 (B) Outlays, -\$71,993,000,000.
 Fiscal year 2012:
 (A) New budget authority, -\$74,970,000,000.
 (B) Outlays, -\$74,970,000,000.
 Fiscal year 2013:
 (A) New budget authority, -\$77,945,000,000.
 (B) Outlays, -\$77,945,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$79,861,000,000.
 (B) Outlays, -\$79,861,000,000.
 (21) Overseas Deployments and Other Activities (970):
 Fiscal year 2009:
 (A) New budget authority, \$82,648,000,000.
 (B) Outlays, \$25,129,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$130,000,000,000.
 (B) Outlays, \$92,774,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$50,000,000,000.
 (B) Outlays, \$76,530,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$50,000,000,000.
 (B) Outlays, \$67,694,000,000.
 Fiscal year 2013:
 (A) New budget authority, \$50,000,000,000.
 (B) Outlays, \$57,830,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$50,000,000,000.
 (B) Outlays, \$52,085,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE.

(a) HEALTH CARE REFORM.—

(1) Not later than September 29, 2009, the House Committee on Energy and Commerce shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(2) Not later than September 29, 2009, the House Committee on Ways and Means shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) INVESTING IN EDUCATION.—Not later than September 30, 2009, the House Committee on Education and Labor shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) SINGLE ENGROSSMENT.—The House may direct the Clerk to add at the end of a bill addressed by this section the text of another measure addressed by this section as passed by the House to form a single engrossed reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

SEC. 202. RECONCILIATION IN THE SENATE.

(Senate reconciliation instructions to be supplied by the Senate.)

TITLE III—RESERVE FUNDS**SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.**

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes improvements to health care in America, which may include making affordable health coverage available for all, improving the quality of health care, reducing rising health care costs, building on and strengthening existing public and private insurance coverage, including employer-sponsored coverage, and preserving choice of provider and plan by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR COLLEGE ACCESS, AFFORDABILITY, AND COMPLETION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible or that increases college enrollment and completion through reforms to the Higher Education Act of 1965 or other legislation, including increasing the maximum Pell grant award annually by an amount equal to one percentage point more than the Consumer Price Index, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASING ENERGY INDEPENDENCE.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

- (1) provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency;
- (2) encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration;
- (3) limits and provides for reductions in greenhouse gas emissions;
- (4) assists businesses, industries, States, communities, the environment, workers, or households as the United States moves toward reducing and offsetting the impacts of greenhouse gas emissions; or
- (5) facilitates the training of workers for these industries (“green collar jobs”);

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

- (1) enhances health care for military personnel or veterans;
- (2) maintains the affordability of health care for military retirees or veterans;
- (3) improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process;

(4) expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay (concurrent receipt); or

(5) eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation; and does not authorize the Department of Veterans Affairs (VA) to bill private insurance companies for treatment of health conditions that are related to veterans' military service, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN TAX RELIEF.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief that supports working families, businesses, States, or communities, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes, expands, or improves child nutrition programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STRUCTURAL UNEMPLOYMENT INSURANCE REFORMS.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes structural reforms to make the unemployment insurance system respond better to serious economic downturns by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that increases parental support for children, par-

ticularly from non-custodial parents, including legislation that results in a greater share of collected child support reaching the child, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR THE AFFORDABLE HOUSING TRUST FUND.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that capitalizes the existing Affordable Housing Trust Fund by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITING.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides funds to states for a program or programs of home visits to low-income mothers-to-be and low-income families which will produce sizeable, sustained improvements in the health and well-being of children and their parents, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM TRIGGER.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes the Low-Income Home Energy Assistance Program more responsive to energy price increases by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 313. RESERVE FUND FOR THE SURFACE TRANSPORTATION REAUTHORIZATION.

The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes surface transportation programs or that authorizes other transportation-related spending by providing new contract authority by the amounts provided in such measure if such measure establishes or maintains a solvent Highway Trust Fund over the period of fiscal years 2009 through 2015. “Solvency” is defined as a positive cash balance. Such measure may include a transfer into the Highway Trust Fund from other Federal funds, as long as the transfer of Federal funds is fully offset.

SEC. 314. CURRENT POLICY RESERVE FUND FOR MEDICARE IMPROVEMENTS.

(a) PROCEDURE.—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would increase outlays by an amount not to exceed \$87,290,000,000 in fiscal years

2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$284,970,000,000 in fiscal years 2010 through 2019 by reforming the Medicare payment system for physicians to—

(1) change incentives to encourage efficiency and higher quality care in a way that supports fiscal sustainability;

(2) improve payment accuracy to encourage efficient use of resources and ensure that primary care receives appropriate compensation;

(3) improve coordination of care among all providers serving a patient in all appropriate settings; or

(4) hold providers accountable for their utilization patterns and quality of care.

(b) **APPLICABILITY.**—For the purposes of section 401(a) of this resolution, the revisions made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 315. CURRENT POLICY RESERVE FUND FOR MIDDLE CLASS TAX RELIEF.

(a) **PROCEDURE.**—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would decrease revenues (or increase outlays, as appropriate) by an amount not to exceed \$698,571,000,000 in fiscal years 2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$1,848,523,000,000 in fiscal years 2010 through 2019, by extending certain provisions of the Internal Revenue Code of 1986 for middle class tax relief, including the—

(1) 10 percent individual income tax bracket;

(2) marriage penalty relief;

(3) child credit at \$1,000 and partial refundability of the credit;

(4) education incentives;

(5) other incentives for middle class families and children;

(6) other reductions to individual income tax brackets; and

(7) small business tax relief.

(b) **APPLICABILITY.**—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 316. CURRENT POLICY RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX (AMT).

(a) **PROCEDURE.**—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would decrease revenues by an amount not to exceed \$68,650,000,000 in fiscal years 2010 through 2014 and fiscal years 2010 through 2019 by reforming the AMT so that tens of millions of working families will not become subject to it.

(b) **APPLICABILITY.**—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

SEC. 317. CURRENT POLICY RESERVE FUND FOR REFORM OF THE ESTATE AND GIFT TAX.

(a) **PROCEDURE.**—The chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint reso-

lution, amendment, or conference report that would decrease revenues by an amount not to exceed \$72,033,000,000 in fiscal years 2010 through 2014 and, for the purposes of the Rules of the House of Representatives, by an amount not to exceed \$256,244,000,000 in fiscal years 2010 through 2019 by reforming the Estate and Gift Tax so that only a minute fraction of estates owe tax, by extending the law as in effect in 2009 for the Estate and Gift Tax.

(b) **APPLICABILITY.**—For the purposes of section 401(a) of this resolution, the adjustments made pursuant to this section shall apply only to a measure that includes the policies and the amounts described in this section.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. ADJUSTMENTS FOR DIRECT SPENDING AND REVENUES.

(a) **ADJUSTMENTS TO MAINTAIN CURRENT POLICY.**—

(1) Subject to the condition specified in paragraph (3), when the chairman of the Committee on the Budget evaluates the budgetary effects of a provision in any bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives relative to baseline estimates that are consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, he shall exclude from his evaluation the budgetary effects of such provision if such effects would have been reflected in a baseline adjusted to maintain current policy.

(2) Paragraph (1) applies only to a provision with respect to which the chairman of the Committee on the Budget has exercised his authority to make budgetary adjustments under sections 314, 315, 316, and 317 of this resolution.

(3) Paragraph (1) shall apply only if the House of Representatives has previously passed a bill to impose statutory pay-as-you-go requirements, or the measure containing the provision being evaluated by the chairman of the Committee on the Budget imposes such requirements, and only if such bill is designated as providing statutory pay-as-you-go requirements under this subsection.

(b) **LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).**—Prior to consideration of a bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$3,200,000,000 in funding for the Low-Income Home Energy Assistance program and provides additional appropriations of up to \$1,900,000,000 for that program, then the chairman of the Committee on the Budget may revise the budgetary treatment of such additional amounts and allocate such additional budget authority and outlays resulting from that budget authority to the Committee on Appropriations.

(c) **DEPOSIT INSURANCE.**—When the chairman of the Budget Committee evaluates the budgetary effects of a provision of a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives, the chairman shall exclude the budgetary effects of any provision that affects the full funding of the deposit insurance guarantee commitment in effect on the date of enactment of Public Law 110-343, the Emergency Economic Stabilization Act of 2008.

SEC. 402. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) **PROGRAM INTEGRITY INITIATIVES.**—

(1) **SOCIAL SECURITY ADMINISTRATION PROGRAM INTEGRITY INITIATIVES.**—

(A) **IN GENERAL.**—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration and (except as provided in subparagraph (B)) provides an additional appropriation of up to \$485,000,000, and that amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(B) **ASSET VERIFICATION.**—The additional appropriation of \$485,000,000 may also provide that a portion of that amount, not to exceed \$34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (A).

(2) **INTERNAL REVENUE SERVICE TAX COMPLIANCE.**—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$5,117,000,000 to the Internal Revenue Service for Enforcement and provides an additional appropriation of up to \$387,000,000 for Enforcement to address the Federal tax gap, and provides that such sums as may be necessary shall be available from the Operations Support account in the Internal Revenue Service to fully support these Enforcement activities, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(3) **HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.**—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates up to \$311,000,000, and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(4) **UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.**—Prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to \$50,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(5) **PARTNERSHIP FUND FOR PROGRAM INTEGRITY INNOVATION.**—Prior to consideration of any bill, joint resolution, amendment, or conference report that provides discretionary budget authority for a Partnership

Fund for Program Integrity Innovation in the Office of Management and Budget in an amount not to exceed \$175,000,000 for fiscal year 2010 and that designates the amount for the Partnership Fund for Program Integrity Innovation in the Office of Management and Budget, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(6) **PROCEDURE FOR ADJUSTMENTS.**—Prior to consideration of any bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in this subsection for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in this subsection.

(b) **COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.**—

(1) **OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.**—If any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009 or fiscal year 2010 for overseas deployments and related activities and such amounts are so designated pursuant to this subparagraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

(2) **EMERGENCY NEEDS.**—If any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs, then new budget authority and outlays resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

SEC. 403. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) **EXCEPTIONS.**—An advance appropriation may be provided for fiscal year 2011 for programs, projects, activities, or accounts identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for 2012, accounts separately identified under the same heading.

(c) **DEFINITION.**—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 404. OVERSIGHT OF GOVERNMENT PERFORMANCE.

All committees are encouraged to conduct rigorous oversight hearings to root out waste, fraud, and abuse in all aspects of Federal spending and Government operations, giving particular scrutiny to issues raised by the Federal Office of the Inspector General or the Comptroller General of the United States. Based upon these oversight efforts, the committees are encouraged to make recommendations to reduce wasteful Federal spending to promote deficit reduction and

long-term fiscal responsibility. Such recommendations should be submitted to the Committee on the Budget in the views and estimates reports prepared by committees as required under 301(d) of the Congressional Budget Act of 1974.

SEC. 405. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) **IN GENERAL.**—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) **SPECIAL RULE.**—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

(d) **ADJUSTMENTS.**—The chairman of the Committee on the Budget may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 407. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chairman of the Committee on the Budget shall adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 408. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives

to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-CLASS TAX RELIEF AND REVENUES.

It is the policy of this resolution to minimize fiscal burdens on working families and their children and grandchildren. It is the policy of this resolution to extend the following tax relief consistent with current policy—

(1) relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law;

(2) middle-class tax relief; and

(3) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit.

In total, this resolution supports the extension of \$1,700,000,000,000 in tax relief to individuals and families relative to current law. This resolution supports additional, deficit-neutral tax relief, including the extension of AMT relief, the research and experimentation tax credit, the deduction for State and local sales taxes, the enactment of a tax credit for school construction bonds, and other tax relief for working families. The cost of enacting such policies may be offset by reforms within the Internal Revenue Code of 1986 that produce higher rates of tax compliance to close the “tax gap” and reduce taxpayer burdens through tax simplification. The President’s budget proposes a variety of other revenue offsets. Unless expressly provided, this resolution does not assume any of the specific revenue offset proposals provided for in the President’s budget. Decisions about specific revenue offsets are made by the Ways and Means Committee, which is the tax-writing committee.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) there is no higher priority than the defense of our Nation, and therefore the Administration and Congress will make the necessary investments and reforms to strengthen our military so that it can successfully meet the threats of the 21st century;

(2) acquisition reform is needed at the Department of Defense to end excessive cost growth in the development of new weapons systems and to ensure that weapons systems are delivered on time and in adequate quantities to equip our servicemen and service-women;

(3) the Department of Defense should review defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(4) sufficient resources should be provided for the Department of Defense to aggressively address the 758 unimplemented recommendations made by the Government Accountability Office (GAO) since 2001 to improve practices at the Department of Defense, which could save billions of dollars that could be applied to priorities identified in this section;

(5) the Department of Defense should review the role that contractors play in its operations, including the degree to which contractors are performing inherently governmental functions, to ensure it has the most effective mix of government and contracted personnel;

(6) the Department of Defense report to Congress on its assessment of Cold War-era

weaponry, its progress on implementing GAO recommendations, and its review of contractors at the Department as outlined in paragraphs (3), (4), and (5) by a date to be determined by the appropriate committees;

(7) the GAO provide a report to the appropriate congressional committees by December 31, 2009, on the Department of Defense's progress in implementing its audit recommendations;

(8) ballistic missile defense technologies that are not proven to work through adequate testing and that are not operationally viable should not be deployed, and that no funding should be provided for the research or development of space-based interceptors;

(9) cooperative threat reduction and other nonproliferation programs (securing "loose nukes" and other materials used in weapons of mass destruction), which were highlighted as high priorities by the 9/11 Commission, need to be funded at a level that is commensurate with the evolving threat;

(10) readiness of our troops, particularly the National Guard and Reserves, is a high priority, and that continued emphasis is needed to ensure adequate equipment and training;

(11) improving military health care services and ensuring quality health care for returning combat veterans is a high priority;

(12) military pay and benefits should be enhanced to improve the quality of life for military personnel and their families;

(13) the Department of Defense should make every effort to investigate the national security benefits of energy independence, including those that may be associated with alternative energy sources and energy efficiency conversions;

(14) the Administration's budget requests should continue to comply with section 1008, Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and that to the extent practicable overseas military operations should no longer be funded through emergency supplemental appropriations; and

(15) when assessing security threats and reviewing the programs and funding needed to counter these threats, the Administration should do so in a comprehensive manner that includes all agencies involved in our national security.

TITLE VI—SENSE OF THE HOUSE

SEC. 601. SENSE OF THE HOUSE ON VETERANS' AND SERVICEMEMBERS' HEALTH CARE.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) the President's budget will improve health care for veterans by increasing appropriations for VA by 10 percent more than the 2009 level, increasing VA's appropriated resources for every year after 2010, and restoring health care eligibility to additional non-disabled veterans with modest incomes;

(3) VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service;

(4) VA may find it difficult to realize the level of increase in medical care collections estimated in the President's budget for 2010 using existing authorities; therefore, this resolution provides \$540,000,000 more for Function 700 (Veterans Benefits and Services) than the President's budget to safeguard the provision of health care to veterans;

(5) it is important to continue providing sufficient and timely funding for veterans' and servicemembers' health care; and

(6) this resolution provides additional funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder, and traumatic brain injury.

SEC. 602. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that because making the country safer and more secure is such a critical priority, the resolution therefore provides robust resources in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities that can be used to address our key security priorities, including—

(1) safeguarding the Nation's transportation systems, including rail, mass transit, ports, and airports;

(2) continuing with efforts to identify and to screen for threats bound for the United States;

(3) strengthening border security;

(4) enhancing emergency preparedness and training and equipping first responders;

(5) helping to make critical infrastructure more secure and resilient against the threat of terrorism and natural disasters;

(6) making the Nation's cyber infrastructure resistant to attack; and

(7) increasing the preparedness of the public health system.

SEC. 603. SENSE OF THE HOUSE ON PROMOTING AMERICAN INNOVATION AND ECONOMIC COMPETITIVENESS.

It is the sense of the House that—

(1) the House should provide sufficient investments to enable our Nation to continue to be the world leader in education, innovation, and economic growth as envisioned in the goals of the America COMPETES Act;

(2) this resolution builds on significant funding provided in the American Recovery and Reinvestment Act for scientific research and education in Function 250 (General Science, Space and Technology), Function 270 (Energy), Function 300 (Natural Resources and Environment), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health);

(3) the House also should pursue policies designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future; and

(4) this resolution recognizes the importance of the extension of investments and tax policies that promote research and development and encourage innovation and future technologies that will ensure American economic competitiveness.

SEC. 604. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 605. SENSE OF THE HOUSE ON COLLEGE AFFORDABILITY.

It is the sense of the House that nothing in this resolution should be construed to reduce any assistance that makes college more affordable and accessible for students, including but not limited to student aid programs and services provided by nonprofit State agencies.

SEC. 606. SENSE OF THE HOUSE ON GREAT LAKES RESTORATION.

It is the sense of the House that this resolution recognizes the importance of funding for an interagency initiative to address regional environmental issues that affect the Great Lakes, and that coordinated planning and implementation among the Federal, State, and local government and nongovernmental stakeholders is essential to more effectively addressing the most significant problems within the Great Lakes basin.

SEC. 607. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

The motion was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

MOTION TO GO TO CONFERENCE

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 316, I move that the House insist upon its amendment to Senate Concurrent Resolution 13 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 1 hour.

Mr. SPRATT. I yield the gentleman from Wisconsin, my ranking member, half of the allocated time, 30 minutes.

I reserve the balance of my time so that Mr. RYAN can proceed.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I believe I will reserve the balance of my time and allow the gentleman from South Carolina to get started.

Mr. SPRATT. Mr. Speaker, before leaving here for the spring vacation, the district work period, the House passed, by a significant majority, some 233 "ayes," the resolution before us today, which we are moving to go to conference.

With that resounding vote of support, we would like to see the conference concluded as soon as possible so that the House and Senate both may proceed with the consideration, floor debate, and passage of appropriation bills.

I would, therefore, urge that all Members of the House, particularly those who supported this resolution originally, vote now to go to conference so that we can resolve our differences with the Senate and put behind us on a timely basis the budget resolution for 2010.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, we are here today to move the process along on going to conference on the budget resolutions.

I just spent the last week doing 25 listening sessions throughout the 1st

Congressional District, which is the district I am privileged to represent, talking to the people I represent about the fiscal future of America, how we just went through this process of the House passing a budget resolution, the other body passing their version of the budget resolution.

There is very little distinction between the President's budget, the House-passed budget resolution and the Senate budget resolution. Therefore, this move to go to conference should not be a very lengthy conference because the differences between the two are very few and far between, with the exception of the process called reconciliation.

We will talk about that a little bit more. But I think it's important to understand what this is. And I spent a lot of my time talking with constituents about that, because they think sort of when you pass a budget resolution, the budget is done and it's passed.

That is how it works in our State legislatures, which is, a budget is a budget and it's passed and it's executed. This is the beginning of the process, not the ending of the process.

□ 1300

The best way to think about the process we are engaging in and what we are doing right here with the budget resolution is the budget resolution is the fiscal architecture of the Federal Government. It's the blueprint of what our government should look like, how big it should get, what is the fiscal policy of it. So we are here debating these blueprints of the Federal Government. And the blueprints were approved by the House a couple of week ago, by the Senate, and now the idea here is to smooth out any differences, which are few and far between, and then move forward to implement the component parts of the budget. So once this process is done, then we have the architectural diagrams in place; then we go start building the government that's being proposed here. The new cap-and-trade legislation, new national health care legislation, all these new spending bills, the tax increases, that's where Congress goes from here, which is once the budget resolution is done, start implementing these pieces, the goal of which is by this fall all of this is in law and is done.

Let me reiterate what we are talking about here, just the huge magnitude of what's being proposed here. Just with respect to the cost of government to the future generations, our debt, this budget proposes more debt, more borrowing, under this Presidency than all prior Presidencies combined. This budget proposes that our publicly held debt, the amount of bonds we have to go out there and sell to the Chinese, to the Japanese, to other people to cash flow our government, our debt will double in 5½ years and triple in 10½ years.

What's more, what this budget says we ought to do is we should chase ever higher spending, an unprecedented level of new spending with ever higher taxes. It not only proposes the largest tax increase in American history, which is \$1.5 trillion, taxes on energy, taxes on incomes, on small businesses, on the very investments that make up our savings portfolios, our 401(k)s, our pension plans, things that are probably going down by about 40 percent for the average American, not only are those tax increases huge, the spending increases are much larger.

So what these architectural designs do, what this blueprint for the Federal Government that the President has sent to Congress that Congress is now in the midst of rubber-stamping does is it says let's have this unprecedented gusher of new spending, let's chase it with higher taxes. Those taxes never quite catch up with the spending, and the result is an unprecedented increase in our national debt.

Mr. Speaker, this is how you end prosperity in America. Name me a great country that has been able to increase standards of living, increase jobs, increase prosperity where they increase the size of government, the taxes of government, the borrowing of government like this. This is an unprecedented spending, taxing, and borrowing spree which we simply do not stand for, which we simply can't go along with.

And I want to draw your attention to one other point: This unprecedented borrowing spree is done in the face of an already bleak fiscal future for this country. This is an ad that has been taken out in many newspapers across America by the Peter G. Peterson Foundation, a nonpartisan advocacy group that says America should get its fiscal house in order. It just shows this tip of the iceberg. Today's economic crisis is the tip of the iceberg. What this says is right now to pay the bills for the Federal Government, right now to make sure that the government programs that everybody has come to know, Medicare, Medicaid, and Social Security, right now those three programs alone show us a \$56 trillion unfunded liability. What that means is for everybody in America today, my mother's generation, my generation, my children's generation—and my children are 4, 5, and 7 years old—for us to pay the bills of all the government promises that are being made to these three generations, today we would have to set aside \$56 trillion, invest it at Treasury rates in order to just make sure these programs are solvent. It is an enormous fiscal liability.

Rather than tackling this problem, rather than confronting America's fiscal wreck that's coming, rather than getting us under control, what does this budget resolution do? It makes it worse. It adds more debt on top of this

debt. It is saying never mind the fact that all these programs are going insolvent, never mind the fact that we're not even prepared for the baby boomers, never mind the fact that today the per-household debt is \$483,000 per household, for every household in America right now today they owe \$483,000 just to pay the bills we have already racked up that are unpaid for the Federal Government, the majority wants to what? Not fix it but make it worse. Rather than getting spending under control, it goes out of control. I mean the Environmental Protection Agency this year alone gets a 124 percent increase in their budget. On and on and on the spending goes.

Rather than getting taxes under control so entrepreneurs can keep more of what they earn; so small businesses, the economic engine of America, have an incentive to go back to work to hire people, not to lay people off, taxes go out of control. And rather than tackling this challenge of debt, what are they doing? They are accelerating our increase of debt, accelerating the fact that \$483,000 per family is owed today and makes it much, much worse.

At the end of the day, what it's really all about is freedom. The question really before the American people today is with the government's taking more and more money out of your pocket, with the government's growing and making more and more decisions here in Washington, with the government's making the decisions on how your health care is to be delivered rather than you and your doctor making the decision, with the government's taking over the energy sector, the health care sector, 25 percent of our economy, with the government's saying to future generations we are going to have to take more money out of your pocket in order to pay the bills, in order to borrow the money, you have less freedom. And this just shows you how the President and the majority here in Congress are proposing a dramatic and radical new increase in the size of government way beyond where we have historically been.

I asked the Congressional Budget Office before this budget came due, what will the tax rates on my three children have to be if we're going to have to finance all this growth of government through taxes, which ultimately must happen? If the government is to spend beyond its means by borrowing, somebody's going to have to pay that back through higher taxes, and that's the next generation. And the answers I got from the nonpartisan Congressional Budget Office keep me awake at night.

As I mentioned, I am in my late thirties. My kids are 4, 5, and 7 years old. And what they said was really scary. They said that by the time my three kids are my age, in order to pay these bills that they are racking up for them, the lowest tax bracket in America,

today the 10 percent bracket, would have to go to 25 percent. The middle-income tax bracket for middle-income taxpayers would have to go to 66 percent income tax rate. And the top tax bracket, the ones that small businesses pay, will go to 88 percent.

That's the ending of America. That's the end of prosperity. That is severing the legacy of this country. And the legacy of this country is that each generation takes its challenges seriously, fixes those problems so that they can bequeath onto the next generation a more prosperous, a more secure America. We are at risk for severing that legacy for the first time in the history of this country. If we consign to the next generation that burden of debt, that increase in tax rates, there is no way we will be able to provide a higher standard of living to the next generation of Americans.

But the matter is even more urgent than that. The matter is urgent to the fact that we are in the worst recession we have seen since the 1940s. It's a global recession. And the question we ought to be asking ourselves: Should we be raising all these taxes in the middle of a recession? Should we be raising the energy fees on consumers by anywhere from \$1,600 to \$3,500 a year in a recession? Should we be raising taxes on small businesses, which create most of our jobs, in a recession? Should we be raising taxes on the assets that make up our pension plans, our children's 401(k) plans, their college education plans, our IRAs in a recession? Of course not. Unfortunately, that's precisely what the President and this budget do.

This is a huge moment for America. And Americans may not know this because they are greasing this thing through so fast: It's a moment where America may abandon its tireless principles, its timeless ideas that built this country, the idea that the goal of government is to protect our rights and to equalize opportunity for all so people can stake their claim and make the most of their lives and replace that with more of a Europeanized notion where we try to micromanage the results of people's lives, where people are less concerned about their liberty and more concerned about security.

We believe in having a safety net to help people who cannot help themselves. We believe in having a safety net to help people when they are down on their luck. But we reject the philosophy and the approach of this budget which says we need to have more than that, we need to have a society where more and more Americans become dependent on the government itself for their own well-being.

We want people to maximize their potential. We want people to make the most of their lives. We don't want to lull people in lives of complacency where they are becoming more and

more dependent on the Federal Government. We have seen what those ideas do. We see them on display in foreign capitals all around the world. Higher unemployment, a lower standard of living, stagnant wages, decaying societies. That's not America. That is not what this country is. It's not the idea of America. We want the idea of America that we have known for the 20th century to be the idea of America in the 21st century. That's what this budget is about. That's what this blueprint or this architecture that we are debating here today is really all about.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

I would remind my friend and all Members of the House that President Obama came to office less than 100 days ago. And when he came, he found on the doorstep waiting for him a budget that was deep in deficit. By our calculation, the Bush administration is responsible for at least \$1.3 trillion of the deficit we are now struggling with trying to resolve and work down in the budget before us, \$1.3 trillion out of a projected deficit this year of \$1.752 trillion.

The economy, the worst since the Great Depression, happened on the watch of President Bush. He can't escape it. He was in office 8 years, and it happened in the midst of his tenure in office. The debt accumulation during that administration due to the deficits that have steadily racked up almost every year after the first 2 years of his administration, the deficit added over \$5 trillion to the debt of the United States.

And to deal with the wretched conditions in our economy and to keep this economy from slipping into a downward death spiral, the Bush administration undertook some aggressive actions, I think rightly so, such as the TARP, dealing with troubled asset programs. They undertook a number of these remedial actions at significant cost to the Federal Government. I don't fault them for that. They did what needed to be done in order to keep the economy from going deeper into the rut. But we are here living with the consequences of that.

The major reason we have a deficit so swollen, \$1.752 trillion, is not because of what's about to happen with the adoption of this budget. This budget works the deficit down. It's because of what did happen during 8 years of the Bush administration when we finally ended up with the worst recession since the Great Depression.

So we are dealing with the aftermath of the Bush administration here today, and we have a budget which builds upon the budget sent to us by President Obama. It takes the deficit from where it is, \$1.752 trillion this year, and reduces it to \$586 billion within 4 years.

I would like to see it go further, beyond that. But we have given the House and the Congress a 5-year budget that will put us on a path downward from \$1.7 trillion, \$1.8 trillion to \$586 billion by 2013 and perhaps even better by 2014.

□ 1315

I think we should go further. We have got to go further. I will be the first to acknowledge that when you look at OMB's projections of the 10 years lying ahead of us, in the second 5-year period of that 10-year span, in that period of time the deficit starts going back up again. We don't want that to happen. But we can best make the policy that will address that second 5-year period when we are out of this economy, when we are standing on firmer ground than we are today and we know a bit more about the future of the economy and the budget than we do at this point in time.

In the meantime, what we are doing is prescribing over the next 5 years a budget that will go down, down, down, from \$1.752 trillion to \$586 billion. I say that is a fiscally responsible budget. So did the House.

When this measure was before us, before we left for the Easter-Passover break, when this measure was before us, the concurrent resolution, 233 Members of the House voted to pass our resolution, our budget resolution which now comes before us on a motion to go to conference.

Mr. RYAN presented, or his side presented, the Republicans presented two budget alternatives. One received 137 votes. 137 votes, that is 80 votes less than a majority, with 293 noes. The other received 111 votes. We received 233 votes.

I think the House has spoken and spoken resoundingly. They listened to the debate, then they read the materials we put out, they decided this is a better way to go. This is a responsible budget because it takes us over the foreseeable future to a much, much lower budget, something we can do, because this year's budget is swollen. \$1.7 trillion is totally unsustainable, totally intolerable, but it is swollen by actions that have been taken that are countercyclical in order to get this economy out of the rut it is in right here today. Once you leave those non-recurring expenditures out, you can credibly say that we can get from where we are to a deficit in the mid-500s in a 4-year period of time.

Now, you are going to hear a lot of talk about tax cuts. But read the committee report and you will see in short summary exactly some of the highlights and features of this particular bill. If you read the very last page, you will see that our budget resolution calls for reducing revenues, for tax cuts. Provided under the CBO baseline forecast, this resolution provides \$613

billion over the first 5 years and \$1.48 trillion in total tax reductions.

We have been taunted in the past by those saying that when we came to power we wouldn't continue the middle income tax cuts; we would allow them to expire on December 31, 2010, as they are prescribed to expire. But we protect those tax cuts. The marital penalty, mitigation provisions in the marital penalty relief bill, the 10 percent bracket, which is a big tax cut for many working Americans, the child tax credit, all of these we preserve and extend in our particular bill, including the estate tax. We simply say with respect to the estate tax, just leave it in place as it is in 2010, that is, with a \$3.5 million per decedent exemption, \$7 million for a couple.

All of these things are in the package before us. That is why it received a resounding vote of support from the House just a few weeks ago and why it is a better choice and why we need now to finish the work we began, go on to conference and adopt a concurrent budget resolution which will be the ruling law for the coming fiscal year.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 5 minutes to the vice ranking member of the Budget Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

I can think of no greater act of irresponsibility for this House of Representatives here and now than to take this budget to conference. This is a budget that will place more debt, more debt on our Nation in the next 10 years than was run up in the previous 220. That is right, Mr. Speaker. This budget, this budget is laying the framework for more debt to be placed on our Nation in the next 10 years than was placed in the previous 220.

Now, I must admit that I find it somewhat amusing that every time one of my friends from the other side of the aisle, including the distinguished chairman of the Budget Committee, comes to the floor to debate, they always want to play the blame game, Mr. Speaker. They always want to point the finger at somebody else and they speak of, well, there is this problem that was inherited.

Well, maybe there was a problem that President Obama inherited, but he inherited it from a Democratic-controlled Congress. When the Democrats took over Congress, the deficit stood at \$161 billion. Now we know in just two short years, two short years, we are looking at a budget deficit of \$1.8 trillion, a 10-fold increase, Mr. Speaker.

Yes, that is a challenge inherited by the President from the Democratic Congress. But to be fair to the Democratic Congress, he is really only inheriting about a \$1.3 trillion budget deficit from them. He is adding about half a

trillion dollars of it himself to get to the \$1.8 trillion.

When the Democrats took control of Congress, the unemployment rate stood at 4.4 percent. Now it is over 8 percent, almost double.

When the Democrats took control of Congress, the Dow stood at 12,400. I need not tell anybody in this Chamber that it is down almost 40 percent now.

Now, I don't blame my colleagues for every single woe that our Nation faces today, but they seemingly take no responsibility and seemingly are more interested in pointing the finger than solving the problem. And when they so-called try to solve the problem, all we have is a borrow, tax and spend budget. Borrow, tax and spend, that is what this budget is all about.

If history is my guide, Mr. Speaker, no nation in the history of the world has been able to borrow and spend its way into prosperity. Many have tried, including our own. In the Great Depression, Henry Morgenthau, FDR's Secretary of Treasury, once said, "We have tried spending money. We are spending more than we have ever spent before and it does not work. After 8 years of this administration, we have just as much unemployment as when we started and an enormous debt to boot." That was at the outset of World War II, after 10 years.

Many of us know about Japan's lost decade. An industrialized economy, not unlike our own, they had a real estate bubble burst on them in the early nineties. They passed eight different so-called government stimulus bills in 10 years, and in 10 years they created no new jobs, no new economic growth, and their per capita income went from second, second in the world, to 10th in the world. Now, how many young people in that nation were never able to go to college, never able to start a new business, never able to own a home because of the debt placed on that nation?

As The New York Times wrote about the experience, and let me say again, The New York Times, not Rush Limbaugh, not National Review, in a recent article they said, "During those two decades, Japan accumulated the largest public debt in the world. This has led many to conclude that spending did little more than sink Japan deeply into debt, leaving an enormous tax burden for future generations."

The article from The New York Times goes on to say, "Among ordinary Japanese, the spending is widely disparaged for having turned the nation into a public works-based welfare state, making regional economies dependent on Tokyo for jobs."

Mr. Speaker, we need to learn from our neighbor's history. We need to learn from our own history. This is a budget that will not only spend too much and tax too much, but place a level of burden of debt on future generations that is absolutely unconscionable.

Even prior to this horrendous budget, we were on track to have to double taxes, double taxes on the next generation just to balance the budget. This is a budget that will triple, triple the national debt in just 10 years, and run up more debt in the next 10 years than in the previous 220.

Now, Mr. Speaker, I rarely use the word "immoral" in political debate, but I think placing that level of debt on my 7-year-old daughter and my 5-year-old son and all the children of America is immoral. This budget should not be taken to conference.

Mr. SPRATT. Mr. Speaker, I yield 5 minutes to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to support this resolution and a budget that addresses our Nation's priorities, confronts our economic crisis today, and makes critical investments in our long-term growth. With this budget, we have laid out a clear path to cut the deficit by nearly two-thirds and to cut taxes for middle-class Americans. It reduces wasteful spending while making long overdue investments to get our country back on track.

The truth is we cannot afford to wait. Failure to reform and invest have produced 8 years of the slowest growth in three-quarters of a century. Every day, I hear stories from my constituents. The single mother who lost her job and the health care coverage that went with it. Now she fights daily just to make sure her children can get the care they need to stay healthy.

To the small business owner, to stay afloat in a market where credit has become so tight, simply making payroll is not a sure thing.

The student who excelled in school but won't be going to college because he or she cannot afford it.

And the homeowner who worked and saved and did everything right, but still finds himself or herself underwater on the verge of foreclosure.

Our Nation owes its citizens far better. There will be no growth, no opportunity and no jobs unless we invest in our future. We cannot fix our economy unless we take concrete steps to create jobs, transition to a clean energy economy, make health care more affordable, and improve education, pursue true reform, get the big things right and focus on our national priorities. Focus on health care by addressing the burdens that the current health care system places on families, aiming to improve quality, efficiency and accountability of health care in order to control costs and provide resources to expand access.

There are no easy answers when it comes to making our health care system work for everyone, but one thing is clear: This is our window of opportunity. This budget is an essential first step to ensuring quality, affordable health care for all of our constituents.

It gives us the flexibility to give people real choices when it comes to their health care; the choice to keep what they have now, or to have a new choice of a private or public health insurance plan.

Focus on education, the key to economic opportunity, especially in these tough economic times. When too many of our children and adults are not prepared to compete or when our region's workforce does not meet the demands our employers, our entire Nation suffers. This budget expands access and increases funding for early childhood education, creates a new tax credit to help cover college costs, and raises the Pell Grant award.

Focus on energy independence, because from rising prices to rising temperatures to the dangerous actions of hostile regimes abroad, one thing is clear: If we do not take action, young people today, not to mention their children and their grandchildren, will face dire consequences.

This budget builds a framework for developing and producing new energy and jobs, modernizing the electricity grid to make it more efficient, secure and reliable, increasing the efficiency of Federal buildings, and helping to make State and local governments more energy efficient.

Focus on infrastructure to create jobs for transportation, energy projects, maintaining highways, rebuilding bridges, transit and water systems. This budget lays the groundwork for a national infrastructure bank to give these projects the priority they deserve and the leveraged resources to maximize their impact, all to create good jobs that cannot be outsourced while spurring economic growth and keeping our Nation competitive.

No matter where we focus, our goals are clear: To move from recovery to growth. This budget builds on the powerful down payment we made with the recovery package that President Obama signed into law this spring.

Mr. Speaker, I urge my colleagues to stand behind this responsible budget. It is the foundation of a strong economy, true reform and future growth.

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve my time.

Mr. SPRATT. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the chairman.

This debate really is very timely because the number one issue on the minds of the American people is the economic crisis, and although we use the language of the budget, what we are really talking about here is whether to adopt or not adopt a plan to fix the economic crisis facing the country.

□ 1330

Literally, the motion that we're debating right now is whether to try to

reach an agreement with the Senate about that plan, and we'll take a vote on whether to go forward or not. I hope everybody votes to go forward with the process.

But I assume, Mr. Speaker, the minority's not really debating the process; they're debating the substance, and that's good and that's welcome.

I think for us to fix this economic crisis we need to do three things, and the President has stepped forward to try to do these three things. The first is to get the economy kick-started in the short run. The President proposed legislation that would put construction workers back to work, that would help first-time homebuyers with their down payment for a new home, that would let people deduct the sales tax when they buy a car or truck, that would stop the hemorrhaging of layoffs from schools around the country by a significant increase in Federal aid to schools. And we passed that. And it's about 2 months old, and we're hoping that it will work.

The second leg of recovery is to stop the meltdown of the financial system. You know, the two parties came together in the fall and passed legislation that was very controversial, very easy to vote against, to try to rescue the financial system and the banking system, not for the benefit of the shareholders of banks, but for the benefit of borrowers and depositors and all of us who depend upon the banking system. And the new Secretary of the Treasury has gone forward with a different version of how to implement that plan, and it's playing out in the marketplace, and we're hoping that that plan will be successful.

The third piece of the recovery plan is a long-term plan to deal with the long-term problems of the country. The President proposed a way to deal with the problem of borrowing too much money to run the country, and we passed in the House a budget that cuts the deficit by two-thirds and we hope will stimulate the economic growth that will pay down the debt as we did in the 1990s.

The President proposed a plan that would start us toward fixing our health care system, to control costs for businesses and families, so that the metastasizing growth of health care costs is reduced and subdued, and that's included in this budget.

The President has proposed a plan to deal with our energy dependency upon imported foreign oil; and although the specifics of that are not included in this budget, this House, at the appropriate time, will take up that debate and will either pass it or not.

And, finally, the President talked about improving the job skills of our workers so we are more competitive in global economic competition with some major reforms in the way we pay for getting a college or higher education.

Now, you can disagree with the way the President went about these objectives. But I think what you can't do is propose essentially nothing as an alternative. And I know there were alternatives on the floor during the budget debate. But the reality is the minority has kind of set itself up here to tell us what it's against, and I respect that.

We're for something very different. We're for a plan that reduces the deficit by two-thirds. We're for a plan that stops the hemorrhaging from our pocketbooks in America's health care system. We want to debate and eventually adopt a plan that will terminate our addiction to imported oil. We're for a plan that raises the skills and aspirations of every worker, every man, woman and child in this country. That is what we are for. And we want to go forward with the other body and with the President and, hopefully, with the other party in a way that will implement a plan that will make this economy recover.

So that's what we're talking about today: Should we or should we not go forward with a plan that will help the economy recover?

We've laid out our ideas. We believe in them. We think the track record shows that they work. There really are two competing sets of ideas about how to fix the economy. The minority believes that massive reductions in taxes for the wealthiest Americans and deregulation of the economy will produce prosperity for all. We don't believe that. We think that lower deficits, investment in education and health care, infrastructure, sensible regulation of the marketplace will produce prosperity for all.

There's a record, Mr. Speaker. Their method, tried in the last 8 years, has, frankly, led us to the economic catastrophe we're experiencing today. Our method, by and large, tried in the 1990s, led to a very different result. For every one job—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. Could I ask how much time we have left?

The SPEAKER pro tempore. 13½ minutes.

Mr. SPRATT. I yield the gentleman 1 additional minute.

Mr. ANDREWS. For every one job that their strategy produced, ours produced 108. For every dollar of economic growth that their strategy produced, ours produced \$1.69. A middle class family, during the last 8 years, saw their purchasing power drop by \$500, at least, compared to what it was 8 years ago. And finally, the purchasing power of the middle class family during our strategy being invoked saw purchasing power for middle class families increase by over \$5,000. That's the record. That's the choice. Let's get on with it and go to conference.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to

yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman from Wisconsin. And I would have liked to thank the gentleman from New Jersey if he had yielded because he has made that same statement over and over and over again on the floor with regard to how many more jobs would be produced under their budget and under the proposals by the Republicans. And each time when we try to ask him where his documentation for that or where the proof is so that he can prove it to the American public, as just happened right now, he has refused to do so.

Mr. ANDREWS. Will the gentleman yield? I would be happy to supply that answer.

Mr. GARRETT of New Jersey. And I would like to respond in kind just as you responded in kind to me. So when you're on your time we would like to have that documentation. We'd very much like to see it.

I also appreciate the fact that the gentleman from New Jersey, that he says that the Democrats are presenting to us a different form of budget. Absolutely. The American public, I think, is outraged with the type of budget that they are presenting. It's a budget that spends too much, borrows too much and taxes too much. It spends more than any other government or any other budget that we've ever seen in the history of this country.

So much of the time they lament the fact that we are brought to this table today because of the budgets of the previous administration. Yet, what do they do? On the one hand they're saying that those previous administrations failed to spend enough, and that's why they have to spend more; but on the other hand, they lament the fact that over and over again the previous administrations spent too much. So which is it? Was the previous administration spending too much or too little? They speak out of both sides of their mouth.

And as far as borrowing, that poor child that is born today, that poor child that is born today, he will realize that he will be burdened with upwards of over \$30,000 in debt just because of the extra spending in this legislation. That's on top of the \$57 trillion of indebtedness that's already incurred by that child being born.

So the child born today, before he can even think about putting a few pennies away, or his parents or his grandparents can put a few pennies away in his piggy bank, if you will, to start saving up for his college education or his marriage or a new car, first of all, they have to start putting away pennies to start paying for this indebtedness that the other side of the aisle is creating.

You know, I came down to this floor because I heard the chairman of the

Budget Committee responding to the ranking member of the Budget Committee, and I appreciate the work of the ranking member and the points that you were making as to when you were saying that now is not the time when we are in such difficult equations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 1 additional minute.

Mr. GARRETT of New Jersey. And we are in such difficult times, now is not the time to be putting further burdens on the American family. I appreciate that.

I believe you yielded, or the chairman then responded by saying, we're in this situation because the budget that we had previously was a budget that spent too much and had problems with that budget. Wasn't that the response that we heard?

Mr. RYAN of Wisconsin. Yes.

Mr. GARRETT of New Jersey. So the problem was, the reason we're here today, according to the other side of the aisle, was that the previous budget, the budget we're operating under right now, was spending too much. Is that what we heard from the other side of the aisle?

Mr. RYAN of Wisconsin. That's right.

Mr. GARRETT of New Jersey. I would ask then—I would yield some time to the chairman of the Budget Committee, if the chairman of the Budget Committee would yield to a question, if the chairman of the Budget Committee would yield to a question.

Mr. SPRATT. I beg your pardon. I was discussing something with another of our Members on the floor.

Mr. GARRETT of New Jersey. I certainly appreciate that. We were just discussing the reason that I was on the floor was, in part, response to your colloquy with the ranking member before, and you were saying that part of the reason we're here today is because of the budget problems that you experienced coming into this administration, the Obama administration.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. GARRETT of New Jersey. And your comment was, it's a problem with the previous budgets. That was your comment on the floor.

Mr. SPRATT. I'd say we're cleaning up in the aftermath of the Bush administration's 8 years of fiscal policy that left us \$5 trillion deeper in debt.

Mr. GARRETT of New Jersey. I appreciate that. Can you just tell me one question: Whose name appears on the current budget that we're operating under right now? Who submitted that to this Congress?

Mr. SPRATT. The budget before us now began with the President's submission, as it has since 1921.

Mr. GARRETT of New Jersey. Not the budget that's right before us, that we are operating under right now. Whose budget, for the last 2 years, has come before this House to be voted upon?

Mr. SPRATT. We voted upon it here. But who occupied the White House? Who sent us the budget?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 15 seconds.

Mr. GARRETT of New Jersey. The point is, and the chairman, I appreciate the gentleman, the point of the matter is we are operating under a Democrat budget, and I believe it would be Mr. SPRATT's name that would be on the budget that we're currently operating under for the last 2 years as the Democrat Party has been in control of this House for the last 2 years. So it's not that we're looking at a new administration. It's that for the last 2 years the budget that we're spending has come from the other side of the aisle.

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. HENSARLING) manage our time for a moment until I return.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SPRATT. Mr. Speaker, I now yield 5 minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you, Mr. Chairman, for your important work.

When I was sworn into Congress in 2005, I reached out and wanted to secure a position on the House Budget Committee. I did so because I understood then, as I do now, that budgets are critically important. The Federal budget is not just abstract numbers on a page. It is a reflection of our priorities and our values and of the America that we want to leave to our children and our grandchildren.

The budget proposed by President Obama and modified by the Democratic Congress and before us today and going to conference committee is an economic road map that establishes the amount of money that Congress is authorized to spend in this year's appropriations bill. It does not set the level for specific programs, and it does not change current law. Both sides of the aisle understand this.

The budget looks forward; but before we do, we have to understand how we got where we are today and what we inherited. This administration, this Congress, inherited from the previous administration a record deficit of \$5.8 trillion, doubling of the national debt in 8 years, tripling the amount of debt that's owed to foreign countries, and an economic recession the likes of which most of us have never seen.

The fact is that President Obama and Congress are dealing with enormous challenges, and that is why it is imperative that we pass a strong, responsible budget that addresses the immediate challenges before us and makes the investments that we need to make for our future economic competitiveness.

Our budget establishes a new fiscal framework. It includes a long overdue return to honest budgeting and fiscal responsibility. The budget embraces President Obama's goal to rebuild our economy and make those strategic target investments in health care, in energy and in national security. It is essential that we tackle the annual deficit, and we've laid out an ambitious marker that we are committed to cutting the deficit in half in 5 years.

First and foremost, then, we have an honest budgeting practice. The budget plans for spending in ways that we have not since I've been here and for the 8 years before for sure. It talks about spending and sets out spending for Iraq and Afghanistan, for domestic national disasters, for tax relief and for obligated entitlements.

Through the economic recovery and reinvestment plan, Congress has already taken action, significant action, to improve our economic competitiveness and well-being, and this budget builds on that by making investments again in education, in energy independence, and, yes, on health care for all Americans. Each of these areas requires us to find common ground. And this budget ensures that we are able, in Congress, working with the Senate, to define the specific means and the specific ways to accomplish these goals.

To compete in the 21st century global economy, we do need an educated and skilled workforce for the future, and this budget puts resources in early education initiatives and investments in basic education, K-12, and better enables Americans to afford to go to college with student loans.

Our economic and national security also depends on America being more energy independent, and this budget sets aside a revenue-neutral reserve fund that calls on Congress to find a way towards energy independence through alternative, home-grown, cleaner energy and energy efficiency.

And, of course, in health care: we have both a moral and economic responsibility to find a uniquely American solution to health care reform, to containing costs, to improving quality, to making sure that every American has access to health care. And, again, there is a revenue-neutral reserve fund with reconciliation language in this budget that calls on us to do the work in the next year to make sure that we can accomplish these goals.

These goals are shared by many Americans, and they are within our reach if we are to work together. We cannot continue the policies of the last

8 years. We need to change the way we do budgeting. We need to change our investments. We need to move forward with this budget.

Pennsylvania, and certainly all American families and businesses, need Congress to work with President Obama again to work together to address their concerns, as has been set out in this budget. Simply saying "no," simply saying we should go back to the policies of the last 8 years that got us in this mess is not the way to go.

□ 1345

I call on all of us to work together to move forward on this conference report to make sure we are doing all that we can to make sure that America is strong, safe and more economically competitive. This budget does that, and I say we move forward.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin (Mr. RYAN) will resume control of the remaining time.

There was no objection.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my ranking member for yielding time on this important debate of the day.

Today, we are talking about the budget resolution. The budget passed by this Congress—I voted "no"—increases spending at a rapid rate. We haven't seen such a rapid growth of government since Jimmy Carter was President of the United States in the malaise days of the 1970s, but I think it's equally interesting that we're debating the budget resolution today because, just yesterday, President Obama announced that he is finding savings in the budget, and they're trying to find savings of \$100 billion out of our budget.

Well, today, this budget resolution will spend over \$3 trillion, and so the savings that President Obama has announced is the equivalent of an average family of four in the United States deciding not to buy a Starbucks coffee—just one day, not for the year, just one day. The equivalent savings for a family is about \$1.25. Actually, I don't even think you can buy a Starbucks coffee for \$1.25 anymore; but instead of doing the hard work of paring down government spending and finding priorities and funding those priorities and finding those areas of government that are inefficient and ineffective and are not getting results for people, this budget simply taxes too much, spends too much and borrows too much.

In the end, with our borrowing costs going up as government, we'll see inflation in the coming years, inflation that will erode seniors' ability to purchase health care, inflation that will erode families' capacities to educate their

children and fund their education. These things are real. Unfortunately, though a budget deals with people, we're not doing the right thing for the American people because we're going to see a massive tax increase in this budget. We're going to see a carbon cap-and-trade, a national energy tax. We're going to see health care changes where the government takes more capacity and control away from individual patients and doctors and puts it in the hands of government bureaucrats. Our tax dollars will continue to go up, and our tax rates will go up. Now, this is not for the rich. It's for everyone when you have the tax bills going up that much.

What I would urge my colleagues to do is to reject this motion to go to conference. I think it's time that we do the right thing for the American people and not increase spending to the rapid tune that this budget does, not tax them more and not borrow more. With that, I urge my colleagues to vote "no."

Mr. SPRATT. For the purpose of response, I yield 90 seconds to the gentleman from New Jersey.

Mr. ANDREWS. I thank my chairman for yielding.

My neighbor from New Jersey, Mr. Speaker, asked the source of the statistics I used. Here is the answer:

One job for every 108 is the source of the Bureau of Labor Statistics. In the Bush administration, the average number of private-sector jobs created per month was 2,000 per month. Under our strategy, it was 217,000 jobs per month. The economic growth figure is from the Bureau of Economic Analysis. It is derived by looking at the average rate of GDP growth during the 1990s and during the sunny years of the last 8 years we've just endured. The source of the purchasing power of middle class families is the Bureau of Labor Statistics. The Bureau of the Census is derived this way.

Mr. RYAN of Wisconsin. Will the gentleman yield for a clarifying question on that?

Mr. ANDREWS. I have only 90 seconds.

Mr. RYAN of Wisconsin. Is it not the case that the Republicans controlled Congress from 1995 to the year 2000, controlling the appropriations and the tax bills that came through Congress at that time?

Mr. ANDREWS. Reclaiming my time, it is also the case that every single Republican voted against the plan that created that economic growth.

The source of the median family income is the BLS, the Bureau of Labor Statistics. The Bureau of the Census is derived by looking at the real family income of the median American family from when the prior President took office to when he left and a similar comparison in the 1990s. We'll put it in the RECORD. Those are the facts. They're

very uncomfortable for the minority, but they speak for themselves.

Mr. RYAN of Wisconsin. At this time, I would like to yield 3 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, the TEA parties that took place across this country on April 15 represent the tip of the iceberg of intense frustration among taxpayers and Americans of all walks of life. Everyone in America feels instinctively that this Congress and President are spending too much money and are growing the government too fast. We are on the brink, Mr. Speaker, of what is literally a fork in the road for the United States.

We will either on the path laid out by the budget proposed by the majority, the liberal majority—and I try to avoid party labels because this is about what's in the best interest of America being fiscally conservative or fiscally liberal. The fiscally liberal majority has laid out a budget that will put America on a path to become Argentina. The fiscally conservative minority, led by the very able ranking member of the Budget Committee, Mr. RYAN, has laid out a very thoughtful, fiscally conservative alternative.

Mr. RYAN recognizes, as do those of us in the minority—those fiscal conservatives who are working together to lay out thoughtful alternatives—that America needs a little dose of Dave Ramsey, the financial guru, who, in our personal lives, recommends and knows, as we all know, that you can't pay off borrowed money with borrowed money. Dave Ramsey quite correctly points out, when you've run up too much debt, you stop.

Those TEA parties across America, Mr. Speaker, were the American people speaking out and telling Congress, "Stop it. No new taxes. No new debt. No new spending." Any elected official who neglects that very sincere and heartfelt message from their constituents is in serious trouble in the next election.

This country is in serious trouble. Let's deal with it in a thoughtful, fiscally conservative way by controlling spending, by cutting spending, by cutting taxes, by letting Americans keep more of their own hard-earned money so they will invest it to create jobs and to create wealth as we know works. Historical fact shows that keeping more of my own money allows me to invest it in the way I see best that will lead to job creation, that will lead to personal growth.

America needs a strong dose of Dave Ramsey's good medicine, and that's what the alternative budget—the motion to recommit by Mr. RYAN—attempts to do, which is to get America back on a path toward fiscal prosperity. If we don't act in a fiscally conservative way immediately, the Comptroller of the United States has said in

a letter sent to my office last March that, in a short 12 years, the American Treasury bill, the American T-bill—the safest investment in the history of the world—will be graded as junk bonds. Now, that's an incredible assertion from the auditor of the United States. The Comptroller of the United States says that the cumulative unfunded liabilities created by this Congress are so massive that, if we don't stop spending and start to control spending, T-bills will become junk bonds.

Mr. Chairman and Mr. Speaker, I urge the Members to listen to their constituents. Just say "no." Thank you. No new spending. No new taxes. No new debt. Support Mr. RYAN's motion to recommit.

Mr. SPRATT. Mr. Speaker, I have no further requests for time, so I reserve the right to close.

Mr. RYAN of Wisconsin. Is the chairman reserving the right to close? Do I infer that he has no more additional speakers?

Mr. SPRATT. Does the gentleman have further speakers?

Mr. RYAN of Wisconsin. I have one additional speaker.

Mr. SPRATT. Why don't you proceed with that speaker. Then I'll proceed with closing.

Mr. RYAN of Wisconsin. All right. I will yield the remainder of our time, 3½ minutes, I believe—

The SPEAKER pro tempore. Three and a quarter minutes.

Mr. RYAN of Wisconsin. I will yield 2 minutes to the gentlewoman from North Carolina, who doesn't want the 3 minutes.

Ms. FOX. Mr. Speaker, I just recognize the eloquence of the gentleman from Wisconsin, and want to make sure that he has some time at the end, and I appreciate it very much.

I want to talk about Debt Day for just a minute. I want to show you some things, some figures. We don't have a bar graph which would show this a little bit better; but in the year 2002, Debt Day occurred on September 2, 2002. This year, Debt Day is going to occur on 4/26/09. Debt Day is an illustration of the size of government spending relative to the revenue the government receives and is calculated by taking the ratio of the Federal revenues to the Federal outlays projected by the Congressional Budget Office.

So we are going to have the earliest Debt Day we have ever had in this country. In large part, it's due to the Democrats' \$1 trillion stimulus spending bill, the more than \$400 billion omnibus spending bill, loaded with 9,000 unscrutinized earmarks, and another \$350 billion in bailout funds Democrats have green-lighted since the beginning of the year.

This is an abomination for our country. We should never be in this shape. John Adams said there are two ways to conquer a country—one is by the sword

and the other is by debt. We are being conquered from within by our own people who have no sense of shame and no sense of shame for what they're doing to our children and grandchildren, and they should have because, in years past, they've criticized Republicans. Majority Leader HOYER said \$350 billion in deficit back on March 17, 2005, was wrong. Even the chairman of the Budget Committee made comments over and over again in 2005 that we had a terrible deficit. It's nothing compared to what they have proposed to us, and as I said, it is a shame.

This budget that they have increases spending by over \$1 trillion over 5 years. It increases taxes by \$1.2 trillion. They have done nothing to work with us, and this is an abomination.

Mr. SPRATT. I reserve the right to close. Does the gentleman have further time?

Mr. RYAN of Wisconsin. Yes, I'll consume the remainder of our time. May I inquire, Mr. Speaker: We have 2 minutes left, I believe, or 1½ minutes?

The SPEAKER pro tempore. One and a quarter minutes.

Mr. RYAN of Wisconsin. I yield myself the rest of the time.

Mr. Speaker, I'll just simply close this portion of our debate by saying this: Let's all admit that both parties have made mistakes in the past. That happens. The question is: Are we going to make things worse or are we going to make things better?

It is so clear, so obvious to just about any observer out there that piling on a new mountain of debt, a new gusher of spending and the largest tax increase in American history is not going to make things better; it's going to make things worse.

Now, the one thing that the American people do get out of this is they get a choice. We disagree with this budget, and so rather than just simply criticizing, we proposed an alternative, an alternative that keeps taxes down and helps small businesses, an alternative that controls and cuts spending, an alternative that gets our debt under control and that puts us on a path to pay our debt off. It is a stark difference than this budget, which is making its way through Congress, being steam-rolled through to give us the largest expansion in government we've seen in the history of this country, the third and final great wave, the building on the New Deal and the Great Society, which will give us a larger Federal Government unlike any we have seen in the history of this country in the past.

It is a budget that doubles the national debt in 5½ years and triples it in 10½ years. It is a budget that gives us a huge tax increase in the middle of a recession and that makes everybody pay more for energy, and it's a budget that basically is borne upon the philosophy that the government must grow

for society to grow. We reject that idea. That's why we're not supporting this budget.

Mr. SPRATT. I yield myself the balance of my time.

Mr. Speaker, this is where we are. Bobby Jones, a great golfer once said, "You play the ball where it lies." The fact of the matter is that after 8 years of the Bush administration this, sadly, is where the ball lies.

When President Obama came to office less than 100 days ago—and remembering that, I think everyone would have to fairly concede these are not problems that he created. When he came to office, he found awaiting him on the doorstep of the White House a budget that was \$1 trillion, nearly \$800 billion in deficit for this year and substantially in deficit for the forthcoming year.

□ 1400

He didn't create it; he didn't ask for it. It was thrust upon him and left to him by the Bush administration.

He found an economy in crisis and he found that remedial steps had been taken that cost the country hundreds of millions of dollars, a good portion of which is being spent out—the TARP program is an example, the takeover of Freddie Mac and Fannie Mae is an example. All of these things cost substantial sums, and they were policies taken before this administration came to office. They have swollen the deficit to the unprecedented size of \$1.7 billion this year.

The budget that we are proposing—which I now seek to have sent to conference so we can wrap it up, put it to bed and make it enforceable—the budget that we are proposing is a deficit-reduction budget. How can I say that? I can say that because we show credibly, I believe, that the budget deficit declines from \$1.752 trillion under our resolution to \$586 billion in the year 2013. In 4 fiscal years, we will reduce the deficit by a trillion dollars.

How can we do that?

One of the reasons we can do it is that quite a few of the items that have swollen the deficit in this and next fiscal year are nonrecurring, and when they are finally played out, the problem of debt reduction will be much, much more manageable. That is, if we have a plan, it will be manageable. We cannot simply leave it to some open-ended plan. And so what we have proposed here is a plan that will systematically, methodically move the deficit down, down, down by \$1 trillion over the next 4 to 5 fiscal years.

Now, it's a deficit reduction budget. No question about it. But it is not so committed to deficit reduction that it overlooks and postpones other priorities. For example, national defense will grow by 4 percent, a healthy growth rate that means national defense, including what is spent on

supplementals for Iraq and Afghanistan, will be \$686 billion next year.

Veterans. Let's not forget our veterans. We appreciate them more than ever. We will be putting \$5 billion more into veterans health care, raising it to \$53 billion.

Health care reform. This budget tackles issues that other administrations have either ignored, dodged, avoided, or failed to implement. Health care reform. Tough nut to crack, but it takes it on.

The environment. Energy independence, critically important. We've seen it with the spike in energy prices over the last year. This is something we need to do and do now. This bill provides for that.

Education. If you want to be able to say to a small child the next time you go in an elementary classroom, You can go to college. Yes, you can. You can go to college like anybody else. Yes, you can, then you should vote for this resolution because it strengthens Pell Grants by more than any bill we've passed in a long time to come.

So this is a deficit reduction bill, which is a bill with a conscience, with priorities, that carefully laid out here and carefully provided for here, and, therefore, I would submit that everyone interested in education, the environment, energy independence should take a close look at this bill.

Now, it's been said that we have substantially increased taxes in this bill. That's not true. Read CBO's report. Over the next 5 years, there is a net reduction in tax revenues of some \$480 billion and \$1 trillion more than that over the next 5 years after that. There is deficit reduction left here. The marital penalty provisions, the middle class, middle-income tax cuts that we passed in 2001 and 2003 are, for the most part, all reenacted and extended by this resolution.

So 233 Members, a very solid majority of the House, listened to the arguments pro and con, read and listened to the debate and decided this is a better way to go. I submit, let's stick with the course we set for ourselves several weeks ago. Let's send this budget on to conference where we can make it an enforceable piece of legislation.

Ms. SCHWARTZ. Mr. Speaker, the House and Senate began final work on the Budget Resolution, and the Budget is more than numbers on a page—it is a statement of the priorities, values and goals of our President, this Congress and our nation.

The House Budget embraces the President's goals of rebuilding the economy and creating new jobs, restoring fiscal integrity, and making investments for our future prosperity and security.

Simply put, we will only be prepared, we will only be economically competitive, if we tackle the immediate economic and fiscal challenges before us, make essential investments that enable us to meet future challenges, and do so in a way that is fiscally responsible.

As the Budget Committee Vice Chair, I know that the President's Budget, modified by Congress, meets these goals.

The House Budget is an honest budget. It anticipates expenditures and it restores fiscal balance by committing to cut the deficit in half in five years.

And, most significantly, the budget makes smart investments that will contain costs and expand access to health care, build energy independence, and improve educational achievement, all critical if we are to grow the economy and be economically competitive in a global marketplace.

We should pass the Budget Resolution and begin the task ahead.

Mr. ANDREWS. Mr. Speaker, I want to clearly explain the sources of the data I have used to compare the strength of the economy during President Clinton's time in office as compared to the economy during the Bush administration. During the Bush administration, an average of 2,000 private sector jobs were created per month. For purposes of comparison, 217,000 private sector jobs were created per month under President Clinton. These statistics are drawn from Bureau of Labor Statistics data. To provide further evidence for the relative success of Presidents Clinton and Bush, it is helpful to look at economic growth during their Presidencies. President Clinton created \$1.68 in economic growth for every dollar of economic growth created under the Bush administration. These numbers are taken directly from research by the Bureau of Economic Analysis. Finally, and perhaps most convincing, is the stark difference between the change in purchasing power, for the median household, between the Clinton and the Bush years. Under President Bush, the median household had \$500 less purchasing power as of 2007 as compared to the beginning of Bush's Presidency. Under President Clinton the purchasing power of the median household rose by over \$5,000. These numbers were drawn from data compiled by the Bureau of the Census and the Bureau of Labor Statistics. My friends on the other side of the aisle may prefer to ignore these comparisons; however, I am of the opinion that we must learn from our past to better prepare for the future. As we work to create jobs and get the economy back on track, it is useful to keep in mind the lessons of the past two decades.

Mr. SPRATT. I yield back my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to S. Con. Res. 13 be instructed, within the scope of the conference, to:

(1) Recede to the Senate on reconciliation instructions by striking title II of the House amendment which includes reconciliation instructions for health care reform to the Committees on Energy and Commerce and Ways and Means and a separate instruction to the Committee on Education and Labor, investing in education.

(2) Recede to the Senate on section 316 entitled "Point of order on legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor" to provide for a point of order against any legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor.

(3) Recede to the Senate on section 202(c) of the Senate resolution, providing that the chairman of the Committee on the Budget of the Senate may not adjust the allocations and aggregates of the concurrent resolution for climate change legislation that would decrease greenhouse gas emissions if such legislation is reported from a committee pursuant to section 310 of the Congressional Budget Act of 1974.

(4) Recede to the Senate on section 310 of the Senate resolution, setting forth a point of order against legislation that increases revenue above the levels established in the applicable budget resolution.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, earlier this month, Republicans offered the American people a budget that would not only fund our priorities but also support economic growth and job creation, get the Federal spending and debt under control and begin the critical reforms of our largest and least sustainable entitlement programs. And the Republicans budget did this all without the job-killing tax hikes that are required by the budget that we are here discussing today.

The budget we are here to discuss today, the Obama Democratic budget, exploits the current financial crisis to rush through a sweeping expansion of the Federal Government. This motion to instruct aims at ensuring this budget resolution doesn't trigger a fast-track process, otherwise known as budget reconciliation, to jam through a government takeover of health care and education or a cap-and-trade tax that will hurt families, kill jobs, and put America at a severe competitive disadvantage with China and other countries.

As a background, the House-passed resolution includes reconciliation instructions for three committees, two of

which, Energy and Commerce and Ways and Means, share jurisdiction over health care and cap-and-trade. These reconciliation instructions trigger fast-track procedures limiting debate and amendments on a subsequent reconciliation bill. In other words, it's a way for Congress to sweep this legislation through with very little debate, no amendments, get it into law without the public seeing what is happening.

In the House, reconciliation is much less important because the House has what we call the Rules Committee.

It is critical in the Senate, however, because there legislation can be jammed through with little debate or no amendments. The Senate does not want reconciliation. The Senate-passed budget resolution did not include reconciliation instructions. In fact, it included a number of protections against using reconciliation. This motion to instruct instructs the House conferees to recede to the Senate on four items.

Number one, drop reconciliation instructions from the resolution; number two, block legislation that eliminates Americans' ability to keep their health care plans or choose their own doctor; number three, adopt a Senate provision that keeps reconciliation from being used for cap-and-trade legislation; and, number four, adopt a Senate provision that would prevent taxes from being raised to even higher levels than those that are assumed in this budget resolution.

To reiterate, the Senate does not want reconciliation. This is what Senate Budget Committee chairman Senator CONRAD said yesterday about reconciliation: "Once you have unleashed reconciliation, you can't get it back in the barn. And it could be used for lots of different things that are completely unintended at this moment. People need to think about that very carefully."

Chairman CONRAD is not alone. Twenty-eight Senators wrote Chairman CONRAD urging him not to use reconciliation for cap-and-trade legislation because reconciliation fast-track procedures "would be inconsistent with the administration's stated goals of bipartisanship, cooperation, and openness."

Senator BYRD, the best author we have among us of the budget process, the author of the reconciliation process said this: "Reconciliation is not designed to create a new climate and energy regime and certainly not to restructure our entire health care system. Woodrow Wilson once said that the informing function is the most important function of Congress. How do we inform? We publicly debate and amend legislation. We receive feedback which allows us to change and improve proposals. Matters that affect the lives and the livelihoods of our people must not be rushed through the Senate using a procedural fast track that the people

never get a chance to comment upon or fully understand."

But even more important, Madam Speaker, Americans are concerned about all of the spending that's going on here in Washington. And we should not underestimate how well the people understand. Like just about everybody else, last week I held 25 listening sessions throughout the First Congressional District in Wisconsin. My district falls right in the middle among the political spectrum so it's a good microcosm of the attitudes across the country.

They are worried about this new gusher of spending. They are worried about the government taking over health care. They are worried about the increased cost of energy, the effect that it's going to have on our manufacturing jobs. And, in fact, at one of my town hall meetings, a woman in her mid-sixties came up to me and said, Is Congress going to use reconciliation to push through all of this government and health care reform legislation? I was floored by that. I don't think I have ever heard anybody outside the Beltway talk to me about reconciliation.

The American people are watching this process. The American people know what is happening. The American people want a say in this.

Why are we here? We are here to deliberate. We are the people's representatives. Should we take this largest proposal to increase the size and reach and scope of our government, the largest—in the words of the administration—since the New Deal and just sweep it through with almost no debates, with no amendments, stifling the voices of the people's representatives or not?

At the end of the day, we could confiscate about 25 percent of our economy, energy and health care together, with less than a hundred hours of debate and no amendments. It's baffling, it's mind-boggling that this could actually happen. This is not America, this is not the deliberative process, and this is not a process the Senate itself even wants.

So the question is if we're going to have debate about nationalizing the health care system in America, if we're going to have a debate about having a brand-new energy tax, if we're going to have a debate about tax increases and spending increases doubling and tripling our national debt, let's have that debate. Let's not just sweep the thing through.

Unfortunately, the philosophy that is at play here, Madam Speaker, is this—and it's a philosophy that we need to talk about. It's a philosophy that we need to debate. The philosophy behind this budget, with all of its class warfare, with all of its class accusation is basically they are telling the American people in the budget that your station in life is static and we're going to have

to grow government to help you cope with it.

We reject that. That is not what America is about. That is not the ideal of this country. People are not stuck with their current station in life.

The goal of this country, the goal of our government is to help people become upwardly mobile; it is to give the people the tools that they need so they can seize the opportunity to make a better life for themselves. We need to protect people's rights to achieve their dreams, to get the opportunities to make the most of their lives and to seek happiness as they define it for themselves so long as it doesn't infringe on another person's right to do the same. That is the philosophy that has taken this country so far, that has made it the most prosperous Nation in the world, the envy of the world, and that is the philosophy that is being debated right here with this budget as to whether it should continue or not.

I think we should have more than just about 100 hours of debate on whether or not we trash this philosophy that brought our country this far. We should have amendments as to whether or not we're going to do all of this government. Do we want Europe, or do we want America? It should be more than a hundred hours of debates. We might want to consider an amendment or two to this philosophy.

With that, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield myself 2½ minutes.

I think it would be useful for everybody, Members in particular, to understand exactly what the Republican motion to instruct is.

There are four items. First of all, they would effectively move to drop, discard the House reconciliation provisions that deal with health care. That's health care reform. That's our initiative we're launching to try to encompass and provide some form of health care to the 46 million Americans unfortunate enough not to have it. This would thwart our plans to move on that front. And education, which basically deals with Pell Grants and guarantees student loans trying to provide them to more students at lower costs, why would anybody want to thwart those objectives?

Secondly, they would remove reconciliation as a vehicle to enact climatic change. Well, that's not even envisioned in the House budget. Cap-and-trade is not mentioned, not in the budget resolution, not in the report accompanying it. It's not mentioned. We took it out. It is not specified.

The reconciliation instructions to which they refer go to the Energy and Commerce Committee and to the Education and Labor Committee and the Ways and Means Committee but not for purposes of dealing with climate change. That is not even briefed as one

of the purposes. It's not part of the intention. These instructions go to health care and education.

□ 1415

Thirdly, to retain a Senate point of order against legislation that "eliminates the ability of Americans to keep their health plan or their choice of a doctor." I support that. You support that. We all support that. This budget supports it, the House supports it. It is totally unnecessary. This is creating a straw man and knocking it down by creating an argument as to facts that simply don't exist. We don't have anything in our legislation that would in any way impede the choice of Americans to keep their own health plans or choose their own doctor.

And finally, "to eliminate Congress' ability to develop comprehensive reform packages by restricting future offsets only to spending cuts." In other words, if we wanted to do something worthy, we think, of undertaking and we would propose to pay for it by raising taxes—let me give you an example, cigarette taxes and CHIP, Children's Health Insurance Program. We just passed the second iteration of the CHIP bill that will extend medical coverage to millions of children who never had it, never lived in families who could afford it.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The gentleman's time has expired.

Mr. SPRATT. I yield myself 30 additional seconds.

We did that by increasing the taxes on a pack of cigarettes and other tobacco products, a fair tradeoff. But we were only able to do it and say that we were staying deficit neutral and well within the balance of the budget because we were able to use this offsetting revenue to cover the cost of the program. This particular amendment would have thwarted that particular strategy.

So these are four different items they are proposing now, none of which will stand muster. They should be defeated. This motion should be defeated.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman from Wisconsin for his hard work that he has put forth in this budget. And hopefully one day soon we will have an opportunity to vote on the budget that the gentleman has put forward in a clear way.

I want to talk a little bit about what my friend from North Carolina talked about, about Debt Day. You know, it is pretty interesting. I think we need to make this, Madam Speaker, so the American people can understand exactly what we are talking about when

we are talking about tripling the debt over a 10-year period, doubling our deficit. I think we need to understand that in 1998, after 365 days we had a surplus, and this was during the Clinton administration. In 2002, it was not until the second of September that we actually started borrowing money. And if you can imagine, we were coming out of the 9/11. In 2003, it was the 29th of July before we started borrowing money. In 2004, it was the 27th of July before we actually started borrowing money. Madam Speaker, the people will realize this, we had spent by that date all the money we had, and then we started putting it on our credit card.

In 2005, it was August 14. In 2006, it was August 27. In 2007, it was September 9. In 2008, it was the 5th of August. This year it is the 26th of April. So the 26th of April, we will be finished spending the revenues that we have in, and now we are going to start putting everything on our credit card. So understand this, that with just that short of a period of time, we are out of cash.

We are spending way too much money. And I think that that is what the American people need to understand, that we are spending money that we don't have. We are spending money that is our children's. And I used to always say this, that we were putting our children in debt, the next generation. Now I have to include our grandchildren. We are putting our grandchildren in deep debt.

And so what are we doing? I keep listening to the opposition, the majority party talk about that this is something that we've got to do. And they keep talking about the Bush administration and the deficit spending. Two wrongs don't make a right. Let's do something for the American people. Let's have some fair, open, honest debate and make this to where we can have some amendments.

I represent approximately 750,000 people in Georgia's Third Congressional District, yet I am not able to offer any ideas that the people from my district may have about the budget and too much spending.

Madam Speaker, this is not the way to run a railroad. We need to do things to open up the process rather than to close the process. And we need to make sure that the people understand that we are spending our future.

Mr. SPRATT. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding, and I thank him for his really extraordinary leadership as we work our way through a very difficult process.

I want to speak first obviously in opposition to the motion to instruct, and I am going to focus primarily on the implications for that with respect to the Committee on Education and Labor. But before I do, we should be

clear; the argument that is made by our friends on the other side of the aisle is very much a situational argument. I do not recall in 2001 or in 2003 or in 2005, when the Republicans used reconciliation to push through policies that increased our deficit over 10 years by about \$1.8 trillion, I don't remember them saying that they needed to "jam this through," I don't remember them saying that they needed to "rush it through," I don't remember them characterizing it as "sweeping it through." They felt that they were passing legislation that was responsive to the American people. We feel we are passing legislation that is responsive to the interests of the American people.

Let me speak with specific reference to education. We intend to enact policies that will save \$47 billion over 5 years and allow us to use that money to help students and families, particularly needy students and families so that they can get their slice of the American Dream so that college attendance can be a realistic and realizable aspiration for them.

Who wants to argue against increasing the Pell Grant maximum? Who wants to argue against indexing that maximum to the rate of inflation plus 1 percent so that it preserves its buying power? I certainly don't, and I would hope that my friends on the other side of the aisle don't want to either.

I would hope that we can look at a low or moderate income student and say that you have every chance to have the same access to higher education as a student in the top 1 or 2 percent of our Nation's wealth. This budget resolution and the legislation that we will need to pass to put in place the legislative underpinning for these policies will allow us to do that.

And who doesn't want to save \$94 billion over 10 years, \$47 billion over 5 years by having the government take over a student loan program that they can run, that we can run every bit as efficiently, every bit as effectively as the privately run program now, and do it in a fashion that will be invisible to students, and do it, as I say, by saving taxpayer money to the tune of \$47 billion over 5 years and taking that money and putting it into the hands of needy students? That is a worthy aspiration. That is an aspiration that deserves the support of every person in this Chamber, and hopefully we will realize that.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), the vice ranking member of the Budget Committee.

Mr. HENSARLING. I thank the gentleman for yielding.

Again, we have two different budgets before us. The Democratic budget, again, it spends too much—the largest budget in American history; taxes too

much—national energy tax, tax on small business, tax on capital gains; borrows too much—greatest amount of debt in our Nation's history. We are going to run up more debt in the next 10 years than in the previous 220. Budget deficit up tenfold in just 2 years under their watch. A crushing level of debt that I don't know if the next generation will ever recover.

It borrows too much, it spends too much, it taxes too much. And then, Madam Speaker, it gets worse from there. It gets worse from there. This thing called reconciliation, kind of this inside-the-beltway term of art, is really nothing more than a budget sleight of hand that will facilitate cramming through policies that need to be debated on this House floor and in the Senate under regular order.

The Senate itself, Madam Speaker, apparently doesn't want this in the budget. Again, Senator CONRAD, the Democratic Budget Committee chairman, has said, "Once you've unleashed reconciliation you can't get it back in the barn. It could be used for a lot of different things that are completely unintended at this moment." That's the Democratic budget chairman. Senator BYRD—frankly, the author of reconciliation—said, "not designed to create a new climate in energy regime, and certainly not to restructure our entire health care system."

I mean, reconciliation means that the American people are going to have to reconcile themselves to a new national energy tax imposed by the Democratic majority through this budget sleight of hand. It means that the American people are going to have to reconcile themselves to more job loss as American small businesses are taxed even more and have to lay off even more workers. It means that the American people are going to have to reconcile themselves to rationed health care with a Federal Government bureaucrat helping choose their health care provider and whether or not they even receive the health care that they desire. That's what reconciliation in this context means.

Now, it was meant for something different. And it has been used on a bipartisan basis to actually save jobs, to actually save hope, actually save the future of the American people and be used for budget savings. It is being used for a completely different purpose. And if these ideas of the Democratic majority are so meritorious, then why can't they be debated in regular order? That's what I question. Why use this budget sleight of hand? We need to reject that and accept this motion.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I thank my friend, the chairman, Mr. SPRATT.

Madam Speaker, I am always intrigued by the rhetoric that comes

when we start talking about budgets. And I am so grateful for a gentleman like Mr. SPRATT who is not a rhetorical person, but he is a person who wants to practically get things done and get a budget that makes sense for the American people and how we collect and spend and do our government functions.

Madam Speaker, a budget is supposed to be a roadmap that shows where you are going, how you are going to get there, what your priorities are, how you are going to pay for those priorities. Unfortunately, over the last 8 years, under the leadership of the previous administration and the other party, we didn't have that. A budget was used as a sort of rhetorical tool to say we are going to balance the budget, but then they would come back a day later and say, well, we have got all this emergency stuff that we didn't put in the budget, but we knew all along we needed to do.

For the first time in 8 years you have before you an honest document, which is an honest roadmap that explains our situation and lays out an avenue to get to a better place. Now, honestly, it's not a pretty picture, but it is an honest picture. We haven't had an honest picture in 8 years. It is an ugly picture when it comes to the numbers. But the numbers are honest, and it lays out a roadmap to get us out of this economic mess that President Obama has inherited. I am proud of Mr. SPRATT and the work that he has done, and the House of Representatives, and their work in passing this budget.

Now, what does that roadmap say and what does it do? It says, first of all, we are in an economic mess; revenue collections are going to be down, economic activity is down, we all know about that. That wasn't the fault of this sitting President; he inherited that mess. But what it does is say, these are the problems that exist and have to be resolved for us to come to a better place.

President Obama believes strongly in a couple of things, and we are trying to outline how we deal with those things in this budget.

□ 1430

Number one is he thinks that you can't really fix the economic mess until you deal with the health care issue. Health care accessibility is a problem in this Nation when you have 48 or 50 million people who cannot access the health care system, and it's also a problem in that costs are rising at the rate of 3 to 5 percent above inflation. It doesn't take a rocket scientist to figure out that doesn't work too long.

It only carries us deeper into the economic mess. So he says we got to deal with that problem, and this budget lays out that avenue, that blueprint to deal with that problem.

Secondly, and this is another important factor relative to how we got into this economic mess, and that is the energy crisis, the energy situation. When you got a run up in the cost of oil to \$145 a barrel when it traditionally had been below \$30, that was one of the catalysts that took us into this economic collapse. And we have known for a long time as a Nation that we had to deal with this energy crisis, climate change, energy, all sort of interconnected.

So this budget also lays out an avenue or a roadmap to get to this energy legislation. It doesn't go into details. The President hasn't even talked too much about details. He wants to leave that to Congress.

I do know one thing. To solve those two problems, Madam Speaker, it has to be a bipartisan work. Madam Speaker, Mr. RYAN knows that every major piece of legislation that has ever come out of this Congress to be effective must be bipartisan. We need bipartisan cooperation and support. We need constructive ideas.

We, as a minority, need to be inclusive, but the majority party, when it comes to the table, needs to be constructive and not obstructive. And I think that's what we, as Blue Dogs, who consider ourselves the most fiscally conservative, constructive folks in the Congress, 51 of us—and I serve, have been a part of that group for a long time—we would like to work with the people on the other side of the aisle in a constructive manner. But up to this point our attempts have been thwarted.

So we again thrust out that olive branch to work on both sides of the aisle to solve these problems. You can't get out of this economic mess without dealing with the health care problems and the energy crisis that we have in this Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. BOYD. So in that process the President believes in health care reform, he believes in energy reform, he believes in education reform, and, fourthly and most importantly, fiscal responsibility.

As the folks, Mr. RYAN and others have said consistently, we have to get back to being fiscally responsible. It's something we completely threw out the window over the past 8 years. We have to go back to a path that leads us down to a balanced budget.

Can't get there overnight, but this budget developed by Mr. SPRATT, which we would like to get in a conference mode, will do that. And I want to be a part of that.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

The gentleman from Florida, I agree with much of what he said. He and I are

friends. We both love turkey hunting. We have a lot in common.

And the gentleman was right when he said that they are using honest numbers. They are being candid with their numbers, that's correct.

The Congressional Budget Office is showing that this budget resolution doubles our publicly held debt in 5½ years and triples it in 10½ years. This budget resolution raises taxes on the American people by \$1.5 trillion, the largest tax increase in American history. This budget resolution brings the size of our government to levels we haven't seen since 1945 at the end of World War II.

And the gentleman is right where he says to get big things done we ought to do it with bipartisanship. All the more reason, Madam Speaker, why we should not have reconciliation.

What is reconciliation? It's a method by which the majority can fast track legislation through to law without any participation from the minority.

In order to have bipartisanship, you have to have collaboration. Both sides of the aisle sit down, hammer out compromises, work together to pass legislation.

That is not what reconciliation is being used for here. Reconciliation is saying one-party rule, one party can do it all.

In the Senate, no filibuster, 50 votes plus one can get it through, no amendments, 100 hours of debate, done. No involvement from the minority party. It is the prerogative of the majority party to do that.

The majority party has the power and they can do it. And apparently they are not supportive of this motion to instruct to make sure that that reconciliation doesn't occur, to make sure that we agree with the Senate, with the majority party and the Senate that we don't do reconciliation.

Unfortunately, I think the truth of this matter is being revealed here today. And where we are seeing this majority in the House is basically saying no, we are not going to follow the Democrats in the Senate. We are not going to have a bipartisan procedure. We are going to ram this stuff through with reconciliation.

Mr. BOYD. Would the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Florida.

Mr. BOYD. You make a fair point, but I would remind the gentleman again that reconciliation is probably being insisted upon because of the obstructive nature, the "just say no" nature of the minority party.

And what we would like to see is some constructive engagement in the process about how we solve some of these problems.

Mr. RYAN of Wisconsin. Reclaiming my time, and I believe the gentleman from Florida is very sincere on what he

says in that, and I believe he is true to that.

I would like to insert into the RECORD a question and answer I had with the chief counsel of the Budget Committee and the majority staff during our markup where the majority counsel said that if, in fact, reconciliation instructions do go to the Commerce Committee—which they do in this budget reconciliation—nothing stops that from going toward cap-and-trade legislation.

MARKUP OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010 WEDNESDAY, MARCH 25, 2009

The Committee met, pursuant to call, at 10:40 a.m., in Room 210, Cannon House Office Building, Hon. John M. Spratt, Jr. [Chairman of the Committee] presiding.

Present: Representatives Spratt, Schwartz, Kaptur, Becerra, Doggett, Blumenauer, Berry, Boyd, McGovern, Tsongas, Etheridge, McCollum, Melancon, Yarmuth, Andrews, DeLauro, Edwards, Scott, Langevin, Larsen, Bishop, Moore, Connolly, Schrader, Ryan, Hensarling, Garrett, Diaz-Balart, Simpson, McHenry, Mack, Conaway, Campbell, Jordan, Nunes, Aderholt, Lummis, Austria, Harper.

Chairman SPRATT. For simplicity, just simply address your question to the staffers at this time.

Mr. RYAN. Mr. Chairman, I will begin. I do not know if we are going to take a lot of their time because we realize we have a lot of amendments. It is going to be a long day and we want to get to it. And we have had a good chance to pore through this budget.

I do have a question, I guess for you, Ms. Millar (Gail Millar, majority staff General Counsel), on reconciliation. The Chairman's mark includes reconciliation instructions of three Committees, to each produce one billion in deficit reduction over the six-year period from 2009 through 2014, to the Ways and Means, the Energy and Commerce, and the Education and Labor Committees, under the subsection including healthcare and investing in education.

Here is my basic question. Am I correct that the only binding aspect of these instructions is that each of the Committees are directed to produce \$1 billion in deficit reduction in their jurisdiction?

Ms. MILLAR. That is correct.

Mr. RYAN. And so while the Budget Committee can make assumptions about policies, education, healthcare, energy, we cannot bind these Committees to certain policies? It is up to those Committees to determine what policies are within those instructions and they simply have to meet that goal of achieving one billion in deficit reduction; is that correct?

Ms. MILLAR. That is correct, sir.

Mr. RYAN. Okay. So serving on Ways and Means, that is how we always interpreted it. I just want to make sure that the reconciliation discussion we are having here is consistent with what it has always been in the past which is these Committees are free to do what they choose to do, they have just got to meet that \$1 billion number?

Ms. MILLAR. That is correct.

Mr. RYAN. All right. Thank you. That is really all I have.

So let's be very clear here. Reconciling to the Commerce Committee—The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself 1 additional minute.

It means the Commerce Committee can choose to put in that reconciliation package anything within its jurisdiction, cap-and-trade, health care, whatever the case may be.

The point is this, reconciliation in the past has been used to reduce government, to reduce taxes, to reduce spending, to contain the growth of entitlement programs. That's not what it's being used here today.

Reconciliation is being used here today in a new and unique way to dramatically increase the size and cost of government, to dramatically increase the level of taxation, to dramatically increase the liabilities upon future generations.

That's not its intent. Don't listen to me, listen to Senator BYRD, one of the Democrat leaders who helped write the law in the first place. Listen to Senator CONRAD, the chairman of the Budget Committee, who is saying this is not what reconciliation was ever intended to be used for.

Please, we are simply saying join us in agreeing with the Democrats in the Senate to not have reconciliation, so that we can have the people's representatives speak their mind so we can really truly have a collaborative process, have amendments, have open debate. That's why we are trying to do this.

Mr. SPRATT. Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I thank the chairman again for his extraordinary work as Chair of the Budget Committee.

Let's be clear what we are talking about here. I mean, a lot of us, I think, to those who might be listening don't really quite understand what a motion to instruct is and what reconciliation language is.

Simply put, what we have before us is a decision. Are we going to tackle health care reform, energy independence and an educated repaired workforce in the next year. We are going to make significant progress. The budget allows us to do that.

There is no question that we would like to see it done in a bipartisan way. The budget sets out language that says let's work on this in a bipartisan way. It sets us even out till September, gives us most of the time to do that.

And all we hear from the other side is, no, let's not do this. Let's not do anything about the high cost of health care for American families, the high cost of health care for our businesses, the fact that it affects our economy and job growth.

We have all heard from businesses that say I would hire another employee, a small businesswoman said to me, but I can't afford to pay for their health benefits. Story after story of families that can't pay for needed health care.

We know it is time to find a truly American solution to containing costs,

improving access to health care for all Americans. It has long been a moral imperative. It is now an economic imperative as well for our Nation's people and our Nation's businesses.

Let me say what we hear from the other side is just let's not do it. Let's not do it. They would rather discuss process. And instead of debating the issue, which we could do, they are busy discussing process.

We heard over and over again—and let's read the language in the reserve fund. It's revenue neutral. We are going to find the money to do this.

We are going to debate this. Our committees are holding hearings, we are talking to our constituents.

It is time for us to finally set out the path to do this. Let's be clear. In the first 8 weeks of this administration, we did more on health care than the prior 8 years before, and I am proud of what we have done.

We had little cooperation from the other side to get it done in spite of our President and our leadership and many of us reaching out to the other side.

What did we do? We made sure that 11 million children of working families, whose parents simply cannot afford or have access to health care coverage, have health care coverage for their children, 11 million American children.

I think that's great. We should make sure that every child in this country has access to health care coverage, and we can.

We moved ahead on funding for NIH, for health information technology, to do stem cell research, to find the cures and the treatments that all of us know family members need for their future. We made sure that those who are recently unemployed, who can't afford health care coverage, get a subsidy the next 9 months, the first time we have ever done that.

It is clear that we have before us a choice. Do we actually tackle the health care costs for Americans, do we tackle it for economic competitiveness. This is the decision we are making. We say we should move forward.

The other side is simply saying "no."

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I would like to yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

This budget that we are considering steals our grandchildren's future. We are spending too much, we are taxing too much, we are borrowing too much, and it has to stop.

My dear friend, Mr. BOYD from Florida, said we have to be fiscally responsible as a Nation, and I could not agree more. But this budget is being forced down the throats of the American people. It's a steamroll of socialism being shoved down the throats of the American people, and it's going to strangle the American economy. It's going to

slay the American people, choke them to death economically, and we have got to stop it.

The majority is using this reconciliation in a dictatorial manner to try to force their philosophy of big government, of socialistic government, of total control of everything.

I am a medical doctor, and the health care issues that we hear, the speaker just prior to me, was talking about offering health insurance to 11 million children. I want to see everybody in this country have health care provided to them.

In fact, they can today, but the health care policies that are being fostered by the Democratic majority are going to destroy the health care system. The cost is going to be enormous. The quality of care is going to go down. We are going to have tremendous rationing of health care all over this country.

It's going to take the decisionmaking process out of the hands of doctors and patients, and it's going to put it in the hands of Federal bureaucrats who have no medical training, and it's morally wrong. We have got to stop this.

I rise today in objection to this Democratic process and to this Democratic budget, a budget proposed by the administration that is going to destroy our economy.

We have got to stop this steamrolling. We have got to put up speed bumps and stop signs. This steamroll is going to roll over doctors and patients, and it's going to smash them, and it's going to destroy the health care industry.

It's going to force through the cap-and-tax policies of this administration. And this Democratic majority is proposing it is going to send jobs overseas. It's going to markedly increase the costs of all goods and services in America, food, drugs. Every single good and service in America is going to go up because of the policy that's being forced down the throats of the American people.

The American people need to rise up and say "no" to this budget, to this process. It's totally wrong. We are stealing our grandchildren's and our children's future.

We have got to stop this. We need to be fiscally responsible. The Bush administration was not—but this markedly forces things down the throats of the American people, and we must stop it.

Mr. SPRATT. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I thank the chairman for yielding.

Several million Americans have lost their jobs since the fall. We are saying let's get to work to try to fix that problem.

The minority is saying no, not now, not this way. Wages have gone up only

one-third as fast as health care costs have gone up for the typical American family in the last decade or so. And we are saying let's get to work together to fix that problem and, in the process, let's say to people who are working in convenience stores and gas stations and mowing lawns and store clerks, that they have to have health insurance too for themselves and their children.

□ 1445

We are saying let's get to work on that. The minority is saying no, not now, not this way.

We all suffered the ravages of \$4-a-gallon gasoline last summer. It will probably go back up again because we are so addicted to imported energy from overseas. We're saying let's get to work on solving that problem, on building windmills and hydrogen engines and solar farms and other ideas. The minority is saying no, not now, not this way.

There are American families whose sons or daughters are going to come home from school today and receive the thick envelope that says they got into the college they've always wanted to go to. And the parents are going to have to say no, not now, not this way because we can't afford the cost of a college education. We say let's get to work on solving that problem by moving \$94 billion away from corporate welfare to student financial aid. Let's get to work on that. The minority says no, not now, not this way.

This is a choice between "yes" and "no." It's a choice between optimism and pessimism. It's a choice between working on the country's problems and just watching them metastasize. We can do so much better. We should do it together. But we should do it.

So I would urge a vote against this motion to instruct. I would urge that we work with the other body and get started on this budget and get started on solving these problems.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you, Mr. SPRATT, for the courtesy in permitting me to speak on this, and thank you for your leadership, providing to the House of Representatives a budget blueprint that was reflective of the challenge that President Obama laid before us all a scant 3 months ago in his first State of the Union speech.

The budget outline we have before us is an opportunity to do something constructive for those who want to legislate. There are some that say some Members of the House shouldn't be legislators; they should just be communicators, throwing up speed bumps and ignoring the reality of the problem

that we face that the President inherited from a former dysfunctional administration that was enabled by my Republican friends when they were in charge: massive budget deficits, serious problems hollowing out the economy, a housing bubble that burst, problems overseas, and ignoring climate change not just in this country but global leadership. What we have seen in 3 short months is an opportunity in this Congress to do something about it.

There is a positive choice that is brought forth in the budget resolution that would be undercut by the motion to instruct to give almost \$100 billion over the next 10 years to students instead of bankers, to students instead of bankers. In States like mine with an unemployment rate of over 12 percent, and I know my colleague and friend from South Carolina has a high unemployment rate, we have a chance to help students and their families that are struggling, putting more money in their pockets, not into the pockets of bankers. This budget resolution gives us more leverage to deliver on that promise. It is a blueprint to work with the President and the legislators here who want to legislate, not just talk, to provide alternative choices to American families dealing with health care.

Already in the first 100 days of the President, we have acted to extend health care to 11 million children across the United States. We have dealt in the economic recovery package with bridge financing to help them keep their health insurance if they are laid off. These are things that are part of a constructive program that's available to all who take seriously their responsibilities to roll up their sleeves and legislate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. I appreciate that.

Madam Speaker, there is a concern that is talked about time and time again about reconciliation instructions dealing with climate change. I'm one of the people that would like to have strengthened the hand of the House of Representatives in this vital debate on the future of the planet and the health of our economy to give more leverage to deal with carbon pollution and to put more green jobs into the economy and money in the hands of consumers, not utilities that are polluting. But that's not there.

I would strongly urge my colleagues to reject this motion as they rejected an ill-considered 5-year freeze on some of the most important spending on behalf of our constituents that the Republicans offered up. We rejected that, wisely, and I'm pleased that many Republicans voted against it because it was so ill considered and draconian. It is time to reject this motion and get to work.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Let me see if I can go at it in a different direction.

Under reconciliation, the total debate on the reconciliation bill here, 4 hours on a bill, 1 hour on a conference report. In the Senate, 20 hours on a bill, 10 hours on a conference report. That means total debate on reconciliation in Congress, 35 hours. Let's assume that they break up the bill into three reconciliation vehicles, as could be the case with this, 105 total hours, total hours, of debate between the House of Representatives and the United States Senate.

Wow, 105 total hours of debate in this Congress to determine the largest and the most sweeping transformation of our Federal Government we have not seen since the New Deal. These aren't my words. These are words from the administration who claimed that that's the ambition of this budget.

We are being presented with a new budget with such awesome ambition, with such an enormous increase in spending, taxing, and borrowing; a virtual takeover of 25 percent of our economy in just the health care and energy sectors alone, the largest tax increase we have seen ever in the history of this country, the largest debt increase proposed under this Presidency than all prior Presidencies combined, all rushed through with a simple majority vote in as little as 35 hours and no more than 105 hours of debate. Is that democracy? No. Is that what reconciliation was meant to be? No.

Reconciliation, the spirit and the idea behind it, was to get our fiscal house in order, was to get spending and borrowing under control, not out of control.

Unfortunately, this rule is being twisted, contorted, distorted to achieve these ends as quickly as possible to ramrod it through Congress without giving many voices to it, without having any bipartisan collaboration, and just moving through the gauntlet.

This is the problem with this, Madam Speaker, which is when the American people voted for change, and I heard this at my 25 listening sessions, I don't think a lot of them thought this was the kind of change they were voting for. They didn't think they were voting for the kind of change to more mortgages on their children's future. They didn't think they were voting for a brand new national energy tax on their livelihoods, on their heating bills, on their gas bills, on their electricity bills. They didn't think they were voting for a new tax on the manufacturing jobs in America when our own competitors in China and India will not do this to themselves. They didn't think they were voting for the largest tax increase in history. They didn't think they were voting for the kind of change that gives us a sea of red ink, a mountain of

debt, a government that is the biggest we have seen in a generation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself an additional 30 seconds.

The whole idea of ramming all of this government, this gusher of spending and taxing and borrowing through, in as little as 105 hours of debate is not democracy. It is not the way this House is supposed to work. Unfortunately, that is precisely what the majority aims to do. And that is why we agree with the Democrats in the Senate to stop that from happening.

Mr. SPRATT. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding.

Madam Speaker, H. Con. Res. 85 builds on the work this Congress has started on to get our economy back on track, address the current crisis, and build for future needs.

Just so folks will understand, a budget in Congress is not like the budget we think about. It really is a framework. It's a blueprint.

I'm sure my colleagues on the other side of the aisle talk about all the things that are in it, but what they don't say is this doesn't do any of the things they are talking about. We'd like for our friends across the aisle to join us. This really should not be a partisan issue. The issue of getting our economy on track shouldn't be partisan. The issue of investing in education for our children's future shouldn't be a partisan issue. The issue of fixing health care for the American people, in my home State one of the largest numbers of people unemployed are in North Carolina because our unemployment rate right now is fourth in the Nation. These people don't care who gets it for them. They want health care fixed. And certainly I remember \$4 a gallon of gasoline that got us where we are. We need to fix that.

This bill lays out a plan to cut the deficit by nearly two-thirds by 2013 and create jobs with investments in those areas I have just talked about: health care, clean energy, and in education.

And, yes, reconciliation is about getting a budget in balance. That's what the Democrats have used it for, what we used it for last time. And I think it's appropriate when it's used that way. But I will remind you that a budget is more than just a document. It is a statement of our Nation's priorities and our values. And this budget is about that. It's about the future. It's about the people's needs, and it's about creating jobs with investments and reform in health care, clean energy, and education to make sure that we are prepared for the 21st century economy.

Our efforts in this budget are about protecting families. And it's really

about three things and three things only: jobs, jobs, jobs. We have to remember that. At the end of the day, there are a lot of people in this country who are looking to us to help. Yes, the business community needs our help, and we are going to try to do it. It takes the first step in restoring America's financial strength. And we will get there by growing our economy in areas like health care, education, and energy, which will pave the way for a sustained recovery and get our people back to work and our economy back on track. And, yes, I am very pleased that this budget makes room for those areas. But it makes room for critical investment in education in the future of our children and not just children but for those who want to go to college and, yes, for those who want to go back to school and make a difference as the economy changes and get an education so that they can make a way for their family.

I would encourage you to vote for this resolution and vote against the motion to instruct.

As the only former state schools chief serving in Congress, I am particularly pleased that the budget prioritizes education and innovation. In recent months, first with the economic recovery legislation and then as we finished the 2009 appropriations process, Congress devoted significant funding to education to create quality jobs now and in the future. This budget resolution provides a blueprint to follow through on these priorities.

Education is the key to economic growth, future success, and access to opportunity for our citizens, and this Budget Resolution makes a clear statement that education is a top priority.

We are a nation of great resources that has proven time and again that we are the world leader in innovation and progress. With time, and with continued effort, we will break with the failed policies of the recent past and restore our strength and global competitiveness.

□ 1500

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield one of the remaining minutes on my side to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, just as I listened to this debate, and it is a debate, and while the other side is primarily debating process and the concerns they have about how much they will be able to be heard, I would suggest that they be heard on their solutions for energy independence, for fiscal responsibility for our Nation, and for growing those jobs through health care reform and education.

This is a moment when in fact the American people did call on us to take action on this these critical issues. They understand the enormous challenges facing their own families, their communities and our Nation. And they are calling on us to take action, to do

it in a fiscally responsible way, but to face America's challenges, to make the investments in our future.

That is what this budget does. It sets out a path for us to tackle these major challenges. That is what we want to do. We would like to do it in a bipartisan way. We are certainly going to have hours and hours of debate, both here in Congress, in our committees and at home. And that is what we should do. The American people and American businesses are counting on us.

Vote for this budget, vote to proceed and vote for America.

Mr. SPRATT. Madam Speaker, I yield myself the balance of my time.

Let me clarify just a few things, because we have heard repeated on the floor today arguments made several weeks ago when the concurrent resolution first came to the floor that this was the biggest spending bill in the history of the country.

The truth of the matter is simply this: spending is unprecedentedly large. The reason is we are in the midst of one of the worst recessions since the Great Depression and we have taken remedial steps which have been costly to the Federal Government, quite a few of which were launched under the Bush administration. So that has swollen the total spending and the total deficit for this year.

But listen to this: total outlays for 2009, fiscal year 2009, total outlays, the whole budget, is \$3.8 trillion. Next year under this budget total outlays will be \$3.5 trillion. You have heard it said repeatedly over there that spending is going up. It is coming down. It will come down further, just as will the deficit, because this is a deficit reduction budget resolution which reduces the deficit from \$1.752 trillion to \$533 billion in 3 or 4 fiscal years. That is a matter of truth.

If you care to take the time and pick up a copy of the committee report, you will see on page 5 this simple sentence about the tax situation: "This budget resolution calls for reducing the revenues provided under CBO's baseline forecast, reducing them by \$613 billion between 2009 and 2014 and by \$1.48 trillion between 2010 and 2019."

These are facts. They haven't been refuted. Every time we have asked that their arithmetic be explained to back up their rhetoric, we have not gotten an answer.

Now, let me say a word or two about reconciliation. Reconciliation has been since the outset of the budget process in 1974 an essential part of making a budget. If you listened to the argument here on the floor, what you heard were a lot of red herrings.

For example, it was suggested that this is going to be an impediment to choice; this is going to get in between patients and their doctors or patients and the insured and the insurance companies in choosing health insurance.

There is nothing in here, nothing whatsoever that even breathes a word about either of those subjects.

There is talk here that this would in fact deal with cap-and-trade, even though we took cap-and-trade out of the President's budget request, removed it completely. It is not spoken of or mentioned there. And you heard EARL BLUMENAUER just on the floor a minute ago. He would love to see it there, but it is not. He made an honest examination of it. It is not there. But you wouldn't know it to listen to the other side.

You will also however thwart the passage of some things that we think are worthy and vital. Certainly we want to improve higher education and the access to higher education for all children in America, thinking that it is their birthright if it is something they can attain.

And we definitely, decidedly, clearly need to do something about 46 million Americans who do not have health insurance. If we were to pass this resolution and then take out the reconciliation provision, we would have a very difficult time ensuring ourselves that legislation to that effect would be produced on a timely basis.

That is what reconciliation is all about, simply this: we can say that the committees of jurisdiction on the Budget Committee through action on the floor by a certain date do a certain thing to raise a certain sum of money or to lower revenues by a certain sum. That doesn't get the bill off the floor. You still have to command a majority on the floor. That doesn't get the bill out of conference. You still have to confer with the Senate, work out your differences and get it passed again by both Houses. And that doesn't get you past go. You still have got to get the President to sign the bill. All those hurdles are still in place. It is not like we are going to go off running to the races if we adopt this. We simply assure ourselves that by a date certain, certain action will be taken.

Finally this: there is some seemingly simple language here about offsets, saying if you want to increase a program, you have got to actually cut spending to offset it. There is nothing wrong with that.

I was one of the sponsors of and supporters of, and still am, of something we call PAYGO. But if we want to provide that everything must be offset by commensurate spending decreases, you will kill the opportunity we have had to pass programs like CHIP, the Children's Health Insurance Program, the expansion of which, the creation of which, was allowed by use of tobacco taxes and cigarette taxes.

So this motion to instruct is unnecessary, unwarranted, and it will impede the passage of what we believe is a good budget resolution. Therefore, we would urge all Members to vote against it.

The SPEAKER pro tempore. The gentleman's time has expired.

The gentleman from Wisconsin has 5½ minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to start off by, first of all, saying, and I comment on this a lot, I have tremendous respect for the chairman of the Budget Committee, Mr. SPRATT. He is an admirable man who has a very difficult job.

I would like to hearken back to a day where bipartisanship on the budget worked, the year before I came into Congress, and Mr. SPRATT was a key part of this. That was the 1997 budget agreement. That is when reconciliation was used for its intended purpose. In that 1997 budget agreement, where you had a Democratic President and a Republican House, they came together in bipartisan fashion to reduce spending and to reduce taxes, and it is that budget agreement that paved the way for the surpluses that then occurred and followed that helped us pay down debt.

The fact is, Madam Speaker, that both parties should claim credit for that job and that improvement in our fiscal situation, for bringing those surpluses, for balancing the budget and for having a substantial contribution to debt reduction. Both parties did that. Both parties should get credit for that.

But here we are today, taking this process that has been used to good effect in the past, fulfilling the spirit of the process, and we are just turning it upside down.

Let's review the contents of this. We very well might have, with as little as 35 hours of debate between the two Chambers and no more than 105 hours of debate because of this fast-track procedure, the greatest transformation of our Federal Government since the New Deal. Let's review the issues.

Taxes: What this budget proposes to do is to impose a new national energy tax on everybody who consumes energy: a tax on manufacturing, a tax on coal-burning States like my own, a tax that is bad for our economy. Higher taxes on small businesses. Higher taxes on investments. Higher taxes in a recession.

We proposed an alternative in our budget. We said, no, let's not raise taxes in a recession. Let's make our businesses more competitive in the global economy so we can create jobs in this recession. That was rejected. Now there they are steamrolling these tax increases through with very little debate and very few amendments.

Let's talk about cap-and-trade. The chairman gave an articulate defense for how cap-and-trade is not happening here. It is not in this budget. Well, then why on Earth is the Commerce Committee marking up cap-and-trade legislation next week? They are having

hearings right now, and they are marking this bill up next week, and they are bringing it to the floor.

Here is the problem with cap-and-trade. We don't think it works. Even if you think you have a carbon problem, hitting our economy with this while our very competitors in China and India won't do it will not even reduce carbon in the atmosphere. It will actually increase carbon, but from China and India. For every one ton of greenhouse gases we reduce in America, China increases theirs by three or four tons. We lose our manufacturing jobs. They get the jobs. They emit carbon in the atmosphere. There is more carbon in the atmosphere and America has fewer jobs. How is that a good idea?

We proposed an alternative in our budget. We said let's drill for oil and gas in our own country, where we have a lot of it; and let's invest the proceeds of it in a clean energy trust fund so we innovate our way toward a clean energy system, so we innovate our way for nuclear, clean coal, renewables, biomass, wind, solar, all these things, fuel cells.

Americans are innovators. Let's not hit ourselves with a huge energy tax that costs jobs. Let's innovate our way out of this problem through a cleaner energy economy. That is our alternative. That was rejected. Now this cap-and-trade thing could get swept through with as little as 35 hours of debate.

Let's talk about health care. I just came from the Ways and Means Committee, another committee I serve on, before coming to the floor here today, where they are discussing how in the budget reconciliation they are going to have a new health care plan that has a government-run plan option. The problem with the government-run plan option is it quickly becomes a government-run plan monopoly.

One of the leading health insurance actuaries in America, the Lewin Group, is telling us that as many as 120 million Americans would lose their private health insurance under this government-run plan option. This is government-run health care. It may not say it in name, it may not be what it says it is going to do tomorrow, but it is clearly what all the actuaries and the economists are telling us what it becomes.

The advocates in the Ways and Means Committee are already telling us, why have private health insurance in the first place? Let's just have the government run it all. So clearly the intention is being made known, and this confiscation of 17 percent of our economy will run through Congress with as little as 35 hours of debate.

This is what we are talking about. Should we have a government takeover of health care in America? Let's have a debate about that. Let's not have 35 hours of debate.

Should we impose the largest energy tax in the history of this country on our manufacturers, on seniors, on the upper Midwest where we have cold winters, or should we just ram this thing through with 35 hours of debate?

Should we hit our economy in the middle of a recession with the largest tax increase in history, ram it through with no amendments with as little as 35 hours of debate?

Should we transform the Federal Government, the largest transformation we have seen since the New Deal, with as little as 35 hours of debate?

We think no. And we agree with the Democrats in the Senate who agree with us that the answer should be no.

Let's concur with the Senate Democrats. Let's pass this motion to instruct and let's give America democracy and debate.

The SPEAKER pro tempore. The gentleman from Wisconsin's time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules with regard to H.R. 1679 and H.R. 586;

Motion to instruct on S. Con. Res. 13; and

Motion to suspend the rules on H.R. 957.

The vote on H. Res. 247 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1679, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1679.

The vote was taken by electronic device, and there were—yeas 432, nays 0, not voting 9, as follows:

[Roll No. 196]

YEAS—423

Abercrombie	Conaway	Hastings (WA)
Ackerman	Connolly (VA)	Heinrich
Aderholt	Conyers	Heller
Adler (NJ)	Cooper	Hensarling
Akin	Costa	Herger
Alexander	Costello	Herseth Sandlin
Altmire	Courtney	Higgins
Andrews	Crenshaw	Hill
Arcuri	Crowley	Himes
Austria	Cuellar	Hinchey
Baca	Culberson	Hinojosa
Bachmann	Cummings	Hirono
Bachus	Dahlkemper	Hodes
Baird	Davis (AL)	Hoekstra
Baldwin	Davis (CA)	Holden
Barrett (SC)	Davis (IL)	Holt
Barrow	Davis (KY)	Honda
Bartlett	Davis (TN)	Hoyer
Barton (TX)	Deal (GA)	Hunter
Bean	DeFazio	Inglis
Becerra	DeGette	Inslee
Berkley	DeLauro	Israel
Berman	Dent	Issa
Berry	Diaz-Balart, L.	Jackson-Lee
Biggert	Diaz-Balart, M.	(TX)
Bilbray	Dicks	Jenkins
Bilirakis	Dingell	Johnson (GA)
Bishop (GA)	Doggett	Johnson (IL)
Bishop (NY)	Donnelly (IN)	Johnson, E. B.
Bishop (UT)	Doyle	Johnson, Sam
Blackburn	Dreier	Jones
Blumenauer	Driehaus	Jordan (OH)
Blunt	Duncan	Kagen
Bocchieri	Edwards (MD)	Kanjorski
Boehner	Edwards (TX)	Kaptur
Bonner	Ehlers	Kennedy
Bono Mack	Ellison	Kildee
Boozman	Ellsworth	Kilpatrick (MI)
Boren	Emerson	Kilroy
Boucher	Engel	Kind
Boustany	Eshoo	King (IA)
Boyd	Etheridge	King (NY)
Brady (PA)	Fallin	Kirk
Brady (TX)	Farr	Kirkpatrick (AZ)
Braley (IA)	Fattah	Kissell
Bright	Filner	Klein (FL)
Broun (GA)	Flake	Kline (MN)
Brown (SC)	Fleming	Kosmas
Brown, Corrine	Forbes	Kratovich
Brown-Waite,	Fortenberry	Kucinich
Ginny	Foster	Lamborn
Buchanan	Fox	Lance
Burgess	Frank (MA)	Langevin
Burton (IN)	Franks (AZ)	Larsen (WA)
Buyer	Frelinghuysen	Larson (CT)
Calvert	Fudge	Latham
Camp	Gallegly	LaTourette
Cantor	Garrett (NJ)	Latta
Cao	Gerlach	Lee (CA)
Capito	Giffords	Lee (NY)
Capps	Gohmert	Levin
Capuano	Gonzalez	Lewis (CA)
Cardoza	Goodlatte	Lewis (GA)
Carnahan	Gordon (TN)	Linder
Carney	Granger	Lipinski
Carson (IN)	Graves	LoBiondo
Carter	Loeb	Loeb
Cassidy	Loftgren, Zoe	Loeb
Castle	Lowey	Loeb
Castor (FL)	Lucas	Loeb
Chaffetz	Luetkemeyer	Loeb
Chandler	Lujan	Loeb
Childers	Lummis	Loeb
Clarke	Lynch	Loeb
Clay	Mack	Loeb
Cleaver	Maffei	Loeb
Clyburn	Maloney	Loeb
Coble	Manzullo	Loeb
Coffman (CO)	Marchant	Loeb
Cohen	Markey (CO)	Loeb
Cole	Markey (MA)	Loeb
		Loeb

Marshall	Peters	Simpson
Massa	Peterson	Sires
Matheson	Petri	Skelton
Matsui	Pingree (ME)	Slaughter
McCarthy (CA)	Pitts	Smith (NE)
McCarthy (NY)	Platts	Smith (NJ)
McCaul	Poe (TX)	Smith (WA)
McClintock	Polis (CO)	Snyder
McCollum	Pomeroy	Souder
McCotter	Posey	Space
McDermott	Price (GA)	Speier
McGovern	Price (NC)	Spratt
McHenry	Putnam	Stark
McHugh	Quigley	Stearns
McIntyre	Radanovich	Stupak
McKeon	Rahall	Sullivan
McMahon	Rangel	Sutton
McMorris	Rehberg	Tanner
Rodgers	Reichert	Tauscher
McNerney	Richardson	Taylor
Meek (FL)	Rodriguez	Teague
Meeks (NY)	Roe (TN)	Terry
Melancon	Rogers (AL)	Thompson (CA)
Mica	Rogers (KY)	Thompson (MS)
Michaud	Rogers (MI)	Thompson (PA)
Miller (FL)	Rohrabacher	Thornberry
Miller (MI)	Rooney	Tiahrt
Miller (NC)	Ros-Lehtinen	Tierney
Miller, Gary	Roskam	Titus
Miller, George	Ross	Tonko
Minnick	Rothman (NJ)	Towns
Mitchell	Roybal-Allard	Tsongas
Mollohan	Royce	Turner
Moore (KS)	Ruppersberger	Upton
Moore (WI)	Rush	Van Hollen
Moran (KS)	Ryan (OH)	Velázquez
Moran (VA)	Ryan (WI)	Visclosky
Murphy (CT)	Salazar	Walden
Murphy, Patrick	Sánchez, Linda	Walz
Murphy, Tim	T.	Wamp
Murtha	Sanchez, Loretta	Wasserman
Myrick	Sarbanes	Schultz
Nadler (NY)	Scalise	Waters
Napolitano	Schakowsky	Watson
Neal (MA)	Schauer	Watt
Neugebauer	Schiff	Waxman
Nunes	Schmidt	Weiner
Nye	Schock	Welch
Oberstar	Schrader	Westmoreland
Obey	Schwartz	Wexler
Olson	Scott (GA)	Whitfield
Olver	Scott (VA)	Wilson (OH)
Ortiz	Sensenbrenner	Wilson (SC)
Pallone	Serrano	Wittman
Pascarella	Sessions	Wolf
Pastor (AZ)	Sestak	Woolsey
Paul	Shadegg	Wu
Paulsen	Shea-Porter	Yarmuth
Payne	Sherman	Young (AK)
Pence	Shimkus	Young (FL)
Perlmutter	Shuler	
Perriello	Shuster	

NOT VOTING—9

Boswell	Jackson (IL)	Reyes
Butterfield	Kingston	Smith (TX)
Campbell	Lungren, Daniel	
Gingrey (GA)	E.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1548

Messrs. CAPUANO and MASSA changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN REMEMBRANCE OF THE TENTH ANNIVERSARY OF THE SHOOTINGS AT COLUMBINE

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Madam Speaker, I know that the whole House joins the Colorado delegation in their sorrow at the tragic events of 1999. The Nation was horrified. This was an event that changed the Nation and still casts a shadow on our culture. The community around Columbine still deals with this event, and I believe it is appropriate for us to pause and reflect on what happened that terrible day.

I would now yield to my colleague, Ms. DEGETTE.

Ms. DEGETTE. Madam Speaker, 10 years ago this week as I sat in my office in the Longworth Office Building, I watched the horrific events of the Columbine shooting occur. Sadly, that was not the first time we've had a high school shooting. And even more sadly, it was not the last time we've seen a shooting of this nature.

Every time this happens, for those of us in Colorado the memory of the horrific events in April 10 years ago floods back to us. I am joined today with the entire Colorado delegation, as Mr. COFFMAN said, in mourning the loss of the teacher and the students at Columbine. Mr. PERLMUTTER had constituents who were killed in the shooting. I had constituents attending Columbine at that time, and we still do today.

All of us share the hope that Principal Frank DeAngelis, who was the principal then and now, shared with the country Monday this week at a ceremony commemorating the 10th anniversary of Columbine. Principal DeAngelis said on Monday—and we all agree with this—“My hope is that school violence comes to an end, and that our Nation is not mourning the loss of more of our children and educators; and that the members of our society come together to stop the senseless deaths that are occurring. Our children are our future, and we must continue to pave the way for a safe and successful journey.”

Let's remember Columbine, and let's remember these words.

Mr. COFFMAN of Colorado. Madam Speaker, to my colleagues, please join me in a moment of silence for the victims and their families.

The SPEAKER pro tempore. Will the Members please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CIVIL RIGHTS HISTORY PROJECT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 586.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 586.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 197]

AYES—422

Abercrombie	Capito	Ellison
Ackerman	Capps	Ellsworth
Aderholt	Capuano	Emerson
Adler (NJ)	Cardoza	Engel
Akin	Carnahan	Eshoo
Alexander	Carney	Etheridge
Altmire	Carson (IN)	Fallin
Andrews	Carter	Farr
Arcuri	Cassidy	Fattah
Austria	Castle	Filner
Baca	Castor (FL)	Flake
Bachmann	Chaffetz	Fleming
Bachus	Chandler	Forbes
Baird	Childers	Fortenberry
Baldwin	Clarke	Foster
Barrett (SC)	Clay	Fox
Barrow	Cleaver	Frank (MA)
Bartlett	Clyburn	Franks (AZ)
Barton (TX)	Coble	Frelinghuysen
Bean	Coffman (CO)	Fudge
Becerra	Cohen	Galleghy
Berkley	Cole	Garrett (NJ)
Berman	Conaway	Gerlach
Berry	Connolly (VA)	Giffords
Biggert	Conyers	Gohmert
Bilbray	Cooper	Gonzalez
Bilirakis	Costa	Goodlatte
Bishop (GA)	Costello	Gordon (TN)
Bishop (NY)	Courtney	Granger
Bishop (UT)	Crenshaw	Graves
Blackburn	Crowley	Grayson
Blumenauer	Cuellar	Green, Al
Blunt	Culberson	Green, Gene
Bocchieri	Cummings	Griffith
Boehner	Dahlkemper	Grijalva
Bonner	Davis (AL)	Guthrie
Bono Mack	Davis (CA)	Gutierrez
Boozman	Davis (IL)	Hall (NY)
Boren	Davis (KY)	Hall (TX)
Boucher	Davis (TN)	Halvorson
Boustany	Deal (GA)	Hare
Boyd	DeFazio	Harman
Brady (PA)	DeGette	Harper
Brady (TX)	Delahunt	Hastings (FL)
Braley (IA)	DeLauro	Hastings (WA)
Bright	Dent	Heinrich
Broun (GA)	Diaz-Balart, L.	Heller
Brown (SC)	Diaz-Balart, M.	Hensarling
Brown, Corrine	Dicks	Herger
Brown-Waite,	Dingell	Herseth Sandlin
Ginny	Doggett	Higgins
Buchanan	Donnelly (IN)	Hill
Burgess	Doyle	Himes
Burton (IN)	Dreier	Hinchey
Buyer	Driehaus	Hinojosa
Calvert	Duncan	Hirono
Camp	Edwards (MD)	Hodes
Cantor	Edwards (TX)	Hoekstra
Cao	Ehlers	Holden

Holt	McMorris	Sanchez, Loretta
Honda	Rodgers	Sarbanes
Hoyer	McNerney	Scallise
Hunter	Meek (FL)	Schakowsky
Inglis	Meeks (NY)	Schauer
Inslee	Melancon	Schiff
Israel	Mica	Schmidt
Issa	Michaud	Schock
Jackson-Lee	Miller (FL)	Schrader
(TX)	Miller (MI)	Schwartz
Jenkins	Miller (NC)	Scott (GA)
Johnson (GA)	Miller, Gary	Scott (VA)
Johnson (IL)	Miller, George	Sensenbrenner
Johnson, E. B.	Minnick	Serrano
Johnson, Sam	Mitchell	Sessions
Jones	Mollohan	Sestak
Jordan (OH)	Moore (KS)	Shadegg
Kagen	Moore (WI)	Shea-Porter
Kanjorski	Moran (KS)	Sherman
Kaptur	Moran (VA)	Shimkus
Kennedy	Murphy (CT)	Shuler
Kildee	Murphy, Patrick	Shuster
Kilpatrick (MI)	Murphy, Tim	Simpson
Kilroy	Murtha	Sires
Kind	Myrick	Skelton
King (IA)	Nadler (NY)	Slaughter
King (NY)	Napolitano	Smith (NE)
Kirk	Neal (MA)	Smith (NJ)
Kirkpatrick (AZ)	Neugebauer	Smith (WA)
Kissell	Nunes	Snyder
Klein (FL)	Nye	Souder
Kline (MN)	Oberstar	Space
Kosmas	Obey	Speier
Kratovil	Olson	Spratt
Kucinich	Olver	Stark
Lamborn	Ortiz	Stearns
Lance	Pallone	Stupak
Langevin	Pascarella	Sullivan
Larsen (WA)	Pastor (AZ)	Sutton
Larson (CT)	Paulsen	Tanner
Payne	Pence	Tauscher
Latham	Perlmutter	Taylor
LaTourette	Perriello	Teague
Latta	Peters	Terry
Lee (CA)	Peterson	Thompson (CA)
Lee (NY)	Petri	Thompson (MS)
Levin	Pingree (ME)	Thompson (PA)
Lewis (CA)	Pitts	Thornberry
Lewis (GA)	Platts	Tiahrt
Linder	Poe (TX)	Tiberi
Lipinski	Pollis (CO)	Tierney
LoBiondo	Pomeroy	Titus
Loeback	Posey	Tonko
Lofgren, Zoe	Price (GA)	Towns
Lowey	Price (NC)	Tsongas
Lucas	Putnam	Turner
Luetkemeyer	Quigley	Upton
Lujan	Radanovich	Van Hollen
Lummis	Rahall	Velázquez
Lynch	Rangel	Visclosky
Mack	Rehberg	Walden
Maffei	Reichert	Walz
Maloney	Richardson	Wamp
Manzullo	Rodriguez	Wasserman
Marchant	Roe (TN)	Schultz
Markey (CO)	Rogers (AL)	Waters
Markey (MA)	Rogers (KY)	Watson
Marshall	Rogers (MI)	Watt
Massa	Rohrabacher	Waxman
Matheson	Rooney	Weiner
Matsui	Ros-Lehtinen	Welch
McCarthy (CA)	Roskam	Westmoreland
McCarthy (NY)	Ross	Wexler
McCaul	Rothman (NJ)	Whitfield
McClintock	Roybal-Allard	Wilson (OH)
McCollum	Royce	Wilson (SC)
McCotter	Ruppersberger	Wittman
McDermott	Rush	Wolf
McGovern	Ryan (OH)	Woolsey
McHenry	Ryan (WI)	Wu
McHugh	Salazar	Yarmuth
McIntyre	Sánchez, Linda	Young (AK)
McKeon	T.	Young (FL)
McMahon		

NOT VOTING—10

Boswell	Jackson (IL)	Paul
Butterfield	Kingston	Reyes
Campbell	Lungren, Daniel	Smith (TX)
Gingrey (GA)	E.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1603

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE OBSERVED FOR BINGHAMTON, NEW YORK TRAGEDY

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Madam Speaker, I rise today in the context of a deep tragedy that struck the 22nd Congressional District in New York, and particularly the wonderful city of Binghamton.

Less than 3 weeks ago, this proud community suffered a devastating tragedy. On the morning of Friday, April 13, 2009, a single gunman entered the office of the American Civic Association and murdered 13 innocent people. He murdered 13 innocent people, and wounded four more. This was a horrendous act of violence, one that no community should ever experience.

Next week, I will be presenting a condolence resolution on the floor which will convey sympathy to the families of these victims, express hope that those wounded and touched by this tragedy are on the path to recovery, and to thank all of those who responded to the scene and secured the security and helped the victims.

Today, I would like to take a moment to honor the 13 individuals who lost their lives that day. The victims ranged in age from 22 years to 72 years. They included a mother of three, a newly wedded bride, a student, a teacher, and many others, all of whom were hardworking individuals who had the same goal of being able to offer a better life for themselves and their family.

At this time, Madam Speaker, I would be very grateful to request that Congress take a moment of silence to reflect on this senseless loss of life, and to pray for the victims and their family and friends.

The SPEAKER pro tempore. Members please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The unfinished business is the question on the

motion to instruct on S. Con. Res. 13 offered by the gentleman from Wisconsin (Mr. RYAN) which the Chair will put de novo.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 227, not voting 9, as follows:

[Roll No. 198]

AYES—196

Aderholt	Franks (AZ)	Mitchell
Akin	Frelinghuysen	Moran (KS)
Alexander	Gallegly	Murphy, Tim
Austria	Garrett (NJ)	Myrick
Bachmann	Gerlach	Neugebauer
Bachus	Gohmert	Nunes
Barrett (SC)	Goodlatte	Nye
Barrow	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Griffith	Paulsen
Biggert	Guthrie	Pence
Bilbray	Hall (TX)	Perriello
Bilirakis	Harper	Petri
Bishop (UT)	Hastings (WA)	Pitts
Blackburn	Heller	Platts
Blunt	Hensarling	Poe (TX)
Boehner	Herger	Pomeroy
Bonner	Hill	Posey
Bono Mack	Hoekstra	Price (GA)
Boozman	Hunter	Putnam
Boren	Inglis	Radanovich
Boustany	Issa	Rehberg
Brady (TX)	Jenkins	Reichert
Bright	Johnson (IL)	Roe (TN)
Broun (GA)	Johnson, Sam	Rogers (AL)
Brown (SC)	Jones	Rogers (KY)
Brown-Waite,	Jordan (OH)	Rogers (MI)
Ginny	King (IA)	Rohrabacher
Buchanan	King (NY)	Rooney
Burgess	Kirk	Ros-Lehtinen
Burton (IN)	Kline (MN)	Roskam
Buyer	Kosmas	Royce
Calvert	Lamborn	Ryan (OH)
Camp	Lance	Ryan (WI)
Cantor	Latham	Scalise
Cao	LaTourette	Schmidt
Capito	Latta	Schock
Carter	Lee (NY)	Sensenbrenner
Cassidy	Lewis (CA)	Sessions
Castle	Linder	Shadegg
Chaffetz	LoBiondo	Shimkus
Childers	Lucas	Shuler
Coble	Luetkemeyer	Shuster
Coffman (CO)	Lummis	Simpson
Cole	Mack	Smith (NE)
Conaway	Manzullo	Smith (NJ)
Crenshaw	Marchant	Souder
Culberson	Markey (CO)	Space
Davis (KY)	Marshall	Stearns
Deal (GA)	Matheson	Sullivan
Dent	McCarthy (CA)	Taylor
Diaz-Balart, L.	McCaul	Teague
Diaz-Balart, M.	McClintock	Terry
Donnelly (IN)	McCotter	Thompson (PA)
Dreier	McHenry	Thornberry
Duncan	McHugh	Tiahrt
Ehlers	McIntyre	Tiberi
Ellsworth	McKeon	Turner
Emerson	McMorris	Upton
Fallin	Rodgers	Walden
Flake	Mica	Wamp
Fleming	Miller (FL)	Westmoreland
Forbes	Miller (MI)	
Fortenberry	Miller, Gary	
Foxx	Minnick	

Whitfield
Wilson (SC)

Wittman
Wolf

Young (AK)
Young (FL)

NOES—227

Abercrombie	Grijalva	Oberstar
Ackerman	Gutierrez	Obey
Adler (NJ)	Hall (NY)	Oliver
Altmire	Halvorson	Ortiz
Andrews	Hare	Pallone
Arcuri	Harman	Pascarell
Baca	Hastings (FL)	Pastor (AZ)
Baird	Heinrich	Payne
Baldwin	Herseth Sandlin	Perlmutter
Bean	Higgins	Peters
Becerra	Himes	Peterson
Berkley	Hinchey	Pingree (ME)
Berman	Hinojosa	Polis (CO)
Berry	Hirono	Price (NC)
Bishop (GA)	Hodes	Quigley
Bishop (NY)	Holden	Rahall
Blumenauer	Holt	Rangel
Bocchieri	Honda	Richardson
Boucher	Hoyer	Rodriguez
Boyd	Inslee	Ross
Brady (PA)	Israel	Rothman (NJ)
Braley (IA)	Jackson-Lee	Roybal-Allard
Brown, Corrine	(TX)	Ruppersberger
Capps	Johnson (GA)	Rush
Capuano	Johnson, E. B.	Salazar
Cardoza	Kagen	Sánchez, Linda
Carnahan	Kanjorski	T.
Carney	Kaptur	Sanchez, Loretta
Carson (IN)	Kennedy	Sarbanes
Castor (FL)	Kildee	Schakowsky
Chandler	Kilpatrick (MI)	Schauer
Clarke	Kilroy	Schiff
Clay	Kind	Schrader
Cleaver	Kirkpatrick (AZ)	Schwartz
Clyburn	Kissell	Scott (GA)
Cohen	Klein (FL)	Scott (VA)
Connolly (VA)	Kratovil	Serrano
Conyers	Kucinich	Sestak
Cooper	Langevin	Shea-Porter
Costa	Larsen (WA)	Sherman
Costello	Larson (CT)	Sires
Courtney	Lee (CA)	Skelton
Crowley	Levin	Slaughter
Cuellar	Lewis (GA)	Smith (WA)
Cummings	Lipinski	Snyder
Dahlkemper	Loebach	Speier
Davis (AL)	Lofgren, Zoe	Spratt
Davis (CA)	Lowey	Stark
Davis (IL)	Lujan	Stupak
Davis (TN)	Lynch	Sutton
DeFazio	Maffei	Tanner
DeGette	Maloney	Tauscher
Delahunt	Markey (MA)	Thompson (CA)
DeLauro	Massa	Thompson (MS)
Dicks	Matsui	Tierney
Dingell	McCarthy (NY)	Titus
Doggett	McCollum	Tonko
Doyle	McDermott	Towns
Driehaus	McGovern	Tsongas
Edwards (MD)	McMahon	Van Hollen
Edwards (TX)	McNerney	Velázquez
Ellison	Meek (FL)	Visclosky
Engel	Meeks (NY)	Walz
Eshoo	Melancon	Wasserman
Etheridge	Michaud	Schultz
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watson
Filner	Mollohan	Watt
Foster	Moore (KS)	Waxman
Frank (MA)	Moore (WI)	Weiner
Fudge	Moran (VA)	Welch
Giffords	Murphy (CT)	Wexler
Gonzalez	Murphy, Patrick	Wilson (OH)
Gordon (TN)	Murtha	Woolsey
Grayson	Nadler (NY)	Wu
Green, Al	Napolitano	Yarmuth
Green, Gene	Neal (MA)	

NOT VOTING—9

Boswell	Jackson (IL)	Reyes
Butterfield	Kingston	Smith (TX)
Campbell	Lungren, Daniel	
Gingrey (GA)	E.	

□ 1617

Mr. SMITH of Washington, Ms. HARMAN and Mr. ENGEL changed their vote from “aye” to “no.”

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREEN ENERGY EDUCATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 957, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 957.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 15, as follows:

[Roll No. 199]

YEAS—411

Abercrombie	Carnahan	Farr
Ackerman	Carney	Fattah
Aderholt	Carson (IN)	Filner
Adler (NJ)	Carter	Fleming
Akin	Cassidy	Forbes
Alexander	Castle	Fortenberry
Altmire	Castor (FL)	Foster
Andrews	Chaffetz	Fox
Arcuri	Chandler	Frank (MA)
Austria	Childers	Franks (AZ)
Baca	Clarke	Frelinghuysen
Bachmann	Clay	Lujan
Bachus	Cleaver	Lummis
Baird	Clyburn	Mack
Baldwin	Coble	Maffei
Barrett (SC)	Coffman (CO)	Maloney
Barrow	Cohen	Manzullo
Bartlett	Cole	Marchant
Barton (TX)	Conaway	Markey (CO)
Bean	Connolly (VA)	Markey (MA)
Becerra	Conyers	Marshall
Berkley	Cooper	Massa
Berman	Costa	Matheson
Berry	Costello	Matsui
Biggart	Courtney	McCarthy (CA)
Bliley	Crenshaw	McCarthy (NY)
Bilirakis	Crowley	McCaul
Bishop (GA)	Cuellar	McCollum
Bishop (NY)	Culberson	McCotter
Bishop (UT)	Cummings	McGovern
Blackburn	Dahlkemper	McHenry
Blumenauer	Davis (AL)	McHugh
Blunt	Davis (CA)	McIntyre
Boccheri	Davis (IL)	McKeon
Boehner	Davis (KY)	McMahon
Bonner	Davis (TN)	McMorris
Bono Mack	Deal (GA)	Rodgers
Boozman	DeFazio	McNerney
Boren	DeGette	Meek (FL)
Boucher	Delahunt	Meeks (NY)
Boustany	DeLauro	Melancon
Boyd	Dent	Mica
Brady (PA)	Diaz-Balart, L.	Michaud
Brady (TX)	Diaz-Balart, M.	Miller (FL)
Braley (IA)	Dicks	
Bright	Dingell	
Brown (SC)	Doggett	
Brown, Corrine	Donnelly (IN)	
Brown-Waite,	Doyle	
Ginny	Dreier	
Buchanan	Driehaus	
Burgess	Duncan	
Burton (IN)	Edwards (MD)	
Buyer	Edwards (TX)	
Calvert	Ehlers	
Camp	Ellison	
Cantor	Ellsworth	
Cao	Emerson	
Capito	Engel	
Capps	Eshoo	
Capuano	Etheridge	
Cardoza	Fallin	

Johnson (IL)	Miller (MI)	Schiff
Johnson, E. B.	Miller (NC)	Schmidt
Johnson, Sam	Miller, Gary	Schock
Jones	Miller, George	Schrader
Jordan (OH)	Minnick	Schwartz
Kagen	Mitchell	Scott (GA)
Kanjorski	Mollohan	Scott (VA)
Kaptur	Moore (KS)	Sensenbrenner
Kennedy	Moore (WI)	Serrano
Kildee	Moran (KS)	Sessions
Kilpatrick (MI)	Moran (VA)	Sestak
Kilroy	Murphy (CT)	Shea-Porter
Kind	Murphy, Patrick	Sherman
King (IA)	Murphy, Tim	Shimkus
King (NY)	Murtha	Shuler
Kirk	Myrick	Shuster
Kirkpatrick (AZ)	Nadler (NY)	Simpson
Kissell	Napolitano	Sires
Klein (FL)	Neal (MA)	Skelton
Kline (MN)	Neugebauer	Slaughter
Kosmas	Nunes	Smith (NE)
Kratovil	Nye	Smith (NJ)
Kucinich	Oberstar	Smith (WA)
Lamborn	Obey	
Lance	Olson	Snyder
Langevin	Oliver	Souder
Larsen (WA)	Ortiz	Space
Larson (CT)	Pallone	Speier
Latham	Pascarell	Spratt
LaTourette	Pastor (AZ)	Stark
Latta	Paulsen	Stearns
Lee (CA)	Payne	Stupak
Lee (NY)	Pence	Sullivan
Levin	Perlmutter	Sutton
Lewis (CA)	Perriello	Tanner
Lewis (GA)	Peters	Tauscher
Linder	Peterson	Taylor
Lipinski	Petri	Teague
LoBiondo	Pingree (ME)	Terry
Loeb sack	Pitts	Thompson (CA)
Lofgren, Zoe	Platts	Thompson (MS)
Lowe	Poe (TX)	Thompson (PA)
Lucas	Polis (CO)	Thornberry
Luetkemeyer	Pomeroy	Tiahrt
Lujan	Posey	Tiberi
Lummis	Price (GA)	Tierney
Mack	Price (NC)	Titus
Maffei	Putnam	Tonko
Maloney	Quigley	Towns
Manzullo	Rahall	Tsongas
Marchant	Rangel	Turner
Markey (CO)	Rehberg	Upton
Markey (MA)	Reichert	Van Hollen
Marshall	Richardson	Velázquez
Massa	Rodriguez	Visclosky
Matheson	Rogers (AL)	Walden
Matsui	Rogers (KY)	Walz
McCarthy (CA)	Rogers (MI)	Wamp
McCarthy (NY)	Rohrabacher	Wasserman
McCaul	Rooney	Schultz
McCollum	Ros-Lehtinen	Waters
McCotter	Roskam	Watson
McGovern	Ross	Watt
McHenry	Rothman (NJ)	Waxman
McHugh	Roybal-Allard	Weiner
McIntyre	Royce	Welch
McKeon	Ruppersberger	Westmoreland
McMahon	Ryan (OH)	Wexler
McMorris	Ryan (WI)	Whitfield
Rodgers	Salazar	Wilson (OH)
McNerney	Sánchez, Linda	Wilson (SC)
Meek (FL)	T.	Wittman
Meeks (NY)	Sanchez, Loretta	Wolf
Melancon	Sarbanes	Woolsey
Mica	Scalise	Wu
Michaud	Schakowsky	Yarmuth
Miller (FL)	Schauer	Young (FL)

NAYS—6

Broun (GA)	McClintock	Shadegg
Flake	Paul	Young (AK)

NOT VOTING—15

Boswell	Kingston	Reyes
Butterfield	Lungren, Daniel	Roe (TN)
Campbell	E.	Rush
Gingrey (GA)	Lynch	Smith (TX)
Higgins	McDermott	
Jackson (IL)	Radanovich	

□ 1627

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mr. FOSTER). Without objection, the Chair appoints the following conferees on Senate Concurrent Resolution 13: Messrs. SPRATT, BOYD, Ms. DeLAURO, Messrs. RYAN of Wisconsin, and HENSARLING.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

COPS IMPROVEMENTS ACT OF 2009

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1139) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2009".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) *IN GENERAL.*—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) *by amending subsection (a) to read as follows:*

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e). Grants under this subsection shall be awarded on a competitive basis."

(2) *in subsection (b)—*

(A) by striking the subsection heading text and inserting "COMMUNITY POLICING AND CRIME PREVENTION GRANTS";

(B) in paragraph (3), by striking "to increase the number of officers deployed in community-oriented policing";

(C) by amending paragraph (4) to read as follows:

"(4) award grants to pay for or train officers hired to perform intelligence, anti-terror, or homeland security duties;"

(D) by inserting after paragraph (4) the following:

“(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;”;

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking “and” at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

“(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine;”

“(17) hire and rehire civilian forensic analysts and laboratory personnel;”

“(18) establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and

“(19) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs.”;

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

“(c) TROOPS-TO-COPS PROGRAMS.—

“(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

“(2) DEFINITION.—In this subsection, ‘former member of the Armed Forces’ means a member of the Armed Forces of the United States who has been honorably discharged from the Armed Forces of the United States.

“(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

“(1) handle cases from specific geographic areas; and

“(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement) and quality of life initiatives, and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

“(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking “to States, units of local government, Indian tribal govern-

ments, and to other public and private entities.”;

(B) in paragraph (2), by striking “define for State and local governments, and other public and private entities,” and inserting “establish”;

(C) in the first sentence of paragraph (3), by inserting “(including regional community policing institutes)” after “training centers or facilities”; and

(D) by adding at the end the following:

“(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this part.”;

(8) in subsection (g), as so redesignated, by striking “may utilize any component”, and all that follows and inserting “shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.”;

(9) in subsection (h), as so redesignated—

(A) by striking “subsection (a)” the first place that term appears and inserting “paragraphs (1) and (2) of subsection (b)”;

(B) by striking “in each fiscal year pursuant to subsection (a)” and inserting “in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)”;

(10) in subsection (i), as so redesignated—

(A) by striking “the Federal share shall decrease from year to year for up to 5 years” and inserting “unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period”; and

(B) by adding at the end the following new sentence: “The preceding sentences shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (b)(4).”; and

(11) by adding at the end the following:

“(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of such grant.

“(k) TREATMENT OF GRANT FOR HIRING CIVILIAN FORENSIC ANALYSTS AND LABORATORY PERSONNEL.—A grant awarded under this section for hiring and rehiring of civilian forensic analysts and laboratory personnel (in accordance with paragraph (17) of subsection (b)) shall be subject to the same treatment, limitations, and renewal requirements under this part as grants awarded under this section for hiring and rehiring of career law enforcement personnel (in accordance with paragraphs (1) and (2) of subsection (b)).”;

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, unless waived by the Attorney General” after “under this part shall”; and

(B) in paragraph (8), by striking “share of the cost” and all that follows and inserting “share of the costs during the grant period, how the applicant will maintain the increased hiring level of the law enforcement officers, and how

the applicant will eventually assume responsibility for all of the costs for such officers.”; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended to read as follows:

“SEC. 1703. RENEWAL OF GRANTS.

“(a) IN GENERAL.—Except as provided in subsection (b), a grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

“(b) GRANTS FOR HIRING.—Grants made under this part for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, except that the Attorney General may waive such 5-year limitation for good cause.

“(c) NO COST EXTENSIONS.—Notwithstanding subsections (a) and (b), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.”;

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3) is amended—

(1) in subsection (a)—

(A) by striking “that would, in the absence of Federal funds received under this part, be made available from State or local sources” and inserting “that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources”; and

(B) by adding at the end the following new sentence: “The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(4).”; and

(2) by striking subsection (c).

(e) STUDY OF PROGRAM EFFECTIVENESS.—Section 1705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-4) is amended by adding at the end the following new subsection:

“(d) STUDY OF PROGRAM EFFECTIVENESS.—

“(1) IN GENERAL.—The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime. Such study shall include identified best practices for community policing that have demonstrated results for building and strengthening the relationship between police departments and the communities such departments serve.

“(2) STUDY.—The Attorney General shall select one or more institutions of higher education, including historically Black colleges and universities, to conduct the study described in paragraph (1).

“(3) REPORTS.—Not later than 4 years after the date of the enactment of the COPS Improvements Act of 2009, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, along with any recommendations the Attorney General may have relating to the effectiveness of the programs, projects, and activities funded under this part in reducing crime.”;

(f) ENFORCEMENT ACTIONS.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-5) is amended—

(1) in the section heading, by striking “**REVOCA-
TION OR SUSPENSION OF FUNDING**”
and inserting “**ENFORCEMENT ACTIONS**”;
and

(2) by striking “revoke or suspend” and all
that follows and inserting “take any enforce-
ment action available to the Department of Jus-
tice.”

(g) **DEFINITIONS.**—Section 1709(1) of the Om-
nibus Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3796dd-8(1)) is amended by inserting
“who is a sworn law enforcement officer” after
“permanent basis”.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—Sec-
tion 1001(a)(11) of the Omnibus Crime Control
and Safe Streets Act of 1968 (42 U.S.C.
3793(a)(11)) is amended—

(1) in subparagraph (A), by striking
“1,047,119,000 for each of fiscal years 2006
through 2009” and inserting “1,800,000,000 for
each of fiscal years 2009 through 2014”; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking “3 per-
cent may be used for technical assistance under
section 1701(d)” and inserting “5 percent may be
used for technical assistance under section
1701(f)”; and

(B) by striking the second sentence and insert-
ing the following: “Of the funds available for
grants under part Q, not less than \$1,250,000,000
shall be used for grants for the purposes speci-
fied in section 1701(b), not more than
\$200,000,000 shall be used for grants under sec-
tion 1701(d), and not more than \$350,000,000
shall be used for grants under section 1701(e).”.

(i) **PURPOSES.**—Section 10002 of the Public
Safety Partnership and Community Policing Act
of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking “develop-
ment” and inserting “use”; and

(2) in the matter following paragraph (4), by
striking “for a period of 6 years”.

(j) **COPS PROGRAM IMPROVEMENTS.**—

(1) **IN GENERAL.**—Section 109(b) of the Om-
nibus Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as
paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by
inserting “, except for the program under part Q
of this title” before the period.

(2) **LAW ENFORCEMENT COMPUTER SYSTEMS.**—
Section 107 of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3712f) is
amended by adding at the end the following:

“(c) **EXCEPTION.**—This section shall not apply
to any grant made under part Q of this title.”.

(k) **EFFECTIVE DATE.**—This section and the
amendments made by this section shall apply
with respect to grants awarded under part Q of
the Omnibus Crime Control and Safe Streets Act
of 1968 (42 U.S.C. 3796dd et seq.) on or after the
date of enactment of this Act.

SEC. 3. REPORT BY INSPECTOR GENERAL RE- QUIRED.

(a) **REPORT.**—Not later than 180 days after the
date of the enactment of this Act, the Inspector
General of the Department of Justice shall sub-
mit to Congress a report on the Public Safety
and Community Policing (“COPS ON THE
BEAT”) grant program authorized by part Q of
title I of the Omnibus Crime Control and Safe
Streets Act of 1968 (42 U.S.C. 3796dd et seq.), in-
cluding the elements described in subsection (b).

(b) **ELEMENTS OF REPORT.**—The report sub-
mitted under subsection (a) shall include infor-
mation on the following, with respect to the
grant program described in such subsection:

(1) The effect of the program on the rate of
violent crime, drug offenses, and other crimes.

(2) The degree to which State and local gov-
ernments awarded a grant under the program
contribute State and local funds, respectively,
for law enforcement programs and activities.

(3) Any waste, fraud, or abuse within the pro-
gram.

(c) **RANDOM SAMPLING REQUIRED.**—For pur-
poses of subsection (a), the Inspector General of
the Department of Justice shall audit and re-
view a random sampling of State and local law
enforcement agencies. Such sampling shall in-
clude—

(1) law enforcement agencies of various sizes;

(2) law enforcement agencies that serve var-
ious populations; and

(3) law enforcement agencies that serve areas
of various crime rates.

The **SPEAKER** pro tempore. Pursu-
ant to the rule, the gentleman from
New York (Mr. **WEINER**) and the gen-
tleman from Iowa (Mr. **KING**) each will
control 20 minutes.

The Chair recognizes the gentleman
from New York.

GENERAL LEAVE

Mr. **WEINER**. I ask unanimous con-
sent that all Members have 5 legisla-
tive days to revise and extend their re-
marks and include extraneous matter
on the bill under consideration.

The **SPEAKER** pro tempore. Is there
objection to the request of the gen-
tleman from New York?

There was no objection.

Mr. **WEINER**. I yield myself such
time as I may consume.

Mr. **SPEAKER**, we have some examples
of transition moments where we ac-
knowledge here in Washington that
there are some problems that cross the
line between not a purely local prob-
lem becoming a national problem.

When the COPS program and the
crime bill was passed in the mid-1990s,
we made an acknowledgment here in
Washington that was widely cheered
around the country when we said we
were going to get off the sidelines in
fighting crime, and we were going to go
into the business of directly helping
States and localities hire police offi-
cers. We said the crime was a national
challenge as well as a local one.

Well, September 11 proved that point
again. It reminded us that while there
are needs to make sure that our local-
ities are safe, we don't want to sub-
stitute control for local police depart-
ments.

There is a Federal role, and it's hard
to dispute, in helping localities defend
themselves against terrorism, deal
with the challenges of immigration,
and, basically, help fight crime.

□ 1630

The COPS program that was passed
was an unqualified success. It provided
police to localities large and small all
throughout the country. I like to say
that it was a classically democratic,
with a small “d,” success in that small
police departments, 80 percent of all
the funds went to the smallest of police
departments, and it also went to the
big cities. Everyone benefited. Now
110,000 police officers have been hired,
and it's time to reauthorize this pro-
gram, and that's what we are proposing
to do here.

A similar bill was passed with broad
bipartisan support in the last Congress,
but, unfortunately, it was too late to
pass the other body, and now we are
trying to do it again.

This is fully funded in President
Obama's budget. It's \$1.8 billion a year
for the total authorization for the
COPS program. It will provide 10,000
cops per year for 5 years. It makes im-
provements over the last program by
allowing technology grants for local
police departments and also hiring
funds for prosecutors so we're not just
arresting people but we are making
sure that the prosecutions are done ex-
pediently. We also take some steps to
recognize the reality that we have
today by allowing funds to be used for
police officers expressly on terrorism
duty. Also we take something and cre-
ate the Troops-to-Cops program, which
makes sure that troops that come back
from the front get priority in hiring.
And we also use some innovative pro-
grams to make sure that illegal drug
manufacturing and distribution, par-
ticularly of the methamphetamine
problem, are addressed.

I urge my colleagues to support this
bipartisan bill.

Mr. **SPEAKER**, I reserve the balance of
my time.

Mr. **KING** of Iowa. Mr. **SPEAKER**, I
yield myself such time as I may con-
sume.

Mr. **SPEAKER**, H.R. 1139, the COPS Im-
provements Act of 2009, increases the
authorization for the COPS ON THE
BEAT Federal grant program by a
whopping 72 percent. Why is the ques-
tion I ask. Are crime rates up 72 per-
cent? According to the FBI, they are
not. Overall crime rates are down na-
tionwide.

In the first 6 months of 2008, violent
crime decreased by 3½ percent and
property crime decreased by 2½ per-
cent. From 1997 to 2006, the violent and
property crime rates fell by 22 percent.
Clearly, the crime rate is not a jus-
tification for dramatically increasing
the expenditure of taxpayer dollars. If
crime hasn't increased, why are we in-
creasing spending on a law enforce-
ment program that has mixed results?

Both the Justice Department's In-
spector General and the Government
Accountability Office found that thou-
sands of hires funded by the COPS pro-
gram never occurred because law en-
forcement agencies used COPS funding
to cover their budget shortfalls, back-
filling the holes in their budgets rather
than putting cops on the street in some
cases.

A 2005 GAO report concluded that
factors other than COPS funds ac-
counted for the majority of the decline
in crime from 1994 until 2001. The crime
rate did drop during this time period.
It dropped by 26 percent, Mr. **SPEAKER**,
and the COPS program did contribute
to this decline. It contributed only 1.3
percent of the 26 percent decline. That

1.3 percent decline only cost the American taxpayers, and I emphasize the word "only" satirically, \$7 billion. If you do the math on that, it works out to be this: The COPS funding, even though we've had a significant decrease in crime, was only accountable for 5 percent of the reduction in crime, according to the GAO report. That's one-half of the solution, and here we have a 72 percent increase. And if you do the math on the 72 percent increase, the 5 percent solution becomes an 8.6 percent solution presuming all other factors remain the same.

This is not a good return on investment. Perhaps the increase in COPS spending is designed to generate jobs instead. The majority of cities' budget shortfalls and officer layoffs in police departments around the country are the justification, I think, for spending yet more money that we don't have. The fact is that roughly there is a 2- to 3-year lapse from the time Congress appropriates money to when a police officer actually reaches the street; so money appropriated under this new authorization will not even reach the streets until 2012 or 2013.

Congress just appropriated \$1 billion for the COPS program in the economic stimulus bill, and we gave this money to the States with no strings attached, Mr. Speaker. We removed the 25 percent State matching requirement and the cap on grant awards. So this \$1 billion will fund fewer than 6,000 police hires. You heard right. According to the Justice Department, we spent \$1 billion of taxpayer money to hire fewer than 6,000 police officers. That works out to be \$167,000 per officer. We send them a check, and they convert \$167,000 into one officer when we take the strings off.

If my colleagues in the majority were truly interested in helping police departments maximize the number of officers they can hire, they would have kept the matching requirement and cap in place; then the \$1 billion would have hired approximately 13,000 officers but not fewer than 6,000.

The COPS program is currently authorized at \$1.04 billion, Mr. Speaker. Last Congress the sponsor of the bill, Mr. WEINER of New York, proposed increasing the authorization by only 10 percent to \$1.15 billion. I say only 10 percent because in today's context, it's 72 percent. But even that more modest increase was too much for our colleagues in the Senate, who rejected such an idea. I would have supported this bill on the floor this year if it reauthorized the COPS program with the same 10 percent that was offered by the gentleman from New York last year. And I supported an amendment in committee offered by my colleague from Texas (Mr. GOHMERT) to fund the program at that level. But in the last Congress \$1.15 billion was good enough; this year it's not, for some reason. This

year it must be \$1.8 billion, although the Judiciary Committee had held no hearing, received no evidence or testimony for this dramatic increase, which is a proposal under suspension before this Congress, Mr. Speaker.

The bill before us today increases Federal spending without any demonstrated need. It's like giving huge bonuses to AIG executives. There is no justification rather than an insatiable desire to spend taxpayers' money and funnel resources off the backs of the taxpayers in America, the workers in America, into the inner cities where these jobs would be created at the cost of \$167,000 a job by record, and the efficiency level that would be increased, taking us from a 5 percent of our 26 percent reduction in crime, 5 percent of that coming direct by the COPS program now might take it to 8.6 percent at this huge, huge cost.

It's interesting to me to hear the gentleman from New York State that they need help at the local level, and I believe I heard him saying enforcing local laws but also enforcing immigration laws. So I would be also more amenable to this legislation if it were directed to 287(g) programs. At least then we'd have a Federal interest and something that I think would be helpful to all citizens in this country. But it is encouraging to me to hear from the gentleman from New York that we need to use Federal money to enforce immigration laws at the local level through local officers.

I oppose this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Speaker, I rise in strong support of H.R. 1139, the COPS Improvements Act of 2009. I want to thank my colleague Mr. WEINER, who understands the significance, the history, the data, and even the science of the success of this bill and this law.

Mr. Speaker, after September 11th, as we as a Nation, as a Congress, made a new commitment to homeland security protecting our communities, the fact is that for years under the Republican-led Congress, cops hiring grants were gutted for more than \$1 billion a year in the late 1990s to only \$10 million in fiscal year 2005 and then zeroed out, zeroed out. Not only do they want them to be outgunned, Mr. WEINER; they want them to be outfunded. That's what they want. They want to take pictures with cops, pat them on the back, and not support them.

As a longtime member of the Homeland Security Committee, I have always believed strongly that real homeland security begins in our streets, in our communities, and that means funding for our cops. The whole purpose of the COPS program was to provide community officers to be trained in the

streets. Read the legislation. When President Clinton created the COPS program in 1994 with the goal of putting 100,000 new officers out on the streets, it was met with some skepticism, but today it's clear that this program helped turn the tide against crime. In fact, the GAO isolated the effect of the COPS program and estimated that there was a 2.5 percent decline in the violent crime rate between 1993 and 2000 because of this program alone. When you think about it, that's tens of thousands of violent crimes that weren't committed simply because we did the right thing and provided our officers with more support on the streets and the proper training.

So I stand here on behalf of the police officers of this country and I stand here on behalf of those folks who work in prosecutors' offices all across America. We're going to help you. We are going to make sure you have assistance and resources to do the job.

So three times the current amount and it comes at a time when our States and municipalities need it most. In my district alone, 324 police officers on the streets because of these grants.

I urge all my colleagues on both sides of the aisle to support this vital bill and pass this legislation.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of H.R. 1139. I want to commend my colleague on the Judiciary Committee, Congressman WEINER, for introducing this bill.

As I remarked during the committee markup, this bill has special significance for me. In 1994, as Attorney General of Puerto Rico, I worked alongside the Clinton administration to secure passage of the legislation that established the COPS program. As someone whose own family has been deeply touched by violent crime, I'm unbending in my belief that the most basic human right a government owes to its citizens is a right to personal security. The COPS program is rooted in this premise.

Thanks to the COPS program, over \$160 million in grants have been awarded to law enforcement agencies in Puerto Rico to hire new officers, improve school safety, and purchase crime-fighting equipment. No statistic, however, can capture the true impact the COPS program has made. The numbers of lives saved, crimes prevented, and families spared the pain of losing a loved one, these numbers are beyond calculation.

All we hear from our colleagues from the Republican side are concerns about the cost of this bill. Well, all I should say is that if there is any cost that is justified, it's the cost of protecting our people. I urge my colleagues to support this bill.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

First, in response to the gentleman from Puerto Rico, who I believe comes here very sincerely and brings himself to this floor for this discussion, I hear him say the most important human right is the right to personal security. And I would ask if the gentleman from Puerto Rico could address the situation as where do human rights come from, if they exist at all? Where's the list of human rights that exist?

I would submit that we don't have any human rights in law. I would submit that we have natural rights that come from God that flow through the Declaration of Independence and are clearly defined in the Constitution itself, but that the idea of human rights just simply doesn't exist in law. They exist in the imagination of judges. So the gentleman's response from Puerto Rico, although I see he's leaving the floor, it may be for a particular reason.

The other gentleman's comments about the COPS program that today it's clear that there has been a 2½ percent reduction in crime from 1993 until the year 2000, Mr. Speaker, I have a report here. This is a GAO report and I will give you the date in a minute, but it's a current GAO report, and I presume it's the same report the gentleman is referring to. It says this:

"While we find the COPS expenditures led to increases in sworn police officers above levels that would have been expected without these expenditures and though the increases in sworn officers led to declines in crime, we conclude that the COPS grants were not the major cause of the decline in crime from 1994 through 2001."

□ 1645

I think this report doesn't support the gentleman's position. The data that I laid out in my opening statement does.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. KING of Iowa. I will yield to the gentleman.

Mr. PASCRELL. First of all, that is a total report. There have been many reports on the effectiveness of the COPS program, not just that one. But the accuracy of that report is not being questioned by me by any stretch of the imagination.

It is a contributing factor to the decline in violent—violent—crimes. That is what we are talking about. There is a very basic difference between the stealing of an automobile and a violent crime of armed robbery, for instance. When you break down the crimes, sir, you will see that this had a very effective part.

Mr. KING of Iowa. Reclaiming my time, I will concede the gentleman's point, to a degree. And the point is

this, that there has been a minimal decline in crime. But this report, by the way, for the record is October 2005, and I don't think it contradicts the statement that I made in my opening statement. But 5 percent of the decline in crime is attributable to COPS, and that is a study I have identified.

If we appropriate an additional 72 percent, one could calculate you could have of that decline in crime, 8.6 percent of that might be attributable to COPS.

I would then at this point, Mr. Speaker, reserve the balance of my time.

Mr. WEINER. I yield myself such time as I may consume.

First let's get some clarity on the GAO report. The gentleman artfully pulls a line out of it. Let me tell you the conclusion. This is from page 11 of the GAO report. You can follow along with me, I say to the gentleman from Iowa.

"For the years 1998 to 2000, we estimated that the COPS grant expenditures that were associated with the reduction in indexed crimes from their 1993 levels ranged from 200,000 to 225,000 indexed crimes, while one-third of these were violent crimes, two-thirds property crimes."

That is the GAO. If you want another authority that says that this has worked, you can ask the 381 Members of Congress who voted for it last year. If you want only partisan Republicans, how about John Ashcroft, not someone I am fond of quoting, who said the COPS program is a success. Attorney General Gonzales, every attorney general has said, you know what? The COPS program has been a remarkable success.

I say to the gentleman from Iowa, put your money where your mouth is. In the stimulus bill, which I believe you voted against, there was \$1 billion for COPS. They are taking the grants now, and contrary to your opening statement, not only will it not take two or three years, they are going to be on the street this year.

In Iowa, there have been 110 police departments, large, small, intermediate, that have applied for this stimulus money to hire police under the COPS program.

Mr. KING of Iowa. Will the gentleman yield?

Mr. WEINER. I haven't raised the challenge yet, and then you will get an opportunity to give a one-word answer.

The challenge is this: Are you willing to write to the COPS office at the Justice Department and say please deny these police officers, who you acquaint with the criminals at AIG, and that is a shame and I think goes too far, will you say, don't grant any of these applications to Iowa? We don't need the cops. Our crime is not like crime elsewhere. Or despite the fact that I campaigned about the crimes being com-

mitted by illegal and undocumented immigrants, we don't need any further help.

Are you prepared to write a letter to the COPS program saying we don't want any money from the COPS stimulus money?

Mr. KING of Iowa. Would the gentleman yield?

Mr. WEINER. I would be glad to yield.

Mr. KING of Iowa. I would be happy to write that to your chiefs of police. This is a nationwide piece of legislation.

Mr. WEINER. Reclaiming my time, "reclaiming my time" is not something I am asking permission for.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Both gentlemen will suspend.

Members are reminded to address their remarks to the Chair.

Mr. WEINER. It is noteworthy that you point out my chiefs of police. Well, maybe you should ask the Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, International Association of Chiefs of Police, National Association of District Attorneys, National Narcotics Officers Association, U.S. Conference of Mayors, National League of Cities. These are all people that support the Weiner position, not the King position.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, at this time I would yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, where but Washington would there be such an atmosphere of arrogance that when in the nineties there was a drop in the crime rate we would start lauding ourselves and saying we did that here in Washington?

Let me tell you who did that. I know in Texas they raised taxes. They built more prisons. They elected judges like me. We started having longer sentences, juries worked longer and harder, law enforcement worked longer and harder through the nineties. They brought more people to justice. There were more trials. People went from serving just a month on a year in many cases to serving one-third, one-half or more of their sentences before they were paroled, and many much longer than that. We were keeping people longer.

There was a 1,000 case backlog in my one district court, but because of the hard work of hundreds of people, that got cut by 80 percent, even though the number of cases rose each year. It wasn't Washington that got that accomplished.

That is why the report from the GAO says a 1.3 percent decline in overall crime rate could be attributed to the COPS grants. And when you consider what my friend Mr. KING pointed out,

it took 166,000 Federal dollars to get one policeman? Man, we would be better off if we had a program that said, you know, for every dollar of local taxes or State taxes that are raised to go in law enforcement, we will cut the Federal taxes, because I can promise you the States and the local governments can do a whole lot more efficient job than hiring law enforcement for \$166,000 apiece.

That is where the difference was made. It wasn't made in Washington. It was made by the hard-working law enforcement officers and court officials back in the States and local governments.

Mr. WEINER. I yield myself such time as I may consume.

I hope the gentleman did not dislocate his arm patting himself on the back for bringing down crime. Perhaps he should offer a little bit of credit to the 171 officers hired in his district.

Do you know why crime went down, I say to the gentleman? Crime went down because there were police officers doing their job, putting their lives on the line every day. And while some people might have been sitting behind a bench feeling very proud of themselves, those police officers deserve our credit and honor.

I have now heard two speakers in a row, one who has equated police officers to the AIG criminals and another who said it is not the cops, it is one judge who happened to get elected to Congress. Both of them are wrong. It was a successful piece of legislation. And if the gentleman doesn't think so, maybe he wants to give his 171 police officers to the next speaker.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman for the time.

It is interesting to hear my good friend from Texas speak on the basis of lowering crime in one part of the State for lowering crime in all parts of the State. Coming from the fourth largest city in the Nation, let me suggest to him that we have ready evidence that COPS ON THE BEAT in fact are probably as constructive or more constructive than the lock-them-up, throw-away-the-key concept. It is interesting as well that I heard my good friend mention and support raising taxes. I have never heard him support and celebrate the idea of raising taxes.

We did build a lot of prisons in Texas. It gave us the name of being renowned for locking up more people than probably a lot of nations around the world. I don't know, however, how effective you could argue that was without strong law enforcement.

Law enforcement provides for the prevention of crime. That is why I am a strong supporter of the COPS ON THE BEAT program, and particularly

glad that in March our Attorney General through the administration offered \$1 billion to our police departments across America to ensure that there would be stimulus dollars being used for the COPS grants.

We note that in the 1990s crime did go down, and whatever the GAO study says that is confusing, it is clear that in 1998 and 2000, the hiring grants are responsible for reducing crimes by about 200,000 to 250,000 crimes, one-third of which are violent.

Mr. Speaker, in the backdrop of the loss of lives of several of our law enforcement officers from California to the east coast, this is no time to bash police. This is a time to join in and support small departments, large departments, medium-sized departments who are supporting the idea of the COPS reauthorization. I want to thank Mr. WEINER for his leadership.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WEINER. I yield the gentlewoman an additional 45 seconds.

Ms. JACKSON-LEE of Texas. I thank the gentleman.

We offered in the committee an amendment that would allow us to study the best practices so that we could help departments utilize these COPS grants in an effective way. In the 18th Congressional District, some \$56,857,000 in grants were awarded and 875 additional police officers and sheriffs deputies were welcomed into the 18th Congressional District. Ten local and State law enforcement agencies in our congressional district were beneficiaries of these. We have more constables and sheriffs and police departments, \$2 million was added to provide for 19 school resource officers, and \$9 million was awarded for crime fighting technologies.

Mr. Speaker, the COPS reauthorization bill is the right way to go. We cannot have a criminal prevention system that does not have preventive law enforcement. That is what we get with the COPS program. I rise to support it.

Mr. Speaker, I rise in strong support of H.R. 1139, the Community Oriented Policy Services (COPS) Improvement Act of 2009. I would also like to thank Representative WEINER of New York for introducing this important legislation. This legislation was introduced last Congress and I was a co-sponsor last term. I urge my colleagues to support this bill.

The COPS program was designed to help bring about fundamental changes in policing by drawing officers closer to the citizens they protect. And, in scores of communities across the nation, the COPS program did just that.

The idea of community policing is to get away from the traditional "call and response" model, in which officers run from one emergency call to the next. It involves sending officers into the streets and into the neighborhoods to build relationships with residents, identify the sources of crime problems, and solve them before they get worse. The success of the COPS approach to policing is de-

pendent upon the relationships built between the police and the members of the communities they serve.

Since 1995, COPS has awarded more than \$10 billion to advance community policing, including grants awarded to more than 13,300 state, local, and tribal law enforcement agencies to fund the hiring and redeployment of nearly 117,700 officers. In addition to funding law enforcement positions, the Office of Community Policing Services has been the catalyst for innovations in community policing and broad implementation of effective law enforcement strategy. Presently, departments that employ community policing serve 87 percent of American communities.

On March 16, 2009, U.S. Attorney General Eric Holder announced that the Department of Justice will be accepting applications for \$1 billion in Recovery Act Funds for the COPS program. Approximately 5,500 law enforcement officer jobs will be created or saved in law enforcement agencies across the country through funding provided by the Department of Justice.

Recently, the American Recovery and Reinvestment Act of 2009, H.R. 1, included \$4 billion in Department of Justice grant funding to enhance state, local, and tribal law enforcement efforts, including the hiring of new police officers, to combat violence against women, and to fight against internet crimes against children.

Similar to Edward Byrne Justice Act Grant (JAG) awards, Recovery Act funds that are authorized for COPS can also be used to hire new officers or rehire recently laid off officers, fill unfunded vacancies and help prevent scheduled layoffs within law enforcement agencies.

COPS funds are allocated directly to the local level governments and law enforcement agencies and provide a three-year period of funding.

Specifically, H.R. 1139, the "COPS Improvements Act of 2009," reinvigorates the COPS program's ability to accomplish its critical mission by establishing three grant programs: (1) the Troops-to-Cops Program, (2) the Community Prosecutors Program, and (3) the Technology Grants Program. The Troops-to-Cops Program would fund the hiring of former members of the Armed Forces to serve as law enforcement officers in community-oriented policing, particularly in communities adversely affected by recent military base closings.

The Community Prosecutors Program would authorize the Attorney General to make grants for additional community prosecuting programs that would, for example, assign prosecutors to pursue cases from specific geographic areas and to deal with localized violent crime, among other crimes.

The Technology Grants Program would authorize the Attorney General to make grants to develop and use new technologies to assist State and local law enforcement agencies reorient some of their efforts from reacting to crime to preventing crime.

The investment in COPS through the Recovery Act although crucial is a one-time investment limited to the purpose of hiring officers. The reauthorization of COPS is necessary for the program to continue past the investment of the Recovery Act.

Reauthorization is also necessary so that the COPS program can include the innovative aspects of the program as explained above.

The Houston area has made great strides in reducing crime. I am confident that with programs like COPS Houston can better combat crime.

CRIME STATISTICS

According to Houston Police Department statistics: Violent crimes

Violent crimes in Houston increased less than 1 percent in 2008 compared with 2007.

Homicides dropped by 16 percent.

The number of homicides dropped from 353 in 2007 to 295 last year.

Sexual assaults increased more than 8 percent from 2007.

Aggravated assaults increased at 9.1 percent.

Domestic violence

Of the 1,092 additional aggravated assault cases in 2008, more than half were reports of domestic violence.

Nonviolent crimes

Nonviolent crimes declined more than 10 percent in 2008.

Property thefts dropped by more than 10 percent.

Auto thefts decreased last year, dropping more than 21 percent to 15,214, down from 19,465 in 2007.

While Houston has made great strides in combating crime, more must be done to ensure the safety of Houstonians in their communities and their respective neighborhoods. I believe that the COPS program will be of benefit to the people of the 18th Congressional District as well as other communities in Texas and in communities around the United States.

To date, \$56,857,827 in COPS grants were awarded to law enforcement agencies in the 18th District of Texas. COPS grants have funded 875 additional police officers and sheriff's deputies to engage in community policing activities, including crime prevention, in the 18th District. 10 local and state law enforcement agencies in the 18th District have directly benefitted from funding made available through the COPS Office. \$2,091,064 has been awarded to add 19 school resources officers to improve safety for students, teachers, and administrators in primary and secondary schools throughout the 18th Congressional District. \$9,026,291 has been awarded for crime-fighting technologies. This funding has allowed officers to spend more time on the streets of the 18th Congressional District of Texas fighting and preventing crime through timesaving technology, information-sharing systems, and improved communications equipment.

AMENDMENT

The COPS program was designed to help bring about fundamental changes in policing by drawing officers closer to the citizens they protect. And, in scores of communities across the nation, the COPS program did just that.

The idea of community policing is to get away from the traditional "call and response" model, in which officers run from one emergency call to the next. It involves sending officers into the streets and into the neighborhoods to build relationships with residents, identify the sources of crime problems, and solve them before they get worse. The suc-

cess of the COPS approach to policing is dependent upon the relationships built between the police and the members of the communities they serve.

Because the success of the COPS approach to policing is dependent upon the relationships built between the police and the members of the community it served, I offered an amendment at the Judiciary Committee markup. My amendment was accepted and was included within this legislation.

H.R. 1139 requires that the Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this Act in reducing crime. The study is to be completed within four years of enactment of this bill.

My amendment, which was accepted at the Judiciary Committee markup, specifically requires that

"Such study shall include identified best practices for community policing that have demonstrated results in building and strengthening the relationships between police departments and the communities such departments serve."

The requirement that the study identify "best practices" in community policing is important because the enumeration of these best practices will serve as an unequivocal benchmark by which the successes of the COPS program can be measured.

These "best practices" would establish bright line rules to analyze community policing and the derogation of which will require retooling and adjustment of the community policing measures involved. Moreover, the Attorney General is in the best position to complete this study and certainly is in the best position to determine what constitutes "good" community policing. My amendment would support and strengthen the development of good community policing methods.

I believe that H.R. 1139 is strengthened with the inclusion of my language. Again, I urge my colleagues to support this bill.

AMENDMENT TO H.R. 1139

OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 11, line 7, insert after "crime." the following: "Such study shall include identified best practices for community policing that have demonstrated results for building and strengthening the relationship between police departments and the communities such departments serve."

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will go back to this October 2005 study since I think there has been some confusing verbiage that has emerged here with a regard to a number of different studies. I don't think I have heard anyone actually directly rebut the study that I have referenced, but I want to just go back to the concise language.

It says, it concludes, "COPS grants were not the major cause of the decline in crime from 1994 through 2001." I find nothing in this report or any report that says that COPS grants are the major cause of the decline in even violent crime, although they were a contributing factor, and I stipulated those contributing factors.

Another point is I didn't equate any AIG executives as criminals. In fact, I voted against that bill that sought to reach back. It was a mistake made by Congress and people were looking for cover. That is what that was about. I opposed both components of that. I will continue to do so. In fact, I defended that they be able to keep those bonuses, because Congress made a huge mistake and we shouldn't interfere with the relationship between employers and employees.

Mr. Speaker, what I am having trouble getting my mind around is the image of data analysis that has emerged as I listened to the gentleman from New York, Mr. WEINER. He has argued all this data as to why we need to increase the COPS grant by 72 percent.

It surely couldn't be because police departments want more Federal funding. It surely couldn't be because they want to build empires. It surely couldn't be because crime has gone up. No one has said crime has gone up. In fact, it has gone down. Violent crime, nonviolent crime, has all gone down.

So what is this? Is this Mr. WEINER sitting in a loft somewhere analyzing data, divining away, maybe from the emanation from numbers, maybe it was something heretofore unimaginable, but calculating that we need to take another \$1 billion into COPS, which we did, this Congress did, and now reach for an additional 72 percent, Mr. Speaker?

I cannot quite get that image fixed in my mind, that Mr. WEINER independently reached a conclusion off of data that would support this great big growth in COPS funding. There has to be something else. I don't think it has been clear. But I think the gentleman from Texas does understand this, and I hope he can illuminate us.

I would be happy to yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, to say that we may want to pat ourselves on the back sitting behind the bench, I didn't ask for the words to be taken down. I don't believe they quite violate the rule.

□ 1700

But I can tell you what sitting behind the bench did for those years. It gave me a great vantage point to see what was doing good and what wasn't.

Now, I never kept a jury past 3 a.m., so I can't say I kept anybody all night. But I can tell you that the prosecutors, the defense attorneys, the law enforcement people, the parole boards, the confinement officials, the taxpayers that kept coming up with more and more money, they did an incredible job. They worked incredibly hard. They didn't get paid enough.

And I know the gentleman has referred to 170 or so law enforcement in my district that were added. And I

really do need to get to the background information and figure out exactly where all those people were and for whom the Federal Government is taking credit for hiring.

But, you know, obviously the local governments had to take over that share, and so it was an incentive to start hiring more people. But the audit indicates that, looking at only 3 percent of the COPS grants, Federal auditors have alleged \$277 million in misspent funds. The studies have shown that spending on the COPS program has not led to an increase in the overall spending by local law enforcement, so it hasn't increased law enforcement spending. That's what the studies show.

So if the overall spending on law enforcement programs, even with the additional Federal increase, has not increased law enforcement spending, then it's pretty clear that the money spent here did not do the trick of reducing crime. It came from lots of other sources.

And I come back to my original point. There is nobody that does a more efficient job than the local governments and the State governments in addressing these problems, because once that money comes through Washington, it is incredible the slice that this place takes out of the money before they send it back, whether it's education, whether it's law enforcement, whatever it is. And if we could come to a bipartisan agreement that would say, for every dollar you raise local and State taxes, we're going to reduce your Federal taxes, I think we could then hit that increase in law enforcement that obviously both sides want to see. It's just that that would be far more efficient. It would get to the people back in the State and localities who are really doing the job and from which my vantage on the bench allowed me to see, not pat myself on the back, but to see who was doing the job, and not bureaucrats up here in Washington talking a good game. That's where the difference is made and that's where we can help.

Mr. WEINER. I yield myself such time as I may consume.

I'm not really sure where to begin. First let's start where the statistics came from that 171 police officers and sheriff deputies in the First district were hired. That's the COPS office. Those grants came from your constituents.

And I would say to the gentleman, all of those things and all of the moving parts in the criminal justice system, of course, they're very valuable. But why do you dismiss the 171 police officers? Why aren't they valuable? Why aren't they something that's of value?

And the gentleman said he wants the taxes reduced here in Washington. He had a chance for that. He voted against the stimulus bill which offered a tax

cut to 90 percent of all of his constituents.

I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, during the break, the director of police in Memphis, Tennessee, Director Larry Godwin, called me. He called me to thank me for the COPS bill. He called me to thank me because he was going to hire 125 policemen in the next fiscal year and 125 in the following fiscal year and those would be hired because of COPS monies that were in the Recovery and Reinvestment Act.

Director Godwin and I have known each other for a long time because I started my career as the attorney for the Memphis Police Department, attended International Association of Chiefs of Police meetings, and know that the patrol is a deterrent to crime. Patrol is the first way to stop crime.

These COPS programs hire more policemen, put them on the street, and oftentimes in innovative community policing activities.

The Afro American Police Association, Lieutenant Curry, and others have talked to me about community policing and how it helps my community reduce crime.

My Mayor, Willie Harrington, has asked me to come to Washington and work to get more COPS money and help him with putting more cops on the street; and that was one of the first things I wanted to do here. I'm a cosponsor of this bill. I am a proud supporter of it, and voted for the Recovery and Reinvestment Act because crime is a serious issue all over this country.

We support policemen in Afghanistan and Iraq. We need to support policemen all over this country and protect our citizens from crime.

The crime rate is going up. And by supporting this COPS bill you can make a difference. You can keep citizens alive and reduce crime. This is an effective deterrent to crime. It's what the policemen on the street tell me. It's why the Office of the United States Mayors has endorsed this bill.

I rely on the United States Mayors, the International Association of Chiefs of Police, my cops on the street, and my experience as a police legal advisor.

And I appreciate Mr. WEINER for bringing this bill, and I'm proud to be a sponsor, and urge this House to pass it.

Mr. KING of Iowa. Mr. Speaker, may I inquire as to how much time remains for each side.

The SPEAKER pro tempore. The gentleman from Iowa has 3½ minutes. The gentleman from New York has 7¼ minutes.

Mr. KING of Iowa. Mr. Speaker, I would reserve.

Mr. WEINER. Mr. Speaker, I reserve. Mr. KING of Iowa. Mr. Speaker, I will yield myself the balance of the time.

Mr. Speaker, it's curious to me now that I find the gentleman from Ten-

nessee (Mr. COHEN), I guess it's a matter of public record, is a cosponsor of the legislation. I have two gentlemen here on the floor of the House of Representatives that, theoretically, at least, shaped this legislation and this policy that weren't satisfied with an additional \$1 billion in previous legislation, but had to bring forward an expansion of the 72 percent increase, this 72 percent increase.

And again, the image of the gentleman from New York (Mr. WEINER) or the gentleman from Tennessee (Mr. COHEN) calculating out the data to conclude, and I'd ask the gentleman from Tennessee (Mr. COHEN), before he leaves the floor, I'd be real happy to hear from him and yield to the gentleman from Tennessee, if he could tell me how many police officers are enough, per capita, for 100,000, say, citizens. What is the average in the Nation? What is enough? How does a person arrive at this requested 72 percent increase of \$1 billion tossed into this, \$167,000 a job, 100 percent federally funded, no copayment, completely grants, and presuming the gentleman from New York (Mr. WEINER) is right, and some, if not all these jobs will actually be in uniform on the streets within a year. But what is an appropriate number of police officers? What's your goal? Is there such a thing as too many police officers? That's really my question.

I would be happy to yield to the gentleman from Tennessee.

Mr. COHEN. Mr. Speaker, I depend on my mayor, my police director and the citizens of my community who have emailed me and told me, we want more policemen; we want more deterrent. We need a safer community and a neighborhood. We want our children safe. We want our old people safe, and I'll respond to them. That's the number of policemen that we need is enough to satisfy my mayor.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I didn't ask the gentleman for some opinion of wanting more police officers. I recognize that if one's in uniform defending the streets in this country, that you're always going to want more help. I can't imagine a Police Department saying I don't need another officer, and I can't imagine a local jurisdiction, the taxation at a local jurisdiction saying no, we'd rather tax at home than we would at the Federal Government. I don't have a police chief saying to me that they want to reject the Federal funding and they want to tax their local citizens. And I've never known anyone that didn't need more help in what they were doing.

My question to the gentleman was, out of 100,000 people, how many police officers should we have? What is optimum? How many are too many? And if the gentleman can answer that specifically, then I'd like to hear it. And if

not, I hope you wouldn't ask me to yield.

But do you have a specific answer?

I would yield to the gentleman from Tennessee.

Mr. COHEN. It's not as simple as math. But I know this: There were funds that were voted for Iraq that I voted against to protect the people in Baghdad. I want to protect the people in Memphis, Tennessee.

Mr. KING of Iowa. Reclaiming my time, I oppose this legislation for the reasons that I have said. It's an outrageous growth in Federal spending. It is a transfer out of the pockets of the taxpayers into the inner cities, the jurisdictions that would be the biggest beneficiaries of this. And everyone in government is going to have the instinct to try to grow their empire, Mr. Speaker. And we don't have data that says what is the optimum number. We don't have even the admission that there's such a thing as too many government employees in any category. And I would not either submit that too many police officers would be the first category that I'd want to reduce in government. It is not.

We need to be prudent. We need to be responsible. I'm looking at a national debt and a national deficit and a budget that has grown to be a \$9.3 trillion deficit out of this President's budget, \$9.3 trillion. That's all the corn we can raise in Iowa for the next thousand years, just to deal with President Obama's deficit. And if we are going to retire the debt, it's everything since the time of Christ, Mr. Speaker.

I oppose this legislation.

I yield back the balance of my time.

Mr. WEINER. I yield myself such time as I may consume.

First, in answer to the distinguished gentleman's question, how many is enough, I think 214 for the State of Iowa, going to 110 police departments and agencies. Do you know why I believe that? I believe that because that's the number of applications and that's the number of police officers that small sheriff's departments, you see, it's an average of only two police officers per jurisdiction, has requested of the recovery money that you voted against. I mean, that's how much.

Now, you can say that there's no Federal role in policing, and you'd be in a minority. You'd be in a tiny minority. You wouldn't even be in a majority in your own caucus, let alone in your State.

But I give credit to my colleagues who stand up on the floor who say there's too many cops. I give credit to my colleagues who have the audacity to stand up on the floor and say, you know what? Everyone wants police officers. They're not so important. Why don't we not hire police officers? I give them credit for that.

If you believe there is no Federal role in local law enforcement, you should

vote "no" on the COPS program. But then, do not be inconsistent. You should make every effort to ensure that Iowa and Texas and the other States don't get this money, don't apply for this, because they obviously disagree with you.

The fact of the matter is there is a Federal responsibility for crime. We do have a Federal—there is a Federal role for this. And it's been successful.

Now, you can say that it is not the primary or the major. The fact of the matter is the GAO was asked to study a very basic question: Did the COPS program succeed in its objectives in reducing crime? And the answer is, you can read the conclusion. You don't have to pick a line here and a line there. You can read the conclusion. It says that it did. And now we want to make sure that this program lives for five more years.

And the gentleman's made a lot—This is a dramatic increase over what we've had in the past. Yes. It was zeroed out in the Bush years. Zero, nada, zip.

Now, despite the fact that John Ashcroft and Gonzalez and police officials and Tom Ridge all said this program was a success, I mean, there is a time, and I have to say to my good friend from Iowa that I enjoy the ideological debates that sometimes go on on our Judiciary Committee and here on the floor. But these are human beings. These are officers of the law who every day put their lives on the line. And what we are saying is we want to help localities ease that burden.

And you know, not long ago the National Sheriffs Association weighed in and said that they support this expansion. And not long ago, an organization of police agencies called the Police Executive Research Forum did a survey of its police department membership. 62 percent said they're cutting overtime spending because of the fiscal downturn. A quarter of them said that they're reducing employment through attrition in order to deal with the fiscal downturn. 47 percent of them said that they were discontinuing officer training because of the fiscal downturn.

Now, you can say hey, it's not our problem; things go up, things go down. Or you can say we want to help. We want to do something about it. We want to help localities.

And I would say to the gentleman that if he is going to go home and do what the gentleman from New Jersey suggests, and pose with police officers and say we honor your service, do more than honor their service. Help them not get laid off. Help keep them on the job. Help expand police departments.

Mr. KING of Iowa. Will the gentleman yield?

Mr. WEINER. I would be glad to yield.

Mr. KING of Iowa. I thank the gentleman for yielding. I just want to ask if it was his intention to infer erroneously that I had said that there are too many cops.

Mr. WEINER. Well, actually you mean imply. The answer to the question is, yes. You clearly did suggest that you know what—how many is too many, you said. I mean, I don't want to get the—I don't know how you get someone to say exactly what you said. But you said how many is too many? And the answer is very clear. The police departments in Iowa disagree with the Member from Iowa, and so do I. I believe—if I can just conclude, I believe that this is a program that works. You know, we don't have a lot of them in the Federal Government. We have some that work. This one, on a broad bipartisan way Members have said that, you know, this has been a success.

You can go to any police department in your district, and forgive me for not having the number at my fingertips, and say hey, has the COPS program helped you reduce crime? See what they say. See what these 110 police agencies in Iowa say. Ask them. Say, has this program been successful? And they'll say yes. And they'll say something else. They'll say please, help us keep this local agency a success story moving forward.

□ 1715

And if the gentleman doesn't believe that we should have a Federal role, by all means, he should vote "no," but I do believe that overwhelmingly we do, and what we're trying to do here is to keep up with the times and say, you know what? If you've got to cut things on the local level now, you won't have the need to cut law enforcement. Ask people in any townhall meeting in Iowa or anywhere else if they think it's a good idea if we protect law enforcement funding with all the challenges that we have today. Let me conclude with this final thought.

Mr. KING of Iowa. Will the gentleman yield for a brief point?

Mr. WEINER. Let me just finish this because this is now more than one time that this has been quoted incorrectly.

There is a GAO report from June 3, 2005. Make sure we put this up on our Web site. You can go to house.gov/weiner, anyone who wants to. It's the Government Accountability Office. They'll tell you that it worked.

I'll be glad to yield.

Mr. KING of Iowa. I thank the gentleman.

I appreciate the opportunity to make the point that asking a question, which is what I asked, which was "how many are too many?" does not infer a position by any form of logic that I know of.

Mr. WEINER. Reclaiming my time, generally speaking, I think the lady doth protest too much. When someone

says, "How many is too many?" they don't mean that they want more. They mean that they want less. If you want to withdraw that comment, I would if I were you because I'm concerned.

I think most of the citizens of Iowa—and I represent Brooklyn and Queens, so maybe I don't speak for the people of Iowa, but I do know 110 police departments, sheriff's departments and agencies in Iowa have applied for the first billion dollar grant. By the way, there's \$8 billion worth of applications for that billion dollars. It's clearly a demand. So it's not your colleagues who are saying it. It's not Congress who is saying it. It's not the cops' office. Those police officers and those sheriff's offices are voting with their pens. They're saying, "Please, help us. Don't listen to our Congressman. Listen to the Congressman from Brooklyn and Queens. Please expand this program."

Mr. STUPAK. Mr. Speaker, I want to thank Congressman WEINER for his outstanding work on this bill.

In 1994, the COPS program changed the way we fight crime in this country, by giving local jurisdictions the support needed to put more than 100,000 new officers on the street.

The results were clear: a nationwide drop in crime, and safer streets in our rural and urban areas alike.

The COPS program is needed now more than ever. States, counties, and cities struggling to balance their budgets have made cuts to law enforcement programs even as the threat of terrorism has put new burdens on our first responders, and recent news reports show violent crime in our cities is again on the rise.

This bill will help us face those problems, by putting thousands more officers where they can do the most good: on the streets of our communities.

I am a Co-Chairman of the Law Enforcement Caucus, which was founded to advocate for the law enforcement community, ensure our law enforcement officers are provided the resources they need and build on key programs—such as COPS—to keep our communities safe.

The COPS program is a proven concept that has the full support of the law enforcement community, and this bill will improve the program by expanding the utility of grants and increasing its authorization amount level by nearly \$800 million.

I thank the Chairman and the Committee for their work on this bill, and I urge my colleagues to vote "yes."

Mr. LATOURETTE. Mr. Speaker, I'd like to thank my good friend from New York (Mr. WEINER) and his involvement in getting this bill to the floor today. I am pleased to support its passage, and am proud to be the lead Republican on this bill.

Mr. Speaker, not to date myself, but the Community Oriented Policing Services (COPS) program was established the year I had the privilege of being elected to this body, in 1994, by the Violent Crime Control and Law Enforcement Act (the '94 Crime Act).

The COPS program has aged better than me, enabling more officers to be hired, con-

tributing to lower crime rates than would otherwise be the case, and increasing the technology and equipment available to our law enforcement officers to do the job we ask of them. According to the Department of Justice, the COPS program has helped state, local and tribal governments hire more than 117,000 officers and has awarded more than \$11.4 billion to over 13,000 law enforcement agencies across the United States. The Government Accountability Office (GAO) has estimated that COPS funding contributed a 2.5% decline in the violent crime rate between 1993 and 2000. In my own district, nearly 300 officers have been hired since the program started. Statewide, the COPS program has funded more than 3,700 officers and sheriff's deputies, more than 225 school resource officers, and has provided more than \$55 million in technology grants for departments. It's hard to argue with fighting crime, lowering crime rates, hiring trained officers in our local communities, and providing equipment and technology upgrades otherwise not available to cash-strapped communities.

As my colleagues know, the recent stimulus bill contained \$1 billion to hire or rehire laid-off officers. Some may say: Why are you authorizing this program again when you just gave it a considerable amount of money in the stimulus bill?

Mr. Speaker, last week was the deadline for departments to apply for a slice of that stimulus money to hire officers. The COPS office tells me that the \$1 billion in the stimulus bill will pay for 5,500 new police positions nationwide. The COPS Hiring Recovery program—the stimulus program—received applications from a staggering 7,200 departments nationwide! That's \$8.4 billion in requests for 40,000 officers. Again, the stimulus program contained \$1 billion and will fund just 5,500 officers. So, when the funding is doled out, departments in every corner of the country are going to be greatly disappointed because more than 34,000 of the officers requested will not be funded.

Also, the COPS office tells me that the vast majority of applications for the stimulus funding were for new officer positions, not to replace laid-off officers, so clearly there is a need for this program. To give you some perspective on the number of applications just received by the COPS office, when the program started in the mid-1990s, the office received about 6,000 applications. When the application period ended last week, there were 7,200 applications, so clearly police departments are in need and the COPS office is swamped.

Mr. Speaker, this popular community policing program will reauthorize through Fiscal Year 2014 the COPS program. I am pleased to see it includes Mr. WEINER's Troops-to-Cops Program, which would fund the hiring of former members of the Armed Forces to serve as law enforcement officers in community-oriented policing, particularly in communities adversely affected by military base closings. It also includes technology grants and authorizes up to \$350 million a year for grants to departments to obtain or upgrade technology and equipment.

Mr. Speaker, the COPS program has advanced community policing in all jurisdictions across the United States by enabling law en-

forcement to hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test policing strategies. You'd be hard pressed to find a program that is better liked by the law enforcement community and city officials. More importantly, the COPS program is well run and an effective use of taxpayer money. I urge my colleagues to support the bill.

Mr. HOLT. Mr. Speaker, I rise in support of this important public safety legislation.

The Community Oriented Policing Services, or COPS, program is one of the most successful law enforcement support programs ever initiated by the federal government. As the National Association of Police Organizations noted in their April 21 letter to me on this bill, "With the support of the COPS Program, community policing has been a dominant force behind the dramatic reduction in crime this nation has witnessed over the past 13 years." It's also clear that our communities are desperate to see this program properly funded, after eight years of neglect.

NAPO noted in their letter to me that in the last month, the COPS Program office received over 7,200 applications for the COPS Hiring Recovery Program (CHRP) grant funding contained in the American Recovery and Reinvestment Act, the "stimulus bill." Those 7,200 applications amounted to a request for funds to hire 40,000 more officers nationwide. Yet the \$1 billion CHRP contained in the stimulus bill would allow local communities to hire only 5,000 to 6,000 new police. For New Jersey, previous COPS funding has meant an additional 628 police officers and/or sheriff deputies were walking the beat in the local communities of my Congressional district. Further, 33 school resource officers were hired to ensure that our children's schools are safe. H.R. 1139 would raise the CHRP authorization level to \$1.25 billion, allowing state and local law enforcement to hire more officers. Based on historical funding data, this bill would allow New Jersey alone to hire more than 2,000 additional police, and those would be welcome reinforcements for our current law enforcement officers who are working to improve the quality of life in communities across New Jersey.

Mr. Speaker, this is a good and much needed bill, and I urge my colleagues to join me in supporting it.

Mr. WEINER. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1139, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STATUTORY TIME-PERIODS TECHNICAL AMENDMENTS ACT OF 2009

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1626) to make technical amendments to laws containing time periods affecting judicial proceedings.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Statutory Time-Periods Technical Amendments Act of 2009”.

SEC. 2. AMENDMENTS RELATED TO TITLE 11, UNITED STATES CODE.

Title 11, United States Code, is amended—

- (1) in section 109(h)(3)(A)(ii), by striking “5-day” and inserting “7-day”;
- (2) in section 322(a), by striking “five days” and inserting “seven days”;
- (3) in section 332(a), by striking “5 days” and inserting “7 days”;
- (4) in section 342(e)(2), by striking “5 days” and inserting “7 days”;
- (5) in section 521(e)(3)(B), by striking “5 days” and inserting “7 days”;
- (6) in section 521(i)(2), by striking “5 days” and inserting “7 days”;
- (7) in section 704(b)(1)(B), by striking “5 days” and inserting “7 days”;
- (8) in section 749(b), by striking “five days” and inserting “seven days”;
- (9) in section 764(b), by striking “five days” and inserting “seven days”.

SEC. 3. AMENDMENTS RELATED TO TITLE 18, UNITED STATES CODE.

Title 18, United States Code, is amended—

- (1) in section 983(j)(3), by striking “10 days” and inserting “14 days”;
- (2) in section 1514(a)(2)(C), by striking “10 days” each place it appears and inserting “14 days”;
- (3) in section 1514(a)(2)(E), by inserting after “the Government” the following: “, excluding intermediate weekends and holidays”;
- (4) in section 1963(d)(2), by striking “ten days” and inserting “fourteen days”;
- (5) in section 2252A(c), by striking “10 days” and inserting “14 days”;
- (6) in section 2339B(f)(5)(B)(ii), by striking “10 days” and inserting “14 days”;
- (7) in section 2339B(f)(5)(B)(iii)(I), by inserting after “trial” the following: “, excluding intermediate weekends and holidays”;
- (8) in section 2339B(f)(5)(B)(iii)(III), by inserting after “appeal” the following: “, excluding intermediate weekends and holidays”;
- (9) in section 3060(b)(1), by striking “tenth day” and inserting “fourteenth day”;
- (10) in section 3432, by inserting after “commencement of trial” the following: “, excluding intermediate weekends and holidays”;
- (11) in section 3509(b)(1)(A), by striking “5 days” and inserting “7 days”;
- (12) in section 3771(d)(5)(B), by striking “10 days” and inserting “14 days”.

SEC. 4. AMENDMENTS RELATED TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

The Classified Information Procedures Act (18 U.S.C. App.) is amended—

- (1) in section 7(b), by striking “ten days” and inserting “fourteen days”;
- (2) in section 7(b)(1), by inserting after “adjournment of the trial,” the following: “ex-

cluding intermediate weekends and holidays.”; and

- (3) in section 7(b)(3), by inserting after “argument on appeal,” the following: “excluding intermediate weekends and holidays”.

SEC. 5. AMENDMENT RELATED TO THE CONTROLLED SUBSTANCES ACT.

Section 413(e)(2) of the Controlled Substances Act (21 U.S.C. 853(e)(2)) is amended by striking “ten days” and inserting “fourteen days”.

SEC. 6. AMENDMENTS RELATED TO TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended—

- (1) in section 636(b)(1), by striking “ten days” and inserting “fourteen days”;
- (2) in section 1453(c)(1), by striking “not less than 7 days” and inserting “not more than 10 days”;
- (3) in section 2107(c), by striking “7 days” and inserting “14 days”.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. WEINER. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. I yield myself such time as I may consume.

Mr. Speaker, the Statutory Time-Periods Technical Amendments Act changes the court filing deadlines in a number of statutes so that they correspond with new Federal court rules that are scheduled to go into effect on December 1, 2009.

Cosponsors of this bill include the chairman of the Judiciary Committee, JOHN CONYERS; as well as the full committee ranking member, LAMAR SMITH; the Courts Subcommittee chairman, HANK JOHNSON; and the Courts Subcommittee ranking member, HOWARD COBLE.

As anyone who has practiced law knows, calculating court deadlines can be extremely confusing. Even experienced lawyers have to expend considerable time and effort determining deadlines for filing. This can be especially problematic when there is a holiday or a deadline falls on the weekend. Calculating deadlines is also complicated by the fact that the Federal court rules for banking, civil and criminal proceedings currently do not use one standard method for determining time periods.

Unfortunately, because of the confusion and discrepancies involved with calculating deadlines under the current system, parties can too easily lose their right to their day in court be-

cause of procedural mistakes, regardless of the merits of the case.

The Judicial Conference has sent Congress amended rules for calculating these deadlines. The new rules are easier to understand and apply, and are also the same across the board.

Under the new rules, deadlines will not fall on weekends, and every calendar day will be counted when calculating deadlines—a commonsense “days are days” approach. The new rules will also standardize deadline calculation for very short time periods, taking weekends into account. This bill complements the Judicial Conference’s rules package by changing the deadlines in several important statutes so that the statutes match up with the Judicial Conference’s rule changes.

The bill is widely supported by judges and by the lawyers who practice before them in court. It will help ensure that courts are able to reach the merits of the cases before them rather than having to dismiss them due to an inadvertently missed deadline filing.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

After thorough study and deliberation, the United States Judicial Conference developed draft language that slightly alters time deadlines in 28 statutory provisions that affect court proceedings. This text is incorporated in H.R. 1626, the Statutory Time-Periods Technical Amendments Act of 2009.

These statutory provisions are limited to those that have short time periods, that use a rules method for calculating time periods, that are frequently applied or are otherwise important, and that do not prescribe a method to calculate time.

These legislative changes are necessary to account for the effect of amendments to the time computation rules in the Federal Rules of Practice and Procedure that are due to take effect on December 1, 2009, unless Congress acts to modify or reject them.

The rules amendments simplify the provisions for calculating deadlines and make those rules consistent in each set of the Federal rules. They respond to years of complaints by practitioners that the present rules are confusing and can lead to missing deadlines and to losing important rights.

To simplify calculating deadlines, the amended rules count intermediate weekends and holidays for all time periods rather than excluding them for some short time periods and including them for longer time periods. This simple “days are days” approach can have the effect of shortening a time period.

A large number of statutory time periods could theoretically be affected by the proposed shift in the Federal rules’

time-computation approach. However, the number of statutory provisions to which case law has applied the rules' time-computation method is much smaller. An even smaller number of statutes is either frequently used or has time periods that could hopefully be adjusted to avoid inconsistency and confusion when the rules' time-computation method changes.

The proposed legislation provides short extensions of short time deadlines in a small number of statutes to offset the effective shortening caused by the new rules approach.

Mr. Speaker, the proposed statutory amendments are noncontroversial. They were the subject of extensive study and public comment during the Rules Enabling Act process. They have been vetted by numerous legal and bar organizations, including the Department of Justice. The Judicial Conference, led by District Judge Lee H. Rosenthal, Chair of the Committee on Rules of Practice and Procedure, provided bipartisan staff briefings on the need for the legislation.

H.R. 1626 addresses obscure but important subject matter that will allow our Federal courts to operate more smoothly. I urge the Members to support the bill.

I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I inquire of my colleague:

Do you have any more speakers?

Mr. KING of Iowa. I have no more speakers.

Mr. WEINER. In that case, I just want to offer my thanks to all of the Members and the staff who worked on this bill, including Talia Wenzel, who did a great job working on this and who wrote my opening remarks.

I urge a "yes" vote, and I yield back my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself the balance of my time.

I will just recognize that the gentleman from New York, in spite of the fury of our previous debate, has significant confidence that I won't close with anything except an endorsement of the passage of the bill. I appreciate that.

Mr. Speaker, I urge the adoption of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1626.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF LETTERS BETWEEN JUDICIARY COMMITTEE CHAIRMAN AND ENERGY AND COMMERCE COMMITTEE CHAIRMAN

Mr. WEINER. Mr. Speaker, I ask unanimous consent to insert in the

RECORD at this point an exchange of letters between Judiciary Chairman JOHN CONYERS and Energy and Commerce Chairman HENRY WAXMAN on the bill that we just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 20, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, House Committee on the Judiciary,
Rayburn House Office Building, Washington DC.

DEAR CHAIRMAN CONYERS: I am writing to confirm our understanding regarding H.R. 1626, the "Statutory Time-Periods Technical Amendments Act of 2009." As you know, this bill was referred to the Committee on Energy and Commerce, which has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by conducting further proceedings on H.R. 1626. I do this, however, only with the understanding that foregoing further consideration of H.R. 1626 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation.

In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation. I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 20, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1626, the Statutory Time-Periods Technical Amendments Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 1626 contains provisions under the jurisdiction of the Committee on Energy and Commerce, and understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

RECOGNIZING EARTH DAY AND REINTRODUCING NO CHILD LEFT INSIDE ACT

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today in recognition of Earth Day and to reintroduce the No Child Left Inside Act, which will strengthen environmental education in our Nation's schools. By enhancing environmental education, we can teach our youth how to be environmental stewards and grow the next generation of scientists and innovators to solve our energy and environment challenges.

This Earth is the only home we have. If we do not put ourselves on a more sustainable path, if we do not reach across party lines, if we do not reach out across culture, faith, class, and race to meet these challenges, our children and grandchildren will pay the price. They will inherit a planet in peril with increasingly diminished resources and even less time to act.

I rise today to call on all Americans to think locally about how they can have a positive impact on our environment, and I urge my colleagues to think globally when we consider a long-term responsible and sustainable energy strategy.

THE BOYCOTTING OF DURBAN II

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Thank you, Mr. Speaker.

Just the other day, the United Nations, shamefully, had a so-called "conference" on racism, dubbed Durban II, held in Geneva. The United States boycotted this charade, rightfully so, and I want to commend President Obama for making the decision to boycott because Durban I turned into a tirade of racism against Israel, of racism against the Jewish people, anti-Semitism, and we knew that so-called "Durban II" would be the same. Sure enough, it was.

When that lunatic, the President of Iran, Ahmadinejad, got up and made hateful speeches against Jews, against Israel, anti-Semitic speeches, it really made a mockery of this whole so-called "Durban II." This conference was supposed to attack racism, not deal and aid and abet racism. Ahmadinejad, shamefully, was the only President of any country to address this charade.

The United Nations, unfortunately, only discredits itself when it has conferences like this, and I'm glad. It was the right thing to do that the United States boycotted. As for the European nations, many walked out in disgust, and that was also good because that showed that racism, anti-Semitism and beating up on Israel was not going to be tolerated.

I commend the President, and I am glad the United States stood tall.

THE CLOSING OF GUANTANAMO BAY

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Just days after taking the oath of office, President Obama signed an Executive order calling for the closure of the detention facility at Guantanamo Bay within 1 year. Since then, despite requests to the House Armed Services Committee, no congressional hearing has been held.

I'm concerned that President Obama is willing to request \$80 million in the fiscal year 2009 war supplemental to fund closing Guantanamo Bay but won't work with Congress on a strategy on where to transfer the detainees after closing it.

As a Representative of Fort Leavenworth, which has been discussed as a potential relocation site for the Guantanamo detainees, I am very troubled that \$50 million of the funds are earmarked for the relocation to an unknown site. Moving suspected terrorists to the United States will place an unnecessary risk on Americans. It's my priority to look out for the safety of the Leavenworth community, and I cannot in good conscience say to the people in and around Leavenworth that they would be secure with suspected terrorists nearby.

If the President is serious about closing Guantanamo, he should work directly with Congress on a comprehensive plan.

□ 1730

REJECT THE PLAN TO ELIMINATE PRIVATE LENDING

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, this past work period that I was home, I visited with some folks with Sallie Mae and Texas Guaranteed Loans. These are two private programs that have been providing student loans for our students in Texas and for the rest of the country. Over 80 percent of the students chose a private lender as their choice to finance their school program. But now, the Democratic party is, by their action, forcing us into a government-only program. And I looked into a room that a year and a half ago was full of hundreds of people, it now stands empty, not because of a recession but because of the action of the Federal Government as led by the Democratic majority.

It is a shame not to give the choice to our students, and when they make

that choice, they choose private industry to the tune of 80 percent. This is estimated to cost 30,000 jobs in the Nation this year. And I don't have a problem with jobs in my district unless the government takes those jobs away. This is a shame. I think they should apologize to those hardworking people, most of whom are spouses of fighting soldiers.

HONORING MITCH KING IN HIS RETIREMENT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today in honor of Mitch King, a government relations manager at the U.S. Postal Service, who, on May 1, is retiring after 36 years of work for the Postal Service, for Congress, and our Nation.

Mitch King began his postal career in 1973 as a letter carrier in Falls Church, Virginia, just a few miles from here, and then became supervisor of letter carriers before becoming an instructor in the delivery service branch of the Postal Management Academy in Pottomac, Maryland.

In the spring of 1982, he began working in the government relations department at Postal Service headquarters in Washington, D.C. In 1992, he was promoted to the position of government relations manager, a postal career executive position equivalent to the executive branch's senior executive service. During the latter part of his career, he managed postal service congressional liaison activities for the States of Maryland, Virginia, Pennsylvania, Ohio, West Virginia, Kentucky, Mississippi, Alabama, Florida, and the District of Columbia. He also served on the Election Mail Task Force.

Mitch has managed government relations activities with many Members of Congress, addressing an ever-expanding variety of postal-related issues. He has also served as the principal postal contact for the House Appropriations Committee and the Financial Services Subcommittee. When I chaired the Treasury Postal Subcommittee of the Appropriations Committee, I dealt with Mitch on a regular basis.

Since that time, as whip and majority leader, I have continued to deal with Mitch King and have found him very responsive, very knowledgeable, and very conscientious. He was, in short, a model of an employee that the citizens of this country would want to have.

For years, Mitch worked with me to help ensure my constituents the level of service they have rightfully come to expect from the Postal Service. Indeed, he's done that for all of our Members. He was a true and dedicated public servant. He did his work well and faith-

fully for decades with no expectations of great rewards or renown. For 36 years, Mitch King helped keep the mail going. He was part of a collective accomplishment that is no less impressive for the fact that it happens 6 days a week.

The United States Postal Service handles millions and millions of pieces of mail a day. Does it make some mistakes? Yes. But an extraordinarily small percentage. In fact, it's the most productive mail service in the world. And 40 percent, frankly, ahead of number two.

At the same time, Mitch's humor, intelligence and consummate skill help make him entirely unique in many ways. I know I speak for all of us when I say he will be missed from public service. I am sure that he will go on to continue to contribute to his community, to his family, to his State, and to his country.

Good job, Mitch King. Godspeed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CIA'S QUESTIONING WORKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, these pictures I have here are to remind my colleagues of what's happened to the United States in the past by terrorist attacks.

This first one is the Pentagon of the United States. Several hundred people were killed. There's a memorial over at the Pentagon that shows that these people gave their lives on the plane and in the Pentagon for this country, a terrorist attack on 9/11.

This here is the World Trade Center. More people were killed in this attack than any attack in the history of the United States by an enemy. Even the attack on Pearl Harbor didn't even come close to this, although that was a terrible thing as well.

And this here, just to let you know that the worldwide threat of terrorism by al Qaeda is worldwide, this is what happened to a train where they set a bomb off in Spain by al Qaeda. That was in Madrid.

Now, the reason I bring this up is because the President of the United States, in just the last few days, said that the techniques that we have used to extract information from terrorists is something that we in the United States should not use. There are many of us in the body who believes that we should use any technique possible, as long as it is not completely inhumane,

to extract information from these terrorists so that they don't do these things to American citizens.

Now, many of my colleagues, I understand they're humanitarians and they don't want to do things to people that shouldn't be done. But we're talking about killing Americans. Killing Americans. And these terrorists have no compunction whatsoever about killing Americans.

I have over here that I am not going to show tonight where they have cut the heads off of Americans and held them up, and where they've cut the heads off of Americans and hung them from an overpass so that everybody driving by could see them. And yet, the administration is saying, you know, that we shouldn't use tactics such as waterboarding in order to extract this information from terrorists.

Now, there is a man named Khalid Sheik Mohammed who was the mastermind of the September 11 attack on the United States of America. He was waterboarded several times. And he said that he didn't think the United States of America—and others that were waterboarded, there were three of them that I recall—they didn't think the United States and the citizens of this country had the intestinal fortitude, the guts, necessary to do what was necessary to stop terrorist attacks. And so we used waterboarding on them. That's where they put a board on them and pour water over you to give you the sensation that feels like you're drowning, and you keep doing it until they give up the information that they want. He finally gave up the information.

The information that he gave up was there was going to be another attack in Los Angeles, and it was going to be similar to the attack on the World Trade Center, and it was going to be the Library Tower in Los Angeles. And the only reason he gave up that information was because he was waterboarded.

Now, you know, nobody wants to be waterboarded. We had a newsman that was waterboarded to show what it was like. He said it was terrible, it was horrible, but he survived, and he was showing what it was all about. And every time they did waterboarding, they had a doctor right there to make sure the person would survive. It was done just to elicit information from them that would save American lives.

And the only time they did it, the only time they used these "enhanced techniques of interrogation" was when they thought it was going to be imminent that the United States was going to be attacked, and they only did it three times that I know of. And every time it was necessary, and every time it ended up with results that saved American lives.

And yet the President of the United States said, "We're not going to do

that any more because it is not something that we in America approve of."

In my opinion, if we're going to save American lives, we ought to do whatever is necessary to save American lives. We went to war with Japan and Germany because Americans were being killed. And millions of people died in that war because of the attack on Pearl Harbor and because of what Nazi Germany did. And yet we can't use waterboarding, a technique to get information from terrorists, to stop things like this?

You know, I don't mind being good-hearted but not where the lives of good Americans are concerned.

And there are other times where they got information from the terrorist organizations here in the United States that were planning an attack.

Vice President Cheney—who is being vilified all the time anymore—he was on television the last two nights and he said that while they are stopping waterboarding and saying that anybody that used that technique is a horrible person, he said he had seen documents that showed that the waterboarding was effective in saving American lives and stopping attacks like the World Trade Center and the one that was going to take place in Los Angeles. He said he saw those documents. And yet the White House released documents that showed that there were these tactics used to get information but they didn't show—they didn't release the documents that showed that it was effective in stopping the attack in Los Angeles, California.

My time is up, folks. I'll be back tomorrow night.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 875

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 875.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

HONORING THE MEMORY OF BRUCE ROY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, the State of Maine and the working families across the Nation lost a determined advocate when Bruce Roy passed away on April 7. I rise tonight to honor my dear friend. My heart goes out to his wife for over 29 years, Nancy; his two daughters, Jessica and Joanne; and his five grandchildren, Courtney, Britney, Logan, Isabell, and Cooper, as well as his extended family during this very difficult time.

□ 1745

Bruce reminds us all of how short and precious life can be, but unlike most people who let life pass by them, Bruce lived in the moment. He gave everything he had to the betterment of his family's life and those around him.

I believe that a true measure of a man should always be the size of his heart. And God knows, and everyone who knew Bruce knew, that the size of his heart was enormous. He loved so many, and he was loved by so many, and there is nothing more important in life than that.

Bruce's idea of family far extends beyond the traditional norm; it includes his fellow mill workers, his union brothers and sisters, and his neighbors. He devoted his life to helping struggling families all across the State of Maine. And in the weeks preceding his death, helping the laid-off workers at Wausau Paper Mill get the assistance that they deserved.

Bruce also was a member of PACE International Union, known today as United Steelworkers Local 11 of Jay. He also served as Treasurer/Recording Secretary and President of the Maine Labor Council of the United Steelworkers, and Secretary/Treasurer of the Maine AFL-CIO. He was recently appointed and confirmed to the Maine Workers' Compensation Board.

But in no way can Bruce's resume encapsulate who he was and what he stood for. When I first ran for Congress, many people did not believe that a mill worker could be elected. I was in a six-way primary in 2002, and the odds were stacked against me. Bruce devoted his life full-time to my campaign. And even though he wasn't a paid staffer, he was very much part of our campaign team. Bruce would get up at the crack of dawn to do mill gates, and spent long evenings plastering neighborhoods with campaign signs and literature. He was instrumental in my "Get Out the Vote" effort in the Katahdin region. I know he did all this at the expense of spending time with his loving family. He made an enormous sacrifice, but it was for a cause that he believed in. And that is how Bruce lived his life, he devoted his whole heart to the cause he believed in. When I won the seat to the United States Congress, my victory was not just for me, but for people like Bruce.

Bruce always reminded me that you can't stop fighting for the working men and women of this country. He lived that pledge in everything that he did. I have never forgotten those words. They are the words that we all should live by today.

Bruce always made a decision based on what was right. His approach to life was a combination of good humor, high ideals, and honor. He lived by that example. His son-in-law said about Bruce, "He was the nicest guy I ever met," and I couldn't agree more.

There are no words to express the pain we all feel with his passing away. We love you, Bruce, and we know that you are among the angels. Your work here on Earth will never be forgotten from your brothers and sisters in the labor movement, and from your families and friends who lived and worked by you each and every day of your life.

May God bless you and your wonderful family.

HAPPY 90TH BIRTHDAY, CARL LINDNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the 90th birthday of one of Cincinnati's greatest citizens, Carl H. Lindner, Jr. I have the privilege and honor of calling Carl a constituent of mine.

For more than 70 years, the greater Cincinnati region has come to admire and appreciate Carl's business and philanthropic skills. Carl Lindner is a living example of the American Dream and proof positive that anything is possible in the United States.

At the age of 14, Carl left school to work in the family dairy business, along with his brothers, Robert and Richard, and his sister, Dorothy. They operated a cash-and-carry dairy market in Norwood, Ohio. The store was the origin of United Dairy Farmers, and so began Carl Lindner's storied career.

Throughout his career, Mr. Lindner has touched thousands of lives in southwestern Ohio. His generosity has built schools, cured the sick, and changed the face of a city. Be it supporting the arts or building a new hospital, Carl has contributed mightily to the economic and cultural lives of his fellow Cincinnatians.

Carl remains active in his varied business ventures as chairman of the board and chief executive of the American Financial Group. Mr. Lindner has been married to his beautiful bride, Edith, for well over 50 years. And United Dairy Farmers continues to make the best ice cream in Cincinnati, including my favorite homemade brand, chocolate chip.

Mr. Speaker, if a man is truly judged by his deeds, then there can be no higher example than set by Carl Lindner. Mr. Speaker, please join me in celebrating Carl's 90th birthday.

Happy birthday, Carl. I hope you have 90 more. God bless you.

HONORING CLAUDE "TAPPY" MOLLOY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker and colleagues, once again the people of my district, the U.S. Virgin Islands, have lost a beloved political leader who for the past half century has selflessly given of his time and talents to the betterment of our community.

Claude A. Molloy, a native of St. Croix—"Tappy," as he was affectionately known to one and all—served this country in the U.S. Air Force during the 1950s and later went on to obtain a Bachelor of Business Administration in accounting from the University of Puerto Rico in 1962, and then subsequently an MBA, with a specialization in economics, finance, and industrial relations from the Columbia University School of Business in 1976.

He served our territorial government with dedication and distinction in many capacities over the years in the Departments of Finance, Property and Procurement, Labor, and the Board of the VI Water and Power Authority in crucial and vital positions. But according to those who knew him best, his most significant contributions were in his service to the Virgin Islands Legislature and the Government Employee Retirement System. He was elected to the Virgin Islands Legislature for three terms and served as Senate President in the 10th Legislature of the U.S. Virgin Islands.

As a legislator, he made his mark as chairman of the Committee of Agriculture and Procurement, Tourism and Advertising, Labor and Veterans Affairs, the Cost of Living Commission, and Banking and Interest Rates. He also served on the Second Constitutional Convention's Committee on Taxation, Finance and Federal Relations, as well as the Cultural Heritage Commission.

As administrator for the Virgin Islands Employees Retirement System, he fought to preserve the integrity of the system, even so far as going to court to ensure that the system's assets were protected and that government contributions were submitted on time. That was quintessential Tappy—fiercely protecting the people of the Virgin Islands in any instance where he felt they or their rights were being threatened.

Mr. Speaker and colleagues, many in my community have fond memories of a man who cared for his family, his people, and his islands. His contributions to the formative years of the young democracy that is the U.S. Virgin Islands will be a prominent part of our history.

I extend my condolences to his wife, Juel, his sisters, his children and his grandchildren. I know that his wit and wisdom will remain an indelible part of their and our memories in the days to come, and we thank them all for sharing this lion of a man with us so generously.

HONORING JAMES BARTON "MICKEY" VERNON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise to acknowledge the achievements of one of the finest athletes and men ever to call the Seventh Congressional District of Pennsylvania home. James Barton "Mickey" Vernon, a native of Marcus Hook, Pennsylvania, passed away on September 24, 2008, having lived a life of great success and purpose. Today is the anniversary of his birthday.

Long before he became an exceptional professional baseball player, Mickey Vernon's character and work ethic were shaped by his parents, Clarence and Katherine Morris Vernon, his sister, Edith, and the good people of Marcus Hook, the cornerstone of Pennsylvania.

In addition, he benefited from the dedicated faculty and coaches of Eddystone High School and Villanova University. Ranked among the best players of baseball's golden era, Mickey was twice the American League's batting champ and, over a career that included time with the Washington Senators, Cleveland Indians, Boston Red Sox, Milwaukee Braves and Pittsburgh Pirates, he played in 2,409 Major League games. In each, he played with skill, determination, and a complete commitment to his team and teammates.

More important than his skills on the diamond, Mickey Vernon stands apart for his modesty and unflinching service to our Nation and to our community. I am especially proud to call him "shipmate." Mickey Vernon served in the U.S. Navy during World War II in the brutally hot and dangerous South Pacific. Following that conflict, he continued his brilliant career, and with his lovely wife, Anne, raised a lovely daughter, Gay.

In a year when the Seventh Congressional District lost both Mickey Vernon and Harry Kalas, there is a temptation to feel great pain and sadness, that is understandable; but it is more in keeping with the lives of both men that we celebrate their greatness and decency.

I ask that our Chamber and our Nation pause to honor James Barton "Mickey" Vernon as a model athlete, a veteran, husband, father and friend, an inspiration to us all. He was some man.

RECKLESS OVERSPENDING BY THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Good evening, Mr. Speaker. Thank you for recognizing me.

I am interested tonight in talking about a subject that I think is on the minds of Americans everywhere and has gotten people not just on their minds, but on their hearts as well. They're exercised, they're concerned, they're worried. And that is the subject of taxes, and really reckless overspending on the part of the Federal Government.

We have heard over the past about 6 years or 7 years the high cost of the war, particularly in Iraq. People say, hey, we are spending a tremendous amount of money every day in Iraq, what are we getting for our money? This thing is breaking our budget. We're spending too much money. This is terrible. And then what we see here in the first 5 weeks of the Congress meeting, we saw them passing what was supposed to be a stimulus bill—or I call it a porkulus bill—and that bill, at \$840 billion, was more money than we spent in 6 and 7 years, respectively, in the war in Iraq added to the war in Afghanistan. So we were really burning some serious money just in the first 5 weeks.

Now, let's add to that, turn forward a little bit, and the American public is becoming exercised about this subject. And just this last week, on the day when filing of taxes is due, we saw all across our country a massive turnout of people, just average citizens, largely—at least certainly that's what it was in the St. Louis area—having these TEA parties. And they were very upset. And they carried all kinds of signs to express their concern about this problem of reckless overspending on the part of the Federal Government. Some of the signs read—and they were fairly clever—"Give Me Liberty, Not Debt," obviously taking off of Patrick Henry. And it said "No More Pork." Here's one, "Got Taxes? Got Government? Get Liberty."

□ 1800

Then there was a 6 year-old that carried the sign, "I am 6 years old and I owe \$36,400 in taxes." And there were a number of other ones that were fairly pointed, "Freedom, not socialism" and things like that.

People are really getting very concerned and with very good reason about our reckless overspending.

In fact, there was enough pressure from all of these different events that happened all over the country that the President felt like he had to make some kind of a statement or gesture. And so he said, very graciously, look, I will tell you what we are going to do. We are going to try to find \$100 million in the budget of wasted spending, to get rid of \$100 million.

Well, we have illustrated that point here graphically to my left.

This first circle is \$410 billion, and that was called an omnibus bill. That was just finishing up the spending for this year.

Then we had two of this supposedly stimulus bill, which is what I was just talking about, at \$787 billion in its final version, and then on top of that is the proposed \$3.69 trillion, so these graphically represent the amount of money we are overspending and Obama's requested budget cuts represented by this spot, even on this chart, the size of an eraser.

To try to put that into perspective, let's say that your family budget is \$100,000. You have a \$100,000 budget for the year, but you are \$34,000 behind. That's like calling the whole family together and saying to them, now, here is what I am going to do. I am going to give up a \$3 Starbucks coffee. That's what this \$100 million is equivalent to: \$3 on a \$100,000 budget.

So these numbers show the fact that the administration and the current Congress just doesn't get it. This overspending problem is really serious, and the public is getting, as I said, very concerned about it.

I have a statement from one of my constituents here, this is what he wrote to me.

He said, this is William from the Saint Louis area, "I am a small businessman in Union, Missouri, employing 12 people. I built my business from practically nothing to a company worth enough to retire on, or so I thought. I am 62 years old and plan to sell my business in 3 years and to retire on the proceeds.

"In the year I sell my Federal tax rate will be 39 percent, that is assuming that Obama does not raise it even further by then, and my Missouri tax rate will be 6 percent. Since I am a service company, we have no real assets to sell. Virtually all of the proceeds will be taxed as ordinary income.

"That means that I worked a good part of my life to build a future and the taxing authorities are going to take 45 percent.

"Since my IRA accounts have been decimated thanks to," I believe he is talking about Congressman FRANK and Senator DODD," it looks like I will have to work until I die."

And then, bitterly, "Only in America."

People around America are very upset about what's going on.

I have a good friend, a Congressman from Georgia, Congressman LYNN WESTMORELAND, I believe that you have a chart also depicting in a different way the seriousness of what's going on with our excessive overspending.

Mr. WESTMORELAND. Well, I want to thank my friend from Missouri for yielding some time, and I just wanted to ask one question to the gentleman about the chart that he just had up, and that was the fact that the chart that he just had up, you are telling me that what the President has asked of his cabinet members, if I am hearing

you correctly, is that they are to cut, in the next 90 days, they are to cut \$100 million.

Mr. AKIN. That's correct. Yes.

Mr. WESTMORELAND. So the other thing you are pointing out there with your chart is that would be like calling in a family that had a budget of \$100,000, and they had a \$34,000 shortfall—

Mr. AKIN. You are talking about one-third of that \$100,000, they are overspending \$34,000, right.

Mr. WESTMORELAND. I want to make sure we understand this. They had \$100,000 annual spending, they have got a \$34,000 shortfall. If from what I am hearing you say, they would only have to cut \$3?

Mr. AKIN. That's correct. That's why when you say \$100 million with a \$3.69 trillion proposed budget, it's almost a joke. It's almost a joke. By comparison, that spot is \$100 million. That's the size of a pencil.

This looks like the sun. It looks like a small Moon falling into the sun. That's what we are talking about here. Three dollars, they would laugh you out of the family meeting.

Mr. WESTMORELAND. That's what I would call a drop in the bucket or a spit in the ocean or something. I mean, I can barely see the little dot from here.

But that's interesting, and I wanted to show one thing, because I think that's something that everybody can get their head around is the amount of money that the President has asked his Cabinet members to save over next 90 days is equal to \$3 of a family that had \$100,000 spending that had a \$34,000 shortfall.

But to the gentleman from Missouri, this is a debt day, and debt day is when we actually start ringing things up on the charge card that we can't pay for. And so in 2002, and after we went through the 9/11, on September 2 is when we actually started charging things. We had run out of the money, and we had to start putting it on a charge card.

Mr. AKIN. What you are saying is that right after September 11, we are already starting to spend some serious money there. And what you are saying is that by the time we got to September, we had pretty much used up all the taxpayers' money that had paid their taxes that year, and beyond that point, every day beyond that where we are spending money, that's all becoming part of our debt. Is that what you are saying?

Mr. WESTMORELAND. Yes, I am. And what I am saying, too, is that then the minority party, the Democrat party, was hollering at the loudest point saying we would have deficit spending, that we did not need to have deficit spending, we did not need to increase the debt. They were hollering about that.

And then in 2003 it went to July 29 to when we actually started having to borrow money; 2004 it was July 27; 2005, August 14; 2006, August 27; 2007, September 9; 2008, August 5th, and then we come to this year.

Mr. AKIN. Gentlemen, what was going on there was starting about 2003 or 2004 we started to benefit from the fact that the recession had turned around because of the tax cuts and the economy was doing well and the Federal revenues were coming in pretty strong.

Mr. WESTMORELAND. Yes.

Mr. AKIN. That's why we were able to hold things up into that August-September kind of timeframe, even though there was some spending going on.

Mr. WESTMORELAND. Absolutely. Remember we were funding the military and the war on terror or now, as it is called, the human catastrophe or something. But in 2009, this year, 2009, debt day comes next week on April 26.

So imagine this, after April 26th, everything that this government does is going to be put on a charge card. After April 26th almost 160 days—

Mr. AKIN. Gentleman, that number really stands out, because what you are saying is we got all the way through the summer all these previous years when we were screaming about spending too much money. And you and I agreed we shouldn't have been spending as much as we did.

But that being the case, what you are saying is this year we barely got the taxes in on April 15, and by the time we get to April 26th, which is that next week—

Mr. WESTMORELAND. That's next week.

Mr. AKIN. We are out of money already.

Mr. WESTMORELAND. Absolutely.

Mr. AKIN. I am surprised they haven't put us in jail.

Mr. WESTMORELAND. Well, I don't know they haven't pulled our credit card, and I think that could happen, because we are charging this on a credit card to China, to the Middle East, to foreign nations. This is not something that we are borrowing it from ourself.

This is money that we are borrowing from foreign countries. So at the end of next week, all the money, all the revenues, all the revenues that's going to come into our Treasury are going to be spent, and we are going to be ringing it up on a charge card.

How many families or small businesses could survive on that? There is not any. We can't do that, and that's the reason that we have given an alternative to this budget that has been proposed by the current administration. That's the reason today that we—

Mr. AKIN. You were talking about the budget, the study committee, which is actually a balanced budget, a certain number of years out, it balances out.

Mr. WESTMORELAND. In 10 years, it balances out in 10 years.

Mr. AKIN. Don't you think that's what the people at these tea parties were trying to say, hey, what's wrong with the concept like every other American, you have to balance your budget. What's the problem with us getting this concept down here in Washington D.C.?

Mr. WESTMORELAND. And that's the point that we have been trying to make. It spends too much, it borrows too much, and it taxes too much.

Mr. AKIN. Well, we are going to get into that a little bit too. We are joined this evening by my good friend from Indiana, Congressman BURTON, a long-time leader in this House, a very respected gentleman.

I would like to yield to him to talk on the same subject. I know it's something you know quite a bit about.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

The thing that bothers me is the kind of legacy that we are leaving for our kids and grandkids. The amount of money that we are spending right now, \$3.69 trillion in the budget, \$410 billion in the omnibus, \$14 billion for the auto companies; \$700 billion, which we spent last year on TARP, \$787 billion on the stimulus package.

We are spending trillions and trillions of dollars that we don't have, as my colleague just said.

I would just conclude by saying that we are spending trillions of dollars that we don't have. Our kids and grandkids are going to be paying taxes that they shouldn't have to bear. In addition to that we are going to have an inflationary problem that is going to rival anything that we have seen in the past. In the 1970s and the early 1980s we had inflation that was 14 percent and we ended up raising interest rates to 21 percent to slow down the rate of inflation to get the economy back in shape, and we ended up with another major recession because of it.

We have got to control our spending. We can't spend 8 or \$10 trillion like we are doing. And the thing that bothers me the most is the legacy we are leaving to our kids and grandkids.

I want to thank my colleague for taking these. He comes down here almost every night or every other night talking about these things. The American people owe you a debt of gratitude for doing this. I really appreciate it.

Mr. AKIN. I appreciate the gentleman from Indiana.

Congressman, before you go, just let me ask you a question, you know, both of us grew up and we saw our parents, that had come out of the World War II time period, and they were people that worked very, very hard. They had been called the Greatest Generation, and one of the things that I remember that was just ingrained in my own parents, and I want to ask you whether you had

the same experience, but it was the attitude that they were going to do something better for us than they had been able to have for themselves. It was this driving ambition to leave something better, to leave America a better place, a freer country, a safer country.

And so they would say, and their words were, yes, I am going over to Europe or to the Pacific to do my bit, that they were going to give their lives or their limbs. And they had this ideal of leaving America a better place.

And what you are talking about is the opposite. Is that not right, Gentleman?

Mr. BURTON of Indiana. Yes, I would say to my colleague briefly, that my mother worked 18 years as a waitress, my stepfather worked in a foundry. And I think that he made, before he paid child support, \$75 a week.

And they were very concerned about living within their budget, and they worked very hard to make sure that our family did well without having to depend on the government. And unfortunately today we have a different mindset, and that is that the government can handle everything for us from cradle to grave.

And this attitude that's prevalent in this society right now really bothers me because it has taken such a hold of us that we are now spending trillions of dollars that we don't have. And the things that you and I had as young people and our parents gave to us, even though we had rough times, it's going to be worse in my opinion, because of the inflation we are going to leave our kids and the high taxes that we are going to have to pay to keep pace with the spending that's going on.

Once again, thank you very much. I really appreciate it.

Mr. AKIN. Congressman BURTON, the distinguished guest from the State of Indiana. We are very thankful for the good people that Indiana sends.

We also have joining us here tonight a judge from Texas. When you get a judge from Texas you're talking about somebody that kind of keeps an eye on things. I would like to yield to Judge CARTER, a good friend of mine and a great and patriotic American and an American, as I understand, with some pretty good stories to boot.

□ 1815

Mr. CARTER. I thank my friend for yielding.

I'm proud to join my colleagues in speaking up against this horrendous amount of spending that's going on in the country today, and it's all done by the Obama administration. They're calling it "stimulus," they're calling it "save the economy," all these things. But I just got back from a trip where I was meeting with some parliamentarians from the European Union. And, you know, I will admit, I will confess

that I viewed the European Union—my wife is from Europe. In my experience, the fact that my wife is from Holland, we have visited Europe on many occasions, and I really thought they were much more towards the socialist side of the calendar and that their ideas were much more leaning to the left. And then I went to listen to these folks talk about what they called an economic stimulus package in the EU and what they were calling upon their member countries to do for economic stimulus. And, amazingly enough, it was exactly what the Republicans have been saying we should do to have an economic stimulus. And that is cut taxes, especially on those categories of people that create jobs like employers and business taxes, and cut spending.

Mr. AKIN. Let me reclaim my time. What you're saying is kind of radical here. What you're saying is a bunch of socialistic Europeans are telling us that what we should be doing is providing liquidity for small business to create jobs and to pull our Nation out of recession. That's what I'm hearing you say. You're telling me that these people in Europe are telling us this?

I yield.

Mr. CARTER. Actually that's just it. I wouldn't, after having these conversations, classify them as socialist nearly as much as I might classify the administration we are dealing with today as socialist because their ideas are more that we've got to let the free market work; so we are, meaning the Europeans, cutting taxes, we are cutting spending.

Then, amazingly enough, I think this should be a surprise to everybody: The United States of America could not join the European Union if they wanted to. Why couldn't they? Because our debt ratio is too high. And it's going higher.

Mr. AKIN. Reclaiming my time, what you're saying is America could not join the European Union now because our debt is so high?

Mr. CARTER. That's right. They have no more than 3 percent of gross domestic product and we're bumping up against 6 with the Obama plan here.

Mr. AKIN. I see my friend from Georgia here wanting to get a word in.

I yield to the gentleman.

Mr. WESTMORELAND. I don't know much about the European Union, but I think that's a real wakeup call for the American people if they understand that.

But I guess the whole thing that gets me is that we heard from the Blue Dogs today that the reason this budget was okay and the reason this debt was okay and the reason this deficit spending was okay was because it was the total picture. It was all put out there. And their complaint was in the past that with the deficit spending and the reason they criticized it so badly is because it was not an open process. It

wasn't open, that this money had been some kind of sleight of hand.

Well, I would like to ask the gentleman from Missouri or my friend from Texas, are you aware that they are including in the revenue the alternative minimum tax, \$50 billion of this alternative minimum tax that we have patched that we are not even going to get? So this is revenue that they are using and spending that we're not even going to get in.

Mr. AKIN. Reclaiming my time, the alternative minimum tax, usually we have rolled that back every year. Are you saying they're not going to do that this time?

Mr. WESTMORELAND. No, they are rolling it back. But they are claiming the revenue to use in the spending as if they were going to collect the tax.

Mr. AKIN. That's kind of a unique accounting principle.

If you did that in the free market, judge, and let me just yield, what would happen if a businessman were to do to that? What would you do to him if he came in your courtroom?

Mr. CARTER. When we saw voodoo accounting in the Enron case, look what it has done to accounting principles and to accounting firms. That makes no sense, but then there is a lot of this thing that doesn't make an awful lot of sense. That surprises me, but it's kind of the old shell game. Look under this shell. Now, which way is it going? Which way is it going? There it is. We gave it to you. No, wait, what is this? That's what this whole thing is about.

Mr. AKIN. Reclaiming my time, I would like to ask a question whether either of you when you were in maybe first or second grade ever saw these workbooks and they had the pictures, what is the line that doesn't fit in? And they'd have a couple of dogs and they'd have a cat in the line or something like that.

Well, let me just ask you, if you take a look at this chart to my left, can you see the thing that doesn't fit in here? These are either budget deficits or surpluses by year, all through these different Presidents here. This is when you had a Republican Congress and a Democrat President and we actually had a couple of surpluses here. This is September 11. We had the war in Iraq; so we were running some deficits. Do you see the line that doesn't quite fit in there?

I yield to my friend from Texas.

Mr. CARTER. If I may answer, of course, the stuff above the line, the surplus, is a little different. But on the below-the-line side, it's clearly the last four lines because there's this one gigantic line which looks like it's this year and then every year thereafter is bigger than the other lines all the way going back to 1990 or something. What year is that?

Mr. AKIN. This goes back to 1980.

Mr. CARTER. So basically the last four lines are bigger than anything that we've seen since 1980.

Mr. AKIN. Those are the actual economic facts of where we are.

I yield to the gentleman from Georgia.

Mr. WESTMORELAND. I would like to point out to my friend from Missouri and to, Mr. Speaker, anybody that, if we could talk to them, ask the people that might be watching to understand that that is deficit spending, and that's what I was talking about on this chart. That's the deficit spending that we are doing. We are borrowing the money. After April 26 we are going to be going into debt, and that's what that long line is.

But what we don't realize and what's not on that chart is the amount of debt that we are accumulating. Not just the deficit spending but the amount of debt. And I believe the gentleman has got a chart there that shows the amount of debt.

When I would speak to groups at home or have a townhall meeting, I used to talk about the amount of debt that our children were inheriting. I'm having to include grandchildren now and may very soon have to pick up with great grandchildren. But I think what we need to look at is what this budget does is not just look at the deficit spending but look at the amount of debt. This thing increases our debt to \$14.5 trillion. And I will let the gentleman explain the chart, but as this chart points out, we are almost doubling the amount of debt that it took us 232 years to accumulate in 1 year.

Mr. AKIN. Reclaiming my time, sometimes you can talk about big numbers and when you get past a certain number of thousand dollars, it's hard for me to imagine what we are talking about. But here is a different way to look at it: You go from George to George. That's George Washington to George Bush. And you go through all of that, and they accumulated by overspending \$5.8 trillion. That's a lot of money. We shouldn't have that much overspending. I know you gentlemen have voted with me against doing that kind of overspending. But that's the reality of where we are, \$5.8 trillion. But now we're taking a look at this President, and just using the numbers he gave us, these are his numbers, and he has got \$8.7 trillion he's going to add on top of this. So in other words, he's proposing to spend in the next 7 years \$8.7 trillion, which is more than what we had from George Washington to George Bush. Now, that is some serious level of spending.

I yield to the gentleman.

Mr. WESTMORELAND. To the gentleman from Missouri, now, that is not just spending; that is accumulated debt. This is debt. This is not spending. The spending's going to be way more than that. We're doing 3.6 trillion next

year. That is the amount of debt that he's adding to our national debt. And I'm not sure and I don't want to quote it, but it's a good percentage of our GDP that we are going to be in debt.

Mr. AKIN. Reclaiming my time, I appreciate the gentleman's pointing that out, and I misspoke. You're absolutely right.

Mr. CARTER. If the gentleman would yield.

Mr. AKIN. I do yield.

Mr. CARTER. It is certainly enough of a percentage of our gross domestic product that if we were a nation trying to join the European Union, we would be above their joining point.

Mr. AKIN. In fact, what you just said, I think, gentleman, was we are like twice over it.

Mr. CARTER. I was in Estonia, which is protected by NATO but wants to join the EU, and their problem is they are 1 percentage point above 3 percent of their gross domestic product. So they're cutting programs and reducing taxes because they've learned they get more revenue that way so that they can get to the point that they will be able to be admitted to the European Union. It's embarrassing that Estonia is doing better on debt than the United States of America.

Mr. AKIN. Reclaiming my time, that's not a good scenario when Estonia is better on their economics than what we are doing in this country. And I think that's what generated these TEA parties and things. I will tell you people in my district, St. Louis, they were mad. They were very upset about this.

I am delighted that we are joined here by Congressman COFFMAN from Colorado. Colorado is a good solid State, and they have elected a great Congressman here. And I look forward to your joining our discussion here tonight.

Congressman COFFMAN, I yield.

Mr. COFFMAN of Colorado. Thank you. I think that what is most alarming about the level of borrowing, as a freshman Congressman, in our orientation process, we had economists of all ideological stripes, and I think that they differed on what was stimulative spending. They maybe differed on the amount of deficit spending that might be required for the recession. But one thing that they were all in agreement with is that we had to close that deficit gap. We had to control our spending within certainly the next 2 or 3 years because if we don't, and this plan that we're talking about that you have just referenced does not in any way close that spending gap, then we are going to have government borrowing competing with private sector borrowing as we try to move out of this recession and it's going to lead to high interest rates, high inflation rates. And if you overlay these taxes that are envisioned in this budget plan, you've really got a recipe

for 1979/1980: stagflation, double-digit interest rates, double-digit inflation, slow to no growth in the economy. Only my worry is, again, unless we control spending, it's not going to be temporary as it was in 1980 and then, of course, we got the Reagan tax cuts and we moved out of it, but that we are not going to return to prosperity and we are going to have some real problems.

Mr. AKIN. Reclaiming my time, I appreciate your joining us for the discussion this evening.

Sometimes people want to claim that Republicans don't have any solutions and are just always complaining about the excessive spending or what we really should do about it. But the fact of matter is that there are proven ways of getting the economy back on track when you start into a recession. And one of the things that's absolutely critical, and it works a couple of different ways, but what it does is it increases the amount of revenue that the Federal Government takes in, and that's a way to get a budget balanced. There are two ways to do it: cut spending or take in more revenue. The only trouble is if you tax too much, you kill the economy and you take in less revenue and you create something that's even worse than what you had before.

Now, the way to do it is you want liquidity available for the free markets. You want the people who are the investors and the inventors, the small business people, you want those people to have the liquidity so they can run and manage their businesses. A lot of people don't realize that if you take a business that's got 500 employees down, and that's what we call a small business, they employ half of the people in our country but create almost 80 percent of the new jobs. So you want to make sure those guys have got the liquidity that they need, and that's what the Republicans understand.

□ 1830

That is why we are completely opposed to a whole series of things that the Democrats are doing which are going to make it hard for small businesses. It is exactly what you are saying. You have to get off of this spending, and it seems like our administration just does not understand that and we are going to take a recession and turn it into the Great Depression.

I don't mean to cut in on you, but what you are talking about is the livelihood, the potential jobs that people in America wouldn't have access to because they were never created, because we have just vacuumed the liquidity out of the private sector.

I want to yield to my friend from Texas, Judge Carter, for just a minute.

Mr. CARTER. This spending and this debt record, I am sitting here thinking and contemplating while you all were talking, my children haven't rewarded me with any grandchildren yet, but

they will. They don't even come close to taking care of this while my grandchildren are alive. We are talking about my great-grandchildren. In fact, there are people that estimate with the amount of interest that we will have to bear on this debt, that this goes on for generations not even conceived of today. It could be generation after generation after generation.

When you take what we already considered a troublesome debt of \$5.8 trillion, there was an amazing amount of criticism of the Republican administration under George Bush when that number popped up. Of course, they blamed it all on George Bush. He did certainly increase it, but I am not here to go into that. But that number seemed to concern the Democratic now-majority quite a bit when they were in the minority.

But their President, the new President, Barack Obama, our new President, \$3.7 trillion on top of \$5.8 trillion, and this means that that number that we were talking about could be the downfall of humanity is now almost tripled. People have to just realize what is happening.

Mr. AKIN. Reclaiming my time a little bit, first of all, who was it that supported this \$410 billion for the omnibus? Was that the Democrat party? Yes. And then this bill here, this stimulus or "porkulus" bill for \$787 billion, do you recall here in the House Chamber when we voted on this bill, do you recall how many Republicans supported that number?

Mr. CARTER. None.

Mr. AKIN. Not one.

Mr. CARTER. By the way, I didn't support that first one either, or the one before that.

Mr. AKIN. Neither did I, gentleman, and that is why we are here, I believe. So people want to say, well, you know the Republicans, we got a few liberal Members and all that kind of stuff and they want to beat us up for two or three Republicans that might vote for something like this. But there wasn't one Republican that supported that number, is there?

Mr. CARTER. Not one.

Mr. AKIN. All these people have been talking about the cost of the war in Iraq. They didn't seem to worry about spending more than that in the first 5 weeks we were here. I don't understand exactly how that works.

Congressman COFFMAN from Colorado.

Mr. COFFMAN of Colorado. Congressman AKIN, you know, I think that it is best categorized as generational theft. I had a high school senior when I was back home over this Easter recess and met with a high school, with a government class, and she said something very interesting. She said, I don't think this is fair to me, what the Congress is doing.

I tried to describe it to the class as saying it is like if your parents with

their credit cards were given no limit on their credit cards and signed you up as the guarantor for that debt. So in trying to put it in something they can relate to, it is very hard to relate to this extraordinary amount of debt that I think the majority in the Congress is thinking about today, and not thinking about tomorrow. To use the financial crisis as an excuse for their going into debt in the third year and the fourth year and the fifth year and the sixth year absolutely doesn't make sense.

Mr. AKIN. If I could reclaim my time, piggy-backing on what you said, we should take a look at what you said. You said using the financial crisis as an excuse. Of course, that is what we have been doing here. We said, oh, look, there is this mortgage crisis that was created where all of these Freddie and Fannie mortgages were made to people who couldn't afford to pay and the Wall Street community played some funny games with the securities business and we end up in this big mess that was really started by this mortgage crisis. So now we have got the recession started.

So there are really two schools of thought as to what you do when you got a recession going. One of the schools of thought is, and it goes back to FDR and Little Lord Keynes, he was a little weird, he had this idea if you spent enough money you could "stimulate demand" and everything would be fine. It was a little bit like reaching down, grabbing your bootstraps and lifting yourself up and flying around the room.

So they tried this theory about the Federal Government spending tons of money. It was called Keynesian economics. And at the end of 8 years of this experiment of the Federal Government spending tons of money, this guy, the fellow who was FDR's Secretary of Treasury, comes before the Congress, the Ways and Means Committee, and he made this statement. This is exactly his words, Henry Morgenthau. He says, "We have tried spending money. We are spending more than we have ever spent before and it doesn't work." It also shows that we don't learn much from history. "I say after 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot."

Now, this theory is what we are doing, the idea we can fix a recession with excessive Federal spending. If that were such a good idea, with the amount of debt we just saw at \$5 trillion, we should be doing great anyway, if lots and lots of debt is what makes things better. Yet, here we have Henry Morgenthau speaking to us from 1939 like he is out of the grave saying, hey guys, this doesn't work.

The other solution, of course, is that you could do what we said, which is get the liquidity into the hands of the business people. Let's talk just for a

minute about small business. One of the worst things you can do for small business, let's sort of tick the things off.

The thing you want to do is you want to tax them so much they can't run their business, right? So where would you start if you were trying to harm small business?

I yield to my friend from Colorado.

Mr. COFFMAN of Colorado. Well, thank you Congressman AKIN. I think if you wanted to hurt small business, unfortunately, where you would start is certainly by increasing their tax burden.

Mr. AKIN. First off, you are going to increase their taxes. So what is the first thing that the President said he is going to do? Anybody making over \$250,000 a year, he is going to increase their taxes. I don't know if he realizes that more than half of the small business owners make over \$250,000 a year. So if he increases their taxes, then what are they going to have to spend money to help build up their small business? So, right off the bat, he is doing one of the first things to hurt a small business person.

There are other taxes he is proposing. Do you recall some of the others? What else would you do?

I yield.

Mr. COFFMAN of Colorado. Well, Congressman AKIN, I think one of the issues we are going to be debating very soon in the Congress that is in the budget plan is certainly cap-and-trade, that tax on carbon, putting a burden across America from the standpoint of consumers as well as businesses in terms of a carbon tax. I think that is going to lead to the greatest export of America will continue to be jobs overseas. It is an economic development tool for India and China.

Mr. AKIN. Reclaiming my time, what you are saying is absolutely fundamental for us to understand. What we are talking about is that the President has said that he is going to increase the cost of energy.

He also said he wouldn't tax anybody making less than \$250,000. He said that. But then he turned around and said, oh, no, but we are going to tax energy. How much are we going to tax energy? They call it cap-and-trade. It is really cap-and-tax.

So he is going to tax energy. So who is that going to affect? Well, the MIT people took a look at the proposal and said we are talking \$3,100 for the average household in America. The average household doesn't make any \$250,000. So he is going to run the tax of energy up. And what else is that going to be? Of course, as you are absolutely right, the astute gentleman from Colorado points out that small business, if it costs more money for energy, it makes it harder to do the business. So we are going to do that.

First of all, we are going to tax them if they are making over \$250,000. Then

we are going to tax their energy. Any truck driver or anybody that has to bring supplies to their business is going to pay more money for it, because that is going to be taxed.

So have we let off there or not? No, in fact they thought of some other innovative things.

Mr. CARTER. If the gentleman will yield, let's not forget all the taxes you just rattled off, who is really going to pay those taxes? They are going to be put in the price of goods and services that are provided, and then those goods and services are going to go to the American people. So they are going to wake up in the morning and they are going to get delivered to their house this month's electricity bill, and, holy cow, where did all this come from? Everybody in America. It is not going to discriminate on whose bill is going to go if you are making \$250,000 a year. No. It is going to every American that is burning electricity, every American that is consuming gas, if they have natural gas in their home.

The American public is going to pay the price. And this cost that we have added to the manufacturers or to the retailers, these small business owners, they are going to put that on the price of their goods and services, and guess who is going to pay that? The people that need and purchase the goods and services. So the price of shirts and suits and shoes and T-shirts and baseball gloves and all of the things we want for our family are going up by the cost of that carbon tax, which that means who is paying the tax? The American people. All of the American people.

Mr. AKIN. Reclaiming my time, there are kind of two scenarios, aren't there? Let's say you have a small business that is making a product in this country. They are paying an increased cost of electricity, so they have to raise the price of their product. One of two things happens: Either the American consumer buys the higher cost product or they buy a foreign competitor's product that the foreign competitor didn't have to pay that tax on, so they can sell it cheaper. So then what happens is a foreign job replaces an American job and the jobs disappear in this country. Either scenario is not good policy for our country.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Well, thank you Congressman AKIN. We are truly in a challenging time, and the American people have to hope that this budget is not fully implemented, that we in the Congress wake up and stop this madness of spending and taxing. I think it has been certainly said before that this budget spends too much, taxes too much and borrows too much. Again, it is a generational theft.

Mr. AKIN. It is a generational theft. It is a budget that taxes too much,

spends too much and borrows too much.

The other thing that is kind of interesting to me was, reclaiming my time, if you take a look at this map of the country, these are manufacturing jobs. These are those businesses that are going to be hurt by this cap-and-tax. If you take a look, the ones that are the most orange are the ones that are hurt the most by this.

You notice that our friends in New England and out on the West Coast don't seem to be affected by this tax very much. But somehow, the Midwestern States are going to get clobbered by this tax. And the tax is justified on the worry about global warming. But it is not popular to say "global warming" anymore because the world isn't really warming, so we call it climate change.

So the problem is they are claiming we are making too much CO₂. So we are going to then tax nuclear reactors for the CO₂ they generate. That doesn't make a whole lot of sense, does it, because they don't generate any CO₂. Yet we are going to tax them anyway.

So a lot of these manufacturing States where there are a lot of jobs tied to energy, they are going to get hammered with this proposal. So not only is the budget out of control, but now we are trying to raise money with this hair-brained scheme of taxing energy, which is just going to really hurt our productivity, and that is the thing that either chases jobs overseas or it prevents jobs from being created in the first place.

I yield to my good friend from Texas.

Mr. CARTER. And they are taxing energy. If you look at that map, you see that the energy-producing States, right now I am from Texas, my neighbors Oklahoma, Louisiana and New Mexico are all energy-producing States, as is Mississippi to some extent, until you get over to the blackout area around Florida on the coastal offshore productions.

□ 1845

And so we're looking at those States that everybody's been calling, you know, the evil monsters of the oil and gas industry, that that's who we're going to get even with. The tax burden on those States is going to be less than the tax burden on our Midwestern States and some of our Southern States. This has been conceived with a program of attacking people that you can—it's easy, they think it's easy to get mad at. And the reality is this is going to hurt the very people that they're calling upon to get mad. It's going to hurt the Midwest and the Southern States. It's embarrassing how much the public is being fooled by this particular tax. This is just the beginning. We're talking about carbon, not necessarily energy. There will come a time when we figure out other carbon producers that we will tax.

Mr. AKIN. Reclaiming my time, I'd just like to try and tick off—I should have a list of them here tonight. Let's tick off what we're doing for our small business people.

First of all, if you're making \$250,000 a year or more we're going to increase your taxes. That's more than half the small businesses. So first we're going to increase the taxes of the people that own the small businesses.

The next thing we're going to do is we're going to tax heavily energy, not only the energy they use to run their own homes, but the energy used to run their business and to buy supplies and things for their business.

Next thing we're going to do is we're going to let the death tax come back. So now we have the death tax so that the guy that creates a business can't pass it on to his kids, and so he's going to have to sell his business in order to pay taxes when he dies. So some guy dies. The business needs a certain amount of capital goods and equipment to work. You've got to sell the business in order to pay the tax. Now the business isn't viable and the business goes away. Oh, that's wonderful for business, for small business.

And then we're going to do—what else are we going to do with the thing? Well, the other thing we're going to do is dividends and capital gains. Now we reduced dividends and capital gains tax to put liquidity into the small businesses at the beginning, in 2003. And the whole recession turned around to a very strong economy for a number of years, greatly helped by the dividend and capital gains money being plowed back in to investors and inventors and small business people. Now, that tax it is going to go away.

So we're hammering them on the \$250,000. We're hammering them on the energy; we're hammering them on the death tax; we're going to get them on dividends and capital gains. I mean, how can a small business survive?

And then people are going to wonder, gosh, gee, I wonder where all the jobs went?

We're doing the wrong things, and yet we don't have to. We can learn from history.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Congressman AKIN, I think what the budget fails to realize is how much the American people are suffering, that the level of stress on small business and the level of stress on the average American family, that it is Congress' first responsibility to stabilize this economy, to end this steep descent into a recession. And then afterwards, we ought to have a debate on energy policy. We ought to have a debate on health care. We ought to have a debate on global warming. We ought to have a debate on all these other things. But our first and foremost responsibility is to stabilize this economy.

And I think that the President's Chief of Staff said it well; that a crisis is a terrible thing to waste, and words to the effect that we need to use it as an opportunity to do other agenda-driven items. And in doing so, I think they compromise the value of the stimulus and stabilizing this economy.

Mr. AKIN. Well, I appreciate your thoughts on that. And again, where we're coming from in this deal is this faulty idea that somehow we could fix the economy by excessive spending. And Henry Morgenthau really shot that thing full of holes. But if he didn't, certainly the Japanese in the 1990s did the exact same thing and it just didn't work. It's really crazy.

And you know, you talk about people suffering. You know, sometimes you think the upside down world in Washington, D.C. just doesn't seem to get it.

Here's a letter I got from one of my constituents, and it just kind of reflects a little bit of the tone. This is Shannon from Baldwin, which is part of St. Louis County. "You asked how I would be affected by the Obama budget. I'm self-employed with my own small business, professional organizer, personal assistant. I do not earn a large amount of money, but it's been enough to live a simple but comfortable life. I do not have credit card debt, and I have always made it a point to live within my means. Yes, my business has been affected by the economic downturn of the last year. Many of my clients have cut back on their spending, which means less work for me. So whether it be increased taxes, spending that affects me directly, or increased taxing of my wealthier clients, it reduces my overall income. But more than anything else, I think the most negative effect of all the spending, bailouts, irresponsibility, etc cetera, has had on me is that I no longer have any faith in my own government to do what is fiscally right for the country."

We are destroying the faith of our constituents that this government is in any kind of control whatsoever fiscally. That's what she's saying.

"The government produces nothing. It has no money to spend except for what it takes from taxpayers. I am disgusted with the enormous spending and bailing out of irresponsible or downright negligent behavior. It seems that while I have worked hard to be responsible and follow the rules, I'm now being punished by being forced to clean up the mess of those who choose not to with my tax dollars."

There's a sense of anger. There's a sense of resentment out there. I think you're absolutely right. And it's interesting that you're sensing that in Colorado.

We also have our very distinguished Congresswoman Foxx from North Carolina. She's maybe not huge, but powerful things come in small packages like atoms, and I would like to yield some

time to my good friend, Congresswoman FOXX.

Ms. FOXX. Well, I want to congratulate my colleague from Missouri and my colleagues from Texas and Colorado for spending the time that they have on this special order tonight. And I said I would come over and help a little bit, but you guys have been doing such a wonderful job, you don't need a lot of help.

But I have been interested in talking about what our colleagues in the House said in the past about deficit financing and deficit spending. And I'm wondering, at times, whether they've been on the road to Damascus in terms of the revelations that they've had and the changes that they've made.

I have a quote here from the chairman of the budget committee that I think we ought to talk about. He has talked about betting the budget on a blue sky forecast, and saying that he was concerned about these minor deficits under the Bush administration, a record deficit of \$413 billion. And now they're talking about deficits of trillions and trillions of dollars, and that seems not to bother them in the very least. And I think that the chart that you have, the bar graph there shows the problems that we're facing in this country.

And I've said once before, I went home after we voted for the bailout, and said to my grandchildren when they asked me what were we doing in Washington. And I said, well, we're putting you and your children and your grandchildren in debt. And my granddaughter said to me with the wisdom of a child, Grandma, why do you want to put little children into debt? And I said, you know, I don't want to put little children into debt. But we know now that we have Debt Day the earliest that it's ever been in the history of this country. This coming Sunday is going to be Debt Day. It shows the size of government spending relative to our revenue. Never before has Debt Day come in April. It's coming up several months from when it used to come up. I mean, the earliest that it's ever come up before was in July 2004.

And I think what we also have to remind the American people is that up until the year 2007, there was a Republican Congress and a Republican President. They blame all that's happened in the last 2 years on President Bush. And I find that very intriguing. But when you ask—

Mr. AKIN. Reclaiming my time, I think he's the one that created that hurricane, isn't he?

Ms. FOXX. I think he created the hurricane too. He gets blamed for everything.

But when you point out to them that they were in charge in 2007, 2008 and now they're in charge in 2009 they just don't like to talk about that.

And they want to give President Clinton all the accolades for the budget

that he had. But let's point out again, it was a Republican Congress that reined in spending under President Clinton.

So as I pointed out in the Rules Committee one day to the chairman of the Budget Committee, it's so convenient for them to give all the credit to a Democratic President with a Republican-controlled Congress, and all the blame to a Republican President with a Democratically-controlled Congress.

Mr. AKIN. Well, reclaiming my time, what we've got now very clearly is a huge majority of Democrats running the House; they're running the Senate, and they control the administration. So they have everything.

And now what you are saying is, this is the equivalent, I mean, this is really hair-raising what you're saying, the gentlelady from North Carolina. What you're suggesting is that essentially we're like a family and we've been given some money to spend for a year. And we've only gotten to April, April 28th. That's just a little after the deadline that taxes are due, and we've already spent it all. In other words, by April 28, that's next week, we're going to have spent all the money that comes in in taxes in the year 2009. And that's what these different charts are showing in very different ways.

But, you know, you've got the tax day, when you have to have your income taxes in, April 15. And now we've got Debt Day, which is April 28. My goodness.

Ms. FOXX. It's April 26.

Mr. AKIN. 26 is it? Yeah.

Yielding to the gentleman from Texas.

Mr. CARTER. Well, I'm very sad to say that, to learn that Debt Day, the day we don't have any money that we raise from taxes, is my daughter's birthday. I wish her a happy birthday. But, quite frankly it's coming up this weekend. And you know, it's mind boggling that taxes are paid on the 15th, and basically we'll have spent all the money that we've gotten from tax revenues by the 26th. That's spending some money, folks. That's doing it better than anybody's ever done it.

Mr. AKIN. Reclaiming my time, and I note that you are not so different in age than I am, and I'm just asking the same question I asked earlier this evening about our parents' generation. They've been called by some people the greatest generation. And they were called the greatest generation, because, among other things they had this intrinsic compass that said, we're going to leave our Nation better than it was when we were here. And they went to Europe, and they went to the China Seas and they did their bit and they left us a freer country. And they may not have gone through college themselves, but they saved their money so we could go through college, so that we could have a little bit better lifestyle.

Some of those people now are like my own parents. They're just still alive, but they still have that attitude of making this a better country.

And it breaks my heart to say, when I take a look at these numbers, that instead of leaving it a better country, we're leaving debt as an inheritance for our children. And that's tragic.

I thank everyone for joining us this evening; look forward to next Wednesday night.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1145, NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

Mr. ARCURI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report (Rept. No. 111-82) on the resolution (H. Res. 352) providing for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. CARTER) is vacated.

There was no objection.

□ 1900

RIGHT-WING EXTREMISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Thank you, Mr. Speaker, and thank you for recognizing me for this hour. I'm very pleased to be here.

I'm here to talk about a subject that, I think, is very interesting, and I don't think the American people have really gotten their hands on this subject yet, but it's also extremely concerning. It really concerns me a great deal.

I happen to serve on the Subcommittee on Appropriations for the Department of Homeland Security. We have spent an awful lot of time and an awful lot of effort trying to make sure that we keep our country safe from clearly identified terrorists who, if you have any question of do they mean us harm, then just look back at the Pentagon and the World Trade Center, and then ask yourself: Do they mean us harm?

We have been diligently trying to defend our borders, diligently trying to stop terrorism and trying to catch it before it gets here and trying to deal

with these people who have identified themselves and who have told everyone publicly they're here to hurt us. Now we have a new administration, and we have a new memo that has come out from Ms. Napolitano over at the Department of Homeland Security. It would just shock you to know that she is warning not of al Qaeda, not of the Taliban, not of Osama bin Laden. She is warning people about right-wing radical domestic terrorism.

Now, this would be almost humorous, but those of us who have a little age on us, like I do, can think back to the Clinton administration and can remember how many times when anybody ever criticized the Clinton administration you would hear the First Lady then and now Secretary of State say, "Well, it's all a plot by those right-wing extremists, those right-wing extremist organizations." President Bill Clinton would say, "Well, they don't agree with my party and with what we're saying here, but it's really the people you're hearing from who are right-wing extremists." They label talk show hosts as right-wing extremists. All this fear was generated about right-wing extremists. Now we're not even 6 months into the Obama administration, and the people who are supposed to be protecting our homeland are warning us against right-wing extremists.

This is the intelligence briefing right here. Now, I'm not trying to be mean about all of this. I'm just trying to tell you what they tell me is a right-wing extremist. I just took the things that they tell people who fall into that category, and then I put those classifications in with a poll that we did to identify the nature of my congressional district. Believe it or not, based upon accurate polling data that has been done in my district, 81 percent of the registered voters in my congressional district would qualify as right-wing extremists under Ms. Napolitano's memo—81 percent. They're probably going to come up with a category to cover the other 19 percent. I'm not being facetious about this. I happen to have Fort Hood, Texas in my district. Fort Hood, Texas is the largest military base on the face of the Earth. It has two field divisions of the corps headquarters.

One of the things they tell us in this report is very sad in light of what our Army has been going through, which is to watch out for returning, disgruntled military veterans coming back from Iraq and Afghanistan in that they have the potential to be right-wing terrorists. These young men and women, some of whom have done four and five deployments overseas, some of those deployments for as much as 15 months, have served our Nation as heroes, as the next great generation, and our government is labeling them: At the time they finish their service, we should

consider them potential right-wing extremists and terrorists. They are defining them as people the government had better keep an eye on. Veterans who have served in other wars are in here. They classify them as right-wing extremists.

Are you opposed to abortion? It says right here at the bottom of this page: "It may include groups and individuals that are dedicated to a single issue, such as opposition to abortion or immigration."

It's just shocking. It basically says, if you disagree with the Obama administration, you could be a right-wing terrorist. Now, I hate to say that. It talks about people who believe in the right to keep and bear arms: right-wing terrorists. It talks about people who disagree with the stimulus package: right-wing terrorists. It talks about people who disagree with the economic path of recovery that this Nation is taking: potential right-wing terrorists. This is what this report says. I'm sure it's available. It's unclassified. It's for official use. We got it off the Internet. There's more, a lot more.

I have friends here who have joined me on this shocking thing that's going on in this country. I'm going to start with my good friend, VIRGINIA FOXX, who was with us here in the last hour, and I'm very pleased to have her again.

I'll yield to her what time she may need to consume.

Ms. FOXX. Well, I want to thank the gentleman from Texas for his willingness to take this hour and to bring attention to this report.

I had a chance to skim over this report today for the first time. I, frankly, was appalled when I read it. I didn't think I would live to see the time when Representatives of this government would be characterizing the good people of this country, who love this country and who have served this country so well, as extremists and terrorists. We can't even get the Secretary of the Department of Homeland Security to use the word "terrorism" anymore for real terrorists. What she wants to do, though, is to characterize very, very patriotic Americans as terrorists, and I am simply appalled by it.

As somebody pointed out today to me, when the President was campaigning, he promised to transform this country, but you know, I don't think people really understood what that meant. He never said he was going to improve the country. He said he was going to transform it. I think that these folks are on their way to doing that, and I don't think people are going to like, primarily, the way they transform it.

You've done a great job, Congressman CARTER, of highlighting this really, really scary definition of "right-wing extremism." I want to highlight a couple of parts of that definition. I want to talk about rejecting Federal

authority in favor of State or local authority or rejecting government authority entirely.

I guess that what these people in the Department of Homeland Security mean is that the 10th amendment of the Constitution, which I consider an integral part of our system of federalism, is part of the danger that they see in this country, and I'm going to read the 10th amendment just so we're all clear on it.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I tell people when I speak to them, particularly to school groups, that the three most important words outside the Bible, in my opinion, are the words "we the people." That begins the preamble to the Constitution.

These folks see the American people as right-wing extremists in their concern for terrorists. So, as for those of us who are members of the Constitution Caucus, who for the last 4 years have come here on a fairly regular basis and who have talked about the 10th amendment in order to bring attention to the overreaching of the Federal Government, we're those right-wing extremists. So many patriots who have served in this House and in the Senate before us who felt very strongly about the 10th amendment and who did everything that they could to hold down the reach of the Federal Government are considered right-wing extremists.

I just cannot understand how we have put in power in this country the kind of people who have so little regard for our Constitution.

You and I and all of us in this body, who come here every day to vote, are sworn to uphold the Constitution. Many of my "no" votes are based on the 10th amendment, rejecting Federal authority in favor of State or local authority. When I say that on this floor, then these people consider me a right-wing extremist. I don't consider myself a right-wing extremist. I consider myself a person who believes in this 10th amendment, which, by the way, we understand from history that the Constitution probably could not have been ratified had that amendment not been in this because the Founders understood so well what a dangerous country this would become if we gave too much power to the Federal Government.

I also fail to see how someone who holds fast to the Constitution and to the Bill of Rights should be lumped into a category with homegrown terrorists and violent racist groups. This is an affront and an insult to the millions of law-abiding and taxpaying citizens who long for a return to limited Federal Government and to a restoration of limited Federal power.

The question that must be answered in light of this document is: Since

when does being a small government conservative make one a right-wing extremist?

The claims in this report that limited government activists pose a threat are completely unsubstantiated and paint law-abiding citizens with the broad brushstrokes of extremism.

I have to say that, I think, most of us who consider ourselves conservatives see this as a real slap in the face because we consider ourselves patriots for this country. I think also offensive—and I want to highlight another part of the definition of “right-wing extremists”—are those groups and individuals who are dedicated to a single issue, such as opposition to abortion or immigration.

You know, I’m not opposed to immigration. All of us come from people who immigrated to this country, but I am very much opposed to abortion, and that does not make me a right-wing extremist. That makes me, I believe, a person who celebrates life, and I believe that it is completely wrong to say that those of us who cherish life and who oppose abortion on demand pose a security risk to the United States. Such an assertion not only insults the moral beliefs of countless Americans but threatens their very right to freedom of expression. I’ve been on this floor many times in the past few months saying that I believe we’re going down a slippery slope in this country in terms of how our right to freedom of expression may be impinged upon.

I think, again, this report—which, by the way, I’m going to post a link to it on my Web site because I want every American to have the right to read this and to make some judgment for themselves.

Opposition to abortion is a profoundly moral issue to those of us who oppose abortion. The willful taking of innocent human life is not a matter of right-wing extremism. It’s a matter of conscience and of deep personal conviction. When we belittle our conscience and our deep personal convictions, we’ve come to, I think, a very, very bad place in our country. There is also not a shred of evidence anywhere to back up the claim made here that pro-life Americans who hold deeply rooted beliefs in the immorality of abortion are a threat to our Homeland Security. There is not a shred of evidence.

When people read this, they’re going to see all kinds of assertions made in here that I do not believe they can back up. I think that, again, those assertions undermine our ability to have freedom of speech and are a real threat in the opposite way to our country.

Again, I want to commend the gentleman from Texas for taking on this Special Order tonight and for highlighting this report. I do hope that millions and millions of Americans are going to read this report. I believe they

will judge for themselves that this is a bad definition for “right-wing extremism.”

I yield back to the gentleman from Texas.

□ 1915

Mr. CARTER. I thank the gentlelady for her excellent comments on what we’re dealing with here.

You know, I think these—every kid that ever graduated from high school and took, whether they call it civics now or whether they call it government, and just had a brief study of the Constitution, knows that every single provision of the United States Constitution is equal and that these amendments have a purpose. They define what is our governing body. Remember, every person elected in this Congress and every person who serves in the Federal Government and every person who serves in the State government takes an oath to preserve, protect and defend the Constitution, all parts of the Constitution.

The 10th amendment, the part that says all those things that are not specifically given to the Federal Government or aren’t specifically excluded from the State government, those powers belong to the States.

Now, to say that because a person believes that they ought to support what is written in the Constitution in the 10th amendment, that makes them a right-wing radical, then does somebody who thinks they ought to be able to—that we should support the right of free speech in the First Amendment, does that make you a right-wing radical? Does supporting any amendment or any provision of the Constitution make you a right-wing radical?

I had one of my friends today say to me, They are radicalizing the war. If you are a right-wing radical because you’re opposed to abortion and you’re passionate on that issue, then does that make you a left-wing radical if you favor abortion and are passionate on that issue? If you are a right-wing radical if you believe that our Constitution clearly says that our citizenry has the right to keep and bear arms, do you become a left-wing radical when you believe that the government should regulate and take away the right to keep and bear arms?

I mean, at what point does disagreement on issues make you a radical?

I see the gentlelady from Minnesota, Mrs. BACHMANN, has risen to speak on this issue, and I will yield her such time as she may wish to consume.

Mrs. BACHMANN. I thank you, Judge CARTER, for holding this important forum this evening.

I think, just as Mrs. FOXX said of North Carolina, we absolutely can hardly believe that we’re in this day and time when our own United States Government and our own Secretary of Homeland Security is illustrating a very different definition of words.

I think a lot of us were shocked when about a month ago the Secretary of Homeland Security, Janet Napolitano, came out and said that she would no longer call terrorists, what we know as terrorists, what the average American knows as terrorists—Osama bin Laden, people who actually committed and planned terrorist attacks on American soil and have, in fact, committed those attacks on American soil—she said for purposes, and I quote—she was in an interview with a German paper, and she was asked about the word “terrorism” and she said that she never—the questioner said, “You never mentioned the word ‘terrorism.’ Does Islamic terrorism suddenly no longer pose a threat to your country?” And the Secretary said, “Of course it does. I presume there is always a threat from terrorism. In my speech although, I did not use the word ‘terrorism.’ I referred to man-caused disasters.” And I think it’s important for the record to note she said that with a straight face. She decided not to use the word “terrorism” but “man-caused disaster.” “That is, perhaps,” the Secretary said, “only a nuance, but it demonstrates that we want to move away from the politics of fear toward a policy of being prepared for all risks that can occur.”

Now, that’s pretty interesting because the Secretary of Homeland Security was very careful to nuance her words. She didn’t want to upset other countries, she didn’t want to upset the terrorists by calling them “terrorists.” So our Secretary of Homeland Security was very, very careful that she would no longer use the word “terrorism” and that she would very carefully nuance her words.

Well, while she was making that statement, we could only presume a report was being issued, and the report that was being issued by Secretary Janet Napolitano’s Department and it’s called—we have it here. It’s available to Americans now, and we will all be linking to it on our Web sites, I am sure—Right-Wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment.

Now, this is interesting. Here we have the specter of our own Homeland Security Secretary who is very reluctant to call actual terrorists “terrorists,” so we’re all told now we have to wipe that dictionary definition clean. We have to call them manmade disasters, and we have to call acts of war “overseas contingencies.” So we’re now being told to alter and change our definition of words. While on the same hand she, under her authority, is issuing a right-wing extremism guide. This is an assessment. This was just released. I was really curious about this. It was released the day before all of the TEA parties occurred here in the United States talking about right-wing extremism.

What is very interesting is there was no reluctance to have any nuancing of any words in this report. I didn't see any, and I am sure that the judge from Texas, Judge CARTER, I don't see you saw any extremist, any willingness to have nuance of these words. As a matter of fact, as I was going through this document—and I invite every American to please go through this document—I am reading the words, “domestic right-wing terrorists.” She is presuming that those who are on the right wing who hold conservative views apparently are not only terrorists, they are domestic terrorists here in this country.

And she goes on in item after item in this document, right-wing extremists, right-wing extremists, domestic terrorists, right-wing extremists. This sounds pretty serious. It must be that Osama bin Laden's guys got through the border. They are here. That must be the domestic terrorists she is talking about. Or maybe she is talking about those violent Mexican gangs. Maybe they got over the border. Maybe those are the domestic right-wing terrorists. Or perhaps the Secretary of Homeland Security is talking about those detainees down in Gitmo that are going to be released from Gitmo and put here on American soil. Maybe that's who the Secretary of Homeland Security is talking about.

But I don't think so. And the reason I think Mrs. FOXX doesn't think so and why Mr. CARTER doesn't think so, why Mr. BRADY doesn't think so, why Mr. BURGESS doesn't think so is because of the words that the Homeland Security Secretary states in this article.

Now, it's unclassified, but it is for official use only. I don't think the Department of Homeland Security had any idea that the American people were going to have access to this document because it says quite simply this, that who they are concerned about are returning military veterans.

Now can you believe this? Every one of us, I think, are horrified when we hear this. Probably some of the most patriotic people that we know of are returning military veterans. They laid their lives down for you and for me and for this great country. No one has more love for this country than a returning military veteran. And here we have our own Department of Homeland Security calling these people potential domestic extremists, terrorists? This is unbelievable. I don't think any of us can believe it.

And I think we're at the point now where we need to have a hearing, we need to have our Director of Homeland Security in front of the Members of Congress, call her to account, ask her why on multiple occasions in this document she calls people who believe in the sanctity of life, who believe in owning firearms, who believe in serving their country in the military and com-

ing back who are very concerned about the policies that this Nation is embarking on, spending too much money, taxing too much, it's all listed right here. These are the domestic right-wing extremists. That is so frightening that we need to have the Secretary of Homeland Security before the Members of Congress and ask her, does she really believe this? Is this really her opinion?

But if it is, I think it would be imperative and incumbent upon us to ask for her resignation. It is not too soon to do that. Because to consider whole blocks of the American electorate somehow a threat to American security—because I didn't notice any nuance in this document. There was no being careful. There was no saying, you know, we need to recognize and understand that there might be a difference of opinion, that there might be diversity of public opinion on these issues. There is no nuancing about that in this document. It is like a hammer coming down on interest group after interest group that apparently the Obama administration perceives as a threat.

Mr. CARTER. If I could reclaim my time to point out to the gentlelady what we've got in this definition that I have got on this board right here. And it says, “right-wing extremism,” I like this right here where it says “those that are mainly anti-government, rejecting Federal authority in favor of State and local authority.”

Then, if I understood what the TEA parties were all about, the TEA parties were all about all of these millions of people that came out to express their right to free speech and to demonstrate and to step up and petition their government and say, “You know what? We don't like what the Federal Government is doing. We don't like the way you're taxing. We don't like the way you're spending.” Guess what? The Obama administration just classified them as right-wing extremists, terrorists.

Now, if the gentlelady needs to conclude her remarks and then—or maybe I will let Mr. BRADY take over and then we will come back to you.

KEVIN BRADY, my good friend from Texas. I will yield you as much time as you need.

Mr. BRADY of Texas. Congressman CARTER, thank you for your leadership on this issue.

Look at the board that you're standing next to. They are basically saying—our government is saying that right-wing extremists in the United States fall into two groups: those who hate others, hate-oriented groups, and those who are anti-government. So those who hate people and those who just don't think we ought to have a big government—according to our Department of Homeland Security—there is no difference. None. What kind of country are we becoming?

I, like you, was in front and participated in two of our TEA parties in

Montgomery County. Hundreds of people attended downtown Conroe, thousands in the Woodlands at Creekside Park waiting hours to get to the park. Average people. Americans. The type that built this country.

I took a good look at this crowd and didn't see an extremist in the bunch. And don't you know I was looking for it after reading all about Secretary Napolitano's memo who paints them as the new national security threat in our country.

But let me tell you what I did see. I saw Americans who are fed up with the government spending their money hand-over-fist, Americans who live within their means and pay taxes to a government that, starting this Saturday, will run out of money for the entire year. We just paid our taxes on the 15th. The government is already out of money, living on a credit card. They are asking why. What is extremist about that?

I saw Americans who want secure borders, Americans who welcome immigrants who are seeking a better life. They are just asking that they come in through the front door of legal immigration rather than the back door of illegal immigration, just like generations of Americans before them.

I saw veterans, veterans from World War II, Korea, Vietnam, veterans home from Iraq and Afghanistan. They didn't look extreme or maladjusted or dangerous. They looked concerned for a country they put their lives on the line for. As Mrs. BACHMANN said, they put their lives on the line. And now this country is at a crossroads, and these veterans who are willing to fight for it overseas, they are also willing to fight for their country here at home by speaking out. And my brother, who I am so proud of, a master sergeant in the Army, served in Iraq, has been deployed overseas as well, he's not extremist. He's my hero.

□ 1930

And I would say that goes for every family that has someone who served in our wars; they are not the threat to America, man, they are the solution for America.

I think Americans are waking up all across this country—we saw this this past week—they want to know if Congress, they want to know if Washington hears them. And it seems to me that not only do they not believe they are extreme, they believe the Constitution gives them the right to disagree, respectfully and forcefully, with their government, that the Constitution actually allows them to question these decisions, to question reports like you, Congressman CARTER, have brought to light, rightfully so. They want and are speaking out for lower taxes. They are speaking out for families. They are speaking out for the unborn. They want all the rights afforded them in

the Constitution under the Bill of Rights, including the right to keep and bear arms, and they simply ask that it be protected.

In case anyone hasn't noticed, there are a lot of people in America who think that solutions to our country come from individuals, families, neighborhoods, local communities, even States. And they don't get anointed from Washington and then passed on to—Washington doesn't know best. And just because people believe in those rights, they shouldn't be labeled as extremists.

The Secretary's comments were offensive. She apologized to veterans, sort of.

Mr. CARTER. Not really.

Mr. BRADY of Texas. Not much, not much at all. And she absolutely ignored everyone else. And it seems to me that she should recant this report forcibly. She should apologize to everyone who was offended. As you said, 80 percent of Americans are now a national security threat. She should apologize to them. She should commit to the American people that she will not confuse the patriots within our country who want to build it up with extremists outside who want to tear it down. There is a huge difference. And if our government doesn't know, I really am frightened. Some pundit said, you know, maybe the snake is out of the box. Maybe this really is the attitude of our government about those who simply disagree with it. If it is, then the TEA parties will only continue to grow to be more valuable, to be critical to where we go.

I appreciate Congresswoman BACHMANN, Congressman BURGESS—you, especially, Congressman CARTER—for bringing this issue to us tonight so the American public can see that we are as outraged and angry at this report as they are, and we intend to hold those accountable who drafted and support it.

With that, I would yield back.

Mr. CARTER. I thank the gentleman from Texas, and my good friend, very much for his comments. As you were saying that, you know, I had to think, if you are first classifying people who disagree with you as terrorists, or dangerous, then the next step is dealing with those people. The next step may be, we'll read headlines like this, "Venezuelan Government arrests Chavez opponent." "Equatorial Guinea: Arrest and torture of political opponents." "Zimbabwe arrests opposition leaders." "Britain tells Pakistan Government don't arrest political opponents." "Obama administration issues warning over right-wing extremists." What is the next headline going to say? I am not trying to be a scare factor, but when you start classifying ordinary Americans who disagree with you as an extremist, we have to be concerned.

I am not going to change my position on State's rights and the right of our

States under our Constitution. I am not going to change my position on abortion. I am not going to change my position on the right to keep and bear arms. And if I have to go to prison for it, I am going to do it because that is what our Founding Fathers would have done. And that is where we have got to be.

I yield back to Mrs. BACHMANN.

Mrs. BACHMANN. I thank the gentleman from Texas, and I also thank Mr. BRADY for his remarkable words as well.

I think, in answer to where do we go from here? We need look no further than the statements that were made by then candidate Obama during the election when he said this—this is a statement of President Obama during last year's election campaign that got remarkably little attention in the media, but he suggested the creation of a Federal police force comparable to the size of the military. And he made that statement, I believe, in Colorado Springs, Colorado. And so the question that we need to ask is, why would you need such an organization? There is no constituency calling for a Federal police force, there is no one out there doing it. But yet, Barack Obama made the suggestion himself that we needed to create and fund a domestic army that would be a Federal police force. Why would we need a Federal police force the size of the U.S. military? For what purpose? Would it be for this purpose?

It is intriguing to me, we have a report now that says—as Mr. BRADY said and as Judge CARTER said—80 percent of the American people would be classified as "right-wing extremists" under this report. Couple that with a statement made by President Obama during the campaign that we need to have a Federal police force the size of the military. Add it up. No wonder people right now who are gun owners, who cherish their second amendment rights, are purchasing weapons and are purchasing ammunition. They see the handwriting on the wall. They know the Obama administration is looking at weapon bans and is looking at pulling back on gun ownership and registration of firearms, and they are rightly concerned about that. So what? They are purchasing firearms lawfully. They are purchasing ammunition lawfully. And yet this document would categorize these law-abiding citizens, which our Founders—as Judge CARTER correctly stated, are exercising their second amendment right to own and bear arms. They are doing that, and now our government is calling them right-wing extremists?

We need to be on this floor tonight. We need to be outraged. And furthermore, we need answers, as Mr. BRADY said, from the Secretary of Homeland Security, Janet Napolitano. What did she really mean? Does she agree with

this report? Does she recant this report? If not, she should resign.

Mr. CARTER. Reclaiming my time, I am going to yield just briefly to Mr. BRADY.

Mr. BRADY of Texas. Congressman CARTER, again, I appreciate your leadership on this issue, but it begs the question of the discussion tonight; in America, we don't tolerate racial profiling, so why are we tolerating values profiling? Why are we allowing this government to profile people based on those who believe in smaller, limited government, who believe in pro-family issues, who believe in their constitutional right, the second amendment, or who just believe they ought to be able to disagree with their government? Why is our government profiling those with values at a time when we ought to be encouraging all Americans to raise their values, to speak out, to be engaged? It seems to me we have got the gun pointed at ourselves when we really ought to be, again, protecting this country against the real terrorists who threaten our way of life, not those inside who are trying to preserve it.

I just want to thank you and our other speakers tonight for their very insightful remarks on this issue.

Mr. CARTER. Reclaiming my time for a moment, the other thing that is very offensive to me—and I think it should be very offensive to every American—is that this report, when you read it—and we haven't even touched it, but I am going to tell you I am going to touch it right now—almost every paragraph begins, "Due to the election of an African American President." They are lumping everyone who disagrees politically with them, they are lumping them all into a racist category. And that is offensive to me. That should be offensive to every single free American that breathes a breath on this soil because disagreeing with your government does not make you a racist against electing an African American. With all that we have done and this great victory of an African American President that everybody recognizes as a turning point in the history of America, and then to say, but anyone that disagrees with anything he says or anything he does or anything anybody under his auspices does is a racist and a domestic terrorist?

I agree with the gentlelady from Minnesota; it is time to talk seriously about who is in charge of the new Obama department that we have got that is supposed to be protecting our Nation, Homeland Security.

I have my very good friend and colleague, one of my classmates, and a very intelligent gentleman, Mr. BURGESS from Texas, who has been my buddy since we got here, and I am glad to yield the time he needs.

Mr. BURGESS. I thank the gentleman for yielding.

You know, home on the 2-week recess that we just had, you are so busy—recess is a misnomer, you are so busy going from one place to another that oftentimes you don't even have an opportunity to keep up with the current events of the day. And I did what I was doing so often as I drive through my rather long and narrow district, I was listening to talk radio, a subversive station there in the Dallas/Fort Worth market, and they started talking about this report that had just come out from the Secretary. Well, I was so upset about what I was hearing on the radio that I got on my phone and I called the staff up here in the Washington office and I said, we need to get a letter to the Department of Homeland Security, to the Secretary right away. So I am going to read to you a few excerpts from the letter that I wrote last week to the Secretary of the Department of Homeland Security. And Judge, it actually goes back to something that you were saying.

Within the letter, the report states that “the economic downturn and the election of the first African American President present unique drivers for right-wing radicalization and recruitment.” The report goes on to connect associations with right-leaning ideology with the Oklahoma City bombing, the murder of law enforcement officials, bank robbery, attacks on infrastructure, racism, and bigotry in general. This report claims that, “high unemployment leads to alienation, increasing an individual's susceptibility to extremist ideas.”

This report appears to claim that high unemployment amongst Caucasians, Christians, second amendment supporters and Armed Forces veterans has a causal relationship with radicalism and violence against the State. I call into question this underlying assumption and baseless claim. The implication that veterans returning home from serving our country are at risk of becoming domestic terrorists or assassins is sensational at best, but dishonorable and disrespectful of their service.

Profiling based on race, ethnicity, religious beliefs, or life experiences is always wrong. I believe the Department of Homeland Security owes an apology to the Americans that are offended by this report, especially to the men and women of our Armed Forces. Furthermore, the Department should rescind this report so that those local, State and Federal law enforcement officials who received it are not compelled to profile individuals as terrorists simply because they associate themselves with conservative organizations. I ask that you enact these recommendations on behalf of the constituents of the 26th District of Texas.

And just briefly, I want to read some lines from a stack of mail that I got from my constituents back home.

Some of them are pretty outspoken. A resident from Flower Mound, Texas put it pretty simply; “Fire Napolitano immediately. The United States is not a police state.” Another resident wrote, “The only acceptable response is to fire Secretary Napolitano immediately. No apology should be accepted. Even her resignation should not be allowed. All Americans should demand that the Secretary be fired without delay.”

Another resident from Mound, “Dear Congressman Burgess: Americans are repulsed by the leaked DHS Anti-Terrorism Security Assessment Summary that clearly targets mainstream Americans as dangerous extremists.”

A resident from Keller, Texas, “The report issued yesterday by the Department of Homeland Security was reprehensible and insulting to tens and millions of Americans. The statement issued today by Secretary Napolitano standing behind the report is absolutely inexcusable. Secretary Napolitano should resign.”

A resident from Hurst, quoting from the body of the letter, “I ask you to speak out against this kind of rhetoric, Congressman, and to call for the immediate resignation of the Secretary of the Department of Homeland Security, Janet Napolitano.”

Another resident writing from Hurst said, “In fact, I am considering calling the Department of Homeland Security and giving them my name and address so they can keep an eye on me and my radical ideas, like a smaller Federal Government, more control back to the States. Maybe we should start a list for them.”

A resident from Corinth, Texas stated, quite simply, “Fire Janet Napolitano immediately. I viewed her so-called apology on Fox and Friends in the morning on Thursday; that was no apology as she stands by the report.”

Another one writing in said, “I have spent over 20 years of my life serving my country as an officer in the United States Navy fighting to protect the Constitution and America from the very likes of this. I joined during the Cold War, and I know firsthand how Communists act and what they do to political dissenters. Now to have this said of me and my family, my children, my friends, my neighbors, my church, and everyone else I know by my own government makes me”—I'll use a colloquial term here, I'll just say “sick to my stomach.”

□ 1945

I demand Janet Napolitano's immediate firing. She has demonstrated she is unfit for service in any capacity in the U.S. governments. Another resident of Flower Mound, “This is disgusting. Of all the departments and agencies in our government which should be apolitical, Homeland Security is one of the most, if not the most critical, to remain apolitical. They are

tasked with defending all Americans. I implore you to call for a congressional investigation immediately. I urge you to call immediately for the resignation of Secretary Napolitano. If she is so concerned with advancing a political agenda, let her go work for ACORN, whoever they are.”

A resident from Pilot Point, “Warmest regards from Pilot Point. We are former U.S. Army officers. One of us is a West Point graduate. We are both veterans of Desert Storm. Both of our fathers and my grandfather are veterans. My father was a career Army officer and my uncle a Navy fighter pilot. My little brother, a U.S. Army officer, has served tours in Afghanistan and just returned from a tour in Iraq last month.

“Forgive my tedious intro, but in the spirit of full disclosure, I thought you should know that we are biased. We bleed red, white and blue. I cannot find the words to share with you, how repugnant we find the justification of discriminatory governmental directives and a complete lack of rational government demonstrated by the DHS Secretary.

“Someone can be given knowledge, but unless they truly accept and internalize the error of their actions they cannot be taught good judgment. She must be held accountable with a full investigation. Short of that, please demand her resignation.

“There is no apology that will change the discriminatory character that she demonstrates and apparently supports. Please make an outspoken stand on principle. I feel we cannot change her character.”

Well, to the two Army officers from Pilot Point, consider it done.

Resident from Lantana, “Why have Republicans not been screaming for Janet Napolitano's firing? My employees would be fired in this situation.”

It goes on to say “I love you, and I went to the Denton TEA party.”

A resident from North Richland Hills, “Returning veterans are being subjected to unjust scrutiny by the DHS Secretary.”

A resident from Denton, “Her pronouncements are an insult to every American and probably 95 percent of hardworking citizens. To hear such word from a high-ranking Federal employee, language that denigrates those who defend our country and every patriotic American makes me one that Napolitano, I suppose, would consider a threat even though I have always thought that nothing in my personal life and belief system would so delegate me.”

Well, I have a few more, but in the interest of time, I am going to stop there. Those are some of the most poignant that were submitted to the office.

Certainly this is something that has gotten people's attention and appropriately so. I think, Judge, you are

doing the correct thing by having this special hour tonight, giving many of us a chance to come down to the floor and talk about this.

I can't say it any better than my constituents have said it, an investigation, to be sure, a replacement of the Secretary, I think, is certainly in order, and I do have to question the sincerity of an administration that would not undertake these measures after the types of very, very painful words that have been included in that report, and how it has affected those that we have depended upon to fight for us and maintain our freedom.

APRIL 16, 2009.

Hon. JANET NAPOLITANO,
Secretary, U.S. Department of Homeland Security,
Federal Office Building, Washington,
DC.

DEAR SECRETARY NAPOLITANO: I am writing to express my concerns regarding a recent Department of Homeland Security (DHS) report entitled, "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment." This report claims to provide law enforcement officials with the tools to help them deter, prevent, preempt, correspond to terrorist attacks against the United States. I understand the purpose of shared intelligence, however, I am concerned that by broadly characterizing those who support a conservative ideology with terrorism the DHS may have mischaracterized and offended several million Americans and placed them at risk of profiling by law enforcement officials.

This report states, "The Economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment." The report goes on to connect associations with right-leaning ideology with the Oklahoma City bombing, the murder of law enforcement officials, bank robbery, attacks on infrastructure, and racism and bigotry in general.

This report claims that "high unemployment leads to alienation, increasing an individual's susceptibility to extremist ideas." This report appears to claim that high unemployment among Caucasians, Christians, Second Amendment supporters, and Armed Forces Veterans has a causal relationship with radicalism and violence against the state. I call into question this underlying assumption and baseless claim. The implication that veterans returning home from serving our country are at risk of becoming domestic terrorists or assassins is sensational at best and is dishonorable and disrespectful to their service.

Profiling based on race, ethnicity, religious beliefs, or life experiences is always wrong. I believe the Department of Homeland Security owes an apology to the Americans that are offended by this report, especially the men and women of our Armed Forces. Furthermore, the Department should rescind this report so those local, state, and federal law enforcement officials who received it are not compelled to profile individuals as terrorists simply because they associate themselves with conservative organizations.

I urge you to enact these recommendations on behalf of the constituents of the 26th District of Texas.

Sincerely,

MICHAEL C. BURGESS, M.D.

Mr. CARTER. I thank my good friend for his comments. Let me read something just for a moment from this report, let me read something. As we recall, we have had a lot of discussion on this floor by our friends on the other side of the aisle, the Democrats, about some of the things that they are concerned about in manufacturing.

Let me read you another definition of right-wing extremists. "Right-wing extremist views bemoan the decline of the U.S. stature and have recently focused on themes such as U.S. manufacturing capability going to China and India. Russian control of interview resources and the use of these to pressure other countries, and China's investment in the United States real estate and corporations, are part of the subversive strategy."

Wait a minute, we have been arguing on the floor of this House with Democrats bemoaning China taking jobs away from the manufacturing industry. Good Lord, they are domestic terrorists. Good Lord, you know, I am pretty dad gum mad about this, and I agree with my colleagues.

Mr. President, fire that woman. Ms. Napolitano, this is inexcusable to go on television and say, your apology would be, "I am sorry you were offended by this report."

That's no apology. That's saying I am sorry, you have got a chance to read it, and know what our plans were for you in the future.

Mr. President, respectfully, this woman deserves firing. I think it's time we act.

I yield to my friend from Minnesota.

Mrs. BACHMANN. Again, I agree with Judge CARTER of I think he is exactly right. I think the question we need to ask now is what's next, political show trials? That's the concern.

When you have disagreement of political opinion, and then you set up the grounds for punishment for disagreement with political opinion, then the government creates what's called political show trials. In other words, kangaroo courts where people are put on trial for their political beliefs.

So what's next? Is it political show trials? Well, shazam, wouldn't you know it, just this week President Obama, together with MoveOn.org, MoveOn.org running television adds by the way, this week calling for political show trials of those in the Bush administration that worked so hard to keep the American people free from terrorist acts, real terrorist acts, like trying to blow Americans up on American soil.

The problem is the Homeland Security Secretary has now redefined real terrorists as foreign victims with Miranda rights and access to American courts with lawyers paid for by the American taxpayer, while at the same time the Homeland Security S has redefined pro-life gun-owning veterans

who like smaller government and who believe America should secure our borders against invasion from illegal aliens as domestic right-wing extremists, as you have in the report upon the stand.

Homeland Security, I think we should also note, has the Transportation Security Administration. Any of our constituents that go to the airport, they see people that have TSA on their shirts.

You can't get on a plane in the United States, a commercial aircraft, without going through security. What's going to happen now? Will the Federal Government start IDing returning veterans, start IDing gun owners, start IDing pro-lifers and then pull us out of line for special searches at the airports before we are allowed to get on a plane because we could be considered a domestic right-wing terrorist while we would see Osama bin Laden and his friends skate by because they are not, because maybe they would be involved in a manmade disaster. But those who are pro-life gun owners, returning veterans on the other side, they are the real threat?

This is an upside down Alice in Wonderland world. I can see why the American people are so upset right now. They are so upset. They look at what's happening. They shake their head. They say, is this America? Is this what we are used to? We are normal God-fearing people who love this country, and now we are the threat while Osama bin Laden and the people who seek to really bring us harm are let off scot free. And we are going to call them manmade disaster, we have got to be nuanced and so careful so we don't hurt their feelings?

Has this Homeland Security Secretary gone absolutely stark raving mad? She needs to come before Congress. She needs to answer a few questions.

I don't think Mr. BURGESS is the only one with constituents that want to know. I think all of us have constituents that want to get some answers to these questions.

Mr. CARTER. You know, I am just reading some more of our report, it just continues to be more and more offensive.

The category where this provision comes from, talking about right-wing extremists being our returning veterans, some examples given, after Operation Desert Shield/Storm 1990-1991, some returning military veterans, including Timothy McVeigh, joined and associated with right-wing extremist groups.

Yes, maybe Timothy McVeigh did, but the veterans that MIKE BURGESS just read about, they didn't. Okay? They served their Nation, and they have left the military service and have been good citizens of his congressional district, and yet they lumped them with Timothy McVeigh.

Another one says, a prominent civil rights organization report, without telling us who they are, "that large numbers of potentially violent neo-Nazi skinheads and other white supremacists are now learning the art of warfare in the United States Armed Forces."

That is so insulting, it's beyond belief, it's beyond belief. It is condemning every bit of our Armed Forces.

So basically they are there. We are not sure who they are. Watch them all. Watch them all. They have got a uniform on. If it says Iraq or Afghanistan or has that American flag, keep an eye on those guys. They might shave their head when they get home and be a skin head. What kind of paranoia is this? It's just beyond belief that there is this kind of thought processes beginning this term of an American President, someone he put in this position.

Mrs. BACHMANN. Less than 100 days, within 90 days.

Mr. CARTER. That's exactly right. This is his responsibility. He chose to be our leader, he needs to lead on this issue.

It is absolutely inexcusable to let a head of a major department, whose purpose is to protect the innocent of this country, to accuse possibly 80 percent of Americans of being right-wing extremists.

Mrs. BACHMANN. Judge CARTER, you are exactly right, because what you are doing is you are calling into question the judgment of President Obama by selecting this Secretary of Homeland Security to come out with a report. Insulting 80 percent of the American people within 90 days of assuming office? You are exactly right.

On page 4 of this report, "It says prominent antigovernment conspiracy theorists have incorporated aspects of an impending economic collapse." Aren't we all worried about that? Economic collapse to intensify fear and paranoia.

But then it goes on to say this. This is for people of faith. This is where people of faith need to perk up their ears because the report actually says this.

It says, End Times prophesies could motivate extremist individuals and groups that stockpile food, ammunition and weapons. These teachings have also been linked with a radicalization of domestic extremist individuals and groups in the past, such as violent Christian identity organizations."

I find this offensive.

Mr. CARTER. I do too.

Mrs. BACHMANN. The percentage of people who believe in this Book of Revelations, End Times prophecy, the Book of Daniel, the Book of Ezekiel, the Book of Isaiah, the people who believe in the teachings of Christ that talk about end-time prophecy? These are people that our government should be watching out for?

This administration needs to be ashamed of this. This is a piece of religious bigotry. That's what this is. This is religious bigotry.

As a matter of fact, we were told we were going to deal with hate crime laws this week. I think this document is an example of hate crimes on the part of the Federal Government labeling its own citizens, practically calling American citizens criminals to be tracked down by an American government.

And we have to keep in mind the statement that President Obama said on the campaign trail that he believed that a Federal police force should be created, just the same size of the U.S. military, unbelievable, and the media didn't pick up on it. The American people need to know.

Mr. CARTER. What was the exact term that you said that he was calling those that are outside the country, rather than terrorists? Now Ms. Napolitano calls them something nebulous.

Mrs. BACHMANN. Yes. What she said in her interview exactly, "I did not use the word 'terrorism,' I referred to man-caused disasters. That's perhaps only a nuance, but it demonstrates that we want to move away from the politics of fear," from the politics of fear.

Mr. CARTER. So a person who believes in an interpretation of the Book of Revelations in the Bible is, by her definition, labeled as a terrorist.

But a man who, live on television, on videotape, cuts another man's head off on television in the name of another religion is a what?

Mrs. BACHMANN. That's right, a man-caused disaster.

Mr. CARTER. Man-caused disaster.

Mrs. BACHMANN. That's skewed thinking. We had a man who beheaded his wife in upstate New York. Not a word was said about that. The media didn't cover it, I didn't see anything here about religious groups where maybe something like that would happen, it's unbelievable the accusations that are made in this document.

Mr. CARTER. Before we finish here, because we are about to run out of time, I want to say something else. When we are talking about immigration, we are not talking about people who come to this country legally.

Mrs. BACHMANN. That's exactly right.

Mr. CARTER. We are not talking about people who came here illegally and meet their obligation to the country, get in line and become good American citizens.

Mrs. BACHMANN. That's exactly right.

Mr. CARTER. We are talking about people who break this law in this country. We all, every one of us support immigration, good legal immigration in this country, because that's who we are. Every one of us, unless we are an

American, a Native American is an illegal immigrant.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. HOYER) for today and the balance of the week on account of death in family.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

Mr. DANIEL E. LUNGREN of California (at the request of Mr. BOEHNER) for April 21 after 6 p.m. and today on account of illness.

Mr. BACHUS (at the request of Mr. BOEHNER) for April 21 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. BOYD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. BOCCIERI, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mrs. SCHMIDT) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, April 29.

Mr. JONES, for 5 minutes, April 29.

Mr. REICHERT, for 5 minutes, today.

Mr. CARTER, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today, April 23, 27, 28 and 29.

Mr. HUNTER, for 5 minutes, April 23.

Mr. ROE of Tennessee, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), the House adjourned until tomorrow, Thursday, April 23, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1291. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final

rule — Swine Health Protection; Feeding of Processed Product to Swine [Docket No.: APHIS-2008-0120] (RIN: 0579-AC91) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1292. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the use of Aviation Continuation Pay (ACP) during Fiscal Year 2008, pursuant to 37 U.S.C. 301(b); to the Committee on Armed Services.

1293. A letter from the Assistant Secretary for Global Security Affairs, Department of Defense, transmitting the Department's report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

1294. A letter from the Acting Assistant Secretary of the Army for Acquisition, Logistics, and Technology, Department of the Army, transmitting the Department's report on the implementation of the Product Improvement Pilot Program (PIPP), pursuant to Public Law 110-181, section 330; to the Committee on Armed Services.

1295. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1296. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1297. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on a transaction involving a credit facility that will support U.S. exports to various countries pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1298. A letter from the Acting Chairman, National Foundation on the Arts and the Humanities, transmitting the Federal Council on the Arts and the Humanities' thirty-third annual report on the Arts and Artifacts Indemnity Program for fiscal year 2008; to the Committee on Education and Labor.

1299. A letter from the Regulation Coordinator, HHS-ODRM, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Flexibility for Medicaid Benefit Packages [CMS-2232-F2] (RIN: 0938-AP72) received April 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1300. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Commonwealth Virginia: Discontinuance of Certain Commission Regulatory Authority Within the State; Notice of Agreement Between the NRC and the Commonwealth of Virginia; Notice of Waiver Termination [NRC-2008-0607] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1301. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2008 through January 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1302. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Responses to Specific Questions Regarding the Department of Employment Service's 2008 Summer Youth Employment Program," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1303. A letter from the Acting Deputy Assistant Administrator Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's Year 2008 A-76 Inventory of Commercial Activities for Fiscal Year 2007, pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

1304. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Annual Performance Report for Fiscal Year 2008; to the Committee on Oversight and Government Reform.

1305. A letter from the Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury, transmitting the Department's report for fiscal year 2008 on the Acquisition of Articles, Materials, and Supplies Manufactured Outside the United States, pursuant to Public Law 110-28, section 8306; to the Committee on Oversight and Government Reform.

1306. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2009 Annual Performance Plan, pursuant to the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

1307. A letter from the Chairman, Federal Election Commission, transmitting draft legislation on the electronic filing of Senate reports; to the Committee on House Administration.

1308. A letter from the Chairman, Federal Election Commission, transmitting draft legislation on fraudulent misrepresentation of campaign authority; to the Committee on House Administration.

1309. A letter from the Chairman, Federal Election Commission, transmitting draft legislation on the conversion of campaign funds; to the Committee on House Administration.

1310. A letter from the Chairman, Federal Election Commission, transmitting draft legislation on senior executive service; to the Committee on House Administration.

1311. A letter from the Acting Director, Department of the Interior, transmitting the Department's report entitled, "Mineral Commodity Summaries 2009"; to the Committee on Natural Resources.

1312. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [Docket No.: 0910091344-9056-02 and 0810141351-9087-02] (RIN: 0648-XN73) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1313. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No.: 0812311655-81657-01] (RIN: 0648-AX44) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1314. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Scup and Black Sea Bass Specifications; Correction [Docket No.: 090311306-9309-01] (RIN: 0648-XN88) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1315. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XL91) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1316. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO11) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1317. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-1327; Directorate Identifier 2008-NM-161-AD; Amendment 39-15859; AD 2009-06-22] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1318. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No.: FAA-2008-0898; Directorate Identifier 2007-NM-200-AD; Amendment 39-15856; AD 2009-06-19] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1319. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2008-0224; Directorate Identifier 2007-NE-44-AD; Amendment 39-15860; AD 2009-07-01] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1320. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "24th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2007," pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

1321. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes and Model A300-600 Series Airplanes [Docket No.: FAA-2008-0018; Directorate Identifier 2007-NM-145-AD; Amendment 39-15842; AD 2009-06-06] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

1322. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2008-1216; Directorate Identifier 2008-NM-111-AD; Amendment 39-15841; AD 2009-06-05] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1323. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes [Docket No.: FAA-2008-0668; Directorate Identifier 2008-NM-088-AD; Amendment 39-15847; AD 2009-06-11] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1324. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No.: FAA-2009-0224; Directorate Identifier 2007-NM-302-AD; Amendment 39-15852; AD 2009-06-15] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1325. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-100 and 727-200 Series Airplanes [Docket No.: FAA-2008-1103; Directorate Identifier 2008-NM-048-AD; Amendment 39-15846; AD 2009-06-10] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1326. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No.: FAA-2006-25390; Directorate Identifier 2005-NM-224-AD; Amendment 39-15844; AD 2009-06-08] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1327. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 Airplanes [Docket No.: FAA-2008-1043; Directorate Identifier 2008-NM-036-AD; Amendment 39-15845; AD 2009-06-09] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1328. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-1072; Directorate Identifier 2008-NM-109-AD; Amendment 39-15838; AD 2009-06-02] (RIN: 2120-AA64) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1329. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Implementation of the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 [Docket No.: DEA-

332I] (RIN: 1117-AB20) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 352. Resolution providing for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes (Rept. 111-82). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. LIPINSKI, Mr. EHLERS, Mr. WU, Mrs. BIGGERT, and Mr. LUJAN):

H.R. 2020. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Science and Technology.

By Mr. BOEHNER (for himself, Mr. CAMP, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. TIBERI, Mr. ROYCE, Mr. SAM JOHNSON of Texas, Mrs. BACHMANN, Mr. PAULSEN, Mr. HELLER, Mr. JENKINS, Mr. LATTI, Mr. GUTHRIE, Mr. DREIER, Mr. SESSIONS, Mr. BLUNT, Mr. LEE of New York, Mr. HERGER, Mr. BURTON of Indiana, Mr. MCCARTHY of California, Mr. CARTER, and Mr. PENCE):

H.R. 2021. A bill to help rebuild retirement, college, and personal savings; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA (for himself, Mr. MACK, Mr. KANJORSKI, Ms. KILPATRICK of Michigan, Mr. HOLDEN, Mr. WESTMORELAND, and Mrs. BONO MACK):

H.R. 2022. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 26, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 2023. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. DAVIS of Kentucky, Mr. DEFazio, Mr. LEVIN, Mr. SHULER, Mr. DREIER, Mr. GONZALEZ, Mr. JONES, Mrs. MYRICK, Mr. PETERS, Mr. ROGERS of Michigan, and Mr. WATT):

H.R. 2024. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Ways and Means.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 2025. A bill to ensure public access to Federal land and to the airspace over Federal land; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mrs. BACHMANN, Mr. SESSIONS, Mr. BARTLETT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. JORDAN of Ohio, Mr. LATTI, Mr. MARCHANT, and Mr. CONAWAY):

H.R. 2026. A bill to amend the Workforce Investment Act of 1998 to make non-union training programs eligible for Federal funding under the "Green Jobs" program; to the Committee on Education and Labor.

By Mr. CHAFFETZ:

H.R. 2027. A bill to amend title 49, United States Code, to establish limitations on the use of whole-body imaging technology for aircraft passenger screening, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Ms. GIFFORDS, Mr. BRADY of Texas, Mr. MOORE of Kansas, Mr. RYAN of Wisconsin, and Mr. MITCHELL):

H.R. 2028. A bill to amend the Social Security Act to prevent unauthorized earnings from being credited toward benefits under title II of such Act and to make improvements in provisions governing totalization agreements, to amend the Social Security Act and the Immigration and Nationality Act to prevent unauthorized employment, and to improve coordination of the provisions of such Acts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE:

H.R. 2029. A bill to authorize the Marine Mammal Commission to establish a national research program to fund basic and applied research on marine mammals, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. PAYNE, Mr. ROHRBACHER, Mr. JACKSON of Illinois, Mr. BOOZMAN, Mr. GEORGE MILLER of California, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. WELCH, and Mr. WAMP):

H.R. 2030. A bill to provide 100,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Affairs.

By Mr. BOREN (for himself, Mr. RYAN of Wisconsin, Mr. MILLER of Florida, and Mr. ROSS):

H.R. 2031. A bill to amend Public Law 106-206 to direct the Secretary of the Interior

and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 2032. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. FLEMING, Mr. MELANCON, and Mr. SCALISE):

H.R. 2033. A bill to apply an alternative payment amount under the Medicare Program for certain graduate medical education programs established to train residents displaced by natural disasters; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. MEEKS of New York, and Mr. HODES):

H.R. 2034. A bill to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee (for himself, Mr. SMITH of New Jersey, Ms. BORDALLO, Ms. KAPTUR, Mr. SOUDER, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. LIPINSKI, Mr. GORDON of Tennessee, Mr. SHULER, Mr. MOLLOHAN, Mr. DONNELLY of Indiana, Mr. MELANCON, Mr. BERRY, Mrs. DAHL-KEMPER, Mr. OBERSTAR, Mr. HOLDEN, Mr. CARTER, Mr. COSTELLO, Mr. PETERSON, Mrs. BLACKBURN, Mr. MCINTYRE, Mr. TAYLOR, Mr. ORTIZ, Mr. PLATTS, Mr. CAO, and Mr. DAVIS of Alabama):

H.R. 2035. A bill to provide for programs that reduce abortions, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. MATHESON):

H.R. 2036. A bill to amend the Elementary and Secondary Education Act of 1965 to expand grant programs for gifted and talented students; to the Committee on Education and Labor.

By Ms. HERSETH SANDLIN (for herself and Mr. FORTENBERRY):

H.R. 2037. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the reduction of renewable energy credit for certain authority under the Farm Security and Rural Investment Act of 2002; to the Committee on Ways and Means.

By Mr. HODES (for himself, Ms. GIFFORDS, and Mr. PERRIELLO):

H.R. 2038. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an au-

thorized committee of a candidate who is a Member of Congress from accepting contributions from any entity for which the candidate sought a Congressional earmark; to the Committee on House Administration.

By Ms. KAPTUR (for herself and Mr. HARE):

H.R. 2039. A bill to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 2040. A bill to authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property of the Samish Indian Nation into trust, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 2041. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 2042. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2043. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2044. A bill to reduce childhood obesity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. HIRONO, and Ms. CLARKE):

H.R. 2045. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid for household and dependent care services necessary for gainful employment and to increase, and make refundable, the credit for such expenses; to the Committee on Ways and Means.

By Mr. MARKEY of Massachusetts (for himself and Mr. MORAN of Virginia):

H.R. 2046. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCCAUL (for himself, Mr. CUELLAR, Mr. OLSON, Mr. BILBRAY, and Mr. MARCHANT):

H.R. 2047. A bill to authorize appropriations for Operation Stonegarden of the Department of Homeland Security; to the Committee on Homeland Security.

By Mr. MCCAUL (for himself, Mr. POE of Texas, Mr. OLSON, Mr. BILBRAY, and Mr. MARCHANT):

H.R. 2048. A bill to authorize appropriations for the Office of Detention and Re-

moval of United States Immigration and Customs Enforcement; to the Committee on the Judiciary.

By Mr. MEEK of Florida (for himself and Mr. HERGER):

H.R. 2049. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 2050. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida:

H.R. 2051. A bill to amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H.R. 2052. A bill to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado; to the Committee on Education and Labor.

By Mr. REYES (for himself, Ms. JACKSON-LEE of Texas, Mr. EDWARDS of Texas, Mr. RODRIGUEZ, Mr. DOGGETT, Mr. HINOJOSA, Mr. ORTIZ, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. CUELLAR, Mr. SMITH of Texas, Mr. HALL of Texas, and Mr. LOBIONDO):

H.R. 2053. A bill to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. SARBANES (for himself, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. STARK, Mr. HARE, Mr. HINCHEY, Mr. LOBIONDO, Mr. TIERNEY, Ms. LEE of California, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. BORDALLO, Mr. OLVER, Mr. HOLT, Mr. KIND, Ms. HIRONO, Mr. VAN HOLLEN, Mr. POLIS of Colorado, Mr. SESTAK, Mr. CONNOLLY of Virginia, Mr. WU, Ms. CASTOR of Florida, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. HINOJOSA, Mr. FILNER, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. HONDA, Mr. YARMUTH, Mr. SERRANO, Mr. MORAN of Virginia, Ms. MATSUI, Mr. ELLISON, Ms. CLARKE, Mr. SIRE, Mr. CUMMINGS, Mr. BERMAN, Mr. MICHAUD, Ms. DEGETTE, Mr. MCGOVERN, Mr. COURTNEY, Mr. EHLERS, and Mr. PERLMUTTER):

H.R. 2054. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMPSON of California (for himself, Mr. DICKS, Mr. SIMPSON, Mr. GEORGE MILLER of California, Mrs. CAPPS, Mr. INSLEE, Mr. BLUMENAUER, and Mrs. TAUSCHER):

H.R. 2055. A bill to establish a Salmon Stronghold Partnership program to protect wild Pacific salmon, and for other purposes; to the Committee on Natural Resources.

By Mr. TIERNEY (for himself and Mr. PLATTS):

H.R. 2056. A bill to reform the financing of House elections, and for other purposes; to

the Committee on House Administration, and in addition to the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. GEORGE MILLER of California, and Ms. ESHOO):

H.R. 2057. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUCHANAN:

H.J. Res. 43. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. POE of Texas, Ms. WASSERMAN SCHULTZ, Ms. LORETTA SANCHEZ of California, Mr. MCGOVERN, Ms. BORDALLO, Ms. EDWARDS of Maryland, Mr. COSTA, Ms. HERSETH SANDLIN, Mr. KENNEDY, Mr. CUMMINGS, Mr. KIND, Mr. SESTAK, and Ms. MCCOLLUM):

H. Con. Res. 104. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Mr. MINNICK:

H. Res. 351. A resolution expressing the sense of the House of Representatives that a Federal statute requiring firearm registration would unduly burden the Second Amendment right of the people to keep and bear arms; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Ms. NORTON, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. SCHIFF, Mr. SABLON, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. PIERLUISI, Ms. BORDALLO, Mr. HINCHAY, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. REYES, Mr. COURTNEY, Mr. HASTINGS of Florida, Mr. SESTAK, Mr. MORAN of Virginia, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Mr. CAPUANO, Ms. KAPTUR, Mr. VAN HOLLEN, Mr. MINNICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, and Mr. BOCCHERI):

H. Res. 353. A resolution supporting the goals and ideals of Global Youth Service Days; to the Committee on Education and Labor.

By Mrs. LOWEY:

H. Res. 354. A resolution recognizing that the climate system of the Earth is warming and that most of the increase in global average temperatures is very likely due to the observed increase in human greenhouse gas emissions; to the Committee on Energy and Commerce.

By Mr. MCCOTTER:

H. Res. 355. A resolution recognizing May 17-23, 2009, as National Dog Bite Prevention Week, and calling upon all municipalities to work with the American Veterinary Medical Association, the United States Postal Service, and the American Academy of Pediatrics to adopt and implement effective dog bite injury prevention programs to protect Postal Service employees, including laws encouraging responsible dog ownership; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

22. The SPEAKER presented a memorial of the State Senate of Kansas, relative to SENATE RESOLUTION No. 1859 supporting the Airborne Laser program and urging the United States Congress to provide the necessary funding for the on-going development and operation of the program; to the Committee on Armed Services.

23. Also, a memorial of the House of Representatives of Illinois, relative to House Resolution No. 97 urging the U.S. Congress to fund the Illinois Community College Sustainability Network's request for \$648,600,000 from the federal government for the training and development of a green-collar workforce and the creation of green-collar jobs through community college renewable energy and energy conservation projects; to the Committee on Education and Labor.

24. Also, a memorial of the State Senate of Oregon, relative to Senate Joint Memorial 5, respectfully urging the Congress of the United States to enact legislation creating the Office of the National Nurse; to the Committee on Energy and Commerce.

25. Also, a memorial of the Senate of Pennsylvania, relative to Senate Resolution No. 21 memorializing the President of the United States and members of the United States Senate and the United States House of Representatives to work cooperatively to ensure that businesses located in the United States, and domestic employees, be the primary beneficiaries of economic-relief legislation by incorporating Federal and State Buy American and Domestic Content requirements in any taxpayer-funded economic recovery legislation; to the Committee on Energy and Commerce.

26. Also, a memorial of the Sixtieth State Legislature of Wyoming, relative to JOINT RESOLUTION NO. 1 requesting Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act and to not pass any future legislation which would remove the exemption; to the Committee on Energy and Commerce.

27. Also, a memorial of the Senate of Michigan, relative to Senate Resolution No. 30, expressing support for the people of India and constituents of Indian origin who may have been affected by the terrorist attacks in Mumbai and to urge the President and Congress to work with Indian authorities in both humanitarian and strategic capacities; to the Committee on Foreign Affairs.

28. Also, a memorial of the House of Representatives of Pennsylvania, relative to HOUSE RESOLUTION No. 7 Urging the support of the Congress of the United States for the State of Israel in the ongoing Israeli-Palestinian Conflict in the Gaza Strip; to the Committee on Foreign Affairs.

29. Also, a memorial of the House of Representatives of Pennsylvania, relative to HOUSE RESOLUTION No. 98 Memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners; to the Committee on Oversight and Government Reform.

30. Also, a memorial of the State Legislature of New Mexico, relative to SENATE MEMORIAL 32 REQUESTING THAT CONGRESS BE URGED TO HOLD HEARINGS ON A NEW MANAGEMENT SYSTEM FOR THE VALLES CALDERA NATIONAL PRESERVE; to the Committee on Natural Resources.

31. Also, a memorial of the Sixtieth State Legislature of Wyoming, relative to JOINT

RESOLUTION NO. 2 expressing Wyoming's opposition to inclusion of the black tailed prairie dog on the list of candidate species to be considered for listing as a threatened or endangered species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

32. Also, a memorial of the State Senate of New Jersey, relative to Senate Resolution No. 12 respectfully urging the United States Congress to remove the federal ban on sports wagering; to the Committee on the Judiciary.

33. Also, a memorial of the Sixtieth State Legislature of Wyoming, relative to JOINT RESOLUTION NO. 3 to repeal requests made to Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States; to the Committee on the Judiciary.

34. Also, a memorial of the Sixtieth State Legislature of Wyoming, relative to JOINT RESOLUTION NO. 1 requesting that Congress adequately fund Interstate 80; to the Committee on Transportation and Infrastructure.

35. Also, a memorial of the House of Representatives of Michigan, relative to House Resolution No. 11 TO MEMORIALIZE THE PRESIDENT, THE CONGRESS, AND THE DEPARTMENT OF HOMELAND SECURITY OF THE UNITED STATES TO CHANGE REQUIREMENTS, AGREEMENTS, AND MEMORANDUMS OF UNDERSTANDING RELATING TO THE CREATION OF ENHANCED DRIVERS LICENSES; to the Committee on Homeland Security.

36. Also, a memorial of the Sixtieth State Legislature of Wyoming, relative to JOINT RESOLUTION NO. 2 urging Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses; jointly to the Committees on Energy and Commerce and Agriculture.

37. Also, a memorial of the State Senate of Oklahoma, relative to SENATE RESOLUTION NO. 8 commending the President and the Congress for their support of the State Children's Health Insurance Program; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. LUETKEMEYER and Mr. BUYER.

H.R. 104: Mr. DOGGETT.

H.R. 186: Mr. OLVER and Mr. RANGEL.

H.R. 197: Mr. MCHENRY, Mr. SPACE, Mr. BOREN, Mr. HERGER, Ms. JENKINS, and Mr. WILSON of South Carolina.

H.R. 211: Mr. STUPAK, Mr. HODES, Mr. ADLER of New Jersey, Mr. LOEBSACK, Mr. BERMAN, Mr. BRALEY of Iowa, and Mr. COURTNEY.

H.R. 265: Mr. HASTINGS of Florida.

H.R. 270: Ms. KAPTUR, Mr. SPRATT, Ms. ROS-LEHTINEN, Mr. SPACE, Mr. PLATTS, and Mr. HOLDEN.

H.R. 303: Mr. BONNER, Mr. GRAVES, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. BUCHANAN, and Mr. WOLF.

H.R. 333: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. WEXLER, Mr. WITTMAN, Mr. GRIFFITH, Mr. KISSELL, Mr. GERLACH, and Mr. PRICE of North Carolina.

H.R. 442: Mr. ALTMIRE, Mr. PUTNAM, and Mr. WILSON of South Carolina.

- H.R. 450: Mr. McCOTTER and Mr. SESSIONS.
H.R. 481: Mr. PETERSON.
H.R. 498: Mr. MANZULLO.
H.R. 556: Mr. HODES.
H.R. 574: Mr. GONZALEZ, Mr. COHEN, Mr. SNYDER, Mr. MASSA, Mrs. KIRKPATRICK of Arizona, Mr. LUETKEMEYER, Mr. CARNEY, and Mr. BLUNT.
H.R. 581: Mr. WAMP.
H.R. 586: Mr. CLAY and Mr. QUIGLEY.
H.R. 593: Mr. GRIFFITH.
H.R. 595: Mr. RYAN of Ohio.
H.R. 622: Mr. COHEN.
H.R. 627: Mr. LEVIN, Mr. STARK, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Ms. CASTOR of Florida, Ms. KILROY, Mr. MASSA, Mr. LUJÁN, Mr. KISSELL, Mr. BOSWELL, Mrs. DAHLKEMPER, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. MARKEY of Colorado, Mr. WALZ, and Ms. GIFFORDS.
H.R. 645: Mr. DAVIS of Alabama.
H.R. 678: Mrs. DAVIS of California.
H.R. 702: Ms. HERSETH SANDLIN.
H.R. 745: Mr. BRALEY of Iowa, Mr. WEXLER, Mr. MCINTYRE, Mr. SPACE, Mr. SARBANES, Ms. HARMAN, Mr. PITTS, Mr. SMITH of Washington, Mr. MCCOTTER, Mr. CAO, Ms. BORDALLO, Mr. CONNOLLY of Virginia, Mr. CARTER, Mr. CARNAHAN, Mr. DELAHUNT, Mr. SOUDER, Mr. BOUSTANY, and Mr. KLEIN of Florida.
H.R. 751: Mr. WAMP.
H.R. 847: Mr. WEXLER and Mrs. CHRISTENSEN.
H.R. 855: Mr. SARBANES and Mr. GERLACH.
H.R. 874: Ms. FUDGE, Mr. HOLT, and Mrs. DAVIS of California.
H.R. 950: Mr. PETERSON.
H.R. 1066: Ms. BALDWIN, Mr. KIRK, Mr. ELLISON, Mr. SESTAK, Ms. FUDGE, Mr. CAPUANO, and Ms. CORRINE BROWN of Florida.
H.R. 1074: Mr. PUTNAM and Mr. BISHOP of Georgia.
H.R. 1121: Mr. MICA.
H.R. 1136: Mr. TIM MURPHY of Pennsylvania.
H.R. 1176: Mr. DREIER.
H.R. 1177: Mr. EDWARDS of Texas.
H.R. 1178: Mr. WALZ and Mr. KLINE of Minnesota.
H.R. 1191: Mr. HONDA, Ms. BALDWIN, and Ms. MCCOLLUM.
H.R. 1194: Mr. CHANDLER, Mr. CONYERS, Mr. SESTAK, Mr. PALLONE, Mr. BURTON of Indiana, Mr. GENE GREEN of Texas, Mr. HERGER, Mrs. MILLER of Michigan, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. DRIEHAUS, and Mr. KAGEN.
H.R. 1203: Mr. KLEIN of Florida and Mr. HIGGINS.
H.R. 1207: Mr. ROONEY, Mr. MASSA, Mr. SAM JOHNSON of Texas, Mr. THOMPSON of Pennsylvania, Mr. BRADY of Texas, Mr. SMITH of Washington, Mr. SHIMKUS, and Mr. GRAVES.
H.R. 1209: Mr. LANCE, Mr. STEARNS, and Mr. BILIRAKIS.
H.R. 1210: Mr. BRALEY of Iowa, Ms. LEE of California, Mr. REICHERT, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. CARNEY, Mr. COURTNEY, Mr. CALVERT, and Ms. VELÁZQUEZ.
H.R. 1228: Mr. MORAN of Kansas.
H.R. 1270: Mr. JACKSON of Illinois.
H.R. 1285: Mr. LANCE and Mr. TIM MURPHY of Pennsylvania.
H.R. 1319: Mr. ISSA.
H.R. 1327: Mr. LIPINSKI, Mr. LARSEN of Washington, Ms. TITUS, Ms. BERKLEY, Mr. REHBERG, Ms. WASSERMAN SCHULTZ, Mr. CARDOZA, and Mr. KING of New York.
H.R. 1339: Mr. FRANK of Massachusetts and Mr. COHEN.
H.R. 1354: Mr. FLEMING.
H.R. 1362: Ms. WOOLSEY.
H.R. 1383: Mr. BOREN and Mr. MARSHALL.
H.R. 1392: Mr. JOHNSON of Georgia, Mr. PAULSEN, Mr. DAVIS of Alabama, Mr. GERLACH, Mr. REHBERG, and Mr. HASTINGS of Florida.
H.R. 1401: Mr. MCGOVERN.
H.R. 1402: Mr. COHEN, Mr. PAYNE, Mr. GRIJALVA, and Mr. YARMUTH.
H.R. 1410: Mr. BISHOP of Georgia, Mr. HIMES, and Mr. SMITH of Washington.
H.R. 1454: Mr. PALLONE.
H.R. 1460: Mr. TERRY.
H.R. 1476: Mr. BISHOP of Georgia.
H.R. 1505: Mr. MASSA and Mr. LIPINSKI.
H.R. 1547: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. DAVIS of Kentucky, Mr. DOYLE, Mr. STEARNS, Mr. ELLSWORTH, Mr. MANZULLO, Mr. FLEMING, Mr. WITTMAN, Mr. KENNEDY, Ms. MATSUI, and Mr. SHUSTER.
H.R. 1548: Mr. McCOTTER, Mr. SHULER, and Mrs. BIGGERT.
H.R. 1549: Mr. FATTAH and Mr. BERMAN.
H.R. 1557: Mr. SMITH of Washington, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. PLATTS, Mr. BRADY of Texas, Mr. CAO, Mr. ROE of Tennessee, Mr. FORTENBERRY, Mr. DENT, Mr. HOEKSTRA, and Mr. CHAFFETZ.
H.R. 1570: Ms. KILPATRICK of Michigan.
H.R. 1585: Mr. SARBANES, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. POMEROY, and Mrs. NAPOLITANO.
H.R. 1587: Mr. RAHALL.
H.R. 1588: Mr. ALTMIRE.
H.R. 1615: Mr. PLATTS and Mr. PALLONE.
H.R. 1616: Mr. HOYER, Mr. BRALEY of Iowa, Ms. KILPATRICK of Michigan, Mr. BLUMENAUER, and Mr. CONYERS.
H.R. 1618: Mr. SMITH of Washington, Mr. WEXLER, Ms. LEE of California, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, and Mr. COURTNEY.
H.R. 1628: Mr. SCHOCK.
H.R. 1640: Mr. FILNER.
H.R. 1646: Ms. BALDWIN, Mr. PLATTS, Mr. PAULSEN, Mr. CHANDLER, Mr. WEXLER, Mr. BUTTERFIELD, Mr. ROGERS of Alabama, Mr. RUPPERSBERGER, Mr. MEEKS of New York, Ms. ROYBAL-ALLARD, and Mr. KAGEN.
H.R. 1670: Mr. HODES, Mr. ABERCROMBIE, Mr. VISCLOSKEY, Mr. MEEK of Florida, Mr. SMITH of New Jersey, and Mrs. MALONEY.
H.R. 1671: Ms. LEE of California, Mr. LOEBBACH, and Mr. BLUMENAUER.
H.R. 1684: Mr. BLUNT, Mr. WILSON of South Carolina, and Mr. HENSARLING.
H.R. 1708: Mr. FARR, Mr. CARNEY, Mr. WILSON of Ohio, Mr. GRIJALVA, Mr. McCOTTER, and Mr. SIRES.
H.R. 1723: Mr. AL GREEN of Texas and Mr. ELLISON.
H.R. 1724: Mr. DAVIS of Illinois.
H.R. 1737: Mr. BOSWELL.
H.R. 1739: Mr. FILNER.
H.R. 1740: Mr. LEWIS of California and Mr. MORAN of Virginia.
H.R. 1744: Mr. MCINTYRE, Mr. PRICE of Georgia, Mr. PLATTS, Mr. KING of Iowa, Mr. WESTMORELAND, Ms. GRANGER, Mr. THORNBERRY, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. PASTOR of Arizona, Mr. McCAUL, Mr. BONNER, Mrs. BLACKBURN, Mr. PUTNAM, Mr. MORAN of Virginia, Mr. MANZULLO, and Ms. CORRINE BROWN of Florida.
H.R. 1748: Mr. GONZALEZ.
H.R. 1751: Mr. MEEK of Florida, Mr. CARSON of Indiana, Ms. WOOLSEY, Mr. STARK, and Mr. WU.
H.R. 1756: Mr. MANZULLO.
H.R. 1759: Mr. WELCH.
H.R. 1760: Ms. LEE of California.
H.R. 1761: Mr. LIPINSKI, Mr. HINCHEY, Ms. WOOLSEY, Mr. SPACE, and Ms. FUDGE.
H.R. 1762: Mr. SHADEGG.
H.R. 1764: Ms. TITUS, Ms. KILPATRICK of Michigan, and Mr. SIRES.
H.R. 1799: Mr. HASTINGS of Washington and Mr. OLSON.
H.R. 1802: Mr. MANZULLO.
H.R. 1814: Mr. MANZULLO.
H.R. 1817: Mr. GORDON of Tennessee, Mr. WAMP, Mr. COOPER, Mr. DUNCAN, Mr. ROE of Tennessee, and Mr. TANNER.
H.R. 1820: Mr. CARDOZA and Ms. ROYBAL-ALLARD.
H.R. 1826: Mr. GENE GREEN of Texas.
H.R. 1827: Mr. CARNAHAN.
H.R. 1835: Ms. FALLIN and Mr. AL GREEN of Texas.
H.R. 1836: Mr. BURTON of Indiana and Mr. THORNBERRY.
H.R. 1869: Mr. McDERMOTT, Ms. SUTTON, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. ARCURI, Mr. SESTAK, Mr. BUTTERFIELD, Mr. WEXLER, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, Mr. BOSWELL, Mrs. CAPPs, Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Mr. SIRES, Mr. MASSA, Mr. CONYERS, Mr. SKELTON, Mr. PASTOR of Arizona, Mr. BISHOP of Georgia, Mr. CROWLEY, Ms. WOOLSEY, Mrs. MALONEY, Mr. BERMAN, and Ms. LEE of California.
H.R. 1870: Mr. SABLAN, Mr. FATTAH, Mr. ACKERMAN, Mr. STARK, Mrs. TAUSCHER, and Mr. CUMMINGS.
H.R. 1872: Mr. MITCHELL, Mr. RODRIGUEZ, Ms. KILPATRICK of Michigan, Ms. MATSUI, Mr. HALL of New York, and Mr. HEINRICH.
H.R. 1873: Mr. COURTNEY.
H.R. 1877: Ms. ROYBAL-ALLARD and Mr. LANGEVIN.
H.R. 1895: Mr. VAN HOLLEN.
H.R. 1913: Mr. DOGGETT, Mr. PASTOR of Arizona, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. QUIGLEY, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. WU, Mr. CLYBURN, Mr. MITCHELL, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. VISCLOSKEY, Mr. SMITH of Washington, Mr. SESTAK, Mr. PLATTS, Mr. GONZALEZ, Mr. COURTNEY, Ms. JACKSON-LEE of Texas, and Ms. GIFFORDS.
H.R. 1933: Mr. COHEN, Mr. WILSON of South Carolina, and Mr. BURTON of Indiana.
H.R. 1941: Mr. PASTOR of Arizona.
H.R. 1960: Mr. MANZULLO.
H.R. 1970: Mr. ROGERS of Alabama and Mr. WAMP.
H.R. 1977: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1993: Ms. DELAURO, Mr. MAFFEI, Ms. CLARKE, and Mr. DAVIS of Illinois.
H.R. 2000: Mr. WOLF, Mr. MICHAUD, and Mr. McDERMOTT.
H.R. 2001: Mr. DINGELL.
H.R. 2002: Ms. BERKLEY.
H.R. 2003: Mr. COHEN.
H.J. Res. 12: Mr. MCGOVERN.
H. Con. Res. 74: Mr. SENSENBRENNER.
H. Con. Res. 89: Ms. BERKLEY, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Mr. NADLER of New York, Mr. MORAN of Virginia, and Mr. AL GREEN of Texas.
H. Res. 81: Mr. MCHENRY, Mr. INGLIS, Mr. COURTNEY, and Mr. MELANCON.
H. Res. 160: Ms. DEGETTE.
H. Res. 174: Mr. LIPINSKI.
H. Res. 175: Mr. MORAN of Kansas.
H. Res. 185: Ms. KILPATRICK of Michigan.
H. Res. 191: Mrs. MALONEY.
H. Res. 192: Mr. PASCRELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. MOORE of Kansas.

H. Res. 193: Mr. KIRK and Mr. KIND.
 H. Res. 209: Mr. ROTHMAN of New Jersey, Mr. JOHNSON of Georgia, and Mr. DINGELL.
 H. Res. 215: Mr. PAYNE.
 H. Res. 232: Mr. BISHOP of Georgia and Ms. NORTON.
 H. Res. 236: Mr. MCMAHON and Mr. TIM MURPHY of Pennsylvania.
 H. Res. 241: Mr. SIREs.
 H. Res. 259: Mr. BROUN of Georgia, Mr. KLINE of Minnesota, Mr. PETERSON, Mr. CARTER, Ms. SHEA-PORTER, Mr. LATTA, Mr. SMITH of Washington, and Mr. BARTLETT.
 H. Res. 299: Mr. PIERLUISI, Mr. DELAHUNT, Mr. HINCHEY, Mr. REYES, Mr. BISHOP of Georgia, Ms. WOOLSEY, Mr. MASSA, Mr. HOLT, Mrs. CHRISTENSEN, Mr. HINOJOSA, Mr. SARBANES, and Mr. BOSWELL.
 H. Res. 300: Ms. BORDALLO, Mr. SKELTON, Mr. DAVIS of Illinois, and Mr. LAMBORN.
 H. Res. 309: Mr. WEXLER, Ms. HIRONO, and Mr. MCKEON.
 H. Res. 311: Ms. ZOE LOFGREN of California and Mr. FILNER.
 H. Res. 319: Mr. COFFMAN of Colorado, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. AKIN, Mr. BOOZMAN, Mr. THORNBERRY, and Mr. KLINE of Minnesota.
 H. Res. 321: Mr. HINOJOSA, Mr. GRIJALVA, Mr. LYNCH, Mr. CLAY, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. GARY G. MILLER of California, Mr. MCCARTHY of California, Mr. WATT, Mr. PERLMUTTER, Mr. DONNELLY of Indiana, Mrs. MCCARTHY of New York, Ms. WATERS, Mr. SHERMAN, Ms. SPEIER, Mr. CAPUANO, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. ROYCE, Mr. WILSON of Ohio, Mr. ELLISON, and Ms. MOORE of Wisconsin.
 H. Res. 323: Mr. MANZULLO.
 H. Res. 329: Mr. MCHUGH, Mr. HUNTER, Mr. INSLEE, Mr. CASTLE, Mr. MCGOVERN, Mr. MOORE of Kansas, Mrs. CAPPS, Ms. TSONGAS, Mr. HEINRICH, Mr. BLUMENAUER, Mr. FILNER, Mrs. EMERSON, Mr. COHEN, and Mr. SKELTON.
 H. Res. 337: Mr. MCGOVERN, Ms. BORDALLO, Mr. SESSIONS, Mr. MCCAUL, Mr. MARCHANT, Mr. SMITH of Texas, Mr. POE of Texas, Mr. OLSON, Ms. JACKSON-LEE of Texas, Ms. MATSUI, Mr. BROWN of South Carolina, Mr. NUNES, Mr. YOUNG of Florida, Mr. CARTER, Mr. ROONEY, and Mr. BURTON of Indiana.

H. Res. 338: Mr. MANZULLO, Mr. GERLACH, Mr. PETRI, Mr. MCKEON, Ms. MCCOLLUM, and Mr. BURGESS.

H. Res. 341: Mr. BOSWELL, Mr. SHULER, Mr. KRATOVL, Mr. TANNER, Mr. CHILDERS, Mr. KISSELL, Mr. CARDOZA, Mr. MINNICK, Mr. HILL, Mrs. HALVORSON, Mr. BARROW, Mr. NYE, Mr. PERRIELLO, Mr. MELANCON, Mr. TAYLOR, Mr. MATHESON, Mr. DONNELLY of Indiana, Mr. DAVIS of Tennessee, Mrs. DAHLKEMPER, Mr. BOREN, Mr. HEINRICH, Ms. VELÁZQUEZ, Ms. PINGREE of Maine, Mr. COHEN, Mr. MOORE of Kansas, Mr. WALZ, Mr. PETERS, Mr. JOHNSON of Georgia, Ms. KOSMAS, Ms. TITUS, Mr. BOCCIERI, Mr. THOMPSON of Mississippi, and Mr. TEAGUE.

H. Res. 344: Ms. ESHOO, Mr. PASCRELL, Mr. YARMUTH, Mr. HARE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CHILDERS, Ms. BEAN, and Mr. LINDER.

H. Res. 349: Ms. CASTOR of Florida, Mr. LOBIONDO, Mr. WILSON of South Carolina, Ms. GRANGER, Mrs. BONO MACK, Ms. ROSELEHTINEN, Mr. DEFazio, Mr. BLUNT, Mr. SHERMAN, Mr. MACK, Mr. YOUNG of Florida, Mrs. SCHMIDT, Mr. HERGER, Mr. PASCRELL, Mr. YOUNG of Alaska, Ms. BERKLEY, Mr. DENT, Mr. LEE of New York, Mr. WESTMORELAND, Mr. BARTLETT, Mr. SHUSTER, Mr. WOLF, Mr. PLATTS, Mr. BURTON of Indiana, Mr. TERRY, Mr. DAVIS of Kentucky, Mr. MURPHY of Connecticut, Mrs. BIGGERT, Mr. REHBERG, Mr. TIBERI, Mr. TURNER, and Mr. EHLERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 875: Ms. PINGREE of Maine.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

27. The SPEAKER presented a petition of the San Francisco Board of Supervisors, rel-

ative to Resolution No. 73-09 Requesting San Francisco's Congressional and State Legislative Delegations Reform Laws Governing use of Public Education and Government Cable Access System Funds; to the Committee on Energy and Commerce.

28. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 of 2009 Requesting That The United States Postal Service Re-Issue The Purple Heart Stamp As A Forever Stamp; to the Committee on Oversight and Government Reform.

29. Also, a petition of the San Francisco Board of Supervisors, relative to Resolution No. 72-09 urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-sex partners; to the Committee on the Judiciary.

30. Also, a petition of the Forest District Civic Association, relative to the Association's motion to table the Freedom of Choice Act and the New York bill called RHAPP, as they should not be voted into law as they both deny the right to life of the fetus; to the Committee on the Judiciary.

31. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 130 of 2009 Urging The Obama Administration To Reconsider Implementation Of The Federal Aviation Administration's Northeast Airspace Redesign Plan; to the Committee on Transportation and Infrastructure.

32. Also, a petition of the City of Pembroke Pines, Florida, relative to RESOLUTION NO. 3214 SUPPORTING THE PASSAGE AND ADOPTION OF AN AMENDMENT TO THE FEDERAL REGULATIONS ALLOWING FOR THE ISSUANCE OF TAX-EXEMPT BONDS TO HELP CITIES FUND THEIR PENSION OBLIGATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ST. PETERSBURG AUDUBON SOCIETY CELEBRATES CENTENNIAL ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. YOUNG of Florida. Madam Speaker, the St. Petersburg Audubon Society celebrates its centennial anniversary this month, marking 100 years of serving our community's conservation and awareness of local birds and the wild areas they call home.

The St. Petersburg chapter, Florida's oldest, was founded in 1909 as part of a crusade by the Florida and National Audubon Society to save wading birds from extinction. At that time, birds' feathers, aigrettes, and wings were used to decorate women's hats. This threatened many of Florida's unique wading birds with extinction. The result of this effort was the saving of these species of birds for future generations of Floridians and visitors to Florida to watch and enjoy.

The St. Petersburg chapter, under the leadership of President Mauri Peterson; Vice President Maureen Arnold; Secretary Nancy Ogden; Treasurer Rick Potter; and Board Members Harold Albers, Mary Brazier, Wanda Dean, Judi Hopkins, Saskia Janes, Dave Kandz, Mark Mueller, Lee Snyder, and Alice Tenney; continues to serve our community in many important ways including conservation leadership and educational opportunities. These activities include weekly field trips, monthly programs, and a long list of volunteer activities.

Specifically, the St. Petersburg Audubon Society raises funds to give Pinellas County fourth grade students an Audubon Adventure program, to provide scholarships to National Audubon Ecology Camps for local teachers, and to give monetary awards to Science Fair winners. The chapter also hosts its annual Pinellas Native Plant Society meeting every December to bring together members of local environmental organizations for a time of celebration and education.

The members of the chapter have also done what they do best — protect our shorebirds and habitats. They helped establish the Shell Key County Preserve and they led an effort to conduct a comprehensive study of beach-nesting birds in partnership with Eckerd College, Pinellas County government employees, and public land managers.

Chapter members have even taken their work neighborhood to neighborhood and house to house through their "In Harmony With Nature" programs to help homeowners create wildlife-friendly habitats in their yards and to become aware of bird nesting in their own neighborhoods. And they continue to sponsor annual Migratory and Christmas Bird Counts, a Florida tradition that dates back to 1900.

A special exhibit about the centennial celebration will be unveiled this Saturday at the St. Petersburg History Museum. It will feature information about the chapter's founder Katherine Bell Tippetts, milestones from the chapter's history, and information about the chapter's continuing commitment to the community.

Madam Speaker, The St. Petersburg Audubon Society continues to serve our community today just as energetically as it has throughout these past 100 years. The members of the chapter volunteer to protect our local wildlife and natural habitats and to make Pinellas County a better place to live. Please join me in congratulating the members of the St. Petersburg Audubon Society for their rich history of service.

CRYSTAL BELL AWARD
RECIPIENTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend seven exceptional teachers from Northwest Indiana who have been recognized as outstanding educators by their peers for the 2008–2009 school year. These individuals are: Robert Backe, Elizabeth Eaton, Wendy Magley, John McCarthy, Nancy McClatchey, Tom Reed, and Donna Scheidt. For their outstanding efforts, these honorees will be presented with the Crystal Bell Award at a reception sponsored by the Indiana State Teachers Association. This prestigious event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana, on Tuesday, May 5, 2009.

Robert Backe, an eighth grade science teacher at Grimmer Middle School, has been in the teaching profession for more than 38 years with the Lake Central School Corporation. Throughout his tenure, Bob has always made a point of bringing fun and enjoyable learning into his labs in order to make sure his students remain interested and actively involved in science. In just one of many examples of his innovative lessons, Bob, an avid Chicago White Sox fan, organized a trip to a game as a means of showing his students how even a baseball game can be integrated into their studies.

Elizabeth Eaton, from the Hanover Community School Corporation, has been a role model and a true inspiration to not only her students but to adults in her community as well. For the past 38 years, Elizabeth has motivated her students to excel inside and outside her classroom. Known for her expertise in gardening, Elizabeth's efforts have led to the creation of an outdoor lab at Lincoln Elementary School. For the past 11 years, she, with the assistance of many of her students, has

worked tirelessly to preserve this remarkable example of nature's beauty. For her efforts, Elizabeth Eaton has been named the "Lake County Conservation Teacher of the Year," and her lab has been recognized for being the first of its kind in Lake County.

This year's recipient of the Crystal Bell Award from the Tri-Creek School Corporation is Wendy Magley. Wendy, of Lowell Senior High School, has been in the teaching profession for the past 28 years. The passion Wendy has for teaching and for her students goes far beyond the classroom. In addition to the grueling task of preparing for six English classes, Wendy also coaches basketball, where she instills in her players the same principles of hard work and dedication that she expects of her students. One other example of the immense impact she has had on her school and her students, Wendy spearheaded the creation of the Lowell High School Shakespeare Festival, which has been a memorable experience for hundreds of high school students.

Currently an elementary school teacher at Ernest R. Elliott Elementary School, John McCarthy is this year's recipient from the School Town of Munster. A truly selfless educator, John has made a point of preparing children to not only become better students but to become better people as well. John's desire to accomplish this goal is witnessed through his dedication to the Camp Tecumseh program. As participants in this program, Elliott Elementary's fifth graders partake in activities that promote team-building, positive values, and personal growth. In addition to his personal involvement with the students, John has also served on numerous committees with the School Town of Munster that aim to improve the quality of life and education for the students.

Nancy McClatchey, this year's recipient from the North Newton School Corporation, has had an outstanding teaching career, marked by innovative programs that allow her students the opportunity to experience real-world settings as part of their curriculum. Over the past 19 years, the Family and Consumer Science teacher at North Newton High School has developed a program that is recognized statewide. An educator whose responsibilities seem endless, Nancy's efforts have led to the creation of the ProStart Culinary Arts Program, which aims to make students better prepared for careers in the food service industry, and the Advanced Child Development and Cadet Teaching programs, which allow aspiring future educators the opportunity to gain critical experience in a classroom setting.

This year's recipient of the Crystal Bell Award from the Crown Point School Corporation is Thomas J. Reed. Tom has been nurturing young minds and sharing his passion for music for the past 22 years. Known for his enthusiasm and willingness to put in extra time to work individually with his students,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Tom has also had an immense impact on younger educators. Tom has shown true commitment to his students and his community through donating his time and efforts to programs such as the local 4H and the Lake County Fair. He has also made his mark on his community through his musical abilities, where he can often be found performing at weddings, at church, and within the community.

Donna Scheidt, this year's recipient from the School Town of Highland, is known for her ability to engage her students in a way few other teachers can. For the past 13 years, Donna, an eighth grade language arts teacher at Highland Middle School, has constantly devised new ways to bring classic literature into her classroom. It is not uncommon to witness Donna as a character from a classic story to help bring the author's words to life. Donna's ability to reach others is not limited to her students. She has also taken a lead in developing staff and the school's curriculum. In fact, many of her colleagues would tell you they have grown from her guidance just as her students have.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 2009 Crystal Bell Award. Their years of hard work have played a major role in shaping the minds and futures of Northwest Indiana's young people, and each recipient is truly an inspiration to us all.

ARMENIAN GENOCIDE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. COSTA. Madam Speaker, I rise today to commemorate the 94th anniversary of the start of the Armenian Genocide, which was the first genocide of the 20th century and sadly, the template for a cycle of genocide that continues to this very day.

It is, by any reasonable standard, established history that between 1915 and 1923 the Ottoman Empire systematically killed an estimated 1.5 million Armenians and drove hundreds of thousands of others into exile from their ancestral homeland. The record of this atrocity is well documented in the United States Archives and has been universally accepted in the International Association of Genocide Scholars and the broader historical and academic communities.

This year, our Nation has the opportunity to finally recognize the Armenian Genocide as such in the annual commemoration from the White House. Year after year, we have seen the same standard letter from the White House which offers sympathy and apology for the "mass killings," yet refused to label these events as genocide. However, President Obama made promises during his campaign that he would right this wrong, and recognize the Armenian Genocide. I am hopeful Madam Speaker, we finally escape from being under Turkey's thumb on this issue. It is vital our Nation has a foreign policy that accurately reflects history.

Despite my optimism, I am told yet again that now is not the right time for our Nation to recognize the Armenian Genocide. Two years ago, we were told recognition would hurt our troops fighting in Iraq. Four years ago we were told the same thing. This year, we're being told that recognizing the Armenian Genocide will hurt American jobs. How? We cannot develop a foreign policy based solely on what other countries want to hear about their past. Should we not recognize the Soviet orchestrated famine which killed millions in the Ukraine? Should we allow Cambodia to rewrite the atrocities committed under the reign of the Khmer Rouge? What if our schools stopped teaching the American Revolution and we stopped celebrating the Fourth of July because it offended the British? All nations must recognize past events, both good and bad, and learn from it.

To ensure Congress does not mention or pass the Armenian Genocide resolution, Turkey hires powerful and expensive lobbyists to meet with Members and staff, distort the historical facts, and make veiled threats on what might happen if the Genocide is recognized. For the last 20 years, Turkey has been very successful. I firmly believe that we should work with foreign nations on challenges and mutual interests. However, I do not believe another nation can hold our foreign policy decisions hostage because they do not want to admit to dark periods in their past. It is unacceptable that we continue to allow threats from Turkey to hinder our Nation from recognizing a historical fact that has been recognized by historians, scholars, theologians, philosophers, common people, and President Ronald Reagan.

My district is home to thousands of Armenian-Americans, many who are the sons and daughters of survivors. When I am home, I am often approached in the store or on the street by my Armenian friends asking when our country will honor their parents and finally recognize the genocide. We are quickly approaching the 100th anniversary of the start of the Armenian Genocide, and I am hopeful we do not have to wait until then to bring justice to my Armenian friends and neighbors.

In closing, Madam Speaker, I will say again, genocide is not something that can simply be swept under the rug and forgotten. We need leaders around the world to not only recognize it, but to condemn it so the world can truly say "Never Again." The United States cannot continue its policy of denial regarding the Armenian Genocide, and I encourage passage of H. Res. 252 to recognize the Armenian Genocide in our Nation.

TRIBUTE TO KIDANGO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to Kidango, a quality early education and child care provider with administrative offices in Fremont, California. Kidango is celebrating 30 years of serving children in the California cities of Fremont, San Jose, Liver-

more, Dublin, Union City and Newark with plans for expansion in San Jose and Hayward.

In 1979, formerly known as Tri-Cities Children's Center, is now known by the community as Kidango. Kidango began providing mental health consultation to the staff and parents of the children enrolled at Kidango. Utilizing a relationship-based training strategy, staff was specially trained to understand and work with children with social and emotional challenges.

Kidango has a long history of serving children, including infants with developmental delays and disabilities, by providing Early Intervention Services. In 1994, Kidango merged with the Agency for Infant Development and expanded Kidango's services to children with special needs.

In 2002, Kidango created its own in-house mental health department and Inclusion Team comprised of staff from its Education, Intervention and Mental Health Departments. This program utilizes the relationships developed with families and teachers to provide effective mental health services and responsiveness to the special needs of all children.

Seven Kidango centers in San Jose, California received the honor of being designated as Smart San Jose sites. Smart San Jose is the City of San Jose's premier Early Education Initiative that works to expand the availability of high quality, affordable early care and education spaces in centers and family child care homes.

In 2006, Kidango added Community Family Services as part of their expansive program offerings. This partnership strengthened the work Kidango does with children and families by allowing Kidango to serve more infants and those children who do better in a family child care home environment.

Kidango currently serves 3,300 children annually through its quality early care and education programs, child development services, early intervention services, Mental Health Department, Head Start Department and Community Family Services.

I join the community in recognizing Kidango on its 30th anniversary of exemplary service in childcare, education and child development services to meet the diverse needs of children and families throughout the Bay Area. I send best wishes to Kidango for continued success.

HONORING WORLD MALARIA DAY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. WATSON. Madam Speaker, a person dies of malaria every 30 seconds. The vast majority of these deaths occur in children under five years in age. Today, malaria continues to cripple developing countries with the high costs of treatment and the loss of productivity.

However, there is continued hope on the horizon. A recently discovered drug could prevent mutations that led to drug resistance. There are significant efforts to discover a malaria vaccine, with over 20 vaccines currently in development. Treatment with A.C.T. is extremely effective, but unfortunately unavailable

to poor people in developing nations who are ill and dying.

We must remember that almost half the world's population is at risk of dying from this preventable and treatable disease.

Madam Speaker, let us recommit ourselves with renewed vigor this World Malaria Day, April 25, to combat malaria and rid the developing world of this scourge.

**HONORING TALLULAH FALLS
SCHOOL ON THE OCCASION OF
ITS CENTENNIAL ANNIVERSARY**

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BROWN of Georgia. I rise today to honor the centennial anniversary of an outstanding institution in my district: Tallulah Falls School. Located in Northeast Georgia near the Chattooga River, this school continues to thrive after one hundred years of instilling impeccable values and a superb work ethic in its students.

Though the school was formally dedicated on June 30, 1909, its first director, Mary Ann Lipscomb, began teaching the poor Georgia mountain children to read on her front porch in 1905. Quickly noticing the poor living conditions and a dire need for basic education, Mrs. Lipscomb petitioned the Georgia Federation of Women's Clubs to establish a school at Tallulah Falls.

Right away Tallulah Falls School was appreciated by the surrounding community. Not long after its creation, this school was recognized across the nation as a success by both the Dean of American Journalism and Good Housekeeping. In 1944, the original Willet Building was destroyed by fire. But within seven months, over \$55,000 had been raised for reconstruction—an amazing amount considering that the Great Depression was just coming to an end and World War II was raging.

In the late 1980's, the school once again gained national exposure when nine of its students, led by Martha Cantrell, met with President George H.W. Bush to receive their award for naming the space shuttle Endeavour. Today, this great school is still producing successful citizens while expanding to include both boarding students and day students.

As many in Congress seek new and untested policies on education, I urge my colleagues to instead look to what has worked for a hundred years; the tried and true principles of Tallulah Falls School. We can learn so much from this school as we learn from its past and applaud its growth into the future.

Madam Speaker, I applaud the great effort by the teachers and students of Tallulah Falls School and congratulate them on celebrating 100 years of academic excellence.

**100TH BIRTHDAY OF GENEVA
POOLE**

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and honor that I congratulate Geneva Williamson Poole on a momentous milestone, her 100th birthday, which will be on April 16, 2009. Geneva will be celebrating this milestone with family and friends on Saturday, April 18, 2009, at her home in Gary, Indiana. One of Gary's proudest and most adored residents for over 63 years, Geneva Williamson Poole is an inspiration to countless members of her community as well as her beloved family.

Geneva Williamson Poole was born on April 16, 1909, in Augusta, Georgia, to John and Mary Williamson. Geneva was raised with three sisters and two brothers and was brought up on strong Southern values and profound love. In 1936, she moved to Gary, Indiana, making her home with her four children: Justine, Virginia, Jerome, and Berniece, and her husband, Charlie Poole. Through the years, Geneva worked at many local businesses in Northwest Indiana, including: Barnette's Clothing Store, Dave's Fur Store, Westville Hospital, and Kingsbury Ordnance Plant. While she enjoyed the positions she held, Geneva devoted her life to her family and her community. Geneva's belief in strong family values has taught her children and grandchildren the meaning of a strong work ethic, the value of education, and how important it is for family and communities to stick together. Always leading by example, in 1982, Geneva planted a community garden at the end of her block, and she would give the fruits and vegetables to the people of the neighborhood. An extraordinary cook, Geneva was also known for hosting elaborate dinner parties for family and members of the community. As a senior citizen, Geneva adopted two children, Kathy and Vanetta, and helped raise her thirteen grandchildren. In the summers, Geneva has enjoyed opening her home to her grandchildren and teaching them how to sew, cook, garden, and fish. Geneva's passion for family has touched not only those related to her but also many members of the community. For passing along such essential family values, Geneva is worthy of our deepest admiration.

In addition to her remarkable dedication to her family, Geneva continues to serve her community as an active member at Israel Christian Methodist Episcopal Church in Gary, where she participates in many of the church's programs. Geneva has many friends and loved ones within the church who look to her for advice. They share a common respect for her commendable qualities, including her intelligence, wit, strength and perseverance. She is truly an inspiration and a role model for us all.

Madam Speaker, Geneva Williamson Poole has always generously given her time and efforts to preserving family values and strengthening the community in Gary, Indiana. She has taught her family, friends, and members of

her community the true meaning of selfless devotion. I respectfully ask that you and my other distinguished colleagues join me in wishing Geneva a very Happy 100th Birthday!

**HONORING THE VILLAGE OF LOMBARD
ON ITS 140TH ANNIVERSARY**

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 140th Anniversary of the incorporation of Lombard, Illinois, in the heart of my Congressional District.

In 1837, Sheldon Peck and his family settled on 80 acres in what was then known as Babcock's Grove. In 1869, the Village of Lombard was incorporated.

In the years since its humble founding, Lombard has become a center of culture and commerce, serving as a home to businesses, professionals, churches and organizations that have made this a vibrant and thriving community. Over the years, Lombard has developed a well-deserved reputation as an enjoyable place to live, work and raise a family.

On the occasion of this 140th Anniversary, we join together to celebrate Lombard's legacy of growth and prosperity, and to look ahead to the opportunities facing our local community and our nation. Today both marks 140 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Lombard Village President Bill Mueller, the Village Board of Trustees and the citizens of Lombard in wishing them happiness on this special occasion.

IN TRIBUTE TO MICHAEL STERN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Michael Stern, an extraordinary man who passed away on April 7, 2009 at the age of 98. He was a journalist, author, genius and visionary, and I was deeply fortunate to count him as a friend.

In 1978, he joined with his good friend Zachary Fisher, to save the aircraft carrier Intrepid from mothballs and use it as the base for an extraordinary museum situated in Pier 86 on the West Side of Manhattan. Since it opened its doors in 1982, the Intrepid Sea-Air-Space Museum has served more than 10 million visitors. Mr. Stern knew that the Intrepid was one of the most successful ships in U.S. history, and that it would be a fitting monument to the heroism of our nation's military.

Commissioned during World War II, the Intrepid served in the Pacific Theater, survived five kamikaze attacks and one torpedoing. In its year and a half of active duty, Intrepid's aircraft had destroyed 301 Japanese airplanes

and helped sink 122 enemy ships, including shared credit for the super-battleships Yamato and Musashashi. The ship went on to serve as one of the primary recovery vessels for NASA, did three tours of duty off Vietnam, and assisted submarine surveillance in the North Atlantic during the Cold War.

Together, Mr. Stern and Mr. Fisher also created the Fisher Center for Alzheimer's Research Foundation at Rockefeller University and Fisher Houses, a program to build houses for families of hospitalized military personnel to stay near to their loved ones while they are receiving treatment. After Mr. Fisher's death, Mr. Stern started the Michael Stern Parkinson's Research Foundation. I serve on the Board of Trustees of both research foundations and know that they support vital research to find cures for these devastating neurological diseases. Scientists tell us that the two diseases may have a common cause and, therefore, a common cure. Mr. Stern hoped the work he supported would eventually lead to that cure.

Mr. Stern joined the United States Army in 1943 as a war correspondent for Fawcett Publications and the North American Newspaper Alliance. He was first shipped out to Algeria, and later traveled with American forces through Sicily and up the boot of Italy. He arrived in Rome just one day ahead of U.S. troops. As a young journalist from Brooklyn, he writes of feeling slightly provincial in the face of Rome's cosmopolitan ethos and rich historical past. Nonetheless, he relates that the city inspired him, thrilled him, made him become more worldly and knowledgeable. He made it his home for the next 50 years.

In the foreword to Mr. Stern's book, *An American in Rome*, Robert Ruark creates a vivid portrait of him as a journalist in Italy: "Michael Stern is a myth. He never really existed outside a scriptwriter's imagination. He dug up and lived with the most famous outlaw of our time when ten thousand Italian police couldn't locate Salvatore Giuliano. He wrote the definitive pieces on such unlikely people as Lucky Luciano, Virginia Hill, Dorothy DiFrasso, George Dawson, Freddie McEvoy, Roberto Rossellini, Vincenzo Moscatello and Calouste Sarkis Gubenkian. . . . The reason a lot of people hate Mike Stern's guts is that he is a writer of harsh truth. . . . Don't get me wrong. Mike's an operator. He's an arranger, a dealer, and if necessary, a law unto himself. He does not play to lose. If he were a baseball player, he'd dust off his mother to protect his earned run average, and if he were a boxer he would unhesitatingly club you in the neck to win. . . . I have seen people stop by his table in a Roman caffè and say: "You son of a bitch, I'll kill you for what you wrote about me." Mike doesn't even bother to scowl. So many people have been threatening to kill him for years that one more is only a bore. This is a tough boy, and he writes tough prose. I wish to Christ we had more like him in a soppy, soggy world of cotton-wooled halftruths."

Before becoming a war correspondent, Mr. Stern wrote for *True Crime* magazine and other publication, sometimes using his own name, sometimes employing a pseudonym. Later, he authored or co-authored a number of books, including *Flight From Terror*, *Into the Jaws of Death*, *No Innocence Abroad* and *An American in Rome*.

In 1934, Mr. Stern married Estelle Goldstein, who died in 1995. In addition to his daughter, Margaret, of Manhattan, he is survived by a son, Michael Jr., of Juno Beach, Fla., and a granddaughter.

Madam Speaker, I ask that my colleagues join me in paying respects to Michael Stern, a true American hero whose work has educated, inspired and benefitted generations of Americans.

RECOGNIZING JOHN T. ASDAL OF THE VILLAGES, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor John T. Asdal of The Villages, Florida. Mr. Asdal later this week will reach a momentous milestone. He will celebrate his 90th birthday.

John is a decorated veteran of the United States Army, serving from the 25th of May 1942 to the 11th of October 1945. He served with Company B, 1st Battalion 16th Infantry Regiment 1st Infantry Division in North Africa and Sicily. He served with Company H, 36th (Texas) Infantry Division in Italy.

Mr. Asdal participated in four major battles with the 1st and 36th Divisions, Kasserine Pass, Mateur Tunisia, Rapido River Italy and Monte Cassino Italy. The professional skill and personal devotion displayed by Mr. Asdal was repeatedly recognized by the military and reflects his immense commitment and sacrifice.

A rarity to be so decorated, John was awarded the Bronze Star, Purple Heart, Combat Infantryman Badge, Good Conduct Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, Honorable Service Lapel Button, and three Service Stars. His unit received Presidential Citations for Mateur Tunisia & Sicily, French Croix de Guerre for Kasserine, and an Arrowhead for Algeria French Morocco. Because of his extensive time on the front lines and immense sacrifice, Mr. Asdal was among the earliest troops to be able to return to the U.S. in 1944.

I am honored to have such a decorated and respected citizen as a constituent. Madam Speaker, I ask that you join me in honoring John T. Asdal for reaching his 90th birthday. I hope we all have the good fortune to live as long as a life and with such distinction as Mr. Asdal.

COMMEMORATING THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. COSTELLO. Madam Speaker, I rise today to honor the memory of the victims of the Armenian genocide and ask my colleagues to support H. Res. 252, a bill to commemorate the Armenian genocide.

Over 94 years ago this week, Ottoman Empire authorities arrested some 250 Armenian community and political leaders in Constantinople. This event signaled the beginning of the deliberate and systematic mass murder of 1.5 million Armenian men, women, and children.

From 1915–1923, more than a million Armenians were forced to resettle in Ottoman Syria. To get there, ethnic Armenians were told to march from Turkish Armenia, many of them dying of starvation, disease, or massacre by Turkish forces. Those who survived faced continued abuse at the hands of the Turkish authorities, causing the rest of the population to perish or flee the region as refugees. This effectively eliminated the Armenian population from the Ottoman Empire.

Despite facing some of the worst atrocities of the modern world, Armenians have overcome adversity and continue to prosper as an independent, democratic state. The United States and Armenia have built a long-lasting, strong relationship and we continue to stand by our friend and ally to sustain cooperation on issues of global and regional importance.

As citizens of a global society, we have a solemn obligation not to ignore history or the horrific events of the past. The Armenian genocide marks the first known genocide of the 20th Century, a century only sadly to be marred by repeated offenses against humanity from the Holocaust to Darfur. To commemorate this inhumane event reminds us that ethnic conflict still plagues the modern world and is a pressing issue for the international community. As a member of the Congressional Armenian Caucus and the Tom Lantos Human Rights Commission, I remain committed to achieving a future free from unnecessary violence, hatred, and indifference.

Madam Speaker, I ask my colleagues to join me in remembering and acknowledging the Armenian genocide and the victims of its atrocities to ensure we do not repeat the mistakes of the past.

"NICK ROUSSOS: AN AMERICAN HERO"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. FRANK of Massachusetts. Madam Speaker, our jobs as Members of Congress are sources of great satisfaction to us, but there are occasional downsides. For me, the worst is the fact that I cannot literally be in two places at one time on certain occasions. One of those is coming up. On Friday, May 1st, at a time when I already committed myself irrevocably to be elsewhere, the Arnold M. Dubin Labor Education Center at the University of Massachusetts/Dartmouth will be celebrating the life of the late Nicholas Roussos.

Madam Speaker, at a time when we are trying to pass legislation that will restore to American working men and women the right to be fairly represented in the workplace through unions of their choosing, it is poignant that Nick Roussos passed away. No one I have ever worked with has been a better, more

dedicated, tougher, and at the same time gentler crusader for the rights of working people than Nick Roussos. As a leader in the Southeastern Massachusetts branch of the International Ladies Garment Workers Union, and as a prominent member of the leadership of the labor movement in general, both in Southeastern Massachusetts and in the Commonwealth, Nick Roussos embodied the best in that activity.

I first met him in 1981, when congressional redistricting sent me to the City of Fall River to look for support. I found a strong supporter. But more importantly, I found a great friend and a source of inspiration. No one who worked with Nick Roussos—no one exposed to his infectious humor even in the face of the greatest adversity—could become jaded for too long. At the tensest moments I had to deal with, I would find excuses to call Nick and get the encouragement and energy that he could dispense as well as anybody else, and far more than most.

Economic trends, especially trade policy, have been unkind and unfair to the people that Nick represented. But he never gave up fighting hard for justice for them.

Madam Speaker, Nick Roussos was an American hero. He did as much as was humanly possible to improve the quality of life for his neighbors and for the people he represented.

And it's important to note that those whom he dealt with on the industry side shared the great respect for him that I have expressed here.

Madam Speaker, the Arnold M. Dubin Labor Education Center is an institution in which he vigorously participated, and it does a great deal to carry on the best traditions of American labor policy. I very much regret that I cannot join so many of my friends in honoring Nick Roussos on May 1st, but I do want to take this opportunity to remind people of the spirit that he embodied and of the need for us to enact legislation that will allow people like Nick Roussos to continue the work that they have done on behalf of those most in need of assistance.

HONORING SUE CARY

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CASSIDY. Madam Speaker, I rise today to honor Sue Cary, for her dedication and contributions to nephrology nursing and kidney patients in Louisiana and across the country. Sue is one of my constituents from Baton Rouge and has served as President of the American Nephrology Nurses' Association (ANNA) in 2008 and 2009. Sue has been an active member of ANNA for 24 years—serving in a variety of leadership roles. As ANNA President, she has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments.

ANNA is one of the largest and most prestigious nursing associations in America. The

organization is the recognized leader in nephrology nursing practice, education, research, and advocacy. ANNA's members are registered nurses and health care professionals that care for patients of all ages who are experiencing, or are at risk for, kidney disease.

Approximately 20 million Americans have chronic kidney disease. While African Americans only make up about 12 percent of the U.S., they constitute about 32 percent of chronic kidney disease cases and are 4 times more likely than Caucasians to develop kidney failure.

I urge my colleagues to take advantage of the educational opportunities offered by ANNA to learn more about kidney disease. I believe this information will help our nation better understand the issues facing kidney disease patients and nephrology nurses.

Sue Cary has also recognized the importance of recruiting and retaining nephrology nurses to help ensure the future of the profession. She currently is a key figure in ANNA's annual "Nephrology Nurses Week," a national campaign that recognizes and celebrates the critical role of nephrology nurses in patient care. During another annual ANNA event, Kidney Disease Awareness and Education (KDAE) Week, Sue and other nephrology nurses across the country invite state and federal legislators to visit dialysis units to learn more about kidney disease and treatments in their districts.

Professionally, Sue Cary has worked as a Nurse Practitioner in Louisiana and has served as an Associate Professor, in the Division of Nursing, at Our Lady of the Lake College from 1990–2003. She has also worked as an adjunct clinical nursing faculty member for Loyola University's Registered Nurse (RN) to Bachelors of Science in Nursing (BSN) program, where she was responsible for the clinical component of the programs' "Community Health Course."

Please join me in commending Sue Cary for her years of service.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 1824, the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009.

Legal Name of Requesting Entity: Best Buddies.

Address of Requesting Entity: 100 Southeast Second Street, Suite 2200, Miami, FL 33131.

Description of Request: \$10 million will be authorized to provide assistance to Best Buddies, a nonprofit organization dedicated to helping people with intellectual disabilities, to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social

relationships and other aspects of community life, including education and employment, within the United States.

IN RECOGNITION OF BALLET ACADEMY EAST ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Ballet Academy East (BAE) as it celebrates its 30th Anniversary. BAE was founded in September 1979 by Julia Dubno, who continues to serve as its director and inspiring leader.

Ms. Dubno opened BAE in a brownstone on East 79th Street featuring one small studio. Under Ms. Dubno's careful tutelage the school has flourished, growing in size and reputation. Today the school occupies 5 spacious studios and features a world renowned faculty. Ms. Dubno has assembled a talented group of teachers and musicians to work with all levels of students from two year olds through adults. The school introduces toddlers to the concept of dance, provides a nurturing environment for training older children and enables adults of all ages to stay in shape.

There are times when it seems that every small girl on the Upper East Side is taking ballet class at BAE. Toddlers in pink leotards and their mothers or caretakers flock to BAE's building every day. The elevators are crowded with youngsters in strollers, scrambling to put on ballet slippers as they rush to class. They find a ballet fantasy world, filled with music, movement, story-telling and dance.

While toddlers of every degree of interest in dance are welcomed, by the time children reach first grade, the school begins to evaluate and grade students with an eye to preparing them for the rigorous world of dance. In the afternoon, these older children arrive, exuding a sense of purpose and a desire to succeed. Advanced students rave about the fact that instruction really seems to be a group effort, with each class complementing the others. The pre-professional program consists of classical training that is intended to prepare young dancers for any professional company. Combinations become more advanced as students improve their technique. BAE's faculty help students discover a love of dance and enable skilled students to improve their technique. Students find that BAE allows them to expand as artists, discovering their strengths and finding ways to overcome their weaknesses. BAE students perform for the public at annual spring and studio performances, and as part of Dances Patrelle's annual Nutcracker.

Darla Hoover (former member of New York City Ballet) is the artistic advisor and coordinator for the graded level program. Graduates have gone on to perform with many national and regional ballet companies or to attend other topnotch ballet schools, including the School of American Ballet, Dance Theater of Harlem Ensemble, Nashville Ballet School, BalletMet, Nashville Ballet II and Kansas City

Ballet. Students often return for additional classes. As one student wrote in the most recent newsletter: "Change is good, but it's always nice to know you can go back."

The school was thrilled to welcome Cynthia Gregory, whom Rudolf Nureyev once called "America's prima ballerina assoluta," as one of its Permanent Guest Faculty. She staged Michael Fokine's *Les Sylphides* for the BAE Student Company Studio Showing in February.

For adults working to stay in shape or seeking to improve flexibility or muscle tone, BAE offers Open Classes for adult students of all levels in Pilates, yoga, jazz, and modern. Adults laud the intimate classes and the dedication of the faculty. Instructors are knowledgeable and willing to offer advice so that even the most advanced dancers can improve.

Madam Speaker, I ask that my colleagues join me in recognizing the great contributions Ballet Academy East has made in training young ballerinas, and Julia Dubno for guiding young people to achieve their best.

HONORING NAPOLEON TOWNSHIP
FIRE CHIEF JAY HAWLEY

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud today to honor a truly outstanding public servant, Napoleon Township Fire Chief Jay Hawley, as April marks the 35th anniversary of his service as a Napoleon firefighter.

Jay's unwavering dedication to the community, the breadth of his experience, the depth of his knowledge, and his skill as a leader are cornerstones the Napoleon Township Fire Department's long success rests on. He is endlessly creative in finding ways to do more with less—stretching every local dollar through regional cooperation, obtaining financial grants from a wide array of external sources, and the old fashioned approach of just plain spending every fire department dollar wisely.

Jay is open to new ideas, willing to listen, ready to change, and always ready to cooperate for the larger good. He has been a tireless leader at the regional level on initiatives to improve emergency responder communications, strengthen training, pool fire resources, and enhance safety. He is never concerned with who gets credit for success, only that success is achieved.

How many millions of dollars in property were spared and how many dozens of lives were saved through Jay's efforts may never be known, but Napoleon Township and surrounding communities know he is owed a debt of gratitude that can never be fully repaid.

IN TRIBUTE TO JOHN HOPE
FRANKLIN, HISTORIAN AND AC-
TIVIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. RANGEL. Madam Speaker, I rise today in recognition of the life and achievements of John Hope Franklin, and his dedication to, "weave into the fabric of American history enough of the presence of blacks so that the story of the United States could be told adequately and fairly." In March 2009, the passing of John Hope Franklin removed from the world a scholar whose academic excellence was profound in its effect on modern U.S. history. Though he is no longer with us we will not forget the contributions he has made to this country and the world.

John Hope Franklin succeeded in his intention to recognize the presence of African Americans in our history and through his scholarship which was unparalleled in its brilliance and so complete that it was universally acclaimed. He created an awareness of the role of the African American in American history that did not exist prior to his work.

John Hope Franklin was born just fifty years after the Emancipation Proclamation in Rentiesville, Oklahoma on January 2, 1915. He graduated from Fisk University in 1935 and earned a PhD from Harvard University in 1941. From Slavery to Freedom: A History of African-Americans, perhaps his most famous book, traces the African-American journey from the African continent to their struggle for equality in the twentieth century. Through his efforts to explain that African-American history is American history, John Hope Franklin himself became an integral actor in that history not only through his published scholarly papers but through his engagement in the Civil Rights Movement, beginning with the part he played in the landmark case of Brown vs. Board of Education and subsequently as an activist scholar providing an eloquent voice for the Movement.

John Hope Franklin was a true scholar and activist. Through his life he has inspired generations of historians. Today, I am proud to pay tribute to the life of Mr. John Hope Franklin.

ALLEN CAYIR, ELLIS ISLAND
MEDAL OF HONOR

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BACCA. Madam Speaker, I rise today to recognize Allen Cayir, President of Transech Engineers, Inc., who will receive the prestigious Ellis Island Medal of Honor.

Established in 1986 by the National Ethnic Coalition of Organizations, the Ellis Island Medal of Honor pays tribute to our nation's immigrant heritage by recognizing those individuals whose achievements have helped to foster respect and understanding for America's

ethnic diversity. Since the award began, recipients have included United States Senators, Congressman, Nobel Laureates, military leaders, outstanding athletes, and clergy.

A native of Turkey, Mr. Cayir, or "Ali" as he is known to his friends, arrived in the United States after earning an engineering degree from Istanbul Technical University. In 1989, he founded Transtech Engineers, Inc, which provides professional and technical expertise to governmental agencies, educational institutions and the private development sector.

Through his dedication and hard work, he was able to grow the business to a multi-million dollar enterprise. Notable projects over the years have included the Alhambra Civic Center Public Library and the Renovation of the Historic Santa Fe Depot Train Station in San Bernardino, California.

In addition to his professional accomplishments, Ali is also known for his philanthropic contributions. He has participated in fundraising activities for the Tools for Education organization at California State University San Bernardino, as well as helped with the restoration work at Mission San Juan Capistrano. In 2005, Ali started a matching fund drive for local businesses for Hurricane Katrina victims, and personally matched other funds collected.

Ali is a volunteer teacher at California State University, where he sits on the board of the College of Education and the Tools for Education Project. He was instrumental in raising \$3 million for a new education building at the University.

He is also very active in the Southern California Hispanic community, engaging in many community organizations that provide support services to the Latino population. In 2006, the Embracing Latino Leadership Alliance honored Ali with the "Honorary Latino Citizen" award.

Finally, Ali is a founding Board Member of American Friends of Israel and Turkey, an organization dedicated to improve cooperation and understanding between American, Turkish, and Israeli citizens by supporting cultural, ethnic, and community events.

Throughout his extraordinary career as an engineer and community servant, Ali has always remained a dedicated family man. For the past 31 years, he has been married to his wife Sybil. Together, they have a daughter, who is currently following in her father's footsteps, pursuing a degree in civil engineering.

On behalf of myself, my wife, and my family, I congratulate Mr. Cayir for this tremendous honor. His contributions to his family and his community provide a wonderful example of service for all Americans to follow.

HONORING THE SERVICE OF CLIF-
TON SPRINGS HOSPITAL & CLIN-
IC AUXILIARY

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MASSA. Madam Speaker, I would like to take a moment to recognize the service and achievements of the Clifton Springs Hospital & Clinic Auxiliary. The Hospital Auxiliary celebrated 50 years of community service on January 26, 2009. A reception to commemorate

the first meeting of the Auxiliary was held on the same day. During their first year, the Auxiliary ambitiously initiated five projects that were used to better patient care: occupational therapy, hostesses to serve daily coffee/tea, magazine distribution, flower committee and Pinkie Puppets for Easter. The Hospital Auxiliary has since organized numerous fundraising events to pay for projects and equipment that would not have come to fruition otherwise. These important projects have been critical to increasing the comfort of Clifton Springs Hospital patients. For their tireless dedication to patient well-being, it is my pleasure to honor the Clifton Springs Hospital & Clinic Auxiliary.

CONGRATULATING MICHAEL W.
DAWSON

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor and congratulate Michael W. Dawson upon his recognition as Mason of the Year by the Battle Creek Lodge #12 Free and Accepted Masons of Michigan.

Since being raised a Master Mason in 2005, Mike has served as Senior Deacon, Senior Warden and is now serving his second year as Worshipful Master. He also has served on the Finance Committee and is active on the lodge's MDOT Adopt-A-Highway program.

Mike is appreciated by other area lodges for his many visits and willingness to help in their degree work. He is active in his church and serves as a Greeter and Usher. Mike also is a past President of the local Optimist Club where he has presented monthly awards to outstanding middle school students.

Mike and his wife, Elizabeth (Betty), are both retired from the Federal Government, DOD. It is with deep appreciation of the significance of this recognition that I commend Michael W. Dawson upon being named Mason of the Year and wish him well in all his future endeavors.

RECOGNIZING CLAIN ROBERTS ON
HIS 25TH ANNIVERSARY AS MIN-
ISTER OF MUSIC AT IMMANUEL
BAPTIST CHURCH IN PACE,
FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Clain Roberts on his 25th Anniversary as Minister of Music at Immanuel Baptist Church in Pace, Florida.

For the past twenty-five years Clain Roberts has inspired the congregation at Immanuel Baptist Church with music. As the Minister of Music, Mr. Roberts leads all of the church's choirs as well as the orchestra and band. Mr. Roberts has also written many of the choruses

in use by Immanuel Baptist including the church's Easter musical.

The choir program has grown dramatically under Mr. Roberts who created ensembles, quartets, the orchestra, and band. But Mr. Roberts is also an integral figure in the church because of his active participation in all other aspects of the church's doings. He takes senior adults on outings and visits congregants in the hospital. Because of the hard work and dedication put forth by Mr. Roberts over the past twenty-five years, he enjoys a special relationship with the members of Immanuel Baptist Church and is greatly loved by the fellowship.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Clain Roberts for twenty-five years of outstanding achievement and look forward to seeing what the next twenty-five will bring.

HONORING THE MARIN
CONSERVATION LEAGUE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. WOOLSEY. Madam Speaker, it is with great pleasure that I rise today to honor the Marin Conservation League on the occasion of its 75th Anniversary Celebration. Founded by four visionary women, the League has worked to preserve and protect for public use many of the magnificent lands of Marin County.

As the Golden Gate Bridge was nearing completion in 1934 Caroline Livermore, Sepha Evers, Portia Forbes, and Helen Van Pelt were deeply concerned about unplanned growth a completed bridge would enable. Not wanting 'hot dog stands and billboards,' they met to discuss the future and agreed to raise money for the county to hire planning expert Hugh Pomeroy.

Intrepid women, not easily discouraged they raised \$2500 and Pomeroy developed the first countywide planning study. Learning the powers of political persuasion quickly, the women convinced the Board of Supervisors to adopt the plan which recommended the preservation of significant open spaces and guided the county's future growth. Almost at once, they swiftly proposed and persuaded the Supervisors to enact a county ordinance forbidding billboards which is in force to this day.

Caroline Livermore and her three co-founders, along with a growing organization, worked for more than 30 years to create public parks and secure for permanent preservation such Marin landmarks as Stinson Beach, Samuel P. Taylor Park, Drake's Bay, Tomales Bay State Park, and Richardson Bay Wildlife Refuge.

Never shying away from battle, MCL stopped plans for the commercialization of Angel Island when it was declared surplus by the federal government after WWII. The League further fought to have it declared a state historic site and worked 14 more years to ensure the Park's master plan prevented commercial development, preserved historic resources, and protected wildlife habitat. Mt. Livermore, on Angel Island, was named to honor MCL co-founder Caroline Livermore.

Working with Audubon Canyon Ranch and the Nature Conservancy, MCL prevented the development of a recreational resort complex locally dubbed 'Newport Beach North.' By purchasing Kent Island and tidelands and donating the lands to Marin County as a park, Bolinas Lagoon was permanently preserved as a wildlife refuge.

Over the years Mann Conservation League has played many significant roles including helping to establish Point Reyes National Seashore and Golden Gate National Recreation Area. In the 1960's they led the fight against massive development in West Marin and stopped a proposed cross-county freeway. They advocated for agricultural zoning and in 1972, MCL helped launch the Marin County Open Space District.

During the 1970's and 80's, as land became more costly, MCL shifted its political priorities to work collaboratively towards the protection of environmental quality throughout the county. They campaigned vigorously to oppose offshore oil drilling, prevent logging on Bolinas Ridge, and worked tirelessly to defeat the peripheral canal, the environmentally costly state plan to divert Northern California water to the Southland.

Never resting on its laurels, MCL continues to work on protecting important natural features while developing environmental public policy, and working to implement that policy. Through careful research and evaluation, MCL prepares positions on government proposals, development projects and ballot propositions.

Madam Speaker, I have appreciated working with Marin Conservation League on many complicated issues and know they will conscientiously continue to monitor project proposals, track policies, and encourage government to adopt decisions that protect the environment. I congratulate the Marin Conservation League on its 75 years of extraordinary achievement!

RECOGNIZING EARTH DAY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. TIBERI. Madam Speaker, as many of my colleagues know, today is Earth Day.

Earth Day is dedicated to raising awareness of how we can all be good stewards of our environment and leave our world better than we inherited it for future generations.

An important task to achieve this laudable objective is a comprehensive federal energy policy, one which puts all options on the table for debate and discussion. In other words, an "all of the above" approach.

Included in this energy policy will be exciting new technologies which incorporate more efficient, cleaner and safer ways to harness energy from the sun and our natural resources. There will also be an expansion of common-sense practices to conserve our resources.

One such method is recycling. We're familiar with recyclables, as more and more Americans chose to participate in local recycling programs nationwide. Recycling results in a net reduction in ten major categories of air

pollutants and eight major categories of water pollutants. To put this in perspective, a national recycling rate of 30 percent reduces greenhouse gas emissions as much as removing nearly 25 million cars from the road.

One vital contributor is the scrap recycling industry. In these challenging economic times, the scrap recycling industry employs more than 85,000 workers while providing high-quality products at lower costs, thus strengthening our economy.

Each year the scrap recycling industry keeps over 160 million tons of material out of landfills. Recycled aluminum saves our country 95 percent of the energy that would have been required to make new aluminum from ore. It also invests significant capital in high-tech, environmentally-designed manufacturing machinery that is used to sort, pack, transform, process, manufacture and ship materials to become new products.

As a member of the House Recycling Caucus, I believe Congress must continue to build our partnership with the scrap recycling industry. Last year's Recycling Investment Saves Energy tax credit has been well received, and I think we all agree that more can be done.

On this Earth Day I would like to thank the scrap recycling industry for the dedication to strengthening our economy in earth friendly way.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CARNEY. Madam Speaker, on Tuesday, April 21, I was absent for three rollcall votes. If I had been here, I would like the RECORD to reflect that I would have voted: "yes" on Rollcall Vote 193; "yes" on Rollcall Vote 194; and "yes" on Rollcall Vote 195.

I would like this inserted into the RECORD in its appropriate place.

IN HONOR OF MAYOR ELWOOD L. MALICK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor an exemplary citizen, someone who has served the people of Spring Lake Heights and my state of New Jersey with distinction—Mayor Elwood L. Malick. He is being recognized as the 2009 Citizen of the Year by The Greater Spring Lake Chamber of Commerce for the exceptional work he has performed in his community.

Mayor Malick served as mayor of the Borough of Spring Lake Heights from 2004 to 2009. Located on the Jersey Shore, Spring Lake Heights is considered one of New Jersey's best places to live, with a vibrant and small beachside community. In his position, Mayor Malick has helped Spring Lake Heights continue to thrive as a vibrant town with ac-

claimed picturesque views and a tight-knit community. Under his leadership, Spring Lake Heights has become a welcoming summer escape for thousands of visitors every year.

Mayor Malick has served on the governing body of Spring Lake Heights for 31 years, 26 as a member of the Borough Council, 13 as council president, and the last five as mayor. Beyond his dedicated service in government, Mayor Malick has served as a model school teacher for over 20 years. His dedication to education is commendable, though his commitment to community service extends outside the classroom. As a coach of Little League and high school basketball, Mayor Malick has touched the lives of young students in many meaningful ways.

Madam Speaker, I am proud to congratulate Mayor Malick on his award, and I wish him the best as he opens a new chapter in his life. His example will continue to inspire us all and visitors will continue to enjoy their visits to Spring Lake Heights as a result of his accomplishments.

HONORING CHIEF MICHAEL G. CURRY

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor a truly exemplary public servant, Chief Michael G. Curry, as April marks the 35th anniversary of his service as Napoleon Township Police Chief. Mike's unflinching dedication to the community, his extensive knowledge and experience in police work, and his effectiveness as a leader are keys to the long and continued success of the Napoleon Township Police Department.

Mike has always placed the welfare of children as his highest priority. That emphasis is reflected in a long list of local initiatives he has championed: child safety training, pedestrian and bike safety programs, SAVE (school active violence event) training for students and teachers, student finger printing, driving safety training, uniformed police officers taking children out to shop at Christmas, and numerous other initiatives.

He is especially resourceful in finding ways to maximize the benefit Napoleon residents receive from every local dollar spent on law enforcement—obtaining financial grants from many different external sources, leveraging resources through regional cooperation and consortiums, staffing the department with highly experienced officers who are willing to work part-time for Napoleon, and closely managing every expenditure large or small.

A recognized leader at the regional level, he is a past president of the Village and Township Police Association, past chair of the 911 Board, as well as current board member and chair of the curriculum committee for the Jackson and Lenawee County Training Consortium. Mike treats every resident issue, no matter how small, as important because every resident is important to him. Napoleon is a safer and more desirable community to live in, its children are better protected, and its resi-

dents are served by a highly effective Police Department thanks to Chief Curry.

How many lives have been saved, traffic accidents prevented, injuries avoided and crimes deterred through his efforts may never be known, but we as a community know we owe him a debt of gratitude that can never be fully repaid.

MOLECULAR IMAGING WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to acknowledge this week as Molecular Imaging Week. During this week, the molecular imaging and therapy community at hospitals, clinics, imaging centers, educational institutions, and corporations around the world, will educate Congress and the public about health policy issues related to molecular imaging and therapy.

Annually, more than 20 million men, women, and children need noninvasive molecular/nuclear medicine procedures. These safe, cost-effective procedures include: positron emission tomography (PET) scans to diagnose and monitor treatment of cancer, diagnose neurological disease such as Alzheimer's and stroke, cardiac stress tests to analyze heart function, bone scans for orthopedic injuries and follow-up for breast and prostate cancer patients, and lung scans for blood clots. Patients also undergo procedures to diagnose liver and gall bladder abnormal function and to diagnose and treat hyperthyroidism and thyroid cancer.

Molecular imaging and therapy procedures provide safe, painless, and cost-effective techniques to image the body and treat disease. These procedures are crucial in the early diagnosis of cancer, renal disease, cardiac disease, and Alzheimer's. Imaging procedures often identify abnormalities very early in the progress of a disease—long before many medical problems are apparent with other diagnostic tests. The techniques that are used in molecular imaging include radiotracer imaging/nuclear medicine, magnetic resonance imaging (MRI), magnetic resonance spectroscopy (MRS), optical imaging, the PET scan, ultrasound and others.

Molecular imaging offers unique insights that allow a more targeted approach to evaluation and management of heart disease. It also plays a pivotal role in guiding the management of cancer: diagnosis, staging (extent and location), assessing therapeutic targets, monitoring therapy, and evaluating prognosis; and is playing an increasingly significant role in conditions such as: tumors, dementias (Alzheimer's and other), movement disorders, seizures disorders and psychiatric disorders.

Why is molecular imaging important? It is revolutionizing the practice of medicine and is critical to quality health care. Molecular imaging delivers on the promise of "personalized medicine"—it can provide patient-specific information that allows tailored treatment of disease. It can show a precise (molecular) level of detail that provides new information for diagnosis, for determining which kinds of therapy will and will not work for which patient,

and for tracking the results of a specific therapy to see exactly how well it is working. It is also key to the development of pharmaceuticals and genetic therapy. Molecular therapy utilizes targeting molecules that deliver the therapeutic agent directly to the site of interest, bypassing normal tissue that is responsible for the toxic side effects of many current therapies.

Based in Reston, Virginia, the Society of Nuclear Medicine (SNM) is an international scientific and professional organization founded in 1954 to promote the science, technology and practical application of nuclear medicine. Its 16,000 members are physicians, technologists and scientists specializing in the research and practice of molecular imaging and nuclear medicine. In 2005, SNM created the Molecular Imaging Center of Excellence, an organizational component within SNM, dedicated to all aspects of molecular imaging in the detection and management of disease. The primary focal areas of the Center are educational programs, professional and inter-society networking, and serving as a resource for development and implementation of SNM policy in this specialized area.

I applaud SNM and its members for their efforts to educate others on this major healthcare innovation during Molecular Imaging Week (April 19–25), and I urge my Colleagues to join me in supporting policies that will continue to keep our nation on the cutting edge of molecular imaging research.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. WESTMORELAND. Madam Speaker, on March 23, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

Aye on Motion to Suspend the Rules and Pass the Stan Lundine Post Office Building Designation. (Roll Call #145)

Aye on Motion to Suspend the Rules and Pass the Lance Corporal Drew W. Weaver Post Office Building Designation. (Roll Call #146)

On March 24, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

Aye on Motion to Suspend the Rules and Pass the Department of Homeland Security Component Privacy Act of 2009. (Roll Call #147)

No on Motion to Suspend the Rules and Pass the Nuclear Forensics and Attribution Act (Roll Call #148)

Aye on Motion to Suspend the Rules and Agree to Expressing support for designation of the week of March 1 through March 8, 2009, as School Social Work Week. (Roll Call #149)

On March 25, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

No on Ordering the Previous Question providing for consideration of the Senate amend-

ments to H.R. 146, the Omnibus Public Land Management Act. (Roll Call #150)

No on Agreeing to the Resolution providing for consideration of the Senate amendments to H.R. 146, the Omnibus Public Land Management Act. (Roll Call #151)

Aye on Motion to Suspend the Rules and Pass the Special Inspector General for the Troubled Asset Relief Program Act. (Roll Call #152)

No on Motion to Concur in Senate Amendments to Omnibus Public Land Management Act of 2009. (Roll Call #153)

Aye on Motion to Suspend the Rules and Agree to Recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy. (Roll Call #154)

No on Motion to Table Raising a question of the privileges of the House regarding earmarks and campaign contributions. (Roll Call #155)

No on Agreeing to the Resolution, the Rule providing for the consideration of H.R. 1404, the Federal Land Assistance, Management, and Enhancement Act. (Roll Call #156)

On March 30, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

No on Motion to Table Raising a question of the privileges of the House. (Roll Call #163)

No on Motion to Suspend the Rules and Pass, as Amended the Melanie Blocker Stokes MOTHERS Act. (Roll Call #164)

Aye on Motion to Suspend the Rules and Pass, as Amended the Wakefield Act (Roll Call #165)

On March 31, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

No on Agreeing to the Resolution Providing for the consideration of the Senate amendments to H.R. 1388. (Roll Call #166)

Aye on Motion to Suspend the Rules and Pass the Dextromethorphan Distribution Act. (Roll Call #167)

Aye on Motion to Suspend the Rules and Pass, as Amended the Recognizing the 30th anniversary of the peace treaty between Egypt and Israel. (Roll Call #168)

No on Motion to Concur in the Senate Amendments Generations Invigorating Volunteerism and Education (GIVE) Act. (Roll Call #169)

No on Motion to Suspend the Rules and Pass, as Amended the Vision Care for Kids Act of 2009. (Roll Call #170)

Aye on Motion to Suspend the Rules and Pass the Health Insurance Restrictions and Limitations Clarification Act. (Roll Call #171)

No on Agreeing to the Resolution Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress. (Roll Call #172)

No on Motion to Suspend the Rules and Pass to establish the Daniel Webster Congressional Clerkship Program. (Roll Call #173)

Aye on Motion to Suspend the Rules and Pass the Capitol Police Administrative Technical Corrections Act of 2009. (Roll Call #174)

On April 1, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

No on Motion to Table the Flake Resolution. (Roll Call #175)

No on Agreeing to the Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014. (Roll Call #176)

No on Agreeing to the Resolution Providing for consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards. (Roll Call #177)

No on Motion to Suspend the Rules and Pass, as Amended the End Government Reimbursement of Excessive Executive Disbursements (End GREED) Act. (Roll Call #178)

Aye on Motion to Suspend the Rules and Agree to Honoring the lives, and mourning the loss, of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland Police Department in California who were brutally slain in the line of duty. (Roll Call #179)

Aye on Agreeing to the Bean of Illinois Amendment (Roll Call #180)

No on Agreeing to the Dahlkemper of Pennsylvania Amendment (Roll Call #181)

No on Passage to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards. (Roll Call #182)

On April 2, 2009 I stayed at home due to an ongoing medical. As a result, I missed a number of votes. Had I been present, I would have voted the following:

No on Agreeing to the Resolution providing for the adjournment of the House and Senate. (Roll Call #183)

No on Agreeing to the Resolution providing for consideration of H. Con. Res. 85. (Roll Call #184)

Aye on Agreeing to the Buyer of Indiana Substitute Amendment. (Roll Call #185)

Aye on Motion to Recommit with Instructions the Family Smoking Prevention and Tobacco Control Act. (Roll Call #186)

No on passage of the Family Smoking Prevention and Tobacco Control Act. (Roll Call #187)

No on Agreeing to the Woolsey of California Amendment in the Nature of a Substitute. (Roll Call #188)

Aye on Agreeing to the Jordan of Ohio Amendment in the Nature of a Substitute. (Roll Call #189)

No on Agreeing to the Lee of California Amendment in the Nature of a Substitute. (Roll Call #190)

Aye on Agreeing to the Ryan of Wisconsin Amendment in the Nature of a Substitute. (Roll Call #191)

No on Agreeing to the Resolution Congressional Budget for Fiscal Year 2010. (Roll Call #192)

THE FALLEN STARS MEMORIAL
MURAL

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ARCURI. Madam Speaker, I rise today to highlight the efforts of the Herkimer Lions Club, Mohawk American Legion Post 25, Frankfurt Kiwanis Club, Little Falls Rotary Club, and the Herkimer Polish Community Home in creating the Fallen Stars Memorial Mural to honor the memory of New York State's fallen soldiers who gave their lives in Iraq and Afghanistan.

The Fallen Stars Memorial Mural was unveiled Memorial Day 2008 at Herkimer County Community College's Veterans Memorial Park, in Herkimer, NY. This memorial recognizes 229 brave men and women who selflessly and honorably made the ultimate sacrifice for their country and this Memorial Day, a second mural will be dedicated to further recognize their life and our loss.

I am proud to inform Congress and the nation that each fallen hero has been remembered by either a service project improving the quality of life in Central New York, or by a donation to a veterans' service organization. As a Member of Congress and as a New Yorker, I am forever grateful for the commitment and valor of our veterans, and I am touched by the spirit of their communities as those they left behind work to improve the quality of life for so many in the name of these heroes.

I would like to recognize the following individuals in particular for their dedication to this initiative: RJ Lenarcic, Chairman of Special Projects for the Herkimer Lions Club; Mimi Martin, spokeswoman for the Fallen Stars Tribute whose husband was tragically lost in Iraq in 2007; Kay Lenarcic; Kelly Brown; Devin McDonald; Dan Ferguson; Paul Scanlon; Elmer Heston; and Bob Critser.

Madam Speaker, it is with great privilege and honor that I recognize here today the Fallen Stars Memorial Mural and the individuals who have worked so tirelessly to make this memorial a reality, while paying respect to the American heroes we have lost too soon.

A TRIBUTE TO MISS USA 2009
KRISTEN DALTON

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MCINTYRE. Madam Speaker, I rise to pay tribute to Miss North Carolina USA Kristen Dalton for winning the title of Miss USA 2009 on April 19, 2009.

An aspiring motivational speaker and entertainer from Wilmington, North Carolina, Miss Dalton competed against 49 other beauty queens to win the prestigious title of Miss USA 2009, in addition to receiving the highest scores for the swimsuit and evening gown competition. She will represent the United States of America in the Miss Universe 2009 pageant in August 2009.

A 22-year-old graduate of East Carolina University with a degree in Psychology and Spanish, Miss Dalton's duties as Miss USA will enable her to continue working with the Miss Universe organization's charitable alliances including Susan G. Komen for the Cure, the USO, Special Olympics, the American Cancer Society and speaking to youth audiences targeting issues such as peer pressure and perseverance. She will be afforded a year's use of a New York apartment, a public relations team, a two-year scholarship at the New York Film Academy and a salary to carry out her duties and continue the Miss USA focus on charity.

A singer and dancer who credits her strong religious faith and family for her success, Miss Dalton comes from a long line of pageant winners. Her mother, Jennie Dalton served as Miss North Carolina USA in 1982, and her sister, Julia Dalton, served as Miss North Carolina Teen USA in 2008 and as second runner-up in the Miss Teen USA pageant.

Madam Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of Miss Dalton's life and qualities that the Miss USA pageant upholds in selecting its winners. May we all wish Miss Dalton the very best in her quest for the Miss Universe title, in addition to using her selflessness, tenacity and integrity as a beacon of direction, and example of dedication, and a source of inspiration. Indeed, may God bless Miss Dalton and her time serving our country as Miss USA 2009.

HONORING SSGT. RICHARD
HOWARD HEMENWAY

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor SSgt. Richard Howard Hemenway, Jr. of the 110th Fighter Wing Chaplain's Office in Battle Creek, Michigan on the occasion of his retirement. SSgt. Hemenway has been a dedicated member of the armed forces for 21 years, five of which were active duty, including four tours to the Middle East. He was commended twice for this service, among many other honors. In October of 2000, SSgt. Hemenway was presented the Leadership Award by his peers for Outstanding Academic and Leadership Performance Air Force Sergeants Association Cereal City Chapter 774. In 2005, SSgt. Hemenway was named Base Non-Commissioned Officer of the Year. He has done all of this as a loving husband to his wife, Kathy, and dedicated father to his children. SSgt. Richard Howard Hemenway, Jr. is a model of patriotism and well deserves our respect and appreciation for his many years of dedication and distinguished service.

ON THE PASSING OF AMBASSADOR
SARATA OTTRA ZIRIGNON-TOURE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BUTTERFIELD. Madam Speaker, it is with deep sadness that I report to the House of Representatives that Cote d'Ivoire's roving Ambassador Sarata Ottra Zirignon-Toure suddenly passed away on April 9, 2009. I have had the distinct pleasure of working with Ambassador Zirignon-Toure on the establishing the Congressional Caucus on Cote d'Ivoire. She proved instrumental in the establishment of the Caucus, which focuses on issues in West Africa, specifically the pending elections and peace efforts in Cote d'Ivoire.

For decades Ambassador Zirignon-Toure has been at the forefront of Cote d'Ivoire's political landscape—as a freedom fighter, advocate for democracy and leader in the women's movement. Her commitment landed her in jail in 1970 with a group of fellow activists who are now key members of government, including President Laurent Gbagbo. When their party, the Ivorian Popular Front, was recognized as the official opposition in 1990, she was named to the shadow cabinet, eventually receiving the foreign affairs portfolio.

A linguist, teacher and child psychologist by training, Ambassador Zirignon-Toure served President Gbagbo as deputy chief of staff since his election in 2000. She served as a roving envoy and troubleshooter with a special focus on relations with the United States. Her academic credentials include degrees and diplomas earned in the United Kingdom and Cote d'Ivoire. She worked for several years as a translator in New York and for the U.S. Foreign Broadcasting Information Service at the embassy in Abidjan.

Her intellect and leadership is most certainly a loss to Cote d'Ivoire and the United States. She will be remembered for her powerful advocacy in the United States on behalf of all Ivorian people.

On behalf of the Congressional Caucus on Cote d'Ivoire, I offer my sincere condolences to Ambassador Zirignon-Toure's family, President Gbagbo and the people of Cote d'Ivoire.

A TRIBUTE TO RICHARD L.
TALBOTT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise with my colleague Congresswoman ELLEN O. TAUSCHER, to recognize Richard L. Talbott, Regional Manager for the Readjustment Counseling Service, Pacific Western Region within the Department of Veteran's Affairs, and congratulate him as he approaches his retirement this June and thank him for his outstanding service to our nation's military veterans.

Dick served our country with honor as a member of the US Army, 9th Infantry Division

and from 1968 to 1969 fought in Vietnam. Following his release from active duty, Dick began his VA career. He first joined the San Diego VA Medical Center, Psychology Department and in 1988 he became a counselor at the Escondido Vet Center. Dick was soon promoted to the position of Team Leader, a position he held from 1990 through 1993. It was during this period that Dick also served as the Executive Director and CEO of the Vietnam Veterans of San Diego (VVSD), and co-authored a "how to" manual on Stand Down for homeless veterans. It was largely due to Dick's tireless efforts and his keen sense of purpose that the program was deemed a huge success, as he more than doubled the residential services capacity for homeless veterans and was the primary negotiator in securing nearly \$2 million for expanded homeless veteran services related to the base closure process in San Diego. The Stand Down as developed in San Diego, has been replicated by agencies across our country and is considered by experts in the field, a stellar program for providing a wide range of services to our homeless and at risk veterans.

It was at this time that Dick also took on the responsibilities of Regional Manager for the Readjustment Counseling Service. Since assuming this position, he has been responsible for the oversight and operation of thirty-two highly successful Vet Centers throughout California, Hawaii, Oregon, and the Territory of Guam.

Madam Speaker, we invite our colleagues to join us in also thanking Dick's wife Maureen, his daughter Megan and son Michael for the sacrifices they have undoubtedly made during the span of his career. We join today with his family, colleagues, friends, and most importantly with the men and women of our veteran communities across the nation who have benefited most from his work, in recognizing, celebrating and sincerely thanking Richard L. Talbott for a remarkable career.

IN RECOGNITION OF EVA
PLASCENCIA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished service of Eva Plascencia. After 30 years with the Internal Revenue Service, she continues to dedicate herself to her career of service.

Eva was born in Clovis, California on September 25, 1956 to Roy Woodley and Juanita Tovar. She graduated from James Logan High School in Union City, California in 1974. In 1979, she married Robert T. Plascencia and their marriage blessed them with three daughters. She is most proud of the fact that all of her children have earned college degrees. Personally, Eva enjoys arts and crafts, sewing and spending time with her grandson Joshua Diego Ojeda.

Mrs. Plascencia began her career with the Internal Revenue Service on January 17, 1978 as a Career Conditional Appointment Clerk—GS03. Since then Eva has worked hard to ad-

vance into many different positions and levels within the IRS. Her commitment to learning new policies, honing her skills, and taking on new challenges provided her the opportunity to progress on a yearly basis within the Service. Her most recent positions where in 1998 when she was promoted into Accounting and in 2006 when she moved into the Collections department as a GS8.

Throughout her career at the Internal Revenue Service, Mrs. Eva Plascencia is well known for her hard work ethic and determination. As she celebrates her 30 years of service, I wish her continued success and good luck in all her future endeavors.

HONORING SCHULER'S
RESTAURANT AND PUB

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor Schuler's Restaurant & Pub in Marshall, Michigan as they celebrate 100 years of dedicated service. Schuler's was opened in 1909 by Albert Schuler, Sr. and is a family-owned restaurant. Four generations of Schuler's have built the family reputation and have helped to maintain traditions that grow out of good, honest work and a love of food, people, and the community. Along the way, each generation has shown a flair for imagination and innovation in the hospitality and food industry. In an era of many constant challenges that face our daily lives, the tireless efforts of establishments like Schuler's help to make our community, state and country an outstanding place to live and work. It is with deep appreciation of the significance of this milestone that I commend Schuler's Restaurant & Pub as they celebrate 100 years of exemplary service to the Marshall community and the State of Michigan.

HONORING THE LIFE OF MIRIAM
WITHERSPOON

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. DAVIS of Alabama. Madam Speaker, I rise to extend my condolences to the family of Miriam Witherspoon, a city council member whose death on April 21 is being mourned by the entire city of Birmingham, Alabama. Ms. Witherspoon was a note of grace in Birmingham politics: if you knew her, you had to appreciate that she was genuinely kind and generous in a profession known more for its sharp edges.

Miriam was the kind of individual who excelled at whatever she did. Academically, that meant graduating with high honors from Alabama A&M, and second in her class at Miles Law School. Professionally, it meant crafting a career as one of the leading experts on elder law in the state of Alabama. Politically, it meant forging a political career in her adopted

community of Birmingham on her own, independent terms. She lost her first council race, but came back so strong that in 2005, she won easily, the only non-incumbent to win outright without a runoff. Miriam won the confidence of her peers so quickly that in her first days, they elected her president pro tempore of the council.

Miriam Witherspoon happened to have a disability. An automobile accident twenty-one years ago ruined her spinal cord. Her spirit only grew stronger. When she entered public life, disabled citizens in Birmingham finally had their voice. Miriam pushed Birmingham and its city buildings to live up to the obligations of the Americans with Disabilities Act. When told that following the law cost money, her answer was, in effect, "we are Americans by way of Birmingham, Alabama, and we belong here too". Her passion reminded us that Birmingham of all places has no business keeping people out.

She goes home to rest now, having fought the good fight. Her legacy will be the people she inspired, who used to have an excuse for why they couldn't compete or excel. That is, they had an excuse until the moment they met Miriam Witherspoon, and felt the spirit that was standing upright around her wheelchair.

CELEBRATING EARTH DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHIFF. Madam Speaker, the Los Angeles basin holds one of the greatest concentrations of humanity in the world. People have come from all over the Earth to live there—when one walks down a street in Glendale or Alhambra one can hear a language from ten thousand miles away on one block and read signs in a vastly different language on the next. But if you look up a little higher, above the signs and above the buildings, you'll see gray-green mountains looking down on it all. In my district, we're right up against the Verdugo, Santa Monica and San Gabriel Mountains, and they surprise you all the time, appearing at street corners from behind the buildings, playing hide-and-seek with intervening hills and highways.

Though few of my constituents live up there, I try to get up into the hills as often as I can, and I'm often surprised by how many of my neighbors I run into on the trail. I think that, like me, they wander in the chaparral and oak forests to get away for a while, and find some perspective in the process. Among the families, teenagers and retirees I pass, I see all of the cultures I know from the streets of my district, all enjoying the fact that they can find some peace and quiet just a few minutes away from one of the largest cities in the world.

Our green spaces play an irreplaceable role in our communities, and on this Earth Day, I would like to celebrate them. This is a day to think globally, but it is also a day to act locally, by taking your family to the park and exploring all that you find there. In the words of John Muir, "When one tugs at a single thing in nature, he finds it attached to the rest of the world."

A TRIBUTE TO RON SAILOR

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize and honor the dedication, service and commitment of Ron Sailor to the veterans of Maine.

Ron was born in Orono, Maine, and is a graduate of George Stevens Academy in Blue Hill. He attended Husson College and graduated with a Bachelor of Science in accounting in 1968. He then briefly worked for Great Northern Paper Company and the Internal Revenue Service.

Ron served 32 years in the Maine Air National Guard, attaining the rank of Colonel. He served in a number of roles, including Chief of Staff to the Adjutant General, Public Affairs Officer, and Director of Operations and Training.

Like so many veterans across our nation, Ron's service did not end when he took off his uniform. Following his Maine Air National Guard service, Ron became active in the American Legion, serving as Orono Post 84 Commander, the Penobscot County Vice Commander and the Department of Maine Commander.

For the past 10 years, Ron has served as the Adjutant for the Department of Maine. Throughout his service to the American Legion, he has worked tirelessly on behalf of all the Maine legionnaires to ensure they receive the rights and benefits they have earned from their service.

Maine veterans, both now and for generations to come, will benefit because of Ron's efforts. Through his hard work and dedication, Ron has left a lasting legacy and brought honor and credit to himself, his family, his community, the American Legion and his nation. I have valued his candor, his guidance and his friendship, and I extend my sincere thank you to him for his many years of service on behalf of the veterans of Maine.

THE INTRODUCTION OF THE CHILD CARE AFFORDABILITY ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mrs. MALONEY. Madam Speaker, the rising cost of child care is squeezing working families in these difficult economic times, and the amount of assistance the federal government currently provides to ease the burden of these expenses is inadequate. To address this issue, today I am introducing the Child Care Affordability Act.

A substantial gap exists between what high-quality early care and education programs cost and what most families can afford to pay. The average cost of full-time care for one child in a child care center is about \$13,000 per year in urban areas—nearly one quarter of the typical family's income. The amount of assistance that the typical family can receive from

the current federal credit for child care expenses is limited to \$600 for one child and \$1,200 for two children. The Child Care Affordability Act helps families to fill that gap so that more of America's children will experience high-quality child care and early education settings.

The Child Care Affordability Act of 2009 acts on two fronts. First, it creates a new tax deduction for child and dependent care expenses. Much of a so-called "martini lunch" is currently a tax-deductible business expense, while child care is not. But for the typical family, child care is a very necessary expense for being able to work. Second, the bill expands the current credit for child and dependent care expenses so that it provides a more meaningful level of assistance to families. Families would be able to choose either the deduction or the credit, making the choice that gives them the biggest tax break. A family with median income of \$56,788 and two children could receive as much as \$5,200 in tax assistance.

I urge my colleagues to join me in this initiative to ease the burden on working families while making an essential investment in the future prosperity of our country.

HONORING JACOB TANENBAUM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ENGEL. Madam Speaker, I rise today to honor Mr. Jacob Tanenbaum, an outstanding constituent and educator from the 17th Congressional District of New York, for his exemplary efforts in bringing real scientific research to the classroom.

Jacob Tanenbaum, an elementary school teacher at the South Orangetown schools in Rockland County, New York, was chosen by the National Oceanic and Atmospheric Administration's (NOAA) Teacher at Sea Program to participate in a two-week research cruise in the North Atlantic this past fall to study Atlantic fisheries while aboard NOAA Ship Henry B. Bigelow.

Embarking from Newport, Rhode Island, Mr. Tanenbaum's research cruise followed a track off the United States' northeastern coast. Mr. Tanenbaum not only researched fisheries, but also wrote a daily blog, took photographs, interviewed scientists, and engaged in dialogue with his students, fellow teachers, and the general public. Mr. Tanenbaum became an integral part of the research team and ship's crew and established relationships that will give him and his colleagues access to scientific resources for many years to come. With his at-sea experience, Mr. Tanenbaum has been able to enrich his curriculum and excite his students about science.

In one of his logs, Mr. Tanenbaum wrote, "Through NOAA's Teacher at Sea Program, students are not just learning about exciting research projects at sea, they are witnesses to them, and on some level, participants in them. The Teacher at Sea program is about something far more important than test scores and text books. It is about inspiration and excitement. Inspiring learning and creating excite-

ment about learning are not just simple hoped-for extras in an educational setting—they are the most essential parts of a culture of learning."

I congratulate, Mr. Tanenbaum on his spirit of adventure in the name of education, his willingness to try new things, and his ability to bring this experience back into the classroom. NOAA's Teacher at Sea program has afforded Mr. Tanenbaum an unparalleled opportunity to provide his students with hands-on scientific education, grounded in his unique experience. The lessons he learned on the Bigelow will stay with Mr. Tanenbaum for the rest of his teaching career, acting as a source from which he will always be able to draw inspiration and creativity.

HONORING PATRICK GARRETT

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor Patrick Garrett, President and Chief Executive Officer of Battle Creek Health System (BCHS) as he transitions into a new executive role as Vice President of the Operations Performance Leadership Department with Trinity Health.

Pat has served as President and CEO of Battle Creek Health System (BCHS) since July of 1999. His legacy includes strong community involvement, a growing partnership with medical staff and marked improvements in finances, quality, and service.

During Pat's tenure, BCHS was honored for outstanding clinical outcomes by HealthGrades, the nation's leading independent health care ratings company and the American College of Surgeons' Commission on Cancer. It was named one of the nation's leaders in development of an electronic medical record by Hospitals & Health Networks magazine.

BCHS has also been recognized for five consecutive years as one of West Michigan's "Best and Brightest Places to Work" by Michigan Business & Professional Association. For the past nine years, Patrick has earned both the respect and admiration of medical staff, associates, and community members for his skillful and honest leadership. Patrick is a model of patriotism and well deserves our respect and appreciation for his many years of dedication and distinguished service.

HONORING THE 2009 CLASS 5A GIRLS SOCCER STATE CHAMPIONS COPPELL HIGH SCHOOL COWGIRLS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MARCHANT. Madam Speaker. I rise today to recognize the exceptional achievement of the Coppell High School Girls soccer team: 2009 Class 5A State Champions of

Texas. The Coppell Cowgirls completed their historic title run with a victory over the nation's previously top-ranked team and a dramatic 3-2 victory over The Woodlands in the state championship game.

Winning a state title is a remarkable accomplishment. It takes many crucial components working together to achieve this level of success. The 2009 Class 5A Girls Soccer State Champions of Texas, the Coppell High School Cowgirls, include: Kailey Hicks; Tannah Deloach; Katie Bass; Laura Sadler (Captain); Lauren Johnson; Alyssa Diggs (Captain); Sydney Frazier (Captain); Spayne Avant; Dominique Dinka; Chioma Ubogagu; Brittany Redus; Amina Radonicic; Allison Guderian; Danielle Herubin; Kristen Hart; Christina Baker; Erin Barlow; Haley Powers; Rebekah Henderson; Rachel Henderson; Cara Manning (Captain); Tori Van Riper; Whitney Borstad; Lauren Scott; Maddie Peter; Jessica Berdan; Bear Bass; Lindsey Meyer; Arielle Ghoston (manager); Arresha Robinson; Yvette Carson; Kristen Hester (trainers); Michelle Mcalister; Justin Heller; Tito Schwabe (assistant coaches); John Crawford (athletic director); Sherri Hankins (athletic coordinator); and the head coach, Chris Stricker. Educators, teachers, school officials, families and friends also deserve significant praise for their efforts in supporting the Cowgirls.

The state title earned by the Cowgirls has brought great pride to the school and community. On behalf of the 24th Congressional District of Texas, congratulations to the entire team and coaching staff and best of luck in all of your future endeavors.

TRIBUTE TO THE 150TH ANNIVERSARY OF THE TEMECULA POST OFFICE

HON. DARRELL E. ISSA

OF CALIFORNIA—

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ISSA. Madam Speaker, today marks the one hundred and fiftieth anniversary of the Temecula Post Office. In 1859, at its establishment, it became only one of seven post offices in California south of the Tehachapi Mountains.

John Butterfield, an experienced stagecoach company owner was awarded a contract to deliver mail between St. Louis, Missouri and San Francisco, California. There was a time consideration in the contract requiring that each trip be completed in 25 days. On September 16, 1858, Mr. Butterfield began the first east to west journey and it was completed in 23 days and 23 hours.

Six months after the passage of the first Butterfield Stage through Temecula, U.S. President James Buchanan appointed Louis A. Rouen as the first Temecula Postmaster on April 22, 1859. Rouen served at the Magee store, near what is now Margarita Road and the Temecula Parkway. This was the first of the fourteen post office sites that have been used in the collection and distribution of Temecula's mail; the post office location changed frequently during the ensuing decades. It was located in several places includ-

ing private residences, the Wolf Store, the Machado Stores, the train station, the Palomar and the Temecula Hotels, Hall's Café, Security Pacific Bank and the two sites operating today.

During its journey to and from Temecula, mail may have been in ships, planes, 18 wheelers, golf carts and many other conveyances including the last mule train delivery used in the United States. Mail Service in Temecula has been a significant part of the community for a century and a half. It is sometimes little appreciated except by those who serve. Following September 11, 2001 the Postal Service ran a series of reminders in magazines, papers and on television that summarize what they do for the citizens of Temecula and our Nation.

"We are mothers and fathers. And sons and daughters who every day go about our lives with duty, honor and pride. And neither snow, nor rain, nor heat, nor gloom of night, nor winds of change, nor a nation challenged, will stay us from our appointed rounds. Ever."

Still standing today, the Temecula Post Office is a monument to the faithful and dedicated work of the men and women who have served the community for 150 years.

PAYING TRIBUTE TO MSU RECEIVING THE AFRICA-U.S. HIGHER EDUCATION INITIATIVE PLANNING GRANT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor Michigan State University in East Lansing, Michigan. Continuing their proud history of service MSU recently won a United States Agency for International Development and the Higher Education Development Africa-U.S. Higher Education Initiative Planning Grant Competition.

Nearly 300 applications were submitted for capacity building partnerships between U.S. colleges and universities and higher education institutions in Sub-Saharan African nations. Michigan State University is one of 40 winners that will each receive a planning grant of \$50,000.

This initiative was proposed during the Higher Education Summit for Global Development and subsequent regional summits held in Rwanda last year. It is the beginning of an ongoing campaign to assist higher education institutions in Africa.

In total, the grants will help to develop plans to address regional and national economic development priorities in Africa such as engineering, health, agriculture, environment and natural resources, science and technology, education and teacher training/preparation, and business, management and economics.

Michigan State University will partner with the University of Malawi to address critical 21st century environment and development challenges. Their project is titled "Ecosystem Services: Linking Science to Action, in Agriculture, Environment, and Natural Resources."

Madam Speaker, I ask my colleagues to join me in honoring Michigan State University on

their receipt of this important grant. They are truly deserving our respect and admiration.

A TRIBUTE TO ROBERT B. CATELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Robert B. Catell, a visionary leader in our community and an inspiration to all of New York.

Robert B. Catell was raised and educated in New York City, having earned both his Bachelor's and his Master's degrees in Mechanical Engineering from the City College of New York. A Registered Professional Engineer, Mr. Catell also attended Columbia University's Executive Development Program and the Advanced Management Program at the Harvard Business School.

Robert B. Catell began his career in New York's energy industry in 1958 at Brooklyn Union Gas. As the corporation evolved into the nation's fifth-largest natural gas distributor, Keyspan, Mr. Catell established himself as a leader for the corporation, guiding it through multiple transitions in a growing, competitive industry.

Robert B. Catell is now the Chairman of National Grid, U.S. following the acquisition by National Grid of Keyspan Corporation. He is also Chairman of Northeast Gas Markets, of Alberta Northeast Gas Ltd., and a member of the Board of Directors of KEYERA Energy Management Ltd.

Robert B. Catell is also a leader in securing New York's economic, educational, and cultural future. He co-chairs the Board of the Downtown Brooklyn Partnership and chairs the Long Island Association. He also serves as member of the Board of Directors/Trustees for many local organizations, including the Business Council of New York State, the Partnership for New York City, the Energy Association of New York State, the City College of New York 21st Century Foundation, and the New York City Police Foundation.

Madam Speaker, I would like to recognize Robert B. Catell, a dynamic community leader for all of New York.

CONGRATULATING SARAH BAIRD—2009 ARIZONA TEACHER OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Sarah Baird on being honored as the 2009 Arizona Teacher of the Year. Sarah is a math teacher at Kyrene de las Lomas and Kyrene del Milenio elementary schools in Phoenix, Arizona where she teaches in nearly 60 classrooms at the two schools, with kids ranging from kindergarten through fifth grade.

Sarah started down her chosen path when she drove to Northern Arizona University and

became the first person in her family to attend college. She graduated in 2½ years with a bachelor's degree in elementary education and later went on to receive a master's degree in early child education, also from NAU.

For Sarah, teaching is all about helping students find the same potential that a teacher once helped her find in herself, and she works tirelessly to ensure that her students have the opportunity to fulfill their full potential. Besides instructing math, Sarah also educates her fellow teachers in ways to make their lessons more easily understood by students.

The Arizona Teacher of the Year program is a statewide program that spotlights the many contributions of Arizona's teachers. The program annually recognizes exceptionally skilled and dedicated teachers in pre-kindergarten through 12th grade public schools. Those who are honored, like Sarah, play an active and useful role in their communities as well as their schools. They also show an exceptional ability to help their students achieve. I know she will represent our state well in the National Teacher of the Year Program.

Madam Speaker, please join me in congratulating Sarah Baird on being honored as the 2009 Arizona Teacher of the Year. Her incredible dedication to her students and her community should be an inspiration to us all.

IN HONOR OF THE DELAWARE
AUTISM PROGRAM

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Delaware Autism Program as it celebrates its 30th anniversary in the State of Delaware. The Delaware Autism Program currently serves approximately 700 students statewide in six approved centers and operates at more than 30 community-based sites with the support of more than 400 staff members.

Designed in 1978 through the collaboration of state legislators and parents of children with autism, the Delaware Autism Program (DAP) offers valuable services to both students and families. DAP seeks, in its core components, to provide access to respite for parents of children with autism, residential support through the public school system, and community and vocational training and support. Along with the dedication to providing students with the best educational services in the nation, these have established DAP as a significant and invaluable resource for Delaware's Autism community.

Since its inception, DAP has been a leader in autism education. The development of the Picture Exchange Communication System (PECS), an educational tool now recognized worldwide for its initiation component of communication, was pioneered at DAP in 1985. The Brennen School in Newark, along with other DAP sites, has proven itself a leader in the implementation of evidence-based best practices in education for students with autism, including Applied Behavior Analysis

(ABA) interventions. Over the past 30 years, DAP has continued to grow and expand; in the past decade alone, the number of school districts hosting the program and the number of students and staff have doubled. With a continuum of educational settings ranging from separate schools, to community-based preschools, to inclusive settings in general education classrooms, the Delaware Autism Program has done and continues to do our great state of Delaware an immeasurable service.

On this 30th Anniversary, I would like to recognize the unequalled devotion of the Delaware Autism Program staff and the ongoing support of their parent community and host districts. Since 1978, DAP staff have given their time, their energy, and their hearts in the support and education of students and their families. I commend the Delaware Autism Program for its tireless dedication and I look forward to its continued success in serving this special group of students and their families.

HONORING MR. CHARLES Q. "C.Q." SMITH

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the efforts of Mr. Charles Q. "C.Q." Smith. Mr. Smith has devoted a lifetime to the development and nurturing of young citizens and future leaders, as the scoutmaster of Scout Troop 127.

CQ Smith entered the world of Cub Scouting in 1948 at the age of 9, joining Cub Scout Pack 127. At the age of 11, he crossed over to Boy Scouting with Troop 127, and by age 13 he achieved the rank of Eagle Scout with one Eagle Palm. His commitment to attaining this rank in such a short period of time is a tribute to his determined passion to achieve and succeed in life.

Following his graduation from Lafayette College in 1961 with the highest honors and a long list of academic and social accomplishments, Mr. Smith completed a graduate degree from the University of Chicago in 1963. This was followed immediately by active military service in Germany where he formed Boy Scout Troop 444, which soon became the largest and most active Scout Troop in the Transatlantic Council.

For 55 years of his adult life, Charles, has been an inspiration to hundreds of young men who have come to know and revere him as a caring and motivating mentor. He has instilled in each of them traits of character, citizenship, fitness of mind and body, and a full appreciation for the outdoors.

Serving with distinction as Scoutmaster for Troop 127 for 25 of its 90 years, Mr. Smith has led his Troop to all of the high adventure destinations that Scouting has to offer, as well as participating in National and World Jamborees. He has also provided his scouts with experiences in some of the finest natural environments in this region and across the World.

Through all of his endeavors, Mr. Smith's accomplishments, be they educational, spir-

itual, or professional, stand as models for all Scouts and Scouters to admire. For these reasons I congratulate Charles Q. "C.Q." Smith for all that he has done to better our community and nation as a whole.

HONORING MAJOR GENERAL FRED WOMACK USAF (RET.)

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. DUNCAN. Madam Speaker, Major General Fred Womack USAF (Ret.) of Loudon County, Tennessee has been inducted into the Tennessee Aviation Hall of Fame. He is one of the finest members of the Armed Forces I know, and I cannot think of anyone who deserves this honor more.

As a boy, the future Major General loved to build model airplanes and looked skyward with awe and envy as military planes flew in formation overhead. He vowed to one day be one of those pilots. But flying did not come easy. Like every great American story, his dream was realized only after overcoming many obstacles which would have led most men to simply give up.

Because he needed a degree to get into the U.S. Air Force pilot training program, Major General Womack enlisted in the Air National Guard while simultaneously pursuing a college degree. After earning a degree in business, Major General Womack applied for the U.S. Air Force pilot training program; unfortunately, he failed several times to make the minimum weight requirement. His dream was slipping away.

As fate would have it, the Berlin Air Lift called him to service in Germany. While overseas, he hired a pilot instructor and took his first flying lesson.

When he returned from Germany, Major General Womack gained enough weight for acceptance into the U.S. Air Force pilot training program, but another obstacle stood in his way. He was now past the 26-year-old cutoff age for acceptance. It was only through the foresight of Major General/Commander Robert Akin—who issued him a waiver—that Major General Womack finally realized his dream of attending the U.S. Air Force pilot training program.

His love of flight led him to two simultaneous careers, both of which he took to the pinnacle of success.

As an airline pilot for Piedmont Airlines, he went from flying a Martin 404 prop plane to Boeing 767s. He eventually became the airline's Flight Operations and Flying Safety Director and was Chairman of the Air Transport Association Flight Integration Committee. He also served as the project manager for the Traffic Alert Collision Avoidance System for the entire airline industry, technology which is still in use today and that has undoubtedly saved many lives.

While achieving success as a civilian pilot, Major General Womack was also making a name for himself in the Tennessee Air National Guard. As Commander of the 134th Consolidated Maintenance Squadron, he

achieved an unparalleled safety record. His diligence and devotion to safety as a pilot and commander led him to eventually become the Commander of the Tennessee Air National Guard.

Major General Womack is an example of the opportunities available only in America and a testimony to commitment, patience, and sacrifice. Throughout his careers, Major General Womack says he never felt like he worked a day. We should all be that lucky.

Madam Speaker, in closing, I would like to call the accomplishments of Major General Fred Womack and his induction into the Tennessee Aviation Hall of Fame to the attention of my colleagues and other readers of the RECORD.

CONGRATULATING ELEANOR KERRIGAN, THE 2009 WOMAN OF THE YEAR OF THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Eleanor Kerrigan, of Luzerne Street in Scranton, Pennsylvania, upon the occasion of being named as 2009 Woman of the Year by the Lackawanna County Federation of Democratic Women.

Ms. Kerrigan has distinguished herself for many years as a tireless advocate for her family, her church, several charitable organizations and for Democratic candidates for public office.

A daughter of the late Carmel McPhillips and Jerome McDonald, Ms. Kerrigan has five sisters, Carmel Cunningham, Patricia Ward, Madelon Williams, Barbara Harding and Catherine Flynn; one brother, Michael McDonald, and 19 nieces and nephews.

She is currently employed as Lackawanna County Deputy Recorder of Deeds. Previously, she worked for the Lackawanna County Bureau of Elections and the Pennsylvania Bureau of Revenue, both in Scranton. She also worked for the Pennsylvania Bureau of Elections in Harrisburg during the administration of the late Gov. Robert P. Casey.

Ms. Kerrigan is a member and past president of the Holy Cross Church Men's and Women's Society in West Scranton where she was instrumental in raising funds for church renovation projects.

For more than 30 years, she has been a member at St. Joseph's Center in Dunmore, which is devoted to helping those who are mentally and physically challenged. She also served as president of the St. Joseph's Center for two years and is a member of the St. Joseph's Center Auxiliary Board.

For nearly 40 years, Ms. Kerrigan has been highly active with the Scranton City and Lackawanna County Democrat organizations. For several years, she served as Chairwoman of the Scranton Democrats and she is currently the Treasurer of the Lackawanna County Democrats.

Ms. Kerrigan is a member of the Society of Irish Women, an organization that fosters education and cultural awareness of those with Irish heritage.

For many years, she has been a devoted member of the Race for the Cure Committee, an organization dedicated to eradicating the scourge of cancer.

Madam Speaker, please join me in congratulating Eleanor Kerrigan on this auspicious occasion. Her selfless service to so many worthy causes is an inspiration to others and has earned her widespread respect and admiration. Her selection as Woman of the Year by the Lackawanna County Federation of Democratic Women is entirely fitting and well deserved.

THE INTRODUCTION OF THE BOTTLE RECYCLING CLIMATE PROTECTION ACT OF 2009

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, today, on Earth Day, I am re-introducing the Bottle Recycling Climate Protection Act of 2009, which would create a national beverage container recycling program. This national Bottle Bill would build on the success of existing state bottle laws and promote recycling by offering a 5 cent deposit on beverage containers, including plastic water bottles that have become more prevalent in recent years. Recycling these products saves energy and money, cuts global warming pollution, and reduces landfill waste.

Twenty-seven years ago, my state of Massachusetts became one of the first states to adopt a state bottle law in order to encourage the recycling of cans and bottles. Since its inception, Massachusetts' bottle law has been a tremendous success. In 2006, over 2 billion beverage containers were sold in Massachusetts and nearly 70 percent of them were recycled rather than littered or incinerated.

Recycling and reusing these bottles not only reduces the amount of trash that ends up in our landfills, it also dramatically reduces the amount of global warming pollution that ends up in our atmosphere. American consumers purchase nearly 600 million beverage bottles and cans, on average, every day. Roughly 385 million of them are landfilled, incinerated or littered. Nine of ten plastic water bottles end up as garbage or litter where they take up to 1,000 years to biodegrade. A national bottle bill will help us turn this trend around.

A national bottle recycling program would have profound economic benefits from energy savings for American businesses. The energy use associated with manufacturing these containers from virgin materials is far greater than the cost of using recycled materials. In fact, making an aluminum can from recycled materials requires 95 percent less energy than to make it from scratch.

I am proud to introduce this important bill today on Earth Day. Passing this bill would send a clean energy message in a bottle to American consumers and businesses. A na-

tional Bottle Bill can help America quench its thirst for imported oil and will allow us to have carbon dioxide in our fizzy drinks, while cutting down on heat-trapping carbon dioxide in the atmosphere.

IN MEMORY OF MEGAN MILLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. PENCE. Madam Speaker, I rise today to remember the remarkable life of Megan Miller. I was deeply saddened to learn of her passing and believe her courage in the face of adversity is something special that deserves recognition today on the floor of the people's House.

Megan Nichole Miller was born on November 26, 2000, to her loving parents, Scott and Suzanne Miller of Jamestown, Indiana. Megan attended Granville Wells Elementary School and was a member of New Brunswick Church of Christ.

Though Megan faced remarkable challenges throughout her brief time with us, she will be remembered by her friends and family for the spirit with which she lived and the faith that guided her life. Megan's passion for life brightened the world for everyone around her. Instead of focusing on her physical difficulties, she used her disabilities to teach others the importance of accepting all people—no matter what their circumstances. It is fitting that Megan loved music, especially hymns about God and heaven, where I am certain she is now.

None were more blessed by Megan than her family. She shared a special bond and deep love with her sister Hannah. Megan's parents are forever blessed by their remarkable daughters, and have gained a greater understanding of the worth that we all carry in the eyes of God.

Though Megan sadly has passed away, those who knew her will continue to benefit from the inspiring example that she set throughout her life. I would like to offer my sincere appreciation to the doctors and nurses who gave Megan the best possible care and my deepest condolences to Scott, Suzanne, and Hannah.

GEORGE MASON AWARDED USAID GRANT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues a recent announcement from USAID indicating that Virginia's George Mason University was one of 40 paired winners of the highly competitive Africa-U.S. Higher Education Initiative Planning Grant Competition.

George Mason will partner with the University of Sierra Leone to develop a four-campus community college system for the nation. The

development of this sort of higher education is critical to Africa's future development, particularly in nations like Sierra Leone, which not too many years ago had been ravaged by civil war.

GEORGE MASON UNIVERSITY AWARDED USAID-FUNDED GRANT IN AFRICA-U.S. HIGHER EDUCATION INITIATIVE GRANT COMPETITION

WASHINGTON, DC—The U.S. Agency for International Development (USAID) and the Higher Education for Development (HED) announced today that George Mason University is one of 40 paired winners of the Africa-U.S. Higher Education Initiative Planning Grant Competition. Nearly 300 applications were submitted for capacity-building partnerships between U.S. colleges and universities and higher education institutions in Sub-Saharan African nations. George Mason University and other paired winners will receive planning grants from USAID of \$50,000 each (a complete list of winners may be found at www.hedprogram.org).

"This competition is an important opportunity to build the kind of higher education capacity critical to the development of Africa," said Joseph Carney, director of USAID's Office of Education. "This initiative was proposed during the Higher Education Summit for Global Development and subsequent regional summit held in Rwanda last year. We are delighted to see this effort moving forward and expect great results from these planning grants."

These paired institutions will use the grants to develop plans to address regional and national economic development priorities such as engineering, health, agriculture, environment and natural resources, science and technology, education and teacher training/preparation, and business, management and economics.

George Mason University will partner with the University of Sierra Leone to develop a four-campus community college system for the nation, under the sponsorship of Ernest Bai Koroma, President of Sierra Leone, and under the direction of the Sierra Leone Ministry of Education, Youth and Sports.

HED manages the competition which grew out of the Africa-U.S. Higher Education Initiative (www.aplu.org), a collaborative effort between a number of higher education associations and other organizations, led by the Association of Public and Land-grant Universities (A.P.L.U.), formerly the National Association of State Universities and Land-Grant Colleges (NASULGC).

"We were elated by the astounding number of highly qualified applications received, and even more pleased by how many applications demonstrated a strong understanding of higher education needs in Africa," said Dr. Tully Cornick, executive director of HED. "The top 40 paired winning institutions represent the best of these applications, and plans that are developed as a result of the grants will address a variety of critical development needs. It is our belief that if funding is found to implement these plans, we will see tangible, measurable and sustainable impact made in these African countries."

"This important initiative continues to illustrate the enormous unmet need for higher education partnerships in Africa," added Peter McPherson, president of A.P.L.U. "We see this as just the beginning—this is an ongoing campaign to accomplish much more in engaging higher education institutions in Africa."

HED, funded by a cooperative agreement with USAID, was founded by the six major U.S. higher education associations to engage

U.S. colleges and universities in international development. For more information about HED and to view details about the planning grants competition, visit www.HEDprogram.org.

The American people, through the U.S. Agency for International Development, have provided economic and humanitarian assistance worldwide for nearly 50 years. For more information on USAID, visit www.USAID.gov.

THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise to commemorate the suffering of millions of Armenians between 1915 and 1923 due to actions by the Ottoman Empire. In those eight years, approximately 2 million Armenians were deported from their traditional homeland. Of those, 1.5 million were senselessly killed and the remaining 500,000 were expelled from their homes. This genocide served as models for other horrific massacres and ethnic purges that sadly persisted throughout the 20th century.

There is broad agreement that indeed what took place was genocide. On May 24, 1915, the Allied Powers England, France and Russia issued a joint statement charging the Sublime Porte of committing "a crime against humanity." The U.S. showed firm opposition to the unfolding horrors. Secretary of State Lansing in 1915 authorized the Ambassador to the Sublime Porte to engage to "stop Armenian persecution," and President Wilson set up relief funds for the victims and survivors, including 132,000 orphans who became foster children of the American people.

Genocide was also corroborated by German and British archives and records of diplomats who served in the Ottoman Empire at the time. The United States National Archives and Record Administration holds extensive documentation on the genocide, and the UN General Assembly in 1946 and the UN Convention on the Prevention and Punishment of Genocide recognized the Armenian Genocide as they type of crime the U.N. intended to prevent and punish by codifying existing standards. In 1975, a House Joint Resolution designated April 24 of that year as "National Day of Remembrance of Man's Inhumanity to Man" in part to remember all victims of genocide, especially those of Armenian ancestry.

We welcome steps today by the governments of Turkey and Armenia—as the official inheritors of these fateful policies of the Ottoman government—to normalize relations and begin working through this history. Indeed, reconciliation of painful history is an important means of preventing future tragedies of this scope.

We believe this process will be strengthened if the President—in his annual message commemorating the April 24, 1915 declaration by Allied Powers—to accurately characterize the mindless massacre of Armenians as genocide and to recall the proud record of U.S. opposition to this persecution.

IN HONOR OF THE KNIGHTS OF COLUMBUS COUNCIL #3182

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Knights of Columbus "Christopher Council" (Council #3182) as they celebrate their 60th anniversary of service to the Church and Community in the State of Delaware.

The Knights of Columbus exists throughout the United States, providing valuable services to their communities that would otherwise be left undone. For over 125 years, the organization has dedicated time, money, energy, and service to the sick, disabled, and anyone in need of help through a variety of programs. During the last sixty years, the Christopher Council has gone above and beyond its call of duty and provided an extraordinary amount of service to our local community. I commend them for their efforts.

This Council's work here extends to a variety of organizations and interests, as the members have continually sought to help others indiscriminately since the inception of its charter on September 29, 1948. Most recently, this Council has given major support to the St. Helena and Holy Rosary Parishes and Schools by actively supporting their annual carnivals and by sponsoring scholarships. Furthermore, the Christopher Council regularly offers numerous services to the Claymont and Wilmington area outreach programs as well as Claymont's annual Community Pride Festival and their yearly Christmas parade. Additionally, this organization assists the Cub Scouts, the Little Sisters of the Poor, and the Special Olympics, among other worthy organizations. They act as a leader within their own great institution by hosting our statewide Knights of Columbus summer picnic each year.

Once again, I am proud to recognize the Knights of Columbus Christopher Council for the profound impact they have made on our community. I am confident that they will continue to build on their accomplishments and strengthen their organization while improving our community even further. I wish them all the very best for the future.

INTRODUCING THE SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BLUMENAUER. Madam Speaker, in honor of the 39th Annual Earth Day celebration, I am introducing the Senator Paul Simon Water for the World Act of 2009, with Representatives DONALD PAYNE, DANA ROHR-ABACHER, JESSE JACKSON JR., ZACH WAMP, PETER WELCH, JOHN BOOZMAN, DAN BURTON, GEORGE MILLER, and JEFF FORTENBERRY as original cosponsors. The purpose of this Act is to empower the U.S. Government to respond

to the pressing poverty, security, and environmental threats presented by the dire mismanagement and shortage of global freshwater.

Today, one-fifth of the world's population relies on freshwater that is either polluted or significantly overdrawn. A lack of safe water and sanitation is an ongoing threat to global security and remains the world's greatest health problem, accounting for 2 million deaths a year and half the illness in the developing world.

At the 2002 World Summit on Sustainable Development in Johannesburg, South Africa the United States and 185 other countries agreed to the goal of cutting in half the percentage of people without access to safe water and basic sanitation by 2015. I worked with the Chair and Ranking Member of the House Foreign Affairs Committee, Henry Hyde and Tom Lantos, and Senate Majority and Minority Leaders Bill Frist and HARRY REID to enact the Senator Paul Simon Water for the Poor Act of 2005. This landmark bipartisan legislation established investment in safe and affordable water for the world's poorest as a major goal of U.S. foreign assistance.

We are halfway to the 2015 Millennium Development completion date and we must redouble our efforts. Although progress is being made through innovative partnerships between the U.S. Government, NGOs, businesses, and local partners, nearly 900 million people worldwide still lack access to safe drinking water and 2 out of 5 people on the planet lack basic sanitation services. By 2025, climate change and rapid population growth will further stress water resources and are expected to leave 2.8 billion people in more than 48 countries facing severe and chronic water shortages.

The United States cannot sustainably meet its poverty alleviation, global health, or development assistance goals without addressing the issue of safe water and sanitation. This legislation answers the call to act. The overarching goal of the Water for the World Act is to provide 100 million of the world's poorest with first-time access to safe drinking water and sanitation on a sustainable basis by 2015. To accomplish this goal the legislation builds upon the Water for the Poor framework for investment, expands U.S. foreign assistance capacity, and recognizes sustainable water and sanitation policy as vital to long-term diplomatic and development efforts.

The Water for the World Act complements legislation introduced recently in the Senate by Senators RICHARD DURBIN, BOB CORKER, and PATTY MURRAY. Through this legislation we will help the U.S. government focus its efforts and fully implement a smart and efficient global water strategy that meets our commitment to extend safe drinking water and sanitation to over a billion people in need.

HONORING THE LIFE AND WORK OF BART ANDERSON

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MATHESON. Madam Speaker, Southern Utah has lost a local treasure with the passing of Bart Anderson of St. George, Utah.

Bart Anderson was often described by people who meet him for the first time as "bear-sized Bart Anderson". He loomed large in the community life of Washington County. He was a retired St. George hematologist, historian and folklorist. Everyone knew him as "Ranger Bart" because he devoted his golden years to giving slide shows at nearby national parks—including Zion National Park—as well as at state parks.

I knew Bart Anderson as a man with a passion for the stories of this part of the West, known as Utah's Dixie—so named because cotton was one of the crops grown by the Mormon settlers here at the time of the Civil War.

One of Bart's most popular presentations was one on the outlaw Butch Cassidy. It featured vintage photos of Butch Cassidy, who Bart often pointed out, could charm the locals and even the lawmen of that era.

Bart was a talented and versatile man, who turned down a number of more lucrative business offers because they would take him away from Dixie and he said he had too much red dirt running through his veins to leave.

As a child, he contracted polio and when doctors said he wouldn't walk again, his father threw him in the swimming pool to help make him strong. When he was 11, Bart's father arranged for him to work for the Boy Scouts as a guide into the back country. He developed a great love of hiking, including the Grand Canyon.

As an adult, he merged his love of hiking with his passion for story-telling by giving walking tours in downtown St. George. That morphed into a series of history lectures for which he developed over 100 slide programs that communicated his love of place to residents and visitors alike.

He married his sweetheart, Delorice, whom he called "the wind beneath my wings." She was often in the audience during his lectures and performances. Whether he was reciting "The Ballad of Sam McGee" around a campfire with a troop of Boy Scouts, or researching history at the Washington County Historical Society, Bart Anderson was happiest when he was immersed in folklore. He received many local state and national honors, including an award as Outstanding Volunteer from former First Lady Hillary Clinton.

One of his close friends, Lyman Hafen, told the local newspaper that Anderson was one-of-a-kind—with a heart as big as Zion Canyon. I was very proud to be his friend and while he will be missed, he will never be forgotten.

HONORING MRS. JOYCE HERNCANE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to recognize Mrs. Joyce Herncane of Schellsburg for her efforts in preserving the history and heritage of Bedford County and its people.

Mrs. Herncane led efforts, on behalf of the Schellsburg Bicentennial Committee, to celebrate the town's 2008 bicentennial. This in-

cluded the opening of a museum that documented much of Schellsburg's past, and was made free to the public throughout the summer. This exhibit, brimming with memorabilia of the town's beginnings as well as items from throughout Schellsburg's history, contained displays ranging from school and sports history, to a saddlebag belonging to Peter Schell that was carried in the 1908 Centennial Parade. Exhibits paid tribute to author Dean Koontz and songwriter Maribeth Derry as well. The town's bicentennial activities culminated with a Christmas Home Tour of new and historic Schellsburg homes. All these events served to fund the continued restoration and preservation of the Old Log Church and Cemetery in Schellsburg.

I congratulate Mrs. Herncane for all her hard work. Her efforts, to preserve and make known the history of her community, will afford future generations the opportunity to benefit from Schellsburg's rich past.

COMMEMORATING THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mrs. MALONEY. Madam Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare once again that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was an act of genocide.

The tragic events began on April 24, 1915, when more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 94th anniversary of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied, and never, ever allowed to happen again.

Three years ago I joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian Genocide. This panel was to follow the airing of a documentary about the Armenian Genocide. Along with Representative ANTHONY WEINER, I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers.

The United States must join other parliaments in passing a resolution affirming that the Armenian people were indeed subjected to

genocide. The House Committee on Foreign Affairs took an important step two years ago in passing such a resolution. In the 111th Congress, I am a proud cosponsor of H. Res. 252, and I am hopeful that this resolution will make it to the Floor.

An acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. This year I have joined with my colleagues in requesting economic and military assistance for Armenia.

Legislation passed in the 109th Congress and signed into law to reauthorize the Export Import Bank included important language prohibiting the Bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia.

American tax dollars should not be used to support efforts to isolate Armenia, and these provisions would prevent that by ensuring that U.S. funds are not used to support the construction of a new railway that bypasses Armenia. A railway already exists that connects the nations of Turkey, Georgia, and Azerbaijan, but because it crosses Armenia, an expensive and unnecessary new railway had been proposed. Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor.

On this solemn day, our message is clear: the world remembers the Armenian Genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

A TRIBUTE TO THE LIFE OF
REVEREND CHESTER RIGGINS, SR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Reverend Chester Riggins, Sr. of Fresno, California, who passed away at the age of 80 years old. Reverend Riggins was preceded in death by his first wife Lillian Hines, his son Rodney Chester and daughter Diedra Grazelle and is survived by his second wife Anna Marie and his children Chester Jr., Shawn Mark, Noel Patrick, Sheila Antionette and Freida Yvonne along with their families.

Chester was born on December 8, 1928 in Marshall, Texas to John and Effie Riggins. Chester grew up in Marshall, Texas, until the middle of the fifth grade at which time his family moved to Fresno, CA, in December of 1938. Upon arriving in Fresno, he began attending Lincoln Elementary School. During his teenage years he attended junior high at Thomas A. Edison Jr. High School and graduated from Thomas A. Edison High School in 1945. In 1946, he volunteered for the U.S. Army and following his basic training was stationed in Guam. After an honorable discharge from the U.S. Army in 1947 he enrolled at Fresno State College.

As a child Chester answered an altar call during a chapel service at Park School in Marshall, Texas. Upon settling in Fresno his family attended the Second Baptist Church where he was baptized by Reverend Charles H. Byrd and Reverend L.C. Garret, and then transferred to Mount Pleasant Baptist Church. In 1950, he served as a Sunday school teacher, Director of Baptist Training Union, church clerk and church financial secretary. Two years later he was ordained as Deacon and served as Deacon Chairman for 5 years.

Chester continued to grow in his religious studies when he was called to the Gospel Ministry in 1960. On January 8, 1961, he was licensed as a Pastor by Reverend H.S. Moore. In 1961, he was invited and served as Youth Minister for Mt. Pleasant. He was ordained on January 25, 1962, to the Gospel Ministry by Reverend L.C. Garrett and assumed pastorage at St. Rest on February 13, 1962.

Reverend Riggins was instrumental in bringing many people back to the church even after being inactive members. The church grew both in spirituality and financially under the leadership of Pastor Riggins. As the congregation grew so did the need for a bigger building. His leadership in the community proved to be instrumental as the new building broke ground in March of 1979 and was ready for use at the Christmas Eve celebration in December 1979.

Pastor Riggins was also an active member of the community throughout the years. He was a founding board member of the Fresno Police Chaplains Organization, member of the Concerned Citizens for Quality Education, temporary Chairman of the Fresno Model Cities Program and a member of the West Fresno Interdenominational Alliance.

It is my privilege to say Reverend Chester Riggins, Sr., was an honorable and respected man with a commitment to God, family, and the community. He will forever live in the lives of the people he so graciously touched. I am honored and humbled to join his family in celebrating the life of this spiritually amazing man whose legacy lives on at Saints Rest Missionary Baptist Church of Fresno, California.

HONORING ARMSTRONG WOODS
STATE NATURAL RESERVE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor the 75th Anniversary of California's Armstrong Woods State Natural Reserve, the only protected old growth Redwood forest in Sonoma County that was once thick with some of the largest trees on the planet. This serene and stunning natural retreat comprises 805 acres of land and is home to California's majestic coast Redwoods.

Armstrong Woods boasts a diversity of trees and shrubs that create a multi-layered canopy supporting the growth of each species in the grove. Trees and plants in Armstrong Woods, such as Douglas Fir, Big Leaf Maple, Redwood Trillium, Sword Fern, and the most renowned, the imperial coast Redwood, contribute to the forest's diverse ecosystem.

Nurtured by abundant winter rain, moderate year-round temperatures and partial shade, coast Redwoods can grow up to 2–3 feet per year. At more than 310-feet tall, Parson Jones is the Reserve's tallest tree. The cloak of fog that protects the Redwoods from summer's harsh drought conditions allows these supreme trees to flourish along the coast from southern Oregon to central California.

Despite logging and raging fires, these mighty trees continue to provide their striking beauty, ecological significance and are witnesses to hundreds of years of history. The Reserve's oldest tree, Colonel Armstrong, is estimated to be more than 1,400 years old.

Part of the Redwood's resiliency is attributed to its natural resistance to insects, fungi, and fire. Some trees bare scars of the fire that roared in 1926, which is a testament to the strength of the thick, reddish bark.

The history of Armstrong Redwoods State Natural Reserve extends back to 1850, when the area was established as a lumber camp on the north bank of the Russian River called Stumptown, known today as Guerneville.

In 1874, Colonel James Boydston Armstrong, a journalist, surveyor and colonel with the Union Army, relocated from Ohio to Sonoma County where he logged and operated a sawmill site. Armstrong acquired 440 acres of land three miles north of Guerneville, and deeded the land to his daughter, Kate Armstrong, with the intention of preserving the land until its opening as an arboretum.

Because of Armstrong's financial distress and his daughter's ailing health, the parcel was eventually purchased by a family friend, Harrison M. LeBaron. Armstrong's vigilant efforts to preserve the land prevailed under the direction of his daughter Lizzie and the LeBaron family. They launched a well-supported campaign to protect the once mighty forest.

In 1917, the County of Sonoma purchased the property for \$80,000 and operated the grove until the State of California assumed ownership in 1934. The Reserve's trails and amphitheatre were created by the Civil Conservation Corps during the Great Depression.

Thanks in large part to Colonel Armstrong's preservation efforts, today the beauty, history and serenity of Armstrong Woods is enjoyed by students, campers, hikers and visitors from around the globe.

Armstrong Woods State Natural Reserve offers visitors an abundance of hiking trail choices, ranging from brief one-mile walks, to an intense 9-mile loop that ascends from 120 feet to 1,250 feet at the summit by Bullfrog Pond. Adventure seekers can enjoy back country campsites, equestrians can trot along trails and families can meander into the park to enjoy lunch flanked by awe-inspiring, 300-foot trees.

Through Stewards of the Coast and Redwoods, the Reserve's cooperating volunteer association, students learn about the forest's flora and fauna and can participate in an Environmental Living Program where they discover and explore the area.

Madam Speaker, my hope is that through continued preservation efforts and work on behalf of park staff and volunteers, Armstrong Woods State Natural Reserve will continue to serve as a tranquil reprieve, an ecological

treasure, and a recreational destination for years to come.

HONORING RUSSELL DUNHAM,
WORLD WAR II MEDAL OF
HONOR WINNER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring Russell Dunham, Medal of Honor Winner, who passed away at the age of 89 on April 6, 2009.

Russell Dunham was born in 1920, in East Carondelet, Illinois and grew up on a farm in Fosterburg, Illinois. With his brother, Ralph, Russell traveled to Peoria, Illinois in August, 1940 to find work. Instead of finding a job, both of them enlisted in the Army and would serve together throughout the war.

Russell saw action in North Africa, Sicily, and Anzio as part of the 3rd Infantry Division. On January 8, 1945, TSgt. Russell Dunham and his platoon were stationed on a snowy hillside near Kaysersberg, in the Alsace region of France, near the German border. German machine gun nests were covering the Americans from positions at the top of the hill and American artillery units were about to begin shelling the location where Dunham and his men were situated. This prompted Dunham to take the courageous action that would earn him the Medal of Honor.

With a mattress cover over his uniform to help blend into the white surroundings and carrying 12 carbine magazines and a dozen grenades, Dunham made his way up the hill toward the enemy position. When he was within 10 yards of the enemy machine guns, Dunham stood up to attack and was struck in the back by enemy fire. Despite his wounds, Dunham got to his feet to resume his attack, kicking away an enemy grenade that had landed at his feet.

Dunham continued his assault, taking out the first machine gun nest, then proceeded another 50 yards where he took out a second machine nest. Finally, he made his way up the hill another 65 yards where he took out the third and final enemy location.

As a direct result of Russell Dunham's single-handed charge, the lives of 150 of his fellow soldiers were saved. For this heroism, Russell Dunham was awarded the Medal of Honor at Zeppelin Stadium in Nuremberg, Germany on April 23, 1945.

After returning home from the war, Russell Dunham accepted a position with the Veterans Administration where he worked for 30 years, explaining benefits to veterans.

As is typical of so many who display rare acts of courage, Russell Dunham would deflect praise and insist that he did not consider himself a hero. He claimed that he was just doing his job. I am sure the 150 soldiers who survived that day because of Dunham's heroics would have a different opinion.

Russell Dunham is survived by a daughter, stepdaughter, stepson, three brothers, three sisters, three grandchildren and nine great-grandchildren.

Madam Speaker, I ask my colleagues to join me in an expression of honor and appreciation for a true American hero, Russell Dunham.

IN RECOGNITION OF THE PASSING
OF SPECIALIST MICHAEL J.
ANAYA, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor the memory of Specialist Michael J. Anaya, United States Army. Specialist Anaya gave his life in defense of our Nation and was killed in action on April 12, 2009 in Bayji, Iraq. Specialist Anaya was serving with the 2nd Battalion, 27th Infantry Regiment, 3rd Infantry Brigade Combat Team, 25th Infantry Division, Schofield Barracks, Hawaii.

Nick-named the "Anayalator" by his Army buddies, Michael loved the Army and wanted to serve in the Infantry. His military skills were obvious to everyone, as he was awarded the Expert Infantryman's Badge along with other military awards. He loved the military and his country. He also loved his family, friends, and fishing. He was a fine young American—an example of the greatness of our Nation.

Michael was buried with full military honors and will go to his eternal rest as an American hero. We remember this patriot—this fine soldier—and thank him for making the ultimate sacrifice for the United States of America. I am always reminded of the greatness of our country when I meet military families like the Anaya's who supported Michael as he volunteered to defend America.

The people of Crestview, Northwest Florida, and our Nation have many reasons to be proud of Specialist Anaya. Vicki and I will keep Michael's entire family, especially his parents, Carmelo Sr. and Cheryl Anaya of Crestview, his brother Carmelo Jr., and his sister, Trista, in our thoughts and prayers. I hope all the people of Northwest Florida and our nation do the same. May God bless Specialist Michael Anaya and all of those who serve in our armed forces and defend our Nation around the globe.

HONORING THE 125TH ANNIVERSARY OF THE ST. ANTHONY CATHOLIC SCHOOL IN SAN ANTONIO, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the 125th Anniversary of St. Anthony Catholic School in San Antonio, Florida. Founded on April 29, 1884 through the tireless efforts of Father E.J. Dunne, the school grew out of a class of 14 children taught in the home of Mrs. Cecilia E. Morse.

The first school house was a small 12 foot by 24 foot wooden structure. In 1892, the

Benedictine Sisters, who remain involved with the school to this day, arrived from Pennsylvania and constructed two large wooden school buildings. In 1922, Bishop Barry of St. Augustine dedicated a three story, red brick building which opened to 100 students. Today, St. Anthony's campus includes seven buildings and the enrollment has doubled in just the last 10 years.

As the oldest parochial school in Pasco County and in the Diocese of St. Petersburg, St. Anthony's strives to offer students the best educational start possible regardless of religion. In its 125th year, St. Anthony continues to welcome a new generation of young students with the goal of educating the total person: mind, body and spirit.

Madam Speaker, it is truly an honor to have such an exceptional and longstanding school in my district. St. Anthony Catholic School and all who have contributed to its success over the last 125 years should be commended for their commitment to education, child development and service to the community.

COMMEMORATION OF ARMENIAN
GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. WAXMAN. Madam Speaker, today marks the 94th Anniversary of the beginning of the Armenian genocide. This devastating event is a reminder that we cannot allow for such atrocities to happen again. It is unacceptable to witness thousands of innocent victims suffer and die without taking any action.

Ninety-four years ago, the Ottoman Turks began their attempts to exterminate the Armenian people. From 1915 until 1923, 1.5 million Armenians were tortured and killed. Men were separated from their families and murdered; women and children were forced to march across the Syrian desert without water, food, or possessions; many died of hunger or thirst or were killed when they lagged behind during the forced marches into the desert.

These acts of intolerance cannot be termed anything but genocide. We must honor and recognize those who survived but also remember those who perished. Acknowledging the commemoration of the Armenian genocide, is an important tribute to the Armenian people, especially the American-Armenian community.

CHICAGOAN RITA SALLIE'S COURT
STATEMENT BEFORE TWO MEN
WERE SENTENCED IN HER
DAUGHTER'S SLAYING

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. RUSH. Madam Speaker, it's my sad responsibility to call your attention to the anguish that Ms. Rita Sallie is experiencing. Hers is a pain felt by so many mothers and families across this great nation. Losing a child is a

tragedy that no parent should have to endure but, once again, an innocent child whose life was so full of promise abruptly lost her life due to gun violence in my Chicago community.

Rather than add more of my own words, I'm taking this opportunity to enter into the record the entire statement by Ms. Rita Sallie. Somehow, she found the courage to speak through her pain and wrote a heartfelt statement to the Chicago Sun-Times—a statement aimed, directly, at the convicted murderers of her daughter, 15-year-old Schanna. It is important that history remembers her petition as it sadly resonates for millions of parents throughout the United States.

Here's her statement, in its entirety:

They stole the life of a beautiful, kind, free-spirited girl and made her a statistic. Why? To get revenge for an argument? A fight? The leader should have gotten over it and walked away. But he was mad, you see, so the only reasonable thing for a coward to do was to get an idiot to shoot up a park where children play, only to hurt my child who was feet away.

She was born on Dec. 16, 1993, and was a cute, bald bundle of quiet joy. She grew to be a sincere, respectful, loving, selfless spirit filled with the joy of life. Her smile is infectious and no one can deny her energy and pure heart. She has a confident yet modest bearing and a smile like a balm to the soul. I would not realize until after I saw her smile how much I yearned for it.

The child I anticipated seeing everyday was gunned down in the middle of a park, behind Funston Elementary School, by two nothings. She was supposed to start 8th grade in the fall of 2007, but she never made it. She will never have the chance to show herself to the world. I will never have the chance to watch her make her way.

Schanna has always been so full of life. Her energy and vitality would leave me rolling my eyes in exasperation because sometimes I just wanted her to sit still and take a breath. They took the energy that left me breathless and left her lying, unmoving in the park behind Funston Elementary School where people could see her at her most vulnerable. They denied her the right to live, breathe, laugh, love and dream.

Schanna has such a generous spirit. She thought nothing of sharing her time or her possessions with you. She hated to see others unhappy or angry. There was nothing that she had that she wasn't willing to share. This child would take her birthday money and buy Christmas presents for everyone else. She was supposed to donate her organs so that others could continue living, even though she would not. They denied her that right, as well, because her heart stopped before her organs could be harvested, leaving them unusable and the recipients to wait and maybe even succumb themselves.

I have always been amazed by her. Over the years I would ask myself what did a barely passable person like me do to earn the privilege of having Schanna as my child? Somehow I was blessed to have a little girl with a brilliant mind, a big heart and a generous spirit. Although I struggle with being a better person, I do try to teach my children to know right from wrong, to make principled decisions and to have good moral character. Schanna took what I taught her and magnified it. She not only listened to what I advised, she put it into practice so much that she became the teacher, and I, the student. She is the person that I have struggled all my life to become.

People have always been drawn to her. Even as a toddler, people would stop me on the street to admire her and buy her small gifts, a piece of candy, or lollipop. That never changed. Up until she was taken from me, I would watch her walk to school by herself and before she made it, she would be surrounded by so many friends that I would no longer be able to tell her apart from the sea of blue and white uniforms.

All I have left are memories. The memories of our life before they intruded. The memories that I cannot call up because they are pushed aside for what they did to her on June 25, 2007. I saw my baby lying in the park, eyes open staring, with bits of her favorite fruit scattered around her. I struggle to recall the constant twinkle in her eye, the bright smile and the distinctive cackle of her laugh. I am embarrassed to admit that I try to avoid thinking of her at all because I don't want to recall that day and all the days that came after. I have to put her away, for now. Maybe, in the future, but not now.

She had a life plan at 12 years old and they denied her all of her dreams and aspirations. She'll never experience going to high school, or college, or even the 8th grade. She will never be consumed by her first love and I will never have the chance to help her through her first broken heart. There will be no stories of her travels, the people she would meet and the things she would see and do. She never even got the chance to ride public transportation by herself.

Over the years, people have told me that I was a strong woman. On June 25, 2007, I was exposed as a fraud. I'm not the strong woman I've always considered myself to be. My armor is only as strong as its weakest point. My weakness is my family, my children. They not only put a chink in my armor, but shattered it and left it lying at my feet, leaving me fearful and weak. I have gone from a strong, independent person to someone who would like nothing more than to crawl into a dark hole and lick the wounds that will never heal. My sleep is restless. I am overly emotional and struggle to make the simplest decisions and have felt no true happiness since that time.

Since losing her, I have tried to find some sense of normalcy to my life. But I can't, because I know that I'm supposed to kiss three children before I go to work, not two. I know that I'm supposed to cook for four people, not three. I know I am supposed to hear three voices when I come home from a long day. I know I'm supposed to talk to three children about what is going on in their lives. I know that I'm supposed to hug three children. It's impossible to return to normal when you know these things in your heart and mind and that knowing is not enough. Her absence is the 800 pound gorilla in the room that everyone notices but tries to ignore, hoping that someone else will mention it first. The emptiness is physical and must be kept at bay.

They left me powerless. I would do everything to help my children through crises real and imagined, and they knew it. They took away my power when they hurt my little girl. I had to leave her in the care of the paramedics, police, hospital, morgue and funeral home, only to lay her to rest in a cemetery surrounded by strangers.

She could forgive people for anything. Make her sad or angry and a few minutes later all would be forgiven, whether you apologized or not. Knowing her, she's probably forgiven them. For years I wished I were more like her, but I'm not and despite my best efforts, I never will be. Schanna is a

better person that I am in every way. She may have forgiven them, but I hate them. I have a fiery hatred for both of them that I know will one day consume me. The anger eats away at my mind and heart, knowing what they did to her, I seethe at the very thought of them as part of our history, that they are an asterisk on my family tree. We don't want them there, but they are, forever.

When the situation occurred, my imagination made them seem big, menacing, nearly otherworldly. Upon actually seeing them, I realize they are two nothings. One, a pint-sized, arrogant wannabe outsider and the other, a stupid and spineless follower. Two insignificant, pathetic nobodies who barged into my life and took away my child. They had no right to decide if anyone lives or dies, yet they took the liberty of walking away with the life of my child.

The leader made the fateful decision to have his lackey discharge a weapon in broad daylight into a park behind a school where scores of children congregated because he was mad. Even after hurting my child, he neither ran like the coward he is nor admitted his involvement like the man he should have been; rather he stood on the street and drank alcoholic beverages as though hurting a child made him thirsty. The circumstances surrounding the loss of my little girl makes me light hearted with nervous rage.

The leader came to my country, my state, my city, my neighborhood, took my child's life and stole her future. Because he was mad, he committed an act from which none of us can ever recover. Not my family, not the shooter's family or even his family. His arrogance and leadership over those in the gang made for a potent mix and we, my family and the community, paid the price for it. He came here thinking that he could do whatever he wanted to whomever he wanted, whenever he wanted and would suffer no consequences. This makes him extremely dangerous to the general public.

After the guilty verdict for the shooter, I happened to run into Susanna Rosa, who proceeded to tell me that that shooter was a good kid and that the gang threatened him. They told him to do it or else they would kill him. She let me know that he'd graduated from high school and everything. Well, the shooter is stupid and lacks moral character. He let a person who is of no importance tell him to commit an act with wide-ranging consequences. Why? To defend him from an argument that he could have and should have walked away from. The only person wielding a gun out there was the shooter. He hid near a car like a 2-year-old and came out gun blazing like an Old West villain to defend someone else. Nothing Ms. Rosa told me changes my opinion at all. I will accept no excuses. My hatred has not dimmed but flares white-hot at the idea of the destruction he's caused in our lives, throwing away his own in the process for a nothing, a nobody.

I had the opportunity to observe the shooter and watched him smile. He neither smirked nor grinned, but smiled a big smile when he sat at the defense table towards the end of the trial. My stomach clinched and my skin became flushed. I was mad, just like his leader, the arrogant nobody who he came to rescue, but I did nothing, nor did I try to enlist anyone to do anything. The leader and his defender should have done the same thing and none of us would be here today and my little girl would be finishing her first year of high school.

During the trial, the shooter had a number of family members and friends at court to

support him. He didn't consider those same people who sat behind him and gave him them their strength. He didn't think about those people then. No. He thought only about rescuing his leader from an argument by using armed violence. High school diploma or not, if he's stupid and dangerous enough to let someone convince him to hurt others, then he needs to be taken off the street for the rest of his life.

They took away her life and her future, her sister Joyce's best friend, her brother Antwun's protector and my dearly loved child and teacher.

What they did is nothing less than an act of domestic terrorism. They took Schanna Danielle Gayden, just 13 years old, and left in their wake a destroyed family, distraught friends and a traumatized community. Despite their actions, Schanna actually brought the community together. People recognized how special she is and they came together for her and for us. They stood vigil with us during the darkest hours of our lives and they stand with us still. Schanna touched more people in her 13 years than I have during my entire life and continues to do so. She has an intangible gift for which people would recognize and respond.

A tree was planted and a stone set up in her memory in the park where she suffered such a terrible hurt. The park has also been dedicated to her memory. This is the same park where so many children came to play or just watch the world go by. In fact, had they been just a little earlier, I could have been their victim, and my Schanna would still be here to continue the path she set out for herself. I've done all I'm going to do in this life, whereas she hadn't even begun. But it says something about her as a person that a park would be dedicated to her and a memorial tree and stone placed in her memory. On June 27, 2009, there will also be a tree planted at the cemetery where she has been laid to rest. It will be dedicated to her and all of the children lost to violence. These actions say that she is not disposable, the damage done is not collateral. She is important, not just to her family, but to her friends and community.

It is fortunate for them that I was not responsible for charging them with a crime. If I were, they would have been charged with aggravated theft for stealing my baby's life, a gift which is truly priceless and cannot be replaced; and attempted murder, for all the people who were there who could have also been victims. Were it up to me, life without parole is nothing less than they would receive. With that sentence, Your Honor, I am being generous.

However, I do request that because of their deplorable and thoughtless actions, sickening behavior and blatant disregard for all life, and the convictions that stemmed from these, I am respectfully requesting that you, the Honorable Judge Nicholas T. Ford, sentence both defendants to the maximum punishment allowed by law.

Thank you for your consideration.

RECOGNIZING THE VOLUNTEERS SERVING WITH THE FAIRFAX COUNTY SHERIFF'S OFFICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the volunteers

who assist the Fairfax County Sheriff's Office. These volunteers work with deputies and civilian staff to help inmates to improve their lives during incarceration and to prepare them for a successful transition back into the community.

With more than 500 deputies, the Fairfax County Sheriff's Office is the largest Sheriff's office in Virginia and among the largest in the country. These deputies perform invaluable services for Fairfax County residents to include providing court security, managing the detention center, serving the civil law process. Volunteers with the Sheriff's Office help provide inmate programs and services at the Adult Detention Center (ADC) and Pre-Release Center, including mental health counseling, religious services, alcohol and drug support groups, health education, library services and job training.

Volunteers complete a Sheriff's Office training program and also work closely with staff to ensure that best practices are followed. A recent study completed at the Fairfax County Adult Detention Center showed the significant impact that detention center rehabilitation programs can provide. The efforts of these volunteers improve the lives of those incarcerated, reduce recidivism, and make our communities safer.

Each year, the Sheriff's Office hosts a luncheon to thank all of the dedicated individuals who help make the volunteer program a success. The office also recognizes one individual in each service area and it is my honor to recognize these extraordinary citizens:

EDUCATION

Bill Richey shows tremendous dedication as he works to help Hispanic inmates improve their literacy level and enable them to take better advantage of the educational resources provided to inmates. He works very hard to ensure that these inmates achieve some measure of education to provide a much needed tool on their pathways to success.

ALCOHOL AND DRUG SERVICES

Noah Freeman recognized the need to provide more substance abuse services and helped to coordinate with Alcoholics Anonymous (AA) to provide greater resources and assistance to those in need. A testament to his impact is witnessed daily as individuals he assisted share the message and practices of AA with their fellow inmates.

CHAPLAIN'S OFFICE

Celine Baker serves as the volunteer female chaplaincy coordinator. She has worked tirelessly to launch new services, develop a consistent ministry strategy for female inmates, coordinate one-on-one ministry for female inmates, and provide counsel and advice to volunteers, staff, and the chaplains. Celine often dedicates in excess of 25 volunteer hours per week and consistently exemplifies the character and integrity of the chaplaincy office.

OPPORTUNITIES, ALTERNATIVES, and RESOURCES

Ben Perchik began to volunteer at the Adult Detention Center with the goal of "generating good." He has succeeded in this effort and has even received letters from several past students naming Ben as the person who most positively affected their lives. Since beginning to volunteer with OAR in 2004, he has consistently undertaken more responsibility and currently serves a facilitator for two classes—Life Skills and Fatherhood.

SHERIFF'S OFFICE

Norma "Timmie" Edwards has served as a volunteer at the Adult Detention Center longer than some employees have worked there. In fact, the Sheriff's Office volunteer program does not know how long it has been and she cannot remember! Ms. Timmie's commitment to serve the inmates at the Adult Detention Center is impressive for its longevity and her passion. As she reluctantly ends her time volunteering at the Adult Detention Center, there is no doubt about the inspiration she has provided for inmates, volunteers, and staff.

The outstanding efforts of the above-mentioned individuals are particularly noteworthy but one must acknowledge the nearly 300 volunteers who have contributed their time and support to the Sheriff's Office during the past year. These volunteers provide services that help to place inmates on a path to success. They offer their time that could be spent elsewhere to provide encouragement and support that will improve lives during incarceration and provide for a successful transition to help get inmates back on their feet. The efforts of each and every one of these volunteers is worthy of our praise.

The staff of Fairfax County Sheriff Stan Barry should be commended for their critical role in administering the volunteer program. The efforts of these staffers maximize the contributions of volunteers in the most effective way and provide the support that makes this program a success.

Madam Speaker, I ask my colleagues to join me in honoring the contributions these individuals and all of the volunteers supporting the Fairfax County Sheriff's Office. The selfless commitment of these individuals helps to provide enumerable benefits to Northern Virginia and life-changing services to the inmates being served.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. BARRETT of South Carolina. Mr. Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, April 21, 2009.

I ask that the RECORD reflect that had I been present, I would have voted "nay" on Rollcall vote No. 193 (Motion to suspend the rules and Agree to H.R. 388), "nay" on Rollcall vote No. 194 (Motion to Suspend the Rules and Agree to H.R. 411), "aye" on Rollcall vote No. 195 (Motion to Suspend the Rules and Agree to H.R. 1219).

INTRODUCTION OF H.R. 2024, THE COMMERCIAL MOTOR VEHICLE ADVANCED SAFETY TECH- NOLOGY TAX ACT OF 2009

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. DREIER. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2024, the

Commercial Motor Vehicle Advanced Safety Technology Tax Act of 2009. This bill is an important step toward improving safety in the commercial vehicle industry. It offers tax credits to incentivize businesses to implement proven safety systems for their fleet. These market-ready technologies will help reduce the number of truck-related crashes, injuries and fatalities on our Nation's roads.

H.R. 2404 addresses a number of critical concerns. First, it identifies widely recognized technologies that are proven to increase safety on our roads. Brake stroke monitoring, collision warning, lane departure warning and vehicle stability systems are proven to reduce collisions, rollovers and crashes resulting from brake failure. We know from the Federal Motor Carrier Safety Administration's, FMCSA, 2006 Large Truck Crash Causation Study that these are the most prevalent types of large truck crashes.

Second, during these challenging economic times, there is no better way to move businesses in the right direction on increasing their safety systems than to provide tax incentives, reducing their financial burdens. This is especially important considering that 95 percent of all trucking companies have fewer than 20 trucks, making almost the entire industry one composed of small businesses.

Finally, this bill takes an appropriate long-term view of emerging safety systems technology by allowing the FMCSA or the National Highway Traffic Safety Administration to add qualified safety systems for this tax incentive, once they are proven to significantly enhance the safety or security of drivers and vehicles. I strongly believe that GPS navigation devices for trucks should be made eligible for this incentive. In order to certify this technology as a proven safety system, I have asked the FMCSA to study the effectiveness of GPS navigation devices for trucks and their ability to improve safety for drivers and vehicles. In addition, I have asked the Federal Highway Administration to ensure that any real-time information programs implemented by the Department of Transportation include truck safety as one of its major determinants of effective real-time data collection and dissemination.

There are cutting edge technologies in the navigational device, mapping software and data collection industries that are available and deployed to fleets right now. However, with so many small trucking companies and owner/operator small businesses, not all fleets have access to these sophisticated systems. In addition, challenges remain in the industry with respect to timely and accurate data collection specific to trucks, including changing road conditions or restrictions, as well as grade inclines and declines. There is also a lack of information dissemination to drivers, fleet managers and dispatch centers with no real national framework for real-time data, especially for interstate trucking needs. Unfortunately, my district has seen the tragic consequences of these gaps first hand.

Last September, a tractor trailer filled with over 75,000 pounds of onions was routed onto the Angeles Crest Highway in Southern California, State Rte. 2, by a driver using a GPS navigation device seeking the shortest route to his destination. The Angeles Crest Highway is not suitable for tractor trailers due to its turns

and grade inclines and declines. However, the road is often used by drivers as a short-cut in order to avoid congestion on 1-210 and 1-5. With his brakes losing function on the decline into the City of La Cañada Flintridge, the driver lost control of the truck and it plowed through one of the main intersections in the city, through a parking lot, and fortunately only resulted in one injury. Earlier this month, on April 1, an eerily similar accident took place at exactly the same location, but the result was tragically fatal. A driver was using the same Angeles Crest Highway short-cut. His brakes were seen smoking, indicating they had burned out on the steep grade of the road. He hit a vehicle, killing Angel and Angelina Posca, a father and his 12-year-old daughter; struck several more vehicles seriously injuring a dozen more individuals, three critically; and crashed through a bookstore in a local shopping center, causing significant property damage. While the investigation is ongoing, we know that there was a GPS navigation device in the cab of that truck.

In the aftermath of these accidents, our local leaders in La Cañada Flintridge have been working tirelessly to find solutions that will prevent this kind of accident from happening again in our area and in any other community across the country. I am very pleased that CalTrans banned truck traffic on Angeles Crest Highway for 90 days and that they are now working with the city and the Los Angeles County Sheriff's Department on mitigation measures that will ensure this road remains free of trucks. I also applaud California State Assemblyman Anthony Portantino and State Senator Carol Liu for introducing State legislation to prohibit, with specified exemptions, truck traffic on the Angeles Crest Highway. I am honored to be working alongside our local leaders in pursuing all means necessary to improve safety on our roads. Like them, I am committed to seeing real-time information provided to drivers through GPS navigation devices that can relay the kind of information drivers need to make the safest decisions on the road.

I strongly believe we must partner cutting-edge safety systems with the kinds of incentives provided in this bill to improve truck safety on our roads. I want to thank my colleagues MIKE THOMPSON and GEOFF DAVIS for providing the leadership they have on this issue and am proud to join them in this effort. I encourage all my colleagues to support this important legislation.

EARTH DAY 2009

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. PRICE of North Carolina. Madam Speaker, Earth Day 2009 marks the 39th year in which we've set aside a day to reflect upon our solemn responsibility to protect the environment from the adverse effects of human activity and preserve it for future generations. Earth Day reminds us of our nation's obligation to be good stewards of the planet—a responsibility both moral and practical, personal and collective.

As individuals, we are learning to assess our "footprint" and to recognize that the decisions we make on a daily basis—the cars we drive, the foods we eat, the energy we consume—must be measured against not only our own comfort, but also the sustainability of our planet and its limited resources. It is a personal obligation that cannot be taken lightly; an ethos that firmly commits each of us to passing the great inheritance we have been given to our children in a better form than it was given to us.

As communities, we must reconcile the competing demands of economic development with those of responsible stewardship. It's a particular challenge in high growth areas like the one I represent. My district, the Research Triangle area of North Carolina, has been widely recognized as one of the best areas in the country to live, work, raise a family, and start a business. It is the fastest growing metro region in the country, on track to double in population over the next 20 years, and the dramatic population expansion will bring significant environmental challenges in tow.

We know that we must grow, and we embrace the economic opportunities that such growth presents. But how will we grow? To maintain and improve our quality of life in the midst of robust expansion and development, we need to undertake a coordinated regional planning effort that meets our infrastructure needs while preserving livability and sustainability. We must promote not just growth, but smart growth.

That is why I brought our colleague, Rep. EARL BLUMENAUER, to the Triangle this week to help me host a summit on Smart Growth Development. He stands as an expert in our body on sustainable development, and the summit brought together elected officials, business leaders, environmentalists, and community activists for panel discussions on smart growth principles and transportation infrastructure. I look forward to working with Rep. BLUMENAUER and my other colleagues to develop tools that will encourage smarter growth, more responsible development, and greater livability in communities across the country.

And as a nation, we need to pursue policies that promote responsible stewardship of the earth here at home while providing responsible leadership in the global arena. This Congress has already begun working with the Obama Administration to forge a new direction for energy policy that will emphasize renewable fuels and energy efficiency.

Through the American Recovery and Reinvestment Act, we've made an unprecedented investment in public transportation and renewable energy production that will spur energy savings. This legislation will accelerate deployment of a new, smart power grid to make the electricity grid more efficient and reliable. They will advance scientific research into battery technology and energy efficiency measures, expand the national effort to weatherize homes, and make a sizeable investment in alternative energy research.

The recovery package addresses critical transit needs as well, investing in buses, commuter and light rail, and intercity passenger rail, including Amtrak and high speed rail. Public transportation, beyond saving individual Americans both time and money, can also

help our nation save as much as 4.2 billion gallons of gasoline and reduce carbon emissions by 37 million metric tons each year.

This spending is not simply driven by our commitment to a cleaner and healthier planet; rather, it represents a down-payment on investments to meet our country's economic and infrastructure needs and a blueprint for the direction in which our country's energy and transportation policies will go. They are investments that can fuel our future economy and make our country more prosperous and competitive than ever before.

We must think globally as well, and continue to work towards a comprehensive solution to dramatically curb our greenhouse gas emissions and address the threats of climate change—a threat that our government ignored for far too long. I am pleased that House and committee leadership have recently released draft legislation that would establish a market-based cap and trade policy to serve as a basis for discussion of comprehensive clean energy legislation. This is no idle threat we now face: scientists tell us that we must reduce emissions by roughly 80 percent by mid-century to avoid a dangerous climate tipping point. As the world's largest per capita emitter of greenhouse gases, our nation must be a leader in finding clean energy solutions that reduce our dependence on fossil fuels, create a new generation of jobs, and provide climate and energy security for us and the generations to come.

On Earth Day 2009, I urge President Obama to continue working with Congress to develop climate change legislation that will set us on a path that is science-based and adequately aggressive. I also urge the President and my colleagues to foster smart growth in American communities by developing policies that promote accessible transit, affordable and sustainable housing, and responsible management of water and other resources. And I urge us all to take actions in our individual lives that reflect our commitment to preserving this wondrous planet and all the diverse forms of life that thrive upon it.

HONORING THE LIFE AND SERVICE
OF MICHAEL AND MARIAN
ILITCH ON THE 50TH ANNIVERSARY
OF THE FOUNDING OF LITTLE
CAESARS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Michael and Marian Ilitch, entrepreneurs and pillars of the Michigan community, upon the 50th anniversary of the founding of Little Caesars.

On April 22, 1959 fifty years ago to the day, Mike and Marian opened the first Little Caesars in Garden City, Michigan, under the name Little Caesars Pizza Treat. From this one store, Little Caesars would grow to include a pizza empire of many thousands of restaurants through franchising. The company eventually became widely known for its famous catchphrase, "Pizza! Pizza!" which was

introduced in 1979. The phrase refers to two pizzas being offered for the comparable price of a single pizza from competitors. In 1998, Little Caesars filled what was then the current largest pizza order, filling an order of 13,386 pizzas from the VF Corporation of Greensboro, NC. Today, Little Caesars is the largest carry-out pizza chain in the world.

Mike was born in Detroit, Michigan in 1929. He is a first generation American of Macedonian descent. A graduate of Cooley High School, Mike also served his country in the United States Marine Corps for four years. After returning home from the Marine Corps, Mike was offered a contract by the Detroit Tigers baseball team and went on to play three years in the minor leagues before he was forced to prematurely end his promising career due to injury. In 1954 Mike met Marian on a blind date arranged by his father. Marian was born and raised in Dearborn, Michigan, a daughter of Macedonian immigrants. They were married a year later.

Over the course of their lives together Mike and Marian have expanded their business and personal partnership very successfully. Today, the family's entities remain privately held. In 1999, the Ilitch's established Ilitch Holdings, Inc. to provide their various enterprises with professional and technical services. These enterprises include Little Caesars, the Detroit Red Wings, the Detroit Tigers, numerous property investments in and around Detroit, as well as the MotorCity Casino. They have been married for over 50 wonderful years and have seven children together: son Christopher Paul Ilitch (born June 1965) is CEO and President of Ilitch Holdings, Inc.; daughter Denise D. Ilitch (born November 1955) is an attorney and former co-President, with her brother, of Ilitch Holdings. Other children are Ronald "Ron" Tyrus Ilitch (born June 1957), Michael C. Ilitch, Jr., Lisa M. Ilitch Murray, Atanas Ilitch (born Thomas Ilitch) and Carole M. Ilitch Trepeck. Further, in Stanley Cup history, only 12 women have had their names engraved on the trophy including Marian and their three daughters.

The Ilitch family has also established a charitable foundation called Ilitch Charities for Children (ICC). Among other things, the ICC sponsors Little Caesars AAA Hockey Scholarship to encourage amateur sports. The ICC in 2009, so far, has given a total of \$50,000 in grants to the Detroit Renaissance Foundation (\$25,000) and the United Way of Southeastern Michigan (\$25,000) for innovative community programs, demonstrating a broader scope for the charitable organization. Most recently, Ilitch Charities to present a total of \$200,000 to benefit the Greening of Detroit's Conservation Leadership Corps and the Guidance Center's Project CEO.

Madam Speaker for 50 years Little Caesars has stood as a tribute to the hard work of Michael and Marian Ilitch and their family. As they celebrate this enormous milestone, they personify a legacy of excellence, ingenuity, and the irrepressible spirit of the American entrepreneur. Today, I ask my colleagues to join me in congratulating the Ilitch's and recognizing their years of loyal service to our community and country.

IN MEMORIAL OF STATE SENATOR
VERNON MALONE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of State Senator Vernon Malone, who passed away on Saturday, April 18, 2009. In his passing, I lost a friend and North Carolina lost one of its most outstanding citizens; a man who was instrumental in his community, county, and state.

A native of Raleigh, North Carolina, Senator Malone was known for his passionate support for education. After graduating from Shaw University, where he was a member of Alpha Phi Alpha Fraternity, Malone worked for 34 years as a teacher and eventually superintendent at the Governor Morehead School for the Blind. As chairman of the Wake County school board, he presided over the merger of Raleigh city schools and Wake County public schools in 1976. This was a significant achievement because it took other school systems in the state years to do the same. When others shied away from issues of race and class, Senator Malone tackled them head-on.

After his work with the school board, Vernon served as a Wake County Commissioner, and eventually as chairman of the Commission, from 1980 until his election to the State Senate in 2002. As always, he fought fervently for education and for equality. He also found time to serve his community in his spare time, serving as vice-chair of Shaw University's board of trustees; as a trustee for North Carolina State University, the North Carolina Museum of Art and the Wake Education Partnership; as Chairman of the Wake County Coalition for the Homeless; and as a director of Capital Bank, a community bank headquartered in Raleigh.

Most recently, Vernon served in the North Carolina General Assembly representing the state's 14th Senate district and was reelected three times. In the State Senate, he continued to work on education. He was co-chairman of the Senate's Higher Education Committee and Appropriations Committee for Higher Education.

Vernon Malone rose to prominence during a time when prejudice ran high. Rather than succumb to intolerance, he was able to rise above it. I am glad that he was able to witness the inauguration of President Barack Obama earlier this year. It was Vernon and his contemporaries who made it possible for our nation to eventually elect an African American President.

Madam Speaker, Senator Vernon Malone had a commitment to excellence in everything he did. He was a respected legislator, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

EARTH DAY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to talk about Earth Day which as you know is being celebrated in communities throughout our country and around the world today.

I can't begin any conversation about Earth Day without talking about Wisconsin's former governor and U.S. Senator Gaylord Nelson, who was the driving force behind this important event.

I don't mean to boast but I don't think its coincidental that Wisconsin has been the birthplace of many prominent figures in the environmental movement and who helped shaped the environmental laws that have helped to create.

Wisconsinites have long recognized the need to be stewards of the environment. It's common sense when you grow up next to one of the largest sources of freshwater on the planet.

Gaylord Nelson is certainly one of those environmental champions of whom our state is proud and whose record of advocacy and accomplishment around the environment has not only impacted our nations, but the world. Earth Day is but one example of that.

He is rightly noted and celebrated for his role in the first "Earth Day" event which took place some 39 years ago.

But that is not where his involvement in the environmental movement began and not where it ended either. Before it was popular to be an environmentalist, Senator Nelson was working to make sure our nation's air, water, and natural resources were protected.

Senator Nelson was a mover and shaker not just in creating Earth Day but in starting the movement to bring the protection of our air, water, and public lands to the center of national attention and policy, not just an afterthought.

According to Senator Nelson, his efforts to create what is now Earth Day began in the early 1960s when he became troubled "that the state of our environment was simply a non-issue in the politics of the country."

In 1962, he approached the Kennedy Administration with an idea about how to shift the political spotlight to the need for better and pro-environment laws and policies.

He helped convince President Kennedy to undertake a national conservation tour to draw attention to the issue. While the President did the tour, according to Senator Nelson, "For many reasons the tour did not succeed in putting the issue onto the national political agenda. However, it was the germ of the idea that ultimately flowered into Earth Day."

This has probably been one of the most successful grassroots movements ever as today millions of Americans and millions more around the world are organizing in their communities at river and park cleanup events, planting trees and gardens, and other actions to promote environmental awareness, with the simple message: We ignore the damage being done to our environment at our own peril.

Over 3,000 people were out in force in my district on Saturday to clean rivers and streams throughout the area.

Since the First Earth Day, we have seen the passage of legislation strengthening the Clean Air and Clean Water Acts, the establishment of the Environmental Protection Agency, the passage of the Endangered Species Act, and other steps.

Yet, the battle continues. Our environment continues to face threats from pollution. Rising greenhouse gas emissions and climate change will present their own challenge.

Water shortages and droughts not only in our own country but around the world are of great concern. Just today, another report was released showing that rivers in some of the world's most populated regions are losing water, many because of climate change according to researchers.

We could all continue to live without oil, but we can't live without clean water.

The battle to keep invasive species out of our nation's waters will also continue. In the Great Lakes alone, it is estimated that over 180 non-native species have taken hold in the Great Lakes and on average, a new species is discovered every nine months or so.

I was pleased to be at an event yesterday in celebration of Earth Day where I had the chance to address high school students from my district about the importance of the environment and clean water.

It is future generations that stand to lose the most if we do not continue to make the protection and preservation of our environment a priority. This is what Senator Nelson and others understood so well back then. It is what is incumbent on us all, including policymakers, to understand today.

This Congress has a number of efforts underway to ensure that we continue environmental protection remains a prominent place in federal policy.

Senator Nelson was one of the authors of the Wilderness Act of 1964 which authorized the federal government to protect forever areas of our forests with unspoiled and untrammeled wilderness qualities.

Earlier this year, Congress passed by strong bipartisan margins the Omnibus Public Lands Management Act of 2008 (H.R. 146) which would provide wilderness protection to over 2 million acres of federal lands. Senator Nelson would be proud.

The House has also passed legislation—Water Quality Investment Act—reauthorizing the Clean Water State Revolving Fund program which is critical to clean water efforts because it helps pay for building and improving wastewater treatment facilities in our nation's communities.

A number of other important pieces of legislation including a bill to address climate change and another to restore protections to our waterways granted by the Clean Water Act that have been undermined by various court rulings are pending.

Our nation owes Senator Nelson a great deal of appreciation. As we celebrate Earth Day, let us renew our commitment as individuals and as a Congress to continuing to pursue policies that will ensure that our nation's air, water, and natural resources remain a priority and remain protected for future generations to come.

COMMEMORATING EARTH DAY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. KIND. Madam Speaker, I rise today to recognize the 39th annual Earth Day celebration. While our Nation is facing many other important and difficult challenges, I think it is incredibly important that we take this day to reflect on the status of our environment and how each of us affects it individually. Little decisions made in our own daily lives snowball into large changes that have tremendous impact—a fact worth remembering.

Earth Day founder and Wisconsin Senator Gaylord Nelson is the perfect example of just how great an impact one person can have. Born in the small town of Clear Lake in northwest Wisconsin, Sen. Nelson went on to become governor of the state and then U.S. Senator. He founded Earth Day in 1970 to put pressing environmental issues on the national political map. Now, 39 years later, Earth Day is celebrated in 175 countries, helping motivate and mobilize hundreds of millions of people to commit to better environmental practices and policies.

Not all of us can have this same kind of global influence, but Earth Day's message of collective action means that each of us has a role in preserving our world for future generations, one step at a time. For instance, if each of us simply replaces one incandescent light bulb with a compact fluorescent bulb, we would prevent the annual emission of greenhouse gases equal to those of 2 million. We also would save enough electricity to shut down two dirty coal power plants. At the same time, American families would save money, as CFL bulbs use 75 percent less electricity than traditional bulbs—a win-win for the environment and the consumer.

In recent years we have witnessed countless other examples of individuals making decisions that help them go green. For example, Wisconsin leads the nation in anaerobic digesters, which take livestock manure and convert it into biogas that produces clean, renewable energy. Additionally, schools across our state have been able to save on their energy costs and help us meet our carbon management goals by utilizing biomass energy projects. These are just two ways people in my district and my state are doing their part.

On this Earth Day, as I recognize and applaud the actions of countless people around the world, I also challenge each of us to continue our efforts. We must take additional steps to meet our shared environmental challenges and to leave this world a healthy, vibrant, and beautiful place for generations to come.

EARTH DAY 2009

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. REICHERT. Madam Speaker, almost forty years ago today, what was an idea to

spread awareness about our environment has become global recognition and awareness of the importance of protecting the Earth. Earth Day began in 1970, when 20 million people participated across the U.S.

Earth Day has grown into a global tradition, with a billion people expected to take part this year in 180 nations around the world.

It is a movement that succeeds because of the passion of each individual, realizing that there's something bigger than ourselves—that what each of us contribute can make a difference in our world, and on our environment.

In Washington State, we take special pride in our natural resources, and I'm proud to follow in the footsteps of so many in our great State who have worked together to protect the outdoors and our environment.

One of the popular, natural glories of my Congressional district in Washington State is the Alpine Lakes Wilderness, a 362,000 acre wilderness that sits just west of the Seattle metropolitan area. Just over a week ago, I joined the senior Senator from Washington State to discuss our recently introduced legislation to designate over 22,000 acres of additional wilderness and institute federal protection for two pristine rivers in my district. Our new legislation will expand the boundary of the existing Alpine Lakes wilderness area to embrace important lower-elevation lands, and establish Wild and Scenic designations for the Pratt and parts of the Middle Fork Snoqualmie Rivers.

Earth Day brings an excitement to the movement of protecting our environment, but we need to take the Earth Day movement from single-day actions—such as park clean-ups and tree-planting parties—to long-term commitments in our everyday lives. Whether that is supporting legislation, or making small changes to be more environmentally conscious, each is equally important. These commitments will make a difference for our children and the generations to come.

RECOGNIZING THE 40TH ANNIVERSARY OF CRISISLINK

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize an outstanding organization serving Northern Virginia. CrisisLink is a community-based nonprofit dedicated to crisis prevention, intervention, and response. Since its founding in 1969, CrisisLink has evolved to become an invaluable resource to our communities.

Originally founded as a hotline for Arlington teens, CrisisLink was incorporated in February 1970 as the around-the-clock Northern Virginia Hotline. Just ten years ago, the name of the organization was changed to reflect the extended mission and range of services that CrisisLink has continued to provide. CrisisLink now has the ability to refer callers to over 4,400 resources located in Northern Virginia that can help callers address the problems and situations affecting their lives.

CrisisLink is experiencing a huge increase in demand for its services. Over the past

twelve months, the volume of suicide-related calls has increased by 60% when compared to the twelve month period immediately prior and increased by 150% when compared to five years ago. CrisisLink's hotlines are staffed for sixteen hours every day by highly trained volunteers. These volunteers contribute over 15,000 hours of service every year. Virginia Hospital Center provides in-kind contributions totaling over \$500,000 each year including providing \$50,000 worth of space for programs.

Although CrisisLink is often noted for its role as a suicide and crisis intervention hotline, it also provides a number of programs that extend its reach throughout the community. CrisisLink added a 2-1-1 number to serve as a central number to help connect those in need with information on community resources and health and human services. The 2-1-1 call volume has increased by 50% since July 2008. Over 30,000 calls to the CrisisLink hotline and the 2-1-1 number will be answered this year alone.

CrisisLink's programs are estimated to save the Greater Washington region over \$4,320,000 in ambulance, police, 9-1-1, hospital, and follow-up costs by preventing suicide attempts throughout the region. This financial savings multiplies as localities are able to apply these saved resources to greater preventative and proactive measures.

The Tara Sirmans Survivor HOPE program was launched in September 2006. The Help and Outreach for Prevention and Education (HOPE) program works with families and loved ones to help them as they struggle with the intense grief experienced following a suicide or other form of sudden and traumatic loss. Through peer support, workshops, and survivor support groups, the HOPE program works to assist families and friends through the most difficult of situations.

In 2008, Washingtonian Magazine recognized CrisisLink as one of the top charities in the Washington region. CrisisLink was also the recipient of the first ever "National Award for Crisis Center Excellence" for its works responding to the September 11th attack on the Pentagon.

Madam Speaker, I ask my colleagues to join me in honoring the contributions of CrisisLink over its 40 years of existence. CrisisLink saves lives and prevents tragedies. Perhaps someday our society will no longer need services such as CrisisLink, but until that day, we are grateful for their selfless and critical service. I ask my colleagues to join me in paying tribute to the dedicated staff and volunteers who are so deserving of our recognition for their commitment to helping those in their time of need.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Com-

mittee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 23, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9 a.m.

Armed Services

To hold hearings to examine the nominations of Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary, and Robert O. Work, of Virginia, to be Under Secretary, both of the Department of the Navy, Elizabeth Lee King, of the District of Columbia, to be Assistant Secretary for Legislative Affairs, Michael Nacht, of California, to be Assistant Secretary for Global Strategic Affairs, and Wallace C. Gregson, of Colorado, to be Assistant Secretary for Asian and Pacific Security Affairs, all of the Department of Defense, Donald Michael Remy, of Virginia, to be General Counsel, and Jo-Ellen Darcy, of Maryland, to be Assistant Secretary for Civil Works, both of the Department of the Army, and Ines R. Triay, of New Mexico, to be Assistant Secretary of Energy for Environmental Management.

SD-106

9:30 a.m.

Foreign Relations

To hold hearings to examine war powers in the 21st Century.

SD-419

10 a.m.

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine introducing meaningful incentives for safe workplaces and meaningful roles for victims and their families.

SD-430

Energy and Natural Resources

To hold hearings to examine financing for deployment of clean energy and energy efficiency technologies and to enhance United States' competitiveness in this market through the creation of a Clean Energy Deployment Administration within the Department of Energy.

SD-366

Environment and Public Works

To hold hearings to examine the nominations of Michelle DePass, of New York, and Cynthia J. Giles, of Rhode Island, both to be Assistant Administrators, and Mathy Stanislaus, of New Jersey, to be Assistant Administrator for Office of Solid Waste, all of the Environmental Protection Agency.

SD-406

Homeland Security and Governmental Affairs To hold hearings to examine cyber security, focusing on developing a national strategy. SD-342	to be Director of the Office to Monitor and Combat Trafficking, both of the Department of State. SD-419	Armed Services Personnel Subcommittee To hold hearings to examine the implementation of Wounded Warrior policies and programs. SH-216
Judiciary To hold hearings to examine the Victims of Crime Act, focusing on 25 years of protecting and supporting victims. SD-226	Veterans' Affairs To hold hearings to examine pending benefits related legislation. SR-418	APRIL 30
10:30 a.m. Commerce, Science, and Transportation Consumer Protection, Product Safety, and Insurance Subcommittee To hold hearings to examine formaldehyde in textiles and consumer products. SR-253	10 a.m. Judiciary Crime and Drugs Subcommittee To hold hearings to examine restoring fairness to federal sentencing, focusing on addressing the crack-powder disparity. SD-226	10 a.m. Appropriations To hold hearings to examine proposed budget estimates for fiscal year 2010 for the War Supplemental. SD-106
2:30 p.m. Foreign Relations To hold hearings to examine the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State. SD-419	Health, Education, Labor, and Pensions Business meeting to consider pending calendar business. SD-430	2 p.m. Armed Services Airland Subcommittee To hold hearings to examine the current and future roles, missions, and capabilities of United States military air power. SR-222
Health, Education, Labor, and Pensions To hold hearings to examine individual state experiences with health care reform coverage initiatives in the context of national reform. SD-430	Homeland Security and Governmental Affairs To hold hearings to examine the nominations of Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security. SD-342	MAY 6
Judiciary Immigration, Refugees and Border Security Subcommittee To hold hearings to examine comprehensive immigration reform in 2009. SD-226	2 p.m. Aging To hold hearings to examine the life settlement market, focusing on what is at stake for seniors. SD-106	9:30 a.m. Veterans' Affairs To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs. SR-418
Commerce, Science, and Transportation Surface Transportation and Merchant Marine Subcommittee To hold hearings to examine the future of national surface transportation policy. SR-253	2:30 p.m. Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine the federal government's role in empowering Americans to make informed financial decisions. SD-342	2:30 p.m. Commerce, Science, and Transportation Communications and Technology Subcommittee To hold hearings to examine the future of journalism. SR-253
APRIL 29		MAY 21
9:30 a.m. Foreign Relations To hold hearings to examine the nominations of Johnnie Carson, of Illinois, to be Assistant Secretary for African Affairs, and Luis C. de Baca, of Virginia,		9:30 a.m. Veterans' Affairs Business meeting to markup pending legislation. SR-418

HOUSE OF REPRESENTATIVES—*Thursday, April 23, 2009*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "After the earthquake came fire, but the Lord was not in the fire. And after the fire came a gentle whisper. When Elijah heard it, he pulled his cloak over his face and went out and stood at the mouth of the cave."

You, O Lord, are the subtle inspiration hidden in our deepest instincts to seek out goodness and love and content us with the whisper of truth and presence.

Lord, if we desire You to be a part of our busy lives we need to find some cave of aloneness where we can heed Your voice and ponder Your Word with a clean heart.

Enable us and our children not to be afraid of silence.

Only from silence can come the depth of expression, the wellspring of beautiful and common language that will help us interpret all the sounds of our noisy world.

Lord, help us to keep silent so that we can listen better. Help us to abide in the silence of prayer so prayer can live in us, now, and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. HARE) come forward and lead the House in the Pledge of Allegiance.

Mr. HARE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side of the aisle.

HONORING EDGAR MAY

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, I rise today to honor a Vermonter who has

dedicated his life to serving others, one who's made an impact nationally and internationally, but most importantly, in his hometown of Springfield, Vermont.

Edgar May has worn many hats in his life, Pulitzer Prize winning journalist, a leader in President Johnson's War on Poverty, and a top administrator in the Peace Corps under Sargent Shriver.

I came to know Edgar May when we served together in the Vermont State Senate, where we reminded colleagues every day of our obligation to be there for average Vermonters. He earned tremendous respect for his ability to solve difficult problems, to temper emerging feuds and, most importantly, for the profound decency at the core of all his work.

Edgar has devoted his recent years to providing the people of Springfield with something they thought they'd never have, a downtown recreation center at the site of an old machine tool plant, a resource for all people of all ages and all incomes. The Southern Vermont Health and Recreation Center is a symbol of Springfield's quiet but confident determination to continue reviving one of Vermont's proudest cities. Its creation is a testament to Edgar May's perseverance and his devotion to his city, his State and country.

NEW EMPLOYEE VERIFICATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Last night my colleague GABBY GIFFORDS of Arizona and I re-introduced our work site enforcement bill, the New Employee Verification Act, H.R. 2028, or NEVA. Our bill would create the Nation's first mandatory employment verification system for all U.S. employers.

The act achieves three important objectives. It ensures a legal work force, it safeguards workers' identities, and it protects Social Security.

Employers want, need and deserve a reliable employee verification system, and we want to give it to them.

Now's the time for the Congress to create a new way forward that prevents illegal immigrants from taking jobs from American citizens. I urge my colleagues to cosponsor H.R. 2028. When immigration reform happens this year, this bill ought to be part of it.

OPPOSING THE PANAMA AND COLOMBIA FREE TRADE AGREEMENTS

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, I rise this morning to respond to recent comments made by the United States Trade Representative, Ambassador Kirk, regarding the Panama and Colombia Free Trade Agreements.

In addition to the tax haven and money laundering issues with Panama, and the fact that Colombia remains the most violent country for trade unionists in the world, it would be a mistake to pursue these two unfair trade agreements as we attempt to recover from the worst economic crisis since the Great Depression.

Our economy began this downward spiral as a result of irresponsible trade policies that have outsourced millions of good-paying American jobs. With the unemployment rate at 8.5 percent, the last thing our economy can afford is more of the same.

I intend to work with the Obama administration and my colleagues in Congress to forge a new direction on trade that addresses the devastation caused by NAFTA and, instead, creates jobs and grows industry in the United States.

AMERICANS HAVE THE RIGHT TO PROTEST

(Mr. FLEMING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLEMING. Mr. Speaker, last week I joined thousands of citizens in my district to protest the reckless disregard Washington has shown for the taxpayers of this Nation and their hard-earned dollars.

People are angry, they are frustrated, and they feel that Washington is not listening, so they came together to protest in the same manner as our forefathers. Their message was simple. Stop spending our money, taxing our families and borrowing against the future of our children.

How did the media and our Democrat leaders here in Washington respond? They were dismissive.

The Speaker of the House, in fact, referred to this grassroots effort as Astroturf.

At the same time, Homeland Security released a report labeling political

opponents of the administration as potential terrorists. The right of citizens to speak out against their party in power is at the heart of our democracy.

For a party that carps about bipartisanship and freedom of speech, the Democrat leadership should back their words with actions.

RESET THE COURSE ON TRADE POLICY

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, United States Trade Representative Ron Kirk said this week that the administration wants to move forward with the Bush-negotiated Panama and Colombia Free Trade Agreement “sooner rather than later.” This is absolutely outrageous and a serious mistake, and contrary to what the President campaigned on.

Why would we be moving forward on a trade agreement negotiated by President Bush during a time where our economy is struggling? This makes no sense whatsoever. It does not represent a new model on trade. It represents a recycled model that doesn't work.

At home, people are furious about these trade deals. During the economic downturn, do we really want to push forward a Bush-negotiated free trade agreement? I believe the American people deserve more. I believe they demand more from their elected officials.

We have a historic opportunity with a new administration to reset the course of trade policy. I look forward to working with the administration to change the course of direction.

LAST FIRE ALARM FOR FIREFIGHTERS JAMES HARLOW, SR. AND DAMION HOBBS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the safety of our Nation's citizens often depends on the courageous Americans who choose to serve as firefighters. They answer the sound of the alarm every day to protect and to serve.

On April 12, 2009, two Texas firemen were killed in the line of duty while rushing into a burning home to look for an elderly couple. Captain James Arthur Harlow, Sr. and Firefighter Damion Jon Hobbs both served at Houston Fire Station Number 26.

Captain Harlow served 29 years at the Houston Fire Department. He was married to Debbie, and a wonderful father and grandfather. He also liked to hunt and to fish.

Firefighter Hobbs served our country for 10 years in the United States Army, where he just recently returned from Iraq to join the Houston Fire Department. He left behind parents, siblings and his longtime girlfriend, Crystal.

The fire that took his life was his very first alarm call.

Mr. Speaker, our country is better because of remarkable Americans that risk their lives to protect us from harm. Firefighters rush to the sound of the alarm to fight the fires that destroy our communities and threaten lives of citizens. Two of those firefighters, James Harlow, Sr. and Damion Hobbs, gave their lives in that sacred duty.

And that's just the way it is.

LAS VEGAS SUN PULITZER PRIZE

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate the Las Vegas Sun and reporter Alexandra Berzon for the top-notch reporting that carried them and earned them the prestigious Pulitzer Prize for public service earlier this week.

Alexandra's investigation into the deaths of construction workers on the Las Vegas Strip, combined with the efforts of editorial writers, Matt Huffman and David Clayton brought attention to this serious issue and resulted in critical safety reforms that will save lives in Nevada.

Nine workers had died on the job when Alexandra wrote her first of more than 50 stories chronicling the dangers construction workers face when safety is sacrificed for speed or profit. Her findings will be very valuable to Congress as the Education and Labor Committee examines this issue further.

The first Pulitzer for the Las Vegas Sun is a momentous occasion for the paper and for our community, so I, again, congratulate the Sun and Alexandra for earning journalism's highest honor.

□ 1015

FISCAL RESPONSIBILITY

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Thank you, Mr. Speaker.

Yesterday, the Savings Recovery Act, legislation designed to help Americans rebuild their retirement, college and personal savings, was introduced. This legislation will make it easier for Americans to save more for their retirement by increasing the contribution and catch-up limits for individuals and families. It will restore college savings by extending the existing credit for contributions made to college savings accounts. The Savings Recovery Act will ensure workers retain control over their hard-earned 401(k)s, not the Federal Government.

Mr. Speaker, the American people need more than just lip service when it comes to their futures. They need real solutions, solutions which come from empowering the public, not from racking up more debt.

I urge my colleagues to support the Savings Recovery Act.

HONORING THE MEMORY OF SANDRA CANTU

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, I rise today to honor the memory of Sandra Cantu, a child whose life was tragically cut short. Eight-year-old Sandra lived in Tracy, California, a town I am honored to represent.

Now known as “Tracy's precious angel,” Sandra was a cheerful, friendly girl whose joyful life was evident whether she was doing cartwheels or playing on the jungle gym. She brightened the lives of everyone she came into contact with, even those who never met her, as was seen in the number of people at her memorial last week.

Her horrific kidnapping and death are a tragedy beyond description. No parent should have to experience the loss of a child, especially at such a young age.

I am touched by the outpouring of support for Sandra's family from the Tracy residents and for the tireless work of the Tracy Police Department. Sandra Cantu will be missed, and I join those who grieve as we celebrate her short life.

THE REAL COST OF CAP-AND-TRADE LEGISLATION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, this week, House Democrats begin hearings on so-called “cap-and-trade” legislation. It is their legislative response to concerns over global climate change. Even former Vice President Al Gore will testify tomorrow here on Capitol Hill. But as many around the country and in this body are realizing, there are a lot of inconvenient truths about the cap-and-trade bill.

The Democrat plan actually caps growth and trades jobs, and the truth is this cap-and-trade legislation is essentially an economic declaration of war on the Midwest by liberals in Washington, D.C., and it must be opposed.

Under the Democratic plan, estimates suggest the average American household could face more than \$3,000 a year in higher energy costs, and people in the Midwest, like us in Indiana, will bear the largest burden. Even the

President, as candidate, said, "Under my plan of cap-and-trade, electricity rates would necessarily skyrocket." We can only estimate these numbers, Mr. Speaker, because the Democratic plan includes no numbers.

The truth is the American people deserve to know what all this is going to cost. The Democrats and the Congress need to come clean about the cost of their cap-and-trade bill, and when they do, this Congress and the American people will reject it.

PROVIDING FOR CONSIDERATION OF H.R. 1145, NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a

substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. WELCH). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 352 provides for a structured rule for consideration of H.R. 1145, the National Water Research and Development Initiative Act of 2009.

Among the many challenges we face, none is more elemental than protecting our water. Increases in population, growing energy demands and shifting weather patterns jeopardize water supplies across the country. Water is essential and irreplaceable, but many Americans are unaware that many supplies across the country are at risk.

It is critical that we coordinate the efficient use of water resources and maintain water quality. Competent water management is essential if we are to meet the competing needs of transportation, industry, agriculture, recreation, and power production, but currently more than 20 Federal agencies carry out research and development on some aspect of water supply, water quality or water management.

H.R. 1145 would address this issue by creating a National Water Research and Development Initiative to improve Federal, State and local government activities related to water research and development. The bill would improve coordination on Federal research by establishing an interagency committee to ensure Federal agencies work together on critical water issues.

A lack of coordination and competing interests frequently strain agencies and local communities tasked with managing a limited water supply. A perfect example of this problem can be found in my district in Upstate New York, where the Hinckley Reservoir supplies water for 130,000 residents in my hometown of Utica and for the outlying areas; but as with most bodies of water, the reservoir serves multiple uses, not just as a source of drinking water but as a source of hydropower and a water supply for the canal and a recreational site.

After years of battle between the local water authority and the State canal corporation over rights to the water, a couple of summers ago, the Hinckley Reservoir drained to within 3 feet of disrupting the water supply. That was not because of a lack of water. That has never been the issue. Rather, it was the lack of a cogent water policy and agreement by the conflicting interests. The low reservoir level impacted hydropower generation at a local power facility, and it jeopardized drinking water safety. A situation like this is unacceptable, especially when there is a large amount of water available. It is critical that we put measures in place resolving the conflicting objectives and poor communication between agencies.

This underlying bill and the water census it creates is the first step in that process for similar situations that exist, not only in New York State but around the country. That is why I'm offering an amendment that will require the interagency committee created by this bill to study competing water supply uses and how different uses interact and impact each other. Our water supply is invaluable in so many ways, not only for consumption but for the generation of electricity, for the production of food, for transportation, and for recreation, just to name a few. We must be sure to balance these competing interests in an efficient and equitable way.

Mr. Speaker, I strongly support the National Water Research and Development Initiative Act. I hope that my colleagues on both sides of the aisle will continue to support it as well.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

Water is the most essential and basic natural resource to sustain life. The single greatest factor that has contributed most to the spread of public health in the United States is access to clean water. Across the country, approximately 40 billion gallons of water are used each day for industrial purposes, for home landscaping, for personal hygiene, for thirst, and for many other uses. The average American uses about 100 gallons of water per day.

As our cities and communities continue to expand, one of the greatest challenges faced by local governments is finding ways to sustain adequate clean water supplies to meet the growing demand. However, our knowledge about water resources and conservation is based on research conducted in the middle of the last century. The underlying legislation being brought to the floor now, the National Water Research and Development Initiative Act, will help bring our knowledge of water

resources into this century by coordinating national research and development efforts to ensure adequate water supplies through greater efficiency and conservation programs.

Specifically, the bill establishes an interagency committee to develop a national water research and assessment plan in coordination with State, local and tribal governments, and it will also coordinate all research development data and other activities related to water, and it will ensure the optimal use of resources and expertise by avoiding duplicity through better intergovernmental cooperation.

I had the privilege during the last district work period of meeting with constituents throughout my district about issues that matter to them. No one mentioned anything related to this bill. It's an important bill; it's an important issue, but there are other issues that are much more pressing, issues that, I think, we should be debating, instead of spending an entire week on a water bill that enjoys absolute consensus, bipartisan support in this Congress. We should be working on issues that really matter the most to our constituents—the pressing and critical issues Americans deal with on a daily basis. For example, we could be working to help the people of our great Nation to rebuild their retirement, college and personal savings accounts.

Earlier this week, the Inspector General of the Treasury Department released a report confirming the lack of oversight and accounting of taxpayer money in the TARP program. By the way, in my almost 17 years here, Mr. Speaker, there is no vote that I'm happier to have cast a “no” on than for that of the TARP program. I knew the future would be lined with scandal. Less than one-half of 1 percent of that TARP program has gone to the State that I'm honored to represent, really Ground Zero in the housing crisis, Florida. Less than one-half of 1 percent. Wall Street was more than taken care of. Yet, troubled assets, that was what we were told was the purpose of that legislation, troubled assets recovery. I don't think one troubled asset has been purchased.

□ 1030

Those are the kinds of issues we should be dealing with.

So the question I would ask you, why doesn't the majority address those critical issues? For example, bring forth legislation to increase transparency in that TARP program.

Water is an important issue, but we could bring it here summarily on suspension. It doesn't need to take a week of the precious time of this Congress.

By the time we finish debating this rule, Mr. Speaker—there is a clock there over your head and we see the minutes passing—the Federal Government will have spent over \$400 million

just during the minutes that have ticked during this debate. That's four times what President Obama has asked his Cabinet to cut earlier this week. We could have spent this time helping cut Federal waste and reducing the debt being piled on our children and their children. It's another example of the issues that we should be debating in this Congress.

Yet, instead of addressing the challenges that confront the American people, the majority has chosen to devote precious floor time and, in effect, to take an entire congressional week to consider a noncontroversial water bill. That's the way this majority has chosen to run Congress.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my colleague from the Rules Committee for his passionate statement, but I have to disagree with respect to talking about water as an issue that isn't as important as other issues.

Clearly, we have many important issues facing this country, but in the past 2 weeks that I was home, I did 11 town hall meetings, and I can tell you that water came up in every single town hall meeting, whether it was ensuring that the water purity, the ground water purity was safe in the southern part of my district where they are doing hydraulic fracking for natural gas in the shale or whether it is using excessive amounts in hydro plants with the Hinckley Dam that I just spoke of, or whether it is lowering the level of Seneca Lake to feed hydro plants in the Finger Lakes.

People are concerned. And I would submit that other needs and other uses of water are very important. Other things that we do here in Congress are critically important, but nothing is more important than keeping the water that we drink clean and fresh. That is the number one resource of our country, that is the most important thing that we, as a Nation, have, and that is keeping our water supply clean. People talk about how important oil is, and clearly it is. But water is, without a doubt, the most important commodity, resource that we have. We can't live without water, and, therefore, it is the most important thing.

I have already discussed the competing uses of hydro recreation and economic development and water use in my district in one end of it. But as I said, there are other parts of my district, as well, and the Finger Lakes region that are very concerning.

Seneca Lake is the second deepest lake in North America, yet they still encounter safety concerns because the lake levels are going down. Now, not only is that important again for recreation, for hydropower, for water use, for drinking water use, but the level of the lake is going down. It's the water source for the Seneca Falls Power Company. It's located on the Seneca-

Cayuga Canal. And at this point, 1 inch of the lake level of Seneca Lake is roughly about 1.2 billion gallons of water, and yet the lake level is down several inches. A number of different State and Federal agencies are involved in the management of the water at Seneca Lake, and yet no one can come together on what the cause is and how to regulate the amount of outflow from the lake.

What is amazing is we have all of these competing uses for a finite amount of water, and yet the agencies that oversee these uses act more like competitors rather than competitive stewards of a very scarce resource.

We need this bill to study how using water for one of these purposes impacts or limits the use of other purposes. That is what is critical. There is nothing more important than our good stewardship of our resource of water.

Seneca Lake, Hinckley Reservoir, two issues in my district alone, and that's just one small congressional district. There are 435 in the country, all with similar issues. To maximize the benefits, we need to make sure we are using the water in the best way. And therefore, Mr. Speaker, I think that it is necessary that we pass this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reiterate, water is important, but to have taken an entire week of congressional time on this bill when the American people are facing so many challenges is not appropriate.

At this time, I yield 4 minutes to my distinguished colleague, the great leader in this Congress from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule and this legislation as well, the National Water Resource and Development Initiative Act.

As a Representative of Michigan, the Great Lakes State, water issues of all varieties are very important to all of my constituents. The Great Lakes are fully one-fifth, or 20 percent, of the world's freshwater drinking supply, and certainly that makes them a natural resource unparalleled on the planet.

This legislation, which would establish a national committee to study our Nation's water needs and to make recommendations for a comprehensive national water strategy, sounds very good and very noncontroversial at first blush. But whenever a national water policy is first discussed, we in Michigan and the Great Lakes Basin get very nervous. And whether it is due to population expansion and to dryer areas of the Nation in the South or the West or global warming or whatever, water is going to be a very important need for many in the 21st century.

In fact, just last year, Mr. Speaker, Business Week magazine did a cover story about why the great oilman T. Boone Pickens thinks water is actually the new oil. As a result of these challenges, some have begun to promote the idea of a natural water policy to deal with these challenges, and attention will undoubtedly turn to the places that have freshwater like the Great Lakes. There have been numerous examples of this over the decades on both sides of the aisle here. But let me illustrate a recent one.

During the 2008 Presidential campaign, New Mexico Governor Bill Richardson, who was then running for President, told the Las Vegas Sun, "I want a national water policy. We need a dialogue between the States to deal with issues like water conservation, water reuse technology, water delivery, and water production." And he went on to say, "States like Wisconsin are awash with water."

Fortunately, in order to prevent efforts by others to divert Great Lakes water outside the Basin, last fall we enacted the Great Lakes Compact, which reserves for the Governors of the Great Lakes States the opportunity to regulate diversions of water from the Great Lakes Basin. The compact bans new and increased diversions of water outside the Great Lakes Basin with only limited, highly regulated exceptions, and it establishes a framework for each State and the two provinces in Canada to enact laws protecting the Basin. And after being ratified by the Great Lakes State, the compact passed this House last September by a vote of 390-25, and the Senate actually passed it under unanimous consent, was then signed into law by then-President Bush.

In order to ensure that this new water initiative does not infringe on the principles associated with the Great Lakes Compact, I offered an amendment to the Rules Committee yesterday. Regrettably, it was not made in order. Quite simply, my amendment would have prevented the interagency committee, the National Water Initiative Coordination Office, the National Water Research and Assessment Plan from considering or promoting policies that would undermine or interfere with the principles of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

The Great Lakes, as I said, are the very identity of my State of Michigan and all of us in the Great Lakes Basin, and we all take their care very seriously. My constituents will not abide even the prospect of a diversion of the Great Lakes water to other areas of the country where growth is beginning to outstrip their resources. And some might argue that the Great Lakes Compact provides all of the protections that we need.

I do agree that there are very strong protections in the compact, but I also

fear that everything is subject to change. And while I am not suggesting that this legislation aims to divert Great Lakes water, it also does nothing to protect them or to protect and prohibit diversion either. Such protections would make, certainly, my constituents and all the people that live in the Great Lakes Basin much more comfortable with the establishment of a national water policy. And since those protections are not included in this legislation, Mr. Speaker, I will be opposing both this rule and the bill.

Mr. ARCURI. Mr. Speaker, I thank the gentlelady from Michigan for her insightful comments and certainly her strong leadership on protecting what I believe to be the greatest natural resource not only in America but also in North America and our water supply.

I would inquire if the other side has any other speakers.

Mr. LINCOLN DIAZ-BALART of Florida. No, we do not.

I thank my friend for the handling of the rule on this important matter.

Mr. Speaker, I would simply reiterate that while this issue is of great importance, there are many other issues facing this Nation, and for this entire week for this Congress to have done nothing else during this entire week is really unfortunate and it shows the manner in which the majority of this Congress, the leadership of the majority of this Congress is running this Congress, and the American people are finding out. They are discovering it.

We have no further speakers. At this time, I yield back the balance of our time.

Mr. ARCURI. Mr. Speaker, I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART) for his management of this rule.

Mr. Speaker, in closing, I would like to thank Chairman GORDON for working to bring this important piece of legislation to the floor. As I said earlier, there really is nothing more important or elemental than our water and our water supply. We must manage it wisely. There is just too much at stake if we do not. I believe this bill is going to go a long way towards improving the way we manage our most precious natural resource and ensure that it is clean, safe, and abundant for future generations.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1145.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 18. Concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

The message also announced that pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission:

Dennis Shea of Virginia, for a term expiring December 31, 2010.

Robin Cleveland of Virginia, for a term expiring December 31, 2010, vice Mark Esper of Virginia.

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, appoints the following members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Montana (Mr. BAUCUS).

The Senator from Michigan (Mr. LEVIN).

The Senator from California (Mrs. FEINSTEIN).

The Senator from North Dakota (Mr. DORGAN), Chairman.

The Senator from Ohio (Mr. BROWN).

NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 352 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1145.

□ 1044

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes, with Ms. SPEIER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise in strong support of H.R. 1145, the National Water Research and Development Initiative Act of 2009.

Thirty-six States expect to experience significant water shortages by the year 2013. Diminished supplies of water and intense competition for limited resources are forcing local water agencies to make tough decisions on water allocations and limiting access to needed water by businesses and families.

When severe water shortages occur, the economic impact is substantial. In 2007, the Tennessee Valley Authority was forced to shut down a nuclear reactor due to a lack of acceptable cooling water in the Tennessee River. According to a report from the National Oceanic and Atmospheric Administration, each of the eight water shortages over the past 20 years from drought and heat waves resulted in \$1 billion or more in monetary losses. The Association of California Water Agencies reported in April of 2008 that California is now losing income and jobs due to the State's water supply crisis.

Over 20 Federal agencies carry out research and development on some aspect of water supply, water quality, or water management. Despite spending millions of dollars on research at each of these agencies, an increase in the number of water shortages and emerging conflicts over water supply suggest that we are still inadequately prepared to address the Nation's water management issue.

A new commitment is necessary to ensure that the United States can meet the water challenges over the next 20 years and onward. As chairman of the Science and Technology Committee, I have tasked the committee with advancing this issue through hearings and with legislation to address technological and strategic deficiencies at the Federal level. Our committee held hearings in 2008 and 2009 to examine the problems associated with dwindling water supplies across the Nation and to receive testimony as to how the Federal Government can help meet these challenges.

I am proud of the bipartisan support and collaboration that resulted in H.R.

1145. Ranking Member RALPH HALL has been a champion of produced water utilization legislation, and this bill incorporates research to pursue the goals established in his bill, H.R. 469. We are happy to accept constructive amendments from other Members of the minority, and the bill was reported out of the committee in a strong bipartisan manner.

H.R. 1145 will coordinate national research and development efforts on water and provide a clear path forward to ensure adequate water supplies for generations to come. This bill will ensure that we have an effective national water strategy that uses Federal research and development dollars efficiently and eliminates redundant programs.

H.R. 1145 has been endorsed by the National Beverage Association, by the National Rural Electric Cooperative Association, Water Innovations Alliance, the National Resource Defense Council, Water Environment Research Foundation, the Council of Scientific Society Presidents, Food and Water Watch, Water Research Foundation, Alliance Environmental, and Clean Water Action.

In tough economic times, it is imperative that we use every dollar we spend effectively. Coordination of Federal agencies, activities, and strong partnerships with the State, local and tribal governments will ensure that Federal programs are focused on areas of greatest concern and that our efforts are complementary and effective.

I urge my colleagues to support this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

The National Water Research and Development Initiative Act is the Science and Technology Committee's response to a lot of recommendations that were made by the country's top scientists on water research and development.

Our water supply is of vital importance to the health and well-being of our Nation, and this bill, as passed out of the committee and the good work that was done in the committee, demonstrates an effort on both sides to address concerns over water research.

No State is immune to water problems, whether there is too little of it or an overabundance of it. Yet in the last quarter century, our knowledge of water resources has been based on research that was conducted in the middle of the last century. While I support the concept behind the National Water Research and Development Initiative Act, issues remain that need to be further addressed.

I am still convinced that several provisions of H.R. 1145 may duplicate provisions found in H.R. 146, the Omnibus Public Lands Act of 2009, specifically the SECURE Water Act. We have to be

mindful to ensure that these two bills complement each other and do not create additional bureaucratic burdens on water research efforts.

In addition to the concerns of repetitious Federal efforts, I am cognizant that the complex responsibility for developing and managing the Nation's water resources are shared between Federal, State, local, even tribal and private interests. Several Federal water laws have recognized States as having primacy over the allocation and use of water. This notion has been further reinforced by Supreme Court decisions. Therefore, we have to be very careful not to undermine the historical responsibility of State and local governments on managing their water resources. It is vitally important that the authorities given in this bill do not supersede or replicate efforts of these at the levels that I have just laid out.

Furthermore, I am concerned that the vague nature and description of the "National Water Census" in this bill may be a step toward federalizing groundwater, surface water, and other water resources normally managed by State and local entities. To that end, we offered and passed an amendment in committee to ensure State, local and tribal participation in coordination efforts. Previous efforts to organize water research and management have been generalized in what they call "top-down" agendas, with little or no participation from the States or local levels. The intent of this amendment was to encourage a true dialogue between the levels of government.

I am pleased that the chairman included language in the bill expanding the Energy-Intensive Industries Program established in the Energy Independence and Security Act of 2007 to include "research to develop water-efficient technologies that increase energy efficiency, including utilization of impaired water sources in production."

During the full committee markup, questions were posed about the definition of "impaired waters." These questions sought to clarify that impaired waters included water extracted during oil and gas exploration and production, also known as produced water. I applaud this effort and note that as a potentially significant source of water, the language of this bill should be interpreted to be inclusive of all sources of nonpotable water.

As we move forward with today's debate on H.R. 1145, I would like to commend the many Members who offered amendments in order to attempt to make this a better bill. However, there are several amendments that give me some concern. I am very hopeful that today's debate will address any apprehension and allow us to move the bill forward.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Let me again thank Ranking Member HALL for his help in this bill. We have had a number of hearings over the last 2 years. We have had open forums, we have had witnesses that have presented their testimony. He outlined a variety of legitimate concerns that came about at the committee level, such as produced water and getting a better definition. It was a better bill because of his help, and I thank him for that.

Concerning the Public Lands Act, I will just point out, as I had earlier, that the Public Lands Act, which was in the other body, is an implementation legislation, where this is legislation for research.

With that, I now would like to yield to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON) such time as she may consume, again, an important member of our committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, today I rise in support of H.R. 1145, the National Water Research and Development Initiative Act. This bill is of great interest to me, as I serve as Chair of the Subcommittee on Water Resources and Environment within the Transportation Committee.

My city of Dallas is a beautiful area with the Trinity River running through it. Protecting Dallas from flooding and ensuring the quality of the Trinity and surrounding environments are important to me and to my constituents.

Federally funded research on water is important to ensure an adequate supply of clean drinking water for our Nation. H.R. 1145 will ensure coordination among research programs at the different Federal agencies that support water research.

Whether the issue is storm water and flood mitigation, clean water, or watershed quality, investments in this area are critical. The type of research involves scientists who work in interdisciplinary teams, blending their individual talents in chemistry, microbial ecology, invertebrate biology, watershed ecology, and ecosystem modeling.

I want to thank Chairman GORDON for his leadership and Ranking Member HALL. I want to also thank him for incorporating amendments suggested by members of the committee, one including me.

I strongly support this legislation, and I urge my colleagues to support it.

Mr. POLIS. Mr. Chair, I rise in support of the National Water Research and Development Initiative Act of 2009. I thank Chairman GORDON and the Committee for working hard to reintroduce this important legislation.

Demand for water resources has increased, while our management technology and infrastructure has essentially remained unchanged since the boom of water resource-related legislation in the 1970s and 1980s. In tandem with the rise in population and shift to different

regions, the increase of water use by businesses, agriculture, and other interests demonstrates the need for this important legislation. The national population explosion has already begun to stress the water resources across the country. In Colorado alone, the population has grown by over 14 percent since 2000, a common theme across the Western states and the Southeast. Our nation is experiencing water supply and quality control challenges at all levels. This legislation ensures that current demand is met, that future supply is available, and that efforts requiring immediate attention are coordinated in an effective manner.

I am grateful that Chairman GORDON and the Committee saw fit to include the language of my amendment, which creates a pilot program that will serve as a national model for conservation through energy audits of water facilities. The Environmental Protection Agency will use this model to demonstrate the effectiveness of energy audits and implement similar programs throughout the country. I thank the Chairman and the Committee staff for recognizing this important priority.

The Congressional Budget Office indicates that if enacted, this legislation would cost \$8 million over the next four years. That equates to a mere 6 cents per American or 14 cents per average American family. According to an EPA study in 2002, "If capital investments remain at current levels, the potential gap between 2000 and 2019 would be approximately \$122 billion for wastewater infrastructure and \$102 billion for drinking water infrastructure." We are in a major economic crisis in this country. With increases in population over that same period expected to exponentially rise, inaction now could spell fiscal disaster for many communities for decades to come.

Many federally-coordinated programs have been enacted in the past with great success, including systems for forecasting floods and droughts and the development of water treatment and wastewater technologies, just to name a few. These have allowed our country to better manage and enhance our water resources. The legislation before us coordinates the activities of over 20 federal agencies currently charged with separately devising water resource policy, leading to less confusion over authority and implementation, which results in greater efficiency and savings for taxpayers.

Access to clean, reliable sources of water is a non-partisan issue. It affects every social, political, and economic class, affecting the prosperity and security of our communities. All Americans are looking to government to provide a forward-looking, scientifically based solution to a burgeoning problem.

We need a proactive approach to solving water resource issues in this country, one that addresses economic and environmental concerns. This bill will help ensure proper funding, maintenance, expansion, and enhancement of our conventional water and wastewater infrastructure, creating a greener, more energy efficient system for the future.

On behalf of my constituents in Colorado, and all Americans who elected us to protect their right to access to clean, reliable sources of fresh water, I urge my colleagues to vote "Yes" for this bill.

Mr. MATHESON. Mr. Chair, I rise today in support of H.R. 1145, the "National Water Re-

search and Development Initiative Act." I am proud to support Chairman GORDON's legislation as a cosponsor of the bill. I thank the Chairman, along with Chairman STUPAK and the Science Committee staff for bringing this bill to the floor. My home state of Utah is the second driest state in the nation. Over the past year, Utah has overcome a twelve year drought that threatened major industries in my district. This water shortage threatens recreation, tourism, ranching, and agriculture. All of these industries rely heavily on water usage.

This bill coordinates national research and development efforts on water and provides a clear path forward to ensure adequate water supplies for generations to come. It will help ensure that places like Utah have access to an effective national water strategy.

That is why I offered an amendment to this legislation in Committee which creates a data collection system to quantify and define the nation's water supply or the systems that produce this resource. I am pleased that my language is included in this bill.

This bill will help quantify water usage by allowing water users to share best practices and data in order to improve water resource management.

Utah's lack of water is a common story in the west and increasingly in other parts of the nation. The lack of water in Utah cripples economies and I am looking forward to working with my colleagues on both sides of the aisle to ensure this legislation is passed.

Thank you and I urge my colleagues to support this piece of legislation.

Mr. MINNICK. Mr. Chair, Idaho and the other Western states continue to deal with difficult water issues brought on by years of drought. We're tired of fighting over water, and we're ready for smart solutions to keep our cities strong, our drinking water clean and our crops healthy.

Today, the House will consider H.R. 1145, National Water Research and Development Initiative Act. This bill, sponsored by my colleague BART GORDON, coordinates research efforts on water and provides a clear path forward to ensure adequate water supplies for years to come.

My amendment will help our Nation better manage water by highlighting the usefulness of our nation's water research facilities and the need for these facilities to have what they need for groundbreaking research to help states like mine, where water issues are of great concern to every citizen.

Our nation depends on robust water research to help find better ways to manage shortages and severe droughts so that Idaho farmers, businesses and growing cities will have a dependable, clean water supply and so our energy backbone, the West's many power-producing dams, are able to function at optimum capacity. Research facilities compile data, coordinate with agencies, and provide the public with comprehensive information that will help us confront water issues as they arise. I urge my colleagues to support the manager's amendment to this bill that includes the Minnick of Idaho amendment.

Mr. LEVIN. Mr. Chair, I urge my colleagues to support the National Water Research and Development Initiative Act.

There is a tendency to take the availability of clean drinking water for granted. Even in a

state like Michigan, which is surrounded by water, we have become increasingly aware that the Great Lakes are a finite resource. To that end, the eight Great Lakes states came together last year and adopted a compact to manage and protect the Lakes. With the approval of the Great Lakes Compact by Congress, at long last we closed the door to bulk diversion of Great Lakes water. The Compact also establishes a comprehensive management framework to protect this shared resource and requires Great Lake states to control their own large-scale water use.

In other parts of the Nation, it is clear that water supplies are under increasing stress. Drought, population increases; and growing demand has resulted in water shortages in many areas, and these shortages are expected to become more pronounced over time. Currently, more than 20 federal agencies carry out research on water, water quality, and water management. The bill before the House will begin to coordinate national research and development efforts on water to provide the tools and information to manage water resources more effectively.

I want to make clear that nothing in this legislation authorizes, encourages or mentions water diversion from the Great Lakes. That is off the table. What is under discussion today is better coordination of programs that already exist to improve federal activities on water, involving research, data collection, modeling, education and the development of technology to enhance water quality and supply. As much as any other region, the Great Lakes states stand to benefit from more effective use of federal water research and development dollars.

Let me also express my support for the amendment offered by Representatives KIRK and QUIGLEY which requires the National Water Research and Assessment Plan established in this legislation to include long-term projections of water levels and ice cover of major water bodies, especially the Great Lakes. The loss of winter ice on the Lakes results in faster evaporation of the water. We need better data to understand the decline of ice cover in the Great Lakes and the impact this decline has on water levels in the Lakes.

I urge my colleagues to support the legislation.

Mr. GORDON of Tennessee. Mr. Chairman, Chairman OBERSTAR and the Transportation and Infrastructure Committee staff have worked with us very constructively on this legislation, and I'd like to insert an exchange of letters into the RECORD between Mr. OBERSTAR and myself.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, April 17, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 1145, the "National Water Research and Development Initiative Act of 2009". This legislation directs the President to implement a National Water Research and Development Initiative.

H.R. 1145 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recog-

nize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 1145.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 1145 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 1145 and in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, April 17, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your April 17, 2009 letter regarding H.R. 1145, the National Water Research and Development Initiative Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Transportation and Infrastructure. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 1145. A copy of our letters will be placed in the Committee Report on H.R. 1145 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. WELCH). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Water Research and Development Initiative Act of 2009".

SEC. 2. NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE.

(a) INITIATIVE AND PURPOSE.—The President shall implement a National Water Research and Development Initiative (in this Act referred to as the "Initiative"). The purpose of the Initiative is to improve the Federal Government's role in designing and implementing Federal water research, development, demonstration, data collection and dissemination, education, and technology transfer activities to address changes in water use, supply, and demand in the United States, including providing additional support to increase water supply through greater efficiency and conservation.

(b) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall establish, or designate, an interagency committee to implement the Initiative under subsection (a). The Office of Science and Technology Policy shall chair the interagency committee.

(2) COMPOSITION.—The interagency committee shall include a representative from each agency that conducts research related to water or has authority over resources that affect water supply, as well as a representative from the Office of Management and Budget.

(3) FUNCTIONS OF THE INTERAGENCY COMMITTEE.—The interagency committee shall—

(A) develop a National Water Research and Assessment Plan (in this Act referred to as the "plan") in accordance with subsection (c) and in coordination with State, local, and tribal governments;

(B) coordinate all Federal research, development, demonstration, data collection and dissemination, education, and technology transfer activities pertaining to water;

(C) encourage cooperation among Federal agencies and State, local, and tribal governments with respect to water-related research, development, and technological innovation activities to avoid duplication of effort and to ensure optimal use of resources and expertise;

(D) facilitate technology transfer, communication, and opportunities for information exchange with non-governmental organizations, State and local governments, tribal governments, industry, and other members of the stakeholder community through the office established in paragraph (4);

(E) provide guidance on outreach to minority serving institutions that are eligible institutions under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) to encourage such institutions to apply for funding opportunities specified in the plan;

(F) encourage cooperation between Federal agencies, State and local governments, and tribal governments to develop standard methods for collecting, managing, and disseminating data on water; and

(G) not later than 1 year after the date of enactment of this Act and every 3 years thereafter—

(i) identify from each agency described in paragraph (2) the statutory or regulatory barriers preventing the use of any technology, technique, data collection method, or model that would contribute to greater availability of water resources in the United States through enhanced efficiency and conservation; and

(ii) submit a report of the findings from clause (i) to Congress.

(4) NATIONAL WATER INITIATIVE COORDINATION OFFICE.—

(A) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall establish a National Water Initiative Coordination Office (in this Act referred to as the “Office”), with full-time staff, to—

(i) provide technical and administrative support to the interagency committee;

(ii) serve as a point of contact on Federal water activities for government agencies, organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(iii) communicate with the public on the findings and recommendations of the interagency committee based on the activities conducted pursuant to the Initiative.

(B) FUNDING.—The operation of the Office shall be supported by funds contributed from each agency represented on the interagency committee.

(C) NATIONAL WATER RESEARCH AND ASSESSMENT PLAN.—

(1) PLAN DEVELOPMENT.—The plan required under subsection (b)(3)(A) shall establish the priorities for Federal water research, including federally funded research, and assessment for the 4-year period beginning in the year in which the plan is submitted to Congress. In the development of the plan, the interagency committee shall consider and utilize recommendations and information from State, local, and tribal governments and contained in reports that have addressed water research needs, including the 2007 report issued by the Subcommittee on Water Availability and Quality (SWAQ) of the National Science and Technology Council’s Committee on Environment and Natural Resources and recommendations of the National Academy of Sciences.

(2) SPECIFIC REQUIREMENTS.—The plan shall—

(A) identify each current program and activity of each Federal agency related to the Initiative;

(B) identify funding levels for the previous fiscal year for each program and, if applicable, each activity identified in subparagraph (A);

(C) set forth a strategy and a timeline to achieve the outcomes described in subsection (d) and shall describe—

(i) each activity required of each agency responsible for contributing to each such outcome;

(ii) the funding levels necessary to achieve each such outcome; and

(iii) the distribution of funds between each agency based on such agency’s role in carrying out such activity;

(D) be subject to a 90-day public comment period and shall address suggestions received and incorporate public input received, as appropriate; and

(E) be submitted to Congress not later than 1 year after the date of enactment of this Act.

(d) WATER RESEARCH OUTCOMES AND ASSESSMENTS.—The plan shall outline and direct agencies under the interagency committee to work to achieve the following outcomes:

(1) Implementation of a National Water Census, which shall include the collection of data on national water resources to create a comprehensive database that includes information about the quantity, availability, and quality of ground water and surface water resources.

(2) Development of a new generation of water monitoring techniques.

(3) Development of technologies for enhancing reliable water supply, water reuse, and pollution prevention.

(4) Development of innovative technologies and tools to enhance water quality, including advanced water treatment and water purification technologies.

(5) Development of innovative technologies and tools to enhance water-use efficiency and

tools to encourage public acceptance of such technologies and tools.

(6) Development of tools and processes to facilitate resolution of conflicts over water resources.

(7) Development of information technology systems to enhance water quality and supply.

(8) Improvement of understanding of water-related ecosystem services and ecosystem needs for water.

(9) Improvement of hydrologic prediction models and their applications.

(10) Analyses of the energy required to provide reliable water supplies and the water required to provide reliable energy supplies throughout the United States.

(11) Analyses of the social, behavioral, and economic barriers to sustainable use of water resources in the United States.

(12) Assessment of national water availability and use.

(13) Regional assessments of the status of water supplies and evaluation of potential changes in such status due to changes in land use, population size and distribution, and economic activity.

(14) Assessment of water quality, availability, and use in rural areas, including—

(A) maintaining water quality and enhancing energy efficiency of water treatment and delivery through the use of technologies or practices developed to address rural communities; and

(B) developing data and information to support water planning and conservation.

(e) ADVISORY COMMITTEE.—The President shall establish, or designate, an advisory committee to advise the interagency committee established under subsection (b).

SEC. 3. BUDGET COORDINATION.

(a) IN GENERAL.—The President shall provide guidance to each Federal agency participating in the Initiative with respect to the preparation of requests for appropriations for activities related to the plan.

(b) CONSIDERATION IN THE PRESIDENT’S BUDGET.—The President shall submit, at the time of the President’s annual budget request to Congress, a description of those items in each agency’s budget which are elements of the plan or help to achieve the outcomes of the plan.

SEC. 4. COORDINATION.

The interagency committee shall coordinate the activities of the Initiative with the United States Global Change Research Program.

SEC. 5. ANNUAL REPORT.

Concurrent with the annual submission of the President’s budget to Congress, the President shall submit to Congress a report that describes the activities and results of the Initiative during the previous fiscal year and outlines the objectives for the next fiscal year. The report shall include detailed information on all programs and activities involved in the Initiative, including an analysis of progress towards achieving the outcomes listed in section 2(d).

SEC. 6. NATIONAL WATER PILOT TESTING FACILITY FEASIBILITY STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Comptroller General of the United States shall complete a study examining the feasibility and practicality of creating a national water pilot testing facility.

(2) CONTENTS.—The study shall—

(A) examine Federal programs and facilities that currently engage in some form of water technology testing;

(B) evaluate the practicality and identify the potential costs of establishing a national water pilot testing facility; and

(C) examine the efforts of Federal agencies to establish testing facilities related to other technologies, including wind and solar, and the lessons learned from implementing these programs.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the key findings of the study conducted under subsection (a).

SEC. 7. DOE WATER TECHNOLOGIES FOR INCREASED ENERGY EFFICIENCY ACTIVITIES.

Section 452(c)(2) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17111) is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

“(D) research to develop water efficient technologies that increase energy efficiency, including utilization of impaired water sources in production.”.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for coordination and outreach activities conducted under this Act through the Office established in section 2(b)(4)—

(1) \$2,000,000 for fiscal year 2010;

(2) \$2,000,000 for fiscal year 2011; and

(3) \$2,000,000 for fiscal year 2012.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–82. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–82.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 2, line 10, strike “use,” and insert “use, quality.”.

Page 2, beginning on line 12, strike “efficiency and conservation” and insert “efficiency, conservation, and measures to abate water quality impairment”.

Page 2, line 24, strike “supply,” and insert “supply and water quality.”.

Page 3, line 20, strike “with” and insert “with institutions of higher education.”.

Page 3, line 22, strike “and” and insert “water resources managers, commercial end users, and”.

Page 4, after line 6, insert the following (and redesignate subsequent provisions accordingly):

(F) provide guidance on outreach to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that are located in an area affected by drought and encourage such

institutions to apply for funding opportunities specified in the plan;

Page 5, line 13, strike “and others” and insert “public-private collaborations, commercial end users, and others”.

Page 5, line 16, strike “public” and insert “public, including through a publicly accessible website.”.

Page 7, line 10, strike “period” and insert “period as noticed on the Office’s website”.

Page 7, line 14, strike the period at the end and insert the following: “and revised and resubmitted every 4 years thereafter.”

Page 8, line 2, strike the period at the end and insert the following: “and technologies, including techniques and technologies that provide publicly generated data useful to water managers.”

Page 8, line 21, strike the period at the end and insert the following: “, including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.”

Page 9, after line 17, insert the following:

(15) Development of resources to investigate the effects of invasive species on water supplies.

(16) Development of technologies and practices to treat eutrophic water bodies, including rivers, estuaries, and coastal waters.

(17) Development of tools to assist local water resource managers in anticipating changing water availability and use patterns in the preparation of a strategic plan for sustainable future operations.

(18) Development of a program to offer technical and planning assistance to States, localities, and regions that use or are planning to use land conservation as a method to protect water quality, as well as an analysis of the impact of land conservation on watershed hydrology.

(19) Improvement of understanding of the impacts from chemical impairments, including contaminants of emerging concern, such as endocrine disrupting compounds, pharmaceuticals, and personal care products, on water supply and quality.

(20) Analyses of the Nation’s water research facilities and identification of whether a need exists for additional facilities.

Page 10, after line 5, insert the following:

(c) EVALUATION.—Not later than 30 days after the submission of the President’s annual budget request to Congress, the Director of the Office of Science and Technology Policy shall write a letter to Congress evaluating the budget as it relates to Federal water research and the success of the interagency committee in meeting the outcomes listed in section 2(d).

Page 10, line 7, strike “The” and insert the following:

(a) IN GENERAL.—The

Page 10, after line 9, insert the following:

(b) SENSE OF CONGRESS.—It is the sense of Congress that the interagency committee should collaborate with public institutions of higher education whenever possible.

Page 10, line 18, strike the period at the end and insert the following: “and the indicators used to measure such progress.”

Page 12, after line 6, insert the following (and redesignate subsequent provisions accordingly):

SEC. 8. WATER RESOURCE RESEARCH INSTITUTES.

(a) SUPPORT; COORDINATED PLAN.—Section 104(b) of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (2) the following:

“(3) support the goals of the National Water Research and Development Initiative; and

“(4) submit to the interagency committee under section 2(b) of the National Water Research and Development Initiative Act of 2009 a single, coordinated, annual report that identifies future water research needs.”.

(b) TYPES OF RESEARCH AND DEVELOPMENT.—Section 108 of such Act (42 U.S.C. 10307) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) Technical research on prevention and removal of contaminants of emerging concern, including endocrine disrupting compounds, pharmaceuticals, and personal care products, in water resources.”.

SEC. 9. PILOT PROGRAM.

The Administrator of the Environmental Protection Agency shall establish a national pilot program exploring the use of energy audits of water related infrastructure to identify energy and water saving opportunities. As part of the program, each participating entity shall receive an Energy Star Benchmarking energy performance score to provide an initial screening of that entity, as well as an ongoing tracking measure to compare their energy performance against similar entities nationwide.

Page 12, line 13, strike “and” after the semicolon.

Page 12, line 14, strike the period at the end and insert a semicolon.

Page 12, after line 14, insert the following:

(4) \$2,000,000 for fiscal year 2013; and

(5) \$2,000,000 for fiscal year 2014.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment to make important changes to H.R. 1145. A number of my colleagues joined me in drafting language for this amendment, and I applaud them for their good ideas and collaborative efforts. I want to thank Representatives ADLER, BEAN, CARDOZA, CONNOLLY, HALVORSON, INSLEE, MCCARTHY, MCCOLLUM, BETSY MARKEY, MINNICK, MOORE, PINGREE, POLIS, SCOTT and TITUS.

H.R. 1145 establishes a planning process for the Federal research and development efforts on water. This amendment clarifies that the plan should be revised and revisited as progress is made on the goals identified in this bill.

The bill, as reported from the committee, contained conflicting information about the length of authorization. This manager’s amendment corrects this discrepancy and authorizes the initiative for 5 years.

In addition, this amendment identifies additional external groups that the

interagency committee and its coordination office should work with, including consumer-related businesses, water managers, and public-private collaborations.

The amendment also adds a number of new research outcomes for the committee to investigate, including polluted coastal waters, changing patterns of water availability, the impacts of invasive species, the emerging contaminants of concern, such as a variety of other disruptors.

This amendment also provides additional oversight procedures to the initiative to ensure that taxpayer dollars are being spent in the most effective manner.

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These are important additions to H.R. 1145, and I ask my colleagues’ support on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 20 minutes.

Mr. HALL of Texas. Mr. Chairman, I do rise today to speak about this amendment offered by the chairman of my committee, Mr. GORDON, and I may want to ask the chairman a question or so about it.

There are a lot of provisions in the manager’s amendment that I support. I support the emphasis of ensuring a role for institutions of higher education. I support the provision that calls for the National Water Research and Assessment Plan to be updated every 4 years, to guarantee that the plan evolves with the growing body of knowledge garnered through our water research efforts, and I also support including the list of regional outcomes, the development of tools to assist local water resource managers.

There are several things that I had some problems about. One, as to whether or not it was necessary to enhance the research outcome number 9, “Improvement of hydrologic prediction models and their applications” with the following addition: “including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.” But I think we discussed those pretty well in committee and with some interest on how these additions make the research outcome better, but I’m convinced that they do.

I guess I would just ask the chairman, how can you ensure that this pilot program that we have set up in here would not change into a burdensome regulatory requirement that’s pushed off on the States or tribal units or some of those?

Mr. GORDON of Tennessee. Would the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. Thank you, Mr. HALL. That's a good question. Let me first say that this is a large amendment and we try to deal in a collaborative way in our committee. Unfortunately, everyone doesn't have the privilege to serve on our Science Committee, and there was a lot of interest in this bill. So there were lots of amendments, many of which were incorporated here. As I say, I think we would be better off in a more collaborative way having vetted these. But I think that we have had the opportunity to do that more recently. And let me address your very real legitimate question concerning scaling out this EPA program.

First of all, as I think we all know, 20 or 30 percent of water is lost through various utilities. I was reading a story the other day where several utilities still have wooden pipes from decades back. So this is a voluntary program that would allow the various utilities to ask the EPA to come in and help them with an analysis on how they could be more efficient and save money with their program. So, again, it's voluntary.

I would also say this is just an authorization. If the EPA does not feel they have the resources to do it, they don't have to without a further appropriation, but I think it will help them, again, utilities on a voluntary basis to use that precious water resource in a more efficient way.

Mr. HALL of Texas. Mr. Chairman, reclaiming my time, history has indicated to me in my long time working with the chairman, I know that as this bill moves through the Senate, we'll be working together on these things through conference and address the concerns that we have raised.

We support the committee, and I thank the chairman for his discussion.

Mr. Chair, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chair, let me first again concur with Mr. HALL. This is going to be a continuing process. We will go on to a conference with the Senate at a later date, and all of these issues will be reviewed. We want the best bill possible.

At this time, Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I am pleased that today the House of Representatives is considering H.R. 1145, the National Water Research and Development Initiative Act of 2009.

As a supporter of this legislation, I would like to especially thank the committee chairman, Mr. GORDON from Tennessee, for his leadership in bringing this legislation to the floor.

This bill is an appropriate response to the concerning state of our national

water supply. As our Nation's population continues to increase, so must our ability to conserve and to reuse our water resources. We simply cannot afford to continue to take our scarce water resources for granted. And we must also educate our constituents and, quite frankly, ourselves on how to best protect a natural resource that we depend on for our survival.

The National Water Research and Development Initiative Act of 2009 will establish an interagency committee to develop a research and assessment plan to protect and to expand our water resources. H.R. 1145 will make the Federal Government a leader, a leader, in effectively addressing our water resource challenges through intense research, collection of essential data, and the development of new technology.

Mr. Chairman, in my district, I'm proud, as you know, that Orange County Water District has successfully developed and implemented a cutting-edge water reuse technology. The Groundwater Replenishment System in Orange County, California, purifies 70 million gallons of treated sewer water every day through an advanced purification process involving microfiltration, reverse osmosis, and ultraviolet light and hydrogen peroxide treatment. The result is that we get 100,000 Orange County families more drinking water every day. The system is a premier groundwater replenishment project, the premier one in the world, and so many States and local governments and foreign governments have come to Orange County to take a look at the system.

I believe that H.R. 1145 will encourage communities throughout the country to embrace this type of innovation, and I would encourage my colleagues to join me in supporting this important initiative.

Once again, I thank the chairman for his leadership on this. It's so important for us to make sure that in the future we have water for our constituents.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I want to thank Chairman GORDON for yielding time to me and for including my amendment in his manager's amendment, and I thank his staff for working with me to make sure that all interested stakeholders, including public-private collaborations such as the Milwaukee Water Council in my district, will be able to interact with and follow the interagency committee's work.

This Federal water research initiative will certainly impact a host of affected stakeholders, not just Federal agencies, including those in my district. The Milwaukee area, which I represent, is blessed to sit on Lake Michigan, and, of course, Lake Michigan is

one of the most tremendous resources that makes up the Great Lakes and is one of the largest freshwater sources on the planet.

The Milwaukee area also has a concentration of companies in the business of water and academic prowess in the water research field. An effort is underway, spearheaded by the Milwaukee Water Council, to better align these companies and the academic research strength in the area to create a hub for freshwater science, research, and water technology development. This is why I offer an amendment today to enhance the ability of these key stakeholders like the Milwaukee Water Council to participate in the agenda-setting process created by the bill.

Importantly, the amendment clarifies that public-private collaborations formed around water research and technology development at the State and local levels are important parts of the stakeholder community. This is key. But just don't take my word for it, Mr. Chairman. The 2004 National Academies of Science report made clear that we must prioritize making the Federal agenda-setting process transparent to the various stakeholders who have a stake in the outcomes of this initiative. The report also noted that one of the weaknesses of the coordination role played by the Subcommittee on Water Availability and Quality, SWAQ, administered by the Office of Science and Technology Policy is that the SWAQ lacks connections, formal or informal, to States, stakeholders, and other users. The SWAQ is invisible to the public at large as well as the research community outside of the Federal agency leadership.

It's so important that in authorizing this office we address this potential pitfall. My amendment that has been included in the manager's package would supplement the great work already done by Chairman GORDON and the Science Committee on this front. It will call for the creation of a public Web site to display important information on the range of reports and activities by this committee, including the posting of notices about opportunities for stakeholders to comment on the Federal water research plan. It's certainly my hope that these steps boost and strengthen the link and interaction between non-Federal stakeholders including the Milwaukee Water Council and the Federal water research initiative.

Again, I thank the chairman and the staff for working with me to make sure that the stakeholders will have one more tool available.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from across the Potomac River, Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. I thank the chairman for yielding.

Mr. Chairman, I rise in support of H.R. 1145. This important legislation will improve Federal coordination in the protection of water quality across America. I had the privilege of proposing two amendments to this legislation, both of which were graciously incorporated by the chairman in the manager's amendment.

Congresswoman MCCOLLUM and I introduced an amendment to ensure that the interagency task force established by this bill will provide guidance on reducing endocrine disruptor pollution. These contaminants, which come from pharmaceuticals and other sources, are having dramatic negative impacts on rivers and lakes across the country. For example, watersheds in the national capital region, including the Potomac and James Rivers, have tributaries where 80 to 100 percent of bass have intersex characteristics. We must expedite our efforts to identify sources of this pollution and ways to filter it out of drinking water to protect public health and safety.

I also introduced an amendment to direct the interagency working group to develop a technical assistance program to help States and localities use land conservation to protect water quality. This is an important feature in regions like Northern Virginia, where sprawl threatens the integrity of drinking water supplies. In fact, we saw that demonstrated dramatically in a Public Broadcasting program just this last week with Hedrick Smith that really highlighted this as a major issue for our science moving forward.

I encourage my colleagues to support H.R. 1145, and I deeply thank Chairman GORDON for his leadership on this very important legislation.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Thank you, Chairman GORDON, for the opportunity to speak in support of the manager's amendment. I applaud the Science and Technology Committee for the hard work you've put into this important legislation.

Water issues are something I hear about often when I'm back in my district meeting with constituents. Many of my mayors have told me that the biggest challenge facing their communities is our aging water infrastructure problems. Residents in many small rural towns do not have reliable access to safe drinking water. This is not only a public safety issue but it is also an economic development issue. Communities with inadequate water infrastructure or an unsafe drinking water supply are unlikely to attract the

types of commercial development that will put people back to work.

There is little doubt that the business community has a tremendous stake in the future of our Nation's water supply. That is why I am pleased the manager's amendment includes language I put forward to ensure that the interagency committee created by H.R. 1145 works together with the business community. Small businesses especially need help accessing the information and innovation technologies that will allow them to become smarter and more efficient consumers of water.

□ 1115

As a member of the Small Business Committee, I am proud to play a role in making this process possible. This manager's amendment recognizes that our Nation's water challenges will require not only intergovernmental cooperation, but also public-private partnerships.

Working together, government and the private sector can pool resources and implement the ambitious goals outlined by the National Water Research and Development Initiative Act.

I thank Chairman GORDON again for the opportunity to speak in support of the manager's amendment.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve.

Mr. GORDON of Tennessee. I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), and I want to thank her for her important contribution to this amendment.

Ms. MCCOLLUM. Thank you, Chairman GORDON.

Mr. Chair, I rise today to voice my strong support for the National Water Research and Development Initiative Act and for the manager's amendment.

My State of Minnesota claims over 10,000 lakes and is the headwaters of the Mississippi River and is part of the Great Lakes chain of lakes. We have Lake Superior on our northern shore.

Improving the coordination of Federal research is important for my State and for our country, and we need to do a better job of making use of data to make good policy.

This amendment includes three important provisions, and I would like to talk about them briefly.

The first part of my amendment, which is included in the manager's amendment, clarifies the bill's focus to include both water quality and quantity. Federal jurisdiction on water policy tends to create a division between the two, but the science often overlaps. To achieve the goal of coordination of research across all Federal agencies, it's important to support a comprehensive research agenda, and this legislation does that.

Second, in the area of water quality, this amendment adds research objectives related to chemical impairments

in our water supply, specifically contaminants of emerging concern. These contaminants include pharmaceuticals, personal care products and the endocrine disrupting compounds. Researchers have found that exposure to these contaminants can produce deformities and reproductive problems in aquatic species and insects.

Today we know enough about these contaminants to be worried, but not enough to provide good information to our State health officials and to our constituents. Research on these contaminants must be a Federal priority, and this legislation moves in that direction.

Finally, the amendment will link the existing work of the 54 federally funded research centers with the new Federal water research plan called for in H.R. 1145. The National Institutes for Water Resources are located in the institutions of higher education all across this country. This research network is underutilized as a resource.

This amendment would make it a priority for the National Institutes for Water Research to support the goals of H.R. 1145, and it will increase coordination among the centers so they are more effective partners in Federal water quality efforts.

This amendment promotes a Federal approach to water research. It is comprehensive, effective, and it is one that leverages all of our Federal research partners to work together.

I encourage my colleagues to support this amendment and the bill. And, again, I thank Chairman GORDON for his leadership on this issue and his staff for all the work that they have done on this important issue.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 4 minutes to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. I want to first thank Chairman GORDON for his hard work on this important legislation and for including the text of my amendment in his manager's amendment. This bill is critical to States like Nevada where drought constantly threatens the availabilities of our already limited water supply and, thus, our environment and our economy.

My language in this manager's amendment directs the interagency committee established in the bill to work to improve water prediction models and their applications, including analysis of variations and natural supply, watershed hydrology, human and ecological demand, and infrastructure.

As we celebrate Earth Day this week, it's important that we recognize that water has become and will continue to be a significant limiting resource for the Western United States.

So it is vital that we fully understand the current distribution of this resource while also being able to accurately predict the impacts of future

conditions like growth and climate change on its availability. Accurate prediction about the availability of water resources will help our communities as they work to ensure that businesses and families have access to clean, safe and adequate water supply.

Our drinking and wastewater utilities are required to plan for a number of long-term uncertainties. In order to successfully plan and adapt to change, much more focused, applied research must be done.

The Desert Research Institute in Nevada is tackling this problem head-on by establishing the Nevada Water Resources, Data Modeling and Visualization Center. It will enable better understanding of the present and future distribution of water within our State.

Accordingly, DRI, in collaboration with UNR and UNLV, has established an experimental facility in Boulder City to collect data regarding water interactions in desert soils. This will lead to improved predictions of the potential impact of a changing climate on groundwater recharge.

The work being done at educational institutions in Nevada illustrates just how much potential there is to improve Federal coordination of predictive water modeling. Whether communities are worried about drought or flooding, snowmelt or urban runoff, the improvement of water prediction models will help communities across the country adapt to changes in the natural and the built-in environment.

So thank you again, Mr. Chairman, for your hard work and for including me in this amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may need to start our close here. We have no further speakers.

Again, I want to thank Ms. TITUS, Ms. JOHNSON, all the others who helped us put together this manager's amendment.

I certainly want to thank Mr. HALL and his staff as we have gone through, really, the last 2 years with hearings in the committee, with workshops, with a variety of different efforts to hear all and come forth with a good bill on a very important issue.

As I mentioned earlier, there's going to be 40 States for the year 2013 that are going to have a water crisis. We need to address this.

Let me say one final thing about this manager's amendment. It's a little larger than usual. There have been some new, but I think, worthwhile items introduced there. I think they need to continue to be vetted. I don't like to just bring things in off the street.

And I want Mr. HALL to know that as we go through the process that we will continue this discussion if there are any concerns about amendments that

were incorporated into this manager's amendment.

I reserve the balance of my time.

Mr. ADLER of New Jersey. Mr. Chair, I rise in support of my amendment to H.R. 1145, the "National Water Research and Development Initiative Act of 2009."

My amendment is critical to improving the health of many different types of water bodies, especially a treasured resource in my own district—Barnegat Bay. My amendment will task the interagency committee, established in this bill, with implementing a plan to develop technologies and practices that would treat eutrophic bodies of water, including estuaries.

The Barnegat Bay estuary covers over 42 miles of shoreline from the Point Pleasant Canal to Little Egg Harbor Inlet in southern New Jersey. The flow of fresh water from rivers, creeks and groundwater into the Barnegat Bay produces the special conditions that are important for the survival of crabs, fish, birds, and other wildlife.

The eutrophication of Barnegat Bay is causing such environmentally detrimental consequences as the decline in fish populations, the decline of shellfish stocks, increased algae blooms, and loss of seagrass habitat. These problems are causing the deterioration of water quality, loss of biodiversity, and the disruption of ecosystem health and function.

The eutrophication of the Barnegat Bay estuary is also negatively impacting one of the most treasured pastimes of the residents of my district—fishing. The continued decline of the health of the bay has resulted in such a sharp decline in the bay's fish population that it has detrimentally affected both recreational and commercial fishermen in my district. Fishing is a treasured family tradition for many residents of Ocean County, New Jersey, and for others, it is a source of their livelihood. Something must be done to improve the health of the bay while at the same time improving the economic and recreational pursuits of the people of my district.

Eutrophication is the process by which a body of water becomes eutrophic, typically as a result of mineral and organic runoff from the surrounding land. The increased growth of plants and algae that accompanies eutrophication depletes the dissolved oxygen content of the water and often causes a die-off of other organisms.

Barnegat Bay is one of 28 congressionally-designated National Estuary Programs in the country, and it is in serious need of help. While the many estuaries in the country are diverse in their characteristics and the issues that they face, the most critical factor affecting many of them, and especially Barnegat Bay, is eutrophication.

I urge my colleagues to vote for my amendment and H.R. 1145.

Mr. INSLEE. Mr. Chair, I would like to thank the Chairman for including my amendment into the manager's package. This important bill addresses a critical component to how we adapt to a changing climate and I am honored to have contributed to the creation of this vital piece of legislation.

Washington State faces a decrease in spring snowpack of nearly thirty percent by the 2020's, forty percent by the 2040's and sixty-five percent by the 2080's. While this state-

wide information is significant to understand the regional impacts of the changing climate on water availability, the information only skims the surface of what our communities need to know to ensure the availability of our water resources.

Many water resource managers lack the specific information on how changing climate conditions will impact the availability of, and demand for, water in their communities. In order to correctly plan for future operations, utility managers must have accurate information on how climate change and other factors will impact specific water sources. With the tools provided in this amendment, Evergreen Rural Water of Washington, a non-profit organization serving the needs of small water systems in Washington State, will be able to continue their important work to provide local water systems with on-site technical assistance, formal training, equipment lending and training information while considering specific impacts of climate change to these local water systems.

Some utilities, such as Seattle Public Utilities, have assessed the vulnerability of their water supply to climate change and have begun to develop adaptation strategies to prepare for the impacts of the change in temperature while other utilities have not, either due to the lack of resources or lack of awareness about the implications for the specific system they manage. By developing tools used for the anticipation of changing water availability and use patterns for the preparation of a strategic plan for sustainable future operations, we can downscale the information developed by federal water research to a utilizable level so that all utility companies will be able to plan for the future water resource for their customers.

I am honored that my amendment was included in the manager's package as it will bridge the gap between the research implemented on the federal level and what is needed on the ground by water resource managers and utilities.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. SALAZAR). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. KOSMAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-82.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. KOSMAS:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Assessment of the impacts of natural disasters, including floods, hurricanes, and tornadoes, on water resources.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman

from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, I yield myself as much time as I may consume.

I thank Chairman GORDON for bringing this important bill to the floor to address our water research needs.

Access to clean and reliable water supplies is an issue that affects every community across our country. In my district along the central Florida coastline, local communities also must deal with the other impacts of weather conditions such as hurricanes, which have the potential to affect our water supplies. However, this is not just a coastal issue, as recent floods in North Dakota and Florida, tornadoes in Tennessee and Alabama, and other weather events across the country, have exhibited to us and show us the need for this to be addressed at a national level.

My amendment, which adds a provision to the Water Research Outcomes and Assessments section, mandates an assessment of the impacts of major weather events on our water supplies. Hurricanes, floods and tornadoes can lead to salt water intrusion, infrastructure damage, sewer overflows, storm water runoff and other conditions that can harm our water supplies and the surrounding environment.

A better understanding of these impacts will aid local communities and States in addressing water supply issues before, during and after major storms.

Combined with the provisions in this bill, including the requirement to develop innovative tools to enhance water treatment and water purification technologies, this amendment will help address the impacts of major weather events over the long run through the development and implementation of policies to prevent and mitigate such vulnerabilities to our water supplies.

A nationally coordinated assessment of major weather events will ensure that our constituents have access to safe, reliable water supplies without interruption and that providers will be able to meet Federal standards and that we will use our resources in a more cost-effective and efficient manner.

I would like to yield 2 minutes of my time to the Congressman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I want to congratulate my colleague from Florida on this amendment. I think it's an important amendment, and I think this bill comes at a very important time.

Just today our Ohio EPA director, Chris Korleski, announced funding through the American Recovery and Reinvestment Act coming to the State of Ohio and specifically to Ohio's water projects, over 69 drinking water

projects and 255 water pollution control projects. And what the EPA director said in his statements, I think, is very telling. He said this additional Federal funding will provide jobs while also improving Ohio's worn water infrastructure.

Yes, we have a worn water infrastructure in the State of Ohio and in many States across the Midwest, and it is particularly taxed at times of natural disaster. So I think assessing the value of looking at tornadoes, looking at floods and looking at the way in which our water resources are impacted is critically important because we do have a system, a system that is aging.

When we talk about combined sewers, as we have in Cincinnati, and we have combined sewer systems across the Midwest and on the east coast, we recognize that at times of flooding we have raw sewage coming out into our waterways, into our streams, and they are especially taxed.

We need to make sure that the appropriate precautions are in place to try to prevent these overflows, but also to help fix those systems in the aging communities in order that when we have natural disasters, we are able to ensure the population that we have clean drinking water available to everyone.

I want to thank my colleague from Florida for her efforts.

Ms. KOSMAS. I appreciate your comments, Congressman DRIEHAUS, and I urge adoption of the amendment.

Mr. GORDON of Tennessee. Would the gentlewoman yield?

Ms. KOSMAS. I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. Let me just thank the gentlewoman for her amendment and her leadership on our committee in terms of space and science. This amendment makes our bill a better bill.

Ms. KOSMAS. Thank you very much for your comments.

I reserve the rest of my time.

Mr. HALL of Texas. Mr. Chairman, I claim the time in opposition to the amendment. Although I don't necessarily oppose the amendment, I do have a statement.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I actually rise in support of the amendment offered by Representative KOSMAS of Florida.

The amendment simply directs the agencies under the interagency committee to assess the impacts of natural disasters on water resources.

We know that national disasters such as floods, droughts, hurricanes and all of that can have a very significant effect on water levels and cause major disruptions in local communities.

In my home State of Texas, we have recently seen the extremes of way too

much water in the form of hurricanes and too little, many times in the form of droughts.

It's important that we achieve a better understanding of the impacts of these natural disasters on water resources so that local managers and State officials can plan and manage for future use and economic growth. It simply makes sense that we coordinate efforts at the local, State and national level to achieve these ends.

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I have long been a proponent of this type of coordination. During the 109th Congress, I sponsored a bill to create the National Integrated Drought Information System, and I am proud to say the program is currently up and running. NIDIS coordinates and integrates observations so that local water managers can better plan and can better predict for future uses.

While our Nation will always face natural disasters of one form or another, we can do more to mitigate the effects through careful study and careful planning. The gentlewoman's amendment moves in that direction, and I urge its passage.

Mr. Chairman, I yield back my time.

Ms. KOSMAS. Mr. Chairman, I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. KOSMAS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-82.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Washington:

In section 2(d), add at the end the following new paragraph:

(15) Assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment ensures that potential water storage reservoirs and their hydropower resources are kept on the table when it comes to our Nation's future water and power supplies.

I have the privilege of representing a rural district in central Washington. Constituents in my district and throughout the Pacific Northwest have benefited tremendously from the emissions-free and renewable hydropower generated from water reservoirs in the Columbia River Basin. In fact, over 80 percent of Washington State's electricity needs are met through hydropower.

Water reservoirs, such as Lake Roosevelt behind Grand Coulee Dam and the reservoirs behind the Snake River Dam have not only provided much-needed hydroelectricity, but also deliver water for irrigation, barge transportation, drinking water, flood control and recreation purposes.

Many of our Nation's water storage reservoirs contribute to the generation of hydropower, which is, Mr. Chairman, a renewable and clean energy resource. Hydropower projects have provided emissions-free electricity for generations.

Recent debate here in Washington, D.C. has been focused on global climate policies and how wind and solar can be energy solutions for the future. I agree that these technologies should be part of our energy portfolio, but our country needs an all-of-the-above approach to meet our needs. We need wind, solar, hydro, oil, natural gas and nuclear power.

However, we must recognize that the wind doesn't blow all the time and that it gets dark at night. In my region of the Pacific Northwest, hydropower is the renewable backup resource for wind power. When the wind subsides, hydropower generation is increased to offset the loss of wind power. Without hydropower, wind generation would not be the reality that it is today.

Yet some do not recognize that hydropower is a renewable resource and fail to see the need for new water storage reservoirs that help develop and foster these and other renewable energies, reservoirs that have helped develop our Nation and will continue to provide multiple uses, including hydropower. There is simply no reason why we should discount potential new water storage and reservoirs in the future.

So to that end, Mr. Chairman, my amendment directs the relevant agencies to assess potential water storage projects that would enhance water supply, water planning and other beneficial uses.

While I pointed out the benefits of hydropower, this amendment does not predetermine outcomes. It simply puts potential water storage as a consideration when looking at our entire water supply outlook. Whether it is for drink-

ing water, irrigation or for power generation, it puts that on the table.

So I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim the time in opposition to the amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

I will just quickly say thank you to Mr. HASTINGS for this amendment. I think it is a constructive amendment. I think it may need some fine-tuning so it can fit best into this bill and the constructs of the bill, but it certainly is constructive and certainly something we should do, and we will work with you.

I will be voting for the amendment, and as we go through the process will be trying to work with you to again make it fit into the bill better so we can go into conference.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I appreciate the chairman's working with us on this and would be more than happy to work with him.

To that end, Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the gentleman from Washington's amendment. Potential reservoirs and new hydropower should continue to play a major part in our water and energy supplies.

As areas of the country struggle with water shortages or increasing demands on the water supply, we have to be willing to be creative in the ways we address water use and water storage problems. This is a thoughtful amendment and an improvement to the bill. I commend Mr. HASTINGS for his leadership on this effort.

Mr. HASTINGS of Washington. Mr. Chairman, I appreciate again the support of the distinguished chairman and the ranking member. With that, I urge adoption of the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-82.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA: At the end of the bill, add the following new section:

SEC. 9. STUDY.

Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences for a study on the impact of changes in snow pack, including snow pack from the Sierra Nevada, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses a grave concern in California with the San Joaquin Valley water quality. Water is the basic necessity of life. Without clean, available water, we can't produce, grow, play, work and in fact even live. It is important to research and preserve our resources, and my amendment focuses on the vital water resources of California.

Every year, the snow pack in the Sierra Nevada slowly melts and flows down the mountain, providing clean, reliable water year-round to our farms, homes, businesses and municipalities. But now global warming threatens this natural system and threatens the health of our families. As the atmosphere warms, the snow pack melts too quickly to use and we lose the vital components of life.

For 50 years, visionary leaders harnessed Mother Nature and brought water from the mountains down into the valley to meet the needs of a thriving and growing State. Our economies flourished under that water system and it was efficient and it was the pride of the West. But recently our State has more than doubled in population and we have done little to keep pace with this growth. In fact, instead of keeping pace with the growth, we have actually lost significant amounts of our water supply.

It is therefore even more important today to support this amendment as we desperately search for good water that can continue to nourish our crops and feed our children. I ask my colleagues on both sides of the aisle to support this commonsense amendment.

I reserve the balance of my time.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I am not opposed to the amendment, I recommend its passage, and I yield back my time.

Mr. CARDOZA. I thank my colleague and dear friend from Texas. I also want to thank the staff of the committee and the chairman of the committee for

working with us to make this amendment possible on the floor.

Mr. Chairman, I look forward to the passage of this amendment and to greater availability of clean water in California.

I yield to the chairman, the gentleman from Tennessee.

Mr. GORDON of Tennessee. I want to thank you for this constructive amendment. You have been a leader on water issues in California. I know that is a very sensitive issue there, and thank you for helping make a good bill better.

Mr. CARDOZA. Mr. Chairman, I thank the chairman and I appreciate his input.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-82.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Improvement of understanding of water-intensive sectors of the economy and industrial needs for water.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this amendment and the overall bill, the National Water Research and Development Initiative Act. As we all know, parts of the United States are currently in a drought situation. Even Florida, which many people think of as being water rich, is suffering from drought. Last year, for instance, the City of Tampa imposed a total restriction on lawn watering and other recreational uses for water. Our water resources are becoming scarce in various parts of our great country.

In the short-term we will have to find temporary solutions to navigate through these droughts. But in the long term we will need a plan to prevent such a crisis from happening again. My amendment to H.R. 1145 adds to the water research outcomes a study of water-intensive sectors of the economy and industrial needs for water.

Passage of my amendment will ensure that the interagency committee created under this bill will look at how water is used across the country, from golf courses and fast food restaurants to manufacturing plants and other industries. Understanding how such industries need and use water will be critical to meeting our future needs while stimulating economic growth. Without it, any water research plan would be incomplete.

I certainly encourage my colleagues to support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of this amendment. I think this amendment is very important to ensure that we assess water supply and water needs for communities and we keep in mind the industries and businesses that employ the folks in these communities.

We don't believe the bill should be about pitting one water user against another, but rather it should help to ensure enough water for all users by focusing on new methods and technologies for conservation and efficiency.

I urge my colleagues to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I would like to reserve my time.

Mr. GORDON of Tennessee. I claim the time in opposition to the amendment, though I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just thank the gentlelady from Florida for this constructive amendment. I think again this helps to make a good bill better, and I urge support of her amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly thank the gentleman, who is very knowledgeable in this area for supporting this amendment. Economic development does depend upon water resources in so many sectors of our economy. I am very enthusiastically supporting his bill, and I am delighted that he believes that this amendment helps to make the bill, which is already a good bill, a little bit better.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-82.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ARCURI:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Improvement of understanding of competing water supply uses and how different uses interact with and impact each other.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I would first off like to thank Chairman GORDON and Ranking Member HALL for their leadership on this very important bill, a bill so important to America, not just America today but to the future generations of America, to ensure that our greatest natural resource, that is water, of course, continues, and that we continue to have the abundance of it that we enjoy in this country.

My amendment asks for improvement of understanding of competing water supply uses and how different uses interact with and impact each other.

□ 1145

And I've heard from many of my colleagues throughout the country and seen for myself firsthand in New York the problem that occurs when different interests begin to compete over our precious water resources. And when I say "compete," obviously we have competition for use of water through agriculture, through business, through energy production, through transportation, through business use, and obviously, recreation and consumption and transportation as well. So there are many uses for water.

However, the unique thing about water is that not only is it renewable, but the water resource can be used repeatedly to service several different aspects of our economy and of people's needs. And I think it's important, however, that we study that and see how different interests can interact with each other and most efficiently use our water resource to maximize it.

And I use this example. In my own home district we have a reservoir, Hinckley Reservoir, that is used for drinking water for about 130,000 people. There is also a use of that reservoir for hydropower, and also use of that to feed the barge canal for transportation and recreation use. And there's often disagreements and infighting in terms of how to best utilize that. And I think we need to study that and see what is the most efficient way that we can do it.

I see it again in other places like the Finger Lakes, where again there are disputes between whether we use the water in Seneca Lake for drinking purposes, for recreation or for energy production. So I think it's important that we work to make a determination how best to allow competing interests to interact with each other to most efficiently and effectively utilize our number 1 most precious resource, and that of course is water.

So I would strongly urge the passage of this amendment, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise not in opposition, but to make a statement about the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have some question about it, but I don't think I have a question I want to propound to you because we have discussed it. And your amendment would add to the growing list of research outcomes, the improvement of understanding of competing water supply uses and how different uses interact with each other and impact each other. And I know you understand that, and we've discussed it.

I would ask whether or not it means using water for irrigation is competing with industrial uses or the ecosystem management, like releasing large volumes of water from dams competing with the use of water for electricity generation or recreational activities. And we've had some of that at Lake Texoma in my district.

But as we go through and this goes on to the Senate and we have conference committees, and I know you've always been willing to explain your position, and we'll work together on that.

So I'm satisfied with the bill, and I would hope that we pass the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCURI. I thank the gentleman for his comments.

I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-82.

Mr. KIRK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIRK:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Projection of long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I am very honored to rise on behalf of the Kirk-Quigley amendment on behalf of me and our newest Member of Congress, Congressman QUIGLEY, who replaced Rahm Emanuel in the House.

When we look at the Great Lakes, we look at one of the crown jewels of our country's environment. But we have seen data over the last few years showing a declining lake level. That lake level has been estimated by the Army Corps of Engineers using projections that just last over the next 6 months.

Under the Kirk-Quigley amendment, we would draw on the additional resources of the National Oceanic and Atmospheric Administration, which is able to project lake levels for quite a bit longer than the Army Corps' 6-month standard.

The purpose of this amendment is to generate more science and data about what's happening to the dropping levels of the Great Lakes. Next to me is a chart showing an environmental disaster that did not happen in the United States. Instead, it happened in the former Soviet Union, now Kazakhstan, which shows the Aral Sea, a great inland sea, very much like Lake Michigan, subjected to a very poorly designed Stalinist irrigation plan that drank it dry. We should never allow an environmental catastrophe like what happened in Kazakhstan to happen in the United States.

From the data that we have, we have a number of causes which could potentially be involved in the disappearance of the Great Lakes. One of them could be the declining levels of ice cover over the Great Lakes. Due to other forces, the normal coverage of ice over Lake Michigan, for example, has been declining, therefore, possibly allowing evaporation all year long. This declining level could be involved in the lowering of the lake. We need more data to support that conclusion. Good data, in my view, leads to good policy.

At this stage, we do not know why the levels of Lake Michigan are dropping. But NOAA tells us from 1972 to 2008 Lake Michigan ice cover has declined by approximately 30 percent, or a drop of 7,000 square kilometers from 1972-1973 winter, to approximately 5,000 square kilometers last year. This is a decline of 40 percent.

Now the Lake Carriers Association estimates that a 1-inch decline in Great Lakes waters causes the ships to

reduce their cargo from 50 to 270 tons. This translates to 8,000 tons of lost cargo in the lakes each year, or equivalent of enough iron ore to make 6,000 automobiles in the United States.

For economic reasons, for ecological reasons, for scientific reasons, I think the Kirk-Quigley amendment should pass to give further resources to look at this emerging trend in an ecosystem that directly involves the future of 30 million Americans and many of our Canadian allies.

I reserve the balance of my time.

Mr. GORDON of Tennessee. If the gentleman would yield, I would like to thank him for this amendment and offer my support and request that the committee do pass this amendment.

Mr. KIRK. I thank the gentleman.

I reserve the balance of my time.

The Acting CHAIR. Does any Member claim time in opposition?

Mr. KIRK. On this, then, I'd like to close by saying that this is a bipartisan amendment endorsed by the National Wildlife Federation and by the Lake Michigan Alliance. It represents the ability of the Federal Government to look further into what is an evolving environmental trend in a place that's home to 90 percent of America's freshwater. And with that, I would urge adoption of the amendment and getting to work on what is happening with the falling Great Lakes levels.

Mr. QUIGLEY. Mr. Chairman, I would like to thank the Chairman for his good work on this legislation and look forward to working with him on this issue.

I rise in strong support of the amendment from the gentleman from Illinois.

The Great Lakes provide drinking water to over 40 million people and 90 percent of the U.S. water supply.

Urban sprawl, air and water pollution, and habitat fragmentation are already stressing ecosystems of the Great Lakes region.

This amendment will ensure essential long-term forecasting of water levels of major bodies of water, including the Great Lakes, in order to develop adequate adaption and management plans.

I thank the gentleman and I urge my colleague to support the Kirk amendment.

Mr. KIRK. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-82.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TEAGUE:

Page 8, line 25, strike the period at the end and insert the following: “, including analyses of the amount, proximity, and type of

water required for the production of alternative and renewable energy resources."

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, my amendment is about something simple, laying yet another block in the foundation on which we can achieve energy independence.

Personally, I am an oil man. I have always been an oil man and I always will be. And one of the first things that I learned when I started working on oil wells when I was 17 years old is that sometimes when you drill a well you get a lot of water. You have to figure out what to do with that. Can you put it into a stream? Do you need to re-inject it into the Earth? Or can we use it for something else?

It's a question as old as the oil and gas industry, just as the relationship between water and energy is as old as water itself. And as we look toward achieving energy independence through a focus on renewable and alternative energy, creating jobs, bolstering our national security and improving our environment along the way, we are going to have to better understand that important and ancient connection.

My amendment ensures that the relationship between renewable energy development and water resources is established as a priority for Federal water planning, research and development.

Mr. Chairman, we are proponents of wind, sun and biofuels, because they are renewable resources. But water is not. If we draw down our aquifers to the point that they can not recover and tax our rivers to extinction, much of the American West will be unrecognizable. That is not an option. And not harnessing the abundant renewable resources we possess in places like New Mexico is not an option either.

Research, planning and the development of new technologies will free us to develop energy in harmony with our environments and with needed resources like freshwater.

When we site solar farms, we need to consider not only the sun's intensity, but the proximity and sustainability of needed water resources as well.

When choosing a path toward the production of biofuels on a massive scale, we need to ask, what are the implications for freshwater of developing corn-based ethanol in the Midwest versus algae-based biofuels in the deserts of New Mexico?

When we consider wind, nuclear, and every other component of a comprehensive plan to move our Nation toward energy independence, we need to know what the implications are for our precious freshwater resources.

There's even a biodiesel project in my district called Cetane Energy that produces freshwater as part of its fuel production process. That adds an interesting dynamic to the water intensity of Cetane's production and is exactly the sort of thing that we need to better understand as we expand our renewable energy portfolio and move toward energy independence.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I claim the time in opposition to the amendment, though I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have some reservations about it, but they're reservations I think that we can work as it goes through and on through the conference committee. I appreciate this amendment, and I do not object to the amendment.

I reserve the balance of my time.

□ 1200

Mr. TEAGUE. I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TEAGUE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. ROSKAM

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-82.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROSKAM:

At the end of the bill, add the following new section:

SEC. 9. GAO STUDY AND EFFECTIVE DATE.

(a) STUDY.—The Government Accountability Office shall conduct a study, and prepare a report, on whether the requirements of this Act are duplicative of existing programs that provide for water research, development, demonstration, data collection and dissemination, education, and technology transfer activities regarding changes in water use, supply, and demand in the United States, including an analysis of the State Water Resources Research Institute Program (authorized by section 104 of the Water Resources Research Act of 1984, and organized as the National Institutes for Water Resources), the United States Global Change Research Program, and subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

(b) PRESIDENTIAL DETERMINATION.—

(1) IN GENERAL.—The President shall determine whether the contents of the report prepared under subsection (a)—

(A) support the implementation of sections 1 through 8 of this Act; or

(B) support a conclusion that such sections should not take effect.

(2) JUSTIFICATION.—If the President makes a determination under paragraph (1) that differs from the recommendations of the Government Accountability Office, the President shall provide a justification for the difference.

(c) EFFECTIVE DATE.—Sections 1 through 8 of this Act shall not take effect unless the President has made an affirmative determination under subsection (b)(1)(A).

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, in a nutshell, it's a fairly straightforward amendment. To briefly put it into context, it's trying to follow up on President Obama's inaugural address where he really challenged Congress and the American people to go through the Federal budget line by line, looking carefully at programs. I don't want to put words into the President's mouth, but if I were to paraphrase, I would say that part of the subtext of the challenge is to look where there is possible duplication, and that's what this amendment seeks to do. It respects the underlying legislation and says, well, if we're going to be doing this program—in other words, if we're going to be coordinating the Federal Government's approach to water problems—then let's do it in the context of clarity.

So here is what it says: We're going to have an amendment, and we're going to direct the GAO to do a study about the possible duplication of programs. In the interim, notwithstanding the passage of the bill, it's going to suspend the implementation date of the program to wait until the GAO comes back with the study. If the President finds that there are duplications, he can move forward and waive the underlying findings, but he has got to do it in a declarative way. In other words, he needs to affirmatively move forward and say, "Look, I've evaluated these duplications, and on balance, I think we should do this," or maybe in the alternative he'll say, "Let's not do it that particular way."

There are only two programs that are specifically cited as sort of a heads-up to the GAO that they need to take a look at. One is the U.S. Global Change Research Program, which is a current program that the GAO says take a look at or that we tell the GAO to take a look at. The other is the State Water Resources Research Institute Program, which again is flagged, but notwithstanding that, it says to take a look at the other programs that are out there.

If there is a duplication, bubble it up to the surface, and let's make a decision from there.

At this point, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chairman, I certainly appreciate the thrust of the gentleman from Illinois' amendment in terms of trying to stop the duplication of programs to save money. We need to be doing that every day. The irony is that this is what this bill does. This bill looks at the 20 agencies that invest in water research, and it coordinates that so we can get our best bang for the buck. It also helps to do away with that type of duplication.

So, as well-intended as the gentleman is, his amendment, I'm afraid, would be contrary to what he wants to accomplish. It would only slow down the process of this coordination and slow down the process of better utilizing our resources and saving that money. So it really is, again, with the best of intentions, but this amendment, I think, would counter that.

Not being a member of the committee, he did not have the benefit of the hearings that we had, of the roundtable discussions that we had, of all the input that we had, and I think that's the reason that he also might not be aware of the wide endorsements of this bill. This bill is endorsed by the National Beverage Association, the National Rural Electric Cooperative Association, the Water Innovation Alliance, the Natural Resources Defense Council, the Water Environmental Research Foundation, the Council of Scientific Society Presidents, the Food and Water Watch, the Water Research Foundation, and the Alliance for Environmental and Clean Water Action.

Again, we tried to follow his advice and accomplish that, and I think this bill does and has, really, wide and active support. His amendment would only stop that implementation or it would slow it down, which would certainly be counter to his intentions.

I reserve the balance of my time.

Mr. ROSKAM. Well, I thank the gentleman for his comments, Mr. Chairman.

I would just go to the underlying purpose of the legislation, as it's sort of the declared statement of the committee, which is to improve the Federal Government's role in designing and in implementing Federal water research, development, demonstration, data collection and dissemination, education, and technology transfer activities to address changes in the water use, supply and demand in the U.S., including providing additional support to increase water supply through greater efficiency and preservation.

There is one word that isn't in there, and that is the word "duplication," and I think sometimes we all benefit from another perspective coming in. I respect greatly the expertise of the committee, but every once in a while, there's maybe another perspective that could come along that will say: You know what? In the great scheme of things, the pace at which Congress is moving and the pace at which programs are being put in place, let's hit the pause button here, and let's have the GAO go out and really span the spectrum because, in the underlying legislation, it is absolutely silent as to duplicative efforts.

So I accept the criticism at face value. It's a valid argument, but I think that this is an improvement. It's not meant to be an impediment, and clearly, it empowers the President of the United States to waive the finding. I think it's a simple, straightforward type of thing that's in spirit with the inaugural statement of the President.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, let me point out that, in section 3, paragraph 3, part of the bill says, "The technical innovation activities to avoid duplications of effort and to ensure optimum use of resources and expertise."

You said a "criticism" of your amendment. I hope you didn't take that as a criticism. Again, I compliment the thrust of your amendment, but we have incorporated that here.

Let me also say that there is a synergy oftentimes also with research. NASA and NOAA may be working on a similar project, but because they're working on something similar, you wouldn't necessarily say that it was duplicative and not useful but, rather, that there was a synergy of working together. In our bill, we specifically say avoiding that duplication.

So, again, I think you have the best of intentions, and I think that we have accomplished those. For that reason, I would have to oppose your amendment because it would stop us from getting on to the work of saving money and of having a program that is so important. There are 40 States in our Nation right now that are facing serious water shortages or droughts or water problems between now and the year 2013.

I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I would like to yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment. Actually, this amendment seeks, as the gentleman has expressed, to return us to the original purpose of the bill by focusing on the duplication that exists among Federal agencies involved in water research efforts and attempting to streamline these efforts. I think we always have to be good stewards of the taxpayers' dollars as we work through legislation up here.

I support the amendment because I believe it's a good amendment, and it's looking after the taxpayers, and I urge my colleagues to join me.

Mr. GORDON of Tennessee. I yield back the balance of my time.

Mr. ROSKAM. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-82.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BLUMENAUER:

Insert after section 7 the following (and redesignate subsequent provisions accordingly):

SEC. 8. WASTEWATER AND STORMWATER REUSE TECHNOLOGY DEMONSTRATION PROGRAM.

(a) IN GENERAL.—In consultation with the interagency committee, the Assistant Administrator for Research and Development at the Environmental Protection Agency shall establish a wastewater and stormwater reuse and recycling technology demonstration program, consistent with section 2(d)(3).

(b) ACTIVITIES.—Under the program established in subsection (a), the Assistant Administrator shall develop and fund projects to demonstrate, evaluate, and test the techniques and technologies to reuse and recycle stormwater and wastewater at the building, site, neighborhood, and watershed scales for urban, industrial, agricultural, environmental, and recreational uses as well as to augment potable water supplies.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am pleased, along with my colleague, BETSY MARKEY from Colorado, to offer this amendment to create a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency.

I would like to begin by expressing my appreciation to Chairman GORDON and to his staff for working with us to refine the amendment. This is important work that's being done. I appreciate the debate and the energy, and we

are pleased to offer this small element that, I think, makes a big difference.

Water reuse involves taking wastewater or stormwater, giving it the appropriate level of treatment for its intended use and using the resulting reclaimed or recycled water for a new, beneficial purpose. These beneficial purposes can range from agriculture and landscape irrigation, to industrial processes, to toilets, to replenishing groundwater.

It's clear that this is not necessarily a new technology. According to the Water Reuse Association, reclaimed water has been used for crop irrigation for more than 100 years and for landscape irrigation for more than 70 years. The Earth has recycled and reused water for millions of years through the natural water cycle, but the amount of water that we reuse and recycle is just, if I may use the phrase, "a drop in the bucket" compared to what we could be doing, which is why I think a new demonstration project is in order.

Across the globe, water consumption has tripled in the last 50 years. According to the EPA, at least 36 States are anticipating local, regional or State-wide water shortages by 2013 even under non-drought conditions. As communities grow and water supplies decrease, they will be forced to seek alternative sources of water. In an era of climate change and water stress, water reuse and recycling has a great deal of potential to help alleviate pressures on water managers and to help communities become less dependent on ground and surface water sources.

A demonstration program will help reduce the costs of these technologies, and it will also help communities overcome the technical and social barriers to water reuse and recycling.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I claim time in opposition. Though I'm not totally opposed to it, I'd like to make a statement.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, it's my understanding that the purpose of the National Water Research and Development Initiative was to streamline, organize and coordinate Federal water research and development efforts. Although I support the underlying premise of the gentleman's amendment, I think it's duplicative of legislation we've already passed.

A little more than 2 months ago, this body passed H.R. 631, the Water Use Efficiency and Conservation Act offered by Mr. MATHESON of Utah under a suspension of the rules by a voice vote. Because this Matheson bill has not been passed by the Senate, I think we can work through this bill, and I withhold any opposition to this amendment with the understanding that I already

know the gentleman, and have worked with him for a lot of years. I know we can work through any problems that we have with it.

So, with that, I reserve the balance of my time.

Mr. BLUMENAUER. I don't see my cosponsor here, so I'm the last speaker. I'm prepared to close if you have no other speakers.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I respect my good friend and colleague, the ranking member, and I appreciate what he mentioned in terms of the prior legislation, but I would say that was just research.

What we're attempting here is to be able to have demonstration projects. The EPA has done a great deal of work in this area in helping communities across the country undertake recycling and reuse projects. What we're doing here is having a coordinated program in the agency rather than just a few projects here or there that would allow the EPA to do the monitoring, evaluation and documentation necessary to promote the new technologies nationwide. Reclaimed or recycled water is highly engineered for safety. Indeed, the quality can be more predictable than some existing surface and groundwater sources. Right now, only about 5 to 6 percent of municipal wastewater effluent in the United States is reclaimed and beneficially used for any purpose.

In addition to enhancing water supplies, these technologies can help the environment by reducing the diversion of water from sensitive ecosystems, reducing nutrient and pathogen loads from wastewater discharges to waterways and reducing pollution from storm water runoff.

□ 1215

So beyond research, we really need a coordinated program of demonstration.

I urge my colleagues to support this simple amendment to create a program to pursue technology demonstration projects at the building, site, neighborhood, and watershed scales.

Ms. MARKEY of Colorado. Mr. Chair, I rise today in support of our amendment, numbered 10, to the National Water Research and Development Initiative Act.

In the West, and especially in the state of Colorado, water is a resource more precious than gold. For the many farmers and ranchers in my district in Eastern Colorado, finding ways to reuse and conserve water in urban areas is a matter of survival. For them, the idea of water recycling is not a new one.

In the Rocky Mountain region, we use recycled water for everything from Public Park landscaping, commercial and industrial uses, to fire protection. Reclaimed domestic wastewater serves as industrial water at power plants, helps to restore wetlands and even assists with dust control at construction sites—something that anyone who drives I-25 from

Denver to Fort Collins on a windy day can appreciate.

As communities in the West, and especially in Colorado's fourth congressional district, continue to grow, the issue of water conservation and reuse becomes even more urgent. Most conservative estimates tell us that Colorado's Front Range will face soaring water prices to pay for new water systems by the year 2058. Cities will become super dense to shrink lawns and shorten water pipelines.

As the Front Range grows along with Denver and Colorado Springs, Colorado's Eastern Plains will face increasing competition for their already scarce water sources. Large swaths of farmland will go dry if we don't work to actively protect the water for our agricultural communities. A whole way of life that has existed since families first started homesteading on land in the West will disappear if we don't find ways to reuse and recycle water.

For the people I represent, investing more resources in creating a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency is a matter of our future survival.

I urge all members to support my amendment to H.R. 1145.

Mr. BLUMENAUER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SHADEGG

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-82.

Mr. SHADEGG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SHADEGG: Page 3, after line 17, insert the following (and correct sequential provision designations accordingly):

(D) identify Federal water-related research, development, and technological innovation activities that are duplicated by more than one Federal agency or program and make recommendations to the President on how to avoid such duplication;

Page 6, line 22, insert the following (and correct sequential provision designations accordingly):

(C) identify Federal water-related research, development, and technological innovation activities that are duplicative of such activities occurring at the State, local, and tribal government level;

Page 10, after line 5, insert the following:

(c) ELIMINATION OF DUPLICATIVE EFFORTS.—The President, in carrying out the activities under subsections (a) and (b), shall ensure that each Federal agency participating in the Initiative shall not request appropriations for activities identified under section 2(c)(2)(C).

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, the committee report for H.R. 1145 states that the purpose of the bill is to coordinate the Federal Government's water programs to ensure they are conducted in an "efficient and cost-efficient manner." There are currently over 20 Federal agencies carrying out research and development on water programs, not counting the State agencies that engage in the same kind of work or those at the county or local level.

While the interagency committee is directed in the bill to avoid duplication of efforts, the bill fails to take the necessary step to implement that directive. It does not in fact provide the committee with explicit authorization to recommend against the funding programs that are duplicated amongst different Federal agencies or initiatives that are duplicated at the State level as well as at the Federal level.

My amendment is simple and straightforward. It has simply two provisions. The first says that they should identify Federal water-related research and development technological innovative activities that are duplicated by more than one Federal agency or program and make recommendations to the President how to avoid such duplication. Simple, straightforward. Simply says where there is duplication, make a recommendation to the President of the United States on how I might avoid that duplication.

The second says to identify Federal water-related research development and technological activities that are duplicative of those conducted at the State and local or at the tribal government level. Again, simple and straightforward.

That is the essence of my entire amendment. It is intended to look at the issue of efforts at the Federal level which duplicate each other and to at least make a recommendation that they be consolidated for reasons of efficiency, and to do the same with regard to State, local or tribal efforts.

It seems to me, Mr. Chairman, that everyone in America is currently tightening their belt. The least this Federal Government can do is to look—and that's all my legislation does is require the government to look if those things are duplicated and eliminate that duplication where it can be done efficiently.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Once again, let me say to my friend from Arizona, you come at this with the right attitude, and that's what

we're trying to do. The purpose of this bill is to not only do away with duplication but also to have these 20 different agencies working in a more effective way. But let me explain, again unintentionally, but the impact of your amendment.

Your amendment would require the administration to determine what research, development and technology innovation programs exist in all States, local and tribal governments. In addition to the 50 States, there are over 500 federally recognized tribes, over 87,000 local government entities, and so compiling this information would be an enormous and expensive undertaking. And the gentleman's amendment is silent as to who would pay for this. In fact, the gentleman's amendment is silent as to whether the State, local or tribal governments would be forced to bear some of the costs of implementing this census.

And let me give you a couple of practical problems here. Let's say there was a tribe somewhere that was spending \$1,000 working on a desalinization project. Well, that would preempt a Federal effort that could be much more significant and worthwhile.

Another example would be, for instance, if there was a groundwater extraction issue in central Florida, might be dramatically different from a groundwater issue in central Arizona. But if Florida has a program examining groundwater extraction, the Federal Government would be precluded from doing research which might be relevant and helpful to the people of central Arizona.

So again, I think both of us have the same objective, which is what we try to accomplish in this bill.

Mr. SHADEGG. Would the gentleman yield?

Mr. GORDON of Tennessee. I would be happy to yield.

Mr. SHADEGG. My concern about the comments of the gentleman, I would share those comments. I am concerned about the cost of such an effort, but nowhere in the legislation that I have offered is there, in fact, a requirement that all duplicative programs be researched or that a certain amount be expended to do that.

But more importantly, in the gentleman's remarks he's at least twice said that the duplicative programs would be eliminated, and I would simply suggest that in the wording of the amendment we offered, we make no such requirement. There is no requirement, for example, if there were a program being conducted by a tribe and also by the Federal Government that it must be eliminated or one that was being conducted by the State of Arizona versus the Federal Government, that it must be eliminated. Indeed, the language of the amendment as written simply says they are to make recommendations to the President on how to avoid simple

recommendations on how to avoid that. And in addition, it leaves the issue open with regard to conflicts with State and local implementation to simply say there is, in fact, a duplication without requiring any elimination that, for the very reasons the gentleman has noted, indeed, to have Arizona researching water recharge and Florida doing it with very different situations makes all the sense in the world.

Mr. GORDON of Tennessee. As I read your amendment, it says the President in carrying out the activities under subsection A and B shall ensure that each Federal agency participating the initiative shall not request appropriations for activities that are identified under the section. So I think it is a mandate.

But even if it wasn't, let's take that off the table. Even if it wasn't, it still requires all 50 States, 500 Federal recognized tribes, and 87,000 local government entities to have a census or an inventory. This could be an enormous expense.

Again, I think we're in sync, but let me again remind the gentleman that this bill has been well vetted and it has been endorsed by a number of groups, including the National Beverage Association, the National Rural Electric Cooperative Association, the Water Innovation Alliance, the Natural Resources Defense Council, the Water and Environmental Research Foundation, the Council of Scientific Society Presidents, Food and Water Research Foundation, the Alliance Environmental, and Clean Water Action.

So I think this has been vetted. And, again, I think we're on the same wavelength, but I am afraid that the gentleman's amendment would have unintended consequences in causing a great deal of expense to local governments, State governments and entities all across the country.

I reserve the balance of my time.

Mr. SHADEGG. Could I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes, and the gentleman from Tennessee has 30 seconds.

Mr. SHADEGG. I am happy to yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative SHADEGG of Arizona. The amendment requires the interagency committee to identify areas of duplication, and I don't like that word "duplication" at all. And it recommends to the President ways to avoid such duplication. The amendment also calls on the President to ensure the Federal agencies do not pursue activities already being conducted by States, localities, and tribal units.

And duplication spawns red tape, and the best example of red tape I can

think of is Wilbur and Orville Wright's first airplane was a page-and-a-half handwritten contract, and the Osprey, the tilt wing that is one of the most modern airplanes today, just the paperwork on that weighs around 20,000 pounds. That's how bad red tape can actually get.

I think it's a commonsense amendment here that carries out the underlying goal of the bill. One of the main purposes behind creating the interagency program was to reduce duplication across agencies thereby streamlining efforts and saving taxpayers dollars. It makes no sense in these economic times for fellow agencies to duplicate effort in Washington and makes even less sense for them to duplicate activities already taking place in our States and local communities.

I commend the gentleman in offering the amendment, and I urge its passage.

Mr. SHADEGG. I yield myself the balance of my time.

Mr. Chairman, I simply want to respond to the point about the language of the bill or the amendment as offered because I think there is a clear misunderstanding here. The language that was referred to, "the President shall not request" or the "President shall instruct the agencies participating shall not request appropriations for those activities" is not applicable to the actual duplicative conduct. It is to the research to determine what is duplicative.

There is nothing mandatory in this amendment. We intentionally wrote it to say it would be a simple recommendation of the President to eliminate duplication. The prohibition is on requesting further funds to do these activities because in the course of doing the activities, we believe that can be done as part of the other work under the legislation.

But just to be very clear, the "shall" language does not refer to duplicative efforts. The amendment does not offer binding language to say, if it's duplicative, you cannot engage in it. And that's simply a misreading of the language of the bill.

I would urge my colleagues to support this. I believe it's a straightforward provision that would save the taxpayers money. It is simply advisory. It asks these agencies to take a look at areas that are duplicative. I think it's the least we can do under the circumstances.

I yield back.

Mr. GORDON of Tennessee. In closing, Mr. Chairman, let me just say I think two friends can see the same accident and report it differently, both trying to do their best in doing that.

In response to Mr. SHADEGG, first of all, in the "shall," the "shall" was the President shall not spend any money on this project. So that means nothing could be done there. But, again, the bigger picture is we share the same ob-

jective, and that is to try to coordinate this important research to try to do it as economically as possible.

Again, I share that view with him. We tried to accomplish that in this bill, and I am afraid that it would only create additional expense to put so many—87,000 different local governments and agencies through this process of having to inventory whether they are doing anything.

For that reason, I oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MS. MOORE OF WISCONSIN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-82.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. MOORE of Wisconsin:

Page 4, line 11, strike "and".

Page 4, line 24, strike the period at the end and insert "; and".

Page 4, after line 24, insert the following:

(H) assess the role of Federal water research funding in helping to develop the next generation of scientists and engineers at institutions of higher education.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, I would like to yield myself 3 minutes.

Mr. Chairman, my amendment is very simple. It would urge the Federal Water Research Interagency Committee established under the bill to examine and assess the impact of Federal water research funding on helping to develop the next generation of water scientist engineers.

Quite simply, I call this amendment the Talent Amendment. If we want to develop the best technology, and I believe we will, we need a cadre of prepared scientists and engineers at our Federal agencies and in the commercial-user community.

□ 1230

Without the trained scientists and engineers to do the work, it is really

difficult to envision how this important work will get done.

My district is located on Lake Michigan, the only Great Lake contained entirely within the United States of America. And my district is also home to the largest academic freshwater research facility on the Great Lakes, the Great Lakes Wisconsin Aquatic Technology and Environmental Research (WATER) Institute. There is no doubt in my mind that the decisions made under this Federal Water Research Initiative, including funding decisions, will play a role, whether directly or indirectly, in developing water researchers, scientists, and engineers not only in the Milwaukee area, but across the Nation.

I think it is only common sense that we, as a Nation, take a look at how those funds are being used, not only to develop the new technology and tools, but how it is helping or can work to better help train and develop the next generation of water scientists and engineers. That is what this amendment does.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I claim time in opposition though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative MOORE of Wisconsin. This amendment requires the interagency committee to assess the role of Federal water research funding in helping to develop scientists and engineers at colleges and universities.

One of the goals of the Water Research Initiative is to facilitate technology transfer, communication, and opportunities for exchange with non-governmental organizations, such as institutions of higher education. Developing collaborative opportunities with colleges and universities will hopefully increase the quality of the research and development of water solutions, but also spur students to pursue science, technology, engineering, and math careers, and we are very much in favor of that.

It is vital for the future success and competitiveness of our Nation that we encourage more and more students to pursue these exciting fields. We know that more and more nations are graduating large numbers of scientists and engineers. If we are to remain the leader in innovation and entrepreneurial development, then we need to invest in the young men and women who will design and build tomorrow's solutions.

Representative MOORE's amendment simply requires that we examine how water research funding is helping to meet our science and engineering education needs. I support the gentlelady's intent and her amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. MOORE of Wisconsin. Mr. Chairman, I would now yield 15 seconds to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. Thank you, Ms. MOORE.

I want to concur with Mr. HALL's eloquent support of this amendment. It is an excellent amendment; it is constructive, and it helps to make this bill better. I want to thank you for bringing it to our attention.

Ms. MOORE of Wisconsin. Mr. Chairman, I would now yield 1 minute to the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in support of our amendment to the National Resource Development Initiative Act.

In the West, and especially in the State of Colorado, water is a resource more precious than gold. For many farmers and ranchers in my district in eastern Colorado, finding ways to reuse and conserve water in the urban area is a matter of survival. For them, the idea of water recycling is not a new one.

In the Rocky Mountain region, we use recycled water for everything from public park landscaping, commercial and industrial uses, to fire protection. Reclaimed domestic wastewater serves as industrial water at power plants, helps restore wetlands, and even assists with dust control at construction sites—something that anyone who drives I-25 from Denver to Fort Collins on a windy day can appreciate.

As communities in the West, and especially in Colorado's Fourth Congressional District, continue to grow, the issue of water conservation and reuse becomes even more urgent. Most conservative estimates tell us that Colorado's Front Range will face soaring water prices to pay for new water systems by the year 2058. Cities will become super-dense to shrink lawns and shorten water pipelines.

As the Front Range grows, along with Denver and Colorado Springs, Colorado's Eastern Plains will face increasing competition for their already scarce water sources. Large swaths of farmland will go dry if we don't work to actively protect the water for our agricultural communities. A whole way of life that has existed since families first started homesteading on land in the West will disappear if we don't find ways to reuse and recycle water.

For the people that I represent, investing more resources in creating a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency is a matter of our future survival.

I thank Chairman GORDON for his leadership on the committee.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Ms. MOORE of Wisconsin. I have spent the last couple of Earth Days with high school students touring the Water Research Institute in my district, and just spending time with these young people, hoping that they will become our next generation of water scientists and engineers.

I want to just end by thanking Chairman GORDON and Ranking Member HALL for working with me on this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-82 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. KOSMAS of Florida.

Amendment No. 8 by Mr. TEAGUE of New Mexico.

Amendment No. 9 by Mr. ROSKAM of Illinois.

Amendment No. 11 by Mr. SHADEGG of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. KOSMAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 14, as follows:

[Roll No. 200]

AYES—424

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra

Berkley
Bertran
Berry
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boocieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher

Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva

Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)

McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta

Sarbanes	Smith (NJ)	Turner	Cassidy	Hastings (FL)	McHenry	Schock	Space	Velázquez
Scalise	Smith (WA)	Upton	Castle	Hastings (WA)	McHugh	Schrader	Speier	Visclosky
Schakowsky	Snyder	Van Hollen	Castor (FL)	Heinrich	McIntyre	Schwartz	Spratt	Walden
Schauer	Souder	Velázquez	Chaffetz	Heller	McKeon	Scott (GA)	Stark	Walz
Schiff	Space	Visclosky	Chandler	Hensarling	McMahon	Scott (VA)	Stupak	Wamp
Schmidt	Speier	Walden	Childers	Herger	McMorris	Sensenbrenner	Sutton	Waters
Schock	Spratt	Walz	Christensen	Herseeth Sandlin	Rodgers	Serrano	Tanner	Watson
Schrader	Stark	Wamp	Clarke	Higgins	McNerney	Sessions	Tauscher	Watt
Schwartz	Stupak	Waters	Clay	Hill	Meek (FL)	Sestak	Taylor	Waxman
Scott (GA)	Sullivan	Watson	Cleaver	Himes	Melancon	Shadegg	Teague	Weiner
Scott (VA)	Sutton	Watt	Clyburn	Hinchev	Mica	Shea-Porter	Terry	Welch
Sensenbrenner	Tanner	Waxman	Coble	Hinojosa	Michaud	Sherman	Thompson (CA)	Westmoreland
Serrano	Tauscher	Weiner	Coffman (CO)	Hirono	Miller (FL)	Shimkus	Thompson (MS)	Wexler
Sessions	Taylor	Welch	Cohen	Hodes	Miller (MI)	Shuler	Thompson (PA)	Whitfield
Sestak	Teague	Westmoreland	Cole	Hoekstra	Miller (NC)	Shuster	Thornberry	Wilson (OH)
Shadegg	Terry	Wexler	Conaway	Holden	Miller, Gary	Simpson	Tiahrt	Wilson (SC)
Shea-Porter	Thompson (CA)	Whitfield	Connolly (VA)	Holt	Miller, George	Sires	Tiberi	Wittman
Sherman	Thompson (MS)	Wilson (OH)	Conyers	Honda	Minnick	Skeltan	Tierney	Wolf
Shimkus	Thompson (PA)	Wilson (SC)	Cooper	Hoyer	Mitchell	Slaughter	Titus	Woolsey
Shuler	Thornberry	Wittman	Costa	Hunter	Mollohan	Smith (NE)	Tonko	Wu
Shuster	Tiahrt	Wolf	Costello	Inglis	Moore (KS)	Smith (NJ)	Tsongas	Yarmuth
Simpson	Tiberi	Woolsey	Courtney	Insee	Moore (WI)	Smith (WA)	Turner	Young (AK)
Sires	Tierney	Wu	Crenshaw	Israel	Moran (VA)	Snyder	Upton	Young (FL)
Skeltan	Titus	Yarmuth	Crowley	Issa	Murphy (CT)	Souder	Van Hollen	
Slaughter	Tonko	Young (AK)	Cuellar	Jackson-Lee	Murphy, Patrick			
Smith (NE)	Tsongas	Young (FL)	Culberson	(TX)	Murphy, Tim			

NOT VOTING—14

Costa	Moran (KS)	Smith (TX)
Israel	Norton	Stearns
Jackson (IL)	Putnam	Towns
Klein (FL)	Reyes	Wasserman
Meeks (NY)	Rush	Schultz

□ 1302

Mr. PENCE changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. TEAGUE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 1, not voting 14, as follows:

[Roll No. 201]

AYES—423

Abercrombie	Biggart	Broun (GA)
Ackerman	Bilbray	Brown (SC)
Aderholt	Bilirakis	Brown, Corrine
Adler (NJ)	Bishop (GA)	Brown-Waite,
Akin	Bishop (NY)	Ginny
Alexander	Blackburn	Buchanan
Altmire	Blumenauer	Burgess
Andrews	Blunt	Burton (IN)
Arcuri	Boccieri	Butterfield
Austria	Boehner	Buyer
Baca	Bonner	Calvert
Bachmann	Bono Mack	Camp
Bachus	Boozman	Campbell
Baird	Bordallo	Cantor
Baldwin	Boren	Cao
Barrett (SC)	Boswell	Capito
Barrow	Boucher	Capps
Bartlett	Boustany	Capuano
Barton (TX)	Boyd	Cardoza
Bean	Brady (PA)	Carnahan
Becerra	Brady (TX)	Carney
Berkley	Braley (IA)	Carson (IN)
Berry	Bright	Carter
		Harper

Hastings (FL)	McHenry	Schock	Space	Velázquez
Hastings (WA)	McHugh	Schrader	Speier	Visclosky
Heinrich	McIntyre	Schwartz	Spratt	Walden
Heller	McKeon	Scott (GA)	Stark	Walz
Hensarling	McMahon	Scott (VA)	Stupak	Wamp
Herger	McMorris	Sensenbrenner	Sutton	Waters
Herseeth Sandlin	Rodgers	Serrano	Tanner	Watson
Higgins	McNerney	Sessions	Tauscher	Watt
Hill	Meek (FL)	Sestak	Taylor	Waxman
Himes	Melancon	Shadegg	Teague	Weiner
Hinchev	Mica	Shea-Porter	Terry	Welch
Hinojosa	Michaud	Sherman	Thompson (CA)	Westmoreland
Hirono	Miller (FL)	Shimkus	Thompson (MS)	Wexler
Hodes	Miller (MI)	Shuler	Thompson (PA)	Whitfield
Hoekstra	Miller (NC)	Shuster	Thornberry	Wilson (OH)
Holden	Miller, Gary	Simpson	Tiahrt	Wilson (SC)
Holt	Miller, George	Sires	Tiberi	Wittman
Honda	Minnick	Skeltan	Tierney	Wolf
Hoyer	Mitchell	Slaughter	Titus	Woolsey
Hunter	Mollohan	Smith (NE)	Tonko	Wu
Inglis	Moore (KS)	Smith (NJ)	Tsongas	Yarmuth
Insee	Moore (WI)	Smith (WA)	Turner	Young (AK)
Israel	Moran (VA)	Snyder	Upton	Young (FL)
Issa	Murphy (CT)	Souder	Van Hollen	

NOES—1

McClintock

NOT VOTING—14

Berman	Moran (KS)	Stearns
Bishop (UT)	Norton	Sullivan
Fortenberry	Putnam	Towns
Jackson (IL)	Reyes	Wasserman
Meeks (NY)	Smith (TX)	Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1312

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on rollcall Nos. 200 and 201, I was unavoidably detained. Had I been present, I would have voted “aye” on both.

AMENDMENT NO. 9 OFFERED BY MR. ROSKAM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. ROSKAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 236, not voting 8, as follows:

[Roll No. 202]

AYES—194

Aderholt	Bilbray	Broun (GA)
Akin	Bilirakis	Brown (SC)
Alexander	Bishop (UT)	Brown-Waite,
Altmire	Blackburn	Ginny
Arcuri	Blunt	Buchanan
Austria	Boccieri	Burgess
Bachmann	Boehner	Burton (IN)
Bachus	Bonner	Buyer
Barrett (SC)	Bono Mack	Calvert
Bartlett	Boozman	Camp
Barton (TX)	Boustany	Campbell
Biggart	Brady (TX)	Cantor

Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehtaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Inslee
Issa
Jenkins

NOES—236

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn

Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts

Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano

Fortenberry
Jackson (IL)
Meeks (NY)

Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)

NOT VOTING—8

Moran (KS)
Norton
Pierluisi

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
Two minutes remain in this vote.

□ 1319

Messrs. CONYERS, RUSH and Ms. RICHARDSON changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chairman, I would have voted “aye” on rollcall 200; “aye” on rollcall 201; and “no” on rollcall 202.

AMENDMENT NO. 11 OFFERED BY MR. SHADEGG

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 271, not voting 7, as follows:

[Roll No. 203]

AYES—160

Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes

NOES—271

Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehtaus
Edwards (MD)

Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Hirono	McIntyre	Sánchez, Linda
Hodes	McKeon	T.
Holden	McMahon	Sanchez, Loretta
Holt	McNerney	Sarbanes
Honda	Meek (FL)	Schakowsky
Hoyer	Meeks (NY)	Schauer
Inlee	Melancon	Schiff
Israel	Michaud	Schrader
Jackson-Lee	Miller (NC)	Schwartz
(TX)	Miller, Gary	Scott (GA)
Johnson (GA)	Miller, George	Scott (VA)
Johnson, E. B.	Mollohan	Serrano
Kagen	Moore (KS)	Sestak
Kanjorski	Moore (WI)	Shea-Porter
Kaptur	Moran (VA)	Sherman
Kennedy	Murphy (CT)	Sires
Kildee	Murphy, Patrick	Skeltan
Kilpatrick (MI)	Murtha	Slaughter
Kilroy	Nadler (NY)	Smith (NJ)
Kind	Napolitano	Smith (WA)
King (NY)	Neal (MA)	Snyder
Kissell	Norton	Space
Klein (FL)	Nunes	Speier
Kosmas	Nye	Spratt
Kratovil	Oberstar	Stark
Kucinich	Obey	Stupak
Langevin	Olver	Sutton
Larsen (WA)	Ortiz	Tanner
Larson (CT)	Pallone	Tauscher
Lee (CA)	Pascarell	Taylor
Levin	Pastor (AZ)	Teague
Lewis (CA)	Payne	Thompson (CA)
Lewis (GA)	Perlmutter	Thompson (MS)
Lipinski	Perriello	Tierney
Loebach	Peters	Titus
Lofgren, Zoe	Peterson	Tonko
Lowey	Pierluisi	Towns
Luján	Pingree (ME)	Tsongas
Lungren, Daniel	Pollis (CO)	Van Hollen
E.	Pomeroy	Velázquez
Lynch	Price (NC)	Visclosky
Maffei	Quigley	Walz
Maloney	Rahall	Wasserman
Markey (CO)	Rangel	Schultz
Markey (MA)	Richardson	Waters
Marshall	Rodriguez	Watson
Massa	Rohrabacher	Watt
Matheson	Ross	Waxman
Matsui	Rothman (NJ)	Weiner
McCarthy (CA)	Roybal-Allard	Welch
McCarthy (NY)	Royce	Wexler
McClintock	Ruppersberger	Wilson (OH)
McCollum	Rush	Woolsey
McDermott	Ryan (OH)	Wu
McGovern	Sablan	Yarmuth
McHugh	Salazar	

NOT VOTING—7

Harper	Moran (KS)	Tiberi
Jackson (IL)	Reyes	
LaTourette	Smith (TX)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
Two minutes remain in this vote.

□ 1332

Mr. GUTIERREZ changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1145) to implement a National Water Research and Develop-

ment Initiative, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. NUNES. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NUNES. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Nunes moves to recommit the bill H.R. 1145 to the Committee on Science and Technology with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. ____ . REPORTS TO CONGRESS.

(a) REPORT ON BARRIERS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies from each agency on the interagency committee established under section 2(b) the statutory or regulatory barriers—

(A) that prevent the use of technology, technique, data collection method, or model considered under this Act; and

(B) that, due to such barrier to using such technology, technique, method, or model, contribute to the loss of jobs in rural or agricultural economies dependent on the greater availability of water resources in the United States;

(2) identifies the long-term consequences on job losses of such barriers that continue to be in effect; and

(3) recommends steps to remove such barriers.

(b) REPORT ON IMPACTS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies the economic impacts of water diversions for water supply, conservation for fish species (including the Delta smelt), and water quality impairment in the San Joaquin Valley of California; and

(2) recommends steps to mitigate such economic impacts to preserve the water-dependent rural economy.

Mr. NUNES (during the reading). Mr. Speaker, I would like to ask unanimous consent that we suspend the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. NUNES. Mr. Speaker, to put it bluntly, the people of the San Joaquin Valley are experiencing an economic disaster, the scope of which is unprecedented. In fact, it has surpassed the worst levels of the Great Depression. Indeed, over the past 2 years, I have pleaded with this body and State officials and my colleagues here in Congress to avoid this man-made disaster.

In January of 2008, I testified before the Water and Power Subcommittee and asked that the Democrats that controlled Congress overturn a court-imposed, man-made drought in California.

In February, and again in June of 2008, I asked the Governor and Interior Secretary to declare states of emergency and focus State and Federal resources to develop new water supplies to avoid this economic disaster.

In July of 2008, I again returned to the Water and Power Subcommittee to testify about the unfolding disaster and pleaded that the committee take action to increase the water supply. Despite my pleas, this Congress and our President have done nothing.

Unemployment in the San Joaquin Valley now averages close to 20 percent, with some communities nearing 50 percent. An economic disaster is not looming for the people of the San Joaquin Valley, it is here, and it is here as a direct result of government action, namely, the use of precious water resources in an attempt to value fish over families.

There is a solution to the poverty and economic havoc confronting the San Joaquin Valley, but it doesn't come from a new study of an old problem. Relief won't come from a long-winded stump speech, a chant at a water rally, or an impassioned speech on this floor. It has to come through legislative action by this body.

I have introduced a “no cost” bill that would provide immediate relief to suffering Californians. And just last week, Secretary of the Interior Salazar announced \$260 million of stimulus money to address the crisis in California. But not \$1 came to mitigate the effects of the southern San Joaquin Valley.

My colleagues on the other side of the aisle should be outraged. They expressed outrage for the last administration's alleged failure to deal with the consequences of Hurricane Katrina, but they have said nothing about the current administration's failure to undertake a single act to address this ongoing disaster.

The folks in the San Joaquin Valley have had to resort to finding assistance from food banks. I'd like to draw your attention to this picture here. Kristian Reyes, age 3, and his brother, Kelvin

Reyes, age 5, were turned away from a local food bank just recently. Additionally, there was an additional 50 families that were turned away that day.

Let me make it clear. We're not asking for a \$1 billion bailout. We're not even asking for \$1. All we need is this Congress to move emergency legislation that would allow the delta pumps to return to historic export levels.

Unfortunately, the underlying bill does nothing to resolve this crisis. Therefore, the Republicans have had to resort to offering a motion to recommit that directs the President to account for the economic impacts of cutting off water to families and dedicating this precious resource to a 3-inch minnow called the Delta Smelt that I want to draw your attention to. This is absolutely ridiculous. This is a national disgrace when the breadbasket of the world cannot even feed the people that live and work there.

When a government is unable to provide citizens access to a reliable water supply, the government has failed. We need to be part of the solution, not the problem.

It's time to stop valuing fish over families. Pass this motion to recommit, and send a message to the people of the San Joaquin Valley that, at a minimum, you are willing to own up to the problem that this Congress has created.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I rise in opposition to this motion; although I do not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. First of all, let me thank the gentleman from California (Mr. NUNES) for his interest in this bill. And let me also point out, I don't know whether he saw this morning in one of the major newspapers, the headline was "Drought Conditions Hit California Earlier Than Usual." Certainly California has a problem. But not only California, but 40 States by the Year 2013 are going to be experiencing droughts and other problems with water. That's why this bill is so very important.

Now, the gentleman from California, not being a member of our committee, understandably, probably doesn't realize how we work in a collaborative, bipartisan fashion, and how that, during the hearing of this bill, Mr. ROHRABACHER, also from California, presented an amendment almost identical to this, and it was accepted unanimously by our committee. Additionally, there are other ongoing studies.

But I do clearly agree that this is an issue of concern. And I think putting an exclamation point is perfectly fine. And for that reason, we will accept this

amendment or, rather, this motion to recommit to reinforce the amendment that Mr. ROHRABACHER already has put in and is part of the text of this amendment.

I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I agree with his decision to accept this amendment.

I just want to say that it's not as easy as my colleague from California has suggested. This is a long, statewide water system that serves many different interests. You can turn on the pumps as he says. The pumps are on. You can send more water to the central valley and move the unemployment to the farmers in the delta region, to the farmworkers in the delta region. We've already unemployed thousands of fishermen, thousands of shoreside businesses. We've spent hundreds of millions of dollars in disaster relief because this system does not have enough water in it. In fact, what has happened over the last several years is more water was taken illegally from the northern areas.

He says that the Secretary announced nothing to help the people in the central valley. Finally, after years of discussion, we were able to fund the in-delta barriers that we think will release additional water, protect the fish, and allow us to use the delta more efficiently.

Finally, after years of discussion, we put the money into the removal of the dam in Mr. HERGER's district that will benefit downstream users.

Finally, after many, many years of asking for water recycling, water reuse, \$126 million was put in for the cities in Southern California so they can start the process of recycling, reusing water and taking the pressure off the central valley farmers, taking the pressure off of the delta areas.

That's the kind of coordinated activity that has finally begun under the Obama administration. It simply didn't happen under the previous administration. There were no new water recycling projects of any significance. There was a fooling around with the science. We've lost months during this drought of going back and trying to redo the science.

We saw what happened when Klamath decided he knew more about the science than the people on the Klamath River and the fish and wildlife agencies. We had the largest salmon kill in the history of the West Coast, and you ended up spending hundreds of millions of dollars to help out farmers, to help out fishermen, to help out small businesses all over Northern California, Oregon and Washington.

We will accept this amendment, but we won't accept the recitation of history.

Mr. GORDON of Tennessee. Mr. Speaker, I reclaim my time.

Mr. Speaker, I yield to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker and Members, welcome to the world of water in California. This is a very serious issue. Sadly, it has been a confrontational issue for more decades than I would care to describe to you, but I am pleased that the gentleman from California offered the amendment. And I want to thank Chairman GORDON for accepting the amendment because it does underline the serious nature of drought conditions, not just in California. We had them in Georgia just recently in the last 2 years. The fact is that water in our country and water around the world is one of the most precious resources that we have, and that's why this bill is important.

□ 1345

That's why we need to use all the water management tools in our water toolbox. We can recite our version of past history. I have differences with my colleague Congressman MILLER on a number of those issues. I have differences with a number of my colleagues from California who have tried to bring consensus together and who are under difficult circumstances to balance the needs for farmers, the needs for urban water use and to restore the environment.

I want to thank the chairman for adopting this amendment, and I want to thank my colleague for offering it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NUNES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 1145 will be followed by 5-minute votes on passage of H.R. 1145, if ordered, and suspension of the rules with regard to H.R. 1139.

The vote was taken by electronic device, and there were—ayes 392, noes 28, not voting 12, as follows:

[Roll No. 204]

AYES—392

Abercrombie	Barrow	Blackburn
Ackerman	Bartlett	Blumenauer
Aderholt	Barton (TX)	Blunt
Adler (NJ)	Bean	Boccieri
Akin	Becerra	Boehner
Alexander	Berkley	Bono Mack
Andrews	Berman	Boozman
Arcuri	Berry	Boren
Austria	Biggert	Boswell
Baca	Bilbray	Boucher
Bachmann	Bilirakis	Boustany
Bachus	Bishop (GA)	Boyd
Baird	Bishop (NY)	Brady (PA)
Barrett (SC)	Bishop (UT)	Brady (TX)

Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)

Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)

McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise

Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko

NOES—28

Altmire
Baldwin
Braley (IA)
Carson (IN)
Clarke
Clay
Conyers
Dingell
Edwards (MD)
Fattah
Hinchey
Hirono
Holt
Honda
Kilpatrick (MI)
Kucinich
Lee (CA)
Miller (MI)
Nadler (NY)
Schakowsky

NOT VOTING—12

Bonner
Engel
Green, Gene
Harper
Hastings (WA)
Jackson (IL)
Moran (KS)
Reyes
Scott (VA)
Slaughter
Smith (TX)
Wasserman
Schultz

□ 1404

Ms. VELÁZQUEZ and Ms. KILPATRICK of Michigan changed their vote from “aye” to “no.”

Mr. WELCH and Ms. MCCOLLUM changed their vote from “no” to “aye.” So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 204, had I been present, I would have voted “aye.”

Mr. SCOTT of Virginia. Mr. Speaker, on rollcall No. 204, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 204, had I been present, I would have voted “aye.”

Mr. BONNER. Mr. Speaker, on rollcall No. 204, I was unavoidably detained due to committee meeting. Had I been present, I would have voted “aye.”

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 204, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 1145, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GORDON of Tennessee:

At the end of the bill, add the following new section:

SEC. ____ . REPORTS TO CONGRESS.

(a) REPORT ON BARRIERS.—Not later than 90 days after the date of enactment of this Act,

the President shall submit to Congress a report that—

(1) identifies from each agency on the interagency committee established under section 2(b) the statutory or regulatory barriers—

(A) that prevent the use of technology, technique, data collection method, or model considered under this Act; and

(B) that, due to such barrier to using such technology, technique, method, or model, contribute to the loss of jobs in rural or agricultural economies dependent on the greater availability of water resources in the United States;

(2) identifies the long-term consequences on job losses of such barriers that continue to be in effect; and

(3) recommends steps to remove such barriers.

(b) REPORT ON IMPACTS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies the economic impacts of water diversions for water supply, conservation for fish species (including the Delta smelt), and water quality impairment in the San Joaquin Valley of California; and

(2) recommends steps to mitigate such economic impacts to preserve the water-dependent rural economy.

Mr. GORDON from Tennessee (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 10, not voting 9, as follows:

[Roll No. 205]

YEAS—413

Abercrombie	Bartlett	Bocieri
Ackerman	Barton (TX)	Bonner
Aderholt	Bean	Bono Mack
Adler (NJ)	Becerra	Boozman
Akin	Berkley	Boren
Alexander	Berman	Boswell
Altmire	Berry	Boucher
Andrews	Biggest	Boustany
Arcuri	Bilbray	Boyd
Austria	Bilirakis	Brady (PA)
Baca	Bishop (GA)	Brady (TX)
Bachmann	Bishop (NY)	Braley (IA)
Bachus	Bishop (UT)	Bright
Baldwin	Blackburn	Brown (SC)
Barrett (SC)	Blumenauer	Brown, Corrine
Barrow	Blunt	

Brown-Waite, Ginny	Graves	Marshall	Sánchez, Linda T.	Smith (NJ)	Turner	Clay	Kaptur	Posey
Buchanan	Grayson	Massa	Sanchez, Loretta	Smith (WA)	Upton	Cleaver	Kennedy	Price (NC)
Burgess	Green, Al	Matheson	Sarbanes	Snyder	Van Hollen	Coffman (CO)	Kildee	Putnam
Burton (IN)	Green, Gene	Matsui	Scalise	Souder	Velázquez	Cohen	Kilpatrick (MI)	Quigley
Butterfield	Griffith	McCarthy (CA)	Schakowsky	Space	Visclosky	Connolly (VA)	Kilroy	Rahall
Buyer	Grijalva	McCarthy (NY)	Schauer	Speier	Walden	Conyers	Kind	Rangel
Calvert	Guthrie	McCaul	Schiff	Spratt	Walz	Cooper	King (NY)	Rehberg
Camp	Gutierrez	McClintock	Schmidt	Stark	Wamp	Costa	Kingston	Reichert
Campbell	Hall (NY)	McCollum	Schock	Stearns	Wasserman	Costello	Kirk	Richardson
Cantor	Hall (TX)	McCotter	Schrader	Stupak	Schultz	Courtney	Kirkpatrick (AZ)	Rodriguez
Cao	Halvorson	McDermott	Schultz	Sullivan	Waters	Crenshaw	Kissell	Roe (TN)
Capito	Hare	McGovern	Sutton	Tanner	Watson	Crowley	Klein (FL)	Rogers (AL)
Capps	Harman	McHenry	Scott (GA)	Tauscher	Watt	Cuellar	Kosmas	Rogers (KY)
Capuano	Hastings (FL)	McHugh	Scott (VA)	Teague	Waxman	Cummings	Kratovil	Rogers (MI)
Cardoza	Hastings (WA)	McIntyre	Sensenbrenner	Taylor	Weiner	Dahlkemper	Kucinich	Rooney
Carnahan	Heinrich	McKeon	Serrano	Teague	Welch	Davis (AL)	Lance	Ros-Lehtinen
Carney	Heller	McMahon	Sessions	Terry	Westmoreland	Davis (CA)	Langevin	Roskam
Carson (IN)	Hergert	McMorris	Sestak	Thompson (CA)	Wexler	Davis (IL)	Larsen (WA)	Rothman (NJ)
Carter	Herseth Sandlin	Rodgers	Shea-Porter	Thompson (MS)	Whitfield	Davis (KY)	Larson (CT)	Ross
Cassidy	Higgins	McNerney	Sherman	Thompson (PA)	Wilson (OH)	Davis (TN)	Latham	Rothman (NJ)
Castle	Hill	Meek (FL)	Shimkus	Thornberry	Wilson (SC)	DeFazio	LaTourette	Roybal-Allard
Castor (FL)	Himes	Meeks (NY)	Shuler	Tiahrt	Wittman	DeGette	Latta	Ruppersberger
Chaffetz	Hinchee	Melancon	Shuster	Tiberi	Wolf	Delahunt	Lee (CA)	Rush
Chandler	Hinojosa	Mica	Simpson	Tierney	Woolsey	DeLauro	Lee (NY)	Ryan (OH)
Childers	Hirono	Michaud	Sires	Titus	Wu	Dent	Levin	Salazar
Clarke	Hodes	Miller (FL)	Skelton	Tonko	Yarmuth	Diaz-Balart, L.	Lewis (CA)	Sánchez, Linda T.
Clay	Hoekstra	Miller (NC)	Slaughter	Towns	Young (AK)	Diaz-Balart, M.	Lewis (GA)	Sanchez, Loretta T.
Cleaver	Holden	Miller, Gary	Smith (NE)	Tsongas	Young (FL)	Dicks	Lipinski	Sarbanes
Clyburn	Holt	Miller, George				Dingell	LoBiondo	Scalise
Coble	Hoyer	Minnick				Doggett	Loeb sack	Schakowsky
Coffman (CO)	Hunter	Mitchell	Broun (GA)	Franks (AZ)	Poe (TX)	Donnelly (IN)	Lofgren, Zoe	Schauer
Cohen	Inglis	Mollohan	Culberson	Garrett (NJ)	Shadegg	Drie haus	Lowey	Schiff
Cole	Inlee	Moore (KS)	Flake	Hensarling		Edwards (MD)	Luetkemeyer	Schmidt
Conaway	Israel	Moore (WI)	Foxx	Miller (MI)		Edwards (TX)	Lujan	Schock
Connolly (VA)	Israel	Moran (VA)				Ellison	Lynch	Schrader
Conyers	Issa	Murphy (CT)				Ellsworth	Maloney	Schwartz
Cooper	Jackson-Lee	Murphy, Patrick	Baird	Jackson (IL)	Paul	Emerson	Markey (CO)	Scott (GA)
Costa	(TX)	Murphy, Tim	Boehner	Linder	Reyes	Engel	Markey (MA)	Scott (VA)
Costello	Jenkins	Murtha	Harper	Moran (KS)	Smith (TX)	Eshoo	Marshall	Serrano
Courtney	Johnson (GA)	Myrick				Etheridge	Massa	Sestak
Crenshaw	Johnson (IL)	Nadler (NY)				Farr	Matheson	Shea-Porter
Crowley	Johnson, E. B.	Napolitano				Fattah	Matsui	Sherman
Cuellar	Johnson, Sam	Neal (MA)				Filner	McCarthy (NY)	Shuler
Cummings	Jones	Neugebauer				Fleming	McCaul	Shuster
Dahlkemper	Jordan (OH)	Nunes				Forbes	McCollum	Simpson
Davis (AL)	Kagen	Nye				Fortenberry	McCotter	Sires
Davis (CA)	Kanjorski	Oberstar				Frank (MA)	McDermott	Skelton
Davis (IL)	Kennedy	Obey				Frelinghuysen	McGovern	Slaughter
Davis (KY)	Kildee	Olson				Fudge	McHugh	Smith (NJ)
Davis (TN)	Kilpatrick (MI)	Oliver				Gerlach	McIntyre	Smith (WA)
Deal (GA)	Kilroy	Ortiz				Giffords	McMahon	Snyder
DeFazio	Kind	Pallone				Gingrey (GA)	McMorris	Souder
DeGette	King (IA)	Pascarell				Gonzalez	Rodgers	Space
Delahunt	King (NY)	Pastor (AZ)				Gordon (TN)	McNerney	Speier
DeLauro	Kingston	Paulsen				Graves	Meek (FL)	Spratt
Dent	Kirk	Payne				Grayson	Meeks (NY)	Stearns
Diaz-Balart, L.	Kirkpatrick (AZ)	Pence				Green, Al	Melancon	Stupak
Diaz-Balart, M.	Kissell	Perlmutter				Green, Gene	Mica	Sutton
Dicks	Klein (FL)	Perriello				Griffith	Michaud	Tanner
Dingell	Kline (MN)	Peters				Grijalva	Miller (MI)	Tauscher
Doggett	Kosmas	Peterson				Guthrie	Miller (NC)	Taylor
Donnelly (IN)	Kratovil	Petri				Gutierrez	Miller, George	Teague
Doyle	Kucinich	Pingree (ME)				Hall (NY)	Minnick	Terry
Dreier	Lamborn	Pitts				Hall (TX)	Mitchell	Thompson (CA)
Drie haus	Lance	Platts				Halvorson	Mollohan	Thompson (MS)
Duncan	Langevin	Polis (CO)				Hare	Moore (KS)	Thompson (PA)
Edwards (MD)	Larsen (WA)	Pomeroy				Harman	Moore (WI)	Tiahrt
Edwards (TX)	Larson (CT)	Posey				Hastings (FL)	Moran (VA)	Tiberi
Ehlers	Latham	Price (GA)				Heinrich	Murphy (CT)	Tierney
Ellison	LaTourette	Price (NC)				Heller	Murphy, Patrick	Titus
Ellsworth	Latta	Putnam				Herseth Sandlin	Murphy, Tim	Tonko
Emerson	Lee (CA)	Quigley				Higgins	Murtha	Towns
Engel	Lee (NY)	Radanovich				Hill	Nadler (NY)	Tsongas
Eshoo	Levin	Rahall				Himes	Nadler (NY)	Turner
Etheridge	Levin	Rangel				Hinchee	Neal (MA)	Upton
Fallin	Lewis (CA)	Rehberg				Hinojosa	Nye	Van Hollen
Farr	Lewis (GA)	Reichert				Hirono	Oberstar	Velázquez
Fattah	Lipinski	Richardson				Hodes	Obey	Visclosky
Filner	LoBiondo	Rodriguez				Hoekstra	Oliver	Walden
Fleming	Loeb sack	Roe (TN)				Holt	Ortiz	Walz
Forbes	Lofgren, Zoe	Rogers (AL)				Honda	Pallone	Wamp
Fortenberry	Lowey	Rogers (KY)				Hoyer	Pascarell	Wasserman
Foster	Lucas	Rogers (MI)				Hunter	Pastor (AZ)	Waters
Frank (MA)	Luetkemeyer	Rohrabacher				Inslee	Payne	Watson
Frelinghuysen	Lujan	Rooney				Israel	Perlmutter	Watt
Fudge	Lummis	Ros-Lehtinen				Jackson-Lee	Perriello	Waxman
Gallegly	Lungren, Daniel	Roskam				(TX)	Peters	Weiner
Gerlach	E.	Ross				Johnson (GA)	Peterson	Welch
Giffords	Lynch	Rothman (NJ)				Johnson (IL)	Petri	Whitfield
Gingrey (GA)	Mack	Royal-Allard				Johnson, E. B.	Pingree (ME)	Wilson (OH)
Gohmert	Maffei	Rush				Jones	Platts	Wittman
Gonzalez	Maloney	Ruppersberger				Kagen	Poe (TX)	
Goodlatte	Manzullo	Rush				Kanjorski	Polis (CO)	
Gordon (TN)	Marchant	Ryan (OH)					Pomeroy	
Granger	Markey (CO)	Ryan (WI)						
	Markey (MA)	Salazar						

NAYS—10

NOT VOTING—9

□ 1413

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COPS IMPROVEMENTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1139, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1139, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 342, nays 78, not voting 12, as follows:

[Roll No. 206]

YEAS—342

Abercrombie	Bigger	Buchanan
Ackerman	Bilbray	Burgess
Aderholt	Bilirakis	Butterfield
Adler (NJ)	Bishop (GA)	Calvert
Alexander	Bishop (NY)	Cao
Altmire	Blumenauer	Capito
Andrews	Bocieri	Capps
Arcuri	Bonner	Capuano
Austria	Bono Mack	Cardoza
Baca	Boozman	Carnahan
Baird	Boren	Carney
Baldwin	Boswell	Carson (IN)
Barrow	Boucher	Cassidy
Barton (TX)	Boustany	Castle
Bean	Boyd	Castor (FL)
Becerra	Brady (PA)	Chaffetz
Berkley	Brady (IA)	Chandler
Berman	Bright	Childers
Berry	Brown, Corrine	Clarke

Wolf
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

NAYS—78

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Coble
Cole
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Ehlers

Fallin
Flake
Fox
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Lucas
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant

McCarthy (CA)
McClintock
McHenry
McKeon
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—12

Boehner
Clyburn
Doyle
Harper

Jackson (IL)
Linder
Maffei
Moran (KS)

Reyes
Shinkus
Smith (TX)
Stark

□ 1422

Mr. RYAN of Wisconsin changed his vote from "yea" to "nay."

Mr. COFFMAN of Colorado changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF THE TREASURY

Mr. FRANK of Massachusetts, from the Committee on Financial Services, submitted a privileged report (Rept. No. 111-84) on the resolution (H. Res. 251) directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG), which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1145, NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1145, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of

contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the following motion to suspend the rules previously postponed.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 247.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 247.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WATER RESOURCES IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise to add my support to H.R. 1145, the bill that we just discussed on the floor of the House, that requires the President to establish an agency that addresses the question of the increasing lack of water resources in the United States of America. In the recognition of Earth Day that occurred yesterday, where we are looking to green our country and green this Earth, we also must ensure that we have the water that is necessary for this Nation.

I will introduce a water bill that will also take into consideration the lack of water around the world. I am also very much appreciative of the language in the bill that looks at questions of areas that have had disasters, such as my area in Houston, and homes that have suffered from flooding, such as the White Oak area in Houston.

This is a good step. We need an expanded water bill to help all of the world. And certainly we need to pay tribute to the concept of greening this Earth and protecting this Earth—its water resources and its green resources—to make this a better place for all of us to live.

CONGRESS MUST COME TOGETHER

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Madam Speaker, I come before the House today to express the views of a freshman Congressman whose knowledge and experience of the workings of Capitol Hill have spanned a little more than 3 months.

While I am greatly honored to be a Member of this governing body and cherish the friendship and support I have received from my colleagues, I would like to use this forum to express a concern: how we operate as a governing body.

Aristotle said, "Virtue is the mean between two extremes." This definition of virtuous state of character was appropriate over 2,000 years ago, and it continues to be true today.

Virtuous character, properly exercised, is to react to circumstances in the appropriate way and to the appropriate degree. I believe that we, as Members of Congress, must govern from a political spectrum that resonates the mean, and not the two extremes.

What are these two extremes? Left-wing liberalism, whose governing stance simply focuses on the immediate, with little attention to moral implications and burdens on future generations, and right-wing conservatism, whose rhetoric seeks to inflame rather than inform.

The future of America is too important for this body to be embattled and impeded by radical ideologies and political maneuvering.

The SPEAKER pro tempore (Ms. FUDGE). The time of the gentleman has expired.

Mr. GOHMERT. Madam Speaker, I rise to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 1 minute.

There was no objection.

Mr. GOHMERT. Thank you, Madam Speaker, and I would yield my minute to my friend from Louisiana.

Mr. CAO. Thank you very much.

We must remember who we represent as Members of Congress—the average American whose language does not reflect the extremes, but who simply asks, how will I pay my bills? How can I raise my children to be successful and moral citizens? And how can I worship and express freely my religious faith?

Our public policy today, depending on who is in power, tends to reflect a limited political agenda, which gets the country in trouble in one manner or another. While history is our mentor, we must look at the state of our Nation today and address our shared problems through the cumulative knowledge we have acquired as we continue to progress and evolve as a Nation.

Neither liberals nor conservatives can relive their past. We, as a governing body, must use all of our knowledge and tools that we have to address the problems of a dynamic and evolving national or global society in the appropriate way and to the appropriate degree. This, of course, requires a delicate balancing act where all Members of Congress are invited to the discussion table—and not as liberals or conservatives, but as problem solvers there to address the human needs of the average American.

NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Madam Speaker, I rise today in observance of National Day of Silence.

Last Friday, April 17, marked the 13th annual National Day of Silence, a day where students throughout the country follow in the footsteps of the great civil rights advocates like Mahatma Gandhi and spend the day in civil disobedience. These students remain silent for one day to bring attention to and highlight the discrimination some of their peers endure by speaking out about sexual orientation and their personal gender identity.

When asked to explain why they will participate in a National Day of Silence, some of the young people in my district said, “We stand up and stand out by not speaking out on that day.”

The Day of Silence is a day to acknowledge the roads already traveled and the ones soon to be traveled to show how far we have come and how much further we have to go. The Day of Silence brings attention to the oppression that queer youth face from their peers and their classroom, and is a reminder that we still have much work to do.

I commend all my constituents who observe the Day of Silence. Though the nationally observed Day of Silence has passed this year, I would ask my colleagues to take a moment of silence today to reflect what we can do for our LGBT youth to make their lives better, to make their schools safer, and to end discrimination.

□ 1430

ADJOURNMENT TO MONDAY, APRIL 27, 2009

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE WOMEN OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I applaud the Obama administration for focusing on the human face of our Afghanistan policy. Rather than going with a policy based on military might alone, the administration is supporting an expansion of the surge of diplomats, of development officials, of humanitarian needs and experts.

The economic, political, and social needs are great in Afghanistan. A recent report released by Women for Women International found a “bleak and frightening picture for life” in Afghanistan. According to reports, Madam Speaker, 80 percent of Afghan women are affected by domestic violence, over 60 percent of marriages are forced, and half of all girls are married before the age of 16. Despite this focus on the needs of women and girls in Afghanistan, the situation remains grim.

Like many women in conflict, the drive for security and stability remains strong among the women in Afghanistan. Despite the fact that Afghan women are more likely to be impoverished, uneducated, and excluded from health service than men, polls indicate that Afghan women are optimistic about their future. Like women everywhere, they want to play a role in decision making at every single level of society.

Through the recent poll by Women for Women International, the voice of the Afghan woman can be heard. When asked what the biggest problem is that they face in daily life, the top response was lack of important commodities. Again, it's the basics, food and supplies, that Afghan women want for their families. When asked what the government should fix, they answered security and peace first. When asked what were the biggest health care and education problems, women overwhelmingly pointed to insufficient resources and funding. It's clear that the mothers, Madam Speaker, in Afghanistan want all that mothers want around the world: to provide for the basic needs of their families. They want their children to be well. They want their children to be well fed, well educated, and safe.

While I remain concerned about the increase in our military presence, I am hopeful that the administration's diplomatic surge can help the people of Afghanistan, particularly the women. Along with our international partners,

we must work to address the pressing immediate needs of all Afghans.

Madam Speaker, the use of smart power in the place of military force will send a clear message that the United States promotes diplomacy and humanitarian relief over war.

THE BATTLE OF THE WILDERNESS VERSUS WAL-MART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it does us well to remember our American history.

Over 145 years ago, this country was engaged in a great Civil War, from the North and from the South. And during that war between the States, several battles took place not far from this Capital. One took place over in Orange County, Virginia. It's called the Battle of the Wilderness. It had the sixth highest number of casualties on both sides during that conflict.

Just to put it in perspective, it occurred on May 5 through May 7 in 1864, 145 years ago. There were 160,000 troops involved in that battle: 100,000 from the North, 60,000 from the South. That's the number of troops today we have in all of Iraq and all of Afghanistan put together. During that 3-day battle, 29,000 casualties: 18,000 from the Union, 8,000 from the Confederates.

The battle was so fierce, Madam Speaker, that in the wilderness, the woods, where this battle took place during those 3 days, it was so heated, literally, that the woods caught on fire and many soldiers from the North and from the South that were wounded burned to death. Two of the States had the highest casualties, one in the North and one in the South. The highest in the North was from Vermont. The Vermonters sustained 78 percent casualties. In the South the Texas Brigade sustained over 60 percent casualties. On the first day of the battle, the Union troops were able to move the Southern troops back. The second day General Robert E. Lee sent the Texas troops in the middle, and he said that Texans always moved them. Be that as it may, the casualties were high on both sides.

I bring this attention to the House today and to you, Madam Speaker, because all of these casualties, all of these troops that engaged in that battle were Americans and we should not forget that. And that is why we have the Battle of the Wilderness battlefield today. About 900,000 Americans a year go to this battlefield in Orange County, Virginia.

But now we have a problem. The corporation called Wal-Mart wants to build a Wal-Mart on this sacred, hallowed ground.

I have a map of the Wilderness battlefield. It's outlined here. But you see

right up here in the northeastern portion where this X is, that's where Wal-Mart wants to profit from these 900,000 people coming into Orange County every year. They have the legal right. The county fathers have said they can build in this location. But we would hope that Wal-Mart would change their mind. And I say "we" because Mr. WELCH, the good man from Vermont, and I have written Wal-Mart and we have asked them to do the right thing and locate this Wal-Mart 3 miles away from the battlefield.

Now, Madam Speaker, I'm not sure what Wal-Mart's intentions are, but I can tell you their corporate model down in Texas. They build a Wal-Mart. They build it from property line to property line. They lay that asphalt. They build one of those beautiful stores, and a few years later, they abandon that property and move down the road and build another Wal-Mart. I don't know if that's their plan here or not, but be that as it may, they should not build this Wal-Mart in this location.

We've written Wal-Mart. We have received no written response from them. Military historians from all over the world have asked Wal-Mart don't build on this battlefield because that's a part of American history. So far they continue to deal with this and say they're going to.

I support property rights. I support the idea of a corporation making money. No question about it. They now have the legal right to move here. But now they need to make the American decision to do what's best for America and not what's best for this corporation.

Madam Speaker, this land, like other battlefields in our country, is consecrated with the blood of Americans; 29,000. Many are still buried there and known only to God. And we owe them the right to keep this battlefield preserved for history and not to have a corporation like Wal-Mart come in and lay asphalt over their graves.

So we are asking Wal-Mart to do the right thing. Put your Wal-Mart somewhere else, 3 miles down the road, so that this battlefield can be preserved for American history.

Madam Speaker, I will include in the RECORD a letter that Congressman PETER WELCH from Vermont and I have sent to Wal-Mart.

Madam Speaker, it is our hope and our desire that we as Americans preserve the heritage of this country, save this sacred land, and have corporations do the right thing, not only don't build here but maybe donate some of their corporate money to save this land.

And that's just the way it is.

WASHINGTON, DC, February 25, 2009.

MICHAEL T. DUKE,
President and Chief Executive Officer, Wal-Mart Stores, Inc., 702 SW 8th Street, Bentonville, AR.

DEAR MR. DUKE: We write to you with profound disappointment in your company's de-

cision to locate a new store near The Wilderness battlefield in Virginia and urge your immediate reconsideration.

While we may represent different political parties and states on opposing sides of the Civil War, we stand united in our support of respecting hallowed ground such as The Wilderness battlefield. The Wilderness, as well as other battlegrounds throughout the United States, represents the great struggles and sacrifices our soldiers made to defend freedoms they cherished deeply enough to risk their lives. Four thousand men on both sides died and twenty thousand were wounded during this battle in the spring of 1864. These lands and lands near them should always be spared from commercial development. Further, the Civil War Sites Advisory Commission, formed by Congress to protect the historical significance of our nation's Civil War sites, has defined your proposed land for development as part of The Wilderness battlefield.

There are countless other locations your company could consider for a more responsibly sited development in this region. We feel the definition of corporate responsibility must always extend to respecting storied lands and respecting a community's natural landscape and surroundings when choosing a site for a store. Those values should not be eroded for the sake of commercial gain.

We urge you to listen to feedback you've received from groups close to The Wilderness battlefield and others who care deeply about keeping this nation's history and lands preserved and look elsewhere for development. We look forward to your response.

Sincerely,

TED POE,
Member of Congress,
Texas.

PETER WELCH,
Member of Congress,
Vermont.

RECOGNIZING ST. LUKE'S HOSPITAL SCHOOL OF NURSING ON THE 125TH ANNIVERSARY OF ITS FOUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Madam Speaker, I rise today to recognize St. Luke's Hospital School of Nursing on the auspicious occasion of the 125th anniversary of its founding. For well over a century, St. Luke's has provided hands-on, quality training to professionals entering the world of medicine.

On October 17, 1884, St. Luke's Hospital School of Nursing opened its doors to its first class of individuals eager and dedicated to caring for the wellness of others. At the time when the school was founded, only a handful of similar institutions existed in the United States, placing St. Luke's at the cutting edge of health care training. As the country's oldest hospital-based school of nursing in continuous operation, St. Luke's continues a well-established tradition of excellence that began 125 years ago.

The impact that St. Luke's Hospital School of Nursing has had on American life is pronounced. During America's

greatest time of need, the school provided education and training for the U.S. Cadet Nurse Corps, giving brave young women the skills they needed to provide medical assistance to American and Allied troops in World War II. When the United States suffered a national shortage of nurses in the late 1960s, again St. Luke's answered its Nation's call by hiring a recruitment director to actively work towards attracting qualified individuals to the nursing profession.

St. Luke's has consistently promoted the virtues of selflessness and caring for others. Year after year the School of Nursing provides training to nearly 100 nurses, a profession that is widely needed yet often underappreciated. The hard work, dedication, and caring of nurses trained by St. Luke's are a great asset to the high quality of care enjoyed by patients in America's hospitals.

Madam Speaker, in closing, I would like to extend my congratulations and heartfelt thanks to St. Luke's as well as its tremendous faculty, staff, students, and alumni that have carried on the school's proud legacy. May St. Luke's Hospital School of Nursing's next 125 years be as benevolent and inspiring as the last.

□ 1445

NOBODY FAVORS HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, yesterday and today in the full Judiciary Committee we have been taking up a bill called, by most people, the hate crimes act. It sounds like something that everybody would be for. You know, who favors hate? Nobody. Perhaps the only kind of hate we should be in favor of is the hatred with which we hate hate. But that's not what it's about. It is about creating new law, new crimes that are duplicates of what's in every State in the Union.

Now, there are 45 States that already have hate crimes bills, but even there, most are unnecessary. The case that you often hear that is a reason we need hate crimes is the James Byrd case, where this poor gentleman, African-American, was dragged to death.

Now, I would be in favor of allowing the victim's family to pick the terrain and the manner of dragging the defendants once they are convicted, but that's not allowed. The death penalty amendment was even voted down.

So there's no enhancements, nothing that would affect the poster cases that are constantly raised as a reason to have the hate crime laws. And, in fact, when we hear over and over there's these epidemics of hate crimes that we have to stop, actually, there were nearly a million assaults in America in

2007; 242 assaults included some kind of bodily injury in which there was some motive attributed to bias or hatred because of a selected group, 242.

Again, there was a killing of a poor young man named Nicholas West, killed because he was a homosexual. His perpetrators were not charged under a hate crimes law, they were charged under a capital murder law for kidnapping. And they have already got the death penalty, just like the worst two perpetrators in James Byrd's situation. So what is this about? Well, perhaps it's about trying to create a special class of protected people who maybe shouldn't have protection.

One of the last amendments we made today was going to—at least in this definition the term “sexual orientation” is included. We kept trying to confine it to things that were not just an aberration, and even the amendment to at least exclude pedophiles from the protected class was voted down on a strict party line.

Every Democrat there voted to protect pedophiles and every Republican voted to exclude them, at least, from the definition of sexual orientation. We were told, well, there is a definition in one of the other laws about sexual orientation, and it confined it to heterosexuality and homosexuality.

It's not in this law. It's not there. There is no reference to another law. So as a former appellate judge I would be left in reviewing the law to say well, what is the plain meaning? You can consider other definitions.

Well, some judge will do the right thing that a judge is supposed to do and say, hmm, sexual orientation, it means what it says. It's however you are oriented sexually. If that's towards child—and the diagnostics statistics manual has about 30 different types of sexual orientation. So that includes voyeurism, it includes the pedophilia, it includes things like exhibitionism. It includes necrophilia for corpses and all these horrible things.

But even under this law, since exhibitionists are not excluded—and I have had women tell me they have had people flash themselves, men flash themselves, and they immediately reacted and hit them with a purse.

Under that scenario, under this law, the exhibitionist committed a misdemeanor and the woman that hit him with her purse committed a new Federal felony under the hate crimes law.

That is absurd. We don't need this law. There is no reason for it. We even tried to include in here specifically the kinds of churches that were invaded and attacked for supporting the California marriage amendment, and that was voted down on a straight party line. There should be no special classes.

And the other thing here that would silence Christian ministers and eventually rabbis or imams from quoting the Bible, the Tanach or Koran where it

condemns homosexuality, because under this bill if a minister, a rabbi, imam quotes from those scriptures and says homosexuality is an aberration—or whatever language they use, that it is wrong, it hurts society—and some nut hears them and goes out, commits a crime of violence, then under 18 U.S.C. (2)(a) they could be arrested, charged as a principal.

This was a bad bill, and it was a bad day for the law.

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. I am here with the Progressive Caucus, that caucus that brings to the people of the United States every week a progressive vision for America.

I am very honored to be joined by our Chair tonight, the only one who continues to fight week in week out every day for peace in our world who has the longest running record of 5-minute speeches for peace, LYNN WOOLSEY.

Let me yield to the gentlelady for a welcome this evening.

Ms. WOOLSEY. Thank you, Mr. ELLISON, for your great leadership on The Progressive Message, which is the message of average, normal American people, and we know it. And we are proud to speak it, because there is nothing like the issues that we stand for with the Progressive Caucus, our progressive promise, that hits home to the American people like what we are promising to work on.

Tonight, we are going to talk about our Earth, I believe. Thank you for bringing that to us.

But also thank you for recognizing my, I believe, 309 5-minute speeches on the floor regarding Iraq and peace in general, and Afghanistan, now that we are looking like we don't know when we are going to get out of there.

We can talk about saving the Earth, but if we destroy it with war, then we won't have an Earth to save. So thank you for doing this tonight.

Mr. ELLISON. Thank you. Let me just say that you are right. And I do want to commend you, I don't know if anyone has a longer running number of 5-minute speeches on any issue than you do, so I am proud to know that the longest-running series of 5-minute speeches is on the subject of peace, is on the subject of Iraq, and is by a dedicated and progressive leader such as yourself.

Madam Speaker, we want to welcome folks to The Progressive Message and let people know that they can always plug into the Progressive Caucus. The e-mail address is cpc.grijalva.house.gov where people, I hope, will commu-

nicate. It's very important that we stay in touch and that this is The Progressive Message.

Tonight, you are right, the subject is clean energy jobs and our Earth. Let's start out with just a few basics.

The progressive energy policy, global climate change and green jobs, has to be made up of a few essential components. The fact is that U.S. energy policy is everyone's business.

U.S. energy policy touches nearly every aspect of American life, our homes, our natural environment and, most importantly, our economy and the Earth itself.

Last year Americans spent \$400 billion buying oil outside of the United States. This is a tremendous expenditure on our economy and sends dollars outside of our economy. And that means that last year American families spent about \$3,000 apiece on fossil fuels that contribute to the disastrous changes in our global climate.

I think it's important to point out that we are here now, we are approaching the first 100 days of the new administration. Haven't been here long, but we have been here strong. There is no doubt that energy policy will be a major component of the next 2 years, and it's critical to point out that the Democratic Caucus and the Progressive Caucus are here to lead the way on this discussion.

I would like to stay positive, but we have to make sure that we have a good record, and the record requires that we revisit some of the things that have been proposed over the last 8 years that have not been so good.

One, the Republican plan has not been a good plan. This plan, people contend, that efforts to curb greenhouse gas emissions are perilous and will cause undue hardship for Americans in the midst of a recession. The fact is if we don't do something about this global crisis, greenhouse gas emissions, we are all going to be in much more trouble than we are right now.

Right now, in fact, is a good time to deal with the crisis in our economy. It's a chance to rebuild, it's a chance to strengthen, it's a time to invest in infrastructure.

I think, Chairwoman WOOLSEY, it's just a good time to point out that it was during the Civil War that Abraham Lincoln made the decision we are going to have a railroad span the United States. It was during the 1930s, the Depression, that we saw rural electrification be a major commitment of the United States Government under Franklin Delano Roosevelt. It was under Eisenhower, a recession, where we talked about the interstate highway system that we now enjoy today.

In fact, at times like this, it's no time to shrink, no time to be afraid, but it's a time to be bold. Let's not go for any naysayers or fearmongers; let's move forward.

Is this a time to be bold, is this a time to shrink and be afraid, or is it a time to be bold and grab on to a new energy policy?

Ms. WOOLSEY. Well, first of all, Madam Speaker, thank you for being here with us tonight also. We honor you.

You know, as cochair of the congressional Progressive Caucus with RÁUL GRIJALVA, it's really an honor to be here and represent the Progressive Caucus and people of this country and the people of my district.

And we are doing this right now because it's Earth Day—yesterday was Earth Day, I believe, but we couldn't do this yesterday.

So before we get into the question you asked me, Congressman, let's talk about Earth Day and how it happened. I think it's good for people to remember that Earth Day is a day designed to promote awareness and foster appreciation for our environment.

□ 1500

Now, yesterday, yes, that is right, it was yesterday, it was the 29th anniversary of the very first celebration. That celebration was determined, and over the 29 years we have recognized on Earth Day something that we should be recognizing every single day and every minute of our lives, that we have a need for a healthy environment and we have to work to protect it. It won't happen on its own because we are working very hard, it appears, to destroy our environment. So we have a lot of work to do.

So, let's talk about what are the roots of Earth Day itself. Although the specific day was set by former U.S. Senator Gaylord Nelson of Wisconsin, his motivation came from the horrific oil spill that engulfed Santa Barbara and the California coast in 1969. That was such a horrible experience for all of us in California. Earth Day is the perfect time, and he knew it, to highlight that event and to work to ensure that oil spills never happened again. Of course, over 29 years there have been other oil spills, but he was so sincere that he put Earth Day together to emphasize no more oil spills.

So many in our country who don't have a strong connection to Santa Barbara oil knew how important it was to California, and they come to our districts and they learn over and over again what a disaster like that will do. And it could happen in their areas too. It could happen on the Great Lakes. It certainly could happen on the Atlantic coast, down in the Gulf of Florida.

So everybody pays attention, particularly to the oceans. But there is more to Earth Day than our oceans. It is our air, it is our water, it is our trees, and Earth Day has become the basis for what we know we must be doing to solve global warming.

But happy birthday Earth Day yesterday.

Mr. ELLISON. I thank the gentlelady for that important recognition. In fact, it is our appreciation and gratitude for this beautiful Earth that we live on that drives our dedication. We are not really here from the Progressive Caucus talking about what we are against. We are talking about what we are for. And we are for a clean Earth, in which everyone can breathe, can drink, can live and enjoy this wonderful planet that we have, and not just human beings, but all creation. I think it is very important that you set us on the right trajectory for that.

I think as we are looking back and remembering this 29th anniversary of Earth Day, it is important to remember that the course of action we have been following has not been one that has been helpful. In fact, it has brought us to a very difficult situation.

We have seen the energy plan over the last 8 years essentially be made up of tax breaks for oil companies. "Drill, drill, drill," remember that one?

Ms. WOOLSEY. I remember that one.

Mr. ELLISON. Yes, you had better believe we heard that one, which resulted in more pollution which taxpayers have to clean up, and no fundamental investment in a green energy economy like the investment we have been talking about, the investment in an Earth Day to commemorate and rededicate our commitment, the investment in our economy over the centuries, as progressive leaders like Lincoln and FDR made those important investments I referred to a moment ago. There has been no investment in a green energy economy, that will lessen our dependence on oil and reduce global climate change, and, perhaps most importantly, create jobs.

You know, Earth Day, Earth Day is a wonderful time to have this conversation about American clean energy jobs, because Earth Day is not simply about fighting pollution. It is also about enhancing our natural world and our existence in it. It is about development along the lines that are smart and green, clean and renewable. We can do both.

I will say that I do appreciate some of our Republican colleagues, and I respect them all and enjoy them a lot, but I think it is important to point out that their vision was on display on "Sunday Morning Talk" when one of the Republican leaders said that he dismissed as "almost comical" the idea that carbon dioxide is a carcinogen and that it is harmful to our environment. The proof and evidence was that, you know, that carbon dioxide must be safe because humans exhale it and cows deposit it. That is not a definition of whether it is a carcinogen or a harmful substance. Of course, we do have a science gap, and we can do an hour on that.

But I think it is important to point out that we are not only in commemo-

ration of Earth Day talking about fighting pollution; we are talking about enhancing our world, our green planet, the only one we have, by the way. And, again, as you know very well, the gentlelady from California knows, our Chair of the Progressive Caucus, if we acidify our oceans and if we overheat our planet, the planet will still continue to exist. We just won't be able to live on it. So that is very important to point out.

I think the Progressive plan, and I want to hand it back to the gentlelady right now, is to talk about the importance of a progressive vision for energy policy. I would ask the gentlelady from California, do you believe we need a progressive vision for a progressive energy policy?

Ms. WOOLSEY. Well, we need nothing less than a progressive vision. We need to be bold. You asked me that a little bit earlier. And there is no tip-toeing around this.

I have been on the House Science Committee since I was elected in 1992, sworn in in 1993. I am on the Energy Subcommittee. And in my time here we have never had a hearing with scientists that say global warming does not exist, that it is a dream, that it is a myth. Good science has proven where we are today.

Scientists have been so careful, because that is who they are. They have to prove their point before they come out and say science says global warming is something we have to deal with or else, and we have got this much more time and we need to take these kinds of actions.

Mr. ELLISON. If the gentlelady will yield for a question, you have a lot of experience in Congress. You have been here for a little while, right?

Ms. WOOLSEY. This is my ninth term.

Mr. ELLISON. Ninth term, that means 18 years. In all the time you have been here on this committee, have you ever heard any credible scientist say that global warming does not exist or that human beings are not contributing to global warming? Have you ever heard anything like that?

Ms. WOOLSEY. Never. Never. I have heard Members on the other side of the aisle on the Science Committee saying that global warming is a myth and pooh-poohing it. It is just something that makes no sense to me, because it is real, and if we don't do something about it soon, the effects are going to be irreversible, and we know that.

Now, here in Congress we get elected every 2 years. Well, we are not going to fix this in 2 years, but we had better start fixing it for our grandchildren. I have five grandchildren, the oldest is 9 and the youngest is 2.

I have four children, and three families have children. So one night one of the families and I were having dinner and we were talking about global

warming, and my grandson, then I believe he was 8, he might have been 7, just about came across the table. My grandkids call me "Amah," and he said, "Amah," his eyes were this big, "do you know about the polar bears?" And we had a total conversation about what was happening up in Greenland.

Since then I have been to Greenland. I have seen the ice melt. It is not healthy. I have been to the South Pole. I have seen the shift at the South Pole of the science stations, the ones that are built out of ice. They shift every year, and they are shifting at greater speeds. I have seen the penguins that are having a hard time getting from their ice blocks back to land so that they can feed and breed. It is happening, and we cannot deny it. Not just for us, because we are stupid if we don't do it, but for your children and for my grandchildren. Hopefully, their children will have a nice, clean, safe world to live in.

So do we have to be bold? Does it need to be progressive? Yes. And I don't mean progressive that it is our way or no way. I mean progressive in that we are not afraid to do the right thing. We are not afraid to fight. So that we if we have cap-and-trade, we also ensure that we have benefits for the people that are going to be paying for this in the long run, and that we reinvest in alternative energies, that we know that we have an industry, a green industry that must be the new industry for the United States of America. Because if we don't take advantage of the needs, world needs, that it is going to be our science, it is going to be our engineers, it is going to be our technicians that come up with the solutions, if we let the jobs to put all this together go overseas, what a mistake we will be making, because we will buy this stuff, because we are going to make our world cleaner.

Mr. ELLISON. Well, if the gentlelady will yield back, let me say that part of the progressive vision is to implement provisions of a renewable electricity standard which will create over 300,000 jobs, implement an energy efficient resource standard so we can get energy savings to create over 222,000 new jobs by 2020. By cutting waste, we save money. The renewable electricity standard alone will result in nearly \$100 billion in savings for consumers and businesses by 2030. Efficiency savings, the energy efficiency resource standard will result in nearly \$170 billion in utility bill savings by 2020.

Opponents of that change that Americans are demanding are not going to be the ones who are remembered finally by history. The ones who oppose efficiency and renewable energy, these are the same folks who are in danger of directing U.S. energy policy. They have ignored global climate change, as you and I have talked about. They have ignored acidification of the ocean, over-

heating of our planet. They have widened tax loopholes for polluting industries and they have made minimal advances in new, clean energy techniques.

Madam Speaker, the will of the American public is being represented in Congress and the White House now, and we need the American people to continue to demand responsible energy policy, climate change policy that creates jobs and cannot be outsourced. As the gentlelady from California, LYNN WOOLSEY, was just talking about, somebody will come up with the great ideas to green our world. Will they be here? Only if we make the proper investments. Only if we become innovative and maintain our position as innovator.

I yield back to the gentlelady.

Ms. WOOLSEY. Well, you know, I have to confess that I have lived a very privileged life as I raised my four kids in a nice home. It wasn't a palace or a mansion or anything, but it was nice. We were always warm and we had windows open and we had a sprinkler system in my yard.

I feel like I have been part of the problem. I know I have. We eat meat, which uses up so much of our good Earth and our air, and we will probably keep doing a lot of that. But as individuals, as humans, we have to change the way we live and we have to be willing to invest. And I believe, and we are not supposed to use the word, but we have to get a little accustomed to some sacrifice. We need to decide whether we need grass or we need landscaping that survives on little or no water. We have to make these decisions ourselves.

And I don't think we should all have to get incentives to do this. I think that the incentives need to go to industry so they will build the big products, so they will build the solar systems, the wind systems. In our district, we have geothermal, and we need to help in all those areas.

So as individuals some sacrifice will come along. Mostly that sacrifice will be changing the way we do things. That is hard. Nobody likes to change. But we change now, or it will be too late.

Mr. ELLISON. Well, I would point out though that the sacrifices that you are referring to are not always just giving up something. Sometimes these sacrifices involve getting something.

For example, let's just say if you were to get out of that habit of driving three blocks to the grocery store, you might view that as a sacrifice, but you will save money on gas and you will reduce your waistline.

□ 1515

If you ride a bike to work, and we promote, as Congress, if we promote nonmotorized transportation, this will reduce our obesity, increase our green and renewable program. Some of these

things are things that we think of as a sacrifice but really are not.

If we shut off the television, you know, we might talk to each other and get to know each other a little bit better. If we just pull the plugs out when we leave the house, we can get rid of that ghost energy drain that steals energy when we're not even using these appliances.

So these are just changes that you're speaking of that will definitely enhance our quality of life.

But I want to mention that we have a bill called the American Clean Energy and Security Act which does do some very important things. It creates jobs that cannot be shipped overseas. It reduces our dependence on foreign oil, increases production of clean and renewable energy sources, cracks down on heavy polluters, and gives American entrepreneurs and innovators, as you mentioned your role on the Science Committee, what they need to stay competitive in the global economy.

The fact is that this bill, this ACES bill, invests in American jobs, reduces our dependency on foreign oil and does a lot of important things that we need, as Americans. And so I'm thinking that, you know, it's important that citizens, individuals like you and I, do better. But it's also important that the Congress take action. Individual citizens, pull those plugs out, walk, do things, do more walking, riding your bike, doing things like that. But also, we have, as a Congress, a societal responsibility that we cannot just relegate to the individual citizen. In fact, government often will signal better behavior and more green and renewable and Earth-friendly behavior that citizens can partake of.

So I yield back to the gentlelady.

Ms. WOOLSEY. Actually, one of the things, under JIM OBERSTAR's leadership, he is the Chair of the Transportation Authorization Committee, under his tutelage, we have invested a lot in nonmotorized transportation, because it's hard to ask the children to walk to school when their roadways are full of cars and there are no sidewalks. It's hard to ask people to ride bicycles when there are no safe bicycle paths.

Actually, Marin County, in my district, is one of the model programs in his program, and it's certainly proving itself out. You know, California gets a lot of criticism because we use a lot of energy. But, you know, per capita we use less than any other State in the country, and that's because we actually get conservation and we live conservation. We actually, in most areas, walk our talk in that regard.

Now, the Progressive Caucus is absolutely ready to fully participate in this debate about good ideas so that we can ensure any change in the way we treat carbon will be done to maximize the benefits to the environment, minimize the impact on our constituents, and

transform our economy with new energy technologies. Our feet are on the ground. We're ready to go. But what we are going to want is bold decisions and bold resources and bold support so that we aren't tiptoeing along and pretending it isn't happening. We're going to work with the Obama administration. We're going to work with our leadership, and we are going to work with both sides of the aisle to ensure that what we're talking about is real and doable and supported.

Mr. ELLISON. Well, that's very important. And I want to thank you for those observations. The Progressive Caucus needs good ideas, too. We are being fully engaged in this energy debate that's going on. We are not shrinking from this debate at all. And if people want to offer some advice, there is a Web site that we have, and folks can give us their views, cpc.grijalva.gov—GRIJALVA is the name of our other co-chair—because we do want to have people say here's what you should do.

One of the things that it means to be progressive is to be open-minded and try to gather in ideas from all places, to be grassroots, to gather in views and opinions from multiple sources. We don't claim a monopoly on good ideas, but we do have values that we uphold here of a progressive type.

I want to just say, as we prepare to, in the next 5 to 7 minutes, hand it over to our Republican colleagues, that it's important that we do debunk a few myths, though. I mean, I've heard it said that the progressive support of cap-and-trade, isn't that just an energy tax? Well, we believe that it's not.

First off, the Democratic plan is to repower America with clean energy and jobs. As for capping global warming pollution, the Democratic plan is simple. It makes polluters pay, and helps green companies prosper so they can hire more workers. It's time that the American solution we put in place to successfully fight acid rain in 1990, after which time electricity rates fell 10 percent and the U.S. economy added 16 million new jobs. It's important to point out that the acid rain solution had bipartisan support and was signed by the first President Bush.

It's true also—I mean, another attack item. Won't Democrats' energy tax raise electricity rates even though President Obama said cap-and-trade will make energy prices increase?

Saving consumers money is not a tax. Saving business money is not a tax. Sending \$400 billion a year abroad, now, that is the kind of tax that we do want to avoid and help the American people not have to pay.

The Democratic plan declares energy independence and puts America on a path to economic recovery. President Obama spoke of transitioning to a clean energy economy that will create jobs, make our homes and buildings

and vehicles more efficient, and protect consumers. In his inaugural address, he said we will harness the sun and the wind and the soil to fuel our cars and our factories.

We believe that this is the right direction. Although the Progressive Caucus will not simply adopt or parrot any policy, we will put forth a progressive policy and argue for those changes as the energy policy moves forward. We will be part of this conversation, fully participating in it, and ask that members of the public and the progressive community stand up and come forward to be part of this important energy policy.

So, before we wrap up, I just want to offer our co-chair an opportunity to comment on our subject tonight. And after that we'll conclude.

Ms. WOOLSEY. First of all, I want to thank you, Congressman ELLISON, for these really informative Congressional Progressive Caucus dialogues that you have hosted every week ever since we came back into Congress this session.

I want to say something about cap-and-trade, just so that those who are listening to us know how, what we think it means. And you said it. We already have cap-and-trade in this country. Not with carbon, but with "NO_x and SO_x," which is better known as the pollutants that cause acid rain. It's been happening since 1990. And guess what? It works.

So therefore, to explain the cap, it means we set a limit on the amount of carbon that large producers can put into the atmosphere. Then, over time, we reduce that number so people are allowed to produce less and less carbon until we get the reductions we need to avoid devastating climate change.

The trade part means that the government issues credits for carbon emitters under the previously established cap. I know that's complicated, but it'll be easier to understand when it all gets laid out in front of people. These credits can then be bought, sold and traded, which means this operates under a free market system.

Now, frankly, I'm just absolutely confused why so many Republicans are upset about a system that works on the principles of the free market. But I think once all of that is debunked, people will be able to better embrace it, particularly if we have some benefits, cap trade and dividends that come back to individuals and to industry and ensure that the cost of it is a benefit to the people who are paying those costs, because big industry is not going to be the only one that pays for it. I mean, they're benefiting from what they're producing. We are too, but they are. But it's going to cost everybody more. It just does. That's all there is to it, so they want to see some benefit from it.

And so let's work on this together. Let's make sure that the investment in clean technology helps all people; that

utility bills can come down, and other programs will be made in effect so that we are investing in our future, not our past.

Mr. ELLISON. That's an excellent word, Congresswoman WOOLSEY. You again have been a great champion of a progressive message. You have been talking about a progressive promise. You've been talking about a progressive message. You have been lifting up the banner of progressive politics in this Congress, and we all want to thank you for your tremendous leadership, not to mention your 309 consecutive speeches in favor of peace.

Tonight we've been talking about American clean energy and jobs. This is the symbol of a windmill. We can harness the wind and the sun. We can harness the natural world to live in harmony with the planet, not simply use it and exploit it like so much of an endless commodity, but to truly use it in a way that will allow humanity to live in harmony with the natural world and to create jobs and to make our needs met.

We talked about, tonight, the need for individuals to do things; is that right, Congresswoman WOOLSEY? Individuals should step forward. We do need to walk, not necessarily ride. We do need to promote transit. We do need to promote smart growth, livable communities. We need to do all these things. We should try to get a hybrid car, or not even take a car. Just walk or use nonmotorized transportation. We should pull out those plugs that we just leave sitting in the wall all day when we're not even at home.

But it is also on the responsibility of government to take decisive action, to make the investments that we need in those bike paths, to promote a cap-and-trade system that surely reduces our carbon footprint and takes the proceeds from those programs and puts them back into renewable energy and helps ameliorate the cost to low-income individuals of meeting this important task.

We need to do these things. We need to have a bold, committed program which gets the carbon footprint much, much lower so we can live on this planet.

But finally, we need to remember that, in honor of Earth Day, that this Earth is something that we come from, not something that we are here to exploit. Even from a religious standpoint, we are the trustees of this Earth and have a responsibility to take good care of it. And I want to commend all those congregations, Congregations Caring for Creation, other groups like that doing good work, citizens out there doing good work, people concerned about the environmental justice aspects of this question of energy policy, making sure that low-income communities, communities of color, are in the middle of this fight for this clean renewable world that we're coming into

and are participating fully. Not green for some, green for all, right?

And so, with that, we just want to thank everybody. Here's our Web site. We want to know what you think. We care about your opinion. Check back with us next week at the Congressional Progressive Caucus, the progressive message, hear about the progressive promise, and give us your ideas.

□ 1530

PRESIDENT OBAMA'S ENERGY PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes as the designee of the minority leader.

Mr. WHITFIELD. Thank you, Madam Speaker.

Yesterday was Earth Day, and people around this country and around the world celebrated this great planet that we live on, and all of us, whether we're Democrats, Republicans or Independents, are committed to protecting this climate for the well-being of future generations.

I think most of us would also agree that one of the major issues facing the entire world today relates to the strength of the world's economy and the loss of jobs that is taking place around the world. We know that, right here in America, our unemployment rate is up to about 8.6 percent at this time. Last month, it was about 8.1 percent. In my home State of Kentucky, we have some counties with unemployment of about 15 percent; and I understand that in the State of Michigan, where we've had the automobile difficulties, the unemployment rate in that State is around 15 percent. So as we talk about strengthening the economy, the two most important policies relating to that are tax policy, number one, and energy policy, number two.

It has already been pointed out today by many people that the U.S. Congress is in the process of considering a comprehensive energy bill that would bring about dramatic changes in the way America produces energy. Now, when we talk about energy, of course there are two aspects of it.

Number one, we're talking about: How do we fuel our transportation needs? Everyone knows that we do import a lot of foreign oil, because we're consuming about 22 million barrels of oil a day, and we're not producing that much oil in America. Worldwide, we're consuming about 85 million barrels of oil a day. By the way, that's about what the total production of oil is worldwide, around 85 million barrels of oil a day. So that's one aspect of this energy issue.

A second part of it is: How do you produce electricity? That's vitally im-

portant as we find ourselves in America competing with other countries around the world. In America, we happen to be very fortunate in that we have a 250-year supply of coal. It's our most abundant resource. By the way, not only is it our most abundant resource, but it is also the most economical way to produce electricity.

In my home State of Kentucky, for example, 90 percent of all of the electricity produced in Kentucky is produced with coal, and that's why, in Kentucky, we have some of the lowest electrical rates in the world—between 4 and 5 cents per kilowatt hour. In California, Massachusetts and in other States where they don't really favor the use of coal, they're paying in the neighborhood of 14 cents and 15 cents per kilowatt hour. Now, we recognize—and it goes without saying—that coal is a fuel that produces carbon dioxide and other emissions, and we know that climate change is one of the most important issues facing America today.

One of the great things about our democracy is we can sit around, and we can have debates about the issues. I think it's important for the American people to hear those debates because, as we discuss the emissions of carbon dioxide, we oftentimes listen to the United Nations International Climate Change Panel. That is the scientific group that does the most studies and that does projections about global warming. They use complicated models to predict what the future will hold, and they do core drillings in the ice panels of the North and South Poles to determine how the weather has been in the last thousands of years. We know that there are patterns of heating and warming and heating and warming.

One thing that I would like to point out this evening, because we've heard a lot about global warming—and we have had extensive hearings on energy and on global warming and on climate change. One thing that I would point out to you is that everyone says emphatically that the models cannot predict with any accuracy what the temperature is going to be anywhere in the world 100 years from now. Witnesses have also been very clear in their testimony that, when the United Nations International Climate Change Panel issues a press release from the review of their models that they're predicting on particular issues, they formally take the worst case scenario, and that is what's released to the international news media. So when we read stories in the international news media, there seems to be a tendency to scare people about what's going on with global warming. I think it's important that we recognize that.

One of the leading environmentalists, who was called "Mr. Green" at one time in Europe, is a fellow named Bjorn Lomborg. He is a respected scientist, and he wrote a book called "The

Skeptical Environmentalist." In that book, he went into great detail about the flaws in the models that are being used to project future climate change. I point that out because I've heard many times that the scientific evidence is indisputable and that it cannot be contradicted. I would like the American people to know that I've sat in on many hearings on this issue, and I've heard scientists disagree on this issue, but the important thing is we need to debate it. The American people will finally make their decision about it. They make those decisions in elections, and they vote for whomever they want to vote, and they listen to the arguments, and they decide what they think is in their best interest. That's the way it should be, but I want to get back to coal for just a minute.

In this energy bill that's being considered in the U.S. Congress today, one big part of that is called cap-and-trade, and it plays a prominent part also in President Obama's budget because, in his budget, he indicated that he anticipates revenue from cap-and-trade in the amount of about \$657 billion over 10 years from selling permits to entities so that they can emit carbon dioxide.

Now, I think it's also important to remember that when Peter Orszag, the chairman of the Office of Management and Budget in the Obama White House, testified before Congress, he said that that figure may very well be conservative, that it could be twice or maybe three times that amount. So it could be anywhere from \$657 billion to \$1.7 trillion in cost to implement cap-and-trade, and of course, cap-and-trade is designed to have people pay for emitting carbon dioxide into the atmosphere.

Now, when people pay that much money to do it, every witness that I've heard—and everyone would almost agree—has said that electricity rates are going to go up, and maybe that's not all bad, because we know that if we're going to have a cleaner environment, we're going to have to pay more.

Just on the cap-and-trade aspect of this which relates specifically to coal, I would like to remind everyone that the European Union initiated a cap-and-trade system 4 or 5 years ago. I may not be exactly right on that. Maybe it was 3 or 4 years ago or 4 or 5 years ago. Last year, they acknowledged that they had more carbon dioxide emissions than they'd had before they implemented cap-and-trade. Now, to be fair, they indicated also when they testified before the Congress that they think that they have fixed that problem and that they feel more confident as they move forward; but this cap-and-trade system is a prominent part in the Obama energy plan that is now before the United States Congress. There's another aspect of it that bothers me.

If you'll recall, I talked about one of the major problems facing all of us

today, which is the economy—trying to restore jobs, getting people back to work, getting those stock values back up in their pension plans and retirement plans. In order to do that, America has to be competitive with other countries. They have to be able to produce products at a competitive price that will sell all around the world. What's one of the biggest competitors of America today? To what country have we lost a lot of jobs over the last 3, 4, 5 years? That country is China. When we've met with the Chinese, they've pointed out, and they've been very proud of the fact that they are bringing on line a new coal-powered plant to produce electricity, a new one every 2 weeks. Now, it's hard to imagine that they would be building that many new coal-powered plants. By the way, most of them don't have scrubbers. They're not capturing the CO₂ emissions because, like in America and like in Europe, the technology is not there.

Now, there are plenty of pilot test projects around. There is one commercial application or two to capture carbon dioxide emissions—one in Canada and one in Norway—but the Chinese are making it very clear that they want to produce more electricity with coal because it is the most economical way to produce electricity; and, therefore, they can produce more products at less cost.

I'll tell you something else they're doing, too. A lot of people in America may say we ought to do this, but they put a cap on the price of fuel that they pay for their transportation needs. Of course, as a result of putting that cap on the fuel, their government buyers, when they're out buying oil in the open market, buy the highest sulfur content oil available because it is the cheapest. What does that do? That pollutes even more.

So as we debate this energy policy just on the cap-and-trade aspect of it, we've got to keep in mind: If we in America act unilaterally, are we going to place ourselves at a disadvantage? Is it going to be more difficult for us to build plants, to create jobs and to produce products that are competitive in the world marketplace? I would submit to you that the answer to that is, yes, it will place us at a disadvantage to do it unilaterally. So I think that's an important thing that we need to discuss as we move forward.

Now, another matter that plays a prominent place in the energy plan being advocated by our respected friends on the other side of the aisle, by our Democrat friends—and I might say that many of the Democrats are very much concerned about it as well—relates to renewable mandates. In America today, 51 percent of our electricity is produced by coal. About 20 percent is produced by nuclear power, and less than 2 percent is produced by

renewable. When I'm talking about renewable, there are all sorts of renewable—there's biomass, ethanol, all sorts of things—but I'm talking primarily here about wind power and solar because that plays a prominent role in the renewable mandate being proposed in the energy bill that's now before the Congress.

The energy bill says that by the year 2025—it's either 2020 or 2025—they want 20 percent of all electricity to be produced by renewable energy. In fact, when President Obama was in Europe recently—he's such a great speaker and inspiring fellow—he got up, and he talked specifically about a number of countries. One of the countries he talked about was Spain. He said Spain has been so effective in increasing its production of electricity with renewables, with renewable energy. He said America should be looking to Spain and that we need to get out in front the way Spain has. Spain is no smarter than we are. They're just more bold. They're investing. They're requiring investment in nuclear energy.

□ 1545

I mean, not in nuclear energy, but in production of electricity. And that's precisely what this energy bill is going to do. It's going to dictate 20 percent of the electricity be produced with renewables.

And if it is not produced with renewables, then they are producing a 5-cent-per-kilowatt penalty. And I can tell you what. I think most people who are experts in energy will tell you it's virtually impossible to produce 20 percent of our electricity with renewables by the year 2020 or the year 2025 for a lot of different reasons.

First of all, in States in the Southeast, we've seen repeatedly maps of the Southeast, not only the Southeast but Missouri, Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, Ohio, Michigan. They do not have the wind power to produce this electricity. And we have a very antiquated grid system today. So you're going to have to dramatically increase the capacity of this grid system if you go to renewables to bring in renewables produced by other parts of the country into the Southeast, particularly.

But one of the primary arguments that we hear from our respected friends on the other side of the aisle is that, look, let's not be concerned about this because as we move into green technology, we're going to create thousands of green jobs. And those jobs will be what will propel America into the future. And none of us in Congress would object to that. And we know that there will be some green jobs created. But, you know, we oftentimes do projections based on models, and models frequently are determined by what you put in, what information you put into those models. But when you use

empirical data, hard-core facts of what has happened, you come up with some interesting conclusions.

Now, I have talked about Spain, and there is a gentleman in Spain named Gabriel Alvarez. He's a Ph.D. and he's at the University of Juan Carlos in Spain.

He did a research project, and it's about 45 pages. It's right here. And he particularly looked at this issue of creating new jobs with green technology. And he came up with a conclusion that he goes into great detail about that for every one job created by green technology, Spain lost 2.2 jobs in traditional industries. Now, is that the kind of tradeoff that America wants? Yeah. We would like to create green jobs, but we don't want to do it if we lose other jobs. And that is precisely what his study shows quite clearly.

And he also goes into a great deal of detail in this study about the amount of money that would be invested in—that was invested in renewable energy in Spain. And that's precisely what they are trying to do in the energy bill: government money to subsidize renewable energies.

And so I think that America, as we debate this energy bill, we need to move forward very carefully because we don't want to unilaterally place ourselves at a competitive disadvantage on the coal sector by using, by implementing a cap-and-trade system that's going to penalize only Americans and raise their electricity rates.

And we also don't want to lose 2.2 jobs for every one job created with green technology if we had the same experience that they did in Spain—and there are reasons to believe that we will, according to this study.

Now, yesterday, we had a hearing about this and we had the Secretary of Energy there and we had the administrator of the EPA there. And they are the ones that have the task of developing this energy policy for America. And when I asked them the question—because they and others had been talking about all of the new green jobs that had been created. When I had asked them if they had even seen this study, both of them said “no.” And so we asked them, well, we think we ought to look at this study because before America adopts an energy policy that will affect every man, woman and child in this country, every business in this country, every automobile driver in this country, what would the impact of it be? So we need detailed studies so that we get both sides of the issue, we said in these hearings. And to be truthful, we all wish that what is being said would be true, that yes, we can automatically go to green and forget coal and forget nuclear. But it is impossible to do.

So instead of looking through rose-colored glasses, let's be realistic as we move forward so we can make and give

the American people the opportunity for the best decision that can be made.

Now, on this map right here, there are a lot of red dots. And these red dots represent a nuclear power plant that is currently operating in America. And there are about 109 of them scattered throughout our country. And as I mentioned earlier, about 20 percent of our electricity is produced by nuclear. But it's very sad that in this energy bill that I have been discussing—it's over 657 pages, by the way—it relates to everything. It relates to air conditioners in your car. It relates to appliances in your home. It relates to efficiencies in building products. It relates to cap-and-trade, a smart grid, technology, global warming, all of those things.

But when you have something that's producing 20 percent of the electricity in America like nuclear, you would think there would be something in this energy bill about nuclear, particularly since we haven't had any nuclear power plants built in a long time because of the complex permitting process that makes it virtually impossible to build one. But there is not one item in this new energy bill about nuclear energy.

And one thing I think is quite clear to the American people and should be clear to all of us, because we know that in the next—by the year 2035, the demand for electricity in America is going to increase by 35 percent and maybe more, and particularly, if we turn the economy around.

So in order to meet that demand, we're going to have to have everything that we have access to. We're going to have to have coal—and there were a lot of people that did not want to use coal and it's going to be impossible. We are going to have to use coal. And that's why developing this technology of carbon capture and sequestration is so vitally important.

And I might say that there is a professor at MIT that is one of the few individuals who actually wrote his dissertation on carbon capture and sequestration. And he's working with a group in the Northeast that is planning to build a \$5 billion carbon capture and sequestration facility to store carbon dioxide in the ocean floor. And it's that kind of innovative technology that we're going to have to have in order to meet our energy needs.

But back to nuclear for just a moment.

As you know, any time you produce nuclear energy, you have some spent fuel, and there are some real problems with spent fuel, so there has got to be a way to store it. And back in, I think it was 1982, the Congress passed a bill that imposed an excise fee on every producer of nuclear energy in America. And the purpose of that was to build a facility in Nevada called Yucca Mountain in which they would store this spent fuel.

But the American taxpayer has already spent \$9 billion on Yucca Mountain.

And if it were allowed to be continued within the next 3 or 4 years, it would be licensed, and then 4 or 5, 10 years after that, they could start moving this spent fuel to Yucca Mountain.

So where is this spent fuel right now? Well, the spent fuel right now is located at each one of these 109 sites in America. Where you have a nuclear power plant, you have spent fuel because there is no other place, there is no other place to put it. No other place to take it.

Now, I think the American people would find it interesting—because I don't think most of them really know that a lot of these nuclear power plants, because they have contractual arrangements with the Federal Government, that they could store that spent fuel at Yucca Mountain. And by the way, President Obama did not put any money in his budget for Yucca Mountain. And so there were a lot of stories going around soon after the budget came out that Yucca Mountain had been put on hold; we didn't know if they were going to continue to build it or try to get the license for it so we can start storing this material or not.

So I suppose it's going to be up to the appropriators in the Congress to decide if they are going to put any money into Yucca Mountain. But we spent that \$9 billion, and because the government had contracts with these nuclear energy producers to take that spent fuel and was not able to fulfill its obligation, what do you think the nuclear energy plants did? They did what any of us would do. They filed a lawsuit because of a breach of that contract.

And as a result of that contract, the U.S. Government right now has a liability to pay those nuclear power plants in the neighborhood of \$7 billion. And that's only for a period of time. And after that, if there is not some mechanism in place to take care of this stored—this spent fuel, there are going to be other lawsuits and there is going to be more money that's going to have to be paid by the American taxpayer.

Now, you know there are a lot of other countries that produce nuclear energy. In fact, in France, which is oftentimes viewed as the green country, most of their electricity is produced by nuclear energy. And France has it, Russia has it, Japan has it, Great Britain has it. A lot of countries have it.

But in America, one of the techniques and one of the things that you can do to minimize the amount of the spent fuel is to reprocess it. And it is a technology that is fully developed and is being used today in France and Japan and other countries around the world. Now, the advantage of reprocessing is that you reduce even more the amount of waste that you have at the end.

But in America, we don't reprocess. And why? Because when Jimmy Carter

was President, he made a decision—and I am not criticizing his decision because I don't truthfully know all of the facts that went into his decision, and I am sure he had good reason for his decision—but he signed an Executive order that prohibited reprocessing of spent fuel in America.

□ 1600

But every other country in the world is doing it, with the exception of Canada, and that's because they use heavy water reactors in Canada and in America we use light water reactors.

But the reason that I am disappointed in the energy bill—there is nothing about nuclear—is because this is an issue that the American people and the American Congress must revisit and, that is, reprocessing spent fuel because we can drastically reduce the amount of waste.

We also need to expedite the permitting process so that we can produce more nuclear power plants, because it can be done safely, it can be done cleanly, and it is a strategy that we should pursue. Because, as I indicated earlier, we are most dependent upon coal, next nuclear, next we get down to renewables and ethanol and biomass, and all sorts of things.

But I wanted to take this time this evening to just go over this whole process of the dilemma that we face in nuclear, the potential dilemma that we face if a cap-and-trade system is adopted, because it will make us less competitive with countries like China and India, who are building more and more coal power plants; the less competitive it will make us if we implement this renewable mandate that 20 percent of electricity has to be produced by renewables, when the experience in Spain has been for every job created in the renewable industry, green jobs, they lost 2.2 jobs.

So as we move forward, we have many challenges facing our country, no greater challenge than in energy. And all of us respect the wisdom of the American people if they know the facts, and so I think it's our obligation, as Members of Congress and Members of the Senate and President Obama, to go out and talk about these issues, get the facts out there, and let the American people decide. And I think, once they know all these facts, they will recognize that we will have to continue using coal.

We have a 250-year supply, our most abundant resource. We have the pilot projects already working that can help capture carbon dioxide and even use the captured carbon dioxide to put into oil wells to produce more oil. If we are going to be less dependent on foreign oil, we have to produce more oil in America.

That gets me back to tax policy, because one of the difficult issues in President Obama's tax policy is that I

understand he wants to do away with the oil depletion allowance. He wants to change some inventory rules. He wants to change some other tax breaks for small independent producers, which makes it more difficult to produce more oil in America.

So those are issues facing us. And with that, Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, April 27.

Mr. DENT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, April 30.

Mr. JONES, for 5 minutes, April 30.

Mr. BURTON of Indiana, for 5 minutes, April 29 and 30.

Mr. CAO, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. CON. RES. 18. Concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. WHITFIELD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, April 27, 2009, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hino-

josa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J. J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S. P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda

L. Solis, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1330. A letter from the Acting Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Readiness and Emergency Management Schools — Catalog of Federal Domestic Assistance (CFDA) Number 84.184E, received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1331. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 002-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

1332. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with South Korea (Transmittal No. DDTC 152-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1333. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 021-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1334. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with the Republic of Korea (Transmittal No. DDTC 008-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1335. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 012-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1336. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Sweden (Transmittal No. DDTC 150-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1337. A letter from the Acting Assistant Secretary Legislative Affairs, Department of

State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Israel (Transmittal No. DDTC 151-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1338. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from the legislature of the Province of Batangas, Republic of the Philippines; to the Committee on Foreign Affairs.

1339. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Portugal (Transmittal No. RSAT-08-1775); to the Committee on Foreign Affairs.

1340. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed transfer of defense articles or defense services to Canada (Transmittal No. DDTC 129-08); to the Committee on Foreign Affairs.

1341. A letter from the Assistant Director, Policy, Department of the Treasury, transmitting the Department's final rule — Weapons of Mass Destruction Proliferators Sanctions Regulations — received April 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1342. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-011, American Recovery and Reinvestment Act of 2009 (The Recovery Act)—GAO/IG Access [FAC 2005-32; FAR Case 2009-011; Item V; Docket 2009-0012, Sequence 1] (RIN: 9000-AL20) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1343. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-010, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Publicizing Contract Actions [FAC 2005-32; FAR Case 2009-010; Item III; Docket 2009-0010, Sequence 1] (RIN: 9000-AL24) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1344. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-012, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Whistleblower Protections [FAC 2005-32; FAR Case 2009-012; Item II; Docket 2009-0009, Sequence 1] (RIN: 9000-AL19) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1345. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-008, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Buy American Requirements for Construction Material [FAC 2005-32; FAR Case 2009-008; Item I; Docket 2009-0008, Sequence 1] (RIN: 9000-AL22) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1346. A letter from the Acting Senior Procurement Executive, GSA, Department of

Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Reporting Requirements [FAC 2005-32; FAR Case 2009-009; Item IV; Docket 2009-0011; Sequence 1] (RIN: 9000-AL21) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1347. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Introduction [Docket FAR-2009-0001, Sequence 3] received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1348. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-026, GAO Access to Contractor Employees [FAC 2005-32; FAR Case 2008-026; Item VI; Docket 2009-0013, Sequence 1] (RIN: 9000-AL25) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1349. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket FAR-2009-0002, Sequence 3] received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1350. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, "Government Performance and Results Act Annual Report to the President and Congress-Fiscal Year 2008, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

1351. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife. [FWS-R6-ES-2008-0008 92220-1113-0000; ABC Code: C6] (RIN: 1018-AW37) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1352. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on designating a class of employees from Hood Building, Cambridge, Massachusetts, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1353. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on designating a class of employees from Westinghouse Atomic Power Development Plant East Pittsburgh, Pennsylvania, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1354. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone [Docket No.: USCG-2007-0074] (RIN: 1625-AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0046] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baltimore Captain of the Port Zone [Docket No.: USCG-2008-0129] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Coast Guard Base San Juan, San Juan Harbor, Puerto Rico [Docket No.: USCG-2008-0440] (RIN: 1625-AA87) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2008-0155] (RIN: 1625-AA01) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida [Docket No.: USCG-2008-0411] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Object, Massachusetts Bay, MA. [Docket No.: USCG-2008-1272] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saugus River, Lynn, MA [Docket No.: USCG-2008-1026] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Air Station San Francisco Airborne Use of Force Judgmental Training Flights [Docket No.: USCG-2009-0063] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Consolidation of Merchant Mariner Qualification Credentials [Docket No.: USCG-2006-24371] (RIN: 1625-AB02) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Environmental Impact Statement for the Dallas Floodway Extension in Texas; (H. Doc. No. 111-33); to the Committee on Transportation and Infrastructure and ordered to be printed.

1365. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the feasibility study

with integrated environmental assessment on the Peoria Riverfront Development in Illinois; (H. Doc. No. 111-34); to the Committee on Transportation and Infrastructure and ordered to be printed.

1366. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the integrated feasibility report and environmental impact statement for the South River, Raritan River Basin Hurricane and Storm Damage Reduction and Ecosystem Restoration; (H. Doc. No. 111-35); to the Committee on Transportation and Infrastructure and ordered to be printed.

1367. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Premium assistance for COBRA benefits [Notice 2009-27] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1368. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ARRA Update to Annual Indexing Revenue Procedures (Rev. Proc. 2009-21) received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1369. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified School Construction Bond Allocations for 2009 [Notice 2009-35] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1370. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bond Allocations for 2008 and 2009 [Notice 2009-30] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1371. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Premium assistance for COBRA benefits [Notice 2009-27] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1372. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Build America Bonds and Direct Payment Subsidy Implementation [Notice 2009-26] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1373. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Certain Section 263A Rules Relating to Property Acquired for Resale [Notice 2009-25] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1374. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Energy Conservation Bond Allocations for 2009 [Notice 2009-29] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1375. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Gasification Project Program [Notice 2009-23] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1746. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency (Rept. 111-83). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. House Resolution 251. Resolution directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG) (Rept. 111-84). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself and Mr. THOMPSON of California):

H.R. 2058. A bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 2059. A bill to amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. LARSON of Connecticut (for himself, Mr. MILLER of North Carolina, Mr. HARE, Mr. WU, Ms. EDWARDS of Maryland, Mr. HONDA, Mr. HIMES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. EHLERS, Mr. SESTAK, Ms. KILPATRICK of Michigan, Mr. SABLAN, Mrs. NAPOLITANO, Ms. MARKEY of Colorado, Mr. ROSS, Ms. MATSUI, Ms. BORDALLO, Mr. MCGOVERN, and Mr. SMITH of Washington):

H.R. 2060. A bill to provide grants to community colleges to improve the accessibility of computer labs and to provide information technology training for both students and members of the public seeking to improve their computer literacy and information technology skills; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself and Mr. KING of Iowa):

H.R. 2061. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. WU):

H.R. 2062. A bill to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina:

H.R. 2063. A bill to amend the Emergency Economic Stabilization Act of 2008 to use repaid Troubled Asset Relief Program funds to pay down the public debt, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York (for himself and Mr. MARSHALL):

H.R. 2064. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. FARR, Mr. GRIJALVA, Ms. HIRONO, Ms. LEE of California, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. NAPOLITANO, Mr. SESTAK, Ms. WOOLSEY, Ms. WATSON, Mr. BERMAN, Mr. PALLONE, and Mr. HARE):

H.R. 2065. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2066. A bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. YARMUTH, and Mr. MCGOVERN):

H.R. 2067. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMPSON of California (for himself, Mr. STUPAK, Mr. TERRY, and Mr. SAM JOHNSON of Texas):

H.R. 2068. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 2069. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of new motor vehicles; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mrs. LOWEY, Mr. THOMPSON of Mississippi, Mr. HOLT, and Mr. LANGEVIN):

H.R. 2070. A bill to amend the Homeland Security Act of 2002 to secure domestic sources of radiological materials that could be used to make a radiological dispersion device against access by terrorists, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 2071. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Caribbean extraction or descent; to the Committee on Oversight and Government Reform.

By Mrs. BACHMANN (for herself, Mr. COOPER, Mr. PITTS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. LAMBORN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. HERGER, Mr. PENCE, Mrs. EMERSON, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mr. CANTOR, Mr. SAM JOHNSON of Texas, Mr. BROWN of South Carolina, Ms. FALLIN, Mr. MARCHANT, Mr. CAMPBELL, and Mr. KING of Iowa):

H.R. 2072. A bill to authorize States to use funds provided for the Chafee Foster Care Independence Program to provide vouchers to cover tuition costs at private schools, and transportation costs to and from public schools, of foster children of all ages; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 2073. A bill to amend title 23, United States Code, to permit the State of West Virginia to allow the operation of certain vehicles for the hauling of coal and coal by-products on Interstate Route 77 in Kanawha County, West Virginia; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Ms. LINDA T. SANCHEZ of California, Mr. POLIS of Colorado, Ms. KILROY, Ms. CLARKE, Mr. RANGEL, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. SERRANO, Mr. HARE, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. MICHAUD, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. FARR, Mr. CONYERS, Ms. BORDALLO, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. KENNEDY, Mrs. LOWEY, Ms. BALDWIN, and Mr. HASTINGS of Florida):

H.R. 2074. A bill to provide effective employment, training, and career and technical education programs and to address barriers that result from family responsibilities, and to encourage and support individuals to enter nontraditional occupational fields; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 2075. A bill to amend title 13, United States Code, to require that, for purposes of any decennial census, any individual who is incarcerated as of the date on which such census is taken shall be attributed to the place that was such individual's last usual place of residence before such individual's incarceration began; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mrs. CAPPS, Mr. BLUMENAUER, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. ORTIZ, and Ms. ROYBAL-ALLARD):

H.R. 2076. A bill to provide for the establishment of a border protection strategy for the international land borders of the United States, to address the ecological and environmental impacts of border security infrastructure, measures, and activities along the international land borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Armed Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. GRIJALVA, and Mr. ROTHMAN of New Jersey):

H.R. 2077. A bill to amend the Worker Adjustment and Retraining Notification Act to require notifications under that Act for mass layoffs that occur at more than one site of an employer and to increase penalties for violation of the Act; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself and Mr. GRIJALVA):

H.R. 2078. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and Labor.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. FALCONE, Mr. HONDA, Ms. MATSUI, Mr. WU, Mr. SABLAN, Ms. RICHARDSON, Mr. SCOTT of Virginia, and Mr. AL GREEN of Texas):

H.R. 2079. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honouliuli Internment Camp site in the State of Hawaii, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Natural Resources.

By Mr. HODES:

H.R. 2080. A bill to amend the Internal Revenue Code of 1986 to extend the credit for nonbusiness energy property and to include biomass heating appliances in energy-efficient building property; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. POLIS of Colorado, Mr. KIND, Ms. SUTTON, Mr. BAIRD, Mr. SOUDER, Mr. HINCHEY, Mr. INSLEE, Ms. HIRONO, Ms. BORDALLO, Mr. CARNAHAN, Mr. SESTAK, and Mrs. CAPPS):

H.R. 2081. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership between the Department of Education and the National Park Service to provide educational opportunities for students and teachers; to the Committee on Education and Labor.

By Mr. HOLT:

H.R. 2082. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to accept absentee ballots of overseas military and civilian voters which are submitted by the voter to a provider of express mail services not later than the day before the date of the election involved for transmission to the appropriate State election official, to require the Secretary of Defense to reimburse overseas military voters for the costs of using a provider of express mail services to transmit the ballot to the official, and for other purposes; to the Committee on House Administration.

By Mr. HUNTER (for himself, Mr. POE of Texas, Mr. BILBRAY, Mr. MARCHANT, Mr. ROYCE, Mr. CAMPBELL, Mr. ROHRBACHER, Mr. ALEXANDER, Mr. CALVERT, Mr. AKIN, Mr. GARY G. MILLER of California, and Mr. FRANKS of Arizona):

H.R. 2083. A bill to secure smuggling routes on the U.S.-Mexico border, better prevent the smuggling of narcotics and weapons across the border, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. STEARNS, and Mr. MCGOVERN):

H.R. 2084. A bill to increase awareness of and research on autoimmune diseases, which are a major women's health problem, affect as many as 23.5 million Americans, and encompass more than 100 interrelated diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, Sjogren's syndrome, polymyositis, pemphigus, myasthenia gravis, Wegener's granulomatosis, psoriasis, celiac disease, autoimmune platelet disorders, scleroderma, alopecia areata, vitiligo, autoimmune thyroid disease, and sarcoidosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. OBERSTAR, Mr. ELLISON, Mr. STARK, Mr. MCDERMOTT, Mr. PAYNE, Mr. RUSH, Mr. FATTAH, Ms. BALDWIN, Mr. MCGOVERN, and Mr. HOLT):

H.R. 2085. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for non-military purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2086. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, or other animal products (including insects) bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2087. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2088. A bill to require the Food and Drug Administration to finalize a standard for broad-spectrum protection in sunscreen products, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. ACKERMAN, Mr. BERMAN, and Mr. HIGGINS):

H.R. 2089. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and Labor.

By Mr. MCHUGH (for himself, Mrs. MALONEY, Mr. ARCURI, Mr. CHAFFETZ, Mr. MASSA, Mr. LEE of New York, Mr. SERRANO, Mr. HIGGINS, Mr. MCMAHON, Mr. ISRAEL, Mr. KING of New York, Mrs. LOWEY, Mr. ENGEL, and Mr. HALL of New York):

H.R. 2090. A bill to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia:

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to impose a retail tax on single-use carryout bags, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allow-

able uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PALLONE (for himself, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP of New York, Ms. BORDALLO, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. HALL of New York, Ms. HARMAN, Mr. ISRAEL, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mrs. LOWEY, Mrs. MALONEY, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. ROTHMAN of New Jersey, Mr. SERRANO, Mr. SESTAK, Mr. WAXMAN, and Mr. WEINER):

H.R. 2093. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. MORAN of Kansas, and Mr. YOUNG of Alaska):

H.R. 2094. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. COHEN, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. CLARKE, Mr. RUSH, and Mrs. CHRISTENSEN):

H.R. 2095. A bill to authorize grants for programs that provide support services to exonerates; to the Committee on the Judiciary.

By Mr. POMEROY (for himself, Mr. BOUSTANY, Ms. SCHWARTZ, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2096. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. SARBANES, Mr. KRATOVIL, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, Mr. BARTLETT, Ms. BORDALLO, Mr. BISHOP of Utah, Mr. MCCAUL, Mr. BOCCIERI, Mr. BILIRAKIS, Mr. SHUSTER, Mrs. TAUSCHER, Mr. CHANDLER, Mrs. MILLER of Michigan, Mr. WU, Ms. KILPATRICK of Michigan, Mr. ROTHMAN of New Jersey, Mrs. MYRICK, Mr. OBEY, Mr. SNYDER, Mr. YOUNG of Florida, Mr. CALVERT, Mr. COBLE, and Mr. PITTS):

H.R. 2097. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Financial Services.

By Mr. TANNER (for himself, Mr. LARSON of Connecticut, and Mr. BOUSTANY):

H.R. 2098. A bill to amend the Internal Revenue Code of 1986 to extend the look-through treatment of payments between related controlled foreign corporations; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. SHULER, Mr. FALEOMAVAEGA, Mr.

ABERCROMBIE, Mr. BOREN, and Mr. KENNEDY):

H.R. 2099. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. BLUNT):

H. Con. Res. 105. Concurrent resolution expressing support for designation of the week beginning on the second Saturday in May as "National Travel and Tourism Week"; to the Committee on Energy and Commerce.

By Mr. BRIGHT (for himself and Mr. TERRY):

H. Con. Res. 106. Concurrent resolution expressing the sense of Congress in support of a single national fuel economy standard; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Ms. BALDWIN, and Mrs. CHRISTENSEN):

H. Con. Res. 107. Concurrent resolution supporting the goals and ideals of "National STD Awareness Month"; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. BALDWIN, and Mrs. BIGGERT):

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that the Shiite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. SKELTON, Mr. ROSS, Mr. WALDEN, Mr. AKIN, Mr. LARSEN of Washington, Mr. DUNCAN, Mr. EDWARDS of Texas, Mr. DANIEL E. LUNGREN of California, Mr. RODRIGUEZ, Mr. EHLERS, Mr. MURTHA, Mr. BLUNT, Mrs. EMERSON, Ms. BORDALLO, Mrs. BLACKBURN, Mr. CARNAHAN, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. COBLE, Mr. ETHERIDGE, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. HUNTER, Mr. JONES, Mr. OLSON, Mr. LATTI, Mr. KING of New York, Mr. JORDAN of Ohio, Mr. MARCHANT, Mr. DELAHUNT, Mr. LAMBORN, Mr. COURTNEY, Mr. MARSHALL, Mr. MCMAHON, Mr. CHAFFETZ, Mr. FORTENBERRY, Mr. SESTAK, Mr. ACKERMAN, Mr. BARTON of Texas, Mr. CALVERT, Mr. PUTNAM, Mr. WOLF, Mr. SESSIONS, Mr. THOMPSON of Pennsylvania, Mr. PERRIELLO, Ms. WATSON, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. BURGESS, Mr. CLEAVER, Mr. DENT, Mr. HOLT, Mr. ROHRBACHER, Mr. ROYCE, Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. CAO, Mrs. BONO MACK, Mr. GOHMERT, Mr. MORAN of Kansas, Mr. PETRI, Mr. KISSELL, Mr. CONAWAY, Mr. SIMPSON, Mr. REYES, and Mr. RUSH):

H. Res. 356. A resolution expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day", in celebration of the Nation's largest youth scouting organization's 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mr. BACA, Mrs. BACHMANN, Mr. BACHUS, Mr. BECERRA, Mrs. BIGGERT, Mr. BILBRAY, Mr. CAMPBELL, Mrs. CAPITO, Mr. CAPUANO, Mr. CARDOZA, Mr. CASTLE, Mr. CONYERS, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Kentucky, Mr.

DREIER, Mr. EHLERS, Ms. FUDGE, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. BARRETT of South Carolina, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIMES, Mr. HODES, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KING of New York, Mr. LEE of New York, Mr. LEWIS of Georgia, Mr. LUJÁN, Mr. MARCHANT, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCHENRY, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PIERLUISI, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSKAM, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SABLAN, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SESSIONS, Mr. SIRES, Ms. VELÁZQUEZ, Ms. WATSON, Mr. MANZULLO, Mr. PAULSEN, and Mr. HENSARLING):

H. Res. 357. A resolution supporting the goals and ideals of Financial Literacy Month 2009, and for other purposes; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 358. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H. Res. 359. A resolution providing for the consideration of the resolution (H. Res. 251) directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG); to the Committee on Rules.

By Mr. ROE of Tennessee (for himself, Ms. BORDALLO, Mr. GINGREY of Georgia, Mr. WAMP, Mr. JONES, Mr. CALVERT, Mr. CHAFFETZ, Mr. LATTI, Mr. GORDON of Tennessee, Mr. SCALISE, Mr. BOOZMAN, Mr. LAMBORN, Ms. GRANGER, Mr. BILBRAY, Mr. ALEXANDER, and Mr. BUYER):

H. Res. 360. A resolution urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 361. A resolution recognizing the historical significance of Historic Virginia Key Beach Park of Miami, Florida; to the Committee on Natural Resources.

By Ms. WATSON (for herself, Ms. BORDALLO, Mr. CAO, Ms. CASTOR of Florida, Mr. COSTA, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. LARSEN of Washington, Ms. LEE of California, Mr. MICHAUD, Mr. PIERLUISI, Mr. REYES, Mr. SERRANO, Mr. SESTAK, Mr. SMITH of Washington, Mr. SIRES, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Ms.

WATERS, Ms. WASSERMAN SCHULTZ, Mr. ELLISON, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, Mr. CROWLEY, Ms. MATSUI, Mr. FARR, Mr. DELAHUNT, Mrs. TAUSCHER, and Mr. GRAYSON):

H. Res. 362. A resolution expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program; to the Committee on Education and Labor.

By Ms. WOOLSEY (for herself, Ms. LEE of California, Mr. MARKEY of Massachusetts, Mr. CONYERS, and Ms. MOORE of Wisconsin):

H. Res. 363. A resolution calling for the adoption of a smart security platform for the 21st century; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. LEE of New York, Mr. AL GREEN of Texas, Mr. POSEY, Ms. MATSUI, Mr. ETHERIDGE, and Mr. DOYLE.

H.R. 23: Mr. KENNEDY, Mr. GOHMERT, Mr. MCGOVERN, Mr. MARCHANT, Ms. ROYBAL-ALLARD, Mr. LATOURETTE, and Mr. SESTAK.

H.R. 47: Ms. MOORE of Wisconsin.

H.R. 52: Mr. FRANK of Massachusetts.

H.R. 98: Mrs. MYRICK and Mr. ALTMIRE.

H.R. 104: Mr. CAPUANO, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mrs. DAVIS of California, Mr. INSLEE, Mr. ANDREWS, Mr. AL GREEN of Texas, Mr. FARR, Mr. SCHIFF, Mr. HARE, Mr. MORAN of Virginia, and Ms. WATERS.

H.R. 111: Mr. TURNER.

H.R. 144: Mr. SABLAN, Mr. SIRES, and Mr. PAYNE.

H.R. 182: Ms. CLARKE.

H.R. 197: Mr. BACHUS, Mr. SHULER, and Mr. YOUNG of Alaska.

H.R. 205: Mr. SENSENBRENNER and Mr. LUCAS.

H.R. 223: Mr. VISCLOSKEY.

H.R. 265: Mr. LEWIS of Georgia.

H.R. 272: Mr. SHULER, Mr. BONNER, Mr. TURNER, and Mr. NYE.

H.R. 273: Mr. DAVIS of Alabama.

H.R. 275: Mr. ROYCE, Ms. FOXX, Mr. BOOZMAN, and Ms. JENKINS.

H.R. 301: Ms. JENKINS.

H.R. 422: Mr. ISRAEL, Mr. RYAN of Ohio, and Mrs. TAUSCHER.

H.R. 430: Mr. ALEXANDER.

H.R. 433: Mr. KAGEN and Mr. PAULSEN.

H.R. 442: Mr. COLE.

H.R. 444: Mr. WAMP, Mr. KING of New York, Mr. BUTTERFIELD, and Mr. ALEXANDER.

H.R. 463: Mr. HASTINGS of Florida and Mr. CASTLE.

H.R. 475: Mr. McDERMOTT.

H.R. 482: Mr. PAULSEN.

H.R. 510: Mr. TIM MURPHY of Pennsylvania and Mr. COURTNEY.

H.R. 521: Mr. PASTOR of Arizona.

H.R. 564: Ms. CLARKE.

H.R. 626: Mr. PASTOR of Arizona.

H.R. 627: Mr. PIERLUISI, Mr. TONKO, Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. NADLER of New York, Mr. BARROW, Mr. CONNOLLY of Virginia, Ms. FUDGE, and Mr. TEAGUE.

H.R. 644: Mr. MITCHELL, Mr. ROTHMAN of New Jersey, Mr. DOGGETT, and Mr. COHEN.

H.R. 653: Mr. KILDEE.

H.R. 734: Mr. THOMPSON of Pennsylvania, Mr. MANZULLO, Mr. PLATTS, Mrs. DAHLKEMPER, Mr. MARKEY of Massachusetts, Mr. HASTINGS of Florida, and Mr. SCHIFF.

H.R. 739: Mr. GRIJALVA and Mrs. MALONEY.

H.R. 745: Mr. FORBES.

H.R. 764: Mr. CULBERSON.

H.R. 785: Mr. GRIFFITH.

H.R. 795: Mr. OLVER, Mr. MOORE of Kansas, Mr. WEXLER, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. KAPTUR, and Mr. NYE.

H.R. 796: Mr. BISHOP of Utah, Ms. SLAUGHTER, Mr. LATOURETTE, Mr. TIM MURPHY of Pennsylvania, Mrs. MCCARTHY of New York, Mr. DOYLE, and Mr. MORAN of Virginia.

H.R. 816: Mr. INSLEE, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MARKEY of Colorado, Mrs. CAPITO, and Mr. ELLSWORTH.

H.R. 836: Mr. SCOTT of Georgia, Mr. LATOURETTE, Mr. MCCLINTOCK, Mr. PUTNAM, Mr. GARY G. MILLER of California, Mr. WELCH, Mrs. SCHMIDT, Mr. DRIEHAUS, Mr. HERGER, Mr. PAYNE, Mrs. LUMMIS, Mr. MCMAHON, Mr. SOUDER, Mr. WEXLER, Mr. HINOJOSA, Mr. LEE of New York, Mrs. MILLER of Michigan, and Mr. HONDA.

H.R. 840: Mr. PASTOR of Arizona, Ms. NORTON, Mr. TIERNEY, and Mr. MORAN of Virginia.

H.R. 872: Mr. CONNOLLY of Virginia.

H.R. 873: Mr. PASTOR of Arizona.

H.R. 885: Mr. SCHIFF.

H.R. 886: Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. CUMMINGS, and Mr. PAUL.

H.R. 890: Mr. LANCE, Ms. WOOLSEY, Mr. SESTAK, Mr. PERRIELLO, and Ms. LEE of California.

H.R. 916: Ms. DEGETTE.

H.R. 959: Mr. MURTHA and Mr. BRADY of Pennsylvania.

H.R. 978: Ms. RICHARDSON.

H.R. 984: Mr. HINCHEY.

H.R. 995: Mr. BOREN, Mr. MCGOVERN, Ms. SHEA-PORTER, and Mr. McDERMOTT.

H.R. 1016: Mr. PASTOR of Arizona, Mr. DONNELLY of Indiana, and Mr. LARSEN of Washington.

H.R. 1020: Ms. WOOLSEY, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. PINGREE of Maine, Mr. BISHOP of New York, Mr. SMITH of Washington, Mr. RYAN of Ohio, Mr. KANJORSKI, Mrs. CHRISTENSEN, Mr. MCGOVERN, and Mr. ELLISON.

H.R. 1021: Mr. POSEY.

H.R. 1024: Mr. SMITH of Washington.

H.R. 1032: Ms. FALLIN.

H.R. 1059: Mr. DUNCAN, Mr. CAO, and Mr. ROE of Tennessee.

H.R. 1069: Mr. MORAN of Kansas and Mr. HUNTER.

H.R. 1074: Mr. BURTON of Indiana and Mr. JONES.

H.R. 1118: Mr. FLEMING.

H.R. 1132: Mr. MASSA, Mr. BURTON of Indiana, Mr. ALTMIRE, Mr. REHBERG, Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, Ms. GRANGER, Mr. DUNCAN, Mr. TIAHRT, Mr. MICA, Mr. KIRK, Mr. MCHENRY, Mr. BLUNT, Mr. TIM MURPHY of Pennsylvania, Mrs. TAUSCHER, Mr. GRAVES, Mr. GUTIERREZ, and Mr. ROSS.

H.R. 1136: Mr. NYE, Mr. CLEAVER, and Ms. DEGETTE.

H.R. 1142: Ms. BALDWIN.

H.R. 1159: Mr. WEXLER.

H.R. 1180: Mr. BURTON of Indiana, Mr. JONES, Ms. GRANGER, Mr. GOHMERT, and Mr. GARRETT of New Jersey.

H.R. 1182: Mr. SESSIONS and Mr. MARCHANT.

H.R. 1189: Mr. ALEXANDER.

H.R. 1199: Mr. GARY G. MILLER of California.

H.R. 1204: Mr. KAGEN, Ms. HERSETH SANDLIN, and Ms. ROYBAL-ALLARD.

H.R. 1207: Ms. JENKINS, Mr. GOHMERT, Mr. INGLIS, Ms. KAPTUR, and Mr. JOHNSON of Illinois.

H.R. 1209: Mr. MCCOTTER.
H.R. 1210: Ms. HERSETH SANDLIN and Mr. PASTOR of Arizona.
H.R. 1215: Mr. POLIS of Colorado, Mr. STARK, Mr. ELLISON, and Ms. WOOLSEY.
H.R. 1220: Mr. NEUGEBAUER and Mr. PITTS.
H.R. 1228: Mr. TIAHRT.
H.R. 1238: Mr. POSEY.
H.R. 1247: Mr. DAVIS of Illinois, Mr. WEXLER, and Mr. AL GREEN of Texas.
H.R. 1249: Ms. CASTOR of Florida.
H.R. 1250: Mrs. BACHMANN.
H.R. 1255: Mr. CAO, Mr. BOOZMAN, and Mr. LEWIS of Georgia.
H.R. 1285: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1302: Mr. BOOZMAN.
H.R. 1308: Mr. YOUNG of Alaska, Mr. SMITH of Washington, and Mr. STARK.
H.R. 1319: Mrs. BLACKBURN.
H.R. 1326: Mr. HINCHEY.
H.R. 1332: Mr. KING of New York and Ms. MARKEY of Colorado.
H.R. 1337: Mr. OLVER.
H.R. 1346: Mr. VISCLOSKEY, Mr. MELANCON, and Mr. GERLACH.
H.R. 1351: Mr. THOMPSON of California.
H.R. 1352: Mr. BOOZMAN, Mr. MANZULLO, and Mr. ALTMIRE.
H.R. 1361: Ms. KILPATRICK of Michigan, Mr. KENNEDY, and Mr. FILNER.
H.R. 1378: Ms. BALDWIN and Ms. ESHOO.
H.R. 1382: Mr. HALL of New York.
H.R. 1409: Mr. QUIGLEY.
H.R. 1412: Ms. WOOLSEY and Mr. BISHOP of Georgia.
H.R. 1426: Ms. JENKINS.
H.R. 1431: Mr. CHAFFETZ, Mr. SOUDER, Mr. CASSIDY, Mr. WESTMORELAND, Mr. CONAWAY, Mrs. BACHMANN, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. GARRETT of New Jersey, Mr. ROHRABACHER, Mr. NUNES, and Mr. SIMPSON.
H.R. 1441: Mr. BURGESS.
H.R. 1449: Mr. DAVIS of Tennessee and Mr. PRICE of Georgia.
H.R. 1454: Mr. FORTENBERRY and Mr. GONZALEZ.
H.R. 1459: Mr. PAUL.
H.R. 1479: Mr. CARNAHAN, Ms. CLARKE, Mr. CONYERS, and Mr. CUMMINGS.
H.R. 1505: Ms. SCHAKOWSKY and Mr. FORBES.
H.R. 1521: Mr. ALTMIRE and Ms. CLARKE.
H.R. 1547: Mr. CHANDLER, Mr. FORTENBERRY, Mr. REHBERG, Mr. WILSON of Ohio, Mr. TIAHRT, Mr. PLATTS, Mr. CLAY, Mr. BISHOP of Georgia, Ms. DEGETTE, Ms. TITUS, Mr. BUTTERFIELD, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Mr. GRAYSON, and Mr. WATT.
H.R. 1548: Mr. COURTNEY, Ms. SCHWARTZ, and Mr. McMAHON.
H.R. 1550: Mr. AL GREEN of Texas and Mr. HALL of New York.
H.R. 1551: Ms. DEGETTE and Mr. COHEN.
H.R. 1557: Mr. MCINTYRE.
H.R. 1558: Mr. MURPHY of Connecticut.
H.R. 1584: Mr. BISHOP of New York.
H.R. 1604: Mr. SESTAK, Mr. BLUMENAUER, and Mr. HIGGINS.
H.R. 1606: Mrs. CHRISTENSEN.
H.R. 1612: Mr. LEWIS of Georgia.
H.R. 1618: Mrs. MALONEY.
H.R. 1623: Mr. WOLF.
H.R. 1625: Mr. ROGERS of Kentucky.
H.R. 1633: Ms. BORDALLO, Mr. PETERS, and Mr. CUMMINGS.
H.R. 1643: Mr. JACKSON of Illinois, Mr. MOORE of Kansas, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. CONNOLLY of

Virginia, Mr. CARSON of Indiana, and Mr. MCGOVERN.
H.R. 1678: Mr. BROWN of Georgia and Mr. RUSH.
H.R. 1688: Mr. ALTMIRE, Mr. PLATTS, and Mr. WELCH.
H.R. 1692: Mr. GERLACH and Mr. TIAHRT.
H.R. 1708: Mr. HINCHEY, Mr. KUCINICH, and Mr. SCHRADER.
H.R. 1712: Mr. FLEMING and Mr. ALEXANDER.
H.R. 1717: Mr. CAMP.
H.R. 1728: Ms. SUTTON, Mr. MEEK of Florida, and Mr. BACA.
H.R. 1733: Mr. ORTIZ and Mr. MICHAUD.
H.R. 1740: Mr. PAULSEN, Mr. BACHUS, Mr. KAGEN, and Mr. HELLER.
H.R. 1741: Mr. GRIJALVA.
H.R. 1744: Mr. SHIMKUS, Mr. SCHOCK, Mr. BERRY, Mr. KIRK, Mr. TERRY, and Mr. ETHERIDGE.
H.R. 1748: Mr. MOORE of Kansas and Mr. WALZ.
H.R. 1751: Mr. REYES.
H.R. 1758: Mr. HARE.
H.R. 1775: Mr. ROSS, Mr. COSTELLO, Mr. PERRIELLO, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. SABLAN, and Ms. MATSUI.
H.R. 1782: Mr. CUMMINGS.
H.R. 1800: Ms. SCHAKOWSKY.
H.R. 1802: Mr. FLEMING.
H.R. 1829: Ms. SCHWARTZ, Mr. WEXLER, and Mr. DENT.
H.R. 1835: Mr. MCINTYRE.
H.R. 1836: Mr. MCINTYRE.
H.R. 1844: Mr. WITTMAN.
H.R. 1869: Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MATSUI, Mr. GRIJALVA, Mr. SABLAN, Mr. PIERLUISI, Ms. DELAURO, Mr. LOEBSACK, Mr. FARR, and Mr. OLVER.
H.R. 1870: Ms. LEE of California.
H.R. 1881: Ms. ROYBAL-ALLARD, Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, Mr. PIERLUISI, Mr. NADLER of New York, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, Mr. ABERCROMBIE, Mr. SMITH of Washington, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. McDERMOTT, Mr. SCHIFF, and Mr. DINGELL.
H.R. 1894: Mr. HASTINGS of Florida, Mrs. DAHLKEMPER, and Mr. ALTMIRE.
H.R. 1910: Mr. McMAHON, Mr. MASSA, and Ms. ESHOO.
H.R. 1912: Mr. McMAHON, Mr. MASSA, and Mr. KIND.
H.R. 1913: Mr. LANGEVIN, Mr. KLEIN of Florida, Mr. SHERMAN, Ms. PINGREE of Maine, Mr. INSLEE, Mr. SNYDER, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. DOYLE, Ms. HARMAN, Mr. ROTHMAN of New Jersey, Mr. COOPER, Mr. HINCHEY, and Mr. McDERMOTT.
H.R. 1920: Mr. BURTON of Indiana, and Mr. SCHOCK.
H.R. 1933: Mr. MCINTYRE.
H.R. 1941: Mr. CHAFFETZ and Ms. BERKLEY.
H.R. 1964: Mr. KING of New York.
H.R. 1993: Mr. NYE, Mr. SKELTON, and Ms. TITUS.
H.R. 2003: Mr. McDERMOTT and Mr. GRAYSON.
H.R. 2038: Mr. CAMPBELL and Mr. HIMES.
H.R. 2047: Ms. GIFFORDS.
H.R. 2049: Mr. LARSON of Connecticut and Mr. SESSIONS.
H.J. Res. 42: Mr. BLUNT, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. MCHUGH, Mr. DUNCAN, Mr. ROONEY, Mr. MILLER of Florida, and Mr. GOODLATTE.
H. Con. Res. 20: Mr. GRIJALVA and Mr. YARMUTH.
H. Con. Res. 49: Mr. BOREN, Mr. ROGERS of Michigan, Mr. MARCHANT, Mr. VISCLOSKEY,

Mr. PENCE, Mr. KISSELL, Mr. LEWIS of Georgia, Mr. OLSON, Mr. BARTLETT, and Ms. MARKEY of Colorado.
H. Con. Res. 102: Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. GRAYSON, and Mr. MEEKS of New York.
H. Res. 22: Mr. DELAHUNT.
H. Res. 44: Mr. JONES.
H. Res. 85: Mr. CAMPBELL.
H. Res. 109: Mr. CARDOZA.
H. Res. 111: Mr. GRIFFITH, Mr. STEARNS, Mr. LATTA, Mr. KISSELL, Mr. FLEMING, and Mr. MILLER of North Carolina.
H. Res. 133: Mr. CONNOLLY of Virginia, Mr. BACA, Mr. ROTHMAN of New Jersey, Mr. SESTAK, and Mr. TONKO.
H. Res. 199: Mr. LAMBORN and Mr. McKEON.
H. Res. 204: Mr. DOGGETT, Mr. MCCAUL, Mrs. BLACKBURN, Mr. SULLIVAN, Mr. STUPAK, Mr. BUTTERFIELD, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 215: Mr. ABERCROMBIE and Mr. AL GREEN of Texas.
H. Res. 230: Mr. PASTOR of Arizona.
H. Res. 249: Mr. MCHUGH.
H. Res. 252: Mr. ANDREWS, Mr. FARR, Ms. DEGETTE, Mr. RANGEL, Mr. HOYER, Mr. COURTNEY, and Mr. BARTLETT.
H. Res. 260: Mr. GORDON of Tennessee, Mr. DEFazio, Mr. BERMAN, and Mr. ALEXANDER.
H. Res. 283: Mr. ALTMIRE.
H. Res. 299: Mr. TIERNEY, Mr. CAPUANO, Mr. KUCINICH, Mr. DRIEHAUS, Mr. FATTAH, Mr. OLVER, Mr. GUTIERREZ, Mr. HODES, Mr. HONDA, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. ORTIZ, Mr. PAYNE, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. TSONGAS, Ms. WATSON, Mr. WELCH, Mr. HASTINGS of Florida, Mr. CUELLAR, Mr. SERRANO, Mr. BUTTERFIELD, Mr. MCHUGH, and Mr. FLEMING.
H. Res. 300: Mr. BOSWELL, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. MCCARTHY of California, and Mr. SERRANO.
H. Res. 311: Mr. McDERMOTT and Mr. KAGEN.
H. Res. 321: Mrs. NAPOLITANO, and Mr. LUJAN.
H. Res. 331: Ms. BORDALLO, Mr. MITCHELL, Mr. ORTIZ, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. WEINER, Mr. FILNER, and Mr. MORAN of Virginia.
H. Res. 333: Ms. BALDWIN, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MICHAUD.
H. Res. 337: Mr. CASSIDY, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. ROE of Tennessee, Mr. LEE of New York, Ms. CLARKE, Ms. HIRONO, Mr. MARIO DIAZ-BALART of Florida, Ms. SLAUGHTER, Mr. SNYDER, Ms. FALLIN, and Ms. SPEIER.
H. Res. 341: Ms. HIRONO, Mr. CARSON of Indiana, Mr. CONNOLLY of Virginia, Mr. BRALEY of Iowa, Mr. McMAHON, Ms. KILROY, Mr. ELLSWORTH, Mr. MASSA, Mr. POLIS of Colorado, Mr. ROSS, Mr. KAGEN, Mr. BERRY, Mrs. KIRKPATRICK of Arizona, Mr. TOWNS, Mr. LYNCH, Mr. BUTTERFIELD, Mr. PETERSON, Mr. BOYD, and Mr. QUIGLEY.
H. Res. 342: Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. ADERHOLT, Mr. EHLERS, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Ms. LORETTA SANCHEZ of California, Ms. BORDALLO, Mr. CARNEY, Mr. OLSON, Mr. HONDA, Mr. BILIRAKIS, Mr. HUNTER, Mr. POSEY, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. ABERCROMBIE, Mr. CALVERT, Mr. LEWIS of California, Mr. McKEON,

Mr. BACHUS, Mr. ROE of Tennessee, Mr. PAULSEN, Mr. LUTKEMEYER, Mr. YOUNG of Florida, Mr. TIBERI, Mr. DENT, Mr. HENSARLING, Mr. THORNBERRY, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. MILLER of Florida, Mr. FORBES, Mr. HELLER, Mr. LATTA, Mr. HARPER, Mrs. LUMMIS, Mr. DREIER, Mr. SENSENBRENNER, Mr. ROONEY, Mr. AUSTRIA, Mr. ROYCE, Mr. ROSKAM, Mr.

COSTA, Mr. LANCE, Ms. FOXX, Mr. WOLF, Mr. GUTHRIE, Mr. BONNER, Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. REHBERG, Mr. CHAFFETZ, Mr. SCALISE, Ms. ROYBAL-ALLARD, Mr. SABLAN, Mr. AL GREEN of Texas, and Mrs. EMERSON.

H. Res. 353: Mr. COHEN, Mr. PRICE of North Carolina, and Mr. HONDA.

PETITIONS, ETC.

Under clause 3 of rule XII,

33. The SPEAKER presented a petition of the San Francisco Immigrant Rights Commission, relative to Resolution #09-00004 supporting the passage of the Uniting American Families Act authored by Senators Leahy (D-VT) and Representative Nadler (D-NY); which was referred to the Committee on the Judiciary.

SENATE—Thursday, April 23, 2009

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving Lord, who rules the raging of the sea, make us aware of how near You are to us at all times. May this knowledge bring us peace and inspire us to look to You for guidance. Refresh our Senators with Your spirit. Quicken their thinking and reinforce their judgment. Empower them to conserve and strengthen the best and holiest of our American heritage. Lord, help them to remember that righteousness exalts a nation but sin will destroy any people. In all their labors, inspire our lawmakers to fulfill Your purposes.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,

President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 1664

Mr. REID. Madam President, it is my belief that H.R. 1664 is due for a second reading and is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

Mr. REID. Madam President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of S. 386, the Fraud Enforcement and Recovery Act. There are currently six amendments pending. One of those amendments is a second-degree amendment.

When the Senate resumes consideration of this bill this morning—I assume there will be no morning business, so whenever Senator MCCONNELL and I finish—Senator LEAHY will be here to work with the manager on the Republican side and Republicans and Democrats on a time to vote on pending amendments. Those votes, we hope, will occur this morning.

As I announced earlier, we are going to turn to the House message with respect to the budget resolution, which is basically an apparatus to get us to conference on this matter, and we will do that sometime this afternoon. Senator MCCONNELL and I have to go to the White House this afternoon, so we will have all that worked out before we go down there. Senators should be prepared for votes in relation to the motions to instruct conferees this afternoon.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. REID. Madam President, at this time, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 56, the nomination of Thomas L. Strickland to be Assistant Secretary for Fish and Wildlife; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to this nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, let me say to my good friend the majority leader, there is at least one Member on my side who is not yet prepared to clear this matter. Therefore, I must, for the moment, object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, we understood that the ranking member of the Environment and Public Works Committee—the committee that reported this—was the individual holding this up, so I talked to Senator INHOFE. We had a good conversation. I called him back and he said he had no problem with Mr. Strickland. Obviously, this has been rolling around and somebody else has put a snag on it.

I would now ask my friend, the Republican leader, if I ask unanimous consent for 4 hours of debate on this individual, would there be an objection to this?

Mr. MCCONNELL. Madam President, I would say to my friend, the majority leader, that I am not able, at this particular time, to enter into an agreement on this nomination.

Mr. REID. Madam President, that is very unfortunate, but I understand.

I now ask unanimous consent, as in executive session, that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 5 hours of debate with respect to this nomination, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to a vote on confirmation of Kathleen Sebelius; that upon confirmation, the normal procedure of the Senate be followed and that following that we resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, this nomination came out of committee yesterday. It was fairly contentious. It was not a party-line vote, but a number of Members on my side opposed the nomination. So at least for today, I am not able to enter into a consent agreement on a time specific to consider the nomination of Governor Sebelius. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, we need not quibble on the time. It came out

Tuesday or Wednesday, and I understand people may want to look at this more closely. That is fine. It appears to me it wouldn't do me any good or the Senate any good to ask for more time at this time. No matter what time I set aside, the Republican leader couldn't agree now?

Mr. McCONNELL. I would say to my friend, the majority leader, I cannot today agree to a time specific for consideration of this nomination.

Mr. REID. Madam President, we have another individual who we feel should be approved, David Hayes, to be Deputy Secretary of the Interior. I would ask my friend, the Republican leader, if we suggested 3 hours of debate under the conditions I outlined for the other two, is the Republican leader in a position to agree to have this nomination?

Mr. McCONNELL. Madam President, I would say to my good friend, the majority leader, not at this time.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HOLOCAUST DAYS OF REMEMBRANCE

Mr. McCONNELL. Madam President, later this morning, President Obama will speak at a Days of Remembrance ceremony here in the Capitol Rotunda—an annual event that was established by Congress as a living memorial to the victims of the Holocaust. Throughout the week, Louisville, Lexington, and other communities in Kentucky and the Nation have held events to commemorate this solemn occasion.

As we remember the terrible sufferings of the Jewish people and all others who have suffered and who continue to suffer at the hands of hatred and intolerance, we spread one of the most enduring lessons of the Holocaust—that evil exists in the world and it is the responsibility of free and just nations to protect the innocent by speaking for all those who cannot speak for themselves.

The theme of the 2009 Days of Remembrance is "Never Again: What You Do Matters." Those words should serve as a reminder to all of us that anti-Semitism and other forms of religious hatred are as real today as they were in the middle of the last century and that the best way to honor the victims of the Holocaust is for us to work toward building a more hopeful and a more peaceful world.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 386, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

Inhofe amendment No. 996 (to amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States.

Vitter amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Boxer amendment No. 1000, to authorize monies for the special inspector general for the Troubled Asset Relief Program to audit and investigate recipients of nonrecourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility.

Kyl amendment No. 986, to limit the amount that may be deducted from proceeds due to the United States under the False Claims Act for purposes of compensating private intervenors to the greater of \$50,000,000 or 300 percent of the expenses and cost of the intervenor.

Coburn amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering S. 386, to which six amendments are pending.

Mr. LEAHY. I thank the Chair.

Madam President, yesterday, when we were finally allowed to proceed to the Fraud Enforcement and Recovery Act, we began making real progress. Ten amendments were offered during the course of the day, four amendments were adopted, and six remain pending. I believe, had we not stopped voting at 5 o'clock, we could have finished the bill and passed it last night. As things stand, we hope to dispose of the six remaining amendments through the course of this morning. We should complete Senate consideration of the bill without further delay.

I should note that the number of Senators who have cosponsored this bill continue to grow—now at 17 Senators. Most of the Senators who offered amendments yesterday praised the underlying bill. I think we have only one pending amendment that regards the underlying bill; only one that actually directly relates to it. Senator GRASS-

LEY will speak to that amendment. Most of the amendments that have been offered, almost all the remaining amendments pending, aren't within the jurisdiction of the Judiciary Committee, they are within the jurisdiction of the Banking Committee, and I look forward to the leadership of that committee—the committee of jurisdiction—with respect to guidance on those amendments.

In my view, it would have been better if Senators had withheld their amendments and waited to offer them on the housing and banking legislation that is going to be considered next week by the Senate. Then you would have at least had a bill that was relevant to the amendments. But, of course, every Senator can do whatever he or she wants to. Now, the banking/housing amendments that have been added to this Judiciary bill will complicate passage and enactment of what everyone agrees is needed—the fraud enforcement legislation. I think that is unfortunate.

Among the examples are amendments affecting the use of TARP funds. Modifying the Troubled Asset Relief Program is a complicated matter. I wish it were not complicating this bill. I have no problem with such amendments being on a bill that actually relates to TARP, but this one does not. Indeed, in the 6 weeks, the month and a half since the fraud enforcement bill was reported by the Judiciary Committee, my staff and I reached out to Senators and no one raised these TARP issues. Had they, we would have engaged with Chairman DODD and Senator SHELBY and tried to work them out as best we could in the proper setting.

The Obama administration has reformed the TARP process. It is doing its best to get a handle on the use of these funds. I intend to look to their views and to those of Chairman DODD, but I believe complicating passage of this fraud enforcement bill with those issues is not helpful. Nonetheless, we will do what we have to in order to complete this process.

The Obama administration's Statement of Administration Policy expresses their strong support for enactment of the underlying fraud enforcement bill. They note:

Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who committed financial fraud.

To give an idea, the Justice Department, the FBI, the Secret Service, the Special Inspector General for the TARP, law enforcement officers, good government advocates—all support the underlying bill. The New York Times wrote last weekend:

Senators should not be asking if the expenditure on fraud enforcement called for in this bill is affordable, but whether it is enough.

Fraud has damaged our economy. It has wrecked the lives and life savings of thousands of hardworking Americans. That is why this bill should not be complicated with a lot of extraneous material that is not in the jurisdiction of this bill. We have people around this country facing economic crises. They are preyed upon by some of these mortgage fraud groups. They promise to help them out of any kind of a mortgage difficulty they have and then they steal their retirement accounts. They steal the money they may have saved for their children to go to college. They steal the equity in their homes. Then they disappear, so people are left with no homes, no equity, no retirement accounts. If they saved money for their children to go to college, there is no money there, and the people who have committed the fraud get away.

On those occasions when sometimes they are chased down, they may actually face a fine. But if they have stolen \$200 million and get a \$10 million fine—big deal. It is the cost of doing business. But if we have very tough legislation that allows the Justice Department and others to go in right at the get-go, to be able to go in and go after these people and make it very clear: If you are involved in this kind of fraud, if you are involved in this kind of theft, you are not going to get a fine, you are going to go to prison, then they are going to pay attention.

I can tell you from my own experience as a prosecutor, I know fines in this kind of fraud situation do not serve as much of a deterrent. But if we are able to send in the police to arrest these people, and they know they are going to spend years behind bars, then they start paying attention. That is the only thing that really does it, and that is the only thing that is going to protect these Americans, American taxpayers, honest, hardworking men and women—the only thing that is going to protect them from losing everything they have in a downturn in the economy.

We should pass this bill without further delay. We should move to the task of helping law enforcement find and hold accountable those who engage in such fraudulent conduct. This should be fairly easy. We can pass this bill and say: We are against crime, we are against fraud, we want the good guys to win, we want the bad guys to go to jail. It is as simple as that. That is why there are Republicans and Democrats who support this—across the political spectrum.

Strengthening fraud enforcement is a key priority for President Obama. During the campaign the President promised to “crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement and creating new criminal penalties.”

The President made good in his promise in his budget, calling on FBI

agents “to investigate mortgage fraud and white collar crime,” and more Federal prosecutors and civil attorneys “to protect investors, the market, and the Federal Government’s investment of resources in the financial crisis, and the American public.”

As taxpayers, we all have a stake in this. If these people are able to get away with their fraud, if they are able to get away with siphoning off this money, we taxpayers pay the bill in the long run. Those who are hit with the fraud pay far more than that. They may pay with their life savings, with their homes, with everything they have ever worked for.

This bipartisan Fraud Enforcement and Recovery Act is a chance to authorize the necessary additional resources to detect, fight, and deter fraud that robs the American people and the American taxpayers of their funds. Investing resources in detecting and deterring fraud yields dividends for the American people. That is what this bill would do, and we should pass it without further delay.

I want my colleagues to know, at some point, if people are not here to offer amendments, we will call up and vote on the amendments that are pending and then go to final passage. I know the Democratic and Republican leaders talked about a budget matter that has to come up that will probably take us into the evening. I am trying to save the time of all Senators, so I urge Senators to come because at some point everything that is pending is going to be called up and is going to be voted on up or down. I would at least like to have the Senators on the floor who are sponsoring them. Then we will go to final passage.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1002

Mr. THUNE. Madam President, I ask unanimous consent that amendment No. 1002 to the bill be brought up and made pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 1002.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction)

At the end of the bill, add the following:

TITLE II—DEBT REDUCTION PRIORITY ACT

SEC. 21. SHORT TITLE.

This title may be cited as the “Debt Reduction Priority Act”.

SEC. 22. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated \$700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of \$250,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not unilaterally determine how these returned funds are spent in the future and the Congress should play a role in any determination of future spending of funds returned through the TARP.

SEC. 23. DEBT REDUCTION.

(a) IN GENERAL.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. DEBT REDUCTION.

“Not later than 30 days after the date of enactment of this section, the Secretary of the Treasury shall deposit any amounts received by the Secretary for repayment of financial assistance or for payment of any interest on the receipt of such financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act, including the Capital Purchase Program, in the Public Debt Reduction Payment Account established under section 3114 of title 31, United States Code.”.

SEC. 24. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

“§3114. Public Debt Reduction Payment Account

“(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the ‘account’).

“(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

“(c) There shall be deposited in the account any amounts which are received by the Secretary of the Treasury pursuant to section 137 of the Emergency Economic Stabilization Act of 2008. The funds deposited to this account shall remain available until expended.

“(d) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

“(e) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

“3114. Public debt reduction payment account”.

SEC. 25. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting “minus the aggregate amounts deposited into the Public Debt Reduction Payment Account pursuant to section 3114(c)” before “, outstanding at one time”.

SEC. 26. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 27. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

Mr. THUNE. Madam President, on October 7, 2008, Congress passed the

Troubled Asset Relief Program as part of the Emergency Economic Stabilization Act—or TARP—and allocated \$700 billion for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and re-starting the flow of credit in our markets.

The Department of Treasury, without consultation from Congress, changed the purpose of the TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program rather than purchasing toxic assets.

Financial lending was not increased with the implementation of CPP, and the expenditure of \$218 billion of TARP funds disputes the goal of the program. Those receiving funding through the CPP are now faced with additional restrictions related to accepting that funding.

A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury, and Treasury has begun the process of accepting receipt of those funds. However, because of the financial stress test Treasury is currently conducting, it is possible that Treasury will restrict banks from returning funds they received from the CPP.

In his testimony before the TARP Congressional Oversight Panel on April 21, 2009, earlier this week, Secretary Geithner stated that Treasury estimates \$134.6 billion of TARP funds are still available. What is important about that figure is he includes \$25 billion which they expect to receive back from banks under CPP. Geithner also stated that he believed \$25 billion is a conservative number, and private analysts predict more will be returned.

Section 120 of the Emergency Stabilization Act terminated the authority for TARP funds on December 31, 2009, and the Secretary can request an extension to the deadline not later than 2 years after enactment. Keep in mind that this restriction only applies to Treasury's issuance of new loans and does not cover the reuse of previously issued assistance that was returned to the Treasury.

Essentially, to summarize what my amendment does, it requires Treasury to use any of the funds that are recovered through TARP to reduce the national debt. Basically, this amendment prevents the Treasury from reallocating money for other purposes. The amendment establishes the public debt reduction payment account and requires Treasury to deposit any amounts received from repayment of financial assistance through TARP into this account. The Secretary of the Treasury must use the money in the public debt reduction payment account to pay, redeem, or buy any Government obligation included in the public debt. The obligations paid, redeemed,

or bought are canceled and cannot be reissued. In addition, the statutory debt limit is automatically reduced by any amount equal to funds that are deposited in this account.

I think the amendment is very straightforward, and it really is directed at ensuring that the taxpayer dollars that were allocated for the TARP program, which, as I said before, was about \$700 billion last fall, much of which has been expended but much of which now is in the process of being repaid, assuming, again, the mechanism is put in place to allow the Treasury to take receipt of funds that banks wish to repay, TARP funds which they wish to repay—with that money coming into the Treasury—and as I said before, Secretary Geithner earlier this week indicated that it would probably be about \$25 billion, at least that we know of now, and there are predictions that it could be much more, that money comes back into the Treasury and could be recycled, reused—what we want to do and what my amendment does is it ensures that those TARP funds that are repaid by banks actually go to reduce the public debt.

We know we have incurred an enormous amount of debt. In fact, the inspector general, Neil Barofsky, stated in his quarterly report to Congress that 12 separate programs are being funded under TARP, involving up to \$3 trillion of Government and public funds. Amazingly, that is equivalent to the size of the entire Federal budget. This is certainly not what I believe Congress intended or was told, for that matter, the funding would be used for. So Congress needs to have a role in this. If the administration wants additional authority under TARP, they should come here. Congress retains, under the Constitution, the power of the purse.

What this amendment simply does is directs those funds that come back in as a result of repayments by banks of TARP funds into the Federal Treasury, that those funds go toward reducing the Federal debt, which, as we all know, based on the budget that was passed a couple of weeks ago, is going to double in 5 years and triple in 10, at a rate of \$1 trillion a year. The average deficit over the next 10 years, by the end of the 10-year period, will amount to \$17 trillion. The very least we can do for the taxpayers of this country is ensure that TARP funds that are repaid by banks, the taxpayer dollars that were extended to help recapitalize the banks, when those are no longer necessary and banks give that money back to the Treasury, Treasury receives that, that those funds not be recycled, reused, go to some discretionary program to fund other programs of Government, but that they be used to reduce the Federal debt. I believe the taxpayers deserve that. This amendment, No. 1002, would do that. So I

would hope my colleagues will support it and, in my view, make it very clear that tax dollars expended under TARP, when repaid, are going to go to debt reduction and not be used for some other Federal Government program.

That is what the amendment does. I would urge my colleagues to support it.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank my friend from South Dakota for his courtesy in talking to me first about the amendment. As I pointed out to him, these are matters before the Banking Committee. The Judiciary Committee has really got nothing to do with it, the same as many of these. I will wait for Senator DODD and Senator SHELBY to respond; I will not.

I am going to make a unanimous consent request. I have notified both sides of this. There is a Boxer-Snowe amendment No. 1000. I ask unanimous consent that at 10:50—I realize it is going to be objected to, but I am trying to save both Republicans and Democrats from being here until 2 o'clock tomorrow morning because of the bill that comes up after this. I ask unanimous consent—and if this is objected to, I will repeat the request later on—that at 10:50 the pending business be set aside, the Boxer-Snowe amendment No. 1000 be brought up, there be 8 minutes of debate evenly divided before a vote, and that it then be in order to go to a roll-call vote on the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LEAHY. I have been advised that there would be an objection because they have not heard from the Banking Committee, from Senator DODD and Senator SHELBY. I would urge them to come to the floor so we can move forward, as most of the amendments pending or about to be pending have absolutely nothing to do with the jurisdiction of the Judiciary Committee, have nothing to do with the jurisdiction of the bill on the floor, have everything to do with a bill that is coming up next week from the Banking Committee. So I would urge the Banking Committee to come to the floor and speak to the amendments that are all within the jurisdiction of their committee.

I mention this because if we don't, the other alternative is to accept everything and go immediately to final passage. I don't think that would be responsible because then the fraud bill that virtually everybody in this body, Republicans and Democrats, supports is going to die because it won't go past the other body. I realize every Senator has a right to offer any amendment he or she wants, but at some point we have to be realistic. If we are against the people who are committing fraud

on the American taxpayers, something for which all of us have made speeches that we are in favor of stopping them—newspapers from the right to the left have editorialized in favor of stopping them—let's be honest and actually pass a bill that does it. The message amendments should wait until an appropriate bill that has something to do with them.

I am also trying to help Senators. We are going to complete this bill before we go to budget matters. We can complete it easily by noon. As Senators know, I have supported Republican amendments that came up yesterday. They have all been accepted, including an amendment by Senator GRASSLEY and myself. But we want to complete this legislation. I am perfectly willing to stay here all night long to finish this and the budget. But every hour we take on this is an hour longer on the budget. It is somewhat frustrating that Senators who have a concern can't find time to show up on the floor. Senators from both sides of the aisle don't have time to show up on the floor on a bill which we were notified 3 weeks ago was going to be on the floor at this time. I urge them to do so. Because as soon as these amendments are disposed of one way or the other, we will go to final passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I appreciate the observations of the Senator from Vermont. It is a bill that is broadly supported. I understand the objection he will raise with respect to his committee's jurisdiction and what the bill covers.

With regard to my amendment, there is a connection between the underlying bill and what we are trying to accomplish. I previously referenced the inspector general's report about 12 separate programs being funded under TARP that involve up to \$3 trillion in government and public funds. Bear in mind, this report spans 247 pages. In that report, it says the very character of the bailout program makes it "inherently vulnerable to fraud, waste, and abuse, including significant issues related to conflicts of interest facing fund managers, collusion between participants, and vulnerabilities to money laundering."

I believe this amendment is related to the underlying bill which deals with fraud recovery. The inspector general's report bears that out.

Mr. LEAHY. Madam President, while the Senator from South Dakota is in the Chamber, if I may ask him a question, we also have amendment No. 982 offered by Senator COBURN which allows the unused TARP funds to pay for the Fraud Enforcement and Recovery Act. I ask the Senator if the Coburn amendment and his amendment are mutually exclusive?

Mr. THUNE. In response, Madam President, to the Senator from

Vermont, my amendment would prevent funds from being reused, recycled, that were directed to debt reduction. I guess my short answer, without having reviewed the Coburn amendment carefully, would be, I suspect, that they are probably mutually exclusive.

Mr. LEAHY. I thank the Senator. I have read it carefully, and that was my conclusion. This is a matter more in line with the Banking Committee, and I will let them speak to it. This is unprecedented, that we have amendments on bills, whether this one or others, that are mutually exclusive. I did note that. I thank my friend from South Dakota for his comments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 994

Mr. DEMINT. I ask unanimous consent to set aside the pending amendment and call up amendment No. 994.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 994.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

Mr. DEMINT. Madam President, our economy has shed 3.3 million jobs in the last 5 months. The Dow Jones is down 25 percent since September. When the bank bailout or TARP was conceived, it was conceived, ironically, to save the market. We had been told by both President Bush and President Obama that we needed this massive spending in order to get the financial markets working again and the economy moving. It has been 6 months since Congress gave away \$700 billion to the Bush administration with essentially no strings attached. The Obama administration has, unfortunately, continued conducting massive and risky experiments in central planning since taking control of the TARP in

January. We need to remember that we have yet to use this money the way it was promised.

We were told, when this money was requested during the last months of the Bush administration, that if we didn't have all this money to buy the toxic assets, the world financial market would collapse. I am afraid we were not told the truth. Clearly, the world financial market did not collapse, although it continues to have trouble. But we did not buy up any of the toxic assets, and the world financial market didn't collapse. The Bush administration—and now the Obama administration—set about figuring out different ways to use the money rather than admitting the ideas they had were not right.

Sixteen of the 19 banks that received the largest amounts of this TARP money are loaning less now than they did when the money was provided. We received a report this week that the design of the TARP was ripe for corruption, waste, and fraud. There are already a number of cases in the media that this is happening. Yet we continue to toy with this money in ways that are unprecedented. Now the Obama administration has announced President Obama is going to use the money in a totally different way. We need to look at what they are proposing.

What our economy needs now more than anything else is certainty, certainty that the Government will not undo contracts retroactively, which we are talking about doing here, certainty that spending will be brought under control to avoid future tax increases and runaway inflation, and certainty that failure will not be rewarded by a government bailout. Of course, there has been anything but certainty from our Government in the last several months. Government intervention has become the norm rather than the exception.

Now we understand the Treasury Department has concocted a new scheme to convert these loans, which are preferred stock in certain banks, into common equity in order to increase those banks' capital. This is only a paper change. We move it from a debt to an asset, and we say we have done something. The problem is, when the Government has common stock in banks, it owns banks. It would likely have positions on the board. The taxpayer, who is making this money available, is at risk. If a bank goes under, the common stock is gone. So we are taking what was some security for taxpayers and shifting it to another place. We are crossing a dangerous line where the Government owns and controls banks and insurance companies, auto companies, a line we have never crossed before as a country, a country based on free markets, not central planning by government.

The American people are starting to send us a signal that they are con-

cerned, alarmed by the amount of spending, all these bailouts, the rewarding of failure, the debt we are creating. We saw about a million Americans last week in numerous tea parties across the country take to the streets, hold up their signs, express to their elected officials that we need to stop this out-of-control spending and waste going on in Washington. Loaning banks money temporarily is one thing. It is something I oppose because I have seen government operate long enough to know that it can't do it effectively. It can't do it without waste and fraud and corruption.

Our own Treasury Department has now told us that. We can't put this much money out there without bad things happening. We need to let the market work. If we have banks that are too sick to succeed, then we need to allow them to fail while we protect the depositors in that bank.

The amendment I offer focuses attention on the idea of government owning banks. It is pretty simple. It would prohibit the Government from converting TARP loans to common stock. We have heard of other amendments that would allow banks to give this money back and allow the money to go to paying down debt. This is not a slush fund that we created for politicians to play with, to scheme in different ways on how we could come up with new ways to spend money we don't have. It is all borrowed money. If it is not needed the way it was intended, it needs to come back to the taxpayer rather than what is happening now. The idea that we are going to have the Federal Government actually own stock in banks, insurance companies, and other private companies is an idea we need to stay away from.

I hope all of my colleagues will support this amendment that simply prohibits our Government from converting what was supposed to be loans, what was promised to be loans, what was promised to be used to buy bad assets so banks could loan again, it would prohibit this money from being used for common stock and ownership in the banking system.

I thank the Chair for the time and encourage my colleagues to support the amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

AMENDMENT NO. 983

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 983 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 983.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis)

At the appropriate place, insert the following:

SEC. _____. IG REPORT ON ACTIVITIES OF FANNIE MAE AND FREDDIE MAC.

Not later than 18 months after the date of enactment of this Act, the Inspector General of the Federal Housing Finance Agency shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the following:

(1) When did the Federal National Mortgage Association (in this section referred to as "Fannie Mae") and the Federal Home Loan Mortgage Corporation (in this section referred to as "Freddie Mac") begin buying large quantities of subprime and Alt-A mortgages? In what years did Fannie Mae and Freddie Mac purchase the largest number of subprime and Alt-A mortgages?

(2) To what extent were the purchase of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by Congressional action or Executive Order?

(3) To what extent were the purchase of large quantities of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by the Department of Housing and Urban Development affordable housing regulations issued in 1995?

(4) What actions by Fannie Mae and Freddie Mac contributed to the overvaluation of mortgage-backed securities?

(5) What political contributions were made by Fannie Mae and Freddie Mac on behalf of a political candidate or to a separate segregated legal fund described in section 316(b)(2)(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(c)) between 1990 and 2008?

(6) What lobbying expenditures, as such term is defined in section 4911(c)(1) of the Internal Revenue Code of 1986, were made by Fannie Mae and Freddie Mac between 1990 and 2008?

(7) What contributions were made by Fannie Mae and Freddie Mac to any organization described under section 501(c) of the Internal Revenue Code of 1986 between 1990 and 2008?

Mr. COBURN. Mr. President, I appreciate the chairman giving me this time to offer this amendment. We have adopted an Isakson amendment. We have a McCain-Dorgan amendment. This is a similar amendment, but I think it gets to the root of the problem. It does not cost very much, and it actually will tell us something we need to know.

The underlying assumption with the bill is that fraud is the primary, if not the sole, cause of this crisis. That may be true. We do not know that. But what we do not know is how much we as Members of Congress played and the extent to which we played a role in helping create this crisis. This is a fairly straightforward amendment that asks the IG to come give us information so we get the answers to the question about our own role in the evolution of the problems we find today.

What we do know is the GSEs undertook an unprecedented assumption of subprime and all-day loans, and those need to be investigated—the extent of them, the amount. We also know they invested more than \$1 trillion in those loans. But what we do not know is the volume, the timing. What we do not know is the impact of the significant amount of lobbying by these GSEs and what effect that had on policies and procedures both within the administration and the Congress.

For example, when did Freddie and Fannie begin to purchase large quantities of subprime and all-day loans? In what years were those types of purchases the highest? To what extent were these purchases induced by congressional action or executive order? To what extent were those purchases induced by the Department of Housing and Urban Development affordable housing regulations issued in 1995? What actions by Fannie and Freddie contributed to the overvaluation of mortgage-backed securities?

The amendment also looks to the possibility that congressional action could have contributed to the risky changes in behavior of Fannie and Freddie. What we know is, between the 2000 and 2008 election cycles, GSEs and their employees contributed more than \$14.6 million to the funds of both Senators and representatives. We also know Fannie spent \$79.5 million in that period and Freddie spent \$94.9 million in that period on lobbying Congress. Mr. President, \$170 million was spent lobbying Congress making them the 20th and 13th largest lobbying spenders in the country.

This amendment will assure and ensure that some of the toughest questions are asked regarding the GSEs'—Fannie Mae's and Freddie Mac's—special relationships with Congress and whether any conflict created by those relationships influenced the GSEs' behavior, especially to the taxpayers' detriment.

It requires the inspector general to study what political contributions were made, what lobbying expenditures were made, what contributions were made to any other lobbying organization.

It is a compromise step. It is something we already have the people in place for. It is something they have the access to the numbers for. We ought to be able to get that.

We have a mess. Usually, as a physician when I have a mess, I start thinking back: What did I do before? And what caused part of the mess? Where was I wrong in my diagnosis of the signs, symptoms, and history? And then what do I do about it?

If we do not look through the IG at these things, then it is highly unlikely—no matter how many commissions we put together because commissions are going to ask for this anyway—but we are going to ask for it as a special report from the IG under this amendment.

There are a lot of additional considerations, and I will not take time on the floor at this time to do that. But if you want to have a transparent Congress, this is the first question we have to ask: How much were we involved? How effective were the lobbying efforts to change things that were detrimental? Maybe they were positive. But the fact is, we ought to know those things.

The idea is we will be transparent with the American people, both in terms of the lobbying efforts, the contributions they made, and the timing—not just for Congress but also the executive branch; where we look at the actions of both of those—so the American people can see the culpability. Where is it? I happen to believe it is right here in this body, us. We allowed this to happen. I think the onus of the blame needs to be here rather than pointing at other people.

That is not to distract from the idea that we ought to go after fraud. But the biggest fraud is to deny the fact that we had some culpability, and this amendment is designed to measure how much culpability we had by using the IG, the inspector general, to tell us this very specific information.

With that, I yield the floor.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I was distracted in another conversation. Senator COBURN left the floor. I wished to speak to him about his amendment because it appears to have already been covered in the Isakson-Conrad amendment. I would like to ask if he also feels that way. I would hope he might come back to the floor so we could discuss that.

I also wish to notify the other side I am about to renew my unanimous consent request for a vote on the Boxer amendment. I will not until they have time to talk to the Republican side.

There is no Republican on the floor right now. But in a few minutes, I will renew my request for a rollcall vote on that amendment.

In the meantime, Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 986, 987, 988, AND 989

Mr. KYL. Madam President, I have an amendment pending—I believe the number is amendment No. 989—and I wish to speak to that amendment and three other amendments which differ only in the amount of a cap on recoveries. The amendments pending are amendments Nos. 989, 988, and 987. Madam President, 986 is the pending amendment. So we will get this straightened out.

Let me speak to the issue first generally, and then I will engage my colleague in a couple of unanimous consent requests that may resolve the issue. If not, then we can vote on the final one.

The point of these amendments is to limit the amount that can be deducted from the money that is due to the Government under the False Claims Act as compensation for what are called private realtors. A private realtor is a whistleblower or an investigator who goes to court with evidence that the Government has been defrauded and is entitled to money under the False Claims Act. In order to encourage these private parties to come forward, the False Claims Act not only entitles these private realtors to recover from the defendant their costs and expenses for investigating and pressing the claims but also allows the private realtor to receive a portion of the proceeds due to the United States.

I think we would all agree it is right and proper that the private realtors be compensated for exposing incidents for which the Federal Government has been defrauded. Such actions have saved the Government billions of dollars over the years.

Unfortunately, the formula for compensating private realtors uses a percentage range to award a portion of the Government's recovery to the realtor. The law allows the private realtor to collect up to 30 percent of the proceeds that are due to the Government.

Now, when this formula was first set back in 1986, I don't think any of us contemplated that the massive billion-dollar recoveries we have seen today would allow this kind of recovery to the private parties as well. So although I think we all agree whistleblowers deserve to be compensated when they

save the Government money, I would also think we could agree there has to be some limit; that they don't deserve to be grossly overcompensated, especially when that compensation comes at the expense of the Federal Treasury.

Let me note a few cases. I will put this entire statement in the RECORD which has a lot of other cases as well, but my colleagues will get the idea from just a few that I will mention.

Private realtors shared \$95 million as their share of a \$559 million civil settlement paid to the United States by TAP Pharmaceutical Products. Private realtors shared \$78 million as their share of a \$438 million Federal settlement paid to the United States by Eli Lilly. A private realtor will receive \$47.8 million as his share of a recently announced \$325 million settlement paid to the Government by Northrop. Another will share \$46.4 million as their share of a \$375 million settlement paid to the United States by Cephalon. There are several more of these cases, all in the \$30-, \$40-, \$50 million range, for payments that have been made to the Government as a result of this law.

The point is, when they are sharing in that much of the proceeds, they are denying the taxpayers the benefit of the False Claims Act which was, of course, intended to benefit the Treasury and not to significantly benefit these private realtors.

So, again, it is fair to generously compensate them when they help expose malfeasance that has cost the Federal Government money. We want them to receive an incentive to blow the whistle on fraud or corruption. However, the amounts I have described—\$95 million in just one case, for example—are wildly in excess of what is necessary to spur such whistleblowing. These amounts all come at the expense of the Treasury.

Let me indicate the kind of savings the Government could achieve under this amendment.

The first request I will make today would cap the private realtor recovery at either \$5 million or 300 percent of the expenses and costs in investigating and proving fraud against the Government. In other words, it is sort of a triple damages: for the amount of money they put into it, there is, in effect, a 400-percent recovery; they get 100 percent of their expenses, plus another 300 percent above that. It seems to me this provides more than adequate incentive for the whistleblowers who become aware of fraud and therefore expose it.

In the eight cases I have described in my statement, five of which I mentioned, private realtors received more than \$427 million at the expense of the Government. When just one case awards the private realtors \$95 million, the numbers add up pretty quickly. So under this request I will make in just a moment, these same private realtors would still have received a grand total

of at least \$40 million from the Government. Under my amendment, the Government would have been able to keep an additional \$387 million. So think about it. This amendment would have saved the Government \$387 million.

So let me conclude at this point. I have been advised there are very few law firms—but some law firms—that specialize in these cases. Obviously, they are fighting the amendment because quite a little cottage industry has grown. But I would note to my colleagues if my recommendation is not accepted—if my colleagues conclude that \$5 million is not enough for the Government to pay a whistleblower—then what I would suggest is we make that amount higher, and I will offer subsequent requests to support a higher amount.

I wish to note as well there will inevitably be new cases in which outsized awards are paid at the expense of the Government's recovery. For example, just last week, a False Claims Act suit against Quest Diagnostics resulted in a \$302 million recovery for the Federal Government, but out of that amount, the Government was forced to pay \$45 million to the private realtor. Had my amendment been law, the private realtor would still have received at least \$5 million for exposing the fraud, but the Treasury would have received, and therefore saved, an additional \$40 million.

So let me ask, rather than having a vote on each of these four amendments—and I have discussed this with the chairman of the Judiciary Committee and we have had a genial discussion; and I suspect I know, at least the first couple of times, the fate of my unanimous consent requests. Nonetheless, amendment No. 989 would provide a \$5 million cap.

I would therefore ask unanimous consent that amendment No. 989 be considered and that the Senate be on record as supporting amendment No. 989 with the \$5 million cap.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Madam President, I will object, and I will just take a moment to explain.

First off, I would note, as he typically does, the Senator from Arizona came and talked to me before and was very straightforward with what he was going to do.

This talks about recoveries available under the False Claims Act. I think the Senate expert on the False Claims Act is Senator GRASSLEY, a senior member of the Senate Judiciary Committee. Senator GRASSLEY opposes this, as do I. I know there are going to be other amounts the distinguished Republican leader is going to bring up, but my reason in opposing them—and he has explained each one of them to me ahead of time, so there is no surprise—but I will oppose them because I believe

without whistleblowers, a lot of these billions of dollars in fraud that have been found wouldn't have been found. Without the whistleblowers, the Government—the American taxpayers—wouldn't recover so much.

The False Claims Act—and, again, Senator GRASSLEY and others were the leaders in putting that together—has brought back more than \$22 billion into the U.S. Treasury.

Now, it has a balanced approach in providing incentives for said whistleblowers. They share in such recoveries if it is warranted and if it is approved by the judge. A judge has to approve it. It has worked out very well. Rather than there being an arbitrary cap, I would rather leave it to the judge to make the determination. Simply saying, well, we will limit it to three times the cost, then I worry about seeing a padding of expenses. I think it is very well balanced the way it is, including having a judge make the final decision.

I think one of the things we all agree upon—I am sure the Senator from Arizona and I agree—is that we have to find fraud, we have to root it out, and we have to bring those who commit fraud to justice. What I am thinking about, as Senator GRASSLEY has pointed out in the past, as have I, we have to give an incentive to the whistleblowers to bring the case. After all, we have seen all too often a whistleblower will alert us to the fraud, and the first thing that happens is they lose their job. They often risk retaliation. In fact, if they are turning in their co-workers or their supervisors and bringing out the fraud, this could be life-altering. It could actually change their professional career, often for the worse. They are looked at as the bad guys, but they are not the bad guys; they are the good guys. We ought to reward them.

I will vote against it in this case. I object to considering it. I know the Senator from Arizona is going to have further amendments, but I just want him to know—and I want my colleagues to know what I have told him privately. I commend him for—as we have always done in cases we have had—talking to me ahead of time, as I have with him when I have had amendments or matters that may involve him.

So I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The request has been made. Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I appreciate the points made by the chairman of the Judiciary Committee. There does need to be a reward, and there is some subjective judgment in what kind of a cap is appropriate for the reasons that he pointed out. As a result, reasonable people could differ as to whether a \$5 million cap would be too much.

For that reason, I indicated if the chairman thought it was too much, I would suggest doubling the amount to a \$10 million cap which might be appropriate. That is actually encompassed in amendment No. 988.

So at this time I ask unanimous consent that amendment No. 988 be considered pending and be adopted by unanimous consent, setting a \$10 million cap on these recoveries.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, as I indicated to my friend earlier, I would object to that, and I do object.

The PRESIDING OFFICER. Objection is heard.

The minority whip.

Mr. KYL. Mr. President, as I said, I think it is going to be a little harder to object to a \$20 million cap, but at this time let me ask—again, this is subjective. How much of a reward is enough to cause people to come forward? Given that we have this cottage industry of firms that has found they can make a lot of money on these cases, it seems to me there is adequate reward for whistleblowers who usually—and I am sure the chairman would agree—usually come forward simply because they see something that is wrong and they have the moral courage to come forward and say: We don't think this practice is right. And they usually don't do it for the financial reward. The law firms that are involved do very well out of this.

So my last unanimous consent request would be to consider amendment No. 987 as pending, which would set a \$20 million cap on these awards.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, I hate to try to fix something that I don't think is broken. The False Claims Act has worked very well for the U.S. taxpayers. It has worked well. I know the Senator from Iowa worked so hard in putting this together in the first place. It has brought more than \$22 billion back into the Treasury. The awards to whistleblowers have to be approved by a judge. I don't want to fix something that is not broken, so, therefore, I will object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The minority whip.

Mr. KYL. Mr. President, finally, amendment No. 986, which is pending, sets a \$50 million cap.

I certainly agree with the chairman that you don't want to fix something that is not broken. I submit that back in 1986, a long time ago, these multibillion-dollar awards were not contemplated, and times have changed. In the 20 or 30 years' passage of time, we have seen this cottage industry of litigation grow, when the kinds of awards that can be recovered—for example, a

\$97 million award—are simply beyond the pale. They were not contemplated. So it is broken to the extent that we have no upper limit in a case such as that.

AMENDMENT NO. 986

Therefore, I call up amendment 986, which is pending, and I request the yeas and nays on that amendment. If the chairman wishes to respond, I will withhold calling for the vote until he has responded.

The PRESIDING OFFICER. Does the Senator ask for the regular order on his amendment?

Mr. KYL. That is correct, yes.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Iowa wishes to speak on this amendment, and we will soon have a rollcall vote. I ask the Senator from Arizona and the Senator from Iowa if we could withhold for 2 minutes in order for the Senator from Wisconsin to speak on an amendment of his, and then we will go back to the amendment of the Senator from Arizona.

Mr. KYL. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

AMENDMENT NO. 990

Mr. KOHL. Mr. President, I call up my amendment No. 990.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 990.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security)

At the appropriate place, insert the following:

SEC. ____ GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLED BY FALSE DESIGNATIONS.

(a) FINDINGS.—Congress finds that—

(1) many seniors are targeted by salespersons and advisers using misleading certifications and professional designations;

(2) many certifications and professional designations used by salespersons and advisers represent limited training or expertise, and may in fact be of no value with respect to advising seniors on financial and estate planning matters, and far too often, such designations are obtained simply by attending a weekend seminar and passing an open book, multiple choice test;

(3) many seniors have lost their life savings because salespersons and advisers holding a misleading designation have steered

them toward products that were unsuitable for them, given their retirement needs and life expectancies;

(4) seniors have a right to clearly know whether they are working with a qualified adviser who understands the products and is working in their best interest or a self-interested salesperson or adviser advocating particular products; and

(5) many existing State laws and enforcement measures addressing the use of certifications, professional designations, and suitability standards in selling financial products to seniors are inadequate to protect senior investors from salespersons and advisers using such designations.

(b) DEFINITIONS.—As used in this section—

(1) the term “misleading designation”—

(A) means the use of a purported certification, professional designation, or other credential, that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include any legitimate certification, professional designation, license, or other credential, if—

(i) it has been offered by an academic institution having regional accreditation; or

(ii) it meets the standards for certifications, licenses, and professional designations outlined by the North American Securities Administrators Association (in this section referred to as the “NASAA”) Model Rule on the Use of Senior-Specific Certifications and Professional Designations, or it was issued by or obtained from any State;

(2) the term “financial product” means securities, insurance products (including insurance products which pay a return, whether fixed or variable), and bank and loan products;

(3) the term “misleading or fraudulent marketing” means the use of a misleading designation in selling or advising a senior in the sale of a financial product;

(4) the term “senior” means any individual who has attained the age of 62 or older; and

(5) the term “State” means each of the 50 States, the District of Columbia, and the unincorporated territories of Puerto Rico and the U.S. Virgin Islands.

(c) GRANT PROGRAM.—The Attorney General of the United States (in this section referred to as the “Attorney General”)—

(1) shall establish a program in accordance with this section to provide grants to States—

(A) to investigate and prosecute misleading and fraudulent marketing practices; or

(B) to develop educational materials and training aimed at reducing misleading and fraudulent marketing of financial products toward seniors; and

(2) may establish such performance objectives, reporting requirements, and application procedures for States and State agencies receiving grants under this section as the Attorney General determines are necessary to carry out and assess the effectiveness of the program under this section.

(d) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) by the State or the appropriate State agency designated by the State—

(1) to fund additional staff to identify, investigate, and prosecute cases involving misleading or fraudulent marketing of financial products to seniors;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of those targeting seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers of financial products;

(5) to provide educational materials and training to seniors to increase their awareness and understanding of designations;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law that could offer additional protection for seniors against misleading or fraudulent marketing of financial products.

(e) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed \$500,000 per fiscal year per State, if all requirements of paragraphs (2), (3), (4), and (5) are met. Such amount shall be limited to \$100,000 per fiscal year per State in any case in which the State meets the requirements of—

(A) paragraphs (2) and (3), but not each of paragraphs (4) and (5); or

(B) paragraphs (4) and (5), but not each of paragraphs (2) and (3).

(2) STANDARD DESIGNATION RULES FOR SECURITIES.—A State shall have adopted rules on the appropriate use of designations in the offer or sale of securities or investment advice, which shall, to the extent practicable, conform to the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations, as in effect on the date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(3) SUITABILITY RULES FOR SECURITIES.—A State shall have adopted standard rules on the suitability requirements in the sale of securities, which shall, to the extent practicable, conform to the minimum requirements on suitability imposed by self-regulatory organization rules under the securities laws (as defined in section 3 of the Securities Exchange Act of 1934), as determined by the Attorney General.

(4) STANDARD DESIGNATION RULES FOR INSURANCE PRODUCTS.—A State shall have adopted standard rules on the appropriate use of designations in the sale of insurance products, which shall, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, as in effect on the date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(5) SUITABILITY RULES FOR INSURANCE PRODUCTS.—A State shall have adopted suitability standards for the sale of annuity products, under which, at a minimum (as determined by the Attorney General)—

(A) insurers shall be responsible and liable for ensuring that sales of their annuity products meet their suitability requirements;

(B) insurers shall have an obligation to ensure that the prospective senior purchaser has sufficient information for making an informed decision about a purchase of an annuity product;

(C) the prospective senior purchaser shall be informed of the total fees, costs, and commissions associated with establishing the annuity transaction, as well as the total fees, costs, commissions, and penalties associated with the termination of the transaction or agreement; and

(D) insurers and their agents are prohibited from recommending the sale of an annuity product to a senior, if the agent fails to obtain sufficient information in order to satisfy the insurer and the agent that the transaction is suitable for the senior.

(f) APPLICATION.—To be eligible for a grant under this section, the State or appropriate State agency shall submit to the Attorney General a proposal to use the grant money to protect seniors from misleading or fraudulent marketing techniques in the offer and sale of financial products, which application shall—

(1) identify the scope of the problem;

(2) describe how the proposed program will help to protect seniors from misleading or fraudulent marketing in the sale of financial products, including, at a minimum—

(A) by proactively identifying senior victims of misleading and fraudulent marketing in the offer and sale of financial products;

(B) how the proposed program can assist in the investigation and prosecution of those using misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(C) how the proposed program can help discourage and reduce future cases of misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(3) describe how the proposed program is to be integrated with other existing State efforts.

(g) LENGTH OF PARTICIPATION.—A State receiving a grant under this section shall be provided assistance funds for a period of 3 years, after which the State may reapply for additional funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$8,000,000 for each of the fiscal years 2010 through 2014.

Mr. KOHL. Mr. President, I speak today in support of an amendment that would protect older Americans from unscrupulous financial advisers.

In these tough economic times, seniors are discovering that their life savings have lost so much value they may not be able to fund their retirement. Desperate for advice, they look toward investment advisers for strategies to ride out this economic storm. Unfortunately, we have learned that some are placing their trust in so-called “senior investment advisers,” who in many cases are one step above scam artists. These individuals often have limited or no education or training though they claim titles with legitimate-sounding names.

We know that an attorney must go to school for 3 years and pass a State bar exam. A CPA must have a college degree, an additional year of study, and must pass a national exam. Neither can offer their professional services without those credentials. Seniors should be able to trust the people who invest their money. They should not be worried that the title after their adviser's name is scarcely more than a marketing ploy.

This amendment would create a new grant program to assist States in their efforts to protect seniors from misleading financial adviser designations by encouraging them to adopt provisions outlined in the North American

Securities Administrators Association's and the National Association of Insurance Commissioners' model rules on the use of senior designations.

I strongly encourage my colleagues to cosponsor this amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the first point I wish to make is that with the false claims provisions in the Leahy-Grassley bill, which deals with other provisions as well, but the False Claims Act is essential to accomplishing the overall purposes of the bill, along with other tools to do it—to get rid of fraud. We are trying to just, in this bill, in a very rifle shot way, correct some court opinions that have been detrimental and weaken the False Claims Act. That is all we are trying to accomplish in this bill that deals with bigger things as well.

What Senator KYL is bringing up is a legitimate subject of discussion because it has been brought up at other times since passage of the False Claims Act 22 years ago. I don't say it is not legitimate to discuss it. But there is broader false claims legislation in the Judiciary, and it ought to be discussed at a time when we have hearings on this subject. There have been no hearings on this.

These amendments should be reviewed by the full committee under the regular order process. That is the first point I wish to make to Senator KYL about why not to consider this amendment right now.

The second one is the point he made on how big of an award is big enough to incentivize people to turn in fraud.

Mr. LEAHY. Will the Senator yield for a unanimous consent request?

Mr. GRASSLEY. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the Kyl amendment, now pending, occur at 11:45 but that there be 2 minutes equally divided immediately preceding the vote. First, I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I also ask unanimous consent that there not be any amendments to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the second point I wish to make before I get to my formal remarks is on the question the Senator from Arizona raised about how big of an incentive is enough to get reported. That is a legitimate question.

Here is my experience with 22 years of the False Claims Act, dealing with whistleblowers, Government agencies listening to whistleblowers or not, the Justice Department taking a case or not taking a case, or whether the whistleblower initiates the case on their own. What I have found is that the False Claims Act does not come up early in anybody's thought process—about initiating a thought process that there might be fraud out there and somebody ought to be investigating and get to the bottom of it. Usually, the whistleblower has ample evidence of that or they wouldn't be doing it in the first place. They jeopardize their profession and their job in Government. That isn't right, but whistleblowers who want to do the patriotic thing actually jeopardize their professional future. What I have found is they don't even know about the False Claims Act or about getting a percentage of it. They don't even know about whistleblower protection laws. They want to do the patriotic thing. They want to report fraud.

So to talk about the award being the incentive to come forward, I don't want to say that in some cases that may not be the case, but in most cases these are patriotic people knowing about the fraudulent use of taxpayer money, they think it is wrong and ought to stop, and they think it ought to stop within the agency. They don't get anywhere with the agency, so they come to other people, and eventually along the line, probably, somebody says: You need to take this to court, and you can get something out of this if you win and if you have a case. Probably the majority of them don't win. So they get nothing out of it. But they are trying to be patriotic citizens.

I think that bringing up the issue of how much of an award is big enough to get this information out should not even be a part of the debate. It is still something because we are talking about taxpayer money and what is an incentive to do this, but it ought to be discussed in a thoughtful way, not on an amendment to a bill that is trying to correct a few bad court decisions to get the False Claims Act back to its original purpose.

I thank the Senator from Vermont for letting me cooperate with him on this issue. The Senator from Vermont also recognizes that the False Claims Act is a very useful tool against fraud, which is the overall purpose of the rest of Senator LEAHY's and my bill.

The other thing you have to remember is that this has brought in \$22 billion. Senator LEAHY made that very

clear. There are so many court cases I can tell you about where the Government, through the Justice Department, came in and tried to belittle the whistleblower, the claimant, to reduce, or even eliminate, any access to an award; how many times judges have had to berate people in the Justice Department. I am not talking about Presidents Obama, Bush, Reagan, Bush 1, or Clinton; I am talking about several of them where you wouldn't even have a case—in other words, saying to the prosecutor and the Justice Department: Do you realize you would not even have had a case without this patriotic whistleblower coming forward?

More recently, there has been a case where the Justice Department asked not to proceed forward. The judge stepped in and said: We are going to go forward; there is something wrong here, and we are going to get to the bottom of it.

So we have \$22 billion back because of patriotic Americans. Do you know what. Just because the False Claims Act has been out there, it has been a preventive to fraud, like all the other tools Senator LEAHY has in this bill that will not only help with prosecution, but the possibility of prosecution is going to be a preventive factor.

So I feel strongly that if the issue of an award limit comes up, it ought to be discussed thoroughly and thoughtfully in a tool—the False Claims Act—which has proven its worth by \$22 billion and a lot of unknown preventable fraud out there. We ought to think through it thoughtfully.

I want this amendment defeated. The False Claims Act is the No. 1 tool for recovering taxpayer dollars lost to waste, fraud, and abuse. Whistleblowers who bring fraud cases on behalf of the Government, known as qui tam relators, often risk everything to uncover truth.

Currently, the False Claims Act provides a reward to whistleblowers who come forward with good-faith allegations of fraud, waste, or abuse of Government dollars.

They are allowed to file a lawsuit on behalf of the Federal Government, and the case remains under judicial seal in Federal court. The Justice Department then decides to join a case or not join a case. If the Justice Department joins a case and the case is successful, a whistleblower can recover 15 to 25 percent of the funds recovered. If the Justice Department does not join—then it is going to be a much more difficult process for the whistleblower and his or her counsel—the whistleblower can go forward with the case and if they are successful, they can recover more, somewhere between 25 and 30 percent, depending upon the judge.

While some are arguing that this represents a windfall for whistleblowers, the statistics paint a different picture.

In fact, in cases where the Department of Justice joins the whistle-

blower, the average share for the whistleblower is not 25 percent or 30 percent, it is 16 percent. Compare that 16 percent with the percentage it takes to administer Government generally, throughout Government—about 12 percent. Do you, Mr. President, think there are enough people in the Justice Department, enough FBI people to know where all the skeletons are buried, where all the frauds are being committed? No. This average award is not too far out of line with the average administrative costs of Government.

There have been 6,197 qui tam complaints filed since 1986 which have resulted in \$13.7 billion in recoveries to the Federal Government. That averages about \$2.2 million recovered for complaint filed.

In these 6,197 cases, the Government has paid qui tam whistleblowers \$2.2 billion in awards. That means the average share award for a qui tam whistleblower is about \$350,000. This is hardly a windfall that one would seek, particularly if one is ruining their professional career by being a whistleblower, coming forth to do what is patriotic, to do what is right. It is, in fact, an incentive that helps fuel complaints coming in.

However, if we start adding new caps to the already existing whistleblower caps, we could reduce the incentive for whistleblowers to proceed through the cases—or coming forward in the first place—that would help us then recover billions of dollars.

I wish to share the story of Tina Gonter who was a qui tam whistleblower who testified before the Judiciary Committee last year. Ms. Gonter worked closely with the Government and went undercover at the company for months collecting documents and evidence of a fraud against the Navy. She even wore a wire for the Federal agents of the Defense Department.

Ultimately, a couple of individuals went to jail as a result of Ms. Gonter's work. But the Government refused to sue the contractor for fraud. Believe that, the Government refused to sue with obvious evidence. Ms. Gonter filed a false claims case against the company, and it was not joined by our own Justice Department. The judge in that case even scolded the Justice Department and the Navy for not joining the case.

Ultimately, Ms. Gonter prevailed, and the contractor paid over \$13 million to the Federal Government. Ms. Gonter received a share of that money, but had she not brought this case, the Justice Department and the Defense Department would have been satisfied with simply putting two people in jail and allowing the contractor to walk away with the money it received for providing fraudulent product to the Navy. And it is not just a case of fraudulent product to the Navy. It is a serious safety matter for the people in the

military who put their lives on the line in the defense of our freedom.

That is only one example out of 6,197 that the False Claims Act provides power to get fraudulent activity under control. It is a check on the power of the Government bureaucracy to look the other way—that is what the Justice Department did in this case—and pretend that fraud did not happen on their watch. However, it is fueled by courageous whistleblowers, such as Tina Gonter, and without sufficient financial incentives to come forward and fight these cases for 5 to 10 years they can take in court, we may lose this valuable tool against fraud.

It is about recovering money, taxpayers' money. I find it ironic—I hope people are listening now because there is a conflict here between maybe people on my side of the aisle who think this is a good idea—I find it very ironic that those outside groups supporting this amendment were in staunch opposition to the idea of the Senate imposing any caps on executive compensation at companies receiving bailout funds. Now instead, they want to cap the recovery of good-faith whistleblowers to come forward with claims of fraud at companies that are ripping off American taxpayers.

The False Claims Act works and will continue to work if we do not cut the incentives for relators to go to court. The law already has a cap for whistleblower recoveries. I urge my colleagues to oppose this amendment which is based on a couple of extreme examples from outlier cases that are not the norm.

We have \$22 billion coming in under this act. Early on, we fought the defense industry to get this bill passed, and the defense industry tried to gut it after it was passed. When they could not because they did not have the proper prestige, they came to the American hospital industry to fight a front for them. That did not happen. I don't know exactly what groups are out there now backing all this. But when are you ever going to realize that in this country, the taxpayers deserve some respect? And if there is fraud in your industry, it is no holds barred on the recovery and the preventing of fraud.

I yield the floor.

Mr. LEAHY. Mr. President, I understand the senior Senator from New York has an amendment. While the senior Senator from Iowa is on the floor, I ask unanimous consent that it be in order for the Senator from New York to bring up his amendment—that the pending amendment be set aside for 5 minutes—speak on it, and if there are no objections to it, it then be accepted, and we go back to the Kyl amendment so as not to interfere with the unanimous consent agreement to have a vote on the Kyl amendment at 11:45 a.m. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, will the Senator repeat the unanimous consent request?

Mr. LEAHY. If I can get the attention of the senior Republican, my request is that the Senator from New York be allowed to bring up his amendment for 5 minutes, and at the conclusion of the 5 minutes, unless more time is requested by unanimous consent, that the matter, if it can be disposed of, be disposed of, but in any event, at the end of that time, we go back to the Kyl amendment on which there is a unanimous consent agreement for a rollcall vote at a quarter of 12.

Mr. ENSIGN. Mr. President, can I modify the request that I be recognized to call up an amendment, not to have action on it, call up an amendment, spend 5 minutes on it following the Senator from New York to get my amendment pending?

Mr. LEAHY. I so modify it. That would still leave the amount of time Senator KYL has requested prior to a vote on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 1006

Mr. SCHUMER. Mr. President, I thank you for recognizing me. I thank our chairman of the Judiciary Committee, Senator LEAHY, and one of our senior Republican Members, Senator GRASSLEY, for not only managing this bill but for introducing it. I am a cosponsor of the underlying bill, the Fraud Enforcement and Recovery Act, because it provides much needed tools to go after fraudsters, crooks, and thieves, and other common criminals who have taken advantage of a bad economy to rob unsuspecting Americans of their savings.

I thank Senators LEAHY, GRASSLEY, KAUFMAN, and SPECTER, and all the other cosponsors of the bill for their hard work and making sure we finally do something about financial crime.

From the beginning, however, I have been of the view that there was one major omission—a glaring omission—from this bill. The bill would authorize \$165 million a year for the Department of Justice, including \$75 million more for FBI agents, as well as money for prosecutors and fraud lawyers.

That is all to the good. It would also provide \$30 million to the Postal Inspection Service, \$30 million to the IG of the Department of HUD, \$20 million for the Secret Service, all to investigate financial and mortgage fraud. But if one reads the list, one thing is missing, and that is the Securities and Exchange Commission.

Thanks to the hard work of many, including my cosponsor of this amendment, Senator SHELBY, and Senator GRASSLEY, the lead Republican sponsor of the bill, we have come up with a

compromise provision. Initially, on the amendment we were going to offer, Senator GRASSLEY raised some very valid points, and we have been working in the last 2 days to come to an agreement, and I am proud to say we have.

This amendment provides \$20 million for SEC enforcement. It would also give an additional \$1 million to the SEC's Office of Inspector General. I am pleased to have played a role in putting together this package which will ultimately benefit the American public through safer markets and better policing of our financial system.

The authorization to the SEC is necessary for fighting exactly the kind of fraud that is covered by this bill. Leaving the SEC out of this bill is a little like fighting a war without the marines. The SEC is often the first line of enforcement before the criminal authorities get involved.

The SEC staffing decreased by 10 percent from 2005 to 2007. The agency has only begun to recover from these decreases. It is understaffed by more than 115 employees.

Shockingly, the SEC's technology budget, the budget that determines the agency's ability to analyze what went wrong in the markets and who caused it, is still only 50 percent of what it was in 2005.

We need to pass this bill now, and we need to adopt this amendment now. Literally, every day there is a new story about a new fraud that robbed guileless consumers of millions, sometimes billions, of dollars. Our authorizations for prosecutions after the S&L crisis, which I played a role in when I was in the House of Representatives, resulted from around 600 convictions and \$130 million in ordered restitution between 1991 and 1995.

So far, even while the FBI is working on 2,000 mortgage fraud cases and while the SEC has opened more than three dozen investigations into subprime-backed securities, we have not provided law enforcement with the additional funds to put the bad guys before the courts and in jail, even though white-collar enforcement by the Federal Government has been dangerously depleted.

I want to point perhaps to one of the most high profile fraud cases in the history of our country—a case that was not brought soon enough—to explain why the SEC needs help, even though it also deserves criticism and even outrage for their previous actions. This is, of course, the case of Bernard Madoff and the tens of billions of dollars he stole from sophisticated and unsophisticated investors alike.

We don't know all the facts yet, but all signs point to some kind of dereliction of duty at the SEC. When we find out what went so horribly wrong, we will figure out how to fix it. But this much we know: The SEC receives hundreds of thousands of tips a year about

investment fraud. We don't know why the SEC didn't catch on to the complaints of at least one brave whistleblower, Harry Markopolos, and none of us here would ever excuse it. We can acknowledge, though, that the SEC does not have sufficient technical and human resources to assess sophisticated trading patterns, complex financial instruments, and risk factors in the marketplace. When a complaint comes in, even a detailed complaint, such as the one received from Mr. Markopolos, they did not effectively triage it.

The SEC's budget has barely kept up with inflation and cost of living adjustments. It is not clear whether budget cuts caused them to let Madoff fall through the cracks, but certainly budget increases wisely spent—and I have faith that the new Chair will certainly do that—will help prevent future Madoffs from happening.

One of the things the SEC wants to do with the money we provide here is to hire people with specialized industry skills, develop systems for nationwide data centers—

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SCHUMER. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. One of the things the SEC wants to do with this money is to hire people with specialized industry skills, develop systems for nationwide data searches based on tips and complaints, and include their risk modeling involving market data and intelligence.

It is incredible the chief regulator of the most sophisticated economy in the world does not have this capability. Let's help get the right cops on Wall Street and then get them the resources they need to fight crime. Everyone has to do more with less these days, but I am not in favor of less resulting in letting bad guys go free.

I thank my colleague, Senator GRASSLEY. As I said, the compromise we have come up with I think is fair because it both beefs up the SEC and deals with Senator GRASSLEY's concerns related to the inspector general. I hope that at some point—we are still awaiting a letter from the SEC—we can ask unanimous consent to move this amendment forward. It has bipartisan support.

With that, Mr. President, I yield the floor.

Mr. KAUFMAN. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, and Mr. GRAHAM, proposes an amendment numbered 1006.

Mr. SCHUMER. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding to the SEC to use in enforcement proceedings)

At the appropriate place in section 3, insert the following:

(—) ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, are we now back on the Kyl amendment?

The PRESIDING OFFICER. We are, but the Senator from Nevada is to be recognized.

Mr. LEAHY. Before that happens, I thank the Senator from New York and the Senator from Iowa. They have been meeting with me and my staff for weeks on this amendment. I am glad they were able to reach agreement on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, I call for regular order with regard to the Boxer amendment, and that I be allowed to call up a second-degree amendment, No. 1003.

Mr. LEAHY. Wait a minute. Reserving the right to object, would the Senator repeat that? That is not my understanding of what he was to do. Would the Senator repeat the unanimous consent request?

Mr. ENSIGN. For the Chamber's edification, I have an amendment filed as a first-degree and I also have a second-degree. I was going to call up the second-degree amendment.

Mr. LEAHY. That was not my understanding of what the Senator was asking, so I would object.

AMENDMENT NO. 1004

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1004, which is the first-degree amendment.

Mr. LEAHY. Reserving the right to object, and I shall not object, it is my understanding that we now have about 7 minutes or 8 minutes. Then we will go off this and go back to the Kyl amendment. I want to protect the Senator from Arizona on his amendment. Even though it is one I disagree with, I want to protect his right to have that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1004.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose certain requirements on public-private investment fund programs, and for other purposes)

At the end of the bill, add the following:

SEC. 5. PUBLIC-PRIVATE INVESTMENT PROGRAM.

(a) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of subsection (b):

(1) Creates a public-private investment fund.

(2) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(3) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(4) Guarantees any debt or asset for purposes of a public-private investment program.

(b) REQUIREMENTS.—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) REPORT.—Not later than 45 days after the date of the establishment of a program described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) DEFINITION.—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

Mr. ENSIGN. Mr. President, taxpayers and politicians alike have been too long in the dark about how the Treasury has been implementing this so-called TARP program—or as most people in the country know it, the bank bailout program. The President has proposed and Treasury Secretary Geithner has proposed a new toxic

asset plan that could put hundreds of billions of dollars of the taxpayers' money at risk, so we need to do this right.

The special inspector general for TARP has stated that this new toxic asset buy-back program—called the Public-Private Investment Program—is “inherently vulnerable to fraud, waste, and abuse.” The special IG's report outlined a number of good recommendations that are necessary to protect the taxpayers and to ensure the integrity of this new program.

My amendment would simply require that the Treasury Department implement the recommendations from this special inspector general before allocating money under this new program known as the Public-Private Investment Program.

These requirements include, very simply, No. 1, imposing strict conflict of interest rules to prevent PPIP fund managers from inappropriately using the program to benefit themselves or their clients. Common sense. Makes sense. No. 2, mandate complete transparency of this program, including public disclosure of all transactions and the current valuation of all assets. And No. 3, requiring that the fund managers who manage this program have stringent investor screening procedures, at least as rigorous as typical know-your-customer procedures found at commercial banks or retail brokerage firms to ensure investors are legitimate.

Let's put these safeguards in place. These are common sense. We are all talking about a bill in front of us that eliminates fraud and abuse. Well, there is no bigger program that we have right now than the TARP program. We need to eliminate fraud and abuse. And when the special inspector general has said this new program is ripe with fraud and abuse, we ought to protect the taxpayers.

I urge my colleagues to adopt this amendment so that the Treasury Department fulfills President Obama's promise of bringing in transparency and open government. That is what he promised upon coming in. This particular amendment will help ensure that the American people have transparency and that their interests are protected, especially their dollars are protected with this new program that literally could run into the hundreds of billions of dollars.

With that, Mr. President, I yield the floor, and I urge all of my colleagues to support this amendment. Hopefully, we won't get blocked on having a vote on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I assume the Banking Committee will talk about the amendment of the Senator from Nevada.

If I could have the attention of the Senator from Nevada, if his staff would

allow me to have the attention of the Senator from Nevada for a moment, I realize we are merely constitutional impediments to the staff. I hate to interfere.

Again, this is one of a series of amendments that is not at all within the jurisdiction of the Judiciary Committee. I find it an interesting amendment, but it is within the jurisdiction of the Banking Committee. I was hoping, since there is going to be a banking bill next week, that some of these banking amendments would actually go on the Banking bill and have Judiciary amendments on the Judiciary bill. And I would assume that the discussion will be carried out by Senators DODD and SHELBY of the Banking Committee, in that there is no relationship at all to the Judiciary Committee bill.

I would add to that, of course, that the Senator from Nevada has an absolute right to bring up anything. Someone can bring up something on agriculture and price supports, I suppose. But I wish we could keep it to Judiciary matters.

Mr. President, am I correct we are now back on the Kyl amendment?

The PRESIDING OFFICER. The Senate is on the Kyl amendment.

Mr. LEAHY. I thank the Chair, and I suggest the absence of a quorum.

Mr. ENSIGN addressed the Chair.

Mr. LEAHY. I withhold that request for the Senator from Nevada.

AMENDMENT NO. 1000

Mr. ENSIGN. Mr. President, I call for regular order on the Boxer amendment.

The PRESIDING OFFICER. The amendment is pending.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thought the Kyl amendment was pending by unanimous consent.

The PRESIDING OFFICER. The Kyl amendment was pending, but the Senator has called for regular order.

Mr. ENSIGN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1003 TO AMENDMENT NO. 1000

Mr. ENSIGN. Mr. President, I call up as my second-degree amendment No. 1003.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. I call up amendment No. 1003.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum. Will the Senator give up the floor?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1003 to amendment No. 1000.

The amendment is as follows:

(Purpose: To impose certain requirements on public-private investment fund programs, and for other purposes)

After page 2, line 20, add the following:

(f) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of paragraph (2):

(A) Creates a public-private investment fund.

(B) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(i) a public-private investment fund; or

(ii) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(C) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(D) Guarantees any debt or asset for purposes of a public-private investment program.

(2) REQUIREMENTS.—Any program described in paragraph (1) shall—

(A) impose strict conflict of interest rules on managers of public-private investment funds that—

(i) specifically describe the extent, if any, to which such managers may—

(I) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(II) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(ii) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(iii) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(B) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(C) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury

(D) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(E) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(F) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(G) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(i) the books, documents, records, and employees of each manager of a public-private investment fund; and

(ii) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(H) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(I) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(J) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(K) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(L) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(M) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(3) REPORT.—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(4) DEFINITION.—In this subsection, the term “public-private investment fund” means a financial vehicle that is—

(A) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(B) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 986

Mr. LEAHY. Mr. President, I understand that the Senator from Arizona and I have 2 minutes equally divided between us before the vote?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I know Senator KYL is on the way. I will say what I said before, when he was standing on the floor. I, along with Senator GRASSLEY,

strongly oppose his amendment because the False Claims Act is so well put together, has a balanced approach of providing incentives for whistleblowers, and has recovered more than \$22 billion for the Treasury. That is why Senator GRASSLEY and I oppose the amendment by the Senator from Arizona. Awards to whistleblowers have to be approved by judges, so there is a mechanism to handle excessive awards.

When we have something like the False Claims Act that is working as well as it is—as I said, it is one of the few things that has made money for the Federal Government. So far it has made \$22 billion for the U.S. taxpayers. I hate to interfere with something that is working.

My time is up. The Senator from Arizona is on the Senate floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the purpose of this amendment is to provide a limitation of \$50 million for the recovery of the whistleblowers who bring actions that result in recovery for the Government of money that otherwise would have been lost due to fraud. There needs to be a reward, and most of these whistleblowers, frankly, are not looking for money. But it seems to me, from 1986 when we did this, we never contemplated these multibillion-dollar settlements or awards, and to provide up to 30 percent of that to the people who bring the action is too much. We could save the Federal Government a lot of money if we put in a modest limitation. I would argue a \$50 million award per case is a pretty liberal award. My amendment would cap the award at \$50 million, and I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to point out, as I did in my debate, that we have a much larger False Claims Act bill pending in the Judiciary Committee. I think what the Senator from Arizona brought up is a legitimate subject for discussion, but it ought to be discussed in the wider global issue of the False Claims Act and not in a fraud bill where we are just trying to make some very short changes in the False Claims Act.

I ask my colleagues to vote against the Kyl amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the

Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted: "yea."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—31

Barrasso	Cornyn	McCain
Bennett	DeMint	McConnell
Bingaman	Ensign	Murkowski
Bond	Enzi	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Specter
Burr	Hutchison	Thune
Chambliss	Inhofe	Vitter
Coburn	Isakson	Wicker
Cochran	Kyl	
Corker	Lugar	

NAYS—61

Akaka	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Boxer	Johanns	Risch
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murray	

NOT VOTING—7

Alexander	Lautenberg	Rockefeller
Durbin	Lieberman	
Kennedy	Roberts	

The amendment was rejected.

Mr. LEAHY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 162, I was unavoidably detained due to my representation of the Senate at the annual Day of Remembrance Ceremony.

Had I been present for the vote, I would have voted "nay" on Kyl amendment No. 986 to the Fraud Enforcement and Recovery Act of 2009.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DORGAN. Will the Senator yield?

Mr. DODD. I will.

Mr. DORGAN. I ask unanimous consent to be recognized following the re-

marks of the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, if the Senator will yield for a moment, this bill would have been easily finished last night, but I understand, under the Senate schedule, we were unable to continue at that time. I hope we will finish soon so that we don't have to spend a great deal more time. We have had a large number of amendments that are basically Banking Committee amendments, and other committees, not the Judiciary Committee. We should come back to realizing that this is a Judiciary bill. Every one of us says we are against those who are stealing life savings and money set aside for kids' colleges and stealing people's homes. We all say we would love to put them in jail. We will not do it until we get the bill through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HATCH. Madam President, if the Senator will yield for a unanimous consent request.

Mr. DODD. I will.

Mr. HATCH. I ask unanimous consent that I be permitted to call up an amendment following the remarks of Senators DODD and DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, the Fraud Enforcement and Recovery Act of 2009 comes out of the Judiciary Committee. Senators LEAHY and GRASSLEY and their colleagues have worked hard to put together a strong bipartisan bill to deal with fraud. In fact, I am told that for every dollar we invest in this effort, there is roughly \$15 that would accrue to the benefit of American taxpayers. I commend them for their efforts on this important piece of legislation.

However, this Judiciary Committee bill is sort of turning into a Banking Committee bill as most of the amendments being offered are within the jurisdiction of the Banking Committee. I understand the appetite of my colleagues to address some of these questions. Some of them are very good ideas, ones that I will mention in a moment and that I can support. Others are very complicated and have are technical issues, but they also could do great damage to the effort we are all principally engaged in and desirous of achieving, and that is to restore confidence and optimism in order to get our economic system back on its feet.

I thought it might be valuable, as chairman of the Banking Committee, to run through the amendments that affect the jurisdiction of the Banking Committee and to share some of my observations on ones I would be willing to support, which means we could possibly have voice votes on them and ac-

cept them as part of this bill, and others which are of concern to me and which I would oppose for reasons I will briefly explain.

On a positive note, Senator COBURN has offered amendment No. 983. This amendment would require the examination of what happened with the GSEs, Fannie Mae, Freddie Mac, the Federal Home Loan Banks.

Yesterday, we adopted a proposal, offered by Senators ISAKSON, CONRAD, and myself, to establish a commission to examine thoroughly how we got into the situation we find ourselves in. There has been a debate about whether we ought to do that with an outside commission or within the Congress. There is a legitimate debate about that. My colleague from North Dakota proposed a select committee, which was adopted last evening. Whether we adopt the select committee approach or an outside commission, in either case, the GSEs would be a part of that examination.

I make the case that the amendment of the Senator from Oklahoma may be duplicative or unnecessary. But rather than have an extended debate about that, I recommend we accept the amendment. The issues surrounding the GSEs are clearly going to be a part of the look-back. So rather than have extended debate about that, let's just accept the amendment and move on. Then the commission or the select committee can make those specific determinations. I urge that a voice vote be acceptable on that issue.

Senator KOHL has offered amendment No. 990. That amendment is designed to offer additional protections to older Americans from misleading and fraudulent marketing practices within the financial area. I commend my colleague for his amendment. We all know elderly Americans are some of the most—if not the most—vulnerable to the marketing scams that go on, either through direct mail operations or telemarketing operations. People who are alone and vulnerable in many ways are incredibly susceptible to some egregious marketing techniques. The Senator has offered an amendment that would provide additional security for those in retirement, and we can all applaud him for that effort. The amendment has been endorsed by the North American Securities Administrators, financial planners, the Consumer Federation of America, and many others. I commend Senator KOHL for that amendment and again urge my colleagues to accept it, if that is acceptable to the Senator from Wisconsin.

Senator SCHUMER has offered amendment No. 1006 which would add \$20 million of authorization to the Securities and Exchange Commission in funding for 2010 and 2011. All of us can appreciate the need for additional support for the Enforcement Division. Americans are painfully aware of the Madoff

scandal as well as the Stanford Ponzi schemes. We have had these agencies before our Banking Committee with hearings on how that happened, whether or not people were doing their jobs. Senator SCHUMER has suggested we provide additional resources.

Earlier this year, I requested, along with members of my committee, a billion dollars a year for the SEC in 2010, a level which we still will not reach with this additional \$20 million. Many of us agree that the Securities and Exchange Commission has to have the tools and the staff to do the job. There are an awful lot of scams going on. We don't want to hear about Americans being victimized by them any longer. While there is no guarantee that with additional resources and personnel we will stop all of them, we certainly know that with additional resources and tools, we can minimize the problems that emerged with the Madoff and Stanford scandals. Senator SCHUMER has offered a very good amendment, and I urge that it be accepted.

Those three amendments are ones we can accept, and hopefully we will in order to assist our colleague from Vermont and others in moving this bill along.

Let me mention a couple of amendments with which I have some difficulty.

First, the Coburn amendment No. 982. This amendment would authorize the use of TARP funds to cover the cost of this bill. I have many problems with this amendment. First, there is a point of order against this amendment. But aside from the point of order, the purpose of TARP, which Congress passed last year, was to provide assistance to unlock our frozen financial markets in order to provide credit for small businesses; to purchase securities backed by loans from small businesses; to provide capital to banks so they can continue to make loans, although not many of them are doing so, but that was the idea behind the program; and to fund the Making Home Affordable Programs, which modifies mortgage loans, either reducing principal or interest, so that we can mitigate the 10,000 people a day who are entering into foreclosure and for whom modifying those loans is critically important. If we start going around and deciding we will use TARP funds for every idea and every bill that comes to the floor we will deprive the Treasury and others of the tools necessary to get our economy moving again. If we start spreading TARP resources in areas that have little or nothing to do with the underlying economic crisis we will be taking a step in the wrong direction. I urge my colleagues to vote against amendment No. 982 for those reasons. If we start down this path, it will be more and more difficult to get our economy back on its feet again. I know that many of my colleagues disagreed with

the TARP, but that is what Congress adopted. There were those who objected to using TARP money for the auto industry and believed that was wrong. There may be other areas where some have disagreed with the use of TARP funds. But to have it become a funding mechanism for every bill that comes along would undermine the very purpose of those programs.

The next two amendments I urge my colleagues to pay attention to and I believe are matters of concern are the amendments from our colleague from Louisiana, Senator VITTER, No. 991, and Senator DEMINT from South Carolina, amendment No. 994. Let me explain both of the amendments and why I have concerns about each of them.

The Vitter amendment has to do with the issue of warrants. It is a complicated subject matter, but let me briefly explain it. What would be the effect of this amendment? This amendment is basically a favor to banks and minimizes help for taxpayers. That is what it comes down to. This amendment would take away the discretion of regulators and the Treasury to impose additional capital requirements or any other requirements on a TARP recipient that could benefit taxpayers or protect the financial system. Under this amendment, the financial institutions would have the discretion to act on their own in areas where they currently can not. It is quite clear that when they receive, in many cases, billions of dollars in taxpayer money to shore up their position, to salvage these institutions, that to then turn around and allow them unilaterally to make decisions which could harm the taxpayer and cause even further delay of financial system recovery is exactly the wrong direction in which we ought to be going.

The amendment would allow the TARP recipient, rather than Treasury, to determine when its warrants would be repurchased. The amendment would not permit Treasury's discretion to determine when warrants may be executed and would allow the recipient to indefinitely defer exercise of the warrants. In addition, it could harm the taxpayers by eliminating the requirement that Treasury pay market price for these warrants.

So under this amendment, we are reducing the power of the regulators at the very critical moment we want them to exercise that influence rather than allow the recipients themselves to allow what is in their best interest. They are the ones who have received billions of taxpayer money. It seems to me having a leash on all that and allowing the best decision to be made on behalf of the overall economy is what we ought to be doing.

The amendment would empower the banks, which may act in their individual interests—and I understand that—but having received so much tax-

payer money, it seems to me we ought to make sure we are not going to allow that unilateral self-interest to trump the interests of the larger concern; and that is the American taxpayer and the overall restoration of our economic well-being.

So I say respectfully to my colleague, and a member of our committee, Senator VITTER, this amendment, I think no matter how good his intentions, may actually do a lot more damage and harm if it were to be adopted at this critical moment when we see that glimmer of light that our economy is beginning to show some signs of recovery. This amendment could set us back at the very moment we may be heading in the right direction.

The last amendment I will address at this moment is one offered by our colleague from South Carolina, Senator DEMINT. I am not in any way disparaging the intentions of my colleagues here. I have great respect for all whom I serve with, and their intentions, I am sure, are motivated by their own framework of how they see these issues. But this amendment concerns me as well in a similar vein. It is a different subject matter, but a similar approach.

Here is what I mean by that. The DeMint amendment also allows a lot of discretion to be left in the hands of the financial institutions, the institutions which have received, of course, tremendous support from the American taxpayer. This amendment would deprive the Treasury of the ability to convert preferred stock to common stock. That conversion could allow banks to basically shore up their balance sheets. That is what some are considering to do. This would limit their ability to do that. It would say you could not do that. You could not have that kind of conversion.

If we limit that ability to make that kind of a discretionary decision, then this could mean that more small business lending would be curtailed, more mortgage lending would be curtailed, more lending for commercial real estate, all of which may be absolutely critical in the coming weeks.

Preferred stock does not increase bank capital in a similar manner as common shares do. The Senator's amendment could lead to the very real consequence that lending is constricted significantly more than we see currently. That would mean more businesses closing for lack of capital, which means more job losses across our country. It means more foreclosures of homes. Madam President, as I mentioned earlier, 10,000 homes a day is a staggering number already. I cannot imagine watching that number increase further. Yet the adoption of that amendment could achieve that result. It could also mean foreclosed homes staying on the market longer, another result that we do not want to see.

In short, the amendment means a lot more economic hardship. Some TARP recipients may not be able to pay a dividend in connection with preferred shares. It would be counterproductive to deprive the Treasury of their discretion to convert its preferred shares to common shares under those circumstances. At a very time you want to shore up balance sheets by allowing for that conversion, this amendment would prohibit that conversion. It seems to me to constrict that kind of action is exactly the wrong direction to be going in at this very moment. The Government's upside potential could be much greater with common shares in some instances, and to deny the ability of our Treasury and others to make that kind of conversion I think could be harmful.

Allowing conversion from preferred shares to common shares would permit the Treasury to provide additional flexibility and assistance to financial institutions and, maybe most importantly, would limit the use of additional taxpayer funds. Let me emphasize that point. I think we are all painfully aware that with about \$100 billion left of TARP funds, if you restrict the ability to move from preferred shares to common shares, you increase the likelihood of having to come back here. I do not know of a single Member of this body who welcomes coming back here seeking additional TARP funds. That may very well occur, but it will occur a lot more rapidly if you adopt the DeMint amendment.

So while, again, I respect my colleague from South Carolina, a member of our committee—and I do not question at all his motivations in all of this—I say in this case as well, as with the Vitter amendment, you are restricting the ability of the people we have charged with managing this. If we end up having Congress—535 Members of Congress—deciding on a daily basis how to micromanage this program, and with all due respect to my colleagues, this is above our pay grade in many ways. We in Congress do a lot of things well. Micromanaging this program, such as these two amendments suggest, I think sends us in the wrong direction.

Again, I urge my colleagues on both sides of the aisle to please look at these two amendments and understand the potential danger were they to be adopted. It would certainly curtail our ability, in my view, to engage in exactly the activities that need to be at the top of our agenda: loosening up that credit market; getting a hold of the foreclosure issue, and trying to go in the opposite direction of where it is going today; making it possible for small businesses to get back on their feet; and allowing banks to start lending again in this country. If you adopt these two amendments you achieve the opposite result.

So I urge, on both the Vitter amendment and the DeMint amendment, they

be rejected. And for the reasons I offered on, the second Coburn amendment, that are that we cannot turn the TARP program into a slush fund for every program that comes through here, as it was specifically designed to deal with the economic crisis, and that ought to be the purpose for which these funds are used. I urge my colleagues to reject that amendment as well.

Unfortunately, Senator LEAHY, the chairman of the Judiciary Committee, has had his bill turn into a Banking Committee bill with all of these amendments. So I felt obligated in some sense to come over and share with my colleagues at least my observations on these amendments: the ones I think we can accept—and I applaud my colleagues who have offered amendments that I think are significant and can contribute; even the first Coburn amendment, which I disagree with because you do not need it as a result of the earlier amendments which we adopted cover the issues of his amendment. But I think all of us recognize that the GSES issues have to be part of that look-back, so I would find it difficult to oppose his amendment. Therefore, I urge my colleagues to support that amendment, along with the Kohl amendment and the Schumer amendment that have been offered.

With that, I see my colleagues from North Dakota and Utah who are anxious to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I thank my colleague from Connecticut. I also thank my colleague from Utah for his forbearance so that I might make a few comments. I appreciate the courtesy of Senator HATCH.

Madam President, I ask unanimous consent that my statement be printed in the morning business section of today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 1007

Mr. HATCH. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1007.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1007.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959)

At the end, insert the following:

SEC. ____ . TRANSPARENCY IN ANNUAL FINANCIAL REPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The American workers who contribute union dues deserve to have transparency and accountability in the management of their unions.

(2) Since 2001, investigations of union fraud have resulted in more than 1,000 indictments, 929 convictions, and restitution in excess of \$93,000,000.

(3) A new rule (referred to in this subsection as the "transparency rule") to require union management to disclose more information about sales and purchases of assets, and disbursements to officers and employees, among other things, was set to take effect on April 21, 2009, after a previous delay affording reporting entities more time to prepare to comply.

(4) The Obama Administration has set a goal for itself to be the most open and transparent administration in the history of the Nation.

(5) On April 21, 2009, the Department of Labor issued—

(A) a final rule providing for a further delay of the transparency rule; and

(B) a proposed rule to withdraw the transparency rule.

(6) The transparency rule would have been a key tool in the battle against fraud, discouraging embezzlement of the money of union members and making money harder to hide, and would have provided great sunlight and transparency to allow members to know how their dues were being spent.

(7) The Department of Labor's actions are in direct contradiction to everything the Obama Administration purports to stand for.

(b) PROHIBITION.—The Secretary of Labor may not expend Federal funds to withdraw the rule issued by the Secretary of Labor entitled "Labor Organization Annual Financial Reports", 74 Fed. Reg. 3678 (January 21, 2009).

Mr. HATCH. Madam President, I rise to propose an amendment that will ensure transparency and prevent egregious cases of fraud against American workers. My amendment is very simple, and I think it is compelling. All it does is prevent the administration from rescinding current regulations that require transparency in the way that union management chooses to spend the hard-earned dues collected from their members. This amendment is specifically directed at preventing the weakening of the Department of Labor's Office of Labor-Management Standards—or OLMS it is called—which is the sole Federal agency tasked with protecting the interests of American workers who pay union dues.

Under current Federal law, the OLMS requires financial reporting that ensures the transparency of how labor union management spends labor union dues in the area of compensation of labor leaders, the purchasing of union assets, and additional information regarding various union receipts. This

law requires union leaders to disclose how members' money is spent and provides protection from fraud, waste, and abuse.

Public opinion and our Nation's dire economic conditions have driven us to require banks, corporations, and even Presidential administrations to do business in the light of day—in full transparency. Therefore, the same expectation of transparency should apply to labor unions. The previous administration took steps to do that in 2003 by updating reporting requirements and forms. These updates allowed the electronic filing of disclosures on the Internet. The Office of Labor-Management Standards—OLMS—was about to implement a second update that would require information about compensation to union officers. This revision also would have required the disclosure of transactions involving union assets.

Unfortunately, as was reported this year in the April 21 Federal Register, the Labor Department and Labor Secretary Hilda Solis have delayed the effective date of these revisions. Furthermore, on this same date, the Labor Department has published a notice that seeks to withdraw the rule entirely. By doing this, Secretary Solis has effectively neutralized OLMS in its mission to ensure the transparency in the way labor unions spend the hard-earned money of their Members. Ironically, this is being done by an administration that has told the American public that transparency and change has returned to Washington. It would appear to me that the Labor Department did not get that memo. I feel confident President Obama would be on my side on this, that he would want the transparency. It is in the best interests of union workers. It protects them from fraud. It protects their dues as they put them in there. Unions can run the unions just as businesses run businesses, but they ought to do it honestly. That is why these regulations are so important. That is why this amendment is so important.

There should not be any debate as to the effectiveness of the OLMS. From 2001 through 2007, OLMS investigations resulted in 1,000 indictments. The Office of Labor-Management Standards fraud investigations between 2001 and 2007 resulted in 1,000 indictments and convictions of 929 of those indicted. The funds recovered that were illegally taken amounted to \$93 million. Think about that: \$93 million in restitution was paid back to the victims of those crimes. I am sure I need not remind any Member of this body that union dues are seldom voluntarily given. Men and women who join these unions are often compelled to pay as part of their employment agreement. Union funds are also comprised of pension funds, which have occasionally been targeted by organized crime and used to underwrite mob activities. I know. I was a

member of the AFL-CIO. I went through a formal apprenticeship. I paid dues, and I became a journeyman metal lather, a skilled trade, back in those years when I was working in construction.

Union funds, as I say, are also comprised of pension funds, which sometimes are targeted by organized crime and used to underwrite mob activities. When I was chairman of the Labor Committee, we did a lot to try and overcome these things, but it has never been done better than between 2001 and 2007. From October 2000 through May 2007, in the State of New York alone, the OLMS conducted 334 audits and obtained 87 indictments, resulting in 82 convictions. That is a high constriction rate, showing this is not some little itty, bitty problem. This, in turn, resulted in the recovery and restitution of \$39.6 million. In Illinois, the OLMS indicted 44 persons in connection with fraudulent activity involving union funds, resulting in 42 convictions. These are statistics we can all be proud of. OLMS investigations produced 1,000 indictments and obtained 929 convictions—a 92.9-percent conviction rate.

We are debating legislation that provides more investigators and remedies to prevent fraud and enforce Federal laws. The OLMS enforces the Labor Management Reporting Disclosure Act, a bipartisan law with roots back to another former Senator who was young, inspiring, and went on to become President: John F. Kennedy. It was then-Senator Kennedy who inserted into this act the union members' bill of rights. It is the union members who are entitled to transparency. The whole world is entitled to transparency in these instances as well. It is the mission of the OLMS to ensure that union business is conducted in the light of day, with its members'—and that is plural—interests at heart.

It is for this reason that I have risen to propose this amendment and I ask my colleagues for their support and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. HATCH. Well, then I will ask for the yeas and nays at the appropriate time.

Mr. REID. Madam President, I ask unanimous consent that the call of the quorum be terminated.

The PRESIDING OFFICER. The Senate is not in a quorum call.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? This time there is a sufficient second.

The yeas and nays are ordered.

Mr. HATCH. I thank the majority leader for his kindness and, of course, we are willing to have this come up whenever the majority leader and the minority leader determine.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1006

Mr. SCHUMER. I ask unanimous consent that my amendment No. 1006 be called up.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be passed.

The PRESIDING OFFICER. Is there any further debate on this issue?

If not, the question is on agreeing to the amendment.

The amendment (No. 1006) was agreed to.

Mr. SCHUMER. Madam President, I wish to note to the body that this is the SEC amendment that adds \$20 million for new SEC staff and investigators and another \$1 million for the IG within the SEC. This was the one part of this very fine piece of legislation that wasn't included. Of course, if you are looking at financial fraud—the kind Bernie Madoff and so many others did—beefing up the SEC and making sure they are much tougher and more focused, as the technology parts of this amendment will allow, is what we need.

Senator GRASSLEY wanted to make sure the SEC avoided past mistakes under its old leadership and made some very useful suggestions. That is why the SEC wasn't included originally. We agreed on those. I wish to thank him, Senator LEAHY, as well as Senator SHELBY, who has been my cosponsor for passing this legislation.

I also wish to thank our new chair at the SEC, Chair Schapiro. Mary Schapiro is a breath of fresh air within the SEC. She is trying to shake it up and focus on the kinds of mistakes we have seen in the past where the whistleblower came before the SEC and gave them the goods on Madoff and they passed it by. It won't happen again. This amendment should help make that happen and strengthen this fine legislation.

I yield the floor.

EXECUTIVE POWER

Mr. SPECTER. Madam President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I have sought recognition to introduce three bills relating to limiting Executive power. Because of the past period of time since 9/11, we have seen enormous expansion of

Executive power. We have seen the President, during President George W. Bush's administration, use signing statements extensively. We have seen President Obama use a signing statement already in his short tenure, which, in effect, nullifies what the Congress has done.

The Constitution is plain that there is a presentment of legislation to the President and he either signs it or vetoes it. What we have found is that Presidents are now cherry-picking the parts they like and the parts they don't like. So I am submitting legislation on Presidential signing statements.

The second issue of concern involves the immunity for the telephone companies which would deprive Federal jurisdiction for some 40 cases. I believe telephone companies have been good citizens in providing very important information. I believe there is a way to maintain the jurisdiction of the Federal courts and still not subject the telephone companies to litigation or possible damages by having the Government substituted as the party defendant. I am introducing legislation on that subject.

Third, I am introducing legislation that would establish a requirement that the Supreme Court of the United States take jurisdiction on all appeals involving the terrorist surveillance program. That program has caused a great deal of controversy because of the issue as to whether the President has authority under article II to ignore the explicit provisions of the Foreign Intelligence Surveillance Act. The terrorist surveillance program, was declared unconstitutional by a Federal court in Detroit. An appeal taken to the Sixth Circuit was dismissed for reasons of lack of standing. The forceful dissenting opinion in that case showed that there was sufficient basis for standing—a very flexible judicial doctrine.

The Supreme Court of the United States denied certiorari, so at this point, we don't know whether the President's exercise of authority there under article II of the Constitution is correct. Certainly, if the President has that constitutional authority, it supercedes the statute. But that is a matter which should have been decided a long time ago by the Supreme Court, and the Supreme Court has avoided moving on that subject.

Today, I have an article I have offered on executive power. It appears today in the New York review of books, where I outline my intent to introduce these pieces of legislation. The article comes from a longer floor statement I had prepared. It has been reduced somewhat in size.

In the 7½ years since September 11, the United States has witnessed one of the greatest expansions of executive authority in its history, in derogation of the constitutionally mandated separation

of powers. President Obama, as only the third sitting senator to be elected president in American history, and the first since John F. Kennedy, may be more likely to respect the separation of powers than President Bush was. But rather than put my faith in any president to restrain the executive branch, I intend to take several concrete steps, which I hope the new President will support.

First, I intend to introduce legislation that will mandate Supreme Court review of lower court decisions in suits brought by the ACLU and others that challenge the constitutionality of the warrantless wiretapping program authorized by President Bush after September 11. While the Supreme Court generally exercises discretion as to whether it will review a case, there are precedents for Congress to direct Supreme Court review on constitutional issues—including the statutes forbidding flag burning and requiring Congress to abide by Federal employment laws—and I will follow those.

Second, I will reintroduce legislation to keep the courts open to suits filed against several major telephone companies that allegedly facilitated the Bush administration's warrantless wiretapping program. Although Congress granted immunity to the telephone companies in July 2008, this issue may yet be successfully revisited since the courts have not yet ruled on the legality of the immunity provision. My legislation would substitute the government as defendant in place of the telephone companies. This would allow the cases to go forward, with the government footing the bill for any damages awarded.

Further, I will reintroduce my legislation from 2006 and 2007—the Presidential Signing Statements Act—to prohibit courts from relying on, or deferring to, Presidential signing statements when determining the meaning of any act of Congress. These statements, sometimes issued when the President signs a bill into law, have too often been used to undermine congressional intent. Earlier versions of my legislation went nowhere because of the obvious impossibility of obtaining two-thirds majorities in each House to override an expected veto by President Bush. Nevertheless, in the new Congress, my legislation has a better chance of mustering a majority vote and being signed into law by President Obama.

To understand why these steps are so important, one must appreciate an imbalance in our “checks and balances” that has become increasingly evident in recent years. I witnessed firsthand, during many of the battles over administration policy since September 11, how difficult it can be for Congress and the courts to rally their members against an overzealous executive.

THE TERRORIST SURVEILLANCE PROGRAM—ACT I

As chairman of the Senate Judiciary Committee from 2005 to 2007, I led the effort to reauthorize and improve the 2001 USA PATRIOT Act, which was originally set to expire at the end of 2005. Indeed, after intensive bipartisan negotiations, the Judiciary Committee succeeded—to the surprise of most observers—in approving a revised bill by unanimous vote. The full Senate then approved the bill by unanimous consent, but the conference report negotiated with the House of Representatives faced stiffer opposition. Nevertheless, after days of floor debate, I awoke on December 16, 2005, fully expecting to finish Senate action on the long-delayed reauthorization.

So, I was startled—really shocked—to read the lead story in the New York Times that morning, titled “Bush Lets US Spy on Callers Without Courts,” which revealed that our intelligence agencies had been engaged in warrantless wiretapping since shortly after September 11, in flat violation of the Foreign Intelligence Surveillance Act—FISA—of 1978. This is James Risen and Eric Lichtblau, “Bush Lets U.S. Spy on Callers Without Courts,” the New York Times, December 16, 2005. The news caused the Senate to delay passage of the PATRIOT Act reauthorization for months. Senator CHARLES SCHUMER expressed the sentiments of many: “I went to bed last night unsure of how to vote on this legislation. . . . Today's revelation that the Government listened in on thousands of phone conversations without getting a warrant is shocking and has greatly influenced my vote.” More importantly, the disclosure in the Times launched a fierce debate about the extent of Presidential authority in the war on terror that has yet to be fully resolved.

That day, I assured my colleagues the reports would be a “matter for oversight by the Judiciary Committee . . . a very high priority item.” When Congress reconvened in January 2006, I made good on my promise: I held multiple hearings into the program the Times revealed, later dubbed the Terrorist Surveillance Program. As acknowledged by President Bush, this highly classified program launched in the weeks after September 11 purported to authorize the National Security Agency to intercept phone calls between terror suspects overseas and persons inside the United States. Critics like me argued that the President's program violated FISA. After all, the law declared the procedures set up by FISA to be the “exclusive means” by which such surveillance of telephone calls and other communications could be conducted. FISA also made criminal all domestic electronic surveillance designed to obtain foreign intelligence “except as authorized by statute.” Although the law defined limited exceptions in emergencies, reports in the

press made it clear that none of them applied to the warrantless wiretapping that was done in the Terrorist Surveillance Program.

I recognized that, as administration supporters argued, the President might have inherent power to disregard FISA and to conduct unfettered foreign intelligence surveillance under article II of the Constitution, the section that defines his authority as Commander in Chief. I was not, however, sympathetic to the administration's further argument that Congress had implicitly authorized the President to carry out programs such as the Terrorist Surveillance Program when it authorized the use of military force against terrorists in September 2001.

I was also convinced that President Bush's failure to notify Congress of the secret program violated provisions of the National Security Act of 1947. That statute requires the President to "ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States." But the administration informed only eight legislators of the Terrorist Surveillance Program: the chairman and ranking members of the Senate and House Intelligence Committees, and the two top leaders in the majority and minority of both Houses, leaving out both me and Senator PATRICK LEAHY as chair and ranking member of the Judiciary Committee, despite the fact that when FISA was enacted in 1978, it went through both the Intelligence and Judiciary Committees. While the law explicitly permits notice to this limited "Gang of 8" for certain covert operations—such as efforts to influence political conditions abroad without disclosing the U.S. role—the Terrorist Surveillance Program did not fit this exception.

Indeed, those notified were very uneasy about the arrangement. Senator JAY ROCKEFELLER, then ranking member on the Intelligence Committee, sent a secret handwritten letter to the Vice President saying the administration's surveillance activities "raised profound oversight issues" on which, owing to the arrangement, ROCKEFELLER could not "consult staff or counsel." A sealed copy of the letter had to be stored in a classified Senate area for over 2 years until knowledge of the Terrorist Surveillance Program became public. Once the story broke, Representative JANE HARMAN, who as ranking member of the House Intelligence Committee was another Gang of 8 member, informed President Bush that she believed "the practice of briefing only certain Members of the intelligence committees violates the specific requirements of the National Security Act of 1947."

I raised this issue in a January 24, 2006, letter sent to Attorney General Alberto Gonzales in advance of the

first Judiciary Committee hearing on the Terrorist Surveillance Program. Gonzales replied:

"It has for decades been the practice of both Democratic and Republican administrations to inform only the Chair and Ranking Members of the intelligence committees about certain exceptionally sensitive matters.

The attorney general added that, according to the Congressional Research Service, the leaders of the intelligence committees had acquiesced in this practice. In my view, Gonzales's argument could appeal only to those unacquainted with the ways the executive branch has, in practice, dealt with the intelligence committees. Administrations of both parties have sometimes told the chair and ranking member that they have important information to disclose, but insisted that they will reveal this information only to some group within the committee and the top congressional leadership, such as the "Gang of 8." In many cases, the offer is accepted as the only way of getting the information—at least in a timely manner.

To the extent the administration relied on such precedents to justify notifying only the "Gang of 8," it should have informed me and Senator LEAHY as well. Indeed, administration officials briefed both of us on the Terrorist Surveillance Program when they later sought comprehensive FISA reform. It is quite glaring, then, that they neglected to brief us in 2005, even as we were considering reauthorization of the PATRIOT Act, which was central to the administration's counterterrorism efforts.

In the spring of 2006, new allegations about the government's surveillance activities surfaced—not at congressional hearings, but again through leaks to the press. On May 11, 2006, USA Today reported that the National Security Agency had been "secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth." This is Leslie Cauley, "NSA Has Massive Database of American's Phone Calls," USA Today, June 11, 2006. Although the records reportedly included only data like telephone numbers, rather than the contents of calls, the revelations stirred new controversy.

One month later, on June 22, the Chicago Sun-Times reported that AT&T had changed its privacy policy to make customer data a "business record the company owns," one that "can be disclosed to [the] government. . . ." This is Associated Press, AT&T Says it Can Disclose Account Data on Net, TV Clients, Chicago Sun Times, June 22, 2006, at 25. I was very interested in the legal basis for this assertion of ownership and what relationship it had, if any, to the reported disclosures of communications data to the government. As luck

would have it, that very day, the Judiciary Committee's Antitrust Subcommittee was holding an unrelated hearing on the proposed merger of AT&T and BellSouth, featuring the firms' respective CEOs, Edward Whitacre Jr. and Duane Ackerman. I could not let the presence of these CEOs pass without confronting them on the surveillance program.

I asked Mr. Whitacre whether his "company provide[d] information to the Federal Government." He kept repeating that they "follow the law"—a comment that I told him was "contemptuous of this committee," because I was asking a factual question and he was offering a legal conclusion. Mr. Whitacre defended his answer on the grounds that he had spoken to a number of attorneys who advised him he could say nothing more.

The episode did not go unnoticed. For example, under the headline "Privacy flap engulfs hearing," the Atlanta Journal-Constitution detailed that "a Senate hearing Thursday intended to explore the consumer impact of a proposed AT&T-BellSouth merger instead turned into a contentious face-off over phone privacy." (see Marilyn Geewax, AT&T BellSouth Merger; Privacy Flap Engulfs Hearing; Panel Wonders About Use of Phone Records, Atlanta Journal-Constitution, June 23, 2006, at 4G.)

In truth, the matter merited its own hearing, but my efforts to hold one were thwarted by Vice President Cheney. Soon after the story broke, I announced my intention to schedule a hearing with the CEOs of the named carriers. I planned to either subpoena the companies or arrange a hearing closed to the public, which the telephone companies had agreed to attend without receiving a subpoena. Unfortunately, Vice President Cheney went behind my back to persuade all of the other Republicans on the committee not to support the subpoena and to boycott the session I had called to discuss a possible private hearing. In the face of this opposition, I had little choice but to agree to a proposal by Senator ORRIN HATCH for a brief delay to give him an opportunity to solicit the administration's views on my bill to permit court oversight of the Terrorist Surveillance Program. When I announced this course of action at the executive session, a highly contentious debate ensued.

Senator LEAHY, long at odds with the Vice President, opined that since we were not going to "find out independently" what the government sought from the telecoms and instead wait "for Dick Cheney to tell us what we should know" that we might as well "just recess for the rest of the year." On the other hand, Senator DIANNE FEINSTEIN reported that she would not vote for the subpoenas because the "telephone companies who are trying to be a good citizen should not be held

out to dry.” As a member of both the Judiciary and Intelligence Committees, she added that “it is very difficult for this committee to legislate without knowing the program” and therefore the Intelligence Committee was the appropriate venue for legislation on the matter. Senator DICK DURBIN, noting the absence of many Republicans, complained, “I thought there would be a conversation about this, but apparently there will not be.” He continued that the “fortitude and strength [I] had shown in this committee, leading up through the month of May has ended in a June swoon.”

When this uncomfortable meeting—and the accompanying slings—concluded, I drafted what I refer to as a “lawyer’s letter” to the Vice President. I wrote:

I was surprised, to say the least, that you sought to influence, really determine, the action of the Committee without calling me first, or at least calling me at some point. This was especially perplexing since we both attended the Republican Senators caucus lunch yesterday and I walked directly in front of you on at least two occasions en route from the buffet to my table.

I concluded with a solemn warning:

If an accommodation cannot be reached with the administration, the Judiciary Committee will consider confronting the issue with subpoenas and enforcement.

This spat proved great fodder for the editors. The lurid details were splashed across the pages of national newspapers around the country. The Los Angeles Times confided that the “unusually public rupture between a senior GOP lawmaker and the White House” provided “a rare public glimpse of the tactics employed by a vice president who prefers to operate behind the scenes.” It said I “lashed out” in a letter in an “unusually harsh attack.” This is Gregg Miller, *Specter Says Cheney Tried to Derail Hearings*, Los Angeles Times, June 8, 2006, at A6. The front page headline of *The Hill* screamed “Specter Rebukes Cheney,” and the Washington Post averred that the “simmering tensions” over the “administrations tight-lipped position on the programs” had finally “boiled over.” see Alexander Bolton, *Specter Rebukes Cheney*, *The Hill*, June 8, 2006, at 1; Michael A. Fletcher, *Cheney Plays Down Dispute With Specter*, Washington Post, June 9, 2006, at A4.

Someone in Cheney’s office must have been up all night, because I had my reply by mid-morning the next day. The White House, he said, was willing to negotiate in good faith. Extensive discussions culminated with a compromise bill and a July 11, 2006, meeting with President Bush in the Oval Office. The President agreed to submit the surveillance program to judicial review, but was insistent that the Senate not alter the agreed-upon terms. Usually, after securing such an agreement, one walks out of the Oval Office to the cameras and advertises it, but I chose

to make the announcement at the committee’s next executive session on July 13.

My bill of 2006 to expand and revise FISA gave jurisdiction to the Foreign Intelligence Surveillance Court—the Intelligence Court—which was set up by the original FISA law to rule on surveillance requests by Federal agencies—to review the legality of the Terrorist Surveillance Program. Determining the constitutionality of the program would turn upon submissions to the Intelligence Court by the attorney general about its function and procedures, with particular attention to safeguards to ensure that the Terrorist Surveillance Program targeted suspected terrorists and not innocent Americans. The bill further required the attorney general to inform the House and Senate Intelligence Committees of all surveillance programs and created a new criminal offense for misuse of intercepted information. In return, the government was given additional flexibility with respect to the issuance and duration of emergency warrants. And in a nod to the administration, the bill also acknowledged that the president, as commander in chief, retains certain authority inherent in article II of the Constitution, although it left decisions about the scope of that authority to the courts.

Some complained that I had “sold out” in making this deal. See, e.g., Jonathan Mahler, *After the Imperial Presidency*, N.Y. Times, November 9, 2008, Magazine, at MM42. These critics fail to appreciate the disadvantage Congress faces in resisting expansions of executive power. The Terrorist Surveillance Program was put into effect when President Bush signed a secret order in 2001. He did not need to hold any hearings or convince any colleagues. Vice President Cheney could rely on the fractious nature of the Senate, and the great influence of the executive, to easily kill the prospects for my planned subpoenas of the telephone companies. The administration’s damage control, like the initial action, was swift and unilateral. By contrast, on the legislative side, we could not begin to act until we established a factual record through a series of hearings and secured consensus on a path forward.

As committee chairman, I was battered by Senators on both sides in my efforts for oversight. On the right, there were members who touted Article II and party loyalty. They were inclined, at a minimum, to accept the strained arguments that the Authorization for Use of Military Force had authorized the Terrorist Surveillance Program, and that the failure to notify the full intelligence committees did not actually violate the National Security Act. On the left, there was genuine outrage at some administration tactics, but they were also in no hurry for compromise, no matter how favorable

the terms. They were very cognizant of the fact that the longer they let the friction between the branches drag on, the worse it looked for Republicans and the better for them and their allies. For example, as the New York Sun reported in June 2006, “[f]ear of government excess in the war on terror ha[d] driven membership rolls” in the ACLU “to more than 550,000 from less than 300,000,” and the group’s fundraising had “surged.” See Josh Gerstein, *For ACLU’s Anthony Romero, These Should Be Best Times*, New York Sun, June 27, 2006.

Ultimately, the Judiciary Committee approved my FISA reform bill on September 13, 2006, but in contrast to the bipartisan vote on the PATRIOT Act reauthorization a year earlier, there was a 10–8 party-line vote. A final vote on the Senate floor was never taken, largely because the House had settled on a different approach to the Terrorist Surveillance Program that did not authorize court review of the program. Once again, the inherent constraints on the bicameral legislative branch served to benefit the executive, as the President’s surveillance program continued unabated throughout our internal debates.

The courts fared no better at reining in the Terrorist Surveillance Program. In August 2006, Judge Anna Diggs Taylor of the U.S. District Court for the Eastern District of Michigan issued an opinion in *ACLU v. NSA*, finding the program unconstitutional. Almost a year later, in July 2007, the U.S. Court of Appeals for the Sixth Circuit overturned her decision. On a 2–1 vote, it declined to rule on the legality of the program, finding that the plaintiffs lacked standing to bring the suit. The Supreme Court then declined to hear the case, even though the doctrine of standing has enough flexibility for the Court to have acted. My bill to mandate Supreme Court review of this and other cases therefore seems all the more necessary to resolve the question.

With the Supreme Court abstaining, another lone district judge took a stand. In *In re National Security Agency Telecommunications Records Litigation*, Chief Judge Vaughn Walker in the Northern District of California considered a case brought by an Islamic charity that claims to have been a subject of the surveillance program. In a 56-page opinion he wrote:

Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities.

As detailed further below, the hurdles faced by the few judges willing to examine the Terrorist Surveillance Program, and the snails’ pace of appellate review, make my bill to mandate

Supreme Court review of this and other cases all the more necessary to resolve the question.

SHORTCOMINGS OF THE LEGISLATIVE AND JUDICIAL BRANCHES AS CHECKS ON EXECUTIVE POWER.

The courts, including the Supreme Court, have admittedly been more effective than Congress in restraining executive excesses, but both have been too slow. This failure is exemplified by the judicial and legislative efforts to address the administration's treatment of detainees in the war on terror.

In *Hamdi v. Rumsfeld*, decided on June 28, 2004, nearly 3 years after September 11, the Supreme Court ruled that a U.S. citizen being held as an enemy combatant must be given an opportunity to contest the factual basis for his detention before a neutral magistrate. In a stern rebuke of executive overreaching, Justice O'Connor's opinion declared, "We have long since made clear that a state of war is not a blank check for the president when it comes to the rights of the Nation's citizens." The same day, the Court held in *Rasul v. Bush* that detainees at Guantánamo Bay were entitled to challenge their detention by filing habeas corpus petitions—the time honored legal action used to contest the basis for government confinement. Two years later, on June 29, 2006, the Court announced in *Hamdan v. Rumsfeld* that the President could not conduct military commission trials under procedures that had not been authorized by Congress and that failed to satisfy the obligations of the Geneva Conventions' Common article III and the Uniform Code of Military Justice.

Instead of fully embracing these decisions, however, Congress responded with the Detainee Treatment Act and the Military Commissions Act of 2006, both of which eliminated detainees' right to habeas corpus review on grounds that foreign terrorist suspects did not have the same rights as others in U.S. custody.

During debate on the Military Commissions Act, I offered an amendment that would have guaranteed habeas corpus for detainees. In the face of sharp criticism from my own party, I argued that I was not speaking "in favor of enemy combatants." Rather, I was "trying to establish . . . a course of judicial procedure" to determine whether the accused were in fact enemy combatants. I pointed out that my fight to preserve habeas rights was, in essence, a struggle to defend "the jurisdiction of the federal courts to maintain the rule of law." I concluded with a plea for the Senate not to deny "the habeas corpus right which would take us back some 900 years and deny the fundamental principle of the Magna Charta imposed on King John at Runnymede." Despite these entreaties, my amendment narrowly lost on a 48-51 vote.

I had lost the battle, but was not prepared to surrender. On January 18, 2007, Attorney General Gonzales testified before the Judiciary Committee and argued that proposals to restore habeas corpus, such as a bill Senator LEAHY and I had introduced, were "ill-advised and frankly defy common sense." I was astounded at his claim that "there is no express grant of habeas in the Constitution." I asked him: "The constitution says you can't take it away except in case of rebellion or invasion. Doesn't that mean you have the right of habeas corpus unless there is an invasion or rebellion?" He replied, "The constitution does not say every individual in the United States or every citizen is hereby granted or assured the right to habeas. . . . It simply says the right of habeas corpus shall not be suspended." I protested, "You may be treading on your interdiction and violating common sense, Mr. Attorney General."

This exchange received notice in a number of papers, as my position gained momentum. The Detroit Free Press, for example, editorialized:

The moment when Alberto Gonzales proved he was just wrong for the job of U.S. attorney general came . . . after Sen. Arlen Specter, R-Pa., asked him about the constitutional guarantee of criminal due process, known as habeas corpus.

See Editorial, *Gonzales Twisted Rule of Law Too Well*, Detroit Free Press, August 28, 2007.

That September, I made a second attempt to restore habeas corpus jurisdiction with an amendment to the Defense Department's authorization bill. This time, a majority of Senators voted for it, including seven Republicans. Unfortunately, the 56-43 majority was insufficient because, in the face of a filibuster threat, Senate procedure required sixty votes to pass. Ironically, a procedural tool that protects Senate minorities had become a shield for the executive branch.

Thus, yet again, it was left to the Supreme Court to beat back the encroachment of executive power, which it finally did on June 12, 2008. In *Boumediene v. Bush*, the Court held that detainees held at Guantánamo Bay "are entitled to the privilege of habeas corpus to challenge the legality of their detention." Because the Combatant Status Review Tribunals established by the Defense Department in 2004, following the *Hamdi* and *Rasul* decisions, and the limited procedural review permitted before the DC Circuit failed to constitute an adequate and effective substitute for habeas corpus, the Court held that the Military Commissions Act had effected "an unconstitutional suspension of the writ."

As satisfying as it was to be vindicated, I was frustrated that Congress had left the task of reining in the executive to slow-paced and incomplete judicial review. While the *Boumediene* decision ensured habeas rights for de-

tainees, it took 7 years; and even then the Court almost failed to take on the case. All along, the Court's rulings were piecemeal and avoided taking strong stands on controversial constitutional questions. The result was a protracted process that delayed justice for detainees and left important areas of constitutional law murky.

Indeed, the Supreme Court actually denied *Boumediene*'s initial petition for review on April 2, 2007. Then, on June 29, in a highly unusual move, the Court reconsidered and agreed to hear the case. The justices gave no reason for the reversal, but some speculate that they were moved by intervening disclosures concerning the military commissions. In particular, a military officer and lawyer who had been involved in overseeing the tribunals said that the process was flawed and that prosecutors had been pressured to label detainees as enemy combatants.

As much time as it took in these cases, at least the Supreme Court eventually ruled on the merits in *Boumediene*. The same cannot be said for Supreme Court review, or even substantive appellate review, of President Bush's warrantless wiretapping program. Thus far, only individual judges in the district courts of Michigan and California have been willing to take a strong stand on the Terrorist Surveillance Program.

Like many in the legislature, it appears the courts are reluctant to act. They do not want the responsibility. Only after significant time has passed, and it is relatively safe, do they finally consider such issues on the merits. I have proposed legislation in the past to require expedited review of certain important cases, including the challenges by civil liberties organizations and other plaintiffs to the Terrorist Surveillance Program, and I will do so again in the new Congress.

SIGNING STATEMENTS

Even where Congress manages to negotiate its internal checks and to act decisively against expansions of executive power, presidents have used signing statements that override the legislative language and defy congressional intent.

There was an explosion in the use of signing statements during the Bush administration. The Boston Globe reported in 2006 that President Bush "has used signing statements to claim the authority to disobey more than 750 statutes—more laws than all previous presidents combined." This is Charlie Savage, in *Proposed Iran Deal, Bush Might Have to Waive Law: '05 Statute Forbids Providing Reactor*, Boston Globe, June 8, 2006.

Two prominent examples make the point. As detailed earlier, I spearheaded the delicate negotiations on the PATRIOT Act Reauthorization which included months of painstaking efforts to balance national security and civil

liberties, disrupted by the dramatic disclosure of the Terrorist Surveillance Program. The final version of the bill to reauthorize the PATRIOT Act featured a carefully crafted compromise, which was necessary to secure its passage in 2006. Among other things, it included several oversight provisions designed to ensure that the FBI did not abuse special terrorism-related powers permitting it to make secret demands for business records. President Bush signed the measure into law, only to enter a signing statement insisting that he could withhold from Congress any information required by the oversight provisions if he decided that disclosure would “impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive’s constitutional duties.”

The second example arose in 2005. Congress overwhelmingly passed Senator JOHN MCCAIN’s amendment to ban all U.S. personnel from inflicting “cruel, inhuman or degrading” treatment on any prisoner held by the United States. There was no ambiguity in Congress’s intent; in fact, the Senate approved the proposal 90–9. However, after signing the bill into law, the President quietly issued a signing statement asserting that his administration would construe it “in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.”

Many understood this signing statement to undermine the legislation. In a January 4, 2006, article titled “Bush Could Bypass New Torture Ban: Waiver Right Is Reserved,” the Boston Globe cited an anonymous “senior administration official,” according to whom “the president intended to reserve the right to use harsher methods in special situations involving national security.”

These signing statements are outrageous, intruding on the Constitution’s delegation of “all legislative powers” to Congress, but it is even more outrageous that Congress has done nothing to protect its constitutional powers. The legislation I introduced in 2006 would have given Congress standing to challenge the constitutionality of these signing statements, but has until now failed to muster the veto-proof majority it would surely require. The executive branch operates free of such internal dissent. Although JOHN MCCAIN promised to drop signing statements altogether, Barack Obama, while deploring Bush’s practice, said during the campaign that “no one doubts that it is appropriate to use signing statements to protect a president’s constitutional prerogatives.”

Here again, the President does not need to convince any colleagues to

issue a signing statement, he needs only put pen to paper. Indeed, 2 days after criticizing President Bush’s signing statements, President Obama issued one of his own regarding the Omnibus Appropriations Act of 2009. Citing among others his “commander in chief” and “foreign affairs” powers, he refused to be bound by at least 11 specific provisions of the bill including one longstanding rider to appropriations bills designed to aid congressional oversight. As I told the Wall Street Journal, “We’re having a repeat of what Democrats bitterly complained about under President Bush,” and if President Obama “wants to pick a fight, Congress has plenty of authority to retaliate.”

THE TERRORIST SURVEILLANCE PROGRAM—ACT

II

Many of the issues surrounding the Terrorist Surveillance Program and executive authority resurfaced in 2008. FISA reform legislation, which began making its way through the Senate in February of last year, included a controversial provision giving retroactive immunity to the telecommunications companies for their alleged cooperation with the Terrorist Surveillance Program.

Throughout, my chief concern was to keep the way to the courts open as a means to check executive excesses. I offered an amendment, both in committee and on the floor, to substitute the U.S. Government for the telephone companies facing lawsuits related to the Terrorist Surveillance Program. Instead of immunity, my amendment would have put the government in the place of the companies, so the cases could go forward without posing a legal threat to the companies themselves.

When this proposal was defeated, I proposed yet another amendment, which would have required a federal district court to determine that the surveillance itself was constitutional before granting immunity. I also co-sponsored an amendment that would have delayed the retroactive immunity for the telephone companies until a mandatory inspector general’s report on the Terrorist Surveillance Program had been issued.

I tried to impress upon my colleagues the importance of our actions:

We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority . . . The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was [reversed] by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the act unconstitu-

tional. The Congress ought to let the courts fulfill their constitutional function. . . . Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don’t believe it is too late to make this bill better.

The date was July 7 and the Senate had just returned from recess, which allowed me to close with a flourish:

Perhaps the Fourth of July holiday will inspire the Senate to exercise its independence from the executive branch now that we have returned to Washington.

Despite my fight to keep the courts open, in the end all my amendments were defeated. Nevertheless, as I said I would, I ultimately voted for the FISA reform bill. I chose not to reject the entire package—which had the support of nearly seventy senators, including both presidential candidates—not only because my classified briefings on the surveillance program convinced me of its value, but also because of the important oversight provisions it imposed on future surveillance programs.

The FISA reform bill required prior court review of the government’s procedures for surveillance of foreign targets, except in exigent circumstances. It also required that the Intelligence Court determine whether procedures for foreign targeting satisfy fourth amendment protections against unreasonable searches. In addition, before monitoring U.S. citizens outside the country, it required individualized court orders based on probable cause. Finally, the bill mandated a comprehensive review of the Terrorist Surveillance Program by several inspectors general. Indeed, the final bill had many elements in common with my earliest efforts to place the Terrorist Surveillance Program under FISA—it just took years to get there. And Congress and the courts may yet need to correct its flaws.

A PLAN FOR THE FUTURE

These experiences have crystallized for me the need for Congress and the courts to reassert themselves in our system of checks and balances. The bills I have outlined are important steps in that process. Equally important is vigorous congressional oversight of the executive branch. This oversight must extend well beyond the national security arena, especially as we cede more and more authority over our economy to government officials.”

As for curbing executive branch excesses from within, I hope President Obama lives up to his campaign promise of change. His recent signing statements have not been encouraging. Adding to the feeling of déjà vu is the Washington Post’s report that the new administration has reasserted the “state secrets” privilege to block lawsuits challenging controversial policies like warrantless wiretapping: “Obama has not only maintained the Bush administration approach, but [in one

such case] the dispute has intensified." Government lawyers are now asserting that the trial court lacks authority to compel disclosure of secret documents, and "warning" that the government might "spirit away" the material before the court can release it to the litigants. This is Carrie Johnson, "Handling of 'State Secrets' at Issue: Like Predecessor, New Justice Dept. Claiming Privilege," *The Washington Post*, March 25, 2009. As the article notes, I have reintroduced legislation this year with Senators LEAHY and KENNEDY to reform the state secrets privilege. I doubt that the Democratic majority, which was so eager to decry expansions of executive authority under President Bush, will still be as interested in the problem with a Democratic president in office. I will continue the fight whatever happens.

(The further remarks of Mr. SPECTER pertaining to the introduction of S. 875, S. 876 and S. 877 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the Senator from Arkansas be given 5 minutes as in morning business and then that we return to me and go back on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank the Chair and my friend from Oklahoma. I appreciate the collegiality and certainly his friendship.

HEALTH CARE

I rise today like many Arkansans because I am very troubled about the rising health care costs and the barriers many Arkansans face accessing an affordable and quality health plan. Nearly half a million Arkansans are uninsured, including 66,000 Arkansas children. The cost in both human and financial terms is felt by everybody. That is why, during this work period, I traveled the State on a 2-week tour to "take the pulse" of Arkansans and of health care in our communities and across our State. I met with patients, providers, advocacy groups, and all of the other health care professionals in every corner of our State. We discussed the challenges we face delivering and accessing quality and affordable health care in rural Arkansas. It was a wonderful tour, very open. People were frustrated, concerned, and they had good ideas. They were very much interested in being able to help us in Washington move forward on this issue. I felt as if the will, and certainly the desire, was there among Arkansans to fix this problem.

My first stop was in Clinton, AR, located in Van Buren County, where 26 percent of the residents there are unin-

sured, and many are on Medicare or Medicaid. A local pharmacist raised concerns with the burden of paperwork, regulations, and fees required by CMS for pharmacists to supply medical equipment and supplies. A nurse practitioner talked about ways to fill gaps in our primary care workforce and how it was in areas like that. Others stressed the need to address the preventive health needs in our State, such as smoking cessation and prevention of obesity and related health conditions.

Next, I went to Augusta, AR, in our row cropland, and I heard from Arkansans who said that high-deductible plans are not meeting their needs. As a result, these patients often miss out on very important primary and preventive care because they cannot afford their plans' expensive copays and deductibles; therefore, they end up being more costly to the system without that preventive or primary care because they end up in more acute-care situations.

In Lake Village, AR, on the eastern side of the State, people talked about the need to improve dental coverage within Medicare and in private insurance. I also heard from veterans who are forced to drive long distances to receive care and expressed the real need for more rural VA clinics and not only how much better quality of life it would provide them but the cost savings it could provide as well to the VA and the whole implementation of health care delivery to our veterans.

Across the State in Nashville, AR, I spoke with a provider about the difficulty in recruiting specialists in rural Arkansas. Health technologies, such as remote patient monitoring and mobile imaging, may help to provide special access to those rural areas, where it may not be efficient for each rural community to have a multitude of specialists located in their communities. At least they can serve there and provide their services with equipment that is much needed.

My final stop was in Springdale, northwest Arkansas, close to the Oklahoma border. I heard from seniors who have had trouble finding a provider that will accept Medicare.

We must build our primary care workforce and address reimbursement inequities in these rural areas in order to help Arkansans on Medicare gain access to the care they need. We had a long discussion about the need for more primary care professionals, physicians, and certainly the fact that it is not just the reimbursement, it is also the quality of life in these rural areas. Making sure we can grow our own primary care physicians in these rural areas does an awful lot in making sure we have those providers in the areas who can serve those individuals.

In all of these places, good Arkansas neighbors working to take care of their neighbors were always present, wheth-

er it was community health centers, which are working desperately hard to use the money from the recovery package to increase their ability to cover more of the uninsured, or whether it was the nonprofits or religious-based clinics that were doing a tremendous job partnering with our hospitals to keep people out of the emergency room and getting some of their lab work done by the hospitals but still being able to provide care in those clinics.

So all in all, it was a great opportunity for me. I love traveling Arkansas anyway, visiting with the great people in our State, but it really showed the concerns we talk about here in Washington, and you get to see them face to face.

I think these stories help illustrate how critical it is for residents of Arkansas and other rural areas to have easy, affordable access to health care. I was grateful to meet with so many Arkansans and to be able to share their stories with my colleagues here, and as we move forward in this debate, it makes a big difference. My staff was there, as always, because there are so many issues. Sometimes people don't know where to go. Having our staff be able to talk to them and direct them in those ways is very valuable. Remembering the educational component in health care and how we make sure information is going to be available to people is a critical part of it.

This week, in the Senate Finance Committee, we launched its first of three roundtable discussions in advance of drafting a health care bill. I strongly believe Congress must craft health reform legislation that lowers costs, improves quality, and provides access to coverage for all Americans. I compliment Chairman BAUCUS and Senator GRASSLEY for the great way they have approached this—last year having multiple hearings and coming again this year with more hearings and a roundtable situation. We had a summit last summer. These things have been very beneficial to the debate in a bipartisan way.

From my seat on the Senate Finance Committee, I will work to ensure we have guaranteed coverage for people with preexisting conditions; continuity of coverage for people between jobs, which we see oftentimes and particularly in this economic setting; maintain affordability for people who are privately insured; and have Medicaid eligibility for every uninsured American living in poverty.

Mr. President, one of the things I noticed that was so positive out there with Arkansans is that, although they are frustrated and concerned about where we are going and what we are going to do, their will to do this now is there. The American people feel it is a must-do situation for us in this economy for the quality of life we want to have. I think that in this body we have

an opportunity not only to do it but to do it correctly.

We are very proud of the incredible medical professionals who are in this country, folks such as my colleague from Oklahoma, who is tremendous in his own profession as a physician. We are proud of that. We want to make sure we correct the insufficiencies for those individuals and be able to provide the services at a cost people can afford and have an accessibility that leaves nobody out, whether you live in a major city or in a rural area. I believe this is one of the most urgent issues facing our Nation, and it is time for action. We need to move forward on health care reform.

I very much appreciate the opportunity I have had to visit with Arkansans. I look forward to working with my colleagues in the Finance Committee in a bipartisan way to move the health care reform initiative forward, and also with the rest of the Senators here, to come up with a proposal the American people will be proud of. They know it won't be a work of art, necessarily, but a work in progress as we move ourselves from a health care system that has been focused on acute care into something that is certainly more focused on chronic conditions, multiple chronic conditions, and making sure we make those manageable using preventive health care and certainly the primary care that will keep us healthier longer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

TRADE POLICY

Mr. BROWN. Madam President, I have heard lots of discussion in the newspapers in the last 48 hours or so, that there is a move afoot to begin to continue to bring legislation to the House and Senate floors to continue Bush trade policy. There have been statements by some in both parties that we might consider passing the trade agreement, the so-called free trade agreement with Panama, the free trade agreement with Colombia, and the free trade agreement with South Korea.

I think that is a mistake. When you look at what has happened in States such as Ohio, and particularly in a State like that of the Presiding Offi-

cer—in Buffalo and Rochester and Syracuse and the upstate cities in her State, you can see the kind of incredible job loss, not only from this most recent recession since October but look at the job loss in manufacturing that we have seen through the entire Bush years while this Government has moved forward on Bush trade policies.

Look at the original North American Free Trade Agreement negotiated by the first President Bush, unfortunately the finishing touches put on by President Clinton, and then the Central American Trade Agreement passed by the House and Senate in the midpart of this decade, and now considering again trade agreements negotiated by Bush trade negotiators with Panama, Colombia, and South Korea. Unfortunately what we have seen is a huge spike—more than a spike because it is more long term and fundamental than that—we see the huge growth in our trade deficit. We have today a trade deficit of \$2 billion just for today, and \$2 billion for tomorrow, and \$2 billion for Saturday, and \$2 billion for Sunday. Every day it's a \$2 billion trade deficit. George Bush the first said a \$1 billion surplus or deficit translates into some 13,000 jobs, so a trade deficit of \$2 billion, according to President Bush the first, translates into 26,000 lost jobs; a \$2 billion trade surplus would be 26,000 gained jobs. In this country, we haven't seen a trade surplus since 1973. What that says is this trade policy leads to persistent trade deficits. This trade policy leads to persistent job loss. And this trade policy leads to families who are hurt and communities which are destroyed.

I can take you to lot of places in my State and you can look at the havoc wreaked by U.S. trade policy. I do not blame all of manufacture's decline, all of job loss, on trade policy, to be sure. But there is no question when you have a \$2 billion-a-day trade deficit over the course of a year, between \$700 and \$800 billion trade deficit for a year, you know that is a problem.

My point is not to debate trade policy today. It is only to say to the administration and my friends on both sides of the aisle and the crowd at the end of the hall here in the House of Representatives, we should not be bringing up more trade agreements until we look at what our trade policy does. I can point not just to job loss; I can also point to what happened as an outgrowth of the Permanent Normal Trade Relations with China, our trade policy with China, when I believe seven people in Toledo, OH, and dozens around the country died from the taking of the blood thinner heparin, ingredients of which came from China and those ingredients were contaminated. Or you can look at toys. In an experiment, a class assignment by Professor Jeff Weidenheimer at Ashland University, not far from where I grew up, he

sent out first-year chemistry students to stores to buy toys at Halloween and Christmas and Easter and found lead-based paint, which is toxic for children, on many of these toys, again coming from China—United States corporations outsourcing jobs, then hiring subcontractors in China. So we are not just importing goods, we are also importing lead-based paint, also importing contaminated ingredients in heparin, also in vitamins, in dog food and other products.

My point is let's do a dispassionate, nonideological, nonpartisan study before we do more trade agreements. Let's do a nonpartisan, nonideological, unbiased study of how NAFTA has worked, how CAFTA has worked, how our relations with China with PNTR and currency, how all that has worked before we move ahead.

In these turbulent economic times, first, we have plenty to do, on health care, education, climate change, housing, particularly on the banking system, and all of that. We have plenty to do, but that is not even the point. The point is before we do more trade agreements, let's look at how they worked. Let's look at what has happened, especially rather than following the Bush trade agenda which we know simply has not served this country well.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, once upon a time, someone had a good idea about trying to open the mortgage market to as many people as possible. Between that moment and now, we have seen a giant economic crisis that has mushroomed out of control. We have sat around for months now trying to figure out how did it happen and why did it happen.

One of the reasons it happened is, using common sense, we said to people: You can go make money by talking people into borrowing money, and you do not have to worry about whether they pay it back. Let me go through that one more time. We said to a market, the mortgage market: If you go talk people into borrowing more money than they can afford, it does not matter if they can pay it back, you do not need to worry about that because you are going to make your money anyway.

In other words, the people closing their loans had no skin in the game. They were not a partner to the risk. So that is how we got people qualifying for loans by wearing a special costume and photograph. That is how you got

these “liars loans.” They were called “liars loans.” Everybody knew people were lying to get these loans, but no one was doing anything about it because the people who were making the loans were making the money and had no risk.

You would think with this occurring, we would now be on hyper alert for the exact same set of circumstances, but we are not. Because it is going on today as we speak. If you turn on any cable channel almost anywhere in America, before midnight you are going to see an ad that says to seniors: You need to take advantage of a great Government program, a Government benefit. You can be paid cash for the value of your house without any risk. They are called reverse mortgages.

It is a type of home loan that converts the value in your home you have acquired over a lifetime and converts it to cash. Now, in and of itself, this is not a bad concept. People ought to be able to borrow against the value of their homes. We do it with home equity loans.

Here is the problem. We have the people closing these loans who have no skin in the game. Guess who is insuring all these loans. We are. The taxpayers. There is no risk to those people paying for those ads on cable TV, no risk. Reward. No risk. We are taking the risk.

If, in fact, the housing markets go down and the value of someone's property goes down and it is time for that loan, the value of that loan to be recovered when the house is sold, if it does not sell for enough money, guess who is left holding the bag.

Hello. Subprime mortgages chapter two. We are back. We have the same issue we had with the subprime. Since we began this program in 1990, HUD has endorsed and insured 500,000 loans. But, wait, we took the cap off it recently. We anticipate that HUD will, in fact, insure 200,000 of these loans this year alone. We have done 500,000 loans since 1990, and we are going to do 200,000 loans this year. We are talking about a huge growth in the potential liability to the American taxpayer.

These are complex and expensive loans. For many elderly, the equity they have in their home is it. With the economic circumstances we have right now, there is going to be a lot of pressure on the elderly to enter into one of these reverse mortgages, maybe to help other family members who have lost a job.

It is important we fix this program. It is embarrassing that we let the subprime mess go for as long as we did, without anybody saying: Whoa, hold on. It will be doubly embarrassing if we allow this reverse mortgage situation to go down the exact same path.

With these loans, as they increase dramatically in number and value, we are also seeing an increase in fraud.

The HUD inspector general has been working in the reverse mortgage field, and all the other inspectors general in our country have done a great job of beginning to find problems of a specific nature as it relates to fraud.

Some of it is where we have inflated appraisals. Some of it is where you have shoddy repairs being done, which decrease the value of the home, which increase the risk to the taxpayer. Some of it is people continuing to collect the proceeds on the home past the time they should, past perhaps the death or the moving out of the senior who did the loan in the first place.

Why is the fraud increasing? I have a theory why the fraud is increasing. All the bad actors over there in subprime, they are looking for a new stream of money so they are all sliding over and saying: Hey, let us start making these reverse mortgages to seniors.

OK. We have to do something about this now. I filed an amendment to the legislation that is in front of the Senate that will do some important things in terms of fraud prevention and detection and enforcement provisions: We are going to require the borrower to certify they reside in the property; to report the termination of the residence to HUD; require that in the case of a property that is purchased with the proceeds of a reverse mortgage, the property is owned and occupied for at least 180 days, so we do not have the flipping we have seen in the subprime market; require these properties be appraised by certified appraisers, HUD-certified appraisers; we have to verify the purchase price to ensure the appraised value is not inflated and make sure the appraised value is not too high in relation to comparable properties—you can imagine how important this is right now since our housing market values are in such flux—to require the counselors to report suspected fraud or abuse to HUD's inspector general and to inform prospective borrowers how they can report suspected fraud and consumer abuse; require that the lenders and consumers maintain a system to ensure compliance; explicitly state that the HUD inspector general has the authority to conduct independent audits and inspections of the lender.

Would it not have been nice had we done that back when we started having the problems with subprimes? Conduct independent audits and inspections of reverse mortgage lenders to make sure they are in compliance with the requirements; and to compare the reverse borrower's record against the Social Security's death master file for early indications for when payouts should end because payouts under these reverse mortgages stop at the death of the recipient of the reverse mortgage; provide that any limitation on when criminal charges can be brought against fraud perpetrators in this area be calculated on when we find out

about the criminal activity, not when it occurred. Because, in many instances, we may not find out about the fraud until the elderly person dies, and then they find out that maybe they thought they still had value in their home, but they were lied to.

This is an important one: Provide that advertising for reverse mortgages cannot be false or misleading and must present a fair and balanced portrayal of the risks and the benefits of the product.

The fraud is the first step. Going after fraud is the first step, but we have to do more. It is very important that we protect our seniors from predatory lenders. When you see these ads on TV, it sounds too good to be true. “Government benefit,” “No risk.” But there is a huge risk. There is a risk of a senior paying more than they should for a product that does not work for them and a very big risk for the taxpayers of this country.

I look forward to working with the Senate Judiciary and Banking Committees as well as HUD and the HUD inspector general and GAO to get the things done we must do to clean up this problem. If we do not learn from our mistakes, we are doomed to repeat them. I urge all my colleagues to become knowledgeable about this reverse mortgage area, get word to their constituents to be careful about these reverse mortgages. They are very dangerous.

At the end of the day, if someone is making money off you and they do not care whether you can pay it back, it is a dangerous combination.

The ACTING PRESIDENT pro tempore. The senior Senator from Vermont.

Mr. LEAHY. Madam President, I wish to thank the Senator from Missouri for her statement. I hope people listen to what she had to say because it is a warning to many. Again, I would reiterate that one of the reasons we are trying to move this fraud bill through, everybody will be against fraud and everybody is against crime, but as the Senator from Missouri knows so well, you have to have some laws on the book to go after fraud and go after crime. I wish to speak further on that, but I see my dear friend and distinguished colleague from Vermont on the floor.

I will yield the floor so he can also speak on a matter.

The ACTING PRESIDENT pro tempore. The junior Senator from Vermont.

Mr. SANDERS. I thank my colleague from Vermont. I wish to congratulate him for bringing forth a very important piece of legislation.

Clearly, if we are going to begin to address the crisis in our financial institutions, we need the manpower to go out there and do the investigations. We do not have it and this legislation does that.

I wished to say a few words in the midst of this debate on an issue. I am not bringing forth an amendment, but I did wish to say a few words on that; that is, in my office—I suspect in every Senate office—we are being deluged with e-mails and letters and telephone calls expressing outrage at the high interest rates people all across this country are being forced to pay by these very same financial institutions we are in the process of bailing out.

What is going on now is that while we spend hundreds of billions of dollars bailing out our friends on Wall Street, and while they receive zero interest loans from the Fed, what they are saying to the American people is: Thanks very much for the bailout. We are going to raise your interest rates from 15 to 20, to 25, to 30 percent. Pure and simply, that is called usury within Biblical terms. In fact, that is immoral. That is the type of action we should be eliminating right now.

I have introduced legislation which is very similar to the type of legislation that regulates credit unions right now. We would have a maximum interest rate of 15 percent, with some exceptions going to 18 percent, so the American people who are now on under great financial stress, who are buying groceries with their credit cards, who are buying clothes for their kids with credit cards, who are paying for college expenses with their credit cards, are not forced to pay 25 or 30 percent interest rates.

What I would like to do, rather than relate what I believe, is read a few of the e-mails I have received from the constituents. We are receiving a lot of them. Let me read one that comes from the northern part of our State. It says:

I, like so many others, am appalled at the hikes in credit card rates. Everywhere in our small town of Montgomery everybody is talking about the latest surge in interest rates. People who are never late in payments have seen their rates climb overnight. I, for one, used to overpay on my payments but can't afford to now. In addition, I am a founding member of a small agricultural co-op and we have a shop and studio. Today we found out that the charge for using credit cards has increased. How are people supposed to buy things when small businesses can't afford to process credit cards and people can't afford the interest rates if they use cards? No one has any money for anything anymore. The outrage, which I am sure doesn't surprise you, is building. Doesn't anyone get it?

Well, doesn't anyone in the Senate get it? I hope we do.

Here is another one that comes from the largest city in our State, Burlington:

I signed up with MBNA (at the time) for a credit card with an interest rate of 7.9 for the life of the credit card (as long as I adhered to terms such as paying on time, not going over limit, etc.) I received a notice yesterday that the interest rate is going to 13% on May 1. I called them and they said it had nothing to do with my credit. Bank of America, due to

the economic situation, is raising its rates "for business reasons only." One option they gave me is to pay down my balance at 7.9 but not use it on any future purchases. I now appreciate more than ever your fight against this sort of action. Basically they can do whatever they want.

That is quite right. They can do whatever they want.

Another one:

Dear Senator Sanders, we just received a note from Bank of America in which they tell us that they are raising our credit rate: 15.74 percent on new and outstanding purchases . . . using a variable rate formula. I know you have been working on a cap for credit cards and are very concerned about big banks profiting so highly at the expense of consumers.

Here is another one:

Senator Sanders, there is a lot of news this week on how the credit card companies are trying to recoup their losses by raising interest rates on our credit cards. That is what my husband and I have just experienced. Two months ago I ran my husband's credit report, and between three credit bureaus we ranked around a 800 credit score. We have never been late on a payment and have been married 41 years.

Then she talks about the impact these high credit rates are going to have on her.

Another one:

Dear Bernie, yesterday in the mail I received notification from Bank of America that they were hiking up the interest on my Visa card from 7% to over 12%. This seems arbitrary and in a time when I am extremely worried about my ability to pay my bills because my workload has gone way down. I am furious and scared.

The bottom line is, I am receiving dozens of e-mails from people in my State and from all over the country. They want to see whether the Congress has the guts to stand up to the financial institutions which have poured \$5 billion in lobbying and campaign contributions into Washington in the last 10 years.

What the American people are saying is that 30-percent interest rates—arbitrary and huge increases in interest rates for people who have always paid their bills on time—is not only unfair, it is immoral. People should not have to pay 30 percent to borrow money in the United States.

I hope very much the time will come, sooner rather than later, when we will pass a national usury law that will put a cap on interest rates for large financial institutions similar to what exists for credit unions, which is 15 percent with some exceptions.

I yield the floor and look forward to working with the senior Senator from Vermont in passing this legislation.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Madam President, with the vote and disposition of the Kyl amendment today and the Kyl amendment and the Leahy-Grassley amendment yesterday, we have basically completed work on the underlying bill. Those were the only amendments that affected the underlying bipartisan fraud enforcement bill. A number of other amendments have come in, but they, of course, have nothing to do with this bill. They are not within the jurisdiction of the Judiciary Committee. They are, in large part, extraneous to the fraud enforcement bill. Many if not all are within the jurisdiction of the Banking Committee. I haven't seen one yet that should be in Agriculture, but hope springs eternal. Today, a Senator offered an amendment drawn from the HELP Committee jurisdiction. In a way, it is a compliment that so few people have suggested changes that they wanted to make to the Judiciary Committee bill. I guess Senators are anxious in case they are not around here next week when we have a Banking bill.

I would like to conclude consideration of the bill that actually is before the Senate. We will soon have a list of amendments on which both sides will agree to have votes. I don't think any of them really have anything to do with the Judiciary bill, but every Senator has a right to offer whatever amendments he or she wants, whether germane to the bill or not, and to get a vote on them. If they are all going to require rollcall votes, we should be done certainly sometime before midnight. Then we can pick up the next piece of legislation, which I understand we should have done by Saturday. Of course, the only amendments really involving this bill could have been done yesterday. We could have finished this bill yesterday.

I would like to speak briefly about the bipartisan Fraud Enforcement and Recovery Act. This bill has received overwhelming support. Almost everyone recognizes the importance of strengthening the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have undermined our economy. The legislation has strong bipartisan support. I applaud Senator GRASSLEY, who is the lead cosponsor. He worked with me to write this bill. He has been a leader on this issue.

Senators SPECTER and SNOWE have joined as cosponsors. Many different law enforcement and good government organizations are supporting this bill as well, including the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud.

Now let me address the authorizations in the bill. I have rarely seen such detailed justification with regard to an authorization. I mention this because this is not an appropriations bill. It is authorizing legislation. It still has to go through the appropriations process. Every agency authorized to receive money in the bill has set out in detail exactly what it would do with that money if it is authorized and appropriated. The detail includes the number of agents, prosecutors, and other key personnel who would be hired, and each agency has explained why the added resources are needed. Those detailed justifications have been shared with anyone interested in reviewing them.

In total, the bill authorizes \$245 million a year over the next 2 years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our Nation's fraud enforcement efforts. We have broken those numbers down agency by agency.

These resources for additional agents, analysts, and prosecutors are desperately needed. The number of fraud cases is now skyrocketing, but resources were shifted away from fraud investigations after 9/11. Today, the ranks of fraud investigators and prosecutors are drastically understocked, and thousands of fraud allegations go unexamined each month.

Reports of mortgage fraud are up nearly 50 percent from a year ago and have increased tenfold over the past 7 years. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation, FBI, has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations the Treasury Department refers each month. Other agencies have documented similar crises in their ability to keep up with the rising pace of new cases.

We all know that fraud enforcement simply can't be adequately covered with funds allocated in the recently passed recovery legislation for State and local law enforcement. As someone who pushed strongly for recovery legislation that included State and local law enforcement, I know the purpose behind those funds and what they are dedicated to. It is intended to ensure that State and local law enforcement agencies and crime prevention programs could avoid layoffs, make new hires, and reinforce their work to prevent the increased crime so often associated with economic downturns. In so

doing, these funds would reinforce and revitalize those neighborhoods that have experienced economic development and that could so easily backslide. State and local law enforcement funds are urgently needed for those vital purposes. They should not be diverted from State and local law enforcement needs to fund Federal fraud investigations.

Moreover, while states have done admirable work cracking down on mortgage fraud, the Federal Government must play a substantial role in this area. Mortgage fraud schemes and other financial fraud schemes often cover many States and jurisdictions, which hampers the ability of any State or local investigators and prosecutors to reach them. These schemes also are often extremely complex and labor-intensive to unravel, requiring the expertise and resources of the Federal Government and the mortgage fraud task forces in which Federal and State law enforcement officers work closely together. We simply cannot ask States to solve this enormous and complex problem on their own. I believe that we need to be good law enforcement partners and that the Federal Government needs to do its share. To fulfill those responsibilities these additional funds need to be authorized.

I agree that the \$10 million in additional funding to the FBI for mortgage fraud enforcement in the omnibus appropriations bill is a good start, but it is just a small start to what is needed. I wish the economic recovery had been able to include an additional \$50 million for the FBI that the Senate initially was willing to include, but that additional funding was stripped away. Unfortunately, to achieve bipartisan support and passage of the economic recovery package, those funds were eliminated. The funds currently being provided are insufficient to tackle the magnitude of this problem. I refer all Senators to the testimony before the Judiciary Committee by the Director of the FBI and the Deputy Director of the FBI and to the detailed justifications the FBI and other law enforcement agencies have provided.

I believe authorizing and funding fraud enforcement will save the government money. That is what the Justice Department has found. That is what Taxpayers Against Fraud has found. That is what the administration indicates in its Statement of Administration Policy in strong support of this bill. As the administration says: "These additional resources will provide a return on investment through additional fines, penalties, restitution, damages, and forfeitures." I would add that strong fraud enforcement will also save money by deterring fraudulent conduct.

According to recent data provided by the Justice Department, the government recovers on average \$32 for every

dollar spent on criminal fraud litigation. Similarly, the nonpartisan group Taxpayers Against Fraud has found that the Government recovers \$15 for every dollar spent in civil fraud cases. Just last year, the Justice Department recovered nearly \$2 billion in civil false claims settlements, and, in criminal cases, courts ordered nearly \$3 billion in restitution and forfeiture. Strengthening criminal and civil fraud enforcement is a sound investment, and this legislation will not only pay for itself, but should bring in money for the Federal Government.

If fraud goes unprosecuted and unpunished, then victims across America lose money. In many cases, American taxpayers take the loss directly. For example, in the case of many mortgage frauds, the Federal Government has guaranteed the loans, and when the fraud is uncovered, American taxpayers, as well as the victim, lose out. More directly, with the billions of dollars of Federal funds now going out through the recovery legislation, the Troubled Assets Relief Program, and other bailout programs, we should all recognize that enforcement will be essential to protect those recovery funds from fraud and to recover any money that is fraudulently taken. If we do not take action to investigate and prosecute this kind of fraud, Americans will lose far more money than this bill costs.

The only organizations that have opposed this legislation are the Heritage Foundation and the National Association of Criminal Defense Lawyers. They have argued that the legal fixes in this bill constitute overreaching by the Federal Government. In fact, this bill does not overfederalize or overcriminalize.

Senator GRASSLEY and I took great care in crafting it to avoid those kinds of excesses. The bill creates no new statutes and no new sentences. Instead, it focuses on modernizing existing statutes to reach unregulated conduct and on addressing flawed court decisions interpreting those laws. This is exactly the kind of Federal criminal legislation that these critics should appreciate. Rather than gratuitously adding new laws or expanding Federal jurisdiction, it acts in a targeted way to fill in gaps identified by investigators and prosecutors to make it easier for them to reach the conduct most relevant to the current financial crisis.

The bill amends the definition of "financial institution" in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change

will finally apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Assets Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In *United States v. Santos*, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the “profits” of crimes, rather than the “proceeds” of the offenses. The Court’s mistaken decision was contrary to congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams did not make a profit. Indeed, Ponzi schemes like the \$65 billion fraud perpetrated by Bernard Madoff, which by definition turn no profit, are exempt from money laundering charges under this formulation. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

None of these changes constitute overcriminalization. Rather, they reach fraudulent conduct at the center of our ongoing economic crisis. Americans are rightly demanding accountability for this fraud, and we cannot have full accountability without the participation of Federal investigators and prosecutors armed with the tools and resources they need.

We can delay no further in taking decisive action to strengthen fraud enforcement and doing everything we can to fight the scourge of fraud that has contributed to our economic crisis. There is simply no good reason for us not to act. The administration “strongly supports enactment” of this bill. The Justice Department supports it, the FBI supports it, the Secret Service supports it, the TARP inspector general supports it, the HUD inspector general supports it, Federal and State law enforcement officers support it.

The bottom line, Madam President—before I lose my voice entirely—is, this legislation is to stop people who have been robbing the retirement savings of Americans, who have been robbing their homes from under them, who have been robbing the money they have set aside for their kids’ college education and getting away with it under

some of the elaborate mortgage fraud schemes. They get away with it because there is no real ability to go after them. There is neither the money nor the personnel. This legislation gives both money and personnel but also gives teeth to the law.

I have said on this floor several times, if you have somebody who sets up a \$100 million fraud scheme, they do not care what happens to the people in their way. They do not care if they ruin the lives of the people they are going after. They do not care if the people lose their homes because they figure if they get caught, they might have to give a little bit of the money back in a fine or otherwise. They are not deterred. They, obviously, do not have a sense of conscience or morality. They do not care if people lose their life savings. They do not care if people lose their retirement. They do not care if people lose their hope for the future. All they want is the money.

Madam President, I tell you right now, if these same people think they are going to go to prison for what they are doing, if they think they will spend time behind bars for years and years, then maybe—maybe—some Americans may be able to keep their homes, some Americans may be able to keep their dreams, some Americans may be able to keep their retirement, some Americans may be able to keep sending their children to college.

People are now losing that dream. That is why there is strong bipartisan support for this bill. That is why I must admit I am somewhat frustrated that many have come here to try to bring amendments that have absolutely no place in this bill, and, if anything, would slow up the ability to protect Americans. But they have the right to do this.

We will soon have a list of amendments, we will set the list in, and we will set a time for final passage. And maybe—maybe—within a few weeks the President will be able to sign this legislation and people will be a lot more protected than they are now.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1000

Mrs. BOXER. Madam President, I ask unanimous consent that amendment No. 1000 be the pending business so I might modify it.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

AMENDMENT NO. 1000, AS MODIFIED

Mrs. BOXER. Madam President, I ask that my amendment be modified with the changes that are already at the desk and ask unanimous consent that Senators WEBB and WYDEN be added as cosponsors of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 20, between lines 11 and 12, insert the following:

“(e) ADDITIONAL FUNDING FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.—

“(1) IN GENERAL.—Of the amounts of authority made available pursuant to section 115(a) of the Emergency Economic Stabilization Act of 2008 (P.L. 110-343), an additional \$15,000,000 shall be made available to the Special Inspector General of the Troubled Asset Relief Program (in this subsection referred to as the Special Inspector General).

“(2) PRIORITIES.—In utilizing funds made available under this subsection, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made by the Secretary of the Treasury or the Board of Governors of the Federal Reserve System, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.”

Mrs. BOXER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise today to express my strong support for the Fraud Enforcement and Recovery Act of 2009 currently before the Senate. This legislation, which is long overdue, will take critical strides toward enabling the Justice Department and Federal Bureau of Investigation to investigate and prosecute the mortgage and securities fraud that have played such a large role in bringing our economy to the brink of collapse. I would like to commend Senators LEAHY, GRASSLEY, and KAUFMAN for introducing this bill that I am proud to cosponsor and hope that the Senate will pass it as quickly as possible.

The fact is that the current recession stands apart from others we have experienced since the end of World War II, and not just because it is the longest and deepest. Although many downturns

are the result of a decline in the business cycle, this recession was in significant part brought about by two factors that could well have been avoided had mortgage brokers and their associates and financiers set aside greed and outsized profits in favor of responsible lending, financial practices, and sustainable, but nonetheless healthy, rates of return.

First, during the most recent housing boom, as are all aware, many homebuyers were placed into predatory, subprime loans that they could not be reasonably expected to repay. Indeed, while unscrupulous lenders, including private mortgage brokers and lending businesses that were not subject to the type of oversight and regulations that have traditionally prevented fraud, profited from a quick short-term fee in exchange for underwriting an irresponsible mortgage with little due diligence, homebuyers were left with loans that began with low interest rates and affordable payment but that morphed into significantly higher interest rates and payments. In other cases, the New York Times has reported that circles of appraisers delivered inflated appraisals on demand, while lawyers paid by the seller, but holding themselves out as representing the buyer, and mortgage brokers conspired to persuade buyers to take on overpriced and often dilapidated homes. And the scams continue to this day. The Times reports that deed thieves are currently approaching distressed owners and offering to ameliorate financial difficulties by temporarily taking over deeds. Then they re-finance and flee with the owners' equity in tow.

The result of the fraudulent loans and scams has been nothing short of a disaster that has devastated communities nationwide. RealtyTrac, the leading online marketplace for foreclosure properties, in January reported that Americans received 3.2 million foreclosure filings on 2.3 million properties during 2008. That represents a staggering 81-percent increase in total properties from 2007 and a 225 percent increase in total properties from 2006.

Unfortunately, mortgage brokers and related parties are not solely to blame for the economic calamity that has befallen the nation. Large Wall Street investment banks thought they saw a profit opportunity and decided to package and sell risky subprime mortgages in largely unregulated markets. They believed that they could reduce risk by placing mortgage securities into such bundles but were in many cases dishonest with themselves and investors about the potential for losses. Although paper profits soared so long as housing prices increased, once they began to tumble, the value of these securities did as well.

It is now estimated that in the past year, U.S. banks and financial institutions lost more than \$500 billion as a

result of their investments in subprime mortgages. Some of this Nation's most recognizable companies, including Bear Stearns and Lehman Brothers have been wiped away due to collapse of the mortgage-backed securities market, while Fannie Mae and Freddie Mac have been taken over by the Federal Government.

While other financial institutions have not shuttered their doors, they have absorbed significant losses. This has caused banks to all but cease to lend, which has led to untold difficulties for businesses and individuals seeking credit. Consumers could not obtain car and student loans, and business owners, and small business owners in particular, could not acquire capital to expand operations or, in many cases, make payroll. In short, the staggering 5.1 million job losses we have witnessed since the onset of the recession in December 2007 are in large part attributable to the collapse of housing and financial markets.

To ameliorate the situation, Congress was last October forced to pass the \$700 billion Emergency Economic Stabilization Act that created the Troubled Asset Relief Program, TARP, to rescue financial markets. Combined with other actions taken by the Federal Reserve Board, Federal Deposit Insurance Corporation, and the Treasury Department, the Congressional Oversight Panel on April 7 reported that the total value of all direct spending, loans and guarantees provided in conjunction with the federal government's financial stability efforts now exceeds \$4 trillion. In addition to this unprecedented exposure, Congress also passed the \$787 billion American Recovery and Reinvestment Act in February to assist those displaced by the recession and sow the seeds for recovery.

Notably, as Congress passed the \$700 billion financial rescue package last October, I insisted that our obligation did not stop with the enactment of that legislation. Indeed, I called on Congress to demand accountability for the massive malfeasance that has been perpetrated on the American people and specifically made the point that those responsible for our Nation's economic meltdown must be investigated and subsequently prosecuted to the fullest extent of the law. Frankly, it would be inconceivable to me to devote anything less than 100 percent of our resources to investigating those responsible for this crisis.

It is for these reasons that on February 25, I, joined by Senator WHITEHOUSE, introduced the FBI Priorities Act of 2009, S. 481, to augment FBI investigations of financial crimes. Turning to specifics, this bill authorizes \$150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of

enactment. This extra manpower will help enable the FBI to develop and fully investigate, as well as bring responsible parties to justice.

There is simply no question that this additional manpower is an absolute necessity to combat fraud given rising caseloads and a wholly inadequate level of resources. Consider the following facts: In the last 6 years, suspicious activity reports alleging mortgage fraud that have been filed with the Treasury Department have increased nearly tenfold to 62,000 in 2008. In the last 3 years, the number of criminal mortgage fraud investigations opened up by the FBI has more than doubled to exceed 1,800 at the end of 2008. Moreover, the FBI anticipates a new wave of cases that could double that number yet again in coming years. Finally, despite increases in caseloads, the FBI currently has fewer than 250 special agents nationwide assigned to these financial fraud cases. At current levels, these agents cannot individually review, much less thoroughly investigate, the more than 5,000 fraud allegations received by the Treasury Department each month.

Although the details of the legislation I have introduced differ from those in the measure currently before the Senate, I believe the impact on the government's ability to root out and prosecute fraud would be similar. In particular, the legislation now under consideration authorizes \$165 million a year for hiring fraud prosecutors and investigators at the Justice Department in 2010 and 2011. This includes \$75 million in 2010 and \$65 million in 2011 for the FBI to hire 190 additional special agents and more than 200 professional staff and forensic analysts to nearly double the size of its mortgage and financial fraud program. With this funding, the FBI can expand the number of its mortgage fraud task forces nationwide from 26 to more than 50.

Notably, the funding authorized in the bill also includes \$50 million a year for U.S. Attorneys' Offices to staff those fraud task forces and \$40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support in those efforts. In addition, the bill authorizes \$80 million a year for 2010 and 2011 for investigators and analysts at the U.S. Postal Inspection Service, the U.S. Secret Service, and the Department of Housing and Urban Development's Office of Inspector General to combat fraud in Federal assistance programs and financial institutions.

In addition to adding critical funds necessary to identify and prosecute fraud, this legislation makes several vital improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat a growing wave of fraud. Specifically, the bill amends the definition of "financial institution" in the criminal

code to extend Federal fraud law to mortgage lending businesses that are not directly regulated or insured by the Federal Government. Responsible for nearly half the residential mortgage market prior to the economic collapse, these companies inexplicably remain largely unregulated and outside the scope of traditional Federal fraud statutes. This provision would apply the Federal fraud laws to private mortgage businesses, just as they pertain to federally insured and regulated banks.

Furthermore, this legislation amends the false statements in mortgage applications statute to make it a crime to make a materially false statement or to willfully overvalue a property to influence any action by a mortgage lending business. Currently, these strictures apply only to Federal agencies, banks, and credit associations and do not necessarily extend to private mortgage lending businesses. This provision would ensure that private mortgage brokers and companies are held fully accountable under this Federal fraud provision.

Finally, I would like to point out that this bill would modify Federal law to protect funds expended under TARP and the economic stimulus package. Specifically, the legislation would amend the Federal major fraud statute to include funds flowing pursuant to TARP and the stimulus package. The change will give Federal prosecutors and investigators the explicit authority they require to protect taxpayer funds, which could not be more critical with \$4 trillion at risk as part of TARP and related programs and \$787 billion at stake as part of the stimulus package. It is absolutely vital that every dollar we have put at stake go toward economic stabilization and revitalization and not to line the pockets of those who seek to defraud taxpayers.

Mr. FEINGOLD. Mr. President, I will vote for the Fraud Enforcement and Recovery Act of 2009, S. 386. This bill improves enforcement and recovery mechanisms for mortgage, securities, financial institution and other frauds. In the context of today's global financial crisis, it is a very important piece of legislation, and I commend its authors.

The current economic downturn has many causes. But certainly fraud—in mortgage lending and in the mortgage-backed securities and derivatives markets—played a significant role. The Fraud Enforcement and Recovery Act of 2009 does a number of things to help deter and uncover fraud, and compensate its victims. First, it authorizes significant new resources for the FBI, the Department of Justice, the Department of Housing and Urban Development, and other agencies to investigate and prosecute these kinds of cases.

In addition, the bill extends Federal fraud laws to the mortgage lending business, just as they apply to feder-

ally insured banks. Similarly, it makes sure that Federal prohibitions against false statements apply to statements made to influence mortgage lending decisions. Very importantly, because the taxpayers have now put extraordinary sums of money into propping up the financial sector, the bill makes clear that fraudulent activities in connection with the TARP program and the economic stimulus package can be prosecuted. The bill also reverses an erroneous Supreme Court interpretation of the Federal money laundering statute that was making it impossible to prosecute so-called Ponzi schemes. These simple and effective clarifications and expansions of current law will help protect the American people from these very damaging frauds.

I also strongly support Section 4 of the bill, which amends the False Claims Act—FCA. The FCA provisions clarify liability for making false or fraudulent claims to the federal government. A few concerns have been raised about this part of the legislation, which I would like to briefly address here.

One criticism is aimed at the bill's rejection of an "intent" requirement under the FCA. The Supreme Court recently held in the *Allison Engine* case that such a requirement exists. The bill simply returns the law to its original intent. The judicially manufactured requirement that the person making a false claim intend that the government itself pay the claim was giving subcontractors a way to avoid liability for fraud, which is inconsistent with the purpose of the act.

Another criticism alleges that the addition of a "materiality" requirement to the FCA is potentially broad and unclear. But "material" is defined in the bill in a way that is consistent with Supreme Court and other judicial precedents, so this claim is unconvincing.

The Fraud Enforcement and Recovery Act of 2009 is an important accomplishment. Those who perpetrate financial fraud, which is so harmful not only to the victims of the fraud but to the economy as a whole, must be discovered and prosecuted. This bill makes it easier to do that, so I am pleased to support it.

VOTE EXPLANATION

Mr. COBURN. Mr. President, earlier today amendment No. 1006 was passed by a voice vote. If there had been a rollcall vote, I would have opposed this amendment, as it added more than \$40 million to a bill that already costs nearly half a billion dollars.

Mr. CONRAD. Mr. President, before we begin the debate on appointing conferees on the budget resolution, will the Parliamentarian inform us of the parliamentary status on the floor.

The PRESIDING OFFICER. The Senate is considering S. 386.

BUDGET RESOLUTION CONFERENCE

Mr. CONRAD. Mr. President, floor staff informs me they are working on an agreement that will allow us to go to the consideration of the conferees. At this point, we will open the discussion but will not turn to it. I will use this time to make my statement so that we are efficiently using the time of the Senate.

I remind my colleagues that some of the key elements in the Senate-passed budget resolution we will soon be taking to conference. The budget needs to be considered in the context of the very tough hand we have been dealt. This administration and this Congress have inherited a mess of truly staggering proportions. If we start with the deficit outlook, we can see that the previous administration inherited surpluses that they rapidly turned into record deficits, and then record deficits of a proportion that stagger the imagination. I don't think anybody could have anticipated we would have deficits approaching \$2 trillion in a year.

We also saw in the previous administration a dramatic increase in the Federal debt—a more than doubling of the Federal debt in the period that the previous administration was responsible for.

The Obama administration inherited record deficits, a doubling of the debt, the worst recession since the Great Depression, financial market and housing crises unparalleled since the 1930s, and nearly 4 million jobs lost in the last 6 months alone. On top of it all, we have ongoing wars in Iraq and Afghanistan.

I often think what it must be like to be President Obama, who wakes up every morning with this heavy responsibility on his shoulders. In our caucus today, we had the Chairman of the Federal Reserve Board, Chairman Bernanke. I told him that I believe when the history of this period is written, he will go down as one of its heroes—somebody who helped rescue us from what could have been a financial collapse, not only here but around the country.

In the budget resolution that passed the Senate, which we will be taking to conference, we have tried to preserve the major priorities of the President: reducing our dependence on foreign energy; a focus on excellence in education; fundamental health care reform, because that is the 800-pound gorilla that can swamp the fiscal boat of the country; middle-class tax cuts; and cutting the deficit in half over the term of the budget.

The budget we produced reduced the deficit by more than half over the next 5 years. We have reduced the deficit by two-thirds. I am proud of that fact. We reached 3 percent of GDP a little less than that—which all of the economists say is essential to stabilizing the debt.

At the same time, we have adhered to the President's intentions to make certain strategic investments—one of the

most important in energy—to reduce our dependence on foreign energy, because that is an imperative for this country, a strategic imperative, a financial imperative, and a national security imperative.

The budget resolution that went through the Senate reduces our dependence on foreign energy, creates green jobs, preserves the environment, and helps with high home energy costs. It does it in the following ways: one, a reserve fund to accommodate legislation to invest in clean energy and address global climate change; second, providing the President's level of discretionary funding for the DOE; third, building on the economic recovery package to provide investments in renewable energy, efficiency, and conservation, as well as low carbon coal technology, and modernizing the electric grid.

I thank Chairman LEAHY once again for his incredible courtesy and graciousness in allowing us to interrupt his very important legislation so we can go to this matter of naming conferees, because we are under a tight deadline there. I thank the chairman of the Judiciary Committee for his incredible graciousness.

We also, in this budget, preserve the President's priority of a focus on excellence in education. If we are not the best educated, we are not going to be the most powerful country in the world for very long. So we adopt the priority of investments in education to generate economic growth and jobs, to prepare our workforce to compete in the global economy, to make college more affordable, and to improve student achievement. We do it, again, in three ways: a higher education reserve fund to facilitate the President's student aid increase; by extending the simplified college tax credit, providing up to \$2,500 a year in tax credit—that is a dollar-for-dollar reduction in your tax liability; and, finally, by providing the President's requested level of \$5,550 for Pell grants and fully funding his education priorities, such as early education.

When I am asked about the President's budget, I give it very high marks because I think it has the priorities exactly right—reducing our dependence on foreign energy, excellence in education, and health care reform, all in the context of dramatically reducing the deficit. So on health care, the budget resolution that previously passed the Senate, which we will take to the conference committee, bends the health care cost curve, reducing costs long term, improves health care outcomes, expands coverage, increases research, and promotes food and drug safety. Again, we do it in three different and very specific ways: No. 1, a reserve fund to accommodate the President's initiative to fundamentally reform the health care system. As

many have said, we have a sickness system, not a wellness system. We have to make a transition. We also have a reserve fund to address Medicare physician payments, because we know that the doctors across the country who serve Medicare-eligible patients are due for major deep cuts—cuts of more than 10 percent. We are not going to let that happen. Third, it continues investment in key health care programs, such as the NIH and the FDA.

Not only have we preserved the President's key investment priorities, reducing our dependence on foreign oil, moving toward excellence in education, health care reform, but we also preserve his fourth key priority of cutting the deficit dramatically. In the budget resolution that previously passed the Senate, we reduce the deficit by two-thirds by 2014—that is in dollar terms we reduced it by two-thirds. Most economists say you ought to evaluate it as a percentage of the gross domestic product, that that is the best way to see what you are accomplishing. If we look at it in those terms, we are reducing the deficit by more than three-quarters, from 12.2 percent of GDP in 2009 down to less than 3 percent of GDP out in 2014.

I am especially proud of that trajectory on the deficit, because I think it is absolutely critical. I would be the first to say we need to do even more in the second 5 years, but this is a 5-year budget. The reason it is a 5-year budget is that, of the 34 budgets that Congress has done since the Budget Act was instituted, 30 of those 34 times we have done a 5-year budget. Why? Because the forecasts beyond 5 years are murky, at best, highly unreliable. So we have stuck to a 5-year budget, as has traditionally been the case.

With respect to the revenue side of the equation in this budget, the Congressional Budget Office, in looking at what we have done, would conclude that as a total, compared to current law, the budget resolution that passed the Senate reduces taxes. Let me emphasize that, because some want to put all the emphasis on the tax increases in this package; but if you take the tax increases and the tax reductions and put it all together, and you look at a net result, you find that we are cutting taxes over the 5 years by \$825 billion. That is because we have extended the middle-class tax relief that is from the 2001 and 2003 acts, the 10-percent bracket, the childcare tax credit, the marriage penalty relief, and the education incentives. All of that is in this bill.

We also provide alternative minimum tax reform relief for 3 years to prevent 24 million people from being swept up in the alternative minimum tax.

We also have estate tax reform, \$3.5 million an individual, \$7 million a couple, indexed for inflation. That means 99.8 percent of estates in this country

will pay zero; 99.8 percent of estates will pay zero.

We also have business tax provisions and the traditional tax extenders, such as the research credit, that are included in this budget, for a total of tax relief of \$958 billion.

On the other side of the equation, we have loophole closures, such as codifying economic substance and international tax enforcement to go after these offshore tax havens, these abusive tax shelters. We raise \$133 billion for a net tax reduction of \$825 billion over the 5 years of this budget.

On the spending side of the house, domestic discretionary spending, again as a percentage of the gross domestic product—and the reason, of course, economists say that is what you should focus on rather than the dollar amounts is that this takes account of inflation. It gives a more fair comparison year by year.

We hear all this talk that this is a big spending budget. No, it is not. This budget reduces domestic discretionary spending as a percentage of gross domestic product from 4.3 percent in 2010 down to 3.2 percent in 2014. We are taking domestic discretionary spending down to one of its lowest levels in the last 50 years.

In fact, nondefense discretionary spending increases under this budget resolution an average 2.5 percent.

In addition, we have a series of budget enforcement tools that are in this resolution: discretionary caps for 2009 and 2010. Some have said we ought to have discretionary caps for 2011 too. Well, why? Well, why? We are going to be back here a year from now. We have discretionary caps for 2009 and 2010. Why do we need them for 2011, when we are going to be right back here, same place, same time 1 year from now?

We also maintain a strong pay-go rule. We provide a point of order against long-term deficit increases; a point of order against short-term deficit increases; we allow reconciliation for deficit reduction only in the resolution out of the Senate; and we provide a point of order against mandatory spending on an appropriations bill.

Let me address, very briefly, this last provision because what we found was some of our colleagues have gotten increasingly clever about finding new ways to spend money. We found they were increasing mandatory spending on appropriations bills. Mandatory spending is typically not done on an appropriations bill, as the Chair well knows. Appropriations bills are designed to deal with discretionary spending, not mandatory spending. Mandatory spending is things such as Social Security and Medicare, certain farm supports. Those are mandatory spending items. We found some of our colleagues have gotten very clever and started to increase mandatory spending on appropriations bills. We have created a point

of order to try to short circuit that bad practice.

The budget resolution also attempts to address our long-term fiscal challenges. Let me be very clear. My colleague will momentarily speak, and he will be highly critical of the budget resolution for not more fully addressing our long-term challenges. It may surprise listeners to hear me say that I agree with him. If there is a place this budget can be fairly criticized, it is that it does not do enough long term. I think we do a pretty good job in the first 5 years. But beyond that—this is only a 5-year budget—but beyond that, much more needs to be done.

The ranking Republican on the Budget Committee, Senator GREGG, and I have a proposal that I believe needs to be pursued. It is to have a task force given the responsibility to come up with a plan to get us back on a sounder, long-term fiscal track and to come to Congress for an assured vote if 12 of the 16 members of that group could agree.

Nonetheless, there are three important elements of this budget resolution that deal with our long-term fiscal circumstance. No. 1 is the health reform reserve fund. That, after all, is the biggest threat to our long-term fiscal security and stability. No. 2 is we have program integrity initiatives to crack down on waste, fraud, and abuse. We have five in this budget, and they are very important—Medicare, Social Security, defense, and others as well. I hope very much that these are pursued in the conference committee.

No. 3 is we have a long-term deficit increase point of order to require a 60-vote point of order against moves to increase long-term deficits.

Finally, let me say that on this question of the long term, the President has been very clear. At the fiscal responsibility summit on February 23, the President said this:

Now, I want to be very clear. While we are making important progress towards fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices, and do much more to address our long-term challenges.

The President got it exactly right with that statement. We are going to have to do much more. But this budget is a good and responsible beginning.

Mr. President, with that, I will yield the floor. Let me say, momentarily we will have a unanimous consent request before us. I do not yet have it in my hands. I will say this before we begin this debate. This is an institution with Republicans, Democrats, and Independents. On the Budget Committee, we have all three represented.

I am chairman of the committee representing the Democratic Party. Senator GREGG is the ranking Republican. Senator GREGG is someone with whom we have strenuous debates and dis-

agreements. You will see that in the coming hours. But I wish to make very clear that I have high regard for Senator GREGG. He is motivated by patriotism, by love of country, and by a fundamental understanding that we are on an unsustainable track, that we have to be much more serious about our long-term buildup of deficits and debt. He has not just talked about it, he has been prepared to act.

I wish to recognize him for his commitment to something I also believe in. I think it is abundantly clear we cannot stay on our current course. It is a course that will lead us to a much diminished standard of living for the future. While I believe this budget is a good beginning, I do not assert that this in any way solves our long-term problem. It does not. But it is a beginning, an important beginning, and we need to do more.

I also thank Senator GREGG for his unfailing courtesy and professionalism, not only in our public debates but in the workings of the Budget Committee. He has assembled a first-rate and professional staff. We have worked together well to do the business of the committee and the business of the country.

I thank Senator GREGG, once again, for all he has done to allow the budget resolution to be fully debated, fully discussed, to have our differences aired publicly and privately but also to do it in an air of civility and respect, something I certainly feel toward him.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me begin by saying I think it is terribly unsportsmanlike of the chairman of the committee to say such nice things about me, to disarm my ability to effectively attack his budget, but I wish to join his thoughts because he and his staff are very good to work with. He is a professional. They are committed. He genuinely believes, as I do, that this country's outyear fiscal situation is not a sustainable event. We are trying to work together to address that situation. We hope we can gather others to join us in this effort.

I respect he has water to carry around here, and he carries it extraordinarily well on behalf of his constituency, which is the Democratic caucus and the President of the United States. I congratulate him for the exceptional job he does.

That being said—

Mr. CONRAD addressed the Chair.

Mr. GREGG. Is the debate over?

Mr. CONRAD. Can we end the debate? (Laughter.)

Mr. GREGG. That being said, let's begin where the chairman leaves off accurately and correctly in saying that the course we are on is unsustainable.

What does "unsustainable" mean? It is one of those terms of art we use around here. It means that by the time

this budget runs its course—not necessarily the chairman's budget but the President's budget because the President's budget is a 10-year budget—by the time the President's budget runs its course, we will have passed on to our children a debt which will have tripled—tripled—a deficit which will have averaged every year for the 10 years a trillion dollars or more and a national public debt—that is the debt we owe to the Chinese, to the Japanese, and to our own people who own a fair portion of our debt—a national public debt which will have doubled as a percent of our gross national product, going up to 80 percent of our gross national product.

What does all that mean? It means essentially we will have built a debt in this Nation which our children will not be able to afford to pay down. Just the interest on that debt alone, as we move into the later years of this budget, will exceed anything else in the budget as a line item on the discretionary side of the ledger. It will exceed, for example, all the money we spend, the interest alone will exceed all the money we spend on national defense. It will exceed by a factor of three or four or maybe even eight accounts such as education, housing, veterans affairs, and health. The deficits will have been so large for so long that the debt will have grown to a point that there is no logical way or fair way that our children and our children's children, who will have to pay this debt, will be able to do it in a manner that would leave them with a nation that is as strong and as prosperous as the Nation that was given us.

Putting it another way, at the end of this budget, after these 10 years are over and beginning in about the third and fourth year of this budget, the spending will be so out of control at the Federal level, the growth of the Government will have occurred at such a rapid rate that we will have created a debt structure which will mean that our children will have about three choices in their future.

The first is that there will be a dramatic increase in inflation. We will try to pay this debt off with inflated dollars. There is no more regressive or harmful tax that a society can put on its people than to have uncontrolled inflation or massive inflation. But that is what one of the choices is.

The other choice is that we will raise taxes to a level that they will be so high we will essentially tax away the opportunity of our children to do things which were considered to be commonplace for our generation—buy a home, send their kids to college, invest in a small business, take a risk, create a job. All of that will be taxed away because the tax rates would have to get up to such a level to pay this debt off that we will no longer be able to have that type of prosperity. The

third course of action, equally untenable, is that the dollar gets devalued—which is to some extent an inflationary event—and people stop buying our debt. They simply say: I don't believe you can pay this debt off—you, the people of the United States. You are not going to be able to generate enough productivity to do it. That, of course, leads to some level of implosion of our economy which I can't even calculate or comprehend, but it is much worse than what we even confront today.

So nobody is arguing or debating—at least I am not, though there are some who are—I am not coming to this floor and saying it is irresponsible for this administration, for President Obama to have inserted a large amount of Federal spending into the economy this year and next year. We recognize that this economy is in stress and that the only source of liquidity for our economy is our National Government and that the Federal Reserve, for all intents and purposes, has become the lender of first resort. But that is a short-run issue.

The problem with this budget is that the type of spending which has to be done now is not curtailed after 2 years. It is not reigned in. It is not reduced or even leveled off. It continues up and up in the third year, the fourth year, the fifth year, the sixth year of the budget the President sent up here. The spending continues to go up on a path that is extraordinarily steep, so that the cost of the Government, which today and historically has been about 20 percent of GDP, jumps to 21 percent, 22 percent, 23 percent, and 24 percent. In fact, if you go outside the window and you presume these numbers continue to compound, you get to a cost of Government that ends up around 28 and 29 percent of GDP. You cannot sustain an economy with that type of cost.

I have a few charts to try to put this in perspective.

The first chart is on the issue of debt. The budget, as proposed by the President—and why do I keep talking about the President's budget rather than the chairman's budget? Because the President's Director of OMB said they are essentially the same, and they are essentially the same. We can get into the differences, but the differences are at the margin and they are really not arguable. The biggest difference is that the chairman's budget only goes for 5 years, not 10 years. Well, there are other big differences, but that leaves off the second 5 years, and by leaving off the second 5 years, you don't talk about and you essentially hide some of the most dramatic effects of this spending binge.

The President's budget increases taxes by \$1.5 trillion, it increases discretionary spending by \$1.4 trillion, and it increases mandatory spending by \$1.2 trillion. And this number, this \$1.2 trillion, is grossly underestimated.

What does it do in the area of savings? On the mandatory side, it does nothing in the area of savings, absolutely nothing. In fact, the few discretionary savings he sent up, which I happen to support, were dropped in the chairman's mark, especially in the area of agriculture. So as we have said, and some people have heard it before—maybe not in this room—it spends too much, it taxes too much, and it borrows too much as a budget. What it doesn't do is save too much, and that is what gets us into trouble. The practical effect of this budget's structure is that it takes Federal debt and doubles it in 5 years and triples it in 10 years.

Try to remember what we are talking about. We are not talking about going from \$100 to \$200 to \$300. We are talking about trillions. Trillions. I don't know what a trillion dollars is. I can't even conceive of it. But that is what we are talking about. We are talking about taking the Federal debt from \$5.8 trillion up to \$17 trillion, or thereabouts. To try to put it in perspective, if you take all the spending, all the debt run up by all the Presidents since the beginning of the country—George Washington through Franklin Pierce through George W. Bush—all that debt that has been run up over 230-some-odd years by all our Presidents, that debt is doubled by this President within 5 years of being in office.

There is another chart which shows this even better. It is called the wall of debt. This chart wasn't invented by me, but whoever invented it was a genius, obviously. The wall of debt shows how the Federal deficit just goes up and up and up and up. This wall of debt is what our kids are going to run into when they try to have a productive lifestyle. It is what is going to cost them their ability to be successful.

By the time we get to the end of this, or even right here in the middle somewhere of this budget, the average family in this country is going to have \$130,000 of new debt for which they are responsible. And \$130,000 is probably more than the mortgage on the homes of most people. The interest cost on that debt, which most Americans, which all Americans are going to be responsible for, will be about \$6,000. That may be more than what most people pay in interest on their homes. But that is the debt that is going to be passed on to them by this budget.

Why does it happen? It happens for one very simple reason. It is called spending. The simple fact is that under the President's budget—and under the budget proposed by the chairman—the spending of the Federal Government goes up dramatically, comes back down, and then starts back up again. It goes up dramatically, of course, in these 2 years here, which I said I have reservations about. I especially had reservations about the stimulus package, which was a misallocation of

spending, even though I supported the stimulus effort. Why does it start back up again? It starts back up again because this President, in a very forthright manner—and I give him credit for this—has said not only in his budget but he has said publicly that he genuinely believes the way you create prosperity is to significantly increase the size of the Federal Government, to take it to the left dramatically. So he does. As a result, spending goes up at a rate that is simply not affordable for our children.

Look at this black line here. This is the black line that reflects the average spending of the Federal Government between 1958 and 2008. Look at how much higher the spending is of this Government under this proposed budget. That is a huge gap. When you are talking about an economy as large as ours, when you are talking about 2, 3, and 4 percent—or in this case, 4 or 5 percent—that is where the massive deficits come from. That is where the massive increase in debt comes from. It is debt that is the issue.

The chairman used to say: The debt is the threat. He is absolutely right, the debt is the threat, but the driver of the threat is spending. Unless you are willing to address the issue of spending, you are not going to get debt under control because you can't tax people enough to cover that. Well, of course you can always inflate the economy and try to cover it, but that leads to much more harmful events.

So this is the fundamental difference we have as a party. The President has said he wants to spend, he wants to tax, and he wants to borrow. And I think it is important to note there is a little subtlety here that hasn't been focused on too much, and that is this: When President Clinton came into office, he also wanted to spend and tax, but he didn't want to borrow. He used his taxes, which he increased—which I probably opposed—in order to reduce the deficit. This President, on the other hand, who is claiming he is going to raise taxes on just the wealthy—which is a canard if there ever were a canard around here—is using all that revenue not to reduce the deficit but to increase spending, and then he spends on top of that. So he is using it to grow the size of Government. He is very forthright about this. He is going to use those tax revenues to nationalize the health care system. That is the way I describe it; he describes it another way. He is going to use those revenues to basically create a massive expansion of spending in the other accounts of the Federal Government. But he is not going to use those revenues to try to reduce the deficit. That is the big difference between President Obama and President Clinton in the area of fiscal policy. So he doubles and triples the debt, and as a result, he leaves to our children a nation which is

not affordable. So as I said, there is a fundamental difference.

You know, in the past we would get these budget debates on the floor, and they were sort of academic exercises. People would engage in them, and they would be very interesting, but I don't think anybody ever saw it as the core of the policy of the country. Even though it was important, it wasn't the core.

This debate is about this country's future. This budget is about where this country ends up. The pathway that has been laid out in this budget is a pathway that leads to a debt which the chairman has openly said is not sustainable. If the chairman knows it is not sustainable and the President knows it is not sustainable, why haven't they sent a budget up here to address that fact? Instead, they have sent a budget up here which does nothing about that fact, and, in fact, it does the opposite. It increases spending, it increases discretionary and mandatory spending, and it saves absolutely zero in the area we most need savings, which is the mandatory accounts.

So the difference is this: The President, as I said, has been forthright. His budget—this budget—probably the most significant document we have received here in the area of fiscal policy since perhaps the time of Lyndon Johnson or before, concludes that the way to prosperity is to expand the size of Government in an exponential manner by spending on Government programs in hopes that they create some sort of economic activity and create prosperity over the long run. Well, we believe, as a party, that doesn't work because in this case it is not paid for and it creates all this debt which we then pass on to our children to pay. We believe the way to prosperity is to have a government that is affordable and to pass that affordable government on to your children. Equally important is to empower the individual citizen and groups of citizens to go out, take a risk, and create a job, not to have the Government take from the individual the ability to create jobs because it taxes the individual either through inflation or through taxes or through a huge debt burden, as is proposed in this budget—a huge debt burden that is not sustainable.

So this is a very significant debate and a very significant decision point in our Nation's history because if this budget passes in its present form, we are guaranteeing that we will pass on to our children a nation whose Government is not sustainable, and therefore we will be passing on to our children a nation which is less than what we received from our parents. No generation has the right to do that to another generation, and that is what this debate is about.

Mr. President, at this point, I yield to Senator JOHANNIS, who has an

amendment or who wishes to discuss a motion to instruct.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, because of the procedure we are following at the moment, I can't make this motion right now, but we will offer the motion at the appropriate time.

I rise today to speak about something I am bringing to the Senate. I am on the floor today because I think it is unwise and I also think it is unfair to the American people to use budget reconciliation to pass cap and trade.

Just to review the history of this, I joined the senior Senator from West Virginia and circulated a letter asking the leadership of the Budget Committee not to include reconciliation instructions to pass cap and trade. I was very happy that a number of my colleagues agreed with us. Eight Democrats signed the letter, and 25 Republicans—even some who support cap and trade—signed the letter. Notably, the budget resolution which we considered on the floor of the Senate did not include reconciliation instructions. I commended members of the Budget Committee during floor debate for not including instructions for cap and trade. I do so again today.

At the same time, I expressed concern that the real threat, though, came from the House in terms of what it had done with its resolution. The House budget, I think we all know, included, interestingly enough, reconciliation instructions. We all know why they included the instructions. The House has no use for them. They are not necessary under House rules. Therefore, there is no reason to include them other than to attempt to force cap-and-trade provisions into the conference report.

We are nearing that day when a conference report will come to us. This would restrict input from the American people, or the Senate body, on a policy that would result in massive taxes and fees.

I thank Members on the other side of the aisle. I think they should be commended for what they did next. Understanding that the House was trying to slip climate change into law without review, without debate, without amendment, without consideration, 26 of my colleagues from the other side voted with the Republicans in support of my amendment.

What was the result? The result was that 67 Senators made it very clear just a few days ago that they would not support using budget reconciliation to pass cap and trade. This vote, I would offer, showed courage and leadership. Probably most importantly, it showed true bipartisan spirit.

Today I am again asking for the support and leadership of my colleagues to stand in support of my motion to instruct the budget conferees. My mo-

tion just says: Don't just drop our amendment when you walk into the conference committee meeting.

It says: Remember, we voted overwhelmingly against shutting off debate and using as little as a single legislative day to pass complex cap-and-trade legislation.

It says: Don't forget that cap and trade, if passed, will radically change the economic landscape of this great Nation.

Amendments to such a bill should not be narrowly limited by the rules of the budget process, a process that was really built for deficit reduction, not greenhouse gas reduction. It asks for leadership from our Senate conferees so the American people can witness a full debate on this very important issue.

Where does that leave us today? One might ask the question: Why is the motion necessary? With such a strong showing against including instructions for cap and trade, isn't that message already clear? The message is clear, but I think we have to be vigilant for some simple reasons.

First, we learned over the past several days that budget discussions are far from over. Reports indicate that negotiations will continue over the next several days, maybe into the next several weeks. Memories fade. If we think that budget reconciliation is off the table as time wears on, we could be very mistaken.

Budget Committee leadership from both the House and the Senate has specifically noted that debate on the inclusion of reconciliation instructions continues to be very intense. In other words, the use of budget reconciliation for cap and trade does remain a possibility. Cap and trade could be slipped into law if the House instructions, as currently written, end up in the conference report.

For me, today's motion is about being able to say to Nebraskans when I return home—to look them in the eye and say: Yes, I read that bill, and I carefully considered its impact on you, your families, your businesses, and your future. And, yes, I did everything I could to make sure people from Nebraska understood well the significant tax burden likely to result from the legislation. And, yes, after considering all of those things, I stood up and cast a vote, yes or no.

We need to stand up to those who want to use reconciliation to stop transparency and limit debate. I believe both the Chairman of the Senate Budget Committee, whom I respect, and the Ranking Member of the Senate Budget Committee, whom I respect, are battling mightily to ensure that reconciliation instructions are not included. Today, on the floor of the Senate, I commend them for that bipartisan effort. But they need our help. They need an army of Senators whose

primary concern is the interest of the American people. A vote in support of this motion can do just that. We need this vote. We need to pass this motion. We need to insist that the text of the amendment, which 67 Senators, both Republican and Democrat supported, remains in the conference report on the budget.

I appreciate the opportunity to express this view. I urge my colleagues to support this motion. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. If the Senator will indulge me for about 2 minutes because I want to speak quickly on behalf of the amendment of the Senator from Nebraska? He has outlined a lot of the substantive reasons it is important. It would not be appropriate to do this type of huge policy on a 20-hour debate, no-amendment situation, up-or-down vote. But there is another issue which goes to the integrity of the Senate and the purposes of the Senate.

Basically, reconciliation is purely a Senate event. The House doesn't need reconciliation. The House has a Rules Committee. They can determine how long debate is going to be, when there is going to be debate, and how many amendments there are going to be.

The Senate historically has been the place where people come to talk, to discuss, to air out an issue, and then to have amendments on that issue. That is the whole function of the Senate in our constitutional process. I find it incongruous, to be kind, that the House of Representatives would be trying to dictate to the Senate the rules of operation of the Senate in a manner—first, it is inappropriate to begin with, but they are dictating them in a manner which basically goes at the fundamental purpose of the Senate, which is that the Senate be the place where debate, discussion, and amendment occurs on policy issues of great substance.

I do not argue that reconciliation is not a useful and appropriate tool to be used around here. There are many reconciliation initiatives for which I voted. But in the area the Senator has noted, which is a massive change in industrial policy, a huge tax on every person who turns on a light in every home in America, that should not be done under reconciliation. Equally important, the House of Representatives should not be explaining to the Senate or telling the Senate what the rules of the road are in the Senate. They have enough issues on their own over there.

At this point, I think the Senator from Michigan wanted to be recognized. At the completion of the remarks of the Senator from Michigan or the chairman's comments, unless the Senator has further comments, the next Member to be recognized on our side will be Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me indicate with respect to the question of reconciliation being used for cap and trade or climate change, there is no provision on the House side for that purpose. At least that is the stated intention of the Speaker of the House of Representatives. And there is no reconciliation instruction in our resolution at all for any purpose.

Let me indicate I happen to agree with the Senator from Nebraska. I personally do not believe reconciliation should be used for this purpose. I must say, I am very disappointed the Republicans, when they were in a position to do so, abused reconciliation. I believe that strongly. Reconciliation was designed for one purpose and one purpose only, and that was deficit reduction. Our friends on the other side used it to dramatically cut taxes and increase the deficit. That was, to me, an absolute abuse of reconciliation.

But two wrongs do not make a right, and I do not believe using reconciliation for major substantive legislation that is not fundamentally deficit reduction is an appropriate use of reconciliation. That is No. 1.

No. 2, I think people will find that because reconciliation was designed for a very specific purpose, that it does not work well for the purposes of writing major substantive legislation. I will not go into all the technical reasons why that is the case, but it is the case. We will get to questions of reconciliation being used for other purposes as well.

I have argued strenuously, publicly and privately, that reconciliation ought to be reserved for deficit reduction. But I do want to indicate that there is no reconciliation instruction in the resolution coming from the Senate; and in the House, the Speaker has made clear that reconciliation would not be used for climate change legislation or for cap-and-trade legislation.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. GREGG. I totally want to identify my position with the Senator's argument as to the purposes of reconciliation and the fact it should not be used for major public policy initiatives which require debate and hearings in the Senate and an amendment process. Are we to presume, therefore, that your logic on cap and trade applies also to major health care reform?

Mr. CONRAD. My logic does, as I have made very clear over and over, publicly and privately. But, you know, I don't get to decide. We have House conferees, we have other Senate conferees, and, of course, we have a White House that has an interest—although they have no formal role in the budget process here. They submit a budget,

but as the ranking member well knows, the budget resolution is entirely a congressional document.

With that said, I do want to indicate that I previously voted for the amendment of the Senator. I will vote for it again. But I do want to indicate we do not have any reconciliation instruction in our resolution, and the House, through its leadership, has made clear they do not intend to use a reconciliation instruction for the purpose of cap and trade or for the purpose of climate change legislation.

Mr. GREGG. If the Senator will yield for a further question, I will make this a rhetorical question. The Senator is one of the most influential Members of the Senate and of the Congress. When he says he wants something to happen, especially when it deals with the budget, I know it will.

Mr. CONRAD. I wish that were true. I wish the Senator had been with me in the discussions over the last few days, even in our caucus on Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I, too, rise to speak to a motion to instruct conferees. I understand we do not yet have an agreement to be able to move forward on that.

I first want to indicate that I, as well as the chairman of the Budget Committee, joined with the Senator from Nebraska in supporting his amendment to the budget resolution. But I believe it is not enough just to say what we will not do on climate change. It is very important to say what we will do. So that is what my motion to instruct does. It provides a positive direction for future climate legislation. I thank my colleagues, Senators BOXER, BROWN, SHAHEEN, CARDIN, and LIEBERMAN for cosponsoring this motion to instruct.

The budget we pass is truly about investing in America's future. With all respect to our ranking member, for whom I have great respect and fondness, there is a difference in this budget in terms of priorities. There is no question about it. There is a big difference in terms of what we want to invest in—education, energy independence, health care, jobs. I might say coming from Michigan: Jobs, jobs, jobs.

So there is a difference in direction, in values, and priorities in this budget. I believe it is what the American people are asking for. Our policy on climate change has to invest in the future just as our budget does. If done right, climate change legislation will create new jobs, new industries, and it will revitalize and strengthen our economy. So I will offer a motion to instruct in response to other amendments that say what we cannot do. My motion, on the other hand, is what America can do, what we must do.

My State of Michigan is facing serious challenges right now. We have the

highest unemployment rate in the country, of 12.6 percent. The hard-working people, the families in Michigan and other States that are struggling, need us to do a climate change policy right so that it does create jobs and transform our economy. Our economy cannot go forward with the same old policies dependent on foreign oil and pollution that harms our health and our economic interests. Climate policy can and must look out for working families and businesses, whether it is a farmer, a manufacturer, or a clean tech engineer. That is why the motion to instruct that I will be offering refers to a future climate policy that is well balanced to address all of these interests, so it does create jobs and strengthens manufacturing and breaks America of our dangerous addiction to foreign oil. We cannot rely any longer on the same old technologies and the same old fuel.

With new energy solutions come new jobs and new industries. America has always led the world in innovation and we can do it again in a green energy economy if we do this right. We are in the midst of a revolution, an energy revolution. Over 100 years ago, Henry Ford revolutionized manufacturing in transportation with the automobile and the assembly line. He also revolutionized the way we pay people in this country. He gave his workers \$5 dollars a day to work on the line when it was not necessary to do that, because he wanted to make sure he had people who could buy his automobiles.

Through doing that, that revolutionized people to invest in workers. He helped create the middle class of this country. In the 1980s we had a computer revolution that changed the way we work, the way we communicate, the way we learn, the way we live. The energy revolution of the 21st century will change our economy, I believe, if done right.

That is why the right kind of climate policy is so important. The motion to instruct that I will be offering will direct the conference committee toward a smart climate policy that will protect and strengthen manufacturing. First we ensure a level playing field in the world economy so climate legislation does not hurt our bottom line. This will protect U.S. manufacturers from international competitors that do not follow the same important environmental standard our companies will have to follow.

Second, new manufacturing opportunities will arise. I believe that. For example, to meet the needs of new clean energy production, we will need to produce clean energy technologies on a massive scale. We are talking about 8,000 parts in a wind turbine. As I have said to many colleagues, we can build every single one of those in Michigan. I know I talk a lot about this. I talk a lot about our economy in Michigan.

But I truly believe if our energy policy can turn Michigan's economy around, it will turn America's economy around.

Recent history has shown what happens when we rely primarily on foreign sources of energy. We subject ourselves to less than friendly international governments that can leverage unstable supply and higher prices against the people we represent. The motion to instruct I will offer will guide the conference committees to take steps to further reduce our dangerous addiction to foreign oil.

Furthermore, our domestic energy needs also increase over time, and all sources of clean energy should be part of the portfolio. Diversification of our energy supply is key for security, stability, and opportunity. This is a national and international problem and we must solve this together.

My motion directs the conferees to ensure that all regions contribute equitably and help each other as America transitions to a clean energy future. I also believe a successful climate policy has to include all our economic stakeholders. Agriculture and forestry can make significant contributions to greenhouse gas reduction, perhaps as much as 20 percent, with the right incentives. My motion to instruct provides clear and certain opportunities for landowners so they can achieve emission reductions and benefit from doing so.

Finally, this motion to instruct puts us on the road to a balanced climate policy. With policies that meet these objectives, we can ensure the American public that greater economic opportunity lies ahead, and we can do this while meeting the ambitious emission reduction targets set by President Obama.

Instead of arguing about what we cannot do, I urge my colleagues to embrace what we can do. That is what this motion to instruct relates to—creating jobs, protecting our environment, energy independence. This is what our future is about.

In addition to speaking about the motion to instruct, I would take a moment to say, on the broader budget resolution, this resolution again is different. It is about jobs, it is about energy independence, health care, education, tax cuts, yes, for the middle class who have been overlooked for too long, as well as focusing on cutting the deficit in half during the life of this budget resolution.

We know this deficit has been run up. When I came into the Senate in 2001, we were debating what to do about a \$5.7 trillion surplus over 10 years, and colleagues were willing to make decisions, our colleagues on other side of the aisle, were willing to go into deficits for the war in Iraq, go into deficits for tax cuts for a few, go into deficits for a different set of policies.

It is true, this budget resolution reflects what I believe is a different set

of priorities that are the priorities of the American people. I am very proud of and grateful to our chairman, the Senator from North Dakota, for his leadership, and I appreciate the ranking member as well for his graciousness, even though we have different views. I very much appreciate the way he and the chairman conduct the committee. But I am proud to say this is different. The American people want a different set of priorities, and that is what this budget resolution provides.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from North Dakota.

Mr. CONRAD. Madam President, at this moment, I ask unanimous consent that next Senator GRASSLEY be accorded 14 minutes; that Senator BOXER follow him for 10 minutes.

How much time would Senator WYDEN request?

Mr. WYDEN. Could I have 10 as well?

Mr. CONRAD. And 10 minutes to Senator WYDEN.

Mr. GREGG. Is this all coming off of your time?

I will be yielding my time on this side.

Mr. CONRAD. I would always be happy to give Senator GRASSLEY time off mine.

Mr. GRASSLEY. I will take it off your time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Pretty soon we are going to have a motion dealing with small business. I want to address that issue now so that I get it addressed properly as a senior member of the Senate Finance Committee.

Everyone in this body knows that small businesses are an extremely important and dynamic part of the U.S. economy. I wish to say, and I often do, that small business is the employment machine of our economy.

President Obama agrees with that. Small businesses have generated 70 percent of the net increase in jobs in the United States over a long period of time. Three weeks ago, we debated this issue during the budget resolution debate. During the debate, the Senate spoke on this point, because Senator CORNYN had a small business tax relief amendment. That amendment passed by an overwhelming vote of 82 to 16.

America's small businesses have been suffering during this recession. If you go back to your States frequently, as I do, you will hear about it from your small businesses very directly. A few weeks ago, Senator LANDRIEU and Senator SNOWE held a hearing on the crunch hitting small business. They found that big banks have been cranking down lending to small businesses. At a time we are putting more money into big banks, why? I do not know that we got an explanation. I have been trying to get an answer out of Treasury

on whether banks receiving the bailout money have been similarly squeezing out small business customers. I am still waiting for an answer from our Treasury Department.

A very good source of answer, though, as we turn elsewhere, an answer about the environment of small business, is found in the monthly surveys of small businesses conducted by the National Federation of Independent Business. We all know about the NFIB, the largest small business organization. NFIB has been conducting these surveys now for 35 years.

The membership of that organization includes hundreds of thousands of small businesses all across America. You can find the survey on NFIB's Web site www.nfib.org. I wish to encourage every Member to check out this month's survey, because I am going to be referring to it with charts I have with me.

The survey shows some extremely disturbing trends on credit availability. Small businesses depend on credit. Small businesses are getting squeezed very hard. That chart is up now. As you can see, the chart shows the availability of loans has fallen off the cliff as late as 2007 and gets worse as you get into 2009.

You see on the right side of the chart the sharp downturn evidencing the lack of ability of small businesses to get loans. This credit crunch as well as other factors has contributed to the near record low in the NFIB's index of small business optimism. I wish to have you view this, something like we regularly view, the University of Michigan's monthly index on consumer confidence.

The NFIB takes surveys regularly. This chart shows small business owners turning extremely pessimistic in the last couple of years. You can see how that has "downturned" very rapidly at the right end of the chart. What you see here is the attitude of decisionmakers in small business of America, the people who create the jobs. Those are the decisionmakers for the businesses that President Obama and we in the Congress agree are most likely to grow or contract jobs.

The pessimism evidenced by the chart is at its second lowest point in the 35-year survey. This data should concern every policymaker in this body. As bad as the two sets of charts are, I have a worse picture.

This chart shows the net increase or decrease in small business hiring plans. The survey asks the small business owner simply whether he or she plans to expand, on the one hand, or contract, on the other hand, employment over the next 3 months.

As you can see even more dramatically, look at the right-hand side of the chart here. If I said on those others to the left hand, in each case I was talking about the right. I do know the dif-

ference between the left and right hand. But as you can see even more dramatically on the other two charts, this chart shows small business activity contracting tremendously.

Small business hiring plans are at their most negative level in the entire 35-year history of this survey, again, the right side of the chart. Let me repeat, because it is so important, this goes back to 1974, those surveys. Since NFIB started doing them, the likelihood of small business owners adding workers has never been worse.

With this pessimism, we should not be surprised then that job losses for small businesses have been growing dramatically. The national employment report recently released by Automatic Data Processing shows 742,000 nonfarm private sector jobs were lost from February to March 2009. Of those 742,000 lost jobs, 614,000 or 83 percent, were from small business.

The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of his small business plan will allow the Federal Government to spend up to \$25 billion to purchase the small business loans that are now hindering community banks and other lenders.

Unfortunately, that is only a drop in the bucket.

Remember that small business accounts for about half of the private sector. Moreover, the positives that will come to small businesses from this relatively small package of loans—which will ultimately and obviously have to be paid back—will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not helping the economy or small businesses.

The President's budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses. I take exception to that argument. They used Tax Policy Center data, and I want to show why that should not be allowed.

Proponents of these tax increases seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. In testimony before the Senate Finance Committee, the liberal

think tank, Center on Budget Policy and Priorities, also used that figure. Moreover, Secretary Geithner has testified using that figure. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and the business cycle. The non-partisan Joint Committee on Taxation has indicated that, for 2011, approximately 3 percent of small business filers will be hit by these proposed higher rates. These statistics compare to a 2007 Treasury which showed 7 percent of flow-through business owners paying the top rate. In the latest analysis, when the impact of the alternative minimum tax is fully included, that percentage may drop some.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage. This is where the argument is hogwash.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. You can see it right here on this chart. It shows what I am talking about. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers? Of course, we don't. But that is exactly what the majority is going to do if they follow the President's lead.

With these small businesses already suffering from the credit crunch, do we really think it's wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates?

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over \$250,000. This is a conservative number, because it doesn't include flow-through business owners making between \$200,000 and \$250,000 that will also be hit with the budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases, or present data that show a different result for this group of people.

As we prepare for the conference on the budget resolution, the President

and the congressional Democratic leadership have an opportunity to change course. They have an opportunity to revisit the tax heavy, spending heavy, and debt heavy budget they have passed 2 weeks ago. Both budgets would perpetuate the double whammy of constricted credit on the one hand and high taxes on the other, directed at America's job creation engine—small business.

In the coming days, we Republicans will try to persuade our Democratic friends who have all the controls of fiscal policy to change course for the benefit of small business that we all agree ought to be our first concern. One way they can change course is to focus, like a laser beam, on jump-starting the Nation's job engine—small business America. We need an upturn in the small business optimism index that is contrary to what this chart shows. We need to reverse the direction of this sharply downward sloping arrow. If we ignore this negative environment, we are just kidding ourselves. We need to change course and reverse this even more sharply downward sloping hiring plan arrow.

That is where the President and Congress agree we need to get more job growth. As we take the final steps on the budget, let's match that budget with this reality.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I listened to Senator GRASSLEY's remarks, and I have been in conference with folks who have read this budget line by line. It is important for me to say something as someone who represents the largest State in the Union. As I look at this budget and it is how one looks at it—I see it as a boon to small business. I don't see one specific tax increase aimed at small business. Yes, if an individual is over \$250,000 a year, for all of us in that category, the tax breaks will expire. But to say that all small businesses are hit hard is an argument that doesn't hold up, in my eyes. I have great respect for my friend, and I know he has analyzed it another way. But when I look at the priorities of the new President and of this Democratic Congress, what do I see?

Here are the priorities. Investment in energy, that is going to be great for small business. Talk to my venture capitalists. They are ready, willing, and able to make huge commitments to alternative forms of energy. Investment in education, that is also going to be good for people who work in the education field. And health care, we know that as we have more insurance out there available for people, there will be many jobs created and many small businesses created around the delivery of health care.

I guess the way one looks at this budget depends on their point of view.

Clearly, I believed our President, when he said he had those priorities. I view this budget overall as being a boon to small business and being a boon to the American people as we move forward with investments that will create many jobs.

The reason I wanted this time in particular was to kind of reargue an old argument we already had once before and that has come before us. Senator JOHANNIS wants to have another vote to say we won't use the reconciliation process which, for people who don't know what that means, we won't use a process that we only need a majority to win. We are going to use the 60-vote requirement to write and pass global warming legislation.

I know this is going to pass because it passed before. I think most Members believe if we can get 60 votes for climate change legislation, fine. But I have to say again, after reviewing the number of times the Republican Party has used reconciliation since 1980, it has been 13 times out of the 19 times that reconciliation has been used. I would say to people who might be listening to this, to try to keep it as simple as possible: Reconciliation is used when there is a way to reduce the deficit. That is when it is used. You want to reduce the deficit so you say: Therefore, if you are reducing the deficit, we will do it with just a majority vote instead of a supermajority vote. That is the thinking behind it.

A cap-and-trade program, which many of us support in order to combat global warming, will give us the ability to reduce the deficit. We know that because that is what we were told last year as we worked on the Boxer-Lieberman-Warner bill. Much of the funds went back to consumers to help them pay energy costs. But there was a segment of funds that went straight into deficit reduction. But, no, my Republican friends don't want to look at that. Even though they used this 13 times, they want to prohibit the use of reconciliation for global warming legislation.

As I look back on the number of times Republicans have used reconciliation, in my view, it didn't make life any better for the American people. This is what they used it for. They used it to cut health program block grants to our States. They used it to cut Medicaid. They used it to cut food stamps. They used it to cut dairy price supports. They used it to cut energy assistance. They used it to cut education grants. They used it to cut impact aid and title I compensatory education programs for disadvantaged children. They used it to cut student loans. They used it to cut the Social Security minimum benefit. Our friends on the other side were very happy to use the reconciliation process, which only required 51 votes, to hurt the American people. That is what I think those cuts

did. But when it comes to helping the American people by stepping up to the plate and addressing global warming and, in the course of doing so, creating millions of new jobs, no, they want to have a supermajority.

Senator JOHANNIS showed us he can get the votes to pass that. I know he will. That is why I am so grateful to Senator STABENOW, who has said: OK, you want to say we won't use reconciliation. She is saying: We will, in fact, keep the reserve fund in there for global warming so we can move it forward. This reserve fund will allow us to invest in new jobs that will come about by investments in clean energy technologies which will make us a healthier economy, energy independent, and it will make us more secure because we will have to import less foreign oil. We are going to see increases in energy efficiency which will yield amazing benefits. That will help us in the long run reduce energy costs. We are going to use these funds to protect consumers. This is what the Stabenow-Boxer-Brown-Lieberman-Cardin amendment is saying. We want to keep that reserve fund in the budget so we can move forward with climate change legislation.

I am looking forward to this moment. This is long overdue. We have lost 8 years. But the kind of approach we need is the kind of approach Senator STABENOW is envisioning. We cannot afford to wait. Scientists are telling us we are going to face rising sea levels, droughts, floods, the loss of species, spreading diseases. Our own health officials in the last administration and this one have told us we have to act. The Environmental Protection Agency has proposed an endangerment finding.

We are being told that our people are in danger if we do not enact global warming legislation. It is spelled out.

Severe illnesses are going to crop up as a result of organisms that will now be living in warmer waters.

To quote the EPA—and they talk about the heat waves and the mortality rate and the wildfires and the drought and the flooding—this is what they say. I will close with this quote. They say: Global warming left unchecked is a serious harm to our people. It is not a close case, they say. The greenhouse gases that are responsible for global warming endanger public health and welfare within the meaning of the Clean Air Act.

Madam President, I ask unanimous consent to have printed in the RECORD the EPA's Proposed Endangerment Finding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPA'S PROPOSED ENDANGERMENT FINDING

The effects of climate change observed to date and projected to occur in the future—including but not limited to the increased likelihood of more frequent and intense heat

waves, more wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems—are effects on public health and welfare within the meaning of the Clean Air Act.

This is not a close case in which the magnitude of the harm is small and the probability great, or the magnitude large and the probability small. In both magnitude and probability, climate change is an enormous problem. The greenhouse gases that are responsible for it endanger public health and welfare within the meaning of the Clean Air Act.

Severe heat waves are projected to intensify in magnitude and duration over the portions of the U.S. where these events already occur, with likely increases in mortality and morbidity. The populations most sensitive to hot temperatures are older adults, the chronically sick, the very young, city-dwellers, those taking medications . . . , the mentally ill, those lacking access to air conditioning, those working or playing outdoors, and the socially isolated.

Mrs. BOXER. I say to my friends and my colleagues who are listening to this debate, vote for the Stabenow motion to instruct. It is an important motion. It will keep the reserve fund and will allow us to move forward and attack this serious problem of global warming that has gone unaddressed for too long.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

Mr. REID. Madam President, I ask the Chair to lay before the Senate a message from the House on S. Con. Res. 13, the concurrent budget resolution.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 13) entitled “Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.”, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REID. Madam President, the following request has been approved by Senator GREGG and the Republican leadership.

I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees; that prior to the Chair appointing conferees, the following motions to instruct the conferees be in order; and that a majority side-by-side motion to instruct be in order to any Republican motion to instruct and that the majority motion

be voted on first; that upon disposition of all motions, any remaining statutory time be yielded back; and that the conferee ratio be 2 to 1; provided further that the statutory time be considered as having started running at 3 p.m. today, and that the time be charged equally to both sides. The motions in order are Johanns, cap and trade; Stabenow, cap and trade, which is a side by side; Gregg, no debt increase; Sessions, nondefense, non-veterans spending freeze; Ensign, point of order relative to raising taxes; Cornyn, taxes; Alexander, competitive student loans; Coburn, budget line by line; DeMint, health care, that no point of order be in order to this motion; Vitter, oil and gas tax.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, Chairman CONRAD has emphasized how important it will be to tackle the major issues—health care reform and climate change—in a bipartisan way. I wish to spend a few minutes first expressing my support for that position and urging that the conference on the budget proceed expeditiously because then the heavy lifting in the Senate will begin.

For example, for American health care, what is needed is nothing short of a transformation of our system. American health care is simply broken. Medical costs are gobbling up everything in sight. Middle-class people know their paychecks are not going up, and the prime reason is because medical costs take away all of what would otherwise be a wage increase.

Our newspapers report daily that Americans are being laid off at their jobs. They lose their health benefits. What we see again and again is a spiral of tragedy, as they simply lurch from one effort to another to try to find health care and cannot get it.

For example, on Tuesday, the New York Times published a front page story titled, “No Job and Soon No Benefits, Race to Help Son Stay Cancer Free.” Dana Walker of Humble, Texas, was laid off from her job at DHL leaving her and her family without health insurance. Her son Jake is just 21 years old and is a cancer survivor. Now uninsured, the Walkers have had to defer their own care, pay up front for Jake’s care, and have essentially been refused care at the hospital that specializes in care. In the article, Mrs. Walker said, “Your job as a parent is to protect your children at any cost. I really feel like I had let him down.”

I don’t believe Mrs. Walker has let her son down. She’s doing all she can. In the individual market health insurers can discriminate on the basis of age, gender, family size, geography, health status and pre-existing conditions like cancer. Even though Jake

has been cancer free for a year, he can’t find affordable health insurance on his own. Insurance companies can pick and choose the customers who are the good risks and leave the bad risks, like Jake Walker, out in the cold. It isn’t Mrs. Walker who’s let her son down. It’s the health care system.

This is not going to be fixed by a piecemeal approach to health care reform that tackles one part of the system or another and produces incremental change for perhaps a short period of time. What is needed is transformational change. I believe Democrats and Republicans in the Senate are committed to that objective.

I think there is a growing recognition that both parties have had a valid point. Democrats, in my view, are correct that you cannot fix health care unless you cover everybody because without full coverage you cannot organize the market. There is too much cost-shifting. There is no emphasis on prevention. You have to get all Americans good quality, affordable care. Republicans have valid points, in my view, as well. You should not just turn everything over to the Government and say that is the answer.

What is really needed for transformational change is containing the costs. The Congressional Budget Office, last May, said that for the amount of money America is spending today on health care, all Americans in a couple years could have good quality, affordable coverage like their Members of Congress. That is what the Congressional Budget Office said when it looked at one approach to dealing with health costs.

I am very confident, under the leadership of Chairman BAUCUS and Chairman KENNEDY, that they will have a lot of support for transformational change so we make sure all Americans have access to good quality, affordable choices, and they get rewarded when they take sensible steps, for example, in preventive health care and wellness and shop carefully for health care coverage.

Today, if you are lucky enough to have health care coverage, you do not get any choice at most employers. That is not the way it is for Members of Congress. So why don’t we agree, Democrats and Republicans, after we get this budget conference put together, that we are going to make sure all Americans get good quality, affordable choices like Members of Congress have? Then let’s start rewarding them. Let’s reward them for sensible prevention. For example, the Safeway Corporation has been doing that for some time. I would like to say that seniors who lower their blood pressure and lower their cholesterol would get reduced Part B premiums. That is the outpatient portion of the Medicare program. But these are areas where Democrats and Republicans can come together.

There has been considerable discussion on the Senate floor about the idea of reconciliation for tackling health care. I think Chairman CONRAD is absolutely right in his approach.

I will say there have been many of us on both the Democratic and Republican side, as we have looked to health care, who want to make the issue of reconciliation irrelevant. We want to make the issue of reconciliation irrelevant because we are hoping to bring enough Democrats and Republicans together so we will have 70 or more Senators gathered to fix the health care system.

These issues, ultimately, in my view, are not ones that automatically produce a partisan divide. The private insurance system is also broken. It is about cherry-picking.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 31 seconds.

Mr. WYDEN. For the remainder of my time, Madam President, let me tick off a number of other areas where Democrats and Republicans on this health care issue can come together for transformative change.

Today's private insurance model is also broken. It is all about cherry-picking. It is about taking healthy people and sending sick people over to Government programs more fragile than they are. So what Democrats and Republicans want to do—again, in the name of transformative change—is we want to say that the companies are going to have to take all comers. We understand that is a key part of health care reform.

But we are going to put them all on equal footing. There are not going to be any price controls or big Federal regulatory systems. But everybody is going to be part of a big group so we contain costs as part of a big pool. We will reward prevention and wellness, which, of course, is not done today. This is where I think it will be possible for firms in the health care area to both do good and do well by offering better service to our people.

Other areas of transformative health care reform: The issue of portability and making sure our people can take their health care coverage with them so they do not lose their coverage when they lose their job or they wish to leave their job. That is what happens today. Of course, much of the health care system does not offer that kind of portability because it is built around what happened in the 1940s, when somebody started working and stayed put for 25 years, until you gave them a gold watch. Well, today the typical worker changes their job 11 times by the time they are 40. We need portable coverage. Democrats and Republicans can work together on that.

I want to close, again in the name of bipartisanship, by talking about how

we can help people who have coverage. They have been described by some as the contentedly covered Americans. I think what we ought to say for those folks, Democrats and Republicans, is, let's let them keep the coverage they have. Let's make sure they are wealthier in the new system because they get rewarded when they engage in those preventive practices or make a good purchase. Let's make sure they are healthier in the new system. Chairman CONRAD is here and has talked about improvements, for example, in chronic care, which is certainly part of making Americans healthier.

Finally, let's make sure that if they leave their job or their job leaves them, as I have touched on, they are going to have a safety net of affordable coverage.

Each and every one of those points I have talked about is an issue on which Democrats and Republicans can come together. I hope the Senate will follow Chairman CONRAD's advice about proceeding expeditiously. I think there are many Members of the Senate who want to tackle these big issues—climate change and health care—in a manner that makes reconciliation irrelevant because we have brought together the kind of broad majorities that I think are particularly within the grasp of the Senate on this issue of reforming health care. I look forward to working with colleagues on both sides of the aisle for exactly that kind of transformative policy to better meet the needs of the American people.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, just briefly, I want to thank Senator WYDEN for his leadership. He is really an outstanding member of the Budget Committee. No one—no one—has spent more time on health care reform and tax reform than the Senator from Oregon. No one has reached across the party divide more assiduously than Senator WYDEN. I very much appreciate his contributions to the committee and to the Senate and especially to a thoughtful debate and discussion of the key issues facing the country.

One of the things that is so striking on health care is that we are spending about 18 percent of our gross domestic product on health care. And some are saying: Well, we have to spend another \$1 trillion to \$1.5 trillion. It strikes some of us as improbable that when we are spending \$1 in every \$6 in our economy on health care—about twice as much proportionately as any other country in the world—that the answer is to spend another \$1 trillion to \$1.5 trillion.

Senator WYDEN, through really years of effort—and I mean years—working week after week with the Director of

the Congressional Budget Office, with other policymakers, has put together a bipartisan health care plan. It is the only one of significance I know of that has broad-based bipartisan support. He deserves all of our thanks for the efforts he has extended. I once again thank the Senator for his leadership in the committee, on the floor, in the Senate, and for the seriousness of purpose he has brought to the task.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, while I agree with Senator CONRAD that Senator WYDEN has worked hard on this and he is raising some important issues, I am very worried about where we may be heading in the realm of health care. I have been impressed with Senator WYDEN's efforts to create something that could result in bipartisan agreement. I don't know where we are headed, but I respect him greatly for his efforts.

MOTION TO INSTRUCT

Madam President, I ask unanimous consent to call up my motion to instruct conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama Mr. SESSIONS moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution shall freeze non-defense and non-veterans funding for 2 years, and limit the growth of non-defense and non-veterans funding to 1% annually for fiscal years 2012, 2013 and 2014.

Mr. SESSIONS. Madam President, the budget resolution is on the floor now, and I believe we ought to talk about it and be honest with ourselves about it. I will speak as one Senator. I know it passed this Senate. I don't think any Republican voted for it. Maybe a couple of Democrats voted against it, but it passed with extra votes to spare.

I would say—and I hate to say it, but I will repeat what I have said before: I believe this is the most irresponsible budget in the history of this Republic. It surges debt to a degree to which we have never seen before, not because it assumes we are going to be in long-term economic turmoil—they assume we are going to have economic growth roaring back in a year or two and that revenues will be surging in to the Government. The debt and deficit we are incurring is a direct result of massive spending—an alteration, I believe, by all accounts of an historic concept that Americans have of limited government, lower taxes, and a vibrant private sector. We have always objected to the Europeans and their more socialist model. We have consistently, year after year, had greater growth than they

have had, lower unemployment than they have had, and we have been proud of that.

Of course, both Europe and the United States are in trouble today. I was rather mortified when the European leaders told our President and our Secretary of the Treasury that no, they were not going to spend like the United States; no, they believe we are incurring too much debt and they were not going to follow us; and the President of the European Union said our financial proposals were the road to hell. That is what he said about them.

Let me share a few things before we get started on the specifics of the motion to instruct. This is what the President's budget called for. He submitted a 10-year budget, and this is not something, let me add, that he was forced to do. This budget represents the President's, the administration's, and now, I guess, this Senate's fundamental view that we need to spend, spend, spend more than we ever have in history and not be too much worried about the debt.

So under the present state of affairs, in 2008 the debt of the United States, from the founding of the Republic over 200 years, totaled \$5.8 trillion—a lot of money. We paid on that \$170 billion in interest in 2008. That is how much interest we paid. We spent less than \$100 billion on education and \$40 billion on highways. This year we paid \$170 billion on interest on our debt. But, within 5 years, according to the President's own budget numbers we will double that debt to \$11.8 trillion in 5 years, and in 10 years, the debt will triple to \$17.3 trillion. The young people who are coming out of school today and beginning to work, how much interest will they be required to pay on that 10 years from now? Not \$170 billion, but according to our own Congressional Budget Office that scored this carefully—and they are under the control of the Democratic majority, but they are a nonpartisan group, and I respect what they do—they calculate we will pay \$806 billion in interest, over ten times what we are spending today on the education expenditures of the Federal Government, and many times the \$40 billion we spend on highways this year.

I would say this is a stunning development. I am worried about it. I think every American should be worried about it. Are those projections off base? I have the numbers; they just released the numbers for this year. Remember, last year was the biggest deficit this Nation has had since World War II—\$455 billion. We need to be working that annual deficit down.

Look: In October, the first month, we hit \$134 billion; by January—4 months—we were at \$563 billion this fiscal year. That is this fiscal year. By January of this year, in 4 months, \$563 billion in deficit represents the largest

deficit in the Republic since World War II. Here we go back to the end of the quarter, at 6 months from October, through March, it is now \$953 billion, already twice what last year's numbers were. So we are on track this year to see an annual deficit of \$1.8 to \$1.9 trillion. That is unbelievable.

I ask my colleagues, does it get better? Not under the President's budget. Under the President's budget, in the outyears, the numbers continue to go up, and in the tenth year, his budget projects a deficit of \$1.2 trillion. Over 10 years, his budget deficit will average over \$900 billion each year. Again, this is not projecting a war; it is projecting a decline in defense spending for military activities around the globe. It is projecting solid, even robust economic growth. The deficits are caused by spending. I am so disappointed we haven't done a better job of controlling it.

I know the Senate budget is a 5-year budget. That is what they think is going to look a little better than the President's 10-year budget, but according to the Republican staff, they did an analysis of it and it is essentially the same over the first 5 years. In fact, Mr. Orszag, of the President's Office of Management and Budget, who used to be the Director at CBO, said publicly it was 98 percent of what the President wanted. This chart shows that in discretionary outlays it is 98.8 percent identical to the President's 5 years; on total outlays, it is 96.6 percent identical; and the revenue they project is 99.8 percent identical.

What can we do about it? There are a lot of things we can do. The most difficult—and our chairman, Senator CONRAD, and the ranking member, Senator GREGG, have made some steps toward dealing with the crisis in entitlements. They are growing at a rapid pace and we have to do something about it. This budget assumes no reform on entitlements whatsoever, but maybe they will be able to make something happen. I would like to see us project some savings in that, but it is not shown in this budget.

So the motion to instruct I have filed, and that at some point we will be voting on, would say we ought to begin to establish some sense of fiscal responsibility by containing the growth in discretionary, nondefense, non-veteran spending. This can be done. It is particularly easy to do so this year because we, a few months ago—a few weeks ago, really—passed an \$800 billion stimulus package, on top of our base budget. So I would have thought, when we did our baseline budget this year, knowing we had pumped in \$800 billion over the next 2 years to try to stimulate the economy, that we would have a frugal baseline budget. Not so. In fact, according to the budget that is on the floor, I believe, it shows a 7-percent increase in baseline discretionary, nondefense spending.

Most of my colleagues know the rule of seven: A 7-percent growth rate doubles your money in 10 years. So this proposal puts us on a track to double the spending for discretionary, non-defense spending in 10 years. It is an unsustainable track.

I propose this: In light of this stimulus package—the largest single appropriation of money in the history of America that we passed, and every penny going to the debt; all \$800 billion of it has to be borrowed so we can spend it. In light of that, we ought to be able to keep the baseline budget flat for 2 years and show a modest increase of 1 percent over the next 3 years. This will make a difference. It will save us \$173 billion. It will give us—it will start us on a process of having a baseline spending level for this country at a more frugal rate. Most States are having to cut. Most cities are showing reductions, 3.56 percent, some more than that, all over the country. They are not disappearing from the face of the Earth. It is not impossible to cut spending, but this doesn't propose any cut. It proposes 2 years of flat spending—but remember, we added \$800 billion on top of it; and then for 3 years, a 1-percent increase. This will make a difference. In over 10 or 15 years, it will have an even bigger impact than we might think.

I urge my colleagues to consider this. We ought to show some restraint. Everybody is saying, Well, we will worry about that tomorrow. We have a crisis today, and we are going to spend today, and we will worry about the debt later. But it is time for us to stand up and be counted, I believe. I think my amendment is modest, I think it is responsible, but I think it is significant. I urge my colleagues to consider this motion to instruct.

I appreciate the opportunity to speak on it. I appreciate those who worked on this budget, but I have to say, it should not become law. It is a bad mistake for this country to do it. I urge my colleagues to not go forward with a lock-step movement to vote for this budget. I don't think the American people are at all happy with it. I believe they know we are doing something fundamental to this country—and that was a big part of some of the tea party talk—a deep angst out there that something is happening to their country that is unprecedented.

I appreciate my colleagues' attention to this motion to instruct and I urge their support for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator for his remarks. I disagree with them, but I respect them. They are deeply held on the part of Senator SESSIONS, who is an important member of the Senate Budget Committee.

Let's review the record, because I have heard some things here today that are a bit of rewriting of history. How did we get in this ditch? This wasn't the Obama administration's doing. The Obama administration has been in office less than 100 days. They inherited this colossal mess. Who did they inherit it from? They inherited it from the previous administration, aided and abetted by what was for 6 years solid Republican majorities in the House and the Senate. And what was the record they produced? Not projections in the sweet bye-and-bye of what the new President's budget might do. We can look back and see what their policies actually did. And what did they do? Well, on spending, it is interesting to see the crocodile tears now, but when they had a chance, they doubled the spending of the country. That is a fact. They doubled it.

Much more than that, they took the deficit to unprecedented levels.

This is the deficit record of the previous administration. What you see is an ocean of red ink. The black is the previous administration. The Clinton administration balanced the budget and stopped raiding the Social Security trust fund. The Bush administration came in and ran up the deficit to record levels, put the economy in the ditch, and then left town. They said to the Obama administration: Good luck.

This is what happened to the debt under the Bush administration. Not only did they double spending, they more than doubled the debt of the country, and that was at a time when the economy was relatively good. What a tragic record. What a legacy they have left for this country—a legacy of debt, deficits, and decline—the three Ds. And they are the Ds that belong and describe the record of the previous administration.

What did President Obama inherit? Record deficits, the more than doubling of the national debt, the worse recession since the Great Depression, the financial markets and housing markets in crisis, almost 4 million jobs lost in the last 6 months alone, and war in Iraq and Afghanistan. My goodness, what a mess he was left to try to clean up.

Senator GREGG has made it very clear—and he is right—that we have a need to increase the short-term deficit, unless we want to return to Hoover economics, which put this country in a depression and, unfortunately, that is exactly what I heard in the previous speech—a desire to return to Hoover economics. The markets will correct themselves; the Government doesn't have to do anything. We can just sit by and watch the whole thing collapse.

That was the philosophy of the last administration. We can see what happened. It was a tragic mistake. We can go back further in history and see what happened in the 1920s and 1930s when

that same philosophy prevailed. It put this country into the worst depression in the economic history of our country.

All I can say is, no thanks. My vote is no on going back to Hoover economics.

I say to my colleague, Senator GREGG, who recognizes that Hoover economics is not the answer, this is the statement he made:

I am willing to accept the short-term deficit number and not debate it, because we are in a recession, and it's necessary for the Government to step in and be aggressive, and the Government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we will simply have to live with.

Senator GREGG said much the same thing today. Of course, he is right. Look, nobody is more of a deficit hawk, I don't think, in this place than I am. But I understand in the short term, when your economy is collapsing, deficits and debt will grow. That is necessary because only the Government can provide the liquidity to prevent a complete collapse. But over time, it is absolutely essential that we pivot and go back to a more sustainable fiscal course. That is what this budget begins to do.

For example, on domestic discretionary spending, we take it from 4.3 percent of GDP in 2010 down to 3.2 percent in 2014. We are stepping down discretionary spending in each and every year, measured as a share of our national economy. That is what economists say is the right way to measure. I could show it in dollar terms, but that doesn't take into account inflation. This does.

When I hear this talk about this being a big-spending budget, please, I don't know what budget they are talking about. They are not talking about the budget that passed the Senate because the budget that passed the Senate increases nondefense discretionary spending, on average, per year, by 2.5 percent. That is not a big spending budget.

Let's look at the defense side as well because in 2010 defense spending under this budget is 4.8 percent of GDP. Over 5 years, we step it down to 3.7 percent of GDP almost the exact same trajectory as nondefense discretionary spending that we are taking from 4.7 percent of GDP in 2010 down to 3.6 percent in 2014. So it is one thing to come out and make a claim, it is another thing to prove it. Everybody has a right to their own opinion, but they don't have a right to their own facts.

These are the facts of the budget before us. This is a tough and fiscally responsible budget that increases nondefense discretionary spending, on average, by 2.5 percent a year. Measured against the share of the economy, we are taking both defense spending and nondefense discretionary spending down as a share of our national income to the lowest level it has been in many years.

Madam President, where are the increases that are in this budget, the 2.5 percent, on average, increase in nondefense discretionary spending? I have already shown that we are taking both defense spending and nondefense spending down as a share of the national income. But where are the increases, as modest as they are?

In overall discretionary spending, the biggest increase is in defense, which is 37 percent. Why? Because this President and this budget were honest about war spending, unlike the previous administration, which played hide the ball and acted as though the war wasn't going to cost anything.

I am not overstating because for several years in a row the previous administration, even though we were at war, said the war in their budget was going to cost nothing. Let me repeat that. The previous administration, even after the war in Iraq had begun, claimed in their budget submissions that the war was going to cost nothing—nothing. What an amazing thing. It wasn't true.

This President came in and said: No, we are going to write a new chapter. We are at war, and we are going to put the war cost in the budget. So in the modest increases here, 37 percent of them are defense; 14 percent is in international. That is also something hidden in the previous administration. They kept presenting what they called "supplemental" budgets after their regular budget to hide the full cost of their involvement overseas.

The next largest increase in the modest overall increases we have is for veterans; 10 percent of the increases is for our Nation's veterans. Why? Because they deserve the best care we can provide. We have the largest dollar increase for veterans health care in this budget than in any budget that has been presented. I am proud of that because we are keeping faith with our Nation's veterans.

Ten percent of the increase is for education, and 10 percent is for income security. That is because we are in a deep recession. That means people are out of work, and if we are going to provide unemployment benefits to keep them from losing their homes and being out on the street and not being able to feed their families, we provide unemployment benefits. That costs money, and that is in the budget.

Eight percent is for the census. We only do the census once every 10 years, but we have to pay for it. It is in the budget. Six percent is for natural resources and the environment. Three percent is for transportation, and 2 percent is for other items.

The overall context of this budget, I want to make clear—the deficit, in dollar terms, is being reduced from \$1.7 trillion this year, and this year's budget is almost totally the responsibility of the previous President because he

set in place the policies that the new administration inherits. We stepped down the deficit, very dramatically, by more than \$500 billion from 2009 to 2010, by more than \$300 billion from 2010 to 2011, by another \$300 billion from 2011 to 2012, and then more modestly thereafter, so that we are reducing the deficit over the 5 years of this budget by two-thirds. Measured as a share of the gross domestic product—which, again, economists say is the best way to measure—the deficit is reduced by more than three-quarters, from 12.2 percent of GDP to less than 3 percent of GDP in 2014. So over the 5 years, we are reducing the deficit by three-quarters.

One other point I want to make is that the previous administration—not only did they more than double the debt and double spending, they tripled foreign holdings of U.S. debt. It took 224 years and 42 Presidents to run up \$1 trillion of U.S. debt held abroad. The previous President alone tripled that amount. You talk about a legacy of debt, you talk about a legacy of weakening the country, that is it.

Madam President, I don't mind hearing criticism of the budget we have proposed. Is it a perfect document? No. Do we have to do much more, especially in the next 5 years? Absolutely. But this budget is a good and responsible beginning. If our budget is so bad, why haven't they offered an alternative? If our budget is as irresponsible as they claim, why did they not offer an alternative?

Well, I think we know the reason. They didn't want to have to be held responsible for the tough choices of presenting a budget. So talk is cheap around here. This budget upholds the President's fundamental priorities of reducing our dependence on foreign oil, a focus on excellence in education, and fundamental health care reform because that is the 800-pound gorilla that can swamp this boat. Without such reform, we are headed on a course in health care that is totally and completely unsustainable. Finally, we are dramatically reducing the deficit over the next 5 years.

Those are the priorities the President asked us to preserve. We have done it in the budget. The President supports it. He is right to do so. Let's remember this President did not create this mess; he inherited it. He has been asked to clean it up. I am proud of the aggressive actions he has taken to try to get us on a better course.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I will take this moment to ask those Senators who have motions to instruct to please come to the floor. We have had Senator JOHANNES offer his, and Senator SESSIONS offer his. We have other Senators—Senator ENSIGN, Senator CORNYN, Senator ALEXANDER, Senator COBURN, Senator DEMINT, and Senator VITTER. It would be very helpful if those Senators would come and be prepared to offer their motions so we do not unduly take the time of the Senate in quorum calls, especially on a day in which we are going to have 9 or 10 votes. We know we can only do about three votes an hour. That means three hours of voting when we get started on voting. So it is already going to be a late night. It would be very helpful and considerate to our colleagues if those who have motions to instruct would come to the floor and offer their motions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that the next two speakers on our side to be recognized—and, of course, there be an alternative speaker possibly from the Democratic side—the next two speakers on our side are Senator VITTER for 10 minutes and then Senator ALEXANDER for 10 minutes to talk about their motions to instruct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I also ask unanimous consent that after Senator ALEXANDER, Senator COBURN be recognized to talk about his motion to instruct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT

Mr. ALEXANDER. Madam President, I wish to speak on behalf of a motion to instruct the conferees, which I have here. Do I need to send this to the desk?

Mr. GREGG. Not yet.

Mr. ALEXANDER. I will speak on behalf of it and send it at the appropriate time.

This should be a relatively easy motion for our colleagues to support because it simply instructs the conferees to support a position that the entire Senate adopted unanimously. That provision during our budget debate was to accept the position of maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.

I ask the Chair if she will let me know when I have 2 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. I thank the Chair.

Madam President, there are three reasons in support of maintaining a competitive student loan system. The first is that 12 million students rely on it today in New Hampshire, in Tennessee, in North Dakota—all across our country.

Second is that now is not the time to be creating a new half-trillion-dollar national bank that would run up the debt, a bank that would replace 2,000 private lenders, and make \$75 billion in new loans a year. That is not a proper function of the U.S. Department of Education.

And third, the cost savings that is alleged is—and I will be gentle in my words—a trick on students to make Congressmen look good.

What we are going to be doing if we do not preserve this choice is saying to all the students who get a loan that we are going to take money from them and then give it to other students so that Congressmen can go home and brag that he or she has increased the amount of the Pell grants. Let me be specific in what I say.

I was the U.S. Secretary of Education in 1991 and 1992 when we created something called the Direct Loan Program. We have a federal student loan program. Most people who go to college are familiar with it. About two-thirds of the students at our 6,000 different institutions from the University of New Hampshire to the Nashville Auto Diesel College to Harvard to San Francisco State have a Federal grant or a loan. When you get a student loan, you take it to the institution of your choice.

We now have 2,000 lenders who help provide all those different kinds of loans. They give financial aid counseling, they give interest rate deductions, they help students and families plan on how to pay for college. In other words, they service the loans and then the Government supports that by guaranteeing almost all of the loans.

We set up a separate program which we called direct lending. That was, you could come straight to the Government to get your loan. In other words, we created a government bank run by the Department of Education. We said to the students and to the institutions:

You make the choice. You may either have a private student loan guaranteed by the Government through your local bank or financial institution, or you may come to the U.S. Department of Education to get your loan.

We have had more than 15 years of experience with that now, and what have the students and institutions said? Three out of four say we like the regular student loan program, we like the choice, we like the private lender. Since we are getting the loan, we like the idea of going to a bank to get a loan because that is what banks do. If you want a car, you go to a car dealer. That may be changing. You may have to go to the Department of Treasury to get a loan the way the country is going. For 15, 16 years we market tested this and so we have that direct loan program.

The situation right now is we have 12 million students at 4,400 different institutions getting \$52 billion in loans by their choice from banks instead of from the Government. One-fourth get it from the Government. It has been that way for a long time.

What the President's proposal wants to do is to take all those choices away from the students and say: Line up outside the Department of Education to get your student loan, all 15 million of you. There will be 4,400 institutions and 12 million students who may not like that.

Second point. Is a national bank a good idea? We read in the paper that the Government is going to take stocks in the biggest banks. So we are going to nationalize the banks. Then we read in the paper the Government is going to take stock in General Motors and Chrysler—hopefully that is not true—so we are going to have the Government deciding what kind of car we are going to be making, what kind of plants we will have, where the plants are going to be. I cannot think of a worse organization to do that.

This is a proposal to say: All right, now the Government is going to be your bank. It is going to be the bank for your student loans. We are going to create a new national bank. It would have over a half trillion dollars in outstanding student loans. It would make 15 million student loans every year, \$75 billion in loans a year. We will run all this out of the U.S. Department of Education, a wonderful Department. I was myself there for 2 years. But what do we know about being a national bank? Not very much. Andrew Jackson would roll over in his grave about the idea of a national bank of this size.

My final point. This proposal, with all due respect, is a trick on students to make Congressmen look good, and here is why.

The budget we originally got said we will take \$94 billion in savings and we will spend it on Pell grants. Let's think about that a minute. Common sense

will tell you that the Department of Education is not going to know more, is not going to be able to replace 2,000 lenders at a cheaper cost. That simply is not going to work. That is what common sense would tell you.

The Congressional Budget Office has told us that in order for the Department of Education to administer these loans, it would cost about \$28 billion over the next 10 years. That is the computation I have made. They estimate that the cost of administering the current Direct Loan Program is about \$700 million a year. So if they did them all, that would be at least \$2.8 billion a year.

Conservatively speaking, you don't have \$94 billion in savings; you have 94 minus 28. So you have around 66. So you have \$66 billion that goes somewhere out to banks, maybe to reduce loans, maybe to reduce interest rates, maybe to administer the loan program. But the bottom line is, if the Government takes this program over, it is going to be borrowing money at one-half of 1 percent and loaning it out to 15 million students at 6.8 percent. Borrowing at one-half of 1 percent and loaning it out at 6.8. On every student loan—and I hope all 15 million students listen to this—your friendly Government is going to take back 6.5 percent of the 6.8 percent interest you are paying. What is it going to do? The Congressman or Congresswoman can go home to Tennessee or wherever and say: I increased Pell grants. But they won't tell you: I took money from this student to give it to that student. That is not the way to do it.

What we should do, if that spread is too high right now, is let's cut it down—

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. ALEXANDER.—if the savings is estimated at \$90 billion. We know it is closer to 60. Maybe it is 20, maybe it is 30, maybe it is 35. Maybe we should lower the interest rate to 3 or 4 percent or 5 percent or whatever is the appropriate rate. But that does not justify creating a national bank in the Department of Education to try to handle 15 million loans.

So my argument, Madam President, is this: There are colleagues on both sides of the aisle—and there are a number of Democrats—who strongly support the idea of competition and choice in higher education. That is why we have the best higher education system in the world. We have competition and choice all the way through it. The grants and the loans don't go to colleges; they go to the students, and the students choose the college. They can go to Nashville Auto Diesel College if they want or they can go to Harvard; it follows them to the school of their choice. They ought to be able to go to the lending institution of their choice and not line up outside of the Depart-

ment of Education to get 15 million loans every year. That is not right. It is not the way our country ought to work. So the first is to preserve choice for the 15 million students who now have it at 4,400 institutions.

The second reason is, let's not be creating another nationalized asset in America. We need to be thinking of ways of getting the Government out of the private sector. I mean, this recession is not for the purpose of the Government taking over every auto company, every bank, all the student loans, and every business that is in trouble. We need to be thinking of ways of going the other direction. That is the America we know. That is the America we want. So we don't need a new national bank.

Arne Duncan is the new Secretary of Education. I think he is the President's best appointee. He ought to be working on paying teachers more for teaching well, creating more charter schools, helping states create higher standards. That is his agenda. I don't think he came from Chicago to Washington to be named banker of the year, which is what he would be doing if he became a national bank president for student loans. That is what this proposal would do unless the Senate sticks to its position.

Finally, I don't want to be a part of any situation which has Congressmen and Senators playing a trick on 15 million students and saying: I am going to borrow money at a quarter of 1 percent and loan it to you at 6.8, and then I am going to take credit for giving the rest of it away. I think that will come home to roost, and it ought to come home to roost.

I appreciate the opportunity to make this motion to instruct, and I hope it will come to a vote. I hope it has the kind of bipartisan support it had before. I hope the President will think of all the other things there are to do that need attention, such as fixing the banks, getting credit flowing, restoring the auto companies, and leave the student loan system to continue to work in the way it should work.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. If the Senator will yield, I would suggest that he send his motion to the desk at this time and set aside the pending motion.

Mr. ALEXANDER. Madam President, I send to the desk my motion to instruct conferees.

The PRESIDING OFFICER. Without objection, the pending motion is set aside. The clerk will report the motion to instruct.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year

2010) be instructed to insist that the final conference report include the Senate position maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, as contained in section 203 of S. Con. Res. 13, as passed by the Senate.

The PRESIDING OFFICER. The Senator from Louisiana.

MOTION TO INSTRUCT

Mr. VITTER. Madam President, I ask unanimous consent that the pending motion be set aside and that my motion be sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that if the final conference report includes any reserve funds involving energy and the environment, that such sections shall include the requirements included in section 202 (a) of the Senate-passed resolution to require that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses.

Mr. VITTER. Madam President, a few weeks ago, when we debated the budget here on floor of the Senate, I passed language contained in section 202(a) of that budget resolution. This motion to instruct conferees is very simple. It says that we will fight to keep that language in the final budget resolution.

What does that language do? Well, it is very simple. It says that this budget legislation "... would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses."

That is a pretty simple, straightforward plea, and it is one we should keep in this budget resolution—fight and demand to retain that language in our budget. That is why I ask all my colleagues to join me in supporting this motion to instruct.

At a gut level, this is very simple. New taxes kill jobs. New taxes kill jobs. According to a preliminary estimate based on the Center for American Progress data, 271,000 oil and gas jobs would be destroyed by the administration's proposed new taxes and fees on

energy. That would be a bad idea, in my opinion, at any time. But now, as we are in the midst of a horrible recession, which is still getting worse, it is a horrendous idea. Now is not the time to impose these new taxes on the economy, including the oil and gas industry. New taxes would hurt workers by extending the recession and by depressing job creation just as, hopefully, an economic recovery in the next several months starts to gain a foothold.

The oil and gas industry is significant to our economy and employs more than 6 million fellow Americans. Attacking that industry in the midst of a horrible recession is attacking those 6 million of our fellow citizens. Right now, they feed their families, put a roof over their kids' heads because of good, solid jobs in the energy sector producing good, affordable energy for Americans. These proposed taxes would kill those jobs in the midst of a horrible recession.

This is not brain surgery. We know from history, from practice, that higher taxes in this sector result directly in less domestic energy, and restrained supplies lead to higher energy costs for consumers too. So in today's economy, that would stifle recovery and make Americans more dependent on foreign oil and natural gas.

New taxes will make it more expensive for oil and natural gas companies to expand or initiate new exploration and development programs, and that would mean fewer jobs for American workers.

New taxes hurt businesses, threaten jobs, and they are then passed on to consumers as higher prices. And higher taxes are a burden felt throughout the economy. They discourage business expansion, investment, and job creation.

Again, this is a very simple, basic, but important notion. This is no time to increase taxes on domestic energy production. This is no time to stifle what will hopefully soon become the beginnings of a recovery. In terms of our energy picture, this is no time to lessen domestic production when we should be moving in the opposite direction and increasing domestic production and independence from foreign sources. All of these energy tax proposals would do exactly that.

Let's be clear about it. These proposals have been made. They are there in black and white. They are concrete. They are real proposals from the Obama administration and some liberal Members of Congress, and they fall into two big categories: No. 1, a very aggressive, ambitious cap-and-trade program, which is a tax on so many forms of energy and activity in our country; and No. 2, direct tax increase proposals on domestic oil and gas production. I don't believe any time is a good time to push that policy, but I would hope we can all agree that now, in the midst of a severe recession,

which unfortunately is still getting worse, is really not the time to increase taxes on the domestic energy sector. It will cost us jobs, it will stifle a recovery, it will increase costs on consumers, and it will hurt American businesses and consumers.

Madam President, let's all join in support of this language in the Senate version of the budget resolution. In our previous debate of a few weeks ago, it was adopted by unanimous consent. Let's make sure it is fought for and preserved in the final version of the budget resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO INSTRUCT

Mr. COBURN. Madam President, I ask unanimous consent that the pending motion be set aside, and I offer a motion to instruct the budget conferees.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that Conference Report include a reserve fund that promotes legislation that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending, as set forth in Section 224 of S. Con. Res. 13.

Mr. COBURN. Madam President, this was accepted during our debate. The reason I bring it back is that if you ask the American people what they are worried about, they are worried about their jobs, they are worried about their health care, but they are also worried that we are spending their children into oblivion. And they are right—we are.

One of the great things about President Obama's promises was that he said he recognized we have waste in the Federal Government. He recognized we have duplication in the Federal Government. He recognized we have programs that aren't working in the Federal Government. And the commitment he made—and he has made three times since being sworn in as President—is to do a line-by-line evaluation of every Federal program out there, to check it for waste, No. 1; No. 2, to check to see if it is duplicative of something else, which a third of them are; and No. 3 is, does it have any metrics on it and is it being defrauded?

The fact is, it is now common knowledge that at least \$300 billion a year—at least \$300 billion a year—is either wasted, defrauded, or duplicated in the Federal Government. The real problem is that even though we now have a

President who wants to attack that, Congress hasn't been willing to do it. We have not been willing to keep our side of the bargain in terms of oversight and evaluation.

It strikes me that if all the money we are borrowing to run the Government today was really our money, none of us would ever allow what is going on in the Federal Government. None of us would. None of us would allow the duplication.

We had a hearing yesterday in Senator CARPER's Federal Financial Management Subcommittee on the waste and fraud in Medicare and Medicaid. It went up to \$74 billion—\$74 billion, and we are not doing anything about it? Total improper payments. We only have improper payments in about three-quarters of the Federal Government even though it is a mandated law that they have to supply it. But they can't measure it because they don't know what they are paying for.

The fact is, we know we have big problems. We have a fraud bill in front of us that we haven't finished working on that is to go after fraud. Well, the biggest fraud is right here. The biggest waste is right here. So the point ought to be, as we go into a conference on the budget, that we ought to commit to the American people that we are willing to do what they are having to do right now; that we are going to look at where things aren't working, we ought to look at where things are wasted, we ought to look at things we are not measuring and start measuring them, and the things that are not effective, we should get rid of. That is all this says. It just says we will go line by line through every Federal program; that we will have oversight at least once a year on everything that is out there, and we will make a dent in this \$300 billion-plus.

Here is the question. Is it moral to waste \$300 billion and that \$300 billion come out of lost opportunity of our children? Is this a moral position the Senate wants to stand on? Does the Congress want to stand on that? Can our country ultimately survive, if we keep doing what we are doing? The answer to that is emphatically no, we cannot. Every republic in the history of mankind has died under fiscal collapse. They have not been invaded from outside until they rotted from within.

This is a straightforward commitment by the Senate and the Congress, through the budget, to meet President Obama's request that what he is going to do we are going to do, and we are going to weed out a large portion of the ineffectiveness, of the duplication, and of the waste that is in our Government and our grandkids' Government. There is no reason for us to have anything other than a unanimous vote on this motion to instruct.

If you do not think we should be doing that, you do not belong in the

Senate. If you do not think we have a constitutional obligation to evaluate where we are spending the money, get rid of the waste and go line by line through all these programs, we need some other people up here. That is because right now our Republic is in jeopardy. It is not from terrorism. It is from our own potential fiscal collapse. The time to attack that is now.

It is my hope the Senate will send a huge vote on this motion that we mean business, we are going to join hands with President Obama, and we are going to fix most of what is wrong, in terms of these programs.

I yield the floor and suggest the absence of a quorum.

I withdraw that. I see Senator DEMINT is here.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

MOTION TO INSTRUCT

Mr. DEMINT. I send a motion to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution shall include a point of order against legislation that eliminates the ability of Americans to keep their health plan and eliminates the ability of Americans to choose their doctor, as contained in section 316 of the concurrent resolution, as passed by the Senate, and insist further that an additional condition be added providing such legislation shall not decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed, rationed health care.

Mr. DEMINT. Madam President, we are here to talk about the budget. Obviously there are a number of different things in the budget of concern and some controversy. I appreciate the opportunity to speak on this motion which addresses a particular part of the budget related to health care. During the campaign the President promised that any changes in health care would protect the patient's right to pick their plan, their doctor, and to keep the plan they have if they want it. My motion simply codifies that, in a sense, we make sure we keep the promise.

In the budget there is a downpayment which has been referred to of, I think, around \$700 billion on some massive changes in health care. My concern is this could mean an expansion of Government plans rather than making private health insurance more available to patients. We do not need to just speak of the public interest when we are talking about health care; it is important that we talk about the pa-

tient's interests. I think most of us agree that when the patients can work directly with their doctors, choose their own doctors, choose their own health plans, the Nation is better off.

There is an old saying that success has many fathers while failure is an orphan. Our health care failures have a father. In most cases it is the Government. See, our policies make it hard for individuals to have a health insurance plan they can afford and own and keep. One part of that is the Government today pays for over half of the health care in America through Medicare, Medicaid, children's health programs, and veterans health programs. But, unfortunately, when they pay doctors in hospitals they often pay below cost.

In fact, it has been estimated that Government payment causes private health insurance to be 20 percent to 30 percent more expensive than it would be if everyone paid their fair share of the cost. So the Government at the beginning is a big part of the problem of making health insurance too expensive for individuals.

A number of us had the opportunity this week to hear from the President and CEO of Safeway Supermarkets. They have over 200,000 employees. He was going through a lot of the statistics about their health plan and how they have been able to keep the cost of health care level for the last 4 years. They have done a lot of things not only to make health insurance and health care more accessible, they have done a lot of things to make their employees healthier. You see, they use a lot of incentives, recognizing that 70 percent of our health problems as Americans are caused by our own behavior—whether it be smoking or overweight or poor diets. It is pretty obvious through the statistics that people have a lot of control over how healthy they are and therefore how much they have to spend on health care.

Safeway, through a lot of incentives that discourage smoking and encourage people to get in better shape—eat better, lose weight—are able to save their employees money and to make them healthier and to reduce the cost of the health care for the company and for the employees.

There are a lot of demonstrations like this around the country that show private health insurance can work. Freedom can work if we let it.

The President of Safeway asked us to make some changes that would give them more flexibility to offer even more incentives for people to cut their own cost of health care by changing their behaviors. This is something we should all want. Instead of moving immediately to some massive new Federal plan, let's look at what we can do to let the free market system work,

where patients and doctors and employers and associations can work together to make private health insurance work.

There are a lot of things we do here that make it harder. I will list a few. Small businesses could do the same thing as Safeway if we allowed them to work together in associations to buy their health insurance and to provide these incentives for better health and better access to health care. But, yet, we have consistently voted against allowing this to happen. Why will we not let that happen? Why will we not let individuals deduct the cost of their health insurance, like we do employers? It is almost as though we do not want individuals to have health insurance. Then we throw up our hands and talk about how many people are uninsured in our country.

Health insurance would work much better if it were portable. We could change some of our laws and regulations to make it much easier for people who have insurance with one company to take it with them when they leave to go to another company or to start their own business. Yet we refuse to do those things that would allow the market to work.

Right now in this country, individuals can only buy health care or health insurance from companies that are in their State, that are certified in their State. Why not let people buy health insurance from any State in the country as we do with other services? Why restrict it to a one-State monopoly, where regulations or mandates or other things could shoot up the cost of health care? We could create a more competitive, higher quality health insurance market if we let it become national market.

We do other things that seem absurd, such as we will allow a small employer to put money in a health savings account for their employees but we will not let that employee use the money in the health savings account to pay for a health insurance premium. Why do we do that? If we want people to have health insurance, to have the freedom to buy and own their own health insurance, we would do these simple things that put the patient more in charge. They would have better health care, better health insurance, and probably a lot better health.

What we are doing every day is sliding closer to a national or socialized health care system, saying the system we have does not work when the fact is we have done about everything we can to make it impossible for a free system to work. We do have serious problems and challenges in our health care system but almost all of them are made worse by the people who work in this place everyday.

The question now is whether more Government will make those problems better or worse. I think to ask that

question answers it on its face. We know the free market did not create these problems because there is no free market for health care in the United States today. Government dominates the market. It does not pay its fair share. It regulates everything to the point where it makes it very difficult for the private market to work.

Let's not give up on freedom and go to socialism here in America before we have tried to fix the simple things that are obvious, in front of us, the things that companies such as Safeway say we can do to provide better insurance and make people healthier and lower their cost and give them plans they can keep.

No matter what the problem is in Washington, people here seem to think the solution is more Government. But we do not need a new Federal program for health care. We need to remove the Federal barriers that keep freedom from working in health care.

We have taken over banks, auto industry, mortgage lending, education, transportation system. Look at the areas the Government is running today and ask yourself, do you want to run health care the way we have been running education in America; as we have been running the financial markets for the last few months; or how we are doing with the auto industry now that we have essentially taken it over?

Health care is the best in the world here in America because of that small segment of the private market, the free market, that is working—the best pharmaceuticals, the best technology, the best private health care.

Socialism does not work. There is not an example in the world where it does. We keep hearing here, why don't we be more like Europe or more like Canada, where people have to wait 6 months or more to get an MRI. The only reason theirs works as well as it does is they are the beneficiary of a lot of American technology that is developed in the free market system. They are the beneficiaries of a lot of the prescription drugs that come out of our country that are developed here because there is still a free market. This is a reason that the technology and the prescriptions are not being developed in other countries that are socialistic. Freedom works and we need to expand it here in America.

Let me talk briefly about this motion to instruct conferees. Hopefully it will not be controversial because it is essentially a promise from the President of the United States. My amendment would require a supermajority vote to consider any legislation in the future that would take away people's freedom to keep their own health plan or take away people's freedom to choose their own doctor or decrease the number of people with private insurance while increasing the number of people in Government-rationed health

care programs. All my amendment says is give freedom a chance. The American people have not given up on freedom and neither should their elected officials.

I thank the ranking member, I thank the Presiding Officer, and ask for the consideration of my motion.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Hampshire.

Mr. GREGG. For the information of our colleagues, we have three more speakers on our side who will take 10 minutes each, offering motions to instruct. There may be other speakers but I do not know of them. I hope we can sort of start voting here, depending on what the chairman desires to do, at some point in the near future.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would be eager to do that. I think what we need to do is have other Members come and offer their motions to instruct and see what time is needed in terms of rebuttal on that. It would be our intention to—if you have three more on your side, 10 minutes each, so we will probably need 30 minutes on the other side. I don't want to lock this in at the moment because I have not talked to leadership and I do not know if there are other considerations, but the intention would be to begin voting about 7 o'clock. Perhaps we can move that up. Perhaps I will not need all of that time. Hopefully not.

Mr. GREGG. We may not need all of the time on our side either.

Mr. CONRAD. We need to check with the leadership to see when votes can start, but it would be our intention, perhaps in the 6:45 to 7 o'clock timeframe, to begin voting, perhaps even a little bit before that. We will have to check with the leadership.

MOTION TO INSTRUCT

Mr. GREGG. Mr. President, I send a motion to instruct to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the final conference report limit the increase in the public debt for the period of 2009 through 2019 to an amount no greater than the amount of public debt accumulated from 1789 to January 20, 2009.

Mr. GREGG. Mr. President, as we have discussed earlier at some length, there are three essential problems with the President's budget. The first is that it spends too much, the second is it taxes too much, and the third is it creates too much debt. It is the third issue I think many of us find to be the most severely distressing issue.

Of course, it is driven by the first two issues. But the idea that we are going to double the debt in 5 years, triple it in 10 years; we are going to have, on average, a \$1 trillion deficit every year for the next 10 years, and that we are going to build up the national debt to a point where it is 80 percent of the gross national product, the public debt is disturbing. It basically is on an unsustainable path. It means our Nation will be put at risk by that type of debt.

Now, the Congress is not doing a very good job of disciplining itself. This problem is driven primarily by spending. But the fact is, the result of that spending is this explosion in debt.

As I have held up before this chart that shows the picture of the Presidents since the beginning of our Nation, President Washington through President George W. Bush, they generated this much debt on this country, \$5.8 trillion.

President Obama's budget just in the first 4.5 years essentially is going to double that debt. All the debt added to the United States, to the backs of American citizens since 1776, or actually 1789 when the Government started creating debt, over 200 years, all of that debt is doubled now in just 5 years.

That is not tolerable. Then that debt, after doubling in 5 years, triples in 10 years. Our children end up with this debt. Our children are the ones who have to pay for this. The people who will be working in America are the ones who are going to have to pay for this and bear the burden of this debt. They are going to suffer either massive inflation, massive devaluation of the dollar, massive tax increases or a dramatic disruption in our capacity to sell debt as a nation because of this.

The chairman of the committee has said this is an unsustainable path. Yet nothing in this budget addresses the fact that this path is one we have chosen to follow. It is akin to saying: We know we are going to go off a cliff. We are on a path that takes us off a cliff, but the budget does nothing to change the direction we are walking and, in fact, accelerates our pace toward that cliff.

That makes no sense at all to me. Why would we pass a budget which we know will create so much debt and so much of a burden on our children that our Government will not be able to be sustained and our children will not be able to afford the Government.

It is counterintuitive to do something that is certainly not correct. One generation has sort of a fiduciary responsibility to the next generation. In the history of our Nation, each generation has passed on to the next generation a better nation, a stronger nation, a more prosperous nation. Yet this budget locks in place a path that absolutely guarantees, absolutely guaran-

tees, that our generation will pass onto our children a country that is not as prosperous, is not as strong as what we received from our parents.

That is not right, not fair, inappropriate. It is a totally inappropriate thing to do. It can be corrected. It is not as if this is not an uncorrectable event. There has been a decision made on the other side of the aisle and by the President in bringing forward this budget to significantly explode the size of the Government. That is a conscious decision that was made. The President is very forthright about this. He thinks that is a way to create prosperity. It does not happen if at the same time you are running up the national debt at rates which are unsustainable.

The debt, the public debt will double during the term of this budget—double from 40 percent to 80 percent. We have the public debt so high under this budget, or the President and the Democratic Members of this Senate and the House have it so high under this budget that if we tried to apply it to the European Union as a country in Europe, for example, we would be rejected because, under the terms of the European Union, a country cannot have as high a debt as we are going to have after this budget runs its course.

Actually, it is about the middle of the budget that we hit that threshold. Can you believe that? Countries such as France are going to be more fiscally responsible than we are. But that is the truth. That is the way this budget plays out. As I say, this is a path over a cliff for our Nation.

I have offered this motion to instruct. I call it the 1789 motion because that is the date when we started running up debt in this country. In essence, it says this: We cannot pass a budget here in this 5-, 10-year cycle that adds more debt to the backs of our children than the total debt that was added to this country from 1789 through January 20, 2009.

I think that is a fairly reasonable standard. We are going to say you cannot exceed the amount of debt that is being added by this budget—that amount of debt cannot exceed the amount of debt that has been added to this country since our beginning, 230-some-odd years.

We have to have some standard to live by. That seems like a reasonable one, that in 5 or 10 years we do not take the debt up so quickly and so horrifically that we actually exceed all the debt put on the backs of the American people since the beginning of our Nation, from 1789 through January 20, 2009.

This standard, if it is passed, will be a standard that will be enforced under the budget. The effect of it will be that we will have to figure out some way to reduce debt or the rate of growth of debt under this budget. That is reasonable. If it is the desire of this adminis-

tration to radically expand the size of Government, as it appears to be the desire of this administration to take spending in this Government up to astronomical levels in the context of our historical spending at the Federal Government, to go from 20 percent of GDP up to 25, 26 percent of GDP, if that is the purpose of this administration, and it appears to be their purpose, it is their purpose, it is what they said they are going to do in this bill, in this budget, well, then they cannot do it by passing those bills on to the next generation and creating this massive debt.

They have to come up with some other way to do it. My suggestion would be that they do not spend that much money. That would be the suggestion from our side of the aisle. But maybe from the other side of the aisle is that they raise taxes radically on all working Americans, which they do anyway in this bill, but they would have to raise money in any event. We should not put the burden on our children by creating all this additional debt.

This is a simply fairly reasonable test as to how much debt this budget should be able to run up on our people. It should be less debt in 5 years than has been run up on the American people in over 200 years.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending motion be set aside, and I send to the desk another motion for which I ask its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist on the inclusion in the final conference report of the point of order against legislation that raises Federal income tax rates on small businesses as contained in section 307 of the concurrent resolution, as passed by the Senate.

Mr. CORNYN. Mr. President, my motion instructs Senate conferees to include section 307, which is included in the Senate-passed budget resolution, in the final conference report. As the distinguished chairman of the Budget Committee knows, this creates a 60-vote point of order against any legislation that raises income taxes on small businesses. The Senate, in a bipartisan

vote of 82 to 16—a rarity these days, when we see that kind of overwhelming bipartisan support on anything—approved this point of order which I offered as an amendment to the budget. The Senate voted so overwhelmingly for this amendment—and I suggest it would be appropriate to vote for this motion to instruct in at least the same numbers—because the Senate should not pass a budget that increases income taxes on small businesses in Texas or Alaska or anywhere else, especially during a time when the economy is struggling and when our No. 1 priority is to help employers retain employment for their current employees and, hopefully, at some point begin to increase the number of jobs available to Americans.

Almost 400,000 businesses in Texas that employ around 4 million people would be especially hit by a failure to pass this motion to instruct and by any increase in income taxes on small businesses. For example, earlier when I spoke on the budget resolution, I mentioned Don Thedford, a small businessman in Tyler, in east Texas, and how he told me he has been able to grow his small business in part because of the tax relief we provided in 2001 and 2003. It is common sense and certainly intuitive that taxes can have an impact on the ability of a business to expand or, when taxes are unnecessarily high, cause it to contract.

Another businessman in east Texas, Cory Miller from Winnesboro, tells a similar story. Through one business that Cory has, he drills and services water wells. Of course, in the process, he gives families and communities access to fresh water. In his business, he manufactures a type of pump he invented, one which he now sells to other well drillers and drilling rig manufacturers. He has been in this business for 25 years and now employs 35 people. Cory, like Don, believes the tax relief we passed in 2001 and 2003 created the kind of positive, progrowth environment which allowed him to grow his business and that higher taxes in the middle of a recession will force him to make tough decisions and possibly lay off employees.

Higher taxes for people such as Don and Cory will mean they will not be able to reinvest more money in their businesses to purchase equipment or to hire more people because they will have to pay Uncle Sam higher taxes instead. As Cory put it:

Every dollar taken from an aggressive, growth-oriented small businessman like myself is a dollar that will not be used to expand my business or hire new employees.

We all know if small businesses are hit by higher taxes such as those proposed in the administration's budget, it will cause them to contract. We also know that small businesses are the vehicle that has produced most of the new jobs over the last decade. Given

that President Obama and his administration have said their primary objective in dealing with the economy is job creation and retention, I don't understand why they would propose in their budget to increase taxes on the engine of job creation known as small business.

The Senate made its voice clear when a bipartisan majority supported my point of order as an amendment to the budget in the Senate. I ask my colleagues once again to reaffirm their support in the same bipartisan fashion by joining with me in supporting this motion to instruct conferees not to raise taxes on small businesses, the primary job engine in the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are going to start voting shortly. I ask unanimous consent that the votes be in the order as listed in the original unanimous consent request under which we are functioning, which would be Senators STABENOW, JOHANNNS, GREGG, SESSIONS, ENSIGN, CORNYN, ALEXANDER, COBURN, DEMINT, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. As I understand from the chairman—and certainly it is our sentiment—we can pretty much begin voting whenever anybody is ready.

Mr. CONRAD. I am told by leadership staff we have a problem voting before 7 in terms of getting some Members here.

Mr. GREGG. I ask unanimous consent that the time between now and 7 be equally divided between the two parties under the leadership of myself and Senator CONRAD, and that should Senator ENSIGN be here, he has the last motion to instruct which we need to discuss. So he gets 10 minutes from our side or such time as he may desire from our side that is still remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, let me observe that we have a chance to handle a number of these motions by voice vote. There are a number of them we could support, we could accept. Senator GREGG will be talking to those Members who have motions to instruct that we could accept. I ask them to carefully consider that offer. We have stacked up 10 potential votes. We can do three votes an hour. That would be three hours of voting starting at 7. That would take us until 10 tonight. Frankly, as I count them, we have six of these motions that we could accept, shortening the time for voting by 2 hours. That would mean we could be done by roughly 8. It is dependent on Senators being willing to take voice votes or being willing to have their motions accepted on a unanimous consent basis.

I make that plea to Senators. We could do it the way that gets us fin-

ished with our business in a reasonable way by 8 or we could go until 10.

The other thing I want to add is, this will not affect how these motions do in conference. If somebody has that in mind, sometimes it does make a difference, but in this case it will not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO INSTRUCT

Mr. GREGG. Mr. President, I send a motion to the desk on behalf of Senator JOHANNNS and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNNS] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that if the conference report includes a Deficit Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment and Climate Change Legislation similar to section 202 of S. Con. Res. 13, as passed by the Senate, then that Deficit Neutral Reserve Fund shall also include the language contained in section 202(c) of S. Con. Res. 13, as passed by the Senate, which provides that the Chairman of the Senate Budget Committee may not revise allocations for legislation if that legislation is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

MOTION TO INSTRUCT

Mr. GREGG. I send a motion to the desk on behalf of Senator ENSIGN and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution include the point of order against legislation that raises taxes directly or indirectly on middle-income taxpayers (single individuals with \$200,000 or less in adjusted gross income or married couples filing jointly with \$250,000 or less in adjusted gross income) as contained in section 306 of the concurrent resolution as passed by the Senate.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise to speak in opposition to the motion of the Senator from Michigan, Ms. STABENOW, that instructs the conferees to include some but not all of the limitations the Senate voted for with respect to climate change legislation.

I think the Senate needs to understand that the effect of this motion would be to instruct conferees on the issue of climate change without including the Senate's protection for consumers against higher gas and electricity prices, which was adopted by the Senate by a vote of 89 to 8 during the debate on the budget resolution. The Senate adopted several budget amendments to try to specify what the parameters should be in the debate over climate change legislation.

One of those amendments that was adopted was one that was sponsored by me. That amendment specified that climate change legislation could not increase electricity or gasoline prices. It was adopted by the Senate by a vote of 89 to 8.

What Senator STABENOW's motion would do if it were agreed to is it would instruct that it would be the Senate's only specific instruction on what should be included in the final budget on climate change legislation, apart from the reconciliation limitations that would be included. So, in other words, other protections, such as those included by my amendment, could be excluded were the conferees to adhere to the instructions in her motion.

The bottom line is, Senator STABENOW's motion to instruct would encourage conferees to drop the commonsense protections adopted by the Senate with a vote of 89 to 8 when it adopted my amendment to the budget resolution.

Just, again, by way of background, I do not think there is anybody who would argue the point that a cap-and-trade proposal is going to raise energy prices. This motion does nothing to include protection against those higher prices.

Under the President's cap-and-trade proposal that was contained in his budget, it would impose what is a massive new energy tax on anyone who drives a car or turns on a light switch.

In fact, Secretary of Transportation Ray LaHood has said the administration is "not for an increase in the gas tax as long as the economy is bad, people are out of work, people don't have jobs. No one should be promoting an increase in the gas tax." The cap-and-trade proposal the President has put forward would do just that. It would also increase the cost of electricity prices.

Secretary of Energy Chu just testified recently:

I think especially now in today's economic climate it would be completely unwise to want to increase the price of gasoline.

The President and his Budget Director have been very clear that prices are going to go up on consumers, and they are going to feel the pain, the economic pain associated with higher prices for electricity and gasoline.

The President himself acknowledged that when he was talking about a cap-and-trade proposal some time back. He

acknowledged his plan would lead to higher electricity prices, and he said:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

What happened during the debate on the budget is we adopted my amendment, by a vote of 89 to 8, which specifically stated that any cap-and-trade climate change legislation could not increase electricity rates or gas prices for consumers in this country. The Stabenow motion to instruct, if adopted, would instruct the conferees in an opposite direction. It would exclude that protection that was included in my amendment to the budget resolution.

So I ask my colleagues in the Senate to defeat the Stabenow motion. The Johanns motion, on the other hand, to instruct the conferees not to use reconciliation to accomplish climate change legislation is a good motion. I hope the Senate will vote to adopt it. That was also one that was adopted by a fairly large margin when it was voted on during the debate on the budget a couple weeks ago.

But let me restate as clearly as I can, if the Stabenow motion is adopted by the Senate today, it would instruct the conferees in a number of areas with regard to cap-and-trade legislation, many of which sound good: invest in clean energy technology initiatives, decrease greenhouse gas emissions, create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, and I could go on. There are nine of them that are stipulated here. The one that is conspicuously and noticeably absent is the protection against higher prices for consumers in the form of higher gasoline prices and higher electric rates.

So it was an amendment adopted by the Senate by a vote of 89 to 8. It would be my view that the Senate should not go back on an overwhelming vote like that, which made it very clear that any climate change legislation should not raise electricity and gasoline prices on American consumers. The Stabenow motion, if adopted, would not include that protection. I ask my colleagues to vote to defeat it.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, for the advice of our colleagues, we are very close to being able to begin voting. At roughly 7 o'clock, we will begin. We have 10 motions pending, or we will have by that time. We are still waiting for a signed copy of one motion that I will send up when that is available. Again, we are asking colleagues—we have a number of these we can take which would reduce the number of votes that would have to be conducted. Senator GREGG is working diligently to talk to colleagues to see if they are willing to take a voice vote or take an acceptance by unanimous consent, and we are still waiting for final answers

on all of those matters. So again, for the advice of our colleagues, we are very close to the time when we can do that.

I ask unanimous consent to set aside the pending motion to instruct so I may offer a motion to instruct on behalf of Senator STABENOW.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that the final conference report include a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment (as provided in section 202(b) of S. Con. Res. 13, as passed by the Senate) that would allow the Chairman of the Committee on the Budget of the Senate to revise the allocations of 1 or more committees, aggregates, and other appropriate levels and limits in the resolution for 1 or more deficit-neutral bills, joint resolutions, amendments, motions, or conference reports that would—

- (1) invest in clean energy technology initiatives;
- (2) decrease greenhouse gas emissions;
- (3) create new jobs in a clean technology economy;
- (4) strengthen the manufacturing competitiveness of the United States;
- (5) diversify the domestic clean energy supply to increase the energy security of the United States;
- (6) protect consumers (including through policies that address regional differences);
- (7) provide incentives for cost-savings achieved through energy efficiencies;
- (8) provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere; and
- (9) help families, workers, communities, and businesses make the transition to a clean energy economy.

Mr. CONRAD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, earlier today, the Senate was very close to reaching an agreement to complete action on the financial fraud measure. It is a bipartisan measure which is the result of significant bipartisan work of Senators LEAHY, GRASSLEY, and virtually every member of the Judiciary Committee. I thought we had an agreement, but we were not able to do this, in spite of all of the good work of Senator LEAHY. We simply want to limit amendments to this bill. Everyone has had ample opportunity to offer amendments. I guess it would have been nice if we had voted later last night, but I

had a meeting at the White House. I had to be at the meeting, and I left here about 5:15 and the meeting lasted until about 7:30.

We are going to file cloture tonight on this measure. Everyone should acknowledge that this means we are going to have a cloture vote Saturday morning around 11 a.m. There will be another vote on Sunday, if we are asked to use up all of this time. It is unfortunate, since people had all the opportunity they had to offer amendments. No one has tried to stifle amendments on this or anything else this year. It is unfortunate, and that will mean there will be some amendments, well intentioned and good, that deal with the financial crisis facing this country that will fall, but we have had good debate the last few days on this legislation.

I wish there were some other way to do this. I pulled out all the stops to try to talk to a number of Senators, and I apologize for not being able to work something out, but that is the way it is sometimes.

Mr. LEAHY. Mr. President, would the Senator yield?

Mr. REID. I am happy to yield.

Mr. LEAHY. Mr. President, I think the distinguished leader is doing all he can do in this case. I am surprised, as he said, since this bill has had huge bipartisan support and bipartisan sponsorship. It is to try to protect people from losing their retirement funds, their home, their savings for their children to go to college, from these mortgage fraud people. Everybody across the political spectrum has endorsed the bill.

We voted on every amendment to remain to the bill. There are about a dozen or more that have nothing to do with the bill. It is unfortunate for the people who are seeing their life savings being ripped off by unscrupulous criminals, and that we cannot criminalize it in such a way as to stop it. So I will be here to vote. The irony is that when the bill finally gets to a vote, it will probably pass about 90 to 5.

Mr. REID. Mr. President, I ask unanimous consent that the Republican leader be allowed to make a statement prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

(The remarks of Mr. McCONNELL are printed in today's RECORD under "Morning Business.")

Mr. REID. Mr. President, on the motions to instruct, I ask unanimous consent that there be 2 minutes between each vote for debate equally divided between Senators GREGG and CONRAD or the sponsor of the motion. Senators GREGG and CONRAD can determine who has the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that there be 10-minute votes after the first vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The pending question is on agreeing to the Stabenow motion to instruct.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, Senator STABENOW would like to speak.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, this amendment was included in the Senate budget resolution. It lays out clear, positive instructions for balanced climate change legislation that allows agriculture and forestry to participate voluntarily. It focuses on jobs, protecting manufacturing, protecting consumers, and it lays out a positive approach rather than just saying no to reconciliation, which is a policy I agree with. We need to have a positive, balanced approach, and this motion does that.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise in opposition to the Stabenow motion to instruct. She is correct that it imposes limitations on climate change legislation as adopted during the budget resolution, with one very important deletion, and that is one that consumers care about the most, which prevents consumers from having to pay higher gasoline prices and electricity rates.

If the Senate adopts this motion, it will undermine an amendment I offered to the Senate budget resolution, which passed 89 to 8 in the Senate, which prevents consumers from having to deal with higher gas and electricity rates as a result of climate change legislation. That is an important protection. It is something the conferees need to keep in the budget resolution.

I hope the Senate will vote to defeat the Stabenow motion to instruct because it does undermine what we did in the budget resolution with respect to the protections afforded to consumers when it comes to higher gas and electricity prices. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—57

Akaka	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Wyden

NAYS—37

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	Landrieu	

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote in relation to the Johanns motion to instruct.

Who yields time?

The Senator from Nebraska.

Mr. JOHANNS. Mr. President, Members of the Senate, I rise this evening for the express purpose of asking for your support for a motion that is very straightforward. We have already voted on this in an amendment I submitted during the budget process.

The motion basically says that we will not use the reconciliation process to pass cap-and-trade legislation. The last time this issue was before this body, we had 67 Senators, both Republicans and Democrats, who spoke very loudly and clearly opposing budget reconciliation to pass cap-and-trade legislation. I ask that we do that again. I ask that we do that again to indicate very clearly that we do not want to use the reconciliation process for cap-and-trade.

I conclude my remarks by saying thank you for your thoughtful approach to this, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to point out to colleagues that there is no reconciliation instruction on the budget resolution that we are sending to conference from the Senate. In the House, the Speaker and the rest of the leadership has indicated there is no intention and no provision for reconciliation to be used for cap and trade or for climate change.

With that, we are prepared to vote.

Mr. President, we have an agreement on 10-minute votes for all remaining votes.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—66

Alexander	Corker	Lincoln
Barraso	Cornyn	Lugar
Baucus	Crapo	Martinez
Bayh	DeMint	McCain
Begich	Dorgan	McCaskill
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hagan	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Snowe
Cantwell	Inhofe	Specter
Carper	Isakson	Stabenow
Casey	Johanns	Tester
Chambliss	Klobuchar	Thune
Coburn	Kohl	Vitter
Cochran	Kyl	Warner
Collins	Landrieu	Webb
Conrad	Levin	Wicker

NAYS—28

Akaka	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Cardin	Lautenberg	Schumer
Dodd	Leahy	Shaheen
Durbin	Lieberman	Udall (CO)
Feinstein	Menendez	Udall (NM)
Gillibrand	Merkley	Wyden
Harkin	Mikulski	
Inouye	Nelson (FL)	

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Gregg motion to instruct. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this motion is fairly simple but very important. Since our country began in 1789, we have been adding debt to the American people. All this says is that all the debt that has been run up, from 1789 to 2009, through January 20, 2009, that that total debt should not be exceeded during the term of this budget. It seems like a fairly reasonable request. If we do not follow it, we are going to end up passing on a debt to our children that they cannot support. I hope people will support this limitation on the addition of debt to our Nation and to our children.

Mrs. MURRAY. Mr. President, the Senator from New Hampshire has offered an amendment to the conference report that we not double the debt from the time President Obama took office through the end of 2019. Our budget does not go through 2019. It would not double the debt through 2014. The debt when President Obama took office was about \$10 trillion. So this amendment is not necessary. I urge a no vote.

Mr. GREGG. Mr. President, with my additional time, I would simply note if that is the position the majority takes, then everybody should vote for it.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Ms. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barraso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—54

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Gillibrand	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burr	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Wyden

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was rejected.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Sessions motion to instruct.

Mr. SESSIONS. Mr. President, this motion would instruct that the budget be altered so that there would be level funding for 2 years during the time that we are now spending an additional \$800 billion in the economy as part of the stimulus package.

We ought to be able to keep the baseline budget level for 2 years, and then finish out the 5-year budget at 1 percent growth. We have doubled the national debt through this budget—we will do so in 5 years—and triple it in 10.

Interest on the debt today is \$170 billion over the President's 10-year budget. At the 10th year, it would be \$800 billion in interest alone, dwarfing our education budget of \$100 billion, dwarfing the highway budget of \$140 billion.

This is the right approach to show some discipline on the baseline budget at a time we are surging the discretionary spending through the stimulus package.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment that is before us will freeze spending, nondefense and nonveterans funding, for 2 years and limit the growth of nondefense and nonveterans funding to 1 percent annually for fiscal 2012, 2013, and 2014.

Now, I would remind all of us, we are in an economic crisis in this country. The investments we make in this budget that is before us are important for education, for health care, for energy, and for the other priorities that on which this country has asked us to move forward.

I urge my colleagues to vote no on the motion before us so that we can have the flexibility to deal with these critical issues before us today.

The PRESIDING OFFICER. The question is on agreeing to the Sessions motion.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 56, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—38

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Bayh	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Risch
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	

NAYS—56

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Wyden
Feingold	Merkley	

NOT VOTING—5

Kennedy	Roberts	Whitehouse
Murkowski	Rockefeller	

The motion was rejected.

Mr. NELSON of Nebraska. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I believe the next motion in order is the Ensign motion.

The PRESIDING OFFICER. The Senator is correct.

There are 2 minutes equally divided prior to a vote in relation to the Ensign motion.

Who yields time?

Mr. ENSIGN. Mr. President, this is my motion that says let's not raise taxes, whether they are direct or indirect taxes, on anybody making less than \$250,000. It was agreed to unanimously when the amendment was considered by the full Senate, 98 to 0. Unfortunately,

it was said that it would be stripped out. We went through a whole parliamentary mess to understand that this amendment would not bring the bill down. I am hoping the managers who take this bill to conference keep this amendment in conference, so we don't raise the taxes on any family making less than \$250,000 a year.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator from Nevada is correct. This amendment passed on the budget 98 to nothing. The Democrats are happy to support it. It is 8:25 at night. I suggest we take it on a voice vote.

Mr. ENSIGN. That is fine.

The PRESIDING OFFICER. The question is on agreeing to the Ensign motion.

The motion was agreed to.

Mr. SANDERS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Cornyn motion to instruct.

Mr. CORNYN. Mr. President, my motion instructs conferees to retain my amendment, which passed by a strong bipartisan majority of 82 Senators who voted in favor, which says don't raise taxes on small businesses. We all know that is the principal job creator in the economy. It passed 82 to 16. My hope is we have a similar if not better vote on this motion to instruct.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this is on an amendment many of us supported. We are happy to take it on a voice vote. If not, I will be supporting the motion, if the Senator insists on a vote this evening.

The PRESIDING OFFICER. The question is on agreeing to the Cornyn motion.

The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 9, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—84

Akaka	Dorgan	McCaskill
Alexander	Ensign	McConnell
Barrasso	Enzi	Menendez
Baucus	Feinstein	Merkley
Bayh	Gillibrand	Mikulski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Hatch	Reed
Brownback	Hutchison	Reid
Bunning	Inhofe	Risch
Burr	Inouye	Sanders
Burris	Isakson	Schumer
Cantwell	Johanns	Sessions
Cardin	Johnson	Shaheen
Carper	Kaufman	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lincoln	Vitter
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dodd	McCain	Wyden

NAYS—9

Bingaman	Durbin	Kerry
Brown	Feingold	Voinovich
Byrd	Harkin	Warner

NOT VOTING—6

Kennedy	Murkowski	Rockefeller
Landrieu	Roberts	Whitehouse

The motion was agreed to.

Mr. CONRAD. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Alexander motion to instruct.

Mr. CONRAD. Mr. President, can we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CONRAD. Mr. President, we need order because Senator ALEXANDER is next, and if he would be so gracious as to accept a voice vote on his motion, we would take his motion. It is a good motion. We support it.

Mr. ALEXANDER. Mr. President, I say to the Senator, thank you very much. I accept that.

All the motion does is instruct the conferees to do what the Senate has already unanimously agreed to do to preserve the competitive student loan system.

The PRESIDING OFFICER. If there is no further debate on the motion, the question is on agreeing to the Alexander motion.

The motion was agreed to.

Mr. CONRAD. Mr. President, next, I believe, is the motion of the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Coburn motion to instruct.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief. This is fulfilling a campaign promise of Barack Obama. He said he wanted us to go through the budget line by line to eliminate wasteful programs, eliminate duplicative programs. We accepted this earlier. This is a vote to say we are going to do that. We are going to hold up our end of the bargain, as the President is going to hold up his end of the bargain, and we are going to go through and find some of this \$300 billion worth of waste.

With that, I yield back.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, would the Senator accept a voice vote on his motion because we would be prepared to support him?

Mr. COBURN. I will accept a voice vote.

Mr. CONRAD. The Senator is very gracious.

The PRESIDING OFFICER. If there is no further debate on the motion, the question is on agreeing to the Coburn motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to make a note for the record there was no "no" voiced on the vote.

Mr. CONRAD. Mr. President, let me indicate, because of the good nature and the graciousness of the Senator, this is an amendment that we will try to preserve in conference.

BYRD RULE

Mr. LEVIN. Mr. President, I ask the Senator from North Dakota, is it true that when a reconciliation bill comes to the floor, it must meet the requirements of the Byrd rule or be subject to a 60-vote point of order?

Mr. CONRAD. Yes

Mr. LEVIN. Is it true that a provision in a reconciliation bill is subject to a Byrd rule point of order if it produces a change in outlays or revenues that is merely incidental to the non-budgetary, i.e., policy, components of a provision?

Mr. CONRAD. Yes

Mr. Levin. Is it true that every provision of a reconciliation bill is subject to the Byrd rule; and any provision that does not meet all of the requirements of that rule, would be subject to a 60-vote point of order?

Mr. CONRAD. Yes

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to the DeMint motion to instruct.

Who yields time?

Mr. CONRAD. Senator DEMINT is next.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, my motion simply codifies some promises during the last campaign focusing on health care as part of this budget. My

motion would create a 60-vote point of order for any legislation that takes away a person's right to pick their own doctor, to choose their own plan, or to keep the health plan they already have. These are promises the President made, that no health care reform would take away those rights, and my motion is to insist that the budget conference report include that.

Mr. CONRAD. Mr. President, I support this amendment. I think it is entirely reasonable in what it outlines. We all want patients to be able to choose their doctors. We want to make certain if people are happy with the health care plan they are in, that they are able to stay in that plan.

I would ask the Senator from South Carolina, would he consider accepting a voice vote—a strong voice vote—in favor of his amendment?

Mr. DEMINT. Mr. President, I appreciate the offer very much, but knowing that the chairman probably doesn't see my nature as good as Senator COBURN's, I suspect it might not stay in, in conference. I would like a rollcall vote, but I thank the Senator from North Dakota very much for his offer.

Mr. CONRAD. Mr. President, I would note for the RECORD that the Senator from South Carolina is smiling.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the DeMint motion to.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—79

Akaka	Coburn	Hagan
Alexander	Cochran	Hatch
Barrasso	Collins	Hutchinson
Baucus	Conrad	Inhofe
Bayh	Corker	Inouye
Begich	Cornyn	Isakson
Bennet	Crapo	Johanns
Bennett	DeMint	Johnson
Bond	Dodd	Kaufman
Boxer	Dorgan	Klobuchar
Brownback	Ensign	Kohl
Bunning	Enzi	Kyl
Burr	Feingold	Lautenberg
Byrd	Feinstein	Leahy
Cantwell	Gillibrand	Lieberman
Carper	Graham	Lincoln
Casey	Grassley	Lugar
Chambliss	Gregg	Martinez

McCain	Reid	Thune
McCaskill	Risch	Udall (CO)
McConnell	Schumer	Vitter
Menendez	Sessions	Voinovich
Murray	Shaheen	Webb
Nelson (NE)	Shelby	Wicker
Nelson (FL)	Snowe	Wyden
Pryor	Specter	
Reed	Tester	

NAYS—14

Bingaman	Harkin	Sanders
Brown	Kerry	Stabenow
Burris	Levin	Udall (NM)
Cardin	Merkley	Warner
Durbin	Mikulski	

NOT VOTING—6

Kennedy	Murkowski	Rockefeller
Landrieu	Roberts	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate, equally divided, prior to a vote in relation to the Vitter motion to instruct.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, in our original Senate debate on the budget, we passed by unanimous consent language that is in section 202(a) that we would not raise taxes on domestic energy production.

That language says that our budget legislation "would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; it would not increase the cost of energy for American families; it would not increase the cost of energy for domestic manufacturers, farmers, fishermen or other domestic industries; and it would not enhance foreign competitiveness against U.S. businesses."

This motion to instruct would say we need to keep that mandate in the final version of the budget. This is important because, unfortunately, the President has proposed tax increases in all those areas, and all those significant increases in domestic energy production are part of his budget proposal.

It would be tremendously wrong-headed and would hurt Americans to increase taxes on energy, particularly now in the midst of a deep recession. I ask all my colleagues to support this motion to instruct, and I respectfully ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been conferring off and on during the day with my distinguished Republican

counterpart. I think this is where we are.

Monday, at about 5:30, we will have a vote on cloture on the underlying financial fraud legislation. We will determine what time Tuesday morning we will vote on final passage of that bill, if cloture is invoked. Again, we will vote Monday night at about 5:30 on cloture, and sometime Tuesday morning we will vote on final passage.

At this stage, we have a tentative agreement to have 6 to 8 hours of debate on Sebelius, and we would have passage of that by a 60-vote margin on her sometime late Tuesday.

Following that, we are trying to work something out on Mr. Strickland, who is one of the secretaries for Ken Salazar. I talked to Senator BUNNING. We are trying to get him some information to which he is entitled. If we can get that information, we will get that done very quickly. If we cannot, then Senator BUNNING has agreed to a reasonable period of time—and Senator MCCONNELL and I will determine what that is—to have a debate and a 60-vote margin on his approval.

Hopefully, if the conference is completed on the budget, we would go to that sometime Wednesday, with a statutory 10 hours on it.

That is where we are. It has been a difficult time. I am sorry to have everyone concerned about the Saturday cloture vote, but that is how things work.

I say to my friend Dr. COBURN, he is a thorn in my side, but he is a real gentleman, as I have said before. I think this is going to work out very well for everybody. We all have a lot of things already scheduled the next few days. Having the Saturday vote would do a lot of damage to a lot of plans—these are not vacation plans, but whatever plans people have in their home States. I hope that answers everybody's questions.

I have not said this often enough. I remind everyone that all the press is interested in is seeing Senator MCCONNELL and me jostle. We jostle very little. We have an understanding as to what is good for this body, and sometimes our views of what is good for this body are different but not very much. I express my appreciation to him for all the work we have been able to get done this week, which has been very difficult, and to work this out for a Monday vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we still have pending the motion of Mr. VITTER, the Senator from Louisiana. That was an amendment that was taken by unanimous consent or voice vote during the budget resolution. It is now here as a motion to instruct. Obviously, we are going to have a rollcall vote on it. We asked the Senator to withhold. He has asked to have a roll-

call vote, which is absolutely his right. Senators will vote their judgment.

The PRESIDING OFFICER. The question is on agreeing to the Vitter motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—63

Akaka	Crapo	Lugar
Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Baucus	Ensign	McCaskill
Bayh	Enzi	McConnell
Begich	Feingold	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bond	Gregg	Reid
Brownback	Hagan	Risch
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Byrd	Inhofe	Snowe
Carper	Isakson	Specter
Chambliss	Johanns	Stabenow
Coburn	Johnson	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Vitter
Conrad	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lincoln	Wicker

NAYS—30

Bingaman	Gillibrand	Merkley
Boxer	Harkin	Mikulski
Brown	Inouye	Murray
Burris	Kaufman	Reed
Cantwell	Kerry	Schumer
Cardin	Lautenberg	Shaheen
Casey	Leahy	Tester
Dodd	Levin	Udall (NM)
Durbin	Lieberman	Warner
Feinstein	Menendez	Wyden

NOT VOTING—6

Kennedy	Roberts	Sanders
Murkowski	Rockefeller	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, all statutory time is yielded back, and the Chair appoints the following conferees on the part of the Senate: Mr. CONRAD, Mrs. MURRAY, and Mr. GREGG.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—Continued

Mr. REID. Mr. President, I ask unanimous consent that the vote on the cloture motion on the substitute amendment to S. 386 occur at 5:30 p.m., Monday, April 27; that if cloture is invoked, all postcloture time be yielded back and any pending germane amendments be disposed of; then the substitute

amendment, as amended, be agreed to; that the bill, as amended, be read a third time, and that the vote on passage of the bill occur at 12 noon on Tuesday, notwithstanding rule XII, paragraph 4, without further intervening action or debate; that once cloture has been filed, the mandatory quorum be waived; provided further that at 4:30 p.m. Monday, there be 60 minutes of debate prior to the cloture vote, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session I ask unanimous consent that on Tuesday, April 28, at 10 a.m., the Senate proceed to executive session to consider the Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 8 hours of debate with respect to the nomination, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination and that the confirmation be subject to an affirmative 60-vote threshold; that upon achieving that threshold, the nomination be confirmed, the motion to reconsider be laid on the table and there be no further motions in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, I ask there be a modification to allow Senator BUNNING 20 minutes of the time available for the nomination of Kathleen Sebelius.

Mr. REID. No problem at all with that, Mr. President.

The PRESIDING OFFICER. If there is no objection to the request as modified, it is so ordered.

Mr. REID. Mr. President, I would finally say we are working on Tom Strickland. Senator BUNNING has written a letter to Mr. Strickland. He is entitled to a response, either orally or in writing. We hope to get that for him tomorrow. But we will work that out next week, we hope. We are going to be in session tomorrow. Hopefully I can have that information for Senator BUNNING tomorrow.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 47; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO STEVEN MOSLEY

Mr. REID. Mr. President, we talk a lot around here about being a family, and we are. There are people we learn to like a lot. A lot of times we see these people just passing through as they are doing their jobs.

One of the people I have known since I have come to the Senate is a man by the name of Steve Mosley. If I had a picture of Steve Mosley, everyone would recognize him. He is a big man, always smiling. He was someone who came to my office quite often for different things he was assigned to do. I had a number of conversations with him.

He loved sports activities. He was a season ticket holder for the Washington Wizards. He never missed a home game. He loved the Redskins and hated the Dallas Cowboys. He was certainly willing to say that at any time.

Steve has been a member of the Sergeant at Arms team and family. For 32 years he has been with Capitol Facilities, ensuring the service needs of the Capitol were met. It was bringing wood to an office, it was doing some work that needed to be done because someone had messed up an office, moving furniture—whatever it was, he was available.

He was a native Washingtonian, married to his wife Michelle for 26 years. Steve had one child, a son, Steven, Jr. He is 25 years old. His son Steven, Jr. and his wife Michelle of course were both stunned when Steve died. He was only 52 years old. He was born on April 12.

As I said, he loved the Redskins; was a season ticket holder. Also, he loved Cadillacs and he had two of them.

I think one of the most important things to remember about Steve is that he cared deeply about people. He was always the first to help, whether it was an Easter basket for one of the people who worked here who was in need of a little extra, or, for people who needed a ride, his Cadillac was always available to take them wherever they needed to go.

He died way too soon and we, as a Senate, certainly are not as good as we were before Steve died. He was loved by all of his coworkers at Capitol Facilities in the Capitol. I will miss him. We all will miss him. I want the RECORD to be spread with the knowledge to his family that we cared about Steve as he cared about us.

Our thoughts go with his family, that they will be able to work through this time of bereavement as we look toward a brighter day.

Mr. MCCONNELL. Mr. President, I rise to note the sad and sudden passing of a very familiar face to me and to many others around the Capitol.

Steve Mosley had been a fixture on the Capitol Facilities staff for 32 years when he passed away last night—and those of us who knew him will miss his great disposition and all that he did for so many years behind the scenes to keep this place running smoothly.

It has been noted that Steve was a pretty serious Redskins fan. That is an understatement. People who knew him say they can't remember him ever missing a single home game, rain or shine. And he liked to share his enthusiasm for the Skins with colleagues, particularly the Cowboy fans.

But Steve's friends also remember him for his generosity.

Like the time he offered to help set up the wedding reception of one of his colleagues so the colleague would be able to go out and enjoy his bachelor

party. Steve never made it to the bachelor party himself. He spent the night making sure everything was ready for the reception.

One colleague recalled the time he wanted to get a limousine for his daughter on prom night but couldn't afford to spend the money. He told Steve about it at work one day, and the night of the prom, Steve showed up at the house in a black Mercedes Benz that he had washed and waxed for the occasion. Not only could the daughter use Steve's car for the prom—she could have him as a chauffeur too. A couple years later, Steve did the same thing for the girl's younger brother.

A lot of us have been here a long time, but few of us have been here as long as Steve was. He loved his job. He took a lot of pride in doing it well. And anytime someone new came on board, they knew they could learn the ropes, and a lot more, from Steve Mosley.

Senator REID mentioned earlier that the Senate is really a family. And whenever we lose somebody in the Senate, whichever office they are from or duty they perform, we lose a member of the family. And with Steve it is like we are losing one of the elders in that family. He takes a lifetime of proud service with him and he leaves a distinguished legacy and many friends behind.

So on behalf of the entire Senate, I want to extend our condolences to Steve's wife, Michelle, and to their son, Steven, Jr., for their loss. And I want to take this opportunity to express my deep appreciation and my thanks to our friend Steve for his many years of devoted service.

We will all miss him.

CHINA

Mr. DORGAN. Mr. President, I am chairman of the Congressional-Executive Commission on China, and I want to say a few words about China and a very courageous man in China who we believe now is in a Chinese prison and likely being tortured. I think it is very important for our country to speak out about this issue.

Let me say first, there are many thoughtful and independent people in China today who understand the importance of fundamental rights and the role of strong and independent legal institutions. A few of these people work for the Chinese Government. Many work at universities or with U.S. companies and law firms. They care about the rule of law. Some of have cooperated with US agencies to increase food safety and improve security for coal miners, and others. Those are the folks in China who get it.

There are also independent men and women in China who take a different approach. They apply what they know about the rule of law and the role of fundamental rights in very much the

same way. Except that they choose to sound the alarm when the rights of vulnerable people are violated. And in so doing, they go to great lengths and place themselves at enormous personal risk. They defend the interests of consumers whose children are poisoned by powdered milk. They help the families of earthquake victims. They seek to represent the rights of illegally detained Tibetan monks. They stand up for their country and its people. By doing this, they are claimed to be enemies of the state. So who are the enemies of the state?

I want to tell you about one man today, a man who is very courageous, a man named Gao Zhisheng. His wife is visiting Washington, DC, today. I want to tell you about him because it is so important for me to do so.

This is a photograph of this courageous lawyer from China: Gao Zhisheng, with his son, his wife, and his daughter. He disappeared 80 days ago and has not been heard from since. We know 2 years ago he was arrested by the Chinese secret police and put in prison and tortured—tortured with electric shock and other devices I will not describe.

What was his transgression then? He wrote an open letter to the U.S. Congress asking us to pay some attention to the lack of human rights that existed in China. For writing an open letter to Members of the U.S. Congress, in 2007, Gao Zhisheng, one of the most noted and distinguished human rights lawyers in China, was imprisoned for over 50 days and brutally tortured.

Now, in 2009, he taken from his bed by 10 members of the secret police, and has not been heard from since. Let me tell you what has transpired.

Mr. Gao Zhisheng has represented some of the most vulnerable people in China. They include persecuted Christians, exploited coal miners, banned Falun Gong practitioners, and so many others. He has always believed in the power of law, using the law to battle corruption, to overturn illegal property seizures, to expose police abuses, to defend religious freedom. He is a devout Christian. He has fought to protect those who engage in peaceful spiritual and religious practice in China.

In 2005, the government took away his license to practice law, closed his law practice. As I said, in 2007, they arrested him, threw him in prison, and tortured him. Eventually, he was released and brought back home and placed under house arrest. The police surveillance proved almost harsher than prison. In fact, authorities monitored the family's every movement, stationed an officer in the family's living room, prevented his daughter from going to school, a kind of collective punishment. His 16-year-old daughter was barred from attending school. There was 24-hour surveillance of this traumatized family.

The treatment for that family in recent months was so brutal they decided their survival depended on escaping China. But Gao was too closely monitored and could not think of leaving them without placing his family at even greater risk.

So in January, Gao's wife, 6-year-old son, and 16-year-old daughter were smuggled out of China. They then traveled to the United States. After his family fled China, security agents seized Gao from his bed and he has not been seen or heard from since.

We know this situation is extremely grave because we know what the Chinese have done to him in their prison system previously. They have not offered the slightest word about his whereabouts, despite repeated requests from United Nations agencies, the US government, foreign governments, NGOs, and the media. All have asked for information about the whereabouts of this courageous human rights lawyer, and the Chinese Government has said nothing.

The Chinese Government has signed or ratified many international human rights commitments about Mr. Gao Zhisheng that require it to come clean about Mr. Gao. I call on, and we call on, today, the Chinese Government to allow Mr. Gao to have access to a lawyer, access to his family, and for the government to publicly state and justify the grounds for the continued detention of this courageous person.

The right to speak freely and the right to challenge the Government—all of these are enshrined in the Chinese Constitution. Yet it appears the Chinese Government and the Communist Party that runs that Government is intent on upholding the violation of these basic constitutional rights in the case of Mr. Gao.

As I indicated, I am chairman of the Congressional-Executive Commission on China. We have the largest and the most significant publicly accessible repository of political prisoners in China. We have the largest, publicly accessible data base of information about many thousands of Chinese political prisoners.

There are many people today who languish in dark cells—dark cells—of Chinese prisons because they spoke out to defend the rights of others. None has done so more than Mr. Gao, who is a noted and celebrated human rights lawyer, who has lost his law office, lost his legal license, been imprisoned multiple times, has now been “disappeared” into the prison system, was tortured before, and we expect has been tortured again. We need to put a stop to it.

We need to find a way to convince the Chinese Government to tell us what has happened to Mr. Gao. What have they done with him? How do they justify it? And when, when, when will they tell us they will release this man

to be with his family and begin to accord people like Mr. Gao and others, who stand up for the rights of others, the same human rights we would expect them to be given?

China will be a significant part of our future. I understand that. My plea today is to the Government of China to do the right thing with respect to this courageous and brave man.

As I indicated, his wife, Geng He, is with us today here in Washington, DC. I am not permitted to point her out in the Senate galleries. But she, too, is a very courageous woman, and she wishes very much to have this courageous man, her husband, released from detention in China and be given his freedom.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DORGAN. Yes.

Mr. DODD. I wish to thank my colleague from North Dakota. This is a very valuable contribution my colleague has made. It may only be one individual, one family, but I think when we speak up on behalf of an individual such as Mr. Gao, we do so for a lot of other people across the globe who face the same kinds of restrictions he is going through. I wish to join with him in expressing our concern.

I urge my colleagues to maybe craft a letter of some kind we might be able to send to the Ambassador here in Washington or to the appropriate governmental personalities or agencies in China to express our collective concern about this. I am the second-ranking member of the Foreign Relations Committee, and I have a deep interest in what he is talking about.

I thank him immensely for taking a few minutes this afternoon to address this issue. As the Senator points out, we are not allowed to recognize people who are in the Chamber, but let it be said that there is an individual who is with us during these remarks who is the wife of this individual. We thank her for her courage, her family's courage, and we will do everything we can to support the efforts of our colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know the Senator from Utah will be recognized. I wish to say that earlier this week and later today I will be here to talk about Roxana Saberi, who is imprisoned in Iran. She is a constituent of mine. I have great concern about these circumstances in Iran and China and elsewhere, as all of us do. My thoughts and prayers are with Roxana and her family. Similarly, my thoughts and prayers are with the family of Mr. Gao.

I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am indebted to the distinguished Senator from North Dakota for his remarks

today, and I certainly join with him in requesting the Chinese Government to make this matter right. I am very grateful he has taken the time to come and tell us about Mr. Gao as well as this wonderful woman who is being held in Iran. I wish to compliment him for it and say that I wish to be identified with his remarks.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another 5 months have passed, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to honor their service and sacrifice by including their names in the RECORD.

Since I last included the names of our fallen troops on November 20, 2008, the Pentagon has announced the deaths of 123 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

LCpl Ray A. Spencer II, of Ridgecrest, CA; PFC Richard A. Dewater, of Topeka, KS; CPL Francisco X. Aguila, of Bayamon, Puerto Rico; SGT Raul Moncada, of Madera, CA; SPC Michael J. Anaya, of Crestview, FL; SSG Gary L. Woods Jr., of Lebanon Junction, KY; SFC Bryan E. Hall, of Elk Grove, CA; SGT Edward W. Forrest Jr., of St. Louis, MO; CPL Jason G. Pautsch, of Davenport, IA; PFC Bryce E. Gautier, of Cypress, CA; A1C Jacob I. Ramsey, of Hesperia, CA; LCpl Blaise A. Oleski, of Holland Patent, NY; LCpl Stephen F. Dearmon, of Crossville, TN; SPC Adam M. Kuligowski, of Arlington, VA; SPC Israel Candelaria Mejias, of San Lorenzo, Puerto Rico; SGT Daniel J. Beard, of Buffalo, NY; SSgt Phillip A. Myers, of Hopewell, VA; SGT Devin C. Poche, of Jacksonville, NC; LCpl Nelson M. Lantigua, of Miami, FL; LTJG Francis L. Toner IV, of Narragansett, RI; LT Florence B. Choe, of El Cajon, CA; SSG Raphael A. Futrell, of Anderson, SC; SGT Jose R. Escobedo Jr., of Albuquerque, NM; Cpl Michael W. Ouellette, of Manchester, NH; Cpl Anthony L. Williams, of Oxford, PA; LCpl Daniel J. Geary, of Rome, NY; PFC Adam J. Hardt, of Avondale, AZ; SPC Gary L. Moore, of Del City, OK; SGT Christopher P. Abeyta, of Midlothian, IL; SGT Robert M. Weinger, of Round Lake Beach, IL; SPC Norman L. Cain III, of Oregon, IL; SSgt Archie A. Taylor, of Tomball, TX; SSgt Timothy L. Bowles, of Tucson, AZ; PO1 Theophilus K. Ansong, of Bristow, VA; LCpl Patrick A. Malone, of Ocala, FL; PFC Patrick A. Devoe, II, of Auburn, NY; 1LT Daniel B. Hyde, of Modesto, CA; SPC Jessica Y. Sarandrea, of Miami, FL; SGT Jeffery A. Reed, of Chesterfield, VA; Cpl Donte J. Whitworth, of Nobelsville, IN; SGT Simone A. Robinson, of Dixmoor, IL; CPL Brian M.

Connelly, of Union Beach, NJ; CPT Brian M. Bunting, of Potomac, MD; SGT Schuyler B. Patch, of Owasso, OK; SGT Scott B. Stream, of Mattoon, IL; SGT Daniel J. Thompson, of Madison, WI; 1LT William E. Emmert, of Lincoln, TN; CPL Michael L. Mayne, of Burlington Flats, NY; CPL Michael B. Alleman, of Logan, UT; CPL Zachary R. Nordmeyer, of Indianapolis, IN; SSG Mark C. Baum, of Telford, PA; SSG Jeremy E. Bessa, of Woodridge, IL; MSG David L. Hurt, of Tucson, AZ; PFC Cwislyn K. Walter, of Honolulu, HA; SSgt Timothy P. Davis, of Aberdeen, WA; SFC Raymond J. Munden, of Mesquite, TX; SSG Daniel L. Hansen, of Tracy, CA; CPL Stephen S. Thompson, of Tulsa, OK; SSG Sean D. Diamond, of Dublin, CA; SSG Marc J. Small, of Collegeville, PA; LTC Garnet R. Derby, of Missoula, MT; SGT Joshua A. Ward, of Scottsville, KY; SPC Albert R. Jex, of Phoenix, AZ; PFC Jonathan R. Roberge, of Leominster, MA; LCpl Kevin T. Preach, of Bridgewater, MA; SSG Jason E. Burkholder, of Elda, OH; 1LT Jared W. Southworth, of Oakland, IL; SPC Christopher P. Sweet, of Kahului, HI; SGT James M. Dorsey, of Beardstown, IL; SGT Darrell L. Fernandez, of Truth or Consequences, NM; CW4 Milton E. Suggs, of Lockport, LA; CWO Phillip Windorski Jr., of Bovey, MN; CWO Matthew G. Kelley, of Cameron, MO; CWO Joshua M. Tillery, of Beaverton, OR; CWO Benjamin H. Todd, of Colville, WA; Sgt David W. Wallace III, of Sharpsville, PA; Sgt Trevor J. Johnson, of Forsyth, MT; PVT Grant A. Cotting, of Corona, CA; LCpl Julian T. Brennan, of Brooklyn, NY; SGT Kyle J. Harrington, of Swansea, MA; SPC Matthew M. Pollini, of Rockland, MA; SGT Ezra Dawson, of Las Vegas, NV; SSG Carlo M. Robinson, of Lawton, OK; PFC Ricky L. Turner, of Athens, AL; SSG Roberto Andrade Jr., of Chicago, IL; SSG Joshua A. Townsend, of Solvang, CA; SrA Omar J. McKnight, of Marrero, LA; Sgt Marquis R. Porter, of Brighton, MA; LCpl Daniel R. Bennett, of Clifton, VA; PVT Sean P. McCune, of Euless, TX; SGT Joshua L. Rath, of Decatur, AL; SPC Keith E. Essary, of Dyersburg, TN; SSG Justin L. Bauer, of Loveland, CO; MAJ Brian M. Mescall, of Hopkinton, MA; SPC Joseph M. Hernandez, of Hammond, IN; SGT Jason R. Parsons, of Lenoir, NC; LCpl Jessie A. Cassada, of Hendersonville, NC; SSG Anthony D. Davis, of Daytona Beach, FL; LCpl Chadwick A. Gilliam, of Mayking, KY; LCpl Alberto Francesconi, of Bronx, NY; PFC Christopher W. Lotter, of Chester Heights, PA; PFC Benjamin B. Tollefson, of Concord, CA; SPC Tony J. Gonzales, of Newman, CA; LCpl Robert L. Johnson, of Central Point, OR; CPL Charles P. Gaffney Jr., of Phoenix, AZ; MASA Joshua D. Seitz, of Sinking Springs, PA; MAJ John P. Pryor, of Moorestown, NJ; SSG Christopher G. Smith, of Grand Rapids, MI; SPC Ste-

phen M. Okray, of St. Clair Shores, MI; SPC Stephen G. Zapasnik, of Broken Arrow, OK; LCpl Thomas Reilly Jr., of London, KY; PFC Coleman W. Hinkefent, of Coweta, OK; SSG Jonathan W. Dean, of Henagar, AL; PVT Colman J. Meadows III, of Senoia, GA; SSG Solomon T. Sam, of Majuro, Marshall Islands; SGT John J. Savage, of Weatherford, TX; CPT Robert J. Yllescas, of Lincoln, NE; MSG Anthony Davis, of Deerfield, FL; Capt Warren A. Frank, of Cincinnati, OH; 1LT William K. Jernigan, of Doraville, GA; SFC Miguel A. Wilson, of Bonham, TX; PVT Charles Yi Barnett, of Bel Air, MD; GySgt Marcelo R. Velasco, of Miami, FL;

We cannot forget these men and women and their sacrifice. These brave souls left behind parents, spouses, children, siblings, and friends. We want them to know the country pledges to preserve the memory of our lost soldiers who gave their lives for our country.

STAFF SERGEANT GARY LEE WOODS, JR.

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SSG Gary Lee Woods, Jr., from Shepherdsville, KY. Gary was 24 years old when he lost his life on April 10, 2009, from injuries sustained from a truck bomb that detonated near his vehicle in Mosul, Iraq. He was a member of the 1st Battalion, 67th Armor Regiment, 4th Infantry Division of Fort Carson, CO.

Today, I join Gary's family and friends in mourning his death. Gary, who was known to family and friends by his middle name, Lee, will forever be remembered as a loving husband, son, and friend to many. He is survived by his devoted wife, Christie; his father and stepmother Gary and Debbie Woods; his mother and stepfather Becky and Pat Johnson; sisters Britteny and Heather Woods and Mandy Maraman; brothers Courtney and Troy Woods and Newman and Corey Johnson; grandparents Marilyn Waters and Nancy and Charlie Ratliff; in-laws Rick and Elaine Houston; and a host of other friends and relatives.

Gary, a member of the JROTC at Bullitt Central High School, joined the Army following his graduation from high school. A gifted musician, Gary sang and played the trombone, drums, piano and guitar. He was also an accomplished athlete and a member of Bullitt's football team.

While we struggle to express our sorrow over this loss, we can take pride in the example Gary set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Gary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Gary Lee Woods, Jr. in the RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Gary's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gary.

WILDFIRE IN NORTH MYRTLE BEACH, SC

Mr. GRAHAM. Mr. President, our hearts go out to the people of North Myrtle Beach, SC, today. As you may know, North Myrtle Beach firefighters, along with firefighters from around South Carolina, are battling the worst wildfire to hit that area since 1976.

While the cause of the fire is unknown at this point, high winds have fanned the flames resulting in a total damage of nearly 15,000 acres—23 square miles. My understanding is that officials on the scene estimate that the wildfire is about 75 to 80 percent contained at this point which is good news. Ninety firefighters from eight different departments from across South Carolina are currently battling this blaze.

It is at times like these when you really appreciate the hard work that our firefighters do on our behalf. You also appreciate the dangers. I understand that last night, two of our South Carolina firefighters had to deploy their emergency fire shelters when they became surrounded by flames. Both, I am told, are unhurt.

At this point, no injuries or fatalities have been reported and we should be very thankful for that. However, many have lost their homes. Seventy homes have been destroyed with another 29 severely damaged. I expect that that number, unfortunately, will likely go up. Anyone who has ever lost a home to a fire understands the sense of terrible loss—the loss of the house they grew up in and the loss of irreplaceable family heirlooms.

I want to thank North Myrtle Beach Mayor Marilyn Hatley, the Governor, his emergency management team, the Forestry Commission, the State Fire Marshall, the State national guard, the

officials of Horry County, the South Carolina Red Cross, and the others who are pitching in right now to put out this fire. My understanding is that the Red Cross has shelters open in North Myrtle Beach and is housing several hundred people tonight.

I want to applaud our firefighters for always standing ready to answer the call to action. I pray that they accomplish their mission soon and come home safely to their families. And I pray for the families who have suffered devastating losses.

STATE OF THE INDIAN NATION

Mr. TESTER. Mr. President, Montana has a long history with its first citizens, the Native American Indian people that comprise my State's eight tribes. Montana's history with our tribes, like those at the Federal level, has fluctuated greatly over the years. At first treatment was shameful, characterized by war and violence. After the wars, the Federal Government engaged in neglect, by placing Indians on remote reservations and trying to forget about them. At long last, we have moved to the more progressive and enlightened policy of today—self-determination. This shift has been a long time in coming, but it is critical. Under this new policy, we appreciate tribes as sovereign units of government and work with them in that capacity to become self-sufficient through self-determination.

One of the good things Montana does on a biennial basis is ask an elected tribal chairman to address a joint session of the Montana Legislature and present a State of the Indian Nations speech. On March 10, 2009, James Steele, Jr., who is both chairman of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and, the recently elected Chairman of the Montana-Wyoming Tribal Leaders Council, addressed my former colleagues in the legislature. I found his speech to be a thoughtful call for cooperation in addressing the current economic problems we face. It was also a fascinating description of the history of State/tribal relations. I think my colleagues in Congress will appreciate, and learn from it. I therefore ask unanimous consent to have Chairman Steele's speech printed in today's RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

Good afternoon.

Thank you House Speaker Bob Bergren.

Thank you Senate President Robert Story.

Thank you also to Margaret Campbell, a Fort Peck Tribal member and the first Indian House Majority Floor Leader.

Thank you for the opportunity to speak in this distinguished chamber and for the opportunity to speak to the leaders of Montana, who have gathered here for this State of the Tribal Nations address.

I also thank the Montana National Guard that presented the colors. You have served our Nation well in putting yourself in harms way and you continue to serve through your community service. As United States Senators John McCain and Dan Inouye—themselves both war heroes have often pointed out—American Indians have a proud tradition of serving in the military in the highest percentage of any ethnic group in the United States. We ask our Creator for Godspeed for all Americans that serve this great country in places far away and pray for their families who also make tremendous sacrifices for the freedoms we have.

May I ask Bruce Sun Child from the Chipewewa Cree Tribe to lead us in a prayer.

(Sun Child speaks in the Cree language.)

Thank you Bruce for your words of prayer.

I am pleased to introduce the Tribal Government leaders that have joined us today.

(Identifies tribal leaders by name)

Tribal leaders, I am honored to represent you today, as Chairman of the Montana-Wyoming Tribal Leaders Council and as Chairman of the Confederated Salish and Kootenai Tribes.

Honorable Governor Brian Schweitzer and Lieutenant Governor John Bohlinger, thank you. Throughout your administration, you have opened the front doors of the Capitol to the Tribes and we have walked through those doors many times. We look forward to continuing our government-to-government relationship throughout the next four years.

I thank the distinguished members of the Senate and House of Representatives and in particular, the American Indian legislators of Montana:

Representative Shannon Augare, House Majority Whip

Representative Tony Belcourt

Representative Frosty Calf Boss Ribs

Representative Carolyn Pease-Lopez

Representative David Roundstone

Senator Carol Juneau

Senator Sharon Stewart-Peregoy, and Senator Jonathan Windy Boy

We look to you for leadership and guidance as the legislative session continues.

I would also like to recognize the state-wide elected officials in attendance today Superintendent of Public Instruction, Denise Juneau, the first Indian woman to be elected to state-wide public office; Attorney General Steve Bullock; Secretary of State Linda McCulloch and State Auditor Monica Lindeen.

There are members of the Governor's cabinet present today, as well as representatives from the offices of Senator Baucus, Senator Tester, and Representative Rehberg.

I would especially like to thank and honor today Mr. Gilbert Horn, Sr. an Assiniboine of the Fort Belknap Indian Reservation, who, like the more storied Navajos, used the Assiniboine language with Gerald Red Elk of the Ft. Peck reservation to create a code our enemies in World War II were never able to break. At one point in the war Gilbert Horn successfully attacked a Japanese machine gun post and despite finding his uniform riddled with machine gun bullets managed to survive unscathed. He was awarded the Congressional Medal of Honor but this humble man felt like he didn't deserve special recognition because he was only doing his job. Thank you Gilbert Horn for your service to this country.

Thank you all.

Elected leaders, tribal elders, ladies and gentlemen: On behalf of the Tribal Nations across the State of Montana, I am honored to present the State of the Tribal Nations

address. My name is James Steele, Jr., and I am the Chairman of the Confederated Salish and Kootenai Tribes and the Chairman of the Montana-Wyoming Tribal Leaders Council.

We live in times of tremendous change, politically and economically. We have seen history made in the election of President Barack Obama and his appointments of the most diverse cabinet in the history of the nation.

And we have also lost a great leader. This past month, Crow Tribal Chairman Carl Venne passed away—a tremendous loss for the Crow Nation, Montana, and the Country. Carl was a former Chairman of the Montana-Wyoming Tribal Leaders Council and gave this address during the 2007 legislative session. Please let us honor the passing of this great leader, this great man, and my friend, with a moment of silence.

The Charles M. Russell painting that dominates this Chamber serves as a reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had a profound impact on the Indian people, as our way of life was changed forever. In 1805, the economies of Native America were strong and thriving. In fact, in his orders to Lewis and Clark, President Jefferson instructed the two captains to take note and report to him on the economic activities of the Tribes, for Jefferson knew they were vibrant. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system. An interesting aspect of Thomas Jefferson is that he had studied the governing structure of the six nations that comprise the Iroquois Confederacy and he was fascinated by the idea that there could be independent tribal governments who had autonomy from one another but who also coalesced for their common good. Historians believe that the relationship between those tribes influenced Jefferson and played a role in the crafting of the Constitution and the establishment of the United States.

The Russell mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitter-root Mountains to the Pacific Ocean.

Without our assistance at Ross Hole and that of other tribes along the way, who knows what the outcome of the journey would have been. These people came looking for a new life, for opportunity, for the freedom to practice any religion they chose. They came looking for hope and opportunity, and we as Indian people hold that in common with them today. Maybe if Indian people had a strong policy on immigration things might have turned out quite differently!!

Today, we begin another partnership. It is a partnership that must be based on mutual respect and an understanding. We all must benefit if we as a state are to move forward. What is essential if we as Indian people are going to survive is that the State of Montana accepts the most basic premise that Indian tribes are sovereign units of government. It should be noted that the Constitution of the United States identifies three units of government and those are federal, state and Indian tribal governments. We are not racial groups who happen to live on a

particular land base and want what other interests groups want. We are the successors in interest to those who signed treaties with the United States that allowed for Montana to be created. The United States does not sign Treaties with interest groups, they sign treaties with governments and our treaties were ratified by the United States Senate. They are binding contractual agreements in which we reserved to ourselves the rights of self-government and when the western states joined the Union their enabling acts committed them to respecting that authority. There are times when this phenomenon has created jurisdictional problems but to a great extent Montana, particularly in more recent years, has come to understand that our relationship is one of two governments that must be built on mutual respect. I believe that by carrying out this relationship in a mutually respectful fashion we can better the lives of the people who live on Indian reservations as well as those who do not. I believe that Indian reservations are good for Montana and can in fact significantly aid Montana in the area of economic development.

At this time it is important that we focus on economic development, job creation, education and health care. These things go hand in hand and our concerns are the same as yours. For too long our people have struggled in economically depressed communities. Our country is in the most severe economic downturn in a generation. But for Indian Country, this is not new as reservations have long suffered with high levels of unemployment. The question is how can Montana help its tribes develop and how can those tribes in turn assist Montana to develop its economy? One source of information that I would ask Montana's officials to look at is the study funded by the State & Tribal Economic Development Commission and the University of Montana called the Uncovering Economic Contributions of Montana's American Indian Tribes.

Montana's reservations contribute to the state economy by purchasing goods and services from surrounding communities throughout the state with revenue generated from natural resource-based jobs, tribal businesses, federal funds that support some tribal operations and revenue from tribal assets.

Cooperative agreements between the Tribes and State will improve the economic conditions of the reservations and would benefit the State of Montana.

State and tribal leaders, consider these areas for cooperative agreements:

Partnerships focused on bringing a business development approach to tribal communities through technical assistance and strategic partnerships.

Improve management skills and the ability to land job-creating grants by using tribal colleges to train the workforce.

Assist Tribes with due diligence on energy development technologies.

These are just a few items to consider in the efforts to improve the health and well-being of our communities.

The Salish and Kootenai Tribes are mapping out our future as energy providers. This effort will reach a new stage in 2015 when CSKT purchases Kerr Dam and becomes a supplier of hydroelectric energy. CSKT has also successfully managed our local electric utility, Mission Valley Power, for the past 20 years and now serves 14,000 Indian and non-Indian customers.

The great Crow Nation has taken a bold step and signed an agreement with the Australian Energy Company to form the Many

Stars Coal-to-Liquids Project. This effort will bring significant opportunities to the Crow people and to all Montanans, through the creation of 4,000 Montana-based jobs, an increased tax base, and will have a vast positive economic impact.

The GROS Ventre and Assiniboiné Tribes of the Fort Belknap Reservation have used their Indian Country Economic Development funds for the creation of the Little River Smokehouse. This has brought great pride to the Assiniboiné and Gros Ventre people. Thank you for this important program and please continue its funding this session.

The Little Shell Chippewa Tribes continue to receive our support in their endeavors to gain federal recognition. Senators Max Baucus and Jon Tester and Congressman Denny Rehberg have also supported the tribes in their 31-year effort for recognition.

The Northern Cheyenne is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The Assiniboiné and Sioux Tribes of the Fort Peck Reservation are proud to report that they were the first to sign a revenue sharing agreement with the State of Montana to eliminate duplicate taxation of new oil and gas development on the reservation. This creates a competitive business environment on the reservation, leading to more development of tribal oil and gas resources and increased economic opportunities for tribal members.

The Chippewa Cree Tribe is engaging in energy development on and around the Rocky Boy's Reservation that will create more jobs, generate revenue, and provide direct control over development of land and resources. The Tribe has partnered with Native American Resource Partners (NARP) to create a tribally-owned energy company for exploring and developing oil and gas resources. The priorities will be on natural gas exploration and development followed by wind energy progress.

The Blackfeet Nation is working to upgrade Pikuni Industries to manufacture materials for Defense Department contracts; and oil drilling efforts have increased on the western side of the Blackfeet Reservation. The Tribe is also in discussion with wind energy producers about several wind projects on the Reservation.

These are just a few examples—from among many—of the efforts tribal governments are making to improve the health and well-being of our peoples.

Even with high rates of unemployment, the seven Indian Reservations of Montana and the state-recognized Little Shell Band of Chippewa, contribute a combined total of \$1 billion annually to the Montana economy. Those numbers may surprise some people, but to those of you who work every day to make your home communities better for your people, these figures come as no surprise.

This is an important time to come together. It's important to remind ourselves and our surrounding communities that together, we are greater than the sum of our parts. An example of that played out when Transportation Director Jim Lynch reached out to Indian Country to coordinate conference calls about economic stimulus dollars and transportation funds. Our Nations are hungry for improvement and the tax status of Indian reservations can be attractive to industry.

In the more immediate term, during this legislative session, you will hear many ideas to help make Montana, even better.

The Governor has already signed into law Senate Bill 39, sponsored by Senator Carol Juneau, extending the duration of the Reserved Water Rights Compact Commission. I thank Senator Juneau, this legislative body, and the Governor for taking quick action on this bill, which is so vital to the economic future of my people and all Montanans. SB 39 will allow the CSKT and the State the time to negotiate a water compact that is fair for all who live on the reservation.

While there are many bills worthy of support, I must urge your support in particular for several bills that are vital in Indian Country because of their effect on our economies:

House Bill 161, sponsored by Representative Shannon Augare, ratifying the Blackfeet water compact. This bill represents a vital step in the journey towards fair and just water rights for the Blackfoot Tribe and tribal members, and I thank Representative Augare for sponsoring the bill.

House Bill 135, sponsored by Representative Tony Belcourt, funding the Peoples Creek mitigation account, as part of the Fort Belknap water compact. With this bill, the State begins to fulfill its obligations under the compact to the people of the Fort Belknap Reservation. Thank you Representative Belcourt—or Landslide Tony as some of us call him—for your sponsorship.

Senate Bill 201, sponsored by Senator Jesse Laslovich, revising the Crow water compact. This important bill allows the Crow Nation to access their interest earnings on funds appropriated as part of the State of Montana's obligation under the compact. With these monies, the Crow will be able to set up their water administration office, as well as complete the ratification process of their water compact in the U.S. Congress. I thank Senator Laslovich for sponsoring this legislation.

House Bill 158, sponsored by Representative Shannon Augare, allowing for direct tribal access to economic development funding. This bill allows tribes to directly access the state's Big Sky Economic Development program funding. Representative Augare understands that the tribes will need to access all the resources they can to help their peoples during these times of economic crisis.

Senate Bill 456, sponsored by Carol Juneau, exempting tribally owned property from state property taxes, just as all governments in Montana are exempt from state property taxes. I am thankful for Senator Juneau's persistence in sponsoring this important bill, which is a simple matter of fairness and an important symbol of respect for the state-tribal government-to-government relationship.

I thank you for supporting the Indian Country Economic Development program, contained in House Bill 2. This program, established as part of the Governor's budget in 2005, has been a critical engine of economic growth in Indian Country, and is now more important than ever given the economic crisis.

Legislators, as you deliberate in making laws and decisions that affect the great State of Montana, let Charlie Russell's painting remind you of your obligation to include Native peoples as your neighbors, partners and friends. Let us move forward together.

Thank you.

LEM LEMTS.

GLOBAL YOUTH

Ms. MURKOWSKI. Mr. President, I rise to speak about a resolution design-

nating April 24 through 26, 2009, as Global Youth Service Days. S. Res. 105 recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on the last weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. S. Res. 105 passed the Senate by unanimous consent on April 20, 2009. This sends a very strong message of support to the thousands of youth across our great Nation who are contributing positively to their communities your efforts are recognized and appreciated.

Over the weekend, beginning this Friday, April 24, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service is not just a nice idea for a way to spend a Saturday afternoon. All year long, young people across America, indeed across the globe identify and address the needs of their communities through community service and service-learning opportunities. They make positive differences in the world around them, learn leadership and organizational skills, and gain insights into the problems of their fellow citizens.

Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer because they see a direct connection to what they are learning and the real world in which they live. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people's character development, civic participation, and philanthropic activity as adults.

A survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people make important connections between the curriculum and the challenges they see in their communities.

It is important, therefore, that the Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Days:

Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth, has sponsored the annual Kids' Day 3-day events in Anchorage again this year. Youth provided significant service to their peers and to adults who attended Kids' Day activities last weekend:

Students educated the public on the 5 Promises: Caring Adults, Safe Places, Healthy Start and Future, Marketable Skills, and Opportunities to Serve.

Students from King Career Center served as volunteer safety patrols.

Teens served as greeters and passed out bags, helped vendors set up their booths, and cleaned up during and after the event.

Junior ROTC members provided security and helped with parking.

Teens assisted Anchorage's Promise Board members with tours and Opening Ceremony activities.

Three teens assisted the Kids in Nature Workshop for Parents and Caregivers instructor.

One youth volunteer assisted staff at the Alaska Natural History Museum.

Youth created cards to express support for our troops.

In addition to the Kids' Day events, young people from every region of Alaska will serve their communities in the following ways:

Youth volunteers, coordinated by Covenant House, will bring attention to the importance of conservation, recycling, and educate youth about Earth Day.

Various youth service projects will be performed by Juneau youth at local nonprofits.

Members of the Eagle River Boys & Girls Club provided "kid power" to fill 3000 Easter eggs.

The Eielson Air Force Base Youth Programs' Inside & Out Club will clean to make it shine as much as the kids do.

Youth volunteers, coordinated by the Anchorage Public Library, will help organize summer reading celebration materials.

Youth at Chugiak High School have produced and will show a docudrama that simulates a drunk driving collision and help educate their peers about the dangers of drunk driving.

Students at Steller Secondary School will provide the Covenant House residents with gift bags containing personal hygiene products.

Alaska Youth and Family Network volunteers will promote personal responsibility for wellness that focuses on youth with behavioral health problems.

Spirit of Youth volunteers from all across Alaska, including Thorne Bay,

Ketchikan, Eagle River, Kodiak, Anchorage, Palmer, Juneau, Cantwell, Kasaan, Nenana, Nome, Shageluk, Cordova, Palmer, and Chugiak, will work with their peers and adults on projects as varied as sharing their artistic talents; organizing a potato feed fundraiser to help the local library; running a girls' study group; offering free babysitting, teaching Sunday school, and helping the elderly at the local hospital; raising money for youth activities and easing community tensions; improving the collective well-being of youth; including people with disabilities in social activities; teaching cheerleading and dance skills; coordinating canned food drives; honoring Haida culture through art and music; working with Native elders to retain Alaska Native boat making skills; responding to emergencies; restoring salmon habitat; learning about climate change and fire science; owning, operating, and crewing a seine fishing boat; giving teens a forum to discuss political issues; educating others about child labor; helping other youth to succeed in realizing their dreams; helping students with disabilities excel in physical education; and educating the public about domestic violence while advocating for justice and change.

The Alaska Teen Media Institute will provide teens with the tools and training needed to produce their own stories told in their own voices to be shared through a variety of media.

Members of the Mountain View Boys & Girls Club will kick off Mountain View Cleanup Day.

Members of Alaska Youth Environmental Action attended the Civics and Conservation Summit in Juneau where they met with legislators to talk about issues they care about in their communities, including the Renewable Energy Campaign.

The Anchorage Youth Parent Foundation Peer Outreach Workers will spread awareness of sexual assault in April by hosting an Art Competition at the POWER Teen Clinic.

Mr. President, I am so proud of all of these young people. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America Web site—www.ysa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues Senators AKAKA, BAYH, BEGICH, BINGAMAN, BROWN, BURR, CARDIN, COCHRAN, COLLINS, CORNYN, DODD, DURBIN, FEINGOLD, FEINSTEIN, GILLIBRAND, GREGG, HAGAN, HATCH, INOUE, JOHNSON, KENNEDY, KLOBUCHAR, LANDRIEU, LAUTENBERG, LIEVIN, LIEBERMAN, LINCOLN, MARTINEZ,

MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, BILL NELSON, SPECTER, and WHITEHOUSE for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HUMAN RIGHTS IN KENYA

• Mr. KENNEDY. Mr. President, I take this opportunity to call the attention of my colleagues to the serious dangers that exist for human rights today in Kenya. I particularly express my concern about the death threats being made against Paul Muite, a distinguished human rights attorney in that country.

Mr. Muite is a native of Kenya who has been an outspoken critic of the hundreds of extrajudicial killings that have taken place in Kenya since 2006, and he has sought an investigation by the International Criminal Court of these killings.

The threats against him have escalated in recent weeks. This week, I learned that someone had thrust an AK-47 in Mr. Muite's face.

I urge the Government of Kenya to give high priority to this alarming situation, and to take all necessary steps to protect the safety of Mr. Muite and others struggling to defend the fundamental human rights of the people of Kenya. The world is watching and I hope my colleagues in the Senate will join in calling attention to this basic issue.●

EXERCISE TIGER

Mr. BOND. Mr. President, today I rise to honor the 65th anniversary of the Exercise Tiger operation and the American servicemen who took part in this exercise. I extend my gratitude to their dedication and service to the people of Missouri and of the Nation.

On April 28, 1944, German Navy "E" boats, patrolling the English Channel, attacked eight American landing ships engaged in training operation Exercise Tiger. These operations, organized by the U.S. Army, were undertaken off a beach in Devon, England often patrolled by German "E" torpedo boats. With only one English ship to guard the convoy, there was a devastating surprise attack on the American ships ending in multiple ships being sunk.

Of the four thousand men who participated in this critical operation, nearly a quarter lost their life including over 200 men from the 3206th Quartermaster Company located in Missouri. Due to the secrecy of the mission, information on the fatalities was only released after the successful completion of the D-Day invasion.

April 28, 2009 marks the 65th historic anniversary of the WWII Battle of Exercise Tiger and an opportunity to recognize all the men who served and gave their life in that historic battle. I am proud to say that we have renamed U.S. Highway 54 in my home State of Missouri as the WWII Exercise Tiger Expressway, in honor of the sailors and soldiers who paid the ultimate sacrifice. The Missouri Exercise Tiger Army and Navy Anchor Memorial has been built on the Audrain County Court House Lawn in their memory.

The servicemen who participated in the Battle of Exercise Tiger are to be commemorated for their heroic actions. These men were an example for all American soldiers and a credit to the United States as it remains the free and great country that it is today.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is time to wake up, America. All it would take [for the price to drop] is for Congress to allow the oil companies to drill for oil anywhere in this country and the crude oil price would drop \$30 to \$50 a barrel. I, for one, am tired of Congress blaming business or the President for the problems of this country. Congress holds the key and they sit back and run up the government deficits until the value of our dollar is falling like a rock, which, in turn, is driving up the price of crude oil.

It was not that long ago that the Congress of the 1990s showed fiscal responsibility. But, this Congress shows that it is unwilling to try to solve any of the nation's problems. The deficit is snowballing into a problem that cannot be ignored any longer it is having an effect on all of our daily lives.

There has been many articles recently about the amount of oil that this country has is not enough to solve this countries demands for oil, but it sure would go a long

way towards balancing trade deficits and have a huge effect on the economy. If Congress shows a willingness to do something about this problem, the commodities markets reaction would be swift; no action, be prepared to keep paying at the pump!

It is time to write our Senators and Representatives and tell them it is long overdue that they do something about utilizing our nation's oil resources, and with a percentage of the revenue from it to build renewable energy plants like solar and wind generation projects. The politicians keep saying that they are all for looking out for the poor and the working class in this country but [that is not happening.] There is some huge possibilities if Congress acts, if not we are starting to see what the future looks like.

KYLE, *Genesee*.

These high gas prices are making it more and more difficult for my family to just get to town for the basic essentials. We live on top of a mountain in Idaho, and it takes us 25 minutes just to drive down in town where we do our grocery shopping, banking, medical care and prescription pick-up as well as postal service, and any hardware or building supplies we might need as we are building a large house. Due to the increasing gas prices, we have had to condense our trips down to once a week, so we are not near as frequently patronizing the local businesses like we used to. I would plead with Congress to please increase our domestic oil supply as this is an extreme hardship on thousands and thousands of Idaho residents as well as the local businesses.

DARLENE, *Kamiah*.

Let me begin by saying that I sincerely appreciate your decision to consult your constituents about the energy issue. Though the electorate may be vastly uninformed, it is nevertheless every citizen's duty to be active and politics, and you are encouraging this laudable behavior. You deserve to be commended.

Yet now I fear I must turn from a tone of praise to one of criticism because you requested personal—and thus emotionally-charged—anecdotes. Indeed you asked for policy opinions, too, but from your email, those seemed of secondary importance. Anecdotes and emotions have no rightful place in the policy-making process, no matter how many you receive and how depressing they are. The responses you receive will be surely come primarily from the constituents hit hardest by the high prices, yielding a very skewed measurement of public opinion.

The hysteria regarding the oil "crisis" of the day invariably clouds our judgment. It leads to proposals that lack all substance and justification such as the gas tax holiday. These ideas are motivated chiefly by personal electoral concerns rather than a sincere desire to help citizens. Using a conservative estimate of 20 mpg for my compact car, I would have to drive 725 miles a week this summer just to save \$100. This is the kind of relief the American people need, really? Oh and, by the way, it would cost an estimated \$9 billion when our nation is the largest debtor in the world. (I am not accusing you of supporting this proposal, but it illustrates my point.)

Instead let us look at a major cause of this problem; it is not speculators or Al-Qaeda. Over the period from 2000 when national prices were at approximately \$1.50 per gallon till the year 2007 when prices were at approximately \$2.75 per gallon, inflation is esti-

mated at 17 to 40 percent. (This according to <http://www.measuringworth.com>.) Conservative numbers indicate \$1.50 in 2000 is worth \$1.80 in 2007, while aggressive estimates would value that same \$1.50 at \$2.11 in 2007. And as the average gas price in 2007 was at \$2.75, simple arithmetic shows that inflation accounts for at least a quarter of the price increase and possibly as much as half of the increase.

Yet in the public arena, most still blame the increase on speculators or price-gouging oil companies or OPEC. Inflation is seldom mentioned even though we have just seen how integral a role it has played. This problem needs to be addressed. Our inflation in turn is caused chiefly by our growing national debt and the expensive foreign policy that it finances. I submit that entitlement spending is problematic too, but our military spending is much more easily curtailed because public opinion is not as deeply entrenched in support of it.

Although I personally believe we should bring the troops home from Iraq and Afghanistan, I know you disagree, and I realize that I will be unable to sway you on this issue. However, military spending can still be readily cut back in other areas. I think our global military presence is a great place to start. As of 2005, America held 737 foreign military bases. The simple question is why. Why do we need a military presence in Japan or Germany? This cannot be defended as merely part of the War on Terror, and yet these bases and others like them are costing the American taxpayer billions of dollars every year. This is an encroachment on the national sovereignty of other countries, but, more importantly, it is an exorbitant waste. If there is a legitimate reason for our costly global military presence, please inform me. But if not, you must agree that the financial benefit of shutting down these bases is too great to ignore. (Check out Nemesis by Chalmers Johnson for more information on this topic.)

I sincerely thank you for soliciting the opinions of your constituents. As you may have assumed by now, I have not been hard hit by high energy prices. I am going to be a college student in the fall, and I prefer riding my bike to driving my car. I hope that you acknowledge the role of inflation in today's energy crisis, and I urge you to look at the rationale for our global military deployment. Getting our fiscal house back in order will have a real and palpable benefit for the American people, and solutions like scaling back the military are the first step.

EDDIE, *Meridian*.

I work for a small semi-trailer manufacturer here in Boise. Our orders for new trailers have fallen off considerably. Existing orders are now being canceled at an alarming rate. Every Monday morning there is a number of trailers parked in front of our building from owner operators calling it quits. I ask all of my customers why and they all say the diesel fuel prices are the reason.

Today, in our weekly sales meeting, the owner told us we needed to get some orders on the schedule or the company will be laying off 100 people. We have already reduced our workforce by 50 since March. He went on to say that if it continues he will have to send 50 more home by the end of July. Like I said above, we are a small company, we had 400 employees total at the first of 2008. By the end of July, we could cut our work force by 50 percent. I have heard that since January 1st the trucking industry has lost around 800 trucks due to fuel prices. This is unac-

ceptable and very unreasonable and our government just stands by and lets it happen.

GARY, *Boise*.

We need relief fast. These fuel and food costs are killing our home budget. The baby boomers have having to continue to work to pay for fuel. We are very concerned and we vote, so please help.

JOE and CHERI.

The oil-producing countries recent pursuit of nuclear power—and their interest in investing in British nuclear power is an interesting trend, I think.

CLAUDIA.

Like most Americans, the high cost of gas has limited my trips to visit family and conduct personal business—a necessity in rural Idaho.

The only real solution to our energy problem is to wean this country off oil. Increased domestic oil production would only be putting a band-aid on a gaping hole. It would not solve our energy needs and we would still be buying oil from abroad. It is also a finite resource so in a few years time whatever drop in the bucket ANWR might provide (no one knows how much oil resides there), will eventually be gone. The only real solution is investment in alternative energy. Government-provided grants and subsidies to innovative entrepreneurs would eventually solve our problems and sever the dependence on Venezuela and the Middle East once and for all.

At the very least, this country can "tighten its belt" with regard to conservation. As we all know, America uses more energy per capita than any other country. I have traveled abroad extensively and have thoroughly enjoyed the availability of public transportation—most of which is subsidized by the government and small hot water heaters.

Thank you for considering my thoughts.

COURTNEY, *Kamiah*.

Even though I have a secure job at the INL I do not consider myself to be rich I have seen many problems brought on by the energy/housing/banking fiascoes. I just saw a news article where people who have minimum wage jobs are having to quit because they cannot afford to drive to work!! Bread has doubled in price due to the new emphasis of the administration placed on ethonal production. My 401K plan has lost over \$50,000 since January 1, 2008.

I challenge you to try to live as a 'normal' American. I have a \$1,100 mortgage, a \$500 payment for my daughter's college education, \$250 in car insurance (for myself, my wife and two daughters), \$300 for food (that is just for my wife and myself) and about \$300 for gas. Why do not you challenge your fellow Congressman to this little test: Live like this for a month, no congressional [perks].

Assume you bring home \$3,000/month:

\$1,000 mortgage or rent

\$500 college

\$200 medical

\$300 gas

\$300 food

\$250 car insurance

\$400 credit card

Total: \$2,950.00

In my exaggerated case, that does not leave much for any car repairs (did I mention your car is 10 years old and because of all the money worries, it has lost 50 percent of its value since Jan!)—So a new hybrid car is totally out of the question. Also, I forgot to tell you that you worked in construction and

have to have a big truck (3/4 ton) to haul your tools and supplies around—no sissy two-seater hybrid for this job! Now that you see what a family in Idaho is probably facing.

Big oil wants the offshore oil leases opened made available. . . . Gee, from what I saw on C-SPAN the other night, big oil is buying and holding leases, but not drilling. This has been going on since I believe the speaker said 1999 or so. Is not that kinda like artificially controlling the supply? They want the leases, they have to work or forfeit them, no refund. We will not even mention the \$56+ billion profit (Websters definition: Income minus expenses). And then they have the nerve to say they need the tax handouts because it is "good for the economy" and they need it to protect the environment. We just do not understand them! In a recent interview shown on TV, none of the big oil CEOs would support environmental advertisements.

The banks are making money investing in oil, etc. Then they charge 11-30 percent for credit cards. Not every American is to blame for the housing/banking bust! I just looked up my credit union rates for 0-\$999.00, they are paying 0.50 percent APY.

It is about time to put [partisan and parochial interests aside] and do what is right for the country. It does not matter if it is the idea of a Republican, Democrat, or Independent, if it is the right thing to do, support it!

After all of the ranting above, believe me that I still love and support America and what its real values are. But I do [believe that far too many people in power have collectively trashed America and are not being forced to fix it.]

JERRY.

My husband and I have been retired for almost four years. We make \$2,200 a month. We have a house payment of \$1,000 a month. When we retired, we were making plenty to keep us. Since we have retired, everything has gone up. The nearest grocery store (very small corner market) is 15 miles away. We have to drive 100 miles round trip to do any kind of shopping, doctors, etc. Our home is very rural, so when we built it 28 years ago it would have cost us \$10,000 to run a natural gas line, so we opted for propane, which has risen to \$3.00 a gallon. We have a wood stove to help, but the nearest wood to cut is 70 miles one way. My husband has bone on bone knees, and is in a lot of pain, so getting wood is going to get harder and harder. When we retired we figured on being able to draw Social Security at 62½. Now they have changed it to 66. My husband worked for 38 years and was able to retire while he is still young. He will be 60 in three days. Yes, we are able to live, but there is nothing extra. At least we are doing better than my parents making \$1,200 a month and having to decide between eating, staying warm, and being able to buy their prescription drugs, (that before the Medicare Part D program were free). We need to take care of our own. Use our own oil, feed our own people, keep the illegal aliens out because they are using more of our governments money than we are. I have my doubts you will ever read this, but it is worth a try.

TRISH.

I work for the federal government, but had to make a difficult choice last week. I had to decide on buying enough gasoline to get to work for the next two weeks or providing additional food for my family. I commute daily from 20 miles one way to work and do not

have an option to move at this time. The need for gasoline won over the additional food. Please support Senator Crapo and Congressman Simpson as they work to provide real solutions to our increased costs for energy instead of merely blaming the current administration and promising to raise taxes as the only solutions.

TOM, *Ririe*.

I have just read through your website and have found only responses that support your conclusions. Are you afraid to post any dissent on the subject? Yes, gas prices are at a record high and yes, many people are seeing significant new bills and a reduction in their spendable income. Some, certainly, are no longer able to stay out of debt. Nonetheless, all of the solutions that you are proposing will do little to impact anyone's pocketbook or bottom line. Offshore drilling, whether it be in Florida or Alaska, will not ease the current situation. No new oil will flow out of those areas for years. If you allow such exploration, who do you think will pay for the new equipment and technology required to access such oil? I know who—either the consumers or the taxpayers, but probably, both.

More importantly, why are many Americans struggling to pay the increased cost of gas? How many Prius drivers are complaining? How many times did the Senate vote down legislation to force automakers to manufacture more fuel efficient vehicles?

On your website, you state, "It is why I support legislation to fully utilize proven American oil and natural gas reserves in a way that preserves the environment for future generations." How are you going to fully utilize reserves and preserve the environment? Has there ever been an oil installation that preserves, or benefits the environment?

I am extremely happy that you support renewable energies. Idaho certainly has a great deal of renewable potential. We have great solar, wind, and water resources. Are you aware that Idaho, as a state, offers some of the most paltry incentives in the entire country? As a state, we do not even have a net-metering law.

Renewable energies are currently poised to be rapidly deployed, far faster than the decades required to extract the limited quantities of oil out of ANWR.

Before we vote to open vast areas to development, let us look forward to the future to determine if this is a prudent thing to do. At the very least, let us determine if it will even solve the issue at hand.

JAKE, *Driggs*.

Please check out this web site. We would love to have your signature. <http://www.drillforamericaoil.com>.

BOB.

I worked on building the Alaska Pipeline from 1972 to 1986 and have been back several times. I have been on every National Geographic and all the magazines, so I have seen oil as crude and the finished product. The refining is basically the same as in 1973. The cost is low to refine to gas stage. What I am getting at is what Ted Stevens said to Leo Lucas and I back in the 1980s when I lived next door to him on Leo's ranch. He said, "There can be no crooked oilmen without crooked Senators and Congressmen. He went on to predict this "crunch" we are having as something that OPEC has always said would happen.

Maybe it is time to take it away from the oil people. We have more oil in Alaska than

Saudi Arabia, same with North Dakota, Pennsylvania, and nobody has any idea how much is in Utah. But I would never go for drilling in ANWR.

That is something you cannot image. The beauty is stunning, although they say the impact would be like a sheet of plywood in the middle of a football field. I believe them to be liars. They have the best drillers in the world in Alaska. I have worked with all but a few of them. They can drill from elsewhere and get all the oil without going there, even if it is like the sheet of plywood. It will not stay that way. They are pigs and will ruin all they touch. Anyway, who would want a sheet of plywood in the middle of their football field?

For all they would get offshore would be dwarfed by it, anyway. Let us use our resources and tell OPEC that grain is \$139 a bushel. Leave them alone. They hate us. If someone wanted me to stay away from them there is no way they would ever have to say it twice.

OLIVER, *Salmon*.

ADDITIONAL STATEMENTS

HONORING RECIPIENTS OF THE PRESIDENTIAL UNIT CITATION

• Mr. BUNNING. Mr. President, today I am honored to invite my colleagues to join me in congratulating seven of my constituents who are recipients of the distinguished Presidential Unit Citation. This rare and prestigious citation is given to military units for their outstanding bravery, gallantry and service as well as the unit's performance in accomplishing its mission under extreme and hazardous conditions. In January 2009 this heroic award was conferred upon the Alpha Troop, 11th Armored Cavalry Regiment for service in the Republic of South Vietnam.

The individuals who received this award include Mr. Dale H. Hollabaugh, Mr. James E. Jackson, Mr. Joseph D. Boone, Mr. Gregory R. Stumbo, Mr. Kenneth Mosley, Mr. Clifton T. Geerde, and Mr. Kenneth E. Fulkerson. In 1970, in War Zone C during the Vietnam conflict, the Alpha Troop, First Squadron, 11th Armored Cavalry Regiment performed heroically through a series of combat missions over several months. After a 5-year review by the Department of Defense, the unit was awarded this citation. It is an incredible honor to be a recipient of this award and I am humbled to be able to speak of these brave individuals.

We will never forget the brave citizens who fought to protect our freedoms during this time. It is with great honor that I recognize these citizens for what they have done and I know that their families and friends are proud to be a part of their lives.

I would like to thank these individuals for their contributions to the state of Kentucky and to the United States, and I wish them well in all of their future endeavors.●

REMEMBERING TIM WAPATO

• Mr. JOHNSON. Mr. President, I wish to honor one of the most dedicated advocates for American Indian tribes in my State of South Dakota and throughout the United States. On Sunday, April 19, 2009, Tim Wapato was called home. Tim has long served many issues important to Indian Country throughout his life and I have included his obituary below and ask that it be printed in the RECORD. An enrolled member of the Colville Confederated Tribe in Eastern Washington, he made his home in Rapid City, SD. My thoughts and prayers go out to his family, including his wife, my friend, Gay Kingman-Wapato, and their family. He will be greatly missed by everyone he touched on his journey through this world.

The information follows:

Sherman Timothy Wapato, 73, entered the Spirit World at his home in Rapid City, SD on Sunday, April 19, 2009 as a result of heart failure. He was an enrolled Member of the Colville Confederated Tribe in Eastern Washington.

Sherman Timothy Wapato was the second child of six children born to Paul and Elizabeth Wapato. During Tim's early years of schooling, the Family moved frequently, as Paul Wapato was an Evangelist Minister. Tim went to nine different elementary schools prior to settling down in the Methow Valley (Washington) for Jr. High and High School. The "Wapato Boys" were the only Indians attending Winthrop, H.S. and were admired for their abilities in school and in sports.

Tim graduated High School in 1953 in Winthrop, WA, where he excelled in sports and government. Tim was a popular student and was well known for his basketball prowess, good humor and leadership abilities. He was Class President as well as Homecoming King.

Tim then attended Washington State University and California State University at Los Angeles Majoring in Political Science, Public Administration and Police Administration.

In 1955, Tim enlisted in the U.S. Army and was honorably discharged in 1957 where he was in Communications and played basketball for the Army.

Tim moved to Los Angeles, California in 1958 where he joined the Los Angeles Police Department. (LAPD) With his quick-wit, coupled with passing a series of LAPD exams and obvious leadership abilities, at the young age of 34, Tim quickly rose to the rank of Lieutenant, LAPD. Tim was the youngest to achieve that rank at that age and at that time. Older Officers learned to "Trust" his Leadership and follow his supervision. He supervised up to 188 Officers depending upon the assignment and circumstances.

As a LAPD Lieutenant of Police, Tim served as Officer-in-Charge of Detective Special Investigative Teams han-

dling homicide, robbery and narcotics; Sex Crimes; Vice-Unit Investigations; Equal Opportunity and Development, and the Affirmative Action Unit/Discrimination Complaint Unit. Tim also served as Patrol Division Watch Commander, Patrol Division Supervisor, and an Instructor at the Academy on robbery and homicide investigations, police-community relations and American Indian Culture awareness. He was a frequent Instructor at the Indian Police Academy at Roswell, New Mexico, training Officers to work on Indian Reservations. While Officer-In-Charge he was responsible for assessing the legal implications of each investigation, assignment of investigative personnel, and analysis, evaluation of status and crime trends and recommendations for strategic planning to address issues and programmatic concerns.

In 1972 and 1973, through the Intergovernmental Personnel Act, the LAPD loaned S. Timothy Wapato to the Colville Confederated Tribe for a Special Assignment to plan and design a Tribal Police Department and a Tribal Court. Tim completed the design for the Department with a fish and wild life enforcement section, fish and wild-life biology section, court system, and public highway safety program.

During the 21 years Tim served with the LAPD, Tim volunteered his off-duty time to work for the City of Los Angeles (LA) including the following; Chairman of the Los Angeles City-County Native American Commission, Member of the Council for Peace and Equality in Education, Member of the Board for the LA Indian Center, President, United American Indian Council, and President, American Indian Welcome House.

Sherman Timothy Wapato retired from the LAPD in 1979, after 21 years of service to the City of Los Angeles and after receiving numerous commendations for his work.

After retirement, Tim immediately took a post with the Columbia River Inter-Tribal Fish Commission (CRITFC) where he worked for 10 years, (1979-1989). Initially Tim was the Director of Fisheries Protection and Enforcement. In 1980 Tim was appointed by the Board of Directors to Executive Director of the Commission. He executed and administered grants and contracts, supervised over 65 legal, technical and administrative employees and was responsible for administering a \$5.5 million annual budget. He directed the analysis, evaluation, formulation and implementation of policy, judicial and legislative initiatives, developed cooperative working agreements with international, national, federal state, and regional parties for the benefit of Tribal and intertribal interests in the areas of water rights, regulation and enforcement, treaty rights, hydropower fishing rights and resource management.

While Tim was at CRITFC, he was appointed by President Reagan in 1986 to serve on the U.S. Pacific Salmon Commission. President Reagan re-appointed Tim to negotiate the Treaty between Canada and the United States to serve a second term in 1988. As a Commissioner, Tim reported to U.S. Secretary of State and was responsible for implementing the International Treaty provisions between the U.S. and Canada. His peers elected Tim to be the Chairman of the International Treaty Council, (the full Commission comprised of Canadian and U.S. Commissioners) with the responsibility of U.S. Chief Negotiator in the annual negotiations on the Treaty with Canada. The result was the Pacific Salmon Treaty between the U.S. and Canada which acknowledged Tribes as sovereigns and equal co-managers.

In 1989 Tim accepted a Senior Executive Service, Political Appointment and became the Commissioner of the Administration for Native Americans in the Department of Health and Human Services (HHS). Tim led ANA from 1989-1993. As, Commissioner for ANA, Tim was responsible for formulating and administering a \$34,000,000.00 budget to provide grants, contracts, technical assistance and training, interagency agreements and activities beneficial to ANA clients. He served as the principal advisor to the Sec. of the U.S. Department of Health and Human Services (HHS) on Native American Affairs, including Native Hawaiians, Samoans and other Pacific Islanders. Tim provided testimony before Congress, delivered keynote speeches at national, regional, tribal, federal and state meetings and worked on the reauthorization of the ANA Legislation within the Federal Govt., with Congress and with key Indian organizations. Tim saw the need for improved coordination for Indian Tribes and helped establish the Inter-Agency Council which served as liaison and coordination within HHS and among federal agencies to ensure effective integration of programs and policies affecting Native Americans.

While ANA Commissioner, Tim was also appointed to membership in the Senior Executive Service Advisory Board, U.S. Office of Personnel Management, and to the Native American Veterans Coordinating Council with the Department of Veterans Affairs.

Upon leaving Government Service in 1993, the Tribal Nations asked S. Timothy Wapato and his wife, A. Gay Kingman to develop and establish a National Indian Gaming Association (NIGA) Office in Washington, DC. Tim and Gay founded NIGA and through hard work and long hours developed NIGA into a powerful national organization for Indian Tribes. NIGA's DC office roots began in their home, discussions held frequently around the kitchen table, but the success of their work

on the organization quickly expanded to increasingly larger offices on Capitol Hill. In 1995, the NIGA was the first Indian Organization ever to purchase and own property on Capitol Hill.

As Executive Director and chief management officer of NIGA, Tim provided overall leadership, direction and guidance to Indian Tribal Nations. He supervised employees, managed and guided all NIGA projects, developed and implemented operating policies and procedures for investment funds, and public relations, including working with Congress. Namely, Tim developed and directed a strategy for a coordinated effort among public relations staff, attorneys, lobbyists, and Indian Tribes to realize success with Congress and the Administration. Under his leadership, this coalition was effective in stopping attempts to pass harmful legislation in Congress; and strategies and recommendations were developed to support amendments beneficial to Tribes.

The national press called upon Tim often; again his quick wit and humor gained him enduring relationships with the media. In April 1994, NIGA won the coveted National AWARD FOR "Creativity in Public Relations" in New York City for the campaign/strategy implemented to educate the Public on Indian Gaming.

Besides the coordinated Communication effort, two major programs were developed under Tim's NIGA leadership to assist Tribes:

The ITN or Integrated Tribal Network, an electronic communication system, and the Institute for Tribal Government, an educational department within NIGA to offer courses and workshops to train and educate Tribes, States and staff of Casinos on a wide range of topics. In 1998, Tim first resigned from NIGA, wanting to make an attempt at a third retirement, but his resignation was not accepted by the Board. Later, Tim resigned again but remained faithfully committed to Indian Tribes but relocated to Rapid City, SD, so that he and Gay could be near family and take care of Gay's father, Gus Kingman, who lived to be 104 years old.

In his fourth retirement, Tim served as the Executive Director of the Inter-Tribal Bison Cooperative in Rapid City until he experienced a stroke in August of 2000.

Tim and Gay formed Kingman/Wapato & Associates, an Indian owned consulting, lobbying and technical assistance firm. Soon thereafter, the Great Plains Tribes asked them to help organize the Great Plains Tribal Chairman's Association where Gay continues to work as Executive Director.

Tim never let his health challenges hold him back; right up until his death, he continued to give speeches, expert advice and served on several national boards, including the National Center for American Indian Enterprise Development

and the Institute for Tribal Government, Portland State University. He remained active in NIGA, National Congress of American Indians, Veterans Affairs, legislation politics, and was a mentor to many young people as they continued the battles for Indian Tribes.

Tim was highly respected throughout the United States and touched many lives. He received many honors and was known for his brilliant mind, his wise advice, his humor, his vision, his capabilities, his ability to provide leadership in crisis and his strength of will. Though a tireless leader, he always made time and always had a kind word for his family and his extended family, of which he has legion. In his life's work, Tim had a skill for cutting through to the core issue, no matter how complex, then inspiring those around him to join hands to either take care of a problem or take advantage of an opportunity. It would be inadequate to label Tim simply as a visionary, because he himself would correct such a label and point out that together, we did not all just see or talk, rather we all made real things happen and stood our shared ground. That is Tim's truly unique legacy, providing guideposts to those who stand proudly in Tim's wake by having experienced a man—never daunted, habitually principled, strategically defiant, possessing great perspective yet a healthy appreciation for satire, and always hopeful.

Tim was preceded in death by his parents, Reverend Paul Wapato (1955) and Elizabeth Wapato (1994), his Sister, Esther KeAna Wapato (1965) and Phillip Francis Wapato (1961)

S. Timothy Wapato is survived by his wife, Gay Kingman, of Rapid City, SD; son Stephen Timothy Wapato (Megan), Wenatchee, WA and daughters KeAna Wapato Conrad and Theresa Wapato Borgia of Southern California; son Charles Robertson (Kathy), Vernon Robertson (Corina); and brothers Paul G. Wapato Jr. (Ruth), Spokane, WA, Titus R. Wapato, Santa Monica, CA, and James W. Wapato, Bouse, AZ. Together, Tim and Gay have 20 Grandchildren and 4 Great Grandchildren with one on the way. Over the years, Tim & Gay have mentored numerous young people and have a vast extended family who love and respect them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:51 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House insists upon its amendment to the resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SPRATT, Mr. BOYD, Ms. DELAULO, Mr. RYAN of Wisconsin, and Mr. HENSARLING as managers of the conference on the part of the House.

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 749. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

H.R. 957. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies.

H.R. 1580. An act to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

H.R. 1679. An act to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes.

H.R. 1824. An act to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

H. Con. Res. 101. Concurrent resolution providing for the acceptance of a statue of

Ronald Wilson Reagan from the people of California for placement in the United States Capitol.

At 5:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1139. An act to amend the Omnibus Crime Control and Safe Streets Act of 1986 to enhance the COPS ON THE BEAT grant program, and for other purposes.

H.R. 1145. An act to implement a National Water Research and Development Initiative, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 749. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on Rules and Administration.

H.R. 957. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Energy and Natural Resources.

H.R. 1139. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

H.R. 1145. An act to implement a National Water Research and Development Initiative, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1580. An act to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1679. An act to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1824. An act to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1664. An act to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration:

Special Report entitled "Report on the Resolution (S. Res. 73) Authorizing Expenditures by Committees of the Senate" (Rept. No. 111-14).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUE for the Committee on Commerce, Science, and Transportation.

*April S. Boyd, of the District of Columbia, to be an Assistant Secretary of Commerce.

*Cameron F. Kerry, of Massachusetts, to be General Counsel of the Department of Commerce.

*Robert S. Rivkin, of Illinois, to be General Counsel of the Department of Transportation.

*Roy W. Kienitz, of Pennsylvania, to be Under Secretary of Transportation for Policy.

*Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

*Dana G. Gresham, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration.

*Sherburne B. Abbott, of Texas, to be an Associate Director of the Office of Science and Technology Policy.

*Coast Guard nomination of Vice Adm. David P. Pekoske, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. John P. Currier, to be Vice Admiral.

*Coast Guard nomination of Capt. Robert E. Day, Jr., to be Rear Admiral (Lower Half).

*Coast Guard nomination of Rear Adm. Jody A. Breckenridge, to be Vice Admiral.

Mr. INOUE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Michael J. McNeil, to be Lieutenant Commander.

*Coast Guard nomination of Desarae A. Janszen, to be Lieutenant Commander.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. LEAHY for the Committee on the Judiciary.

R. Gil Kerlikowske, of Washington, to be Director of National Drug Control Policy.

Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INOUE (for himself and Mr. AKAKA):

S. 871. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honoliuli Internment Camp site in the State of Hawaii, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH:

S. 872. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 873. A bill to expand and improve Cooperative Threat Reduction Programs, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 874. A bill to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. TESTER, and Mr. GRASSLEY):

S. 875. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. WHITEHOUSE):

S. 876. A bill to provide for the substitution of the United States in certain civil actions relating to electronic service providers and FISA; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 877. A bill to provide for the non-discretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. VOINOVICH):

S. 878. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 879. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BAYH):

S. 880. A bill to amend title XVIII of the Social Security Act to permit a Medicare beneficiary to elect to take ownership, or to decline ownership, of a certain item of complex durable medical equipment after the 13-month capped rental period ends; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. AKAKA, and Mr. INOUE):

S. 881. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY)):

S. 882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. GRAHAM):

S. 883. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 884. A bill to amend title 23, United States Code, to remove privatized highway miles as a factor in apportioning highway funding; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 885. A bill to amend the Internal Revenue Code of 1986 to provide special depreciation and amortization rules for highway and related property subject to long-term leases, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 886. A bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 887. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 888. A bill to amend the Internal Revenue Code of 1986 to terminate certain incentives for oil and gas; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 889. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. ROCKEFELLER):

S. 890. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. DURBIN, and Mr. FEINGOLD):

S. 891. A bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other pur-

poses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 892. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 893. A bill to establish the Office of Imported and Domestic Product Safety in the Department of Commerce and the Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of food and product safety responsibilities, to improve consumer and business access to food and product safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself and Mr. BAYH):

S. 894. A bill to provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda's recruitment efforts; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. VOINOVICH):

S. Res. 111. A resolution recognizing June 6, 2009, as the 70th anniversary of the tragic date when the M.S. St. Louis, a ship carrying Jewish refugees from Nazi Germany, returned to Europe after its passengers were refused admittance to the United States; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BAYH, Mr. CRAPO, Mr. BUNNING, Mr. ENZI, Mr. COBURN, Mr. LUGAR, Mr. CHAMBLISS, Mr. BURR, Mr. BROWN, Mr. CARPER, Mr. ALEXANDER, Mr. INHOFE, Mrs. LINCOLN, Mr. RISCH, Mr. BENNETT, Mr. THUNE, Mr. CASEY, Mr. HATCH, Mr. WARNER, Ms. MURKOWSKI, Mr. BEGICH, Mr. CONRAD, and Mr. JOHANNES):

S. Res. 112. A resolution designating February 8, 2010, as "Boy Scouts of America Day", in celebration of the 100th anniversary of the largest youth scouting organization in the United States; to the Committee on the Judiciary.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 113. A resolution designating April 23, 2009, as "National Adopt A Library Day"; considered and agreed to.

By Mrs. BOXER (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. FEINSTEIN, and Ms. COLLINS):

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 310

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 310, a bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program.

S. 354

At the request of Mr. WEBB, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 395

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 395, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recording of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a

deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 456

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 491

At the request of Mr. WEBB, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to

receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 557

At the request of Mr. MARTINEZ, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 636

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 655, a bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 714

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 731

At the request of Mr. NELSON of Nebraska, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 779

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 816

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 864

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 869

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 869, a bill to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 18

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 18, a concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

S. RES. 84

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 84, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 94

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 94, a resolution designating April 2009 as "Financial Literacy Month".

AMENDMENT NO. 996

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 996 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial

institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

AMENDMENT NO. 1000

At the request of Mrs. BOXER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1000 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

AMENDMENT NO. 1002

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1002 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE (for himself and Mr. AKAKA):

S. 871. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honouliuli Internment Camp site in the State of Hawaii, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. INOUE. Mr. President, I rise today to introduce a bill that would authorize the Secretary of the Interior to conduct a Special Resources Study of the Honouliuli Gulch and associated sites located in the State of Hawaii in order to determine the suitability and feasibility of designating these sites as a unit of the National Park System.

During World War II, over 1,000 Japanese Americans were incarcerated in at least eight locations on Hawaii. In a report completed in 2007, the Japanese Cultural Center of Hawaii documented these sites that include Honouliuli Gulch, Sand Island, and the US Immigration Station on Oahu, the Kilauea Military Camp on the Big Island, Haiku Camp and Wailuku County Jail on Maui, and the Kalaheo Stockade and Wailua County Jail on Kauai. These camps also held approximately 100 local residents of German and Italian ancestry.

Those detained included the leaders of the Japanese immigrant community in Hawaii, many of whom were taken from their homes and families in the hours after the attack on Pearl Harbor.

The forced removal of these individuals began a nearly four year odyssey to a series of camps in Hawaii and on the continental US. Over 1,000 immediate family members of these men joined their husbands, fathers and relatives in mainland camps. The detainees were never formally charged and granted only token hearings. Many of the detainees' sons served with distinction in the US armed forces, including the legendary 100th Battalion, 442nd Regimental Combat Team and Military Intelligence Service.

This report found that both the Kilauea Military Camp and the Honouliuli sites feature historic resources and recommended that the sites be nominated for listing on the National Register for Historic Places. In 2008, the Japanese Cultural Center of Hawaii published a more detailed archeological reconnaissance of the Honouliuli site. This report found that there were numerous historic features that would qualify the site for National Historic Register and further recommended that the site be conserved. The Japanese Cultural Center of Hawaii is currently working with Monsanto, the landowner, to nominate the Honouliuli Gulch site to be listed on the National Historic Register.

So far I have received letters in support of this legislation from a range of local, regional and national organizations, including the Japanese American National Museum, Hawaiian Historical Society, Go For Broke National Education Center, Japan America Society of Hawaii, Honolulu Chapter of the Japanese Citizens League, Japanese Cultural Center of Hawaii, Honolulu Japanese Junior Chamber of Commerce, MIS Veterans Club of Hawaii, the United Japanese Society of Hawaii, Japanese American Citizens League, The Conservation Fund, Densho, National Trust for Historic Preservation, Japanese American National Heritage Coalition and the Friends of Minidoka.

This legislation will enable the National Park Service to study these important sites in my state and make recommendations to Congress regarding the best approach to conserve and manage these sites to tell this chapter in our Nation's history to current and future generations.

I would urge my colleagues to support this legislation.

By Mr. VOINOVICH:

S. 872. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today with my good friend and partner on the Oversight of Government Management Subcommittee, Senator AKAKA, to address the critical management challenges facing the Department of Homeland Security, DHS,

by introducing the Effective Homeland Security Management Act of 2009. I am proud to have Senators CARPER and LEVIN also joining us in this important effort.

This legislation would elevate the role and responsibilities of the current DHS Under Secretary for Management to a Deputy Secretary of Homeland Security for Management while preserving the authority of the Secretary and Deputy Secretary of DHS as the first- and second-highest ranking DHS officials, respectively. Under the legislation, the individual appointed as the Deputy Secretary for Management would be the third highest ranking official at DHS and would serve a five year term in order to provide management continuity at DHS during times of leadership transition, such as following a presidential election like the one we just experienced.

In the Homeland Security Act of 2002, Congress established the position of Under Secretary for Management to oversee the management and administration of DHS. However, management issues have persisted at DHS since its creation. In 2003, the Government Accountability Office, GAO, included implementing and transforming DHS on its high-risk list of programs susceptible to waste, fraud, abuse, and mismanagement. Similarly, in December 2005, the DHS Inspector General issued a report warning of major management challenges facing DHS. The report noted that although progress has been made since DHS' inception, "[i]ntegrating its many separate components in a single, effective, efficient, and economical Department remains one of DHS's biggest challenges." Further, DHS's own Performance and Accountability Report, released in November 2006, states that it did not meet its strategic goal of "providing comprehensive leadership and management to improve the efficiency and effectiveness of the Department," further underscoring the need for good management. In 2007, the Homeland Security Advisory Council Culture Task Force Report also detailed persisting organizational challenges within DHS and prescribed leadership and management models designed to empower employees, foster collaboration, and encourage innovation. The third recommendation of the report was that DHS establish an operational leadership position. The report noted, "[a]lignment and integration of the DHS component organizations is vital to the success of the DHS mission. The [Culture Task Force] believes there is a compelling need for the creation of a Deputy Secretary for Operations, DSO, who would report to the Secretary and be responsible for the high level Department-wide measures aimed at generating and sustaining seamless operational integration and alignment of the component organizations."

For these reasons, as part of the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress clarified that the role and responsibilities of the Under Secretary for Management would include serving as the Chief Management Officer and principal advisor to the Secretary on the management of DHS. In that legislation Congress also provided that the Under Secretary for Management would be responsible for strategic management and annual performance planning, identification and tracking of performance measures, and the management integration and transformation process in support of DHS operations and programs. The Implementing Recommendations of the 9/11 Commission Act of 2007 also established managerial and leadership qualifications for the Under Secretary for Management and increased the pay scale for that Under Secretary.

However, there continue to be significant management challenges associated with integrating DHS, whose creation represented the single largest restructuring of the Federal Government since the creation of the Department of Defense in 1947. In addition to its complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery, leadership of DHS has the enormous task of unifying 200,000 employees from 22 disparate Federal agencies. This January, GAO again included implementing and transforming DHS on its high-risk list, noting that "[a]lthough DHS has made progress in transforming into a fully functioning department, this transformation remains high risk because DHS has not yet developed a comprehensive plan to address the transformation, integration, management and mission challenges GAO identified since 2003. . . . DHS has developed an Integrated Strategy for High Risk Management that outlines the department's process for, among other things, assessing risks and proposing initiatives to address challenges, but the strategy lacks details for the transformation of DHS and integration of its management functions. DHS has also developed corrective action plans to address management challenges that contain several of the key elements GAO has identified for a corrective action plan However, the plans generally do not contain measures to gauge performance and progress, nor do they identify the resources needed to carry out the corrective actions identified."

As former Chairman and now Ranking Member of the Oversight of Government Management Subcommittee, improving the management structure at DHS has been one of my top priorities. The Subcommittee's Chairman, Senator AKAKA, and I have been committed to ensuring that DHS has the

proper tools to make continual improvements in its operations. Because management challenges persist at DHS, I believe the existing Under Secretary for Management position at DHS lacks sufficient authority to direct the type of sustained leadership and overarching management integration and transformation strategy that is needed department-wide, and Congress must elevate that Under Secretary's role. The legislation I offer today would do that and would provide the focused, high-level attention that will result in effective management reform. I believe this legislation is vital to DHS's success, and I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Homeland Security Management Act of 2009".

SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management.";

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “UNDER SECRETARY” and inserting “DEPUTY SECRETARY OF HOMELAND SECURITY”;

(2) in subsections (a) through (c) by striking “Under Secretary for Management” each place that term appears and inserting “Deputy Secretary of Homeland Security for Management”.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701(c) of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the subsection heading, by striking “AND EVALUATION” and inserting “, EVALUATION, AND REAPPOINTMENT”;

(2) in the matter preceding paragraph (1), by striking “shall”;

(3) in paragraph (1), by inserting “shall” after “(1)”;

(4) in paragraph (2)—

(A) by inserting “shall” after “(2)”;

(B) by striking “and” after the semicolon;

(5) in paragraph (3)—

(A) by inserting “shall” after “(3)”;

(B) by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(A) shall—

“(A) serve for a term of 5 years; and

“(B) be subject to removal by the President if the President—

“(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

“(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal; and

“(5) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (3) for the 3 most recent performance years.”.

(d) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Homeland Security for Management, and inserting the following:

“Deputy Secretary of Homeland Security for Management.”.

By Mr. LUGAR:

S. 873. A bill to expand and improve Cooperative Threat Reduction Pro-

grams, and for other purposes; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, today I rise to introduce the Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009.

The proliferation of weapons of mass destruction remains the number one national security threat facing the United States and the international community. Our success in responding to this threat depends on cooperation with other nations and on maintaining a basic consensus on non-proliferation principles. The Nunn-Lugar Program has become the primary tool through which the U.S. works to safely destroy nuclear, chemical, and biological warfare capacity. Through Nunn-Lugar, the U.S. has eliminated more nuclear weapons than the combined arsenals of the United Kingdom, France, and China. When the Soviet Union dissolved, Ukraine, Kazakhstan and Belarus emerged as the third, fourth and eighth largest nuclear weapons powers in the world. Today they are nuclear weapons free.

I am delighted that President Obama made the Nunn-Lugar Cooperative Threat Reduction Program such a high profile issue during his campaign. In 2005, then-Senator Obama and I traveled to Russia to see the Nunn-Lugar Program in action. We visited the Russian nuclear warhead storage facility at Saratov and the mobile missile dismantlement facility near Perm. This experience gives him a unique vantage point to take important steps to revitalize and expand the program.

The Nunn-Lugar Program has accumulated an impressive list of accomplishments. To date it has deactivated 7,504 strategic nuclear warheads, 742 intercontinental ballistic missiles, ICBMs, destroyed, 496 ICBM silos eliminated, 143 ICBM mobile launchers destroyed, 633 submarine launched ballistic missiles, SLBMs, eliminated, 476 SLBM launchers eliminated, 31 nuclear submarines capable of launching ballistic missiles destroyed, 155 bomber eliminated, 906 nuclear air-to-surface missiles, ASMs, destroyed, 194 nuclear test tunnels eliminated, 422 nuclear weapons transport train shipments secured, upgraded security at 24 nuclear weapons storage sites, and built and equipped 16 biological monitoring stations.

While originally focused on the states of the former Soviet Union, Nunn-Lugar has also produced results outside of Russia. The program eliminated a formerly secret chemical weapons stockpile in Albania. Other governments, such as Pakistan, Afghanistan, Congo, the Philippines, and Indonesia are now inquiring about Nunn-Lugar assistance with dangerous weapons and materials.

Mr. President, last month the National Academy of Sciences, NAS, released a report on the future of the

Nunn-Lugar Program. It provided a critically important set of recommendations that should guide the Obama Administration's efforts to expand the Nunn-Lugar Program around the world.

The report was required by the 2008 National Defense Authorization Act to recommend ways to strengthen and expand the Defense Department's Nunn-Lugar Cooperative Threat Reduction program. The report argues persuasively that the Nunn-Lugar Program should be expanded geographically, updated in form and function and supported as an active tool of foreign policy. Over the last 16 years Nunn-Lugar has been focused heavily on the destruction and dismantlement of massive Soviet weapons systems and the facilities that developed them. In the future, the program will be asked to address much more complex and diverse security threats. The changing security environment means that the magnitude of projects focused on former Soviet weapons threats are likely to be the exception and not the norm. As a result, the NAS report argues that the program must be less cumbersome and bureaucratic so it can be more agile, flexible, and responsive to ensure timely contributions across a larger number of countries. It concludes by saying “that expanding the nation's [Nunn-Lugar] cooperative threat reduction programs beyond the former Soviet Union, as proposed by Congress, would enhance U.S. national security and global stability.” The report argues that Nunn-Lugar “should be expanded geographically, updated in form and function . . . and supported as an active tool of foreign policy by engaged leadership from the White House and the relevant cabinet secretaries.”

Specifically, the NAS Report recommends that the Pentagon take the following steps: Remove any remaining geographic limitations on the program and streamline contracting procedures. Request from Congress limited “notwithstanding authority” to give Nunn-Lugar the flexibility it needs for future engagements in unexpected locations. Request that Congress exempt the Nunn-Lugar Program from the Miscellaneous Receipts Act to enable the program to accept funds from foreign countries and to co-mingle those with program funds to accomplish non-proliferation and disarmament goals. Review the legal and policy underpinnings of the Nunn-Lugar Program because many are cumbersome, dated, limiting, and often diminish value and hinder success. In addition to supporting traditional arms control and nonproliferation goals, Nunn-Lugar should be used to advance other multilateral instruments such as the Proliferation Security Initiative and United Nations Security Council Resolution 1540. While the Nunn-Lugar Program grew through the 1990s there was

little corresponding growth in the size of the staff that guided policy—the office must be expanded. Engage broader military components, including the Unified Combatant Commands, to ensure full coordination and effective implementation of Nunn-Lugar.

The majority of these items do not require legislation but rather simple Executive Branch management actions and improvements. As a result, I have written to Under Secretary of Defense for Policy, Michele Flournoy, and the new WMD Coordinator at the White House, Gary Samore, urging them to adopt these important recommendations. But the granting of limited notwithstanding authority for the Nunn-Lugar Program and its exemption from the Miscellaneous Receipts Act does require Congressional authorization. The bill I am introducing today is focused on accomplishing this task.

One of the most striking points made by the report's authors was that the Nunn-Lugar Program has suffered from a lack of leadership. It states that "since 1995, the level of leadership in DoD has been downgraded from a high priority program managed by a Deputy Assistant Secretary of Defense for Cooperative Threat Reduction, and Special Assistant to the Secretary of Defense, to a CTR Policy Office under a Director for the CTR Program." An even more stark contrast is the time and diplomacy that former Secretaries Perry and Cohen committed to visiting project sites and engaging foreign capitals when compared to their successors. I am confident this is a trend that can be reversed quickly by the Obama administration with proper leadership. Under Secretary Flournoy, the Deputy Secretary of Defense, and Secretary Gates should make visiting Nunn-Lugar sites a high priority and offer their personal diplomacy to assisting the program in meetings its goals.

The Nunn-Lugar Program has made critically important contributions to US national security through the elimination of strategic weapons systems and platforms arrayed against us. Even as the threat changes, I am confident that it will continue to serve US interests with the right leadership and direction. I commend the members of the NAS committee for an insightful and invigorating set of recommendations. I ask my colleagues here in the Senate to support this legislation and I am hopeful that the Obama administration will use the report's recommendations as a resource as they move to expand the program.

In sum, we must take every measure possible in addressing threats posed by weapons of mass destruction. We must eliminate those conditions that restrict us or delay our ability to act. The US has the technical expertise and the diplomatic standing to dramatically benefit international security. American leaders must ensure that we

have the political will and the resources to implement programs devoted to these ends.

By Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico):
S. 874. A bill to establish El Río Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce El Río Grande Del Norte National Conservation Area Establishment Act. This legislation will designate approximately 235,980 acres of public land managed by the Bureau of Land Management in Taos and Río Arriba counties as a National Conservation Area. The conservation area includes two new wilderness areas—the 13,420-acre Cerro del Yuta Wilderness on the east-side and the 8,000-acre Río San Antonio Wilderness in the west.

The conservation area will protect and enhance cultural, ecological, and scenic resources in an area with premier recreational opportunities important to the region's economy. It incorporates the upper reaches of the Río Grande Gorge, previously designated as a Wild and Scenic River, and protects elk wintering grounds and migratory corridors along the plateau between Ute Mountain to the east and San Antonio Mountain to the west. The conservation area will protect breeding habitat for other game species like deer and antelope and for birds of prey that hunt throughout the area, including peregrine falcons, golden eagles, and bald eagles. The riparian area along the Río Grande also provides important habitat for brown trout and the federally-listed endangered southwestern willow flycatcher.

The Cerro del Yuta Wilderness will add protections to Ute Mountain, a mountainous and forested extinct volcano which rises to more than 10,000 feet from an elevation of about 7,600 feet at its base. From its peak Ute Mountain offers views of the Sangre de Cristo Mountains to the east, the deep canyon walls of the Río Grande Gorge at its western base, and the high mesa sagebrush-grasslands interspersed with piñon juniper woodlands that form the majority of the conservation area to its west. Known as Tah Ha Bien to members of the Taos Pueblo and Cerro del Yuta to the earliest Hispanic settlers of the region, Ute Mountain was named for the historic Ute tribe that traversed this area along its route to the eastern plains. The mountain has a long history both geologically and culturally speaking, and evidence of human interaction with Ute Mountain can be still be found, including prehistoric hunting stations, historic sheep herding camps, and important sacred sites on the mountain. As a relatively new addition to the public do-

main, the Bureau of Land Management has only begun to account for all the cultural resources that may be present on Ute Mountain.

The Río San Antonio Wilderness Area lies northwest of San Antonio Mountain and is currently managed as a Wilderness Study Area by the Bureau of Land Management. Composed of grassland vegetation similar to the majority of the conservation area, its unique character is shaped by the 200-foot-deep canyon formed by the waters of the Río San Antonio that bisects the wilderness area. The canyon provides important riparian habitat to wildlife and offers visitors opportunities for solitude and primitive and unconfined recreation. A favorite pastime of locals and visitors alike is the outstanding opportunity for fly fishing the Río San Antonio. By affirmatively designating this area as wilderness, we can help preserve its natural character that draws visitors to the area.

This legislation seeks to protect the valuable natural and cultural resources found in the area while also recognizing that the history of these lands is still being written by the local community, composed of Pueblo Indians, descendants of Hispanic and American settlers, and new generations of settlers drawn to the area for similar reasons as those who came before them. Residents maintain a strong connection to these public lands and are interested in preserving the traditional ways in which they have used them. A good example of this is the importance to the local community to ensure that the continued and sustainable collection of piñon nuts and firewood from the public lands is permitted. Based on this input, earlier drafts were revised to make specific mention that these uses are permissible within the conservation area. In addition, existing grazing within the conservation area will be preserved consistent with current management practices.

Visitors and residents of northern New Mexico also enjoy these public lands for recreational purposes, including hiking, camping, mountain biking, river rafting, skiing, hunting, fishing, photography and bird watching, among many others. The local economy benefits greatly from the tourists who visit this area to take in the scenic beauty and natural character of the region, and it is my hope that this designation will further highlight the region as a premier destination in the State, nationally and internationally.

This bill is the culmination of more than 2 years of work with members of the local community to craft language that achieves the balance vital to ensure a thriving economy, the preservation of the region's natural resources, and a sustained way of life for residents of northern New Mexico. Without the constructive input from the local community, this bill would look very

different from the one that I am privileged to introduce today. I am also pleased that my colleague Senator TOM UDALL is a cosponsor of this legislation, and I look forward to working with him and other members of the Senate toward its ultimate passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “El Río Grande Del Norte National Conservation Area Establishment Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means El Río Grande Del Norte National Conservation Area established by section 3(a)(1).

(2) **LAND GRANT COMMUNITY.**—The term “land grant community” means a member of the Board of Trustees of confirmed and non-confirmed community land grants within the Conservation Area.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Conservation Area developed under section 3(d).

(4) **MAP.**—The term “map” means the map entitled “El Río Grande Del Norte National Conservation Area” and dated March 23, 2009.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of New Mexico.

SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established El Río Grande Del Norte National Conservation Area in the State.

(2) **AREA INCLUDED.**—The Conservation Area shall consist of approximately 235,980 acres of public land in Taos and Rio Arriba counties in the State, as generally depicted on the map.

(b) **PURPOSES.**—The purposes of the Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, scientific, geological, historical, biological, wildlife, educational, recreational, and scenic resources of the Conservation Area.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines would further the purposes described in subsection (b).

(B) **USE OF MOTORIZED VEHICLES.**—

(i) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in

the Conservation Area shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) **NEW ROADS.**—No additional road shall be built within the Conservation Area after the date of enactment of this Act unless the road is needed for public safety or natural resource protection.

(C) **GRAZING.**—The Secretary shall permit grazing within the Conservation Area, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) **COLLECTION OF PIÑON NUTS AND FIREWOOD.**—Nothing in this Act precludes the traditional collection of firewood and piñon nuts for noncommercial personal use within the Conservation Area—

(i) in accordance with any applicable laws; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(E) **UTILITY CORRIDOR UPGRADES.**—Nothing in this Act precludes the Secretary from authorizing the upgrading of an existing utility corridor (including the widening of an existing easement) through the Conservation Area—

(i) in accordance with any applicable laws; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(F) **TRIBAL CULTURAL USES.**—

(i) **ACCESS.**—The Secretary shall, in consultation with Indian tribes or pueblos—

(I) ensure the protection of religious and cultural sites; and

(II) provide occasional access to the sites by members of Indian tribes or pueblos for traditional cultural and customary uses, consistent with Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996).

(ii) **TEMPORARY CLOSURES.**—In accordance with Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996), the Secretary, on request of an Indian tribe or pueblo, may temporarily close to general public use 1 or more specific areas of the Conservation Area in order to protect traditional cultural and customary uses in those areas by members of the Indian tribe or the pueblo.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Conservation Area.

(2) **OTHER PLANS.**—To the extent consistent with this Act, the plan may incorporate in the management plan the Rio Grande Corridor Management Plan in effect on the date of enactment of this Act.

(3) **CONSULTATION.**—The management plan shall be developed in consultation with—

(A) State and local governments;

(B) tribal governmental entities;

(C) land grant communities; and

(D) the public.

(4) **CONSIDERATIONS.**—In preparing and implementing the management plan, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for—

(A) ensuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the Conservation Area; and

(C) protecting traditional cultural and religious sites in the Conservation Area.

(e) **INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.**—Any land that is within

the boundary of the Conservation Area that is acquired by the United States shall—

(1) become part of the Conservation Area; and

(2) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(f) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Conservation Area shall not change the management status of any area within the boundary of the Conservation Area that is—

(A) designated as a component of the National Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(B) managed as an area of critical environmental concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

SEC. 4. DESIGNATION OF WILDERNESS AREAS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Conservation Area are designated as wilderness and as components of the National Wilderness Preservation System:

(1) **CERRO DEL YUTA WILDERNESS.**—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the “Cerro del Yuta Wilderness”.

(2) **RÍO SAN ANTONIO WILDERNESS.**—Certain land administered by the Bureau of Land Management in Rio Arriba County, New Mexico, comprising approximately 8,000 acres, as generally depicted on the map, which shall be known as the “Río San Antonio Wilderness”.

(b) **MANAGEMENT OF WILDERNESS AREAS.**—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that with respect to the wilderness areas designated by this Act—

(1) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.**—Any land or interest in land within the boundary of the wilderness areas designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this Act; and

(C) any other applicable laws.

(d) **GRAZING.**—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(e) **BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) **ACTIVITIES OUTSIDE WILDERNESS AREAS.**—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(f) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this section—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with this Act.

SEC. 5. GENERAL PROVISIONS.

(a) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the Conservation Area and the wilderness areas designated by section 4(a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the legal description and map.

(3) **PUBLIC AVAILABILITY.**—The map and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The Conservation Area and the wilderness areas designated by section 4(a) shall be administered as components of the National Landscape Conservation System.

(c) **FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establishing periods when, hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(d) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the Conservation Area and the wilderness areas designated by section 4(a), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(e) **TREATY RIGHTS.**—Nothing in this Act enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. SPECTER (for himself,
Mr. TESTER, and Mr. GRASS-
LEY):

S. 875. A bill to regulate the judicial use of presidential signing statements

in the interpretation of Acts of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today on behalf of myself, Senator GRASSLEY and Senator TESTER, to offer the Presidential Signing Statements Act of 2009. The purpose of this bill is to regulate the use of Presidential Signing Statements in the interpretation of Acts of Congress. This bill is similar in substance to two prior versions of this legislation: the Presidential Signing Statements Act of 2007, which I introduced on June 29, 2007; and the Presidential Signing Statements Act of 2006, which I introduced on July 26, 2006.

As I have stated before, I believe that this legislation is necessary to protect our constitutional system of checks and balances. This bill achieves that goal in the following ways.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing federal and state courts not to rely on, or defer to, presidential signing statements as a source of authority when determining the meaning of any Act of Congress.

Second, it grants Congress the power to participate in any case where the construction or constitutionality of any Act of Congress is in question and a presidential signing statement for that Act was issued by allowing Congress to file an amicus brief and present oral argument in such a case; instructing that, if Congress passes a joint resolution declaring its view of the correct interpretation of the statute, the Court must admit that resolution into the case record; and providing for expedited review in such a case.

Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law or to explain to the public the likely effect of a law. There may be a host of other legitimate uses.

It is clear, however, that the President cannot use a signing statement to rewrite the words of a statute, nor can he use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, defined role in enacting legislation. Article I, section 1 of the Constitution vests “all legislative powers . . . in a Congress.” Article I, section 7 of the Constitution provides that, when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. But the President cannot veto part of a bill—he cannot veto certain provisions he does not like.

The Framers had good reason for constructing the legislative process as they did. According to The Records of the Constitutional Convention, the veto power was designed to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in Article I, section 7, they balanced it by allowing Congress to override a veto by 2/3 vote.

As I stated when I initially introduced this legislation in 2006, this is a finely structured constitutional procedure that goes straight to the heart of our system of checks and balances. Any action by the President that circumvents this procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to re-write the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by the Framers. The Supreme Court has affirmed that the Constitutional process for enacting legislation must be safeguarded. As the Court explained in *INS v. Chahda*, “It emerges clearly that the prescription for legislative action in Article I, Section 1 and 7 represents the Framers’ decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.” 462 U.S. 919, 951, 1982.

It is well within Congress’s power to enact rules of statutory interpretation intended to preserve this constitutional structure. This power flows from Article I, section 8, clause 18 of the Constitution, which gives Congress the power “To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the U.S., or in any department or officer thereof.” Rules of statutory interpretation are “necessary and proper” to execute the legislative power.

Several scholars have agreed: Jefferson B. Fordham, a former Dean of the University of Pennsylvania Law School said, “[I]t is within the legislative power to lay down rules of interpretation for the future;” Mark Tushnet, a Professor at Harvard Law School explained, “In light of the obvious congressional power to prescribe a statute’s terms (and so its meaning), congressional power to prescribe interpretive methods seems to me to follow;” Michael Stokes Paulsen, an Associate Dean of the University of Minnesota Law School noted, “Congress is the master of its own statutes and can prescribe rules of interpretation governing its own statutes as surely as it may alter or amend the statutes directly.” Finally, J. Sutherland, the author of the leading multi-volume treatise for the rules of statutory construction has

said, "There should be no question that an interpretive clause operating prospectively is within legislative power."

Indeed, recent experience shows why such legislation is "necessary." The use of signing statements has risen dramatically in recent years. President Clinton issued 105 signing statements; President Bush issued 161. What is more alarming than the sheer numbers, is that President Bush's signing statements often raised constitutional concerns and other objections to several provisions of a law. The President used those statements in a way that threatened to render the legislative process a virtual nullity, making it completely unpredictable how certain laws will be enforced. Even where Congress managed to negotiate checks on executive power, the President used signing statements to override the legislative language and defy congressional intent.

Two prominent examples make the point. In 2006, I spearheaded the delicate negotiations on the PATRIOT Act Reauthorization, which included months of painstaking efforts to balance national security and civil liberties, disrupted by the dramatic disclosure of the Terrorist Surveillance Program. The final version of the bill featured a carefully crafted compromise necessary to secure the act's passage. Among other things, it included several oversight provisions designed to ensure that the FBI did not abuse special terrorism-related powers permitting it to make secret demands for business records. The President dutifully signed the measure into law, only to then enter a signing statement insisting he could withhold any information from Congress required by the oversight provisions if he decided that disclosure would "impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties."

The second example arose in 2005. Congress overwhelmingly passed Senator JOHN MCCAIN's amendment to ban all U.S. personnel from inflicting "cruel, inhuman or degrading" treatment on any prisoner held by the United States. There was no ambiguity in Congress's intent; in fact, the Senate approved it 90 to 9. However, after signing the bill into law, the President quietly issued a signing statement asserting that his Administration would construe it "in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power."

Many understood this signing statement to undermine the legislation. In a January 4, 2006 article titled, "Bush could bypass new torture ban: Waiver right is reserved," the Boston Globe

cited an anonymous "senior administration official" as saying, "the president intended to reserve the right to use harsher methods in special situations involving national security."

As outrageous as these signing statements are, intruding on the Constitution's delegation of "all legislative powers" to the Congress, it is even more outrageous that Congress has done nothing to protect its constitutional powers. In 2006 and 2007, the legislation I introduced giving Congress standing to challenge the constitutionality of these signing statements failed to muster the veto-proof majority it would have surely required.

With a new administration, I believe the time has come to pass this important legislation. This bill does not seek to limit the President's power, and it does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our Constitution. In this Congress, it has a better chance of mustering a majority vote and being signed into law by the new President.

That said, two days after criticizing President Bush's signing statements, President Obama issued one of his own regarding the Omnibus Appropriations Act of 2009. Citing among others his "commander in chief" and "foreign affairs" powers, he refused to be bound by at least eleven specific provisions of the bill including one long-standing rider to appropriations bills designed to aid congressional oversight. As I told *The Wall Street Journal*, "We are having a repeat of what Democrats bitterly complained about under President Bush." I hope this will be the exception rather than the rule.

In the meantime, this bill seeks to implement measures that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces the system of checks and balances and separation of powers set out in our Constitution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Signing Statements Act of 2009".

SEC. 2. DEFINITION.

As used in this Act, the term "presidential signing statement" means a statement issued by the President about a bill, in conjunction with signing that bill into law pursuant to Article I, section 7, of the Constitution.

SEC. 3. JUDICIAL USE OF PRESIDENTIAL SIGNING STATEMENTS.

In determining the meaning of any Act of Congress, no Federal or State court shall rely on or defer to a presidential signing statement as a source of authority.

SEC. 4. CONGRESSIONAL RIGHT TO PARTICIPATE IN COURT PROCEEDINGS OR SUBMIT CLARIFYING RESOLUTION.

(a) CONGRESSIONAL RIGHT TO PARTICIPATE AS AMICUS CURIAE.—In any action, suit, or proceeding in any Federal or State court (including the Supreme Court of the United States), regarding the construction or constitutionality, or both, of any Act of Congress in which a presidential signing statement was issued, the Federal or State court shall permit the United States Senate, through the Office of Senate Legal Counsel, as authorized in section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288), or the United States House of Representatives, through the Office of General Counsel for the United States House of Representatives, or both, to participate as an amicus curiae, and to present an oral argument on the question of the Act's construction or constitutionality, or both. Nothing in this section shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action, including suit for court costs, against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING RESOLUTION.—In any suit referenced in subsection (a), the full Congress may pass a concurrent resolution declaring its view of the proper interpretation of the Act of Congress at issue, clarifying Congress's intent or clarifying Congress's findings of fact, or both. If Congress does pass such a concurrent resolution, the Federal or State court shall permit the United States Congress, through the Office of Senate Legal Counsel, to submit that resolution into the record of the case as a matter of right.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of each Federal or State court, including the Supreme Court of the United States, to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

By Mr. SPECTER (for himself and Mr. WHITEHOUSE):

S. 876. A bill to provide for the substitution of the United States in certain civil actions relating to electronic service providers and FISA; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to reintroduce legislation that would substitute the United States in the place of electronic communications service providers who were sued for violating the Foreign Intelligence Surveillance Act, FISA, and other statutory and constitutional provisions.

FISA reform legislation passed the Senate in February and July of 2008, both times by a vote of 68 to 29, before being signed into law by President Bush on July 10, 2008. This legislation made many necessary changes to FISA to enhance our intelligence collection capabilities, but it also included a controversial provision giving retroactive immunity to telecommunications companies for their alleged cooperation with the warrantless surveillance program authorized by the President after

September 11, 2001. The legislation stripped the Federal courts of jurisdiction to decide more than 40 consolidated cases involving claims of violations of FISA and related statutes, even though most Members of Congress had not been briefed on the program, and despite the fact that the judge handling the cases, Chief Judge Vaughn Walker of the Northern District of California, had questioned the legality of the program in a related opinion issued just days before the final Senate debate.

During the February and July FISA debates, I sought to keep the courts open as a way to check executive branch excesses. Through both a stand-alone bill, S. 2402, considered by the Senate Judiciary Committee and an amendment, SA 3927 to S. 2248, offered during the Senate's February debate on the FISA reform bill, I proposed to substitute the U.S. Government for the telephone companies facing lawsuits for their alleged cooperation with the Terrorist Surveillance Program, TSP. Just as in 2008, I propose legislation that would place the Government in the shoes of the telephone companies, with the same defenses no more and no less. Thus, under the bill, plaintiffs get their day in court and may hold the Government accountable for unlawful activity, if any, related to the surveillance program. At the same time, the carriers themselves avoid liability stemming from their efforts to be good citizens.

I fought hard in 2008 to keep the courts open on the question of the TSP, and urged my colleagues to improve the FISA bill. I continue that fight today with a new Administration in office. During the prior floor debate I said: "Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better."

As I observed on the floor last year, it is necessary for Congress to support intelligence collection efforts because of the continuing terrorist threat. No one wants to be blamed for another 9-11. Indeed, as I acknowledged during the debate, my own briefings on the telephone companies' cooperation with the Government convinced me of the program's value. Nevertheless, I tried to impress upon my colleagues the importance and historical context of our actions. I said:

We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority. The President disregards the National Security Act of 1947 mandating notice to the Intelligence Committee; he doesn't do it. The President takes legislation that is presented by Congress and he signs it, and then he issues a signing statement disagreeing with

key provisions. There is nothing Congress can do about it.

The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was [reversed] by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the [surveillance illegal]. The Congress ought to let the courts fulfill their constitutional function.

It is not too late to provide for judicial review of controversial post-9/11 intelligence surveillance activities. The cases before Judge Vaughn Walker are still pending and, even if he were to dismiss them under the statutory defenses dubbed retroactive immunity, Congress can and should permit the cases to be refiled against the Government, standing in the shoes of the carriers.

This legislation substitutes the U.S. in place of any electronic communication service provider who provided communications in connection with an intelligence activity that was: authorized by the President between September 11, 2001, and January 17, 2007; and designed to detect or prevent a terrorist attack against the U.S. In order for substitution to apply, the electronic communications service provider must have received a written request from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful. If the provider assisted the Government beyond what was requested in writing, this legislation will provide no relief to the service provider.

The legislation also establishes a limited waiver of sovereign immunity that only applies to "covered civil actions" essentially, the 40 cases currently pending before the U.S. District Court in the Northern District of California. This is to prevent the Government from asserting immunity in the event it is substituted for the current defendants.

We can still pass legislation substituting the Government for the various telecom defendants and have a judicial assessment of the constitutionality and legality of the controversial surveillance. Such a judicial assessment is necessary to resolve the clash between the Executive and Legislative branches over the legality and constitutionality of the surveillance program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO FISA.

Title III of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110-261) is amended by inserting at the end the following:

"SEC. 302. SUBSTITUTION OF THE UNITED STATES IN CERTAIN ACTIONS.

"(a) IN GENERAL.—

"(1) CERTIFICATION.—Notwithstanding any other provision of law, a Federal or State court shall substitute the United States for an electronic communication service provider with respect to any claim in a covered civil action as provided in this subsection, if the Attorney General certifies to that court that—

"(A) with respect to that claim, the assistance alleged to have been provided by the electronic communication service provider was—

"(i) provided in connection with an intelligence activity involving communications that was—

"(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

"(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

"(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

"(I) authorized by the President; and

"(II) determined to be lawful; or

"(B) the electronic communication service provider did not provide the alleged assistance.

"(2) SUBSTITUTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), upon receiving a certification under paragraph (1), a Federal or State court shall—

"(i) substitute the United States for the electronic communication service provider as the defendant as to all claims designated by the Attorney General in that certification, consistent with the procedures under rule 25(c) of the Federal Rules of Civil Procedure, as if the United States were a party to whom the interest of the electronic communication service provider in the litigation had been transferred; and

"(ii) as to that electronic communication service provider—

"(I) dismiss all claims designated by the Attorney General in that certification; and

"(II) enter a final judgment relating to those claims.

"(B) CONTINUATION OF CERTAIN CLAIMS.—If a certification by the Attorney General under paragraph (1) states that not all of the alleged assistance was provided under a written request or directive described in paragraph (1)(A)(ii), the electronic communication service provider shall remain as a defendant.

"(C) DETERMINATION.—

"(i) IN GENERAL.—Substitution under subparagraph (A) shall proceed only after a determination by the Foreign Intelligence Surveillance Court that—

"(I) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the

deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

“(II) the assistance alleged to have been provided was undertaken by the electronic communication service provider acting in good faith and pursuant to an objectively reasonable belief that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

“(III) the electronic communication service provider did not provide the alleged assistance.

“(ii) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

“(I) immediately certify the questions described in clause (i) to the Foreign Intelligence Surveillance Court; and

“(II) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

“(iii) PARTICIPATION OF PARTIES.—In reviewing a certification and making a determination under clause (i), the Foreign Intelligence Surveillance Court shall permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

“(iv) DECLARATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a determination made pursuant to clause (i) would harm the national security of the United States, the Foreign Intelligence Surveillance Court shall limit any public disclosure concerning such determination, including any public order following such an ex parte review, to a statement that the conditions of clause (i) have or have not been met, without disclosing the basis for the determination.

“(D) SPECIAL RULE.—Notwithstanding any other provision of this Act—

“(i) in any matter in which the Foreign Intelligence Surveillance Court denies dismissal on grounds that the statutory defenses provided in title VIII of the Foreign Intelligence Surveillance Act of 1978 are unconstitutional, the Attorney General shall be substituted pursuant to this paragraph; and

“(ii) if a claim is dismissed pursuant to title VIII of the Foreign Intelligence Surveillance Act of 1978 prior to date of enactment of this section, the claim against the United States shall be tolled for the period during which the claim was pending and may be refiled against the United States pursuant to rule 60(b) of the Federal Rules of Civil Procedure after the date of enactment of this section.

“(3) PROCEDURES.—

“(A) TORT CLAIMS.—Upon a substitution under paragraph (2), for any tort claim—

“(i) the claim shall be deemed to have been filed under section 1346(b) of title 28, United States Code, except that sections 2401(b), 2675, and 2680(a) of title 28, United States Code, shall not apply; and

“(ii) the claim shall be deemed timely filed against the United States if it was timely filed against the electronic communication service provider.

“(B) CONSTITUTIONAL AND STATUTORY CLAIMS.—Upon a substitution under paragraph (2), for any claim under the Constitution of the United States or any Federal statute—

“(i) the claim shall be deemed to have been filed against the United States under section 1331 of title 28, United States Code;

“(ii) with respect to any claim under a Federal statute that does not provide a cause of action against the United States, the plaintiff shall be permitted to amend such claim to substitute, as appropriate, a cause of action under—

“(I) section 704 of title 5, United States Code (commonly known as the Administrative Procedure Act);

“(II) section 2712 of title 18, United States Code; or

“(III) section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810);

“(iii) the statutes of limitation applicable to the causes of action identified in clause (ii) shall apply to any amended claim under that clause subject to the tolling requirements of paragraph (2)(D)(ii), and any such cause of action shall be deemed timely filed if any Federal statutory cause of action against the electronic communication service provider was timely filed; and

“(iv) for any amended claim under clause (ii) the United States shall be deemed a proper defendant under any statutes described in that clause, and any plaintiff that had standing to proceed against the original defendant shall be deemed an aggrieved party for purposes of proceeding under section 2712 of title 18, United States Code, or section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810).

“(C) DISCOVERY.—

“(i) IN GENERAL.—In a covered civil action in which the United States is substituted as party-defendant under paragraph (2), any plaintiff may serve third-party discovery requests to any electronic communications service provider as to which all claims are dismissed.

“(ii) BINDING THE GOVERNMENT.—If a plaintiff in a covered civil action serves deposition notices under rule 30(b)(6) of the Federal Rules of Civil Procedure or requests for admission under rule 36 of the Federal Rules of Civil Procedure upon an electronic communications service provider as to which all claims were dismissed, the electronic communications service provider shall be deemed a party-defendant for purposes of rule 30(b)(6) or rule 36 and its answers and admissions shall be deemed binding upon the Government.

“(b) CERTIFICATIONS.—

“(1) IN GENERAL.—For purposes of substitution proceedings under this section—

“(A) a certification under subsection (a) may be provided and reviewed in camera, ex parte, and under seal; and

“(B) for any certification provided and reviewed as described in subparagraph (A), the court shall not disclose or cause the disclosure of its contents.

“(2) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General or a designee in a position not lower than the Deputy Attorney General.

“(c) SOVEREIGN IMMUNITY.—This section, including any Federal statute cited in this section that operates as a waiver of sovereign immunity, constitute the sole waiver of sovereign immunity with respect to any covered civil action.

“(d) CIVIL ACTIONS IN STATE COURT.—For purposes of section 1441 of title 28, United States Code, any covered civil action that is brought in a State court or administrative or regulatory bodies shall be deemed to arise under the Constitution or laws of the United

States and shall be removable under that section.

“(e) RULE OF CONSTRUCTION.—Except as expressly provided in this section, nothing in this section may be construed to limit any immunity, privilege, or defense under any other provision of law, including any privilege, immunity, or defense that would otherwise have been available to the United States absent its substitution as party-defendant or had the United States been the named defendant.

“(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action pending on or filed after the date of enactment of this section.”.

By Mr. SPECTER:

S. 877. A bill to provide for the non-discretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will mandate Supreme Court review of challenges to the warrantless wiretapping program authorized by President Bush after 9/11, commonly known as the Terrorist Surveillance Program or TSP.

While the Supreme Court generally exercises discretion as to whether it will review a case or grant “certiorari,” there are precedents for Congress to direct Supreme Court review on constitutional issues—including the statutes forbidding flag burning and requiring Congress to abide by Federal employment laws—and the gravity of this issue merits Congressional action.

In August 2006, Judge Anna Diggs Taylor of the U.S. District Court for the Eastern District of Michigan issued a 43-page opinion finding the TSP unconstitutional. At the time, many applauded and many others criticized her decision, but we have yet to see appellate review on the merits. Instead, in July 2007, the U.S. Court of Appeals for the 6th Circuit overturned the district court’s decision on other grounds. By a 2-1 vote, in *ACLU v. NSA*, it declined to rule on the legality of the program, finding that the plaintiffs lacked standing to bring the suit. The Supreme Court then declined to hear the case, even though the doctrine of standing has enough flexibility, as demonstrated by the dissent in the 6th Circuit, to have enabled it to take up this fundamental clash between Congress and the President.

With the Supreme Court abstaining, another lone district judge took a stand. In *In re National Security Agency Telecommunications Records Litigation*, Chief Judge Vaughn Walker in the Northern District of California considered a case brought by an Islamic charity that claims to have been a subject of the surveillance program. In a 56-page opinion he held that Congress’s enactment of the Foreign Intelligence Surveillance Act of 1978, FISA, had constrained the President’s inherent

authority—if any—to conduct warrantless wiretapping: “Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities.” Nevertheless, this finding is preliminary.

Whatever Chief Judge Walker ultimately decides, my bill will permit any party who is disaffected by a subsequent decision in the Ninth Circuit to have the case heard by the Supreme Court by eliminating discretionary review. Under my bill, the Supreme Court would also have to review appeals concerning the constitutionality or legality of: the Terrorist Surveillance Program writ large; the statutory immunity for telecommunications providers created by Title II of the FISA Amendments Act of 2008; and any other intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending at such time as the activity was approved by a Federal court.

Relying on similar precedents, the bill requires the High Court to expedite its consideration of such cases. The bill, however, is limited to circumstances where the Court has not previously decided the question at issue. Thus, it does not create a permanent right of review for all similarly situated parties, but it does require the Court to take up the matter in the first instance.

Congress clearly has the power to require appellate review by the Supreme Court under Article III, Section 2 of the Constitution, and it has exercised this prerogative. For example, 28 U.S.C. § 3904 provides for direct appeal to the Supreme Court of decisions “upon the constitutionality” of the Congressional Accountability Act if the Court “has not previously ruled on the question” and requires the Court to “expedite the appeal.” Congress used nearly identical language to provide for direct appeal and expedited Supreme Court review of the constitutionality of a ban on flag burning in 18 U.S.C. § 700.

I propose similar action here. It is hard to conceive of a better case to have finally decided in the Supreme Court than one which challenges the legality of warrantless wiretapping—or the constitutionality of the retroactive statutory defenses passed by Congress last year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY SUPREME COURT REVIEW OF CERTAIN CIVIL ACTIONS.

Chapter 81 of title 28, United States Code, is amended by inserting at the end the following:

“SEC. 1260. MANDATORY SUPREME COURT REVIEW OF CERTAIN CIVIL ACTIONS CONCERNING SURVEILLANCE ACTIVITIES.

“(a) IN GENERAL.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over any appeal of an interlocutory or final judgment, decree, or order of a court of appeals in any case challenging the legality or constitutionality of—

“(1) the President’s Surveillance Program, commonly known as the Terrorist Surveillance Program, as defined in section 301(a)(3) of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110-261);

“(2) the statutory defenses established in Section 802(a)(4) of the Foreign Intelligence Surveillance Act of 1978, as amended by title II of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110-261); or

“(3) any intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending at such time as the activity was approved by a Federal court.

“(b) EXPEDITED CONSIDERATION.—The Supreme Court shall advance on the docket any appeal referred to in subsection (a), and expedite the appeal to the greatest extent possible.”.

SEC. 2. CLERICAL AMENDMENT.

The chapter analysis for chapter 81 of title 28, United States Code, is amended by inserting at the end the following:

“Sec. 1260. Mandatory supreme court review of certain civil actions concerning surveillance activities.”.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 879. A bill to amend the Homeland Security Act to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, the recent terrorist attacks in Mumbai, India, are a sobering reminder that terrorists continue to threaten our Nation and civilized people throughout the world. An alert citizenry is our first line of defense against terrorist attacks, particularly attacks like those in Mumbai. Our laws must protect individuals from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity. That is why I am introducing legislation, with Senator LIEBERMAN, that will provide these important protections.

In the 2007 homeland security law, Chairman LIEBERMAN and I coauthored a provision to encourage people to report potential terrorist threats directed against transportation systems.

This new legislation would expand those protections to reports of suspicious behavior in sectors other than transportation. For example, reports of suspicious activity could be equally important in detecting terrorist plans to attack “soft targets” like the hotels, restaurants, and religious institutions targeted in Mumbai.

Real life examples highlight the need for this bill. In December 2008, a Federal jury convicted 5 men from New Jersey of conspiring to murder American soldiers at Fort Dix. According to law enforcement officials, the report of an alert store clerk, who reported that a customer had brought in a video showing men firing weapons and shouting in Arabic, triggered their investigation. But for the report of this vigilant store clerk, law enforcement may not have disrupted this plot against Fort Dix.

That store clerk’s action likely saved hundreds of lives. It also reveals a core truth of the dangerous times in which we live. Our safety depends on more than just police officers, intelligence analysts, and soldiers. It also depends on the alertness and civic responsibility of all Americans.

We must encourage citizens to be watchful and to report suspicious activity whenever it occurs. That imperative is even stronger in the aftermath of the November 2008 terrorist attacks in Mumbai, where it appears that the terrorists performed reconnaissance on a number of the targets before the actual attacks.

Senator LIEBERMAN and I recently convened two hearings in the Homeland Security Committee to examine lessons learned from those horrific attacks. These hearings have reinforced our long-standing concern that terrorists might shift their attention from high-value, high-security targets to less secure commercial facilities, where there is the potential for mass casualties and widespread panic. As we witnessed during the three-day siege of Mumbai, commercial facilities or “soft targets,” such as the Taj Mahal, Trident, and Oberoi Hotels, are vulnerable, tempting targets.

Many of the Committee’s witnesses during these hearings, including Charles Allen, DHS’s Chief Intelligence Officer, Donald Van Duyn, the FBI’s Chief Intelligence Officer, New York City Police Commissioner Raymond Kelley, and Al Orlob, Marriott International’s Vice President for Corporate Security, endorsed the idea of expanding the 2007 law beyond the transportation sector. Indeed, Commissioner Kelley said that the 2007 law “made eminently good sense” and recommended “that it be expanded [to other sectors] if at all possible.”

Unfortunately, we have seen that our legal system can be used to chill the willingness of citizens to come forward and report obvious dangers. As widely

reported by the media in 2006, US Airways removed 6 Islamic clerics from a flight after other passengers expressed concerns that some of the clerics had moved out of their assigned seats and had requested, but were not using, seat belt extenders that could possibly double as weapons. In response to these concerns, US Airways officials removed these individuals from the plane so that they could further investigate.

For voicing their reasonable fears that these passengers could be rehearsing or preparing to execute a hijacking, these honestly concerned travelers found themselves as defendants in a civil rights lawsuit and accused of bigotry. The old adage about how "no good deed goes unpunished" is quite apt here.

The existence of this lawsuit clearly illustrates how unfair it is to allow private citizens to be intimidated into silence by the threat of litigation. Would the passengers have spoken up if they had anticipated that there would be a lawsuit filed against them? Even if such suits fail, they can expose citizens to heavy costs in time and legal fees.

The bill we introduce today would provide civil immunity in American courts for any person acting in good faith who reports any suspicious transaction, activity, or occurrence related to an act of terrorism. Specifically, the bill would encourage people to pass on information to Federal officials with responsibility for preventing, protecting against, disrupting, or responding to a terrorist act or to Federal, State, and local law enforcement officials without fear of being sued for doing their civic duty. Only disclosures made to those responsible officials would be protected by the legislation.

Once a report is received, those officials would be responsible for assessing its reasonableness and determining whether further action is required. If they take reasonable action to mitigate the reported threat, they, too, would be protected from lawsuits. Just as we should not discourage reporting suspicious incidents, we also should not discourage reasonable responses to them.

Let me make very clear that this bill does not offer any protection whatsoever if an individual makes a statement that he or she knows to be false. No one will be able to use this protection as cover for mischievous, vengeful, or biased falsehoods.

Our laws and legal system must not be hijacked to intimidate people into silence or to prevent our officials from responding to terrorist threats. Protecting citizens who make good faith reports—and that's an important condition in this bill—of potentially lethal activities is essential to maintaining our homeland security. Our bill offers protection in a measured way that discourages abuses from either side.

Each of us has an important responsibility in the fight against terrorism.

It is not a fight that can be left to law enforcement alone. The police simply can't be everywhere. Whether at a hotel, a mall, or an arena, homeland security and law enforcement officials need all citizens to alert them to untended packages and behavior that appears out of the ordinary.

Many national organizations, such as the Fraternal Order of Police, the National Sheriffs' Association, the National Troopers Coalition, and the National Association of Town Watch, support this legislation.

If someone "sees something" suspicious, Congress has an obligation to ensure that he or she will "say something" about it. This bill promotes and protects that civic duty. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

NATIONAL TROOPERS COALITION
March 24, 2009.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Troopers Coalition and its 40,000 members comprised of State Troopers and Highway Patrol Officers, I am writing in support of your efforts to pass the "See Something, Say Something Act". We applaud your efforts to keep this country safe.

Our nation is currently at war against terrorists that want to destroy our country and disrupt our way of life. It is vital that we remain vigilant in our efforts to combat terrorism and keep our country safe. The See Something, Say Something Act, will provide necessary liability protections for citizens that report suspicious activity and for law enforcement officers that act upon these reports. We live in a litigious society and one should not be fearful of litigation when determining if he or she should report suspicious activities that could prevent catastrophic loss of life. What we have learned in our efforts to combat terrorism is that everyone needs to remain vigilant and report all suspicious activities.

We support your efforts to provide liability protections for citizens acting in good faith that report suspicious activity. We can not turn a "blind eye" to the terrorists we are fighting and we must encourage and support an ever vigilant society.

Respectfully,

A. BRADFORD CARD,
Federal Government Affairs (NTC), for: Michael Edes, Chairman, National Troopers Coalition.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, March 24, 2009.

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Sheriffs' Association (NSA), I am writing to express our support for the See Something, Say something Act of 2009.

As you may know, the National Sheriffs' Association is the creator of the Neighbor-

hood Watch Program which is one of the oldest and best-known citizen and law enforcement based crime prevention concepts in the United States. In the late 1960s, an increase in crime heightened the need for a crime prevention initiative focused on residential areas involving local citizens. We responded, creating the National Neighborhood Watch Program in 1972 to assist citizens and law enforcement.

For nearly four decades, particularly after the terrorist attacks in 2001, the nation's sheriffs have witnessed firsthand, citizens becoming more empowered by becoming active in homeland security efforts through participation in Neighborhood Watch. Thus, we understand and recognize the importance of encouraging citizen involvement and the role they play in ensuring homeland security.

The proposed measure would build on this concept by providing the needed legal protections to individuals who report suspicious activity to an authorized official, in good faith, that might reflect terrorist threats. Additionally, it would provide qualified immunity from civil liability for an authorized official who takes reasonable action in good faith to respond to the reported activity.

We thank you for your continued leadership and support of the nation's emergency responders.

Sincerely,

SHERIFF DAVID A. GOAD,
President.

NATIONAL ASSOCIATION OF
TOWN WATCH,
Wynnewood, PA, March 24, 2009.

Hon. SUSAN M. COLLINS,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association of Town Watch (NATW), I am writing to express our support for the See Something, Say Something Act of 2009.

The National Association of Town Watch is a nonprofit, crime prevention organization whose members include citizen crime watch groups, law enforcement agencies and other organizations across the country involved in organized, anticrime activities. NATW also sponsors the annual "National Night Out" crime prevention event which has grown to involve over 15,000 communities from all 50 states on the first Tuesday each August.

Since 1981, NATW has always promoted the concept of citizens working in close cooperation with their local law enforcement and serving as "extra eyes and ears." The proposed legislation blends beautifully with NATW's mission. It is critical to legally protect individuals who report suspicious activity to an authorized official, in good faith, that might reflect terrorist threats. This legislation also would provide qualified immunity from civil liability for an authorized official who takes reasonable action in good faith to respond to the reported activity.

We thank you for bringing this legislation forward and for supporting law enforcement and concerned citizens across our great nation.

Sincerely,

MATT A. PESKIN,
Executive Director.

NATIONAL FRATERNAL ORDER
OF POLICE,
Washington, DC, April 22, 2009.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the membership of the Fraternal Order of Police,

I am writing to advise you of our strong support for the bill you have introduced entitled the "See Something, Say Something Act."

Following the terrorist attacks on 11 September 2001 every American, especially law enforcement officers, have become more vigilant. Unfortunately, the increasingly litigious nature of our society may result in many citizens choosing to "stay out of it"—even if they see something or someone suspicious. Citizens who have reported suspicious activity and law enforcement officers who have acted on these reports have been sued in Federal, State and local courts even though their concerns were reasonable and without malice. The result is that all of us may be more hesitant to report or act upon any suspicious behavior we might see.

Congress took a step in the right direction in 2007 when it passed legislation granting immunity from civil liability for citizens who report suspicious activity and law enforcement officers who act upon such reports involving threats to transportation security. Your bill would expand this immunity to cover all suspicious activity whether it is in a train station, a Federal building, or a sports stadium. This bill will not only protect vigilant individuals from frivolous lawsuits, but it also greatly increases our nation's security.

On behalf of the more than 327,000 members of the Fraternal Order of Police, I would like to thank you again for your leadership on this issue. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

By Ms. MURKOWSKI (for herself,
Mr. BEGICH, Mr. AKAKA, and Mr.
INOUE):

S. 881. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, The Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska natives to organize for the purpose of asserting their aboriginal land claims. The native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th Century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress.

After decades of litigation, the native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest

and the Glacier Bay National Monument. Yes, there was a cash settlement of \$7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

Beware of the law of unintended consequences. When the native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's native people through the Alaska Native Claims Settlement Act of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims. Sadly this was the case.

The Alaska Native Claims Settlement Act of 1971 imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claim. None of the other 11 Alaska-based regional native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, cosponsored by Sens. DANIEL AKAKA and DANIEL INOUE to introduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections it has asked the Congress for flexibility to receive title to certain lands that it was not permitted to select under the prescriptive, and as Sealaska believes, discriminatory, limitations contained in the 1971 legislation.

The legislation we are introducing today would allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber related economic development. These lands are called "Native Futures" Sites in the bill. Other lands referred to as "economic development lands" in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the

constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will end up in Sealaska's ownership. Sealaska cannot receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement.

Early in the 110th Congress, several of our friends in the other body introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to this bill to give all parties time to thoroughly review the measure. Over the past two years, Sealaska, and the communities of Southeast Alaska have worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied for subsistence and recreation out of the Tongass National Forest and into native corporation ownership. My colleagues in the Alaska congressional delegation and I have devoted a great deal of time in reaching out and encouraging comment from Southeast Alaska on this new bill. Sealaska has itself conducted numerous public meetings on the bill throughout the region. I believe that these efforts have helped us to formulate a bill that addresses the concerns we most frequently heard.

The legislation we are introducing today in the 111th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill, compared to last September's version, reduces the economic development timber land selection pool to about 78,000 acres from 80,000 to protect additional boat anchorages by retention of shoreline timber in Shipley Bay on northern Prince of Wales Island and at Cape Pole on southwest Kosciusko Island. It eliminates the Lacy Cover Native Futures Site on northern Chichagof Island, it provides full public access across sacred sites and historic trail conveyances near Yakutat and Kake. It addresses the concern of the Huna Indian Association for management of sacred sites in Glacier Bay and it deals with a complaint about the original bill by the U.S. Forest Service. Our conversations have led to precedent setting commitment by the Sealaska Corporation to maintain public access

to the economic development lands it receives on Prince of Wales Island for subsistence uses and recreational access. These commitments are laid out in section 4(d) of this bill.

Sealaska also has offered a series of commitments to ensure that the benefits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its native shareholders. These commitments are memorialized in a letter from Sealaska's chairman, Alaska State Senator Albert Kookesh, and its president and chief executive officer, Chris E. McNeil, Jr.

We all hope that after 38 years that this measure can advance to passage this Congress and resolve the last 65,000 to 85,000 acres of entitlement that southeast Alaska's 23,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska's native corporations to provide meaningful assistance to Alaska's native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the native people's of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in 2011. Justice delayed truly is justice denied.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Alaska Native Land Entitlement Finalization Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize and settle the aboriginal claims of Alaska Natives to land historically used by Alaska Natives for traditional, cultural, and spiritual purposes; and

(B) that Act declared that the land settlement "should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives";

(2) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) authorized the distribution of approximately \$1,000,000,000 and 44,000,000 acres of land to Alaska Natives; and

(B) provided for the establishment of Native Corporations to receive and manage the funds and that land to meet the cultural, social, and economic needs of Native shareholders;

(3) under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), each Regional Corporation, other than Sealaska Corporation (the Regional Corporation for southeast Alaska) (referred to in this Act as "Sealaska"), was authorized to receive a share of land based on the proportion that the number of Alaska Native shareholders

residing in the region of the Regional Corporation bore to the total number of Alaska Native shareholders, or the relative size of the area to which the Regional Corporation had an aboriginal land claim bore to the size of the area to which all Regional Corporations had aboriginal land claims;

(4)(A) Sealaska, the Regional Corporation for southeast Alaska, 1 of the Regional Corporations with the largest number of Alaska Native shareholders, with more than 21 percent of all original Alaska Native shareholders, did not receive land under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(B) the Tlingit and Haida Indian Tribes of Alaska was 1 of the entities representing the Alaska Natives of southeast Alaska before the date of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(C) Sealaska did not receive land in proportion to the number of Alaska Native shareholders, or in proportion to the size of the area to which Sealaska had an aboriginal land claim, in part because of a United States Court of Claims cash settlement to the Tlingit and Haida Indian Tribes of Alaska in 1968 for land previously taken to create the Tongass National Forest and Glacier Bay National Monument;

(5) the Court of Claims cash settlement of \$7,500,000 did not—

(A) adequately compensate the Alaska Natives of southeast Alaska for the significant quantity of land and resources lost as a result of the creation of the Tongass National Forest and Glacier Bay National Monument or other losses of land and resources; or

(B) justify the significant disparate treatment of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(6)(A) while each other Regional Corporation received a significant quantity of land under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), Sealaska only received land under section 14(h) of that Act (43 U.S.C. 1613(h)), which provided a 2,000,000-acre land pool from which Alaska Native selections could be made for historic sites, cemetery sites, Urban Corporation land, Native group land, and Native Allotments;

(B) under section 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)), after selections are made under paragraphs (1) through (7) of that section, the land remaining in the 2,000,000-acre land pool is allocated based on the proportion that the original Alaska Native shareholder population of a Regional Corporation bore to the original Alaska Native shareholder population of all Regional Corporations; and

(C) the only land entitlement of Sealaska derives from a proportion of leftover land remaining from the 2,000,000-acre land pool, estimated as of the date of enactment of this Act at approximately 1,700,000 acres;

(7) despite the small land base of Sealaska as compared to other Regional Corporations (less than 1 percent of the total quantity of land allocated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), Sealaska has—

(A) provided considerable benefits to shareholders; and

(B) been a significant economic force in southeast Alaska;

(8) pursuant to the revenue sharing provisions of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), Sealaska has distributed more than \$300,000,000 during the period beginning on January 1, 1971, and ending on December 31,

2005, to Native Corporations throughout the State of Alaska from the development of natural resources, which accounts for 42 percent of the total revenues shared under that section during that period;

(9) as a result of the small land entitlement of Sealaska, it is critical that the remaining land entitlement conveyances to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) are fulfilled to continue to meet the economic, social, and cultural needs of the Alaska Native shareholders of southeast Alaska and the Alaska Native community throughout Alaska;

(10)(A) the conveyance requirements of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for southeast Alaska limit the land eligible for conveyance to Sealaska to the original withdrawal areas surrounding 10 Alaska Native villages in southeast Alaska, which precludes Sealaska from selecting land located—

(i) in any withdrawal area established for the Urban Corporations for Sitka and Juneau, Alaska; or

(ii) outside the 10 Alaska Native village withdrawal areas; and

(B) unlike other Regional Corporations, Sealaska was not authorized to request land located outside the withdrawal areas described in subparagraph (A) if the withdrawal areas were insufficient to complete the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(11) 44 percent (820,000 acres) of the 10 Alaska Native village withdrawal areas established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) described in paragraph (10) are composed of salt water and not available for selection;

(12) of land subject to the selection rights of Sealaska, 110,000 acres are encumbered by gubernatorial consent requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(13) the Forest Service and the Bureau of Land Management grossly underestimated the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), resulting in an insufficient area from which Sealaska could select land suitable for traditional, cultural, and socioeconomic purposes to accomplish a settlement "in conformity with the real economic and social needs of Natives", as required under that Act;

(14) the 10 Alaska Native village withdrawal areas in southeast Alaska surround the Alaska Native communities of Yakutat, Hoonah, Angoon, Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan, and Saxman;

(15) in each withdrawal area, there exist factors that limit the ability of Sealaska to select sufficient land, and, in particular, economically viable land, to fulfill the land entitlement of Sealaska, including factors such as—

(A) with respect to the Yakutat withdrawal area—

(i) 46 percent of the area is salt water;

(ii) 10 sections (6,400 acres) around the Situk Lake were restricted from selection, with no consideration provided for the restriction; and

(iii)(I) 70,000 acres are subject to a gubernatorial consent requirement before selection; and

(II) Sealaska received no consideration with respect to the consent restriction;

(B) with respect to the Hoonah withdrawal area, 51 percent of the area is salt water;

(C) with respect to the Angoon withdrawal area—

(i) 120,000 acres of the area is salt water;

(ii) Sealaska received no consideration regarding the prohibition on selecting land from the 80,000 acres located within the Admiralty Island National Monument; and

(iii)(I) the Village Corporation for Angoon was allowed to select land located outside the withdrawal area on Prince of Wales Island, subject to the condition that the Village Corporation shall not select land located on Admiralty Island; but

(II) no alternative land adjacent to the out-of-withdrawal land of the Village Corporation was made available for selection by Sealaska;

(D) with respect to the Kake withdrawal area—

(i) 64 percent of the area is salt water; and

(ii) extensive timber harvesting by the Forest Service occurred in the area before 1971 that significantly reduced the value of land available for selection by, and conveyance to, Sealaska;

(E) with respect to the Kasaan withdrawal area—

(i) 54 percent of the area is salt water; and

(ii) the Forest Service previously harvested in the area;

(F) with respect to the Klawock withdrawal area—

(i) the area consists of only 5 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Klawock withdrawal area to the Village of Craig, which reduces the selection area by 92,160 acres; and

(ii) the Klawock and Craig withdrawal areas are 35 percent salt water;

(G) with respect to the Craig withdrawal area, the withdrawal area consists of only 6 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Craig withdrawal area to the Village of Klawock, which reduces the selection area by 69,120 acres;

(H) with respect to the Hydaburg withdrawal area—

(i) 36 percent of the area is salt water; and

(ii) Sealaska received no consideration under the Haida Land Exchange Act of 1986 (Public Law No. 99-664; 100 Stat. 4303) for relinquishing selection rights to land within the withdrawal area that the Haida Corporation exchanged to the Forest Service;

(I) with respect to the Klukwan withdrawal area—

(i) 27 percent of the area is salt water; and

(ii) the withdrawal area is only 70,000 acres, as compared to the usual withdrawal area of 207,360 acres, which reduces the selection area by 137,360 acres; and

(J) with respect to the Saxman withdrawal area—

(i) 29 percent of the area is salt water;

(ii) Sealaska received no consideration for the 50,576 acres within the withdrawal area adjacent to the first-class city of Ketchikan that were excluded from selection;

(iii) Sealaska received no consideration with respect to the 1977 amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) requiring gubernatorial consent for selection of 58,000 acres in that area; and

(iv) 23,888 acres are located within the Annette Island Indian Reservation for the Metlakatla Indian Tribe and are not available for selection;

(16) the selection limitations and guidelines applicable to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) are inequitable and inconsistent with the purposes of that Act because there is in-

sufficient land remaining in the withdrawal areas to meet the traditional, cultural, and socioeconomic needs of the shareholders of Sealaska; and

(B) make it difficult for Sealaska to select—

(i) places of sacred, cultural, traditional, and historical significance; and

(ii) Alaska Native future sites located outside the withdrawal areas of Sealaska;

(17)(A) the deadline for applications for selection of cemetery sites and historic places on land outside withdrawal areas established under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) was July 1, 1976;

(B)(i) as of that date, the Bureau of Land Management notified Sealaska that the total entitlement of Sealaska would be approximately 200,000 acres; and

(ii) Sealaska made entitlement allocation decisions for cultural sites and economic development sites based on that original estimate;

(C) as a result of the Alaska Land Transfer Acceleration Act (Public Law 108-452; 118 Stat. 3575) and subsequent related determinations and actions of the Bureau of Land Management, Sealaska will receive significantly more than 200,000 acres pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(D) Sealaska would prefer to allocate more of the entitlement of Sealaska to the acquisition of places of sacred, cultural, traditional, and historical significance; and

(E)(i) pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)), Sealaska was not authorized to select under section 14(h)(1) of that Act (43 U.S.C. 1613(h)(1)) any site within Glacier Bay National Park, despite the abundance of cultural sites within that Park;

(ii) Sealaska seeks cooperative agreements to ensure that sites within Glacier Bay National Park are subject to cooperative management by Sealaska, Village and Urban Corporations, and federally recognized tribes with ties to the cultural sites and history of the Park; and

(iii) Congress—

(I) recognizes the existence of a memorandum of understanding between the National Park Service and the Hoonah Indian Association;

(II) does not intend to circumvent that memorandum of understanding; and

(III) intends to ensure that the memorandum of understanding and similar mechanisms for cooperative management in Glacier Bay are required by law;

(18)(A) the cemetery sites and historic places conveyed to Sealaska pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) are subject to a restrictive covenant not required by law that does not allow any type of management or use that would in any way alter the historic nature of a site, even for cultural education or research purposes;

(B) historic sites managed by the Forest Service are not subject to the limitations referred to in subparagraph (A); and

(C) those limitations hinder the ability of Sealaska to use the sites for cultural, educational, or research purposes for Alaska Natives and others;

(19) unless Sealaska is allowed to select land outside designated withdrawal areas in southeast Alaska, Sealaska will not be able—

(A) to complete the land entitlement selections of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(B) to secure ownership of places of sacred, cultural, traditional, and historical importance to the Alaska Natives of southeast Alaska;

(C) to maintain the existing resource development and management operations of Sealaska; or

(D) to provide continued economic opportunities for Alaska Natives in southeast Alaska;

(20) in order to realize cultural preservation goals while also diversifying economic opportunities, Sealaska should be authorized to select and receive conveyance of—

(A) sacred, cultural, traditional, and historic sites and other places of traditional cultural significance, including traditional and customary trade and migration routes, to facilitate the perpetuation and preservation of Alaska Native culture and history; and

(B) Alaska Native future sites to facilitate appropriate tourism and outdoor recreation enterprises;

(21) Sealaska has played, and is expected to continue to play, a significant role in the health of the southeast Alaska economy;

(22)(A) the rate of unemployment in southeast Alaska exceeds the statewide rate of unemployment on a non-seasonally adjusted basis; and

(B) in January 2008, the Alaska Department of Labor and Workforce Development reported the unemployment rate for the Prince of Wales–Outer Ketchikan census area at 20 percent;

(23) many southeast Alaska communities—

(A) are dependent on high-cost diesel fuel for the generation of energy; and

(B) desire to diversify their energy supplies with wood biomass alternative fuel and other renewable and alternative fuel sources;

(24) if the resource development operations of Sealaska cease on land appropriate for those operations, there will be a significant negative impact on—

(A) southeast Alaska Native shareholders;

(B) the cultural preservation activities of Sealaska;

(C) the economy of southeast Alaska; and

(D) the Alaska Native community that benefits from the revenue-sharing requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(25) on completion of the conveyances of land to Sealaska to fulfill the full land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the encumbrances on 327,000 acres of Federal land created by the withdrawal of land for selection by Native Corporations in southeast Alaska would be removed, which will facilitate thorough and complete planning and efficient management relating to national forest land in southeast Alaska by the Forest Service.

(b) PURPOSE.—The purpose of this Act is to address the inequitable treatment of Sealaska by allowing Sealaska to select the remaining land entitlement of Sealaska under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) from designated Federal land in southeast Alaska located outside the 10 southeast Alaska Native village withdrawal areas.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8)(B) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in

southeast Alaska from each category described in subsection (b).

(2) NATIONAL PARK SERVICE.—The National Park Service is authorized to enter into a cooperative management agreement described in subsection (c)(2) for the purpose, in part, of recognizing and perpetuating the values of the National Park Service, including those values associated with the Tlingit homeland and culture, wilderness, and ecological preservation.

(b) CATEGORIES.—The categories referred to in subsection (a) are the following:

(1)(A) Economic development land from the area of land identified on the map entitled “Sealaska ANCSA Land Entitlement Rationalization Pool”, dated March 9, 2009, and labeled “Attachment A”.

(B) A nonexclusive easement to Sealaska to allow—

(i) access on the forest development road and use of the log transfer site identified in paragraphs (3)(c) and (3)(d) of the patent numbered 50-85-0112 and dated January 4, 1985;

(ii) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50-92-0203 and dated February 24, 1992; and

(iii) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50-94-0046 and dated December 17, 1993.

(2) Sites with sacred, cultural, traditional, or historic significance, including traditional and customary trade and migration routes, archeological sites, cultural landscapes, and natural features having cultural significance, subject to the condition that—

(A) not more than 2,400 acres shall be selected for this purpose, from land identified on—

(i) the map entitled “Places of Sacred, Cultural, Traditional and Historic Significance”, dated March 9, 2009, and labeled “Attachment B”; and

(ii) the map entitled “Traditional and Customary Trade and Migration Routes”, dated March 9, 2009, and labeled “Attachment C”, which includes an identification of—

(I) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled “Yakutat to Dry Bay Trade and Migration Route”, dated March 9, 2009, and labeled “Attachment C”; and

(II) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Bay of Pillars to Port Camden Trade and Migration Route”, dated March 9, 2009, and labeled “Attachment C”; and

(III) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Portage Bay to Duncan Canal Trade and Migration Route”, dated March 9, 2009, and labeled “Attachment C”; and

(B) an additional 1,200 acres may be used by Sealaska to acquire places of sacred, cultural, traditional, and historic significance, archeological sites, traditional, and customary trade and migration routes, and other sites with scientific value that advance the understanding and protection of Alaska Native culture and heritage that—

(i) as of the date of enactment of this Act, are not fully identified or adequately documented for cultural significance; and

(ii) are located outside of a unit of the National Park System.

(3) Alaska Native futures sites with traditional and recreational use value, as identified on the map entitled “Native Futures Sites”, dated March 9, 2009, and labeled “Attachment D”, subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(c) SITES IN CONSERVATION SYSTEM UNITS.—

(1) IN GENERAL.—No site with sacred, cultural, traditional, or historic significance that is identified in the document labeled “Attachment B” and located within a unit of the National Park System shall be conveyed to Sealaska pursuant to this Act.

(2) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Director of the National Park Service shall offer to enter into a cooperative management agreement with Sealaska, other Village Corporations and Urban Corporations, and federally recognized Indian tribes with cultural and historical ties to Glacier Bay National Park, in accordance with the requirements of subparagraph (B).

(B) REQUIREMENTS.—A cooperative agreement under this paragraph shall—

(i) recognize the contributions of the Alaska Natives of southeast Alaska to the history, culture, and ecology of Glacier Bay National Park and the surrounding area;

(ii) ensure that the resources within the Park are protected and enhanced by cooperative activities and partnerships among federally recognized Indian tribes, Village Corporations and Urban Corporations, Sealaska, and the National Park Service;

(iii) provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and Alaska Natives, including guided tours, interpretation, and the establishment of culturally relevant visitor sites; and

(iv) provide appropriate opportunities for ecologically sustainable visitor-related education and cultural interpretation within the Park—

(I) in a manner that is not in derogation of the purposes and values of the Park (including those values associated with the Park as a Tlingit homeland); and

(II) in a manner consistent with wilderness and ecological preservation.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Park Service shall submit to Congress a report describing each activity for cooperative management of each site described in subparagraph (A) carried out under a cooperative agreement under this paragraph.

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of selection of land by Sealaska under paragraphs (1) and (3) of section 3(b), the Secretary of the Interior (referred to in this Act as the “Secretary”) shall complete the conveyance of the land to Sealaska.

(2) SIGNIFICANT SITES.—Not later than 2 years after the date of selection of land by Sealaska under section 3(b)(2), the Secretary shall complete the conveyance of the land to Sealaska.

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(1) the original withdrawal areas set aside for selection by Native Corporations in southeast Alaska under that Act (as in effect on the day before the date of enactment of this Act) shall be rescinded; and

(2) land located within a withdrawal area that is not conveyed to a southeast Alaska Regional Corporation or Village Corporation shall be returned to the unencumbered management of the Forest Service as a part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (3) of section 3(b) located within—

(1) any conservation system unit;

(2) any federally designated wilderness area; or

(3) any land use designation I or II area.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land pursuant to paragraphs (1) and (2)(A)(i) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the document labeled “Attachment E” and dated March 9, 2009;

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the document labeled “Attachment E” and dated March 9, 2009;

(C) any valid preexisting right reserved pursuant to section 14(g) or 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(D)(i) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access without liability to Sealaska; and

(ii) the right of Sealaska to regulate access for public safety, cultural, or scientific purposes, environmental protection, and uses incompatible with natural resource development, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of any such condition.

(2) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska regarding the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, AND HISTORIC SITES.—The conveyance to Sealaska of land selected pursuant to section 3(b)(2)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(3) shall allow use of the land as described in subsection (f).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES.—Any sacred, cultural, traditional, or historic site or trade or migration route conveyed pursuant to this Act may be used for—

(1) preservation of cultural knowledge and traditions associated with such a site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of those sites to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities are consistent with the sacred, cultural, traditional, or historic nature of the site.

(g) **TERMINATION OF RESTRICTIVE COVENANTS.**—

(1) **IN GENERAL.**—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the regulations contained in sections 2653.3 and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)), terminates on the date of enactment of this Act.

(2) **REMAINING CONDITIONS.**—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) **RECORDS.**—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) **CONDITIONS ON ALASKA NATIVE FUTURES LAND.**—Each conveyance of land to Sealaska selected under section 3(b)(3) shall be subject only to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the restrictive covenants, encumbrances, or easements under sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

SEC. 5. MISCELLANEOUS.

(a) **STATUS OF CONVEYED LAND.**—Each conveyance of Federal land to Sealaska pursuant to this Act, and each action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) **ENVIRONMENTAL MITIGATION AND INCENTIVES.**—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) **NO MATERIAL EFFECT ON FOREST PLAN.**—

(1) **IN GENERAL.**—The implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan sched-

uled to occur after the date of enactment of this Act.

(2) **BOUNDARY ADJUSTMENTS.**—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) **NO EFFECT ON EXISTING INSTRUMENTS, PROJECTS, OR ACTIVITIES.**—

(1) **IN GENERAL.**—Nothing in this Act or the implementation of this Act revokes, suspends, or modifies any permit, contract, or other legal instrument for the occupancy or use of Tongass National Forest land, or any determination relating to a project or activity that authorizes that occupancy or use, that is in effect on the day before the date of enactment of this Act.

(2) **TREATMENT.**—The conveyance of land to Sealaska pursuant to this Act shall be subject to the instruments and determinations described in paragraph (1) to the extent that those instruments and determinations authorize occupancy or use of the land so conveyed.

(e) **TECHNICAL CORRECTIONS.**—

(1) **TRIBAL FOREST PROTECTION.**—Section 2(a)(2) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(a)(2)) is amended—

(A) in subparagraph (A), by inserting “, or is conveyed to an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)” before the semicolon; and

(B) in subparagraph (B)(i)—

(i) in subclause (I), by striking “or” at the end; and

(ii) by adding at the end the following:

“(III) is owned by an Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and is forest land or formerly had a forest cover or vegetative cover that is capable of restoration; or”.

(2) **NATIONAL HISTORIC PRESERVATION.**—Section 301 of the National Historic Preservation Act (16 U.S.C. 470w) is amended by striking paragraph (14) and inserting the following:

“(14)(A) ‘Tribal lands’ means—

“(i) all land within the exterior boundaries of any Indian reservation;

“(ii) all dependent Indian communities; and

“(iii) land held by an incorporated Alaska Native group, a Regional Corporation, or a Village Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(B) Nothing in this paragraph validates, invalidates, or otherwise affects any claim regarding the existence of Indian country (as defined in section 1151 of title 18, United States Code) in the State of Alaska.”.

SEC. 6. MAPS.

(a) **AVAILABILITY.**—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) **CORRECTIONS.**—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) **TREATMENT.**—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY):

S. 882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. GRASSLEY. Mr. President, over the last 5 years I have conducted extensive oversight of the Food and Drug Administration. As a result of my oversight activities, I identified serious problems at the FDA that included: the quashing of scientific opinion within the agency; delays in informing the public of emerging safety problems; too cozy a relationship between the FDA and the industries it is supposed to regulate; and a failure to be adequately transparent and accountable to the public.

The FDA will require strong leadership to rebuild public confidence and tackle the cultural and organizational problems that have plagued the agency.

Strong leadership alone, however, will not fix all the problems.

The agency needs additional tools, resources, and authorities to fulfill its mission of protecting the health and safety of the American people.

In September 2007, the Congress passed the Food and Drug Administration Amendments Act to provide FDA some of the needed tools, resources, and authorities.

This legislation was a positive step forward in strengthening the agency and restoring the public's trust in the FDA, but Congress's work is not done.

Today, I am here to talk about another FDA bill.

In the summer of 2007, I started examining FDA's program for inspections of foreign pharmaceutical manufacturing plants.

I expressed concerns to the FDA regarding, among other things, inspection funding, emerging exporters, and severe weaknesses in the inspection process.

An increasing amount of the drugs and active pharmaceutical ingredients Americans use are being manufactured in foreign countries, primarily in China and India.

Yet as reported by the Government Accountability Office in November 2007, the Food and Drug Administration does not know how many foreign establishments are subject to inspection and the agency conducts relatively few foreign inspections each year.

According to the FDA, from fiscal year 2002 through fiscal year 2007, the agency conducted fewer than 1,400 inspections of foreign pharmaceutical facilities.

And these inspections were often conducted in countries with few reported quality concerns.

In China, the world's largest producer of active pharmaceutical ingredients, and where we have seen increasing reports of contaminated products, only 11 inspections were conducted during fiscal year 2007—that is way too few.

During the same year, FDA conducted 14 inspections in Switzerland, 18 in Germany, and 24 in France—all countries with advanced regulatory infrastructures.

In addition, FDA officials estimated that the agency inspected foreign class II device makers every 27 years and foreign class III device makers every 6 years.

Class III devices are devices that support or sustain human life or present a potentially unreasonable risk of illness or injury, such as pacemakers and heart defibrillators.

In January 2008, we saw too well what happens when we have a broken inspection system.

Baxter International Inc. temporarily suspended production of its blood thinner Heparin because of an increase in reports of adverse events that may be associated with its drug. Then recalls were announced. There were serious concerns about whether or not this country would have enough Heparin to meet patient needs as a result of the contamination. After several months, FDA's investigation found that the active ingredient in Heparin, which was made at a facility in China, was contaminated. And the serious adverse events in patients who received Heparin were linked to the contaminated blood thinner.

The recalls and investigation of contaminated Heparin highlighted significant weaknesses in FDA's oversight of the production and supply chain and emphasized the need to improve FDA's protection of the safety of products made in this country and abroad.

The FDA is charged with ensuring the safety and efficacy of drugs, pharmaceutical ingredients, and devices produced around the world despite its inadequate budget for inspections, in particular foreign inspections.

It is troubling that the FDA is grossly under-resourced at a time when foreign production of drugs and active pharmaceutical ingredients is growing at record rates.

Last Congress, I introduced the Drug and Device Accountability Act of 2008 with Senator KENNEDY, chairman of the Committee on Health, Education, Labor, and Pensions. The Congress did not have an opportunity to act on that legislation. So today Senator KENNEDY and I are introducing the Drug and Device Accountability Act of 2009.

Senator KENNEDY is not able to join me on the Senate floor, but I thank him for his cooperation and work with my office on this important legislation.

I also want to take this opportunity to express my appreciation for his com-

mitment and efforts over the years to reform and improve the FDA.

I am going to spend the next few minutes highlighting some of the things the Drug and Device Accountability Act of 2009 would do.

This bill would augment FDA's resources through the collection of inspection fees.

It also expands the agency's authority for ensuring the safety of drugs and medical devices, including foreign manufactured drugs and devices by expanding FDA's authority to inspect foreign manufacturers and importers; allowing the FDA to issue subpoenas; and allowing the FDA to detain a device or drug when its inspectors have reason to believe the product is adulterated or misbranded.

In addition, the bill would require individuals responsible for submitting a drug or device application or a report related to safety or efficacy to certify that the application or report complies with applicable regulations and is not false or misleading. Civil as well as criminal penalties could be imposed for false or misleading certifications.

I believe this is an important provision given the troubling findings over the last few years; that is, that some companies have withheld important safety information from the FDA or buried that information in their submissions to the agency.

In addition, in light of recent serious allegations that have been raised by scientists within the FDA regarding the agency's handling of medical device reviews, the bill calls for an Institute of Medicine study to examine FDA's system for clearing and approving devices for marketing.

During President Obama's weekly address last month, the President stated, "There are certain things only a government can do. And one of those things is ensuring that the foods we eat, and the medicines we take, are safe and do not cause us harm."

I concur, and the Drug and Device Accountability Act is an opportunity for Congress to help FDA do a better job of ensuring that our increasingly foreign-produced drug and device supply is safe and effective.

I look forward to working with my colleagues in the Senate and with the Obama administration to ensure that FDA has the necessary tools and resources to meet its oversight responsibilities.

By Mr. KERRY (for himself and Mr. GRAHAM):

S. 883. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American

military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, today along with Senator GRAHAM, I am introducing the Medal of Honor Commemorative Coin Act of 2009 to assist the Congressional Medal of Honor Foundation in raising the funds it needs to promote the qualities which the Medal of Honor embodies—courage, sacrifice, selfless service, and patriotism.

The Medal of Honor was first authorized by Congress in 1861 and represents our Nation's highest award for valor in action against an enemy force. The medal symbolizes the value we, as a Nation, place on the power of one individual to make a difference in extraordinary circumstances through selfless actions of bravery. Although the Medal of Honor was created for the Civil War, Congress made it a permanent decoration in 1863. Since then, fewer than 3,500 Medals of Honor have been awarded to members of the U.S. Armed Forces—approximately half during the Civil War. Today, there are only 111 living recipients. These select few exemplify the values of our great nation through their incredible acts of bravery and commitment to our country.

The Congressional Medal of Honor Foundation was formed in 1999. This 501(c)(3) not-for-profit organization promotes heroism and selflessness among our Nation's youth by perpetuating the Medal of Honor's legacy through increased awareness, education, scholarships, behavior, and example. The commemorative coins will be legal tender, emblematic of the spirit of the Medal of Honor, giving the holder a physical reminder of the American tradition of selfless service and sacrifice. These coins will be minted for the year 2011, marking the 150th anniversary of the Medal of Honor's initial authorization by Congress.

Today, in Iraq and Afghanistan, American soldiers not only serve their country selflessly but do so in an exemplary manner. In this time of war and sacrifice it is of utmost importance that we show the people fighting for their country how much we value their service.

This is the medal won by Sergeant First Class Paul R. Smith. Under attack at the Baghdad International Airport, Sergeant Smith quickly organized the defense on the ground to engage a company-sized enemy force. He showed no concern for his own personal safety when he mounted a personnel carrier and manned a .50 caliber machine gun while under fire from the enemy and was mortally wounded in

doing so. His valor led to the defeat of the enemy and saved the lives of numerous injured members of his platoon.

This is the medal won by Captain Humbert Roque Versace. During an intense attack by the Viet Cong in the Xuyen Providence Captain Versace was wounded while engaging the enemy. Although he fought against capture through injury and hostility he was taken prisoner. While incarcerated Captain Versace exemplified the Code of Conduct as a prisoner of war, attempted to escape three times and never gave in to the brutal interrogations all while maintaining command over his fellow American soldiers that were also imprisoned setting an extraordinary example.

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

Since 1863 this country has been honoring its greatest heroes by decorating them with the Congressional Medal of Honor. This is an elite group of men and women who make us proud every day of the U.S. Armed Forces and the protection they afford us. We should show our thanks in the best manner possible.

I ask all my colleagues to support this legislation.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 884. A bill to amend title 23, United States Code, to remove privatized highway miles as a factor in apportioning highway funding; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, when our States and cities lease their tolled highways to private parties, American taxpayers almost always experience significant fee increases at the toll booth. But our taxpayers' contribution does not end there. Under current tax law, the Federal Treasury subsidizes private lessors through exceedingly generous depreciation and amortization deductions. Meanwhile, Federal funding continues to flow to the state government—as though the highway had never been privatized. Today, I rise to introduce two bills that would put an end to this fleecing of the American taxpayer. I am pleased that Senator GRASSLEY, the Ranking Member of the Senate Finance Committee, is joining me in introducing both bills.

I'd like to take a moment to set the stage, by explaining where we find ourselves. There is no denying the seriousness of our nation's surface transportation funding challenges. Among the solutions that have been offered are so-called Public-Private Partnerships, or PPPs. Under one PPP model, a state or

local government leases existing highways to a private party, often on a very long-term basis. We have already seen two existing highways sold off to private companies. In 2004, Chicago sold Macquarie of Australia concession rights to the Chicago Skyway for 99 years, in exchange for \$1.8 billion. In 2006, Indiana sold concession rights to the Indiana Toll Road to a partnership between Cintra of Spain and Macquarie for 75 years, in exchange for \$3.8 billion. Both deals have generated significant interest from the press and the financial community. Now, investors are approaching state and local governments across the country, seeking a piece of what is believed to be a very lucrative pie. For instance, last year Governor Ed Rendell proposed a \$12.8 billion deal for a 75-year sale of concession rights to the Pennsylvania Turnpike, which, if ratified, would represent the largest privatization of highway infrastructure in U.S. history.

While I agree that States should have some latitude to determine how to operate their own highways, that doesn't mean that the Federal taxpayer should subsidize leasing these highways. But as we uncovered at a Finance Subcommittee on Energy, Natural Resources and Infrastructure hearing that I convened last year, the Federal government—and taxpayers in all states—now subsidizes these PPPs through exceedingly generous tax provisions. To take advantage of the Tax Code's 15-year cost recovery period for highway infrastructure, a private lessor must obtain constructive ownership of the road. Constructive ownership is generally attained by entering a lease that exceeds the 45-year period that the Bureau of Economic Affairs, BEA, says is a road's "useful life." Once they attain this constructive ownership, the private lessor can recover most of its costs over the first 15 years of the lease—or one-third as long as BEA says the highway infrastructure can be expected to last. The end result? Private operators demand exceptionally long lease lengths, to ensure they can take advantage of the Tax Code's subsidy.

These Tax Code provisions are of interest not just because the Senate must prudently shepherd our Nation's tax revenues, but also because there are considerable transportation policy dangers to these very long-term leases. Chicago signed a 99-year lease for the Skyway, a road that, at the time of the lease, had only a 47 operating history. Indiana signed a 75-year lease for its Toll Road, a highway that, at the time of the lease, had only a 49 history. With respect to a critical artery of transportation, how can a State or city possibly predict its future needs for a period that is twice that artery's operating history? It is impossible to envision how transportation will change in the next hundred years. As a point of ref-

erence, the Model T is 101 years old—can we even pretend to imagine what the next century will bring? These very long lease lengths are all the more troubling because these deals often contain non-compete clauses, which make it difficult for public transportation agencies to address safety and congestion problems on highways and adjacent streets.

It is true that private lessors are merely following the letter of the law. But when cost-recovery rules subsidize forms of investment that contravene the public interest, Congress should change those rules. Indeed, public policy concerns have already led Congress to alter cost-recovery rules for other assets, such as luxury cars, sport utility vehicles, and sports franchises.

Senator GRASSLEY and I agree that to protect the American taxpayer, such an alteration is also necessary here. It's time for the tax tail to stop wagging the dog, by cutting off Federal tax subsidies to companies that privatize existing American highways. Our first bill, the Transportation Access for All Americans Act, would do just that. It would allow a private operator of an existing highway to depreciate costs associated with tangible highway infrastructure on a 45-year period, in line with Bureau of Economic Analysis estimates, and to amortize the intangible right to collect tolls on a schedule that is no shorter than the lease's actual length. By making these changes to the Tax Code, our bill eliminates the unjustifiable subsidy that the U.S. taxpayer is now asked to provide directly to the private operators.

Our second bill, S. 885, the Transportation Equity for All Americans Act, deals with the highway funding that is provided for a privatized road. As I understand it, when a road is privatized, all responsibility for maintaining the road, collecting tolls, paying the investors' profit, and so forth are taken on by the private entity. It simply makes no sense that the road should continue to qualify for highway funding if the road is privately operated. Similarly, it makes no sense that the formulae that distribute the Federal highway funding should reflect any credit for privatized roads—it would be like the users paying twice, once at the toll booth and again in the taxes they already pay to use the Nation's highways.

Under current law, all roads, including interstate highways, national highways, and other major state and local roads in the federal-aid system are included in the calculation of the federal highway funds. The lane-miles and vehicle-miles-traveled on all these roads are used directly to apportion the federal highway funds for the Interstate Maintenance Program, the National Highway Program, and the Surface Transportation Program. The calculation currently includes roads that are

publicly or privately operated. Our second bill is very simple; it subtracts from these calculations the lane-miles and vehicle-miles-traveled for any privatized highway, thus eliminating the double payments. The bill also corrects the Equity Bonus program to reflect properly the changes in the formula calculations.

This year Congress must reauthorize the Federal surface transportation programs. I look forward to working with Finance Chairman BAUCUS and Senator GRASSLEY and EPW Chairman BOXER and Senator INHOFE to complete a new transportation bill that meets the needs of my State and the Nation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Equity for All Americans Act".

SEC. 2. REMOVAL OF PRIVATIZED HIGHWAY MILES.

(a) IN GENERAL.—Section 104(b) of title 23, United States Code, is amended by adding at the end the following:

"(6) PRIVATIZED HIGHWAY MILES.—

"(A) DEFINITION OF PRIVATIZED HIGHWAY.—In this paragraph, the term 'privatized highway' means a highway subject to an agreement giving a private entity—

"(i) control over the operation of the highway; and

"(ii) ownership over the toll revenues collected from the operation of the highway.

"(B) EXCLUSION.—For the purposes of paragraphs (1), (3), and (4), the lane miles and vehicle miles traveled on a privatized highway that is otherwise an included highway shall be excluded from consideration as factors in the formula for apportionment of funds under this title."

(b) EQUITY BONUS.—Section 105 of title 23, United States Code, is amended by adding at the end the following:

"(g) PRIVATIZED HIGHWAYS.—Calculations under this section shall be made without taking into account the exclusion under section 104(b)(6) of certain lane miles and vehicle miles traveled from consideration as factors in the formula for apportionment of funds pursuant to this title."

BILL SUMMARY—TRANSPORTATION ACCESS FOR ALL AMERICANS ACT

The Internal Revenue Code generally characterizes a lease of assets as an outright purchase of those assets if the lessee has acquired all the benefits and burdens of ownership for a term that significantly exceeds their expected remaining useful life (as generally determined by the Bureau of Economic Analysis). The Bureau of Economic Analysis estimates the service life of highways and streets to be 45 years. For Federal income tax purposes, a lessor with such constructive ownership is allowed to recover its costs through depreciation and amortization deductions. Notwithstanding BEA's 45-year estimate, the Tax Code currently permits the value of the lease of tangible infrastruc-

ture to be depreciated on a 15-year schedule, on a 150% declining-balance basis. The intangible franchise right to collect tolls is currently recovered over a 15-year period, regardless of the lease length. The Act would amend Section 168(g)(2) of the Internal Revenue Code so that a taxpayer that leases an existing highway on a sufficiently long-term basis can depreciate the tangible infrastructure on a 45-year schedule, on a straight-line basis. The Act would also amend Section 197(f) of the Internal Revenue Code so that the lessor of an existing highway can amortize the intangible franchise right to collect tolls over the greater of a 15-year period or the actual length of the lease.

BILL SUMMARY—TRANSPORTATION EQUITY FOR ALL AMERICANS ACT

The bill would amend sections 104(b) and 105 of title 23, USC, pertaining to Federal-aid highways apportionment factors and the equity bonus program. Section 104(b) provides the manner in which the Secretary apportions the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, the highway safety improvement program, and the Surface Transportation program for that fiscal year, among the several States. The amendment to section 104(b) would remove lane miles and vehicle miles traveled on a "privatized highway" from the formula factors for the National Highway System, the Surface Transportation program, and the Interstate Maintenance component.

Section 105, the equity bonus program, provides that the Secretary allocate among the States amounts sufficient to ensure that no State receives a percentage of the total apportionments for the fiscal year for specific programs that is less than the calculated State percentage. The amendment to section 105 would provide that, notwithstanding section 104(b)(6), lane miles and vehicle miles traveled on a "privatized highway" are not excluded from the calculations under this section.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 885. A bill to amend the Internal Revenue Code of 1986 to provide special depreciation and amortization rules for highway and related property subject to long-term leases, and for other purposes; to the Committee of Finance.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Access for All Americans Act".

SEC. 2. DEPRECIATION AND AMORTIZATION RULES FOR HIGHWAY AND RELATED PROPERTY SUBJECT TO LONG-TERM LEASES.

(a) ACCELERATED COST RECOVERY.—

(1) IN GENERAL.—Section 168(g)(1) of the Internal Revenue Code of 1986 (relating to alternative depreciation system for certain property) is amended by striking "and" at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) any applicable leased highway property."

(2) RECOVERY PERIOD.—The table contained in subparagraph (C) of section 168(g)(2) of such Code is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) Applicable leased highway property 45 years."

(3) APPLICABLE LEASED HIGHWAY PROPERTY DEFINED.—

(A) IN GENERAL.—Section 168(g) of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) APPLICABLE LEASED HIGHWAY PROPERTY.—For purposes of paragraph (1)(E)—

"(A) IN GENERAL.—The term 'applicable leased highway property' means property to which this section otherwise applies which—

"(i) is subject to an applicable lease, and

"(ii) is placed in service before the date of such lease.

"(B) APPLICABLE LEASE.—The term 'applicable lease' means a lease or other arrangement—

"(i) which is between the taxpayer and a State or political subdivision thereof, or any agency or instrumentality of either, and

"(ii) under which the taxpayer—

"(I) leases a highway and associated improvements,

"(II) receives a right-of-way on the public lands underlying such highway and improvements, and

"(III) receives a grant of a franchise or other intangible right permitting the taxpayer to receive funds relating to the operation of such highway."

(B) CONFORMING AMENDMENT.—Subparagraph (F) of section 168(g)(1) (as redesignated by subsection (a)(1)) is amended by striking "paragraph (7)" and inserting "paragraph (8)".

(b) AMORTIZATION OF INTANGIBLES.—Section 197(f) of the Internal Revenue Code of 1986 (relating to special rules for amortization of intangibles) is amended by adding at the end the following new paragraph:

"(11) INTANGIBLES RELATING TO APPLICABLE LEASED HIGHWAY PROPERTY.—In the case of any section 197 intangible property which is subject to an applicable lease (as defined in section 168(g)(8)(B)), the amortization period under this section shall not be less than the term of the applicable lease. For purposes of the preceding sentence, rules similar to the rules of section 168(i)(3)(A) shall apply in determining the term of the applicable lease."

(c) NO PRIVATE ACTIVITY BOND FINANCING OF APPLICABLE LEASES.—Section 147(e) of the Internal Revenue Code of 1986 is amended by inserting ", or to finance any applicable lease (as defined in section 168(g)(8)(B))" after "premises".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to leases entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 887. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “H-1B and L-1 Visa Reform Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—H-1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H-1B Employer Application Requirements

Sec. 101. Modification of application requirements.

Sec. 102. New application requirements.

Sec. 103. Application review requirements.

Subtitle B—Investigation and Disposition of Complaints Against H-1B Employers

Sec. 111. General modification of procedures for investigation and disposition.

Sec. 112. Investigation, working conditions, and penalties.

Sec. 113. Waiver requirements.

Sec. 114. Initiation of investigations.

Sec. 115. Information sharing.

Sec. 116. Conforming amendment.

Subtitle C—Other Protections

Sec. 121. Posting available positions through the Department of Labor.

Sec. 122. H-1B government authority and requirements.

Sec. 123. Requirements for information for H-1B and L-1 nonimmigrants.

Sec. 124. Additional Department of Labor employees.

Sec. 125. Technical correction.

Sec. 126. Application.

TITLE II—L-1 VISA FRAUD AND ABUSE PROTECTIONS

Sec. 201. Prohibition on outplacement of L-1 nonimmigrants.

Sec. 202. L-1 employer petition requirements for employment at new offices.

Sec. 203. Cooperation with Secretary of State.

Sec. 204. Investigation and disposition of complaints against L-1 employers.

Sec. 205. Wage rate and working conditions for L-1 nonimmigrant.

Sec. 206. Penalties.

Sec. 207. Prohibition on retaliation against L-1 nonimmigrants.

Sec. 208. Reports on L-1 nonimmigrants.

Sec. 209. Technical amendments.

Sec. 210. Application.

Sec. 211. Report on L-1 blanket petition process.

TITLE I—H-1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H-1B Employer Application Requirements

SEC. 101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Subparagraph (A) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended to read as follows:

“(A) The employer—

“(i) is offering and will offer to H-1B nonimmigrants, during the period of authorized

employment for each H-1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

“(I) the locally determined prevailing wage level for the occupational classification in the area of employment; and

“(II) the median average wage for all workers in the occupational classification in the area of employment; and

“(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

“(ii) will provide working conditions for such H-1B nonimmigrant that will not adversely affect the working conditions of other workers similarly employed.”.

(b) INTERNET POSTING REQUIREMENT.—Subparagraph (C) of such section 212(n)(1) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking “(i) has provided” and inserting the following:

“(ii)(I) has provided”; and

(3) by inserting before clause (ii), as redesignated by paragraph (2) of this subsection, the following:

“(i) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

“(I) the wages and other terms and conditions of employment; and

“(II) the minimum education, training, experience, and other requirements for the position; and

“(III) the process for applying for the position; and”.

(c) WAGE DETERMINATION INFORMATION.—Subparagraph (D) of such section 212(n)(1) is amended by inserting “the wage determination methodology used under subparagraph (A)(i),” after “shall contain”.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Subparagraph (E) of such section 212(n)(1) is amended—

(A) in clause (i)—

(i) by striking “90 days” both places it appears and inserting “180 days”; and

(ii) by striking “(i) In the case of an application described in clause (ii), the” and inserting “The”; and

(B) by striking clause (ii).

(2) RECRUITMENT.—Subparagraph (G)(i) of such section 212(n)(1) is amended by striking “In the case of an application described in subparagraph (E)(ii), subject” and inserting “Subject”.

(e) REQUIREMENT FOR WAIVER.—Subparagraph (F) of such section 212(n)(1) is amended to read as follows:

“(F) The employer shall not place, outsource, lease, or otherwise contract for the services or placement of H-1B nonimmigrants with another employer unless the employer of the alien has been granted a waiver under paragraph (2)(E).”.

SEC. 102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after clause (ii) of subparagraph (G) the following:

“(H)(i) The employer has not advertised any available position specified in the application in an advertisement that states or indicates that—

“(I) such position is only available to an individual who is or will be an H-1B nonimmigrant; or

“(II) an individual who is or will be an H-1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

“(ii) The employer has not solely recruited individuals who are or who will be H-1B nonimmigrants to fill such position.

“(I) If the employer employs 50 or more employees in the United States, the sum of the number of such employees who are H-1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) may not exceed 50 percent of the total number of employees.

“(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to the H-1B nonimmigrants for such period.”.

SEC. 103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 102, is further amended in the undesignated paragraph at the end, by striking “The employer” and inserting the following:

“(K) The employer.”.

(b) APPLICATION REVIEW REQUIREMENTS.—Subparagraph (K) of such section 212(n)(1), as designated by subsection (a), is amended—

(1) by inserting “and through the Department of Labor’s website, without charge.” after “D.C.”;

(2) by striking “only for completeness” and inserting “for completeness and clear indicators of fraud or misrepresentation of material fact,”;

(3) by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”;

(4) by striking “within 7 days of” and inserting “not later than 14 days after”; and

(5) by adding at the end the following: “If the Secretary’s review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).”.

Subtitle B—Investigation and Disposition of Complaints Against H-1B Employers

SEC. 111. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Subparagraph (A) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by striking “(A) Subject” and inserting “(A)(i) Subject”;

(2) by striking “12 months” and inserting “24 months”;

(3) by striking the last sentence; and

(4) by adding at the end the following:

“(ii)(I) Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.

“(II) The Secretary may conduct surveys of the degree to which employers comply with the requirements of this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants.

“(III) The Secretary shall—

“(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year;

“(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants; and

“(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.”.

SEC. 112. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Subparagraph (C) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

- (1) in clause (i)—
 - (A) in the matter preceding subclause (I)—
 - (i) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (A), (B), (C)(i), (E), (F), (G)(i)(I), (H), (I), or (J) of paragraph (1)”;
 - (ii) by striking “(1)(C)” and inserting “(1)(C)(ii)”;
 - (B) in subclause (I)—
 - (i) by striking “\$1,000” and inserting “\$2,000”;
 - (ii) by striking “and” at the end;
 - (C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(D) by adding at the end the following: “(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.”; and

- (2) in clause (ii)
 - (A) in subclause (I)—
 - (i) by striking “may” and inserting “shall”;
 - (ii) by striking “\$5,000” and inserting “\$10,000”;
 - (B) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(C) by adding at the end the following: “(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.”; and

- (3) in clause (iii)—
 - (A) in the matter preceding subclause (I), by striking “90 days” both places it appears and inserting “180 days”;
 - (B) in subclause (I)—
 - (i) by striking “may” and inserting “shall”;
 - (ii) by striking “and” at the end;
 - (C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(D) by adding at the end the following: “(III) an employer that violates subparagraph (A) of such paragraph shall be liable to the employees harmed by such violations for lost wages and benefits.”;

- (4) in clause (iv)—
 - (A) by inserting “to take, fail to take, or threaten to take or fail to take, a personnel action, or” before “to intimidate”;
 - (B) by inserting “(I)” after “(iv)”;

(C) by adding at the end the following: “(II) An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.”; and

- (5) in clause (vi)—
 - (A) by amending subclause (I) to read as follows:

“(I) It is a violation of this clause for an employer who has filed an application under this subsection—

“(aa) to require an H-1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer (the Secretary shall determine whether a required payment is a penalty, and not liquidated damages, pursuant to relevant State law); and

“(bb) to fail to offer to an H-1B nonimmigrant, during the nonimmigrant’s period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

“(AA) the opportunity to participate in health, life, disability, and other insurance plans;

“(BB) the opportunity to participate in retirement and savings plans; and

“(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).”;

(B) in subclause (III), by striking “\$1,000” and inserting “\$2,000”.

SEC. 113. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Subparagraph (E) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

“(E)(i) The Secretary of Labor may waive the prohibition in paragraph (1)(F) if the Secretary determines that the employer seeking the waiver has established that—

“(I) the employer with whom the H-1B nonimmigrant would be placed has not displaced, and does not intend to displace, a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

“(II) the H-1B nonimmigrant will not be controlled and supervised principally by the employer with whom the H-1B nonimmigrant would be placed; and

“(III) the placement of the H-1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the H-1B nonimmigrant will be placed.

“(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than 7 days after the Secretary receives the application for such waiver.”.

(b) REQUIREMENT FOR RULES.—

(1) RULES FOR WAIVERS.—The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (E) of section 212(n)(2) of such Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that rules required by paragraph (1) are published.

SEC. 114. INITIATION OF INVESTIGATIONS.

Subparagraph (G) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer’s compliance with the requirements of this subsection.”;

(2) in clause (ii), by striking “and whose identity” and all that follows through “failure or failures,” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements of this subsection.”;

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as so redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12

months” and inserting “comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months”;

(7) by amending clause (v), as so redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(8) in clause (vi), as so redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(9) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).”.

SEC. 115. INFORMATION SHARING.

Subparagraph (H) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H-1B nonimmigrants as part of the adjudication process that indicates that the employer is not complying with visa program requirements for H-1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of non-compliance under this subparagraph.”.

SEC. 116. CONFORMING AMENDMENT.

Subparagraph (F) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking “The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer.”.

Subtitle C—Other Protections

SEC. 121. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Paragraph (3) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended to read as follows:

“(3)(A) Not later than 90 days after the date of the enactment of the H-1B and L-1 Visa Reform Act of 2009, the Secretary of Labor shall establish a searchable Internet website for posting positions as required by paragraph (1)(C). Such website shall be available to the public without charge.

“(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

“(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.”.

(b) **REQUIREMENT FOR PUBLICATION.**—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that the Internet website required by paragraph (3) of section 212(n) of such Act, as amended by subsection (a), will be operational.

(c) **APPLICATION.**—The amendments made by subsection (a) shall apply to an application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 122. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) **IMMIGRATION DOCUMENTS.**—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) **EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.**—Not later than 21 business days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide such employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or non-immigrant petition filed by the employer for such employee or beneficiary.”.

(b) **REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report analyzing the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system. The report shall—

(1) specifically address whether the systems in place accurately reflect the complexity of current job types as well as geographic wage differences; and

(2) make recommendations concerning necessary updates and modifications.

SEC. 123. REQUIREMENTS FOR INFORMATION FOR H-1B AND L-1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(S) **REQUIREMENTS FOR INFORMATION FOR H-1B AND L-1 NONIMMIGRANTS.**—

“(1) **IN GENERAL.**—Upon issuing a visa to an applicant for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) who is outside the United States, the issuing office shall provide the applicant with—

“(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

“(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

“(C) a copy of the application submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

“(2) Upon the issuance of a visa to an applicant referred to in paragraph (1) who is inside the United States, the issuing officer of the Department of Homeland Security shall provide the applicant with the material described in clauses (i), (ii), and (iii) of subparagraph (A).”.

SEC. 124. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) **IN GENERAL.**—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(B).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 125. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled “An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998” (Public Law 108-449 (118 Stat. 3470)), as subsection (u).

SEC. 126. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to applications filed on or after the date of the enactment of this Act.

TITLE II—L-1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 201. PROHIBITION ON OUTPLACEMENT OF L-1 NONIMMIGRANTS.

(a) **IN GENERAL.**—Subparagraph (F) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended to read as follows:

“(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period of more than 1 year, who—

“(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

“(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.”.

“(ii) The Secretary of Homeland Security may grant a waiver of the requirements of clause (i) for an employer if the Secretary determines that the employer has established that—

“(I) the employer with whom the alien referred to in clause (i) would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days after the date of the placement of such alien with the employer;

“(II) such alien will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

“(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

“(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than 7 days after the date that the Secretary receives the application for the waiver.”.

(b) **REGULATIONS.**—The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (F)(ii) of section 214(c)(2), as added by subsection (a).

SEC. 202. L-1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or be employed in, a new office, the petition may be approved for up to 12 months only if—

“(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

“(II) the employer operating the new office has—

“(aa) an adequate business plan;

“(bb) sufficient physical premises to carry out the proposed business activities; and

“(cc) the financial ability to commence doing business immediately upon the approval of the petition.

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

“(I) evidence that the importing employer meets the requirements of this subsection;

“(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

“(III) a statement summarizing the original petition;

“(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

“(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

“(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new office; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) A new office employing the beneficiary of an L-1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

“(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described

in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion."

SEC. 203. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, is further amended by adding at the end the following:

"(H) For purposes of approving petitions under this paragraph, the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country."

SEC. 204. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L-1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 202 and 203, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

"(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States

Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (L).

"(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

"(II) The Secretary shall—

"(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

"(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in 101(a)(15)(L); and

"(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause."

SEC. 205. WAGE RATE AND WORKING CONDITIONS FOR L-1 NONIMMIGRANT.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, 203, and 204, is further amended by adding at the end the following:

"(J)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(bb) the median average wage for all workers in the occupational classification in the area of employment; and

"(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) to require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law."

(b) REGULATIONS.—The Secretary of Homeland Security shall promulgate rules, after notice and a period of comment, to implement the requirements of subparagraph (J) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as added by subsection (a). In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

SEC. 206. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 202, 203, 204, and 205, is further amended by adding at the end the following:

"(K)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (J), or (L) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$2,000 per violation) as the Secretary determines to be appropriate;

"(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

"(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

"(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (J), or (L) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary determines to be appropriate;

"(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

"(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits."

SEC. 207. PROHIBITION ON RETALIATION AGAINST L-1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, 203, 204, 205, and 206, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist,

discharge, or discriminate in any other manner against an employee because the employee—

“(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

“(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

“(ii) In this subparagraph, the term ‘employee’ includes—

“(I) a current employee;

“(II) a former employee; and

“(III) an applicant for employment.”.

SEC. 208. REPORTS ON L-1 NONIMMIGRANTS.

Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by inserting “(L),” after “(H).”.

SEC. 209. TECHNICAL AMENDMENTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 210. APPLICATION.

The amendments made by sections 201 through 207 shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 211. REPORT ON L-1 BLANKET PETITION PROCESS.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate committees of Congress a report regarding the use of blanket petitions under section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)). Such report shall assess the efficiency and reliability of the process for reviewing such blanket petitions, including whether the process includes adequate safeguards against fraud and abuse.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 889. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing with Senator CASEY that will require the Secretary of Agriculture to determine the price of all manufactured milk, classified as Class II milk, using the national average cost of production. At a time when the dairy farmers in Pennsylvania and across the country are seeing record low prices for their milk, this legisla-

tion is necessary to bring the price of milk back to a level where farmers can earn a living and provide for their families.

Over the past year, farmers in my state have seen the average price for a hundredweight, cwt, of milk drop from around \$24 in July 2008, to hovering around \$10 this February. This dramatic price decrease has been the result of a perfect storm of factors, including record high fuel prices last summer, which increased the cost of feed and other supplies, and a decrease in demand for dairy products abroad, where cases of melamine in milk have caused a severe drop in demand.

Last year, Sen. CASEY and I worked diligently to increase the Milk Income Loss Contract, MILC, Program in the 2008 Farm Bill. We were successful in including a cost of production increase to all MILC payments. These direct payments from the federal government are triggered when the price of milk per cwt falls below \$16.94. When the average price of milk for a given month falls below this trigger, farmers are paid 45 percent of the difference between the actual price of milk and the trigger price. With the 2008 Farm bill's inclusion of the cost of production to these payments, farmers are seeing higher MILC payments than they otherwise would.

However, this is not enough. I have heard numerous reports from my constituents that the price of milk has fallen so low that they are fearful of having to sell their farms in order to provide for their families. Many of the dairy farms in Pennsylvania are small, family-owned farms, which, once sold, will be lost forever. We cannot let this happen. The dairy industry is critical not only to Pennsylvania's economy, but to the economy of the U.S. and to the security of our nation.

The Federal Milk Marketing Improvement Act will not only use a national average cost of production to determine Class II milk, but will also keep the Secretary of Agriculture engaged in protecting farmers from falling milk prices. This legislation would require the Secretary to adjust the value of milk four times a year, ensuring that price volatilities in the fuel sector will not unfairly hurt this industry, as we have seen it do in the past year.

Finally, this legislation provides an exemption for new dairy producers, up to 3 million pounds of milk during the first year of production, to encourage growth in the industry. With recent losses across the country of so many dairy farms, this provision is important to spurring new farmers and producers to enter the dairy industry.

I look forward to working with my colleagues to advance this and other legislation which will help a vital industry to this country. Our dairy farmers are the backbone of the agricul-

tural community, and they deserve our support.

By Mr. REID (for Mr. ROCKEFELLER):

S. 890. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Health Information Technology Public Utility Act, legislation I have recently introduced to facilitate nationwide adoption of electronic health records, EHRs, particularly among small, rural providers. This legislation will build on the successful open source models for EHRs developed by the Department of Veterans Affairs and the Indian Health Service—as well as the open source exchange model recently expanded among federal agencies through the Nationwide Health Information Network-Connect initiative.

Health information technology, IT, that is interoperable and meaningful is a necessary tool to improve the quality of health care Americans receive and make our health care system more efficient. It is the cornerstone of health care communication and coordination between patients and providers and among providers in order delivery high-quality medical care. Several of the mechanisms embedded in this technology—clinical decisions support, interoperability—achieve the long-term policy goals we are considering as part of our broader health reform discussions. It is clear that coordination and communication among providers, improved efficiencies in resource use, streamlined administration and billing, and increased access to meaningful data about quality improvement and improved health outcomes will not be possible without meaningful use of this technology among all providers.

However, access to affordable technology is the primary reason why providers across the nation do not invest in this valuable tool. The licensing fees of proprietary software are expensive and beyond the reach of many of health care providers—particularly small, rural providers. Moreover, the federal government has spent substantial taxpayer dollars in the development of open source technology—with the Department of Veterans Affairs and the Indian Health Service, IHS, national leaders in open source electronic health record, EHR, development and implementation. Both the Veterans Health Administration's VistA software and the Indian Health Services' Resource and Patient Management System, RPMS, are affordable and dependable systems that have been in place for decades.

Most recently, the health IT funding included in the American Recovery and

Reinvestment Act, ARRA, although substantial, is likely to fall short of offering affordable options to all providers. In fact, CBO estimates that, even with funding and incentives in the ARRA, 30 percent of hospitals and 10 percent of physicians will not have adopted health IT by 2019. And, there are some providers that are ineligible for funding under ARRA altogether.

The Health Information Technology Public Utility Act will address this problem by increasing access to open source software through a public utility model. The public utility model proposed in this bill would be administered by a Federal Consolidated Health Information Technology Board under the umbrella of the ONCHIT, separate from the Policy and Standards Committees. Members of this Board would represent relevant agencies across the federal government. The Board would be responsible for linking efforts of current and new VistA and RPMS user groups, and updating VistA and RPMS open source software (including provider-based EHRs, personal health records, and other software modules) on a timely basis.

The legislation also establishes a new 21st Century Health Information Technology Grant Program to provide funding to public and not-for-profit safety net providers to cover the costs of implementation and initial maintenance of VistA and/or RPMS systems. Grants will focus on eligible hospitals and clinics, with some additional funding for demonstrations in long-term care, home health, and hospice.

The Health Information Technology Public Utility Act fills a crucial gap in health IT affordability and accessibility. This legislation does not replace commercial software; instead, it complements the private industry in this field—by making health information technology a realistic option for all providers and by making it possible for the benefits of health IT to accrue to all patients and I urge my colleagues to join me in support of this important policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Information Technology (IT) Public Utility Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term “Board” means the Federal Consolidated Health Information Technology Board established under section 3.

(2) **RPMS.**—The term “RPMS” means the Resource and Patient Management System of the Indian Health Service.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Veterans Affairs.

(4) **VISTA.**—The term “Vista” means the VistA software program utilized by the Department of Veterans Affairs.

SEC. 3. FEDERAL CONSOLIDATED HEALTH INFORMATION TECHNOLOGY BOARD.

(a) **ESTABLISHMENT.**—To facilitate the implementation of electronic health record systems among safety-net health care providers (particularly small, rural providers) there shall be established within the Office of the National Coordinator for Health Information Technology of the Department of Health and Human Services, a Federal Consolidated Health Information Technology Board.

(b) **BOARD OF DIRECTORS.**—The Board shall be administered by a board of directors that shall be composed of the following individuals or their designees:

- (1) The Secretary.
- (2) The Under Secretary for Health of the Department of Veterans Affairs.
- (3) The Director of the Indian Health Service.
- (4) The Secretary of Defense.
- (5) The Secretary of Health and Human Services.
- (6) The Director of the Agency for Healthcare Research and Quality.
- (7) The Administrator of the Health Resources and Services Administration.
- (8) The Chairman of the Federal Communications Commission.

(c) **DUTIES.**—The Board shall—

- (1) provide ongoing communication with existing VistA and RPMS user groups to ensure that there is constant interoperability between such groups and to provide for the sharing of innovative ideas and technology;
- (2) update VistA and RPMS open source software (including health care provider-based electronic health records, personal health records, and other software modules) on a timely basis;
- (3) implement and administer the 21st Century HIT Grant Program under section 4, including providing for notice in the Federal Register as well as—

(A) determining specific health information technology grant needs based on health care provider settings;

(B) developing benchmarks for levels of implementation in each year that 21st Century grant funding is provided; and

(C) providing ongoing VistA and RPMS technical assistance to grantees under such program (either through the provision of direct technical support or through the awarding of competitive contracts to other qualified entities);

(D) develop mechanisms to integrate VistA and RPMS with records and billing systems utilized under the Medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa et seq.);

(4) establish a child-specific electronic health record, consistent with the parameters to be set for child electronic health records as provided for in the American Recovery and Reinvestment Act of 2009, to be used in the Medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act, and under other Federal children's health programs determined appropriate by the board of directors;

(5) develop and integrate quality and performance measurement into the VistA and RPMS modules;

(6) integrate the 21st Century HIT Grant Program under section 4 with the Federal Communications Commission's Rural Health

Care Pilot Program, with Department of Veterans Affairs hospital systems, and with other Federal health information technology health initiatives; and

(7) carry out other activities determined appropriate by the board of directors.

(d) **ANNUAL AUDITS.**—The Comptroller General of the United States shall annually conduct an audit of the activities of the Board during the year and submit the results of such audits to the appropriate committees of Congress.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4. 21ST CENTURY HEALTH INFORMATION TECHNOLOGY (HIT) GRANTS.

(a) **ESTABLISHMENT.**—The Board shall establish a grant program, to be known as the 21st Century Health Information Technology (HIT) Grant program, to award competitive grants to eligible safety-net health care providers to enable such providers to fully implement VistA or RPMS with respect to the patients served by such providers.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be—

- (i) a public or nonprofit health care provider (as defined in section 254(h)(7)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(B))), including—

(I) post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools;

(II) a community health center receiving a grant under section 330 of the Public Health Service Act (42 U.S.C. 254) or a health center that provides health care to migrants;

(III) a local health department or agency, including a dedicated emergency department of rural for-profit hospitals;

(IV) a community mental health center;

(V) a nonprofit hospitals;

(VI) a rural health clinics, including a mobile clinic;

(VII) a consortia of health care providers, that consists of 1 or more of the entities described in clauses (i) through (vi); and

(VIII) a part-time eligible entity that is located in an otherwise ineligible facility (as described in section 5(b); or

(ii) a free clinic (as defined in paragraph (4); and

(B) submit to the Board as application at such time, in such manner, and containing such information as the Board may require.

(2) **NON-ELIGIBLE ENTITIES.**—

(A) **IN GENERAL.**—An entity shall not be eligible to receive a grant under this section if such entity is a for-profit health care entity (except as provided for in paragraph (1)(A)), or any other type of entity that is not described in such paragraph, including—

(i) an entity described in paragraph (1)(A) that is implementing an existing electronic health records system;

(ii) an entity that is receiving grant funding under the Federal Communication Commission Rural Health Pilot Program;

(iii) an entity receiving funding for health information technology through a Medicaid transformation grant under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(iv) a private physician office or clinic;

(v) a nursing home or other long-term care facility (such as an assisted living facility);

(vi) an emergency medical service facility;

(vii) a residential substance abuse treatment facility;

(viii) a hospice;

(ix) a for-profit hospital;

(x) a home health agency;
 (xi) a blood bank;
 (xii) a social service agency; and
 (xiii) a community center, vocational rehabilitation center, or youth center.

(B) **OTHER ENTITIES.**—An entity shall not be eligible to receive a grant under this section if such entity is receiving Medicare or Medicaid incentive funding under any of the amendments made by title IV of division B of the American Recovery and Reinvestment Act of 2009.

(3) **PREFERENCE.**—In awarding grant under this section the Board shall give preference to applicants that—

(A) are located in geographical areas that have a greater likelihood of serving the same patients and utilizing interoperability to promote coordinated care management; or

(B) demonstrate the greatest need for such award (as determined by the Secretary).

(4) **DEFINITION.**—In this subsection, the term “free clinic” means a safety-net health care organization that—

(A) utilizes volunteers to provide a range of medical, dental, pharmacy, or behavioral health services to economically disadvantaged individuals the majority of whom are uninsured or underinsured; and

(B) is a community-based tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, or that operates as a program component or affiliate of such a 501(c)(3) organization.

An entity that is otherwise a free clinic under this paragraph, but that charge a nominal fee to patients, shall still be considered to be a free clinics if the entity delivers essential services regardless of the patient's ability to pay.

(c) **USE OF FUNDS.**—An entity shall use amounts received under a grant under this section to fully implement the VistA or RPMS with respect to the patients served by such entity. Such implementation shall include at least the meaningful use (as defined by the Secretary of Health and Human Services) of such systems, including any ongoing updates and changes to such definition.

(d) **TERM AND RENEWAL.**—A grant under this section shall be for a period of not to exceed 5 years and may be renewed, as determined appropriate by the Board, based on the achievement of benchmarks required by the Board.

(e) **ANNUAL REPORTING.**—

(1) **BY GRANTEEES.**—Not later than 1 year after the date on which an entity receives a grant under this section, and annually during each year in which such entity has received funds under such grant, such entity shall submit to the Board a report concerning the activities carried out under the grant.

(2) **BY BOARD.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Board shall submit to the appropriate committees of Congress a report concerning the activities carried out under this section, including—

(A) a description of the grants that have been awarded under this section and the purposes of such grants;

(B) specific implementation information with respect to activities carried out by grantees;

(C) the costs and savings achieved under the program under this section;

(D) a description of any innovations developed by health care providers as a result of the implementation of activities under this grant;

(E) a description of the results of grant activities on patient care quality measurement

(including reductions in medication errors and the provision of care management);

(F) a description of the extent of electronic health record use across health care provider settings;

(G) a description of the extent to which integration of VistA and RPMS with Medicaid and State children's health insurance program billing has been achieved; and

(H) any other information determined necessary by the Board.

(f) **ANNUAL AUDITS.**—The Comptroller General of the United States shall annually conduct an audit of the grant program carried out under this section and submit the results of such audits to the Board and the appropriate committees of Congress.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$2,000,000,000 for each of fiscal years 2010 and 2011; and

(2) \$1,000,000,000 for each of fiscal years 2012 through 2014.

SEC. 5. 21ST CENTURY HEALTH INFORMATION TECHNOLOGY DEMONSTRATION PROGRAM FOR INELIGIBLE ENTITIES.

(a) **IN GENERAL.**—The Board may use not to exceed 10 percent of the amount appropriate for each fiscal year under section 4(g) to award competitive grants to eligible long-term care providers for the conduct of demonstration projects to implement VistA or RPMS with respect to the individuals served by such providers.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a—

(i) nursing home or other long-term care facility (such as an assisted living facility);

(ii) a hospice; or

(iii) a home health agency; and

(B) submit to the Board as application at such time, in such manner, and containing such information as the Board may require, including a description of the manner in which the applicant will use grant funds to implement VistA or RPMS with respect to the individuals served by such applicant to achieve one or more of the following:

(i) Improve care coordination and chronic disease management.

(ii) Reduce hospitalizations.

(iii) Reduce patient churning between the hospital, nursing home, hospice, and home health entity.

(iv) Increase the ability of long-term care patients to remain in their homes and communities.

(v) Improve patient completion, and provider execution, of advance directives.

(2) **NONELIGIBILITY.**—An entity shall not be eligible to receive a grant under this section if such entity is receiving Medicare or Medicaid incentive funding under any of the amendments made by title IV of division B of the American Recovery and Reinvestment Act of 2009.

(c) **USE OF FUNDS.**—An entity shall use amounts received under a grant under this section to implement the VistA or RPMS with respect to the individuals served by such entity. Such implementation shall include at least the meaningful use (as defined by the Secretary of Health and Human Services) of such systems, including any ongoing updates and changes to such definition.

(d) **DURATION.**—A grant under this section shall be for a period of not to exceed 3 years, as determined appropriate by the Board.

(e) **REPORTING.**—The Board, as part of the report submitted under section 4(e)(2), shall provide comprehensive information on the

activities conducted under grants awarded under this section.

By Mr. BROWNBAC (for himself, Mr. DURBIN, and Mr. FEINGOLD):

S. 891. A bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWNBAC. Mr. President, I rise before you today to speak on an issue that I have brought to the Senate Floor before and have been watching for quite some time now. I would like to submit for the record the Congo Conflict Minerals Act of 2009.

This bill will require U.S.-registered companies selling products using columbite-tantalite, coltan, cassiterite, or wolframite, or derivatives of these minerals, to annually disclose to the Securities and Exchange Commission the country of origin of those minerals. If the country of origin is the Democratic Republic of Congo or neighboring countries, the company would need to disclose the mine of origin.

These minerals are the “conflict diamonds” of Congo, however rather than ending up in jewelry these minerals are ending up in our electronics products.

This is not the first time this issue has been raised. Only last year Senator DURBIN and I introduced S3058, the Conflict Coltan and Cassiterite Act, which prohibited the importation of certain products that contained or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo. While the bill did not go anywhere, the issue itself has gained attention. We have taken a strong hard look at last year's bill and have done our best to improve on it.

In the current legislation we call for transparency and accountability throughout the supply-chain of these minerals. By making this supply-chain more translucent, we ultimately can help save millions of innocent Congolese lives who find themselves caught in the middle of this conflict, a conflict based on the control of these minerals. Some in industry have already started down this road and are even in front of the curve with their efforts, but we still need to strive to do a better job of showing transparency and we need to do it quickly.

It is no secret that the exploitation of minerals is taking place and funding the conflict in Congo. In its final report, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found that official exports of columbite-tantalite, cassiterite, wolframite, and gold are grossly undervalued and that various illegal armed groups in the eastern region of the Democratic

Republic of Congo continue to profit greatly from these natural resources by coercively exercising control over mining sites from where they are extracted and locations along which they are transported for export.

I have said this before and I will say it again, this murky, conflict-funding supply-chain of minerals in eastern Congo has been the heart of darkness for that country too long and I am not the only one who believes that.

Last month the Democratic Republic of Congo's U.N. Ambassador Faida Mitifu spoke in New York during a panel discussion on media coverage of sexual violence against Congolese women. When the issue of minerals in eastern Congo was raised, Ambassador Mitifu said the exploitation of mineral resources is the driving force behind the conflict.

Her exact quote "the minerals have truly been the driving force behind this war. It has been dressed with different clothes, but truly the minerals are the driving force." She went on to say the history of exploitation and conflict dates back to the Congo's colonial history with Belgium.

She is right. The mismanagement of natural resources has long cast a gloom over the Democratic Republic of Congo. The exploitation of these natural resources that began during the reign of King Leopold has endured for over 100 years. During this 24-year tyranny of Congo, King Leopold exploited the local population by turning it into a slave colony, extracting the resource of the day—rubber, while over 13 million Congolese died.

In his book the "Heart of Darkness" Joseph Conrad describes King Leopold's colonial project in the Congo "the vilest scramble for loot that ever disfigured the history of human conscience." But have we seen history change at all? Well let me share with you some of the lives ravaged by this ongoing conflict.

This small 3½-year-old boy became one of the millions of victims of displacement and malnourishment. His family fled into the jungle from a rebel group that had burnt their village to the ground in just outside the village of Kitchanga in North Kivu.

They lived in the jungle and had been constantly on the move. Food became scarce and meals became as sporadic as 2 to 3 a week. He fell sick and developed a cough. When his mother brought him to the local health clinic, they were immediately referred to an international humanitarian organization in the area. There, this young boy was diagnosed with malaria, tuberculosis, and anemia.

His doctors then discovered he had been eating only what his mother could gather in jungle and ate only once every three to four days. They immediately began his treatments, which his small, frail body was struggling to accept.

While this small 2-year-old boy had a similar story, however more disheartening. His family had fled into the jungle when the rebels attacked their village. After 3 months of seeking shelter in the jungle, his mother finally brought him to a local health clinic where he too was referred to the international humanitarian organization there. The only diagnosis the doctors could come up with was malaria. However when this photo was taken his body was rejecting the treatments, he no longer cried-out in hunger or pain, he no longer responded to anything.

The issue of rape in the Congo is quite possibly the worst in the world. We used to call it a "tool of war" but now it's not even due to the war. Because it has been taking place there for so long, it has nearly become an accepted behavior and one where impunity reigns free.

Last year I spoke with Dr. Mukwege from Panzi Hospital in the city of Bukavu in the South Kivu Province of Congo. Panzi Hospital is the leading treatment hospital of rape and sexual violence survivors in Congo. Dr. Mukwege sat in my office and told me of how he was seeing as many as 10 new rape survivors who needed treatment a week.

He then pulled out a map and circled the areas where majority of his patients were coming from and explained that those areas were the key mining areas for coltan and cassiterite in South Kivu. He said that rebels controlled these areas because of the mineral wealth and that with their control of these areas came their lawlessness and with lawlessness came the impunity of rape.

Rape, displacement, insecurity, forced labor, child soldiers, curable illnesses left untreated, and deaths of 1,500 people a day are only a few of the human indignities directly and indirectly surrounding this struggle for control of the minerals in eastern Congo. However there is no room for turning a blind eye on this matter when we all must be actors in this supply-chain—from miner to consumer.

American greatness has always been founded on our fundamental goodness. We need to be a nation where the strong protect the weak and people of privilege assist those in poverty. It says a lot about the kind of America we all should work for when we speak out against this type of tragedy and commit ourselves to those who are suffering there.

Mr. FEINGOLD. Mr. President, today I am pleased to join Senators BROWNBACK and DURBIN as an original cosponsor of the Congo Conflict Minerals Act of 2009. The purpose of this bill is to bring greater attention and transparency to the way in which the trade in three minerals—columbite-tantalite, cassiterite, or wolframite—is intertwined with the ongoing violence, dis-

placement and human rights abuses in the eastern Democratic Republic of Congo. The metals derived from these three minerals are used widely in the electronic products that we use daily, from cell phones to laptops to digital cameras. By working to ensure the raw materials used in those products are not benefiting armed groups, we can have a positive impact on ending armed conflict and human rights abuses in the Congo.

Specifically, this bill charges the State Department to support the work of the United Nations Group of Experts to further investigate and provide companies with guidance on the links between natural resources and the financing of armed groups. It also charges the State Department with developing a strategy to help break these linkages, while helping governments in the region to establish the necessary frameworks and institutions to monitor and regulate the cross-border trade of these minerals. Then, this bill requires U.S.-registered companies selling products containing those three minerals to disclose the country of origin of those minerals and, if they come from Congo or neighboring countries, to give further information, including the mine of origin. This requirement will compel companies to take responsibility for their suppliers and thus bring greater transparency to the trade in these minerals, which may enable more targeted actions down the road. Finally, this bill encourages USAID to expand programs seeking to improve the conditions and livelihood prospects for communities affected by this violence in Congo. We must not forget that the long-term goal is not to shut this trade down, but to support a conflict-free mining economy that benefits the Congolese people.

The United Nations Group of Experts has reported over the years that various illegal armed groups in eastern Congo profit greatly from the region's vast natural resources. In February 2008, the Group of Experts stated, "individuals and entities buying mineral output from areas of the eastern part of the Democratic Republic of Congo with a strong rebel presence are violating the sanctions regime when they do not exercise due diligence to ensure their mineral purchases do not provide assistance to illegal armed groups." They defined due diligence as determining the precise identity of the deposits from which the minerals have been mined, establishing whether or not these deposits are controlled and/or taxed by illegal armed groups, and refusing to buy minerals known to originate—or suspected to originate—from deposits controlled/taxed by these armed groups. In December 2008, the United Nations Security Council unanimously adopted Resolution 1857, broadening existing sanctions relating to Congo to include individuals or entities supporting the illegal armed

groups through the illicit trade of natural resources. The resolution also encouraged member countries to ensure that companies handling minerals from Congo exercise due diligence with their suppliers.

The U.S. has invested financial resources and diplomacy over recent years in trying to bring peace and stability to eastern Congo, and there have been some successes. However, our efforts have ultimately been hindered by a failure to directly address the underlying causes of conflict. A study by the Government Accountability Office released in 2007 found that U.S. efforts in Congo are undermined by weak governance and mismanagement of natural resources. The plunder and unregulated trade of eastern Congo's rich mineral base continues to make war a profitable enterprise. This legislation attempts to finally confront and address that problem. It commits the United States government and those companies under our jurisdiction to shed light on the dynamics of eastern Congo's mineral economy and to take actions to reduce its exploitation by armed groups. This can be an important step—perhaps even a transitional one—as we work with our regional partners to help them establish and implement better frameworks for regulation and oversight.

Some may say the bill goes too far, while others may argue that this bill does not go far enough; that it has loopholes and lacks sufficient “teeth.” This bill is not perfect. However, we must realize the conflict mineral problem is a complex one. This legislation is just a first step to bring greater transparency to that problem, which will then enable more comprehensive, robust and targeted measures down the road. At the same time, we must tread carefully because there are many communities in eastern Congo whose livelihoods are intertwined with the mining economy. All-out prohibitions or blanket sanctions could be counterproductive and negatively affect the very people we seek to help. I am confident that this bill is sensitive to that complex reality. It tasks the Government Accountability Office, within two years, with assessing any problems resulting from the implementation of this Act, determining any adverse impacts on local Congolese communities, and making recommendations for improving its effectiveness. It also urges USAID to expand its programs to work with these communities and improve their livelihood prospects.

I also realize that some others may argue that this bill goes too far; that it imposes impractical or onerous requirements on companies who end-use these minerals. Similar arguments were made in the early days of the Kimberley Process. I appreciate that these three minerals often pass through extensive supply chains and

processing stages before the relevant metals are used in technological products. Bringing transparency to those supply chains may not be easy, but it is something we can and should expect of industry when certain commodities are known to be fueling human rights violations. Industry itself has acknowledged this. In February 2009, the Electronic Industry Citizenship Coalition, which includes several major U.S. electronic companies, put out a statement saying that companies can and should uphold responsible practices in their operations and work with suppliers to meet social and environmental standards with respect to the raw materials used in the manufacture of their products. That was a bold statement and I want to work with companies to make it a reality with respect to Congo.

I traveled in 2007 to eastern Congo and saw firsthand the grave suffering of people who have lived through a decade of conflict and humanitarian crisis. The numbers are staggering: an estimated 5.4 million deaths over the last decade—making it the deadliest conflict since the Second World War. In addition, millions of people are still displaced from their homes, living in squalid camps where children are subject to forced recruitment and women suffer unspeakable levels of sexual violence. In my travels to many parts of Africa over the years, the suffering of women and girls in eastern Congo particularly stands out. I met with women and girls there who had been gang raped, often leaving them with horrific physical and psychological damage. I met with women who had lost their husbands, their homes, and their livelihoods and yet against all odds they refused to give up—if only for the sake of their children. I believe this bill will make attaining peace for these women and their families a little easier and that is one of the reasons why I am supporting it.

In 2006, under the leadership of then-Senator Obama and Senator BROWNBACK, the U.S. Congress passed the Democratic Republic of Congo Relief, Security and Democracy Promotion Act. That bill committed the United States to work comprehensively toward peace, prosperity and good governance in the Congo. The Congo Conflict Minerals Act of 2009 seeks to move us a step closer toward those goals. I urge my colleagues to support it, and thank Senators BROWNBACK and DURBIN for their leadership on this important issue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 111—RECOGNIZING JUNE 6, 2009, AS THE 70TH ANNIVERSARY OF THE TRAGIC DATE WHEN THE M.S. ST. LOUIS, A SHIP CARRYING JEWISH REFUGEES FROM NAZI GERMANY, RETURNED TO EUROPE AFTER ITS PASSENGERS WERE REFUSED ADMITTANCE TO THE UNITED STATES

Mr. KOHL (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 111

Whereas on May 13, 1939, the ocean liner M.S. St. Louis departed from Hamburg, Germany for Havana, Cuba with 937 passengers, most of whom were Jewish refugees fleeing Nazi persecution;

Whereas the Nazi regime in Germany in the 1930s implemented a program of violent persecution of Jews;

Whereas the Kristallnacht, or Night of Broken Glass, pogrom of November 9 through 10, 1938, signaled an increase in violent anti-Semitism;

Whereas after the Cuban Government, on May 27, 1939, refused entry to all except 28 passengers on board the M.S. St. Louis, the M.S. St. Louis proceeded to the coast of south Florida in hopes that the United States would accept the refugees;

Whereas the United States refused to allow the M.S. St. Louis to dock and thereby provide a haven for the Jewish refugees;

Whereas the Immigration Act of 1924 placed strict limits on immigration;

Whereas a United States Coast Guard cutter patrolled near the M.S. St. Louis to prevent any passengers from jumping to freedom;

Whereas following denial of admittance of the passengers to Cuba, the United States, and Canada, the M.S. St. Louis set sail on June 6, 1939 for return to Antwerp, Belgium with the refugees; and

Whereas 254 former passengers of the M.S. St. Louis died under Nazi rule: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that June 6, 2009, marks the 70th anniversary of the tragic date when the M.S. St. Louis returned to Europe after its passengers were refused admittance to the United States and other countries in the Western Hemisphere;

(2) honors the memory of the 937 refugees aboard the M.S. St. Louis, most of whom were Jews fleeing Nazi oppression, and 254 of whom subsequently died during the Holocaust;

(3) acknowledges the suffering of those refugees caused by the refusal of the United States, Cuban, and Canadian governments to provide them political asylum; and

(4) recognizes the 70th anniversary of the M.S. St. Louis tragedy as an opportunity for public officials and educators to raise awareness about an important historical event, the lessons of which are relevant to current and future generations.

Mr. KOHL. Mr. President, seventy years ago the M.S. *St. Louis*, a German ocean liner, sailed from Hamburg, Germany to Havana, Cuba with 937 passengers, mostly Jewish refugees searching for the freedom and safety of

the American dream. Those passengers left their homes because of state supported anti-semitism including violent pogroms, expulsion from public schools and service, and arrest and imprisonment solely because of Jewish heritage. Some passengers were released from prisons at Buchenwald and Dachau only because they were immigrating out of the country. With their freedom and safety stripped away by Nazi persecution, these refugees sailed for Cuba, a way station to wait for entry visas to the U.S.

When the M.S. *St. Louis* arrived in Cuba, only 28 passengers were allowed to disembark. Corruption and political maneuvering within the Cuban government invalidated the transit visas of the other passengers. Those individuals waited with great hope for a remedy that would provide refuge far from Nazi persecution. Before returning to Europe, the ship sailed towards Miami in hopes of a solution. The ship sailed so close to Florida that the passengers could see the lights of Miami. One survivor remembers his father commenting that "Florida's golden shores, so near, might as well be 4,000 miles away for all the good it did them."

The US Immigration and Nationality Act of 1924 strictly limited the number of immigrants admitted to the U.S. each year and in 1939 the waiting list for German-Austrian immigration was several years long. While the press was largely sympathetic to the plight of the passengers of the M.S. *St. Louis*, no extraordinary measures were taken to permit the refugees to enter the United States. The passengers were told that they must "await their turns on the waiting list and qualify for and obtain immigration visas".

On June 6 the M.S. *St. Louis* sailed back to Europe with nearly all of its original passengers. Refuge for the passengers was eventually obtained in Great Britain, the Netherlands, Belgium, and France. World War II started three months later and those countries, with the exception of Great Britain, fell to Nazi occupation. Two hundred and fifty-four of those passengers died during the Holocaust and many others suffered under Nazi persecution and in concentration camps.

During this week when we remember the Holocaust, it is appropriate and right to acknowledge the voyage of the M.S. *St. Louis* and the lives and the dreams of those refugees who made a trip towards freedom only to be returned to Europe. This Senate Resolution acknowledges the 70th anniversary of the voyage of the M.S. *St. Louis* and honors the memory of those passengers, 254 of who died during the Holocaust. This resolution also provides an opportunity for public officials and educators to reflect on this historic event and lessons that are relevant to current and future generations.

SENATE RESOLUTION 112—DESIGNATING FEBRUARY 8, 2010, AS "BOY SCOUTS OF AMERICA DAY", IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE LARGEST YOUTH SCOUTING ORGANIZATION IN THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BAYH, Mr. CRAPO, Mr. BUNNING, Mr. ENZI, Mr. COBURN, Mr. LUGAR, Mr. CHAMBLISS, Mr. BURR, Mr. BROWN, Mr. CARPER, Mr. ALEXANDER, Mr. INHOFE, Mrs. LINCOLN, Mr. RISCH, Mr. BENNETT, Mr. THUNE, Mr. CASEY, Mr. HATCH, Mr. WARNER, Ms. MURKOWSKI, Mr. BEGICH, Mr. CONRAD, and Mr. JOHANNES) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 112

Whereas the Boy Scouts of America was incorporated by the Chicago publisher William Boyce on February 8, 1910, after William Boyce learned of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters for the Boy Scouts of America in New York;

Whereas the purpose of the Boy Scouts of America is to teach the youth of the United States patriotism, courage, self-reliance, and kindred values;

Whereas, by 1912, Boy Scouts were enrolled in every State;

Whereas, in 1916, Congress granted the Boy Scouts of America a Federal charter;

Whereas each local Boy Scout Council commits each Boy Scout to perform 12 hours of community service yearly, for a total of 30,000,000 community service hours each year;

Whereas, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America;

Whereas Boy Scouts are found in 185 countries around the world;

Whereas the Boy Scouts of America will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas the adult volunteer leaders of the Boy Scouts of America often neither receive nor seek the gratitude of the public; and

Whereas the Boy Scouts of America endeavors to develop United States citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance demonstrated by such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the social, economic, and governmental systems of the United States, take pride in the heritage of the United States and understand the role of the United States in the world, have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to the society of the United States: Now, therefore, be it

Resolved, That the Senate designates February 8, 2010, as "Boy Scouts of America Day", in celebration of the 100th anniversary

of the largest youth scouting organization in the United States.

SENATE RESOLUTION 113—DESIGNATING APRIL 23, 2009, AS "NATIONAL ADOPT A LIBRARY DAY"

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and libraries across the country to extend the joys of reading to millions of people in the United States and to prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt A Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2009, as "National Adopt A Library Day";

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF CONGRESS THAT THE SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN VIOLATES THE FUNDAMENTAL HUMAN RIGHTS OF WOMEN AND SHOULD BE REPEALED

Mrs. BOXER (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. FEINSTEIN, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;

Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;

Whereas the law also weakens mothers' rights in the event of a divorce and prohibits

a woman from leaving her home unless her husband determines it is for a "legitimate purpose";

Whereas President Barack Obama has called the law "abhorrent" and stated that "there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle";

Whereas the United Nations High Commissioner for Human Rights has said that the law represents a "huge step in the wrong direction" and is "extraordinary, reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s";

Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries in Europe from contributing additional troops to help combat terrorism in the region;

Whereas President Karzai has instructed the Government of Afghanistan and members of the clergy to review the law and change any articles that are not in keeping with Afghanistan's Constitution and Islamic Sharia, yet has not made a concrete declaration that the provision legalizing marital rape and other provisions curtailing women's rights will be removed completely;

Whereas the law includes provisions that are fundamentally incompatible with the obligations of the Government of Afghanistan under the various international instruments that it has ratified, as well as under its own Constitution;

Whereas Afghanistan is a signatory of the Universal Declaration of Human Rights (UDHR), which establishes the principle of nondiscrimination, including on the basis of sex, and states that men and women are entitled to equal rights to marriage, during marriage, and at its dissolution;

Whereas Afghanistan became a party to the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976 (ICESCR), which emphasizes the principle of self-determination, in that men and women may freely determine their political status as well as their economic, social, and cultural development;

Whereas Afghanistan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, and entered into force September 3, 1981 (CEDAW), which condemns discrimination against women in all its forms and reaffirms the equal rights and responsibilities of men and women during marriage and at its dissolution;

Whereas, notwithstanding any declarations or reservations made upon ratification of these various international conventions, the Government of Afghanistan is under an obligation not to act in any way which might defeat the object and purpose of these conventions, pursuant to the Vienna Convention on the Law of Treaties, done at New York May 23, 1969, and entered into force January 27, 1980, which is widely recognized as embodying customary international law;

Whereas Article 22 of the Constitution of Afghanistan (2003) prohibits any kind of discrimination between and privilege among the citizens of Afghanistan and establishes the equal rights of all citizens before the law;

Whereas Article 54 of the Constitution of Afghanistan obligates the Government of Afghanistan to ensure the physical and psychological well-being of the family, especially of mothers and children;

Whereas the international community and the United States have a long-standing commitment to and interest in working with the people and Government of Afghanistan to re-establish respect for fundamental human rights and protect women's rights in Afghanistan; and

Whereas the provisions in the Shi'ite Personal Status Law that restrict women's rights are diametrically opposed to those goals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges the Government of Afghanistan and President Hamid Karzai to declare the provisions of the Shi'ite Personal Status Law on marital rape and restrictions on women's freedom of movement unconstitutional and an erosion of growth and development in Afghanistan;

(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it on the grounds that it violates the Constitution of Afghanistan and the basic human rights of women;

(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for International Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1003. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1000 submitted by Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

SA 1004. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 386, supra.

SA 1005. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 1006. Mr. SCHUMER (for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. REED) proposed an amendment to the bill S. 386, supra.

SA 1007. Mr. HATCH (for himself, Mr. CORNYN, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) proposed an amendment to the bill S. 386, supra.

SA 1008. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 386, supra; which was ordered to lie on the table.

SA 1009. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 1010. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 386, supra; which was ordered to lie on the table.

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1013. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1003. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1000 submitted by Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

After page 2, line 20, add the following:

(f) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of paragraph (2):

(A) Creates a public-private investment fund.

(B) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(i) a public-private investment fund; or

(ii) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(C) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(D) Guarantees any debt or asset for purposes of a public-private investment program.

(2) REQUIREMENTS.—Any program described in paragraph (1) shall—

(A) impose strict conflict of interest rules on managers of public-private investment funds that—

(i) specifically describe the extent, if any, to which such managers may—

(I) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(II) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(ii) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(iii) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(B) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(C) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury

(D) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(E) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(F) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(G) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(i) the books, documents, records, and employees of each manager of a public-private investment fund; and

(ii) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(H) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(I) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(J) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(K) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(L) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(M) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(3) **REPORT.**—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(4) **DEFINITION.**—In this subsection, the term “public-private investment fund” means a financial vehicle that is—

(A) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(B) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1004. Mr. ENSIGN submitted an amendment to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 5. PUBLIC-PRIVATE INVESTMENT PROGRAM.

(a) **IN GENERAL.**—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of subsection (b):

(1) Creates a public-private investment fund.

(2) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(3) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(4) Guarantees any debt or asset for purposes of a public-private investment program.

(b) **REQUIREMENTS.**—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or trans-

action by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) **REPORT.**—Not later than 45 days after the date of the establishment of a program described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) **DEFINITION.**—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1005. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 5. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading “Notice Required by Federal Law” in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: “Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department’s Tips for Avoiding Foreclosure website at <http://www.hud.gov/foreclosure> for additional assistance.” (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.).

(c) LOAN SERVICER.—As used in this section, the term “loan servicer” has the same meaning as the term “servicer” in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A failure to comply with any provision of this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1006. Mr. SCHUMER (for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. REED) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place in section 3, insert the following:

() ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange

Commission, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

SA 1007. Mr. HATCH (for himself, Mr. CORNYN, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end, insert the following:

SEC. ____ . TRANSPARENCY IN ANNUAL FINANCIAL REPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The American workers who contribute union dues deserve to have transparency and accountability in the management of their unions.

(2) Since 2001, investigations of union fraud have resulted in more than 1,000 indictments, 929 convictions, and restitution in excess of \$93,000,000.

(3) A new rule (referred to in this subsection as the “transparency rule”) to require union management to disclose more information about sales and purchases of assets, and disbursements to officers and employees, among other things, was set to take effect on April 21, 2009, after a previous delay affording reporting entities more time to prepare to comply.

(4) The Obama Administration has set a goal for itself to be the most open and transparent administration in the history of the Nation.

(5) On April 21, 2009, the Department of Labor issued—

(A) a final rule providing for a further delay of the transparency rule; and

(B) a proposed rule to withdraw the transparency rule.

(6) The transparency rule would have been a key tool in the battle against fraud, discouraging embezzlement of the money of union members and making money harder to hide, and would have provided great sunlight and transparency to allow members to know how their dues were being spent.

(7) The Department of Labor’s actions are in direct contradiction to everything the Obama Administration purports to stand for.

(b) PROHIBITION.—The Secretary of Labor may not expend Federal funds to withdraw the rule issued by the Secretary of Labor entitled “Labor Organization Annual Financial Reports”, 74 Fed. Reg. 3678 (January 21, 2009).

SA 1008. Ms. SNOWE submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, add the following:

SEC. 5. EFFICIENT INVESTIGATION OF FINANCIAL CRIMES.

Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the activities of the Department of Justice to work with other Federal departments and agencies and State and local governments to ensure that financial crimes (including fraud, misrepresentation, malfeasance, or related crimes with respect to development, advertising, brokerage, or sale of financial products including derivatives, mortgage-backed securities, credit default swaps, and subprime loans, or related services) are investigated and prosecuted in the most efficient way possible and without duplication of effort.

SA 1009. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ENHANCED REPORTING ON USE OF TARP FUNDS.

Section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) a detailed report on the use of capital investments by each financial institution, including—

“(A) a narrative response, in a form and on a date to be established by the Secretary, specifically outlining, with respect to the financial institution—

“(i) the original intended use of the TARP funds;

“(ii) whether the TARP funds are segregated from other institutional funds;

“(iii) the actual use of the TARP funds to date;

“(iv) the amount of TARP funds retained for the purpose of recapitalization; and

“(v) the expected use of the remainder of the TARP funds;

“(B) information compiled by the Secretary under subsection (b); and

“(C) a report, in a form and on a date to be established by the Secretary, on the compliance by the financial institution with the restrictions on dividends, stock repurchases, and executive compensation under the Security Purchase Agreement and executive compensation guidelines of the Department of Treasury.”;

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) INFORMATION PROVIDED BY FINANCIAL INSTITUTIONS.—

“(1) IN GENERAL.—For purposes of the report of the Secretary required by subsection

(a)(4), financial institutions assisted under this title shall provide to the Secretary the information required by paragraph (2), at such times and in such manner as the Secretary shall establish.

“(2) INFORMATION REQUIRED.—Information required by this paragraph is—

“(A) for those financial institutions receiving \$1,000,000,000 or more from the Capital Purchase Program established by the Secretary (or any successor thereto), a monthly lending and intermediation snapshot, as of a date to be established by the Secretary, which shall include—

“(i) quantitative information, as well as commentary, to explain changes in lending levels for each category on consumer lending, including first mortgages, home equity lines of credit, open end credit plans (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), and other consumer lending;

“(ii) quantitative information, as well as commentary, to explain changes in lending levels for each category on commercial lending, including commercial and industrial (C&I) lending and real estate;

“(iii) quantitative information, as well as commentary, to explain changes in lending levels for each category on other lending activities, including mortgage-backed securities, asset-backed securities, and other secured lending; and

“(iv) a narrative report of the intermediation activity during the reporting period, including a general commentary on the lending environment, loan demand, any changes in lending standards and terms, and any other intermediation activity; and

“(B) for those financial institutions receiving less than \$1,000,000,000 from the Capital Purchase Program established by the Secretary (or any successor thereto), a lending and intermediation snapshot, as of a date to be established by the Secretary, but not more frequently than once every 90 days, including the information described in clauses (i) through (iv) of subparagraph (A).

“(3) CERTIFICATION REQUIRED.—The information submitted to the Secretary under this subsection shall be signed by a duly authorized senior executive officer of the financial institution, including a statement certifying the accuracy of all statements, representations, and supporting information provided, and such certifications shall be included in the reports submitted by the Secretary under subsection (a)(4).”.

SA 1010. Mrs. MCCASKILL submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—HECM FRAUD PREVENTION AND ENFORCEMENT ACT

SEC. 21. SHORT TITLE.

This title may be cited as the “Home Equity Conversion Mortgage Fraud Prevention and Enforcement Act of 2009”.

SEC. 22. PURPOSE.

The purpose of this title is to provide additional fraud prevention, detection, and enforcement provisions with respect to federally-insured home equity conversion mortgages.

SEC. 23. FEDERALLY-INSURED HOME EQUITY CONVERSION MORTGAGES.

(a) CERTIFICATION OF RESIDENCE.—Section 255(d)(2) of the National Housing Act (12 U.S.C. 1715z-20(d)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) submits a certification to the Secretary and the mortgagee that the mortgagee occupies the dwelling that secures the mortgage; and”.

(b) PURCHASE OF DWELLING.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended by striking “that is” and all that follows through “unit” and inserting “that—”

“(A) is designed principally for a 1- to 4-family residence in which the mortgagee occupies 1 of the units; and

“(B) in the case of a dwelling that is purchased with the proceeds of a home equity conversion mortgage, was owned and occupied during the 180-day period ending on the date of the sale of the dwelling”.

(c) APPRAISALS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) be secured by a dwelling that has been properly appraised by a person that—

“(A) the Secretary determines is qualified to perform such appraisals;

“(B) has verified the purchase price of the dwelling to ensure that the appraised value of the property is not inflated; and

“(C) has obtained any documentation necessary to support an appraised value that is high in relation to those of comparable dwellings.”.

(d) INFORMATION SERVICES FOR MORTGAGORS.—Section 255(f) of the National Housing Act (12 U.S.C. 1715z-20(f)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(2) by striking paragraph (5);

(3) in the matter preceding subparagraph (A), as redesignated by this subsection, by striking “The Secretary” and all that follows through “which shall include—” and inserting the following:

“(1) IN GENERAL.—The Secretary shall provide or cause to be provided to entities other than the lender the information required under subsection (d)(2)(B). Such information shall be discussed with the mortgagee and shall include—”;

(4) in the matter following subparagraph (D), as redesignated, by striking “The Secretary shall” and inserting the following:

“(4) ALTERNATIVE APPROACHES.—The Secretary shall”;

(5) in subparagraph (D), as redesignated by this subsection, by striking “and” at the end; and

(6) by inserting after subparagraph (D), as redesignated by this subsection, the following:

“(E) information about how to report mortgage-related fraud or consumer abuses, including information about how to contact the Office of the Inspector General of the Department of Housing and Urban Development;

“(F) in the case of a home equity conversion mortgage in which a person was re-

moved from the title to the dwelling, information about—

“(i) the consequences of being removed from such title; and

“(ii) the consequences upon the death of the mortgagee or a divorce settlement.

“(2) FRAUD REPORTING.—A person or entity that counsels a mortgagee under this subsection shall report to the Inspector General of the Department of Housing and Urban Development any suspected mortgage-related fraud against a mortgagee.

“(3) CERTIFICATION.—Before making a home equity conversion mortgage, a mortgagee shall obtain from each mortgagee a certification that such mortgagee has received counseling under this subsection.”.

(e) ADDITIONAL PROTECTIONS.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (p) the following:

“(q) POWERS OF HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development may—

“(1) conduct independent audits and inspections of mortgagees to ensure that such mortgagees comply with the requirements under this section; and

“(2) compare the records of mortgagees under mortgages insured under this section with the Death Master File of the Social Security Administration.

“(r) PRIVACY PROTECTIONS.—A mortgagee may not sell or disclose any personally identifiable information about a mortgagee under a home equity conversion mortgage for marketing purposes unless such disclosure is at the request of the mortgagee.

“(s) COMPLIANCE SYSTEM.—Each mortgagee shall create and maintain a system to ensure compliance with this section that includes—

“(1) written procedures; and

“(2) a periodic review of records to detect and prevent violations of this section.

“(t) ADVERTISING.—

“(1) IN GENERAL.—A mortgagee may not advertise a home equity conversion mortgage in a manner that—

“(A) is false or misleading;

“(B) fails to present a fair balance between the risks and benefits of a home equity conversion mortgage; or

“(C) fails to reveal—

“(i) facts that are material to a representation made in such advertisement; or

“(ii) the consequences of obtaining a home equity conversion mortgage.

“(2) REQUEST TO WITHDRAW OR REVISE ADVERTISEMENT.—The Secretary or the Commissioner of the Federal Trade Commission may request that a mortgagee withdraw or modify an advertisement that does not meet the requirements established under paragraph (1).”.

SEC. 24. CRIMINAL PENALTIES.

(a) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSACTIONS.—Section 1012 of title 18, United States Code, is amended by striking “one year” and inserting “2 years”.

(b) EQUITY SKIMMING.—Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709-2) is amended—

(1) in paragraph (1), by striking “a mortgage or deed of trust insured or held by the Secretary” and inserting “a home equity conversion mortgage, a mortgage, or deed of trust insured or held by the Secretary”; and

(2) in the matter following paragraph (3), by adding at the end the following: “Notwithstanding any other provision of law, and for purposes of any violation of this section relating to a home equity conversion mortgage, the statute of limitations for the commencement of a criminal action under this

section shall not begin and shall be considered tolled until the fraud constituting the action is discovered.”.

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9, 2009), provided that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after line 1, and insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9, 2009), provided that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1013. Mr. SCHUMER (for himself, Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

(c) DEFINITION.—For purposes of this section, the term “laws of the United States” includes the Constitution of the United States, any provision of Federal statute, any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building to conduct a hearing on the nomination of Yvette D. Roubideaux to be Director of the Indian Health Service.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 23, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 23, 2009, in room S-216, at 12 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, April 23, at 2 p.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 23, 2009 at 10:30 a.m. in room 406 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10 a.m., in room 215 of the Dirksen Senate office building, to conduct a hearing entitled "Technology Neutrality in Energy Tax: Issues and Options."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10:15 a.m., to hold a hearing entitled "Voice of Veterans from the Afghan War."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Gov-

ernmental Affairs be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 9 a.m. to conduct a hearing entitled "Follow the Money: State and Local Oversight of Stimulus Funding."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 23, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON THE LIBRARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON PRINTING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 first quarter Mass Mailings is Monday, April 27, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

DESIGNATING APRIL 23, 2009, AS "NATIONAL ADOPT A LIBRARY DAY"

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 113, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 113) designating April 23, 2009, as "National Adopt A Library Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 113

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and libraries across the country to extend the joys of reading to millions of people in the United States and to prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as "Adopt A Library Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2009, as "National Adopt A Library Day";

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 86, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 86) authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 86) was agreed to.

PROVIDING FOR ACCEPTANCE OF RONALD REAGAN STATUE

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 101, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 101) providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 101) was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989 as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: the Senator from Arizona, Mr. MCCAIN, and the Senator from Idaho, Mr. RISCH.

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to P.L. 110-229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Dr. Eduardo Padron of Florida, Sean D. Reyes of Utah, and Ellie Lopez-Bowlan of Nevada.

ORDERS FOR FRIDAY, APRIL 24, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. tomorrow, Friday, April 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. The next vote will occur at approximately 5:30 p.m. on Monday. That vote will be on the motion to invoke cloture on S. 386, the Fraud Enforcement and Recovery Act.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10 p.m., adjourned until Friday, April 24, 2009, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

VICTOR M. MENDEZ, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE THOMAS J. MADISON, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN ALAN OWENS, OF ARIZONA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES B. GULLIFORD, RESIGNED.

DEPARTMENT OF AGRICULTURE

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE GALE A. BUCHANAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DOUGLAS M. FRASER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY O. SPENCER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARC E. ROGERS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN J. BROADMEADOW
COLONEL JOHN W. BULLARD, JR.
COLONEL STEVEN W. BUSBY
COLONEL HERMAN S. CLARDY III
COLONEL LEWIS A. CRAPAROTTA
COLONEL ROBERT F. HEDELUND
COLONEL FREDERICK M. PADILLA
COLONEL MICHAEL A. ROCCO
COLONEL RICHARD L. SIMCOCK II
COLONEL VINCENT R. STEWART

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELEANOR V. VALENTIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK L. TIDD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KURT L. KUNKEL
CAPT. JONATHAN A. YUEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KATHERINE L. GREGORY
CAPT. KEVIN R. SLATES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON F. FAISON III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES T. KIRCHMAIER

CONFIRMATION

Executive nomination confirmed by the Senate, April 23, 2009:

DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONORING THE STRATFORD FIRE
DEPARTMENT AS THEY CELE-
BRATE THEIR CENTENNIAL AN-
NIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DeLAURO. Madam Speaker, it is with great pleasure that I rise today to join the community of Stratford, Connecticut in marking the 100th Anniversary of the Stratford Fire Department. This is a remarkable milestone and a testament to the dedication and commitment of those men and women who devote their professional lives to protecting the Stratford community.

One hundred years ago the town's paid fire-fighting force was established with the hiring of the first paid fire chief and then volunteer, Allen Judson as well as the merging of two volunteer units, the Mutual Hook and Ladder Company and the Chemical Hose Company. In its earliest years, Chief Judson was the sole paid employee of the Department and he would lead the Department for the next forty-three years. Volunteers were called to emergencies by the ringing of the church bells with Chief Judson coordinating the "bucket brigades," the hand-drawn hook and ladder apparatus, as well as the manually operated water pump. By day the men who worked in Stratford Center responded and by night those who lived within a thousand feet of the Center responded while horses drew the fire apparatus. Nine years after its establishment, the second paid member of the Department, Assistant Chief William Anthony, was hired and by the 1930s there were more than half a dozen paid members.

Many changes have occurred since those early days of the Department—its responsibilities expanding dramatically and the job becoming more complex and dangerous. Today's 97-member Department staff four stations throughout Town and respond to fires, Haz-mat calls, vehicle extrications, medical calls, as well as plane incidents. Department members also participate in a variety of community activities aimed at fire safety and prevention as well as annual celebrations such as the Memorial Day Parade. The Department does all of this in a Town which today has 50,000 residents, is bordered by eighteen miles of shoreline, is intersected by Interstate 95, the Merritt Parkway, and the Metro-North railroad, and has an airport within its borders.

What makes this centennial celebration even more special is that the proceeds from the parade and festival will benefit the Stratford Professional Firefighters Burn Foundation—a non-profit organization founded in 1999 by the members of the Stratford Fire Department, Local 998 of the International Association of Firefighters to provide economic

support to the funding of projects in the areas of fire and burn prevention through education, research, and public awareness programs.

We owe a great debt of gratitude to the men and women who dedicate themselves to the protection of our communities as firefighters. They face risks that few of us can truly comprehend. Each day, they must be ready to perform under intense pressure—literally in life or death situations. For one hundred years, the men and women of the Stratford Fire Department have ensured the health and safety of the Stratford community and I am proud to rise today to pay tribute not only to their rich history but to their outstanding and unwavering commitment to public service.

THE PLASTIC BAG REDUCTION
ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. Madam Speaker, today I am introducing the "Plastic Bag Reduction Act," legislation that will protect our watersheds, and ultimately the marine environment, by reducing a major source of coastal and marine debris, single-use packaging.

Trash in our watersheds interferes with public use and enjoyment of natural resources, can be hazardous to wildlife, and can break down into tiny "microplastics" that enter the food chain, carrying toxins with them. Trash is a serious problem in the Potomac and Anacostia River watersheds, where every year cleanup efforts retrieve tons of plastic bags and beverage containers.

Much of the trash that reaches major watersheds does not stay in the watersheds—it is washed out to sea and becomes marine debris. Scientists are becoming alarmed about massive "garbage patches" that are building up in nearly all of the world's oceans. The best-known patch consists of an estimated 100 million tons of plastic debris that has accumulated inside a circular vortex of currents known as the North Pacific gyre. It is estimated to be anywhere from 270,000 square miles to almost 580,000 square miles—between six and thirteen times the size of the Commonwealth of Virginia. Eighty per cent of the plastic in these ocean gyres is believed to come from the land.

The debris that chokes our inland watersheds, our coastlines, and the marine environment sickens and kills thousands of animals every year. Over 267 species worldwide have been impacted by plastic bags and other litter through entanglement or ingestion. Scientists are also realizing that the increasing volume of plastic that is slowly decomposing in the world's oceans may present a longterm problem for marine food chains. As plastic items

break down, any toxic additives they contain—including flame retardants, antimicrobials, and plasticizers—may be released into the ocean environment. Not only are the components of the plastics themselves entering the food chain, but so are toxic chemicals that attach to the plastic particles because of plastic's molecular tendency to attract oils.

Many of these chemicals may disrupt the endocrine system—the delicately balanced set of hormones and glands that affect virtually every organ and cell. In marine environments, excess estrogen has led to discoveries of male fish and seagulls with female sex organs.

The Plastic Bag Reduction Act encourages consumers to choose reusable bags by imposing a 5 cent tax on single-use carryout bags beginning January 1, 2010. On January 1, 2015, the amount of the tax increases to 25 cents per bag. The tax applies to paper as well as to plastic single-use carryout bags. Of each 5 cents charged to the customer, the retail seller may apply for a tax credit of one cent for carrying out a qualified carryout bag recycling program. Of each 5 cents charged to the customer, one cent will be transferred to the Land and Water Conservation Fund. Finally, the bill directs the Comptroller General to conduct a study of the effectiveness of the provisions of the legislation and evaluate whether imposing a tax on other products, such as food wrappers and containers, could reduce the use of those products.

I am also co-sponsoring Congressman MARKEY's "Bottle Recycling Climate Protection Act of 2009." This legislation will impose a 5 cent deposit on beverage containers, which will reduce the number of bottles and cans that end up as trash in oceans and inland watersheds.

Madam Speaker, human health is directly linked to the health of our watersheds and oceans. Each of us needs to take responsibility for protecting these essential resources. We can do so through the simple step of taking reusable bags with us when we shop. The Trash Free Watersheds Act creates a tax that I hope no American will choose to pay.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BOSWELL. Madam Speaker, I regret my absence from the House on April 21st and April 22nd, but I was in my district welcoming President Obama to Newton, Iowa, former home of Maytag, and now home to a growing wind power industry, where we celebrated Earth Day and focused on alternative energy development and the green collar jobs this will create. Had I been present, I would have voted "aye" on rollcall votes 193, 194, 195,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

196, 197, and 199, and I would have voted "no" on rollcall vote 198.

HONORING THE VILLAGE OF
ITASCA

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSKAM. Madam Speaker, I rise today to recognize the Village of Itasca in my Congressional District. Through a dedicated community-wide effort, Itasca has earned the designation of an International Safe Community from the World Health Organization.

This impressive effort places Itasca at the forefront of public health and safety efforts as the only Illinois community, and one of only five communities across the nation to receive this prestigious designation.

By developing community programs including self defense classes, home safety inspections, an unused prescription drug disposal program, investing in defibrillator equipment and training, and establishing a Community Emergency Response Team; the Village of Itasca has worked to engage its citizens, first responders, and local leaders in making Itasca a healthier, safer place to live and work.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the Village of Itasca for achieving this challenging goal and setting an outstanding example for all Illinois communities to work together to tackle public health and safety challenges.

A TRIBUTE TO THE LIFE OF
JAMES GRIFFIN BOSWELL II

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from the House, Mr. NUNES and Mr. RADANOVICH, and from the Senate, Mrs. FEINSTEIN to pay a special tribute to the life of an agricultural icon of California, Mr. James Griffin Boswell II of Indian Wells, California. James passed away on April 3, 2009 at the age of 86. He is survived by his wife Barbara Wallace Boswell, three children and several grandchildren.

Mr. James Griffin Boswell was born on March 10, 1923 in Greensboro, Georgia to William Whittier Boswell, Sr. and Kate Hall Boswell. James graduated in 1941 from the Thacher School an exclusive private boarding school in Ojai, California. In 1946 he received his B.S. in Economics from Stanford University. Prior to graduating from Stanford, "JG" as he was most commonly known, served in the United States Army during World War II where he was stationed in the South Pacific.

At the age of twenty-nine, James inherited one-third of the JG Boswell Company after the death of his uncle, JG Boswell I. At that time the company held 150,000 acres in California. During the next half century, James spent a good portion of his time transforming the fam-

ily farm located near Corcoran, California in the San Joaquin Valley.

The diversification of the JG Boswell Company created many industry leading developments. Mr. Boswell's labs developed new, highly productive seed varieties as well as technological improvements that increased their capacity. He was an innovative water user, one of the first to employ lasers when leveling fields allowing water to flow evenly and efficiently. His careful water management also included hiring agronomists to determine when and how to irrigate. This allowed the Boswell farms to produce more cotton with less water than their competitors. James remained a very private man, in spite of periods of growth and success for his enterprises, which included such things as diversification into real estate development and farming ventures in Australia. His family business maintained that private reputation throughout his life.

James Griffin Boswell served as Chairman, President and CEO of the JG Boswell Co. from 1952 and continued until his retirement in 1984. After his retirement James continued to serve on the Boswell Company Board of Directors until his passing. In addition, Mr. Boswell served on the Boards of Safeway, General Electric, Security Pacific Bank, Bank of America, and Up with People. James was a trustee of the California Nature Conservancy, Cal Tech, Thacher School, the James G. Boswell Foundation in California and the Boswell Family Foundation in Idaho. Many were the recipients of Mr. Boswell's generosity.

It goes without saying that Mr. James Griffin Boswell's dedicated involvement to the cotton industry earned him a reputation of respect and enormous appreciation from Central Valley cotton farmers, and the agriculture industry in general. James was known as the Cotton King. My colleagues and I are honored and humbled to join his family today in celebrating the life of this amazing man. His presence will be dearly missed in our community in the years to come.

IN HONOR OF U.S. CAPITOL POLICE
LIEUTENANT DOMINICK
COSTA ON THE OCCASION OF HIS
RETIREMENT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BECERRA. Madam Speaker, I rise today to honor Lieutenant Dominick Costa for his more than 31 years of public service to the U.S. Capitol Police Department and our congressional community.

Since his appointment to the U.S. Capitol Police on October 3, 1977, Lieutenant Costa has held several important positions within the Department. He has served in the House and Senate Divisions, Capitol Division, and the First Responder Unit. As an instructor and as a supervisor in the Training Division, he helped develop and enhance the skills of fellow officers. Over the years, Lieutenant Costa also worked as a Crime Scene Research Officer, a member of the U.S. Capitol Police De-

partment's Ceremonial Unit and as an Administrative Sergeant in charge of the Department's Victim Witness Program. After being promoted to Lieutenant in November 2004, Lt. Costa served as the Watch Commander, providing area command for all Department operations and serving as the U.S. Capitol Police Chief's representative in his absence.

On January 3, 2009, Lieutenant Costa retired after over three decades of exemplary service as a member of the U.S. Capitol Police Department. He is currently residing in La Plata, Maryland with his wife Barbara of 28 years and daughter Danielle. His unwavering commitment to the public serves as an inspiration to all Americans.

Madam Speaker, I rise to once again praise Lieutenant Dominick Costa for his outstanding public service to the Congress and to his country. I ask my colleagues to join me in wishing Lieutenant Costa well in his retirement and thank him for all his years of service.

HONORING ST. PAUL INDUSTRIAL
TRAINING SCHOOL AND MR.
JAMES WILLIAM SMOTHERS AND
MRS. ALICE OLENZA SMOTHERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize St. Paul Industrial Training School and the dedication of a Texas State Historical Marker in commemoration of this institute.

St. Paul Industrial Training school was founded in Henderson County, Texas by James William Smothers and Alice Olenza Smothers in the 1920's. This couple placed a particular emphasis on educating orphaned and abandoned children, and throughout the course of six decades, thousands of African American students received instruction at their institute. The Smothers' dedication to service was unwavering, and even when a tornado leveled the campus in 1942, the couple resolved anew to continue their work. Today, St. Paul Industrial Training School, Inc. continues the legacy of this couple and their school by offering financial assistance to needy, college bound students.

Institutions of this nature played an important role in our nation's history, and the work of educators like the Smotherses was integral in advancing the civil rights movement. They worked diligently to make sure that every child had the opportunity to learn and succeed, and they felt that it was vital to ensure these youths had the ability to make a lasting contribution to society.

The placement of this historical marker will take place on May 2, 2009, and I ask my fellow colleagues to join me in recognizing St. Paul Industrial Training School and its founders, Mr. J.W. Smothers and Mrs. Alice O. Smothers.

HONORING THE ROSELLE LIONS CLUB

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSKAM. Madam Speaker, I rise today to recognize the 75th anniversary of the Roselle Lions Club in my Congressional District. On April 26, 2009, the Roselle Lions will mark more than 75 years of dedicated community service.

Through the years, the Lions Club has been instrumental in aiding those with hearing and vision impairments by providing members of the local community in need with hearing aids, glasses, and support groups.

With local events like The Lions Carnival, National Night Out, and the Children's Christmas Party, the Lions Club has raised funds for these worthy causes and provided a fun and safe environment for families to spend time together. The extent of the Roselle Lions' dedication and generosity can be seen in the countless library, school, and civic projects they have supported financially, and with their time and energy.

Madam Speaker and Distinguished Colleagues, the Roselle Lions Club has worked tirelessly to make their local community a better place to live, work and raise a family. They have brought compassion to those in need and been a tremendous asset to the citizens of Roselle.

Please join me in recognizing the impressive work of the Roselle Lions Club, and wishing them every success in their next 75 years of fellowship and service.

IN HONOR OF STEPHEN VANCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor the life of an invaluable member of the Santa Cruz community, and his humanitarian efforts all over the world. After decades of service and devotion to aiding developing countries, Stephen Vance lost his life serving the people and countries for whom he always cared.

After graduating from the University of California at Santa Cruz, Stephen became immersed in work for the United States Agency for International Development (USAID). In his role at USAID, Stephen spent more than twenty years working the issues of developing countries. He held numerous Country Director and Chief of Party assignments with USAID contractors and directed the USAID Mission experience. He served as the Senior Economic Development Advisor for USAID in Timor-Leste, where he managed USAID's economic growth team. Earlier, he served two years as the Executive Director of the Soros Foundation in Mongolia. While there, he spearheaded the foundation's transformation from a grant-making organization with more than 20 programs and 500 projects to an inde-

pendent, non-partisan center for policy research and analysis and a platform for citizen participation and advocacy. Stephen designed and developed new projects in enterprise development, trade diversification, foreign investment promotion, rural and agricultural finance and agricultural development.

Stephen's years of work reflected his desire to improve living situations and stimulate economic growth and self-sufficiency in developing countries. Though he sought to create a more perfect, peaceful world, Stephen's life was lost at the hands of gunmen in Pakistan. At the time of his assassination, he was working for Cooperative Housing Federation International. There he directed "Livelihoods Project" in the FATA region, a program intended to infuse \$750 million in economic development into the area.

Stephen was loved by many; his upbeat and optimistic attitude, as well as his zealous and vivacious approach to dealing with situations made him always a pleasure to be around. His humanitarian efforts gained him the respect and friendship of people all over the world; his zest for life and creative nature made him a person who will not soon be forgotten.

The City of Santa Cruz and the rest of the world will miss Stephen's vision and leadership, but there is no doubt that he has left us a better place than when he first arrived.

Madam Speaker, on behalf of the United States of Congress, I would like to honor the many accomplishments of Stephen Vance and express sincere gratitude for his contributions locally and internationally.

PREVENTION, AWARENESS, AND RESEARCH AUTOIMMUNE DISEASE (PARAID) ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. KENNEDY. Madam Speaker, today, I am introducing along with my colleague Representative CLIFF STEARNS, the Prevention, Awareness, and Research Autoimmune Disease (PARAID) Act.

I am introducing this legislation to address the critical issue of autoimmune diseases in our population. The National Institutes of Health (NIH) estimates that between 14 and 23.5 million Americans have an autoimmune disease and the prevalence is rising. Seventy-five percent of those afflicted are women with most cases occurring during the childbearing years. The chronic nature of these diseases accounts for its incredible cost to the individual and staggering drain on our nation's healthcare resources. The National Institutes of Health estimates that annual direct health care costs for autoimmune disease are in the range of \$100 billion.

Autoimmune diseases encompass more than 100 interrelated diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, Sjogren's syndrome, polymyositis, pemphigus, myasthenia gravis, Wegener's granulomatosis, psoriasis, celiac disease, autoimmune platelet disorders, scleroderma, alopecia areata, vitiligo, autoimmune thyroid disease, and sar-

coidosis. Basic research into the mechanism that drives the autoimmune response is the fundamental knowledge needed to cure many of these diseases.

This legislation will increase awareness of autoimmune diseases, increase research on environmental triggers of autoimmune diseases, enhance education on the relationship between autoimmune and mental illness, and provide loan repayment for physician research on autoimmune disease. This support will help alleviate the suffering of millions of Americans, who suffer every day with the symptoms of these diseases, many times unable to fully participate in their work and family life as a result.

For these reasons, I urge you to give full consideration of this bill as quickly as possible.

ARMENIAN GENOCIDE

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WALZ. I rise in sadness today and also in hope, as we commemorate the Armenian genocide that happened in the second decade of the twentieth century.

There is nothing easier than to forget the victims of history, and nothing more tragic, and for those very reasons, there is nothing more important than to remember them. And that is what we are here for.

The genocide of the Armenian people is a fact of history. It is a sad fact of history.

But the very fact that we are here, together in the U.S. House of Representatives addressing the issue is reason for hope. Armenians' determination to carry on, and in the United States' historic support for them, and in our joined determination to make sure that we recognize the facts of history—there is great humanity and hope.

I remain committed to the public recognition of the fact of the Armenian genocide. It is the only way to make sure we are forever vigilant to prevent genocide in the future.

I have hope, that we can all move forward, not in an exercise in collective guilt, but in the simple recognition of what happened, that a genocide was perpetrated upon the Armenian people, and that such a thing, quite simply, never should have happened and must never happen again.

HONORING BOY SCOUT TROOP 457 OF MIAMI, FL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to congratulate and commend Troop 457 of Boy Scouts of America in my district of South Florida. On Saturday, April 25, 2009, the troop will conduct their Court of Honor, honoring 13 of their own with the most prestigious rank of Eagle Scout.

Boy Scouts of America is a tremendous organization that my husband, Dexter, and I

have continuously supported. With Dexter being a Eagle Scout, and me previously serving as a Girl Scout Troop Leader, we fully understand and appreciate all of the hard work and dedication invested into achieving the highest rank of Eagle Scout.

These 13 young men have distinguished themselves in the South Florida community as leaders of tomorrow through their countless hours of service toward improving South Florida. It is with great honor that I ask that the names of these 13 individuals be submitted into the CONGRESSIONAL RECORD.

William David Cochran, Kenneth Lewis Baer, James Phillip Baer, Joshua Rothenberg, Michael Thomas Dannelly, Leo Benjamin Kaplowitz, Wade Morgan Judy, Timothy Young Hunter, David Benjamin Shapiro, Alexander Pergakis, Jonathan A. Muench, Jonathan O. Lopez, Gabriel Cespedes.

OBSERVANCE OF THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CAPUANO. Madam Speaker, I rise in sorrow and in solidarity with Armenians, with our fellow citizens of Armenian descent, and with all men and women of good will to recall the atrocities Armenians suffered in the early years of the last century. Contemporary accounts leave no doubt that indiscriminate massacres took place.

I understand that this topic evokes painful memories and raises difficult issues of national identity for persons of both Armenian and Turkish ancestry. Nonetheless, I believe that we must call genocide by its proper name and acknowledge it when it has occurred so that we may better learn to recognize and resist its horrors in the future. That includes recognizing the policies of the Ottoman Empire during World War I and its aftermath as genocidal.

International response to genocide has historically been inadequate at best, and we must do all we can to strengthen our resolve to prevent and punish such atrocities. Moreover, I believe that nations can move forward in fellowship when the past is confronted with honesty and courage. I hope to see the republics of Armenia and Turkey cooperate and jointly contribute to the stability of their troubled region.

IN HONOR OF THE MONTEREY MUSEUM OF ART

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor the Monterey Museum of Art for their fifty years of service dedicated to the stewardship and celebration of the artistic legacy of the Monterey Peninsula. On behalf of the whole House, I am honored to extend to the Monterey Museum of Art the gratitude of the

Congress and the American people for their past and future service.

Monterey County, in Central California, is a region that has inspired artists since the late 1800s. Artists flocked to the area, which was then and still is a region of pristine beauty. They brought with them the tradition of plein air painting, still in evidence today with artists painting the land and seascapes of "the greatest meeting of land and sea."

The Monterey Museum of Art was founded in 1959 in Carmel as a Chapter of the American Federation of the Arts by a group of civic minded individuals who sought to create an arts space for that seminal arts colony. In addition to celebrating pioneers of early California art such as Armin Hansen, the museum collects and exhibits contemporary photography by such renowned artists as Ansel Adams, Edward Weston, and Imogen Cunningham, contemporary artists working locally, in California and nationally.

Now comprising two locations, after the bequest of an historic adobe in the early 1980's by Frank Work, the museum serves nearly 40,000 visitors annually from around the world, including thousands of local schoolchildren. The museum is reaching out to families and children with new activities and programs geared to inspire a passion for the visual arts in accordance with their mission.

The mission of the Monterey Museum of Art is to collect, preserve, and interpret the art of California from the nineteenth century to the present day, within a national and international context. In this way, they expand the appreciation of their evolving artistic legacy and inspire a passion for the visual arts. We look forward to the next fifty years of their endeavors in this area.

Madam Speaker, I want to hold up the Monterey Museum of Art as a model museum and cultural institution, an expression of what makes our nation a worldwide leader in arts unique to our land. May their continued success inspire many more generations to celebrate our nation's artistic heritage and participate in its future.

ST. PETERSBURG TIMES EARNS TWO PULITZER PRIZES FOR JOURNALISM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. YOUNG of Florida. Madam Speaker, The St. Petersburg Times earned a rare honor Monday by collecting multiple Pulitzer Prizes for journalism excellence.

Washington Bureau Chief Bill Adair and his team won the only Pulitzer Prize awarded this year by Columbia University for content created for the web. They earned the honor in the National Reporting category for PolitiFact, a website at www.politifact.com conceived by Bill Adair to test the validity of political statements.

Times Staff Writer Lane DeGregory won the second Pulitzer Prize for Feature Writing for her story "The Girl in the Window," which is about a Plant City child who was locked in her room by her adoptive parents.

This is a great honor for Paul Tash, the Editor, Chairman, and Chief Executive Officer of The St. Petersburg Times and his team of writers, editors, and support staff in this the newspaper's 125th year.

Madam Speaker, following my remarks, I will include for the benefit of my colleagues a story from the Times by Stephen Nohlgren with more background on these awards and the six Pulitzer Prizes earned previously by St. Petersburg Times reporters and editors.

The creation of PolitiFact will be of special interest to our colleagues in the House. The PolitiFact team, led by Bill Adair, included editors Scott Montgomery and Amy Hollyfield, reporter and researcher Angie Drobnic Holan, reporters Robert Farley and Alexander Lane, news technologist Matthew Waite and designer Martin Frobisher.

Together they searched through political ads, speeches and debates and determined the accuracy of political statements by presidential candidates and candidates for other offices. The information is accessible and searchable on the internet and is also published in the Times. PolitiFact became such a valuable source of information during last fall's campaign season that it was quoted regularly by national news organizations.

Madam Speaker, Please join me in congratulating Lane DeGregory, Bill Adair, and his team for a job well done in earning journalism's highest honor this week. They have set the standard for human interest and political reporting as judged by the peers in their field of work.

[From the St. Petersburg Times, Apr. 21, 2009]

TIMES WINS 2 PULITZERS

(By Stephen Nohlgren), The St. Petersburg Times, April 21, 2009

For the first time in its 125-year history, the St. Petersburg Times has won two Pulitzer Prizes in a single year.

Staff writer Lane DeGregory, 42, captured the feature writing category for "The Girl in the Window," a moving account of a Plant City child whose mother kept her locked in a filthy room, and the adoptive family who worked to overcome her feral beginnings.

The Times staff won the national reporting prize for PolitiFact, a Web site, database and "Truth-O-Meter" that tests the validity of political statements.

That award reflected the growing influence of online media in public affairs. PolitiFact was designed for the Web at politifact.com, though its content also appears regularly in the Times' print edition.

The two awards are "so representative of our organization as a team, of the skill we bring to work every day," Executive Editor Neil Brown told the newsroom staff Monday amid cheers and popping champagne corks.

Like newspapers all over the country, the Times is navigating tough economic times, Brown said, but "this is old-fashioned journalism, great reporting and great writing. Nothing has changed about that. This is what we do."

The Pulitzers, awarded by Columbia University, are widely regarded as journalism's highest accolade. The only other newspaper to win more than one prize in this year's 14 categories was the New York Times, with five.

The St. Petersburg Times previously had won six Pulitzers, its most recent coming in 1998.

Though Columbia tries to keep results under wraps until one nationwide announcement, reporters and secrets don't mix well.

By lunchtime Monday, grins, hugs and excited whispers spread through the newsroom. A few minutes before the 3 p.m. announcement, staffers congregated around one computer to await the Associated Press bulletin together.

After congratulations died down, DeGregory told her colleagues she was working at the Virginian-Pilot 10 years ago, when she read "Angels & Demons," a Pulitzer-winning series by then-Times reporter Thomas French about the murders of an Ohio woman and her two daughters in Florida.

"I thought, 'Oh my God, there's a newspaper that publishes real stories like that?'"

When she was hired at the Times in 2000, DeGregory said, "I thought it couldn't get any better than working at this place and working with these people. But today it got a little better."

"The Girl in the Window" was published last August, with photos by Melissa Lytle.

Danielle was 7 when neighbors spotted her face through a broken window of her home. Detectives found her in diapers, her skeletal body raw from bug bites.

She couldn't speak.

A Fort Myers family adopted her, and DeGregory chronicled their efforts to draw her from her silent shell.

Within a month of publication, more than 1 million people read the story online. Calls to authorities from Tampa Bay residents wanting to adopt foster children jumped 33 percent.

Times staff writer John Barry was a Pulitzer finalist in the feature category for "Winter's Tale," an account of a dolphin with a prosthetic tail and a disabled girl who befriended it.

PolitiFact was conceived by Washington bureau chief Bill Adair during the runup to the 2008 presidential election.

Adair, 47, felt frustrated in earlier campaigns by a lack of time and resources to fact-check political rhetoric.

"We had neglected this aspect of reporting too long," said Adair, a 20-year Times veteran. "With the Web, we had the tools to do reporting better and the tools to be able to publish in new ways."

With the green light from Times' brass, Adair skipped traditional campaign coverage and worked full time on PolitiFact.

The PolitiFact team included editors Scott Montgomery and Amy Hollyfield, reporter and researcher Angie Drobnic Holan, reporters Robert Farley and Alexander Lane, news technologist Matthew Waite and designer Martin Frobisher.

The team combed through political ads, speeches and debates, and summarized the findings on a "Truth-O-Meter," which labeled statements as True, Mostly True, Half True, Barely True, False or Pants on Fire.

A searchable database kept the rulings accessible.

Soon other media outlets were quoting PolitiFact as an authority on public discourse, and Adair was appearing on CNN and National Public Radio.

About 95 percent of the Web site's hits come from outside the Tampa Bay area and 10 percent from outside the United States.

"This is such a terrible time for newspapers, and I think our winning today is a sign that the Web is not a death sentence for newspapers," Adair said. "We need to look at it as an opportunity."

For the first time this year, the Pulitzer board invited entries in all categories from

Web-only news operations. The Times won the only prize for content created for the Web.

Editor, chairman and CEO Paul Tash capped off Monday's newsroom toasts by recalling longtime owner Nelson Poynter, who willed the Times to a not-for-profit journalism institute so that public service, not profits, would drive the newspaper's corporate culture.

"Here's to a little guy, in a bow tie, who came from Indiana," Tash said. "He gave us the chance, and today our colleagues have vindicated his confidence."

Pulitzer Prizes at the St. Petersburg Times and Evening Independent

1998: Thomas French, feature writing, for "Angels & Demons," his narrative portrait of an Ohio mother and two daughters slain on a Florida vacation, and the three-year inquiry into their murders.

1995: Jeffrey Good, editorial writing, for "Final Indignities," his editorial campaign urging reform of Florida's probate system for settling estates.

1991: Sheryl James, feature writing, for "A Gift Abandoned," a series about a mother who abandoned her newborn child and how it affected her life and the lives of others.

1985: Lucy Morgan and Jack Reed, investigative reporting, for their reporting on Pasco County Sheriff John Short, which revealed his department's troubles and led to his removal from office by voters.

1980: Bette Swenson Orsini and Charles Stafford, national reporting, for their investigation of the Church of Scientology.

1964: Times staff, public service, for the investigation of the Florida Turnpike Authority, which disclosed widespread illegal acts and resulted in a major reorganization of the state's road construction program.

RECOGNIZING THE ARMENIAN GENOCIDE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. BACHMANN. Madam Speaker, I believe it is important that we all remember the past, whether it relates to people's positive actions or their negative. The saying that those who do not know their past are doomed to repeat it holds much truth. For that reason, today I rise to recognize a tragic event in human history that resulted in the loss of the lives of nearly 1.5 million Armenians during World War I.

On April 24, 1915, the then-Ottoman Empire began the systematic execution of Armenians, an event now known as the Armenian Genocide. While a large number of Armenians were killed outright, many others suffered and died of starvation and diseases which spread through their concentration camps. By 1923, the entire Armenian population previously inhabiting the landmass of Asia Minor and West Armenia had been eliminated.

As a Member of Congress, I have joined with nearly one hundred of my colleagues in support of legislation affirming the United States record on the Armenian Genocide and urging the President to ensure U.S. foreign policy reflects an understanding of the human suffering relating to this genocide. I appreciate the efforts of the International Association of

Genocide Scholars, which recently appealed to President Barack Obama requesting that he remain true to his previous statements and, as President, recognize the Armenian Genocide as, "a widely documented fact supported by an overwhelming body of historical evidence."

Madam Speaker, the United States serves as an example to the world of what can be achieved when basic human rights are protected and nurtured. It is in this role that we must recognize this methodic extermination of over one million Armenians during World War I. Moreover, I believe that through appropriate recognition, we can work to ensure that atrocities such as the Armenian Genocide are remembered, and not relived.

RECOGNIZING THE SERVICE OF AMERICAN CANCER SOCIETY VOLUNTEER BOB WILLIAMS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. HIGGINS. Madam Speaker, I rise today, during National Volunteer Week, to recognize Bob Williams, a man who has gone above and beyond in the call to serve his community and fellow American.

I first met Bob and learned of his story when he visited my office in his role as the American Cancer Society's Ambassador for New York's 27th Congressional District.

Bob, a cancer survivor himself, does not simply advocate on the fight against cancer, he lives it.

Bob is a volunteer with the American Cancer Society's "Road to Recovery" program which links patients in need of transportation to cancer treatments with volunteers willing to donate their time and the use of their car to provide free transportation.

With remarkable devotion and an overflowing heart Bob has made trip after trip—well over 500 in total—providing patients with comfort and companionship as they drive the over 120 mile round trip route between Chautauqua County and Roswell Park Cancer Institute.

Quickly the miles added up and with more than 100,000 miles under his belt Bob recently rightfully earned the title American Cancer Society Western New York Volunteer of the year.

Through the "Road to Recovery" program Bob has provided transportation to over 1,600 people, relieving patients of the fight to find a ride to treatment and allowing them to focus on the fight against the disease.

Madam Speaker, thank you for this opportunity to honor Bob Williams, a man who with humility and compassion has set an example for us all on the enormous difference one person can make. Bob's volunteerism is admirable and inspiring and I am pleased to acknowledge his many contributions this Volunteer Week.

CELEBRATING THE CAREER OF
ROSIE SEAMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor the career of beloved television host, author and community leader, Rosie Seaman.

A former preschool and kindergarten teacher, Rosie joined Mobile's WKRG-TV5 in 1974 as the host of "Rosie's Place," a locally-produced, weekly half-hour show for school-age children. For almost ten years, families across the central Gulf Coast welcomed Rosie into their homes. In 1976, "Rosie's Place" won the Alabama Arts and Humanities Award for best TV series in the state.

Rosie later went on to produce other children's programming at WKRG, including "Small Fry News" and "Youth Magazine."

Rosie has worn many hats over the course of her 35 year career with Mobile's CBS affiliate. She was the producer of the public affairs program, "Page 5," associate producer for the "We Are Mobile" tri-centennial movie project, and producer for WKRG's morning and noon news programs. Most recently, she served as segment producer at WKRG, booking guests for the station's news and public affairs programs.

Through her work at WKRG, Rosie ensured that civic leaders and organizations had frequent access to the airwaves. She helped organizations including the United Way, the American Cancer Society, the Salvation Army and the Child Advocacy Center reach out to viewers through the station's public affairs and talk segments on news shows.

Rosie was also the author of several nationally published educational books, which ranged in topic from arts and sciences to the teaching of moral values to young children. Mobile's Drug Education Council recently published one of Rosie's books on drug awareness for young children.

In recognition of her remarkable accomplishments, The Press Club of Mobile awarded Rosie its 2004 John Harris Lifetime Achievement Award.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts in making Mobile and south Alabama a better place. Rosie Seaman is an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism.

On behalf of a grateful community, I wish her the best of luck in all her future endeavors.

TO COMMEMORATE THE 150TH ANNIVERSARY OF FIRST REFORMED CHURCH IN GRANDVILLE, MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to rise today in commemoration of the 150th Anniversary of the First Reformed Church of Grandville, Michigan. On Sunday, April 19, 2009, a commemorative worship service and celebration will memorialize this extraordinary milestone, and it is a privilege to recognize and honor Reverend Christopher Wolf and the congregation of this remarkable church for the model of Christian service and the beacon of hope they have offered to the Grandville community over the past 150 years.

From the first service on April 13, 1859 up until today, First Reformed has faithfully served The Lord, the residents of Grandville, and the world through its ministries, involvement in the community, and missionary outreach. The commemoration of First Reformed's sesquicentennial anniversary during the April 19 service is the highlight of a year-long celebration of spiritual, historic and community events.

This remarkable anniversary reminds all of us that wonderful things do happen when we seek to serve and glorify God. Reflecting on the journey experienced by the congregants of First Reformed over the last 150 years, it is appropriate to reaffirm and strengthen our own faith, acknowledge the blessings bestowed upon us, and recognize the call to reach out to others and share God's love.

I am proud to represent the people who call First Reformed their church home, and am grateful to this congregation for their Christ-like example. I am honored to extend my best wishes on this sesquicentennial occasion, and look forward to their service and ministry to the people of Grandville for many more years.

HONORING DR. NANCY ZIMPHER

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to honor Dr. Nancy Zimpher, President of the University of Cincinnati for her tremendous dedication to higher education. Unfortunately, President Zimpher will be departing us to become the new chancellor of the State University of New York on June 1. They will be blessed to have her.

A native Ohioan, President Zimpher became the University of Cincinnati's 25th president and first woman president in October of 2003. From the beginning, President Zimpher worked tirelessly to raise the University's profile. During her tenure she increased the University of Cincinnati's freshman class and total enrollments to new heights, while increasing retention and graduation rates. The caliber of students and educators at the University of

Cincinnati has never been higher. President Zimpher's immense responsibilities have included managing 16 colleges, an academic medical and research center, one billion dollar annual budget, and the most employees in the Greater Cincinnati area.

Away from the University, President Zimpher has given her time and talents to numerous civic causes, including serving on the boards of the Cincinnati USA Regional Chamber of Commerce, Cincinnati Center City Development, United Way of Greater Cincinnati, and many others.

As a proud graduate of the University of Cincinnati and a faithful Bearcat, it is with a heavy heart that I congratulate Dr. Zimpher on her new and exciting opportunity as chancellor of the State University of New York. The Cincinnati region and most importantly the University of Cincinnati are better off today due to President Zimpher's dedication and leadership. Good luck Dr. Zimpher, you will be missed.

EARMARK DECLARATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WOLF. Madam Speaker, pursuant to the Republican guidelines on earmarks, I submit the following statement for the record regarding H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northern Virginia Regional Gang Task Force

Address of Requesting Entity: One Park Center Court, Manassas Park, VA, 20111

Description of Request: In response to increasing gang activity in northern Virginia, a multi-jurisdictional law enforcement task force was established in 2003 to more effectively respond to gang activity. As a result of the task force's efforts, criminal gang activity has declined by more than 50 percent. In order to sustain and maintain these impressive results, the task force requested \$2.5 million in funding, which is included in H.R. 1105.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northwest Virginia Regional Gang Task Force

Address of Requesting Entity: P.O. Box 49, Berryville, VA, 22611

Description of Request: In response to increasing gang activity in the Shenandoah Valley, this task force was established to coordinate and share information with their counterparts at the Northern Virginia Regional Gang Task Force. According to the Federal Bureau of Investigation, the entire northern Virginia region is a hotbed of gang activity. In order to better fight gang activity in this area, the task force requested \$750,000 in funding, which is included in H.R. 1105.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: Capital Investment Grants

Legal Name of Requesting Entity: Dulles Corridor Metrorail Project

Address of Requesting Entity: 1 Aviation Circle, Washington, D.C. 20001

Description of Request: H.R. 1105 provides \$29.1 million to be used for extending the Metrorail system through Tysons Corner to Washington Dulles International Airport. Northern Virginia continues to be one of the country's fastest growing areas, but with that has come the distinction of being the second worst traffic congested region in America. Congressional funding to bring a much needed mass transit system linking the West Falls Church Metro station to Washington Dulles International Airport was first approved in FY 1999.

Additional Request: I also requested language in this bill that would prohibit the Federal Transit Administration (FTA) from reallocating previously appropriated funding for the Dulles Corridor Rapid Transit Project. Specifically, I requested that the funding from FY 2002, FY 2003, FY 2004, FY 2005, FY 2006 and FY 2008 be protected.

HONORING THE MEMORY OF FRANKLIN ROOSEVELT BRACKIN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, the town of Loxley, Alabama, and all of southwest Alabama recently lost a dear friend, and I rise today to honor Franklin Roosevelt Brackin and pay tribute to his memory.

Known to his many friends as Frank, he was a native of Covington, Alabama and lived in Loxley for over three decades. Frank was known to everyone in Loxley for riding his bicycle adorned with American flags through town. He took it upon himself to monitor the flags flown on the town's public property, and he would notify the staff at Town Hall if he spotted a problem.

Each day, Frank ate breakfast at the Loxley Civic Center with other seniors, and he visited the Fire Department, Police Department and merchants along Alabama Highway 59. As Frank grew older and traffic increased, he began making his daily visits on foot, at which time, Loxley police provided him with an orange safety vest to make him more visible as he traveled throughout the community.

Frank was also a member of the Association of Retarded Citizens of Baldwin County (ARCBC). Each year, he and other ARCBC members traveled to either Disney World or Dollywood, which was always a highlight of his year. Frank was also active in the Baldwin County Strawberry Festival, serving on the cleanup committee for many years.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. Franklin Roosevelt Brackin will be dearly missed by his family—his two brothers, his sister, and the entire town of Loxley—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

A LIFE LIVED FOR OTHERS: A TRIBUTE TO GEORGE K. STEIL, SR.

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute to a loving father, grandfather, and great-grandfather, a devoted husband, and a personal friend and mentor. George K. Steil, Sr. was a pillar of integrity and leadership in the Janesville community and the state of Wisconsin. George passed away less than a month ago at his home in Janesville, but not before leaving an indelible mark on the countless lives he touched—myself included. He will be sorely missed, but will never, ever, be forgotten.

George was born in Western Wisconsin in 1924, and served his nation with honor in World War II as a sergeant in the U.S. Army Amphibious Forces in both New Guinea and the Philippines. Shortly after his return from service, George married the beautiful Mavis Andrews in 1947 in Darlington, Wisconsin.

George is an institution at the University of Wisconsin—having received a Doctor of Law Degree from the University of Wisconsin in 1950, been named a lecturer at UW in 1974, and having received the law school's highest honor—the Alumni Distinguished Service Award in 1991. He was appointed by Governor Tommy Thompson to the UW Board of Regents, serving as the Board's President from 1992–1994, as well as Chairperson of the UW Medical Foundation and member of the UW Hospital Authority.

He had among the most illustrious legal careers of any in the State of Wisconsin, serving on numerous statewide—and international—committees and associations. George was elected president of the State Bar in 1976, and later honored by the Wisconsin Bar Foundation as the 9th recipient of the Charles L. Goldberg Distinguished Service Award for his outstanding public service as a citizen, an attorney, and a humanitarian.

His leadership in the community was also unparalleled. He has served as President and Senior Partner of Brennan, Steil, and Basting in Janesville, having been with the firm from 1960 until his death. George had been President of Janesville's Chamber of Commerce; Chairman of the Board of Directors of Bank One in Janesville; and took countless other leading roles in both the public and private sector. He had also been recognized for his commitment to the Catholic Church and the Diocese of Madison. George's commitment to faith was evident in all he did, as his service to God was manifest in his tireless service to others.

His long list of achievements and honors fails to do justice in describing the type of man George Steil was. My father was George's law partner, and I had the privilege of getting to know the Steil family during the formative years of my life. Because I lost my father at

a young age, George became a mentor of mine. He gave me the kind of fatherly guidance and encouragement that I so desperately needed as I grew up and faced life's many challenges. Unlike any other, I looked to George as a role model, and was blessed to be taken under his wing.

George Steil dedicated his life to the service of others: to his fellow countrymen in the U.S. Army; to his neighbors—especially those most vulnerable—in Janesville, Rock County, and Wisconsin; to his clients, his customers, and fellow parishioners; and—most passionately—to his friends and his family.

To George's four children: George, Jr. and wife Patricia; John of Janesville; Michelle and husband Patrick; and Marcelaine and husband John. Your father will forever be one of Janesville's finest.

To his two great-grandchildren and ten grandchildren, including my former and future staffers Bryan and Allison Steil: your grandfather's zest for life and selfless commitment to service provides a guiding light for you to follow for years to come.

To his wife Mavis: For your unconditional love and support over the years, I will forever be in debt to you and to your husband.

My prayers and my eternal gratitude remain with the Steil family.

IN MEMORY OF ROBERT E. "BOB" WHEELER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Robert E. "Bob" Wheeler of Hot Springs, who passed away on April 16, 2009, at the age of 72. Affectionately called "Mister Hot Springs," Bob dedicated his life's work to Hot Springs, the city he loved and the city he called home.

Bob was a hard worker and an inspiring leader, and it was his vision that helped make Hot Springs the vibrant center of tourism, commerce and history that it is today. In response to the city's struggling economy in the 1980s, Bob was instrumental in passing bond issues that renovated and expanded the former Hot Springs Convention Auditorium into the Hot Springs Convention Center, a state-of-the-art conference facility that now hosts groups from across the country. He was also key in reopening the Magic Springs & Crystal Falls amusement park, as well as envisioning and seeing to completion Summit Arena, which now hosts major concerts and athletic events.

In an official capacity, Bob served as the City Director from 1986 until 2004, when he declined to run for re-election. He also served on the Hot Springs Advertising and Promotion Commission for 15 years, being named the commission's only "Commissioner Emeritus" upon his retirement.

Bob was a successful businessman heading Wheeler Printing, and he was the motivation for making Hot Springs the permanent home of the Miss Arkansas Pageant, where he served more than 40 years as the state pageant's Executive Director.

Realizing the city's important contributions to Arkansas over the years, Bob's vision included a city that recognizes and honors its past and traditions while embracing change and economic development. Today, as a direct result of Bob's efforts, Hot Springs is a year-round destination for conventions and tourists and a thriving community in which to raise a family.

Most importantly, Bob inspired a new generation of leaders in Hot Springs all of whom embraced his vision and shared his infectious energy and passion that will carry the city well into the 21st century.

Unfortunately, Bob lost his long battle with Alzheimer's disease last week. Though he is no longer with us and will be deeply missed, Bob's legacy will live on as Hot Springs and its leaders continue to meet the expectations, dreams and goals outlined by the city's biggest champion.

HONORING THE SEXTON FAMILY'S
SERVICE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to take this opportunity to recognize and honor the service and sacrifice of the Sexton family. Thirteen Sextons have served bravely in our Armed Forces since World War II—several having served on the front lines in both the Atlantic and Pacific Theatres. This tradition of service and dedication to the United States of America has earned them due recognition and appreciation. I submit their names here for the RECORD:

Hugo "Doc" Sexton—served with U.S. Navy—WWII Veteran (1908–1982);

James Edward "Tad" Sexton—served with U.S. Army (1911–1945);

Harbon "Whitey" Sexton—served with the 30th Infantry Division; killed in action in France (1915–1944);

Joseph Howard "Tut" Sexton—served with 1st Infantry Division—WWII Veteran (1918–1983);

Jeff Jackson "Jodie" Sexton—served with 90th Infantry Division—WWII Veteran (1920–2003);

Willard "Pistol" Sexton—served with 1106th Combat Engineers—WWII Veteran (1922–2009);

Elurd Preston "Pete" Sexton—served with U.S. Navy—WWII Veteran;

John Daniel Sexton—U.S. Air Force Veteran (1930–2008);

Jim Sherman Sexton—retired from the U.S. Air Force;

Ernest Norman "Snag" Sexton—retired from the U.S. Air Force;

Robert Charles "Bobo" Sexton—retired from the U.S. Army (1937–1991);

Luther Madison "Luke" Sexton—retired from the U.S. Air Force;

Jonah Clark "Buster" Sexton—retired from the U.S. Air Force.

Hugo served in the Pacific Theatre. James entered the Army but was medically discharged shortly after he began service.

Harbon, Joseph, Jeff, and Willard all landed in France as part of the American forces fighting in the Atlantic Theatre. Harbon was killed in action near Isigny, France, while the others fought throughout Europe until the end of the war. Joseph also landed with the 1st Infantry division in North Africa.

Pete was stationed in the Pacific after joining the Navy prior to the end of the war. John was on active duty just prior to the Korean War. The remaining Sextons, Jim, Ernest, Robert, Luther, and Jonah all spent more than 20 years each on active duty before retiring from their respective branches. At three different times between 1942 and 1968, there were five Sexton brothers wearing the Uniform of the United States Armed Forces at the same time.

CONGRATULATING CHANDLER
BRAMLETT ON THE OCCASION OF
HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Chandler Bramlett, on the occasion of his retirement from Infirmary Health System.

With a career spanning over 40 years, Chandler has served in administrative positions in healthcare facilities in Florida, Georgia, Mississippi, and Alabama.

A native of Mobile and graduate of Murphy High School, Chandler received a Bachelor of Science degree in Chemistry from the University of Alabama in 1964 and an M.B.A. and Certificate in Hospital Administration from the University of Florida in 1996.

After graduation and before his induction into military service, Chandler served as an administrative assistant with Baptist Hospital in Pensacola, Florida. Later that same year, he joined the U.S. Public Health Service Office in Atlanta where he worked as a health services officer at the Division of Medical Care Administration Regional Office. Two years later, he was named vice president of the North Mississippi Medical Center in Tupelo, Mississippi. In 1972, Chandler returned to Alabama as the administrator of Jackson County Hospital and Nursing Home in Scottsboro.

Chandler joined the Mobile Infirmary in 1976, initially as administrator of its Rotary Rehabilitation Hospital. In 1978, he was named executive vice president. Five years later, he became president/chief executive officer of Infirmary Health System, which today is the largest integrated healthcare delivery system in the Central Gulf Coast Region.

Today, the Infirmary Health System is the fifth largest private sector employer in the state. It is the parent company of five hospitals and one nursing home in Mobile and Baldwin Counties with 1,300 licensed beds, including Mobile Infirmary Medical Center, the largest not-for-profit acute care hospital in Alabama. Under Chandler's leadership, the not-for-profit healthcare system was created, a comprehensive partnership with the University of South

Alabama's Mitchell Cancer Institute was developed, and a scholarship program to train nurses was created.

With more than three decades with the company, Chandler was the most senior healthcare executive serving in the state of Alabama at the time of his retirement in December 2008.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family, his wife, Polly; their daughters, Louise, Susanne, Patricia, and Amanda; his many friends; and past and present Infirmary Health System employees join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of Mobile and the state of Alabama.

Chandler will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

INTRODUCTION OF THE
HONOULIULI INTERNMENT CAMP
SPECIAL RESOURCES STUDY ACT
OF 2009

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. HIRONO. Madam speaker, I rise today to introduce a bill to authorize a special resources study of the World War II-era Honouliuli Internment Camp site in the State of Hawaii.

Unlike much of the mainland United States, Japanese Americans in Hawaii were not subjected to the mass roundups experienced by Americans of Japanese ancestry who lived on the West Coast of the U.S. mainland. Executive Order 9066, which called for removal of Japanese Americans from restricted areas, was not enforced to the same degree in Hawaii. Forcing all of Hawaii's Japanese American population into camps was simply not practical as they made up some 40 percent of the population at the time.

Executive Order 9066 put Hawaii under martial law. Interestingly, even before the attack on Pearl Harbor, the FBI had a "custodial detention list" of 337 people in Hawaii marked for arrest if America went to war with Japan. On December 7, 1941, the day Pearl Harbor was attacked, the FBI and the Army ordered the internment of everyone on the "custodial detention list."

Most of these initial internees were "consular agents," persons who worked on a volunteer basis to assist other Japanese in filling out reports of birth, marriage, and death to be sent back to the emigrants' original villages in Japan. Many of these volunteer "consular agents" were long-time residents of Hawaii but were not citizens because they were not born in Hawaii. At the time, Japanese immigrants were barred from becoming naturalized U.S. citizens on the basis of race. None of these "consular agents" were ever charged with espionage or sabotage. Shinto and Buddhists

priests, language teachers, and community leaders were also rounded up and put in the camps.

Honouliuli Internment Camp was the largest and last-closed of the eight detention centers that operated in Hawaii. Honouliuli was also used as a prisoner of war camp. Each of the major islands had internment facilities for a period of time. Some 1,200 Japanese Americans and 100 Americans of Italian or German descent were interned in Hawaii between December 7, 1941, and September 14, 1945. Many were initially held in Hawaii and then transferred to internment camps on the U.S. mainland.

The story of the internments in Hawaii is not well known. Most people in Hawaii are not even aware of this history. Archeological reconnaissance surveys of the Honouliuli Camp site have been conducted with the support of the Japanese Cultural Center of Hawaii, Conservation Fund, National Park Service, National Trust for Historic Preservation, and the University of Hawaii. The landowner, Monsanto, has also been supportive.

The Honouliuli site, which is located in a gulch in an agricultural area on the island of Oahu, still contains many remnants of the camp. The special resource study authorized by this bill will evaluate the Honouliuli site, as well as associated sites on Oahu and other islands, regarding its significance in the history of World War II; in relation to the forcible internment of Japanese Americans, Italian Americans, and German Americans; and for its physical historic resources.

One of the things I am most proud about America is our willingness to examine painful and often shameful periods of our past. The experience of Hawaii in relation to Executive Order 9066 has not really been told before. The proposed resource study will provide a map of how we might move forward in preserving and interpreting the historical record of this period.

I urge my colleagues to join me in supporting this legislation.

COMMEMORATING THE LIFE OF MICKEY CAFAGNA, MAYOR OF POWAY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BILBRAY. Madam Speaker, I rise today to mourn the passing of one of San Diego Counties most beloved citizens, Mayor Mickey Cafagna. Mayor Cafagna lost his battle to cancer on Saturday, April 11, 2009, and I urge my colleagues to join me in commemorating the life of this devoted public servant.

Mayor Cafagna has had a long history of serving San Diego County. In addition to being a successful businessman, he was elected mayor of Poway, served on the Poway City Council, was chairman of the Regional Solid Waste Association, and represented the city of Poway on the San Diego Association of Governments (SANDAG) since 1998, serving two years as Chairman of the Board, where I had the privilege to serve with him.

A consummate family man, Mayor Cafagna is survived by his wife Sharon of 43 years, his two children and five grandchildren, who were the light of his life. Mayor Cafagna was widely known and respected for his goodwill to all, his ability to bring people together with warmth, humility, and good sense of humor. His accomplishments both personal and public are to be commended and I can say that he will be sincerely missed by the people of San Diego County, especially in the beautiful city of Poway.

It is with immense gratitude that I commend Mayor Cafagna for his long and distinguished service on behalf of his constituents and county. His humor and easygoing personality will be greatly missed by all who worked with him. However the stories and warm memories of this larger than life man will be shared by many. I urge my colleagues to join me in commemorating the life of Mayor Mickey Cafagna.

HONORING DR. PADMANABHAN "DAN" MUKUNDAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. DAVIS of Illinois. Madam Speaker, on February 5, 2009 the City of Chicago and the nation lost an inspirational leader in community health, Dr. Padmanabhan "Dan" Mukundan. Dr. Mukundan, or "Dr. Dan" as he was warmly known, was a pioneering force in community medicine in Chicago for nearly 40 years. Dr. Dan held a lifelong commitment to caring for the medically underserved and he believed passionately in providing the highest quality of medical care to all persons regardless of health status or ability to pay.

Dr. Dan opened his first practice on Chicago's South Side in the 1970s, and in the early 1990s he joined ACCESS Community Health Network where he served as the Medical Director. His drive and enthusiasm for quality community health care attracted other dedicated medical providers into the field and into ACCESS, which is now the largest community health center organization in the nation. With Dr. Dan's support, ACCESS has grown to operating over 50 health centers serving over 215,000 patients annually in the greater Chicago area. Today, ACCESS is regarded as a national leader in providing quality primary and preventive medicine to uninsured and underinsured patients. Dr. Dan's work was essential to enabling ACCESS to build a unique community health infrastructure in the Chicagoland area, an infrastructure leveraged through partnerships to provide patients access to the specialty, diagnostic and inpatient services they require. In addition, he expanded the scope of ACCESS's program to include mental health and social services.

On Saturday, April 25, family, friends, colleagues and patients of Dr. Dan will gather to remember his life and his accomplishments. I extend my heartfelt condolences to Dr. Mukundan's family and to those who will gather in his memory, including Donna Thompson, Linda Shapiro and other members of the ACCESS leadership team.

Dr. Mukundan's work had an indelible impact on the fabric of health care in Chicago's underserved communities and today I rise to recognize, and to direct my colleague's attention to, this great Chicagoan.

HONORING THE MEMORY OF RAY- RAY RUSSELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama, recently lost a dear friend, and I rise today to honor the memory of Ray-Ray Russell.

A native of Mobile, Ray-Ray graduated from Williamson High School in the Maysville community and earned a Bachelor's Degree in communication from Alabama State University.

In 1996, Ray-Ray returned to Mobile and started working for WBLX-FM radio. He was host of the station's long-running radio show, "The Gulf Coast Wake-up Party." For years, listeners across the central Gulf Coast tuned in every morning for Ray-Ray to help them start their day. He also broadcast Friday night high school football games for Comcast's Port City 6.

However, Ray-Ray's contributions extended far beyond the airwaves. He started the Rolling Reader program, in which disc jockeys read to elementary school children. In fact, Ray-Ray read to Mobile and Baldwin County classes at least once a week. He also participated in a number of charity events.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Ray-Ray Russell was an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism, and at the age of 42, he was taken from us too soon.

On behalf of all those who have benefited from his generous spirit, permit me to extend thanks for his many efforts in making Mobile and south Alabama a better place. Ray-Ray will be deeply missed by his family—his seven children and his seven brothers and sisters—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING MITCH KING

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. I rise to thank and praise Mitch King for his exemplary 36 years of public service—a career which has spanned 11 Postmaster Generals and during which mail service has expanded to serve more than 149 million addresses every day, becoming the country's largest retail network.

Mitch is the epitome of a true public servant: he was and is always professional, always

ready to help with any issue, and always on the lookout for constructive solutions. It has been an honor to benefit from his contributions both on the House Appropriations Committee and in my District over the years, and it is only right that we should honor and salute him for his more than three decades of service.

Mr. King is one of several Managers in the Government Relations Department at the U.S. Postal Service Headquarters in Washington, DC, responsible for Congressional Liaison and legislative activities. He will retire from the Postal Service on May 1, after 36 years of service.

During the later part of his career, he managed Postal Service Congressional Liaison activities for the states of Virginia, Maryland, Pennsylvania, Ohio, West Virginia, Kentucky, Mississippi, Alabama, Florida, and the District of Columbia. He was also responsible for postal-related legislative activity within the House Appropriations Committee. Additionally, one of his ad hoc activities included service on the Elections Center-sponsored Election Mail Task Force.

Mitch began his postal career in 1973 as a letter carrier in my District in Falls Church. Subsequently, he became a supervisor of letter carriers, before becoming an Instructor in the Delivery Service Branch of the Postal Service Management Academy in Potomac, Maryland. By the spring of 1982, he began working in the Government Relations Department at the U.S. Postal Service Headquarters in Washington, DC. In 1992, he was promoted to the position of Government Relations Manager; a Postal Career Executive position.

Since then he has managed government relations activities with many Members of Congress, addressing an ever expanding variety of postal-related issues. He has also served as the principal postal contact for the House Appropriations Committee and the Financial Services Appropriations Subcommittee. While the Postal Service receives only minimal funding to support free mail for the blind and overseas voters, Mitch has been an extraordinary resource to us in addressing a host of postal issues which have arisen in our committee.

Mitch and his wife, Mickey Fenyk-King, recently celebrated their 35th anniversary. Now, they look forward to having more time to spend with family and friends and to exploring the world together. They have surely earned our thanks and congratulations for a job well done and our very best wishes for their journeys ahead.

HONORING KATE DONAGHUE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to my friend, Kate Donaghue from Westborough, Massachusetts for her outstanding service to the people of my district and my home state of Massachusetts. On Sunday, April 26 of this year, Kate will be this year's recipient of the Democrat of the Year award from the Middlesex Worcester Coalition in appreciation for her lifetime of service.

For over 20 years Kate has given countless hours of her time to help promote social and political change in Massachusetts. Kate has been an avid volunteer with many groups and has worked tirelessly for the greater good for more than 40 years. She has served as an elected member of the Massachusetts State Democratic Committee for the past 13 years and has served in many capacities with the party. She is one of the founding chairpersons of the Middlesex Worcester Democratic Coalition and is also a board member of the recently formed Worcester Democratic League. She has also represented her district at countless state and national conventions.

Kate is also the founder of the widely read Donaghue's Democratic Dispatch, which she founded in 2000. This popular email newsletter provides information about political and civic events that are happening across the commonwealth. Thanks to her efforts, thousands of individuals are kept abreast about how to be engaged in local and national political efforts.

Kate has also worked tirelessly to get others involved in community service efforts. She has helped organize Earthday Clean-ups, food drives and clothing drives.

Madam Speaker, I commend Kate Donaghue for her dedication to Massachusetts and the political community in promoting activism in politics throughout the community. I congratulate Kate on receiving this award and I ask my colleagues to join me in paying tribute to this fine example of civic engagement.

94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 94th Anniversary of the Armenian Genocide. It is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

For thousands of years, the Armenian people have been known for their perseverance in the face of great challenges. Today we honor the victims and survivors of the Armenian Genocide. We pay our respects to the Armenian people for their strength to overcome adversity.

It is a somber day as we reflect on the victims of the Armenian Genocide, the continued denial by the Turkish government, and our own government's inaction in using the word genocide to describe these events.

There is an absurdity about Turkey's inability to recognize its own past and something deeply disturbing about our government's complacency in this misrepresentation of history.

The Armenian Genocide is the first genocide of the twentieth century. Between 1915 and 1923, 1.5 million Armenians were systematically and deliberately killed by the Ottoman Turks.

Our own National Archives and writings from the U.S. Ambassador to the Ottoman

Empire, Henry Morgenthau, display how the Ottoman government specifically decided to target the Armenians, move them towards what is the modern day Syrian Desert, and butcher men, women, and children.

It is a disturbing history, but one that needs to be retold, remembered, and reaffirmed to ensure its legacy and rightfully honor its victims and survivors.

We have stood by for too long as the Turkish government manipulates the issue of the Armenian Genocide. We have watched them pay millions of dollars to Turkish lobbyists to mislead and even threaten members of Congress. We have watched the Turkish government bring scholars and writers to court for insulting Turkishness just for writing the words Armenian Genocide. And two years ago we watched in profound disbelief when Hrant Dink was assassinated in Istanbul.

It is enough.

Armenian Genocide Recognition is not only important for Armenians, it is important for us as Americans. If we are going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the Armenian Genocide.

To not do so sends a message that we are complicit in Turkey's denial. By not affirming the Armenian Genocide, we fail as Americans to take a stand against all genocides and we fail to end genocide denial.

We can reverse this path and officially speak the truth. We as Americans and as an entire international community must recognize the Armenian Genocide so that we can renew our commitment to prevent such atrocities from occurring again.

I am hopeful that the U.S. Government can stand behind our statements and our promises.

HONORING CODY WAYNE JOHNSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Wayne Johnson a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 70, and in earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop participating in many scout activities. Over the many years Cody has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Wayne Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ADDIE GREEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to the Honorable Addie Green on the occasion of her retirement from elected office. Ms. Green will retire as County Commissioner for District 7 in Palm Beach County, and can look back on a proud career of service and distinction in community leadership.

Though she is a native Alabamian, Ms. Green has been a resident of Palm Beach County since 1965. She graduated from Stillman College with a Bachelor of Science degree and went on to receive her Masters Degree in Education from Florida Agricultural & Mechanical University in Tallahassee, Florida.

Ms. Green served as Mangonia Park's Vice Mayor in 1988 and Mayor in 1991. In 1992, she was elected to the Florida House of Representatives and served four consecutive terms as the District 84 Representative. While serving in the Florida House of Representatives from 1995 to 1998, I had the pleasure of working with Ms. Green. During her State tenure, she served on several influential House committees and was instrumental in securing vital resources for Palm Beach County.

The appropriations Ms. Green worked diligently to bring to Palm Beach County included: \$1.35 million for the Mangonia Residence for senior citizens; \$751,000 for Floridians stricken with Parkinson's disease; \$250,000 for the Belle Glade Business Park Wages Program to create new jobs; tax relief for NOAH, an organization that provides affordable housing to more than 400 families in the Glades; \$249,000 for the renovation of the Lake Park Library; \$500,000 for the St. Mary's Medical Center Children's Emergency Room Wing; \$500,000 for Home Safe; and \$100,000 for project SOAR Healthy Mothers/Healthy Babies.

Moreover, Ms. Green has helped to secure funding for projects beneficial to the Palm Beach community such as an aquatics facility in Riviera Beach, the Dan Calloway Recreation Complex, the Northwest Community Center, the Spady House Museum and C. Spencer Pompey Amphitheater in Delray Beach, the Wilson Recreation Center and Pool Renovation, the 1916 County Courthouse Restoration, and the 4-H Community Gardens. She arranged recreational and cultural funding in support of Heritage Fest, Children's Outreach, Mt. Olive Community Outreach Center, Roots Festival, the Soul of Delray, Annual Jazz & Blues Festival in Riviera Beach, Salvation Army, Teen Partnership Coalition, Operation Hope, and a host of school-based programs.

With the concerted efforts of many individuals and business leaders in the community, Ms. Green was able to organize the first Homeless Task Force for Palm Beach County. In 2007, she was named "Commissioner of the Year" by the Florida League of Cities for her extraordinary efforts of presiding over tough County transitions and improved relationships with cities throughout South Florida.

I am fortunate to have had the opportunity to work side by side with Commissioner Greene and it is a privilege for me to have this opportunity to recognize her before the esteemed House of Representatives. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I wish her every happiness and success.

HONORING RODNEY JOHN DIRIDON
ON THE OCCASION OF THE 70TH
ANNIVERSARY OF HIS BIRTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise to congratulate Rodney John Diridon, "Rod," on the 70th anniversary of his birth. In addition to celebrating the commemoration of a life well spent, I would like to acknowledge the dedication he has exemplified in serving the Valley of Santa Clara for over half of his life.

Diridon, the son of an immigrant Italian railroad brakeman, has focused on transportation issues for decades. A most effective proponent of public transportation, Rod Sr. is considered the "father of modern transit" in Santa Clara County and credited with countless achievements including building the light rail system. He is a former member of the Santa Clara County Board of Supervisors and a former candidate for the California State Assembly.

Upon his retirement from public office in 1994, the main train station in San Jose was renamed "The Diridon Station" in his honor. He currently heads the Norman I. Mineta Transportation Institute at San Jose State University, and is a former chairman of the board of the High Speed Rail Authority.

Rod's service to his community and country started much earlier in his life. From 1963 to 1967 he served in the U.S. Navy as a Fleet Officer and Combat Duty Officer in Vietnam.

In 1969, Diridon founded the Diridon Research Corporation, later renamed Decision Research Institute (DRI) in 1972. DRI conducted market research, needs assessment surveys and legislative consulting throughout the United States. As founder and president he developed a "shared survey" research procedure subsequently adopted by the UNICEF of the United Nations.

His political career began in 1972 as the youngest person ever elected to the Saratoga City Council. He retired because of term limits, after completing 20 years and six terms as chairperson of both the Santa Clara County Board of Supervisors and Transit Board. He is the only person to have chaired the San Francisco Bay Area's (nine counties and 104 cities) three regional governments: the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Association of Bay Area Governments.

To find the basis for Rod's call to public service, one need only look at his family's roots. Rodney John Diridon was born in

Dunsmuir, California in 1939 to Claude and Rhoda Diridon. As the son of Italian immigrants, Rod's father, Claudius Diridoni was compelled to change his name when bigotry in the railroad employment system kept him from being hired. After becoming a union member, Claude was protected from discrimination, thus starting the Diridon family's long appreciation of organized labor.

Although Rod was dyslexic, through hard work and determination, he was a good student and member of championship football teams in high school. While working his way through college as a railroad trainman, he attended Shasta Junior College and Chico State, each for one year. He then transferred to San Jose State University, where he was a student leader, and graduated with a Bachelor of Science in Accounting and an MSBA in Statistics.

He was married to Mary Ann Fudge from July 4, 1964 until 1999 and raised two children, Rodney Jr. born September 10, 1969, and Mary Margaret, born September 14, 1971. On June 10, 2001 he married Dr. Gloria Duffy.

Rod has chaired over 100 international, national, state and local community service programs and projects, most related to transit and the environment. He served, in 1993, as the chairperson of the American Public Transit Association in Washington, D.C., and more recently as the North American Vice President of the International Transit Association in Brussels. He has been an advisor to the Federal Transit Administration and in 1995 chaired the National Research Council's Transit Oversight and Project Selection Committee. Rod chaired the NRC's Transportation Research Board's study panel on "Combating Global Warming Through Sustainable Transportation Policy." He is frequently asked to provide testimony to Congressional Committees.

Diridon has received published recognition and numerous awards for his contributions and has served on numerous organizations committed to community service at the national, state, regional and local levels. He has been most involved with transportation, the environment, arts and human rights fund-raising and advocacy.

INTRODUCING THE NATIONAL
COMMISSION ON EMPLOYMENT
AND ECONOMIC SECURITY ACT
OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2009.

This legislation is a necessary and vital investment in the people of the American workforce and their families. This bill will establish a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Further, it will propose solutions, including recommendations for legislative and administrative action, to Congress and the President.

Since the recession began in December 2007, more than 5.1 million jobs have been lost. Last month, the national unemployment rate reached an unprecedented 8.5 percent, the highest it has been since the recession of 1983 and it is much higher in many states like Florida, at 9.7 percent, and it has topped 12.6 percent in Michigan.

Over the past year, unemployment rates have increased in all 50 states and the District of Columbia. The scope of the economic downturn is so large that its impact is felt virtually everywhere along the economic spectrum.

While Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, even their housing. According to a September 2008 survey by the American Psychology Association, 80 percent of Americans say the economy is a significant cause of stress, an increase from 66 percent since April 2008. Perhaps even more disturbing, calls to the National Suicide Prevention Lifeline have increased by more than 20 percent from January 2008 to January 2009.

Madam Speaker, the mental health of the American worker will be integral on the road to economic recovery and Congress must face this problem head on and help the very people who are facing unemployment, loss of health insurance, home foreclosure, stress, increased violence, and depression. It is time that we create this Commission and get our nation back on track.

We have a solemn responsibility to ensure the greatest possible assistance to the American workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. I urge my colleagues to support this legislation.

HONORING DELANE GOWER
KINZLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Delane Gower Kinzler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 345, and in earning the most prestigious award of Eagle Scout.

Delane has been very active with his troop participating in many scout activities. Over the many years Delane has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Delane Gower Kinzler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SISTERS OF ST. JOSEPH CELEBRATE 125 YEARS OF MINISTRY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to celebrate the 125th Anniversary of the Sisters of St. Joseph. I would like to share some local history as provided by the Springfield Diocese.

The Sisters of St. Joseph of Springfield were founded in 1883 following a request by the pastor of St. Patrick's in Chicopee Falls. He needed help starting a parish school and so seven sisters from the New York Congregation moved to the Springfield Area. The small community grew slowly but steadily while educating poor immigrant children in central and western Massachusetts and Rhode Island.

By the mid 1960s, the ranks of the Springfield Congregation swelled to over one thousand women. The group had founded or staffed sixty schools and had established the Elms College.

Following the Second Vatican Council, the Sisters restructured their community life. Many moved out of convents and into small houses and apartments in local towns and cities. Their ministries expanded as well. No longer limited to schools, the Sisters worked in prisons, parishes, homeless shelters and other social services.

In the mid 1970s, the Sisters of St. Joseph of Fall River merged with the Springfield Congregation. In 2001, the Sisters of St. Joseph of Rutland, Vermont joined the community which also covers Worcester, the Berkshires, Rhode Island and even Louisiana and Uganda. Today, the Springfield Congregation of about 300 Sisters continues to serve the people of God through a variety of Ministries.

Today we salute the Sisters of St. Joseph for 125 years of ministry as educators, pastoral ministers, innovators, evangelizers and social justice ministers. We thank the Sisters for their loving service to our communities. The Sisters of Saint Joseph have provided quality, values-based Catholic education to countless students and we are grateful for their immeasurable impact.

COMMENDING THE PRESIDENT OF
THE UNITED STATES ON ALLOWING
FAMILY TRAVEL TO CUBA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CONYERS. Madam Speaker, I rise today to commend the President for his leadership and commitment to improve the United States' relationship with Cuba.

Lifting restrictions on family members' travels to the island and removing restrictions on remittances to Cuban families responds to both Cuban-American and Cubans' needs as well as it builds bridges between the American and the Cuban people.

I believe that keeping the family ties alive and allowing family members to assist one another are essential for Cuban citizens' quest for reform and a critical step towards the building of a trustworthy relationship.

Cuban-Americans are the best ambassadors to the Cuban people for democracy's core values. Diplomatic relations can begin with familial and cultural exchanges. This is especially true with Jazz music, which has always shown the sense of freedom.

Cuba has a rich musical tradition that has many admirers throughout the World, particularly in America. As more Cuban-Americans travel to Cuba, there will be increased opportunities to access this rich tradition. Reaching out in an effort to expand our common interest in culture and the arts will deepen our understanding of one another and serve as a bridge builder to more substantial bilateral relations.

In that spirit, I would like to submit this letter, from the US-Cuba Cultural Exchange, into the RECORD. This letter, written last March, urges the President to build a respectful and critical dialogue between the United States and Cuba through cultural exchange.

US-CUBA CULTURAL EXCHANGE,

Albuquerque, New Mexico, March 3, 2009.

President BARACK OBAMA,

The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We are artists, arts presenters, arts educators, cultural entrepreneurs and scholars, and cultural heritage and policy professionals from diverse political persuasions. We have been adversely affected by the cultural embargo imposed by the U.S. government against both Cuban and American artists and cultural institutions. We are writing to request that you make concrete changes in U.S. policy towards Cuba that will allow for the uninhibited flow of art, culture, information, ideas and debates, as well as travel by artists, cultural workers and professionals, and arts and cultural aficionados between the two countries.

U.S. policies towards Cuba—worsened many times over by the previous administration and criticized throughout the world—have prevented us from engaging in critical communication and collaboration with our Cuban counterparts, compromising our nation's cherished ideals of freedom of expression and preventing cultural interchange between two societies that share a historic relationship lasting over two centuries.

In 2007 we requested policy changes from the Bush Administration so that respectful, critical dialogue and principled exchange could take place between the peoples of Cuba and the United States and our respective governments. Our petition fell on deaf ears. As citizens, artists, scholars, educators and cultural workers from all artistic practices and from advocacy and service organizations in the arts, we now call upon your Administration to:

1. open a respectful dialogue with the government and people of Cuba in accord with established protocols supported by the community of nations;

2. end the travel ban that prevents U.S. citizens from visiting Cuba, and allow for Cuban artists and scholars to visit the United States, thus eliminating the censorship of art and ideas, and

3. initiate, by working with the U.S. Congress, a process that can result in the development of normal, respectful bilateral relations between our countries.

The artistic and cultural communities in the United States and in Cuba are catalysts

of imagination and creativity. We are committed to serve as bridges for our fellow citizens. Now, we need our government to take leadership and re-open the pathways of exchange.

We look forward to working with you to advance the interests of the United States and of Cuba.

Sincerely,

(Sampling of over 1,100 signatures from arts & culture as of March 2, 2009)

Patch Adams; Michael Alexander, Exec Dir, Grand Performances* & Chair, California Arts Council*; Stuart A. Ashman, Cabinet Secretary, State of New Mexico Cultural Affairs; Stephen Bailey, Executive Director/CEO, Grand Opera House; Amiri & Amina Baraka; Harry Belafonte; Laura Bickford, Film Producer; Beth Boone, Artistic & Executive Director, Miami Light Project; Jackson Browne, Songwriter; Jimmy Cobb, NEA Jazz Master, Drums; James Early, Artists & Intellectuals in Defense of Humanity; Charles Fishman, Executive Producer, Duke Ellington Jazz Festival; Danny Glover, Activist-Actor; Charlie Haden, Educator/Musician; Herbie Hancock, Musician/Chairman, Thelonious Monk Institute of Jazz.*

Donald Harrison, Musician & Composer; Louis Head, US-Cuba Cultural Exchange; Oscar Hernandez, Musician/Composer; Mike Kappus, President, The Rosebud Agency; Robert Kraft, President, Fox Music; Vivien Lesnik Weisman, Filmmaker; Sandra Levinson, Director, Cuban Art Space/Center for Cuban Studies; Bill Martinez, Arts Attorney & Presenter, Martinez & Associates; Graham Nash; Lukas Nelson, Musician; Arturo O'Farrill, Musician & Founder, Afro Latin Jazz Alliance & 2009 Grammy Award Winner; Michael Orlove, Senior Program Dir, Chicago Department of Cultural Affairs; Eddie Palmieri; Armando Peraza, Musician; Dafnis Prieto, Musician.

Bonnie Raitt, Musician & Activist; Awilda Rivera, Radio Personality, WBGO-Jazz 88; Tito Rodriguez, Jr., Musician, Tito Rodriguez, Jr. Orchestra; Ann Rosenthal/Cathy Zimmerman, Co-Dirs, MAPP International Productions; David Robinson, Music Producer; Poncho Sanchez, Musician; Carlos Santana, Musician; Pete Seeger; Scott Southard, Director, International Music Network; Mavis Staples and Yvonne Staples, Singers; Ned Sublette, Independent Scholar; Yosvany Terry, Saxophonist & Composer; Dave Valentin, Latin Jazz Artist & Grammy Award Winner; Jesse "Chuy" Varela, Broadcaster/Writer, KCSM-FM 91/SF Chronicle; Howard Zinn, Author & Playwright.

CONGRATULATORY TRIBUTE TO DR. LARICE Y. COWAN ON THE ACCESSION OF HER RETIREMENT AS ASSISTANT CHANCELLOR AND DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY AND ACCESS AT THE UNIVERSITY OF ILLINOIS CHAMPAIGN URBANA CAMPUS.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to Dr. Larice Cowan, a fellow alumnus from the University of Arkansas at Pine Bluff who has distinguished herself as an outstanding academician and practitioner in the field of human relations and affirmative action. Dr. Cowan graduated from the University of Arkansas at Pine Bluff with a Bachelor of Arts Degree in Sociology in 1971; she subsequently earned a Masters Degree in Social Work at the University of Arkansas at Little Rock, and a PhD in Educational Policy Studies from the University of Illinois at Champaign.

Dr. Cowan began her career in civil rights and human rights as Director of the Community Relations Department for the City of Champaign, where she pioneered cooperative relationships between Champaign Police Department and the community. She partnered with a Lieutenant in the police department and two university professors to produce a research document titled "Police-community Relations: A Process, not a Product", this research actively is credited with helping to change police and citizens interaction within the City of Champaign.

After coming to the University of Illinois, Dr. Cowan devoted her life to a career in affirmative action and diversity. As Assistant Vice Chancellor for Administration and Director of Affirmative Action for staff, she led the campus in establishing policies and procedures to advance campus affirmative action for faculty and staff. As Assistant Chancellor and Director of OEOA, she introduced the first major campus-wide diversity program which was attended by Deans, Directors, and department heads and instrumental in the development of the first video produced on sexual harassment prevention and the presentation of a series of campus programs on sexual harassment prevention. Currently, Dr. Cowan oversees the university's affirmative action policies and procedures, including companies such as The Americans with Disabilities Act: the investigation of internal and external complaints of alleged discrimination filed with federal and state civil rights agencies, the development and implementation of educational programs on diversity inclusion, sexual harassment prevention, disability issues and related topics for faculty and staff to improve campus climate and to facilitate campus and community outreach and interaction. Dr. Cowan is active in her local community where she serves on several boards dealing with education, substance abuse, women's issues and civil rights. She has received numerous awards and citations for her outstanding work. I am pleased to

commend and congratulate Dr. Cowan on an outstanding career and wish her well in all of her future endeavors.

HONORING SEAN IAN O'REAR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Ian O'Rear, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop participating in many scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Ian O'Rear for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING ARMENIAN GENOCIDE REMEMBRANCE DAY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PETERS. Madam Speaker, I rise today to commemorate the Armenian Genocide Remembrance Day, which is observed by communities around the world on April 24th. It is of great importance that atrocities past are not forgotten, but rather serve as a solemn reminder of the importance of our continued vigilance and opposition to genocide today.

On April 24, 1915, the Ottoman Empire arrested Armenian intellectuals and community leaders in Constantinople, marking the beginning of an eight year campaign against Armenian civilians. By the genocide's end in 1923, roughly one and a half million unarmed men, women and children were rounded up, stripped of all their possessions and means of support, and sent on death marches or to concentration camps.

Nearly a century later, these events still resonate across the world. I am proud of the United States' strong and continued history in standing up to and opposing genocide. I am proud to join with so many of my colleagues who have weighed in on this issue and have called on Turkey and Armenia to have an open and honest dialogue about their past.

Madam Speaker, as we observe the Armenian Genocide Remembrance Day, it is important that we pay our respects to the hundreds of thousands of lives senselessly lost. My thoughts and prayers on this day will be with the Armenian community in Oakland County, Michigan and throughout the world.

INTRODUCTION OF KINGMAN AND
HERITAGE ISLAND ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 23, 2009

Ms. NORTON. Madam Speaker, the Kingman and Heritage Islands Act of 2009 will make it possible for the District of Columbia, the Army Corps of Engineers and environmental education groups to develop Kingman and Heritage Island as a center for environmental education, a recreation site, and for restoration of the Anacostia River eco-system. Kingman and Heritage Islands were created by the Army Corps of Engineers in the 1920's as part of the Anacostia Tidal Flats Reclamation project and were managed by the U.S. Department of the Interior/National Park Service (NPS) through 1996. At the request of the District, Congress dedicated the two islands to a child-oriented theme park in the National Children's Island Act of 1995. This Act transferred title of certain NPS property in Anacostia Park to the District of Columbia (District). These properties included Heritage Island and a portion of Kingman Island located within the District. However, the law includes a reversionary provision to the Department of Interior if a theme park was not built, necessitating this bill.

As times have changed, the District no longer believes that a theme park is the highest and best use of the space. Instead, the District announced plans to use Kingman Island as part of an initiative to help revitalize the River. The bill calls for a unique environmental natural reserve park to restore the eco-system, provide usable open space for residents and visitors, and environmental education, including a September 11th Remembrance Grove. In my view, this is an even more appropriate use for Kingman Island. This use also buttresses my own work in the Congress on the Anacostia River, particularly the Anacostia Watershed legislation, which Congress has passed and whose implementation is now underway.

A renovated pedestrian bridge now provides access to these islands for environmental programs and the general public. Over 40 acres of tidal marsh in Kingman Lake are currently being restored through the combined efforts of the Army Corps, the District and local environmental teaching groups. The renovated islands will include a particularly appropriate memorial tree grove dedicated to the three District of Columbia schoolchildren who were victims of the September 11 terrorist attack. Self-guided trails and interpretive stations will instruct visitors about the abundant natural history of the Anacostia River and will track contemporary efforts to restore the river's wildlife, habitats and water quality.

This non-controversial, no-cost bill will have a positive effect on the deteriorating ecology of the region. Because the bill involves a District of Columbia property, it has little national significance except for residents of the region and visitors to the nation's capitol. The bill will serve all who are here or are visiting and therefore I intend to ask that the bill be put on the suspension calendar after review by the appropriate committee.

HONORING PEGGY COLLIER

HON. ADAM H. PUTNAM

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 23, 2009

Mr. PUTNAM. Madam Speaker, today I rise to honor a local civil servant. Ms. Peggy Collier has served as a crossing guard at Highlands City Elementary School for forty years come this May of 2009, when she will retire. Ms. Collier began her career on May 1, 1969 and has since rarely missed a day of work. No matter the weather, almost nothing prevented this local Highway 98 icon from helping usher our children into their school day.

I wish to congratulate Ms. Collier for a long, successful career and I wish her well in retirement.

HONORING JOSH GREATHOUSE

HON. SAM GRAVES

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Josh Greathouse a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Josh has been very active with his troop participating in many Scout activities. Over the many years Josh has been involved with Scouting; he has not only earned numerous merit badges and performed volunteer work for soldiers, but has also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Josh Greathouse for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LIEUTENANT
GENERAL WILLIAM F. PITTS

HON. KEN CALVERT

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 23, 2009

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Lieutenant General William F. Pitts and his wife, Doris Pitts. Today, I ask that the House of Representatives honor and remember these two incredible people who dedicated their lives in service to our country. On Tuesday, December 30, 2008, Lt. Gen. Pitts passed away at the age of 89. Doris followed eight weeks later on March 1, 2009.

Lt. Gen. Pitts' father was a career military officer. Lt. Gen. Pitts was born at March Field Hospital, located in Riverside, California, on Thanksgiving Day 1919. When he was 10 years old, Lt. Gen. Pitts took his first airplane ride and vowed to become an Air Force pilot. In 1943, he graduated from West Point and

flew 25 World War II missions against Japan in a B-29 Superfortress. In his last mission in the bomber, he was shot down off the coast of Japan but was able to parachute out of the plane and was rescued by a submarine.

After Lt. Gen. Pitts' heroic service during World War II, he was steadily promoted and earned three stars. He served as a NATO commander in Turkey, four tours at the Pentagon and also as a diplomat in Cuba, Haiti, the Dominican Republic, England and Taiwan. In 1972, Lt. Gen. Pitts returned to March Air Force Base as the Commander of the 15th Air Force. His military decorations and awards include the Distinguished Service Medal, Legion of Merit with an oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Air Medal with three oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, the Distinguished Unit Citation Emblem with one oak leaf cluster and the Purple Heart.

In 1975, Lt. Gen. Pitts retired from the Air Force and he and his wife, Doris, made Riverside their permanent home in the 1990s. He was active in the March community during his retirement, helping to keep the base open during the Base Realignment and Closure process. In honor of his efforts, March erected a stone post at the parade grounds on the base. He was also a board member of the March Field Museum.

Doris Mansfield Pitts was born in New York City on January 17, 1924. She was the only daughter of Lillian and John Mansfield, a Spanish American War veteran and newspaper executive. She attended Barnard School in New York and worked for IBM during World War II. She met her husband at West Point and they were married following the war on December 22, 1948. She served her country as a supportive military wife, joining and complimenting her husband throughout his highly successful military career. Doris relocated her family settling in more than 15 locations during their time in the Air Force. Doris was a loving wife, mother of three daughters and grandmother to four grandchildren.

On December 22, 2008, Lt. Gen. Pitts celebrated his 60th anniversary with his wife Doris. Lt. Pitts and Doris are survived by their daughters Dale, Alisha and Linda; sister Nanetta Atkinson; and four grandchildren.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men like Lt. Gen. Pitts who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. In the case of Lt. Gen. Pitts, he was blessed to have the love and strength of his wonderful wife to help him along the way. Lt. Gen. Pitts and Doris Pitts were dear friends and above all, they were patriots. They will both be sorely missed but their legacy and service to our great nation will always be remembered.

HONORING DOMINIC PALUMBO FOR
A LIFETIME OF SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DeLAURO. Madam Speaker, it gives me great pleasure to rise today to join the North Haven Democratic Town Committee as well as the many family, friends, and community leaders who have gathered to pay tribute to an outstanding member of our community and a man I am honored to call my friend, Dominic Palumbo. Entrepreneur, community leader, mentor, and friend, Dom has left an indelible mark on our community.

Dom has dedicated a lifetime of service to the town of North Haven, the State of Connecticut and our nation. Born and raised in New Haven, Connecticut, Dom joined the Merchant Marines and later the armed forces where he fought in both World War II and the Korean War. Upon his return from military service, Dom and his family settled in North Haven where he began a successful business, North Haven Ceramic & Tile, and soon became an institution in town.

There are few who demonstrate the depth of commitment to their community as Dom has over the years. When he made North Haven his home, he quickly became involved in local issues and is perhaps best known in town for his enduring presence on the Planning and Zoning Commission. The Planning and Zoning Commission is one of those local boards which have a significant impact on the town as its responsibilities include the oversight of the overall development of a community—balancing the often competing demands of expansion and the quality of life for its residents. Dom served on that board for more than thirty years, at least ten of which as its Chairman, and in doing so helped to shape the very character of his community as it has grown.

Dom's contributions stretch far beyond the town of North Haven. Over the course of his life he has been involved in countless service and civic organizations which include serving as Director of the Quinnipiac Council of the Boy Scouts of America, a supporter of the Special Olympics, a sponsor of several Little League and Midget Football teams, as well as a founding member of the North Haven High School Sports Hall of Fame. The myriad of awards, commendations, and honors that he has received from groups ranging from the Knights of Columbus to the National Multiple Sclerosis Society are a testament to the difference that he has made.

Dom has long been a political leader in the North Haven community. As a founding member of the town's Democratic Town Committee, Dom has spent long hours advising and supporting candidates as they seek elected office—in North Haven and across the state, at every level of government. As a long-time member of the Connecticut Democratic State Central Committee, he has also helped to shape Connecticut's Democratic Party. His commitment to public service and to improving his community has been an inspiration to candidates as they sought his guidance and direction.

I would be remiss if I did not take this opportunity to extend my sincerest thanks to Dom for his many years of special friendship. Today along with his wife, Judith; his four children, Richard, Robert, Ronald and Raymond; and his four granddaughters, we pay tribute to Dominic Palumbo—a remarkable individual whose innumerable contributions have set an example of community service to which we should all strive.

HONORING MICHAEL ANGELO
HARTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Angelo Harter a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop participating in many Scout activities. Over the many years Michael has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Angelo Harter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. MCCARTHY of New York. Madam Speaker. Today, I wish to join with my friends, family, and colleagues as we remember the murder of more than 6 million Jews and others killed during the Holocaust. Their memory must be preserved and the atrocities committed by the Nazis and their accomplices must be noted in order to ensure that such crimes against humanity will never be repeated.

We should also take time to remember the millions of others systematically murdered by the Nazis, including Gypsies, Poles, the handicapped, homosexuals, Jehovah's witnesses, political dissidents and prisoners of war.

This year, we recognize in particular the one and a half million children who perished during the Holocaust. It is estimated that mere thousands survived. Many of the survivors still with us today were children during the Second World War and lost many friends and relatives. Decades later, the horrors of the Holocaust are still etched in their memory and they serve as a reminder of the vulnerability of children in times of war. We must ensure that we protect those in every corner of the world that cannot defend themselves.

More than 60 years have passed since the Holocaust, yet racism and anti-Semitism still

exist in the world. The troubling events from this past week's United Nations Summit on Racism in Geneva reinforce even more the need to mark this day. Iranian President Ahmadinejad's remarks remind us that we need to remain vigilant about hate and misinformation. He has repeatedly distorted facts and denied that the Holocaust even existed. As citizens of the world, we remain alert and ensure that dictators and despots are never again able to commit genocide against any people in any corner of the globe.

In honor of their memory and to protect generations to come, we must never forget.

INTRODUCTION OF THE SOUTH-
EAST ALASKA NATIVE LAND EN-
TITLEMENT FINALIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. YOUNG of Alaska. Madam Speaker, today I, along with my distinguished colleagues, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. BOREN and Mr. SHULER introduce the Southeast Alaska Native Land Entitlement Finalization Act. This legislation will redress the inequitable treatment of the Native Regional Corporation for Southeast Alaska, Sealaska Corporation, by allowing it to select its remaining land entitlement under Section 14 of the Alaska Native Claims Settlement Act, ANCSA, from designated Federal land in Southeast Alaska.

In 1971, Congress enacted ANCSA to recognize and settle the aboriginal claims of Alaska Natives. ANCSA allocated 44 million acres and nearly \$1 billion to Alaska's Native people, to be managed by the 12 Regional Corporations, including Sealaska, and more than 200 Village Corporations. While Sealaska is one of the Regional Corporations with the largest number of Native shareholders, with 21 percent of all original Native shareholders, Sealaska received the smallest Regional Corporation land settlement, which was less than 1 percent of the total of all ANCSA lands. Now, nearly four decades since ANCSA's passage, Sealaska is still without their full land entitlement.

It remains critical that Sealaska complete its remaining land entitlement under ANCSA to continue to meet the economic, social and cultural needs of its Native shareholders, and of the Native community throughout Alaska.

The Bureau of Land Management projects that Sealaska is entitled to receive between 355,000 and 375,000 acres pursuant to ANCSA. To date, over 35 years after ANCSA's enactment, Sealaska has secured conveyance of 290,000 acres. Accordingly, there are up to 85,000 acres remaining to be conveyed. However, ANCSA limits Sealaska land selections to withdrawal areas surrounding certain Native villages in Southeast Alaska. The problem is that there are no lands remaining in these withdrawal areas that meet Sealaska's traditional, cultural, historic, or socioeconomic needs, and certain portions of those lands should more appropriately remain in public ownership.

The selection limitations preclude Sealaska from using any of its remaining ANCSA land settlement to select places of sacred, cultural, traditional, and historic significance located outside the withdrawal areas that are critical to facilitate the perpetuation and preservation of Alaska Native culture and history. Moreover, selection from the withdrawal areas would not allow Sealaska to meet the purposes of ANCSA, which is to create continued economic opportunities for the Native people of Southeast Alaska. Further, more than 40 percent of the original withdrawal areas are salt water and, therefore, not available for selection.

Despite the small land base in comparison to all other Regional Corporations, Sealaska has provided significant economic benefits to not only Sealaska Native shareholders, but also to the other Native Corporations throughout Alaska. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes considerable revenues derived from its timber development—more than \$315 million between 1971 and 2007—to the other Native Corporations. Unless it is allowed to select land outside of the designated withdrawal areas, Sealaska will not be able to select land that would allow it to maintain its existing resource development and management operations, or provide continued economic opportunities for the Native people of Southeast Alaska and economic benefits to the broader Alaska Native community through the revenue sharing requirements under ANCSA.

The legislation presents a solution that would allow Sealaska to complete the conveyance of its land entitlement and enable the Federal Government to complete its statutory obligation to the Natives of Southeast Alaska, as promised under ANCSA. I thank my colleagues and urge your support for this important legislation for the Native people of Southeast Alaska.

TRIBUTE TO BOY SCOUT TROOP 127

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. SHUSTER. Madam Speaker, I rise today to recognize the accomplishments of Boy Scout Troop 127 as it celebrates its 90th anniversary on April 18, 2009. Troop 127 has played a crucial role in developing the character of over 1,000 boys, and continues to do so today with thirty-six Scouts.

Troop 127 was founded in 1919 (originally as Troop 7) with the Presbyterian Church of Falling Spring as its sponsoring organization. The Reverend William L. Mudge was the first Scoutmaster of Boy Scout Troop 7, which began with 19 Scouts and grew to 46 by 1925. Troop 127 has a long history of more than 60 years of continued summer camping and service support to Keystone Area Council's Hidden Valley Scout Reservation in Loysville, Pennsylvania. Their outdoor hiking tradition includes extended trips across the country, including, Mt. Katandin, Mt. Washington, and Pisgah National Forest. These outdoor adventures, which span the Eastern

United States but also include excursions as far away as Alaska and Florida, serve to educate and develop character amongst participants.

Boy Scout Troop 127 is currently led by The Reverend Wayne Lowe, Jr., Charles Q. Smith, and Scoutmaster Donn Schoonover. The leadership of these gentlemen and those that led the Troop in the past has inspired more than 125 youth to achieve the rank of Eagle Scout.

Troop 127's contribution to the community and to Pennsylvania as a whole is without question. Troop 127's proud tradition of 90 years of Scouting service to the Greater Chambersburg and Franklin County Communities embodies the spirit of Scouting and serves to encourage Pennsylvania's boys to work hard and give back to their community. I congratulate Troop 127 in their celebration of the 90th anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community.

HONORING GARRISON WESLEY PRIDDLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrison Wesley Priddle a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Garrison has been very active with his troop participating in many Scout activities. Over the many years Garrison has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrison Wesley Priddle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE INTRODUCTION OF THE SIMON WIESENTHAL HOLOCAUST EDUCATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. MALONEY. Madam Speaker, today, I am pleased to re-introduce the Simon Wiesenthal Holocaust Education Act, along with Representatives ACKERMAN, BERMAN, and HIGGINS. Named after a survivor of the Nazi death camps who dedicated his life to documenting the crimes of the Holocaust, the legislation would provide federal grants to Holocaust organizations to teach today's students about the Holocaust. I thank my friend Senator MENENDEZ for introducing the Senate companion bill this week as we commemorate Holocaust Remembrance Day.

I also want to take this opportunity to remember our dear friend and colleague Chairman Tom Lantos, who passed away last year. The only Holocaust survivor elected to Congress, Tom translated his horrific experience into a lifetime commitment to Holocaust education and the fight against anti-Semitism.

As the generations who survived the Holocaust pass away, we must make sure that new generations know the horrors of that terrible time. We must also make sure that those who would deny the existence of the Holocaust do not have the ability to rewrite history.

Unfortunately, many young people around the country have not learned about the Holocaust because their schools do not have the funds or tools to teach about this tragic event in world history. We need programs in our schools that allow students to learn about the consequences of intolerance and hate.

The most effective way to counter prejudice, hate crimes and violence is through education: the best investment a society can make towards ensuring tolerance.

The Simon Wiesenthal Holocaust Education Assistance Act is a positive step toward that end.

ON THE NINETY-FOURTH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to commemorate the 94th anniversary of the Armenian Genocide, and to call, once again, for the immediate passage of the Affirmation of the United States Record on the Armenian Genocide Resolution.

Between 1915 and 1923, a campaign conceived and executed by the Ottoman Empire forcibly deported nearly 2 million Armenians from their homes, resulting in the deaths of perhaps one and a half million innocents. While the target of this genocide was the Armenian people, it was indeed a crime against all of humanity. Today, I would like to ask this House to remember this great crime, and to commit ourselves once again to the absolute abolishment of genocide wherever it is committed.

The history surrounding this issue is clear. Genocide did occur, and ushered in what was to become possibly the most war-torn century of human history.

This House has had before it, for many years now, a resolution which properly affirms the United States record on the Armenian Genocide. I have been a strong supporter and cosponsor of this resolution every Congress, and I remain so today. It is long past time for this Congress to pass this resolution, which in the 111th Congress has been introduced as H. Res. 252.

The term "genocide" had not yet been coined in 1915, when the first Armenians were driven from their homes. The definition of this most profound crime against humanity came in 1944 from Raphael Lemkin, a Polish Jew who survived the Holocaust by fleeing to

America after the fall of Warsaw to the Nazis. In the wake of World War Two, in which most of his family was lost in Hitler's genocide against the Jews, Lemkin led the international community to establish the United Nations Convention on the Prevention and Punishment of Genocide. Lemkin's definitive example of genocide? The crimes against the Armenians.

April is Genocide Prevention Month, and it is only right that we have set aside a period of time every year to reflect upon the horrors of the crime of genocide and to rededicate ourselves to ridding the earth of this scourge. And even as we commemorate the Armenian Genocide, we must also recognize the other crimes being committed today, and redouble our efforts to stop them. Genocide is occurring today in the scorched towns of Darfur, in western Sudan. The genocide in Darfur is not new, the crimes of the Sudanese government and its militia allies are well known to all of us here. As with the Armenian Genocide, there is no factual debate about what is happening in Darfur. It is genocide. It is a crime against humanity. And it must stop immediately.

While much of this debate has been repeated year after year, this year we find ourselves in a particularly hopeful moment in regards to this decades-old conflict about what happened to the Armenians in the early 20th century. Just yesterday, the governments of Armenia and Turkey announced that, after a year of intensive talks mediated by the government of Switzerland and encouraged by the Obama administration, they have "agreed on a comprehensive framework for the normalization of their bilateral relations." This joint statement is an extremely important step for Armenia and Turkey, and I commend both countries and their political leadership for the courage they are showing today. The people of Armenia and Turkey have lived far too long with their bilateral relations in a state of suspended animation. It is time for these two proud countries to stand together, in acknowledgement of the difficulties of the past, with confidence that old wounds can be healed, and with a profound commitment to a better future.

Madam Speaker, I call upon this House once again to pass H. Res. 252, the Affirmation of the United States Record on the Armenian Genocide Resolution. I thank all of my colleagues for commemorating the 94th anniversary of the Armenian Genocide and joining together to reaffirm our commitment to end the crime of genocide wherever it is found. And on this spring day, at a time of rebirth and renewal, I commend Armenia and Turkey on the steps they are taking to fully normalize their bilateral relations, and I urge them to complete this process as soon as possible.

HONORING DEREK TYLER COX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derek Tyler Cox, a very special young man who has exemplified the finest qualities of citizenship and leadership by

taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop participating in many scout activities. Over the many years Derek has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derek Tyler Cox for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE "DURBAN II COUNTER CONFERENCE"

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. BERKLEY. Madam Speaker, I rise today to recognize the American Association of Jewish Lawyers and Jurists (AAJLJ), which organized the "Durban II Counter Conference" in New York City April 20–24, 2009, to provide an honest and critical examination of issues of racism, racial discrimination, genocide, xenophobia, gender discrimination and religious discrimination, in marked contrast to the hate-filled proceedings that occurred the same week in Geneva.

The Counter Conference commenced with remarks by my distinguished colleague from New York, Representative CAROLYN MALONEY, and included presentations by our parliamentary colleagues from Canada—Senator Jeremiah Grafstein and former minister Irwin Cotler—and Israel's Deputy Permanent Representative to the United Nations, Daniel Carmon, along with prominent experts and human rights advocates from the academic and legal communities. The panels included topics that should be part of any serious discussion on racism, such as "A Look at Religious Intolerance and Discrimination," "Current Issues in Gender Discrimination," and "Genocide in Darfur, Rwanda and the Congo." Too many of these topics are ignored in the UN and I am pleased that the Durban II Counter Conference focused on them.

I want to particularly recognize the lead organizers of the event—AAJLJ president Stephen Greenwald, conference chair Robert Weinberg and conference vice chair Marc Landis, along with Ambassador Richard Schifter, former United States Representative to the United Nations Human Rights Commission. Ambassador Schifter delivered the keynote address at the conference, entitled "The Third Totalitarian Threat," which I would like to insert into the CONGRESSIONAL RECORD.

THE U.N.'S CHALLENGE TO DEMOCRACY—ADDRESS BY RICHARD SCHIFTER, FORMER U.S. REPRESENTATIVE IN THE U.N. COMMISSION ON HUMAN RIGHTS AND FORMER U.S. DEPUTY REPRESENTATIVE IN THE U.N. SECURITY COUNCIL TO THE DURBAN II "COUNTER-CONFERENCE" AT FORDHAM LAW SCHOOL IN NEW YORK CITY ON APRIL 20, 2009

If Adolf Hitler had lived to 120, today would be the day he died. While he has, fortunately, not been bodily with us for the

past 64 years, his spirit, regrettably, is still alive and very much alive in Geneva this week. As we have focused on Durban II, we have appropriately remembered Durban I, where anti-Israeli propaganda initially intertwined with antisemitism. Whatever product the wordsmiths may come up with, the dominant forces in Geneva will have seen to it that the anti-Israel message of Durban I is reaffirmed.

There is no doubt that Durban I and Durban II are matters of serious concern. Yet, as we examine the context in which these UN-sponsored conferences are held, we must necessarily come to the conclusion that the anti-Israel and antisemitic phenomenon of these meetings is only the tip of the UN iceberg. Or, to use another metaphor, we deal at this Durban II meeting, as we did at Durban I, with only a symptom of the debilitating disease from which the UN suffers.

The perfectly legitimate and highly worthy cause of opposition to racism, which is the alleged reason for these gatherings, was from the very start subverted by the totalitarians that dominate the UN General Assembly and who are making full use of the Assembly and its offshoots in their continuing campaign against democracy, civil liberties, and the rule of law. They are engaged in a campaign against the basic principles of the Enlightenment, principles that were enshrined in the UN Charter.

What we are witnessing now worldwide is the third major totalitarian attack on these principles. In its modern form the ideology of democracy and human rights emanated from the Netherlands in the 17th Century and then spread to the United States, England, France, Germany in the 18th and 19th Centuries, and beyond that region in the 20th Century. It is no longer a way of governing limited to the West. India, it is worth keeping in mind, has for many years been the world's largest democracy. Japan and South Korea are democracies and so are many smaller non-Western countries.

It is indeed appropriate that we are meeting on the day that marks not only the opening of Durban II, but also the day once known in Germany as the Geburtstag des Fuehrers, the birthday of the leader. For it was Hitler who led the initial totalitarian attack on the Enlightenment, turning first on the democratic process in his own country and then seeking to bring all of Europe under his control.

In the course of the 20th Century we experienced not only Hitler's attack on the Enlightenment, which led to World War II, but also Stalin's repressive and expansionist policies, which precipitated the Cold War. Both World War II and the Cold War were conflicts resulting from profound differences in ideology. And now, in the 21st Century, we, whose way of life is based on the principles of the Enlightenment, are the objects of the third totalitarian attack, an attack undertaken, strange as it may seem, by an informal de facto alliance of neo-fascists and neo-communists, an alliance that unites Mahmoud Akhmadinejad with Hugo Chavez.

The proceedings in Geneva at the Durban II meeting are vivid proof to the world of what that new alliance seeks to accomplish. Under the mantle of opposition to racism, it seeks to attack the Western world and our basic concepts of freedom. Its manipulation of significant human rights issues is well illustrated by its approach to the issue of slavery. It is only the wrongful transatlantic slave trade that is attacked. The slave trade in East Africa, undertaken by non-Westerners, including Arabs, is deliberately omitted. Nor is there any mention in the Durban

II drafts of the racist aspect of the current conflict in Darfur, which Colin Powell has correctly characterized as genocidal.

While there is a need for us to follow the Durban II proceedings closely for what they reveal regarding the agenda of the new totalitarians, we need also to recognize that Durban II is just one forum of a much larger enterprise, an enterprise that makes full use of the United Nations system to advance its cause, the cause of the new totalitarianism. Israel, I submit, is the canary in the coal mine. The new totalitarians view as their enemies all those who are committed to the way of life that emanated from the Enlightenment.

I have been around long enough to remember the speech given by Emperor Haile Selassie of Ethiopia in 1936 at a session of the League of Nations Assembly to appeal for action against Mussolini's Italy, which had invaded his country. In his speech he warned: "It is collective security: it is the very existence of the League of Nations. It is the confidence that each State is to place in international treaties. . . . In a word, it is international morality that is at stake."

The Emperor's words were heard but no meaningful action was taken. The League quietly faded from the world scene as World War II approached. It had failed in its mission. When the League's successor, the UN, was created in 1945, it was hoped that it would function far better than its predecessor. It is now 64 years later. As we look at the UN Charter's very first statement of purpose for the United Nations, that of maintaining international peace and security, we can hardly say that UN's record in that field has been a resounding success. International morality remains at risk.

The world's inability to use the UN to advance the cause of international peace and security does not mean that none of the purposes of the Charter have been served by the UN system. If we drop from Article 1 paragraph 1 of the UN Charter, which refers to the maintenance of international peace and security, to paragraph 3, we shall find the statement of another purpose of the UN: "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in encouraging respect for human rights and for fundamental freedoms."

While the Security Council was hamstrung by the Soviet Union's "nyet" to efforts to maintain peace, the democracies, constituting a majority of the General Assembly in the early years of the UN, went to work to implement paragraph 3. In 1946, following up on the Charter's promise that the UN would promote respect for human rights, the Assembly established the UN Human Rights Commission. Under the leadership of Eleanor Roosevelt, the Commission promptly went to work on drafting the document which became known as the Universal Declaration of Human Rights. The Universal Declaration, reflecting fully the thoughts of John Locke, as expressed in 1689 in his "Two Treatises of Government" and incorporated a hundred years later into the French Declaration of the Rights of Man and the Citizen and into the U.S. Bill of Rights, spelled out with specificity precisely what was meant by the term "human rights." It is appropriate to note that in 1948, when the Universal Declaration was adopted by the UN General Assembly by the affirmative vote of 48 of its 56 members, no member voted "no." Eight members, 6 Soviet bloc states plus Saudi Arabia and South Africa abstained.

In these early years of the UN's existence, the General Assembly also created other en-

tities whose task it was to implement the UN's commitment to humanitarian work, such as the World Health Organization, the United Nations Children Fund, and the Office of the United Nations High Commissioner for Refugees, all three of which have done highly useful work in their respective fields and are functioning well to this day.

The truly creative period of the UN General Assembly came to an end around 1970. It came to an end as a result of the extraordinarily clever maneuvering of the totalitarians represented at the UN and the failure of the democracies to match their clever manipulations. From the founding of the UN until the 1960s, the Soviet bloc had consistently been outvoted by the democracies at the UN. That was now to come to an end.

As it was, the diplomats representing the Soviet Union and its East European satellites at the United Nations lacked the finesse needed to succeed in a parliamentary setting in which mere bluster would not suffice to win votes. But they found a close ally who had the skills needed to build a new majority bloc in the United Nations General Assembly. It was Fidel Castro.

Castro assembled a highly competent cadre of diplomats, who took on the task of building an international network of institutions that would operate in opposition to the United States. Though he was clearly aligned with the Soviet bloc, Castro got Cuba admitted to the Non-Aligned Movement (NAM) and in due course turned the Non-Aligned and a parallel organization, the Group of 77 (G-77), into mouthpieces for the Moscow line.

An important step on the way toward taking control of the NAM and the G-77 organizations was for Castro to link up with the Arab League and the Organization of the Islamic Conference. At its September 1973, where Castro sought to line up the NAM with Moscow, he was initially challenged by Muammar Qaddafi, who wanted the Non-Aligned to remain truly non-aligned. It was at that point that Castro appears to have realized how he could best attain his goal: he broke diplomatic relations with Israel and added Israel to the United States on his and the entire Soviet bloc's enemies list.

Castro had no genuine interest in the Palestinian cause. The purpose of his move in 1973 and in Cuba's key role since that time in the anti-Israel effort at the UN was to build a strong bloc at the UN of opponents of the United States. He was aware of the fact that between 1959 and 1972, the membership of the United Nations had increased by more than 60%, from 82 to 132. 35 of the additional 50 members belonged to the Organization of the Islamic Conference, which had been founded in 1969, or were newly-independent African states, or both. What Castro was well aware of was that by breaking ties with Israel, he would be able to get Qaddafi's help in lining up the votes of the Organization of the Islamic Conference. But there was still the question of how to reach out to those African states that did not belong to the OIC.

It did not take the Castro and Qaddafi alliance very long to find an answer to that question. Only weeks after the September 1973 NAM summit, the General Assembly considered a resolution that called for more pressure on South Africa to end the apartheid regime. The clique that had begun to manipulate the UN chose Burundi to offer an amendment which referred to "the unholy alliance between Portuguese colonialism, South African racism, Zionism and Israeli imperialism." The amendment was adopted by a two-to-one majority. By linking Zion-

ism with South African racism, many of the non-Muslim states of Africa were brought into the new alliance. This was the first shot in the drumfire that has continued at the UN to this very day.

The government of Burundi of those days brought truly unique qualifications to the discussion of racism. In the preceding year, the army of Burundi, led by Tutsis, had killed about 100,000 Hutus, for no reason other than their ethnicity. I should add that Burundi is a vastly different country today. In recent years its voting record on Israel-related issues at the UN has been one of the better records. Still, the Burundi initiative of 1973, undoubtedly initiated by the anti-democratic clique, was the first effort to use the issue of Israel to bring sub-Saharan African states into the anti-democratic bloc at the UN.

In the memoir of his year at the UN, entitled *A Dangerous Place* Pat Moynihan quotes from a letter that he had received from Leon Gordenker, a professor of international relations at Princeton and an expert on the United Nations, who had called Moynihan's attention to the Burundi initiative in the fall of 1973. In 1975 Gordenker wrote Moynihan to complain about the failure of the United States to engage in a concerted effort at the UN to win votes: "Surely a government that can negotiate with China and the Soviet Union can organize enough persuasiveness to reduce the production of pernicious symbolism and to win the support from sensible regimes for human rights."

In his memoir Moynihan explains the reason for this failure: "American diplomacy put overwhelming emphasis on seeking friendly relations with individual other countries. The institutional arrangement for this was the ambassador and his embassy. To get an embassy was the great goal of the career officer; having achieved it, his final object was to be judged a successful ambassador by maintaining friendly relations. Anything that interfered with this goal was resisted by the system. In recent years, and notably in the new nations, the one aspect of foreign policy that could most interfere with this object was the voting behavior of so many of the small or new nations in multilateral forums, behavior hostile to the United States. In consequence the 'bilateral system' resisted, and usually with success, the effort to introduce multilateral considerations into its calculations."

These words, let us note, were written in 1975. It is now 34 years later. They are as relevant today as they were then. Our mission to the UN lacks the needed back-up in the capitals of UN member states.

That back-up is needed because of the vastly different manner in which our mission operates when compared to our principal opponents. Once a Cuban diplomat is assigned to the UN he stays there and, over the years, truly learns the business of multilateral diplomacy. As he continues in the UN system, he watches his counterparts from other countries arrive, begin to learn the routine, and then depart as their tour of duty at the UN comes to an end, and they are replaced by a new set of diplomats who have to learn the UN routine from scratch.

There is another aspect to the Cuban performance. While there are missions to the UN that operate under specific instructions from their respective governments, there are many other missions that receive no specific instructions, allowing their representatives at the UN to make their own decisions on how to vote. It is that aspect of the UN system that has been fully utilized in building

the anti-democratic bloc. For one, arrangements are made for missions to be rewarded for their cooperation by being elected to positions in the UN system that are of special interest to them. For another, an informal job placement service operates at the UN that enables relatives of cooperating diplomats to obtain jobs in the UN Secretariat. As one diplomat once put it to me: "After you have been at the UN for a little while, you start playing the UN game and you forget about your country."

There is more to it than that. I recall an incident from the time in which I represented the United States in the UN Human Rights Commission. Having done the needed parliamentary work, I had gotten a resolution adopted that the Cubans had opposed. Immediately following the vote, the Cuban representative rose to accuse me of having bribed some of the representatives so that they would vote with the United States. After the meeting had adjourned, I asked colleagues from other missions whether that really happens at the UN. They all thought I was terribly naïve. "Of course it happens," they said. "The Cubans do it all the time. So do the Libyans."

I am sure you agree that we should not pay bribes to ambassadors. But I have not found it easy to understand why we were under specific instructions at the UN never to suggest any relationship between U.S. foreign assistance and UN voting. I recognize that we should understand why Egypt or Pakistan would vote against the U.S. at the UN, but why, for example, should we not make it clear to the Philippines or Vietnam, which during the current fiscal year receive about \$100 million, each in U.S. foreign assistance that our resources are limited and that these limited resources will, in the first instance, be made available to states that are prepared to reciprocate our friendship?

During my stay at the UN I also learned how the leaders of the anti-democratic forces transmit their voting instructions to their following. The explanation that democratic members of the NAM or the G-77 offer to explain their anti-democratic votes is that they vote the NAM or the G-77 "consensus." That raises the question of how that consensus is reached.

I was offered an explanation by an ambassador from a NAM state with whom I was having lunch. In the course of our conversation he asked me whether I knew how the NAM consensus was formed. When I told him that I did not know, he said: "You know, we used to be on the other side." By that he meant on the pro-Soviet side. He continued by telling me that on the day preceding any meeting of the NAM caucus, which had 101 members at that time, the friends of the Soviet Union, about 17 or 18 states, would have a special meeting. When they were all assembled, a small group would enter the room, always including Cubans. That group would then give out instructions on how the assembled representatives should act when they met the next day at the meeting of the full NAM caucus. Each representative would be assigned a specific task, to make a motion on a position to be taken by the NAM, to be the first speaker in support of a motion, or to be the second speaker in support. Then, the next day, when the full caucus met, the whole scenario would be played out. My colleague concluded his account of NAM procedure by saying: "And there sits the silent majority and just goes along."

To return to the events following the 1973 Burundi amendment to the anti-apartheid resolution: as we so well know, having devel-

oped the theme of correlating Zionism with apartheid, the other side did not let go. At the International Women's Year Conference in July 1975 in Mexico City a resolution was adopted which called for the elimination of Zionism, apartheid and racial discrimination. The news from Mexico City focused, of course, on the emphasis that had been placed on the rights of women. But it was in that setting, a setting that emphasized the need for progress for women that another totally unrelated step had been taken in the Zionism is racism campaign. Then, in November of that year that formula was made UN doctrine by the UN General Assembly by its adoption of the "Zionism is Racism" resolution, by a vote of 72 to 35 with 32 abstaining. Confirming the bargain that had been struck, the new controlling alliance put together by Castro and Qaddafi furnished 68 of the 72 affirmative votes. Brazil and Mexico, Cyprus and Malta provided the remaining four. A majority of the "no" votes was provided by the Western Group, but the Western Group was joined by Latin American, Caribbean and sub-Saharan African states. In addition, many of these non-Western states abstained.

What deserves mention is that if Mexico had voted "no" rather than "yes" or if Colombia and Guatemala had joined the United States in voting "no" rather than abstaining, the resolution would have been adopted only if the General Assembly had voted that the resolution was not "important." That is so because with these minor vote changes, the resolution would not have received the two-thirds vote required by the Charter for important resolution. I am mentioning these details to underline the validity of Moynihan's observation that our side does not do the needed parliamentary spade work at the UN. That is, as noted, in sharp contrast to the extraordinarily effective work done by the Cubans to this day. My guess is that they were well aware of the two-thirds majority requirement and worked hard to attain that result.

I have described how the Zionism is racism campaign got started. Now let us move fast forward to December 22, 2007, when the UN General Assembly had before it a resolution that authorized the allocation of about \$7 million to fund the operation of a committee, chaired by Libya, whose task it was to prepare Durban II. The resolution passed by a vote of 105 to 46. The fact that the "no" vote fell only slightly short of one-third plus 1 is important because the resolution raised a budgetary question and resolutions that raise budgetary questions require a two-thirds majority for adoption. If we had picked up 7 of the 41 abstentions or absences, Durban II would not have been funded.

Now let us take a look at how Durban II came about by comparing the December 2007 vote to the Zionism is Racism vote of November 1975. Here is what we find:

(1) Most of the Western states once again voted "no," although a few, Liechtenstein, New Zealand, Norway, and Switzerland switched to "abstain."

(2) The 25 Western states have now been joined by 18 East European states, some of which had voted "yes" in 1974. Others had not been in existence then, having been republics of the Soviet Union or Yugoslavia. Three Asian UN members also voted "no." They were South Korea, the Marshall Islands, and Palau.

(3) Most of the Latin American, Caribbean and African states that had voted "no" on "Zionism and Racism" in 1975 voted for funding Durban II in 2007.

As we make this comparison between the 1975 vote and the corresponding 2007 vote, we need to note that in the interim, in 1991, the Zionism is Racism resolution was repealed by a vote of 111 to 25. The repeal was the result of a major effort, undertaken by the then Assistant Secretary of State for International Organizations, John Bolton. The substantial margin of victory for our side was also the result of the fact that the Soviet bloc had dissolved, the Soviet Union was disintegrating, and the anti-democratic coalition at the UN was in utter disarray.

But this disarray did not last long. The anti-democratic forces at the UN quickly regained their footing and were soon again in full operation. While they used to fly the flag of the Non-Aligned Movement in earlier decades, they now sail under the flag of the Group of 77. There is only one significant difference between the NAM and the G-77. China does not belong to the former, but belongs to the latter. In fact the G-77 calls itself now the "Group of 77 and China." China has become an increasingly significant player in the anti-democratic camp at the UN.

China, incidentally, is one country that has no history of antisemitism. On the contrary, Chinese intellectuals see parallels between their ancient culture and the ancient culture of the Hebrews. China has also excellent trade relations with Israel. But at the UN, China consistently votes against Israel. It does so because it is an integral part of the group of member states that use the UN to embarrass the democracies.

As we watch the totalitarians at work in Geneva, using the UN umbrella in their attacks on the basic principles on which the UN was founded, it is understandable that there are many observers who are prepared to give up on the UN. The response that I want to offer to these pessimists is that while we can clearly identify the symptoms of the disease from which the UN suffers, it is a disease from which it can be cured. What is needed is for the governments of the democracies, particularly of the United States, to engage in more effective parliamentary work at the UN.

Let us take a look at the roll calls on the two votes that I have cited the 1975 Zionism is Racism vote and the 2007 Durban II funding vote. On the first of these the "no" vote was 32.7%. On the second it was 30.5%, an insignificant difference in the percentages. As we look at this almost imperceptible change in percentages, we should note that the Freedom House categorizations for 1975 and 2007 show a wholly different pattern. In 1975, Freedom House classified 27% of the UN membership as free. In 2007 the percentage of free countries was 46%, a major increase.

Why was that difference not reflected in the votes on the two resolutions? Our side had indeed picked up Eastern Europe's new democracies. But we had lost the support of many Latin American, Caribbean, and African states, most of them fellow-democracies. The additional votes cast for our side were not the result of any diplomatic effort on our part. They reflected the political beliefs of the new East European democracies. The democracies whose votes we lost, on the other hand, were lost as a result of a failure on our part to engage them fully on UN issues, combined with the extraordinarily clever manipulation by the other side.

So, as we watch Durban II unfold, let us keep in mind that effecting change at the UN is not a hopeless cause. The percentage of UN member states that Freedom House classifies as "not free" is down to 22%. Under

these circumstances should it not be possible for the democracies to return the UN to the principles spelled out in the Charter? I submit it can be done if the United States Government will commit itself to spend the time and energy needed to attain that goal. And it is our task, as citizens, to urge our Government to do just that.

Let me conclude my remarks by expressing the thanks of all of us assembled here to those whose idea it was to arrange for this counter-conference and who did the necessary organizational work. All of us who believe in the fundamental principles on which the United Nations were founded need to stand up against those who are fully engaged in efforts to subvert them. That is what this counter-conference is doing. And we shall overcome!

HONORING STEVEN MICHAEL
KINNAMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Michael Kinnaman a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop participating in many scout activities. Over the many years Steven has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Michael Kinnaman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

75TH ANNIVERSARY OF THE STAFFORD CONNECTICUT FIRE DEPARTMENT NO. 1

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the 75th Anniversary of the Stafford, Connecticut Fire Department No. 1. For 75 years the men and women of this department have dedicated themselves to protecting the people and the community in which they serve.

While the department was not formally incorporated until November 11, 1936, it began its work in Stafford on May 10, 1934 in the B. Schwanda and Sons button factory. The eight founding members later began meeting in an unused garage and dance hall that later became incorporated into station 145. While membership grew over the next ten years, a shortage of able bodied men during World War II forced the department to allow members of the Junior Fire Department over the age of 14 to join the full department.

In June 1949, a committee was formed to begin work on plans for a new firehouse located on Colburn Road. Just a few years later, this new department was built to house the members, vehicles and equipment. That structure is still used to this day as the home base for the ET-145, ET-245, Rescue 145, Forestry 145, Service 145 and Marine 145. In 1953, the department won first prize in a statewide contest conducted by the Hartford County Mutual Fire Insurance Company as the volunteer department with the most improved facility with the best fire prevention program available.

In March of 1956, under the leadership of then chief Benjamin Muzio, the Auxiliary of the Stafford Fire Department No. 1 was organized to assist the department with fundraising efforts to acquire necessary equipment and supplies. Through the years, the Auxiliary has raised funds through a variety of events including the annual chicken BBQ that draws people from communities far and wide every year.

The men and women of this department have put their lives on the line for the past 75 years and they deserve our thanks and praise. On behalf of the people of Connecticut's Second Congressional district, I want to thank you for your service.

ACKNOWLEDGING AND COM-
MENDING NATIONAL LIBRARY
WEEK

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BLUMENAUER. Mr. Speaker, from April 12-18, 2009, our nation celebrated National Library Week and the vital role that these institutions and their dedicated staff play in supporting our communities. On April 22, 2009, the House of Representatives passed H. Res. 336, supporting the goals and ideals of National Library Week and encouraging Americans to take full advantage of these wonderful public resources.

In Oregon, we pride ourselves on our strong community and a commitment to quality of life and education. Public libraries are a vital piece of this fabric and, in fact, Oregon has the second highest circulation of public library materials in the nation and the only 5-star library in the Northwest. As the economic downturn has pushed family budgets to the brink, these resources are more important than ever. In addition to public reading and visual materials, libraries offer Internet and computer access for all, free of charge. Many also serve as community spaces for gatherings and events.

Another library that deserves recognition is our very own Library of Congress. In 2008, to highlight the world-class work of this institution I formed the Library of Congress Caucus, now nearly 50 Members strong. I have the distinct honor of co-chairing this bipartisan organization with my friend Congressman ZACH WAMP. Our goal is to draw further attention to the nation's library, its collections and curators, and to encourage further use by Members of Congress and the public alike.

The Library of Congress not only houses the much-appreciated Congressional Research Service, it also offers 1.6 million visitors access to 15 million primary-source documents and operates the Veteran's History Project and the Surplus Books Program. One of my favorite programs, the Surplus Books Program is an innovative book donation program, through which Members may send library materials to the schools and libraries in their home district. At a time when funding for libraries is scarce, this is a simple way to reduce book waste and distribute excess resources to our communities and schools where they are needed most.

I strongly encourage members to take advantage of these extraordinary programs and resources, and congratulate all our nation's libraries, librarians, and library-enthusiasts.

CHRISTOPHER ALLEN CARPENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Carpenter of Kansas City, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities and 29 merit badges. Over the many years Christopher has been involved with scouting, he has not only earned titles such as Den Chief and Patrol Guide, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Carpenter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE CORNBREAD
FESTIVAL OF SOUTH PITTS-
BURG, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the people of South Pittsburg, Tennessee on their 13th annual National Cornbread Festival. In 1996, a group of residents in this small city of 3,500 decided to take action to promote economic activity, which had waned as surrounding areas developed and a newly constructed highway directed traffic away from South Pittsburg's local businesses.

The goals of the Cornbread Festival were to promote the unique sights, sounds, tastes, and history of South Pittsburg and, Madam Speaker, they have done a fine job. Each year, during the last weekend in April, people have traveled from across the country and

around the world to take part in the vibrant heritage of southeast Tennessee. This festival, which has been featured several times in national publications and on the Food Network, celebrates the southern delicacy of cornbread and the culture that surrounds it. Local artists and musicians keep the region's great traditions alive. Visitors can also see the great history of the local cast-iron industry around which South Pittsburg grew, and which still produces the skillets used to make the world's best cornbread.

Most importantly, Madam Speaker, this festival has made a great contribution to the community that created it and continues to run it. Proceeds from the National Cornbread Festival have been used to landscape streets, help build athletic fields, and support Boy Scouts, schools, daycares, and libraries. It serves as an economic driver which has helped to revitalize downtown South Pittsburg and its local businesses. It is a true testament to the power of community involvement and self-determination.

Madam Speaker, I congratulate South Pittsburg on a thirteenth year of what I hope will be a longstanding tradition. I encourage my colleagues and the American people to take note of the National Cornbread Festival and to consider a trip to see what's cooking in South Pittsburg, Tennessee.

HONORING THE 34TH ANNIVERSARY OF THE FALL OF SAIGON

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my honor to rise today to recognize a day of great historical significance to my constituents and this nation.

On April 30, 1975, the city of Saigon fell to communism. This day was a somber day marked by hardship and loss of life for both Vietnamese and Americans. Thousands of people fled Vietnam by boat from the late 1970s to the mid-1980s. One half of those who fled by boat did not survive the journey.

Indeed, many Vietnamese-Americans come from a line of brave folks who left an oppressive regime to search for freedom. Citizens of Vietnamese descent form a key, politically active group of Americans. They truly know the meaning of the term "American," and they value freedom, democracy, and liberty.

My constituents, as part of the Vietnamese Community in Virginia, Washington DC, and Maryland, will commemorate the 34th Anniversary of the Fall of Saigon on Saturday. And so, Madam Speaker, it is with great pride that I submit into the CONGRESSIONAL RECORD a statement of recognition of this historic day.

I ask my colleagues to join me in recognizing the significance of this day.

HONORING BRIGADIER GENERAL GILL P. BECK

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COBLE. Madam Speaker, I rise today to recognize Brigadier General (BG) Gill P. Beck, who has been selected by Appalachian State University's (ASU) Alumni Association to be the sole recipient of its 2009 Distinguished Alumnus Award in a ceremony to be held this Saturday, April 25, 2009, at the Broyhill Inn in Boone, North Carolina.

General Beck was selected for this honor due to his remarkable record of leadership and service to the public in both his professional and military careers, and for his many contributions to civic and charitable causes in his community.

A third-generation Mountaineer and third-generation North Carolina attorney, Gill Beck attended Appalachian State from 1974 to 1978 on a football and academic scholarship. Describing himself as "the slowest quarterback in the state" in high school, he showed his "coachability" by switching positions and playing center in college. Three years later, he was named team captain and distinguished himself as the team's best blocker. A three time All-Southern Conference first-team selection, he was selected as ASU's athlete of the year during his senior year.

While at ASU, he distinguished himself academically as well, making the Chancellor's List all eight semesters, twice being named an Academic All-American, graduating second in his class with a 3.98 grade-point average and earning an Army ROTC scholarship to study law at Duke University in Durham, North Carolina. After graduating with High Honors from law school, he entered the Army JAG Corps, where he spent the next six years on active duty and represented the Army in a wide variety of litigation matters.

A resident of Greensboro, Beck has served as an Assistant United States Attorney in the Middle District of North Carolina since 1992. He currently serves as the Chief of the Civil Division, United States Attorney's Office, where he is responsible for directing all civil litigation against or for the United States within the United States District Court for the Middle District of North Carolina, as well as prosecuting criminal forfeitures that involve drug or money laundering offenses. As a federal prosecutor, he has spearheaded a number of high-profile civil actions, including several that involve the fight against fraud and whose resolution protected the rights and interests of taxpayers. In 1997, the U.S. Department of Justice presented Gill Beck with its highest award, the Attorney General's Distinguished Service Award, for his initiative and success in one such action that recovered more than \$180 million for taxpayers.

Since completing his initial active duty tour in the Army, Gill Beck has continued his military service as an Officer and Judge Advocate in the U.S. Army Reserve. In a promotion ceremony at Fort Myer, Virginia, in December 2008 that was presided over by the Judge Advocate General of the Army, Lieutenant Gen-

eral Scott C. Black, Beck "pinned on" the rank of Brigadier General after being nominated by President Bush and being confirmed by the United States Senate. In an investiture ceremony that day, BG Beck was also installed as the Chief Judge, U.S. Army Court of Criminal Appeals (IMA), U.S. Army Legal Services Agency (USALSA).

BG Beck's previous military assignments include Commander, 12th Legal Support Organization, Staff Judge Advocate Task Force 134 (Operation Iraqi Freedom), Staff Judge Advocate, Deputy Staff Judge Advocate, and Brigade Judge Advocate, 108th Division (Institutional Training), and a total of thirteen years on active duty with tours in the 1st Infantry Division, 3d Armored Division, 82nd Airborne Division, and Litigation Division (USALSA).

Madam Speaker, during his 2005 tour of duty in Iraq, then-Colonel Beck and his family provided an illustration of just how important the initiative and contributions of individual members of our armed forces and their military spouses "back home" are to the success of our military operations and humanitarian endeavors abroad. What began as a simple personal request to his wife, Mary Jo, to send toys, trinkets and candy to present to the Iraqi children turned quickly into a community-wide effort. "Operation Toy Drive," which was coordinated by Mary Jo and her friend, Hillary Bouknight, resulted in the collection of tens of thousands of items that were transported by a U.S. based charity, Operation Give, and shipped by FedEx (without charge I might add) to the U.S. military for distribution by our U.S. service men and women to the children of Iraq. Indeed, not only did Mary Jo orchestrate the effort but the entire Beck family, including his sons, Gill Jr. and Jon, got into the act. In addition to collecting toys from others, Jon even donated a bear he had received for his birthday.

Before concluding my remarks, I'd also like to make mention of BG Beck's outstanding commitment to his profession and voluntary service with the N.C. Bar Association (NCBA). He has served as a member of the Board of Governors of the NCBA, past Chair of the NCBA's Government and Public Sector Section, and while deployed to Iraq in 2005, was selected to receive the association's Government and Public Sector's Distinguished Attorney Award as North Carolina's top government and public sector attorney. In describing why he was chosen for the award, Linda Miles, the city attorney of Greensboro stated, "Gill Beck embodies all of the virtues of a public servant. He is a person of integrity, honesty and loyalty in his service to his country in every way."

Madam Speaker, in closing, I would just note that BG Beck and his family are among those who represent the best of America. His dedication to duty, reputation for integrity, and commitment to improving the well-being of others, whether in his hometown and state or more than half a world removed, are exemplary. I am happy to convey my personal best wishes to General Beck and his family and ask that you and our colleagues in the House join me in recognizing BG Beck not only on the occasion of his fitting selection as Appalachian State University's Distinguished Alumnus of the Year for 2009, but also for his lifetime of service and commitment to others.

COMMENDING PAUL MCGILL OF
HUNTERDON COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. LANCE. Madam Speaker, I rise today to commend Paul McGill of Hunterdon County for his outstanding efforts on behalf of the Shannon Daley Memorial Fund. The Shannon Daley Memorial Fund was established by approximately 70 Hunterdon County members of the Readington Men's Basketball League who came together to raise money and support for families of children suffering with catastrophic illnesses.

On Friday, April 24, 2009, Paul McGill will be recognized by the United Way of Hunterdon County as their Community Volunteer of the Year. The evening will celebrate Paul's volunteerism and recognize his achievements as the officer and chief operating officer for the Shannon Daley Memorial Fund.

Paul has devoted significant portions of his personal time to insure the continued success of the charity—which includes a significant amount of time devoted to fundraising. In addition to fundraising, Paul provides extensive leadership for the Shannon Daley Fund and has developed close personal relationships with Hunterdon County residents and businesses to support the cause. He has done and continues to do an outstanding job to help families in need.

For those who know Paul, he is a true inspiration, an exemplary volunteer and an outstanding community leader. Paul McGill has truly made a difference in the lives of so many families in Hunterdon County and I am proud of his efforts.

I am pleased to share the good deeds of Paul McGill with my colleagues in the United States Congress and with the American people.

IN RECOGNITION OF BARONESS
CAROLINE COX OF QUEENSBURY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PETERS. Madam Speaker, I rise to recognize The Honorable Baroness Caroline Cox of Queensbury on the occasion of her visit to Michigan during the week of April 24, the day set to commemorate the 1915 commencement of the genocide of the Armenian peoples. During her visit, Baroness Cox continues her tireless mission to educate and promote awareness of the present-day status of the Armenian population of Nagorno-Karabakh and oppressed peoples around the world.

In particular, Baroness Cox will be visiting Oakland University in Michigan's 9th District where she will lecture and celebrate the University's Institute for Research, Education & Advocacy for Children's Health—R.E.A.C.H. The mission of R.E.A.C.H. furthers and embodies the life's work of Baroness Cox. Using

her formal educational training in nursing, sociology and economics, Baroness Cox has been a prolific author and advocate of human rights around the globe. The Humanitarian Relief Trust which she established in 2005 provides resources, aid and training to peoples living in extreme poverty and under oppression. She is known for her personal and hands-on work targeting the "no-go" areas of the world to provide humanitarian aid and relief. Though she spends nearly half her time on international missions, she cherishes her role in the British Parliament as the "voice of the voiceless."

Baroness Cox, I welcome you to Michigan's 9th District and salute your untiring and steadfast commitment to improving the human condition in some of the most challenging areas of the world—Sudan, Burma, Nigeria and East Timor, among others. We are fortunate that you have so ardently acted on your "inherent tendency" to help others and made it your life's mission. Your wise admonition to us all rings as true today as ever, "We can't do everything . . . however, we can all do something."

HONORING THE LEAGUE OF
UNITED LATIN AMERICAN CITI-
ZENS (LULAC) COUNCIL #10

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise to congratulate the League of United Latin American Citizens (LULAC) Council #10 from Davenport, Iowa on their 50th anniversary.

LULAC Council #10 was established in 1959 to support the strong, multi-generational Latino community that has thrived in Davenport and broader Quad Cities area since the early 1900s. The Council #10 founders' goals were to advance the economic conditions, educational attainment, political participation, housing, health and civil rights of Latino families and workers. At that time it was not uncommon for local businesses to discriminate against Latino workers, and many Latino children were falling behind in school because their English skills were not adequate. Despite these challenges the Latino population made great strides in the Quad Cities community while preserving their culture and values.

Since its inception, LULAC Council #10 has worked with local school districts to create bilingual education opportunities and English as a Second Language programs. These programs have been so successful that they are now used to help the growing Vietnamese student population in Davenport. Council #10 maintains a local scholarship program to give Latino students opportunities to continue their education. The club hosts a senior meal program, organizes multiple festivals celebrating Latino cultures, and works tirelessly with local unions and employers to avert discrimination in the workplace.

Madam Speaker, LULAC Council #10 has a proud history and its members have made great contributions to Davenport and our country. I congratulate Council #10 on their 50th anniversary.

HONORING THE TOWN OF
CULPEPER, VIRGINIA ON ITS
250TH ANNIVERSARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CANTOR. Madam Speaker, I am proud to recognize the Town of Culpeper as it celebrates its 250th anniversary this Friday, April 24th, 2009.

The Town of Culpeper is located at the eastern base of the Blue Ridge Mountains in the Piedmont River Valley. It has a legendary history that dates clear back to the American Revolution when a group of local residents organized themselves as the Culpeper Minute Men Battalion in 1775 and were called upon to fight in the Revolution and throughout campaigns in the 19th and 20th Centuries. Both Confederate and Union troops occupied the Town during the Civil War. In fact, during the winter of 1863 and 1864, more than 100,000 Union troops occupied the town as its strategic railroad location made it an important supply station for both Confederate and Union troops. The town witnessed more than 100 battles during the war and many homes were used for military housing and hospitals.

After the Civil War, the Town of Culpeper grew to become a thriving regional marketing hub. Even today the town continues to evolve. With a population of approximately 15,000, it has rebuilt itself to become a Virginia Main Street Community with a lively historic downtown. It was even named once as one of "America's Top 10 Small Towns." While Culpeper was originally built as an agricultural economy, today it is an important crossroad for business.

Culpeper residents will celebrate and honor the town's heritage and 250 years of history with events and activities throughout the year, including a historic costume ball, picnics and parades.

Madam Speaker, please join me in congratulating the citizens of Culpeper as they celebrate the town's anniversary and wishing them the best for their continued growth and success.

RECOGNIZING PAOLA GRULLON

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is my pleasure to congratulate Paola Grullon for receiving the Charles J. Ping Award. This outstanding accomplishment is a result of Paola's hard work and dedication to serving her community.

This honor is awarded to undergraduate students who exemplify leadership in their communities and boast a record of outstanding achievements in service. This is the fifth consecutive year that a student from Ohio Wesleyan University has received the Ping Award. This is proof of the University's commitment to conveying the importance of service-learning to their students.

Paola Grullon is a member of Ohio Wesleyan University's Class of 2010. Paola recently completed an internship with Delaware's Woodward Family Resource Center, and organization that provides outreach opportunities for the city's Hispanic community members. As a pre-med major from the Dominican Republic, Ms. Grullon has created a strong support network for Delaware's Hispanic community by helping people with translations for numerous medical and utility services, government benefit services and child care assistance.

In addition to her work with the Woodward Family Resource Center, Ms. Grullon volunteers with Grace Free Clinic and St. Mary's Church. Paola has led fellow students from Ohio Wesleyan on spring break volunteer experiences, inspiring other students to follow her example of leadership and service.

I am pleased to commend Paola Grullon on this wonderful achievement as well as Ohio Wesleyan University for encouraging service-minded students to give back to Central Ohio communities.

COMCAST CARES DAY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, today I rise to recognize the more than 1,200 employees from Broward and Miami-Dade Counties who will volunteer to benefit Samuel Delevoe Park and Oleta River State Park on Saturday, April 25th for Comcast Cares Day.

Volunteers and their families will join together to landscape facility grounds, paint and enhance two of Florida's parks. This event will mark the eighth annual company-wide day of service.

Madam Speaker, it is my pleasure to commend Comcast and its employees for their service to our community at a time when our nation faces enormous challenges.

Families are losing jobs, health care, and other key services. Our public needs are growing while our resources for meeting them are disappearing.

As a mother of three young children, I believe that service is the lifeblood of this country.

Volunteers can play many roles. They teach in our classrooms; clean up our waterways, roads and parks; care for the elderly; and feed the hungry. All the while, they learn valuable skills that will help them throughout their lives.

I hope that the selfless actions of the Comcast employees and their families will serve as an inspiration for other Americans to enrich their own lives by helping others and giving back to their communities.

A TRIBUTE TO ROOT, INC. FOUNDER KENNETH E. BARNES, SR. IN PRAISE OF HIS U.S. DEPARTMENT OF JUSTICE AWARD FOR HIS DEDICATED ADVOCACY ON BEHALF OF VICTIMS OF CRIME

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. RUSH. Madam Speaker, today I would like to recognize an outstanding American who has worked tirelessly to stem the tide of youth violence that has gripped many communities in our country. Kenneth E. Barnes, Sr., M.S., attended Loyola College in Maryland and, while working towards his doctoral degree, tragedy of the worst kind struck—his son, Kenneth Barnes, Jr., was murdered. Rather than do nothing, Mr. Barnes established the organization Reaching Out to Others Together Inc., or ROOT, Inc.

ROOT, Inc. is a non-profit organization committed to advocacy, education and intervention on behalf of victims of gun violence and their families. ROOT, Inc.'s mission is to motivate and mobilize communities to take a proactive approach in reducing homicides as well as the senseless gun violence and youth violence that plague cities throughout America. Mr. Barnes has conducted workshops and seminars, locally and nationally, as well as testified on numerous occasions before the D.C. City Council. Mr. Barnes has also worked with my office and played an instrumental role in helping me to draft the Communities in Action Neighborhood Defense and Opportunity Bill, or CAN DO bill, which also addresses the issue of gun violence through a community-based comprehensive approach to the problem.

Madam Speaker, each April since 1981, the Office for Victims of Crime within the U.S. Department of Justice has helped lead communities throughout the nation in their observances of National Crime Victims' Rights Week. Rallies, candlelight vigils, and a host of commemorative activities are held each year to promote victims' rights and to honor crime victims and those who advocate on their behalf.

This year, Kenny Barnes has been nominated by the United States Department of Justice Office of Victim Services to receive the National Service Award for his work on behalf of victims of crime and he will receive this prestigious award on April 24, 2009. This is a great honor being bestowed upon a great man and I would like to congratulate Mr. Barnes for his commitment and dedication to an issue that is so dear to my heart and the hearts of millions of others throughout our nation.

ACKNOWLEDGEMENT AND CONGRATULATORY REMARKS FOR BROOKLYN COLLEGE ACADEMY HIGH SCHOOL BOBCATS BASKETBALL TEAM

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. CLARKE. Madam Speaker, I rise to congratulate the Brooklyn College Academy

High School Bobcats basketball team on winning the 2009 PSAL Brooklyn West B Division title. On March 27, 2009, co-coaches Alicia Braswell and Paul Wallace inspired their team, which was ranked 26th out of 38 through the bottom half of the bracket to the finals and the win. What makes this win not only inspiring but historic is that it is the first time a female coach has ever led a team to the men's division title in the history of the tournament. Players Keyon Aigle, Christoph Bristol, Denzel Duchenne, Craig Gooden, Lesner Guerrier, Jamaal James, Raheem Mack, Jaren Mansano, Kristian Moreno, Alexandre Pages, Jose Perez, Tarik Phillip, Onyma Utti, and Equipment Manager Cassandra Mark played the Brooklyn way and deserved the admiration of all of us here. Principal Nick Mazarella also deserves our respect and admiration for selecting a female coach to help guide his school to the title. This progressive and forward-thinking approach to athletic hiring has paid dividends not only for the Bobcats, but is also another step forward in the fight for gender equality in athletics. I am proud and deeply honored to represent Brooklyn College Academy High School and provide it as an example to all of what's possible when playing fields are leveled and all are given an opportunity to excel regardless of gender.

RECOGNIZING THE METROPOLITAN EMERGENCY COMMUNICATION CENTER

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the grand opening of the Metropolitan Emergency Communication Center (MECC). This new center represents the commitment the participants of six fire departments in Central Ohio have had to serving their communities. This innovative center serves Mifflin, Plain, Jefferson, Truro, and Violet Townships as well as the City of White Hall.

The state-of-the-art communications center opened on April 16, 2009 in Gahanna, Ohio. This multi-jurisdictional emergency dispatch center for Fire, Rescue and EMS serves six fire departments and assists over 120,000 Central Ohioans. In 2008, the MECC handled over 27,000 calls for fire and EMS service. The opening of this new facility for the MECC offers room for training, meetings, additional consoles, upgraded technology, and on-site IT support.

This partnership improves efficiency, enhances capabilities, and shares technology to better serve our community. Emergency responders have access to the resources they need to best do their jobs because of the innovative approach to dispatching the Metropolitan Emergency Communication Center has taken. The MECC allows all six participating fire departments to stay on the cutting edge of technological developments to better execute emergency runs and to serve our Central Ohio community.

I offer my congratulations to the six communities that comprise the Metropolitan Emergency Communication Center and I applaud

their hard work and dedication to preserving the safety of Central Ohioans.

SPEAK OUT AGAINST GENOCIDE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GARRETT of New Jersey. Madam Speaker, April is Genocide Prevention Month. Tuesday, April 21st, marked Holocaust Remembrance Day. Tomorrow, April 24th, is the 94th anniversary of the onset of the Armenian genocide. These times of commemoration are sobering, but I firmly believe that it is important to pause and recall the unnecessary deaths of millions of people which occurred in the last century. By reminding ourselves of past atrocities, we are encouraged to uphold the value of human life today.

During World War I, the Turkish government began an assault on the Armenian people by arresting and killing religious, political, and intellectual leaders in Istanbul. Then, groups of Armenian men, women, and children were rounded up and forced to march through the desert. Along the way, the victims were tortured, raped, and starved.

Before and during World War II, Adolph Hitler attempted to eliminate the Jewish people and others whom he considered a threat. He initiated boycotts of Jewish businesses, prohibited social contact with Jews, and excluded Jews from participation in government, the arts, and education. Then, Hitler began deporting Jews to internment camps, essentially forcing them to complete slave labor. Some were marched to remote areas and murdered. Eventually, the Germans began a campaign of mass extermination by gassing Jews and other "undesirable" ethnic, religious, and political groups.

Monday, April 20th, marked another historic event. It happened to be the anniversary of Adolph Hitler's birth. When justifying his persecution of the Polish people, Hitler declared "Who, after all, speaks today of the annihilation of the Armenians?" I, for one, am still speaking about the annihilation of Armenians. I am also speaking about the annihilation of Jews. I encourage my colleagues to join me in speaking out against genocide.

COMMEMORATING THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BERMAN. Madam Speaker, tomorrow, April 24, marks the 94th anniversary of the beginning of the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without

ever being charged with crimes. Then the government deported the overwhelming majority of Armenians from Ottoman Armenia, ordering that they resettle in what is now Syria. Most deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed nearly all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the killing fields of Cambodia, mass killings in Rwanda, ethnic cleansing in Bosnia and Kosovo, and the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contributions of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they and their immigrant ancestors have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

INTRODUCTION OF A CONCURRENT RESOLUTION REGARDING THE SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. MALONEY. Madam Speaker, today, along with Representatives BALDWIN, and

BIGGERT, I am introducing a House Concurrent Resolution which expresses the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental rights of women and should be repealed. Senator BOXER is introducing the same resolution in the Senate.

In March the Afghan parliament approved the Shi'ite Personal Status Law which was signed by President Hamid Karzai. According to reports in the media and by the United Nations, this law would legalize marital rape, strip mothers of custodial rights in the event of a divorce, and prohibit a woman from leaving her home unless her husband gives his approval. President Obama has called this law "abhorrent" and the UN High Commissioner for Human Rights said that the law is "reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s."

This resolution urges the Afghan Government and President Karzai to declare these provisions unconstitutional, and to not publish the law on the grounds that it violates the Constitution of Afghanistan and the basic rights of women. Additionally, the resolution encourages the U.S. Government to address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded.

I have long been a champion for the rights of women internationally, but particularly in Afghanistan. Throughout the country's turbulent history, the women of Afghanistan have been a source of strength, stability, and peace. Working with my colleagues, we have ensured that reconstruction aid for Afghanistan includes support for programs that increase women's access to education, economic opportunities, and health care. We have also worked to increase recognition of the vital role women have to play in rebuilding Afghan society in the wake of violent conflict, and I am pleased that the U.S. government has devoted resources specifically to support the work of local women-led nongovernmental organizations, as well as the Afghan Independent Human Rights Commission.

In its current form, the Shi'ite Personal Status Law fundamentally contradicts these efforts. We cannot stand by and allow such an immense setback to the rights of women and girls in Afghanistan, who have been treated as second-class citizens for far too long. For years, the United States has worked with the people and government of Afghanistan to rebuild the rule of law and promote respect for human rights. Creating a new and better future for the women of Afghanistan is a critical part of this mission.

RECOGNIZING THE AMERICAN RED CROSS OF GREATER COLUMBUS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, I rise today to recognize the American Red Cross of Greater Columbus. Praised for its dedication to saving and restoring lives, the American Red Cross

of Greater Columbus serves over 1.3 million residents in Central Ohio.

Having recently celebrated "Red Cross Month" during March, I am pleased to highlight the successes of the American Red Cross of Greater Columbus. As one of the most trusted charities in Central Ohio, this chapter is at the forefront of helping individuals and families prevent, prepare for, and respond to large and small scale disasters.

Led by Mary Navarro, Michael Carroll and a committed Board of Directors, this group of over 700 volunteers and 55 full-time employees responded to 356 local disasters in 2008. Their service and assistance directly impacted the lives of over 470 families in Central Ohio.

Educating more than 73,000 individuals about how to prepare for emergencies and training more than 46,000 residents in First Aid, CPR, Water Safety, and other life-saving courses the Greater Columbus Chapter of the American Red Cross is providing much more than relief to victims. The benefit of programs like these provides support to the public beyond times of need.

It is my pleasure to recognize the American Red Cross of Central Ohio for their unrelenting and inspiring record of service to the families of Central Ohio. All have produced a safer place for the residents of Central Ohio to call home.

HONORING THE LIFE AND LEGACY
OF THE HONORABLE IRVING J.
STOLBERG

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DeLAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the memory of one of Connecticut's most outstanding public leaders and my dear friend, The Honorable Irving J. Stolberg. After a year-long fight, Irv lost his battle with leukemia and Connecticut lost one of its most respected and beloved public officials.

Elected to Connecticut's House of Representatives in 1970, Irv served twenty-two years in the General Assembly—a member of virtually every committee and twice elected to lead as Speaker. It was during his tenure as Speaker that the General Assembly saw its greatest transformation with more members seeing legislating as their primary occupation even though it is considered a part-time position and his oversight of the construction of the Legislative Office Building which, after its opening in 1988, gave all legislators their own offices and provided the additional space for public hearings that our historic Capitol building could not accommodate. The very character of the General Assembly was changed with the members finding a stronger voice and taking a more active role in shaping public policy. He has been called the "father of the modern legislature" and there could not be a more fitting tribute to his legacy.

His passion for service stretched far beyond Connecticut politics. A Professor of Geography and African Studies, Irv taught at both Southern Connecticut State University as well as

Quinnipiac University. As an Africanist, he did research in Tanzania, Ethiopia, and Nigeria. Most recently, Irv served as the President of the Connecticut Division of the United Nations Association and was most proud of his production of the widely distributed UNA Calendar of Peace. He was a member of the UNA Board of Directors and in 2006 was elected to represent the United States on the Executive Committee of the World Federation of UNAs. His travels took him to more than 90 countries—twenty-two visits to China alone. He helped to develop training programs at American universities for more than 700 Chinese Provincial Officials, assisted in the democratization of Eastern Europe—particularly in Bulgaria—and had a role in drafting the Brazilian Constitution. A recognition of his commitment and contributions to international relations, President Clinton appointed Irving to the Commission on the Preservation of American Culture Abroad where he had the lead responsibility for relations with Slovakia, Ukraine, and Moldavia. Irv was indeed a global citizen and has left an indelible mark not only on our state but across the world.

Here in Connecticut, Irv was also instrumental in the establishment of Connecticut Hospice—the first organization of its kind in the nation. Connecticut Hospice is dedicated to using a holistic approach in helping patients and their families attain an optimum quality of life as they cope with irreversible illnesses providing the comfort and care that they need in their last days. It may also be fitting that it was at Connecticut Hospice, surrounded by family and friends, that Irving spent his final days.

Irv dedicated a lifetime to public service and forever changed the face of Connecticut politics. I consider myself fortunate to have been able to call him my friend. Today, as we remember all that Irv contributed to his community and his state, I extend my deepest sympathies to his family: his son Robert; former wife, Alicia; his brothers, Roger and Frank; and his sister, Melody. Irving J. Stolberg set an example for public service to which we should all strive and has left a legacy that will continue to inspire generations to come.

INTRODUCTION OF THE PUBLIC
SERVICE ACADEMY ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the Public Service Academy Act of 2009, which will create the first stand alone university dedicated solely to producing highly qualified and well-trained civilian public servants.

The new century has brought immense challenges that require strong and prepared, competent and committed public servants. On the eve of the retirement of the baby-boom generation, our nation presses for a new generation of teachers, firefighters, and federal employees to fill the potential void these retirees will leave. Our civil servants will have to address the need to finance entitlement costs in an age of trillion dollar deficits; the need to

educate and train a workforce that can compete and prosper in a global economy; the need to provide quality affordable healthcare; the need to protect and preserve the planet's fragile environment; the need to negotiate and reconcile differences with foreign nations; and the need to deter terrorism and keep our nation safe and secure. All of these challenges will require a professional public workforce, and yet because of shifting demographics our civil service faces a wave of retirement over the next decade that threatens the effective operation of government.

For these reasons, it is critically important that Congress provide young Americans with the best education and training that will allow them to become our nation's future leaders. Young Americans are ready to answer the call. According to the Higher Education Research Institute, approximately 70 percent of the 2007 freshman class expressed a desire to serve others. Applications to programs like Teach for America and City Year along with religious missions involving young Americans have greatly increased. A 2008 poll conducted by Social Sphere Strategies found that 88% of 18–29-year-olds supported the Public Service Academy, with 57% saying that they "likely" would have considered applying to the Academy had it been available when they were applying to college. College presidents, news publications and some of the leading voices in public service—both Democrat and Republican—have endorsed the creation of the Academy.

Now is the time to tap into American's renewed sense of civic obligation and offer an avenue to serve others. Yet, the cost of pursuing public service opportunities after graduation is often prohibitive because college tuition has increased dramatically in the past decade—47 percent at private schools and 63 percent at public schools. As a result of these soaring tuitions, the average college graduate owes about \$20,000, an increase of more than 50 percent in the past decade. These potential public servants often overburdened by the debts of college and university loans, are forced to choose more lucrative private sector jobs over public service opportunities.

Modeled after the military service academies, the Public Service Academy will provide a four-year, federally-assisted college education for more than 5,000 students a year in exchange for a five-year commitment to public service in areas such as education, public health, law enforcement, and local, state and the federal government. With its mission critical to the health of our public service, the Academy will strive to recruit the top students and faculty from around the United States, require intensive courses in leadership and public service, and eventually help place students in positions throughout the public sphere. Moreover, by providing students with a federally-funded education, the stress of debt would be eliminated, and their commitment to the public service sector for at least five years could lead to lifelong service.

Madam Speaker, last year, over 120 bipartisan cosponsors in the House of Representatives joined in the effort to create the Public Service Academy. I am encouraged by the early support of over 25 cosponsors in just a few weeks of circulating this year's proposal.

The time to create a United States Public Service Academy is now. I look forward to working with my colleagues and the committees of jurisdiction to bring attention to this issue and make the Public Service Academy a reality.

RECOGNIZING DR. C. BRENT
DEVORE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is my pleasure to recognize Dr. C. Brent DeVore for his service and tenure at Otterbein College.

Dr. C. Brent DeVore has been a tireless advocate for higher education. Known to his peers as, "the Dean of Higher Education," Dr. DeVore has brought a great deal of leadership to Otterbein College throughout his 24 years of service. His service on the boards of 23 national and local non profit organizations earned him the honor of the President's Call to Service Award for Lifetime Achievement from the Corporation for National and Community Service.

Otterbein has grown to 3,107 students under Dr. DeVore's guidance. He has improved retention rates and increased the endowment from \$6 million to \$100 million. Not only have student facilities been renovated, but land acquisition has nearly doubled the size of campus under Dr. DeVore's direction.

In addition to his work at Otterbein College, Dr. DeVore has made a lasting impression on the community. He has made service a priority of the college and student life. Last year alone, Otterbein students donated over 32,000 hours of community service to Central Ohio. Nearly 70 percent of the student body has participated in service projects throughout the community. Otterbein's generous service to the community earned Otterbein College the President's Award for General Community Service in February 2008 from the White House.

For his years of service at Otterbein College and consistent hard work toward the betterment of our higher education system, I commend Dr. C. Brent DeVore upon his retirement.

SENATE—Friday, April 24, 2009

The Senate met at 11 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our destinies, guide our Senators this day by Your higher wisdom. Watch over them and use their work for Your glory. Lord, replace fear with faith, pessimism with hope, and error with truth. May these lawmakers become Your instruments for enabling justice to roll down like waters in this land we love. Give them serenity to accept what can't be changed, the courage to change what they can, and the wisdom to know one from the other.

Lord, we also ask You to comfort the many who mourn Steve Mosley's death. Be near to Michelle and Steven, Jr., and all of his loved ones.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if there be any, there

will be a period of morning business with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today. The next vote will occur at 5:30 on Monday. That vote will be on the motion to invoke cloture on the Fraud Enforcement and Recovery Act.

We have a few matters of business today. I am going to rule XIV a housing bill. I have spoken with the Republican leader as to how we are going to move forward on that, and I think that has been fairly well determined. We will do that as soon as we get rid of the fraud enforcement legislation and a nomination or two. We should be able to move to this on Wednesday or so of next week. It is something we have been wanting to go get to for some time. There will be a vote on the bankruptcy aspect of housing—the so-called cramdown language. Senator McCONNELL and I have spoken about how to proceed on that and the rest of the bill.

Next week should be an interesting week. Wednesday, sometime, we will interrupt whatever we are doing to complete the conference report on the budget. Senators GREGG, CONRAD, and MURRAY were appointed as conferees on that, and they will be working over the weekend. Most issues have been resolved, but there are some that have not.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I assume the Chair would want to announce the morning business hour.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

COMMEMORATING THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REID. Mr. President, today I rise in honor of the victims of the Armenian Genocide, as we mark the 94th anniversary of this horrific tragedy.

On April 24, 1915, the Ottoman Empire began a campaign of forced deportation against the Armenians. Around 2 million Armenian men, women, and children were driven from their homeland, 1.5 million of whom were killed. Hundreds of thousands were massacred outright, while others perished from forced marches, deliberate starvation, and epidemics that ravaged through concentration camps. Yet despite an outcry of condemnation by Great Britain, France, Russia, and the United States, no action was taken against the Ottoman Empire, as the first genocide of the 20th century continued.

Today, the thriving, vibrant Armenian community in the United States is a testament to their endurance and strength. Yet we can never forget the loss and sacrifice of previous generations. Earlier this week, we also paid tribute to those killed in the Holocaust, and together, these anniversaries mark this week as a solemn reminder of what can occur when prejudice and hatred go unchecked. Just as we cherish the memories and stories of the Armenians persecuted by the Ottoman Empire and their survivors, so must we also honor them by recommitting ourselves to combat intolerance in all its forms.

In my own home State of Nevada, I am proud to represent thousands of Armenian-Americans, many of whom gathered to commemorate the 94th anniversary of the Armenian Genocide this past weekend in Las Vegas. I congratulate the Armenian American Cultural Society of Las Vegas for yet again organizing such a successful and meaningful event. This is a wonderful opportunity for the Armenian-American community and their supporters to come together in our State, which I am pleased is one of at least 40 other States who have recognized the Armenian Genocide.

I extend my best wishes to the Nevadan Armenian-American community back home and thank them for their many contributions to our great State. I thank the Chair, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I would like to address the Senate.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

NASA

Mr. NELSON of Florida. Mr. President, there are so many things I would like to talk about, not the least of which—which I will not confine my remarks to—is our space program, which is adrift.

The White House continues to deliberate on who should be the administrator of NASA. The previous administration starved NASA to death by asking it to do too much with too little. The result of that is that now NASA is coming to the end of the life of the space shuttle, as we complete the construction of the International Space Station. With the remaining nine flights—and those nine flights NASA thinks it can get in during the next year and a half, but they can't—we are going to have to fly the space shuttle into 2011, and we ought to do that deliberately and slowly to make sure we don't sacrifice safety.

At the end of that time, upon the completion of the space station—the International Space Station, with components from a number of countries around the world and something that is larger than two football fields long, 200 miles into the cosmos, circling the globe at 17,500 miles an hour, with research laboratories, with habitation modules for the astronauts and cosmonauts on board—the United States, when we shut down the space shuttle, will not have a manned vehicle because we didn't have enough money for the development of the new vehicle—the new rocket, the Aries—and so we are going to have a gap and we will have to rely on the Russians. We will have to buy a ride on their spacecraft in order to get to our space station, which is a \$100 billion investment.

Now, that is the sad state of affairs, and that is where NASA finds itself. NASA is adrift because it doesn't have a vigorous leader, appointed by the Obama administration, to take charge; someone who understands space flight, who understands management, who understands aeronautics. By the way, aeronautics is the first "A" in NASA—the National Aeronautics and Space Administration. NASA does not have a leader as yet who understands how to motivate people and capture the spirit of the American people, which is that we are explorers and adventurers by nature. There is not a heart in America that does not beat more quickly when they think of the potential we have in the cosmos and the exploration of new worlds.

Look at what the Hubbell space telescope has done for us. How do you think we have been able to have the revelations from the Hubbell space telescope? It is because we have been able to send astronauts out there when it could not even see because it had an incorrectly ground lens when we launched it, over a decade and a half ago. We sent astronauts there to repair it in orbit.

Lo and behold, in 2 weeks another flight with astronauts will go to the Hubbell space station, will repair it, will give it new instruments, and for the next 2 decades it will continue to peer into the universe and unlock those secrets about where did we come from and when did it happen and how are we positioned in this universe that is so vast, so infinite that our human minds cannot even grasp. That is the excitement of the future.

Yet NASA is adrift. I call on the White House to please put in an administrator of NASA who is a leader, who understands space, who understands how to motivate people and who can capture the American spirit and help inspire, standing by our President who wants it, a vigorous space program.

I did not come here to speak about that, but I get pretty exercised because I have been the beneficiary of being a part of this space program. I do not like what I see now and I do not like what I have seen in the last 5 years. I have said so on the floor of this Senate, over and over. The more we try to get additional funding in the budget to develop this new rocket—and we were successful in the Senate—the more we would have our legs cut out from under us by the previous White House budget office because they kept starving NASA of funds. That has led us to where we are today.

I personally know our President is a space aficionado. We have talked about it hours on end. I know he wants us to have a vigorous space program. I know President Obama understands how to accomplish the very thing he wants to do with young people, in getting them educated and particularly educated in math and science and engineering. Look to history. Look at what happened in the Apollo program when young people by the thousands starting going into math and science and engineering because they were challenged by what we were doing in the cosmos. We can do that again if the President will give the full support to the space program and if he will put the right leader in NASA.

I came today to speak about another subject, but I do not think there is a much more important subject at this time. With all the problems facing this country—the economy, the national security situation—you have to tend to your knitting. America's space program and America's preeminence in space—that we do not lose the high

ground—is a highly important issue, high among the items on the agenda to which this country must attend.

CHINESE WALLBOARD

Mr. NELSON of Florida. Mr. President, I wish to talk about something else that is afflicting this country. A lot of people don't know about this, but we have to get it front and center. One of the exports coming from China into the United States has been drywall. Drywall is the boards that you put up on the studs when you build a house. Normally what it is is a material called gypsum. Gypsum is a byproduct in the mining and manufacturing of phosphate. A lot of that phosphate goes into fertilizer but a byproduct of that is gypsum. And gypsum, put into the form of a flat sheet with thick paper on either side, in boards about 10 feet high and about that wide, is called wallboard. In the modern construction of houses, when you build a house and you divvy up the rooms and you put up these studs to be a wall and you put insulation in there, and then on the outside of the studs you put the wallboard and then you put a finish over the wallboard and you paint that, that is the wall of a house.

The problem is that wallboard that has been imported into this country from China is defective because it has contained some kind of organic compound that is having absolutely disastrous effects in people's houses. When you compare a piece of this wallboard from China with wallboard from America that is gypsum, you can actually see the difference. Gypsum is dry. It is absorbent, which is what you want for a wall if there are contaminants or vapors in a house. But this Chinese wallboard is giving off vapors.

What do we find in our houses? This is not only in Florida, this is all over the southern United States. They have discovered it in Louisiana. They have discovered it in California, in Texas, they have discovered it in Georgia, and some people are now discovering it in the Atlantic coast, the north Atlantic region of the United States. What they are discovering is that, first, you walk into a house with Chinese wallboard and you notice a smell. It is a different smell. It is pungent. Some people call it like a rotten egg smell. As I have gone into these homes over the course of the Easter break back in Florida, to me the smell is not so much rotten eggs but you detect the smell of sulfur, but it starts searing the nasal passages.

I am kind of like a canary in the coal mine because my respiratory system is very sensitive to these kinds of things, for example, mold and mildew. I will get congested if I walk into a home with mold and mildew and I will start coughing. When I walked into those homes a week and a half ago in Florida, the same thing happened to me. I

would only be in the home 10 minutes and my nasal passages started to constrict, my voice got scratchy. I started to get what we call getting clogged up. I started hacking and wheezing, my eyes started watering.

Lo and behold, that is happening to these homeowners. This is their home. This is their life investment. Now, through no fault of their own, they are finding out they have a part of their home that is now irritating their respiratory system and in some cases their family members have had to go to the hospital and in other cases their pediatricians are telling them to get their children out of those houses. The family has vacated the home, their life investment—vacated. Hopefully they have some relatives they can go live with, and in some cases they do not. You can imagine the financial burden.

What else are these homeowners telling me? They are telling me that in the homes, these vapors that are being emitted are suddenly corroding any kind of metallic substance in the home. I went into homes where I looked at the air conditioning unit and the coils on the air conditioner are completely corroded and the homeowners tell me over the course of the last 4 years they have had to change the air conditioner three times because it is not only a corrosion, it is eating through the coils.

I took a screwdriver and I went over to one of the copper pipes on an air conditioner unit and I started scraping it. It was completely soot black. Copper, when it ages, turns green. Not this. I started scraping off that soot black exterior and, sure enough, there was the copper underneath. And the coils that were metallic on the air conditioner, of some other metal, had been corroded through. And here is this homeowner and that homeowner and that one over there who have had to replace the air conditioner three times in the last 5 years. It is unbelievable.

I talked to a husband and wife in one of the homes. In this case I went to homes down near Fort Myers. I went to homes near Bradenton. I went to homes near West Palm Beach. The couple had been on a cruise to Mexico in January. They bought a beautiful silver bracelet. You know that silver will tarnish over time. You have to polish it up. In this case, that silver bracelet had been in the house for 1 month and it was black as soot. These vapors that are coming off whatever this organic material is in the Chinese drywall are making people sick, their houses are uninhabitable, their appliances, including the dishwashers, are corroding, and their life investment in their home is going up in smoke. That is not right.

Needless to say, there is a bunch of lawsuits. But who are they going to sue? They are going to sue a Chinese wallboard manufacturer who is in China. Maybe there is a distributor

here. We have a U.S. Government and there is an arm of the U.S. Government called the Consumer Product Safety Commission. This, by the way, is the same Consumer Product Safety Commission that was letting in all of those defective Chinese toys that were killing our children, 2 and 3 and 4 years ago. So last year the Congress, bipartisan, reformed the Consumer Product Safety Commission. The Consumer Product Safety Commission, in the reform of this legislation, has the authority, No. 1, to stop the import of this Chinese drywall and also exact a recall of this product.

But has the Consumer Product Safety Commission done it? No. To their credit, they sent in an investigation team, and that investigation team reported to the staff of the Senate yesterday. I happened to go and talk to them. So I asked them three questions yesterday. I said: How harmful is this stuff?

And they said: We do not know.

And I said: Well, you are doing an investigation.

Well, it is going to take us a while.

Well, did you see the same effects?

A member of that investigation team concurred with what I have just shared about how it affected his respiratory system, his eyes were watering, he was clogging up, and so forth.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. So as of yesterday, they did not have a conclusion. I would urge them to hurry their conclusion. They ought to be doing this in conjunction with the EPA and the Centers for Disease Control because if this thing is in what we think it is, 100,000 homes in this country—and perhaps half of those are in Florida because that is where a lot of the building was going on in the aftermath of the four hurricanes that hit Florida in 2004—if this is in 100,000 homes, we have a real problem.

You cannot get the home builders. Look, most of them are financially, if not bankrupt, down to their last pennies as it is. There has to be someone financially responsible, and you cannot expect the homeowner to bear this cost. But what about the effects on their health?

Well, as of yesterday, they did not have an answer. So then I asked them: Well, you have done an investigation. How widespread is it?

They said: We do not know.

Well, we better start knowing.

So I said: Well, since you do not know how harmful it is, and you do not know how widespread it is, what are you going to do about helping homeowners?

They said: We do not know.

Well, a number of us, Senator LANDRIEU, Senator VITTER, both of them

from Louisiana—because a lot of this drywall came into Louisiana through the Port of New Orleans, they are getting the same kind of complaints from their State that I am getting from the State of Florida.

We can file legislation that will suggest what to do. It is too bad we have to file legislation because the CPSC has the legal authority under the law to ban the import of this wallboard and to exact a recall and to freeze the assets of the companies that are attributable to that drywall that is manufactured in China. They have that authority.

If they are not going to act on that authority, then the Congress is going to have to act for them. That is the bill Senator LANDRIEU and Senator VITTER and I and others also who have joined have filed.

I thank the Senator from Oklahoma, Mr. INHOFE, our dear friend. I did not even know this, but the Senator must have heard some of this problem in his State of Oklahoma. This is a problem of monumental proportions.

I will close by saying, because of that report yesterday from the staff of the commission to the staff of the Senate committees, there are a couple of news articles today: "Drywall Clamor Is Intensifying." Another headline cries out, "Agency Outlines Strategy To Deal With Chinese Drywall." Another headline cries out, "Efforts On Chinese Drywall Fix Too Slow."

I close with this: Put yourself in the place of the poor homeowner. They are there with their children. This is their dream home. They have put all of their assets into their home. They are current on their mortgage, and suddenly they start realizing the symptoms they and their children have had over the last several months, and in some cases years, is attributable to this. They now understand why they have replaced their air-conditioning unit three times. They now see why they cannot keep their silver polished. They now know why the refrigerator metal and the dishwasher metal is constantly corroding, and their pediatrician is telling them to get their child out of that house. As a result, they have vacated their dream home.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. NELSON of Florida. So I close by saying my plea to the Senate is to insist, if we have to, through the passage of this legislation, to address this problem head on. It is a major problem facing the people of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that I have 1 hour. I did not mind the Senator going over. I was enjoying the comments of my friend from Florida. But I want to make sure I still have that hour.

I ask unanimous consent that I do.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. INHOFE. Let me say this to my friend from Florida. Coincidentally, I was talking to my friend, Senator VITTER, who went over this with me. I have instructed my staff to add me to the Senator's bill as a cosponsor.

As the Senator from Florida will remember, he and I have agreed on a lot of the problems we are having today with China; for one thing, the threat that is out there, both in terms of energy and military buildup. I have been very much concerned as I go through—and my friend from Florida and I are both very active in trying to get things done in Africa—as we go through Africa, individually or together, we notice one of the major things we see taking place there, particularly in the area of the Sea of Guinea and other places in Nigeria where they have huge oil reserves, is the Chinese are building all of these new and shiny bridges and all that, which is competing with us since we have the same problem they have in terms of a lack of energy.

So I would enjoy joining him in some of these problems we see that we are having with China.

I wanted some time this morning. I actually have four causes going on right now. I am not going to have time to address all four of these. But I will just briefly say what they are, then I will start with the one I think is the most critical right now. First of all, one of my causes is having to do with Guantanamo Bay.

The fact that people are talking about closing it, President Obama has stated—actually in his inaugural address he did not, but then later on said, yes, we are going to close it in spite of the problems that would come to us if we did close it.

I am anxious to have time on the floor to talk about the frequent visits I have made to GITMO. One of the few good deals the Government has today is Guantanamo Bay. It might be that the Presiding Officer is not aware of the fact. It is one of the good deals out there. We only pay \$4,000 a year, the same thing we paid in 1903, for the use of this great facility.

There has been no evidence of any kind of abuse of prisoners or detainees. They have a judicial center that is unlike anything in the United States. These are tribunals.

We cannot put these terrorists, these detainees, into our prison system. That is not going to work. If it does, I would like to know which Member of the Senate wants to have those detainees housed in their own State. I am sure the Presiding Officer is not excited about having them in Illinois. I am not excited about having them in Oklahoma.

What would happen is, anyplace where they would be detained in the

United States would be a magnet to terrorist activity. But I hope I will have a chance to talk about that.

CLIMATE CHANGE

The next thing would be on some of the recent developments in what they used to call the global warming problem. Since we are in the fifth year of a cooling period, they are trying to change that to "climate change." But this is something a lot of people in this body are pursuing.

I would say this: There are not the votes for a major tax increase. A cap and trade on carbon would now constitute somewhere between \$350 and \$400 billion each year as a tax increase, and it is something that would not accomplish anything.

In fact, if there are a few people still remaining out there who believe global warming is caused by carbon dioxide and we need to restrict it in some way, let's keep in mind, if we do something unilaterally in the United States of America, then what few manufacturing jobs we have left in this country are going to go to places where they can provide energy in places such as China and Mexico, where they have no restrictions on emissions on CO₂.

So I would only say I hope we have time to talk about that.

TARP

The last thing is TARP, the program that started here. I was critical of the Bush administration back in October when then the Secretary of the Treasury came along and talked about, well, we have to have \$700 billion to buy damaged assets. I looked at that thing and read it. There was nothing in there that compelled the Secretary of the Treasury or the President to use that \$700 billion for anything. There is no accountability to Congress. It is unprecedented.

So I was criticizing the Bush administration, only to find out it was Tim Geithner, who is now the Secretary of the Treasury, who was behind this whole thing. He started the Bear Stearns problem. So I no longer criticize the Bush administration and Hank Paulson.

But, nonetheless, if you stop and think, it is so hard for me and for other people to envision what \$1 trillion is or \$100 billion is. The \$700 billion, if you will do your math, you take the number of households who file tax returns and pay taxes and that is \$5,000 per household. That is shocking when you tell people.

A lot of people who voted for that in the first place, in fact, 75 of the Senators who voted for that monstrosity back in October now are regretting that they did. Their comments are, well, they lied to us. They said that was going to be used for damaged assets.

They did lie to us. They flat lied. They never had any intention of using that money to buy damaged assets.

Now, after they have bailed out several banks and put billions of dollars in banks, now they are saying, well, we need to buy damaged assets. Well, where were they when the problem was there?

I do want to talk about that and will be talking about that in a lot of detail as time goes by.

MILITARY BUDGET

Last Monday, I did not have much time on the Senate floor to get into the problem that I see, and the problem was with the announcement that was made by Secretary Gates, the Secretary of Defense. It happens by coincidence that I was in Afghanistan when that happened. I was looking around and I saw the Bradleys going back and forth and the helicopters and these kids getting ready to go on their patrols and I was thinking: Wait a minute. Why is the President of the United States gutting the military right at a time when we are at war? This has never happened before.

So I did a YouTube from there. I talked about the problems I had with the announcement made by Secretary Gates. I had to say, and I will repeat it over and over during the course of this discourse, it is not really Secretary Gates. He is in a position where he is given a number—I know he cannot say this, and he will probably deny it—he is given a number to say: You try to defend America within the confines of this number.

So what do we have? We have the F-22, the only fifth generation fighter that is being stopped. We have China and Russia, both of them, with vehicles that are fifth generation, but our kids are not going to have that if they are successful in making these cuts, and I do not think they are going to be successful in making these cuts.

The C-17—we all remember the C-17 is the best high-lift vehicle this country has ever seen or that the world has ever seen. We need many more of them, but they have stopped this. The national missile defense system—we will get into all of this, the future combat system, the fact that we are sending kids out there with equipment that is not as good as some of the prospective adversaries.

Nonetheless, I happened to be responding to the Gates statement from Afghanistan. This new thing—I don't understand all the technology, but I was using YouTube. They said: Just talk on this, and they will pick it up. And I mean, it hit the fan. I came back, and every liberal journalist in America was just outraged.

MSNBC's Ed Schultz featured my video as part of his regular beat, the so-called "Psycho Talk." He said: INHOFE is as wrong as he could be. Keith Olberman said I should do the math. And his guest, an unbiased guest, was Speaker PELOSI. And they said my criticism of Obama's defense

budget was simply desperation, and on and on and on.

Not to be left out, Rachel Maddow used the same talking points and said, once again, the budget was actually going to increase. Then she brought on a guest, Eugene Robinson, associate editor and columnist, who is supposed to be some unbiased party, saying: INHOFE is making this stuff up. He is lying.

Rich Sanchez didn't want to be outdone. That is CNN. He came on and talked about: I am going to do a fact check and it is ridiculous.

It is interesting how hateful these extremists are. All you have to do is say: We need to put America in a position where we have the best of everything because we don't know what contingencies are coming, and they go crazy. Fortunately, there are more responsible people around. I enjoyed the editorial, after getting all this criticism, in the Wall Street Journal where they are talking about how the Navy is left with a fleet of fewer than 300 ships. Is that adequate? I don't think it is. I can remember when it was 700. Now we see the piracy, all the problems. We know there is a need for more carriers, and yet this cut is being made.

They criticized the Gates decision for killing the stealthy F-22 fighter. That is true. Originally, we were going to have 750 F-22s. Now he wants to stop it at 187—totally inadequate—saying that the F-35 is going to be cheaper. That is technology down the road. The mission isn't the same. It certainly can't compete with the F-22.

They criticized the Gates budget priorities as giving no indication as to how the Pentagon is going to ensure military dominance and extend the battlefield to the future in outer space. Outer space is where the future battles are going to be fought, but not according to this report, \$1.4 billion cut. This is out of the Wall Street Journal editorial. I already have this in the RECORD. I put it in last Monday.

This is something we are talking about. Many of us were concerned over the ability, in some places such as Iran—could be Serbia, someplace else, Syria perhaps—of being able to hit Western Europe and then, with the longer range, hit the east coast of the United States. So we went to the Czech Republic, talked personally with the President Vaclav Klaus. He is one of the best Presidents in the history of Eastern Europe. Their Parliament agreed to let us put radar in there. And then next door in Poland, their Parliament agreed to have us put in a launching system. Now we are coming along and pulling the rug out from under them, and this is all covered.

By the way, if you don't like the Wall Street Journal, there is an organization called the Center for Strategic and International Studies. I defy anyone to criticize this organization. The chair-

man of that organization is Sam Nunn. We all remember him. I served with Sam Nunn. If you look at the people on this—Richard Armitage, former Defense Secretary Bill Cohen, Bill Frist, Henry Kissinger—you can't find a heavier list of people. James Schlesinger, Brent Scowcroft were a part of this organization. They came through and talked about all of the systems proposed for termination by Secretary Gates as very valid missions and real requirements. None of them is a wasteful program. These are Democrats and Republicans. This is not partisan.

They go on to say that Congress should legitimately question spending priorities and perhaps take the next step, which we intend to do. I am second ranking member of the Armed Services Committee. Certainly, the Presiding Officer is serving on that. I will be looking for his support to try to look at these cuts and see what is really necessary for us to keep to defend America.

They talk about the B-52 bomber. By stopping the advanced bomber, which is in this program, the Obama program, we are going to be relying upon this B-52 that has been in existence for 50 years. It is twice the age of the pilots who are flying it. We can't continue to do this.

I want to go ahead, after the conclusion of my remarks, and put in this report, which is the report of the CSIS, the Center for Strategic and International Studies. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. The problem is focused on one number. If they talk about that this is not a cut in defense spending, we need to look and examine that, which I will do in a few minutes. Actually, thanks to the Obama administration, overall defense spending has been cut by \$10.7 billion in 2009. You might say 2009 was not his year. It was. The second half of the emergency supplemental fell under his jurisdiction, so that is an accurate figure. It would be cut again in fiscal year 2010, based on projected inflation and the potential use of what is now being called overseas contingency. I call that the global war on terror. They want to rename it now. It sounds a little more palatable to some of these editorial liberals to whom I have already referred.

We have reached a crossroads where we will have to choose to either invest in the modernization and readiness of our military or kick the can down the road. That is what we have been doing for a long time.

We had a hearing yesterday in the Readiness Subcommittee, chaired by EVAN BAYH. The ranking member is RICHARD BURR. We went over all of this

with some of the top people in the military. Quite frankly, they agreed with all these comments that I am making today and I made yesterday on this committee. Based on the projected defense budget for the next 10 years, it looks as though the administration is taking us down the same path that led to a weaker and poorly equipped military.

It is interesting that a lot of the people over the years who have been critical of defense spending—talking about liberals who are here in this Chamber—are the same ones now saying: Wait a minute, our Guard and Reserve can't handle the op tempo. That is a term used, "operation tempo," number of deployments and all this. The problem we have is that we gone through—and I will show this in a minute—a period of time in the 1990s where we downgraded the military, and then we turned around and along comes 9/11. All of a sudden, we have a President who has to prosecute a war, at the same time trying to build a military.

The plan he announced is intended to reshape the priorities of America's defense establishment and profoundly reform how DOD does business. I agree that we need to have procurement reforms in the Pentagon. There is no question about that. But let's don't use that for an excuse to cut modernization programs.

I was in Afghanistan at the time this decision was announced, and it comes at a time in our history when we have dramatically increased our domestic spending in trillions of dollars under the umbrella of emergency bailouts and stimulus packages and all of that. If you stop and think about the amount of money this administration has really spent—look at the \$700 billion bailout. Then you have the \$789 billion stimulus package. Then you have the omnibus bill that is \$410 billion. That adds up to \$2 trillion. That is in the first 3 months. So when you look and think of the stimulus package, how much better would it have been if we could have had more defense spending at that time. There is nothing that employs more people, that better stimulates the economy than defense spending. We tried to do that. Of course, that was defeated. So this President is on track to grow this country's obligations to 22 percent of our GDP while he shrinks defense spending probably down to 3 percent. Right now, it is at 4 percent of GDP. As I calculate, it will be down to 3 percent.

Let's see the chart. I would like to show people so there is no question about this. The chart we have here shows what happened back in the 1990s. The black line on top is when Bill Clinton came into office. That is fiscal year 1993. As it is projected forward for the next 8 years, the black line would say—let's say we want to keep defense spending in terms exactly as it is

today, back in 1993, except for inflation. That black line is where it would be if we had kept that level of defense spending. The red line was the Clinton budget. That is what I am saying. We are going through the same thing now percentage-wise, almost the same thing that we went through there. So the difference between the Clinton budget and what would have happened with the level of spending is \$412 billion. So you can say that is a \$412 billion cut.

Many of us on the floor of the Senate in the 1990s—me probably more than anybody else—talked about these dramatic, massive cuts in procurement and modernization. With very few exceptions, our soldiers, sailors, airmen, and marines have been using the same weapons systems while fighting a two-pronged war for 8 years, weapons and weapons systems from back during the Cold War, the same ones we are using today. We have been unsuccessfully trying to get past this bow wave created in the 1990s when the military budget was cut by \$412 billion and acquisition programs and research and development were pushed to the right. That is a term we use that means if you are going to delay something, you push it to the right.

The cost of kicking our military modernization down the road is twofold in that the increase in the cost to modernize and the increased cost to develop and fuel new weapons is an increased cost to operate and maintain. It gets to the point where it is like the car you drive. You buy a new car. You drive it for 20 years. At least that is what I do. You finally get to the point where you are paying more to maintain that car than if you would get a new one. A lot of that is because of the accounting system that Government has. It is somewhat guilty of forcing this type of thing. But that is what has happened. We have forced ourselves to use older and older stuff.

Our major combat systems that our troops are using today are those developed and procured during the 1980s. Some of them go all the way back to the 1950s. The Reagan administration was handed a military, everyone agrees now, that was a hollow force. No one questions that. At that time, people thought: There is not going to be any problem now. And then when the Cold War was over, everyone had this euphoria: We no longer have a threat out there. The Cold War is over. The term they used, if you will remember, was—I can't remember what it was now. It was a great benefit to put that money into social programs, which is what we are doing today. A peace bonus, that is what it was.

So anyway, our combat systems are older and older, and the Reagan administration expanded the military budget, increased troop size, reenergized weapons procurement, revived intelligence

capabilities, and returned this country to its superpower status that it had been in the past. He guaranteed the superiority of the U.S. military's weapons systems capabilities through long-term investments and ensuring that our troops were provided with the most advanced equipment available.

Secretary Gates said in January of 2009:

Our military must be prepared for a full spectrum of operations, including the type of combat we are facing in Iraq and Afghanistan, as well as large-scale threats that we face from places like North Korea and Iran.

I want to say one more time that I don't blame Secretary Gates. I am glad he is the Secretary of Defense. I just wish he had a better hand dealt him so he could do a better job. I think he is operating under the limitations of a White House that is just not a pro-defense White House. Far too often, we have learned the hard lessons that we don't have a crystal ball to precisely predict what our needs will be in the future.

This actually happened to me. The last year I served in the House was 1994.

I was on the House Armed Services Committee at that time. I will always remember we had someone come in and testify and say that in 10 years we will no longer need ground troops. They were talking about all the precision stuff the Air Force does and the technology that was coming. That was testimony a lot of people rejoiced to hear so they could start cutting the Marine Corps and the Army, which is exactly what happened. Then what happened? Then we had Bosnia and we had Kosovo and we had Iraq and we had Afghanistan. Now, after 7 years engaged in the war on terror, we know he was wrong.

The strategic environment has become increasingly complex, dynamic, lethal, and uncertain. Today, our military is fighting with equipment that is decades old and with a force structure that is 40 percent less than it was in the 1980s. That is essentially what was cut during this timeframe right here. It was a cut of about 40 percent, if we take the budgets at the beginning and the end of it.

So we are talking about force structure and modernization. Right now, the Air Force has 2,500 fewer aircraft. The Navy has cut its fleet size in half. The Army has reduced its force to half the number of divisions it had during the first gulf war. This all happened in the 1990s. For the past 17 years, our military has been asked to do more with less.

One of the concerns I had back during the 1990s, when they were cutting the force strength—that was back during the time they were all rejoicing with this euphoric attitude I mentioned that the Cold War was over and we do not need a military anymore—so they were cutting it back at that time

and believing we were not going to have to have the needs we were going to have. Unfortunately, what took less than a decade to field in the 1980s will now take us several decades to field. In the case of KC-X, the KC-X was supposed to be online. We were supposed to actually have it by this time. Right now, our fueling capability is done with KC-135s.

I will say this: At Tinker Air Force Base, they do a great job of taking these ancient aircraft and continuing them in service. But there will come a point where we can no longer continue to do that. In the United States, we are going to have to build and sustain military capabilities required to respond to possible future threats across the spectrum.

Wouldn't it be great if we knew what the next war was going to be like? We have never been in that position. We have tried to guess, but we have always been wrong. The next war will not be like the past one or even like the one we are in now. History has taught us that very hard lesson. It also does not mean the next war will be like the one we might have to fight 5 or 10 years from now. The decisions we make today on the Senate floor will set the stage for what happens in the next 40 years. I wish there were time. I wish we could instantly determine what our needs will be 20 years from now and not have to prepare in advance. We cannot do that. Does anyone want to hazard a guess what the world will be like in 20 years?

There is a Marine Corps general. I have his name down here somewhere. In just this past February, he made this statement to a bunch of young marines. I was over there at the time he made it. This is a quote I want to read:

You say the next conflict will be a guerrilla conflict. I say, it depends. In my lifetime, we have been in 5 big fights and a bunch of little ones. In only one of those 5 big ones—

And Desert Storm is what he was referring to—

had we prepared for the type of war we wound up having to fight.

That is one out of five.

It is one thing to say that a certain type of fight is more or less likely; it is quite another to say it is certain to be one or the other. In war, the only thing certain is uncertainty.

He went on to say:

It may be that nobody can beat us in a conventional fight today, but what we buy today is what we will have to fight with in 2020.

Furthermore, advertising that our focus of effort is on the low-to-mid intensity fights of the future reduces the deterrence that powerful conventional capabilities demonstrate to traditional state actors. Non-state actors, guerrillas, terrorists are not likely to be deterred by our capabilities. Nation-states are.

See, we are used to that. He is dead right in this case. We knew during the Second World War who the enemies were: Germany and Japan. We knew

their capabilities. During the Cold War, we knew the capabilities. I sometimes look wistfully back on the days of the Cold War because at least then it was predictable. We knew how they thought, their thinking process. We knew their capabilities.

He goes on to say:

We had better well have the capability to fight the guerrilla and the nation-state, regardless of which of these is more or less likely.

That is a very wise man. He is advising his young marines, and they listened, and it makes sense.

We were not able to predict the fall of the Soviet Union, the rapid growth of the ballistic missile capability of North Korea, or the rise in the asymmetric warfare in which we are currently engaged. It does not matter how great our military leaders or intelligence is, our strategic thinking will always be imperfect. We have a lot of smart generals out there, and they are going to try to tell us what we are going to need 10 or 15 years from now, and they are going to be wrong because they have always been wrong. They understand that, as that Marine Corps general stated.

In order to provide stability, America is going to have to be able to deter or defeat any threat, be it an insurgency or a challenge from a near-peer competitor. We cannot any longer fool ourselves that we are still sending our sons and daughters out with the best equipment.

When I talk to people around the country, there is an assumption out there that when we go to war, regardless of what kind of war—asymmetrical or conventional warfare—we are sending our kids out with the best of equipment. That is not true.

In a minute, I am going to show you that there are other countries that have things that are better than what we have in our defense capability, in our effort to conduct warfare. But before I do that, let me at least address what all these critics of me were saying when we talked about how much less money right now we are going to be projecting into our force structure, in our military spending, if we do the math. So let's go ahead and do it.

As I stated earlier, we need to look at the total defense budget—what DOD actually spends on all its operations.

During the Bush administration, the sources that funded our defenses were not all just DOD or the Department of Defense, appropriations and authorizations. They were also the DOE funds. DOE has a lot of funds for nuclear ships and weapons. We have certainly wartime supplementals. All of those added up to what we spent on defense. What they are trying to do now is say, well, the DOD appropriations are actually going to be greater today than they were in fiscal year 2009. Well, that may be true, but that is not the total

amount of defense spending. That is just a small part of it.

I think the best evidence of that is to see what systems we have to cut in order to act under the confines of this budgeting.

First, there is a net loss in defense spending in 2009 of \$10.7 billion. This is the second increment of the supplemental that came under the jurisdiction of the current administration, the Obama administration. President Bush increased the total defense budget in 2009 by \$37.2 billion.

He also approved \$65.9 billion in supplemental funds for the first part of fiscal year 2009.

President Obama's supplemental request of \$75.5 billion for defense needs funds an increase of 21,000 troops. Well, I agree with his message that we need to increase the number of troops and increase the number of troops in Afghanistan. That is very reasonable. But we are going to have to pay for those troops, and we cannot pay for those troops with the same amount of money we had when we had 21,000 fewer troops.

The GAO report on the cost of the Iraq withdrawal said it will be a "massive and expensive effort" . . . that costs would more often increase in the near term. In other words, as you draw down in Iraq, that is going to increase the actual cost.

It went on to say that the cost of equipment repairs, replacements, closing, and turning over 283 military installations in Iraq and moving troops and equipment home "will likely be significant."

Unfortunately, defense spending actually decreases in 2009 by \$10.7 billion due to President Obama's decreased total supplemental request from \$189 billion to \$141 billion.

So let's compare 2009 to 2010, where I have been accused of not being able to do the math.

Defense spending does increase from 2009 to 2010 by \$14.9 billion. But according to President Obama's letter to Speaker PELOSI, there will be no more supplementals. If we take the supplementals out, then it is a dramatic reduction in spending. That would mean DOD would have to fund all wartime operations out of the hide to the tune of \$100 billion-plus.

However, President Obama does fence off \$130 billion for "Overseas Contingency Funds." Well, that is within the budget, and I guess that is what he now calls the war on terror. Even adding the \$130 billion to defense spending—which is never the case with supplemental funding—the overall increase in defense spending for 2010 is \$3.5 billion.

I say that because we know when we have an emergency supplemental, everybody puts everything they can into it, and that is where the effort is taking place.

Now, we add the accelerated growth of the Army and Marine Corps—a 65,000

and 22,000 increase, respectively—at a cost of approximately \$13 billion to cover pay and health care costs, and we start to see the beginnings of how our military modernization gets gutted.

The DOD has certain "must pays," things they have to pay. They have to pay personnel, operations and maintenance, ongoing wartime, and contingency operations. With a zero supplemental fund, the money to pay for these "must pays" will be taken from the base Defense budget, and the areas that are always hit are research and development and acquisition. There we are talking about modernization.

So what I would like to do—well, first of all, just look at what is being cut. We know about the Future Combat System. I am going to cover these in a minute, but there are the F-22s, the C-17s, the national missile defense system, the future bombers, and it does not stop in 2010.

As we look at the projected defense budget through 2019, we see a decreasing defense budget compared to GDP starting at 3.8 percent in 2010 and ending with 3 percent in 2019.

This is interesting to compare, to use the percentage of GDP. If we go back and look at what happened in the entire 20th century—for 100 years—and we take the average of defense spending as a percentage of GDP, it is 5.7 percent—5.7 percent. I have been asking to just keep it at no less than 4 percent. Right now, it is a little under 4 percent, but it would go down to 3 percent with the budget expectations we are looking at right now.

So when compared to a sustained annual defense investment of 4 percent of GDP to recapitalize and modernize our military, the 10-year proposed Obama defense budget is \$1.3 trillion in the red. It is so similar to what we went through in the 1990s. I do not like to be overly critical, but there are a lot of people who are liberal people who generally, in their own mind, do not think we need a military. I have listened. They will never admit it. But they say, well, if all nations would stand in a circle and hold hands and unilaterally disarm, all threats would go away.

I respect people who have this opinion, even though the opinion is wrong.

So we have ships and naval aircraft that currently average being 18 years old, and Marine Corps aircraft that now average being over 21 years old. Refueling tankers—I am talking about the KC-135s—are over 44 years old; Air Force fighter aircraft, 19 years old; special operations aircraft, over 27 years old. Special ops—everyone realizes what a great job they are doing. It is kind of like the Marine Corps. They always have to make do with older equipment but never complain about it.

In order to keep 40-year-old KC-135s in the air, the DOD had to reprogram almost \$3 billion from the KC-X to repair KC-135s. For the KC-X, we might

remember—that was kind of confusing—a contract was let, and that contract was challenged. That would have given us—not immediately, certainly, but over the next 20 years, we would be able to replace the KC-135s.

I think it is easier—rather than to spend any more time talking about very complicated things in terms of budgeting—to just look and see service by service. The Army's current fleet of combat vehicles was developed and procured between 30 and 60 years ago.

We have the M1 Abrams tank, which has done a great job, that was developed back in the early 1970s and fielded in the early 1980s. The M2 Bradley Fighting Vehicle—we are still using that right now, and it is 25 years old. It is on its third significant modification, and it has been crucial in defending our troops against the IEDs the RPGs. Both of these combat-proven vehicles continue to undergo fleetwide resets. Yet they are so old.

So let's look at another particular one, the best artillery piece we have in the U.S. Army. It is called a Paladin. The Paladin is a technology developed in World War II. You actually have to get out after each shot and swab the breech.

Now, it has gone through some new reiterations, and currently there is another one that is taking place. But again, this is what we have. There are five countries now, including South Africa, that make a better artillery piece than our Paladin. This is one of the programs that is a part of the FCS program that is going to be cut. Secretary Gates didn't say it was completely cut; he just said it is delayed. That is a nice way of saying it is cut, it is gone.

So I would hope one thing: That when we are going through what they call the PIM Program—the Paladin Integrated Management Program—we keep these running, to upgrade them so they will be somewhat competitive in the battlefield. I would say at the very least we should keep that PIM Program going if we cut the future combat system. We should keep the future combat system on track, but if we dump the FCS, we don't want to dump the PIM with it. So even with that PIM update, the Army expects to keep the Paladin in use until 2060, and that is 100 years on the battlefield.

Our Army is long overdue for a thorough and comprehensive modernization. I would just go back again to 1994 when we had people testifying that in 10 years we would no longer need ground capability or ground fighters. The proposed Defense budget would cancel the Army's future combat system and the modernization programs intended to replace the Paladin. FCS would bring improved armor and would save lives. Nonetheless, that was one of them that was cut.

Let's go to the Air Force. For nearly two decades, our Air Force has domi-

nated the skies and ensured air superiority. But a recent GAO study stated that air sovereignty alert operations—the post-9/11 operations that protect our homeland—are at risk due to aging aircraft and insufficient procurement. The Air Force grounded 259 of its 441 F-15 Eagles from November 1997, and last May the service parked 500 of its T-38 Talons, the trainers. A lot of those were taking place at Vance Air Force Base in my State of Oklahoma. They don't have quite enough of them yet, but again, that is part of the problem we are having right now. Our aging fleet is out of service. Last October, the Air Force ordered more than half of its 356 A-10 fighters to stay put because of cracks inside the wings. While we have enjoyed the benefit of investment during the 1980s of the F-15, the F-16, the A-10, the F-117, which is now out of service, the service is talking about retiring 137 F-15s, 177 F-16s, and 9 A-10s. I say that creates a problem.

We had a very courageous general named John Jumper. John Jumper ended up being the Chief of the Air Force, but before he was Chief of the Air Force—and this was about 1998, so it was during the Clinton administration, and it took a lot of courage for a uniform to stand up and admit publicly, with his background that no one would question, that now—back in 1998—he said the Soviets—the Russians—are making the SU series that are really fifth-generation fighters and we don't have anything that can really compete with them that is better than our F-15s or F-16s, which is all we had at that time. So in spite of all of the above, President Obama is shutting down the F-22, the only fifth-generation fighter we have. Remember, we were going to have 750 of them, and he is going to stop at 187. If you stop the production line at 187, we are not going to be able to produce any more of these things.

If some President comes along in 4 years and says: No, they made a mistake 4 years ago, we are going to have to get that line going again, the first ones would cost about twice. So this is one of the problems we are having.

They are talking about increasing the F-35s—that is the Joint Strike Fighter—but that is a different mission. It certainly can't compete with the F-22.

Well, we have a very serious problem. Again, it gets down to, do we really have an expectation in America—we send our kids into battle in the air or on the ground—that we are going to get them the best equipment to work with? I wish that were the case, but it is not the case.

The Navy. At a time when the U.S. Navy is being called on to project its presence in more parts of the world than ever before, the recommendation that is coming from the White House is that the Navy shrink its carrier fleet

to 10 aircraft carriers by 2012 and delay the acquisition of the other portions of its fleet. We see what is happening now. We have these aircraft carriers staged all over the world, and to be cutting that fleet, to me, is totally irresponsible.

I remember when I was first elected to the House. My first year was 1987. The first weekend I was in the House of Representatives, and I was going to be on the House Armed Services Committee, I spent the weekend down off the coast of Virginia on the USS Coral Sea. I went out there and landed on the carrier. I thought I had died and gone to heaven, it had such capability. At that time, in 1987, as we looked as the Sun was coming up, we could see the Soviet ships that were going around with their periscopes, the submarines, looking at what we had. Now that is out of commission; the Coral Sea is gone. These things don't last forever. The opposition—China, right now, is building these things. We have to stay better than they are. Yet we are cutting our carrier fleet.

This reduction of aircraft carriers goes further below the previous QDR—that is the Quadrennial Defense Review—of 12 carriers required for moderate risk. So we have a situation where we need 12 carriers—not 10 but 12—for moderate risk. Moderate risk is a term that is used in the military as to lives. If you have no risk, you are not going to lose human lives. If you have high risk, you are going to lose a lot of human lives. This is moderate. So we are saying we are willing to cut two aircraft carriers below what we call moderate risk or loss of life. I am not willing to do that.

In the last few weeks, we have seen how important the Navy is in watching some of the pirate counterterrorism operations off the coast of Africa. I was over there in Somalia and in that area just a week ago. We are having some successes in our battle with the pirates, but again, a very critical part of that is our carrier capability.

Meanwhile, Russian and Chinese submarines continue to be a threat to our forces, with China operating over 60-something quieter subs. Since the 1990s, China has been unilaterally hedging its maritime power to exclude the U.S. Navy from the Taiwan Straits and along China's coasts. We all know that. Now we have China, Japan, Australia, India, Malaysia, Pakistan, Indonesia, Singapore, Bangladesh, and South and North Korea either now or planning to acquire submarines to compete against ours. In all, we now have found it acceptable in this budget that is coming out of the White House to cut our total ships down to 300. I remember when there were 700 ships.

Missile defense. This is something I think everyone should understand now. We think about the tragedy of 9/11. We think, as bad as that was, how much

worse it would have been if they had had the capability of the nuclear warhead on a delivery system, hitting a major city in America. We wouldn't be talking about 3,000 deaths; we would be talking about 300,000 or maybe 3 million deaths.

On February 3, Iran launched a satellite on the 30th anniversary of the 1979 Islamic revolution, demonstrating key technologies of propulsion, staging, and guidance. This is what they did. We are talking about just 2 months ago in that demonstration. Then, going all the way back to 1979, I recall in—I was concerned in 1998 as to what the capability was going to be for North Korea in terms of having a multistage rocket capability, and the administration at that time, the Clinton administration, said it will be from 8 to 10 years, on August 24 of 1998. Seven days later, even though they said it would be 8 to 10 years before they had the capability, they fired one, and that demonstrated the capability they had.

It makes you wonder how accurate we are right now in our assessment of their capability. Nonetheless, this budget recommended a 16-percent cut in the missile defense budget by \$1.4 billion, and this is something that is totally unacceptable. We are going to have to reverse this.

It wasn't long ago that we recognized we had to have a capability in the Czech Republic and in Poland. We wanted to have a radar capability in the Czech Republic and an interception capability in Poland, next door. Why do we need this? Because as they develop their capability in Iran and they want to come and shoot something at Western Europe and possibly to get to the east coast of the United States of America, the only place we can reliably, with our technology, shoot that down would be in that area of Eastern Europe.

So we went and negotiated with the Parliaments. I was there. Vaclav Klaus, the President of the Czech Republic, who happens to be one of my favorite people in the world—and he is one who helped us get this through Parliament. It wasn't easy. The thinking was: Well, is this going to be a threat? Are we going to have Russia coming down and complaining, saying this is an act of aggression? No. We are just trying to knock down a missile that might be coming from a place such as Iran or Syria or someplace else going toward Western Europe and the United States. Well, they finally agreed. The Parliaments of Poland and the Czech Republic agreed, and now we pull the rug out from under them with this proposed budget.

The airborne laser—where is the chart on the missile defense?

All right. I know this is heavy lifting, and this is not an easy thing to understand. But if you look at a missile defense system—let's keep in mind,

this is the 26th anniversary of Ronald Reagan, saying SDI—members of the Strategic Defense Initiative—everyone criticized them: No one will ever be able to hit a bullet with a bullet. Well, they hit a bullet with a bullet. We have had several tests demonstrating that we can do it. Well, how do you knock down a missile coming in? You have three phases. There is a boost phase, a midcourse phase, and a terminal phase. We are currently in good shape on the midcourse phase and the terminal phase, but the main area where we are stark naked is in the boost phase. We don't have anything.

We have the airborne laser. That is getting very close to being able to deploy a system to knock down an incoming missile when it is easiest to hit them. That is the boost phase, before they are going all that fast. And they cut that out of this budget.

We need to have—we decided on a policy several years ago, and certainly the Senate Armed Services Committee as well as on the House Armed Services Committee that was headed at that time by DUNCAN HUNTER and I think agreed to by the Democrats and Republicans at that time, that we need to have redundancy in all three areas if we are going to be able to knock down an incoming missile.

I don't think there is anyone in America today who denies that the capability of, No. 1, hitting America is there and, No. 2, of being able to knock it down is there if we continue with this program. But we have to have that capability in the boost phase, and this budget takes that out. I am just as concerned about that as I am about the fact that we really lied to the Czech Republic and to Poland and put them in a very awkward position.

So I guess in conclusion I agree with the President and Secretary Gates that we are going to have to reform our Defense acquisition system. There is a lot of waste in that. The Presiding Officer and I both serve on the Senate Armed Services Committee, and we know we need to do some work, but we don't want to be doing this at the risk and at the expense of properly modernizing our services. I have stated many times in this Chamber that the greatest trust placed upon Congress by the American people is to provide for their security by maintaining a strong national defense.

TOM COLE, a House Member from Oklahoma, said it best the other day. He said that eloquence and charm are a poor substitute for a strong national defense. You can be very eloquent, as our President is, and very charming, as our President is, and talk about these things and act as if the threat is not there, but we need to have a strong national defense.

I think Ronald Reagan said it better. He said just to be sure we are prepared. He said: Trust but verify. Trust but

verify. We trust these guys over there that they are not going to attack us, but let's verify it.

We can avoid this far too frequent debate on the defense budget by ensuring a minimum level of funding for our military.

So this is where we are today in our situation. I again look at something totally unprecedented. I have something here, if I can find it, that is rather interesting to compare. What we have done—and this is something no one has seen yet because we are still working on it, but we are taking a comparison of 1993 and today. That was the year President Clinton was elected. He also had control of the House and the Senate and the White House, just as the Democrats do today. And we went through the election process. We understand that. But the things they are doing, that President Clinton did at that time and President Obama is doing today, are just remarkably similar.

In the military, the Army was cut back in the Clinton administration by 18 divisions down to 12 divisions, and here we are doing the same thing today. At that time on health care—right now, the President is talking about a universal Government-run health care system. Back then, they called it Hillary health care.

They called it Hillary health care, the same thing. Gun control, the same type of thing. I will wait and do this all at once. I am trying to get to the amount of money. I was on the floor criticizing President Clinton because he proposed \$243 billion in tax increases. The current President is talking about \$1.4 trillion in tax increases. The budget they are operating with right now—I don't have it here—at that time, he talked about a budget of \$1.5 trillion. That was Bill Clinton in 1993. Now it is over twice that much. These are numbers we never thought about before. If you add together the \$700 billion bank bailout, the \$789 billion stimulus plan, and the \$410 billion omnibus spending bill, that adds up to over \$2 trillion, which is unheard of. It is very similar. It is just on a larger scale than that of 1993.

That is the concern I bring to the floor today. I have only a few minutes left. I will cover one of my other three concerns. I have talked about the TARP funding on the floor. The TARP funding was supposed to be used to buy damaged assets. At that time, in October of 2008, the Secretary of the Treasury promised that if we would give him \$700 billion, he would spend it to buy damaged assets. Some in this Chamber believed him. I didn't. I said put it in writing, let's get it into the law. But they were in too big a hurry and said: We have to do it now or we will have another Great Depression. He spent the money to bail out many banks that didn't even want to be bailed out and

banks that previously both Geithner and Paulson were associated with. So that was a problem and we should now try to salvage what we can out of that program. So that is another subject—one I have spent quite a bit of time on over the last 7 years.

Seven years ago, when the Republicans had a majority in the Senate, I became chairman of the Environment and Public Works Committee. At that time, we were very close to ratifying the Kyoto Treaty. We remember this all started with the United Nations and then, of course, the people in Hollywood, the Hollywood elitists, moveon.org, and the Michael Moores of the world—and they had a right to do it—were saying we are going to have to stop emissions of greenhouse gases, and that the anthropogenic gases and man-made case gases were causing global warming.

I remember so well, in 1975, in the State legislature, at that time the same magazines that are putting on the front page this idea that global warming is taking place—they are not doing it now, but they were up until about 5 years ago. Back then, they were saying: Get ready, another ice age is coming, we are all going to die. I remember using the term that this has to be the greatest “hoax” ever perpetrated on the American people.

Fast forward to the late 1990s, when Kyoto was there, when I was chairman of the committee and I believed that manmade gases were causing global warming, until the Wharton Business School came out with the Wharton econometric survey. They showed clearly that if we were to sign on and ratify the Kyoto Treaty, it would cost the American people in the range of between \$300 billion and \$330 billion a year. Then, if you fast forward that to the next McCain-Lieberman bill, it was even more than that, and the Warner-Lieberman bill was even more than that.

When I looked at it at that time, back when we were very close to ratifying the treaty, I found out that the science was not there. A lot of scientists were saying it was there, but it wasn't. Today, if anybody wants to get into my Web site, inhofesenate.gov, you can see all of the scientists. We have over 700 of them who used to be on the other side of this protecting their grants. They had to play this game to do it. They are now coming over to the skeptic side.

As we listen to the current administration, they are now going to try to, by regulation, impose this giant tax on the American people because they know they cannot get it through this Chamber. We defeated it a year ago today—the last effort to have a cap-and-trade tax on the American people—by almost a 2-to-1 margin. They are going to try to do it again. When you talk about the \$700 billion bailout and

the stimulus bill, at least that is a one-shot deal. With this, you are talking about a regular annual tax increase on the American people of about \$350 billion. The estimates are between \$3,000 and \$4,000 a year per family. What good would that do? Even if it is true, if people listening to me today, including fellow Members, believe manmade gases are causing global warming—if they believe that to be true, what good would it do us in the United States to unilaterally say we are going to impose these restrictions and pay \$400 billion a year? And what good will it do if we do that, because our manufacturing base will go into countries where they have no restrictions. That would happen.

I inquire as to the time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 40 seconds.

Mr. INHOFE. Mr. President, I think the other speakers are here. Later on, I will talk about the assets we have, and that we have to keep Guantanamo Bay—Gitmo, as it is referred to. It has performed well for us since 1903. I cannot think of one statement, other than political statements, as to why we have to get rid of that great asset.

With that, I thank the Chair for his tolerance and I yield the floor.

EXHIBIT 1

To: CSIS J. Board of Trustees, Advisers, and Friends

From: John J. Hamre

Date: April 13, 2009 (Number 298. Two pages)

Re: Cancelling weapons systems

I was out of the country last week when Secretary of Defense Gates announced his recommendation for wholesale termination of a large number of weapon systems. This was such a big deal that he skipped the 60th anniversary celebrations of the founding of NATO in order to prepare for the announcement.

Secretary Gates epitomizes what Americans want in public service—fairness, decisiveness and decency. And he clearly captured broad public support with his recommendations. In dozens of conversations, I always heard some version of “it is about time we had a leader that did this.” This is usually followed up by a question “do you think he will be reversed by Congress?”

There is a myth in American politics, that defense contractors are powerful manipulative forces in Washington. Ever since President Eisenhower coined the term “the military-industrial complex” the popular sense is that defense companies manipulate the Department and the Congress to get whatever they want. I have been in and around the defense business for 30 years. My experience has been that they are not the all-powerful force of popular imagination. Defense contractors are hugely vulnerable because they are entirely dependent on the attitude of one customer—the Defense Department. If the Secretary of Defense decides we don't need something (and the Joint Chiefs go along with the decision—a crucial factor), defense contractors have virtually no recourse.

Yes, Congress has occasionally reversed the decision of a defense secretary. I remember when the Congress kept the B-1 bomber alive after President Carter recommended its termination. But the B-1 would never have been built had it not been for President

Reagan who used it to symbolize his different approach to defense policy.

I suspect that most of the Secretary's recommendations will hold. Every year the Congress receives the president's defense budget, tears it apart and puts it back together, and usually approves 97% of what is requested. A powerful member of congress can add \$10-20 million here or there for something, but adding billions of dollars to reverse the Secretary's decision on a single weapon system is almost impossible. We are again returning to an environment when adding something to the defense budget must be offset by cutting something out. A congressman can strongly plea to add \$2 billion for program X, but very rarely offers offsetting cuts in other programs. And with each instance, the pleading congressman has to ultimately argue “my judgment is superior to that of the Secretary of Defense”.

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The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

(The remarks of Mr. HATCH pertaining to the introduction of S. 897 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. I must interrupt the Senator from Utah. There is an emergency.

The Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 12:41 p.m., recessed subject to the call of the Chair until 12:47 p.m. and reassembled at 12:47 p.m., when called to order by the ACTING PRESIDENT pro tempore (Mr. BURRIS.).

REMEMBERING STEVE MOSLEY

Mr. DURBIN. Mr. President, I was saddened to learn about the passing of a man who gave many long years of dedicated service to this Capitol.

If you only know this Senate through C-SPAN, it is likely you never saw Steve.

But if you had the privilege to work in this beautiful building, Steve's work was indispensable.

Steve was a valued member of the Senate Sergeant at Arms' Capitol Facilities team for 32 years—since he was 20 years old.

He was part of the team of hard-working men and women who care for this historic building.

If a room in the Capitol needed to be set up for a meeting, set up again an hour later for a hearing, and set up again for a reception, you knew you could count on Steve to do the work right, and on time.

When a filibuster seemed imminent, Steve was part of the crew that would

retrieve the cots from storage and set them up in the Capitol—just in case.

Steve's willingness to be helpful was invaluable. Not long after I moved into my office on the third floor of the Capitol, Steve was in my office to install a rug.

He saw that there was a problem. He told my staff that he had seen the problem in another office—the way the rug was to be laid out, visitors would trip on the corner of the rug and might fall.

This was just one example of how Steve cared for this institution and the people who visited this building every day.

Whatever it took to make this Capitol work for visitors and employees, Steve did—with pride and professionalism.

Steve was a friendly man who liked almost everyone—except the Dallas Cowboys.

He was a generous man who never called attention to his generosity. If a coworker needed a ride, Steve was the first to offer. He brought Easter baskets to his friends' children.

Steve Mosley died suddenly and unexpectedly Wednesday night of a heart attack.

I join my colleagues and all who work in this Capitol in offering our deep condolences to Steve's wife of 26 years, Michelle, and their only child, Steven Jr., whose 25th birthday is today.

He was much admired and he will be much missed, in this Capitol and among those who knew him.

TRIBUTE TO THE CUMBERLAND GAP NATIONAL HISTORICAL PARK

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of the great national parks in the Commonwealth of Kentucky, Cumberland Gap National Historical Park, located southeastern Kentucky, near Middlesboro. The park will celebrate its 50th anniversary this year.

In the 1920s, the idea of creating the Cumberland Gap National Historical Park was formed, and after 30 years of planning and hard work, the park was finished and dedicated, 50 years ago this coming July.

The park will hold several special events in July celebrating the anniversary of the historic dedication, including the gathering of oral histories from people who were present during the creation, early days, and dedication of the park.

At the time of the dedication, Cumberland Gap National Historical Park included 20,184 acres—10,679 in Kentucky, 7,478 in Virginia, and 2,027 in Tennessee. Until 1980, it was the largest historical park in the country. It is estimated that more than 1 million people will visit the park this year.

Efforts have been made by the National Park Service since 1997 to pre-

vent surface coal mining in the area surrounding Fern Lake. In cooperation with my friend in the House, Congressman Hal Rogers, we were able to pass legislation that authorized the Secretary of the Interior to acquire Fern Lake and the surrounding watershed to preserve this natural resource.

I value the importance of this park and have consistently secured funds to help acquire and preserve the lake. Located just southeast of Middlesboro, Fern Lake serves as the primary water source for the community and is visible from the Pinnacle Overlook, which is a popular visitor attraction at the Cumberland Gap National Park.

This park shows the importance Kentuckians place on our natural environment, and I applaud the work of the individuals who helped make this park a reality and those who continue to safeguard its natural beauty for many generations to come.

Mr. President, I ask my colleagues to join with me in celebrating the 50th anniversary of the dedication of one of our Nation's most beautiful historical parks.

94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I wish to recognize the 94th Anniversary of the Armenian genocide.

Ninety-four years ago today, the Ottoman Empire—now modern-day Turkey—began the systematic destruction of the Armenian people. Armenians were driven from their homes and villages, marched to their deaths in the deserts of the Middle East, and slaughtered in cold blood. Before it was over, approximately 1.5 million Armenians lost their lives in the first genocide of the 20th century.

Recently, the Armenian and Turkish Governments announced important progress toward achieving the full normalization of relations between their two countries. I support this effort, and am hopeful that this process will lead the Turkish Government to finally acknowledge the irrefutable truth of the Armenian genocide and also to greater peace and prosperity for the people of Armenia.

As President Barack Obama has said, "The Armenian Genocide is not an allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence. The facts are undeniable." There is no need for further study or debate because we must never legitimize the views of those who deny the very worst of crimes against humanity.

On this solemn anniversary, we remember those who were lost in the Armenian genocide, while honoring the survivors and their descendants who have done so much to make America and the world a better place. I am personally grateful that so many of those

individuals have chosen to call California home.

We also take pause to acknowledge that such crimes are continuing today. There is perhaps no more fitting example than the genocide that is raging in the Darfur region of Sudan.

Since 2002, the Sudanese Government has attempted to exterminate the African Muslim population of Darfur with horrific acts of brutality. Villages have been burned to the ground, innocent women and children slaughtered by helicopter gunships, and rape has been used as a tool of genocide. What happened to the Armenians is genocide. What is happening today in Darfur is genocide, even though the Government of Sudan denies this.

Genocide is only possible when people avert their eyes. Any effort to deal with genocide—in the past, present or future—must begin with the truth. By acknowledging the truth of the Armenian genocide, we can end the phony debates and strengthen our ability to stand up against mass killing today.

Mr. REED. Mr. President, today I join with my colleagues, my fellow Rhode Islanders, and the Armenian-American community to observe the 94th anniversary of the Armenian genocide.

Each year, on April 24, it is fitting that we pause to remember and reflect on one of the greatest tragedies of the 20th century, the systematic killing of Armenians. From 1915 through the end of 1923, nearly 1½ million Armenians were killed and over half a million survivors were exiled.

The Armenian genocide demonstrated the evils humans are capable of, and unfortunately, it was only the first of several 20th century tragedies.

As we reflect and recall this tragic time, let us call for our own country to recognize the Armenian genocide, just as my own State of Rhode Island has done, along with many other States and governments.

Menk panav chenk mornar—We will never forget.

SOMALI PIRACY

Mr. FEINGOLD. Mr. President, I was glad earlier this week to join Senator LEAHY in passing a resolution commending Captain Richard Phillips for his brave conduct, and those members of our armed services, particularly members of the Navy and Navy SEAL teams, who rescued Captain Phillips. I also commend the leadership of the President and the efforts of many U.S. Government departments and agencies in their response to this crisis. These many acts of bravery and leadership are deeply inspiring, and we should recognize them.

However, while the episode involving the Maersk Alabama was resolved, we are likely to see more such episodes if we do not take comprehensive meas-

ures to address not only piracy on the waters but also conditions on land that enable it. We cannot ignore the fact that piracy off the coast of Somalia is an outgrowth of the state collapse, lawlessness, and humanitarian crisis that have plagued the country for over a decade. In recent congressional testimony, both Director of National Intelligence Blair and Defense Intelligence Agency Director Army LTG Michael Maples cited lawlessness and economic problems on land as the cause of the rise in piracy at sea. Until we address those conditions, we will be relying on stopgap measures, at best, to deter this piracy problem and we are unlikely to succeed in reversing the growing violent extremism in Somalia.

For years I have been calling for the development of a comprehensive, inter-agency strategy to help establish stability, the rule of law, and functional, inclusive governance in Somalia. This is the only sure and sustainable solution to address the problem of piracy—and the instability in Somalia—over the long term. Moreover, I am convinced that we have a unique window of opportunity for progress as a result of the Ethiopian troop withdrawal earlier this year and the establishment of a new unity Government relocated back to Mogadishu. This Government has the potential to unite Somalia if it demonstrates a genuine commitment to inclusion and begins to make a real difference in people's lives—in terms of security and basic services, such as protection, trash collection and job creation. Helping the Government to find tangible solutions to expand effective and inclusive governance must be a central part of our overall strategy to stabilize Somalia and address the threats of piracy and terrorism.

To that end, I continue to urge the Obama administration, as it develops its response to piracy, to make it a priority to engage at a high level with the new Somali Government. I have written to President Obama, asking him to personally call Somali President Sheikh Sharif and indicate a clear commitment to work with his Government not just on maritime insecurity but also on establishing security and governance within the country. We have been engaging with President Sharif at the ambassadorial level for quite some time now, and I met the President in Djibouti in December. In addition, there needs to be a stronger and more sustained diplomatic push to engage with a wide range of actors within Somalia and stakeholders in the wider region—both in the Horn of Africa and the Middle East—if we are going to address the underlying problems that have contributed to piracy and rising extremism.

The events with the Maersk Alabama earlier this month have finally brought increased attention to the problem of piracy in Somalia's waters. But it will

be insufficient if our response only deals with the symptoms and not Somalia's central problems. I urge my colleagues and the different committees who will examine this issue over the coming weeks and months to take this seriously. For if we do not finally deal with Somalia's lawlessness and instability, we will continue to see them manifest themselves in activities—be they acts of piracy or terrorism—that threaten U.S. and international security.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for providing your constituents the opportunity to share our thoughts and ideas regarding energy with you. Your willingness to listen is yet another reason I am glad you represent me in Washington.

For my family, the ridiculous cost of fuel has affected almost every area of our lives. My husband pastors a church here in Twin Falls and we have always lived within our means. We are not in debt and have put away a tidy amount toward our children's university education.

However, with gas prices rising toward \$5 a gallon, we have had to rethink our budget and spending on items like groceries, clothing, dental insurance and home remodeling and repairs. We had planned to repair the sidewalk in front of our home since it has cracked and chipped over many years and presents a hazard to passers-by. My husband decided not to go ahead with the project this summer because he is afraid gas prices will continue to soar and we will be left in a precarious position this coming winter.

Our children usually participate in some form of athletic activity over the summer, and this summer was supposed to be golf. We have cut back on the frequency of their golf rounds and did not purchase a set of clubs for our younger daughter as we had planned. In addition, we cancelled plans to spend two weeks at a resort in Sun Valley in July and will instead go camping near home.

If things do not improve soon, we will have to cancel our weekly ski trips this winter as well, because the high cost of fuel will prohibit us from making the drive to Ketchum each week.

Perhaps these cutbacks sound frivolous to some who surely have it much harder than we do, but when we consider that there are alternative, less costly energy sources available, and when we read that once again, the democratic machine has stalled drilling for existing oil, and when we combine that with the fact that our government can afford to promote initiatives for credits on the manufacture and purchase of alternative energy sources, it makes no sense.

Surrounded by naysayers, a wise little boy once remarked, "Momma! The emperor is naked!" It is high time those of us feeling the pinch of escalating fuel prices cry out, "The emperor is naked!" All the rigmarole and double-talk thrown at us from politically savvy liberals does not keep us warm in winter, nor get us to work on time.

Please use your position to support offshore drilling, research and develop alternative sources of energy including nuclear, and push for tax credits and rebates on the manufacture and purchase of solar panels and other energy alternatives.

Thank you again for representing me with dignity, wisdom and courage in Washington D.C.

SUMMER, *Twin Falls.*

Simply put, I stopped driving. I ride my bike, telecommute, and use mass transit. I carpool when I can and am considering purchasing a smaller, diesel engine vehicle and converting it to run on vegetable oil. Sounds crazy, but it is better than supporting the big oil companies.

For those of us who have been paying attention the past few years, the high price of oil (and consequently gas) is no surprise. It is about time that Americans started valuing oil and gas as the precious commodities that they are. We could continue to build an economy based on a non-renewable fuel. And that would validate our history of shortsighted solutions for complex problems. Need more oil, ally with the Saudis, no problem. Befriend African rogue nations, they've got plenty. Who cares if they commit atrocious human rights violations. It comes down the cheap price of oil, right?

OK, so let us drill in our own backyards. How would you like an oil rig in your wilderness area or off your coastline? Ask the residents of Pinedale, Wyoming, who not only deal with the high price of housing spurred by the natural gas drilling in the area, but have also contended with near unacceptable ozone levels throughout three of the past four winters (March 13, 2008 Casper Star Tribune). Keep in mind, this is a county in rural Wyoming, approximately 5,000 square miles, with about 6,000 residents (as of the year 2000) in which there exists not a single stoplight!

Or ask those who lived in Santa Barbara in 1969 (June 23, 2008 NPR website). I remember my first trip to the beach as a kid . . . and cleaning the oil off the bottom of my feet with olive oil at the end of the day.

Or ask those who live near the tar sands in Canada about their quality of life and health concerns (http://www.cbsnews.com/stories/2006/01/20/60minutes/main1225184_page1.shtml)

Or we could look for a solution that addresses the truly complex nature of this issue. Our economy and way of life are based on petroleum, a non-renewable resource. Some predict we have even reached the crit-

ical "peak oil" point, yet we insist on continuing to look for more of something that will eventually, without a doubt, run out. Maybe the high price of gas is a blessing in disguise. Maybe it will force us to take a serious look at alternatives before it really is too late.

KIM, *Boise.*

The following is my response to Senator Bingaman (thus to Congress) regarding his comment about energy in his newsletter. This pretty much says it all, and thus sums it up for us, the taxpaying citizens of this nation—those paying over \$4.00 a gallon for gas, and consequently outrageous prices for food!

"You are 'working to get a clear picture what actually is going on in oil and gasoline markets . . . ? Where have you been? And, you are the chairman of the Senate Energy and Natural Resources Committee?!"

"The citizens of this nation have been trying to get Congress to drill for oil for years, only to have Congress [miss the mark due to special interest and environmental lobbying]. Consequently, ten years later, you are still studying the problem . . . and we are paying through the nose for gasoline, and consequently for food."

"We need to drill on land and sea, wherever the oil may be!"

"Congress [has failed] to provide short-term as well as long-term energy solutions. [It seems that partisan finger pointing is all that goes on.]

"Yes, We need to drill on land and sea, wherever the oil may be!"

"Drill, drill, drill, and drill some more! And do not forget to process that oil shale that everyone said, 'when the price of oil hits \$50 a barrel, it would be profitable!'"

"The rising price of gasoline, consequently food, is hurting every family in America. We are tired of Congress doing nothing but finger pointing and bowing down to the environmentalists and special interest groups."

"Oh sure, there is a problem with the oil companies, but the real problem is Congress! Congress must lead and demand drilling commence immediately in Alaska, North Dakota, the western states, and oil shale must be processed, too! If the oil companies need an incentive, simply tell them to choose between paying a huge windfall profits tax or invest that money in drilling immediately!"

"It is time for Congress to implement a program, which allows for the exploration of America's energy sources without being overly concerned about the environment. Yes, we should be concerned about any reckless exploration, and not permit such folly, but remember, you have asked the balance of the world to drill, while overly protecting our environment . . . and yes, to our detriment. Because of you our economy and citizens suffers—suffering needlessly! Because of Congress' inaction, for years, Congress has put this nation in a position whereby OPEC and speculators can, and do, extort exorbitant prices for oil out of this nation!"

"And, about the 'excuse' that it will take a few years to get the oil into the pipeline. [With the many years of foot-dragging, our country is paying dearly for inaction.]

"As you very well know, once this country commences drilling, seriously, for oil . . . and we do have a huge supply, the price will immediately drop, and then we will be on the road to becoming self-sufficient! Yes, if we announced that we were going to drill in the gulf, in Alaska, in North Dakota and in our western states, as well as process oil shale, the price of oil would drop 50 to 70 dollars a barrel overnight!"

"Inaction has cost this country dearly, and our economy suffers because of it—but, even worse, the working man is finding it difficult to make ends meet! You must stop playing petty, partisan politics and put our families, the citizens of this nation, and the welfare of our country first!"

"We need to drill on land and sea, wherever the oil may be!" . . . Now! No more excuses!

BRUCE.

After having read the stories on your site, and myself feeling the same pain, I would just like to ask a few questions. One, what is our current president doing? [While he may not have financial worries, he needs to pay attention to the rest of the country.] Two, what are all of you politicians, senate leaders and other elected officials doing to help solve all of these problems in our country. And I mean what are you doing about it, not just talking about what could be done. I could tell my story, but it would be the same as all others. Pretty soon none of us will be able to afford to drive to work, except of course the bigwig making all the bonus bucks execs at the oil companies. Pretty soon we will not have to worry about how many overweight people there are in our country because people will not be able to feed themselves. We will become one of the foreign nations with starving people living on the streets and killing children because people cannot afford to have a family. I am sure the suicide rate is going up as we speak. So I am asking you along with all other elected officials, please do something! Take action! Let us know there is hope!

LYNN, *Star.*

This is the 3rd response I have sent to you in regards to saving energy. I want you to know that we have several new long-haul trucking companies using the Ferox Fuel Tabs with great success. I am enclosing one of the testimonial trial runs for your view. Ferox is different from anything on the market as it is a catalysis and was developed in 1986 from work done on experimental burn rate modifiers for solid rocket propellant systems use in the aerospace industry. With a near 100% burn rate, significant changes in normal circumstances change for the better: Increased gas mileage up to 20% or more; emissions are reduced by 95% (this is as green as you can get for the environment); oil life is extended by 80%; horsepower increased by 15%; octane requirements are reduced and it is very easy to use, cost can get as low as .07 cents per gallon. This is as professional product as it can get having been used in the commercial industry for more than 20 years with documented success. If everything I am saying is true, why would you not give it some attention so you can see for yourself. I realize there are many out there that are claiming something similar, but many questions remain as to them working as they claim. This one is for real and would make a tremendous difference in many respects. Please respond as I would like to know where to go from here to try to help make a difference.

GORDON, *Twin Falls.*

I am a student at Brigham Young University of Idaho. Each summer I take the time to earn money for education and reduce my amount of loan-borrowing. The city of Rexburg is rather small and has a shortage of job opportunities for college students. Naturally, many students in my same situation seek employment in Rigby or Idaho Falls. The commute may only be about 30

miles. Nonetheless, after the cost of gasoline was subtracted from my paycheck, it was barely worth commuting out of town. This year I intend to work within Rexburg in an effort to save money on gas. I hope to make slightly more than minimum wage, but that is negotiable to circumstance. As was mentioned in national news, many BYU-Idaho students donate their plasma to help pay for groceries, dates and, of course, gasoline. Many of my friends donate plasma on a weekly basis. I suppose this is one way to buffer the effect of gas prices now, but it can only last so long. It is also unfortunate for those whose health impedes them from selling their plasma. It is ridiculous to think of how much money I spend at the pump on my little Honda Accord. I do not know how some people afford to drive their huge SUVs or trucks! I am starting to worry because the prices do not appear to be stopping or slowing. Not every semester of classes will allow for an evening job due to their academic rigor and demand of time. Education remains very expensive even after receiving government financial aid (which, by the way, I am very grateful for). Bottom line, the price of gas is really hurting me and my classmates. Thanks for listening.

MATTHEW, *Rexburg.*

Our energy independence is easily bought by reducing the usage, or waste. We as Americans drive around in our SUVs and pickups when there is no need to do so, we have only one person in a vehicle and it is a huge waste of energy to drive it helping only the ego of the person driving it. We would do a lot better if we had some sort of mass transit and drove smaller cars instead of some huge dinosaur eating toy. If a person wants to drive that sort of vehicle it is up to them to pay the penalty for it.

As far as gas prices go I personally would not mind to pay five dollars a gallon if a much larger percentage of the cost of the fuel was a tax that went straight toward a mass transit system to get us all where we need to go in an efficient manner, it is done in Europe so it is possible here!

As for all those complaining about the high fuel prices, buying a vehicle that gets poor mileage is like not putting money in the bank for retirement or hard times. You reap what you sow!

Maybe we should do a better job educating to enable people to be able to think through a decision.

JOHN, *Meridian.*

Our lives are suddenly controlled by the energy prices we have to pay. Our summer vacations consist of going 200 or 300 miles to see our children and grandchildren. We are not extravagant and travel frugally. This summer our trips have been slashed in half or more because we cannot afford the gas to get there. We filled our propane tank to be prepared for winter, and are already \$1000.00 in debt for heating. This amount will not last all winter, by February or before we will need to fill it again, that is if it is a mild winter. Our heating bill has tripled in the last year and a half. Our food bill has gone up at least one third. We have to drive 8 miles one way to work; we have to have money for gas to get to work, so everything else has to go. We are trying to find ways to cut back on other things, because we do not have enough money to reach the end of the month.

We need to have common sense regarding our energy resources. We can develop fuel sources and be smart about it at the same

time. Our dependence on foreign oil has got us around the throat.

ARLENE.

You know all the stories that us Idahoans could send you would not make any difference. The difference will be when the elected officials of this country start doing the right thing for the American public. Only you and the other elected officials can put a stop to all the hullabaloo that is going on at our nation's capital.

It has been said time and time again that a democracy can only last a couple of hundred years until [corruption takes root]. I think we are pretty close to that now. We cannot even take care of the American citizens properly!

JACK, *Idaho Falls.*

I thought you would like to know of our experience with the increasing prices of gasoline and how our family has been affected. A few months ago my husband was diagnosed with esophageal cancer. We live in a small farming community with the nearest center for chemotherapy and radiation being just over 100 miles round trip. His cancer treatment was administered five days per week for 6½ weeks. We had to make this 100-plus mile trip Monday through Friday 28 times. As if the financial burden of the medical treatment and the loss of work was not enough, the price of gasoline did not help. We spent well over \$500 on fuel to drive him to receive his cancer treatments. Although he is finished with the treatment he will have several follow up visits over the next few months. There is no public transportation in this area, and the rising cost of fuel makes it difficult to want to leave your home! I sincerely hope that a solution can be found to lower the cost of fuel and make life affordable once again.

AMBER, *Grace.*

ADDITIONAL STATEMENTS

CONGRATULATING WINNERS OF CORPORATE-SPONSORED NATIONAL MERIT SCHOLARSHIPS

• Mr. BUNNING. Mr. President, today I pay tribute to Kentucky students who have received corporate-sponsored National Merit Scholarships. The National Merit Scholarship Program presents this award to over 1,000 high school seniors and I am very proud that eight recipients of this award reside in the Commonwealth of Kentucky.

The corporate-sponsored scholarships are a partnership between the National Merit Scholarship Corporation and local companies who wish to support students in their communities. In order for a student to receive a corporate-sponsored scholarship the student must advance to the finalist level of the National Merit Scholarship competition and meet the criteria set forth by their individual corporate sponsor.

The eight students from Kentucky who received this award are Meaghan M. Sanders of Assumption High School, Austin C. Brownlow of Kentucky Country Day, Allan J. Hsiao of DuPont Manual High School, Victoria

Greenstone of Sacred Heart Academy, Matthew R. Seabold of St. Xavier High School, Elliott W. Rosenberg and Kyle R. Rosenberg of Paul Laurence Dunbar High School, and Matthew S. Miller of Beechwood High School.

I hope my colleagues will join me in congratulating these students on their outstanding achievement. It is students like these who will provide Kentucky and the United States with our leaders of tomorrow.●

REMEMBERING COLONEL JOHN L. HOWLETT

• Mr. CRAPO. Mr. President, today I would like to recognize a man who lived a life of honor, serving his country, his community and his family. John Leo Francis Howlett, Ph.D., U.S. Army, retired, served our country in the Army for 30 years and retired at the rank of colonel. Dr. Howlett served in Vietnam and then in the Army Officers Reserves. Upon completion of his Active Duty time, Dr. Howlett obtained his Ph.D. in education and became involved in his community through teaching at the college level, first in Michigan and Wisconsin, and then Washington State, Oregon, and Minnesota. He returned to Spokane, WA, where he finished out his teaching career and retired in 1999.

While vocation tends to determine our geography, our lives are defined by our character. Dr. Howlett was a man of strong faith, high integrity, commitment to challenges, and a true family man. It is said that he never missed a game, meet, tournament or even practice in the sports lives of his five children. He taught his children to respect our tremendous natural resources and imparted his love of hunting, fishing, sailing, and camping to them. The example he set—high achievement, attaining goals, and excellence—lives on in the lives of his children, all high achievers and highly educated in their own right.

John managed to fight the cancer that took his life for 5 years, and passed on July 4, 2005. His son, Mark, described his father thus: "In today's world this is what America needs, a hard working patriot that believed in family, his country, and bettering the children of tomorrow. He was one of a kind, a family man, outdoorsman, husband, father, brother, son, teacher, coach, Catholic and most importantly my best friend!"

I am honored to reflect on this life well-lived.●

REMEMBERING MIDGE MILLER

• Mr. KOHL. Mr. President, on April 17, Wisconsin bid farewell to a pioneer in politics. Midge Miller was a remarkable woman, and I want to take a few moments to honor her service, her activism, and her extraordinary spirit.

Midge arrived in Madison, WI, in 1957. By that time in her young life she had served as a missionary in Japan after the bombing of Hiroshima and Nagasaki, had lost her husband to a tragic shipwreck, and was about to begin graduate school in Madison. She was also the mother of four young children.

She went on to serve as assistant dean of UW's College of Letters and Science, one of Wisconsin's most effective State senators, a 9-year member of the Democratic National Committee, and a founder of the National Women's Political Caucus. Along the way she found time to volunteer for a host of causes, all of them aimed at advancing peace and equality and giving hope to people who too often found themselves outside the "system." She defended civil liberties, expanded civil rights, protected the environment, and fought for consumers.

Always mindful of her many roles, Midge could all at once be a remarkable leader, active constituent, and a responsible steward of everything, and to everyone, she touched. When the phone rang and her gentle voice came through on the other end, no matter on what subject or cause, listening, learning, and being compelled to action were the only obvious responses when she was finished with you. From my first days in office right up until recently, Midge was always there to advise me but also hold me accountable. She showed her loved ones in her family and those she came to love in her community what it meant, in the words of Gandhi, to be the change we want to see in the world. Countless people, especially women in our State, credit her for the opportunities and inspiration she provided that helped them reach their potential.

She was an extraordinary mentor, motivator, and mother. She was tireless and tenacious. She never lost her zeal to make the world a better place. Throughout her life, Midge Miller exemplified public service, social responsibility, goodness, and grace. For all those reasons and many more, I am honored to have known Midge Miller and send my heartfelt condolences to her family.●

● Mr. FEINGOLD. Mr. President, it is with great sadness that I remember a good friend, a great Wisconsin progressive, Midge Miller, who recently passed away at age 86.

Midge was famous for many things, including her vital work on Eugene McCarthy's Presidential campaign, her efforts to help found the National Women's Political Caucus and the Madison Institute, and her service on the Democratic National Committee, in addition to her many years of service representing the west side of Madison in the Wisconsin State Assembly. Above all, though, Midge was known for who she was rather than the many things she accomplished. She was, very

simply, a force of nature. Midge was a dynamo who was always striving to do more and to get those around her to do the same. That was why she was loved by so many and why she will be so greatly missed.

I was proud to serve with Midge in the State legislature, where she was a legendary figure. She was a true reformer, a role model, and a treasured colleague. When I arrived in the State Senate as a young legislator, Midge was always complimentary and supportive, which meant a great deal to me. At the same time, in true Midge fashion, she never failed to give me either additional work or a reading assignment. It was that determination to keep working for change, and to make sure that the rest of us were working for change alongside her, that truly made Midge one of a kind.

Midge was an outstanding representative for the people she served. In the State assembly, she used the skills she had honed from her work on the McCarthy campaign, advancing women's rights, and as a leader in the Democratic Party, to great effect. She was a terrific ally, a formidable opponent, and an unfailing advocate for the people she represented. And, in the end, she didn't just represent the west side of Madison, she represented all who care about economic and social justice, and the countless other causes she championed.

As I make this tribute to Midge, I am particularly proud of the way she represented what is best about our State's progressive tradition. She was absolutely committed to making democracy work for everyday people, people who deserve a decent wage, safe working conditions and good health care, and who deserve to be treated equally, no matter their gender, their religion, or the color of their skin. Her values were the progressive values that have helped to strengthen our State, and the Nation, for more than a century.

Like so many Wisconsinites, my thoughts are with Midge's wonderful family, as people across the State and across the country mourn her loss. We are so fortunate that Midge devoted her tremendous energy, devotion and skill to bettering all of our lives. I am grateful to have known Midge Miller, and I am honored to pay tribute to her today.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 895. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

S. 896. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. DURBIN, and Mr. SCHUMER):

S. 895. A bill to prevent mortgage foreclosures and enhance mortgage credit availability; read the first time.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. SCHUMER):

S. 896. A bill to prevent mortgage foreclosures and enhance mortgage credit availability; read the first time.

By Mr. HATCH:

S. 897. A bill to limit Federal spending to 20 percent of GDP; to the Committee on the Budget.

By Mr. SANDERS:

S. 898. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 437

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 488

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974,

and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 491

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mr. THUNE, his name was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 677

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 677, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 738

At the request of Ms. LANDRIEU, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 812, a bill to amend the Inter-

nal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 827

At the request of Mr. ROCKEFELLER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Mississippi (Mr. WICKER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. CON. RES. 18

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 18, a concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

AMENDMENT NO. 1007

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 1007 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 897. A bill to limit Federal spending to 20 percent of GDP; to the Committee on the Budget.

Mr. HATCH. Mr. President, I rise today to introduce the Limitation On Government Spending Act of 2009. This legislation will set limits on the amount of Government spending in comparison to the Nation's gross domestic product.

Abraham Lincoln once said, "You cannot keep out of trouble by spending more than you earn." While we remain in an economic recession, the Obama administration continues to spend our way out of it, disregarding the future consequences.

As we continue on this route of reckless government spending, we continue to increase our debt that will be passed down to our children, grandchildren,

and many generations to come. The only way to repay this debt is to increase taxes. That is why I believe it is so important that we restrict ourselves from spending too much, especially during this economic recession.

At a time when Utahns and Americans are tightening their wallets, this budget grows the size of Government, excluding nondefense-related spending in just 2 years by 22 percent.

Many Americans, as demonstrated last week through TEA parties, are asking if this Government spending will ever stop. After trillions for bailouts and other Government spending, this budget makes no hard choices to reform runaway spending.

I keep hearing my friends on the other side of the aisle eagerly point out that President Bush never vetoed a spending bill. While I may agree that the former President should have restricted more in Government spending, President Obama's budget spends more than President Bush's did every year, even after adjusting for inflation.

Furthermore, the spending in this budget is so massive that independent estimates suggest roughly 250,000 new Government bureaucrats may be needed to spend it all. While President Obama would like to claim this as job growth, I think this is a false sense of economic recovery. Long after our economy has hopefully recovered, we will need to continue financing these new 250,000 new Government bureaucrats through, you guessed it, more Government spending.

My Republican colleagues want to work with the President to improve the economy. This should be done by focusing on the issues that are hurting Americans the most. Fixing housing, reforming financial markets, developing clean energy and providing affordable health care are all common goals that both sides of the aisle share. But President Obama's European-style approach to achieve these goals is to socialize America—to spend, spend, spend and not worry about the enormous price tag it will leave.

If you look at the proposed budget, you can see the reckless spending. This budget increases discretionary spending by \$490 billion over 5 years, and it promises much more spending than that—\$1.3 trillion over 5 years—through 27 reserve funds. The total spending in this budget is \$3.9 trillion in 2009, or 28 percent of GDP, the highest level as a share of the GDP since World War II. This is absurd.

How can we tell the American public, who are budgeting themselves and making sacrifices, that we are going to spend our way out of this, then come back to them and tax them until they are back in the same position? It is ludicrous.

We are moving toward what I call the Europeanization of America. To understand what I mean, it is helpful to compare European countries' total government spending as a percentage of GDP with our Nation's Government spending. In France, for example, government spending is close to 50 percent of GDP. England's government spending is roughly 44 percent of GDP. In Germany, government spending is 45 percent of GDP. In the US Federal Government spending has been around 20 percent. However, to accurately compare the US to European nations, it is necessary to include state and local spending. Once that is factored in, US Government spending exceeds 37 percent of GDP, and that is before President Obama's stimulus package and budget for this year are taken into account. Thus, it is almost a forgone conclusion that by the end of this year, total government spending in the US will be in line with most European governments. Do we really want to move toward this Europeanization of America?

Despite what you may hear, trivial attempts to cutback will not make an impact on Government spending. This past week, President Obama admirably asked his administration to trim \$100 million in Government spending. While this amount would be significant a century ago, it doesn't do much today to reduce government spending. This cut would amount to just 1/400 of 1 percent of total Federal spending for fiscal year 2009. The Federal Government spends \$100 million about every 13 minutes. So, while President Obama's restraint on Government spending is admirable, it is just a drop in the bucket for what we really need to achieve.

It is time for us to take a stand on Government spending. We need to show self-discipline when dealing with Government spending. Since World War II, Federal spending has been between 18 and 22 percent of GDP. I am calling upon my colleagues to restrict Government spending to the historical average of 20 percent. This limitation may be waived by an approval of 3/5 of members of this body.

It is time that we restrict government spending. It will cause us to make some tough decisions about what is really important. One thing is certain, we cannot continue down the path we are headed. We owe it to our children and grandchildren to change course and get back on the path to fiscal sanity.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy

and Natural Resources. The business meeting will be held on Thursday, April 30, 2009 at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the business meeting is to consider the nominations of Kristina M. Johnson, to be the Under Secretary of Energy, Steven Elliot Koonin, to be the Under Secretary for Science, Department of Energy, Ines R. Triay, to be an Assistant Secretary of Energy, Environmental Management, Hilary Chandler Tompkins, to be Solicitor of the Department of the Interior, and Scott Blake Harris, to be the General Counsel of the Department of Energy. The Committee may also consider legislation on a Renewable Electricity Standard and on Siting of Interstate Electric Transmission Facilities.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

MEASURES READ THE FIRST TIME—S. 895 and S. 896

Mr. REID. Mr. President, I understand there are two bills at the desk, and I ask for their first reading, en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 895) to prevent mortgage foreclosures and enhance mortgage credit availability.

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Mr. REID. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be read for the second time on the next legislative day.

MODIFICATION TO ORDER FOR CLOTURE VOTE

Mr. REID. Mr. President, I ask unanimous consent that the order with respect to the cloture vote on Monday, April 27, be modified to provide that the vote occur at 5:20 p.m., with rule XII, paragraph 4, waived, and that the hour for debate prior to the vote begin at 4:20 p.m., with all other provisions remaining in effect. We will act as if the vote started at 5:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS HISTORY PROJECT ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 586.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 586) to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 586) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, APRIL 27, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, April 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 4:20 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. I also ask unanimous consent that following morning business, the Senate resume consideration of S. 386, the Fraud Enforcement Act, and all orders previously made remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, the time from 4:20 p.m. to 5:20 p.m. on Monday will be equally divided and controlled between the two leaders or their designees. At 5:20 p.m., the Senate will proceed to a cloture vote on the fraud legislation.

ADJOURNMENT UNTIL MONDAY, APRIL 27, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:55 p.m., adjourned until Monday, April 27, 2009, at 2 p.m.

SENATE—Monday, April 27, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Holy God who inhabits eternity, lead our lawmakers with Your might. Help them to not run ahead of You or ignore Your wisdom. Lord, restore their spirits with trust and hope and order their steps toward Your desired destination. Keep them calm in the quiet center of their lives so that they may be serene in life's swirling stresses. Fill them with the peace that comes from keeping their focus on You. Help them to listen to others as attentively as they want others to listen to them.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 4:20 today, with Senators to be allowed to speak for up to 10 minutes each.

We moved the vote to 5:20 for a couple of Senators. No one will miss the vote. We will act as if the vote started at 5:30 rather than 5:20.

Following morning business, the Senate will resume consideration of the Fraud Enforcement and Recovery Act. At 5:20, there will be a vote on cloture in relation to that legislation. Under an agreement we reached on Thursday, if cloture is invoked all pending amendments will be disposed of and the vote on passage of the bill will occur at noon tomorrow. All pending amendments are not germane to the bill and therefore all fall under rule XXII, if cloture is invoked.

MEASURES PLACED ON THE CALENDAR—S. 895, S. 896

Mr. REID. Mr. President, there are two bills at the desk due for a second reading, I am told.

The PRESIDING OFFICER. The clerk will read the titles of the bills the second time.

The legislative clerk read as follows:

A bill (S. 895) to prevent mortgage foreclosures and enhance mortgage credit availability.

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Mr. REID. Mr. President, I object to further proceedings with respect to these bills, en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

FRAUD ENFORCEMENT AND RECOVERY ACT

Mr. REID. Mr. President, every day brings more bad news for American homeowners. In Las Vegas alone, 1 in every 22 families received a foreclosure notice between January and March. That is seven times the national average. All across the country, the numbers have skyrocketed since the beginning of the year. As foreclosures menace more and more hard-working

homeowners, they become more desperate for help. Unfortunately, schemers, swindlers, and scam artists are all too happy to pounce. Just today it was announced that the Justice Department charged five people in Maryland with orchestrating a massive and complex mortgage fraud scheme. The company cheated more than 1,000 people out of more than \$70 million. There would be more of these cases filed if the authorities had more resources to do so.

This week, we are going to vote on the Fraud Enforcement and Recovery Act. This bill provides critical funding and new tools to let law enforcement prosecute and punish those responsible for the mortgage and corporate frauds that have hurt countless hard-working Americans and led to the worst financial crisis in decades. Passing this bill will be a crucial step toward deterring the types of financial fraud and illegal manipulation of markets that are the root cause of the current economic crisis.

Law enforcement agencies charged with protecting the American people from financial fraud are chronically understaffed. These agencies are in desperate need of personnel to help them because these schemes, such as the one I mentioned in Maryland, are ones where people have to be involved. You just can't do this working out of some office. We need investigators, we need prosecutors, we need personnel with specialized knowledge who can investigate and prosecute complicated money-laundering schemes, mortgage fraud, and conspiracies to manipulate derivatives. The Fraud Enforcement and Recovery Act will give the FBI, the Department of Justice, and other Federal agencies the resources to hire the help they need to protect American investments. It will also close several legal loopholes that otherwise may allow individuals guilty of criminal conduct to evade prosecution. Individuals who have engaged in corruption or deliberate criminal behavior should not be able to escape punishment on a technicality.

This bill would update Federal fraud statutes to include mortgage lending businesses that are not directly regulated or insured by the Federal Government. Although these companies were responsible for nearly half of the residential mortgage market before the economic collapse, they have remained largely unregulated. It would also protect the funds provided under the economic recovery plan and the Troubled Asset Relief Program and swiftly punish anyone who would attempt to misuse this money.

Finally, this bill will strengthen the False Claims Act, one of the most important civil tools we have for rooting out fraud in Government. In the last few months, we have taken strong steps to steer the American economy toward recovery, but we must do more. We must ensure that the money we are spending to get our economy back on track is used in the manner in which we intended it.

The American people are depending on us to act quickly to ensure that those whose criminal behavior caused the current financial crisis are brought to justice and to ensure law enforcement has the tools and resources to deter such conduct in the future. We cannot allow con artists to cheat working families who play by the rules. We cannot allow them to deceive those who make an honest living. We cannot let them steal from people who seek nothing more than their fair share of the American dream.

I would like to spread across the record here what terrific work Senator LEAHY, the chairman of the Judiciary Committee, has done—and members on his committee. This is important legislation. The wise nature of Senator LEAHY and his experience have allowed this bill to be reported out of that big committee, and it is going to pass tomorrow. I commend and applaud Senator LEAHY for his good work. It is something the country has badly needed. It is long overdue, but it is certainly ripe for passage now.

I urge my colleagues to support the Fraud Enforcement and Recovery Act and protect struggling homeowners at the time they need it the most.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

U.S. FOREIGN POLICY

Mr. MCCONNELL. Mr. President, America faces many serious challenges, not only at home but abroad. I was reminded of that fact in a vivid way during my own recent trip to Iraq and to the broader Middle East. I was reminded of it as I followed, with great interest, the President's recent trips to Europe and South America as well as some of his recent decisions relating to the shape and spirit of U.S. foreign policy.

What these trips and decisions have shown many of us is that looking forward we would do well to reaffirm some basic foreign policy principles that have served America well in the past; namely, that our security and our prosperity rely on a strong national defense, both militarily and with regard to the gathering of intelligence, and that America must honor its commitments to allies and alliances. This

afternoon, I would like to take a few moments to explain why these principles are so important. I would also like to outline a few of the areas where I agree and where I respectfully disagree with the foreign policy decisions the new administration has made.

I will begin with the praise. In my view, the President admirably followed the principle of maintaining and employing a strong defense when he accepted the advice of his military commanders to withdraw U.S. troops from Iraq based on conditions on the ground, not political calculations. He followed this principle again by pursuing in Afghanistan the same counterinsurgency strategy that has worked in Iraq. The administration deserves credit for both decisions. I have not been hesitant in giving it that credit.

The next step, of course, is to keep our forces ready. In order to do so, the Senate must pass the administration's supplemental spending request to train and equip the armed services. This is a spending request I will support.

Unfortunately, the administration erred when it selectively declassified a number of so-called CIA interrogation memos almost in their entirety. The choice on this issue was clear: Defend career intelligence professionals or reveal to al-Qaida terrorists the interrogation methods they can expect to face if captured.

The administration chose the latter. That was a mistake. It would also be a mistake for the administration to pursue or condone the kind of protracted investigation that some have proposed into intelligence-gathering efforts after the 9/11 attacks.

Some of the President's own advisers have warned that such an investigation would only serve to demoralize the intelligence community and, therefore, weaken its ability to protect the American people. Moreover, the President himself has repeatedly said America must use all the tools in its arsenal addressing problems we face, including, presumably, the ongoing threat of Islamic terrorists.

Weakening our tools of intelligence through an investigation of the intelligence community and other key decisionmakers would, by definition, make that pledge impossible to fulfill. It would also serve to divide us, I fear, at a time when we must continue to present a united and determined front to our known enemies.

In my view, the Commander in Chief has an obligation to unify the country while we are at war and at risk. Looked at in this context, attacking each other on these issues is not only counterproductive, it is actually dangerous. It is important to remember we are still very much engaged in a global fight against terror, and as long as that fight continues, a strong, ready defense will require strong support for an intelligence community that is uniquely

equipped to deal with many of the problems that arise in this fight.

At a time such as this, hampering the vital work of our Nation's intelligence professionals is exactly the wrong thing to do. I have already openly and repeatedly expressed my disagreement with the administration's approach on Guantanamo. Americans would like to know why they are preparing to transfer prisoners involved in the 9/11 attacks either to facilities that are outside our control entirely or here in the United States. They want assurances the next detention facility, or the country to which they are transferred, keeps them as safe as Guantanamo has.

So far, the administration has not been able to provide those assurances. Its only assurance is that Guantanamo will close sometime within the next 9 months. To achieve that goal, the administration has asked Congress for \$80 million in the upcoming supplemental war funding bill. In my view, Congress would be shirking its duties if it were to approve these funds one second—one second—before we know exactly what the administration plans to do with these terrorists.

News reports over the weekend suggest the administration is very close to announcing the release of a number of detainees into the United States, not to detention facilities but into the United States, directly into our communities and neighborhoods right here on U.S. soil.

Virtually every Member of the Senate is on record opposing the transfer of detainees to U.S. soil, even if it only meant incarcerating them in some of our Nation's most secure prisons. We had that vote a couple years ago, 94 to 3. The presumption was that they would be coming to the United States and incarcerated, not free. The Senate expressed itself 94 to 3 against such a release.

Until these new reports emerged, no one had even ever contemplated the possibility of releasing trained terrorists into American communities. It never occurred to anyone. If the administration actually follows through on this shocking proposal, it will have clearly answered the question of whether its plan for the inmates at Guantanamo will keep America as safe as Guantanamo has.

By releasing trained terrorists into civilian communities in the United States, the administration will, by definition, endanger the American people. Moreover, by releasing trained terrorists into the United States, the administration may run afoul of U.S. law, something that was pointed out to us by the Senator from Alabama some weeks back. Many were unaware that such a release might actually violate U.S. law, and I believe the Senator from Alabama will have more to say about that shortly.

That law presumably would prohibit admission to the United States of anyone who has trained for, engaged in, or espoused terrorism. Before any decision is made that will affect the safety of American communities, the Attorney General needs to explain how his decision will make America safer and whether this decision complies with U.S. law.

I also disagree with the administration's recent pledge to ratify the Comprehensive Test Ban Treaty, a treaty that we have voluntarily abided by for years. Before the President rushes to fulfill this goal, America needs assurances that our nuclear stockpile is both reliable and safe. As our nuclear stockpile ages, the assurance becomes increasingly important. There are only two ways to ensure the safety of our nuclear stockpile: through actual tests or by investing in a new generation of warheads. At the moment, the administration is not willing to do either. When it comes to deterrence, this represents a serious dilemma.

As Defense Secretary Gates has said:

There is absolutely no way that we can maintain a credible deterrent and reduce the number of warheads in our stockpile without resorting [either] to testing our stockpile or pursuing a modernization program.

As we seek to keep our defenses strong, we must also be careful to keep our commitments to our allies and friends, particularly in the Middle East and in NATO. After all, what good is an alliance if one of its members cannot be trusted to uphold its end of the bargain. If America cannot be expected to keep its word, we cannot expect others to keep theirs.

Now, our NATO allies need to know we will not walk away from missile defense or rush to reduce our own nuclear stockpile in the misguided hope of securing a promise of cooperation from Russia with respect to Iran. The notion that the key to containing Iran lies with Russian cooperation is not new. But it has repeatedly proven to be futile. The previous administration pursued the path of cooperation in the form of the Nuclear Cooperation 123 Agreement, and Russia did not end its arms sales to Iran as a result.

I might add, that treaty was subsequently withdrawn. We should learn from our mistakes, not repeat them. This means that as we engage the Russians, we must also do so as realists. The newer members of the NATO alliance must know the United States will not help Russia carve out a new sphere of influence in the 21st century to match the one it had in the second half of the 20th century.

The administration should be equally realistic in its dealings with Iran. It must make perfectly clear that pursuit of nuclear weapons is unacceptable. This means explaining to our friends and to our foes that the pursuit of such a program will have consequences.

Israel and a number of moderate Arab regimes have all risked a great deal in confronting Islamic extremism. We need to assure every one of them that the administration's negotiations with Iran will lead to real results.

The challenges we face abroad will require much patience and endurance, as they always have. Efforts to improve our image abroad are a part of that. But we should not overvalue the power of personal diplomacy in overcoming problems that have been with us for years. We saw this recently with Iran. In response to the administration's offer of a new era of engagement that is honest and grounded in mutual respect, Iran convicted an American journalist to 8 years in jail after a secret trial and accused the United States in an international forum of conspiring to create Israel on the "pretext of Jewish sufferings."

The administration offered respect, and Iran responded with contempt. Iran continues to fund terrorist organizations such as Hezbollah and Hamas, and there is little evidence that any incentive can keep the Supreme Leader of Iran, Khamenei, from pursuing a nuclear weapon.

Iran must be deterred.

Then there is Cuba. In response to the administration's proposal for a "fresh start" in our relations with Communist Cuba, Fidel Castro said the new administration had confused his brother Raul's reaffirmation of the Cuban Revolution and its principles for an openness to discussing Democratic reform.

As far as fresh starts go, this was not particularly encouraging to me, nor was it likely to encourage the 11 million Cuban citizens who continue to be denied any basic human right, the thousands of Cubans who, according to the State Department, are forced to serve jail sentences without even having been charged of a specific crime or human rights advocates who face arbitrary arrest, detention, and the denial of a fair trial.

What about Venezuelans who face arbitrary arrest and detention and who cannot expect a fair trial? It is unlikely they would cheer by the new administration's warm embrace of a man who oppresses them. Imagine the signal this sends to those in Venezuela and throughout the world who are fighting for the freedom and Democratic reforms and who expect the United States to defend and to protect their efforts in our dealings with friends and foes alike.

Similarly concerning is the increasing reliance on special envoys. The administration has rushed several of those envoys, all fine public servants, to foreign capitals. Yet none of them were subject to Senate confirmation or are answerable in any way to Congress. I see by the morning paper they require considerable staff.

These envoys face significant challenges, from divides among the Palestinian people to the growth of the Taliban inside Pakistan. During their negotiations, these envoys are likely to make commitments that Congress will be expected to fulfill or fund, but Congress cannot be expected to simply hand out funds to support negotiations we know nothing about. These special envoys should be accountable to Congress.

Every American President from George Washington to the current day has struggled to balance America's interests with its ideals. This is something Americans have long accepted. But the rush to initiate fresh starts with old adversaries or to find quick solutions to the many complex problems we face is not always advisable when it comes to advancing our long-term interests or in preserving and strengthening alliances or our relationships with allies.

Republicans will have many reasons to stand with the President in the months and years ahead. But we will not be reluctant to remind them of some of the principles that have served us well in the past or to speak out against decisions with which we respectively disagree.

As we wage two wars overseas, we must be sure to maintain strong relations with our allies.

Some days they will need us. Some days we will need them. But in a dangerous world, these vital relationships must be preserved. We must also preserve the dominance of the U.S. military in the near term and in the long term. And any arms control agreement sent to the Senate must be verifiable and clearly in the national interest.

These are principles all of us should agree on and all of us should be eager and able to defend. Our allies deserve to know that we will be guided by them, and so too, I believe, do the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business until 4:20 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Alabama.

CONCERNS ABOUT RELEASE OF GITMO DETAINEES

Mr. SESSIONS. Mr. President, I thank Senator McCONNELL for his leadership on the issue of securing the

peace and security of the United States of America and the challenges we face in this very difficult world. I am pleased it was he who offered a resolution not long ago that passed 94 to 3 to say that those terrorists we have in Guantanamo should not be released into the United States. It passed this Senate 94 to 3.

So I was alarmed on Friday to see a report in the Los Angeles Times by Julian Barnes, the first line of which said:

The Obama administration is preparing to admit into the United States as many as seven Chinese Muslims who have been imprisoned at Guantanamo Bay in the first release of any of the detainees into this country, according to current and former U.S. officials.

The Times report was followed by an Associated Press story over the weekend entitled "Holder Close to Making Decision on Gitmo Detainees"—Holder being Attorney General Eric Holder—which detailed an emerging plan to release a group of Uighurs held at Guantanamo into the United States, possibly northern Virginia.

Three weeks ago, on April 2, 2009, I wrote the Attorney General. I am a member of the Judiciary Committee, and I served in the Department of Justice for 15 years. I wrote Mr. Holder on exactly this issue, to explain my concerns about the serious national security and legal issues raised by any proposed release of Guantanamo detainees. In my letter I explained that the 17 Uighur detainees currently held at Guantanamo "received military training, including firearms training, in terrorist camps in Afghanistan for potential terrorist actions against Chinese interests."

I further explained that Federal law, specifically title 8 United States Code section 1182(a)(3)(B), clearly prohibits the admission of any alien—and they are all aliens—who has engaged in various forms of terrorist activity or training, including military type training "from or on behalf of any organization that, at the time the training was received, was a terrorist organization."

The Uighurs at Guantanamo received military training, including on AK-47s, at camps run by the Eastern Turkistan Islamic Movement, which has been designated as a terrorist organization by both the United States and the United Nations since 2002. Accordingly, under the clear letter of Federal immigration law, these detainees are not eligible for admission into the United States. In my letter I called upon the Attorney General, whom I supported for that job and have respect for, to explain "what legal authority, if any, you believe the administration has to admit into the United States Uighurs and/or any other detainee who participated in terrorist-related activities covered by Section 1182(a)(3)(B) [of the federal immigration law]." He has not responded in any way. I am a member of the Judiciary

Committee. That was a respectful and proper request I made. I have not heard from him at all. Yet we are reading in the paper that there is a plan afoot to allow this release.

The current stories in the Times and the Associated Press suggest that the administration is knowingly and willfully acting contrary to law and to the will of Congress and doing so on a matter that is directly at odds with our Government's obligation to keep America's communities safe from dangerous terrorists and militants.

Let me say, the Attorney General has a responsibility to uphold the law and protect civil rights. But I would say this, the primary responsibility of the Attorney General of the United States is to ensure that decent people who follow the law are protected from criminals and terrorists and those who would do them harm. If he is not the one who is going to lead the effort to protect us from those who would harm us, who is? Sometimes I wonder what they think their goal is.

So some will claim that the Uighurs held at Guantanamo are not dangerous because the courts and previous administrations agreed that these individuals are not enemy combatants against the United States. But this argument overlooks the fact that the Uighurs aren't deemed enemy combatants against the United States because the organization they were affiliated with, the Eastern Turkistan Islamic Movement, is not closely associated enough with al-Qaida or the Taliban to justify that determination. But make no mistake about it, these detainees are trained militants with ties to a terrorist organization, albeit one targeting Chinese interests rather than American interests. They should not be ushered into American communities by this administration.

The Los Angeles Times story from last week illustrates the danger these detainees pose:

Not long after being granted access to TV, some of the Uighurs were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials.

According to the news story, the officials at Guantanamo had to censor the TV shows and showed only pretaped programs that wouldn't offend the Uighurs. If these detainees cannot handle mere televised depictions of Western culture without violent outbursts, why are we releasing them into our towns and communities? Even though this seems like an obvious question, this administration seems to have little concern over it. Rather than sounding alarm bells, the Director of National Intelligence Dennis Blair proposed releasing the detainees with some form of welfare subsidy. In comments in March, Admiral Blair agreed that "[y]ou can't just put them on the

street." But his solution was not to continue detention or to release detainees to their home countries or to China, which wants them. Rather, he said, "If we are to release them in the United States, we need some sort of assistance for them to start a new life."

So this administration seems more concerned about the welfare of the dangerous militants, frankly, than it does about the real safety concerns of the American people and of the views of the citizens of our country who, by overwhelming polling data, oppose the release of these Guantanamo inmates into the country. According to an April 3, 2009 Rasmussen Reports survey, 75 percent of U.S. voters oppose the release of Guantanamo inmates into this country. A similar number—74 percent—oppose providing public assistance to any Guantanamo detainees who might be released.

So what is surprising about the recent news reports about the possible release of Guantanamo detainees is that they come on the heels of another announcement earlier last week which made me think the Obama administration was coming to understand the dangerous nature of the Eastern Turkistan Islamic Movement. This past Monday, April 20, 2009, President Obama's Treasury Department issued a release listing Abdul Haq as a designated terrorist. This announcement, which follows on the heels of a similar announcement from the United Nations, is significant for three key reasons, as well as a fourth reason that relates directly to the Uighur detainees:

Abdul Haq is the leader of the Eastern Turkistan Islamic Movement.

Abdul Haq was listed as a ringleader in planned attacks on the Olympic games in China.

Abdul Haq is listed as a member of a council within al-Qaida. He is connected to al-Qaida.

Perhaps most importantly, Abdul Haq is directly tied to the Uighur detainees held at Guantanamo Bay. According to a recent article by Thomas Jocelyn, who published a series of excerpts from the Combatant Status Review Tribunal proceedings for the Uighurs at Guantanamo, the detainees, one after another, testified that they were trained by none other than Abdul Haq who "was the one responsible for the camp." So just as these detainees testified that Haq ran the camp and led their training, they, time and again, admitted to training on what they referred to as "the AK-47" or "the Kalashnikov."

It is unbelievable to me that we are talking about releasing these dangerous detainees into American communities, despite the fact that they received military-style training on AK-47s in a camp run by a known terrorist and terrorist organization, both of which are designated as such by the United States and the United Nations.

And the administration is doing so just one week after it denounced the man who trained the Uighur detainees in the following clear words. This is what the Treasury Department said:

Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China. Today, we stand together with the world in condemning this brutal terrorist and isolating him from the international financial system.

So within a week of our Government seeking to condemn and isolate "this brutal terrorist," the administration is planning to turn loose his pupils into the United States.

There was a time not long ago when no Senator would need to come to the floor to explain that it is dangerous and unlawful to release extremist militants trained by terrorists into the United States.

Why would we release them here? We captured them on the battlefield. We took them to Guantanamo. Now we are going to release them. China would like to have them back. They are rightly concerned about the people who attempted to bomb the Olympic games. We don't have to release them here. We don't have to release them.

Well, according to the press reports I have cited, the administration is planning to release the Uighur detainees to gain favor and "generate good will" with foreign governments. Now we understand, according to the Associated Press, Mr. Holder is in Europe where he is "to reassure skeptical Europeans without generating too much opposition back home."

That is an uneasy statement for me. That sounds a little duplicitous to me, for an Attorney General to be in Europe where he is "to reassure skeptical Europeans without generating too much opposition back home." I suggest he needs to be focused on security in the United States. I think we need to consider why it is we feel that a nation we have favorable trade relations with, China, which successfully conducted Olympic games, isn't able to detain people who are committed to a group that was designed to attack those games.

If another country captured terrorists who were attacking the United States—and we would like to have them and hold them in custody—let me ask, what would we think if they released them into their communities and gave them subsistence and payments from the government? Wouldn't we think that government was aiding terrorism?

How did we get into this position? I do not think the administration has thought this through. There is no question China has certain well-known problems with human rights, and I have been one of their critics. But are those problems any worse than the problems in Yemen, Algeria, Libya,

Sudan, and Saudi Arabia—all countries to which the United States has returned Guantanamo detainees? What message is our government sending here, and what will be the repercussions? Have any of these questions been seriously considered?

I call on Attorney General Holder to answer my letter of April 2 well before he plans to release any of these militants onto the streets of America. If he is able to travel halfway around the world "to reassure skeptical Europeans," perhaps he can answer a simple, direct, two-page letter from this skeptical Senator.

We know as many as 60 former Guantanamo Bay detainees who were released overseas have returned to the battlefield, including some in senior roles with al-Qaida. That stark reality is why the Senate voted 94 to 3 to support Senator MCCONNELL's resolution that concluded with these words:

It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

I note that now-Vice President BIDEN and now-Secretary of State Hillary Clinton—Members of the Senate then—voted for the resolution. Then-Senator Obama did not. He was not voting. But he has made statements that indicate he understands the dangerousness of these individuals. I suggest that he give more thought to those words he has previously issued and that he follow the law, the plain law as I see it, and not release any of them into the United States.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is my intent to take a very few minutes. We are speaking in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Thank you, Mr. President.

CATASTROPHE INSURANCE

Mr. NELSON of Florida. Mr. President, what do Florida, Louisiana, Texas, and California all have in common? Aside from all being Sunbelt States, each of these States is subject to a natural catastrophe event. We have certainly seen that in the case of hurricanes in Florida and Louisiana and Texas, and we know of it with the Northridge earthquake in the case of California.

Each of these States approaches their homeowners insurance in a different way. But, increasingly, States are moving to a position whereby a quasi-government reinsurance company is set up—in the case of Florida, it is the

Florida Hurricane Catastrophe Fund—that, in effect, reinsures private insurance companies in order to induce them to continue to sell insurance in the marketplace.

So the insurance companies, instead of going out onto the world markets to get reinsurance—that is, insurance against catastrophe—instead, or in addition to, go to a creature, in Florida's case called the Florida Hurricane Catastrophe Fund.

The problem is that each of our States—Florida and Texas and California and Louisiana—that are each facing this potential megacatastrophe event—hurricane or earthquake—find it increasingly difficult to buy reinsurance at an affordable rate. Indeed, some of the reinsurance cannot be provided for, even if you go out and try to prearrange a bond issue, given the fact of these markets that are very uncertain now about being able to obtain a bond issue, and that uncertainty is causing a great deal of turmoil for a State to know that it can cover the losses if a major catastrophe hits.

What I am introducing today—and I will be joined by Senators from Texas, California, and Louisiana, and will ultimately invite all of the Senators from the States on the Atlantic seaboard and the gulf coast, as well as other earthquake-prone areas, such as Memphis, TN, which has one of the major fault lines in the country running through it and would be a potential major catastrophe because of all the gas lines that run from the Texas and Oklahoma well fields all the way to New York and to New England—it would be a major catastrophe if an earthquake hits; and that is one of the fault lines—so what this legislation will do is provide a backup for the State catastrophe funds by allowing them to have the assurance that when they go into the private marketplace—to float bonds, to pay off claims after the disaster has hit—that they will be able, even in these uncertain times of the economic markets, to sell those bond issues because they will have a U.S. Government guarantee.

You might say: Well, why would we want the Federal Government to guarantee those? Well, clearly it is in the interests of the Federal Government because these are only going to be guaranteeing public organizations that are an arm of the Government and that are run by members of a board that indeed are public officials, and it will actually end up saving Federal tax dollars.

You might say: Why in the world? If the Federal Government is going to guarantee a bond issue, that has a certain cost to it. It does. But this is how it saves the Federal Government money: Because at the end of the day, when the natural disaster strikes, guess who is going to pay for it. It is going to be the Federal Government.

So if a large part of those payments has already been provided by private insurance, because we have enabled that through this catastrophe reinsurance fund, then that means that is an additional cost the Federal Government will not have to bear.

I remind the Senate that after Katrina struck New Orleans, that total tab is somewhere in the neighborhood of \$200 billion, and the Federal Government's share of that is well north of \$100 billion, or over half of the total cost. When the category 4 or 5 hurricane hits an urbanized part of the coast—be it in any one of our States—it is clearly going to be a major economic loss, of which the Federal Government is going to come in. If a lot of those damages have already been paid by private insurance, enabled by these reinsurance funds set up by the State governments—enabled because they have a Federal guarantee on the loans—then it ends up being a win-win situation.

Because my colleague from Tennessee is in the Chamber, I hasten to add that, of course, catastrophes are not just hurricanes, but some of the worse catastrophes that could happen are, in fact, earthquakes. An 8-point plus on the Richter scale earthquake, centered on a major metropolitan area, such as San Francisco or Memphis, TN, would be a cost well in excess of insurance losses, well in excess of between \$50 and \$100 billion.

This is a rational way through the private sector marketplace to approach that problem, and I commend to the Senate this bill that I introduce today, the Catastrophe Obligation Guarantee Act. I ask the Senate to favorably consider it.

Mr. President, I ask unanimous consent to have a Catastrophe Obligation Guarantee Act fact sheet printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COGA FACT SHEET: THE CATASTROPHE
OBLIGATION GUARANTEE ACT

WHY IT IS NEEDED

Many states have catastrophic natural disaster risk so large that the private markets simply can't insure it.

Residential property insurance is vital to post-disaster recovery, because it protects people's most valuable asset—their homes. But in the private insurance market, catastrophe coverage is often very expensive or simply unavailable—this can rob community recovery of much-needed resources.

To bridge this affordability/availability gap, California, Florida, Louisiana, and Texas have created public insurance or reinsurance programs.

These programs need substantial post-catastrophe capital to pay their claims, but for public entities, the only available form of external capital is debt capital.

Sadly, in severely disrupted credit markets such as those that prevail today, even credit-worthy public entities can't raise enough debt capital to fully meet program needs.

The new COGA approach—Established programs in California, Florida, Louisiana, and Texas have a continuing common need for reliable, adequate private financing. They have come together to advance an innovative approach: Federal guarantees of the State programs' post-event debt. COGA will provide these State programs, and any other qualifying State program, with dramatically enhanced debt-market access, across all market conditions, at much lower borrowing costs.

WHAT IT DOES

COGA would authorize (at pre-set levels) Federal guarantees of State-program debt incurred to pay insured losses from major natural catastrophes.

COGA does not furnish Federal funds to State programs and does not make the Federal government a reinsurer of catastrophe risk.

Upon application by a qualifying State program, the Treasury provides a 3-year COGA guarantee commitment—this gives the State program vital certainty in planning its claim-paying capacity. States reconfirm their qualifications each year.

The guarantee is not actually issued until after an event (when a State program would go into the debt markets), and then solely to obtain funds to pay and adjust losses it cannot otherwise cover with existing resources.

To be eligible, State catastrophe programs must meet stringent criteria, including:

Public purpose and organization, including tax-exempt status, and a board composed of or appointed by public officials.

Proven ability to repay, and an actuarially sound rate structure.

States must have robust building codes and recognize loss-mitigation measures.

WHAT IT WILL COST AND WHAT IT WILL SAVE

Guarantees are only for public organizations with proven ability to repay their obligations.

Under COGA, the Federal government would make payments only in rare circumstances—it is a debt guarantee, not a direct loan. Guarantee fees cover COGA's administrative costs.

States without effective programs will want to form them—COGA-supported post-event funding will provide broad, sensible incentives to qualified State programs.

The COGA guarantees will save Federal dollars: When more people are covered by State catastrophe insurance, the Federal Government's post-event burden is greatly reduced.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Florida on his comments. He is exactly right, there is a major fault along the Mississippi River near Memphis, TN. There was a massive earthquake in the early 1800s that created Reelfoot Lake. The earthquake was so profound that the Mississippi River actually ran upstream in order to do that. One eyewitness to that was Davy Crockett, who was on a bear hunt that winter up in northwest Tennessee. He wrote about it in his autobiography which was intended to be his Presidential campaign autobiography. It never quite worked out. But we take it very seriously.

The University of Memphis has a center dealing with earthquakes. We will be very interested in his proposal. I was glad to have a chance to hear about it.

NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, do you remember a few years ago when our Congress got mad at France and banned French fries in the House of Representatives cafeteria? We Americans have always had a love-hate relationship with the French, which is why it was so galling last month when the Democratic Congress passed a budget with such big deficits that it makes the United States literally ineligible to join France in the European Union.

Of course, we do not want to be in the European Union. We are the United States of America. But French deficits are lower than ours, and their President has been running around sounding like a Republican, lecturing our President about spending too much.

Now the debate in Congress is shifting to the size of your electric and gasoline bills and to climate change. So guess who has one of the lowest electric rates in Western Europe and the second lowest carbon emissions in the entire European Union. It is France again.

What is more, they are doing it with a technology we invented and have been reluctant to use: nuclear power.

Thirty years ago, the contrary French became reliant on nuclear power when others would not. Today, nuclear plants provide 80 percent of their electricity. They even sell electricity to Germany, whose politicians built windmills and solar panels and promised not to build nuclear plants, which was exactly the attitude in the United States between 1979 and 2008, when not one new nuclear plant was built. Still, nuclear, which provides only 20 percent of all U.S. electricity, provides 70 percent of our pollution-free electricity. So you would think that if Democrats want to talk about energy and climate change and clean air, they would put American-made nuclear power front and center. Instead, their answer is billions in subsidies for renewable energy from the Sun, the wind, and the Earth.

Well, we Republicans like renewable energy too. We proposed a new Manhattan Project, for example, like the one in World War II, to find ways to make solar power cost competitive and to improve advanced biofuels from crops that we do not eat. But today, renewable electricity from the Sun, the wind, and the Earth provides only about 1.5 percent of America's electricity. Double it and triple it, and we still do not have very much. So there is potentially a dangerous energy gap between the renewable energy we want and the reliable energy we need.

To close that gap, Republicans say start with conservation and efficiency. We have so much electricity at night, for example, we could electrify half our cars and trucks by plugging them in while we sleep without building one new powerplant. On that Republicans

and Democrats agree. But when it comes to producing more energy, we disagree.

When Republicans say build 100 new nuclear powerplants during the next 20 years, Democrats say, well, there is no place to put the used nuclear fuel.

We say, recycle the fuel—the way France does. They say, no, we cannot.

We say, how about another Manhattan Project to remove carbon from coal plant emissions? Imaginary, they say.

We say, for a bridge to a clean energy future, find more natural gas and oil offshore. Farmers, homeowners, and factories must have natural gas, and the oil we will still need should be ours instead of sending billions of dollars overseas.

They can't wait to put another ban on offshore drilling.

We say incentives.

They say mandates.

We say keep prices down.

Democrats say put a big, new national sales tax on electric bills and gasoline.

We both want a clean energy future, but here is the real difference: Republicans want to find more American energy and use less. Democrats want to use less, and they don't want to find much more.

They talk about President Kennedy sending a man to the Moon. Their energy proposals wouldn't get America halfway to the Moon.

We Republicans didn't like it when Democrats passed a budget that gave the French bragging rights on deficits, so we are not about to let the French also outdo us on electric and gasoline bills, clean air, and climate change.

We say find more American energy and use less—energy that is as clean as possible, as reliable as possible, and at as low a cost as possible, and one place to start is with 100 new nuclear powerplants.

Mr. President, I wish to ask unanimous consent that following my remarks an article from the Washington Post and an article from the Maryville ALCOA Daily Times be printed in the RECORD, which I will describe for a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the article from the Washington Post is written by James Schlesinger and Robert L. Hirsch. James Schlesinger was the first Secretary of Energy, and he established the National Renewable Energy Laboratory. Robert Hirsch is a senior energy adviser today, and he managed the Federal renewable programs. Their article is entitled "Getting Real on Wind and Solar."

Here is the last paragraph of the article I am including:

The United States will need an array of electric power production options to meet its needs in the years ahead. Solar and wind will

have their place, as will other renewables. Realistically, however, solar and wind will probably only provide a modest percentage of future U.S. power. Some serious realism in energy planning is needed, preferably from analysts who are not backing one horse or another.

The other article from the Maryville ALCOA Daily Times on April 27—today—is from my hometown. This is my hometown newspaper, and it is about a plant that means a lot to me. It is an ALCOA plant—the Aluminum Company of America plant. My father worked at the south plant until he retired. I went to school on an ALCOA scholarship. During World Wars I and II, there were as many as 12,000 and 13,000 people in our east Tennessee area who worked at ALCOA with good wages. It changed the lives of three generations of families who lived there. It would have been impossible for us to have the good schools, the good jobs, the good communities we have had without the good wages paid by the Aluminum Company of America.

Here is the headline: "ALCOA hopes new power contract will bring smelting restart."

Ninety-five years after ALCOA Tennessee Operations fired up its first potline—

That is to make aluminum—

and seven weeks after the company shut down its last potline, the question remains: Will aluminum ingots ever roll out of the south plant again?

What will make the difference for these ALCOA plants that have provided good wages and good jobs to thousands of families in Tennessee? The price of electricity.

The newspaper says:

The deal that ALCOA is looking for is a long-range power contract with the Tennessee Valley Authority that will allow the Tennessee smelting operations to be cost competitive when metal prices rebound.

When we talk about electricity, the only cost some people talk about is driving up the cost so we will use less of it. That is the idea of a carbon tax. That is the idea of driving up the price of gasoline so people will buy less of it. But if we drive up the price of electricity in Tennessee—if TVA raises its prices to ALCOA—that plant will never reopen again and those hundreds or even thousands of jobs will never come back again.

I was visited recently by a number of big companies in Tennessee that are concerned about the price of Tennessee Valley Authority electricity. They say they may not be able to stay there unless it gets more competitive. Residential rates are relatively low—average to low—but rates for companies are not low. Ironically, we are celebrating in Tennessee the arrival of two big new industries which make polysilicon, which is the material that goes into the solar panels that you put on the top of your house. Those two new plants, one of which will go in Clarksville, TN, and one of which will go in

Cleveland, will each use about 120 megawatts of power when they open. From the beginning, they will be among the largest customers of the Tennessee Valley Authority for electricity. They will be using, as I said, 240 megawatts of low-cost, reliable electricity produced by coal, nuclear, and hydropower in our region. They could not rely on the one wind farm that exists in the Southeastern United States, which is in Tennessee and which only produces 5 megawatts of unreliable, expensive power—because the wind blows much of the time at night, when TVA already has 7,000 megawatts of extra power. So the solar plants that we need for the renewable energy of the future will have to rely today on coal, nuclear, and natural gas.

It is important, as we debate the so-called renewable electricity standard, as we talk about climate change and clean energy—and I have had legislation on those subjects every congress that I have been a Senator—to realize that cost is important if we don't want to keep jobs from going overseas and if we want people to be able to afford their electric bills. I mentioned that TVA's electric rates are average to low, but last December, 10 percent of the electricity customers of the Nashville Electric Service said they couldn't afford to pay their bills. When we come down here and start talking about proposals that are going to drive up the cost, and when we say we are going to deliberately drive up the cost, I think that is the wrong policy.

We are an inventive country. We can conserve. We can double the number of nuclear powerplants we have. We can double the energy research that we are doing on solar and other renewable energies, and we can do it with the objective of having low-cost electricity. That is the way to keep our jobs. That is the way to avoid poverty. That is the way to produce the largest amount of clean electricity for the future. We need a bridge to a clean energy future. Yes, of course, that includes renewable energy, but it is only 1.5 percent of what we have today. So to talk about driving the price up and relying on a national windmill policy, for example, to drive this big productive country is unrealistic.

I thank the President, and I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 24, 2009]

GETTING REAL ON WIND AND SOLAR

(By James Schlesinger and Robert L. Hirsch)

Why are we ignoring things we know? We know that the sun doesn't always shine and that the wind doesn't always blow. That means that solar cells and wind energy systems don't always provide electric power. Nevertheless, solar and wind energy seem to have captured the public's support as potentially being the primary or total answer to our electric power needs.

Solar cells and wind turbines are appealing because they are “renewables” with promising implications and because they emit no carbon dioxide during operation, which is certainly a plus. But because both are intermittent electric power generators, they cannot produce electricity “on demand,” something that the public requires. We expect the lights to go on when we flip a switch, and we do not expect our computers to shut down as nature dictates.

Solar and wind electricity are available only part of the time that consumers demand power. Solar cells produce no electric power at night, and clouds greatly reduce their output. The wind doesn't blow at a constant rate, and sometimes it does not blow at all.

If large-scale electric energy storage were viable, solar and wind intermittency would be less of a problem. However, large-scale electric energy storage is possible only in the few locations where there are hydroelectric dams. But when we use hydroelectric dams for electric energy storage, we reduce their electric power output, which would otherwise have been used by consumers. In other words, we suffer a loss to gain power on demand from wind and solar.

At locations without such hydroelectric dams, which is most places, solar and wind electricity systems must be backed up 100 percent by other forms of generation to ensure against blackouts. In today's world, that backup power can only come from fossil fuels.

Because of this need for full fossil fuel backup, the public will pay a large premium for solar and wind—paying once for the solar and wind system (made financially feasible through substantial subsidies) and again for the fossil fuel system, which must be kept running at a low level at all times to be able to quickly ramp up in cases of sudden declines in sunshine and wind. Thus, the total cost of such a system includes the cost of the solar and wind machines, their subsidies, and the cost of the full backup power system running in “spinning reserve.”

Finally, since solar and wind conditions are most favorable in the Southwest and the center of the country, costly transmission lines will be needed to move that lower-cost solar and wind energy to population centers on the coasts. There must be considerable redundancy in those new transmission lines to guard against damage due to natural disasters and terrorism, leading to considerable additional costs.

The climate change benefits that accrue from solar and wind power with 100 percent fossil fuel backup are associated with the fossil fuels not used at the standby power plants. Because solar and wind have the capacity to deliver only 30 to 40 percent of their full power ratings in even the best locations, they provide a carbon dioxide reduction of less than 30 to 40 percent, considering the fossil fuels needed for the “spinning reserve.” That's far less than the 100 percent that many people believe, and it all comes with a high cost premium.

The United States will need an array of electric power production options to meet its needs in the years ahead. Solar and wind will have their places, as will other renewables. Realistically, however, solar and wind will probably only provide a modest percentage of future U.S. power. Some serious realism in energy planning is needed, preferably from analysts who are not backing one horse or another.

[From the Daily Times]

ALCOA HOPES NEW POWER CONTRACT WILL BRING SMELTING RESTART

(By Robert Norris)

Ninety-five years after ALCOA Tennessee Operations fired up its first potline and seven weeks after the company shut down its last, the question remains: Will aluminum ingots ever roll out of the South Plant again?

“For some, the question is not so relevant anymore. After the announcement that the plant was being closed, more than 130 ALCOA employees accepted the company's severance package. Others were laid off—245 hourly workers and 80 of the salaried workforce.

The London Metal Exchange price for aluminum is half what it was one year ago, so prospects for any immediate change is nil. The demand for the 1.3 million pounds of molten metal that the smelting plant can produce does not exist in the current marketplace.

Still, leadership at the company is hopeful that when the economy rebounds, Tennessee Smelting Operations will be in a position to be restarted.

“We're in the standard, ready position,” said Brett McBrayer Tennessee Primary Metals location manager. “The employees have done such an incredible job of preparing the plant to have it in as much a ready state as possible.”

Cranes are being moved up and down to keep them operational, and preventive maintenance is being done so the plant will be prepared if and when the call comes to restart.

“I can't say enough about the employees. The way they faced the tough call and the way they responded says a lot about the character of the employees in this region. That drives me even harder in discussions with TVA to get a deal done,” McBrayer said.

The deal McBrayer is looking for is a long-range power contract with the Tennessee Valley Authority—the current contract expires next year—that will allow Tennessee Smelting Operations to be cost competitive when metal prices rebound. That has happened at ALCOA smelting plants in other regions where the company has negotiated more flexible prices with electricity suppliers.

“We've been in discussions with TVA for quite some time. It always seems more complicated than it needs to be, but there are a lot of issues,” McBrayer said. “The sooner we get a deal done, the stronger candidate we'll be for a restart. The longer negotiations drag out, it seems to become harder. An agreement can't happen soon enough.”

TVA issued a statement indicating its desire to reach an equitable agreement with the aluminum company.

“ALCOA has long been a valued customer of TVA's and we are working diligently to reach agreement on a long-term power contract for the future. While these contract negotiations are confidential, we are working to reach an agreement that will allow ALCOA to operate its Tennessee facility while, at the same time, not disadvantaging other Valley ratepayers,” said Jim Allen, a TVA spokesman.

Brickey Beasley, president of United Steelworkers Local 309, said he looks forward to the day the South Plant Smelting Operations reopens and also in maintaining the North Plant rolling mill. The Tapoco Division of ALCOA—the four-dam hydroelectric project on the Little Tennessee and Cheoah

rivers—should give Tennessee Operations an edge over other locations, according to Beasley.

We hope that TVA can help out some and the economy can help some,” Beasley said, “We've got a great workforce that's idle right now.”

McBrayer, who is chairman of the Tennessee chamber of Commerce and Industry Board of Directors, said the impact of the shutdown goes beyond the employees immediately affected.

“Being from Blount county and this are a—recognizing the impact on East Tennessee—there's more than just the families impacted from the layoff. The impact multiplies exponentially,” Beasley said.

“Hopefully, when we obtain the power contract, it will just be a matter of waiting for the market to pick up again. The good thing about aluminum is that it is used in more and more applications. It's going to be around for a long time.”

GUANTANAMO BAY

Mr. JOHANNES. Mr. President, I rise to speak about the detainment facilities at Guantanamo Bay Naval Base.

At the end of January of this year, the President signed an Executive order indicating his intention to close Guantanamo. Unfortunately, the Executive order was very short on detail. We do know the Justice Department is reviewing the cases of individual detainees. We know the President would like to move these detainees somewhere else. Unfortunately, 3 months after the release of the Executive order, that is about what we know today.

If the President still plans to close Guantanamo Bay within a year, the clock is ticking, and we only have 9 months until the deadline laid out in the Executive order. Indeed, the President's supplemental request for Iraq and Afghanistan includes \$80 million to close Guantanamo. We know that \$30 million would go to the Justice Department to shut down the facilities, review detainee procedures, and to fund future litigation. The other \$50 million would go to the Department of Defense, primarily to support the transfer of the detainees and the associated personnel. However, we do not know—and neither does anyone else within the administration or outside it—where the detainees would go. I am troubled by this insubstantial approach and what appears to be a haphazard approach. This is a matter vital for national security.

Memories have dimmed and we forget the days surrounding September 11. We remember the day itself quite well—the shock in the morning—but we seem to forget the resolve that came after that. The resolve was born of our understanding that there was a global network of violent extremists with substantial international support dedicated to attacking the United States and its allies. Make no mistake about it, these terrorists are highly dangerous. By now, most Americans are

probably familiar with the name Khalid Shaikh Mohammed. He is a Guantanamo resident. Before his capture in 2003 and later transfer to Guantanamo, he was one of al-Qaida's top agents and mastermind behind the September 11 attacks. I believe this man belongs in Guantanamo. With his contacts and his terrorist expertise, he would be a menace to the United States and its allies should he ever be set free.

But he is only the operational face of this contagion. Also in custody at Guantanamo is Ramzi Bin al-Shibh, a lead operative in the September 11 plot. This terrorist could not obtain a U.S. visa to get into this country. That made it impossible for him to participate in the attacks directly. He was forced to remain in Germany where he lived as a student. However, this did not stop him from acting as a primary communications liaison between the U.S.-based hijackers and the al-Qaida management in Afghanistan and in Pakistan.

Shortly after the September 11 attacks, he arrived in Afghanistan where he was forced to flee when the Taliban fell. He was apprehended in 2002 and eventually transferred to Guantanamo.

Terrorism runs in this family. His uncle is Khalid Shaikh Mohammad, mastermind of the 9/11 attacks. His cousin is presently incarcerated for his participation in the 1993 World Trade Center bombing event. He served as a travel and financial facilitator for the 9/11 terrorists and helped al-Qaida members escape from Afghanistan after the fall of the Taliban. From 2002 to 2003, this individual prepared al-Qaida members for travel to the United States and later plotted attacks against Western targets in Karachi.

A different detainee at Guantanamo was involved in plotting to kill the Philippine Ambassador to Indonesia, as well as attacks on a series of Indonesian churches on Christmas Eve in the year 2000. Most famously, this terrorist helped plan the Bali bombings, in October of 2002, which killed over 200 people, including several Americans.

Another notorious face residing at Guantanamo was the head of al-Qaida operations in the Arabian Peninsula. This terrorist saw combat within various insurgencies and later with the Taliban before being instructed by Osama bin Laden to focus on terrorism in Yemen. He followed bin Laden's orders. In 2000, he successfully coordinated the attack of the USS Cole in the Yemeni Port of Aden. That attack killed 17 American sailors.

The Cole attack is the most well-known event in this individual's long career of terrorism, but it doesn't stop there. He has a resume of attacks. He coordinated efforts to kill U.S. personnel in Saudi Arabia. He planned car bomb attacks and assaults on oil tankers. He was also involved with a plot to

crash a plane into a Western naval vessel in the UAE.

In 2002, however, he was captured and ultimately sent to Gitmo.

These extremists are part of the al-Qaida A-Team of terrorists; and they have no business being released or transported to American soil.

I describe these individuals today to put a face on this debate.

The al-Qaida members detained in Guantanamo are the worst of the worst. They are unrepentant, they are unpredictable, and are still dangerous.

So, if not Guantanamo, where should these unrepentant terrorists reside?

One option would be for our international allies to help with their detainment.

I know that the administration has been trying to persuade the Europeans to accept custody of some of the detainees. Attorney General Holder is in fact discussing this issue with European officials this week.

On Wednesday, he will be making a speech in Berlin about Guantanamo, and I hope he has some good news. Unfortunately, there has not been much to date.

When the President met with European leaders in early April, he also asked for help in resettling the detainee. They agreed to help—with one.

We should perhaps count that as a victory, since many national leaders have said thanks but no thanks or remained completely noncommittal.

For example, Austria's interior minister has rejected accepting detainees flat-out. I am not surprised. Despite all the international angst about Guantanamo, most nations recognize that these detainees are very dangerous to free people.

Our time is not unlimited, since the administration's self-imposed January 2010 deadline for transferring these individuals is coming closer. In the absence of radically increased international cooperation, the administration will thus be forced to release the remaining detainees or keep them on U.S. soil.

And those are possibilities that I, like many Nebraskans, am particularly concerned about. Two of the sites being considered are Fort Leavenworth in Kansas, and the United States Penitentiary Maximum Security facility in Colorado, known as ADX Florence. Both are far too close to Nebraska for comfort—both within 250 miles of my home State of Nebraska.

This is likely a non-starter with my constituents, and for good reason. Thus, last week, I sent a letter to Attorney General Holder asking to be informed if any of the detainees were to be moved within 400 miles of Nebraska.

I will not allow my home State to be endangered by the proximity of unrepentant al-Qaida terrorists. Other Senators and their constituents are likely to have similar concerns.

In 2007, the Senate rejected moving Gitmo detainees to U.S. soil. The Senate spoke loudly and clearly in an overwhelming 94-3 vote against moving Gitmo prisoners to our shores or releasing them into our society. I do not believe the sentiment in this body has changed today.

The last option that I will mention—releasing them into the American population—seems unthinkable, if not absurd. However, if they are transferred into the American judicial system, their release is a possibility. This option is simply unacceptable.

The \$80 million requested by the administration to close Guantanamo, and the executive order signed to that effect, are troubling.

In a dangerous world, facilities such as those at Guantanamo are a necessity that we cannot change simply by waiving a magic wand and wishing it so.

With about 270 days left before its proposed closure date, it is clear the administration still has no plan for its demise.

That is a gamble that the American people cannot afford.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARD INTEREST RATES

Mr. SANDERS. Mr. President, I wish to take just a very few moments to speak about an issue I think is resonating and causing great concern all over our country; that is, the outrageous escalation in credit card interest rates.

I note that the House and the Senate will soon be addressing the issue of credit cards, but I hope very much that both bodies will include within their legislation something that is long overdue; that is, a cap on interest rates. We need a national usury rate law. It is totally unacceptable to me—and I think the vast majority of the people in our country—that credit card companies are charging people 25, 30, and 35 percent rates of interest on their credit cards. This is usury. This is wrong. From a biblical perspective, this is immoral, and it is time we got a handle on it.

The truth is that a number of years ago, many States had usury laws which prohibited very high interest rates. As a result of a Supreme Court decision, those State laws were essentially made null and void and companies that moved to States such as South Dakota and Delaware could essentially charge

the American people any rate they wanted. Within the last 20 years, we have seen a huge increase in interest rates. About one-third of the American people are paying 20 percent or more. It is time we got a handle on that issue.

What I would like to do this afternoon, very briefly, is read some of the e-mails that are coming to my office from the State of Vermont but, in fact, from all over this country. On late Friday afternoon, I sent out an e-mail to our e-mail list, and within 2 days' time we have had 900 responses from people who have expressed to me what is going on in terms of their relationship with their credit card companies. The stories I am hearing are absolutely appalling—in some cases, unbelievable. What is particularly disturbing is that at a time when the taxpayers of this country have provided hundreds of billions of dollars to bail out failing financial institutions—which, because of their greed, their recklessness, and their illegal behavior, caused them to collapse—these same financial institutions are now saying to the taxpayers who bailed them out: Thank you very much; now we are going to raise your interest rates substantially.

So what I will be doing in the coming weeks is coming here to the floor and reading stories from Vermont and from all over this country. Let me start off with one that comes from Poultney, VT. This is what the gentleman says:

I owned and operated a summer business in excess of 43 years. My business credit card was with Avanta at 7.9 percent for years. Last year, my payment jumped about \$400 per month. I thought there was fraud involved. Upon checking, I found my interest had been raised from 7.9 to 28.8 percent. I always paid more than the minimum and always on time. When Avanta was contacted and asked why, I was told it's a floating interest. I asked to speak to a manager and was advised that's the way it was and they could do nothing to lower it. I got a line of credit loan from Heritage credit union at 1 percent over prime, paid them off, and shut down my business. After 43 years of business, it took usury to shut me down.

That is just one story.

Somebody writes from Virginia—the State of our Presiding Officer—and says:

Explain to me, do the banks/credit card companies feel that the only way to make money is to cheat us or manipulate us into taking part in an endless Ponzi scheme? How much profit is to be expected in an honest deal? Even 15 percent seems high to me.

This goes on, Mr. President. We have one from Barre, VT:

I only have one thing on my credit card every month. It is the Internet access charge of \$10.95. My credit card is a Visa from Capital One. I received a letter stating that the rates were almost double what I agreed to pay if a payment was late, but it also stated if I did not agree to their term, they would cancel my credit card. Let's not only do something about credit card fees, let's stop banks in their tracks with all fees they access on customer accounts they have.

From Castle Rock, CO, another individual writes:

I have excellent credit. Nearly 780 last time I checked. I had a "fixed" interest rate with Capital One at 4.9 percent since 2002. In 2007 the rate was raised to 7.9 percent. I received a letter in early April of this year that it will rise to 17.5 percent for no particular reason, except that it was a company decision. I am outraged! This is really unfair for everyone but I think especially unfair for those who really pay attention to maintaining good credit.

That person had a 780 credit number, which is very good.

Here is one from Bennington, VT:

I'd been on time every month and one day I got my statement and wow my interest rate had more than doubled. I called and they did put it back to the rate I had and said it would be good for only 9 months and then they would up it again and I would have to call again. This is hard for the families who aren't using their credit cards anymore and they are on a budget and factor in the credit card payment, and then all of a sudden one month it's gone up a lot and you didn't factor that in.

Wilder, VT:

I am tired of being the one who has to pay! The executives of these credit card companies mess up and the little people pay. The government messes up and the little people pay. Now my oldest child is going off to college and I can't even get financial help except for loans. Yes, more interest. So now I have to pay more interest on my credit cards. When will I get help? I pay my bills, I pay my taxes. If I pay late I get a finance charge and it hurts my credit rating. When these big companies fall behind, they get my tax money, and I get to pay it back for them.

This is from Bridport, VT:

On my Bank of America cards I made purchases at 9.9 percent which was not a variable rate. I assumed I had that interest rate because I have never had a late payment and have never made just the minimum payment. This month I received notice that my interest rate is going to jump to 15.65 percent and be a variable rate. I do have steady income and I don't want to damage my credit rating by paying the balance off in a few months then cancel the card.

Here is another, from West Burke, VT:

My husband sustained severe brain trauma in 2000. We managed to not file bankruptcy and to pay off all credit cards. I now find that we were idiots to do this. Our credit is ruined by going a year without income. Ruined, because we paid any credit card debt we owed.

Here is one from Little Rock, AR:

I am 67 years old and had the card since the year of the flood. I was on vacation and out of the country and did not make my card payment on time. I had always kept my account up. When I went to charge a flight on line it was denied. I called them and they replied that since I was a "late payer" I had to pay off my account every 30 days as it used to before they allowed extended payments for large purchases. I paid off the card that day and cut up the card.

From West Newberry, VT:

I send my payment by mail and sometimes the postal service is slow and the card company got payment one day late and has changed my interest rates from 16 percent to 29.9 percent, and now if I pay the minimal payment the charges are more than what I paid on the bill.

One day late, and their rate went from 16 percent to 29 percent.

As I mentioned, in 2 days we have gotten about 900 e-mails, significantly from Vermont but from all over the country. So I have introduced legislation which would cap interest rates on credit cards at 15 percent, with some exceptions going up to 18 percent. That legislation is cosponsored by Senators DURBIN, LEAHY, WHITEHOUSE, HARKIN, and LEVIN. The legislation is based on longstanding law which regulates credit unions, which under normal circumstances cannot charge more than 15 percent.

The American people are hurting. We are in a recession because of the greed of a small number of banks on Wall Street, and now these very same banks are hitting the middle class and working families of this country with outrageously high interest rates. Enough is enough. We need to establish a national usury rate, so I ask my colleagues to support this legislation.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

ROXANA SABERI IMPRISONMENT

Mr. DORGAN. Mr. President, this is a photograph of Roxana Saberi. Yesterday, April 26, was her 32nd birthday. She was born and raised in Fargo, ND. Her father Reza Saberi is an Iranian citizen who moved here over 35 years ago. Her mother Akiko is Japanese.

This young woman is a 1994 honor graduate of Fargo North High School, active in music, soccer, dance, a member of the North High School Hall of Fame, and an outstanding athlete. In 1997, she was voted Miss North Dakota. That year, she was made one of the 10 finalists in the Miss America pageant, winning the Scholar Award. In 1999, she completed her master's degree in broadcast journalism at Northwestern. In 2000, she earned a master's degree in international relations from Cambridge University in England. I tell you all that about this young woman because she sits in a 10-foot by 10-foot prison cell in Evin Prison in Tehran, Iran.

I spoke to her father this weekend. Her father and mother are in Tehran.

Roxana was arrested in Tehran and put in prison, and she has been there 86 days. When she went to Iran, she did so because she was proud of her Iranian heritage. Even though she was born, raised, and educated here in the United States, she was interested in going to the country where her father had come from, and so she went to Iran. She is a woman who was trained in journalism. I met her when she practiced journalism in North Dakota. She has reported for National Public Radio, BBC, for FOX News, and others, from Tehran. She stayed in Iran after her

credentials as a journalist were rescinded in 2006. She stayed to write a book about Iran and to complete work on her degree in Iranian studies and international relations.

As I said, as of yesterday she has spent 86 days in prison in Iran, in a 10 foot-by-10 foot cell with three cell mates. She was arrested January 31 and was convicted of spying just a week ago and given an 8-year sentence in prison. It is an absolutely preposterous miscarriage of justice. This young woman is not engaged in espionage and is not a spy. She is a young woman who went to Iran because she was proud of her cultural heritage. She was arrested and held in an Iranian prison without the capability of access to an attorney. Her parents didn't know where she was. She was held there incommunicado. She is a young woman caught in the grips of a judicial system and the politics in Iran from which she can't seem, at this point, to escape. She is an innocent woman sitting in a prison cell in Iran.

Roxana has been on a hunger strike for the past 7 days in protest of her sentence. Her father told me when I visited with him on Saturday that he was going to the prison today in Tehran to visit Roxana, and he tried to convince her to cease the hunger strike. She does not want to do that. She has already lost 10 pounds. Her father said she looked very weak and said she intends to continue the hunger strike until she dies or is released from jail. The only nourishment she is taking is water with some sugar.

The entire world has protested this arrest and conviction and sentencing, which is a miscarriage of justice. As I said, she was held for 10 days without an ability to communicate with anyone. It took a month before the country of Iran admitted they were holding her. It was more than 5 weeks before she was allowed to see a lawyer.

The charges kept changing. First, the Iranian Government said the charge was that she purchased a bottle of wine, and the person who sold it to her told the Iranian Government, and therefore she was arrested. That was what she was told she was put in prison for. She had bought a bottle of wine.

Then she was accused of working as a journalist without a valid press license. That was the second accusation.

Then, weeks later, she was accused of being a spy. The court has not released any evidence against her. They held a ½-day trial—behind closed doors. There was no release of any evidence against her. According to her attorney, she was not allowed to speak in her own defense.

To us that is a completely foreign notion of what justice should be. Apparently, at least in some circles in Iran, they consider that some kind of perverted justice.

Let me say there is at least some hopeful signs. President Ahmadinejad

sent a letter to Iran's prosecutor saying Roxana's rights must not be violated and asking him to ensure that she is allowed to offer a full defense on the appeal. Her attorney, as I understand it, is now set to offer the appeal. The Ayatollah Shahroudi, who is the head of Iran's judiciary, has requested a quick and fair appeal of Roxana's case. That also gives some of us hope.

Perhaps some of Iran's leaders understand that what is also on trial is the credibility of those who govern Iran.

This has been very difficult for our country because we do not have an embassy or ambassador in Iran. We must communicate through the Swiss Embassy, which is the protecting power for American citizens in Iran. So it is very hard for us to know what is going on there.

I want to say, again, this young woman is not a spy. It is preposterous for her to be charged with espionage. It is an unbelievable miscarriage of justice for her to be sitting in a 10-by-10 prison cell. Yet on her birthday she sat in that cell in Evin Prison in Tehran facing an 8-year sentence in a circumstance in which she was not even allowed to defend herself. The basic tenets of justice have somehow been denied to this young woman.

What I believe Iran should do is release her from prison and allow her to leave the country and return home with her parents to the U.S. I hope the Iranian Government is listening—not just to us, not just to me, but to virtually everyone in the world who cares about fairness and justice and human rights. All of them have weighed in on Roxana's behalf saying: How on Earth can you do this? How do you justify this?

Iran leaders understand the spotlight of the world is on their country and on those who decided to arrest this young woman, a young woman so proud of her heritage that she was there wanting to write a book about her heritage. I hope they understand the injustice of what they have done and what the rest of the world sees of that injustice and what it means to Iran in the eyes of the rest of the world.

If they do, if they understand that, most surely they will decide to release her from prison, exonerate her, and allow her to go home. I hope they do that soon. They face great risks with the health of this young woman who is now on a hunger strike. President Ahmadinejad and the people who run the judicial system of Iran should pay close attention and do the right thing.

I have spoken to the Permanent Iranian Representative to the United Nations on numerous occasions about this case, and I intend to keep pushing. I hope today perhaps the Iranians will understand the unfairness of what they have done and finally, at long last, make it right.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(The remarks of Mr. MERKLEY relating to the introduction of S. 901 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MERKLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, what is the parliamentary situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 386, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

Pending:

Reid amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

Inhofe amendment No. 996 (to amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States.

Vitter amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Boxer modified amendment No. 1000, to authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients of non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility.

Coburn amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

Thune amendment No. 1002, to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction.

DeMint amendment No. 994, to prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock.

Coburn amendment No. 983, to require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis.

Kohl amendment No. 990, to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

Ensign amendment No. 1004, to impose certain requirements on public-private investment fund programs.

Ensign amendment No. 1003 (to amendment No. 1000), to impose certain requirements on public-private investment fund programs.

Hatch amendment No. 1007, to prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer.

The bill, S. 386, is the bipartisan Fraud Enforcement and Recovery Act of 2009, the Leahy-Grassley bill. When I mention my name and Senator GRASSLEY's name, we are only two of a large number of people on this bill. We have Senators KAUFMAN, KLOBUCHAR, SCHUMER, MURRAY, BAYH, SPECTER, SNOWE, HARKIN, LEVIN, DORGAN, WHITEHOUSE, ROCKEFELLER, SHAHEEN, STABENOW, SANDERS, BENNET of Colorado, DURBIN, MIKULSKI, GILLIBRAND, BEGICH, BURRIS, DODD, MENENDEZ, CARDIN, REID, and PRYOR as co-sponsors.

I mention those names because they go across the political spectrum. They know we have to strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have severely undermined our economy and hurt so many hard-working people in this country.

The reason so many of us came together, again, across the political spectrum—and I note there are several former prosecutors in that group—is we have seen what some of these unscrupulous people have done. They have set up these mortgage frauds in basically an unregulated area. They will come to somebody who is facing difficulty in paying off a mortgage—there has probably been a foreclosure and they come and say: Here, we can take care of you. Sign these papers. Put this money down. Send payments to us. We will take care of everything.

So people exhaust their life savings. Maybe they send the money they put away for their kids to go to college. Probably it is part of their retirement account. By the time they get done, the people committing the fraud are gone. The mortgage on the house, however, has not been paid off. In fact, the bank is still going to foreclose. They have lost their life's savings. They

have lost all the money they have set aside for whatever reasons so many millions of Americans set money aside for. And these people who committed the fraud are gone. They have been robbed of their savings, their retirement accounts, their children's college funds, their equity, and, of course, many have lost their homes on top of that.

When the testimony of the FBI and the Department of Justice and others showed this type of fraud—which was bad enough in years past—has skyrocketed in the last couple of years, the Senator from Iowa and I decided we should bring a piece of legislation that would allow the FBI and the Department of Justice to go after these people defrauding Americans.

I do not want to just have a simple fine. If somebody steals \$100 million, and they get a fine of \$5 or \$10 million, it is a matter of doing business. I want enough teeth in here that they will go to jail. If you steal somebody's home, if you steal their dreams, if you steal their retirement, you should go to jail. We send kids to jail for sealing a car. How much more important is it that we should send these white-collar thieves to jail for stealing someone's life and someone's dreams? That is what we want to do here.

The bill will help provide the resources and legal tools needed to police and deter fraud but also to protect the taxpayer-funded economic recovery events now being implemented.

I was disappointed that last week our efforts to enact this legislation were stalled. But I take a great deal of hope now to know that by tomorrow midday it should be passed. It is, as I said, a bipartisan bill. It does strengthen the tools available to law enforcement to combat financial and mortgage fraud.

We were delayed a number of times before we got on the floor of the Senate, and I compliment the distinguished majority leader for bringing it to the floor last week. And when we did, we began to work on 18 amendments that were offered to the bill. We had votes on a number of them. By Thursday afternoon, we had voted on all the germane amendments. We also worked in good faith on a number of amendments not related to the underlying fraud enforcement legislation.

I would like to mention the kind of cooperation we had. The distinguished Republican deputy leader, Senator KYL, had a series of amendments that I believe would have passed the test of germaneness. He talked with Senator GRASSLEY and myself, and we arranged a vote on one amendment. He had wanted to bring up several similar ones. They were objected to. He pulled them down, and we had a vote on the one. We spent very little time doing that. We had plenty of time for Senator KYL to make his points, Senator GRASSLEY and I to make ours, and then we had a vote on it.

So we voted on all the germane amendments. For the remaining amendments, we sought an agreement to proceed to vote on each of those pending amendments, the ones that had not been voted on. When the offer was rejected, after being on this bill for several days, the majority leader was forced to file cloture to conclude consideration of this bipartisan legislation.

Majority Leader REID did the only thing he could responsibly do because this is timely legislation. It is needed to protect people from losing their retirement funds, their homes, and their savings for their children to go to college. Americans are seeing their life's savings taken from them by unscrupulous criminals.

I think of my parents who came up during the time of the Great Depression and started a small business. They saved all their lives for their own retirement, to send their children to college. I think of how I would have reacted if I had seen somebody steal from them. Well, it is happening to a lot of other parents and grandparents around this country. It is time for the Senate to act before more people have their lives destroyed.

The Fraud Enforcement and Recovery Act will make necessary changes to criminal laws, including criminal fraud, securities, and money-laundering laws. It will increase the funding available to Federal law enforcement agencies to combat mortgage fraud and financial fraud. It will revise the False Claims Act to ensure that the Government can recover taxpayer dollars lost to fraud. This is a very important part of the bill. If somebody is stealing the taxpayers' dollars too, we want to get that back for the taxpayers.

Throughout this debate, I have several times commended the Senator from Iowa, Mr. GRASSLEY, our lead cosponsor. I commend him and I thank him for his contributions to the bill and the debate, his work in the Judiciary Committee, in getting us this far, and for his dedication to protect taxpayer funds by deterring, investigating, and prosecuting fraud. I thank our many cosponsors for their steadfast support. I have named them. I shall not again. But everybody I have heard from across this country supports this bill.

No one should want to see taxpayer money intended to fund economic recovery efforts diverted by fraud. No one should want to see those who engage in mortgage fraud escape accountability. That is what is going to happen unless we vote to conclude the debate on this bill, pass it, get it to the other body, get it passed, get it signed into law, and give law enforcement the resources and tools they so desperately need.

During the first months of this year, the Judiciary Committee has concentrated on what we can do legislatively to assist in the economic recovery. Already we have considered and reported this fraud enforcement bill and the patent reform bill, and worked to ensure that law enforcement assistance was included in the economic recovery legislation.

The recovery efforts are generating signs of economic progress. That is good. That is necessary. But that is not enough.

We need to make sure we are spending our public resources wisely. We want to make sure they are not being taken by fraud. We also need to ensure that those responsible for the downturn through fraudulent acts in financial markets and the housing market are held to account. It should not be a case where we taxpayers pay for what they did and they get away scot-free. Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts, and prosecutors. We allocated the resources needed to catch those who took advantage to profit through fraud. We have to do it again.

At our February hearing, we heard from the FBI, the Special Inspector General for the Troubled Assets Relief Program, and the Justice Department. All of our law enforcement witnesses testified of the need for this legislation and these additional law enforcement resources.

Deputy Director John Pistole of the FBI warned that the losses of this economic crisis dwarf those of the savings and loan debacle, and the need for more enforcement is even greater now than it was then.

Special Inspector General Neil Barofsky described how law enforcement resources had understandably been diverted from traditional white collar crime to terrorism, but that had left the Justice Department's capacity to respond to financial and securities fraud significantly weakened. He warned that with trillions of dollars being spent under TARP and other associated programs, "it is essential that the appropriate resources be dedicated to meet the challenges of both deterring and prosecuting fraud." I agree.

Acting Assistant Attorney General Rita Glavin of the Justice Department testified that our bill would provide the Justice Department with needed tools "to aggressively fight fraud in the current economic climate" and "provide key statutory enhancements that will assist in ensuring that those who have committed fraud are held accountable."

We then held a hearing with FBI Director Robert Mueller. Director Mueller reiterated law enforcement's message. Here is what he said: "[The bill] will be tremendously helpful in giving us the tools to investigate . . . to

help prosecutors prosecute, and finally to obtain the convictions and the jail sentences that are the deterrent to this activity taking place in the future."

Each week we learn of additional scandals in the financial industry, as leading money managers are charged with multimillion dollar fraud schemes carried out over the years. We need to clean up the mess. That means providing the tools and resources that law enforcement needs to get to the bottom of this, restore order, and exact accountability.

To show how severe this is, reports of mortgage fraud are up 682 percent over the past 5 years, more than 2,800 percent over the past decade. Some say we are losing more than \$4 billion a year to mortgage fraud. And massive, new corporate frauds, like the \$65 billion Ponzi scheme perpetrated by Bernard Madoff, are being uncovered as the economy has turned worse, exposing many investors to massive losses.

The problem is getting worse, not better. The victims of these frauds have to be protected now more than ever. The victims include, as I have said, homeowners who have been fleeced by unscrupulous mortgage brokers, retirees who have lost their life savings in stock scams and Ponzi schemes, which have come to light only as corporations collapse and the market falls.

They also include American taxpayers who have invested billions of dollars to restore our economy. These American taxpayers expect us to protect the investment they have made to make sure those funds are not exploited by crime. Each one of us is among those taxpayers. We all want to make sure the money is not stolen.

I urge all Senators to support our efforts and work with us to pass this bill without further delay. That means to vote for cloture so that we can conclude the amendment process and vote on the bill.

I see the distinguished cosponsor of this bill, Senator GRASSLEY, on the floor and I yield to him.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I heard the kind remarks of the Senator from Vermont. I thank him for those remarks about this Senator and I thank him for his cooperation on this bill, including some things I am very much interested in, but also the basis of the legislation that he proposed, and I support it as enthusiastically as I do the rest of the bill. I thank the Senator from Vermont.

I am here, obviously, to speak in support of the Fraud Enforcement Recovery Act which has been so thoroughly discussed by our distinguished chairman of the Judiciary Committee. As the lead Republican cosponsor of this timely antifraud legislation, I believe it is a very important component—a

very important component—to help get both the financial and the housing markets back on track. The fraud enforcement tools and resources provided in this bill are very necessary. They will ensure that the taxpayers' dollars that have been expended to shore up bank and financial institutions and corporations and Freddie Mac and Fannie Mae and others aren't lost to fraud, waste, and abuse.

This bill sends a very clear message to would-be bad actors that their conduct will have repercussions from here on out. It will also make sure money lost to fraud can be recovered through the False Claims Act. Most importantly, this bill will help show the American people we are doing something to try and prevent future fraud and recover moneys lost to that fraud and that abuse. That is why I am voting for cloture on this bill.

Early in the process of bringing this bill to the floor, I explained to the Democratic leadership that I wanted an open process for amendments to be considered on this bill before I supported the cloture that we will be voting on. The leadership honored that and we had a number of amendments filed on this bill. We have spent a week and have debated and disposed of a number of amendments to the bill. We have some other amendments that remain outstanding that are good amendments and should be debated on a housing or banking bill that is coming up in the very near future. It is now time to pass this bill. Our law enforcement officials need these tools and they need these resources and they need them now. That is why I am going to vote for cloture on this bill.

Taxpayers have been asked to shoulder an enormous burden at this time of economic crisis created by a credit crisis. They have shouldered an enormous burden, be it the bailout of financial institutions, an economic stimulus bill that handed out \$1 trillion, and more recently the Omnibus appropriations bill loaded full of Government spending. To my colleagues: Whether you agree with these expenditures, we simply cannot allow these funds to be unprotected from fraud, waste, and abuse.

This legislation ensures that our law enforcement officials and our prosecutors have the tools necessary to enforce our laws and the resources to hunt down the bad actors. It makes revisions to our criminal fraud laws to ensure that complex financial and mortgage crimes aren't outside the scope of Federal jurisdiction in the future. It also makes necessary corrections to our antimoney laundering laws to ensure that a recent Supreme Court decision doesn't limit the ability of our Department of Justice to go after criminals who launder their ill-gotten funds.

Finally, and perhaps most importantly from the standpoint of this Senator, the bill amends the civil False

Claims Act to ensure that taxpayers' money lost to fraud, waste, and abuse can, in fact, be recovered and particularly when that recovery is associated with a patriotic work of whistleblowers who make that known. Back in 1986, I authored major revisions to the False Claims Act and did that so we could fight fraud, particularly against Government then more so than now, by defense contractors. Now it seems to be Medicare and the health care industry. Since those revisions were signed into law in 1986 by President Reagan, the False Claims Act has recovered over \$22 billion of taxpayer money.

This powerful law allows citizen taxpayers to act as private attorneys general by going to court on behalf of our Government when they know of fraud against the Government. These quiet whistleblowers are the heart and soul of the False Claims Act. They uncover fraud from the inside, bringing schemes to light so taxpayers are not taken for a ride. However, in recent years, litigation fueled by powerful Government defense and health care contractors has created legal loopholes that threaten the application of this powerful tool that has brought in billions of dollars. This legislation fixes this, thus ensuring that no fraud can go unpunished by simply navigating through the legal loopholes.

This bill will help deter potential defrauders from attempting to scam the Government and the taxpayers. In addition, this legislation will help instill confidence back into the housing and financial markets. I hope my colleagues will join me by voting for cloture on this bill to help make sure these taxpayer dollars are protected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to speak as in morning business. However, if anyone wishes to come in and talk about the pending bill, I will certainly defer to them.

Mr. LEAHY. Reserving the right to object, and I shall not object, what time is this bill scheduled for a vote?

The PRESIDING OFFICER. The vote will occur at 5:20, the vote on cloture.

Mr. LEAHY. If the Senator will be kind enough to amend his unanimous consent request to include not to interfere with the vote at 5:20.

Mr. INHOFE. I certainly amend it accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Again, I would say if anyone wants to come in and talk about this vote that is coming up, I will yield to them.

GUANTANAMO BAY

I seem to be involved in four missions right now and one of them happens to be the Guantanamo Bay detention facility. I have had occasion to be down

at that facility right after 9/11 and then, of course, the other day I was there again. There are some very serious problems I think many Members of this body are not aware of. One is that when President Obama gave his excellent speech that was his inaugural speech, he recognized we need to determine what we are going to do with those who are currently detained at Guantanamo Bay and those who may come into that facility as a result of the escalation of activity in Afghanistan before making a determination that it has to be closed. Unfortunately, 2 days after he made that speech, he stated it was going to be closed and the prison would be closed within a year.

On February 2, I took a group down there with some Senators who had never been to Guantanamo Bay. All they could do on the way back is say: Why are we considering giving up this facility? In fact, shortly after that, I introduced legislation that would prevent any transfers of detainees from Guantanamo Bay to anywhere in the United States or its territories. The reason I did this is because while this has been used to detain some 800 al-Qaida and Taliban combatants, they are down right now to about 525 of those who have been tried and departed from Gitmo for other countries. Today, there are approximately 245 detainees left. This is the problem. These detainees—about 170 as near as we can determine—are very serious detainees such as Khalid Mohammed and others who were directly involved in the planning of 9/11. Many of the countries will not accept them back. They cannot be repatriated to any country; nobody wants them. So the choices are limited either to keep them at that facility or to figure out some way to put them in, as has been suggested, to some facility in the continental United States. They have talked about some 17 places that could detain these terrorists.

The problem we have with that is these would become 17 magnets for terrorism in the United States. I can't find one Member of the U.S. Senate—not one—who is willing to have any of these detained in his or her State. I often wonder what is this obsession that people have to closing this facility. It is kind of funny because it is one of the few good things that is out there—few good deals we have. We have had this facility since 1903. We are still paying the same amount of money—\$4,000 a year—for this facility, and it is the state-of-the-art place for the United States to take care of this type of detainee. Let's keep in mind that we also have a complex called the expeditionary legal complex located at Gitmo. It is about the only place of its kind in the world where you can try these cases. If you don't try them there, very likely they could find their way into our justice system. Of course, I think we all understand the rules of

evidence are different in that facility than they are in our Federal judiciary system.

I had occasion to go to Fort Sill in my State of Oklahoma, which is 1 of the 17 that have been named as possible areas for detention of these individuals.

Sergeant Major Carter was there, the one running the facility. She had occasion to be stationed for over a year at Guantanamo. She said: Why in the world would we give up that facility to send them down here to Fort Sill? First of all, we don't have the capacity to keep them in the various classifications in security that they do at Guantanamo. Second, she said that the ratio is 1 to 2 in terms of health care facilities. There is just one health care person in most locations, but there are doctors and nurses for each two detainees at Guantanamo Bay. We don't have anything like that at Fort Sill or Leavenworth or any of the other suggested places.

Consequently, they have studied and found and determined that never has there been a case of abuse in the way of human rights abuses with the detainees. There has never been a case of waterboarding or of any kind of torturing. Yet they are there, and nobody has been able to say why it is that they should be closed down.

What troubles me most is that the Obama administration seems more focused on closing Gitmo and protecting the rights of those detainees than on conducting the war on terror and protecting our country and our people from the terrorists currently held there.

It is interesting that Attorney General Holder went down to look at Gitmo to determine what we should do. He came back with a glowing report about the conditions. The Pentagon released a report stating that Gitmo meets the highest international standards, the very highest standards. Unfortunately, the Obama administration seems bent on closing Gitmo—I guess for political reasons. Yet I have not heard the reasons why it is that people are so obsessed with the idea of closing it down.

I think it is time for the Members of Congress to weigh in because as we look at the evidence and the problems, we have to find a place to put the detainees who are there. I say to my friend from Vermont, it is not just the 245 detainees currently there, it is the ones who are going to be there as a result of the surge. People say there are two prisons in Afghanistan, there is Bagram and Kandahar. The problem with that is, it is my understanding they will only accept detainees who are Afghan. You have others going from Saudi Arabia, from other areas, and there is no place else they can be put.

I think we have an opportunity there to have a place that is secure, with the

highest standards. Again, the only alternative would be to put them in places where we have detainees—where we have other facilities in the United States.

In 2007, the Senate passed a resolution by a vote of 94 to 3. It stated that the detainees housed at Gitmo should not be released into American society, nor should they be transferred state-side into facilities in American communities and neighborhoods. That vote was 94 to 3.

Madam President, I suggest to you that we will have the opportunity to call on those 94 Members, and certainly their constituents back home, who don't want to have them released and housed in any area other than Gitmo. My State of Oklahoma is not the only State where the State legislature has passed resolutions saying we don't want any of those detainees housed in our State. I think we will have an opportunity—since the vote is taking place in a minute and my time has expired—an opportunity in the next few days, before any final action takes place, to allow the Members of both the House and Senate to express a very strong position that they don't want to have these detainees placed in any of the stateside facilities.

With that, I yield the floor.

Mr. LEAHY. Madam President, we have about a minute left. I reiterate for my colleagues that this is a bill that, when it is voted upon, I predict—and I am fairly good about such predictions—will pass almost unanimously, certainly with 80 to 90 votes for it. We handled a number of amendments—mostly Republican amendments—and we either included them or voted them down. Most were included in this bill. Cloture was filed only because a huge number of amendments came in that had absolutely nothing to do with the jurisdiction of either the Judiciary Committee or this bill. That is the only way to get on to the bill and give our law enforcement the tools they need. Many law enforcement groups in this country has spoken in favor of this.

I ask unanimous consent that a group of letters from law enforcement organizations and other groups in favor of it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FRATERNAL
ORDER OF POLICE,
Washington, DC, March 18, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 386, the "Fraud Enforcement and Recovery Act."

This bill will strengthen our ability to investigate and prosecute the kinds of financial crimes that have so severely undermined

our economy by providing law enforcement with the tools they need to investigate fraudulent activity in connection with bail-out and recovery legislation.

The legislation you have introduced along with Senators Grassley, Schumer, Klobuchar, and Kaufman will authorize \$165 million a year for hiring fraud prosecutors and investigators at the U.S. Department of Justice for FY2010 and 2011, including specific funding for the Federal Bureau of Investigation to hire additional special agents, professional staff and forensic analysts to rebuild its "white collar" investigation program. The bill also authorizes \$80 million a year over the next two years for investigators and analysts at the U.S. Postal Inspection Service, the U.S. Secret Service, and the Office of Inspector General for the Housing and Urban Development Department to combat fraud against Federal assistance programs and financial institutions.

Additionally, the bill will make changes to fraud and money laundering statutes to enhance prosecutors' ability to combat this growing wave of fraud and improve one of the most potent civil tools we have for rooting out fraud in government—the False Claims Act.

I applaud you for your leadership on this issue and look forward to working with you and your staff to move this bill forward. If I can be of any help, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

TAXPAYERS AGAINST FRAUD,
Washington, DC.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Russell
Senate Office Building, U.S. Senate, Wash-
ington, DC.

DEAR SENATOR LEAHY: I am writing to express Taxpayers Against Fraud's support for the recently introduced Fraud Enforcement and Recovery Act of 2009 (S. 386). Taxpayers Against Fraud is dedicated to eradicating fraud against the United States government. We strongly believe that this well-reasoned legislation will serve that end, and will greatly benefit the American people during this trying time. In particular, the S.386 provisions closing False Claims Act loopholes will prevent fraudsters from stealing tax dollars with impunity.

Over the past twenty years, it has become utterly clear that the government's most effective fraud-fighting tool is the federal False Claims Act, returning over \$22 billion in settlements and judgments. However, recent court decisions have interpreted the False Claims Act in ways inconsistent with the Congressional intent, causing harm to taxpayers. These judicial rulings could leave billions of federal dollars exposed to fraud. Perhaps most disturbing, the Supreme Court recently held that the False Claims Act does not impose liability for false claims on government funds disbursed by a government contractor for government purposes. This ruling severely limits the reach of the False Claims Act. S. 386 specifically addresses this Court ruling. Therefore, during this time, when the government is distributing unprecedented funds as part of the economic recovery efforts, Congress is rightly seeking to strengthen the False Claims Act, thus ensuring that every stimulus dollar is appropriately spent to get our country back on track.

We strongly support this legislation, and we encourage others to join the fight in protecting America's scarce fiscal resources.

Sincerely,

JOSEPH E. B. WHITE,
President & C.E.O.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Lewisberry, PA, March 22, 2009.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As the National President of the Federal Law Enforcement Officers Association (FLEOA), a 26,000 member organization exclusively representing federal law enforcement officers, I would like to commend you for your introduction of Senate Bill 386, the Fraud Enforcement and Recovery Act of 2009.

Three sections of the bill in particular are of great importance to our membership. First, Subsection 27, paragraph (1) seeks to define the term "proceeds" correctly as relates to a money laundering violation (Title 18, USC 1956 C). Your bill will ensure that a criminal is charged for the "gross receipts" they earned from a specified unlawful activity. Money launderers should not be allowed to use receipts from their criminal enterprise as a means to lower the dollar amount for which they are criminally charged.

Under Section 3, paragraph (2) (A), your bill specifies funding the Federal Bureau of Investigation (FBI) for fiscal years 2010 and 2011. Specifically, your bill recommends funding the FBI \$65 million each year in an effort to combat crimes involving "federal assistance programs and financial institutions." In light of the economic crisis our country is facing, and the rampant fraud being committed against programs designed to assist Americans, it is imperative that the FBI receives the proper funding and resources to investigate criminals who seek to steal from our government.

We also support the additional \$30 million allocations specified for both the Postal Inspection Service and the Inspector General of the Department of Housing and Urban Development (HUD-OIG). As the Postal Service confronts its fiscal challenges, it is imperative that the Postal Inspection Service is properly funded in order to carry out its vital mission. If the Postal Service continues to tighten the Postal Inspection Service belt, our Inspectors won't be able to breathe, i.e. continue to conduct high impact criminal institution crimes. They, too, need to be properly funded so they can continue to investigate those who seek to steal from our government.

Thank you, Senator Leahy, for recognizing the need to fund those agencies who are dedicated to protecting our government's capital. We also applaud your recognition of the need to address the misguided interpretation of the money laundering statute that was rendered in the Santos case.

Respectfully submitted,

J. ADLER,
National President.

NATIONAL ASSOCIATION OF
ASSISTANT UNITED STATES ATTORNEYS,
Lake Ridge, VA, March 20, 2009.

Re Fraud Enforcement and Recovery Act of
2009, S. 386

Hon. HARRY REID,
*Senate Majority Leader,
U.S. Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,
*Senate Republican Leader,
U.S. Capitol, Washington, DC.*

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: On behalf of the National Association of Assistant United States Attorneys, I write to urge the Senate to proceed without delay to approve the Fraud Enforcement and Recovery Act of 2009, S. 386. This legislation was reported by the Senate Judiciary Committee on March 5. Our organization, which represents the interests of the 5,400 Assistant United States Attorneys responsible for enforcement of the nation's laws and the pursuit of justice, strongly supports this legislation and urges prompt Senate passage. The legislation also has the support of the Department of Justice itself.

The Fraud Enforcement and Recovery Act (FERA) will make new tools and resources available to prosecutors and law enforcement authorities to investigate and prosecute the corporate and mortgage frauds that have contributed to the collapse of our economy and caused such widespread harm. The legislation authorizes \$230 million for hiring fraud prosecutors and investigators at the Justice Department for fiscal years 2010 and 2011. This includes \$50 million for U.S. Attorneys' offices to expand prosecutorial staffing of its mortgage fraud strike forces and \$40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support to those efforts.

FERA also makes a number of important improvements to fraud and money laundering statutes to strengthen the ability of federal prosecutors to combat this growing wave of fraud.

This legislation, like the FIRREA legislation responding to the savings and loan crisis, is the most significant effort to reinvigorate our federal fraud enforcement program in more than two decades. Congress should move quickly to pass this legislation so American taxpayers can be confident that those who are criminally responsible for contributing to the present economic disaster, as well as those who may attempt to exploit federal efforts to promote recovery, are apprehended and held fully accountable for their wrongs.

Sincerely yours,

RICHARD DELONIS,
President.

—
ASSOCIATION OF
CERTIFIED FRAUD EXAMINERS,
Austin, TX, March 10, 2009.

Hon. PATRICK LEAHY,
*U.S. Senate,
Washington, DC.*

DEAR MR. CHAIRMAN: The Association of Certified Fraud Examiners (ACFE) is the world's largest anti-fraud organization and the premier provider of anti-fraud training and education. Together with nearly 50,000 members, the ACFE is reducing business fraud world-wide and inspiring public confidence in the integrity and objectivity within the profession. The mission of the ACFE is to reduce the incidence of fraud and white-collar crime and to assist in fraud detection and deterrence.

On behalf of the ACFE, I applaud you and the Senate Judiciary Committee for your commitment to reduce fraud and your diligence in creating S. 386, The Fraud Enforcement and Recovery Act of 2009. This is an important piece of legislation that will make a significant impact on reducing the impact of fraud and restoring public confidence in our financial markets.

According to a Survey of Certified Fraud Examiners (CFEs) who investigated cases between January 2006 and February 2008, U.S. organizations lose an estimated seven percent of their annual revenues to fraud. When applied to the projected 2008 United States Gross National Product, the seven percent figure translates to approximately \$994 billion in fraud losses. The ACFE published the results of the survey in our 2008 Report to the Nation on Occupational Fraud & Abuse.

The ACFE administers the CFE credential. The CFE denotes proven expertise in fraud prevention, detection and deterrence. CFEs are trained to identify the warning signs and red flags that indicate evidence of fraud and fraud risk. CFEs around the world help protect the global economy by uncovering fraud and implementing processes to prevent fraud from occurring in the first place. As you stated in a recent press release, the Fraud Enforcement and Recovery Act of 2009 was created to strengthen the Federal Government's capacity to investigate, prosecute, and even deter financial frauds. In order to be effective at these goals, it requires practitioners who are trained with the necessary fraud prevention, detection, and examination skills. The CFE credential and the training and experience required of an individual to become a CFE are critical skill sets that the Federal Government should demand of its resources. We encourage you to include CFE training and credentials as part of any plan to help prevent and detect fraud.

With our compliments, enclosed is our Report to the Nation as well as the current issue of Fraud Magazine. We hope these publications provide greater insight into the valuable work that both the ACFE and its members provide. The ACFE is proud to have such an honorable colleague in the fight against fraud and we are deeply appreciative of your exemplary work.

If there is anything I can offer or extend to you in the future, please do not hesitate to ask.

Cordially,

SCOTT J. GROSSFIELD,
CEO.

Enclosures: Report to the Nation, Fraud Magazine.

The PRESIDING OFFICER. The time of 5:20 having arrived, under the previous order, pursuant to rule XXII the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), the Senator from Florida (Mr. MARTINEZ), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea." The Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 4, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—84

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Gillibrand	Mikulski
Baucus	Graham	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Bond	Hutchison	Reid
Boxer	Inouye	Risch
Brown	Isakson	Sanders
Burris	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kennedy	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden

NAYS—4

Coburn	Inhofe
DeMint	Kyl

NOT VOTING—11

Brownback	Ensign	Rockefeller
Bunning	Landrieu	Vitter
Burr	Martinez	Voinovich
Cornyn	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 4.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order for me to raise a point of order en bloc against all pending amendments; that they are not germane postcloture.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and, it is so ordered.

Mr. LEAHY. Madam President, I raise a point of order en bloc that the pending amendments are not germane postcloture.

The PRESIDING OFFICER. The point of order is well taken. The amendments fall en bloc.

Under the previous order, all postcloture time is yielded back, the substitute amendment is agreed to, and the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEAHY. Madam President, I understand the vote will be tomorrow on the bill. Would it be in order to ask for the yeas and nays at this point?

The PRESIDING OFFICER. It is.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer, and I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise in strong support of S. 386, the Fraud Enforcement and Recovery Act, and I congratulate Chairman LEAHY for introducing this important piece of legislation. If enacted, this bill will enhance our ability to combat fraud and help bring justice to those injured by misconduct that contributed to our current financial crisis.

The bill has several important aims. First, it provides badly needed additional funds for fraud-fighting efforts at the FBI, the Department of Justice, and other agencies. It also makes critical changes to our existing criminal fraud statutes, so they capture the malfeasance in the mortgage and financial markets that we hear about every day. Last, certainly not least, it strengthens the False Claims Act to facilitate actions against Government contractors or their subcontractors for wasting Government money.

First, I want to say a few words about the additional resources authorized by this bill. In recent years, the number of fraud cases has ballooned. Last month, the Director of the FBI, Robert Mueller, told the Judiciary Committee that his agency's caseload of active mortgage fraud cases, for example, has almost tripled in the past 3 years.

The FBI, along with Department of Justice and other agencies, has struggled with allocating their scarce resources. As Director Mueller testified, "these cases are straining the FBI's resources. . . . [W]e have had to shift resources from other criminal programs to address the current financial crisis."

The Fraud Enforcement and Recovery Act provides essential money for investigating and prosecuting fraud. Both in the last Congress and earlier this Congress, Senator SNOWE and I had introduced legislation, which also would have temporarily increased resources at the FBI to fight white-collar crime because we recognized that our law enforcers do not have the resources they need to fight the ever-growing caseload of fraud cases. S. 386 serves the same important end by providing \$245 million a year to the Justice Department, the FBI, and other investigative agencies.

S. 386 does more than just provide money, though; it aims to fight fraud in a comprehensive, far-reaching manner by amending criminal laws. The changes in the Fraud Enforcement and Recovery Act will give Federal law enforcement agencies the tools they need to address some of the most nefarious criminal activity in the financial world.

As we have seen in recent years, many of our vulnerabilities in the financial sector originated from bad mortgages and dangerous derivatives. The companies in the center of the storm are the names you hear every night on the news. Of course, not every person in those companies has acted criminally. But some have. These the actors who were able to exploit holes in the regulatory system or identify problems with oversight—often with intentional disregard for the health of the economy. Unfortunately, our present laws don't neatly capture some of the criminal acts that are at the heart of financial crisis.

To that end, this bill will amend the definition of "financial institution" to extend the fraud laws to private mortgage-lending businesses that were not directly regulated or insured by the Federal Government. It will also amend the law to cover mortgage-backed derivatives—so intentional, fraudulent acts related to those instruments can be prosecuted.

The Fraud Enforcement and Recovery Act also changes the law to better capture Ponzi schemes. As it stands now, courts have held that the perpetrators of those schemes are liable only for "profits" they earned—rather than being liable for all the "proceeds" they received over the course of time.

Furthermore, the bill puts the money expended through the Troubled Asset Relief Program, the American Recovery and Reinvestment Act, and other stimulus bills under the ambit of the fraud statutes. By making this change

now, we hopefully will deter the type of intentional, criminal activity that has contributed to the present financial crisis.

There is also another way we can protect the TARP and ARRA money—by strengthening civil fraud enforcement. The Fraud Enforcement and Recovery Act makes overdue changes to the False Claims Act, so that the Federal Government can recover money lost due to contractor abuse and fraud.

Through Senator GRASSLEY's efforts since the 1980s, the False Claims Act has become the powerful tool that it is today. Individuals, on behalf of the Government, or the Government itself can sue to recover money from contractors who have abused their access to Government funds. We have seen in the Iraq war context that when contractors have access to large tranches of Government money, fraud and abuse will often follow.

Yet some of the False Claims Act cases decided by courts in the last decade have made the False Claims Act less effective. One line of cases determined that fraudulent actions by subcontractors are not subject to the False Claims Act. A change in the Fraud Enforcement and Recovery Act plugs this hole in the existing law.

It is too late to turn back the clock and prevent today's financial crisis from happening. But we can hold the bad actors accountable now by prosecuting the perpetrators to the fullest extent of the law. The provisions of the Fraud Enforcement and Recovery Act will help ensure that our enforcement resources match the gravity of the situation before us.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that Senator SHERROD BROWN of Ohio be allowed to speak at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORTGAGE FORECLOSURE CRISIS

Mr. DURBIN. Madam President, later this week, the Senate is going to consider legislation that I have been working on for 2 years. Two years ago, it was apparent to me that we were facing a mortgage foreclosure crisis in America. It was a crisis which had just begun, but it was obvious there were many victims. I had no idea when I introduced this legislation that we would be standing here 2 years later and the state of the American economy we would face.

The Senate will consider legislation I have offered to help families save their homes and avoid foreclosure. When we consider amendments to the bill, the key number to remember is 1.7 million

families—1.7 million. That is the number of families we will either give a chance to save their homes or allow them to be thrown out in the street, depending on how the vote turns out. My amendment will help 1.7 million families avoid foreclosure. It will make a small change to the Bankruptcy Code to provide these families with a little bit of leverage—leverage they do not have today.

I had a meeting on Friday in my office in Chicago. Groups came from all over the city of Chicago and told me about the mortgage foreclosure crisis in that city. I love that town. I am honored to represent it. But there are neighborhoods that are in serious trouble and not because folks aren't keeping up their homes—they do. They have fierce pride in their little bungalows and homes they maintain. It is not because they aren't proud of their churches they attend and temples and synagogues. That is always a part of life in most cities, and it certainly is in Chicago. And not because the kids aren't out playing on the playgrounds and reflecting the values of their families. No, it is usually because there is one house on the block that has gone into foreclosure.

You may think to yourself: So what. That is only one house. But imagine in your own hometown, in your own neighborhood, if that house next door went into foreclosure. Imagine it was vacant, with plywood on all the windows, and you started noticing that not only was the lawn not being tended to, it was becoming a vacant lot for trash to accumulate. Then the word was out that there were vandals who were stripping the copper tubing and piping out of that house. The next thing you know, there are rumors about drug gangs using it late at night.

That is the reality of these neighborhoods, and it is the reality of mortgage foreclosure. It is not just the economic loss for the neighbors. It is the loss of a neighborhood spirit. That is what foreclosure brings us.

You say to yourself: You know that family that was in there, they just made a terrible decision on a mortgage. Some of them did. Some of them were misled into those terrible decisions.

Have you ever been to a closing to buy a home? Do you remember that stack of papers they put on the table in front of you? They would turn the corner over and they would say: Keep signing.

What is this?

Oh, it is a Federal Government form. The banks looked at it; the realtors looked at it; everything is fine. Keep going. Here is a check. Sign this. Now here is your payment book. In 60 days make your first payment.

Secreted in some of these documents were provisions that a lot of people did not understand. Sometimes the whole

process was a fraud. In the worst of times, many of these mortgage brokers were saying to people:

How much money do you make?

Oh, \$50,000, \$60,000.

Oh, that is great. We will put you in a nice little house, we will give you an adjustable rate mortgage and the house will go up in value and everything will be fine.

They call them no-doc mortgages. That meant no documentation. The borrower, the person buying the home, did not have to produce a single document to indicate their income or net worth.

We have a little provision in the Department of Treasury, Internal Revenue Service. If you spend a few dollars and fill out a form, we will verify what your income is so the people who are loaning the money are going to have verification. That was not even asked for. Why? Because the folks who were doing these deals wanted to get them done and get out of town and they did. They left behind a mess in community after community, in city after city.

Now, as these people face foreclosure in their homes, many of them do not know where to turn. They go back to the bank and they say to the bank: Come on, I understand I can get a low interest rate now. Maybe I can stay in this home. I am not going to default and I will not lose the home. It will not be foreclosed.

Do you know what the banker tells them? The banker says: Oh, we just did a credit rating on you and it turns out you are upside-down. You owe more money on your house than it is worth; therefore, your credit rating is too low. Therefore, we cannot renegotiate the mortgage, therefore you are going to face foreclosure.

That's the Catch-22 reality of mortgage foreclosure today.

I told a story to some people the other day. I got on an airplane to fly from Washington to Chicago. I do that a lot. A stewardess, flight attendant, said she wanted to talk to me. After they served the coffee and soda, the drinks on the plane, she came down and knelt down in the aisle next to me. People are looking around: What is this all about?

She said: Senator, I am a single mom. I have three kids. I have been a flight attendant on this airline for 20 years. I go to work every day and work real hard. I have a house just outside of Chicagoland area, in the metropolitan area, and I have a 7-percent mortgage on it and I cannot do it. I can't make the payments. But I know they are offering mortgages now that are down in the 4- and 5-percent range and I think I can swing it. But they will not sit down and talk to me. Nobody will talk to me. I have to default on my payment and go into foreclosure before anybody will sit and talk to me.

That is the reality of what housing is in many places across America. So, 2

years ago, I came up with this idea of changing the Bankruptcy Code. Currently, under the Bankruptcy Code, if you are facing bankruptcy and you own several pieces of real estate—a home, a vacation condo in Florida, a ranch or a farm—and you go into bankruptcy, the bankruptcy judge can take a look at the mortgage which is in foreclosure for your condo in Florida, and that bankruptcy judge can say: The fair value of that condo is X. Therefore, we will reduce the principle on the mortgage to X. We will change the interest rate, and we believe you can make the payments. You can keep your condo. The same for your farm, the same for your ranch. But your home? No deal. The bankruptcy court cannot even consider changing the mortgage terms on your home.

That has been in the law for awhile. I think it is a terrible provision. The people who want to protect that provision? Many of the banks that brought us this crisis, many of the banks that have been given billions of dollars. It's not all of them. I will tell you the good guys later on. But many of these banks that have benefited from the hundreds of billions of dollars taxpayers have put on the table have said, when it comes to a bad mortgage and a foreclosure, tough deal. They made a bad decision. They have to pay for it.

Really? These bankers who were raking in the billions of taxpayers' dollars because of their bad deals and their rotten portfolios have said to these poor people facing foreclosure: Tough. Tough. You should have known better. You should not have made that mistake. You should have shown the wisdom and foresight that we show in the banking business.

How about that for turning the tables?

That is what this debate is all about. I don't want to see more people in bankruptcy. That is not a good outcome. But if the lenders of these mortgages know that at the end of the road, after everything else has gone on, there may be a bankruptcy judge who will sit down and look at that mortgage and say to that flight attendant: You know what. You are offering mortgages at this bank for 4 and 5 percent. You offer this woman 4.5 percent. She can make the payments and keep her home and the court is going to order it.

If they knew that could happen at the end of the day, I think those bankers would be in a position where they would want to sit down before it occurs and try to avoid the foreclosure, avoid the terrible outcome for the family and the neighborhood.

Mr. President, 1.7 million American families could save their homes with my amendment. I didn't come up with that figure; the analysts did. It makes a very small change in the Bankruptcy Code which could result in that. If it passes, it is not just a family who wins

or the neighbors who win, the banks win. Do you know what it costs a bank to take a home through foreclosure? A minimum, I am told at a hearing I held, of \$50,000. That is what they lose for all the legal fees and things that are involved in a foreclosure on property. Then, do you know what happens to 99 percent of the properties that go into foreclosure? Do you know who owns them after the foreclosure? The bank. Now that bank has to worry about cutting the grass, making sure it is a presentable property, providing security if necessary. What might happen if somebody started squatting on the property—which is starting to happen. Or drug gangs started invading the building? Now it is a banker's problem, not one they signed up for but one they face.

We can save the homes of 1.7 million families with this issue. The mortgages that are under discussion here were risky instruments. Too many lenders threw caution to the wind and they issued these subprime mortgages, no-doc mortgages, mortgages with stair-step rate increases, and a lot of people were sucked in and taken advantage of.

The Mortgage Bankers Association and their cronies scoffed when we told them we were going to have even more foreclosures, but the number continues to grow. This is the cancer at the heart of this recession. This is what we have to address.

This President has worked overtime with a Recovery and Reinvestment Act, putting money back into the economy, saving jobs, creating jobs. But we have to get to the heart of this housing crisis. We have to stop what has become a steady decline of neighborhoods and real estate values in America. It affects us all.

The institutions that held billions of dollars of these mortgage assets began to fail. You remember the litany: Bear Stearns, Fannie Mae, Freddie Mac, Lehman Brothers, AIG. The global financial system started to melt down and it started with these bad mortgages. Then the American taxpayers were asked to provide \$700 billion to bail out institutions, just like the ones I have named. Lending dried up at the banks across America. Businesses had to cut back. Millions of American workers have lost their jobs.

In my home State of Illinois, we were losing on average 1,200 jobs a day—a day. Unfortunately, that continues. We think we are starting—starting to turn the corner but ever so slightly.

Trillions of dollars in savings of workers and retirees were wiped out. It happened to everybody, everybody who was in an investment with a 401(k) or IRA or even a pension plan. Eventually, even safe mortgages were put at risk. It started with subprime mortgages. Now it is starting to spread. Credit Suisse now estimates that 8.1 million mortgages could fail in the

next few years. It is not over. What does that represent? One out of every six homes in America could face foreclosure.

When I gave this speech a year ago and called for this measure, people came to the floor and said: Durbin, you are exaggerating. It is not that bad. It is going to get well. People will be fine.

That has not happened. Just the opposite has happened.

It does not have to be this way. Many of these mortgages can be slightly modified and people can stay in their homes. The banks can still profit and families can still have a place for a future. If we can save these homes, the value of the assets based on these mortgages could regain much of their value. The institutions that hold billions of dollars of these assets, such as Citigroup, JPMorgan Chase, Bank of America, Wells Fargo, and many others could return to full health more quickly. Confidence might return to the financial system. The American taxpayers would get their money back much earlier from the institutions we bailed out with hard-earned taxpayer dollars. Lending would ramp up at a more rapid pace. Businesses might feel more confidence.

The banks have said all along we don't need any change in the law, we will take care of this problem. Look what has happened. As they promised us they would take care of it, they didn't. More and more homes went into default and face foreclosure because they won't sit down and make the deal. Why wouldn't they? If they face \$50,000 in losses on these foreclosures, if they have all these new obligations, at the end of the day why wouldn't they sit down?

I will tell you why. For many of them, they don't want to concede the fact that they created this crisis. Second, many of them believe that at the end of the day Uncle Sam and the taxpayers of America will ride to the rescue, buying these mortgage securities, taking care of these banks, saving them after the bottom falls out of the real estate market and housing market in America. What an awful outcome, that all these families would have to go through all this suffering, that all these neighborhoods would have all these problems, so at the end of the day the banks that made the original bad mortgages would be rescued. That must be what they are thinking.

The groups that are leading the charge against me on this are familiar names on Capitol Hill: The Mortgage Bankers Association, the people who brought us this wonderful subprime mortgage crisis, they oppose my bill; the Financial Services Roundtable, the biggest names in financial services in this Nation, the ones who have had their hands out for Federal money, oppose this idea of helping people facing foreclosure; and the American Bankers

Association. What a disappointment. What a disappointment that a great association such as that, representing so many good banks, would not even sit down at the table to discuss this provision. It is a source of great disappointment to me because, as a Congressman and Senator, I have worked with them on so many issues. I have never found them more unyielding and unreasonable than on this issue.

They say: Don't worry about it, Senator, we are experts. We are going to handle it. Don't tell us what we need to do.

Many of those same banks are the first in line when it comes to Federal money. In effect, they have said we have created these rotten mortgages in the first place. Then we sliced them up into securities and sold them to investors all over the world as though there were no risks involved, although we knew better. They tell us we made billions of profits on the backs of homeowners, and then we took billions more from the taxpayers when the mortgages went bad, but don't make us solve the crisis. The Mortgage Bankers and American Banking Association says: We will handle it by ourselves. Time will take care of it.

That was effectively the message of the leading banking associations when, for the last several months, we have begged them, pleaded with them to sit down and work this out. They have refused. They have been adamant.

The Independent Community Bankers of America and the National Association of Federal Credit Unions—a group which I always supported in the past—they have had a little different message. They said: We didn't cause this crisis. Why should we be part of any plan to solve it?

We tried lengthy negotiations to address their concerns. We told them this solution will help the economy, will help their borrowers, and basically help their clients. And they just will not buy it.

I can tell them this. It is time for Congress to act and I hope we can muster the courage and find the votes, although I know it is going to be hard, hard to imagine that today the mortgage bankers would have clout in this Chamber, but they do.

They have a lot of friends still here. They are still big players on the American political scene. They have said to their friends: Stay away from this legislation. Do not vote for it.

Some of them will follow their lead. Not everyone has walked away from this responsible solution. The amendment which we will vote on a little later this week has the support of CitiGroup, the Center for Responsible Lending, and many other leading homeowner advocacy groups such as the AARP, the Leadership Council on Civil Rights, the Consumer Federation of America, and dozens of other groups.

They have worked with me to craft a responsible, reasonable proposal to give lenders a clear incentive to work hard to keep families in their homes.

The amendment I am going to offer will make a modest change in the Bankruptcy Code with a lot of conditions. It will not apply across the board. In the past, some of my colleagues have understood the need for action but have been uncomfortable with some of the original language. So let me be clear. This amendment is very different. This amendment limits the assistance in bankruptcy to situations where lenders are so intransigent that they are unwilling to cooperate with the two primary foreclosure prevention efforts already underway, the Obama administration's Homeowner Assistance and Stability Plan, and the congressionally created HOPE for Homeowners Refinancing Program, which this bill will greatly improve.

I am not going to go into further detail, but I want to say to my colleagues in the Senate and those who follow this debate, this is not the first time I have come to the Senate floor in the 13 years I have served to raise issues involving the exploitation of American consumers. I can recall the bankruptcy reform debate, had that a few years back, and I offered a simple amendment. Here is what it said: If you, as a lender, are guilty of predatory lending practices—in other words, if you have violated the law in the way that you have suckered in people to sign up for the mortgages, then you cannot show up at the bankruptcy court and ask that court order the person in bankruptcy to pay you. Your hands are not clean. You are a predatory lender.

At that time, many years ago, opposing my amendment was Senator Phil Gramm of Texas. Phil Gramm of Texas and I have an opposite political philosophy. He is a very articulate and a very smart man, and he was debating me. Do you remember what he said during the course of the debate? He said:

If the Durbin amendment passes—

This is about 8 years ago.

if the Durbin amendment passes, that will be the end of subprime mortgages.

Think about that. If 8 years ago we would have put an end to these subprime mortgages with that amendment, would we be in the mess we are in today? Well, perhaps, but perhaps not. We called the amendment for a vote. The amendment said the banks that were guilty of predatory lending could not recover in bankruptcy, and I lost by one vote. One vote.

I thought to myself so many times as this recession has unfolded how it might have been different if somebody had stood up at that moment in time, just one more Senator for consumers across America. This will be another test. Who is going to win this debate, the mortgage bankers, the American Bankers Association, or the consumers

across this country? The flight attendant on that flight, a single mom with three kids, her one asset in life is her home, and she is about to lose it? All she wants is a chance to renegotiate that mortgage and no one will sit down and talk with her. They would rather see her go all the way through default and foreclosure. It is an outrageous situation. It is repeated over and over and over.

We will have this debate this week. I hope this amendment can prevail. We are going to work hard to make sure we do everything we can so that it passes.

Then next week we are going to take up the credit card issue. We will be back with our friends in the banking industry. The American people know a lot about credit cards, and they know what this industry has done. The President said in a meeting last week: This is another industry that is entitled to make a profit but not entitled to exploit America's families and consumers. He is right. This will be a real test of my colleagues in the next few weeks in the Senate. First, we come to mortgage foreclosure, and then when it comes to credit cards, as to whether we are going to stand up on the side of working people in America, families struggling to get by, struggling with debt, who need someone to speak up for them, we can do that in the Senate. I sincerely hope we do.

I yield the floor.

The PRESIDING OFFICER. Expressions of approval and disapproval are not permitted.

The Senator from Ohio is recognized.

TRADE POLICY

Mr. BROWN. Madam President, I actually approve of the Senator's comments. In this case I want to express that.

In the last few weeks, there has been a good bit of discussion in the media and in Washington, not much around the country, but in the media and in Washington, about continuing the Bush trade policy by promoting the trade pacts he negotiated before leaving office.

We know President Bush pushed the Central American Free Trade Agreement through the Congress after his father and President Clinton had pushed through the North American Free Trade Agreement. And we know that continuing the Bush trade policy would be a mistake.

Look at what has happened in States such as Ohio and New Hampshire. Look all over this country. You can see not simply the incredible job loss middle-class families have suffered, not just their own job loss, what that means to a neighborhood, what that means to a community, what it means to police and fire protection and the layoffs of city workers and the general malaise

that surrounds those in the community with major layoffs, but it has also meant years of stagnant wages. We have seen, since this huge loss of manufacturing jobs, since this exploding of our trade deficit, years of stagnant wages where most of America simply has not gotten a pay raise in real dollars.

A combination of the current recession and manufacturing jobs lost as a result of wrong-headed trade policies have taken their toll on community after community in Ohio. From the North American Free Trade Agreement to the Central American Free Trade Agreement, from Permanent Normal Trade Relations with China, to failing to enforce our trade laws, our Nation's trade policy in the last decade, pure and simple, has betrayed America's middle class.

Last year alone our trade deficit topped \$700 billion. We have every day, yesterday—Saturday, Friday, tomorrow, the next day, all week, every day—a trade deficit of \$2 billion, a \$2 billion a day trade deficit. If you spent a dollar every second of every minute of every hour of every day, it would take you 63 years to spend \$2 billion.

We have a \$2 billion trade deficit every day. The first President Bush said a billion dollar trade surplus or a billion dollar trade deficit translates into some 13,000 jobs gained or lost. A \$1 billion trade surplus means you are manufacturing and selling \$1 billion more out of the country than you are importing. That is a 13,000 job gain. A \$1 billion trade deficit is the reverse, is a 13,000 job loss. That is according to President Bush the first.

So you can do the math. A \$700 billion trade deficit is a lot of lost jobs. This is a net trade deficit. This is imports minus exports or exports minus imports. Our trade deficit has resulted in our Nation not only importing goods and services and building that trade deficit and seeing the kinds of numbers of lost jobs, it is also importing the dangerous safety standards of our trading partners.

In Toledo, OH, several patients died after taking contaminated heparin for their heart conditions. The manufacturers of heparin had outsourced the making of the drug. As a result, they did not know where the contaminated ingredients came from. It has also happened in vitamins; it has also happened in other pharmaceuticals. It has happened in dog food, where the manufacturers of these dog foods or, in the case of the dog food, or the manufacturer of the pharmaceuticals, the companies have moved offshore, have bought ingredients—outsourced these ingredients—have bought them from all kinds of subcontractors, whom they generally cannot trace very well.

They have come back into the United States and caused significant damage, sometimes to the point of death for too many Americans.

The same with toys. Professor Jeffrey Weidenhamer, a professor at Ashland University, not far from where I grew up in Ohio, took his freshman chemistry class and went out and bought very inexpensive toys at Halloween and Christmas last year and then tested these toys for lead-based paint and found a significant number of them had far too high levels, dangerously high levels for children.

These were products made by an American company but outsourced. The production was outsourced to China. These companies then subcontracted with all kinds of small Chinese operations and at the same time pushed them every year to cut costs. So what happened? These companies used the cheapest, the easiest to apply paint, which happened to be lead-based paint, which is put on these products, which then make their way back into the United States and show up in the homes of children in Avon Lake and Bucyrus, OH.

Whether it is patients in Toledo, whether it is children who are using these toys in Zanesville, or whether it is workers who have lost their jobs because of trade agreements, it is clear our trade direction is not working. It is clear the trade agenda given us by the Bush administration, inherited by the Bush administration, should not be continued.

Make no mistake about it: I want trade, I want more of it. I want it under a different set of rules. That is why I will be asking the Government Accountability Office to conduct a comprehensive study on our current trade agreements. A GAO report on trade would provide a nonideological, nonpartisan analysis of what is working, and what is not working in our trade policy. It is an important step toward redirecting U.S. trade policy that will provide critical solutions for our Nation's recovery strategy.

The basic premise of redirecting U.S. trade policy is that we must see evidence that our trade model is working before we pass new trade agreements. Why should we pass a trade agreement negotiated by the Bush administration with Panama or with Colombia or with South Korea, when those trade agreements are based on the NAFTA, CAFTA trade model, the same kind of trade agreement that surely has cost us jobs? If you do not believe it has cost us jobs, first, you are not looking at the statistics, but even if you do not believe it, let's go back and have that dispassionate analysis, nonideological, nonpartisan principled analysis of NAFTA, of CAFTA, of our trade policy with China before we move on and pass further trade agreements.

At the same time, during the last 8 years, the Bush administration never accepted a 301 petition to help us with trade enforcement, including a petition for an investigation of Chinese cur-

rency practices, and a petition of Chinese workers' rights. Are the Chinese using slave labor, child labor? The Bush administration would not even examine it. They dismissed those 301 petitions in a matter of, in one case, less than a day. The Bush administration also never acted on 421 cases even when the International Trade Commission found injury.

The nonenforcement has left struggling companies in my State, small manufacturing companies in New Hampshire, the Presiding Officer's State, unable to compete against unfair trade practices.

I am encouraged by the Obama administration's emphasis on trade enforcement. I want to see Congress work with the President to ensure the trade enforcement is a governmentwide practice.

Finally, I believe Congress should give President Obama the authority to negotiate better trade deals. But I do not believe we can give President Obama or any President a blank check on these trade agreements. Congress needs a stronger role in the process. That means Congress must review, must renegotiate, must revitalize trade. That is why Congress should enact the Trade Reform Accountability Development and Employment Act I introduced in the last Congress and plan to introduce soon in this Congress.

The trade act is forward looking. It is a pro-trade piece of legislation that requires a review of existing trade agreements and then provides a process to renegotiate existing trade agreements, when necessary. It outlines principles on labor standards, on the environment, on investment, on food safety, on consumer product safety, such as children's toys, to be included in future trade agreements, something that has never been included. Any consequential provisions, none of them have ever been included in any of these trade agreements on labor, on investment, on environment, on food safety, on consumer product safety.

With any delegation of its authority to negotiate better trade deals, Congress must ensure negotiating objectives are binding and that there is a congressional vote on a trade agreement before it is signed by the President.

From on high, the President cuts all the special interest deals. We saw that in the Bush years and, frankly, we saw it too often in the Clinton years, the first Bush and the Reagan years also. The trade negotiators would cut their special interest deals, send the agreement to Congress, and Congress had to vote, after the President had signed on, either up or down. Reasserting congressional authority must also ensure Congress's public policy prerogatives are respected by international trade organizations such as the World Trade

Organization. We must not find our public policy subject to corporate rights of action at the WTO or NAFTA that outweighs the Government's responsibility to preserve the public welfare.

What has happened is the corporate rights have been respected but not rights of workers, not rules to protect the environment or consumer safety and food safety.

A global system such as the WTO that doesn't give countries policy space risks the very legitimacy of global institutions. Countries should have sovereignty. If Canada wants to pass a strong environmental rule, if Mexico wants to pass a strong food safety law, who are we, in a world trade body or as another government, or who is someone in a corporation to tell those countries they can't pass a strong environmental law or a strong food safety law.

I recognize the framework I have outlined is only one strategy, but we can all agree our current trade model has not been working. When we change the process for writing trade deals, we can make trade deals work for more people in our country and for people living in the countries who are our trading partners. We have seen demonstrations in Central America against trade agreements, understanding that these trade agreements have so often overridden consumer protection rules in their countries. We see people in our country complain of trade agreements because workers lose jobs, because safe drinking water is not protected under these agreements. It is time these trade agreements are written for communities, for workers, and for small businesses. They have not been in the past. This is our chance to set out a new direction on trade.

CONGO CONFLICT MINERALS ACT OF 2009

Mr. DURBIN. Madam President, I want to pause from the press of daily business to consider the situation in the Democratic Republic of Congo. I have frequently come to the floor to talk about the tragedy in Darfur—yet the situation in Congo is worth as much attention.

The Democratic Republic of Congo has been devastated by civil war, conflict and a humanitarian crisis. Since 1998, there have been an estimated 5.4 million deaths. The poverty and insecurity in Congo is pandemic. Illegal armed groups and military forces commit widespread human rights violations with impunity. The conflict there still results in an estimated 45,000 deaths each month.

This is a tragic situation, deserving of the international community's attention.

My colleague from Kansas, Senator BROWNBACK, and I traveled to the DRC together a couple of years ago. Congo

is, in many ways, a beautiful country, rich in natural resources.

But, like so many other places in the world, Congo's natural resources have also become a curse. Warring factions struggle for control of resources to pursue their own political aims. During our trip, Senator BROWNBACK and I learned that armed factions are plundering the mineral resources of eastern Congo and that illegal trade in these minerals is essentially financing the violence there.

We witnessed first-hand atrocities in eastern Congo—atrocities of horrific and inhumane proportions. Armed groups perpetrate unspeakable acts of sexual violence against women and girls to humiliate and terrorize communities and weaken their resistance.

I have met several times with a true modern day hero, Dr. Denis Mukwege, who runs the Panzi hospital of Bukavu, Congo. The Panzi hospital specializes in treatment for victims of sexual violence. The hospital performs surgeries and provides psychological counseling for these victims, but Dr. Mukwege and his staff are overwhelmed by the number of women seeking assistance.

Last year, I held a Judiciary hearing on rape as weapon of war. This is happening every day in the Democratic Republic of Congo. Rape and other forms of sexual violence affect hundreds of thousands of women and girls there, resulting in severe injuries, longterm psychological trauma, and immeasurable destructive impacts on the communities there. This war is being financed, at least in part, by the illegal trade in these minerals.

So what can we in the United States do about this? Well, many of these minerals end up right here in the U.S. and in many other countries, because they are used for everyday electronics products. Our cell phones, BlackBerrys, computers, and many other commonly used electronics contain these minerals.

Senator BROWNBACK and I, along with Senator FEINGOLD, who chairs the Africa Subcommittee of the Foreign Relations Committee, have introduced legislation to create more transparency about the end users of these minerals in the United States.

The Congo Conflict Minerals Act of 2009 would require companies that are involved in commercial activities involving three minerals (coltan, cassiterite, and wolframite) to disclose the country of origin of the minerals to the Securities and Exchange Commission. If the minerals are from DRC or neighboring countries, companies would have to also disclose the mine of origin.

We want to know where U.S. companies are getting these minerals, and we want to work with them to promote responsible practices and due diligence to ensure that their suppliers provide raw materials in a way that does not sup-

port the armed conflict or contribute to human rights abuses.

In the longer-term, we hope that Congo and its neighbors will establish a regional framework to prevent the illicit trade of these minerals. In the meantime, we can take this step to work with U.S. companies to ensure they are not inadvertently fueling the conflict in the Democratic Republic of Congo.

MUSLIM MIDDLE EAST

Mr. KYL. Madam President, in an April 16 Wall Street Journal column, "Speaking Truth to Muslim Power," former CIA officer and Middle East expert Reuel Marc Gerecht writes about the fierce internal debates over Islam, jihadism, and modernity within the Muslim Middle East.

As Gerecht writes, while Western countries cannot determine the outcome of those debates, they can help shape them and provide a boost to Muslim reformers. While it is fashionable to criticize President George W. Bush's Middle East policies, Gerecht says that Arab democracy activists "have never been so hopeful as they were" from 2002 to 2006, during which time democracy promotion flourished. He argues that President Bush's pro-democracy rhetoric "energized the discussion of representative government and human rights abroad."

I ask unanimous consent that Mr. Gerecht's column be printed in the RECORD, and I urge my colleagues to consider his thoughtful views.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, Apr. 16, 2009]

SPEAKING TRUTH TO MUSLIM POWER

(By Reuel Marc Gerecht)

"The United States is not at war with Islam and will never be. In fact, our partnership with the Muslim world is critical in rolling back a fringe ideology that people of all faiths reject."

So spoke President Barack Hussein Obama in Turkey last week. Following in the footsteps of the Bush administration, Mr. Obama wants to avoid labeling our enemy in religious terms. References to "Islamic terrorism," "Islamic radicalism," or "Islamic extremism" aren't in his speeches. "Jihad," too, has been banished from the official lexicon.

But if one visits the religious bookstores near Istanbul's Covered Bazaar, or mosque libraries of Turkish immigrants in Rotterdam, Brussels or Frankfurt, one can still find a cornucopia of radical Islamist literature. Go into the bookstores of Arab and Pakistani immigrant communities in Europe, or into the literary markets of the Arab world and the Indian subcontinent, and you'll find an even richer collection of militant Islamism.

Al Qaeda is certainly not a mainstream Muslim group—if it were, we would have had far more terrorist attacks since 9/11. But the ideology that produced al Qaeda isn't a rivulet in contemporary Muslim thought. It is a wide and deep river. The Obama administra-

tion does both Muslims and non-Muslims an enormous disservice by pretending otherwise.

Theologically, Muslims are neither fragile nor frivolous. They have not become suicide bombers because non-Muslims have said something unkind; they have not refrained from becoming holy warriors because Westerners avoided the word "Islamic" in describing Osama bin Laden and his allies. Having an American president who had a Muslim father, carries the name of the Prophet Muhammad's grandson, and wants to engage the Muslim world in a spirit of "mutual respect" isn't a "game changer." This hypothesis trivializes Islamic history and the continuing appeal of religious militancy.

Above all else, we need to understand clearly our enemies—to try to understand them as they see themselves, and to see them as devout nonviolent Muslims do. To not talk about Islam when analyzing al Qaeda is like talking about the Crusades without mentioning Christianity. To devise a hearts-and-minds counterterrorist policy for the Islamic world without openly talking about faith is counterproductive. We—the West—are the unrivalled agent of change in the Middle East. Modern Islamic history—including the Bush years—ought to tell us that questions non-Muslims pose can provoke healthy discussions.

The abolition of slavery, rights for religious minorities and women, free speech, or the very idea of civil society—all of these did not advance without Western pressure and the enormous seductive power that Western values have for Muslims. Although Muslims in the Middle East have been talking about political reform since they were first exposed to Western ideas (and modern military might) in the 18th century, the discussion of individual liberty and equality has been more effective when Westerners have been intimately involved. The Middle East's brief but impressive "Liberal Age" grew from European imperialism and the unsustainable contradiction between the progressive ideals taught by the British and French—the Egyptian press has never been as free as when the British ruled over the Nile valley—and the inevitably illiberal and demeaning practices that come with foreign occupation.

Although it is now politically incorrect to say so, George W. Bush's democratic rhetoric energized the discussion of representative government and human rights abroad. Democracy advocates and the anti-authoritarian voices in Arab lands have never been so hopeful as they were between 2002, when democracy promotion began to germinate within the White House, and 2006, when the administration gave up on people power in the Middle East (except in Iraq).

The issue of jihadism is little different. It's not a coincidence that the Muslim debate about holy war became most vivid after 9/11, when the U.S. struck back against al Qaeda in Afghanistan and Saddam Hussein in Iraq. Many may have found Mr. Bush's brief use of the term "Islamofascism" to be offensive—although it recalls well Abul Ala Maududi, a Pakistani founding father of modern Islamic radicalism, who openly admired European fascism as a violent, muscular ideology capable of mobilizing the masses. Yet Mr. Bush's flirtation with the term unquestionably pushed Muslim intellectuals to debate the legitimacy of its use and the cult of martyrdom that had—and may still have—a widespread grip on many among the faithful.

When Sunni Arab Muslims viewed daily on satellite TV the horrors of the Sunni onslaught against the Iraqi Shiites, and then

the vicious Shiite revenge against their former masters, the debate about jihadism, the historic Sunni-Shiite rivalry, and the American occupation intensified. Unfortunately, progress in the Middle East has usually happened when things have gotten ugly, and Muslims debate the mess.

Iran's former president Mohammed Khatami, whom Bill Clinton unsuccessfully tried to engage, is a serious believer in the "dialogue of civilizations." In his books, Mr. Khatami does something very rare for an Iranian cleric: He admits that Western civilization can be morally superior to its Islamic counterpart, and that Muslims must borrow culturally as well as technologically from others. On the whole, however, he finds the West—especially America—to be an amoral slippery slope of sin. How should one talk to Mr. Khatami or to Ayatollah Ali Khamenei, the less curious but morally more earnest clerical overlord of Iran; or the Saudi royal family and their influential state-supported clergy, who still preach hatred of the West; or to the faithful of Pakistan, who are in the midst of an increasingly brutal, internecine religious struggle? Messrs. Khatami and Khamenei are flawlessly polite gentlemen. They do not, however, confuse civility with agreement. Neither should we.

It's obviously not for non-Muslims to decide what Islam means. Only the faithful can decide whether Islam is a religion of peace or war (historically it has been both). Only the faithful can banish jihad as a beloved weapon against infidels and unbelief. Only Muslims can decide how they balance legislation by men and what the community—or at least its legal guardians, the ulama—has historically seen as divine commandments.

Westerners can, however, ask probing questions and apply pressure when differing views threaten us. We may not choose to dispatch the U.S. Navy to protect women's rights, as the British once sent men-of-war to put down the Muslim slave trade, but we can underscore clearly our disdain for men who see "child brides" as something vouchsafed by the Almighty. There is probably no issue that angers militants more than women's rights. Advancing this cause in traditional Muslim societies caught in the merciless whirlwind of globalization isn't easy, but no effort is likely to bear more fruit in the long term than having American officials become public champions of women's rights in Muslim lands.

Al Qaeda's Islamic radicalism isn't a blip—a one-time outgrowth of the Soviet-Afghan war—or a byproduct of the Israeli-Palestinian confrontation. It's the most recent violent expression of the modernization of the Muslim Middle East. The West's great transformative century—the 20th—was soaked in blood. We should hope, pray, and do what we can to ensure that Islam's continuing embrace of modernity in the 21st century—undoubtedly its pivotal era—will not be similarly horrific.

We are fooling ourselves if we think we no longer have to be concerned about how Muslims talk among themselves. This is not an issue that we want to push the "reset" button on. Here, at least, George W. Bush didn't go nearly far enough.

JOINT COMMITTEE ON PRINTING RULES OF PROCEDURE

Mr. SCHUMER. Madam President, on April 23, 2009, the Joint Committee on Printing organized, elected a chairman, a vice chairman, and adopted its rules

for the 111th Congress. Members of the Joint Committee on Printing elected Senator CHARLES E. SCHUMER as chairman and Congressman ROBERT BRADY as vice chairman. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE JOINT COMMITTEE ON PRINTING—111TH CONGRESS

RULE 1.—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2.—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the Chairman, as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the Chairman of the Committee is not present at any meeting of the Committee, the vice-Chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3.—QUORUM

(a) Five members of the Committee shall constitute a quorum, which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4.—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5.—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that re-

lates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such congressional staff and other representatives as they may authorize, shall be present in any business session that has been closed to the public.

RULE 6.—ALTERNATING CHAIRMANSHIP AND VICE-CHAIRMANSHIP BY CONGRESSES

(a) The Chairmanship and vice-Chairmanship of the Committee shall alternate between the House and the Senate by Congresses: The senior member of the minority party in the House of Congress opposite of that of the Chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the Chairman and vice-Chairman shall represent the majority party in their respective Houses. When the Chairman and vice-Chairman represent different parties, the vice-Chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7.—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of the Committee shall in the first instance be decided by the Chairman; subject always to an appeal to the Committee.

RULE 8.—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the Chairman.

RULE 9.—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the Chairman.

(b) Each member of the Committee shall be provided with a copy of the hearing transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or,

if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10.—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority members and the rule of germaneness shall be enforced in all hearings notified.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11.—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12.—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 4, of the Rules of the House of Representatives.

RULE 13.—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned: provided that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the Chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

RULE 14.—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15.—COMMITTEE STAFF

(a) The Committee shall have a staff director, selected by the Chairman. The staff di-

rector shall be an employee of the House of Representatives or of the Senate.

(b) The Ranking Minority Member may designate an employee of the House of Representatives or of the Senate as the minority staff director.

(c) The staff director, under the general supervision of the Chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(d) The Chairman or staff director shall timely notify the Ranking Minority Member or the minority staff director of decisions made on behalf of the Committee.

RULE 16.—COMMITTEE CHAIRMAN

The Chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the Chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

DRAKE RELAYS

Mr. GRASSLEY. Madam President. I wish to pay tribute to a 100-year tradition in my home State of Iowa. This past weekend, the Drake Relays in Des Moines, IA, celebrated a century of competition for the world's elite track and field athletes.

Schools and athletes from all over the country come to Des Moines each year to compete in this classic. The display put on by the Drake community every year brings alumni, Iowans, athletes, friends, and families together to cheer competitors in victory and defeat.

The Drake Relays has been creating memorable moments for 100 years. It is moments created by Jesse Owens, Michael Johnson, Carl Lewis, Jim Ryun, Gwen Torrence, and Iowa's very own Lolo Jones, Natasha Kaiser-Brown, Kevin Little, and Joey Woody. It is unknown athletes making their own mark in history and taking the first step toward fame far beyond the borders of Iowa. It is high school kids, like my son Robin, whose capstone moment of their athletic career was participating in the Drake Relays.

Anybody who has attended the Relays understands the marvel of this one-of-a-kind sporting event. For some it is the blue track that helps athletes run a little faster, jump a little longer and higher, and throw a little further. For others it is the fans filling every seat to cheer for the athletes who cross the finish line in first and for those who cross last. And for some it is the intense competition from the high school kids all the way to the top athletes in the world who are standing shoulder to shoulder waiting for their event.

Whatever it is, there is a reason fans and athletes alike keep coming back to the Drake Relays year after year.

Just as Jesse Owens said, "There's something special about the Drake Relays."

Congratulations to the Drake Relays on 100 years of "America's Athletic Classic."

SIMON WIESENTHAL HOLOCAUST EDUCATION ASSISTANCE ACT

Mr. MENENDEZ. Madam President, I rise today to discuss the Simon Wiesenthal Holocaust Education Assistance Act, which I recently introduced. This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout the Nation.

Last Tuesday, people from all corners of the Earth, representing all faiths stood together to solemnly commemorate Holocaust Remembrance Day, in memorial of perhaps the greatest crime ever perpetrated against humanity. As we reflect upon the tragedies of the events surrounding the Holocaust—the lives lost, the families destroyed, the potential unfulfilled—we must renew our commitment to never forget, so this dark chapter in history will never be repeated.

We must never forget the approximately six million Jewish men, women and children, as well as the millions of others who faced persecution, displacement, and death at the hands of the Nazis. We must remember their stories not just to honor their lives, but more importantly, to educate the next generation about the dangers of intolerance, ignorance, and bigotry.

Some may question the necessity of studying an event that—while horrific—happened over half a century ago and an ocean away. Other skeptics will argue that anti-Semitism—while terrible—is a relic of the past that simply doesn't exist in modern society. Unfortunately, we ignore history at our peril, and not recognizing and taking seriously the seeds of bigotry and anti-Semitism that have again begun to take root around the world only serves to promulgate it.

Recently, anti-Semitism has surfaced disguised in the form of anti-Israel rhetoric. The two have morphed into a virulent attack against all Jews resulting in a provocative and dangerous escalation of physical attacks against Jewish individuals, synagogues and other Jewish institutions around the world. Symbols of Nazi Germany have been used in this form of anti-Semitism as a cudgel against Jews, insulting the honor of millions of Jewish people—a people still emerging from the dark shadow cast by the Holocaust. Some have sought to rewrite history to minimize and spin the facts surrounding the Holocaust. The leadership

of Iran has waged campaigns not just to alter, but to simply erase an inconvenient history. Holocaust deniers—authors and others who have the bully pulpit have smeared the truth of history—something that is regrettably so much easier to do as the Holocaust recedes in time and as those who can bear witness are dwindling in numbers.

Unfortunately, we need not look half way around the globe for examples of anti-Semitism, intolerance and hate; but rather we can look to our own neighborhoods and communities. In Fort Lauderdale earlier this year at an anti-Israel rally, a demonstrator was heard to say “Go back to the oven. You need a big oven,” a horrific reference to the crematoria of Nazi Germany. And it saddens me to note that in my home State of New Jersey, a State of immense diversity, tolerance and understanding, we have seen a number of recent troubling anti-Semitic incidents that tear away at the decency and civility that we should expect in this great Nation.

Last December, three Glen Rock teenagers were charged with painting a swastika and the word “Jew” on the property of Jewish residents.

This past January, a Kenilworth family awoke one morning to find a Star of David and the word “Die” carved into their garage door.

Last month, Northvale public school students had to endure anti-Semitic graffiti scrawled throughout the walls of their school.

A New Jersey family made national headlines by naming their three young children Aryan Nation, Hinler, and Adolf Hitler.

As recently as last week, in Union City, where I grew up, authorities were investigating an act of arson in a classroom of a Jewish school that is being reported as a hate crime.

These troubling events do not occur in a vacuum. They are a reflection of an ever-present current of hate. We cannot sit idly and hope that time alone will heal the wounds of genocide or solve our issues of continued intolerance. We must take proactive steps to ensure that our society remembers and learns from the painful experiences of the Holocaust. Holocaust education is essential to the enlightenment, understanding, and empathy of our youngest generations and their role in history to come.

The Simon Wiesenthal Holocaust Education Act is an important step toward this goal. While some States, like New Jersey, currently require the Holocaust to be taught in public schools, this act goes further and makes grants available to organizations that instruct students, teachers, and communities about the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical

information about the Holocaust and convey the lessons that the Holocaust can teach us today. I certainly cannot think of a better namesake for this bill, for Simon Wiesenthal honored the memories of those lost by dedicating his life to bringing those responsible for these horrific acts to justice.

Only by proper acknowledgement of the incredible loss of life during the Holocaust, will we ever be able to ensure that such an event never happens again.

It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination. Funding accurate Holocaust educational programs is a step toward winning this battle.

So as America stands with Israel and all followers of the Jewish faith in condemning anti-Semitism, let us do everything in our power to end discrimination and educate future generations about the danger of hatred and bigotry.

I urge my colleagues to support this legislation.

NATIONAL AMERICAN CITY QUALITY MONTH

Ms. COLLINS. Madam President, I rise today to recognize April as the 21st Annual National American City Quality Month. Led by the National League of Cities, the U.S. Conference of Mayors, and the American City Planning Directors' Council/American City Quality Foundation, this valuable program brings together a wide range of public and private partners. Their efforts demonstrate what it takes to build great communities, addressing vital issues to include land use, building design, transportation, parks and recreation, energy efficiency, and environmental protection.

City planners across my State of Maine and throughout the Nation are calling on public and private sector leaders to commit to efforts that will lead to better planning, redevelopment and development of our Nation's cities and surrounding regions. This is essential to accommodate U.S. Census projected population growth of 34.5 million by the year 2020 and 100 million within 20 to 30 years.

This public-private partnership is necessary to meet the growing need for higher quality, more energy efficient and sustainable housing, buildings, public transportation, infrastructure, agriculture, and industry. I applaud these collaborative efforts to improve urban and rural communities across our Nation.

This collaborative planning works. Just a few weeks ago, *Forbes* magazine named Portland, ME, my State's largest city, as the most livable city in America. In addition, Portland's busy Commercial Street was voted as one of the country's great streets by the American Planning Association. The

transformation of Portland did not happen by accident. It is the result of citizens and organizations working together. And American City Quality Month celebrates this effort.

TRIBUTE TO WILLIAM TOBIN

Ms. MURKOWSKI. Madam President, I wish to honor a pioneer of Alaska journalism who did much during his 62-year career to make his adopted State of Alaska what it is today. William J. “Bill” Tobin died earlier this month at age 81, following a year-long battle with cancer.

Bill served 2 years in the U.S. Army during World War II from 1943 to 1945. He started his journalism career in 1948 working for the Associated Press in Indianapolis, IN, while still in college at Butler University. After Indianapolis, he worked for the Associated Press in New York City and Louisville, KY. In 1956, he was moved by the AP to cover Alaska news from Juneau, then the territorial capital, staying until after statehood in 1960. He was Alaska's first national resident newsman. He finished his 17-year AP career as the assistant bureau chief in Baltimore, MD, from 1960 to 1961 and as the bureau chief for the State of Montana from 1961 to 63. Bill and his wife missed the beauty and excitement of Alaska, and in 1963, he began a 45-year career with Anchorage's then largest newspaper, the Anchorage Times, and later with the Voice of the Times editorial and internet publication. He retired in 2008.

During his time Mr. Tobin covered or edited stories on every major event in Alaskan history. Stories of his efforts to publish the Times in the aftermath of the Good Friday earthquake of March 27, 1964—at a revised 9.2 on the Richter scale, the largest quake every measured in North America—are legendary. The paper was published even though downtown Anchorage was literally destroyed. He edited stories on the discovery of oil on Alaska's North Slope in 1968, covered and edited debate in Congress on the Alaska Native Claims Settlement Act, and edited stories on the Trans-Alaska Pipeline Authorization Act in 1974 that permitted construction of the 800-mile pipeline that to this day moves 13 percent of the Nation's domestic oil production to market.

Mr. Tobin's career spanned several legislative milestones including the passage of a law that created a 200-mile exclusive fishery management zone around Alaska, the passage of the Alaska lands bill that placed 131 million acres of Alaska—more than a third of the State—into parks and protected land status in 1980, and a career that saw Alaska become a major training and forward deployment base for the U.S. military.

His official obituary said it best when it noted that “he was an ardent supporter of the U.S. military and men

and women in uniform" and that Bill was "a tireless champion of Alaska and its potential." His Saturday and later Sunday columns covered the personal side of life in Alaska for decades. The editorials that he and Anchorage Times Publisher Robert Atwood wrote and published did much to turn Anchorage, which at statehood had a population of several thousand, into the State's largest city with a population today of more than 275,000.

Bill was an active civic leader, serving over time as a board member or president of nearly 40 community organizations in Anchorage. At his death, he was active as associate publisher of the Roman Catholic diocese newspaper, the Catholic Anchor, based in Anchorage. He was vice chairman of the Atwood Foundation, a member of the Alaskan Command Civilian Advisory Board, a member of the University of Alaska School of Nursing advisory board, a member of the University of Alaska Fairbanks Snedden Professor advisory board, and a member of the University of Alaska Anchorage Atwood Journalism Chair selection board. He was named Alaskan of the Year in 1988, the 1990 Anchorage Chamber of Commerce Gold Pan Award Winner for Distinguished Individual Community Service, the 2000 Outstanding Civilian of the Year by the Armed Services YMCA, the 2002 Alaska State Chamber of Commerce Alaskan of the Year, the 2004 Junior Achievement of Alaska Business Hall of Fame Laureate, and was a 2006 Honorary Doctor of Laws recipient by Gonzaga University.

Born on July 28, 1927, in southwest Missouri in the City of Joplin, Bill grew up in Tulsa, OK, Fort Worth, TX, and South Bend, IN, but he grew wise in Alaska. He knew more about Alaska's history and politics than most any other Alaskan journalist. As a person who got my start in elected office as a State representative from north Anchorage, I have firsthand knowledge that Bill was an old-school journalist who religiously checked his copy for factual accuracy and was always polite and fair to his sources on stories he covered. While he had clear and strong editorial opinions, he was always courageous in support of his newspaper's and city's goals. Bill was a wonderful family man, a devoted member of his church, and a pillar of the Alaska Republican Party, and always a true gentleman.

All of Alaska joins in offering condolences to his wife of nearly 57 years, Marjorie, and his three sons, Mike, David, and Jim, and their families. Alaska journalism and the State's political establishment are certainly poorer for his passing.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share

with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for letting me email my thoughts and feelings regarding today's gas prices. This may not be what you expected but I am writing this email from the heart.

I am angry with our government with respect to rising gas prices. I find it so hard to believe why they want to put our country in to this situation. Everybody and every business suffers. Going places and doing things as a family has been taken from us since the first hit is putting gas in the vehicle. The hotels, restaurants, grocery stores have been forced to increase their prices. Small businesses cannot survive. We own our own business (recycling center) and the fuel costs to run our fleet is astronomical. This is outrageous and needs to stop immediately. It is only going to cause increased homeless people and poverty. Do something now before it gets any worse. Please stop this insanity and get our country back whole again. Remove speculation and reduce gas prices immediately. Thank you for letting me speak out.

ANITA, Lewiston.

Not so much a story as a plea . . . I wish I could grab every Congressman by the shoulders, look them in the eye, and say: "Either you, or your replacement, will allow us to get the energy we need!"

Right now we are heading toward environmental communism. Yet it is a fact that CO2 levels follow higher temperatures, not the other way around! That is, the Earth warms and cools on its own, and will continue to do so, whether we use fuels or not.

CLIFF, Pocatello.

I am disgusted with [partisan behavior] and the do-nothing attitude [of so many elected officials] towards our impending energy disaster. I realize that there are pockets of trustworthy individuals who still listen to their constituents rather than special interest groups. There are those that would like nothing better than to put this nation into such a drastic depression that communism would look like heaven. I am in the agricultural business and energy prices have drastically increased my costs on every single input. It has affected the costs of diesel, gas, pvc, plastics, metal (shipping and production

of), labor (have to pay more to get them out to work), fertilizers, chemicals, tires and other rubber compounds. I have seen diesel for my tractors go from \$1.50 per gallon to over \$4 per gallon in less than three years. The rest of our fleet is now having to burn \$4.70 per gallon diesel and because of the EPA and [increased regulation], these large trucks get half the fuel economy that they did in the late 1970s. Please help us before this nation comes to a grinding halt and our enemies seize the opportunity to attack.

UNSIGNED.

I am angry at oil companies for stealing from consumers and angry at Congress for [not addressing the problem].

Alternatives which should rapidly be developed are:

1. Hydro electric; clean, cheap renewable.
2. Off shore and ANWR drilling: more competition means less monopoly.
3. Nuclear: free up our private enterprise from stifling regulations and we would have an abundance of inexpensive power.
4. Biomass (slash and trash incinerators) for producing electricity or hydrogen.
5. Stop burning our forests down and allow Americans to harvest trees and build houses.

P.C.

The Governor of Alaska wants drilling to begin in Alaska. Why does Congress insist on not allowing this? We have a vast area untapped that could produce millions of barrels of oil for Americans.

In the 70s, I remember having to wait in long lines to fill up my car. I remember Congress grandstanding that something needs to be done to secure America's future. Thirty years later, I am hearing the same rhetoric. What does it take to get Congress to take action and utilize the resources we have in this country?

Drill in Alaska, the oceans off shore, the Midwest. The average American does not care if an oil rig interferes with the ocean view of a multimillion-dollar mansion. We are fed up with the rich getting everything on the backs of the hard-working American.

LINDA.

I am writing to you in response to your request for testimonials about the prices for energy. My dad is a middle class lowboy driver in St. Maries. The prices of energy have an effect on not only my dad, but for his boss. It is depressing to see men and women in my community laid off, who cannot afford oil to heat their homes in the winter, watch their homes and possessions get foreclosed upon, and have to figure out where their source of income will be coming from. My father is very lucky to be spared this misfortune. Jobs in our community are hard to come by, because loggers cannot afford to pay outrageous diesel prices. Even one of the richest men in Idaho is suffering from sky high diesel bills. Additionally, I recently moved to Moscow to start my life at the University of Idaho. I have been in Moscow for almost a month, and have been rejected by numerous jobs. Many adults are taking jobs that teenagers and college students like myself usually take.

I do not point the blame on the oil companies; however, but I do find it hard to believe that the federal government makes more profit than the oil companies do off each barrel of oil. How is this?? How can the government have all this profit, and not make any good use of it (by means of building a new refinery, which hasn't been done in 30 years; or drilling in Alaska/ANWR; or increasing drilling in the Gulf of Mexico). The American

voters are tired of oil dependency from terrorists! Please knock some sense into the liberals who insist upon this practice of dealing with the Middle East! We need to figure out a way that we can be dependent on ourselves. The only way to fix the prices on energy is to be our own supplier. Otherwise, our country will fail. We, the middle class, are the economy. In our area, we supply products that build our economy's businesses, homes, paper products, and [other important products]. We need lower fuel prices to maintain our livelihoods and jobs. I hope this somewhat helps you convince the liberals that they are not looking out for the "underdogs". If these prices keep increasing, my dad, and many of friends' parents, will be out of jobs, and scrambling to do something. Thank you for your time.

JACKIE, *Moscow.*

I am a 52-year-old woman and I have been a single parent all my life. I am now disabled. I can honestly say that if I were a single parent with small children in today's times, I would not be able to manage putting gas in my car to take my children to school and then go to work. It is hard enough just buying food with today's prices. As it is, I am disabled and I live on \$1,000. This means that I am only able to put gas in to my car once a month. With the old clunker that I have, it cost me \$75 or more to fill it up. Then that has to last me all month, which means I do not travel much.

Also, in today's world, much of the housing is equipped with only gas heating. For a single parent that makes too much money for food stamps and heating assistance, the cost of heating apartment or house is very costly. I have to try and cut corners in everything I do when it comes to the cost of gas.

I am not sure how to change the cost of things but, I think I would certainly try obtaining petroleum in the good ole USA. I think we would have enough resources to handle the USA if one was to try hard enough. Thank you for your time and attention to America's concerns.

EUNICE.

This letter is in response to your request for personal stories chronicling the impact of \$4 per gallon gas on the lives of ordinary Idahoans. I am an ordinary Idahoan, and I am happy to report that \$4 per gallon gas has had essentially no impact on my lifestyle. Like the majority of Idahoans, I live in a city. I ride my bike or walk to work, and use my car only for out of town trips. I also own a vehicle that gets about 30 miles per gallon (mpg). The marketing efforts of Ford and GM hawking huge inefficient vehicles failed me; I drive a Subaru.

I find it disingenuous that you are requesting letters to support unsustainable lifestyles and provide welfare for poor vehicle choice decisions. With that in mind, I am providing a perspective on the merits of high fuel prices.

The impacts of more expensive fuel include: (1) fewer miles traveled by car; (2) less fuel consumption; (3) less greenhouse gases being released into the atmosphere; and (4) record usage of public transportation. These are laudable accomplishments only possible in our market-based society via pricing influences. In addition, if more of us walked or bicycled to work, perhaps we would reduce health care costs associated with the obesity epidemic.

Here are some suggestions for what you can do to lessen the impact of more expensive fuel:

1. Increase mileage standards on US made cars and foreign cars imported to the US. You should have voted to increase CAFE standards in past years. If Americans drove 35 mpg vehicles instead of big SUVs, we would have consumed, and would be consuming, much less oil. I wonder what fuel prices would be today if US consumption at the pump were half of the current rate, achieved through more efficient vehicles? 20 billion barrels of oil would be saved if we all drove cars that got 40 mpg. It would have been great if US car manufacturers had competed to make cars with the best mileage instead of the biggest trucks and SUVs.

2. Change mileage stickers on cars from miles per gallon to gallons per 10,000 miles. Although they are numerically the same, the psychology of 800 gallons per 10,000 miles (roughly \$3,200 per year) compared to 200 gallons per 10,000 miles (roughly \$800 per year) is not equivalent to 12.5 versus 50 mpg. This is how appliances are sold.

3. We do not need a bailout from the federal government on fuel prices. We need better jobs so these prices do not completely cripple Idaho's economy. The government can assist ordinary Idahoans by supporting or funding public transportation, including light rail in the Treasure Valley. The government can also assist us by better-funding education so Idahoans can work in higher paying jobs.

4. Idaho is unique in our nuclear energy past. I wholeheartedly support the development and usage of new-generation nuclear energy technology. Idaho, and the Idaho National Laboratories, can take a lead in this area.

5. Do not forget conservation. Drive less. Drive slower. Idaho could lower speed limits and save the equivalent of 50-80 cents per gallon.

Thank you for considering the points in my letter. I am hopeful that you will share it with your Committee Chair.

CHRIS, *Boise.*

As the cost of energy continues to go up our lifestyle continues to go down. No money to spend on any home maintenance, automobile maintenance, or replace anything that wears out or breaks. It is like I am living in a third world country right here in the United States of America. I can only imagine what it must be like for people who make less than I do. Corporations make billions every 3 months and there is nothing wrong? Please fix this before it cost us our entire country.

BLAKE.

I disagree with you on the raising of taxes. The oil companies and the rich should have to pay taxes to help support our country along with all the other U.S. citizens. All you accomplished by cutting taxes is causing local taxes to go up to compensate for the federal tax cuts. Because of the tax cuts to our state, we had to vote in more property taxes to cover the cuts. We are now paying much more taxes to keep Idaho functioning and our federal taxes did not go down. As a matter of fact, they went up since we can no longer take our Medicare premiums off of our federal taxes.

LOIS.

I just want to share my story with you. We recently had a wedding in our family that required us to travel to Arizona for the wedding. The majority of our family was unable to go because of the high cost of gas. The eight of us that did go carpooled in a subur-

ban so that it was affordable for us to even go and support our family member who was getting married. The high cost of energy is preventing families from being able to get together for reunions and other family gatherings. This is pretty sad.

Let us not forget that it is not only at the gas pumps we are getting gouged, but at the grocery store and anywhere else we shop. The store owners are passing the higher shipping charges on to the consumer as well. So the cost of energy is impacting us in multiple areas of our budget.

We are in desperate need of alternative energy sources to help control the cost of energy. If the oil companies had to compete for our business their prices would not be so high.

Thanks for your efforts

BRENT, *Twin Falls.*

We are a family of six, and we have two vehicles. My husband has a car for commuting to work, and I have a minivan to transport our family around. Gas prices have gone so high now that it cost us more money to fill up both our vehicles, than it does to feed our family for two weeks. It is an expense that is hard to cut costs on. We need to be able to get around. But the prices are not just affecting us at the tank. It costs a farmer over \$400 a day to drive his tractor now, and there is the gas for the semi-truck driver too. So gas is driving our food prices up. It is hard on the American family.

What I suggest we do is use America's intellectual gifts and come up with a new alternative fuel source, preferably a renewable one that will not damage the environment. Then we need cars that can run off it. We could help the global warming problem and our fuel problem. While that is being done, maybe we can use some of our own gas instead of the Middle East's gas. We are working so hard to fight Iraq with our strength. But they are fighting us with economics, and we are letting them win.

TAMARA.

I think the worse part of high energy costs is the restrictions our married children that live a few hours from home feel about traveling. They are on limited budgets and cannot budget in very many travels on the high fuel expenses. Anything that keep grandparents from seeing their grandchildren as often should be a federal offense! I am sure you would agree!

RENEE.

With all due respect, I think you are off track. Yes, prices are rising. No, that does not mean you should vote against climate change legislation.

Please, focus your energy on diversifying our energy sources in the sense of solar and wind power. Do not go for the short-term scheme of drilling for more domestic oil. That would be a short-term fix. We need to think generations down the road, and realize that our current consumption is simply not sustainable.

Yes, I have been impacted by high prices. So have my coworkers and neighbors. But the subsequent changes I see in our lifestyles are wonderful: we drive less, choosing to bike, walk and take the public bus to work or run errands or to recreate. Need less . . . what a solution!

MARGARET, *McCall.*

We are farmers from Idaho Falls. The energy prices are hugely affecting our bottom line. In the past year alone, due to the cost

of fuel, fertilizer has gone up four times. Many people do not understand that farmers are not just affected by the cost of putting fuel in their tractors. The rising price of fuel affects every aspect of our business. It is unfortunate that in the news farmers are being portrayed as just raking in the dollars right now while the consumers struggle to buy food at the grocery stores. This just is not the case.

We have no way of staying in business if the cost of the commodities we sell does not go up to compensate for the huge increase in our costs. It is time the American consumers stand up to uninformed environmentalists. Environmentalists are setting energy policy that is going to devastate our entire economy. As farmers, we are the best environmentalists that exist. We care that future generations will have a clean safe place to live and exist. We also believe that the way out of our current problems, without crippling the entire economy, are solved with a multi-dimensional approach. Yes, fuel economy for cars should be increased on a time line that is feasible. We also know that we have to open up new oil drilling and refinery capacity to help stabilize our economy. We also feel that we need to have better means of producing power. Nuclear energy is safe, clean, and reliable. We need to be the leaders in the world of good energy policy and planning.

If we shut down all industry in the United States, we will become slaves to a foreign nation. Do people really believe that food produced in other countries is as safe and reliable as food that is produced domestically? If we do not start now to develop a better approach to our current energy problems, we all be at the mercy of China and oil-producing nations.

MARK and STEPHANIE, *Idaho Falls.*

The President's plan to stimulate the economy was a like a drop in the bucket compared to the rise in gas prices at the pump. The gas prices have doubled from last summer. If you received a 1%, 3% or higher cost of living increase, you are still short. The increased minimum wage was wasted effort. The increase in gas prices will force an increase across the board, just because this country, especially in states like Idaho, is very dependent on vehicles from semi-trucks to bring food from one state to another to a way to get to work, etc.

I think time, effort and money should be spent on developing alternate energy sources. Oil is a non renewable resource as is nuclear energy. More effort should be placed on energy sources that renew themselves, such as wind power and power derived from the ocean. Right now would be a great time for the development of a combustion engine that is clean and fuel efficient. I believe that there are those inventions already available, just not used.

SHARON.

I, like others, who are so tired of rising fuel costs, would like to see something done about it. Please put something in motion and help get these rising prices lowered. I am not sure what is driving the prices higher. But it is the people that suffer. You just cannot afford to do anything or go anywhere anymore. And that causes depression in a lot of people. My gasoline bill last month was over \$500 and that is outrageous. I drive to the INL site every day and that adds up very quickly.

Please help do something about this.

DONNA, *Rigby.*

ADDITIONAL STATEMENTS

TRIBUTE TO AGNES "AUNTY AGGIE" KALANIOHOOKAHA COPE

• Mr. AKAKA. Madam President, I congratulate Mrs. Agnes Kalaniohookaha Cope for receiving an honorary Doctor of Humane Letters degree from the University of Hawaii at Manoa. The honorary degree is typically conferred on worthy candidates who have distinguished themselves through outstanding contributions in areas other than science. The degree will be awarded at the University of Hawaii at Manoa Spring 2009 commencement ceremony.

I wish to acknowledge "Auntie Aggie," as she is fondly known, for her long dedication and inspirational efforts in organizing the practice, preservation and perpetuation of ethnic cultures in the state of Hawaii, particularly the Hawaiian culture. She has also demonstrated a commitment to improving the health of Native Hawaiians—physically, culturally, and mentally. Auntie Aggie is an established educator, talented and respected kumu hula or Hawaiian dance instructor, and an ardent advocate for Native Hawaiians. A few of her many noteworthy accomplishments include—founding the Waiānae Coast Culture and Arts Society, helping to found the Waiānae Coast Comprehensive Health Center, and serving as board chair of Papa Ola Lokahi, the Native Hawaiian Health Care Organizations.

Auntie Aggie is a true guardian of the culture and the arts. The legacy and testament to her work is the Agnes Cope Community and Cultural Health Award, which is issued by the Brown and Bakken World Health awards program for the purposes of bringing the community together and working collaboratively to improve world health. However, Auntie Aggie could not have achieved what she has done without the additional support and knowledge of her family and community. I commend all those who have helped in her efforts to be a leader in the Hawaiian renaissance and to keep the Native Hawaiian culture and community alive and thriving.

I would also like to echo University of Hawaii Chancellor Virginia Hinshaw who said, "Spanning four decades, Mrs. Cope's personal dedication and civic contributions to enhancing the health and education of Native Hawaiians and preserving their culture have improved the lives of all citizens of Hawaii." I congratulate Auntie Aggie and challenge the next generation to continue her important work and wish them all continued success in the years to come.●

ABORTION RECOVERY AWARENESS MONTH

• Mr. VITTER. Madam President, I stand today to commend Governor Bobby Jindal, Louisiana State senator A. G. Crowe, and Louisiana resident Cindy Collins for their efforts in making April "Abortion Recovery Awareness Month" in Louisiana. I would like to take a few moments to remark on this important issue.

I would also like to thank the following organizations for their efforts in helping to reduce abortions and fighting for the unborn. I thank Abortion Recovery International, Louisiana Abortion Recovery Alliance, Post Abortion Helpline of Louisiana, Rachel's Vineyard Louisiana, Pregnancy Resource Centers of Louisiana, National Abortion Recovery Helpline, Operation Outcry Louisiana, and Silent No More Awareness Louisiana.

All human life is sacred, and I have worked hard in Congress to advance a culture of life, including banning partial-birth abortions, outlawing abortion drugs, fighting against taxpayer funding of abortions, and strongly supporting adoption and crisis pregnancy centers. I have always been adamant in my support of pro-life and pro-family measures in Congress, and groups and individuals like these are instrumental to these and other advances we have made in promoting a culture of life.

Thus, today, I applaud Governor Bobby Jindal, State senator A. G. Crowe, Cindy Collins, and the many great organizations listed above for their efforts in making April "Abortion Recovery Awareness Month" in Louisiana.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 895. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

S. 896. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1374. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Karl W. Eikenberry, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1375. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Columbus, Georgia" (MB Docket No. 08-100) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1376. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Augusta, Georgia" (MB Docket No. 08-103) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1377. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Des Moines, Iowa" (MB Docket No. 09-22) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1378. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "General Jurisdiction Over Freight Forwarder Service" (RIN2126-AA25) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Modification of the Atlantic High and San Juan Low Offshore Airspace Areas; East Coast, United States" ((Docket No. FAA-2008-1259) (Airspace Docket No. 08-ASO-1)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, 2B, and 2B1 Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0302)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502L-2 and ALF502L-2C Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-1207)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6-80A Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-0827)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30661) (Amendment No. 3317)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0124)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12 and PC-12/45 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0126)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A Series, 206B Series, 206L Series, 407, and 427 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2009-0350)) received in the Office of the President of the Senate on April 21, 2009; to

the Committee on Commerce, Science, and Transportation.

EC-1387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1155)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P and PA-46R-350T Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0007)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Propellers Model 568F Propellers" ((RIN2120-AA64) (Docket No. FAA-2009-0270)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30658) (Amendment No. 3314)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30659) (Amendment No. 3315)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-0074)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR72 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1081)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B,

AT-402, AT-402A, and AT-402B" ((RIN2120-AA64)(Docket No. FAA-2006-23646)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ten Sleep, WY" ((Docket No. FAA-2008-1129)(Airspace Docket No. 08-ANM-7)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0419)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Luftfahrt GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0123)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80A Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1206)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 (including the MD902 Configuration) Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0772)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30660)(Amendment No. 3316)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-

2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY" ((RIN2120-AA64)(Docket No. FAA-2009-0313)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0125)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management Systems (FMSs) Equipped with Honeywell NZ-2000 Navigation Computers and Honeywell IC-800 or IC-800E Integrated Avionics Computers; as Installed on Various Transport Category Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0899)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0329)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0412)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model BH.125 Series 600A Series Airplanes and Model HS.125 Series 700A Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2271SW" ((RIN2120-AA64)(Docket No. FAA-2008-1240)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1408. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney (PW) JT9D-7 Series Turbofan" ((RIN2120-AA64)(Docket No. FAA-2008-0759)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1409. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0301)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1410. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1025)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1411. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Conroe, TX" ((Docket No. FAA-2009-0338)(Airspace Docket No. 09-ASW-9)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dallas, GA" ((Docket No. FAA-2008-1084)(Airspace Docket No. 08-ASO-17)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY" ((Docket No. FAA-2009-0202)(Airspace Docket No. 09-AEA-11)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Battle Creek, MI" ((Docket No. FAA-2008-1290)(Airspace Docket No. 08-AGL-19)) received in the Office of the President of the

Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Omaha, NE" ((Docket No. FAA-2008-1228)(Airspace Docket No. 08-ACE-3)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Summersville, WV; Confirmation of Effective Date" ((Docket No. FAA-2008-1073)(Airspace Docket No. 08-AEA-28)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Corpus Christi NAS/Truax Field, TX" ((Docket No. FAA-2008-1140)(Airspace Docket No. 08-ASW-24)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Natchitoches, LA" ((Docket No. FAA-2008-1229)(Airspace Docket No. 08-ASW-26)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1420. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Health, Safety and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Occupational Radiation Protection; Correction" (RIN1901-AA95) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Energy and Natural Resources.

EC-1421. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Government Under the Federal Tort Claims Act, and Claims Under the Military Personnel and Civilian Employees' Claim Act of 1964; Change of Address for Requests" (RIN0960-AG99) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1422. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-29" (RIN9000-AK91) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1423. A communication from the Acting Senior Procurement Executive, Office of the

Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Technical Amendments" (Docket 2009-0003) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1424. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on April 22, 2009; to the Select Committee on Intelligence.

EC-1425. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report on the Adequacy of Privacy Rules Prescribed Under the E-Government Act of 2002"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-18. A resolution adopted by the House of Representatives of the State of Kentucky urging the United States Congress to act swiftly to renew the exemption of the Delta Queen from Public Law 89-777; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Delta Queen is an integral part of the culture and character of the Ohio River valley; and

Whereas, the Delta Queen has made a lasting impression as a beloved part of the past in the hearts of passengers and crew members; and

Whereas, the Delta Queen is a part of the National Register of Historic Places, a National Historic Landmark, and a jewel of the United States' inland navigable water system; and

Whereas, the Delta Queen is the last of its kind, a sternwheel overnight passenger steamboat like those that contributed to this nation's westward expansion; and

Whereas, the Delta Queen has been and continues to be a safe and reliable vessel; and

Whereas, the Delta Queen was constructed in 1926 to operate as a passenger vessel in northern California, and during World War II was used in the United States Navy as a ferry for wounded being treated in San Francisco; and

Whereas, after being purchased in 1946 by Greene Line Steamers of Cincinnati, Ohio, the Delta Queen was carried from California, to and along the Mississippi and Ohio Rivers, to Pittsburgh, Pennsylvania for refurbishment in order to carry passengers on the nation's inland navigable water system; and

Whereas, Public Law 89-777 mandates that all passenger vessels having berth or stateroom accommodations for 50 or more passengers obey safety requirements, particularly fire safety requirements; and

Whereas, after this act was passed, the wooden construct of the Delta Queen was treated with fire resistant materials and a modern sprinkler system, thereby making

this vessel considerably more fire resistant; and

Whereas, the Delta Queen has historically been exempted from Public Law 89-777; and

Whereas, the Delta Queen's safety records do not indicate that she is any less safe today than at any point since the passage of the Act in 1966; and

Whereas, the current exemption for the Delta Queen is to expire in 2008, and the United States Congress has not acted to grant another exemption for the Delta Queen to allow her to continue operating; Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives of the Commonwealth of Kentucky hereby urges the United States Congress to act swiftly to continue the exemption of the Delta Queen from Public Law 89-777.

Section 2. The Clerk of the House of Representatives shall forward a copy of this Resolution to the Clerk of the United States Senate, the clerk of the United States House of Representatives, and all of the members of Kentucky's Congressional Delegation.

POM-19. A resolution adopted by the St. Charles County Council of the State of Missouri supporting the Missouri House Concurrent Resolution 13 relating to state sovereignty; to the Committee on the Judiciary.

RESOLUTION No. 09-03

Whereas, House Concurrent Resolution 13 (hereinafter "HCR13"), introduced at the Ninety-fifth General Assembly, First Regular Session the Missouri House of Representatives, is on the House Concurrent Resolutions calendar; and

Whereas, HCR 13 calls on the federal government to heed the Tenth Amendment to the Constitution of the United States which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States; and

Whereas, powers not specifically granted to the federal government or prohibited to the states by the constitution are reserved in the Tenth Amendment to the states or to the people; and

Whereas, the states are concerned that over the course of time the federal government has developed an increasing policy to enact laws and regulations which treat the states as agents of the federal government in violation of the intent of the Tenth Amendment; and

Whereas, evidence of the federal entry into powers reserved to the states is evident in federal legislation that directs states to comply with federal mandates under threat of civil or criminal penalties or of loss of necessary federal funding; and

Whereas, in *New York v. United States*, 112 S.Ct. 2408, 2431 (1992) the United States Supreme Court ruled the Constitution protects the sovereignty of the states not for the states as abstract entities or for the public officials in charge of them, but for the protection of individuals so that the risk of tyranny or abuse from either the federal or state government is reduced by a healthy balance of power between the federal and state government; and

Whereas, the Missouri House has before it House Concurrent Resolution 13 (HCR 13)

calling on the federal government to cease and desist from mandates beyond the scope of federal powers as enumerated in the constitution; and

Whereas, HCR 13 calls upon the federal government to cease passing compulsory federal legislation directing the states to comply or lose funding or face penalties and to repeal such laws already enacted; and

Whereas, the St. Charles County Council, for the reasons set forth above, concurs with HCR 13: Now, therefore, be it

Resolved by the County Council of St. Charles County, Missouri, as follows:

Section 1. The St. Charles County Council hereby enacts this Resolution to offer its support in favor of passage of House Concurrent Resolution 13.

Section 2. A copy of this resolution shall be forwarded to the respective Clerks of the Missouri Senate and the House of Representatives.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

*William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 899. A bill to establish an assistance program for the construction of digital TV translators to fill coverage gaps that are created from the transition from analog to digital signals; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 900. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 901. A bill to establish the Oregon Task Force on Sustainable Revenue for Counties, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. MURKOWSKI, and Mr. INOUYE):

S. 902. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND:

S. Res. 114. A resolution expressing support for designation of April 27, 2009, as "National Healthy Schools Day"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 182

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 235

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 235, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. BURRIS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 414

At the request of Mr. DODD, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from New

York (Mrs. GILLIBRAND) were added as cosponsors of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 433

At the request of Mr. UDALL of New Mexico, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Mississippi (Mr. WICKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare &

Medicaid Services Working Group, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 487

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 500

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. CONRAD), the Senator from Montana (Mr. TESTER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to

the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 693

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 787

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 787, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. RES. 11

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 11, a resolution to authorize production of documents to the Department of Defense Inspector General.

S. RES. 89

At the request of Mr. BAYH, his name was added as a cosponsor of S. Res. 89, a resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 899. A bill to establish an assistance program for the construction of digital TV translators to fill coverage gaps that are created from the transition from analog to digital signals; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, on June 12, television broadcasters will finally transition from analog TV signals to an all-digital system and in doing so begin a new chapter of innovation. In addition to providing higher quality video and sound, the DTV Transition will allow broadcasters to offer new services such as interactive TV and content multicasting.

The benefits consumers will reap will be significant so we must make sure that they are clearly aware of this transition and the steps necessary to be prepared. Delaying the switchover till June has afforded us the opportunity to improve these efforts. However, there are several geographic areas across this nation that will be plagued by a particular problem that isn't a result of lack of consumer awareness or availability of converter boxes but because they will receive a weak digital signal or no signal at all.

The DTV "cliff effect" occurs when the broadcast signal is so weak that all

that appears on a viewer's TV is a blank screen. Unlike an analog broadcast, where a weak signal means a viewer would receive a grainy or snowy picture, a weak digital broadcast would mean no picture at all—you either get it or you don't.

The DTV cliff effect occurs because of the different propagation characteristics that the new digital broadcast signals have compared to traditional analog signals. The terrain, distance from the broadcast tower, and the sensitivity of existing antennas, and even the weather all play a part in the strength of a broadcast signal and contribute to the cliff effect.

Recently, a market-research firm estimated that more than 9 million households could experience some digital TV reception problems. In addition, many households in Wilmington, North Carolina, which participated in a DTV Transition trial run last fall, and about a thousand homes in Hawaii, which transitioned early, experienced reception and cliff effect problems, so this is a very real threat that will disrupt a significant number of households.

That is why I rise today with my colleague Senator COLLINS to introduce legislation to directly address this problem by creating an assistance program for the construction of new digital translators to fill the gaps in the digital coverage of full-power stations. Specifically, the bill would provide \$125 million in reimbursements for the construction of digital repeater or translator towers, which run approximately \$80,000 to \$100,000 each to build. These repeaters are essential in filling the dead zones that will result from the switchover.

The FCC recently released a report estimating that "approximately 18 percent of stations—319—are predicted to lose coverage of 2 percent or more of the existing population they reached with their analog signals." One of the recommendations the Commission suggested to alleviate this problem was for affected stations to build translators. The FCC also provided a partial remedy in releasing a Notice of Proposed Rulemaking that would allow stations to install digital translators immediately under Special Temporary Authority. However, in this poor economic climate many broadcasters do not have the resources to construct these expensive towers.

This legislation supplies some of the funding necessary to meet the challenges posed by this significant problem. It also should be noted that these towers can be used to co-locate wireless broadband facilities or other advanced communications services, which means an easier expansion of broadband in many areas that currently are without.

Fully addressing the DTV cliff effect problem will ensure the transition in

June is as seamless and undistruptive as possible for all Americans. That is why I hope my colleagues will join Senator COLLINS and me in supporting this legislation.

By Mr. WYDEN:

S. 900. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, as the credit crisis has gripped the nation, more and more families are relying on their credit cards to help them weather the storm. Unfortunately, as more folks use their credit cards, many more consumers are falling victim to the industry's abusive practices.

I am pleased that my colleagues in both the Senate and House are working hard to swiftly fix some of the most egregious existing practices. Like many of my colleagues, I agree that some of the credit card industry's practices are unconscionable. For example some provisions today allow issuers to raise the interest on a consumer to astronomical rates just because of a drop in their credit score or a missed payment on another, unrelated credit card. That's like having your home mortgage go into default because you missed a payment on your car loan. It is not fair and it's predatory.

Clearly, competition in the credit card industry is not working for consumers. Card issuers are not competing on the merits of their cards because consumers are still not able to make good comparisons on the overall cost of using their products. Consumers tend to focus on the interest rate and annual fees, not realizing that many of the little disclosures hidden in the legalese of their contracts can make the real cost of credit significantly higher.

Some practices are truly abusive and it may be best for Congress to eliminate those. However, while eliminating these practices would help protect some of the most vulnerable consumers, it would not solve the underlying systematic problem. For each abusive practice that Congress eliminates, another will pop up. That is why there must be a way to arm consumers with the information they need before they sign up for a credit card in order to reject such unfair practices.

With the financial future of so many Americans now dependent upon the unreadable jargon in credit card documents, consumers need to understand what they are getting into.

That is why I am introducing the Credit Card Safety Star Act of 2009. Last Congress, I introduced this legislation with then-Senator Obama because we both agreed that consumers need a simple way to cut through the unreadable jargon in agreements. My

bill creates a safety rating system for credit cards, like the five-star crash rating system for new cars. The rating system for cars helps people understand how their car will protect them in a crash; my bill will help people understand if they can expect their card issuer to treat them fairly or kick them when they are down. Five-star cards would be the safest while one-star cards would be the least safe.

Cards are rewarded for terms that are consumer friendly and get knocked for the tricky terms that tend to get consumers in trouble.

For example, card issuers that can change the terms at any time for any reason or those that make consumers go into default based on credit ratings or other accounts would automatically receive a one-star rating.

However, card issuers that innovate new ways to make their agreements more consumer friendly could get points to out-compete others in the industry. For example, credit cards that give 90 days notice before the issuer intends to change terms, with the option for consumers to opt out, would get a point.

Under my system, card issuers would have to display the ratings on all their marketing materials, billing statements, agreement materials and on the back of the card itself. Consumers would also be able to see the ratings for their card and how their card got that rating on a stand-alone Federal Reserve website.

The Federal Reserve will be responsible for updating the star system and making sure that if new terms or practices come to market, those terms or practices are assigned an appropriate rating.

Additionally, my legislation creates a Credit Card Safety Star Advisory Commission which would study the effectiveness of the star rating system. The Commission would also implement a study that would examine whether it would be better to eliminate certain unfair practices rather than simply giving them a rating under my system.

My bill is designed to work in tandem with the other legislation that has already been introduced. While the Credit Card Safety Star Act will not ban any particular practices, it is designed to update if certain practices are banned.

While my legislation is not a silver bullet to solve all the problems in the credit card industry, it can provide a way forward that will arm consumers with usable information about the tricky terms in these agreements.

I believe it is time to put the free market to the test and see whether we can help consumers make better choices while also encouraging issuers to abandon some of these abusive practices and compete for consumers' business by offering them fair terms they can understand.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Safety Star Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) competition in the credit card market is severely hindered by a lack of transparency, which results in inefficient consumer choices;

(2) such lack of transparency is largely due to confusing terms and overwhelming information for consumers;

(3) the marketplace has not increased competition based on the merits of credit cards;

(4) a Government rating system that would use market forces by encouraging better transparency would increase such competition and assist consumers in making better credit card choices; and

(5) such a rating system would not preclude additional regulation or legislation that may eliminate certain practices considered unfair or abusive.

SEC. 3. TRUTH IN LENDING ACT AMENDMENTS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

"SEC. 127B. CREDIT CARD SAFETY STAR RATING SYSTEM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'agreement' means the terms and conditions applicable to an open end credit plan offered by an issuer of credit;

"(2) references to a reading grade level shall be as determined by the Board, using available measurements for assessing such reading levels, including those used by the Department of Education;

"(3) the term 'Safety Star System' means the credit card safety star rating system established under this section; and

"(4) the term 'junk mail' means a form of disclosure that does not inform the consumer in a meaningful and significant way about changes in the contract, including small type, using separate pieces of paper for separate disclosures, and mixing disclosure materials with product advertisements.

"(b) RULEMAKING.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Board shall issue final rules to implement the Safety Star System established under this section, to allow consumers to quickly and easily compare the levels of safety associated with various open end credit plan agreements.

"(2) CONSULTATION.—The Board shall consult with the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation in issuing rules to implement the Safety Star System.

"(c) ELEMENTS OF SAFETY STAR SYSTEM.—The Safety Star System shall consist of a 5-star system for rating the terms and conditions of each open end credit plan agreement between a card issuer and a cardholder, in accordance with this section.

"(d) SAFETY STAR RATINGS.—

"(1) ONE-STAR RATING.—The lowest level of safety for an open end credit plan shall be indicated by a 1-star rating.

"(2) FIVE-STAR RATING.—The highest level of safety in an open end credit plan shall be indicated by a 5-star rating.

"(e) POINT STRUCTURE FOR SAFETY STAR SYSTEM.—

"(1) VALUES.—Each variation of a term in an agreement shall be worth 1 point or -1 point, as applicable.

"(2) STAR SYSTEM.—For purposes of the Safety Star System—

"(A) 5-star credit cards are those with points totaling 7 points or greater;

"(B) 4-star credit cards are those with between 3 points and 6 points;

"(C) 3-star credit cards are those with between -1 point and 2 points;

"(D) 2-star credit cards are those with between -6 points and -2 points; and

"(E) 1-star credit cards are those with -7 points or fewer.

"(f) POINT AWARDS.—One point shall be awarded for each of the terms in an agreement under which—

"(1) no binding or nonbinding arbitration clause applies;

"(2) at least 90 days notice is provided to the cardholder if the card issuer wants to change the terms of the agreement, with the option for the consumer to opt out of the changes, while paying off their previous balance according to the original terms;

"(3) changes are disclosed in a manner that highlights the differences between the current terms and the proposed terms;

"(4) the original card agreement and all original supplementary materials are in 1 document at 1 time, and, when the card issuer discloses changes to the card agreement—

"(A) those materials are not in junk mail form; and

"(B) the changes are disclosed conspicuously, together with the next billing cycle statement, before the changes become effective;

"(5) no over-the-limit fees are imposed for the transactions approved at the time of transaction by the card issuer;

"(6) no fees are imposed to pay credit card bills using any method, including over the phone;

"(7) payments are applied to the highest interest rate principal first;

"(8) interest is not accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

"(9) security deposits and fees for credit availability (such as account opening fees or membership fees)—

"(A) are limited to 10 percent of the initial credit limit during the first 12 months; and

"(B) at account opening, are limited to 5 percent of the initial credit limit, and requires any additional amounts (up to 10 percent) to be spread evenly over at least the next 5 billing cycles;

"(10) the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

"(11) any secondary disclosure materials meant to supplement the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

"(12) no late fee may be imposed when a payment is received, whether processed by the issuer or not, within 2 days of the payment due date;

"(13) a copy of the agreement and all supplementary materials are easily available to the cardholder online; or

"(14) a substantial positive financial benefit would be provided to the consumer, as determined by the Board in accordance with subsection (h).

"(g) NEGATIVE POINTS.—One point shall be subtracted for each of the terms in an agreement under which—

"(1) binding or nonbinding arbitration is required to resolve disputes;

"(2) fewer than 30 days notice before the billing statement for which changes in terms take effect are provided to the cardholder when the card issuer wants to change the terms of the card agreement (which shall be assumed if notice of such changes is undisclosed in the agreement materials);

"(3) junk mailer disclosures are used to inform cardholders of changes in their agreements;

"(4) over-the-limit fees are imposed more than once based on the same transaction;

"(5) fees are imposed to pay bills by check, over the Internet, or by an automated phone system;

"(6) interest is accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

"(7) the terms of the agreement are disclosed in a form that requires a reading level that is above a 12th grade reading level;

"(8) any secondary disclosure materials meant to supplement the terms of the agreement are written in a form that requires a reading level above the 12th grade reading level;

"(9) a late fee may be imposed within 2 days of the payment due date;

"(10) the issuer may unilaterally change the terms in the agreement without written consent from the consumer, or the issuer may unilaterally make adverse changes to the terms in the agreement without written consent from the consumer and written notice to the consumer of the precise behavior that provoked the adverse change;

"(11) the issuer charges interest on transaction fees, including late fees; or

"(12) there would be a negative financial impact on the interests of the consumer, as determined by the Board in accordance with subsection (h).

"(h) BOARD CONSIDERATIONS.—For purposes of subsections (f)(15) and (g)(16), the Board may consider—

"(1) the level of difficulty in understanding terms of the subject agreement by an average consumer;

"(2) how such terms will affect consumers who are close to the edge of their credit limits;

"(3) how such terms will affect consumers who do not have a good credit score, history, or rating, using commonly employed credit measurement methods (if it creates greater access to credit by reducing safety, or by other means);

"(4) whether such terms create what would appear to a reasonable consumer to be an arbitrary deadline or limit that may frustrate consumers and result in excess fees or worse financial outcomes for the consumer;

"(5) whether such terms, or the severity of such terms, is not based on the credit risks created by a particular consumer behavior, but rather is designed to solely increase revenue through lack of transparency;

"(6) whether any State has sought to limit such terms or terms that are similar thereto;

"(7) whether provisions of State law relating to unfair and deceptive practices would prohibit any such terms, but for the national bank exclusion from non-home State banking laws;

"(8) whether such terms have an anti-competitive or procompetitive effect on the marketplace; and

"(9) such additional terms or concepts that are not specified in paragraphs (1) through

(8) that the Board deems difficult for an average consumer to manage, such as terms that are confusing to the typical consumer or that create a greater risk of negative financial outcomes for the typical consumer, and terms that promote transparency or competition.

“(i) LIMITATIONS.—For purposes of subsection (h), the Board may not consider, with respect to the terms of an open end credit plan agreement, the profitability or impact on the success of any particular business model of such terms.

“(j) AUTOMATIC RATING.—Notwithstanding any other provision of this section, or any other provision of State or Federal law, any open end credit plan that allows the card issuer or a designee thereof to modify the terms of the agreement at any time or periodically for unspecified or unstated reasons, shall automatically give rise to a 1-star rating for such open end credit plan.

“(k) NO POINTS IF TERMS ARE REQUIRED BY LAW.—If a particular term in an agreement becomes required by law or regulation, no points may be awarded under the Safety Star System for that term.

“(1) PROCEDURES FOR RATINGS.—

“(1) CERTIFICATION TO THE BOARD.—Each issuer of credit under an open end credit plan shall certify in writing to the Board, the number of stars to be awarded, separately for each of the card issuer's agreements. Each such certification shall specify which terms in each agreement are subject to the Safety Star System, and how the issuer arrived at the star rating for each agreement based on the Safety Star System in accordance with paragraph (2).

“(2) SUBMISSIONS TO THE BOARD.—Each agreement that is subject to a Safety Star System rating shall be submitted electronically to the Board, together with a written explanation of whether the agreement has or does not have each of the terms specified in subsections (f) and (g), before issuing or marketing a credit card under that agreement.

“(3) BOARD VERIFICATION.—

“(A) IN GENERAL.—The Board shall verify that the terms in the submitted agreement and supporting materials (such as examples of future disclosures or examples of websites with cardholder agreements) comply with the certification submitted to the Board by the issuer under this subsection, not later than 30 days after the date of submission.

“(B) AVOIDING DUPLICATIVE VERIFICATIONS.—A card issuer may certify to the Board, in writing, that all agreements that it markets include a particular term, or that the issuer will use certain practices (with supporting documents, including showing how future disclosures will be made) so that the Board is required to determine only once, with respect to that term or practice, how that term or practice affects the star ratings of the credit card agreements of the issuer.

“(4) MISREPRESENTATIONS AS VIOLATIONS.—Any certification to the Board under this section that the issuer knew, or should have known, was false or misrepresented to the Board or to a consumer the terms or conditions of a card agreement or of a Safety Star System rating under this section shall be treated as a violation of this title, and shall be subject to enforcement in accordance with section 108.

“(5) MODIFICATIONS BY CARD ISSUERS.—

“(A) IN GENERAL.—After the first annual review by the Board, mentioned in subsection (o), before implementing any new term or concept, or new way of approaching a term or concept, with respect to an open

end credit plan, the card issuer shall submit the new term or concept and any supporting materials to the Board, other than with respect to an adjustment to the applicable rate of interest in an existing agreement that clearly specifies that such rate would be adjustable and under what conditions such adjustments could occur.

“(B) DETERMINATION OF THE BOARD.—Not later than 30 days after the date of a submission under subparagraph (A), the Board shall complete a review of the effects on safety of the subject new concept or term, and shall issue a decision on whether it affects the Safety Star System rating for the open end credit plan that will include the term or concept.

“(m) DISPLAY OF AND ACCESS TO RATINGS.—

“(1) DISPLAY OF RATING REQUIRED.—The Safety Star System rating for each credit card shall be clearly displayed on all marketing material, applications, billing statements, and agreements associated with that credit card, as well as on the back of each such credit card, including a brief explanation of the system displayed below each rating (other than on the back of the credit card).

“(2) NEW CARDS REQUIRED FOR LOWER RATINGS.—In any case in which the Safety Star System rating for a credit card is lowered for any reason, the card issuer shall provide new cards to account holders displaying the new rating in accordance with paragraph (1).

“(3) GRAPHIC DISPLAY.—The Safety Star System rating for a credit card shall be represented by a graphic that demonstrates not only the number of stars that the credit card has received, but also the number of stars that the card did not receive.

“(4) DEVELOPMENT OF GRAPHIC BY THE BOARD.—The Board shall determine the graphic and description of the Safety Star System for display on materials and the back of cards for purposes of this section.

“(n) CONSUMER ACCESS TO RATINGS.—

“(1) IN GENERAL.—The Board shall engage in an extensive campaign to educate consumers about the Safety Star System ratings for credit cards, using commonly used and accessible communications media.

“(2) WEBSITE.—Not later than 12 months after the date of enactment of this section, the Board shall establish and shall maintain a stand-alone website—

“(A) to provide easily understandable, in-depth information on the criteria used to assign the ratings, as provided in subsections (f) and (g); and

“(B) to include a listing of the Safety Star System ratings for each open end consumer credit plan, information on how the issuer arrived at that rating, and the number of consumers that have that plan with the issuer.

“(o) ANNUAL REVIEW BY THE BOARD.—

“(1) IN GENERAL.—The Board shall conduct a thorough annual review (of not longer than 6 months in duration) of the Safety Star System, to determine whether the point system is effectively aiding consumers, and shall promptly implement any regulatory changes as are necessary to ensure that the System protects consumers and encourages transparent competition and fairness to consumers, including implementing a system in which terms are weighted to distinguish between different levels of safety, in accordance with the purposes of this section.

“(2) AVAILABILITY OF RESULTS.—Results of the review conducted under this subsection shall be submitted to Congress, and shall be made available to the public.

“(p) PERIODIC REVIEW OF STANDARDS.—Once every 2 years, the Board shall deter-

mine whether the requirements to satisfy 2-star standards and above should be raised on the grounds that card issuers have abandoned the most unfair practices. In making such determination, the Board may not consider the profitability of business models, but may consider whether competition in the credit industry will improve consumer protection, and how the change in standards will affect such competition.”.

SEC. 4. SAFETY STAR ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Credit Card Safety Star Advisory Commission (in this section referred to as the “Commission”).

(b) DUTIES.—

(1) REVIEW OF THE CREDIT CARD SAFETY STAR SYSTEM AND ANNUAL REPORTS.—The Commission shall—

(A) review the effectiveness of the credit card Safety Star System under this section, including the topics described in paragraph (2);

(B) make recommendations to Congress concerning such system;

(C) study whether it would better protect consumers to ban some practices by creditors rather than use a rating system for those practices, including universal default, unilateral changes without consumer consent, allowing interest charges on fees, or allowing interest rate increases to apply to past debt; and

(D) by not later than March 1 of each calendar year following the date of enactment of this Act, submit a report to Congress containing the results of such reviews and its recommendations concerning such system.

(2) SPECIFIC TOPICS TO BE REVIEWED.—The Commission shall review—

(A) with respect to all credit card users—

(i) the methodology for awarding stars to credit cards under the Safety Star System, and whether there may be a better way to award stars that takes into account unfair or unsafe practices that remain uncaptured in the Safety Star System;

(ii) the consumer awareness of the Safety Star System and what may make the system more useful to consumers; and

(iii) other major issues in implementation and further development of the Safety Star System;

(B) with respect to credit card users who are at or close to their credit limits, whether such consumers are being specifically targeted in credit card agreements, and whether the Safety Star System should incorporate more terms or be revised to encourage more fair terms for such consumers; and

(C) the effects of the Safety Star System on the availability and affordability of credit and the implications of changes in credit availability and affordability in the United States and in the general market for credit services due to the Safety Star System.

(3) COMMENTS ON CERTAIN BOARD REPORTS.—

(A) TRANSMITTAL TO COMMISSION.—If the Board submits to Congress (or a committee of Congress) a report that is required by law and that relates to the Safety Star System, the Board shall transmit a copy of the report to the Commission.

(B) INDEPENDENT REVIEW.—The Commission shall review any report received under subparagraph (A) and, not later than 6 months after the date of submission of the report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as the Commission determines appropriate.

(4) AGENDA AND ADDITIONAL REVIEWS.—The Commission shall consult periodically with

the chairperson and ranking minority members of the appropriate committees of Congress regarding the agenda of the Commission and progress towards achieving the agenda. The Commission may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the Safety Star System as may be requested by such chairpersons and members, and as the Commission determines appropriate.

(5) **AVAILABILITY OF REPORTS.**—The Commission shall transmit to the Board a copy of each report submitted under this subsection, and shall make such reports available to the public in an easily accessible format, including operating a website containing the reports.

(6) **APPROPRIATE COMMITTEES OF CONGRESS.**—For purposes of this subsection, the term “appropriate committees of Congress” means the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(7) **VOTING AND REPORTING REQUIREMENTS.**—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation. The Commission may file a minority report.

(8) **EXAMINATION OF BUDGET CONSEQUENCES.**—Before making any recommendation that is likely to have a Federal budgetary impact, the Commission shall examine the budget consequences of such recommendation, directly or through consultation with appropriate expert entities.

(c) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 15 members appointed by the Comptroller General of the United States, in accordance with this section.

(2) **QUALIFICATIONS.**—

(A) **IN GENERAL.**—The membership of the Commission shall include individuals—

(i) who have achieved national recognition for their expertise in credit cards, debt management, economics, credit availability, consumer protection, and other credit card-related issues and fields; or

(ii) who provide a mix of different professions, a broad geographic representation, and a balance between urban and rural representatives.

(B) **MAKEUP OF COMMISSION.**—The Commission shall be made up of 15 members, of whom—

(i) 4 shall be representatives from consumer groups;

(ii) 4 shall be representatives from credit card issuers or banks;

(iii) 7 shall be representatives from non-profit research entities or nonpartisan experts in banking and credit cards; and

(iv) no fewer than 1 of the members described in clauses (i) through (iii) shall represent each of—

(I) the elderly;

(II) economically disadvantaged consumers;

(III) racial or ethnic minorities; and

(IV) students and minors.

(C) **ETHICS DISCLOSURES.**—The Comptroller General shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated as employees of Congress whose pay is disbursed by the

Secretary of the Senate for purposes of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(3) **TERMS.**—

(A) **IN GENERAL.**—The terms of members of the Commission shall be for 5 years except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) **VACANCIES.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) **COMPENSATION.**—

(A) **MEMBERS.**—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the regular place of business of the member, the member may be allowed travel expenses, as authorized by the Chairperson.

(B) **OTHER EMPLOYEES.**—For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all employees of the Commission shall be treated as if they were employees of the United States Senate.

(5) **CHAIRPERSON; VICE CHAIRPERSON.**—The Comptroller General shall designate a member of the Commission, at the time of appointment of the member as Chairperson and a member as Vice Chairperson for that term of appointment, except that in the case of vacancy in the position of Chairperson or Vice Chairperson of the Commission, the Comptroller General may designate another member for the remainder of that member's term.

(6) **MEETINGS.**—The Commission shall meet at the call of the Chairperson.

(d) **DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**—Subject to such review as the Comptroller General determines necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it determines necessary with respect to the internal organization and operation of the Commission.

(e) **POWERS.**—

(1) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any de-

partment or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(2) **DATA COLLECTION.**—In order to carry out its functions, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(C) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(3) **ACCESS OF GAO TO INFORMATION.**—The Comptroller General shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(4) **PERIODIC AUDIT.**—The Commission shall be subject to periodic audit by the Comptroller General.

(f) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Comptroller General shall provide such administrative and support services to the Commission as may be necessary to carry out this section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission, not more than \$10,000,000 for each fiscal year to carry out this section.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 901. A bill to establish the Oregon Task Force on Sustainable Revenue for Counties, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, today I am introducing the Sustainable Revenue for Oregon Counties Act, a bill aimed at finding a sustainable long-term solution to the revenue problems faced by Oregon's timber-dependent counties and other timber-dependent counties across our Nation. This bill, which is cosponsored by Senator RON WYDEN, will establish a task force to determine the best way to provide counties with a dependable source of revenue after the current county payments program expires.

Last year I promised that county payments would be the subject of my first bill as a Senator because addressing this issue is essential to the long-term success of Oregon's rural counties. Thanks to the hard work of Senator WYDEN and our congressional delegation, payments are in place for the next 2 years. But we need to start preparing for what happens next.

Let me give some background on this critical issue. Like many Western States, the Federal Government owns much of Oregon's land base. More than half of Oregon's land is federally owned. One class of the Federal lands is the O&C lands. These lands were granted to Oregon & California Railroad in 1866 and later reverted to the Federal Government when the railroad failed to

live up to terms of the grant. They also included a class of lands that originated from a similar situation, the Coos Bay Wagon Road lands. These O&C lands make up 2.2 million acres in western and southern Oregon.

Then there are Forest Service lands—timbered lands owned by the Forest Service, managed—that make up 14 million additional acres across our State.

In both cases, the Federal Government has allocated a share of the revenue generated by cutting timber to compensate local counties for their services. Since 1908, in fact, the Federal Government has compensated counties for the revenue lost due to Forest Service lands with a simple formula: 25 percent of the revenue earned by harvesting timber. Since 1937 the Federal Government has sustained a similar commitment on our O&C lands. The O&C Act provided that counties receive 75 percent of the timber harvest revenues, and since 1957 that was reasserted with 50 percent going directly to the counties and 25 percent put into management.

Then along came the 1990s and something happened. What happened is, the Federal Government started saying for other reasons—environmental reasons, stewardship reasons—we were going to change the harvest practices on these lands. That has had a direct impact, a deep, profound impact on our timber counties. A deal was struck. In fact, in 1993, President Clinton proposed and Congress enacted a program to augment timber payments with Federal payments based on the historic harvest levels so the people of Oregon's timber counties will not be paying the price for the environmental goals and other goals that were put forward. This is a deal, this is a core foundation agreement between the Federal Government and our timber counties.

This program was modified in 2000 under the leadership of our senior Senator from Oregon, and the program became the Secure Rural Schools and Community Self-Determination Act. That program, though, had a sunset in 2006 when the program disappeared that started to wreak havoc on our timber-dependent counties.

In Josephine County two-thirds of the county's general fund came from county payments. Loss of county payments meant cutting public safety programs. Overnight, patrols were down to one 10-hour shift split among six deputies covering an area the size of the State of Rhode Island.

In Harney County—where 78 percent of the landmass, an area the size of New Jersey, is federally controlled—70 percent of the road funds come from Federal payments.

In Lake County, Federal land, making up 61 percent of the county, is in anticipation of losing Federal funding, so the county had to cut its Federal

Road Department from 42 individuals to 14—14 for a road department for a county the size of Connecticut and Delaware combined.

In Jackson County, where one-third of the general fund comes from Federal payments, Jackson County eliminated 117 jobs in parks, human services, roads, public safety, and closed all of their libraries.

This issue was so substantial that the Oregon Legislature, when I served as speaker, redirected more than \$50 million in transportation funds away from counties under the normal formula to a formula based on the loss of the Federal timber dollars.

The good news is that due to the tireless work of the senior Senator from my State, Mr. WYDEN, and our colleagues in the other Chamber, counties received a 1-year reprieve in 2007 and just last fall a 4-year extension. But now we are faced again with expiration of these critical resources in 2011. So today I am here to propose a strategy to develop a coherent plan, a plan for restoring fiscal security and sustainable revenue to our counties so that, despite the crushing economic situation our counties are facing today—and unemployment is second highest in the Nation in Oregon, and in the timber-dependent counties far higher than the average, many with 14, 16, 18 percent unemployment—despite that, we need to provide a foundation for transition in 2011.

There are many elements that can go into this coherent strategy. Our forests, millions of acres of second growth forests are overgrown and need to be thinned to restore forest health and prevent forest fires. Increasing the harvest could generate revenue. The material cleared from the forest could be used to generate biomass energy and cellulosic biofuels, and harvesting that material, that biomass, could generate revenue.

Our forests can be used to sequester carbon, and the forests of the Northwest are potentially the largest carbon sink we have, so management to increase carbon sequestration could be a source of revenue.

Increased use of public lands by visitors brings economic benefit to our counties and these recreational and tourism activities could be a source of revenues.

Certainly, we need to look at the historic deal struck between the Federal Government and the counties and find a way to sustain it into the future—that deal saying, if we are going to put restrictions on the timber harvest under these traditional timberlands that we are going to compensate counties for the lost revenue.

This bill creates a task force with 15 members. Four members come from timber counties. They get their firsthand reports from the front line. One member each represents timber, con-

servation, recreation, and labor organizations—as well as a member from the Governor's office and a member from Oregon's tribes.

Then the task force will be expanded to include members who are experts on sustainable forestry, on natural resource economics, on biomass energy, on carbon sequestration, and on habitat conservation.

This task force is charged with developing a long-term plan to raise sustainable revenue for Oregon's counties, and it will consider all of the concepts that I have mentioned, as well as others that are proposed or that come up in the course of the task force's work. They are going to report back two strategies for consideration within 9 months of this bill being enacted.

Timberlands are an important part of the national economy and an extremely important part of the Oregon economy. Timber products can be used to help us address next generation biofuels. Timber can be used to sequester carbon. It is a creative, adaptable building material, and our timber counties have been hit particularly hard by the downturn in the national housing market.

So we need to sustain the traditional deal with Oregon's timber counties and with timber counties across this country. That is what this bill is intended to do. I am very proud to introduce it as my first bill as a Senator.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sustainable Revenue for Oregon Counties Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

- (1) more than half of the land in the State of Oregon is owned by the Federal Government;
- (2) in many counties of the State, significant portions of the land of the counties (often significantly more than half of the land of the counties) is owned by the Federal Government;
- (3) the land described in paragraph (2) includes Forest Service land and Oregon and California grant land;
- (4) the counties described in paragraph (2) are unable to derive revenue from property taxes on land owned by the Federal Government;
- (5) historically, payments made by the Federal Government based on revenues from harvesting timber (including Oregon and California grant land and Forest Service payments) have provided a revenue substitute for property taxes;
- (6) the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) augmented the payments described in paragraph (5) because of a significant decline in timber harvest revenues;

(7) Congress extended the payments described in paragraph (6) for 1 year in 2007, and for 4 years effective beginning in 2008, to provide time to develop a long-term sustainable alternative to the payments described in paragraph (6);

(8) the prospects for a long-term extension are uncertain because of concerns regarding Federal budget deficits and long-term financial assistance to local governments of the State;

(9) counties of the State that have historically received the payments described in paragraph (5) are in need of a sustainable, long-term revenue source;

(10) there are opportunities for the conduct of activities in the Federal forest land of the counties of the State that could be structured to be economically and environmentally sustainable, including—

(A) the harvesting of timber (including thinning to restore forest health) in a sustainable manner and in sustainable quantities;

(B) the removal of biomass material from the forest land for—

(i) the generation of electricity; and

(ii) the production of cellulosic biofuels;

(C) the conduct of activities that could—

(i) increase the sequestration by the forest land of atmospheric carbon; or

(ii) provide other ecosystem services for communities, such as clean water; and

(D) the conduct of recreational activities;

(11) other sources of revenue, including State and local revenue sources, should also be considered in selecting a sustainable, long-term revenue source; and

(12) payments made by the Federal Government could be continued under a variety of different payment methodologies.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARIES CONCERNED.—The term “Secretaries concerned” means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(2) STATE.—The term “State” means the State of Oregon.

(3) TASK FORCE.—The term “Task Force” means the Oregon Task Force on Sustainable Revenue for Counties established by section 4(a).

SEC. 4. TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the “Oregon Task Force on Sustainable Revenue for Counties”.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretaries concerned, of whom—

(i) each shall represent a county of the State; and

(ii) 2 shall represent counties in which there is located Oregon and California grant land;

(B) 1 member shall be appointed by the Governor of the State as the representative of the Governor of the State;

(C) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in economics (including natural resource economics);

(D) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in sustainable forestry practices;

(E) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in scientific and economic aspects of biomass energy;

(F) 1 member shall be appointed by the Secretaries concerned from among persons

who are experts in the scientific aspects of ecosystem services that are provided by temperate forests (including, at a minimum, the scientific aspects of carbon sequestration);

(G) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in fields relating to wildlife habitat, endangered species, and biodiversity;

(H) 1 member shall be appointed by the Secretaries concerned as a representative of the forest products industry located in the State;

(I) 1 member shall be appointed by the Secretaries concerned as a representative of regionally or locally recognized conservation organizations located in the State;

(J) 1 member shall be appointed by the Secretaries concerned as a representative of—

(i) organized labor; or

(ii) nontimber forest product harvester groups;

(K) 1 member shall be appointed by the Secretaries concerned as a representative of persons who participate in or provide recreational activities or are engaged in related activities; and

(L) 1 member shall be appointed by the Secretaries concerned as a representative of Indian tribes that are located in the State.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 60 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Task Force.

(2) VACANCIES.—A vacancy on the Task Force—

(A) shall not affect the powers of the Task Force; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at the call of the Chairperson.

(2) PUBLIC ACCESS.—Each meeting of the Task Force shall be open to the public.

(f) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Task Force shall select a Chairperson and Vice Chairperson from among the members of the Task Force.

SEC. 5. DUTIES.

(a) CONSIDERATION AND REVIEW OF REVENUE SOURCES.—

(1) IN GENERAL.—The Task Force shall consider and review concepts for the establishment of a long-term revenue source for counties located in the State that have historically received Federal funds.

(2) REVENUE SOURCES.—In conducting the consideration and review under paragraph (1), in accordance with paragraph (3), the Task Force shall consider—

(A) revenue sources proposed by relevant legislation or administrative actions;

(B) payments based on timber harvests (including thinning to restore forest health) carried out at sustainable levels;

(C) payments based on revenues that each county of the State could have received through property taxation if the land owned by the Federal Government located in the county was privately held and subject to a property tax;

(D) revenue based on—

(i) a portion of the proceeds from sales of material collected from public land located in the State for the production of biomass electricity or cellulosic liquid transportation fuels;

(ii) user fees for recreational activities carried out on public land located in the State;

(iii) payments for increases in carbon sequestration; and

(iv) land exchanges or transfers that could provide compensation for nontaxable Federal land located in counties of the State;

(E) local sources of revenue that could be used to reduce or eliminate the reliance of counties of the State on Federal funds (including taxes, user fees, or economic development activities that could increase the revenue base of the counties of the State);

(F) payments made by the Federal Government to the counties of the State, including—

(i) guaranteed payments that are to be established at a reduced level and not based on timber harvest revenues; and

(ii) guaranteed payments that are to be established—

(I) at a level similar to the level of payments reauthorized in 2008;

(II) in part by timber harvest revenues; and

(III) with the use of additional Federal funds to the extent that timber harvest revenues described in subclause (II) do not meet the guaranteed level of payment; and

(G) any other revenue source that the Task Force determines to be appropriate for consideration and review.

(3) FACTORS.—In considering each revenue source under paragraph (2), the Task Force shall take into account—

(A) the long-term sustainability of each revenue source considered under paragraph (2);

(B) the relative value, long-term sustainability, and any other implication of the relative reliance of the counties of the State on revenues arising from Federal forests located in the counties, as compared to other local revenue sources;

(C) the potential long-term effects of each revenue source considered under paragraph (2) on the economies of the counties of the State;

(D) revenue sources that are used by other cities or counties of the State;

(E) the environmental effects of each revenue source considered under paragraph (2);

(F) the effect of each revenue source considered under paragraph (2) on local revenue streams and county services; and

(G) comments submitted to the Task Force by a stakeholder relating to any issue or proposal considered by the Task Force.

(b) HEARINGS.—

(1) IN GENERAL.—The Task Force shall hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to receive the input and determine the opinions of the public and stakeholders with respect to the establishment of a sustainable, long-term revenue source for the counties of the State.

(2) INCORPORATION OF PUBLIC AND STAKEHOLDER INPUT.—In preparing the report required under subsection (c), the Task Force shall incorporate into the recommendations of the Task Force required under subsection (c)(2), to the maximum extent practicable, the public and stakeholder input received under paragraph (1).

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Task

Force shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that contains—

(1) a detailed statement of the findings and conclusions of the Task Force;

(2) a description of not less than 2 policy scenarios for providing sustainable revenue to the counties of the State that are recommended by not less than $\frac{2}{3}$ of the members of the Task Force for consideration by the Federal Government, the State, and the counties of the State as the Task Force considers appropriate (including such legislation and administrative actions necessary to implement each policy scenario);

(3) a description of the opinion of each member of the Task Force regarding each policy scenario described in paragraph (2);

(4) a description of the minority views of each member of the Task Force who does not support any policy scenario described in paragraph (2);

(5) a description of each revenue source considered but not recommended by the Task Force under paragraph (2), including—

(A) an explanation of each reason why the Task Force did not recommend the policy scenario; and

(B) a description of the minority views of each member of the Task Force relating to the decision by the Task Force not to recommend the policy scenario; and

(6) a summary of comments received by the Task Force under subsections (a)(3)(G) and (b)(1).

(d) **REQUIRED HEARINGS.**—Not later than 60 days after the date on which each committee described in subsection (c) receives the report required under that subsection, each committee shall hold a hearing to evaluate the recommendations contained in the report.

SEC. 6. POWERS.

(a) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this Act.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(b) **POSTAL SERVICES.**—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(c) **GIFTS.**—The Task Force may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. TASK FORCE PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Task Force shall serve without compensation.

(b) **TRAVEL EXPENSES.**—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(c) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(2) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of

the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

SEC. 9. TERMINATION OF TASK FORCE.

The Task Force shall terminate 120 days after the date on which the Task Force submits the report of the Task Force under section 5(c).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 114—EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 27, 2009, AS “NATIONAL HEALTHY SCHOOLS DAY”

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 114

Whereas there are approximately 54,000,000 children and 7,000,000 adults who spend their days in the Nation’s 120,000 public and private schools;

Whereas over half of all schools in the United States have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards, as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide range of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas an average of 1 in every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas the Nation’s schools spend approximately \$8,000,000,000 a year on energy costs, causing officials to make very difficult decisions on cutting back on much needed academic programs in their efforts to maintain heat and electricity;

Whereas healthy and high-performance schools that are designed to reduce energy and maintenance costs, provide cleaner air, improve lighting, and reduce exposure to toxic substances provide a healthier and safer learning environment for children and improve academic achievement and well-being;

Whereas new building construction, especially for new school buildings, should be designed to meet energy efficiency standards, including Leadership in Energy and Environmental Design (LEED) standards;

Whereas green and healthy schools save an average of \$100,000 per year on energy costs, enough to hire 2 teachers, buy 200 new computers, or purchase 5,000 new textbooks;

Whereas converting all of the Nation’s schools to green schools would reduce carbon dioxide emissions by 33,200,000 metric tons;

Whereas Congress has demonstrated its interest in this compelling issue by including

the Health High-Performance Schools program in the No Child Left Behind Act and the Energy Independence and Security Act of 2007;

Whereas our schools have the great responsibility of guiding the future of our children and our Nation; and

Whereas April 27, 2009, would be an appropriate date to designate as “National Healthy Schools Day”: Now, therefore, be it

Resolved, That the Senate supports the designation of April 27, 2009, as “National Healthy Schools Day”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, April 27, 2009, at 5:30 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 386

Mr. BROWN. I ask unanimous consent that at noon Tuesday, April 28, the Senate return to legislative session to resume consideration of S. 386; that upon passage of the bill, the Senate then return to executive session to resume consideration of the Sebelius nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL AMENDMENTS AFFECTING JUDICIAL PROCEEDINGS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1626, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1626) to make technical amendments to laws containing time periods affecting judicial proceedings.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1626) was ordered to be read a third time, was read the third time, and passed.

ORDERS FOR TUESDAY, APRIL 28, 2009

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session under the previous order; further, I ask consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Madam President, at 10 a.m. tomorrow the Senate will begin consideration of the nomination of Kathleen Sebelius to be Secretary of Health and Human Services. Under the previous order, there will be up to 8 hours for debate equally divided between the two leaders or designees.

Senators should also be prepared for a vote on passage of S. 386, the Fraud Enforcement and Recovery Act, at noon tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, April 28, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE BOYD KEVIN RUTHERFORD.

DEPARTMENT OF DEFENSE

THOMAS R. LAMONT, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE RONALD J. JAMES.

DEPARTMENT OF TRANSPORTATION

JOHN D. PORCARI, OF MARYLAND, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE THOMAS J. BARRETT, RESIGNED.

DEPARTMENT OF ENERGY

CATHERINE RADFORD ZOI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY), VICE ALEXANDER A. KARSNER, RESIGNED.

WILLIAM F. BRINKMAN, OF NEW JERSEY, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE RAYMOND L. ORBACH, RESIGNED.

DEPARTMENT OF THE INTERIOR

ANNE CASTLE, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE MARK A. LIMBAUGH.

DEPARTMENT OF STATE

KURT M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS), VICE CHRISTOPHER R. HILL, RESIGNED.

DANIEL BENJAMIN, OF THE DISTRICT OF COLUMBIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE DELL L. DAILEY, RESIGNED.

ROBERT ORRIS BLAKE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE RICHARD A. BOUCHER, RESIGNED.

DEPARTMENT OF LABOR

PHYLLIS CORRINE BORZI, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE BRADFORD P. CAMPBELL, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

DAVID HEYMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE STEWART A. BAKER, RESIGNED.

HOUSE OF REPRESENTATIVES—Monday, April 27, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CARNAHAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 2009.

I hereby appoint the Honorable RUSS CARNAHAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

MOUNT CARMEL SCHOOL COMPETING IN THE WE THE PEOPLE: THE CITIZENS AND THE CONSTITUTION NATIONAL FINALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from the Northern Mariana Islands (Mr. SABLÁN) for 5 minutes.

Mr. SABLÁN. Thank you, Mr. Speaker.

I rise to acknowledge an accomplished, dedicated group of students from my district. They are from Mount Carmel School on the island of Saipan in the Northern Mariana Islands, and they're here in Washington participating in the 22nd We the People: The Citizens and the Constitution National Finals. The program is funded by Congress through the Education for Democracy Act and administered by the Center For Civic Education, based in Los Angeles and in Washington.

Each year high school students around the Nation take part in a rigorous course of study to prepare themselves for We the People. One thousand one hundred of them earned the right to come to Washington for the finals, which began over the weekend, by competing against other schools in their congressional districts and States.

Today the top 10 groups compete in the championship round right here in the Cannon House Office Building.

In the competition, students serve as expert witnesses, testifying on constitutional issues as if in a congressional hearing. They are scored on their opening statements and on their answers to follow-up questions.

Yesterday I heard these students speak with knowledge and insight about our Constitution and Bill of Rights. They were impressively well versed in the historical and philosophical antecedents of these profound documents, and they were able to field the most complex questions on these issues from panels of State Supreme Court justices, university scholars, attorneys and journalists.

The Mount Carmel students earned the right to represent the Northern Mariana Islands by competing against other schools in my congressional district. They succeeded because they worked together and because each one of them gave their individual best for their team.

I'd like to recognize them by name. Alfred Acosta, Kevin Bautista, Jalayne Benavente, Keolester Buenpacifico, Armalen Cabrerros, Lourence Camacho, Cedie Chan, Augustine Chang, Hazel Doctor, Chiaki Hirosawa, Kevin Kim, Su Yoon Lee, Daniel Macario, Ryan Ortizo, Vanessa Sablan, Keno San Pablo, Jonathan Sanchez, Louise Villagomez, Rita Villagomez, A. Ram Yoo.

I'd also like to acknowledge their teacher, Mr. Rosiky Camacho, their attorney coaches Joaquin Deleon Guerrero Torres, Judy Deleon Guerrero Torres, Vince Deleon Guerrero Torres and their coordinator Mr. Alfred Ada.

Mr. Speaker, I rise to acknowledge an accomplished and dedicated group of students from my district.

They are from Mount Carmel School on the island of Saipan in the Northern Mariana Islands; and they are here in Washington participating in the 22nd We the People: The Citizens and the Constitution National Finals. The program is funded by Congress through the Education for Democracy Act and administered by the Center for Civic Education, based in Los Angeles and Washington.

Each year high school students around the Nation take part in a rigorous course of study to prepare themselves for We the People. 1,100 of them earn the right to come to Washington for the finals, which began over the weekend, by competing against other schools in their congressional district and States. Today, the top 10 groups compete in the Championship Round right here in the Cannon House Office Building.

At the closing banquet this evening Vermont Senator PATRICK LEAHY will be honored with the 2009 Dale E. Kildee Civitas Award for his contributions to the field of civic education.

In the competition students serve as expert witnesses testifying on constitutional issues as if at a Congressional hearing. They are scored on their opening statements and on their answers to follow-up questions.

Yesterday, I heard these Mt. Carmel students speak with knowledge and insight about our Constitution and Bill of Rights. They were impressively well-versed in the historical and philosophical antecedents of these profound documents. And they were able to field the most complex questions on these issues from panels of State Supreme Court Justices, university scholars, attorneys, and journalists.

The Mt. Carmel students earned the right to represent the Northern Mariana Islands by competing against other schools in my congressional district on February 14. They succeeded because they worked together and because each of them gave their individual best for their team.

I'd like to recognize them by name:

Alfred Acosta
Kevin Bautista
Jalayne Benavente
Keolester Buenpacifico
Armalen Cabrerros
Lourence Camacho
Cedie Chan
Augustine Chang
Hazel Doctor
Chiaki Hirosawa
Kevin Kim
Su Yoon (Karen) Lee
Daniel Macario
Ryan Ortizo
Vanessa Sablan
Keno San Pablo
Jonathan Sanchez
Louise Villagomez
Rita Villagomez
A. Ram Yoo

I'd also like to acknowledge their teacher Mr. Rosiky Camacho; their attorney-coaches Joaquin Dlg. Torres, Judy Dlg. Torres, and Vince Dlg. Torres; and their coordinator Mr. Alfred Ada.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HIRONO) at 2 p.m.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
 Lord God of covenant love, Your light brightens our day and presents new opportunities to serve You in faith and serve this Nation with freedom.

Grant the Members of Congress penetrating peace and patient understanding of family life and the problems facing this Nation.

Help all of us to embrace our limitations, and yet never lose hope to marshal the forces within us and the powers You give us to establish a new order of personal dignity and integrity and world security that will give You glory, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
 HOUSE OF REPRESENTATIVES,
 Washington, DC, April 27, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 24, 2009, at 10:01 a.m.:

That the Senate disagrees to the amendment of the House; agrees to Conference and appoints conferees S. Con. Res. 13.

That the Senate passed without amendment H. Con. Res. 101.

That the Senate passed without amendment H. Con. Res. 86.

Appointments:
 Senate National Security Working Group.
 Commission to Study the Potential Creation of a National Museum of the American Latino.

With best wishes, I am
 Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
 HOUSE OF REPRESENTATIVES,
 Washington, DC, April 27, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 27, 2009, at 9:39 a.m.:

That the Senate passed without amendment H.R. 586.

With best wishes, I am
 Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

PRESIDENT OBAMA SHOULD REMEMBER WE ARE FOUNDED ON FAITH

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, I was very disturbed to read about the administration's request to cover up a monogram symbolizing the name of Jesus at a recent speech given by President Obama at Georgetown University. The White House justified this by saying they asked for all symbols to be covered up at the lecture hall; however, this was the only one clearly visible near him during the speech. The covered monogram "IHS" comes from the Greek for Jesus and was covered with a black triangle of plywood.

I join my fellow Christians in expressing my outrage at this request. This administration has no problem spending money imprinted with the phrase "In God We Trust"—and parenthetically, above us here is the words "In God We Trust"—but won't have our President speak with any symbol of Christ in public view. We begin each day in this Chamber with a prayer, and clearly visible in the House is the same phrase I mentioned before.

With our country having such problems, people turn to faith for help in this time of uncertainty, as they should. This country was founded on the solid principles of Judeo-Christian ethics. Why should our President cover this important symbol of our heritage and values?

HONORING THE SACRIFICE OF CORPORAL WILLIAM CRAIG COMSTOCK

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to honor a young man be-

loved by his family, friends, and his community. I rise to remember Corporal William Craig Comstock of the United States Marine Corps, who was taken from us while honorably serving our country in Iraq.

Craig grew up in the Third District of Arkansas, going to Cedarville High School and graduating from Alma High School. He made a big impression on his classmates. On a Facebook page created in his honor, one friend wrote, "I can't stress enough that you changed my life. You are such an inspiration to me."

Craig is an inspiration to all of us. He was raised in a single-parent home and later in foster homes, but he has always had the drive to succeed.

Craig joined the Marine Corps in January of 2007 and was trained as an ammunition technician. He volunteered to go back to Iraq after being shot while deployed there earlier in his career.

Madam Speaker, at the young age of 21, Craig made a tremendous sacrifice for his country. He is a true American hero. I ask my colleagues to keep his family and friends in their thoughts and prayers during this very difficult time.

TOO MUCH SPENDING

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Just a few weeks ago, the Democrats slammed through a \$1 trillion stimulus bill by scaring the American people, by declaring that the economy would collapse without it. This so-called "recovery plan" grew government and not jobs. It created 33 new Federal programs and gave record money to 73 other Federal programs. Forgotten in this mix is the American taxpayer.

A few days ago, the President, in his first Cabinet meeting, asked his administration to find \$100 million—that's million with an "m"—in savings. So the President asked for and got \$1 trillion and now wants to save \$100 million. How much is \$1 trillion? If you spent \$1 million a day every day, it would take you nearly 3,000 years to get to \$1 trillion.

The Federal Government spends \$100 million every 13 minutes. Our government cannot be all things to all people. We have got to stop running this government on a credit card. I urge my colleagues to find ways to cut spending. And remember, it is the American taxpayers' money, not Congress' money, not the government's money.

THE WISDOM OF WASHINGTON

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, this week we will see the 2009 budget coming before Congress for a final vote. In

the wisdom that only the City of Washington, D.C., can bestow, this budget borrows record-setting sums, raises taxes, and spends taxpayer money at an unprecedented clip. This so-called wisdom produced a budget that places our children and grandchildren in a state of perpetual servitude to the national debt and is a perverse sort of wisdom indeed.

This reality brings to mind something that Thomas Jefferson penned in 1781. He said that "every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositories."

The current conventional wisdom in Washington of borrowing and spending doesn't work for American families, and it won't work for the Federal Government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE ANNIVERSARY OF THE ACCIDENT OF SS SULTANA

Mr. SNYDER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, as amended.

The Clerk read the title of the resolution, as amended.

The text of the resolution, as amended, is as follows:

H. RES. 329

Whereas the explosion of the SS Sultana on April 27, 1865, is considered the worst maritime disaster in American history;

Whereas the steamboat ship SS Sultana exploded on the Mississippi River 7 miles north of Memphis, Tennessee, at 2:00 a.m.;

Whereas roughly 1,800 of the 2,400 passengers lost their lives in the tragedy;

Whereas 2,000 passengers on the SS Sultana at the time of the explosion were Union prisoners of war recently released from the Confederate Andersonville and Cahaba Prison Camps in Alabama;

Whereas several of the former prisoners of war were suffering from disease and extreme malnutrition caused by the overcrowded and unsanitary conditions at the prison camps;

Whereas the explosion was presumed to have been caused by a defective boiler trying to overcome the current of the Mississippi River;

Whereas the enormous loss of life was attributed to an overcrowded vessel caused in part by poor oversight on behalf of the Union commanding officers responsible for the release of the prisoners of war;

Whereas up to 300 of the initial survivors of the explosion later died from burns, hypothermia, or exposure;

Whereas then Secretary of War Edwin M. Stanton stated in his annual report for 1865 that the loss of "over 1200 officers and soldiers—a loss greatly increased . . . by an improper and unnecessary overloading of the boat";

Whereas only one of the several individuals responsible for the conditions of the steamer or the overcrowding of the vessel which contributed to the tragedy and large loss of life was ever prosecuted; and

Whereas the disaster received little attention in the newspapers or magazines of the time and is scarcely remembered today: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 144-year anniversary of the tragic accident of the steamboat ship SS Sultana;

(2) honors the memory of the soldiers and passengers who lost their lives in this disaster;

(3) regrets the lack of military and civilian oversight that led to the explosion and tremendous loss of life; and

(4) rededicates itself to honoring all our veterans and military families with the highest level of support in quality resources, equipment and services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Louisiana (Mr. FLEMING) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. SNYDER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SNYDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, American history is a rich one when it comes to the Civil War. Unfortunately, not all events are known or remembered as they ought to be, and the tragic story of the Steamboat Sultana, lost April 27, 1865, is one of those events. Books can tell us the story today.

Retelling the story one night in 1994, author Jerry Potter, as an after-dinner speaker on a modern Mississippi riverboat, brought to life the events of his 1992 book, "The Sultana Tragedy: America's Greatest Maritime Disaster."

Each of the attendees, including me, at that very warm and comfortable banquet that night felt the horror as we realized survivors and bodies alike floated and bobbed down this very same Mississippi River on April 27, 1865, the same place that we were bobbing and having dinner that night. This is Potter's book.

Years later, other books have appeared. In 1996, "Disaster on the Mis-

issippi: The Sultana Explosion, April 27, 1865." In 2009, just in the last few months, "Sultana: Surviving the Civil War Prison and the Worst Maritime Disaster in American History," by Alan Huffman. "The Sultana Tragedy," Jerry Potter's book, is printed by the Pelican Press, "Disaster on the Mississippi" by the Naval Institute Press, and the most recent book, "Sultana," by the Smithsonian Press.

Today, April 27, is another anniversary of these events. But why do most of us know more about the Titanic than the Sultana, even though more died in the Sultana? The end of a horrific war a few weeks before; the assassination of Lincoln, his death; a new President; April 26, the night before the Sultana sank, John Wilkes Booth was killed; a war-weary Nation trying to move on, tired of years of carnage. And one sad detail; most onboard the Sultana were not prominent like some of the folks on the Titanic. Most were enlisted Union soldiers recently released from the hells of POW camps. As Jerry Potter says, "Who remembers the steerage passengers aboard the Titanic?" I do want to point out there was one prominent American onboard the Sultana, U.S. Senate-elect from Arkansas, William D. Snow.

Now, there were certainly people on the east coast at that time that would say the same thing Jerry Potter said, "Who remembers the steerage passengers aboard the Titanic?" And so today we remind America and ourselves with this resolution, and today in Memphis, right now a ceremony of remembrance is taking place.

So what story needs to be told? What was the Sultana? This picture was the last picture of this boat, and for many of the people who we see onboard this ship right now, it was the last photograph that was ever taken of them before their death.

The Sultana was an 1863 paddle-wheeled steamboat, modern and tough, built to handle the Mississippi River at flood stage day or night. Contracted in April 1865 to haul sick, emaciated, weakened Union prisoners of war who had been in the prisoner of war camps at Andersonville and Cahawba. And to give you a sense of how weak and emaciated they were, many of these men had lost up to 100 pounds of weight. The pictures of them coming out of the camp were comparable to what we saw coming out of the death camps in Europe at the end of that war.

The boat was built to handle approximately 400 people; it was loaded with perhaps 2,500. There were allegations of bribery amongst the steamboat companies trying to get government businesses. There were allegations of poor-quality repair work done in Memphis. The whole issue of whether it was overcrowded or overloaded continues to be one that is discussed by historians, the difference being if something is overcrowded doesn't necessarily mean that

the ship can't handle the weight. And that was certainly the case with the Steamboat Sultana; it could handle the weight.

□ 1415

The other side of that argument is, as you can tell from this picture, with all the folks on top, it became top heavy, and there is one school of thought that says because it was so top heavy, in fact, as the boat would careen back and forth in the flood stage of the Mississippi, it would have affected the shifting waters in the boilers that may have led to the boilers blowing.

At approximately 11 p.m. the night of April 26, it left Memphis. It went across the Mississippi River that at that point was about 4 miles wide at flood stage. It went to Hopefield, Arkansas, got a load of coal, pushed out into the river. And when it was about 7 miles north of Memphis in the river at 2 a.m., the boilers blew. It was described as this thunderous, thunderous noise that was heard for miles, and thus begins the horror. And, of course, there were no photographs, no on-site CNN news. What we see are depictions of drawings of people trying to put together the recollections of survivors about what it looked like. This is, by the way, the cover of the most recent book by Alan Huffman, and that's the drawing that's on the cover of his book.

But thus begins the horror: death and injury by explosion and crash, death and injury by scalding from the boilers, death and injury by fire that went on for hours, death and injury by drowning. These were weak, emaciated people who did not know how to swim or were too weak to swim even if they knew how to swim, in very cold waters coming from the north. This was April 27, springtime. The river was at flood stage, and those waters were cold waters coming from the north. Death and injury by hypothermia, death and injury weeks and months later by complications of infection and other medical challenges of those weakened by war who were unable to fight injury. The boat had one lifeboat and it had 76 cork life preservers.

There were probably about 1,800 dead. We will never know for sure. Most of the Union POWs were from Ohio, Michigan, Indiana, Kentucky, Tennessee. There were many volunteers along the shore or on boats that participated in picking up survivors and bodies. One of those was John Fogleman and his sons, Dallas and Leroy, from Arkansas. They built a raft of two logs and rescued people, six and nine at a time, and then their home was turned into a temporary hospital. The Fogleman family is still very much in Arkansas and active in public affairs.

Investigations began immediately, but the survivors were never satisfied that their story was ever told.

Probably the best description of the summary of why we need to remember this comes from the Jerry Potter book. He says: "To say that the explosion on board the Sultana was purely accidental or unpreventable does not take into account the irresponsible conduct and criminal negligence that characterized the actions of an entire chain of army command and the profit-making schemes of various civilians. The Sultana tragedy is much more than a record of a steamboat. The deeper record is one of greed and the lengths to which men will go to achieve personal gain, even if that gain means endangering the lives of others." And that's the end of the quote from Jerry Potter's book "The Sultana Tragedy."

March 4, 1931, a man named Pleasant Keeble died. He was the last known Sultana survivor. So now we no longer learn from the survivors. We learn from Civil War historians and maritime and military scholars. Today we remember a little bit and today we resolve ourselves a little. And the resolve part of our resolution today says the following:

"Resolved, that the House of Representatives, one, recognizes the 144-year anniversary of the tragic accident of the steamboat ship SS Sultana; two, honors the memory of the soldiers and passengers who lost their lives in this disaster; three, regrets the lack of military and civilian oversight that led to the explosion and tremendous loss of life; and, four, rededicates itself to honoring all our veterans and military families with the highest level of support in quality resources, equipment and services."

This is one of those stories, Madam Speaker. It's a rich part of American history. Unfortunately, it is not as well-known as it could be. We have not learned the lessons from these events as well as we could. I commend this resolution to the Members of the House to vote on today and to vote for this resolution to help in remembering.

Madam Speaker, I reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank my colleague from across the aisle, Dr. SNYDER from Arkansas, who also is a physician. He's interested in this very interesting topic and the passage of this very important resolution, H. Res. 329.

I rise in support of House Resolution 329, recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, which occurred 144 years ago today.

Madam Speaker, on April 27, 1865, the SS Sultana, a Mississippi River steam-powered paddle wheeler, exploded and

sank just north of Memphis in the early hours of the morning. There were 2,400 souls aboard when the ship's boilers exploded, blowing the overcrowded steamboat apart and sending scores of helpless passengers into the vast currents of the Mississippi River. Tragically, over 1,800 individuals lost their lives in what is now known to be the worst maritime disaster in the United States. And by comparison the Titanic, which, of course, sank many years later, lost 1,500 lives, and, of course, that's something that we have memorialized for many years. It's even worse than Shiloh when 1,700 lives were lost in 1 day.

The Sultana had frequently been contracted by the War Department to carry troops up and down the river. On the day of the accident, its precious cargo was nearly 2,000 Union prisoners and additional troops who had recently been released from the Confederate prison camps at the infamous Andersonville and Cahawba. And, as I say, 300 or so of these were Active Duty personnel along with the prisoners. This boat was legally registered to carry only 376 personnel, and as you can see, it was about eight times overloaded.

The SS Sultana left New Orleans, and during a routine stop at Vicksburg, the former prisoners, who were anxious to start their journey home, had crowded on board the steamboat in numbers far above its normal capacity. While the boat was at Vicksburg, it was discovered that the boilers were leaking.

And, parenthetically, I have to mention that there were tremendous incentives on both sides to overcrowd this boat. First of all, the ship captains received \$5 per head, which was quite a bit of money in those days. And the Army officers got a \$1.15 kickback. And, of course, the soldiers were just out of Andersonville. They were tired. They wanted to go home. So everyone was obviously in favor of getting this boat underway. Quick repairs were made. However, it was more or less patchwork rather than true repairs.

Madam Speaker, as the Sultana sailed past Memphis, a combination of disastrous circumstances, including poorly maintained boilers, the powerful current on the Mississippi, and the overcrowded conditions, led to the catastrophic explosion. Thankfully, hundreds of the passengers survived primarily through the help of other steamboats in the area that rushed to the scene. Most remarkable was the willingness of the good people of Memphis to help the injured Union soldiers, who just weeks before had been their enemy.

Sadly, Madam Speaker, although this was an enormous disaster in American history, it remains relatively unknown because, remember, this happened in April 1865, a very special month. What happened in that month? Well, on April 9 the Appomattox surrender occurred.

Then President Lincoln was assassinated. Then on April 26 John Wilkes Booth was arrested. And then, finally, General Johnson surrendered and Jefferson Davis was arrested. So you can well see how such a remarkable tragedy found itself in the back pages of the local newspapers.

With that in mind, it is fitting today for all of us Americans to remember the tragic loss of over 1,800 souls on the SS Sultana that happened so many years ago, and I, therefore, strongly urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SNYDER. Madam Speaker, at this time I have no further requests for time, and I continue to reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I yield myself such time as I may consume for a closing statement.

Madam Speaker, this, as I said, is a remarkable event in history, and, quite frankly, until recently I was unaware of it, and I, among many others, am a Civil War buff. And it happened between my two home States, Louisiana and Mississippi. So I appreciate very much that this has been brought to light and that we can learn more about it and certainly recognize it for the future.

I do want to point out, however, that this turned out to be an example to some extent of unfettered greed; that is, that there was no control over the captain of the ship as well as Army officers. They were in it for profit, and I think they took advantage of the poor Union soldiers who were coming out of desperate situations and so desperately wanted to go home. So I think that's a lesson we can learn for the future, that we need to put our own individual interests at hand and look out for the better good of all.

With that, Madam Speaker, I yield back the balance of my time.

Mr. SNYDER. Madam Speaker, I appreciate the leadership of my colleague on this event.

These House resolutions, we know today that we're not passing a statute, we're not changing a law, we're not creating a memorial. What we are trying to do is call attention to what we believe is a very significant event in our Nation's history. And to the families and relatives of the folks who were lost or survived the sinking of the Sultana, to the day they died, they regretted that their country did not pay more attention to what happened. So there are lessons to be learned.

As we are doing this right now on the floor of the House, in Memphis there is an event going on recognizing this event. I want to call attention to my colleague, Congressman STEVE COHEN, as a cosponsor of our resolution from Memphis.

So it is just another thing that we can do to say, hey, America, there is

something to learn from our rich, rich history from an event that we all may not know enough about as we would like. And I commend the books that I mentioned to folks and to seek out opinions about what occurred on April 27, the anniversary today, in 1865 on the Mississippi River just north of Memphis.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, H. Res. 329, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SNYDER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL VOLUNTEER WEEK

Mr. SABLAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 335) supporting the goals and ideals of National Volunteer Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 335

Whereas National Volunteer Week will be observed during the week of April 19 through April 25, 2009;

Whereas National Volunteer Week honors the nationwide impact of volunteers in every day American communities;

Whereas the theme of this year's National Volunteer Week is "Celebrating People in Action", which recognizes individuals who dedicate themselves to taking action and solving problems in their communities;

Whereas National Volunteer Week has been an annual celebration since 1974 and every President since that time has signed a proclamation honoring National Volunteer Week;

Whereas many State and local officials from around the country have actively engaged their communities in celebrating National Volunteer Week;

Whereas data from the Corporation for National and Community Service shows that 61,803,000 volunteers dedicated 8,003,840,108 hours of service to community organizations in 2008;

Whereas volunteers can play a critical role in helping struggling nonprofit organizations with fundraising, directing services to individuals and communities in need, and other skill-based assistance;

Whereas nonprofit organizations are reporting an increase in the number of inquiries from both baby boomers and young people who are ready to serve our Nation;

Whereas "Celebrating People in Action" is the recognition that every citizen can make a difference in their community by taking action through activities like building a ramp to ensure accessibility for people with disabilities, tutoring a child struggling to read, serving food at a homeless shelter, assisting the unemployed with job readiness skills, and many other services; and

Whereas National Volunteer Week provides a moment in time to honor all those who serve locally, nationally and internationally to change lives, rejuvenate communities, and embody the best of the American spirit of responsibility and civic engagement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Volunteer Week;

(2) recognizes the critical role of our national and community service programs;

(3) honors the contributions of all those hard-working American volunteers who make a difference in their communities every day of the year; and

(4) invites all Americans to answer the call to serve through volunteerism in any form.

□ 1430

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Madam Speaker, I request 5 legislative days during which Members may revise, extend and insert extraneous materials on House Resolution 335 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 335, which supports the ideals and goals of National Volunteer Week. People who volunteer and engage in community service play a vital role in neighborhoods across the country. National Volunteer Week invites all Americans to give back to the community in some form of service.

Last week, President Obama signed into law the Edward M. Kennedy Serve America Act. The law recognizes the necessary role volunteerism and service play in our country and creates 175,000 new service opportunities over the next several years. Through four new service corps, the Serve America Act will engage volunteers to work in their communities in the areas of health, education, green work and programs to support veterans and their families.

Today, more than 400,000 individuals have volunteered through AmeriCorps, one of the largest national service programs working in local communities across the Nation. Whether it's tutoring children in after-school programs,

cleaning up parks or serving food to the homeless, volunteers answer unmet needs by partnering with nonprofit organizations, schools, faith-based and community agencies to volunteer their services in local communities. Amazingly, seniors working as part of the Senior Corps have generated more than 1 billion volunteer service hours.

Schools are also working to increase service opportunities in the communities. More than 1 million high school students participate in service-learning programs in their schools.

On a national level, volunteers have helped America alleviate some of its most pressing problems. During 9/11, millions of volunteers responded in our country's time of need through their churches, schools and oftentimes as individuals wanting to help their neighbor. More recently, over 80,000 volunteers traveled to Fargo, North Dakota, to fill sandbags, strengthen levees and help flood victims evacuate their homes. When the call is sounded, this Nation's citizens rally together to begin the rebuilding that is needed.

National Volunteer Week recognizes the critical role volunteers play in their communities. This week honors their hard work and contributions.

I want to thank Congressman PLATTS for bringing this resolution forward and reminding us of the importance of volunteerism.

Madam Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 335, a resolution supporting the goals and ideals of National Volunteer Week. Throughout the history of the United States, Americans have valued an ethic of service. Citizens have come together to support our troops, educate our children or work to ensure that less fortunate individuals have a place to live.

All of these activities support the theme of this year's National Volunteer Week, "Celebrating People in Action." This week gives us an opportunity to recognize those individuals who serve their country, not only through the military or through national service programs run by the Corporation for National and Community Service, but also those individuals who are donating their time to serve their local communities.

Just last week our President signed the latest reauthorization of the national service programs. This bill was crafted through a bipartisan process in both the House and the Senate and builds on the reforms and the corporations stated by the previous administration to ensure additional accountability in national service programs. The bill will help smaller organizations participate in national service and ensure that the unique skills of America's veterans are utilized.

Volunteerism is a way for Americans to connect to their communities, learn more about the problems facing their communities and to simply make a difference.

This week we salute all volunteers and national service program participants for their powerful impact, and we thank all community partners who make these efforts possible and bring more Americans into service.

I want to take this opportunity to thank my colleagues, Mr. PLATTS, Ms. MATSUI and Mr. PRICE for introducing this resolution, and I ask my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 335, "Supporting the goals and ideals of National Volunteer Week". I would like to thank my colleague TODD PLATTS for introducing this legislation. H. Res 335 moves to observe the week of April 19 through April 25, 2009 as National Volunteer Week.

President Obama throughout his campaign for President and through the first 100 days of his administration has sent a steady reminder to the American people that the Government cannot solve all of their problems for them. He has encouraged Americans to get out and try to impact their own communities through acts of volunteerism. The President himself along with the help of former President Clinton and local D.C. children were seen planting trees for earth day. The first lady along with multiple spouses of congressional members has volunteered in multiple kitchens serving food to members of the community. This administration is showing clear signs that it is not only going to call upon the American people for action, but are clearly prepared to join them in their own community.

Just last week, President Obama and this new administration took another giant step toward encouraging and helping the American people to be active in their communities with the passage of, "The Edward M. Kennedy Serve America Act". This landmark law recruits an army of 250,000 per year to engage in intensive service, and it focuses its work on today's challenges, including clean energy, education, health, veterans care, and economic opportunity. It creates new service opportunities for seniors, baby boomers, and young adults, and improves service learning in our schools. The law also creates a Social Innovation Fund. This fund looks for new ideas in communities and leverages private, nonprofit, and faith based support to invest in local innovation. The fund also allows us to test the impact of new ideas and expand successful programs to scale. Volunteering provides the opportunity to join and better a community. Every American who volunteers can become an integral part of a school, a hospital, or a neighborhood. Those who give their time, join our Nation's proud history of service and helps preserve this tradition for generations ahead. During National Volunteer Week, we express heartfelt thanks to all who have worked hard in this effort, and we urge more Americans to reach out and meet the manifold unmet needs of fellow Americans.

Many events are planned around the nation, including numerous in the Houston area. I

urge all Americans especially those living in the 18th Congressional district to participate in this national week of service. Madam Speaker I urge my colleagues to support H. Res. 335, observing the week of April 19–25 as National Volunteer Week. Also I urge all Americans to get out and participate in the many volunteer opportunities to take place across the nation.

Mr. PETRI. I yield back the balance of my time.

Mr. SABLAN. Madam Speaker, I also encourage all my colleagues to support House Resolution 335.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 335.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

Mr. SABLAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 344) commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 344

Whereas, on April 7, 2009, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76 to 54 in the final game of the NCAA Division I Women's Basketball Tournament in St. Louis, Missouri;

Whereas the Huskies were undefeated with a record of 39–0, defeating each of their opponents by more than double digits;

Whereas the Huskies were undefeated for the third time since 1994–1995;

Whereas the Huskies have won 6 national titles, second most in NCAA Division I women's basketball history;

Whereas sophomore forward Maya Moore was chosen as the Naismith Award winner, Wooden Award Winner, State Farm Wade Trophy Winner, United States Basketball Writers Association player of the year, and Associated Press player of the year;

Whereas senior Point Guard Renee Montgomery was chosen as the Nancy Lieberman award winner given to the Nation's top point guard;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as State Farm First Team All-Americans;

Whereas junior center Tina Charles was chosen as the Women's Final Four Most Valuable Player;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as members of the Final Four First All Tournament Team;

Whereas coach Geno Auriemma was chosen as the Associated Press Coach of the Year;

Whereas the University of Connecticut Women's Basketball program has a 100 percent graduation rate among 4-year players, representing the team's commitment to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their season and their tireless efforts to their perfect record and the NCAA championship; and

Whereas residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in this team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Connecticut President Michael Hogan and head coach Geno Auriemma for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLÁN. Madam Speaker, I request 5 legislative days during which Members may revise, extend and insert extraneous material on House Resolution 344 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Madam Speaker, I yield myself as much time as I may consume.

I rise today to congratulate the University of Connecticut's women's basketball team for their victory in the 2009 NCAA Division I tournament.

On April 7, women's basketball fans were treated to an exceptional game as the University of Connecticut defeated the University of Louisville. UConn battled through six ties and seven lead changes on their way to a comfortable 76-54 victory over third-seed Louisville, capping an undefeated 39-0 season for the Huskies.

The 22-point victory was the second largest in an NCAA women's basketball

championship game, and solidified the Huskies as the only women's team in the NCAA Division I history, men's or women's, to win every game of the season by 10 points or more.

Louisville, finishing second to UConn in the Big East Conference Tournament, and regular season as well, had a remarkable season of its own. The Cardinals finished the season 34-5, ranked as the number two team in the Nation. The Cardinals knocked off two number one seeds in their notable run to the NCAA championship game and spent much of the season ranked in the top 10.

I want to extend my congratulations to Head Coach Geno Auriemma, who led the Huskies to their sixth national championship during his tenure and was named the Naismith Coach of the Year for the sixth time. Since arriving at UConn in 1985, Coach Auriemma has led the Huskies to 13 seasons with 30 or more wins. Associate Head Coach Chris Dailey and Assistant Coaches Jamelle Elliott and Shea Ralph round out the coaching team.

Congratulations are also noted for Tina Charles of Jamaica, New York, and Renee Montgomery of St. Albans, West Virginia. Charles, who scored 25 points and pulled down 19 rebounds in the championship game, was named the most outstanding player of the Final Four. Montgomery received the Honda Award, which designates the Nation's top female athlete in basketball.

This remarkable season adds another victory to UConn's storied history in NCAA women's basketball. The University of Connecticut women's basketball program is known for excellence. Almost annually the Huskies are expected to and do serve as legitimate basketball championship contenders.

I would like to thank my fellow committee member, Joe Courtney, for bringing this resolution to the floor. Once again, I congratulate the University of Connecticut for their success, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise today to join in supporting House Resolution 344, commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament.

On April 7 of this year, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76-54 in the final game of the NCAA Division I Women's Basketball Tournament in St. Louis, Missouri, to capture the school's sixth national title. In the season, the Huskies remained undefeated with a record of 39-0, defeating each of their opponents by double digits.

The Huskies' success was, in large part, due to the outstanding play of

senior point guard Renee Montgomery and sophomore forward Maya Moore. Montgomery was chosen as the Nancy Lieberman Award winner given to the Nation's top point guard, and Moore was chosen as the Naismith Award winner, Wooden Award winner, State Farm Wade Trophy winner, United States Basketball Writers Association Player of the Year and Associated Press Player of the Year.

While these two players were recognized for their outstanding play, the championship run was a shining example of teamwork. The national accolades bestowed upon this team can only be attributed to Head Coach Geno Auriemma. Coach Auriemma has refined the meaning of success in college basketball in his 23 years as head coach of UConn.

During his illustrious tenure, Coach Auriemma has transformed the University of Connecticut program into the standard that all others are measured by, both on and off the court. Under his guidance, the Huskies have been transformed from a program with only one winning record to its credit to its current state, which includes six national championships, nine Final Fours and 16 Big East regular season and 14 Big East tournament titles since his arrival in 1985.

While athletic success is what brings us here today, we should take time to highlight academics as well. The University of Connecticut is the State's flagship institution of higher learning. It was founded in 1881 as the Storrs Agricultural School and became the University of Connecticut in 1939.

UConn is a research intensive university, a prestigious designation shared by only the Nation's top higher education institutions. They have more than 70 focused research centers where faculty, graduate students and undergraduates explore everything from improving human health to enhancing public education and protecting the country's national resources.

I extend my congratulations to the University of Connecticut President Michael Hogan, Athletic Director Jeffrey Hathaway, Head Coach Geno Auriemma and his staff, the hard-working players and, obviously, the fans.

I wish all continued success and ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. SABLÁN. Madam Speaker, I would like to thank the good gentleman from Wisconsin for supporting House Resolution 344.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1445

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL EARLY EDUCATOR WORTHY WAGE DAY

Mrs. MCCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 99) supporting the goals and ideals of a National Early Educator Worthy Wage Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 99

Whereas approximately 60 percent of the Nation's children under 6 are in nonparental care during part or all of the day while their parents work;

Whereas the early childhood industry employs more than 2,300,000 workers;

Whereas the average salary of early care and education workers is \$18,917 per year, and only 1/3 have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills, and to help them be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources may be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early childhood workforce is critical to ensuring high-quality early learning environments;

Whereas early childhood educators should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support by the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Early Educator Worthy Wage Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of National Early Educator Worthy Wage Day, and urges public officials and the general public to honor early childhood care and education staff and programs in their communities and to work together to resolve the early childhood education staff compensation crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Con. Res. 99 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support House Concurrent Resolution 99, which recognizes May 1 as National Early Educator Worthy Wage Day and urges public officials and the general public to honor early childhood care staff and programs in their communities.

Early childhood educators are among the lowest paid professions in education. More and more parents are tapping into early childhood education programs to meet their daycare needs and find the best opportunities to help their children get ready for their academic careers.

We place a lot of trust in early childhood educators to take care of the most vulnerable among us and charge them with great responsibilities to care for and to educate our children. Early childhood educators are highly skilled workers who are, unfortunately, rarely compensated at levels that are consistent with their skill and work ethic.

This resolution asks Congress to honor early childhood educators and programs in their communities and to work to resolve the early childhood education staff compensation crisis. Adequate compensation to early childhood workers should be a priority and they should receive compensation commensurate with such training and experience.

Every day, approximately 60 percent of children under the age of six are cared for outside the home so that their parents can work. President Obama has spoken extensively about the need to further expand early education and childcare programs, including his proposal to include an early learning challenge grant initiative to promote quality care.

The committed individuals who nurture and teach these young children are undervalued despite the importance of their work. Children begin to learn at birth, and the quality of care they receive will affect their language, development, math skills, behavior and general readiness for school.

The grossly inadequate level of wages for childcare staff, roughly \$18,917 a year, has made it hard to attract and retain high quality early childhood caretakers and educators. The turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

I join in recognizing the importance of the work early childhood professionals do and the need to increase their compensation accordingly. The Nation's childcare work force, and the families who depend on them, deserve our support.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 99, supporting the goals and ideals of a National Early Educator Worthy Wage Day.

Over 11 million children under age 5 spend an average of 36 hours a week in nonparental care settings. Over 40 percent of children are in some form of nonparental care by the age of 1, and approximately 60 percent of the Nation's children under the age of 6 are in nonparental care during part or all the day while their parents work.

Parents place children in a variety of care settings, including informal, center-based and school-based environments. The majority of children remain in traditional childcare settings funded by a variety of sources, but a growing number are participating in private and State-funded prekindergarten programs. To date, 39 States and the District of Columbia have designed, implemented and funded their own prekindergarten programs on a large scale, compared to only seven States in 1980.

I support programs to promote early childhood education and efforts to ensure that our children are better prepared to enter kindergarten. The quality of early childhood education can be linked to the quality of our early childhood educators. Allowing for additional training and education for the early childhood workforce is important to ensure high-quality early learning environments.

Today, I rise with my colleagues to urge public officials and the general public to honor early childhood care and education staff and programs in their communities on May 1. I stand in support of this resolution, and ask my colleagues' support.

I have no requests for time and yield back the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, I ask all of my colleagues to support H. Con. Res. 99. May I say that working with early educator teachers, they are terrific, and if we are going to have a strong Nation for the future, we must give them the recognition they deserve.

Madam Speaker, I ask that all my colleagues support H. Con. Res. 99.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 99.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE OBSERVANCE OF NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. SABLAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 337) supporting the observance of National Child Abuse Prevention Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 337

Whereas, according to the most recent annual estimates, State and local child protective services investigated nearly 5,800,000 children in the United States who were reported to be abused or neglected in 2007;

Whereas, according to the most recent annual estimates, 1,760 children died in the United States in 2007 from abuse and neglect;

Whereas, according to the most recent annual estimates, 794,000 children in the United States were confirmed by protective services as being victims of child maltreatment in 2007;

Whereas 59 percent of the children were classified as victims of child neglect;

Whereas 4.2 percent of the children were classified as victims of psychological maltreatment;

Whereas 7.6 percent of the children were classified as victims of sexual abuse;

Whereas 10.8 percent of the children were classified as victims of physical abuse;

Whereas 1 percent of the children were classified as victims of medical maltreatment;

Whereas 13.1 percent of the children were classified as victims of multiple maltreatments;

Whereas more than three-quarters of the children who died due to child abuse and neglect were younger than four years old;

Whereas these figures represent only reported cases of abuse, many cases are not reported to police or social services;

Whereas child abuse and neglect have great long-term costs for children, families, and society which timely and effective commu-

nity-based prevention services can reduce, improving the lives and prospects of thousands of children and families; and

Whereas observing National Child Abuse Prevention Month during the month of April provides a special opportunity to raise awareness about the serious threat that child abuse and neglect poses to our Nation's children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the observance of National Child Abuse Prevention Month in order to increase awareness of child maltreatment and encourage individuals and communities to support children and families;

(2) recognizes and applauds the national and community organizations for their work in promoting awareness about child maltreatment including identifying risk factors and developing prevention strategies; and

(3) urges families and individuals to report abuse or get help by calling the National Child Abuse Hotline at 1-800-4-A-Child (1-800-422-4453).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 337 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 337, which increases awareness of child maltreatment and urges communities to support children and families. Every April, the President issues a proclamation for National Child Abuse Prevention Month, and at the same time, he releases the previous year's data on child abuse and neglect. Last year's data was very unsettling.

In 2007, State and local child protective services investigated nearly 5.8 million cases of child abuse or neglect. Out of these cases, protective services confirmed that 794,000 children were victims of maltreatment in 2007. Of the nearly 800,000 cases in 2007, 59 percent of them were classified as child neglect, 4.2 percent of cases involved psychological mistreatment, 7.6 percent involved sexual abuse, 10.8 percent of the victims suffered physical abuse, and 13.1 percent of the children suffered from multiple mistreatments.

The reports of child deaths from abuse and neglect are even more startling. An estimated 1,760 children died in 2007 as a result of abuse and neglect. Of these children who died, a disturbing 75 percent were under the age

of four. Over half of the child fatalities were a year or younger. These statistics, of course, are only cases of child maltreatment which have been reported to police or social services.

This month is a time not only to spread awareness of maltreatment, but also to recognize those organizations dedicated to preventing child abuse and neglect.

I would like to thank Representative GRANGER for bringing this bill to the floor. I urge my colleagues to take this serious issue into consideration and to support this measure and set aside time to create awareness of child maltreatment.

I reserve the remainder of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume and rise today in support of H. Res. 337, recognizing the month of April as National Child Abuse Prevention Month.

Recognizing Child Abuse Prevention Month allows us to help to raise awareness of the tragic circumstances of abuse and neglect that many of our Nation's children face every day. Recognizing this month also highlights the importance of the prevention and awareness of child abuse, so that children can live safely and securely, free from abuse.

It is important that each of us knows how we can help prevent and stop ongoing child abuse. Understanding the causes of child abuse, learning to identify the warning signs that a child is being abused, reporting any known or suspected case of child abuse, being a friend to a child or parent in need and alerting others to the problem are all ways adults and other children can help prevent, and stop, child abuse.

Child abuse may include physical abuse, neglect, sexual abuse and emotional abuse. In many cases, children are the victims of multiple forms of abuse. In 2007, approximately 794,000 children were found to be victims of some form of child maltreatment.

Child abuse prevention not only protects the Nation's children from years of physical, mental and emotional scars, it also lessens the costs associated with child abuse and enables funding to be used to assist children in other ways.

In 2007, child abuse had an estimated total annual cost of almost \$104 billion in direct and indirect costs.

In 1974, the Child Abuse Prevention and Treatment Act was enacted to address the issue of child abuse and neglect in this country and to underscore the importance of assisting children in abusive situations. Through this act, States receive grants to help with their child protective service functions, improve investigation and prosecution of child maltreatment, and to assist community-based family resource and support services.

April was first declared Child Abuse Prevention Month by presidential proclamation in 1985 by President Reagan.

Since then, in the month of April, child abuse and neglect awareness and prevention efforts are promoted throughout the country.

As members of school systems, neighborhoods, families and communities, all of us can help to prevent child abuse and neglect. Child Abuse Prevention Month provides us with an opportunity to work together to keep children safe and to lend families the support that they need to raise happy children in a safe and secure home.

This is why I stand in support of this resolution and ask for my colleagues' support.

Mr. Speaker, I yield back the balance of my time.

Mr. SABLAN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, first of all I want to thank the gentleman from the Northern Mariana Islands for yielding and also salute him for his leadership on this important resolution, which is something as a Nation we just cannot stop in terms of all efforts to make sure that we eradicate child abuse.

But my purpose for standing up, Madam Speaker, is to speak in support of a resolution which was earlier discussed, H. Res. 344, recognizing the great accomplishment of the UConn Women Huskies.

My excuse for speaking out of order is actually I just left the White House, where our country's number one basketball fan, President Barack Obama, welcomed the Women Huskies, and again in a wonderful ceremony recognized the incredible achievement of an undefeated season and a national championship.

Madam Speaker, Vince Lombardi, the great football coach for the Green Bay Packers, said, "Perfection is not attainable, but if we chase perfection, we may catch excellence."

□ 1500

Those incredibly wise words maybe didn't even anticipate what was accomplished this year by the UConn women who, as I said earlier, went 39-0, won a national championship, did not win a game by less than double digits from the entire season, from start to finish, and led by a coach, Geno Auremma, who, again, is somebody who is right in the Lombardi tradition, and secured his sixth national championship, something that, as a Hall of Fame coach, we're almost getting to expect too easily and take too much for granted in the State of Connecticut.

But aside from the great athletic accomplishment of these young women, I want to also acknowledge the fact that Maya Moore, who is the Naismith All-American Player of the country, is also someone who is an outstanding student, has received academic awards for

her great work as an undergraduate. And she, along with Renee Montgomery, who's also graduating this year, again, is someone who excelled, not only on the basketball court, but also in the classroom.

Speaking of perfection, in the 24 years of the UConn women's basketball program, they have had a 100 percent graduation rate for the women who have been part of that team. And in many respects, at a time when, unfortunately, college athletics has been somewhat dominated by the power and might of money and big money, the fact that we have a program which truly embodies the ideal of student athletes, like the UConn women's basketball team, is something that not only the State of Connecticut but really our whole country can be proud of.

As a parent of a young, 14-year-old daughter, to be able to turn on the TV for sports or ESPN News Center and say, this is not just a guy show, it's also about women who can go out and excel at sports, they have provided a role model that, I think, has transformed athletics, again, for our whole country, for boys and girls, for young men and young women. And we are so proud of this team in the State of Connecticut. And it's a special day with them being recognized at the White House. And I certainly hope that, as a body today, we will recognize their accomplishment by adopting H. Res. 344.

And, again, I thank the Speaker and the gentleman for allowing me to speak out of turn and share these remarks which are so important to the people back home.

Ms. GRANGER. Madam Speaker, I rise today to speak in support of my resolution recognizing the observance of April as National Child Abuse Prevention Month.

I'd like to thank my colleagues JANICE SCHAKOWSKY of Illinois, GWEN MOORE of Wisconsin, JOE COURTNEY of Rhode Island, and JIM MCDERMOTT of Washington for their support and for their work on child welfare issues.

Child abuse and neglect is a serious issue that affects thousands of American families. Every 11 seconds a child in the United States is reported as abused or neglected.

Last year 5,800 children were confirmed victims of child abuse in my home county of Tarrant County, Texas. Tragically, nine of those cases ended in death as a result of abuse or neglect.

I think of children like Darlene Diles who spent the first seventeen days of her life in her mother's care before an injury on January 30 left her with severe brain damage.

Darlene's nineteen-year-old mother told doctors that she accidentally dropped her daughter on the kitchen floor. But doctors found no skull fracture or swelling consistent with a fall. Instead, they said Darlene's internal head injuries were consistent with being shaken.

The thirty-five-day-old infant died after her father decided to allow doctors to take her off life support.

Seven-month-old David Coronado Jr. was admitted to Children's Medical Center in Dal-

las with forty-two separate skeletal injuries, damage, to his brain and spinal cord, and numerous skin injuries that included human bite marks. David was recently removed from life support, but his prognosis remains uncertain.

Children like David and Darlene deserve so much better.

Observing National Child Abuse Prevention Month Provides us with the opportunity to highlight their stories, which demonstrate the importance of doing more to prevent child abuse and maltreatment.

Increasing public awareness of how important it is to ensure the safety and welfare of children led to the passage of the first federal child protection legislation—the child abuse prevention and treatment act in 1974.

In the thirty-five years since, advocacy groups across the country have been hard at work to raise awareness regarding child maltreatment.

And social workers and child protective service workers across the country have dedicated countless hours to children who have been abused and neglected.

One such dedicated child protective services employee in Texas is Debbie Pendergrass.

Debbie admits to "fretting virtually nonstop about her charges." She provides the one constant for the children she works with who often get moved around from one foster home to another.

When Debbie visited a toddler born to a thirteen-year-old girl in foster care, Tarrant County foster parents James and Glenda Pell praised her professionalism. The Pells said there have been times during six years and a dozen foster children when they couldn't reach their CPS worker. But with Debbie, they have someone who responds quickly and moves the bureaucratic machinery forward.

In Texas, and in states across this country, child protective service caseworkers face an increasing workload.

In 2007, state and local protective services investigated nearly 5.8 million children who were reported as abused or neglected. The Texas Department of Child Protective Services where Debbie works as a caseworker has improved its caseload, but still needs to hire more caseworkers.

In a recent eighteen-month period, Texas workers who are responsible for visiting abused children saw only seventy-four percent of their children monthly. Federal law requires that at least ninety-five percent be seen monthly. But there are only so many hours in a day.

As the stresses on American families increase in the current economy, we need to work together to ensure that resources are available to provide families with support so that more children do not become victims of maltreatment.

And child protective services across the country need funding so that they can continue the work that they do to protect our most vulnerable children.

Observing National Child Abuse Prevention Month provides us with the opportunity to shine a light on an issue that continues to affect too many children and families.

It also provides us with the opportunity to thank the social workers, teachers, physicians,

nurses, and community organizations for their work providing safe places for children. Groups like Prevent Child Abuse Texas, the Alliance for Children in Fort Worth, which is working to "break the cycle of abuse one child at a time." And groups like CASA of Tarrant County, which matches guardian ad litem with children to provide a voice for children in court.

These groups are working to prevent child abuse and neglect throughout Texas and I commend them for their efforts and important work.

The statistics on child abuse and maltreatment are alarming. Child Abuse and maltreatment is a topic few want to discuss, but most of us want to see the cycle of abuse end. By talking about this issue, I hope we can encourage parents to reach out and get the help they need in order to provide a safe and healthy place for their children.

I strongly encourage families and individuals to report abuse or get help by calling the national child abuse hotline at 1-800-4-A-CHILD.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of H. Res. 337, a resolution to recognize April as National Child Abuse Prevention Month.

Every year, thousands of children across the country become victims of child abuse. More than 5.8 million children in the United States were reported to be abused or neglected in 2007, and many more cases go unreported.

All children deserve to be raised in a safe and nurturing environment. It is a tragedy when children are victimized by abuse, neglect, alcohol and drug abuse, or domestic violence. As a former board member of Minnesota Crisis Nurseries, I fully recognize the importance of strengthening child abuse prevention programs in Minnesota and throughout the United States. Early prevention approaches that utilize family support networks are critical to stopping child abuse before it starts.

H. Res. 337 calls for increased public awareness of the maltreatment of children. This resolution also recognizes the many national and community organizations that promote awareness of child abuse and share strategies for prevention. It further urges families and individuals to report abuse or to get help by calling the National Child Abuse Hotline at 1-800-4-A-Child.

I will continue working to strengthen child abuse prevention programs in Minnesota and throughout the United States. Keeping children and families safe must be a priority if we are to ensure the well being of our Nation's future—its children.

I urge my colleagues to join me in voting for this bill.

Mr. SABLON. Does the gentleman from Wisconsin have any other speakers?

The SPEAKER pro tempore. The gentleman has yielded back the remainder of his time.

Mr. SABLON. Madam Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mar-

iana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 337.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRE-DISASTER MITIGATION ACT OF 2009

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1746) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pre-Disaster Mitigation Act of 2009".

SEC. 2. PRE-DISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

“(f) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

“(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

“(A) is not less than the lesser of—

“(i) \$575,000; or

“(ii) the amount that is equal to one percent of the total funds appropriated to carry out this section for the fiscal year; and

“(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of such Act (42 U.S.C. 5133(m)) is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2010, 2011, and 2012.”.

(c) REFERENCES.—Section 203 of such Act (42 U.S.C. 5133) is amended—

(1) in the section heading by striking “PREDISASTER” and inserting “PRE-DISASTER”;

(2) in the heading for subsection (i) by striking “PREDISASTER” and inserting “PRE-DISASTER”;

(3) by striking “Predisaster” each place it appears and inserting “Pre-Disaster”; and

(4) by striking “predisaster” each place it appears and inserting “pre-disaster”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 1746.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Texas for generously managing on the Republican side. Thank you for your participation. And I want to welcome, Madam Speaker, the gentleman, once again to our committee. It's his first term in Congress, first term on our committee, and it's good to have his participation. Appreciate it very much.

I was delayed getting here to the floor because of a number of meetings, but the most particularly, and sort of fitting was a session with James Lee Witt, former administrator of FEMA, who did a superb job during his tenure at FEMA, and who actually initiated Project Impact, which was the predecessor of the legislation, or the predecessor idea for the legislation we bring to the floor today. It was called then Project Impact. And it was the idea of administrator James Lee Witt, after his experience with a number of tragedies that could have been prevented or substantially mitigated, that is, the effect of the natural disaster could substantially have been mitigated if cities, counties, States, local agencies, had taken a few practical steps that would be far lower cost in initial impact than the broader costs of a natural disaster, whether an earthquake, a flood, hurricane, or other tragedy.

Over 100 communities actually participated in Project Impact. One of the most significant beneficiaries of Project Impact was the City of Seattle, which was awarded a grant of \$50 million for very specific actions to take in Seattle to strengthen buildings, strengthen bridges, strengthen portions of the Alaska Way Viaduct, a portion of Highway 5 that goes through the City of Seattle and is a focal point of a great deal of maritime activity and trucking and passenger vehicle activity.

For a \$50 million investment, they put all of the strengthening activities in place, and a year later, the earthquake struck Seattle. And the Mayor

of Seattle, I think it was Mayor Nichols at the time, said, if we had not made this investment, it would have cost the people of Seattle \$500 million to repair the damage that the earthquake would have caused had they not made this very small investment. The irony of the event and of the announcement is that was also the day that the Bush administration chose to terminate Project Impact.

I have experience in my district of pre-disaster mitigation, when, in 1999, hurricane-like force winds blew through the Boundary Waters Canoe Area, a wilderness area on the U.S./Canadian border in my district that stretches nearly 110 miles along the Canadian border. They're called a *derecho*, D-E-R-E-C-H-O, *derecho*, from the Spanish. Straight line winds, 15 miles across, 40 miles in length, at 100 miles an hour, blew down 26 million trees.

The U.S. Forest Service did a computer analysis of all previous forest fires, and calculating with the amount of fuel on the ground, that when a lightning strike would hit that blown-down, drying out timber, it would create a fireball 50,000 feet into the air.

Action had to be taken in the areas outside the wilderness to protect homes and resort facilities and outfitter facilities, and within the boundary waters to do controlled burns, because timber harvesting is not allowed within a wilderness area.

We turned to James Lee Witt and FEMA for pre-disaster mitigation funding to support homes, to install sprinkler systems, and resorts to install sprinkler systems. Four years later, a fire known in the area as the Ham Lake fire, broke out. The local volunteer fire department, attempting to respond, found that their pumper truck was inoperative. They could have put the fire out in that little area, but they were unable to. It gathered force and burned 76,000 acres, half in the U.S. and half in Canada.

The homes that were spared were those that had installed the sprinkler systems from the FEMA pre-disaster mitigation program. The ones that didn't have the sprinkler systems, or who didn't maintain them, were burned; 148 structures in all burned, and 135 were saved.

This legislation will establish the pre-disaster mitigation program out into the future because, while the previous Project Impact was terminated, Congress, under the previous Republican years, re-established, reinstated Project Impact as pre-disaster mitigation, and the authority will sunset on September 30. So with bipartisan support, we bring this legislation to the floor to extend the program.

I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I yield myself such time as I may consume.

First of all, I'd like to thank our chairman for his kind words, and more

importantly, for your leadership on this committee. This is a very important issue, and I'm proud to stand with you today in support of this bill.

And I do rise in support of H.R. 1746, the Pre-Disaster Mitigation Act of 2009, which reauthorizes the successful pre-disaster mitigation programs for the next 3 years. The Pre-Disaster Mitigation Program was originally authorized by the Disaster Mitigation Act of 2000 as a pilot program to study the effectiveness of mitigation grants given to communities before a disaster strikes.

Prior to the creation of the Pre-Disaster Mitigation Program, hazard mitigation primarily occurred after a disaster had occurred through FEMA's Hazard Mitigation Grant Program.

We know that every disaster costs us in damages to homes, businesses and infrastructure and potentially to the loss of lives. Implementing mitigation measures against disasters has proven to go a long way in minimizing damage and saving lives. The Pre-Disaster Mitigation Program prevents damage and destruction by helping communities to act proactively through projects that reduce the costs and limit the adverse impacts of future disasters.

□ 1515

It has been shown that mitigation programs like the pre-disaster mitigation program also save taxpayer dollars. Both the Congressional Budget Office and the National Institute of Building Sciences have determined that, for every dollar invested in mitigation, \$3 are saved in future losses.

Since their inception, mitigation programs have helped local communities save lives and reduce property damage through a wide range of mitigation projects, such as home elevations, buyouts, improved shelters, and warning systems. Ensuring this program continues and supporting mitigation efforts is critically important as our communities prepare for disasters.

In conclusion, mitigation works. It saves lives, limits future damage and reduces Federal disaster costs, and the pre-disaster mitigation program is an effective program that advances that goal.

Thank you again. I urge my colleagues to support the bill.

Mr. Chairman, do you have anymore speakers on your side?

Mr. OBERSTAR. I advise the gentleman we have no further speakers. If the gentleman is prepared to close, I will have some closing remarks, and then we'll conclude.

Mr. OLSON. In that case, I reserve the balance of my time.

Mr. OBERSTAR. The gentleman made a very thoughtful statement, Madam Speaker, about the pre-disaster mitigation program, and I very greatly appreciate his observations and the bipartisan spirit within which our com-

mittee brought this legislation forward.

Clearly, mitigation saves money. I gave an example of a situation in my district, but the devastation of flooding at the Red River in North Dakota is another example of the real impact of natural disasters, and the communities along the Red River of the North, on both the Minnesota and North Dakota sides, have benefited from pre-disaster mitigation funding. Nonetheless, they face huge challenges every year.

The Congressional Budget Office and the National Institute of Building Sciences have issued reports showing that, for every dollar spent on pre-disaster mitigation, future losses are reduced by \$3 to \$4. The Multihazard Mitigation Council, the advisory body of the National Institute of Building Sciences, said: "A dollar spent on mitigation saves society an average of \$4," and that flood mitigation, according to the council, yields even greater savings. On average, future losses are reduced "by about \$3 for every dollar spent on those projects, including both Federal and non-Federal spending."

I also cited the city of Seattle. I misquoted the mayor. It was not Mayor Nickels. It was Mayor Paul Schell who deserves great credit for wisely using pre-disaster mitigation funds just prior to the Nisqually earthquake hitting on February 28, 2001.

As for the Red River of the North, investments made by cities on both the Minnesota and North Dakota sides have resulted in far less damage than those communities experienced prior to making those investments. After the 1997 flood, FEMA spent \$23 million to acquire vulnerable homes and move them out of the floodplain. In 2006, a flood came within 2 feet of the 1997 flood level, and those mitigation investments saved some \$24.6 million, a return of 107 percent on the investment made.

Mitigation, clearly, is an investment in people, in property, in protection, and that's why the National Association of Counties, the International Association of Emergency Managers, the Association of State Floodplain Managers, the National Emergency Management Association, and the National Association of Flood and Stormwater Management Agencies, as well as the Public Works Association, all have endorsed this legislation.

So I earnestly appeal for a strong vote, and I am now prepared to close, if the gentleman is prepared to yield back his time, Madam Speaker.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 1746, "Pre-Disaster Mitigation Act of 2009." I want to thank my colleague Congressman JAMES OBERSTAR of Minnesota for introducing this legislation.

While tragedy has ripped through our communities, from 9/11 to Hurricane Katrina, leaving an enormous amount of devastation,

Americans continue to demonstrate yet again the amazing unity, strength and resilience that we possess. Whether rich or poor, black or white, young or old, Democrat or Republican, everyone has been working together to respond, recover, rebuild and move forward.

Madam Speaker, I urge my colleagues to support this vital piece of legislation that will amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Stafford Act, is a Federal law designed to bring an orderly and systemic means of federal natural disaster assistance for State and local governments in carrying out their responsibilities to aid citizens. This law establishes a process for requesting and obtaining a Presidential disaster declaration, defines the type and scope of assistance available under the Stafford Act, and sets the conditions for obtaining that assistance.

It created the system in place today by which a Preside Disaster Declaration of an emergency triggers financial and physical assistance through the Federal Emergency Management Agency, FEMA. The Act gives FEMA the responsibility for coordinating government wide relief efforts. The Federal Response Plan it implements includes the contributions of 28 Federal agencies and non-governmental organizations, such as the American Red Cross.

We must work together to improve access to housing and the critical infrastructure necessary to ensure that Americans and their communities are safe. Where unacceptable vulnerabilities remain, swift action must be taken to eliminate them. I am committed to ensuring the implementation of such action.

In the weeks that followed Hurricane Katrina, thousands of families struggled to survive with no electricity, including no air conditioning in the sweltering heat, which had a particularly severe impact on the elderly, disabled, impoverished and other vulnerable populations. Clearly, we need to invest substantial funds to improve our electric grids to ensure that the disparate impact on vulnerable populations are corrected and are never allowed to reoccur. I was particularly concerned that neither the utility companies nor the emergency management personnel had lists of or could expeditiously provide generators to the vulnerable individuals and communities residing in hospitals, clinics, senior housing, and assisted living communities who would be disparately impacted by the power outages in the aftermath of the storm. Accordingly, I have introduced legislation in Congress to ensure that utility companies are held accountable. I was also dismayed that creditors for healthcare providers interfered with the ability of hospitals to receive funds from insurance and business interruption claims that are vitally necessary to ensure that hospitals can be open to serve communities in dire need of healthcare.

Furthermore, the response efforts to Hurricane Ike in Texas, unfortunately similar to Hurricane Katrina in Louisiana but to a smaller extent, revealed breakdowns in communication between the State and local government on the one hand and FEMA and the Federal Government on the other hand. These com-

munication failures resulted in unnecessary and avoidable delays in deploying vital resources in a timely fashion to individuals and families in need through Disaster Recovery Centers, DRCs, in locations which are accessible to the affected communities. I look forward to hearing from the panelists on how we can increase the role that FEMA along with local and State agencies can play in the response and recovery efforts to natural disasters in order to ensure the most expeditious and efficient decision-making process possible. Whether it be through legislation or simply improved preparation and communication, we must take concrete steps to ensure that in the ongoing recovery effort, bureaucratic barriers are eliminated and minimized and that resources are deployed to individuals and families in need efficaciously.

As a senior member of the House Homeland Security Committee, which has oversight over the Federal Emergency Management Administration, FEMA, I am working to ensure that our communities are prepared to deal with natural disasters. I am committed to working with members of this Select Committee and the other panelists, Federal and State agencies, and the companies that manage Houston's critical infrastructure to ensure that Houston and Texas are prepared for the next natural disaster. The protection of our homeland and the security of our neighborhoods are at the forefront of my legislative agenda.

Madam Speaker, it is my hope that this legislation, which is necessary in policies, procedures, and protocols to ensure that: first responders and emergency management personnel across America are better prepared for future disasters; communication and coordination between local, State, and Federal agencies is improved; and all Americans can recover more quickly from a future disaster.

Mr. BLUMENAUER. Madam Speaker, the reauthorization of the Pre-Disaster Mitigation (PDM) program sends an important signal about the effectiveness of hazard mitigation in ensuring public safety and reducing financial losses in the event of a natural disaster. I am pleased that the House is reauthorizing the program for an additional three years and increasing the minimum amount that each State can receive from \$500,000 to \$575,000.

I have been a longtime supporter of pre-disaster mitigation and the approach adopted in the 1990's by former FEMA Administrator James Lee Witt as illustrated in the 'Project Impact' pilot program. The City of Portland, Oregon and Multnomah County, areas I represent, were early partners in the Project Impact program which helped to establish a flood hazard Community Rating System. By taking steps to mitigate potential flood damages in excess of FEMA standards, some area floodplain residents were able to qualify for reductions in their flood insurance premiums. On a national scale, Project Impact helped communities large and small across the country make much needed investments in hazard mitigation.

In 2005, the Multihazard Mitigation Council, on behalf of FEMA, found that on average, a dollar spent by FEMA on hazard mitigation provides the nation in about \$4 in future benefits. In that regard, the Pre-Disaster Mitigation program is a leading example of how the fed-

eral government can be a better partner to local communities by helping to improve public safety and reduce disaster related financial losses. It is the right thing to do for communities that are rebuilding after disasters, like New Orleans, and for those trying to avoid becoming the next victims.

Mr. OLSON. Madam Speaker, there being no Members wishing to speak on my side, I yield back the balance of my time.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 1746.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GREAT LAKES ICEBREAKER REPLACEMENT ACT

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Icebreaker Replacement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) five of the Coast Guard's Great Lakes icebreakers are nearing the end of their useful lives;

(2) two other Coast Guard icebreaking assets have experienced difficulty in heavy ice conditions;

(3) during the spring of 2008, United States-flag vessels operating on the Great Lakes suffered more than \$1,300,000 in damages to their hulls because the Coast Guard did not have enough assets available to keep Great Lakes shipping lanes open;

(4) during the 2006-2007 ice season, shipments of iron ore, coal, and limestone on the Great Lakes exceeded 20,000,000 tons;

(5) during the 2006-2007 ice season, the transportation of 10,400,000 tons of iron ore on the Great Lakes helped support 100,000 jobs at steel mills and 300,000 jobs at supplier industries by keeping those industries working during the winter season; and

(6) the 6,400,000 tons of coal shipped on the Great Lakes during the 2006-2007 ice season kept the Great Lakes region supplied with electricity.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$153,000,000 for necessary expenses of the

Coast Guard for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 1747.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Despite all of the concern about global climate change and climate warming and of the melting of the glaciers—and the last great glacier did melt and retreat some 10,000 years ago—every November, it makes a comeback in the northern tier States, especially on the Great Lakes. As the cold winds sweep down from the Arctic regions across Canada and as the ice gathers on the shores and extends across, still occasionally, although it has been several years, Lake Superior does freeze completely over.

When it doesn't freeze completely over, an ice sheet extends a long distance out from the shoreline, clogging the navigation channels, making transit difficult on the Sault Sainte Marie, on the St. Mary's River and down into the lower lakes where, from mid-November through mid-January and then again in early spring, our Great Lakes' bulk carriers must make that transit to deliver iron ore to the steel mills in the lower lake ports and coal from the Potter River Basin in Wyoming-Montana that comes by unit train to the ports of Duluth and Superior; and they must transit that coal to lower lake coal facilities. The lowest cost, most energy-efficient and most environmentally friendly means of moving bulk commodities are by waterway, and this great waterway of the Great Lakes is absolutely critical.

During the 2006-2007 winter season, 10.5 million tons of iron ore moved during the winter shipping season. That ore supports 100,000 jobs at lower lake steel mills, 300,000 jobs at associated industries. In the same winter months, some 6.5 million tons of coal were shipped on the Great Lakes to supply the power plants in lower lake communities with their coal facilities, but we don't have enough icebreaking capacity to keep those channels open, to keep the ports open, to escort vessels

through the heavy ice era in the fall and in the early spring.

The Coast Guard, which does its very best with the Mackinaw and with some smaller harbor icebreakers, has made a valiant effort, but the shippers on the Great Lakes, in particular in this past season, said they have frequently had a laker moving out but impeded by ice. The Mackinaw could break a channel, but then it would be on call in the lower lake ports, and the smaller harbor icebreakers couldn't keep the channel open for those 60,000-ton vessels to move iron ore or aggregate or sand and gravel or limestone as needed in the iron ore production process.

So the clear call from Great Lakes' port and shipping and shipper interests has been add an icebreaker, a real companion to the Mackinaw. The previous Mackinaw icebreaker was built in 1940 and served 60 years and, finally, was gracefully retired; but its replacement simply can't be in two places at once. If we're going to keep our economy moving and our economy functioning effectively, we need that icebreaking capability in the upper lakes and in the lower lakes, often at the same time on the same days. So with two icebreakers, our Great Lakes economy will be able to function effectively.

I reserve the balance of my time, Madam Speaker.

Mr. OLSON. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, while my home State of Texas doesn't have near the opportunities for icebreaking that the chairman's home State of Minnesota has, like him, I, too, rise in support of H.R. 1747 and this body's continued efforts to enhance the Coast Guard's operational capabilities in the Great Lakes and nationwide.

A new Coast Guard icebreaker of the Great Lakes would significantly enhance the safety and efficiency of maritime traffic in the region. The Coast Guard is aware of the need for further capabilities in the Great Lakes.

Earlier this winter, the Coast Guard temporarily stationed an ice-strengthened buoy tender in the Great Lakes for the end of the icebreaking season. This move, while greatly appreciated, is not a sustainable solution. H.R. 1747, the Great Lakes Icebreaker Replacement Act, will address future icebreaking needs by providing a fully capable, multimission icebreaker to the Great Lakes. In addition to its role as an icebreaker, the new vessel will be equipped with capabilities to support all of the Coast Guard's many missions, which will greatly enhance the service's ability to carry out search and rescue, fishery enforcement, and maritime homeland security missions throughout the year.

I hope this bill is only the beginning of Congress' efforts to enhance the Coast Guard's icebreaking capability.

As many Members know, the Coast Guard's seagoing polar icebreakers are in dire need of rehabilitation or of outright replacement. I would hope that we could address this issue through the Coast Guard reauthorization bill later this year.

Historically, polar regions have been closed off to vessel traffic for a significant amount of time. However, in recent years, we have seen an increase in the amount of open time and water and a corresponding interest in the commercial use of these waters. We have extensive scientific, national security, homeland security, and economic interests in the Arctic; but we do not have the vessels necessary to project a continued maritime presence in these regions. We must come up with a solution to address this gap to protect our national interests as other Arctic nations are racing forward to explore and stake claim to resources in the polar regions.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I am very grateful to the gentleman from Texas for his strong support and for his thoughtful statement about the Great Lakes icebreaker. I want to assure the gentleman, Madam Speaker, that we'll be happy to assure that the only ice you ever have to break in the Texas ports will be at cocktail hour, because you don't want to have to deal with the ice as we see it and as we experience it in the Great Lakes where I grew up and lived most of my life.

□ 1530

But I know the needs for the Houston ship channel, which I strongly supported. It's going to need more dredging, more improvement, as the Panama Canal, the second Panama Canal, is completed in the next few years and those 1,000-foot carriers carrying 12- to 13,000 containers make their way through Panama and into the gulf ports—all the ports in Texas and Louisiana and Alabama are going to need a channel deepening and port upgrades to accommodate those vessels. And we're going to support that activity in our committee. We're going to make sure that the gulf region is competitive in this ever-changing world of international commerce.

With regard to the polar icebreakers, the Recovery Act stimulus funding has provided for refurbishing and reintroduction in service of one of the polar icebreakers. I would advise the gentleman, Madam Speaker, the Coast Guard is doing an evaluation of the costs and how the costs of the polar icebreaker fleet can be contained. We have received testimony in the 110th Congress and information updated this year that the cost per icebreaker might run in the range of \$1 billion. It seems to me that the Coast Guard ought to be able to contain that number and bring it down to something much more manageable.

Those original polar classes, the Polar Wind, the Polar Star—I remember very well serving with Mr. YOUNG, our former committee chairman on Transportation and Infrastructure, and we both served on the Merchant Marine and Fisheries Committee in the seventies when those vessels were commissioned and then when they set out on their first voyage. My recollection is it was less than \$100 million, and the cost has escalated enormously; and we have to be sure that the Coast Guard—and they, too, want to be sure they can contain those costs and assure a multi-mission activity for those icebreakers.

Madam Speaker, I have no further speakers.

I reserve the balance of my time.

Mr. OLSON. Mr. Chairman, on behalf of all Texans, I think your solution to an icebreaker in Texas would be much appreciated there. And I want to thank you, too, for your kind and insightful remarks about the needs of our ports in the gulf coast, particularly the Port of Houston and Port of Galveston and Texas City.

As you alluded to, the ports there, unfortunately, have a lot of silt coming down from the rivers above. They fill up from time to time, and we need to keep them dredged out. And you have eloquently made the point that when the Panama Canal project is completed—widened and deepened—the ships that are currently coming across the Pacific Ocean and stop at our west coast are just going to continue right on through and come to our heartland.

So I look forward to working with you to make sure that the gulf ports are ready for that when it happens.

Mr. OBERSTAR. If the gentleman will yield?

Mr. OLSON. Yes, I will.

Mr. OBERSTAR. It is not only the silt from the rivers but the hurricanes that have devastated and in the last 5 years have brought enormous amounts of silt into those harbors. And we have worked with the Corps of Engineers to accelerate dredging. We had, actually, funding for an accelerated dredging program for the Corps of Engineers in the Recovery Act, and those funds have not yet been released by the Office of Management and Budget, but I am very hopeful that some of those funds, Madam Speaker, will be directed to the gulf coast ports to alleviate the adverse effects of hurricane movement of sand into the shipping channels.

I thank the gentleman for yielding.

Mr. OLSON. I appreciate the gentleman's comments on that as well.

I was down at the Port of Texas City last month, and they brought a ship in early this year, as you alluded to, after the hurricane had come through. The way it rolled in, a lot of the way the storm was moving, it pushed the water, it brought the silt back towards the ocean, and they brought a ship in with 6 inches of clearance, a 5-, 600-foot boat

and that much clearance. And I appreciate your commitment to work with that.

I see no one on my side of the aisle. I thank the chairman for his kind remarks.

I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for his remarks. We look forward to moving the Water Resources Development Act bill through the committee this year and addressing in that legislation whatever accelerated dredging needs may be beyond those we already have in the recovery program to address the imminent issue facing us, and that is vastly increased vessel capacity and size that needs to move into those gulf ports. And meanwhile, maybe the Coast Guard can get started—if the other body will move this bill—get started on an icebreaker replacement.

Mrs. MILLER of Michigan. Madam Speaker, I rise in strong support of H.R. 1747, the Great Lakes Icebreaker Replacement Act, because it is so important to promoting commercial activity on the Great Lakes.

Over a billion dollars worth of commerce takes place on the Great Lakes during the winter months, despite the harsh conditions. Half of Lake Michigan, for example, is covered in ice during the winter months.

Especially in this economy, we cannot afford to have business shut down simply because ice-breakers are spread to thinly across the Great Lakes. My State of Michigan currently has the highest unemployment in the country at about 12 percent, and many counties in my district are already near 20 percent. We need every job we can get in our State, including jobs that are supported by commercial activity on the Great Lakes.

One of the other impacts of unbroken ice is property damage. In my district along the St. Clair River, we have regularly seen problems caused by ice jams lead to flooding for many of my constituents.

This year, we saw a fairly spectacular occurrence in the town of Linwood, Michigan, when literal mountains of ice were blown up from Saginaw Bay and into people's yards and homes. Chunks of ice were piled up to 10 feet high in some places and excavators had to be brought in to remove the ice so that people could go about repairing damage to their windows and homes.

Many of the ice-breaking ships that we do have in the Great Lakes are nearing the end of their useful lives and have become vulnerable to mechanical failure in these harsh winter conditions.

Last fall, I was very concerned about the approaching winter and whether the Coast Guard would have sufficient ice-breaking capabilities to keep critical channels open. In fact, I joined a number of members in writing to Admiral Allen at the Coast Guard and urging him to provide additional resources to the Great Lakes to deal with the coming winter.

Finally, after that incident in Linwood, the Coast Guard did respond and assigned an additional cutter from Maine to come over and assist with ice-breaking, which has been of great assistance to us as we get the lakes

fully opened up for the summer shipping season.

But the need for this bill has already been well established. This bill will authorize the Coast Guard to design and construct a new replacement ice-breaker for the Great Lakes. In addition to assisting with ice-breaking problems we have had on the Great Lakes, this bill will also put Americans to work building this vessel.

I urge my colleagues to support this bill, and I commend the chairman for putting this legislation forward.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 1747.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 36 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRIGHT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 329, by the yeas and nays;

H.R. 1746, by the yeas and nays;

H. Res. 335, de novo.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING THE ANNIVERSARY OF THE ACCIDENT OF SS SULTANA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 329, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, H. Res. 329, as amended.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 207]

YEAS—393

Abercrombie	Conaway	Hensarling
Ackerman	Connolly (VA)	Herger
Aderholt	Cooper	Hereth Sandlin
Adler (NJ)	Costa	Higgins
Akin	Courtney	Hill
Alexander	Crenshaw	Himes
Altmire	Crowley	Hinchey
Andrews	Cuellar	Hinojosa
Arcuri	Culberson	Hirono
Austria	Cummings	Hodes
Baca	Dahlkemper	Hoekstra
Bachmann	Davis (AL)	Holden
Bachus	Davis (CA)	Holt
Baird	Davis (IL)	Honda
Baldwin	Davis (KY)	Hoyer
Barrow	Davis (TN)	Hunter
Bartlett	Deal (GA)	Inglis
Barton (TX)	DeFazio	Inslee
Bean	DeGette	Israel
Becerra	Delahunt	Issa
Berkley	DeLauro	Jenkins
Berman	Dent	Johnson (GA)
Berry	Diaz-Balart, L.	Johnson, E. B.
Biggert	Diaz-Balart, M.	Jones
Bliray	Dicks	Jordan (OH)
Bilirakis	Dingell	Kagen
Bishop (GA)	Doggett	Kanjorski
Bishop (NY)	Donnelly (IN)	Kaptur
Bishop (UT)	Doyle	Kennedy
Blackburn	Driehaus	Kildee
Blumenauer	Duncan	Kilpatrick (MI)
Blunt	Edwards (MD)	Kind
Bocieri	Edwards (TX)	King (IA)
Boehner	Ehlers	Kirk
Bonner	Ellison	Kirkpatrick (AZ)
Bono Mack	Ellsworth	Kissell
Boozman	Emerson	Klein (FL)
Boren	Engel	Kline (MN)
Boswell	Eshoo	Kosmas
Boucher	Etheridge	Kratovil
Boustany	Fallin	Kucinich
Boyd	Farr	Lamborn
Brady (PA)	Fattah	Lance
Brady (TX)	Filner	Langevin
Bright	Flake	Larson (CT)
Broun (GA)	Fleming	Latham
Brown (SC)	Forbes	LaTourette
Brown-Waite,	Foster	Latta
Ginny	Fox	Lee (CA)
Buchanan	Frank (MA)	Lee (NY)
Burton (IN)	Franks (AZ)	Levin
Butterfield	Frelinghuysen	Lewis (CA)
Buyer	Fudge	Lewis (GA)
Calvert	Gallely	Linder
Camp	Gerlach	LoBiondo
Campbell	Giffords	Loebsack
Cantor	Gingrey (GA)	Loftgren, Zoe
Cao	Gohmert	Lowey
Capito	Gonzalez	Lucas
Capps	Goodlatte	Luetkemeyer
Capuano	Gordon (TN)	Lujan
Cardoza	Granger	Lummis
Carnahan	Graves	Lungren, Daniel
Carson (IN)	Grayson	E.
Carter	Green, Al	Lynch
Cassidy	Green, Gene	Mack
Castle	Griffith	Maffei
Castor (FL)	Guthrie	Maloney
Chaffetz	Hall (NY)	Manzullo
Chandler	Hall (TX)	Marchant
Childers	Halvorson	Markley (CO)
Clay	Hare	Markley (MA)
Cleaver	Harman	Marshall
Clyburn	Harper	Massa
Coble	Hastings (FL)	Matheson
Coffman (CO)	Hastings (WA)	Matsui
Cohen	Heinrich	McCarthy (CA)
Cole	Heller	McCarthy (NY)

McCaul	Pingree (ME)	Shimkus
McClintock	Pitts	Shuster
McCollum	Platts	Simpson
McCotter	Poe (TX)	Skelton
McDermott	Polis (CO)	Slaughter
McGovern	Pomeroy	Smith (NE)
McHenry	Posey	Smith (NJ)
McHugh	Price (GA)	Smith (TX)
McIntyre	Price (NC)	Smith (WA)
McKeon	Putnam	Snyder
McMahon	Quigley	Souder
McMorris	Radanovich	Space
Rodgers	Rahall	Speier
McNerney	Rangel	Spratt
Meek (FL)	Rehberg	Stearns
Meeks (NY)	Reichert	Stupak
Melancon	Richardson	Sullivan
Mica	Rodriguez	Sutton
Michaud	Roe (TN)	Tanner
Miller (FL)	Rogers (AL)	Tauscher
Miller (MI)	Rogers (KY)	Taylor
Miller (NC)	Royce	Teague
Miller, Gary	Rooney	Thompson (CA)
Miller, George	Ros-Lehtinen	Thompson (MS)
Minnick	Roskam	Thornberry
Mitchell	Ross	Tiahrt
Moore (KS)	Rothman (NJ)	Tierney
Moore (WI)	Roybal-Allard	Titus
Moran (KS)	Royce	Townes
Murphy (CT)	Ruppersberger	Tonko
Murphy, Patrick	Rush	Towns
Murphy, Tim	Ryan (OH)	Tsongas
Murtha	Ryan (WI)	Turner
Myrick	Salazar	Upton
Nadler (NY)	Sánchez, Linda	Van Hollen
Napolitano	T.	Velázquez
Neugebauer	Sanchez, Loretta	Visclosky
Nunes	Sarbanes	Walden
Nye	Scalise	Walz
Oberstar	Schakowsky	Wasserman
Obey	Schauer	Walters
Olson	Schiff	Watson
Oliver	Schmidt	Watt
Ortiz	Schock	Welch
Pascarella	Schrader	Westmoreland
Pastor (AZ)	Schwartz	Wexler
Paul	Scott (GA)	Whitfield
Paulsen	Scott (VA)	Wilson (OH)
Payne	Sensenbrenner	Wilson (SC)
Pence	Serrano	Wittman
Perlmutter	Sessions	Wolf
Perriello	Sestak	Woolsey
Peters	Shadegg	Yarmuth
Peterson	Shea-Porter	Young (AK)
Petri	Sherman	

NOT VOTING—39

Barrett (SC)	Jackson-Lee	Rohrabacher
Braley (IA)	(TX)	Shuler
Brown, Corrine	Johnson (IL)	Sires
Burgess	Johnson, Sam	Stark
Carney	Kilroy	Terry
Clarke	King (NY)	Thompson (PA)
Conyers	Kingston	Tiberi
Costello	Larsen (WA)	Wamp
Dreier	Lipinski	Waxman
Fortenberry	Mollohan	Weiner
Garrett (NJ)	Moran (VA)	Wu
Grijalva	Neal (MA)	Young (FL)
Gotierrez	Pallone	
Jackson (IL)	Reyes	

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRE-DISASTER MITIGATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1746, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 1746.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 339, nays 56, not voting 37, as follows:

[Roll No. 208]

YEAS—339

Abercrombie	DeLauro	Kosmas
Ackerman	Dent	Kratovil
Aderholt	Diaz-Balart, L.	Kucinich
Adler (NJ)	Diaz-Balart, M.	Lance
Alexander	Dicks	Langevin
Altmire	Dingell	Larson (CT)
Andrews	Doggett	Latham
Arcuri	Donnelly (IN)	LaTourette
Austria	Doyle	Latta
Baca	Driehaus	Lee (CA)
Bachus	Edwards (MD)	Lee (NY)
Baird	Edwards (TX)	Levin
Baldwin	Ehlers	Lewis (CA)
Barrow	Ellison	Lewis (GA)
Bean	Ellsworth	LoBiondo
Becerra	Emerson	Loebsack
Berkley	Engel	Lofgren, Zoe
Berman	Eshoo	Lowey
Berry	Etheridge	Lucas
Biggert	Fallin	Luetkemeyer
Bliray	Farr	Lujan
Bilirakis	Fattah	Lungren, Daniel
Bishop (GA)	Filner	E.
Bishop (NY)	Fleming	Lynch
Bishop (UT)	Forbes	Mack
Blackburn	Foster	Maffei
Blumenauer	Frank (MA)	Maloney
Blunt	Frelinghuysen	Markley (CO)
Bocieri	Fudge	Markley (MA)
Bonner	Gallely	Marshall
Bono Mack	Gerlach	Massa
Boozman	Giffords	Matheson
Boren	Gohmert	Matsui
Boswell	Gonzalez	McCarthy (CA)
Boucher	Gordon (TN)	McCarthy (NY)
Boustany	Granger	McCaul
Boyd	Graves	McCollum
Brady (PA)	Grayson	McCotter
Brady (TX)	Green, Al	McDermott
Braley (IA)	Green, Gene	McGovern
Bright	Griffith	McHugh
Brown (SC)	Guthrie	McIntyre
Brown-Waite,	Hall (NY)	McKeon
Ginny	Hall (TX)	McMahon
Buchanan	Halvorson	McMorris
Butterfield	Hare	Rodgers
Calvert	Harman	McNerney
Camp	Hastings (FL)	Meek (FL)
Campbell	Heinrich	Meeks (NY)
Cantor	Heller	Melancon
Cao	Herger	Mica
Capito	Hereth Sandlin	Michaud
Capps	Higgins	Miller (MI)
Capuano	Hill	Miller (NC)
Cardoza	Himes	Miller, Gary
Carnahan	Hinchey	Miller, George
Carson (IN)	Hinojosa	Minnick
Carter	Hirono	Mitchell
Cassidy	Hodes	Mollohan
Castle	Hoekstra	Moore (KS)
Castor (FL)	Holden	Moore (WI)
Chaffetz	Holt	Moran (KS)
Chandler	Honda	Murphy (CT)
Childers	Connolly (VA)	Murphy, Patrick
Clay	Conyers	Murphy, Tim
Cleaver	Cooper	Murtha
Clyburn	Costa	Myrick
Cohen	Courtney	Nadler (NY)
Cole	Crenshaw	Napolitano
Cole	Crowley	Nunes
Cole	Cuellar	Nye
Cole	Cummings	Oberstar
Cole	Dahlkemper	Obey
Cole	Davis (AL)	Olson
Cole	Davis (CA)	Oliver
Cole	Davis (IL)	Ortiz
Cole	Davis (KY)	Pascarella
Cole	Davis (TN)	Pastor (AZ)
Cole	DeFazio	Paulsen
Cole	DeGette	Payne
Cole	Delahunt	Perlmutter
Cole		

Perriello
 Peters
 Peterson
 Pingree (ME)
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Rahall
 Rangel
 Rehberg
 Reichert
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sessions
 Sestak
 Shearman
 Sherman
 Shimkus
 Shuster
 Simpson
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stupak

Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wittman
 Wolf
 Woolsey
 Yarmuth
 Young (AK)

NAYS—56

Akin
 Bachmann
 Bartlett
 Barton (TX)
 Bishop (UT)
 Blackburn
 Boehner
 Broun (GA)
 Burton (IN)
 Buyer
 Campbell
 Cantor
 Carter
 Chaffetz
 Coble
 Coffman (CO)
 Conaway
 Culberson
 Deal (GA)

Duncan
 Flake
 Foxx
 Franks (AZ)
 Garrett (NJ)
 Gingrey (GA)
 Goodlatte
 Harper
 Hastings (WA)
 Hensarling
 Inglis
 Issa
 Jordan (OH)
 Kline (MN)
 Lamborn
 Linder
 Lummis
 Manzullo
 Marchant

McClintock
 McHenry
 Miller (FL)
 Neugebauer
 Paul
 Pence
 Petri
 Pitts
 Price (GA)
 Radanovich
 Royce
 Sensenbrenner
 Shadegg
 Stearns
 Sullivan
 Tiahrt
 Westmoreland
 Wilson (SC)

NOT VOTING—37

Barrett (SC)
 Brown, Corrine
 Burgess
 Carney
 Clarke
 Costello
 Dreier
 Fortenberry
 Grijalva
 Gutierrez
 Jackson (IL)
 Jackson-Lee (TX)

Johnson (GA)
 Johnson (IL)
 Johnson, Sam
 Kilroy
 King (NY)
 Kingston
 Kirk
 Larsen (WA)
 Lipinski
 Moran (VA)
 Neal (MA)
 Pallone
 Reyes

Rohrabacher
 Shuler
 Sires
 Stark
 Terry
 Thompson (PA)
 Tiberi
 Wamp
 Waxman
 Weiner
 Wu
 Young (FL)

□ 1909

Mr. BURTON of Indiana changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL VOLUNTEER WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 335.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 335.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. MASSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 0, not voting 36, as follows:

[Roll No. 209]

AYES—396

Abercrombie
 Ackerman
 Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite
 Ginny
 Buchanan
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carson (IN)

Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Clay
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallon
 Farr
 Fattah
 Filner
 Flake
 Fleming
 Forbes
 Foster
 Fox
 Frank (MA)
 Franks (AZ)

Frelinghuysen
 Fudge
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Guthrie
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Herseht Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Insee
 Israel
 Issa
 Jenkins
 Johnson (GA)
 Johnson, E. B.
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kind
 King (IA)
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)

Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 LoBiondo
 Loebach
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Lujan
 Lummis
 Lungren, Daniel E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)

Moore (WI)
 Moran (KS)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Pascarell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer

Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuster
 Simpson
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Welch
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Yarmuth
 Young (AK)

NOT VOTING—36

Barrett (SC)
 Brown, Corrine
 Burgess
 Carney
 Clarke
 Costello
 Deal (GA)
 Dreier
 Fortenberry
 Grijalva
 Gutierrez
 Jackson (IL)

Jackson-Lee (TX)
 Johnson (IL)
 Johnson, Sam
 Kilroy
 King (NY)
 Kingston
 Larsen (WA)
 Lipinski
 Moran (VA)
 Neal (MA)
 Pallone
 Reyes

Rohrabacher
 Shuler
 Sires
 Stark
 Terry
 Thompson (PA)
 Tiberi
 Wamp
 Waxman
 Weiner
 Wu
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 207, 208 and 209.

Ms. CLARKE. Mr. Speaker, I would like to state for the record my position on the following votes I missed due to flight delays as a result of air traffic control issues and runway repairs at LaGuardia Airport. I was in New York for a press conference with Mayor Bloomberg addressing the Swine Flu Pandemic.

On Monday, April 27, 2009 I missed votes on H. Res. 329, H.R. 1746 and H. Res. 335. Had I been present, I would have voted "yea" on the following votes:

H. Res. 329—Recognizing the anniversary of the tragic accident of the steamboat ship *SS Sultana* (Representative SNYDER—Armed Services).

H. Res. 1746—Pre-Disaster Mitigation Act of 2009 (Representative OBERSTAR—Transportation and Infrastructure).

H. Res. 335—Supporting the goals and ideals of National Volunteer Week (Representative PLATTS—Education and Labor).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Con. Res. 49

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H. Con. Res. 49.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CORPORATE INJURY, ILLNESS, AND FATALITY REPORTING ACT OF 2009

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, tomorrow is the 39th anniversary of the Occupational Safety and Health Act. While this law has resulted in great strides for workplace safety, too many workers are still at risk of injury, illness, or even death in their jobs. In fact, each year, 6,000 workers are killed on the job and thousands more are injured.

On the eve of Workers' Memorial Day to honor all the workers who have been injured or killed at work, I rise to introduce the Corporate Injury, Illness, and Fatality Reporting Act of 2009. This legislation would require America's largest employers to accurately report to the Department of Labor on the numbers and rates of work-related deaths, injuries, and illnesses at all of

their work sites. They must also supply compliance data regarding OSHA inspections and citations that have occurred at any and all of their work sites.

OSHA is not currently required to conduct nationwide investigations into large companies with multiple establishments. Therefore, serial offenders can hide in the weeds and avoid making their workplace as safe as possible. This legislation would bring these companies into the light of day and provide OSHA invaluable data so they can protect workers in danger of illness, accidents, or worse.

I look forward to working with my colleagues to advance this legislation, ensuring safer and healthier working conditions to workers across the country.

REMEMBERING SARVELIO DEL VALLE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, our south Florida community has suffered a deep loss with the passing of Sarvelio del Valle, a well-known sports commentator for Radio Mambi, part of the Univision family.

Sarvelio was respected not only for his encyclopedic knowledge of sports, but also for his great love of his family, especially his pride for his grandchildren and great-grandchildren. He was an outstanding sports commentator who was respected by all.

Every day on Radio Mambi, Sarvelio would get the latest sports news to our community, and his segments were indeed the most listened to of that station. Just a few years ago, in fact, he was actually voted as the "Most Popular Radio Personality in Sports."

He started his broadcast career in sports in Puerto Rico in 1962, moved to Miami in 1970, and was well-known for his Spanish language broadcast of the Miami Heat basketball games and the University of Miami football games. He also narrated boxing matches around the world, but it was in the Florida Marlins' games where he excelled.

My deepest sympathy goes to his family, his great and loving friend, Armando Perez-Roura of Radio Mambi, and his countless fans throughout the south Florida community.

Te vamos a extranar, Sarvelio—we will miss you, Sarvelio.

SINGLE-PAYER PLAN FOR THE STATES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. As the effort to reform health care gathers momentum,

States have taken it upon themselves to enact their own reforms out of desperation to increase quality, provide care for the uninsured and underinsured, and rein in uncontrolled cost increases. Many have turned to the model that has proven to meet those goals inside and outside the U.S., the single-payer health care model.

In the last 3 years, the California State legislature has twice passed a single-payer bill. Pennsylvania, Colorado, Illinois, Montana, New York, Washington, Ohio, and Minnesota are also home to single-payer bills with strong grassroots movements. Unfortunately, if the bills were to pass, Federal barriers would need to be overcome. ERISA could preempt the States from enacting their own health care reform. Waivers would need to be granted that would allow the States to redirect the Federal funds they currently receive for health care. Federal financial assistance, if necessary, could also be imperative.

Enabling the States to meet their own needs would be a strong complement to a national health care reform plan. Congress should call for language that allows the States to implement a single-payer plan if they so choose.

CONGRATULATING RENEE MONTGOMERY AND UCONN WOMEN'S BASKETBALL TEAM

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, today I rise to honor the University of Connecticut women's basketball team for their incredible accomplishments on the court.

Led by head coach Geno Auriemma, the Huskies went undefeated to win their sixth national title by defeating the University of Louisville 76-54 in the NCAA Division I championship.

But today I want to commend one of West Virginia's most accomplished student athletes, a member of that team; a young woman I have seen play since she was a young girl, and someone that my daughters competed against since they were little girls. I would like to commend my congratulations to senior Renee Montgomery of Saint Albans, West Virginia.

During her high school career, she helped Capital High School win a State championship, and subsequently led South Charleston High School to three appearances in the State championship game. Her performance with the Huskies as a point guard was an integral part of the team's success this season. She was a 4-year starter for the Huskies, scoring an impressive 1,500 career points and 500 assists, one of only three players ever to do so. She is the only player in school history to rank in

the top 10 in points, assists, steals, and 3-pointers.

Renee is from a wonderful West Virginia family. She is the best of West Virginia, and we are very proud of her and the Huskies.

NATIONAL HEALTHY SCHOOLS DAY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to recognize National Healthy Schools Day, which is being celebrated around the country today.

National Healthy Schools Day recognizes the importance of having a clean and healthy indoor environment in our Nation's schools. And today I introduced a House resolution officially recognizing National Healthy Schools Day.

Some 54 million children spend their days in our Nation's schools, half of which have problems with indoor air quality. Children are more vulnerable than adults to environmental hazards in their schools because of their developing immune systems and small bodies.

Poor indoor environmental quality has been linked to asthma and other illnesses in children. With one out of every 13 children suffering from asthma—the number one cause of missed school days—it is very important that we address this issue. Healthy and high-performance schools are the answer to this problem. They reduce indoor environmental hazards and are energy efficient.

I was proud to work with the New York State Energy Research and Development Authority to develop New York State's High Performance Schools guidelines, and I am proud to recognize National Healthy Schools Day.

AMERICAN FAMILIES DEMAND FISCAL RESPONSIBILITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, families in South Carolina are fed up with reckless Washington spending. They are fed up with the massive borrowing that threatens their children's future, their own retirements, and Social Security. They are concerned about future tax increases on American families and small businesses destroying jobs.

If we are to restore fiscal sanity to Washington, then Congress needs to listen to the American people because they get it. They have had to make tough decisions to balance their budgets, and it is past time that Congress

put the taxpayers' checkbook down and make some tough choices too.

House Republicans have and will continue to offer our set of bold and fiscally responsible proposals to encourage job creation, limit growth in government, and help American families rebuild their savings. We stand ready to work with anyone who believes, as the American people do, that we cannot simply continue to throw money at the challenges we face.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WATER SAVES LIVES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, what do six terrorist attacks, Gitmo, dead Americans, and Khalid Sheik Mohammed—also known as KSM—have in common? Waterboarding.

Last week, several top secret national security papers were released to the public. We learned from these documents that waterboarding is apparently saving American lives. After being waterboarded numerous times at Gitmo, KSM, the killer responsible for planning 9/11, started talking. He told the CIA about plans to hijack an airplane and crash it into a skyscraper in Los Angeles and kill Americans. He disclosed the 17-member terrorist cell charged with executing that plan. He also exposed plans of another terrorist cell in New York plotting to destroy the Brooklyn Bridge.

The enhanced interrogation encouraged KSM to disclose information by naming the ringleaders of four other terrorist attacks. Americans are alive because this individual was doused in water.

Terrorists are not victims. The only victims are thousands of people who have died at the hands of these outlaws. The CIA interrogators have saved American lives by baptizing these criminals in water.

And that's just the way it is.

REMEMBERING SARVELIO DEL VALLE

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to pay respects to a friend who passed away this weekend, Sarvelio del Valle. Sarvelio del Valle was the director of the sports department, sports broadcaster, and commentator for Radio Mambi, WAQI in Miami. He was also so much more.

A lifelong journalist, he possessed an unparalleled knowledge of sports and sports history. And he was also the personification of cordiality, grace, good humor, patriotism, decency, and friendship.

To his beloved wife, Yaya, and his entire family, my most sincere condolences. I will greatly miss Sarvelio del Valle. And like his many friends and the countless thousands who were his devoted listeners, I will never forget him.

May God bless the soul of my friend, Sarvelio del Valle.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BORDER WAR CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I bring you news from the second front, and that's the border war that the United States has on the border with Mexico down in the southern part of the United States.

I had the opportunity for the last couple of weekends to spend some time with our Texas border sheriffs and the Air National Guard. In fact, I got to fly with the Texas Air National Guard and their helicopters on a mission a couple of weeks ago, and I want to give my compliments and thanks to Lieutenant Colonel Drew Daugherty, Major Bill Taylor, and others yet to be named whose identities should remain confidential.

In any event, we had the opportunity to fly up and down the Rio Grande River at dusk and then at dark to see what has taken place on that border with Mexico. We saw a couple of incidents where individuals had crossed into the United States. They were later apprehended by the Border Patrol. We saw one incident where there was obviously a smuggling operation getting ready to take place on the Mexican side of the river, where we could see from the American side a drug cartel apparently, in my opinion, was loading up duffel bags so that they could move those into the United States. That information was given to the Border Patrol, and I suspect that the Border Patrol apprehended those individuals when they came across the United States. These low-altitude helicopters are very important in the fight against the drug cartels that come into the United States.

There are some issues, however. The Air National Guard, like the National Guard, does not have enough equipment. For this massive 1,800-mile border here in Texas, there are only four helicopters that the Air National Guard has. And when something else

occurs in the State like a hurricane or like a fire, those helicopters are pulled off surveillance and they're taken somewhere else in the State.

So the first issue is that we as a Nation should support the National Guard and the Air National Guard in their work with the border sheriffs and with the Border Patrol, the ATF, the Drug Enforcement Agency, and anyone else in the Federal Government that's working to protect the dignities of our borders.

As I mentioned earlier, I had the opportunity also to be with our Texas sheriffs. There are 16 counties on the Texas-Mexico border. All 16 of those sheriffs plus four other sheriffs are in what is called the Texas Border Sheriffs Coalition. And I talked to those individuals, specifically Sheriff Cuellar, who is the brother of our own Henry Cuellar from Laredo. He's the sheriff of Webb County. Sheriff Sigi Gonzalez from Zapata County, Sheriff Arvin West from Hudspeth County, and Sheriff Oscar Carrillo from Culberson County. And all of those individuals said basically the same thing, that they're concerned about what they call the "cross-border travelers" that come into the United States and commit crimes in the United States.

We hear a lot, Mr. Speaker, from all different sources about the crimes in Mexico coming into the United States. We have some that say they do occur. We have others that say, no, it's not really a problem over here. It's difficult to find out exactly what the truth is. So I asked the sheriffs of these counties who are responsible for the safety of their own community. These sheriffs patrol massive amounts of land, and I contacted them and asked them this question: How many people in your county jail are foreign nationals that are in jail charged with a crime in the United States, such as a misdemeanor or a felony, not foreign nationals who are in jail just on immigration violations? And it didn't make any difference what country they were from, but that was the question that I posed to these border sheriffs. And I will give you some of the statistics, Mr. Speaker, tonight.

In El Paso County, one of the largest counties on the Texas-Mexico border, the sheriff's department there said about 18 percent of the people in the county jail are foreign nationals. Hudspeth County right next door, which is a massive county that has really not enough sheriff's deputies, the sheriff told me personally that about 90 percent of the people in his county jail are foreign nationals charged with crimes in the United States. A massive amount of individuals.

Next door in Culberson County, it was about 22 percent. The four counties in the middle, Jeff Davis, Presidio, Brewster, and Terrell County, the sta-

tistics were not, shall I say, as accurate as the sheriffs wanted to give me; so I'm not going to give that information because I'm not sure about the exact percentage.

But if we move on down the Rio Grande River, and, of course, this is Mexico to the south and this is the rest of Texas up here, just going down the river, we have Val Verde County and about 39 percent of the people are foreign nationals. In Kinney County 71 percent of the people in the county jail are foreign nationals; Maverick County, 65 percent; Dimmit County, 45 percent; Webb County, that's where Laredo is, about 45 percent are from foreign countries; Zapata County, about 65 percent.

And moving on down the Rio Grande River to the Gulf of Mexico here, Starr County, 53 percent; Hidalgo County, 23 percent; and then Cameron County, where Brownsville matches or comes across from the river from Matamoros, about 28 percent.

So, Mr. Speaker, you can make statistics prove whatever you want them to prove, but it shows that people from foreign countries cross the Rio Grande River and come into the United States and commit crimes. These people need to be held accountable for that, and the way to do that is to secure our borders by using the National Guard, the Border Patrol, the sheriffs, the sheriff's deputies, and all the Federal agencies because the first duty of government is to protect our Nation.

And that's just the way it is.

GIVE AMERICA BACK TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight as General Motors, Chrysler, and the United Auto Workers struggle with the imposed government deadlines that will determine their survival, I wish to share with you Harold Meyerson's article "Break Up the Banks" from The Washington Post last Friday.

You see, what has been holding up the deal to save the American auto industry, save America's jobs, and breathe life into communities where wealth is actually created and not just traded away is something not much talked about, and that is the megabanks, centered, yes, on Wall Street, again.

Citigroup and J.P. Morgan Chase that were huge Treasury bailout recipients, billions and billions and billions of dollars, who turned a profit this year, by the way, are the leading culprits for the rest of the banks in slowing down or impeding the Obama administration's efforts to restructure Chrysler. Currently, Chrysler's bonds found on the books of Citigroup and

J.P. Morgan Chase are trading at 15 cents on the dollar. Despite increasingly better offers than that, Citigroup and J.P. Morgan Chase insist that they and their fellow banks are entitled to more, more of your money. More of our money. That is greed in its purest form. More, more, and more for them and their cronies, and less and less and less for everyone else. They have bilked America on the front end and then on the back end.

First, the front end by restricting the availability of credit to consumers looking to purchase cars and car dealers looking to finance their showrooms. Just squeeze them down out of existence by shutting off their credit. And now at the back end by denying the restructuring of GM and Chrysler's debt. Yes, they keep America's cash but then deny us the ability to access it in the marketplace to buy cars and furnishing dealers' showroom floors. Very clever. It's a tourniquet at both ends.

Wall Street's idea is to bleed Chrysler retirees, Fiat, and the American taxpayers dry. They care for their own interest at the expense of the national interest.

The American automobile industry is just one victim of Wall Street's meltdown. The industry is the lifeblood of so many communities, and they were just on the cusp of a new green engine era, and they have been forced to their knees.

Of course, the banksters bail out their friends, firms like AIG. Beyond mere life support, they were handed over \$70 billion. That's putting all the auto bailout together and multiplying it times five. Not only does AIG have special access to policymakers and your tax dollars; they didn't have to take any haircuts.

Compare that to what is being asked of autoworkers: first, give up your job, move out of your community, cut your wages and your health benefits too, and, oh, by the way, we want to go after your retirement benefits, even the widows and retirees out of those firms.

Meanwhile, AIG pensioners, well, they're alive and well. Their health care benefits are not threatened. Their counterparties are kept whole. While hardworking blue collar America is squeezed dry, they're just as happy as clams.

Right now it's Wall Street versus the American people. Surely those that work hard and make things with their hands and end up with all the injuries to prove it, with bodily wear and tear, don't they deserve some regard? Don't they have some rights for three decades in an auto plant? Well, Citigroup, Bank of America, J.P. Morgan Chase, HSBC, Wells Fargo, and the rest of the high fliers up there on Wall Street, they want to deny these folks the right to their hard-earned benefits and wages.

American workers built and continue to build America, while Wall Street destroys not just capital; they destroy industries. They destroy communities. They destroy people's lives. Now, we can see who has that power. But that isn't what America was supposed to be all about. When you work hard and you build something real for the Nation's might, you expect a fair deal. And that was supposed to be the American Dream, for the many, not just the privileged few. Today a real industry, auto production, gets stomped on, chewed up, spit out because Wall Street robbed the kitty. They stole our hard-earned money and continue to beg, borrow, and steal from American citizens. Sales in business after business, including the auto industry, have gone down because the bailout recipients didn't make loans. Credit is frozen. People can't buy cars. The Big Three is suffering. So what does Wall Street do? It gets its friends, its shills, on the op-ed pages and other media to shift the blame.

So who gets the blame for the strangled auto industry? Is it Detroit that's the problem? No, my friends. It's Wall Street that's the problem. And it's time that we put America back on its feet again. And as Mr. Meyerson suggests in his very last sentence, pass the anti-trust laws we need in order to scale down these banks and give America back to the American people.

[From the Washington Post, Apr. 24, 2009]

BREAK UP THE BANKS

(By Harold Meyerson)

THIS WEEK IN BANKING

Our leading financial institutions announced that they had actually made a profit in the year's first quarter through the creative manipulation of rules and regulations, lobbied Congress to preserve their ability to raise credit card interest rates just for the heck of it and opposed the administration's plan for restructuring Chrysler, which would save some jobs and honor pension obligations, in the hope that they can redeem the company's bonds at a higher level than they're trading at just now. And, to round out the picture, the Wall Street Journal reported this week that lending at the 19 largest TARP recipients was 23 percent lower in February—by which time these banks had received hundreds of billions of dollars in public funds intended to enable them to lend more—than it had been in October, before the floodgates of tax dollars had been fully opened.

This is what our major banks are up to at a time when it is our largess that is keeping them afloat.

The week began with a burst of creative accounting. Citigroup, into which we've sunk more dough than any other company, with the possible exception of AIG, claimed a profit for the first quarter of this year because its bonded debt has lost value, which under the rules of accountancy enabled it to register a one-time gain equal to that lost value, because Citi could, in theory, buy back its own bonds for less. J.P. Morgan Chase, whose fire-sale purchase of Bear Stearns we taxpayers backed, declared a similar profit because of a similar decline in the value of its bonds.

As events would have it, the very same Citigroup and J.P. Morgan Chase are the lead negotiators for the banks that are objecting to the Obama administration's efforts to restructure Chrysler. Chrysler's bonds, which these banks hold, are trading at 15 cents on the dollar, the amount the government offered to pay the banks in its initial proposal to restore the company to viability. Yesterday, the government upped that amount to 22 cents, plus a 5 percent equity share in the company. Citigroup and J.P. Morgan Chase, however, insist that they and their fellow banks are entitled to more, though that "more" could only come at the expense of Fiat (the auto company that is providing the new car lines and technology without which Chrysler will fold) or the company's retirees (to whose health-care fund Chrysler is legally obligated) who built the company, or the taxpayers who are keeping Chrysler alive.

Instead of playing Scrooge (and a publicly subsidized Scrooge, at that), what the banks should do is lend Chrysler their accountants. Maybe they'd show that the company turned a profit last year.

The banks' lobbyists, meanwhile, have been hard at work, too. Bills to limit credit card fees and penalties—my favorite fee is the one banks charge some customers for making (not missing, making) a payment—are moving through both houses of Congress, but the Senate version has yet to receive any support from Republicans. A bill that would enable bankruptcy judges to modify mortgage terms has also hit a wall in the Senate, with Republican leaders claiming the backing of all 41 of their members to filibuster the bill when it comes to the floor.

President Obama told representatives of the major banks yesterday that he backs the limits on credit card charges. The question here is whether the administration and congressional Democrats will use this issue to go after the Republicans, whose decision to align themselves with the banks, particularly on the issue of credit card fees, is incomprehensibly dumb even by their standards. Socially liberal bankers may be a financial mainstay of the new-model Democratic Party, but if the Democratic Senate and House campaign committees don't run against the Republicans for backing the moral sewer and economic disaster that is our modern banking industry, they will be derelict in their political duties.

And that should just be the beginning. The Democrat in the White House and the Democrats on the Hill are committed to legislation that regulates our dysfunctional wards in the banking industry, but regulations by themselves won't solve the problem of the banks being too big to fail—and so big that they dominate campaign finance and, with it, much of the business of lawmaking. We need to amend our antitrust laws so we can scale down banks to the point that they no longer imperil our economic and political systems. As things stand now, it's we who are serving their needs, not they who are serving ours. It's time to turn that around.

□ 1945

PTSD/TBI GUARANTEED REVIEW FOR HEROES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, our Nation has asked many of its military per-

sonnel to serve in Iraq and Afghanistan and other parts of the world.

Unfortunately, many of these servicemembers are returning with symptoms of posttraumatic stress disorder, known as PTSD, and traumatic brain injuries, known as TBI.

A 2008 study by the RAND Corporation found that nearly 20 percent of Iraq and Afghanistan veterans have symptoms of PTSD or major depression. This study also found that many servicemembers say they do not seek treatment for psychological illnesses because they feel it will harm their careers. When some servicemembers suffering from PTSD or TBI are not properly treated, they wind up self-medicating or experiencing changes in behavior that lead to serious legal issues and the threat of separation from their service without benefits or treatment.

One disturbing example involves a lance corporal who is stationed in my district at Camp Lejeune. The marine had been facing involuntary administrative separation due to misconduct. His fitness reports prove that he was an outstanding marine prior to his deployment to Iraq and Afghanistan.

His medical board reports, and it states, and I quote, "His service in the Marine Corps caused his PTSD and, indirectly, his incidents/legal problems. The Marine Corps' failure to treat him in the past and treat him appropriately has done nothing but worsen the problem."

If this marine would be administratively separated from service, he will not have a chance to be eligible for TRICARE benefits. He would have difficulty obtaining a job, and it is unlikely that a university would accept him as a student.

Fortunately, the Marine Corps has decided to give this marine another chance, and he will be transferred to a naval hospital for PTSD treatment. However, this is not an isolated problem. Many servicemembers have already lost their benefits due to an administrative separation from their service.

For this reason, I have introduced H.R. 1701, the PTSD/TBI Guaranteed Review for Heroes Act. H.R. 1701 attacks the issue from two angles.

First, the bill creates a special review board at the Department of Defense for servicemembers who were less than honorably discharged. And, second, the bill would mandate a physical evaluation board prior to an administrative separation proceeding if the servicemember has been diagnosed with PTSD or TBI by medical authority. Ultimately, the legislation would help preserve the benefits of the servicemember upon leaving the service.

At a news conference last week, I was grateful to be joined by representatives from the National Association for Uniformed Services, the National Military Family Association and the Military

Officers Association of America, who spoke in support of this legislation.

The Air Force Sergeants Association, Veterans of Foreign Wars, the Military Order of the Purple Heart and Marine Corps League have endorsed this bill. If our government and the military fail to address problems associated with PTSD, the situation will only grow worse in future years.

In 2007, President Obama and Vice President BIDEN joined Senator Kit Bond and others in writing President Bush about the need to ensure that any discharge a servicemember receives "is proper and provides for their subsequent care for all service-connected injuries, visible and invisible."

Given his previous interest in the issue, I hope President Obama will make H.R. 1701 a priority for his administration.

I am very pleased to have Congressman GENE TAYLOR of Mississippi as lead cosponsor of the bill, as well as Congressman BILL PASCRELL and TODD PLATTS, both cochairmen of the Congressional Brain Injury Task Force. I hope that many of my colleagues in the House will join us as cosponsors of this important legislation for our Nation's military heroes.

Before closing, Mr. Speaker, I would like to ask God to please bless our men and women in uniform; I would like to ask God to please bless the families of our men and women of uniform; and, God, please bless the families who have given a child dying in Afghanistan and Iraq. And I close by asking God to continue to bless America.

DURBAN II HATE-FEST IN GENEVA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last week's Durban II hate-fest in Geneva reminded us once again of the anti-Semitic, anti-Israel bias that pervades the United Nations, and reinforced why the United States and several other responsible nations were right to stay away.

Given what amounted to a keynote speech, Iranian leader Mahmoud Ahmadinejad reminded us of his regime's goals when he savagely attacked the U.S. and Israel and called for radical political and economic upheaval on his terms.

He added, "World Zionism personifies racism" and said that Israel is a "totally racist" regime.

But such statements by Iran's Ahmadinejad come as no surprise. The Iranian leader frequently pushes for Israel's destruction, saying that this sovereign state should be wiped off the map, calling it a disgraceful blot on the face of the Islamic world and proclaiming that anyone who recognized Israel will burn in the fire of the Islamic nation's fury.

On May 8 of last year, he said Israel is a "stinking corpse" and is on its way to total destruction. A few months later, on August 20, he referred to Israel as a "germ of corruption" that will be "removed soon."

A year prior, on June 3, 2007, Ahmadinejad stated, "With God's help, the countdown button for the destruction of [Israel] has been pushed."

In October of 2005, he asked "Is it possible for us to witness a world without America and Zionism? You had best know that this slogan and this goal are attainable and, surely, can be achieved."

Mr. Speaker, his words and actions do not merely reflect his own views or those of a few powerless extremists, but, rather, Iran's supreme leader, for example, said, "This cancerous tumor of a state should be removed from the region."

Rafsanjani, the former Iranian leader who continues to hold significant influence and who some mistakenly call a moderate, has threatened Israel with destruction by nuclear weapons, going on to say that even the use of one nuclear bomb inside Israel will destroy everything, while it will merely harm the Islamic world. Ahmadinejad's hatred for Israel, for the Jewish people, for the Great Satan, that is the United States, for freedom, for democracy and all that the United States and Israel represent, transcends rhetoric into policies and actions that threaten vital U.S. security interests and pose an existential threat to Israel.

Foremost are Iran's sponsorship of violent Islamic groups and its pursuit of nuclear, chemical, biological and missile capabilities. Responsible nations cannot accept the prospect of an emboldened nuclear Iranian regime. We must close loopholes in existing U.S. and international sanctions so as to deny the regime all remaining lifelines and compel it to abandon its destructive policies.

Likewise, we must learn history's lesson that we will not achieve peace by embracing Islamic militant groups like the Iranian proxy Hamas, or by recognizing a Palestinian Authority government that includes Hamas.

The proposed supplemental, which will be before the House in a few weeks, would provide hundreds of millions of dollars for assistance in Gaza. And this would amount to a bailout for Hamas, enabling them to divert their funds from reconstruction to the purchasing of arms.

We have tried unconditional funding to an unaccountable Palestinian leadership again and again, and it has not worked. There is no reason to expect a different outcome now.

Mr. Speaker, just today the Palestinian Authority leader Abu Mazen again refused to recognize Israel as a Jewish state. But the proposed supplemental before us would allocate \$200

million in additional direct cash transfers to the Palestinian Authority.

In short, as we craft policy to protect our Nation, we must reward those who stand with us, compel those who threaten us to change their course, and demand accountability in exchange for our hard-earned taxpayer dollars.

FIRST 100 DAYS OF OBAMA PRESIDENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, we celebrate today, shortly, I think in 2 days, we celebrate 100 days of President Obama's Presidency. His rankings are way up there, and we all respect him on his first 100 days, but I am going to talk about those 100 days because I have a little bit different viewpoint than others might. I highly respect the man but, in turn, you can view the world differently, and I certainly view the world differently than Mr. Obama and the majority party.

I am going to talk, and I hope I will be joined by some of my colleagues, a little bit about the way I look at the last 100 days and actually farther back than 100 days, the way I look at the last 6 months of what's going on in this country and where we are going and what concerns I have.

Now, I want to make it very clear that I am not doing this to get on Ms. NAPOLITANO's hit list. I am just doing this to express my opinion.

The first thing, when you start trying to look at this new administration and the direction we are taking the country, you have got to start, I think, with our foreign policy. And I think, literally, the first thing or almost first thing that the President of the United States did when he became President of the United States was to order the detention facility at Guantanamo Bay to be closed down and, of course, we are now having the debate as to what we are going to do with the prisoners that were there.

As a result of putting the spotlight on Gitmo, we put a spotlight on the argument of whether or not certain behavior is torture or not torture. And, clearly, this is a matter of opinion. And then we, as of yet, have not had official release of documents that tell us what resulted from these various procedures like waterboarding, as far as information gained by our intelligence folks.

But the argument is that this was a great thing to do, to close down Guantanamo Bay. I disagree. I actually think it was almost the perfect place for us to keep those folks because, quite frankly, I haven't seen anyone, certainly none of our European allies

have stepped up yet and said that they were willing to take them. We have had a few that stepped up and their political leaders said, whoa, time out, we are not going to do that.

A fellow has got a private prison somewhere in the country said this morning he would take them, and then—I am not sure who the official was, who said, oh, no, you are not going to take them. So right now we don't have anyplace to put them.

I would volunteer the Williamson County jail, because I know that they would wish they were back at Gitmo, but I don't think they are willing to take them. So we are at a dilemma on that, and we are at a dilemma on whether or not what has happened to these folks that are in this detention facility is, in fact, torture.

I think that the general consensus in the press is that it is. But did it result in something that saved the lives of Americans, that's a good question.

Hopefully that information will be released in the very near future. I know the President and Senate requested it. And I hope that we get that full information so we, as Americans, can get a good picture of whether or not this is really a good thing that we did.

We certainly closed down something that was all over the news, it was all over the talking points of the Democratic Party. And, of course, that being the President who was elected from the Democratic Party, and as he says, he won, and he gets the opportunity to do that, and that's the first thing that he did.

Other things in foreign affairs that he has done, he has made some trips overseas to Europe, was very, very warmly received by our allies in Europe, and they cheered for him and patted him on the back.

□ 2000

But they didn't give him what he asked for. He asked for some help, some real help, in Afghanistan.

Let me say, I just came back from a meeting with the EU myself, and there are a lot of folks over there that certainly are standing in harm's way in Afghanistan. Most of those are Eastern European countries, but there are a few, like Great Britain, who certainly stand in the gap. But the President didn't get what he was looking for in the way of assistance over there, and, quite frankly, I think the Europeans should step up for him.

I do support their participation, and not just the participation, as I told them when I was over there. The way we look at it where I come from, when you are making ham and eggs, the chicken is involved, but the pig is committed, and we are looking for some folks that are committed. That means, if necessary, they will go there without restrictions in their ability to perform,

as some of our allies have done when they have gone to the battle areas that we are fighting terrorists in.

Oh, by the way, one of the things that the Obama administration has done through Mrs. NAPOLITANO is we are not supposed to call these folks "terrorists" anymore, but I have a hard time remembering what I am supposed to call them, so I am going to call them that until I can remember what the new politically correct term she invented is.

The President went to visit with the Central and South American leaders. He has opened the doors, or is attempting to open the doors, to a regime that has been a very, very evil regime since I guess I was a freshman in high school, and, believe me, that is a long time ago.

Fidel Castro, we all thought he was going to be the savior of mankind when he came to the United States in, what was it, '56 or '57, until we got to know him and realized he was nothing more than what all dictators seem to be and they are, and that is a tyrant who totally and completely persecuted any opposition that might arise in his country of Cuba. He has slaughtered innocents for 50 years, and his brother doesn't seem to be moving in any other direction but backing up Fidel.

Yet we have opened the doors now to Cuba. We are saying we are going to let tourists go down there. We are going to work with these people. Of course, we asked them if they would release the political prisoners down there, some of whom have been there forever, and President Obama thought that he heard Fidel Castro say yes, he thought we could work something out. But now they have come out and officially said they thought maybe the President misunderstood what Fidel said, so we didn't get anything out of that. But let's hope that maybe this will be good for us.

But I always have a problem that when you acknowledge tyranny and you legitimize tyranny, then how do you fight against tyranny? It is an interesting dilemma to be in as a leader.

We have got Hugo Chavez, who has been probably the biggest hater of this country since he came into power of anybody in my remembrance. I don't believe that the dictators of the Second World War that we fought against said as many bad things about the United States of America as Hugo Chavez has said.

He has written a book called "Open Veins of Latin America," which is a venomous attack on the United States blaming every woe that Central and South America has ever had on the United States of America. I think he gave an autographed copy of that book to the President of the United States when he was there, and they shook hands in agreement, not about the book, I am sure, about acceptance of the book.

From a foreign policy standpoint, I don't think we laid a good foundation there, not a foundation of being the voice for freedom in the world. But then good men of good character can disagree, and I certainly think that the President of the United States disagrees with that position, and certainly he is an American citizen and is rightfully able to do so, just like I am.

When the President, when we had visitors here from Great Britain, it was about the time we sent the bust of Winston Churchill back to England, which was supposed to be a permanent gift to this country, but somehow it got sent back. The President met the Queen. He shook her hands with both hands, and then bowed to the leader of Saudi Arabia, King Abdullah. The view of the world is just different from the heights that the President views it and from the lowly position here in Congress that we view it, at least from my standpoint.

That is enough to talk about the foreign policy. But the truth is we are trying to be open and we are trying to reach out to folks and we are asking them to let's all be friends, and hopefully we all will be.

If there is one thing that you have to look at this 100 days that the President has been President, that defines this 100 days more than any other thing, it is the new way we are going to handle an old problem that has been in the economic cycles of this country, that has been coming up for many, many years, and that is the idea of a recession and the possibility of a depression and how do you handle it.

The best guidance that some think we have ever had is the guidance that was given to us by Franklin Delano Roosevelt, who was elected in 1932 and served the longest of any President of the United States, which brought about the limiting amendments that we have had that limited us to two terms for President. He served many more than two terms for President, but he served from 1932 until basically 1940 when the world and the whole subject matter of the world at that time was the Great Depression.

The Great Depression, however, got overshadowed by the German invasion of Poland in 1939 and the beginning of the Second World War. So the periods as you define the Presidency of Franklin Roosevelt, you take the Great Depression, '32 to '40, and then the next phase in which the American soldier did an excellent job and the American President did an excellent job of defeating tyranny around the world.

I guess going back to a little bit of the history of the Great Depression, the interesting thing was that in 1932 the unemployment rate, and I am not good at getting figures, but it was double digits, somewhere in the 20s or 30s, something like 25 or 30 percent of the population was unemployed. In 1940,

that same number was still unemployed. Yet we had gone on, we had adopted the Keynesian version of economics and we had leaped forward with the Keynesian version, and the biggest spending spree in the history of the country took place from 1932 to actually 1946.

But this administration has managed to have spent more than all of that and more than all the other Presidents combined in the first 100 days. Now, I don't want to be totally unfair, because part of that came at the tail-end of the Bush administration with the Democrat Congress, and so I don't think it is completely fair to lay all that off on President Obama. But the facts are just that the President's budget is going to create the largest single deficit a budget has ever created in the history of the Republic.

You know, one of the things that we discussed, there is a long debate, it was debated out pretty heavily in the Presidential election, was whether or not we were going to have earmarks. We still debate to this day in this Congress what is an earmark, is it good, is it bad. Everybody has got an opinion. We haven't resolved the issue. But the President said he would veto any bill that had an earmark in it, because he didn't believe in earmarks, and he is in a large crowd of people that continues to believe that way. And we have this debate on this floor, in committee, and elsewhere right now we have this debate. It goes on continuously. But the President did sign the omnibus spending bill, and he signed it with 9,000 earmarks in it. So as we look at this 100 days, we have got some promises, promises made and promises kept that we need to look at, and there is just a lot of different ways to view what is going on.

I will say this. I will tell you that the President has got as good a popularity rating as anybody that has ever held the office in the first 100 days, so I will give him absolute credit for that. He certainly knows how to be popular, and he is popular. But, you know, we had thousands of people take to the streets, I guess it was last weekend, the weekend before last, with the TEA parties, and although it was probably targeting the Congress as much as it was targeting anybody, but they were certainly not happy with the state of affairs in the United States.

We signed the stimulus bill with \$787 billion. Obama's inauguration cost the taxpayers \$49 million, which was triple the amount of money that was spent on the Bush administration's first inauguration. There is still a \$50.5 million budget shortfall on the Democratic convention in Chicago. So spending has become something that identifies this Presidency; \$1.5 trillion is this year's budget. Now we are looking at a new budget, \$3.6 trillion. We talked about \$1 trillion before on the floor of the

House; \$1 trillion is a stack of brand new \$1,000 bills somewhere between 63 and 65 miles high. That is a whole lot of money, a whole lot of money.

So as we look at this 100 days, you can look at it in different ways. I will say this: The President has certainly kept his cool. He is an excellent speaker. He dazzles our allies and he makes people feel comfortable, and that is a lot that we need in this country.

My problem that I have with President Obama most of all is that I fear the kind of overwhelming expenditure that we have to deal with from the Obama administration. We are getting so far in debt that our great-great-grandchildren are going to have problems paying this bill.

I see I am joined by one of my colleagues, KEVIN BRADY. He is one of the people that I look up to in this building because he has always got good things to say. I will yield to the gentleman.

Mr. BRADY of Texas. Thank you, Mr. CARTER. Again I want to thank you for your leadership in the Republican Conference here in Washington, as well as the fact that you bring out issues that I think average Americans, middle class Americans, want to talk about these days.

To be fair, I don't know if 100 days into the administration is a very good gauge of how successful or unsuccessful they will be. It is sort of more like a PR date. It is like getting your high school graduation grade in the first grade. You know what I mean?

□ 2015

Here's the very beginning. We'll see how it goes. I guess some things that worry me are that so much of this administration has been basically designed, or the foundation is to blame President Bush for everything. And it just seems to me that this is President Obama's stimulus. It is President Obama's budget. It's President Obama's bailout. And at some point, you have to start taking responsibility for your own leadership. And I think that's important for our new President to do.

And I also take issue with the often-stated fact, supposedly, from the White House, that President Clinton inherited a surplus and President Obama a deficit, which is only partially true. What they don't say is that President Clinton inherited a surplus from a Republican Congress. And President Obama inherited a deficit from a Democratic Congress.

I was here in 1997 on this floor, about this time of the night, when Republicans sat down with President Clinton, worked out the balanced budget agreement that led to that surplus. And Democrats voted overwhelmingly against that balanced budget agreement. So the surplus that President Bush received didn't come from Democrats; it came from Republicans.

Admittedly, Republicans, especially led by the President, spent way too much. But I'd point out that the deficit when the Republicans left the majority in Congress they had whittled down to about \$160 billion a year; still way too high, but the compass was moving in the right direction.

Here we are 2½ years later, under Democratic control of the House and Senate, the deficit is now 10 times that much, \$1.18 trillion, the most in American history. And that's what worries our folks, Congressman CARTER, the most, you know, that we are on the biggest spending spree in American history; trillions and trillions and trillions of dollars of debt that seemingly can never be repaid; \$1 billion extra new funding an hour in the first 50 days of this new administration. And the question they have for me is, who's going to pay for all this? I mean, they realize there is no free lunch. There is no free money. Someone somewhere is going to have to pay for it. And it won't be the wealthy. It's going to be middle class families and small businesses, our children and grandchildren, who ultimately will pay for all this massive spending.

I serve as the ranking House Republican on the Joint Economic Committee, and our economists pointed out that the stimulus bill really was a spending bill, had very little to do with creating jobs, would have very little to do with the economy recovering and may, in fact, be a drag on our economy in the out-years as we attempt to pay back where interest rates rise to catch up with all the monetary policy and fiscal policy occurring in Washington today.

We also worry, our economists believe that our debt, national debt, may not just double in the next 4 years, may well triple in the next 4 years, in that inflation could go to 8 to 10 percent a year, which really eats away at people's pocketbooks, families' paychecks, really is one of the greatest, I think, dangers to our economy.

And we see this spending. We see this national debt, all of it again blamed on President Bush. And I look forward to the day when our new President says, you know, this is my administration, this is my leadership.

And I see the mistakes that are being made on proposing tax increases on professionals and small businesses, tax increase is major on our independent energy producers in America. Tax increases, utility increases on every American as a result of this cap-and-trade scheme.

We see taxes on people who want to give charitable deductions or deduct their own mortgage rates from what they owe Uncle Sam, higher taxes on capital gains and dividends, which a lot of our seniors rely upon in their retirement days as well. And it just seems to me you cannot tax, borrow and spend

your way to prosperity; that we're going to see massive tax increases, but even then, you cannot tax your way back to a balanced budget.

In fact, I think and I believe that this budget that will be rushed through Congress this week, Congressman CARTER, if it is allowed to pass, I don't know if we'll even have time to read it, just like the stimulus bill may be rushed through Congress. If it passes, we may well not see a balanced budget again in our lifetime. It sets the path so far from what a balanced budget is.

In fact, you could double the taxes on every American, every taxpaying American in our country, you still wouldn't balance the budget under the Obama budget that we're looking at here this week. So all this debt, all this spending is scary, the direction we're headed.

I'm convinced there are some issues, perhaps, that the President would like to work with Republicans on. I know that we're anxious to do that. So far it's been highly partisan in Washington. But I think there are issues that, if the President says to the Speaker and the Senate majority leader, I really do want to find consensus, rather than just jam everything through, I can tell you there are a lot of Republicans who are willing and eager to sit down with him. That's not been the case so far. As a result, I think our country is worse off for it.

And I'd yield back again to the leader of this discussion.

Mr. CARTER. Reclaiming my time, the issue of bipartisanship is one that every American wants, including every American, I believe, in this House. But the facts are that you have situations where some things are just so diametrically opposed to what you stand for that there's no place you can go there.

When you're talking about bipartisanship, you've got to come in and try to move to a compromise middle position. Most of the legislation that we've seen in Congress in the first 100 days hasn't really even been vetted with the committee system. It just almost comes directly from the Speaker's Office to the floor. So we don't have any input into all that. To get bipartisan ship you've got to sit down and talk things out, work things out. That's why we have committees. That's why we have the smaller units that discuss these things.

You know, I was on, when I was, my first term in Congress I served on the then called Education and Workforce, now it's called Education and Labor Committee. And we had a group of African American women, and mostly women, but a few men, mostly grandmothers, but a few mothers, who came to express their desire to make sure that the voucher program that had been created before I got here for the D.C. schools was kept in place because, and they testified over and over and

over how it was saving the lives of their children and grandchildren; that it was allowing them to select the school of their choice, and to put an effort forward to excel and be a superior student, because they were able to have gotten into the lottery system to get one of these vouchers for 1,700 students as an experimental program.

But I had never, I've never been up here where I saw just ordinary folks come in and, I mean, I saw a grandmother stand up there and cry: Please don't take this program away. This program is saving my grandchild's life. Please don't take it away.

And we didn't.

But, unfortunately, the administration has eliminated that program. Now, this program was just what a bunch of poor people wanted. It's just a shame we couldn't expand that program so that we could do something about the failed D.C. school system, to make sure that good, hardworking kids, no matter where they live or what their circumstances in life are, would have a place to go to have a chance to have a better education. I don't understand that. I don't understand why that would happen. But it has to do with, something to do with politics.

But when you're talking about little kids and their chance to go to a safe school and their chance to learn something, and you have a program that's giving them that chance and every one of their supervising parents and grandparents are there saying it's the greatest thing that ever happened to us, why in the world would you take that little token thing away, when you're spending trillions of dollars on other things?

Mr. BRADY of Texas. And if the gentleman would yield.

Mr. CARTER. I will yield.

Mr. BRADY of Texas. I think you make an important point there because that issue wasn't decided on what was best for the children. That was just a political agenda that was being exercised. And yet you have—I'm one of these believers that we need to invest in and lift up public schools all across this country with accountability, with resources, helping them do their job.

But while we're improving the very worst of these schools, like in Washington, DC, you have to give those parents a choice, an option of getting their kids into a school, because if you're going to take, 5, 6, 7, 8 years to get a school up to standards, look, when you have little kids like we do, in kindergarten and fourth grade, my wife and I do, every year matters. You can't have them in a school that's still failing for 5 or 6 or 7 more years. And those parents who last week were told, yes, we're going to continue it, and then a day later it was yanked out from under them, you know, all they said was, all they were saying is, while you improve our schools, give us a

chance to get our kids a better education while you're doing it. So trying to do it both at one time. But we've seen this a lot. Common sense, I think, principles and values, that seem to be ignored.

Last week, the Joint Economic Committee held a hearing with the Special Inspector General over the bailout funds. And he's very direct. And, basically, Barofsky, former prosecutor, respected, a lot of credibility, he said—he made two points at the hearing, Congressman CARTER. One was that he said, despite their repeated requests to the Treasury Department that all the money from the bailout be accounted for, and then banks put in place controls so you can continue to monitor, again, Treasury Department, time and time has said no, we'll not do that. We don't want to know and hold accountable where those bailout dollars are going.

And, secondly, they had just finished this, Inspector General, Special Inspector General, just finished a review of this new, some of the new programs, including taking these bad loans off the banks' books. And they said, it is ripe for abuse, collusion, conflict of interest, money laundering. They made a series of commonsense recommendations on how to prevent that from occurring. And to date, the Treasury Department still has not agreed to those commonsense protections of our tax dollars.

And we're seeing that, whether it is in lower income people who want their kids to have a good education, whether it is taxpayers who just want to know where their bailout money went, and they want to prevent abuses before they begin, whether it is—a lot of Americans are not convinced that a government-run health care system is the way to go in America, but they already feel like it's being shut, they're being shut out and it's being rammed through.

Same with this global warming cap-and-trade scheme. Again, rushed to the floor, rushed through Congress. We know, from the AIG bonuses and that fiasco of legislation that was on the House floor, when Congress rushes these things to the floor, when there is no debate, when it's shut off, when there's a gag rule where we can't even read the stimulus bill, and the public doesn't know about it, at the end of the day, America loses.

And I think that that's one of the reasons, Congressman, that this President, for all his personal skills, for all, I think, his sincere desire to do a good job, his poll numbers, while high, are the most polarizing in four decades. The country has never been this divided over what direction we're going. He can play, I think, a more important role in leading. And I just hope that he's not, you know, manipulated or directed by those around him; that he's

able to step forward, because I think there is an opportunity to work together. But so far, the first 100 days have been very, very disappointing from that regard.

And I would yield back.

Mr. CARTER. Reclaiming my time, and I thank the gentleman for his comments. And let me say, so that everybody understands where I come from, when this all started, President Bush was President of the United States. And we had a Treasury Secretary come running in here and say, oh Lord, oh Lord, oh Lord, the sky is falling. I need you to give me three-quarters of a trillion dollars, roughly, and I need it now. Don't ask any questions. Trust me.

Well, when that all happened, I thought to myself, now, the folks in Round Rock and Georgetown, Texas, are pretty decent, hardworking, honest people. But I don't believe, if a guy came running into their place of business in a big hurry and said, the sky is falling, the sky is falling, the world's going to hell, I just gotta have a couple hundred bucks. Give it to me. I'll pay you back. Trust me. I think they'd say, whoa, wait a minute. What do you need this \$200 for in such a big hurry?

□ 2030

At least they'd say that: What are you going to do with it if I loan it to you, and I'm not going to get it back? That might be their best friend to whom they might be able to do that; but I believe any normal-thinking American would ask that kind of question.

We were talking about three-quarters of \$1 trillion that he was asking for, and all he was saying was: Trust me. It's too complicated for you to understand. Trust me. So I voted against it because, quite frankly, I think that the man on the street manages his money with more commonsense than the Congress does in managing that money.

Now I hear this story from you, and you would know because you're on the Ways and Means Committee, which looks into these things. It shocks me to think that we are being told very clearly that the use of this money could be used for money laundering—that word jumps off the page—and they're not even doing it? Something is wrong. There's something wrong.

I've got friends who have arrived. My friend PHIL GINGREY has arrived here from the great State of Georgia. He was the first one here, so let's let him talk a little bit about the first 100 days.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate very much the gentleman from Texas for yielding and for giving me the opportunity to join with him on the floor tonight as we talk to our colleagues about our impression of the first 100 days.

I was actually on "Fox News Sunday," just yesterday, basically talking

about the same thing, and my comment then was: well, you know, what bothers me more than the first 100 days and the performance of the President is the fact that yesterday was National Debt Day. It was the day on which the Federal Government had spent every bit of the money that we've taken in. All of the revenue has been spent on expenses, on discretionary spending and on mandatory spending, and now, for the rest of the year, it's borrowed money. We're going to be spending borrowed money for the rest of the year.

The striking—shocking almost—thing about that, Mr. Speaker, is that this is occurring 3½ months earlier this year, the gentleman from Texas, than it did last year. So, yes, there's no way that I could stand before my colleagues and say that I would give the President a good grade on this.

My worthy opponent in the majority yesterday, as we always have a Republican and a Democrat on these television shows, said: Well, you know, the President ought to be scored on a curve. I guess he meant compared to the last President—President Bush and the previous administration. In the opinion of this gentleman, the President should get an A on the curve. Now, he's a Harvard-educated lawyer, an accountant, and I think he, maybe, even has a Ph.D. In the Ivy League, I don't think they give anything, Mr. Speaker, but A's and B's. I went to Georgia Tech, and there is no curve. There is no grade inflation at Georgia Tech. I hope my friends at Georgia Tech won't get on to me about this. I'm a Georgia Tech graduate, and I speak only for myself, but I would give him at best a C-minus.

One of the things that bothers me the most is this recent release, this declassification and release of these memos that were written by attorneys in the previous Justice Department in regard to enhanced interrogation to try to make sure that anything we did as a country was done legally and within the bounds of the law and within the bounds of our great Constitution. I'm sure they struggled—it was a difficult thing to do—and in good conscience said to the President: This is what you can do. This is what you cannot do. We're in a desperate situation. We have just been attacked. Three thousand or more people were killed when the Twin Towers came crashing down after the Islamic extremists—the terrorists, global terrorists—I guess we call that overseas contingency operations now.

Mr. CARTER. That's the word. That's the word.

Mr. GINGREY of Georgia. I guess we can no longer talk about terrorism.

We were in a desperate situation, Mr. Speaker, and to think that the President—I read this in the paper about how he spent 5½ hours with his top-level people over in the West Wing, debating pro and con whether or not to

release these memos—to declassify them and to embarrass, I guess, the previous administration and our country to the world. After 5½ hours of debate, pro and con, the President made a decision to release those memos, and then of course said: But now, you know, we need to move forward. I'm a leader—and I hope and pray that he is—who wants to look to the future.

We've got a lot of problems. This economy is terrible. With everything we've done, we're just right back to where we were, you know, as far as the Dow goes and as far as continuing to lose jobs. So we need to move forward and not focus on the past. We're not going to be prosecuting these people because what they did they did in good faith. Then, what, 6 days later, all of a sudden, he said: Well, maybe I'm not so sure about that.

Mr. Speaker, this is dangerous stuff, and I think the President really needs to rethink this. This business of gotcha and saying that, you know, everything is the fault of the previous administration, I think, has got to stop. If he wants to get a good score on his first 100 days, well then, let's start thinking about the next 100 days. I'm ready to give him a good score if he—the President, Mr. President, the 44th President of the United States—doesn't try to take over our health care system and doesn't bring us towards socialized medicine and a single-payer system, if he doesn't tax the middle class to death with this carbon trade scheme, regime, European Union idea, that, I think, is crazy in these economic times. If he wants a decent score in the next 100 days—and I'll yield back to my colleague—then hopefully he will and this Congress will and this majority will reject these ideas as we move forward.

Mr. CARTER. Reclaiming my time, I thank my friend from Georgia. That's exactly what I was talking earlier about. It's easy to talk about bipartisanship, but when you just really believe the policy is wrong, that it's the wrong policy at the wrong time and for the wrong purpose, how can you work in a bipartisan manner on something like this cap-and-tax system that's being proposed by the majority?

I mean, I'm going to tell you: unless I just don't understand it—and I'm not saying there's not a chance I might not understand it—but it seems to me that if your purpose is to keep people from putting carbon dioxide in the atmosphere and you've got a plant over here that's pouring out carbon dioxide and you've got a plant over here that's clean and that's saving carbon dioxide and planting 1,000 trees, then you say, well, this guy can loan to this guy some of his cleanness, and this guy will be in compliance, but, hey, he's still putting the stuff in the air. So how does that do anything?

Oh, by the way, there's a tax that goes with this that's estimated to raise

about \$1.5 trillion for the United States, a brand-new tax. Well, that's okay. That tax is going to be on the big oil companies and on the utility companies and all of those people. That's okay. Who cares about them. Do you think those people pay that tax? Go down and get out last month's utility bill. Open it up, and see whose name is on it. Then see what they tell you you've got to pay, and look at the bottom line, and see what it is, and write it down someplace because it's going up, and it's going up by the amount of that tax if they pass this bill. So it is a new way to tax Americans. Believe me, that bill is not going to say, oops, you're middle class, so we're not going to put it on your bill. It's not going to say that. Oops, you're poor, so we're not going to put it on your bill. It's only going to go on the rich people's bills. It's not going to say that. It's going to be on everybody's utility bill and on everybody's gasoline bill and on everybody's fuel bill. It's all going up by the amount of that tax, and you, the American people, are going to pay this.

We—my friend Mr. WESTMORELAND and my friend Mrs. BACHMANN—we're all going to pay this.

I'd better recognize Mrs. BACHMANN. She's one of the bright lights of this conference. We're glad to have her with us.

Mrs. BACHMANN, I will yield to you such amount of time you wish to consume.

Mrs. BACHMANN. Judge, I thank you, and I thank you for holding this Special Order hour this evening on the first 100 days of the Obama administration.

This has been a great leap that we've seen. We have different historical shifts that occur in our Nation's history. This one has to be at least, not a shift but, I think, more a great leap that we've seen. To me, the question shouldn't be as much How is President Obama doing? as much as it should be How are the people doing? How are the American people doing after these first 100 days?

We were made great promises of hope, great promises of change. Yet I was listening over the weekend to the President's man, Larry Summers, and to what he was saying. He was saying it may be next year, 2010, before we see any shift in this economic climate. We were led to believe that we would see great change, immediate change, and all we're seeing is a prolonged effort, which is just what happened in the 1930s with FDR.

The more the government spent, the more the government regulated, the more the government put up tariff barriers—trade barriers—and the more government intervened, the longer the recession occurred. As a matter of fact, the recession that FDR had to deal with wasn't as bad as the recession Coolidge had to deal with in the early

twenties. Yet, from history, the prescription that Coolidge put on that is lower taxes, a lower regulatory burden, and we saw the roaring twenties where we saw markets and growth in the economy like we had never seen before in the history of the country. FDR applied just the opposite formula—the Smoot-Hawley Act, which was a tremendous burden on tariff restrictions, and then, of course, trade barriers and the regulatory burden and tax barriers. That's what we saw happen under FDR. That took a recession and blew it into a full-scale depression. The American people suffered for almost 10 years under that kind of thinking.

Here we are now, boosting forward to the year 2009—the beginning of hope and change. So, again, the question is: How are the people doing?

Credit is tight. Banks aren't lending the way people had hoped they would lend. Job losses are going into the double digits. We have college and we have job losses approaching 20 percent in their districts. Minnesota, the State that I represent, is a fairly diverse State economically. We tend to have low unemployment. In areas of my district, I have unemployment of 10 percent. That may not seem like a lot, but that's a lot in the State of Minnesota.

I wrote down just a couple of things, Mr. CARTER, that we've seen just in the time that President Obama has been in office. He said quite often after he came into office that he inherited this mess. Now, one thing that we remember is that President Obama actually voted for all of these measures that got us into this mess. He voted for the bailout. He voted for all of these expenditures whether it was for Freddie and Fanny or Bear Stearns. He was voting for all of these measures all throughout 2008, but just since the time of his election in November of 2008 to the present day, he has increased the burden, and he has increased spending by 75 percent on his watch. So it's one thing to say you've inherited a mess. It's another thing to increase that mess by 75 percent. How has he done it?

Well, he passed an over-\$1 trillion stimulus measure that he was only too happy to sign. He also proposed that we spend \$75 billion in direct foreclosure money. Then he proposed \$200 billion to banks for more mortgage bailout money. Hey, I thought that's what that \$700 billion was supposed to go for. That wasn't enough. He proposed and passed another \$200 billion.

Then we saw our Treasury Secretary, Tim Geithner, go over to Europe and before the G-20 say that we needed to get behind another \$1 trillion of spending for the International Monetary Fund—\$1 trillion of spending—and also have an international financial regulator so perhaps, for the first time in the history of our country, the U.S. would subsume our economic system under an international regulator. This

is unheard of. Then we also heard talk about global currency called “special drawing down rights” on the International Monetary Fund. The Treasury Secretary assured me, personally, in the Financial Services Committee that he would categorically renounce taking the United States off of the dollar and moving us toward international global currency. Within 24 hours, the Treasury Secretary went 180 degrees different and said he would be open to an international global currency.

Then we saw the firing of the president of General Motors, and we saw the changing of the board of directors of General Motors. We saw this administration tell Chrysler they had to get married to another company, Fiat, and they had to have this all happen before June.

□ 2045

We saw yesterday again, as Dr. GINGREY said, national debt day, and again, what this means for the people back home, is that the United States, as of Sunday, as of April 26, we spent it all. We've spent everything that we planned to bring in. It's like you made out your household budget for the year for a hundred thousand dollars, and you have already spent it by this point. So at this point, now it's the credit card. And it's not a credit card that you and I are paying; it's a credit card that our kids are going to be paying. That's why I am concerned.

And that's why I am so glad you brought this up about this first 100 days with President Obama, because I think it has more to say, Judge CARTER, about what the kids under 30 years of age will have to live with than even more what you and I will have to live with, because this is a pretty big spending spree that we've seen happen in this last 30 days, one so big we can't possibly bail ourselves out of it even this year.

Mr. CARTER. Reclaiming my time for a couple of other facts.

It's so nice to have people that are on Financial Services and Ways and Means come in here because you get to see so much more of this stuff than we do. And we're supposed to be seeing it in Appropriations, but when it comes to spending, they sort of bypass Appropriations most of the time when it comes to spending.

The 10 days before President Obama was inaugurated, he said there were two different economic scenarios that were coming down the pike, and one was good and one was bad. The good one was the passing of the stimulus bill. The bad one was doing nothing. He said that if we did not pass the stimulus bill, that unemployment rate would go above 8 percent; but if we passed the stimulus bill, we wouldn't see 8 percent unemployment at any time until 2014.

Mrs. BACHMANN. What happened, Judge?

Mr. CARTER. Today, unemployment is 8.5 percent going on 9.

And in addition to the spending we're spending, the Fed is printing trillions of dollars into the economy.

Mrs. BACHMANN. I guess, according to that thinking, then, they ought to spend more money. Do you think that's what the prescription should be for the American people?

Mr. CARTER. That's what they're trying to do.

But the reality is our spending is not working, and now the worry we have to be worried about is the fact that we may be looking at inflation, maybe 10 percent a year. Now, young people who have lived through the last—grown up since the 1990s, which would fit a great deal of the young people that are out there today, they really don't know what we're talking about when we say "runaway inflation." They really don't get it.

Mrs. BACHMANN. They didn't live through the Jimmy Carter years.

Mr. CARTER. They didn't live through the Jimmy Carter times.

But when you see your paycheck, you get a paycheck and you realize that your dollar gets—in a year gets worth 10 percent less, and the next year 10 percent less again, and just like interest compounds, so does inflation.

Mrs. BACHMANN. Pretty soon your money is worth half.

Mr. CARTER. So if it would have cost you \$1 to buy this clip when you first started, it will end up costing you \$2 to buy that clip—it's the same clip—because inflation is running away.

Mrs. BACHMANN. And your dollar is worth half of what you thought it was worth.

Mr. CARTER. President Obama promised the people at Caterpillar that if the stimulus bill passed, they would start hiring soon. The reality is they started laying off again because it wasn't the solution to the problem.

I have got another friend that's here to join us, Mr. WESTMORELAND from the great State of Georgia, and I am going to yield him so much time as he may wish to consume.

Mr. WESTMORELAND. Thank you to the gentleman from Texas for yielding and for having this hour.

I think if I was going to grade President Obama on the first 100 days, that I would have to give him an "A" in public perception.

Mr. CARTER. Amen.

Mr. WESTMORELAND. I think he is a great orator. I think he does a great job of reading a speech, and he has—his message, and he's still been on the campaign trail, has made the public's perception think that we are getting somewhere. But the gentleman from Texas makes an excellent point. I thought he said it would not rise above 7.5 percent.

I would also have to give him an "A" on blame shifting. And the gentleman

from Texas mentioned that, too, that this seems to be all of our problems—all of our problems seem to be from the prior administration and the prior Congresses when the Republicans were in the majority.

Now, I am here to confess that I was only here one term while we were—the Republicans were in the majority and we spent too much money. And we did. And we were at fault. And the American people said, "No, we're going to stop this train. We're going to make a change." And Republicans, we got what we deserved, but the American people did not get what they deserved.

In this last election, they were promised change, and we have had quite a bit of change. And Judge, the gentleman from Texas, I know you have talked about quite a bit of that, but we need to go forward.

And I have learned something in the past 3 or 4 months that bipartisanship means doing what the Democratic leadership in this House wants you to do. It doesn't mean getting different opinions or different proposals put into the legislation. In fact, I would have to say that this Congress has been one of the most closed Congresses in the history of this country, as far as bipartisanship.

So, the public perception is an "A." He has sold his agenda in a way that the public has bought it, and one of those parts has been the bipartisanship. But the people that can create the real bipartisanship in the atmosphere of working together is Speaker PELOSI and Leader REID. And the gentleman from Texas knows we have not seen that. We have, in fact, been closed out of the process. So that's not a reality.

The reality is, as my colleague from Georgia mentioned, yesterday was debt day. After yesterday, we go forward spending our children and our grandchildren's money. We're putting everything we're doing on a credit card. I sat here for 2 years in this Congress and I listened to the minority, the Democrats then, complain about deficit spending, about going into debt, on and on and on. Yet today, that seems to be okay. That seems to be the way of this country: We're just going to put it on a credit card. If we don't have enough credit, then we will print the money.

But I want to thank the gentleman from Texas for doing this and for bringing about a report card, I guess, on what the first 100 days has been about in this administration. I hope the next 100 days will be better. I wish this President great success. I wish this country great success.

But I believe in order to achieve that success, we're going to have to get away from the blame shifting. We're going to have to get away from the public perception. We're going to have to get away from selling the snake oil that's sold here, and we're going to

have to get down to working together, listening to ideas, and being able to come together and give every Member of this body, the people's House, an opportunity to put forth their ideas into making this a better country that we live in.

So I want to thank the gentleman from Texas for yielding that time and for his willingness to come down and to bring this forth to the American people.

Mr. CARTER. I thank you. Those were wonderful comments.

You know, when you were talking about bipartisanship, I wanted to point out to you that you had it exactly right. It seems that bipartisanship means "do what we say." You know, the worst demonstration of wanting to be bipartisan occurred in February when it was announced that the 2010 census would be moved out of the Department of Commerce and into the White House to politicize the accounting of the American public.

Now, why would I worry about that? Well, because we, Members of Congress, are the branch of this government that is represented by a number of people. We have a number of people that we represent. And we divide the population of this country by a number that is expected to be somewhere around 800,000–850,000 people, I understand it, after the next census. And then that decides how many congressmen and -women we get from each State.

This has always been done by independent people as nonpartisan as possible because the count matters. And so say you're moving it out of the department that it has been in and into the White House, there is nothing bipartisan about that. Absolutely nothing. The center of the universe of one party is the White House.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PERLMUTTER (during the Special Order of Mr. CARTER) from the Committee on Rules, submitted a privileged report (Rept. No. 111–87) on the resolution (H. Res. 365) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

THE WORK OF THE ENERGY AND ENVIRONMENTAL TASK FORCE OF THE CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60

minutes as the designee of the major-party leader.

GENERAL LEAVE

Ms. FUDGE. Good evening, Mr. Speaker.

I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert supplementary materials on the topic of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour. Currently, the CBC is chaired by the Honorable BARBARA LEE from the 9th Congressional District from California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio.

CBC members are advocates for the human family, nationally and internationally, and have played a significant role as a local and regional activist. We continue to work diligently to be the conscience of the Congress. But understand, all politics are local. Therefore, we provide dedicated and focused service to citizens of the congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus, to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens, continues to be the focal point for the legislative work and political activities of the Congressional Black Caucus today.

This week, the Caucus has joined to discuss one of the most important topics facing our country: the energy crisis. Rising global oil prices, concerns over energy security and the urgent need to address climate change has made energy a central concern of the 111th Congress and necessitated this message hour.

Mr. Speaker, I would now yield to our Chair, the honorable Ms. LEE from California, the gentlelady from California.

Ms. LEE of California. Thank you very much.

First, let me thank Representative FUDGE from Ohio once again for holding the Special Order today as Congress continues to work to break away from this business-as-usual with regards to our Nation's energy future. Thank you Congresswoman FUDGE for selflessly each and every Monday night coming to the floor making sure that the voice of the Congressional Black Caucus is heard on each and every issue, day in and day out.

Let me also take a moment to thank the Chairs of the Congressional Black Caucus's energy and environmental task force, Representatives G.K. BUTTERFIELD, EMANUEL CLEAVER, and SHEILA JACKSON-LEE. I want to thank

them for their leadership and their tireless efforts to promote proper stewardship of our communities by protecting the environment.

It's so important that we continue to call for action on these issues surrounding global warming and the continued degradation of our environment that is perpetrated by our perilous—and I mean our perilous—and I think the whole country understands what we mean now when we say “perilous dependence” on fossil fuels.

As I have said time and time again, there is no way that we can deny the interconnection between our stewardship of the environment and the state of the economy, public health and our communities. The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and in minority communities putting these vulnerable populations on the front lines, mind you, of the fight against environmental degradation and global climate change. In fact, 71 percent of African Americans live in counties in violation of Federal air pollution standards—that's 71 percent of African Americans—and 78 percent live within 30 miles or within the toxic perimeter of a coal-fired power plant. This is shameful.

□ 2100

Day after day, the communities in my district, for example, face the severe consequences of pollution, urban sprawl, and environmental injustice which harshly affects people of color and low-income families. Sadly, this epidemic is hitting our children the hardest. Back home in my district, children growing up in west Oakland are seven times more likely to be hospitalized for asthma than the average child in California.

None of us can afford to take this lightly. The health of our community and our neighbors affects us all. Simply put, climate change has and will continue to exacerbate the problems of poverty and inequality.

Members of the Congressional Black Caucus Energy Task Force and myself recently wrote a letter to Chairman WAXMAN of the House Energy and Commerce Committee expressing support for comprehensive climate legislation and investments in the green economy. I won't read the letter in its entirety, Mr. Speaker, but I will insert the letter into the RECORD.

Basically, we talked about investments in the green economy, we talked about consumer protection, job leakage protection, adaptation, and of course we talked about why we thought this bill should move very quickly and move forward with these key elements in place. In this letter, we also stress the importance of shielding low-income households from price shocks to ensure that they do not bear a disproportionate burden as we transition to a

low-carbon economy. We also called for the expansion of complimentary energy-efficient programs, and for regular and predictable funding for adaptation and mitigation assistance abroad.

By the year 2030, it is estimated that the cost of adapting to global climate change could amount to more than \$100 billion annually, with up to \$67 billion per year to meet the needs of the developing world alone.

Now, earlier this year, I introduced H. Con. Res. 98, a congressional resolution which recognizes the disparate impact of climate change on women and the efforts of women globally to address climate change. This resolution illustrates the disproportionate impact of climate change and environmental degradation on the world's most vulnerable populations. More importantly, it reflects the reality that any strategy to combat global warming and climate change will really need to include meaningful and equitable action on the international level.

The United States must provide support for adaptation and sustainable development abroad, as well as assistance to ensure affordable access to emerging clean technologies. It is time to think big, not small. And the challenge of addressing global climate change will require a truly comprehensive and transformative solution.

I am greatly encouraged by the actions already taken by the Obama administration to reengage with the international community in order to find solutions to this global challenge. And I also applaud the Environmental Protection Agency's recent finding that greenhouse gases endanger public health and welfare, which finally recognizes the need to protect our communities and the global ecosystem by acting immediately to curb carbon pollution.

And, Congresswoman FUDGE, as I was listening to the other side talk a little earlier, I couldn't help but wonder really where they were for the last 8 years because, had some of these actions and initiatives been put in place in the last 8 years, perhaps we would be much further ahead in our overall climate change efforts. And the public health, of course, would be, I think, much better protected. I think we heard a little bit of revisionist history tonight, so I just have to say that as I move forward.

As Chair of the Congressional Black Caucus, let me just say that we want to continue to work with the Obama administration—and all of my colleagues here in a bipartisan way—to help pass responsible and comprehensive climate change legislation that will spur the development of clean, renewable energy and the deployment of much needed energy-efficient technologies.

Legislation which sets us on a path toward energy independence and a new

low-carbon economy will help to maintain the United States' position as a leader in innovation and create hundreds of thousands of good-paying green jobs, and finally, help us get off of this addiction that we have to oil, especially break the stronghold that really has been crippling us in terms of our dependence on foreign oil.

One of the most exciting and inclusive solutions to many issues facing environmental health is the possibility afforded to us by promoting green jobs training and the growth of the green economy in America. And I am very pleased to say that the President, in his economic recovery package—which, of course, the other side I don't think mentioned tonight—included \$100 million for green job training. We have to have people prepared for the new world, the new jobs that are going to be provided by this industry. And so \$100 million would get us started on that path. But again, we have to look at this in a bipartisan way, and I hope that at some point we will.

To that end, I recently reintroduced legislation entitled, the Metro Economies Green Act, or the MEGA bill. This is H.R. 330. This establishes grant programs to encourage energy-efficient economic development and green job training and creation of green jobs. This legislation would also create a national institute to serve as a clearinghouse for best practices in order to facilitate the successful expansion of green jobs on a national scale.

As a representative of California's Ninth Congressional District, I would also just like to take a moment to recognize the role that California's East Bay is playing at the forefront of the green jobs industry and the green jobs movement. We have a number of innovative initiatives in my district in particular, including the East Bay Green Corridor Initiative, the Oakland Green Job Corps, the Joint BioEnergy Institute, the Lawrence Berkeley National Lab and the Energy Biosciences Institute at Berkley.

I recently visited the Oakland Green Job Corps with the special advisor to President Obama on energy and climate change, Carol Browner—who is doing a fantastic job in this position—and also with Mayor Ron Dellums, who is providing tremendous leadership in this area. We visited the Oakland Green Job Corps to show the Obama administration really a groundbreaking example of green-collar jobs, workforce development, and what we are doing in Oakland in terms of preparing our young people for these jobs of the future. This is already up and running in Oakland, California.

The Oakland Green Job Corps is a partnership of community organizations, trade unions, private companies, and the city of Oakland. It provides Oakland's residents with the necessary training, support, and work experience

to independently pursue these careers in the new energy economy.

One component of the Corps is called the Cypress Mandela Training Center. This provides invaluable pathways out of poverty, which is extremely important to recognize that these positions provide this new industry. Also, it provides vocational training for Bay-area men and women, especially those with barriers to employment.

Green has already become the fifth-largest industry in the Nation. And with the proper support and funding, we will continue to see an explosion of innovation and the expansion of economic opportunities surrounding the green movement.

There is no doubt in my mind that a greener future will lead to a more prosperous future for our communities, the Nation, and the world, but it must be a movement that is inclusive of all and that leaves no community behind. So I urge my colleagues, on a bipartisan basis, to act swiftly to move America beyond its dependence on oil, address the climate crisis, and really help protect America's natural resources for our children's future. And as a person of faith, I just must say that we must preserve and we must protect God's creation, which is our planet.

Thank you, Congresswoman FUDGE.

CONGRESSIONAL BLACK CAUCUS OF
THE 111TH UNITED STATES CON-
GRESS,

Rayburn HOB, Washington, DC, April 9, 2009.

HON. HENRY WAXMAN,

*Chairman, House Committee on Energy and
Commerce, Rayburn House Office Building,
Washington, DC.*

DEAR CHAIRMAN WAXMAN, As you draft and consider comprehensive energy legislation to promote renewable energy, energy efficiency, and to curb greenhouse gas emissions, we the undersigned Members of the Congressional Black Caucus (CBC) respectfully request your consideration of the issues discussed in this letter.

Climate change represents a tangible threat to the communities we represent as well as the United States as a whole and we, therefore, encourage and support your efforts to address this critical issue. We support science-based legislation to reduce domestic greenhouse gas emissions at least 80% below 1990 levels by 2050. The United States must be a leader on this global issue, and this target is consistent with the proposals of the Obama Administration.

INVESTMENT IN THE GREEN ECONOMY

Comprehensive energy legislation will revolutionize our economy and energy infrastructure, spurring us to become more innovative and efficient. The growing "Green Economy" presents an opportunity to create large numbers of quality green-collar jobs for American workers, to grow emerging industries, and to improve the health of low- and middle-income Americans. Any public investment in the Green Economy should include serious efforts to train, employ and provide public service opportunities that lead to full-time employment in these industries. This is a significant opportunity to make cost-effective public and private investments to rebuild and retrofit our nation. We recommend the following:

Develop a career pipeline, particularly in low- and middle income communities, through training, job readiness and entrepreneurship programs, to ensure that people who most need work are prepared for the family-sustaining jobs and careers in energy efficiency and energy service industries. Ensuring local hiring practices will be critical to engaging these distressed communities.

Development of Green Energy Centers of Excellence at Historically Black Colleges and Universities (HBCUs) to research and develop new green technologies as well as train implementers in the deployment of green innovation. HBCUs maintain unique relationships with communities of color, and we should use their expertise to educate these communities on the opportunities in green industries and the techniques needed to succeed.

Ensure local and national certification standards for technical jobs to ensure appropriate levels of expertise.

Apply large-scale energy-saving measures to the nation's building stock, which will create hundreds of thousands of green-collar jobs while dramatically reducing American's energy costs and greenhouse gas emissions.

CONSUMER PROTECTION

A cap-and-trade system will increase the cost of energy derived from high-polluting production processes for all households. Low- and middle-income households spend a greater share of their budget on energy costs than higher income households. To help prevent climate change policy from being unfairly burdensome on these households, we recommend:

Measures to offset the disproportionate impact of increased energy costs that could take the form of a climate rebate equal to the loss in purchasing power extended to the lowest quintile, the second quintile and partially extended to the third quintile. For households that file no tax returns, the rebate could be administered through the Electronic Benefit Transfer (EBT) system. For all others, the rebate could be extended through a higher Earned Income Tax Credit (EITC) or alternative tax mechanisms that make the connection with this increased cost.

Further investments in the Low Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance Program, and the Energy Efficiency and Conservation Block Grant (EECBG) Program.

Prevent the creation of "hot spots" and "outsourcing" to communities of color and low-income or otherwise vulnerable communities domestically and abroad.

JOB LEAKAGE PROTECTION

Many manufacturing jobs in this country produce goods that compete in global markets. Under a domestic cap-and-trade program, these industries will face pressure from increased costs due to direct regulation of their emissions as well as higher energy costs.

If this is not addressed, these industries, as well as the workers and communities they support, will be forced to close or move operations to countries without similar regulations, producing the leakage of American jobs and emissions to foreign countries.

To protect the jobs of workers in the energy-intensive trade-exposed industries, the CBC recommends:

The United States should pursue international agreements on greenhouse gas reductions. Engaging industrialized nations in an agreement to combat this truly global problem will more effectively meet emissions reductions goals as well as "level the

playing field" for American workers and business.

Until an international agreement can be achieved, climate legislation should include measures to protect against unintended disadvantages brought about as a result of global trading partners acting outside of a domestic or international greenhouse gas reductions scheme.

Provide assistance to ease and facilitate the transition of workers and communities dependent upon high emitting industries to the emerging low-carbon economy.

ADAPTATION

Regardless of our success in curbing greenhouse gas emissions, we can be certain that there will be ramifications as a result of global climate change. These may include rising sea levels, increased weather disasters, changes in precipitation, loss of biodiversity and the increased spread and range of tropical diseases. This will affect rural, urban and island communities domestically and abroad, with low-income populations being at greatest risk. Providing appropriate adaptation measures for these eventualities is imperative and this legislation should insure regular and predictable funding. We recommend:

An ecosystem-based adaptation both domestically and internationally, investing in conservation techniques to preserve wetlands, tropical forestland and critical ecosystems such as coral reefs and their relevant fisheries. Thriving ecosystems produce healthy communities, and promote sustainability.

Agricultural adaptation for areas experiencing shifting weather patterns. Subsistence farmers should be provided aid to manage temperature change and its effect on their growing season.

Medical adaptation to prepare and prevent the spread of disease. As temperatures rise, tropical-borne diseases such as malaria and dengue fever may proliferate in previously unaffected areas. Preventing and addressing this through vaccinations, improved sanitation measures, and other burgeoning technology should be a priority in the legislation.

It is with the utmost respect and appreciation for your efforts that we present these policy recommendations to you. We view these principles as essential to any climate change proposal. Please let us know how the Committee plans to incorporate these principles into the upcoming climate change legislation and how we can work with you to pass this critical legislation.

Sincerely,

Barbara Lee, CBC Chairwoman; Emanuel Cleaver, CBC Energy Taskforce Member; Sheila Jackson Lee, CBC Energy Taskforce Member; Melvin L. Watt, CBC Energy Taskforce Member; Alcee L. Hastings, CBC Energy Taskforce Member; Sanford Bishop, CBC Energy Taskforce Member; Bobby Rush, CBC Energy Taskforce Member; C Butterfield, CBC Energy Taskforce Member; Donna M. Christensen, CBC Energy Taskforce Member.

Ms. FUDGE. Thank you, Madam Chair.

I just want to say, Mr. Speaker, that our chairwoman has been so very supportive of this hour and of me continuing to be the anchor. But I also want to say to our chairwoman that I appreciate your kind of setting the record straight because I know that one of the things that our President

talked about is, his priorities were education, health care, and energy. And he didn't say any of it would happen overnight, contrary to what our colleagues across the aisle said, that they thought it was going to happen right away. As a matter of fact, the President said it would take time. So I do thank you for helping me set the record straight, and I thank you for being here this evening. Thank you, Madam Chair.

Mr. Speaker, reliable predictions indicate that by the year 2050, the world's population will have nearly doubled from its present level. It will rise from around 6 billion to about 10 billion people. Most of this growth and much of the increase in energy consumption will occur in developing countries. Future increases in energy demand will exert even greater pressure on our finite reserves. If we are largely dependent on one fuel source, we risk price rises and supply disruptions. It is imperative for us to use our energy more efficiently and develop an energy supply that is both sustainable and diverse in order to improve our quality of life and protect our environment.

As a country, we can no longer depend on the cheap conception of gas and other finite resources. It is in the interest of our national security to become independent from our foreign sources of oil in politically unstable regions of the world. If we continue to invest in other finite resources, what is to prevent those costs from skyrocketing when the supply runs low? If we don't invest in renewable technologies now, we could be on the brink of a catastrophe, not to mention the health and environmental cost.

The best way to lower energy costs is to make homes, buildings, vehicles, and infrastructure more energy efficient. In the process, we create jobs. Doing nothing to curb carbon pollution means rising surface temperatures, rising sea levels, adverse health effects, and displaced populations. The longer we delay, the higher the cost.

As global warming becomes more threatening, addressing the future of America's environment becomes increasingly urgent. According to the United Nations Intergovernmental Panel on Climate Change, the average global temperature could rise by an additional 2.5 to 10.5 degrees Fahrenheit by the year 2100. If the amount of carbon dioxide in the atmosphere doubles as expected, the U.S. Environmental Protection Agency has acknowledged that without emission control policies, the amount of carbon monoxide in the air will far exceed today's levels with a 30 to 150 percent increase.

According to an assessment by the World Health Organization of possible health impacts of climate change, more than 150,000 deaths may have been caused in the year 2000 alone by global warming as a result of disease,

malnutrition, and loss of shelter. This negative impact on world health will only increase as the climate changes.

Experts predict that one-fourth of the Earth's species will be headed for extinction by 2050 if the warming trend continues at its current rate. More than \$100 billion worth of homes, businesses, and public facilities are at risk from extreme coastal storms if sea levels rise as anticipated. When we invest in renewable energies, we are not only creating jobs and strengthening our economic prospects for the future, we are protecting our increasingly more fragile environment as well.

The Congressional Black Caucus recommends that we support science-based legislation to reduce domestic greenhouse gas emissions at least 80 percent below 1990 levels by the year 2050. The United States must be a leader on this global issue, and this target is consistent with the proposals of the Obama administration.

Any public investment in the green economy should include serious efforts to train, employ and provide public service opportunities that lead to full-time employment in these industries. We must develop a career pipeline, particularly in low- and middle-income communities, through training, job readiness, and entrepreneurship programs to ensure that people who most need work are prepared for the family-sustaining jobs and careers in energy efficiency and energy service industries.

When we talk about consumer protection, we have heard a lot about cap-and-trade. And sometimes I agree and sometimes I disagree with all of the things that are out there, but let me just say two things about cap-and-trade. A cap-and-trade system must be fair and must not be to the detriment of manufacturers and businesses. A cap-and-trade system will increase the cost of energy derived from high-polluting production processes for all households. Low- and middle-income households spend a greater share of their budget on energy costs than higher income households. To help prevent climate change policies from being unfairly burdensome on these households, we must remember to promote and support vital projects such as the Low Income Home Energy Assistance Program, better known as LIHEAP.

□ 2115

The LIHEAP program helps to pay the winter heating bills or summer cooling bills of low-income and elderly people. During extreme weather conditions, people living in poverty and low-income elderly should not have to choose between fuel to heat or cool their homes and buying food for themselves or their families. Two-thirds of the families receiving LIHEAP assistance have incomes of less than \$8,000 a year, Mr. Speaker, \$8,000. This program

clearly helps the people who need help the most.

The Congressional Black Caucus recommends that we provide measures to offset the disproportionate impact of increased energy costs that could take the form of a climate rebate equal to the loss in purchasing power extended to the lowest quintile, the second quintile, and partially extend it to the third quintile. For households that file no tax returns, the rebate could be administered through the Electronic Benefit Transfer System. For all others the rebate could be extended through a higher earned income tax credit or alternative tax and make the connection with this increased cost.

In my home State of Ohio, Mr. Speaker, Ohio has lost more than 213,000 manufacturing jobs since the year 2000. In my neighboring State of Michigan, the figure is almost 497,000 jobs lost. Its industrial sector ranks fourth for energy consumption after Texas, Louisiana, and California. According to the Environmental Defense Fund, manufacturing is poised to grow in a low-carbon economy because economic opportunities exist within the supply chain that provide parts and labor for these industries. States that stand to benefit most from jobs in these sectors include Pennsylvania, Ohio, Indiana, North Carolina, New Mexico, Arizona, Nevada, and California.

Ohio receives about 86 percent of its electricity from coal. We also have some energy-intensive industries in Ohio such as paper, plastics, and fertilizer that rely upon abundant and economically viable sources of energy to help them keep their prices competitive, which is especially important during this troubling economic time. A cap-and-trade program will likely gradually raise electricity rates over time for consumers and especially manufacturers like those in northeast Ohio. When developing legislation, it is critical for us to work to minimize the effect and to sustain the competitiveness of our crucial industries and not only provide my district with jobs but also provide the world with products.

Mr. Speaker, the President had the opportunity to visit my district the day before he was inaugurated. He came to the city of Bedford Heights. He visited a community in my congressional district. He came to visit the Ohio wind energy component manufacturer Cardinal Fasteners. President Obama pointed to Cardinal Fasteners as an example of how a company struggling through tough economic times can reinvent itself and recover by recognizing opportunities in the renewable energy market. Rather than falling victim to the slumping economy, Cardinal has become the Nation's largest manufacturer of bolts, screws, and double-ended studs used in wind towers. Each wind tower installed requires

approximately 1,000 products made by Cardinal. As a result, the company now earns half of its revenue selling products that support wind energy projects. Driven by sales of wind turbine projects, Cardinal projects will add an additional 40 or more individuals to its workforce in 2009, increasing its total to more than 100 employees.

I tell you this story because it tells you of the potential that Ohio has to be an oasis of wind energy. Ohio has made enormous strides to take advantage of its wind potential and create good green energy jobs throughout the State. In fact, there are over 220 businesses in Ohio that are involved in the development and manufacturing of wind energy and over 440 companies involved in the renewable energy sector. The Ohio Department of Development estimates that there are more than 1,000 Ohio businesses that already have the capacity to become part of the wind turbine supply chain.

Comprehensive energy legislation will revolutionize our economy and energy infrastructure, spurring us to become more innovative and efficient. The growing green economy presents an opportunity to create large numbers of quality green collar jobs for American workers, to grow emerging industries, and to improve the health of low- and middle-income Americans. Any public investment in the green economy should include serious efforts to train, employ, and provide public service opportunities that lead to full-time employment in these industries. We must assure that we train and prepare our workforce for green jobs and technology. An item that I truly support from the American Recovery and Reinvestment Act is the nearly \$3 billion in workforce investment formula grants and \$750 million for green and health care training. Lori Atkins, the deputy director of the Cuyahoga County Department of Workforce Development, informs me that to make sure that my community is ready for all jobs that are coming our way, training dollars they will receive will go to approved advisers for in-demand occupations, including green energy. My community will stand ready for this significant opportunity to make cost-effective public and private investments to rebuild and retrofit our Nation. The CBC recommends the following:

We must develop a career pipeline, particularly in low- and middle-income communities, through training, job readiness, and entrepreneurship programs to ensure that people who most need work are prepared for the family-sustaining jobs and careers in energy efficiency and energy services industries. Ensuring local hiring practices will be critical to engaging these distressed communities. It is also extremely important that we do not leave minority- and women-owned businesses behind in this new industry.

Therefore, we must be assured that they have their place at the proverbial table. This will also ensure that the work is spread to all citizens.

We must as well develop Green Energy Centers of Excellence at predominantly black institutions to research and develop new green technologies as well as train implementers in the development of green innovation. These institutions maintain unique relationships with communities of color, and we should use their expertise to educate these communities on the opportunities in green industries and the techniques needed to succeed.

We must ensure local and national certification standards for technical jobs to ensure appropriate levels of expertise. We must also apply large-scale energy-saving measures to the Nation's building stock, which will create hundreds of thousands of green collar jobs while dramatically reducing America's energy costs and greenhouse gas emissions.

It is important for us to remember that the only way we can achieve our goals as a country is to become more energy independent, and that can only happen if we have a skilled workforce proficient in science, technology, engineering, and math. I would like to briefly discuss and highlight the MC Squared School in my district, which is the first STEM facility in our Nation that is located in a corporate complex. The facility provides an environment fostering intellectual growth and stimulating curriculum geared toward science, technology, engineering, and math. The students are mentored by GE employees from a broad array of disciplines ranging from research, technology, and engineering to marketing, finance, global product management, and human resources. Most importantly, the teachers and staff are exceptional. It was no small feat to make the MC Squared STEM School a success. It took the hard work, ingenuity, and commitment of local civic and business organizations who came together and contributed nearly \$3 million for the classroom renovations on the Nela Park campus in order to bring this idea to fruition. It also took the vision of the CEO of the Cleveland Public Schools, Dr. Eugene Sanders.

The STEALTH team of the MC Squared School meets once a week after school and is headed up by a science teacher who was the vice president of Johnson Controls for 26 years. They have created an apparatus called "the thing," which collects sunlight and stores it in batteries which can be used to charge your cell phone, laptop, and any daily household item. They have refined it to do something that works effectively. Additionally, the STEALTH group has implemented green renovations to General Electric solar panels on the roof of its own facility.

The STEM School recently held a conference focusing on renewable energy at the Great Lakes Science Center in my district where many students came and were responsible for researching a specific topic. The STEM School then invited other children from the community to conduct a town hall discussion on energy issues.

The STEM School works in conjunction with the Washington Park Greenhouse, which is connected to the Cleveland Public School District through South High School. The STEM School students recently made some recommendations to increase energy efficiency of the greenhouse. General Electric staff worked with them hand in hand while using the suggestions of the students to renovate the greenhouse. The students then took measurements of humidity, temperature, and other levels before and after and compared the result to measure the progress of their work. The STEM students are currently working on developing automated watering systems for the greenhouse pumps to conserve energy and water for the plants. They are in the process of creating designs and testing to see which one works best.

I believe that the MC Squared STEM School has the ability to be a catalyst for change across our Nation. Children who are taught by educators with proper certification and mentored by professionals are more likely to succeed and prosper in an increasingly technologically advanced society. It is for this reason I plan to offer an amendment to the STEM Coordination Act of 2009 in the Committee of Science and Technology, which I am a member, with the intent to increase the members of certified teachers in low-performing areas of our country. Increasing the number of qualified teachers in our country in science and math will only help our Nation spur the renewable energy revolution.

In conclusion, Mr. Speaker, I would like to thank Congresswoman BARBARA LEE, the chairwoman of the Congressional Black Caucus, for allowing this important discussion on energy during our message hour. We must work to strengthen all facets of our society when discussing an unfolding energy revolution in the 111th Congress. We have a great opportunity to protect our environment and strengthen our economic interest through the creation of additional sources of energy such as biofuel, wind, and solar.

Mr. Speaker, I yield again to our Chair, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much for yielding.

And let me just thank the gentlewoman from Ohio for that very comprehensive, succinct, and very clear statement. I think it summarizes many of the issues that the Congressional Black Caucus believes are important as

we move forward with our comprehensive energy legislation.

And I must say you highlighted the involvement of minority- and women-owned businesses and entrepreneurs in this effort, also the role of the Historically Black Colleges and Universities.

The role of the Congressional Black Caucus, as many know, is to make sure that no one is left behind, that no community is left behind. And the Congressional Black Caucus historically has been and continues to be the conscience of the Congress.

So, Congresswoman FUDGE, I'm really pleased that you have laid out for us tonight what the Congressional Black Caucus sees as important in this energy legislation as we communicate it to our great chairman, who is doing a fantastic job, I must say, Chairman HENRY WAXMAN. And we have communicated this to him, and we are very confident that as this energy legislation moves forward that the Congressional Black Caucus's views and input and ideas to expand this legislation to make sure it's comprehensive and that it includes all communities in our country will be part of that.

Thank you for your leadership tonight. That was a very wonderful presentation, Congresswoman FUDGE. The Congressional Black Caucus is very proud of you.

Ms. FUDGE. Thank you so much, Madam Chair.

□ 2130

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. GRAYSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. SCALISE) is recognized for 60 minutes.

Mr. SCALISE. Mr. Speaker, in the next 2 days we will be coming upon the 100 days, first 100 days of President Obama's Presidency, and the last few days we have already started to have some analysis, some discussion on those 100 days, what's happened, how does it compare to prior Presidents?

Of course, this is one of those traditions that seems to occur going back to the days of FDR. And I guess it's kind of ironic that a lot of these comparisons go back to FDR, because a lot of things that are happening today in our country have a lot of similarities to what happened back in the 1940s when FDR became President, when our country was in a depression, a depression that lasted for over 8 years. It didn't end until World War II got us out of it.

I think one of the things that seems to have symbolized the first 100 days more than anything has been the record levels of spending that's gone on here in Washington. All across our country we are facing tough economic times right now. Families are tightening their belts. Families are dealing

with the problems that are existing in our economy, but they are doing it by trying to live within their own means.

I think one thing that's really symbolized this first 100 days has been the record levels of spending that's gone on with this new administration to run our country deeper into debt, adding more than 20 percent to the national debt in just the last 2½ months, and record levels of spending that I think have concerned many people across the country to the point where just a few weeks ago you saw thousands, hundreds of thousands of people taking the streets in these taxpayer TEA parties where people were literally showing up all throughout communities in this country to protest and send a signal. I think that they are frustrated with the record borrowing and spending and taxing, as well as these bailouts that are not working.

And so as we look at all of this, I think it hopefully is an indication that we need to pull back and refocus our country on those things that we truly need to take care of to address the problems that our country is facing and act in a fiscally responsible way to address those problems. So I think what we need to talk about now are the ways that the next 100 days can hopefully shape us in a different direction than first 100 days.

And as we look at some of these policies, we are debating right now in the Energy and Commerce Committee a major change in our Nation's energy policy. I think our Nation is severely lacking a national energy policy. There are good alternatives that are out there.

I am a cosponsor of a bill called the American Energy Act, which takes an all-of-the-above approach to fixing our national energy crisis, and a bill that would actually open up more areas of our own country's natural resources to drilling for oil, for natural gas, for developing clean coal technologies and then using that revenue not only to create good jobs and to reduce our dependence on Middle Eastern oil, but to fund our ability to transfer into those alternative sources of energy like wind and solar power. But we also need to keep nuclear power as one of the components of a strong national energy policy.

On the other side of that, what we are seeing is the presentation of a bill called cap-and-trade. And the cap-and-trade energy tax is nothing short of that, a massive change of energy policy that the President has brought us in the first 100 days that would literally turn over our energy economy in this country to a Wall Street speculative market where companies would be limited in how much carbon they can emit in this country, but then they would have to pay taxes, in essence, on any more production that they would do.

Early estimates are this would raise \$646 billion in new taxes, but it would

saddle every American family in this country. Early estimates by the President's own budget director show that there would be over \$1,300 a year more that every American family would pay in their own home energy bills, not in addition to all of the jobs that would be lost.

Early estimates by groups like the National Association of Manufacturers show that a cap-and-trade energy tax would literally ship 3 to 4 million jobs out of our country overseas to countries like China, India, Brazil and other nations that would not have the same kind of environmental regulations that we have today. So for people who are concerned about carbon emissions, the cap-and-trade energy tax wouldn't do anything to lower carbon emissions in the world.

What it would do is run off a lot of companies in the United States, ship those jobs, millions of jobs out to other countries like China, India, Brazil and others who will emit even more carbon. So it's a very counterproductive strategy from that standpoint but one that has a lot of support by some in Congress. And then hopefully there will be enough of us on this side to not only defeat that bill but then bring our alternative plan, like the American Energy Act, a plan that would put a comprehensive national policy in place to get our economy back on sound footing, but also to reduce our dependence on Middle Eastern oil, something that has been a problem for a long time, something that hasn't been addressed by Congress adequately, but one that can be.

And so while we are talking about and evaluating these first 100 days, there are a lot of things that we can do to look at how to move us to a better place in our country. And if you will look at what has been happening with the budget, one of the interesting conversations that we hear about is how much debt was run up in prior administrations.

Frankly, I was not a supporter of the debt back then. I surely am not a supporter of the debt that's being added to our children and grandchildren right now.

And if that debt was bad, which I agree it was, then these proposals, in fact, the President's own budget that's going to be coming up on a vote here on this House floor probably later this week, would double the national debt, double the national debt in just 5½ years.

And so just about a week ago the President had met with some of his economic advisors and his Cabinet, he pulled in his Cabinet and he said, I want you to go out and find—in a \$3.5 trillion budget, he called all of his Cabinet members in and gave them the task of cutting \$100 million. Now, I think we can all find ways to cut \$100 million in the budget.

But to bring all your Cabinet members as a task to figure out how to go and cut \$100 million, just to equate that to an average American family, that's like a family of four who makes \$35,000 saying, let's sit around the table. We have got tough economic times. We need to cut our budget. A family of four making \$35,000, if the best they could do is come up with a way to cut \$1, that would be the same equivalent of the President's challenge to cut \$100 million out of a \$3.5 trillion budget.

So I don't think any family would be celebrating after they found that \$1 amongst all of their expenses, \$1 they could cut out of their entire \$35,000 budget. That's, so far, the best that this administration has been able to come up with.

I think we can do better. I think the American people are challenging us to do better. Some people that are here will talk about ways that we can do better and have some good ideas of their own.

Dr. GINGREY from Georgia is one of them, and, Mr. Speaker, at this time I would like to yield to Dr. GINGREY of Georgia.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana for yielding.

We thought we would spend a few minutes this evening talking about another problem, a huge, huge problem, and, of course, that is with our health care system in this country and the fact that the administration has made one of their top priorities for this Congress health care reform.

Those of us on the Republican side, Mr. Speaker, the loyal minority, feel that our health care system does need some reforming, but not in the way that the President has proposed, not in the way that the majority party has suggested the road in which they want to travel in regard to health care reform.

I have got an opportunity this evening to be joined by a number of doctors on our side of the aisle; in fact, we are part of a new caucus in the House, the Republican or GOP Doctors Caucus. We have about 12 members in that group, Mr. Speaker. And I was trying to get my staff to read quickly this evening estimate the number of years of medical provider experience that, in the aggregate, we have got in this group. And that estimate, as just given to me by one of my colleagues, 331 total years of medical practice among the GOP Republican Doctors Caucus. Let me repeat that, Mr. Speaker, 331 years.

Now, I am not going to say that that necessarily makes us experts, but it certainly does give us, in the Republican Doctors Caucus, a perspective, an experience that we should definitely be heard on this issue of how to best reform this health care system of ours

that we love to say and proudly say is the best in the world.

We know that it's not perfect, and we know that when statistics are thrown out by the United States Census Bureau that 47 million Americans every day throughout the year go without health insurance, that is a staggering statistic, and I would say, Mr. Speaker and my colleagues on both sides of the aisle, an unacceptable statistic.

Now, the truth of the matter is, when you peel back that onion, though, of 47 million people that have been determined by questions of survey that's done in the typical Census Bureau fashion, what you find is that this is just kind of a snapshot, Mr. Speaker, of any point in time there may be 47 million people who are without health insurance. But many of them, in fact, it's estimated that as much as a fourth of that number or maybe even as much as 40 percent, within 2 to 3 to 4 months, at the most, will have insurance. They may have lost it temporarily because of a job change or an illness, or they just happened to let their premiums lapse, and they regain that health insurance.

But one of the things that's without question, as we look at the statistics, the 47 million, is that there are 18 million of them who clearly can afford—I am not saying they live in luxury, but they could afford to provide health insurance for themselves and probably for their family as well, because 18 million of the 47 million make more than \$50,000 a year.

□ 2145

Eighteen million of the 47 million have an income more than \$50,000 a year, and 10 million of that 18 million make more than \$100,000 a year.

So there are people in this country that are just simply, they are probably, I would guess, demographically between the ages of 22 and 35, who are healthy and young and in many cases single, have good jobs, professionals, just don't want to spend the money and just feel like, well, if I get sick, I will pay it out of my pocket.

I think it is a mistake. I think it is a huge mistake, and I certainly don't recommend that. I think people are playing Russian roulette almost by doing that because of some catastrophic illness, a broken neck in a motor vehicle accident that would leave a person disabled for life. That is a worst case scenario I guess you could think of. But that just shows you that the number is not as bad, that 47 million. Then it is estimated that one fourth of those are people who are not even citizens of this country.

So you get down and you start peeling the onion, and you peel the onion, the layers peel back and you may have 15 million in this country, 10 or 15 million people who, through no fault of their own, they are not poor enough to

be eligible for our safety net programs like Medicaid and maybe the CHIP program, Children's Health Insurance Program, and they are not old enough to be eligible for Medicare. They are not disabled, thank goodness, but they don't make enough money to be able to afford it.

We definitely need to do something about that, and I can tell you that every member of the Doctors Caucus, the Republican Doctors Caucus, agree that number is too high, and we want to do something about it, and we will do something about it. There are a number of things that need reform in our system, and we will talk about that tonight.

I have been joined by a couple of my colleagues as I look across the Chamber and I see Dr. MURPHY from Pennsylvania, and I see Dr. FLEMING from Louisiana, and I think others will join us as we get deeper into the hour. But I am going to engage sort of in a colloquy, maybe an open mike with my colleagues, Mr. Speaker, talking about what we feel needs to be done, but, more importantly, what we feel absolutely should not be done as we bring to you these 331 total years of medical experience and working with patients, constituents now, that we have morphed into proud Members of the Congress, but to understand what they want, what the doctor-patient relationship is all about.

Some of our colleagues, Mr. Speaker, have not had that unique opportunity, and it is our obligation to share it with them as they share with us their experience in their professional lives. That is really why we are here. That is what we are all about.

Anyone that says Republicans are the party of no, they have no opinion, they just show up and vote no, that is absolutely an unfair characterization, Mr. Speaker. We do have a plan. We have a second opinion, as I point to this first slide before yielding to my colleagues. We have a second opinion, heck, on everything, on every issue.

We heard from Mr. SCALISE a few minutes ago about spending and a second opinion that we Republicans have on the budget, a second opinion that we Republicans have on the Energy and Commerce Committee in regards to what kind of comprehensive energy bill this country needs that is not this cap-and-trade and the silent hidden tax of \$3,000 per family that hits middle class Americans so hard, and that is what the second opinion that Mr. SCALISE was giving in regard to that issue.

Well, by way of introduction, Mr. Speaker, that is what we are going to be talking about here for the next 45 minutes. I see my colleague from Pennsylvania is here and ready to go, and I want to yield 5 to 7 minutes to the good doctor from Pennsylvania, Dr. TIM MURPHY, my classmate and colleague.

Mr. TIM MURPHY of Pennsylvania. I thank my friend Dr. GINGREY for yielding. Of course, Dr. GINGREY, you are well aware as a practitioner of how Medicare works. I want to lay out for a few moments here, as many people will start to say that we should use Medicare and Medicaid as examples of how to expand health care because they are run so well. I want to point out a few things about how I disagree with that premise and those that say that Medicare has a very low cost overhead.

In part, that is because some of the administrative fees are set, but there are several other things we need to know about that, and that is that they pay very low fees to hospitals and physicians, and perhaps that is why so many physicians do not participate in Medicare-Medicaid payments. Another aspect too, is, understand that Medicare covers only about 58 percent of beneficiaries' health care expenses.

So when you leave that much in other fees on the table unpaid, what happens? Well, hospitals use some of their own coverage to cover that gap in Medicare coverage. Patients also carry their own supplemental insurance on their own to cover it, and many times it is left that the actual cost of Medicare that we are told does not anywhere near describe what the real cost is.

The Medicare Payment Advisory Commission, otherwise known as MEDPAC, said the way Medicare is going, its well-known design deficiencies and financial problems will certainly inhibit the delivery of high quality care, in its June 2008 report to Congress. They said, "Without change, the Medicare program is fiscally unsustainable over the long term and is not designed to produce high quality care."

Let me give you a couple of examples of where I think Medicare is a particular problem, and Medicaid as well.

A constituent of mine has multiple sclerosis, and some of you may know that multiple sclerosis affects nerve cells and really affects the ability of those nerve cells to communicate with one another. There is a membrane over the arm of nerve cells called a myelin sheath, and what happens is the sclerosis or scarring of that sheath affects the ability of one nerve to communicate with another.

In multiple sclerosis, a person may have discrete attacks or long-term attacks that may affect their motor skills, their muscle skills or their thinking and cognition. At times it goes away completely for long periods of time and then comes back.

The annual cost per patient, however, for treating such patients may be \$30,000 or \$40,000 or \$50,000 a year. And yet how does Medicare and Medicaid handle that? Well, they have this strange notion that says, for example with Medicaid, if you want to have

some payment for that, you must be disabled. But to be disabled you have got to go 24 months of disability, which is not a characteristic of this illness. And, of course, to be disabled means you can't work. If you are not working, you can't pay for your medication. If you stop working and they find out you really are without symptoms, it is a problem. So, you see, it is one of those catch-22s we put people in with this.

There is also something here that Medicare and Medicaid does not pay for: Disease management. This is particularly important, because disease management for people on Medicare is extremely important because of the complexities of their illness. And these complexities are not small.

Nearly 80 percent of Medicare beneficiaries have at least one of the following chronic conditions: Stroke, diabetes, emphysema, heart disease, hypertension, arthritis, osteoporosis, Parkinson's disease, urinary incontinence. And because of this, 5 percent of Medicare beneficiaries account for about half of all Medicare spending each year. Among this top 5 percent, nearly half had congestive heart failure and 35 percent had diabetes.

You see, there is such complexity among people with chronic illness, it is a wonder they can manage it at all. That is why people with severe illness do better if the doctors and nurses can work with the patients to manage this complex care.

You don't have to be a member of our GOP caucus to notice how difficult it is, and hopefully some of the comments made by some of my colleagues tonight can illustrate that. But I know patients that I have worked with, sometimes it is absolutely overwhelming for them to have multiple visits and dealing with so much with their illness, and yet Medicare and Medicaid won't pay one penny to have anyone from that medical practice work with that patient.

So what happens? They forgo their treatments, they make mistakes in the medications, there are many difficulties that come up, and it could lead to unnecessary hospitalizations. And those, Mr. Speaker, those issues are ones that cost so much in the area of health care. I am sure my colleagues, no matter what branch of medicine or health care they are from, know this full well. When you have a patient with multiple complications, if they cannot deal with it, well, the complications increase.

Part of the reason that this is even more of a problem is that what happens, these complexities go on. If you have Medicaid and Medicaid plans that say we are going to pay for what they call quality of care, and it is only based on a narrow measure of outcome, then what happens is that patients stop to be compliant and hospitals may discharge some of them early because

they are not paying for actually managing these difficult cases.

This is a serious, serious problem, and one of the reasons why out of this \$2.4 trillion health care system we have no less than \$700 billion or \$800 billion worth of waste. It is because of that, Mr. Speaker, that what we ought to do is, before we say let's have the government expand Medicare and Medicaid and make it available for all, we ought to say let's use all of our abilities to fix these broken systems. It is wasteful, it is harmful, it is difficult for patients, and it is not effective health care. And because of that, I would certainly encourage what Congress should do with all full speed is instead of saying let's just replicate this broken system and expand it for everyone, we ought to fix this system.

Medicare's hospital payment system doesn't encourage or reward hospitals to reduce readmissions. It is a matter that we almost have like 18 percent of admissions results in readmissions within 30 days of discharge. What is wrong with a system that has those kinds of problems?

So, Mr. Speaker and my colleague, Dr. GINGREY, I know, doctor, how you and I have talked many times about these difficulties and how they go on.

I might add this other point, if I may, doctor. You are aware that with Medicare, that as people lay this out as being this great cost-effective plan, one of my concerns is if it is so cost-effective, why is it going belly up? It is out of money in less than 10 years. Yet it is touted all the time of having this effective health care system. It is not that way. I think it is that way simply because it is not paying for effective health care along those lines. That is one of the issues that the GOP Doctors Caucus is trying to bring before the American public, and certainly before our colleagues here in the House.

Mr. GINGREY of Georgia. Dr. MURPHY, if you would yield back to me just for a second on that point, this second slide, the cost of the current government-run health programs, well, on this first bullet, colleagues, look at this. CBO estimates that individual and corporate income tax rates would have to rise by about 90 percent through 2050 to finance projected increases in Medicare and Medicaid. That is what Dr. MURPHY is talking about. The cost of reductions in Medicare payments then are passed on to consumers who purchase their own care or get it from their employer, and that adds \$1,500 annually or 10.6 percent to the annual cost of coverage for a family of four.

So, Dr. MURPHY, I agree with you completely that we are in a situation where if that is the model, then God help us, if that is the model that we are going to adapt for all Americans. "Medicare for all" I think is the way Senator KENNEDY put it.

I think there is a formality here, Mr. Speaker, in regard to who controls the time. Our colleague from Louisiana, he is not a physician, he is just a very smart Member of this body and my colleague on the Energy and Commerce Committee where we deal with health care, as is Dr. MURPHY, where we deal with health care every day, and Mr. SCALISE, the professor from Louisiana, is controlling the time, and I yield back to him as he yields to other colleagues.

Mr. SCALISE. Well, I thank the gentleman and the doctor from Georgia. As you said, I am not a doctor, and I don't play one on TV, but I do enjoy serving with you on the Energy and Commerce Committee, where we do deal with the policies that actually address the health care issues in our country, which are very important.

One of our newest Members, somebody who I am proud to serve with in my State delegation, a new Member from Shreveport, Louisiana, who happens to be a doctor and a very able student on these issues, is my friend Dr. FLEMING, who I am going to yield time to now.

Mr. FLEMING. Well, first of all, I want to thank my friend from Louisiana, Mr. SCALISE, or should I say Dr. SCALISE. We have made him an honorary doctor tonight. Also I want to thank Doctors MURPHY and GINGREY for their comments. I do want to follow up on some of these comments. I think they all fit together nicely.

You know, first of all, I would like to say that the United States delivers the best health care in the world, or at least among the best, arguably the best, but the financing of it is a basket case.

You heard, Mr. Speaker, Dr. GINGREY talk about the 47 million uninsured, which is a very fluid number. But, you know, I have often said through my experience that these 47 million are not the people you think they are. They are not the poor, because we do have programs for the poor. They are not the elderly. We have Medicare for the elderly. And they are not those in stable employment in corporate America.

They are, for the most part, small business owners and their employees. There are really several reasons why insurance is difficult to obtain or to afford for these people, and I won't go into all of that in detail, but I do want to hit eight points that I recommend in terms of health care reform.

□ 2200

Mr. FLEMING. Before I get to that, I want to contrast with you what I understand the Democrat offering is on this subject, and that is a, more or less, expanding Medicare, which we have today for the elderly and for the disabled to everyone. I think there are a lot of satisfied recipients of Medicare out there. However, I would remind ev-

eryone that Medicare exists only because it's propped up by taxpayers and by private insurance. So, if we expand Medicare to everyone, who is going to prop that large system up, perhaps as much as 17 percent of our total economy?

I really think that we can have our cake and eat it, too. I think, Mr. Speaker, that we can have excellent insurance coverage and that we can actually cut costs in the process. So here is point 1:

Despite the need for Federal and State governments to pay many of the health care insurance bills, the government, itself, should get out of the administration programs. Why is that?

Any politician who tells you that when he is elected or that when she is elected that he is going to do away with all fraud and abuse in government is either lying to you or really has no idea what he's talking about. The reason for that, as we apply that to health care, is: If you take, for instance, two physicians who are treating the same pneumonia, physician 1 treats it with an office visit, with maybe a follow-up office visit and with, perhaps, a prescription for antibiotics. The other physician admits a patient to the hospital, costing upwards of \$7,000 to \$10,000. The question is: Who is right?

The answer is they're both right, but one costs many times more than the other. We really, currently, don't have a way of saying, Well, what is the best and most efficient cost in every case for every patient?

I would submit to you, Mr. Speaker, that the Federal Government does not have the ability to micromanage care to its most efficient point. However, we can—if we are allowed to provide health care through administrative means, that is—pay the money to certain organizations of providers and allow them to make those decisions as to where they can cut the waste out, and to do so through competition, I think we could actually save money and see improvement in care and certainly in customer service.

Second and as part of that is: physicians and other health care providers should be allowed to come together in both vertical and horizontal integration so that, instead of having a reimbursement rate that's dictated by the Federal Government—it's the only part of the economy, incidentally, in which the Federal Government determines the actual price that anyone is paid, the so-called "price regulation." If we move from that into price competition where you have groups of providers who come together and who group together and who compete for covered lives and, in doing so, work efficiencies into the system of lowering the cost and improving the quality, I think we would see much more for our money, and certainly our patients would.

Third, we need to provide basic health care insurance for every American, at least make it affordable. In doing that, remember that today, through the EMTALA laws passed in the 1980s, someone with or without insurance can appear to the emergency room, simply request care and will be provided care despite that person's ability to pay. Well, that's all well and good, but what often happens is it's a person arriving to the emergency room who's receiving the highest cost of care and oftentimes the lowest quality of care because it's provided at the wrong time during the illness. Ultimately, someone else, such as other subscribers and taxpayers, end up paying the cost.

If we had private insurance for those individuals who were uninsured, oftentimes they wouldn't need to come to the emergency room. They could simply receive early treatment, diagnostic treatment or even prevention therapy, before ever having the need to come to the emergency room.

Fourth, we should allow the public to be informed consumers with simple and transparent systems so that they can make wise choices.

Fifth, we should reform antiquated insurance laws and give incentives to the young and healthy to opt into private insurance so that we have large risk pools and so that we do away with the term "preexisting illness."

Sixth, we need to move forward on incentives for providers to move into the digital age with electronic health records. That will greatly enhance communication. At least in my own experience, I've had electronic health records in my clinic now for over 10 years. It has actually lowered our cost and has improved our efficiency.

Seventh, we should make family physicians the linchpin of our health care system. Supported by midlevels, they can have a tremendous effect on lowering the cost while improving care.

Finally, we need to provide strong incentives for patients to function as consumers and to behave in every way possible to prevent disease rather than enter the system at the worst possible time when cost is the highest and outcomes are the poorest.

So, you see, Mr. Speaker, while we are not hearing about these solutions from the other side of the aisle even though there's a placeholder for over \$600 billion as a down payment towards health care reform, on our side, we're being very specific about what can be done and about what should be done. Many private and connected governmental agencies agree with these major points that I've discussed today.

So, with that, I thank the gentleman, Mr. SCALISE, for allowing me this time, and certainly, I yield back my time.

Mr. SCALISE. I thank the gentleman from Louisiana. I yield back to my friend from Georgia.

Mr. GINGREY of Georgia. Well, I thank the honorable Dr. SCALISE for

yielding time back to me because the point, before we go back to Mr. SCALISE and then hear from Dr. ROE, is this a point about a new government-run health plan that, I think, we want to emphasize to our colleagues because this is the one thing that we fear the most.

Well, I guess the one thing that we fear the most is, in one fell swoop, going to a single-payer system of socialized medicine like they have in Canada or in the United Kingdom or in other countries where there are major, major problems that some of my colleagues might want to address. That's the worst thing.

What we fear from the strategy of the Democratic majority, Mr. Speaker, is to get there in two steps. The first step, of course, would be to have a government plan, a government health insurance plan, to compete with the private market, but the question is: Will that government plan compete fairly? We think not, and we have a great fear that it would drive the private market out of a competitive position and that it would cause employers who right now cover 119 million lives through employment-provided health insurance to just simply drop that and say, Well, shoot. You all go get it from the government.

I will yield back to my colleague from Louisiana, Mr. SCALISE, so he can yield time to other colleagues in the doctors' caucus.

Mr. SCALISE. I thank the gentleman from Georgia, and I think your concerns about a government-run system are very heartfelt. Obviously, we've got many other countries that have gone down that road and then have had the very bad experiences to show for it. I know what you all are doing here is a great service to be talking about alternative solutions, a better way to fix and to reform our health care system.

Mr. TIM MURPHY of Pennsylvania. Will the gentleman yield?

Mr. SCALISE. I will yield to the gentleman from Pennsylvania, Dr. MURPHY.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman.

I wanted to just take a moment to illustrate what Dr. GINGREY was saying as to the effect of the inefficiency of government-run health care.

The New York Times, just a couple of weeks ago in an article written by Julie Connolly, talked about a growing number of physicians—it's an article entitled "Doctors Are Opting Out of Medicare"—particularly internists, who are dropping out of Medicare all together because of low reimbursement rates and the burden of paperwork and, I might add, because of some of the ridiculous policies sometimes.

It's noted in a Texas Medical Association survey that 58 percent of Texas doctors accepted new Medicare patients, but only 38 percent of primary

doctors did so. Think of some of these absurd principles in some of these government-run plans.

For some patients, they might need home infusion therapy, that is, they may need antibiotics; but the strange thing about this is that the person has to come to the hospital to get them. They're sick. Instead of being at home and having a nurse or someone in the family trained to give some home infusion, they've got to get up, leave the house and go somewhere else. I know my colleague, Representative ELIOT ENGEL, and I are working on a bill to allow a part D drug benefit to cover some of these home infusion drugs because, right now, when you are denied access to home infusion therapy and are being forced into receiving infusion therapy in hospitals and in skilled nursing facilities, it's significantly higher in cost.

There is one other example I wanted to talk about, too. I've talked to some oncologists who have pointed out, when patients come in for chemotherapy, they need to be evaluated at that time to see if they're healthy enough or in the right condition—that they're not sick at that moment or have the flu or something else which would cause serious problems if they received chemotherapy. Yet what happens is, when they get to have those results and to have those tests and to have that treatment done, you have to do certain lab work, and they don't get reimbursed for that. So the medical practice eats that cost, once again, to supplement the Medicare and Medicaid plans.

I point that out as some of the many examples of how, anytime someone says Medicare and Medicaid are much cheaper, of course they're cheaper. They don't pay for treatments; they discourage comprehensive medical care, and they place the burden back on the patient and back on the States. That's not how we want to run a health care system; and I believe, in many cases, it leads to more difficult care.

□ 2210

God bless the doctors and hospitals who do the right thing and give of their time anyway.

With that, I yield back.

Mr. SCALISE. Before our committee just a few weeks ago, Louisiana's Department of Health and Hospital's Secretary, Secretary Levine, was testifying about exactly that problem about a Medicaid-type model being followed and used by Congress to replicate that throughout the country and the devastating impact it would have because, clearly, as you pointed out, there are serious drawbacks from having a Medicaid system. The lack of access to health care physicians is a big disincentive that many consumers would have if they found out that they were being shifted over to a system like

Medicaid that's very broken right now, to have that system replicated for the entire country.

Again, I appreciate you pointing out these dangers, because before we go down that road, these are important things to lay out.

Somebody else that's going to help lay that out is our colleague, a doctor from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Thank you, Mr. SCALISE or Dr. SCALISE, whatever it is tonight.

I am going to share with you some of the experiences that—we've already done this experiment in the State of Tennessee. And as a physician from Tennessee and who has delivered babies in that State for over 30 years, we've seen our health care system change dramatically.

Remember back in the 1980s, early 1990s when managed care was going to be the be-all, save-all for us and obviously didn't slow the health care costs at all. And none of us here tonight, not a single person—there is well over 100 years' experience in this room tonight discussing this—defend the status quo. Not any of us do. Many of us have a tremendous program, I think, and we're here tonight to share these experiences, what is positive and negative about the system.

Let me turn the clock back about 15 or 16 years to a very noble cause in the State of Tennessee—not a wealthy State—to cover all of our citizens, and we went into a managed care plan. We got a Medicaid waiver called TennCare, and what happened was this was a very rich plan that was offered by the State to compete with other plans. And businesses made a perfectly logical decision: 45 percent of the people who ended up on TennCare had private health insurance but dropped their private health insurance to go on the State plan.

And I went to several of the hospital administrators, the providers there locally, and I said what percent of your cost did TennCare pay in your hospital system? It was about 60 percent. And Medicare, at least in our area—it varies in different areas—pays about 90 percent of the costs. And then you have the costs of the uninsured which pays somewhere in between, leaving a cost shifting to the private payers.

Well, what is going to happen—and this is so predictable because we've already done this experiment—we're going to have a plan that's going to be set forward—again, a noble plan—to cover everyone. If we have time tonight, I will go over some principles that I feel are important in the health care debate. What will happen is there will be a plan brought forth to compete with the private sector that will be subsidized by the taxpayers, that when you go to provide the care, it will pay less than the cost of care. And once again, businesses will make a perfectly

logical decision to drop that, and over time, you'll end up with a single-payer system. That's how exactly it's going to work.

And what happened in Tennessee was this: In the State of Tennessee, you had a choice. In Tennessee, we can't borrow money. It's against the State Constitution, so we have to balance the budget. When the TennCare rolls got so big, the legislature and our Governor—who is a Democrat, different party—made a decision. We had to pare the rolls. So they rationed care by basically cutting the number of people on the system.

What happens in a system like in Canada and in England, what happens when you've spent all the health care dollars? The only other option you have is to create waits, and that's exactly what happened.

Let me share with you another statistic that hits me right in my heart, because when I started my medical practice, as did Dr. GINGREY, the 5-year survival rate of breast cancer was approximately 50 percent for women in America. Today, it's 98 percent. One of the great stories.

So when a patient comes to me or the physicians in this room, they can tell that patient, You're going to have a 98 percent survival rate. In 2003, the 5-year survival rate of breast cancer in England was 78 percent.

Now, in England, which is a single-payer system—and in that system, they quit doing routine mammography, and the reason for that was cost. The mammogram comes along and says the woman has a problem in her breast. You do a biopsy, and it shows up that it's negative. She doesn't have cancer, and that is a wonderful thing to be able to tell a patient. But these wire-guided needle biopsies are more expensive than the routine mammogram is, so they quit doing those, and they wait now until a patient develops a mass in her breast which is approximately 2 centimeters, about three-quarters of an inch, of which a certain percentage of those women will have spread to a lymph node. We're not going to do that in this country. I cannot believe we're going to do that.

The survival rates of colon cancer are less in England than in this country, and the reason is because the screening takes place at a much later time. I, myself, had a screening colonoscopy at age 50. I had a lesion discovered, clipped out. I've had absolutely no problem whatsoever. If I had waited later in my life, I most likely would have had colon cancer.

So just from a personal testimonial here, those health care decisions, Mr. Speaker, should be made between a patient and the doctor, mutual decision made between both of them. That's where the health care decisionmaking should be made.

And I will yield back my time. I have some other things to talk about, Mr.

SCALISE, and I appreciate the honorable gentleman for giving me this time to express my opinion.

Mr. SCALISE. I appreciate your comments, and hopefully we can hear more from you about the TennCare experiment as well as the other ideas that you've got that make a lot of sense.

I yield back for a few moments to Dr. GINGREY, until we go to the other side of Georgia.

Mr. GINGREY of Georgia. Thank you very much.

Just momentarily, before we go to east Georgia and Dr. BROUN, I did want to show in graphic form on this next slide, this poster that I have—my colleagues, when I talked about the employment-based health insurance, the 119 million, here they are in this pretty green box here, chart, showing that 119 million in these private plans under this so-called public default plan will end up over here in this nice orange bar graph showing something like 132 million people on the government plan.

And as our colleague from Pennsylvania, Dr. MURPHY, was talking about earlier, if that's the model that we want, that's the model that right now, 33 percent of physicians have closed their practices to Medicaid, 12 percent have closed their practices to Medicare. Why? Because these artificially low reimbursement rates do not even cover the doctor's expenses.

Physicians want to give their time out of compassion and to treat the poor who cannot afford health care through no fault of their own, but they can't keep the doors open. They're small business men and women as well, and they have salaries to pay. They have insurance to provide. So it's just a matter of going down a road that's not sustainable.

Representative SCALISE, thank you for yielding me time, and I yield back to you so you can yield to Dr. BROUN.

Mr. SCALISE. The chart you showed gives us a good indication why we have the physician shortage in this country. It is a crisis in health care, and in part because of not only the high cost of medical education, but then when so many get out, they realize that these types of payment methodologies actually inhibit their ability to make that back and ultimately be able to pay back those student loans. And so these types of programs have very dangerous consequences that we're seeing today.

Somebody else that can talk about that is our good friend from Georgia on the east side, as you said, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

He just brought up a good point about—Dr. GINGREY did also—about the reimbursement rates. I'm a general practitioner, and I've done a full-time house call medical practice prior to being elected to Congress 2 years ago. I would go see my patients at their home, at their work, and I did that full time.

□ 2220

Prior to that, though, I was in an office. And the reimbursement rate for all primary care physicians in this country is dismal. And that is the reason that, what Dr. GINGREY was saying, that even the physicians who have quit taking Medicare, a lot of those are primary care docs, family practitioners and internists, pediatricians—and there are some pediatricians that do see Medicare patients that are disabled. And so the physicians have had to quit practicing on patients that are on Medicare or Medicaid.

I want to make a point tonight—and I think you all are making great points—but we have two very different opinions of how to tackle this issue. On one hand, we have the Democratic Party's philosophy, which I have been describing as a "steamroller of socialism" that is being shoved down the throats of the American public. And it is going to strangle the American economy; it is going to actually slay the American people economically. And one of those issues that the steamroller of socialism is rolling over is health care.

What NANCY PELOSI and company here in the House and HARRY REID over in the Senate are proposing are policies that are going to destroy the quality of health care. On one hand, they want Federal bureaucrats making health care decisions. On the other hand, Republicans have plans—several, actually—that will allow the doctor/patient relationship to be how health care decisions are made.

On the Democratic Party's plan, government bureaucrats are going to be setting the fees. On the other hand, the Republicans' plans will allow the marketplace to set those fees. The Democratic Party's plan, on their hand, we see basically a monopoly controlled by the Federal Government. On the other hand, the Republican plan allows market decisions, marketplace factors to control the quality, quantity, and cost of all health care decisions, as it should be.

I believe very firmly in the marketplace, and I think the marketplace can make the quality of care be high. The cost of care—whether it is insurance, or doctors offices, or pharmaceuticals, or durable medical equipment, or infusion services, all these things—the marketplace is the best way to control the quality, cost, as well as the quantity of all the goods and services even in health care.

And so the American public have really two alternatives; one is the steamroller of socialism that is being fostered by the majority here in this House, the majority in the U.S. Senate, and the administration. They want to totally socialize health care. When they talk about health care reform and comprehensive health care reform, those are code words for them for socialized medicine.

When we talk about comprehensive health care, we are talking about changing the whole system to allow the doctor/patient relationship to be how health care decisions are made, to allow patients to own their insurance instead of the government owning their insurance. And we have plan after plan; but unfortunately, the Democratic majority are obstructing us being able to even present those plans here on the floor of the House.

The American people are going to have to demand of the Democrats, demand of their Members of Congress, Republican and Democratic alike, that we want an alternative, a private system alternative, an alternative that will allow me, as a patient, to make health care decisions so that I don't have some government bureaucrat rationing the care that me or my mom or my daddy or grandma gets, or my children. And those are the opportunities that the American public have; do we want a socialized health care system that is being mandated by the Federal Government, by the Democratic majority, or do we want to have comprehensive health care that makes sense, that is delivered in the private system where the doctor/patient relationship is how health care decisions are made, where patients own their own insurance, where patients make their decisions, not some government bureaucrat?

We have got to demand better than this plan that the Democratic majority is trying to force down the throat of the American people. And it is up to the American people to demand from the Democrats, say no, we don't want this socialized medicine. We want the Republican plan to be voted on in the U.S. House. We demand it. And that is the way we are going to see responsible, market-based health care decisions brought about.

Mr. SCALISE, I yield back.

Mr. SCALISE. And Dr. BROWN, I think the strength of the American system is the fact that the patient and the doctor, the two of them get to decide what their health care decision is going to be, not some outside party, some government bureaucrat like we saw in the stimulus plan where they set up this health care czar, literally a Federal bureaucrat that would be able to interfere with the relationship between the doctor and the patient. Definitely the wrong road to go. That is why I think it is so important that you are bringing up this point.

And I will yield for one moment.

Mr. BROWN of Georgia. If the gentleman will yield a moment, government regulation, government control—Medicare policy is driving the health care system. It is so expensive today because of government intervention in the health care decisionmaking process. Let me give you an example of how government regulation markedly increases the cost.

When I was in an office down in southwest Georgia, I had a small, automated lab. If a patient comes in to see me with a red sore throat with white patches, running a fever, coughing, runny nose, I would do a CBC to see if they had a bacterial infection and thus needed antibiotics, or had a viral infection because it looks the same. Don't need the expensive antibiotics, don't need the exposure of the antibiotics. I charge \$12 for the test. It took 5 minutes to do it in my office. A totally automated lab with quality control because I wanted to make sure that the quality of the test was correct. Congress passed a bill, signed into law, called the Clinical Laboratory Improvement Act, CLIA; shut down my lab—every doctor's lab across the country. The same test, I had to send the patient over to the hospital. It took 2 to 3 hours—which I could do in 5 minutes—cost \$75. Now, you think about how that increased the cost across the whole health care system. It markedly exploded the cost of all insurance to everybody, government as well as the private sector.

We have got to get the regulatory burden off the health care system. We have got to put market-based solutions in the system. And we can solve these problems, but that is exactly what we need to do.

Mr. SCALISE. And reclaiming my time, that is why these policy changes can be so dangerous because they have serious ramifications if they are not done properly.

I want to go back for a moment to Dr. ROE before we wrap up with Dr. GINGREY.

Mr. ROE of Tennessee. Thank you very much for yielding.

I think, just to kind of emphasize what Dr. BROWN said, if you like the way the government managed AIG, you are going to fall in love with a government-run health care system.

I think there are a few principles that we all ought to abide by, and I think we have, and we have discussed this tonight. One is, above all, do no harm. Eighty-five percent of people have health insurance now. We have to help control the cost.

Again, as Dr. BROWN was talking, physicians and patients should be making decisions. And every American needs access to quality, affordable health care. I think we all agree on that, and we have brought up some ideas tonight about how to do this.

An illness should not bankrupt you; you shouldn't go bankrupt because you get cancer or another serious illness, and today it does. It should be portable. We have got several ways—and we can talk about this in the future. It shouldn't just be tied to your job. And the COBRA payments now, you have to be Bill Gates to pay for it. You would have to have an affordable way to do that.

And lastly, every single person ought to make an investment, ought to have some investment. Let me give you a very quick example. Let's say a patient on the Medicaid/TennCare system in Tennessee would come to my office to be treated for a cold, as he was talking about; a perfectly rational decision because it costs nothing to do that. If you go down to the local pharmacy to get some medicine, it might cost you \$15 or \$20 to be treated for the same cold.

With this system right here we are talking about, exactly what happened in that graph, Dr. GINGREY, is what is going to happen to the national system; you are going to push people out of a higher quality private system into the public system that we have seen.

I had patients who had to go to Knoxville—which is 100 miles from where I live—to see an orthopedist because no one would take the Medicaid-type insurance. And I can go on and on. And we will discuss this further, obviously, as this debate goes on.

I yield back my time, Mr. SCALISE.

Mr. SCALISE. Thank you, Dr. ROE.

I would like to have Dr. GINGREY wrap up this hour that we have had a great discussion on health care.

Mr. GINGREY of Georgia. Representative SCALISE, I thank you for controlling the time, and I know we are getting very close to the end here.

But just to say we are not picking on our great neighbors to the north, Canada, or our great friends in the United Kingdom—they do wonderful things, they are wonderful people, but we don't necessarily feel that we want to adopt their health care system. And of course part of the reason is because so many Canadians come down to our country every year, they spend \$1 billion annually on getting health care in the United States, so there must be a problem.

□ 2230

I think the main problem is a long cue because of rationing, and it's going to cost trillions of dollars to try to cover everybody under a single payer system, Mr. Speaker.

We Republicans, the Doctors Caucus on the Republican side, are here tonight to talk about better ways to do it and share that with all of our colleagues, Republicans and Democrats, and especially with the administration. And we hope that President Obama is listening because I know that he wants to do something to improve health care in this country. But, hopefully, we can talk him out of having a default plan that everybody morphs into a single-payer system.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GRAYSON) at 11 o'clock and 35 minutes p.m.

CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. SPRATT submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014:

CONFERENCE REPORT (S. CON. RES. 13)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 13), setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) *DECLARATION.*—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) *TABLE OF CONTENTS.*—The table of contents for this concurrent resolution is as follows:
Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

Sec. 202. Reconciliation in the House.

TITLE III—RESERVE FUNDS

Subtitle A—Senate Reserve Funds

Sec. 301. Deficit-neutral reserve fund to transform and modernize America's health care system.

Sec. 302. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.

Sec. 303. Deficit-neutral reserve fund for higher education.

Sec. 304. Deficit-neutral reserve fund for child nutrition and WIC.

Sec. 305. Deficit-neutral reserve fund for investments in America's infrastructure.

Sec. 306. Deficit-neutral reserve fund to promote economic stabilization and growth.

Sec. 307. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships, postal retiree assistance, and certain pension obligations.

Sec. 309. Deficit-neutral reserve fund for defense acquisition and Federal contracting reform.

Sec. 310. Deficit-neutral reserve fund for investments in our Nation's counties and schools.

Sec. 311. Deficit-neutral reserve fund for the Food and Drug Administration.

Sec. 312. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.

Sec. 313. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.

Sec. 314. Deficit-neutral reserve fund for 21st century community learning centers.

Sec. 315. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments.

Sec. 316. Deficit-neutral reserve fund to promote tax equity for States without personal income taxes, and other selected tax relief policies.

Sec. 317. Deficit-neutral reserve fund to promote individual savings and financial security.

Sec. 318. Deficit-neutral reserve fund to increase FDIC and NCUA borrowing authority.

Sec. 319. Deficit-neutral reserve fund for improving the well-being of children.

Sec. 320. Deficit-neutral reserve fund for a 9/11 health program.

Subtitle B—House Reserve Funds

Sec. 321. Deficit-neutral reserve fund for health care reform.

Sec. 322. Deficit-neutral reserve fund for college access, affordability, and completion.

Sec. 323. Deficit-neutral reserve fund for increasing energy independence.

Sec. 324. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 325. Deficit-neutral reserve fund for certain tax relief.

Sec. 326. Deficit-neutral reserve fund for a 9/11 health program.

Sec. 327. Deficit-neutral reserve fund for child nutrition.

Sec. 328. Deficit-neutral reserve fund for structural unemployment insurance reforms.

Sec. 329. Deficit-neutral reserve fund for child support.

Sec. 330. Deficit-neutral reserve fund for the Affordable Housing Trust Fund.

Sec. 331. Deficit-neutral reserve fund for home visiting.

Sec. 332. Deficit-neutral reserve fund for low-income home energy assistance program trigger.

- Sec. 333. Deficit-neutral reserve fund for county payments legislation.
- Sec. 334. Reserve fund for the surface transportation reauthorization.

TITLE IV—BUDGET PROCESS

Subtitle A—Senate Provisions

PART I—BUDGET ENFORCEMENT

- Sec. 401. Discretionary spending limits, program integrity initiatives, and other adjustments.
- Sec. 402. Point of order against advance appropriations.
- Sec. 403. Emergency legislation.
- Sec. 404. Point of order against legislation increasing short-term deficit.
- Sec. 405. Point of order against certain legislation related to surface transportation funding.

PART II—OTHER PROVISIONS

- Sec. 411. Oversight of Government performance.
- Sec. 412. Budgetary treatment of certain discretionary administrative expenses.
- Sec. 413. Application and effect of changes in allocations and aggregates.
- Sec. 414. Adjustments to reflect changes in concepts and definitions.
- Sec. 415. Exercise of rulemaking powers.
- Subtitle B—House Enforcement Provisions
- Sec. 421. Adjustments for direct spending and revenues.
- Sec. 422. Adjustments to discretionary spending limits.
- Sec. 423. Costs of overseas deployments and emergency needs.
- Sec. 424. Point of order against advance appropriations.
- Sec. 425. Oversight of government performance.
- Sec. 426. Budgetary treatment of certain discretionary administrative expenses.
- Sec. 427. Application and effect of changes in allocations and aggregates.
- Sec. 428. Adjustments to reflect changes in concepts and definitions.
- Sec. 429. Exercise of rulemaking powers.

TITLE V—POLICY

- Sec. 501. Policy on middle-class tax relief and revenues.
- Sec. 502. Policy on defense priorities.

TITLE VI—SENSE OF THE CONGRESS

- Sec. 601. Sense of the Congress on veterans' and servicemembers' health care.
- Sec. 602. Sense of the Congress on homeland security.
- Sec. 603. Sense of the Congress on promoting American innovation and economic competitiveness.
- Sec. 604. Sense of the Congress regarding pay parity.
- Sec. 605. Sense of the Congress on college affordability and student loan reform.
- Sec. 606. Sense of the Congress on Great Lakes restoration.
- Sec. 607. Sense of the Congress regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,532,571,000,000.

Fiscal year 2010: \$1,653,682,000,000.

Fiscal year 2011: \$1,929,625,000,000.

Fiscal year 2012: \$2,129,601,000,000.

Fiscal year 2013: \$2,291,120,000,000.

Fiscal year 2014: \$2,495,781,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0.

Fiscal year 2010: −\$12,304,000,000.

Fiscal year 2011: −\$159,006,000,000.

Fiscal year 2012: −\$230,792,000,000.

Fiscal year 2013: −\$224,217,000,000.

Fiscal year 2014: −\$137,877,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,675,927,000,000.

Fiscal year 2010: \$2,888,691,000,000.

Fiscal year 2011: \$2,844,910,000,000.

Fiscal year 2012: \$2,848,117,000,000.

Fiscal year 2013: \$3,012,193,000,000.

Fiscal year 2014: \$3,188,847,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,356,270,000,000.

Fiscal year 2010: \$3,001,311,000,000.

Fiscal year 2011: \$2,967,908,000,000.

Fiscal year 2012: \$2,881,842,000,000.

Fiscal year 2013: \$3,019,375,000,000.

Fiscal year 2014: \$3,174,814,000,000.

(4) **DEFICITS (ON-BUDGET).**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$1,823,699,000,000.

Fiscal year 2010: \$1,347,629,000,000.

Fiscal year 2011: \$1,038,283,000,000.

Fiscal year 2012: \$752,241,000,000.

Fiscal year 2013: \$728,255,000,000.

Fiscal year 2014: \$679,033,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,016,335,000,000.

Fiscal year 2010: \$13,233,246,000,000.

Fiscal year 2011: \$14,349,372,000,000.

Fiscal year 2012: \$15,277,119,000,000.

Fiscal year 2013: \$16,159,829,000,000.

Fiscal year 2014: \$17,022,631,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,728,718,000,000.

Fiscal year 2010: \$8,778,081,000,000.

Fiscal year 2011: \$9,683,425,000,000.

Fiscal year 2012: \$10,345,343,000,000.

Fiscal year 2013: \$10,930,977,000,000.

Fiscal year 2014: \$11,499,230,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000.

Fiscal year 2010: \$668,208,000,000.

Fiscal year 2011: \$694,864,000,000.

Fiscal year 2012: \$726,045,000,000.

Fiscal year 2013: \$766,065,000,000.

Fiscal year 2014: \$802,166,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000.

Fiscal year 2010: \$544,140,000,000.

Fiscal year 2011: \$564,523,000,000.

Fiscal year 2012: \$586,897,000,000.

Fiscal year 2013: \$612,017,000,000.

Fiscal year 2014: \$639,054,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:

(A) New budget authority, \$5,296,000,000.

(B) Outlays, \$4,945,000,000.

Fiscal year 2010:

(A) New budget authority, \$6,072,000,000.

(B) Outlays, \$5,934,000,000.

Fiscal year 2011:

(A) New budget authority, \$6,568,000,000.

(B) Outlays, \$6,433,000,000.

Fiscal year 2012:

(A) New budget authority, \$6,895,000,000.

(B) Outlays, \$6,809,000,000.

Fiscal year 2013:

(A) New budget authority, \$7,223,000,000.

(B) Outlays, \$7,148,000,000.

Fiscal year 2014:

(A) New budget authority, \$7,599,000,000.

(B) Outlays, \$7,517,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:

(A) New budget authority, \$253,000,000.

(B) Outlays, \$253,000,000.

Fiscal year 2010:

(A) New budget authority, \$262,000,000.

(B) Outlays, \$262,000,000.

Fiscal year 2011:

(A) New budget authority, \$267,000,000.

(B) Outlays, \$267,000,000.

Fiscal year 2012:

(A) New budget authority, \$272,000,000.

(B) Outlays, \$272,000,000.

Fiscal year 2013:

(A) New budget authority, \$277,000,000.

(B) Outlays, \$277,000,000.

Fiscal year 2014:

(A) New budget authority, \$283,000,000.

(B) Outlays, \$283,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2009:

(A) New budget authority, \$618,057,000,000.

(B) Outlays, \$646,810,000,000.

Fiscal year 2010:

(A) New budget authority, \$562,033,000,000.

(B) Outlays, \$606,043,000,000.

Fiscal year 2011:

(A) New budget authority, \$570,107,000,000.

(B) Outlays, \$587,945,000,000.

Fiscal year 2012:

(A) New budget authority, \$579,135,000,000.

(B) Outlays, \$576,023,000,000.

Fiscal year 2013:

(A) New budget authority, \$589,895,000,000.

(B) Outlays, \$584,670,000,000.

Fiscal year 2014:

(A) New budget authority, \$603,828,000,000.

(B) Outlays, \$595,476,000,000.

(2) **International Affairs (150):**

Fiscal year 2009:

(A) New budget authority, \$40,885,000,000.

(B) Outlays, \$37,797,000,000.

Fiscal year 2010:

(A) New budget authority, \$47,866,000,000.

(B) Outlays, \$44,668,000,000.

Fiscal year 2011:
 (A) New budget authority, \$51,505,000,000.
 (B) Outlays, \$50,423,000,000.

Fiscal year 2012:
 (A) New budget authority, \$52,205,000,000.
 (B) Outlays, \$52,078,000,000.

Fiscal year 2013:
 (A) New budget authority, \$53,553,000,000.
 (B) Outlays, \$52,899,000,000.

Fiscal year 2014:
 (A) New budget authority, \$54,928,000,000.
 (B) Outlays, \$52,777,000,000.

(3) *General Science, Space, and Technology* (250):
Fiscal year 2009:
 (A) New budget authority, \$35,389,000,000.
 (B) Outlays, \$30,973,000,000.

Fiscal year 2010:
 (A) New budget authority, \$31,139,000,000.
 (B) Outlays, \$32,467,000,000.

Fiscal year 2011:
 (A) New budget authority, \$33,993,000,000.
 (B) Outlays, \$34,532,000,000.

Fiscal year 2012:
 (A) New budget authority, \$34,246,000,000.
 (B) Outlays, \$33,532,000,000.

Fiscal year 2013:
 (A) New budget authority, \$34,473,000,000.
 (B) Outlays, \$33,823,000,000.

Fiscal year 2014:
 (A) New budget authority, \$34,841,000,000.
 (B) Outlays, \$34,141,000,000.

(4) *Energy* (270):
Fiscal year 2009:
 (A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$2,952,000,000.

Fiscal year 2010:
 (A) New budget authority, \$4,989,000,000.
 (B) Outlays, \$6,275,000,000.

Fiscal year 2011:
 (A) New budget authority, \$5,037,000,000.
 (B) Outlays, \$9,089,000,000.

Fiscal year 2012:
 (A) New budget authority, \$4,995,000,000.
 (B) Outlays, \$11,760,000,000.

Fiscal year 2013:
 (A) New budget authority, \$5,272,000,000.
 (B) Outlays, \$11,758,000,000.

Fiscal year 2014:
 (A) New budget authority, \$5,280,000,000.
 (B) Outlays, \$11,121,000,000.

(5) *Natural Resources and Environment* (300):
Fiscal year 2009:
 (A) New budget authority, \$56,009,000,000.
 (B) Outlays, \$36,834,000,000.

Fiscal year 2010:
 (A) New budget authority, \$37,587,000,000.
 (B) Outlays, \$40,557,000,000.

Fiscal year 2011:
 (A) New budget authority, \$37,859,000,000.
 (B) Outlays, \$39,889,000,000.

Fiscal year 2012:
 (A) New budget authority, \$38,579,000,000.
 (B) Outlays, \$39,535,000,000.

Fiscal year 2013:
 (A) New budget authority, \$38,718,000,000.
 (B) Outlays, \$39,191,000,000.

Fiscal year 2014:
 (A) New budget authority, \$39,338,000,000.
 (B) Outlays, \$39,322,000,000.

(6) *Agriculture* (350):
Fiscal year 2009:
 (A) New budget authority, \$24,974,000,000.
 (B) Outlays, \$23,070,000,000.

Fiscal year 2010:
 (A) New budget authority, \$23,690,000,000.
 (B) Outlays, \$23,951,000,000.

Fiscal year 2011:
 (A) New budget authority, \$24,726,000,000.
 (B) Outlays, \$24,025,000,000.

Fiscal year 2012:
 (A) New budget authority, \$21,640,000,000.
 (B) Outlays, \$17,545,000,000.

Fiscal year 2013:
 (A) New budget authority, \$22,449,000,000.
 (B) Outlays, \$22,026,000,000.

Fiscal year 2014:
 (A) New budget authority, \$23,116,000,000.
 (B) Outlays, \$22,090,000,000.

(7) *Commerce and Housing Credit* (370):
Fiscal year 2009:
 (A) New budget authority, \$694,439,000,000.
 (B) Outlays, \$665,437,000,000.

Fiscal year 2010:
 (A) New budget authority, \$61,113,000,000.
 (B) Outlays, \$85,750,000,000.

Fiscal year 2011:
 (A) New budget authority, \$26,181,000,000.
 (B) Outlays, \$38,016,000,000.

Fiscal year 2012:
 (A) New budget authority, \$9,561,000,000.
 (B) Outlays, \$8,649,000,000.

Fiscal year 2013:
 (A) New budget authority, \$17,247,000,000.
 (B) Outlays, \$5,585,000,000.

Fiscal year 2014:
 (A) New budget authority, \$11,226,000,000.
 (B) Outlays, –\$2,500,000,000.

(8) *Transportation* (400):
Fiscal year 2009:
 (A) New budget authority, \$122,457,000,000.
 (B) Outlays, \$87,784,000,000.

Fiscal year 2010:
 (A) New budget authority, \$88,151,000,000.
 (B) Outlays, \$95,695,000,000.

Fiscal year 2011:
 (A) New budget authority, \$89,071,000,000.
 (B) Outlays, \$96,474,000,000.

Fiscal year 2012:
 (A) New budget authority, \$90,047,000,000.
 (B) Outlays, \$95,851,000,000.

Fiscal year 2013:
 (A) New budget authority, \$90,866,000,000.
 (B) Outlays, \$96,150,000,000.

Fiscal year 2014:
 (A) New budget authority, \$91,809,000,000.
 (B) Outlays, \$96,793,000,000.

(9) *Community and Regional Development* (450):
Fiscal year 2009:
 (A) New budget authority, \$23,811,000,000.
 (B) Outlays, \$29,983,000,000.

Fiscal year 2010:
 (A) New budget authority, \$18,308,000,000.
 (B) Outlays, \$29,303,000,000.

Fiscal year 2011:
 (A) New budget authority, \$21,232,000,000.
 (B) Outlays, \$27,530,000,000.

Fiscal year 2012:
 (A) New budget authority, \$16,311,000,000.
 (B) Outlays, \$24,767,000,000.

Fiscal year 2013:
 (A) New budget authority, \$16,202,000,000.
 (B) Outlays, \$21,945,000,000.

Fiscal year 2014:
 (A) New budget authority, \$16,270,000,000.
 (B) Outlays, \$19,147,000,000.

(10) *Education, Training, Employment, and Social Services* (500):
Fiscal year 2009:
 (A) New budget authority, \$164,276,000,000.
 (B) Outlays, \$73,219,000,000.

Fiscal year 2010:
 (A) New budget authority, \$94,430,000,000.
 (B) Outlays, \$140,624,000,000.

Fiscal year 2011:
 (A) New budget authority, \$107,858,000,000.
 (B) Outlays, \$141,412,000,000.

Fiscal year 2012:
 (A) New budget authority, \$117,121,000,000.
 (B) Outlays, \$118,480,000,000.

Fiscal year 2013:
 (A) New budget authority, \$115,931,000,000.
 (B) Outlays, \$118,911,000,000.

Fiscal year 2014:
 (A) New budget authority, \$125,788,000,000.
 (B) Outlays, \$120,959,000,000.

(11) *Health* (550):
Fiscal year 2009:
 (A) New budget authority, \$380,158,000,000.
 (B) Outlays, \$354,397,000,000.

Fiscal year 2010:
 (A) New budget authority, \$384,309,000,000.
 (B) Outlays, \$388,885,000,000.

Fiscal year 2011:
 (A) New budget authority, \$363,778,000,000.
 (B) Outlays, \$367,412,000,000.

Fiscal year 2012:
 (A) New budget authority, \$367,840,000,000.
 (B) Outlays, \$367,391,000,000.

Fiscal year 2013:
 (A) New budget authority, \$386,483,000,000.
 (B) Outlays, \$382,172,000,000.

Fiscal year 2014:
 (A) New budget authority, \$395,248,000,000.
 (B) Outlays, \$396,541,000,000.

(12) *Medicare* (570):
Fiscal year 2009:
 (A) New budget authority, \$427,076,000,000.
 (B) Outlays, \$426,736,000,000.

Fiscal year 2010:
 (A) New budget authority, \$449,668,000,000.
 (B) Outlays, \$449,798,000,000.

Fiscal year 2011:
 (A) New budget authority, \$504,895,000,000.
 (B) Outlays, \$504,721,000,000.

Fiscal year 2012:
 (A) New budget authority, \$505,686,000,000.
 (B) Outlays, \$505,436,000,000.

Fiscal year 2013:
 (A) New budget authority, \$540,017,000,000.
 (B) Outlays, \$540,146,000,000.

Fiscal year 2014:
 (A) New budget authority, \$593,421,000,000.
 (B) Outlays, \$593,233,000,000.

(13) *Income Security* (600):
Fiscal year 2009:
 (A) New budget authority, \$520,123,000,000.
 (B) Outlays, \$503,020,000,000.

Fiscal year 2010:
 (A) New budget authority, \$536,740,000,000.
 (B) Outlays, \$540,202,000,000.

Fiscal year 2011:
 (A) New budget authority, \$509,101,000,000.
 (B) Outlays, \$512,335,000,000.

Fiscal year 2012:
 (A) New budget authority, \$451,472,000,000.
 (B) Outlays, \$452,176,000,000.

Fiscal year 2013:
 (A) New budget authority, \$455,310,000,000.
 (B) Outlays, \$455,184,000,000.

Fiscal year 2014:
 (A) New budget authority, \$455,984,000,000.
 (B) Outlays, \$454,858,000,000.

(14) *Social Security* (650):
Fiscal year 2009:
 (A) New budget authority, \$31,820,000,000.
 (B) Outlays, \$31,264,000,000.

Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.

Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.

Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.

Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.

Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.

(15) *Veterans Benefits and Services* (700):
Fiscal year 2009:
 (A) New budget authority, \$97,705,000,000.
 (B) Outlays, \$94,831,000,000.

Fiscal year 2010:
 (A) New budget authority, \$106,498,000,000.
 (B) Outlays, \$105,578,000,000.

Fiscal year 2011:

(A) New budget authority, \$112,977,000,000.
(B) Outlays, \$112,520,000,000.

Fiscal year 2012:

(A) New budget authority, \$108,839,000,000.
(B) Outlays, \$108,242,000,000.

Fiscal year 2013:

(A) New budget authority, \$113,942,000,000.
(B) Outlays, \$113,293,000,000.

Fiscal year 2014:

(A) New budget authority, \$116,163,000,000.
(B) Outlays, \$115,624,000,000.

(16) Administration of Justice (750):

Fiscal year 2009:

(A) New budget authority, \$55,783,000,000.
(B) Outlays, \$49,853,000,000.

Fiscal year 2010:

(A) New budget authority, \$53,400,000,000.
(B) Outlays, \$52,043,000,000.

Fiscal year 2011:

(A) New budget authority, \$53,892,000,000.
(B) Outlays, \$55,589,000,000.

Fiscal year 2012:

(A) New budget authority, \$53,738,000,000.
(B) Outlays, \$55,468,000,000.

Fiscal year 2013:

(A) New budget authority, \$53,569,000,000.
(B) Outlays, \$54,537,000,000.

Fiscal year 2014:

(A) New budget authority, \$54,247,000,000.
(B) Outlays, \$54,058,000,000.

(17) General Government (800):

Fiscal year 2009:

(A) New budget authority, \$30,405,000,000.
(B) Outlays, \$24,629,000,000.

Fiscal year 2010:

(A) New budget authority, \$21,979,000,000.
(B) Outlays, \$22,757,000,000.

Fiscal year 2011:

(A) New budget authority, \$22,264,000,000.
(B) Outlays, \$23,099,000,000.

Fiscal year 2012:

(A) New budget authority, \$22,620,000,000.
(B) Outlays, \$23,689,000,000.

Fiscal year 2013:

(A) New budget authority, \$22,396,000,000.
(B) Outlays, \$23,196,000,000.

Fiscal year 2014:

(A) New budget authority, \$22,898,000,000.
(B) Outlays, \$23,167,000,000.

(18) Net Interest (900):

Fiscal year 2009:

(A) New budget authority, \$288,952,000,000.
(B) Outlays, \$288,952,000,000.

Fiscal year 2010:

(A) New budget authority, \$284,153,000,000.
(B) Outlays, \$284,153,000,000.

Fiscal year 2011:

(A) New budget authority, \$323,325,000,000.
(B) Outlays, \$323,325,000,000.

Fiscal year 2012:

(A) New budget authority, \$387,488,000,000.
(B) Outlays, \$387,488,000,000.

Fiscal year 2013:

(A) New budget authority, \$470,412,000,000.
(B) Outlays, \$470,412,000,000.

Fiscal year 2014:

(A) New budget authority, \$558,265,000,000.
(B) Outlays, \$558,265,000,000.

(19) Allowances (920):

Fiscal year 2009:

(A) New budget authority, \$7,150,000,000.
(B) Outlays, \$1,788,000,000.

Fiscal year 2010:

(A) New budget authority, \$1,157,000,000.
(B) Outlays, \$2,548,000,000.

Fiscal year 2011:

(A) New budget authority, —\$14,278,000,000.
(B) Outlays, —\$8,066,000,000.

Fiscal year 2012:

(A) New budget authority, —\$14,914,000,000.
(B) Outlays, —\$13,147,000,000.

Fiscal year 2013:

(A) New budget authority, —\$16,126,000,000.
(B) Outlays, —\$14,979,000,000.

Fiscal year 2014:

(A) New budget authority, —\$16,670,000,000.
(B) Outlays, —\$15,235,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2009:

(A) New budget authority, —\$78,206,000,000.
(B) Outlays, —\$78,206,000,000.

Fiscal year 2010:

(A) New budget authority, —\$68,774,000,000.
(B) Outlays, —\$68,774,000,000.

Fiscal year 2011:

(A) New budget authority, —\$71,993,000,000.
(B) Outlays, —\$71,993,000,000.

Fiscal year 2012:

(A) New budget authority, —\$74,970,000,000.
(B) Outlays, —\$74,970,000,000.

Fiscal year 2013:

(A) New budget authority, —\$77,945,000,000.
(B) Outlays, —\$77,945,000,000.

Fiscal year 2014:

(A) New budget authority, —\$79,861,000,000.
(B) Outlays, —\$79,861,000,000.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2009:

(A) New budget authority, \$90,745,000,000.
(B) Outlays, \$24,147,000,000.

Fiscal year 2010:

(A) New budget authority, \$130,000,000,000.
(B) Outlays, \$98,410,000,000.

Fiscal year 2011:

(A) New budget authority, \$50,000,000,000.
(B) Outlays, \$76,118,000,000.

Fiscal year 2012:

(A) New budget authority, \$50,000,000,000.
(B) Outlays, \$65,221,000,000.

Fiscal year 2013:

(A) New budget authority, \$50,000,000,000.
(B) Outlays, \$56,722,000,000.

Fiscal year 2014:

(A) New budget authority, \$50,000,000,000.
(B) Outlays, \$52,110,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) SUBMISSIONS.—In the Senate, not later than October 15, 2009, the Senate committees named in subsections (a) and (b) shall submit their recommendations to the Senate Committee on the Budget. Upon receiving all such recommendations, the Senate Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 202. RECONCILIATION IN THE HOUSE.

(a) HEALTH CARE REFORM.—

(1) The House Committee on Energy and Commerce shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(2) The House Committee on Ways and Means shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(3) The House Committee on Education and Labor shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) INVESTING IN EDUCATION.—The House Committee on Education and Labor shall report changes in laws to reduce the deficit by \$1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) SUBMISSIONS.—In the House, not later than October 15, 2009, the House committees

named in subsections (a) and (b) shall submit their recommendations to the House Committee on the Budget. Upon receiving all such recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such changes without any substantive revision.

TITLE III—RESERVE FUNDS

Subtitle A—Senate Reserve Funds

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses (in particular to small business and individuals who are self-employed), households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for quality, affordable health care for all Americans;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies and ensure an adequate supply of residents and physicians;

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases; or

(4) promote payment policies that address the systemic inequities of Medicare and Medicaid

reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce or that reward quality and efficient care and address geographic variations in spending in the Medicare program;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) **INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) reduce our Nation's dependence on imported energy;

(2) produce green jobs;

(3) promote renewable energy development (including expediting research on the viability of using higher ethanol blends at the service station pump);

(4) authorize long-term contracts for procurement of alternative fuels from domestic sources, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140);

(5) accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner;

(6) strengthen and retool manufacturing supply chains;

(7) create a clean energy investment fund;

(8) improve electricity transmission;

(9) encourage conservation and efficiency;

(10) make improvements to the Low-Income Home Energy Assistance Program;

(11) set aside additional funding from the Oil Spill Liability Trust Fund for Arctic oil spill research;

(12) implement water settlements;

(13) provide additional resources for wildland fire management activities (including the removal of the requirement for State matching funds); or

(14) preserve or protect public lands, oceans or coastal areas;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) **CLIMATE CHANGE LEGISLATION.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) invest in clean energy technology initiatives;

(2) decrease greenhouse gas emissions;

(3) create new jobs in a clean technology economy;

(4) strengthen the manufacturing competitiveness of the United States;

(5) diversify the domestic clean energy supply to increase the energy security of the United States;

(6) protect consumers (including policies that address regional differences);

(7) provide incentives for cost-savings achieved through energy efficiencies;

(8) provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere; and

(9) help families, workers, communities, and businesses make the transition to a clean energy economy;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable while maintaining a competitive private sector role in the student loan program, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) **INFRASTRUCTURE.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, transportation, freight and passenger rail, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **SURFACE TRANSPORTATION.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new contract authority paid out of the Highway Trust Fund for surface transportation programs to the extent such new contract authority is offset by an increase in receipts to the Highway Trust Fund

(excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **MULTIMODAL TRANSPORTATION PROJECTS.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities;

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD CONTROL PROJECTS AND INSURANCE REFORM.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, or provide for flood insurance reform and modernization, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.

(a) **MANUFACTURING.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **TAX RELIEF.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution

by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, or refundable tax relief, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **TAX REFORM.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **TRADE.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **HOUSING ASSISTANCE.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, or assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) **UNEMPLOYMENT MITIGATION.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) expand the number of disabled military retirees who receive both disability compensation and retired pay;

(2) accelerate the phase-in of concurrent receipt;

(3) reduce or eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(4) enhance or maintain the affordability of health care for military personnel, military retirees or veterans;

(5) improve disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(6) enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition; or

(7) expand veterans' benefits (including for veterans living in rural areas); by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS, POSTAL RETIREE ASSISTANCE, AND CERTAIN PENSION OBLIGATIONS.

(a) **JUDICIAL PAY AND JUDGESHIPS.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **POSTAL RETIREES.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **PENSION OBLIGATIONS.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND FEDERAL CONTRACTING REFORM.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide funding to the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting;

(2) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(3) reduce the use of no-bid and cost-plus contracts;

(4) reform Department of Defense processes for acquiring weapons systems or services in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(5) reduce the award of contracts to contractors with seriously delinquent tax debts;

(6) reduce the use of non-competitive contracts and the continuation of task orders for logistics support;

(7) reduce the use of contracts for acquisition, oversight, and management support services;

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

(9) reform the processes for payment of bonuses to contractors and government executives responsible for over-budget projects and programs that fail to meet basic performance requirements; or

(10) achieve savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of recovery audits;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.

(a) **REGULATION.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG IMPORTATION.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions,

amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **FOOD SAFETY.**—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered;

(C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES, AND OTHER SELECTED TAX RELIEF POLICIES.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would extend permanently the deduction for State and local sales taxes, extend incentives for enhanced charitable giving from individual retirement accounts, including life-income gifts, or enhance the employer-provided child care credit and the dependent care tax credit, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal

years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND TO INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING THE WELL-BEING OF CHILDREN.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program;

(2) improve the Federal foster care payment system to better support children, improve family support, family preservation, family reunification services, address the needs of children prior to removal, during removal, and post placement or address the needs of children who have been abused or neglected; or

(3) provide funds to states for a program of home visits to low-income mothers-to-be and low-income families that will produce sizeable, sustained improvements in the health, well-being, or school readiness of children or their parents;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Subtitle B—House Reserve Funds

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes improvements to health care in America, which may include making affordable health coverage available for all, improving the quality of health care, reducing rising health care costs, building on and strengthening existing public and private insurance coverage, including employer-sponsored coverage, and preserving choice of provider and plan by the amounts provided in such measure if such measure would not increase the deficit or

decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR COLLEGE ACCESS, AFFORDABILITY, AND COMPLETION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible or that increases college enrollment and completion through reforms to the Higher Education Act of 1965 or other legislation, including increasing the maximum Pell grant award annually by an amount equal to one percentage point more than the Consumer Price Index, or student loan reform, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives, and minimize disruption to schools, students, and the employees of the student loan originating and servicing industry.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASING ENERGY INDEPENDENCE.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency;

(2) encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration;

(3) limits and provides for reductions in greenhouse gas emissions;

(4) assists businesses, industries, States, communities, the environment, workers, or households as the United States moves toward reducing and offsetting the impacts of greenhouse gas emissions; or

(5) facilitates the training of workers for these industries ("green collar jobs");

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would:

(1) expand the number of disabled military retirees who receive both disability compensation and retired pay (concurrent receipt);

(2) accelerate the phase-in of concurrent receipt;

(3) reduce or eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(4) enhance or maintain the affordability of health care for military personnel, military retirees or veterans;

(5) improve disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(6) enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition; or

(7) expand veterans' benefits (including for veterans living in rural areas);

by the amounts provided in such legislation for those purposes, provided that such legislation

would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN TAX RELIEF.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief that supports working families (such as expanding the refundable child credit), businesses, States, or communities, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes, expands, or improves child nutrition programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 328. DEFICIT-NEUTRAL RESERVE FUND FOR STRUCTURAL UNEMPLOYMENT INSURANCE REFORMS.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes structural reforms to make the unemployment insurance system respond better to serious economic downturns by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that increases parental support for children, particularly from non-custodial parents, including legislation that results in a greater share of collected child support reaching the child, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR THE AFFORDABLE HOUSING TRUST FUND.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or

conference report that capitalizes the existing Affordable Housing Trust Fund by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITING.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides funds to states for a program of home visits to low-income mothers-to-be and low-income families which will produce sizeable, sustained improvements in the health, well-being, or school readiness of children or their parents, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM TRIGGER.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes the Low-Income Home Energy Assistance Program more responsive to energy price increases by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 333. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 334. RESERVE FUND FOR THE SURFACE TRANSPORTATION REAUTHORIZATION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes surface transportation programs or that authorizes other transportation-related spending by providing new contract authority by the amounts provided in such measure if such measure establishes or maintains a solvent Highway Trust Fund over the period of fiscal years 2009 through 2015. "Solvency" is defined as a positive cash balance. Such measure may include a transfer into the Highway Trust Fund from other Federal funds, as long as the transfer of Federal funds is fully offset.

TITLE IV—BUDGET PROCESS

Subtitle A—Senate Provisions

PART I—BUDGET ENFORCEMENT

SEC. 401. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the

Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) **SENATE DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2009, \$1,391,471,000,000 in new budget authority and \$1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, \$1,082,250,000,000 in new budget authority and \$1,269,471,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c).

(c) **ADJUSTMENTS IN THE SENATE.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

(A) **CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.**—

(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to \$485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(ii) **ASSET VERIFICATION.**—The additional appropriation of \$485,000,000 may also provide that a portion of that amount, not to exceed \$34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (i).

(B) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$7,100,000,000 for the Internal Revenue

Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) **HEALTH CARE FRAUD AND ABUSE CONTROL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) **UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to \$50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) **LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional appropriation of up to \$1,900,000,000 for that program, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$1,900,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(4) **ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.**—The chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to the amounts of budget authority specified in section 104(21) for fiscal years 2009 and 2010 and the new outlays flowing therefrom.

(5) **REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.**—

(A) **IN GENERAL.**—If after adoption of this resolution by the Congress, the President submits his budget pursuant to section 1105(a) of title 31,

United States Code, and the Congressional Budget Office (CBO) re-estimates the budget, the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the aggregate difference for discretionary appropriations and related outlays between the CBO re-estimate and the President's Budget.

(B) **SUBALLOCATIONS.**—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) **INAPPLICABILITY.**—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 402. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—

(1) **POINT OF ORDER.**—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) **DEFINITION.**—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) **EXCEPTIONS.**—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate

shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **INAPPLICABILITY.**—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 403. EMERGENCY LEGISLATION.

(a) **AUTHORITY TO DESIGNATE.**—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 401 and 404 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) **DEFINITIONS.**—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) **POINT OF ORDER.**—

(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 404. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **LIMITATION.**—The provisions of this section shall not apply to any bills, joint resolutions, amendments, motions, or conference reports for which the chairman of the Senate Committee on the Budget has made adjustments to the allocations, levels or limits contained in this resolution pursuant to Section 301(a) of this resolution.

(d) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) **SUNSET.**—This section shall expire on September 30, 2018.

(f) **INAPPLICABILITY.**—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SEC. 405. POINT OF ORDER AGAINST CERTAIN LEGISLATION RELATED TO SURFACE TRANSPORTATION FUNDING.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that extends the authority or reauthorizes surface transportation programs that appropriates budget authority from sources other than the Highway Trust Fund, including the Mass Transit Account of such fund.

(b) **SUPERMAJORITY WAIVER AND APPEALS IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **SUNSET.**—This section shall expire on September 30, 2018.

PART II—OTHER PROVISIONS

SEC. 411. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Senate Committee on the Budget.

SEC. 412. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Senate Committee on Appropriation amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 413. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—In the Senate, any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) **ADJUSTMENTS.**—The chairman of the Senate Committee on the Budget may adjust the aggregates, allocations, and other levels and limits in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 414. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 415. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this subtitle—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

Subtitle B—House Enforcement Provisions

SEC. 421. ADJUSTMENTS FOR DIRECT SPENDING AND REVENUES.

(a) **ADJUSTMENTS FOR CURRENT POLICY.**—

(1) **IN GENERAL.**—For the policies set forth in and not to exceed the amounts in paragraph (2), and subject to the condition specified in paragraph (3), when the chairman of the House Committee on the Budget evaluates the budgetary effects of any provision in a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this concurrent resolution, or the Rules of the House of Representatives relative to baseline estimates consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, he may exclude from his evaluation the budgetary effects of such provisions if such effects would have been reflected in a baseline adjusted for current policy.

(2) **POLICIES AND AMOUNTS.**—Paragraph (1) shall apply only to the following provisions:

(A) **MEDICARE IMPROVEMENTS.**—An increase in the deficit of not to exceed \$38,000,000,000 in fiscal years 2010 through 2014 and of not to exceed \$38,000,000,000 in fiscal years 2010 through 2019 by reforming the Medicare payment system for physicians to—

(i) change incentives to encourage efficiency and higher quality care in a way that supports fiscal sustainability;

(ii) improve payment accuracy to encourage efficient use of resources and ensure that primary care receives appropriate compensation;

(iii) improve coordination of care among all providers serving a patient in all appropriate settings; or

(iv) hold providers accountable for their utilization patterns and quality of care.

(B) **MIDDLE CLASS TAX RELIEF.**—A decrease in revenues (or increase in outlays, as appropriate) of an amount not to exceed \$512,165,000,000 in fiscal years 2010 through 2014 and of an amount not to exceed \$1,294,476,000,000 in fiscal years 2010 through 2019, resulting from extending certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 for middle class tax relief, including—

(i) the 10 percent individual income tax bracket;

(ii) marriage penalty relief;

(iii) the child credit at \$1,000 and partial refundability of the credit;

(iv) education incentives;

(v) other incentives for middle class families and children;

(vi) other reductions to individual income tax brackets; and

(vii) small business tax relief.

(C) **REFORM OF THE ALTERNATIVE MINIMUM TAX.**—A decrease in revenues of an amount not to exceed \$214,433,000,000 in fiscal years 2010 through 2014 and fiscal years 2010 through 2019 resulting from reform of the AMT so that tens of millions of working families will not become subject to it.

(D) **REFORM OF THE ESTATE AND GIFT TAX.**—A decrease in revenues of an amount not to exceed \$72,033,000,000 in fiscal years 2010 through 2014 and of an amount not to exceed \$256,244,000,000 in fiscal years 2010 through 2019 resulting from reform of the Estate and Gift Tax so that only a minute fraction of estates owe tax, by extending the law as in effect for 2009 for the Estate and Gift Tax.

(3) **CONDITION.**—Subsection (a) shall apply only if the House of Representatives has previously passed a bill to impose statutory pay-as-you-go requirements or the measure containing the provision being evaluated by the chairman of the House Committee on the Budget imposes such requirements and such bill is designated as providing statutory pay-as-you-go requirements under this subsection.

(4) **REVISIONS.**—The chairman of the House Committee on the Budget may revise or adjust the allocations, aggregates, and other appropriate levels in this resolution to reflect current policy adjustments made pursuant to this section.

(b) **DEPOSIT INSURANCE.**—When the chairman of the House Committee on the Budget evaluates the budgetary effects of a provision of a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives, the chairman shall exclude the budgetary effects of any provision that affects the full funding of the deposit insurance guarantee commitment in effect on the date of enactment of Public Law 110-343, the Emergency Economic Stabilization Act of 2008.

SEC. 422. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) **PROGRAM INTEGRITY INITIATIVES.**—

(1) **SOCIAL SECURITY ADMINISTRATION PROGRAM INTEGRITY INITIATIVES.**—

(A) **IN GENERAL.**—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration and (except as provided in subparagraph (B)) provides an additional appropriation of up to \$485,000,000, and that amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(B) **ASSET VERIFICATION.**—The additional appropriation of \$485,000,000 may also provide that a portion of that amount, not to exceed \$34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (A).

(2) **INTERNAL REVENUE SERVICE TAX COMPLIANCE.**—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$4,904,000,000 to the Internal Revenue Service for Enforcement and provides an additional appropriation of up to \$600,000,000 for Enforcement to address the Federal tax gap, and provides that such sums as may be necessary shall be available from the Operations Support account in the Internal Revenue Service to fully support these Enforcement activities, the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(3) **HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.**—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates up to \$311,000,000, and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(4) **UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.**—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to \$50,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(5) **PROCEDURE FOR ADJUSTMENTS.**—Prior to consideration of any bill, joint resolution, amendment, or conference report, the chairman of the House Committee on the Budget shall make the adjustments set forth in this subsection for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in this subsection.

(b) **LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).**—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides additional appropriations of up to \$1,900,000,000 for that program, if a mandatory trigger for LIHEAP is not enacted, the chairman of the House Committee on the Budget may allocate such additional budget authority and outlays resulting from that budget authority to the House Committee on Appropriations.

(c) **REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.**—

(1) **IN GENERAL.**—If after adoption of this resolution by the Congress, the President submits his budget pursuant to section 1105(a) of title 31, United States Code, and the Congressional Budget Office (CBO) re-estimates the budget, the chairman of the House Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and the allocation to the House Committee on Appropriations by the aggregate difference for discretionary appropriations and related outlays between the CBO re-estimate and the President's Budget.

(2) **SUBALLOCATIONS.**—Following any adjustment under subparagraph (A), the House Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

SEC. 423. COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) **OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.**—

(1) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009 or fiscal year 2010 for overseas deployments and other activities and such amounts are so designated pursuant to this paragraph, then the allocation to the House Committee on Appropriations may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 104(21) for fiscal year 2009 or fiscal year 2010 and the new outlays resulting therefrom.

(2) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009 or fiscal year 2010 for overseas deployments and other activities above the amounts of budget authority and new outlays specified in paragraph (1) and such amounts are so designated pursuant to this paragraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

(b) **EMERGENCY NEEDS.**—If any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs pursuant to this subsection, then new budget authority and outlays resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

SEC. 424. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) **IN GENERAL.**—In the House, except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) **EXCEPTIONS.**—Advance appropriations may be provided—

(1) for fiscal year 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for 2012, accounts separately identified under the same heading; and

(2) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) **DEFINITION.**—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 425. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the House, all committees are directed to conduct rigorous oversight hearings to root out waste, fraud, and abuse in all aspects of Federal spending and Government operations, giving particular scrutiny to issues raised by the Federal Office of the Inspector General or the Comptroller General of the United States. Based upon these oversight efforts, the committees are

directed to make recommendations to reduce wasteful Federal spending to promote deficit reduction and long-term fiscal responsibility. Such recommendations should be submitted to the House Committee on the Budget in the views and estimates reports prepared by committees as required under 301(d) of the Congressional Budget Act of 1974.

SEC. 426. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) **IN GENERAL.**—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the House Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) **SPECIAL RULE.**—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 427. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—In the House, any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the House Committee on the Budget.

(d) **ADJUSTMENTS.**—The chairman of the House Committee on the Budget may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 428. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chairman of the House Committee on the Budget shall adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 429. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this subtitle—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner,

and to the same extent as in the case of any other rule of the House of Representatives.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-CLASS TAX RELIEF AND REVENUES.

It is the policy of this resolution to minimize fiscal burdens on working families and their children and grandchildren. It is the policy of this resolution to extend the following tax relief consistent with current policy—

(1) relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law;

(2) middle-class tax relief; and

(3) elimination of estate taxes on all but a minute fraction of estates.

In total, this resolution supports the extension of over \$1,750,000,000,000 in tax relief to individuals and families relative to current law. This resolution supports additional, deficit-neutral tax relief, including the extension of AMT relief, expanding the eligibility for the refundable child credit, the research and experimentation tax credit, the deduction for State and local sales taxes, the enactment of a tax credit for school construction bonds, and other tax relief for working families. The cost of enacting such policies may be offset by reforms within the Internal Revenue Code of 1986 that produce higher rates of tax compliance to close the “tax gap” and reduce taxpayer burdens through tax simplification. The President’s budget proposes a variety of other revenue offsets. Unless expressly provided, this resolution does not assume any of the specific revenue offset proposals provided for in the President’s budget. Decisions about specific revenue offsets are made by the House Committee on Ways and Means and the Senate Committee on Finance, which are the tax-writing committees.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) there is no higher priority than the defense of our Nation, and therefore the Administration and Congress will make the necessary investments and reforms to strengthen our military so that it can successfully meet the threats of the 21st century;

(2) acquisition reform is needed at the Department of Defense to end excessive cost growth in the development of new weapons systems and to ensure that weapons systems are delivered on time and in adequate quantities to equip our servicemen and servicewomen;

(3) the Department of Defense should review defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(4) sufficient resources should be provided for the Department of Defense to aggressively address the 758 unimplemented recommendations made by the Government Accountability Office (GAO) since 2001 to improve practices at the Department of Defense, which could save billions of dollars that could be applied to priorities identified in this section;

(5) the Department of Defense should review the role that contractors play in its operations, including the degree to which contractors are performing inherently governmental functions, to ensure it has the most effective mix of government and contracted personnel;

(6) the Department of Defense report to Congress on its assessment of Cold War-era weaponry, its progress on implementing GAO recommendations, and its review of contractors at the Department as outlined in paragraphs (3), (4), and (5) by a date to be determined by the appropriate committees;

(7) the GAO provide a report to the appropriate congressional committees by December 31, 2009, on the Department of Defense’s progress in implementing its audit recommendations;

(8) ballistic missile defense technologies that are not proven to work through adequate testing and that are not operationally viable should not be deployed, and that no funding should be provided for the research or development of space-based interceptors;

(9) cooperative threat reduction and other nonproliferation programs (securing "loose nukes" and other materials used in weapons of mass destruction), which were highlighted as high priorities by the 9/11 Commission, need to be funded at a level that is commensurate with the evolving threat;

(10) readiness of our troops, particularly the National Guard and Reserves, is a high priority, and that continued emphasis is needed to ensure adequate equipment and training;

(11) improving military health care services and ensuring quality health care for returning combat veterans is a high priority;

(12) military pay and benefits should be enhanced to improve the quality of life for military personnel and their families;

(13) the Department of Defense should make every effort to investigate the national security benefits of energy independence, including those that may be associated with alternative energy sources and energy efficiency conversions;

(14) the Administration's budget requests should continue to comply with section 1008, Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and that to the extent practicable overseas military operations should no longer be funded through emergency supplemental appropriations; and

(15) when assessing security threats and reviewing the programs and funding needed to counter these threats, the Administration should do so in a comprehensive manner that includes all agencies involved in our national security.

TITLE VI—SENSE OF THE CONGRESS

SEC. 601. SENSE OF THE CONGRESS ON VETERANS' AND SERVICEMEMBERS' HEALTH CARE.

It is the sense of the Congress that—

(1) the Congress supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) the President's budget will improve health care for veterans by increasing appropriations for VA by 10 percent more than the 2009 level, increasing VA's appropriated resources for every year after 2010, and restoring health care eligibility to additional nondisabled veterans with modest incomes;

(3) VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service;

(4) VA may find it difficult to realize the level of increase in medical care collections estimated in the President's budget for 2010 using existing authorities, and increases to veterans beneficiary travel reimbursement are important; therefore, this resolution provides \$673,000,000 more for Function 700 (Veterans Benefits and Services) than the President's budget to safeguard the provision of health care to veterans;

(5) it is important to continue providing sufficient and timely funding for veterans' and servicemembers' health care; and

(6) this resolution provides additional funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder, and traumatic brain injury.

SEC. 602. SENSE OF THE CONGRESS ON HOMELAND SECURITY.

It is the sense of the Congress that because making the country safer and more secure is such a critical priority, the resolution therefore provides robust resources in the four budget

functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities that can be used to address our key security priorities, including—

(1) safeguarding the Nation's transportation systems, including rail, mass transit, ports, and airports;

(2) continuing with efforts to identify and to screen for threats bound for the United States;

(3) strengthening border security;

(4) enhancing emergency preparedness and training and equipping first responders;

(5) helping to make critical infrastructure more secure and resilient against the threat of terrorism and natural disasters;

(6) making the Nation's cyber infrastructure resistive to attack; and

(7) increasing the preparedness of the public health system.

SEC. 603. SENSE OF THE CONGRESS ON PROMOTING AMERICAN INNOVATION AND ECONOMIC COMPETITIVENESS.

It is the sense of the Congress that—

(1) the Congress should provide sufficient investments to enable our Nation to continue to be the world leader in education, innovation, and economic growth as envisioned in the goals of the America COMPETES Act;

(2) this resolution builds on significant funding provided in the American Recovery and Reinvestment Act for scientific research and education in Function 250 (General Science, Space and Technology), Function 270 (Energy), Function 300 (Natural Resources and Environment), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health);

(3) the Congress also should pursue policies designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future; and

(4) this resolution recognizes the importance of the extension of investments and tax policies that promote research and development and encourage innovation and future technologies that will ensure American economic competitiveness.

SEC. 604. SENSE OF THE CONGRESS REGARDING PAY PARITY.

It is the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 605. SENSE OF THE CONGRESS ON COLLEGE AFFORDABILITY AND STUDENT LOAN REFORM.

It is the Sense of the Congress that—

(1) nothing in the resolution should be construed to reduce any assistance that makes college more affordable and accessible for students, including but not limited to student aid programs and services provided by nonprofit State agencies and private lenders;

(2) private and non-profit lenders, originators, and loan servicers help students plan for, apply to, and pay for post-secondary education and training;

(3) any reform of the federal student loan programs to ensure that students have reliable and efficient access to federal loans should include some future role for the currently involved private and non-profit entities, including state non-profits with 100% FFEL lending in the State, and capitalize on the current infrastructure provided by private and non-profit entities, in order both to provide employment to many Americans during this time of economic distress and to maintain valuable services that make post-secondary education more accessible and attainable for many Americans; and

(4) therefore, pursuant to any changes to the student loan programs, loan processing, administration, and servicing should continue to be performed, as needed, by for-profit and non-profit entities.

SEC. 606. SENSE OF THE CONGRESS ON GREAT LAKES RESTORATION.

It is the sense of the Congress that this resolution recognizes the need to address significant and long-standing problems affecting the major large scale aquatic, estuarine, and coastal ecosystems nationwide. This resolution includes funding for a new interagency initiative to address such regional ecosystems. It also includes funding to work with Great Lakes States, tribes, local communities, and organizations to more effectively address issues prioritized in the Great Lakes Regional Collaborative. This initiative could address issues such as invasive species, habitat restoration and conservation, non-point source pollution, and contaminated sediment. The resolution also supports the President's proposal to use outcome-oriented performance goals and measures to target the most significant problems and track progress in addressing these ecosystems.

SEC. 607. SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

And the House agree to the same.

JOHN M. SPRATT, Jr.,
ROSA L. DELAURO,
ALLEN BOYD,

Managers on the Part of the House.

KENT CONRAD,
PATTY MURRAY,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 13), setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate concurrent resolution after the resolving clause and inserted the House-passed concurrent resolution on the budget (H. Con. Res. 85) as a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate concurrent resolution and the House amendment. The differences between the Senate concurrent resolution, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

The treatment of budget function levels in the House-passed and Senate-passed budget resolutions and the conference report is as follows:

Senate-passed Resolution

The Senate concurrent resolution includes all of the items required under section 301(a) of the Congressional Budget Act.

House-passed Resolution

The House resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are not required for the House, but are used to enforce a point of order applicable only in the Senate).

Conference Agreement

The conference agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATE AND FUNCTION LEVELS

Pursuant to section 301(a)(4) of the Congressional Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the Senate concurrent resolution, the House concurrent resolution, and conference agreement for each major budget function, as well as revenue totals, are discussed in the section after the numerical tables. A summary of the overall budget policy is as follows:

Total spending is \$3.444 trillion in budget authority (BA) and \$3.555 trillion in outlays in 2010, and \$17.783 trillion in BA and \$18.031 trillion in outlays over 2010–2014.

Discretionary spending totals \$1.226 trillion in BA and \$1.376 trillion in outlays in 2010, and \$5.958 trillion in BA and \$6.521 trillion in outlays over 2010–2014. Excluding funding for overseas deployments and other activities, and for disasters accounted for in Function 920, discretionary spending for 2010 totals \$1.086 trillion in BA and \$1.273 trillion in outlays. These aggregate amounts (minus cap adjustments for program integrity initiatives and the Low-Income Home Energy Assistance Program) are allocated to the Ap-

propriations Committees to be suballocated among their respective appropriations subcommittees.

Mandatory spending totals \$2.218 trillion in BA and \$2.178 trillion in outlays in 2010, and \$11.825 trillion in BA and \$11.510 trillion in outlays over 2010–2014. This includes \$2 billion in reconciled savings over 2009–2014. These savings are reflected in Function 920 and will be determined by the committees of jurisdiction. (The resolution assumes the instructions will be used for health care reform and investing in education.)

Revenue totals \$2.322 trillion in 2010, and \$14.157 trillion over five years. Specific policies will be determined by the Committee on Finance in the Senate and the Committee on Ways and Means in the House.

The conference agreement uses the Congressional Budget Office (CBO) March 2009 baseline.

The conference agreement reduces the budget deficit from \$1.233 trillion in 2010 to \$523 billion in 2014.

The following section describes the conference agreement's revenue levels and spending according to the budget's functional categories.

FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Total Spending, Revenues, Deficit/Surplus, and Debt

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Budget Authority	4,201.576	3,444.158	3,420.344	3,444.688	3,634.668	3,839.044	17,782.902
On	3,675.927	2,888.691	2,844.910	2,848.117	3,012.193	3,188.847	14,782.758
Off	525.649	555.467	575.434	596.571	622.475	650.197	3,000.144
Outlays	3,878.897	3,554.647	3,540.931	3,475.520	3,638.517	3,821.368	18,030.983
On	3,356.270	3,001.311	2,967.908	2,881.842	3,019.375	3,174.814	15,045.250
Off	522.627	553.336	573.023	593.678	619.142	646.554	2,985.733
Revenues	2,185.688	2,321.890	2,624.489	2,855.646	3,057.185	3,297.947	14,157.157
On	1,532.571	1,653.682	1,929.625	2,129.601	2,291.120	2,495.781	10,499.809
Off	653.117	668.208	694.864	726.045	766.065	802.166	3,657.347
Deficit (-)/Surplus	-1,693.209	-1,232.757	-916.442	-619.874	-581.332	-523.421	-3,873.826
On	-1,823.699	-1,347.629	-1,038.283	-752.241	-728.255	-679.033	-4,545.441
Off	130.490	114.872	121.841	132.367	146.923	155.612	671.614
Debt Held by the Public	7,728.718	8,778.081	9,683.425	10,345.343	10,930.977	11,499.230	--
Debt Subject to Limit	12,016.335	13,233.246	14,349.372	15,277.119	16,159.829	17,022.631	--
By Function							
050 National Defense							
Budget Authority	618.057	562.033	570.107	579.135	589.895	603.828	2,904.998
Outlays	646.810	606.043	587.945	576.023	584.670	595.476	2,950.157
150 International Affairs							
Budget Authority	40.885	47.866	51.505	52.205	53.553	54.928	260.057
Outlays	37.797	44.668	50.423	52.078	52.899	52.777	252.845
250 General Science, Space, and Technology							
Budget Authority	35.389	31.139	33.993	34.246	34.473	34.841	168.692
Outlays	30.973	32.467	34.532	33.532	33.823	34.141	168.495
270 Energy							
Budget Authority	43.919	4.989	5.037	4.995	5.272	5.280	25.573
Outlays	2.952	6.275	9.089	11.760	11.758	11.121	50.003
300 Natural Resources and Environment							
Budget Authority	56.009	37.587	37.859	38.579	38.718	39.338	192.081
Outlays	36.834	40.557	39.889	39.535	39.191	39.322	198.494
350 Agriculture							
Budget Authority	24.974	23.690	24.726	21.640	22.449	23.116	115.621
Outlays	23.070	23.951	24.025	17.545	22.026	22.090	109.637
370 Commerce and Housing Credit							
Budget Authority	699.092	64.375	28.248	9.533	17.224	11.209	130.589
Outlays	670.090	89.012	40.083	8.621	5.562	-2.517	140.761
On Budget Authority	694.439	61.113	26.181	9.561	17.247	11.226	125.328
Outlays	665.437	85.750	38.016	8.649	5.585	-2.500	135.500
Off Budget Authority	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
Outlays	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
400 Transportation							
Budget Authority	122.457	88.151	89.071	90.047	90.866	91.809	449.944
Outlays	87.784	95.695	96.474	95.851	96.150	96.793	480.963
450 Community and Regional Development							
Budget Authority	23.811	18.308	21.232	16.311	16.202	16.270	88.323
Outlays	29.983	29.303	27.530	24.767	21.945	19.147	122.692
500 Education, Training, Employment, and Social Services							
Budget Authority	164.276	94.430	107.858	117.121	115.931	125.788	561.128
Outlays	73.219	140.624	141.412	118.480	118.911	120.959	640.386

FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Total Spending, Revenues, Deficit/Surplus, and Debt

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
550 Health							
Budget Authority	380.158	384.309	363.778	367.840	386.483	395.248	1,897.658
Outlays	354.397	388.885	367.412	367.391	382.172	396.541	1,902.401
570 Medicare							
Budget Authority	427.076	449.668	504.895	505.686	540.017	593.421	2,593.687
Outlays	426.736	449.798	504.721	505.436	540.146	593.233	2,593.334
600 Income Security							
Budget Authority	520.123	536.740	509.101	451.472	455.310	455.984	2,408.607
Outlays	503.020	540.202	512.335	452.176	455.184	454.858	2,414.755
650 Social Security							
Budget Authority	686.427	703.408	728.422	757.525	792.485	831.958	3,813.798
Outlays	682.849	701.400	726.144	754.782	789.302	828.315	3,799.943
On Budget Authority	31.820	20.255	23.380	26.478	29.529	32.728	132.370
Outlays	31.264	20.378	23.513	26.628	29.679	32.728	132.926
Off Budget Authority	654.607	683.153	705.042	731.047	762.956	799.230	3,681.428
Outlays	651.585	681.022	702.631	728.154	759.623	795.587	3,667.017
700 Veterans Benefits and Services							
Budget Authority	97.705	106.498	112.977	108.839	113.942	116.163	558.419
Outlays	94.831	105.578	112.520	108.242	113.293	115.624	555.257
750 Administration of Justice							
Budget Authority	55.783	53.400	53.892	53.738	53.569	54.247	268.846
Outlays	49.853	52.043	55.589	55.468	54.537	54.058	271.695
800 General Government							
Budget Authority	30.405	21.979	22.264	22.620	22.396	22.898	112.157
Outlays	24.629	22.757	23.099	23.689	23.196	23.167	115.908
900 Net Interest							
Budget Authority	169.752	168.353	207.625	269.888	347.712	427.965	1,421.543
Outlays	169.752	168.353	207.625	269.888	347.712	427.965	1,421.543
On Budget Authority	288.952	284.153	323.325	387.488	470.412	558.265	2,023.643
Outlays	288.952	284.153	323.325	387.488	470.412	558.265	2,023.643
Off Budget Authority	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
Outlays	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
920 Allowances							
Budget Authority	7.150	1.157	-14.278	-14.914	-16.126	-16.670	-60.831
Outlays	1.788	2.548	-8.066	-13.147	-14.979	-15.235	-48.879
950 Undistributed Offsetting Receipts							
Budget Authority	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988
Outlays	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988
On Budget Authority	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
Outlays	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
Off Budget Authority	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
Outlays	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
970 Overseas Deployments and Other Activities							
Budget Authority	90.745	130.000	50.000	50.000	50.000	50.000	330.000
Outlays	24.147	98.410	76.118	65.221	56.722	52.110	348.581

FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Discretionary Spending

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Total Discretionary							
Budget Authority	1,489.366	1,226.236	1,158.062	1,171.073	1,189.577	1,213.359	5,958.307
Outlays	1,246.778	1,376.372	1,327.798	1,271.448	1,269.020	1,276.268	6,520.906
Defense							
Budget Authority	614.426	556.128	564.293	573.612	584.421	598.249	2,876.703
Outlays	641.927	600.048	582.107	570.461	579.217	589.904	2,921.737
Nondefense							
Budget Authority	874.940	670.108	593.769	597.461	605.156	615.110	3,081.604
Outlays	604.851	776.324	745.691	700.987	689.803	686.364	3,599.169
By Function							
050 National Defense							
Budget Authority	614.426	556.128	564.293	573.612	584.421	598.249	2,876.703
Outlays	641.927	600.048	582.107	570.461	579.217	589.904	2,921.737
150 International Affairs							
Budget Authority	42.666	51.000	55.136	55.526	55.895	56.471	274.028
Outlays	41.300	47.487	51.781	53.701	54.723	54.975	262.667
250 General Science, Space, and Technology							
Budget Authority	35.264	31.014	33.868	34.121	34.348	34.716	168.067
Outlays	30.855	32.329	34.405	33.400	33.692	34.016	167.842
270 Energy							
Budget Authority	44.998	6.180	6.215	6.027	5.972	5.915	30.309
Outlays	5.350	9.039	11.486	13.418	13.236	12.719	59.898
300 Natural Resources and Environment							
Budget Authority	54.596	35.285	35.717	36.155	36.622	37.201	180.980
Outlays	36.252	38.973	37.734	37.099	36.786	37.165	187.757
350 Agriculture							
Budget Authority	6.349	6.131	6.204	6.275	6.345	6.445	31.400
Outlays	6.111	6.217	6.174	6.224	6.286	6.375	31.276
370 Commerce and Housing Credit							
Budget Authority	13.216	13.391	6.383	5.110	4.240	3.966	33.090
Outlays	6.253	13.459	9.302	7.159	5.917	4.520	40.357
On Budget Authority	12.963	13.129	6.116	4.838	3.963	3.683	31.729
Outlays	6.000	13.197	9.035	6.887	5.640	4.237	38.996
Off Budget Authority	0.253	0.262	0.267	0.272	0.277	0.283	1.361
Outlays	0.253	0.262	0.267	0.272	0.277	0.283	1.361
400 Transportation							
Budget Authority	79.061	31.436	31.925	32.443	32.933	33.295	162.032
Outlays	85.668	93.462	94.195	93.437	93.614	94.103	468.811
450 Community and Regional Development							
Budget Authority	23.006	17.930	21.059	16.118	16.187	16.255	87.549
Outlays	26.252	26.904	26.559	24.005	21.501	19.204	118.173
500 Education, Training, Employment, and Social Services							
Budget Authority	188.508	89.417	97.440	103.135	107.416	111.357	508.765
Outlays	94.814	138.899	131.054	106.917	107.799	110.965	595.634
550 Health							
Budget Authority	75.483	58.556	59.034	59.515	59.951	60.636	297.692
Outlays	57.635	64.806	63.890	60.965	59.498	59.754	308.913
570 Medicare							
Budget Authority	5.390	5.600	5.766	5.974	6.199	6.455	29.994
Outlays	5.255	5.570	5.736	5.928	6.169	6.420	29.823

FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Discretionary Spending

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
600 Income Security							
Budget Authority	74.067	64.678	65.488	66.022	66.505	67.265	329.958
Outlays	64.056	69.323	70.540	69.319	68.718	67.803	345.703
650 Social Security							
Budget Authority	6.386	6.072	6.568	6.895	7.223	7.599	34.357
Outlays	5.479	6.057	6.566	6.959	7.298	7.517	34.397
On Budget Authority	1.090	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.534	0.123	0.133	0.150	0.150	0.000	0.556
Off Budget Authority	5.296	6.072	6.568	6.895	7.223	7.599	34.357
Outlays	4.945	5.934	6.433	6.809	7.148	7.517	33.841
700 Veterans Benefits and Services							
Budget Authority	49.394	53.396	54.552	55.992	57.523	59.111	280.574
Outlays	46.757	52.584	54.101	55.622	57.073	58.663	278.043
750 Administration of Justice							
Budget Authority	54.099	49.306	52.426	52.378	52.307	53.022	259.439
Outlays	48.018	49.883	53.004	53.158	53.287	52.889	262.221
800 General Government							
Budget Authority	24.562	19.365	19.681	20.000	20.323	20.737	100.106
Outlays	18.861	20.196	20.536	20.919	21.177	21.069	103.897
900 Net Interest							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920 Allowances							
Budget Authority	7.150	1.351	-13.693	-14.225	-14.833	-15.336	-56.736
Outlays	1.788	2.726	-7.490	-12.464	-13.693	-13.903	-44.824
950 Undistributed Offsetting Receipts							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
970 Overseas Deployments and Other Activities							
Budget Authority	90.745	130.000	50.000	50.000	50.000	50.000	330.000
Outlays	24.147	98.410	76.118	65.221	56.722	52.110	348.581

**FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Mandatory Spending**

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Total Mandatory							
Budget Authority	2,712.210	2,217.922	2,262.282	2,273.615	2,445.091	2,625.685	11,824.595
Outlays	2,632.119	2,178.275	2,213.133	2,204.072	2,369.497	2,545.100	11,510.077
On-Budget							
Budget Authority	2,192.110	1,668.789	1,693.683	1,684.211	1,830.116	1,983.370	8,860.169
Outlays	2,114.690	1,631.135	1,646.810	1,617.475	1,757.780	1,906.346	8,559.546
Off-Budget							
Budget Authority	520.100	549.133	568.599	589.404	614.975	642.315	2,964.426
Outlays	517.429	547.140	566.323	586.597	611.717	638.754	2,950.531
By Function							
050 National Defense							
Budget Authority	3.631	5.905	5.814	5.523	5.474	5.579	28.295
Outlays	4.883	5.995	5.838	5.562	5.453	5.572	28.420
150 International Affairs							
Budget Authority	-1.781	-3.134	-3.631	-3.321	-2.342	-1.543	-13.971
Outlays	-3.503	-2.819	-1.358	-1.623	-1.824	-2.198	-9.822
250 General Science, Space, and Technology							
Budget Authority	0.125	0.125	0.125	0.125	0.125	0.125	0.625
Outlays	0.118	0.138	0.127	0.132	0.131	0.125	0.653
270 Energy							
Budget Authority	-1.079	-1.191	-1.178	-1.032	-0.700	-0.635	-4.736
Outlays	-2.398	-2.764	-2.397	-1.658	-1.478	-1.598	-9.895
300 Natural Resources and Environment							
Budget Authority	1.413	2.302	2.142	2.424	2.096	2.137	11.101
Outlays	0.582	1.584	2.155	2.436	2.405	2.157	10.737
350 Agriculture							
Budget Authority	18.625	17.559	18.522	15.365	16.104	16.671	84.221
Outlays	16.959	17.734	17.851	11.321	15.740	15.715	78.361
370 Commerce and Housing Credit							
Budget Authority	685.876	50.984	21.865	4.423	12.984	7.243	97.499
Outlays	663.837	75.553	30.781	1.462	-0.355	-7.037	100.404
On Budget Authority	681.476	47.984	20.065	4.723	13.284	7.543	93.599
Outlays	659.437	72.553	28.981	1.762	-0.055	-6.737	96.504
Off Budget Authority	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
Outlays	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
400 Transportation							
Budget Authority	43.396	56.715	57.146	57.604	57.933	58.514	287.912
Outlays	2.116	2.233	2.279	2.414	2.536	2.690	12.152
450 Community and Regional Development							
Budget Authority	0.805	0.378	0.173	0.193	0.015	0.015	0.774
Outlays	3.731	2.399	0.971	0.762	0.444	-0.057	4.519
500 Education, Training, Employment, and Social Services							
Budget Authority	-24.232	5.013	10.418	13.986	8.515	14.431	52.363
Outlays	-21.595	1.725	10.358	11.563	11.112	9.994	44.752
550 Health							
Budget Authority	304.675	325.753	304.744	308.325	326.532	334.612	1,599.966
Outlays	296.762	324.079	303.522	306.426	322.674	336.787	1,593.488
570 Medicare							
Budget Authority	421.686	444.068	499.129	499.712	533.818	586.966	2,563.693
Outlays	421.481	444.228	498.985	499.508	533.977	586.813	2,563.511

**FISCAL YEAR 2010 BUDGET RESOLUTION
CONFERENCE REPORT
Mandatory Spending**

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FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Total Spending, Revenues, Deficit/Surplus, and Debt

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Budget Authority	4,193.698	3,409.433	3,375.292	3,408.884	3,612.557	3,814.841	17,621.007
On	3,668.049	2,853.966	2,799.858	2,812.313	2,990.082	3,164.644	14,620.863
Off	525.649	555.467	575.434	596.571	622.475	650.197	3,000.144
Outlays	3,878.160	3,534.362	3,510.238	3,450.634	3,622.304	3,799.526	17,917.064
On	3,355.533	2,981.026	2,937.215	2,856.956	3,003.162	3,152.972	14,931.331
Off	522.627	553.336	573.023	593.678	619.142	646.554	2,985.733
Revenues	2,159.314	2,288.280	2,613.790	2,849.632	3,052.666	3,291.995	14,096.363
On	1,506.196	1,620.072	1,918.926	2,123.586	2,286.601	2,489.829	10,439.015
Off	653.117	668.208	694.864	726.045	766.065	802.166	3,657.347
Deficit (-)/Surplus	-1,718.846	-1,246.082	-896.448	-601.002	-569.638	-507.531	-3,820.701
On	-1,849.337	-1,360.954	-1,018.289	-733.370	-716.560	-663.142	-4,492.315
Off	130.490	114.872	121.841	132.367	146.923	155.612	671.614
Debt Held by the Public	7,754.355	8,817.043	9,702.393	10,345.439	10,919.379	11,471.742	--
Public Debt	12,067.919	13,298.235	14,394.517	15,303.842	16,175.508	17,022.970	--
By Function							
050 National Defense							
Budget Authority	693.557	691.703	619.767	628.785	639.535	653.458	3,233.248
Outlays	671.725	695.628	662.705	642.223	641.425	646.834	3,288.815
150 International Affairs							
Budget Authority	55.333	50.667	48.186	50.421	53.324	55.992	258.590
Outlays	38.011	48.853	51.034	51.649	52.556	53.223	257.314
250 General Science, Space, and Technology							
Budget Authority	35.389	31.139	33.993	35.008	35.557	36.211	171.908
Outlays	30.973	32.467	33.032	33.749	34.971	36.066	170.285
270 Energy							
Budget Authority	43.919	4.489	4.404	4.427	4.619	4.540	22.479
Outlays	2.952	6.210	8.906	10.341	5.613	0.484	31.553
300 Natural Resources and Environment							
Budget Authority	56.009	37.687	37.914	38.376	38.256	38.602	190.834
Outlays	36.834	40.690	39.928	39.419	38.883	38.788	197.709
350 Agriculture							
Budget Authority	24.974	23.620	24.602	21.500	22.295	22.920	114.937
Outlays	23.070	23.881	23.914	17.410	21.877	21.906	108.987
370 Commerce and Housing Credit							
Budget Authority	699.092	64.375	27.998	9.277	16.962	10.941	129.554
Outlays	670.090	89.080	39.865	8.372	5.306	-2.779	139.844
On Budget Authority	694.439	61.113	25.931	9.305	16.985	10.958	124.293
Outlays	665.437	85.818	37.798	8.400	5.329	-2.762	134.583
Off Budget Authority	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
Outlays	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
400 Transportation							
Budget Authority	122.457	75.246	75.301	75.885	75.758	75.642	377.833
Outlays	87.784	95.695	96.147	95.184	95.017	94.972	477.016
450 Community and Regional Development							
Budget Authority	23.811	16.338	16.152	16.194	16.043	16.068	80.796
Outlays	29.983	28.924	25.574	22.263	19.640	17.870	114.272
500 Education, Training, Employment, and Social Services							
Budget Authority	164.276	94.430	107.858	117.121	115.931	125.788	561.128
Outlays	73.219	140.624	141.412	118.480	118.911	120.959	640.386
550 Health							
Budget Authority	380.158	385.447	363.906	368.156	387.170	396.523	1,901.202
Outlays	354.397	389.191	368.001	367.749	382.650	397.368	1,904.959

FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Total Spending, Revenues, Deficit/Surplus, and Debt

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
570 Medicare							
Budget Authority	427.076	442.828	487.518	491.854	539.711	592.893	2,554.804
Outlays	426.736	442.959	487.336	491.626	539.862	592.733	2,554.517
600 Income Security							
Budget Authority	520.123	536.609	507.502	450.091	454.160	454.931	2,403.293
Outlays	503.020	539.949	511.314	450.856	453.935	453.726	2,409.780
650 Social Security							
Budget Authority	686.427	703.408	728.422	757.525	792.485	831.958	3,813.798
Outlays	682.849	701.400	726.144	754.782	789.302	828.315	3,799.943
On Budget Authority	31.820	20.255	23.380	26.478	29.529	32.728	132.370
Outlays	31.264	20.378	23.513	26.628	29.679	32.728	132.926
Off Budget Authority	654.607	683.153	705.042	731.047	762.956	799.230	3,681.428
Outlays	651.585	681.022	702.631	728.154	759.623	795.587	3,667.017
700 Veterans Benefits and Services							
Budget Authority	97.705	106.490	112.806	108.643	113.722	115.929	557.590
Outlays	94.831	105.593	112.355	108.048	113.071	115.388	554.455
750 Administration of Justice							
Budget Authority	55.783	53.499	52.061	51.866	51.651	51.488	260.564
Outlays	49.853	52.064	54.204	53.839	52.679	51.635	264.422
800 General Government							
Budget Authority	30.405	22.324	22.483	22.715	22.445	22.812	112.779
Outlays	24.629	23.024	23.328	23.814	23.260	23.113	116.538
900 Net Interest							
Budget Authority	169.821	168.758	208.094	270.020	347.373	427.026	1,421.270
Outlays	169.821	168.758	208.094	270.020	347.373	427.026	1,421.270
On Budget Authority	289.021	284.558	323.794	387.620	470.073	557.326	2,023.370
Outlays	289.021	284.558	323.794	387.620	470.073	557.326	2,023.370
Off Budget Authority	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
Outlays	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
920 Allowances							
Budget Authority	0.000	-16.032	-16.046	-17.512	-19.097	-20.674	-89.360
Outlays	0.000	-7.037	-15.267	-17.655	-18.659	-19.891	-78.507
950 Undistributed Offsetting Receipts							
Budget Authority	-92.617	-83.592	-87.628	-91.468	-95.343	-98.207	-456.238
Outlays	-92.617	-83.592	-87.628	-91.468	-95.343	-98.207	-456.238
On Budget Authority	-78.206	-68.444	-71.653	-74.620	-77.585	-79.491	-371.793
Outlays	-78.206	-68.444	-71.653	-74.620	-77.585	-79.491	-371.793
Off Budget Authority	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
Outlays	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445

FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Discretionary Spending

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Total Discretionary							
Budget Authority	1,481.419	1,210.886	1,142.921	1,162.047	1,180.705	1,203.369	5,899.929
Outlays	1,245.972	1,362.557	1,314.023	1,260.003	1,252.457	1,254.650	6,443.690
Defense							
Budget Authority	689.926	686.128	614.293	623.612	634.421	648.249	3,206.703
Outlays	666.842	689.963	657.207	637.011	636.332	641.632	3,262.145
Nondefense							
Budget Authority	791.493	524.758	528.628	538.435	546.284	555.120	2,693.226
Outlays	579.130	672.594	656.816	622.992	616.125	613.018	3,181.545
By Function							
050 National Defense							
Budget Authority	689.926	686.128	614.293	623.612	634.421	648.249	3,206.703
Outlays	666.842	689.963	657.207	637.011	636.332	641.632	3,262.145
150 International Affairs							
Budget Authority	57.114	53.801	51.817	53.742	55.666	57.535	272.561
Outlays	41.514	51.672	52.392	53.272	54.380	55.421	267.136
250 General Science, Space, and Technology							
Budget Authority	35.264	31.014	33.868	34.883	35.432	36.086	171.283
Outlays	30.855	32.329	32.905	33.617	34.840	35.941	169.632
270 Energy							
Budget Authority	44.998	5.680	5.582	5.459	5.319	5.175	27.215
Outlays	5.350	8.974	11.303	11.999	7.091	2.082	41.448
300 Natural Resources and Environment							
Budget Authority	54.596	35.385	35.772	35.952	36.160	36.465	179.733
Outlays	36.252	39.106	37.773	36.983	36.478	36.631	186.972
350 Agriculture							
Budget Authority	6.349	6.131	6.150	6.205	6.261	6.319	31.066
Outlays	6.111	6.217	6.133	6.159	6.207	6.261	30.976
370 Commerce and Housing Credit							
Budget Authority	13.216	13.391	6.133	4.854	3.978	3.698	32.055
Outlays	6.253	13.527	9.084	6.910	5.661	4.258	39.440
On Budget Authority	12.963	13.129	5.866	4.582	3.701	3.415	30.694
Outlays	6.000	13.265	8.817	6.638	5.384	3.975	38.079
Off Budget Authority	0.253	0.262	0.267	0.272	0.277	0.283	1.361
Outlays	0.253	0.262	0.267	0.272	0.277	0.283	1.361
400 Transportation							
Budget Authority	79.061	31.436	31.310	31.686	31.440	31.117	156.990
Outlays	85.668	93.462	93.868	92.770	92.481	92.282	464.864
450 Community and Regional Development							
Budget Authority	23.006	15.960	15.979	16.001	16.028	16.053	80.022
Outlays	26.252	26.525	24.603	21.501	19.196	17.927	109.753
500 Education, Training, Employment, and Social Services							
Budget Authority	188.508	89.417	97.440	103.135	107.416	111.357	508.765
Outlays	94.814	138.899	131.054	106.917	107.799	110.965	595.634
550 Health							
Budget Authority	75.483	59.694	59.162	59.831	60.638	61.911	301.236
Outlays	57.635	65.112	64.479	61.323	59.976	60.581	311.471

FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Discretionary Spending

[illegible]

FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Mandatory Spending

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
Summary							
Total Mandatory							
Budget Authority	2,712.279	2,198.547	2,232.371	2,246.837	2,431.852	2,611.472	11,721.078
Outlays	2,632.188	2,171.805	2,196.377	2,190.699	2,369.873	2,544.876	11,473.629
On-Budget							
Budget Authority	2,192.179	1,649.414	1,663.772	1,657.433	1,816.877	1,969.157	8,756.652
Outlays	2,114.759	1,624.665	1,630.054	1,604.102	1,758.156	1,906.122	8,523.098
Off-Budget							
Budget Authority	520.100	549.133	568.599	589.404	614.975	642.315	2,964.426
Outlays	517.429	547.140	566.323	586.597	611.717	638.754	2,950.531
By Function							
050 National Defense							
Budget Authority	3.631	5.575	5.474	5.173	5.114	5.209	26.545
Outlays	4.883	5.665	5.498	5.212	5.093	5.202	26.670
150 International Affairs							
Budget Authority	-1.781	-3.134	-3.631	-3.321	-2.342	-1.543	-13.971
Outlays	-3.503	-2.819	-1.358	-1.623	-1.824	-2.198	-9.822
250 General Science, Space, and Technology							
Budget Authority	0.125	0.125	0.125	0.125	0.125	0.125	0.625
Outlays	0.118	0.138	0.127	0.132	0.131	0.125	0.653
270 Energy							
Budget Authority	-1.079	-1.191	-1.178	-1.032	-0.700	-0.635	-4.736
Outlays	-2.398	-2.764	-2.397	-1.658	-1.478	-1.598	-9.895
300 Natural Resources and Environment							
Budget Authority	1.413	2.302	2.142	2.424	2.096	2.137	11.101
Outlays	0.582	1.584	2.155	2.436	2.405	2.157	10.737
350 Agriculture							
Budget Authority	18.625	17.489	18.452	15.295	16.034	16.601	83.871
Outlays	16.959	17.664	17.781	11.251	15.670	15.645	78.011
370 Commerce and Housing Credit							
Budget Authority	685.876	50.984	21.865	4.423	12.984	7.243	97.499
Outlays	663.837	75.553	30.781	1.462	-0.355	-7.037	100.404
On Budget Authority	681.476	47.984	20.065	4.723	13.284	7.543	93.599
Outlays	659.437	72.553	28.981	1.762	-0.055	-6.737	96.504
Off Budget Authority	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
Outlays	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
400 Transportation							
Budget Authority	43.396	43.810	43.991	44.199	44.318	44.525	220.843
Outlays	2.116	2.233	2.279	2.414	2.536	2.690	12.152
450 Community and Regional Development							
Budget Authority	0.805	0.378	0.173	0.193	0.015	0.015	0.774
Outlays	3.731	2.399	0.971	0.762	0.444	-0.057	4.519
500 Education, Training, Employment, and Social Services							
Budget Authority	-24.232	5.013	10.418	13.986	8.515	14.431	52.363
Outlays	-21.595	1.725	10.358	11.563	11.112	9.994	44.752
550 Health							
Budget Authority	304.675	325.753	304.744	308.325	326.532	334.612	1,599.966
Outlays	296.762	324.079	303.522	306.426	322.674	336.787	1,593.488

FISCAL YEAR 2010 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Mandatory Spending

(\$s in billions)	2009	2010	2011	2012	2013	2014	2010-14
570 Medicare							
Budget Authority	421.686	437.228	481.689	485.992	533.818	586.966	2,525.693
Outlays	421.481	437.388	481.545	485.788	533.977	586.813	2,525.511
600 Income Security							
Budget Authority	446.056	471.911	443.349	385.105	388.378	388.262	2,077.005
Outlays	438.964	470.744	441.540	382.518	386.046	386.600	2,067.448
650 Social Security							
Budget Authority	680.041	697.336	721.854	750.630	785.262	824.359	3,779.441
Outlays	677.370	695.343	719.578	747.823	782.004	820.798	3,765.546
On Budget Authority	30.730	20.255	23.380	26.478	29.529	32.728	132.370
Outlays	30.730	20.255	23.380	26.478	29.529	32.728	132.370
Off Budget Authority	649.311	677.081	698.474	724.152	755.733	791.631	3,647.071
Outlays	646.640	675.088	696.198	721.345	752.475	788.070	3,633.176
700 Veterans Benefits and Services							
Budget Authority	48.311	53.094	58.389	52.788	56.338	56.960	277.569
Outlays	48.074	52.986	58.383	52.561	56.139	56.869	276.938
750 Administration of Justice							
Budget Authority	1.684	4.094	1.466	1.360	1.262	1.225	9.407
Outlays	1.835	2.160	2.585	2.310	1.250	1.169	9.474
800 General Government							
Budget Authority	5.843	2.614	2.583	2.620	2.073	2.161	12.051
Outlays	5.768	2.561	2.563	2.770	2.019	2.098	12.011
900 Net Interest							
Budget Authority	169.821	168.758	208.094	270.020	347.373	427.026	1,421.270
Outlays	169.821	168.758	208.094	270.020	347.373	427.026	1,421.270
On Budget Authority	289.021	284.558	323.794	387.620	470.073	557.326	2,023.370
Outlays	289.021	284.558	323.794	387.620	470.073	557.326	2,023.370
Off Budget Authority	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
Outlays	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
920 Allowances							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 Undistributed Offsetting Receipts							
Budget Authority	-92.617	-83.592	-87.628	-91.468	-95.343	-98.207	-456.238
Outlays	-92.617	-83.592	-87.628	-91.468	-95.343	-98.207	-456.238
On Budget Authority	-78.206	-68.444	-71.653	-74.620	-77.585	-79.491	-371.793
Outlays	-78.206	-68.444	-71.653	-74.620	-77.585	-79.491	-371.793
Off Budget Authority	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
Outlays	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445

HOUSE-PASSED 2010 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
Summary							
Total Spending:							
BA.....	4,200.782	3,447.528	3,441.763	3,509.887	3,718.179	3,936.332	18,053.689
OT.....	3,879.882	3,549.570	3,554.895	3,533.290	3,712.719	3,908.079	18,258.553
On-Budget:							
BA.....	3,675.133	2,892.061	2,866.329	2,913.316	3,095.704	3,286.135	15,053.545
OT.....	3,357.255	2,996.234	2,981.872	2,939.612	3,093.577	3,261.525	15,272.820
Off-Budget:							
BA.....	525.649	555.467	575.434	596.571	622.475	650.197	3,000.144
OT.....	522.627	553.336	573.023	593.678	619.142	646.554	2,985.733
Revenues:							
Total.....	2,185.688	2,327.733	2,627.690	2,915.833	3,127.173	3,309.681	14,308.110
On-budget.....	1,532.571	1,659.525	1,933.072	2,190.099	2,361.429	2,507.846	10,651.971
Off-budget.....	653.117	668.208	694.618	725.734	765.744	801.835	3,656.139
Surplus/Deficit (-)							
Total.....	-1,694.194	-1,221.837	-927.205	-617.457	-585.546	-598.398	-3,950.443
On-budget.....	-1,824.684	-1,336.709	-1,048.800	-749.513	-732.148	-753.679	-4,620.849
Off-budget.....	130.490	114.872	121.595	132.056	146.602	155.281	670.406
Debt Subject to Limit (end of	12,017	13,223	14,350	15,276	16,162	17,100	na
Debt Held by the Public (enc	7,730	8,768	9,684	10,344	10,934	11,577	na
By Function							
National Defense (050):							
BA.....	618.057	562.033	570.107	579.135	589.895	603.828	2,904.998
OT.....	646.810	606.043	587.945	576.023	584.670	595.476	2,950.157
International Affairs (150):							
BA.....	40.885	45.320	49.146	53.742	59.160	64.388	271.756
OT.....	37.797	43.461	48.642	52.123	55.773	59.292	259.291
General Science, Space, and Technology (250):							
BA.....	35.389	31.139	31.493	33.373	34.419	35.686	166.110
OT.....	30.973	32.467	32.407	32.465	33.614	34.835	165.788
Energy (270):							
BA.....	43.919	5.489	5.539	5.732	6.098	6.227	29.085
OT.....	2.952	7.267	11.322	13.400	12.133	10.512	54.634
Natural Resources and Environment (300):							
BA.....	56.009	37.387	38.600	39.249	39.348	40.017	194.601
OT.....	36.834	40.450	40.237	40.058	39.754	39.957	200.456
Agriculture (350):							
BA.....	24.974	23.690	24.691	21.644	22.497	23.182	115.704
OT.....	23.070	23.951	23.998	17.540	22.063	22.150	109.702
Commerce and Housing Credit (370):							
BA.....	699.092	64.195	28.248	9.533	17.224	11.209	130.409
OT.....	670.090	88.900	40.021	8.617	5.562	-2.517	140.583
On-budget:							

HOUSE-PASSED 2010 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
BA.....	694.439	60.933	26.181	9.561	17.247	11.226	125.148
OT.....	665.437	85.638	37.954	8.645	5.585	-2.500	135.322
Off-budget:							
BA.....	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
OT.....	4.653	3.262	2.067	-0.028	-0.023	-0.017	5.261
Transportation (400):							
BA.....	122.457	88.151	89.071	90.047	90.866	91.809	449.944
OT.....	87.784	95.695	96.474	95.851	96.150	96.793	480.963
Community and Regional Development (450):							
BA.....	23.811	18.308	21.232	21.311	21.202	21.270	103.323
OT.....	29.983	29.303	27.530	25.722	24.155	22.752	129.462
Education, Training, Employment and Social Services (500):							
BA.....	164.276	93.689	107.858	117.121	115.931	125.788	560.387
OT.....	73.219	140.300	141.108	118.391	118.888	120.959	639.646
Health (550):							
BA.....	380.158	383.911	364.910	369.852	389.719	400.451	1,908.843
OT.....	354.397	388.746	367.628	368.556	384.359	400.173	1,909.462
Medicare (570):							
BA.....	427.076	449.653	505.171	513.824	558.235	616.315	2,643.198
OT.....	426.736	449.784	504.962	513.591	558.381	616.150	2,642.868
Income Security (600):							
BA.....	520.123	536.169	510.575	478.039	483.386	485.396	2,493.565
OT.....	503.020	539.918	513.410	478.323	482.745	483.758	2,498.154
Social Security (650):							
BA.....	686.427	703.408	728.422	757.525	792.485	831.958	3,813.798
OT.....	682.849	701.400	726.144	754.782	789.302	828.315	3,799.943
On-budget:							
BA.....	31.820	20.255	23.380	26.478	29.529	32.728	132.370
OT.....	31.264	20.378	23.513	26.628	29.679	32.728	132.926
Off-budget:							
BA.....	654.607	683.153	705.042	731.047	762.956	799.230	3,681.428
OT.....	651.585	681.022	702.631	728.154	759.623	795.587	3,667.017
Veterans Benefits and Services (700):							
BA.....	97.705	106.365	112.842	108.702	113.803	116.021	557.733
OT.....	94.831	105.468	112.386	108.103	113.151	115.480	554.588
Administration of Justice (750):							
BA.....	55.783	52.857	53.892	53.738	53.569	54.247	268.303
OT.....	49.853	51.630	55.503	55.441	54.526	54.058	271.158
General Government (800):							
BA.....	30.405	21.979	22.316	22.737	22.750	23.415	113.197
OT.....	24.629	22.757	23.147	23.795	23.492	23.629	116.820
Net Interest (900):							
BA.....	169.755	168.285	207.566	269.883	347.752	429.837	1,423.323
OT.....	169.755	168.285	207.566	269.883	347.752	429.837	1,423.323
On-budget:							

HOUSE-PASSED 2010 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
BA.....	288.955	284.085	323.266	387.483	470.452	560.137	2,025.423
OT.....	288.955	284.085	323.266	387.483	470.452	560.137	2,025.423
Off-budget:							
BA.....	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
OT.....	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
Allowances (920):							
BA.....	14.450	9.422	8.052	6.518	5.543	3.865	33.400
OT.....	1.788	4.893	5.903	4.750	4.122	2.962	22.630
Undistributed Offsetting Receipts (950):							
BA.....	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988
OT.....	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988
On-budget:							
BA.....	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
OT.....	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
Off-budget:							
BA.....	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
OT.....	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
Overseas Deployments and Other Activities (970):							
BA.....	82.648	130.000	50.000	50.000	50.000	50.000	330.000
OT.....	25.129	92.774	76.530	67.694	57.830	52.085	346.913

HOUSE-PASSED 2010 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
Summary							
Total Spending:							
BA.....	1,488.569	1,229.078	1,179.313	1,205.924	1,232.826	1,265.463	6,112.604
OT.....	1,247.760	1,370.565	1,341.264	1,298.562	1,302.648	1,317.342	6,630.381
On-Budget:							
BA.....	1,483.020	1,222.744	1,172.478	1,198.757	1,225.326	1,257.581	6,076.886
OT.....	1,242.562	1,364.369	1,334.564	1,291.481	1,295.223	1,309.542	6,595.179
Off-Budget:							
BA.....	5.549	6.334	6.835	7.167	7.500	7.882	35.718
OT.....	5.198	6.196	6.700	7.081	7.425	7.800	35.202
By Function							
National Defense (050):							
BA.....	614.426	556.128	564.293	573.612	584.421	598.249	2,876.703
OT.....	641.927	600.048	582.107	570.461	579.217	589.904	2,921.737
International Affairs (150):							
BA.....	42.666	48.454	52.777	57.063	61.502	65.931	285.727
OT.....	41.300	46.280	50.000	53.746	57.597	61.490	269.113
General Science, Space, and Technology (250):							
BA.....	35.264	31.014	31.368	33.248	34.294	35.561	165.485
OT.....	30.855	32.329	32.280	32.333	33.483	34.710	165.135
Energy (270):							
BA.....	44.998	6.680	6.717	6.764	6.798	6.862	33.821
OT.....	5.350	10.031	13.719	15.058	13.611	12.110	64.529
Natural Resources and Environment (300):							
BA.....	54.596	35.085	36.458	36.825	37.252	37.880	183.500
OT.....	36.252	38.866	38.082	37.622	37.349	37.800	189.719
Agriculture (350):							
BA.....	6.349	6.131	6.169	6.279	6.393	6.511	31.483
OT.....	6.111	6.217	6.147	6.219	6.323	6.435	31.341
Commerce and Housing Credit (370):							
BA.....	13.216	13.211	6.383	5.110	4.240	3.966	32.910
OT.....	6.253	13.347	9.240	7.155	5.917	4.520	40.179
On-budget:							
BA.....	12.963	12.949	6.116	4.838	3.963	3.683	31.549
OT.....	6.000	13.085	8.973	6.883	5.640	4.237	38.818
Off-budget:							
BA.....	0.253	0.262	0.267	0.272	0.277	0.283	1.361
OT.....	0.253	0.262	0.267	0.272	0.277	0.283	1.361
Transportation (400):							
BA.....	79.061	31.436	31.925	32.443	32.933	33.295	162.032
OT.....	85.668	93.462	94.195	93.437	93.614	94.103	468.811
Community and Regional Development (450):							
BA.....	23.006	17.930	21.059	21.118	21.187	21.255	102.549
OT.....	26.252	26.904	26.559	24.960	23.711	22.809	124.943

HOUSE-PASSED 2010 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
Education, Training, Employment and Social Services (500):							
BA.....	188.508	88.676	97.440	103.135	107.416	111.357	508.024
OT.....	94.814	138.575	130.750	106.828	107.776	110.965	594.894
Health (550):							
BA.....	75.483	58.158	60.166	61.527	63.187	65.839	308.877
OT.....	57.635	64.667	64.106	62.130	61.685	63.386	315.974
Medicare (570):							
BA.....	5.390	5.595	6.042	6.112	6.197	6.269	30.215
OT.....	5.255	5.566	5.977	6.083	6.184	6.257	30.067
Income Security (600):							
BA.....	74.067	62.778	65.488	67.210	68.878	70.734	335.088
OT.....	64.056	67.860	70.141	70.087	70.576	70.760	349.424
Social Security (650):							
BA.....	6.386	6.072	6.568	6.895	7.223	7.599	34.357
OT.....	5.479	6.057	6.566	6.959	7.298	7.517	34.397
On-budget:							
BA.....	1.090	—	—	—	—	—	—
OT.....	0.534	0.123	0.133	0.150	0.150	—	0.556
Off-budget:							
BA.....	5.296	6.072	6.568	6.895	7.223	7.599	34.357
OT.....	4.945	5.934	6.433	6.809	7.148	7.517	33.841
Veterans Benefits and Services (700):							
BA.....	49.394	53.263	54.417	55.855	57.384	58.969	279.888
OT.....	46.757	52.474	53.967	55.483	56.931	58.519	277.374
Administration of Justice (750):							
BA.....	54.099	48.763	52.426	52.378	52.307	53.022	258.896
OT.....	48.018	49.470	52.918	53.131	53.276	52.889	261.684
General Government (800):							
BA.....	24.562	19.365	19.733	20.117	20.677	21.254	101.146
OT.....	18.861	20.196	20.584	21.025	21.473	21.531	104.809
Allowances (920):							
BA.....	14.450	10.339	9.884	10.233	10.537	10.910	51.903
OT.....	1.788	5.442	7.396	8.151	8.797	9.552	39.338
Overseas Deployments and Other Activities (970):							
BA.....	82.648	130.000	50.000	50.000	50.000	50.000	330.000
OT.....	25.129	92.774	76.530	67.694	57.830	52.085	346.913

HOUSE-PASSED RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
Summary							
Total Spending:							
BA.....	2,712.213	2,218.450	2,262.450	2,303.963	2,485.353	2,670.869	11,941.085
OT.....	2,632.122	2,179.005	2,213.631	2,234.728	2,410.071	2,590.737	11,628.172
On-Budget:							
BA.....	2,192.113	1,669.317	1,693.851	1,714.559	1,870.378	2,028.554	8,976.659
OT.....	2,114.693	1,631.865	1,647.308	1,648.131	1,798.354	1,951.983	8,677.641
Off-Budget:							
BA.....	520.100	549.133	568.599	589.404	614.975	642.315	2,964.426
OT.....	517.429	547.140	566.323	586.597	611.717	638.754	2,950.531
By Function							
National Defense (050):							
BA.....	3.631	5.905	5.814	5.523	5.474	5.579	28.295
OT.....	4.883	5.995	5.838	5.562	5.453	5.572	28.420
International Affairs (150):							
BA.....	-1.781	-3.134	-3.631	-3.321	-2.342	-1.543	-13.971
OT.....	-3.503	-2.819	-1.358	-1.623	-1.824	-2.198	-9.822
General Science, Space, and Technology (250):							
BA.....	0.125	0.125	0.125	0.125	0.125	0.125	0.625
OT.....	0.118	0.138	0.127	0.132	0.131	0.125	0.653
Energy (270):							
BA.....	-1.079	-1.191	-1.178	-1.032	-0.700	-0.635	-4.736
OT.....	-2.398	-2.764	-2.397	-1.658	-1.478	-1.598	-9.895
Natural Resources and Environment (300):							
BA.....	1.413	2.302	2.142	2.424	2.096	2.137	11.101
OT.....	0.582	1.584	2.155	2.436	2.405	2.157	10.737
Agriculture (350):							
BA.....	18.625	17.559	18.522	15.365	16.104	16.671	84.221
OT.....	16.959	17.734	17.851	11.321	15.740	15.715	78.361
Commerce and Housing Credit (370):							
BA.....	685.876	50.984	21.865	4.423	12.984	7.243	97.499
OT.....	663.837	75.553	30.781	1.462	-0.355	-7.037	100.404
On-budget:							
BA.....	681.476	47.984	20.065	4.723	13.284	7.543	93.599
OT.....	659.437	72.553	28.981	1.762	-0.055	-6.737	96.504
Off-budget:							
BA.....	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
OT.....	4.400	3.000	1.800	-0.300	-0.300	-0.300	3.900
Transportation (400):							
BA.....	43.396	56.715	57.146	57.604	57.933	58.514	287.912
OT.....	2.116	2.233	2.279	2.414	2.536	2.690	12.152
Community and Regional Development (450):							
BA.....	0.805	0.378	0.173	0.193	0.015	0.015	0.774
OT.....	3.731	2.399	0.971	0.762	0.444	-0.057	4.519

HOUSE-PASSED RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
Education, Training, Employment and Social Services (500):							
BA.....	-24.232	5.013	10.418	13.986	8.515	14.431	52.363
OT.....	-21.595	1.725	10.358	11.563	11.112	9.994	44.752
Health (550):							
BA.....	304.675	325.753	304.744	308.325	326.532	334.612	1,599.966
OT.....	296.762	324.079	303.522	306.426	322.674	336.787	1,593.488
Medicare (570):							
BA.....	421.686	444.058	499.129	507.712	552.038	610.046	2,612.983
OT.....	421.481	444.218	498.985	507.508	552.197	609.893	2,612.801
Income Security (600):							
BA.....	446.056	473.391	445.087	410.829	414.508	414.662	2,158.477
OT.....	438.964	472.058	443.269	408.236	412.169	412.998	2,148.730
Social Security (650):							
BA.....	680.041	697.336	721.854	750.630	785.262	824.359	3,779.441
OT.....	677.370	695.343	719.578	747.823	782.004	820.798	3,765.546
On-budget:							
BA.....	30.730	20.255	23.380	26.478	29.529	32.728	132.370
OT.....	30.730	20.255	23.380	26.478	29.529	32.728	132.370
Off-budget:							
BA.....	649.311	677.081	698.474	724.152	755.733	791.631	3,647.071
OT.....	646.640	675.088	696.198	721.345	752.475	788.070	3,633.176
Veterans Benefits and Services (700):							
BA.....	48.311	53.102	58.425	52.847	56.419	57.052	277.845
OT.....	48.074	52.994	58.419	52.620	56.220	56.961	277.214
Administration of Justice (750):							
BA.....	1.684	4.094	1.466	1.360	1.262	1.225	9.407
OT.....	1.835	2.160	2.585	2.310	1.250	1.169	9.474
General Government (800):							
BA.....	5.843	2.614	2.583	2.620	2.073	2.161	12.051
OT.....	5.768	2.561	2.563	2.770	2.019	2.098	12.011
Net Interest (900):							
BA.....	169.755	168.285	207.566	269.883	347.752	429.837	1,423.323
OT.....	169.755	168.285	207.566	269.883	347.752	429.837	1,423.323
On-budget:							
BA.....	288.955	284.085	323.266	387.483	470.452	560.137	2,025.423
OT.....	288.955	284.085	323.266	387.483	470.452	560.137	2,025.423
Off-budget:							
BA.....	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
OT.....	-119.200	-115.800	-115.700	-117.600	-122.700	-130.300	-602.100
Allowances (920):							
BA.....	—	-0.917	-1.832	-3.715	-4.994	-7.045	-18.503
OT.....	—	-0.549	-1.493	-3.401	-4.675	-6.590	-16.708
Undistributed Offsetting Receipts (950):							
BA.....	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988
OT.....	-92.617	-83.922	-87.968	-91.818	-95.703	-98.577	-457.988

HOUSE-PASSED RESOLUTION: MANDATORY SPENDING

(in billions of dollars)

Fiscal year	2009	2010	2011	2012	2013	2014	2010-2014
On-budget:							
BA.....	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
OT.....	-78.206	-68.774	-71.993	-74.970	-77.945	-79.861	-373.543
Off-budget:							
BA.....	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445
OT.....	-14.411	-15.148	-15.975	-16.848	-17.758	-18.716	-84.445

REVENUES

Summary

The revenue component of the budget resolution reflects all of the federal government's tax receipts that are classified as "on-budget." This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. Taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance (OASDI) payroll tax—are "off-budget." The Hospital Insurance payroll tax portion of Medicare, the Federal Unemployment Tax Act payroll tax, railroad retirement and other retirement systems are all "on-budget." Customs duties, tariffs, and other miscellaneous receipts are also included in the revenue component. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes are not included in the budget resolution.

Senate-passed Resolution

The Senate budget resolution includes \$1.6 trillion in on-budget revenues for 2010, and \$10.4 trillion over 2010–2014. (The corresponding revenue figures on a unified basis are \$2.3 trillion for 2010 and \$14.1 trillion over five years.)

The revenue level in the Senate resolution is \$825.0 billion below the levels in the CBO baseline over 2010–2014.

The Senate resolution provides substantial tax relief for the middle class. Consistent with the President's budget, the Senate resolution assumes: the 10 percent bracket, child tax credit, marriage penalty relief are made permanent, as well as the related expansions of the child tax credit and the earned income tax credit included in the economic recovery package are extended; the American Opportunity Tax Credit providing a \$2,500 credit for higher education is made permanent; an expansion of the existing "savers credit" and a new policy to require employers that do not offer 401(k)s to offer automatic enrollment in IRAs. The Senate resolution also follows the President's proposals to extend other 2001 and 2003 tax changes for couples with incomes under \$250,000 and singles with incomes under \$200,000, including the 25 percent and 28 percent brackets and the preferential rates for capital gains and dividend income.

The Senate resolution assumes three years of alternative minimum tax relief, through 2012, without offsets. It calls for permanent reform of the estate tax, reflecting continuation of the 2009 estate tax parameters, with an exemption of \$3.5 million (\$7 million for a couple) indexed to inflation and a top rate of 45 percent. The Senate resolution would extend through 2011 those tax provisions that are slated to expire in 2009 or 2010, but that have been routinely extended in the past. These provisions (referred to as "extenders") include, among others, the research and experimentation tax credit, the deduction for state and local sales taxes, the deduction for teacher classroom expenses, and the exception for active financing income.

The Senate resolution calls for small business tax relief. It assumes the permanent extension of the section 179 expensing provision for small businesses. In addition, it includes a new proposal to eliminate capital gains taxes for small businesses, going beyond the current 75 percent exclusion. It also calls for expanding the net operating loss carryback rules.

The Senate resolution includes several reserve funds that provide for tax relief, in-

cluding refundable tax relief and the extension of expired and expiring tax relief, as long as the costs of these provisions are offset. One reserve fund would provide for comprehensive tax reform that would ensure a sustainable revenue base in a tax system that promotes simplicity, fairness, and competitiveness. Additional reserve funds address specific tax issues, such as extending the deduction for state and local sales taxes and the incentives for promoting charitable donations from individual retirement account funds, enhancing the employer-provided child care credit and the dependent care tax credit, among other things.

Finally, the Senate resolution assumes enactment of loophole closers and other revenue-raising provisions consistent with levels in the President's budget. The resolution assumes that the Finance Committee will work closely with the Administration to develop the proposals to achieve the revenue levels assumed in the resolution. To help close the tax gap and bolster Internal Revenue Service (IRS) enforcement, the resolution provides additional resources available through a discretionary cap adjustment that directs \$890 million to IRS enforcement activities.

House-passed Resolution

The House budget resolution calls for reducing the revenues provided under CBO's baseline forecast by \$613.2 billion over the 2009–2014 period and by \$1,480.2 billion over the 2010–19 period. This reduction in revenues reflects the House budget resolution's extension of the elements of the 2001–2003 tax cuts benefitting middle class families (including, but not limited to the child tax credit, marriage penalty relief, the 10 percent bracket, education incentives, other benefits for families with children, reductions in other individual income tax brackets, and small business tax relief). The House resolution also extends the estate tax at 2009 levels—eliminating estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit. It also includes a one-year patch of the Alternative Minimum Tax (AMT). The House resolution also accommodates additional AMT relief in a deficit-neutral manner. The House resolution further accommodates deficit-neutral extension of other expiring tax provisions and other proposals that support working families, businesses, states, or communities. It also accommodates other high priority deficit-neutral revenue adjustments, such as tax incentives for energy efficiency and renewable energy, the deduction for State and local taxes, and a tax credit for construction of public schools. Decisions about specific revenue offsets are made by the Ways and Means Committee, which has a significant range of offsets that it can consider. However, unless expressly indicated otherwise, the House resolution does not assume any of the specific revenue offset proposals provided for in the President's budget.

Conference Agreement

The conference agreement includes \$1.654 trillion in on-budget revenues for 2010, and \$10.500 trillion over 2010–2014. (The corresponding revenue figures on a unified basis are \$2.322 trillion for 2010 and \$14.157 trillion over five years.) The conference agreement provides for three additional years of AMT relief, without offset, a two-year extension of expired and expiring tax provisions, and a new incentive for retirement savings. The agreement supports the permanent extension of tax relief first enacted in 2001 and 2003 to benefit middle-income individuals and fami-

lies—including extension of the child tax credit, the 10-percent bracket, and marriage penalty relief—and provides for estate tax reform. In addition, the agreement assumes the extension of other 2001 and 2003 tax changes for middle-income taxpayers, including the 25 percent and 28 percent brackets and the preferential rates for investment income. Further, the agreement includes several deficit-neutral reserve funds that accommodate a range of additional tax reform and tax relief proposals, such as expanding eligibility for the refundable child credit, among the most effective tax relief vehicles for working families with children.

The revenue level in the conference agreement is \$764 billion below the levels under current law over 2009–2014. Revenue legislation is subject to House and Senate pay-as-you-go rules. In the House, section 421 of the conference agreement allows the chairman of the Budget Committee to make current policy adjustments before evaluating the costs of tax legislation for compliance with House budget rules and procedures, assuming the condition stated in that section is met.

NATIONAL DEFENSE: FUNCTION 050

Function Summary

The National Defense function includes the military activities of the Department of Defense (DoD), the nuclear weapons-related activities of the Department of Energy (DOE) and the National Nuclear Security Administration, and the national security activities of several other agencies such as the Selective Service, Coast Guard, and Federal Bureau of Investigation. The programs in this function include: the pay and benefits of active, Guard, and reserve military personnel; DoD operations including training, maintenance of equipment, and facilities; health care for military personnel and dependents; procurement of weapons; research and development; construction of military facilities, including housing; research on nuclear weapons; and the cleanup of nuclear weapons production facilities.

Senate-passed Resolution

The Senate resolution fully funds the President's core defense budget request over the five-year budget window. Total national defense discretionary funding in the Senate resolution is \$556.1 billion. This includes \$533.7 billion in 2010 for the Department of Defense, \$20.3 billion more than the 2009 enacted level exclusive of war funding and defense spending in the economic recovery package.

The Senate resolution reflects the President's request for additional 2009 overseas contingency operations funding of \$75.5 billion for the Defense Department. If enacted, this will bring total war funding for 2009 to \$152.6 billion. Under President Bush, the total cost of the wars reached \$864 billion. The Senate resolution also provides for the 2010 war request of \$130 billion. Including requested war funds and mandatory spending, the Senate resolution provides \$691.7 billion in BA for defense in 2010.

The Obama Administration has demonstrated its commitment to budgetary transparency when it comes to funding for overseas contingency operations. The Bush Administration failed to honor its commitment to include war costs in its budget request and obscured the fiscal situation by seeking war funding as an emergency even after five years of war in Iraq. The Obama Administration, on the other hand, has provided a good faith estimate of war costs for 2010 and an annual allowance of \$50 billion for potential future costs of overseas contingency operations from 2011 onward. These

amounts are reflected in the Senate resolution.

In keeping with how the past two budget resolutions have handled war costs, the Senate resolution includes a \$130 billion cap adjustment provision for 2010 that allows the Chairman to revise the discretionary spending cap for non-emergency appropriations related to overseas contingency operations such as the wars in Iraq and Afghanistan. The Senate resolution assumes the use of this cap adjustment and allocates the amounts to the National Defense function. However, the cap adjustment would not prevent further war funding on an emergency basis if war costs exceed the allotted level.

The Senate resolution includes a reserve fund to facilitate enactment of the President's proposal to expand "concurrent receipt" of military retired pay and veterans disability compensation to retirees who were medically retired from active service. While full programmatic details will be provided later, the administration has indicated that the budget funds the expansion of the Army and Marine Corps in order to enhance military readiness and reduce the strain of multiple, extended deployments on current servicemembers. Additionally, the President's request includes funding to modernize military barracks and dormitories, and to improve medical care and housing for wounded servicemembers. The Senate resolution supports these objectives.

The Senate resolution also recognizes the serious inequity in how the military death benefits system treats widows and orphans whom our servicemembers and veterans leave behind. The Senate resolution provides a deficit-neutral reserve fund to facilitate the repeal of the law that requires a dollar-for-dollar reduction in Department of Defense Survivor Benefit Plan (SBP) annuity benefit payments by benefits received under the Department of Veterans Affairs Dependency and Indemnity Compensation (DIC) program. Repeal of the offset would allow the widows and orphans whom our servicemembers and veterans leave behind to receive the full SBP amount due to them. Congress recognized the injustice of the SBP-DIC offset in the National Defense Authorization Act for Fiscal Year 2008 when it authorized a special payment to SBP-DIC-affected survivors, but this payment is far below the full amount that is offset.

The ability of the United States military to project power worldwide depends on the aerial refueling tanker fleet. The backbone of this fleet is the KC-135, which is rapidly approaching its 50th year in service. Further postponement of the tanker re-capitalization program will have an adverse effect on our ability to achieve the requirements of the National Military Strategy. Accordingly, the Senate resolution assumes that the Air Force will receive not less than \$2.37 billion in 2010, and not less than \$13 billion across the Future Years Defense Plan to fund the development and procurement of a next generation aerial refueling tanker.

The National Guard has a long history of outstanding service to our nation, and our nation's reliance on the Guard has only increased since September 11, 2001. The Senate resolution encourages the Appropriations Committee to identify additional resources within the defense budget to address needs for National Guard equipment.

The Senate resolution also assumes no less than \$5.55 billion in funding for the Defense Environmental Cleanup account. The environmental management program is charged with efficiently cleaning up the environ-

mental damage resulting from 50 years of nuclear weapons production. The Senate resolution provides for increased funding at several major sites addressed under this program including Hanford, Idaho Falls, Oak Ridge, and Savannah River. This increase brings total environmental management funding for nuclear site cleanup (including amounts in other budget functions) to \$6.5 billion.

Defense funding remains at record levels, even after adjusting for inflation. The Department of Defense has had serious trouble with cost growth in its weapons acquisition programs. The Government Accountability Office has found that the total acquisition cost of the Pentagon's 2007 portfolio of major programs has exceeded initial estimates by nearly \$300 billion.

The Obama Administration has announced that it will make reform of the acquisition process a top priority in order to get the best possible value for defense spending. The Senate resolution supports that reform effort by including a reserve fund for defense contracting reform. Additionally, the Senate resolution assumes not less than \$500 million for the Acquisition Workforce Development Fund, which is already showing great promise as a mechanism for enhancing the capability of the Department of Defense to oversee acquisition programs and get better value for our defense dollar. While the Senate resolution does not project savings from acquisition reform or the contracting reform initiatives announced by the President, successful implementation of those initiatives could result in significant savings in future years that should be reserved for deficit reduction.

The Senate resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting. The cap adjustment allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to \$100 million to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources. When billions of dollars are wasted due to poor contracting practices, ordering of unneeded spare parts, or other waste, fraud and abuse, it is our troops that suffer.

House-passed Resolution

The House resolution reflects a total of \$562.0 billion in BA and \$606.0 billion in outlays for 2010, and \$2.9 trillion in BA and \$3.0 trillion in outlays over five years.

There is no higher priority than the defense of our nation, and therefore this resolution makes the necessary investments and calls for the necessary reforms to ensure the country is able to meet the security challenges of the 21st century.

The House resolution includes specific defense policy assumptions in Title V, section 502. It recognizes that as the country faces its worst economic crisis since the Great Depression, DoD needs to get the most out of every dollar it spends by making tough but necessary tradeoffs to ensure resources are applied to the most effective and operationally viable programs, and by assessing national security needs in a comprehensive manner that includes all agencies involved in our national security.

The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) identified terrorists with weapons of mass destruction

as our number one threat. Consequently, it is the policy of the House resolution that non-proliferation programs, such as the Cooperative Threat Reduction program and the nonproliferation programs at the Department of Energy, be funded at a level that is commensurate with the evolving threat.

The House resolution recognizes that our most important security resource is our men and women who serve in uniform. To honor their service, it is the policy of the House resolution to not only ensure that they are properly equipped and trained to perform their mission, but that they also have the proper support in terms of health care, pay, and support for their families. The House resolution also includes a deficit-neutral reserve fund for an expansion of eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay.

In recent years, cost overruns on major weapons programs have worsened. According to the Government Accountability Office (GAO), the cost of major weapon systems on DoD's books as of 2007 increased nearly \$300 billion above initial estimates. As a result, our military is not able to purchase equipment in adequate quantities to equip our servicemen and servicewomen. To put our defense plans on a sustainable path and to meet our military's equipment requirements, the House resolution affirms the Administration's calls to make acquisition reform a top priority.

According to GAO, government-wide spending on contractor services has more than doubled over the last ten years. DoD has expanded the use of contractors in its acquisition process to aid in program management functions and has relied heavily on contractors to carry out operations in Iraq and Afghanistan. This trend has implications for DoD in terms of accountability, operational effectiveness, and cost. Consequently, it is the policy of the House resolution that DoD review the role that contractors play in its operations, including the degree to which contractors are performing inherently governmental functions, to ensure it has the most effective mix of government and contracted personnel.

GAO has performed numerous audits and has produced numerous recommendations regarding DoD's programs and processes that have produced billions of dollars of savings. According to a GAO report released in December 2008, DoD implemented 1,682 recommendations made by GAO from 2001 to 2007 that have resulted in financial benefits exceeding \$89 billion. There are still 758 recommendations made over that period that DoD has not yet implemented that could yield billions of dollars in further savings. The House resolution continues to highlight the need for DoD to continue to make implementation of GAO recommendations a top priority and, to the extent possible, encourages DoD to use savings resulting from implemented GAO recommendations toward any upfront investments needed to implement the remaining 758 recommendations.

The House resolution encourages the committees with jurisdiction over defense to continue to conduct vigorous oversight with the objective of ferreting out wasteful practices, fraud, and abuse. It encourages the committees to require DoD to report to Congress on its progress in implementing GAO recommendations, the role contractors play in its operations, its assessment of the applicability of Cold War-era weapons to meet 21st century threats, and how well DoD's comprehensive Financial Improvement and

Audit Readiness (FIAR) plan is moving the Department toward achieving a clean audit.

DoD spends billions of dollars on fuel and electricity for its planes, ships, vehicles and facilities each year and increasing world demand for energy could therefore have significant consequences for our military in the future. As a result, the House resolution calls on DoD to investigate the benefit of alternative energy sources and energy efficiency conversions. The Department should pursue those technologies that could reduce its energy needs, enhance expeditionary operations, achieve savings, and reduce dependence on unreliable energy sources.

The House resolution continues to recognize the need for the DoD to develop a shipbuilding plan that is viable in terms of providing an adequate number of ships for the Navy to perform its mission and that is viable in terms of sustaining the industrial base.

Our national security is not solely dependent on our military, and other agencies and programs are important to effectively address the threats of today and mitigate the possibility of future threats. Therefore, it is the policy of the House resolution that coordination is needed to ensure that all of our agencies involved in our national security work in a complementary way, and that when assessing security threats and the funding needed to counter them, the Administration should do so in a comprehensive manner that includes all agencies involved in our national security.

Conference Agreement

The conference agreement for Function 050 includes a total of \$562.0 billion in BA and \$606.0 billion in outlays in 2010, and \$2.9 trillion in BA and \$3.0 trillion in outlays over five years. Consistent with both the House- and Senate-passed resolutions, the conference agreement affirms the importance of reforming the defense acquisition and contracting processes to achieve better value for the American taxpayer.

For mandatory programs, the conference agreement provides \$5.9 billion in BA and \$6.0 billion in outlays in 2010, and \$28.3 billion in BA and \$28.4 billion in outlays over five years.

The conference agreement reflects the cost of overseas deployments and other activities in Function 970, as in the House-passed resolution. Consistent with the Senate resolution, the conference agreement allows the discretionary spending caps to be adjusted to accommodate appropriations for such costs.

The conference agreement includes deficit-neutral reserve funds addressing defense-related matters. Both chambers have deficit neutral reserve funds to accommodate initiatives related to meeting our commitments to the nation's military personnel, veterans, and survivors. The Department of Defense and congressional committees of jurisdiction are encouraged to reverse the decision to eliminate credit toward DOD retirement pay for service in the Alaska Territorial Guard during World War II.

The conference agreement also includes a Senate deficit-neutral reserve fund providing for legislation that would reform defense contracting and acquisition policy in order to achieve better value for taxpayer resources. The reserve fund would accommodate legislation that provided for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce, among other purposes.

The conference agreement includes a statement of policy on defense issues (section 502)

that outlines key priorities to be funded within the defense allocation and the need for the Department of Defense to reform its acquisition process and to do a better job of reining in wasteful spending, particularly with regard to contracting practices and continuing funding of Cold War-era weapons systems that may not be as effective against today's threats. It also highlights the need for DoD to place greater emphasis on implementing GAO recommendations, which could yield billions of dollars in savings.

INTERNATIONAL AFFAIRS: FUNCTION 150 *Function Summary*

Function 150 covers funding for U.S. international activities, including: operating and securing U.S. embassies and consulates throughout the world; providing military assistance to allies; assisting refugees; aiding developing nations; dispensing economic assistance to fledgling democracies; promoting U.S. exports abroad; making U.S. payments to international organizations; and contributing to international peacekeeping efforts. The major agencies in this function include the Departments of State, Agriculture, and the Treasury; the U.S. Agency for International Development; and the Millennium Challenge Corporation.

Senate-passed Resolution

The President's request for international affairs activities, as re-estimated by CBO, is \$53.8 billion. This represents an increase of \$15.6 billion above the non-emergency 2009 level. However, the size of the year-over-year increase requested by the President's budget reflects a change in concept, as the President seeks to transfer international affairs funding in support of overseas contingency operations and programs with predictable and recurring funding requirements that have previously been funded in supplementals to the base budget. This more transparent budgeting is commendable.

Typically, the baseline used for year-over-year comparisons in the Congressional budget resolution excludes all supplementals and emergency funding. Therefore, the President's decision to reduce or eliminate emergency requests for international affairs in 2010 artificially inflates the year-over-year increase. A more realistic comparison, including enacted bridge funding in the 2009 level, shows a year-over-year increase of \$11.5 billion for the President's request.

The Senate resolution calls for \$53.8 billion for the international affairs function and assumes that the top priorities in allocating the increase for international affairs will be related to core national security concerns such as counter-proliferation and anti-terrorism, as well as enhancing the capacity of the State Department and USAID to assume responsibilities that have been taken on by the military.

House-passed Resolution

The House resolution calls for a total of \$45.3 billion in BA and \$43.5 billion in outlays for 2010, and for \$271.8 billion in BA and \$259.3 billion in outlays over five years. The total BA level for 2010 reflects discretionary BA of \$48.5 billion and mandatory BA of -\$3.1 billion. This function has negative mandatory BA and outlay levels. These levels reflect receipts of the foreign military sales trust fund, the repayment of loans and credits by foreign nations, and the liquidation of economic assistance loans, foreign military financing loans, Export-Import Bank loans, and housing and other credit guaranty programs.

The 2009 level of discretionary BA includes \$4.5 billion in enacted supplemental appro-

priations. It does not include an additional \$7.1 billion in supplemental appropriations for 2009 that the President has requested for international affairs, which is included under Function 970 (Overseas Deployments and Other Activities).

For 2010, the House resolution provides \$10.2 billion (26.8 percent) more discretionary BA than the 2009 level, excluding supplemental funding, and \$5.8 billion (13.6 percent) more funding than total enacted funding for 2009 so far. The House resolution provides \$5.4 billion (9.9 percent) less than the President's 2010 budget, which includes his proposal to provide in the regular budget request funding that has in recent years been requested and appropriated as supplemental funding. Pursuant to the House resolution, funding designated as an emergency or for overseas deployments and other activities does not count against the House Appropriations Committee's allocation provided in this resolution.

The House shares the President's commitment to reduce global hunger and poverty. The House resolution provides funding in this function to help achieve the goal of cutting it in half by no later than 2015.

The House notes the strong support for H.R. 44, the Guam World War II Loyalty Recognition Act, which the House approved on February 23, 2009. The House also approved this legislation during the 110th Congress (H.R. 1595). The bill authorizes compensation to the Guamanian victims of the Imperial Japanese military occupation during World War II.

Conference Agreement

International Affairs discretionary spending under the conference agreement totals \$51.0 billion in BA and \$47.5 billion in outlays for 2010. This represents an increase of \$12.8 billion in BA above the non-emergency 2009 level and \$8.7 billion above the 2009 level adjusted to include enacted supplemental funding (other than American Recovery and Reinvestment Act funding).

Including negative mandatory spending, the conference agreement provides an overall total of \$47.9 billion in BA and \$44.7 billion in outlays for 2010, and \$260 billion in BA and \$253 billion in outlays over five years.

GENERAL SCIENCE, SPACE AND TECHNOLOGY: FUNCTION 250

Function Summary

The General Science, Space, and Technology function includes funding for the National Aeronautics and Space Administration (NASA), except aviation programs, the National Science Foundation (NSF), as well as programs in the Department of Energy (DOE) Office of Science.

Senate-passed Resolution

The Senate resolution provides an increase above the President's requested level over the five-year window by providing \$31.1 billion in BA and \$32.5 billion in outlays for 2010, and \$171.9 billion in BA and \$170.3 billion in outlays over five years.

The Senate resolution funds the National Aeronautics and Space Administration (NASA) at \$18.7 billion for 2010. This level of funding recognizes the importance of our nation's space program and endorses the agency's balanced goals of exploration, science, and aeronautics. This level of funding also reflects the vital role our space program plays in driving scientific and technological advancements critical to our economy.

NASA currently intends to retire its Space Shuttles at the end of 2010. The criteria for Shuttle retirement, however, remains the completion of scheduled flights, and a fixed

retirement date could create dangerous scheduling pressures. Consequently, the Senate resolution recognizes the possibility that currently planned Shuttle missions may continue beyond the end of 2010, and provides \$2.5 billion above the President's request for 2011 with additional resources for NASA in the outyears.

Currently, NASA projects a five-year gap in U.S. human space flight capability. During that gap the United States will need to purchase space flight services from Russia, costing in excess of \$500 million. The Senate resolution recognizes the strategic importance of uninterrupted access to space and supports efforts to reduce or eliminate this five-year gap in U.S. human space flight.

House-passed Resolution

The House resolution calls for a total of \$31.1 billion in BA and \$32.5 billion in outlays for 2010, and for \$166.1 billion in BA and \$165.8 billion in outlays over five years.

The House budget resolution total for this function equals the level requested by the President for FY 2010, and for all five years in the budget window. Funding for scientific research and education is also included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 370 (Commerce and Housing Credit), Function 400 (Transportation), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health). This funding will support the science and technology goals of the House Leadership's Innovation Agenda and the America COMPETES Act: to put NSF funding on a path toward doubling, to train more qualified science and math teachers, and to invest in basic research on energy technologies.

Conference Agreement

The conference agreement includes \$31.1 billion in BA and \$32.5 billion in outlays in 2010, and \$168.7 billion in BA and \$168.5 billion in outlays over five years.

The conference agreement provides additional resources throughout the five year budget window, as requested by the President, for COMPETES Act and other Innovation programs in Function 250 as well as in other functions.

The conference agreement recognizes the scientific and technological contributions of our nation's manned and unmanned space program and the strategic importance of uninterrupted human access to space, and supports efforts to reduce the impending gap in US human spaceflight. The conference agreement matches the President's request for NASA in 2010 (while acknowledging that an additional \$400 million was appropriated for NASA exploration in the 2009 American Recovery and Reinvestment Act) and provides \$2.5 billion above the President's request in 2011. The additional funding is provided in 2011 in anticipation that the funding is needed for the remaining eight space shuttle missions to safely fly and to complete the construction and equipping of the international space station.

ENERGY: FUNCTION 270

Function Summary

Function 270 covers energy-related programs including research and development, environmental clean-up, and rural utility loans. Most of these programs are within the Department of Energy (DOE). This function covers a portion of the appropriated funding for DOE but does not include DOE's national security activities, which are in Function 050 (National Defense), or its basic research and science activities, which are in Function 250

(General Science, Space and Technology). This function also includes the Department of Agriculture's Rural Utilities Service, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

Senate-passed Resolution

The Senate resolution calls for a total of \$4.5 billion in BA and \$6.2 billion in outlays for 2010, and \$22.5 billion in BA and \$31.6 billion in outlays over five years.

Our nation's economic and national security are directly linked to our energy policy. We must confront the challenges of global climate change and our nation's addiction to foreign oil. By doing so, we can also create the green jobs that will drive our nation's economic recovery. To meet these challenges, President Obama and the Congress have responded with a historic investment of resources in a strategy to reduce our dependence on imported energy.

The economic recovery package included \$38.7 billion to fund important energy priorities such as modernizing the electric grid, renewable energy and transmission loan guarantees, local government energy efficiency and conservation grants, weatherization assistance, carbon capture and sequestration technology, energy efficiency and renewable energy research and development, and advanced battery development. When the emergency funding provided in the stimulus and other bills is included, overall funding for the Department of Energy climbed from approximately \$24 billion in 2008 to \$73 billion in 2009. This \$73 billion 2009 funding level represents the largest budget in the history of the Department of Energy.

The Senate resolution builds on the investments in the economic recovery package by fully funding the President's request for 2010 energy discretionary funding. The energy funding level in the Senate resolution will provide increases for the Energy Efficiency and Renewable Energy program. These increases will accommodate investments in important priorities such as wind, solar, geothermal, biomass and biorefinery R&D, hydrogen, vehicle/building technologies and the weatherization assistance program. The Senate resolution supports increased funding for the Energy Efficiency and Conservation Block Grant Program. The resolution also includes increases to invest in the development of low carbon coal technologies such as carbon capture and sequestration. The resolution supports continued funding increases for the Department of Energy's loan guarantee program.

The Senate resolution would increase funding for electricity delivery and energy reliability. The funding increase could be used to modernize the electric grid, enhance security and reliability of energy infrastructure, and facilitate recovery from disruptions to energy supply.

The Senate resolution supports the reclassification of receipts for the annual operating expenses of Southeastern, Southwestern, and Western Area Power Administrations (PMAs). By reclassifying the receipts from mandatory to discretionary, power rates will become more closely linked to the annual appropriations they fund. This direct link will promote long-term planning and improve the overall efficiency and reliability of the Federal power program.

The Senate resolution includes an energy reserve fund to accommodate legislation that advances important priorities such as reducing our Nation's dependence on imported energy, producing green jobs, promoting renewable energy development, im-

proving electricity transmission, creating a clean energy investment fund, and encouraging conservation and efficiency. The legislation could also include energy tax proposals. This reserve fund could be used for legislation such as a proposal to extend the permissible term of power purchase agreements used by federal agencies to acquire renewable energy. It could also be used for a proposal to expand the economic recovery package's investments in transmission infrastructure and smart grid technology. Additionally, the reserve fund could accommodate a proposal to create a Clean Energy Investment Fund. That type of proposal could aid in the transition to a low-carbon economy by using financing tools such as direct loans and loan guarantees to invest in clean energy technologies.

House-passed Resolution

The House resolution calls for a total of \$5.5 billion in BA and \$7.3 billion in outlays for 2010, and for \$29.1 billion in BA and \$54.6 billion in outlays over five years. The total BA level for 2010 reflects discretionary BA of \$6.7 billion and mandatory BA of -\$1.2 billion.

The 2009 level of discretionary BA includes \$39.4 billion in emergency appropriations from the American Recovery and Reinvestment Act and other legislation. The House resolution for 2010 builds on this funding for renewable energy, energy efficiency, emerging energy and vehicle technologies, and other important investments to increase the United States' energy independence and create new jobs. The House resolution provides \$1.0 billion (18.4 percent) more in appropriated funding for 2010 than the 2009 level of regular appropriations. The House resolution recognizes the importance of continuing adequate funding for the Weatherization Assistance Program, which helps lower-income families to reduce their energy bills and increase the comfort and safety of their homes.

The House urges the Appropriations Committee to include language in its appropriations bill to implement a "net zero" policy for the annual expenses of the Power Marketing Administrations (PMAs). The President's budget also supports this proposal. Reclassifying these receipts would more closely link the PMAs' annual appropriations with payments from their customers.

Conference Agreement

The conference agreement provides a total of \$5.0 billion in BA and \$6.3 billion in outlays for 2010, and \$25.6 billion in BA and \$50.0 billion in outlays over five years. The conference agreement provides \$6.2 billion in 2010 for discretionary programs in this function. This is \$500 million more than the President's proposed discretionary funding level for 2010. (The total BA and outlay levels are lower than the discretionary BA and outlay levels because this function has negative mandatory BA and outlay levels, reflecting the fact that the U.S. government collects more money than it spends marketing federally produced power and collects fees from commercial nuclear reactors.)

The conference agreement includes a significant commitment of resources to invest in emerging energy technologies, promote renewable energy and energy efficiency, and reduce our nation's dependence on imported energy. The conference agreement includes deficit-neutral reserve funds to accommodate energy legislation. Like the Senate-passed and House-passed resolutions, the conference agreement supports reclassifying the receipts of the Power Marketing Administrations (PMAs) to more closely link the

PMAs' annual appropriations with payments from their customers.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

Function Summary

The Natural Resources and Environment function consists of funding for water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior (including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the Minerals Management Service), conservation-oriented and land management agencies within the Department of Agriculture (including the Forest Service), the National Oceanic and Atmospheric Administration at the Department of Commerce, the Army Corps of Engineers, and the Environmental Protection Agency (EPA).

Senate-passed Resolution

The Senate resolution calls for a total of \$37.7 billion in BA and \$40.7 billion in outlays for 2010, and \$190.8 billion in BA and \$197.7 billion in outlays over five years.

The Senate resolution recognizes that we have an obligation to current and future generations to take meaningful action to reduce greenhouse gas emissions. The resolution includes a reserve fund to accommodate legislation that would invest in clean energy technology initiatives, decrease greenhouse gas emissions, or help families, workers, communities, and businesses make the transition to a clean energy economy. The resolution includes no specific assumptions regarding the policy details of such a proposal. The details of the proposal will be left to the committees of jurisdiction and the legislative process.

If climate change legislation brings new revenues into the Treasury, the Senate resolution would support the President's proposal to invest \$15 billion per year in a variety of clean energy technology initiatives. These initiatives would accelerate the widespread deployment of energy efficient technologies, increase our reliance on clean and renewable energy sources, and move America forward on the path to energy security.

The Senate resolution fully funds the President's request for the Environmental Protection Agency (EPA). The resolution includes \$3.9 billion for EPA's Clean Water and Drinking Water State Revolving Funds. The overall EPA funding level could accommodate significant increases for Superfund, the brownfields program and a variety of other EPA programs. The resolution would accommodate increases for water infrastructure priorities at the Army Corps of Engineers and the Bureau of Reclamation.

The Senate resolution recognizes the importance of the Bureau of Reclamation rural water program to support ongoing Municipal, Rural, and Industrial (MR&I) systems for the Great Plains Region. The Bureau of Reclamation supplies drinking water to 2.6 million people in the Great Plains region and is encouraged to prioritize the completion of the Pick Sloan-Missouri Basin Program—Garrison Diversion Unit, Mni Wiconi, Lewis and Clark, Perkins County, Fort Peck Reservation/Dry Prairie, and Rocky Boys/North Central rural water system projects. The Senate resolution supports funding these vital rural water development projects at a level that is as close to \$292 million as possible.

The Senate resolution includes increases for the Army Corps of Engineers and the De-

partment of Interior which are sufficient to fully fund ongoing Everglades Restoration activities, including construction of authorized projects contained in the Comprehensive Everglades Restoration Plan and the Everglades National Park Expansion Act.

The funding levels in the Senate resolution allow for increases for the National Oceanic and Atmospheric Administration (NOAA). In addition, the resolution includes a reserve fund which would accommodate legislation to preserve or protect oceans or coastal areas.

The Senate resolution assumes increases for the Department of the Interior and the Forest Service. The resolution also includes the President's proposal to increase funding for land acquisition programs. The Senate-passed resolution includes a reserve fund which could be used for legislation that preserves or protects public lands. This could include, but is not limited to, legislation that protects national parks, national monuments, wilderness areas, wild and scenic rivers, and national recreation areas.

The Senate resolution fully funds wildfire suppression activities at the Forest Service and the Department of the Interior. The resolution commends the President for taking steps to budget for growing annual fire suppression costs. It provides the 10-year average for fire suppression costs and assumes that an additional \$357 million will be provided if appropriated funds are exhausted and the severity of the fire season requires additional funding. The Senate resolution also included increases in funding for hazardous fuel reduction.

The Senate resolution recognizes the need to address significant and long-standing problems affecting the major large scale aquatic, estuarine, and coastal ecosystems nationwide. The Senate resolution includes funding for a new interagency initiative to address such regional ecosystems. It assumes the President's request of \$475 million to work with Great Lakes states, tribes, and local communities and organizations to address issues prioritized in the Great Lakes Regional Collaborative. This initiative could address issues such as invasive species, non-point source pollution, habitat restoration and contaminated sediment. The resolution also supports the President's proposal to use outcome-oriented performance goals and measures to target the most significant problems and track progress in addressing these ecosystems.

House-passed Resolution

The House resolution calls for a total of \$37.4 billion in BA and \$40.5 billion in outlays for 2010, and for \$194.6 billion in BA and \$200.5 billion in outlays over five years.

The House budget resolution matches the President's total discretionary funding request for this function, and provides increased resources for programs such as the Land and Water Conservation Fund, the EPA's Clean Water and Drinking Water State Revolving Funds, and other EPA programs. The House recognizes the need for maintaining and upgrading water infrastructure in the Commonwealth of the Northern Mariana Islands and other U.S. territories, and encourages relevant federal agencies to work with territory governments on this issue. The House resolution also allows for additional funding for other programs at NOAA, the Department of the Interior, and the Forest Service.

For mandatory spending, the House resolution assumes levels provided by current law.

The House resolution includes a deficit-neutral reserve fund that accommodates leg-

islation to increase investments in renewable energy and energy independence, encourage new technological development, take steps to provide for reductions in greenhouse gas emissions, and help families, businesses, the environment and industries adapt to the new energy economy.

Conference Agreement

The conference agreement includes a total of \$37.6 billion in BA and \$40.6 billion in outlays for 2010, and \$192.1 billion in BA and \$198.5 billion in outlays over five years. The conference agreement provides \$35.3 billion in 2010 for discretionary programs in this function. This is \$200 million more than the President's proposed discretionary funding level for 2010.

The conference agreement includes significant increases for natural resources and environment programs, including a variety of programs at the Environmental Protection Agency. The agreement provides additional resources for agencies such as the Army Corps of Engineers and the Bureau of Reclamation to invest in national water infrastructure priorities. It also increases funding for a number of other programs throughout the Department of the Interior, the Forest Service, and the National Oceanic and Atmospheric Administration. The funding levels in the conference agreement include the President's proposal to provide additional funding for wildland fire suppression activities at the Forest Service and the Department of the Interior. The conference agreement could also accommodate increases in funding for hazardous fuel reduction activities. The conference agreement includes deficit-neutral reserve funds which could be used for legislation to reduce greenhouse gas emissions.

AGRICULTURE: FUNCTION 350

Function Summary

The Agriculture function includes farm income stabilization, agricultural research, and other services administered by the U.S. Department of Agriculture. The discretionary programs include research and education programs, economics and statistics services, administration of the farm support programs, farm loan programs, meat and poultry inspection, and a portion of the Public Law 480 international food aid program. The mandatory programs include commodity programs, crop insurance, and certain farm loans.

Senate-passed Resolution

The Senate resolution reflects a total of \$23.6 billion in BA and \$23.9 billion in outlays for 2010, and \$114.9 billion in BA and \$109.0 billion in outlays over five years. During Committee consideration, an amendment was adopted assuming \$70 million in savings per year in crop insurance over the next five years. The amendment dedicated \$175 million for child nutrition and \$175 million for deficit reduction. Besides these changes, the Senate resolution leaves all other nutrition, conservation, renewable energy, and farm safety net improvements included in the 2008 Farm Bill unchanged.

Given our current fiscal situation, the Senate resolution recognizes that all areas of the federal budget need to be examined for savings. Even though the 2008 Farm Bill received over 80 votes in the Senate and was fully paid for, the Senate resolution would support targeted savings in agriculture, including some savings in the Environmental Quality Incentives Program and the federal crop insurance program.

House-passed Resolution

The House resolution calls for a total of \$23.7 billion in BA and \$24.0 billion in outlays

for 2010, and for \$115.7 billion in BA and \$109.7 billion in outlays over five years. The House resolution provides resources for commodity support, agricultural research, and the Animal and Plant Health Inspection Service, including activities to support eradication of the Asian Longhorn Beetle.

For mandatory spending, the House resolution assumes levels provided by current law. For discretionary programs, the House resolution matches the levels in the President's budget.

Conference Agreement

The conference agreement calls for a total of \$23.7 billion in BA and \$24.0 billion in outlays for 2010, and for \$115.6 billion in BA and \$109.6 billion in outlays over five years. For discretionary spending, the conference agreement assumes \$6.1 billion in BA and \$6.2 billion in outlays for 2010. For mandatory spending, the agreement matches CBO's baseline estimate for March 2009 (assuming levels provided by current law), leaving all of the nutrition, conservation, renewable energy, and farm safety net improvements made in the 2008 Farm Bill unchanged.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

Function Summary

The Commerce and Housing Credit function includes mortgage credit, the Postal Service, deposit insurance, and other advancement of commerce (the majority of the discretionary and mandatory spending in this function). The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Most of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census. Finally, the function also includes funding for independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

Senate-passed Resolution

The Senate resolution calls for a total of \$64.4 billion in unified BA and \$89.1 billion in unified outlays for 2010, and \$129.6 billion in unified BA and \$139.8 billion in unified outlays over five years. (The corresponding on-budget figures are \$61.1 billion in BA and \$85.8 billion in outlays for 2010, and \$124.3 billion in BA over five years and \$134.6 billion in outlays over five years.) The Senate resolution includes a deficit-neutral reserve fund that would allow for additional investments in housing assistance, including low-income rental assistance and assistance provided through the Affordable Housing Trust Fund. The Senate resolution provides \$880 million for the Small Business Administration and adopts the Administration's budget level for the Manufacturing Extension Program (MEP), which is authorized in the America COMPETES Act.

House-passed Resolution

For the unified budget, the House resolution calls for a total of \$64.2 billion in BA and \$88.9 billion in outlays for 2010, and for \$130.4 billion in BA and \$140.6 billion in outlays over five years. (The budget resolution provides only the on-budget amounts, which are \$60.9 billion in BA and \$85.6 billion in outlays for 2010, and \$125.1 billion in BA and \$135.3 billion in outlays over five years.)

The discretionary function total for 2010 includes significantly increased funding to ensure that the Bureau of the Census has the necessary resources to hire workers and to complete the 2010 Census. The 2010 total also fully accounts for funding to support Federal Housing Administration (FHA) and other mortgage credit programs in order to respond to the current housing crisis.

The House notes that the goal of the Treasury's Troubled Assets Relief Program is to help stabilize credit and housing markets, not to use eventual returns to support additional, non-related spending. Proceeds from the sale of troubled assets, repayments of loans, or other resulting revenues to the Treasury from Federal assistance provided under the Emergency Economic Stabilization Act of 2008, Public Law 110-343, should be available to reduce the Federal deficit and the public debt.

Conference Agreement

For the unified budget, the conference agreement calls for a total of \$64.4 billion in BA and \$89.0 billion in outlays for 2010, and for \$130.6 billion in BA and \$140.8 billion in outlays over five years. (The conference agreement provides only the on-budget amounts, which are \$61.1 billion in BA and \$85.8 billion in outlays for 2010, and \$125.3 billion in BA and \$135.5 billion in outlays over five years.) The discretionary function total includes significantly increased funding for the Bureau of the Census, reflecting execution of the 2010 census, and continues to support the Small Business Administration and the Manufacturing Extension Program. The 2010 total also fully accounts for funding to support Federal Housing Administration (FHA) and other mortgage credit programs in order to respond to the current housing crisis.

The conference agreement supports efforts to provide additional investment in and oversight of housing assistance. Both the Senate and the House include reserve funds that allow for investments in the Affordable Housing Trust Fund. The Senate economic stabilization reserve fund also allows for additional investments in low-income rental assistance. The conference agreement also supports efforts to increase the capacity of HUD's Inspector General to investigate cases of FHA loan fraud. The HUD Inspector General's office has not expanded even as the number of FHA-approved lenders has doubled over the past two years.

The conference agreement notes that the goal of the Treasury's Troubled Assets Relief Program is to help stabilize credit and housing markets, not to use eventual returns to support additional, non-related spending. Proceeds from the sale of troubled assets, repayments of loans, or other resulting revenues to the Treasury from Federal assistance provided under the Emergency Economic Stabilization Act of 2008, Public Law 110-343, should be available to reduce the Federal deficit and the public debt.

TRANSPORTATION: FUNCTION 400

Function Summary

The Transportation function consists mostly of the programs administered by the

Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. This function also includes two components of the Department of Homeland Security: the Coast Guard and the Transportation Security Administration. In addition, this function includes several small transportation-related agencies and the research program for civilian aviation at NASA.

Senate-passed Resolution

The Senate resolution calls for a total of \$75.2 billion in BA and \$95.7 billion in outlays for 2010, and \$377.8 billion in BA and \$477.0 billion in outlays over five years. The Senate resolution includes an infrastructure reserve fund that would be available for surface transportation programs and multimodal transportation projects. The reserve fund anticipates that future surface transportation investments will be paid for and the solvency of the Highway Trust Fund will be maintained for the length of the surface transportation authorization. The Senate resolution understands that the surface transportation reauthorization will augment current investments, and provides funding levels for highways, transit, and safety programs which will be adjusted when a reauthorization bill is reported. The Senate resolution does not adopt the administration's proposed change to scoring of contract authority. The Senate resolution continues the unprecedented commitment to high speed rail made in the economic recovery package by providing \$1 billion for high speed rail in 2010.

House-passed Resolution

The House resolution calls for a total of \$88.2 billion in BA and \$95.7 billion in outlays for 2010, and for \$449.9 billion in BA and \$481.0 billion in outlays over five years.

The House budget resolution recognizes that transportation programs are charged with helping to pull the economy out of the recession. The American Recovery and Reinvestment Act made significant investments in highway construction, mass transit, passenger rail, and aviation. In addition, as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expires, the House will craft a new highway and transit bill for the 2010-2015 period.

The House's task of reauthorizing highway construction programs is made more difficult by a large set of current law rescissions to contract authority, a form of mandatory budget authority. Beginning in 2010, the House resolution restores the mandatory baseline for the federal-aid highway program so that its funding authority is in line with current projections of obligation limitations. The House resolution retains current scorekeeping practices for contract authority programs.

In order to address the highway and transit programs during reauthorization, the House resolution includes a surface transportation reserve fund that provides further increases to highway and transit contract authority if the future legislation maintains a solvent Highway Trust Fund.

Finally, as a part of the reauthorization of the Federal Aviation Administration, the House resolution accommodates increases to the Airport Improvement Program (AIP).

Conference Agreement

The Conference agreement calls for a total of \$88.2 billion in BA and \$95.7 billion in outlays for 2010, and \$449.9 billion in BA and \$481.0 billion in outlays over five years. The conference agreement recognizes that this

year's economic recovery package made significant investments in highway construction, mass transit, passenger rail, and aviation that will create badly needed jobs to help sustain the recovery. The conference agreement recognizes that continued investment in infrastructure programs is important and includes House and Senate infrastructure reserve funds to accommodate legislation to reauthorize surface transportation programs and ensure the solvency of the Highway Trust Fund for the length of the surface transportation authorization.

The task of reauthorizing highway construction programs is made more difficult by a large set of current law rescissions to contract authority, a form of mandatory budget authority. Beginning in 2010, the conference agreement restores the mandatory baseline for the federal-aid highway program so that its funding authority is in line with current projections of obligation limitations. In the Senate, it will not be in order for legislation that extends or reauthorizes surface transportation bills to appropriate budget authority for those programs outside of the Highway Trust Fund. The conference agreement also does not adopt the administration's proposed change to scoring of contract authority and does not assume increases to fuel taxes.

The Senate infrastructure reserve fund would also accommodate legislation that makes additional investments in multimodal transportation projects, passenger and freight rail and could also accommodate legislation regarding the Denali Commission, an independent federal agency focusing on rural Alaskan communities.

The conference agreement continues the unprecedented commitment to high speed rail made in the economic recovery package by providing \$1 billion for high speed rail in 2010. Finally, as a part of the reauthorization of the Federal Aviation Administration, the conference agreement accommodates increases to the Airport Improvement Program (AIP).

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

Function Summary

The Community and Regional Development function includes federal programs to improve community economic conditions, promote rural development, and assist in federal preparations for and response to disasters. This function provides appropriated funding for the Community Development Block Grant, Department of Agriculture rural development programs, the Bureau of Indian Affairs (BIA), the Federal Emergency Management Agency (FEMA) (including homeland security grants), and other disaster mitigation and community development-related programs. It also provides mandatory funding for the federal flood insurance program.

Senate-passed Resolution

The Senate resolution calls for a total of \$16.3 billion in BA and \$28.9 billion in outlays for 2010, and \$80.8 billion in BA and \$114.3 billion in outlays over five years.

The Senate resolution recognizes the importance of providing investments in our communities and protecting the homeland. The Senate resolution includes increased funding for the Community Development Block Grant (CDBG), the largest source of federal grant assistance in support of state and local government housing and community development efforts, and for grants to local governments to revitalize closed manufacturing plants. The Senate resolution also

supports funding for Department of Homeland Security grant programs and BIA programs.

House-passed Resolution

The House resolution calls for a total of \$18.3 billion in BA and \$29.3 billion in outlays for 2010, and for \$103.3 billion in BA and \$129.5 billion in outlays over five years.

The House budget resolution provides increased funding to accommodate urgent community development and homeland security needs, which could include full funding for the Community Development Block Grant (CDBG), similar to the President's budget. Function 450 also accommodates funding for a new National Infrastructure Bank, capitalized with federal funds, to direct public and private dollars towards infrastructure investments of national or regional significance. However, because a National Infrastructure Bank is not yet authorized, the House resolution includes initial funding in 2010 and larger amounts over the 2011–2014 period.

Conference Agreement

The conference agreement includes a total of \$18.3 billion in BA and \$29.3 billion in outlays for 2010, and \$88.3 billion in BA and \$122.7 billion in outlays over five years.

The conference agreement provides increased funding levels that will provide needed investments in our communities and homeland security. The agreement provides increased funding, which could include full funding for the Community Development Block Grant (CDBG), and for grants to local governments to revitalize closed manufacturing plants. The conference agreement also includes \$2.0 billion in 2010 and \$5.0 billion in 2011 for a National Infrastructure Bank, if authorized, with an understanding that at least one quarter of the funding would be targeted to rural areas. The conference agreement also supports funding for Department of Homeland Security grant programs and BIA programs.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

Function Summary

The Education, Training, Employment and Social Services function includes funding for the Department of Education, as well as programs in the Department of Health and Human Services (HHS) and the Department of Labor. This function provides funding for elementary and secondary, career and technical, and post-secondary educational programs; job training and employment services; children and family services; and statistical analysis and research related to these areas. It also contains funding for the Library of Congress and independent research and arts agencies.

Senate-passed Resolution

The Senate resolution calls for a total of \$94.4 billion in BA and \$140.6 billion in outlays for 2010, and \$561.1 billion in BA and \$640.4 billion in outlays over five years.

Building on the investments in education and training provided in the economic recovery package, the Senate resolution fully funds the President's request for education and training programs over the five-year budget window. Investments in education and training programs have sound economic benefits and the Senate-passed resolution provides Americans a complete and competitive education from cradle to career.

There is increasing evidence that investing in high quality early childhood education programs, such as Head Start, is a solid investment, yielding \$10 in reduced social costs

for every dollar invested. Despite these benefits, many preschool students do not have access to quality early education programs. The Senate-passed resolution provides expanded resources to invest in the long-term returns of early education.

Moreover, decreased federal funding for education has implications at the state and local level. When the federal government reduces its share of funding for the Individuals with Disabilities Education Act, state and local governments have to cut programs to cover the decreasing share of special education.

The Senate resolution calls for a significant investment to build our human capital through programs targeting low-income students, such as Title I, and for innovative and effective strategies to reduce achievement gaps and improve student learning in grade schools, middle schools, and high schools. The competitive educational advantage we used to enjoy, relative to other nations, has eroded significantly in recent years.

The Senate resolution proposes to reduce barriers to higher education by including provisions that could accommodate the President's student aid proposals, such as expanding Pell grants. The President has challenged our students to commit to at least one year of post-secondary study. However, many low- and moderate-income high school graduates who are fully prepared to go to college do not because of financial barriers. Employers indicate that we are not producing enough trained workers with the skills for the modern workplace, particularly in high-growth sectors such as health care and green energy technologies. Increasingly, these sectors require some form of post-secondary education or job re-training.

The Senate resolution recognizes that effective education and training programs are necessary to restart U.S. economic growth and allow our citizens to compete in the global economy. It makes this effort a high priority. The Senate resolution also provides the President's requested level for the Corporation for National and Community Service to encourage Americans to serve their community and country.

The Senate resolution provides a deficit-neutral reserve fund for higher education to facilitate enactment of legislation to make college more accessible and affordable.

The Senate resolution adopted three amendments to the Higher Education reserve fund which would maintain a competitive student loan program; facilitate expanded funding for programs that provide need-based grants and community work-study programs; and facilitate expanded funding for programs that provide outreach to low-income students to prepare for college. The Senate also adopted an amendment to the Economic Stabilization and Growth reserve fund to provide specialized training for workers in emerging industries. In addition the Senate adopted an amendment to provide a reserve fund for after-school programs.

House-passed Resolution

The House resolution calls for a total of \$93.7 billion in BA and \$140.3 billion in outlays for 2010, and for \$560.4 billion in BA and \$639.6 billion in outlays over five years.

The 2010 House resolution supports the President's investments in education from early childhood through post-secondary education and training and shares the President's goal of improving American education and creating a workforce that is prepared to compete and succeed in the global economy. The House resolution supports the President's plan to make a new investment in

early childhood education, improve student achievement in elementary and secondary education through both proven strategies and innovative approaches, and increase the number of high school graduates that attend and complete higher education by making college more affordable and accessible. The House resolution also accommodates the President's support for strong job training services that will prepare Americans for stable and high-paying jobs.

The 111th Congress has already made significant new investments in education in the American Recovery and Reinvestment Act, which provided about \$100 billion that states will use primarily to maintain elementary, secondary, and higher education services. The American Recovery and Reinvestment Act targeted significant funds to Title I (Education for the Disadvantaged), Head Start, and special education, where the funding can be used to train more teachers to provide needed services in the future. The House budget resolution builds upon that start by providing the level of funding in the President's request for education, job training, and social services for 2010.

The House resolution's funding could support services that will help students meet high standards and will provide effective teachers and principals, including investments in key programs such as Head Start and the Individuals with Disabilities Education Act. It also could support the No Child Left Behind Act programs that work to close the achievement gap and ensure that all children learn, including Impact Aid and after-school services. The funding could be used as a down payment on a comprehensive literacy initiative for the nation that encompasses early childhood, elementary, and secondary education.

This year Congress increased the maximum Pell Grant award by \$619—the largest annual increase for a program that helps more than seven million students pay for college. The House resolution provides discretionary funding to support the President's Pell grant increase for 2010. Going forward, the House resolution could accommodate the President's proposals to provide additional assistance to help more low-income high school graduates attend and complete college, provided they are enacted in a fiscally responsible way. Further assistance could include expanding access to Historically Black Colleges and Universities as well as Hispanic-serving institutions and other minority-serving institutions, which continue to make important contributions towards increasing the percentage of minority students gaining a college degree.

The House urges the Committee on Education and Labor to review options for the student loan program that will maintain a role for FFELP lenders in the student loan program, and to look to ways to achieve savings that capitalize on current infrastructure and minimize the disruption to students and the employees of FFELP lenders who currently serve 75 percent of loans at American colleges, universities, and community colleges.

The House resolution continues to support two-year advance funding for the Corporation for Public Broadcasting, and recognizes that public television and radio stations are experiencing financial distress as a result of the recession.

The House resolution contains a reserve fund to accommodate legislation that makes college more affordable, consistent with the House pay-as-you-go rule. It also contains

tions directing the Committee on Education and Labor to report a bill that invests in education while reducing the deficit by \$1 billion over the 2009–2014 period.

Conference Agreement

The conference agreement calls for a total of \$94.4 billion in BA and \$140.6 billion in outlays for 2010, and for \$561.1 billion in BA and \$640.4 billion in outlays over five years.

The conference agreement recognizes the importance of investing in education and training programs to build a highly skilled workforce that can compete in the global marketplace and provides the President's requested level for education, training and social service programs in every year over the five-year budget window. The increased funding will assist Americans from cradle to career with job training programs, access to higher education through Pell grants and state programs targeted to low-income students, elementary and secondary education programs such as Title I and IDEA, and expanded resources for Head Start and other early education programs.

The conference agreement contains deficit-neutral reserve funds for higher education legislation in both the House and Senate. It also includes a Senate reserve fund for 21st Century Learning Centers.

The conference agreement includes a Sense of Congress provision on college affordability and student loan reform that reaffirms the importance of the student aid services provided by both non-profit and for-profit entities in the student loan program, as well as the employment they provide across the country.

HEALTH: FUNCTION 550

Function Summary

The Health function includes most direct health care service programs as well as funding for anti-bioterrorism activities, national biomedical research, protecting the health of the general population and workers in their places of employment, providing health services for under-served populations, and promoting training for the health care workforce. The major programs in this function include Medicaid, the State Children's Health Insurance Program (SCHIP), health benefits for federal workers and retirees, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Health Resources and Services Administration (HRSA), the Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Agency for Healthcare Research and Quality.

Senate-passed Resolution

The Senate resolution calls for a total of \$385.4 billion in BA and \$389.2 billion in outlays for 2010, and for \$1.9 trillion in BA and outlays over five years.

The Senate resolution includes increased funding above the 2010 baseline level consistent with the President's health priorities for NIH, HRSA, CDC, IHS, and FDA. Significant increases for Community Health Centers, health professions, and the National Health Service Corps within HRSA are also included. Increases above the President's request are also included for the Maternal and Child Health Block Grant, the organ transplantation program, and several other programs.

In addition, the Senate resolution contains several health care related deficit-neutral reserve funds, including reserve funds for health care reform legislation and for improvements at the FDA.

House-passed Resolution

The House resolution calls for a total of \$383.9 billion in BA and \$388.7 billion in outlays for 2010, and for \$1.9 trillion in BA and outlays over five years.

The discretionary resources for Function 550 for 2010 match the President's 2010 request and increase funding over the 2010 baseline level, enabling support of the President's priorities for cancer research, food safety, and other important programs. The House resolution provides critical resources for public health, which includes programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public.

Programs in Function 550 are also addressed in the House resolution's deficit-neutral reserve funds for health care reform and the 9/11 health program.

Conference Agreement

The conference agreement includes a total of \$384.3 billion in BA and \$388.9 billion in outlays for 2010, and \$1.9 trillion in BA and outlays over five years.

Discretionary funding levels for Function 550 include increased funding above the 2010 baseline level consistent with the President's health priorities for NIH, HRSA, CDC, IHS, and FDA. In addition, the conference agreement assumes significant increases for Community Health Centers, health professions, and the National Health Service Corps within HRSA as well as food safety efforts at FDA. Increases are also included for the Maternal and Child Health Block Grant and the organ transplantation program as well as additional funding for IHS to help meet the needs of American Indians and Alaska Natives.

The conference agreement provides critical resources for public health, which includes programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public.

In addition, programs in Function 550 are also addressed in several health care related deficit-neutral reserve funds, including a reserve fund for health care reform legislation.

MEDICARE: FUNCTION 570

Function Summary

The Medicare function includes funding to administer and to provide benefits under the Medicare program. Medicare is a federal health insurance program that currently covers 45 million Americans aged 65 and older, as well as younger adults who are disabled or suffer from end-stage renal disease.

Congress provides an annual appropriation for the costs of administering Medicare, including resources to conduct program integrity activities to guard against improper payments, fraud, and abuse. The remainder of spending in this function is mandatory and reflects payments to health care providers and private insurance plans, as well as beneficiary premiums and other receipts and payments to the Medicare trust funds, under the Part A Hospital Insurance (HI) program, the Part B Supplementary Medical Insurance (SMI) program, the Part C Medicare Advantage program, and the Part D Prescription Drug program.

Senate-passed Resolution

The Senate resolution calls for a total of \$442.8 billion in BA and \$443.0 billion in outlays for 2010, and \$2.6 trillion in BA and \$2.6

trillion in outlays over five years. The mandatory spending levels in the Senate resolution are at the CBO baseline level in all years covered by the resolution. In addition, the Senate resolution includes a deficit-neutral reserve fund in Sec. 201(b) for legislation that increases the reimbursement rate for Medicare physician services (and overrides a large payment rate cut that would otherwise go into effect on January 1, 2010) and addresses other Medicare benefit and payment issues. In addition, the Senate resolution also contemplates Medicare physician payment reform as a component of comprehensive health reform and subject to the flexibility of the reserve fund in Sec. 201(a).

The discretionary spending levels in the Senate resolution assume \$25 million over the period 2010 to 2012 to begin addressing the administrative costs associated with legislation that would reduce the potential for identity theft by requiring the Centers for Medicare and Medicaid Services to remove Social Security numbers from Medicare cards.

For 2010, the discretionary funding levels in this function include a discretionary cap adjustment of up to \$311 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC program) to address improper payments, fraud, and abuse in the Medicare program.

House-passed Resolution

The House resolution calls for a total of \$449.7 billion in BA and \$449.8 billion in outlays for 2010, and for \$2.6 trillion in BA and outlays over five years.

The House budget resolution function level for Medicare assumes that the payment rates in effect for physicians for 2009 will stay in effect through 2019. This assumption is consistent with the President's budget and is based on Congressional actions in recent years to prevent cuts in physician payments that would otherwise be required by the Sustainable Growth Rate formula. However, like the President's budget, the House budget resolution does not intend this assumption as a reflection of future policy. Instead, the assumption represents a realistic and meaningful benchmark against which to measure the fiscal effects of legislation reforming the Medicare physician payment system. The House resolution includes a reserve fund (Sec. 314) to accommodate legislation for improvements in Medicare's system for paying physicians.

The House resolution provides a discretionary cap adjustment of \$311 million for additional activities aimed at detecting and preventing Medicare fraud and other improper payments. The Health Care Fraud and Abuse Control program is a joint effort of the Department of Health and Human Services, the HHS Office of the Inspector General, and the Department of Justice.

Conference Agreement

The conference agreement reflects a total of \$449.7 billion in BA and \$449.8 billion in outlays in 2010, and \$2.6 trillion in BA and \$2.6 trillion in outlays over five years.

For 2010, the discretionary spending levels in this function are \$5 million above the President's request. Over five years, the discretionary funding in this function assumes \$25 million to begin addressing the administrative costs associated with legislation that would reduce the potential for identity theft by requiring the Centers for Medicare and Medicaid Services to remove Social Security numbers from Medicare cards.

The mandatory spending levels in this function assume \$38 billion above the CBO

baseline level, which reflects Medicare payment rates in effect for physicians for 2009 staying in effect through 2010, 2011, and at least part of 2012. However, the conference agreement does not intend this assumption as a reflection of future policy. In the Senate, legislation that would freeze physician payments at current levels, provide a positive update for physician payments, or reform the Medicare physician payment system, whether on a temporary or permanent basis, must be compliant with Sec. 301(a) or Sec. 301(b) in this conference agreement. In the House, Sec. 421 of the conference agreement allows the chairman of the Budget Committee to treat the additional \$38 billion as a current policy adjustment before evaluating the costs of legislation affecting Medicare physician payments for compliance with House budget rules and procedures, assuming the condition stated in that section is met.

The conference agreement includes a Senate reserve fund (Sec. 301) and a House reserve fund (Sec. 321) to accommodate comprehensive health reform legislation and related provisions, including legislation for improvements in Medicare's system for paying physicians.

INCOME SECURITY: FUNCTION 600

Function Summary

The Income Security function contains a range of income security programs including: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. Major federal entitlement programs in this function include unemployment insurance, food stamps, child nutrition, Temporary Assistance to Needy Families (TANF), foster care, child support enforcement, child care, Supplemental Security Income, and spending for the refundable portion of the Earned Income Credit.

Senate-passed Resolution

The Senate resolution calls for a total of \$536.6 billion in BA and \$539.9 billion in outlays for 2010, and for \$2.4 trillion in BA and outlays over five years.

The resolution provides increased funding for the Low-Income Home Energy Assistance Program. These funds for LIHEAP will help to continue providing heating and cooling assistance to over five million low-income households, including the working poor, disabled persons, elderly, and families with young children. The Senate resolution continues to support funding for the Public Housing Capital Fund, Hope VI Distressed Housing Program, Housing for the Disabled, Housing for the Elderly, and the Section 8 tenant-based Housing Choice Voucher program and the project-based Section 8 program. The resolution includes increases for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

In addition, the Senate resolution includes deficit-neutral reserve funds for improvements to child welfare, child support enforcement, foster care financing, and LIHEAP, as well as for the reauthorization of the child nutrition and WIC programs, and for establishing or expanding early childhood home visitation programs.

House-passed Resolution

The House resolution calls for a total of \$536.2 billion in BA and \$539.9 billion in outlays for 2010, and for \$2.5 trillion in BA and outlays over five years.

The House budget resolution matches the President's increase in discretionary funding for Function 600 in order to invest in children and meet urgent needs of low-income families and elderly and disabled people in difficult economic times. These resources will build upon the recently enacted American Recovery and Reinvestment Act, which provided increases in mandatory and discretionary funding for child care, child support, and assistance to needy families.

The House shares the President's commitment to ending childhood hunger in the United States by 2015, and funding to move toward that goal is provided here. The House resolution accommodates continued economically-driven increases in participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which is currently projected to have 9.8 million participants in 2010. The House resolution also includes a deficit-neutral reserve fund and additional funding to accommodate a reauthorization of child nutrition programs that will improve meal quality and access.

The House resolution provides the necessary funding to continue rental housing assistance to families, elderly, and disabled people who rely on assistance from the Department of Housing and Urban Development (HUD). The House also recognizes the unmet need for affordable housing, both by including a deficit-neutral reserve fund for the Affordable Housing Trust Fund, and by providing additional discretionary resources for affordable housing preservation.

The House resolution also accommodates the President's proposal to make the Low-income Home Energy Assistance Program (LIHEAP) more quickly responsive to rising energy costs, coupled with an increase in regular discretionary funding to allow the program to reach families in need.

In addition to the policies mentioned above, mandatory programs in Function 600 are also addressed in deficit-neutral reserve funds for home visiting, structural reform of extended unemployment benefits, and child support.

Conference Agreement

The conference agreement includes a total of \$536.7 billion in BA and \$540.2 billion in outlays for 2010, and \$2.4 trillion in BA and outlays over five years.

The conference agreement provides discretionary funding increases consistent with President's budget request for Function 600 in order to invest in children and meet urgent needs of low-income families and elderly and disabled people. The conference agreement supports the President's request of \$3.2 billion for LIHEAP in 2010. However the agreement also includes a discretionary cap adjustment for an additional \$1.9 billion, for a total LIHEAP funding level of \$5.1 billion if the President's funding level of \$3.2 billion is included in an appropriations measure. These funds for LIHEAP will help to continue providing heating and cooling assistance to over five million low-income households, including the working poor, disabled persons, elderly, and families with young children.

The conference agreement accommodates funding for increases in participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which is currently projected to have 9.8 million participants in 2010. The conference agreement also continues to support funding for important housing assistance programs for low-income families, the elderly, and the disabled.

In addition, the conference agreement includes deficit-neutral reserve funds for improvements to child welfare, child support enforcement, foster care financing, and LIHEAP, as well as for the reauthorization of the child nutrition and WIC programs to help meet the President's goal of ending childhood hunger in the United States, and for establishing or expanding home visitation programs.

SOCIAL SECURITY: FUNCTION 650

Function Summary

The Social Security function includes funding for the Old-Age, Survivors, and Disability Insurance (OASDI) programs, which provide earned Social Security benefits to over 52 million eligible retired workers, disabled persons, and their spouses and survivors. In addition, this function provides funding to the Social Security Administration (SSA) and the Office of the Inspector General (OIG) to administer the Social Security program and ensure program integrity.

Under provisions of the Congressional Budget Act and the Budget Enforcement Act, the Old-Age and Survivors Insurance (OASI) trust fund and the Disability Insurance (DI) trust fund are off-budget and do not appear in the budget resolution totals. A small portion of spending in Function 650, the general fund transfer of income taxes on Social Security benefits to the trust funds and outlays resulting from funding authorized in the American Recovery and Reinvestment Act of 2009, is considered on-budget and appears in the budget resolution totals.

Senate-passed Resolution

The Senate resolution calls for \$20.3 billion in on-budget BA and \$20.4 billion in on-budget outlays for 2010, and \$132.4 billion in on-budget BA and \$132.9 billion in on-budget outlays over five years. (The corresponding figures on a unified basis are \$703.4 billion in BA and \$701.4 billion in outlays for 2010 and \$3.8 trillion in BA and outlays over five years.) This spending reflects the general fund transfer of income taxes on Social Security benefits to the trust funds and the outlay effect of funding for the Social Security Administration (SSA) that was authorized in the American Recovery and Reinvestment Act of 2009.

For 2010, the Senate resolution provides \$6.1 billion in BA and \$5.9 billion in off-budget discretionary outlays for SSA administrative expenses, as outlined in section 102(c) of the resolution, which matches the President's budget request. When combined with funding resources in Function 570 (Medicare) and Function 600 (Income Security), the total administrative budget for SSA assumed in the Senate resolution is \$11.6 billion. This substantial increase over the FY09 level is intended to help address the serious and unacceptable backlog of Social Security disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

The discretionary funding levels in the Senate resolution assume a discretionary cap adjustment of \$485 million to fund additional continuing disability reviews and Supplemental Security Income redeterminations, if appropriators provide a base funding level for these program integrity initiatives of \$273 million.

House-passed Resolution

For the unified budget, the House resolution calls for a total of \$703.4 billion in BA and \$701.4 billion in outlays for 2010, and for \$3.8 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are \$20.3 bil-

lion in BA and \$20.4 billion in outlays for 2010, and \$132.4 billion in BA and \$132.9 billion in outlays over five years.)

The administrative budget for the SSA includes resources in Function 570 (Medicare) and Function 600 (Income Security) as well as Function 650. The House resolution assumes an \$11.6 billion funding level for the administrative expenses at the SSA, the same as the President's budget level. The increased resources will enable SSA to address the rising number of disability and retirement claims, as well as address the serious backlog of disability claims and hearings and provide for improved service to the American public.

Included in the total funding level above are resources to accommodate \$485 million through an adjustment of the discretionary allocation for program integrity initiatives. The adjustment allows the SSA to conduct an increasing number of Continuing Disability Reviews (CDRs) and Supplemental Security Income (SSI) redeterminations. The language also allows funding of up to \$34 million of the \$485 million allocation adjustment to be used for asset verification for SSI recipients, but only if it has a return on investment at least as high as a low-priority SSI redetermination of eligibility, at a 4:1 return.

Conference Agreement

For the unified budget, the conference agreement calls for \$703.4 billion in BA and \$701.4 billion in outlays for 2010, and \$3.8 trillion in BA and outlays over five years. (The conference agreement provides only the on-budget amounts, which are \$20.3 billion in BA and \$20.4 billion in outlays for 2010, and \$132.4 billion in BA and \$132.9 billion in outlays over five years.)

For 2010, the conference agreement provides total net discretionary resources for the administrative expenses of SSA (across all relevant functions) of \$11.6 billion, meeting the President's requested level. The total SSA funding level in the conference agreement assumes the President's full request for a cap adjustment for program integrity efforts (including CDRs, SSI redeterminations and SSI asset verification). It also reflects the President's full request for more resources to address the serious backlog of disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

Function Summary

Function 700 covers the programs of the Department of Veterans Affairs (VA), including veterans' medical care, compensation and pensions, education and rehabilitation benefits, and housing programs. It also includes the Department of Labor's Veterans' Employment and Training Service, the United States Court of Appeals for Veterans Claims, and the American Battle Monuments Commission. More than 99 percent of appropriated veterans' funding goes to VA, and more than 85 percent of this funding is for VA medical care and hospital services.

Senate-passed Resolution

The Senate resolution calls for a total of \$106.5 billion in BA and \$105.6 billion in outlays for 2010, and \$557.6 billion in BA and \$554.5 billion in outlays over five years. The Senate resolution provides a \$5.6 billion increase for the VA in 2010, and continues that commitment by increasing funding for the VA by \$27 billion over the next five years. The Senate resolution also provides additional resources to the VA so that veterans'

insurance need not be billed for service-connected VA care and for increased beneficiary travel reimbursement. Once again, the Senate resolution recognizes the deep debt our nation owes to those who have served in defending our country and continues to provide critical resources to ensure that they get the quality health care they deserve.

In addition, the Senate resolution understands that there is an urgent need for funding of grants for State Veterans Cemeteries with the aging of the WWII generation. Unfortunately, funding levels have not kept up with need. Therefore, the Senate resolution supports adequate funding that can address the costs of constructing new cemeteries as well as the needs of existing State Veterans Cemeteries.

House-passed Resolution

The House resolution calls for a total of \$106.4 billion in BA and \$105.5 billion in outlays for 2010, and for \$557.7 billion in BA and \$554.6 billion in outlays over five years. The total BA level for 2010 includes discretionary BA of \$53.3 billion.

The 2009 level of discretionary BA includes \$1.6 billion in emergency appropriations from the American Recovery and Reinvestment Act and other legislation. For 2010, the House resolution provides \$5.5 billion (11.5 percent) more discretionary BA than the 2009 level (excluding emergency funding) and \$540 million (1.0 percent) more than the President's 2010 budget.

The House resolution emphasizes the high priority that the House places on continuing to provide sufficient and timely funding for veterans' health care. The House resolution provides full funding to support excellent health care for veterans. It includes funding to restore health care eligibility to additional non-disabled veterans with modest incomes (Priority Group 8), consistent with the President's budget. In addition, the House resolution provides funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder (PTSD), and traumatic brain injury. In particular, the House resolution recognizes the importance of ensuring adequate funding for neuropsychiatric-PTSD staff and research.

The House resolution affirms that VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service. VA already is authorized to bill such companies for treatment of conditions that are not service-connected. The House resolution adds \$540 million to the President's strong budget for veterans to safeguard the provision of health care if, using existing authorities, VA does not realize the level of increase in these medical care collections that is estimated in the President's budget.

Conference Agreement

The conference agreement calls for a total of \$106.5 billion in BA and \$105.6 billion in outlays for 2010, and \$558.4 billion in BA and \$555.3 billion in outlays over five years. The conference agreement provides an 11.7 percent increase for discretionary BA for veterans' health care and other services (excluding emergency funding), and continues that commitment by increasing discretionary funding for the Department of Veterans Affairs (VA) and related agencies by more than \$27 billion over the next five years. The decrease in mandatory BA and outlays between 2011 and 2012 reflects the timing of monthly benefit payments—primarily, disability compensation and pensions—in any given fiscal year. It is not the result of any reduction in

benefits. As a result, 2011 includes 13 benefit payment dates, while 2012 contains only 11 benefit payment dates.

The conference agreement includes funding to restore health care eligibility to additional non-disabled veterans with modest incomes (Priority Group 8), consistent with the President's budget. In addition, the agreement provides funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder, and traumatic brain injury. The conference agreement supports increasing the number of healthcare professionals in the Veterans Health Administration (VHA) to meet the needs of the expanding number of veterans and to fill vacant healthcare professional positions at VHA. The conference agreement supports enhanced incentives for healthcare professionals of the VHA who serve in rural areas and increases to veterans beneficiary travel reimbursement. The conference agreement also provides additional resources to the VA so that veterans' private insurance need not be billed for service-connected VA care, and the agreement affirms that VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service.

In addition, the conference agreement recognizes that there is an urgent need to open new national and State Veterans Cemeteries with the aging of the WWII generation. Unfortunately, funding levels for grants for State Veterans Cemeteries have not kept up with the need. Therefore, the conference agreement supports adequate funding that can address the costs of constructing new cemeteries as well as the needs of existing State Veterans Cemeteries.

Sections 402 and 424 of the conference agreement include language exempting the following VA accounts from a point of order against advance appropriations: Medical Services, Medical Support and Compliance, and Medical Facilities.

ADMINISTRATION OF JUSTICE: FUNCTION 750

Function Summary

The Administration of Justice function includes funding for federal law enforcement activities at the Department of Justice (DOJ) including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). The function also includes funding for border enforcement by the Department of Homeland Security (DHS). Additionally, the function includes funding for civil rights enforcement and prosecution; federal block, categorical, and formula law enforcement grant programs to state and local governments; prison construction and operation; the United States Attorneys; and the federal judiciary.

Senate-passed Resolution

The Senate resolution calls for a total of \$53.5 billion in BA and \$52.1 billion in outlays for 2010, and for \$260.6 billion in BA and \$264.4 billion in outlays over five years.

The Senate resolution recognizes the important role the partnership between federal, state, and local law enforcement entities plays in maintaining safe communities. For example, the Community Oriented Policing Service (COPS) grant program provides funding that is critical in many urban and rural areas in maintaining police presence, carrying out criminal investigations, combating methamphetamine, and in training and equipping law enforcement officers. This and other support for local law enforcement remain a priority.

The Senate resolution includes funding to protect children by funding Adam Walsh Child Protection and Safety Act programs. The Senate resolution also provides resources to support the Administration's efforts to combat drug, gun, and cash smuggling by cartels and for addressing potential spillover violence along the Southern border.

House-passed Resolution

The House resolution calls for a total of \$52.9 billion in BA and \$51.6 billion in outlays for 2010, and for \$268.3 billion in BA and \$271.2 billion in outlays over five years.

The House budget resolution provides significant resources for our federal and local law enforcement programs, matching the level in the President's budget. The House resolution provides increased funding for the Federal Bureau of Investigation (FBI) as it meets the country's domestic crime fighting, financial fraud investigation, and national security needs. In addition, the House resolution supports the Department of Justice's programs and initiatives that hire and equip police officers, combat drugs, protect juveniles, and that provide other important services to our communities. For example, the Community Oriented Policing Services (COPS) program includes hiring grants for new police officers, the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) provides flexible resources to our communities to meet a variety of their criminal justice needs, and the State Criminal Alien Assistance Program (SCAAP) reimburses states and localities for their incarceration costs—and the House resolution recognizes the importance of these and other programs.

Conference Agreement

The conference agreement calls for a total of \$53.4 billion in BA and \$52.0 billion in outlays for 2010, and for \$268.8 billion BA and \$271.7 billion in outlays over five years. The conference agreement provides significant resources for federal and local law enforcement programs. The conference agreement provides increased funding for the Federal Bureau of Investigation (FBI) as it meets the country's domestic crime fighting, financial fraud investigation, and national security needs.

The conference agreement supports the Department of Justice's programs and initiatives that hire and equip police officers and that provide other important services to our communities. For example, the conference agreement supports drug control efforts in urban and rural areas by including funding for High Intensity Drug Areas (HIDTA) programs and drug interdiction efforts carried out by both the Departments of Justice and Homeland Security. In addition, the Community Oriented Policing Services (COPS) program includes hiring grants and grants to combat methamphetamine, the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) provides flexible resources to our communities to meet a variety of their criminal justice needs, the State Criminal Alien Assistance Program (SCAAP) reimburses states and localities for their incarceration costs, and Adam Walsh Child Protection and Safety Act programs prevents crimes against children.

The conference agreement includes funding for Violence Against Women Act (VAWA) and Family Violence Prevention and Services Act. These funds supplement support for violence prevention and services activities. In particular, the conference agreement supports the VAWA Long-Term Stability/Housing for Victims Program, which builds collaborations between domestic violence serv-

ice providers, housing providers, and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing. Helping victims remain safe and stable over time is critical since victims of domestic violence often return to their abusers because they cannot find long-term housing.

Finally, the conference agreement provides additional funding to support the President's initiative to combat violence along the U.S.-Mexico border.

GENERAL GOVERNMENT: FUNCTION 800

Function Summary

The General Government function consists of the activities of the Legislative Branch, the Executive Office of the President, general tax collection and fiscal operations of the Department of the Treasury (including the IRS), the Office of Personnel Management, the property and personnel costs of the General Services Administration, and general purpose fiscal assistance to states, localities, the District of Columbia, and U.S. territories.

Senate-passed Resolution

The Senate resolution calls for a total of \$22.3 billion in BA and \$23.0 billion in outlays for 2010, and \$112.8 billion in BA and \$116.5 billion in outlays over five years.

The Senate resolution supports enhanced Internal Revenue Service (IRS) tax enforcement to address the tax gap. The resolution fully funds the President's budget request for the IRS and includes the President's request for additional resources for IRS enforcement. By including a discretionary cap adjustment of \$890 million, the budget resolution would direct approximately \$8 billion to IRS enforcement activities. A similar cap adjustment was included in the 2009 budget resolution.

The Senate resolution assumes that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

House-passed Resolution

The House resolution calls for a total of \$22.0 billion in BA and \$22.8 billion in outlays for 2010, and for \$113.2 billion in BA and \$116.8 billion in outlays over five years.

The House budget resolution includes a program integrity initiative to increase IRS tax compliance efforts to collect unpaid taxes. In a change from previous years, the amounts included within the House resolution's adjustments for this purpose focus solely on amounts in IRS's Enforcement account. The House resolution assumes the full level for IRS activities proposed by the President.

Conference Agreement

The conference agreement includes \$22.0 billion in BA and \$22.8 billion in outlays for 2010, and \$112.2 billion in BA and \$115.9 billion in outlays over five years. It fully funds the President's budget request for IRS enforcement activities, including additional resources available through a discretionary cap adjustment. The Senate retains an \$890 million discretionary cap adjustment, which would require approximately \$8 billion for IRS enforcement related activities. The House reflects an equivalent amount for enforcement activities using a cap adjustment for the Enforcement account and additional funding from related accounts.

NET INTEREST: FUNCTION 900

Function Summary

The Net Interest function is entirely mandatory with no discretionary components. It

consists primarily of the interest paid by the federal government to private and foreign government holders of U.S. Treasury securities. It includes the interest on the public debt after deducting the interest income received by the federal government from trust fund investments, loans and cash balances, and earnings of the National Railroad Retirement Investment Trust.

Senate-passed Resolution

For the unified budget, the Senate resolution calls for BA and outlays of \$168.8 billion for 2010 and \$1.4 trillion over five years. (The budget resolution provides only the on-budget amounts, which total \$284.6 billion in BA and outlays for 2010 and \$2.0 trillion in BA and outlays over five years.)

House-passed Resolution

For the unified budget, the House resolution calls for a total of \$168.3 billion in BA and outlays for 2010, and for \$1.4 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are \$284.1 billion in BA and outlays for 2010, and \$2.0 trillion in BA and outlays over five years.)

Conference Agreement

For the unified budget, the conference agreement calls for BA and outlays of \$168.4 billion for 2010 and \$1.4 trillion over five years. (The on-budget amounts are \$284.2 billion in BA and outlays for 2010 and \$2.0 trillion in BA and outlays over five years.)

ALLOWANCES: FUNCTION 920

Function Summary

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross several budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget function.

Senate-passed Resolution

The Senate resolution calls for a total of \$16.0 billion in BA and \$7.0 billion in outlays for 2010, and \$89.4 billion in BA and \$78.8 billion in outlays over five years.

House-passed Resolution

The House resolution calls for a total of \$9.4 billion in BA and \$4.9 billion in outlays for 2010, and for \$33.4 billion in BA and \$22.6 billion in outlays over five years.

Function 920 includes a placeholder to recognize the potential costs of disasters over the resolution period. It also includes a variety of savings, including savings related to program integrity initiatives, savings pursuant to reconciliation instructions, and savings to offset program initiatives in other budget functions.

Conference Agreement

The conference agreement calls for a total of \$1.2 billion in BA and \$2.5 billion in outlays for 2010, and \$60.8 billion in BA and \$48.9 billion in outlays over five years. These funding levels include a placeholder for 2009 and 2010 to recognize the potential costs of disasters. Offsetting these amounts are other non-security discretionary adjustments, savings pursuant to reconciliation instructions, and offsets for policy in other budget functions.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

Function Summary

The Undistributed Offsetting Receipts function includes major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. Examples of such items include the employer share of federal em-

ployee retirement benefits, outer continental shelf rents and royalties, and the sale of major assets.

Senate-passed Resolution

The Senate resolution calls for unified undistributed offsetting receipts of \$83.6 billion in BA and outlays for 2010 and \$456.2 billion in BA and outlays over five years. (The on-budget totals for BA and outlays are \$68.4 billion for 2010 and \$371.8 billion over five years.) The Senate resolution matches the CBO's baseline estimate of undistributed offsetting receipts.

House-passed Resolution

For the unified budget, the House resolution calls for a total of \$83.9 billion in BA and outlays for 2010, and for \$458.0 billion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are \$68.8 billion in BA and outlays for 2010, and \$373.5 billion in BA and outlays over five years.)

The negative spending in Function 950 represents CBO's baseline estimate of undistributed offsetting receipts and the impact of concurrent receipt policy.

Conference Agreement

For the unified budget, the conference agreement includes undistributed offsetting receipts of \$83.9 billion in BA and outlays for 2010 and \$458.0 billion in BA and outlays over five years. (The on-budget amounts are \$68.8 billion in BA and outlays for 2010 and \$373.5 billion in BA and outlays over five years.)

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES: FUNCTION 970

Function Summary

This function includes funding for overseas deployments and other activities.

Senate-passed Resolution

The Senate resolution did not include Function 970.

House-passed Resolution

The House resolution includes amounts equal to the President's budget to account for any future House consideration of appropriations for overseas deployments and other activities.

Conference Agreement

The conference agreement includes Function 970 to account for the President's pending supplemental request, other Presidential requests, and an estimate of potential future costs of overseas deployments.

RECONCILIATION

Senate-passed Resolution

The Senate resolution did not include any reconciliation instructions.

House-passed Resolution

Title II of the House resolution includes reconciliation instructions. The instructions direct committees to make changes in laws under its jurisdiction that affect revenues or direct spending to achieve a specified budgetary result. The legislation used to implement those instructions is reported as a reconciliation bill.

Section 201 of the House resolution includes reconciliation instructions to committees assumed to be used for health care reform and for education, but not for other policies. In section 201(a), entitled Health Care Reform, the Committee on Energy and Commerce and the Committee on Ways and Means each are instructed to report changes in laws by September 29, 2009, to reduce the deficit by \$1 billion for the period of fiscal years 2009 through 2014. In section 201(b), en-

titled Investments in Education, the Committee on Education and Labor is instructed to report changes in laws by September 30, 2009, to reduce the deficit by \$1 billion for the period of fiscal years 2009 through 2014. Reconciliation instructions do not preclude the consideration of legislation in these policy areas under regular order.

Procedural language included in section 201(c) of the House resolution permits but does not require the Clerk of the House to join two separate reconciliation measures that meet the above descriptions, once one such measure has passed the House, for the purpose of forming a single engrossed reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

The House has adopted a rule relating to reconciliation instructions (clause 7 of rule XXI) that requires that any reconciliation instruction must not increase the deficit or reduce the surplus over the time periods specified in the House pay-as-you-go rule. The reconciliation instructions provided in title II of the House resolution satisfy the requirement of clause 7 of rule XXI of the House of Representatives.

Conference Agreement

The conference agreement includes reconciliation instructions.

For the Senate, Sec. 201 of the conference agreement provides reconciliation instructions to the Committee on Finance and Committee on Health, Education, Labor, and Pensions to report changes in laws within their jurisdiction that reduce the deficit by \$1,000,000,000 each for the period of fiscal years 2009 through 2014. The deadline for these committees to report legislation complying with their instructions is October 15, 2009.

For the House, Sec. 202 of the conference agreement provides two sets of reconciliation instructions, one intended for health reform and one intended for education. The deadline for affected committees to report legislation complying with each set of instructions is October 15, 2009. The committees shall report reconciliation legislation directly to the House Committee on the Budget.

Sec. 202(a), for health reform, instructs the Committee on Ways and Means, the Committee on Energy and Commerce, and the Committee on Education and Labor to report changes in laws to reduce the deficit by \$1.0 billion for the period of fiscal years 2009 through 2014. Because of overlapping committee jurisdictions in the House with respect to health programs and related policies, the House Committee on the Budget assumes that legislation reported pursuant to Sec. 201(a) by the three named committees will, in combination, result in total net deficit reduction of at least \$1.0 billion for the period of fiscal years 2009 through 2014.

Sec. 202(b), for education, instructs the Committee on Education and Labor to report changes in laws to reduce the deficit by \$1.0 billion for the period of fiscal years 2009 through 2014.

It is assumed that reconciliation will not be used for changes in legislation related to global climate change.

RESERVE FUNDS

The Senate and House use reserve funds in connection with consideration of legislation that complies with each chamber's rules. The conference agreement therefore contains reserve funds for the House and for the Senate to address the rules and procedures that apply in each chamber.

*Senate-passed Resolution**Sec. 201. Transform and modernize America's health care system*

(a) Transform and Modernize America's Health Care System: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of health reform legislation that expand affordable coverage, improve health care quality and health outcomes, and constrain costs, provided that such legislation is deficit-neutral over the total of 2009–2019, reduces excess cost growth in health care spending, and is fiscally-sustainable over the long-term. The reserve fund reflects the eight principles for health reform outlined in the President's budget and provides maximum flexibility to the authorizing Committees to determine the appropriate level of spending and the offsets that may be required to pay for these investments.

(b) Other Revisions: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation in the following areas, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019:

(1) Physician Payments—legislation that increases the reimbursement rate for physician services under Medicare Part B.

(2) Physician Training—legislation to encourage physicians to train in primary care residencies and ensure an adequate supply of residents and physicians.

(3) Medicare Outpatient Therapy—legislation to improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) while protecting beneficiaries from associated premium increases.

(4) Geographic Variation—legislation to promote Medicare payment policies that reward quality and efficient care and address geographic variation in spending.

(5) Medicare Advantage Enrollees—legislation to protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from estimates in the 2010 Medicare Advantage Call Letter.

Sec. 202. Investing in clean energy and preserving the environment

The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation in the following areas, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

(a) Investing in Clean Energy and Preserving the Environment: Legislation that would reduce our Nation's dependence on imported energy including through expanded offshore oil and gas production in the Outer Continental Shelf, produce green jobs, promote renewable energy development, strengthen and retool manufacturing supply chains, create a clean energy investment fund, improve electricity transmission, encourage conservation and efficiency (including through industrial energy efficiency programs), make improvements to the Low Income Home Energy Assistance Program, set aside additional funding from the Oil Spill Liability Trust Fund for Arctic oil spill research conducted by the Oil Spill Recovery Institute, implement water settlements, or

preserve or protect public lands, oceans or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses. The legislation may include tax provisions.

(b) Climate Change Legislation: Legislation that would invest in clean energy technology initiatives, decrease greenhouse gas emissions (without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production), create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help families, workers, communities, and businesses make the transition to a clean energy economy, without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation.

(c) Allocations: The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

Sec. 203. Higher education

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would make higher education more accessible and more affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services which may include legislation to expand and strengthen student aid, such as Pell grants, or increase college enrollment and completion rates for low income students such as by investing in programs that provide need-based grants and community work study programs or provide outreach to low-income students to prepare for college, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019. This may include tax legislation.

Sec. 204. Child nutrition and WIC

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would reauthorize child nutrition programs and/or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 205. Investments in America's infrastructure

(a) Infrastructure: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legis-

lation that would provide a sustained robust federal investment in infrastructure, which may include public housing, energy, water, transportation, including freight and passenger rail, or other infrastructure projects, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

The Senate-passed resolution also allows the Chairman of the Budget Committee to revise the allocations to allow funding for the Denali Commission for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during 2006.

(b) Surface Transportation: The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would provide new budget authority for surface transportation programs to the extent such new budget authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(c) Multimodal Transportation Projects: The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities

—provided the legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

(d) Flood Control Projects: The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that provide for levee modernization, maintenance, repair, and improvement, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(e) Allowing Amtrak Passengers to Securely Transport Firearms on Passenger Trains: The Senate resolution states that none of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

Sec. 206. Promote economic stabilization and growth

(a) Manufacturing: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the

continued production in the United States of advanced technologies and the infrastructure to support such technologies, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(b) Tax Relief: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide tax relief including, but not limited to, extensions of expiring and expired tax relief provisions, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(c) Tax Reform: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(d) Flood Insurance Reform: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would provide for flood insurance reform and modernization, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(e) Trade: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation related to trade, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(f) Housing Assistance: The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation related to housing assistance, which may include low income rental assistance and assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty on early withdrawal from qualified retirement accounts, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(g) Unemployment Mitigation: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 207. America's veterans and wounded servicemembers

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation, enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition, provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II, or expand veterans' benefits (including for veterans living

in rural areas), provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 208. Judicial pay and judgeships and postal retiree assistance

(a) Judicial Pay and Judgeships: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that authorize salary adjustments for justices and judges of the United States or increases the number of federal judgeships, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(b) Postal Retirees: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation relating to funding adjustments for United States Postal Service retiree health coverage, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 209. Defense acquisition and contracting reform

The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts;

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

—provided the legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 210. Investments in our nation's counties and schools

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would reauthorize the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 211. The Food and Drug Administration

(a) Regulation: The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those

products to cover the cost of the Food and Drug Administration's regulatory activities, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(b) Drug Importation: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

(c) Food Safety: The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would improve the safety of the food supply in the United States, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 212. Bipartisan Congressional Sunset Commission

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that—

(1) provide for a bipartisan congressional sunset commission that will review Federal programs, focusing on unauthorized and non-performing programs;

(2) provide for a process that will help abolish obsolete and duplicative Federal programs;

(3) provide for improved government accountability and greater openness in government decision-making; and

(4) provide for a process that ensures that Congress will consider the commission's reports and recommendations

—provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 213. Improving domestic fuels security

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would achieve domestic fuels security by authorizing the Department of Defense to procure alternative fuels from domestic sources under contracts for up to 20 years, provided that procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140), and provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 214. Comprehensive investigation into the current financial crisis

The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 215. Increased transparency at the federal reserve

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(a) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(b) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered;

(c) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(d) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance

—provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 216. Improving child welfare

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 217. Long-term stability/housing for victims

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act, by the amounts provided in that legislation for those purposes, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 218. Providing a tax credit for the purchase of a principal residence

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide a non-refundable tax credit in the amount of the lesser of \$15,000 or 10 percent of the purchase price for the purchase of a principal residence for the period of one year, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 219. Monitoring of FHA-insured lending

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 220. Address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, provided that it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 221. Carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 222. Expenditure of remaining TARP funds

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 223. Prohibiting undeserved contracting performance bonuses

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 224. Eliminating wasteful programs

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would achieve savings by eliminating wasteful, inefficient, and duplicative programs, provided that such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 225. Violence Against Women Act and the Family Violence Prevention and Service Act

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide resources for programs administered through the Violence Against Women Act and the

Family Violence Prevention and Services Act, and other related programs, provided that such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 226. Ending abusive no-bid contracts

The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid provided the legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 227. Home visitation programs

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 228. 21st Century learning centers

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would increase funding for the 21st Century Community Learning Centers program, provided that such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 229. Extending top tax brackets for individuals with majority small business income

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would extend the top tax brackets of 33 percent and 35 percent for individuals receiving more than 50 percent of income from small business, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 230. Pension coverage for employees of Department of Energy laboratories and environmental cleanup sites

The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

Sec. 231. Resources for firefighters and fire departments

The Senate resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that provide firefighters and fire departments with critical resources under FEMA Assistance to Firefighters Grant and Staffing for Adequate Fire and Emergency Response Firefighters Grant programs, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 232. Increased use of recovery audits

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would achieve savings by requiring agencies to increase their use of recovery audits and use those savings to reduce the deficit.

Sec. 233. Repealing 1993 income tax on Social Security benefits

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the 1993 increase in the income tax on social security benefits, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 234. Increasing the amount of capital losses allowed to individuals

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would increase the amount of capital losses allowed to individuals, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 235. Foster care financing reform

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would—

- (1) change the Federal foster care payment system;
- (2) promote and improve family support, family preservation and time-limited family unification services;
- (3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement;
- (4) promote innovation and best practice at the State level; and
- (5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected

—provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 236. Healthcare professionals for the Veterans Health Administration

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels and limits in the resolution for one or more pieces of legislation that would—

- (1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and
- (2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas

—provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 237. Repealing deductions from mineral revenue payments to states

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the requirement to deduct certain amounts from mineral revenues payable to States, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 238. Promoting tax equity for states without personal income taxes

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for the permanent extension of the deduction for state and local sales taxes in order to promote tax equity for states without per-

sonal income taxes, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 239. Setting performance standards to identify failing government programs

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would set performance standards to identify failing government programs, provided that such legislation is deficit neutral over the total 2009–2014 and 2009–2019.

Sec. 240. Expediting research on viability of using higher ethanol blends at service stations

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 241. Enhanced drug-control efforts

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking or legislation that increases drug interdiction funding at the Department of Homeland Security, provided that such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 242. Promoting individual savings and financial security

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would promote financial security through financial literacy, retirement planning, and savings incentives, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 243. National Health Services Corps

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would provide the National Health Service Corps with \$235 million for 2010, provided it is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 244. Improving the animal health and disease program

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would fully fund the animal health and disease program, provided that such legislation is deficit neutral over the total 2009–2014 and 2009–2019.

Sec. 245. Increase in the end strength for active duty personnel of the Army

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons provided the legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 246. Wildland fire management activities

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would—

- (1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and
- (2) provide that no State matching funds are required for the activities described in paragraph (1)

—provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 247. Increasing the estate tax exemption and lowering the maximum estate tax rate

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would establish the estate tax exemption at \$5 million, indexed for inflation, set the maximum estate tax rate at 35 percent, and provide for reunification of the estate and gift credits and the portability of exemption between spouses, provided such legislation is deficit-neutral over the total of 2009–2014 and 2009–2019.

Sec. 248. Point of order against legislation that provides additional relief for the estate tax beyond the levels assumed in the budget resolution unless an equal amount of additional tax relief is provided to middle class taxpayers.

The Senate-passed resolution included a point of order in the Senate against legislation that would provide additional relief for the estate tax beyond the levels assumed in the budget resolution of \$7 million per married couple and a graduated rate ending at a rate less than 45 percent unless an equal amount of tax relief is provided to taxpayers earning less than \$100,000 per year and such relief is in addition to the amounts assumed in the budget resolution. The point of order could be waived with 60 votes.

Sec. 249. Increase FDIC and NCUA borrowing authority

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided it is deficit-neutral over the total of 2009–2019.

Sec. 250. Innovative Loan Guarantee Program at the Department of Energy

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would authorize an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 251. Nuclear research and development

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would authorize nuclear research and development activities, including the Generation IV program, the Advanced Fuel

Cycle Initiative, and the Light Water Reactor Sustainability program, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Sec. 252. 2012 completion of Food and Drug Administration facilities

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation that would provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, provided it is deficit-neutral over the total of 2009-2014 and 2009-2019.

Sec. 253. Energy Star for Small Business Program

The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program, provided that such legislation would not increase the deficit over either the period of the total of 2009 through 2014 or the period of the total of 2009 through 2019.

Throughout this subtitle, the use of the word "limits" refers to the discretionary spending limits in the Senate.

House-passed Resolution

Sec. 301. Deficit-neutral reserve fund for health care reform

The reserve fund supports the President's goal of fiscally responsible health reform legislation. The reserve fund accommodates legislation that addresses the common goals of making affordable health coverage available to all, improving the quality of health care, and reducing rising health care costs, while building on and strengthening existing public and private insurance coverage and preserving choice of provider and plan, consistent with the pay-as-you-go principle.

As part of health care reform, the House supports measures to ensure that payments to providers are appropriate and equitable and are designed to encourage efficiency, higher quality care, coordination of care, and accountability.

Sec. 302. Deficit-neutral reserve fund for college access, affordability, and completion

The reserve fund accommodates changes in laws that will increase assistance or benefits to college students, consistent with the pay-as-you-go principle. This reserve fund will provide committees maximum flexibility in finding offsets for legislation to help more students afford and complete college.

Sec. 303. Deficit-neutral reserve fund for increasing energy independence

The reserve fund accommodates legislation to increase U.S. energy independence, consistent with the pay-as-you-go principle. This reserve fund covers legislation that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; limits and provides for reductions in greenhouse gas emissions; assists businesses, industries, states, communities, the environment, workers, or households as the United States moves toward reducing and offsetting the impacts of greenhouse gas emissions; or facilitates the training of workers for these industries ("green collar jobs").

Sec. 304. Deficit-neutral reserve fund for America's veterans and servicemembers

The reserve fund accommodates legislation to change health care and benefits for veterans, servicemembers, or their families, consistent with the pay-as-you-go principle. This reserve fund covers legislation that enhances health care for military personnel or veterans; maintains the affordability of health care for military retirees or veterans; improves disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process); expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay (concurrent receipt); or eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation. The reserve fund shall not accommodate legislation authorizing the Department of Veterans Affairs (VA) to bill private insurance companies for treatment of health conditions that are related to veterans' military service. VA already is authorized to bill such companies for treatment of conditions that are not service-connected.

Sec. 305. Deficit-neutral reserve fund for certain tax relief

The reserve fund for tax relief accommodates legislation to reduce tax burdens on working families, businesses, States, or communities if it complies with the pay-as-you-go principle. This reserve fund could therefore accommodate individual tax relief supporting working families, higher education, and raising participation in retirement saving vehicles, among other purposes. It could also accommodate tax relief and investment incentives for businesses, States, or communities.

Sec. 306. Deficit-neutral reserve fund for a 9/11 health program

The reserve fund accommodates legislation that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the attacks of September 11, 2001, consistent with the pay-as-you-go principle. Last year, the House and Senate included this deficit neutral reserve fund as part of the Conference Agreement.

Sec. 307. Deficit-neutral reserve fund for child nutrition

This reserve fund accommodates legislation to reauthorize, expand, or improve the child nutrition programs, including, but not limited to, the school lunch and school breakfast programs, after-school and summer food programs, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the child and adult care food program, consistent with the pay-as-you-go principle.

Sec. 308. Deficit-neutral reserve fund for structural unemployment insurance reforms

This reserve fund accommodates legislation consistent with the pay-as-you-go principle that builds on the provisions of the American Recovery and Reinvestment Act and continues modernizing the unemployment system to better meet the challenges of the 21st century workforce, in particular by improving its response to economic downturns.

Sec. 309. Deficit-neutral reserve fund for child support

This reserve fund accommodates legislation to increase parental support for children, including efforts to ensure that chil-

dren receive 100 percent of the child support that they are owed and that is paid by non-custodial parents, as well as other efforts to provide more parental support for children, consistent with the pay-as-you-go principle.

Sec. 310. Deficit-neutral reserve fund for the Affordable Housing Trust Fund

The reserve fund accommodates funding for the existing Affordable Housing Trust Fund that provides grants to states, communities, and other entities to provide or rehabilitate housing for low-income families, consistent with the pay-as-you-go principle. The reserve fund provides committees with flexibility to find offsets for legislation that capitalizes the trust fund, which is already authorized.

Sec. 311. Deficit-neutral reserve fund for home visiting

This reserve fund accommodates legislation to provide mandatory funding for a home visiting program or programs serving low-income mothers-to-be and low-income families, consistent with the pay-as-you-go principle. The House anticipates that the legislation will fund evidence-based programs that have been tested in well-designed randomized controlled trials and are likely to produce future budget savings by improving child and family health and well-being. Research studies on providing nurse home visiting services to low-income families, for example, have documented between three and six dollars in savings for every dollar invested in the home visits.

Sec. 312. Deficit-neutral reserve fund for Low-income Home Energy Assistance Program trigger

This reserve fund accommodates legislation to ensure that the Low-income Home Energy Assistance Program (LIHEAP) responds more quickly and efficiently to energy price increases, so long as the legislation is consistent with the pay-as-you-go principle.

Sec. 313. Reserve fund for the surface transportation reauthorization

The reserve fund accommodates additional contract authority for the reauthorization of highway construction, highway safety and mass transit programs or other transportation-related legislation on the condition that the Highway Trust Fund continues to fully meet its obligations. While the eventual funding needs for the upcoming highway and transit bill are not yet known, the reserve fund will provide flexibility to adjust the Transportation and Infrastructure Committee's allocation provided that the solvency of the Highway Trust Fund is maintained.

Sec. 314. Current policy reserve fund for Medicare improvements

The reserve fund accommodates additional mandatory spending to reform the Medicare physician payment system. The reserve fund supports legislation to change incentives to encourage efficiency and higher quality care in a way that supports fiscal sustainability, to improve payment accuracy to encourage efficient use of resources and ensure that primary care receives appropriate compensation, to improve coordination of care among all providers serving a patient in all appropriate settings, or to hold providers accountable for their utilization patterns and quality of care.

The reserve fund allows Medicare physician payment reform legislation's costs to be measured against current policy, that is assuming the payment rates in effect for physicians for 2009 will stay in effect through 2019.

This assumption is consistent with the President's budget and is based on Congressional actions in recent years to prevent cuts in physician payments that would otherwise be required by the Sustainable Growth Rate (SGR) formula. However, like the President's budget, the budget resolution does not intend this assumption as a reflection of future policy. Instead, the assumption represents a realistic and meaningful benchmark against which to measure the fiscal effects of legislation reforming the Medicare physician payment system.

After the House has adopted a measure to impose statutory pay-as-you-go requirements, or when a bill utilizing this reserve fund includes provisions to impose statutory pay-as-you-go requirements, Section 401(a) of the House resolution directs the chairman of the Budget Committee to make current policy adjustments before evaluating the costs of the Medicare bill for compliance with House budget rules and procedures. The adjustments may be made only for the purposes and in the amounts provided in this reserve fund.

The SGR formula limits how much total physician compensation can grow every year. The SGR formula has required payment rate cuts every year since 2002. Since 2003, Congress has enacted legislation to prevent these rate cuts from taking effect, one or two years at a time. Consequently, history has shown that the current statutory baseline as it relates to Medicare physician payments is unrealistic. Under current law, physicians face a 21 percent cut in their Medicare payment rate in 2010, and further cuts for several years after that. Cuts of this magnitude could destabilize the Medicare program and present serious access problems for Medicare beneficiaries.

Sec. 315. Current policy reserve fund for middle class tax relief

The reserve fund allows the Chairman of the Budget Committee to adjust the House resolution aggregates and allocations to reflect current policy for certain provisions of the Internal Revenue Code of 1986 for middle class tax relief. The reserve fund supports the extension of middle class tax relief such as the 10 percent individual income tax bracket, marriage penalty relief, the child credit at \$1,000 and partial refundability of the credit, education incentives, other incentives for middle class families and children, and other reductions or adjustments to individual income tax brackets, as well as small business tax relief.

After the House has adopted a measure to impose statutory pay-as-you-go requirements, or when a bill utilizing this reserve fund includes provisions to impose statutory pay-as-you-go requirements, Section 401(a) of the House resolution directs the chairman of the Budget Committee to make current policy adjustments to the baseline before evaluating the costs of the tax bill for compliance with House budget rules and procedures. The adjustments may be made only for the purposes and in the amounts provided in this reserve fund.

Sec. 316. Current policy reserve fund for reform of the alternative minimum tax (AMT)

The reserve fund allows the Chairman of the Budget Committee to adjust the resolution aggregates and allocations to reflect current policy for the alternative minimum tax (AMT) for one additional year. The reserve fund would support immediate AMT relief so that tens of millions of working families will not become subject to it in tax year

2010. Without reform, the number of taxpayers subject to the AMT will rise from 4 million in 2010 to 28 million in 2010, according to the Congressional Budget Office. The House resolution would accommodate further, deficit-neutral relief from the AMT.

After the House has adopted a measure to impose statutory pay-as-you-go requirements, or when a bill utilizing this reserve fund includes provisions to impose statutory pay-as-you-go requirements, Section 401(a) of the House resolution directs the chairman of the Budget Committee to make current policy adjustments to the baseline before evaluating the costs of the tax bill for compliance with House budget rules and procedures. The adjustments may be made only for the purposes and in the amounts provided in this reserve fund.

Sec. 317. Current policy reserve fund for reform of the Estate and Gift Tax

The reserve fund allows the Chairman of the Budget Committee to adjust the resolution aggregates and allocations to reflect current policy by extending the law as in effect for 2009 for the Estate and Gift Tax. The reserve fund supports continuation of 2009 policy so that only a minute fraction of estates will owe tax.

After the House has adopted a measure to impose statutory pay-as-you-go requirements, or when a bill utilizing this reserve fund includes provisions to impose statutory pay-as-you-go requirements, Section 401(a) of the House resolution directs the chairman of the Budget Committee to make current policy adjustments to the baseline before evaluating the costs of the tax bill for compliance with House budget rules and procedures. The adjustments may be made only for the purposes and in the amounts provided in this reserve fund.

Conference Agreement

Title III of the conference agreement contains reserve funds.

Subtitle A: Senate reserve funds

Subtitle A of the conference agreement contains the following reserve funds that apply only in the Senate:

Sec. 301. Deficit-neutral reserve fund to transform and modernize America's health care system (Secs. 201 and 220 of the Senate-passed resolution, as modified)

Sec. 302. Deficit-neutral reserve fund to invest in clean energy and preserve the environment (Secs. 202, 213, 221, 240 and 246 of the Senate-passed resolution, as modified)

Sec. 303. Deficit-neutral reserve fund for higher education (Sec. 203 of the Senate-passed resolution, as modified)

Sec. 304. Deficit-neutral reserve fund for child nutrition and WIC (Sec. 204 of the Senate-passed resolution)

Sec. 305. Deficit-neutral reserve fund for investments in America's infrastructure (Secs. 205 and 206(d) of the Senate-passed resolution, as modified)

Sec. 306. Deficit-neutral reserve fund to promote economic stabilization and growth (Sec. 206 of the Senate-passed resolution, as modified)

Sec. 307. Deficit-neutral reserve fund for America's veterans and wounded servicemembers (Sec. 207 of the Senate-passed resolution, as modified)

Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships, postal retiree assistance, and certain pension obligations (Secs. 208 and 230 of the Senate-passed resolution, as modified)

Sec. 309. Deficit-neutral reserve fund for defense acquisition and Federal contracting reform (Secs. 209, 223, 232 and 301(c)(2)(E) of the Senate-passed resolution, as modified)

Sec. 310. Deficit-neutral reserve fund for investments in our Nation's counties and schools (Sec. 210 of the Senate-passed resolution)

Sec. 311. Deficit-neutral reserve fund for the Food and Drug Administration (Sec. 211 of the Senate-passed resolution)

Sec. 312. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis (Sec. 214 of the Senate-passed resolution)

Sec. 313. Deficit-neutral reserve fund for increased transparency at the Federal Reserve (Sec. 215 of the Senate-passed resolution)

Sec. 314. Deficit-neutral reserve fund for 21st Century community learning centers (Sec. 228 of the Senate-passed resolution)

Sec. 315. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments (Sec. 231 of the Senate-passed resolution)

Sec. 316. Deficit-neutral reserve fund to promote tax equity for States without personal income taxes, and other selected tax relief policies (combines Sec. 238 and provisions from Sec. 206 of the Senate-passed resolution, as modified)

Sec. 317. Deficit-neutral reserve fund to promote individual savings and financial security (Sec. 242 of the Senate-passed resolution)

Sec. 318. Deficit-neutral reserve fund to increase FDIC and NCUA borrowing authority (Sec. 249 of the Senate-passed resolution, as modified)

Sec. 319. Deficit-neutral reserve fund for improving the well-being of children (Secs. 216, 227 and 235 of the Senate-passed resolution, as modified, and Sec. 311 of the House-passed resolution, as modified)

Sec. 320. Deficit-neutral reserve fund for a 9/11 health program (Sec. 306 of the House-passed resolution, as modified)

Subtitle B: House reserve funds

Subtitle B of the conference agreement contains the following reserve funds that apply only in the House:

Sec. 321. Deficit-neutral reserve fund for health care reform (Sec. 301 of the House-passed resolution)

Sec. 322. Deficit-neutral reserve fund for college access, affordability, and completion (Sec. 302 of the House-passed resolution, as modified)

Sec. 323. Deficit-neutral reserve fund for increasing energy independence (Sec. 303 of the House-passed resolution)

Sec. 324. Deficit-neutral reserve fund for America's veterans and wounded servicemembers (Sec. 304 of the House-passed resolution, as modified)

Sec. 325. Deficit-neutral reserve fund for certain tax relief (Sec. 305 of the House-passed resolution, as modified)

Sec. 326. Deficit-neutral reserve fund for a 9/11 health program (Sec. 306 of the House-passed resolution)

Sec. 327. Deficit-neutral reserve fund for child nutrition (Sec. 307 of the House-passed resolution)

Sec. 328. Deficit-neutral reserve fund for structural unemployment insurance reforms (Sec. 308 of the House-passed resolution)

Sec. 329. Deficit-neutral reserve fund for child support (Sec. 309 of the House-passed resolution)

Sec. 330. Deficit-neutral reserve fund for the Affordable Housing Trust Fund (Sec. 310 of the House-passed resolution)

Sec. 331. Deficit-neutral reserve fund for home visiting (Sec. 311 of the House-passed resolution, as modified, and Sec. 227 of the Senate resolution, as modified)

Sec. 332. Deficit-neutral reserve fund for low-income home energy assistance program trigger (Sec. 312 of the House-passed resolution)

Sec. 333. Deficit-neutral reserve fund for county payments legislation (Sec. 210 of the Senate-passed resolution, as modified)

Sec. 334. Reserve fund for the surface transportation reauthorization (Sec. 313 of the House-passed resolution)

Each House reserve fund references the time periods in clause 10 of rule XXI of the Rules of the House of Representatives. This citation references the House pay-as-you-go rule, as opposed to specific years. As long as the legislation described in the reserve fund complies with the House pay-as-you-go rule, the chairman may make the applicable adjustment.

The House-passed budget resolution included current policy adjustments in Sections 314, 315, 316, and 317. The adjustments provided for in those reserve funds are addressed in the conference agreement in the budget process title under Section 421 (Adjustments for Direct Spending and Revenues).

BUDGET PROCESS

The Senate and the House use enforcement provisions to ensure that legislation is consistent with the budget plan set forth in the budget resolution. The conference agreement contains enforcement provisions for the Senate and House to accommodate the procedures that apply to consideration of legislation in each chamber.

Senate-passed Resolution

The FY2008 and FY2009 budget resolutions included many important enforcement provisions which remain in effect in the Senate. These include:

2008 Budget Resolution (S. Con. Res. 21)

The Senate pay-as-you-go point of order (Sec. 201);

The 60-vote point of order against reconciliation increasing the deficit (Sec. 202); and

Continued 60-vote enforcement of budgetary points of order in the Senate (Sec. 205). 2009 Budget Resolution (S. Con. Res. 70)

The 60-vote point of order against legislation increasing long-term deficits (Sec. 311); and

The 60-vote point of order against provisions of appropriations legislation that constitute changes in mandatory programs (Sec. 314).

The Senate-passed resolution for 2010, S. Con. Res. 13, continues the strong budget enforcement practices of the last two budget resolutions with the following modifications.

Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending caps

The Senate-passed resolution would strengthen fiscal responsibility by establishing discretionary spending limits for 2009 and 2010, and enforcing them with a point of order in the Senate that could only be waived with 60 votes. For 2009, it provides a cap of \$1,391.5 billion in budget authority and \$1,220.8 billion in outlays. For 2010, it sets a cap of \$1,079.1 billion in budget authority and \$1,268.1 billion in outlays. As in past years, the Senate-passed resolution permits adjustments to the discretionary spending limits in 2010 for program integrity initiatives, such as Social Security Administration continuing disability reviews (CDRs) and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for Health Care Fraud and

Abuse Control (HCFA) program at the Department of Health and Human Services, and unemployment insurance improper payments reviews at the Department of Labor. It also provides for adjustments in 2010 for expenses related to overseas contingency operations.

The Senate-passed resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting by recovering overpayments to defense contractors, reducing wasteful spending that undermines our ability to purchase equipment needed for U.S. troops and combating fraud. It allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to \$100 million to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources.

The Senate-passed resolution permits the Chairman to adjust the discretionary spending limits, budget aggregates, and allocations, if the CBO re-estimates the President's 2010 request for discretionary spending at an aggregate level different from the CBO preliminary estimate dated March 20, 2009.

Sec. 302. Advance appropriations

As in past years, the Senate-passed resolution provides a supermajority point of order in the Senate against appropriations in 2010 bills that would first become effective in any year after 2010, and against appropriations in 2011 bills that would first become effective in any year after 2011. It does not apply against appropriations for the Corporation for Public Broadcasting or Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration, nor does it apply against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of 2010 and 2011 of up to \$28.852 billion (the same level as provided for in the 2009 Budget Resolution) for the following:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE SENATE

Labor, HHS:
Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical, and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development: Tenant-based Rental Assistance
Project-based Rental Assistance

Sec. 303. Emergency legislation

The Senate-passed resolution makes technical changes in the emergency legislation designation to provide consistent treatment for emergency legislation with respect to enforcement of various points of order and revisions pursuant to deficit-neutral reserve funds.

Sec. 304. Point of order against legislation increasing short-term deficit

The Senate-passed resolution updates the expiration date in the point of order against legislation that increases the short-term deficit.

Sec. 305 Point of order against appropriations legislation that includes provisions affecting the crime victims fund

The Senate-passed resolution includes a new 60-vote point of order that applies to appropriations legislation containing one or more provisions that constitute a change in a mandatory program that affects the Crime Victims Fund, section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

Sec. 306. Point of order against increasing revenues beyond the levels set in the budget resolution through a widespread tax increase on taxpayers with incomes below \$200,000 or married couples with incomes below \$250,000

The Senate-passed resolution includes a point of order in the Senate against legislation that would cause revenues to exceed the levels set in the budget resolution and include a tax increase that would have widespread applicability on taxpayers with incomes below \$200,000 or married couples with incomes below \$250,000. The point of order could be waived with 60 votes.

Sec. 307. Point of order against increasing certain federal income tax rates

The Senate-passed resolution includes a point of order in the Senate against legislation that would increase certain federal tax rates. The point of order could be waived with 60 votes.

Sec. 308. Point of order against legislation increasing energy taxes on middle-income taxpayers

The Senate-passed resolution includes a point of order in the Senate against legislation that would increase energy taxes on middle-income taxpayers. The point of order could be waived with 60 votes.

Sec. 309. Point of order against legislation imposing a marriage tax penalty

The Senate-passed resolution includes a point of order in the Senate against legislation that would result in a greater Federal income tax liability for taxpayers filing a joint return than if such taxpayers were unmarried and had filed individual tax returns. The point of order could be waived with 60 votes.

Sec. 310. Point of order against legislation causing revenues to increase above the levels set in the budget resolution

The Senate-passed resolution includes a point of order in the Senate against legislation that would cause revenues to be more than the level of revenues established in the budget resolution. The point of order could be waived with 60 votes.

Sec. 311. Point of order against increasing taxes while unemployment rate is above 5.8 percent

The Senate-passed resolution includes a point of order in the Senate against considering legislation that would increase taxes if the unemployment rate exceeds 5.8 percent. The point of order could be waived with 60 votes.

Sec. 312. Point of order against legislation that causes significant job loss

The Senate-passed resolution includes a point of order in the Senate against legislation that would cause revenues to be more than the level of revenues set forth for the applicable years in the resolution or would cause significant job loss in manufacturing or coal dependent regions of the United States.

Sec. 313. Point of order against legislation that would permit the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability

The Senate-passed resolution includes a point of order in the Senate against legislation that would permit the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability.

Sec. 314. Point of order against legislation weakening terrorism laws

The Senate-passed resolution includes a point of order in the Senate against legislation that would weaken or eliminate anti-terrorism tools or investigative methods.

Sec. 315. Restrictions on unfunded mandates on state and local governments

This section of the Senate-passed resolution increases from a simple majority to three-fifths of all members duly sworn and chosen the number of Senators necessary to waive a point of order under section 424(a)(1) of the Congressional Budget Act.

Sec. 316. Point of order on legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor

The Senate-passed resolution includes a point of order in the Senate against legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor as determined by the Congressional Budget Office. The point of order could be waived with 60 votes.

Subtitle B—Other Provisions

Sec. 321. Oversight of government performance

The Senate-passed resolution continues the provision instructing Committees of the Senate to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports, and include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Senate Committee on the Budget.

Sec. 322. Budgetary treatment of certain discretionary administrative expenses

The Senate-passed resolution continues the provision requiring that all budget resolutions include the Administrative Expenses of the Social Security Administration and of the Postal Service in the 302(a) allocations of the Appropriations Committee.

Sec. 323. Application and effect of changes in allocations and aggregates

The Senate-passed resolution details the adjustment procedures required to accommodate legislation provided for in this resolution, and requires adjustments made to be printed in the Congressional Record. For purposes of enforcement, the levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the levels of Title I of this resolution. The Committee on the Budget determines the budgetary levels and estimates required to enforce budgetary points of order, including those pursuant to this resolution and the Congressional Budget Act of 1974.

Sec. 324. Adjustments to reflect changes in concepts and definitions

The Senate-passed resolution allows the Chairman of the Committee on the Budget to adjust levels in this resolution upon the enactment of legislation that changes concepts or definitions.

Secs. 325 and 326. Debt disclosure

These sections reflect an amendment adopted in the Committee on the Budget regarding the levels of debt assumed in the budget resolution and to require budget resolutions to contain a debt disclosure section.

Sec. 327. Exercise of rulemaking powers

This section of the Senate-passed resolution recognizes that the provisions of this resolution are adopted pursuant to the rulemaking power of the Senate, and also recognizes the Constitutional right of the Senate to change those rules as they apply to the Senate.

House-passed Resolution

Sec. 401. Adjustments for Direct Spending and Revenues

After the House has acted upon a measure to impose statutory pay-as-you-go requirements, or when a bill listed in a current policy reserve fund includes provisions to impose statutory pay-as-you-go requirements, subsection (a) of this section of the House resolution directs the chairman of the Budget Committee to make current policy adjustments to the baseline before evaluating the costs of certain measures for compliance with House budget rules and procedures. The adjustments may be made only for the purposes and in the amounts provided in a current policy reserve fund. Four current policy reserve funds appear in title III of the House resolution as sections 314, 315, 316, and 317.

Subsection (b) allows the chairman of the House Budget Committee to adjust the 302(a) allocation to the Appropriations Committee if changes to the Low-Income Home Energy Assistance Program (reflected in the House resolution's mandatory spending totals) are not funded in an authorization bill and are included instead in an appropriations measure.

Subsection (c) updates and reinstates a provision of the Budget Enforcement Act of 1990. The chairman of the House Budget Committee is directed to exempt from the calculation of the cost of any measure any budgetary effects of legislative provisions that affect the full funding of the federal deposit insurance guarantee.

Sec. 402. Adjustments to Discretionary Spending Limits

Section 402 of the House resolution provides for specific allocation adjustments for the Committee on Appropriations when the Committee reports legislation that includes increased appropriations for the following program integrity initiatives: (1) program integrity initiatives at the Social Security Administration; (2) Internal Revenue Service tax compliance; (3) the health care fraud and abuse control program at the Department of Health and Human Services; and (4) unemployment insurance in-person reemployment and eligibility assessments and improper payment reviews. In addition, a new program integrity adjustment has been added this year to create the Partnership Fund for Program Integrity at the Office of Management and Budget for program integrity pilot initiatives across federal agencies. This adjustment is intended to develop new ideas to promote administrative efficiency gains and reductions in erroneous payments.

The adjustments under this section are primarily intended to provide additional administrative funding for current program integrity activities to eliminate errors or fraud in the operation of a number of federal programs and to promote compliance with federal tax laws. For example, the adjustment for unemployment compensation programs is

provided to increase limited administrative funding for current program integrity activities, and not to finance other proposals that would adversely affect workers who have received unemployment benefits. The section outlines procedures for these allocation adjustments.

This section also incorporates a procedure whereby provisions or measures reported by the Committee on Appropriations will be exempt in certain circumstances from compliance with titles III and IV of the Congressional Budget Act of 1974 and the budget resolution. Such an exemption applies if: (1) the Committee on Appropriations determines and designates that amounts appropriated are necessary for overseas deployments and related activities; or (2) the Committee on Appropriations provides discretionary appropriations and designates those amounts as necessary to meet emergency needs.

Sec. 403. Advance Appropriations

Section 403 of the House resolution limits the amount and type of advance appropriations for fiscal years 2011 and 2012. Under this section, advance appropriations for fiscal year 2011 are restricted to \$28.852 billion for the programs, projects, activities, or accounts listed below. Advances for 2012 are listed separately. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

Advance Appropriations for Fiscal Year 2011:

Employment and Training Administration
Office of Job Corps
Education for the Disadvantaged
School Improvement Programs
Special Education
Career, Technical and Adult Education
Payment to Postal Service
Tenant-based Rental Assistance
Project-based Rental Assistance
Advance Appropriations for Fiscal Year 2012:

The Corporation for Public Broadcasting

Sec. 404. Oversight of Government Performance

Section 404 of the House resolution encourages all committees of the House to conduct rigorous oversight hearings to root out waste, fraud, and abuse in federal programs, with particular attention to issues raised by the Office of the Inspector General or the Government Accountability Office. Based on these oversight efforts, such recommendations should be included in the views and estimates reports submitted to the Budget Committee under section 301(d) of the Congressional Budget Act of 1974.

Sec. 405. Budgetary Treatment of Certain Discretionary Administrative Expenses

Section 405 of the House resolution provides that administrative expenses of the Social Security Administration and of the Postal Service shall be part of the annual appropriations process by including those expenses in the allocation to the Committee on Appropriations pursuant to section 302 of the Congressional Budget Act.

Sec. 406. Application and Effect of Changes in Allocations and Aggregates

Section 406 of the House resolution details the allocation and aggregate adjustment procedures that are required to accommodate legislation for the reserve funds and program integrity initiatives in the House resolution. This section provides that the adjustments

shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to the House resolution will have the same effect as if adopted in the original levels of Title I of this budget resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 407. Adjustments to Reflect Changes in Concepts and Definitions

Section 407 of the House resolution requires the chairman of the Committee on the Budget to adjust levels and allocations in the budget resolution upon enactment of legislation that changes concepts or definitions.

Sec. 408. Exercise of Rulemaking Powers

Section 408 of the House resolution provides that, once adopted, the provisions of the budget resolution are incorporated into the rules of the House of Representatives and shall supersede inconsistent rules. The section recognizes the constitutional right of the House of Representatives to change those rules at any time.

Conference Agreement

Title IV contains the following budget process and enforcement provisions:

Subtitle A—Senate Provisions

The FY2008 and FY2009 budget resolutions included many important enforcement provisions which remain in effect in the Senate. These include:

2008 Budget Resolution (S. Con. Res. 21)

The Senate pay-as-you-go point of order (Sec. 201);

The 60-vote point of order against reconciliation increasing the deficit (Sec. 202); and

Continued 60-vote enforcement of budgetary points of order in the Senate (Sec. 205).

2009 Budget Resolution (S. Con. Res. 70)

The 60-vote point of order against legislation increasing long-term deficits (Sec. 311); and

The 60-vote point of order against provisions of appropriations legislation that constitute changes in mandatory programs (Sec. 314).

Part I—Budget Enforcement

Sec. 401. Discretionary spending limits, program integrity initiatives, and other adjustments (Sec. 301 of the Senate-passed resolution, as modified)

Sec. 402. Point of order against advance appropriations (Sec. 302 of the Senate-passed resolution, as modified)

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE SENATE

Labor, HHS:
Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical, and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development: Tenant-based Rental Assistance, Project-based Rental Assistance

Sec. 403. Emergency legislation (Sec. 303 of the Senate-passed resolution, as modified)

Sec. 404. Point of order against legislation increasing short-term deficit (Sec. 304 of the Senate-passed resolution, as modified)

Sec. 405. Point of order against certain legislation related to surface transportation funding

Part II—Other Provisions

Sec. 411. Oversight of Government performance (Sec. 321 of the Senate-passed resolution)

To support the President's commitment to eliminate ineffective or duplicative federal programs, the Senate adopted amendments to set standards to identify failing federal programs and to review inefficient programs. This section retains the requirement of the Senate-passed resolution requiring that committees of the Senate review programs to root out waste, fraud, and abuse, giving particular scrutiny to issues raised by Government Accountability Office reports.

Sec. 412. Budgetary treatment of certain discretionary administrative expenses (Sec. 322 of the Senate-passed resolution)

Sec. 413. Application and effect of changes in allocations and aggregates (Sec. 323 of the Senate-passed resolution, as modified)

Sec. 414. Adjustments to reflect changes in concepts and definitions (Sec. 324 of the Senate-passed resolution)

Sec. 415. Exercise of rulemaking powers (Sec. 302 of the Senate-passed resolution)

Subtitle B—House Enforcement Provisions

Sec. 421. Adjustments for direct spending and revenues—

Sec. 421(a).—Adjustments for current policy

This subsection provides that after the House has adopted a measure to impose statutory paygo requirements (or if such measure is included as part of the legislation under consideration), the Chairman of the House Budget Committee may make current policy adjustments to the baseline before evaluating the costs of certain measures for compliance with House budget rules and procedures. The adjustments may only be made for the purposes and in the amounts provided in paragraph (a)(2). This subsection, as revised, replaces sections 314, 315, 316 and 317 of the House-passed resolution. Subsection (a)(4) allows the chairman of the House Budget Committee to adjust the 302(a) allocations and aggregates as may be necessary to reflect the current policy adjustments.

Sec. 421(b).—Deposit insurance (Sec. 401(c) of the House-passed resolution)

Sec. 422. Adjustments to discretionary spending (Sec. 402 of the House-passed resolution, as modified)

Sec. 423. Costs of overseas deployments and emergency needs (Sec. 402(b) of the House-passed resolution, as modified)

Sec. 424. Point of order against advance appropriations (Sec. 403 of the House-passed resolution, as modified)

Accounts identified for advance appropriations in the House:

Sec. 424(b)(1) Advance Appropriations for Fiscal Year 2011:
Employment and Training Administration
Office of Job Corps
Education for the Disadvantaged
School Improvement Programs
Special Education
Career, Technical and Adult Education

Payment to Postal Service
Tenant-based Rental Assistance
Project-based Rental Assistance
Sec. 424(b)(1) Advance Appropriations for Fiscal Year 2012:

The Corporation for Public Broadcasting
Sec. 424(b)(2) Advance Appropriations for Fiscal Year 2011:
VA—Medical Services
VA—Medical Support and Compliance
VA—Medical Facilities

Sec. 425. Oversight of Government Performance (Sec. 404 of the House-passed resolution)

Sec. 426. Budgetary Treatment of Certain Discretionary Administrative Expenses (Sec. 405 of the House-passed resolution)

Sec. 427. Application and Effects of Changes in Allocations and Aggregates (Sec. 406 of the House-passed resolution)

Sec. 428. Adjustments to Reflect Changes in Concepts and Definitions (Sec. 407 of the House-passed resolution)

Sec. 429. Exercise of Rulemaking Powers (Sec. 408 of the House-passed resolution)

POLICY

Senate-passed Resolution

The Senate-passed resolution did not contain a policy statement title.

House-passed Resolution

Title V of the House-passed resolution contains the following policy sections:

Sec. 501. Policy on middle-class tax relief and revenues

Sec. 502. Policy on defense priorities

Conference Agreement

Title V of the conference agreement contains the following policy sections, which apply to both Houses:

Sec. 501. Policy on middle-class tax relief and revenues (Sec. 501 of the House-passed resolution, as modified)

Sec. 502. Policy on defense priorities (Sec. 502 of the House-passed resolution, as modified)

SENSE OF THE SENATE, HOUSE AND CONGRESS

Senate-passed Resolution

The Senate resolution did not contain a sense of the Senate title.

House-passed Resolution

Title VI of the House-passed resolution contains the following Sense of the House sections:

Sec. 601. Sense of the House on veterans' and servicemembers' health care

Sec. 602. Sense of the House on homeland security

Sec. 603. Sense of the House on promoting American innovation and economic competitiveness

Sec. 604. Sense of the House regarding pay parity

Sec. 605. Sense of the House on college affordability

Sec. 606. Sense of the House on Great Lakes restoration

Sec. 607. Sense of the House regarding the importance of child support enforcement

Conference Agreement

Title VI of the conference agreement contains the following Sense of Congress provisions:

Sec. 601. Sense of the Congress on veterans' and servicemembers' health care (Sec. 601 of the House-passed resolution, as modified)

Sec. 602. Sense of the Congress on homeland security (Sec. 602 of the House-passed resolution, as modified)

Sec. 603. Sense of the Congress on promoting American innovation and economic competitiveness (Sec. 603 of the House-passed resolution, as modified)

Sec. 604. Sense of the Congress regarding pay parity (Sec. 604 of the House-passed resolution, as modified)

Sec. 605. Sense of the Congress on college affordability and student loan reform (Sec. 605 of the House-passed resolution, as modified)

Sec. 606. Sense of the Congress on Great Lakes restoration (Sec. 606 of the House-passed resolution, as modified)

Sec. 607. Sense of the Congress regarding the importance of child support enforcement (Sec.

607 of the House-passed resolution, as modified)

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by

the Congressional Budget Office, as updated in March 2009 to include the forecasted economic effects of the fiscal stimulus package.

Senate-passed Resolution

CBO's economic assumptions were used.

House-passed Resolution

CBO's economic assumptions were used.

Conference Agreement

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION
[Calendar Years]

	2009	2010	2011	2012	2013	2014
Real GDP, Percent Change, Year Over Year	-3.0	2.9	4.0	4.1	4.0	3.5
GDP Price Index, Percent Change, Year Over Year	1.5	0.8	0.5	0.6	0.6	0.9
Consumer Prices, Percent Change, Year Over Year	-0.7	1.4	1.2	1.0	1.0	1.2
Unemployment Rate, Percent, Yearly Average	8.8	9.0	7.7	6.6	5.7	5.1
3-Month Treasury Bill Rate, Percent, Yearly Average	0.3	0.9	1.8	3.0	3.9	4.4
10-Year Treasury Bond Rate, Percent, Yearly Average	2.9	3.4	4.0	4.6	5.0	5.3

ALLOCATIONS

As required in section 302 of the Congressional Budget Act, the joint statement of

managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among

each of the appropriate committees. The allocations are as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR 2009
(in millions of dollars)

Committee	Direct Spending Legislation		Entitlements Funded In Annual Appropriations Acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	1,391,471	1,220,843		
Memo: <i>on-budget</i>	1,385,922	1,215,645		
<i>off-budget</i>	5,549	5,198		
Mandatory	<u>670,696</u>	<u>658,189</u>		
Total	2,062,167	1,879,032		
Agriculture, Nutrition, and Forestry	16,564	14,660	90,027	77,833
Armed Services	125,643	126,493	105	121
Banking, Housing, and Urban Affairs	688,581	660,785	0	0
Commerce, Science, and Transportation	13,990	10,450	1,235	1,236
Energy and Natural Resources	4,618	4,817	576	577
Environment and Public Works	29,400	2,017	0	0
Finance	1,178,757	1,166,970	506,309	506,332
Foreign Relations	23,477	22,222	149	149
Homeland Security and Governmental Affairs	91,166	89,297	10,425	10,425
Judiciary	7,986	8,076	639	664
Health, Education, Labor, and Pensions	-22,436	-19,058	13,014	12,961
Rules and Administration	69	21	126	126
Intelligence	0	0	279	279
Veterans' Affairs	952	1,041	47,812	47,486
Indian Affairs	528	532	0	0
Small Business	1,211	1,211	0	0
Unassigned to Committee	<u>-639,092</u>	<u>-633,033</u>	<u>0</u>	<u>0</u>
TOTAL	3,583,581	3,335,533	670,696	658,189

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR 2010
(in millions of dollars)

Committee	Direct Spending Legislation		Entitlements Funded In Annual Appropriations Acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	1,082,250	1,269,471		
Memo: <i>on-budget</i>	1,075,916	1,263,275		
<i>off-budget</i>	6,334	6,196		
Mandatory	<u>730,253</u>	<u>719,740</u>		
Total	1,812,503	1,989,211		
Agriculture, Nutrition, and Forestry	16,023	15,281	100,179	89,627
Armed Services	135,650	135,706	107	108
Banking, Housing, and Urban Affairs	56,363	74,321	0	0
Commerce, Science, and Transportation	14,554	10,024	1,262	1,259
Energy and Natural Resources	5,026	4,887	442	443
Environment and Public Works	42,543	2,381	0	0
Finance	1,231,628	1,232,134	550,657	550,930
Foreign Relations	21,299	22,956	142	142
Homeland Security and Governmental Affairs	93,837	91,927	10,327	10,327
Judiciary	10,472	8,504	653	688
Health, Education, Labor, and Pensions	4,487	1,526	13,779	13,719
Rules and Administration	68	18	130	130
Intelligence	0	0	291	291
Veterans' Affairs	1,184	1,284	52,284	52,076
Indian Affairs	572	549	0	0
Small Business	0	0	0	0
Unassigned to Committee	<u>-695,170</u>	<u>-690,103</u>	<u>0</u>	<u>0</u>
TOTAL	2,751,039	2,900,606	730,253	719,740

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

5-YEAR: 2010-2014
(in millions of dollars)

Committee	Direct Spending Legislation		Entitlements Funded In Annual	
	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture, Nutrition, and Forestry	77,179	75,315	508,359	452,415
Armed Services	710,328	710,249	460	461
Banking, Housing, and Urban Affairs	135,688	99,696	0	0
Commerce, Science, and Transportation	75,279	49,626	6,704	6,678
Energy and Natural Resources	27,251	27,457	1,470	1,471
Environment and Public Works	215,367	13,714	0	0
Finance	6,851,258	6,850,666	2,930,150	2,930,537
Foreign Relations	94,573	105,029	632	632
Homeland Security and Governmental Affairs	491,185	478,570	50,451	50,451
Judiciary	42,641	42,826	3,381	3,482
Health, Education, Labor, and Pensions	50,349	44,474	76,790	76,621
Rules and Administration	340	344	681	681
Intelligence	0	0	1,498	1,498
Veterans' Affairs	5,433	6,176	273,064	271,690
Indian Affairs	2,469	2,441	0	0
Small Business	0	0	0	0

Allocation of Spending Authority to House Committee on Appropriations
(In millions of dollars)

		<u>2009 1/</u>	<u>2010</u>
Discretionary Action	BA	1,391,471	1,082,540
	OT	1,220,843	1,269,745
Current Law Mandatory	BA	670,595	725,056
	OT	658,123	715,684

1/ Revision to amounts included in S. Con. Res. 70. Includes emergencies incorporated in the Congressional Budget Office March baseline.

**ALLOCATIONS OF SPENDING AUTHORITY
TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS**
(In millions of dollars)

	2009 1/	2010	Total 2010-2014
Committee on Agriculture			
Current Law			
BA	16,709	16,183	63,406
OT	14,831	15,455	64,273
Reauthorizations			
BA	1	1	138,284
OT	1	1	135,903
Total			
BA	16,710	16,184	201,690
OT	14,832	15,456	200,176
Committee on Armed Services			
Current Law			
BA	125,663	135,653	710,343
OT	126,514	135,710	710,265
Resolution Change			
BA	0	0	0
OT	0	0	0
Total			
BA	125,663	135,653	710,343
OT	126,514	135,710	710,265
Committee on Education and Labor			
Current Law			
BA	-20,683	-454	25,648
OT	-17,727	-3,516	19,608
Reauthorizations			
BA	101	3,648	18,664
OT	66	2,513	17,190
Resolution Change			
BA	0	0	-1,000
OT	0	0	-1,000
Total			
BA	-20,582	3,194	43,312
OT	-17,661	-1,003	35,798
Committee on Energy and Commerce			
Current Law			
BA	279,426	286,402	1,643,660
OT	273,475	285,467	1,637,420
Reauthorizations			
BA	0	0	5,720
OT	0	0	8,566
Total			
BA	279,426	286,402	1,649,380
OT	273,475	285,467	1,645,986

**ALLOCATIONS OF SPENDING AUTHORITY
TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS
(In millions of dollars)**

			Total
	2009 1/	2010	2010-2014
Committee on Financial Services			
Current Law			
BA	684,785	47,983	93,841
OT	666,250	75,202	104,154
Committee on Foreign Affairs			
Current Law			
BA	23,477	21,299	94,573
OT	22,222	22,956	105,029
Committee on Homeland Security			
Current Law			
BA	1,535	1,585	8,465
OT	1,582	1,591	8,548
Committee on House Administration			
Current Law			
BA	69	68	340
OT	21	18	344
Committee on the Judiciary			
Current Law			
BA	6,929	9,375	36,556
OT	7,021	7,412	36,768
Committee on Natural Resources			
Current Law			
BA	5,362	5,899	31,419
OT	4,879	5,700	31,479
Committee on Oversight and Government Reform			
Current Law			
BA	90,002	92,711	485,602
OT	88,170	90,771	472,924
Committee on Science and Technology			
Current Law			
BA	126	126	630
OT	119	139	658
Committee on Small Business			
Current Law			
BA	1,211	0	0
OT	1,211	0	0

**ALLOCATIONS OF SPENDING AUTHORITY
TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS
(In millions of dollars)**

	2009 1/	2010	Total 2010-2014
Committee on Transportation and Infrastructure			
Current Law			
BA	53,534	14,192	74,384
OT	14,057	14,649	76,644
Reauthorizations			
BA	1,950	42,083	210,415
OT	0	173	2,365
Resolution Change			
BA	0	13,085	68,669
OT	0	0	0
Total			
BA	55,484	69,360	353,468
OT	14,057	14,822	79,009
Committee on Veterans Affairs			
Current Law			
BA	952	1,184	5,433
OT	1,041	1,284	6,176
Reauthorizations			
BA	0	1,549	11,092
OT	0	1,543	10,908
Total			
BA	952	2,733	16,525
OT	1,041	2,827	17,084
Committee on Ways and Means			
Current Law			
BA	900,451	938,463	4,999,413
OT	896,860	940,618	5,008,958
Reauthorizations			
BA	0	25	83,520
OT	0	25	76,818
Resolution Change			
BA	0	6,840	37,000
OT	0	6,840	37,000
Total			
BA	900,451	945,328	5,119,933
OT	896,860	947,483	5,122,776

1/ Revision to amounts for 2009 included in S.Con.Res. 70.

PAY-AS-YOU-GO SCORECARD FOR THE SENATE REFLECTING LEVELS FOR THE CONFERENCE AGREEMENT

Period of the current fiscal year, the budget year, and the four fiscal years following the budget year: \$0.

Period of the current fiscal year, the budget year, and the nine fiscal years following the budget year: \$0.

RULE XXVIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES

The adoption of this conference agreement by the two houses would result in the engrossment of a House joint resolution changing the statutory limit on the public debt pursuant to clause 3 of rule XXVIII of the Rules of the House of Representatives. The rule requires a joint resolution in the following form:

“Resolved, by the Senate and the House of Representatives of the United States in Congress assembled, that subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof \$13,029,000,000,000.”

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

JOHN M. SPRATT, JR.,

ROSA L. DELAURO,

ALLEN BOYD,

Managers on the Part of the House.

KENT CONRAD,

PATTY MURRAY,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for today and April 28.

Mr. REYES (at the request of Mr. HOYER) for today on account of weather-related travel problems.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

Mr. BURGESS (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the Energy Efficiency Global Forum and Exposition.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of meetings in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 4.

Mr. MORAN of Kansas, for 5 minutes, today, April 28, 29 and 30.

Mr. HUNTER, for 5 minutes, today and April 28.

Mr. JONES, for 5 minutes, May 4.

Mr. GOODLATTE, for 5 minutes, April 28 and 29.

Mr. INGLIS, for 5 minutes, today and May 4.

Ms. JENKINS, for 5 minutes, April 28.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the “Bennett Freeze”.

S.J. Res. 8. Providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. SPRATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 28, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1376. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual report on the Activities of the Western Hemisphere Institute for Security Cooperation, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

1377. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's 2009 compensation plan, as required by section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; to the Committee on Financial Services.

1378. A letter from the Chairperson, National Council on Disability, transmitting the Council's annual report assessing the status of the nation in achieving policies that guarantee equal opportunity for all individuals with disabilities and that empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society, pursuant to Section 401(b) of the Rehabilitation Act of 1973; to the Committee on Education and Labor.

1379. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers) [Docket Number:

EERE-2006-STD-0127] (RIN: 1904-AB49) received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1380. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Premiums and Cost Sharing [CMS-2244-F3] (RIN: 0938-A047) received March 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Average Fuel Economy Standards Passenger Cars and Light Trucks Model Year 2011 [Docket No.: NHTSA-2009-0062] (RIN: 2127-AK29) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated by Reference [PA200-4202; FRL-8774-8] received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1383. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices for Interstate Natural Gas Pipelines [Docket No.: RM96-1-029; Order No. 587-T] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1384. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rules and Regulations Under the Textile Fiber Products Identification Act — received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1385. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Canada (Transmittal No. DDTC 025-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1386. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Malaysia (Transmittal No. DDTC 130-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1387. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed agreement for the export of defense articles or defense services to Greece (Transmittal No. DDTC 153-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1388. A letter from the Acting Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's annual report for fiscal year 2008 on foreign military sales and direct sales to foreign entities of significant military equipment manufactured in the United States during the preceding calendar year, pursuant to Public Law 109-364, section 1231; to the Committee on Foreign Affairs.

1389. A letter from the Deputy U.S. Global AIDS Coordinator (Acting) & Chief of Staff, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria, pursuant to

Section 625 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008; to the Committee on Foreign Affairs.

1390. A letter from the Acting President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's 2008 Annual Report; to the Committee on Foreign Affairs.

1391. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting the Commission's statement regarding the Office of Personnel Management "Disciplinary Best Practices and Advisory Guidelines" in accordance with the requirements of Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1392. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's report for fiscal year 2008 on the amount of acquisitions made from entities that manufacture articles, materials, or supplies outside of the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Oversight and Government Reform.

1393. A letter from the Director EEO and Diversity Programs, National Archives and Records Administration, transmitting the Administration's Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2008; to the Committee on Oversight and Government Reform.

1394. A letter from the Acting Director Equal Employment Opportunity, National Endowment for the Humanities, transmitting notification that the National Endowment for the Humanities is in compliance with the No FEAR Act for fiscal year 2008 and that there were no incidents of discrimination reported; to the Committee on Oversight and Government Reform.

1395. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Board's report on the amount of acquisitions made annually from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2008, pursuant to Public Law 108-447, section 641; to the Committee on Oversight and Government Reform.

1396. A letter from the Executive Director, United States Access Board, transmitting notification that the Board is in compliance with the requirements of section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1397. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil [Docket No.: USCG-1998-3417] (RIN: 1625-AA19 (Formerly RIN: 2115-AF60)) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1398. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30647 Amdt. No 3304] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1399. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Air-

worthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes [Docket No.: FAA-2008-1199; Directorate Identifier 2008-NM-207-AD; Amendment 39-15781; AD 2008-24-51] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1400. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No.: FAA-2009-0155; Directorate Identifier 2009-CE-007-AD; Amendment 39-15825; AD 2009-05-01] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1401. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-0150; Directorate Identifier 2009-CE-010-AD; Amendment 39-15830; AD 2009-05-06] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1402. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30651 Amdt. No 3308] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1403. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30652 Amdt. No 3309] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1404. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Roanoke Rapids, NC [Docket No.: FAA-2008-1334; Airspace Docket No. 08-ASO-21] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1405. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30650; Amdt. No. 3307] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1406. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30649 Amdt. No 3306] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1407. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure

Procedures; Miscellaneous Amendments [Docket No.: 30648; Amdt. No. 3305] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1408. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-0671; Directorate Identifier 2008-NM-017-AD; Amendment 39-15796; AD 2009-02-06] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1409. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2008-1318; Directorate Identifier 2008-NM-155-AD; Amendment 39-15848; AD 2009-06-12] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No.: FAA-2008-1319; Directorate Identifier 2008-CE-071-AD; Amendment 39-15836; AD 2009-05-12] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1411. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes, and Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2008-0980; Directorate Identifier 2008-NM-008-AD; Amendment 39-15834; AD 2009-05-10] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC-12/47, and PC-12/47E Airplanes [Docket No.: FAA-2008-0189; Directorate Identifier 2009-CE-011-AD; Amendment 39-15831; AD 2009-05-07] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Trimble or FreeFlight System 2101 I/O Approach Plus Global Positioning System (GPS) Navigation Systems [Docket No.: FAA-2007-28689; Directorate Identifier 2006-SW-17-AD; Amendment 39-15832; AD 2009-05-08] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B and EC155B1 Helicopters [Docket No.: FAA-2009-0195; Directorate Identifier 2007-SW-34-AD; Amendment 39-15837; AD 2009-06-01] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Inc.

Model 412, 412CF, and 412EP Helicopters [Docket No.: FAA-2009-0169; Directorate Identifier 2008-SW-42-AD; Amendment 39-15833; AD 2009-05-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model AB139 and AW139 Helicopters [Docket No.: FAA-2009-0170; Directorate Identifier 2008-SW-45-AD; Amendment 39-15843; AD 2009-06-07] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes [Docket No.: FAA-2008-1330; Directorate Identifier 2008-NM-138-AD; Amendment 39-15839; AD 2009-06-03] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No.: FAA-2009-0214; Directorate Identifier 2007-NM-343-AD; Amendment 39-15851; AD 2009-06-14] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-131 Airplanes [Docket No.: FAA-2009-0215; Directorate Identifier 2007-NM-278-AD; Amendment 39-15850; AD 2009-06-13] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1420. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-0146; Directorate Identifier 2009-CE-009-AD; Amendment 39-15820; AD 2009-04-14] (RIN: 2120-AA64) received March 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1421. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's 47th annual report of activities for fiscal year 2008, which ended September 30, 2008, pursuant to Section 103(e) of the Reorganization Plan No. 7 of 1961 and Section 208 of the Merchant Marine Act of 1936, as amended; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under the clause 2 of rule XIII, reports of Committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of April 22, 2009]

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1679. A bill to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes (Rept. 111-85 Pt. 1).

[Submitted April 27, 2009]

Mr. CONYERS: Committee on the Judiciary. H.R. 1913. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, with an amendment (Rept. 111-86). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 365. Resolution Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111-87). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 627. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; with an amendment (Rept. 111-88). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee on Conference. Conference report on Senate Concurrent Resolution 13. Resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014 (Rept. 111-89). Ordered to be printed.

DISCHARGE OF COMMITTEE

[Omitted from the Record of April 22, 2009]

Pursuant to clause 2 of rule XII the Committee on Standards of Official Conduct discharged from further consideration. H.R. 1679 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[The following action occurred on April 24, 2009] Pursuant to clause 2 of rule XII the Committee on House Administration discharged from further consideration. H.R. 608 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANKS of Arizona:

H.R. 2100. A bill to provide for the conveyance of certain public land in Mohave Valley, Mohave County, Arizona, administered by the Bureau of Land Management to the Arizona Game and Fish Department, for use as a public shooting range; to the Committee on Natural Resources.

By Mr. SKELTON (for himself, Mr. McHUGH, Mr. ANDREWS, Mr. SPRATT, Mr. CONAWAY, Mr. COFFMAN of Colorado, Mr. SESTAK, Mr. BRADY of Pennsylvania, Mr. FORBES, Mrs. TAUSCHER, Mr. SNYDER, Ms. SHEA-PORTER, and Mr. MASSA):

H.R. 2101. A bill to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense; to the Committee on Armed Services.

By Mr. MORAN of Virginia (for himself, Mr. CONNOLLY of Virginia, Mr. McDERMOTT, Mr. MCGOVERN, Mr. BOUCHER, Mr. SESTAK, Mr. SIREN, Mr.

BLUMENAUER, Ms. SLAUGHTER, Mr. PERRIELLO, Ms. KAPTUR, Ms. MCCOLLUM, Ms. SCHWARTZ, Ms. CASTOR of Florida, Mr. PALLONE, Ms. DELAURO, Mr. CONYERS, Mr. MEEKS of New York, Mr. JACKSON of Illinois, Mr. HONDA, Ms. NORTON, Mr. WELCH, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. SARBANES, Mr. MASSA, Mr. RUPPERSBERGER, Mr. LEWIS of Georgia, Ms. DEGETTE, Mr. HIGGINS, Mr. CUMMINGS, Mr. NADLER of New York, Mr. TONKO, Mr. LYNCH, and Mr. KENNEDY):

H.R. 2102. A bill to establish the United States Public Service Academy; to the Committee on Education and Labor.

By Ms. MCCOLLUM (for herself, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Ms. LEE of California, Mrs. MALONEY, Ms. WATSON, Mrs. TAUSCHER, Mr. HONDA, Mr. HINCHY, Mr. MOORE of Kansas, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. ELLISON, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. CARNAHAN, Mr. FARR, Ms. ESHOO, Mr. MCNERNEY, Ms. SCHAKOWSKY, Mr. WALZ, Mr. CROWLEY, Mr. HASTINGS of Florida, and Ms. MOORE of Wisconsin):

H.R. 2103. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FILNER:

H.R. 2104. A bill to require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself, Mr. BRADY of Texas, Mr. BLUMENAUER, and Mr. WAMP):

H.R. 2105. A bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. WAMP):

H.R. 2106. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 2107. A bill to direct the Secretary of Health and Human Services to conduct a public education campaign on umbilical cord blood stem cells, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE:

H.R. 2108. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Ms. SPEIER (for herself, Mrs. BONO MACK, Mrs. CAPPS, Mr. MORAN of Virginia, Ms. KILROY, Ms. SCHAKOWSKY, and Mr. SESTAK):

H.R. 2109. A bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Mr. JORDAN of Ohio, Mr. GOODLATTE, Mr. BUTTERFIELD, and Ms. FOXX):

H.R. 2110. A bill to limit the authority of States to tax certain income of employees for employment duties performed in other States; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. BRADY of Texas):

H.R. 2111. A bill to establish the Congressional Commission on Financial Accountability and Preparedness to examine and report upon the facts and causes relating to the breakdown in the financial and credit markets in 2008, and investigate and report to the Congress on its findings, conclusions, and recommendations for prosecution of criminal behavior; to the Committee on Financial Services.

By Mrs. CHRISTENSEN (for herself, Mr. LOBIONDO, Ms. LEE of California, Mr. MEEKS of New York, Ms. BORDALLO, Mr. PAYNE, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, and Mr. LANCE):

H.R. 2112. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Mr. PAYNE, Mr. SABLON, Mr. MICHAUD, Mr. BRALEY of Iowa, Mr. LOEBSACK, Ms. DELAURO, Ms. SUTTON, Ms. SHEA-PORTER, Mr. HOLT, and Mr. BISHOP of New York):

H.R. 2113. A bill to require the Secretary of Labor to prescribe regulations requiring employers with more than one establishment and not fewer than 500 employees to report work-related deaths, injuries, and illnesses; to the Committee on Education and Labor.

By Mr. HIGGINS (for himself, Ms. SLAUGHTER, Mr. LEE of New York, and Mr. MASSA):

H.R. 2114. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2115. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. GRIFFITH, Mr. ALTMIRE, Mr. ELLSWORTH, Mr. BISHOP of Georgia, Mr. ARCURI, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. MELANCON, Mr. BOYD, Ms. HERSETH SANDLIN, Mr. COOPER, Mr. SHULER, Mr. CARDOZA, Ms. GIFFORDS, Mr. MINNICK, Mr. MOORE of Kansas, Mr. CHILDERS, Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, Mr. SALAZAR, Mr.

TAYLOR, Mr. BERRY, Mr. ROSS, Mr. KRATOVIL, Mr. MATHESON, Mr. BRIGHT, Mr. BARROW, Mr. THOMPSON of California, Mr. DONNELLY of Indiana, Mr. WILSON of Ohio, Mr. SPACE, Mr. NYE, Mr. GORDON of Tennessee, Mr. CUELLAR, Mr. BOSWELL, Mr. MARSHALL, Mr. COSTA, Mr. MICHAUD, Mr. POMEROY, Mr. CHANDLER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HOLDEN, Mr. BACA, Ms. HARMAN, and Mr. PETERSON):

H.R. 2116. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2117. A bill to amend title II of the Workforce Investment Act of 1998 to establish financial literacy education programs for newly naturalized citizens of the United States; to the Committee on Education and Labor.

By Mr. MCCARTHY of California (for himself, Mr. BACHUS, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. JONES, Mr. LANCE, Mrs. CAPITO, and Mr. GARRETT of New Jersey):

H.R. 2118. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for more detailed repayment procedures for assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. MCCARTHY of California (for himself, Mr. BACHUS, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. JONES, Mr. LANCE, Ms. JENKINS, Mrs. CAPITO, Mr. GARRETT of New Jersey, and Mr. CASTLE):

H.R. 2119. A bill to amend the Emergency Economic Stabilization Act of 2008 to require that repayments of assistance from the Troubled Asset Relief Program funds go to paying down the public debt; to the Committee on Financial Services.

By Mrs. MYRICK:

H.R. 2120. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2121. A bill to provide for the transfer of certain Federal property to the Galveston Historical Foundation; to the Committee on Transportation and Infrastructure.

By Mr. PIERLUISI (for himself, Mr. CROWLEY, Mr. GUTIERREZ, Mr. SERRANO, and Ms. VELÁZQUEZ):

H.R. 2122. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for allocating the cover over of distilled spirits taxes between Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mr. PLATTTS (for himself and Mr. ISRAEL):

H.R. 2123. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 invasion of

Pennsylvania, the Battle of Gettysburg and President Abraham Lincoln's Gettysburg Address; to the Committee on Financial Services.

By Mr. POMEROY (for himself, Mr. LARSON of Connecticut, Mr. DOGGETT, and Mr. YARMUTH):

H.R. 2124. A bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Ms. CORRINE BROWN of Florida, and Mr. GERLACH):

H.R. 2125. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 2126. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Armed Services.

By Mr. SOUDER:

H.R. 2127. A bill to amend title 38, United States Code, to eliminate the income eligibility and service-connected disability rating requirements for the veterans beneficiary travel program administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SOUDER (for himself and Mr. ELLSWORTH):

H.R. 2128. A bill to amend the Ethics in Government Act of 1978 to require information on the value of any personal residence and on the balance, interest rate, and remaining number of years of any mortgage secured by real property to be included in the annual financial disclosure reports required to be filed under such Act; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. BAIRD, Mr. BERMAN, Ms. BORDALLO, Mr. CARNAHAN, Mr. CARNEY, Mr. CONYERS, Mr. COURTNEY, Mr. DOYLE, Ms. ESHOO, Mr. FARR, Mr. GRIJALVA, Mr. HARE, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HOLDEN, Mr. LEVIN, Mr. MCGOVERN, Mr. MCHUGH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. OBERSTAR, Mr. PASCRELL, Mr. RYAN of Ohio, Mr. SIREN, Mr. SPACE, Ms. SUTTON, Mr. TAYLOR, Mr. TIERNEY, Mr. VAN HOLLEN, and Mr. VISLOSKY):

H.R. 2129. A bill to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 2130. A bill to establish programs to provide counseling to homebuyers regarding voluntary home inspections and to train counselors to provide such counseling, and for other purposes; to the Committee on Financial Services.

By Ms. WATSON (for herself, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Ms. MOORE of Wisconsin, Mr. HARE, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. KUCINICH, Mr. CLEAVER, Mr. CARNAHAN, Ms. BERKLEY, and Ms. KILPATRICK of Michigan):

H.R. 2131. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Affairs.

By Mr. CONNOLLY of Virginia (for himself, Ms. WASSERMAN SCHULTZ, and Mr. SABLAN):

H. Con. Res. 109. Concurrent resolution honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H. Con. Res. 110. Concurrent resolution supporting the goals and ideals of National Celiac Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. PENCE, Mr. BERMAN, Ms. ROSELEHTINEN, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. MCMAHON, Ms. BERKLEY, Mr. WEXLER, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. KIRK, Mr. KAGEN, Mr. ELLISON, Mrs. MALONEY, Mr. HOLT, Mr. GRAYSON, Ms. SCHAKOWSKY, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mrs. MCCARTHY of New York, Mr. POE of Texas, Mr. LANCE, Mr. LAMBORN, Mr. HENSARLING, Mr. WOLF, and Mr. ROHRBACHER):

H. Res. 364. A resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; to the Committee on Foreign Affairs.

By Ms. BALDWIN (for herself, Mr. SESSIONS, Mr. ALTMIRE, Mr. KIND, Mr. COBLE, Mr. GRAYSON, Mr. TERRY, Mr. MCCOTTER, Mr. BOOZMAN, Mr. MORAN of Virginia, Mr. GENE GREEN of Texas, Mr. MARCHANT, Mr. ISRAEL, Mr. KAGEN, Mr. KING of New York, Mr. PETRI, Mr. HINOJOSA, Ms. BORDALLO, Mr. HASTINGS of Florida, and Mr. SERRANO):

H. Res. 366. A resolution recognizing the 40th anniversary of the National Eye Institute (NEI) and expressing support for designation of 2010 through 2020 as the "Decade of Vision"; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida (for herself, Mr. CASTLE, Ms. NORTON, Mr. DAVIS of Illinois, and Ms. ROYBAL-ALLARD):

H. Res. 367. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LATHAM, and Mr. KING of Iowa):

H. Res. 368. A resolution congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Mr. TIBERI (for himself and Ms. KILROY):

H. Res. 369. A resolution congratulating the Columbus Crew on winning the 2008

Major League Soccer Cup; to the Committee on Oversight and Government Reform.

By Mr. TONKO (for himself, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. KENNEDY, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. CHANDLER, Mr. SESTAK, Mr. KIRK, Ms. MATSUI, Mr. MITCHELL, Mr. LUJAN, Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Ms. BORDALLO, Ms. LEE of California, Mr. HARE, Mr. JOHNSON of Georgia, Ms. BERKLEY, Mr. MCMAHON, Ms. MOORE of Wisconsin, Ms. FUDGE, Mr. WELCH, Mr. COURTNEY, Mr. OLVER, Mr. PERRIELLO, Mr. MAFFEI, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. HINCHEY, Mrs. LOWEY, Mr. ISRAEL, Mr. MURPHY of Connecticut, Ms. KOSMAS, Mrs. DAHLKEMPER, and Mr. CONNOLLY of Virginia):

H. Res. 370. A resolution expressing support for designation of April 27, 2009, as "National Healthy Schools Day"; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. MILLER of North Carolina, Mr. MICA, and Mr. LEWIS of Georgia.

H.R. 23: Mr. MEEKS of New York, Mr. HIMES, Mr. PASCRELL, Mr. SHERMAN, Mr. DREIER, Mr. BERMAN, Mr. SHULER, and Mr. COSTELLO.

H.R. 49: Mr. ROONEY.

H.R. 147: Mrs. MALONEY.

H.R. 175: Mr. MORAN of Virginia.

H.R. 181: Mr. ALTMIRE and Mr. HOLT.

H.R. 186: Mr. GRAYSON.

H.R. 205: Ms. JENKINS.

H.R. 233: Mr. PERLMUTTER.

H.R. 235: Mr. ARCURI, Mr. ROONEY, Mr. COSTA, and Ms. KILROY.

H.R. 270: Mr. MILLER of Florida and Mr. MARSHALL.

H.R. 303: Mr. FORTENBERRY, Mr. RYAN of Ohio, Mr. BURTON of Indiana, Mr. GOODLATTE, and Mr. MILLER of North Carolina.

H.R. 347: Mr. ALTMIRE, Mr. WOLF, and Mr. CAO.

H.R. 442: Mr. MCCAUL, Mr. ROE of Tennessee, Mr. BACHUS, and Mr. BISHOP of Georgia.

H.R. 450: Mr. HERGER.

H.R. 481: Mr. PAULSEN.

H.R. 560: Mr. HARPER.

H.R. 574: Mr. BERRY, Mr. LARSON of Connecticut, Mr. NADLER of New York, Mr. TONKO, and Mr. BROUN of Georgia.

H.R. 610: Mr. ABERCROMBIE.

H.R. 616: Mr. TEAGUE, Mr. WAMP, Mr. TANNER, Mr. SALAZAR, Mr. NUNES, Mr. BACHUS, and Mr. MARSHALL.

H.R. 621: Mr. MICHAUD, Mr. MCHUGH, Mr. LATTI, and Mr. ORTIZ.

H.R. 622: Mr. PUTNAM.

H.R. 627: Mr. ISRAEL, Mr. ENGEL, Mr. GORDON of Tennessee, Mr. SIRE, Ms. TITUS, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. MCNERNEY, Mr. PETERS, Mr. TIERNEY, Ms. SPEIER, Mr. CARSON of Indiana, and Mr. BOCIERI.

H.R. 653: Mr. PLATTS and Mr. TONKO.

H.R. 669: Mr. FILNER.

H.R. 678: Mr. FARR, Mr. HINOJOSA, and Ms. KILPATRICK of Michigan.

H.R. 716: Mr. HIGGINS.

H.R. 745: Mr. JONES, Mr. PASCRELL, and Mr. GUTIERREZ.

H.R. 775: Mr. AL GREEN of Texas, Mr. MANZULLO, Mr. STEARNS, Mr. FORTENBERRY, Mr.

MCMAHON, Mr. HIMES, Mr. DEFAZIO, Mr. DONNELLY of Indiana, and Mr. RYAN of Ohio.

H.R. 811: Mr. FORTENBERRY.

H.R. 828: Mr. FILNER.

H.R. 864: Ms. HERSETH SANDLIN.

H.R. 903: Mr. PASCRELL.

H.R. 904: Mr. KENNEDY and Mr. DOYLE.

H.R. 914: Mr. ROGERS of Kentucky.

H.R. 930: Mr. ALEXANDER and Mr. KAGEN.

H.R. 935: Mr. KILDEE.

H.R. 943: Mr. PRICE of Georgia.

H.R. 949: Mr. YOUNG of Alaska and Mr. COURTNEY.

H.R. 950: Mr. PASTOR of Arizona.

H.R. 958: Ms. HERSETH SANDLIN, Mr. WITTMAN, and Mr. LIPINSKI.

H.R. 988: Mr. BOSWELL and Mr. WAMP.

H.R. 997: Mr. CHILDERS.

H.R. 1016: Mr. KING of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BILBRAY, Mr. MCINTYRE, Mr. TONKO, Mr. MCMAHON, Mr. CLEAVER, and Mr. COSTELLO.

H.R. 1017: Ms. HERSETH SANDLIN.

H.R. 1028: Mr. MCGOVERN and Mr. FRANK of Massachusetts.

H.R. 1030: Mr. COBLE.

H.R. 1032: Ms. RICHARDSON and Mr. FRELINGHUYSEN.

H.R. 1053: Mr. MASSA.

H.R. 1054: Mr. BOREN.

H.R. 1067: Mr. COSTELLO, Ms. BERKLEY, and Mr. LARSEN of Washington.

H.R. 1074: Mr. ROE of Tennessee, Mr. MCCAUL, Mr. ROGERS of Michigan, and Mr. PETERSON.

H.R. 1079: Mr. MARSHALL, Mr. MCGOVERN, and Mr. PASCRELL.

H.R. 1091: Mr. HARE.

H.R. 1118: Mr. CALVERT.

H.R. 1126: Mr. RAHALL, Mr. HINCHEY, and Mrs. MALONEY.

H.R. 1142: Mr. FILNER.

H.R. 1147: Mr. COHEN, Ms. LEE of California, Mr. RANGEL, Mr. LEWIS of Georgia, and Mrs. MCCARTHY of New York.

H.R. 1149: Mr. MCCOTTER.

H.R. 1179: Mr. TOWNS, Mr. KING of New York, Mr. DOGGETT, Mr. MOORE of Kansas, Ms. SHEA-PORTER, Mr. MCNERNEY, and Mr. HIMES.

H.R. 1189: Mr. MITCHELL.

H.R. 1203: Mr. LIPINSKI, Ms. MCCOLLUM, Mr. BISHOP of Georgia, Mr. PERLMUTTER, Mr. GRAVES, and Mr. BUTTERFIELD.

H.R. 1204: Mr. KENNEDY.

H.R. 1205: Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Ms. MATSUI, and Mr. DOYLE.

H.R. 1209: Mr. WAXMAN, Mr. WATT, Mr. ADLER of New Jersey, Mr. BERMAN, Mr. BUTTERFIELD, Mr. CLAY, Mr. DAVIS of Alabama, Mr. DELAHUNT, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mrs. HALVORSON, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MAFFEI, Mr. GEORGE MILLER of California, Mr. PASCRELL, Mr. PAYNE, Mr. RUSH, Mr. SMITH of Washington, Mr. STARK, Mr. VAN HOLLEN, Ms. WATERS, and Ms. WATSON.

H.R. 1210: Mr. MCNERNEY, Mr. HARPER, and Mr. MITCHELL.

H.R. 1240: Mr. TONKO.

H.R. 1283: Mr. CARNAHAN and Mr. DAVIS of Illinois.

H.R. 1285: Mr. PAYNE, Mr. EHLERS, and Mr. SHIMKUS.

H.R. 1298: Mr. HOEKSTRA, Mr. PLATTS, Mr. PETRI, and Mr. HASTINGS of Washington.

H.R. 1313: Mr. FORBES, Mr. WOLF, Mr. PAUL, and Mr. SESTAK.

H.R. 1326: Mr. BERMAN and Mr. LANCE.

H.R. 1327: Mr. HARE, Mr. ELLSWORTH, Mr. QUIGLEY, Mr. MOORE of Kansas, Mr. MCCARTHY of California, Mr. MICHAUD, Mr. BLUNT,

Mr. CONAWAY, Mr. BUCHANAN, Mr. TONKO, Mr. STEARNS, Mr. SMITH of New Jersey, Mrs. MALONEY, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. PUTNAM, Mrs. HALVORSON, Mrs. DAVIS of California, Mrs. LOWEY, Mr. ARCURI, and Mr. ROYCE.

H.R. 1346: Mr. BARROW and Mr. JONES.

H.R. 1362: Mr. MCCARTHY of California and Mr. MITCHELL.

H.R. 1384: Mr. FLEMING and Mr. LAMBORN.

H.R. 1392: Mr. BERRY.

H.R. 1396: Mr. BURGESS and Ms. KAPTUR.

H.R. 1410: Mr. CARNAHAN, Ms. BERKLEY, Mr. YARMUTH, Ms. SHEA-PORTER, and Mr. RANGEL.

H.R. 1422: Mr. MCCOTTER.

H.R. 1427: Mr. WOLF.

H.R. 1428: Mr. BISHOP of Utah.

H.R. 1433: Mr. MCHUGH.

H.R. 1434: Mr. MCHUGH.

H.R. 1454: Mr. HOLT, Mr. CLEAVER, and Ms. LEE of California.

H.R. 1457: Mr. SMITH of New Jersey.

H.R. 1460: Ms. CASTOR of Florida.

H.R. 1479: Mr. BISHOP of Georgia and Ms. LEE of California.

H.R. 1483: Mr. PASCRELL.

H.R. 1519: Mr. PAULSEN.

H.R. 1521: Mr. CLAY, Mr. BARRETT of South Carolina, and Mr. YOUNG of Alaska.

H.R. 1523: Ms. LEE of California.

H.R. 1547: Mr. LEE of New York, Mr. MILLER of North Carolina, Mr. WAMP, Mr. CHILDERS, Mr. CAO, Mr. HERGER, Mr. PUTNAM, and Mr. WHITFIELD.

H.R. 1548: Mr. WHITFIELD.

H.R. 1551: Mr. PASTOR of Arizona, Mr. KENNEDY, and Mr. TONKO.

H.R. 1552: Mr. CARNEY, Mr. CHAFFETZ, and Mr. PAUL.

H.R. 1558: Mr. PASCRELL.

H.R. 1564: Mr. McDERMOTT.

H.R. 1570: Mr. CONNOLLY of Virginia and Mr. SESTAK.

H.R. 1571: Mr. YOUNG of Alaska.

H.R. 1585: Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. PASCRELL, and Mr. LYNCH.

H.R. 1616: Mr. SIREN and Mr. PASCRELL.

H.R. 1619: Mr. PASTOR of Arizona, Mr. COURTNEY, and Mr. FILNER.

H.R. 1622: Mr. MCCOTTER.

H.R. 1633: Mr. LEWIS of Georgia, Mr. ALEXANDER, and Mr. PETERSON.

H.R. 1642: Mr. SESTAK.

H.R. 1646: Mr. DAVIS of Illinois, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORBES, and Mr. MCGOVERN.

H.R. 1668: Mr. BILBRAY.

H.R. 1670: Mr. ALTMIRE, Mr. PASCRELL, Mr. JACKSON of Illinois, and Mr. GUTIERREZ.

H.R. 1671: Mr. CARNAHAN and Mr. ALEXANDER.

H.R. 1677: Mrs. DAVIS of California.

H.R. 1678: Mr. FLEMING.

H.R. 1681: Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, and Mr. PETERSON.

H.R. 1691: Mr. SMITH of New Jersey.

H.R. 1704: Mr. KIRK, Mr. SESTAK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1708: Mr. BOOZMAN and Mr. PASCRELL.

H.R. 1718: Ms. KILPATRICK of Michigan.

H.R. 1724: Mr. MASSA.

H.R. 1728: Mr. MEEKS of New York.

H.R. 1741: Mr. PIERLUISI.

H.R. 1742: Mrs. TAUSCHER.

H.R. 1751: Mr. PASTOR of Arizona.

H.R. 1761: Mr. SCHAUER.

H.R. 1775: Mr. GRAYSON, Mr. SESTAK, and Mr. TONKO.

H.R. 1776: Mr. PASCRELL.

H.R. 1799: Mr. SIMPSON and Mr. GUTHRIE.

H.R. 1835: Mr. POSTER, Mr. PERLMUTTER, and Mr. BARROW.

H.R. 1841: Mr. ARCURI.

H.R. 1844: Mr. SESTAK and Mr. PAYNE.

H.R. 1845: Mr. NYE.

H.R. 1869: Mr. RANGEL, Mrs. DAHLKEMPER, Mr. WEINER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. KILDEE, Mr. HINOJOSA, Mr. HOLT, Mr. CAPUANO, Mr. BLUMENAUER, Mr. RUSH, Mr. PAYNE, Mr. WELCH, and Mr. PUTNAM.

H.R. 1903: Mr. AUSTRIA and Mr. GOODLATTE.

H.R. 1913: Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. FATTAH, Mr. MILLER of North Carolina, Ms. CLARKE, Mr. LOEBSACK, Mr. PIERLUISI, Mr. JOHNSON of Georgia, Mr. McMAHON, Mr. FARR, Mr. CLEAVER, Mr. KENNEDY, Mr. JACKSON of Illinois, Ms. HIRONO, Mr. ENGEL, Mr. CARNAHAN, Ms. MOORE of Wisconsin, Mr. MARKEY of Massachusetts, Mr. PASCRELL, Mr. YARMUTH, Ms. LORETTA SANCHEZ of California, Mr. AL GREEN of Texas, Ms. FUDGE, Mr. BACA, and Mr. CARSON of Indiana.

H.R. 1915: Mr. TONKO.

H.R. 1924: Mr. COLE, Mr. MORAN of Virginia, Mr. OLVER, and Mr. POMEROY.

H.R. 1926: Mr. CLEAVER.

H.R. 1930: Ms. SCHAKOWSKY and Mr. FARR.

H.R. 1932: Mr. SESTAK.

H.R. 1941: Mr. MCCAUL and Mr. ISSA.

H.R. 1956: Mr. BURGESS and Mr. BACHUS.

H.R. 1993: Mr. GRAYSON and Mr. FILNER.

H.R. 2000: Mr. ELLISON.

H.R. 2009: Mr. CHAFFETZ, Mr. FLEMING, Mr. KING of Iowa, Mrs. LUMMIS, Mr. BARTLETT, Mr. PITTS, Mr. MANZULLO, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. JORDAN of Ohio, Mr. PRICE of Georgia, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. LAMBORN, Ms. FALLIN, Mr. ROYCE, Mr. BONNER, Mr. FLAKE, Mr. OLSON, Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, and Mr. ROHRBACHER.

H.R. 2014: Mr. BOUSTANY, Ms. KOSMAS, Mr. LATTA, Mr. LINDER, Mr. MICHAUD, Mr. FORTENBERRY, Mr. TAYLOR, Ms. SCHWARTZ, Mr. GRAYSON, Mr. BURGESS, Mr. KRATOVIL, Mr. PETERSON, Mr. MICA, Mr. ALTMIRE, and Mr. PETERS.

H.R. 2026: Mrs. MYRICK.

H.R. 2036: Mr. YOUNG of Alaska and Mr. ETHERIDGE.

H.R. 2053: Mr. GRIJALVA and Mr. SABLAN.

H.R. 2060: Mr. GRAYSON, Mr. CASTLE, and Mr. COSTELLO.

H.R. 2065: Ms. DeLAURO and Mr. ELLISON.

H.R. 2067: Mr. SERRANO, Ms. CORRINE BROWN of Florida, and Mr. FILNER.

H.R. 2076: Ms. SCHAKOWSKY and Mr. RODRIGUEZ.

H.R. 2080: Mr. WELCH, Mr. ARCURI, and Mr. MICHAUD.

H.R. 2083: Mr. SIMPSON and Mrs. MYRICK.

H.R. 2090: Mr. TONKO and Mr. HINCHEY.

H.R. 2094: Mr. FARR.

H.J. Res. 41: Mr. PLATTS.

H. Con. Res. 20: Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, and Ms. MCCOLLUM.

H. Con. Res. 48: Ms. MOORE of Wisconsin.

H. Con. Res. 49: Mr. CAMPBELL and Mr. DUNCAN.

H. Con. Res. 89: Ms. SCHAKOWSKY, Mr. PALONE, Mr. COHEN, Mr. ENGEL, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. ACKERMAN, and Mrs. LOWEY.

H. Con. Res. 96: Mr. SESTAK and Mr. SESSIONS.

H. Con. Res. 99: Mr. SESTAK, Ms. HIRONO, and Mr. GRAYSON.

H. Con. Res. 102: Mr. SESTAK, Mr. GUTIERREZ, and Ms. KAPTUR.

H. Con. Res. 103: Mr. SNYDER, Mr. SHERMAN, Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. MASSA, Mr. GENE GREEN of Texas, Mr. CARNAHAN, and Mr. MCGOVERN.

H. Con. Res. 107: Mr. PAYNE, Ms. NORTON, Mr. HASTINGS of Florida, Mr. SERRANO, and Mr. SESTAK.

H. Res. 81: Mr. KIND.

H. Res. 174: Ms. SCHAKOWSKY.

H. Res. 185: Mr. GRIJALVA, Mr. INGLIS, Ms. LEE of California, and Mr. SCOTT of Virginia.

H. Res. 192: Mr. OLVER, Mr. McDERMOTT, Mr. LATHAM, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. LEE of California, Mr. CHANDLER, Mr. GRIJALVA, and Mr. ORTIZ.

H. Res. 193: Mr. McINTYRE.

H. Res. 204: Mr. DEAL of Georgia, Mr. MATHESON, and Mr. CASSIDY.

H. Res. 244: Mr. FORBES.

H. Res. 252: Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MCCAUL, Mr. PERRIELLO, Mr. SALAZAR, and Mr. MINNICK.

H. Res. 259: Mr. AKIN, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. ALEXANDER, Mr. SHUSTER, Ms. BORDALLO, Mr. KING of New York, Mr. TAYLOR, Mr. MANZULLO, Mr. JONES, Mr. BILBRAY, Mr. MICHAUD, Mr. HALL of New York, Mr. RODRIGUEZ, Mrs. HALVORSON, Mr. MITCHELL, Mr. ROE of Tennessee, Mrs. MYRICK, Mr. SNYDER, Mr. BOYD, and Mr. FORBES.

H. Res. 260: Mr. GRAYSON, Mr. PASCRELL, Ms. KAPTUR, and Mr. RUSH.

H. Res. 300: Mr. CALVERT, Mr. HALL of New York, Mrs. LUMMIS, and Mr. TONKO.

H. Res. 311: Mr. DeFAZIO, Mr. WHITFIELD, Mr. HALL of Texas, Mr. ELLSWORTH, Mr. CALVERT, Mr. CHANDLER, Ms. BEAN, Ms. SLAUGHTER, Ms. HERSETH SANDLIN, Mr. HARE, Mr. DREIER, Ms. RICHARDSON, Mr. BARROW, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. CARNAHAN, Mr. QUIGLEY, Ms. HIRONO, and Mr. BURTON of Indiana.

H. Res. 327: Mrs. MCCARTHY of New York, Mr. HIGGINS, Mr. CROWLEY, Mr. HALL of New York, Mr. NADLER of New York, Mr. ISRAEL, Mr. ACKERMAN, Mrs. MALONEY, Ms. VELÁZQUEZ, and Mr. TONKO.

H. Res. 329: Ms. PINGREE of Maine and Mr. YARMUTH.

H. Res. 331: Mr. HINOJOSA, Mr. PAYNE, Mr. SESTAK, and Mr. MOORE of Kansas.

H. Res. 337: Mrs. TAUSCHER, Ms. TSONGAS, and Mr. SESTAK.

H. Res. 340: Ms. DeGETTE, Mr. BERMAN, Mr. FILNER, and Mr. BISHOP of Georgia.

H. Res. 344: Mr. SESTAK.

H. Res. 348: Ms. GIFFORDS, Mr. DAVIS of Illinois, Mr. SKELTON, Mrs. EMERSON, Ms. DeLAURO, Mr. SERRANO, Mrs. DAVIS of California, Ms. MATSUI, Mr. BERRY, Mr. POMEROY, Mr. COOPER, Mr. SPRATT, Mr. BLUMENAUER, Mr. SCHIFF, Ms. DeGETTE, Mr. ROTHMAN of New Jersey, and Mr. SNYDER.

H. Res. 349: Mr. UPTON, Mr. LATOURETTE, Mr. KIRK, Mr. WALDEN, Mr. LANCE, Mr. CASTLE, Mrs. EMERSON, Mrs. MILLER of Michigan, Mr. PAULSEN, Mr. COBLE, Mr. KENNEDY, and Mr. KING of New York.

H. Res. 350: Mr. ANDREWS, Mr. BACA, Ms. CASTOR of Florida, Mr. CASTLE, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. KANJORSKI, Ms. SCHWARTZ, Mr. DOYLE, Mr. HOLDEN, Mrs. BIGGERT, Mr. YARMUTH, Mr. ROTHMAN of New Jersey, Mr. ROONEY, and Mr. PALLONE.

H. Res. 350: Mr. ANDREWS, Mr. BACA, Ms. CASTOR of Florida, Mr. CASTLE, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. KANJORSKI, Ms. SCHWARTZ, Mr. DOYLE, Mr. HOLDEN, Mrs. BIGGERT, Mr. YARMUTH, Mr. ROTHMAN of New Jersey, Mr. ROONEY, and Mr. PALLONE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 49: Ms. EDDIE BERNICE JOHNSON of Texas.

EXTENSIONS OF REMARKS

RECOGNIZING SERGEANT ROBERT BARTLETT FOR HIS HEROIC SERVICE IN COMBAT AND WORK ON VETERANS HEALTH CARE REFORM

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MITCHELL. Madam Speaker, I rise today to honor the military service of one of Arizona's finest sons, Robert Bartlett.

Sergeant Bartlett enlisted in the U.S. Army in 2003 and was severely wounded by a roadside bomb in May 2005 while on patrol in Iraq.

In the aftermath of the explosion, Sergeant Bartlett twice suffered cardiac and respiratory failure and underwent dozens of surgeries. He has become a vocal supporter of mental health care for veterans returning from combat, and he serves as an example of courage and patriotism to his comrades in arms and civilians alike.

The following poem was penned by U.S. Capitol guide Albert Carey Caswell in honor of Sergeant Bartlett and his heroic service in combat and afterward.

ONE SHOT

One
One shot . . .
Is all we have!
All in our lives to give . . .
All in how we've got!
All in our choices . . .
All through our inner voices . . .
Taking sight . . . our scope . . .
As from our souls, comes hope . . .
One shot . . .
Taking aim with our hearts . . .
All in what we've invoked . . .
As our sights becoming clear . . .
As our targets in life appear . . .
As from these ashes, rose . . .
This is a Real American Hero . . .
As oneself forsaken . . .
But, for The Greater Good . . .
To stand tall in all you would . . .
In that battle of evil versus good . . .
To wear the uniform, with hearts of courage
warm . . .
With all you could . . .
As into that valley of death . . .
As Robert, you marched on so until none was
left!
While, there on a battlefield of honor dying
. . .
As your face is almost gone, as you lay lying
. . .
As a mother awakes crying . . .
As somehow she knows her son is dying . . .
But, beauty is but skin deep . . .
And our Lord, shall hold in his arms all of
those whose faith so keeps!
Now, digging . . . digging in deep . . .
As your will to live keeps, is found in each
and every heart beat!
Dying, three times . . . fighting to stay alive
. . .
All in your beliefs . . .

As Robert cheats death, America's Best . . .
As with his story, and courage and faith . . .
An American tale our world will bless . . .
A messenger from God, exploding . . .
As he looks into a mirror, his darkest fears
are realized . . .
Reloading, his new battle begins!
He cries . . .
As half his face is gone, has died . . .
In this face of courage we see . . .
The true definition of beauty . . .
Countless operations, courage's full measure
. . .

All in faith's affirmation . . .
Both Beauty and The Beast . . .
As his shot is heard around the world . . .
As his courage is unfurled . . . beyond belief
. . .
A Beautiful Man . . .
With every step, reloading . . .
With the Height of Courage exploding . . .
He takes command!
This Army Man . . . a real Hero, a fine
American!
Who against all odds, now stands . . .
Out on point, as a lone centurion . . .
Of faith and courage . . .
To teach us all, and all our souls to nourish
. . .
With his even greater weapon, he now fights
. . .
As from his heart of courage, comes the light
. . .
All in God's glory, his being . . . his soul . . .
his very story . . .
For he will not miss, that One Shot!

Madam Speaker, Sergeant Bartlett remains on active duty, stationed at Walter Reed Army Medical Center. I ask my colleagues to join me in commending him for his continued service, even after great personal tragedy, and in wishing him success throughout the rest of his military career.

DECLARATION OF SUPPORT FOR NATIONAL PROJECT FUNDING

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. DENT. Madam Speaker, I supported the following national projects that received funding through H.R. 1105, The Omnibus Appropriations Act, 2009.

National Writing Project for activities under the Elementary and Secondary Education Act—The National Writing Project focuses on the teaching of writing and the professional development of writer instructors to ensure elementary and secondary students become successful writers and learners.

Reading is Fundamental authorized under the Elementary and Secondary Education Act—RIF promotes youth literacy by providing underserved children access to free and new books in every state and territory across the country.

Center for Civic Education for two programs—We the People and Cooperative Edu-

cation Exchange—that are authorized in the Elementary and Secondary Education Act as part of the Civic Education program—The Education for Democracy Act supports civic programs, such as We the People and the Cooperative Education Exchange Program, to educate American students about the fundamental ideals of the United States.

National Council on Economic Education for the Cooperative Education Exchange program, which is authorized in the Elementary and Secondary Education Act as part of the Civic Education Program—The Education for Democracy Act supports civic programs, such as We the People and the Cooperative Education Exchange Program, to educate American students about the fundamental ideals of the United States.

HONORING AMELIA LEVER FOR RECEIVING NATIONAL "LETTERS ABOUT LITERATURE" AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Miss Amelia Lever of Albertville, Minnesota, for being chosen as a national winner in the Letters about Literature Reading Contest.

Miss Lever, a senior at St. Michael-Albertville High School, was chosen as one of six winners in a national competition with 55,000 students for her letter to poet Linda Paston. After studying the piece, "Caroline," Miss Lever chose to write a letter to the author expressing the positive impact the poem provided as she dealt with the tragedy of losing her sister in an accident.

"I personally attribute a great deal of that peace to your poem, 'Caroline,'" Miss Lever wrote. "I realize we can endure this pain only because of small miracles we experience every day. 'Caroline' is one of those miracles."

The panel of judges gave Miss Lever a perfect score for her "original, emotional, genuine, and inspiring response," and Target donated a \$10,000 grant to St. Michael Catholic Library on her behalf.

Madam Speaker, on behalf of the Sixth District of Minnesota, I want to congratulate Amelia Lever for her talent and national achievement. I wish her the very best as she graduates high school and pursues what are sure to be bright endeavors in her future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CELEBRATING ABINGTON
TOWNSHIP**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Abington Township, a community in my district that has been recognized with three distinct national honors. Abington Township is a three-time winner of America's Promise "100 Best Communities for Young People" in the United States, and in fact, the township is the only three-time winner in Pennsylvania. Money Magazine named Abington Township as one of the "100 Best Places to Live in America" and most recently, US News & World Report awarded Abington Senior High School a bronze medal as one of America's best high schools.

I have had the privilege of representing Abington in the Pennsylvania State Senate and now as a member of Congress. I am also proud to be an Abington resident. Over the years, I have seen first-hand Abington's demonstrated commitment to building a strong community dedicated to the advancement of the lives of its young people.

Abington Township's "Triple Crown Awards" are the result of a concerted collaborative effort among the school district, police department, community organizations, businesses, and residents who have worked tirelessly to create a responsible, caring, and safe community. They've established the Abington Community Taskforce, comprised of parents, police, religious and civic leaders and over thirty civic groups, dedicated to the mission of teaching tolerance, promoting neighborhood safety, and building strong families.

The Abington Police Department has established strong community partnerships with innovative programs like D.A.R.E., the Police Athletic League, Citizens and Police Together, Kids in Safety Seats, and Town Watch. Abington Township adopted the state-sponsored Communities That Care Initiative to advance their collaborative efforts based on an annual needs assessment to best direct their long-term community building initiatives. They've established joint initiatives between the school district and police department, including an anti-drug program and the Community Partnership of Youth and Adults to encourage community spirit and participation.

Abington Township is the recipient of repeated national recognition because, as a community, the people of Abington represent values that are at the very core of the American spirit—duty, respect, selfless service, honor, and integrity.

Madam Speaker, I ask that my colleagues join me in celebrating the incredible accomplishments of Abington Township and wishing the residents of the township success in their endeavors to better their community. Abington Township sets an example for all of us to follow. I couldn't be prouder of Abington for its outstanding efforts.

HONORING DARRELL WAYNE
VANZANDT II**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Darrell Wayne VanZandt II a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Darrell has been very active with his troop participating in many scout activities. Over the many years Darrell has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Darrell Wayne VanZandt II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ACCOMPLISH-
MENTS OF MAYOR NORM
GRIMSLEY**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. HALVORSON. Madam Speaker, I rise today to recognize Norm Grimsley for his twenty-seven years of service as Mayor of Aroma Park and dedication to his family.

Under Mayor Grimsley's tenure, the Village of Aroma Park added a sewer system, which has greatly improved the quality of life of village residents. He worked to encourage the growth of new businesses, which brought Aroma Park thousands of dollars in additional revenue each year. Mayor Grimsley showed strong leadership on transportation issues, as evident in Aroma Park's early support and participation in the River Valley Metro Bus System.

Mayor Grimsley has enjoyed a forty-five year marriage to his wife Pam. He raised two successful children: Mike, a health manager and Carrie Grimsley-Jones, a professor of anatomy and physiology. He also has four grandchildren.

Mayor Grimsley has performed decades of superb service for the residents of Aroma Park. I am confident that Aroma Park will continue to prosper under his leadership. He is an excellent role-model in many capacities including, community leader, spouse, father, and grandfather.

ALERT LAID OFF EMPLOYEES IN
REASONABLE TIME ACT**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. GUTIERREZ. Madam Speaker, I rise today to announce the introduction of my bill, the Alert Laid off Employees in Reasonable Time (ALERT) Act, legislation to amend the definition of "mass layoff" in the federal Worker Adjustment and Retraining Notification (WARN) Act and to increase penalties for the violation of this act.

With unemployment levels on the rise, widespread layoffs have ravaged our nation's workforce. All too frequently, employees are provided with no more than a month's notice to prepare for unemployment, and often less than that. This is a critical time that employees need to prepare for unemployment and to make informed financial decisions.

Current federal law does not do enough to protect these workers. Under the federal WARN Act, employers are only required to provide 60-days notice if the mass layoff impacts at least 500 employees or 33 percent of a workforce when that percentage represents at least 50 employees at one employment site. More and more, companies are conducting widespread layoffs which, nationwide, can impact hundreds and even thousands of employees but these massive layoffs often fail to trigger the WARN Act at each employment site. As such, far too many employees are denied the protections they are entitled to.

To address this issue, I am proud to have introduced the ALERT Act. This legislation amends the definition of a "mass layoff" to include layoffs by one employer at more than one worksite. In addition, this bill would increase the penalty for violating the WARN Act to two times back pay and benefits.

Madam Speaker, in these challenging economic times it is our responsibility do all we can to protect the workers. We must always remember that they are a key component to the growth of our economy and we must always ensure that they are protected, especially in this time of uncertainty. I am joined in support of this bill by the United Electrical Workers Union (UE) and the United Food and Commercial Workers (UFCW).

TRIBUTE TO THE 10TH ANNIVER-
SARY OF THE FREMONT FAMILY
RESOURCE CENTER**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. STARK. Madam Speaker, I rise to pay tribute to the Fremont Family Resource Center (FRC) located in Fremont, California. FRC opened its doors in June of 1999 and is currently celebrating ten years of service to the community.

The Fremont Family Resource Center is a collaborative effort of 27 California State, County, City and non-profit service agencies,

all working together to serve families in the Tri-City area of southern Alameda County. Together, these agencies made the FRC a "one-stop shop," where families can access a vast array of support services and programs. Their many services include adult and youth employment, child care information, referrals, subsidies and counseling and case management, housing information, parent support, immigration services, family economic success programs, services for the disabled, nutrition services for mothers and children, domestic violence prevention services, and health insurance counseling.

Tri-City families make over 100,000 requests annually to FRC for services. The organization has become a model of service that has gained national and international interest and attention.

On the evening of May 2, 2009, FRC will celebrate its 10th anniversary and honor the individuals who have contributed to its success. As Fremont's Human Services Director, Suzanne Shenfil's "out of the box" thinking and leadership has led efforts to mobilize needed social services for vulnerable individuals in the Tri-City community. She has worked tirelessly to bring government and community organizations together to creatively eliminate barriers and build systems to serve those in need. Ms. Shenfil is the impetus behind the creation of the Fremont Family Resource Center.

In addition to the acknowledgment of Suzanne Shenfil, special recognition is also given to other members of the Fremont Family Resource team for their commitment and dedication to insure the success of the FRC. This team includes Letha Barnett, Schuman-Liles Clinic; Ledyia Ceden, State Department of Rehabilitation; Rodney Clark, Safe Alternatives to Violent Environments; Tony Limperopulos, Alameda County Behavioral Health Care Services; Shirley McPherson, Child Care Links; and Allen Jackson, Tri-City One Stop Career Center, and the Employment Development Department.

I join the Tri-City community in expressing appreciation to Human Services Director Suzanne Shenfil, the Family Resource Team, and staff and partner organizations for their vision and leadership over the past ten years of exemplary service.

HONORING THE LIFE OF DAVID EVANS

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to honor the life of David Evans of Joliet, Illinois. Mr. Evans passed away in his home on Wednesday, March 25, 2009. His legacy will continue to flourish in those he left behind: his wife of twenty-five years, Rosie, five children, twenty-three grandchildren, and eight great-grandchildren.

Mr. Evans was a community leader in Joliet for decades. He devoted over thirty years to public office, including service on the Will County Board and the Joliet School District 86

Board. His record illustrates a sincere dedication to education and advocacy for children's issues in the community. Mr. Evans was also instrumental in promoting positive change in the community—and stated that one of his proudest moments was the naming of an elementary school in Joliet after African-American actress and Joliet native Lynne Thigpen.

In addition to his involvement in local government, Mr. Evans was also active in numerous community organizations. He founded Joliet Must Vote, co-founded Black Pride Inc., was the vice president of the Unity Community Development Corp., and served as chairman of the Will County Head Start Program. In 2004, he coordinated a Get-Out-the-Vote operation for then-Senator Barack Obama.

The sudden passing of Dave Evans has truly shaken the community. His passion for the Joliet community will live on in the many lives he touched. He is not only recognized for his community activism, but for his life as a husband, father, mentor, advocate, and friend. It is with great pride that I honor the life of Mr. David Evans.

NATIONAL DAY OF PRAYER

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. PRICE of Georgia. Madam Speaker, I rise today to call attention to an article written by Donald Conkey, a constituent of the Sixth Congressional District of Georgia, regarding the National Day of Prayer. Mr. Conkey's article reads:

NATIONAL DAY OF PRAYER

Donald S. Conkey

This column on next week's Metro Atlanta Prayer Breakfast on Tuesday and the National Day of Prayer on Thursday was inspired by an e-mail, from Sally Field, that reminded me of just how much America's Founding Father's depended upon prayer to their "Creator, the Supreme Judge of the world" to support their efforts in creating a nation where liberty could be restored after nearly three thousand years of despotic and tyrannical rule that had enslaved mankind worldwide—and become a beacon of liberty to the world.

The Founders belief in, and their use of prayer, as clearly expressed in the Declaration of Independence, plus all their writings, should be a powerful example for those Americans who fear the nation's current economic challenges and the massive directional changes being made by our nations new administration.

America's National Day of Prayer has a long history. A resolution by the first Continental Congress in 1775 indicated it was "a time for prayer in forming a new nation." President John Adams declared May 9, 1798 "a day of solemn humiliation, fasting and prayer," asking citizens of all faiths to pray "that our country may be protected from all the dangers which threaten it." In 1952 President Truman signed a national day of prayer proclamation and in 1988 President Reagan established the first Thursday of May as America's annual National Day of Prayer.

It is gratifying to know that I am not alone in believing in the power of prayer, or that God listens to and answers prayer (per-

sonal revelation), or that He answered the Founders prayers (collective revelation), not once but many times when they pleaded with Him, their Supreme Judge of the World, to establish and restore freedom to a world then enslaved by despots and tyrants. And to be able to join with other believers, of many faiths and cultures, in pleading with the Lord in prayer for "the protection of divine Providence" in a National Day of Prayer next week reinforces my beliefs and hopes that we whom He has entrusted to protect those everlasting principles of liberty given us by the Founders is reassuring.

The timing of next weeks prayer days may be providential: they are coming during the first 100 days of the new administrations efforts to bring about massive change of direction to the country, both internally and externally, and they follow last week's inspiring "call to arms" for Americans of every faith, culture, race and nationality to rally to the defense of their liberties in the form of "Tea Party" protestors. Their "Tea Bag" could well become America's new symbolic "Liberty Bell." These "Tea Party" protestors represent that third of the nation who still believe America is great and that God inspired and raised up the Founders to restore liberty to mankind with a new nation, a nation "choice above all other nations." This third also understands America will not continue to be a powerful and free nation if it continues to allow that secular third, those who reject God and want to remove Him from all aspects of American culture and dominate American politics, as they are doing today.

This third also understands that it is they who must work to educate (our schools have failed to teach these principles) that middle third who know not what America stands for or that their future liberties and freedoms are directly connected to the restoration of those principles upon which America was founded, with God's help. And they also understand they are involved in an ideological war, a war of ideas and thoughts that if lost could cost them that way of life they cherish so greatly.

And they, as did the Founders 230 years ago, inspired by Paul's admonition to the Ephesians of old, must put on "the whole armour of God, that they may stand against the wiles of the devil," including their "breastplate of righteousness," and their "shield of faith wherewith they may be able to quench all the fiery darts of the wicked" as they battle the enemies of liberty and freedom that want to destroy this nation, and what it stands for, and make it a nation like unto all other nations, as in United Nations.

And lastly they fully understand they must unite with others of differing faiths with a unity of purpose, in defense of their liberties, as did the Founders who restored those freedoms, and put on their "helmet of salvation, and the sword of the spirit . . . praying always with all prayer and supplication in the Spirit, watching thereunto with all perseverance and supplication for all saints (freedom lovers) like them."

Next week, as we pray individually, as families, and in larger gatherings as with Fields Metro Atlanta Prayer Breakfast, we should, remembering the counsel of ages past, and "offer a prayer to preserve our nation's liberties" and "that our country may be protected from all the dangers that threaten it."

Be assured, all righteous prayers offered "with a firm reliance on the protection of divine Providence" will be heard, especially

from those willing to "mutually pledge" to stand with others and take a stand, and work to defend their liberties as did the Founding Fathers stand to create them—230 years ago.

RECOGNIZING THE DURBAN II
COUNTERCONFERENCE SPON-
SORED BY AMERICAN ASSOCIA-
TION OF JEWISH LAWYERS AND
JURISTS AND THE JEWISH WEEK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. MALONEY. Madam Speaker, last week we witnessed the deplorable spectacle of a United Nations conference purporting to address the troubling issue of racism, hijacked by nations with a deplorable record on human rights and turned into an all-out attack on Israel. I am proud that the American Association of Jewish Lawyers and Jurists, The Jewish Week and other leading organizations in New York City organized a counter-conference that really discussed the continued problems of racism, racial discrimination, genocide, xenophobia, gender discrimination and religious intolerance.

I was pleased to have been asked to address the conference's opening day. Set forth below are my remarks:

"I want to thank Robert Weinberg, Marc Landis, the American Association of Jewish Lawyers and Jurists and Jewish Week for giving me the opportunity to address you this morning.

Eight years ago at Durban I, we witnessed a spectacle of anti-semitism the like of which has not been seen since World War II. There are many places you might expect to see anti-semitism—a ku klan klan rally, a pogrom, a neo-Nazi gathering. A UN-sponsored World Conference on Racism would not have immediately jumped to my mind—until the grotesque carnival of hatred we witnessed 8 years ago.

Of course, the UN had passed the illogical and hateful Zionism is Racism resolution in 1975—but they revoked that resolution in 1991 by a vote of 111 to 25, 10 years before the conference.

And yet, the warning signs were present.

At the pre-Conference it became clear that the full conference would be dominated by chants of 'Zionism equals racism,' accusations that Israel is an apartheid state and other outrageous slanders. Israel and the United States walked out—as they should have done.

The real irony is that anti-semitism, a form of racism, should be so prevalent at a conference that was supposed to combat racism. The hate literature distributed during the NGO conference included caricatures of Jews with hooked noses, surrounded by money, and Israelis wearing Nazi emblems.

At the government conference, states such as Syria and Iran objected to the inclusion of Anti-Semitism or the Holocaust in the final report. They argued that any reference to the Holocaust would be 'favoritism.'

Anti-semitism is like the canary in the coal mine. It has always come before a hatred that spreads through many sectors of society.

At the first conference Israel's Deputy Foreign Minister sent a statement in which he asserted: 'antisemitism goes far beyond hatred of Jews. It has arisen where Jews have never lived, and survives where only Jewish cemeteries remain. And while Jews may be the first to suffer from its influence, they have rarely been the last.'

Instead of learning from history, Durban I and II seek to deny what happened, and then to twist its lessons beyond all recognition. Talking about an actual example of racism isn't favoritism, it's reality. Pretending it didn't happen or isn't important just encourages racists. After all, Hitler learned a great lesson from the Turkish attacks on the Armenians—'who remembers the Armenians?' he asked as he prepared plans for the final solution.

If we forget the Holocaust, or hesitate to bring it up, it emboldens the murderers. That's why I have been sponsoring a bill—the Simon Wiesenthal Holocaust Education Assistance Act to make sure our young people learn about the Holocaust and what happened when hatred and intolerance was allowed free reign.

I also authored and passed that Nazi War Crimes Disclosure Act, which opened up long-sealed US government records from World War II, so that all of us would know what our government knew about the Holocaust and the Nazis who scrambled to hide their past in the aftermath of the war. Eight million documents were unclassified as a result. The newly unsealed records have been fascinating—they showed that we knew a lot about Nazi collaborators who had murdered Jews, and even include a report from Hitler's psychiatrist.

Six months after Durban I, as the world struggled to comprehend the terrorist attack on New York on 9/11, which occurred just two days after Durban I's closing ceremonies, Deputy Minister Melchior gave a speech in which he juxtaposed the two events, and struggled to make sense of the senseless. He said: 'In an irony of epic proportions, this Conference against Racism itself hosted the most racist speeches and proposals to be heard in an international forum since the second World War. While doing nothing to help the millions of slaves, of impoverished and oppressed, this Conference became the mouthpiece for a new and venal form of antisemitism.'

The United Nations can do great work, but Israel often gets scapegoated by its many enemies. But as much as the UN can do wrong, it's important to remember that it can also do right. Just last year, we celebrated the 50th anniversary of the Universal Declaration of Human Rights, the international equivalent of the bill of rights. It was the crowning achievement of Eleanor Roosevelt, who chaired the committee responsible for drafting it. It was written in the aftermath of World War II, as the world struggled to lift itself out of the ashes and deal with Hitler's devastation. The world understood what could happen when a truly evil man who controlled a vast store of weapons was able to give free reign to his desire to conquer and destroy. They believed a body that defended human rights would surely prevent such evil from rising up in the future.

Despite the good will of a newly liberated Europe, Eleanor Roosevelt had a long and difficult struggle to get the member nations to agree on one document. She had to persuade

them to put aside their own narrow national interests and to agree to a strong affirmation of individual rights. It took her three years. When she was done, we had a document that affirmed that: 'it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.'

Instead of Eleanor Roosevelt, today we have a representative of Libya's Muammar Khadafi chairing the planning committee for Durban II. This planning committee includes such noted defenders of human rights as Iran and Cuba.

Human Rights Watch, a leading human rights NGO, pointed out the irony of Libya's position by sending a Palestinian, Ashraf Ahmed El-Hojouj, to testify before the committee. He was a medical intern who had been detained by Libya's government and accused of spreading AIDS, when he had been providing medical care. He and five Bulgarian nurses were held in dreadful conditions while the international community struggled to free them and avert a death sentence.

Madam Chair, he said. 'I don't know if you recognize me. I am the Palestinian medical intern who was scapegoated by your country, Libya, in the HIV case in the Benghazi hospital, together with five Bulgarian nurses.'

Starting in 1999, as you know, the five nurses and I were falsely arrested, prosecuted, imprisoned, brutally tortured, convicted, and sentenced to death. All of this, which lasted for nearly a decade, was for only one reason: because the Libyan government was looking to scapegoat foreigners.

Madam Chair, if that is not discrimination, then what is?

When I began drafting this speech, it was three days before the Conference opened, and it still wasn't clear which Western countries would be attending Durban II. The U.S., Israel, Italy, Germany, Canada, New Zealand, Australia, Poland, Sweden and Holland have stated that they won't go.

Some other EU members have also indicated that they may walk out—particularly if language to 'never forget' the Holocaust is taken out. But what does it say that the conference will be opened with an address by the notorious Holocaust denier Mahmoud Ahmadinejad?

The Bush Administration had been an early opponent of Durban II and in December, the U.S. cast a symbolic vote against the UN's budget because it included funding for this conference.

The Obama Administration, in the spirit in which he was elected, made an effort to reach out and to try to make the conference's report better. They figured that if we weren't at the table, we could be sure that we would object to the final document. If we were at the table, we had a tiny chance of making it palatable.

Unfortunately, in a conference chaired by Libya, our odds of success were limited. And, it seems clear that our worst expectations have been fulfilled. Human rights are being used as a weapon of political interests antithetical to human rights protection.

Was the Obama Administration right to participate in the pre-conference negotiations? Some would argue that it wasn't worth the

time, the expense or the frustration. I've always believed that you're doomed to fail if you never try. You can always reject a bad bargain—but you'll never get what you want if you don't ask for it—and you can't ask for anything if you storm out at the beginning. So, I believe President Obama was right to try change the document in the lead up to this conference. And as it became clear that the United States could never endorse the final report, he was right to decide not to send a delegation to the actual conference.

I think most of the Western nations were more than a little embarrassed by Durban I, and that Europe's enthusiasm for this type of spectacle has been tempered by the explosion of terrorism that the entire world has experienced since Durban I. I am pleased the United States had the company of many other nations in boycotting Durban II.

Eleanor Roosevelt believed that our greatest asset is the conviction that our actions accord with justice and humanity. I am delighted to be here at the counter-conference, where justice and humanity can be the focus. There is so much work that could be done at a real conference on racism—exploring ways to bring justice in Darfur, looking at the discrimination against the Baha'i, exploring why the world has tolerated a return to clan rule in failed states like Somalia and parts of Pakistan, looking at ways to combat xenophobia and intolerance.

Once upon a time, we dreamed that the United Nations could be a forum to address those issues. Perhaps in time it could be—but not when states led by the worst abusers of human rights get to chair human rights panels, and not when narrow political interests are allowed to dominate. I hope, if there ever is a Durban III, it will be convened in an earnest effort to achieve equality."

Madam Speaker, I ask my distinguished colleagues to join me in recognizing AAJLJ and Jewish Week's Durban II Counterconference.

HONORING RABBI SHOLOM STERN,
TALI DAHARI, KENNETH S. FINK,
DR. JACQUELINE H. SIMONS,
MRS. SUSAN SACHS AND THE
BRANDEIS SCHOOL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of Rabbi Sholom Stern, Tali Dahari, Kenneth S. Fink, Dr. Jacqueline H. Simons, Mrs. Susan Sachs and the Brandeis School for their remarkable contributions to both education and community. The 79th Brandeis School Campaign Celebration will honor each of these dedicated and selfless individuals, commemorating their tireless work toward educating our youth. In helping students become well-informed and responsible community members and citizens, both the Brandeis School and these talented honorees are deserving of recognition.

Rabbi Sholom Stern will receive the Lion of Judah Award for his continued commitment to meaningful Judaic studies. Rabbi Stern's sus-

tained and sturdy efforts help the congregation, community and school flourish. Mrs. Dahari will receive the Etz Chaim Tree of Life Award for her tireless efforts in connection with the Brandeis School, where for over 15 years she has persistently been a guiding light to students and parents alike. Mrs. Dahari's contribution as Publicity Chair has made an especially positive impact on the school as a whole and is proud to be a parent of the school as well. Mr. Fink and Dr. Simons will both receive the L'Dor Va'Dor Parents of the Year Award for their noble commitment to both the Brandeis School's mission and to its student body. From generation to generation, these alumni parents and their families have given selflessly to the school as both Mr. Fink and Dr. Simons are now proud to send their own children to the Brandeis School as well. Mrs. Susan Sachs will receive the Aishet Chayil Award for her determined devotion to both the Brandeis School and its Parent's Association. Mrs. Sachs has certainly been a woman of valor, serving the school in multiple fashions including her work as the Parent's Association President. Mrs. Sachs is also proud to send her children to the Brandeis School. All of these individuals help to foster an environment in which students at the Brandeis School can learn and prosper, toward those efforts they are especially deserving of recognition.

In guiding a student body of 350 students in pre-kindergarten through 8th grade, these honorees give of their time and abilities to a cause greater than themselves. The education of our youth will forever be a central and vital aspect of our society. Giving to children the opportunity to learn and achieve will continue to encourage our youth to explore their own gifts, talents and abilities in a safe, supportive learning environment. Toward this end, these esteemed individuals have continuously given of themselves in a selfless, fruitful manner.

The work of these honorees is surely inspiring to us all, and I am immensely grateful to them for all that they have accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for their extensive contributions to society.

NATIONAL SOVEREIGNTY AND
CHILDREN'S DAY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to commemorate National Sovereignty and Children's Day, an event that is celebrated in the nation of Turkey every April 23rd. While this important holiday traces its origins all the way back to Turkey's capital, Ankara, in 1923, it has gradually taken on tremendous meaning and significance for children throughout the world.

On April 23, 1920, during Turkey's War of Independence, a body of Turkish lawmakers known as the Grand National Assembly met in Ankara to lay the foundation for a government that was to be a modern, parliamentary democracy. They drew upon their already

emerging status as a liberal and secular Republic to guide them in the creation of their vision. Mustafa Kemal Atatürk, the founder and eventual first President of the Republic of Turkey, designated that day as National Sovereignty and Children's Day, in recognition of the important role that children would play in shaping the country's future. Atatürk was the first world leader to take so momentous a step in recognizing the contributions of children to their nation.

In Turkey, National Sovereignty and Children's Day is an official public holiday marked by student celebrations that span the entire week of April 23rd. Children 'govern' Turkey by sending their own 'representatives' to replace state officials and high ranking bureaucrats in their offices. The President, Prime Minister, Cabinet Ministers and provincial governors all turn over their positions to children's representatives. The children assume some of the real responsibilities of legislators by signing executive orders relating to educational and environmental policies. Children also replace the parliamentarians in the Grand National Assembly and hold a special session to discuss children's issues. These symbolic gestures demonstrate for children how they are the future leaders of Turkey, and remind current leaders that they are responsible for the well being of these children and the nation that they will inherit.

On April 27, 1986, a tradition that began in Turkey was brought to the entire world when the UN General Assembly was opened to children for the first celebration of World Children's Day. Later that same year, the World Children's Day Foundation (WCDF) was established to oversee World Children's Day activities. The program's goals were to equip children to make a difference in their own lives and the future of their communities and nations; bring children of different nationalities, races, religions, and socio-economic backgrounds together and to show them that, in spite of these factors, all people have much in common; and establish the fourth Sunday in April as the internationally celebrated World Children's Day to recognize the capability and potential of children everywhere to shape the future.

Madam Speaker, our children are our most precious resource, and I believe we all should join together in commemorating this important date dedicated to them. We also should commend Turkey for leading the way in being the first government to set aside one day each year to honor its children some eighty-six years ago.

50TH ANNIVERSARY OF THE
YOUNG MARINES

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to recognize the 50th Anniversary of the Young Marines. I am honored to represent the proud and patriotic City of Waterbury, Connecticut where the first Young Marines Unit was founded in 1959 by

members of the Brass City Memorial Detachment of the Marine Corps League. Just three years later, the ranks of Waterbury's Young Marines had swelled to 1,500 and spread to 9 other cities all because of the fine young men from Waterbury.

In 1974, Waterbury's own Young Marine program was chartered as a subsidiary organization of the Marine Corps League, whose mission is to preserve the traditions and promote the interests of one of our very finest institutions, the United States Marine Corps.

The Young Marines embody our core values as Americans—honesty, fairness, courage, respect, loyalty, and love of country. These principles are instilled on the Young Marines by the steady hand of hundreds of volunteers from communities all over the country, many of whom are former, retired, Active Duty, or Reservist Marines who believe passionately in the values they learned during their service. I can think of no better mentors for these youngsters.

Many of my district's finest and most involved citizens are products of the Young Marines; some went on to join our nation's Armed Forces, others found another way to serve their community. In 1960, a young man named Sam Beamon joined the Young Marines with his brothers. After graduating from high school, he went on to serve honorably in the United States Marine Corps in Vietnam. Sam is now active in many veterans' organizations and is the State Commandant of the Marine Corps League, Department of Connecticut.

Since its inception, the Young Marines have sponsored many initiatives to improve their communities. I stand here honored to represent those seminal Young Marines from Waterbury, Connecticut whose organization went on to take a leadership role in the U.S. Marine Youth Drug Demand Reduction Program in 1993. This community-based program sought to reduce the impact of harmful drugs on our communities and encouraged other youths to live a drug-free lifestyle. The values of this program are perfectly aligned with those of the Young Marines, and communities around the country are lucky to have such respected advocates for clean and healthy living.

In 2006, the Young Marines, now a nationally respected organization, conducted the Veterans Appreciation Week campaign, which sought to challenge Young Marines throughout the country to dedicate some of their time to honor our nation's veterans and to demonstrate, through their actions, their sincere appreciation for our veterans' service to our country. In a time when fewer Americans seem to be aware of the sacrifices that our veterans made, I am glad that we can look to the Young Marines to provide leadership on how we should honor those who have served.

Here, on this the 50th Anniversary of this vital and impressive organization, we are reminded of its mission statement: the Young Marines' mission is to positively impact America's future by providing quality youth development programs for boys and girls that nurture and develop its members into responsible citizens who enjoy, and promote, a healthy, drug-free lifestyle. On Saturday April 25th, Young Marines and former Young Marines from across the nation came to the organization's birthplace to join several of the members of

the Marine Corps League Brass City Memorial Detachment who established the Young Marines. I would like to congratulate Ray Bozzuto, Art Corcoran, Roland Hamel, Tony Szantyr, Ed Zuraitis, and the other founding members on the legacy of patriotism and civic involvement that their idea produced. With a half century of overwhelming success, I think it's safe to say, "job well done."

TRIBUTE TO MR. EDWARD L. GARDNER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. LOWEY. Madam Speaker, I rise today to recognize Mr. Edward L. Gardner for his lifetime of philanthropic service, most notably with Big Brothers Big Sisters of New York City. On Tuesday, April 28, 2009, Mr. Gardner will be honored by Big Brothers Big Sisters at their 2009 Sidewalks of New York Annual Awards dinner.

Inspired by his experience as a Big Brother in 1963, Ed Gardner's involvement with Big Brothers Big Sisters of New York City spans nearly a half century. In 1965, Mr. Gardner joined the organization's Board of Directors and has since served as President and Chairman.

Founded in 1904, Big Brothers Big Sisters of New York City has evolved into a far-reaching one-to-one mentorship program that reaches over 4,000 young people every year. By providing mentors to children who need caring adult role models, the organization helps New York City's youth to realize their potential and lead enriching lives.

Over the past forty-four years, Ed Gardner has helped ensure the longevity and success of Big Brothers Big Sisters by single-handedly raising over \$20 million for this worthy cause. However, Mr. Gardner's philanthropic efforts are not limited to his work with Big Brothers Big Sisters. Over the years he has dedicated his time and considerable talents to aiding other notable organizations in the arts, health and education.

Mr. Gardner has served on the boards of the Health Care Chaplaincy, PS #1, and the Alvin Ailey Dance Company. He is a Council Member at The Rockefeller University, an Honorary Chairman of The New York Public Library's Conservator Council, and former Chairman of the Bank of New York Hamilton Funds.

A graduate of the City College of New York, Mr. Gardner has served as President and Chief Executive Officer of the Industrial Solvents Corporation since 1980.

Madam Speaker, I am proud to recognize my friend Edward L. Gardner for his remarkable service with Big Brothers Big Sisters of New York City and his lifelong commitment to enriching the lives of others. I urge my colleagues to join me in honoring his tremendous accomplishments.

TRIBUTE TO U.S. ARMED FORCES FOR D-DAY JUNE 6, 1944

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the brave acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France.

I want to commend them for their leadership and valor in an operation that helped to bring an end to World War II.

I would like to draw special attention to the 201 Missouri men who died aboard LST 496 during the Battle of Exercise Tiger, a 1944 naval battle that had been originally planned as a practice mission for the D-Day Invasion of Normandy.

Nearly 750 United States soldiers and sailors, a large number of whom were from Missouri's 3206th Quarter Master Service Company, died in the exercise on April 28, 1944, after a number of their ships were sunk by German forces.

These soldiers and sailors sacrificed everything they had in service to America and will serve as a permanent reminder of bravery, loyal patriotism, and love of country.

In closing, Madam Speaker, I ask all my colleagues to join me in wishing all the members of the Armed Forces our sincerest thanks and appreciation for their heroic mission.

ADDITIONAL CALIFORNIA 49TH DISTRICT PROJECTS FUNDED IN THE FY2009 OMNIBUS APPROPRIATIONS ACT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. ISSA. Madam Speaker, on Wednesday, March 11, 2009, in an extension of remarks on the House floor regarding H.R. 105, the Omnibus Appropriations Act of 2009, I stated that Members need to think of the future of this Nation, rise above their own self-interests, and advocate for the removal of all earmarks from all present and future appropriations bills until we get the federal deficit under control. It is a shame that the Speaker and the Democratic leadership have not been willing to take the initiative and do this on their own.

The Democratic leadership has made no significant effort to perform real earmark reform during this economic crisis. Rather than eliminating costly earmarks, and excess spending, under the leadership of President Obama, the Speaker and Democrats push to implement the largest budget in our nation's history; a \$3.55 trillion budget that will dramatically increase the deficit and likely bankrupt our children's children. The American people are asking that the member's of this body lead us out of this crisis, but it is apparent that the President and the majority leadership can do nothing more than throw money at the wrong

problems and tax and lambast those that can create the right solutions. The majority leadership needs to understand that unbridled government spending is not the answer to this crisis, and that earmarks continue to be a problem that plagues this body and not a solution.

Since being reelected to Congress last November, I have not made any earmark project requests. The projects that were included in H.R. 1105 were not done so at my behest in this Congress. As I stated before, I am highly disappointed that, faced with the enormity of the current federal deficit and the unprecedented amount of federal spending that has occurred, the House and Senate majority leadership and Appropriators did not take the opportunity to start showing fiscal restraint by removing Congressional Earmarks from the fiscal year 2009 Omnibus Appropriations Act. Had I been approached by the appropriations committee prior to the passage of this bill, I would have asked for the removal of the listed projects.

This bill is another example of a missed opportunity to begin the real reform that the American public truly seeks. Members must realize that we have an obligation to the public to work to eliminate earmarks from future appropriations bills until we get deficit spending under control.

Below are two requests that were made in the 110th Congress that the Democratic majority decided to include in this spending bill. While they are projects of merit, I did not seek out support for their inclusion in this Congress.

Bureau of Reclamation—Water and Related Resources

Rancho California Water District
\$50,000

The bill included funding through the Energy and Water Appropriations Subcommittee for the Rancho California Water District, which will provide for additional recycled water reuse of 16,000 acre feet (AF) per year by converting water district's west side agriculture area to recycled water systems (1 AF equates to approximately 326,000 gallons or enough water to supply two families for one year). It will also increase use of annual seasonal storage in Vail Lake reservoir by 10,000 AF per year by constructing 48-inch pipeline to transport raw water from the Metropolitan Water District of Southern California (MWD) to store in Vail Lake. It will also convert majority of agricultural delivery system from treated water potable system to recycled and raw water non-potable system by building delivery system for raw water relieving 5,000 AF/year of treated water demands

GSA

San Diego Courthouse, California
\$110,362,000

The bill also included funding through the Financial Services Appropriations Subcommittee for the San Diego, California Courthouse Construction Project. Construction funds for the San Diego courthouse project were originally appropriated, as requested by the General Services Administration (GSA) and the Judicial Conference of the United States, in FY 2006. The San Diego Courthouse is a critical project for the region considering that the existing courthouse is an extremely busy border court, which processes hundreds of prisoners on a daily basis. The

additional funds would be used to expedite completion of this project.

PERSONAL EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. RYAN of Ohio. Madam Speaker, on Wednesday, April 22, 2009, I inadvertently voted "aye" on roll No. 198—Motion to Instruct conferees regarding S. Con. Res. 13. I had meant for my vote to be recorded as "no."

TRIBUTE TO THE LATE JANE KLEIN, LENEXA, KS, CITY COUNCIL MEMBER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the late Jane Klein, a member of the Lenexa, Kansas, city council, who died on April 5th.

As the District Attorney for Johnson County for twelve years and as U.S. Representative for the Third District of Kansas since 1999, I came to know Jane Klein well. A dedicated public servant and community volunteer, she made the city of Lenexa and Johnson County a better place to live for her friends, neighbors and family members. I am placing in the RECORD an article published in the Kansas City Star that announced her untimely death and reviewed her achievements as a public servant and concerned citizen. The Star obituary also captures her sense of enthusiasm and effervescent personality, which will be sorely missed by all who knew her. I join with the leaders of the Lenexa community in paying tribute to this energetic, active leader, and with her many friends and family in mourning her loss.

[From The Kansas City Star, Apr. 7, 2009]
LENEXA CITY COUNCILWOMAN JANE KLEIN DIES
AT 70

(By Dawn Bormann)

When the forecast called for heavy snow, Lenexa City Councilwoman Jane Klein usually had a crock of chili simmering and cinnamon rolls rising for the street crews.

On other days she baked cookies for police officers and often dropped goodies off with firefighters, her children said.

Klein—hailed as a Lenexa cheerleader by constituents, political insiders and the rank and file—died Sunday. She was 70.

Her death came days before Klein was expected to sail through Election Day unopposed. Instead, supporters, family and friends planned a Tuesday night victory party at a Lenexa watering hole.

Klein was a mother to five children, grandmother to nine and great-grandmother to two children. The Irish Catholic woman saw to it that her children knew the importance of giving back to the community.

It was easy to learn from the stalwart public servant. She was elected to the council in

2001 and 2005 by the residents of Ward 1 for consecutive four-year terms. She had previously served on the council from 1983 to 1995. Klein had lived in Lenexa for more than 40 years and devoted 20 years to public service as a councilwoman.

"We are deeply saddened by the news of Jane's passing," Mayor Mike Boehm said. "Our community has lost a dear friend and long-time leader. Jane's passion for this city and our citizens was extraordinary; she always had the community's interests at heart in all that she did. Our thoughts and prayers are with Jane's family."

Klein was diagnosed with gall bladder cancer about six weeks ago. So when the councilwoman sent word that she wouldn't make it to the city's March 17 meeting some might have assumed that she was too sick. Good friends knew better.

"The heck with the cancer—she was not going to miss St. Patrick's Day," said fellow City Councilwoman and friend Diane Linver. "She was 100 percent Irish and boy you knew it."

During Klein's tenure, the city moved forward on several projects including City Center, "rain to recreation" and road projects like the 87th Street.

Knowing public safety was of utmost importance in the suburbs, Klein was an unabashed supporter of the fire and police forces.

The councilwoman might have been a strong Irish woman, but she would not engage in divisive politics, Linver said.

"She was never a negative force. You would never hear a negative word come out of her mouth about another city council member," Linver said. "She would find a way to give her opinion but still be the kind and gentle and decent person that she was. We should all emulate that."

Linver suspects her gentle nature and genuine love of the city were among the reasons that few challengers stepped up to run against Klein.

"People respected her and they knew that she cared about her constituents and she knew so many of them," Linver said.

Klein was active in many clubs all over town. She volunteered again and again to be the VFW Post 7397 Auxiliary president. She stepped up for church committees and was a Kiwanis Club member.

Klein instilled a strong sense of public service in her children, too. As youngsters, they helped sell poppies and often accompanied her on trips to the veterans hospital in Leavenworth.

At the holidays they knew there was always room for another. Anyone without family or a place to go for the holidays was instructed to show up at the Klein household.

"We always had an orphan clause," said Klein's daughter Susan German. Her work in the community did not go unnoticed.

In 2006 Klein received the coveted "spirit of the chamber" award from the Lenexa Chamber of Commerce. It was an award she held dear.

"Mom loved Lenexa. She loved serving the people of Lenexa," her son, Doug Klein said. "She loved seeing the city grow."

Visitation will be from 4 to 8 p.m. with rosary at 8 p.m. Monday at Holy Trinity, 9150 Pflumm Road. The funeral will be at 10 a.m. Tuesday at Holy Trinity.

RECOGNIZING THE OUTSTANDING
ACHIEVEMENTS OF HIDALGO
COUNTY INDEPENDENT SCHOOL
DISTRICT AS THEY ACCEPT THE
2009 COLLEGE BOARD INSPIRA-
TION AWARD

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Hidalgo County Independent School District for their outstanding achievements this past year. Today, the Hidalgo school district will be presented with the 2009 College Board Inspiration Award. This prestigious award is presented to only 3 secondary schools in the country which have exhibited outstanding college preparatory programs and partnerships among teachers, parents and community leaders.

Earlier this month, Hidalgo Early College High School was named one of the countries three secondary schools to receive this year's Inspiration Award. As one of the most improved secondary schools in the country, Hidalgo Early College High has shown its desire to provide quality programs for its students. This award shows the commitment that these educators in Hidalgo County have for their community, state, and nation as they help prepare and educate tomorrow's leaders.

Madam Speaker, please join me in honoring Hidalgo County Independent School District for their extraordinary accomplishment in having one of the selected schools to receive the 2009 College Board Inspiration Award. Hidalgo Early College High School's students, staff and administrators truly deserve our recognition today for setting such a fine example to the rest of the state and the nation as a whole.

TRIBUTE TO THIRD DISTRICT CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, in the fall of 2004, I created the Congressional Youth Advisory Council to engage high school students living in the Third District. Back then, I guessed that perhaps 10 to 20 students would apply. Little did I know that this program would grow into a popular program for the area's best and brightest students from across the Third District. For good reason, many associate the Congressional Youth Advisory Council with excellence and one of the highest standards of civic pride for young people in North Texas.

This year 45 students representing 21 area high schools make up the elite group. The Council's goal is two-fold. First, the group provides me with greater student perspective and insight on issues that directly impact younger Americans. Second, Council activities educate students on government policies relevant to young people.

The students boast impressive credentials: honors society, student leadership, school athletics, community philanthropy, language clubs, and musical backgrounds. These students have things to say about the future of this great country and long to be heard. They represent their generation as servant leaders and make their community and their country a better place.

I commend the students for volunteering their time on the Congressional Youth Advisory Council and I wish each one continued success in all of their endeavors. Without a doubt, every student will continue to play an important role in our community for decades to come, and that America and North Texas, will continue to benefit from their dedication, smarts, and service.

You know, a lot of people hope to make a difference sometime in their lives. To the members of the Congressional Youth Advisory Council, you just did. Thank you. I salute you; God Bless You and God Bless America.

The names of the students serving on the 2008–2009 CYAC follow:

Jonathan Alston; Logan Borgsmiller; Amy Boykin; Nicholas Brush; Jennifer Bundren; Matt Burnham; Anita Chandrabhas; John Clark; Ally Crutcher*; Christian Cummings; Trevor Ede*; Josh Eldridge; Luke Franz; Jennifer Goebel; Anna Gu; Stephen Hayes*; Lisa Hu*; Richard Hung; David Jacobs; Sravanthi Kadali; Sibel Kayaalp*; Amber Khan; Nolan Killingsworth; Lauren Kraut; Tyler LeCocq; Kenny Lee; Amanda Lu*; Mark Macmanus*; Ryan Martinez; Alexandra Meyers; Ashley Newton*; Cody Painter; Kioumars Abboss Rezaie; Corbin Ringley*; Evan Rosenfield*; Natalie Shanklin; Rena Sheng*; Bryan Sims; Cameron Sprock; Eann Tuan; Jonathan Unger; Tyler Unger; Eric Womboldt; Joshua Womboldt*; and Caitlyn Woolum.

TRIBUTE TO ARTHUR GIDDON

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize Arthur Giddon of Bloomfield, Connecticut. Over the past century, Art has cultivated a distinguished law career, serving as a notable trial lawyer as well as a chief public defender. He has a wonderful and devoted wife, Harriet, to whom he has been married to for over 60 years. Together they have raised a beautiful family. On April, 26, 2009, Art will celebrate his 100th birthday with friends and family in Connecticut.

In 1922, at the age of 13, Art joined the Boston Braves as a batboy. He fetched pop bottles, ran errands for players, polished equipment, and conversed with baseball legends. First baseman, Walter Holke, often walked him home after games and taught him how to make kites, a skill that he would pass on to grandchildren. His chance meeting with baseball's commissioner, Kenesaw Mountain Landis, and a suggestion to become a lawyer would portend a legal profession matched by few. Decades later after Mr. Landis' suggestion, he would study at Harvard Law and be-

come a notable lawyer in Connecticut. In 1985, he retired as the chief public defender of the Harford Judicial District, after decades of public service.

This past week, Art's unique experience as a batboy has gained national media attention. On Saturday, Art will join the Boston Red Sox, the team he passionately cheers for, as an honorary batboy in recognition of his experience as a young boy decades ago. He will make his debut in a jersey crafted by his daughter, adorned with "No. 100, Big Pappy".

Few individuals experience as much and contribute as much as over the course of their lifetime as Arthur has. Madame Speaker, I can personally attest to this. As a young law student, I worked in Art's office for two years as a legal intern and learned a lifelong lesson in the law, as well as a balanced passion for justice. He has lived an extraordinary life, filled with personal and professional vigor and I ask my colleagues to join with me and my constituents in celebrating his 100th birthday.

A TRIBUTE TO MINA H. PHINNEY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize and to celebrate the 100th birthday of a native daughter of the State of Maine. Her unwavering dedication as an educator in Dennysville and other local communities will be cherished for years to come.

Mina Phinney graduated from Dennysville High School and went on to continue her education at Colby College in Waterville, ME. Returning to Dennysville High School in 1931, Mina taught English and French until 1938 and then returned to resume teaching from 1952 until the school closed in 1961. Her career as a dedicated educator continued through the 1960s and 1970s at Washington Academy in East Machias. In 2000, she received the school's Distinguished Educator Award from the Washington Academy Board of Trustees.

During her earlier years, Mina served as an organist at the Dennysville-Edmunds Congregational Church. She is an avid Boston Red Sox fan and has always maintained a keen interest in local, state and national happenings and always keeps up with current events. Mina has been a lifelong member of the Daughters of the American Revolution. She contributed to the war effort as an Air Craft Spotter during World War II.

Madam Speaker, please join me in celebrating the 100th birthday of Mina H. Phinney.

RECOGNIZING 50TH ANNIVERSARY
OF DIABLO THEATRE COMPANY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. TAUSCHER. Madam Speaker, I rise today to recognize the 50th anniversary of the

Diablo Theatre Company, founded in 1959 as the Diablo Light Opera Company. For five decades, Diablo Theatre Company has brought San Francisco Bay Area audiences "the music and magic of Broadway."

The company grew from modest beginnings. It was founded in 1959 as the Diablo Light Opera Company, a name that endured until May of this year. The founders were two Walnut Creek couples who were inspired by singing with the 120-member Glee Club and Treble Clef at UC Berkeley. Their last show on campus was, prophetically, "Of Thee I Sing."

The Diablo Light Opera Company's first offering was Gilbert and Sullivan's "The Pirates of Penzance," staged in the multipurpose room of Walnut Creek's Las Lomas High School.

A few years later, the new company presented "Brigadoon," marking a major turning point for the arts in Walnut Creek. Ron Caya, Walnut Creek's first cultural services director, attended a performance. Since seats at the Las Lomas multipurpose room were not on an incline, his view was obstructed and he could not see the famous sword dance in the show. He subsequently complained to the Walnut Creek City Council, telling members that, "This group needs a real theater."

He got the council's attention and plans were made to buy an old walnut warehouse, which occupied what is now the site of the Leshner Center for the Arts. The warehouse was transformed into a makeshift theater, the Walnut Creek Civic Arts Center which became affectionately known as the "Nut House." It opened in December 1965 with Diablo Light Opera Company's production of "The Sound of Music." The audience came in black tie and, because of no heating in the building, blankets.

Years and many performances later, "Nut House" was demolished. A new performing arts venue, the Leshner Center for the Arts, was constructed and opened 19 years ago. Diablo Light Opera Company has performed at the Leshner Center ever since in addition to other venues, including the recently restored El Campanil Theatre in Antioch in eastern Contra Costa County.

Beginning in June of 2009, Diablo Light Opera Company will assume its new name, Diablo Theatre Company while celebrating its colorful past and focusing on the future.

Today, the Diablo Light Opera Company is celebrated and honored for enriching the cultural atmosphere through their craft and commitment to providing theatrical productions to the Bay Area.

RECOGNIZING JUSTINA CASSAVELL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Justina Cassavell, daughter of Jeanne and Michael Doyle of Upper Black Eddy, Bucks County, Pennsylvania and someone who is helping to shape the next generation of Americans.

Justina's dedication as head coach of her girls cross country team has allowed her student athletes to excel both on and off the field. She was recently named the Express-Times Newspaper 2008 Cross Country Coach of the Year. This is the sixth time she has received this honor in eight seasons.

Justina was also inducted into the NJ Scholastic Coaches Association Hall of Fame on March 29th of this year. As head coach of the Voorhees High School girls cross country team since 1997, Justina has led her team to numerous victories, including its seventh straight Hunterdon-Warren NJ championship, third straight North 2 Group 3 sectional title, fifth NJ State Interscholastic Athletic Association Group 3 state title, and second Meet of Champions crown.

The recognition and appreciation that Ms. Cassavell has been shown is no small feat, considering she is a part-time coach. Present and past students alike have called her the "inspiration" in their lives, as she teaches them to believe in themselves and to strive to be great in all that they do.

Madam Speaker, I ask that you join me in recognizing Justina Cassavell for her hard work and dedication to her student athletes—she sets an example for students and teachers everywhere and that is something we should be encouraging more and more.

IN HONOR OF CENTRACARE LAB- ORATORY SERVICES OF ST. CLOUD, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor CentraCare Laboratory Services in St. Cloud, Minnesota as the second runner up for the Medical Laboratory Observer's Medical Laboratory of the Year Award. Laboratories across the nation were judged on achievement in nine areas with the winners and two runners up, including CentraCare, being featured in the Medical Laboratory Observer, a peer-reviewed journal resource that has been used by laboratory professionals since 1969.

Today's medical care relies heavily on laboratory services that provide fast and high-quality answers to doctors. CentraCare has demonstrated excellence in many ways. They achieved standardization of the equipment in all their labs to eliminate confusion by physicians ordering tests from different labs. They also implemented new labeling guidelines to ensure patient safety and have reduced specimen collection errors to practically zero through an automated pneumatic collection system. These improvements were also acknowledged by the Quality Resources Patient Safety Committee of St. Cloud Hospital.

When it comes to healthcare and the medical community, CentraCare Laboratory Services has been a beacon for quality and patient safety. They are a great resource not only for their patients, but for other laboratories that can learn from their example.

Madam Speaker, I rise today to congratulate all of CentraCare's employees for their atten-

tion to efficiency and high standards of excellence that has resulted in this prestigious accomplishment.

TRIBUTE TO THE BATTLE OF LEXINGTON STATE HISTORIC SITE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the Battle of Lexington State Historic Site, as they celebrate their 50th anniversary. For 50 years this state park has captured and commemorated a pivotal battle of the Civil War in the city of Lexington, which I proudly represent.

On January 1, 1959, the site was donated to the State of Missouri to be designated as a state historic park. Received in a preserved and quality condition, the State Park has since provided visitors with information, reenactments, and guided tours to this historic site. In 1991, the visitor center was completed and opened for the public. In 2000, a monument was established which tells the Confederate's side of the story. Later this year, a second monument will be put up to tell the Union side of the story.

The Battle of Lexington State Historic Site teaches visitors how Missouri played an important strategic role in the Civil War. Not quite in the south, yet a slave state nonetheless, Missourians were sharply divided over what side of the conflict their state should enter. In addition, its position along the Missouri and Mississippi Rivers was critical to controlling the West, and as a result, many battles erupted between Confederate sympathizers and Unionists.

Though Missouri eventually cast its lot with the Union, by September 1861, it could have gone either way. It was then that Union Colonel J.A. Mulligan found himself and his troops surrounded by General Sterling Price, leader of the Confederate Missouri State Guard. Price had just led his troops to victory at Wilson's creek the previous month, and was looking to expand on his success with the capture of Lexington, a small but strategic town located near the Missouri River. Capturing the town would allow Confederate recruits from Northern Missouri to cross over the river.

Though the battle of Lexington was one of the longest, most fiercely contested engagements in Missouri during the Civil War, the casualties were surprisingly light. The Union lost only 40 dead and 120 wounded; the State Guard lost only 25 dead and 72 wounded. In addition, Price's triumph was short-lived. Shortly after the defeat at Lexington, General John C. Fremont, the Union commander in Missouri, organized a large force with the purpose of driving out Price's State Guard. Faced with this threat, Price retreated back to Southwest Missouri, and the Missouri River was returned to Union control.

Madam Speaker, the Battle of Lexington State Historic Site has been an important landmark in this country. I know the members of the House will join me in recognizing the

site on its 50 years of success and in expressing hope that it will continue to provide a quality experience to the thousands of visitors who come every year.

TRIBUTE TO NATALIE WEAVER

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize an outstandingly gifted student from my district, Natalie Weaver of Madison, Connecticut. On March 10, 2009, Natalie was named champion of Connecticut's fourth annual Poetry Out Loud competition held at the Carol Autorino Center in West Hartford, Connecticut. On April 28, she will represent Connecticut in the national finals held in Washington, DC.

Poetry Out Loud is a national program that encourages high school students to engage in the written and spoken word through memorization and performance of modern and classic poetry. As part of the program in Connecticut, the Connecticut Commission on Culture and Tourism (CCT) assisted participating teachers with professional development and placed teaching artists in participating schools. The CCT also established an all-day workshop for champions, first runner-ups, and their teachers. In Connecticut, the state competition was hosted by the CCT and the State Department of Education, in partnership with the National Endowment for the Arts (NEA) and the Poetry Foundation.

This year, more than 3,800 students participated in the program in Connecticut, which began with competitions at the classroom level and progressed to school-wide competitions, and eventually the state finals. In the state finals, Natalie beat 15 other contestants to win the state champion title. State finalists recited poems selected from an anthology that included over 400 classic and modern works. On April 28, she will compete against other state finalists in the national competition, which will award over \$50,000 in the form of scholarships and school stipends.

Madam Speaker, poetry has long been an essential component of the human expression, serving as an accessible venue to explore and preserve universal themes such as love, beauty, nature, tragedy, and mortality. I commend the efforts of Poetry Out Loud program with engaging students in poetry and applaud Natalie on her big win. I ask my colleagues to join with me and my constituents in recognizing these contributions and cheering Natalie on in the national Poetry Out Loud competition.

COMMENDING RICHARDSON PARKS AND RECREATION FOR 50 YEARS OF SERVICE TO THE COMMUNITY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, the Richardson area was first settled

in the 1840s and 1850s as a pioneer community called Breckinridge. The town of Richardson was founded in 1873 next to the Houston & Texas Central Railway tracks, was named for the railroad contractor E. H. Richardson, and became a thriving community of farms, stores, cotton gins and churches. Richardson remained a sleepy farming community until the 1950s.

With the arrival of Collins Radio and Texas Instruments, Richardson became a popular location for college-educated professionals. Known as the "Electronic City" and later the "Telecom Corridor", Richardson continues to grow and prosper, with many diverse cultures, faiths and populations adding to its vibrant mix of high-tech business and educational opportunities.

In Richardson's rich history, citizens have enjoyed the finest offerings a community can have with exemplary schools, first class parks, excellent library, sophisticated transportation, all managed by a well run local government. Many people who lived in Richardson chose this community because of its quality of life.

In 2009, Richardson proudly celebrates 50 years of Parks and Recreation Services that has served its citizenry with the finest of trails, parks, festivals, recreation programs, senior citizen activities, and tourist attractions all wrapped in a well manicured city. During its 50 years the Richardson Parks and Recreation Department has provided families greater quality of life through first class programs that have become a tradition, and a source of pride within the community.

This is evidenced by greater real estate values and first class economic development proving that Richardson is not only a great host to a business and industry, but a great place to call home.

Congratulations are in order as Richardson Parks and Recreation marks 50 years of service to the community.

RECOGNIZING THE CONTRIBUTIONS OF RON TUPPER FOR HIS CONTINUOUS WORK IN THE FIELD OF HEALTH CARE IN THE BORDER REGIONS OF TEXAS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Ron Tupper for his 25 years of service to the health care field through his work in health care development and consultation, health education, and hospital and clinic management. He has done so much over the years for the border region and he truly deserves to be recognized today.

Mr. Tupper holds a master's of science degree in health management and health education from Texas State University, as well as a bachelor's degree from the University of Nebraska. He also served our country proudly for 7 years as a U.S. Air Force Medical Serviceman until he was honorably discharged in 1970.

Ron Tupper has been instrumental over the years to bringing quality health services to citi-

zens in the border regions of Texas. He started in 1974 with his first assignment on the Texas-Mexico border and soon afterwards he was elected one of the youngest CEOs to serve an accredited rural hospital in Texas. Later he would help secure a marketing plan and matching funds to develop a rural public health academic training program on the border.

At the University of Texas Health Science Center, Mr. Tupper was responsible for coordinating medical education opportunities in the Lower Rio Grande Valley. Over the past few years he has worked with the city of McAllen and the clinic board to secure a site for the community clinic which treats 130 working poverty stricken Hidalgo County residents daily. The facility, which started out as a 3-examination-room clinic, is now a 25,000 square foot facility that operates with 48 examination rooms.

Madam Speaker, please join me in honoring Ron Tupper for his dedicated service to the field of health care in the State of Texas. He has committed so much through the years to advance his cause and I am honored to have the privilege of recognizing him today.

HONORING BARACK OBAMA ELEMENTARY SCHOOL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Barack Obama Elementary School for the official renaming of the former Ludlum Elementary School. I am pleased to see that the first school in the Nation to bear the name of our 44th President is in my Congressional District.

The Nation faces a monumental moment in history with the election of our country's first African-American President. At the request of the students and to honor this milestone, on November 20, 2008, Ludlum Elementary School was officially renamed Barack Obama Elementary School. I commend the students for their foresight to honor an historic achievement.

As a member of the House Committee on Education and Labor, I have the great privilege of learning about schools both locally and nationally. The future of this country depends on the hopes and dreams of its children. I look forward to working with the students and faculty as the Barack Obama Elementary School enters this new part of its history.

Madam Speaker, it is with pride and admiration I offer my best wishes and recognition to Barack Obama Elementary School.

HAMAS'S BLOODY HANDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. FRANK of Massachusetts. Madam Speaker, from time-to-time Members insert

into this RECORD articles which are of particular relevance to current policy debates, and we often add a commentary. Today I do not add any words because this compelling, insightful column by Richard Cohen on the will- ingness of far too many in the world to give a pass to Hamas while being harshly critical of Israel needs no gloss.

Madam Speaker, I add only that I am in very strong agreement with virtually everything Mr. Cohen has to say in this piece and I hope it will be read and reflected upon.

HAMAS'S BLOODY HANDS

(By Richard Cohen)

Some residents of Gaza were taken from their homes and shot in the legs or feet. Some were brutally beaten, and some were simply murdered, sometimes after hideous torture. If you are expecting—based on everything that has happened—tha the awful Israelis did this, guess again. It was Hamas, the authentic and genuine government of Gaza. Well, no one's perfect.

The information about the shootings is taken from a report issued yesterday by Human Rights Watch and available on its Web site. It says that "Hamas security forces or masked gunmen believed to be with Hamas" executed 18 people, most of whom were accused of collaborating with Israel, sparing the expense and bother of a trial. Others were shot, maimed or beaten, not for allegedly collaborating with the enemy—or, as is often the case, having a house or woman that a snitch covets—but for belonging to the opposition political party, Fatah.

Many of these murders and assaults took place during Israel's recent pummeling of Gaza. Yet, as Human Rights Watch goes to some pains to document, at no time did Hamas's security forces lose control of Gaza, so the murders and maimings were not a consequence of chaos but of government policy. Whatever the case, the murders, shootings and beatings continued even after the hostilities ended. Since then, at least 14 more people have been executed extrajudicially, which is to say murdered. Some were also tortured.

You can only imagine what would happen if Israel dealt with its internal political enemies or dissenters in such a fashion. Last month, for instance, Israel got a heap of criticism and abuse when it was reported in the Israeli media that some Gaza civilian had been unjustifiably shot by Israeli soldiers. The report was widely cited, not just for its shocking allegations but also because it was supposedly indicative of the sort of place Israel has become. The government said the allegations were based on hearsay. We shall see.

No doubt the Human Rights Watch report will be ignored or dismissed in the greater cause of demonizing Israel. This has been the trend of late. No doubt, too, some will excuse Hamas's criminality as the inevitable result of Israeli actions—the Officer Krupke School of Behavior made famous by the singing gang members of "West Side Story." But as much as some would like to criticize Israel—and I have done so myself—they still have a minimal obligation to acknowledge the difference in core values between Israel and its enemies.

This does not mean that Israel is above criticism. After all, it has made life unbearable for some Palestinians, supported illegal settlements in the West Bank, been too harsh in squeezing Gaza, and, maybe most important, it ought to get out of the West Bank—for reasons of justice and for its own

sake. Still, it remains unimaginable that Israel would murder its domestic critics or silence dissent with the occasional kneecapping. These are the tactics of thugs.

Read the Hamas charter. It is not some uplifting cry of a downtrodden people seeking its freedom but a repellent anti-Semitic screed. It sees the Jews behind every major world event since the storming of the Bastille: "They were behind the French revolution, the communist revolution and most of the revolutions we heard and hear about, here and there. With their money they formed secret societies, such as Freemasons, Rotary Clubs, the Lions . . . for the purpose of sabotaging societies and achieving Zionist interests." The Rotary? The Lions? Why not Welcome Wagon?

When Israelis talk of the practical difficulties of pulling out of the West Bank, they mean the likelihood that Hamas will oust Fatah and launch rockets into Israel. They are both concerned and appalled by a Hamas charter that, in part, reads like it could have been written by Hitler. Withdrawal is necessary and right, but it cannot be done naively and without the participation of the United States. It's going to take American peace-keepers. It is that simple. No Israeli can trust Hamas to keep the peace.

Human Rights Watch is to be commended. It does not have one standard for Israel and another for Hamas, Hezbollah or the other despotic regimes of the Arab world. That is more than can be said, though, for critics who vilify Israel, romanticize Hamas and clearly have never had the inexpressible pleasure of living in a place where a chance remark can get your legs riddled with lead. Say what you will, but that place could never be Israel.

IN RECOGNIZING OF THE ANNI- VERSARY OF THE ASSASSINA- TION OF MALCOLM X

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize that February 21, 2009, as the 44th anniversary of the assassination of EL-Hajj Malik El-Shabazz, better known as Malcolm X. I find it only fitting that we take this time to reflect and celebrate the life of this courageous advocate for the civil rights of African Americans.

Born Malcolm Little in Omaha, Nebraska, on May 19, 1925, the early portion of young Malcolm's life was filled turmoil and change. By the age of 13, his father had passed away and his mother had been committed to a mental hospital. He spent a great portion of his formative years in foster homes. He then became involved in the criminal underworld in both Boston and New York. Little was arrested and sentenced to eight to ten years in prison. It was during his incarceration that Little became a member of the Nation of Islam, changing his name to Malcolm X. Following his parole, he quickly became the Nation's chief spokesman and served as its public face for almost 12 years. After his departure from the Nation of Islam, Malcolm X went on to found Muslim Mosque, Inc. and continued championing the cause of Black America. Tragically, the life of Malcolm X was cut short by

gunfire on February 21, 1965 in Manhattan's Audubon Ballroom. The most poignant description of Malcolm was during his eulogy by Actor Ossie Davis who called him, "our shining black prince".

Malcolm X once said, "The future belongs to those who prepare for it today". We must heed these words and be evermore dutiful in our commitment to ensure that our children and their children are able to enjoy those three noble principals of life, liberty and the pursuit of happiness. Malcolm X remains an inspiration to millions of people around the world, inspiring others to build on his vision of a nation that recognizes the strengths of all peoples.

HONORING A.M.E. PRESIDING ELDER JOSEPH D. PATTERSON ON HIS RETIREMENT

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. FATTAH. Madam Speaker, one of Philadelphia's most distinguished and influential clergymen, Presiding Elder Joseph D. Patterson, Sr. of the African Methodist Episcopal Church, will be honored and feted on May 2, 2009, as he moves from decades of service to his God, his church and the people of Philadelphia into well-deserved retirement.

Presiding Elder Patterson has served the A.M.E. in its "itinerant ministry" for 45 years, pastoring and overseeing churches in Philadelphia, the western Main Line, southern New Jersey and Atlantic City.

Presiding Elder Patterson is perhaps best known for his 22 years as Pastor of Hickman Temple A.M.E. Church, where he directed an era of significant growth at Hickman as both a spiritual home and community resource for Southwest Philadelphia. His impact on the community is still felt to this day. He facilitated the building of the Samuel J. Patterson Mercy Wellness Center at 50th Street and Baltimore Avenue, which bears his father's name. He was founder and president of the Baltimore Avenue Redevelopment Corporation and past chairman of the \$41 million West Philadelphia Empowerment Zone. He was a member of the Council of Trustees at Cheyney University, serving the school he had attended as both an undergraduate and graduate student.

Presiding Elder Patterson has demonstrated strong leadership both within his own A.M.E. denomination and in the broader community of faith. He served as President of the Black Clergy of Philadelphia and Vicinity from 1995–1997, and in numerous other capacities. He is past president of the A.M.E. Preachers Meeting. Since his appointment as Presiding Elder in 2001, he has served two years as Elder of the Philadelphia District and almost six years as Elder of the West/Mainline District—the post from which he is retiring.

And all along he has been blessed by the love and support of his wife Joyce, mother Ida, and children Joseph D. Jr., Jewell D. and Jocelyn D. Patterson.

Presiding Elder Joseph D. Patterson Sr. will be honored with a special Retirement Service,

May 2, 2009, at Mount Pisgah A.M.E. Church, 428 N. 41st Street, Philadelphia, with A.M.E. Presiding Bishop Richard F. Norris of the First District as Guest Preacher. I invite my colleagues in the House of Representatives to join me in saluting the career of this great man of God and preacher of the Gospel, and to wish him Godspeed upon his retirement.

RECOGNIZING THE AMERICAN
CANCER SOCIETY'S RELAY FOR
LIFE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commend the American Cancer Society's Relay for Life that will occur on Saturday, April 25th at Marcos de Niza High School in Tempe.

The Relay for Life fundraiser is taking place all over the country, bringing over three million Americans together in the battle against cancer. This event not only raises money for cancer research, but it connects cancer survivors with those who have lost a loved one to the disease with those who want to show their support for the cause. This extensive network is an extremely valuable resource to those whose lives have been affected by cancer.

One in every three people will be diagnosed with cancer in their lifetime. The American Cancer Society is the largest source of non-profit cancer research funding in the United States, and thanks to their efforts, cancer survival rates have consistently increased over the last 15 years. Fundraisers like Relay for Life allow the ACS to continue to contribute to this significant and often life-changing research.

I want to congratulate the Relay for Life on its 25th year as the American Cancer Society's signature fundraiser, and express my continued support for cancer research initiatives. I am proud that my home town of Tempe has the opportunity to host this event.

Madam Speaker, please join me in recognizing the American Cancer Society's Relay for Life, and those participating in the fight against cancer.

HONORING THE LUNAR ORBITER
IMAGE RECOVERY PROJECT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to commend the Lunar Orbiter Image Recovery Project and all those who have contributed their time and effort to ensure that historic images and vital data from the Lunar Orbiter missions of the 1960s are not lost to future generations.

In 1965, Charles Byrne, an engineer with Bellcomm, Inc., had the foresight to propose that NASA record data from the Lunar Orbiter missions onto tape recorders. NASA agreed

and the images returned from the Lunar Orbiters were backed up on AMPEX FR-900 tape drives. To date, these images are some of the highest resolution images we have of the Moon. Those images include a high-resolution version of "Earthrise," the first picture of the Earth from the Moon's vantage point. Time Magazine has called this image "the photo of the century." The tapes also contain the first stereo imagery of the Moon's surface. Indeed, these are some of the best images of the Moon ever taken, far superior from those received from the Hubble telescope.

Astonishingly, all of the images stored on the 1,500 14-inch diameter tape reels were nearly destroyed. With its focus turned to the Apollo mission, NASA saw little further use for the tapes. Fortunately, Nancy Evans, co-founder of NASA Planetary Data Systems, convinced her superiors at the Jet Propulsion Laboratory to retain the tapes. Evans also salvaged three refrigerator-sized FR-900 tape drives, which she stored in her own garage for two decades. Evans and Mark Nelson, of Caltech, managed to get a few tape drives running but their project ultimately folded. NASA turned down her requests for assistance after placing an estimate of \$6 million on the cost to restore the data.

Fortunately, Evans' efforts caught the attention of Dennis Wingo and Keith Cowing, both of whom have been focused on space exploration for many years. They arranged to move the tapes and drives to NASA's Ames Research Center in Mountain View, California. Ames' director, Peter Worden, arranged for them to store the equipment in an old abandoned McDonalds, which they jokingly referred to as "McMoon's." Wingo and Cowing began working with Ken Zin, an army veteran, to get the drives up and running. NASA contributed \$100,000 to the efforts. Cowing invested his own money in the project and the team enlisted the support of local students to recover the images.

There is still a long way to go to complete this project but the public's interest in it is more than just a matter of historical record. The images have the potential to push NASA's climate data back a full decade. And just as the Lunar Orbiter images provided data crucial to safely landing our first astronauts on the moon, those same images will assist the current efforts of the Lunar Reconnaissance Orbiter mission by providing a baseline for understanding the changes to the Moon between the 1960s and present day.

As with the Lunar Orbiter's images themselves, the efforts of those who have devoted themselves to this project should not go unnoticed or unrecorded. Although space exploration is a vast, complicated enterprise, it ultimately relies on individuals who have the vision and imagination to move us forward. The Lunar Orbiter Image Recovery Project is an example of that kind of vision and imagination, and those who have contributed to the Project and to preceding efforts surely deserve our gratitude.

REMEMBERING THE 10TH ANNI-
VERSARY OF THE CHINESE COM-
MUNIST PARTY'S (CCP) PERSE-
CUTION OF THE FALUN GONG

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MCCOTTER. Madam Speaker, sadly, 2009 marks the tenth year of the Chinese Communist Party's (CCP) persecution of the Falun Gong. After a 10,000 person silent, peaceful protest in front of CCP offices in Beijing, then-General Secretary Jiang Zemin designated the Falun Gong an "evil cult" and in July 1999, began a brutal crackdown on Falun Gong practitioners. Since then, communist Chinese authorities have imprisoned roughly 6,000 Falun Gong practitioners and brutally killed more than 3,000. Following death, communist Chinese authorities have routinely harvested organs from executed Falun Gong prisoners.

Recently, on February 1, 2009, communist Chinese authorities arrested 61-year-old Zhu Lijin from Tianjin for distributing leaflets about the Falun Gong. On February 16, 2009, Ms. Lijin's family was notified she was sentenced to one year and three months imprisonment in Banqiao Women's "Re-education Through Labor" camp. While the imprisonment of a 61-year-old woman demonstrates the communist Chinese regime's paranoia, her arrest remains a grave injustice and Ms. Lijin must be immediately set free.

RECOGNIZING VOLUNTEERS OF
FAIRFAX COURT APPOINTED
SPECIAL ADVOCATES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Fairfax Court Appointed Special Advocates (CASA) and the contributions that its volunteers make to our community. Fairfax CASA serves as an advocate for best interest of every abused and neglected child referred by the county juvenile system. CASA volunteers perform critical services to ensure the very best care and home environment for each child. Each year Fairfax CASA honors the most outstanding volunteers for their noble devotion.

Fairfax CASA presented its May Cook "Heart of Gold" Award to John Nelson. Mr. Nelson personifies the truly dedicated CASA volunteer. Over the past six years, he has advocated tirelessly on behalf of 19 children, fully committing his efforts to each child until a safe and permanent home is secured. John digs deep below the surface for information; he often interviews every single person interfacing with a child in order to gain a complete picture of what is going on in the child's world. For this dedication, Fairfax CASA acknowledged his efforts with its highest volunteer honor.

Eight individuals are recognized by Fairfax CASA for their outstanding volunteer commitment based on a variety of quantitative measurements. Those individuals receiving the Special Achievement Award are: Connie Jaiswal, Pam Jones, Mark Knopf, Marie Mader, Frank Murphy, Shirley Readyhough, Bob Steward, and Lisa Walsh.

A number of volunteers with Fairfax CASA are recognized for achieving significant milestones of longevity with the program. The following volunteers were recognized for five years of service: Glenn MacKinnon, Barbara McLaughlin, Terry Nelson, Todd Skipper, and Phyllis Surret; for ten years of service: Nancy Hall; and, for fifteen years of service: Sandy Summers.

The outstanding efforts of the above-mentioned individuals merit special recognition but one must acknowledge the impact of all 165 volunteers who contributed their time to protect and support children through Fairfax CASA in 2008. These volunteers served 484 abused and neglected children including 214 newly referred by the Court. In serving these individuals, volunteers contributed more than 19,000 hours on their court assigned cases including completing 3,004 face-to-face visits and submitting 207 comprehensive and objective reports to the courts.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Fairfax Court Appointed Special Advocates. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia and life-changing services to the children and families being served.

IN RECOGNITION OF THE 44TH ANNIVERSARY OF THE SELMA TO MONTGOMERY CIVIL RIGHTS MARCHES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize March 20 as the 44th anniversary of the Selma to Montgomery marches. These historic marches had a profound affect on the voting rights of African Americans throughout the Nation. It is only fitting that the brave individuals who endured brutal physical violence, mental anguish, and often public humiliation in order to secure their voting rights be recognized by this body.

From the pulpit of Brown Chapel, Dr. Martin Luther King, Jr., issued a call to action after numerous attempts to enfranchise the black citizens of Selma came to a halt. Over the next several weeks, the Student Nonviolent Coordinating Coalition and the Southern Christian Leadership Conference expanded their operations to register black voters in Selma and the surrounding area. At a voting rights protest on February 18th, Jimmie Lee Jackson was shot while attempting to protect his mother and grandfather. Jackson's death prompted Mr. James Bevels of the SCLC to call for a march from Selma to Montgomery. This demonstration of character and faith took place on March 7, 1965. As the peaceful protestors approached the Edmund Pettus Bridge, they were greeted by the Sheriff Department and their clubs, tear gas and bull whips. We remember this day as Bloody Sunday.

Local photographers and television crews captured the brutality of Bloody Sunday, casting the issue into the national spotlight. Their images of cruelty rallied popular support for the cause of the protestors and set the stage for the second march, which was to occur on March 9th. However, protestors hit a stumbling block, when a restraining order was issued preventing the march. Dr. King led a group of 2500 protestors to the Edmund Pettus Bridge where he held a short prayer; before turning the crowd back, so as to respect the rule of law. It is on March 21, 1965 that we see a successful unimpeded march from Selma to Montgomery Alabama. Under the protection of Federal and State soldiers, FBI agents, and U.S. Marshals, a group of near 8,000 protestors set out from Selma to march for 5 days and 4 nights down Jefferson Davis Highway until they reached the Alabama state capitol. Upon their arrival, the number of protestors swelled to 25,000. This march had a profound impact on public opinion and just 5 months after its conclusion, President Lyndon Johnson signed into law the Voting Rights Act of 1965.

I am confident that there will always be those who boldly defy oppression and rebuke tyranny at all costs. One March day, Dr. Martin Luther King asked, "How long will prejudice blind the visions of men, darken their understanding and, drive bright-eyed wisdom from her sacred throne?" Dr. King answered his question, saying, "... Not long, because the arc of the moral universe is long, but it bends toward justice." It is this spirit that we must cherish. Those who decided to command their own destiny in Selma, Alabama in March of 1965 embody this spirit, and it is my great honor to commemorate their efforts.

CONGRATULATIONS: KIWANIS CLUB OF GORHAM, MAINE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Ms. PINGREE of Maine. Madam Speaker, I would like to take this opportunity to congratulate the Kiwanis Club of Gorham, Maine for acknowledging the courage and sacrifices of the children of Maine's military families through their program entitled "Operation Tribute".

Kiwanis is an organization dedicated to service to children and youth through initiatives intended to improve the quality of life of children in communities around the world. Currently, Kiwanis has over 500,000 members internationally, representing 96 countries with 34 clubs in Maine.

On July 17, 2007, the Kiwanis Club of Gorham, later joined by the Kiwanis Clubs of Maine, launched Operation Holiday Cheer, a program to provide a holiday gift to each participating child of Maine's military families, including, Army, Navy, Air Force, Marine Corps,

Coast Guard, Reserves and National Guard. Over 9,000 children in Maine have a parent serving in the military.

In 2007, the Kiwanis acquired, wrapped, and distributed over 8,000 gifts to children in 140 cities and towns throughout the state of Maine. Included with each gift was a handwritten note thanking the child and his or her family which read, "On behalf of the Kiwanis Clubs of Maine and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your service to our country and you should know that we, the Kiwanis and the people of Maine, stand proudly and beside you. We wish you and your family a Happy Holiday Season."

In 2008, the Kiwanis built on the incredible success of Operation Holiday Cheer and expanded the program throughout New England and New York. Their efforts—and once again their success—were astounding. Operation Holiday Cheer raised over \$650,000 and distributed over 23,000 holiday gifts to children of military families.

In January 2009, Operation Holiday Cheer renamed itself "Operation Tribute" to better reflect its mission of providing tribute to the children of military families.

I extend my deepest appreciation to the Kiwanis Clubs of Maine for their thoughtfulness in paying tribute—and bringing cheer—to the lives of thousands of children in Maine, New York and all of New England.

CONGRATULATIONS TO MR. ALLEN "ALI" CAYIR

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. GARY G. MILLER of California. Madam Speaker, it is with great pleasure that I rise to congratulate Mr. Allen "Ali" Cayir of Chino Hills, California for being awarded the Ellis Island Medal of Honor.

Established in 1986 by the National Ethnic Coalition of Organizations, Inc. (NECO), the Ellis Island Medal of Honor pays tribute to our nation's immigrant heritage, as well as individual achievement. This medal is awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage.

A native of Turkey with an engineering degree from Istanbul Technical University, Mr. Cayir arrived in New York in 1980 with plans to begin a new life in Southern California. In 1989, he founded Transtech Engineering, Inc., which today is a multi-million dollar enterprise that provides professional and technical expertise to governmental agencies, educational institutions and the private development sector.

In addition to Mr. Cayir's professional success, he is an extremely active part of his community. His philanthropic contributions include diverse organizations such as Tools for

Education at California State University, restoration work at Mission San Juan Capistrano and United Way.

Throughout his life, Mr. Cayir has demonstrated his commitment to community service as well as a passion to preserve and celebrate ethnic diversity. I am proud to honor Mr. Cayir's achievements and congratulate him on his receiving this prestigious award.

TRIBUTE TO MRS. BERNICE
McGAIL FOR HER SERVICE TO
THE TOWN OF CLINTON, MASSA-
CHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to Mrs. Bernice McGail, an extraordinary woman who has devoted fully thirty-six years to the children of the Clinton, Massachusetts Public School System as a member of the School Committee. Today, a reception is being held in Bernice's honor so that the legions of former students, faculty, administrators and local officials can offer her their good wishes as she ends a remarkable record of public service to her beloved hometown. I regret that I am not able to attend today's reception to personally express my profound gratitude, respect and admiration to Bernice. However, I did want to submit these heartfelt words of appreciation into the CONGRESSIONAL RECORD so that her immeasurable contributions to the development of generations of young people will be forever remembered in the annals of this great institution.

Bernice McGail's tenure on the Clinton School Committee is not only noteworthy for its longevity but also for the quality of the service she rendered. For Bernice, the job of serving on the school committee did not begin and end with the weekly public meetings. In painstaking detail, she reviewed all of the school department correspondence, meeting minutes, curriculum proposals and staffing recommendations. Bernice's knowledge of the school department budget is unrivaled and when combined with her dogged determination she was an especially effective advocate for the programs she vigorously supported. In addition to doing the difficult committee work, Bernice was also a constant presence at all of the numerous school social functions and activities. From graduations, to football games, to school plays and dances, Bernice never missed an opportunity to show her pride in the achievements of the school children. Her warmth and sense of humor have endeared her to so many people over the course of nearly four decades in elected office that Bernice is widely regarded as a political force of nature. Her support for any local initiative is prized and her endorsement of any candidate for elected office is coveted. I, for one, am eternally grateful for the loyal friendship, unwavering support and thoughtful advice Bernice has provided me during my career in Congress.

After thirty-six years of tireless dedication, Bernice McGail is leaving a legacy of selfless

public service that will not soon be equaled. She has made an indelible imprint on the Clinton Public School System and helped shape a promising future for an untold number of its students. Madam Speaker, there is no greater gift than that. I wish Bernice and her family continued good health and happiness and kindly ask that the United States Congress publicly acknowledge her exceptional service to the Town of Clinton, the Commonwealth of Massachusetts and the United States of America.

IN RECOGNITION OF WOMEN'S
HISTORY MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize the month of March as Women's History Month. In our not-so-distant past, women could not vote, own property or maintain wages. Women were not expected to think independently of their husbands, and their work was limited to the household. But even when considered second class citizens, it was our mothers, daughters and sisters who prepared the next generation of Americans for the challenges that lay ahead. As Kofi Annan famously said, "When women thrive, all of society benefits, and succeeding generations are given a better start in life."

Without the American woman's devotion to society, our nation would not be the same. Countless women disguised themselves as men during the Revolutionary War to join the fight for independence. While their husbands, brothers and fathers fought the war abroad, women answered the call by working in factories, sending the allied forces to victory in WWII. Today, American women of every color and background protect our nation at home and abroad by serving in our Armed Forces. Parents tell their children that women can be anything they dream of—soldiers, lawyers, doctors, teachers, and mothers—without doubt or hesitation.

Chicago's own women have contributed to their communities in significant ways. Carol Moseley-Braun, the first black female senator, attended the University of Illinois at Chicago and the University of Chicago Law School. Ms. Moseley-Braun was elected to the U.S. Senate in 1992 where she introduced several bills that influenced education policy. Prior to becoming senator, she served as a member of the House of Representatives for ten years. Carol Moseley-Braun is recognized for her efforts in education reform and the years she dedicated to serving the state of Illinois. She is truly an example for our young women.

Michelle Obama, our first black First Lady, has contributed greatly to the city of Chicago and to her country. Mrs. Obama, a graduate of Princeton University and Harvard Law, is an extraordinary example of grace and success for all women. She proves that women can do it all—have a high-powered career, be a devoted mother and wife, contribute to her community, and even campaign. As an advocate

for national service and helping working women balance family and career, the First Lady continues to show that there is no limit to what a woman can do.

I salute the women who have sacrificed so much to serve our country. Each woman benefits our society in her own way, and whether an artist or a doctor, a teacher or a lawyer, a mother or a soldier every woman's success encourages future generations of young girls and women to follow their dreams. I am proud to recognize March as Women's History Month in our great nation.

IN HONOR OF 307TH BOMB GROUP/
WING MACDILL/KADENA ERA
(1946–1954)

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. GALLEGLY. Madam Speaker, I rise to honor the 307th Bomb Group/Wing (1946–1954), which is holding its 14th reunion this week in Tampa, Florida.

The 307th Bombardment Group rose from the reorganization of the U.S. Army Air Forces after World War II and the deactivation on August 6, 1946, of the 498th Bombardment Group.

As the initial SAC Bomb Group, the 307th was first tasked with developing tactics, operating procedures and training requirements to engage in anti-submarine and sea search operations. The high priority given their task also gave them priority in recruiting personnel, training and equipment. As a result, while the 307th was assigned 13 B–29 aircraft when it was instituted, it had 30 B–29s a month later.

The 307th was busy for the next few years but it was the outbreak of the Korean War that tested its mettle. In the summer of 1950, the 307th with 31 B–29s deployed from Florida's MacDill Air Force Base to Kadena Air Base in Okinawa and on August 8 began bombing runs on North Korea.

The B–29s bombed the enemy's transportation system and industrial facilities throughout North Korea. Following a November campaign against the bridges over the Yalu River into Manchuria, the B–29s bombed interdiction targets, communication and supply centers, and supported United Nations ground forces by hitting gun emplacements and troop concentrations.

For the next few months the wing's bombers participated in FEAF's bridge-busting campaign, flying numerous missions against key bridge spans, and helped U.N. ground forces blunt a communist spring offensive. On May 23rd, the 307th provided nighttime close-in support, shredding enemy positions along the entire battlefield with Loran Radar guided and aimed fragmentation bombs.

The 307th was integral in the war effort until the truce was signed in July 1953. As the truce talks were concluding, the 307th helped disrupt and spoil an enemy ground offensive, earning it a Distinguished Unit Citation. At the end of the hostilities, the 307th had flown more than 5,800 combat missions.

In 1954, the wing returned to the United States and was assigned to Lincoln Air Force

Base in Nebraska. The B-29s were retired and the unit became a B-47 wing, ending an era.

Madam Speaker, most of the surviving veterans of the 307th Bomb Group/Wing who flew over Korea are in their 80s—including my friend Cy Johnson of Camarillo—and every reunion brings fewer of them together. I believe my colleagues will agree, however, that it's important to remember the 307th's role in bringing peace to the Korean Peninsula and fighting back the initial push of communist aggression. I therefore ask my colleagues to join with them and with me in commemorating their earned and rightful place in our American history.

RECOGNIZING LAWRENCE HOSPITAL CENTER FOR 100 YEARS OF SERVICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mrs. LOWEY. Madam Speaker, I rise today to pay tribute to the 100 years of quality health care provided by Lawrence Hospital Center in Bronxville, New York.

Lawrence Hospital Center first opened its doors in 1909 to care for residents of Southern Westchester County and beyond, and it continues providing high-quality health care today. It was founded by William Van Duzer Lawrence, who recognized the need for high-quality and timely care for residents of New York City suburbs after his son, Dudley, nearly died en route to a hospital in New York City.

In its first year of operation, Lawrence had thirty beds and treated a total of 278 patients. Today, Lawrence Hospital Center has grown into a 291 bed acute-care facility that treats thousands of patients annually.

Lawrence has a strong history of leadership in health care and local medical excellence. In 2006 Lawrence became a leader in stroke care when the hospital became a designated New York State Stroke Center. Lawrence's Cancer Care program has also been accredited by the American College of Surgeons with Commendation.

Employing more than 400 physicians, Lawrence Hospital Center provides expertise in virtually every area of medical specialty. It is recognized for its professional excellence in bariatric surgery, cardiology, obstetrics, orthopedics, and oncology.

Committed to health care excellence, Lawrence Hospital Center has recently expanded and renovated its facilities in order to continue serving the growing population of Westchester County and surrounding areas. Recently, the hospital opened a state-of-the-art maternity center, expanded and improved its emergency department, and finalized plans for a future sleep center.

I am proud to recognize and thank Lawrence Hospital Center for providing 100 years of outstanding health care to residents of the New York Metropolitan Area, and I look forward to working with Lawrence Hospital Center to strengthen the health care system in the lower Hudson Valley.

A TRIBUTE TO ATHLETIC DIRECTOR RONNIE CHAVIS

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. MCINTYRE. Madam Speaker, as co-chairman and co-founder of the Congressional Caucus on Youth Sports, I rise today to extend my most sincere congratulations to Robeson County Athletic Director Ronnie Chavis, who was honored by the National Association for Sport and Physical Education (NASPE) as 2009 National Athletic Director of the Year. Mr. Chavis, who has served the Public Schools of Robeson County for over 17 years as director of athletics, driver education, health, and physical education, was honored as Southern District Athletic Director of the Year on January 5, 2009. It was at the organization's national convention in Tampa, Florida, held during the first week of April, that Mr. Chavis was named NASPE's 34th Athletic Director of the Year.

Mr. Chavis is a long-time resident of Robeson County, which is my home county. He graduated from Prospect High School in 1968 and attended the University of North Carolina at Pembroke where, as pitcher, he led his baseball team to the College World Series with a 9-3 record. Mr. Chavis graduated from UNC—Pembroke with a degree in education in 1972, and began teaching and coaching at a local high school. Mr. Chavis later earned two master's of education degrees from Campbell University, one in physical education, and the other in administration and supervision. In 1989, he was named Athletic Director of the Public Schools of Robeson County.

Among his many accomplishments, Mr. Chavis used funds from a physical education grant to build fitness centers, complete with new conditioning and physical education equipment, for each of the seven high schools within his district. Furthermore, Mr. Chavis ensured that all 35 elementary and middle schools were furnished with adequate physical education supplies, equipment, and software. Mr. Chavis also partnered with the Public Schools of Robeson County to provide funds for the lighting of all baseball and softball fields, and two football fields. Finally, Mr. Chavis established the Robeson County Coaches Golf Tournament, which has raised over \$15,000 to assist coaches and athletes that have experienced hardships.

Mr. Chavis is recognized by his colleagues as a highly dedicated professional who is able to motivate both students and coaches. His impact on the children of Robeson County and its youth sports community is evident. While a number of Robeson County athletes have gone on to play at the collegiate and/or professional level, many of Mr. Chavis' former students have emerged as doctors, lawyers, and coaches. Teaching discipline and perseverance, Mr. Chavis continues to inspire the lives of our children, molding individuals who will make many useful contributions to society. On behalf of the U.S. Congress, I extend congratulations to Mr. Chavis for his recognition as 2009 National Athletic Director of the Year.

HONORING THE BICENTENNIAL OF THE BIRTH OF ABRAHAM LINCOLN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to honor Abraham Lincoln's legacy as we commemorate the bicentennial of his birth this year. President Lincoln had a tremendous impact on the progression of our nation. The 16th President of the United States successfully led the country through its greatest internal crisis, the American Civil War, preserving the Union and ending slavery with the signing of the Emancipation Proclamation. As a young man, Abraham Lincoln feared not achieving anything that would make men remember him. With hard work, dedication, and determination, today, Abraham Lincoln tops the list, for many, as one of the most influential—and most revered—Americans.

The spirit that guided him was clearly that of his Second Inaugural Address, now inscribed on one wall of the Lincoln Memorial in Washington, DC: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds . . ." Indeed, Lincoln's legacy is most alive in our continuous search for freedom, equality, and opportunity. I feel that it is only right for my fellow colleagues and I to pay homage to a great leader who helped pave the way for so many and who continues to inspire people today, two hundred years later.

As our newly elected 44th President of the United States, Barack Obama, also from Illinois, begins his first term in office, the wounds of the nation and the world will begin to heal as he is guided and inspired by the former President Lincoln. Illinois is the state where Lincoln spent more than a quarter century of his life, serving as a lawyer and politician, leaving his mark in many towns and cities throughout the state. Long before being elected president in 1860, he served four terms in the state legislature and one in Congress. The state of Illinois honors Lincoln's legacy in a variety of ways including: The Abraham Lincoln Presidential Library and Museum, the Lincoln Memorial Garden, Lincoln's Journey of Remembrance, The Lincoln Home National Historic site, and the city of Lincoln. In addition, The U.S. Mint will introduce four newly-designed Lincoln pennies throughout 2009, the first being released on his birthday. A Lincoln commemorative silver dollar will also be released later this year.

We have come a long way since the Lincoln days, but we still have a long way to go. The bicentennial of Abraham Lincoln is a great time to honor his legacy, as well as re-examine the American Dream and what it means to be an American today. It is a time of opportunity to bring together a divided nation in order to work together to fulfill Lincoln's goal of finding unity in our diversity. With a newly-elected President who shares many of the same ideals as Lincoln, there is not a better time to start this transformation, create change, and finish the work that we started so long ago. President Obama, similar to Lincoln,

faces many great challenges ahead, but with hard work, dedication and determination these challenges we shall too, overcome.

HONORING THE LOUISIANA
HONORAIR VETERANS

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. FLEMING. Madam Speaker, I rise today to recognize and honor a very special group from Northwest Louisiana.

On April 11, 2009 a group of 104 veterans and their guardians flew to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these Louisiana veterans to visit Washington, DC on a chartered flight, free of charge. For many, this will be the first and only opportunity to visit the memorials created in their honor. These brave men and women, from my home state of Louisiana, deserve the thanks of a grateful nation for everything they have sacrificed for our freedom.

Today I ask my colleagues to join me in honoring these great Americans and thank them for their unselfish service.

Maurice E. Alston, Sr., Albert S. Austin, Norman W. Bale, Kenneth R. Barns, Paul Bauer, James W. Beck, Wayne Belshe, Clyde W. Benson, Chet J. Boudreaux, Wilfred Boullion, William E. Brashear, William O. Budwah, Pleasant Nathaniel Burns, James L. Bush, James H. Butler, William T. Cagle, Richard H. Canterbury, Lamore J. Carter, William H. Carter, Lundy E. Cavender, Marcus R. Chapman, Jr., Allen G. Clements, William Y. Cobb, Rollin H. Cochran, Addison A. Daigle, Arthur J. DeLaune, Jr., Steven L. dePyssler, Homer C. Doty, Jr., James C. Epps, Clyde Lee Estes, Jesse Fenton, Carl D. Ferguson, Jr., Joe E. Floyd, Frank H. Ford, Jr., Lucian W. Furr, William Gately, Ellsworth Gauntz, Jack E. Giles, Wesley D. Glassell, Hersey Goodwin, James B. Grant, James D. Guffey, Ralph A. Hair, Adron W. Hallman, John E. Hamburg, John W. Hamilton, Jesse W. Hammett, Raymond E. Harper, Harold B. Hayden, John Allen Head, Raymond L. Heck, James A. Holdcroft, William J. Hood, Verle L. Hulse, John B. Humphrey, Robert P. Hunter, Richard L. Ingram, Taylor P. Isom, Dewey W. Jenkins, Sr., Edwin E. Jones, George V. Keith, Charles M. Kendrick, James F. King, Stanley F. Kolniak, John J. Langdon, Powell A. Layton, Harry A. Lazarus, Jr., Darion D. Leach, Rosa R. LeJeune, Sam F. Loeb, George A. Love, Charles W. Luther, Joseph F. Lytle, Joseph A. Malec, Floyd L. Marlatt, Joseph A. Marsala, Frank H. McArdle, Jefferson P. McBride, Jr., Joe H. McDaniel, William R. McDaniel, Sam W. McDonald, John Ivy Miles, Mitchell S. Miletello, Jesse W. Moore, Jr., Calvin W. Morgan, Franklin P. Moritz, Alfred J. Procell, John H. Pruett, Jr., Kearney L. Pruett, Earl L. Raley, Robert V. Rayner, Robert Bruce Rivet, Thomas O. Roberts, Billy B. Robertson, James E. Robison, Mike Romanos, Charles H. Rose, Jr., Gerald J. Roussel, E.H. Scoggins, James E. Still, Charles W. Tebow, Ralph D. Tinsley, Loyd H. Wilkins, and Lawrence R. Yeager.

WE MUST ENSURE SAFE ROADS
AND BRIDGES!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 2009

Mr. FILNER. Madam Speaker, I rise today to introduce the Safety, Efficiency and Accountability in Transportation Projects through Public Inspection Act of 2009 (H.R. 2104).

This bill would require public employees to perform the inspection and related essential public functions on all state and local transportation projects. My bill is intended to ensure that public safety is protected, transportation funds are not wasted and projects are delivered in a timely manner.

On transportation projects, the construction inspector is the eyes, ears and voice of the public. Inspectors ensure that construction and seismic standards are met, that projects meet safety requirements and that the materials used will stand the test of time. In short, inspectors are there to ensure that the motoring public gets what they pay for and public safety and the public interest are protected.

When the construction inspection function is outsourced to a private company, there is no longer a representative of the public on the job site. In this circumstance, one private company is charged with the task of inspecting the work of another private company. This creates multiple conflicts for the private inspector. First, the private inspectors' primary obligation and responsibility is not to the public, but to the success and profitability of his company. Because the private construction company whose work they are inspecting on one project may be a business partner on a future project, private inspectors may also feel pressure from the private contractor to take steps that ensure larger profits for both firms. I am concerned that these conflicts have led private inspectors to cut corners and overlook problems that threaten public safety, increase costs and delay projects.

There are many examples in which public safety has been threatened by the use of private inspectors, including Boston's "Big Dig" (where a concrete slab from a tunnel ceiling fell and killed a woman), the L.A. Redline subway (Hollywood Blvd. collapsed), the 8-805 Interchange in San Diego (10,000 defective welds on a seismic retrofit), the Connecticut I-84 project (hundreds of drains that lead nowhere).

Contracting out public inspection work also does not save money! Defective work requires extensive repairs, and inevitably, the taxpayer gets stuck with the bill. Comparative studies have also found that contracting-out engineering, design, and inspection costs more than to do this work in-house, and none of these studies found that consultant engineers were less expensive. Factors that contribute to consultants' excessive costs include the lack of competitive bidding, cost-plus provisions in contracts, salary differentials between the private and public sectors, profit margins of from 10 percent to 15 percent, and additional costs connected with selecting and supervising consultants.

Failure to have public construction inspectors has also delayed projects in the past and

will undoubtedly do so in the future. One such example is the privately inspected \$12 million carpool bridge connecting the San Diego (405) and the Costa Mesa (55) Freeways. The project was to have been completed in April 2003. However, work was halted in August 2002 when chunks of concrete were falling from the structure and many cracks were noticed. Contractor and private inspector errors were later discovered and the carpool ramp did not open until January 2005.

The Public and the federal government understand what's at stake. In a 2006 California public opinion poll, 71% of those surveyed said they want state engineers to inspect the construction of state highways; and 20% found private firms acceptable for the task. David M. Walker, the Comptroller General of the United States, said in a recent interview: "There's something civil servants have that the private sector doesn't, and that is the duty of loyalty to the greater good—the duty of loyalty to the collective best interest of all rather than the interest of a few. Companies have duties of loyalty to their shareholders, not to the country."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 28, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 29

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Johnnie Carson, of Illinois, to be Assistant Secretary for African Affairs, and Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, both of the Department of State.

SD-419

Veterans' Affairs

To hold hearings to examine pending benefits related legislation.

SR-418

10 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine restoring fairness to federal sentencing, focusing on addressing the crack-powder disparity.

SD-226

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business. SD-430

Homeland Security and Governmental Affairs
To hold hearings to examine swine flu, focusing on coordinating the federal response. SD-342

2 p.m.
Aging
To hold hearings to examine the life settlement market, focusing on what is at stake for seniors. SD-106

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the federal government's role in empowering Americans to make informed financial decisions. SD-342

Armed Services
Personnel Subcommittee
To hold hearings to examine the implementation of Wounded Warrior policies and programs. SH-216

APRIL 30

Time to be announced
Indian Affairs
Business meeting to consider the nomination of Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services. SD-628

9:15 a.m.
Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the Department of Transportation's implementation of the American Recovery and Reinvestment Act (ARRA). SD-138

9:30 a.m.
Armed Services
To hold hearings to examine the Secretary of Defense's 2010 budget recommendations. SH-216

Foreign Relations
To hold hearings to examine the United States strategy toward Pakistan. SD-419

10 a.m.
Appropriations
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the War Supplemental. SD-106

Finance
To hold hearings to examine the nominations of William V. Corr, of Virginia, to

be Deputy Secretary of Health and Human Services, and Alan B. Krueger, of New Jersey, to be Assistant Secretary of the Treasury for Economic Policy. SD-215

Health, Education, Labor, and Pensions
To hold hearings to examine primary health care access reform, focusing on community health centers and the national health service corps. SD-430

Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security. SD-342

Judiciary
Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections. SD-226

Joint Economic Committee
To hold hearings to examine the economic outlook. 210-CHOB

2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the current and future roles, missions, and capabilities of United States military air power. SR-222

Health, Education, Labor, and Pensions
To hold hearings to examine pending nominations. SD-430

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine comprehensive immigration reform in 2009. SD-226

2:30 p.m.
Energy and Natural Resources
Business meeting to consider the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be

Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior, and pending legislation on Renewable Electricity Standard and Siting of Interstate Electric Transmission Facilities. SD-366

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine national security reform, focusing on implementing a national security service workforce. SD-342

Intelligence
To hold closed hearings to examine certain intelligence matters. S-407, Capitol

MAY 6

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs. SR-418

10 a.m.
Judiciary
To hold an oversight hearing to examine the Department of Homeland Security. SD-106

2:30 p.m.
Commerce, Science, and Transportation
Communications and Technology Subcommittee
To hold hearings to examine the future of journalism. SR-253

Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine the passport insurance process, focusing on ending fraud. SD-226

MAY 21

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation. SR-418

SENATE—Tuesday, April 28, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, our guard and guide, look with mercy upon our Senators in these challenging times. Draw them close to You and to each other in humility, so that they will sincerely seek to find common ground. Spare them from arrogating to themselves the judgments which belong only to You. As they seek to confront history's surprises, may they lean not upon their abilities but put their ultimate trust in You. Prepare them to expect and celebrate the healing intervention of Your powerful providence. Remind them that You are waiting to bless them and have specific answers to their questions as they listen for Your voice.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of Kathleen Sebelius to be Secretary of Health and Human Services. There will be up to 8 hours for debate prior to a vote, with a 60-vote affirmation required for confirmation. That is by agreement.

I would indicate we have a few speakers on our side but not 4 hours worth. In fact, if we get up to an hour, it will be a surprise to me. So we will yield back a lot of that time.

At 12 noon we will vote on passage of the Fraud Enforcement and Recovery Act.

The Senate will recess from 12:30 until 2:15 today for our weekly caucus luncheons. Following the caucus recess, the Senate will resume debate on the Sebelius nomination, with the vote expected sometime later in the afternoon or evening.

Last night, the budget conferees filed a conference report accompanying the budget resolution. We expect to consider the conference report sometime tomorrow.

Finally, I expect the Senate to begin consideration of housing legislation this week. We have not finalized that with the distinguished Republican leader and members of his caucus, but I think we are getting very close. What we anticipate—I have filed, under rule XIV, the House-passed bill minus the bankruptcy provision. It is contemplated that the first amendment will be offered by Senator DURBIN, to put the bankruptcy provision back in the bill. Then after that, we would take a look at the bill to see if anything else needed to be done. But the Durbin amendment would include just the bankruptcy language. There are issues in this dealing with FDIC and other things we are told the banking community and financial world needs, and we will take a look at that. That is how we will get to that legislation. We hope to do that within the next 24 hours or something like that.

I have indicated to the Republican leader that the next nomination we are

concerned about is Tom Strickland, the Chief of Staff of the Secretary of Interior. I had good conversations with Senator BUNNING last week. He has some questions he wants answered. He put that in writing to the Secretary. That has been all taken care of. Senator BUNNING said he was not worried about delaying the vote but he wants an opportunity to be able to speak in regard to him, and I think there are other Senators who feel the same way, so hopefully we can work that out.

Then we are going to the credit card legislation, which was reported out of the Banking Committee. That is something that will not be real easy to do, but polling numbers indicate that almost 90 percent of the American people want us to do something with credit cards so it is something we have to do. I have talked with the Republican leader about other things we wish to try to accomplish before we leave here during this spring period.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO BAY

Mr. McCONNELL. Mr. President, tomorrow night in Berlin, Attorney General Holder is scheduled to deliver a speech about the administration's plan to shut down the detention facility at Guantanamo Bay by the arbitrary deadline of January 2010.

Many Americans are skeptical of the administration's decision to close Guantanamo before it has a plan to deal with the 240 terrorists who are currently housed there. And Americans were rightly alarmed by recent news reports that the administration is considering releasing some Guantanamo detainees into the U.S.—not to detention facilities, but directly into our neighborhoods.

Aside from the question of why the Attorney General thinks a German audience should hear about the administration's plans for Guantanamo before the American people do, there are a number of questions about the administration's plan for releasing terrorists into the United States that I hope the Attorney General will address tomorrow night.

Question No. 1: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist

training, or belongs to a terrorist group? That is U.S. law.

Question No. 2: Can the administration guarantee the safety of the American people, particularly in the neighborhoods where these terror-trained detainees will live?

Question No. 3: Will the residents of the communities where these men will be released be made aware of it?

Question No. 4: Will these trained terrorists be allowed to travel freely anywhere in the United States?

Question No. 5: What will their status be? Will they be allowed to stay here permanently? Will they be eligible for citizenship? Will they receive or be eligible to receive taxpayer funding? Why did no other country agree to accept them? What threat do these men pose of returning to terrorist activities and what threat assessments have been conducted to evaluate whether these men will attack U.S. troops on the battlefield or Americans at Embassies abroad?

There are now less than 300 days until the President's Executive order mandates the closure of the secure detention facility at Guantanamo and the transfer or release of its remaining detainees. I recognize the difficulty of the challenge these detainees present, but we shouldn't let an arbitrary deadline and a desire to appease critics overseas lead to decisions that make American citizens less safe.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 8 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate confirmed the first member of President Obama's Cabinet more than 3 months ago. Today, we are here to finish the job.

It has taken some time to get here. But now we have a great nominee to be

Secretary of Health and Human Services.

Today, we will vote to confirm the nomination of Governor Kathleen Sebelius to be Secretary of HHS. She is the right person for the job.

Governor Sebelius comes to us with a long list of qualifications. She is a true public servant. For more than 6 years, she has served as Governor of Kansas. For 8 years, she served as the Kansas Insurance Commissioner. And for 8 years before that, she served in the Kansas State Legislature.

Governor Sebelius has devoted a career to serving the public. She understands the legislative process. She understands the administrative process. And she has experience working with the private sector, too. Governor Sebelius has earned the respect of Republicans and Democrats alike.

Governor Sebelius knows a lot about health care. She is committed to protecting people and getting them the health care that they need. As Governor, she worked hard to make sure that Kansans—especially kids—had access to quality health insurance that they could afford. And as Insurance Commissioner, Governor Sebelius blocked a merger that would have made insurance unaffordable.

In addition to protecting consumers, Governor Sebelius also recognizes the need to bring businesses together to make our health care system work.

As Governor, she worked hard to make health care costs more manageable for businesses. And she worked to get more small businesses to offer health insurance coverage. Governor Sebelius doubled the small business tax credit.

Governor Sebelius' record shows that she approaches problems from all sides. She is prepared to try creative solutions. She is forward-thinking. She is willing to work with everyone. And she is not afraid to lead—even when faced with difficult choices and resistance to change. That is just the kind of leadership that we need in the Secretary of Health and Human Services.

Governor Sebelius has proven that she is willing to work hard and it is a good thing because we have a lot of work to do.

Our health care system is broken. We spend more than any other country on health care—more than \$2.4 trillion annually—and we don't even cover all Americans.

Forty-six million Americans lack health insurance, and another 25 million Americans are underinsured—they have some coverage but not enough to keep their medical bills manageable. That is why medical debt contributes to half of all bankruptcies—affecting about 2 million people a year.

American families are struggling to keep up with the high costs of health care. And American businesses are straining to absorb these rising costs

while trying to stay competitive at home and abroad.

The path that we are on is not sustainable. We must inform our health care system and we must do it now. Failure to address problems in the health care system will undermine our efforts to restore the economy.

We need a health care system that meets all of our needs. A high-performing health care system would guarantee all Americans affordable, quality coverage no matter their age, health status, or medical history.

Health care reform will help to stabilize our economy and it will make sure that we are prepared to handle our long-term fiscal challenges.

Congress has made a good start toward reform. But there is still a long way to go.

Last year, we in the Finance Committee started the process by holding ten different health reform hearings. We learned about the problems in our current system and started to develop solutions.

In June, along with my colleague CHUCK GRASSLEY, I hosted a day-long health care summit for the Finance Committee at the Library of Congress.

We engaged our colleagues in the process early on. In November, I released a white paper, "A Call to Action," to outline my vision for health care reform. Since then, I have been working closely with Senator GRASSLEY and the Senators on the Finance Committee. I have been working with other Senators as well, especially Senator KENNEDY and the HELP Committee, to come up with meaningful, comprehensive health reform legislation we could pass this year.

Last week, the Finance Committee held the first of three roundtables. We discussed delivery system reform. Tomorrow we are walking through some policy options. In the coming weeks, we will have two more roundtables and work through other policy options in other areas.

Senators will weigh the options. They will contribute to the process. By June, we will be ready for a Finance Committee markup. We are working together to make good progress, but Congress cannot do this alone. Congress needs a strong partner at HHS to pass comprehensive health reform.

We are developing a framework that will change how health care is delivered. But we need a first-class Secretary and team at HHS to help get reform off the ground and to make it work. I look forward to working with Governor Sebelius to make sure our bill can be implemented. I wish to make sure we send the Secretary a product that sets the rules of the game. We wish to make sure we also give the Department and agencies the flexibility they will need to play their part effectively.

It will be a long and iterative process, with a lot of back and forth. I am

pleased we will be able to get started quite soon.

Governor Sebelius is the right person for the job. She has political experience, determination, and a bipartisan work ethic to get the job done. She has been an insurance commissioner, and she knows the nuts and bolts of the health care system. She has been a Governor, so she knows how to work with Democrats and with the Republicans; that is her inclination anyway.

I have no doubt Governor Sebelius will continue to show her commitment to public service as Secretary of Health and Human Services, and the American people will benefit from her service. Let us finish the job in confirming President Obama's Cabinet. Let's place a fine public servant in office, and let's confirm Gov. Kathleen Sebelius to be Secretary of HHS.

Mr. President, I wish to yield 5 minutes to the Senator from Virginia, Mr. WARNER, for him to speak when he can get recognition. Pending that recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS.) Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius for Secretary of Health and Human Services. Mr. President, let me say at the outset how grateful all our Senate colleagues are for your leadership on the terribly important issue of health care reform.

As we think about economic recovery, I think most Members of the Senate realize there will not be true comprehensive economic recovery in this country unless we can also take on the massive challenge of reforming our health care system. The current costs of our health care system, \$2.4 trillion and rising, are costs that are not sustainable over the long term.

I applaud the President's activities in this effort and his efforts to try to bring about the kind of bipartisan consensus on health care reform the Nation so desperately needs. That is why I think it is so important that later today the Senate act rapidly in the confirmation of Gov. Kathleen Sebelius.

I have had the opportunity to get to know Governor Sebelius during my tenure as Governor of Virginia. I have worked closely with her on a range of issues, particularly issues revolving around Medicaid reform. There is no issue that confronts States across the country more than the rising cost of Medicaid.

As we take on health care reform at the Federal level, reform of Medicaid is

a critical component, and Governor Sebelius has a long record of working with other Governors all across the country, from both parties, in this important area.

As the Presiding Officer laid out, she brings a unique set of skills to the challenge: Former State legislator, former State insurance commissioner, and now a two-term Governor of Kansas. As we strive in this body to try to reach bipartisan consensus on this terribly important issue, no one brings a better record of working across the aisle to reach that bipartisan consensus than Governor Sebelius.

Governor Sebelius has a legislature that is overwhelmingly of the opposite party, but her overwhelming reelection and her ability to show tangible efforts in the area of health care reform in Kansas gives her the appropriate background to take on this challenge in the national debate.

For example, Governor Sebelius worked with her legislature and her small business community to significantly increase tax benefits to small business for healthcare; employees in this area of our economy are oftentimes left behind. Governor Sebelius recently worked with her legislature as well on a dramatic expansion of the SCHIP program, a legislative initiative that was actually introduced by the Republican legislative leadership. Again, she worked in concert with the opposite party.

As we move forward on the issue of health care reform, which I know the Presiding Officer will take the leadership on in the Senate, we need, and President Obama needs, someone who has a long-term record of building bridges between parties.

Health care reform is too important not to have this kind of consensus-building activity. Governor Sebelius has the background. Governor Sebelius has the track record in health care. I can speak, personally, that she has the temperament to work to try to bring both sides together.

I would also add, I think most of us in these last few days have not been able to pick up a newspaper or talk to our constituents back home without hearing about growing concern about the possibility of a swine flu pandemic.

This challenge has already paralyzed the country of Mexico and is one that we all are following very closely, particularly the possible rise of cases in the United States. This challenge, potentially confronts our Nation in a very dramatic way.

It is essential for the health of the Nation that President Obama has in place, and the Nation has in place, a strong Secretary of Health and Human Services to make sure our Federal efforts on this potential pandemic are ably coordinated—one more reason why it is critical this body moves quickly to confirm the nomination of

Governor Sebelius. I know we will act on this later today.

But I believe, from a personal standpoint, Kathleen Sebelius will be a great addition to President Obama and to his Cabinet and will be a great partner to you, Mr. President, and our colleagues in making sure we bring about health care reform quickly, rapidly, and properly this year.

Mr. President, I yield the floor and ask that the time of the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, over the past 8 weeks, there has been a Senator in here who has struggled with the birth of twin granddaughters born at 30 weeks, to a first-time mom, his son's wife, and went through a struggle that was near death multiple times.

But yet today, I am pleased to announce that those two baby girls are at home with their parents, thriving, thriving now, life held in the balance, brought out of that balance by modern medicine. Now they will be successful, contributing citizens, with potential that will be manifested in millions and millions of ways that we can all look forward to and accept as a natural response to our procreative abilities.

Why do I bring that up? There was not anybody in this room, and probably anybody listening, who did not smile when we talked about the potential of two new young children, two new young girls who are going to make an impact, maybe just locally, maybe just in their family, maybe nationally. But the fact is we have joy when we see that kind of outcome.

The reason I tell that story is because it fits who we are as human beings. It fits with our idea of the pursuit of life, of liberty, and of happiness. That right is guaranteed to us under the Constitution.

Kathleen Sebelius is, undoubtedly, a public servant to be honored for her years of commitment in the roles she has held. But I believe she has a drastic and fatal character flaw and it is this: She still believes that if a woman came with those twins at 30 weeks, to a doctor in Kansas, and she wanted to abort them, even though they are viable, that would be fine.

Now we are about to put someone in charge of Health and Human Services of this Nation who has this vital flaw of not recognizing the value of these two young children's lives. What does it say about where we are going to go? What does it say about the judgment

process under which we applaud her service but do not recognize this one critical flaw that says: Individuals can decide what individuals have life.

We do that collectively under the law. But we do not do it collectively and discriminately on the basis of making decisions that someone ought not to have life at the very beginning.

I believe that is a disqualifier. I believe as we embrace more and more people into leadership roles in our Government who walk away from this very basic characteristic of human existence, this very basic necessity that recognizes the value—we are not talking about a first-trimester abortion, we are talking about snuffing life from viable children.

I am also unsettled as to her beliefs under the conscience protection for health care providers. If, in fact, you think it is OK to take a 36-week child in the womb who is an inconvenience for someone and that we, as a society, can't handle that, our choice is to snuff it out, how far does it go before we require the provider community to snuff it out? There were no assurances given in her testimony that that will not happen. We have already seen the Obama administration work to look at reversing the guidelines from the last administration clarifying particularly what the providers' roles are. It says a lot about where we are as a society, about our misplaced values.

The other problem I have—it is one I have never voiced before from this Chamber—is the idea that we as politicians embrace somebody for a position because they are a politician, because they have spent years being a career politician, and that that qualifies them, the Governor of a very small State population-wise, to handle and lead on all these areas of health care. It does not recognize the complexities of the management organization at HHS, the difficulties they have in terms of carrying out their charges. It recognizes past performance in a political arena and equates that as capability in a management arena. If we continue to measure political success and confuse it with the ability to have management success, we will continue repeating the same mistakes in both Republican and Democratic administrations.

My largest worry is not in the short term, it is in the long term. What our country lacks today, what it yearns for today, what it deserves today is courageous, moral leadership, not political leadership. It is OK to have a debate about the controversies society faces. It is not OK for us to run because we are going to get hit by the press because we take a position that is different from that that is politically correct but is based on moral certitude that all life has value. Yet we run from the debate, the true Lincoln-Douglas type debates that held open the soul of

America, so we can decide not on the basis of opinion but on the basis of historical fact. The basis of historical fact is this: When societies quit valuing life, societies fail to flourish.

We have a nominee who, for whatever reason, vetoes a bill that says: If you are a doctor, you ought to explain yourself if you are going to take the life of a 26-week infant in utero. You should have to get a second opinion. You ought to demonstrate that you are doing what is in the best interest of the mother and child.

It is hard to demonstrate a best interest for a child when you turn it around in the womb, deliver it two-thirds of the way out, and then destroy it. That is a debate we ought to have. It doesn't just apply to the issue of abortion and unwanted pregnancy; it is a barometer of the soul of the Nation. We offer no excuse that can be recognized as valuable for the betterment of society when we don't have that fundamental debate.

There is a flaw, a critical defect in this nominee. If you are going to be charged with the health and services that relate to health and humans in this society, that you are confused on this issue about transparency and accountability of taking the life of an unborn child is a nonstarter with me, not because I dislike Kathleen Sebelius. She is a wonderful lady. But she lacks part of the moral clarity that is required to lead this Nation in the future and to correct where we are off course on so many issues. Her ability from the start, the first day she is sworn in, will be compromised by her position on this issue. The confidence she will require of the Members of Congress who relate to this foundational principle of liberty as an inalienable right and life as an inalienable right will undermine her from the start.

I have no doubt she will be approved today. I mark it as another signpost on the way to oblivion as a nation when we empower those who don't recognize the value of life in positions that should be guarding that very precept and foundational principle of the Republic. My hope is that the American people, who by 88 percent think this is an atrocious procedure and should never be done, no matter what parameters are put on it, will wake up and say: What are we doing? What are we doing?

For those reasons, and those reasons alone, I will vote against the nomination of Kathleen Sebelius.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. BENNETT. Mr. President, we are in the midst of a nomination discussion, and that takes place in the midst of a health care discussion. Last night, the House and Senate conferees struck an agreement on the budget resolution that will clear the way for final votes later this week, but it includes reconciliation instructions for health care and student loan forms which are quite controversial. We are told the reconciliation would not be used until after October 15, and some might find that reassuring. I am not one of those who does because if we are going to deal with the health care problem, we must recognize that it is enormously complex.

Health care spending is projected to be 17.6 percent of our GDP, which is nearly one-fifth of our economy, and a bill dealing with that is going to have to be scored by the CBO before any committee can report it out. At the moment, there is only one bill with respect to health care that has received a CBO score. It is the bill offered by Senator WYDEN and myself, along with 12 cosponsors, known as the Healthy Americans Act. It has been scored by the CBO as revenue-neutral during its first 2 years and then saving money for the Federal Government thereafter. With 12 cosponsors—a mixture of both Republicans and Democrats—it would seem to me that this would be the bill from which we begin our discussions in a truly bipartisan manner, and it would not require the straitjacket of reconciliation to make it possible for the majority to move ahead. We have a score. We have a framework. We have language. It is not perfect. Even some of the cosponsors have indicated that in its present form they might vote against it, but at least it is a place to begin. It is a place to start the conversation. We do not need the kind of enforcement of majority rights that reconciliation would give us.

To start over again fresh with a proposal from the administration would mean that a bill has to be drafted—something we have already done; the bill would have to be referred to CBO—something we have already done; CBO would have to go through the difficulties of scoring it—an enormous challenge. I don't believe they would be able to get all that done in a timely fashion. Then we would be told on the floor: Well, we have run out of time. We have to deal with health care so we are going to move to reconciliation as the way to jam the thing through in a hurry. Let's understand right here in the beginning that that kind of activity is not required.

Let's turn to Gov. Kathleen Sebelius and her role with respect to the health care debate. My normal pattern has always been to say that the President has the right to whomever he wants, and I have not voted against Presidential nominees unless I felt they were completely inappropriate or incapable of carrying out their duties.

I have respect for Governor Sebelius. I think she is a valuable and potentially productive appointment for the President, but I have reluctantly come to the conclusion that she is the wrong appointee for this particular assignment. She has backed a partisan process for health care reform. She refuses to support patient safeguards and comparative effectiveness research, and, perhaps most strongly for me, she has already endorsed a Government-run public health care plan, something I would have to vote against. I think most of my colleagues—if not all of my colleagues on the Republican side—would vote against it, not for partisan reasons but for the flat fact that it doesn't work. We have seen examples of that throughout the world, and we understand it doesn't work.

I have constituents who have relatives and friends in Canada who come to me and say: Based on our experience with our relatives and friends in Canada, we absolutely do not want a Canadian system. This is just an anecdote, but it is illustrative of the kind of thing that goes on in the Canadian system where they ration care by delay. They don't ration it by regulation, they simply ration it by delaying the ability of people to get access. As has been reported to me, if you can demonstrate as you go into the Canadian system that there is some problem related to heart disease, you get moved to the head of the line. So some of my constituents have told me that their relatives in Canada have discovered that if they go to see a doctor with a cold or with the flu or with some other problem, they always say, "And this threatens my potential for heart disease" in an effort to get ahead of the line and move forward in the Canadian system that would otherwise delay their access to a doctor. If you haven't learned that trick, you wait for 3 months, 6 months, whatever. This is the kind of Government-run public health plan Governor Sebelius has indicated that she would support.

There is also the troubling problem that she failed to disclose relevant information to the Finance Committee with respect to her taxes. We have had that happen with other Cabinet nominations, and it has become something of a cause celebre with many Americans who are following this. It has become the butt of jokes on the late-night talk shows. It is unfortunate that she has fallen a victim to that as well.

She has also been less than forthcoming with respect to her relation-

ships with some of her political donors. She had a political relationship with a doctor who was involved in partial-birth abortions and was obviously anxious to see to it that he had access to public officials who would support him in that. That is an issue which carries a great deal of influence with my constituents, and it is another one that troubles me.

So while I think Governor Sebelius might be well qualified for some other position, I do not intend to support her for this position. As we deal with health care problems, the Secretary of Health and Human Services is a key player in helping us solve this problem, and I believe she carries a little bit too much baggage for this particular assignment.

So once again we have the framework for a bipartisan solution. It can be the beginning point of the discussion. A bill has been written around it, and it has been scored by the CBO. Why don't we start with that instead of threatening reconciliation for a whole new program that might start with the administration?

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand the Senator from New York wishes to be recognized for 5 minutes, so I ask unanimous consent that I be recognized for 10 minutes following the Senator from New York.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes and that Senator GREGG be recognized following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOJOURNER TRUTH

Mrs. GILLIBRAND. Mr. President, today is a very special day for me. As a woman and a New Yorker, it thrills me that today we are honoring one of the earliest and greatest figures in the history of women's rights and civil rights: Sojourner Truth. We are placing a statue of Sojourner Truth in Statuary Hall today—the first African-American woman to have a statue in the Capitol. She will be the 12th woman depicted in works of sculpture among the 92 sculptures of our male leaders. From this day forward, Sojourner Truth's groundbreaking work advancing the basic rights of women will be given its due prominence beside so many other great Americans in the seat of our democracy.

Sojourner Truth was born Isabella Baumfree as a slave in 1797 who never learned to read or write, yet became an all-important messenger for truth and

equality. Although beaten and branded, she responded with dignity and faith rather than hatred and violence. Her views were shaped not only by her personal hardships—enslavement, daily beatings, grueling work, and seeing her 13 children kidnapped and sold away—but also from an innate understanding that equality is an inalienable American right and should not be ascribed based on gender or color.

Once freed from bondage in 1817, she changed her name to Sojourner Truth, telling her friends that the spirit had called her to speak the truth for justice. She then traveled our Nation speaking honest words about the shortcomings of the American dream—the stain that slavery and injustice imposed on America's life and laws and noting for all to see where the reality failed to reflect the noble tenets of our Founding Fathers. She dedicated her life, indeed, she risked her freedom, to oppose the trappings of injustice and prejudice.

Despite being born into slavery, stripped of any legal standing, protection, or property, and denied any access to education, Sojourner Truth understood that freedom and equality are fundamental rights. Embracing our greatest traditions and arguing with simple passion that neither gender nor color could overpower justice, she demonstrated a courage and a conviction that compels us to act today, almost 125 years after her death.

Sojourner Truth raised her voice without a chorus of women behind her. Most abolitionists questioned her determination to link women's rights with the abolition of slavery. She rejected their concerns, asking them the direct question they couldn't avoid: "And ain't I a woman?" With those few words, she refused to parse justice. With those few words, she forced audiences past and present to recognize that human dignity and respect are part and parcel of who we are as Americans—male or female, African-American or Caucasian, educated or not. Sojourner Truth represents the courage that the American ideal imparts and calls all of us to action.

As we honor this bold, daring New Yorker today, I am also proud that New York has time and time again helped to foster those who have chosen to carry on her fight. Today, I can think of at least two others committed to justice who, though from very different backgrounds, continually risk themselves for justice and human rights.

The battles fought by Sojourner Truth were not left only as lessons of history, but they stood as a beacon of hope for the next generation to carry the torch one mile further. One of the next in our history to carry on the cause for equal justice was Eleanor Roosevelt.

Eleanor Roosevelt could have been content with a life defined by privilege

and limited education. But like Sojourner Truth, she travelled the nation and indeed the world to fight for equality and human rights. Like Sojourner Truth, Eleanor Roosevelt raised her voice to attack segregation and gender bias. Like Sojourner Truth, she risked her life to practice what she preached and to hold us accountable when we wanted to turn our back on justice and American ideals. Like Sojourner Truth, Eleanor Roosevelt told us that we "must hazard all we have" to make the American dream real. She told us that employment, housing, education, health care policies that favored the privileged undermined us all, that women had a critical role and responsibility, and encouraged women to run for office, to organize, to get out the vote, and to reach across party, gender, and racial lines to get the work done.

Eleanor Roosevelt took this same determination with her to the United Nations where, like Sojourner Truth, she used strength and grace to advance the recognition of equal rights. Embracing her responsibility as the only woman on the American delegation and one of the few women delegates to the General Assembly, she played an instrumental role in drafting the Universal Declaration of Human Rights in 1948, especially the concept as stated in article 1, that "all human beings are born free and equal."

Just as Sojourner Truth had done in a century before and Eleanor Roosevelt had done decades earlier, the cause was enlisted by another great woman. Recognizing that equality had not yet been achieved, Hillary Clinton stood and fought for the rights of women. As first lady, Hillary Clinton understood the political costs of speaking out forthrightly for women's rights and human rights. Yet like Sojourner Truth and Eleanor Roosevelt before her, she would not ignore the rights and needs of women despite the possible diplomatic repercussions.

She travelled to China in 1995 and stood before the world to oppose injustice and to proclaim that "once and for all, women's rights are human rights and human rights are women's rights."

How Sojourner Truth must have relished that moment. From Akron, OH, Beijing, China—from newspapers to the Internet and C-SPAN—their message spanned the globe.

Hillary Clinton played an instrumental role in the dedication we celebrate today. Hillary Clinton and SHEILA JACKSON-LEE were inspired by the efforts of Dr. C. Delores Tucker, former chair of the National Congress of Black Women, to formally recognize Sojourner Truth in the U.S. Capitol. They felt that the unfinished portion of the monument to suffragists was surely intended to hold the image of Sojourner Truth. After long consideration, it was determined to carve a unique place for Sojourner Truth—appropriately so as the first statue in Emancipation Hall.

And now it stands erect in the Capitol Visitors Center for all to see. As the Senator from their home state, I am so grateful to be here today to honor Sojourner Truth. Her courage and her vision are timeless and bold and brave—Her statue will be a constant reminder that our rights must never be taken for granted and that with these rights come the responsibility to enforce them.

To honor Sojourner Truth and all women before us, we continue that struggle as there is still much to do. Today the fight is for equal pay and recognition in the workplace. Even in 2009, for every dollar a man earns, a woman makes just 78 cents. And the disparity is even worse for women of color, with Latino women earning only 53 cents and African-American women earning 62 cents on the dollar. Working women and their families stand to lose \$250,000 over the course of their career because of pay inequity. It is unacceptable, and it needs to change. The Pay-check Fairness Act introduced by then-Senator Hillary Clinton and Rep. ROSA DELAUNO is an important step towards that goal. I proudly join in helping carry Secretary Clinton's work towards equality here in the Senate.

These steps towards equality for all are our duty. As Eleanor Roosevelt often said, "we are all on trial to show what democracy means." We have made such important strides, but we still have a long way to go.

THE PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from New Hampshire is recognized.

THE BUDGET

Mr. GREGG. Mr. President, I rise to speak about the soon to be pending issue of the budget. We are told that the Democratic membership of the House and Senate reached agreement last night on the budget proposal. They didn't seek our advice or counsel on it. It is pretty much the outline of the budget as requested by the President.

There has been a lot of discussion about whether the President inherited a terrible situation. I think he did, from a fiscal standpoint. He has had difficult issues to confront relative to stabilizing our financial industry and trying to get the economy going and addressing the issues which most Americans are concerned about, which is their jobs, the value of their homes, the ability to pay their bills, and to send their kids to college.

What the President inherited is important, but what he is bequeathing to the next generation is even more important. This budget he proposed is an outline of where he sees the Government going and where he sees this Nation going.

Regrettably, the budget as proposed by the President, which has been worked on here by the Senate Democrats and the House Democrats, puts forward a picture that basically almost

guarantees our children will be inheriting a nation with a government that is unsustainable. The President's budget proposed a trillion dollars of deficit, on average, for the next 10 years. That is a number that is hard to comprehend. But to try to put it into perspective, the effect of that number is that the debt of the United States will double in 5 years and triple in 10 years. If you want to put it in another perspective, take all the debt created since the founding of our Nation, from George Washington through George W. Bush—all that debt that has been added to the backs of the Nation's people—and President Obama's budget doubles that debt in 4 years, which is a staggering event.

The implications are pretty dramatic for the next generation. The public debt of the United States will go to 80 percent of GDP fairly quickly under this proposal. The historic public debt of this country has been 40 percent of GDP. That means the amount of debt out there in relation to the size of the economy will have doubled.

That has dramatic ramifications. For example, at that level of public debt through the economic activity in our country, we as a nation would not be allowed to enter the European Union because we wouldn't meet their standard for fiscal responsibility. Countries such as Latvia, Lithuania, and Ukraine, which all have very serious issues, might qualify for the European Union, but we would not because of the fact that our debt was so high as a percentage of our economy. It means our people, who have to pay that debt, will have to pay an inordinate amount of taxes in one of two ways to pay that debt off. Either they will have to pay more taxes because the Federal Government will inflate the money supply in order to pay off this debt, which is the worst tax there is—inflation—because it takes away the savings of all of the American people or you will have to significantly increase taxes on every American, not just the high-income Americans, as was represented by this President that he wants to do, and the Democratic Congress and Senate said they want to do; all taxes will have to go up astronomically in order to pay for the debt.

What is driving this massive expansion of debt our children and we are going to have to pay as a result of this budget that is proposed by the President? Well, it is spending. Very simply, it is spending. The President proposed, and the Democratic Congress will bring forward, a budget that significantly increases the spending of the Federal Government. Historically, the spending of the Government has been about 20 percent of the GDP. Under this budget, it goes to 22 percent, 23 percent, 24 percent, 25 percent—it gets up to levels that have never been seen, except during the time of World War II. They are

unsustainable levels of spending. It is being done with a pure purpose, which is, I guess, to Europeanize the American economy and the American Government, to basically have the Government become the largest and most significant player in our economy and to dominate all aspects of our economy because of its size.

The President is very forthright about this. He says he believes that by growing the Government significantly, he can create more prosperity. Those on our side of the aisle disagree with that. We believe a government has to be affordable for a nation to have prosperity. We also think prosperity doesn't come from the Government, it comes from individuals who are willing to take risks and go out and create jobs by taking those risks. This is a fundamental disagreement. This budget lays that out precisely.

We are going to hear from the other side of the aisle the most disingenuous discussions about how they have been much more responsible on the budget, while they claim they are doing exactly what the President is doing in his budget. The reason they make that statement is because they cook the books. At least the President was forthright and he came forward with a budget—except in the area of defense—which set forth in a reasonably honest way what the costs to the Government were going to be and, as a result, it reflected the fact that because of his huge commitment in new spending programs, the cost of Government was going to be extraordinary, and the amount of debt that was going to be added to the books of the Government and the backs of the American people was going to be untenable and unsustainable.

The other side of the aisle, I guess because they recognize they are going to be up for election before the President, doesn't want to have those numbers out there. So they have gone back and played a lot of games with the numbers the President sent up. For example, the President honestly represented the fact that we are not going to get revenues from the alternative minimum tax, because every year we basically limit the amount of applicability of the AMT. But the baseline reflects a huge income of the AMT. It says 20 million people are going to pay it. But we are not going to allow that to happen, because it wasn't designed to affect 20 million people but the top income producers in this country—probably less than a million people. So every year we basically change the law so that for that year the AMT doesn't apply. The President was forthright and said I know that will happen and I am not going to account for this revenue that never comes in. So he scored the AMT fairly. The other side of the aisle games that number.

In the area of the doctors' fix, every year we know we are going to have to

pay doctors a reasonable amount for their services under Medicare. Unfortunately, we have a law in place that keeps cutting that amount. This year it will be cut almost 20 percent over the baseline, in an arbitrary and foolish way. We should fix this permanently, but we don't have the courage to do it because of the effects on the budget. So we have used all sorts of gimmicks over the years—and everybody admits to this—so that we didn't have to fix that over a long period of time and correct that problem, even though we know every year we are going to adjust and make that payment to doctors.

Well, the President was forthright and he said, listen, that is not fair, honest accounting. We are going to tell you exactly what the doctors' fix costs, and we are going to account for it in the budget.

What does the other side of the aisle do? They hide that number again. They go back to the old rules. Those two items alone represent \$100 billion of annual spending, which is being put under the rug. The President was honest enough to talk about it, but this Democratic Congress and Senate, in an attempt to obfuscate the issue for the American people, because they don't want to tell the people how much money they are spending, they stick that \$100 billion under the rug.

Then there is the health care reform. At least the President—even though I disagree with some of his philosophies, and I hope we can have a bipartisan approach, and I support the Wyden-Bennett bill floating around this Congress—at least the President, in proposing his health care reform, said he was going to account for paying for half of it—\$600 billion he put into the budget to pay for his health care reform. He acknowledges that is about half the cost of a \$1.2 trillion program over the time of his budget.

What does the other side of the aisle do when they bring this budget forward? They don't account for any of it—none of it. It disappears off the books. Not only is the \$1.2 trillion not there, the \$600 billion is not there. How outrageous, to claim they are going to bring the deficit down to 3 percent of GDP in 2014, when they have basically hidden under the rug the AMT cost, the doctors' fix cost, and the most significant fiscal issue, health care reform. It is so disingenuous, it is almost unbelievable. But they are going to do that, and I suspect it won't be covered in any depth. To claim they are going to cut the deficit in half, which is a classic example of language over substance, will be the mantra of the day. They say they are going to cut the deficit in half. They claim they are going to cut it by 75 percent, because they are going to take a \$1.8 trillion deficit and allegedly cut it to \$550 billion in 4 years.

Let me point out to you that \$550 billion is too big. It is like saying we are

going to take six steps backward and two steps forward and claim we are moving in the right direction. Of course they are not. Equally important, the \$500 billion number is a total fraud. It is a fraud on the American people brought forward in this budget.

Please, please, please do not subject the American people to this sort of disingenuousness. At least have the integrity the President had when he presented the budget of accounting for what we know are real numbers, such as AMT, the doctors fix, and the health care reform initiative proposed by the President and supported by the other side of the aisle.

That is the substantive problem with this budget; that it creates all this debt, all this spending. It takes the Government of the United States and lurches it to the left. It Europeanizes our Nation, for all intents and purposes, and passes on to our kids a government that is not sustainable.

It is ironic that we hear from the Budget chairmen, both in the Senate and the House, that the outyear numbers are unsustainable under this budget. The outyears are so unsustainable under their budget that they eliminated the last 5 years of the budget. The President sent up a 10-year budget to have some integrity around here. The other side of the aisle said: My goodness, we can't tell the American people what is going to happen to them over the second 5 years. It is bad enough what we are going to do to them in the first 5 years. We are going to eliminate the second 5 years and do a 5-year budget and not tell them about the second 5 years.

Both Democratic chairmen of both committees in the House and Senate have said we are on an unsustainable path. What do they do about the unsustainable path? They hide the numbers under the table, they do not admit to the spending, they allow the spending to go up radically, and there is absolutely zero—zero—savings on the spending side of the ledger, especially in the entitlement accounts which is at the core of what is driving the outyear problem.

Ironically, a couple of the ideas the President sent up to save money were dropped, simply dropped. For example, he proposed some savings in the agriculture accounts which were very reasonable. They disappeared. He proposed some savings in the Medicare accounts which were very reasonable. They disappeared. But that is a minor story compared to the trillions of dollars of new debt that is going to be put on the backs of our children.

By the time this budget has run its course, it will have added well over \$9 trillion, under the President's calculations, to the debt of the United States. Who is going to pay that? Who is going to pay that? First off, who is going to lend us the money? At some point, the

countries that are lending us this money, the international community that looks to us and lends us money so we can run these massive deficits, is going to say: Why? Hold it. We don't know if they can pay off all this debt. At that point, the value of the dollar is at risk. At that point, the ability of us to sell debt is at risk. At that point, our Nation starts a downward fiscal spiral which will be extraordinarily disruptive and dangerous for us as a nation. This is not a good path to be on.

There are also a couple technical points that should be pointed out because they are procedural points that have massive policy implications. First, of course, is this really pyrrhic claim they are using pay-go as a disciplining mechanism. How many times have we heard that pay-go is going to be used to discipline spending. My goodness, in the last Congress, which was dominated by the Democratic Party, if I recall correctly, the House and Senate both being democratically led, pay-go, which was supposed to discipline the fiscal process around here, was waived almost 20 times—either waived, avoided or circumvented almost 20 times. Those exercises cost us almost \$400 billion in spending that should have been offset. So pay-go became “Swiss cheese-go.” It had no value and was a worthless purpose, other than to make a political speech and claim on the stump: Oh, I am for fiscal discipline. I am for pay-go. Of course, when you voted in the Senate over the last 2 years, if you made that speech and up for reelection and you were a Democrat, you basically waived pay-go, circumvented pay-go or avoided pay-go to the tune of \$400 billion in new spending.

Now we have the House Blue Dogs saying: We are going to get tough pay-go language back in place. I have to explain something to the House Blue Dogs: They didn't get it. They didn't give it to you. The budget that is going to come to the floor of this Senate is going to have structural changes which allow pay-go to be avoided for up to \$2.5 trillion, at least that is what the House budget had in it, and the Senate budget was pretty close. Mr. President, \$2.5 trillion will circumvent pay-go.

The most egregious exercise will be in the health care area, where they have formally ended pay-go's applicability during the first 5-year window. They basically say openly: We are not going to comply with pay-go on health care.

Health care is going to be the single biggest fiscal event this Congress has probably taken up in the last 20 years, maybe 30 years, maybe 40 years, maybe ever. Restructuring the health care of this country is a pretty doggone big exercise since it represents 17 percent of our economy. To say they are not going to apply pay-go to that exercise,

to that effort, to that undertaking is to drive a hole through the pay-go concept that is so big it becomes not “Swiss cheese-go” but a great big, huge onion ring; there is basically nothing left but air in pay-go.

When the Blue Dogs on the other side of the aisle start marching around: We have pay-go, we have pay-go, somebody ought to point out to them that their banner does not have a flag on it. Pay-go was taken down under health care rules and under the rest of this bill. It may make for a good press release, but it sure as heck doesn't have any substance to it.

The second procedural event, of course, is this issue of reconciliation, which is a major issue for us on our side of the aisle, and it should be for the Senate. When the Senate was constructed, when our constitutional form of Government was put together, the idea was to have balance so we had a House of Representatives where things might happen quickly, but when it got to the Senate, there would be an airing, a hearing, consideration, and there would be due diligence on issues. That is why it was George Washington who described the House as the cup with the hot coffee in it and the Senate as the saucer into which the hot coffee is poured so it can be cooled down a little bit.

The Senate is institutionally and constitutionally structured to be the place where we have debate, we have discussion, and we have amendments. That is the whole concept behind the Senate, especially on issues of massive public policy implications, and there is probably nothing we are going to take up on the domestic side of the ledger that has a bigger public policy implication than the rewriting of our entire health care system.

Yet what is being proposed is that this rewrite of the entire health care system be done in a way that allows the Senate only 20 hours of debate, with essentially no amendments and with an up-or-down vote, yes or no, on something that affects 17 percent of the gross national product of this country, that affects every American in every walk of life in a very significant way, and that is how is their health care system delivered.

Why wouldn't we want to have a full and clear, hopefully, and significant discussion of what we are doing to the American public and what the policy implications of health care reform are on the floor of the Senate? If we are going to get a good piece of legislation, we are going to have to have bipartisanship and going to have to have the American people believe it is fair. You cannot pass something as significant as health care and do it in a crammed-down manner, in a manner where it is totally partisan. Yet reconciliation is structured to accomplish just that.

You have to have every stakeholder at the table. Granted, we are not going

to win all our points, but we may have some points that are constructive to the debate. Let us at least be at the table and make those points on the floor of the Senate through the amendment process. Don't shut this Senate down and don't make us into the House of Representatives and don't essentially convert our constitutional form of Government, which is checks and balances, into a parliamentary form of Government, where there are essentially no checks and balances on the majority once it has an overwhelming position. That is what is being proposed in the bill when it pushes reconciliation as an option for the majority party in the area of health care reform. It is unfortunate.

I appreciate the courtesy of the Chair.

I ask unanimous consent that all quorum calls during debate on the Sebelius nomination be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. MERKLEY. I thank the Chair.

(The remarks of Mr. MERKLEY pertaining to the introduction of S. 911 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. MERKLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, what is the order of business? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering the Sebelius nomination.

Mr. BUNNING. Mr. President, I have a statement that will take about 15 minutes on Governor Sebelius.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUNNING. Mr. President, I want to say a few words about the nomination of Governor Kathleen Sebelius to serve as our next Secretary of the Department of Health and Human Services. I will not be able to support Governor Sebelius's nomination to this position and will be voting no. I wish to

take a few minutes to explain my opposition to her confirmation.

First, I have always been pro life. I believe that life begins at conception and that every life is precious. I believe that we, as a society, have a responsibility to protect those who cannot protect themselves and speak for those who cannot speak for themselves. That is why I am so strongly opposed to abortion. Abortion kills the most fragile, most vulnerable, and most needy among us. These children cannot defend themselves, so they desperately need us to protect them.

To me, abortion is about whether defenseless babies have a right to live. The answer, clearly, is, yes, they do. I don't understand how people can come away with any other conclusion than that one. Unfortunately, too many people do. According to the National Right to Life, there have been more than 49 million abortions in the United States since 1973, with about 1.2 million in 2005, the year they have the most recent data. These numbers are staggering and saddening.

I cannot support the nomination of someone to be the leader of our Health and Human Services Department who does not respect human life. That is why I will be voting against Governor Sebelius. Her record as Governor of Kansas on abortion issues is dismal. She has vetoed multiple pieces of legislation passed by the Kansas legislature dealing with abortion, including bills in 2003, 2005, 2006, and 2008. In fact, last week she vetoed yet another bill.

These were commonsense bills that I think most Americans could agree with, such as creating standards for abortion clinics that require clean and sterilized rooms and equipment, counseling before and after abortion, and medical screening for patients. Several of the bills dealt with changes to the Kansas late-term abortion laws, including one vetoed last week. That bill required certain information to be reported to the State when doctors perform late-term abortions, including the specific medical reason the abortion was performed. Another bill would have given women about to undergo an abortion the opportunity to listen to the baby's heartbeat and see an ultrasound of their child, along with several other provisions. Governor Sebelius vetoed all of these bills.

I am also greatly concerned about Governor Sebelius's relationship with Dr. George Tiller, an abortion doctor from Wichita, who specializes in late-term abortion. On Dr. Tiller's Web site he says that his clinic has "more experience in late-term abortion services over 24 weeks than anyone else practicing in the Western Hemisphere, Europe, or Australia." This is not something to be proud of.

I know that pro-abortion supporters like to make the argument that unborn babies are a clump of cells and not yet

a human being. They couldn't be more wrong. These unborn babies are developing, growing, can feel pain, and certainly have the will to live. Let me briefly give a description of the development milestones that babies reach as they grow to 24 weeks. This is according to the Mayo Clinic's Web site—the Mayo Clinic: At 5 weeks, the heart begins to beat. At 8 weeks, eyelids are forming, along with the ears, upper nose, fingers, lips, and toes. At 9 weeks, the baby begins to move. At 12 weeks, fingernails and toenails are forming. At 16 weeks, the baby's eyes are sensitive to light. At 18 weeks, the ears start working and the baby can be even startled by loud noises. At 19 weeks, the kidneys are working. At 20 weeks, most mothers can feel their babies move. At 22 weeks, taste buds are forming. At 23 weeks, the baby begins to practice breathing so she will be ready once she is born. At 24 weeks, the baby weighs about a pound and a half, has footprints, and fingerprints, and starts to have regular waking and sleep cycles.

The Web site says that babies formed at 24 weeks have a 50 percent chance of survival. And this is where Dr. Tiller steps in and aborts the baby. How can you hear these development milestones and believe these babies are expendable; that these babies' lives are less important than someone else or that they simply can be killed and thrown away?

Think of the difference between two babies at 24 weeks—one is wanted, one is not. For the child born early, whose parents love and want her, she would be rushed to a neonatal intensive care unit after delivery, where she would be given round-the-clock intensive medical care until she was big and strong enough to go home. Every day in this country, premature babies cling to life and fight for survival. I think most of the parents of premature babies would tell you that their child's will to live is courageous and inspiring.

For the poor babies who have parents who choose to abort them, their life is about to end. According to Planned Parenthood, a procedure called dilation and evacuation—or D and E—is generally performed in pregnancies over 16 weeks. Let me read how the National Right to Life organization describes this procedure:

Forceps with sharp metal jaws are used to grasp parts of the developing baby, which are then twisted and torn away. This continues until the entire baby is removed from the womb. Because the baby's skull has often hardened to bone by this time, the skull must sometimes be compressed or crushed to facilitate removal.

That is disgusting, and anyone who tries to justify it should be ashamed. Abortion and the callous disregard for human life in this country is a real tragedy. George Tiller's work greatly concerns me. Governor Sebelius's ties to George Tiller greatly concern me.

The late-term abortion doctor has donated tens of thousands of dollars to Governor Sebelius, and she has even honored him at the Governor's mansion in Kansas.

Governor Sebelius hasn't always been upfront about their relationship as well. In answering questions before the Finance Committee, Governor Sebelius originally said that Tiller had donated about \$12,000 to her. A few days later, she had to go back to revise that amount because somewhere an additional \$23,000 in donations from the abortion doctor had been overlooked and not accounted for. While she said this was an inadvertent omission, it seems to me that you would remember that sum of money from one of your most controversial donors.

I certainly realize that President Obama would not nominate someone to be Secretary of the Department of Health and Human Services who is pro life. However, Governor Sebelius's record on right-to-life issues along with her ties to the late-term abortion Dr. Tiller cannot be overlooked. The leader of the Department of Health and Human Services should be balanced and reasonable. There is nothing in Governor Sebelius's record that makes me think she is either when it comes to protecting the life of the unborn.

The second major reason I am opposing this nomination is that I don't believe Governor Sebelius has the experience to be Secretary of the Department of Health and Human Services. HHS is an enormous bureaucracy, responsible for everything from the Medicare Program to the National Institutes of Health, to the Food and Drug Administration. The Department has 11 operating divisions, over 64,000 employees, and a budget of \$707 billion. According to HHS's Web site, it allocates more grant dollars than all of the other agencies combined. This is a tremendous responsibility, and the Department needs someone with hands-on experience.

As Governor of Kansas, she appointed someone to run their health and human services department and was not directly responsible for the day-to-day operation. As Congress considers major health care reform legislation this year, we need someone with extensive experience in setting health policy for the entire country.

I fundamentally disagree with Governor Sebelius on life issues, and I do not believe she has the experience to lead such a large department. I will be voting no on her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius to be Secretary of HHS. I do so enthusiastically. I do so as a personal friend of Kathleen's. I do so as a fellow public

servant who has observed her considerable public service to her State of Kansas and to the people of this country.

A dozen years ago—a little more; it was actually about 14 years ago—she was elected, unusually, as a Democrat in Republican Kansas, to a statewide office known as insurance commissioner. It is a little-known and thankless job but one that has traditionally been under the thumb of the insurance industry. She came out of the Kansas Legislature, so she had a good schooling in the art of political craft. Indeed, that started long before she ever entered the Kansas Legislature because her dad was the Governor of Ohio. So it is in her genes. Her father-in-law was the longtime Republican Congressman from Kansas. In that very Republican State, they elected a Democrat as the insurance commissioner. It was not a close election, but it was one in which, once she was installed as insurance commissioner, she started showing people who was boss. The elected representative of the people of Kansas was going to administer the laws with regard to the protection of consumers, which is the purpose of having an insurance advocate for the people.

Only a few States continue to elect their insurance commissioner. It is known as the office of the revolving door since most of the insurance commissioners are appointed. The revolving door starts with the insurance industry having a representative who is appointed by the appointing authority, usually the Governor, because someone who is knowledgeable about insurance has to be insurance commissioner. But, indeed, the door continues to revolve, and the average time of service for an appointed insurance commissioner is less than 1 year. As a result, as you watch the door revolve, they come in from the insurance industry, become the top regulator of the insurance industry, and on the average, in less than a year, the door revolves and they are out the door and they are back in the very industry from whence they came. That is not the smartest way to have an insurance regulator.

Kathleen Sebelius defied that model. As the elected insurance commissioner of Kansas, she stood up for consumer rights and she cracked the whip to get the insurance companies to offer this product that has now become a necessity, not a luxury. Why? You can't drive a car without insurance. You can't own a home, if you have a mortgage, without insurance. You better have some life insurance if you are planning for your family.

By the way, we have not even talked about health insurance. A huge percentage, well over a majority of the people in this country, get their health insurance through their employer. As we approach the issue of health care reform, what to do about insurance is going to be front and center, and Gov-

ernor Sebelius is uniquely qualified to address this issue. We have 47 million people in this country who do not have health insurance, but they get health care. Where do they get health care? They get it from the most expensive place, which is the emergency room, and they get it at the most expensive time, which is when their symptoms have turned into a full, raging emergency. Therefore, because they did not have health insurance, they were not seeing a doctor for preventive care, and all of this additional cost, plus the additional costs of being treated in an emergency room—guess who pays. All of us pick up that tab. That, additionally, is plowed back into the costs we pay for health care, in large part through the insurance premiums we pay.

Governor Sebelius is someone who has been there, she has done that. She knows how this insurance system operates. She knows the parameters in which you have to offer health insurance to people in order to make it work. She understands the financing behind it. She is uniquely qualified for this position of Secretary of HHS.

Since I have the privilege of being a personal friend, I have known her over these 14 years in our capacities as elected insurance commissioners, she from Kansas and me from Florida, and then as I have continued to see her in her public service, then having gone from insurance commissioner to Governor, she comes at a time when this Nation is begging for health care reform. The President has chosen Kathleen in this exceptionally important position to not only use her skills as a former regulator where she can crack the whip but to use her skills as a person who can bring people together, who can reconcile, who can build consensus—which she has honed over the years and I suspect honed those skills at the knee of her father as she was growing up. She honed those skills as a public servant—as a legislator, as an elected statewide official, as the Governor, and now she will be the right person at the right time whom this Nation needs—a very good Secretary of Health and Human Services.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. The Senate will resume consideration of S. 386, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

Mr. DURBIN. Mr. President, we have on the Senate floor a piece of legislation that has broad bipartisan support and that addresses an urgent national need.

Our country has seen a wave of white-collar fraud that has undermined the financial and housing markets and shaken our entire economy.

In recent years, there simply haven't been enough cops on the beat in the mortgage and financial markets. After 9/11, the Department of Justice, the FBI, and other agencies shifted their attention away from financial fraud investigations to focus on other important concerns. At the same time, we saw financial deregulation, the boom in subprime and exotic mortgages, and the evolution of mortgage-backed securitized instruments. These developments created a wealth of opportunities for fraudsters to rip off hard-working Americans.

We know now that there is a wave of fraud sweeping the country. The Treasury Department is receiving 5,000 mortgage fraud allegations per month. The FBI now has more than 530 open corporate fraud investigations, and FBI officials report that their fraud caseload is growing exponentially. And Americans have been stunned by recent revelations of massive Ponzi schemes and the manipulation of financial markets. It is simply unacceptable for this Congress to stand idly by and watch these fraudsters rip off the American people. We need to act. And we have a bill on the floor of the Senate right now that would take strong and effective steps to catch the perpetrators of these frauds and protect the taxpayers.

The Fraud Enforcement and Recovery Act, sponsored by the chairman of the Judiciary Committee, Senator LEAHY, and the ranking member of the Finance Committee, Senator GRASSLEY, is carefully crafted and widely supported on both sides of the aisle.

The bill makes important improvements to the criminal fraud statutes. These provisions will strengthen prosecutors' ability to combat fraud in the mortgage and financial markets. The bill also puts more cops on the beat in the financial markets. It authorizes the hiring of hundreds of FBI and SEC investigators to focus on mortgage and financial fraud. It provides \$100 million for new white-collar prosecutors in U.S. attorney offices, and it bolsters the resources of the Criminal, Civil and

Tax Divisions of the Department of Justice.

These investments in enforcement are likely to pay off in more ways than just catching criminals. They will lead to increased restitution payments, criminal and civil fines, and monetary recoveries for victims and taxpayers. The Justice Department estimates that for every dollar spent to prosecute fraud at the Criminal Division, more than \$20 is ordered in restitution and fines for victims and the government. So this bill will pay for itself and then some.

The legislation also includes a key provision from a bill that Senator GRASSLEY and I introduced earlier this year to update the Federal False Claims Act. The False Claims Act is known as Lincoln's Law. It was signed by President Lincoln in 1863, and since then it has enabled the Federal Government and whistleblowers to work together to prevent waste, fraud, and abuse of Government funds. The False Claims Act has been a powerful anti-fraud tool. Since 1986, the Federal Government and whistleblowers have recovered over \$22 billion in monies that were fraudulently taken from Government programs. The bill before us corrects several court decisions that have misinterpreted the False Claims Act and limited its scope. This legislation will help keep Lincoln's Law strong for the 21st century.

I am proud to cosponsor the anti-fraud legislation we are considering. It is going to pass this body by a wide margin, and it is going to help the American people. But it has been held up by a small number of Senators from across the aisle. These Senators have delayed a vote on final passage of this bill, because they want to offer amendments that have nothing to do with the bill. Why are these Senators standing in the way of legislation that will fight fraud in our markets and curb waste in Government programs? I can't understand it, and I don't think the American people can understand it.

These Senators should be cosponsoring this legislation, not blocking it. Are these Senators aware of the mortgage rescue scams that are catching more and more Americans every day? Do they know that con artists are out there right now promising that they can help families who are facing foreclosure save their homes—all for a supposedly small upfront fee? Desperate homeowners are tricked into paying these con artists, who then skip town and leave the family worse off than before. Are these Senators aware of the financial scams being perpetrated on senior citizens and military families? What about the investors who have lost their life savings to Ponzi schemes and market manipulators? Shouldn't we put more cops on the beat to catch these crooks? Shouldn't we bolster our enforcement agencies so they can pro-

secute these cases and get restitution for the victims? I think we should.

The Fraud Enforcement and Recovery Act takes important steps to help law enforcement agencies investigate and prosecute the financial fraud that has surged in recent years. It will also deter those who might commit fraud in the future. This measure will help restore confidence in our economy and restore millions of dollars in ill-gotten gains to victims and taxpayers.

I hope we can vote quickly on final passage of this bill. America needs it, and we need to pass it.

Mr. LEAHY. Mr. President, today we finally come to a vote on final passage of the bipartisan Fraud Enforcement and Recovery Act of 2009, S. 386. It has taken longer to arrive at this point than it should have, and we have had to consider too many extraneous issues that would have been better suited for another debate. We nonetheless stand ready to make real progress. This bill is a step toward holding accountable those who have caused so much damage to our economy. It should help protect our economic recovery efforts from the scourge of fraud.

Our bill will strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard-working people in this country. These frauds have robbed people of their savings, their retirement accounts, their college funds for their children, their equity, and costs too many their homes. These are serious matters that should not be delayed. The bill will help provide the resources and legal tools needed to police and deter fraud and to protect taxpayer-funded economic recovery efforts now being implemented.

I end as I began by commending Senator GRASSLEY, our lead cosponsor, for his leadership in helping to write this legislation and to manage it on the floor. He has once again proven his dedication to protecting taxpayer funds by deterring, investigating, and prosecuting fraud.

I thank our many cosponsors for their steadfast support for this effort. Senators KAUFMAN and KLOBUCHAR have worked particularly hard to ensure that this important fraud enforcement bill becomes law, and I thank them for their efforts. Senator KAUFMAN has spoken and written about the need for fraud enforcement all year. Senator KLOBUCHAR, a former prosecutor as I am, understands how important it is to have sufficient resources on the ground committed to deterring and discovering these devastating crimes. We have been joined by a growing bipartisan group of cosponsors that now stands at 27.

And I thank the majority leader and our underappreciated cloakroom and floor staff for all that they have done

to bring us to this moment. The majority leader had to file for cloture to even proceed to this bipartisan fraud enforcement bill last week, and then had to file a second cloture petition late Thursday night when Republicans would not agree to a finite list of amendments to be considered in order to complete action on the bill. A matter like this should not require one cloture vote, let alone two. A matter like that that is designed to help law enforcement and protect the savings of Americans should be acted upon by the Senate without partisanship, delay, and obstruction.

Mortgage fraud has reached near epidemic levels in this country. Reports of mortgage fraud are up 682 percent over the past 5 years and more than 2800 percent in the past decade. And massive, new corporate frauds, like the \$65 billion dollar Ponzi scheme perpetrated by Bernard Madoff, are being uncovered as the economy has turned worse, exposing many investors to massive losses. We can now finally take action to better protect the victims of these frauds. These victims include homeowners who have been fleeced by unscrupulous mortgage brokers who promise to help them, only to leave them unable to keep their homes and in even further debt than before. They include retirees who have lost their life savings in stock scams and Ponzi schemes, which have come to light as the markets have fallen and corporations have collapsed. They also include American taxpayers who have invested billions of dollars to restore our economy and who expect us to protect that investment and make sure those funds are not exploited by fraud.

Federal law enforcement needs this legislation now to combat fraud effectively. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation, FBI, has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At the current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations referred by the Treasury Department each month.

In the late 1980s and early 1990s, Congress responded to the collapse of the federally insured savings and loan industry by passing legislation similar to the bill we consider today, to hire prosecutors and agents. While the current financial crisis dwarfs in scale to the savings and loan collapse, we are poised to once again take decisive action.

At its core, the Fraud Enforcement and Recovery Act authorizes the resources necessary for the Justice Department, the FBI, and other investigative agencies to respond to this crisis. In total, the bill authorizes \$245 million a year over the next 2 years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our Nation's white collar fraud enforcement efforts. While the number of fraud cases is now skyrocketing, we need to remember that resources were shifted away from fraud investigations after 9/11. Today, the ranks of fraud investigators and prosecutors are drastically understocked, and thousands of fraud allegations are going unexamined each month. We need to restore our capacity to fight fraud in these hard economic times, and this bill will do that.

Fraud enforcement is an excellent investment for the American taxpayer. According to recent data provided by the Justice Department, the Government recovers more than \$20 dollars for every dollar spent on criminal fraud litigation. Strengthening criminal and civil fraud enforcement is a sound investment, and this legislation will not only pay for itself but will bring in money for the Federal Government.

In addition, the Fraud Enforcement and Recovery Act makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. It also strengthens one of the most potent civil tools we have for rooting out fraud in Government—the False Claims Act. The Federal Government has recovered more than \$22 billion using the False Claims Act since it was modernized through the work of Senator GRASSLEY in 1986, but this bill will make the statute still more effective.

The Fraud Enforcement and Recovery Act has broad bipartisan support, as well as the strong backing of the Justice Department and the Obama administration. As explained in the Statement of Administration Policy: "The Administration strongly supports enactment of S. 386. Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who have committed financial fraud."

Strengthening fraud enforcement is a key priority for President Obama. During the campaign, President Obama promised to "crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement and creating new criminal penalties." And the President made good on this promise in his budget to Congress by calling for additional FBI agents "to investigate mortgage fraud and white collar

crime," as well as hiring more Federal prosecutors and civil attorneys "to protect investors, the market, and the Federal Government's investment of resources in the financial crisis, and the American public." The initial Senate-passed recovery package included additional money for the FBI for this purpose, but it was cut during the negotiations that led to its passage. This bill, the bipartisan Fraud Enforcement and Recovery Act, is our chance to authorize the necessary additional resources to detect, fight, and deter fraud that robs the American people and American taxpayers of their funds.

This is and has been bipartisan legislation. Our cosponsors come from across the political spectrum—Democrats, Republicans, and an Independent. What we share is a commitment to fight fraud and the horrible costs it is imposing on hard-working Americans. I believe that our efforts are supported by most Americans. No one should want to see taxpayer money intended to fund economic recovery efforts diverted by fraud. No one should want to see those who engaged in mortgage fraud escape accountability. We need to pass this bill and give law enforcement the resources and tools they desperately need.

During these first months of the year, the Judiciary Committee has concentrated on what we can do legislatively to assist in the economic recovery. Already we have considered and reported this fraud enforcement bill, the patent reform bill, and worked to ensure that law enforcement assistance was included in the economic recovery legislation.

The recovery efforts are generating signs of economic progress. That is good. That is necessary. But that is not enough. We need to make sure that we are spending our public resources wisely and that they are not being dissipated by fraud. We need to ensure that those responsible for the downturn through fraudulent acts in financial markets and the housing market are held to account. That is why we need to enact the Fraud Enforcement and Recovery Act.

Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts, and prosecutors and allocating the resources needed to catch those who took advantage to profit through fraud. We need to do so again.

The bill has also received the support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud. It was strongly endorsed by an editorial in *The New York Times* on April 18, 2009.

I thank Senators for joining with us to take decisive action to protect

American families and our economy from fraud by passing this common-sense bill now.

Mr. LEVIN. Mr. President, I am a cosponsor of the Fraud Enforcement and Recovery Act of 2009, and today I vote for its enactment into law. In these difficult economic times, this bill is needed to strengthen the Federal Government's ability to combat mortgage, securities, and other types of financial fraud.

This act would put more fraud investigators, regulators, and prosecutors on the beat. It would authorize increased funding to the Department of Justice, the Federal Bureau of Investigation, the Securities and Exchange Commission, the U.S. Postal Service, the HUD inspector general, and the Secret Service. It would also ensure that the public will be able to see the results of these investments by requiring the agencies to submit a joint report to Congress on amounts spent on fraud investigations, as well as amounts recovered.

This act would also make clear that Federal mortgage fraud laws cover mortgage brokers and their agents—some of whom have wreaked a terrible toll in my State of Michigan and the country. Their misconduct has included misrepresenting mortgage terms to borrowers, convincing families to refinance their homes with mortgages that would leave them worse off financially, reaping hidden fees, and even obtaining fraudulent mortgages and stealing the funds. It is long past time to clarify and strengthen the laws that punish such wrongdoing.

The act would strengthen taxpayer protections by ensuring that moneys expended through the Troubled Assets Relief Program, TARP, are protected by the Federal fraud statute. In addition, it would expand securities anti-fraud provisions to cover fraud involving options and futures contracts for commodities.

The act would strengthen our antimoney laundering regime. The current money laundering statute outlaws financial transactions using the proceeds from certain listed unlawful activities. This act would add tax evasion to that list. The threat of criminal liability for money laundering is a powerful tool for prosecutors to use in their battles with those who dodge their tax obligations.

Additionally, recent court decisions have misdefined the term "proceeds" from the money laundering statute to mean only the net receipts from unlawful activities. By defining that term so narrowly, these court decisions have reduced the efficacy of the statute: preventing prosecutions for numerous crimes. This act will fix these decisions and explicitly define "proceeds" to include not only net but gross receipts from unlawful activities. This small

modification will restore the money laundering statute to its rightful place as a critical tool in the battles against fraud and illicit activity.

These provisions are useful additions to Federal antimoney laundering statutes, but we should not stop here. We should also make sure that our antimoney laundering laws apply to all of the entities that may be involved in money laundering. I look forward to working with the Senate to update our antimoney laundering requirements, and continue the efforts to stop fraud, illicit activity, and tax evasion.

This act will make an important contribution to ongoing efforts to root out fraud—against individuals and against our Government. It is an important part of the effort to help put our country back on solid economic footing, and I commend the bill sponsors for their work on this legislation.

The PRESIDING OFFICER. The question is on the passage of S. 386, as amended.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "aye."

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—92

Akaka	Ensign	Menendez
Alexander	Enzi	Merkley
Barrasso	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johanns	Shaheen
Burriss	Johnson	Shelby
Byrd	Kaufman	Snowe
Cantwell	Kerry	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Landrieu	Thune
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	

NAYS—4

Coburn Inhofe
DeMint Kyl

NOT VOTING—3

Kennedy Rockefeller Sessions

The bill (S. 386), as amended, was passed, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Enforcement and Recovery Act of 2009" or "FERA".

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking "or" after the semicolon;

(2) in paragraph (9), by striking the period and inserting "; or"; and

(3) by inserting at the end the following:

"(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1)."

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

"§ 27. Mortgage lending business defined

"In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce."

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"27. Mortgage lending business defined."

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking "or" after "the International Banking Act of 1978"; and

(2) inserting after "section 25(a) of the Federal Reserve Act" the following: "or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in 12 U.S.C. 2602(1)".

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after "or promises, in" the following: "any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in";

(2) striking "the contract, subcontract" and inserting "such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance"; and

(3) striking "for such property or services".

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting "and commodities" after "Securities";

(B) by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "any person in connection with"; and

(C) by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "in connection with the purchase or sale of".

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting "and commodities" after "Securities".

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting "; and"; and

(B) by inserting at the end the following:

"(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity."

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the terms 'specified unlawful activity' and 'proceeds' shall have the meaning given those terms in section 1956 of this title."

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting "(i)" before "with the intent to promote"; and

(2) adding at the end the following:

"(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or"

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, \$165,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: \$75,000,000 for fiscal year 2010 and \$65,000,000 for fiscal year 2011.

(B) The offices of the United States Attorneys: \$50,000,000.

(C) The criminal division of the Department of Justice: \$20,000,000.

(D) The civil division of the Department of Justice: \$15,000,000.

(E) The tax division of the Department of Justice: \$5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES SECRET SERVICE.—There is authorized to be appropriated to the United States Secret Service of the Department of Homeland Security, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(e) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), (c), and (d) shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs.

(f) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), (c), and (d) the Attorney General, in consultation with the United States Postal Inspection Service, the Inspector General for the Department of Housing and Urban Development, and the Secretary of Homeland Security, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), (c), and (d) and a certification of compliance with the requirements listed in subsection (e); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

(g) ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) LIABILITY FOR CERTAIN ACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), any person who—

“(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

“(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

“(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);

“(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

“(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

“(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

“(G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

“(2) REDUCED DAMAGES.—If the court finds that—

“(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

“(B) such person fully cooperated with any Government investigation of such violation; and

“(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

“(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘knowing’ and ‘knowingly’—

“(A) mean that a person, with respect to information—

“(i) has actual knowledge of the information;

“(ii) acts in deliberate ignorance of the truth or falsity of the information; or

“(iii) acts in reckless disregard of the truth or falsity of the information; and

“(B) require no proof of specific intent to defraud;

“(2) the term ‘claim’—

“(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

“(i) is presented to an officer, employee, or agent of the United States; or

“(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government—

“(I) provides or has provided any portion of the money or property requested or demanded; or

“(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

“(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

“(3) the term ‘obligation’ means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

“(4) the term ‘material’ means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.”;

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking “subparagraphs (A) through (C) of subsection (a)” and inserting “subsection (a)(2)”.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to conduct on or after the date of enactment, except that subparagraph (B) of section 3729(a)(1) of title 31, United States Code, as added by subsection (a)(1), shall take effect as if enacted on June 7, 2008, and apply to all claims under the False Claims Act (31 U.S.C. 3729 et seq.) that are pending on or after that date.

SEC. 5. FINANCIAL MARKETS COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the Financial Markets Commission (in this section referred to as the “Commission”) to examine all causes, domestic and global, of the current financial and economic crisis in the United States.

(b) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the majority leader of the Senate;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 1 member shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(F) 1 member shall be appointed by the ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) 1 member shall be appointed by the chairman of the Committee on Financial Services of the House of Representatives; and

(H) 1 member shall be appointed by the ranking member of the Committee on Financial Services of the House of Representatives.

(2) QUALIFICATIONS; LIMITATION.—

(A) IN GENERAL.—Individuals appointed to the Commission shall be United States citizens having significant experience in such fields as banking, regulation of markets, taxation, finance, economics and housing.

(B) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.

(3) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), the Chairperson of the Commission shall be selected jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives, and the Vice Chairperson shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson of the Commission may not be from the same political party.

(4) INITIAL MEETING.—If, 45 days after the date of enactment of this Act, 4 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(5) QUORUM; VACANCIES.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to examine the causes of the current financial and economic crisis in the United States, including the role, if any, of—

(A) fraud and abuse in the financial sector;

(B) Federal and State financial regulators, including the extent to which they enforced, or failed to enforce statutory, regulatory, or supervisory requirements;

(C) the global imbalance of savings, international capital flows, and fiscal imbalances of various governments;

(D) monetary policy and the availability and terms of credit;

(E) accounting practices, including, market-to-market and fair value rules, and treatment of off-balance sheet vehicles;

(F) tax treatment of financial products and investments;

(G) capital requirements and regulations on leverage and liquidity, including the capital structures of regulated and non-regulated financial entities;

(H) credit rating agencies;

(I) lending practices and securitization, including the originate-to-distribute model for extending credit and transferring risk;

(J) affiliations between insured depository institutions and securities, insurance, and other types of nonbanking companies;

(K) market participant expectations that certain institutions were “too-big-to-fail”;

(L) corporate governance, including the impact of company conversions from partnerships to corporations;

(M) compensation structures;

(N) changes in compensation for employees of financial companies, as compared to compensation for others with similar skill sets in the labor market;

(O) Federal housing policy;

(P) derivatives and unregulated financial products and practices;

(Q) short-selling;

(R) financial institution reliance on numerical models, including risk models and credit ratings;

(S) the legal and regulatory structure governing financial institutions;

(T) the legal and regulatory structure governing investor protection;

(U) financial institutions and government-sponsored enterprises;

(V) the reliance on credit ratings by Federal financial regulators, and the use of credit ratings in financial regulation; and

(W) the quality of due diligence undertaken by financial institutions;

(2) to examine the causes of the collapse of each major financial institution that failed (including institutions that were acquired to prevent their failure) or was likely to have failed if not for the receipt of exceptional Government assistance from the Department of the Treasury during the period beginning in August 2007 through April 2009;

(3) to submit a report under subsection (g);

(4) to refer to the Attorney General of the United States and any appropriate State attorney general any person that the Commission finds may have violated the laws of the United States in relation to such crisis; and

(5) to review and build upon the record of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, other Congressional committees, the Government Accountability Office, and other legislative panels with respect to the current financial and economic crisis.

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this section—

(A) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(2) SUBPOENAS.—

(A) SERVICE.—Subpoenas issued under paragraph (1)(B) may be served by any person designated by the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(3) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES AND OTHER ENTITIES.—

(A) IN GENERAL.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this section, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, or instrumentality shall furnish such information directly to the Commission upon request.

(B) OTHER ENTITIES.—It is the sense of the Congress that the Commission should seek testimony or information from principals and other representatives of government agencies and private entities that were significant participants in the United States and global financial and housing markets during the time period examined by the Commission.

(5) FUNDING.—The Secretary of the Treasury shall provide, out of money previously appropriated, \$5,000,000 to the Commission to carry out this section, to remain available until expended or until termination of the Commission under subsection (h).

(6) DONATIONS OF GOODS AND SERVICES.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(8) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(e) STAFF OF THE COMMISSION.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(2) STAFF.—The Chairperson and the Vice Chairperson may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under paragraph (1) or (2) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the

rights, status, and privileges of his or her regular employment without interruption.

(5) **CONSULTANT SERVICES.**—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) **COMPENSATION AND TRAVEL EXPENSES.**—

(1) **COMPENSATION.**—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) **REPORT OF THE COMMISSION; APPEARANCE BEFORE AND CONSULTATIONS WITH CONGRESS.**—

(1) **REPORT.**—On December 15, 2010, the Commission shall submit to the President and to Congress a report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.

(2) **INSTITUTION-SPECIFIC REPORTS AUTHORIZED.**—At the discretion of the chairperson of the Commission, the report under paragraph (1) may include reports or specific findings on any financial institution examined by the Commission under subsection (c)(2).

(3) **APPEARANCE BEFORE CONGRESS.**—The chairperson of the Commission shall, not later than 120 days after the date of submission of the final reports under paragraph (1), appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding such reports and the findings of the Commission.

(4) **CONSULTATIONS WITH CONGRESS.**—The Commission shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and may consult with other Committees of Congress, for purposes of informing Congress on the work of the Commission.

(h) **TERMINATION OF COMMISSION.**—

(1) **IN GENERAL.**—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (g).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report submitted under subsection (g).

TITLE II—SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS

SEC. 201. FINDINGS.

The Senate finds the following:

(1) The United States is currently facing an unprecedented economic crisis, with massive losses of jobs in the United States and an alarming contraction of economic activity in the United States.

(2) The United States Government has pledged, committed, or loaned more than \$9,000,000,000,000 as of February 2009 in an attempt to mitigate and resolve the economic crisis and trillions of dollars more may well be necessary before the crisis is over.

(3) The economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the international economy.

(4) Any thorough and complete study and investigation of this complex and far-reaching economic crisis will require sustained and singular focus for many months.

(5) A study and investigation of this size and scope implicates the jurisdiction of several Standing Committees of the Senate and, if it is to be done correctly and timely, will require a degree of undivided attention and resources beyond the capacity of the Standing Committees of the Senate, which are already over-burdened.

(6) Adding such a significant study and investigation to the duties of the existing Standing Committees of the Senate would make it difficult for such committees to get their regular required work accomplished, particularly when so much attention and so many resources are appropriately devoted to responding to the ongoing economic crisis.

(7) Dozens of important investigations have been conducted with the creation of a select committee of the Senate for a specific purpose and a set time.

(8) The American public has a right to get straight answers on how this economic crisis developed and what steps should be taken to make sure that nothing like it happens again.

SEC. 202. SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the Economic Crisis (hereafter in this title referred to as the "Select Committee").

SEC. 203. PURPOSE AND DUTIES.

(a) **PURPOSE.**—The purpose of the Select Committee is to study and investigate the facts and circumstances giving rise to the current economic crisis facing the United States and to recommend actions to be taken to prevent a future recurrence of such a crisis.

(b) **DUTIES.**—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the study and investigation specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to examine the facts and circumstances giving rise to the current economic crisis facing the United States, and report on such examination, regarding the following:

(1) The causes of the current economic crisis.

(2) Lessons learned from the current economic crisis.

(3) Actions to prevent a recurrence of an economic crisis such as the current economic crisis.

SEC. 204. COMPOSITION OF SELECT COMMITTEE.

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Select Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) **DATE.**—The appointments of the members of the Select Committee shall be made

not later than 30 days after the date of enactment of this title.

(b) **VACANCIES.**—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **SERVICE.**—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) **CHAIR AND VICE CHAIR.**—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) **QUORUM.**—

(1) **REPORTS AND RECOMMENDATIONS.**—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) **TESTIMONY.**—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) **OTHER BUSINESS.**—A majority of the members of the Select Committee, or $\frac{1}{3}$ of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. 205. RULES AND PROCEDURES.

(a) **GOVERNANCE UNDER STANDING RULES OF SENATE.**—Except as otherwise specifically provided in this title, the investigation, study, and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) **ADDITIONAL RULES AND PROCEDURES.**—In addition to the provisions of section 208(h), the Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation, study, and hearings authorized by this title. Any such additional rules and procedures—

(1) shall not be inconsistent with this title or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 206. AUTHORITY OF SELECT COMMITTEE.

(a) **IN GENERAL.**—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) **POWERS.**—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this title—

(1) hold hearings;

(2) administer oaths;

(3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.—

(1) AUTHORIZATION AND ISSUANCE.—Subpoenas authorized and issued under this section—

(A) may be done only with the joint concurrence of the Chair and the Vice Chair of the Select Committee;

(B) shall bear the signature of the Chair or the designee of the Chair; and

(C) shall be served by any person or class of persons designated by the Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) ENFORCEMENT.—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) AVOIDANCE OF DUPLICATION.—

(1) IN GENERAL.—To expedite the study and investigation, avoid duplication, and promote efficiency under this title, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 203(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) ACCESS TO INFORMATION AND MATERIALS.—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 203(a).

SEC. 207. REPORTS.

(a) INITIAL REPORT.—The Select Committee shall submit to the Senate a report on the study and investigation conducted pursuant to section 203 not later than one year after the appointment of all of the members of the Select Committee.

(b) UPDATED REPORT.—The Select Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) FINAL REPORT.—The Select Committee shall submit a final report on such investigation not later than two years after the appointment of all of the members of the Select Committee.

(d) ADDITIONAL REPORTS.—The Select Committee may submit any additional report or reports that the Select Committee considers appropriate.

(e) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 203.

(f) DISPOSITION OF REPORTS.—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 208. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) COMPENSATION.—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) SERVICES OF SENATE STAFF.—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this title.

(e) DETAIL OF EMPLOYEES.—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) TEMPORARY AND INTERMITTENT SERVICES.—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

(h) CONFLICTS OF INTEREST.—The Select Committee shall issue rules to prohibit or minimize any conflicts of interest involving its members, staff, detailed personnel, consultants, and any others providing assistance to the Select Committee. Such rules shall not be inconsistent with the Code of Official Conduct of the Senate or applicable Federal law.

SEC. 209. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this title.

(b) TERMINATION.—The Select Committee shall terminate three months after the submittal of the report required by section 207(c).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I thank the Chair.

EQUAL PAY DAY

Mr. BURRIS. Mr. President, many of my colleagues and countless Americans across the country recognize today as Equal Pay Day, a solemn reminder of the enduring wage gap that separates women from men. We mark this inequity on a day in late April because it has taken many women from January 2008 until now to earn what their male counterparts brought home in 2008 alone. This is simply not acceptable. At a time of widespread economic uncertainty, the disparity is more troubling than ever. We can and must do better.

In 1963, this body passed the Equal Pay Act which was signed into law and represented a triumph for America's workforce. That legislation laid the groundwork for significant progress. It established a set of principles that declared the United States of America as a nation that does not discriminate based on gender. It was an important first step. Nearly 50 years have passed since that day.

It is clear that we have more work to do.

The Paycheck Fairness Act, which I am proud to cosponsor, would update the original Equal Pay Act and bring the law in line with our Nation's other important civil rights laws. The Bureau of Labor Statistics tells us that in 2007, women with full-time employment earned roughly 78 cents for every dollar men earned. This represents modest progress compared to 2006, when the ratio stood at slightly less than 77 cents on the dollar. Sadly, women of color earn significantly less, even when they have the same qualifications as men they work alongside. Over the course of a 40-year career, women can lose as much as \$1 million to the gender age gap. Nationwide that means roughly \$200 billion of lost income every single year. With families across America tightening their belts and working harder than ever to make ends meet, it would be a serious failure on the part of this Congress to ignore this call to action.

With this in mind, we must move swiftly to pass the Paycheck Fairness Act. This comprehensive bill would encourage employers to follow the law by creating substantial incentives and strengthening penalties for equal pay violations, aligning it more closely with civil rights legislation. It would close loopholes. It would prohibit employer retaliation, improve Federal outreach, and strengthen enforcement efforts. The bill would also draw on a measure already enacted in the great State of Illinois to fix the established

requirement clarifying reasonable points of comparison between employees to determine their fair wages. All of this, together with increased training, education, and research, means the Paycheck Fairness Act would invigorate the landmark equal pay legislation of the 1960s and provide much needed updates for the 21st century.

In all of my years of public life, I have had the privilege of witnessing firsthand the progress our Nation has made over the past half century. The stubborn barriers of race and gender known to my parents' generation have been shattered. Even in my own lifetime, I have seen changes few could have imagined. But for all the progress we have made, there is still a very long way to go. It is this slow, steady march toward our highest aspirations—the active progress of perfecting our Union—that defines the shared destiny of all Americans: Black and White, male and female, from all walks of life, and every corner of the globe.

The Paycheck Fairness Act represents a concrete step in closing the gender wage gap and another powerful stride in the march to equality. It is a measure that stands for common sense, good governance, and equal opportunity. I am proud to cosponsor the Paycheck Fairness Act, and I urge my colleagues to join with me in supporting women in the workforce.

It is my hope we will soon commemorate Equal Pay Day not as a grim reminder of the gender pay gap but as a day we took decisive action to stop discrimination in its tracks. I ask my colleagues to join me in this effort and to adopt the Paycheck Fairness Act without delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes without objection.

WORKERS MEMORIAL DAY

Mr. BROWN. Mr. President, today is Workers Memorial Day, which has been established for many years in this country, a day when we honor injured workers. It is a day that is particularly important for the families of some 5,000 Americans every year who are killed on the job. It is hard to believe that in our country that is about 100 workers a week. Some 15 workers every single day in our country are killed in a workplace accident, some of them union, most of them nonunion workers, workers who say goodbye to their spouse or to their children or to their mother or father and go off to work expecting just another day at the job and they never come home.

Workers are killed in all kinds of construction accidents. That number of

5,000—some 5,500, actually, in the year 2007—does not even count people who die from workplace acquired diseases, workers who might be sickened by Diacetyl, the popcorn lung disease that workers in Ohio have contracted.

Today, under the chairmanship of Senator MURRAY, the Health, Education, Labor, and Pensions Committee held a hearing to commemorate Workers Memorial Day: Dr. Celeste Monforton, Jim Frederick, and Tammy Miser. Tammy Miser's brother was killed on the job, I believe, in Indiana. The three of them talked about how important Workers Memorial Day is. But, more importantly, they talked about how important it is that workers have better representation than provided by the Occupational Safety and Health Administration; that the families of victims or workers injured or killed on the job don't have the input into the Occupational Safety and Health Administration they should have. In fact, those workers complain—as did people who represented them today at this committee hearing—that too often during the last few years there has been a voluntary kind of compliance through OSHA, and voluntary compliance doesn't work to save lives and make the workplace safer. So I applaud what Secretary Solis is doing, and I applaud what Senator MURRAY is doing.

I close with this: One of my first Workers Memorial Days was in Loraine, OH, arranged by local labor organizations. I was given this pin I wear. It is a depiction of a canary in a bird cage. The mine workers, as we know, 100 years ago used to take a canary down in the mines with them. If it died from lack of oxygen or toxic gas, the miner knew he had to get out of the mine immediately. In those days there were no unions strong enough to protect them, and they had no government that cared enough to protect them. Those days are behind us.

Back in 1970, the Occupational Health and Safety Agency was set up by the Government. It has made a huge difference, but nonetheless 100 people in this country show up for work and die on the job every single day on the average, and that is not counting workplace diseases.

So we have a lot of work to do so that by April 28 of next year we can commemorate Workers Memorial Day with significantly fewer workplace injuries and significantly fewer workplace deaths.

I yield the floor and thank the President.

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS TO BE SECRETARY OF HEALTH AND HUMAN SERVICES—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session to resume consideration of the Sebelius nomination.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Whereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS TO BE SECRETARY OF HEALTH AND HUMAN SERVICES—Continued

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Sr. Asst. Parliamentarian (Elizabeth MacDonough) proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I rise in support of our nominee for Secretary of Health and Human Services, Gov. Kathleen Sebelius. I have known her for over 20 years. I believe she is an excellent nominee, one who brings a wealth of knowledge and skill to the position at a time when we need it the most.

As our country and the world begins to battle a very serious outbreak of the swine flu, we need Governor Sebelius's leadership now. Over 100 deaths have been reported in Mexico, and here in America we have confirmed cases in 5 States. It is urgent we have a leader in place at Health and Human Services who can respond to this threat.

Governor Sebelius is that person. She recognizes the need to work with experts and scientists on a global scale to make key public health decisions. Our citizens need and deserve to know that our Government is doing everything it possibly can to protect the public and to control this outbreak. We simply cannot afford to delay action in filling this important Cabinet post.

Also, as we embark on national health care reform, we need a leader who appreciates the importance of

health care security to everyday people. Kathleen Sebelius is a common-sense leader who understands the complexities of our health care system. Through her experience as Governor of Kansas, State insurance commissioner, and President of the National Association of Insurance Commissioners, she has a broad and deep understanding of health care and will be an outstanding leader as we work to fix our broken system.

Governor Sebelius has worked tirelessly to improve the quality and affordability of health care for the people of Kansas, and she will do the same for all Americans.

As a former Governor, I understand the pressures of balancing a budget and working across party lines to get things done, and I commend Governor Sebelius for her track record of success. Upon taking office, she faced a projected \$1 billion deficit. So she implemented a top-to-bottom audit of State government that produced significant savings and efficiencies. Under her leadership, Governor Sebelius expanded health care for children and worked to reduce the cost of prescription drugs. Working across the aisle, she was able to reorganize State health care programs to make health care more affordable by creating an independent State agency to control spending on health care and simplify the process of obtaining health care for her constituents.

Undoubtedly, Governor Sebelius brings a wealth of knowledge and leadership experience that will be critical in her new role as the Secretary of Health and Human Services.

I urge my colleagues to join me in supporting nominee Kathleen Sebelius for Secretary of Health and Human Services. She is the right choice at a time when we desperately need leadership at the Department of Health and Human Services.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise today to speak in support of the confirmation of Governor Kathleen Sebelius as Secretary of the Department of Health and Human Services.

This nomination comes at a transformational moment and at a monumental time—as the American people look to the Federal Government to achieve systemic change to ensure that all have affordable access to health care. The Senate Finance Committee, of which I am a member—along with the HELP Committee—is working mightily to craft reforms to address the current unacceptable reality of 70 million Americans lacking adequate coverage, and the increasingly unsustainable costs that undermine the health security of all Americans.

At the same time, our Nation faces the most severe economic distress we have witnessed since the Great Depression, with more than 2.6 million jobs

lost last year. And it is the Department of Health and Human Services that stands at the forefront of helping to mitigate the consequences through our health and poverty programs. Therefore, there can be no doubt of the necessity for sound executive leadership at HHS.

Indeed, given both its prominence and its status as one of the largest departments in the Federal Government—which also oversees programs upon which nearly 1 in 3 Americans rely for their health care—our next Secretary of Health and Human Services should be a talented public official possessing a depth and breadth of experience as both a skilled administrator and manager, and a professional committed to systemic health reform. In that light, as former Kansas State Insurance Commissioner and now as Governor—and with her experience in tackling health care issues in her State—I believe Governor Sebelius possesses the knowledge and skills to meet the pressing demands facing our next leader of HHS.

In her work as Kansas State Insurance Commissioner she rightly recognized a takeover of her State's largest health plan as a threat to affordable coverage and fought vigorously and successfully to maintain its independence. As Governor, she worked to reduce State government spending, and resisted tax increases until the Kansas State Supreme Court mandated a new school financing program. That is significant as, for health reform to succeed, we must ensure that every American is assured of affordable access to quality health coverage—but, of equal importance, we must reform health care to deliver better value and that requires a Secretary who will look first to cost savings and delivery reforms before we consider new revenue.

Moreover, HHS will be well-served by a Secretary who is committed to building the bipartisan consensus necessary to pass the best possible health reform legislation that will have the greatest level of credibility with the American people. And on that note, it is telling that Governor Sebelius was the first Democrat elected Kansas State Insurance Commissioner in more than 100 years, that in her gubernatorial campaigns she has twice chosen a Republican running mate, and that Time Magazine ranked her in 2005 as one of the five best Governors.

Given her history, I think the Governor understands the hazards of a politically polarized environment. Indeed, today, some propose that we craft the most significant health legislation in our history by undermining the very rules of the Senate which help ensure that this Chamber creates broad consensus—through the application of the budget reconciliation process. But to craft a complex reform of health care with this approach would be wholly in-

appropriate, as any bill it would produce would lack the broad support necessary to both enact and sustain such a momentous initiative. We should not be drawing lines in the sand up front in this debate. It is neither constructive nor conducive to the process, and Governor Sebelius should recognize that reconciliation threatens to simply increase polarization.

I also note that, while the Governor has enjoyed notable successes in Kansas, she has also experienced disappointments in her efforts to expand coverage, so she certainly comprehends the nature of the difficulties ahead. Certainly, there will be an intense struggle by myriad interests to protect the status quo. But the reality is clear. Unless we achieve an equitable, balanced approach, we cannot achieve sustainable health security for all.

That should mean a level playing field with regard to the competitive environment. We must ensure there is proper regulation and oversight—and at the same time, we must assure that real competition and innovation are facilitated among health plans—just as it exists between health care providers, and producers of drugs and medical devices. The creation of a public plan option certainly is no panacea to the problems of health coverage—it simply does not address the fundamental market reforms required. In her Finance Committee confirmation hearing, I questioned Governor Sebelius on this issue, and she noted that proper standards and regulation, similar to the approach I have taken with Senator DURBIN in the Small Business Health Option Program Act, SHOP, to reform the small group market, is critical to making insurance markets work. I was pleased to see her willingness to examine this issue, as she noted, “It may be at the end of the day that the standards are effective enough that the competition from a public plan is not a valuable asset.” I look forward to working with Governor Sebelius to develop solutions to ensure that insurance markets do work effectively so we attain both the competitive pricing and choices in coverage which are so valued by Americans.

I know that several of my colleagues will oppose Governor Sebelius' nomination over the issue of abortion rights in general and over campaign contributions from one doctor in particular. In that vein, Governor Sebelius has rightly noted that she should have consolidated reporting of all contributions from the doctor, his practice, and his family, both to her campaign and political action committees. Concurrently, it is important to note that all of these contributions were disclosed. And, in my view, there is no reason to believe this regrettable oversight was anything but unintentional.

Moreover, it would be unrealistic to deny that sharp divisions exist in our

Nation regarding reproductive rights, and I certainly respect there are deeply held views on both sides. At the same time, it should not be surprising that a nominee of our current President would hold the views she has espoused and, in my view, that must not unduly detract from a thorough and comprehensive analysis of her qualifications.

Finally, the fact is that in this time of historic challenges—and especially given the concerning developments of this week, as we face the threat of an influenza epidemic—HHS should have a Secretary to lead the Department. While various units from CDC to the Department of Homeland Security have worked together to coordinate efforts and marshal resources to combat this outbreak, HHS leadership is vital to achieving optimal coordination of its agencies and effectively communicating to the public.

Today, Governor Sebelius comes before us as an individual who is highly capable, eminently qualified, and managerially prepared to assume the helm of the Department of Health and Human Services. She is fully cognizant of the daunting challenges ahead, and she will be an asset to this administration. I look forward to working with her this year to achieve health security for all Americans, and I encourage my colleagues to join with me in supporting the Governor's confirmation.

Mr. McCAIN. Mr. President, I regret that I must oppose the nomination of Gov. Kathleen Sebelius to be the next Secretary of Health and Human Services, HHS. I reached this decision after examining her qualifications and positions on matters important to the health and well-being of the American public. I did not treat this decision lightly, only reaching it after very careful deliberation.

The next Secretary of HHS is expected to oversee an effort to overhaul our Nation's health care system in the coming year, and Americans need to know that their rights as patients will be respected and protected by Washington. While I appreciate Governor Sebelius's efforts to respond to some of my concerns about different health care proposals that the administration supports, her responses did not offer the assurances that I sought. Namely, I am concerned over her responses to questions posed to her by the Health, Education, Labor, and Pensions, HELP, Committee and Finance Committee members on the role of public health plans in health reform and over the role of comparative effectiveness and its potential role in dictating medical practice patterns.

I believe that our Nation's health system is broken and in order to fix it, we must address health insurance as part of the overall reform effort. However, I believe that reforms should invigorate the free market system and

promote competition among health insurance plans to cover every individual. I do not think that our Nation can afford, as Governor Sebelius and President Obama suggest, a government-run health plan included in a National Health Insurance Exchange. Such a plan would have many unfair advantages over private plans, including having the weight of the Federal Government to potentially administratively set prices. Additionally, and more importantly, a recent Lewin Group study estimated that about 120 million Americans could lose their employer-based coverage and be pushed into a government-run plan—contradicting then Candidate Obama's promise that if Americans like the insurance they have today, nothing will change. My fears that a public plan would be unfairly advantaged and be the start to a single-payer system were unfortunately not alleviated by Governor Sebelius's responses.

I strongly oppose a European style approach to health care where care is effectively rationed. Americans deserve the best health care system in the world—and with appropriate reforms we can continue to assure everyone access to quality health care. I also understand that today's medical research is increasingly focused on an individualized treatment approach for patients, and I believe that this treatment trend is threatened by efforts to embrace comparative effectiveness research. While I believe that comparative effectiveness research can provide patients and doctors with the vital information necessary to make the right decisions in an individual's medical case, I am greatly concerned over how this research could be used by the Federal Government. One only need look at Great Britain where centralized authorities—rather than a patient's doctor—decide whether cancer patients can receive lifesaving care and which patients are denied access to beneficial treatment options to see why so many of us are alarmed. While Governor Sebelius said that the Medicare Modernization Act of 2003 prevented using comparative effectiveness research for coverage decisions, the National Institutes of Health appears to be moving in that direction by funding comparative effectiveness research that includes treatment cost comparisons. This trend is alarming and should be of concern to all individuals in vulnerable populations, such as minorities, women, or individuals with multiple conditions, who could be forced into a one-size-fits-all treatment model.

Overseeing health reform will be a herculean task and Americans need to be assured that they will not lose the private health coverage that they want to keep or that their treatment options will have to be approved by a government bureaucrat. Mr. President, while I respect the right of President Obama

to nominate Governor Sebelius to be the next Secretary of HHS, she has failed to provide us with those assurances, and I regret that I cannot support her confirmation.

Mr. ENZI. Mr. President, I rise today in opposition to the nomination of Governor Kathleen Sebelius as the Secretary of Health and Human Services. As U.S. Senators, one of our most important responsibilities is confirming qualified, and, hopefully, superior nominees to lead our executive agencies. I am one of several Senators with strong reservations regarding the nomination of Governor Sebelius, and it is important to take this time to explain my opposition to this appointment.

In order to fulfill our responsibilities under the advice and consent clause properly, this institution has a process for vetting Presidential nominees. The nominee is required to complete a host of paperwork to the authorizing committee, in this case the Senate Finance Committee, accompanied by a sworn affidavit. I was very disappointed to learn that Governor Sebelius amended her paperwork to the Finance Committee as a result of unpaid taxes and understated campaign contributions.

The HELP Committee held a hearing on Governor Sebelius' nomination due to the high number of health and early learning statutes and programs that fall under the committee's jurisdiction. During this hearing, I asked Governor Sebelius her thoughts on using reconciliation to advance comprehensive health care reform legislation. Her response was to keep all options on the table.

I couldn't disagree more. But unfortunately it appears that is the direction health care reform will take this year. This week the Senate will vote on a conference agreement for the fiscal year 2010 budget resolution that includes reconciliation for health care reform. Using budget shortcuts—known inside the beltway as reconciliation—is the exact opposite of keeping all options on the table because it shuts out members of the minority party. It will also shut out many centrist Democrats, who want to see health care reform based on a competitive private market, which is fully paid for. That is not a formula for bipartisan success. An open, transparent process with a full debate is the best way to achieve a bipartisan product.

At both the Member and staff level, Senators on both sides of the aisle continue to meet regularly to discuss health care reform, and specifically what shape it will take. I believe that if we continue to negotiate in good faith, this process can lead to a bipartisan health reform bill that will enjoy broad bipartisan support now and in the future.

Ensuring access to affordable, quality and portable health care for every American is not a Republican or a

Democrat issue—it is an American issue. Our health care system is broken, and fixing it is one area where I hope my 80 percent rule comes into play so commonsense reforms can be made. People who have worked with me over time know that the 80 percent rule is one of the main philosophies I follow to get things done. In applying this rule, I try to focus on the 80 percent of the issues the Senate generally agrees upon, while not fixating on the remaining 20 percent, which are divisive and can sometimes overwhelm the majority of issues that we agree on.

The next Secretary of HHS will undoubtedly have a critical seat at the table in the health care reform debate. For these reasons it is important to have a Secretary in place who supports an open, transparent process without the distraction of tax issues, misreported campaign contributions, and questionable affiliations.

I respect that the President is entitled to staff the executive branch with individuals of his choosing. We may not always agree on every issue. I am and will remain staunchly pro-life, and will continue to advocate for legislation to protect the rights of the unborn. However, if Governor Sebelius is confirmed, I will diligently work with her to overcome obstacles standing in the way of solutions to the health care problems facing America.

Prior to her hearing, I met with Governor Sebelius and we discussed the unique challenges that face rural and frontier states. People living in rural areas in Kansas, similar to those in Wyoming, face difficulties in access to primary care physicians and preventive services. Rural and frontier areas struggle to attract and retain doctors and other health care providers. In the 10-steps health care reform bill I introduced last year, I emphasized the importance of access to affordable health care for people in rural and underserved areas. Governor Sebelius understands the challenges in this area—and I hope we can work together to find solutions for this common priority.

In closing, while I intend to vote no on this nomination, it is my hope and expectation that we will put aside our differences to find meaningful solutions that will make a positive difference in people's lives.

Mr. GRASSLEY. Mr. President, I am pleased to be here again to speak in support of the Fraud Enforcement Recovery Act. I urge my colleagues to join me in supporting this bill so we can pass this important legislation. I cosponsored this bill because I believe that we need to do something to show the American people that we are taking their tax dollars seriously and committed to rooting out fraud, waste, and abuse of Government programs.

The fraud enforcement tools and resources provided in this bill will help Federal agents and Federal prosecutors

devote more resources to investigations into financial and mortgage frauds. The criminal fraud law updates in this bill will also help send a message to individuals in the future that fraud against homeowners and investors won't be tolerated. While it is true the criminal law provisions can't apply retroactively to conduct that led us to the current financial and housing crises, they will help prosecutors in the future and will help to deter future criminal conduct.

Finally, and perhaps most importantly, this bill makes critical amendments to the Federal False Claims Act that will ensure those who rip off the Government can't hide behind judicial loopholes created in the law. These edits to the False Claims Act are important to ensure that the Justice Department and individual qui tam whistleblowers aren't blocked by some procedural hurdle put in place by judges. When I authored the 1986 amendments to the False Claims Act, I couldn't imagine the types of decisions we have seen from courts. These courts have read all sorts of new procedural and intent requirements into the false claims that were never imagined nor were they intended by Congress. These amendments will help restore the original intent of the False Claims Act and keep it working into the future so it can continue to add to the \$22 billion already recovered under this powerful law.

I urge my colleagues to join me in supporting this important legislation so we can show the taxpayers we are serious about fighting fraud against homeowners, investors, and the Federal Government.

Ms. MIKULSKI. Mr. President, I rise today to support the nomination of Kathleen Sebelius to be the Secretary of Health and Human Services.

I am pleased that the Senate today will finally confirm Governor Kathleen Sebelius as the new Health and Human Services Secretary. Governor Sebelius brings much needed policy and management expertise to the job as our Nation Faces serious public health challenges. Our immediate concern is the effective coordination of our Nation's public health resources to combat the emerging swine flu pandemic. Sebelius and her team must immediately respond to contain this very serious threat.

I look forward to working with her as she helps fulfill President Obama's promise to enact comprehensive health reform. Governor Sebelius will add urgency, substance, and know-how to pass complicated health legislation that will benefit American families and businesses.

Governor Sebelius will serve as the effective CEO of HHS and ensure its agencies are well run and consumer focused. She has the difficult task of not only restoring the public's confidence

in our Nation's health agencies, but also building the trust of HHS' committed workforce. Special effort must be made to listen and learn from the scientists at FDA who lacked effective leadership during the previous administration. Governor Sebelius' immediate leadership also will help guide the implementation of the economic recovery act that included several important health initiatives—particularly the development and adoption of interoperable health information technology standards. I am confident she will meet the intent and deadlines enacted by Congress.

Mr. DURBIN. Mr. President, I rise to speak on behalf of the nomination of Gov. Kathleen Sebelius as Secretary of Health and Human Services.

Just a few moments ago at lunch, we were briefed by Secretary Napolitano and a spokesperson from the Centers for Disease Control about the swine flu epidemic. It is a serious issue, much more serious in Mexico and other places than the United States, but it is being taken very seriously and watched closely by those in charge of our public health in America. That is why it is so important for us to fill this particular spot in the President's Cabinet. It is the last spot to be filled. The nominee, the Governor of Kansas, Kathleen Sebelius, is an extraordinarily good choice for this post of Secretary of the Department of Health and Human Services.

We consider so many health care issues. In fact, when the people of this country are asked about the priorities they identify, their highest priority is health care, as it should be. If we do not have our health, not much else matters.

We have tried during this Congress with this new President to do that which is important to address the public health concerns of Americans. We passed a children's health bill to provide health care coverage, insurance coverage for an additional 4 million kids. We passed an economic recovery package that provides States with the resources they need to provide health care services to millions of low-income families and seniors on Medicaid. We passed a new law to help working families continue to pay for health insurance even after they lose their jobs. We also provided money in the Recovery and Reinvestment Act to fund investments in health information technology which can save the Nation billions of dollars and avoid costly and deadly medical errors. It has also provided assistance to community health centers, a resource in my home State of Illinois which is exceptional. It provides health care for those who have nowhere else to turn. It is some of the best care in America. In the Omnibus appropriations bill, we provided billions of dollars for medical research, infant and maternal health, and other

health services for those least able to afford the care they need. We have a lot more to do, and that is why we need to fill this spot.

The current economic crisis has made health care reform more important. More than 47 million Americans, including 9 million American kids, do not have health insurance. Those families woke up this morning with children in their houses without the peace of mind that if there is an accident, a diagnosis, or some illness, they would have health insurance to guarantee they have quality care, good doctors and hospitals to turn to. A third of Americans under the age of 65 have experienced a period without health insurance in the past 2 years. That is one out of three Americans under the age of 65. Families and small businesses work harder than ever to provide health insurance, and the costs just keep going up.

As unemployment has reached 8.5 percent nationwide, this rate has troubled us. In some areas, it is much higher. It is 9.1 percent in Illinois. With each 1 percent rise in the Nation's unemployment rate, the number of uninsured Americans increases by 1.1 million people.

One of the biggest worries I found among unemployed workers in Illinois is health insurance. I recently visited Richland Community College in Decatur. I sat down with a number of young men and women who lost their jobs, many of them with children. That was the first thing they brought up, whether their spouse was working and had health insurance, whether there was somewhere else they could turn. A growing number of businesses are backing away from health insurance because it is expensive.

We cannot wait for the economy to improve before tackling this health care issue. Too many Americans have needs that cannot wait.

There are no easy fixes to this, but I believe President Obama is right by stepping up and nominating Gov. Kathleen Sebelius to be Secretary of the Department of Health and Human Services.

Last week, the Senate Finance Committee approved her nomination. Earlier this month, I had the opportunity to sit down with her and talk about the issues firsthand. Her commitment to this issue is not just lipservice. She has shown an ability to overcome partisan politics in her home State for her people and represent the best interests we need in America.

During her two terms as Governor, Governor Sebelius and her administration have been notably bipartisan. She was elected to her first term with a former Republican businessman as her running mate. She ran a second time with the former State Republican chairman on her ticket. In a State where the opposition party holds

strong majorities in both chambers, the Democratic Governor has been able to reach across the aisle to solve problems and help the people of Kansas.

Before being elected Governor, she was Kansas insurance commissioner from 1994 to 2002. During this time, she refused campaign contributions from insurance companies. She protected the people of her State from increases in premiums by blocking the sale of Blue Cross Blue Shield to an out-of-State company. She helped draft a proposed national bill of rights for patients and served as the president of the National Association of Insurance Commissioners. This critical experience prepares her well in her new role on the President's Cabinet dealing with health care reform, Medicare, and Medicaid. While she has also dealt with these broader health coverage issues, she has not lost sight of the role that prevention and public health must play in any health reform effort.

Through her Healthy Kansas initiative, Governor Sebelius encouraged Kansans to increase fiscal activity, choose a healthier diet, and avoid using tobacco products. As Governor, she made investments to help women avoid unintended pregnancies, increase health services for pregnant women, and provide support services for families. These are goals that I think most of us can certainly agree on.

We discussed the issue of food safety, which is very important, with the Food and Drug Administration under her supervision, when she is confirmed in this process, and she understands there is a parade of concerns, whether it is salmonella in peppers and peanut butter, melamine-spiked pet food and milk products from China, E. coli in spinach, and the list goes on and on. We can do better. Secretary of Agriculture Vilsack and Kathleen Sebelius, once she is confirmed, can work together to bring us the very best in food safety in America and to protect families who count on their Government to do the job.

I commend President Obama for his leadership on this issue, but with these two spots filled, with the Secretary of Health and Human Services and Agriculture, then we can step forward and get something done.

There is also a big question about this issue of comparative effectiveness, which has been raised by some on the other side in relation to this nomination. Congress and President Obama are committed to expanding America's access to high quality health care, and that is why we have made comparative effectiveness research a high priority. Through the economic recovery package, we committed over \$1 billion to funding research to compare the relative clinical risks and benefits of different treatments for the same illnesses.

Some of my colleagues argue this research should only focus on clinical ef-

fectiveness, without taking into account the cost of a treatment or procedure. However, I think addressing cost is a major concern of everyone, not just in Government but of the American people. They believe health care costs are too high and they are interested in any steps we can take to reduce waste and use health care dollars more efficiently. That effort is an important part of health care reform. We can't continue to spend as much as we have on health care without breaking the bank, leaving deficits for our children and basically bankrupting the American Treasury.

Part of the solution to our health care reform is reducing unnecessary cost and waste. Research may show that there are some treatments genuinely less effective than others in comparable populations. No one should be afraid of looking at the solid factual evidence to make these comparisons. Some of my colleagues oppose comparative effectiveness research and argue that Washington bureaucrats shouldn't interfere with a patient's right to choose treatment or substitute the Government's judgment for that of a physician. I don't argue with that premise, but let's get to the bottom line. When a decision is made about an illness affecting you or a member of your family, you want the most effective treatment. You want to be certain it is going to work. You want to have confidence that the person providing it is making the right choice.

We have a right to ask whether there is a more economical choice, one that can reach the same result without the same cost; whether it is the use of generic drugs, for example, which have been proven to be effective and lower cost than many brandname drugs, or whether it is a procedure that is going to have a lot more chance of success. Why are we afraid to look at this information? Some on the other side are. They shouldn't be. This is common sense that we would ask these questions and come up with this information so we can make the right decision.

I would add that Kathleen Sebelius has proven, as the executive in a major state in America, that she understands the responsibility of leadership and the accountability of those in leadership. Few challenges we face in America are as grave as our health care system and its need for reform, but it is an effort we must undertake. Unsustainable health care costs are the one primary threat to our economic security.

The President said it: We are draining our Federal budget and placing at risk the financial well-being of America if we don't look at the real cost of health care. It is time for reform, and the first real step is to confirm Governor Kathleen Sebelius as our Nation's chief health official. Americans deserve someone they can trust to see this commitment through. She has

shown this in her service in Kansas and her commitment to public life.

I hope my colleagues in the Senate will join me in supporting her nomination today. There are some who have raised a myriad of different issues that concern them; some are even beyond the reach of Kathleen Sebelius in her role as Governor. She was given Federal Court cases and Federal laws to follow, and she did as she was bound to do by her oath of office. But we should give her a chance now at the Federal level to help lead this country into a new day of health care reform.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, Governor Sebelius is a talented public servant. Nonetheless, I will oppose her nomination for several reasons.

Others have emphasized her relationship with Dr. George Tiller, so I will address another matter—my concerns about the use of comparative effectiveness research under the administration's proposed health care plan to ration health care.

Comparative effective research is currently used to evaluate the strength and weaknesses of various medical interventions. If structured appropriately, it can be a great help to both physicians and patients, to help them make health care decisions. But without the appropriate safeguards, the Government can misuse it to deny or delay patient coverage and services based on factors such as age, relative health, or the number of people ahead in line for a particular treatment.

Unfortunately, Governor Sebelius's answers to my questions made clear that the administration and Health and Human Services under her watch would be unwilling to support patient safeguards. She did not provide any assurance that Health and Human Services, Federal health care programs, or any new Government entity, such as the Federal Coordinating Council, will not use this tool to ration or deny care. This should be a matter of concern for every American.

We must not enable a panel of Washington bureaucrats to decide who is eligible for a particular treatment or when they can get it. In countries that have government-rationed health care, patients sit on long waiting lists to have procedures such as an MRI or dental surgery or hip replacement, to name a few.

I recently read an article in the Wall Street Journal by Nadeem Esmail, Director of Health System Performance

Studies at the Fraser Institute in Calgary, in Alberta, Canada, entitled: "Too Old For Hip Surgery." The article recounted stories of our neighbors in Canada who routinely wait months and even years for a specialist's care. Many cross the border to see U.S. doctors to get the immediate treatment they need. Lawsuits tied to Canada's health care rationing system often wind up decided by their courts. Is this what we want in America?

Governor Sebelius's answers about comparative effectiveness research relied on two points, which were inaccurate and contradicted one another, raising more doubt rather than providing assurance. Let me briefly address those points.

When Governor Sebelius stated during her hearing, "The law prohibits Medicare from using comparative effectiveness research to deny coverage," she was referencing the 2003 drug bill which applies only to prescription drugs and not to any other aspect of medical treatment. So she is factually wrong to suggest that could be a future limitation on health care generally. Of course, the fact that we so limited it in the 2003 prescription drug bill makes the point that it does need to be limited.

In this regard she also said: "When authorizing comparative effectiveness research in both the Medicare Modernization Act and the American Recovery and Reinvestment Act, Congress did not impose any limits on it." That statement is true. It also is precisely the problem.

The National Institutes of Health is already taking the steps necessary to make cost-based research a priority and to use it to ration health care. A recent National Institutes of Health project description states:

Cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic conditions.

Allocation of health resources is, of course, a euphemism for denying care based on cost. And Governor Sebelius will not agree to terminate this project.

There is no question that health care reform is badly needed, and I want to work toward that goal. All Americans, especially those who are unemployed or who work for a business that doesn't provide health insurance or who have a preexisting condition deserve a better approach. But rationing based on cost is neither a practical nor satisfactory route to achieve it; it will delay access to treatment that may be urgently necessary and discourage the kind of research that leads to promising new treatments.

I believe every American has the right to choose the doctor, hospital, and health plan that best fits his or her needs. Flexibility is essential in medi-

cine, and each patient should be cared for as an individual, with a treatment regimen crafted and tailored by his or her own physician, not by a Washington bureaucrat. So I oppose the nomination of Governor Sebelius to head the Health and Human Services Department, because I do not believe she is sufficiently committed to these same principles.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise to speak on behalf of the Sebelius nomination. And before he leaves the floor, I also want to say to my friend from Arizona that I think he knows I share many of his substantive concerns about what it is going to take to get bipartisan health reform legislation. For example, a key component of it will have to be malpractice reform. It will have to include the areas the Senator from Arizona has touched on—the question of comparative effectiveness. And I think in both of these areas there is a long way to go to get it right. It is my interest, particularly this afternoon, to assure the Senator from Arizona that there is going to be an effort to pull out all the stops to make this a bipartisan effort here in the Senate to fix America's health care, and I want to tell him I am looking forward to working with him on that.

To pick up on this point, many Senators have come to the floor to discuss the needs of tackling health care issues in the kind of bipartisan fashion that Senator KYL has talked about and I have mentioned. I strongly support the Senators who are making this a special focus of this discussion today when we consider Governor Sebelius's candidacy to head the Department of Health and Human Services.

For a bit of background, Senator BENNETT and I, in particular, have been working for several years in talking to most Members of the Senate. I personally have gone to see about 85 Senators in their office, to listen to them, to get their views about health care reform, all with an idea to make the issue of reconciliation on health care irrelevant. What we wish to do, Senator BENNETT and I, working closely with the chairs and ranking minority members of our key committees, is to find a way to get a very substantial bipartisan vote here in the Senate for health care reform. I think we are well on our way to doing that. I believe there is literally a philosophical truce on health care within the grasp of the Senate.

When one looks at this debate, both political parties have had valid points to make. My party, for example, is right on the idea that we cannot fix health care unless all Americans get good-quality, affordable coverage. The reality is, we cannot begin to organize the market for health care unless we get everybody covered. Without covering everybody, there is too much cost

shifting, there is not enough focus on prevention and wellness, and we have a real question about what to do about clogging up hospital emergency rooms—which is an issue in Colorado and Oregon and across the land.

So Democrats have been right on the point of saying to fix American health care all Americans have to have good-quality, affordable coverage. But our colleagues on the other side of the aisle—and Senator BENNETT has championed this; Senator GRASSLEY has championed this—have been right in saying there needs to be a significant role for the private sector in American health care as well. It is going to be important not to freeze innovation, to steer clear of price controls, to have a wide berth for the private sector to innovate and offer private sector choices as part of the solution to this challenge of fixing American health care. So we meld together these two points of view—Democrats who have been right on the idea that we have to cover everybody, Republicans who have had a valid point with respect to a role for the private sector—and, in my view, we are on our way to 68, 70, 72 votes in the Senate for comprehensive health reform.

So we very much need to tackle this in a bipartisan way. In my view, there are a few words that speak volumes about Governor Sebelius's outlook on the need for having bipartisanship in the health care arena. Those words were spoken by a former leader in the Senate, Bob Dole. I want to quote for the Senate a couple of the remarks made by Senator Dole when he came before us on the Senate Finance Committee.

Senator Dole said:

For more than 20 years, Kathleen Sebelius has served the State of Kansas as a legislator, insurance commissioner and Governor. All of her accomplishments required bipartisan approaches. Her work has earned her the respect of Democrats and Republicans.

Senator Dole goes on to note that one of our most respected former colleagues, Nancy Kassebaum Baker, has actually written Members of the Senate with respect to her support for Governor Sebelius.

Then Senator Dole goes even further, and he says:

Governor Sebelius and I are from different parties. We have different views on different issues, some highly controversial. But that is not the issue here today. Candidate Obama is now President Obama and gets to make the Cabinet selections. He has determined that she is well qualified and that she understands the importance of the enormous task before her when confirmed by the entire Senate. I agree and that's why I am here to support her nomination. We need a Secretary of Health and Human Services—

Said Senator Dole—

who has the skills, experience and courage to shape and guide this historic legislation through Congress. It will not be easy but I

know Governor Sebelius will never stop trying.

Those were the words of former Senator Dole, somebody to whom I look again and again for counsel on health care. I think it is fair to say a great many of our colleagues on the other side of the aisle look to him for counsel on health care.

Those who know Governor Sebelius best, such as Senator Bob Dole, have, in my view, said it better than any of us could. They know her, they have worked with her, they have watched her try to forge coalitions. As insurance commissioner, she has been a leader nationally in the insurance field with the National Association of Insurance Commissioners. I think she is going to be a pragmatic coalition builder who is going to work with a very specific focus toward trying to bring the Senate together to tackle this critical issue.

We know there are some particularly important challenges ahead of us. I have said one of the first priorities in health reform is to make sure those who have coverage today—in Colorado and Oregon and across the country—see that health reform works for them. Some writers have called that group the “contentedly covered,” the people who already have health care coverage in America today.

I think there are four important priorities for the Congress to address in making sure those who have health care coverage today see that the system works for them. Those priorities are, first of all, making sure they can keep the coverage they have. We have written it into the Healthy Americans legislation. Chairman BAUCUS has it in his white paper. It has to be a matter of law. Sometimes people joke about it: We can put it in the Pledge of Allegiance. It is vitally important that people be able to keep the coverage they have.

The second factor that is so important is to make sure people who have coverage have options to save some money on their health care in the future. They want to contain costs because they know right now they are not even getting an increase in take-home pay because health care gobbles up everything in sight. So let's make them wealthier in the process of health reform, and let's say that, if you want to have one of the additional choices, the private sector choices that are offered in health reform, and you can save some money by choosing one of those choices rather than keeping what you have, you get to keep the difference. That is something I think will be attractive to those who have coverage.

The third area we ought to zero in on is making sure folks with coverage have the opportunity to be healthier. I think it is well understood that much of American health care is more sick

care than health care. So let's get some incentives in place so everybody has a new focus on wellness. I personally would like to see those who are on Medicare who lower their blood pressure and lower their cholesterol get reduced premiums. It is called Out-patient Care, Part B premiums. Let's give them a lower premium when they lower their blood pressure and lower their cholesterol.

When there is a parent in Oregon or Colorado or across the country who enrolls a youngster in a wellness or prevention program—let's say for a weight problem—let's give the parent a reduction in their premium, again, to reward prevention. So we let people keep the coverage they have. They are going to be wealthier and they are going to be healthier.

Finally, one last big challenge for those who have coverage. If individuals want to leave their job or their job leaves them, let's make sure their coverage is portable, that they can take it from place to place. I think we understand that this economy is real different than what we had in the 1940s, when somebody went to work somewhere and stayed put for 30 years until they received a gold watch and a big retirement dinner.

The typical people in our States, Western States, now change their job 11 times by the time they are 40 years old, and they need portable health coverage. So let's make sure that coverage is something that fits the modern economy—again, consistent with an approach that let's them keep what they have and puts more money in their pocket and gives them the opportunity to be healthier.

I think that is a vision for bipartisan health reform. It certainly has been largely shared by Chairman BAUCUS and Senator GRASSLEY, and Senator BENNETT and I have talked about it in our efforts as well. But it is going to take somebody with the kind of talent that Bob Dole just described, in the words I have offered today, once again, before the Senate Finance Committee.

There is a reason that after 60 years of debate on health care reform in America that it has not actually gotten done. This is hard work, in terms of building a coalition. I put 6 years of my life into just the most recent effort and have visited with most of the Senate on it. I think there is a clear desire, given the importance to our economy.

The fact is, we cannot fix the economy unless we fix American health care. Most of the experts are saying a lot of these budgets we are dealing with right now, the various bailouts—those bailouts are going to look like a rounding error compared to American health care if we don't get on top of these escalating costs. It has to be done, both in terms of fixing the economy, ensuring quality of life for our people, and because now the country is

looking to the Congress to work in a bipartisan way. They have watched a lot of the past squabbles, they have watched a lot of the bickering over issues in the past, and here is an opportunity, as Senator Dole has described, of having a person who wants to work in a bipartisan way around a number of the ideas that I have mentioned this afternoon.

I hope colleagues will support Governor Sebelius. I hope they will reflect on the words of Senator Dole because I think he said it best when he came before us on the Senate Finance Committee. I think there is an opportunity now for the Senate to show a country—and a country that is legitimately skeptical about Washington's ability to tackle big issues—the Senate now has an opportunity to show that on health care, Democrats and Republicans can come together. We are going to come together with individuals, leaders such as Governor Sebelius, who have shown the talent to work in a bipartisan fashion; and I, particularly, having listened to many of our Republican colleagues on the floor today talking about the Sebelius nomination, want to assure them that I agree with much of what they have said with respect to the need to avoid approaches that are partisan and jam one side or another.

In fact, I have devoted much of the last 6 years to making those kinds of approaches irrelevant, to making reconciliation irrelevant.

I think Governor Sebelius will work with us in a constructive way toward exactly that kind of result. Bob Dole has spoken about her ability to do just that before the Finance Committee, and I hope this nomination will now be approved expeditiously and Democrats and Republicans can work together tackling the premier domestic issue of our time: fixing American health care.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the nomination of the Governor of Kansas, Kathleen Sebelius, to be the Secretary of Health and Human Services.

Mr. DODD. I would like to, if I may, spend a few minutes addressing that issue.

I rise in strong support of Governor Sebelius.

Let me thank the people of Kansas. This is a remarkable nominee. I know

she has served the people of Kansas well during her tenure as Governor, insurance commissioner, State representative, and we are fortunate indeed that President Obama has asked the Governor of Kansas to come to our Nation's Capital to serve as the Secretary of Health and Human Services.

We owe her a debt of gratitude as well for being willing to accept this responsibility at a time that, with the exception of some 15 years ago, only the second time in more than half a century, this institution and this city will grapple with one of the compelling issues of our day; that is, to deal with a national health care crisis in America. Governor Sebelius has demonstrated a willingness to take on a very large issue which is highly complicated and brings out passionate responses from people across the political spectrum. So we are grateful. I am grateful to her for taking on this challenge. I am appreciative of the President for asking her to do so. I would hope our colleagues would come together.

There is always too much delay in a lot of nominations. I have been a Member of this body for many years. I think I can count on one or two hands the number of times, in more than two decades, that I have opposed nominees of either party. I have always been of the view that Presidents and elections mean things. If you are elected President of the United States, then a President ought to have an opportunity to carry out the mandates or the promises they have made as a candidate.

So those of us who are in the opposition from time to time, other than disagreeing with or deciding to vote against someone because maybe there is some serious problem that underlies that nomination—but I have never felt the views of a nominee ought to necessarily decide my vote in favor of or against them; that Presidents ought to be able to have people they believe will help carry out their wishes and campaign promises; that if we in the opposition try to guarantee that people who share our views are going to be in the Cabinet, that seems to be contrary to the will of the American people who have made a different choice on election day. I know that is disappointing to people from time to time. I know that when I have supported various nominees of President Reagan, President Bush, No. 41, and George Bush, his son, No. 43, voted in support of those nominees, there were those who were disappointed that I would cast a ballot for the nominee. But my answer always was that they were elected—obviously a very controversial election in the case of George W. Bush in 2000, but nonetheless ultimately he was the choice to be our President and as such deserved to be able to have the nominees in his Cabinet, the people he thought would best serve the country.

There were occasions when I did vote against some nominees but never on the basis of what their views were. There may have been some other disqualifying factor, but there were very few over the years.

So at this hour, it has been since March 2 that the President nominated Kathleen Sebelius to be the Secretary of Health and Human Services. We are now ending the month of April and going into the month of May. We have been told as a nation over the last several days that we are now potentially facing a pandemic issue in the swine flu problem. Having a Secretary of Health and Human Services, which is the job that would necessarily coordinate and lead the efforts both at home and working with Secretary of State Clinton and others, coordinate the effort internationally on this matter—it is time to move along.

While I know there are those who have very strongly held views about various matters that will come before the Department of Health and Human Services, elections have consequences. President Obama won the election. This is his choice to lead that agency and to deal with the myriad of other problems we must grapple with as a country. I think it is time for this body to discuss these matters over the appropriate period of time and then to move along and to not delay for as long a time as we have seen already a nomination of this importance.

The HELP Committee, on which I serve—the Health Education, Labor, and Pensions Committee—and the Finance Committee held hearings on Governor Sebelius back at the end of the last month, and the majority leader attempted to get unanimous consent to move her nomination almost a week ago. Those efforts have been blocked by the minority party here. Now we find ourselves in the midst of what appears to be a global crisis, as I mentioned, and for no apparent reason that I can determine, other than maybe some politics, we still do not have the Secretary of Health and Human Services confirmed.

I believe most Americans, regardless of political party, would like to see someone leading this agency and helping us grapple with these issues. I do not think they are going to be pleased, even if they disagree with the politics of the nominee, to have that spot vacant at a time when we need leadership, particularly someone as highly qualified as Governor Sebelius is.

Again, I commend the Obama administration for its handling of the swine flu threat so far. It is clear that the various agencies in Government are working closely and collaboratively. As a result of the Health, Education, Labor, and Pensions Committee and many of my colleagues in the Senate, both Democrats and Republicans, we were able to pass and fund what was

called the Pandemic and All-Hazards Preparedness Act and the predecessor bioterrorism legislation. The country as a whole has made great strides in surveillance, coordination, communications, and treatment capabilities.

Let me specifically thank several of our colleagues, because I was deeply involved in those negotiations on that legislation many years ago—well, several years ago. They include Richard Burr of North Carolina, a Republican Member, our colleague, who is deeply involved in the issue; then-Majority Leader Frist of Tennessee was very involved; Senator Ted Kennedy of Massachusetts, and myself are the four, along with Judd Gregg of New Hampshire, involved from time to time in trying to craft that legislation dealing with the Pandemic and All-Hazards Preparedness Act and some of the bioterrorism legislation. My colleagues, on a bipartisan basis, put that together. Richard Burr was very deeply involved in that question, and we ought to thank him for his insistence so many years ago. So we have been involved in these issues on a bipartisan basis, and I would hope, again, this nomination can go forward on a similar basis.

The U.S. response to this current global threat is evidence that those efforts taken some years ago are paying off. But the lead agency in all of this, and other possible health threats, is the Health and Human Services Department. That Department lacks a leader today, and that is the reason we are still here a week later debating whether this nominee of incredibly impeccable credentials is being held up for as long as she is.

Having served on the so-called HELP Committee for many years, I cannot recall another time when the challenges facing the Secretary of Health and Human Services were so complex. I have already addressed some of those issues. Our economy is in the worst shape it has been in for decades. We have a health care system that is broken, impacting families, businesses, and our competitiveness as a nation.

The Department of Health and Human Services and the agencies within its purview are in need of attention and leadership. It is critical that the Department once again base its decisions on the best available science, not the political ideology of the moment. President Obama has already made tremendous progress in this respect with the signing of an Executive order overturning the previous administration's harmful restrictions on embryonic stem cell research and the signing of a Presidential memorandum on scientific integrity. I commend him for it.

He has moved quickly to appoint highly qualified candidates such as Governor Sebelius to key positions within the Department, such as the FDA Commissioner and the head of the

Health Resources and Services Administration.

Governor Sebelius brings a wealth of experience I have referenced already, working in a bipartisan fashion to improve the lives of families in her State. The outpouring of support, on a bipartisan basis, ought to be welcome and celebrated. Rarely do you see someone bring that much support across the political spectrum that Governor Sebelius has to this, the nomination to head this Department.

The knowledge and expertise she gained as Governor, the insurance commissioner of her State, and the State representative will be instrumental in achieving comprehensive health care reform—reform that at long last will bring affordable quality health care, we hope, to all Americans.

The case for reform of our health care system has never been stronger or more urgent, and I happen to be one who is optimistic about the prospects of achieving health care reform this year under the leadership of MAX BAUCUS, the chairman of the Finance Committee; Senator TED KENNEDY, the chairman of the HELP Committee; and the respective leadership on the House side along with, obviously, President Obama; the participation of other people—our colleagues, such as ORRIN HATCH, MIKE ENZI of Wyoming, certainly CHUCK GRASSLEY, the Republican former chairman of the Finance Committee, now the Republican ranking member, and many others with whom we have had extensive meetings already trying to achieve what our majority leader has called for, and that is a strong, bipartisan effort here to put together a national health reform package. So a lot of good people are already buying in, trying to achieve that result. What we have been missing in all of this is the head of the Health and Human Services Department, to help pull that piece of the puzzle together for us as well.

We are in such a different place than we were 15 years ago on this issue. Then we had a host of opposition lined up. Today, those who organized to torpedo those efforts 15 years ago, frankly, are at the table today anxious for us to share and put together a proposal that would enjoy that kind of support I mentioned a moment ago.

The economics of our country are certainly in a much different place than they were in 1993 and 1994. Today, health care accounts for over 16 percent of the gross domestic product of our country—health care costs. According to the Office of Management and Budget, by the year 2018—not that far away—national health spending, if unabated, could account for a fifth, more than 20 percent of our gross domestic product. There are those who believe that within 10 years that figure of 16 percent could double to more than 30 percent of our gross domestic product. That is unacceptable.

If you are not motivated by the morality and ethics of having 45 million Americans without any health care, of which 9 million in that number are children, today we rank among the lowest scores or the worst scores of infant mortality among industrialized nations. There are 100,000 people a year who die in this country from avoidable medical errors. Those are not the kinds of statistics we want to associate with our great country. So, in addition to the moral, the health care issues, the ethical questions, the economics of this issue demand attention.

If you are not impressed by any other motivation on why we ought to achieve universal, quality, affordable health care, founded on the notion of prevention, then the economic justification ought to persuade you. The health care system we have today puts personal finances at risk, threatens our global competitiveness. General Motors, to give you one example, estimates that health care costs add over \$1,500 to the selling price of each automobile it produces, and it paid \$5.2 billion in health benefits in 2004. That is more than it paid for steel. That will give you an idea why that company is facing as much pressure as it is, as well as other automobile manufacturers.

Look at the foreclosure issue. There are 10,000 people today who will be at risk of losing their homes. That is true every day in our country in the midst of this major economic crisis. There are 20,000 people a day, on average, who are losing their jobs in the United States. So when you are losing your job, you may lose your home and retirement. Remember this: Almost half of all of those foreclosures that will occur today are partly caused by the financial crisis stemming from medical costs. I will repeat that. Almost half—50 percent of those 10,000 foreclosures that will occur today are partly caused by the financial crisis stemming from health care costs.

As chairman of the Banking Committee and a 26-year veteran on the HELP Committee, I share the President's belief that fixing the health care crisis is essential to fixing our economy.

We can talk about all the other issues dealing with availability of credit and what is happening to banks and to the financial stability of the Nation, but we cannot have a conversation about all that and disregard the issue of health care. Twenty-eight million Americans who work for small businesses are without health care. Premiums on average are 18 percent higher than they were a few years ago. In Connecticut, premium costs have gone up 42 percent in 8 years. Imagine what that has done at a time when wages and salaries have not increased anything remotely close to that. Premiums and out-of-pocket costs for health care and individuals continue to skyrocket.

Chairmen KENNEDY and BAUCUS of the respective HELP and Finance Committees are working closely together on this process, trying to fashion a timeline and policy that will fit together. Both chairmen have stated a shared goal of marking up health care legislation in early June. I strongly believe that timetable is achievable. But we need to have a Secretary of Health and Human Services, if we are going to mark up a bill in June. We have had this nomination pending for more than a month, have spent a week debating it, and we are in the month of May. Most Americans want the petty politics put aside and the people in place we need to lead this effort. They care about health care. They understand what happens: When one loses their job, they lose their health care.

Last year one in three Americans, between 2007 and 2008, had a gap where they had no health care for one reason or another. Lord forbid someone is in that gap and something happens to them or their spouse or a child and they end up having to pay out-of-pocket expenses for the care of that individual. That is a fear everyone has who faces that possibility or is in that situation today.

I say this respectfully. It is time to get the people in place who can help us get this job done. Delaying this nomination because you don't agree with everything that Kathleen Sebelius says or supports is not justification for denying this administration and, more importantly, the American people a leader at the Department of HHS to move forward.

I wish to say a quick word about the comparative effectiveness research which has been mentioned as a reason for holding up the nomination. This effort is about expanding Americans' access to health care, not restricting it. We also want to give patients and their doctors the tools they need to make the right decisions about care. That is what comparative effectiveness research is all about, empowering patients and medical providers. It is not about rationing care. Comparative effectiveness research is about helping patients and providers figure out together which therapies and treatments work best for them. It is not about restricting or limiting health care options but, rather, about helping them understand their health care better and more accurately chart a course of treatment. The President has made such research a high priority by having invested in it through the recovery act's \$10 billion for the National Institutes of Health and \$1.1 billion for comparative effectiveness research.

I support the President and Governor Sebelius in this effort to inform patients and providers. This is the moment for health care reform. Failure is not an option for our Nation. I look forward to working with Governor

Sebelius to make meaningful, lasting change to our Nation's health care system.

While health care reform is a top priority, I also wish to address quickly another vitally important issue to the responsibility of the department; that is, early childhood education and development. This is an issue that has long been near and dear to my heart, since 1981, when I started the children's caucus in the Senate almost 30 years ago with ARLEN SPECTER of Pennsylvania, who was a new Senator as well that year, along with people such as Patrick Moynihan, Bob Dole, and Bill Bradley. Each brought a deepening interest in what was happening to one out of four Americans who are children. As a result of our efforts over the years, we have made a difference.

I am encouraged by the commitment of President Obama to early childhood education. I look forward to working on new proposals as well as strengthening current programs such as Head Start and the CCDBG for childcare to benefit children and families. An investment in our youngest Americans pays off in their readiness for school, their health, and job creation now and in the future and the need for fewer social services later in the child's life.

Now is the time to put partisan politics aside, confirm Governor Sebelius so we can have the kind of leader most Americans are looking for and provide the guidance the Department of Health and Human Services will need if we are going to succeed in this effort.

I urge confirmation of this remarkable individual who has offered her services to the country, who is making the kind of sacrifice to come forward and serve our Nation at a critical moment. That is to be celebrated. That is patriotism. I hope my colleagues will quickly confirm this nominee and allow us to begin the critical work of fashioning a national health care reform package.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I rise this afternoon in support of an incredibly gifted public servant. I don't normally stand up and sing the praises of Kansas. I am not a huge fan of Kansas. I am a Missourian, and we have issues between Kansas and Missouri—usually between our basketball teams and our football teams.

During the last decade, I have had an opportunity to get to know Kathleen Sebelius as a person, as a mother, as a

wife, as a Governor, and as a friend. I want my colleagues to know that they are voting to confirm an extraordinary individual who will do an excellent job as Secretary of Health and Human Services in the United States.

Kathleen Sebelius has shown courage and guts many times in her career. Frankly, running for Kansas's Governor as a Democrat shows guts and courage. We are talking about a State that is not warm and fuzzy about Democrats. We are talking about a State that is as red as Dorothy's ruby slippers. But she ran for Governor after she had served as commissioner of insurance in Kansas. So why was it that all these Republicans got excited about voting for Kathleen Sebelius? It was because she demonstrated, when she was commissioner of insurance in Kansas, that she was about fighting for them. It happened over an insurance company. Everyone needs to realize this is an experience she has had that relates directly to what we need right now as Secretary of Health and Human Services as we embark upon the most aggressive and ambitious health care reform agenda this country has ever faced.

When the largest health insurance company in Kansas wanted to sell—this was a mutual company owned by the policyholders of Kansas and covered 70 percent of Kansans—all Kathleen Sebelius, the insurance commissioner, had to do under the law was sign off on it and say no harm would be done. But she took a look at it and said, wait a minute, I don't think the test should be that no harm is going to be done. I want to know what this sale is going to do to make things better for Kansans. She took on a titan—a big, huge insurance company. That is what we need right now, someone willing to take on the calcified silos of profit in our health care system and blow them up in order to deliver a better product. She said: I want to make sure this sale is going to reflect a better environment for health insurance for the people of Kansas.

She fought them all the way to the Supreme Court of Kansas and eventually she won and was able to block the sale of this company. She said at the time that bigger is not always better, and unless they could show how this was going to be better for the people of Kansas, she would continue to fight them toe to toe. It was that kind of fighting spirit on behalf of regular people who don't have the tools to fight big insurance companies that uniquely qualifies her to be at the head of this important agency as we embark on the health care reform agenda.

Not only did she have the guts to run for Governor—she won, which was remarkable. Here is an even more remarkable part. She went to Topeka, the capital, and began working with the Republicans. As President Obama

has said over and over again, she said: I want to work with you. And she did. She wrestled with a senate and a house that was dominated by the Republican party in Kansas and, at the end of 4 years, what did the people of Kansas do? Did they say they were sick of the gridlock and didn't want this liberal Kansas woman anymore from the Democratic party as Governor? Oh, no, they did not; they reelected her by a wide margin.

It is a remarkable thing, when you think about it, because this is a State that our former President won by 20, 30 points. Yet the people of Kansas realized they had a fighter. They looked past the party label to her courage, integrity, intelligence, and her willingness to go toe to toe with the big guys for them. I am proud she has been nominated. I know there have been some distortions about her record. I can assure my colleagues that she will make us all proud in this job. She will work with every one of us to try to find that common ground. She will leave no opinion behind as they consider the best way to move forward on this health care reform agenda.

I am pleased to be able to stand for a few minutes and tell everyone in America to celebrate today, because we are about to confirm a fighter—someone who will fight for you and deliver the kind of health care in America that we deserve, at a price we can afford.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I wish to speak for up to 10 minutes, maybe slightly longer, about the nomination of Gov. Kathleen Sebelius to be the Secretary of the Department of Health and Human Services. I wish to speak on behalf of the Governor because I think she is such an outstanding candidate for this particular job.

As I look across the country, as many of my colleagues, and think who could fill this position, I have to say I was very pleased with the President's action to tap her for this important position because right now this Secretary is going to be charged with fulfilling the President's idea that all Americans should have health coverage. This is an idea that other Presidents have shared and about which many leaders in Congress, both Republicans and Democrats, have thought. It would be remarkable and wonderful for our country, the extraordinarily developed Nation that we are, to find a way—a cost-effective way, in my view; hopefully, a

market-based approach—to solving one of the great challenges of our time, which is to provide health insurance, good coverage, for workers in the most productive Nation on Earth.

It really is a failing, in my view, of our organized society and our Government that we have not in over 240 years been able to accomplish that. We have accomplished so many things that are a credit to our country, but this has eluded us.

When President Obama ran in his campaign, and as I heard him speak even here and in the House Chamber for a joint session, he again expressed his passion for trying to find a solution. One of the first steps to finding a solution is finding a leader who has a good record of finding solutions on their own, a good record of working across party lines to get difficult jobs done. So in his action to achieve this goal, he has made a great first step to at least present to the Senate for our consideration a person who does not have a weak record but a strong record in this effort.

I submit that as a Democratic Governor of Kansas, you have to be pretty good as a Democrat, first of all, to get elected in Kansas because, like Louisiana, it tends to be a more conservative State on some issues. Obviously, I think this Governor has demonstrated over and over, as insurance commissioner and as Governor of Kansas, the ability to get the job done. She was tapped before she was Governor by a Governor of Kansas to help actually implement and lead the children's health program. Her record is clear in the success of this program.

She, as insurance commissioner, had a great deal of interaction with health insurers in that State and others that indicates to us she has the experience and the ability to do this. Working with the Federal Government during her time as Governor on all of these health care matters leads me to the conclusion that she is the right person to help us get this job done. The sooner we confirm her the better.

I was very impressed to hear—I do not serve on this committee—that at her hearing, Senator ROBERTS, our colleague who is of the other party, spoke in her favor and voted for her. Even more impressive to me was that former Senator Bob Dole testified for her.

This is not at all a typical partisan appointment. This is a person who has demonstrated through her leadership for many years in the State of Kansas the ability to tackle the toughest jobs and bring people from various viewpoints together. That is the kind of leadership I think America is looking for right now.

I might add that in the most recent days, the outbreak of the swine flu in our country should compel the Members of this body to know this is not a job that should have a vacancy sign on

the door right now. There could potentially be a pandemic. The Government is hoping for the best but preparing for the worst. While Secretary Napalitano has been charged with the task to coordinate Federal agencies, frankly I do not feel very comfortable having this job vacant. The faster we can get her in this position with her extraordinary credentials the better.

I would like to make a few other points. As the chair of the Small Business Committee, I have to say again for the record—and I think Senator SNOWE from Maine, my ranking member and long-serving member of this committee, would say the same thing if she were here—that no matter what we call a meeting on in the Small Business Committee—it could be on procurement, it could be a hearing on credit markets, it could be a hearing, which we have had, on the Small Business Administration itself, as I am standing here, every small business person, almost to the man or woman, will say: Senators, before I leave, or, Senators, I know this isn't the subject of this hearing, but could I please say I can't afford my health insurance; can I please say that it is very important for this country to find a way for small business entrepreneurs to get health insurance.

Just for the record, for small businesses that employ the vast majority of people in this country, the percentage of coverage has dropped in the last 7 years from 68 percent of those businesses providing coverage down to 59 percent. I know in my personal experience dozens of people who would say: You know, Mary, I would like to start a business. I think I have a good idea, and actually I have some money to start it, but I can't give up my health insurance because I have a preexisting condition or I have a son with leukemia or I have a daughter who has a compromised immune system.

I cannot tell you how strongly I feel that our country is actually not only throwing cold water but almost freezing water on the entrepreneurial spirit because we can't seem to figure out how to provide health insurance—and not just for big companies but for medium companies and for emerging companies—and to have that coverage be portable and available when people want to leave a company and take a risk. They might risk their business, but they are not going to risk their life. That is a little too much risk to ask in order to start a business. You may risk your home, you may risk your fortune, but to ask people to risk their life is a little ridiculous. Yet that is where we are. So the faster we can get someone in this position who can help put their shoulder to the wheel and help our small businesses come up with a way, the better off we will be.

Finally, I wish to mention two issues briefly. We concentrate a lot in this department on health care and that, of

course, is the President's priority and it is our priority, but I don't want to fail to mention that I believe this Governor would be an extraordinary advocate for foster care children. There are 500,000 of these children, many of them with 4.0 grade point averages, amazingly. Many of them are the most extraordinary children. I have gotten to meet many of these young people as chairman of the Adoption Caucus and an advocate for foster care. This is despite the fact that some of them have spent several years of their youth living in an automobile.

One of these children said to me one day that she got so hungry she would just eat paper. The only thing that made it edible was that she would pour salt on it, just to try to put something in her stomach. These 500,000 children and young people need someone such as Governor Sebelius because these are people in the custody of the Government. The U.S. Government, along with partners in our 50 States, have an obligation to these children for their health, for their education, and to try to help them launch successfully in life. Once we have terminated their parental rights—in many instances for good cause—we then have an obligation to be their parents and to reconnect them through adoption, if possible, or to long-term guardianship. We need somebody in this position who can do that.

I know of Governor Sebelius's heart for foster care, for orphans, and for adoption. I think she will be a wonderful advocate to keep our adoption tax credit in place and to help Senator GRASSLEY and I—we have been working on this with many other Members—find a way to reform the financing mechanism and the way we fund our foster care adoption system in this country, which right now funds the system and not the child. We want the money to support the decision of that good, solid judge who has a plan for the child. The problem is there is no money for the child because we are giving the money to the system instead of tying the money to the child. Senator GRASSLEY and I have a vision to make that better.

I hope we can confirm Governor Sebelius, knowing she has a proven record of governing her State, which is not easy for a Democrat, and remained very popular. That takes a great deal of effort in this day and age, given the partisan nature of our politics. We need to have a "position filled" sign as opposed to a "vacancy" sign in this position, and we need somebody who understands the commonsense practical approach to governing that is going to deliver for this President and for us—for the American people—a health care system we can depend on, that we can afford, and that promotes risk-taking and entrepreneurship, which is the founding principle, in many ways, of this wonderful country.

I thank the Presiding Officer for the opportunity to speak on behalf of the Governor, and I urge my colleagues to not wait any longer and to confirm this nominee and give her the support she needs. Do not apply any litmus test on any particular issue, but give her the chance I think she wants to have—I am confident she wants to have—to do a good job for us all.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak up to 15 minutes on the pending nomination.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CORNYN. Mr. President, Governor Sebelius, who has been nominated to be Secretary of Health and Human Services, testified before the Senate Finance Committee that she would not refuse to use certain comparative effectiveness research as a tool to deny or delay American citizens' access to health care. Said another way, a concern about comparative effectiveness research, \$1.1 billion of which was funded in the stimulus program, can be used both for benign purposes, purposes that are completely understandable, as well as those most Americans would find repugnant; that is, for rationing of access to health care.

Comparative effectiveness research is the comparison of various treatments or approaches to garner better data on what works best and/or what costs the least. Comparative effectiveness research can be helpful and beneficial if it is used to inform health care decisions and individual health care decisionmaking and as a guide to evidence-based medicine. Without appropriate safeguards—and these were the safeguards Governor Sebelius refused to embrace—the Government could actually use comparative effectiveness research to delay treatment and to deny care based on a one-size-fits-all approach to health care.

The economic stimulus package included \$1.1 billion for comparative effectiveness research. This research should only be used to better inform individualized decisionmaking; that is, a patient talking to their doctor and deciding what is in that patient's best interests. It should not be used for the Government to say: Patient, we will not pay your doctor for that procedure unless it meets our cookbook medicine model that is generated by comparative effectiveness research. Despite assurances that the stimulus money

would not be used to evaluate the relative cost effectiveness of various medical treatments, the National Institutes of Health is already undertaking steps to use the stimulus money to conduct that kind of cost-based research.

As I indicated, Governor Sebelius was asked before the Finance Committee how she plans to use comparative effectiveness research. As Secretary of HHS, she will be in the driver's seat in large part to determine how the policies of this administration and of this Congress will be implemented. My colleague Senator KYL from Arizona expressed his concern before the Finance Committee vote in these words, with which I agree:

Unfortunately, Governor Sebelius' answers made it clear that the Administration is unwilling to support pro-patient safeguards. She left me with no assurance that HHS, federal health care programs, or any new entity—such as the Federal Coordinating Council—will not use comparative effectiveness research as a tool to deny care. And this should be of concern to all of us.

Instead of allowing the Federal Government to intrude further into personal decisionmaking and medical care, I believe that health care reform should enhance the individual relationships between doctors and their patients. I am concerned that using comparative effectiveness research to justify treatment denials based on cost will significantly limit patients' ability to choose health care services for individual needs. It will also reduce—and this is important—medical innovation and quality of care.

When asked, Governor Sebelius did not have any convincing answers to what is one of the most important questions in the health care debate, and that is, how do we contain rising health care costs, something that is going to render the Medicare Program insolvent in the next decade? As any employer will tell us, it makes it increasingly more difficult for employers to provide health care to their employees.

According to the Congressional Budget Office, spending on health care will account for nearly 17 percent of the gross domestic product of the United States. In 2009, that will be as much as \$2.6 trillion. America spends more than twice what other industrialized nations spend per capita on health care. Can we claim our health care product is twice as good as anywhere else in the world based on this increased spending? I doubt it, even though American health care is very good. But I don't think we could say we get our money's worth by spending twice as much as any other industrialized nation per capita on health care. Health care insurance premiums have risen much faster than workers' wages in recent years which means lower take-home pay for American workers. Health care reforms must ensure that this trend is reversed

or we will have failed in one of the most important missions of health care reform.

In the Finance Committee, I asked Governor Sebelius her specific ideas, other than delaying treatment and denying care, on how to contain costs. In my office I asked her, what about health care liability reform which, in my State of Texas, has made health care much more accessible by moderating the growth of medical malpractice insurance premiums, providing a more level playing field when it comes to doctors and hospitals being sued. She basically did not have much of an answer for whether that should be included. I happen to believe it is one of the cost drivers in health care cost and has to be addressed. I submit, with no little modesty, that the State of Texas has experience in this regard that the Federal Government could learn from. While I don't doubt some of the cost containment proposals in her answers could be worthy of pursuing, Governor Sebelius failed to prove that they will provide substantial savings in a \$2.4 trillion health care system. The Congressional Budget Office is also skeptical that the proposals she mentioned will result in any substantial savings.

Finally—and this should cause all of us to be concerned about whether there actually will be cost containment or cost savings in health care reform—I am puzzled by the fact that President Obama's budget actually asks for more money, \$634 billion. That is not the total price; that is for a downpayment. In my State, as well as the State of the Presiding Officer, before people are accustomed to making a downpayment, they usually want to know what they are buying. But the budget proposal by the President called for \$634 billion of additional spending as a downpayment in order to control costs in the long run, which is based on nothing more than hope, and that is hardly a strategy.

We know we are already facing an unprecedented level of national debt. Unfortunately, Congress, under the new administration, has contributed greatly to the fact that we have seen more spending in the last 90 days than we have seen in Iraq, Afghanistan, and in Hurricane Katrina recovery. We know we have \$36 trillion more in unfunded liabilities in the Medicare Program alone. So at a time when we need to figure out how we deal with unfunded obligations of the Federal Government, how do we more efficiently spend the 17 percent of gross domestic product that makes us spend twice as much as any other country in the world per capita, we are ignoring some of the huge unfunded liabilities of the Federal Government, and we are asked to take as a matter of faith that these proposals will result in savings without any concrete plan which can be analyzed and evaluated in the light of day.

I firmly believe this country is spending enough money on health care today. What we need are innovative ideas about how to spend it more wisely. I have not heard any innovative ideas from Governor Sebelius or the current administration.

What causes me even more concern is Governor Sebelius has made it clear that she supports a new government-run "public plan" for health care that is unequivocally a gateway to a single payer system. A new government-run public plan option will devastate private insurance markets by acting as a competitor, regulator, and funder. How in the world can the private market compete when the Federal Government comes in and sets prices which will cause employers to give up their employer-provided health insurance coverage to allow their employees to get coverage under the public plan? Indeed, the public plan, much like Medicare today, can be relied upon to use denial or delay or treatment rationing of health care in order to contain costs.

The independent Lewin Group analysis found that a new public plan could mean that 118 million Americans will lose their current health care coverage, and 130 million Americans could end up on a government-run health care plan. That is what I mean as a "gateway" to a single payer system through this so-called innocuous sounding public plan which will run competition out, will undercut it, and make it impossible to have the benefits of a competitive market, as we have seen on Medicare Part D, the prescription drug coverage plan, which actually, in an amazing feat, has a high public satisfaction and came in under proposed cost, mainly through a market-based mechanism that creates a market for insurance companies to provide prescription drug coverage. That is the kind of model we should be looking at to learn from in order to contain cost, not by Government delaying or denying access to health care under the guise of a "public plan."

The Wall Street Journal recently wrote:

Because federal officials will run not only the new plan but also the "market" in which it "competes" with private programs—like playing both umpire and one of the teams on the field—they will crowd out private alternatives and gradually assume a health-care monopoly.

A public plan will also increase the cost of private health care. A report by the actuary Milliman estimated the "hidden tax" commercial payers pay to subsidize the costs of Medicare and Medicaid equals roughly \$88.8 billion per year. This means that the average health care premium is \$1,512, or 10.6 percent, more annually per family than it would be without the cost shift. A new so-called public plan option, which is a government-run program, would exacerbate the cost shift and drive up the cost of private health care at a

time when we must seek to lower health care costs.

Then there is the Washington Post that wrote on April 27:

[President Obama's] nominee for secretary of health and human services, Kathleen Sebelius, said that she wants a public plan to "challenge private insurers to compete on cost and quality" but "recognizes the importance of a level playing field between plans and ensuring that private insurance plans are not disadvantaged."

The Washington Post said:

We disagree. It is difficult to imagine a truly level playing field that would simultaneously produce benefits from a government-run system.

I ask unanimous consent that this editorial from the Washington Post be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Throughout the campaign last year, the President promised Americans care such as Members of Congress receive. The irony is that Members of Congress do not have access to a public plan. As a matter of fact, we don't need one because there are private plans that provide the coverage we receive.

I am concerned that Governor Sebelius is not up to the challenge of finding—and this is my final point—more than \$90 billion of waste, fraud, and abuse in the Medicare-Medicaid Program each year.

There are some who have said that what we need is Medicare for all. Well, right now Medicare, as I indicated, and Medicaid have roughly \$90 billion in fraud, abuse, and waste. I hope that is not what they mean—that we need to carry over that kind of waste, fraud, and abuse into a Medicare or a single-payer system. According to an article in the Washington Post last year, more than \$60 billion is lost each year to Medicare fraud alone. That is just Medicare—\$60 billion of money that could go to provide services to Medicare recipients that is lost to people who cheat and steal the Federal taxpayer. Medicaid services last year were estimated to be about \$32.7 billion similarly lost to fraud, waste, and abuse. Medicare and Medicaid fraud drive up the cost of health care and, I believe, represent an unacceptable mismanagement of taxpayer dollars.

When I asked Governor Sebelius about how she planned to fight fraud in our public programs, she only gave the vaguest of answers to my questions. Additionally, her record as Governor tells me that she is not yet ready to tackle that kind of fraud, waste, and abuse as Secretary of Health and Human Services.

The Kansas State Legislature is planning to have hearings on whether Governor Sebelius was involved in a decision to provide more than \$700,000 in "extraordinary" Medicaid funds to an

organization linked to a number of her supporters. An article by the Kansas Health Institute said that:

Regardless of the Medicaid question, which isn't likely to be answered any time soon, many believe [the Medicaid Director's] decision was based on the political connections of those most closely involved.

The article goes on to say:

Some Kansas officials are debating whether State oversight of [Kansas'] Medicaid program was strong enough. The debate focuses on the inspector general's office, created in 2007 within the Kansas Health Policy Authority to ferret out potential problems in Medicaid. The first inspector general left in October and has told legislators the authority hindered her work . . . The scrutiny came after a legislative audit described \$13 million in "suspicious claims" paid by Medicaid in 2005 and 2006, before the authority took over the bulk of the program. In one case, auditors said the program paid a doctor \$941 for a Cesarean section when the patient was an 8-year-old boy.

Republicans and, indeed, all of us, I believe, want a new HHS Secretary to be someone committed to work with them to reform the health care system in a bipartisan process that will reach the best result for the American public. Unfortunately, with a sense of foreboding, I read accounts that Democratic leadership wants to use the budget reconciliation process to jam a partisan health care reform bill through on an expedited basis without adequate debate or deliberation. I think that would be the worst of all possible outcomes. This is a serious enough issue that we need true bipartisan buy-in and contribution to workable health care reform.

Unfortunately, Governor Sebelius backed a highly partisan process for health care reform that excludes representatives of 50 percent of the American people: the use of budget reconciliation that I mentioned. Governor Sebelius refused to say that she would not support the use of reconciliation to pass health care reform. In her response to committee questions, she wrote:

There are many tools available and none of those tools, including reconciliation, should be taken off the table.

I am very concerned that using a partisan procedural trick to reform a system that comprises 17 percent of our gross domestic product is not in the best interests of the American people. The American people deserve open and full and honest debate about how to improve our health care system, not this kind of partisanship.

Then, finally—and this is my final point—Governor Sebelius failed to disclose relevant information to the Finance Committee during the consideration of her nomination. Not only was there the matter of her tax returns—something that, unfortunately, has become a trend, it seems, in this administration's nominees—she also failed to disclose contributions from a con-

troversial abortion provider until pressed by the media.

The Associated Press wrote that:

When the discrepancy became public Sebelius acknowledged getting an additional \$23,000 from Tiller and his abortion clinic beyond the \$12,450 she initially reported.

While I appreciate her apology and her mention that it was only an inadvertent error, I am concerned that a Cabinet Secretary should be held to a much higher and more transparent standard.

So I am sad to say I will not be able to support Governor Sebelius's nomination for Secretary of Health and Human Services.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 27, 2009]

REFORMING HEALTH CARE

Of the many possible issues that could snarl health-care reform, one of the biggest is whether the measure should include a government-run health plan to compete with private insurers. The public plan has become an unfortunate litmus test for both sides. The opposition to a public plan option is understandable; conservatives, health insurers, health-care providers and others see it as a slippery step down the slope to a single-payer system because, they contend, the government's built-in advantages will allow it to unfairly squash competitors.

For liberals, labor unions and others pushing to make health care available to all Americans, however, the fixation on a public plan is bizarre and counterproductive. Their position elevates the public plan way out of proportion to its importance in fixing health care. It is entirely possible to imagine effective health-care reform—changes that would expand coverage and help control costs—without a public option.

President Obama has said that he favors a public option but has been sketchy on details. His nominee for secretary of health and human services, Kathleen Sebelius, said that she wants a public plan to "challenge private insurers to compete on cost and quality" but "recognizes the importance of a level playing field between plans and ensuring that private insurance plans are not disadvantaged."

The argument for a public plan is that, without the need to extensively market itself or make a profit, it would do a better job of providing good health care at a reasonable cost, setting an important benchmark against which private insurers would be forced to compete. Even in a system where insurers are required to take all applicants, public plan advocates argue, incentives will remain for private plans to discourage the less healthy from signing up; a public plan is a necessary backstop. Moreover, if the playing field is level, public plan advocates argue, private insurers—and those who extol the virtues of a competitive marketplace—should have nothing to fear.

We disagree. It is difficult to imagine a truly level playing field that would simultaneously produce benefits from a government-run system. While prescription drugs are not a perfect comparison, the experience of competing plans in the Medicare prescription drug arena suggests that a government-run option is not essential to energize a competitive system that has turned out to cost less than expected. Insurers and private companies have been at least as innovative as the

federal government in recent years in finding ways to provide quality care at lower costs. Medicare keeps costs under control in part because of its 800-pound-gorilla capacity to dictate prices—in effect, to force the private sector to subsidize it. Such power, if exercised in a public health option, eventually would produce a single-payer system; if that's where the country wants to go, it should do so explicitly, not by default. If the chief advantage of a public option is to set a benchmark for private competitors, that could be achieved in other ways, for example, by providing for the entry of a public plan in case the private marketplace did not perform as expected.

Maybe we're wrong. Maybe it's possible to design a public option that aids consumers without undermining competition. If so, we certainly wouldn't oppose a program that included a public component. But it would be a huge mistake for the left to torpedo reform over this question.

Mr. REID. Mr. President, the hole we have inherited is a deep one. We are all in it together, and together is the only way we will be able to climb out of it.

One step that will put us back on the path to prosperity is reforming our broken health care system.

We will soon begin debating the best way to give all Americans the access to quality, affordable health care that they deserve. We will begin to lay the groundwork for creating health care jobs that not only improve the health of our economy but of Americans everywhere.

It will not be an easy task. It will take the cooperation of both Republicans and Democrats. It will take the collaboration of both the White House and the Congress. But right now, the President is playing shorthanded.

Governor Sebelius will be a key player on his team. President Obama will benefit from having her experience and temperament in his Cabinet, and all Americans will benefit from her extraordinary leadership.

Governor Sebelius has worked hard for the people of Kansas for more than 20 years—the first 8 in the State legislature, then as the State's insurance commissioner for another 8 years. It is safe to say she knows a thing or two about the complexities of insuring all Americans and the urgency with which we must do so.

On her way to becoming insurance commissioner, Kathleen Sebelius refused to take campaign contributions from insurance companies. Once she got there, she made her mark by cracking down on HMOs and saving taxpayers money.

For the last 6 years, she has served as the Democratic Governor of a bright red State. One doesn't succeed—let alone get reelected—in that environment without knowing how to put people ahead of partisanship. Governor Sebelius did just that—she expanded health care for children and made both health care and prescription drugs more affordable for everyone.

Her integrity is beyond reproach, her expertise is essential, and her confirmation is long overdue.

The only way for our economy to fully recover is by making the critical investment of reforming health care. The stakes are too high and the cost of inaction is too great.

If we are going to start digging out of this hole, we must start by filling the hole over at HHS. And if we are going to fix our broken health care system, who is better equipped to lead that effort than Kathleen Sebelius?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The nomination of Kathleen Sebelius.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that any remaining debate time be yielded back and the Senate then proceed to vote on confirmation of the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that upon confirmation, the other provisions of the April 23 order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—65

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Begich	Feingold	Lugar
Bennet	Feinstein	McCaskill
Bingaman	Gillibrand	Menendez
Bond	Gregg	Merkley
Boxer	Hagan	Mikulski
Brown	Harkin	Murray
Brownback	Inouye	Nelson (NE)
Burris	Johnson	Nelson (FL)
Byrd	Kaufman	Pryor
Cantwell	Kerry	Reed
Cardin	Klobuchar	Reid
Carper	Kohl	Roberts
Casey	Landrieu	Sanders
Collins	Lautenberg	Schumer
Conrad	Leahy	Shaheen

Snowe
Specter
Stabenow
Tester

Udall (CO)
Udall (NM)
Voinovich
Warner

Webb
Whitehouse
Wyden

NAYS—31

Alexander
Barrasso
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Crapo

DeMint
Ensign
Enzi
Graham
Grassley
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl

Martinez
McCain
McConnell
Murkowski
Risch
Shelby
Thune
Vitter
Wicker

NOT VOTING—3

Kennedy

Rockefeller

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Under the previous order requiring 60 votes, the nomination is confirmed. The motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

FOCUS ON AFGHANISTAN AND PAKISTAN

Mr. CASEY. Madam President, I rise to convey this afternoon some brief remarks on the new strategy of the United States for Afghanistan and Pakistan announced by President Obama last month. I applaud his statement, and I applaud the sharpening of focus this new administration has brought to our mission in this critical region of the world. For too long, our policy in both Afghanistan and Pakistan has drifted—overly reliant on support for individual leaders, excessively ambitious in our goals for the region, and, finally, lacking any constraints or accountability for the billions of tax dollars of the United States spent in both countries.

President Obama made clear during the campaign last year that we could no longer pair grandiose rhetoric with paltry resources when it comes to U.S. policy toward those two nations.

Accordingly, in one of his first national security decisions, he established a 60-day comprehensive review of our entire policy. He asked the respected Bruce Riedel to take leave from the Brookings Institution and oversee this review.

The policy review is now complete. With the full support of Admiral Mullen and General Petraeus, the President is dispatching an additional 4,000 troops to train and advise the Afghan Army as it grows in size and scope to shoulder the burden of securing Afghanistan on its own.

The President is dramatically increasing our civilian presence in Afghanistan, recognizing that we cannot win this conflict on military terms alone but must provide a robust development and diplomatic capability to complement our brave fighting men and women.

Finally, the Obama administration recognizes we cannot separate Afghanistan and Pakistan, to pretend as if they were two separate challenges. Nothing could be further from the truth.

Following the successful offensive of the United States in Afghanistan in 2001 and 2002, hard-line Taliban and al-Qaida elements successfully relocated to western Pakistan. From there, they have created a sanctuary to attack troops of the United States, to destabilize eastern and southern Afghanistan, and to launch attacks on Pakistani military units and civilian installations.

Moreover, these radical elements are beginning to move westward within Pakistan, threatening the stability of the Pakistani state. I am extremely concerned by the speed with which the Taliban is gaining ground, especially in the areas close to Islamabad, the capital. I know the administration is working with our partners in Pakistan to prevent the situation from deteriorating even further. We must continue to work with the Government of Pakistan to prevent these radical groups from destabilizing the Pakistani State and the region. As we all know, Pakistan has a nuclear arsenal which would pose a grave threat should it fall under the control of extremists.

The recent gains of the Taliban show how interrelated the threats in Pakistan and Afghanistan are. The threat in Afghanistan feeds off the threat in Pakistan and vice versa. We must treat this for what it is: one theater that requires a unified approach.

The President laid out, in vivid terms, why this is so important that we achieve success in our mission in both countries. Let me quote from his speech laying out the new strategy. I am quoting President Obama:

Multiple intelligence estimates have warned that Al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan. And if the Afghan government falls to the Taliban—or allows Al Qaeda to go unchallenged—that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

It gets no clearer than that. The very people who attacked us on 9/11 are plotting future attacks on us in Afghanistan and the border region in Pakistan.

We must disrupt and neutralize these groups before they strike again.

A theme I have emphasized in recent weeks is that the President, supported by his Cabinet officers and top aides, must continue to engage the American people on why our mission in Afghanistan and Pakistan is so essential to our national security. In other words, it is not enough to have one Presidential speech on our strategy and then to ignore the issue. I know this President, and I understand he will not do that. Instead, he will continue to talk about the importance of the sacrifices being made by our fighting men and women in that theater. He will lay out a series of benchmarks to measure progress by the Afghan and Pakistani Governments and then give us clear indications as to how they are doing. The American people will support their Commander in Chief but only provided they are given updates on the progress achieved at regular intervals.

Let me conclude with one final observation. During the lead up to and the early execution of the Iraq war, the Congress was rightly criticized for being missing in action. Tough questions on our mission and our strategy were not asked often enough. Administration assertions were too often taken at face value. We cannot allow that to happen again, not in a military conflict so vital to the security of the American people.

I support the President wholeheartedly, but that support is neither blind nor unthinking. I happen to chair the Senate Foreign Relations subcommittee responsible for the Middle East and South Asia. Accordingly, Afghanistan and Pakistan fall within my subcommittee's jurisdiction. I intend to hold hearings later this year to review the administration's implementation of the strategy it announced recently, with a special focus on the promised benchmarks for success in both countries.

Effective congressional oversight is essential if the United States is to have unity of purpose and unity of will to, as the President has said, disrupt, dismantle, and defeat al-Qaida in Pakistan and Afghanistan and to prevent their return to either country in the future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY CODE REFORM

Mr. DURBIN. Madam President, later this week, probably tomorrow or

Thursday, we will consider an amendment which I will offer relative to the Bankruptcy Code. I can remember not that many years ago, when we reformed the Bankruptcy Code, I was a member of the Senate Judiciary Committee—a new member—and the ranking chairman of the Subcommittee on Bankruptcy was Senator GRASSLEY of Iowa. He had worked on this for quite some time.

I looked around the Senate Judiciary Committee and reflected on my colleagues, many of whom had served for years in the Senate and on that committee. But when it came to the issue of bankruptcy, 10 years ago, I realized something that was a little amazing. By virtue of the fact that I had taken a course in bankruptcy at Georgetown Law School 30 years before—a 3-hour, one-semester course—and had been appointed a trustee in bankruptcy in the Federal court in Springfield, IL, over a bankrupt gas station, I had more experience in bankruptcy than any member of the committee.

Nevertheless, we embarked on this reform of the Bankruptcy Code—a massive undertaking. It took years before it was finally accomplished, and during the course of that a lot of amendments were offered. Of course, I viewed bankruptcy then and now as the last resort of desperate people. But, sadly, many millions of Americans have found this to be the only thing to which they can turn. They have reached such a point in their lives and in their economic experience where they have no choice but to turn to bankruptcy court and try to wipe the slate clean and to start over.

The major reasons people go into bankruptcy are pretty obvious—the loss of a job; the No. 1 reason, of course, is health care bills. People end up with bills that aren't covered by insurance and have no place else to turn. Sometimes a bitter divorce will end in bankruptcy court. It is rare that people turn to it. I think many of the critics of bankruptcy think people are just looking for any opportunity to go to bankruptcy court. I don't think that is the case with the majority of those petitioners who file for bankruptcy.

So here I am again, some 10 years later, looking at the Bankruptcy Code, but this time in a different context altogether. At this point in time, more and more Americans are headed for bankruptcy court for a new reason. They are losing their homes. They fell behind in their payments on their mortgages, became delinquent, and now face foreclosure. You know what I am talking about—people who have lost their jobs, people who signed up for mortgages that were very misleading, people who ended up in a circumstance where the mortgage they signed ends up triggering a new interest rate they can't sustain. So the most important asset they have on Earth—their home—is about to be lost, and

they are headed to bankruptcy court to try to salvage something out of their lives.

Now, if the person headed for bankruptcy court facing foreclosure on their home is well off and has other real estate, such as a vacation condo in Arizona or Florida, it is interesting what the bankruptcy court can do. The person who comes in filing for bankruptcy facing foreclosure on two pieces of real estate, the home and the vacation condo, finds out that the court treats them totally different.

When it comes to the vacation condo, the bankruptcy judge sits down, takes a look at the assets of the person filing for bankruptcy, and tries to determine whether at the end of the day they can ever make another mortgage payment. For some, it is hopeless; they have lost a job and they are so far behind it will never work. But for others, they are right on the edge. So the bankruptcy judge has the power, when it comes to the vacation condo, to rewrite the terms of the mortgage that is being foreclosed upon because the judge concludes that the person can make a mortgage payment, if in fact the person is given a new interest rate or a new term for the mortgage.

That is what they can do with the vacation condo. But what can the bankruptcy judge do when you file for bankruptcy facing foreclosure on your home? The answer is nothing. There is nothing the court can do. There could literally be a circumstance where a person could have a restructured mortgage coming out of bankruptcy to save that condo in Florida but lose their home. That is the way the law is written.

The same is true when it comes to farms and ranches. Not long ago some of the critics of my amendment were pushing in Congress and in the Senate a revision in the bankruptcy law which said, if someone goes into bankruptcy facing foreclosure on their farm, then we ought to let the bankruptcy judge see if they can rewrite the terms of the mortgage. We passed that into law. The same thing applies to ranches—farms, ranches, second homes, and vacation condos. The bankruptcy court has that power. But when it comes to your home it does not.

How do you explain that? Why in the world could someone turn to the bankruptcy court for relief for every piece of property but the most important one in life? The answer is that it is the law, and that is what the Durbin amendment would change.

Of course, there are some who do not like this change—the banks. They don't like this change because it means at the end of the day, if they will not sit down with someone facing foreclosure to try to work out and renegotiate the terms of the mortgage—at the end of the day that person may go to bankruptcy court and end up having a

judge do it. That is the court of last resort when one is facing foreclosure under my amendment. So that is why many of the banks resist it. They don't want to sit down and renegotiate the terms of the mortgage.

Now let's take a look at where we are in America today. This is not the first time I offered this amendment. I offered it last year to give the bankruptcy court this power. When I offered it, the critics said: We don't need it. Mortgage foreclosure is not that big of a problem.

When I offered this amendment last year, we estimated that 2 million American homes would be lost to foreclosure. Since then things have changed dramatically. The best estimate now from Moody's, a group that most people trust when it comes to making economic forecasts, is that instead of losing 2 million homes to foreclosure in America we are likely to lose more than 8 million homes to foreclosure in America.

What would 8 million homes in foreclosure represent? It would represent one out of every six home mortgages in America.

Visualize your own street you live on or the building in which you live. Imagine how many people are paying a mortgage payment on that street. Now imagine that one out of six loses their home. What impact does that have on you as a neighbor? It is not good. The value of your home goes down if there is a foreclosure in your neighborhood. Even worse, your neighborhood could change.

A foreclosed home, 99 percent of the time, goes back to the bank. It is not sold on the market and reoccupied. It sits there. I have seen them. I have seen them in Chicago, and I have seen them in Springfield, IL. These are homes that are boarded up with plywood. The lots in front of them look like a trash heap. Many times vandals come in and rip out the plumbing if they can get some copper pipe out of it, and sometimes it ends up becoming a haven for criminal activity and drug trafficking. It can literally destroy a neighborhood, and I have seen that happen—one foreclosed home.

Why? The banks can't do anything with it. They can't sell it on this market. They certainly do not put the time in to maintain the home as you would your own home in that same neighborhood. And everybody suffers as a result of it.

In addition, the banks that go through mortgage foreclosure end up spending \$50,000—that is about the average of what it costs a bank to have a home foreclosed upon.

It looks as if there are a lot of losers in this process I have just described. A family loses their home, a neighborhood sees a decline in value of all the real estate around it, and there is an eyesore at least, and maybe worse, and

the bank ends up with a \$50,000 debt. One would think under those circumstances that banks would be anxious to try to figure out if they could keep a person in their home.

I told a story last night which I think illustrates it. A flight attendant on a flight back to Chicago pulled me aside and said: I am a single mom with three kids. I have a home in the suburbs. My mortgage rate is too high. I can't make the payments anymore. I don't want to lose the home. If I could just renegotiate now to the lower interest rate I can make the monthly payments, and I could save my home. But what am I supposed to do?

And the answer I had to tell her was, basically: Beg the bank, and if they won't go along with renegotiating the mortgage, you are in a pretty sorry situation. You are facing delinquency, default, and foreclosure in a credit situation that is going to be absolutely horrible.

So we wrote this bill, not just to give the bankruptcy court the power to renegotiate the terms of the mortgage but also to set up conditions. Here are the conditions: The first one is, if someone is anticipating going to bankruptcy court, they are required to present to their lender, the bank with their mortgage, at least 45 days in advance of filing bankruptcy, the legal documentation of their economic circumstances: an indication of their income, a balance sheet on their assets and liabilities so the bank can take a look at them and see if there is a way to save this person who might otherwise face foreclosure.

I think about that flight attendant. She could prove that she has a steady job. She goes to work every day. She has been a model citizen, but she got caught in a bad mortgage, and when the ARM reset she couldn't keep up with it. At that point, if the bank offers her a renegotiated mortgage where she is paying at least 31 percent of her gross income as the mortgage payment—if the bank makes that offer, then this flight attendant and others, if they do not take the offer, cannot ask for the bankruptcy court to change the terms of the mortgage.

It is pretty basic. We put a limit on how much of a house someone can take into this process. It is about \$729,000. We also say that only loans that originated before January 1 of this year are eligible for modification. The loans must be at least 60 days delinquent before they are eligible for modification, and only loans for which a foreclosure notice has been sent are eligible. So it is an emergency, a pretty drastic circumstance before a person would exercise these rights, go to a bank, put their documentation on the table and see if they could get a renegotiation of their mortgage.

I think it is a reasonable way to stop some of the mortgage foreclosures, and

I think this is essential if we are going to turn this economy around. This recession started in the mortgage market, and it will not end until we straighten out that same market.

Unfortunately, there were a lot of smooth operators out there. Let me tell you the story of one woman in Chicago, and I think this is such a classic illustration. This lady had worked her whole life at a little factory, and she had saved up a little bit of money but she was counting on Social Security. She had basically paid off the house in which she lived and she was in retirement. She had the Social Security checks coming in and, of course, she believed she was in a secure situation.

A knock comes on the door, and a person says: Mrs. So-and-So, I just wanted to let you know you aren't living on one lot, you are living on two lots. You see, it turns out there are two parcels here. Your backyard is a separate real estate parcel and you have failed to pay the taxes on it and it has been sold at a tax sale.

This is a woman, a wonderful woman who worked her whole life. She wasn't a lawyer or an accountant or a real estate expert, and she went into a panic, to think that somebody was going to build something in her backyard.

She said: What can I do?

They said: You have to come up with money to buy back from the tax sale for the real estate taxes that went unpaid.

It turned out they had been mailing the notices of the taxes to another address. She wasn't aware of it.

So she looked around and saw on television an offer for a home refinancing. She called the 800 number, and the next day somebody showed up at her house and said: We can take care of this. This poor lady, 48 hours later, was brought into an office of a mortgage broker in Chicago. This is all happening in 72 hours. They sat her down at a table without asking for any evidence of her income or her net worth and handed her a stack of papers and said: Just sign these papers.

If you have ever been through a real estate closing, have you ever felt so hopeless in your life as with that stack of papers? As a lawyer I used to sit there and think: I hope I have looked through everything that is in there because it is page after page of small print, most of it in terms most people wouldn't understand.

She signed all of these documents. They gave her the money to buy the lot back from the tax sale, and they said we will give you a little extra money on the side. She thought everything worked out. The monthly payment was something she could handle.

Then came the reset. In a matter of a year or two the reset on the mortgage, this adjustable rate mortgage, drove the monthly payment up to the point where they were taking 80 percent of her Social Security check. She

was about to lose her home, the whole thing now, because of what she had signed up for.

That is when I met her in this desperate circumstance, where she turned to people and said: Is there anybody who can help me out of this mess? She was in her late sixties and just beside herself to think that she would have to give up this home that she had hoped to live in for the rest of her life.

Thank goodness a bank did step forward, refinanced the whole project at a reasonable interest rate, and she was able to stay in the home. But her story is not unlike a lot of others where people got into a circumstance with a mortgage broker and a bank and ended up signing up for a mortgage they couldn't handle. It happened to a lot of people.

These mortgage brokers—incidentally, many of them were engaged in predatory lending; that is breaking the law—fraud, misleading people because it was a hot market. Boy, if you could move a mortgage as quickly as possible, the next thing you knew it was part of a big security arrangement off with some big bank somewhere.

When I talked to the banks about giving people a second chance facing mortgage foreclosure, the banks told me: These people made a big mistake. Why should we bail them out of their mistake? Why should we feel any responsibility to them for the mistakes they made?

It is a pretty heartless argument. It is even worse nowadays because the very same banks, such as the American Bankers Association, and the community banks—not as many of those, I might add, but the very same banks that are saying these people have to pay a price for bad decisions, many of these banks were in line to receive millions if not billions of Federal dollars because of the same mistakes they made. When they made a business mistake, they ended up turning to the Government and our taxpayers. All of us ended up trying to help our banks get out of the mess they created with these subprime mortgages and the instruments that followed.

So the same banks that made these terrible mistakes, built these rotten portfolios, facing bankruptcy themselves, about to go out of business, happily took the money in from the Federal Government and now, when we say to them: What about the victims on the south side of Chicago or Albany Park or near Midway Airport—what about them? Can we give them a second chance? No, sir. Don't you understand what a moral hazard is? People have to pay the price for bad mistakes.

Bankers, obviously, don't believe they have to pay the price. Sadly, the situation is one that will be manifest in the vote we are about to take in just a few hours—maybe in the next day or two—on the Senate floor. I have been

working on this for 2 years. I thought this was unfair at the start, that the bankruptcy court could not sit and rework this mortgage as it can for so many other pieces of property. I didn't realize when I started this journey that 2 years later we would still be talking about millions of homes facing foreclosure and people desperate for it.

America is going to be a different place if 8 million homes face foreclosure. Unfortunately, a lot of towns are going to be different and a lot of neighborhoods are going to be different and these bankers are counting on the fact that at the end of the day, Uncle Sam will keep sending them money, trying ways to buy them out because they are too big to fail. The banks are too big to fail. These financial institutions, they know at the end of the day they are going to get a helping hand from this Government. But when we asked them to give a helping hand to people facing foreclosure, they walked away from the table. They walked away from the table. They would not negotiate with us, even though we put in reasonable requirements for people to do the right thing. They walked away from it. They feel no responsibility toward these people. That is unfortunate. It is unfortunate for the victims. It is unfortunate for our Nation.

This is not the last time we are going to visit the issues involving banks. I have learned the hard way that they are a pretty powerful lobby. One would think after what we have been through with this real estate bubble—the subprime mortgage mess with a lot of these banks, people trying to run away with multimillion-dollar bonuses in the midst of taking money from the Federal Government—one would think with all of that, the bankers wouldn't have the political clout in the Senate, but they do.

It is going to be a real test to see if we can come up with the 60 votes we need in the Senate to change this law and give these homeowners a fighting chance. I am not sure we can, but I think it is worth the effort.

I might say to the bankers, if you beat me this week—I hope you do not but if you do—hang on tight; we are coming back at you next week.

Do you know what we are going to talk about next week? Credit cards. We are going to talk about what these banks do with credit cards to consumers and families and businesses across America. And you know what I am talking about, situations where people face interest rates that all of a sudden mushroom overnight for no apparent reason.

I have had this happen. Send your payment in a day late. Watch what happens. You not only get a penalty for being a day late, they charge you interest on the penalty, and then interest again the following months. It just keeps coming at you.

You start adding it up and you think to yourself, this is an outrage. And it is an outrage. Time and again what these banks have done with their credit cards is to put people in a credit trap.

They had a feature on NOVA that I watched last year analyzing the credit card industry. It had this one fellow in there who is considered the wizard of credit cards. This man was the greatest mind in the world when it came to credit cards. A curious thing about him, though, they would not identify where he lived. They made a point of saying, he would only agree to an interview if we did not disclose where he lived. Very unusual, right.

Well, this man, in his infinite genius, came up with the following: He came up with the idea that the minimum monthly payment, instead of being 4 percent, should be 2 percent. Do you know why? Because if you pay 2 percent a month you will never, ever get out of debt. You are stuck. The minimum monthly payment is a guarantee that the interest is going to eat up everything you pay by the next month.

During the bankruptcy debate here, I had a simple little amendment. The amendment said this: If you have on your monthly statement a minimum monthly payment on the credit card, the bank issuing the credit check has to put below that minimum monthly payment: And if you make the minimum monthly payment, it will take you X months to pay off the balance and you will pay X dollars in interest.

The credit card companies refused to put that information on the monthly statement. And you know what they said to me: It is impossible to calculate that. Sure it is. It is impossible to calculate it, because they know if the average borrower, the person with that credit card, knew what that monthly minimum payment meant, they would think long and hard about whether that is all they are going to send in.

It is tough love in a way. Some people did get overextended in credit. But these credit card companies milked it for every penny it was worth. Senator CHRIS DODD of Connecticut is going to bring us this credit card reform bill. The House of Representatives is about to pass one this week.

So next week, I would say to my friends at the financial institutions and the banking industry: Hold on tight. We are coming at you again. And this time we are going to try to help out the consumers across the country, to help out the families who are being ripped off by credit cards every day, every single day.

In a tough economy, people who turn to these credit cards in desperation sometimes are the most helpless victims. I think it ought to go beyond that. I would not stop there. I have legislation which does something that has not been done in a long time in this country. It establishes a usury rate.

Usury used to be the established ceiling, the maximum, that you can charge for interest. We got away from that a long time ago. We said, we will let the market decide.

Well, I put in a bill that said: The maximum you can charge for interest for any 1-year period is 36 percent. That would be for mortgages, that would be for credit cards, basic loans. The reason I picked that number was that a few years ago we decided that members of the U.S. military and their families were being exploited so badly by the pay-day loans and title loans and installment loan operations that we put a limit on the interest rate that can be charged to our military and their families of 36 percent. Why? Because a lot of soldiers borrowing money, their family borrowing money, got so deeply in debt and could not get out of it, they had to leave the military service. After being trained and ready to serve our country, they could not continue. So we put this protection in of 36 percent.

If that is good enough to protect our military, why is it not good enough to protect every American? I think 36 percent is reasonable. But I learned something as soon as I introduced that bill. It is amazing that this industry, like the title loan business, and the pay-day loan business, it is amazing what they will come in, sit down in your office and say to you with a straight face. I said to this group in Chicago: Well, how much do you charge in interest at these pay-day loans and title loans?

The fellow said: Senator, you know it is the circumstance.

I said: How much do you charge?

Well, you know, on an annual basis somewhere between 58 and 358 percent.

What—58 and 358 percent?

Yes, but those are circumstances.

It gets down to the bottom line. Those people should not be in business. These poor people who think they are borrowing money are never going to get out of that hole. And we make it legal in this country. If you did it as part of some gangland activity, it would be extortion, and it might lead to criminal prosecution. But if you do it with a certain sign in front of your business, it is considered the free market at work. Well, I think it is the free market run amok. That is why I think it needs to be changed.

So we are going to face this vote this coming week. It is a very important one. It is one I hope will change the landscape. I hope that more homes will be spared from foreclosure. And I hope we can start stabilizing the real estate market.

I think when we do, we are going to find our way out of this recession. Until we do, we are going to keep looking for the bottom. How many homes will go in foreclosure? How many will sit vacant? And how low can the value of our homes go for those of us paying our mortgages every month?

That is what we are up against. We have not found that bottom yet, because the banks are not prepared to step forward and support any legislation that gives those people a fighting chance. They will have their opportunity this week in the Senate to speak.

Members of the Senate, tomorrow, I will go through State by State and show you what some of these States are facing. Mortgage foreclosures are bad in Illinois. Some parts of Chicago are horrible. But in some States it is devastating.

I think Nevada is a classic example of a State where mortgage foreclosures are out of hand at this point. We have got to do something. We have got to step forward. The President supports this proposal I am bringing to the floor. I hope we can find some Members on both sides of the aisle, particularly on the Republican side of the aisle, who will join us.

I yield the floor.

STATUTORY TIME-PERIODS TECHNICAL AMENDMENTS ACT OF 2009

Mr. LEAHY. Madam President, I am pleased that yesterday the Senate passed the Statutory Time-Periods Technical Amendments Act of 2009, H.R. 1626. This good-government bill creates a more consistent and standard method for lawyers and judges to calculate court deadlines. It is a small but important bipartisan bill that will improve the effectiveness of our judicial system.

Last week, the House of Representatives passed this bill on their suspension calendar. The Senate has given its unanimous support to this legislation, and I look forward to the President signing this bill.

Last month, I introduced an identical measure in the Senate with Senators SPECTER, WHITEHOUSE, and SESSIONS. In the last few weeks, I have worked with many others in the House and Senate to ensure that this legislation proceeded quickly through both Chambers of Congress. Representative HANK JOHNSON has worked especially hard to move this bill through the House. We have a strong bipartisan bill that will result in significant improvements in the efficiency and effectiveness of our judicial system.

This legislation incorporates the full recommendations of the Judicial Conference of the United States to alter deadlines in certain statutes affecting court proceedings to account for recent amendments to the Federal time-computation rules. It provides judges and practitioners with commonsense deadlines that are less confusing and less complex than current deadlines and also ensures that existing time periods are not shortened.

After much study and significant public comment, the Judicial Con-

ference's Standing Committee on Rules of Practice and Procedure and the Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules arrived at proposed new rules intended to provide predictability and uniformity to the current process of calculating court deadlines. The proposed rules respond, in part, to findings from the Judicial Conference that the current time-computation process is confusing and can lead to missed deadlines and litigants' loss of important rights. Under the current time-calculation rules, weekends and holidays are not counted when calculating court deadlines of less than 30 days but are counted for calculating court deadlines longer than 30 days. The proposed new rules simplify this process by counting holidays and weekends regardless of a court deadline's time period. According to the Judicial Conference, these proposed changes would respond to practitioners' complaints and concerns from judges.

This legislation amends a number of Federal civil and criminal statutes affecting court proceedings and harmonizes them with the proposed rules. First, this remedial bill alters certain statutory court deadlines to counterbalance any shortening of the time period resulting from the "days are days" approach. For example, the bill changes 5 days to 7 days, and 10 days to 14 days, to prevent time periods from becoming shorter when a practitioner counts all days, including weekends. This change would, in effect, maintain the same time periods in the statutes. In addition, if a time period ends on a holiday or a weekend, the time period would be extended to the next business day. The bill also changes some statutory deadlines that would otherwise be inconsistent with the amended rules deadlines and lead to confusion.

Both the Department of Justice and the Judicial Conference urge swift consideration of this proposal on or before December 1 of this year, the date the Judicial Conference's amendments to the rules take effect. I am pleased that we are able to accommodate their request.

Passing this bill is the right thing to do. I know that the legal community will benefit from the uniform court deadlines that this legislation provides. American citizens will have their rights more fully protected by court deadlines that are clear and unambiguous. Even more, public confidence in our justice system can only be strengthened when court procedures operate in a manner that is free of any unnecessary confusion.

I thank the Department of Justice and the wide array of legal and bar organizations that have supported the Judicial Conference's recommendations incorporated in this bill, including of the American College of Trial

Lawyers, the Council of Appellate Lawyers, and the American Bar Association's Section of Litigation and Criminal Justice Section. I am especially grateful to the Administrative Office of the Courts which, on behalf of the Judicial Conference, sent us those policy recommendations from the Federal judiciary. Those recommendations are included in this bill, and I commend them for their hard work and attention to this issue.

Only a few months into a new administration and a new Congress, it is incumbent upon us to continue to focus on the requirements of the Federal judiciary that our citizens and our Republic need and deserve. The measure we passed yesterday is a positive step in the right direction.

I look forward to President Obama promptly signing it into law.

TRIBUTE TO SHAP SMITH

Mr. LEAHY. Madam President, I would like to take this opportunity to recognize the remarkable leadership of Mr. Shap Smith who represents the towns of Elmore, Morristown, Woodbury, and Worcester, and who is now the current speaker of the Vermont House of Representatives.

Having recently assumed the role of speaker at the beginning of this legislative session in January, Mr. Smith has already made his mark as a fair-minded and seasoned leader. He has driven the successful passage of several pieces of legislation, addressing Vermont's sexual abuse response system and legalizing same-sex marriage, among other important issues. Marcelle and I recently had dinner with Shap and his wife Dr. Melissa Volansky. We are both impressed with his commitment to Vermont.

I am looking forward to watching Shap Smith continue to lead the Vermont Legislature and build a record of fiscal and social responsibility. I wish him luck as he undertakes this challenging job during these difficult times.

I ask unanimous consent that the text of an April 20, 2009, Rutland Herald article about Mr. Smith be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Apr. 20, 2009]

SMITH LEADS WITH GRINNING STYLE

(By Susan Allen)

MONTPELIER.—Each speaker of the Vermont House has his or her own leadership style.

Ralph Wright growled.

Michael Obuchowski boomed.

Walt Freed ruled.

Gaye Symington analyzed.

And Shap Smith . . . well, he grins.

"I'm a friendly guy," said House Speaker Smith, new to the post this session, when asked last week about his style. Smith, himself a Democrat, reaches across the political

aisle to work with Republicans, Progressives and Democrats alike.

But don't think he's a pushover.

"People know I take the issues pretty seriously," added Smith, a University of Vermont and Indiana University School of Law graduate who handles intellectual property, insurance coverage and civil litigation with the firm Dinse/Knapp/McAndrew during the off-session. "I can go toe-to-toe in debating issues."

Looking at the speaker, opponents might be tempted to underestimate his political skills. With a wiry frame from running, cross-country skiing and other athletic activities, and his wire-rimmed glasses, Smith looks about 25. He is, in fact, 43.

And anyone who thought he might be too young to lead need look no further than the recent House vote to override the governor's veto of the same-sex marriage bill. Smith needed 100 members to support the override, and going into the vote, the outcome was far from certain.

As he announced the final tally to the House floor—to the surprise of many, the needed 100 voted with the speaker and same-sex marriage would become law in Vermont—Smith stepped away from the podium briefly and appeared emotional.

"I have friends and colleagues to whom and for whom this bill meant a great deal," he said during a conversation last week in his window-lined Statehouse office. "I am very pleased we were able to do it. It was a great achievement."

Shap is actually Shapleigh Jr., a name that came from his grandmother, who was adopted into the Shapleigh family from the town of Shapleigh, Maine. His grandmother grew up in West Lebanon, N.H., where "there were all these Shapleighs," he added.

"I went to high school in Morrisville. I always wanted a different name," Smith said. "Dave or Tim would have been just fine. Shapleigh is not a usual Vermont name."

Smith had an eye on public service since serving in student government in school. He followed politics closely in the 1990s while living in New York City and working for a law firm there, and started becoming more serious about a run after moving to Morrisville in 1999.

In 2002, with 2-month-old son Eli at home but an open legislative seat calling, he took the plunge, becoming what he described as the "Stealth" candidate knocking on doors, re-acquainting himself with friends from childhood and their families, and quietly winning the seat under the radar.

As all legislative leaders discover, juggling the pressing Statehouse agenda and a home life is challenging (he has two young children, and wife Melissa is a general practitioner).

"I go home almost every night," he said, adding that he tries to arrive in time to read to his children or at least put them to bed. "I'm the one that gets them up in the morning, which is a real reality check."

Things are less clear at the Statehouse, where Smith is focusing on his legislative agenda:

(1) Repairing and maintaining Vermont's transportation system—the roads and bridges;

(2) Expanding and improving telecommunications (computer broadband) in rural areas;

(3) Strengthening Vermont's public education system; and

(4) Trying to close the gap in educational performance between students on the lower economic scale and their wealthier peers—a disparity consistently documented in national and state school test scores.

Hanging over those priorities is the staggering challenge of trying to balance the state budget in dire economic times, with the state hemorrhaging red ink. It is, he said, a task that "keeps me up at night."

"How do you balance being fiscally responsible with meeting the needs of the state?" he asked rhetorically. And while not completely unexpected, the economic challenge has been "worse than some of us thought it would be."

Returning to the place he was raised, meeting and re-meeting neighbors, old friends and classmates, and watching his children grow up in the same area he did seems to drive Smith's political vision.

"I want to make sure we put in place policies that allow the next generation to have the opportunities that I did," he said.

REMEMBERING AL MYERS

Mr. LEAHY. Madam President, I am both proud and saddened today to salute Mr. Al Myers, a beloved teacher at Williston Central School in Vermont who recently passed away after being injured while working on the set of a school play. Mr. Myers was best known as a popular educator who was remembered by former school principal Lynn Murray as being "brilliant with children." As a U.S. Senator, I remember Mr. Myers bringing students to Washington, DC every year. He truly wanted them to understand the importance of living in the world's greatest democracy.

In memory of Mr. Myers, I ask unanimous consent that the following memorial article, by Matt Ryan of the Burlington Free Press, be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Apr. 27, 2009]

MYERS' DEATH MOURNED

(By Matt Ryan)

WILLISTON.—Parents, students and teachers at Williston Central School are mourning the death of a popular educator who fell from a ladder and suffered a severe head injury while working on the set of the school's production of "The Wizard of Oz."

Al Myers was found in the auditorium Friday morning and transported to Fletcher Allen Hospital where he underwent surgery. He died Saturday morning, according to the school.

Julie Longchamp, the producer of the school play, worked with Myers for 20 years.

"He was an extraordinary man with a lot of passion," Longchamp said. "Everyone has come together and we're going to be putting Al's show on."

Longchamp prepared for the play near Myers' desk, in their office at the school Sunday evening. In the auditorium, parents and students quietly worked on the play's set and costumes, the Emerald City and Glinda's pink dress. Tickets for the show, which is scheduled for this weekend, sold out April 1.

"The play the Wizard of Oz will go on as scheduled under the direction of Julie Longchamp," principal Walter Nardelli wrote in an e-mail to parents. "Al and his family would have wanted it that way."

Counselors will be available today for students, and staff will attempt to keep the day as normal as possible, Nardelli said. He encouraged children to go to school. Students were on break last week.

The school was coordinating with Champlain Valley Union High School to support former students who worked with Myers, Nardelli said.

Myers had directed many theater productions over the years. Former students and parents of students posted thoughts about the teacher on several Facebook pages dedicated to his memory. They wrote about working with Myers on plays like, "Annie Get Your Gun," "Fiddler on the Roof" and "Macbeth," and catching his infectious love for music and theater.

"Mr. Myers was a wonderful teacher who took me under his wing as he did to so many others," David Stephens of Burlington wrote. "I remember the sing-a-longs that he had in class where he would pull out his guitar and would have 100 percent participation because it was so much fun. I can still remember a bunch of the songs we would sing, 'Feeling Groovy,' 'Blowin' in the Wind.'"

Former Williston Central School principal Lynn Murray remembered Myers being "brilliant with children."

"In my entire career, I have never met anyone with so much heart, so much talent and so giving a nature," Murray wrote.

According to one Facebook page, a celebration of his life will be held at noon, May 16 at the Williston Central School. As of 9 p.m. Sunday, more than 450 people joined the "In Memory of Al Myers" Facebook page.

"He's going to be a very, very missed man," Longchamp said.

AMERICAN CITY QUALITY MONTH

Ms. SNOWE. Madam President, I rise today to recognize that the month of April is designated as American City Quality Month. Through the continued efforts of the American City Planning Directors' Council and the American City Quality Foundation, ACQF, the April 2009 theme is appropriately labeled, "Support Planning and Action for Better Quality Communities." For many years the emphasis promoted by the ACQF and its numerous professional organizations and supporters has been to call attention to the vital need for improving American cities through quality planning—via coordinated efforts to produce effective decisions, design, development, management, and action.

As our country's population growth projections appear to reach an additional 34 million people by the year 2020, the importance of proper urban planning as it relates to area surroundings, land conservation, and quality of life becomes a crucial component of the United States' strategy to halt urban sprawl and the waste of both human and fiscal resources. Subsequently, through the devoted work, development, and planning of the ACQF and interested parties, the recognition has surfaced—that coordinated efforts on the part of city, State, and Federal governments, and the private sector need to be exacted more than ever.

Such a critical mission must continue until there is mainstream coordination throughout the nation to improve our country's urban settings in terms of cultural, practical, and land conservation amenities.

Therefore, through the efforts of the American City Planning Directors' Council, the American City Quality Foundation, and other interested parties, I thank all who have joined together to address the challenges posed by our burgeoning cities, as the integration of efforts has and will continue to provide us with a plan and hope for the future that assures quality growth for our Nation's urban settings. The ACQF's mission toward reaching that goal has secured both the attention and admiration of the American public.

TRIBUTE TO ADMIRAL ROBERT E. PEARY

Ms. SNOWE. Madam President, I rise today to pay tribute to the 100th anniversary of ADM Robert E. Peary's discovery of the North Pole—a truly exceptional accomplishment. It was a hundred years ago this month that Peary and his men completed their epic journey through the Atlantic and placed the American flag on the North Pole, marking the historic discovery. And as we commemorate this landmark occasion, the State of Maine has much to celebrate with the lasting legacy of Admiral Peary and all that he has done for our State, Nation, and the world.

Born in Cresson, PA, in 1856, Peary hailed from a long line of Maine lumberman and spent most of his formative years in southern Maine with his mother, following the passing of his father. In 1877 he graduated from Bowdoin College in Brunswick, ME, after studying as a civil engineer. Commissioned as a lieutenant in the Civil Engineer Corps of the Navy in 1881, he went on to complete projects in Florida and Nicaragua, gaining an expertise that developed his love for the Arctic. Peary made his first expedition to Greenland in 1886 and for the next 23 years, he honed his skills and refined a deft intellect and acumen for the north seas, preparing him for his quintessential journey.

Although there are myriad contributions we could recognize, it is his adventure begun on July 6, 1908, that we most honor as Peary and his men sailed northbound in his ship, the Roosevelt whose plans he developed on Eagle Island in Casco Bay and which was built in Bucksport, ME. I might add! Having arrived at Ellesmere Island with 23 men, 133 dogs, and 19 sleds, on March 1, 1909, Peary set off for the final leg of his journey. For 37 days, they rode by sledge through one of our planet's most hostile environments. And it was on April 6, 1909, when Peary achieved his lifelong dream and history

was made as he and his five colleagues were the first to step foot on the barren North Pole.

Although it may be easy to forget some of the challenges that Peary and everyone on his expedition endured, organizations such as the Friends of Peary's Eagle Island and the Peary-MacMillan Arctic Museum at Bowdoin College have captured this storied history, providing crucial educational tools for all of our citizens, young and old, as we seek to learn more of the expedition's triumphs on this centennial anniversary. Indeed, the State of Maine and her people have much cause for pride as we celebrate Admiral Peary's contributions this month, honoring a phenomenal milestone.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I both work out of the home. He is a biology teacher at a high school in Nampa, and I work part-time for a utility company. I work because I have to, but I work as little as I can because raising moral children is the better thing to do. We love Boise! Our home is about equal distance from our jobs, but in opposite directions. I go east; he goes west. Recently, I have approached my employer to allow me to work three full days a week instead of five shorter days. This is solely to save on the expense rising gas prices have on our budget. With the costs of gas, food, electricity going up, we are in a tough spot. I have been with my employer for 8.5 years, and my pay is maxed out. I must rely on a cost-of-living adjustment at the beginning of the new year, but since that is never a guarantee, it is not included in our budgeting plans until it happens. My husband is in his fourth year of teaching, and teachers' pay? Well, you know how bad that is. He will receive an increase in his yearly salary of \$750 this year (for a

total salary of just \$31,750), hardly enough to compensate for those rising costs previously mentioned. (What is been most troublesome to me lately is that an individual my father associates with gets \$36,000 a year in Social Security benefits for "psychological" reasons—most likely a result of years of drug use—and she spends \$50/day on marijuana. So while the state government does not even pay my husband enough to provide for a family, they are giving an extra \$4,000/year to support another person's drug abuse.)

The situation regarding higher gas prices is leading us to look into carpooling, keeps us from going out as much, and is a deterrent to buying a mini-van (we will try to squeeze three car seats into the back of our sedan when our third child is born). Several months ago, I considered biking to work; but with the traffic in Boise, I am fearful that I might be hit, and do not want to leave two children motherless. I would like to see more people carpool, or take other forms of transportation. Americans take energy for granted and in the past, have not been the least bit concerned about the impact of their selfish choices. I also looked into a bus route, but none runs very close to our home. In fact, the nearest pick-up is still several miles away.

What should America do? I do not know. Several months ago, I thought a gas ration would force conservation. Sometimes people need to be made to do what they will not willingly do themselves. Nuclear? I am concerned about the waste. Our own sources of oil? I guess I view them like I view my savings account—a reserve for emergencies. Using more of our own resources is a resort if/when we find that conservation is not effective enough. Conservation incentives? Seems that it would be rather hard to enforce, and many do not have the money to buy efficient upgrades. However, building requirements allowing only the construction of energy efficient homes might be a good start. If I am not mistaken, they generally use about 30% less power than a non-energy star home.

I think the only solution is a combination of solutions on a combination of problems. Sometimes you just have to fix everything at once—it is drastic, but the only way to make real change—even for the government. I do not have all, or even any of the answers, but a few brilliant minds, or even a few people who care, could figure it out together.

CHERIS, Boise.

You wanted to know how the rising cost of fuel is affecting me and my family. We, as of March, bought a window covering franchise servicing Nampa, Caldwell, Star, Middleton, Mountain Home, while we live in East Boise. Our business is to take the choices to the customer in their home so we are on the road constantly. If the problem of rising fuel on a mobile business is not obvious, I can draw a picture. My costs of doing business increases with gas prices, with will affect me and the value my customers can receive. If this continues, it will make doing business very, very challenging. It is especially frustrating knowing that the reserves are available in this country and our elected officials are toying with our lives the way you are. Caps and windfall taxing is not the answer; get serious!

On another issue, I had to get into my own business because after 24 years at Micron my mid-management level job was eliminated to off-shore outsourcing, which again, our government has set the stage to make doing business overseas more attractive than doing business at home.

Good luck. I think if the [conservatives] would make more noise in the public about real solutions the public would force the liberals to make positive productive energy solutions occur. "We the people" are not stupid. Get the issues in front of us and those holding up progress will be removed.

KEN, Boise.

[My hometown] is based around farming. I can tell you that my son did work for a farmer locally and was laid off. The farmer could not afford to pay him or even raise his normal crop this year due to fuel prices, which has forced my Son to become dependent on me. I have no choice but to retire from my job next year due to poor health. With my loss of income to the household and the ever-rising fuel costs putting a hardship on everything, I see my middle-class family and me selling off everything and moving to skid row and being on welfare since fuel costs are driving down employment and raised the cost on most everything in this area. There are lots of stories like this one around here. And a lot of people in this community feel that the government is doing next to nothing to help. I see our nation in serious trouble if action is not taken now to solve soaring fuel costs.

I do not know if I have a specific or particular story about the impact of gas prices on me and my family. I am retired and on a fixed income. You talk about the impact of gas prices, and I say yes, I have become \$50 a month poorer and will soon be \$100, without any increase in income. but it is not just about my personal use. There is a financial impact in a hundred other ways. All food and other services are going up at the rate of 8 cents per item per week. As trucking firms and truckers go out of business and we have heard that a third of the nation's truckers have, we will see costs continue to increase. I used to consider myself to be middle-income but am now in poverty. I cannot afford to heat or cool my home buy good food, enjoy entertainment or visit friends anymore. If I was spending any money and someone was making some, that will stop. It seems that everyone's only solution is to raise prices causing us to buy less and less.

This is going to spiral into another great depression. [We] have got to open up our oil reserves. Allow states to get the oil we know we have. I am for a clean environment but none of those environmental lobbyists is going to vote you out of office because you allow drilling. There are way more people who want fuel. We know that cheap fuel sources are just around the corner. I guess I am just lucky I have a Geo to drive or I could not go anywhere. which reminds me I cannot drive my comfortable cars trucks and definitely not my motor home. I cannot sell them either as no one can afford fuel for them. I guess that means we can just scrap ¾s of American vehicles just like that because no one can invent a better one and no one can afford to buy it if they did.

Thanks.

ZACK, Burley.

Well I suppose I am one of those few, but, hopefully, growing renegades who believes that \$4 a gallon is one of the best things to happen to the environmental world in recent history.

Cars and oil-run machines are here and we need them. But this increase in fuel costs has spurred all kinds of new ideas and technologies that need money and research. I hope that some of these new technologies will wean us away from the old fossil fuel

standbys, and guide us toward new, sustainable fuel sources.

I recently heard a few, very promising things about algae farms that produce clean bio-fuels. They would not decimate the food source or encourage more soybean crops in the Amazon rain forest. Wind farms are growing and solar energy is actually being talked about. Here in Idaho, as you know, the wind blows and the sun comes out in late May and does not go back in until mid-September. These alternatives will not supply 100 percent of our power needs but 30 percent? 40 percent? I keep hearing all or nothing—we need something that will be omnipresent. But in the summer if we reduced 30 percent or 40 percent of our power needs would not that cut our fossil fuel needs too? Solar and wind also work in the winter—and if these industries received some of the huge subsidies that oil companies keep getting, would not they be, perhaps with more research, more sensitive and more productive?

I have read where most domestic oil drilling would not start producing anything for another ten years. Just imagine what ten years of research and development of alternatives could produce with all the energetic imagination that is going on right now. In ten years we might not even need that oil and those newly drilled areas would all be for not. And I think with all those profits the oil companies seem to be making, they could spare a few bucks of subsidies.

Locally, I still see all these expensive houses high in the hills of the Treasure Valley baking in the sun with hardly a solar panel to be found. The transportation situation is stagnant with a growing population and no alternatives to avoid vehicles. There is no interstate train service to or from here, and the public transportation in this valley is rather pathetic. The legislature keeps voting down any kind of local option tax and the possibility for any kind of light-rail seems like decades away.

I ride my bicycle just about everywhere, here in Boise. I see so many more people riding bikes and I think that is so cool. I have also been getting pretty excited by all the innovations I am starting to see out there, glimpses of new and wonderful alternatives to fossil fuels. But I keep hearing the big voice of government saying it will not work, this cannot be done and that cannot be done. But the idealist in me says it can. We are a smart enough country to deal with this in a wise and imaginative way. I know that if we start to let go, a little, of what we have been beholden to for so long, and open our minds to all possibilities then good things will start to happen.

JAY, Boise.

Simply put, I believe we should begin additional drilling immediately off our coasts, in the Rocky Mountains and ANWR. I also support flex fuels/bio diesel alternatives. We need to build nuclear power plants right away (I support doing this in Idaho; it would be nice if Idaho was energy independent and exporting power to other nearby states!) Please pass on the urgency of doing this expeditiously as it is essential to our national security.

Thank you for the "i-meeting" town-hall forum as it helps Idahoans save gas and conserve as well as participate in this very important process! As a voting Idahoan, I also believe in conservation, thrift, and responsible stewarding of our beautiful state.

TERESA.

We own a small business here in Idaho. We were looking forward to having our SBA loan

paid off this year. The SBA payment has been as high as \$2,200 per month, which at times has been a struggle, but we have managed to pay it off in the ten-year time frame. We are now fearful that we will be switching from paying an SBA loan payment to just paying for gas to survive. Our gas bill used to be \$300 to \$500 per month. It has now soared to over \$2,000 per month. Tell us how we are going to stay in business? By the way, I have heard that the wind generators by Mountain Home are not working. Is this true and why?

STEPHEN and TERRY, *Mountain Home*.

It is not so much that the prices have risen. I understand the supply/demand concept. But what really irks me is that fact that the big oil companies are recording record profits and using the excuse that this will get them through the hard times or they need it for research to find more efficient fuel sources. I do not believe this. It has been quietly insinuated in the past of oil companies buying out any new fuel idea to keep their monopoly on the industry. They really do have a monopoly on the U.S. economy fuel source, and we have no recourse except to try and minimize our fuel use. We have done this by cancelling vacations and even short trips in the area. We also are going to the store less, planning each trip so that we can accomplish the most in one driving trip. The people with lots of money will feel the effects minimally but the middle to lower class are taking the brunt of this crisis. I do not think those with money (higher elected officials) have any idea the difficulties that we are encountering because they do not live that life. Walk in the shoes of some of us for a month and then see what is important and what is not.

I really do not see how drilling for more oil (like in Alaska) will make any difference when the oil companies use the excuses listed above. They are still going to get the highest dollar amount they feel they can get away with. The only way the price will change is if demand drops below what is on the market. But then, the oil companies can determine what is on the market (hold back their product) to keep the prices higher. Unless they are regulated in some way, they can do whatever they want.

TERRIE.

I just got back from a vacation in Yellowstone National Park, and the traffic was the worst I have ever seen in about 50 trips to the park. It was probably more due to timing than anything, but it still indicates that gas prices are relatively low for the middle class. I am more concerned about the affect of energy prices on lower income individuals.

In the long run, we need to focus on other issues, and improved energy costs will probably be an important side effect. The issues I would focus on are:

1. Too much traffic on our highways and city streets.
2. Too much crime in our cities.
3. Too much environmental impact from mining, drilling for oil and gas, and wind farms.
4. Too many farms being subdivided to build houses.
5. The "nuclear waste problem" and "nuclear proliferation problem" are not being addressed realistically.

If we take the obvious actions to solve these problems, there will be less pressure on energy prices:

1. Invest in public transportation. The federal government has spared no expense in

improving highways over the past 50 years. Imagine the effect of an equal investment in train and bus service. I have ridden on buses all of my life, and it can be a nice way to travel or commute. The few trains I have ridden were also very comfortable and convenient. This has much more potential to save energy than hybrid cars or hydrogen powered fuel cells. A small van has the potential to provide hundreds of passenger miles per gallon of gas. Buses and trains should do even better.

2. Invest in ride sharing and car pooling.
3. Invest in nice cities. People should be able to live comfortably, with no fear of crime, within walking distance to work.
4. Invest in maintaining farm land as farm land instead of using it to create sprawling suburbs full of oversized houses.
5. Put a limit on the tax break for a first home. Eliminate the tax break for a second home. For one thing, I am sick and tired of hearing how rich celebrities are so "green" and have such a small "carbon footprint" when I know most of them own multiple, grossly oversized, tax-subsidized homes.
6. Invest in nuclear power. The public should be demanding better performance from the nuclear industry just like they do from the airline industry. We want airlines to operate on schedule, cost effectively, and operate safely, even with the security concerns raised by 9/11. We should be demanding similar performance from the nuclear industry and stop fretting about perceived problems.

With respect to the "nuclear waste problem", there is no reason to relate performance requirements to the half-life of long lived radionuclides. There is no reason to treat plutonium contamination as fundamentally different from other toxic metals such as lead, which have infinite half-life. In reality the biggest nuclear waste problem is probably our 700,000 metric tons of depleted uranium hexafluoride currently stored in corroding carbon steel cylinders. This volatile "waste" material is a serious environmental hazard, but should be managed as a major resource. It could be transmuted into plutonium in nuclear reactors and used to produce all the energy we need for the next 500 years. No mining, drilling, or refining would be needed. This would help eliminate the fantasy that we need to cover our landscape with windmills that do not even work most of the time.

With respect to nuclear proliferation, the only way to go is forward. The USA needs to lead the way in developing cost effective nuclear energy technology, so that less stable countries have no reason to develop their own technology. Then we will not need to worry about whether they are producing weapons grade materials. Improved technology should include reprocessing spent nuclear fuel. We should reprocess it instead of trying to bury it. Currently, it is self-protecting due to high radioactivity, but it will not be in about 200 years. We should not leave this hazard for future generations.

The public needs to be educated about energy. The general public has virtually no understanding of nuclear power, and they seem to be generally illiterate with regard to energy issues. Hydrogen-powered vehicles are unrealistic and do not make thermodynamic or economic sense. Windmills and solar panels have limited potential to reduce energy costs and major environmental impact if we try to push them beyond their potential. The idea that the world can just keep building more efficient cars and more roads is shortsighted and unrealistic. The idea that you

can be "green" when your house in the suburbs is four times bigger than you need is ridiculous. Carbon credits are ridiculous. Turning food into alcohol for fuel is ridiculous.

DAN, *Pocatello*.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT GENERAL CLYDE A. VAUGHN

● Mr. BOND. Madam President, I offer my congratulations and gratitude to an extraordinary citizen-soldier from Missouri, LTG Clyde A. Vaughn. Lieutenant General Vaughn's 35-year career with the Army National Guard will draw to a close after completing an impressive 4-year tour as Director of the Army National Guard.

Lieutenant General Vaughn has earned the appreciation of our Nation and the State of Missouri for his extensive commitment to the Army National Guard. He began his distinguished career in 1974 when he was promoted to second lieutenant in the Missouri Army National Guard, beginning a 35-year career of dedication, accomplishments, and vision.

In his most recent position as Director, Lieutenant General Vaughn was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters, at the Office of the Chairman of the Joint Chiefs of Staff in the Pentagon where he helped guide the Nation's response to the 9/11 attacks and transform the Army National Guard from a strategic reserve to an operational force. Prior to his work at the Pentagon, some of his assignments included serving as Senior Army National Guard Advisor for Reserve Affairs, Commander of Exercise Support Command, and Deputy Chief of Staff for Reserve Affairs-National Guard, at United States Army South, Fort Clayton, Panama. He has also served as Chief of Operations Division, at the Army National Guard Readiness Center in Arlington, VA, Deputy Chief of Staff, of the G3 at the Pentagon, and, Deputy Director, of the Army National Guard Readiness Center in Arlington, VA.

His civilian education includes a bachelor of science in education from Southeast Missouri State College and a masters in public administration from Shippensburg University in Pennsylvania. His military education includes graduating from the U.S. Army Command and General Staff College, Fort Leavenworth, KS, and the U.S. Army War College, Carlisle Barracks, Pennsylvania.

General Vaughn received several awards and recognitions for his exemplary service. His many military

awards include the Distinguished Service Medal; the Defense Superior Service Medal; the Legion of Merit, with four Bronze Oak Leaf Clusters; the Meritorious Service Medal, with one Silver Oak Leaf Cluster; the Army Commendation Medal; the Army Achievement Medal, with one Bronze Oak Leaf Cluster; the Joint Meritorious Unit Award; the Army Superior Unit Award; and various other awards.

He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration. I offer my congratulations and sincere appreciation to LTG Clyde A. Vaughn for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country, and we thank him for "showing us" what a dedicated soldier can do for Missouri and for his country.●

TRIBUTE TO CHIEF DAVID BALD EAGLE

● Mr. JOHNSON. Madam President, I wish to speak today to honor the 90th birthday earlier this month of my friend, Chief David Bald Eagle of Takini, on the Cheyenne River Reservation in South Dakota. Chief Bald Eagle was born on April 8, 1919, on the west banks of Cherry Creek in west central South Dakota. He is the grandson of Chief White Bull who fought Custer's 7th Cavalry in the Battle of Greasy Grass Creek, better known as the Battle of the Little Big Horn. Having a warrior spirit in his blood, he enlisted in the U.S. Army and was just being discharged at the beginning of World War II. He reenlisted, and served as a sergeant with the 82nd Airborne Division. In 1944, he was among those brave soldiers who jumped from planes on D-day as a U.S. Army paratrooper. Chief Bald Eagle was shot four times that day, and his story is recounted in "Blue Stars: A Selection of Stories from South Dakota's World War II Veterans" compiled by Greg Latza.

Upon return, Chief Bald Eagle went on to travel as a performer and has acted in at least 18 movies to date. While in Hollywood, Chief Bald Eagle worked alongside some of the most recognizable actors and actresses of that time: Clark Gable, John Wayne, and Marilyn Monroe. All the while he managed to stay connected to his home. For more than 60 years, Chief Bald Eagle has annually participated in the Days of '76 parade and rodeo in Deadwood, SD, providing the many thousands of people who attend the annual event a level of understanding and education about the Native American culture and heritage and the great impact of the Lakota/Dakota/Nakota people on the region. He is recognized as an honorary member of the Days of '76 Com-

mittee because of his contributions to their events. In 2008, he was honored by the South Dakota State Legislature with a House Commemoration honoring his life, character, and achievements.

Madam President, Chief David Bald Eagle is a dear friend, and I appreciate being among those special people that he keeps in his prayers. I will never forget that he gave me my Lakota name several years ago in a special ceremony, "Wacante Ognake," which means holds the people in his heart—a name I cherish and will never forget its importance.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

H.R. 1747. An act to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution supporting the goals and ideals of a National Early Educator Worthy Wage Day.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1747. An act to authorize appropriations for the design, acquisition, and con-

struction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 99. Concurrent resolution supporting the goals and ideals of a National Early Educator Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 28, 2009, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 39. An act to repeal section 10(f) of Public Law 93-551, commonly known as the "Bennett Freeze".

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1426. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Penoxsulam; Pesticide Tolerances" (FRL-8411-9) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1427. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions; Correcting Amendment" (Docket No. APHIS-2007-0042) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1428. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists" (Docket No. APHIS-2007-0014) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1429. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2" (Docket No. AMS-FV-08-0094)(FV09-948-1 IFR) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1430. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of

a rule entitled "Kiwifruit Grown in California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0095)(FV09-920-1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1431. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Change to Fiscal Period" ((Docket No. AMS-FV-08-0066)(FV08-930-2 FIR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1432. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulations Under the Perishable Agricultural Commodities Act, 1930; Section 610 Review" ((Docket No. AMS-FV-08-0013)(FV08-379)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1433. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements" ((Docket No. AMS-FV-08-0090)(FV09-966-1 FIR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1434. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins" ((Docket No. AMS-FV-08-0114)(FV09-989-1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1435. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian and Southeast Marketing Areas; Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and Orders" ((Docket No. AMS-DA-07-0133)(AO-388-A15)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1436. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year" ((Docket No. AMS-FV-08-0104)(FV09-985-1 FIR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1437. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit" ((Docket No. AMS-FV-09-

0002)(FV09-905-1 IFR)) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1438. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS); to the Committee on Armed Services.

EC-1439. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1440. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1441. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-1442. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-1443. A communication from the Acting Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Securities Held in TreasuryDirect" (31 CFR Part 363) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1444. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(74 FR 17094)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1445. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(74 FR 16783)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1446. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(74 FR 16785)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1447. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program; Terrorism Risk Insurance Program

Reauthorization Act Implementation" (RIN1505-AB93) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1448. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN75) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XN83) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action" (RIN0648-AX72) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1451. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy Training in the Southern California Range Complex" (RIN0648-AW91) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1452. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Environment and Public Works.

EC-1453. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a courtesy copy of the report of a rule entitled "Lead; Minor Amendments to the Renovation, Repair, and Painting Program" (RIN2070-AJ48) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1454. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL-8896-3) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1455. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality

Implementation Plans; Minnesota" (FRL-8896-5) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1456. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Finding of Attainment for 1-Hour Ozone for the Milwaukee-Racine, WI Area" (FRL-8895-8) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1457. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Particulate Matter Regulations" (FRL-8897-3) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Montana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8895-7) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1459. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability" (FRL-8896-7) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1460. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of the Umpqua River, Oregon" (FRL-8893-1) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1461. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL-8783-5) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1462. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Toxic Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act" (FRL-8897-4) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Environment and Public Works.

EC-1463. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 3401(h)—Differential Wage Payments to Active Duty Members of the Uniformed Services" (Rev. Rul. 2009-11) received in the Office of the

President of the Senate on April 23, 2009; to the Committee on Finance.

EC-1464. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2009" (Rev. Rul. 2009-12) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Finance.

EC-1465. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Residential Energy Efficient Property" (Notice 2009-41) received in the Office of the President of the Senate on April 23, 2009; to the Committee on Finance.

EC-1466. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the production of significant military equipment (SME) in Turkey; to the Committee on Foreign Relations.

EC-1467. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of designation of acting officer and change in previously submitted reported information in the position of Assistant Administrator of the Bureau for Legislative and Public Affairs, received in the Office of the President of the Senate on April 27, 2009; to the Committee on Foreign Relations.

EC-1468. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Drug Applications and Abbreviated New Drug Applications; Technical Amendment" (Docket No. FDA-2009-N-0099) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1469. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Astringent Drug Products That Produce Aluminum Acetate; Skin Protectant Drug Products for Over-the-Counter Human Use; Technical Amendment" (RIN0910-AF42) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1470. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D2" (Docket No. FDA-2007-F-0274) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1471. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted

for Direct Addition to Food for Human Consumption; Silver Nitrate and Hydrogen Peroxide" (Docket No. FDA-2005-F-0505) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1472. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Organization and Conforming Changes to Regulations" (Docket No. FDA-2009-N-0144) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1473. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Director of National Drug Control Policy, received in the Office of the President of the Senate on April 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1474. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2008 Wiretap Report"; to the Committee on the Judiciary.

EC-1475. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, two reports entitled "Fiscal Year 2008 Performance Summary Report" and "Fiscal Year 2008 Accounting of Drug Control Funds"; to the Committee on the Judiciary.

EC-1476. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to actions undertaken to address recommendations received in the fiscal year 2008 study completed by an independent Panel of the National Academy of Public Administration; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Ronald C. Sims, of Washington, to be Deputy Secretary of Department of Housing and Urban Development.

*Peter A. Kovar, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*John D. Trasvina, of California, to be an Assistant Secretary of Housing and Urban Development.

*Helen R. Kanovsky, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

*David S. Cohen, of Maryland, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

*Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. CORNYN, and Mr. KYL):

S. 903. A bill to permit a State to elect to receive the State's contributions to the Highway Trust Fund in lieu of its Federal-aid Highway program apportionment for the next fiscal year, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. FEINGOLD, Mr. SANDERS, Mrs. BOXER, Mrs. MURRAY, Mr. MERKLEY, Mr. LEAHY, Mr. SCHUMER, Mr. DURBIN, and Mr. AKAKA):

S. 904. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 905. A bill to provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the shootings at the American Civic Association Community Center in Binghamton, New York on April 3, 2009, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mrs. MCCASKILL):

S. 906. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, Mr. GREGG, Mrs. MCCASKILL, Mr. RISCH, Mr. UDALL of Colorado, Mr. BROWNBACK, Mr. WARNER, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. CRAPO, Mr. LIEBERMAN, Mr. BEGICH, Mr. VOINOVICH, Mr. ENZI, Mr. CARDIN, Mr. THUNE, Mr. BENNET, Mr. JOHANNES, and Mr. GRASSLEY):

S. 907. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget.

By Mr. BAYH (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. WYDEN, Mr. VITTER, Mr. BURR, Mr. FEINGOLD, Mr. THUNE, Ms. STABENOW, Mr. MENENDEZ, Ms. COLLINS, Mr. BROWNBACK, Mr. JOHANNES, Mrs. BOXER, Mr. CARDIN, Mr. RISCH, Mrs. MURRAY, Mr. GRAHAM, Ms. LANDRIEU, Mr. SCHUMER, Mr. BOND, Mr. INHOFE, Ms. KLOBUCHAR, and Mr. COBURN):

S. 908. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Ms. SNOWE, Ms. COLLINS, Mr. SPECTER, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. CARDIN, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. REED, Mr. NELSON of Florida, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAYH, Mr. UDALL of

Colorado, Mrs. SHAHEEN, Mr. HARKIN, Mr. BROWN, Mrs. MURRAY, Mr. CASEY, Mr. JOHNSON, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Ms. LANDRIEU, Ms. CANTWELL, and Mr. AKAKA):

S. 909. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. MARTINEZ, and Mr. BROWN):

S. 910. A bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 911. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 912. A bill to prohibit yield spread premiums, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. SPECTER:

S. 914. A bill to establish an independent Cures Acceleration Network agency, to sponsor promising translational research to bridge the gap between laboratory discoveries and life-saving therapies, to reauthorize the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 915. A bill to improve port and intermodal supply chain security; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 916. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 917. A bill to provide assistance to Pakistan under certain conditions, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 918. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 919. A bill to amend section 1154 of title 38, United States Code, to clarify the additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH):

S. 920. A bill to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER:

S. 921. A bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN:

S. Res. 115. A resolution recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 116. A resolution commending the Head Coach of the University of Kansas men's basketball team, Bill Self, for winning the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association and for being named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; to the Committee on the Judiciary.

By Mr. BYRD:

S. Con. Res. 20. A concurrent resolution authorizing the last surviving veteran of the First World War to lie in honor in the rotunda of the Capitol upon his death; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. BURRIS, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 518

At the request of Mr. CARDIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 535, *supra*.

S. 541

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 561

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 658

At the request of Mr. TESTER, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 731

At the request of Mr. NELSON of Nebraska, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Idaho (Mr. RISCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 795

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 835

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 835, a bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Ms. SNOWE, Ms. COLLINS, Mr. SPECTER, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. CARDIN, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. REED, Mr. NELSON, of Florida, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAYH, Mr. UDALL of Colorado, Mrs. SHAHEEN, Mr. HARKIN, Mr. BROWN, Mrs. MURRAY, Mr. CASEY, Mr. JOHNSON, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Ms. LANDRIEU, Ms. CANTWELL, and Mr. AKAKA)):

S. 909. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, hate crimes harm innocent victims, terrorize entire communities, and threaten the very fabric of our nation. They send a poisonous message that some Americans deserve to be victimized solely because of who they are or who they are perceived to be. Hate crimes offend the fundamental ideals on which Nation was founded. They can not be tolerated in any free society, and it is long past time to enact legislation to correct the deficiencies in the current federal hate crimes statute.

For far too long, law enforcement has been forced to investigate hate crimes with one hand tied behind its back. Now is the time to change this. This bill strengthens the Federal Govern-

ment's ability to investigate and prosecute hate crimes. It removes the excessive restrictions currently existing in federal law. It offers Federal assistance for investigating and prosecuting hate crimes to State and local law enforcement. It provides training grants for local law enforcement to combat hate crimes committed by juveniles.

The first Federal hate crimes statute was passed over 40 years ago in 1968, soon after the assassination of Dr. Martin Luther King, Jr. It authorized the Federal Government to investigate and prosecute crimes committed against individuals because of their race, color, religion, or national origin. The original statute was a major advance in the march of progress, but it is now a generation out of date.

The time has come to stand up for all victims of hate crimes—victims like Matthew Shepard, for whom this bill is named. Matthew died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Since Matthew's murder, his mother has worked courageously to make sure that we never forget the suffering that her son endured, and to remind Congress that it has a responsibility to protect individuals like her son. Yet today, more than 10 years after Matthew's death—10 years—we still have not modernized our hate crimes laws. How long are we going to wait?

The bill we are introducing today expands the current hate crimes statute and gives Federal, State, local, and tribal authorities greater ability to investigate and prosecute hate crimes effectively. The bill closes flagrant loopholes in the current statute that prevent or undermine the prosecution of the individuals who commit these vicious crimes.

This bill broadens the original Federal hate crimes statute by prohibiting crimes based on a victim's actual or perceived sexual orientation, gender, gender identity, or disability.

According to FBI statistics, hate crimes based on sexual orientation make up approximately 17 percent of all hate crimes. Considering that gays and lesbians make up approximately 3 percent of the population, the FBI statistics suggest that gays and lesbians are victimized at a rate approximately 6 times higher than that of the average American. Research suggests that hate-motivated violence against gay, lesbian, bisexual, and transgender citizens is particularly extreme. As these statistics and the research make clear, hate crimes are a very real danger to gay, lesbian, bisexual, and transgender citizens. We must act—without further delay—to correct these unacceptable deficiencies in current law and protect all citizens from these brutal crimes.

Our bill also increases the Federal Government's ability to prosecute hate crimes. It removes the prerequisite

that a victim be engaged in a "federally protected activity" before the Federal Government can prosecute an offender under the statute. This restrictive provision is outdated, unwise, and unnecessary, particularly when one considers the unjust outcomes that can result from limiting prosecution to offenders to target victims participating in one or more of the following 6 narrow categories of federally protected activity: attending or enrolling in a public school or public college; participating in a benefit, service, privilege, program, facility or activity administered by a state or local government; applying for or working in private or state employment; serving as a juror in a state court; using a facility of interstate commerce or a common carrier; or enjoying public accommodations or places of exhibition or entertainment. We know that individuals may be victimized while engaging in activities that are not included in this list of activities—they could be victims while engaging in routine activities, going about their normal day. Americans should be protected from hate crimes in everything they do. There should be no distinction between hate crimes occurring while a victim is engaged in a routine activity or one of the six specified federally protected activities described above.

This bill corrects a gap in the current hate crimes statute that limits prosecution to offenders who interfere with a victim's participation in certain federally protected activities. In June 2003, six Latino teenagers went to a family restaurant on Long Island. The teenagers knew one another from involvement in community activities and have come together to celebrate a birthday. As the group entered the restaurant, three men who were leaving the bar assaulted the teenagers, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men yelled racial slurs and one identified himself as a skinhead. Two of the men were tried under the current Federal hate crimes law and were acquitted. The jurors said they acquitted the offenders because the Government failed to prove that using a restaurant was a federally protected activity. The result in this case is just one example of the inadequate protections provided under current law. The bill we introduce today will eliminate the federally protected activity requirement and give jurors greater ability to convict all perpetrators of hate crimes.

The bill modernizes the Federal Government's ability to prosecute hate crimes, but it fully respects the primary role of state, local, and tribal law enforcement authorities in responding to hate crimes in their jurisdictions. The bill protects these local interests with a strict certification process, which requires the Federal Government to consult with state and local

officials before prosecuting a Federal case. In accord with certification, it is our belief that the vast majority of hate crimes will continue to be prosecuted at the State and local level.

In addition, our bill authorizes the Justice Department to increase the number of Department personnel to prevent and respond to hate crimes. This increase will enable Federal authorities to develop the manpower necessary to act effectively to prevent and respond to hate crimes.

The bill also authorizes the Justice Department to provide needed investigative resources to state and local law enforcement during these challenging economic times. This expansion of federal assistance is meant to supplement, not supplant, the efforts of state and local law enforcement authorities, so that hate crimes can be effectively investigated and prosecuted in the future.

Hate crimes investigations tend to be expensive, requiring considerable law enforcement effort, and extensive use of grand juries. The bill expands the Justice Department's opportunity to provide support for these expenses. It authorizes the Attorney General to offer grants of up to \$100,000 to help state, local, and tribal law enforcement officials manage the high costs of investigating and prosecuting hate crimes. It also authorizes the Justice Department to award grants to State, local, and tribal authorities for programs that combat hate crimes committed by juveniles, including programs designed to train local law enforcement officers in identifying, investigating, prosecuting and preventing hate crimes. These measures will help ensure that state and local authorities have the resources necessary to successfully combat and prosecute hate crimes.

Collecting data on hate crimes is important for analyzing crime trends and tailoring effective criminal policy. Our bill increases the Federal Government's ability to monitor hate crimes by requiring the FBI to increase the statistics it collects about such crimes. Currently, the FBI collects hate crimes data on race, religion, sexual orientation, ethnic background, and disability. Our bill requires the FBI to collect new statistics on hate crimes based on an individual's gender or gender-identity, and hate crimes committed by juveniles. By increasing the amount of data collected by the FBI, we will be able to better understand the gravity of the hate crimes committed in our communities.

Hate crimes are a festering problem, causing terror in neighborhoods across America. According to the most recent statistics released by the FBI, there were at least 9,527 victims of hate-motivated crimes in 2007. Based on that number, an average of 26 victims per day were terrorized as a consequence of

their race, religion, sexual orientation, ethnic background, or disability. The FBI's statistics reveal that race-related hate crimes are the most common type of hate crimes, comprising approximately 50 percent of all hate crimes reported to the FBI. That said, crimes based on religion, sexual orientation, and ethnic background occur with alarming frequency as well.

These hate crimes statistics are disturbing, but they represent only the tip of the iceberg of hate crimes occurring in America. The Southern Poverty Law Center, the Human Rights Campaign, and the US Bureau of Justice Statistics agree that the FBI's hate crimes numbers do not reflect the actual number of hate crimes occurring in our communities each year. The Southern Poverty Law Center estimates that the annual number of hate crimes committed in the U.S. is close to 50,000. In addition, the Human Rights Campaign states that a hate crime occurs every 6 hours. Survey data from the Bureau of Justice Statistics' biannual National Crime Victimization Survey estimates that an average of 191,000 hate crime victimizations take place each year. Based on this survey, over 540 people are victimized each day, based on their race, religion, sexual orientation, ethnic background, or disability—more than 22 victims per hour. These statistics are not just shocking—they are shameful. It is time for Congress to specifically address the serious problem of hate crimes in America.

In addition to the legal impact of this bill, its symbolic impact is equally important. This bill emphasizes the devastatingly unique nature of hate crimes. It says we recognize that hate crimes provide aggressors with the means to attack an entire community through a single act of violence, and send a message of fear that vastly transcends the immediate crime and its victim. It shows we understand that hate crime offenders should be prosecuted for committing a crime against an entire community. After so many years of inaction, we in Congress have an obligation to demonstrate that we understand how hate crimes affect our nation's communities.

It takes only a brief survey of any major news outlet to find horrifying stories of hate crimes and the inability of law enforcement to prosecute offenders for their acts of hate. The 1999 murder of four women in Yosemite National Park graphically illustrates the need to include gender in our hate crimes statute. These four women were murdered by a man who admitted having fantasized about killing women for most of his life. These women lost their lives for one reason—because they were women. We need to send a clear message that we will not accept such acts of hate. Without this bill, however, such a crime cannot be federally prosecuted as a hate crime.

Gender identity must also be included in our definition of those characteristics protected by a hate crimes statute. Many are familiar with the story of Brandon Teena, who was raped and beaten in Humboldt, Nebraska in 1993 by two male friends after they discovered that he was living as a male but was anatomically female. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

A more recent, less well-known incident occurred when Fred C. Martinez Jr., a Navajo transgender youth, was murdered while walking home from a party. Fred was killed for one reason alone—because he was a transgender youth. By passing this bill, the Senate will send a strong message that hate crimes based on sexual identity are unacceptable and perpetrators of such crimes will face tough criminal penalties under Federal law.

Hate crimes against disabled Americans are very disturbing and deserve protection at the Federal level as well. In October 2002, two deaf girls, one of whom was wheelchair bound due to cerebral palsy, were harassed and sexually assaulted by four suspected gang members in a local park. The girls were attacked because they were disabled and unable to defend themselves. Although the alleged perpetrators were prosecuted, the assaults could not be charged as hate crimes because no State or Federal protections for disability-based hate crimes existed in Federal or State law. This must change.

These are only a few examples of the hate perpetrated against individuals in America based on their sexual orientation, gender, gender identity, and disability. We can no longer allow any of these communities to live in fear. Crimes based on an individual's sexual orientation, gender, gender identity, or disability must be prosecuted for what they are—crimes of hate.

Individuals should not only be protected from hate crimes because of their actual characteristics; they must also be protected from hate crimes based on the inaccurate perceptions of others. Last year in Brooklyn, New York, Jose Sucuzhanay was walking arm in arm with his brother, Romel Sucuzhanay, after attending a church party. According to officials, about half a block from Jose's home, a black sports utility vehicle drove by and the two men in the vehicle began shouting what witnesses described as vulgarisms against Hispanics and gay men. The car stopped and one of the two men approached Jose and smashed a beer bottle over the back of his head. The other man then took an aluminum baseball bat from the rear of the vehicle and repeatedly struck Jose on his shoulder, ribs, and back. Once Jose fell to the ground, he received several full-forced, crushing blows to his head with the

aluminum baseball bat. Jose, a father of two and local real estate agent, died 5 days later because of the hate-motivated attack. He did not deserve to lose his life because he was perceived to be gay. That is why the bill we are introducing today criminalizes crimes based on the perceived characteristics of a victim.

We also know that hate crimes covered by current Federal law—based on race, religion, national origin, and color—still occur and must be prosecuted. Following the 2008 presidential election, three men in New York went on a rampage attacking African-American residents of Staten Island in response to the historic election of President Barack Obama. The men attacked one 17-year-old African-American man with a metal pipe and collapsible baton. They attacked another African-American man by pushing him to the ground. They assaulted still another man, whom they mistakenly believed was African-American, by mowing him down with a car while yelling racial epithets at him. Clearly, this demonstrates that race-based violence is continuing at an unacceptable level, and we must act to help law enforcement more vigorously deal with hate crimes.

Hate crimes legislation has the support of President Obama, a majority of Congress, 26 State Attorneys General, and a broad coalition of law enforcement, civic, religious, and civil rights groups. Recent history shows that Congress is ready to make hate crimes legislation into law. In 2007, the Senate voted 60 to 39 in support of a similar hate crimes bill. An equally powerful statement was made by the House when it voted 237 to 180 for the hate crimes bill introduced that year. As a Senator, President Obama voted to support hate crimes legislation. Now, as President, he has included the expansion of hate crimes in his civil rights agenda. The political will of our Nation is clear—it is time for this bill to become law.

Over 300 law enforcement, civil rights, civic, and religious organizations have endorsed our bill, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, and the Interfaith Alliance. All these diverse groups have come together to say that now is the time for us to protect our fellow citizens from the brutality of hate-motivated violence. They strongly support this legislation because they know it is a balanced and sensible approach that will bring greater protection to our citizens, along with much-needed resources for local and State law enforcement fighting hate crimes.

Passing this bill will send a message, loud and clear, that those who victimize individuals because of their race, color, religion, national origin, sexual orientation, gender, gender identity, or disability will go to prison. In addition, passing this bill will provide Federal, State, local, and tribal authorities with stronger means to prosecute crimes of hate. It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill become law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damage it is doing to our Nation.

Mr. LEAHY. Mr. President, this is National Crime Victims' Rights Week—a time when communities in Vermont and across the Nation recognize the needs of crime victims, and work together to promote victims' rights and services. There is no more important time than now to renew our commitment to address the needs of crime victims and their families.

Today, I am pleased to join Senator KENNEDY, Senator COLLINS, and more than 30 other Senators from both sides of the aisle to reintroduce the Matthew Shepard Hate Crimes Prevention Act of 2009. This is a bipartisan bill designed to combat crimes that have long terrorized communities and remain a serious problem in this country. This legislation is a matter of simple justice. It is past time for Congress to enact this bill and strengthen the Federal Government's role in preventing and punishing crimes motivated by hate.

I commend Senator KENNEDY for his leadership over the last decade in working to expand our Federal hate crimes law, and I am proud to once again be an original cosponsor of this legislation. A bipartisan majority of the Members in the House of Representatives voted to pass this legislation in the last Congress. Unfortunately, there were partisan attempts to filibuster and prevent passage of the Senate bill. The measure was ultimately attached to the Department of Defense Authorization bill with the bipartisan support of 60 Senators. While I am disappointed that the hate crime provision was taken out of that bill at conference, I am hopeful that our efforts to enact this civil rights measure into law will be successful this year.

Violent crimes motivated by prejudice and hate are tragedies that haunt American history. From the lynchings that plagued race relations for more than a century, to the well-publicized

slayings of Matthew Shepard and James Byrd, Jr., in the 1990s, this is a story that we have heard too often in this country. Unfortunately, in my home state of Vermont, there have been two attacks in recent years that appear to have been motivated by the victims' religion or sexual orientation.

Perhaps the most persuasive evidence that hate crimes are becoming more prevalent and more nationalized is a leaked copy of the Department of Homeland Security report on violent extremism in the United States. The report is nothing short of chilling.

The DHS report found that "the economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment" and these elements in turn have the potential to drive hate groups to carry out violence. It also found that anti-immigrant fervor by organized hate groups "has the potential to turn violent." The DHS report concluded that the "advent of the Internet" has potentially made "extremist individuals and groups more dangerous and the consequences of their violence more severe."

Of course, these findings comport with a recent Southern Poverty Law Center, SPLC, report on hate group activity in the United States entitled "The Year in Hate." The SPLC report found that activity by known domestic hate groups has increased by 50 percent since 2000, from 602 hate groups in 2000, to 926 hate groups in 2008. The recent and rapid growth in hate group activity is simply astonishing.

It remains painfully clear that as a Nation, we still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. While the answer to hate and bigotry must ultimately be found in increased tolerance, strengthening our Federal hate crimes laws is a step in the right direction.

The Matthew Shepard Hate Crimes Prevention Act of 2009 improves existing law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law. This bill also expands Federal protections to include the problem of hate crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which is a key and long-overdue expansion of protection. Finally, this bill provides assistance and resources to state, local, and tribal law enforcement to address hate crimes.

This bill strengthens Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement. States will still bear primary responsibility for prosecuting

most hate crimes, which is important to me as a former state prosecutor. In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from state and local law enforcement organizations across the country.

Moreover, this bill accomplishes the critically important goal of protecting all of our citizens without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. To paraphrase Justice Oliver Wendell Holmes, the Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

We crafted this legislation after long and thoughtful consultation with many of the advocates who work so hard to promote civil rights and with Justice Department attorneys in the field who work on hate crimes prosecutions every day. It contains changes to Federal hate crime law that will improve the law's operation and implementation. I want to thank the Leadership Conference on Civil Rights, Human Rights First, and the more than 300 law enforcement, civil rights, religious, and other professional organizations for their assistance with and support for this legislation, and for their tireless work on behalf of hate crimes victims in the United States.

The crimes targeted in this bill are particularly pernicious crimes that affect more than just their victims and those victims' families. They inspire fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. That is wrong. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years.

The Matthew Shepard Hate Crimes Prevention Act continues that great and honorable tradition, and brings us one step closer towards ensuring an America that values tolerance and protects all of its people. I hope all Senators will support passing this important bipartisan bill this year.

Mrs. FEINSTEIN. I wish today to support the Matthew Shepard Hate Crimes Prevention Act of 2009. I want to thank and commend my friend and colleague, Senator KENNEDY, for his leadership and dedication on this important issue. It is long past time that

we move to bring existing Federal hate crimes law into the 21st century.

I have been an original cosponsor of the Hate Crimes Prevention Act since it was first introduced in the Senate over a decade ago.

And I am proud to join today with my colleagues—Senators KENNEDY, LEAHY, SPECTER, COLLINS, SNOWE, SCHUMER, DURBIN, and others—to reintroduce this legislation, which will once and for all send a message: We will no longer turn a blind eye to hate crimes in this country.

This legislation is a crucial step toward prosecuting crimes directed at thousands of individuals who are the targets of brutal and senseless violence.

The current Federal hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion or national origin.

This bill improves the current Federal hate crime law by including crimes motivated by gender, gender identity, sexual orientation, and disability.

Specifically, the Matthew Shepard Crimes Prevention Act of 2009 expands on the 1968 definition of a hate crime.

Under current Federal law, hate crimes only cover attacks based on race, color, religion, and national origin.

Under the proposed bill, hate crimes will include: gender, gender identity, sexual orientation, and disability.

The bill enables States, local jurisdictions, and Indian tribes to apply for Federal grants in order to solve hate crimes and provides Federal agents with broader authority to aid State and local police.

Additionally, the bill amends the Hate Crime Statistics Act to allow law enforcement agencies to gather additional data on violent crimes committed out of hate.

The bill also includes a "Rule of Construction" to ensure that it does not intrude on first amendment protected rights to freedom of speech.

I believe that it is time for Congress to expand the ability of the Federal Government to investigate and prosecute anyone who would target victims because of hate. In States that have already enacted hate crimes laws, the Federal Government must provide the resources to ensure that those crimes do not go unpunished. We can and must do more.

Across the Nation, horrific instances of violence are occurring that this bill would work to fight against. I would like to share just a few examples:

In February 2008 in Oxnard, CA, Lawrence "Larry" King, a 15-year-old boy was shot and killed by a fellow classmate at his junior high school. Larry, who had told his classmates he was gay, had long been harassed and bullied at school. The way he was treated is

unacceptable, and his death was a tragic and poignant reminder of why it is so important to stop bullying and violence in our schools.

In Laurel, DE, earlier this month, three teenagers were charged with robbing and assaulting a 31-year-old developmentally disabled man. The victim was walking home one Friday evening from his brother's house in the Laurel Village Mobile Home Park and was dragged into a wooden area, beaten, and robbed of his wallet and keys. The victim's mother later found him and took him to the hospital where he was treated for a concussion.

Lastly, one of the most well-known cases in California happened in West Hollywood to actor Trev Broudy in 2002. The night of the attack, Trev Broudy was hugging a man on a street. Three men with a baseball bat savagely attacked the actor and left him in a coma for approximately 10 weeks. As a result of the attack, Trev suffered brain damage, lost half of his vision, and has experienced trouble hearing.

The crimes are brutal. The attackers targeted their victims because of who they are. Yet, none of these crimes can be prosecuted as a Federal hate crime.

These are not isolated instances.

These crimes occur all too often.

According to the latest FBI statistics, there were almost 7,700 hate crime incidents in the United States in 2007. Of those, 1,789 occurred in California, with 15 percent of those based on sexual orientation.

Nationally, approximately 50.8 percent were motivated by racial bias, 18 percent were motivated by religious bias, 17 percent were motivated by sexual orientation, and 13.2 percent were motivated by ethnicity or national origin bias. One percent involved a bias against a disability.

Even more disturbing is the fact that these FBI statistics show only a fraction of the problem because so many hate crimes are unreported.

The Southern Poverty Law Center, a nonprofit organization located in Montgomery, AL and internationally known for its tolerance education programs, estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000 as opposed to the nearly 8,000 cases reported to the FBI.

A close analysis of hate crimes rates demonstrates that groups that are now covered by current laws—such as African Americans, Muslims, and Jews, report similar rates of hate crimes victimizations as gays and lesbians—who are not currently protected.

Every person's life is valuable. Congress must act to protect every individual who is targeted simply because of who they are.

We must also stop the way that hate crimes terrorize communities. When people are targeted because of who they are, they often live in fear and

communities suffer from tension and a lack of trust. These are crimes that damage our social fabric, and we must send a clear message that we cannot tolerate this kind of intimidation in the United States.

This is not a new bill. It was first introduced in 1998. It has passed the Senate numerous times: in 2000, 2002, and 2004 as an amendment to the Department of Defense, Authorization bill. It has also passed the House in 2007 as a stand-alone bill and in 2006 as an amendment to the Adam Walsh Act. But still, it has not been enacted into law.

In addition, last Congress, this body passed this legislation favorably as an amendment to the Defense authorization bill, but the amendment was removed from the final version of the bill that the President signed.

This legislation is bipartisan and has broad coalition support. It is supported by 26 State attorneys general and over 300 law enforcement, professional, educational, civil rights, religious, and civic organizations.

I hope that my colleagues will join me in supporting it and working to enact it into law in this Congress.

Let us send a message to all Americans that we will not turn a blind eye to hate crimes and will instead support the values of tolerance and community that unite us as Americans.

By Mr. MERKLEY:

S. 911. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I am introducing two pieces of legislation to address the very heart of our economic crisis—the housing market and the deceptive lending practices that have placed millions of homes at risk of foreclosure.

In the last few years, millions of families were led into unsustainable home mortgages that pushed our country into an economic crisis unprecedented in our lifetimes. Instead of fulfilling a dream and contributing to a secure financial future, home mortgages have too often become a check for stripping wealth from working Americans.

These two bills, the Transparency for Homeowners Act, S. 911, and the Promoting Mortgage Responsibility Act, S. 912, will put an end to deceptive and unfair mortgage practices that played a pivotal role in tricking American families to accept risky and unsustainable mortgages.

Two key factors drew families into these mortgages that paved the way for this recession. First, steering payments.

Steering payments were paid to brokers who enticed unsuspecting homeowners into deceptive and expensive mortgages. These secret bonus pay-

ments, often called yield spread premiums, turned home mortgages into a scam. A family would go to a mortgage broker to get advice in getting the best possible loan. The family would trust the broker to give advice because, quite frankly, they were paying the broker for that service. But what the borrower did not realize is that the broker would earn thousands of bonus dollars from the lender if the broker could convince the homeowner to take out a high-priced mortgage, such as one with an exploding interest rate, rather than a plain vanilla 30-year fixed rate mortgage.

The second factor is prepayment penalties. Prepayment penalties added insult to injury. After the homeowners realized they had been steered into an unsustainable mortgage, they soon discovered that a large prepayment penalty made it too costly for them to refinance to a more affordable loan. They were locked into that first destructive loan they did not fully understand when it was presented.

This scam has had a tremendous impact. A study for the Wall Street Journal found that 61 percent of the subprime loans that originated in 2006—that is 61 percent that originated in 2006—went to families who qualified for prime loans. More than half the borrowers who qualified for a prime loan ended up with a subprime loan because of these steering payments, putting millions of American families at risk. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers but that leaves borrowers unaware of payments that take place, putting them into expensive and destructive mortgages.

I call your attention to a New York Times editorial published on April 9 entitled “Predatory Brokers.” This editorial highlighted the problem. The Times concluded that:

The first step must be to outlaw the kickbacks that lenders pay brokers for steering clients into costlier loans.

The editorial went on to say that:

The most clearly unethical form of payment is the so-called yield-spread premium.

My friends, it is difficult to overstate the damage that has been done by these practices. An estimated 20,000 Oregon families will lose their homes to foreclosure in 2009. Nationwide, an estimated 2 million families will lose their homes this year. And the total of foreclosed families is predicted to reach 9 million by 2012.

The legislative solutions I propose are very simple. The bills I am introducing today will ensure these practices do not again haunt the mortgage business in America. First, the Transparency For Homeowners Act ends the secret steering payments to lenders who lead homeowners into deceptive mortgages they cannot afford over the long term. Second, the Promoting

Mortgage Responsibility Act prohibits lenders from issuing costly financial penalties that prevent homeowners from refinancing into a more affordable loan.

It is simple: an end to steering payments and an end to prepayment penalties. We should recognize that not only have these practices damaged the financial foundations for our families and millions of families at the retail level—turning the American dream of home ownership into an American nightmare—but these practices, which resulted in a huge surge in subprime lending, set the stage for the disaster that would come and is still unfolding on Wall Street and crippling economies around the world.

My legislation will restore transparency to the mortgage lending process and help make home ownership a stable investment for families once again. The time has come for us to make sure that secret steering payments and paralyzing prepayment penalties never again haunt American families. Let us restore the American dream of home ownership.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2009, otherwise known as the WHIP Act. This bipartisan bill I introduce today is the same legislation I introduced in the 110th Congress. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention, CDC, the economic cost alone to businesses in the form of health insurance and absenteeism is more than \$15 billion. Additionally, the CDC estimates that more than 1/3 of all US adults fail to meet minimum recommendations for aerobic physical activity based on the 2008 Physical Activity Guidelines for Americans. With physical inactivity being a

key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am introducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pre-tax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to \$900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees—creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our Nation's quality of life by promoting physical activity and preventing disease. Additionally, it will help relieve pressure on a strained health care system and correct an inequity in the current tax code.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Health Improvement Program Act of 2009".

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed \$900 per employee per year."

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws."

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed \$900 per employee per year."

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SPECTER:

S. 914. A bill to establish an independent Cures Acceleration Network agency, to sponsor promising translational research to bridge the gap between laboratory discoveries and life-saving therapies, to reauthorize the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, the bill that I am introducing today would authorize the establishment of the Cures Acceleration Network, CAN. This new \$2 billion agency would provide funds to translate research discoveries from the bench to the bedside and would operate as an independent agency. It would not be part of the Department of Health and Human Services.

The CAN would make awards outside of the traditional funding stream to accelerate the development of cures and treatments including but not limited to drugs, devices, and behavioral therapies. The CAN would have a flexible expedited review process to get monies into the hands of the grantees as quickly as possible. These development funds would complement the research dollars provided to the National Institutes of Health, NIH, and would not compete or take monies away from the NIH.

The bill also would raise the authorization level of the National Institutes of Health to \$40 billion in fiscal year 2010, elevate the Center for Minority Health and Health Disparities to Institute status, and implement a new conflict-of-interest provision.

While the NIH funds much of the basic biomedical research at universities across the country, the CAN would take those findings found through basic research and provide funding to fill the gap between laboratory discoveries and life-saving medical therapies. This funding gap—often referred to as "the valley of death" arises after Federal basic-science support ends and before investors are willing to commit to a promising discovery. Very often finding funds to fill this gap is a daunting challenge, especially during a period of economic downturn, when investors have fewer resources to invest. This has had a severe impact on America's biotechnology industry.

The need for the CAN is clear: Capital raised by America's biotechnology companies fell 55 percent in 2008 compared to 2007. Also relative to 2007, 90 percent of small public biotechnology companies are now operating with less than 6 months of cash on hand. In the last 5 months alone, at least 24 U.S. public biotech companies have either placed drug development programs on hold or cut programs altogether. These companies have postponed clinical trials to treat melanoma, cervical cancer, lupus, chemotherapy side effects for breast cancer patients, multiple sclerosis, diabetes and atherosclerosis, drug trials to treat non-Hodgkin's lymphoma, testing of pandemic flu vaccine, trials to treat plaque psoriasis and heart disease, and a treatment for mesothelioma.

In short, without adequate funding—these companies will be unable to take these products to the development stage, the basic research done by the NIH will be lost, and many patients will die waiting for drugs and devices to give them a better quality of life.

The CAN would fund two types of grant awards, each with an authorization of \$1 billion in the first year and additional funds in succeeding fiscal years.

The Cures Acceleration Grant Awards will provide grant awards of up

to \$15 million per year per project with out-year funding available. These awards would be available to applicants who do not have access to private matching funds.

The Cures Acceleration Partnership Awards also would provide grants for up to \$15 million per year per project with additional funds available in the out-years. However, grant awards would require a match of three Federal dollars to one grantee dollar, as a way to partially offset development costs.

For both grant types, the CAN Board may waive the award limitation as well as modify the matching requirement.

Eligible grantees would include public or private entities such as institutions of higher education, medical centers, biotechnology companies, universities, patient advocacy organizations, pharmaceutical companies and academic research institutions.

To provide for expedited FDA approval, the grantees must also establish protocols that comply with FDA standards to meet regulatory requirements at all stages of development, manufacturing, review, approval and safety surveillance of a medical product.

The provisions of the Bayh-Dole Act would apply.

The CAN grant proposals would be evaluated by a 24-member board comprised of experienced individuals of distinguished achievement, and representative of a broad range of disciplinary interests including: venture capitalists and business executives with experience in managing scientific enterprises; scientists with expertise in the fields of basic research, biopharmaceuticals, drug discovery, drug delivery of medical products, bioinformatics, gene therapy or medical instrumentation, regulatory review and approval of medical products; and representatives of patient advocacy organizations.

The Chairman and Vice Chairman of the CAN shall be appointed by the President with the advice and consent of the Senate. The term of office of each member of the Board shall be 2 years. The CAN board also will include ex-officio members representing the National Institutes of Health, the Food and Drug Administration and the Department of Defense, the Department of Veterans Affairs and the National Science Foundation. The CAN board will meet four times each calendar year, with 12 board members and representatives of the ex-officio members present at each meeting. The board will be supported by an executive director and other employees that the Board deems necessary to ensure efficient operation of the CAN.

The Chairman of the CAN shall have authority to enter into an interagency agreement with the Center for Scientific Review at the National Institutes of Health to utilize advisory panels to review applications, and to make recommendations to the CAN.

The increases that have been made in medical research over the past 20–30 years have dramatically improved the survival rates for many diseases—deaths from coronary artery disease declined by 18 percent between 1994 and 2004. Stroke deaths also fell by 24.2 percent during that same time period. The five-years survival rates for Hodgkin's lymphoma have increased from 4 percent in the 1960s to more than 86 percent today. Survival rates for localized breast cancer have increased from 80 percent in the 1950s to 98 percent today. Over the past 25 years, survival rates for prostate cancer have increased from 69 percent to almost 99 percent. So we are seeing real progress. But for many other maladies, the statistics are not so good.

These medical advances do not happen overnight. It takes time and money for research institutions to develop scientists skilled in the latest research techniques and to develop the costly infrastructure where research takes place.

Regrettably, Federal funding for NIH has steadily declined from the \$3.8 billion increase provided in 2003—when the 5-year doubling of that agency was completed. Had we provided sustained increases of \$3.5 billion per year, plus inflation since 2003, we would have \$23 billion more in funding for today. The shortfall due to inflationary costs alone is \$5.2 billion. This flagging investment in medical research, many believe, served to discourage bright young investigators from entering this field of study.

The \$10 billion for the National Institutes of Health that was included in stimulus package provided an immediate infusion of new research dollars for medical research. While these funds will only make up for a portion of what was lost since 2003, it is a step in the right direction. But much remains to be done. Additional dollars must be found for the 2010 appropriation and beyond.

The \$40 billion contained in the legislation that I am introducing today will help to re-energize our investment in medical research, support a new generation of young scientists and invest in the health of our Nation.

The bill also contains a provision which requires the Director of NIH to enforce conflict-of-interest policies, requiring primary investigators with financial interests to provide a detailed report how the grant recipient will manage the investigator's conflict-of-interest.

The legislation also elevates the National Center for Minority Health and Health Disparities to Institute status, a designation that will lead to more resources to address the health status of minority and other medically underserved communities.

While some might argue that at a time when our economy is struggling

we cannot afford to invest more in medical research. The fact is that research offers the only hope of saving lives, allowing our citizens to lead longer, more productive lives and saving billions of dollars in health care cost. To those critics I would say we cannot afford not to invest in medical research. This is not simply good social policy; it is good economic policy as well.

Mr. President, I ask unanimous consent that the text of the bill and a list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cures Acceleration Network and National Institutes of Health Reauthorization Act of 2009”.

SEC. 2. CURES ACCELERATION NETWORK.

(a) DEFINITIONS.—In this section—

(1) the term “medical product” means a drug, device, biological product, or product that is a combination of drugs, devices, and biological products;

(2) the terms “drug” and “device” have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act; and

(3) the term “biological product” has the meaning given such term in section 351 of the Public Health Service Act.

(b) ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.—There is established an independent agency to be known as the Cures Acceleration Network (referred to in this section as “CAN”), which shall—

(1) be under the direction of a CAN Review Board (referred to in this section as the “Board”), described in subsection (d); and

(2) award grants and contracts to eligible entities, as described in subsection (e), to accelerate the development of cures and treatments of diseases, including through the development of medical products and behavioral therapies.

(c) FUNCTIONS.—The functions of the CAN are to—

(1) identify and promote revolutionary advances in basic research, translating scientific discoveries from bench to bedside;

(2) award grants and contracts to eligible entities;

(3) provide the resources through grants and contracts necessary for independent investigators, research organizations, biotechnology companies, academic research institutions, and other entities to develop medical products for the treatment and cure of diseases and disorders;

(4) reduce the barriers between laboratory discoveries and clinical trials for new therapies;

(5) facilitate priority review in the Food and Drug Administration for the medical products funded by the CAN; and

(6) accept donations, bequests, and gifts to the CAN.

(d) CAN BOARD.—

(1) ESTABLISHMENT.—There is established a Cures Acceleration Network Review Board (referred to in this section as the “Board”), which shall direct the activities of the Cures Acceleration Network.

(2) MEMBERSHIP.—

(A) IN GENERAL.—

(i) APPOINTMENT.—The Board shall be comprised of 24 members who are appointed by the President and who serve at the pleasure of the President.

(ii) CHAIRPERSON AND VICE CHAIRPERSON.—The President, by and with the advice and consent of the Senate, shall designate, from among the 24 members appointed under clause (i), one Chairperson of the Board (referred to in this section as the “Chairperson”) and one Vice Chairperson.

(B) TERMS.—

(i) IN GENERAL.—Each member shall be appointed to serve a 4-year term, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

(ii) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board, and may not serve more than 2 such terms consecutively.

(C) QUALIFICATIONS.—

(i) IN GENERAL.—The President shall appoint individuals to the Board based solely upon the individual's established record of distinguished service in one of the areas of expertise described in clause (ii). Each individual appointed to the Board shall be of distinguished achievement and have a broad range of disciplinary interests.

(ii) EXPERTISE.—The President shall select individuals based upon the following requirements:

(I) For each of the fields of—

(aa) basic research;

(bb) medicine;

(cc) biopharmaceuticals;

(dd) discovery and delivery of medical products;

(ee) bioinformatics and gene therapy;

(ff) medical instrumentation; and

(gg) regulatory review and approval of medical products,

the President shall select at least 1 individual who is eminent in such fields.

(II) At least 4 individuals shall be recognized leaders in professional venture capital or private equity organizations and have demonstrated experience in private equity investing.

(III) At least 8 individuals shall represent disease advocacy organizations.

(3) EX-OFFICIO MEMBERS.—

(A) APPOINTMENT.—In addition to the 24 Board members described in paragraph (2), the President shall appoint as ex-officio members of the Board—

(i) a representative of the National Institutes of Health, recommended by the Secretary of the Department of Health and Human Services;

(ii) a representative of the Office of the Assistant Secretary of Defense for Health Affairs, recommended by the Secretary of Defense;

(iii) a representative of the Office of the Under Secretary for Health for the Veterans Health Administration, recommended by the Secretary of Veterans Affairs;

(iv) a representative of the National Science Foundation, recommended by the Chair of the National Science Board; and

(v) a representative of the Food and Drug Administration, recommended by the Commissioner of Food and Drugs.

(B) TERMS.—Each ex-officio member shall serve a 3-year term on the Board, except that the Chairperson may adjust the terms of the initial ex-officio members in order to provide

for a staggered term of appointment for all such members.

(4) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's duties; and

(B) review applications for grants and contracts under subsection (e) and make recommendations to the Chairperson.

(5) AUTHORITY OF THE CHAIRPERSON.—The Chairperson may—

(A) prescribe regulations regarding the manner in which the Chairperson's duties shall be carried out, as the Chairperson determines necessary;

(B) appoint employees, subject to civil service laws, as necessary to carry out the Chairperson's functions;

(C) define the duties, and supervise and direct the activities, of any employees appointed under subparagraph (B);

(D) use experts and consultants, including a panel of experts who may be employed as authorized by section 3109 of title 5, United States Code;

(E) accept and utilize the services of voluntary and uncompensated personnel and reimburse such personnel for travel expenses, as described in paragraph (7)(B);

(F) make advance, progress, or other payments without regard to section 3324 of title 31, United States Code;

(G) rent office space in the District of Columbia for use by the CAN;

(H) enter into agreements with other Federal agencies to carry out oversight of the grant program under subsection (e), which agreements may include provisions for financial reimbursement for the oversight provided by such agencies; and

(I) make other necessary expenditures.

(6) MEETINGS.—

(A) IN GENERAL.—The Board shall meet 4 times per calendar year, at the call of the Chairperson.

(B) QUORUM; REQUIREMENTS; LIMITATIONS.—

(i) QUORUM.—A quorum shall consist of a total of 13 members of the Board, excluding ex-officio members, with diverse representation as described in clause (iv).

(ii) CHAIRPERSON OR VICE CHAIRPERSON.—Each meeting of the Board shall be attended by either the Chairperson or the Vice Chairperson.

(iii) LIMITATION.—No member or ex-officio member of the Board may attend more than 2 meetings of the Board each calendar year with the exceptions of the Chairperson and Vice Chairperson, who may attend all such meetings.

(iv) DIVERSE REPRESENTATION.—At each meeting of the Board, there shall be not less than one scientist, one representative of a disease advocacy organization, and one representative of a professional venture capital or private equity organization.

(7) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, in-

cluding per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(e) GRANT PROGRAM.—

(1) GRANTS AND CONTRACTS.—The Chairperson shall, through the Board of the CAN, award grants and contracts to eligible entities to assist such entities in carrying out projects described in paragraph (3).

(2) AWARD PROCESS.—The Chairperson of the Board may award a grant or contract under this subsection to an eligible entity only upon the approval of a majority of a quorum of the Board.

(3) USE OF FUNDS.—Funds awarded under this subsection shall be used—

(A) to accelerate the development of cures and treatments, including through the development of medical products, behavioral therapies, and biomarkers that demonstrate the safety or effectiveness of medical products; or

(B) to help the award recipient establish protocols that comply with Food and Drug Administration standards and otherwise permit the recipient to meet regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product.

(4) ELIGIBLE ENTITIES.—To receive a grant or contract under this subsection, an entity shall—

(A) be—

(i) an individual;

(ii) a group of individuals; or

(iii) a public or private entity, which may include a private or public research institution, an institution of higher education, a medical center, a biotechnology company, a pharmaceutical company, a disease advocacy organization, a patient advocacy organization, or an academic research institution;

(B) submit an application containing—

(i) a detailed description of the project for which the entity seeks such grant or contract;

(ii) a timetable for such project;

(iii) an assurance that the entity will submit—

(I) interim reports describing the entity's—

(aa) progress in carrying out the project; and

(bb) compliance with all provisions of this section and conditions of receipt of such grant or contract; and

(II) a final report at the conclusion of the grant period, describing the outcomes of the project; and

(iv) a description of the protocols the entity will follow to comply with Food and Drug Administration standards and regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product; and

(C) provide such additional information as the Chairperson may require.

(5) STUDY SECTIONS OF THE CENTER FOR SCIENTIFIC REVIEW.—

(A) IN GENERAL.—The Chairperson may enter into an interagency agreement with the Center for Scientific Review within the National Institutes of Health to use the study sections of such Center to review applications submitted under paragraphs (4)(B) and additional information submitted under (4)(C) and to make recommendations to the Board. The Chairperson shall promulgate regulations and procedures to—

(i) ensure that each study section reviewing applications is composed of diverse members, as described in subparagraph (B);

(ii) require such study sections to create written records summarizing—

(I) all meetings and discussions of the study section; and

(II) the recommendations made by such study section to the Board; and

(iii) make the records described in clause (ii) available to the public in a manner that protects the privacy of applicants and panel members and any proprietary information from applicants.

(B) **MEMBERSHIP.**—The Chairperson shall ensure that the study sections of the Center for Scientific Review that review applications submitted under this subsection are selected solely on the basis of established records of distinguished service and include—

(i) for each of the fields of—

(I) basic research;

(II) medicine;

(III) biopharmaceuticals;

(IV) discovery and delivery of medical products;

(V) bioinformatics and gene therapy; and

(VI) medical instrumentation, at least 2 individuals with expertise in such fields;

(ii) at least 3 representatives of professional venture capital or private equity organizations with demonstrated experience in private equity investing; and

(iii) at least 3 representatives of disease advocacy organizations.

(C) **FINANCIAL COMPENSATION.**—Any agreement under subparagraph (A) shall include an arrangement whereby the Chairperson reimburses the Center for Scientific Review for the services provided under such subparagraph.

(6) **AWARDS.**—

(A) **THE CURES ACCELERATION PARTNERSHIP AWARDS.**—

(i) **INITIAL AWARD AMOUNT.**—Each award under this subparagraph shall be not more than \$15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment, except that the Chairperson of the Board may increase the award amount for an eligible entity if the Board so determines by a majority vote.

(ii) **FUNDING IN SUBSEQUENT FISCAL YEARS.**—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board the information required under subparagraphs (B) and (C) of paragraph (4). The Chairperson may fund a project of such eligible entity in an amount not to exceed \$15,000,000 for a fiscal year subsequent to the initial award under clause (i) if the Board so determines by majority vote.

(iii) **MATCHING FUNDS.**—As a condition for receiving a grant or contract under this subparagraph, an eligible entity shall contribute to the project non-Federal funds in the amount of \$1 for every \$3 awarded under clauses (i) and (ii), except that the Chairperson may waive or modify such matching requirement by a majority vote of the Board.

(B) **THE CURES ACCELERATION GRANT AWARDS.**—

(i) **INITIAL AWARD AMOUNT.**—Each award under this subparagraph shall be not more than \$15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment, except that the Chairperson of the Board may increase the award amount for an eligible entity if the Board so determines by a majority vote.

(ii) **FUNDING IN SUBSEQUENT FISCAL YEARS.**—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board

the information required under subparagraphs (B) and (C) of paragraph (4). The Chairperson may fund a project of such eligible entity in an amount not to exceed \$15,000,000 for a fiscal year subsequent to the initial award under clause (i) if the Board so determines by majority vote.

(7) **SUSPENSION OF AWARDS FOR DEFAULTS, NONCOMPLIANCE WITH PROVISIONS AND PLANS, AND DIVERSION OF FUNDS.**—The Chairperson may suspend the award to any entity upon noncompliance by such entity with provisions and plans under this section or diversion of funds.

(8) **AUDITS.**—The Chairperson may enter into agreements with other entities to conduct periodic audits of the projects funded by grants or contracts awarded under this subsection.

(9) **CLOSEOUT PROCEDURES.**—At the end of a grant or contract period, a recipient shall follow the closeout procedures under section 74.71 of title 45, Code of Federal Regulations (or any successor regulation).

(f) **STAFF.**—The CAN may employ such officers and employees (including experts and consultants), appointed by the Chairperson, as may be necessary to enable the CAN to carry out its functions under this section, and may employ and fix the compensation of such officers and employees.

(g) **GIFTS, BEQUESTS, AND DEVISES.**—

(1) **IN GENERAL.**—The CAN may accept donations, bequests, and devises, with or without conditions, and transfers for tax purposes, for the purpose of aiding or facilitating the work of the CAN subject to the following:

(A) In any case in which money or other property is donated, bequeathed, or devised to the CAN without designation for the benefit of which such property is intended, and without condition or restriction other than that such property be used for the purposes of the CAN, such property shall be deemed to have been donated, bequeathed, or devised to the CAN and the Chairperson shall have authority to receive such property.

(B) In any case in which any money or other property is donated, bequeathed, or devised to the CAN with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to the CAN whose function it is to carry out the purpose or purposes described, or referred to, by the terms of such condition or restriction, and the Chairperson shall have authority to receive such property.

(C) For the purposes of subparagraph (B), if one or more of the purposes of such a condition or restriction is covered by the functions of the CAN, or if some of the purposes of such a condition or restriction are covered by the CAN, the Board shall determine an equitable manner for distribution by the CAN of the property so donated, bequeathed, or devised.

(D) For the purpose of Federal income tax, gift tax, and estate tax laws, any money or other property donated, bequeathed, or devised to the Chairperson pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to, or for the use of, the United States.

(h) **CONFLICTS OF INTEREST.**—

(1) **IN GENERAL.**—The Chairperson shall develop and enforce conflict of interest policies for the CAN and shall respond in a timely manner when such policies have been violated by a recipient of funds provided under a grant or contract awarded under this section.

(2) **INFORMATION.**—

(A) **IN GENERAL.**—In the case in which the principal investigator for a recipient described under subparagraph (B) has a conflict of interest, the Chairperson shall require the recipient to provide to the Chairperson the following information:

(i) The degree of the primary investigator's financial interest, estimated to the nearest \$1,000.

(ii) A detailed report explaining how the recipient will manage the primary investigator's conflict of interest.

(B) **RECIPIENT.**—A recipient described in this subparagraph is a recipient—

(i) of a grant or contract awarded under subsection (e); and

(ii) that receives more than \$250,000 under such grant or contract.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out this section, there are authorized to be appropriated—

(1) for fiscal year 2010, \$1,000,000,000 for awards described under subsection (e)(6)(A), including associated administrative costs;

(2) for fiscal year 2010, \$1,000,000,000 for awards described under subsection (e)(6)(B), including associated administrative costs; and

(3) such sums as may be necessary for subsequent fiscal years.

SEC. 3. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) **REDESIGNATION OF CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.**—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 6 of part E as subpart 20;

(2) by transferring subpart 20, as so redesignated, to part C of such title IV;

(3) by inserting subpart 20, as so redesignated, after subpart 19 of such part C; and

(4) in subpart 20, as so redesignated—

(A) by redesignating sections 485E through 485H as sections 464z-3 through 464z-6, respectively;

(B) by striking “National Center on Minority Health and Health Disparities” each place such term appears and inserting “National Institute on Minority Health and Health Disparities”; and

(C) by striking “Center” each place such term appears and inserting “Institute”.

(b) **PURPOSE OF INSTITUTE.**—Subsection (h) of section 464z-3 of the Public Health Service Act, as so redesignated, is amended—

(1) in paragraph (1), by striking “research endowments at centers of excellence under section 736.” and inserting the following: “research endowments—

“(1) at centers of excellence under section 736; and

“(2) at centers of excellence under section 464z-4.”; and

(2) in paragraph (2)(A), by striking “average” and inserting “median”.

(c) **TECHNICAL AMENDMENT.**—Section 401(b)(24) of the Public Health Service Act (42 U.S.C. 281(b)(24)) is amended by striking “Center” and inserting “Institute”.

(d) **CONFORMING AMENDMENT.**—Subsection (d)(1) of section 903 of the Public Health Service Act (42 U.S.C. 299a-1(d)(1)) is amended by striking “section 485E” and inserting “section 464z-3”.

SEC. 4. CONFLICTS OF INTEREST.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following:

“(m) **ENFORCEMENT OF CONFLICT OF INTEREST POLICIES.**—

“(1) **IN GENERAL.**—The Director shall develop and enforce the conflict of interest policies for the National Institutes of Health

and shall respond in a timely manner when such policies have been violated by a recipient of funds provided under a grant or contract awarded under this title.

“(2) INFORMATION.—

“(A) IN GENERAL.—In the case in which the principal investigator for a recipient described under subparagraph (B) has a conflict of interest, the Director shall require the recipient to provide to the Director the following information:

“(i) The degree of the primary investigator's financial interest, estimated to the nearest \$1,000.

“(ii) A detailed report explaining how the recipient will manage the primary investigator's conflict of interest.

“(B) RECIPIENT.—A recipient described in this subparagraph is a recipient—

“(i) of a grant or contract awarded under this title; and

“(ii) that receives more than \$250,000 under such grant or contract.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 402A of the Public Health Service Act (42 U.S.C. 282a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

“(1) \$40,000,000,000 for fiscal year 2010; and

“(2) such sums as may be necessary for each of fiscal years 2011 and 2012.”.

(b) OFFICE OF THE DIRECTOR.—Subparagraph (b) of section 402A of the Public Health Service Act (42 U.S.C. 282a(b)) is amended by striking “2007 through 2009” and inserting “2010 through 2012”.

SUPPORTERS

Autism Speaks, Association of Minority Health Professions Schools, Morehouse School of Medicine, Meharry Medical College, Charles Drew University of Medicine and Science, Cure Alzheimer's Fund, American Thoracic Society, Scleroderma Foundation, NephCure Foundation, National Marfan Foundation, Crohn's and Colitis Foundation of America, Pulmonary Hypertension Association, Biotechnology Industry Organization, Melanoma Research Foundation, Alzheimer's Association, Medical Library Association, Association of Academic Health Sciences Libraries, American Lung Association, Lupus Research Institute, S.L.E. Lupus Foundation, Friends of Cancer Research, College on Problems of Drug Dependence, Parkinson's Action Network.

By Mr. GREGG:

S. 917. A bill provide assistance to Pakistan under certain conditions, and for other purposes; to the Committee on Foreign Relations.

Mr. GREGG. Mr. President, I rise today to introduce legislation that provides the President with extraordinary, but critical authority under section 451 of the Foreign Assistance Act of 1961 with respect to assistance for Pakistan.

Specifically, the bill allows the President to reprogram up to \$500,000,000 of previously appropriated foreign operations funds for assistance for Pakistan if the President determines that it is in the vital national security interests of the U.S. to do so.

The President must still report promptly to Congress on the exercise of this authority, and it is my expectation—although not legally binding—that reprogrammed funds will be reim-

bursed in subsequent annual or supplemental appropriations bills.

Extended until September 30, 2010, this authority is required because of the increasingly dire situation in Pakistan and alarming news reports of territorial gains by extremists. While I do not pretend to have the answers to Pakistan's myriad challenges, I do know that the administration lacks the necessary authority to reprogram significant funds to respond to further political and economic deterioration in that country. Should the government of Pakistani President Zardari collapse, the administration will need maximum flexibility in its response.

I can anticipate some may have a knee jerk reaction to the provision of such extraordinary authority. In response, I would remind my colleagues that regardless of their opinions of Pakistan's messy political situation, events in Pakistan directly impact Afghanistan—and our troops on the ground there.

Of course, this is in addition to the impact that destabilization would have on Pakistan's nuclear complex, specifically the combination of dozens of nuclear weapons, untested security systems, and a surplus of Islamic militants in the area. These issues are at the forefront of our security interests in the region and would exacerbate exponentially the impact of destabilization.

It might interest my colleagues to know that current law limits section 451 reprogram authority to \$25,000,000. In contrast, the supplemental budget request seeks \$4,000,000,000 in special transfer authority for the Department of Defense to meet emerging requirements. Surely, the State Department should also have increased flexibility to react promptly to the economic and security needs of Pakistan should the worst case scenario transpire.

I urge the relevant Committee to consider and act upon this legislation quickly.

By Mr. AKAKA:

S. 919. A bill to amend section 1154 of title 58, United States Code, to clarify the additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am today introducing the proposed Clarification of Characteristics of Combat Service Act of 2009. This legislation is designed to address concerns which have been noted during the Committee's oversight visits to VA regional offices. From the review of claims folders as part of ongoing oversight, Committee staff has noted that VA adjudicators often fail to factor in the existence of common occurrences when considering claims from combat vet-

erans because there is no formal evidence on the matters in question in the claimant's official military records.

When common hazards exist in particular areas where our armed forces have or are serving, a means must be established to determine whether a particular veteran's claim of exposure to such hazard or matter is consistent with the circumstances of service in that area, even without evidence in individual official records. This proposed bill would establish a mechanism by requiring VA to promulgate regulations that would include standards that VA adjudicators would use for evaluating the consistency between lay evidence and claimed matters, such as exposure to factors common to servicemembers serving in particular combat areas.

This proposed bill is intended to result in recognition by VA that, where there is evidence of common events, a veteran's testimony, if consistent with other evidence, would be accepted without requiring specific, formal evidence of individual exposure to the event. By law, lay testimony is currently recognized in claims where a veteran served in a military unit which participated in combat. While this bill is not intended to provide a presumption of service-connection for any particular disability, it should improve the accurate adjudication of claims in those cases where a veteran served in an area where certain events or exposures are widespread.

For example, there is widespread agreement that those who have served in Iraq since the start of the conflict there have been exposed to improvised explosive devices—IEDs. However, based on Committee oversight, it appears that it often happens that, when a veteran applies for compensation for disabilities related to IED exposure, such as tinnitus, the claim may be denied if the veteran's service medical record does not show treatment for tinnitus in service or otherwise documents exposure to an IED. Since it would be highly unusual to find documentation of treatment where a veteran in a combat zone has consulted with medical personnel for a relatively minor condition, such as exposure to an IED which did not cause acute observable injury, the formal records would not be of use to the claimant. The regulations required by the legislation I am introducing would likely include provision for conceding exposure to an IED in claims brought by veterans who served in Iraq.

Another example of the problems that the legislation is designed to address involves claims from Korean war veterans, many of whom were exposed to extreme cold, but whose records may not have documentation of treatment for a cold injury or information on the actual temperature to which they were exposed. I would anticipate that the regulations required by this

legislation would provide for VA to concede exposure to subfreezing temperatures in such cases if consistent with the location where the veteran served.

I expect that this measure should speed the processing by claims, by not requiring each veteran to individually establish by official government records, which often do not document individual participation, exposure to one or more events which are well established as circumstances involving the place and type of the veteran's service.

In closing, I note that this legislation has been developed in consultation with VA and with a variety of individuals and groups interested in VA claims but I do not view it as a final approach. I look forward to working with my colleagues on the Committee and in the Senate, as well as with those with an interest in this issue, to improve this bill so that combat veterans of the current conflicts and of earlier conflicts who allege exposure to well-recognized events will not be burdened by requirements of acquiring official evidence of individual participation in such events. This should help veterans receive the benefits they deserve in a timely manner. I urge support for this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clarification of Characteristics of Combat Service Act of 2009".

SEC. 2. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.

Subsection (a) of section 1154 of title 38, United States Code, is amended to read as follows:

"(a)(1) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

"(A) Additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the official history of each organization in which such veteran served, such veteran's medical records, and all pertinent medical and lay evidence.

"(B) Additional provisions specifying that, in the case of a veteran who served in a particular combat zone, the Secretary shall accept credible lay or other evidence as sufficient proof that the veteran encountered an event that the Secretary specifies in such regulations as associated with service in particular locations where the veteran served or in particular circumstances under which the veteran served in such combat zone.

"(C) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-562; 98 Stat. 2727).

"(2) In paragraph (1)(B), the term 'combat zone' means a combat zone for purposes of section 112 of the Internal Revenue Code of 1986 or a predecessor provision of law."

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH):

S. 920. A bill to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to introduce two bills, S. 920 and S. 921, that I believe could represent the most sweeping reforms of government information technology management reform we've considered in some time.

I would like to start by addressing the IT Investment Oversight and Waste Prevention Act.

Every year, agencies spend billions of dollars on IT investments that they believe will increase productivity, reduce costs, or improve customer service. But agencies often fail to properly plan and manage their investments. Rather, nearly one third of all Federal IT investments are considered by OMB to be "poorly planned." Many of these investments will be delivered over budget, behind schedule, and not performing up to agencies' original expectations.

Some might say that we just shouldn't make these kinds of investments. But many of them are critical to agency missions.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management, which I chair, have held four hearings on the issue of troubled IT investments now, including one today. And what we've learned is that some agencies can't keep the expected cost of their investments down or deliver them on time as promised. Nor do these agencies, in many cases, have qualified IT experts they can turn to before a project spirals out of control. The bill I have put forward today along with a number of my colleagues addresses these issues.

Our bill starts by requiring the Office of Management and Budget to increase the transparency of funded IT investments on a public website. OMB created such a website, known as VUE-IT, this past July following one of our subcommittee hearings. Our bill would ensure that VUE-IT or whatever similar

site the new Obama team creates has the cost, schedule, and performance necessary for Congress and the general public to know if a project is a success or should be scrapped.

Our bill also requires that agency plans for new IT systems must contain a clear business case and provide complete and accurate information before the OMB approves the investments. Although this sounds like a simple concept, it doesn't always happen. And OMB has historically been unwilling to turn down an agency IT request.

To correct this, our bill also empowers OMB and agency Chief Information Officers to take action if they realize a project isn't going as planned, before it spirals out of control. This action could be the assignment of highly-trained IT experts who could help bring projects back on track.

Lastly, our bill recognizes that there are a lot of innovative and hard-working federal employees that deserve recognition for the work they do in information technology. Our bill requires the Office of Personnel Management to provide agencies guidance on programs that can be set up to reward employees for their excellence.

Now, I would like to discuss my next bill titled the United States Information and Communications Enhancement Act of 2009.

Everyday, massive amounts of information are transmitted across the global information infrastructure. Some of this information is routine email between friends and family. Much of it, however, consists of highly sensitive military information, however, or commercial secrets.

As all of us can attest to, increasing global interconnectivity has greatly increased our productivity and ability to communicate. However, it has also increased our responsibility to make sure this information is protected.

The Federal Government stores within its databases some of our nation's most critical military, economic, and commercial secrets. Great harm could be caused if it were to fall into the wrong hands. Knowing this, hackers, criminal organizations, and even other countries are spending a good deal of money and time trying to access it.

In fact, just last week we learned that someone had gone online and stolen our military's most advanced jet fighter plans with the stroke of a button. The cost to the American taxpayer for this single incident is approximately \$300 billion worth of research and development, and an incalculable amount if the information were to ever be used against us.

Unfortunately, many agencies have not done as much as they should be doing to prevent these cyber intrusions. Instead they have been led to believe that producing plans about cyber security is equivalent to actually monitoring and protecting their networks. My bill will correct this.

First, my bill recognizes that there needs to be a coordinating office to oversee the multiple agencies that have a hand in cyber space. Today, the NSA and the Departments of Homeland Security and Defense all have different roles when it comes to securing cyber networks in the federal government and the private sector. Their efforts are largely uncoordinated and ineffective. This bill creates a White House office with a director confirmed by the Senate whose major responsibility would be to rectify this situation.

My bill also ensures that agencies are spending scarce resources effectively. Instead of agencies wasting precious resources producing security plans that are outdated as soon as they are printed, my bill requires agencies to continuously monitor their networks for cyber intrusions and malicious activities, take steps to address their vulnerabilities, and then regularly test whether the steps they are taking to secure their networks are effective.

My bill also requires the General Service Administration to harness the significant purchasing power of the federal government to purchase more secure hardware and software. This is the model the Air Force used a few years ago with Microsoft and it led to a savings of approximately \$98 million in one year and an enhanced security posture. This is a successful model that we should continue throughout the federal government.

Lastly, my bill recognizes that the Department of Homeland Security has taken the lead among civilian agencies in protecting the perimeter of the federal government but lacks some of the necessary authority and technical people necessary to realize a more secure civilian cyber space. Therefore, our bill will require agencies to develop policy and guidance for coordinating with US-CERT and give the Director of US-CERT the ability to hire the personnel needed to defend our national security.

I look forward to working with my colleagues to get these important and necessary reforms enacted before it's too late. I think everyone can agree that computers, the Internet, and cutting-edge technology have greatly benefited our government and our society. But we also need to recognize that it has greatly increased the threats we face on a daily basis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective deployment of information technology can make the Federal Government more efficient, effective, and transparent.

(2) Historically, the Federal Government has struggled to properly plan, manage, and deliver information technology investments on time, on budget, and performing as planned.

(3) The Office of Management and Budget has made significant progress overseeing information technology investments made by Federal agencies but continues to struggle to ensure that such investments meet cost, schedule, and performance expectations.

(4) Congress has limited knowledge of the actual cost, schedule, and performance of agency information technology investments and has difficulty providing the necessary oversight.

(5) In July 2008, an official of the Government Accountability Office testified before the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate, stating that—

(A) agencies self-report inaccurate and unreliable project management data to the Office of Management and Budget and Congress; and

(B) the Office of Management and Budget should establish a mechanism that would provide real-time project management information and force agencies to improve the accuracy and reliability of the information provided.

SEC. 3. REAL-TIME TRANSPARENCY OF IT INVESTMENT PROJECTS.

Section 11302(c)(1) of title 40, United States Code, is amended by striking the period at the end and inserting the following: " , including establishing a Website, updating the Website on a quarterly basis, and including on the Website, not later than 90 days after the date of the enactment of the Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009—

"(1) the cost, schedule, and performance of all major information technology investments using earned-value management data based on the ANSI-EIA-748-B standard;

"(2) accurate quarterly information since the commencement of the project;

"(3) a graphical depiction of trend information since the commencement of the project;

"(4) a clear delineation of investments that have experienced cost, schedule, or performance variance greater than 10 percent over the life cycle of the investment;

"(5) an explanation of the reasons the investment deviated from the benchmark established at the commencement of the project; and

"(6) the number of times investments were rebaselined and the dates on which such rebaselines occurred."

SEC. 4. IT INVESTMENT PROJECTS.

(a) SIGNIFICANT AND GROSS DEVIATIONS.—Section 11317 of title 40, United States Code, is amended to read as follows:

"SEC. 11317. SIGNIFICANT AND GROSS DEVIATIONS.

"(a) DEFINITIONS.—In this subchapter:

"(1) AGENCY HEAD.—The term 'Agency Head' means the head of the Federal agency that is primarily responsible for the IT investment project under review.

"(2) ANSI EIA-748-B STANDARD.—The term 'ANSI EIA-748-B Standard' means the meas-

urement tool jointly developed by the American National Standards Institute and the Electronic Industries Alliance to analyze Earned Value Management systems.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the Committee on Oversight and Government Reform of the House of Representatives;

"(C) the Committee on Appropriations of the Senate;

"(D) the Committee on Appropriations of the House of Representatives; and

"(E) any other relevant congressional committee with jurisdiction over an agency required to take action under this section.

"(4) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer designated under section 3506(a)(2) of title 44 of the Federal agency that is primarily responsible for the IT investment project under review.

"(5) CORE IT INVESTMENT PROJECT.—The terms 'core IT investment project' and 'core project' mean a mission critical IT investment project designated as such by the Chief Information Officer, with approval by the Agency Head under subsection (b).

"(6) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(7) EARNED VALUE MANAGEMENT.—The term 'Earned Value Management' means the cost, performance, and schedule data used to determine project status and developed in accordance with the ANSI EIA-748-B Standard.

"(8) GROSSLY DEVIATED.—The term 'grossly deviated' means cost, schedule, or performance variance that is at least 40 percent from the Original Baseline.

"(9) INDEPENDENT GOVERNMENT COST ESTIMATE.—The term 'independent government cost estimate' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with the acquisition of an IT investment project, which—

"(A) is based on programmatic and technical specifications provided by the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

"(B) is formulated and provided by an entity other than the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

"(C) contains sufficient detail to inform the selection of an Earned Value Management baseline benchmark measure under the ANSI EIA-748-B standard; and

"(D) accounts for the full life cycle cost plus associated operations and maintenance expenses over the usable life of the project's deliverables.

"(10) IT INVESTMENT PROJECT.—The terms 'IT investment project' and 'project' mean an information technology system or information technology acquisition that—

"(A) requires special management attention because of its importance to the mission or function of the agency, a component of the agency, or another organization;

"(B) is for financial management and obligates more than \$500,000 annually;

"(C) has significant program or policy implications;

"(D) has high executive visibility;

"(E) has high development, operating, or maintenance costs;

“(F) is funded through other than direct appropriations; or

“(G) is defined as major by the agency’s capital planning and investment control process.

“(11) LIFE CYCLE COST.—The term ‘life cycle cost’ means the total cost of an IT investment project for planning, research and development, modernization, enhancement, operation, and maintenance.

“(12) ORIGINAL BASELINE.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), the term ‘Original Baseline’ means the ANSI EIA-748-B Standard-compliant Earned Value Management benchmark established at the commencement of an IT investment project.

“(B) GROSSLY DEVIATED PROJECT.—If an IT investment project grossly deviates from its Original Baseline (as defined in subparagraph (A)), the term ‘Original Baseline’ means the ANSI EIA-748-B Standard-compliant Earned Value Management benchmark established under subsection (e)(3)(C).

“(13) SIGNIFICANTLY DEVIATED.—The term ‘significantly deviated’ means Earned Value Management variance that is at least 20 percent from the Original Baseline.

“(b) CORE IT INVESTMENT PROJECTS DESIGNATION.—Each Chief Information Officer, with approval by the Agency Head, shall—

“(1) identify the major IT investments that are the most critical to the agency; and

“(2) designate any project as a ‘core IT investment project’ or a ‘core project’, upon determining that the project is a mission critical IT investment project that—

“(A) represents a significant high dollar value relative to the average IT investment project in the agency’s portfolio;

“(B) delivers a capability critical to the successful completion of the agency mission, or a portion of such mission;

“(C) incorporates unproven or previously undeveloped technology to meet primary project technical requirements; or

“(D) would have a significant negative impact on the successful completion of the agency mission if the project experienced significant cost, schedule, or performance deviations.

“(c) COST, SCHEDULE, AND PERFORMANCE REPORTS.—

“(1) QUARTERLY REPORTS.—Not later than 14 days after the end of each fiscal quarter, the project manager designated by the Agency Head for an IT investment project shall submit a written report to the Chief Information Officer that includes, as of the last day of the applicable quarter—

“(A) a description of the cost, schedule, and performance of all projects under the project manager’s supervision;

“(B) the original and current project cost, schedule, and performance benchmarks for each project under the project manager’s supervision;

“(C) the quarterly and cumulative cost, schedule, and performance variance related to each IT investment project under the project manager’s supervision since the commencement of the project;

“(D) for each project under the project manager’s supervision, any known, expected, or anticipated changes to project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

“(E) the current cost, schedule, and performance status of all projects under supervision that were previously identified as significantly deviated or grossly deviated; and

“(F) any corrective actions taken to address problems discovered under subparagraphs (C) through (E).

“(2) INTERIM REPORTS.—If the project manager for an IT investment project determines that there is reasonable cause to believe that an IT investment project has significantly deviated or grossly deviated since the issuance of the latest quarterly report, the project manager shall submit to the Chief Information Officer, not later than 14 days after such determination, a report on the project that includes, as of the date of the report—

“(A) a description of the original and current program cost, schedule, and performance benchmarks;

“(B) the cost, schedule, or performance variance related to the IT investment project since the commencement of the project;

“(C) any known, expected, or anticipated changes to the project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

“(D) the major reasons underlying the significant or gross deviation of the project; and

“(E) a corrective action plan to correct such deviations.

“(d) DETERMINATION OF SIGNIFICANT DEVIATION.—

“(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

“(A) determine if any IT investment project has significantly deviated; and

“(B) report such determination to the Agency Head.

“(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has significantly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a significant deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

“(A) written notification of such determination;

“(B) the date on which such determination was made;

“(C) the amount of the cost increases and the extent of the schedule delays with respect to such project;

“(D) any requirements that—

“(i) were added subsequent to the original contract; or

“(ii) were originally contracted for, but were changed by deferment or deletion from the original schedule, or were otherwise no longer included in the requirements contracted for;

“(E) an explanation of the differences between—

“(i) the estimate at completion between the project manager, any contractor, and any independent analysis; and

“(ii) the original budget at completion;

“(F) a statement of the reasons underlying the project’s significant deviation; and

“(G) a summary of the plan of action to remedy the significant deviation.

“(3) DEADLINE.—

“(A) NOTIFICATION BASED ON QUARTERLY REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(1), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the end of the quarter upon which such report is based.

“(B) NOTIFICATION BASED ON INTERIM REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(2), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the submission of such report.

“(e) DETERMINATION OF GROSS DEVIATION.—

“(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

“(A) determine if any IT investment project has grossly deviated; and

“(B) report any such determination to the Agency Head.

“(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a gross deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

“(A) written notification of such determination, which—

“(i) identifies the date on which such determination was made; and

“(ii) indicates whether or not the project has been previously reported as a significant or gross deviation by the Chief Information Officer, and the date of any such report;

“(B) incorporations by reference of all prior reports to Congress on the project required under this section;

“(C) updated accounts of the items described in subparagraphs (C) through (G) of subsection (d)(2);

“(D) the original estimate at completion for the project manager, any contractor, and any independent analysis;

“(E) a graphical depiction that shows monthly planned expenditures against actual expenditures since the commencement of the project;

“(F) the amount, if any, of incentive or award fees any contractor has received since the commencement of the contract and the reasons for receiving such incentive or award fees;

“(G) the project manager’s estimated cost at completion and estimated completion date for the project if current requirements are not modified;

“(H) the project manager’s estimated cost at completion and estimated completion date for the project based on reasonable modification of such requirements;

“(I) an explanation of the most significant occurrence contributing to the variance identified, including cost, schedule, and performance variances, and the effect such occurrence will have on future project costs and program schedule;

“(J) a statement regarding previous or anticipated rebaselining or replanning of the project and the names of the individuals responsible for approval;

“(K) the original life cycle cost of the investment and the expected life cycle cost of the investment expressed in constant base year dollars and in current dollars; and

“(L) a comprehensive plan of action to remedy the gross deviation, and milestones established to control future cost, schedule, and performance deviations in the future.

“(3) REMEDIAL ACTION.—

“(A) IN GENERAL.—If the Chief Information Officer determines under paragraph (1)(A) that an IT investment project has grossly deviated, the Agency Head, in consultation

with the Chief Information Officer and the appropriate project manager, shall develop and implement a remedial action plan that includes—

“(i) a report that—

“(I) describes the primary business case and key functional requirements for the project;

“(II) describes any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price type contract;

“(III) includes a certification by the Agency Head, after consultation with the Chief Information Officer, that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case;

“(IV) describes any changes to the primary business case or key functional requirements which have occurred since project inception; and

“(V) includes an independent government cost estimate for the project conducted by an entity approved by the Director;

“(ii) an analysis that—

“(I) describes agency business goals that the project was originally designed to address;

“(II) includes a gap analysis of what project deliverables remain in order for the agency to accomplish the business goals referred to in subclause (I);

“(III) identifies the 3 most cost-effective alternative approaches to the project which would achieve the business goals referred to in subclause (I); and

“(IV) includes a cost-benefit analysis, which compares—

“(aa) the completion of the project with the completion of each alternative approach, after factoring in future costs associated with the termination of the project; and

“(bb) the termination of the project without pursuit of alternatives, after factoring in foregone benefits; and

“(iii) a new baseline of the project is established that is consistent with the independent government cost estimate required under clause (i)(V); and

“(iv) the project is designated as a core IT investment project and subjected to the requirements under subsection (f).

“(B) SUBMISSION TO CONGRESS.—The remedial action plan and all corresponding reports, analyses, and actions under this paragraph shall be submitted to the appropriate congressional committees and the Director.

“(C) REPORTING AND ANALYSIS EXEMPTIONS.—

“(i) IN GENERAL.—The Chief Information Officer, in coordination with the Agency Head and the Director, may forego the completion of any element of a report or analysis under clause (i) or (ii) of subparagraph (A) if the Chief Information Officer determines that such element is not relevant to the understanding of the difficulties facing the project or that such element does not further the remedial steps necessary to ensure that the project is completed in a timely and cost-efficient manner.

“(ii) IDENTIFICATION OF REASONS.—The Chief Information Officer shall include the reasons for not including any element referred to in clause (i) in the report submitted to Congress under subparagraph (B).

“(4) DEADLINE AND FUNDING CONTINGENCY.—

“(A) NOTIFICATION AND REMEDIAL ACTION BASED ON QUARTERLY REPORT.—

“(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(1), the Agency Head shall—

“(I) not later than 45 days after the end of the quarter upon which such report is based, notify the appropriate congressional committees and the Director in accordance with paragraph (2); and

“(II) not later than 180 days after the end of the quarter upon which such report is based, ensure the completion of remedial action under paragraph (3).

“(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

“(B) NOTIFICATION AND REMEDIAL ACTION BASED ON INTERIM REPORT.—

“(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(2), the Agency Head shall—

“(I) not later than 45 days after the submission of such report, notify the appropriate congressional committees in accordance with paragraph (2); and

“(II) not later than 180 days after the submission of such report, ensure the completion of remedial action in accordance with paragraph (3).

“(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

“(F) ADDITIONAL REQUIREMENTS FOR CORE IT INVESTMENT PROJECT REPORTS.—

“(1) INITIAL REPORT.—If a remedial action plan described in subsection (e)(3)(A) has not been submitted for a core IT investment project, the Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall prepare an initial report for inclusion in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the designation of a project as a core IT investment project, which includes—

“(A) a description of the primary business case and key functional requirements for the project;

“(B) an identification and description of any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price contracts;

“(C) an independent government cost estimate for the project;

“(D) certification by the Chief Information Officer that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

“(E) any changes to the primary business case or key functional requirements which have occurred since project inception.

“(2) QUARTERLY REVIEW OF BUSINESS CASE.—The Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall—

“(A) monitor the primary business case and core functionality requirements reported to Congress and the Director for designated core IT investment projects; and

“(B) if changes to the primary business case or key functional requirements for a core IT investment project occur in any fiscal quarter, submit a report to Congress and the Director not later than 14 days after the end of such quarter that details the changes and describes the impact the changes will have on the cost and ultimate effectiveness of the project.

“(3) ALTERNATIVE SIGNIFICANT DEVIATION DETERMINATION.—If the Chief Information Of-

ficer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have significantly deviated—

“(A) the Chief Information Officer shall notify the Agency Head of the significant deviation; and

“(B) the Agency Head shall fulfill the requirements under subsection (d)(2) in accordance with the deadlines under subsection (d)(3).

“(4) ALTERNATIVE GROSS DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have grossly deviated—

“(A) the Chief Information Officer shall notify the Agency Head of the gross deviation; and

“(B) the Agency Head shall fulfill the requirements under subsections (e)(2) and (e)(3) in accordance with subsection (e)(4).”

(b) INCLUSION IN THE BUDGET SUBMITTED TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “include in each budget the following:” and inserting “include in each budget—”;

(2) by redesignating the second paragraph (33) (as added by section 889(a) of Public Law 107-296) as paragraph (35);

(3) in each of paragraphs (1) through (34), by striking the period at the end and inserting a semicolon;

(4) in paragraph (35), as redesignated by paragraph (2), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(36) the reports prepared under section 11317(f) of title 40, United States Code, relating to the core IT investment projects of the agency.”

(c) IMPROVEMENT OF INFORMATION TECHNOLOGY ACQUISITION AND DEVELOPMENT.—Subchapter II of chapter 113 of title 40, United States Code, is amended by adding at the end the following:

“SEC. 11319. ACQUISITION AND DEVELOPMENT.

“(a) PURPOSE.—The objective of this section is to significantly reduce—

“(1) cost overruns and schedule slippage from the estimates established at the time the program is initially approved;

“(2) the number of requirements and business objectives at the time the program is approved that are not met by the delivered products; and

“(3) the number of critical defects and serious defects in delivered information technology.

“(b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall—

“(1) not later than 180 days after the date of the enactment of this section, prescribe uniformly applicable guidance for agencies to implement the requirements of this section, which shall not include any exemptions to such requirements not specifically authorized under this section; and

“(2) take any actions that are necessary to ensure that Federal agencies are in compliance with the guidance prescribed pursuant to paragraph (1) not later than 1 year after the date of the enactment of this section.

“(c) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of the enactment of this section, each Chief Information Officer, upon the approval of the Agency Head (as defined in section 11317(a) of title 40, United States Code) shall establish a program to improve the information technology (referred to in this section as ‘IT’) processes overseen by the Chief Information Officer.

“(d) PROGRAM REQUIREMENTS.—Each program established pursuant to this section shall include—

“(1) a documented process for IT acquisition planning, requirements development and management, project management and oversight, earned-value management, and risk management;

“(2) the development of appropriate metrics that can be implemented and monitored on a real-time dashboard for performance measurement of—

“(A) processes and development status of investments;

“(B) continuous process improvement of the program; and

“(C) achievement of program and investment outcomes;

“(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education, at an institution or institutions approved by the Director, in the planning, acquisition, execution, management, and oversight of IT;

“(4) a process to ensure that the agency implements and adheres to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of IT programs and developments; and

“(5) a process for the Chief Information Officer to intervene or stop the funding of an IT investment if it is at risk of not achieving major project milestones.

“(e) ANNUAL REPORT TO OMB.—Not later than the last day of February of each year, the Agency Head shall submit a report to the Office of Management and Budget that includes—

“(1) a detailed summary of the accomplishments of the program established by the Agency Head pursuant to this section;

“(2) the status of completeness of implementation of each of the program requirements, and the date each such requirement was deemed to be completed;

“(3) the percentage of Federal IT projects covered under the program compared to all of the IT projects of the agency, listed by number of programs and by annual dollars expended;

“(4) a detailed breakdown of the sources and uses of the amounts spent by the agency during the previous fiscal year to support the activities of the program;

“(5) a copy of any guidance issued under the program and a statement regarding whether each such guidance is mandatory;

“(6) the identification of the metrics developed in accordance with subsection (b)(2);

“(7) a description of how paragraphs (3) and (4) of subsection (b) have been implemented and any related agency guidance; and

“(8) a description of how agencies will continue to review and update the implementation and objectives of such guidance.

“(f) ANNUAL REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall provide an annual report to Congress on the status and implementation of the program established pursuant to this section.”.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 113 of title 40, United States Code, is amended—

(1) by striking the item relating to section 11317 and inserting the following:

“11317. Significant and gross deviations.”;

and

(2) by inserting after the item relating to section 11318 the following:

“11319. Acquisition and development.”.

SEC. 5. IT TIGER TEAM.

(a) PURPOSE.—The Director of the Office of Management of Budget (referred to in this section as the “Director”), in consultation with the Administrator of the Office of Electronic Government and Information and Technology at the Office of Management and Budget (referred to in this section as the “E-Gov Administrator”), shall assist agencies in avoiding significant and gross deviations in the cost, schedule, and performance of IT investment projects (as such terms are defined in section 11317(a) of title 40, United States Code).

(b) IT TIGER TEAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the E-Gov Administrator shall establish a small group of individuals (referred to in this section as the “IT Tiger Team”) to carry out the purpose described in subsection (a).

(2) QUALIFICATIONS.—Individuals selected for the IT Tiger Team—

(A) shall be certified at the Senior/Expert level according to the Federal Acquisition Certification for Program and Project Managers (FAC-PPM);

(B) shall have comparable education, certification, training, and experience to successfully manage high-risk IT investment projects; or

(C) shall have expertise in the successful management or oversight of planning, architecture, process, integration, or other technical and management aspects using proven process best practices on high-risk IT investment projects.

(3) NUMBER.—The Director, in consultation with the E-Gov Administrator, shall determine the number of individuals who will be selected for the IT Tiger Team.

(c) OUTSIDE CONSULTANTS.—

(1) IDENTIFICATION.—The E-Gov Administrator shall identify consultants in the private sector who have expert knowledge in IT program management and program management review teams. Not more than 20 percent of such consultants may be formally associated with any 1 of the following types of entities:

(A) Commercial firms.

(B) Nonprofit entities.

(C) Federally funded research and development centers.

(2) USE OF CONSULTANTS.—

(A) IN GENERAL.—Consultants identified under paragraph (1) may be used to assist the IT Tiger Team in assessing and improving IT investment projects.

(B) LIMITATION.—Consultants with a formally established relationship with an organization may not participate in any assessment involving an IT investment project for which such organization is under contract to provide technical support.

(C) EXCEPTION.—The limitation described in subparagraph (B) may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(3) CONTRACTS.—The E-Gov Administrator, in conjunction with the Administrator of the General Services Administration (GSA), may establish competitively bid contracts with 1 or more qualified consultants, independent of any GSA schedule.

(d) INITIAL RESPONSE TO ANTICIPATED SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines there is reasonable cause to believe that a major IT investment project is likely to significantly or grossly deviate (as defined in section 11317(a) of title 40, United States Code), including the

receipt of inconsistent or missing data, or if the E-Gov Administrator determines that the assignment of 1 or more members of the IT Tiger Team could meaningfully reduce the possibility of significant or gross deviation, the E-Gov Administrator shall carry out the following activities:

(1) Recommend the assignment of 1 or more members of the IT Tiger Team to assess the project in accordance with the scope and time period described in section 11317(c)(1) of title 40, United States Code, beginning not later than 14 days after such recommendation. No member of the Tiger Team who is associated with the department or agency whose IT investment project is the subject of the assessment may be assigned to participate in this assessment. Such limitation may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(2) If the E-Gov Administrator determines that 1 or more qualified consultants are needed to support the efforts of the IT Tiger Team under paragraph (1), negotiate a contract with the consultant to provide such support during the period in which the IT Tiger Team is conducting the assessment described in paragraph (1).

(3) Ensure that the costs of an assessment under paragraph (1) and the support services of 1 or more consultants under paragraph (2) are paid by the major IT investment project being assessed.

(4) Monitor the progress made by the IT Tiger Team in assessing the project.

(e) REDUCTION OF SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines that the assessment conducted under subsection (d) confirms that a major IT investment project is likely to significantly or grossly deviate, the E-Gov Administrator shall recommend that the Agency Head (as defined in section 11317(a)(1) of title 40, United States Code) take steps to reduce the deviation, which may include—

(1) providing training, education, or mentoring to improve the qualifications of the program manager;

(2) replacing the program manager or other staff;

(3) supplementing the program management team with Federal Government employees or independent contractors;

(4) terminating the project; or

(5) hiring an independent contractor to report directly to senior management and the E-Gov Administrator.

(f) REPROGRAMMING OF FUNDS.—

(1) AUTHORIZATION.—The Director may direct an Agency Head to reprogram amounts which have been appropriated for such agency to pay for an assessment under subsection (d).

(2) NOTIFICATION.—An Agency Head who reprograms appropriations under paragraph (1) shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of any such reprogramming.

(g) REPORT TO CONGRESS.—The Director shall include in the annual Report to Congress on the Benefits of E-Government Initiatives a detailed summary of the composition and activities of the IT Tiger Team, including—

(1) the number and qualifications of individuals on the IT Tiger Team;

(2) a description of the IT investment projects that the IT Tiger Team has worked during the previous fiscal year;

(3) the major issues that necessitated the involvement of the IT Tiger Team to assist

agencies with assessing and managing IT investment projects and whether such issues were satisfactorily resolved;

(4) if the issues referred to in paragraph (3) were not satisfactorily resolved, the issues still needed to be resolved and the Agency Head's plan for resolving such issues;

(5) a detailed breakdown of the sources and uses of the amounts spent by the Office of Management and Budget and other Federal agencies during the previous fiscal year to support the activities of the IT Tiger Team; and

(6) a determination of whether the IT Tiger Team has been effective in—

(A) preventing projects from deviating from the original baseline; and

(B) assisting agencies in conducting appropriate analysis and planning before a project is funded.

SEC. 6. AWARDS FOR PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) **ELEMENTS.**—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) **AWARD OF CASH BONUSES.**—As part of the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to award to any Federal Government employee or teams of such employees recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in re-introducing a bill that will improve agency performance and Congressional oversight of major federal information-technology, IT, projects. We introduced this bill last Congress and offer it for consideration again because it will strengthen oversight of technology investments to help prevent the waste and misuse of taxpayer dollars.

The well-publicized cost and performance problems with the Census Bureau's handheld computers for the 2010 Census—with its troubling implications for the next House reapportionment and for the allocation of Federal funds—represent only the most recent and conspicuous failure in a long trail

of troubles that also includes critical IT projects like the FBI's Virtual Case File initiative.

The 2010 Census is notable among projects that have drawn our attention, not only because of its great scope and expense, but because of its history of unheeded cautions. For years, warnings of potential dangers came from experts sought out by the Census Bureau itself and from the Commerce Department's own Inspector General.

The implications of this lack of proper planning and oversight are evident in the burgeoning estimate for the life-cycle cost of the 2010 Census. The Bureau initially estimated that the 2010 Census would cost the taxpayers about \$11.3 billion dollars; today, the estimated cost is more than \$14 billion.

Another example is the Department of Homeland Security's, DHS, efforts since 2004 to integrate its financial management systems. DHS spent approximately \$52 million on one failed attempt before abandoning the project nearly two years later. According to GAO, this attempt likely failed because DHS had not developed an overall financial management transformation strategy that included financial management policies and procedures, standard business processes, a human capital strategy, and effective internal controls. DHS spent approximately \$52 million and now has little, if anything, to show for it.

The Department of Homeland Security is now attempting another consolidation of its financial information technology systems. It is essential that, this time, the Department sufficiently plan and monitor its cost, schedule, and performance targets.

During the 108th Congress, the Committee on Governmental Affairs investigated the botched automated record-keeping project for the federal employees' Thrift Savings Plan, TSP. This project was terminated in 2001 after a four-year contract produced \$36 million in waste that was charged to the accounts of TSP participants and beneficiaries. A second vendor needed an additional \$33 million to bring the system online, years overdue and costing more than double its original estimate.

In a 2004 letter from the Federal Retirement Thrift Investment Board to the Governmental Affairs Committee, the Board characterized the project as "ill-fated," and acknowledged the importance of careful planning, task definition, communication, proper personnel, and risk management—all of which were lacking on that project.

Large IT project failures have cost US taxpayers literally billions of dollars in wasted expenditures. Perhaps even more troubling is the fact that when Federal IT projects fail, they can undermine the government's ability to defend the nation, enforce its laws, or deliver critical services to citizens.

Again and again, we have seen IT project failures grounded in poor planning, ill-defined and shifting requirements, undisclosed difficulties, poor risk management, and lax monitoring of performance.

Unfortunately, as the Government Accountability Office, GAO, continues to report, Federal IT projects still fall short in their use of effective oversight techniques to monitor development and to spot signs of possible trouble.

The GAO reported that the Federal Government spent over \$71 billion in fiscal year 2009 on IT projects. Most of that spending was concentrated in two dozen agencies that have approximately 800 major projects underway.

When the GAO reviewed a random sampling of these major Federal IT projects, they found that 85—nearly half the sample—had been "rebaselined." Eighteen of those projects have been rebaselined three or more times. For example, the Department of Defense Advanced Field Artillery Tactical Data System has been rebaselined four times; a Veterans Affairs Health Administration Center project has been rebaselined 6 times.

Rebaselining can reflect funding changes, revisions in project scope or goals, and other perfectly reasonable project modifications. But as the GAO notes, "[rebaselining] can also be used to mask cost overruns and schedule delays." All major federal agencies have rebaselining policies, but the GAO concludes that they are not comprehensive and that "none of the policies are fully consistent with best practices."

The bill that Senator CARPER and I are introducing will go far toward addressing the weaknesses identified by the GAO and will reduce the risks that important Federal IT projects will drag on far beyond deadlines, fail to deliver intended capabilities, or waste taxpayers' money.

Our bill will improve both agency and Congressional oversight of large Federal IT projects. For all major investments, the bill requires agencies to track the Earned Value Management index, a key cost and performance measure, and to alert Congress should that measure fall below a defined threshold.

The bill requires additional reports to Congress as well as specific corrective actions should those same indicators continue to worsen. Further, because the bill's performance thresholds are based on original cost baselines, rebaselining can no longer serve as a tactic to hide troubled projects. Where severe shortfalls remain uncorrected, agencies are prohibited from committing additional funds to the project until the required corrective actions are taken.

Our bill would not make Congress a micro-manager of Federal projects—especially in so complex a field as information technology. But it will ensure

that, for these important investments, agencies will be required to track key performance metrics, inform Congress of shortfalls in those metrics, and provide Congress with follow-up reports, independent cost estimates, and analyses of project alternatives when the original projects have run off course.

The bill also provides that each covered agency identify to Congress their top mission-critical projects. Those "core investments" would be subject to additional upfront planning, reporting, and performance monitoring requirements. This will help ensure that agencies apply extra vigilance to these projects at the planning stage, and not just when execution begins.

In addition to tracking cost and schedule slippage, agencies making core IT investments must provide a complete "business case" that outlines the need for the project and its associated costs and schedules; produce a rigorous, independent, third-party estimate of the project's full, life-cycle costs; have the agency CIO certify the project's functional requirements; track these functional requirements; and report to Congress any changes in functional requirements, including whether those changes concealed a major cost increase.

To help agencies deliver IT projects on time and on budget, the bill also provides two new support mechanisms.

First, agency heads would be required to establish an internal IT-management program, subject to OMB guidelines, to improve project planning, requirements development, and management of earned value and risk.

Second, the Director of OMB and its E-Gov Administrator would be required to establish an IT Tiger Team of experts and independent consultants that can be assigned to help agencies reform troubled projects. In addition, the E-Gov Administrator can recommend that agency heads mentor or replace an IT project manager, reinforce the management team, terminate the project, or hire an independent contractor to report on the project.

These and other provisions will help improve project planning, avoid problems in project execution, provide early alerts when problems arise, and promote prompt corrective action.

In projects where difficulties persist, our bill provides strong remedies. For projects that exhibit a performance shortfall of 20 percent or more, the agency head involved must not only alert Congress but also provide a summary of a concrete plan of action to correct the problem. If the shortfall exceeds 40 percent, agencies have six months to take required remedial steps or else suspend further project spending until those steps are completed.

If the provisions of this bill had been in force during the past decade, early indicators of trouble and prompt warnings to Congress might have helped

prevent much of the added cost, decreased functionality, and increased anxiety we now see surrounding the handheld computers that were intended to streamline the 2010 Census. The additional scrutiny of plans and costs required by this bill might have saved some of the billions wasted on other IT projects that ultimately landed on high-risk lists.

I urge every Senator to support this much-needed and bipartisan bill.

By Mr. CARPER:

S. 921. A bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Information and Communications Enhancement Act of 2009" or the "U.S. ICE Act of 2009".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The development of an interconnected global information infrastructure has significantly enhanced the productivity, prosperity, and collaboration of people, business, and governments worldwide.

(2) The information infrastructure of the United States is a strategic national resource vital to our democracy, economy, and security.

(3) The Federal Government must increasingly rely on a trusted and resilient information infrastructure to effectively and efficiently communicate with and deliver services to citizens, enhance economic prosperity, defend the Nation from attack, and recover from natural disasters.

(4) Since 2002 the Federal Government has experienced multiple high-profile breaches that resulted in the theft of sensitive information amounting to more than the entire print collection contained in the Library of Congress, including personally identifiable information, advanced scientific research, and prenegotiated United States diplomatic positions.

(5) On March 12, 2008 witnesses testified before a hearing held by the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate that—

(A) implementation of the Federal Information Security Management Act of 2002

(Public Law 107-296; 116 Stat. 2135) wastes agency resources on paperwork exercise instead of security;

(B) agencies do not fully understand what information they hold, who has access to that information, and whether the information has been compromised; and

(C) agencies lack effective coordination for mitigating and responding to cyber-related incidents.

(6) The Federal Information Security Management Act of 2002 (Public Law 107-296; 116 Stat. 2135) needs to be amended to increase the coordination of agency activities to enhance situational awareness throughout the Federal Government using more effective enterprise-wide automated monitoring, detection, and response capabilities.

SEC. 3. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

"SUBCHAPTER II—INFORMATION SECURITY

"§ 3551. Definitions

"(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

"(b) In this subchapter:

"(1) The term 'adequate security' means security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to, or modification, of information.

"(2) The term 'Director' means the Director of the National Office for Cyberspace.

"(3) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

"(4) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, transmitting, receiving, or storing information electronically.

"(5) The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

"(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

"(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

"(C) availability, which means ensuring timely and reliable access to and use of information.

"(6) The term 'information technology' has the meaning given that term in section 11101 of title 40.

"(7)(A) The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

"(i) the function, operation, or use of which—

"(I) involves intelligence activities;

"(II) involves cryptologic activities related to national security;

"(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“§ 3552. National Office for Cyberspace

“(a) There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

“(b) There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of the appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable global information and communications infrastructure and related capabilities.

“§ 3553. Authority and functions of the National Office for Cyberspace

“(a) The Director shall develop and implement a comprehensive national cyberspace strategy to ensure a trusted and resilient communications and information infrastructures that—

“(1) enhances economic prosperity and facilitates market leadership for the United States information and communications industry;

“(2) deters, prevents, detects, defends against, responds to, and remediates interruptions and damage to United States information and communications infrastructure;

“(3) ensures United States capabilities to operate in cyberspace in support of national goals; and

“(4) protects privacy rights and preserving civil liberties of United States persons.

“(b) Notwithstanding any provision of law, regulation, rule, or policy to the contrary, the National Office for Cyberspace may—

“(1) direct the sponsorship of the security clearances for Federal officers and employees (including experts and consultants employed under section 3109) whose responsibilities involve critical infrastructure in the interest of national security; and

“(2) employ experts and consultants under section 3109 for cyber security-related work.

“(c) With respect to responsibilities with the Federal Government, the National Office for Cyberspace shall—

“(1) provide recommendations to agencies on measures that shall be required to be implemented to mitigate vulnerabilities, attacks, and exploitations discovered as a result of activities required pursuant to this section;

“(2) oversee the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3556;

“(3) to the extent practicable—

“(A) prioritize the policies, principles, standards, and guidelines developed under

section 3556 based upon the threat, vulnerability and consequences of an information security incident; and

“(B) develop guidance that requires agencies to actively monitor the effective implementation of policies, principles, standards, and guidelines developed under section 3556;

“(4) require agencies, consistent with the standards promulgated under such section 3556 and the requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(A) information collected or maintained by or on behalf of an agency; or

“(B) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(5) coordinate and ensure that the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and standards and guidelines developed for national security systems are, to the maximum extent practicable, complementary and unified;

“(6) oversee agency compliance with the requirements of this subchapter, including coordinating with the Office of Management and Budget to use any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

“(7) review at least annually, and approving or disapproving, agency information security programs required under section 3554(b); and

“(8) coordinate information security policies and procedures with related information resources management policies and procedures.

“(d)(1) After consultation with the appropriate agencies, the Director shall oversee the effective implementation of government-wide operational evaluations on a frequent and recurring basis to evaluate whether agencies effectively—

“(A) monitor, detect, analyze, protect, report, and respond against known vulnerabilities, attacks, and exploitations;

“(B) report to and collaborate with the appropriate public and private security operation centers and law enforcement agencies; and

“(C) mitigate the risk posed by previous successful exploitations in a timely fashion and in order to prevent future vulnerabilities, attacks, and exploitations.

“(2) Not later than 30 days after receiving an operational evaluation under this subsection, the Director shall ensure agencies evaluated under paragraph (1) develop a plan for addressing recommendations and mitigating vulnerabilities contained in the security reports identified under paragraph (1), including a timeline and budget for implementing such plan.

“(e) Not later than March 1 of each year, the Director shall submit a report to Congress on the overall information security posture of the communications and information infrastructure of the United States, including—

“(1) the evaluations conducted under subsection (d) for the United States Government;

“(2) a detailed assessment of the overall resiliency of the communications and information infrastructure effectiveness of the United States and the United States Government including the ability to monitor, detect, mitigate, and respond to an incident;

“(3) a detailed assessment the information security effectiveness of each agency, including the ability to monitor, detect, mitigate, collaborate, and respond to an incident;

“(4) a detailed assessment of operational evaluations performed during the preceding fiscal year, the results of such evaluations, and any actions that remain to be taken under plans included in corrective action reports under subsection (d);

“(5) a detailed assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and promulgated under section 3554, and recommendations for enhancement;

“(6) a detailed assessment of significant deficiencies in the information security and reporting practices of the Federal Government as applicable to each agency;

“(7) planned remedial action to address deficiencies described under paragraph (6), including an associated budget and recommendations for relevant executive and legislative branch actions;

“(8) a summary of the results of the independent evaluations under section 3555; and

“(9) a detailed assessment of the effectiveness of reporting to the National Cyber Investigative Joint Task Force under section 3554.

“(f) Evaluations and any other descriptions of information systems under the authority and control of the Director of National Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

“(g)(1) In collaboration with the private sector and in coordination with the Director of the Office of Management and Budget, the National Institute of Standards and Technology, and the General Service Administration, the Director shall develop and implement policy, guidance, and regulations that cost effectively enhance the security of the Federal Government, including policy, guidance, and regulations that—

“(A) to the extent practicable, standardize security requirements (also known as ‘lock-down configurations’) of commercial off-the-shelf products and services (including cloud products and services) purchased by the Federal Government;

“(B) to the extent practicable, obtain products and services with security configuration baselines consistent with available security standards and configurations and guidelines developed by the National Institute of Standards and Technology;

“(C) incentivize agencies to purchase standard products and services through the General Service Administration in order to reduce the vulnerabilities and costs associated with custom products and services; and

“(D) enable purchasing decisions to reasonably and appropriately account for significant supply chain security risks associated with any particular product or service.

“(2) Not later than 180 days after the date of enactment of the United States Information and Communications Enhancement Act of 2009, and annually thereafter, the Director shall submit a report to Congress that includes—

“(A) a description of the cost savings and security enhancements that can be achieved by using the purchasing power of the Federal Government; and

“(B) recommendations for legislative or executive branch actions necessary to achieve such cost savings.

“§ 3554. Agency responsibilities

“(a) The head of each agency shall—

“(1) be responsible for—

“(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of the agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

“(i) information security standards promulgated under section 3556;

“(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

“(iii) ensuring the standards implemented for information systems and national security systems under the agency head are complementary and uniform, to the extent practicable; and

“(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(2) ensure that senior agency officials provide information security for the information and information systems that support the operations and assets under their control, including through—

“(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the levels of information security appropriate to protect such information and information systems in accordance with standards promulgated under section 3556, for information security classifications and related requirements;

“(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

“(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

“(3) delegate to an agency official designated as the Chief Information Security Officer the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

“(A) overseeing the establishment and maintenance of a security operations capability that on an automated and continuous basis can—

“(i) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

“(ii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

“(iii) not later than 24 hours after discovery of any incident described under subparagraph (A), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security

operations center, the National Cyber Investigative Joint Task Force, and inspector general;

“(B) collaborating with the Administrator for E-Government and the Chief Information Officer to establish, maintain, and update an enterprise network, system, storage, and security architecture framework documentation to be submitted quarterly to the National Office for Cyberspace and the appropriate security operations center, that includes—

“(i) documentation of how technical, managerial, and operational security controls are implemented throughout the agency's information infrastructure; and

“(ii) documentation of how the controls described under subparagraph (A) maintain the appropriate level of confidentiality, integrity, and availability of information and information systems based on—

“(I) the policy of the Director;

“(II) the National Institute of Standards and Technology guidance; and

“(III) the Chief Information Officers Council recommended approaches;

“(C) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

“(D) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3553 and 3556;

“(E) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(F) assisting senior agency officials concerning their responsibilities under paragraph (2);

“(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) ensure that the agency Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

“(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

“(b) Each agency shall develop, document, and implement an agencywide information security program, approved by the Director under section 3553(a)(5), to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

“(1) periodic assessments—

“(A) of the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency; and

“(B) that recommend a prioritized description of which data and applications should be removed or migrated to more secure networks or standards;

“(2) penetration tests commensurate with risk (as defined by the National Institute of Standards and Technology and the National

Office for Cyberspace) for agency information systems; and

“(3) information security vulnerabilities are mitigated based on the risk posed to the agency;

“(4) policies and procedures that—

“(A) are based on the risk assessments required by paragraph (1);

“(B) cost effectively reduce information security risks to an acceptable level;

“(C) ensure that information security is addressed throughout the life cycle of each agency information system; and

“(D) ensure compliance with—

“(i) the requirements of this subchapter;

“(ii) policies and procedures as may be prescribed by the Director, and information security standards promulgated under section 3556;

“(iii) minimally acceptable system configuration requirements, as determined by the Director; and

“(iv) any other applicable requirements, including standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(5) subordinate plans for providing adequate information security for networks, facilities, and systems or groups of information systems, as appropriate;

“(6) role-based security awareness training to inform personnel with access to the agency network, including contractors and other users of information systems that support the operations and assets of the agency, of—

“(A) information security risks associated with their activities; and

“(B) their responsibilities in complying with agency policies and procedures designed to reduce these risks;

“(7) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

“(A) management, operational, and technical controls of every information system identified in the inventory required under section 3505(b); and

“(B) management, operational, and technical controls relied on for an evaluation under section 3555;

“(8) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

“(9) to the extent practicable, continuous technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director, including—

“(A) mitigating risks associated with such incidents before substantial damage is done;

“(B) notifying and consulting with the appropriate security operations response center; and

“(C) notifying and consulting with, as appropriate—

“(i) law enforcement agencies and relevant Offices of Inspectors General;

“(ii) the National Office for Cyberspace; and

“(iii) any other agency or office, in accordance with law or as directed by the President; and

“(10) plans and procedures to ensure continuity of operations for information systems that support the operations and assets of the agency.

“(c) Each agency shall—

“(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and

compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

- “(A) the National Office for Cyberspace;
- “(B) the Committee on Homeland Security and Governmental Affairs of the Senate;
- “(C) the Committee on Commerce, Science, and Transportation of the Senate;
- “(D) the Committee on Government Oversight and Reform of the House of Representatives;
- “(E) the Committee on Homeland Security of the House of Representatives;
- “(F) other appropriate authorization and appropriations committees of Congress; and
- “(G) the Comptroller General.

“(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

- “(A) annual agency budgets;
- “(B) information resources management of this subchapter;
- “(C) information technology management under this chapter;
- “(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;
- “(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101-576) (and the amendments made by that Act);
- “(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note);
- “(G) internal accounting and administrative controls under section 3512 of title 31; and
- “(H) performance ratings, salaries, and bonuses provided to the Chief Information Security Officer and supporting personnel taking into account program performance; and

“(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

- “(A) as a material weakness in reporting under section 3512 of title 31; and
- “(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

“(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of—

- “(A) the time periods; and
- “(B) the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (b)(2)(1) and operational evaluations required under section 3553(d).

“(e) Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

“§ 3555. Annual independent evaluation

“(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each evaluation under this section shall consist of—

- “(A) testing of the effectiveness of information security policies, procedures, and

practices of a representative subset of the information systems of the agency; and

“(B) an assessment (made on the basis of the results of the testing) of compliance with—

- “(i) the requirements of this subchapter; and
- “(ii) related information security policies, procedures, standards, and guidelines.

“(b)(1) For each agency with an Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.

“(2) For each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the evaluation.

“(c) The evaluation required by this section may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the applicable agency.

“(d) Each year, not later than such date established by the Director, the head of each agency shall submit to the Director the results of the evaluation required under this section.

“(e) Agencies and evaluators shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

“(f) The Comptroller General shall—

“(1) not later than 180 days after the date of enactment of the United States Communications and Information Enhancement Act of 2009 and after collaboration with the Director and the Inspectors General, develop and deliver standards for independent evaluations as required under this section that are risk-based and cost effective;

“(2) periodically evaluate and report to Congress on—

- “(A) the adequacy and effectiveness of agency information security policies and practices; and
- “(B) the implementation of the requirements of this subchapter.

“§ 3556. Responsibilities for Federal information systems standards

“(a)(1) The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)), prescribe standards and guidelines pertaining to information systems, including national security systems.

“(2)(A) Standards prescribed under subsection (a)(1) shall include information security standards that—

- “(i) to the extent practicable, are unified with standards and guidelines developed for information systems and national security systems to ensure the adequacy and effectiveness of information security and information sharing;
- “(ii) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(iii) are otherwise necessary to improve the security of information and information systems, including information stored by third parties on behalf of the Federal Government.

“(B) Information security standards described in subparagraph (A) shall be compulsory and binding.

“(b) The President may disapprove or modify the standards and guidelines referred to in subsection (a)(1) if the President determines such action to be in the public interest. The President’s authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

“(c) To ensure fiscal and policy consistency, the Secretary shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director of the Office of Management and Budget and the National Office for Cyberspace.

“(d) The National Office for Cyberspace and the head of an agency may employ standards for the cost effective information security for information systems within or under the supervision of that agency that are more stringent than the standards the Secretary prescribes under this section if the more stringent standards—

- “(1) contain at least the applicable standards made compulsory and binding by the Secretary; and
- “(2) are otherwise consistent with policies and guidelines issued under section 3553.

“(e) The decision by the Secretary regarding the promulgation of any standard under this section shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).”.

SEC. 4. AUTHORITY AND RESPONSIBILITY OF THE UNITED STATES COMPUTER EMERGENCY READINESS TEAM IN RELATION TO FEDERAL AGENCIES.

(a) DEFINITION.—In this section:

(1) The term “agency” has the meaning given under section 3502(1) of title 44, United States Code.

(2) The term “US-CERT” means the United States Computer Emergency Readiness Team.

(b) PURPOSES.—The purposes of this section are to recognize that US-CERT—

(1) is charged with providing response support and defense against cyber attacks for agencies and information sharing and collaboration with State and local government, industry, and international partners;

(2) interacts with agencies, industry, the research community, State and local governments, and others to disseminate reasoned and actionable cyber security information to the public;

(3) provides a way for citizens, businesses, and other institutions to communicate and coordinate directly with the United States Government about cyber security; and

(4) has continually enhanced its ability to monitor, detect, and respond to information security incidents that affect the Federal Government.

(c) COORDINATION WITH US-CERT.—The head of each agency shall ensure that the Chief Information Officer, Chief Information Security Officer, and security operations centers under the direction of that agency head shall establish policies, procedures, and guidance to effectively coordinate with the Director of US-CERT in a timely fashion to detect, report, respond to, contain, and mitigate incidents that impair adequate security

of the information and information infrastructure.

(d) **REVIEW AND APPROVAL.**—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in subparagraph (c) to ensure that US-CERT has the capability to effectively and efficiently detect, correlate, respond to, contain, and mitigate incidents that impair the adequate security of the information and information infrastructure of more than 1 agency. To the extent practicable, the capability shall be continuous and technically automated.

(e) **SECURITY CLEARANCES; EXPERTS AND CONSULTANTS.**—Notwithstanding any provision of law, regulation, rule, or policy to the contrary, the Director of US-CERT may—

(1) direct the sponsorship of the security clearances for Federal officers and employees (including experts and consultants employed under section 3109) whose responsibilities involve critical infrastructure in the interest of national security; and

(2) employ experts and consultants under section 3109 for cyber security-related work.

SEC. 5. AUTHORITY AND RESPONSIBILITY OF DEPARTMENTS NOT RELATED TO MILITARY FUNCTIONS.

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency”—

(A) means—

(i) an Executive department defined under section 101 of title 5, United States Code; and

(ii) an Executive agency that has multiple components which have separate and distinct enterprise architectures; and

(B) shall not include—

(i) the Department of Defense; or

(ii) any component of an Executive agency that is performing any national security function, including military intelligence.

(2) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given under section 105 of title 5, United States Code.

(b) **PURPOSE.**—The purpose of this section is to recognize that—

(1) agencies have developed and maintained separate and distinct enterprise architectures that inhibit the ability of an agency to ensure that components of that agency have effectively implemented security policies, procedures, and practices;

(2) the separate and distinct enterprise architectures have in many instances been at the detriment of securing the agency information infrastructure (the civilian cyberspace) and exposed that infrastructure to unnecessary risk for an extended period of time; and

(3) a more uniform agency enterprise architecture will be more efficient and effective for the purposes of information sharing and ensuring the appropriate confidentiality, integrity, and availability of information and information systems.

(c) **AGENCY COORDINATION.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that components of that agency shall establish an automated reporting mechanism that allows the Chief Information Security Officer and security operations center at the total agency level to implement and monitor the implementation of appropriate security policies, procedures, and controls of agency components.

(2) **APPROVAL AND COORDINATION.**—The activities conducted under paragraph (1) shall be—

(A) approved by the Director of the National Office for Cyberspace; and

(B) to the extent practicable, in coordination and complementary with activities—

(i) described under section 4; and

(ii) conducted by the Administrator for E-Government and Information Technology.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **TABLE OF SECTIONS.**—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“Sec. 3551. Definitions.

“Sec. 3552. National Office for Cyberspace.

“Sec. 3553. Authority and functions of the National Office for Cyberspace.

“Sec. 3554. Agency responsibilities.

“Sec. 3555. Annual independent evaluation.

“Sec. 3556. Responsibilities for Federal information systems standards.”.

(b) **OTHER REFERENCES.**—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3551(b)”.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3551(b)”.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3551(b)”.

(4) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3551(b)”.

(5) Section 20(a)(2) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended by striking “section 3532(b)(2)” and inserting “section 3551(b)”.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)”.

SEC. 7. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect 30 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 115—RECOGNIZING THE CRUCIAL ROLE OF ASSISTANCE DOGS IN HELPING WOUNDED VETERANS LIVE MORE INDEPENDENT LIVES, EXPRESSING GRATITUDE TO THE TOWER OF HOPE, AND SUPPORTING THE GOALS AND IDEALS OF CREATING A TOWER OF HOPE DAY

Mr. LIEBERMAN submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 115

Whereas the brave men and women defending America's democracy in Iraq and Afghanistan are in harm's way;

Whereas thousands of America's returning veterans were seriously wounded in combat, including brain injuries, single and double amputations, and other traumatic wounds;

Whereas these brave soldiers return to the United States and spend weeks, months, and years in hospitals recovering, and return to their homes needing assistance to regain their independence;

Whereas these recovering soldiers who are teamed up with assistance dogs lead more comfortable and more independent lives;

Whereas these dogs provide assistance to wounded veterans while walking, going up and down stairs, and getting up from a sitting or fallen position, and also pick up dropped articles, retrieve items from a distance, pull manual wheelchairs a short distance, turn lights on and off, and perform other important daily tasks;

Whereas assistance animals offer priceless companionship and unconditional love on a daily basis;

Whereas there are fewer than 75 veterans from Iraq and Afghanistan who currently have assistance dogs, as many veterans cannot afford them or do not know about the benefits that assistance dogs provide;

Whereas severely wounded veterans currently have to wait up to 2 years before they can receive an assistance animal;

Whereas The Tower of Hope was created following the attacks of September 11, 2001, to bring hope to wounded veterans by providing them with assistance dogs at no cost; and

Whereas The Tower of Hope has substantially improved many lives by raising funds for the training of assistance dogs, providing grants for American combat wounded veterans, and advocating for the benefits of these animals: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of assistance dogs in helping combat-wounded veterans live happier and more independent lives;

(2) applauds the outstanding work of The Tower of Hope and its dedication to training and providing assistance dogs to wounded veterans, as well as educating people about the benefits of such animals;

(3) expresses deep gratitude and support to volunteers and donors who have made this great program possible by generously offering time and funds;

(4) encourages the general public to support wounded veterans by volunteering or donating to help train assistance dogs;

(5) calls for a vigorous promotion of, and advocacy for, the benefits of assistance animals to physicians and the general public; and

(6) supports the goals and ideals of creating a Tower of Hope Day in honor of wounded American veterans and their service dogs, the work of The Tower of Hope, and the many generous donors.

SENATE RESOLUTION 116—COMMENDING THE HEAD COACH OF THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM, BILL SELF, FOR WINNING THE HENRY P. IBA COACH OF THE YEAR AWARD PRESENTED BY THE UNITED STATES BASKETBALL WRITERS ASSOCIATION AND FOR BEING NAMED THE SPORTING NEWS NATIONAL COACH OF THE YEAR AND THE BIG 12 COACH OF THE YEAR

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 116

Whereas after the University of Kansas men's basketball team won the 2008 National Collegiate Athletic Association (NCAA) Men's Basketball Division I Championship, all the most experienced players on the team

went on to graduate or pursue their professional ambitions;

Whereas, despite this challenge, the Head Coach of the University of Kansas men's basketball team, Bill Self, led the 2009 team to an impressive 27-win season, in which the team ended the regular season at the top of the Big 12 Conference, and finished the 2009 NCAA Men's Basketball Division I tournament in the Sweet Sixteen;

Whereas, Coach Self has been a head coach for 16 years, winning 9 league championships in the last 11 years and guiding his teams through 11 consecutive 20-win seasons;

Whereas Coach Self is 1 of only 4 coaches in NCAA Men's Basketball Division I history to have led 3 different schools (the University of Tulsa, the University of Illinois, and the University of Kansas) to the Elite Eight in the NCAA Men's Basketball Division I tournament;

Whereas Coach Self has demonstrated the Kansas values of hard work, determination, pride, and spirit, and has instilled these values in the athletes he coaches;

Whereas during his career at the University of Kansas, Coach Self has coached 11 professional basketball players, and impacted the lives of hundreds of young men;

Whereas in 2009, Coach Self won the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association and was named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; and

Whereas Coach Self is an asset to the country, the State of Kansas, and the University of Kansas; Now, therefore, be it

Resolved, That the Senate—

(1) commends the Head Coach of the University of Kansas men's basketball team, Bill Self, for—

(A) winning the Henry P. Iba Coach of the Year Award presented by the United States Basketball Writers Association; and

(B) being named the Sporting News National Coach of the Year and the Big 12 Coach of the Year; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the Chancellor of the University of Kansas, Robert Hemenway;

(B) the Athletic Director of the University of Kansas, Lew Perkins; and

(C) the Head Coach the University of Kansas men's basketball team, Bill Self.

SENATE CONCURRENT RESOLUTION 20—AUTHORIZING THE LAST SURVIVING VETERAN OF THE FIRST WORLD WAR TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL UPON HIS DEATH

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 20

Whereas the veterans of the First World War fought bravely and made heroic sacrifices for the Allied forces;

Whereas the veterans of the First World War suffered the terrors of both trench warfare and the chemical battlefield;

Whereas the veterans of the First World War suffered the scourge of the Spanish influenza pandemic;

Whereas past resolutions have sought authorization for veterans, representative of specific wars, to lie in honor in the rotunda of the Capitol;

Whereas it is the desire of all veterans to honor both those who serve and those who have served in time of war and peace;

Whereas it is the Nation's collective desire to express its gratitude for the sacrifice and service of all First World War veterans; and

Whereas Frank Woodruff Buckles, born February 1, 1901, in Bethany, Missouri, and residing in Jefferson County, West Virginia, at age 108, is believed to be the last surviving United States veteran of the First World War; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING VETERANS OF THE FIRST WORLD WAR.

(a) IN GENERAL.—In recognition of the historic contributions of United States veterans who served in the First World War, the last surviving United States veteran of the First World War shall be permitted to lie in honor in the rotunda of the Capitol upon his death, so that the citizens of the United States may pay their last respects to these great Americans.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a), including, if necessary, scheduling the use of the rotunda of the Capitol for the purposes described in such subsection at such a time as such use will not coincide with the use of the Capitol for an Inauguration or a State of the Union address.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 5, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to consider the nomination of Daniel B. Poneman, to be Deputy Secretary of Energy, the nomination of David B. Sandalow, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), the nomination of Rhea S. Suh, to be an Assistant Secretary of the Interior, and the nomination of Michael L. Connor, to be Commissioner of Reclamation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to Amanda.kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the

Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 9 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 28, 2009, at 10 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 28, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m. in room 406 of the Dirksen Senate office building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m., to hold a hearing entitled "War Powers in the 21st Century".

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 2:15 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Introducing Meaningful Incentives for Safe Workplaces and Meaningful Roles for Victims and Their Families" on Tuesday, April 28, 2009. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate office building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Learning from the States: Individual State Experiences with Health Care Reform Coverage Initiatives in the Context of National Reform" on Tuesday, April 28, 2009. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10 a.m. to conduct a hearing entitled "Cyber Security: Developing a National Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Victims of Crime Act: 25 Years of Protecting and Supporting Victims" on Tuesday, April 28, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, AND INSURANCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 10:30 a.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the

Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, April 28, 2009 at 2:30 p.m. to conduct a hearing entitled, "Government 2.0: Advancing America into the 21st Century and a Digital Future."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION
AND MERCHANT MARINE INFRASTRUCTURE,
SAFETY, AND SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 28, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. I ask unanimous consent that the following Finance Committee staff be granted floor privileges during consideration of the Sebelius nomination: Kelly Whitener, William Martinez, and Michael London.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—S. CON. RES 13

Mr. DURBIN. I ask unanimous consent that on Wednesday, April 29, following a period of morning business, the Senate begin the statutory debate with respect to the conference report to accompany S. Con. Res. 13, notwithstanding the receipt of papers from the House; further, that when the Senate receives a message from the House regarding S. Con. Res. 13, the Senate then proceed to the consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL
29, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, April 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed

expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, I ask unanimous consent that following morning business, the Senate proceed as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Senators should expect a vote on adoption of the budget conference report tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, April 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

PAUL N. STOCKTON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE PAUL MCHALE, RESIGNED.

DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE CYNTHIA A. GLASSMAN, RESIGNED.

LEGAL SERVICES CORPORATION

LAURIE I. MIKVA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010, VICE FLORENTINO SUBIA, TERM EXPIRED.

OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE

ROBERT S. LITT, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE BENJAMIN A. POWELL, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, April 28, 2009:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHLEEN SEBELIUS, OF KANSAS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Tuesday, April 28, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPPS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 28, 2009.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

TRIBUTE TO FIRST LADY LAURA LANE WELCH BUSH

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Madam Speaker, Michelle Obama is enjoying immense popularity throughout America. She has been described as a "breath of fresh air" and the "First Lady we have been waiting for."

A Democrat constituent spoke to me several days ago expressing approval of the First Lady's high marks, but she furthermore expressed concern that we do not forget Mrs. Obama's immediate predecessor, Mrs. Laura Bush. I am in agreement with my constituent in that I am pleased for Mrs. Obama, but I don't want her high marks to diminish the high marks Laura Bush recorded.

Madam Speaker, there is no blueprint for successfully filling the office of First Lady. Members of Congress have elections and constituents to provide constructive criticism along the way. The First Lady has no such benefit, and as a result, she must master the art of on-the-job training with the world's microscope on her every move.

Mrs. Laura Bush perfected this art as well as any other First Lady in our his-

tory. Not only is her list of accomplishments long and meaningful, but they were achieved with little fanfare during a tumultuous period in our history.

She is responsible, Madam Speaker, for spearheading the effort to bring the National Book Festival to the National Mall. She led the charge to bolster Teach for America, which helped increase the number of teachers being produced by this program every year. All of these teachers will teach in impoverished urban and rural schools. She helped stave an impending crisis in our libraries, which were facing a 40 percent rate of attrition. Furthermore, much of her time overseas was spent sharing information on HIV/AIDS and malaria awareness and the needs of women.

Madam Speaker, Mrs. Bush has sought no praise or public attention. This is exactly why her accomplishments should be recognized—and perhaps even memorialized to some extent so that future First Ladies can learn from her legacy.

When Mrs. Bush was asked whether she would assume a role by a previous First Lady, she replied that she would define her role as First Lady for herself.

Mrs. Bush's demeanor portrays her as quiet and unassuming. Oftentimes, Madam Speaker, people—male and female—who maintain quiet, unassuming roles are not seriously embraced. Oftentimes, they are cut adrift or cast aside; not true with Laura Bush.

We wish Mrs. Obama well as she commences her role as our First Lady, while at the same time I want us to favorably recall the 8 years Laura Bush served as our First Lady.

BUDGET—OUR LONG-TERM ECONOMIC PLAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Madam Speaker, we are working to pass this week in both the Senate and the House a budget resolution. It is a long-term economic plan that we are working together with the administration that will mark President Obama's 100th day in service.

The fallout from the failed policies over the last 8 years has made this job even tougher. Let's talk about what has happened over the last 8 years and what exactly President Obama inherited.

A record time during the last 8 years, President Bush—and the Republicans with that—built on a deficit of \$5.8 trillion. When President Obama came into this office, a \$5.8 trillion deficit; when President Bush came in, he had a \$5.6 trillion surplus when you looked at it over this time period.

The national debt doubled, and the amount held by foreign countries of ownership in this country has more than tripled. The smallest rate of job growth in three-quarters of a century. There have been flat wages. And more Americans are living in poverty without health care insurance.

But this isn't anything new to the American people. We have experienced this. We have seen it firsthand. And the American people spoke back in November with an election and said that they wanted a new direction and change.

Our long-term economic plan takes steps to reduce health care costs, one of the largest contributors to the deficit, and a growing burden on our businesses' ability to compete and families' prosperity.

Our long-term economic plan is something that the American people have been calling for, a true look at transparency, looking at the impacts of the cost of the war in both Iraq and in Afghanistan.

We have to consider in this long-term budget looking at the targeted investments that must be made that will ultimately end in savings; investments in health care, investments in energy, investments in education, and real concrete proposals that will pay for these investments.

This plan marks the beginning of a new era of honesty. I, as a Member, had an opportunity to go before the Budget Committee and to share what my priorities were, as every Member of Congress had an opportunity to do. This is a new era of honesty, budgeting accuracy, and openly representing costs like the war, as I previously mentioned. Previous Republican budgets masked these costs to make the deficit appear to be smaller.

Our economic plan contains key integrity initiatives to protect the taxpayers' money by rooting out waste, fraud and abuse, and saving taxpayers nearly \$50 billion.

The American people called for a change, a new direction back in November. That is exactly what this Congress is delivering.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TAX TEA PARTY DECLARATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today in support of the thousands of people in the Sixth Congressional District of Florida who stood together and told this administration and this Congress to turn off the taxpayer-funded spigot of government bailouts.

These hardworking Americans made their point loud and clear; they do not want to see our Nation bankrupt from a fiscal policy that ignores the free market principles this country was founded upon and attempts to spend its way out of record-breaking debt through increased government control and expansion of inefficient bureaucratic power.

Let me go ahead and read an excerpt from their 4-page declaration that over 1,800 people from my hometown, Ocala, signed on April 15, tax day.

"We raise our voices against the arrogance and the ruinous policies of our government, a government that ignores We the People, a government that drowns us in debt, a government that forsakes the free enterprise system that has driven the engine of the greatest economy on Earth in favor of a relentless march towards socialism designed to subvert the worth of the individual and encourage the intrusion of government into all aspects of our lives."

Madam Speaker, I will submit the entire "Tax Tea Party Declaration" for the RECORD. And also, I have a petition signed by over 2,000 people in Ocala, Florida, demonstrating their commitment to ending this bad economic policy.

Like those who attended rallies in Starke, Trenton, Gainesville, and Orange Park, I have not and will not support bailout after bailout as sound economic policy. It is unconscionable for this administration and this Congress to continue committing good money after bad.

In October of 2008, the U.S. Government committed an astounding \$700 billion in public funds to failing private financial institutions through the Troubled Asset Relief Program, TARP. However, just last week, the TARP Special Inspector General reported that the total cost of TARP will cost the American taxpayer between \$2.4 trillion and \$2.9 trillion.

It is evident that we can no longer allow government bureaucrats such as Timothy Geithner and Henry Paulson to use their position and the taxpayer-funded Federal Reserve to act as a safety net for their partners on Wall Street when they fail due to incompetence and unchecked greed.

I am a strong believer in free markets. And inherent in that economic model is that not every person or idea makes money. It is time for Wall

Street to understand this unmistakable tenet and not rely on the Federal Reserve and the American taxpayer to continue to save them when their gambles accumulate into significant losses.

Anna Schwartz, co-author along with Milton Friedman of "A Monetary History of the United States," viewed by many as the definitive account of how U.S. monetary policy turned the stock market crash of 1929 into the Great Depression and which Ben Bernanke, the Chairman of the Federal Reserve, has called the "leading and most persuasive explanation of the worst economic disaster in American history," contends that the Treasury, through its actions, has prolonged this crisis. Let me quote here on this board:

"They should not be recapitalizing firms that should be shut down. Rather, firms that made wrong decisions should fail. You shouldn't rescue them. And once that is established as a principle, I think the market recognizes that it makes sense."

As true capitalists, these titans of Wall Street should understand the risks and rewards of a free market economy and be allowed to fail like the rest of Main Street when they make foolish or risky decisions.

Many economists look to the past to predict economic futures; it is a tested way to learn from past mistakes and avoid making them in the future. Looking to the past, we discover that Henry Morgenthau, FDR's Treasury Secretary, gave this very important quote in May of 1939 during the Great Depression. He said, "We have tried spending money. We are spending more than we have ever spent before and it does not work. I have just one interest, and now if I am wrong, somebody else can have my job. I want to see this country prosper. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises. I say, after 8 years of this administration, we have just as much unemployment as when we started, and enormous debt to boot."

This current economic policy of bailout after bailout and colossal government spending is just plain wrong, Madam Speaker, and the American people know it.

When, in the course of human events, it becomes necessary for like-minded patriotic citizens to rally as one against the powers that threaten to alter, diminish and destroy this country we love, proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this Ocala tea party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea party resonated around the world.

The history of the present government of these United States is a history of repeated injuries and usurpations, all having the effect of establishing an unacceptable tyranny over the citizens of these states. Let the facts be self-evident and speak for themselves . . . and let these grievances be heard

in the halls of power in 2009, just as they were heard in the palace of Britain's King George the third, as they thundered forth from the text of the Declaration of Independence on July 4th, 1776.

Be it resolved on this 15th day of April, in the year 2009, at the Great Ocala Tea Party in the Town Square in Ocala, Florida, that just as our forefathers at the Boston Tea Party protested tyranny at the hands of the British Crown and taxation without representation, we hereby raise our voices against the arrogance and the ruinous policies of our own government . . . a government that ignores the will of "We The People" . . . a government that drowns us in debt . . . a government that forsakes the free enterprise system that has driven the engine of the greatest economy on earth, in favor of a relentless march toward socialism designed to subvert the worth of the individual and encourage the intrusion of government into all aspects of our lives.

Let the word go forth from this time and place that we are freedom loving Americans who cherish individual liberty, our constitution and all that this nation has stood for over 233 years. We love our country, and we are here to take it back!

Let us hereby resolve that we have had enough of massive government driven bailouts using our money! Stop spending money we do not have! This is not your money, this is our money, and we demand you stop the madness!

We have had enough of so-called economic stimulus plans that falsely promise we can spend ourselves back to prosperity!

We have had enough of trillion-dollar spending schemes being passed without congress or the people knowing what is in them. This is taxation without deliberation and we will not tolerate it!

We have had enough of the out of control government spending that is mortgaging our future and threatening our very way of life!

We have had enough of both major parties being arrogant and unresponsive to the people they were elected to serve!

We have had enough of seeing money taken unfairly from honest hard working Americans through excessive taxation and redistributed to individuals who have not earned the money!

We have enough of capitalism being targeted as the problem instead of the solution!

We have had enough of government being called the solution, when government is the problem!

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions to our elected officials have been answered only by repeated injury, if, in fact, they have been answered at all. A government so arrogant and unresponsive to its people is unfit to be the ruler of a free people.

We, therefore, the people of the United States of America, in general congress assembled, here in the Town Square of Ocala, Florida, on this 15th day of April, in the year 2009, do, in the name and by the authority of the good people of this city and nation, solemnly publish and declare that we are a free people, in this free and independent state, and that we have the power to demand that our government cease serving its own interest, and whatever political and ideological agendas it may be pursuing, and become the Government Of The People, By The People, and For the People to which we are entitled as Americans. And that for the support of this Declaration, with a firm reliance on divine providence, we mutually pledge to each

other our lives, our fortunes, and our sacred honor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As Your people and as a Nation, we hear Your summons: "Sing a new song to the Lord."

Our song, Lord, is the song of freedom. As our ransom, You have set us free. As Your children, we chose to resemble You in all our choices and decisions.

Throughout our history, some others have been shocked by the rhythm of our song; others have been inspired to find their own voice and enter the song.

But the song of true freedom is planted within us by You, O Lord. Your spirit finds expression and touches others around the world because Your song of freedom comes from our hearts. So all honor, power and glory go to You, Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WHY THE BUDGET IS IMPORTANT FOR HEALTH CARE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, as we mark President Obama's first 100 days in office this week, the House will vote on the President's budget which sets a new vision of hope and responsibility for America.

As vice chair of the Budget Committee, I know that this budget is fiscally responsible and it sets forth a path to meet our Nation's greatest challenges. With more than 47 million Americans uninsured, this budget includes critical language ensuring that Congress will act this year to expand access to care and to reduce costs.

Soaring health care costs are impeding our economic competitiveness, straining the Federal budget and causing families all across this country to make difficult choices about their health and well-being. This budget sets the context for this important work that Congress will do to find a uniquely American solution to health care access and costs, one that includes innovation and technology, incentives for an effective delivery system, a renewed commitment to prevention, and consumer protections in the private-public marketplace.

We cannot sustain the status quo, nor should we. Now is the time to finally get health care to all Americans. We should pass the budget resolution and begin the task ahead.

A BUDGET OUR CHILDREN WILL LIVE TO REGRET

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, this Congress has voted for unprecedented debt, and a look at Treasury's borrowings shows a stark picture. On Monday, we borrowed \$98 billion. Tomorrow, we will borrow another \$61 billion. On average, Congress is forcing the Treasury to borrow \$157 billion a week.

Over the first 100 days, our debt has increased by more than \$5.5 billion per day. China has cut its lending to the United States by 95 percent, effectively canceling this Congress' credit card.

Let me finish with a couple of personal facts.

With only 111 million Federal taxpayers, the rate of spending by this Congress in the first 100 days has shown the congressional leaders put each taxpayer into debt at a rate of \$1,400 per week, \$3,200 per quarter, and over \$9,000 each just for the first 6 months of this Congress. That's quite a record, a world record, and one our children will live to regret.

HONORING ROBERT DANA

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEBSACK. Mr. Speaker, today I would like to honor a man who has affected the lives of countless Iowans, Mr. Robert Dana. His life and work are shining examples of Iowa's long tradition of excellence in literature.

For 40 years, Mr. Dana taught at Cornell College where I was honored to teach and now represent as part of Iowa's Second District. While there, he had a tremendous impact on students, developing young writers' minds and pushing them to new heights.

After leaving Cornell, he continued to inspire Iowans serving two terms as our State's Poet Laureate. Mr. Dana has used his signature poems to give an everlasting voice to official Iowa events. With his poetry, R.P. has captured the feeling Iowans have for their towns and land.

Thank you, R.P., my former colleague, for your contribution to Cornell College, to Iowa, and to American literature.

EXPRESSING CONDOLENCES TO NORTH CAROLINA SHOOTING VICTIMS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, eight people died 1 month ago when a gunman opened fire at the Pine Lake Health and Rehabilitation Center in Carthage, North Carolina. On that dreadful day, the staff and residents at Pine Lake Center responded very effectively and professionally. Equally professional and effective were the law enforcement community and the citizens of Carthage and Moore County.

This cruel and unforgivable act imposed upon Pine Lake that day did not succeed in defeating the spirit of the Pine Lake facility, Carthage and Moore County.

Mr. Speaker, we extend our condolences to the survivors of the eight whose lives were so brutally taken on that ill-fated day.

HAWAII AND AMERICAN CLEAN ENERGY ACT

(Ms. HIRONO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HIRONO. Mr. Speaker, this Congress is committed to energy self-sufficiency as a matter of national security. Hawaii's situation is especially acute as Hawaii is the most oil dependent State in the country and has the highest fuel and electricity costs nationwide. Thus, Hawaii is particularly aware of the need to change the status quo and focus on achieving a clean energy economy.

Recently enacted legislation has given consumers and businesses in Hawaii and across the country incentives

to invest in clean and renewable technologies, and more will be accomplished through the American Clean Energy and Security Act on which we are working.

Our actions result in real decisions by real businesses. For example, because we extended the solar tax credits, a solar panel company and a local business in Hawaii got together to install photovoltaic panels on the roof of the business, which now generates 95 percent of its electricity from these panels.

Our work on the American Clean Energy and Security Act will help States like Hawaii reach our energy goals.

HOMELAND SECURITY PARANOIA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to a recently released secret memo by Homeland Security, America now faces new serious threats. I am not referring to al Qaeda, the Somali pirates, or radical Islamic terrorists. The memo states we are in danger from people who are concerned about our porous borders, gun owners, returning military veterans, the recent tax protestors at the TEA parties, and those who want to protect the unborn.

Mr. Speaker, these Americans simply disagree with the administration on certain issues. But by disagreeing, they are now labeled and vilified by Homeland Security as extremists and threats to America. So because of Homeland Security paranoia, is the cloak and dagger agency going to watch these people and spy on them under the guise of national security? We shall see.

This is a dangerous policy and attack on individual liberty and a denial of free speech. Homeland Security should do their real job like finding radical Islamic terrorists who want to kill us in the name of religion rather than making a watch list and snooping around in the private lives of patriots who are just exercising their absolute right to disagree.

And that's just the way it is.

A HUGE BET THAT IS WORTH MAKING

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this week more than 100,000 people will gather at Churchill Downs in my district for the 135th running of the Kentucky Derby. They will be placing big bets. And this week, this Democratic Congress is going to be placing a big bet, too.

We're going to pass a budget resolution that makes a huge bet on America and the American people. By investing

in targeted ways and developing a health care system that provides affordable, quality health care for every American, by creating a new energy system and a new energy direction in this country, and investing in higher education so that every American has the tools necessary to bring us into the 21st century, we will be making a huge bet that the American people can grow us out of the huge hole that we're in now.

I am proud that we're willing to make that bet, and I urge all of my colleagues to join us in betting on the American people.

DON'T PLAY POLITICS WITH NATIONAL SECURITY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, it has been almost 8 years since the tragedy of 9/11, and America has not experienced another catastrophic terrorist attack on our home soil, not due to blind luck but due to hard work. Homeland Security during this period thwarted attacks through enhanced interrogation of suspected terrorists. This is a fact. For this, we should thank them, not mire them in millions of legal fees.

But in recent days, more sympathy has been shown to current and potential attackers than to the men and women hired to prevent their deadly acts from coming to fruition. Memos detailing American interrogation methods were selectively released by the administration for political reasons, when other memos showing their life-saving results have not.

Most Americans believe releasing this important information has endangered many innocent Americans in the future and subjects us to future terrorist attacks. Shouldn't we remember it was the self-paralysis of our intelligence systems that led to 9/11 in the first place? Why should we go back?

FUNDING TO CDC FOR POSSIBLE FLU PANDEMIC

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, we are still learning the details of the new influenza outbreak threatening our country. I want to take a moment to praise our colleague, Chairman OBEY, who tried to make sure that the Centers for Disease Control were prepared for a possible pandemic by providing funding in the stimulus package for flu vaccines and preparation.

Unfortunately, the politics of "no" trumped common sense when, in order to get three Republican votes, the Senate removed \$462 million for the Centers for Disease Control and \$900 million for pandemic flu preparations.

Mr. Speaker, the choices we make here in Congress are more than just cable news sound bites. Our choices have consequences. Let me remind my colleagues that the 1918 flu epidemic killed more people than all of World War I. We must reconsider and revisit the funding issue for pandemic flu preparation. It could mean the difference between life and death.

NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Congress is moving forward on the Northern Rockies Ecosystem Protection Act. Montanans have a long and proud heritage as good stewards of our land. Working together, folks in Montana have found solutions that work for everyone—without top-down meddling from Washington, D.C. Unfortunately, this bill throws that consensus approach out the window.

Take a look at the cosponsors. The vast majority of them are from districts east of the Mississippi, and 17 cosponsors are from California; none from the districts actually impacted by the legislation such as Idaho, Wyoming, Eastern Oregon, Eastern Washington, and, of course, Montana. That is right. None.

Montanans don't tell folks from New York or San Francisco how high to build their skyscrapers or how many lanes their freeways need. We let you deal with your problems, and we respectfully ask that when it comes to the Northern Rockies, you take into consideration the opinions of those of us who live there.

NORTH KOREA FREEDOM WEEK

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor and raise awareness of the 2009 North Korean Freedom Week.

Currently, approximately 13 million people in North Korea suffer from malnutrition, and over 2 million North Koreans have died of starvation since 1995. In addition, over 200,000 men, women, and children are imprisoned in political prison camps in North Korea.

North Korea is controlled by a dictatorial regime where human rights and personal freedoms are nonexistent. The region suffers from an extremely weak economy and is dependent on the international community even for its food. Unfortunately, about 30 percent of all the international aid that is provided to North Korea goes to the country's military and its elite, and very little of that ever gets to the real people of North Korea.

Under the current regime, universal human rights do not apply to the people of North Korea, and freedom remains a foreign idea for the men and the women of this repressive country.

I call on my colleagues in Congress and the Obama administration to take action to improve the deteriorating human rights crisis in North Korea.

□ 1215

ENERGY

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MARKEY of Colorado. Mr. Speaker, I rise today because we are at a crossroads in the way we power America. Breaking our dependence on foreign oil will not only create new domestic jobs, but it will ensure our economic recovery is sustained for future generations.

The American Solar Energy Society recently released a report that stated in 2007, the renewable energy and energy-efficiency sectors created 9 million jobs in the United States and over \$1 trillion in revenues. In my home State of Colorado alone, the energy-efficiency field added 81,000 jobs in 2007, and we all know it is cheaper to use less energy than to make it.

Innovation and entrepreneurship have always been the backbone of the American spirit. As I travel to the eastern plains of Colorado, the landowners often tell me they are ready to install wind turbines on their property as an economic development tool. However, we must update our fragmented transmission system to transmit these vast resources.

By becoming a leader in renewable energy and energy-efficiency technologies, we can invest in our future and put Americans back to work.

MYTH: AMERICANS DON'T WANT BROAD HEALTH REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, another health care myth. It is amazing that opponents of comprehensive health care reform still make the argument that Americans don't want it, but they do, and it is time to debunk it. According to an April 2009 Kaiser Family Foundation Health Tracking Poll, just from this month, 59 percent of Americans say that it is more important now than ever to pass health care reform, 59 percent. And it is easy to understand why. Because of costs, 42 percent of Americans reported that they didn't see a doctor in the past year; 36 percent skipped dental care; 27 percent skipped a recommended medical test or treat-

ment; and 18 percent of Americans reported that they cut their pills in half because they couldn't afford it.

This isn't time for small ideas. This isn't time to just protect the status quo. Americans demand comprehensive health care reform, and it is time that this Congress gives it to them this year.

BORDER VIOLENCE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, just across the border, heavily armed militias fueled by drug trafficking cartels are at war with the Mexican Government. Although the worst of the violence has been contained south of the border, its impact is being felt throughout the region.

These trafficking organizations are powerful, but we are fighting back. Recently, the Flagstaff Police Department busted a major drug ring that supplied a quarter of the methamphetamine in the area. I congratulate the Flagstaff Police Department on their successful bust, which helps keep drugs out of our community and is a blow against drug trafficking organizations on both sides of the border.

CREDIT CARDHOLDERS' BILL OF RIGHTS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, in these difficult economic times, we, as leaders, must ask ourselves the question, whose side are we on? Are we on the side of people—the consumers, the taxpayers, and hardworking families across the Nation? Well, I certainly am.

Today, I rise in favor of the Credit Cardholders' Bill of Rights. For too long, hardworking Americans have been victimized by high fees, high interest rates, and confusing credit card agreements that these companies can change at will.

The Credit Cardholders' Bill of Rights protects everyone from the unfair and often abusive practices that credit card companies put on everybody. It prevents credit card companies from unfairly increasing interest rates on existing balances.

The Credit Cardholders' Bill of Rights will protect everyone. It ends unfair penalties for cardholders who pay on time, and it protects vulnerable consumers from high fees due to subprime credit cards. In short, it prevents these companies from constantly moving the goalposts and taking advantage of ordinary people who have done nothing wrong.

Let's pass the Credit Cardholders' Bill of Rights and build a better Nation for everyone.

ENERGY

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I rise today in support of a progressive vision for America's energy future and the opportunity to create millions of American jobs for our working families.

President Obama and this Congress are taking on our Nation's energy crisis with a plan to create green jobs and build a clean energy economy; a plan that creates 300,000 new jobs by implementing a Renewable Electricity Standard, and another 222,000 new jobs with its high efficiency savings provisions.

Mr. Speaker, we have a choice to make in this Congress; we can choose to create millions of new American jobs that cannot be shipped overseas, reduce our dependence on oil from overseas, increase production of cleaner renewable energy sources, crack down on polluters who damage our air and our water quality, and give American entrepreneurs and innovators the tools they need to stay combative in the global economy, or we can do something else.

America can become a world leader in the new clean energy economy, or we can continue the failed policies of the last 8 years.

MAKING IN ORDER CONSIDERATION OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, April 29, at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 627, and that consideration of the bill proceed according to the following order: The first reading of the bill is dispensed with; all points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI; general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the Chair and ranking member of the Committee on Financial Services; after general debate, the Committee of the Whole shall rise without motion; and, no further consideration of H.R. 627 shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING SYMPATHY FOR SHOOTING VICTIMS IN BING- HAMTON, NEW YORK

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340), expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 340

Whereas on Friday April 3, 2009, the Nation experienced an appalling misfortune when a gunman entered the American Civic Association in Binghamton, New York, and murdered 13 and wounded 4 innocent people;

Whereas the shooting resulted in the tragic loss of Lan Ho, Parveen Nln Ali, Li Guo, Dolores Yigal, Hong Xiu Mao, Marc Henry Bernard, Maria Sonia Bernard, Maria Zobniw, Jiang Ling, Hai Hong Zhong, Roberta King, Layla Khalil, and Almir O. Alves;

Whereas the attacker wounded Long Huyng, Shirley DeLucia, Sumi Lee, and Liqiao Chen;

Whereas this act of violence created numerous secondary victims, including over 40 people who were in the building at the time, as well as friends and family of the deceased who are struggling to cope with the impact of this tragic act;

Whereas many of the victims of this assault were residents of Binghamton, New York, in Broome County, New York, a close-knit, diverse community with a long history of welcoming people from all backgrounds, nationalities, and religions, as well as immigrants and visitors from abroad;

Whereas the American Civic Association in Binghamton, New York, has proudly served the community since 1935, assisting immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services that have played a vital role in the effort to secure the dreams of immigrants seeking legal citizenship;

Whereas the law enforcement agencies led by the City of Binghamton Police Department, with support from the Broome County Sheriff's Department, the New York State Police, and neighboring municipalities responded quickly, professionally, and heroically to the crime scene;

Whereas swift action by emergency medical responders addressed the needs of the wounded and quickly transported them to hospitals;

Whereas the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Immigration and Customs Enforcement, and others provided swift and invaluable cooperation and resources to assist local efforts and provide additional services to help the community cope with this tragedy;

Whereas the United States State Department quickly offered, and is now providing,

assistance with processing visas to expedite the travel of victims' family; and

Whereas, although the effects of this shooting will be felt for years to come, the Binghamton community will overcome this tragedy and re-emerge stronger than before and with renewed sense of unity, cooperation, and understanding: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt condolences to the families and friends of the victims of the April 3, 2009, shooting in Binghamton, New York;

(2) conveys its gratitude to the city, county, State, and Federal officials and agencies whose quick and comprehensive response helped save lives and start the long healing process; and

(3) honors the American Civic Association for the services it provides to assist people from across the world who seek the American dream.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, with House Resolution 340, this Chamber expresses its profound sympathy to the victims of the tragic attack at the American Civic Association in Binghamton, New York, on April 3. Our thoughts continue to be with the families, friends, and the people of Binghamton, and they remain in our prayers. Thirteen men and women were murdered in this attack and four were wounded, shaking the community and the entire Nation.

House Resolution 340 was introduced by our friend and colleague, Representative HINCHEY of New York, and is cosponsored by over 50 Members of Congress.

Given the tragic events on which House Resolution 340 is based, the Committee on Oversight and Government Reform moved quickly to consider a report on the bill, which brings us to today's consideration of the resolution.

Mr. Speaker, we thank the American Civic Association for its continued service over the years as it has helped immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services, playing a vital role in the effort to secure the dreams of immigrants seeking U.S. citizenship. We want them to know that they have

our prayers and our heartfelt sympathies during this difficult time.

I would also like to commend the City of Binghamton Police Department, the Broome County Sheriff's Department and the New York State Police for their swift response to this attack. In addition, we thank the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Immigration and Customs Enforcement Office, and other Federal agencies for their assistance.

We were all deeply saddened to hear of this attack, and it is difficult for us to comprehend such an act of violence. We will feel its effect for years, but we can be sure that in time Binghamton will heal, emerging from this tragedy stronger and more united than ever before.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge the passage of this resolution expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York.

For immigrants in the Binghamton area, the American Civic Association, located on Front Street, is a representation of their ongoing pursuit of the American dream as newcomers from around the world learn English and the skills necessary to obtain United States citizenship. But on April 3, the American Civic Association—a welcoming place serving 60 to 100 people per day—became a killing zone. On that dreadful day, a deranged man, whose own dream of immigrating from Vietnam to America had now come to nothing but despair and senseless turmoil, ended the dreams of one aspiring citizen after another by opening fire on unsuspecting employees, volunteers, and hopeful immigrants, resulting in the loss of 14 lives, including the shooter, and four wounded people.

As we remember the victims, we also commend the efforts of the first responders—local police, fire, emergency medical crews, city and county officials, and the community as a whole—for their rapid and cohesive response to this unfortunate tragedy. In addition, we commend the United States Department of State for quickly offering assistance with processing visas to expedite the travel of the victims' families so they could arrange for the burial of their loved ones.

The memory of this senseless event will not soon be forgotten. However, the strength and determination of the Binghamton community as well as the citizens of New York will help the healing process.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my good friend for yielding.

Over the past several weeks, many of you have seen the images and read the news about the tragic shooting in Binghamton, New York, on April 3, 2009. Thirteen innocent people lost their lives at the American Civic Association building due to senseless violence.

While I don't represent the City of Binghamton, I represent the suburbs in the area around Binghamton and know many people that work and live in the Binghamton area. I want to take this time to again offer my deepest condolences to the families and friends of those who lost their lives on that day and offer my sincerest gratitude to the local officials and first responders on the ground whose immediate action then prevented further loss of life. And their continued leadership now has allowed for the Binghamton community to start the healing process.

I want to especially mention the Broome County Executive, Barbara Fiala; Binghamton Mayor, Matt Ryan; Binghamton Police Chief, Joe Zikuski; and Broome County Emergency Services Director, Brett Chelis, who led the team of hundreds of first responders consisting of police, fire, rescue and medical staff. To the staff at the local hospitals that cared for the victims of this tragedy and worked tirelessly to save lives, I sincerely say thank you.

I want to say how thankful I am—and I know that so many in the Binghamton community are—to my colleague, Congressman MAURICE HINCHEY. Congressman HINCHEY answered the call at the first sign of trouble and was in his district working with his people to make sure all that could be done was being done throughout the crisis.

I again give my continued full support to all those involved, and ask that we learn from such a tragedy and do all that we can to ensure that an incident like that never happens again.

□ 1230

Mr. WESTMORELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I want to say in closing for myself that this is an experience that no Member of Congress wishes to face. However, at the same time, I must confess admiration not only for the law enforcement authorities and the medical staff and families who have been affected in this case but also, and I think especially from our standpoint here in the House, the way in which Representative MAURICE HINCHEY, faced with this disaster, this terrible tragedy in his district, flew back to his district, rolled up his sleeves, opened his heart to the people that he cares about and represents here in Congress every day, and began the very difficult work of helping his community in Binghamton heal from these wounds.

And I just want to say there are occasions that are forced upon us unwillingly that really show, I think, in a greater depth and a more meaningful extent the true content of our character, and seeing the way the community in Binghamton came together in this tragedy to comfort those who were victimized and to bring some peace to those families, the way the law enforcement community and the nurses and docs in taking care of those families came together, and seeing how Mr. HINCHEY sprang to action and addressed the tragedy himself was a shining example, I think, of the strength of the United States and of our core communities. And I just think that if there is any silver lining that one can gain from this tragedy, it is just that: The way this community has responded to a senseless, senseless tragedy and the way they have provided comfort to people in their own communities is truly admirable.

I think, as Members of Congress here on both sides of the aisle have acknowledged here, the way that MAURICE HINCHEY had weighed into the process was truly, I think, exemplary for all of us, unwanted admittedly but certainly extremely admirable under the circumstances. And we will pay special attention to this tragedy going forward.

At this point, Mr. Speaker, I would like to yield 5 minutes to the gentleman from New York (Mr. HINCHEY), the lead sponsor of this resolution.

Mr. HINCHEY. Mr. Speaker, I very much appreciate the opportunity to speak about this important issue, and I very much appreciate everything that has been said here by Members focusing attention on this critical issue.

I rise today as a representative of the 22nd Congressional District in the State of New York, which includes that wonderful, magnificent City of Binghamton.

Now, less than 4 weeks ago, this proud community suffered a devastating tragedy. On the morning of Friday, April 3, 2009, a single gunman entered the offices of the American Civic Association and there murdered 13 innocent people and seriously wounded four more. I am here today on behalf of Congress to offer our formal condolences, to honor the victims of this tragedy, and to express gratitude to the heroes who responded.

With this resolution, we remember those who were lost that day, offer our condolences to their families, express our hopes that those wounded and touched by this tragedy are on the path to recovery, and thank all those who responded. I want to thank Chairman TOWNS and Ranking Member ISSA for their support in allowing this resolution to come to the floor. I also want to express my appreciation to our Speaker and to our majority leader who assisted us with this resolution.

Binghamton, New York, is a close-knit, diverse community with a long history of welcoming people from all backgrounds, all nationalities and religions, as well as immigrants and visitors from anywhere abroad. It's a place where those looking for a better life are welcomed with open arms and where being a part of a community means being part of a family.

The American Civic Association performs no small role in this process. This organization, the American Civic Association, has proudly served the community since 1935. It offers immigrants and refugees critical services such as counseling, language education, and family reunification in order to help people realize their own American dreams. Their noble work is lauded in the community and supported by people from all political parties and all backgrounds.

The 13 individuals who lost their lives that day ranged from the age of 22 to 72 and included a mother of three, a newly-wedded bride, a student, a teacher, and many others, all of whom were hardworking individuals who had the same goal of being able to offer a better life for their children, their families. I would like to take a moment to pay respect to those 13 victims:

Parveen Ali, Almir Alves, Maria Sonia Bernard, Marc Henry Bernard, Li Guo, Lan Ho, Layla Khalil, Roberta King, Jiang Ling, Hong Xiu Mao, Dolores Yigal, Hai Hong Zhong, Maria K. Zobniw.

Shirley DeLucia was among the four who were wounded. She showed her bravery that day by placing the 911 call after being shot in the abdomen.

I would like to thank those who showed swift and decisive action that morning. First and most importantly, I would also like to offer my utmost gratitude to the law enforcement agencies who responded so quickly and professionally to this major event. The City of Binghamton Police, led by Chief Joseph Zikuski, worked in conjunction with the Broome County Sheriff's Department, the New York State Police, and other neighboring municipalities to heroically address the critical needs of the city and the people.

I would also like to make mention of the help afforded us by our Federal agencies, notably the Department of Justice for its swift action during the immediate situation and to the State Department and the Bureau of Customs and Immigration for their assistance during the difficult aftermath. I would like to thank Binghamton Mayor, Matthew Ryan, and Governor Paterson for their efforts in organizing local and State resources in a very effective and efficient way. I would also like to thank the White House for its direct response and particularly Vice President BIDEN for reaching out and helping to coordinate agencies on the Federal level.

Many lives were lost that day, but many more could have been lost were it not for the brave and effective actions of our men and women in uniform. They deserve our highest level of respect and gratitude.

While we must continue with our daily lives, let us not forget those who have had their lives permanently altered by this event, and let us also use this tragedy as a daily reminder of how fragile life is and how to make the most of the time that we have.

Mr. LYNCH. Mr. Speaker, I simply urge our colleagues to join Mr. HINCHEY in supporting this resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 340, a resolution that expresses sympathy to the victims, families and friends of the tragic act of violence at the American Civic Association in Binghamton, NY.

My heart goes out not only to the victims and families of this senseless tragedy but to the entire city of Binghamton, New York. I am deeply saddened by the violence that has afflicted that community and that together, the citizens can regain a sense of safety and hope. I would also like to thank and commend the first responders and all of law enforcement who responded to the crime scene and who continue to help the community cope with this tragedy. Binghamton, New York has a long history of welcoming people from all backgrounds, nationalities, and religions, as well as immigrants and visitors from abroad and the American Civic Association in Binghamton has been at the heart of these efforts. For over 80 years, the American Civic Association has served its community assisting immigrants and refugees with counseling, resettlement, citizenship, family reunification, language skills, and other critical services that have played a vital role in the effort to pursue the dreams of immigrants seeking legal citizenship.

Many of those who sought a haven in the Association had escaped the violence of war and tyranny in their home countries to create a better life in the United States. It is a sad irony that instead, they found tragedy.

In the midst of tragedy, I respectfully remind my colleagues that we will continue to be vigilant against these cowardly acts of violence and that our condolences are with the victims and their friends and families. I urge my colleagues to support this resolution.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 340.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY FOR ALABAMA SHOOTING VICTIMS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 341) expressing heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 341

Whereas the communities of Geneva and Coffee Counties in Alabama have endured a tragic event in southeast Alabama that resulted in the loss of 10 lives and injuries to several others;

Whereas, on March 10, 2009, a man fired at members of his family and other innocent bystanders throughout several towns in Geneva and Coffee Counties in Alabama;

Whereas the result of this shooting spree resulted in the deaths of Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise, and Tracy Wise;

Whereas State Trooper Mike Gillis, Greg McCullough, Ella Meyers, and Jeffrey Nelson, were wounded as a result of the shootings;

Whereas the first responders, State Troopers of the Dothan Troopers Post, officers of the Geneva Police Department, officers of the Geneva County Sheriff's Department, and an officer of the Conservation and Natural Resources department pursued and eventually found the gunman deceased; and

Whereas the grieving and celebration of the lives of those lost in this senseless tragedy will be with the communities of Geneva and Coffee Counties for months and years to come: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama on March 10, 2009; and

(2) conveys its gratitude to the city and county officials, and all the police, fire, sheriff, and emergency medical teams who responded swiftly to the scene and helped prevent further violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I solemnly join my colleagues in the consideration of House Resolution 341, which expresses our heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties of Alabama on March 10, 2009.

House Resolution 341 was introduced by our colleague Congressman BOBBY BRIGHT of Alabama on April 21, 2009, and was considered by and reported from the Oversight Committee on April 23, 2009, by voice vote. This measure has the support and cosponsorship of 58 Members of Congress.

On March 10, 2009, the people of Geneva and Coffee Counties in southeast Alabama suffered senseless shootings that resulted in the loss of 10 lives and a number of injuries. On that tragic day, the reckless killings began at the shooter's, Michael McLendon, residence in Kingston, Alabama, where he killed his own mother and in addition set the house on fire. The shooter then drove a dozen miles southeast to Samson in Geneva County, where he gunned down six more victims, including four members of his own family. The victims of this senseless act included James Alford White; Tracy Michelle Wise; Dean James Wise; and 74-year-old Virginia E. White, the shooter's own grandmother. Also killed were the wife and daughter of local sheriff's deputy Joshua Myers, Andrea Myers and Corinne Myers, who was only 18 months old.

The shooter continued on his rampage, killing three more people. These random and innocent victims were James Irvin Starling, Sonja Smith, and Bruce Wilson Malloy.

The rampage ended another 12 miles farther east in Geneva at the metals plant where, with a valiant attempt to end the rampage, the State troopers of the Dothan Post, the police department, and county sheriff's department and an officer of the Conservation and Natural Resources Department were among the first to respond and help resolve the situation. After a gun battle with police, Mr. McLendon took his own life.

The memory, the pain, and the grief of this reckless killing spree will remain with the victims in the communities of Geneva and Coffee, Alabama.

Mr. Speaker, with this bill we have the opportunity to acknowledge the lives lost and the courage and resolve of the many law enforcement officials and community members that helped end the situation. I would like to thank the gentleman from Alabama for introducing and ushering through this House such a thoughtful and considerate measure which can only express the heartfelt sympathy we all feel on behalf of those Americans that were impacted by this tragic event.

In closing, Mr. Speaker, I urge my fellow colleagues to support the adoption of House Resolution 341.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge the passage of this resolution recognizing

the tragedy that befell the communities of Geneva and Coffee Counties, Alabama.

Mr. Speaker, this resolution seeks to take a moment to reflect on the impact one man's senseless acts of violence can have on a community, a State, and a Nation.

On the afternoon of March 10, 2009, the worst killing rampage in Alabama's history began as a disturbed man started his shooting spree in Samson, Alabama. He indiscriminately fired at passersby and finally took his own life 12 miles away at a manufacturing plant in Geneva, Alabama, where he was once employed.

□ 1245

Once the terror ended, the gunman had left a trail of death and destruction across two counties. Tragically, the lives of Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise and Tracy Wise were taken. Along with the devastating news of the 10 deaths, many others were injured, including four State troopers: Mike Gillis, Greg McCullough, Ella Meyers and Jeffrey Nelson.

It is appropriate that we take this opportunity to express our support and sympathy for the families and friends of the murder victims of this horrible act. In addition, we must take a moment to thank the first responders on that day, the Dothan Troopers Post, the Geneva Police Department, the Geneva County Sheriff's Department, the Conservation Natural Resources Department and the medical professionals that all played a role in quelling what could have been an even larger massacre.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the chief sponsor of this resolution, the gentleman from Alabama (Mr. BRIGHT).

Mr. BRIGHT. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in support of House Resolution 341, which expresses heartfelt sympathy for the victims and families of Geneva and Coffee Counties in Alabama.

On Tuesday, March 10, a lone gunman began a rampage in the Town of Kinston and continued into Samson and Geneva that would leave 11 dead and four injured in southeast Alabama. Without question, it was the worst tragedy Alabama has seen in recent memory.

When I first arrived in Geneva County a day after the shootings, I saw a community still in shock. You never think something like this could happen to you until tragedy strikes in your own backyard. Residents of the Wiregrass were left questioning how one of their own could commit such a

heinous and violent crime on his family and neighbors.

A community can never fully prepare for events like these, but first responders, local citizens and elected officials responded to the incident with flying colors. Sympathy for the Wiregrass quickly spread, and an outpouring of aid and goodwill poured into Alabama from across the country. To my colleagues in the House and to people watching across the country, we thank you for your support.

I was impressed by the courage of the people and the ability for everyone to come together and get through this crisis. I truly believe Americans will remember the Wiregrass as a place that will do whatever it takes to help its fellow citizens. One of our greatest strengths as a country is our ability to collectively respond to tragedy and help our fellow men and women in their times of need. The response to the events of March 10 certainly epitomized the strengths of the American spirit.

After the dust settled, it became clear that the incident could have been much worse without quick and decisive action by our local law enforcement. Much has been said about the actions of law enforcement during and after the shootings, and indeed we cannot thank them enough. Without their heroic efforts, the number of casualties could have been much worse. It was a reminder of how much we appreciate those who are on the front lines protecting and defending us every day. We owe a debt of gratitude to our law enforcement officials for what they do to protect us each and every day.

Though it has been nearly 2 months since the tragedy occurred, the loss of so many in a small community still weighs heavy on the minds of the people in the Wiregrass area. To make problems worse, Geneva and Coffee Counties have experienced intense flooding and violent tornadoes over the last several weeks, inflicting hundreds of thousands of dollars of damage to an already grieving community.

While the resolution on the floor today can offer little solace to the families and friends of those who lost loved ones, I wanted the people of Geneva and Coffee Counties to know that my colleagues in Washington are thinking about them and offering their sympathy and continued support.

I hope this resolution offers some peace of mind to the families of those killed: Bruce Maloy, Lisa McLendon, Andrea Myers, Corrine Gracy Myers, Sonya Smith, James Starling, James White, Virginia White, Dean Wise and Tracy Wise; and that it provides moral support and encouragement to those injured and still recovering: State Trooper Mike Gillis, Greg McCullough, Ella Meyers and Jeffrey Nelson.

And finally, we cannot forget the law enforcement and public officials who

provided so much support to a community in shock. Their actions are truly appreciated and heroic.

Additionally, I would like to thank the Alabama congressional delegation, my colleagues, Representatives ADERHOLT, BACHUS, BONNER, DAVIS, GRIFFITH and ROGERS, and the 50 other cosponsors of this resolution. The people of southeast Alabama will forever appreciate your unwavering support and sympathy for my constituents in the Second Congressional District of Alabama.

I urge passage of House Resolution 341.

Mr. WESTMORELAND. I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point I would like to yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me thank my friend of 10 years, the gentleman from Alabama, BOBBY BRIGHT, for introducing this resolution and giving the House a chance to vote on it and pass it today, and let me pick out just two things to say about this unspeakable tragedy, if I can.

One of the mysteries of human existence is that evil can exist in a divinely inspired world. The people who live in south Alabama are some of the most humble, God-fearing, patriotic people on the face of this Earth. Their God and their faith is an animating principle to them, and it is enormously difficult to contemplate how such good people could have been visited by such remarkable afternoon horror.

I am comforted, as I know the people in that community were comforted, by all of the expressions of support from around the United States of America, by all of the people who came to their aid, by all of the people who lent their good wishes.

The second observation I would make is there is one thing that stood out to me beyond the television images. We all saw the television images, which were sheer terror. But the next morning I made a phone call to one of the chiefs of the police in one of these small communities and I asked him if he knew any of the people who had been killed or injured. Without missing a beat, he said into the phone, "Mr. Davis, I knew them all. I knew them all." He went on to say, "We are a small town. We go to church together. We play ball together. We meet at each other's homes for holidays. We celebrate events together. We all know each other."

That is the other unique thing about this event, Mr. Speaker, that this event ripped such a hole in the soul of a community of people who were knit close together. That is the special tragedy.

My final observation, I want to thank again BOBBY BRIGHT from the Second District. When I called him the

morning after this event, his first instinct was to think like the very good mayor that he was until he came here. He said, "I am getting on a plane. I am going back home because I want to know if they need anything. I want to know if they need help."

That is how executives think, that is how this mayor thought, and the people of the Second District are very privileged and fortunate to have that kind of individual, whose first instinct was "what can I do?", not just to lend support, but to be of assistance.

So I extend my condolences to these individuals and to their families. May God bless the souls of the lost, and may He mend the bodies of those who are left and wounded.

Mr. WESTMORELAND. Mr. Speaker, if the gentleman has no further speakers, I will yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I simply urge my colleagues to join with Congressman BRIGHT and Congressman DAVIS in support of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 341.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BRIAN K. SCHRAMM POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1595) to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIAN K. SCHRAMM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, shall be known and designated as the "Brian K. Schramm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian K. Schramm Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 1595 for consideration. This legislation will designate the United States postal facility located at 3245 Latta Road in Rochester, New York, as the Brian K. Schramm Post Office Building.

Introduced on March 18, 2009, by my colleague Representative CHRIS LEE of New York and reported out of the Oversight and Government Reform Committee on April 2, 2009, by unanimous consent, H.R. 1595 enjoys the support of the entire sitting New York House delegation.

A lifelong resident of the town of Greece in Rochester, New York, Lance Corporal Brian K. Schramm bravely served in support of Operation Iraqi Freedom with the 2nd Assault Amphibian Battalion, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, North Carolina. On October 15, 2004, Lance Corporal Schramm was killed in action at the age of 22 during an enemy shrapnel attack in Babil Province, Iraq.

Upon his graduation from Greece Olympia High School in 2001, Lance Corporal Schramm chose to fulfill one of his life's dreams and join the United States Marine Corps. He served his first tour of duty in Iraq shortly following the March 20, 2003, launch of Operation Iraqi Freedom, and he bravely returned to the region in June of 2004 for his second tour.

As noted by his devoted father, Keith, Lance Corporal Schramm was a genuine American hero who clearly knew what he wanted to do in life and he did it. Brian's loving family members also described the young soldier as a strong leader and motivator who was never down. He loved life and treated every day as an opportunity for adventure.

Lance Corporal Schramm's friends and teachers at Greece Olympia High School and the surrounding community similarly remember Brian for his depth of decency, his contagious sense of humor, and his refusal to quit any assignment or mission, regardless of the difficulties he faced or the challenges that he met.

Lance Corporal Schramm's genuine devotion to community service will also never be forgotten. In addition to his courageous military service, Brian

frequently returned to his alma mater to discuss the war in Iraq, and was hoping to eventually become a police officer.

It is in light of Brian's character and devotion to public service that Greece Olympia High School has already established the Brian Schramm Scholarship, awarded annually to a college-bound senior who demonstrates the extraordinary qualities exhibited by Brian Schramm. And it is my hope that we can further honor this fallen hero through the passage of this legislation, to dedicate the Latta Road post office building in his name.

Mr. Speaker, Lance Corporal Brian Schramm's life stands as a testament to the bravery and dedication of our heroic men and women who have served our Nation at home and abroad, and I urge my colleagues to join us in supporting H.R. 1595.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York as the "Brian K. Schramm Post Office Building."

Today we honor one of our nation's fallen heroes—Marine Lance Cpl. Brian K. Schramm.

He embodied every sense of the word hero and paid the ultimate sacrifice on October 15, 2004 at the age of 22.

Lance Cpl. Schramm of Rochester, New York, assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, North Carolina, was killed by enemy action in Babil Province, Iraq. Schramm had spent five months in the Middle East and Iraq in 2003 and was deployed again to Iraq in June of 2004.

Babil Province was a hotspot south of Baghdad and the U.S. military had launched a major offensive in October of 2004 to try to put down the insurgency. Lance Cpl. Schramm was serving his second tour of duty in Iraq at the time.

Friends and family remember Lance Cpl. Schramm for his enduring sense of humor and decency. A high school friend of his described Schramm as "the most genuine person you'd ever meet in your entire life."

Lance Cpl. Schramm's father, Keith, speaks of Brian's desire to become a Marine early on in his childhood. "It was a lifelong dream" of Brian's to become a Marine.

It is with this in mind that we honor Brian today. With gratitude for his bravery and sacrifice to his country, I ask that all members join me in supporting H.R. 1595, which will rename the post office in Rochester, New York, in Lance Cpl. Brian K. Schramm's honor.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New York (Mr. LEE), the original sponsor of this legislation.

□ 1300

Mr. LEE of New York. I thank the gentleman for yielding, and I wanted to thank the chairman and the ranking member for helping to bring this legislation to the floor. I also want to thank the members of our New York delegation for cosponsoring this measure.

Last month, I visited with Army National Guardsmen based out of Western New York who spent part of 2007 and most of 2008 serving in Afghanistan. These are soldiers who put their lives on hold for more than a year to help train the Afghan national army and police. They take great pride in the work that they do over there, but what they are most proud of is the fact that everyone came home safe and sound. Of course, not all units are fortunate.

A great hero by the name of Brian Schramm, who grew up in Monroe County, a native of the town of Greece, heard the call to serve early on in his life. He signed up not long after graduating high school and went on to become a tremendous Marine.

On October 15, 2004, Lance Corporal Schramm was on his second tour of Iraq when he became the first resident of the 26th Congressional District to be killed in action in Iraq. He was 22.

Brian made the ultimate sacrifice to protect the values that sustain this country, family, community, hard work and freedom. That is why I introduced this proposal to rename the post office in his honor just a few miles down the road from where Brian had grown up.

This is one way to pay tribute not only to Brian's sacrifices, but those of his loved ones as well, his parents, Keith and Mary Ellen; his older sister, Jennifer; and his two younger brothers, Kyle and Michael.

Keith and Mary Ellen, who I've had the privilege to meet, have honored their son's legacy by becoming very active in local veterans' issues. Mary Ellen recently started the Rochester chapter of Gold Star Mothers.

Being part of a military family requires a great amount of courage, and in Keith and Mary Ellen, the town of Greece has two everyday heroes.

This post office would certainly not be the last tribute to Brian's memory. Each year a student at Brian's alma mater of Greece Olympia High School receives a scholarship in his name. This award is a testament to Brian's incredible work ethic and his lifelong desire to help others.

Today, western New Yorkers seek to take another step towards repaying the great debt of gratitude we owe to Lance Corporal Schramm by redesignating a Federal facility in his honor.

This legislation will make it so that children growing up in the town of Greece now and years to come will ask their parents, who was Brian Schramm? And then they will come to

know about the selfless individual and brave patriot who gave his life to protect this Nation.

Mr. Speaker, I can think of no better way to ensure that Brian's legacy endures.

Mr. LYNCH. Mr. Speaker, we have no further speakers, but I continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, we have no further speakers. And I just ask that my colleagues would give unanimous support for the renaming of this post office for this fallen hero.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I join with the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from New York (Mr. LEE) in asking our Members to unanimously support this designation of this post office in memory of Brian Schramm.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1595.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING SUPPORT FOR VIETNAMESE REFUGEES DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 342) expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 342

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a "Journey to Freedom: A Boat People Retrospective" symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as "Vietnamese Refugees Day": Now, therefore, be it

Resolved, That the House of Representatives supports the designation of "Vietnamese Refugees Day" in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I stand to join my colleagues in the consideration of House Resolution 342, which expresses our support for the designation of May 2, 2009, as "Vietnamese Refugees Day."

And House Resolution 342 was introduced by the gentleman from Louisiana, Congressman CAO, on April 21, 2009, and was considered by and reported from the Oversight Committee on April 23, 2009, by unanimous consent. This measure has the support and cosponsorship of 67 Members of Congress.

Basically, Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam. In the late 1970s, many Vietnamese escaped in boats and by land across the Cambodian, Laotian and the Thai borders into refugee camps in Thailand after the Vietnam war. Over 2 million Vietnamese boat people and other refugees are now spread across the world, in the United

States, Australia, Canada, France, England, Germany, Japan, China, Hong Kong and South Korea, also in the Philippines and other nations. Over half of all overseas Vietnamese are Vietnamese Americans, and Vietnamese Americans are the fourth largest Asian American group in the United States.

As of 2006, 72 percent of Vietnamese Americans were naturalized United States citizens, the highest rate among all Asian groups. Vietnamese Americans have made significant contributions to the rich culture and economic prosperity of the United States.

Vietnamese Americans have distinguished themselves in fields of literature, the arts, science and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes and so on. And on May 2, 2009, many will come together to recognize what has been designated as "Vietnamese Refugees Day."

Mr. Speaker, with this bill, we have the opportunity to commemorate the arrival and integration of Vietnamese refugees into the United States and remember the arduous task that many citizens and the citizens of the world have had to travel to attain for their liberty, safety and prosperity.

I thank the gentleman from Louisiana (Mr. CAO) for authoring such an important resolution, and I urge my colleagues to join all of us here on the floor now in support of the bill.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I rise today, and I wish to yield as much time as he may consume to my distinguished colleague from the great State of Louisiana (Mr. CAO), the original sponsor of this legislation.

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 342, to designate May 2, 2009, as "Vietnamese Refugees Day."

As the Vietnam war came to an end, millions fled Communist-controlled Vietnam by boat and by land, across the Cambodian, Laotian and Thai borders into refugee camps.

Like me, many of the conflict's refugees came to the United States. In fact, it was April 28, 1975, exactly 34 years ago today, that, as Saigon fell, I climbed aboard a C-130 destined for the United States and my new life. To date, over 2 million Vietnamese boat people and other refugees of the conflict remain dispersed globally.

In the United States, as of 2006, 72 percent of Vietnamese Americans are naturalized United States citizens, the highest rate among Asian groups. Vietnamese Americans have made significant contributions to the cultural and economic prosperity of the United States. They count among their ranks artists, singers, actors, scientists, astronauts, restaurateurs, Olympians and elected officials. While Vietnamese Americans' accomplishments are significant and notable, it is critical that

their history and the history of their ancestors be recorded.

Mr. Speaker, on May 2, 2009, the Library of Congress Asian Division is joining many Vietnamese American organizations across the United States in sponsoring a symposium entitled "Journey to Freedom: A Boat People Retrospective." In honor of this significant event, I ask my colleagues to support House Resolution 342 to designate May 2, 2009, as "Vietnamese Refugees Day." By doing so, we enshrine in the hearts and consciousness of Americans the tragic, heroic and uplifting stories of perseverance and the pursuit of freedom of millions of Vietnamese refugees to ensure those stories will stand as an inspiration to generations of Americans to come.

Mr. LYNCH. Mr. Speaker, we have no further speakers, but I continue to reserve my time.

Mr. WESTMORELAND. Mr. Speaker, I yield 2 minutes to my distinguished colleague from the State of Nebraska (Mr. FORTENBERRY), and my good friend and classmate, a great American.

Mr. FORTENBERRY. I thank the gentleman from Georgia (Mr. WESTMORELAND) for the time and for recognizing our valuable partnership in this fine august body.

Mr. Speaker, today I also rise, as the Vietnamese community in my district gathers for their regular meeting, to express my support for a national Vietnamese Refugees Day.

Throughout the past years, I have listened with great interest and admiration to the poignant stories of hardship and triumph that many members of the Vietnamese community have shared with me. I am deeply moved by their dedication to the principles of liberty that have distinguished our American experience. This is expressed in the difficult decisions to leave their beloved homeland of Vietnam and to embrace our Nation's founding principles, principles that those of us who have never experienced life under oppression and communism invariably run the risk of taking for granted.

Even today, Vietnamese American refugees gather across this Nation to raise awareness of concerns affecting their loved ones back in Vietnam. Lincoln's Vietnamese American community has been particularly concerned with religious freedom and Vietnam's two-child policy. And I have tried to make it a priority to urge the Government of Vietnam to uphold its stated commitments to religious freedom. I deeply value the active civic engagement of the Vietnamese American community in Nebraska with regards to these and other important human rights issues.

It is my privilege to serve the Vietnamese American community. And I want to thank Congressman CAO, who, as he mentioned, at 8 years old, 34

years ago today, fled his homeland of Vietnam on a United States of America C-130 transport plane, for bringing this important resolution forward and allowing us to reflect on the profound commitment of the Vietnamese refugee population to the well-being of our Nation.

Mr. LYNCH. Mr. Speaker, we continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, it's my privilege to yield 3 minutes to my friend and colleague from the State of New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Res. 342, offered by my good friend and colleague, Mr. JOSEPH CAO. The "Vietnamese Refugees Day" resolution sets aside May 2, 2009, as a day of remembrance and celebration for the growing Vietnamese American community in the United States and throughout the world.

First, I would like to say a few words about Mr. CAO, the first Vietnamese-American elected to the U.S. House of Representatives. JOSEPH is a husband, proud father and man of deep and abiding religious faith and currently serves the people of Louisiana's Second District with honor and distinction.

Mr. CAO is far too modest and humble to say it, but he is the quintessential example of a refugee success story.

JOSEPH CAO's father, a lieutenant in the Army of the Republic of Vietnam, was captured by the North Vietnamese at the end of the war and was incarcerated for seven terrible years in a reeducation camp.

In 1975, at the age of 8, JOSEPH escaped Vietnam with two of his siblings. His mom and jailed father remained behind. JOSEPH CAO worked hard in his new adopted homeland. Smart, resourceful, devout and generous to a fault, JOSEPH earned his Bachelor's Degree at Baylor, his Master's from Fordham University, and his J.D. from Loyola Law School.

□ 1315

Never forgetting the plight of refugees, and wanting to make a difference in the lives of the disenfranchised, JOSEPH became an immigration lawyer. He worked tirelessly to aid refugees and to assist in unifying families. He served as a member of the board of directors of Boat People SOS, and he is now a member of the United States Congress and is a rising star in the House.

Mr. Speaker, JOSEPH CAO is an inspiration to all who escape tyranny and come to America. With persistence and hard work and faith, JOSEPH inspires a new generation of refugees and, really, everyone else as well that you can achieve much and do wonderful things if you put your mind to it and you persist.

JOSEPH's legislation highlights the extraordinary work and the contributions made by Vietnamese Americans

and the work of groups like Boat People SOS and the work of people like Dr. Thang, who have welcomed Vietnamese asylum seekers fleeing reeducation camps, harassment, and religious persecution, labor violations and other human rights abuses.

Over 2 million boat people and other refugees from Vietnam have received asylum in the United States and around the world. Half of those individuals have made their home in the U.S. Vietnamese Americans have made and continue to make a significant contributions to our country, bringing their rich heritage and culture and work ethic to the United States, their new, cherished permanent home.

The sad thing, Mr. Speaker, is that Vietnam's government continues to repress its own citizens, and the human rights record of that country's government remains deplorable. So many Vietnamese suffer each day at the hands of the government and secret police. It's deplorable.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WESTMORELAND. I yield the gentleman 30 additional seconds.

Mr. SMITH of New Jersey. Additionally, ethnic religious minority groups such as the Montagnards in the Central Highlands and the Khmer Krom Buddhists continue to face intense persecution, beatings and even death.

I would hope that Mr. CAO's resolution causes this Congress to reexamine Vietnam's human rights record and redouble our efforts to promote freedom and democracy in Vietnam and to remove hindrances for Vietnamese people seeking asylum in the U.S. and elsewhere around the world.

Again, I congratulate my good friend and colleague. His is a success story that needs to be held up in neon lights. JOSEPH CAO, you are an extraordinarily talented and courageous leader.

Mr. LYNCH. Mr. Speaker, we continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, I want to thank my colleague, Mr. CAO, for introducing this piece of legislation, and I urge my fellow Members to support the passage of H. Res. 342.

Mr. Speaker, in 1975, after the Vietnam War, a mass immigration to the United States of Vietnamese people began. These early Vietnamese immigrants were fleeing persecution by the Communists in power in that region of the world. They came to America, sometimes with barely the clothes on their back, seeking asylum and a better life.

Many of them can recount harrowing experiences in having to flee their homelands, some by boat, and others by land across Cambodia, Laos and Thai borders into refugee camps. In fact, over 2 million Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines and other nations.

And yet despite these harrowing escapes from oppressive regimes, Vietnamese-Americans

have made significant contributions to the rich culture and economic prosperity of the United States. Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science and athletics. In fact, just a few months ago, the people of Louisiana's Second Congressional District, elected the first Vietnamese-American and sent the author of this piece of legislation, Representative ANH "JOSEPH" CAO, to Congress.

According to Census Data, as of 2006, 72 percent of foreign-born Vietnamese are naturalized U.S. citizens. When combined with the 36 percent of Vietnamese born in America, a full 82 percent of Vietnamese are American citizens. Over half of all overseas Vietnamese are Vietnamese-Americans. What's more, there are well over 1 million people in the U.S. who identify themselves as Vietnamese alone or in combination with other ethnicities, ranking fourth among the Asian American groups.

According to 2006 Census Data, the Vietnamese American population has grown to 1.6 million and remains the second largest Southeast Asian American subgroup.

In light of the civic achievements of Vietnamese-Americans, I am pleased to support, and urge my colleagues to support this resolution, designating May 2, 2009 as "Vietnamese Refugees Day" in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I want to congratulate Mr. CAO on his leadership in sponsoring this resolution. I want to thank the gentleman from Georgia for his leadership as well.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of House Resolution 342 and the designation of May 2, 2009 as "Vietnamese Refugees Day."

Millions of Boat People and other Vietnamese refugees endured harrowing voyages to escape the tyranny and depravation of communist Vietnam. Hundreds of thousands of those refugees reached the United States, and we are all better for it. Like so many immigrants before and since, they came seeking freedom, and in turn became valuable members of their new communities. I have the privilege of representing many Vietnamese-Americans in San Jose, California, and can attest to this first-hand.

Unfortunately, I cannot speak with the same warmth about the situation inside Vietnam. To this day, the Vietnamese government refuses to respect the basic human rights of its own citizens. Reports by the State Department, the U.S. Commission on International Religious Freedom, and non-governmental and Vietnamese American organizations document egregious abuses of free speech and expression, religious liberty, and many other fundamental freedoms.

So today I rise to honor the experiences of Vietnamese refugees, and to commend the Vietnamese Americans who have successfully

rebuilt their lives in the United States while fighting for the rights of those left in Vietnam.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H. Res. 342 encouraging the designation of May 2, 2009 as "Vietnamese Refugees Day".

H. Res. 342 expresses the support of the House of Representatives for a day to commemorate the arrival of Vietnamese refugees in the United States and document their harrowing experiences and subsequent achievements. May 2, 2009 has aptly been chosen for this day of commemoration since it also the date on which a powerful symposium entitled "Journey to Freedom: A Boat People Retrospective" is being sponsored by the Library of Congress and Vietnamese-American organizations across the United States.

More than one million Vietnamese refugees left their home country following the Vietnam War. Many risked their lives fleeing peril and destruction on small, overcrowded ships. Others escaped by land to refugee camps throughout Southeast Asia. Over 22,000 of these courageous individuals settled in Minnesota and I am proud to say that many now call Minnesota's 4th District their home.

Despite the difficult conditions they left behind, Vietnamese refugees have prospered in the United States. In Minnesota, and across the United States, Vietnamese-Americans have made their communities more prosperous and more vibrant. Today, Vietnamese-Americans are amongst the most distinguished contributors to the fields of literature, the arts, science and athletics in America. Vietnamese restaurants, retail services, and grocery stores have helped turn University Avenue in St. Paul, Minnesota into a thriving business center.

Mr. Speaker, I call on my colleagues to recognize the great courage and achievement of Vietnamese refugees everywhere by joining me in supporting H. Res. 342.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 342.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN (during consideration of H. Res. 357), from the Committee on Rules, submitted a privileged report (Rept. No. 111-90) on the resolution (H. Res. 371) providing for consideration of the conference report to accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the

United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, which was referred to the House Calendar and ordered to be printed.

SUPPORTING FINANCIAL LITERACY MONTH

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) supporting the goals and ideals of Financial Literacy Month 2009, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 357

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices, as well as manage money, credit, debt, and risk and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits begin to develop during childhood, making it all the more important to support youth financial education;

Whereas a 2008 survey of high school seniors conducted by the Jump\$tart Coalition for Personal Financial Literacy revealed that students in 2008 answered correctly only 48.3 percent of the survey's questions, a decline from those posted by students in 2006, who correctly answered 52.4 percent of the questions;

Whereas 84 percent of undergraduates had at least one credit card in 2008, up from 76 percent in 2004, with the average number of cards increasing to 4.6 according to Sallie Mae's National Study of Usage Rates and Trends 2009 entitled "How Undergraduate Students Use Credit Cards";

Whereas personal saving as a percentage of disposable personal income was 4.2 percent in February, compared with 4.4 percent in January, and up from a 12-month average of 1.7 percent in 2008, according to the Bureau of Economic Analysis;

Whereas the average baby boomer has only \$50,000 in savings apart from equity in their homes, according to the Federal Reserve Board's Survey of Consumer Finances for 2007;

Whereas studies show that as many as 10,000,000 households in the United States are "unbanked" or are without access to mainstream financial products and services;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one financial counseling for individuals;

Whereas bankers across the United States taught savings skills to young people on April 21, 2009, during Teach Children to Save Day, which was started by the American Bankers Association Education Foundation in April of 1997 and has now helped more than 72,000 bankers teach savings skills to nearly 3,200,000 young people;

Whereas staff from America's credit unions are making presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, April 19-25, 2009;

Whereas more than 100 Federal agencies have collaborated on a website, www.consumer.gov, which helps consumers shop for a mortgage or auto loan, understand and reconcile credit card statements and utility bills, choose savings and retirement plans, compare health insurance policies, and understand their credit report and how it affects their ability to get credit and on what terms;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, collaborate with the private sector, and nonprofit and community-based organizations, and organize and promote financial literacy legislation, seminars, and events, such as "Financial Literacy Month" in April, 2009, and the annual "Financial Literacy Day Fair" on April 30, 2009; and

Whereas the Council for Economic Education, its State Councils and Centers for Economic Education, the Jump\$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert any extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself 5 minutes.

I would first like to thank my colleague, the gentlewoman from Illinois, for her good work on the issue of finan-

cial literacy. I would also like to recognize my colleague, Mr. HINOJOSA, as co-founder and cochair of the Financial and Economic Literacy Caucus and to commend him for his work on this issue.

Possessing the skills to make informed financial decisions not only helps American families, but it's important for long-term fiscal soundness. From basic financial tools like balancing a checkbook and making a family budget, to more complex themes such as understanding intricate contracts, everybody can benefit from a little education on financial literacy.

As we have seen with the recent housing market problems, for example, too many people are unfamiliar with basic economic concepts needed to make responsible investments. With serious questions about the long-term viability of Social Security, it's clear that we do need to do a better job of educating people about the importance of private retirement savings.

Most importantly, however, we must ensure that throughout their regular education, our students have access to programs that promote financial literacy so they can form good money management habits before they inadvertently learn bad ones. Studies show that the percentage of undergraduates with credit cards is rising, while their basic understanding of the terms of these cards is on the decline. We must do something to stem this tide.

With responsible money management skills, it is easier for Americans to ride out rough economic times and prosper in times of economic richness. As we face the toughest economic challenge in our country since the Great Depression, it's evident that exercising prudent monetary practice is not a luxury, but a necessity, for all Americans.

We need to highlight the need for financial education and understanding. H. Res. 357 supports these goals and the goals of Financial Literacy Month. I couldn't be happier to be a cosponsor.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself as much time as I may consume.

I rise today as a cosponsor of House Resolution 357, which recognizes April as Financial Literacy Month, and I would strongly urge my colleagues to support it.

I would like to begin by thanking my good friend and fellow chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, for his continuing efforts to improve financial literacy rates in America. I know he would have liked to have been here. He has been such an important force in financial literacy matters and will continue to be. I would like to thank my colleague from Kansas (Mr. MOORE) for managing this bill on his behalf.

Our Financial and Economic Literacy Caucus has been at the forefront

of this issue for several years, but we have much more work to do before us if we are going to help today's children become tomorrow's smart investors, entrepreneurs and business leaders, especially in tough economic times like this.

Mr. Speaker, efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to succeed in today's market.

According to the Jump\$tart Coalition, high school seniors in 2008 answered only 48.3 percent of their organization's survey questions correctly on personal finance, a decline of 4.1 percent from 2006. And your average baby boomer still only has less than \$50,000 in savings, and that savings continues to shrink as our economy continues to regain its momentum.

I know it's kind of odd to think about, but one of the few bright spots in the current economic climate is that savings rate has finally risen above the near zero level up to the 4 percent range. I think Americans are learning that a financial buffer is critical when times get unexpectedly tough.

So while we want to stimulate commerce in the short term, we must ensure that people do not forget the lessons of the past. We need to be prepared for tuition costs, a home, health care and retirement. We need a financial cushion against unexpected challenges like the death of a family member or a health condition, and we need the capital necessary for new entrepreneurs to launch the startups and open the small businesses that drive this economy.

Every American should have the opportunity and the know-how to fulfill each of these goals, and we must share these lessons with our children and our grandchildren through new, effective methods of teaching sound money management skills. That is why I urge my colleagues to support this resolution and show that financial literacy remains a top priority for Congress.

I would also like to encourage Members of the House and their staff to attend Friday's annual Financial Literacy Day Fair, which will be held from 12 noon to 4 p.m. in the afternoon in the Cannon Caucus Room, where you will be able to find a broad array of financial educational materials and ideas for reaching out to constituents on this important issue.

With that, I would urge support of this resolution and yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I would join my colleague from Illinois in inviting Members to attend this Financial Literacy Day. This is very, very important and I appreciate her mentioning that.

Mr. DREIER. Mr. Speaker, I rise in strong support of H. Res. 357, supporting the goals and ideals of Financial Literacy Month. I would

also like to commend the gentleman from Texas, Mr. HINOJOSA, and the gentlelady from Illinois, Mrs. BIGGERT, the co-chairs of the Financial Literacy Caucus, for all of their hard work on this important issue.

It is imperative in our current economy that we do everything we possibly can to encourage greater financial literacy for all Americans. As we all know, a major factor in the collapse of our financial markets can be attributed to unscrupulous lenders who took advantage of consumers. In these cases, predatory lenders, looking to make a quick buck, misled consumers by encouraging them to enter into complicated mortgage products, such as adjustable rate mortgages, without fully understanding the implications if home prices fell or interest rates adjusted. In other cases, irresponsible borrowers took advantage of so-called "no-doc" loans to exaggerate income information to buy a home they couldn't afford or re-finance to pull equity out, as if their home were an ATM machine. This eventually led to higher mortgage delinquencies and contributed to the housing downturn, ultimately affecting responsible homeowners who lived within their means and paid their mortgages on time. Even the best and brightest minds on Wall Street fell prey to this problem, making bad bets and overexposing their organizations with complicated financial products based on these bad loans. As mortgage defaults increased, the value of many of these real estate-related products collapsed, creating a downturn which spread to other sectors of the global economy.

It is clear that an understanding of personal finance—from basic spending decisions to deciphering borrowing terms to investing and saving—is important to effectively plan for the future. And there are significant signs that we need to help our youth establish a strong foundation in personal finance at an early age and practice these lessons throughout life. For example, the Jump\$tart Coalition's 2008 survey found that only 48.3 percent of high school seniors possessed an understanding of basic finance, a decline from the 2006 survey. At the same time, according to an April 2009 Sallie Mae report, 84 percent of college undergraduates had at least one credit card. This represents a disturbing trend, as these statistics demonstrate that while these young adults have access to credit, they may not necessarily understand how to use it wisely. If we don't encourage our children to understand personal finance now, we run the risk of repeating the same mistakes all over again.

Mr. Speaker, that is why we must all do our part to enhance financial literacy. On April 21, the American Bankers Association Education Foundation held their annual Teach Children to Save Day, to help young people enhance their savings skills. Since 1997, 72,000 bankers have participated to teach nearly 3.2 million youth. Also, America's credit unions made presentations at local schools on financial issues during National Credit Union Youth Week, April 19 to 25. In addition, www.consumer.gov, a website sponsored by 100 Federal agencies, provides assistance to consumers on a variety of financial matters, including shopping for a mortgage or auto loan, understanding credit card statements and planning for savings and retirement.

At the same time, Congress needs to take action to help workers and families begin to rebuild their savings and retirement accounts, and prepare for the future. That is why I am supporting the Savings Recovery Act, which I co-authored this month with several of my colleagues. This bill includes a number of provisions that will help working families recoup the losses that have been suffered and once again build up the savings and retirement accounts that give us all confidence in our financial futures.

Also of note, late last year, the Federal Reserve Board approved final rules which enhance consumer protections and improve credit card disclosure terms. The new rules, which go into effect on July 1, 2010, protect against unexpected interest rate increases, provide consumers with adequate time to make payments and make borrowing terms more understandable for consumers.

Put simply, financial literacy is about opportunity. It is about empowering individuals to make informed financial decisions, helping them to attain financial independence and future prosperity. Working together, we can ensure that America's youth gain a fundamental understanding of personal finance to help them succeed later in life. I am honored to be an original co-sponsor of this measure and urge Members to vote "yes" on the resolution.

Mrs. BACHMANN. Mr. Speaker, I rise today in support of H. Res. 357, which recognizes the month of April as Financial Literacy Month.

As a cosponsor of this important resolution, it is my goal to empower individuals with knowledge so they can make informed decisions and achieve financial freedom. During these tumultuous and unprecedented financial times, it is particularly important that Americans access available financial counseling and individuals pay close attention to details of all their financial agreements. These are surefire ways to ensure that families and individuals have the resources necessary to secure a solid future.

Through a financial plan, we begin to dream. When we dream, we have the incentive to save; and through savings, we flourish financially. Financial stability is the foundation on which freedom and prosperity are built.

Mr. Speaker, as a member of the Financial Literacy Caucus, I am thrilled to cosponsor this resolution so that many Americans, some for the first time, can begin to dream of a life of financial security, and work to reach their highest goals and aspirations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 357, Supporting the goals and ideals of financial literacy month 2009. This resolution is timely. I would like to thank Representative HINOJOSA for his leadership in bringing this bill to the floor. In light of today's economic realities—the fact that this is the deepest recession since the Great Depression with unemployment at record highs—I would encourage each of my colleagues to support this legislation.

Americans are taught to work hard and make money and to buy house, but we are never told about financial literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices.

Indeed, we much learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens.

In 2008, 84 percent of undergraduates had at least one credit card. This figure is staggering. Young people who themselves might not even have job are able to get credit cards. This is astounding because it begins the cycle of indebtedness.

Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit.

Because of my concern that young people are not sufficiently informed about financial literacy, I have introduced a H.R. 1325. H.R. 1325, To require financial literacy counseling for borrowers, and for other purposes. This legislation is important because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than \$35,000. Passing this legislation will ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score. Currently there is about \$60 billion in defaulted student loan debt.

Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent grads are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

This legislation will provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

I urge my colleagues to support this resolution and to support my bill.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MOORE of Kansas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AWARDING CONGRESSIONAL GOLD MEDAL TO ARNOLD PALMER

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Arnold Palmer is a world famous golf professional, a highly successful business executive, a prominent advertising spokesman, a devoted husband, father, and grandfather, and a man with a common touch that has made him one of the most popular and accessible public figures in history.

(2) Arnold Palmer amassed 92 championships in professional competition of national or international stature by the end of 1993, 62 of which came on the Professional Golf Association Tour.

(3) Arnold Palmer's magnetic personality and unfailing sense of kindness and thoughtfulness have endeared him to millions throughout the world.

(4) Arnold Palmer has been the recipient of countless honors including virtually every national award in golf and both the Hickok Athlete of the Year and Sports Illustrated's Sportsman of the Year awards, and he was chosen Athlete of the Decade for the 1960s in a national Associated Press poll.

(5) Arnold Palmer has received numerous honors outside the world of sports, including the Patriot Award of the Congressional Medal of Honor Society, the Golden Plate award of the American Academy of Achievement, and the United States Navy Memorial Lone Sailor Award.

(6) Arnold Palmer was honored by the United States Golf Association with the

opening of the Arnold Palmer Center for Golf History on June 3rd 2008.

(7) Arnold Palmer served his country for 3 years in the United States Coast Guard and was among those chosen to address the Joint Session of Congress on the occasion of the 100th anniversary of the birth of President Dwight D. Eisenhower.

(8) Arnold Palmer served as Honorary National Chairman of the March of Dimes Birth Defects Foundation for 20 years and played a major role in the fund-raising drive that led to the creation of the Arnold Palmer Hospital for Children in Orlando and the Latrobe Area Hospital Charitable Foundation in his Western Pennsylvania hometown.

(9) Arnold Palmer remains active in tournament golf, although he retired from competition in the major championships on April 14, 2002, when he played the last of his 48 Masters Tournaments, where he was given an emotional standing ovation as he finished the 18th hole.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the duplicate medals (including labor, materials, dies, use of machinery, overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORIZATION OF CHARGES.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Illinois (Mrs. BIGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first of all I would like to thank Chairman FRANK, Ranking Member SPENCER BACHUS and my colleague, JUDY BIGGERT, who is also a cosponsor of this legislation.

I want to take the time to thank my colleagues in the House of Representatives for their support on this bill. It truly is a bipartisan bill.

I also want to thank my staff for their hard work and dedication. I rise today in strong support of H.R. 1243, to honor Arnold Palmer with a Congressional Gold Medal. Arnold Palmer's golf record is one history will forever remember. He is a legend and a giant amongst golfers.

I have had the opportunity to play with Arnold Palmer before. My son, Joe Baca, Jr., mayor pro tem, City of Rialto, was also in attendance. This was the most memorable outing I have had the pleasure of experiencing. It was an experience the two of us will never forget.

It was like a dream come true. I had to pinch myself to make sure that this wasn't just a dream. Not only is he a golf legend, but also a genuine person with a great sense of humor.

Walking these 18 holes with him will forever be one of my greatest moments in life, besides, of course, marrying my wife and having my four children.

His drive and passion for the game is an example of sportsmanship of the highest caliber and was an inspiration to me.

However, I ask that Arnold Palmer be awarded the Congressional Gold Medal for his leadership as an American.

□ 1330

Palmer was born in Latrobe, Pennsylvania in September of 1929. He learned golf from his father, Deacon Palmer, who was the head professional and greenskeeper at Latrobe Country Club. At the age of 7, Palmer broke 70 at Bent Creek Country Club.

Can you imagine the rest of us with the kind of equipment that we have today and his having that equipment and breaking 70 at that tender age? My Lord, that is something else.

As a youngster, Palmer was only allowed on the Latrobe course in the early mornings or late afternoons when the members weren't playing. He attended Wake Forest University on a golf scholarship. He left upon the death of close friend, Bud Worsham, and enlisted in the Coast Guard where he served for 3 years and continued to hone his skills.

Palmer gathered himself and returned to competitive golf. His win in the 1954 U.S. Amateur Championship made him decide to try the pro tour for a while, and he and his new bride, Winnifred, whom he had met at a Pennsylvania tournament, traveled the circuit for 1955.

As a member of the Professional Golfers Association, PGA, which also stands for "posture, grip and alignment," Palmer won the 1955 Canadian Open in his rookie season. He raised his game systematically for the next several sessions.

With the help of his unfailing personality and lucrative business ventures, Arnold Palmer has almost single-handedly brought golf out of the elite country clubs and into the consciousness of mainstream America, which is where most of us are from, mainstream America.

Palmer won his first major championship at the 1958 Masters, cementing his position as one of the leading stars in golf. Palmer is credited by many for securing the status of the Open Championship—the British Open—among U.S. players.

After Ben Hogan won the championship in 1953, few American professionals had traveled to play in The Open due to its travel requirements, relatively small prize purses and the style of its links courses. That means traveling across the country for the game of golf and for the love of the game of golf to ensure that others love the game and are as compassionate as he is about the game.

Palmer's Open wins in the early 1960s convinced many American pros that a trip to Britain would be worth the effort. He secured his popularity among the British and European fans and, of course, the American fans.

In all, Arnold Palmer won 92 professional events. Can you imagine what that's like? Ninety-two. Some of us can't even win when we go out and play on a weekend. Ninety-two professional events. His most prominent professional titles were four Masters—and I repeat four Masters—in 1958, 1960, 1962, and 1964—wow—two British Opens in 1961 and 1962 and the memorable U.S. Open Championship at Cherry Hills in Denver, Colorado in 1960.

In 1960, he won the Hickok Belt as the top professional athlete of the year and Sports Illustrated magazine's Sportsman of the Year award—something that a lot of us are striving for that we'll probably never, ever make, but we congratulate him on that award.

In 1967, he became the first man to reach the \$1 million in career earnings on the PGA Tour. Can you imagine the amount of money during that period of time and what he would have won now if they'd paid the same amount of money? He'd be equal to Tiger Woods, I believe, but that wasn't the case. They didn't pay as much.

Palmer won the Vardon Trophy for the lowest scoring average four times in 1961, 1962, 1964, and 1967. Can you imagine the lowest scoring? Well, most of us get the highest scoring award right now versus the lowest scoring award on the average, and that's quite

a compliment, you know, for someone to receive.

Arnold Palmer also represented the U.S. in the Ryder Cup matches seven times as either a player or as a captain. Seven times. You know, when we've had the Ryder Cup that has come here in our congressional, I'm glad that I've been a member of our Ryder Cup. We've been successful in defeating that cup; but can you imagine Arnold Palmer being there seven times as either a player or as a captain? That's quite an honor. He was the last playing captain in 1963 and captained the team again in 1975.

Palmer was eligible for the Senior PGA Tour from its first season in 1980, and he was one of the marquee names who helped it become successful. That's giving those individuals who play on the young tour an opportunity to continue or it's creating hope for seniors who want to become professionals. There are others who have become professionals as seniors. Thanks to Arnold, those gates were opened to allow individuals to get there.

He won 10 events on the tour, including five senior majors. He retired from tournament golf on October 13, 2006.

One of his favorite drinks is a combination of half iced tea and half lemonade. You thought I was going to say some kind of mixed drink or liquor. No. Half iced tea and half lemonade. It's a drink which is often referred to as the "Arnold Palmer" in his honor. That's a great drink for those of you who haven't had the Arnold Palmer. I'm not soliciting, asking you to go out and do that, but that's great. It's a good drink to get when you're out on the golf course.

I ask that we honor Arnold Palmer with a Congressional Gold Medal because of the way Arnold Palmer lives his life. He is a perfect example of how Americans should live—and I state: how Americans should live. Arnold Palmer's way of life is a perfect example of how all Americans should give—how Americans should give.

He is a devoted husband, father and grandfather who cares for his family and who has helped many other families during times of hardship and struggle. He has helped many other families during times of hardship and struggle, and that's what we're going through right now in this Nation and in this country with the recession that we're in and with many people losing their homes and their jobs.

Arnold Palmer's work in philanthropy shows his dedication towards helping others. He is known to have an unfailing sense of kindness, and has used the game of golf as a means of sharing. He proactively helps others survive extreme health emergencies. As a cancer survivor, he knows firsthand how devastating health issues can be. Arnold Palmer served as Honorary National Chairman of the March of

Dimes Birth Defects Foundation for 20 years. That means he dedicated himself for 20 years to the March of Dimes Birth Defects Foundation. He played a major role in the fund-raising drives that led to the creation of the Arnold Palmer Hospital for Children and Women in Orlando in the 1980s. The hospital has been healing women and children from central Florida and around the world with care, compassion and a leading edge in medical care.

The Winnie Palmer Hospital for Women and Babies has left a permanent mark on the lives of thousands of families from around the world—and that's around the world.

The Arnold Palmer Prostate Center—and I state "prostate center" because most of us may be having it, but we want to make sure that we look at prevention. He has recognized every cancer patient as unique because of his prostate cancer center. It offers a variety of programs, including counseling, nutrition, support groups, a cancer lecture series, exercise for cancer patients, and arts in health care, because he cares about those patients or those individuals who have been affected with prostate cancer. Even my bishop, Bishop Barnes, had prostate cancer, and I remember that. It's for individuals who care about others and who want to improve their quality of life, which is what Arnold Palmer has done for them.

Arnie's Army Battles Prostate Cancer is a unique funding-raising and awareness campaign of the Prostate Cancer Foundation. This program is designed to help organizers and participants use golf as a fund-raising tool to raise money for better treatments and for the cure of prostate cancer. Every dollar raised by Arnie's Army tournaments—and I state "every dollar"—goes directly to the Prostate Cancer Foundation. That means every dollar goes to the Prostate Cancer Foundation.

The Arnold Palmer Cancer Pavilion fulfills a longtime dream of his to offer outpatient oncology and testing. They are committed to the prevention, detection, diagnosis, and treatment of cancer in his home town.

The Winnie Palmer Nature Reserve Trust's mission is to permanently improve and maintain property preserved by the Pennsylvania Department of Conservation.

We thank Arnold Palmer; his late wife, Winnie; his two daughters, Peggy and Amy; and his five grandchildren, Emily, Katherine Anne, Anne Palmer Saunders, Nicola Wears, and Samuel Palmer Saunders, for making America a better place. He, too, is a role model, an example that, if you lead by example, others can be better, and he has done that in what he has demonstrated and in what he has done as an American.

Although Arnold Palmer does not feel comfortable being called the "king of golf," Arnold Palmer is royalty, royalty in the eyes and hearts of those he has helped. We thank Arnold Palmer. We thank you for your life's work.

His legions of fans were often called Arnie's Army. Well, now we can be called Arnie's Congressional Army. So he no longer just has the army out there. He has Arnie's Congressional Army.

You are a true American, an American deserving not only of the Presidential Medal of Freedom and of the U.S. Navy's Lone Sailor award, to name a few, but Arnold Palmer deserves to be honored with a Congressional Gold Medal. For this reason and for many reasons unsaid and of stories unsaid and for the people who have met him, I urge all Members to support this passage.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

As Sports Illustrated said in a 1994 story, "All Arnold Daniel Palmer did was save golf. All he did was bring golf back to the truck drivers and the mailmen, whoever. Basically, he took a game that was a little too prissy, a little too clubby, a little too saturated with Ivy League men trying not to soil their cardigans and breathe sweet life into it."

Every one of us, even nongolfers, can name a few men of the links—Tiger Woods, of course, and perhaps Phil Mickelson of today's game; Gary Palmer, Gary Player and Jack Nicklaus from a couple of decades ago; and for those who have been playing for years, maybe Ben Hogan and Byron Nelson to whom we awarded the Congressional Medal of Honor in the 109th Congress, but everyone would name Arnold Palmer.

Amazingly, for a man who won the 92 professional tournaments and who at one time was the highest paid professional athlete, earning more than \$1 million a year, Arnold Palmer always seemed as someone who was an everyman. His swing looked pretty much like the guys' you would see on a course on a weekend. It definitely was not the picture perfect one of a pro, but it did matter. Arnold Palmer was a man who understood the history and continuity of the game.

Born in a steel town east of Pittsburgh, he moved to Latrobe, Pennsylvania with his parents when he was young. His father was known as Deacon Palmer, who worked at the Latrobe Country Club for years, rising from a groundskeeper to a teaching pro. He started his son at the age of 3 with a set of golf clubs and, really, was Arnold Palmer's only teacher.

Years later, in 1960, Palmer began a successful crusade to resurrect the status of the British Open at the old course in St. Andrews, Scotland, be-

coming the first American of stature to play there since Ben Hogan.

Arnold Palmer put his good winnings to use, becoming so involved in business that some thought it detracted from his golf game, but he also worked tirelessly for various charities, spending 20 years as the honorary chairman of the March of Dimes Birth Defects Foundation and in spearheading the creation of the Arnold Palmer Hospital for Children and Women in Orlando, as well as raising funds for the Latrobe Area Hospital Charitable Foundation in his hometown.

You heard from Mr. BACA of many, many more things that he did, but as a Member of Congress from Illinois who has the most golf courses in her district in Illinois, I am honored to manage this bill.

With that, I urge Members to join me in support of H.R. 1243, introduced by the gentleman from California (Mr. BACA).

With that, I would reserve the balance of my time.

□ 1345

Mr. BACA. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, it is not often that we get to talk about people that we consider to be a true gentleman, a true friend and a great American. That is what Arnold Palmer is to all of us. I am honored that he lives in my congressional district, at least during the warm months, out in Youngstown, Pennsylvania, an area close to Latrobe, Pennsylvania, at the place that he grew up.

Now, I am not a great golfer. And, in fact, to discuss it at all would be an embarrassment to me. But I did have a chance to play with Mr. Palmer once, and in so doing, traveling across his golf course, he points to a tree, or formerly a tree, which is now carved in the likeness of his father. And that brings about many a story about Deacon and how he taught young Arnold to play golf and many of the other things about him that have become famous icons: that tractor which he brings out now and then to show people when they come to the golf course, or how you will often see Arnold sitting out there talking to anybody who comes by, signing anything they put before him, because he is just so close to the people of the district and of America, always willing to shake their hand.

And a handshake means something to Arnold Palmer. Very famously, he had that long-term agreement with his former manager, Mark McCormack, that lasted from 1960 until his death in May of 2003. He has the same kind of agreement with Doc Giffin, his assistant. That's the way Arnold does business. A handshake means something to

him. You don't have to put it in writing.

We can also look at other parts of his life. Back when he was a champion golfer at Wake Forest, he left there after the death of a friend and joined the Coast Guard. And one would have thought he gave up golf entirely except he went out and played a little golf in Cleveland and rediscovered this great talent he had, and, well, the rest becomes history.

But more so than the stories of golf are the stories of what he has done in western Pennsylvania and really around the Nation.

As a pilot, he helped to develop Latrobe Airport, and interestingly enough, served in its authority for many years except during a time when he had his own business interests there. Being the true gentleman and person of high ethics that he is, he stepped off that aviation board for a while to make sure he didn't have any conflicts of interest.

He's also given a great deal to many charities. He helped establish the Winnie Palmer Nature Preserve that just yesterday, there was the laughter of children there on the St. Vincent's College campus exploring that area in the woods and marshes that his former wife, Winnie, had talked about, how it was so important to preserve that area. He's also given so much to Latrobe Hospital where he remains head of their charitable board after raising so many millions of dollars for that hospital to help with charitable care. And also the Arnold Palmer Pavilion, part of Latrobe Hospital's Mountain View Medical Park facility.

But beyond all of that, other ways to describe him is when you go to his office there—it's along the same road where he grew up out there on Arnold Palmer Road it's now called—you go up to his office and you'll see it's filled with trophies and photos of people he's played with of all levels. And of course that famous room where he always tinkers and works on his own putters and a wall filled with I don't know how many thousands of putters. He's got another area there, a warehouse filled with everything that anybody has ever given him. In fact, I gave him some congressional golf balls, and he said, "I'll put these in the warehouse with everything else." I'm sure he catalogues it all.

I remember walking through and pointed to a certain club and said, "Do you know what all these are for?" He said, "Sure." You name a certain hole, a certain year, a certain course, he will tell you what club he used and what happened on that. Most famously he has that twin set of golf balls mounted on the wall in his office. This is when he hit the back-to-back holes-in-one in 1968 at TPC Avondale. He hit it one year—I think it was the No. 5 hole, I'm not sure—hit it and the next day he

shows up on the hole again and there's all the camera crews there. He said, "What are you doing here?" They said, "We want to watch and see you hit another hole-in-one." He didn't expect it, but that's what he did.

There's a couple other things about him, too. In his office, he has a table, and it's filled with the medals that he receives from every tournament that he wins. But there are a couple of empty spaces on that table. I remember asking Arnold what those are for. He said, "You never know. You might just win another medal." Quite frankly, I think that would be a good place for this Congressional Medal to go.

A story about him and golf was told to me by a person who probably doesn't want me to use his name, so I won't. But it's probably some of the best golf advice any of us could ever have and, again, shows some of the spirit of Arnold Palmer.

He was playing with this other golfer who was not having a very good day and was probably doing his share of slamming his club down and cussing and swearing, I suppose, as he shanked the ball and hit it to the left and right off the course. At some point, Palmer said to him, "Would you like some advice?" Now, imagine what any of us, no matter what level of golf you have as talent or lack thereof, if Arnold Palmer, the King of Golf, says to you, "Would you like a little advice?" At this point the golfer eagerly said, "Yes, I'd love it." And Palmer said to him, "You're not good enough to get mad."

Well, so it is great advice for all of us. We're not good enough to get mad. Let's leave that to the professionals in this.

But it is important that we recognize Arnold is good enough to receive this recognition. And I might say in all the years I have known Arnold Palmer, he's never asked me for anything—well, except for one thing. The man who seems to have it all has never come to his Congressman saying, I want you to do this or that. He just asked this: When you drive down Arnold Palmer Road and you come across the entrance to Latrobe Country Club where the sign says "slow down, golf cart crossing," he really doesn't want anybody to get hurt there, and he would sure appreciate it if you just slowed down your car.

All in all, though, for a life that is still very rich in its accomplishments and for a person who has made America a better country because of what he has done, not only for the sport of golf but for health and for so many people around this country, Mr. Speaker, Arnold Palmer is a man well-deserving of this Congressional Medal.

Mr. BACA. I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, at this time I would yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague over there who is a great golfer for introducing this resolution and my colleague from Pennsylvania.

One of the things I will just say at the outset is I envy you because you had a chance to play golf with him. Tom Ridge, our former colleague, promised me when he became governor, he was going to arrange for me to play with Arnold Palmer, and he never did it. So when you see Governor Ridge, would you tell him I am still disappointed about that. Would you do that for me? Thank you. Be sure to tell him.

There's been a lot said about Arnold Palmer today, and I am not going to be redundant and go over the things that have been said. But I will tell you this: that I have been an avid golfer and have followed golf all of my life as soon as I was 12 years old, and there's nobody that I know that brought golf from a minor sport into the major arena like Arnold Palmer did.

Years ago, he won the Los Angeles Open, and on the front page of the Indianapolis Star newspaper they had a picture of him with a check for \$5,000, and he was holding it up like, "My gosh. Isn't this a tremendous amount of money?"

When Arnold Palmer came on the scene and started making the great comebacks that he did in the Masters and U.S. Open and the PGA and British Open, he brought a new attitude to golf, a new sensation to golf. You talked about Arnie's Army, and people across the country who didn't play golf, who weren't really interested in the sport, became interested because here was a guy you see on television coming down to the 16th or 17th hole, two shots behind, and you knew he was going to be there at the end. He was a lot like Tiger Woods is today. He would knock in a putt at the 16th or 17th hole and everybody would go crazy, and he would win the tournament on the last one. We've seen Tiger Woods do that. Arnold Palmer was the Tiger Woods of his day. He made golf a tremendous sport, a spectator sport, and he made it into something that every American is now interested in.

He did a lot of humanitarian things. I know you mentioned his involvement with children and the March of Dimes and prostate cancer. He did all of those things. But none of that wouldn't have occurred if he didn't have the personality and charisma that he showed on the golf course all those years. We had great players like Nicklaus, Player and Trevino and a whole host of them that played with him, but Palmer was the man. He was the guy that we all watched on Sunday afternoon and couldn't wait to get to the TV set to cheer on.

I am tickled to death that you're moving this medal of honor for him,

and I am very happy to add my two cents worth. I think it's a great honor for him, and I hope he does put it in a very important place with all of his other trophies.

Mr. BACA. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. I have no further speakers and would yield back the balance of my time.

Mr. BACA. Mr. Speaker, first of all, I would thank JUDY BIGGERT. Thank you very much for being a cosponsor of this important legislation. I want to thank TIM MURPHY and, of course, my good friend DAN BURTON, who, as well, is an excellent golfer I've had the opportunity to play golf with on many occasions. And he does hit the ball a long ways. Although we have a difficult time in getting it in the hole in three or four, whatever the course may be. Tim, I know that you had the privilege, like I, of playing with Arnold Palmer; and it's really quite a memorable experience. For those of us who have an opportunity to walk down the 18th hole, talk to him, look at his personality as a human being. He's one that's touched the life of many individuals.

For people that have watched him play golf and have played golf, and not everybody can exert and be as good as Arnold Palmer was—and is, still today—and what he has done for the game itself not only for individuals that go there that when you're playing a lot of times, he is one that was a risk taker, a challenger. He's the one that said when it was impossible to hit that kind of a shot, he would dare and hit in between woods, try to hit over trees, try to make sure that if there was a lake, he says, "I'm going to get to the tin cup of the world." He was the tin cup, except he got there and didn't have to take 12 strokes to get there.

That's one thing about Arnold Palmer is he lifted the game to another level because he believed in the challenge of it. He just didn't believe in just being that safe person and getting a par on a par 4 or getting a par on a par 5 or par 3. He always went for that birdie or that eagle because a lot of times he reached it.

As I stated before, can you imagine what he would have been today if he had the kind of equipment that we have right now in hitting the balls and in playing. He's one that excelled in terms of having the excellence, because for those of us that even get over a putt, it's very difficult to be over a putt and then all of a sudden, you have to make that putt. I happened to be playing the other day, and I had maybe a two-and-a-half-foot putt for a birdie. I missed it. Can you imagine him? He had the nerves to make sure that he not only made that putt but made every other putt. Nerves of steel. And for that, we will always remember that he touched the lives of many individuals, and I think that's important for a

lot of us, to know of a human being that really cared about people, that wanted to make people a lot better, and he did it through golf.

He felt that golf was an opportunity for himself to excel and show the world that others can participate in this game and give back. He always believed in giving back to the community, and that's what he's done. That's why our lives are a lot better, and he's touched the lives of many individuals today that will always look at him, that have followed him throughout the world in Arnie's Army, now the Congressional Army that he has out here, to say, Arnie, we now realize that you did more than just golf. You did a lot for human beings in this world right now.

That's why, Mr. Speaker, I ask us all to make sure that we support H.R. 1243, to provide the award of the Gold Medal on behalf of Congress to Arnold Palmer in recognition of his service to this Nation in promoting excellence and good sportsmanship.

Mr. MURTHA. Mr. Speaker, I rise today in support of H.R. 1243, which will award a Congressional Gold Medal; to my good friend Arnold Palmer, recognizing his service to our nation in promoting excellence and good sportsmanship in golf.

Arnold Palmer, who was born and raised in Latrobe, Pennsylvania, is an extraordinary individual who has achieved greatness. Mr. Palmer's father, Deacon Palmer, taught him to play golf at an early age and he quickly excelled at the game. He continued playing while attending Wake Forest University on a golf scholarship and while serving in the United States Coast Guard.

After winning the U.S. Amateur Championship in 1954, Mr. Palmer turned pro. Since then he has won seven major championships, including winning the U.S. Open and the Open Championship twice, and was the first golfer to win the Masters Tournament four times. In addition to winning 61 tournaments between 1954 and 1975, he represented the United States by playing in the Ryder Cup six times between 1961 and 1973 and by serving as captain in 1963 and 1975. In 1963 he was the last player to also serve simultaneously as captain. He also served as the Presidents Cup captain in 1996.

Over the course of his career, Mr. Palmer was honored with many accolades. He was the PGA Player of the Year in 1960 and 1962, he won the Vardon Trophy four times, was named Sports Illustrated magazine's Sportsman of the Year in 1960, and was inducted into the World Golf Hall of Fame in 1974. He was awarded the Presidential Medal of Freedom in 2004.

Mr. Speaker, in addition to golf, Mr. Palmer is an extraordinary businessman, a skilled aviator, and a devoted family man. He founded the Arnold Palmer Pavilion at the University of Pittsburgh Medical Center, which is helping many western Pennsylvanians in their battles with cancer. Arnold Palmer is a favorite son of Latrobe, Pennsylvania, inspiring many to work hard and follow their dreams. He is truly deserving of the Congressional Gold Medal.

Mr. BACA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 1243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1400

FAMILY SELF-SUFFICIENCY ACT OF 2009

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 46) to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Self-Sufficiency Act of 2009".

SEC. 2. ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.

Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) SECTION 8 FEES.—

"(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

"(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

"(i) BASE FEE.—A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

"(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

"(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development

for more than three such coordinators in any of fiscal years 1999 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

“(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop an family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family self-sufficiency coordinator, based on the size specified in its action plan for such program.

“(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

“(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

“(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding one coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

“(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

“(E) PERFORMANCE STANDARDS.—Within six months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

“(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

“(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to the Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to the Congress. There is authorized to be appropriated \$10,000,000 to carry out the evaluation under this subparagraph.

“(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made avail-

able for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all gentlemen may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert additional materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 46, the Family Self-Sufficiency Act of 2009. I thank the gentlewoman from Illinois, Representative BIGGERT, for introducing this critical legislation which provides housing agencies with much-needed administrative funds.

H.R. 46 provides public housing agencies with a funding source to cover the costs of administering Family Self-Sufficiency, or FSS, programs in connection with HUD's section 8 voucher program.

This legislation enhances the FSS programs by providing housing authorities with additional coordinator funding so that they can help more families participate in the programs. It establishes a minimal ratio of coordinators to participants to ensure that there is adequate assistance to provide all of the families enrolled in the FSS program.

H.R. 46 requires HUD to establish and implement performance measures, collect data on FSS programs, and report to Congress on the effectiveness of these programs.

With this additional funding, HUD will have the flexibility needed to reward innovative and successful FSS programs. And that is important for a lot of us, to have the flexibility to reward those programs that are doing a good job. Mr. Speaker, as someone who comes from a district that has been one of the hardest hit by the foreclosure crisis—and that is in the Inland Empire—I can tell you that there is greater need now than ever before for public housing.

The FSS program works. It provides struggling families with the assistance they need, while also lessening their reliance on public housing so that they can eventually become self-sufficient homeowners and renters.

In my district, the waiting list for affordable housing for some families is as long as 10 years, and that is a shame

that it has to be as long as 10 years. In this time of economic difficulty, we must support legislation that provides funds for public housing agencies that put more families on the path back to economic security.

Again, I want to thank Representative BIGGERT for her hard work on H.R. 46 and her commitment to this issue. Thank you for your commitment to this issue on behalf of all the families that will be impacted.

I urge my colleagues to support the Family Self-Sufficiency Act.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of H.R. 46, the Family Self-Sufficiency Act, I encourage all my colleagues to support this important legislation which will help more disadvantaged families gain independence from government assistance.

Thanks to the support of my colleague from California (Ms. WATERS) last Congress as a part of the larger section 8 voucher reform package and as a stand-alone measure, twice the House passed the Family Self-Sufficiency Act. Today, we will again consider the same measure.

The Senate didn't act on section 8 reform legislation last Congress, which is why we are moving this legislation again. The Family Self-Sufficiency Program, also called FSS, is offered in connection with the Department of Housing and Urban Development Section 8 Housing Choice Voucher Program.

Local public housing authorities employ FSS coordinators and administer these programs. In addition to rental housing assistance, FSS programs connect families to housing counseling, job training, child care, education, and other services to help them reduce their dependence on public assistance. FSS also helps families save for homeownership.

The FSS program is well worth it. Let me give you a quick example of an FSS success story from my congressional district.

After 6 years of service, a Navy veteran and a single mom of two secured a part-time job, and thanks to the GI Bill, enrolled as a full-time student. Despite struggling to make ends meet, she received her degree and enrolled in the DuPage County Housing Authority Family Self-Sufficiency Program. This program connected her to a résumé writing class at the University of Illinois' Employment Training Center. Within a week of posting her newly polished résumé, she secured interviews and eventually a full-time job that doubled her salary. She also worked with a financial planner to improve her budgeting and management skills. Today, this single mother and veteran is an independent and self-sufficient homeowner, a long way from public housing.

So what is the problem? Well, in fiscal year 2004, HUD changed its FSS coordinator funding process, and the result, in a 20-month period: the number of FSS coordinators dropped by about two-thirds, and 4,000 fewer families participated in the program. HUD has attempted to fix the mistake, but without success. So that is why H.R. 46 is necessary, to ensure that public housing authorities have consistent coordinator funding necessary to administer the program and serve people who choose the FSS path to independence.

H.R. 46 establishes a minimum ratio of program coordinators to participants; ensures the Public Housing Authority gets funding for one coordinator for 25-plus families enrolled in its FSS program; with 75 or more families enrolled, funding for two coordinators; and with 125 or more families enrolled, funding for three coordinators. It also requires HUD to establish and implement performance measures, collect data on FSS programs, evaluate their effectiveness, and report to Congress on its findings. Finally, the bill provides some funding flexibility to reward innovative and successful programs.

FSS works. It is a helping hand, not a handout, to American families who are working to become independent of government assistance. With the challenges American families face in this economy, the Family Self-Sufficiency Program, and those like my constituent who have benefited from it, are a glimmer of hope. With this program, families can successfully make ends meet, raise children, get an education, secure a job, and achieve the dream of homeownership. It is a simple, bipartisan step that we can take now to ensure that a brief period of economic hardship doesn't turn into a lifetime of poverty and dependence for many of our Nation's most vulnerable families. It does so by addressing the lack of consistent Federal funding for administering FSS services.

Mr. Speaker, these are good, flexible programs that help put disadvantaged families on the path to independence. Public housing can be an important safety net, but it is not a permanent solution. Let's give these individuals all the support we can to help them stand on their own two feet.

As I conclude, I would like to thank everyone who made this bill possible, including John Day, president of the DuPage Housing Authority; Jeffrey Lubell, executive director of the Center for Housing Policy; and the folks at the American Association of Service Coordinators, the National Housing Conference, the New America Foundation, and the Corporation for Enterprise Development. And of course I would like to thank my constituent for her courage and willingness to let me share her success story with all of you today, and the gentleman from California (Mr. BACA) for managing this bill.

At this time, I would like to insert into the RECORD a 2008 letter from the American Association of Service Coordinators.

SEPTEMBER 24, 2008.

Hon. JUDY BIGGERT,
Ranking Member, Financial Institutions and Consumer Credit Subcommittee of the House Financial Services Committee, House of Representatives, Washington, DC.

DEAR RANKING MEMBER BIGGERT: On behalf of the undersigned organizations, we write to thank you for the introduction of the Family Self-Sufficiency Act of 2007 and for your support of stabilized funding for the HUD Family Self-Sufficiency program (FSS).

We appreciate your recognition of the importance of stable, predictable funding for the FSS program. The improvements prescribed in the FSS Act will enable agencies to run effective FSS programs and ultimately provide more families with the opportunity to build assets and work toward self-sufficiency.

As you know, changes in the way Section 8 FSS funding has been allocated for FSS coordinators in recent years has caused many housing agencies to experience sudden funding cut-offs and declining enrollment. Moreover, many participants have been left without the necessary program coordinators who are critical to their access to services and support and mentorship for their progress toward self-sufficiency.

The FSS Act of 2007 addresses this problem and places the FSS program back on its original path as a proven approach for helping families in the Housing Choice Voucher program lift themselves out of poverty and achieve their dream of education, entrepreneurship or homeownership in a safe, viable way.

We also support the Section 8 Voucher Reform Act of 2007 (SEVRA), H.R. 1851, voucher reform legislation, that proposed similar changes to the FSS administrative funding process and also makes critical improvements to the overall Section 8 voucher program. By stabilizing funding for the Section 8 voucher program, SEVRA not only allows the voucher program to run more efficiently and effectively but ensures that funding is available for the asset-building escrow accounts provided through FSS.

Together, the FSS Act and SEVRA can help restore the strength to the Section 8 voucher program, the nation's leading source of housing assistance for low-income people and a critical base for the FSS program.

Again, we thank you for the introduction of the Family Self-Sufficiency Act of 2007 and for your continued support of the FSS program. We look forward to your continued leadership in support of FSS and the Section 8 voucher program.

Sincerely,

AMERICAN ASSOCIATION OF
SERVICE COORDINATORS.
CORPORATION FOR
ENTERPRISE
DEVELOPMENT.
NATIONAL HOUSING
CONFERENCE.
NEW AMERICA FOUNDATION.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 46, "The Family Self-Sufficiency Act of 2009." This bill expresses the importance of providing payment for an administrative fee to public housing agencies to cover the cost of administering family self-sufficiency programs in connection with the housing choice voucher program of

the Department of Housing and Urban Development.

Housing choice vouchers allow low-income families to choose and lease or purchase safe, decent, and affordable privately-owned rental housing. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. Housing choice vouchers are administered locally by public housing agencies (PHAs). The PHAs receive federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program.

A family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as determined by the PHA. A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the PHA, a family may use its voucher to purchase a modest home.

Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family size and is limited to U.S. citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50 percent of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income.

Since the demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common. In fact, a PHA may close its waiting list when it has more families on the list than can be assisted in the near future.

PHAs may establish local preferences for selecting applicants from its waiting list. For example, PHAs may give a preference to a family who is (1) homeless or living in sub-standard housing, (2) paying more than 50 percent of its income for rent, or (3) involuntarily displaced. Families who qualify for any such local preferences move ahead of other families on the list who does not qualify for any preference. Each PHA has the discretion to establish local preferences to reflect the housing needs and priorities of its particular community.

When the voucher holder finds a unit that it wishes to occupy and reaches an agreement with the landlord over the lease terms, the PHA determines a payment standard that is the amount generally needed to rent a moderately-priced dwelling unit in the local housing market and that is used to calculate the amount of housing assistance a family will receive. However, the payment standard does not limit and does not affect the amount of

rent a landlord may charge or the family may pay. A family which receives a housing voucher can select a unit with a rent that is below or above the payment standard. The housing voucher family must pay 30 percent of its monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard, the family is required to pay the additional amount. By law, whenever a family moves to a new unit where the rent exceeds the payment standard, the family may not pay more than 40 percent of its adjusted monthly income for rent. The PHA calculates the maximum amount of housing assistance allowable. The maximum housing assistance is generally the lesser of the payment standard minus 30 percent of the family's monthly adjusted income or the gross rent for the unit minus 30 percent of monthly adjusted income.

The family self-sufficiency (FSS) is a HUD program that encourages communities to develop local strategies to help voucher families obtain employment that will lead to economic independence and self-sufficiency. Public housing agencies work with welfare agencies, schools, businesses, and other local partners to develop a comprehensive program that gives participating FSS family members the skills and experience to enable them to obtain employment that pays a living wage. FSS was established in 1990 by section 554 of the National Affordable Housing Act. It is a successor program to project self-sufficiency and operation bootstrap. FSS program services may include, but are not limited to: child care, transportation, education, job training and employment counseling, substance/alcohol abuse treatment or counseling, household skill training, and homeownership counseling.

For the most part, PHAs must rely on their own or other local resources to operate FSS programs. However, under the authority of annual appropriations acts, HUD has been able to provide some funding for FSS program coordinators to assist PHAs in operating housing choice voucher FSS programs. With this act, the secretary shall establish a fee for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8. A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee. An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families. An agency that received funding from the Department of Housing and Urban Development for more than three such coordinators in any of fiscal years 1999 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards. For the first year in which a public housing agency exercises its right to develop a family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family

self-sufficiency coordinator, based on the size specified in its action plan for such program.

The family self-sufficiency program will truly benefit those who really need a helping hand out of poverty. However, there needs to be monetary assistance given to the Department of Housing and Urban Development so that they might hire the needed staff to maximize the use of federal funds and improve the lives of others. The family self-sufficiency act will ensure that these objectives are met. I urge my colleagues to join me in supporting "The Family Self-Sufficiency Act of 2009."

Mrs. BIGGERT. With that, I have no further speakers, and I yield back the balance of my time.

Mr. BACA. Mr. Speaker, first of all, I would like to thank again JUDY BIGGERT for her leadership in preventing homelessness. I urge my colleagues to support H.R. 46, the Families Self-Sufficiency Act of 2009.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 46.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RAISING THE CASE OF ROBERT LEVINSON WITH IRAN

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 36) calling on the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity, urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on the Government of Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 36

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation, a resident of Florida, the husband of Christine Levinson, and father of their 7 children;

Whereas Robert Levinson traveled from Dubai to Kish Island, Iran, on March 8, 2007;

Whereas, after traveling to Kish Island and checking into the Hotel Maryam, he disappeared on March 9, 2007;

Whereas neither his family nor the United States Government has received further information on his fate or whereabouts;

Whereas March 9, 2009, marks the second anniversary of the disappearance of Robert Levinson;

Whereas the Government of Switzerland, which has served as the Protecting Power for the United States in the Islamic Republic of Iran in the absence of diplomatic relations between the Government of the United States and the Government of Iran since 1980, has continuously pressed the Government of Iran on the case of Robert Levinson and lent vital assistance and support to the Levinson family during their December 2007 visit to Iran;

Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007; and

Whereas the Government of Iran, including through a statement made during an interview with NBC News broadcast on July 28, 2008, has declared that its officials are willing to cooperate with the Federal Bureau of Investigation in the search for Robert Levinson: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the Embassy of Switzerland in Tehran, Iran, and the Government of Switzerland for the ongoing assistance to the Government of the United States and to the family of Robert Levinson, particularly during the visit by Christine Levinson and other relatives to Iran in December 2007;

(2) notes that Iranian officials ensured the safety of the family of Robert Levinson during their December 2007 visit to Iran, and have promised their continued assistance;

(3) urges the Government of Iran, as a humanitarian gesture, to intensify its cooperation on the case of Robert Levinson with the Embassy of Switzerland in Tehran and to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation;

(4) urges the President and the allies of the United States to raise at every opportunity in all appropriate multilateral and bilateral fora the case of Robert Levinson; and

(5) expresses sympathy to the family of Robert Levinson during this trying period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this very important resolution, and I yield myself such time as I may consume.

Mr. Speaker, last month, President Obama delivered a very important

video message to the Iranian people and to Iran's leaders, coinciding with Iran's Festival of Nowruz, a 12-day holiday marking the new year.

Mr. Speaker, I support President Obama's spirit of engagement, and I share his view that the United States and the international community should try to persuade Iran, through both diplomacy and economic sanctions, to comply with its legal obligations under the Nuclear Non-Proliferation Treaty and under numerous United Nations Security Council resolutions.

Mr. Speaker, Mr. Robert Levinson, a retired agent with the Federal Bureau of Investigation, disappeared in Iran over 2 years ago. There is no better time than now, in the spirit of engagement with Iran, for the Government of Iran to share the results of its investigation into Mr. Levinson's disappearance with the FBI. Indeed, the Iranian President Mahmoud Ahmadinejad, in an interview with NBC on July 28, 2008, stated that the Iranian Government was willing to cooperate with the FBI in the search for Mr. Robert Levinson. Iranian officials also promised their continued assistance to his relatives during the Levinson family's visit to Iran in December of 2007.

This resolution under consideration urges President Obama and our allies to raise the case of Mr. Levinson with the Iranians at every opportunity. Indeed, this process has already begun. During a March 31 conference in The Hague, Ambassador Richard Holbrooke handed an Iranian diplomat a diplomatic letter asking Tehran to ensure the quick and safe return of Mr. Levinson, as well as freelance journalist Roxana Saberi and student Esha Momeni, both of whom are being held in Iran. The resolution also urges the Government of Iran to fulfill its pledge to cooperate with the FBI. Both of these requests are more than fully appropriate.

Mr. Speaker, our hearts go out to the Levinson family. And we remain deeply committed to learning Mr. Levinson's fate in Iran and, if possible, hopefully returning him home safe and sound.

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I strongly support this resolution, and I urge all my colleagues to do likewise. And I want to thank the gentleman from Florida (Mr. WEXLER) for introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over 2 years after disappearing on Kish Island in Iran, Robert Levinson, who my colleague has just described as a U.S. citizen and a resident of Florida, remains missing. During that time, the regime in Iran has continually obstructed efforts by

the United States Government to investigate Mr. Levinson's disappearance. As Senator BILL NELSON stated on January 13 of this year at a hearing of the Senate Foreign Relations Committee, in Iran "the door has been closed at every single turn."

Mr. Levinson is a 28-year veteran of the FBI and the Drug Enforcement Administration. He and his family, including his wife and seven children, deserve our every effort to determine his status and hopefully to secure his freedom and safe return home. Therefore, I strongly support House Concurrent Resolution 36, which urges the Iranian Government to intensify its cooperation on Mr. Levinson's case, with the Swiss Embassy in Tehran, and to share the results of its investigation with the FBI.

This legislation also urges the President and U.S. allies to raise Mr. Levinson's case in all appropriate multilateral and bilateral forums and expresses our sympathy to Mr. Levinson's family during this very difficult and trying time.

I thank my good friend and colleague Mr. WEXLER, the chairman of the House Foreign Affairs Subcommittee on Europe, for introducing this resolution.

This is the kind of thing, Mr. Speaker, that everybody in the world ought to be concerned about. We have a young reporter who has disappeared over there and is unaccounted for. Mr. Levinson is unaccounted for. This Government of Iran should join the family of nations and start being like everybody else and admiring and living up to the human rights that we all respect and admire.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, this is a very important and timely resolution. As we have spoken to it, I think we all see its urgency, its humanitarian nature, and the very important challenge to the people of Iran and the leaders of Iran to do the right thing in this case.

Mr. WEXLER. Mr. Speaker, I introduced House Concurrent Resolution 36 earlier this year to shed light on my constituent from Coral Springs, Florida, Robert Levinson, who disappeared from Iran's Kish Island on March 9, 2007. More than two years later, there are disturbingly few known details about his whereabouts.

What we do know, however, is that Mr. Levinson, a former FBI agent, was last heard from on March 8, 2007 by his wife Christine, while he was working in Dubai as a private investigator. According to his family, he checked into a hotel on Kish Island and checked out the following morning to fly back to the United States. Unfortunately, Mr. Levinson never arrived at the airport for his flight, and there is no accounting for what happened to him after he left the hotel.

In December 2007, the Levinson family, with assistance from Swiss officials in Tehran, trav-

eled to the hotel where Mr. Levinson was last seen and passed out flyers in Farsi with his photo. They also met with local Iranian authorities to seek their assistance in gaining information about Mr. Levinson's disappearance. The authorities in Iran pledged to assist the Levinson family in their efforts to determine Robert's whereabouts and to investigate the circumstances surrounding his disappearance. Despite its pledge, the government of Iran has not followed through on its promises to the Levinson family. In fact, the Iranian government has stonewalled any effort to gain pertinent information—claiming they have zero knowledge about Mr. Levinson's whereabouts.

I want to praise the decision of the Obama Administration to raise Mr. Levinson's case directly with the Iranian government. During last week's hearing in the House Foreign Affairs Committee, I raised Mr. Levinson's disappearance with Secretary of State Clinton, and she confirmed that Mr. Levinson was mentioned in a letter delivered by Ambassador Holbrooke to Iranian officials at The Hague and reiterated her unwavering commitment to press this issue at every opportunity.

While I am certain that Secretary Clinton and the Obama Administration will make every attempt to bring Mr. Levinson's home, it is critical that Congress express its unequivocal support for her efforts and send a clear statement that the Administration must employ every diplomatic tool at its disposal to locate Mr. Levinson and return him to the United States.

House Concurrent Resolution 36 calls on President Obama and allies of the United States around the world to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity. It also urges officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and calls upon Iran to share the results of its investigation into his disappearance with the FBI. Passage of this resolution sends a clear signal that the Congress stands with the Levinson family and believes all efforts should be exhausted to ensure Robert Levinson is found and brought home safely.

I want to once again express my unwavering solidarity and backing for the Levinson family and offer all of my support in their efforts to return Robert Levinson home. I urge all of my colleagues to support the passage of this resolution.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 36, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "A concurrent resolution calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora

the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation".

A motion to reconsider was laid on the table.

MOURNING VICTIMS OF GUATEMALA LANDSLIDE AND COSTA RICA EARTHQUAKE

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 76) mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 76

Whereas, on January 4, 2009, millions of tons of earth fell onto a road in the Alta Verapaz area north of Guatemala City, Guatemala;

Whereas it is suspected that a geological fault triggered the movement of earth, sending 10,000,000 tons of mud and rock down a hillside onto a road that runs from San Cristobal Verapaz to Chicaman, north of Guatemala City;

Whereas at least 36 people were confirmed dead and up to 60 were missing, many of whom are coffee workers in the region;

Whereas rescue organizations, volunteers, and agencies from throughout Guatemala had been working at the site until danger of another landslide shut down the operation;

Whereas, on January 8, 2009, at 1:21PM, a 6.1 magnitude earthquake shook the Capital region of San Jose, Costa Rica, including the areas of Sarapiquí, Varablanca, and Poasito;

Whereas the earthquake's epicenter was 20 miles from San Jose at a depth of 21.7 miles and the shaking continued for 40 seconds;

Whereas 23 individuals were confirmed dead, over 100 were treated for injuries, and nearly a dozen went missing, including many buried by the resulting landslides;

Whereas 518 homes were destroyed to the point where they were uninhabitable, 26 kilometers of road were unusable, and 61 communities were affected;

Whereas roads, businesses, government buildings, and the popular tourist sites at the Poas Volcano and the La Paz waterfalls were severely damaged; and

Whereas Guatemala and Costa Rica have been frequently impacted by significant natural disasters, including those in the aftermath of Hurricane Stan in Guatemala in 2005 that led to hundreds of deaths: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) mourns the terrible loss of life caused by the landslide that occurred on January 4, 2009, in Guatemala and the earthquake on January 8, 2009, in Costa Rica;

(B) expresses its deepest condolences to the families of the many victims; and

(C) applauds the prompt humanitarian responses to these natural disasters by the Governments of Guatemala and Costa Rica; and

(2) it is the sense of the House of Representatives that it should be the policy of the United States to—

(A) continue technical assistance to Central American governments in order to strengthen their capacity at the national, provincial, and local levels in the area of disaster management coordination and preparedness, including implementing information and communications systems to help with the response to natural disasters; and

(B) work closely with the governments of these countries to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first I want to thank Congressman DAN BURTON for introducing this very important and timely resolution, which mourns the terrible loss of life caused by two natural disasters that occurred 4 days apart in Central America in January of this year. The first was a landslide that occurred on January 4, 2009, in Guatemala. The second was an earthquake on January 8, 2009, in Costa Rica.

The resolution before us conveys the deepest condolences of Congress to the families of the victims and urges that the United States Government maintain technical assistance to Central American countries regarding disaster management and mitigation.

On January 4, 2009, millions of tons of earth fell onto a road in the Alta Verapaz area, north of Guatemala City in Guatemala. Apparently, a geological fault triggered the movement of earth, sending 10 million tons of mud and rock down a hillside onto a road that runs from San Cristobal Verapaz to Chicaman, north of Guatemala City. At least 38 people were confirmed dead and up to 60 were missing, many of whom were coffee workers in the region.

Four days later, on January 8, 2009, a 6.1 magnitude earthquake shook the capital region of San Jose, Costa Rica. The earthquake's epicenter was 20 miles from San Jose at a depth of 21.7

miles, and the shaking continued for 40 seconds. Twenty-three individuals were confirmed dead, over 100 were treated for injuries, and nearly a dozen went missing, including many buried by resulting landslides.

Guatemala and Costa Rica have been frequently impacted by significant natural disasters including those in the aftermath of Hurricane Stan in Guatemala in 2005 that led to hundreds of deaths.

I agree wholeheartedly that it should be the policy of the United States to continue technical assistance to governments in the region at the national, provincial, and local levels in the area of the disaster management coordination. It is also essential that the United States take a long-term view with its regional partners and help them improve disaster mitigation techniques.

Mr. Speaker, I urge my colleagues to support this very important and necessary and timely resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Georgia, DAVID SCOTT, for cosponsoring this resolution.

I think everybody in this body is very concerned about the tragedies that befall human beings here and around the world.

As my colleague said, this past January two significant natural disasters wreaked havoc on the Central American nations of Costa Rica and Guatemala and took a terrible and destructive toll on people in these communities.

In Guatemala, as coffee workers were returning from long days of work in the Alta Verapaz region, thousands of tons of mud and rock fell in a landslide. As a result of this catastrophe, the nation mourned the deaths of as many as 36 while over 60 are still missing.

Only 4 days later, a 6.1 magnitude earthquake shook the capital region of Costa Rica, resulting in the destruction of over 500 homes and the deaths of at least 20.

I join my colleagues today to express my sincere sympathy and our sincere sympathy and support to our Latin American friends who have suffered as a result of these disasters. I would like to commend the courage and perseverance of the Costa Rican and Guatemalan Governments, along with the private citizens and relief organizations who worked tirelessly in the rescue effort. The prompt humanitarian response carried out in the aftermath of these disasters clearly contributed to the ability of these nations to overcome the damage wrought by these two tragedies.

As I said before, I would like to thank Mr. SCOTT for cosponsoring this,

and I would like to thank our chairman, Mr. BERMAN, and our ranking member, ILEANA ROS-LEHTINEN of Florida, for helping move this important resolution to the floor. And, again, we extend our heartfelt condolences to the Guatemalan and Costa Rican people and their families who suffered as a result of these horrible disasters.

Mr. Speaker, with that, I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I certainly again want to commend Mr. BURTON for showing the leadership and at the same time showing the greatness of America, which has always been the timely response to other nations in their moment of great need and crisis.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 76, "Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities." I would like to thank my colleague, Representative DAN BURTON, for introducing this legislation.

Natural disasters are one of the most difficult things to deal with as a nation. As a Representative of Houston, TX I have seen devastation and heartbreak come from devastating natural disasters. Our city alone has faced and returned stronger after natural disasters like tropical storm Allison, as her waters flooded our streets and entered our homes. Within the past few years the people of the 18th Congressional District of Texas dealt with damage and evacuation troubles when shortly after a storm called Katrina ripped through the homes of our neighbors, Hurricane Rita threatened our city and our lives. Most recently, we had the electricity taken from our city, roofs stripped from our houses, and windows shattered into our living rooms. Because of Hurricane Ike our city has seen the impact of horrific situations before and after natural disasters ravage through our streets. These challenges, although largely difficult to recover from, already would have been virtually impossible to recover from had the Federal Government not assisted.

The landslides in Guatemala claimed the lives of more than 30 people and caused destruction to many in this small country. The unfortunate loss of these men and women shall not only be remembered here today as we acknowledge this House resolution, but should be remembered everyday as the people of Guatemala try to recover from the devastation caused by this event. These events take time to recover from and in time just as the sadness fades the recovery will begin in this region.

Just like the people of Guatemala the people in Costa Rica did not expect the ground to start shaking bringing buildings to the ground. With over 14 lives claimed and dozens of people still missing the people of Costa Rica have been devastated by the effects the earthquake has brought them. The 6.2 magnitude earthquake shook the lives of all the people living in Costa Rica and like the people of Guatemala the wounds will take time to heal.

I have experienced firsthand the devastation of events like these and understand the dif-

ficulty in recovering from them. These people deserve all the help they can get. It is our moral responsibility to assist in any way we can in helping these countries rebuild. Supporting H. Res. 76 is a big step in helping these devastated nations. That is why I support H. Res. 76, "Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities" and I urge my colleagues to do so as well.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 76, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica."

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 109) supporting the mission and goals of 2009 National Crime Victims' Rights week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 109

Whereas 25,000,000 individuals in the United States are victims of crime each year, including over 6,000,000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas our Nation must do more to ensure that services are available for underserved segments of the population, including crime victims with disabilities, victims with mental illness, and victims who are teenagers, elderly, or from urban and rural areas or communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging vic-

tims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas the people of the United States recognize that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas 2009 marks the 25th anniversary of the enactment of the Victims of Crime Act of 1984 ("VOCA"), the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime through the establishment of the Crime Victims Fund, that is paid for by criminal fines and penalties, rather than by taxpayers' dollars;

Whereas, since its inception, the Crime Victims Fund has collected more than \$9,000,000,000 from offender fines and penalties to be used exclusively to help victims of crime;

Whereas VOCA supports direct assistance and financial compensation to more than 4,000,000 victims of crime every year;

Whereas VOCA's imaginative transformation of offender fines into programs of victim rehabilitation has inspired similar programs throughout the worldwide crime victims' movement;

Whereas the theme of 2009 National Crime Victims' Right Week, celebrated April 26, 2009, through May 2, 2009, is "25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act", which highlights VOCA's significant achievements and contributions in advancing rights and services for all crime victims; and

Whereas National Crime Victims' Rights Week provides an opportunity for the Nation to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs;

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

House Res. 109 supports the goals and mission of National Crime Victims' Rights week, which is being celebrated this week, April 26 through May 2, 2009. The 2009 National Crime Victims' Rights week theme is "25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act."

Mr. Speaker, each year for the last 25 years, the Office of Victims of Crime in the Department of Justice has observed National Crime Victims' Rights week along with individuals and communities across the country. Victims' rights and crime victims are honored with rallies, candlelight vigils, and other commemorative events.

This week in April is an important time to increase public awareness about the needs and concerns of the 25 million victims and survivors of crime each year, of which over 6 million are victims of violent crimes.

During National Crime Victims' Rights week, people are asked to take time out to acknowledge the impact that crime has on families, individuals, and communities by ensuring that resources and services are available to help crime victims rebuild their lives.

We would also like to acknowledge the 25 years of contributions that the Office of Victims of Crime has made to supporting victims of both violent and nonviolent crime. A major aspect of the office's work has been the creation and supervision of the Crime Victims Fund. This fund is paid for by criminal fines and penalties and supplemented with general tax revenue as needed. Over the last 25 years, the Crime Victims Fund has collected more than \$9 billion from offender fines and penalties, which is used solely to assist crime victims. Each year these funds support direct services and financial compensation to more than 4 million victims of crime.

This week is also a time to make a commitment to providing more resources and services to crime victims who live in underserved areas such as urban and rural areas. This is also time to pay special attention to victims of crime who suffer from physical and mental disabilities in addition to child and senior citizens who may be victims of crime.

Mr. Speaker, we should be doing more to invest in crime prevention and therefore reducing the number of victims, but meanwhile this resolution gives us the opportunity to celebrate victims' rights and their dignity. We should ensure that victims are treated with the dignity and respect that they deserve, and doing that will promote a fair and just criminal justice system. For these reasons, Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague and friend Mr. COSTA from California as an original sponsor of this resolution to recognize and support the mission and goals of National Crime Victims' Rights Week. Together, Mr. COSTA and myself chair the Congressional Victims' Rights Caucus. The caucus is comprised of Members from both sides of the aisle who are dedicated to protecting the interests and needs of crime victims throughout our country. Crime victim issues are not partisan. They are nonpartisan issues, Mr. Speaker, and affect everyone in this country.

In 1980, President Ronald Reagan first called for a national observance to recognize and honor the millions of crime victims and those survivors in this country. Since then, Victims' Rights Week has been proclaimed annually with ceremonies and observances here in Washington, D.C. and thousands of communities throughout the Nation.

Each April, the Office for Victims of Crime, called the OVC, organizes a weeklong series of activities and rallies to increase public awareness of the rights, the needs and concerns of crime victims in the United States. The theme of this year's National Crime Victims' Rights Week is "25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act."

In 1984, the Victims of Crime Act, called VOCA, created the VOCA fund, a Federal victims compensation account funded by fines assessed in Federal criminal convictions. This is a collection of criminal fines, not taxpayer dollars.

The way it works, Mr. Speaker, criminals convicted in Federal Court contribute into a fund, as I say paying for the crimes they have committed, paying rent on the courthouse, and that fund is used exclusively for victims and victims' services throughout the United States. It is not a taxpayer-funded fund; it is a fund solely funded by criminals. What a novel idea: Make criminals pay to the victims of crime, victims that many of them have caused to be victims in the first place.

Also the Victims of Crime Act establishes the Office for Victims of Crime to distribute those funds throughout the United States. In fact, with the help of the OVC, there are now 10,000 victim assistance programs providing emotional, financial, physical and spiritual support every day. All of these organizations owe to some extent their existence because of the VOCA funds that were established by Congress many years ago.

VOCA is the only Federal fund that caters to the needs of victims. Each year, about 4,400 agencies and almost

3.5 million victims receive support and financial compensation from this fund funded by criminals. Just to clarify, this money that is collected is used to help victims and their families.

This year, during National Crime Victims' Rights Week, we celebrate that the VOCA fund has been assisting victims for over 25 years and has distributed literally billions of dollars since its inception. Currently there are \$6.5 billion in this fund, funds that will be given to victims and victims services. It is important that we as Members of Congress make sure that the bureaucrats, however, don't see this fund and take the fund and use it for other services in the United States that have nothing to do with victims.

While the events of this week provide excellent opportunities to focus on victims' rights, this issue requires attention by Members of Congress so that the VOCA fund is not taken by the bureaucrats and used for other purposes.

Last month, four police officers in Oakland, California, Dan Sakai, 35, Mark Dunakin, 40, John Hege, 41, and Ervin Romans, 43, were shot to death by a 27-year-old parolee. Earlier this month, an armed man walked into a New York Immigration and Naturalization service center and shot 17 people, killing 13 and wounding four others.

The National Center For Victims of Crime reports that during 2008 a child was reported abused or neglected almost every 35 seconds. In my home State of Texas alone, there were more than 83,000 separate allegations of abuse or neglect confirmed by Child Protective Services.

Crime victims, Mr. Speaker, are not statistics. They are real men, women and children with families and loved ones, and those victims who manage to survive the acts of violence must not be excluded from the criminal justice system. Their voices must be heard, and in honor of every victim, we renew our commitment to protect the rights of crime victims and provide them effective assistance programs, and we also commend the countless professionals and volunteers who have dedicated literally their lives to help victims and survivors of crime.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the chief sponsor of the legislation who, along with Mr. POE, introduced this important resolution, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank the gentleman from Virginia for his leadership and his support for this important House Resolution, H. Res. 109, which I rise today to introduce.

As has been stated by my colleagues, this resolution supports the mission and goals of National Crime Victims'

Rights Week, to designate this week, April 26 to May 2, as National Crime Victims' Rights Week. Congressman TED POE and I introduced this resolution on behalf of our fellow Victims' Rights Caucus members who have been supportive of our efforts over the last 4 years.

As was noted, in 1980 President Reagan first called for the national observance to recognize and honor the millions of victims and their families and survivors who have been victims, sadly, of crime in America.

This year, we mark the 25th anniversary of the enactment of the Victims of Crime Act of 1984, better known as VOCA. This legislation has supported rights and services for crime victims for the last 25 years, and quite successfully. It has done it without the use of a single dime from American taxpayer dollars.

The Victims of Crime Act, the VOCA funds, are supported by fines and penalties that come from the criminals who have perpetrated these crimes. These funds are used by State and local organizations to help people through their difficult time periods after experiencing a crime that they have been victimized by. There are over 4,400 agencies across the country which depend upon VOCA funding. These agencies serve near in excess of 3.5 million crime victims each year, sadly.

This resolution also honors the lives that have been rebuilt over the last 25 years as a result of all the good efforts by these local agencies throughout our country. These are millions of people working in victim organizations who have dedicated their lives to assisting people through these terrible, terrible time periods, and each and every one of them I think deserves a thank you from all of us as Members of Congress.

When I arrived in Washington, Congressman POE and I discovered that there was not a caucus that was dedicated for the purpose of recognizing those victims of crime. So Congressman TED POE and I decided to form a new bipartisan congressional caucus that would provide a louder voice for all the advocacy groups who advocate on behalf of victims of crime.

The Congressional Victims' Rights Caucus, of which I am proud to be a co-chair of, frankly, has done a lot of good efforts over the last 4 years, and we encourage Members who are listening and their staff who are not members of this bipartisan congressional caucus that you join our efforts.

We have three simple goals. The first is to represent crime victims in the United States through bipartisan introduction of legislation that reflects the interests, rights and needs of victims of crime. Two, our goal is to provide an ongoing forum for proactive discussion between Congress and national victims' assistance organizations to enhance mutual education and

legislation advocacy and initiatives which promote justice for all, including the victims of crime. Three, to seek opportunities for public education initiatives to help people in the United States understand the impact of crime on victims and to encourage their involvement in crime prevention, which is the best sort of effort we can possibly do. An ounce of prevention, as we all know, is worth a pound of cure. And also to provide victim assistance and community safety throughout our neighborhoods across this great land of ours.

I want to thank again the gentleman from Virginia. I want to thank Congressman TED POE, my cochair of the caucus, for all of your efforts on behalf of Members who work on behalf of those who are victims of crime.

Finally, my fellow colleagues, crime, as we know, knows no boundary, knows no demographic, or congressional district boundary. Sadly, crime affects in some capacity all Americans at some point in life.

When our families, when our friends and when our neighbors are in need of assistance after a crime, they should not be met with a closed door, but they should be met with open arms. We all have a responsibility. This is not simply the domain of local law enforcement agencies, which play a tremendous role, but we as Americans all have a responsibility to help out in our communities.

So I want to thank those members of the Congressional Victims' Rights Caucus, I want to thank those who support this resolution, H. Res. 109, and encourage all of my colleagues to support important legislation that we will pursue in the 111th Congress.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman from Virginia for leading this resolution, but also I do want to thank my friend from California, Mr. COSTA, for not only sponsoring this legislation, but for his hard work nationally on victims' rights and the movement. He literally started the victims' rights movement in California, the State that we owe a lot to for the victims' right movement when he was in the State legislature there in California, and he has brought his passion to help victims of crime to the United States Congress, and we are all better for that.

Last week in honor of National Crime Victims' Rights Week, the Victim's Rights Caucus, as Mr. COSTA mentioned, had several preliminary events. One was the fourth annual Victim's Rights Caucus awards ceremony.

At the awards ceremony last Wednesday night, Mr. COSTA and myself joined other Members of the House, Mr. SHADEGG from Arizona, Mr. YARMUTH from Kentucky and Mr. REICHERT from

Washington in honoring six outstanding victim advocates and victim programs.

Mr. Speaker, I include for the RECORD the names and the awards of these six recipients.

2009 VICTIMS' RIGHTS CAUCUS AWARDS RECIPIENTS

(1) Suzanne McDaniel Public Awareness Award—Katherine Cabaniss. Ms. Cabaniss is the Executive Director of Houston Crime Stoppers. As a former Assistant District Attorney, she has a passion for preventing and fighting crime. During her time with Crime Stoppers, Ms. Cabaniss has built strategic alliances with people and organizations who assist victims of crime, including local school districts, apartment property management companies, and women's shelters. She has strengthened Crime Stoppers relationship with the media, and in doing so, has used her voice to promote safe communities and justice for victims of crime. Cabaniss was nominated by Representative Ted Poe (TX-02).

(2) Ed Stout Memorial Award for Outstanding Victim Advocacy—Alliance Against Family Violence and Sexual Assault. The Alliance represents everything that Mr. Stout worked so hard for during his work on behalf of crime victims and survivors. They are a nonprofit, grassroots organization that since 1979 has provided support and services to victims of domestic violence and sexual assault in Kern County and the surrounding area. These services are free, and are bilingual, which serves Kern County's diverse ethnic background. Their strong focus on assisting victims of violence against women in rural areas is remarkable. The Alliance Against Family Violence and Sexual Assault was nominated by Representative Jim Costa (CA-20).

(3) Ed Stout Memorial Award for Outstanding Victim Advocacy—Sheryl Cates. Ms. Cates has spent the last 25 years advocating for victims of domestic violence at all levels. As Executive Director at Women's Protective Services in Lubbock, TX, Ms. Cates worked directly with victims as well as supervising staff who provide services to victims. Also, as CEO of the Texas council on Family Violence, National Domestic Violence Hotline and loveisrespect.org National Teen Dating Abuse Helpline, Ms. Cates is recognized nationally as an expert in the field of domestic violence and as someone who can be counted on to participate in any efforts to support the needs of victims and their families. Cates was nominated by Representative Lamar Smith (TX-21).

(4) Lois Haight Award of Excellence and Innovation—Steve Twist. Mr. Twist has worked tirelessly to ensure that every jurisdiction in America provides victims with rights in the criminal justice system and that those rights are enforceable by the individual victim. He has worked as counsel to the Navajo Nation, aiding in the drafting of various victim provisions, and is the principal author of the Arizona constitutional amendment for victims' rights and the Arizona Victims' Rights Implementation Act, which together are the strongest victims' rights legal provisions in the country. Mr. Twist was nominated by Representative John Shadegg (AZ-03).

(5) Eva Murillo Unsung Hero Award—Jenny Wieland. Ms. Wieland's 17 year old daughter and only child was murdered by another teen in 1992. She turned her pain into purpose and has worked tirelessly to reduce youth violence, in hopes that other mothers

would not have to experience the loss of a child to a violent crime. In 1994, Jenny Wieland became a founding board member of Mothers Against Violence in America (MAVIA). In early 1995, she left a career as an insurance broker to become MAVIA's Program Director and first employee. During her seven-year tenure with MAVIA, she helped create and implement MAVIA's many national and local programs, including the acclaimed Washington State model of Day of National Concern About Young People and Gun Violence, which encourages young Americans in classrooms and communities across the country to sign the Student Pledge Against Gun Violence. Currently, Wieland is serving as Executive Director of Families and Friends of Violent Crime Victims in Washington State. Wieland was nominated by Representative Dave Reichert (WA-08).

(6) Allied Profession Award—Michael Davis, President of Appriss, Inc. Mr. Davis is the cofounder and president of Appriss, the provider of local, state and federal automated victim information and notification services and automated victim protection order services. In 1994, Mary Byron was murdered on her 21st birthday by her former boyfriend who was in jail in Louisville, Kentucky. Mary and her parents asked to be notified if and when he was released, which did not happen. In response to this preventable tragedy, Davis and his partner created VINE® (Victim Information and Notification Everyday), which provides confidential, around-the-clock notifications to victims about the status of their offenders. VINE keeps crime victims and survivors informed and involved in their cases, in turn promoting personal and community safety. Today, Appriss provides VINE and related services to more than 75% of our nation. States participating in the Statewide Automated Victim Information and Notification (SAVIN) grant program have entrusted Appriss as their technology provider. Davis was nominated by Representative John Yarmuth (KY-03).

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to a strong supporter of victims, a former law enforcement officer, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

I would like to thank my colleague, Mr. COSTA, for introducing this resolution. As a former Escanaba City police officer, a Michigan State police trooper and as an attorney, I saw every day the effect of crime on our citizens. Crime leaves its victims feeling unsafe in their own communities and vulnerable to the often complicated judicial system.

As the cochairman of the Law Enforcement Caucus, I know that when a crime is committed, our law enforcement agencies work hard so the criminal is brought to justice. But there is another part to the equation. The victim of crime must be provided with assistance and support to recover from this often traumatic experience.

Our law enforcement agencies work with the court system to ensure that victims of crime are treated fairly and

with respect to one's dignity and privacy. We must step up to the plate and show our strong commitment to the criminal justice system by ensuring that victims of crimes feel safe in their own communities.

The creation of the National Crime Victims' Crime Week is a good first step to increase public awareness of the rights and needs of victims of crime. Congress should go even further by ensuring the legal protections are in place to protect victims of crime.

During the National Law Enforcement Week in May, I will introduce an amendment to the United States Constitution to protect the rights of all victims. I hope you will join me in ensuring our Constitution explicitly supports the rights of victims of crime.

I urge my colleagues to vote in favor of House Resolution 109 to create the National Crime Victims' Rights Week of 2009 and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

Mr. POE of Texas. Mr. Speaker, it is because of the pioneering efforts of many, including President Reagan and his 1982 Task Force on Victims of Crime, that we are able to celebrate the 25th anniversary of the Victims of Crime Act. We must remember that the same Constitution that protects the rights of offenders protects the rights of victims of crime in this country as well.

I urge all my colleagues to join me in supporting in resolution.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from California, the gentleman from Texas, as well as the gentleman from Michigan, for their work on behalf of victims of crime, and I urge my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 109, supporting the mission and goals of 2009 National Crime Victims' Rights week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984. I thank Congressman COSTA, Congressman POE, Congresswoman MATSUI, Congressman MARCHANT, and Congressman MORAN for introducing this meaningful resolution which recognizes and acknowledges the over 25 million individuals that are victims of crimes each year in this country. I urge my colleagues to support this resolution. As members of Congress, we need to acknowledge the impact of crime on individuals, families, and communities and we need to ensure that rights, resources, and services are available to help rebuild lives.

This resolution is important because while our nation has steadily, and rightfully, expanded rights, protections and services for victims of crimes, too many victims are still not able to realize the hope and promise of the gains. Our country must do more to ensure that services are available for underserved

segments of the population, including crime victims with disabilities, victims with mental illness, and victims who are teenagers, elderly, or from urban and rural areas or communities of color. According the National Center for Victims:

One person is murdered every 31 minutes.

One person is raped every 1.9 minutes.

One person is assaulted every 36.9 seconds.

One home is burglarized every 18 seconds.

One woman is victimized by an intimate partner every 52 seconds.

One child is reported abused or neglected every 34.9 seconds.

One person is killed in an alcohol-related crash every 40.4 minutes.

One person becomes a victim of identity theft every 4.9 seconds.

One elderly person is victimized by a violent crime every 4.2 minutes.

We must observe victims' rights and treat victims with dignity and respect and engage them in the justice system, which will also further gain respect for public authorities and promote confidence in public safety. The people of this country will be safer and stronger by serving victims of crime and ensuring justice for all.

It is necessary that we, as members of Congress, mark the anniversary of the enactment of the Victims of Crime Act of 1984. This Act is the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime through the establishment of the Crime Victims Fund. This fund is paid by criminal fines and penalties, not tax payer dollars. The fund has collected more than \$9 billion from offender fines and penalties to be used exclusively to help victims of crime. These funds have aided the more than 4 million victims of crime a year. The money provides medical care, counseling and funeral costs. This act has encouraged other programs to also transfer offender fines into help for victim rehabilitation.

The theme of the 2009 National Crime Victim's right Week, celebrated April 26–May 2, 2009 is "25 years of Rebuilding Lives: Celebrating the Victims of Crime Act". This theme highlights the Act's significant achievements and contributions in advancing rights and services for all crime victims. This week will provide an opportunity for the nation to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological and social impact of crime.

I encourage my colleagues to pass this resolution so that we can increase the public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims of crime. This resolution will recognize the 25th anniversary of the enactment of the Victims of Crime Act of 1984. It will also direct the clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

In Harris County, within the 18th District of Texas, which I proudly represent, the Houston Mayor's Crime Victims Office has a saying,

"Crime victims are the only unwilling participants in our criminal justice system; everyone else chooses their own roles. Victims' rights are often a mere courtesy, while defendants' rights—and rightfully so—are protected in our Constitution. Victims' rights deserve the same protection." While Harris County is fortunate to have some of the Nation's finest victim service organizations, such as the Houston Area Women's Center, Parents of Murdered Children, AVDA, MADD and Family Time, as well as victim liaisons staffed from our criminal justice partners it is far from immune from crime. The Harris County Victim Witness Division, alone, assisted over 30,000 victims of crime last year and helped them receive \$16.9 million in restitution.

I have been and continue to be an advocate for victims of crime most importantly with my latest legislation, H.R. 262, the David Ray Ritcheson Hate Crime Prevention Act which I also introduced in the 110th Congress. I twice sponsored a resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of United States to fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the struggle for universal freedom and human rights. Additionally, I sponsored H.R. 5610, in the 109th Congress, the Foreign Anti-Sex Offender Protection Act of 2006. I have co-sponsored numerous bills that benefit victims of crimes.

Nobody wants, or deserves, to be a victim of crime. I urge my colleagues to pass this Resolution and acknowledge and support these unfortunate victims.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 109.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

to the concurrent resolution (H. Con. Res. 104) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 104

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentlelady from Wisconsin (Ms. BALDWIN), as well as the gentleman from Texas (Mr. POE), for introducing this important resolution, and I rise in support to acknowledge the impact that sexual assault has on its victims and to promote education about and prevention of sexual assault.

This resolution highlights the immense problem of sexual assault in the United States. A person is sexually assaulted in the United States every 2½ minutes. Almost 18 million women, 1 in 6, have been victims of rape or attempted rape, and almost 3 million men, 1 in 33, have also been victims.

Sexual assault also harms the society. Medical expenses, lost productivity, treatment of psychological trauma and pain and suffering cost victims roughly \$127 billion per year.

It can also lead to long-term health problems such as chronic pain and headaches and stomach problems and sexually transmitted diseases, and can leave victims with emotional issues which can lead to depression and even suicide.

Designating April to be Sexual Assault Awareness and Prevention Month is an important step in recognizing the problem. Highlighting and focusing on this issue gives us the opportunity to educate the public and allows us to praise the survivors, as well as the volunteers and professionals who have dedicated their lives to combating sexual assault.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume, Mr. Speaker.

I'm pleased to join my Judiciary Committee colleague, the gentlelady from Wisconsin (Ms. BALDWIN) as an original sponsor on this resolution. I want to thank her for her efforts in presenting this to Congress. I would like to thank her for reintroducing House Concurrent Resolution 104 to recognize April as National Sexual Assault Awareness and Prevention Month.

Every 2½ minutes a person is sexually assaulted in the United States. Sadly, 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape. Two-thirds of these assaults are committed by someone that is actually known by the victim, and yet, only about 40 percent of sexual assaults are ever reported to law enforcement authorities.

Sexual Assault Awareness Month attempts to change these startling statistics by promoting education programs, victims support services, advances in DNA and forensics technology, and aggressive prosecution and incarceration of sexual assault offenders.

National Sexual Assault Awareness and Prevention Month helps to educate the public about sexual assault in our communities and the long-term effects that it has on its victims.

It also recognizes the work of staff and volunteers at rape crisis centers and other community organizations across the country that provide counseling and victims support services to sexual assault survivors.

With education and community support, it is my hope that more victims will pursue prosecution of their attackers by reporting their assaults to law enforcement. Once victims take this first critical step, it's up to lawmakers and law enforcement to ensure that these violent offenders are put away.

Last Congress, both the House and the Senate passed H.R. 5057, reauthorizing the Debbie Smith DNA Backlog Program. The legislation was then signed into law on October 8, 2008.

The Debbie Smith program, originally authorized in 2000, awards grants to State and local governments to reduce the DNA backlogs of samples collected from crime scenes and the backlog for entry into the national DNA database. Through these grants, State and local governments received funding to test approximately 104,000 DNA cases between 2004 and 2007.

These grants have also funded the collection of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The Department of Justice estimates that over 5,000 "hits" or matches

are the result of this DNA backlog reduction. This is a positive step forward, but we must continue our efforts to reduce the DNA backlog to provide justice for sexual assault victims and put their attackers behind bars.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no other requests for time, and I will reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, in this sterile environment of the Halls of Congress, sometimes we forget that sexual assault is a crime that is committed against people in this country, a crime that most of them never really get over.

In my experience as a prosecutor and a judge for 22 years, I came in contact with numerous sexual assault victims, some of which never could quite handle and cope with the fact that they had been a victim of a crime, especially this crime, because, you see, when the offender commits a sexual assault against someone else, that offender is trying to steal the very soul of that victim. And sometimes victims cannot recover from that, emotionally or physically. That is why this legislation is important and that we, as Members of Congress, do our duty and be the advocates for those victims that have silent voices throughout this country.

And that's just the way it is.

I yield back the remainder of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from Texas (Mr. POE), as well as the chief sponsor of the resolution, the gentlelady from Wisconsin (Ms. BALDWIN), for their hard work on the issue of sexual assault.

I urge my colleagues to support the resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 104, which supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation to designate April as National Sexual Assault Awareness and Prevention Month, which was introduced by former Representative Mark Green and signed into law in 2003. I am proud to have been a part of that initial effort, which has grown into a nationwide campaign to raise public awareness regarding sexual violence, prevent future crimes, and provide crucial services to victims of rape and sexual assault.

Even as we shine a spotlight on this issue throughout the month of April, it is important to remember that preventing sexual assault must be top priority every month of the year. A 2000 study by the National Institute of Justice and the Centers for Disease Control and Prevention found that 18% of women in the United States have been raped in their lifetimes, yet we know that only about 6% of women who have been raped will ever see their attacker spend a day in jail.

I have long been a champion of domestic and international women's issues, and pre-

venting violence against women has been one of my top priorities since my very first day in Congress. That is why I wrote "The Debbie Smith Act," signed into law in 2004 to improve the investigation and prosecution of sexual assault cases with DNA evidence. DNA evidence is crucial to getting rapists off the streets, and yet across the country, thousands of unprocessed DNA evidence kits are gathering dust. Each one of these represents a victim who has been denied justice, and a rapist who is free to commit more crimes. With this legislation, the huge backlog of rape kits is finally being processed.

In 2008 I introduced H.R. 5057, "The Debbie Smith Reauthorization Act," which was signed into law, and which extends the Debbie Smith DNA Backlog Grant Program through FY 2014. The bill also reauthorizes several critical programs which provide training and education for criminal justice and medical personnel in the use of DNA evidence. I am pleased to have been joined by Chairman CONYERS and Ranking Member SMITH of the Judiciary Committee in introducing that important legislation.

It is vitally important that we continue these efforts to reduce the DNA backlog crisis in our nation's crime labs. Equally imperative are efforts to support the Violence Against Women Act by fully funding the organizations, shelters, and counseling centers which provide the crucial victim services which help women escape dangerous situations and begin new lives free from violence and fear.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 104 "Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month." I want to thank my colleague Congresswoman, TAMMY BALDWIN of Wisconsin for introducing this legislation.

This Resolution echoes the goals and ideals of the National Sexual Assault Awareness and Prevention Month, namely to increase public awareness of the occurrence and the effects of sexual assault and to improve our nation's overall ability to prevent new incidents.

This important resolution will help to bring an end to the deplorable rapes, molestations, and sexual assault that occur across America. Violent crime and sex offenses are a fact of life which can be targeted for prevention through a combination of education, public awareness, as well as identifying and monitoring known offenders in the community.

Mr. Speaker, there are no greater crimes that an individual can commit than the crimes of sexual molestation and sexual assault. The perpetrators of these crimes rob victims of their innocence. Moreover, victims of sexual assault are profoundly affected for the rest of their lives. As elected officials, we have an obligation to condemn this violence, work for stronger enforcement of the law and provide adequate funding for programs to assist individuals who may have experienced such abuse.

I urge my colleagues to fight against these heinous crimes. Sexual assault can be verbal, visual, or anything that forces a person to join in unwanted sexual contact or attention. Examples of this are voyeurism (when someone

watches private sexual acts), exhibitionism (when someone exposes him/herself in public), incest (sexual contact between family members), and sexual harassment. It can happen in different situations, by a stranger in an isolated place, on a date, or in the home by someone you know.

The negative impacts of sexual assault go beyond the physical trauma of the attack itself. The victims suffer psychological trauma, emotional scarring, shame, the stigma of being victimized, and the destruction of their dignity.

Unfortunately, sexual assault is an issue that has plagued the nation. In my home state of Texas, nearly 2 million adult Texans, or 12.6% of the population, have been sexually assaulted, and more than half of all sexual assaults are committed against children under age 18. An estimated 82% of rapes go unreported. The vast majority of rape victims—nearly 80%—know the person who rapes them.

In Texas, 6 out of 10 adults and more than half of teenagers say sexual assault is a personal worry. A third of Texan adults say sexual assault is one of their biggest worries. While a majority of Texans says the state takes sexual assault seriously, 76% believe the state should take the issue more seriously.

Many Americans have only a surface understanding of what constitutes sexual assault, and more than a quarter of Americans are very misinformed about its parameters. It will take more than just stronger prevention and enforcement of the law to prevent sexual molestation and other forms of sexual assault. In order to end this serious epidemic that has plagued America, all segments of the community such as parents, educators, religious leaders, and community leaders must create a nurturing environment us to live comfortably.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 104 "Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month."

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 104.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 365 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 365

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to con-

sider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of April 28, 2009, providing for consideration or disposition of a conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 365 permits same-day consideration of a rule providing for consideration of the conference report on the budget resolution, S. Con. Res. 13.

This budget is a critical document and comes at a critical time in our country. We all know this budget is a blueprint of the priorities of the Obama administration and this Democratic Congress. This budget sets the framework for most of the legislation that we will consider this year—everything from the annual spending bills to improvements in education to health care reform to deficit control.

I'm not surprised that my friends on the other side of the aisle aren't pleased with this budget. Republicans voted against the recovery package, and now they are going to oppose this budget.

It's no secret that the Republicans have fundamental differences in the way they would govern this country. But that's why we have elections, Madam Speaker, and the American people spoke loud and clear about what they want their country to stand for. And those principles are set in this budget.

Madam Speaker, this budget must be adopted in order for this Congress to start working on the agenda the American people want us to enact. I am proud to support this budget.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I thank my very good friend from Worcester for yielding me this customary 30 minutes.

Madam Speaker, I have to say that I am really somewhat puzzled as to why it is that we are here debating a same-day rule for consideration of the Federal budget's conference report. As we all know, a same-day rule is a mechanism to circumvent House rules in order to hastily cram through legislation.

Why in the world would the Democratic leadership want to rush through passage of the Federal budget? I recognize that same-day rules have taken place when either party has been in the majority, but why in the world would the Democratic leadership want to do this, Madam Speaker, for the Federal budget?

As I say, we often use this procedure when the government might run out of money. Well, although we know, as of last Sunday, April 26, we saw the deficit day actually created, Debt Day created, as of Sunday, we ran out of money. We now are in deficit spending as of today.

Last year that date was August 4. We spent all of our money up until August 4 of last year. This was last Sunday, the 26th of April. So we are now into borrowed money. But as we all know, Madam Speaker, our appropriations bills that we have passed for this calendar year exist until the next fiscal year begins.

Is there some hard and fast deadline that needs to be met under the Budget Act? The budget resolution should have been completed by April 15. The Democratic leadership wasn't in a hurry when that deadline came and went, and there is no new deadline at all that needs to be met right now.

Maybe, Madam Speaker, Congress is getting ready for a prolonged congressional recess, a district work period. Well, the next recess, as we all know, is about a month away. We are supposed to be working here for another 4 weeks.

Now, Madam Speaker, I ask maybe, just maybe it's the end of a very long, hard workweek of ours here, and we want to complete action before a long 3-day weekend, except today is Tuesday, and there is plenty of time to get this done before we finish legislative business on Thursday. So why, Madam Speaker, are we denying Members and the public the chance to read this budget, a budget, which as we all know now, at least we know the outside numbers, spends \$17.8 trillion.

We have been listening to people over the past several weeks talk about what the number a trillion is. Somebody was saying it totals 31,000 years, longer than recorded history, in seconds. I mean, it's just amazing to contemplate that in this budget it is \$17.8 trillion over a 5-year period of time.

The only thing that I can figure out, Madam Speaker, is that tomorrow marks the conclusion of the President's first 100 days. Now, this is a milestone the press has observed since

Franklin Delano's Roosevelt's presidency. It's a very symbolic moment that every President understandably likes to highlight.

The problem rises, Madam Speaker, when his party cares more about symbolism and photo opportunities than taking the power of the purse, our constitutional responsibility here in the people's House, and taking that seriously. We have a profound responsibility to spend the taxpayers' money wisely.

During a time of great economic challenges, when every working family is trying to make every penny count, the responsibility here for us to deal with those tax dollars as wisely as possible is even greater. I would hope that the Democratic leadership would care more about fiscal responsibility than a photo opportunity.

Unfortunately, this is not a new pattern for the House Democratic leadership. Just a few weeks ago we turned the process upside down to try to pass the GIVE Act so that it could be signed by the President just before he left for Europe.

Now, cooler heads did prevail, but it looks like we are headed down that exact same path now. This photo opportunity deadline in the first 100 days is leading us to not go through the regular order for consideration of this budget conference report.

Now I understand why they would like to pass their budget prior to the completion of the first 100 days. And in many ways, Madam Speaker, it is a very, very clear definition of what it's about.

My friend from Worcester talked about the fact that elections have consequences, the people have spoken, and this is what they want? Well, I have got to say that from what I have heard from my constituents and from what I have seen in polling that has been done across the country, and as I have participated in telephone town hall meetings and heard my colleagues from both sides of the aisle talking about this, including the President's cabinet meeting, when he has now been referring to the fact that we need to focus on restraining spending, I clearly don't believe that a budget that is \$17.8 trillion of spending over the next 5 years is what the American people want or wanted when they cast their votes last November.

But I will say that if you look at the first 100 days, this is a clear, clear signal of what it is that we have gotten in this 100 days. And it would make a very nice press story, I know, to have this accomplished from their perspective by the completion of the 100 days.

I do believe that there are things that are much more important than press conferences and photo opportunities. The Federal budget happens to be one of them. The Democratic majority should, I believe, take taxpayers'

money and the spending of that more seriously than has been done in this budget or what we have seen with the stimulus bill, the 1,100-page bill that we dropped on a table around here and pointed out very widely that people hadn't read.

Both the President and the majority promised that Members would be able to read the bills we are voting on. I remember when candidate Obama talked about that throughout the campaign. We have had the Speaker of the House regularly point to that.

Nowhere, Madam Speaker, is that more important than when we are in the midst of debating the Federal budget. The last time, we all know this very well, because we have seen amazing gymnastics take place around here, the last time we rushed through a major piece of legislation like this is the one I just referred to, and it was the so-called economic stimulus bill. And that was when we discovered the Federal Government was enabling bonuses for companies funded by the U.S. taxpayer.

Now, I ask, as we look at this \$17.8 trillion package over the next 5 years, what's in this budget, Madam Speaker, that the Democratic leadership does not want us to read?

So, Madam Speaker, I urge my colleagues to reject this same-day rule. We need to proceed under regular order for consideration of this budget process, and I personally believe that we should do everything within our power to completely overhaul this badly flawed budget structure that we have.

So reject this rule, go at least through regular order, and I hope very much the Democratic leadership will fulfill its constitutional obligations with both responsibility and accountability.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it's a little difficult to hear lectures from a member of the other party, the party that inherited from Bill Clinton a record surplus and then over the next 8 years presided over an economy that turned that surplus into a record deficit, that ruined, that forced this economy into the ditch that we are now trying to dig ourselves out of.

I want to apologize to the gentleman for the Democratic leadership's desire to actually accomplish something, to get things done. That's exactly what we are trying to do here. We have done enough talking. There has been enough speechifying. The American people voted for action. They voted for change. They voted for a new direction.

They didn't vote for more speeches. They didn't vote for more obstructionism. They didn't vote for more of the same of what we had over the last 8 years.

On this budget, just so it's clear, we had more than 14 hours of markup in the Budget Committee. I was there, because I am also on the Budget Committee.

We had a full debate on the House floor. Four substitute amendments were made in order. People had an opportunity to vote for budgets to the left and to the right and everything in between. So there was ample time for discussion. We had an open conference meeting.

The gentleman is going to have over 24 hours to read the budget. Now, for someone who hasn't read the budget, he is spouting out a lot of facts and figures. But he is going to have over 24 hours to read what the conference committee produced, because we are not going to vote on the budget until tomorrow.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Let me make a couple of points here. First, as my friend began, he said that it was difficult for someone who was part of increasing deficits over the past 8 years under President Bush to stand here lecturing on this issue.

Well, I have to stay, Madam Speaker, that it's very, very convoluted, I believe, to say that we criticized the spending that took place under President Bush. And I will acknowledge we could have done better, even though, with the exception of Defense and Homeland Security, we were able to bring about real dollar spending cuts in every appropriation bill for the last few years.

But I will say that it's convoluted to conclude that if we want to criticize what took place then, we quadruple the size of the deficit and the national debt, which is exactly what this budget does.

Mr. MCGOVERN. I reclaim my time, Madam Speaker.

I appreciate the gentleman's commentary. The fact of the matter is that we are in such trouble right now that in order to get out of this ditch, in order to get out of this terrible debt that we are in, we are going to have to grow our economy, which means in the short term we are going to have to invest in our people and invest in our country.

That is the rationale behind the Democratic budget, behind the budget that President Obama has put forward. But, look, one thing is clear, Madam Speaker, the same old, same old is not what the people want. And for the last 8 years, the Republicans and President Bush have driven this economy into a direction that people have rejected soundly during this last election.

□ 1515

At this time, Madam Speaker, I would like to yield 3 minutes to the

gentleman from Virginia (Mr. SCOTT), a member of the Budget Committee.

Mr. SCOTT of Virginia. Madam Speaker, the gentleman from Massachusetts mentioned the fact that, over the last few years, we'd gotten ourselves into the ditch. This shows the ditch that we're actually in.

In 1993, we passed a budget that dug ourselves out of a ditch and created surpluses, as far as I could see. In fact, in 2001, when we came into session, we had a surplus sufficient to put us on track to paying off the entire national debt held by the public by last year. Instead, we had a complete collapse of the budget beginning in 2001, and there is no telling where this line is going to end up. It took 8 years to get into this ditch.

During the good years when we had fiscal responsibility, not only were we on the way to paying off the national debt, but we created record numbers of jobs. We had a median income increase of about \$7,000 per family, and the Dow Jones Industrial Average more than tripled. Now we have a situation where we have had the worst job performance since the Great Depression, where the median income is actually down when adjusted for inflation and where the Dow Jones Industrial Average is worse than it was when it started. It took us 8 years to get into this ditch.

We have an urgent situation. This budget will cut the deficit in half in 4 years. Now, that is not the end of it. That's not enough. Cutting the deficit in half is not enough, but for one year's work, that is certainly a good step toward getting us out of a ditch that took 8 years to get us into.

Now we have a situation where the new budget will restore PAYGO, that is, that any new program will have to be paid for. The reason we could get it in this kind of ditch was we passed tax cuts that we hadn't paid for, and we had spending that wasn't paid for. But under this budget, any new initiative will have to be paid for, and that's going to be hard. We're talking about energy initiatives. We're talking about health care initiatives and education initiatives that will be very expensive, but none of them can go into effect unless they're paid for with other spending cuts or with tax increases. Everything will be paid for. This is in stark contrast to what happened in 2001 when we didn't pay for anything. We went right into a ditch, and we didn't create any jobs.

It is urgent that we pass this budget to get back on the track that we were on in 1993 when the budget created jobs, when the median income was up, when the economy was good, and when we were on the way to paying off the national debt, instead of the ditch we're in today where we have had, in the last 8 years, the worst job performance since the Great Depression and huge deficits as far as the eye can see.

We're taking a major step in the right direction.

So, Madam Speaker, I would hope that we would adopt the budget so we could get on to the job of restoring the economy and of balancing this budget.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would like to congratulate my good friend from Virginia, Mr. SCOTT, for in the chart that he had before us it illustrated the fact that the economic downturn actually began in the last quarter of the Clinton administration, and that chart correctly points to that. So I congratulate my friend for recognizing that. It was the policies put into place in 2001 and in 2003 that brought about 55 months of uninterrupted job creation and economic growth and a dramatic increase in the flow of revenues because of the growth-oriented tax policies that we did, in fact, implement.

I also would point to the fact, and while my friend proceeds to malign the Bush administration, that it's obviously very clear, too, that we as Republicans had the majority when we saw the economic growth that took place in the late 1990s.

I'd be happy to yield to my friend Mr. SCOTT.

Mr. SCOTT of Virginia. Thank you. I thank the gentleman for yielding.

Is it not a fact that the job performance during the 8 years of the Bush administration was the worst since the Great Depression?

Mr. DREIER. If I could reclaim my time, the answer to that is "no." The answer to that is "no." To say that job creation during President Bush's administration was the worst since the Great Depression, I have no idea where that number comes from. I do know this: We saw 55 months of continued job creation and economic growth because of the policies that were implemented in 2001 and in 2003, which were growth-oriented tax cuts.

With that, I would like to yield 3 minutes to my very good friend from Lafayette, Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend for yielding.

Madam Speaker, I stand in opposition to the rule that led to this budget proposal.

Let me just say that, first of all, this Congress is facing some very grave challenges, along with the President, and I think the President has rightfully singled out health care, energy and education as areas that have to be addressed with substantive reform, but I have to say that I vehemently disagree with the prescribed approach. Let's look at a couple of points here.

First of all, let's take energy. This energy proposal lays out a prescription for singling out a number of serious oil and gas tax increases, at the very minimum, totaling \$31.5 billion. Now, this is going to devastate an industry, a do-

mestic oil and gas industry—independent companies, not the big companies like ExxonMobil and Shell and others that do work overseas but, rather, those independent companies that work in the Gulf of Mexico and that supply a major source of oil and gas energy for the United States and for every single American family.

What does this mean for the average family? They're going to pay higher gas prices at the pump. They're going to pay higher costs in electricity. Also, we're going to see massive job loss.

Now, we did have hearings, yes. Oh, we had hearings. I sit on the Ways and Means Committee. I remember Secretary Geithner coming in front of us. I asked him: How many jobs will this budget kill? He could not answer the question. I asked: Do you realize that the oil and gas industry employs about 1.8 million people in the United States with about 6 million additional jobs associated with this industry? A lot of these jobs are going to be killed; we're going to lose them, and they don't come back right away. This is at a time when our energy dependence on foreign oil is serious.

What is our transition strategy as we try to get to a green economy? Well, it's natural gas. Well, guess what? Thirty-five percent of the natural gas used in this country comes from wells that were drilled within the last 2 years. The rig count is now down over 50 percent since September. Do the math. We're going to see higher gas prices.

So I have to say, if the Secretary comes before the committee and offers this budget proposal but cannot answer simple questions such as "What is going to be the impact on unemployment across multiple sectors?" that's a serious concern.

The CBO. I asked the same questions of the Director of the CBO and got the same answer. They have not done the analysis. Well, I think that's incomplete work.

Don't you think we need more information as to what the impact of this budget is going to be on unemployment and on jobs if it's implemented in its entirety? We're talking about good, high-paying jobs. I'm not talking about white-collar executive jobs. I'm talking about pipe fitters, electricians, painters, people who work on boats, across-the-board manufacturing jobs, small manufacturing companies that do fabrication and so forth. These are serious jobs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I would like to yield my friend 1 additional minute.

Mr. BOUSTANY. This is a serious issue. It needs to be well-thought-out. Throw on top of those specific tax increases that are proposed on the oil and gas industry this massive cap-and-

trade proposal which is still not well-thought-out, and of course, we have more work to do on it, obviously.

I have to say the American people deserve to know what this is going to do in terms of job loss. They really deserve to know, and they deserve to know what this is going to do to the cost of electricity in their hometowns and what it's going to do to the cost of gasoline at the pump and what it's going to cost in heating oil and so forth. That is information we ought to have.

So, before we start proposing these types of expansions of taxes that are going to kill jobs, that are going to create higher unemployment and that are going to run up the costs, we're talking about a recipe for more borrowing, for more spending and higher taxes.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Just so that the record is clear—and this is according to *The Wall Street Journal*—as for jobs created per year in Office, George W. Bush was the worst since the Great Depression. Let me read them.

Jobs Created Per Year in Office: Truman, 1.1 million; Eisenhower, 438,000; Kennedy, 1.2 million; Lyndon Johnson, 2.3 million; Nixon, 1.7 million; Ford, 745,000; Carter, 2.6 million; Reagan, 2 million; Bush I, 625,000; Clinton, 2.9 million; George W. Bush, 375,000.

This is the very conservative *Wall Street Journal*, hardly a paper of liberal ideas and thoughts.

Mr. DREIER. Will the gentleman yield on that point?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

I suspect that that was a news story and not necessarily an editorial. I seriously question those numbers, but I would ask my friend the following:

As we look at this issue of accountability and responsibility, I would remind him that this economic downturn, the slowing economy that we've witnessed, began after my friend's party won the majority. I would ask my friend, if I might, Madam Speaker, if he feels that accountability and responsibility should lie not solely with the President of the United States but also with the party in power here in this institution.

I thank my friend for yielding.

Mr. MCGOVERN. Madam Speaker, I reclaim my time.

I would say to the gentleman that I not only hold President Bush accountable for the last 8 years and for the disastrous economy that we now have, but I also hold accountable the Republican leadership in Congress, which voted for some of the worst economic policies that have literally driven this country into debt and into a ditch.

At this time, Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Budget Committee.

Mr. ANDREWS. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

First, Madam Speaker, the consistent reference to the so-called "cap-and-trade policy" from the other side is not in the budget. That will be debated another day. It is not here.

My friend from California talks about the number of months that there was job growth in the prior administration. Madam Speaker, I think most Americans are worried about the number of months they've been out of work and about the number of months until their unemployment benefits expire, and this budget is a part of addressing that concern.

Shortly after taking office, this President signed an economic stimulus law, the benefits of which are now being seen in communities around the United States as construction workers go to work, as first-time home buyers get help with their down payments, hopefully as more cars and trucks are sold, as people can deduct their sales tax, as schools are given more opportunities not to lay off teachers, lunch aides and other personnel.

The President also put forth a long-term economic proposal that we're addressing today in this budget. It's not the number of months that President Bush did this or that. It's other questions about how many months people have been without health insurance. This budget puts us on a track to finally deal with that problem and to get health care costs under control for all Americans and to get coverage for the 47 million who do not have it. This budget, in a very robust way, talks about helping to pay for college education. It will make the largest investment in college and technical training in the Nation's history as a result of what is in this budget.

The gentleman is concerned about the process by which this is being done. We're concerned about the process by which it wasn't done in the previous 8 years.

Now, having said that, if anyone wants to read the budget, it's on the Internet. Read it. If someone is concerned about the lack of alternatives from the minority, there were dozens of amendments when the committee worked on this budget. Mr. MCGOVERN and I were part of that. There were two full alternatives from the minority that were debated on the floor a couple of weeks ago when the minority had a chance to set forth its views, and those views were considered.

So we think there is a problem with the timing of these plans. We think the American public shouldn't have to wait 8 years for someone to finally address health care and education and the

budget deficit, which is cut by two-thirds under this budget. The process is right. The plan is right. The right thing to do is to vote "yes."

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would say to my very good friend from New Jersey that it's interesting to listen to his argument. I've heard the President of the United States. I've heard the Democratic leadership—Speaker PELOSI and Leader REID—and Democrats all the way across the board say that the Republican Party is simply the party of "no," that they have no ideas, that they have no proposals that they come forward with. I do appreciate the fact that my friend has acknowledged that, in the markup in the Budget Committee and here on the House floor, there were both amendments and alternatives brought forward.

Now, it is true that those ideas were rejected by a vote here in this House, but what we're debating right now is whether or not we should have a same-day rule which proceeds with the consideration of a measure that does not, in fact, give the appropriate amount of time. This package, this conference report, was filed at 11:37 p.m.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield to my friend.

Mr. ANDREWS. Is the gentleman aware of the fact that the vote on this is tomorrow?

Mr. DREIER. I do understand that the vote on this is scheduled for tomorrow, but right now, we are debating a same-day rule that allows for the consideration of this.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. If I could reclaim my time, the fact is that this measure was filed at 11:37 p.m., and we were told, up until just a short time ago, that we had to do this same-day rule because we were going to be voting on this measure today. So it was not until just the last moment that we found that the debate will take place throughout today and this evening but that the actual vote will take place tomorrow.

So I don't know exactly what has led to this, if it's an awakening about the notion of some kind of fairness and about the idea of allowing for greater deliberation; but I've got to say, Madam Speaker, that this budget, which dramatically increases, as we all know, the size of the deficit is a budget which, I don't believe, the majority of the American people supported or wanted when they came forward.

□ 1530

The American people are hurting.

I will say, Madam Speaker, that I represent the Los Angeles area part of San Bernardino County. We have an unemployment rate that is well into

double digits now both in the Los Angeles area, the Inland Empire. People are hurting. They very much want us to take action to get the economy back on track.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. I will yield in just a moment if I can complete my thought.

There are many Democrats who I know in southern California who have indicated to me that when they voted for President Obama, for Barack Obama to become President of the United States, they had no idea that we would see this kind of dramatic transformation—which is something that he talked about—of government that is tripling, quadrupling the size of the government and the national debt.

And it is not just my constituents. There are a number of very thoughtful people who have come forward in the past 4 weeks. They include the likes of Stuart Taylor who writes regularly for the *National Journal*. He describes himself as an Obama-friendly centrist, and what he has said is that this dramatic surge to the left—which is exactly what this Obama budget does which is being supported by Speaker PELOSI and the Democratic leadership—is really beyond the pale. And there are a number of other people who have been very supportive of the President up to this point who have demonstrated clear disappointment in this kind of direction.

With that, I am happy to yield to my friend.

Mr. ANDREWS. I thank my friend.

So my friend is acknowledging, is he not, that Members who wish to read the budget will have over tonight to do that before there is a vote tomorrow, correct?

Mr. DREIER. If I could reclaim my time, Madam Speaker, the answer to that is no. When is it that the debate will take place on this issue?

I am happy to yield to my friend.

Mr. ANDREWS. The debate is starting today and concluding tomorrow. The conclusion of debate will be tomorrow.

Mr. DREIER. If I could reclaim my time, this bill was filed at 11:37 p.m. last night, just about midnight, and we are standing here at this moment debating something that I guess really isn't necessary.

The fact is what we have done is we've thrown out standard procedure for one reason and one reason only: not because the government is about to run out of money, not because we've got an important recess upon us, not because it's the end of the week, but simply because we want a photo opportunity for the completion of the first 100 days of this Presidency.

I understand that optics are important. I recognize that. But I do believe that since we have begun already at this moment the debate on this budget

conference report, merely hours—12, 13, 14 hours—after it was filed last night, you can say that the vote is going to take place tomorrow but Members who might want to have the chance to debate, deliberate and think about this issue are not going to have the allocated time to read this.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield.

Mr. ANDREWS. How many of the gentleman's Members from his side are here to deliberate and debate this right now, out of curiosity?

Mr. DREIER. If I could reclaim my time, Madam Speaker, we are at this moment debating this convoluted, unnecessary same-day rule. We are here to debate whether or not we should proceed with consideration of the budget conference report under a totally unnecessary same-day rule.

We have had some very thoughtful remarks by my friend from Lafayette, and I know if my friend would like me to send someone to the cloakroom to call the lode of Republicans to come over and engage in this debate, I know that there would be many more who would join us.

The fact is we have begun this process prematurely. We are not being provided what was promised by the Speaker of the House on her opening day and promised by Barack Obama when he was a candidate to be President of the United States, and that is an adequate amount of time to deliberate over this process.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I consume.

Let me apologize to the gentleman, again, for him getting what he wants. The Democratic leadership promised 24 hours for Members to be able to review this bill before there was a vote. They are going to get more than 24 hours. Let me also point out to the gentleman when he talks about this kind of unpopularity of President Barack Obama's ideas and his budget, maybe he hasn't seen the recent polls. By a 56 percent to 32 percent margin, Americans believe that the Obama budget sets the right priorities.

I think what is difficult for the gentleman to accept and members of his party is that the people have spoken. The people have had it with Bush economics. They've had it with the Republican priorities of the last 8 years. They want a change. This budget represents a change, and they are going to get it.

Mr. Speaker, I would like to yield 3 minutes at this time to the gentleman from Virginia (Mr. CONNOLLY), a member of the Budget Committee.

Mr. CONNOLLY of Virginia. I thank the gentleman.

Madam Speaker, I rise today in support of the conference report for the

concurrent resolution on the budget for fiscal year 2010. The previous administration left us with a tremendous challenge to overcome the largest budget deficit ever, the highest unemployment rate in 25 years, housing values in freefall, consumer confidence at record lows. This budget encapsulates a bold vision for making crucial investments in righting our economy and helping our working families.

I am pleased that, at my request, the budget reflects an investment in our Federal workforce, including parity between civilian and military Federal employees. Pay parity ensures equitable treatment for all Federal employees.

I applaud the conference report's increase in the level of funding for international affairs, Madam Speaker. Defense Secretary Robert Gates said in July, under the Bush administration, "It has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long." Secretary Gates understands, and understood then, the value of diplomacy as a national security tool and we would be well served to support that critical investment. I am delighted the conference report has added back funds for the 150 Function.

This budget is transformative and provides for the critical investments in America that have been neglected for too long. Deficit reduction, middle-income tax relief, health care reform, education and energy independence are the linchpins of this budget.

With this budget, we will cut in half the current deficit of more than \$1 trillion, most of it inherited from President Bush. It would further reduce that deficit by 2014 by two-thirds. This budget reduces non-defense discretionary spending over the next 10 years to its lowest level as a percentage of the gross domestic product in almost a half a century.

This budget supports the middle class by expanding the child tax credit, maintaining the elimination of the marriage tax penalty, carrying forward the Making Work Pay tax credit, maintaining the estate tax and capital gains tax reductions and ensuring that the alternative minimum tax does not hit the millions of working Americans in danger otherwise of being affected.

This budget supports meaningful health care reform. During the last 8 years, the number of Americans without health insurance increased from 13.7 percent to 15.3 percent of the population at the same time health care costs were skyrocketing. Under this budget, Madam Speaker, we will be able to offer health care to the 46 million Americans currently without insurance.

This budget invests in energy independence and promotes a clean energy economy creating jobs. Increasing our

investment in energy efficiency and renewable energy technologies will promote America's energy independence and safeguard our environment.

In recognition of the critical role that education plays in our economic productivity, this budget also builds upon the classroom support provided in the Recovery Act. From enhancing Head Start and other early childhood learning opportunities to making college more affordable through Pell Grants, this budget will prepare our children to become productive, contributing members of the global economy.

This budget is the product of the hard work of Chairman SPRATT, Chairman CONRAD in the other body, and the budget conferees; and it carries forward the bold investments in America that President Obama has promised this country.

I urge my colleagues to support the conference report.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I am glad my friend from New Jersey has remained here on the floor.

First of all, I have just got to say that on this notion that we somehow are doing this in a very fair way, my time travel skills have become a little rusty of late, and I will say that the bill was filed at 11:37 last night, and a number of us are just starting to read it, the conference report, that is. I don't know whether we're going to have the vote today or tomorrow, but the fact is we are debating it today. So Members should have an opportunity to do that.

Now my friend began his remarks in the well by saying that this conference report has no mention whatsoever of the issue of cap-and-trade.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield.

Mr. ANDREWS. That is not what I said. I said that the conference report does not enact cap-and-trade.

Mr. DREIER. If I could reclaim my time, Madam Speaker, I will say that during the debate that we had on the budget process, we regularly had Members say that there was no mention of this whatsoever. I know. I managed the rule when we had the first budget. I am just saying that a number of Members did, in fact, on the other side of the aisle make that very clear during debate.

What I would like to do is commend to my colleagues sections 302 and 323 of this conference report, both of which make mention of that.

I would like to yield 30 seconds to the hardworking member of the Ways and Means Committee, the gentleman from Lafayette, Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I appreciate the gentleman yielding.

I think it's important to recognize that this budget proposes to enact cap-

and-trade legislation. It's one of the assumptions in the budget.

The gentleman from Massachusetts mentioned that the American people have spoken about this, but I want to remind him that, again, there are a lot of unanswered questions about the inherent proposals in the budget, such as the impact on unemployment based on some of the assumptions in this budget.

I've got data from the oil and gas industry that shows pretty devastating results across the board on the gulf coast and in manufacturing in other States around the country as a result of the assumptions in this budget.

Mr. DREIER. I thank my friend.

Madam Chair, let me just say that as interesting as we regularly have the finger of blame pointed at Bush, what President Obama has inherited came from President George W. Bush and, Madam Speaker, as you know very well, a Democratic majority here in the House of Representatives.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I would say to my friend from California that the Democratic majority with a Democratic President will demonstrate to the gentleman what we believe in and will enact it.

With respect to the issue of cap-and-trade, the two sections that are referenced in the budget conference report say this: If the Congress enacts cap-and-trade legislation, then the budget numbers will be adjusted to reflect that being enacted. If this conference report passes, there will be no limit on carbon enacted. There will be no revenues raised to enforce that limit. It simply says that if the Congress in subsequent consideration does that, then, in fact, the budget would be adjusted.

The minority has consistently frankly used a number of tax increase per household that the authors of the study on which they rely have said was a misrepresentation.

Mr. DREIER. Madam Speaker, let me inquire of the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Massachusetts has 14 minutes remaining.

Mr. DREIER. Madam Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I would like to yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Madam Speaker, for too many years, administrations of Congress honored our veterans with speeches on Veterans Day, yet dishonored them with inadequate budgets every other day. Then 2 years

ago, when the gentlewoman from California, Ms. PELOSI, became Speaker of the House, she promised it would be a new day for America's veterans. Speaker PELOSI has kept her promise to those who have kept their promise to serve our Nation in uniform.

The results are historic and unprecedented. In just 2 years, the Democratic Congress has increased veterans' health care and benefits funding by over \$17 billion. That is a larger increase than the Republican-controlled House passed cumulatively over 12 years. This Democratic funding increase for veterans means better quality health care for 5.8 million veterans and shorter waiting times for doctor appointments and earned benefits for combat wounded veterans. It means more extensive mental health care services for veterans suffering from PTSD.

□ 1545

Then, candidate Obama last year said he would, if elected President, keep our Nation's sacred trust with our veterans. President Obama fulfilled that promise when earlier this year he asked for a larger increase in the VA budget than any President in American history.

This budget resolution on the floor of the House right now reflects the President's priority for honoring our veterans. It increases VA discretionary spending for veterans' health care and benefits by \$5.6 billion in fiscal year 2010, and by \$27 billion over the next 5 years. And at the President's request, it allows forward funding for the VA health care system, the highest of priorities for our veteran service organizations.

Listen to what respected veterans' organizations have said about this budget resolution. The American Legion said—

Mr. BOUSTANY. Will the gentleman yield?

Mr. EDWARDS of Texas. No. I would rather quote the American Legion.

The American Legion said "it applauds the Conference Committee." It goes on to say, "This funding will help cover the ongoing cost of war to care for the men and women of the United States Armed Forces and their families."

The Veterans of Foreign Wars said this, in a letter to Chairmen SPRATT and CONRAD, "The VFW salutes your strong leadership in quickly coming to an agreement, especially one that makes so many meaningful and valuable improvements to the Department of Veterans Affairs. We strongly encourage all in Congress to follow your lead and adopt this conference report." Those are the words of the Veterans of Foreign Wars.

They went on to say, "An advanced appropriation for veterans' medical care is among the VFW's highest priorities, and we sincerely appreciate that

you brought this excellent proposal forward." That is the proposal that we will vote yes or no on in this House.

The Disabled American Veterans said this spending blueprint "is good news for our Nation's veterans. Not only does it provide a record increase for the Department of Veterans Affairs, this resolution clears the way for much-needed legislation to ensure sufficient, timely, and predictable funding for veterans' health care." Those are the words of the DAV.

By significantly increasing funding for the VA and by allowing for the first time advanced appropriations for VA medical care, this resolution meets the highest priorities of America's heroes, our veterans.

A vote for this budget resolution is a vote to honor and respect America's veterans. They deserve that vote. They have earned that vote with their service and their sacrifice.

Mr. DREIER. Madam Speaker, unfortunately, my friend refused to yield to the gentleman from Lafayette, who wanted to engage in debate, which is what this is all about, so I am happy to yield 1 minute to my friend from Lafayette.

Mr. BOUSTANY. I thank the gentleman.

I think it is a mischaracterization to say that we cut veteran spending. We actually raised veteran spending each year we were in the majority. But I want to point out something else, and that is—

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. BOUSTANY. No, I am not going to yield to the gentleman. I want to complete a thought.

The gentleman was standing here at the podium saying that we are going to spend this and we are going to spend that on veterans; but at the same time, my friend from New Jersey was earlier saying that this is a budget proposal that doesn't enact anything. So I think we are seeing a double standard being discussed over here.

We all recognize this is a proposal, it is a political document, but I have to say that we oppose it because it proposes to borrow too much, it proposes to spend too much, and it proposes to tax too much.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Madam Speaker, first let me say to the gentleman, if he had listened to my words, he would have heard I didn't accuse the Republicans of cutting the VA budget. I did accuse them—rightfully so, and the veterans organizations would agree with me—of underfunding VA health care and benefit needs during the 12 years. You had the ability to increase the VA budget to adequate levels, and you never did it. And the fact is that this budget resolution authorizes an

historic increase in VA health care and benefit spending. If the gentleman disagrees with that increase, then he certainly has a right to vote "no." For me, I am going to stand on the side of the DAV, the American Legion, and the VFW, who strongly support this budget resolution and its support of America's veterans.

Mr. DREIER. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentleman from Massachusetts has 9½ minutes remaining.

Mr. DREIER. Madam Speaker, I yield myself the balance of the time. We are standing here today doing something that is absolutely unnecessary. As I said in my opening remarks, why would we throw the rules out the window and have consideration of what is on occasion needed to rush through legislation, a same-day rule?

The notion of a same-day rule undermines what was promised by candidate Obama, by Speaker PELOSI, and others in the Democratic leadership, and that is, that we would have a higher degree of deliberation. This conference report was, as I said, filed at 11:37 p.m. last night, some 15, 16 hours ago.

We are in the midst of beginning the debate, and we are going to proceed to debate this. And now we have heard, in the last hour or so, that a decision was made that we will vote tomorrow, and that somehow will allow this to look as if it's fair. Well, again, Madam Speaker, we are in the midst of debating a document which Members have not had an adequate enough time to see.

Now, that aside, it is clear that the American people are hurting. I mentioned the fact that I just got back last night from Los Angeles. We have serious problems in our city, in our county, and in the State of California. We have serious problems all across this country. People are losing their homes, people are losing their jobs.

And what we hear from our colleagues on the other side of the aisle is the finger of blame is pointed at George W. Bush, in large part because of deficit spending. And now, what was, as I said, inherited by President Obama from President Bush, yes—and a Congress that has been controlled by Democrats for the last 2 years—they have inherited an economy which is facing serious problems, an economy that is clearly in recession. Madam Speaker, the solution is to do what economists across the board, Democrats and Republicans, not Republican political operatives, but many Democratic economists have said is not the right solution.

My friend from St. Louis, Mr. AKIN, has come to quote the Treasury Secretary under Franklin Delano Roosevelt, Henry Morgenthau, who, in testimony before the House Ways and

Means Committee, said, "We've tried spending money. We've spent more money than we've ever spent before. Now, after 8 years of this Roosevelt administration, we have an unemployment rate that is just as high as when we started and an enormous debt to boot."

We know what the economic answer is to the challenges that we have. And I have regularly talked about it here, Madam Speaker, and that is, we need to take what has been promised by our friends on the other side of the aisle, but is totally ignored on a regular basis, and that is a bipartisan approach. And when I say a bipartisan approach, I believe we should take the ideas that were put forth by President John F. Kennedy in the early 1960s and Ronald Reagan in the early 1980s, and what we need to do, Madam Speaker, is we need to have a growth-oriented tax rate reduction that will stimulate the economy and generate the kind of revenue flow that is needed.

We need to pursue market opening opportunities for us around the world rather than sticking our head in the sand and ignoring things like the Colombia Free Trade Agreement and the South Korea Free Trade Agreement. That would go a long way towards creating jobs, good jobs right here in the United States of America if we can again pry open those markets. Those are the kinds of things we should be doing. And all we are getting, Madam Speaker, is a package that dramatically increases the size of the annual deficit and the national debt.

Madam Speaker, in this budget, the deficit alone for the next year is larger than the entire budget was a mere 10 years ago.

So Madam Speaker, I encourage my colleagues to work hard to get the economy back on track. The best way that we can do that is to reject this same-day rule and reject this conference report and get back to the table with something that will get our economy back on track.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me first begin by saying something about the process. The Democratic leadership promised that Members would have 24 hours to review the budget before it was voted on. There will be more than 24 hours to view this budget.

This budget has gone through a long process. We had more than 14 hours of markup in the Budget Committee. I've lost count of how many amendments were offered. Again, there were four substitutes that were made in order and debated and voted on this floor. We had an open conference committee meeting that produced this final product. We are going to have over 24 hours to review it.

So I guess if people want to complain for the sake of complaining, there is

not much we can do on this side to deal with that. But the fact of the matter is this has been a fair process and this has been a good process. I want to commend Chairman SPRATT and Ranking Member RYAN and the staffs, both Democratic and Republican staffs, for their incredible work, their tireless work on this budget.

I am proud of the budget we are going to vote on. This is a budget with a conscience for a change. This is something that our constituents from the east coast to the west coast, I think, are going to find things in here that they can cheer about.

This is a budget that creates jobs with targeted investments in affordable health care, clean energy, and education. It cuts taxes for middle-income families by more than \$1.7 trillion over 10 years. It cuts the deficit by nearly two-thirds in 4 years. And it cuts non-defense discretionary spending as a percent of the economy.

We are going to deal with health care. For years, ever since I came to Congress—I got elected in 1996—the number one issue that every poll shows that Americans want us to deal with is health care. We are going to be able to deal with it, I believe, this year. We are going to deal with college affordability so that everybody who wants to get a college education can get one, and nobody is denied a college education because they can't afford to get one.

We are going to deal with the issue of clean energy. We are going to actually begin to invest in renewable, clean, alternative sources of energy so we are not reliant solely on the oil industry or on foreign imports for our energy. So there is a lot in this budget I think that we all can be very proud of.

You are going to have 24 hours to review the budget. Even if you had 124 hours, my guess is that my friends on the other side of the aisle would be against this budget. They have been against virtually everything this new President has proposed. I think their kind of rationale there, their philosophy for regaining political power is to deny this new President any victory, any accomplishment.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am not going to yield at this time. I didn't interrupt you during your closing statement.

The fact of the matter is that people are tired of a party that says "no" to everything. That was demonstrated loud and clear in the last election. We need to move in a new direction.

I think what the American people are hearing, quite frankly, is they are hearing that help is on the way. That is why 56 percent of the Americans polled agree with the priorities in this budget. They are hearing that help is on the way for all Americans, not just the wealthy few, the wealthy few who have benefited greatly over the last 8 years.

Things are different. Change is happening here in Washington, and I am proud to be part of this process.

So I urge my colleagues to vote "yes" on the previous question and on the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-91) on the resolution (H. Res. 372) providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 386. An act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Suspending the rules with respect to H.R. 1243 and House Resolution 344, and adopting House Resolution 365.

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes will be conducted as 5-minute votes.

AWARDING CONGRESSIONAL GOLD MEDAL TO ARNOLD PALMER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1243, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 1243.

The vote was taken by electronic device, and there were—yeas 422, nays 1, answered "present" 1, not voting 8, as follows:

[Roll No. 210]
YEAS—422

Abercrombie	Carney	Forbes
Ackerman	Carson (IN)	Fortenberry
Aderholt	Carter	Poster
Adler (NJ)	Cassidy	Fox
Akin	Castle	Frank (MA)
Alexander	Castor (FL)	Franks (AZ)
Altmire	Chaffetz	Frelinghuysen
Andrews	Chandler	Fudge
Arcuri	Childers	Gallagher
Austria	Clarke	Garrett (NJ)
Baca	Cleaver	Gerlach
Bachmann	Clyburn	Giffords
Bachus	Coble	Gingrey (GA)
Baird	Coffman (CO)	Gohmert
Baldwin	Cohen	Gonzalez
Barrett (SC)	Cole	Goodlatte
Barrow	Conaway	Gordon (TN)
Bartlett	Connolly (VA)	Granger
Barton (TX)	Conyers	Graves
Bean	Cooper	Grayson
Becerra	Costa	Green, Al
Berkley	Costello	Green, Gene
Berman	Courtney	Griffith
Berry	Crenshaw	Grijalva
Biggert	Crowley	Guthrie
Billbray	Cuellar	Gutierrez
Bilirakis	Culberson	Hall (NY)
Bishop (GA)	Cummings	Hall (TX)
Bishop (NY)	Dahlkemper	Halvorson
Bishop (UT)	Davis (AL)	Hare
Blackburn	Davis (CA)	Harman
Blumenauer	Davis (IL)	Harper
Blunt	Davis (KY)	Hastings (FL)
Bocci	Davis (TN)	Hastings (WA)
Boehner	Deal (GA)	Heinrich
Bonner	DeFazio	Heller
Bono Mack	DeGette	Hensarling
Boozman	Delahunt	Herger
Boren	DeLauro	Herseth Sandlin
Boswell	Dent	Higgins
Boucher	Diaz-Balart, L.	Hill
Boustany	Diaz-Balart, M.	Himes
Boyd	Dicks	Hinches
Brady (PA)	Dingell	Hinojosa
Brady (TX)	Doggett	Hirono
Braley (IA)	Donnelly (IN)	Hodes
Bright	Doyle	Hoekstra
Brown (GA)	Dreier	Holden
Brown (SC)	Driehaus	Holt
Brown-Waite,	Duncan	Honda
Ginny	Edwards (MD)	Hoyer
Buchanan	Edwards (TX)	Hunter
Burton (IN)	Ehlers	Inglis
Butterfield	Ellison	Inslee
Buyer	Ellsworth	Israel
Calvert	Emerson	Issa
Camp	Engel	Jackson-Lee
Campbell	Eshoo	(TX)
Cantor	Etheridge	Jenkins
Cao	Fallin	Johnson (GA)
Capito	Farr	Johnson (IL)
Capps	Fattah	Johnson, E. B.
Capuano	Filner	Jones
Cardoza	Flake	Jordan (OH)
Carnahan	Fleming	Kagen

Kanjorski	Miller, Gary	Schauer
Kaptur	Miller, George	Schiff
Kennedy	Minnick	Schmidt
Kildee	Mitchell	Schock
Kilpatrick (MI)	Mollohan	Schrader
Kilroy	Moore (KS)	Schwartz
Kind	Moore (WI)	Scott (GA)
King (IA)	Moran (KS)	Scott (VA)
King (NY)	Moran (VA)	Sensenbrenner
Kingston	Murphy (CT)	Serrano
Kirk	Murphy, Patrick	Sessions
Kirkpatrick (AZ)	Murphy, Tim	Sestak
Kissell	Murtha	Shadegg
Klein (FL)	Myrick	Shea-Porter
Kline (MN)	Nadler (NY)	Sherman
Kosmas	Napolitano	Shimkus
Kratovil	Neal (MA)	Shuler
Kucinich	Neugebauer	Shuster
Lamborn	Nunes	Simpson
Lance	Nye	Sires
Langevin	Oberstar	Skelton
Larsen (WA)	Obey	Smith (NE)
Larson (CT)	Olson	Smith (NJ)
Latham	Olver	Smith (TX)
LaTourette	Ortiz	Smith (WA)
Latta	Pallone	Snyder
Lee (CA)	Pascarell	Souder
Lee (NY)	Pastor (AZ)	Space
Levin	Paulsen	Speier
Lewis (CA)	Payne	Spratt
Lewis (GA)	Pence	Stearns
Linder	Perlmutter	Stupak
Lipinski	Perriello	Sullivan
LoBiondo	Peters	Sutton
Loeb sack	Peterson	Tanner
Lowey	Petri	Tauscher
Lucas	Pingree (ME)	Taylor
Luetkemeyer	Pitts	Teague
Lujan	Platts	Terry
Lummis	Poe (TX)	Thompson (CA)
Lungren, Daniel	Polis (CO)	Thompson (MS)
E.	Pomeroy	Thompson (PA)
Lynch	Posey	Thornberry
Mack	Price (GA)	Tiahrt
Maffei	Price (NC)	Tiberi
Maloney	Putnam	Tierney
Manzullo	Quigley	Titus
Marchant	Radanovich	Tonko
Markey (CO)	Rahall	Towns
Markey (MA)	Rangel	Tsongas
Marshall	Rehberg	Turner
Massa	Reichert	Upton
Matheson	Reyes	Van Hollen
Matsui	Richardson	Velázquez
McCarthy (CA)	Rodriguez	Visclosky
McCarthy (NY)	Roe (TN)	Walden
McCaul	Rogers (AL)	Walz
McClintock	Rogers (KY)	Wamp
McCollum	Rogers (MI)	Wasserman
McCotter	Rohrabacher	Schultz
McDermott	Rooney	Waters
McGovern	Ros-Lehtinen	Watson
McHenry	Roskam	Watt
McHugh	Ross	Waxman
McIntyre	Rothman (NJ)	Weiner
McKeon	Roybal-Allard	Welch
McMahon	Royce	Westmoreland
McMorris	Ruppersberger	Wexler
Rodgers	Rush	Whitfield
McNerney	Ryan (OH)	Wilson (OH)
Meek (FL)	Ryan (WI)	Wilson (SC)
Meeks (NY)	Salazar	Wittman
Melancon	Sánchez, Linda	Wolf
Mica	T.	Woolsey
Michaud	Sanchez, Loretta	Yarmuth
Miller (FL)	Sarbanes	Young (AK)
Miller (MI)	Scalise	Young (FL)
Miller (NC)	Schakowsky	

NAYS—1

Paul

ANSWERED “PRESENT”—1

Slaughter

NOT VOTING—8

Brown, Corrine	Jackson (IL)	Stark
Burgess	Johnson, Sam	Wu
Clay	Lofgren, Zoe	

□ 1629

Mr. FRANK of Massachusetts changed his vote from “nay” to “yea.”

Ms. SLAUGHTER changed her vote from “yea” to “present.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 344.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 211]

YEAS—425

Abercrombie	Brady (PA)	Costello
Ackerman	Brady (TX)	Courtney
Aderholt	Braley (IA)	Crenshaw
Adler (NJ)	Bright	Crowley
Akin	Broun (GA)	Cuellar
Alexander	Brown (SC)	Culberson
Altmire	Brown-Waite,	Cummings
Andrews	Ginny	Dahlkemper
Arcuri	Buchanan	Davis (AL)
Austria	Burton (IN)	Davis (CA)
Baca	Butterfield	Davis (IL)
Bachmann	Buyer	Davis (KY)
Bachus	Calvert	Davis (TN)
Baird	Camp	Deal (GA)
Baldwin	Campbell	DeFazio
Barrett (SC)	Cantor	DeGette
Barrow	Cao	Delahunt
Bartlett	Capito	DeLauro
Barton (TX)	Capps	Dent
Bean	Capuano	Diaz-Balart, L.
Becerra	Cardoza	Diaz-Balart, M.
Berkley	Carnahan	Dicks
Berman	Carney	Dingell
Berry	Carson (IN)	Doggett
Biggett	Carter	Donnelly (IN)
Bilbray	Cassidy	Doyle
Bilirakis	Castle	Dreier
Bishop (GA)	Castor (FL)	Drie haus
Bishop (NY)	Chaffetz	Duncan
Bishop (UT)	Chandler	Edwards (MD)
Blackburn	Childers	Edwards (TX)
Blumenauer	Clarke	Ehlers
Blunt	Cleaver	Ellison
Boccieri	Clyburn	Ellsworth
Boehner	Coble	Emerson
Bonner	Coffman (CO)	Engel
Bono Mack	Cohen	Eshoo
Boozman	Cole	Etheridge
Boren	Conaway	Fallin
Boswell	Connolly (VA)	Farr
Boucher	Conyers	Fattah
Boustany	Cooper	Filner
Boyd	Costa	Flake
Fleming		
Forbes		
Fortenberry		
Foster		
Fox		
Frank (MA)		
Franks (AZ)		
Frelinghuysen		
Fudge		
Gallegly		
Garrett (NJ)		
Gerlach		
Giffords		
Gingrey (GA)		
Gohmert		
Gonzalez		
Goodlatte		
Gordon (TN)		
Granger		
Graves		
Grayson		
Green, Al		
Green, Gene		
Grijalva		
Guthrie		
Gutierrez		
Hall (NY)		
Hall (TX)		
Halvorson		
Hare		
Harman		
Harper		
Hastings (FL)		
Hastings (WA)		
Heinrich		
Heller		
Hensarling		
Hergert		
Herseth Sandlin		
Higgins		
Hill		
Himes		
Hinchey		
Hinojosa		
Hirono		
Hodes		
Hoekstra		
Holden		
Holt		
Honda		
Hoyer		
Hunter		
Inglis		
Inslee		
Israel		
Issa		
Jackson-Lee		
(TX)		
Jenkins		
Johnson (GA)		
Johnson (IL)		
Johnson, E. B.		
Jones		
Jordan (OH)		
Kagen		
Kanjorski		
Kaptur		
Kennedy		
Kildee		
Kilpatrick (MI)		
Kilroy		
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King (NY)		
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Kirkpatrick (AZ)		
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McCarthy (CA)		
McCarthy (NY)		
McCaul		
McClintock		
McCollum		
McCotter		
McDermott		
McGovern		

Waxman Whitfield Woolsey
Weiner Wilson (OH) Yarmuth
Welch Wilson (SC) Young (AK)
Westmoreland Wittman Young (FL)
Wexler Wolf

NOT VOTING—7

Brown, Corrine Jackson (IL) Wu
Burgess Johnson, Sam
Clay Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1637

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 365, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 8, as follows:

[Roll No. 212]

YEAS—233

Abercrombie Courtney Harman
Ackerman Crowley Hastings (FL)
Adler (NJ) Cuellar Heinrich
Altmire Cummings Herseth Sandlin
Andrews Dahlkemper Higgins
Arcuri Davis (AL) Himes
Baca Davis (CA) Hinchey
Baldwin Davis (IL) Hinojosa
Barrow Davis (TN) Hirono
Bartlett DeFazio Hodes
Bean DeGette Holden
Becerra Delahunt Holt
Berkley DeLauro Honda
Berman Dicks Hoyer
Berry Dingell Inslee
Bishop (GA) Doggett Israel
Bishop (NY) Donnelly (IN) Jackson-Lee
Blumenauer Doyle (TX)
Bocieri Edwards (MD) Johnson (GA)
Boren Edwards (TX) Johnson, E. B.
Boswell Ellison Kagen
Boucher Ellsworth Kanjorski
Boyd Engel Kaptur
Brady (PA) Eshoo Kennedy
Braley (IA) Etheridge Kildee
Butterfield Farr Kilpatrick (MI)
Capps Fattah Kind
Capuano Filner Kissell
Cardoza Foster Klein (FL)
Carnahan Frank (MA) Kosmas
Carson (IN) Fudge Kucinich
Castor (FL) Giffords Langevin
Chandler Gonzalez Larsen (WA)
Clarke Gordon (TN) Larson (CT)
Clever Grayson Lee (CA)
Clyburn Green, Al Levin
Cohen Green, Gene Lewis (GA)
Connolly (VA) Grijalva Lipinski
Conyers Gutierrez Loeb sack
Cooper Hall (NY) Lofgren, Zoe
Costa Halvorson Lowey
Costello Hare Lujan

Lynch Payne
Maffei Perlmutter
Maloney Perriello
Markey (CO) Peters
Markey (MA) Peterson
Massa Pingree (ME)
Matheson Polis (CO)
Matsui Pomeroy
McCarthy (NY) Price (NC)
McCollum Quigley
McDermott Rahall
McGovern Rangel
McIntyre Reyes
McMahon Richardson
McNerney Rodriguez
Meek (FL) Ross
Meeks (NY) Rothman (NJ)
Melancon Roybal-Allard
Miller (NC) Ruppersberger
Miller, George Rush
Mollohan Ryan (OH)
Moore (KS) Salazar
Moore (WI) Sánchez, Linda
Moran (VA) T.
Murphy (CT) Sanchez, Loretta
Murphy, Patrick Sarbanes
Murtha Schakowsky
Nadler (NY) Schauer
Napolitano Schiff
Neal (MA) Schrader
Oberstar Schwartz
Obey Scott (GA)
Oliver Scott (VA)
Ortiz Serrano
Pallone Sestak
Pascarell Shea-Porter
Pastor (AZ) Sherman

NAYS—191

Aderholt Emerson
Akin Fallon
Alexander Flake
Austria Fleming
Bachmann Forbes
Bachus Portenberry
Baird Foxx
Barrett (SC) Franks (AZ)
Barton (TX) Frelinghuysen
Biggart Gallegly
Bilbray Garrett (NJ)
Bilirakis Gerlach
Bishop (UT) Gingrey (GA)
Blackburn Gohmert
Blunt Goodlatte
Boehner Granger
Bonner Graves
Bono Mack Griffith
Boozman Guthrie
Boustany Hall (TX)
Brady (TX) Harper
Bright Hastings (WA)
Broun (GA) Heller
Brown (SC) Hensarling
Brown-Waite, Herger
Ginny Hill
Buchanan Hoekstra
Burton (IN) Hunter
Buyer Inglis
Calvert Issa
Camp Jenkins
Campbell Johnson (IL)
Cantor Jones
Cao Jordan (OH)
Capito Kilroy
Carney King (IA)
Carter King (NY)
Cassidy Kingston
Castle Kirk
Chaffetz Kirkpatrick (AZ)
Childers Kline (MN)
Coble Kratovil
Coffman (CO) Lamborn
Cole Lance
Conaway Latham
Crenshaw LaTourette
Culberson Latta
Davis (KY) Lee (NY)
Deal (GA) Lewis (CA)
Dent Linder
Diaz-Balart, L. LoBiondo
Diaz-Balart, M. Lucas
Dreier Luetkemeyer
Driehaus Lummis
Duncan Lungren, Daniel
Ehlers E.

Shuler Taylor
Shuster Terry
Simpson Thompson (PA)
Smith (NE) Thornberry
Smith (NJ) Tiahrt
Smith (TX) Tiberi
Souder Turner
Stearns Upton
Sullivan Walden

NOT VOTING—8

Brown, Corrine Jackson (IL) Stark
Burgess Johnson, Sam Wu
Clay Rogers (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1646

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BARTLETT. Madam Speaker, on rollcall 212, I intended to vote "no."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 371 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am honored to stand here today in support of the fiscal year 2010 budget resolution conference report.

I want to thank my friend, the Budget Committee Chairman, JOHN SPRATT, for his incredible work on this budget. He is smart, he is fair, and no one cares more about these issues.

I also want to thank Ranking Member PAUL RYAN. I believe he is a thoughtful and bright Member of this House, even though we usually disagree on most of the issues of the Budget Committee.

I also want to thank the staff of the Budget Committee, Democratic and Republican, for their tireless effort and their commitment to public service.

Madam Speaker, the budget conference report that we are considering today represents so much more than a clean break from the past. It is a blueprint for the future. It is a roadmap for economic recovery and for investing in national priorities that will provide the American people with shared prosperity in the years and decades to come.

The conference report lays the groundwork for health care reform, clean energy and quality education. It will create jobs, support working families, strengthen our national defense and renew America's global leadership.

By cutting taxes for the middle class, \$1.5 trillion in tax cuts for over 95 percent of the American people, Madam Speaker, and investing in affordable health care, education and clean energy in a fiscally responsible way, we are taking the first critical steps to lifting our economy out of recession and creating good jobs for America's workers. For the last 8 years, President Bush flat out mismanaged the Federal budget. How? By enacting huge tax cuts for the wealthiest Americans that led to skyrocketing deficits, by spending hundreds of billions of dollars on the wars in Iraq and Afghanistan without paying for them, and by refusing to invest in the American people.

This budget cuts the deficit by more than half by 2013. And in order to get us back on a fiscally sustainable path, the budget provides a realistic assessment of our fiscal outlook. Unlike the Bush administration, we actually budgeted for the wars in Iraq and Afghanistan instead of hiding them under the emergency spending categories. We budget for natural disasters that inevitably will occur.

This conference report cuts taxes for 95 percent of Americans. Let me repeat that, because we will hear a lot of rhetoric from the other side about taxes.

This budget cuts taxes for 95 percent of Americans. It provides immediate relief from the alternative minimum tax, it eliminates the estate tax on nearly all estates, and works to close corporate tax loopholes.

You see, all of us believe in altering the Tax Code. We believe that we

should reduce the tax burden on the middle class and those trying to get into the middle. We believe that corporations shouldn't be allowed to shirk their responsibility by hiding their profits in offshore tax havens.

The other side believes we should reduce taxes for the very wealthiest. It's a simple difference in philosophy. Most importantly, this budget, the Democratic budget, actually invests in the American people. What a welcome change from the past 8 years.

We invest in health care reform, not just to improve health care quality and improve coverage, but to reduce the crushing burden of health care costs on American businesses. Everybody likes to talk about health care reform. This budget actually lays the groundwork to get it done.

We invest in clean energy in order to create jobs, improve the environment and reduce our dependence on foreign oil. We invest in renewable energy and energy efficiency. Everybody likes to talk about energy independence, but this budget actually lays the groundwork to get it done.

And we invest in education to reclaim our place as the best-educated workforce in the world. We work to expand early childhood education and to make college more affordable. Everybody likes to talk about improving education. This budget actually provides the basis to get it done.

And this is a budget that will allow Congress, if and when the time comes, to vote up or down on health care reform and education reform and avoid the infamous obstructionism so characteristic of the other body and the other side of the aisle. It certainly doesn't guarantee passage of such reforms, but it will allow for and require a straight up-or-down vote in each Chamber.

Now I know that change is hard. I know some of my colleagues want to cling desperately to the failed policies of the past. But the good news is that despite all the nasty press releases and television ads and talk radio attacks on the President, the American people still support President Obama's vision for America.

That's why this budget is so very important. This is a budget with a conscience. It is a budget that believes in the American spirit, and it's a budget that fulfills the promises that the President made to the American people.

Madam Speaker, we are at a crucial moment. Our country can meet its potential, our children can have a better future, our economy can once again create good-paying jobs. But in order to make that happen, we need change. We need to move in a bold, innovative new direction. We need to pass this budget.

I urge my colleagues to join me in support of this rule and the underlying bill.

I reserve the balance of my time.

POINT OF ORDER

Mr. DREIER. Madam Speaker, while my colleagues didn't need to listen to the remarks of my distinguished colleague, I know that they will very much want to hear my remarks. And so I would like to make a point of order that the House is not in order.

The SPEAKER pro tempore. The gentleman makes a point of order that the House is not in order.

The gentleman will suspend. The House will come to order. Members and staff standing and engaging in conversations will take their seats.

Does the gentleman withdraw his point of order?

Mr. DREIER. I just made it. I mean, you determine whether or not the House is in order, Madam Speaker. It didn't seem to me that it was.

The SPEAKER pro tempore. The gentleman will answer the question.

Do you withdraw your point of order?

Mr. DREIER. Sure.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I thank my friend from Worcester for yielding me the customary 30 minutes.

It sort of feels like Groundhog Day. We just completed debate on this same-day rule and now here we are proceeding with the rule on the budget conference report itself.

When we ended the debate just a little while ago, my friend was saying that those of us on this side of the aisle have no interest or desire to work with President Obama, that all we say is "no" time and time again. I have got to say that repeatedly we have come forward with alternatives, and we very much want to work in a bipartisan way. And so this notion of trying to claim that we as Republicans are saying "no" is preposterous. Everyone is aware of the fact in this House and in the executive branch that we have come forward with proposals, which is exactly what we did. We had two alternatives that were considered here on the House floor when we considered the budget, itself, and now we have this conference report.

I have got to say that the underlying budget conference report, itself, Madam Speaker, that is before us, to quote my friend from Worcester, is really the same old, same old, a term that he loves to use, as, really, it's the same package that we looked at just 4 weeks ago. Democratic leadership, I know, has tweaked a few things on the margins, but the exact same failed policies are still fully intact on this budget.

My friend correctly points to the fact that the American people are hurting. We know very well that we have a shared goal, but it's how we do it. Unfortunately, this budget recklessly spends money that we don't have, and

it sets the stage for tax increases that we can't afford. It makes the fundamental mistake that led to our economic crisis in the first place—profligate, unaccountable and irresponsible behavior. And it allows the Democratic majority to ram through massive, complex legislation down the road without any pretense of consensus building.

My friend said again that we just say “no” to the President. We want to have what the President talked about in his campaign, what the Speaker has repeatedly talked about. We want to work to build a consensus here, but, unfortunately, the budget itself lays the groundwork to completely obliterate any notion of bipartisanship.

Apparently they are not content with merely shutting out Republicans from the legislative process. They are finding moderates within their own party, those who are interested in reaching across the aisle and finding common-sense solutions, and those people who want to do that apparently are being ignored in this process as well. They want to be able to steamroll any effort whatsoever to reach a responsible, bipartisan compromise on some of the most important challenges like health care and energy.

This conference report will let them do just that, to ignore the prospect of bipartisanship. The Federal budget may be a very complicated thing. We all know that. But the principles that should govern that budget are not. They are not complicated at all.

The budget should responsibly spend the taxpayers' money. Every program, Madam Speaker, should be held accountable to cut out waste, fraud and abuse. The budget should assume responsibility for today's challenges rather than pushing the hard choices and mountains of debt off into the future to our children and grandchildren. The budget fails on all these counts.

The longer that the American public has time to examine the level of wasteful spending in this budget, the more deeply concerned they are. They wonder how we can afford this right now, how much debt will be left to our children and grandchildren, and will our taxes be raised to pay for this?

Just a few weeks ago *The Hill*, the newspaper here, ran a story on the emerging consensus among economists of all stripes that the numbers just don't add up and taxes are going to have to be raised dramatically to pay for all of this government spending. According to these independent analysts, as reported by *The Hill*, this will mean taxes on the middle class. On middle-income wage earners, these analysts are saying that taxes will be imposed.

Martin Sullivan, a contributing editor at *Tax Analyst* publications, is quoted as saying, “You just simply can't tax the rich enough to make this all up.”

□ 1700

Another economist, Leonard Burman, director of the Tax Policy Center, said that, under the current tax structure, “there's no way we're going to be able to pay for government.”

Now, Madam Speaker, these are not Republican operatives. These are independent economists, many of whom openly supported the President during the campaign, who were looking at the numbers and who are saying that this budget will make tax increases on middle-income working Americans, who are trying to make ends meet, inevitable.

This course of action is especially dangerous given our current economic crisis and its causes. Anyone with a little common sense can understand that reckless borrowing and lending led to our economic downturn. A little common sense is also all it takes to understand that raising taxes, including on middle-income wage earners, would be a disaster during tough economic times. Even Keynesian economists and economists of all stripes recognize that, Madam Speaker. Yet this budget continues that very reckless behavior and puts us on the path toward those middle class tax increases.

The most dangerous impact of this budget will come further down the road. This bill employs an arcane legislative trick that will allow the Democratic leadership to cram through massive health care legislation with little scrutiny and, as I said earlier, with zero bipartisanship. This provision we all know called “reconciliation” may be a very technical Beltway issue, but we can all understand its implications by simply considering that iconic American image, Jimmy Stewart, as he played the role of Jefferson Smith, defiant on the floor of the other body on the other side of the Capitol in that movie “Mr. Smith Goes to Washington.”

For many Americans, this is the classic image of public service at its principled best. However, had the Democratic leadership's budgetary gimmicks been in place, Mr. Smith would never have been able to make the stand that he did in that famous movie.

Instead, this budget ensures, Madam Speaker, that critical legislation can be rushed through without the hassle of principled debate. We've already seen what happens when 1,000-page legislation on very complicated issues gets crammed through the Congress. Look no further than to the hundreds of billions of dollars of bailout money that this majority has doled out, to the billions wasted, to the billions unaccounted for and with nothing to show for it.

The Democratic leadership's hasty and partisan approach has a very poor track record. Now they want to ensure that they will be able to approach health care reform in the exact same

way, health care accounts for nearly one-fifth of our entire economy, and is one of the single, most important factors in an individual's and in a family's quality of life.

Will Americans be able to continue to choose what doctors they go to? Will they be able to consult their doctors on which treatments are best for them? Can we make health care more accessible and affordable without compromising quality and personal choice? These, Madam Speaker, are the incredibly critical questions that should be addressed in the health care reform debate.

You know, if the Democratic leadership has its way, there won't even be a debate. They want to be able to handle it like they've handled nearly every other important bill: written behind closed doors and crammed through without an open debate. Madam Speaker, this budget puts the rules in place that will allow them to do that. It will also allow them to attach dramatic new energy taxes on every household in America in order to pay for their health care proposals.

The Democratic leadership, when confronted with a question of a new cap-and-tax program, insisted that it is not contained in this budget. What they are hoping the American people will not find out until it's too late is that this budget will allow new energy taxes to be attached to the Democrats' health care legislation. Their energy tax proposal would mean hundreds and even thousands of new taxes each year on each and every single household in this country, and it's all made possible by this budget conference report that we're going to be voting on tomorrow.

The Democratic leadership likes to defend their procedural tricks by saying that Republicans used the same tactics to enact welfare reform and tax rate reduction. I'm very proud of the fact that we were able to reduce the size and scope and reach of government; that we were able to make welfare programs more accountable; that we were able to let the taxpayers keep more of their own, hard-earned money; and that we were able to implement growth policies that gave us 55 months of job creation and sustained economic expansion. That was the right thing to do. The Democrats, on the other hand, would like to use this procedure to dramatically expand government bureaucracy and tax the American people during an economic recession. This is an absolutely disastrous budget under any circumstances, but it is equally and especially dangerous during challenging economic times.

Madam Speaker, I urge my colleagues to reject reckless, wasteful spending; to reject tax increases for the middle class; to reject a hasty and partisan process for crafting health care and energy legislation. I urge my colleagues to oppose this rule and the underlying conference report.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I just want to point out, Madam Speaker, that, notwithstanding the constant attacks on President Obama that have come from the other side of the aisle on this floor since he was elected, since he was sworn in as President of the United States, notwithstanding the constant attacks by the patron saint of the Republican Party, Rush Limbaugh, and notwithstanding the attacks by former Speaker Gingrich on every TV show that will allow him on, a poll done by CBS recently showed that, by a 56-32 percent margin, the American people believe that President Obama's budget sets the right priorities.

I believe in the American people. I believe in their instincts. I think they know what they want better than my friends on the other side of the aisle.

I will also point out—and my friend admitted to this because, when it comes to reconciliation, they like to cherry-pick—that their budgets in 2001 and in 2003, which allowed for these massive Bush tax cuts and which nearly bankrupted us—the tax cuts that went to the wealthiest Americans—had reconciliation instructions. In 2005, with reconciliation instructions that allowed them to make deep cuts in Medicare, they increased the deficit by an aggregate of \$1.8 trillion. That's what they did to the economy. That's what they did to the American people. So we don't want the same old, same old.

Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from New York (Mr. BISHOP), a member of the Budget Committee.

Mr. BISHOP of New York. Madam Speaker, I thank Mr. MCGOVERN for yielding. I want to start by thanking Chairman SPRATT and his colleagues on the Budget Committee and the conferees for so quickly coming to an agreement on the conference report.

I rise to support the rule and the underlying conference report.

This budget resolution begins the long and painful process of digging out of the very deep hole that we have inherited. It makes good on President Obama's promise to cut in half the deficits he inherited in 5 years. In fact, it cuts the deficits by two-thirds, and it does so even while we are cutting taxes for 95 percent of Americans to the tune of \$1.7 trillion worth of tax cuts. We also invest in priorities that are absolutely vital to our future.

I'd like to be specific about one of those priorities, and that is the investment made in higher education and in education in general that is accommodated by the conference report. There are significant investments in higher

ed and an increase in the Pell Grant maximum, which will make it easier for hard-pressed students and their families to achieve their slice of the American dream. The moving from the Federal Family Education Loan program, the so-called "FFEL program," to direct lending will save \$97 billion over 10 years, and it will put money in the hands of needy students as opposed to having that money added to the bottom line of banks and of other loan providers. It will restructure the Perkins Loan Program to make it more readily available to students. It will create a college access and completion fund that will enable colleges to emulate best practices across the country so that students really do succeed, and it will make permanent the American Opportunity Tax Credit. All of these are the kinds of investments we need to make if we are going to have the prosperous future that we all want.

With specific reference to education, Mr. DREIER made reference to the various alternatives that Republicans have offered to our budget resolution. The alternative that the Republicans offered made absolutely no mention of education.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of New York. There is no mention of education. There is no plan to invest in higher education. There is no plan to invest in job training. There is no plan to invest in any of the vital services that our children need to put them on a path to success.

Instead, that budget resolution made a series of very deep, unallocated cuts that could easily fall on education. We cannot have the bright future we need to have if we don't invest in our children's education. Our budget resolution does that.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I would like to simply say to my colleague who brought up this issue of reconciliation that we were very proud of the fact that we were able to get people from welfare rolls to the working side of the economy in the mid-1990s, and we did use this procedure. I can time and time again remember instances of people who were saying they were so proud to be able to have a job. In the mid-1990s, the Republican Congress did bring about a bold reform of our welfare system, and it was a great, great accomplishment as it was in the early part of this decade when it was used to allow people to keep more of their own, hard-earned money in 2001 and in 2003.

At the same time, we were doing everything that we could to ensure that we had pro-growth economic policies because we were dealing with an economic recession then, of course with the aftermath of September 11 of 2001,

with corporate scandals, and as I said, with an economic recession. We did put into place pro-growth policies, and yes, we used that procedure.

The really difficult thing for us to fathom is the fact that we're now seeing this process utilized to dramatically expand government to the point where this budget has, itself, got a deficit that is larger than what the entire Federal budget was just 10 years ago.

I would very much like to yield to my friend. I told the gentleman from Springfield I would.

Mr. MCGOVERN. Would the gentleman yield?

Mr. DREIER. Okay. I would be happy to yield to my friend.

Mr. MCGOVERN. I just want the gentleman to know there are 40 million Americans without health insurance, and if we can get a health care reform package that covers them, I would be proud to cast a vote for that.

Mr. DREIER. If I could reclaim my time, I totally agree on the issue of health care reform. That is a very high priority for us, and my friend knows that we have a solutions working group that is focusing on this issue, and it is a priority that does need to be addressed.

With that, I am happy to yield 4 minutes to my friend from Springfield, Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding.

Here we are. We just had a same-day rule on a bill that was available 3 minutes till midnight last night. We're now on the rule on the budget, the supposed blueprint for the future, and we're going to hear in this debate and in the other debate that this is a budget that spends too much, that borrows too much and that taxes too much because it spends too much, it borrows too much, and it taxes too much.

I want to talk principally about health care for a few minutes. That has been a topic here of the discussion already. "Reconciliation," by definition, defines a partisan victory. I would just advance to my friends that health care is the worst possible place to achieve that victory if you can achieve something differently than that.

There is broad agreement on what we ought to do in health care. We're all working hard to make that agreement become a reality. We've talked about tax policy. We've talked about welfare policy. Frankly, we did use reconciliation, but it was always to restructure something that government was doing. I don't think there is an example of where we used reconciliation to restructure the overall private economy. Both health care and energy would restructure an economy that will never come back to where they were, and that is not something you should be doing without lots of thought and without lots of support in a bipartisan way.

I would advance to my friends that that is a huge mistake. Certainly, if you restructure energy for 5 or 10 years or you restructure health care for 5 or 10 years, we're never coming back to the competitive marketplace that needs to be improved but not tossed aside, and I'm fearful that that's what happened.

Here we are. We're at the end of April. If there is a Secretary of HHS, that's only because she will be confirmed this week. I don't think there is a Secretary there. Even if there is, the others in that Department who support the Secretary are not there. No Secretary. No bill. No plan to get this done within the calendar. The calendar makes it virtually impossible to get this done before that reconciliation instruction has to be used.

Frankly, for those who want to go to a single-payer, government-run system, having reconciliation out there is every reason in the world not to have a bipartisan compromise. This is an area where we need to have two-thirds of the Members of the House and two-thirds of the Members of the Senate going from that vote, saying we believe the country is headed in the right direction.

□ 1715

If we have a 51-49 sort of victory and we have a 5-year debate on whether we have health care rationing or government-run health care, that is a bad thing for America, Madam Speaker. We need a health care system that's affordable, that's accessible, that has better quality. I think we can all reach agreement on those issues. But not, I would advance, if we have this option out there of one party doing it one way.

This is a blueprint that doesn't work the way it should work. The budget doesn't. The taxes, the inflation, the interest rates that are absolutely in the country's future in the way of recovering the economy are part of the problem of the future. They will stand in the way of that recovery.

I urge that we vote against this rule and against this budget.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

First of all, when people talk about partisanship, I recall my friends on the other side of the aisle giving us the prescription drug bill, which was probably one of the most partisan health care votes I can recall ever having here. Our hope is not to have a partisan health care bill. President Obama has already had a summit at the White House where he invited not just Democratic leaders but Republican leaders to come and to provide their input to try to figure out how we can do this together.

But the deal is we are going to get health care reform this year. My

friends on the other side of the aisle, they have had 8 years. If it's such a priority, why haven't they done it in 8 years? The number of people that have fallen into the ranks of the uninsured has increased dramatically while they were in control of the Congress and the White House. So no one's talking about trying to create a partisan vote.

What we're trying to do is get what the American people want accomplished. And, quite frankly, I think the onus is on the other side of the aisle to demonstrate that they are, in fact, sincere about working in a bipartisan way. I think this President has done everything humanly possible to reach out the hand of friendship and bipartisanship to try to work with the other side of the aisle.

I would like to yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I just wanted to follow up on the previous speaker.

It is absolutely clear, and hopefully we will pass this budget this week, but the budget sets out a process by which we can work and should work in a bipartisan way. It is simply not good enough for the other side of the aisle to say, "We would love to work with you on health care reform. We just can't guarantee that we can do it before October 15 and therefore we aren't sure we're going to do it at all." That is not what the American people are asking us to do. What they're asking us to do is get to work.

The fact is that we did more on health care in the first 8 weeks of this administration than we did for 8 years before. That's what the American people are asking us to do. That's what this budget does. It says we're going to get to work on health care. We're going to look to do it in a bipartisan way. It's going to be public-private partnership. That's what the President wants. That's what we're going to do. It is not going to be a wholly public system. They can keep saying so on the other side of the aisle, but that's not what's going to happen.

Let's get to work. This is a moment when the American people are saying one of the major challenges before us in this country is for economic competitive reasons and because every family is demanding it, is to do health care reform. Let's get it done. This budget puts us on a path to do it.

Mr. DREIER. Madam Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding to me.

I rise, Madam Speaker, today in support of this rule and fully support the fiscal year 2010 budget as well.

President Obama has laid out an extremely ambitious budget this year that will resonate for decades to come.

From health care to climate change to education, this budget will improve our Nation in significant ways, and I am proud to support it.

For health, this lays the groundwork for health care reform. Forty-seven million people living without any health insurance is a national disgrace. For energy, this goes towards the way of reducing our dependence on foreign oil. This budget would increase funding for renewables by nearly 20 percent over the '09 budget. And for education, Mr. BISHOP spoke about all the things. I agree with him. It builds upon the funding we provided for education in the recent stimulus package.

Now, as any large bill, it's not perfect, and it can be improved. And I just want to highlight a few areas that I hope we can improve on in the future.

One is foreign aid. I am disappointed at the level of the funding for international relations and foreign aid. As the chairman of the Western Hemisphere Subcommittee, I've seen firsthand the benefits of foreign aid. This budget is a lot better. The conference report is a lot better than the initial budget. The Senate budget included the entire \$53.4 billion of the President's request. This compromise is \$51 billion, better than the original House \$48.5 billion, but I hope we can up it in the future.

I want to talk about the \$250,000 income threshold. The budget resolution uses this \$250,000 threshold as a way to raise revenue. I think it's too low and needs to be raised. If you come from a high-cost-of-living State as I do, this \$250,000 threshold is inappropriate. Raising taxes on these people, I believe, is not good at this time. But I think overall the budget is good.

Finally, I want to talk about the AMT, because in New York, you cannot deduct anything if you're caught in the AMT. I am happy this budget includes a 1-year AMT patch. Without this patch, 2.8 million middle-class families in New York alone would be swept into it. But every year, we're going to run into difficulty. We need a permanent AMT fix, and I hope we can do that.

But I do support the budget. It's a good budget. It calls for the change that President Obama spoke about, and I hope we vote for it.

Mr. DREIER. Madam Speaker, I continue to reserve my time.

Mr. MCGOVERN. Madam Speaker, I would like to yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAULO).

Ms. DELAULO. Madam Speaker, I rise in support of this rule and the underlying budget conference report that we are considering today.

As a member of the Budget Committee and a budget conferee, I was proud to have worked with Chairman SPRATT and the other members of the committee on a 2010 budget resolution that reinvests in America and reinvests

in hardworking middle-class families that make up the backbone of this country.

As we all know, the voters spoke this fall overwhelmingly, voting for change and a reorientation of our priorities so that, in fact, we are strengthening the middle class and making the critical investments needed to build a better tomorrow.

We began to bring that desired change with the economic recovery program, and we continue on that path by providing a blueprint in this budget that will bring tax relief to hardworking families across this Nation and make investments in health care, education, energy, and elsewhere that are needed to move this economy from recovery to long-term growth.

Our friends on the other side of the aisle will decry this budget claiming that it will burden future generations with crippling debt. But let's be clear. It was under their leadership that a \$5.6 trillion surplus turned into the historic budget deficit that President Obama and this Congress inherited, a deficit of well over \$1 trillion in 2009. If you listen to my colleagues on the other side of the aisle, they were missing in action over this last 8 years. It is hard to believe that they were in charge. It is a little bit like "see no evil, hear no evil, and speak no evil." They were gone from the playing field over these last 8 years.

We will also hear the other side rail against the instructions that are included in this resolution—to bring about what? Education and long-awaited health care reform, despite the fact that they used this same procedure to pass massive tax cuts for the wealthiest people in this Nation.

When it comes to health care reform, the American people have watched as Congress has failed since 1993 to make a serious attempt to fix our broken system. Health care reform, making health care coverage affordable, available to all, improving safety and quality, and providing Americans with a choice of health plans and physicians, including the choice of keeping their current health plan, is long, long overdue.

We will work to craft bipartisan legislation, but the American people are not interested in process. They are interested in results. We will not let a party of "no" stand in the way of a reformed health care system that the majority of Americans so desperately want.

Along with health care, this budget also invests in education by expanding access and increasing funds for early childhood education, creating a new tax credit to help cover college costs, and raising the Pell Grant award.

It invests in energy, builds a framework for developing and producing new energy and jobs, modernizing the electricity grid to make it more efficient,

secure and reliable, increasing the efficiency of Federal buildings, and helping to make State and local governments more energy efficient.

This conference agreement invests in rebuilding America, including the establishment of a national infrastructure bank which would allow the government to objectively consider a wide range of infrastructure projects and leverage the private sector to fund those with the most significant economic, social and environmental benefits.

Finally, this budget plan reflects on the economic recovery program that we passed, including its provisions to provide tax relief to middle-income families. This includes room to expand the refundable child tax credit. By lowering the eligibility threshold to \$3,000 in the Recovery Act, we provided relief to the hardworking families of nearly 16 million children, including 5.5 million newly eligible children.

This budget builds on our efforts to create jobs and rebuild the economy through the economic recovery plan by providing a forward-looking economic blueprint that makes the strategic investments necessary to move from recovery to long-term economic growth while putting us back on a path to fiscal sustainability.

I urge my colleagues to support this rule, to support the underlying resolution and do not let our colleagues on the other side of the aisle, who had 8 years—and what did they do in those 8 years? They brought this Nation to its economic knees. It's time to look to the future. Support this resolution.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I say to my very good friend from Connecticut that it's fascinating that our colleagues on the other side of the aisle continue to talk about nothing but the last 8 years. And I find it interesting because no one seems to be willing to talk about what it is that's before us: a budget that is dealing with the next 5 years. It's a \$17.8 trillion budget over the next 5 years. That's what we need to focus on. That's what this debate is all about.

With that, I am very happy to yield 3 minutes to our hardworking and very thoughtful chair of the Republican Conference, the gentleman from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, I come to the floor today in the midst of a debate and rise in opposition to the conference report on the Democratic budget.

I do so following after the quite typically forceful remarks of the gentlelady from Connecticut, whom I respect as a colleague. She, as the gentleman from California just said, focused a great deal on the last 8 years. As someone who in this body through the course of the last 8 years was, as my colleagues know, a harsh and public

and consistent critic of runaway Federal spending under Republican control, allow me to stipulate that the gentlelady makes a point.

The truth is in the 8 years of the Bush administration's tenure, under Republican control 6 of those years, we did manage to double the national debt. And that was a disappointment to millions of Americans, me included. And I believe it was part and parcel why the American people in 2006 showed us the door because they know we can't borrow and spend our way to a healthy America. So I will stipulate to that point, Madam Speaker.

But it doesn't follow or stand to reason that coming to the floor as the gentlelady from Connecticut did and as others have today and complaining about overspending under Republican control of Congress, that the answer would be this budget which would—on top of what has already happened—double the national debt in 5 years and triple the national debt in 10.

□ 1730

It just simply doesn't make sense.

I would expect, Madam Speaker, that anyone that is looking in, that in the midst of these difficult times—a time when the American people are hurting, when every family and small business and family farmer across this country are sitting down around kitchen tables and metal desks and offices and figuring out how to make ends meet, they are making sacrifices, they are putting off until tomorrow what they don't have to spend today—here they see Democrat majorities in the House and the Senate bringing to the floor the most fiscally irresponsible budget in American history. And I say again, according to the numbers—and we can get lost in the numbers—outlays of \$3.5 trillion for fiscal year 2010, \$1.2 trillion in deficits in 2010. The deficits over this period never fall below \$500 billion. A number that was roundly criticized when the Bush administration and Republicans hit that number is now accepted to be the norm.

As I mentioned, public debt by the year 2014 will rise to more than two-thirds as a share of the economy. It is astonishing to point out that the European Union requires countries to keep their debt below 60 percent of their economy.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. I yield my friend an additional 2 minutes.

Mr. PENCE. If this administration and the Democrat majority have their way, the United States of America, by 2014, wouldn't even qualify under the criteria of the European Union—not that I would ever want to join. It just gives a perspective here, Madam Speaker, that what we have before us today is a budget that is out of step with the American people. It is a budget that does not embrace the sacrifice

and the resilience and the demonstrated virtue that millions of American families and millions of small businesses are practicing today.

The truth is, we can do better. The truth is, the American people know that this Congress has the capacity, even during these difficult times, to do the right thing, to take our jackets off, to roll our sleeves up, to do the hard work.

I look across the aisle and I see a gentleman with whom I serve that I personally and deeply respect. And I have to believe there are many colleagues on the other side of the aisle that also know this we ought not to do. After a so-called stimulus bill that spent \$1 trillion, an omnibus bill that increased spending by 8 percent for last year's business, and now the most fiscally irresponsible budget in American history, enough is enough.

The American people want this Congress to begin to practice fiscal discipline and reform. We ought to do so by rejecting this conference report, and I urge my colleagues to do so.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Let me say to the gentleman from Indiana, whom I respect, I agree with half of what he said. I agree that his party did mess up and leave us with a terrible economy at this particular juncture. But I think here's where we may disagree philosophically. The question is, how do you dig yourself out of this ditch? Is it more cuts? Is it throwing more people off the health care rolls? Is it creating more joblessness? Is it cutting back on educational programs? Is it cutting back on infrastructure programs? I mean, is that how we get out of this? Or, as I think we are suggesting, is it that maybe in the short term there needs to be some investment upfront to try to stimulate and resuscitate this economy, to create more jobs, to create more revenue, to try to get this economy back on the right track?

We are in deep trouble. We have inherited the worst economy since the Great Depression. Now, the gentleman and others have spoken as if we are not concerned about the deficit or the debt. First of all, we have joined with the gentleman from Indiana over the last 8 years complaining about the size of the debt. And we were told repeatedly by some of my friends on the other side of the aisle that the deficits don't matter, the debt doesn't matter; well, now all of a sudden it does.

The fact of the matter is, in the budget that we are proposing, we cut the deficit by nearly two-thirds in 4 years. That is our promise. That is our pledge in this budget.

I will briefly yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Madam Speaker, Mr. MCGOVERN went through this litany of options and the challenges that we have faced and things that should be done. He never mentioned that the solution that is being put before us is to dramatically increase the size and scope and reach of government, to impose taxes that will—as these independent economists about whom I referred earlier have said—will impose this tax burden on middle-income wage earners.

Mr. MCGOVERN. I reclaim my time. First of all, there is not a single tax increase in the budget. The budget that we propose cuts taxes for middle-income families by more than \$1.7 trillion over 10 years. And again, our budget cuts the deficit by nearly two-thirds in 4 years.

I am proud to defend our budget. I have talked about how it is going to create jobs. I have talked about how it is going to cut taxes. I have talked about how it is cutting nondefense discretionary spending. I have talked about how it is going to invest in affordable health care and college affordability and clean energy. I am out here very proudly defending this budget that we have.

So all I am simply saying is that what the other side has proposed, quite frankly, in our opinion, is unacceptable. It will hurt more middle-income families. It will cause more people to fall into the ranks of poverty, more people without health care. It will cut back on education, on investments in our infrastructure. Those were the proposals that were presented. I think that is the wrong way to go.

Madam Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. “Johnny, what have you done?” I remember my mom asking me that as a young boy, “What have you done?” Well, she asked me this weekend, “Johnny, what have you done to help middle class families? What are you doing in Congress to put the middle class first for a change?” And I said, Mom, some great things are happening in Washington, D.C. Can you imagine this? The Democratic Party is about to enact the largest tax reduction in our country's history for middle class families. Imagine that. Can you imagine that Democrats are going to cut the budget in half, by two-thirds by 2013? And can you believe that we are finally going to have an honest accounting for all the mess that we have inherited over the last decade, the mess that includes bailing out banks, bailing out Freddie and Fannie, and also dishonest war funding, money that should be included in the budget but yet we were not strong enough to put that in the President's budget? Can you believe that the Bush tax reduction was for the wealthiest Americans, and that our tax reduction is going to be for middle class families?

Madam Speaker, this House is in order. And we are investing in America. We are investing in our country and in our jobs. Do you remember in 2004, when President Bush's Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage? And all we hear now from our opponents on the other side is that Americans don't deserve health care.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. BOCCIERI. But all we hear from those detractors is that Americans are not worthy of having health care that works for every family and for every child.

I say enough is enough. We need to invest in our country, in our people, in our future. And that is exactly what this budget does; it invests in education, in green energy jobs, and cuts the budget deficit.

Are we going to be leaders or are we going to be blockers? Are we going to say “yes,” or are we going to say “no?” Are we going to invest in American families or Iraqis?

Mr. DREIER. Madam Speaker, at this juncture I am happy to yield 3 minutes to our hardworking friend from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding. And I must say that if I had just arrived here from out of town, I would think I was in a college literature class listening to Orwellian doublespeak at its best and examples thereof.

When they talk about investments, this new big government order, that really means tax increases and increases in spending. When they talk about bold, swift action, that means more “big government” power grabs. When they talk about probusiness regulation and modernization of energy, that is just more government dictating to the private sector. When they talk about rebuilding America and new modern job creation, those jobs are coming from the government. Those are government jobs. They talk about health care reform. That is just plain old socialized medicine.

And then they talk about cutting the deficit, but they don't tell you it is their own deficit. If the gentleman from Massachusetts can tell me what the deficit is today, as I sit here and listen, then all I have to do is divide that by half. But that is not true at all. What you are doing is increasing spending and then, based on some phony “we're going to grow the government next year by 4 percent, then we're going to cut the deficit,” come on, guys, that doesn't sell and you know it.

And we hear over and over again this is George Bush, Dick Cheney, Halliburton, Blackwater, and everybody else's fault but the Democrat Party. But who has been in charge for 2 years? It was you guys, that under your watch, \$29 billion spent on AIG; \$200 billion last year on Fannie Mae and Freddie Mac; \$168 billion for a stimulus bill last year, a year ago; \$85 billion going up to \$140 billion for AIG in September; \$700 billion in October for Wall Street; and then, just in January, \$790 billion for a stimulus bill followed by a \$410 billion omnibus bill which had over 9,000 earmarks—which the new President was going to cut every earmark out and not accept any.

At what point are Democrats going to go ahead and admit, you own the House, you own the Senate and the White House? This stuff all happened under your watch. Get over George Bush. You are now in charge.

And I want to say this, as an Appropriations Committee member during the period of time when George Bush was President and we were in the majority—

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Madam Speaker, I yield my friend 1 additional minute.

Mr. KINGSTON. We never had one appropriation bill that spent enough money for you guys. And you know it. And the records show it in the appropriations debate over and over again; it didn't spend enough money.

So now we are hearing that your fiscal discipline—I just think it is laughable to think about this—your budget spends too much, taxes too much, and borrows too much. We will be borrowing more money from the Chinese. Indeed, the new Secretary of State's first trip was over to China to say, please continue to lend us money. The deficits that go on will never fall below \$500 billion. But I understand you are going to jack up spending so you can say you have cut it in half, and that's the way you want to do business.

Tax increases; \$1.5 trillion in tax increases. And a lot of it will fall on the backs of farmers and small businesses, the very people you have the nerve to say that you are trying to help. And the total spending outlay of \$3.5 trillion in the year 2010.

This budget should be rejected. It spends too much, borrows too much, and taxes too much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I would say to my friends on the other side of the aisle, you have had your chance. We did it your way for 8 years, and we have the worst economy since the Great Depression. We have

more people in poverty, we have the worst job creation since the Great Depression, we have more people who are hungry in America, we have more people without health insurance. I mean, give me a break.

The bottom line is we have tried it your way for 8 years, and you have failed. And the American people sent my friends a message loud and clear on Election Day that enough is enough.

Mr. KINGSTON. Will the gentleman yield?

Mr. MCGOVERN. I will yield to the gentleman.

Mr. KINGSTON. Who took over the Congress in 2006?

Mr. MCGOVERN. Reclaiming my time. Yes, the Democrats did, but unfortunately with a President who vetoed every decent piece of legislation that we tried to pass, vetoing children's health care, and a whole bunch of other things that would have helped the economy.

Right now we have a Democratic Congress and a Democratic President, and we are going to pass a budget that reflects what the American people want, the values of the American people. We are going to get this economy back on the right track. Enough. Eight years of failed policies is enough. The same old, same old doesn't work anymore.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I am happy to yield 1 minute to my friend from Savannah.

Mr. KINGSTON. I thank the gentleman from California.

I was going to ask my friend from Massachusetts, is it not true that the President vetoed Democrat spending, and did come to compromise on things like children's health care, but the first go-round you guys spent too much money, and that is why he was vetoing it? I mean, I can see, blame it on the President and Republicans for 6 years, fair and square. But you guys have been in charge for 2 years now, and the only vetoing that he did was when you were spending too much money.

I just think it is time to go ahead and say, you know, we are in charge, we are going to take responsibility. And, if anything, we need to start talking checks and balances in this town because I don't think we have any with all this runaway spending.

Again, I think this budget spends too much, taxes too much, and borrows too much. And I thank the gentleman from California.

Mr. MCGOVERN. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4½ minutes. The gentleman from California has 3½ minutes.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from Florida.

Mr. HASTINGS of Florida. That is all I need to respond, just very briefly, to my good friend from Savannah/Brunswick when he asked and says that too much money was what the previous President vetoed.

□ 1745

I wonder how much, Madam Speaker, is too much money to care for sick children in America or to ensure that children do not get sick in America?

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to our colleague from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, a lot has been said about the last 8 years. And just to make it known, there were a lot of us who weren't happy with the level of spending that went on during that time. We were headed for a fiscal cliff. We knew that. A lot of us knew that, and a lot of us weren't shy in saying it. A lot of us voted against a lot of appropriations bills because they spent too much money.

But when you're headed toward a fiscal cliff, you don't step on the accelerator. And that's what this budget does. We all know or we should know, or we'll claim we knew it when it happens, that the next crisis will be when we try to auction off some Treasury bills that nobody buys. What do we do then? What do we do when nobody wants to lend us money? And we're going to get there, we know we are, because this budget puts us on the track to get there a lot sooner than we would have been otherwise.

That's why this budget needs to be rejected. It's simply too big. I think people know that. And as we go through the appropriations process, I think that will become even clearer.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is an interesting debate that has preceded, and I have to say that I believe that there is great bipartisan concern about where this country is headed. Democrats and Republicans alike both want to get our economy back on track.

As I look at small businesses in Southern California, it's not a Democratic or Republican issue. Small businesses are closing down and people are suffering. As I look at homeowners who are losing their homes, it's not a Democratic or Republican issue. They very much want to be able to enjoy the American dream of owning their home. As I look at people who have lost their jobs, it's not a Democratic or Republican issue. So I believe that Democrats and Republicans alike want us to make sure we get this economy growing again. The question is how do we do it?

It's fascinating as I listen to my friends on the other side of the aisle

decry deficit spending under President Bush and then argue that we should dramatically increase the size and scope and reach of government. And very sincerely that is what they've done. As I listened to my friend from Ft. Lauderdale, that is what he has just advocated. I congratulate him for being consistent in making that argument. But there are others who say that the policies of the past 8 years have created the problem that we have right now.

I also want to clarify the record on issues that were raised. I have argued that we could have done better during the time that we were in the majority. But, Madam Speaker, I think it's important to note that with the exception of the Department of Defense, the Department of Homeland Security, and veterans, there were real dollar spending cuts that took place in appropriations bills over the last few years when we were in the majority. I think that the record needs to show that. We did work to try to reduce spending. We could have done better than we did. I will acknowledge that.

But, again, here we are looking at a proposal which dramatically increases the size and scope and reach of the Federal Government.

And I know that President Obama is popular. I like President Obama. I've been enjoying working with him on things in the past. But I'm very troubled in seeing the implementation of what he calls the "transformation," the "transformation of government." I don't believe that it's what the American people want. What they want to do is they want to see us implement policies that will create jobs, that will allow them to keep their homes, that will keep small businesses thriving. That's what they want to see happen. The best way to do that is to use the model that was put forth by John F. Kennedy when, in 1961, he said, you can't encourage economic growth by increasing public expenditures; you can only do it by increasing private investment.

Reject this rule and reject the underlying conference report.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Madam Speaker, President Kennedy also said if a free society cannot help the many who are poor, it cannot save the few who are rich. And that's been the problem over the last 8 years is that the emphasis has been on the rich. The tax cuts, the extravagant tax cuts, for the wealthiest individuals that have contributed to our deficit; spending on the war that they wouldn't even pay for that was covered up under emergency spending procedures so it would mask the size of our growing debt. Yes, they made cuts in programs that helped kids and veterans and our elderly and investments in job creation and things that would

help stimulate this economy. I don't think that's a record to be proud of.

So we're turning the page. We're actually going to a new chapter here. We have a budget before us that I am proud to defend. This is a budget that creates jobs with targeted investments in affordable health care, clean energy, education. It cuts taxes for middle-income families by more than \$1.7 trillion over 10 years. It cuts the deficit by nearly two-thirds in 4 years, and it paves the way for an affordable health care plan.

Forty million of our fellow citizens are without health care. That's a national scandal. And you know what? That reality is one of the reasons why health care costs are soaring. We need to get that under control. We need to deal with the issue of college affordability so we have the best trained, best educated workforce in the entire world. We need to invest in clean energy so we can actually make this transition to clean, renewable sources of energy so we're not dependent on foreign oil, we're not dependent on the same old, same old kind of energy that we have here, that we have relied on for so many years in this country.

So we can either do what my friends on the other side of the aisle have done for 8 years or we can go in a very different direction. And I urge my colleagues that it's time to move in a different direction.

Madam Speaker, I will be offering an amendment to the rule. The amendment provides for timeout authority in this rule which will allow the debate on this conference report to take place over 2 days, giving Members adequate time to read this important report before voting. I hope Members will vote "yes" on the amendment and on the previous question and on the rule.

AMENDMENT OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Madam Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

Insert at the end the following new section:

"SEC. 2. The Chair may postpone further consideration of the conference report to such time as may be designated by the Speaker."

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on adoption of House Resolution 371, if ordered; and motion to suspend the rules on H.R. 1595, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 13, as follows:

[Roll No. 213]

YEAS—240

Abercrombie	Green, Gene	Oberstar
Ackerman	Griffith	Obey
Adler (NJ)	Grijalva	Oliver
Altmire	Gutierrez	Ortiz
Andrews	Hall (NY)	Pallone
Arcuri	Halvorson	Pascarell
Baca	Hare	Pastor (AZ)
Baird	Harman	Payne
Baldwin	Hastings (FL)	Perlmutter
Barrow	Heinrich	Perriello
Bean	Herseth Sandlin	Peters
Becerra	Higgins	Peterson
Berkley	Hill	Pingree (ME)
Berman	Himes	Polis (CO)
Berry	Hinchey	Pomeroy
Bishop (GA)	Hinojosa	Price (NC)
Bishop (NY)	Hirono	Quigley
Blumenauer	Hodes	Rahall
Bocciari	Holden	Rangel
Boren	Holt	Reyes
Boswell	Honda	Richardson
Boucher	Hoyer	Rodriguez
Boyd	Inlee	Ross
Brady (PA)	Israel	Rothman (NJ)
Braley (IA)	Jackson-Lee	Roybal-Allard
Bright	(TX)	Ruppersberger
Butterfield	Johnson (GA)	Rush
Capps	Johnson, E. B.	Ryan (OH)
Capuano	Kagen	Salazar
Cardoza	Kanjorski	Sanchez, Linda
Carnahan	Kaptur	T.
Carney	Kennedy	Sanchez, Loretta
Carson (IN)	Kildee	Sarbanes
Castor (FL)	Kilpatrick (MI)	Schakowsky
Chandler	Kilroy	Schauer
Childers	Kind	Schiff
Clarke	Kirkpatrick (AZ)	Schrader
Cleaver	Kissell	Schwartz
Clyburn	Klein (FL)	Scott (GA)
Cohen	Kosmas	Scott (VA)
Connolly (VA)	Kucinich	Serrano
Conyers	Langevin	Sestak
Cooper	Larsen (WA)	Shea-Porter
Costa	Larson (CT)	Sherman
Costello	Lee (CA)	Shuler
Courtney	Levin	Sires
Crowley	Lewis (GA)	Skelton
Cuellar	Lipinski	Slaughter
Cummings	Loeb sack	Smith (WA)
Dahlkemper	Lofgren, Zoe	Snyder
Davis (AL)	Lowey	Space
Davis (CA)	Lujan	Speier
Davis (IL)	Lynch	Spratt
Davis (TN)	Maffei	Stupak
DeFazio	Maloney	Sutton
DeGette	Markey (CO)	Tanner
Delahunt	Markey (MA)	Tauscher
DeLauro	Matheson	Teague
Dicks	Matsui	Thompson (CA)
Dingell	McCarthy (NY)	Thompson (MS)
Doggett	McCollum	Tierney
Donnelly (IN)	McDermott	Titus
Doyle	McGovern	Tonko
Driehaus	McIntyre	Towns
Edwards (MD)	McMahon	Tsongas
Ellison	McNerney	Van Hollen
Ellsworth	Meek (FL)	Velázquez
Engel	Melancon	Visclosky
Eshoo	Miller (NC)	Walz
Etheridge	Miller, George	Wasserman
Farr	Mitchell	Schultz
Fattah	Mollohan	Waters
Filner	Moore (KS)	Watson
Foster	Moore (WI)	Watt
Frank (MA)	Moran (VA)	Waxman
Fudge	Murphy (CT)	Weiner
Giffords	Murphy, Patrick	Welch
Gonzalez	Murtha	Wexler
Gordon (TN)	Nadler (NY)	Wilson (OH)
Grayson	Napolitano	Woolsey
Green, Al	Neal (MA)	Yarmuth

NAYS—179

Aderholt Garrett (NJ) Myrick
 Akin Gerlach Neugebauer
 Alexander Gingrey (GA) Nunes
 Austria Gohmert Nye
 Bachmann Goodlatte Olson
 Bachus Graves Paul
 Barrett (SC) Guthrie Paulsen
 Bartlett Hall (TX) Pence
 Barton (TX) Harper Petri
 Biggert Hastings (WA) Pitts
 Bilbray Heller Platts
 Bilirakis Hensarling Poe (TX)
 Bishop (UT) Herger Posey
 Blackburn Hoekstra Price (GA)
 Blunt Hunter Putnam
 Boehner Inglis Radanovich
 Bonner Issa Rehberg
 Bono Mack Jenkins Reichert
 Boozman Johnson (IL) Roe (TN)
 Boustany Jones Rogers (AL)
 Brady (TX) Jordan (OH) Rogers (KY)
 Broun (GA) King (IA) Rogers (MI)
 Brown (SC) King (NY) Rohrabacher
 Brown-Waite, Kingston
 Ginny Kirk Rooney
 Buchanan Kline (MN) Ros-Lehtinen
 Burton (IN) Kratochvil Roskam
 Buyer Lamborn Royce
 Calvert Lance Ryan (WI)
 Camp Latham Scalise
 Campbell LaTourette Schmidt
 Cantor Latta Schock
 Cao Lee (NY) Sensenbrenner
 Capito Lewis (CA) Sessions
 Carter Linder Shadegg
 Cassidy LoBiondo Shimkus
 Castle Lucas Shuster
 Chaffetz Luetkemeyer Simpson
 Coble Lummis Smith (NE)
 Coffman (CO) Lungren, Daniel Smith (NJ)
 Cole E. Smith (TX)
 Conaway Mack Souder
 Crenshaw Manzullo Stearns
 Culberson Marchant Sullivan
 Davis (KY) Marshall Taylor
 Deal (GA) McCarthy (CA) Terry
 Dent McCaul Thompson (PA)
 Diaz-Balart, L. McClintock Thornberry
 Diaz-Balart, M. McCotter Tiahrt
 Dreier McHenry Tiberi
 Duncan McHugh Turner
 Ehlers McMorris Upton
 Emerson Rodgers Walden
 Flake Mica Wamp
 Fleming Michaud Westmoreland
 Forbes Miller (FL) Whitfield
 Fortenberry Miller (MI) Wilson (SC)
 Foxx Miller, Gary Wittman
 Franks (AZ) Minnick Wolf
 Frelinghuysen Moran (KS) Young (AK)
 Gallegly Murphy, Tim Young (FL)

NOT VOTING—13

Brown, Corrine Granger Meeks (NY)
 Burgess Jackson (IL) Stark
 Clay Johnson, Sam
 Edwards (TX) Massa Wu
 Fallon McKeon

□ 1819

Messrs. EHLERS and SOUDER changed their vote from “yea” to “nay.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. FALLIN. Madam Speaker, on rollcall No. 213 I was unavoidably detained. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 13, as follows:

[Roll No. 214]

YEAS—234

Abercrombie Green, Gene Oberstar
 Ackerman Griffith Obey
 Adlmer (NJ) Grijalva Olver
 Altmore Gutierrez Ortiz
 Andrews Hall (NY) Pallone
 Arcuri Halvorson Pascarelli
 Baca Hare Pastor (AZ)
 Baird Harman Payne
 Baldwin Hastings (FL) Perlmutter
 Bean Heinrich Perriello
 Becerra Herseth Sandlin Peters
 Berkeley Higgins Peterson
 Berman Hill Pingree (ME)
 Berry Himes Polis (CO)
 Bishop (GA) Hinchey Pomeroy
 Bishop (NY) Hinojosa Price (NC)
 Blumenauer Hirono Quigley
 Boccieri Hodes Rahall
 Boren Holden Rangel
 Boswell Holt Reyes
 Boucher Honda Richardson
 Boyd Hoyer Rodriguez
 Brady (PA) Inslee Ross
 Braley (IA) Israel Rothman (NJ)
 Bright Jackson-Lee Roybal-Allard
 Butterfield (TX) Ruppelberger
 Capps Johnson (GA) Rush
 Capuano Johnson, E. B. Ryan (OH)
 Kagen Salazar
 Kanjorski Sanchez, Linda
 Kaptur T.
 Kennedy Sanchez, Loretta
 Kildee Sarbanes
 Kilpatrick (MI) Schakowsky
 Kilroy Schauer
 Kind Schiff
 Kirkpatrick (AZ) Schrader
 Kissell Schwartz
 Klein (FL) Scott (GA)
 Kosmas Scott (VA)
 Langevin Serrano
 Larsen (WA) Sestak
 Larson (CT) Shea-Porter
 Lee (CA) Sherman
 Levin Sires
 Lewis (GA) Skelton
 Lipinski Slaughter
 Loeb sack Smith (WA)
 Lofgren, Zoe Snyder
 Lowey Space
 Lujan Speier
 Lynch Spratt
 Maffei Stupak
 Maloney Sutton
 Markey (CO) Tanner
 Markey (MA) Tauscher
 Matsui Teague
 McCarthy (NY) Thompson (CA)
 McCollum Thompson (MS)
 McDermott Tierney
 McGovern Titus
 McIntyre Tonko
 McMahon Towns
 McNeerney Tsongas
 Meek (FL) Van Hollen
 Meeks (NY) Velázquez
 Miller (NC) Visclosky
 Miller, George Walz
 Mitchell Wasserman
 Molohan Schultz
 Moore (KS) Waters
 Moore (WI) Watson
 Moran (VA) Waxman
 Murphy (CT) Weiner
 Murphy, Patrick Welch
 Murtha Wexler
 Nadler (NY) Wilson (OH)
 Napolitano Woolsey
 Neal (MA) Yarmuth

NAYS—185

Aderholt Bachus Biggert
 Akin Barrett (SC) Bilbray
 Alexander Barrow Bilirakis
 Austria Bartlett Bishop (UT)
 Bachmann Barton (TX) Blackburn

Blunt Hastings (WA) Olson
 Boehner Heller Paul
 Bonner Hensarling Paulsen
 Bono Mack Herger Pence
 Boozman Hoekstra Petri
 Boustany Hunter Pitts
 Brady (TX) Inglis Platts
 Broun (GA) Issa Poe (TX)
 Brown (SC) Jenkins Posey
 Brown-Waite, Johnson (IL) Price (GA)
 Ginny Jones Putnam
 Buchanan Jordan (OH) Radanovich
 Burton (IN) King (IA) Rehberg
 Buyer King (NY) Reichert
 Calvert Kingston Roe (TN)
 Camp Kirk Rogers (AL)
 Campbell Kline (MN) Rogers (KY)
 Cantor Kratochvil Rogers (MI)
 Cao Kucinich Rohrabacher
 Capito Lamborn Rooney
 Carter Lance Ros-Lehtinen
 Cassidy Latham Roskam
 Castle LaTourette Royce
 Chaffetz Latta Ryan (WI)
 Childers Lee (NY) Scalise
 Coble Lewis (CA) Schmidt
 Coffman (CO) Linder Schock
 Cole LoBiondo Sensenbrenner
 Conaway Lucas Sessions
 Crenshaw Luetkemeyer Shadegg
 Culberson Lummis Shimkus
 Davis (KY) Lungren, Daniel Shuler
 Deal (GA) E. Shuster
 Dent Mack Simpson
 Diaz-Balart, L. Manzullo Smith (NE)
 Diaz-Balart, M. Marchant Smith (NJ)
 Dreier Marshall Smith (TX)
 Duncan Matheson Souder
 Ehlers McCarthy (CA) Stearns
 Emerson McCaul Sullivan
 Fallon McClintock Taylor
 Flake McCotter Terry
 Fleming McHenry Thompson (PA)
 Forbes McHugh Thornberry
 Fortenberry McMorris Tiahrt
 Foxx Rodgers Tiberi
 Franks (AZ) Mica Turner
 Frelinghuysen Michaud Upton
 Gallegly Miller (FL) Walden
 Garrett (NJ) Miller (MI) Wamp
 Gerlach Miller, Gary Westmoreland
 Gingrey (GA) Minnick Whitfield
 Gohmert Moran (KS) Wilson (SC)
 Goodlatte Murphy, Tim Wittman
 Graves Myrick Wolf
 Guthrie Neugebauer Young (AK)
 Hall (TX) Nunes Young (FL)
 Harper Nye

NOT VOTING—13

Brown, Corrine Jackson (IL) Stark
 Burgess Johnson, Sam Watt
 Clay Massa Wu
 Edwards (TX) McKeon
 Granger Melancon

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1828

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BRIAN K. SCHRAMM POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1595.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts

(Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1595.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. McGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 12, as follows:

[Roll No. 215]

AYES—420

Abercrombie	Childers	Graves
Ackerman	Clarke	Grayson
Aderholt	Cleaver	Green, Al
Adler (NJ)	Clyburn	Green, Gene
Akin	Coble	Griffith
Alexander	Coffman (CO)	Grijalva
Altmire	Cohen	Guthrie
Andrews	Cole	Gutierrez
Arcuri	Conaway	Hall (NY)
Austria	Connolly (VA)	Hall (TX)
Baca	Conyers	Halvorson
Bachmann	Cooper	Hare
Bachus	Costa	Harman
Baird	Costello	Harper
Baldwin	Courtney	Hastings (FL)
Barrett (SC)	Crenshaw	Hastings (WA)
Barrow	Crowley	Heinrich
Bartlett	Cuellar	Heller
Barton (TX)	Culberson	Hensarling
Bean	Cummings	Hерger
Becerra	Dahlkemper	Herseth Sandlin
Berkley	Davis (AL)	Higgins
Berman	Davis (CA)	Hill
Berry	Davis (IL)	Himes
Biggert	Davis (KY)	Hinchev
Bilbray	Davis (TN)	Hinojosa
Bilirakis	Deal (GA)	Hirono
Bishop (GA)	DeFazio	Hodes
Bishop (NY)	DeGette	Hoekstra
Bishop (UT)	Delahunt	Minnick
Blackburn	DeLauro	Holt
Blumenauer	Dent	Honda
Blunt	Diaz-Balart, L.	Hoyer
Boccheri	Diaz-Balart, M.	Hunter
Boehner	Dicks	Inglis
Bonner	Dingell	Inslee
Bono Mack	Doggett	Israel
Boozman	Donnelly (IN)	Issa
Boren	Doyle	Jackson-Lee
Boswell	Dreier	(TX)
Boucher	Driebeaus	Jenkins
Boustany	Duncan	Johnson (GA)
Boyd	Edwards (MD)	Johnson (IL)
Brady (PA)	Ehlers	Johnson, E. B.
Brady (TX)	Ellison	Jones
Braley (IA)	Ellsworth	Jordan (OH)
Bright	Emerson	Kagen
Brown (GA)	Engel	Kanjorski
Brown (SC)	Eshoo	Kaptur
Brown-Waite,	Etheridge	Kennedy
Ginny	Fallin	Kildee
Buchanan	Farr	Kilpatrick (MI)
Burton (IN)	Fattah	Kilroy
Butterfield	Filner	Kind
Buyer	Flake	King (IA)
Calvert	Fleming	King (NY)
Camp	Forbes	Kingston
Campbell	Fortenberry	Kirk
Cantor	Foster	Kirkpatrick (AZ)
Cao	Fox	Kissell
Capito	Frank (MA)	Klein (FL)
Capps	Franks (AZ)	Kline (MN)
Capuano	Frelinghuysen	Kosmas
Cardoza	Fudge	Kratovil
Carnahan	Galleghy	Kucinich
Carney	Garrett (NJ)	Lamborn
Carson (IN)	Gerlach	Lance
Carter	Giffords	Langevin
Cassidy	Gingrey (GA)	Larsen (WA)
Castle	Gohmert	Larson (CT)
Castor (FL)	Gonzalez	Latham
Chaffetz	Goodlatte	LaTourette
Chandler	Gordon (TN)	Latta

Lee (CA)	Nye	Serrano
Lee (NY)	Oberstar	Sessions
Levin	Obey	Sestak
Lewis (CA)	Olson	Shadegg
Lewis (GA)	Olver	Shea-Porter
Linder	Ortiz	Sherman
Lipinski	Pallone	Shimkus
LoBiondo	Pascarell	Shuler
Loeb sack	Pastor (AZ)	Shuster
Lofgren, Zoe	Paul	Simpson
Lowe y	Paulsen	Sires
Lucas	Payne	Skelton
Luetkemeyer	Pence	Slaughter
Lujan	Perlmutter	Smith (NE)
Lummis	Perriello	Smith (NJ)
Lungren, Daniel	Peters	Smith (TX)
E.	Peterson	Smith (WA)
Lynch	Petri	Snyder
Mack	Pingree (ME)	Souder
Maffei	Pitts	Space
Maloney	Platts	Speier
Manzullo	Poe (TX)	Spratt
Markey (CO)	Polis (CO)	Stearns
Markey (MA)	Pomeroy	Stupak
Marshall	Posey	Sullivan
Matheson	Price (GA)	Sutton
Matsui	Price (NC)	Tanner
McCarthy (CA)	Putnam	Tauscher
McCarthy (NY)	Quigley	Taylor
McCaul	Radanovich	Teague
McClintock	Rahall	Terry
McCollum	Rangel	Thompson (CA)
McCotter	Rehberg	Thompson (MS)
McDermott	Reichert	Thompson (PA)
McGovern	Reyes	Thornberry
McHenry	Richardson	Tiahrt
McHugh	Rodriguez	Tiberi
McIntyre	Roe (TN)	Tierney
McMahon	Rogers (AL)	Titus
McMorris	Rogers (KY)	Tonko
Heller	Rogers (MI)	Towns
McNerney	Rohrabacher	Tsongas
Meek (FL)	Rooney	Turner
Meeks (NY)	Ros-Lehtinen	Upton
Melancon	Roskam	Van Hollen
Mica	Ross	Velázquez
Michaud	Rothman (NJ)	Visclosky
Miller (FL)	Roybal-Allard	Walden
Miller (MI)	Royce	Walz
Miller (NC)	Ruppersberger	Wamp
Miller, Gary	Rush	Wasserman
Miller, George	Ryan (OH)	Schultz
Minnick	Ryan (WI)	Waters
Mitchell	Salazar	Watson
Mollohan	Sánchez, Linda	Watt
Moore (KS)	T.	Waxman
Moore (WI)	Sanchez, Loretta	Weiner
Moran (KS)	Sarbanes	Welch
Moran (VA)	Scalise	Westmoreland
Murphy (CT)	Schakowsky	Wexler
Murphy, Patrick	Schauer	Whitfield
Murphy, Tim	Schiff	Wilson (OH)
Murtha	Schmidt	Wilson (SC)
Myrick	Schock	Wittman
Nadler (NY)	Schrader	Wolf
Napolitano	Schwartz	Woolsey
Neal (MA)	Scott (GA)	Yarmuth
Neugebauer	Scott (VA)	Young (AK)
Nunes	Sensenbrenner	Young (FL)

NOT VOTING—12

Brown, Corrine	Granger	Massa
Burgess	Jackson (IL)	McKeon
Clay	Johnson, Sam	Stark
Edwards (TX)	Marchant	Wu

□ 1835

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on yesterday, Monday, April 27, 2009, I was unavoidably detained by airline flight problems and missed the following votes:

Rollcall vote 207, H. Res. 329, recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, I would have voted "aye";

Rollcall vote 208, H.R. 1746, Pre-Disaster Mitigation Act of 2009, I would have voted "aye";

Rollcall vote 209, H. Res. 335, supporting the goals and ideals of National Volunteer Week, I would have voted "aye."

CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. SPRATT. Madam Speaker, pursuant to House Resolution 371, I call up the conference report to accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 371, the conference report is considered read.

(For conference report and statement, see proceedings of the House of April 27, 2009, at page 10732.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Speaker, I yield myself 5 minutes.

In resolving the conference this year, we have had a hard hand to play. In the backwash of the Bush administration, we have had to struggle with an economy that is reeling, if not receding. The deficit is deep and the end is nowhere in sight.

President Obama has responded to these challenges head-on, and we have followed his lead with a conference agreement that reflects most of his policies and most of his proposals.

The President has recognized that we have not one but two deficits. The first is an economy running at about 7 percent below its full employment level, or \$1 trillion below its potential. To move our economy closer to its capacity, the President signed into law a package of stimulus measures totaling \$787 billion in tax cuts and spending increases.

Here is what the Congressional Budget Office says in its analysis of the President's budget: "The adoption of the American Recovery and Reinvestment Act and very aggressive actions by the Fed and the Treasury will help end the recession this fall."

Let's hope CBO is right, because it's all but impossible to balance the budget when the economy is in recession. Nevertheless, this year's deficit constitutes 12.3 percent of our gross domestic product. At least two-thirds of that stems from the tax and spending policies undertaken by the Bush administration. Much of the enormous swell in this year's deficit is due to some extraordinary expenditures, such as the Troubled Asset Relief Program, and the consolidation of Freddie Mac and Fannie Mae in the Federal budget, and the American Recovery and Reinvestment Act. The good news is these expenditures are nonrecurring so long as the economy recovers.

The President sent us a budget that will cut the deficit by two-thirds by 2013, from \$1.752 trillion this year to \$523 billion in 2014. \$523 billion is roughly 3 percent of GDP in 2014, and in that sense, it is sustainable, because that's roughly the growth rate in 2014.

The budget embodied in our resolution uses CBO projections, which are less optimistic. Yet it reduces the deficit to \$523 billion in 2014, which is 3 percent of GDP, a bit less than the rate of growth in the economy for that year.

Our budget can rightly be called a deficit reduction budget, because it lowers the deficit by \$1.2 trillion over 5 years. On the other hand, our budget is not so committed to deficit reduction that it overrides or overlooks other needs. In fact, it takes on topics that previous budgets have found too tough to face, such as health care for millions of Americans who do not have insurance. On top of that it slows down defense spending with an increase of 4 percent and makes a moderate adjustment to non-defense discretionary spending, taking it a bit above this year.

In spite of deficits, the President's budget and our conference report launch some bold initiatives to make our economy more productive and our people more productive. First, in higher education, with an increase in Pell Grants to \$5,550; next in health care for the millions, 46 million by one estimate, who are uninsured; and, finally, in alternative energies to lessen our dependence on foreign oil and the depletion of our environment.

As the Budget Committee, we do not make tax policies or write tax bills, but we do set revenue levels with certain assumptions in mind. We have provided revenues sufficient to renew the middle-income tax cuts adopted in 2001 and 2003. These include the 10 percent bracket, the child tax credit and the marital penalty relief bill. We have also assumed revenue levels that allow for the AMT to be patched for 3 years to keep it from burdening middle-income taxpayers for whom it was never intended. We have also assumed in our revenue estimates that the estate tax

will be extended at the 2009 levels, leaving exemptions of \$3.5 million per decedent in place, in force, in law.

Our Republican colleagues nevertheless complained about our tax policies. Let me read from CBO's nonpartisan analysis of the President's budget, which is very much like our budget: "Proposed changes in tax policy would reduce revenues by an estimated \$1.7 trillion over the next 10 years." That's the CBO talking.

The President's major initiatives—health care, energy, education, environment—are all implemented by way of reserve funds, and, let me stress, these reserve funds are all deficit-neutral. They are yet to be funded, and they only become operative to the extent that they are actually funded.

The resolution before us sounds all of these themes, and with a few exceptions, supports the principles underlying the President's budget.

Our resolution is laid out in the form of a 5-year budget using CBO's stricter scoring and CBO's projections of the economy.

□ 1845

OMB has run out its budget over 10 years, but a 5-year budget is not at all unusual.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield myself 1 additional minute.

It's the customary time frame for budgeting, and we think that the 5-year budget is particularly appropriate in a year when no one can adequately foresee the future or can even foresee a few years over the horizon.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield myself as much time as I may consume.

Madam Speaker, this is a big moment. This is a moment where Congress is now about to decide the passage of the final conference report of this year's budget. It's the budget of our new President with this new Democratic majority. It's a budget that encapsulates their values, the issues that the majority party ran on, the issues that the majority party did say in their campaigns that they were going to pass.

I did 25 listening sessions in the First Congressional District over the Easter recess, and a lot of constituents were concerned and complained about all of this new government and about all of this spending as if it's something they didn't see coming, to which I answered to most of my constituents: You know what? The President did run on these ideas. The Democrats who took the majority did run on these ideas. These are the things they said that they would do, and now this budget shows that they're doing it.

So honesty and candor are being had with this budget. The description of

what it does, however, I would say, is not being candidly handled. It is not being done honestly. If you take a look at an honest accounting of this budget that is now before the floor, there is an additional \$1.172 trillion in deficit spending that's occurring here that had been masked away from it.

You've seen the kinds of quotes from some who would describe the enormous vision of this budget as one that will bring a new day in America, where we will look more like a European kind of an economy, like more of a European type of social welfare state. I know a lot of people don't like that description, and in some ways, that description that this converts the American Government into a European welfare state government is not a fair description.

The reason that that's not a fair description is it's not fair to Europe. Under the Maastricht treaty, under which the Europeans allow entrance, this budget would be in violation of it. If you take an honest accounting of this budget, then the deficit never falls below 5 percent of the GDP. We couldn't be allowed into the European Union if this budget passes, which we know the majority has the votes, and it will pass.

This budget doubles the national debt held by the public in about 5½ years, and it triples it in about 10½ years. This budget recreates a whole new system, a whole new precedence. This new precedence changes the whole notion of budgets, the whole concept of what we refer to as the 1974 Budget Act. That budget act was an idea that we've got to get spending under control, that we've got to get our fiscal house in order, that we've got to get the deficit down.

We've got to work on our borrowing. We need to bring fiscal discipline and some limits and some control to the process of taxing and spending in Congress. This doesn't do that. This takes a whole new precedence, and it uses the budget. It perverts the tools within the budget, not to lower the level of spending, not to lower the level of taxing, not to work on reducing the national debt. It uses the budget to increase these things—to engage in an absolute gusher of new spending, of more taxing and of more borrowing.

In fact, the order occurs like this: a huge gusher of new spending, chased by ever-higher taxes which never actually catch up with that spending, which results in a record level of new borrowing. More debt will accumulate under this coming Presidency than under all prior Presidencies combined. That's the budget that we have here before us today.

The chairman talked about the Congressional Budget Office saying taxes are being cut in this budget. That's really an interesting statement. You have to go through so much mental

gymnastics to actually rationalize that statement. What this budget does, to be fair, is it takes some current tax rates and keeps them current—the Child Tax Credit, the Marriage Penalty Relief, some of the lower income tax brackets. So it doesn't cut those taxes. It just keeps them where they are.

Under this budget, the alternative minimum tax kicks in in full force in 3 years, hitting at that time about 30 million families with an average of \$2,000 of more taxes.

It raises the tax rates on income that most small businesses pay, so they'll pay a tax rate higher than that of the largest corporations. It raises the tax rates on the very investments, capital gains and dividends that make up our pension funds, our 401(k) plans, our college savings plans that are now down by 40 percent. So it has not only the largest tax increase in American history and not only the largest spending increase in American history but the largest debt increase ever. That's not budgeting. That's irresponsibility.

So we, obviously, have a difference of opinion with this budget. While we criticize this, we brought to the floor our own budget to say how we would do things differently, and we've got to get our taxes low to grow this economy. We've got to control spending so that we can have government live within its means so that we can get our debt paid off.

At the end of the day, the question is whether or not we're going to do good in this generation by the next generation, whether or not we're going to take on the fiscal challenges that are confronting this country and this generation today so that future generations of Americans can continue to enjoy the high standards of living that we have enjoyed, whether Americans can still test the boundaries of prosperity and society or whether we're going to go down that sliding scale, that slippery slope of giving the next generation an inferior standard of living.

It is a quantifiable, irrefutable fact that this budget puts us on that glide path to giving the next generation an inferior standard of living, an ocean of debt, a sea of higher taxes and spending as far as the eye can see. This budget should not pass. Unfortunately, this budget will pass.

With that, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding.

Madam Speaker, I rise in support of the 2010 budget resolution conference report, and I commend the chairman for his diligent work, as well as the other conferees, to produce a budget to grow our economy and to restore discipline, finally, to America's accounts.

The key to our Nation's future is a strong, robust economy, and this budget leads us in that direction. It also meets our commitments to our veterans by including a substantial increase from the 2009 veterans' services.

I ask my colleagues to support this resolution. Again, I thank the very able Budget chairman, Congressman SPRATT of South Carolina, for his incredible work.

I rise today in support of the 2010 Budget Resolution Conference Report. I wish to applaud Chairman SPRATT and the other conferees for their diligent work on behalf of our nation.

The key to our nation's future is a strong, robust economy built on the foundation of resilient citizens working hard to produce goods and services. The Budget Resolution supports revitalization of our economy through investing in education and energy independence, both of which keep us competitive globally while protecting our national interests.

In addition, this Budget Resolution aims to cut the deficit by nearly two-thirds while maintaining our commitment to our nation's veterans by including an 11.7 percent increase from 2009 for veteran's services. This is critical as we address our aging veterans and those who struggle with PTSD and other war-related injuries.

I ask my colleagues to support this resolution.

Mr. SPRATT. Madam Speaker, I now yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, I rise in strong support today of this conference report for the fiscal year 2010 budget resolution.

I want to commend Chairman SPRATT and the members of the committee for bringing us a budget which will put America on a path toward fiscal health and a competitive future by investing in our key priorities of education, health care and energy.

This budget resolution will put us on a track to a stronger, fairer 21st century economy that can benefit all Americans. It will help us rebuild our middle class and turn our looming crises—energy, health care and education—into opportunities for prosperity, and it will create a new era of accountability, honesty and transparency for taxpayers.

This budget will allow us to make dramatic changes in two areas that could not be more critical to working families and our economy's recovery, and that is expanding access to affordable health care and coverage and leveraging a more competitive workforce by making college more affordable. For too long, our broken health care system has threatened both our fiscal and our medical health. Millions of Americans currently lack health care coverage, a figure that is growing daily as more workers lose their jobs and, therefore, their health care benefits. Millions of Americans who do not

have coverage too often have to choose between quality and affordability, any health care at all or bankruptcy.

This conference report will also give us the opportunity to give much needed relief to families who are finding it harder and harder to pay for college while losing jobs and income. Some families have done everything right—saving, working hard, giving their children a good education—only to find out that their plans have changed by the economic downturn.

In this legislation, because of the reconciliation instructions, we will be able to take and recycle the money that now goes to banks for fees and commissions to the student loan program, and we will be able to use that to improve and to increase the Pell Grant scholarship program so that we'll be able to make sure that that keeps track with the cost of education. For those young people who are in the most financial need and who are fully qualified to go to college, we will be sure that they will be able to do that. That's all because of this budget resolution put together by this committee, and we should support this conference report.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I would like to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Madam Speaker, tonight I rise in opposition to this budget, a budget that will hurt the American people. People who live in the real world, people who work for a living understand that you can't spend money that you don't have. These people don't need to hear from us about sacrifice. They sacrifice every day—the mother and father who sacrifice by cutting back at home to make sure their daughter has the school supplies that she needs, the business owner who sacrifices to make sure that she can meet this month's payroll. They're making tough decisions and are living off bare bones budgets, but they look up here to Washington, and they see we're spending more money than we ever have.

So it's no wonder that they're angry. It's no wonder that they're fed up with wasteful spending. They should be mad. They know it and so do we.

This budget taxes too much, borrows too much and spends too much. This budget is just another example of how Democrats fail to understand the commonsense values that Americans use every day. The worst thing you can do in a recession is raise taxes. John F. Kennedy knew it and Ronald Reagan knew it. Apparently, the current President doesn't get it because raising taxes is exactly what President Obama's budget does to the tune of well over \$1.5 trillion, much of which will be placed squarely on the shoulders of my State's number 1 job creator—the small businessperson.

The truth is that, despite all the claims to the contrary, this budget won't create new jobs back home. It won't grow our economy. It will pass on debt to children because of bad decisions and bad debt. People back home deserve better, Madam Speaker. My children, as do yours, deserve better, Madam Speaker. I urge my colleagues to vote against this Democrat budget.

Mr. SPRATT. Before yielding to Mr. BECERRA of California, I would like simply to make two or three clarifications.

You've heard it repeatedly said in this debate that this is a big spending bill, and it is, but it brings spending down from \$3.9 trillion outlays this year to \$3.6 trillion outlays next year—a reduction in spending of \$300 billion. As for revenues, we don't raise revenues. We cut revenues by \$764 billion over 5 years and by \$1.7 trillion over 10 years. Those are the facts. That's the truth.

I now recognize for 2 minutes the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the chairman for yielding, and I congratulate him on his work, once again, in putting forth a budget that America can be proud of.

Madam Speaker, when President Barack Obama took office, he inherited a plane that was in a fast nosedive into the ground. He said we're going to pick up America and do the best we can. Many Americans have recognized that, but some haven't. I would like to give you the words of a couple of Americans who have recognized that. President Obama, in working with this Congress, is trying to make a difference.

In the words of Commander Raymond Dempsey of the Disabled American Veterans, "This is all good news for our Nation's veterans. The budget agreement signals that veterans are, indeed, a national priority" or in the words of Mr. Robert Wallace, the executive director of the Veterans of Foreign Wars of the United States, who says, "On behalf of the 2.2 million men and women of the Veterans of Foreign Wars of the United States and its auxiliaries, I would like to offer the VFW's strongest possible support for the conference agreement for the FY 2010 budget. The VFW salutes your strong leadership in quickly coming to this agreement, especially one that makes so many meaningful and valuable improvements to the Department of Veterans Affairs. We strongly encourage all in Congress to follow your lead and adopt this conference report."

Is it a perfect budget? No, it's not. It's difficult to be perfect when you inherit a \$1.3 trillion deficit and when the plane is going down into the ditch, but the President, in working with this Congress, is trying to make a difference. There are some people, including our veterans, who recognize that.

For that reason, Madam Speaker, I hope that every single Member of this

Congress recognizes that people who have given in many different ways recognize it's time to put our money where our mouth is and to vote for this budget.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS) from the Budget Committee.

Mrs. LUMMIS. Madam Speaker, ever since I came here I've been hearing the majority party say that they inherited this deficit, and so they have no recourse except to double it in 5 years and then to triple it in 10. That is not a grown-up response to inheriting a deficit. The grown-up response is to be responsible with discretionary spending and taxes.

□ 1900

With regard to taxes, Madam Speaker, if the government increased the top tax rate from the current rate of 35 percent to 100 percent, it would only collect an extra \$400 billion this year. In other words, confiscating all of the income that is currently taxed at 35 percent, the highest tax rate, would not raise enough revenue to cover any of the annual deficits projected in the next 10 years.

There is no way the tax hikes on the rich alone can pay for the proposed spending in the current budget. The tax hikes are going to fall on working-class Americans and on poor Americans. This is no way to run a household, and Madam Speaker, it is no way to run this House.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Madam Speaker, the question before the Congress and before the country is how do we get the economy to recover, how do we put people back to work and see their retirement savings grow again, their home equity rise again.

One of the ways that needs to be done is to stop our addiction to imported foreign oil, and this budget takes an important step forward.

It's important to understand what the budget does and does not do.

What the budget does not do is make a judgment on the so-called cap-and-trade proposals. At another time, on another piece of legislation, the House will debate and decide what to do about that. What the budget does, however, is to increase by about 10 percent our investment in ridding ourselves of that addiction to imported oil.

What we say is building on the work in the economic recovery law, let's put Americans back to work building a smart grid that can take wind energy and other energy and spread it throughout our system. Let's put Americans to work building a hydrogen plant, solar farms, other forms of clean renewable energy and create green col-

lar jobs. Let's retrofit existing buildings so they have a smaller carbon footprint and costs the owners and operators less to do.

This budget represents the most significant investment in green technology and green jobs in the history of the country, and it does so because we recognize that an important part of the answer to the question of how to restore prosperity and create jobs for our constituents is to invest in clean energy and green collar jobs. So whether it is tax credits, loans, or other investments, this budget takes us a very long way towards that very laudable goal.

A "yes" vote for this budget is a "yes" vote for a new strategy that will liberate us from the addiction of imported oil and grow jobs in our families and our communities.

I would urge a "yes" vote.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise in opposition to this budget conference report.

Tomorrow, the President will have completed 100 days in office. The American people look back on these 100 days and what do they see from this Congress but a blizzard of spending. We've seen an over \$1 trillion stimulus package, an omnibus appropriations bill that we called for a freeze on that, instead, will spend over \$400 billion in spending. The stimulus package, we called for something that spent half as much money and would have created twice as many jobs according to the economic projections that were relied upon.

Now, the capstone of this first 100 days is an unbelievable budget conference report that projects to spend more than \$3.5 trillion this coming year and which forecasts budget deficits as far as the eye can see.

Much has been made about the fact that this year, the budget deficit will be approximately \$1.7 trillion, but that includes the \$1 trillion in spending. It includes the omnibus appropriations bill that we talked about here. And yet at the end of this time, the majority feels that it is worth boasting that we will have cut that deficit by two-thirds, to more than \$500 billion. In the entire history of this country, our budget deficit has exceeded \$500 billion only once or twice to this point. Yet this budget plan projects \$500 billion budget deficits for as far as the eye can see and raises our national debt over the next decade to more than \$23 trillion.

We talk about these numbers like they are abstract concepts. A million dollars is a stack of thousand dollar bills 4 inches high. A trillion dollars is a stack of thousand dollar bills 63 miles high. For just this next year, we project a deficit of more than \$1.2 trillion, 75 miles high up into outer space. And that's where this budget belongs.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you, Mr. Chairman, for your great work on this budget.

The budget is more than numbers on a page. It is a statement of priorities and values and goals of our President, the Congress, and our Nation. The budget embraces the President's goals of rebuilding the economy and creating new jobs, restoring fiscal integrity and making investments for our future prosperity and security.

Simply put, we will not be economically competitive unless we meet these economic and fiscal challenges and make these essential investments. This budget meets these goals. It sets us on a path towards health care reform with a goal of containing costs, improving quality, and expanding access to coverage.

We hear about the 47 million Americans without insurance. But they are also more than numbers. When I was back in the district a couple weeks ago, I was visiting a local college, Penn State Abington. It's a commuter campus of Penn State in my district. I met with a panel of young people, all articulate, all bright, all working hard at school.

One young woman, 21 years old, said she was a daughter of a single mother who makes about \$20,000 a year. She's not an only child. She had been covered by CHIP, the Children's Health Insurance Program, until she was too old. She is now a full-time student. She works almost full time to make ends meet. She tried to get health insurance, and she simply couldn't afford it. She recently got sick and went to the hospital and now has a bill for \$7,000, a bill she worries about every day, a debt she doesn't know how she will ever repay, and, of course, she worries about getting sick again in the future.

This budget enables Congress to develop a uniquely American solution to both coverage and costs so that that young woman and the millions like her without health coverage will be able to get it, a plan that will include and be built on innovation, technology, incentives for an effective delivery system, renewed commitment to prevention and consumer protections in a private and public marketplace.

We cannot sustain the status quo, nor should we. It's about time for us to pass this budget resolution and get to the task ahead.

Mr. RYAN of Wisconsin. Madam Speaker, I would yield 3 minutes to the gentleman from the Budget Committee, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Madam Speaker, let's cut right to the chase. This budget is an attack on funda-

mental liberties. I mean, you just go down the line. Tax increases, record tax increases in this bill which deny opportunities to Americans to use their money to spend on their goals, their dreams, their kids, their grandkids—the largest tax increase in history.

Spending. Unprecedented levels of spending. We've heard all the stats, but this budget piles up more spending over the next decade than the previous 43 Presidents combined. We've heard it "from George to George," from Washington to Bush, we don't pile up as much deficit as we do over the next decade with this budget—denying future Americans the opportunities they need to achieve their goals and their dreams, to reach what we would all call the American Dream.

Third, further nationalizes health care. Think about this. The ability to make health care decisions should be between you and your family and your physician, you and your family and your personal doctor, not some board in Washington, not some bureaucrats in D.C. who think they know all the answers. Again, denial of freedom and liberty for Americans across the board.

Then finally, let me finish with this. Cap-and-trade, the largest energy tax in history. It will require every single American, all 304 million Americans, to pay more because now energy is going to cost more, which means everything we produce will cost more. Every single American will pay more, hurting us at a time when we're trying to get out of a recession.

Any four of these are bad anytime. But to do all four when we're trying to recover from a recession just makes no sense. This cap-and-trade, the Heritage Foundation did a study released 1 month ago. Districts that are heavy in manufacturing—like the one I have the privilege of representing—are so hard hit because you have got to have energy to produce the goods and services that our economy requires. If you want to be the leading economy in the world, you have to have energy. This thing is going to lead to an energy tax that will be unprecedented.

Again, up and down the line we deny liberty, we deny opportunity to Americans with this budget. That's why I would urge my colleagues to vote "no."

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire how much time remains?

The SPEAKER pro tempore. Five-and-a-half. Five-and-a-half.

Mr. SPRATT. Madam Speaker, I yield 90 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, the House deserves an accurate record before it renders judgment on this budget. It's important that we know that accurate record.

We've heard that the budget imposes "the largest energy tax in history."

That is not so. The budget does not refer to cap-and-trade. It doesn't impose energy taxes on families the way that it was described. It simply isn't the case.

We've heard that the budget "nationalizes health care." The fact of the matter is that the budget sets up a process where this House will consider and debate legislation that will help to reduce costs for covered Americans and extend insurance to Americans who do not have coverage. There is nothing about nationalization of health care.

We've heard consistently that this has a significant tax increase on small businesses. The fact of the matter is that any tax change that is contemplated in the health care plan will be limited to a repeal of the tax breaks the prior administration gave the wealthiest Americans. The record shows that 98 percent of small business filers will not be included in any such consideration.

Finally, we hear that the budget doubles the deficit, one of the Members on the other side said. Not so. This budget reduces the deficit by two-thirds, but more importantly and profoundly, it puts us back on a path to the economic growth and prosperity which preceded the prior administration.

Mr. RYAN of Wisconsin. Madam Speaker, I would like to yield 2½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I have got a letter here I would like to read to my colleagues that lets you know exactly what we're doing to the American people.

This is a letter from some people in Carmel, Indiana. They start off:

"Dear Congressman BURTON:

"As an 82-year-old retired secondary teacher and athletics coach, I am writing you this letter to let you know that I have never received a personal response from a legislative representative of local, State, or Nation." And he just got a letter from me.

Then he says, "In my original letter I was not able to express totally the depth of my hurt from the current economic environment sweeping our beloved country. Beyond the economic pressures of the day, we are faced with the collapse of capitalism and the inroads of socialism into our government. My wife and I, celebrating our 60th wedding anniversary in 2009, have lived through the thirties depression and skimped and clawed our way from earning \$2,900 annually to a magnificent dollar amount of \$45,000 annually at retirement in 1990.

"It all started in the late fall of 2007. We had invested and saved a considerable amount of money for a satisfactory retirement. Since that date, our conservative living, and a very modest budget, has seen the national economy lose more than \$250,000 of our retirement savings. Frankly, at this point in time, we're scared to death.

"You may, and we wish that you would, send copies of this letter to President Obama, Speaker PELOSI and Majority Leader REID. They have no idea what they are doing to we constituents."

"I am sorry to cry on your shoulders, but my wife and I in concurrence do thank you for your wonderful letter of response. You touched our hearts deeply."

□ 1915

"They have no idea what they are doing to America and your constituents."

This is a big problem. This is the largest budget in history, the largest tax increase in history. You really need to know what you are doing to the American people, and here is a perfect example. And the people's names are Mr. and Mrs. Shipley.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much.

To my good friend from Indiana, we do respect the individuality of Americans. We are the pull ourselves up by the bootstraps, and we are the fighting and the tough; and we get going when it gets tough.

This budget is an American budget. It respects the uniqueness of America. And we don't take away from people who have theirs, but what we do recognize is that we will not be the greatest country that we want to be if we don't bring everyone up at the same time. And so this legislation reflects that.

And in particular, I think it is important to note that we do address rising costs in health care. It is going up. We are going to address the question of physician/patient relationship. We are going to set us on a path to increased coverage and to provide a pay-for.

We recognize that this is an element of the American psyche; I have been working hard, I want to see others working hard. But Madam Speaker, it is important that this budget reflect the fact that people are hurting, people are in need.

We need an economic recovery to get this economy right-side up and allow it to turn and then allow us to invent and build. That is why I am supporting this budget, because even in Texas, the oil capital of the Nation in Houston, Texas, we are looking toward increasing energy programs, providing for alternative energies. This legislation accommodates promoting energy independence, also a seamless energy policy.

I believe this is the right direction to go. This is a budget that respects America and Americans, and it believes in getting us on the right track.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 3 minutes to the vice ranking member of the Budget Com-

mittee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I have listened very carefully to this debate, as short as it is, Madam Speaker. I have listened to my friend, the distinguished vice chairman, the gentlelady from Pennsylvania, say that these budgets are about values more than numbers. I couldn't agree with her more. It is clear that the Democratic budget values spending. It is clear that the Democratic budget values taxing. It is clear that the Democratic budget values debt, debt as far as the eye can see, Madam Speaker.

Now, almost without exception, Democrat after Democrat Member have come to issue a history lesson to Members of this body. Well, I have a history lesson of my own. When Republicans were in control of Congress and budget deficits were \$300 billion and falling, the gentleman from Maryland, who is now our majority leader, said, "They have instigated a dangerous spiral of deficits and debt that constitute nothing less than fiscal child abuse." The gentlelady from California, who is now our Speaker—again, when the Republicans controlled the body, we had deficits \$300 billion and falling—said, "This is immoral, irresponsible and just totally immoral to ask for my children and grandchildren to pay for it." And now, Madam Speaker, on their watch, the deficit has gone from roughly \$160 billion to \$1.8 trillion, and there is silence, stone cold silence. Where are the accusations now of fiscal child abuse?

This is a budget that will place more debt on our children than has ever been placed before. This is a budget that in 10 years will triple the national debt, create more debt in the next 10 years than in the previous 220 years of our history. Yet, where are my Democratic colleagues to talk about the fiscal child abuse?

Spending. Increasing spending almost 9 percent. Almost every family budget that pays for the Federal budget is having to cut back, but not the government, no, no, no, no, no, not the government budget.

You know, Madam Speaker, there was a time in our Nation's history where people believed that you work hard today so your children could have a better tomorrow. And this Democratic budget takes that ethic, turns it on its head and says, we will let government live easier today so our children have to work harder tomorrow.

That is not the America I grew up in. It is not the America I want to leave to my 7-year-old daughter and my 5-year-old son. There is a better way.

Madam Speaker, you cannot borrow and spend your way into prosperity. This is a budget that is not solving the Nation's economic crisis; it is exploiting the Nation's economic crisis. It must be rejected.

Mr. SPRATT. Madam Speaker, I yield 30 seconds to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I just want to make it very clear—not only on behalf of myself, but all of my colleagues. We have spoken quite a bit about, yes, the values and the investments we are making in this budget, but we have also spoken about our deep concern and our responsibility going forward on the debt.

Let's be clear; this administration and this Congress inherited a \$1.3 trillion deficit for this year. And yes, there were some additions made because of the terrible economy we are in, the need to respond to this economic situation and to create those new jobs. And this budget makes a commitment to reduce the annual deficit by two-thirds in 5 years, an ambitious goal, and one we are determined to meet.

The SPEAKER pro tempore. The gentleman from Wisconsin has 1½ minutes remaining. The gentleman from South Carolina has 2 minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I will consume my 1½ minutes.

Madam Speaker, let me just address what has been said here. This President inherited a terrible fiscal crisis. Well, you know what this President inherited? It inherited a Democratic majority that ran Congress for the last 2 years that gave us all of this spending and these higher deficits.

But here is the question; yes, there is a bad fiscal situation on our hands in this country. Yes, the President inherited a difficult situation. The question is, is he making it better or is he making it worse? All of these complaints about the higher deficit that has been inherited, about this spending that has occurred over the last 8 years, and what is the response? More of it. More spending, more deficits, more debt.

One of the reasons why the majority decided not to follow the President's lead with a 10-year budget and go with a 5-year budget is because the day after the 5-year budget, the deficit goes right back on up. One of the reasons why they put all these gimmicks in this bill was to try and make that deficit look as if it were smaller than it actually is. You take the gimmicks away, it is another \$1.127 trillion in deficit spending. The deficit never gets to 3 percent of GDP, which all economists from the right and left think is unsustainable. This budget puts us on an unsustainable course.

Madam Speaker, we are going to be back here again talking about what to do to fix the budget because this budget will need fixing, and that's going to happen.

The SPEAKER pro tempore. The gentleman from South Carolina has 2 minutes remaining.

Mr. SPRATT. Madam Speaker, I yield myself the balance of my time.

The gentleman from Texas said this was not the America he grew up in, but he grew up in Mr. Bush's America. During the 8 years of the Bush administration, the President came into office, we had a debt in this country of a little over \$5 trillion. When he left office, the debt was a little over \$12 trillion, and a deficit of \$1.845 trillion. So a lot of last year's deficit becomes this year's debt. A lot of that debt was attributable to what happened in the last administration, too.

He said it continually, we increase spending. Once again, in terms of outlays, this bill will decrease spending by \$300 billion, from \$3.9 trillion—which is way too much—to \$3.6 trillion. That is a \$300 billion reduction.

As for taxes, raising taxes, this bill cuts taxes by \$764 billion over 5 years and by \$1.7 trillion over 10 years. Those are the facts. It can't be refuted. And that is why I think you can fairly and rightly say this is a deficit reduction bill which nevertheless accommodates values that we consider good for the country.

We will pick up tomorrow, I suppose, Madam Speaker.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 2 of House Resolution 371, further consideration on the conference report is postponed.

GENERAL LEAVE

Mr. SPRATT. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert material relevant to consideration of S. Con. Res. 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Mr. GRAYSON). Pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on February 13, 2009:

Mrs. TAUSCHER, California, Vice Chairman

Mr. ROSS, Arkansas
Mr. CHANDLER, Kentucky
Mr. LARSON, Connecticut
Mr. MEEK, Florida
Mr. SCOTT, Georgia
Ms. BEAN, Illinois

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Inter-parliamentary Group:

Mr. PASTOR, Arizona, Chairman
Ms. GIFFORDS, Arizona, Vice Chairman

Ms. LINDA SÁNCHEZ, California
Mr. FILNER, California
Mr. REYES, Texas
Mr. RODRIGUEZ, Texas
Mr. GENE GREEN, Texas

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. HINCHEY, New York
Mr. HALL, New York

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF CONGRESSIONAL HUNGER FELLOWS PROGRAM

The SPEAKER pro tempore. Pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years:

Mr. JAMES P. MCGOVERN, Worcester, Massachusetts

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Ms. WOOLSEY, California

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Harry S Truman Scholarship Foundation:

Mr. SKELTON, Missouri

APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Pursuant to 16 U.S.C. 431 note, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. MOORE, Kansas
Mr. BOSWELL, Iowa

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2501, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. LARSON, Connecticut

APPOINTMENT OF MEMBER TO JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2903, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Japan-United States Friendship Commission:

Mr. MCDERMOTT, Washington

APPOINTMENT OF MEMBER TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Bicentennial Commission:

Mr. JACKSON, Illinois

□ 1930

JASON'S LAW

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, tragically on March 5 of 2009, one of Schoharie County's citizens from my congressional district, Jason Rivenburg, pulled his truck into an abandoned gas station frequently used by truckers in South Carolina as a rest stop, and was then and there violently and senselessly shot and murdered, robbed for a

meager \$7. At the time of his death, Jason was a mere 12 miles from his destination but was unable to make his delivery because he was too early.

Jason Rivenburg was 35 years old, leaving behind his wife, Hope, and son, Josh. They had just moved into a new home. As if that stress was not enough, shortly after his death, Jason's widow delivered two healthy twins, a boy named Hezekiah, after his grandfather, and a girl named Logan.

Rivenburg's death sparked outrage and an outpouring of support for the family across our country. Truckers and family members are demanding that the government do more to protect truckers who risk their lives following rules that require that they pull over and rest after a certain amount of driving time.

There are few resources telling truck drivers, who are often unfamiliar with a local area, where a safe place to rest might be. Moreover, there are few safe places to rest in the first place.

Mr. Speaker, we must do more to support these incredibly important men and women. Moving our freight and goods is essential to keeping this country and our economy progressing. We must ensure that as we demand mandatory stops and on-time delivery that we provide adequate support systems for our Nation's truck drivers.

Mr. Speaker, I ask that my colleagues support the life and memory of a truly hardworking American man and support Jason's Law, which I am sponsoring.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

NEW EDITION OF THE GPO STYLE MANUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, the GPO is currently distributing copies of the latest edition of the U.S. Government Printing Office Style Manual, the first revision to this authoritative style guide since 2000.

The GPO Style Manual, as it is popularly known, is issued under the authority of section 1105 of Title 44 of the U.S. Code, which requires the Public Printer, as head of the GPO, to "determine the form and style in which the printing . . . ordered by a department is executed . . . having proper regard to economy, workmanship, and the purposes for which the work is needed." The Manual is prepared by the GPO Style Board, composed of proof-

reading, printing, and Government documents specialists from within GPO, where all congressional publications and many other key Federal Government documents are produced.

The first GPO Style Manual appeared in 1894. It was developed originally as a printer's stylebook to standardize word and type treatment and remains so today. Through successive editions, however, the GPO Style Manual has come to be widely recognized by writers and editors both within and outside the Federal Government as one of the most useful resources in the editorial arsenal.

The new edition of the GPO Style Manual has been thoroughly redesigned to make it more modern and easier to read, and the content has been updated generally throughout in keeping with current usage. In addition, a variety of suggestions offered by users since the last edition was published have been incorporated. In addition to Members of Congress, copies are being distributed to Federal agencies and Federal depository libraries, and are being offered for sale to the public. There is also a free online version of the Manual at <http://www.gpoaccess.gov/stylemanual/index.html>.

As Chairman of the Joint Committee on Printing during the 110th Congress, when the new edition of the Style Manual was prepared, I commend the staff of the GPO for the production of this handsome volume, and I commend its use to my colleagues and their staffs in both this House and the Senate.

HEALTH CARE FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I am glad to be back here on the House floor this evening to join you and our colleagues in talking about an issue that is of rising importance to millions of Americans, and that is the issue of guaranteeing a seamless and affordable and quality health care system for the American public.

Mr. Speaker, we are here to talk about health care for America. It's a pretty simple concept, and over a number of years, the desire and the call from the American public has become more and more acute. I'm glad to be here with my good friend from Wisconsin, Representative KAGEN, and others who may join us here throughout our hour or a portion thereof to talk about both the need for reform and some of the ideas that are floating around this Chamber to get us there.

I stand here with new evidence from the American public that they are more desirous of change than ever, not a preservation of the status quo, not incremental reform, not a Band-Aid fix to the problem, but real reform.

A recent survey of Americans by the Kaiser Health Foundation showed that over 60 percent of Americans believe it

is more important now than ever, than ever, to pass comprehensive health care reform. Those same individuals reported that they are having more problems than ever, more problems than ever, accessing care.

Forty-two percent of Americans in that recent poll said they relied on home remedies or over-the-counter drugs to take care of their illnesses because they couldn't afford the prescription. Thirty-six percent of people reported that they skipped dental care or a visit to the dentist because they couldn't afford it. Thirty-three percent of Americans said they put off or postponed care that they knew they needed because they could not afford it. Twenty-nine percent said they didn't fill a prescription because they couldn't afford it. And 18 percent of Americans, nearly one in five, said that they cut pills in half that they were due to take because they wanted the prescription to last longer.

Mr. KAGEN, Mr. Speaker, and my colleagues, this is the most affluent country in the Nation, the most free, the most powerful. What does it say about the conscience of a nation that one in five Americans are sitting at their kitchen table, sitting and standing next to their bathroom sink, cutting prescription drugs in half because they can't afford to pay for the full prescription? And what does it say in this country that forces so many Americans, most of whom are playing by the rules, doing everything we ask? We know that study after study tells us that of the nearly 50 million uninsured in this country, five out of six are a member of a family with a full-time worker. More and more often you're working, you're doing everything you're supposed to, and you can't get insurance or the insurance plan that your employer presents you puts more and more of the burden on paying it onto the employee. We know that for all these people that are playing by the rules, for all these people that don't have health care insurance, they live amidst a health care system that spends more on health care than any other country in the world. We spent \$2.2 trillion on health care last year, Mr. KAGEN, about an average of \$7,400 per person, nearly double what every other country in the First World spends. And what do we get for it? We get a system that leaves almost 50 million without health care insurance, and we get a system that by and large ranks in the middle to lower tier with regard to health care outcomes in the world.

In fact, another new study that just came out suggests that the United States amongst industrial nations ranks last, ranks last, in addressing the issue of preventable mortality; that in preventable deaths, this health care system does worse than every other industrialized nation in the world.

The facts are clear. For too many people out there, health care has become unattainable. For too many that have health care insurance, they're going bankrupt just trying to pay their portion of the bills. And the system overall is bankrupting not just this government but is bankrupting and putting out of business too many businesses, both small and large, throughout this country. Big businesses, small businesses, families, individuals, all asking with voices louder than ever that this year right now this Congress step up and fix this problem. It's the right thing to do. It's the right thing to do from the perspective of conscience. It's the right thing to do from the perspective of health care, and it's the right thing to do from the perspective of economic recovery and revitalization. So we are here tonight to talk about this challenge that's laid before and presented to this government.

Mr. KAGEN and I came here in the same class, and we got here amidst probably a record degree of cynicism about what government can accomplish but in particular what Washington can accomplish. Now, it's gotten a little bit better since the election of President Obama, but there are still far too many people out there who look at the depth and the severity of this problem, the health care problem, and doubt whether Congress and this place has the ability to rise to the challenge.

We're here to say that it absolutely does. We are here to say that this is a unique moment in time, coming fresh off of an election with a mandate on health care, with a House full of Members who want reform, with a Senate full of Members who want reform, and with an administration that has made it one of their priorities that we can do it now.

Now, we may all have, as we will probably discuss over the course of the next hour, varying ideas on how we get there. And in the end for every single one of us when we go to press that green or red button on a comprehensive health care reform bill, there is going to be an element of a leap of faith. We are all going to have to cast aside the perfect for the benefit of the good. But it is time that we stopped arguing over the perfect system and started making some real improvements, big improvements, comprehensive, transformational improvements. I think that's where we will get to this year.

And I'm glad to have some of my colleagues on the floor of the House to talk about this tonight, in particular the doctor of the House, Representative STEVE KAGEN.

Mr. KAGEN. Thank you, Congressman MURPHY. It's good to be with you again on the House floor where we can begin to discuss with the American people about progress we can make together. And only by working together are we going to bring about the changes that we need.

Now, we did come here in 2006, November. We came for orientation. And we came with a message, and the message was about positive change. Now, I will just give you the good news. Just in case people haven't heard it across the country, there has been a change in Washington. We now have a President who can actually think things all the way through, someone who's really on our side for the changes that we need. And what have we done so far?

Well, for the Meronek family that I have the honor of representing, this is a photo of Wendy and her 3-month-old child. And they didn't have access to a doctor at the doctor's office. She had access at the emergency room because she didn't have any health care at all. She was qualified for SCHIP but it wasn't fully funded. We passed SCHIP in our first term here in the 110th Congress. We passed it and the President signed it. And the very first thing that the President did for this country this year was to pass legislation that guaranteed that children who are most in need have access to the doctor in the doctor's office. It reduces taxes, reduces our costs, increases the health for our children, and prevents problems from getting worse. It's good for people's health and it's good for our budget. So we began to take that positive change by helping children.

We also passed a bill that may not seem to be too related to health care, Lilly Ledbetter. This was a bill that guaranteed equal pay for women.

Now, of all of you here in the gallery, a few of you that might be here tonight, raise your hand if you're against equal pay for women. Raise your hand if you're against providing health care to children who are most in need at the doctor's office.

□ 1945

I don't think we see a hand going up. Women and children first, that is what this 111th Congress has done with the help of President Obama and his leadership.

I have here a few postcards I have received from my constituents in north-east Wisconsin that pretty well tell it like it is.

David and Dianne from Appleton: "We have health insurance, but cannot afford to use it." Now, that is a problem, when you have health insurance coverage and the only thing it guarantees is that the insurance company is going to take the money, then you have to fight like heck to get the money back. They have high deductibles and can't afford to use the insurance they have.

From Luxembourg, Wisconsin, Jim says, "My wife and I have preexisting conditions with our health. Right now, we pay \$3,000 a year after 80 percent is already paid."

"Preexisting conditions." It is time that we applied our constitutional

rights that prevent us from suffering from discrimination by the health care industry. No discrimination. No citizen, no legal resident in this country anywhere should be discriminated against because of the color of their skin, and likewise they should not suffer from discrimination because of the chemistry of their skin. No discrimination based on the content of their heart. Well, what about the content of the arteries of their heart? We need to pass legislation that guarantees that no one will suffer from discrimination due to preexisting conditions.

Here is a card from Albert from Crivitz, Wisconsin, who writes, "Without a job that pays a fair wage, I won't have money to pay for health care, for gas, for a war, for Social Security or anything else."

It is really tough to separate health care from our economy and our economic recession from the loss of the 6 million jobs during the last 12 months. We have to put this thing all together. One thing directly affects the other.

Here is Kathleen from DePere, Wisconsin: "It is time for all Americans to have the same health care benefits as their representatives in Washington."

Well, that is not a bad start. I think people in our districts understand the situation just as well as we do here in Congress, and we are working very hard to bring about the changes that we need.

I yield to my colleague from Florida, RON KLEIN.

Mr. KLEIN of Florida. Thank you, Dr. KAGEN. Certainly it is an honor and privilege to be here and to talk about this issue in the House of Representatives, because I know people at home are trying to figure out what it is that they can do, what ideas that they have, what ideas doctors have, hospitals have, caregivers have, to try to fix the system that in the long term is not sustainable.

It is not sustainable through Medicare and Medicaid based on the costs. It is not sustainable if you are a private-sector business and you are providing health care to your employees. You obviously want to do whatever you can to keep them healthy. You spend a lot of time training them, and we want them to come to work every day and be healthy and not have to end up in the hospital where they don't have coverage and obviously all the problems that go along with that.

So we have some serious issues out there, and I think this is one of those moments in time in America where we have to come together. This is not a Democrat, Republican or Independent issue. This is an American issue. This is something where we have to sort of in a nonpartisan way figure out what is working in the system and preserve that, and what is not working in the system and fix that.

There are lots of issues we know that are not working, and I will just give

one perfect example, which I know when I am speaking on the floor of the House this evening a lot of people will be able to share and empathize with this scenario I am going to give you.

We have a very close friend. We have known them for many, many years. Their daughter has cystic fibrosis, and it could be any number of diseases that any of our families unfortunately have with their children.

This gentleman owned a business, a family business, for decades, a long, long time, and the business, based on what is going on right now over the last number of months, had to close. Well, fortunately, for all the years that he has been raising his family, they have had a good health insurance plan that the business paid for. Obviously, it was something that gave them peace of mind, knowing that when their daughter needed hospitalization or therapy or treatments, she could get it.

Well, when your business goes out, there is no COBRA, and a lot of people are not aware of that, because there is no underlying policy. The reality is for him to find an insurance policy, a health insurance policy right now that will take care of his daughter with her preexisting condition, that is what it is known as, it is almost impossible to get that coverage, and, if you can get it, it costs a fortune and usually has all sorts of exclusions and limitations.

The same example for women who have had breast cancer. Literally millions of women that have had breast cancer, generally speaking after they have had breast cancer, they are going to have a difficult time getting coverage. And guess who needs it the most? Someone who has cancer. God forbid, if it ever comes back, you want to know if you need surgery or an oncologist or a second opinion or to have whatever, a lumpectomy or whatever it may be, that you will have the hospitalization and care.

Unfortunately, this is a big gap. And "gap" is really not giving it the right feeling, because "gap" is just a word. But this is a crisis. This is a crisis for families who can't afford or can't get that kind of health insurance. And there is no reason.

There is a very simple answer, obviously. What is insurance? Insurance is supposed to spread the risk. When you have a large pool, when a large corporation has 10,000, 20,000, 100,000 employees, they buy a policy and it spreads the risk. And, God forbid, if one of their employees has a serious illness or car accident, that is covered in the big pool by all the rest the employees. That is how insurance is supposed to work, whether it is homeowner's insurance or any kind of insurance you buy. Health insurance is the same.

The tragedy, of course, is that over time we have allowed a system to develop where there are large gaps in our delivery of health care. We have to fix it. It is the right thing to do.

I will turn it back to the gentleman from Connecticut who is running this discussion tonight and thank him for allowing me to participate.

Mr. MURPHY of Connecticut. Thank you very much, Mr. KLEIN. I am glad you are here with us tonight.

I want to turn over the podium to Representative OLVER from Massachusetts. One of the statistics that stands out, and I know Mr. OLVER is going to talk a little bit about the amount of money we are spending on health care, in 1970 about 7 percent of our gross domestic product was devoted to health care. Since 1970, in 30 to 40 short years we have jumped up to almost 17 percent of our gross domestic product is spent on health care. That number is going to very quickly hit 20, and could get up all the way up to 30 in a very short time if we don't do something about it.

It is always going to be a necessary component of spending, but that kind of growth is just unsustainable as an economy, something that the Appropriations Committee, of which Mr. OLVER is a senior member, will be no doubt grappling with, and I yield to him.

Mr. OLVER. I thank the gentleman for yielding, and I want to thank the gentleman from Connecticut and my friends from Florida and Wisconsin for being here tonight to help to enlighten people about what has become a very, very critical issue for America.

The only agreement that I can see about the debate that we are beginning to have on reform of the health care system is that virtually every American family, all across the board, knows that health insurance is too expensive. For the 50 million or so Americans who don't have any health insurance, it is obviously too expensive or they otherwise would already have it. For the next 50 million who have too little insurance or are underinsured, as it is called, they know it is too expensive when their insurance company refuses to pay for coverage that they thought they had or the insurance company makes a claim that there was a previous condition involved and that may have been why they are now are claiming that they shouldn't pay the money. Or there are a certain number of people who have lost jobs in this economy and thereby have lost their coverage for health insurance, and for them, obviously, the whole situation has gotten out of hand.

Yes, our American health insurance is too expensive. Let me use this first chart and show you what the situation is here.

This is a chart which shows the health care cost as a percentage of gross domestic product in the G-7 countries. The G-7 countries are America and the next six largest economies in the world, except for China. These data, it indicates that the Japanese

data are for the year 2005, whereas the other data are for the year 2008.

You can see on the chart that the percentage of health care cost as a percent of their domestic product ranges from 8.2 to 11.1 percent in the other six next largest economies in this world, and here we are up over 15. And, by the way, these data, if you look at 09, fiscal 09, you would probably find that that number 15.3 percent is probably up to 16 percent or a little higher because of the problems with the economy. Health care continues to go up, and people are struggling for that reason.

So we have by far the highest. We are 40 percent roughly higher than the next-highest one of the largest economies, which is the industrial economies with which we compete all the time. And the average of the other six members, our partners in the G-7, their average number is only two-thirds. We are more than 50 percent higher than the average of those other six countries.

So, yes, American health insurance is too expensive, and this huge gap between our health care costs, the burden that that puts on our industries, between that burden in this country versus the others of our major competitors, hurts American businesses and costs us jobs.

You only need to look at the auto industry, where our old icons of Chrysler and General Motors now are struggling, and in large measure because the cost of their health care in this country is so much greater than it is for other countries producing automobiles.

Well, that might be okay, or it might be acceptable, that kind of a cost difference, if we got the best health care. Everyone watching has probably heard a politician tell them that we have the best health care in the world.

Well, we do have the most expensive health care in the world. That chart very clearly illustrates that we do have the most expensive health care in the world. But I would like to examine that question of whether we have the best health care a little bit more deeply with this chart, which shows what the life expectancy is among the very same heavily industrialized countries, which are our major partners in industry and in commerce and trade around the world. Again, I leave out China, but I am using the G-7 countries. All seven of them are listed there.

What you see on this chart is that life expectancy in the United States is less than each and every one of the other members of the G-7 group, each of the other six partner members in the G-7 largest economies in the world. And if I average the life expectancies in those other six countries, it is 3 years longer than American citizens live. Now, that does not suggest that we have the very best health care in the world or the very best health care that we could have.

Then on this last chart let me just illustrate one more measure of what our health care quality is, and this measure is one that directly affects a huge number of families at the very beginning of life. This is the question of infant mortality in the G-7 countries, where you see the listed number of deaths for children under the age of one. So it is deaths among new infants lower be than the age of one.

Going from Japan, you see 2.7 per 1,000 births, on to 5.5 for Italy per 1,000 births, and the U.S., the highest number of infant deaths that are occurring before the age of 1 year. Again, if you average the six, you find that the infant mortality in the United States is more than 50 percent higher than the average of these six other nations.

So, I think one has to ask the question, after going through all of that, and I have to look and see where the question is on my papers, one has to ask the question, is the assertion that the U.S. has the best health care in the world, basically is it true, is it not true, is it simply a lie?

□ 2000

We ought really to think very carefully while we're doing the reform of our health care system, as we're going to do later this year. We ought to think very carefully about figures like this and a whole bunch of other measures. I could go through a series of other measures that show similar kinds of data, and show that we are not doing as well as we ought to be doing as the richest country in the world. There are reasons for that. We'll have other times to perhaps explore some of those other reasons.

But I'm very pleased that the gentlemen, my friends from Connecticut and Florida and Wisconsin, are taking this up tonight, and that I have been able to bring some little bit of thought to how this is going forward in America. Thank you.

Mr. MURPHY of Connecticut. I thank the gentleman. And those charts really are instructive to let us know what we're getting for the money that we're spending. I don't think it's the worst thing that we spend a little bit more money on health care in this country than the rest of the world. You know, we have relative affluence here. We have a citizenry that very rightly has high expectations, and so I don't necessarily think anybody has a problem that we spend a little bit more on health care. But two questions are raised. One, how much more money should we be spending than other countries; and what are we getting for that money because, listen, Americans, certainly in my district at least, are value shoppers and they're willing to spend money if they're going to get value for it. And the problem is not enough Americans understand that they're not getting what they should be from those health care dollars.

Mr. KAGEN. Would the gentleman yield for a moment?

Mr. MURPHY of Connecticut. Of course.

Mr. KAGEN. Let's not let the facts get in the way of a good argument or a good conversation, but the fact is that 72 million Americans are having great difficulty paying their medical bills as of November of last year. About 47 to 50 million Americans have no health care coverage at all. But let's not let the facts get in the way.

And I certainly appreciate Chairman OLVER reassuring the people in Japan, if they're looking in tonight, or this morning, for them, you know, they've got it pretty good in terms of health care coverage. And our friends in Europe understand that, you know, they don't have to worry about getting sick.

My way of thinking is, as a physician, if you're sick, you should have the reassurance that when you're sick, you're going to have the coverage that means you're going to be in your house, not the poorhouse. If you're a citizen, you should be in the risk pool. It should be just that simple. If you're a citizen, you ought to be in. And if it's in your body, it ought to be covered. We have to find a way to make certain that that works out.

And before I turn and yield to somebody else here in this discussion, not everyone agrees with all these ideas. That's why we have a debate. Here's a person from De Pere, Wisconsin who says, "I do not want the government involved in health care. The government mismanages money and thinks funds are endless." So you see, we have to reassure our citizens, not just in De Pere, but that good government can make a positive difference in your life.

Medicare was a tremendous program when it was first initiated; 16-1 was the ratio of people working versus retired. Now it's down to about 4-1, so there are some things we have to talk about.

Is Medicare sustainable in its current model? It's a great challenge. And can we somehow tease apart and differentiate our economic recession from our ability to pay for our health care costs? I don't think so.

People in my district are telling me, KAGEN, health care costs are just impossible. Small businesses, what are their greater components of their overhead? Energy and health care. And that doesn't matter if you're on Main Street, on Wall Street, or if you're a family farmer in northeast Wisconsin. So we have to attack the greatest cause of bankruptcy today in the country, which is the high cost of medical care.

I am confident that we're going to be able to work out some details to guarantee that if you're a citizen, you're in; that there will be no discrimination due to preexisting conditions; that the price for health care services, for hospital services, for your pills and pre-

scription drugs will not be whatever they can get. It won't be whatever they can get. It'll be whatever they openly disclose, and give every citizen that same discount.

Mr. MURPHY of Connecticut. Will the gentleman yield for a point before Mr. KLEIN jumps in?

You know, that constituent of yours is multiplied, you know, by hundreds in all of our districts. I mean, people throughout this country have a fear of government-run medicine, in part because they hear about anecdotes from some of the countries that Chairman OLVER and others talked about in terms of the wait times. And, again, I think there are moments when facts are really necessary. Study after study shows that if you really do an empirical, data-based survey, wait times are, frankly, worse off in the United States than in many, if not most of those other countries.

And with respect to the one country that does tend to have wait times greater than the United States, Canada, most of those, in fact, all of those, are really for nonessential procedures. And I think it's worthwhile to then sort of mirror back to the United States.

In Canada, one of the things that comes up all the time is that if you want a hip replacement surgery you've got to wait about 6 or 8 weeks. And that's true. And that's a long time to wait, and too long. In the United States, you've got to wait about 2 weeks to get that surgery. But you know who pays for that surgery in the United States? Medicare. The government. So our government-run health care system does a pretty good job at eliminating wait times.

And for those of us who believe that ultimately you're going to have to have some increased footprint of a government-sponsored health care option for individuals and businesses, I think we can find solace in the fact that, although Medicare may not be perfect, it actually does pretty well with regard to at least that one indicator, wait times, compared to some of our other neighboring countries.

Mr. KLEIN.

Mr. KLEIN of Florida. I thank the gentleman. And just to add to that, I know when I got elected in 1992 to the Florida Legislature, I had a group of people in south Florida that said single payer, that's the way to go. These are mostly senior citizens who thought that was just the best opportunity. Most of the doctors I was talking to who I knew in the community at that time were totally against that.

Well, what's happened now is many of my doctors in our community, who do just wonderful service, are now the ones saying Medicare seems to pay quicker, more efficiently than a lot of the managed care organizations. And I'm not picking on managed care as a

whole. There are some that are good and some that are more difficult to deal with.

But I think the point of this all is that Medicare has generally worked fairly well. I think most seniors are pretty satisfied with a lot of things. It's not perfect, but I think that we understand that.

But if we think about, you know, what is it that, again, recognizing the different pieces here. We have a lot of people that retire to Florida, where I live, pre-Medicare; 55, 58, 59 years old. Maybe they're in business or work for some government up in the northern part of the country or from some other part of the country, and all of a sudden they don't have health care that transfers to Florida, and they can't buy health care because of a preexisting condition or any number of other things.

So what some of them have said is, why aren't we allowed to buy into Medicare on our dime? No government subsidy, just allow us to pay whatever the premium would be. And that's a very interesting idea. I think, again, just trying to think outside of the box, and there's not one silver bullet that's going to solve all these things. There may be some ideas for us to consider.

And another idea is, a lot of small businesses, we know that we like the idea of small businesses pooling their 12 employees here and 16 employees there, and 5 employees here, and 80 there to get to the larger critical mass so they can spread the risk again. Better price, better service, spreading the risk.

Why not allow those small businesses to buy into our State health care system or the Federal, you know, the employees for the Federal Government, again, on their dime. But we already know, we did some pricing on this, and the cost is far below what the private insurance companies would charge them.

So, you know, there are a lot of ideas out here. And I think what we really need to be doing right now is asking Americans, and all of us, as Democrats and Republicans in our Chamber here, ask Americans, what do you think is the right thing?

There's only so much pie to go around. We know we're spending, as Mr. OLVER recommended through his charts, more than any other country in the industrial world, at least of the G-7. The money's there. Where's it going? And how can we make sure that that doctor/patient relationship that Dr. Kagen has with his patients and I have with my doctor and many other people have with their doctor really is one that is nurtured and supported. We know we get better quality medicine when my doctor is the same doctor over many years, as opposed to I get a new managed care list and now I have to choose a new doctor and all the

kinds of things that really make for less good quality care medicine.

So again, I think this is opportunity for us to have the discussion, bring a lot of ideas forward, think outside the box a little bit and come up with some answers.

Mr. KAGEN. Well, Mr. KLEIN, I appreciate what it's like to be in Florida. I had a small medical practice there studying the fire ant allergy for a couple of years. I wanted to come up with a vaccine that would prevent people from having allergic reactions to those venomous creatures. We could talk an hour about the fire ants.

But on that hot subject, wouldn't it be nice if Medicare actually covered the overhead expense, or if Medicaid covered the overhead expense? You see, there's a subject called cost shifting. One of the reasons that the prices are so high is that everybody else is paying for the unpaid for health care that occurs not just in the emergency room but in doctors' offices and hospitals all across the country. And that takes place when Medicare does not cover the overhead of essential medical services.

And I guess it wouldn't shock too many people to understand that we don't have the data yet that actually determines and allows us to know here in Congress what the overhead expense is within a metropolitan statistical area. You know, I don't want to have to pay in Green Bay or Appleton, Wisconsin what they're paying for medical procedures in Florida or in New York City or in Los Angeles or other large metropolitan areas, certainly not Washington, D.C., where my first hamburger, fry and a Coke was \$22.50.

So the cost for health care has to be brought down, I think, in large part by creating a real vibrant, open and transparent medical marketplace. And, you know, I can go on my communication device—I'm not going to mention the brand. I don't want to promote a given product. I can go on the Web, the Internet, and search for the price of a car, the price of a book. How about the price of my prescription drugs that I might need, and map it out within the area in which I live?

I want the pharmacies to openly disclose the price and give every citizen the same lowest price that they accept as full payment for that product. I think it's time that the hospitals showed us their prices and then charged everybody the same. Wouldn't that be wonderful?

Mr. OLVER. It really would. I must say, it's daunting to be taking part in a discussion with an M.D. who has been through this so intimately and has so many examples that he can put forward. We have two or three other medical doctors here in the Congress, and I'm glad we're not having this discussion among just them and me because I would feel completely out of place.

But I did want to comment to something that my friend from Connecticut

had said after I finished my chart talk essentially, and that was, yeah, we should be willing to accept a higher cost in this country. True. I said that it would be perfectly acceptable if we were getting outcomes that correspond to the cost that is going in.

We do have a very productive workforce, and the total value of our economy is so high that I think you would find, per person, per member of the workforce, that the value of our economy, the gross product per member is substantially greater than most, if not all of these. I don't have the data on that, but I think I have seen them. And so you would expect that you should be able to spend more in real dollars than others and still maybe not be hurting the economy. But when it gets so out of range, then you really have to look at what are the outcomes.

One other outcome that I would just like to mention, because I used first the life expectancy of our people at large, from the time that they are born until they join their Maker, and then the infant mortality, but then look at the other question, the question of maternal mortality, which very closely mirrors the data on infant mortality, though that goes from the birth until 1 year of age, whereas maternal mortality would refer only to women who die in childbirth. And there, again, our value is, in this country, with supposedly the best health care in the country in the world, our number, again, is about twice, almost twice as high as it is in the other major industrial partners of ours in this whole world economic system. So that's just one more—I did not bring that chart along, but that's just one more of those measures of the many kinds of measures that you could look at.

Mr. KAGEN. Would the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. KAGEN. Some years ago I sponsored for citizenship a Ph.D. in my research laboratory. And when I was about to enter the political discussion in 2005, I asked my Ph.D., Dr. Muthiah, how did he look at our American health care system, because he grew up in Sri Lanka and then graduated from Southern India, Madras, and how did he look at the American system? And he said, well, Boss, American health care is upside down because if you go to the hospital and you have insurance, you get a discount.

□ 2015

If you have no insurance at all, you get the big bill.

So, you see, what we have to do is prevent the cost shifting, and by preventing cost shifting we can bring prices down. I think when we finally come to have an agreement that we should have a Federal standard. I mean, we have Federal standards in the

United States for everything, making cars, we have OSHA, we have the environmental standards. We have standards for making clothing.

But we don't have a standard basic insurance policy that guarantees that if you get sick you are going to be in your house, not the poor house. We don't have a basic insurance policy that all the insurance companies, if they are going to be in business, should be offered an opportunity to sell, to compete within the marketplace.

I will give you, just an example, and I am not too good with examples. A few years ago I wanted to buy a Chevrolet Impala. At the time it was the highest percent American made car. I went out shopping for the Impala. I had five dealers with the same car. Now, they competed for me.

I didn't get it for free. I got a skinny deal. The dealer made money, the manufacturer made money, and there was an economy, a real marketplace, a competitive and transparent marketplace. What consumers want in health care is transparency. They want an opportunity to be able to afford the medications that they need so that they don't have to skip a meal or skip a pill, or as you referred to some minutes ago, cutting your medication in half.

There are a number of stories I could tell you that would make you cry. There is Jenny, who has two young children who came to see me. They were asthmatic. I made a wonderful diagnosis. I wrote the prescriptions for her and her children. I said come back in a month, they will be back in school, they will be fine.

And she came back a month later, and I examined the children, and they were not fine. They were still wheezing. Being right to the point, I came down pretty hard on her. I said, you know, the funny thing about these medications, they only work if you put them in the kids' mouths. And she lifted up her sack, which contained her own personal property and also some diapers, unzipped it, held out the prescription. It was the same ones I had written.

And she said, Dr. KAGEN, I took these prescriptions to the pharmacy, and I could see the medications behind the counter, but I couldn't afford to put them in my kids' mouths. Now, what are you going to do to help me? I said, well, that's it, I'm going to have to go to Congress because I can't go to the State House to fix this.

This is really a national crisis, one that can't be solved State by State. We can't have these incubators of democracy, as it has been referred to. We can't have one-State solutions like Massachusetts or another State, or Oregon. We need to find a national solution wherein there is going to be a real transparent medical marketplace to allow a drug company to produce a great medication, to openly disclose

that price. And if it's \$1 in Mexico City, hey, thanks. If it's \$1 in New York City, Chicago, L.A., and everywhere else in between, we need to allow them to compete in an open, transparent medical marketplace.

But, first, we here in this Congress have to make a commitment, to make sure we get it right, to think it all the way through, and above all else let's find out what the real overhead cost is, because if Medicare doesn't cover the overhead costs for something, it's going to cause cost shifting or that service or product is just going to disappear.

Mr. MURPHY of Connecticut. The stories are heart-breaking and, unfortunately, the longer you serve in this place or any other level of government, the more that you hear.

It gets back to that statistic that I started with, which is that some people have an impression that maybe folks that don't have insurance, people that don't have access to health care, well, it's their fault. You know, they are living off the dole, they are freeloaders, free riders. It's not true.

Study after study shows you that 80 percent, or somewhere in that neighborhood, of individuals who don't have insurance are part of a family in which somebody or both parents are working full time. They just happen to work for an employer that doesn't offer insurance or that their insurance is kind of 50 percent insurance. It gets you part of the way there, but not very far. These are the folks that we are really talking about.

And I think that in this moment of great economic crisis—a poll came out the other day that showed that 70 percent of Americans are fearful in the next few months that either they or their spouses will lose their jobs, that more people today are conscious of the fact that they are just one paycheck away from losing all their health care benefits. And should they get sick, as they have watched their parents or their relatives or their coworkers do, that their life could be over as they know it.

As Representative KAGEN said, the number one cause of bankruptcy in this Nation is medical bills, individuals who have had an illness, a cancer, an injury, that they could not have foreseen or prevented. And it has fundamentally changed their lives. They have lost their house, their car and their livelihood.

That's who we are really talking about here. Mr. KAGEN is right. Representative KAGEN said you can't do this one State at a time.

I am wholly supportive of States like Massachusetts. My home State of Connecticut is endeavoring to try to produce a system of universal coverage today. I am very supportive of their efforts to do so. But their efforts should highlight the fact that ultimately this

has to be a national solution. Why? Because the only way you ultimately get costs down is to use the leverage of the Federal Government, ultimately, to bring those costs to a reasonable level.

Now, we certainly do have to put the money into the Medicaid and the Medicare system to make sure that we aren't shifting money off to the private sector. But, so many of us are supportive, as Mr. KLEIN mentioned, of opening up the Medicare system or opening up the Federal employees' health system to more Americans because we see that as a way to try to use the purchasing power of the Federal Government to get costs down.

A poll that I referenced about Americans' support for a major health care reform bill also shows that 77 percent of Americans favor allowing the government to offer a plan that would give them an option to join a publicly sponsored program or to keep their private health care insurance. And, in fact, it pretty much cuts across all parties. We said at the outset this has nothing to do with Republicans and Democrats. Whether or not you have insurance has absolutely nothing to do with the party that you registered with or where you sit on the spectrum of our American belief system. This is a non-ideological, nonpartisan problem.

And so although the numbers vary a little bit, the support for a publicly sponsored option for individuals and businesses to buy into, one that would be one of the best and I think most cost competitive options in the marketplace, show that greater than 80 percent of Democrats favor it, greater than 50 percent of Republicans favor it or just under 50 percent of Republicans favor it. But amongst Republicans, 33 percent say they don't have any opinion, so you almost have a 2 to 1 support versus opposed ratio. So you have folks of all parties and all persuasions supporting major reform.

Just one more point before I turn it back over to you, Mr. KAGEN, is your notion of having a level playing field and having transparency is so important, because there are a lot of people in this Chamber that support a single payer Medicare-for-all system, you know, go to a European style system of health care. But this is the United States of America. We have unique needs. We are not Canada, we are not England, we are not France or Germany.

We are going to create our own universal health care system here, informed by the unique needs and desires and expectations of our citizens. And I think most of us agree that that's going to maintain, maybe in not as great a percentage of our system as it is today, but it is going to maintain our private health care insurance system.

And the way to get to a system that is fairer and more equal is to allow for

that health care insurance exchange, allow for a marketplace where, as you said, everyone can go and compare prices, can know when they are buying that product that they aren't going to be ruled out just because they have a preexisting condition, an issue that there is no greater leader in the Congress on than Mr. KAGEN, know that if they work for a business that they are not going to cause that business to not be able to provide health care insurance simply because they are the one employee of six that has higher health care costs than everyone else, that we are going to have equal coverage, a fairness in benefit levels and a transparency in price that will give, I think, a level of surety to people as they buy that insurance product that they are going to be covered and that they are going to get the best deal.

Right now if you are an American health care consumer, you don't know either. You don't know whether you bought the cheapest product, because there is no one place to go. There is no one aisle in the supermarket where you go and compare prices. You also don't know whether you are going to keep that insurance.

Because even if you got in as the bell rung, there is a thing that happens now called post-claims underwriting where even after you get sick, a lot of insurance companies will try to kick you off your health care, claiming that you should have known that you were going to get sick when you signed up in the first place. So I am very excited about this idea of the health care insurance exchange and glad, Mr. KAGEN, that you have been leading on it.

Mr. KAGEN. The consumers of America need to be able to compare apples to apples. And really the only way to get that done is to come up with at least a basic Federal standard, an insurance policy, one that will cover the basics and keep you in your house if you get sick, one that every insurance company has to offer to every willing purchaser, every citizen and legal resident within a metropolitan area where we can create the largest risk pool possible to leverage down prices for everyone.

Here I have someone in rural America. This is really a telling story. She is from Waupaca, Wisconsin, and, quote, "no health insurance for 4 years, one son in the Army on active duty, my son shipping out. He is guarding our home, but we are not taking care of our families here at home. We are taking care of people overseas."

"We know numerous people over 50 who have lost their jobs so companies can cut health care and payroll costs and then can't find any other work and no longer have health insurance."

Now this is being multiplied all across the country as this recession rolls across not just the United States but across other nations as well. We

have to establish a basic insurance policy so we can begin to have an open and transparent and very competitive marketplace for insurance process.

Mr. MURPHY of Connecticut. Let's think about that soldier that comes back from serving his country overseas and goes and gets a job that pays a decent wage but works for a struggling company that just can't afford to continue to employ people and give them health care benefits.

And so he, returning from serving his country abroad, putting his life on the line, comes back and gets a decent, hardworking, fair-paying job and has no health care benefits. And then he looks to this House. He looks to the people that he sent to Congress who sit here in this nice air-conditioned Chamber with pretty decent health care.

And he wonders to himself, I fought for this country, I came back and got a job, did everything that I was supposed to. And the people that I sent to Washington, D.C. get a pretty good health care plan, and what am I left with.

I think that whatever we do, whatever Federal regulatory scheme that we come up with for health care insurance, it should at least guarantee that everybody out there gets to have health care like we do. That if you are going to elect men and women to go to Congress who are going to enjoy the benefits of the Federal employee health care plan, that every American out there should have access to that, certainly those that come back from duty overseas and are playing by all the rules we ask them to when they return.

Mr. KAGEN. Well, be careful there, because you may just get what you want. There is nothing to say really that the health care that you have is the best available.

I will bet you don't understand completely what you have got for insurance, because it's so hard to read and interpret that policy. We have got an idea here that's kind of a good idea, but like many things here in Congress, if it makes sense, it just may not happen.

So what we really have to do is just clear away all the clutter and ask some very basic questions: Do you want to have an opportunity to go to the pharmacy and pay the lowest price available for that prescription? I think you do.

Is there any reason why someone should be discriminated against? Now, let's say there is five of us standing in line to get the prescription, 30 pills of drug X at a pharmacy.

Why should we pay five different prices? Why shouldn't they just put the sign up on the wall and say here is what it is. Put it on the Internet, here is what it is. And let's get some competitive forces to leverage down these prices.

When insurance companies have to compete in an open marketplace, we

are going to leverage down that price, my best guess is about 22 percent before they really begin to compete for the customer, just like the auto dealers competed for my precious dollars for that Chevrolet Impala. So I look forward to a competitive marketplace.

As you know, I chose not to select health insurance when I got here. It was offered to me, and I was quite surprised. They said, "Well, Congressman, before you leave to go back to Wisconsin, would you like to hear about the benefits?"

And I said, "Lady, are you kidding me? What are you talking about?" And she showed me a list of health care benefits, of cafeteria plans I could choose from. I had to go catch a plane.

I said, "Well, okay. What did you take?"

"Oh, I took the Cadillac plan," she said, "\$250 deductible. They have got to take you because you are a government employee."

I said, "Well, I'll tell you what. As soon as you can make that same offer to everybody else that I have the honor of representing, I will be happy to make my choice."

□ 2030

I agree with you that we have to have choices, but they've got to be openly disclosed, and we need to get a basic insurance policy that really says, if you're a citizen, you're in.

Now, one of the things that I am really pleased about with this President is that President Barack Obama gets it. He doesn't just get it in his mind. He gets it in his heart. He actually feels what we feel and what my patients feel, and he has taken the single, most essential element in health care as his number 1 element, and that is no discrimination due to preexisting conditions. When we frame health care around our civil rights, we're not saying you have a constitutional right to this or that service. We're saying that you shall not suffer from discrimination, like we passed last year, based on your genetic potential. You will not suffer from discrimination at the pharmacy because you have less money in your pocket than somebody who is getting a discount and not you.

You mentioned our veterans who served not for themselves but for their country. Isn't it appropriate that when a veteran comes home that his wife and his family get the same discount on that medication that they might need? What about their neighbors? What about their whole community? What about their entire country? Isn't it appropriate, if the pharmaceutical company is making a profit at the VA price, that we all benefit from his service or her service at that leveraged down discounted price? We have to begin to use the leverage of the marketplace.

I'll finish up with my comments by saying that we have witnessed in the

last year the collapse of the housing bubble. That repercussion, that ripple effect in the economy, has just taken down many millions of jobs. It has taken away businesses left and right, and it continues to do so.

I believe we're also looking at another bubble, and that bubble is in the price of health care. It's simply out of reach for ordinary families, averaging \$1,200 to \$1,400 a month for insurance premiums, and it guarantees only one thing: that, every month, the insurance company is going to take your money and that you'll have to fight like hell to get it back. Having insurance today doesn't guarantee that you're going to get the services that you need. That's how Chairman OLVER was able to show us all the data.

We are spending a lot of money for health care. We are not getting the value. So I think it's time to begin to ask the question if we shouldn't begin to change the process of how we're going to reward the delivery of health care, to change the process and reward value, not just per head or per prescription. We have to begin to reward value and prevention. Look, you are exactly what you eat.

As my father says, "Steve, boy, pollution begins at your lips. If you don't put it in, it won't stay on you."

"Well, okay. I'm doing my best to lose weight, Dad," but the reality is we can do this by working together.

It will take Democrats, Republicans, Libertarians, and Independents. The American people don't want any more argument about this. They want us to come up with a solution that works for their budgets, that works in their homes and that works within a framework that guarantees that, if you're a citizen, you're in. If it's in your body, it should be covered.

I am more confident tonight than ever before that, this year, we're going to achieve that goal of guaranteeing access to affordable health care for everyone who is legally here.

Mr. MURPHY of Connecticut. Thank you, Mr. KAGEN.

We have sort of run the gamut this evening of the problems that underlie the existing system—the lack of transparency in insurance markets, the discriminatory practices of insurance companies, the lack of cohesion in prices when you walk into a pharmacy or into a hospital, the amount of money that it puts on top of businesses that are already struggling to compete in this world.

When you talk about health care, it may be the most complex topic that we ever talk about here. It seems insurmountable sometimes. It seems like there's too much to try to take on at one moment, but there are simple solutions here, as you said: Pay for performance instead of pay for volume. Pay for prevention rather than crisis care. Give people options that they can see and understand.

I think that there are some solutions here that can cross party lines, as you said, Mr. KAGEN. I think that we can achieve a real victory in health care for America, in health care for America this year, this session, that guarantees that for citizens of the most affluent and the most powerful country in the world. Just because you can't afford to see a doctor doesn't mean you're not going to get sick. I hope we get the chance to do this more often and to bring our colleagues to the realization that the time for reform is now.

I yield back the balance of our time, Mr. Speaker.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. I very much appreciate the honor of addressing you here tonight on the floor of the House of Representatives.

There is an issue that comes to mind for me immediately. It is the reason that I have asked for some time tonight here in this Special Order in this hour of privilege that we have. It is a disturbing factor that I have experienced, along with a number of others, through a markup in the Judiciary Committee last week, and that is this dramatic departure from the rule of law, the dramatic departure from the Constitution, the dramatic departure from the understanding that criminal law in America would be focused on overt acts, not on the thoughts that we might divine would be within the heads of the perpetrators.

I'm speaking specifically, Mr. Speaker, about the hate crimes legislation that has been pushed through the Judiciary Committee and that will arrive here on the floor of the House of Representatives tomorrow.

By the rule, the rules process that has taken place, there were a whole series of amendments that were offered in the Judiciary Committee. Those who watched the committee will know that the Judiciary Committee in the United States House of Representatives is the most polarized committee on the Hill. It's the committee that goes out and recruits, I'll say, the most hardcore, left-wing people in this Congress to advocate for the most hardcore, left-wing—and I'll say—sometimes unconstitutional, often illogical proposals that might come before this Congress to be rammed through the Judiciary Committee but not without a legitimate markup. I will concede that point to the chairman, Mr. CONYERS.

Many of us offered amendments, but there was a determination to vote down, to shoot down and to defeat

every constructive amendment that was offered before the Judiciary Committee on this so-called "hate crimes legislation," Mr. Speaker.

On Thursday, after a full day Wednesday and a most-of-the-day Thursday markup and after that legislation on the so-called "hate crimes" passed the House Judiciary Committee, it went to the Rules Committee, which met today, Mr. Speaker. The Rules Committee's job is to also enhance something that is the responsibility of every chairman on this Hill, that is the responsibility of you, Mr. Speaker, and that is the responsibility of all of those who have gavels in their hands. I've spent some time with a gavel in my hand, Mr. Speaker. The job of the chairman is to bring out the will of the group. It's not to impose the Chair's will on the group. To bring out the will of the group is the constitutional act of justice that should come from the hand that holds the gavel.

What happened instead—and perhaps, just perhaps, the hate crimes legislation flowed out of the Judiciary Committee reflecting the will of the Judiciary Committee, but when it is filtered through the Rules Committee—the Rules Committee that sits in judgment upon whether there will be amendments that are allowed to be offered here on the floor of the House of Representatives or whether there will not and which of those amendments might be offered—the Rules Committee has a profound responsibility to weigh the proposals and to make a determination that this House can work in an expeditious fashion but can still reflect the will of the United States House of Representatives.

That will has been frustrated, Mr. Speaker, because the Rules Committee, I'm told, has ruled there will be no amendments on this hate crimes legislation, that it will come to the floor under a closed rule with no amendments allowed, only the amendments that were offered in the Judiciary Committee and by no other Member of Congress. All of those who do not sit on the Judiciary Committee will have an opportunity to try to perfect this legislation that they call the hate crimes legislation but that I call, Mr. Speaker, the thought crimes legislation.

That's at the core of our discussion here this evening, and I'll submit that the will of this group, that the will of the United States House of Representatives, is directly frustrated by the actions that, I believe, are directed from the Speaker's office, by the actions of the Chair of the Rules Committee and by the actions of the majority members on the Rules Committee who have decided to shut down the amendments process and ram through a piece of legislation tomorrow with only 30 minutes allowed for all of the Members of the United States House of Representatives to voice their objections here on the floor of the House of Representatives.

There will be no amendments allowed, just a voice where there will be more than 30 people lined up who will have less than a minute to add their words to this, and where there will be no chance to sway the opinion of this body, the opinion of this body that is locked in on an idea that we're going to have hate crimes legislation in America that punishes the thoughts of people who may or may not be perpetrating crimes against folks because of their particular, special protected status that would be created under this hate crimes legislation.

I, Mr. Speaker, oppose, and I defy the logic of the people who would advocate for such legislation and the very idea that we could divine what goes on in the heads of people when they commit crimes.

I will argue that the history of criminal law in Western civilization has always been about the overt act, not about the covert act; about the overt act, not about the thought, not about what goes on in the head of the perpetrator and certainly not what goes on in the head of the victim. We recognize and have for millennia that the value of the victim is intrinsic in that each human life has a unique value, a unique value that is priceless and sacred. Whether it's a baby who was just conceived a moment ago or whether it's someone in the last days or hours of his life, we all measure that life equally.

In fact, former Governor of Pennsylvania Robert Casey said human life cannot be measured. It is the measure, itself, against which all other things are weighed.

Yet this hate crimes legislation would weigh it differently. It would weigh the life or the health or the physical well-being of an individual who fit within this special protected status—the status that might be wrapped up in their sexual orientation, their gender identity or their gender, itself—of having a special status if it happens to fit the list of proclivities that they believe should be protected status.

Now, when you start valuing one person's well-being, one person's life differently than that of another, we have deviated dramatically from the essence of criminal law and have started ourselves down a path by which we're evaluating not as the proponents of the bill—and I will say there is the gentle lady from Madison, Wisconsin, whom I specifically asked:

Is this a crime committed, and is it evaluated by what's in the head of the perpetrator or by what's in the head of the victim? I think I might have misunderstood her, but they corrected me clearly, and they said: Well, it's what's in the head of the perpetrator.

All right. So, if we're going to presume that a crime could be committed and if we're going to enhance the pen-

alty, maybe, 10 years or maybe as much as life in prison for kidnapping, for example, because we're going to judge what goes on in the mind of the perpetrator at the time he committed the crime and what provided him the incentive for committing that crime, then we're evaluating here by law what goes on in the head of the perpetrator.

But, Mr. Speaker, there's another component of this. This is what goes on in the head of the victim as well, because the special protected status rests upon not physical characteristics, not immutable characteristics—those characteristics that can be independently verified and that cannot be willfully changed. No, Mr. Speaker. These characteristics are those mutable characteristics, those that reflect not just the physicality of the victim but the attitude and what goes on in the head of the victim.

So, for the first time, if this legislation should become law, the Federal Government will be punishing and will be acting upon legislation that presumes to be able to know what's in the mind of the perpetrator and what's in the mind of the victim. It will match those two things together and will determine if a crime were committed and, if so, how to enhance the penalty. This is a bizarre thing, Mr. Speaker.

This takes me back to the book "1984" by George Orwell, written in 1949, where George Orwell wrote—and I will summarize this because I don't exactly have the quote in front of me:

We don't care about the overt act. We don't care about any overt act. What we care about is the thought, because, if you can control the thought, you can control the overt act.

So why would we care about the act, itself, when we could control the thought? By the way, we're not going to be satisfied if you just simply agree with us. You must do so willingly. We must bring your mind around to the point where you're eager to agree with us. When that point comes, there will be no more overt acts that we disagree with, and therefore, we will have controlled the mind, and by controlling the mind, we've controlled the actions, themselves.

□ 2045

This is a bald-faced effort to enforce public affirmation for behaviors that have been considered to be historically aberrant behaviors by the American Psychological Association, Mr. Speaker. There is a long list of them. The list that I have is 547 of them long. As near as I can determine, they're all specially protected activities or thought processes that are protected under this hate crimes legislation, Mr. Speaker.

We tried mightily to amend the bill and to try to bring some sense to this idea that whatever the proclivity, it was going to be protected by a Federal hate crimes law. We can't cross that

line, Mr. Speaker. We've got to maintain criminal penalties for the overt act, not for the thought, because we can't know what goes on in the mind of the perpetrator, and we can't know what goes on in the mind of the victim.

Mr. Speaker, that opens this subject matter up, and I recognize that there are some very effective Members of the House of Representatives that would like to address this subject matter. And no matter how focused they may be on preparing themselves, I would be so happy to recognize the gentleman from Texas who is my good friend, Mr. GOHMERT, for as much time as he may consume.

Mr. GOHMERT. I thank my friend from Iowa. You have pointed out some real problems and real issues with this hate crimes bill.

We are constantly being told there is an epidemic of hate crimes in America. You look at the statistics, and there are actually fewer crimes now attributed to any type of bias and prejudice than there were 10 years ago. Another problem is the States, every one, have laws to deal with crimes against a person. That is a State obligation, and every State has their own. And it's governed by the State law. And most States have a hate crime law.

This is the Federal Government, the Big Brother that Orwell talked about, coming into the thoughts of every individual.

Now we've been told that this bill will protect constitutional speech. It will protect religious speech. But that breaks down when they have to admit that, well, of course, if it's religious or constitutionally protected speech that is relevant to the underlying offense, then, of course, it is not protected.

Well, you can't take this new law in a vacuum because 18 U.S.C. 2(a) still exists, and it will exist if this becomes law. Some people who are not lawyers talk about it referring to accessories, but it is not. In legal circles, it's called the law of principals. And under Federal law, 18 U.S.C. 2(a), if you aid or encourage, counsel—and here's a big verb—or induce someone to commit a crime, then it is as if you are the one who committed a crime. It's called the law of principals. You induce someone else to commit a crime, you might as well have pulled the trigger or done it yourself.

So with that law existing and not going away when we pass the hate crimes bill, if heaven forbid it gets passed, then how do you go about inducing someone to commit a hate crime? Well, you'd probably have to tell them that an activity is wrong.

There are preachers, rabbis, imams across this United States of America all this week who will be telling people that there are certain types of sexual immorality that the Bible, the Tenach, the Koran, say are wrong. Well, if you're telling people that an activity is

wrong and it hurts the moral fabric of the country and it undermines our moral authority in this Nation—and perhaps you even quote from the Bible or the Torah or the Koran where it talks about Sodom being destroyed because of the activity of those, that it got so bad that the people residing there even wanted to have sexual relations with two male angels that were sent, well, that, in both the Bible and the Torah, Tenach—where this is discussed—in the Koran, the same story is discussed in the Koran, you explain to people that God got so upset about this he destroyed Sodom and Gomorrah. Even today, you cannot find remnants of Sodom and Gomorrah. And you tell people that God feels so strongly about this that he's destroyed a city and you can't even find any remnants of the people or the cities.

And someone goes out—even though you have never encouraged violence—commits a violent act and says, Well, my preacher, my rabbi, my imam told me that this was wrong and it caused the destruction of a city and that really is what induced me to do this, you don't think the preacher, the rabbi or the imam would be arrested for inducing that crime? Of course.

You can go even further. I can hear a prosecutor with a bent towards this kind of hate crime stuff going forward and saying, You know, we heard this preacher talking about homosexuality being wrong. That preacher should know that there are crimes of violence being carried out against homosexuals around the country that have gone on—even though they are lower in number than they were 10 years ago—they should know that and therefore since they are saying it's wrong, that stirs up all kinds of hard feelings. He should know he's inducing people to create crimes of violence. Therefore, we've got to stop him. He's attempting to induce a Federal hate crime.

This is serious stuff, because that's where you go. And the prosecutor could then say, "Look. Yes, we arrested the preacher; yes, we booked him into jail, and yes, it is a question of intent. Did he intend to induce the crime? Well, I am going to leave that question for a jury to decide." You can hear that said by many prosecutors around the country on other issues: "Look, I am not God. We will allow a jury to decide this question of fact on whether or not he intended to induce the crime."

So getting back to basics, though, there is no epidemic. And as my friend from Iowa knows, in discussion, in debate in the committee and outside the committee, we've said, "Now, what are the cases that justify the Federal intervention into this State law area?"

We're told what about James Byrd, that horrible case down in Jasper where this poor African American was drug to death by white guys, three of them. Two were most culpable. That

justifies a Federal hate crime? No, it doesn't. Those two guys that were most culpable got the death penalty. This bill doesn't even offer the death penalty as a penalty. This bill wouldn't affect that case. The other guy got life in prison. This bill wouldn't affect that case at all.

Some have mentioned the terrible case regarding Nicholas West. From accounts, he was a sweet young man. He was picked as a victim because he was homosexual. Brutalized, kidnapped, killed. That was in my home county. The perpetrators have already been sentenced to death and the death sentence has been carried out. This case would not be affected.

Now, everyone in America deserves protection of the law. We get in trouble when we begin to carve out little special groups here and there that deserve more protection than someone else. You think a pregnant mother does not deserve the protection of a homosexual? You think a military member doesn't deserve the protection of a transvestite? You think that a particular child wouldn't deserve the protection of a transvestite, a transgender person? Why are we carving this out? They are protected under the law.

You know, there are those of us who believe the biblical teaching about homosexuality being inappropriate, but I've sentenced people for harming a homosexual because they deserve to be protected under the law. It doesn't matter who you are, it doesn't matter who you sleep with, you deserve to be protected, and we do our country a great injustice when we begin to say these deserve more protection than these over here.

But when we discuss sexual orientation—we brought that up in committee, and we were told, Well, it doesn't need a definition. For one thing, it's defined in another law in the Hate Crimes Statistical Act. Well, it was defined in that law as only including heterosexuality and homosexuality. We said, All right. If you think it's confined to that, why don't you put that definition in here?

"No, we don't need to do that." Well, you do.

I have been an appellate judge. You want to review what a definition of any word or phrase means in a bill? First, you look to see if it's defined, and if it's not defined, is there any direction to other laws within that bill that tells you, for the purpose of this law, what the definition is. They didn't want to do that. They didn't want to refer to the Hate Crime Statistical Act.

And yet here on page two of the bill, we've got other definitions. Crime of violence has the meaning given that term in section 16, title 18, U.S. Code. Hate crime has the meaning given such term in 28003(a) of the Violent Crime Control and Law Enforcement Act. Over here—I believe it's page 12—it

talks about another definition of explosive or incendiary device has the meaning given such term in section 232 of this title. Firearm has the meaning given such term in 921(a) of this title.

Why wouldn't you define sexual orientation? You should. Because the Diagnostic and Statistical Manual IV tells us the names of different conditions. It talks about all the types of sexual orientation people have. There are all kinds of sexual orientations. Some are weird. Some are sick. Some will get you put in prison. But if you don't define it, they're included.

My friend from Iowa here, Mr. Speaker, made an amendment trying to exclude pedophiles from the protection of sexual orientation here because these people are oriented sexually towards children. That was voted down. Voted down. You know, you want to give pedophiles the protection, this extra protection you're not willing to give a pregnant woman or a child or a mother or military? This is incredible. But that's what they did.

It creates the scenario, too, of other types of sexual orientation. Some are oriented toward exhibitionism. Some are oriented sexually toward voyeurism. This bill sets up the incredible scenario where a woman could see a man flash her and she is astounded, hits him with her purse, and takes off running. Under that scenario, if this became law, the flasher committed a misdemeanor and the woman that hit him with a purse—because he's oriented sexually towards exhibitionism—is now a Federal felon looking at 10 years in prison. That is insane. This makes no sense.

□ 2100

One other thing, though, as a judge dealing with different types of defendants, hearing all kinds of psychiatric testimony, psychological testimony, and just dealing with different defendants on thousands of cases, what struck me in what I heard was that people that are the hardest to rehabilitate are those who are antisocial personalities under the DSM-IV. They are harder to rehabilitate than people who act out of a bias or prejudice. And yet this bill says we are going after the people who are probably the most easy to rehabilitate and make them suffer more, if that's possible—you can't make anybody suffer more than the death penalty—but we are going to make them suffer more than someone who commits a crime out of bias or prejudice. It makes no sense.

Antisocial personalities, they know the difference between right and wrong, they could control their conduct, but they choose to do wrong. Many antisocial personalities like to hurt people. This bill, the way it is drafted and the way we are going to vote on it tomorrow—because we were not allowed one single amendment to

come to the floor—creates the scenario where someone could be arrested for a hate crime in this bill, brought to Federal court, have a jury selected, put in the box, the trial go forward, and the defendant convince the jury that he committed the act of violence causing bodily injury to the defendant randomly—he didn't care who he hurt, he was gonna hurt somebody. And if he is successful in raising a reasonable doubt that he committed the crime randomly and he had no bias or prejudice, he just wanted to hurt somebody, under this bill that we vote on tomorrow, he is acquitted. That is insane. That is insane.

We are going to let the random, senseless killer, abuser, brutalizer go free under this bill? We need to pass laws that make sense. We need to pass laws that say every life in America is important. But this doesn't do that.

What saddens me greatly is that the bottom line of this hate crimes bill is—this is the message that goes out from this hate crimes bill we will vote on tomorrow—if you are going to hurt me, shoot me, brutalize me, please don't hate me; make it a random senseless act of violence. That is what this says. And that is why this should not become law.

I thank my friend from Iowa and yield back.

Mr. KING of Iowa. Reclaiming my time, and I very much thank the gentleman from east Texas for his clarity with his understanding of this legislation.

I would like to point out, Mr. Speaker, that I have sat with our committee staff, sat with my own staff. I have gone through this language. I have looked for a way that there is a consistent index between the definition that is in this legislation and understanding what it does. It doesn't exist. It is ambiguous. It is ambiguous, and it runs, actually, in contradiction to the existing statute that it references that the gentleman from Texas spoke to; one of them is a crime of violence definition, and the other one is a hate crime definition.

But also, the definition that is in the bill for gender identity, when I asked the question what is gender identity, and the answer that I received back in committee from the gentlelady from Madison, Wisconsin, was "it is defined in the bill." Don't you know? Well, it is defined in the bill. Gender identity means "actual or perceived gender-related characteristics."

I am this Midwestern guy. We have a number of different kinds of fence posts; some of them are hedge posts, some are cedar posts, some are pine, creosote, pressure-treated. Some are steel, T-posts, round posts. You name them, we've got them. We've got electric fence posts as well. We have a whole different bunch of varieties.

Now, if I would define a fence post as "actual or perceived characteristics of

a fence post," you get the idea what the definition of gender identity is when it is the actual or perceived gender-related characteristics. It is no definition at all. And this definition will be defined by lawyers and judges, some activists, some that want to adhere to the law. None, if this legislation is passed, would be able to go back and track the definitions in this legislation and determine the intent of Congress, except to offer ambiguities that can be used at any extent.

And what a couple of the other ambiguities are; crime of violence means the threatened use of physical force against the person or property of another. But the bill doesn't say property, it says the person. But the definition in the bill says person or property.

A hate crime means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property is the object of the crime, but the bill doesn't say property, it says a person that possesses these special protected characteristics—which makes them sacred cows in this society. And, Mr. Speaker, I, perhaps, will expand that thought of sacred cows, but I am much more interested in hearing from the gentlelady from Minnesota, who has arrived on the floor tonight to fill us in on her view of the hate crimes legislation.

I would be so happy to yield as much time as may be consumed by the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I want to thank so much my colleague, STEVE KING from Iowa—the "stunning" STEVE KING of Iowa, as he is known in the mainstream media, so grateful for your advocacy, and also for that of Judge GOHMERT. And Judge GOHMERT, I trust that you're a hanging judge down in the State of Texas.

I just wanted to have a chance to speak just for a few moments on this hate crimes legislation. It truly is momentous, this rule that we will take up tomorrow.

First of all, I just want to say, from my perspective, this appears to me easily to fit the definition of an unjust law. Why do I say that? Because this will bring to Americans more loss of freedom, more loss of rights than we have seen leave in this first 100 days here in Congress because it goes to the very heart of the Bill of Rights. When the Founders passed the Constitution, they would only pass it on one condition, and that is that the Bill of Rights would be passed next.

This is the very first amendment—that many consider the most important amendment—our First Amendment right. And contained in that First Amendment right is the freedom of speech and expression of religious affiliation. And this goes to the heart of taking away American's right to speech and expression and sincerely held religious beliefs.

I feel that this hate crimes legislation in some ways could be considered the very definition of tyranny because it gives government literally the key over deciding what the thoughts of Americans should be. And it says that Americans could only hold certain opinions and not others, and they can only express certain opinions and not others. Otherwise, it would be seen as a criminal act.

And I think back over this last century of world history, and I think of nations where they called certain expressions of speech not only hateful, but criminal. And that is what this bill does, it regulates speech. Government regulates speech. And it just seems that it is one more chink resulting in the loss of American freedom.

This bill, if it passes tomorrow, will have to be considered then a part of President Obama's 100-day legacy. And on his watch, if he chooses to sign this bill—and from all indications it appears he will—this will lay the foundation to further deny Americans First Amendment rights.

I think it also, we could say, denies equal protection under the law. If you have an individual going through a crosswalk and a person is in their car and they hit that person in the crosswalk, it is up to the person who is hit to file the charge if it was a hate crime or not. So if the person is gay, and that is the status that is being protected, and the person driving the car is straight, would it be a hate crime if the person driving the car who is straight hit the person who is gay in the crosswalk? So does it say, then, that that life that was hit in the crosswalk is more valuable because it was a gay life versus if the person who was in the car, who is gay, who hits the person in the crosswalk, who is straight, does that mean that the straight person in the crosswalk doesn't have a cause of action against the person who is gay who is driving that car? It raises the question of whose life is valuable and whose isn't. That is the question that Mr. GOHMERT raised earlier.

Who will the government prefer? And who decides who gets protected? Are we protecting people on the basis of their behavioral actions; if they choose to have certain actions that are sexual in a certain manner, they get protected when others don't? Who decides who gets to be the good guy in this situation? Who gets to decide who is the bad guy in this situation?

And I would ask this question, is it a moving target? If we give government this level of authority, then easily we can see that down the road government could amend this hate crimes law to say that now a new behavior will be protected.

One thing that was mentioned by Mr. GOHMERT earlier, that was brought up by Mr. KING, that apparently people who are practicing pedophiles would be

considered protected under this legislation, but not, I understand, veterans, not, I understand, pregnant women, not, I understand, 85-year-old grandmothers would be protected under this law. But who would be protected? A pedophile, someone who considers themselves gay, someone who considers themselves transgender, someone who considers themselves a cross-dresser? That is who is protected.

And yet, think of the impossibility that we are tasking government with. We are asking government to peer into the mind of the individual who perpetrated the crime. Government somehow is so wise, so all knowing that now government can peer into the mind of the individual and can somehow discern if the individual in fact hated the person based upon, potentially, what their sexuality is versus the sexuality of the person who the crime was being perpetrated against. Won't that be a moving target? Depending on what the new behavior of the day—the behavior du jour, so to speak—that government approves or won't approve?

Again, I think this is the very definition of tyranny because government's arbitrary decision will mean that more Americans will lose their First Amendment freedom of speech and expression. And this is something, again, that Mr. GOHMERT had alluded to earlier. And that is when we can look, when this hate crime legislation has been put into place across the world, whether it is in Sweden, whether it is in Canada, whether it is in other nations, we can see what other nations have done with this type of legislation and what it has led to, the loss of freedom for individuals, citizens within those countries, and the citizens whose speech were protected.

Then I look at the specter of our own Supreme Court. One of our Justices, Ruth Bader Ginsburg, said, again, we need to have more Supreme Court Justices in our country look at international laws and the laws of other countries when we define our own. Well, our judges could look at Sweden, they could look at Spain, they could look at Canada. And they could see that pastors and priests who spoke out and who just gave sermons behind their pulpit that promoted what the Bible says about sexuality—and homosexuality in particular—that was construed as a hate crime in Sweden, construed as a hate crime in Canada, in Britain, in Spain. And if that is the case, we will not allow pastors to even have freedom of speech and expression.

As a matter of fact, we saw in Britain where there was a collision course in the EU Constitution between freedom of speech and expression and between exercising religious rights. When that clashed and came into contact with the hate crimes portion of the law internationally, which provision prevailed? They were both contained in the Con-

stitution, hate crimes and religious liberties, hate crimes versus freedom of speech and expression. On every occasion, the law that prevailed was the hate crimes provision. In every case, the provision that lost was the provision that so-called protected a person's right of religious belief and expression. Do we think we will fair any differently here in the United States? I don't think so.

I think the collision course that we are on this evening, Mr. Speaker, is one that probably should frighten Americans almost more than any other. And I say it because there is probably nothing more sacred in our Constitution than that very First Amendment that protects my conscience. And even if my beliefs or your beliefs or the beliefs of people that are listening to us have this debate this evening are antithetical to what all of us believe here this evening—someone might hold some very hateful beliefs, but we are America, shouldn't they be allowed to hold those beliefs? Shouldn't they be allowed to believe, in this country, things that are contrary to what government believes? But that is not going to be allowed anymore. And people's sincerely held religious beliefs can now be considered contrary to public policy. And we can see for the first time in our Nation that people would be disallowed from having their sincerely held religious beliefs.

I think we are seeing a little bit of death today in this Chamber. We are seeing what our Founders bled and died for go away a little bit more in this Chamber tonight. We can hear Patrick Henry. We can hear echos of Jefferson, echos of Madison this evening in this Chamber. What would Daniel Webster say?

□ 2115

And as much as they would rail against people assaulting other people on the basis of what they believed, certainly they would not elevate to a certain level an extra measure of protection for expression of that speech.

I thank the gentleman, I thank Mr. GOHMERT, and I thank the colleagues who are coming behind me because there is something that we should be fighting for. It's fighting for the idea that we are a Nation that is founded under God and that we have our rights emanating from a God who gave us unalienable rights, and we are losing that right tomorrow on this floor if this comes through.

Mr. KING of Iowa. I thank the gentlewoman from Minnesota very much for coming here to the floor and, Mr. Speaker, for inspiring the families across America to understand what's going on here in the United States Congress.

This is a powerful thing that is happening, and it undermines the principles of law that have held together

for thousands of years in this modern era of special protected status for people based upon their self-alleged behavior and what goes on in their minds. This is a breathtaking thing that may take place here tomorrow, and I clearly oppose it, Mr. Speaker.

But in the interest of time, I'd be very happy to yield to the favorite daughter of Oklahoma, the gentlewoman (Ms. FALLIN).

Ms. FALLIN. Thank you to the gentleman from Iowa. I appreciate your hosting this hour tonight for us to discuss a very important issue to our Nation and a very important issue to this Congress and this body. And I appreciate the words that have been spoken so eloquently by my colleagues here tonight.

Mr. Speaker, I want to address a couple of things in this piece of legislation that should give us pause as we look at the intent of this legislation, this bill.

First of all, it would federalize a number of crimes that have traditionally been left to the States. Assault is a local crime. So is homicide. But under this bill, the Department of Justice would be allowed and encouraged to jump into these cases when they met certain criteria as a hate crime. The Federal Government does not have unlimited resources or even manpower; so do we really want the prosecutors, who should be dealing with things like terrorists or mobsters, dealing with and debating what a street corner thug may or may not have said or may or may not have thought when it comes to a mugging? Local law enforcement and local prosecutors, local courts do an outstanding job of handling such cases, and Congress should let them do their jobs.

But, second, this bill is also a clear violation of the equal protection clause of the 14th amendment. It creates a special class of victims. It says one victim is more important than another victim, and in doing so, it relegates every other victim to a position of second class. Assault is assault, murder is murder, and they are all hate crimes, in my opinion. But this bill elevates some victims and downgrades others. And this is every bit as unconstitutional as even a poll tax might be for this Nation.

And, third, this bill opens the door to the regulation of speech. And this really bothers me. One of our very basic foundations of our Nation, one of our very basic ideals of our Nation that we hold so dear is the freedom of speech, liberty and justice for all. I have to say I do find hate speech very abhorrent. It is childish. It is hurtful. It is wrong. But yet this piece of legislation, when you make hate speech a special precursor to a criminal act, you're only one step away from making speech itself an offense. And then who decides what comment will qualify for the hate speech?

When you look at some other countries like Canada and Great Britain who started out with hate crime laws like this and then they added hate speech as a separate offense and then what we find in those countries is now that Columnists in those countries must avoid certain subjects. Columnists must worry whether a caricature may become a crime.

And even more troubling is perhaps the way this legislation like this also threatens religion and freedom of religion. Should a Christian minister or a rabbi or an imam have to worry about what their message is maybe if it deals with something like sexuality and that might be considered to be hate speech? If so, that would be an unprecedented violation of the first amendment rights and a direct blow to the religious liberty in this country.

This legislation may be well intentioned, but it also puts this country on a very dangerous path. And more importantly, the Constitution, as well as a sense of very basic fairness, prohibits the elevation of one class of citizens above another.

All victims deserve justice. All victims deserve equal justice, and it should be equally rendered. But this bill is the wrong answer, and I want to urge my colleagues to reject this legislation.

To the gentleman of Iowa, I appreciate you, once again, for allowing us the time to discuss a very important issue with our Nation and to express our opinions.

Mr. KING of Iowa. I so much thank the gentlewoman from Oklahoma for coming to the floor to raise the issue that is so important as this House prepares tomorrow to attempt to cross this great divide. This great divide from punishing the acts of a crime, the overt acts of a crime, to divining what was in the mind of the perpetrator and using a definition of what's in the mind presumably of the alleged victim in order to come to some conclusion as to how much prison time a person deserves for an overt act that can be defined but not the thoughts, Mr. Speaker.

At this point I'd be very happy to yield to the gentleman from South Carolina. Since we had a favorite daughter from Oklahoma, I would like to introduce a favorite son of South Carolina. The wonderful hospitality of South Carolina which I have experienced in every trip I have made down there, the Representative of which is Mr. GRESHAM BARRETT.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding. Not only is the gentleman from Iowa a stalwart when it comes to the conservative cause in this House, he is a classmate of mine and a dear friend. So I certainly thank him for all the fights he has been in in the past and will continue to be in in the future.

H.R. 1913, the Hate Crimes bill, this legislation is wrong and I oppose it because it creates a special class of victim, suppresses religious freedom, and criminalizes thought.

I ask you tonight why does Lady Liberty wear a blindfold? Isn't it because our Constitution demands equal, not special, but equal protection under the law?

Under this bill, justice will no longer be equal. It will depend on a victim's race, gender, or sexual orientation. This legislation would allow for different penalties to be imposed for the exact same crime.

While I'm not a constitutional scholar probably like my friend from Iowa, it's abundantly clear to me that this bill would violate the 14th amendment by creating a special class of victims who deserve some type of special protection under the law. More importantly, I fear this legislation would unwind a key thread to our judicial system by placing higher value on one life or lifestyle over another.

In addition to creating a special class of victims, this legislation could allow for criminal prosecution of religious leaders or members of religious groups who express their beliefs of their respective faiths. Pastors, imams, rabbis, people from across the country would now be forced to question the legality of the words that they preach. Consequently, this bill would inhibit religious freedom in our society. A scary thought.

Unfortunately, constitutionally protected speech is not the only freedom jeopardized by the Hate Crimes bill. This legislation would go so far as to guess what? Criminalize thought. No matter how fervently we disagree with what someone thinks, we cannot punish them for thinking it. It is the criminal action that merits swift justice. The action, not the thought or the motivation.

I fear that H.R. 1913 is a step in the wrong direction. When I think about justice, I think about justice for all no matter who you are in the United States of America. And I would urge all my colleagues tomorrow to vote "no" on H.R. 1913 because I certainly will be.

I thank the gentleman from Iowa for yielding. I thank him for weighing in on this fight.

Mr. KING of Iowa. I thank the gentleman from South Carolina for coming to the floor tonight and for addressing this subject matter.

Mr. Speaker, this so-called Hate Crimes legislation that proposes to understand and punish what's in the minds of people who may be committing crimes against victims or property, victims or property, Mr. Speaker. I don't know how somebody hates somebody else's property enough that if they would paint some graffiti on their garage door that what goes on in the mind of the person that has com-

mitted this act of vandalism can be punished with 10 years in the penitentiary but the act itself might be, well, let's say, a minimal fine for a misdemeanor of vandalism.

Mr. Speaker, I will lay out some scenarios here so that you and everyone else that is listening in can understand, I think, more clearly what's ahead of us. I have asked that we put together some definitions and these definitions that aren't in the bill, the definition that I described a little bit earlier of gender identity, when I asked the authors of the bill what is gender identity, they tell me, well, it's defined in the bill, don't you know. Defined in the bill, don't you know. And it's on page 14, line 24 and 25. Gender identity is the "actual or perceived gender-related characteristics." And I described it, Mr. Speaker, as describing that, well, what is the definition of a fence post? Well, that's an item that has the characteristics of a fence post. What's the definition of gender identity? Well, that's "actual or perceived gender-related characteristics."

This is a lawyer's dream. This is a judge's dream. This is a full-blown open license to do whatever one will when you get into a criminal court of law and argue whatever one will. This is almost intentional ambiguity written into legislation, legislation that we tried mightily to refine and perfect with definitions and clarity in the Judiciary Committee. Each effort was rebutted without a logical, and I repeat that, Mr. Speaker, without a logical rebuttal. Just simply: This is our bill, it's going to come out of committee the way it came in because we have determined that's what it's going to be. And we have exposed so many vulnerabilities, so many weaknesses, so many built-in biases, so many unjust scenarios in the debate in the committee that lasted 2 days that the Speaker of the House and the Chair of the Judiciary Committee and whoever else who has something to say about this decided we dare not allow one single amendment on the floor of the House of Representatives because if we do, it will expose these ambiguities, it will expose the bias, it will expose the departure from the hundreds of years old tradition and knowledge of what law is.

Natural rights that come from God, Mr. Speaker. They are reflected also in English common law, and they flow through our Declaration, and they show up in our Constitution. And they are billed here in this Congress for more than 200 years. And we've punished always the overt act, not the thought, Mr. Speaker. And this is thought crimes; it's not hate crimes. We can't know if someone hates. Someone could commit a crime and not know what someone else's gender identity is, for example.

I will ask again how does one know? Could I go on the streets of Madison,

Wisconsin, and go identify someone that fits this category of sexual orientation and discriminate against them? How do I know, Mr. Speaker?

And here are some of the protected qualifications that exist within the language of this bill. Never mind the verbal response was, well, no, sexual orientation only includes heterosexuality or homosexuality. Nothing else? No, nothing else. The expert from Madison, Wisconsin, where they should have some experts, I would think. Heterosexuality or homosexuality. It doesn't include bisexuality.

□ 2130

So anybody on the continuum between extreme heterosexuality and extreme homosexuality, anybody that might fit exactly in the middle or anyone in the continuum, they would not be part of this definition of "sexual orientation" that is one of the subjects and one of the special protected classes of this bill.

So I look around, and we come up with some definitions for sexual orientation. Here is one. This is from the Merriam-Webster Dictionary, and it is sexual orientation. "One's attraction to and preference in sexual partners."

That is mental. It is up here. You can't know that. You can't see that. You can't tell that. It can't be independently verified. It is not an immutable characteristic. It may or may not be willfully changed by the person that has a particular sexual orientation, Mr. Speaker. That is a mental definition.

Here is the other physical definition of sexual orientation, and this is from the American Heritage Stedman's Medical—medical—Dictionary. It says this: "Sexual activity with people of the opposite sex, the same sex or both." That is sexual orientation. So it might be the thought, it might be the act. It is not a physical characteristic. But gender may be a physical characteristic.

Now, I could go through this and confuse everyone more, and in the short period of time I have I will say this: We don't agree on what sexual orientation is, whether we are going to be defining it from the Merriam-Webster Dictionary or from the American Heritage Stedman's Medical Dictionary. They are two different things.

But if you look at the paraphilias that are produced by the American Psychology Association, here is what they have. And "paraphilia" is a powerful and persistent sexual interest other than typical sexual behavior. They have 547 specific sexual orientation proclivities, all of which are specially protected in this legislation, Mr. Speaker.

Here is another definition for sexual orientation. "Refers to feelings and self-concept, not behavior." But it might be behavior, because we know that the American Heritage Stedman's Medical Dictionary says it is a behavior.

But here is a list of the particular paraphilias, you might call them proclivities, you might call them some other things, that are specially protected in this bill under the broad definition of sexual orientation. Some of these I just simply can't say here on this floor.

Asphyxophilia. That would be a fixation with, a proclivity for strangulation, starvation for oxygen.

Autogynephilia. That is someone who sees themselves as someone of the opposite sex, a man seeing himself as a woman or vice versa.

Bisexuality, which was defined in the committee as not part of it, is part of sexual orientation.

It goes on. I have a more concise list over here, Mr. Speaker, and that goes down the line of exhibitionism; incest; partialism, which is an obsession with a specific body part; masochism; sadism; scatologia, that is obscene phone calls; toucherism, which is, you can imagine, someone who gropes; voyeurism; bestiality. The list of these things go on and on and on.

I offered the amendment, Mr. Speaker, that would have at least eliminated and given us a start, eliminated pedophilia. But pedophiles are specifically protected under this hate crimes legislation. Everything you can imagine is under there, every proclivity, every paraphilia is specially protected under this hate crimes legislation.

It makes a Federal crime out of something that has been a local crime, and they reach across the lines of logic in an unconstitutional fashion to define acts against these proclivities as Federal crimes.

So imagine this. Let's just say you were in Chicago, the President's hometown, and there are folks all in there at a sports bar watching a White Sox game versus the Cubs, or an inter-league game perhaps, Mr. Speaker. And let's just understand that there is some friction involved between White Sox fans and Cubs fans, and they start to hurl some expletives and start to call each other some names and start to make some presumptions about the other side, the other fans, about what their particular proclivities might be. And someone throws a beer or an ashtray and pretty soon they get in a fight, and you have got 15 people on one side that are Cubs fans, 15 people on the other side who are White Sox fans, all of whom have been called some kind of name about their particular paraphilias or proclivities, and we have now a Federal hate crimes brawl on our hands that can enhance the penalties beyond that imagined by the aldermen of Chicago, the local jurisdiction that might be there.

It brings the Feds in to deal with this, to sort this all out, because we are going to imagine what is in the minds of these people that are Cubs fans and White Sox fans, and I for one

can't imagine what would be in the mind of a White Sox fan.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. HOYER) for today.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TONKO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 5.

Mr. JONES, for 5 minutes, May 5.

Mr. MCHENRY, for 5 minutes, April 30, May 4 and 5.

Mr. CONAWAY, for 5 minutes, today and April 29.

Ms. ROS-LEHTINEN, for 5 minutes, April 29.

Mr. FLAKE, for 5 minutes, today and April 29.

Mr. CARTER, for 5 minutes, April 29.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1422. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection — received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1423. A letter from the Management Analyst, Rural Development, RUS, Department of Agriculture, transmitting the Department's final rule — General Policies, Types

of Loans, Loan Requirements-Telecommunications (RIN: 0572-AC13) received March 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1424. A letter from the Acting Administrator Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Cabbage Crop Insurance Provisions (RIN: 0563-AB99) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Pesticide Tolerance Revocation for Diazinon [EPA-HQ-OPP-2007-1170; FRL-8410-1] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Pesticide Tolerances [EPA-HQ-OPP-2008-0361; FRL-8406-8] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0272; FRL-8406-6] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0167; FRL-8407-8] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Captan, 2,4-D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate, Permethrin, Dimethipin, and Fenarimol; Technical Amendment [EPA-HQ-OPP-2007-0097; FRL-8407-2] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule — Final Amendments [EPA-HQ-OPA-2007-0584; FRL-8788-5] (RIN: 2050-AG16) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2008-0327; FRL-8403-9] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0362; FRL-8405-2] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Castor Oil, Ehtoxylated, Oleate; Tolerance Exemption [EPA-HQ-OPP-2008-0666; FRL-8399-8] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1434. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0845; FRL-8401-5] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2006-0875; FRL-8400-8] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2007-1202; FRL-8403-7] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thymol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0081; FRL-8404-4] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triethanolamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0346; FRL-8404-1] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tristyrylphenol Ethoxylates (CAS Reg. No. 70559-25-0) and (CAS Reg. No. 99734-09-5); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0095; FRL-8404-7] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1440. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's Annual Report for 2008, pursuant to 12 U.S.C. 3305, section 1006(f); to the Committee on Financial Services.

1441. A letter from the Designated Federal Official, Coordinating Council on Juvenile Justice and Delinquency Prevention, transmitting the Council's report entitled, "Report of Activities and Recommendations to Congress 2001-2008; to the Committee on Education and Labor.

1442. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus subtilis* MBI 600; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0762; FRL-8408-7] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1443. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain

Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB74) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1444. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on Public Readiness and Emergency Preparedness (PREP) Act declarations for Botulinum toxin, Smallpox, Acute Radiation Syndrome and Pandemic Influenza, pursuant to Section 319F-3 of the Public Health Service Act; to the Committee on Energy and Commerce.

1445. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Combustion Turbines [EPA-HQ-OAR-2004-0490; FRL-8784-4] (RIN: 2060-AO23) received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1446. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities and Renovation Contractors [EPA-HQ-OPPT-2008-0382; FRL-8404-2] (RIN: 2070-AJ40) received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1447. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE103-1101; FRL-8789-7] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1448. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2009-0181; FRL-8892-8] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1449. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Diesel Idling Rule Revisions [Docket No.: EPA-R02-OAR-2008-0659, FRL-8757-6] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1450. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2008-0712; FRL-8789-6] received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1451. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2008-0793; FRL-8791-6] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1452. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Site

offshore of the Rogue River, Oregon [EPA-R10-OW-2008-0745; FRL-8791-2] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1453. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2008-0711; FRL-8788-9] received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — American Recovery and Reinvestment Act of 2009 (Recovery Act) Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8791-3] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the One-Hour Ozone Standard for the Southern New Jersey Portion of the Philadelphia Metropolitan Nonattainment Area [EPA-R02-OAR-2008-0479; FRL-8775-5] received April 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1456. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Kansas; Update to Materials Incorporated by Reference [FRL-8760-9] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1457. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 46 [EPA-HQ-SFUND-2008-0575, EPA-HQ-SFUND-2008-0576, EPA-HQ-SFUND-2008-0577, EPA-HQ-SFUND-2008-0585, EPA-HQ-SFUND-2008-0580, EPA-HQ-SFUND-2008-0581, EPA-HQ-SFUND-2008-0582, EPA-HQ-SFUND-2008-0583, EPA-HQ-SFUND-2008-0083; FRL-8790-1] (RIN: 2050-AD75) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1458. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County [EPA-R06-OAR-2008-0509; FRL-8788-8] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1459. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions [EPA-R09-OAR-2007-1155; FRL-8767-5] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1460. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Variance Determination for Particulate Matter from a Specific Source in the State of New Jersey; [Docket No.: EPA-R02-OAR-2008-0020; FRL-

8775-6] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1461. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting; Tier II Inventory Information. [EPA-HQ-SFUND-0002; FRL-8785-3] (RIN: 2020-AE17) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1462. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions [EPA-HQ-OAR-2003-0074; FRL-8785-4] (RIN: 2060-AG21) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1463. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Evart and Ludington, Michigan) [MB Docket No.: 08-26 RM-11418] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1464. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting certification of a proposed lease of defense articles to the United Kingdom (Transmittal No. 02-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1465. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services (Transmittal No. 09-17), pursuant to Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1466. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Mexico for defense articles and services (Transmittal No. 09-13), pursuant to Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1467. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to the United Arab Emirates (Transmittal No. DDTC 009-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1468. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed export of defense articles and services to Spain (Transmittal No. DDTC 135-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1469. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of defense articles to Turkey (Transmittal No. DDTC 014-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1470. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a pro-

posed license for the export of defense articles to Japan (Transmittal No. DDTC 017-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1471. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy and the United Kingdom (Transmittal No. DDTC 016-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1472. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 006-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1473. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete the mission in Iraq successfully, pursuant to Public Law 109-163, as amended by Public Law 110-181, section 1223 and Pub. L. 110-47, section 1213(c); to the Committee on Foreign Affairs.

1474. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on U.S. support for Taiwan's participation as an observer at the 62nd World Health Assembly and in the work of the World Health Organization, as mandated in the Participation of the 2004 Taiwan in the World Health Organization Act, Pub. L. 108-235, Sec. 1(c); to the Committee on Foreign Affairs.

1475. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Annual Report on Security-Related Assistance Provided by the United States to the Countries of Central Asia for fiscal year 2008, pursuant to Public Law 110-161, section 698(C); to the Committee on Foreign Affairs.

1476. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual report for 2007 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

1477. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report for 2009 entitled, "Celebrating Life", pursuant to Public Law 108-25; to the Committee on Foreign Affairs.

1478. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification for Fiscal Year 2009 that no United Nations organization or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 102(g); to the Committee on Foreign Affairs.

1479. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2007 annual report, prepared in accordance with section 3(c) of House Resolution 24; to the Committee on Foreign Affairs.

1480. A letter from the Associate Attorney General, Department of Justice, transmitting the Department's 2008 annual report on

certain activities pertaining to the Freedom of Information Act, as amended; to the Committee on Oversight and Government Reform.

1481. A letter from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's report for fiscal year 2008 on articles, materials, or supplies purchased outside of the United States; to the Committee on Oversight and Government Reform.

1482. A letter from the Acting Secretary, Department of Health and Human Services, transmitting a designation of additional members of the Special-Exposure Cohort from Tyson Valley Farm near Eureka, Missouri, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1483. A letter from the Secretary, Judicial Conference on the United States, transmitting a draft bill to create Article III judgeships and address needs regarding existing temporary judgeships in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

1484. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the Illinois State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1485. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the North Carolina State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1486. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification of the establishment of the Minnesota State Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

1487. A letter from the Register of Copyrights, United States Copyright Office, transmitting a schedule of proposed new copyright fees and the accompanying analysis, pursuant to Public Law 105-80 (111 Stat. 1529); to the Committee on the Judiciary.

1488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula [EPA-HQ-OW-2006-0765; FRL-8792-3] (RIN: 2040-AE99) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 1913. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 111-86 Pt. 2).

Mr. MCGOVERN: Committee on Rules. House Resolution 371. Resolution providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels

for fiscal years 2011 through 2014 (Rept. 111-90). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 372. A resolution providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 111-91). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Ms. BALDWIN, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. POLIS of Colorado, Mr. DELAHUNT, Ms. HIRONO, Mr. FARR, Mr. ISRAEL, and Mr. NADLER of New York):

H.R. 2132. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Education and Labor, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself, Mr. LEE of New York, Mr. MASSA, Mrs. MALONEY, and Mr. ISRAEL):

H.R. 2133. A bill to amend the Act of August 21, 1957, to allocate funds from certain electric power sales from the Niagara Power Project in New York to capital needs of Western New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Mrs. BONO MACK, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. PIERLUISI):

H.R. 2134. A bill to establish the Western Hemisphere Drug Policy Commission; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Ms. MARKEY of Colorado):

H.R. 2135. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Energy and Commerce.

By Ms. FUDGE:

H.R. 2136. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. STARK, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. MEEKS of New York, and Mr. FRANK of Massachusetts):

H.R. 2137. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require individual and group health insurance coverage and group health plans and Federal employees health benefit plans to provide coverage for routine HIV screening; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. SULLIVAN, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. MICHAUD, and Mr. BOREN):

H.R. 2138. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. KIRK):

H.R. 2139. A bill to direct the President to develop and implement a comprehensive national strategy to further the United States foreign policy objective of promoting global development, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YARMUTH (for himself and Mr. BOUSTANY):

H.R. 2140. A bill to amend the Internal Revenue Code of 1986 to modify the withholding requirement with respect to proceeds from certain pari-mutuel wagers; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. RUSH, Mr. HARE, Mr. SRES, Mr. GORDON of Tennessee, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. AL GREEN of Texas, Ms. CLARKE, and Ms. FUDGE):

H.R. 2141. A bill to reform the United States Interagency Council on Homelessness; to the Committee on Financial Services.

By Mr. CUELLAR (for himself and Mr. MOORE of Kansas):

H.R. 2142. A bill to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council; to the Committee on Oversight and Government Reform.

By Mr. DONNELLY of Indiana (for himself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. PLATTS):

H.R. 2143. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. FRANKS of Arizona, Mr. ROHR-ABACHER, and Ms. FALLIN):

H.R. 2144. A bill to permit a State to elect to receive the State's contributions to the Highway Trust Fund in lieu of its Federal-aid Highway program apportionment for the next fiscal year, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 2145. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income

from benefits under such title and other monthly periodic payments exceeds a minimum COLA-adjusted amount of \$2,500 and to provide for a graduated implementation of such provision on amounts above such minimum amount; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 2146. A bill to amend the Internal Revenue Code of 1986 to extend the additional standard deduction for State and local real property taxes; to the Committee on Ways and Means.

By Mr. HODES (for himself, Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. BRALEY of Iowa, and Mr. TONKO):

H.R. 2147. A bill to establish the Global Warming Economic Oversight Commission to study and report on the use by the Federal Government of funds from any auction or sale of greenhouse gas emissions allowances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mrs. MALONEY, Mr. BLUMENAUER, Mr. WEXLER, Mr. DELAHUNT, Mr. VAN HOLLEN, and Mr. ENGEL):

H.R. 2148. A bill to promote the development and use of marine renewable energy technologies, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself and Mr. CANTOR):

H.R. 2149. A bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself, Mr. DINGELL, Mr. KILDEE, Mr. UPTON, Mr. EHLERS, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. STUPAK, Ms. SUTTON, Mr. KUCINICH, Mr. MCCOTTER, Mr. SCHAUER, Mr. PETERS, Mr. HILL, Mr. GONZALEZ, Mr. DONNELLY of Indiana, Mr. HIGGINS, Mr. BACA, Ms. MCCOLLUM, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. GORDON of Tennessee, Mr. CAMP, Mr. MCHUGH, Mr. WILSON of Ohio, Ms. ESHOO, Mr. SOUDER, Ms. KILROY, Mr. HOEKSTRA, and Mr. YARMUTH):

H.R. 2150. A bill to increase the amount of direct loans that may be provided by the Secretary of Energy to improve facilities for advanced technology vehicles manufacturing; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 2151. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. PERLMUTTER:

H.R. 2152. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2153. A bill to amend chapter 44 of title 18, United States Code, to increase the extent to which State law is used in determining whether a criminal conviction under State law is sufficient to deny a person the right to ship, transport, possess, or receive a firearm; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 2154. A bill to amend chapter 15 of title 5, United States Code, to provide for an additional, limited exception to the provision prohibiting a State or local officer or employee from being a candidate for elective office; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself and Mr. BRALEY of Iowa):

H.R. 2155. A bill to provide for the limitation on entry of steel, drywall, and cement products that fail to meet industry standards; to the Committee on Ways and Means.

By Mr. TONKO (for himself, Mr. ARCURI, Mr. SCHAUER, Mr. TEAGUE, Mr. PERRIELLO, Ms. MARKEY of Colorado, Ms. TITUS, Mr. HALL of New York, and Mr. NADLER of New York):

H.R. 2156. A bill to implement a pilot program to establish truck parking facilities; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 2157. A bill to provide increased funding for and improvement of the Debbie Smith DNA backlog grant program, to provide for DNA technology enhancement grants, to reauthorize certain DNA-related grant programs under the Justice For All Act of 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. WELCH:

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment with alternative power sources; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H. Con. Res. 111. Concurrent resolution recognizing the 61st anniversary of the independence of the State of Israel; to the Committee on Foreign Affairs.

By Ms. MOORE of Wisconsin (for herself and Mr. MCHENRY):

H. Con. Res. 112. Concurrent resolution expressing support for designation of a "National Lao-Hmong Recognition Day"; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself and Mr. BOCCIERI):

H. Con. Res. 113. Concurrent resolution expressing the sense of Congress regarding the murder of United States Air Force Reserve Major Karl D. Hoerig and the need for prompt justice in State of Ohio v. Claudia C. Hoerig; to the Committee on Foreign Affairs.

By Mrs. BACHMANN:

H. Res. 373. A resolution expressing support for designation of the month of September as "National Hydrocephalus Awareness Month"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself and Mr. GUTHRIE):

H. Res. 374. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BRALEY of Iowa, Ms. LINDA T. SANCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr.

GEORGE MILLER of California, Mr. HARE, Mr. LOEBSACK, Mr. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. COURTNEY, Ms. SUTTON, and Mr. GUTIERREZ):

H. Res. 375. A resolution supporting the goals and ideals of Workers' Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Education and Labor.

By Mr. ROGERS of Michigan (for himself and Ms. WASSERMAN SCHULTZ):

H. Res. 376. A resolution expressing support for designation of the calendar year 2009 as "The Year of the Safe Child" to raise awareness and encourage the prevention of unintentional injuries among the Nation's children; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MARCHANT.

H.R. 21: Mrs. NAPOLITANO.

H.R. 22: Mr. PERLMUTTER and Mr. HEINRICH.

H.R. 52: Ms. ROS-LEHTINEN, Mr. ROYCE, and Mr. MANZULLO.

H.R. 179: Mr. LATOURETTE.

H.R. 197: Mr. WILSON of Ohio, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. COLE, Mr. SHIMKUS, Mr. CHILDERS, and Mr. MARCHANT.

H.R. 203: Mr. BURGESS.

H.R. 233: Mr. PETERSON.

H.R. 262: Mr. CONNOLLY of Virginia.

H.R. 270: Mr. KLINE of Minnesota and Mr. BROWN of Georgia.

H.R. 333: Mr. RYAN of Ohio, Mr. RODRIGUEZ, Mr. BISHOP of Utah, and Mr. CONNOLLY of Virginia.

H.R. 362: Mr. PETERSON.

H.R. 387: Mr. GALLEGLY.

H.R. 403: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. KENNEDY, Mr. SCOTT of Virginia, and Mr. SERRANO.

H.R. 442: Mr. STEARNS, Mr. NEUGEBAUER, Mr. KLINE of Minnesota, Mr. SHIMKUS, and Mr. YOUNG of Alaska.

H.R. 484: Ms. HERSETH SANDLIN, Mr. MCCOTTER, and Mr. PETERSON.

H.R. 556: Mr. MCNERNEY.

H.R. 558: Mr. GORDON of Tennessee.

H.R. 600: Mr. CAPUANO.

H.R. 621: Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, Mr. GALLEGLY, Mr. PAYNE, and Mr. PLATTS.

H.R. 669: Ms. ROS-LEHTINEN, Mr. LEWIS of Georgia, and Mr. ROTHMAN of New Jersey.

H.R. 702: Mr. KILDEE.

H.R. 874: Mr. KILDEE.

H.R. 877: Mr. GOODLATTE.

H.R. 904: Mr. PETERSON.

H.R. 952: Mrs. HALVORSON, Mr. DEFazio, Mr. CARSON of Indiana, Mrs. KIRKPATRICK of Arizona, and Mr. MICHAUD.

H.R. 997: Mr. ROONEY.

H.R. 1018: Mr. FARR.

H.R. 1020: Mr. GONZALEZ, Mr. LYNCH, and Mr. TIERNEY.

H.R. 1027: Mr. MARCHANT and Mr. DEAL of Georgia.

H.R. 1053: Mr. GERLACH and Mr. CONNOLLY of Virginia.

- H.R. 1067: Mr. PETERSON.
H.R. 1074: Mr. STEARNS, Mr. NEUGEBAUER, Mr. COLE, Mr. SHIMKUS, Mr. CHILDERS, Mr. YOUNG of Alaska, Mr. MACK, and Mr. MARCH-ANT.
H.R. 1086: Mr. STEARNS.
H.R. 1087: Mr. GOODLATTE.
H.R. 1136: Mr. CONNOLLY of Virginia and Mr. COLE.
H.R. 1179: Mr. WITTMAN.
H.R. 1188: Ms. ESHOO, Mr. ELLISON, Mr. PIERLUISI, Mr. FATTAH, Mrs. MALONEY, Mr. LATOURETTE, Mr. RUSH, Mr. BRADY of Penn-sylvania, Mr. GRIJALVA, Mr. FILNER, Mr. TEAGUE, Mr. MORAN of Virginia, Mr. JONES, Mr. MCCOTTER, Mr. ALEXANDER, Mr. FLEM-ING, Mr. PERLMUTTER, Mrs. CAPPS, Mr. CAR-NEY, and Ms. WOOLSEY.
H.R. 1189: Mr. PETERSON.
H.R. 1190: Mr. BRIGHT.
H.R. 1204: Mr. SMITH of Nebraska and Mr. MURTHA.
H.R. 1207: Mr. BROWN of South Carolina, Mrs. BIGGERT, Mr. PITTS, Mr. TIAHRT, Mrs. MYRICK, Mr. PUTNAM, Mr. LATOURETTE, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Ms. GRANGER, Mr. SIMPSON, Mr. BARRETT of South Carolina, Mr. GOODLATTE, and Mr. SMITH of Nebraska.
H.R. 1209: Mr. KISSELL.
H.R. 1210: Mr. MILLER of North Carolina.
H.R. 1211: Mr. TONKO and Mr. NADLER of New York.
H.R. 1213: Mr. INSLEE.
H.R. 1231: Mrs. DAVIS of California.
H.R. 1318: Mr. CARSON of Indiana.
H.R. 1326: Mr. ROTHMAN of New Jersey.
H.R. 1327: Mr. BACA, Mr. REICHERT, Ms. GIFFORDS, Ms. LEE of California, Mr. BROUN of Georgia, Mr. MEEK of Florida, Mr. LANCE, Mr. HOLT, Mr. CAPUANO, Mr. ROGERS of Ala-bama, Mr. HONDA, and Mr. DENT.
H.R. 1336: Mr. MICHAUD.
H.R. 1362: Mr. BOYD.
H.R. 1410: Ms. ZOE LOFGREN of California.
H.R. 1415: Mrs. BLACKBURN, Mr. SESTAK, and Mr. HILL.
H.R. 1430: Mr. GRIJALVA.
H.R. 1449: Mr. LATTA.
H.R. 1452: Mr. GOODLATTE.
H.R. 1454: Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. ROE of Tennessee, Mr. POSEY, Mr. BLUMENAUER, Mr. CHAFFETZ, and Ms. CORRINE BROWN of Florida.
H.R. 1470: Mr. SESSIONS and Mr. AKIN.
H.R. 1474: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. PETERSON, and Mr. HOLT.
H.R. 1475: Mr. JACKSON of Illinois.
H.R. 1479: Mr. AL GREEN of Texas and Mrs. CHRISTENSEN.
H.R. 1499: Mr. WITTMAN.
H.R. 1511: Mr. WOLF, Mr. PAYNE, and Mr. CARNAHAN.
H.R. 1545: Mr. PAUL.
H.R. 1549: Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, and Mr. BLU-MENAUER.
H.R. 1558: Mr. BRALEY of Iowa.
H.R. 1585: Mr. POLIS of Colorado and Mr. BOOZMAN.
H.R. 1589: Ms. MATSUI, Ms. BORDALLO, Mr. MCGOVERN, Mr. BERMAN, and Ms. ROS-LEHTINEN.
H.R. 1600: Mr. DOYLE.
H.R. 1605: Mr. CARNAHAN.
H.R. 1621: Mr. BILBRAY and Mr. POE of Texas.
H.R. 1625: Mr. LATHAM, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. BONNER, Mr. SMITH of Ne-braska, and Mr. GUTHRIE.
H.R. 1646: Ms. TITUS.
H.R. 1670: Mr. MCCOTTER and Mr. PETER-SON.
H.R. 1676: Mr. ISSA.
H.R. 1684: Mr. BACHUS, Mr. BURTON of Indi-ana, Mr. STEARNS, and Mr. COLE.
H.R. 1692: Mr. MCHENRY, Mr. PAUL, Mr. BURTON of Indiana, and Mr. SOUDER.
H.R. 1693: Mr. PLATTS and Mr. SESTAK.
H.R. 1708: Mr. PETERSON and Mr. RAHALL.
H.R. 1709: Mr. HONDA and Ms. EDDIE BER-NICE JOHNSON of Texas.
H.R. 1710: Mr. PRICE of Georgia and Mr. JACKSON of Illinois.
H.R. 1723: Ms. BERKLEY and Mr. JACKSON of Illinois.
H.R. 1724: Mr. MURPHY of Connecticut.
H.R. 1739: Ms. SCHAKOWSKY.
H.R. 1740: Mr. SMITH of New Jersey and Mr. GINGREY of Georgia.
H.R. 1742: Mr. GEORGE MILLER of Cali-fornia.
H.R. 1744: Mr. ALEXANDER, Mr. ADERHOLT, Mr. WITTMAN, Mr. WHITFIELD, Mr. JOHNSON of Illinois, Mr. ARCURI, Mr. TURNER, Mr. JOR-DAN of Ohio, Mr. BARRETT of South Carolina, Mr. SMITH of Nebraska, Mr. BUTTERFIELD, and Ms. CASTOR of Florida.
H.R. 1802: Mr. PITTS.
H.R. 1827: Mr. GONZALEZ.
H.R. 1835: Mr. COLE and Mr. THORNBERRY.
H.R. 1842: Ms. CORRINE BROWN of Florida.
H.R. 1849: Mr. MOORE of Kansas and Mr. MEEKS of New York.
H.R. 1877: Mr. COURTNEY.
H.R. 1884: Ms. CASTOR of Florida, Mr. FIL-NER, Mr. LOEBSACK, Mr. POMEROY, Ms. MCCOLLUM, Ms. MOORE of Wisconsin, Mr. MCHUGH, and Ms. KAPTUR.
H.R. 1925: Mr. KUCINICH, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELCH, Mr. SMITH of Washington, and Mr. SABLAN.
H.R. 1941: Mr. HOLDEN.
H.R. 1944: Mr. CANTOR and Mrs. BACHMANN.
H.R. 1948: Mr. MCHUGH.
H.R. 1956: Ms. HIRONO.
H.R. 1960: Mr. HENSARLING.
H.R. 1966: Mr. SPACE, Ms. TITUS, and Mr. LUETKEMEYER.
H.R. 1977: Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, and Mr. NYE.
H.R. 1985: Mr. MORAN of Kansas.
H.R. 1993: Mr. CARNAHAN, Mr. COSTA, and Mr. BISHOP of New York.
H.R. 1998: Mr. CUELLAR and Mr. FLEMING.
H.R. 2014: Mr. GALLEGLY, Mr. BERMAN, Mr. GERLACH, and Mr. KENNEDY.
H.R. 2020: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2034: Mr. AL GREEN of Texas.
H.R. 2038: Mr. ISRAEL.
H.R. 2047: Mr. MCHUGH.
H.R. 2060: Mr. KENNEDY.
H.R. 2067: Mr. ANDREWS, Mr. KILDEE, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. PAT-RICK J. MURPHY of Pennsylvania, Mr. SABLAN, Mr. FRANK of Massachusetts, and Ms. CLARKE.
H.R. 2070: Ms. HARMAN.
H.R. 2077: Ms. SCHAKOWSKY and Ms. KAP-TUR.
H.R. 2081: Mrs. MALONEY.
H.R. 2103: Mr. TERRY and Ms. ZOE LOFGREN of California.
H.R. 2110: Mr. FRANKS of Arizona and Ms. HIRONO.
H.R. 2116: Mr. BOREN.
H. Con. Res. 18: Mr. SULLIVAN.
H. Con. Res. 102: Mr. LEWIS of Georgia, Mr. MARKEY of Massachusetts, Ms. WATSON, Mr. HARE, and Mr. SERRANO.
H. Con. Res. 108: Ms. LEE of California, Mr. DELAHUNT, and Mr. HALL of New York.
H. Res. 57: Mr. MCMAHON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BUTTERFIELD, Ms. BALDWIN, Mr. WELCH, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. WAX-MAN, Mr. ENGEL, and Mr. WEINER.
H. Res. 90: Ms. BORDALLO.
H. Res. 156: Mrs. MYRICK.
H. Res. 166: Ms. CASTOR of Florida.
H. Res. 175: Mr. SCHIFF.
H. Res. 185: Mr. MARSHALL and Mrs. MYRICK.
H. Res. 191: Mr. FORBES, Ms. DEGETTE, and Mr. TONKO.
H. Res. 192: Ms. DELAURO, Mr. LOEBSACK, Mr. BOOZMAN, Mr. ARCURI, Mr. FRANK of Mas-sachusetts, Mr. MCCOTTER, Mr. HOLT, Ms. NORTON, Mr. MEEKS of New York, Mr. SKEL-TON, Mr. ISRAEL, Mr. LANCE, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. KIND, Mr. WU, Mr. HARE, Mr. GERLACH, Mr. MARCHANT, Mr. SMITH of New Jersey, Mr. RUSH, and Mrs. NAPOLITANO.
H. Res. 204: Mr. UPTON, Mr. REICHERT, and Mr. SHIMKUS.
H. Res. 209: Mr. HINCHEY.
H. Res. 259: Mr. LUETKEMEYER, Mr. GOOD-LATTE, and Mr. DINGELL.
H. Res. 260: Ms. WATSON and Ms. WATERS.
H. Res. 266: Mr. HASTINGS of Florida and Mr. MARSHALL.
H. Res. 267: Mr. FATTAH, Mr. WEXLER, Mr. NADLER of New York, Mr. COHEN, Ms. BALD-WIN, and Ms. EDWARDS of Maryland.
H. Res. 270: Mr. GOODLATTE.
H. Res. 272: Mr. HENSARLING.
H. Res. 291: Mr. FILNER, Mrs. MCCARTHY of New York, and Mrs. LOWEY.
H. Res. 299: Ms. DELAURO and Mr. COSTA.
H. Res. 314: Mr. GINGREY of Georgia, Mr. COURTNEY, Mr. GUTHRIE, Mr. SERRANO, Mr. DRIEHAUS, Mr. SESTAK, Mr. MOORE of Kansas, and Mr. ROTHMAN of New Jersey.
H. Res. 331: Mr. BISHOP of New York and Mr. KLEIN of Florida.
H. Res. 338: Mr. MASSA, Mr. BISHOP of Geor-gia, Ms. GINNY BROWN-WAITE of Florida, and Mr. WAXMAN.
H. Res. 345: Mr. ELLISON, Ms. KAPTUR, Mr. PERRIELLO, and Mr. MCGOVERN.
H. Res. 347: Mr. SCOTT of Virginia, Mr. BOU-CHER, Mr. MORAN of Virginia, Mr. WITTMAN, and Mr. FORBES.
H. Res. 349: Mr. CONAWAY, Mr. WU, Mr. CAO, Mr. WALZ, Ms. BORDALLO, Mr. MCMAHON, Mr. HINOJOSA, Mr. BARTON of Texas, and Mr. FORBES.
H. Res. 350: Mr. CONAWAY, Mr. GENE GREEN of Texas, and Mr. ALTMIRE.
H. Res. 357: Mr. DONNELLY of Indiana, Mr. JOHNSON of Illinois, and Ms. CLARKE.
H. Res. 360: Mrs. McMORRIS RODGERS, Mr. ROONEY, Mr. POE of Texas, and Mrs. MYRICK.
H. Res. 363: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 367: Ms. HIRONO, Mrs. NAPOLITANO, Mr. NADLER of New York, Mr. ARCURI, Mr. SIRES, Mr. COSTELLO, Mrs. TAUSCHER, Mr. CUMMINGS, and Mr. GERLACH.

EXTENSIONS OF REMARKS

RECOGNIZING JAMES MONROE,
THE NATION'S FIFTH PRESIDENT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WITTMAN of Virginia. Madam Speaker, I am privileged to rise today to honor the birth and life of our nation's fifth president, James Monroe. Today, 251 years ago in 1758, James Monroe was born in a little farmhouse in Westmoreland County, Virginia.

Monroe, one of five children of Spence Monroe and Elizabeth Jones, was raised and educated in what is now the First District of the Commonwealth of Virginia. James Monroe entered the College of William and Mary in Williamsburg, Virginia at the age of 16. He left the college in 1775 to go to war, fighting with George Washington at Valley Forge.

Monroe married Elizabeth Kortright on February 16, 1786. The couple had three children: Eliza Kortright Monroe (1786–1835), James Spence Monroe (1799–1800), and Maria Hester Monroe (1803–1850).

As an aide to Governor Thomas Jefferson, Monroe studied and practiced law in Fredericksburg, Virginia. Monroe was an astute politician, serving as a member of the Virginia State Legislature, Governor of the Commonwealth of Virginia, Member of Congress and U.S. Senator, and Secretary of State and Secretary of War to President James Madison. Monroe served as Minister to France, under the first Jefferson administration, and assisted with the negotiation of the Louisiana Purchase.

James Monroe was elected the fifth President of the United States in 1817. During his early years in the White House, his administration was known as the "Era of Good Feelings". President Monroe went on two long national tours in order to gain the trust and faith of the American people. Monroe's strong opinions against foreign colonization or intervention in the Americas and his principles on foreign policy came to be known as the Monroe Doctrine, which he may be best remembered for. Monroe died there on July 4, 1831, the fifty-fifth anniversary of the signing of the Declaration of Independence.

The citizens of the Commonwealth of Virginia and Virginia's First Congressional District express their appreciation to James Monroe in honor of his birthday 251 years ago. As the last American President of the "Virginia Dynasty", James Monroe was a loyal public servant, a President of the people, as well as an exceptional statesman. His ideals and leadership qualities left a lasting legacy in the Commonwealth of Virginia and across the nation.

JEREMY ALLEN MANLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeremy Manley of Kansas City, Missouri. Jeremy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many scout activities, such as white water rafting and hiking. Over the years Jeremy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeremy Manley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FORTENBERRY. Madam Speaker, on Monday, April 27, 2009, I was unavoidably detained and thus I missed rollcall votes Nos. 207, 208, and 209. Had I been present, I would have voted "yea" on all three votes.

A PROCLAMATION HONORING
DREW CANNON FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:
Whereas, Drew Cannon showed hard work and dedication to the sport of basketball; and
Whereas, Drew Cannon was a supportive team player; and

Whereas, Drew Cannon always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Drew Cannon on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has dem-

onstrated during the 2008–2009 basketball season.

HONORING THE ACCOMPLISHMENT
OF CAPTAIN VANESA GILBERT
OF HENDERSON COUNTY, NORTH
CAROLINA, FOR COMPLETING
FBI ACADEMY TRAINING

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHULER. Madam Speaker, I rise today to honor a remarkable North Carolinian. On December 12, 2008, Captain Vanesa Gilbert became the first woman in Henderson County history to have completed FBI Academy training.

According to Henderson County Sheriff Rick Davis, only six local law enforcement officers, including Gilbert, have completed the intensive 11-week course at the academy in Quantico, Virginia. "Captain Gilbert is a superior leader by any measure," he said. "The FBI National Academy is the highest academic achievement in law enforcement. It is very challenging academically as well as physically. It was clear our agency and the county would benefit greatly by sending her."

While Captain Gilbert admitted that she was nervous when she arrived at the Marine base, she excelled during the course and ultimately completed a three-mile obstacle course called "the yellow brick road." For finishing the course, Gilbert received a plaque with a yellow brick on it and the dates she attended the academy.

Gilbert grew up in Hendersonville and graduated from Edneyville High School in 1992. In August of 1992, she moved to Greensboro to attain a two-year degree in law enforcement. In December of 1994, Gilbert completed her basic law enforcement training and moved back to Henderson County to work for the Sheriff's Office. At the Henderson County Sheriff's office, she worked as the Civil Process Secretary before being promoted to Corporal, and later to Lieutenant of the Civil Process division.

Upon completion of the FBI Academy Training, Gilbert was promoted to Captain of the Detention Center, courthouse security and the ICE program. Sheriff Rick Davis says of Gilbert, "She is recognized by the whole department as a highly qualified thoughtful leader with exceptionally high standards. Don't let her size and charm fool you; if anyone fails to meet her work ethics, they will have awoken a giant they can't handle."

It is with great respect and gratitude that I commend Captain Vanesa Gilbert for her great accomplishment and for her ongoing service to Henderson County. She serves as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a role model for all women and girls who aspire to careers in law enforcement. Her dedication and hard work are an inspiration to all.

THE INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE INCLUSION ACT (FMLA)

HON. CAROLYN B. MALONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 28, 2009

Mrs. MALONEY. Madam Speaker, today I am pleased to reintroduce the Family and Medical Leave Inclusion Act, which amends the FMLA to permit leave to care for a domestic partner, same-sex spouse, parent-in-law, adult child, sibling, grandparent or child of a domestic partner, if that person has a serious health condition.

The landmark 1993 Family and Medical Leave Act allows qualified workers to take up to 12 weeks of unpaid leave a year to care for newborns or to care for himself/herself, parents, children under 18 or a legal spouse if that person has a serious health condition. Since becoming law over sixteen years ago, it has allowed many tens of millions of Americans to take unpaid leave without the risk of losing their jobs.

But, imagine if your domestic partner, same-sex spouse, adult child, parent-in-law, or grandparent was involved in a serious car accident and had no one to take care of him or her. Then imagine your employer telling you that you can't take a few unpaid days off work to care for your loved one because your relationship is not covered by FMLA. This situation sounds preposterous, but there is no protection for you in current law. That is why the FMLA Inclusion Act is so important.

This session, the bill was improved to permit leave to care for the child of a domestic partner. Often, domestic partners are not able to adopt their partner's child, even when that person is the only parent the child has ever known. The FMLA Inclusion Act would ensure those children can be cared for by the person they call "Mom" or "Dad."

I am pleased that the Human Rights Campaign has endorsed this legislation, and I am proud to introduce it with the support of original cosponsors Representatives BALDWIN, WOOLSEY, FRANK, POLIS, DELAHUNT, HIRONO, FARR, ISRAEL and NADLER.

The FMLA Inclusion Act represents simple fairness, and I look forward to working with my colleagues to ensure that this fairness prevails.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 28, 2009

Mr. CARNEY. Madam Speaker, on Monday, April 27, I was absent for three rollcall votes. If I had been here, I would have voted: "yea" on rollcall vote 207; "yea" on rollcall vote 208; and "yea" on rollcall vote 209.

A PROCLAMATION HONORING ASSISTANT COACH JIM SLOANE FOR COACHING THE OAK HILL HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker: Whereas, Coach Jim Slone showed hard work and dedication to the sport of basketball; and

Whereas, Jim Slone was a leader and mentor for the Oak Hill High School Boys' Basketball Team; and

Whereas, Jim Slone has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Assistant Coach Jim Slone for leading the Oak Hill High School Boys' Basketball Team to winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2008-2009 Basketball season.

INTRODUCTION OF THE WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

HON. ELIOT L. ENGEL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 28, 2009

Mr. ENGEL. Madam Speaker, today, I am pleased to introduce the Western Hemisphere Drug Policy Commission Act of 2009, a bill that will create an independent commission to evaluate U.S. policies and programs aimed at reducing illicit drug supply and demand.

Billions of U.S. taxpayer dollars have been spent over the years to fight the drug war in Latin America and the Caribbean. In spite of our efforts, since the early 1980s, the number of U.S. lifetime drug users has steadily risen for marijuana, cocaine and heroin. Clearly, the time has come to reexamine our counter-narcotics efforts here at home and throughout the Americas. My bill will assess all aspects of the drug war—including prevention and treatment programs in the United States.

Let me be absolutely clear that this bill has not been introduced to support the legalization of illegal drugs. That is not something that I would like to see, nor is it my intent to have the Western Hemisphere Drug Policy Commission come to that conclusion.

While the United States accounts for approximately 5 percent of world population, in 2007, an estimated 17.2 percent of the world's users of illegal drugs were from the United States. 100 percent of the United States cocaine supply and 90 percent of the United States heroin supply originates in South America. In addition, the countries of Central America, the Caribbean and Mexico are key transit countries for drugs entering the U.S.

The Western Hemisphere Drug Policy Commission will be charged with conducting a comprehensive review of U.S. illicit drug supply and demand reduction policies and will be required to submit recommendations on future U.S. drug policy to Congress, the Secretary of State, and the Director of the Office of National Drug Control Policy (ONDCP).

To tackle our nation's horrific drug problem once and for all, we must have a better sense of what works and what does not work. Our partners in the Americas, who have worked closely with us in fighting the drug war for years, and the citizens of our great country, who deal every day with illegal drugs on their streets, deserve no less.

SMA TREATMENT ACCELERATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 28, 2009

Mr. KENNEDY. Madam Speaker, today, along with my colleague Representative ERIC CANTOR, I am introducing the SMA Treatment Acceleration Act, in an effort to help find a treatment or cure for Spinal Muscular Atrophy (SMA), the number one genetic killer of children under the age of two.

SMA is an inherited disease that destroys the nerves controlling muscle movement, which affects crawling, walking, head and neck control, swallowing, and even breathing. The gene mutation that causes SMA is carried by one in every 40 people, or approximately 7.5 million Americans. Each child born of two carriers of the mutant gene has a one in four chance of developing SMA.

Among more than 600 neurological disorders, SMA has been singled out by the National Institutes of Health (NIH) as the disease closest to treatment. This priority status is based on scientists' advanced genetic understanding of the disease and a strong collaboration between families, federal agencies, and patient advocacy groups.

Researchers have identified the gene responsible for SMA, as well as a disease modifying "back-up" gene that has opened the door to promising new treatment pathways. This research is providing groundbreaking data for SMA and other neurodegenerative disorders, including the muscular dystrophies, Friedreich's Ataxia, Fragile X syndrome, and Huntington's disease.

This legislation will upgrade and unify SMA clinical trial sites and establish a national clinical trials network for SMA. It will also establish a Data Coordinating Center, expand and intensify federally supported research programs, and promote collaborative research at NIH. Additionally, the bill will enhance and provide support for the SMA patient registry, establish an Interagency SMA Research Coordinating Committee, and establish and implement a program for providing information and education on SMA to health professionals and the general public. These provisions will advance our research and understanding of SMA and lead towards effective treatments. I am proud to be reintroducing this legislation, and

I urge your full consideration of this important legislation.

**A PROCLAMATION HONORING
TRAVIS BLEVINS FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Travis Blevins showed hard work and dedication to the sport of basketball; and Whereas, Travis Blevins was a supportive team player; and

Whereas, Travis Blevins always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Travis Blevins on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

**65TH ANNIVERSARY OF
NORMANDY INVASION**

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WEXLER. Madam Speaker, as we approach the 65th Anniversary of the Invasion of Normandy, it is important to take a moment to remember all of the men and women who bravely served our country in World War II. We all owe an enormous debt of gratitude to these veterans and their families. I am honored to have one such veteran in my district, Corporal Elliott M. Herring. Corporal Herring bravely served in the Battle of Normandy and in the battle which took place in St-Lô. He fought in five major battles in the 3rd Army under General Patton. Throughout his service, he was awarded the Bronze Star Medal, Good Conduct Medal, Presidential Unit Citation, Meritorious Unit Commendation, American Campaign Medal, European Africa Middle Eastern Campaign Medal with one Silver Service Star, WWII Victory Medal, Army of Occupation Medal with the Germany Clasp, Combat Infantryman Badge, Honorable Service Lapel Button, Marksman Badge with Rifle Bar WWII and Five Battle Stars. Additionally, he was awarded the Légion d'honneur from France.

Corporal Herring is looking forward to an upcoming visit to the National WWII Memorial, which is celebrating its fifth anniversary this year. I encourage all veterans, their families, and all Americans to visit the World War II Memorial on the Mall in Washington, D.C. where the announcement stone reads:

Here in the presence of Washington and Lincoln, one the eighteenth century father and the other the nineteenth century pre-

server of our nation, we honor those twentieth century Americans who took up the struggle during the Second World War and made the sacrifices to perpetuate the gift our forefathers entrusted to us: a nation conceived in liberty and justice.

May we never forget their sacrifices as we stand here today. Let us continue to honor these brave men and women who fought so bravely to preserve our freedom.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, April 27, 2009, I was unable to cast my votes on H. Res. 329, H.R. 1746, and H. Res. 335 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 207, on suspending the Rules and passing H. Res. 295, Recognizing the anniversary of the tragic accident of the steamboat ship SS Sultana, I would have voted "yea."

Had I been present for rollcall No. 208, on suspending the Rules and passing H.R. 1746, the Pre-Disaster Mitigation Act of 2009, I would have voted "yea."

Had I been present for rollcall No. 209, on suspending the Rules and passing H. Res. 335, Supporting the goals and ideals of National Volunteer Week, I would have voted "yea."

**A PROCLAMATION HONORING
RYAN BORDEN FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Ryan Borden showed hard work and dedication to the sport of basketball; and

Whereas, Ryan Borden was a supportive team player; and

Whereas, Ryan Borden always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ryan Borden on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

**ARMENIAN GENOCIDE
ANNIVERSARY**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. WOLF. Madam Speaker, last week marked the 94th anniversary of the Armenian genocide.

I have long been a cosponsor of a resolution introduced in multiple sessions of Congress which reaffirms the United States Record on the Armenian genocide.

The Armenian genocide, in which 1.5 million perished, is widely recognized as the 20th century's first genocide. Raphael Lemkin, the Jewish legal scholar who coined the word genocide and tirelessly advocated for international law defining it and preventing it, was driven largely by what happened to the Armenians.

Since that time the world has witnessed unfathomable horrors during the Nazi-perpetrated Holocaust and subsequent genocides in Bosnia, Cambodia, Rwanda and still today Darfur. And too often, the world has been silent in the face of such brutality.

Adolph Hitler, in describing his murderous plans and seeking to silence those with reservations, famously said, "Who, after all, speaks today of the annihilation of the Armenians?"

There is power in speaking the truth, even about atrocities that occurred nearly a century ago, so that other men with evil aims might not be empowered by our silence.

A POEM BY MR. ROBERT DANA

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LOEBSACK. Madam Speaker, as mentioned in my one-minute speech regarding Robert Dana, I submit one of his poems.

**A SHORT HISTORY OF THE MIDDLE WEST
(By Robert Dana)**

Under this corn,
these beans,
these acres of tamed grasses,
the prairie still rolls,
heave and trough,
breaker and green curl,
an ocean of dirt tilting and tipping.
Its towns
toss up on the distance, your distance,
like the wink of islands.
And the sky
is a blue voice
you cannot answer for.
The forked and burning wildflowers
that madden
the ditches
nod without vocabulary.
Your neighbor
is out early this morning—the air
already humid as raw diamond.
Drunk or lonely,
he's scattering large scraps of white
bread for the birds
as if it were winter.
He'd give you the sour undershirt off

his back—
sweet, bad man.
Does he remember
rain salting down from that flat, far shore
of clouds
slowly changing
its story?

HONORING THE CENTENARIANS OF
BRENTWOOD HEALTHCARE FA-
CILITY ALLIE M. DAVIS,
CORNELIUS MONTGOMERY,
MARIE DUKE, ANNIE LAURIE
TAYLOR, VIOLA D. PAGE, AND
GUADALUPE G. CORTEZ

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to the six residents of Brentwood Healthcare in the Southeast Dallas Community of Pleasant Grove who have reached 100 years old. They are:

Allie M. Davis—100 years old, Cornelius Montgomery—104 years old, Marie Duke—100 years old, Annie Laurie Taylor—102 years old, Viola D. Page—102 years old, and Guadalupe G. Cortez—106 years old.

National Nursing Home Week will take place from May 10, 2009, to May 16, 2009, and Brentwood Healthcare will celebrate the long lives of these six individuals by having Centenarian Day at their facility on May 15, 2009. These residents have witnessed an extraordinary amount of history, and their long lives are an inspiration to all of us.

I ask my colleagues to join me in honoring these centenarians, and I wish them continued life, good health, and strength.

A PROCLAMATION DECLARING
APRIL 24TH TO THE 26TH TO BE
TUSCARAWAS COUNTY PAY IT
FORWARD WEEKEND, AND COM-
MENDING THE LEADERSHIP
TUSCARAWAS CLASS OF 2009 FOR
THEIR WORK AT THE FORE-
FRONT OF COMMUNITY SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, the 2009 class of Tuscarawas Leadership seeks to encourage community service among the county's youth; and

Whereas, the Pay It Forward Challenge is being held in conjunction with Global Youth Services Weekend and the Tuscarawas County United Way's Day of Caring; and

Whereas, the Tuscarawas Leadership has found willing participants in each of the county's public school superintendents to allow students to take part; and

Whereas, both adults and youth will be participating in many different community service projects across the county throughout the weekend; and

Whereas, research has shown that volunteerism plays an important role in shaping skills, social development and a sense of empowerment in young people everywhere; now, therefore, be it

Resolved that, along with the friends and family of the Tuscarawas Leadership Class of 2009, and the residents of the 18th Congressional District, I commend the Tuscarawas Leadership for leading the way in encouraging youth community service involvement, and declare April 24, 2009 to April 26, 2009 to be "Tuscarawas County Pay It Forward Challenge Weekend."

COMMEMORATING WORKFORCE
MEMORIAL DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Workforce Memorial Day. As a Nation built on the strength of our workforce, it is important that we honor those who have lost their lives while struggling to support themselves and their families.

For many Americans, going to work can be a dangerous activity, and one in which many of the harms could potentially be mitigated with the enhancement and enforcement of strong workplace health and safety protection laws.

Each year over 5,000 deaths result from occupational hazards. In 2007, 81 of these deaths occurred in New York City alone. Many of these might have been prevented by the enforcement stronger workplace safety standards.

Today, on Workforce Memorial Day, I urge my fellow Members of Congress to join me in commemorating our workforce, their dedication, and their perseverance, while resolving to create a safer and healthier work environment for all.

HONORING ANTHONY ALAMPI

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor Anthony Alampi, of Sussex County, who passed away unexpectedly on January 28, 2009.

A small businessman for many years, Anthony owned Alampi's Deli in Paramus and Alampi's Luncheonette in Bergenfield. Later, along with his wife Maria, Anthony owned Stir and Shoot in Sussex County, where they taught shooting and gun safety courses along with traditional Italian cooking lessons.

A strong defender of the 2nd Amendment, Anthony served as a NRA Benefactor Life Member, NRA Senior Training Counselor and NRA 2nd Amendment Task Force Member. He also contributed his time as a Regional Vice President of the Association of New Jersey Pistol and Rifle Clubs.

It was a pleasure to get to know Anthony and be a guest in his house. His gregarious nature, quick smile and open hearted laugh were well known by both his friends and customers alike. It is with great sadness that we learned of his untimely death.

Anthony will be greatly missed by many throughout northern New Jersey. I extend my sympathies and prayers to the Alampi family and those close to him.

A PROCLAMATION HONORING
COACH NORM PERSIN FOR
COACHING THE OAK HILL HIGH
SCHOOL BOYS' BASKETBALL
TEAM TO WINNING THE BOYS'
DIVISION IV STATE BASKETBALL
CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Coach Norm Persin showed hard work and dedication to the sport of basketball; and

Whereas, Norm Persin was a leader and mentor for the Oak Hill High School Boys' Basketball Team; and

Whereas, Norm Persin has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Norm Persin for leading the Oak Hill High School Boys' Basketball Team to winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2008–2009 Basketball season.

CELEBRATING JUDGE RON
HURST'S 30 YEARS OF SERVICE
TO HIGHLAND VILLAGE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. BURGESS. Madam Speaker, I rise today to celebrate the contributions of Judge Ron Hurst and his 30 years of distinguished service. As a Member of the State Bar of Texas, Judge Hurst has served his community of Highland Village with acute clarity of the law and a stringent application of justice. His reputation is one of impartiality and fairness.

Judge Ron Hurst is an alumnus of Loyola University School of Law. In 1977, he moved to Texas from Louisiana and found his home within the Highland Village community. He accepted the position of Corporate Attorney with the Placid Oil Company of Dallas, Texas and joined the Texas Bar. Judge Hurst claims the distinct honor of being the first judge of the Highland Village Municipal Court. Having served as the presiding judge for the past 30 years, he is the city's longest tenured employee.

Judge Hurst moved to the Highland Village area when it was home to 800 families. As the city grew, Hurst continued to dedicate his time to the development of the community. Aside from being a loving husband and father, he served on the Highland Village Planning and Zoning Commission, the Board of Ethics and his work as a Court Appointed Special Advocate volunteer. Hurst is also involved in his church where he has served as a teacher, youth group facilitator and Financial Committee member.

Madam Speaker, I am proud to recognize Judge Ron Hurst for his 30 years of legal service and contributions to the Highland Village community. His devotion serves as an example to others and it is an honor to represent him in the 26th Congressional district of Texas.

TRIBUTE TO LCDR JAMES DEMOTT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my constituent, LCDR James Demott, who will be retiring in June 2009, following a distinguished career serving our country in the United States Navy.

LCDR James E. Demott, whose home of record is Westwood, KS, is a 1989 graduate of the United States Naval Academy. He was designated a Naval Flight Officer in August 1991 and reported to Tactical Electronic Warfare Squadron 140, Whidbey Island, WA, flying the EA-6B on worldwide missions. In January 1997, after receiving an NFO to pilot transition, he was designated a Naval Aviator.

LCDR Demott's flying tours included duty with Fleet Air Reconnaissance Squadron FOUR, Oklahoma City, OK, from 1997-2000 where he was qualified as an E-6A Aircraft Commander and Deputy for Safety and Training. From 2001-2002 he was assigned to Fleet Air Reconnaissance Squadron THREE as an Aircraft Commander. In 2002, he transferred to Training Squadron TWENTY-SEVEN in Corpus Christi, TX, where he served as an Instructor Pilot, flying the T-34C Mentor, training the finest combat aviators in the world. His leadership helped the squadron garner the prestigious Chief of Naval Operations Safety Award in 2004. From 2005-2007, LCDR Demott was assigned overseas to Commander U.S. Naval Forces, Korea HQ Seoul, South Korea, working Future Plans Operations. In 2007, he moved to Corpus Christi, TX, and was assigned to Training Air Wing FOUR as the Aviation Safety Officer. He has logged over 3000 flight hours in various naval aircraft.

LCDR Demott's awards include the Meritorious Service Medal, Air Medal, 2 Navy Marine Corps Commendation Medals, 4 Navy and Marine Corps Achievement Medals and various other unit, campaign and personal awards.

Madam Speaker, LCDR Demott's service to his country reflects the best of America, and we are grateful and are honored to recognize him and his family for the sacrifices made over his 20 years of naval service.

HONORING COUNTY COLLEGE OF MORRIS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to recognize County College of Morris (CCM) in Randolph Township, Morris County, New Jersey, a distinguished institution of higher education I am proud to represent! On April 24, 2009, the college will celebrate its Fortieth Anniversary.

CCM was founded in 1968 to provide challenging, yet affordable, education opportunities for local students. This ideal is still upheld today, as CCM continues to maintain high academic standards, as well as low tuition costs.

At the time of its inception, CCM had only one building and less than 1,300 students. Under the direction of Dr. Sherman H. Masten, the college's first president, CCM expanded to include an additional five buildings and an enrollment that peaked at 12,012 students in 1982. President Dr. Edward Yaw has continued the expansion and renovation of the campus, and under his guidance, CCM has become the state-of-the-art educational facility it is today.

The college currently offers 87 degree and certificate programs and has over 8,500 students enrolled in undergraduate studies. CCM has a true tradition of excellence which, thanks to its outstanding leadership, superior faculty and staff and motivated students. CCM is one of the foremost community colleges in New Jersey and the nation.

Madam Speaker, I urge my colleagues to join me in congratulating the County College of Morris on the celebration of 40 years of service to the State of New Jersey and Morris County.

A PROCLAMATION HONORING RYAN BOGGS FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Ryan Boggs showed hard work and dedication to the sport of basketball; and Whereas, Ryan Boggs was a supportive team player; and

Whereas, Ryan Boggs always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ryan Boggs on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 basketball season.

50TH ANNIVERSARY OF THE THEODORE BURR COVERED BRIDGE SOCIETY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHUSTER. Madam Speaker, it is with great pleasure that I acknowledge the efforts of the Theodore Burr Covered Bridge Society as they approach their 50th anniversary.

The Theodore Burr Covered Bridge Society's mission of promoting interest and active participation in the preservation and restoration of the remaining historical covered bridges in the Commonwealth of Pennsylvania serves to ensure that important aspects of our community's rich history remain intact. In doing so future generations will be afforded the opportunity to see first hand the beauty and efficiency that is associated with early Pennsylvania architecture.

Named after Theodore Burr, the early American engineer, the Theodore Burr Covered Bridge Society's efforts honor the life and works of Mr. Burr, while simultaneously bettering our community as a whole. For this I congratulate them on their 50th anniversary.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FORTENBERRY. Madam Speaker, on Thursday, April 23, 2009, I was unavoidably detained and thus I missed rollcall votes Nos. 201 and 202. Had I been present, I would have voted "aye" on both votes.

HONORING COLONEL JIM AYERS ON THE OCCASION OF HIS RETIREMENT

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SHULER. Madam Speaker, I rise today to recognize the sterling career of Colonel Jim Ayers of McDowell County. Colonel Ayers is retiring on September 1, 2009 from the United States Air Force after 26 years of dedicated service.

Colonel Ayers, a graduate of the University of North Carolina, was commissioned in 1983 through the ROTC program. He has served his country through a variety of assignments in acquisitions, mobility operations, and doctrine development. Colonel Ayers is a Command Pilot with more than 3,500 flight hours in the C-141, KC-10, and C-32. As an operational commander, he led the First Airlift Squadron at Andrews Air Force Base where his unit was responsible for the transportation of the Vice-President, First Lady, Members of Congress and senior cabinet officials. He also helped shape our military's doctrine and policy while

serving as an analyst at the Headquarters Air Force Doctrine Center and as a research staff member at the Institute for Defense Analyses. Most recently, Colonel Ayers led the Washington Operations section of United States Joint Forces Command.

Colonel Ayers has admirably served his country without question or reservation and, in doing so, has set standards of honor, respect, duty and country for his fellow soldiers, sailors, airmen and marines. On behalf of myself and my constituents, I extend to Colonel Jim Ayers my gratitude, deep appreciation and well wishes for a good retirement.

A PROCLAMATION HONORING OAK HILL HIGH SCHOOL FOR THEIR SUPPORT OF THE OAK HILL HIGH SCHOOL'S BOYS' BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Oak Hill High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Oak Hill High School has been supportive of their athletes; and

Whereas, the Oak Hill High School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Oak Hill High School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Oak Hill High School on supporting their Boys' Basketball team in winning the Boys' Division IV State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

IN SPECIAL RECOGNITION OF MICHAEL WURTH ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Michael Wurth of Perrysburg, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mike's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Mike brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Perrysburg High School in Perrysburg, Ohio, Mike was a member of the National Honor Society and High Honor Roll.

Outside the classroom, Mike was active in Boy Scouts, serving as a Patrol Leader, Chaplain's Aide, and Order of the Arrow Brotherhood Member. He obtained the rank of Eagle Scout and served as a Junior Assistant Scoutmaster. Mike participated on Perrysburg High School's cross country, track, and wrestling teams, earning varsity letters in each and serving as captain of the cross country and wrestling teams. Mike also organized community track meets. I am confident that Mike will carry the lessons of his student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Michael Wurth on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Mike will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

A PROCLAMATION HONORING AUSTIN BROWN FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SPACE. Madam Speaker:

Whereas, Austin Brown showed hard work and dedication to the sport of basketball; and

Whereas, Austin Brown was a supportive team player; and

Whereas, Austin Brown always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Austin Brown on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 basketball season.

HONORING MICHAEL BRUEN WOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Bruen Wood a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 418, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop participating in many scout activities. Over the

many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Bruen Wood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DEPUTY KEVIN VICE, MARION COUNTY SHERIFF'S DEPUTY OF THE YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I am proud to honor Deputy Kevin Vice for being recognized as Marion County's Sheriff's Deputy of the Year. Deputy Vice received this prestigious award for his courageous response to a gun shooting that took place while he was off-duty. Without any back-up support he deftly maintained his composure as he helped a wounded victim, reported a run-away vehicle, called for emergency help and detained two individuals who had been near the scene of the crime. Due to his heroic actions, a suspect was later arrested.

Deputy Vice has worked with the Indianapolis Metropolitan Police Department and the Marion County Sheriff's Department, proudly serving the city of Indianapolis, Indiana as a law enforcement officer since 2001. In addition to his extensive experience, it was his training that made the greatest difference last June in contributing to his heroic efforts.

In going above and beyond the call of duty, Deputy Vice has personified the best that Marion County law enforcement has to offer. I would like to extend my most sincere thanks to Deputy Vice for his courageous dedication to the safety of our community.

Madam Speaker, I urge my colleagues to join me in honoring Deputy Vice for his outstanding service and wish him continued success in his work as one of Indianapolis' finest public servants.

IN SPECIAL RECOGNITION OF MATTHEW DEMICHIEI ON HIS OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY AND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Matthew DeMichiei of Napoleon, Ohio has been offered appointments to attend the United States Air Force Academy and the United States Merchant Marine Academy. Matt

has accepted the offer to attend the United States Air Force Academy in Colorado Springs, Colorado.

Matt's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Matt brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Napoleon High School in Napoleon, Ohio, Matt attained a grade point average that placed him among the top of his class. While a gifted athlete, Matt has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Matt is a member of the National Honor Society, Honor Roll, and has earned varsity letters in soccer each of his four years.

Outside the classroom, Matt was a member of the Quiz Team, French Club, Youth Soccer Club, Camp Palmer Counselor, Prom Committee, and Student Advisory Board. Matt participated on Napoleon High School's soccer, swimming, and tennis teams. I am confident that Matt will carry the lessons of his student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Matthew DeMichiei on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Matt will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN HONOR OF EQUAL PAY DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. AL GREEN of Texas. Madam Speaker, I wish to acknowledge and honor Equal Pay Day, a national day of recognition instituted by President Clinton in 1998 to raise awareness about the wage disparity and discrimination between men and women.

America has made some strides in narrowing this discrepancy in the workplace, but the fight for equal pay for equal work still remains prevalent and pertinent today. Thirty-five years ago, when President Kennedy signed the Equal Pay Act of 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by their male counterparts. In 2006, women earned 77 cents for every dollar earned by men; the figures are even more unsettling for women of color. This data demonstrates that the wage gap has narrowed by less than half a cent per year. An 18 cent increase over 35 years indicates a significant wage discrepancy between working men and women that leaves a great deal of work for the employers and de-

cision makers of today. The day on which Equal Pay Day falls represents how far into the year on average a women must work to receive the same amount of pay that a man earned during the previous year.

In the state of Texas, between 2004 and 2006, the average annual salary of men with a college degree or more was \$63,000, while their female counterparts only received an average annual salary of \$45,000 with the same credentials. In comparison, during that same time frame, the national average annual salary for men with a college degree or more was \$66,000, while their female counterparts received only \$50,000. In fact, the state of Texas is about 5% below the national average in narrowing the wage disparity between men and women.

A great woman and former congresswoman from Texas, Barbara Jordan, once said that, "If the society of today allows wrongs to go unchallenged, the impression is created that those wrongs have the approval of the majority." To take the late Ms. Jordan's advice: we who live in today's society must not allow the wrongs created by wage discrimination to continue to undermine the civil liberties of minorities and women. On January 29, 2009, President Barack Obama signed into law the Lilly Ledbetter Fair Pay Act to ensure that victims of pay discrimination can effectively challenge unequal pay, marking a significant step forward in the struggle for equality in pay and fair treatment in the workplace for all Americans. Though great progress is being made, significant challenges remain in the struggle against gender-based pay discrimination.

I urge my colleagues and employers nationwide to take up the fight to eliminate the unfair wage discrepancy between men and women as we all honor Equal Pay Day.

WORKERS' MEMORIAL DAY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today in honor of Workers' Memorial Day. Every day, working people across our Nation are putting their lives on the line, just by getting up and going to work. In a perennially underreported tragedy, more than 5,000 Americans die each year on the job, and millions more experience occupational injuries and illnesses.

That means about 16 workers in the U.S. die each day at work. And those who die are not only those in professions seen as dangerous, like law enforcement or firefighting—they are also mechanics, store clerks, bus drivers, and landscapers. And the deaths are often close to home. Earlier this month, a 38-year-old construction worker was killed back home in the southern Los Angeles area when a garage collapsed on him while he worked on a remodeling project.

To honor those who have died, and to draw attention about the need for better enforcement of our workplace health and safety laws, I join with Rep. EDDIE BERNICE JOHNSON and Rep. BRUCE BRALEY today to introduce a reso-

lution recognizing the importance of Workers' Memorial Day.

Workers' Memorial Day is a reminder that each death is a life cut short—a worker who left behind a family and friends.

I encourage everyone to take a moment today to recognize the needless sacrifice that these workers' and their families made this year and in years past.

Going to work should not be a life and death proposition. Workers' Memorial Day is a reminder that we can do better.

HONORING RYAN JAMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan James a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan James for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SPECIAL RECOGNITION OF JARED LEININGER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Jared Leininger of Archbold, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Jared's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Jared brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While a gifted athlete, Jared has maintained the highest standards of excellence in his academics, having been on the alpha honor roll and honor roll

each year, and earned varsity letters in wrestling and football.

Outside the classroom, Jared was a member of Fellowship of Christian Athletes, Hand Bell Choir, Senior Lutheran Youth Fellowship, serving as both Vice President and President, and served as an elementary tutor and teachers' aide. Jared participated on Archbold High School's football, wrestling, and baseball teams. Jared's dedication and service to the community and his peers has proven his ability to excel among the leaders at the Air Force Academy. I have no doubt that Jared will take the lessons of his student leadership with him to Colorado Springs.

Madam Speaker, I ask my colleagues to join me in congratulating Jared Leininger on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Jared will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN HONOR OF CAPTAIN JOHN
"MUD" MEDVESCEK, INDIANAPOLIS
FIREFIGHTER OF THE
YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Captain John "Mud" Medvescek with the Indianapolis Fire Department. On April 16, 2009, he was recognized as Indianapolis' 2008 Firefighter of the Year for his outstanding service to the city of Indianapolis.

With thirty years of service with the Indianapolis Fire Department, Captain Medvescek has exemplified himself through his commitment to ensuring the safety of our community. As a member of the advanced rescue squad he has worked tirelessly and bravely to provide emergency response support to those in need. Through these experiences, Captain Medvescek has been able to generously share his wealth of knowledge, which has allowed him to play an invaluable role in training the next generation of firefighters.

For decades he has bravely served on the front lines, selflessly fighting to save the lives of countless Hoosiers in the face of great danger. As a former law enforcement officer, I understand the true value of Captain Medvescek's dedication to our city and to the people of Indianapolis.

Madam Speaker and distinguished colleagues, I urge you to join me in thanking Captain Medvescek for his tremendous contributions. He is a devoted public servant whose mentorship has served as a lasting legacy for those aspiring to pursue careers dedicated to protecting the lives of others.

61ST ANNIVERSARY OF ISRAEL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, I rise to recognize the 61st anniversary of the founding of the modern state of Israel. Israel has been one of our strongest allies and I am thankful for the bond of friendship and cooperation that we share. After all, our two countries have many historic similarities. We both have faced war and fought for peace and freedom. We both continue to pursue liberty despite ongoing opposition.

For 2,000 years, most Jews had been scattered around the world, often enduring intense persecution and discrimination. After World War II, the Jewish people desired to return to their ancient homeland and live in the land that had once belonged to their forefathers. The Holocaust revived their desire to form a new state, even though the land of their ancestors was merely a dry, almost barren terrain.

After winning independence, the Israelis amazingly transformed the wilderness into a site of thriving agriculture production. One Jewish scientist developed the first surface drip irrigation system and this discovery has transformed irrigation practices across the world. Scientists in Israel have also developed fruits and vegetables that are resistant to disease.

Not only has Israel been the source of agricultural improvements, but it has also partnered with the U.S. in several scientific initiatives. As the representative of New Jersey's Fifth District, which is home to many small farms that help make up the Garden State, I am grateful for how Israel has pioneered numerous agricultural initiatives.

I am also grateful for how Israel has been an example to other countries. I have many Jewish friends and I am always impressed by how they value freedom. It is free markets and free thinking that enable new inventions, and these inventions in turn help future generations to prosper. As Israel celebrates this 61st anniversary, I encourage my constituents to reflect on the achievements of the past as we work to better our children's future.

HONORING CLAYTON MATHER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Clayton Mather a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Clayton has been very active with his troop participating in many scout activities. Over the many years Clayton has been involved with scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Clayton Mather for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SPECIAL RECOGNITION OF JACQUELINE CRAWFORD ON HER APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY PREPARATORY SCHOOL

HON. ROBERT E. LATTI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTI. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Jacqueline Crawford of Waterville, Ohio has been offered an appointment to attend the United States Naval Preparatory School in Newport, Rhode Island.

Jackie's offer of appointment poises her to attend the United States Naval Preparatory School this fall, and after successful completion, will attend the United States Naval Academy with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Jackie brings an enormous amount of leadership, service, and dedication to the incoming class of midshipmen. During Jackie's high school career, she received honors in chemistry and chose to enroll and excel in Advanced Placement courses.

Outside the classroom, Jackie demonstrated her dedication and service to her community and peers by being active in the Race for the Cure, the Diabetes Research Walk, Meals on Wheels, and other fund raising and relief efforts to assist those less fortunate. Jackie utilized her leadership skills during her participation in Anthony Wayne High School's FCCLA, track, choir, theater, softball and as captain of the cheerleading squad.

Madam Speaker, I ask my colleagues to join me in congratulating Jacqueline Crawford on her acceptance of appointment to the United States Naval Preparatory School. Our service academies offer the finest military training and education available. I am positive that Jackie will excel during her career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

ON THE INTRODUCTION OF THE
FAIR PAY ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. NORTON. Madam Speaker, the first bill that President Barack Obama signed was H.R.

11, the Lilly Ledbetter Fair Pay Act of 2009 to restore the Equal Pay Act (EPA) to its interpretation since it was enacted in 1963. That bill could not wait until today, Equal Pay Day. Equal Pay Day marks the day nearly four months into a new year—that women must work to earn as much as men did last year. However, although the EPA was highly successful for close to 20 years, the EPA had grown so creaky with age that the Ledbetter Act could do no more than resuscitate the old EPA. However, it is long past the time to amend the EPA to meet the changed economy, where women work as much as men, and in today's troubled economy women are increasingly supporting husbands, sons and families. My House colleague ROSA DELAURO and I, and scores of other Members got the House to pass the Paycheck Fairness Act and on Equal Pay Day, we urge the Senate to pass the Paycheck Fairness Act. Congresswoman ROSA DELAURO and I have long pressed for the passage of the Paycheck Fairness Act and both of us testified at its first hearing before the Committee on Education and Labor during the 110th Congress. My own experience as chair of the Equal Employment Opportunity Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes to the EEOC as parts of a historic reorganization, demonstrated to me both the strengths and the weakness of the EPA.

As important as the Ledbetter Act, was it is only a gate opener to the EPA. The Paycheck Fairness Act, passed in the House this session is also an important update of the EPA's basic procedures, giving them "the same muscle" as other anti-discrimination statutes, including Title VII of the 1964 Civil Rights Act and the age Discrimination in Employment Act, both of which I administered along with the Equal Pay Act. However, the Fair Pay Act (FPA) goes the next step, putting an end to wage discrimination against women and others by establishing equal pay for equal work. This bill recognizes that women earn significantly less than men for work, and amends the Fair Labor Standards Act of 1938, known as the Equal Pay Act, to provide more effective remedies to victims of wage discrimination on the basis of sex. The Paycheck Fairness Act instructs the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs to train EEOC employees and affected individuals and entities on matters involving wage discrimination and authorizes the Secretary of Labor to fund skills training programs for girls and women. The bill further directs the Secretary to provide studies, information, summits, guidelines, awards and assistance for employer evaluations of job categories based on objective criteria.

Therefore, with Senator TOM HARKIN, I am pleased again to introduce the FPA to pick up where the EPA leaves off, by bringing the EPA into the 21st century by taking on sex segregated jobs where gender influenced wages leave the average woman worker without any remedy.

The FPA sends a message to the average woman worker, who is often steered to and then locked into a job with wages that are deeply influenced by the gender of those who

have traditionally held those jobs. Women often are used inconsistent with their qualifications today because of employer steering, and because of deeply rooted wage stereotypes that result in pay according to gender and not according to the skills, effort, responsibility and working conditions necessary to do the job. We introduce the FPA because the pay problems of many women today stem from sex segregation between the jobs that women and men traditionally do. Two-thirds of white women, and three quarters of African American women, work in just three areas: sales and clerical, service, and factory jobs despite women's superior education to men for several decades. Only a combination of more aggressive strategies, including the Paycheck Fairness Act and the Fair Pay Act can break through the ancient societal habits present throughout human time the world over, as well as employers steering women into "women's jobs" which is as old as paid employment for women itself.

The FPA recognizes that, if men and women are doing comparable work, they should be paid a comparable wage. For example, if a woman is an emergency services operator, a female-dominated profession, why is she often paid considerably less than a fire dispatcher, a male-dominated profession? Is this because each of these jobs has been dominated by one sex? The Fair Pay Act does not decide this issue, but the bill does allow women to show that some or all of the wage disparity is gender based. The burden is on the female plaintiff, a difficult case to make in a market economy, but women deserve the right to carry that burden in appropriate cases.

The FPA, no more than the EPA, tampers with our market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. As with the EPA, she must show that the reason for the disparity is sex discrimination, not legitimate market factors.

Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half of the state governments, in red and blue states alike, have already demonstrated that the pay gap that is due to discrimination can be eliminated. Twenty states have adjusted wages for women state employees, raising pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20% less than male jobs. There often will be some portion of the gap that is traceable to market conditions, but twenty states have shown that you can tackle the discrimination gap without interfering with the free market system. The states generally have closed the discrimination gap over a period of four or five years at a one-time cost no more than three to four percent of payroll.

In addition, routinely, many women workers achieve pay equity through collective bargaining. In addition countless employers on their own, as they see women shifting out of vital female-dominated occupations, the effects of the shortage of workers in vital occupations, and the unfairness to women, are raising women's wages with pay equity adjustments. The best case for a strong and up-

dated EPA with at least the Paycheck Fairness Act occurred here in the Congress in 2003, when women custodians in the House and Senate won an EPA case after showing that women workers were paid a dollar less for doing the same and similar work as men. Had they not been represented by their skillful and dedicated union, they would have had an almost impossible task using the rules for bringing and sustaining an EPA class action suit today. The FPA simply modernizes the EPA to make such a suit more possible by women acting alone.

Start where we like, but Congress should be ashamed to let another year go by while working families lose more than \$200 billion annually—more than \$4,000 per family—even considering education, age and hours of work and location. Unequal pay has been built into the way women have been treated since shortly after Adam and Eve. To dislodge such deep seated and pervasive treatment, we must update old vehicles like the EPA with the Paycheck Fairness Act and create new laws, such as the Fair Pay Act I introduce today.

HONORING CHARLES WILSON
ANDREWS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Wilson Andrews a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Wilson Andrews for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE FIRST
GRADUATING CLASS OF THE
D.A.R.E. PROGRAM AT FOREST
HILL ELEMENTARY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise today to congratulate the first graduating class of the Drug Abuse Resistance Education program, or D.A.R.E., at Forest Hill Elementary.

I am truly proud of the 50 students who participated in this important class that equips our young people with the support and knowledge they need to say no to drugs, underage drinking and gang violence.

In 1983, D.A.R.E. began as a small program in Los Angeles. Today, it is implemented in more than 75 percent of our country's school districts and in more than 43 other nations.

To mark the success of these students, Forest Hill Elementary will hold a graduating ceremony on May 4, 2009. I am glad these students will be recognized for taking this step toward leading positive and productive lives.

Moreover, I applaud the efforts of the police officers, faculty and families who helped support this accomplished group as they worked to complete the D.A.R.E. program this school year.

I ask my colleagues to join me in congratulating the first graduating class of the D.A.R.E. program at Forest Hill Elementary. Your success is a true testament to the strong community values of Forest Hill.

IN SPECIAL RECOGNITION OF STEVEN BILLMAIER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Steven Billmaier of Bowling Green, Ohio has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Steven's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Steven brings an enormous amount of leadership, service, and dedication to the incoming class of midshipmen. While attending Central Catholic High School in Toledo, Ohio, Steven attained a grade point average which placed him fourth in his class of 257 students. During Steven's high school career, he was inducted into the National Honor Society and the Insignis Society; distinguished as a Regents Scholar; and received a National Merit Commendation.

Outside the classroom, Steven demonstrated his dedication and service to his community and peers by being active in the Boy Scouts of America in which he obtained the rank of Eagle Scout, in addition to earning four Eagle Palms. Steven utilized his leadership skills during his participation in Central Catholic High School's German Club, Environmental Club, Spiritual Commission, and he was a class officer. Athletically, Steven has been an active member of Crew, participating in both the fall and spring sessions during the past four years. I am confident that Steven will carry the lessons of his student leadership to Annapolis.

Madam Speaker, I ask my colleagues to join me in congratulating Steven Billmaier on his acceptance of appointment to the United States Naval Academy. Our service academies offer the forest military training and education available. I am positive that Steven will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. FLEMING. Madam Speaker, I rise today to recognize and honor a very special group from Northwest Louisiana.

On April 11, 2009 a group of 104 veterans and their guardians flew to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these Louisiana veterans to visit Washington, DC on a chartered flight, free of charge. For many, this will be the first and only opportunity to visit the memorials created in their honor. These brave men and women, from my home state of Louisiana, deserve the thanks of a grateful nation for everything they have sacrificed for our freedom.

Today I ask my colleagues to join me in honoring these great Americans and thank them for their unselfish service.

Dan D. Adcock, John R. Alexander, Bennie R. Alley, John T. Anderson, Dempsey D. Bankus, Charles R. Bedgood, Henry J. Bird, Edd J. Bordelon, Arnold L. Braddock, Robert I. Brown, Cecil H. Brumley, Charles L. Bryant, James Buggs, Aubra T. Bunn, Curtis E. Chaffin, James Eugene Chowns, Jack Coursey, Jack Creighton, Howard A. Curtis, Edward D. Dark, John Duco, Albert J. Dunn, Merrill D. Dunn, Robert M. Duvall, Orlando A. Easterling, Kenneth B. Eaves, Guy M. Farley, John P. Fields, Edward R. Franks, William D. Franks, Dellon K. Fulton, William M. Gaston, Frank A. Genova, Ethan Allen Gillispie, Oben D. Greer, Garland D. Gregory, Walter H. Harbour, Eugene Harvey, James M. Henderson, Roy Gene Hicks, William V. Hines, John L. Hinton, Robert E. Holladay, Loin F. Jacob, Orville H. Jensen, Alton B. Kay, William B. Kinman, Anton Koloc, Andrew J. LeBlanc, Thomas B. Ledford, Ottis Littlejohn, Marshall H. Lyles, Rudolph E. Lyon, Paul H. Madden, Norman L. Mauroner, Lucius D. McGehee, Edgar C. Morris, Raymond L. Owens, Raymond K. Pecanty, Danny L. Phillips, Joe A. Phillips, Arthur R. Pietsch, Alfred B. Potter, Aubie L. Powell, James A. Powell, Melvin A. Powell, Kindred C. Priest, Robert C. Rinehart, Robert D. Roach, Robert G. Robertson, Floyd Cecil Robinson, Carol Wilson Rogers, Rollins B. Rosenzweig, Frank A. Serio, Melvin L. Shirey, Donald C. Sidak, Orvis U. Sigler, James C. Smith, Ernest L. St. John, Edward E. Stevenson, Clyde T. Stovall, Otis L. Strong, Jack F. Taylor, Tiny A. Temple, William M. Temple, Oscar Thornton, Dewey C. Thurmon, Floyd R. Turley, Coy E. Upshaw, Ray U.

Urban, Thomas H. Vincent, Emmitt W. Walker, Dillon D. Wallace, Thomas A. Watson, Jack L. Whitfield, William C. Wilkins, Kenneth C. Wood, and Neill A. Yarborough.

HYDROCEPHALUS AWARENESS MONTH

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. BACHMANN. Madam Speaker, hydrocephalus, or water on the brain, is a medical condition that results in an abnormal accumulation of cerebrospinal fluid (CSF) in the ventricles, or cavities, of the brain. Sadly, the prognosis for individuals afflicted with hydrocephalus is difficult predict and often fatal. Moreover, while this condition affects approximately 1 in every 500 births, very few people are aware of it.

Indeed, the National Institute of Neurological Disorders and Stroke (NINDS) is currently conducting research related to hydrocephalus prevention and treatment. However, more must be done at the community level to educate individual Americans about this surprisingly prevalent disorder. Recognizing September as National Hydrocephalus Awareness Month will bring this disease to the public's attention and encourage the discussions necessary to more effectively address the devastating effects of this disease and provide support to families who live with it each day.

For example, currently, the most common form of treatment for hydrocephalus involves the insertion of a shunt in order to maintain the flow of CSF from the brain. This outdated practice often results in complications that can jeopardize the life of the, often very young, patient. Through increased awareness and education, we will take the steps needed to modernize the treatment of hydrocephalus and move toward a cure. As one parent summarized, "My son, and all the other children who suffer from Hydrocephalus, are literally 12–15 hours from irreversible damage, if not death, if a shunt failure was to go undetected or left untreated. There has got to be a better treatment out there, if not an outright cure, we just have to find it."

I'd like to share the thoughts of a father whose toddler son suffers from Hydrocephalus, Michael Illions:

"Our son Cole was born on July 25, 2005. We were prepared for his diagnosis of hydrocephalus since March of that year when we learned about it at a routine ultrasound. We interviewed Neurosurgeons and discussed our options for the treatment of the hydrocephalus for Cole which in his case would mean brain surgery at 1 day old. The most common treatment for hydrocephalus is the placement of a shunt into the ventricles of the brain to drain excess Cerebral Spinal Fluid. Cole had his first shunt surgery on July 26, 2005 at just one day old. 10 more brain surgeries and hospitalizations would follow in the next year, including 2 major shunt infections.

"Life with a child living with hydrocephalus is very unpredictable. We have had to alter our lives in many ways. For the first year, we

literally slept with a change of clothes right near the bed and the car keys on the night stand, just in case we had to make a late night visit to the ER. As parents, you are constantly observing your child for shunt failure and things that regular parents go through like stomach viruses and fevers could mean death for your child if not acted on immediately. We never travel to far from home for fear that we will need our hospital and Neurosurgeon in an emergency and when we do venture away, we always know where the closest hospital is.

"Cole has experienced development delays due to his hydrocephalus, multiple surgeries and so much time spent in the hospital during his first year of life. He didn't walk till he was nearly 3 years old and he still doesn't talk. However, he started Preschool in September and is doing amazingly well. He runs, plays, laughs, and plays with other children just like any other 3 1/2 year old boy. Yet, as common as hydrocephalus is; 1 in 500 births, there are still so many people who have no idea what it is. The experience of having a child with this condition has enriched our lives beyond measure. We have met hundred of wonderful people, started our own support group in our state, and just recently started the Pediatric Hydrocephalus Foundation, Inc. It is our goal to educate the rest of the United States about this condition and the millions of people living with it."

HONORING SERGEANT GLEN RUEGSEGGER, INDIANAPOLIS POLICE OFFICER OF THE YEAR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to congratulate Sergeant Glen Ruegsegger for being named Police Officer of the Year by the Indianapolis Metropolitan Police Department. Earlier this month, he was honored as one of Indianapolis' finest officers in 2008 for the tremendous contributions he has made to his department.

Under the leadership of Sergeant Ruegsegger, the Indianapolis Metropolitan Police Department has been able to advance the use of technology so that law enforcement officers are better equipped with information while they are patrolling the streets. By utilizing his expertise as the director of the police technology department, Sergeant Ruegsegger has led the effort in developing a mechanism of sharing case information with other departments. The goal is to allow for effective and timely communication among law enforcement officers so that they can fulfill their duty to protect citizens.

As a former law enforcement officer, I understand the importance of utilizing innovative systems that will have a positive impact on the lives of Indianapolis residents. I applaud Sergeant Ruegsegger on this significant achievement and wish him the best in his continued service to our city.

I urge my colleagues to join me in thanking Sergeant Ruegsegger for his exceptional service and congratulate him on this distinguished award.

IN SPECIAL RECOGNITION OF
MARK BRAKE ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Mark Brake of Ohio City, Ohio has been offered an appointment to attend the United States Military Academy in West Point, New York.

Mark's offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Mark brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Lincolnview High School in Van Wert, Ohio, Mark attained a grade point average which placed him in the top third of his class. During Mark's high school career, he earned several Scholar Athlete Awards and tutored other students. He was active in Spanish Club, Science Club, and Marching Band, serving as field commander his senior year.

Outside the classroom, Mark demonstrated his dedication and service to his community and peers by being active in many church activities and excelled on the violin. He was also a representative at Buckeye Boys State. On the fields of competition, Mark was a varsity wrestler and participated in track and field events. I am confident that Mark will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Mark Brake on his acceptance of appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Mark will excel during his career at the Military Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING AMELIA LEUER FOR RECEIVING NATIONAL LETTERS ABOUT LITERATURE AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Miss Amelia Leuer of Albertville, Minnesota, for being chosen as a national winner in the Letters about Literature Reading Contest.

Miss Leuer, a senior at St. Michael-Albertville High School, was chosen as one of

six winners in a national competition with 55,000 students for her letter to poet Linda Paston. After studying the piece, "Caroline," Miss Leuer chose to write a letter to the author expressing the positive impact the poem provided as she dealt with the tragedy of losing her sister in an accident.

"I personally attribute a great deal of that peace to your poem, 'Caroline,'" Miss Leuer wrote. "I realize we can endure this pain only because of small miracles we experience every day. 'Caroline' is one of those miracles."

The panel of judges gave Miss Leuer a perfect score for her "original, emotional, genuine, and inspiring response," and Target donated a \$10,000 grant to St. Michael Catholic Library on her behalf.

Madam Speaker, on behalf of the Sixth District of Minnesota, I want to congratulate Amelia Leuer for her talent and national achievement. I wish her the very best as she graduates high school and pursues what are sure to be bright endeavors in her future.

TRIBUTE TO WORKERS MEMORIAL DAY

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. SCHRADER. Madam Speaker, I am humbled today to recognize my fellow Oregonians killed on the job or at war in 2008. This nation has made great strides in protecting Americans from all walks of life in all different types of jobs, but any death, or injury, resulting from an on-the-job accident or injury is one too many.

So as we recognize these men and women on this Workers Memorial Day, let us also pledge to do better to provide safe and productive work environments for our nation's workers. Let us remember the ultimate sacrifice of these men and women and honor their legacies.

William Adams, Cecil Alberts, Joshua Amos, Eugene Ardisson, Jeffrey Baker, Robert Betz, Shawn Blazer, Kerry Boatman, Lance Corporal Dustin Canham, Scott Charleson, Randy Chipman, Edward Clarke, Mike Dennison, Captain Bruno de Solenni, Michael Dewey, and Coner Duty.

Private First Class Cody Eggleston, Corporal Jessica Ellis, James Exline, Jene Fitzgerald, Robert Ford, James French, Edrik Gomez, Nathan Gourley, William Hakim, Matthew Hammer, Thomas Holliday, Kevin Ivey, Lance Corporal Robert Johnson, Christopher Judah, and Stephen Kaufman.

Jason Ketcheson, Matthew Kohanes, Robert Kramer, Roger Kruizenga, Kevin Leader, Timothy Leake, Kelly Linhart, Jeffrey Little, Miguel Martinez-Perez, Sergeant Zachary McBride, David McKay, John Miller, Sergeant Mikeal Miller, Joseph Montero, and Joshua Moughler.

Private Tan Ngo, Mark Phares, Dale Pickett, Paul Reiter, Steven Renno, Bryan Rich, Robert Rolph, Jesse Savage, Roark Schwanenberg, George Shaw, Aaron Simmons, Terry Smith, Gurdev Sohi, Darrell Souza, and David Steele.

Gerald Stierwalt, Brian Swenson, Thomas Tennant, Hector Terriquez-Chavez, Chad Thompson, Frank Toohey, Sergeant James

Treber, Tommy Walker, Lieutenant Colonel James Wiley, William Woodruff, John Worthington; and Private First Class Joshua Young.

INTRODUCTION OF THE INITIATING FOREIGN ASSISTANCE REFORM ACT OF 2009

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. BERMAN. Madam Speaker, today I introduced the Initiating Foreign Assistance Reform Act of 2009. This legislation is an important first step in reforming and improving the U.S. foreign assistance program, particularly with respect to developing countries. I call it a first step, because I intend to work with my House and Senate colleagues later this year on a broader reform effort that will include a comprehensive rewrite of the Foreign Assistance Act of 1961.

There is broad consensus that the U.S. foreign assistance program is in need of a significant overhaul. Currently, foreign assistance programs are fragmented across 12 departments, 25 different agencies, and nearly 60 government offices. The current foreign assistance structure is characterized by duplication, fragmentation, and conflicting purposes and objectives. As a result, the United States lacks a clear and consistent strategy toward developing countries. Last week, the Government Accountability Office issued a report detailing the urgent need for developing such a strategy.

Over the years, there have also been criticisms about the accountability, effectiveness, and transparency of U.S. foreign assistance. While some of these criticisms have merit, in the vast majority of cases our assistance is being used to help lift people out of poverty, combat food insecurity, and promote stability and good governance all over the world. Yet without an effective and transparent system that tracks our assistance, it is difficult to document our successes.

In order to begin addressing these issues, this bill requires the President to develop and implement a comprehensive National Strategy for Global Development, which will define and streamline the roles of each department and agency engaged in development policies, programs and activities overseas. In addition, the strategy will establish a process to review and improve coordination among the various departments and agencies involved. The strategy will also establish objectives for our development programs, with the goal of reducing poverty and contributing to broad-based economic growth in developing countries. Most importantly, it will spell out the connection between reducing poverty in the developing world and advancing U.S. national security and foreign policy interests.

To improve the accountability and transparency of foreign aid, the legislation requires each U.S. department and agency carrying out foreign assistance to develop a system to monitor and evaluate the effectiveness and efficiency of assistance programs. It also requires the President to publish and make pub-

licly available comprehensive information on U.S. foreign assistance on a program-by-program and country-by-country basis. Upon enactment of this legislation, every American and all recipients of U.S. foreign aid will be able to see where and how U.S. foreign assistance is being used.

Madam Speaker, overhauling our foreign assistance apparatus is critical to safeguarding America's long-term national security, confronting transnational threats, stimulating global economic growth and ensuring that U.S. foreign assistance reflects the values and priorities of the American people. This legislation is a critical first step in achieving these objectives, and I look forward to working with my House and Senate colleagues and the Obama Administration on the broader U.S. foreign assistance reform effort.

IN SPECIAL RECOGNITION OF ALLISON REEDY ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Allison Reedy of Tiffin, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Allison's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Allison brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Tiffin Columbian High School in Tiffin, Ohio, Allison attained a grade point average which placed her in the top ten percent of her class. Allison participated in Tiffin Columbian High School's marching, concert, and symphonic bands; she was a member of the Quiz Bowl, and was active in TC Crew. Allison was also inducted into the National Honor Society.

Outside the classroom, Allison was a member of the cheerleading and swim teams. Allison utilized her leadership skills as President of the Spanish Club and leader of the Band Dance Committee. I am confident that Allison will carry the lessons of her student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Allison Reedy on her acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Allison will excel during her career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

INTRODUCTION OF THE MARINE RENEWABLE ENERGY PROMOTION ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. INSLEE. Madam Speaker, I rise today to introduce the Marine Renewable Energy Promotion Act of 2009, a bill to promote the development of renewable energy from our oceans and rivers, using the tides, currents, waves and even the thermal properties of our oceans to generate electricity. I thank Senator MURKOWSKI for introducing a Senate companion to this important measure.

Marine and hydrokinetic devices offer the potential to capture energy from waves, tides, ocean currents, and the natural flow of water in rivers, as well as marine thermal gradients, without building new dams or diversions. The potential for this energy is tremendous. The Electric Power Research Institute has estimated that ocean resources in the United States could generate 252 million megawatt hours of electricity, which given as much support as other types of renewable energy, could be equivalent to 6.5 percent of America's entire electricity generation.

Currently, Washington State companies, universities, research institutions and public utilities are working to bring affordable, reliable and abundant electricity to major urban load centers located near Puget Sound.

For example, the Department of Energy designated the Northwest National Marine Renewable Energy Center, run by the University of Washington and Oregon State University, to develop tidal and wave research projects. Additionally, the Department of Energy's Marine Sciences Laboratory on the Olympic Peninsula assesses waterpower resource potential to address and remove environmental roadblocks to deployment, testing to accelerate the integration of large-scale waterpower electricity generation into the Northwest power grid, and is essential to establishing a robust basis for industrial investment based on verifiable technology performance, assured cost basis, and environmental performance. Furthermore, two entities in Washington State are further along in deploying tidal energy turbines than anyone else in the United States. Both Verdant Power, in partnership with the U.S. Navy, and the Snohomish County Public Utility District, in partnership with the U.S. Department of Energy, are well underway in their research and development of tidal energy in the Puget Sound and should be seen as test beds for the nation.

The Marine Renewable Energy Promotion Act will accelerate these efforts by establishing a research, development and demonstration program at the Department of Energy that is specifically devoted to marine and hydrokinetic renewable energy. This office will help to develop new marine renewable energy technologies, increase reliability and durability of facilities, reduce manufacturing and operating costs of the devices, help identify and address environmental impacts of marine renewable energy and make sure that such power can be integrated into the national electricity grid.

Importantly, the bill authorizes federal funding for a Marine-based Energy Device Verification Program, which will bridge the gap between design and development efforts and the commercial deployment of marine renewable energy devices. Funds would facilitate the installation and evaluation of marine renewable energy projects in partnership with appropriate federal research institutions and organizations. Information learned will be available for the benefit of utilities, independent power producers, generators, and others in the marine renewable energy development community.

Further, the bill establishes an Adaptive Management and Environmental fund to provide grants for entities to help pay for the regulatory permitting and development of new marine technologies.

Finally, the bill would allow marine energy to qualify for the existing accelerated depreciation tax benefit, which essentially allows marine projects to accelerate the depreciation of their project costs over five years and will help enhance project economic returns for private developers.

I urge my colleagues to consider this important bill.

"IN CONCERT": A POEM BY ALBERT CARY CASWELL IN HONOR OF THE COLBERT FAMILY, THE NATIONAL SYMPHONY, OUR MILITARY BANDS, AND PBS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LARSON of Connecticut. Madam Speaker, I submit the following:

IN CONCERT

In the home of The World's Greatest Democracy . . .
Up upon a hill, our nation gathers as one twice yearly . . .
In Concert, on Memorial weekend . . .
And on The Fourth, as her birthday begins . . .
For treasured moments, which now live on . . .
All in our hearts, which are now born . . .
As when, upon Capitol Hill . . . one family . . .
The Colbert's, have brought such moments to instill . . . you and me . . .
All, In Concert . . . The Colbert family . . .
And PBS, have so entertained us on TV . . .
As all of our hearts are so thrilled . . .
With such laughter and joy, and such tears so filled . . .
With some of our nation's, and the world's greatest talent billed . . .
As a city gathers on her west lawn . . .
As before the world's greatest dome, a masterpiece soon dawns . . .
As The United States Capitol, shining moments on a hill!
Beamed across our nation, to give to all such a thrill . . .
When, on a Memorial Day weekend . . .
As a national, we are all so moved to tears . . .
As we so see, the true meaning of courage so here . . .
As we watch our Armed Forces, most selfless stories appear . . .

For no greater glory, or gift could be!
Then Arms and Legs, and precious Lives indeed . . .

All so we may be free, as we fall to our knees!

As out across this great nation, we are all brought to tears . . .

Reminding us all, the true cost of freedom so very dear . . .

And then, on The Fourth of July . . .

As our Nation's birthday party, so fills the skies . . .

With fireworks exploding on, and off the stage . . .

As we see Jerry's, Yankee Doodle Dandy talent made . . .

All there in the glow of our nation's beloved Dome, it plays . . .

As we're all so reminded to celebrate . . .

And why we're so blessed . . .

To but live in these here United States!

As all "In Concert," as they create!

As children, babies, men and women get up to dance . . .

All in Freedom's beloved stance!

Whether, country . . . or rock and roll . . .

These giants up upon that stage, touch all of our very souls . . .

And that most magnificent National Symphony,

And those Military Bands and Choirs continually . . .

Take our hearts even higher!

For in this city, surrounded by consequence . . .

There, is no greater place . . . on these holidays to be so hence!

Then, up there upon Jenkins Hill . . .

On The West Front of The Capitol, letting all of your hearts be thrilled.

In Concert . . .

Dedicated to A Great American Family, The Colbert Family . . . Jerry and his son Michael . . . The Talent, The National Symphony, The Military Bands, The Choirs, The Crew, and PBS who have given so much to our nation.—Written by Albert Cary Caswell, 2009.

IN SPECIAL RECOGNITION OF BENJAMIN VAN HORN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Benjamin Van Horn of Whitehouse, Ohio has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Ben's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Ben brings an enormous amount of leadership, service, and dedication to the incoming

class of Air Force cadets. He was a member of the National Honor Society, received the Anthony Wayne Academy Award in grades 9–11, received the Presidential Physical Fitness Award and the National Physical Fitness Award, among numerous other academic awards.

Outside the classroom, Ben was a member of Brailey Union Church Youth Group, serving as vice president, was a student leader for Campus Life. He was President of the German Club and active in marching, concert, and jazz band. Ben participated on Anthony Wayne High School's cross country and track teams, earning varsity letters in both and serving as captain of the cross country team. He has taught hunter safety courses, fire safety courses, and obtained his student pilot license. He has been extremely involved in community service projects. I have no doubt that Ben will employ the lessons of his student leadership as he excels among the leaders at the United States Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Benjamin Van Horn on his acceptance of appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Ben will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

EXPRESSING SUPPORT FOR "LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT (LLEHCPA)/MATTHEW SHEPARD ACT"

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. HONDA. Madam Speaker, I rise today to express my strong support to the Local Law Enforcement Hate Crimes Prevention/Matthew Shepard Act (H.R. 1913). On the night of October 6, 1998, Matthew Shepard was brutally tortured and murdered by two assailants because he was a gay man. It has been over ten years since America was shocked by that despicable hate crime, and the time for action is long overdue. Today we take a significant step towards protecting Americans from being violently attacked simply for being who they are.

Hate crimes continue to spread fear throughout targeted communities to this day. Last year, 18-year old Angie Zapata, a transgendered woman, was murdered by an assailant who defended himself by saying "it's not like I killed a straight, law-abiding citizen." While Angie's murderer was recently convicted for this hate crime, Colorado is the exception in hate crime laws. Most states do not extend hate crime legislation to protect transgendered Americans, leaving some of the most vulnerable members of society with inadequate protections.

Protecting citizens from violence is one of the fundamental roles of government. This legislation is necessary to ensure that no American has to live in fear of violence simply because of who they are. In 2008, the FBI reported a 6% increase in violent crimes against

lesbian, gay, bisexual, and transgender (LGBT) Americans, despite a 1% overall decline of hate crimes in the U.S. As we mark the ten year anniversary of Matthew's horrific death, and the one year anniversary of the brutal murder of Angie, we must commit ourselves to decide that now is the moment when we push back against the forces of hate.

Opponents of the Matthew Shepard Act have claimed that its passage will result in the criminalization of protected speech—even the imprisonment of preachers for condemning homosexuality. This could not be further from the truth. The Act expressly states that it does not prohibit “any expressive conduct . . . , or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.” This means that nobody can be prosecuted under the law for expressing their beliefs about homosexuality. The Act specifically targets people who commit violent acts motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of another. It also affirmatively protects free speech ensuring that Americans remain free to engage in moral debate, without fear of retribution.

The Local Law Enforcement Hate Crimes Prevention Act will help guard against groups and individuals who seek to terrorize entire communities through brutal violence against targeted individuals. With its passage, we will bring about the changes needed to make clear, once and for all, that hatred of LGBTs

and other minorities is no longer a conceivably legitimate excuse for violently attacking another person.

IN SPECIAL RECOGNITION OF
JANELLE RUNION ON HER OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Janelle Runion of Tiffin, Ohio has been offered appointments to attend the United States Military Academy and the United States Naval Academy. Janelle has accepted the offer to attend the United States Military Academy at West Point, New York.

Janelle's offer of appointment poises her to attend the United States Military Academy this fall with the incoming cadet Class of 2013. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most chal-

lenging and rewarding experiences of their lives.

Janelle brings an enormous amount of leadership, service, and dedication to the incoming Class of 2013. While attending Tiffin Columbian High School in Tiffin, Ohio, Janelle attained an impressive grade point average; was inducted into the National Honor Society and the National Technical Honor Society; participated in Tiffin Columbian's Student Forum, and was active in the Spanish Club.

Throughout high school, Janelle was a member of the track, basketball, and soccer teams. Janelle demonstrated her dedication and service to her community and peers by being active with the TC Crew Club and by serving as a Tech Center Ambassador. In addition, Janelle utilized her leadership skills by being the secretary of her class for three years and coaching in Tiffin City Schools' elementary league basketball program. I am confident that Janelle will carry the lessons of her student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Janelle Runion on the acceptance of her appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available. I am positive that Janelle will excel during her career at West Point and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

SENATE—Wednesday, April 29, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Father, strong to save, whose arms have bound the restless waves, let Your still small voice echo down time's corridors to renew our lawmakers and to lift their vision. Inspire them to dedicate themselves to eternal values and to be unafraid of the consequences of following the highest standards they know. May they run from the success purchased at the cost of cowardice and cunning. Guide them, Lord, by Your living word, as You infuse them with the spirit of service. Help them to see that nothing they do can separate them from Your love but that they can block the experience of Your joy. Remind them to make Your joy their strength.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to an hour, with Senators being allowed to speak for up to 10 minutes each. The Republicans will control the first half, the Democrats the second half.

Following morning business, the Senate will begin 10 hours of statutory debate with respect to the conference report to accompany the resolution on the budget. Under an agreement we reached last night, the Senate will proceed to the conference report upon receiving a message from the House of Representatives with respect to the conference report. Senators will be notified when the vote on adoption of the conference report is scheduled. We will probably vote on that late this afternoon, early this evening. We have 10 hours. There are no amendments in order. There are no procedural obstacles to our finishing that fairly quickly. I spoke to Chairman CONRAD. He certainly will not use the 5 hours which we are allotted, so we will yield back a lot of that time. Even if the Republicans use all of their 5 hours, we should be able to vote fairly quickly.

As far as the rest of the week is concerned, we hope to reach an agreement with the Republicans to begin consideration of the housing legislation, which we should be able to start either tonight or tomorrow.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLU OUTBREAKS

Mr. MCCONNELL. Mr. President, we were all saddened this morning to hear that a Texas child has died from the recent outbreak of the H1N1 flu. This is a very worrisome situation, and we are all following it very closely.

Yesterday, Secretary Napolitano briefed Republicans on this matter, and we appreciate the administration's coordination with Congress. The administration has said that it currently has all the personnel and equipment it needs to handle the situation, but going forward, Congress is prepared to work on the request for additional funds in the supplemental.

I would note that Congress is in a much better position to deal with outbreaks such as this as a result of the hard work of Senator BURR and others, who have done a great deal on the issue of biopreparedness and on coordinating all of the relevant Government agencies. We stand ready to closely work with the administration to protect the American people as this situation unfolds.

BUDGET CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, from the very first days of the new administration, Senate Republicans have pledged to work closely with our new President and his Cabinet to find solutions to the Nation's many foreign and domestic challenges.

On the foreign policy front, we felt strongly about the need to work with the new administration on a unified agenda that protects the American people and furthers our interests abroad. So far, we have had two major points of convergence.

On the enormously important question of our strategies in both Afghanistan and Iraq, Republicans support the President's decision to follow, in both cases, the best advice of his military commanders on the ground.

We may part ways on a number of other foreign policy issues, some of which I outlined in greater detail earlier this week, but when it comes to the question of Iraq and Afghanistan, the President's strategy is one that most everyone can support.

Here at home, there have admittedly been fewer opportunities for agreement.

An ongoing recession and the continuing reverberations of a financial shock that began in the housing industry led both parties to come up with their own respective plans to jumpstart the economy in the short term and strengthen its foundations in the long term.

The administration's plan revolved around a trillion dollar stimulus that was neither timely, targeted, nor temporary—as well as a decision to press forward on several major, controversial legislative proposals. If the President's budget is fully implemented, it would double the national debt in just 5 years and nearly triple it in 10.

Republicans had a different approach. We worked closely with Democrats last fall to pass a financial rescue plan aimed at stabilizing the overall economy. But we refused to support a second round of funds when the administration couldn't assure us it would only be used to address the crisis at hand.

When it came to an economic stimulus, Republicans pointed out the glaring weaknesses in the Democrat plan and we offered a plan of our own that would have cost half as much and gone straight to the root of the problem, which is housing.

We also suggested that instead of spending billions on wasteful projects, we loan State and local governments money. This would have encouraged the careful use of taxpayer dollars since State and local governments would have known they would have to pay the money back when the economy improved.

We also refused to support bailouts for the auto industry, since we don't think the Government should be picking winners and losers. We said bailouts would only delay necessary reforms for long-term success. Our position was recently vindicated when the automakers came back for even more money, forcing the administration to talk seriously about bankruptcy as a means of achieving the necessary restructuring.

When it comes to protecting taxpayers and to a mounting debt that our children will inherit, the new administration has been remarkably carefree. Most of this debt is being financed by China and countries in the Middle East, which of course increases the economic leverage these countries have over the United States.

Americans are worried about this and they should be. In a time of economic

hardship, we should not be borrowing money we will not be able to pay back.

The current administration seems to disagree. In just 1 week in February, the administration's acts cost the American taxpayers more than \$1 trillion, or more than the wars in Iraq, Afghanistan and the relief efforts for Hurricane Katrina combined.

Federal support for a single company in the financial sector now amounts to almost \$175 billion over the past year alone. That is more than what we will spend this year on the deployment costs of our Armed Forces fighting in Afghanistan and Iraq.

So far this year the most far-reaching legislation we have considered is the budget. In the middle of a recession, the same Democrats who were outraged over a \$455 billion deficit last year came to us this year with a budget that would lead to trillion-dollar deficits and which saddles Americans with more debt than all the debt we had accumulated from George Washington to the present day, combined.

Hundreds of thousands of American workers are losing their jobs every month. They are concerned that all this spending and debt will not just slow the economic recovery but make it harder to keep or find jobs. These Americans may like the President, but they do not understand how a giant expansion of Government will help create or preserve jobs.

They do not think the administration has done enough to explain how borrowing money to create those programs will make America stronger, more secure, and more economically sound.

Americans are also increasingly concerned about the administration's approach to a number of foreign policy issues that are related to our efforts in Afghanistan and Iraq. One of the most troubling of these decisions relates to the terrorist detention facility at Guantanamo Bay. Shortly after taking office, the new Attorney General was tasked with closing Guantanamo by next January.

Yet 3 months later, the administration still has not provided the American people with any further details about what will happen to these inmates once the January deadline arrives. The American people do not want terrorists back on the battlefield, and they certainly do not want them released into their neighborhoods, as some in the administration have shockingly proposed, according to news accounts.

The administration has not been clear about its reason for closing Guantanamo before it has a plan for these detainees. But its reason cannot be that the facility is poorly run, since Attorney General Holder has said himself that the facilities there are good ones. It cannot be that the administration has a better alternative. If it did,

we would have heard about it by now. The American people do not want trained terrorists released into their neighborhoods. They want answers. Unfortunately, the administration has only offered silence.

In the face of tremendous challenges at home and abroad, the new administration offered a burst of activity and a veritable explosion of debt. Meanwhile, Republicans have proposed responsible solutions that are meant to empower the American people and improve the quality of their daily lives.

On this front, Republicans will continue to offer sensible ideas on health care that address the concerns Americans have about the high cost of doctors visits, about finding good health coverage, and about keeping the coverage they have.

The lesson of the failed health care proposal of the Clinton era is not that Americans do not want reform, it is that any reform should reflect the needs of all Americans, not just a select few in Washington. Americans do not want a health care solution that puts bureaucrats in charge of medical decisions, delays appointments or diminishes the quality of health care they already receive.

Health care is an area where Americans expect the President and Congress to work together. The divide-and-conquer approach did not work in 1993, it will not work in 2009.

Energy is another area where Republicans have offered and will continue to offer commonsense solutions. Last year, even before gas prices hit the roof, we proposed a sensible approach of finding more and using less. Republicans are also proposing a dramatic expansion of nuclear power. This would match the high demand for energy in the world's largest economy with a growing public desire for cleaner, more efficient energy sources.

Health care and energy are just two of the areas where Republicans will continue to offer better ideas in the coming months. We hope our friends on the other side are more supportive of these ideas than they have been of our proposals on the economy.

On this point, it is interesting to know that just a few weeks ago, Democrats showed strong support on the Senate floor for Republican proposals to protect small businesses and middle-class taxpayers, as well as a proposal to keep the Nation's debt at a level we can manage. They also expressed strong support for a Republican proposal that climate change legislation not lead to higher gas and electricity bills.

Yet these Republican proposals which drew such broadspread support on the Senate floor just a few weeks ago were, for some reason, taken out of the final product that came out of the closed conference.

Democrats cannot have it both ways. Americans are suffering. They are losing homes, and they are losing jobs. Republicans have offered, and will continue to offer, proposals that put the concern of these ordinary Americans first: Democrats' overspending, taxes, and debt.

Massive spending and debt is not the answer to a recession. A one-party solution with no checks and balances is not the answer for health care. Opposing clean, nuclear power and expanded use of other domestic energy sources is not an answer for our energy needs.

Voting for tax relief before voting against it is not the way to show the American people you have their best economic interests in mind. Republicans have not been hesitant to offer our strong public support for the new administration, and, again, I commend the President on his approach to Afghanistan and Iraq. But we have not been hesitant to state our differences clearly.

That has been the story of the first 100 days for Senate Republicans and will continue to be the story for Senate Republicans: Principled support, principled opposition, and pragmatic, creative solutions to meet the challenges of the day.

TRIBUTE TO ROBLEY REX

Mr. McCONNELL. Mr. President, I rise because my State and our country have lost one of our last links to a bygone era. On Tuesday, April 28, Robley Rex passed away a few days shy of his 108th birthday. He will forever be remembered as Kentucky's last World War I-era veteran.

Ninety years ago, a teenaged Robley Rex landed in France, caring a rifle and wearing a U.S. Army uniform. He was a long way from Christian County, KY, where he was born in 1901 and raised.

Wanting to see the world and fight for his country, Robley enlisted in the Fifth, and later the 28th, Infantry Division and was deployed to Europe. After leaving the Army in 1922, he returned to Kentucky and settled in Louisville, where he became a postal worker and ordained Methodist minister.

Robley was not only the Bluegrass State's preeminent veteran, he was also its preeminent volunteer on behalf of veterans. Decades after his own active service ended, he continued to serve his fellow soldiers by volunteering at the Louisville Veterans Affairs Medical Center, right up until the last years of his life.

The Veterans of Foreign Wars honored him for over 14,000 hours of service in 22 years. I was proud to call Robley a friend of mine. Our lives intersected a number of times over the last 20 or 30 years. A few weeks ago when I was in Louisville, I had the pleasure to read a wonderful article about Robley in the Southeast Outlook. On a sad note, the

article mentioned how Robley was looking forward to his impending birthday. I know a lot of the rest of us were too. His friends were planning a special birthday celebration at the Louisville VA hospital next month. Instead, it will be an opportunity to remember how much Robley meant to all of us.

As much as we will all miss him, I take comfort knowing that Robley is reunited with his beloved wife Gracie, who passed away in 1992, after more than 60 years of marriage.

Because I wish to share with my colleagues this article on Robley Rex's long and exciting life, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville, Kentucky, Southeast Outlook, Apr. 2, 2009]

107-YEAR-OLD ROBLEY REX

(By Ruth Schenk)

Eighteen-year-old Robley Rex weighed just 115 pounds when he landed in France at the end of World War I carrying an 84-pound pack.

Every soldier had a blanket, a quart of water, 160 rounds of ammunition, a Springfield M6 Scout gun and a small khaki-colored New Testament. His uniform was made of a drab olive wool.

Rex signed up for the Army on May 21, 1918, a few weeks after his 18th birthday. He convinced his mom to sign to papers after recruiters told him it was the "chance of a lifetime" and assured the teenager who grew up on a farm in Christian County, Ky., that he'd "see the world, and the world would see a lot of him."

Army pay back then was \$36 a month.

At that time, everybody thought the war would end any day. The Germans and the Allies signed the Armistice on Nov 11, 1918, but they hadn't yet signed the Treaty of Versailles.

Rex, now one of the last World War I-era vets living in the United States, is a celebrity at Christopher East Nursing Home in Louisville and an icon among veterans. In 107 years, he has lived through 20 presidents, two world wars, the Korean conflict, Vietnam, the Persian Gulf and the war in Iraq.

He has seen a lot of world change in his lifetime.

Rex was a Private First Class when his ship landed in northwestern France. Word of the armistice hadn't yet reached the trenches, so bullets still were flying. His first job was guarding German prisoners. Remnants of war were everywhere—in the rubble of buildings, hundreds of acres of "torn up" land and big puddles of green water that reminded Rex of gangrene.

French soldiers told him they would have lost the war if it weren't for the Americans.

Back then, military life meant absolute, complete obedience. No one questioned authority.

"If the corporal told us to pick up something on the ground, we picked it up. There was no need to explain or question why we were going to climb a mountain or go to a town," Rex said. "If the captain said you were going, you were going—without any explanation."

Most everyone attended religious services.

"They weren't mandatory, but if everybody from Company B was told to be at the

8 a.m. service, they were there," Rex said. "We went because we wanted to do the right thing."

Rex believes that Army coffee must come from the bark of trees, and that there are no atheists in foxholes.

The faith he'd learned at home carried him through scary times. "When I was walking down a road in Germany or in France, and the fear would rise up in me, I would say, 'I have no fear for Thou are with me' from Psalm 23 or Isaiah 41:10, 'So do not fear, for I am with you; do not be dismayed, for I am your God. I will uphold you with my righteous right hand.'"

There's not much Rex doesn't remember.

All the great military heroes of that day were in Europe: Dwight Eisenhower, George Patton and John Pershing.

"The soldier we wanted to see most was Douglas MacArthur. At that time, he was considered the world's greatest patriot," Rex said.

After 2½ months in France, Rex was sent to Germany with the 3rd Army Intelligence Unit because he had finished two years of high school.

He saw destruction—and need. Rex said he'll never forget seeing German citizens wait for the food the American soldiers threw away so they could take it to their own homes.

Rex spent three years in Europe. The recruiters were right: He saw people and places he never would have seen if he had stayed in Kentucky.

In 1921, Rex returned to the States, was discharged from the Army and settled into civilian life with a job at Marathon Tire in Cuyahoga Falls, Ohio. By then, he was 22 years old and ready to "settle down." If the job was good, meeting his wife, Gracie, in the Camp Taylor area of Louisville was 100 times better.

It was close to love at first sight.

Rex doesn't remember where they went on dates, but he says the secret to his long life is "marrying the right woman."

According to Rex, Gracie was the best cook and "saver" in the world.

"Grace could walk across the yard, cut off a handful of grass, fry it and it would be good," he said. "And she never let us spend more than we brought home. If I earned \$10,000, and she said we'd save \$2,000, we'd save \$2,000. If I made \$6,000 and she said we should save \$2,000, we'd save \$2,000."

The two only had each other, as they never had children.

For Rex, that was enough.

Rex began volunteering at the Louisville Veterans Medical Center when he was in his 80s. His job was to get needed medical records to the right place in the hospital before 8 a.m. He continued volunteering until 2005, when he was 104 and confined to a wheelchair. By then, he had put in 22 years and more than 14,000 hours.

He always took time to talk with wounded veterans.

"Each one has a great story to tell," Rex said. "I've heard soldiers tell how they lost legs and arms in battle, how they were taken prisoner and managed to survive horrors of combat."

His advanced age has not diminished his sense of humor either.

Ask Rex about his best birthday celebration and he says, "The one coming up."

The hardest thing in Rex's life wasn't the war or the Great Depression.

It was Aug. 24, 1992, the day Gracie died. He still tears up when he talks about it, and he still wears his wedding ring with tape wound around it to keep it on his finger.

Rex doesn't think he's anything special. Just an ordinary boy from Kentucky who served his country.

Mr. MCCONNELL. I know all my colleagues join me in honoring the memory of this great patriot and soldier. Through his long lifetime of service, Robley Rex proved his faith and devotion to his country. Now his country will forever be faithful and devoted to him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent there be a full hour of morning business as under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S FIRST 100 DAYS

Mr. KYL. Mr. President, President Obama's first 100 days in office make for compelling news stories, but what we should focus on is how the first 100 days will affect our future. This will go down in history as the most expensive 100 days for the American people.

Since his inauguration, President Obama has signed into law \$1.19 trillion in new spending. That is \$11.9 billion of spending for each day he has been in office. Those figures do not include the \$3.7 trillion budget for next year, a measure now awaiting final action on the Senate floor.

The Congressional Budget Office estimates that if this budget is passed and signed into law, by 2019, the public debt will reach 82.4 percent of our gross domestic product. That means more new debt will be created under this one budget than all the combined debt created by all the previous 43 Presidents, all the way back to President George Washington.

His own advisers acknowledge the budget will put us on an unsustainable course. It proposes a sweeping change of course for the U.S. economy that will shift the balance of power away from the private sector toward the Federal Government.

It is not just the uncharted levels of spending and debt; this budget levies higher taxes on every household in the form of a national energy tax and puts taxpayers on the hook to pay for a larger and more intrusive Federal Government.

In other words, this budget spends too much, taxes too much, and borrows too much. On spending, President Obama has made his proposed new spending sound more palatable by describing it as an "investment" that will pay off by saving us money down the road.

Most of the new spending, however, is for services and programs whose long-term value continues to be debated.

Nor is there any intention of cutting spending in the future. This budget does not propose one-time investments followed by areas of reduced spending. Instead, billions in new outlays will continue indefinitely, meaning the permanent accrual of power in Washington.

Rolling back the Federal Government's reach in the coming years could prove a Sisyphean challenge. Those of us in Washington need to keep in mind that families and small businesses, now more than ever, make sacrifices and tradeoffs in their own budgets. Should Washington not do the same?

This budget continues business as usual, making no hard choices about how to rein in out-of-control Government spending. In fact, the budget is so big that, according to the Heritage Foundation, a quarter of a million new Federal bureaucrats may be required to spend it all.

Federal Government employees represent the largest group of new jobs created under this bill. In response to concerns about the spending, President Obama has instructed his Cabinet to cut \$100 million from the budget in the next 90 days. Wow, \$100 million. That represents just .003 percent of the budget. Let me put it in context. It is hard to imagine an Arizona family using the same math to trim its budget. A typical Arizona family makes \$47,215 per year. Say they would like a budget similar to the President's. That means their budget would be \$71,848 in the coming year. But they have to cut .003 percent. That is \$2.05. So they still have a debt of \$24,631 to put on the family credit card. Unsustainable.

No family would decide to do this. It would not put them on a course for future prosperity. We need to cut a lot more than that .003 for this budget to be fiscally sustainable.

On the matter of taxes, the President has said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by \$1.4 trillion over the next 10 years. It would implement a new \$646 billion energy tax that will affect every American household regardless of income and is estimated to increase energy costs for every family by as much as \$3,168 annually.

It is described as a downpayment, meaning there is much more to come. This tax is touted as a way to curb greenhouse gas emissions. But it will unavoidably tax every economic activity, since almost every aspect of our daily lives requires energy from fossil fuels.

I recall President Obama telling the San Francisco Chronicle that: "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket."

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. KYL. Economic historian John Steele Gordon draws a good analogy to an energy tax in the April issue of *Commentary* magazine:

"If passed it will act on the economy as a whole exactly the way a governor acts on a steam engine, increasingly resisting any increase in revolutions per minute," Gordon writes.

He continues:

With the supply of licenses to emit carbon dioxide fixed, the price of the permits will inevitably rise as economic activity picks up. That means that any increase in overall demand will increase the price of energy. . . . That will damp down demand. The more the economy tries to speed up the more [this tax] will work to prevent it from doing so.

Does this sound like a good idea—especially in time of recession?

The budget also lets some of the existing low tax rates expire, thus raising taxes, which also hurts our economy.

We need to keep in mind that our economy is a complex and dynamic force, made up of individuals and families deciding on how much they want to save, spend and invest and whether to create new jobs or open new businesses.

Usually, it resists policymakers' attempts to manipulate and control it. It is not a ball of clay that Washington can mold any way it wants to and expect never to encounter adverse results. There are negative consequences to what we do.

We are obviously straying too far from the principle that the purpose of taxes is to pay for the costs of government in a way that does the least damage to the economy. Now we are using tax policy to redistribute wealth. How many activities or services can we now think of that the Government does not tax or is not aiming to tax?

Finally, there is the matter of borrowing too much, the debt and the deficit. In 5 years this budget will double the public debt; in 10 years it will triple the public debt. That is why we can say that just this one budget accumulates more debt than every President of the United States combined previous to now. The Congressional Budget Office projects that the President's budget will accumulate \$9.2 trillion in deficits. That would raise the debt held by the public to an astonishing 82.4 percent of GDP in the year 2019.

My colleague, Senator McCain, told us during the campaign that spending and deficits are two sides of the same coin; that President Obama's spending promises would raise deficits to unsustainable levels and that huge tax hikes, and not just for the wealthy, would be required to pay for it all. Even the President's Office of Management and Budget Director Peter Orszag has confirmed what Senator McCain said all along: These levels of spending and deficits will not be sustainable.

Let me quote an editorial comment from the Washington Post recently:

President Obama's budget plan would have the government spending more than 23 percent of gross domestic product throughout the second half of this decade while collecting less than 19 percent of revenue.

Is this the legacy we want to leave the next generation, unprecedented debt?

On this side of the aisle the answer to that question is no. That is why we are concerned about the effect of the past 100 days on our country's future.

And we can't forget the finance charges. By 2014, the interest on the national debt will be the largest single expenditure in the budget, more than we'll spend on education, on healthcare, on national security.

This excessive borrowing also increases our dependence on creditors in countries such as China and Russia. Other countries now hold more than half of America's total publicly held debt. As Senator BAYH pointed out in a recent Wall Street Journal column, when other countries hold a large amount of our debt they also have leverage to influence our currency, trade, and national security policies.

All of us share the goal of getting the economy back on track. We need a budget that meets the test of fiscal responsibility. This budget does not. Moreover, it contradicts the President's campaign promises for a net spending reduction and no tax increases for 95 percent of Americans. The unprecedented amounts of spending, taxing, and borrowing are sure to hinder an economic recovery.

As President Reagan said: Facts are stubborn things. We have seen throughout our country's history that increasing taxes and introducing new regulation during a recession has never led to economic growth. Why would this time be any different? Right now we should be working on growing our economy, not growing the Federal Government.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

TYRANNY OF THE MAJORITY

Mr. ALEXANDER. Mr. President, in the early 1800s, a perceptive young Frenchman came to America, Alexis de Tocqueville. He marveled at our new democracy. He wrote a classic book about it. He warned more than anything about something he called "the tyranny of the majority." That was his worry about the American democracy.

We now have finished 100 days for a popular new President. He has presented a blueprint for the country that is dramatically different from what we had before.

Yesterday, a member of our Republican side moved his desk to the other side potentially giving that side of the aisle 60 votes and raising the prospect that we would have no check and balance on one-party rule, the genuine risk of what de Tocqueville called the

tyranny of the majority. So the question arises, what is the blueprint for this popular new President, and is it the kind of change we really want?

All of us can point to something, as the Republican leader did, to Afghanistan and Iraq, of which we approve. I could point to the Secretary of Education, Arne Duncan and his focus on paying teachers more for teaching well and encouraging charter schools, something I greatly support. But both the Senator from Arizona and the Senator from Kentucky have pointed out that the blueprint presented by our new President has too much spending, too much taxing, and too much debt.

Especially striking to me is the idea that we would have, in the 10th year of the President's budget proposal, \$800 billion in interest to pay, which is more than we would be spending on defense that year, eight times as much as the Federal Government would spend on education that year, and eight times as much as it would spend on housing, \$800 billion of interest to pay just on the debt.

Yet there is another part of this blueprint that worries me, and that is too much government. We read that now our Government, through taxpayers, owns half of our largest automobile companies.

In an interview I heard the Environmental Protection Agency Administrator say automakers are waiting for the Government to tell them what kind of car they ought to build. Already the President has fired the President of our largest auto company and our Government is telling the company who should be on the boards. I suppose it will be saying also what plants should be kept open or closed and what people should be paid. That is quite a bit of government. Or banks, instead of asking the Congress at the beginning of January for a \$1 trillion line of credit so we could get the toxic assets out of banks and get credit flowing again, so jobs would come back and housing prices would stabilize, this new administration spent \$1 trillion, a breathtaking, unimaginable amount of money, adding it to the debt. What about the banks? Well, we are going to own the banks or at least be the major shareholder in many of the biggest banks in the world. Again, that means politicians and regulators in Washington will be deciding who will be the bank president, who will be on the boards, who will get the loans, perhaps, and for what purposes the loans could be used.

Isn't that the kind of thing that got us into trouble in the first place, politicians in Washington telling banks to loan money to people who could not afford to pay it back? This too much government in the first 100 days is not just the result of the recession in which we find ourselves. This is not a crowd that believes if you can find it in the yellow

pages, the Government should not be doing it. This is a deliberate choice of more Government.

As in the case of student loans, the first proposal from the President was that we take the amount of Pell grants and add that to the automatic spending in the budget, adding another \$117 billion to the automatic spending over 10 years. This is something that could bankrupt our country and it didn't fly. But there is another proposal, which is still out there. That would take the entire student loan program and cancel the choices that students have, create a big new bank, a half-trillion-dollar bank, and have the Department of Education make all the loans. That is a massive takeover by the Government.

Twelve million students today choose to get their loans from private lenders. There are 2,000 of those loaning money to students who choose to attend Nashville Auto Diesel College or Harvard or Princeton, where the Senator from Missouri was an outstanding student. There are 4,400 campuses that offer this choice. The proposal would be to create a big, new, half-trillion-dollar bank that would take all of that over, that would make \$75 billion of loans in a year. It would make the promising new Education Secretary a candidate for banker of the year instead of Secretary of the year. It would cause Andrew Jackson, who fought against the national bank in his day, to roll over in his grave at what his party is doing. It would be Congressmen playing a trick on students because the end result would be saying: We are going to borrow the money, the U.S. Department of Education, at one-quarter of 1 percent, and we are going to lend it to you at 6.8 percent. Then we will turn around and give aid to other people that you students are paying for, and we Congressmen will take the credit.

I don't think students will like that. It is all in the name of \$94 billion in savings, but that is exaggerated because the Government already admits that it will cost \$25 or \$30 billion at least for the Government to manage the program, and I can't believe the Government is a better manager of a bank making 15 million loans a year than banks that are set up to do that.

If the subsidy is too high, lower it; don't cancel the program. That is the direction in which we are going. This is an administration with a blueprint for a different kind of American future. But it is not the kind of American future that Abraham Lincoln saw for the Federal Government. In the first years of President Lincoln's administration, he not only was involved in the Civil War, but he and the Congress passed the Homestead Act and the Land Grant Colleges Act and the Transcontinental Railroad Act. They conferred opportunities on Americans everywhere, and then the Americans used their own elbow grease to make things happen.

This administration, this 100 days, is a command-and-control type of administration, with regulators and politicians running the banks, running the auto companies, and nationalizing student loans. It is an opportunity to have a new blueprint of a kind we haven't seen before, not one that confers opportunities but a planned America with less freedom, with fewer choices, fewer opportunities, a society planned and run by Washington regulators and politicians that our children and grandchildren cannot afford, not a society that confers opportunities and choices for the people.

In addition, there is the prospect of no check and balance on one-party rule which risks what the perceptive young Frenchman, Alexis de Tocqueville, said in the early 1800s was the greatest threat to the new American democracy when he warned about the tyranny of the majority.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

NATIONAL SECURITY GRADE

Mr. BOND. Mr. President, today marks day 100 on the job for the Obama administration. Many in the media and commentators will be grading the President on his leadership and policy decisions. As vice chairman of the Senate Intelligence Committee, I am most concerned about what is shaping up to be the President's failing strategy in national security policy. Unfortunately, the Obama administration's national security policy appears to be in disarray. While the administration is busy trying to decide who from the previous administration, which kept us safe from attacks since 9/11, they should prosecute for those efforts, they don't understand that as far as the American people are concerned, they are the ones on trial now. The President and his team have to answer how they are going to protect the American people. What are they not going to do? What will they do that will be successful?

Don't get me wrong. The President has some high points when it comes to national security, and I applaud him for those. On some very important issues, campaign rhetoric has met national security realities. To date the President has shunned the advice of Code Pink and others and stayed the course in Iraq. As several of my colleagues have said, his initial rollout steps of a new strategy for Afghanistan and Pakistan are in the right direction, and he has continued strikes against al-Qaida and other terrorists in the Afghanistan-Pakistan region. President Obama took appropriate measures, I believe, to prepare for the North Korean missile launch.

Over the last few weeks the Obama administration has faltered. Now we

are seeing some national security decisions made on what I fear is politics, not on what is in the best interest of the American people.

Just look at the recent examples. The President has decided to close our terrorist detainee facility with no backup plan. He has decided to release CIA memos on highly classified terrorist detention programs. Now he plans to release photos of alleged detainee abuse.

First, let's talk about the President's decision to close our terrorist detainee facility with no backup plan. The facility at Guantanamo Bay, or Gitmo, doesn't house middle-of-the-road, white-collar criminals. Instead this terrorist detention facility houses deadly combatants who in the past, when released, have gone back on the battlefield to kill Americans. Don't take my word for it. The Department of Defense has confirmed that at least 18 detainees who were released from Gitmo have gone back to the fight. The Pentagon suspects another 43 of doing the same.

Despite confirmation that Gitmo detainees have gone back to the battlefield to kill Americans, President Obama has decided to close Gitmo with no plan on what to do with these terrorists.

The President also has no plan to deal with new terrorists who are captured on the battlefield. Where does he plan to detain them? Does he plan on telling our troops to release them so they can go on killing Americans? This is one of the scariest of Obama's "ready, fire, aim" national security strategy points.

I can tell you this: Missourians in my State, and I believe people in most States, will not stand for importing terrorists such as 9/11 mastermind Khalid Shaikh Mohammed to their neighborhoods. They surely do not want a bunch of them housed in secure facilities in their community because al-Qaida has a nasty tendency to launch massive attacks on detention facilities to release their brethren.

Like me, Missourians and all Americans are still waiting for Obama to make the case that his decision to release the detainees at Gitmo is in our country's national security interest.

The President has failed to make the case that the release of these terrorist detainees will make us safer. The President has failed to make the case that the release of these terrorist detainees will not pose a threat to Americans.

It is clear that without having a plan to deal with the current and new terrorists currently at Gitmo, President Obama's decision was not in our Nation's best interest. Instead, this was a national security policy decided for the purpose of appeasing the ACLU and many in the leftwing.

Another national security policy decided for the benefit of the ACLU—and

at their request even—was the President's decision to release memos on the CIA's terrorist interrogation program.

While the ACLU was in favor of releasing these memos, President Obama's own CIA Director and the four previous CIA Directors all opposed this foolhardy decision. The decision is a serious blow to our terror fighters and, even worse, to their ability to obtain the intelligence we need to prevent another 9/11.

The release of these memos sends a chilling message to our intelligence community: The CIA better change their mission to "CYA" because their Government is not going to stand behind them.

No intelligence operator can feel safe that the legal guidance they are given or the orders they follow from superiors can be counted on to last beyond a single administration. This means our intelligence operators will be worrying about protecting their hides, not their national security mission.

Former CIA Director General Hayden and former Attorney General Michael Mukasey called President Obama's decision a step in the weakening of our intelligence gathering. Regretably, I could not agree more. This politicization and weakening of our intelligence gathering could result in a retreat to the pre-9/11 mentality that led to the tragic intelligence failures that ultimately cost the lives of more than 3,000 innocent Americans.

In addition to weakening our intelligence gathering, the release of the interrogation program limitations and their operating guidelines ties the hands of our terror fighters. During his confirmation hearing, President Obama's own CIA Director purposefully left open the door to future use of interrogation techniques in an enhanced fashion for the high-value detainees who are believed to have vital information who will not talk under normal questioning.

But now that President Obama has officially given al-Qaida the playbook, he has made any future use of these techniques ineffective. He has also told the terrorists that if they, in the course of trying to kill Americans, are captured, they have nothing to fear. They will not be subjected to any more harsh or coercive tactics than we have subjected hundreds of thousands of Americans who have volunteered to be marines, SEALs or pilots.

It is hard to imagine that this administration could make this situation even worse, but last week President Obama managed it. After his decision to release the CIA memos, the President went to Langley and told employees:

Don't be discouraged that we have to admit that we've made some mistakes and then move forward.

In these few words, President Obama provided valuable propaganda to the

terrorists. He told our enemies that our intelligence operators were wrong in what they did, an admission that will be seized upon by our enemies to fuel the hatred of Americans. Is it any surprise that the morale at the CIA has been severely damaged? Our terror fighters need to know whether the President has their back or will stab them in the back.

Unfortunately, the President completely disregarded the damage his decision would have on the CIA. He completely disregarded the damage his decision would have on our ability to get the intelligence we need to stop terrorist attacks. He completely disregarded the ammo his decision would give the terrorists bent on our destruction. Instead of these critical national security concerns, the President's decision was a political one aimed at appeasing the far leftwing.

The President even tried to claim that the ACLU's Freedom of Information Act request made the release of these memos necessary. But the first exemption under the law is for "classified secret matters or national defense or foreign policy." The memos on the CIA terrorist interrogation program certainly meet those definitions. At the very least, President Obama should have made that argument in court. Instead, he handed over a victory—not for national security but for the ACLU.

While many in the media are getting mired in the details of each of these bad decisions, the bigger question is this: What is this administration's strategy for confronting the terrorist threat and keeping America safe? The world did not suddenly become safer when President Obama was elected.

Instead of telling Americans the strategy to keep our Nation safe, the latest Obama administration move has been staging costly glamour shots of Air Force One. I am not sure if everybody has heard about this stunt, but earlier this week the White House decided to update their photos of Air Force One—only they chose to take the photos of the jet at the Statue of Liberty with a fighter jet escort.

Across downtown Manhattan—where the Twin Towers once stood—New Yorkers were panicking. Thousands fled New York skyscrapers. You see, New Yorkers were not told this glamour shot was going to happen. After living through the horrors of the September 11 attacks, New Yorkers, of course, feared that another attack was happening. And 9/11 was fresh in their memories.

While the Obama administration tried to shrug off this incident, I think it is telling. This stunt is a symbol of how far from their minds the attacks of 9/11 are.

In addition to the administration's glamour shot stunt, President Obama's advisers have been busy releasing classified information that only tells the

side of the story they want to share. I think everyone knows this, but let me lay out the details.

First, the Director of National Intelligence, Admiral Blair, in a letter to the intelligence community, said the interrogations provided "high value information" and gave the U.S. Government a "deeper understanding of the al Qaeda organization that was attacking this country." Blair also detailed how Congress was repeatedly briefed on the program. But in the public statement which had to go through White House clearance, these details were left out.

Next: The White House releases the memos that describe in detail the interrogation techniques that were used. But missing—in fact, I assume purposefully redacted—is the information on the lifesaving intelligence we received from these interrogations.

Also, President Obama—and many Democrats in Congress—supported the release of the CIA memos but are now opposing the release of information on what Members of Congress were briefed on the program.

Now, let me get this straight. So the facts about our interrogation program of terrorists—how we do it, and the strict limits on it to avoid torture—are fair game for release, but who and what Congress was told needs to remain secret?

I think the President's advisers got it wrong. You see, it is not supposed to be cherry-picking time in Washington today. Unfortunately, the Obama administration is not above politicizing intelligence.

Message to the administration: Get a new calendar. The election is over. With victory comes responsibility. It is now up to the Obama administration to keep our Nation safe. You are in charge of protecting the American people and stopping terror attacks—I pray with the same success the previous administration did every day since 9/11.

While President Obama failed the national security test at the 100th day mark, the final grade is not in yet. It is up to the President to choose our terror fighters over terrorists, to choose troops over ACLU lawyers, to choose national security over politics.

Protecting our families from terrorist attacks should not be a political issue, it is an American one.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I ask unanimous consent that the remaining Republican time be reserved.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Mr. BENNET. Mr. President, I believe I have 25 minutes. I would appreciate it if you would let me know when I have 5 minutes remaining.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. BENNET. Thank you, Mr. President.

PROMISE OF A BETTER LIFE

Mr. BENNET. Mr. President, today we celebrate the first 100 days of our new President's administration. It has been somewhat less remarked upon, but this week also happens to mark my first 100 days in office.

Together, we have done important work in these 100 days. We have taken decisive action to get our economy moving again. We have provided better access to health care for our children. We have made the workplace fairer for women.

For me, these 100 days have provided a remarkable opportunity to listen to Coloradans. In dozens of townhall meetings, in each and every corner of the State, in cities and small towns, in good weather and bad, I have listened to thousands of Coloradans—young and old, Republicans, Democrats, and Independents, teachers, nurses, farmers, workers, ranchers, and small business owners, people from all walks of life with every conceivable point of view.

I have been struck by how much—despite the trials we face at this moment in our history and despite whatever disagreements we might have—more than anything the people of Colorado long to build a better future for the next generation.

America has always embraced the promise of a better life for our children.

My family's story is no different. After their lives were shattered by World War II, my grandparents set their sights on Franklin Roosevelt's America as the one place they could rebuild their lives. And it was.

My mother had even more opportunities than my grandparents dreamed, and she and my father were able to create a better life for me, my brother, and my sister. Since our founding, generation after generation, we have worked to form a more perfect union, always fulfilling the promise of a better life for those who come after us.

Yet now that promise is in question.

I am here today as the father of three young daughters of my own—Caroline, Halina, and Anne. I think of them and worry that we are at risk of being the first generation of Americans to have less opportunity than we ourselves were given.

Our economy is in turmoil; 5.1 million Americans have lost their jobs since the beginning of this crisis, and our unemployment rate is at 8.5 percent and rising. Between 2000 and 2007, median family income in this country actually declined by over \$300. At the same time, the cost of health care rose by nearly 80 percent and the cost of higher education by roughly 60 percent.

The gulf between rich and poor has gotten wider. Americans are now less

likely than people living in a number of other industrialized countries to improve their economic status in their lifetime. As many as 100 million Americans now live in families earning less in real terms than their parents did at the same age.

This crisis stemmed from much more than foreclosed houses and credit swaps. It is a symptom of this generation's lack of attention to the legacy of our grandparents who built for the future. Now we must ask ourselves who we will be as a country when we emerge from this crisis. Will we answer the call of this time or will we fall back on the same tired arguments of the past?

This time demands that we cast our eyes to the future, that we take a 21st century approach to meet our 21st century challenges and seize our 21st century opportunities. With President Obama's leadership and our resilient American spirit, we can emerge from this crisis stronger and truer to our creed than when we entered it.

Each generation of Americans with hope for their children has courageously shed old ways of thinking and, on their behalf, reached out to new ideas. We are no different. We, too, must be willing to abandon our commitments to the weary forms of the past and attend to the future. That is our cause.

We have to address critical structural issues stifling our economy and threatening our children's opportunities. We need to pursue comprehensive financial reform that will prevent the kind of recklessness that got us into this mess. We have a rising deficit, and we must bring discipline to our budgets, even as we invest in the future. We have a unique opportunity this year to drastically reform our health care system and control its skyrocketing costs, and we must seize it. It is time to invest in the new energy economy and break our dependence on foreign oil.

If we are going to emerge from this economic crisis and succeed in the long run, we must fundamentally change public education in this country. Throughout our history, public schools have allowed America to make good on her promise to the next generation. Our schools propelled our children toward their parents' aspirations and prepared them to rise to the challenges of their times.

If we are honest with ourselves, we see that our public schools too often become traps—traps that perpetuate a cycle of poverty and foster mediocrity. Our children—my girls and millions of others like them—are attending schools that were built to prepare their grandparents for an economy that no longer exists. Our public education system, as designed, does not work well enough for all children in this country, and for our poorest children barely works at all.

Across America, 1.2 million children drop out of high school each year. Globally, we rank 20th among industrialized nations for high school graduation rates. Forty years ago we were first. Seventy percent of our country's eighth graders can't read at grade level. On average, a 9-year-old from a low-income family is already 3 years behind their high income peers, has a 1-in-2 chance of graduating from high school, and a 1-in-10 chance of finishing college. Despite many efforts to close our stubborn achievement gap, a report released yesterday shows we have made almost no progress. How can we as Americans accept this reality, especially when none of us here would accept these odds for our own children? These are our children too.

There are teachers throughout the country who have rejected the defeatism that too many of us have accepted for our schools. They have come in early and stayed late. They have visited their students' houses and bought school supplies out of their own pockets. They have expected more from their students than their students knew to expect from themselves. Yet too many of us have accepted the existing odds, considering them a natural consequence of poverty. At the same time, we have entered into tiresome debates—debates that take ideology seriously and the fates of our children lightly.

Children's futures have been wasted while adults have endlessly debated techniques for assessing failing schools instead of changing or closing schools that are obviously failing on every dimension that can be assessed. We have debated modest and incremental reforms instead of doing the hard work of identifying successful school structures and human capital strategies and taking them to scale. We have been stuck debating whether teachers should be paid more based on merit, while roughly half of our teachers quit in the first 5 years of their career. A narrow, small politics has allowed us to duck ever making real choices about anything, and it has, failure after failure, shriveled our shared ambition for America's children. As long as we have these same conversations, today's 9-year-olds will see their younger brothers and sisters enter fourth grade with the same low odds of graduating from college they have, just as they saw their older brothers and sisters face the same odds, generation after generation.

When I took over as the superintendent for Denver public schools, in a school district of 75,000 children, only 33 African-American students and 61 Latino students—fewer than four classrooms worth of kids—scored proficient on the State's tenth grade math test, a test that measures a junior high school standard of proficiency in Europe. Spending time with our students and their families in Denver, I was struck

not by their fragility but by their resilience. Their parents—like many before them—had made tremendous sacrifices to provide their children with greater opportunity. The students I knew were willing to work harder and stay in school longer. We were selling them short.

I joined the Denver public schools with kind of an abstract understanding that what was happening in our schools was unfair. My experience there left me with a profound sense of urgency to change what is unfair and fundamentally unjust.

We can do better, and we will do better. In Denver we have made progress. From 2005 to 2008, Denver students scored higher in reading, math, writing, and science. We did not get there by doing things the same way as they had been done before. We closed failing schools and opened new ones. We implemented a groundbreaking teacher pay system that rewards teachers who improve their students' performance and provides incentives for teachers to go to the neediest schools. We accomplished this change by working with the union. It took a lot of effort. We had a lot of disagreements, but we made progress together because of a fundamental commitment by all of us to get the job done, not just score political points.

With the leadership of our mayor and our city council, voters expanded our early childhood education. As a result, this year there are 1,500 more 4-year-olds in full day programs, a 300-percent increase. We increased full-day kindergarten by 25 percent, so that for the first time more than 95 percent of our 5-year-olds have the benefit of a full day of school. Research tells us there is no smarter investment we can make.

In 2008, we launched a school performance framework that measures the progress of actual students year over year throughout their career, rather than meaningless measurement of one year's class against the next year's class.

We still have work to do in Denver. There is still a long way to go before these reforms materially change the odds for our students, but we are moving in the right direction. In other districts we will see similar success if we support reform efforts that work.

Our job in the Senate should be to help the administration spur innovation and identify and expand what works. I look forward to working with our Education Secretary, Arne Duncan, my colleagues here—and I notice our former Education Secretary, the Senator from Tennessee, is here today, and I am glad that he is here—my colleagues here, as well as parents, teachers, students, and community members in Colorado to support innovative solutions to the problems plaguing our schools.

Our commitment to our children and grandchildren requires that we hold

ourselves to a higher standard than we have in the past. This is not a time to spend new money on old programs or to timidly attempt changes that have already failed too many of our children. Now is the time to reimagine our schools as magnets for talent, centers for communities, and incubators of innovation. Only then can we ensure that our students are getting the 21st century skills that will equip them for the new economy.

We must do the same for our teachers. As President Obama said yesterday:

In a global economy where the greatest job qualification isn't what you can do but what you know, our teachers are the key to our Nation's success; to whether America will lead the world in the discoveries and the innovations and economic prosperity of this new century.

Study after study has shown that nothing makes a greater difference to student learning than great teaching. We need to support effective teachers and make sure they stay in the classroom. That means creating school environments where teachers and students want to spend time, and it means restructuring our schools and our school calendar so that teachers have time to plan together and learn from each other. Also, we need to pay teachers in ways that reward their success and provide incentives for them to stay in the profession. More fundamentally, we need to recognize that our system of hiring, compensation, and training designed deep in the last century, is utterly inadequate for 21st century labor market realities. In 1960, a gallon of gas cost 30 cents. Elvis and the Everly Brothers were at the top of the charts. A first-year lawyer earned about the same as a first-year teacher, and women had basically two professional choices: becoming a nurse or going into the classroom. In 2009, as nation after nation moves past us in educational achievement, we are kidding ourselves if we think a teacher recruitment and retention plan that came in when the Hula Hoop went out—and effectively subsidized our schools by limiting women's opportunities—is a serious response to America's needs.

We must invest in proven training that equips teachers with the content, knowledge, and classroom management skills to be successful in helping their students, and we need to ensure that we provide ongoing, high-quality professional development that actually helps them do a better job in the classroom; otherwise, we risk losing our best teachers.

We need to expand alternative pipelines for teachers, to enhance the traditional pathways we already have. President Obama has called on the Nation to create a new army of teachers. We must recruit a diverse, excellent, and committed group of Americans to teach our children. The talent is all

around us—in the veterans returning from Iraq and Afghanistan, the baby boomers who have spent their careers running successful businesses or working in manufacturing or medicine or law, and the college graduates looking to find a rewarding vocation—all of whom can inspire and challenge our students to become the engineers who will build green cities, the doctors who will cure cancer, and the entrepreneurs who will start businesses we can't yet even imagine. As we open the profession to allow talented and committed people to become teachers, we must have rigorous selection for every spot in front of a class, and replicate effective training for new teachers.

As we work with States and districts to redesign our schools for the 21st century, we should do so in conversation with business and labor to inform our efforts about what skills the market will require. Competitive workers must be problem solvers, not just test takers. They must be able to think critically and communicate effectively in multiple mediums. Students won't need to write cursive; they will need to know how to use technology to solve tough problems. They don't need only to memorize facts; they need to understand how to filter and use the information at their fingertips.

We need updated standards that reflect these 21st century skills. We should invite States to embrace voluntary national standards, benchmarked against international norms that allow the public to see the progress students are actually making from year to year. We need an accurate measuring system so that we know when reforms are working and when students are achieving. We need to ensure that the tests we give kids ask them to deploy the knowledge and skills they have, rather than demonstrate their ability to take a test. And we must ensure that when we do give students tests, teachers get the results in time to use them to drive their instruction.

But our tests shouldn't be the sole driver of our instruction. We should look beyond the narrow window of standardized test scores, to parent and community engagement and student retention rates. We should expand learning opportunities to start earlier, be broader in scope, and beckon everyone in the community.

Our schools should become centers where communities gather for skills and services. Schools are uniquely positioned to deliver health and support services. Research shows a statistical link between nutrition and achievement for all students. We need to look at nutrition in schools not as something extra but as central to student success.

Our schools should be on the cutting edge of using new technology for both teaching and learning. Technology can

connect students to resources and teachers to each other. Effective use of technology can allow a teacher in a rural area to get feedback from a mentor elsewhere. We should be using technology to disseminate effective practices and share great lesson plans. We can look to technology to help train teachers in new ways by simulating classroom experiences and delivering real-time feedback on lesson plans.

There is something wrong when students who enter the schoolhouse find they are moving backwards in time, leaving behind all the technology that in the rest of their day expands and enriches their lives.

While we know we can't fix our schools by spending more money on the same inadequate programs, we must commit to funding what works in our schools. We now have the largest investment in public education in history with which to do it. The stimulus package and the budget are working in tandem to increase access to early childhood education. States and districts are competing with one another to build on their efforts to revamp standards and turn around failing schools. There are additional resources to reduce high school dropout rates and increase college graduation rates.

If we continue to spark this kind of innovation, if we can allow ourselves to think big again about education, we can start to imagine school buildings as prototypes for energy efficiency and classrooms as job training centers for the new energy economy—preparing parents and students alike. School-based health care can advance from one nurse stretched between multiple schools to clinics that are leaders in efficient health care. School lunches can progress from packaged feedings in the cafeteria to live lessons on nutrition and wellness. In sum, our schools can become what they should be: the institutions that are preparing our children and their children to lead in the 21st century.

Our cause is clear. It is time for policies that serve not the ideologies of adults but the needs of kids. I will be working in the coming months to develop legislation that will outline ways in which the Federal Government can better support our States and school districts in providing a public education that meets the challenges and possibilities of our times.

I look forward to working with my colleagues on both sides of the aisle, as well as with parents, teachers, students, and community leaders across Colorado to ensure that we do our part to increase opportunity for our children. We will know we have succeeded when we see not only more students graduating high school but more of those graduates going on to complete college as well. We will not only see the achievement gap shrink, but we will see the United States once again

lead the world in academic achievement.

We are lucky. In our time, history is once again beginning to run in the direction of change. We have the chance to honor our grandparents' example and move forward together to create a better future for our children. If we do, those children and their children will say we rose to the moment, that we laid down our adult burdens and our differences to lift up our country and our children instead. Let them say that a spark flew in America in this new century that ignited a generation of educators, children, parents, and communities and gave them courage to abandon the status quo for a better future. Let our schools once again be the cradle of the American dream and act to fulfill the solemn promise of one generation to the next.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for a couple of minutes to comment on Senator BENNET's speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BENNET'S MAIDEN SPEECH

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Colorado on what we call in the Senate his maiden address. I also had the privilege of hearing Senator UDALL's speech when he made his on renewable energy. I was glad to hear these today.

The Senator from Colorado has focused on a subject he has worked on hard and which is central to every part of our ability to improve our schools. It is one recognized by our new Education Secretary who, I think, is President Obama's best new appointee. It is the question of how do we reward outstanding teaching.

Every time we deal with education, we are ultimately reminded that it boils down to the parent and the teacher. What the parent cannot do, the teacher has to step in and finish. In so many cases, whether it is a gifted child or a child who hasn't been read to at home or a child with disabilities or a child who needs a music lesson, it takes a gifted teacher to do the best job to help the child reach his or her potential.

We are still, as the Senator said, 50 or 60 or 70 years behind in recognizing that our country has changed and that women have many opportunities outside the home. We cannot trap them into teaching. We need to attract them and keep them, as well as outstanding men.

Senator BENNET has been successful in his work in Denver and in finding

ways to initiate that. The Secretary wants to do that. I worked on that in Tennessee. I have said to the Secretary of Education if he leaves after 4 or 8 years having left a legacy of many different ways of improving ways to reward outstanding teaching, he will have done more than all of the other secretaries of education put together.

As Albert Shanker once said, "If we can have master plumbers, we can have master teachers."

Again, I congratulate the Senator from Colorado for his focus on education in his maiden address. I was happy and privileged to be on the Senate floor to hear that.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I thank the Senator from Tennessee, and I acknowledge his great work as Secretary of Education. This is one of those issues on which I think Republicans and Democrats have a lot of work they can do together. There isn't one solution. This is a time when we are long overdue, and we have been short on answers. I think the Education Secretary is perfectly positioned to carry on the work that needs to be done. I look forward to working with the Senator, and I appreciate him enduring my speech.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I also had the opportunity to be here presiding in the chair to hear the Senator from Colorado in his maiden speech. I want to congratulate him and tell him he has done an excellent job in the Senate, as I have observed him over the last 100 days.

I think Senator BENNET has hit on an issue that is important to all of us. If we are going to move forward as a nation, we are going to have to do it by focusing on education. It is heartening to see that we have a President, President Barack Obama, who cares about education with the same passion, I believe, the Senator from Colorado has.

One of the things the Senator from Colorado noted is that we have to focus on teachers. He talked about a comprehensive approach, an approach to education that is going to move us forward in the 21st century. Teachers have to be a big part of it. Parents have to be a big part of it. As the Senator from Colorado noted, based on his work in Denver and in chairing the Denver education effort, if parents

aren't involved, we are not going to be able to move forward.

In addition, one of the big things Senator BENNET knows is, this No Child Left Behind law needs to be revamped. It is not doing right by our children. We have to take a look at that piece of legislation with the ideas that he mentioned and make sure we put into place a piece of legislation and a reauthorization that is going to empower our teachers and our parents and move us forward on the education front.

Again, I just wanted to congratulate Senator BENNET. It was a great start with that maiden speech. I thought the exchange the Senator had with Senator ALEXANDER was a good one. It shows that we can work together.

Senator BENNET from Colorado has shown a bipartisanship in his first 100 days. I very much want to congratulate him and tell him I have enjoyed serving with him and look forward to serving with him for a very long time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that all time under morning business be yielded back and the Senate now begin consideration of the conference report on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will begin debate on the conference report to accompany S. Res. 13.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I also want to recognize the excellent first speech that the Senator from Colorado just gave. I had a chance to hear part of it on the Senate floor and part of it in the cloakroom. We welcome him. If his first speech is any measure, he is going to make a significant contribution. So we are delighted to have somebody of his thoughtfulness and quality as part of this body.

Mr. President, the Senate now begins consideration of the conference agreement on the budget for 2010. I think we

have to see this budget in its context. We have to understand what this administration has inherited from the previous administration. To be clear, it is a colossal mess—the worst recession since the Great Depression, a doubling of debt under the previous administration, and a more than tripling of foreign holdings of U.S. debt.

I try to suppress partisanship in my discussions on the Senate floor, but it is impossible to overlook the record of the previous administration. They have slammed this economy into the ditch. President Obama is put in the position of the cleanup crew. It is not pretty or easy, and it is going to be a difficult challenge for this country to come out of a policy stew that is impossible to choke down.

Let me be clear in my own view of how we got here. I believe we had an overly loose monetary policy under the control of the Federal Reserve ever since 9/11, an overly loose fiscal policy under the control of the White House and the Congress, record deficits, a massive buildup of debt—when the economy was relatively strong and right before the baby boom generation started to retire. That is remarkable.

If you look back into history, it is rare to have at the same time an overly loose monetary policy, low interest rates, Congress and the White House running an overly loose fiscal policy with record deficits, even at a time of relative economic strength; on top of that, a dysfunctional trade policy with record trade deficits, which meant we were shipping hundreds of billions of dollars to other countries to buy their goods, over and above what we were producing, and a deregulatory environment administratively and in terms of the laws of this country that allowed things like the AIG derivative fiasco to develop completely without oversight.

Those elements created the seedbed for bubbles to form. So we didn't just get a housing bubble, we got a commodity bubble—wheat prices went to nearly \$20 a bushel; we got an energy bubble, with oil prices up to \$145 a barrel. So if one looks at this historically, we see the formation of these bubbles, and bubbles ultimately burst and create enormous economic wreckage. That is what has occurred here.

All of this was under the direction, fundamentally, of the Bush administration. This was their policy that was pursued for 8 years. Our friends on the other side controlled the House and Senate for 6 of those 8 years. They put into place the policies that have been the guiding principles of policy for this country for the last 8 years.

As a result, we saw a very dramatic deterioration in the budget picture under the Bush administration. They went from inheriting surpluses to putting us into record deficits. For 2009, there is a deficit of \$1.7 trillion. In fairness to them, they are not responsible

for that whole amount because part of it is the stimulus package that was enacted.

Clearly, they are responsible for at least \$1.3 trillion of the \$1.7 trillion of deficit in 2009. This is the record on deficit and of debt by the previous administration. After their first year in office, the debt was \$5.8 trillion. We typically do not hold administrations responsible for their first year because they are working off the plan of the previous administration. If you look at the 8 years they are responsible for, the debt went from \$5.8 trillion to over \$12 trillion.

Mr. President, that is not the only part of this that is important to keep in mind. It took 42 Presidents 224 years to build up \$1 trillion of foreign debt held by foreign entities. The previous administration tripled that. They ran up another \$2.5 trillion of U.S. debt held abroad. Some say it is a sign of strength that people are willing to lend us all this money. I personally don't think it is a sign of strength. I think it is a sign of vulnerability that we are running record trade deficits, meaning record borrowing, much of that borrowing done abroad.

Last year, of the debt we had to finance, 68 percent of it was financed by foreign entities.

Mr. President, this President walked into a truly astounding set of circumstances. Here is what they are: Record deficits, doubling of the national debt under the previous administration, the worst recession since the Great Depression, and financial market and housing crises. Everywhere you look, this President inherited a crisis—in housing, in the financial sector, and in the fiscal sector. Also, 3.7 million jobs have been lost in the last 6 months, and we have ongoing wars in Iraq and Afghanistan.

So what do we do about it? The budget is a document that outlines the fundamental priorities of the country.

In this conference agreement, we have attempted to preserve the President's priorities of reducing our dependence on foreign energy—critically important to our economic future—a focus on excellence in education, and fundamental health care reform.

If we look ahead to the fiscal future of America, no single thing is more important than reforming the health care system. Already, we are spending nearly 18 percent of our gross domestic product on health care. That is \$1 of every \$6 in this economy going to health care. We are on a trajectory to have 37 percent of our gross domestic product going to health care. That would be more than \$1 in every \$3 in our economy going to health care. Clearly, that is unsustainable. At the current rate of nearly 18 percent of our GDP going to health care, we are spending twice as much as any other industrialized country.

We are on an unsustainable course, and the President says we have to alter that, we have to expand health care coverage so that everybody is included so we can then institute the kind of cost controls that will be necessary. I know it is counterintuitive to think: How can it be that we are going to reduce costs if we are expanding coverage? The thing we know in our current system is that people without coverage still get health care, but they are getting it in the most expensive setting; they are getting it in the emergency rooms of our hospitals all across the country. We would be much better off having them have coverage and having them in a system that is a wellness system, one that is designed to keep people from getting ill and, if they become ill, managing their illness in a way that prevents the most costly of outcomes.

This conference report also provides \$764 billion in tax cuts focused on the middle class. I know there has been a lot of talk in the press about some tax increases, and indeed there are. For those of us who are fortunate enough to make more than a quarter of a million dollars a year, we will be expected to pay somewhat more—not a lot more but a little bit more. If we are going to get our fiscal house in order, those of us who are most fortunate are going to have to pay a little bit more. But on a net basis, when you add in the tax increases asked for from those who are the most fortunate, with all of the other tax changes, the overall effect is to reduce taxes from current law by \$764 billion over the next 5 years, and those tax reductions are focused on the middle class.

We also cut the deficit in half by 2012 and by two-thirds by 2014. We get it down to 3 percent of gross domestic product by 2014. Most of the economists say that is the key metric because at 3 percent of GDP, growth of the debt relative to our national income is stabilized. We keep the debt from growing the way it has been.

The discretionary spending level in this conference report is \$10 billion below the President's proposal. We have cut his spending plan by \$10 billion. In addition, there are reconciliation instructions for health care and education. They require at least \$2 billion in deficit reduction.

I personally believe reconciliation, which is a special process here, a fast-track process, will not be used for health care because as people get into it, I think they will find it is a very difficult way to write major, substantive legislation. My own prediction is that reconciliation will not be used for health care. The committees of jurisdiction have until October 15 to report legislation in the regular order of business using the regular procedure. I have talked with the chairman of the committee that has most of the responsibility for health care, and, of course,

that is the Finance Committee. Senator BAUCUS says it is his full intention to proceed under the regular order, not using the reconciliation instruction. But it is there as an insurance policy.

We also have the alternative minimum tax fix for 3 years, so we will not see a big increase in the number of people affected by the alternative minimum tax. There are some 3 million or 4 million people now paying. If we did not take these steps, 24 million people would be expected to pay the alternative minimum tax. Nobody wants to see that happen. So we have a fix for the next 3 years.

We also have disaster relief for the next 2 years. We call it a placeholder because it is an estimate of what disaster relief will cost for the next 2 years based on looking back over the last 5 years and doing an average.

This is a break from how we have typically dealt with disaster funding. Typically, we have done it through emergency designations. The President thought: Look, we know we are going to have disasters. Why don't we budget for them? It is a worthy experiment, and we will see how it works.

Even though none of us can predict what disasters might occur, we know the strong likelihood is that there will be disasters. Certainly, my state has experienced them. We have had flooding all across the State of North Dakota from one end to the other. I have been home three times in the last several weeks going from town to town all across North Dakota, from the Red River Valley in the east, to the Souris Valley in the central part of the state, the James, the Cheyenne—all of them, are experiencing flooding that is unlike anything we have ever seen in recorded history.

We know there are disasters. There are going to be costs. In my state, hundreds of millions of dollars have already been experienced in terms of losses, roads, bridges devastated. We have even had dams significantly eroded by these weather events. We know there are costs associated with it, and we have tried to anticipate them in this budget.

Most important, this budget coming from the conference committee focuses on three key priorities: reducing our dependence on foreign energy, putting a focus on excellence in education, and fundamental health care reform.

First, with respect to energy, it reduces our dependence on foreign energy, creates green jobs, helps protect the environment, and helps with high home energy costs. It does that in three ways. One, it creates a reserve fund to accommodate legislation to invest in clean energy and address global climate change. Second, it provides \$500 million above the President's level of discretionary funding for energy for fiscal year 2010. Third, it builds on the economic recovery package invest-

ments in renewable energy, efficiency and conservation, low carbon coal technology, and modernizing the electric grid.

By the way, modernizing the electric grid presents this country with an amazing opportunity to have a leap forward because we are really dealing almost in the horse-and-buggy era with the grid that we have that is not permitting us to shift power from places we can produce it—clean, green power—to places that need it.

In addition, we have in this budget coming back from the conference a focus on excellence in education. We generate economic growth and jobs. We prepare the workforce to compete in this global economy. We make college more affordable. We attempt to improve student achievement, which is at the heart of what education is all about. We do it again in three ways: by providing a higher education reserve fund to facilitate the President's student aid increases; we provide for education tax cuts to make it more affordable for our young people to go to college and other institutions of higher learning; and we provide the President's requested level of \$5,550 for Pell grants and fully fund his education priorities, such as early childhood education.

The third key priority is fundamental health care reform, and that is accommodated in the conference report. We attempt to bend the health care cost curve to get costs under control, to improve health care outcomes for our nation's people, to expand coverage because we have more than 40 million people now without any health care insurance. We increase research, especially devoted to those areas of highest opportunity to make meaningful progress, and we promote food and drug safety. Again, we do that in three ways with a reserve fund to accommodate the President's initiative to reform the health care system; by funding for at least 2 years a reserve fund that further addresses Medicare physician payments; and continues investment in key health care programs, such as the NIH and the FDA.

I want to at this moment indicate that one of the key staff persons on our Budget Committee is himself in the hospital. Joel Friedman, who is the deputy staff director for the Budget Committee, a remarkable person, truly gifted, somebody who has the respect of people on both sides of the aisle, is in the hospital. Our thoughts and prayers are with Joel and his family. I don't know if he is able to watch this. Last week, he was not able to because he did not have C-SPAN in his room. But I want him and his family to know that the entire Budget Committee family—and that goes for Republicans and Democrats—is thinking of him and hoping for his swift recovery.

While we have focused on these key priorities of the President—excellence

in education, reducing our dependence on foreign energy, health care reform—we are doing it all in the context of dramatically reducing the deficit. In fact, we cut the deficit by two-thirds by 2014. As measured by the gross domestic product, which economists say is the best measure, we do even better than that, as measured by share of the gross domestic product, we are reducing the deficit by 75 percent, by three-quarters, from 12 percent of GDP in this year to 3 percent of GDP in 2014.

Again, that metric of 3 percent of GDP in 2014 is especially important because economists tell us that at that rate, we have about stabilized the growth of the debt. In other words, the debt will not continue to grow faster than our national income if we can continue deficits of 3 percent of GDP. My own view is we should do even better than that. Certainly, in the second 5 years, I think it is incredibly important that we do better than that given the fact the baby boom generation will be retiring.

In terms of the revenue changes in the budget resolution, I indicated earlier that if you look at total tax changes in the budget resolution—and this is CBO scoring, this is not my invention—the taxes are cut by \$764 billion over the 5 years, and here is where: middle-class tax relief, \$512 billion. That includes the 10-percent bracket, the marriage penalty relief, the child tax credit, education incentives, and all of the other 2001 and 2003 tax cuts that affect those earning less than \$250,000 a year. All of those tax cuts are extended for the entire 5 years.

In addition, we have provided for alternative minimum tax relief for 3 years at a cost of \$214 billion. We have provided for estate tax reform at a cost of \$72 billion that will permit couples to avoid any estate tax if they have estates of \$7 million or less. Let me say that excludes 99.8 percent of estates. Mr. President, 99.8 percent of estates will pay nothing—zero—under the budget proposal.

In addition, we provide \$63 billion for the so-called tax extenders. Tax extenders are items such as the research and development tax credit. Those have to be extended every year or every other year, depending on which one we are talking about, and we provide for those as well.

Those tax cuts that amount to \$861 billion are offset by loophole closers of \$97 billion. And what we are focused on here is the offshore tax havens; the abusive tax shelters.

We now know, from the Permanent Committee on Investigations, that we are losing over \$100 billion a year to these offshore tax havens; billions of dollars more to abusive tax shelters. I have shown on the floor of the Senate many times pictures of European sewer systems, and people have asked me: What has that got to do with the budget of the United States? Well, it turns

out it increasingly has something to do with the budget of the United States because we have the spectacle of wealthy investors here and companies here buying European sewer systems—not because they are in the sewer business but because they want to depreciate those assets on their books for U.S. tax purposes—and they turn around and lease the sewer systems back to the European cities that built them in the first place.

I picked out sewer systems, because that is most graphic, but it doesn't end there. We actually have companies buying city halls in Europe and depreciating on their books for U.S. tax purposes here leasing those city halls back to the European cities that built them in the first place.

Some say if you go after that kind of scam, you are increasing somebody's taxes. Well, I suppose in some sense you are. But you know what. Shame on the people who are doing it. The vast majority of us pay what we owe. But unfortunately, we have an increasing group of companies and individuals who are dodging what they legitimately owe here and they are doing it in these offshore tax havens.

I have shown on many occasions a picture of this little five-story building in the Cayman Islands that claims to be the home to 14,000 companies—14,000 companies. They say they are all doing business out of this little five-story building in the Cayman Islands. They are not doing any business out of there. They are doing monkey business. And the monkey business they are doing is to avoid their taxes in the United States. Shame on us if we don't close that down.

Some say: Well, this is a big spending budget—big spending. Really? That can only be the statement of people who haven't read this budget, because this budget takes domestic discretionary spending as a percentage of our gross domestic product from 4.4 percent in 2010 to 3.4 percent in 2014. So as a share of our national income, domestic discretionary spending is going down.

Facts are stubborn things. Over the life of this budget, non-defense discretionary spending in dollar terms—in dollar terms—is being increased 2.9 percent a year. That is below the rate of growth of our national income. That is why, as a share of our economy, domestic discretionary spending is going down, not up. So when you hear claims this is a big spending budget, it is not this budget. They may be talking about some other budget, but the budget before us is the budget reported by the conference committee, and that budget is tough on spending, it is tough on deficits, it is tough on getting our country back on a more sustainable course.

We have a series of budget enforcement tools in this budget resolution that I am particularly proud of: discre-

tionary caps for 2009 and 2010. We maintain a strong pay-go rule. We have a point of order against long-term deficit increases; a point of order against short-term deficit increases. We allow reconciliation for deficit reduction only. And we provide a point of order against mandatory spending on an appropriations bill.

This last one I want to emphasize I think is especially important. Because what we have found is our friends on the Appropriations Committee have found a new way around the rules here and they have started to put mandatory spending on discretionary spending bills. Let me be clear. Mandatory spending is for things such as Medicare, for Social Security. If you are eligible, if you qualify, you get your benefits. So that is called mandatory spending, and that is most of the spending of the Federal Government. Most of the spending is now mandatory spending. Medicare and Social Security are the biggest ones. We also have certain veterans benefits, which is mandatory spending for some of it, much of it discretionary.

Discretionary means under the discretion of the appropriations process each year. That is why it is discretionary. And discretionary spending, as I have indicated, is going down under this budget as a share of our gross domestic product. But we don't want mandatory spending to be increased in discretionary spending bills, and that started to happen a couple of years ago and we put this point of order in place to provide a barrier, a hurdle, against that bad practice.

We also have in this budget resolution provisions addressing our long-term fiscal challenges. I think everybody understands that health care is the 800-pound gorilla. Health care in our Federal accounts—Medicare, Federal share of Medicaid, and other aspects of health care spending—is where we see spending of the Federal Government soaring and continuing to grow out of control. So there is the health care reform reserve fund that I previously described that is critically important to getting our fiscal future back in line.

We also provide program integrity initiatives to crack down on waste, fraud, and abuse in Social Security and Medicare. This is especially prevalent in Medicare. The previous Secretary—Secretary Leavitt—whom I had high regard for, came to see me one day. He had with him information about scams that were being conducted across the country to defraud Medicare, and he had pictures of phony operations in Florida that were in shopping malls where they had individual storefronts set up that were supposedly providing Medicare services, each of them billing \$500,000 to \$1 million a year in so-called services to Medicare-eligible patients.

When they pierced the veil, what they found was they weren't providing

any services, they were just doing the billing. They were billing but they weren't providing any services. It was a complete scam. And there were dozens of them—dozens of these storefront operations. The Secretary himself went to some of them in the middle of the day and they were closed. They were closed for the public, but they were open for scam. We have provided funds to go after those kinds of fraudulent operations.

We have also provided a long-term deficit increase point of order to try to prevent any action by the Congress to increase the long-term deficit without facing a supermajority point of order hurdle.

Let me close on this quote by President Obama, because it is something I agree with very much. While I believe this budget has made good progress at getting our fiscal house back in order for the next 5 years, we have to do much more—much, much more. President Obama said this at the Fiscal Responsibility Summit he hosted at the White House at the end of February:

Now, I want to be very clear. While we are making important progress towards fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices, and do much more to address our long-term challenges.

That is true. We have got much more work to be done, especially in the second 5 years. This is a 5-year budget, because of the 34 budgets written by the Congress, 30 of the 34 have been 5-year budgets. The President sent us a 10-year budget. Some have asked why we didn't do a 10-year budget. Very simply, because Congress almost always has done 5-year budgets because we know that the projections for the second 5 years are highly unreliable—highly unreliable. Frankly, a forecast for 5 years is a bit of a crap-shoot.

I used to have the responsibility of forecasting the revenue for my State. I had to do it for 3 years. I know how difficult it was to do that for 3 years. Five years is extraordinarily difficult, especially at a time like this of dramatic economic changes and a very steep downturn. The reality is that 10-year forecasts have very little reliability. So we have done a 5-year budget here. That, as I say, has been done 30 of the 34 times Congress has written a budget under the Budget Act. Thirty of the 34 times, it has been a 5-year budget.

I say to my colleagues, I believe this budget is part of economic recovery. We are facing very tough winds. We are facing a very tough economic environment—the steepest downturn since the Great Depression—and we are going to have to be aggressive in terms of preventing a deflationary spiral that could suck this economy down. We saw it in the Great Depression—a failure of Government to act effectively until tremendous damage had been done: the

unemployment rate rose to 25 percent, the stock market fell by nearly 90 percent. We had a circumstance in which 25 percent of the people—more than 25 percent of the people—were unemployed, with staggering devastation to the strength of America.

The Chairman of the Federal Reserve, Mr. Bernanke, has made it his life's work to study how to avoid another Great Depression. In his analysis, and others like it—as historians look back—the conclusion is there was a failure of the Government to act proactively. It waited too long. It believed the markets would correct themselves. It believed that somehow everything would work out without intervention. That proved to be a fatal mistake.

All of the elements of the Federal response have taken a different direction in this downturn, and it started with the previous administration, to their credit. The Federal Reserve has done a great deal to provide liquidity in this economy. Instead of pulling back, it has extended credit. The Federal Government, instead of pulling back in order to balance our budget in the short term, has put forward hundreds of billions of dollars in a stimulus package to provide an increase in aggregate demand to provide stimulation to the economy, to provide liquidity. Without it, I believe the collapse would be far steeper, far more serious, and far more threatening. And remember, what we are faced with is not just a national crisis, it is a global crisis, with global economic activity falling very dramatically all around the world. The response of almost every industrialized country has been like ours, to provide liquidity, to provide stimulus. China has a major stimulus program, Japan, and Europe; virtually all the countries of Europe. Russia has announced a major stimulus plan.

I believe those are the right policy responses, however imperfect—and imperfect they are, the specific packages that have been developed. I myself thought we could have done much better in our stimulus package. I would have liked to have seen much more funding for infrastructure. I wanted much more funding for infrastructure because I personally believe that is a place where you get a two-fer: You get a lift for the economy and you also get an investment that strengthens our economic competitive position for the future. But look, there was a substantial infrastructure component. I would have liked to have seen it be far bigger and more robust, but nonetheless, we are moving in the right direction.

This budget moves in the right direction. It is a contribution to economic recovery. It does preserve the President's key priorities of reducing our dependence on foreign energy, which must be done. It focuses on excellence in education, because if we are not the

best educated, we are not going to be the strongest country in the world for very long. And it provides for fundamental health care reform—because that is the 800-pound gorilla that could swamp the fiscal boat of the United States, not to mention the boats of every American family and American companies that absolutely need cost containment—at the same time improving health care outcomes for the American people.

Finally, yes, dramatically reducing the deficit, reducing it by two-thirds in dollar terms, by three-quarters as a share of the gross domestic product of the United States over the next 5 years.

This is not a perfect document. If I were able to write it just by myself I think I could have improved it. I think every Member here believes that; that if they were able to write this document it would be a better document.

That is not our option. We have a Senate, we have a House of Representatives, we have a President. This is the work of all three entities: The President of the United States, the Senate of the United States, the House of Representatives. I believe we have produced an important step in economic recovery.

I urge my colleagues to support the conference report. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Budget chairman for a lot of things. One is his openmindedness. But I particularly thank him for the closing he presented because it relates directly to the subject I would like to discuss, but I would like to yield to the chairman to ask him two questions to make sure I am accurate about the conference report. First, it is my understanding that there is a \$634 billion account set up for health care; is that correct?

Mr. CONRAD. Mr. President, answering through the Chair, that was in the President's budget. We did not provide for that in this conference report. What we did provide for is a deficit-neutral reserve fund. We did not specify an amount that would be necessary for health care because we do not know whether the right number is \$200 billion, \$400 billion or \$600 billion, as the Senator referenced. What we do say is whatever that number is, it has to be dealt with in a deficit-neutral way. It has to be paid for.

Mr. ISAKSON. I thank the chairman. Second, is it not true that the amendment the Senate unanimously adopted that set forth a deficit-neutral account of \$34.2 billion for a housing tax credit was deleted from the conference report?

Mr. CONRAD. The Senator is correct. Mr. ISAKSON. I thank my distinguished chairman.

I wish to make my remarks not to the Senate. I commend the chairman

and the Senate for adopting the amendment as we did on the floor 3 weeks ago. I wish to direct my remarks to the President of the United States, to Dr. Summers, to Dr. Christina Romer, the head of the Council of Economic Advisers to the President, to Secretary Geithner, and my friend, Rahm Emanuel. I wish to make a case for what the Senate did, which is deleted from this budget resolution, and I wish to start it looking back 15 months ago.

Fifteen months ago, when we came in, in January of last year, we were beginning to see foreclosures, beginning to see the housing market decline, and I introduced at that time, along with other Members of the Senate, a housing tax credit for the purchase of foreclosed and vacant houses. It was scored at a cost of \$11.4 billion. The Finance Committee rejected that amendment in the Senate, saying it cost too much.

Ninety days later, the Senate passed a \$150 billion economic stimulus bill recommended by President Bush that gave every American \$300, or up to \$1,200 per family, to stimulate the economy—and the economy spiraled down.

In July of last year, we dealt with a housing bill that created HOPE for Homeowners and an FHA program expansion. I tried to amend that with a housing tax credit and, to the credit of the House and Senate, the conferees ended up creating a \$7,500 interest-free loan for first-time home buyers. It did not work, but it was a sincere effort to try.

Then we came back this year and Senator LIEBERMAN, myself, and others reintroduced the \$15,000 tax credit for any family who buys and occupies their home, any single-family residence in America, for at least 3 years. The tax credit of \$15,000 is a substantial incentive. It is tied directly to exactly what happened in this country in 1975, when America offered a \$2,000 tax credit for anyone to buy any one of the 3 years' worth of standing vacant inventory that was on the market in the United States. We passed it at that time and exited that recession within 12 months, restimulating the housing market which had led us into that particular recession.

It is housing that led us into this recession and it is housing that is causing precisely what the chairman referred to and that is the deflation that is going on in the United States of America. One in five homes today is underwater, meaning they owe more on their home than it is worth. The equity lines of credit have been wiped out. Families' basic major estate and their net worth has been wiped out and the housing market continues to be a collection of short sales and foreclosures.

The current tax credit we have, which is now \$8,000 to a family as long as their income doesn't exceed \$150,000 and as long as it is their first home

purchase, is a fair effort to start, but our problem is not with first-time home buyers. Our problem is with move-ups, with transferees, people who have been playing by the rules, making their payments. If they are transferred, they are afraid to take the transfer because they are afraid they can't sell their house, and they are afraid there is no buyer incentive to help get them there. I urge the President, Dr. Summers, Secretary Geithner, Dr. Romer, and Rahm Emanuel to consider this: That \$15,000 tax credit, if it were passed today in America for 12 months, would cost, as scored by CBO, \$34.2 billion. How much is \$34.2 billion? It is 5.4 percent of the President's set-aside of \$634 billion for health care. It is one one-hundredth of 1 percent of the \$3.5 trillion budget—one one-hundredth of 1 percent of the amount of the budget.

Don't you think we could provide an incentive that is that inexpensive to motivate a housing market to return, to begin to reflate values back and put equity in the pockets of the American people and return our economy?

Experts have estimated—and I am not saying I am an expert, this is experts who have estimated—that if that tax credit had passed last year it would have created 700,000 home sales and 587,000 jobs. Mr. President, 587,000 jobs is the number of jobs we have been losing a month. We need to find a way to create that kind of number.

More important, let me give you the intriguing fact about the 700,000 house sales. Current home sales in America are at 500,000. An average year in this decade in this country was 1.2 million, a good year was 1.5 million. If you add that estimated 700,000 produced by the credit to the existing 500,000, you would return the United States to a balanced housing market. You would begin to appreciate the value of those houses back to where they were. You would restore equity lines of credit for the men and women of the United States of America. You will employ people in the construction industry.

My last point is very important. This housing recession and the difficulties in it now are in the developed lots that are standing, developed and unsold, and the A, D, and C loans that have been made by the major banks funded around the country to fund those developments. Those loans are beginning to come due. They are threatening the integrity of the U.S. banking system, and there is only one thing that will solve that and that is for those lots to begin to be absorbed. The only way to do that is to get house buyers back in the market with an incentive to come back in and buy.

If the tax credit passed, we do not have that much of a vacant inventory available in the country. It would immediately stimulate the employment of construction workers to go into homebuilding.

My thanks to the Senate for its wisdom in adopting the \$15,000 credit. I express my deep disappointment in the conference committee dropping it, and I encourage our President and the leadership of our country to give a second thought to what this credit could do. It seems to me one one-hundredth of 1 percent of the budget is worth a gamble to create almost 600,000 jobs and 700,000 home sales, restore equity lines of credit to America's families and, most important of all, reenergize the great engine that is the American economy. The greatest stimulus in the world is not a gift of money, it is an incentive to invest and for American families to return their confidence in this great economy we have in this great country.

I urge the leadership of the country to consider that. I, again, thank the chairman of the Budget Committee and every Member of the Senate for their unanimous support of it, and I yield the floor in sincere hopes that when this speech goes to the White House they will read it, they will check the numbers, and they will ask the question: Is one one-hundredth of 1 percent of this budget worth the chance to restore the economy of America?

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, last November the American people voted for change. I think it is appropriate today, as we are considering the conference report on the budget, which is the blueprint for our Nation, and we also celebrate the 100th day of Barack Obama's Presidency and his administration—I think it is time to reflect where we have been in these last 100 days and the changes that have occurred. But first it is important to point out the mess President Obama inherited.

The United States is engaged in two wars. We have the worst economic crisis since the Great Depression inherited by this administration. We have record deficits inherited by this administration. The international reputation of the United States is badly damaged.

In 100 days, the Obama administration, working with us in Congress, has an impressive record of accomplishments. I think it is important to point out that the No. 1 priority, as all my constituents tell me on a daily basis, is to fix our economy. Our economy is in deep trouble. The American Recovery and Reinvestment Act put the recovery of our economy first by creating jobs. We need more jobs, to save jobs, create jobs. The Obama administration put that as their top priority.

But they also invested in America's future in education, in health care, and in energy; protecting our essential services for America's most vulnerable people; and providing tax cuts to help

restore consumer confidence in our economy.

That was the first priority. That bill has passed and its impact is now being felt in our country. But in the Congress, under the leadership of President Obama working with us, other things were accomplished in a very short period of time.

The Lilly Ledbetter Fair Pay Equity Act was passed, guaranteeing we have an enforceable right for equal pay.

We passed the Children's Health Insurance Program that now covers 4 million more children with health insurance. I am particularly pleased that law includes dental care so children will be able to see a dentist.

We passed legislation protecting public lands and protecting our environment for future generations.

We passed the Edward M. Kennedy Serve America Act, for Americans to be able to engage in volunteer service to their country throughout their lifetime.

The Obama administration, working with this Congress, has restored America's international leadership. We have made it clear from the beginning that this Nation will not permit the use of torture, focused our missions in both Iraq and Afghanistan of going after the terrorists—which is what we should do to make America safe—and prepared to join the international community in combating global climate change.

We have done a lot during the first 100 days—quite a record. Today we are on the verge of passing the budget conference report which will provide a new blueprint for America's future. What are the priorities? The priority first, is the economy. Again, we have to get out of this recession. This budget allows us to invest in creating new jobs. It will do it in a fiscally responsible way and will invest in health care, energy, and education.

President Obama, as I pointed out earlier, inherited quite a fiscal mess. President Bush, during the 8 years of his Presidency, started with a surplus. Let me remind you, 8 years ago we had a surplus, a \$236 billion surplus in 2000. The current year's deficit is \$1.75 trillion. This was the fiscal recklessness of the Bush administration that has been inherited by the Obama administration. It has cost us jobs. We are losing half a million jobs each and every month. That is what was confronting the President back when he took office.

We have a housing crisis, people losing their homes. They are still losing their homes today. We have to pay attention to that. We have got to give confidence so that people can keep their homes. It is important for individuals, it is important for our communities, it is important for our economy.

Banks are not lending money. They still are not lending money. We have got to get our financial system working the way it should so that America

can grow. We have got to help small business. That is the growth engine of America in order to create jobs and move forward with innovation.

What we need to do is have a budget that puts our priorities on America's future. Well, the budget President Obama has that we are about ready to pass does that. It helps our economy but does it in a fiscally responsible way. It puts us on a glide path to reduce the Federal budget by two-thirds by the year 2014.

We are working on the economy, working on creating jobs, but we are also working on fiscal responsibility to get out from this deficit. Because we not only have a moral obligation to our children and grandchildren to pay our bills, it is critically important for the fiscal strength of America that we get our budget back into balance. So as we come out of this recession, as we create the jobs that this budget will allow us to do, we also put us on a glidepath toward fiscal responsibility.

But the budget recognizes another essential point. We are not going to do things the way we have done them in the past. We have an administration that is prepared to tackle the tough problems. It is one thing to get out of this recession and to try to balance the budget and get our budget balanced, but we have got to deal with the underlying problems that America confronts. We have got to fix a broken health care system, because it is too expensive and drains our economy.

We have got to become energy independent, because that drains our economy and our budget. And we have got to invest in education. Our children are our future. We have got to put our resources with our children.

The budget recognizes that for America to be able to have a strong budget in the future, we need to fix our health care system. We talked about this for a long time. We have talked about fixing it. Well, we now have a President who has said the only option that is not on the table is the status quo. I agree with President Obama, we have got to fix the system. Why?

First, it is way too expensive. Not only is it a drain on Federal taxpayers but to every person in this country. Our health care system is twice as expensive, per capita, than the next most expensive system in the world. And yet we have seen, during the Bush years, the 8 years of his Presidency, the number of uninsured grow from 40 million to 47 million. There are 47 million Americans who do not have health insurance. And we do not have the health care results that would warrant such a large expenditure of our Federal economy in health care. We should have better results. We do not have those results, so we have got to fix our health care system.

What does this budget resolution do, the conference report that is before

us—that will shortly be before us for a vote? What this budget resolution does is allows us to move boldly toward universal health coverage, toward universal coverage. Why is that so important? Well, you see, someone who has no health insurance today enters a health care system in a very expensive way. They use our emergency rooms for primary care, to the extent that they get primary care. They do not have prevention. And they enter our system in a much more costly way. Illnesses that could have been detected early are left untreated. They enter our system in a very expensive way.

Many times people without health insurance do not pay their bills. But they get paid. Guess who pays them. The taxpayers of this country. Those who have insurance pay more for their premiums and doctors and hospitals because of people who have no health insurance.

It is in our national interest to get everyone covered by insurance. This budget conference report will allow our committee to bring in a bill to fix our health care system to provide universal coverage that will provide better quality care and save us money.

This budget allows us to save money in the health care system by investing in preventive health care. If we get more people tested for early detection of diseases, it will save us money. We invest in health information technology so we can eliminate a lot of the waste in our health care system, the administrative costs. Not only will it eliminate costs, unnecessary costs, but you will have better management of care. Doctors and hospitals will be able to communicate with each other. They will understand the complexities of your own individual health history and be able to build health protocols to give you more cost-effective, quality care. That is using technology. This will help us.

We need to deal with the disparities in health care. We know there are gaps across racial and ethnic lines. We need to narrow that, pay attention to that. This budget allows us to move in that direction to eliminate these disparities.

The budget allows us to reform our own Medicare system. Medicare is the largest insurance program in our country. Our elderly and disabled depend upon our Medicare system. But our Medicare system needs to be changed and reformed. Ask any physician about the sustainable growth rate methodology for reforming, for paying their fees every year. We have got to change that. We have got to eliminate this physical therapy and rehab cap. It makes no sense at all.

This budget resolution allows us to reform the Medicare system to make it more cost effective, and the budget resolution provides for the backup of budget reconciliation instructions.

What does that mean? I want to give you my interpretation. That allows us to use regular order to get this issue dealt with, to get health care dealt with. We have been talking about it for years. It is time to act. It is time to fix our health care system. And this is not a partisan issue. It is not a Democratic issue or a Republican issue. This is an issue that affects our country. It is an American issue. We need to work together on it. But it is not regular order to use a filibuster to prevent this body from taking up these issues. And that is what the budget reform process was all about many years ago.

I hope every Member of this body will work together so we can fix this health care system. That is what we need to do. Nobody has a monopoly on the best ideas. President Obama has reached out and said: Look, I know what we need to accomplish. You know what we need to accomplish. Let's work together and get it done so we can make health care more accessible, and people can get quality care in a much more cost-effective way, saving the taxpayers of this country money, helping our economy grow, making American companies more competitive internationally. If we fix the health care system, all of that is possible if we get it done right.

I want to compliment—I see the Chairman of the Budget Committee is on the floor, Senator CONRAD. I want to thank him for his leadership on these issues. You now have a budget that will allow us to deal with these priorities. But the budget resolution also recognizes that for America to be strong, we also need to become energy independent. And the budget resolution allows us, our committees, to do that. We need to become energy independent for the sake of our economy.

We saw the impact on our economy when energy prices went up and down, and we had very little to do with it. But if we get the energy policy right, we are going to create green jobs, more jobs in America. This is about our economy. This is about helping America grow. So smart energy, energy independence, is the right thing to help our economy. By the way, it is also important for national security. We should not be challenged to fight wars because we need imported oil. Let us become energy independent for the sake of our national security, and, yes, let us become energy independent using good green technology, because it is good for our environment and we can do something about global climate change, working with the international community.

But the budget goes further and says, look, if we are going to be a strong nation, if we are going to get our future budgets in balance, if we are going to be competitive internationally, if our economy is going to grow, and the American standard of living is going to

grow, we are going to invest in education. Education has got to be our top priority.

We can do a much better job at pre-K through 12 and quality education. Every child should have access to a quality school. This budget resolution allows our committees to move in that direction, and to bring down the cost of higher education for the typical family. Too many families today are being denied the opportunity to send their child to college because they simply cannot afford the cost of higher education. We have increased Pell grants. It is another great record of this Congress. We increased the Pell grants. This budget resolution allows us to go further to bring down the cost of higher education.

The budget resolution recognizes that we have to empower families to be able to afford and to participate in our economy. So tax relief to middle-income families is extended and expanded in this budget resolution.

The budget resolution recognizes that small businesses are the driving force behind job creation. Most of our jobs are going to be created by small businesses. Innovation comes from small companies. So this budget resolution allows us to continue the incentive so that small companies can get the credit they need, can get the help they need to be able to not only survive this economic downturn but to turn it around and create new jobs.

I particularly thank the conferees for continuing to include the increases, the 2-percent increases, in the Small Business Administration, an agency that was decimated under the prior administration. I offered an amendment in the committee that was adopted that increased that appropriation to \$880 million. We want the SBA to be the advocate for the small business community, to fight Government agencies to make sure they make contracts available to small companies, to help mentor small companies so they have a business plan that can get a loan from a bank. That is what we want the SBA to do. And now with this budget support, the SBA should be able to build and help our small businesses in America.

Last November America voted for a change. We are delivering on that expectation. This budget resolution that has come out of the conference committee allows our committees, working with President Obama, to tackle the challenges confronting our Nation. The conference committee gives us the blueprint we need by focusing on different areas for helping in tax relief, for bringing our budget better into balance, helping working families, and investing in universal health care and educational opportunities and energy independence.

I urge my colleagues to support the work that has been done by our con-

ferees. Let's work together to refuel and revitalize our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank the Senator from Maryland, Mr. CARDIN, who is a very important member of the Budget Committee. We were very lucky to have Senator CARDIN join the Budget Committee when he became a Member of the Senate, having come from the House where he served on the Ways and Means Committee.

If you look at Senator CARDIN's career, it is a career of leadership, being elected at a young age in Maryland, rising to the most powerful position in the Maryland legislature, coming to the House of Representatives, and now to the Senate. We are very fortunate to have his background, his knowledge, and his skills helping us form a budget resolution for the country. I am indebted to him and I appreciate very much his wise counsel.

I ask unanimous consent that all quorum calls be charged equally to both sides for the duration of the debate on the conference report accompanying the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I want to indicate, for the purposes of our colleagues, that we have a series of speakers. We do not have this firmly locked in in terms of an order, but we are expecting Senator ENZI momentarily; Senator GREGG—I see Senator ENZI now; Senator BUNNING approximately at 12:30; Senator JOHANNIS at roughly 1 o'clock; Senator LINDSEY GRAHAM at approximately 1:30. I will answer, to the extent I determine necessary, as we go through these speeches. But I want to indicate that that is roughly the order of where we are: Senator ENZI, Senator GREGG, Senator BUNNING, Senator JOHANNIS, Senator GRAHAM, and Senator MURRAY after that.

We have other Senators also in the train. But if other Senators wish to join this debate and discussion, they are certainly welcome. It will be important for them to call the cloakroom so they can get in the queue so that they do not have to waste their time waiting here on the floor as others speak.

With that, I see Senator ENZI has come to the floor. I will give him a few minutes to get ready, because he is, as is so often the case with Senator ENZI, not only on time but ahead of his scheduled time, and we appreciate that very much.

We are delighted to have Senator ENZI here. He is also an important member of the Senate Budget Committee. While we have differences—no doubt he will have a different view of this budget resolution than perhaps do I—nonetheless, we have great respect for the contributions he makes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the chairman for his kind remarks and for the great job he does on very difficult issues.

Anytime you talk about money, whether it is at home, at work, or here in the Senate, it raises a lot of concern and difficulty.

I know this has been a difficult process to work through. Of course, I have a major disagreement with the budget that I want to concentrate on because I am not only on the Budget Committee, I am also on the HELP Committee, which is a big bite of the apple, especially since the President has placed so much emphasis on health care reform and education reform this year. I also happen to be on the Finance Committee. So the three committees have to interact on those issues, particularly the health care issue. I have never been involved in an issue with as many moving parts or as difficult as health care reform, probably because it involves 100 percent of the American people. Seldom do we have a bill that involves that. This also involves every single business and every single health care provider. All of them are nervous and probably ought to be as long as we are in session. I will speak in opposition because of a particular part of the budget resolution conference agreement that I am disappointed in.

As I review the agreement before the Senate, it once again reminds me of the old adage that I have referred to before: You can pay me now or you can pay me later. This budget conference agreement leaves the bills for later. It taxes too much, it spends too much, and it borrows too much. I ask my colleagues if this is the legacy we want to leave our children and grandchildren. Actually, we are going to be paying for it within our lifetimes; it will not be just the next generation. We ought to know better.

Yesterday, we were having a hearing in the HELP Committee where we were talking to several States that have done something significant in the area of health care. I like the roundtable approach. That is where we bring in people who have done something, and they explain how they did it, why, what the results were, what they would do differently. It is not like a regular hearing where one side invites in some of the witnesses, the other side invites one of the witnesses, and then everybody shows up to beat up on the witnesses. This is to get information. It was fascinating because we had Massachusetts, California, Vermont, and Utah—four States that have tried or done something in the area of health care.

Yesterday, California explained their health care reform and had to mention

that it failed. I asked why. They said it was primarily because they had a \$14 billion deficit they were trying to figure out how to cover, and health care costs money. I did have to point out that our deficit is significantly bigger each and every year. Even proportionately, it is significantly bigger. So that will raise some difficulties. This budget resolution conference agreement doesn't get near to solving that problem, not even in the long run. So we are not considering a conference report that will confront any of the tough financial priority choices that face our country.

As I have said repeatedly, we cannot sustain the current level of spending without inflicting grave danger on the fiscal health of the country. Recently, I noticed that England tried to sell some bonds. They had difficulty selling them. They didn't sell them. Everyone will recall that China has been asking what additional guarantees we would give on our bonds. What does that say? That says that we have maxed out our credit cards. Every individual in America who has ever had a maxed-out credit card knows what that means. It means you can't get more credit. We run on credit, particularly if we run deficits.

One of the most offensive and dangerous parts of this conference agreement is the use of budget reconciliation. It is a procedural tool, and it is a backdoor method to bypass the full and fair legislative process. The Senate was designed to include minority views, and there aren't issues where it is more important to do this on than with health care reform and education reform. I am hoping that on either of those, in order for the American people to have confidence in what we are doing, we will put together a bill that will have 75 or 80 votes. We need to have that kind of agreement in order to have a plan that will work. And Lord help the party that designs one that does not work or that stops the process of getting one to work. Both sides have a tremendous responsibility in the health care and education debates. Either one can end their party with either of those bills. Reconciliation's intended use is for meaningful deficit reduction on budgetary issues. If you attack those problems purely from a budgetary issue, you cannot get to the core of the problem and you cannot resolve it.

I just came from a Senate Finance Committee meeting where we are talking about the Senate Finance Committee piece of health care. That is separate from the HELP Committee portion of health care. Both have to work together, along with the Budget Committee, in order to come up with a plan. Today, we were going through roughly one-third of the problem. We were going to go through the delivery system part, how do we deliver health

care. We have a little eight-page document. The first page is just a cover page. The second page is just a summary. The third page is where we spent the last 2 hours. There are five more pages to go. The other five pages are more difficult than the first page. After we finish all of this and reach some resolution, which we are hoping to do before the middle of May, then we have to look at coverage, what kind of coverage people will be given if they are under health care, and we want to get everyone under health care. The final piece we have to do is how to pay for it. So you can see it is a very complicated process.

Reconciliation is intended for the use of meaningful deficit reduction on budgetary issues. The budget resolution that passed this Chamber in March, the Senate version, was silent on reconciliation. Reconciliation is included in the House budget resolution and was, therefore, an item we resolved during the conference process.

The conference agreement provides reconciliation instructions to the Finance Committee and the HELP Committee on both health care reform and higher education. I serve on both committees, and as the ranking Republican on the HELP Committee, I do have expertise on the issues at the heart of the debate.

I also have a track record of legislative accomplishments and getting bills across the finish line. It doesn't do any good to just debate them. If they don't get finished, it never helps anybody. I work on getting them across the finish line. The way to do that is to focus on the 80-percent rule. That means focusing on the issues where there is general agreement 80 percent of the time rather than the 20 percent of the issues where consensus is not likely. On that 80 percent, you have to pick out the 80 percent of the issue that everybody can agree on and find another way, a new way of doing that other 20 percent. Then you can reach the goal. If you are divided at the beginning, you won't get the 80 percent, let alone the other 20. It takes time to keep everybody calm and focused and listening. It takes time to reach solutions, particularly on the 20 percent where you are trying to come up with a new way, where neither side loses face, and get a result.

What we have is a situation where the House of Representatives is dictating the Senate process. How did reconciliation instructions make it into the conference report after so many powerful Senate Democrats—the Budget Committee chairman, the Finance Committee chairman, the HELP Committee chairman, all of the committees involved in this—opposed using reconciliation and said they would fight to keep it out of the budget? How did that many important people get rolled on this thing? How did that happen? They said they opposed it, but it winds up in there.

The House Rules Committee can allow large, comprehensive bills to be cleared in a single afternoon. They don't need it. They can do it irrespective of whether the bill is designated as reconciliation legislation. However, in the Senate, without privileged designation, it could take a week or more to consider the same legislation. It does take longer over here. That is because we want to get it right. Using the reconciliation process does not allow for a full and open debate in the Senate. It does not allow a thorough vetting and amendment process. Its fast-track nature shuts out Members, particularly from the minority party. It also shuts out centrist Democrats. So it is a declaration that Republican ideas and centrist Democratic ideas are going to be left out of the mix. It is counter to the successful way legislation is typically considered in the HELP Committee. We often work in a bipartisan way that results in much of our legislation being worked out to achieve strong support from both sides of the aisle. Laws such as the Pension Protection Act and the Head Start reauthorization were hundreds of pages in length, and they passed the Senate with little debate and by huge margins.

I am deeply disappointed that the final budget resolution paves the way for a partisan process, particularly on these issues that are important on education and health. I have to say that the most radical on both sides will favor this. The far-left Democrats see this as a way to do it their way. The far-right Republicans see it as a way to delay it so it doesn't get done because they will be able to cause confusion with the amount of time that is involved. That will be bad for both sides. It won't work for the American people. That is why it won't work for either side. That is why we have to be centrist on this and pull together 75 or 80 people who can agree on these issues. That will take time in committee. If we do the proper amount in committee, it will take less time on the floor. We have proven that with past legislation. To just throw out this little bomb that says we are going to do this in a very short period of time really affects the ability to work closely together.

One truly difficult challenge this Congress has to address is how to get control of America's exploding health care costs. Simply throwing more money at the problem is not a solution. Real health care reform has to be bipartisan. It has to have a full and open debate. If we enact the wrong health care fix, we will worsen our budget crisis. Enacting reforms without reducing costs represents an unsustainable promise that the American people will long regret.

It is taking us time to do these roundtables and hearings. Yesterday, Massachusetts, Vermont, California, and Utah talked about their experiences. We learned a lot. Both sides

learned a lot. They have learned a lot. The States are really laboratories for the Federal Government. What works at the State level might have some transformation to the Federal level. On the other hand, if we take it all at the Federal level and we do one-size-fits-all, we can damage efforts that can be done at the local level. The local level is where people live.

Health care reform is too big an issue to advance with procedural shortcuts. There never has been a bill with as many moving parts that affects as many people as health care reform will. To get a workable solution, it will require the effort of everybody in the Senate. We can bring them together and do that. If we can't come up with a plan that will garner the support of at least 75 or 80 Senators, this institution will not gain the confidence of the American people. Without that confidence, the plan will fail. We will never overcome the objections that will be raised.

Misusing the reconciliation process to get a health care bill or higher education reforms is not the right approach. It conflicts with the new bipartisan spirit the President has promised. This is a disappointing day in the Senate. Moving a health care reform bill through reconciliation reshapes what we have been suffering from—the PELOSI war cry: We won the election, we get to write the bills. That is not right. This kind of partisanship disenfranchises millions of Americans—not just Senators, millions of Americans—and it is wrong. They are looking for commonsense solutions, not party messages.

The American people deserve a good bipartisan bill that will work. Using reconciliation will make that impossible. While I expect that Chairman CONRAD has the votes to adopt this conference agreement, I am going to urge my colleagues to oppose the resolution and on the basis of needing to have good health care reform done the right way with everybody working on it. That is exactly how it has to be. It cannot be just one side. Anybody who opposes health care reform—unless it is because it was rushed through with just one party listening—will suffer too. If we get everybody together, we can come up with a plan that will work. I regret that ever made it into the budget. I still cannot believe that could be a part of it—the House, that does not need it, imposing it on a Senate that knows better.

Madam President, I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, very briefly because I see Senator GREGG is in the Chamber, and I know he is on a very tight timeframe.

I very briefly say to the Senator from Wyoming, I do not favor reconciliation

for writing health care. I, personally, do not believe it will be used to write health care reform. It is here as an insurance policy. I think virtually everybody who has been engaged in the debate publicly and privately has now concluded it is not the preferred alternative for writing health care.

One of the things we did do is push back the date to October 15 for the committees to act to give them more time to work under the regular order. Chairman BAUCUS has made an absolute commitment to try to do this in the regular order. I have done the same. The majority leader has done the same.

I sincerely believe health care can and should be written without using the fast-track process of reconciliation. It is true it is here as an insurance policy, as a backstop. I would have strongly preferred it not even be that. But let me say, when it is the President of the United States, the Speaker, the majority leader here, it gets fairly lonely as a conferee. But I do wish to say to the Senator, I agreed with so much of what he said. He is going to be a major player in health care reform. He already has been—certainly in the CHIP legislation.

I believe there is going to be a full opportunity to write it the way it should be written, which is in the committees of jurisdiction, with both sides fully participating. That is the best way and the right way to do it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, picking up on the comments made by the chairman—and I fully accept his sincerity and his belief and his desire not to use reconciliation, but that is not, as he said, the position of the President, the Speaker of the House, and the majority leader. I think we can assume if those three folks want reconciliation to be used, it is going to be used.

The practical implications of reconciliation are to devastate the constitutional prerogative of the Senate. The purpose of the Senate is to debate, discuss, and then amend items of major—major—policy.

The point is, reconciliation was put into this document, which we just received, for the purposes of muzzling the minority and making the Senate into having the same status, from a parliamentary procedure standpoint, as the House, where amendments are not allowed, where discussion is limited, and where an up-or-down vote is the only option given to the membership.

It is not only a terrible idea from the standpoint of the impact it has on the constitutional role of the Senate—which has been explained very effectively by people such as Senator BYRD as being a place where we are supposed to give the minority the capacity to make points and discuss matters of high policy and complex issues in an

open forum with the ability to amend—but it is also a very difficult way to proceed on an issue of such complexity as health care reform or the climate change issue. The practical effect of using reconciliation will be that a bill will pass in this Congress, especially in this Senate, which the American people will know is not fair. They will know it is not fair because there will have been no ability for the minority or for people who disagree with the way the bill was written down at the White House to object to it or to amend it.

That type of legislation—major health care legislation, which affects every American—in order for it to be effective and in order for it to be accepted by the American people, needs to be perceived as, and really be, a fair document, reached through compromise, with the purposes of having all the different stakeholders at the table in order to discuss the issue. Regrettably, that is not going to happen under the reconciliation instruction.

I would note that even though the chairman has said—and I am sure he says this in all sincerity; I know he says it in all sincerity—he believes reconciliation will not be used in health care, it can be used and will be used on health care if the President and the majority leader and the Speaker of the House want it to be because that is why they put it in.

In addition, the idea it will not be used to raise the national sales tax on energy or a light switch tax, which is what is being proposed relative to the carbon tax, that also probably does not apply because the language of the bill is not binding. It simply says it is assumed. “Assumed” is a pretty weak—in fact, I cannot think of many words that are any weaker than the term “assumed.” It is assumed reconciliation will not be used in the area of climate change legislation, which means it can be used in the area of climate change legislation and probably will be if there is a determination by those folks who want to push that issue to do so.

It is ironic this bill—for which we have had two major votes in this Senate that said: Do not use reconciliation for the purposes of climate change—has in it such weak language on that issue, basically opening the door to using reconciliation for the purposes of climate change.

But the reconciliation issue, as serious as it is—and it is a serious issue because it goes to the purposes and the role of the Senate, in my opinion; and it also, in my opinion, will undermine the quality of the product produced in the area of health care or climate change—is not the core problem with this budget. The core problem with this budget is it spends too much money, it raises and creates too much debt, especially on our children's backs, and it raises and spends too much in the way

of taxes. It is going to have a dramatic impact on the quality of life in this Nation as it plays out, as it is creating an unsustainable government, a government which neither our generation nor our children's generation, nor our children's children's generation are going to be able to pay for because it is going to increase in size so much and create so much in the way of deficit and debt, which will have to be paid for by our children and our grandchildren.

To try to put this in perspective, the budget basically raises discretionary spending by \$1.5 trillion. We are going to hear some arguments from the other side of the aisle that: No, it does not do that. I will get to that in a second. They are essentially doing the Obama budget, the President's budget. The Director of OMB says there is virtually no difference between the two. They are 98 percent the same.

Essentially, they are raising discretionary spending by \$1.4 trillion, mandatory spending by \$1.1 trillion, and raising taxes by \$1.5 trillion. In fact, it may be a lot more. They are making absolutely no savings in the area of spending accounts, which are critical to getting this deficit down and under control.

As we have mentioned on numerous occasions, but which is accurate and needs to be repeated, they double the size of the debt in 5 years, they triple it in 10 years, and they leave our children with a debt which is 80 percent of GDP—a public debt which is 80 percent of GDP.

The practical effect of having a debt that is 80 percent of GDP is that basically you have a nation which cannot sustain its obligations of debt. Today, our public debt to GDP is about 40 percent. If you wish to get into the European Union, your public debt can only be 60 percent of GDP. Under this budget, we are going to 80 percent of GDP. Latvia could get into the European Union, but we could not under this budget. That is what is going to happen. It is not a question of some sort of theoretical event. Under the spending program of this budget—and because the Congress is now totally controlled by the liberal side of the aisle and because the President is of that party—this is going to happen. It is not like it is not going to happen. It is going to happen.

What is driving these massive deficits? Primarily, it is massive spending increases. It is not too tricky an issue. Under President Obama's budget, and under the budget that is brought here by our colleagues on the other side of the aisle—although they tried to obfuscate the spending; at least the President is forthright about his spending—the spending of the Federal Government goes up dramatically.

This chart I have in the Chamber shows, historically, Federal spending has been about 20 percent of GDP. That

is about what we can afford, historically, because our revenues are a little bit below that—19 percent of GDP. Under this proposal, the spending goes up radically in the next year, year and a half, and then it comes down as a result of the end of the recession and then it starts going up again. But it never comes down that much. It is 23 percent, 24 percent, 25 percent of GDP.

The problem is spending. The President is very forthright about this. He says he believes strongly—and his party, obviously, agrees with him—that you should significantly increase the size of the Federal Government, that you should significantly increase spending because if you increase the size of the Government, if you move the Government to the left, if you increase its spending, you create prosperity. He believes governments create prosperity.

Well, we do not agree with that. We think the way you create prosperity is having a government you can afford. That does not mean you eliminate Government. It means you have one you can afford. The proposal here is not for a government you can afford. It is just the opposite: a government we cannot afford, a government that is not sustainable. The way to create prosperity is by having a government you can afford and giving individuals the ability to go out, make investments, take risks, and create jobs. That is how you create prosperity—not by radically increasing the size of Government, radically moving it to the left, which is exactly what is proposed in this budget.

All this new spending leads to a massive increase in debt. In fact, one of the more interesting statistics—because I noticed the chart of my colleague from the other side relative to George Bush—this President dwarfs—dwarfs—what President George W. Bush did in the area of adding debt to our children's backs. It dwarfs that. If you take all the debt created in this country since George Washington through George W. Bush, President Obama's budget—and the budget which is being brought here by the other side of the aisle, if it were honestly scored and correctly accounted for, which would be essentially the same as President Obama's budget—doubles the amount of debt that has been put on our books by all the Presidents in all the history of this Nation. That is a tragic event for us, but it is an even more tragic event for the next generation.

I hear the other side constantly talking about what President Obama inherited. Yes, he inherited tough times. But the issue is not what he inherited. The issue is what he is going to bequeath, what he is going to leave the next generation. What he is leaving the next generation is an unsustainable Government. You do not have to listen to me to believe that. The chairmen of the Budget Committees on both sides

of Congress—on the House side and the Senate side—have said the budget, as presently proposed, is unsustainable in the outyears. Their budget is unsustainable in the outyears. Of course, they eliminate the outyears. They only did a 5-year budget. The President did 10 years. They took off the last 5 years so they would not have to talk about it. But it is not going away at the end of 5 years—still growing, still out of control. And it is unsustainable in their own terms.

Why is it unsustainable?

This chart shows the bottom line of why it is unsustainable. It is called the debt. To quote one of the sages and oracles around here: "The debt is the threat," and the debt is just going up and up and up. It is an unsustainable situation.

What does "unsustainable" mean? That is some sort of term we throw out and people don't really catch on. What does it mean? It means the average American family at the end of the President's budget will have \$130,000 of new debt—every family in America—that they will have to pay for as part of the Federal debt. It means the average American family will have \$6,000 a year of interest payments on that debt for which they will be responsible. It means our children will inherit a government which will cost them so much that basically one of two things will happen to them: The economy will have to be inflated radically to pay off this debt, thus reducing the value of the dollar, eliminating savings of most Americans and creating an economic tax of inordinate proportions through massive inflation; or taxes on all Americans will have to be significantly increased at a rate that we have never seen in our history—other than in World War II—a rate which will essentially mean Americans would not be able to go out and buy a home. They would not be able to go out and send their kids to college. They would not be able to buy that car or live that lifestyle our generation had.

With the debt at 80 percent of GDP, it will mean for the first time in the history of our country, one generation will have passed on to another generation less of a nation—less prosperous, less strong, less opportunity. Totally unfair, but that is exactly what will happen. There is no way around this. Their budget locks us into this path. They themselves admit it is not sustainable, but that hasn't caused them to hesitate in going forward, and going forward in an aggressive way to expand the size of government and not pay for it and leave our kids with these massive debts.

I think it is appropriate at this time to also talk a little bit about the specific budget before us, which is the compromise between the House and the Senate budget because there is so much misdirection and disingenuousness

about this budget that it is staggering. I give the President of the United States and his people credit, including Director Orszag and OMB. They attempted to send an honest and straightforward budget where they actually told us what was going to happen and what the costs were going to be. They put in one big gaming mechanism in the area of defense where they assumed \$1.6 billion of spending, which everybody knew wasn't going to occur because they counted on the war costs going on for 10 years at their present levels—and we all know that is not going to happen—and then they claimed savings when those war costs were reduced. That was a fairly big item. But outside of that item, for the most part they gave us a budget that had integrity to it in the area of what it really was and what it was really going to cost.

This budget which was just sent to us is just the opposite. It is filled with gamesmanship, with stuffing spending under the rug so we don't notice it, with tools that avoid enforcement mechanisms, and with things such as the reconciliation instructions, which are a total adulteration of the congressional process when it is used relative to a public policy issue as big as the question of health care.

Let's note a few of the things they have left out of their budget to get to their alleged number. Remember, their alleged number is around \$500 billion of deficit in the fourth and fifth years, and they pound their chest in great praise of themselves: Oh, we reduced the deficit to \$500 billion. We have reduced it by half or three-fourths or whatever they want to claim. That is a little hard to sell to anyone with any common sense. When the deficit is run up to \$1.8 trillion or \$2 trillion and then brought down to \$500 billion, that is not moving forward, folks; that is taking six steps back and one step forward and claiming that we are moving forward. We are still going backwards.

This budget goes backwards at an atrocious rate. It goes backwards at an atrocious rate, and it doesn't even tell us how much it goes backwards because they hide so much of their spending and their costs underneath the rug.

In the area, for example, of the doctor fix—we all know around here what the doctor fix is. The doctors in this country get reimbursed under Medicare, but we have this stupid, arcane rule around here which every year cuts the doctors' reimbursements by some amount, and now it is up to 20 percent. So every year we have to fix that. It is an expensive fix, but we do it every year, so we know we are going to spend that money to fix that arcane rule that ends up cutting doctors' reimbursements arbitrarily and unfairly.

The President's budget accounted for that. They accounted for that fix. Does this budget account for that fix? A

very small part of that fix—a very small part of that fix. They leave out about \$50 billion of that fix.

In the area of the alternative minimum tax, we know the alternative minimum tax wasn't supposed to apply to 20 million Americans; it was only supposed to apply to a small number of Americans who make a huge amount of money who could avoid paying taxes because they used tax avoidance mechanisms. But because of the failure to index that system, we now have 20 million Americans who will be subject to the alternative minimum tax if we don't fix it every year.

So what do we do? Every year we eliminate the application of that tax to those 20 million Americans because it was never supposed to be there to begin with. But what does this budget do? The President had the integrity to say he was going to do that throughout his budget. They were not going to assume the revenues from the alternative minimum tax because they knew for a surer that they were not going to get those revenues because every year we repeal that tax that applies to those folks. So what do they do in their budget?

Unlike the President, they don't account for all the alternative minimum tax. They score some of that revenue to themselves, taking advantage of that revenue. So instead of having the full cost of the alternative minimum tax in their bill, they have a small percentage of it—not a small percentage of it; about half of the cost accounted for in the bill. So they leave out a big number relative to the alternative minimum tax—about \$70 billion—or about \$80 billion, actually.

Then the TARP, the President asked for more TARP money. It certainly looks as though, when you listen to all of these things coming out of the White House, that they are going to need more TARP money. They put that TARP money in his budget; they leave it out. No, no TARP money. Well, maybe arguably they will not step up when the President asks them to and finance the issue of how we maintain our financial stability as a country relative to our financial system, but I suspect if the President asks for TARP, it will be allocated, and they should have scored it. At least the President did that.

Budgeting for disasters: We know we have disasters. The President knows we are going to have disasters. It appears the House Democrats and the Senate Democrats don't know we have disasters, or if they do, they decided not to budget for them because they left those numbers out in order to get to a better number on their deficit figure.

Health care reform: We know we are going to get health care reform. We are going to get it through reconciliation probably. They are going to ram it down the throats of this Congress. It is

going to be their bill, and we know their bill scores at \$1.2 trillion over 10 years. That is how it scores. The President had the integrity to say he would put half of that in here. He put in \$650 billion of that cost into his budget. Does it appear anywhere? No, it doesn't. The Democrats in the House and in the Senate, they are not going to pay for health care at all. They put in this euphemism of a reserve fund that claims they are going to pay for it, when we know that is about as likely as their use of pay-go to enforce any spending around here.

The Make Work Pay tax credit, one of the premier items of the President, remember; we hear so much about how there is not going to be a tax increase on working Americans. Well, let's point out the fact that working Americans are going to get hammered pretty hard under this bill in the area of tax increases. First, they are going to get hit with a carbon tax, and a carbon tax is essentially a national sales tax on the production of electricity and the use of electricity. So if someone uses electricity in their home and turns on their light switch, they are going to get hit with a carbon tax.

The estimates of that tax are huge—huge. MIT did a study and said it is \$300 billion a year, massive numbers. It is \$3,000 per household if we take that study and just divide the number of households into the cost of the study. But independent of that tax, which doesn't appear anywhere in this budget, by the way, other than the fact that we know it is coming through some reserve fund, alleged reserve fund—they wipe out the President's Make Work Pay tax credit which he asked to be extended. They assume it would not be extended. Why? They know it is going to be extended because if the President tells them to extend it, they are going to extend it.

Why do they not put it in here? They don't put it in because they want to make their bottom line look better—look better. Then they actually skim down the middle-class tax relief. They have already scored the fact that they are going to tax wealthy Americans—alleged wealthy Americans—people making more than \$250,000. They have already scored that and taken in that money.

Remember, most of those people, the vast majority of those people, are basically running a small business, and when we raise their taxes, what can't they do? They can't expand their small business. They can't add jobs. They are the engine of jobs in this country, by the way. So they are going to tax them, take their money away from them, put it into the Government, expand the size of the Government on the allegation that the Government can create prosperity, not small business.

Small business doesn't create prosperity as far as our colleagues on the

other side of the aisle are concerned. No, no, they tax them. No, it is the Government that creates prosperity, so let's take more money from small business, move it over here and give it to the Government, and we will create prosperity for Americans.

Well, tell that to the person who is running the restaurant or running the garage or has a little software company who would like to use his money or her money in order to reinvest it so they can actually hire some more people and actually produce some value in this society, versus expanding the Government and creating more consultants and more people who are out there spending money in a very inefficient way, for the most part. But that is their policy. They won the election. Fine. But in winning the election, they also said they weren't going to tax middle Americans.

Well, look at the document. There is \$180 billion of taxes on middle-income Americans which they do not define from where it comes. They simply say it is there. It is in there somewhere. Well, somebody is going to have to pay it. I think it is pretty safe to say it is going to be working Americans who are going to have to pay that \$180 billion.

Why did they raise those taxes on working Americans? Why did they go back on their campaign promises, both in the Make Work Pay area and in the taxing working Americans? Well, they did it so they could make their bottom line number look better than the President's. At least the President had integrity. He had honesty. He came to us and said: I am going to extend Make Work Pay. I am going to have a middle-class tax cut. The other side of the aisle, the Democrats in the House and the Senate don't play by those rules. They play by the old rules of let's obfuscate, hide, sequester money and make it look as if we are saving money when we absolutely know for sure the spending is misrepresented in the bill and the taxes are misrepresented in the bill.

Then they have the temerity to use the phony 920 number. We all know 920 is a phony number. This is an account we set up, and when we claim savings, we put things into 920. In other words, I am going to increase spending on the XYZ program because I like XYZ. Well, where do I get the money for that if I am going to try to stay revenue neutral? I am going to get it out of account 920. I am going to spend \$40 billion on the XYZ program and the offset is going to be account 920. Account 920 is an account that for all intents and purposes leads to a cut around here. It never leads to anything. It is not specific. It should come out of all accounts. It never happens, but they were a little off in the numbers they wanted to get to, so they did a 920 account in their budget to the tune of, I think, \$40 billion or more—\$48 billion.

All of that added up, and their real number, their real deficit numbers—the numbers that the President actually had, ironically—come out pretty close to the same. If we put back in all the stuff they have hidden under the rug, all the stuff they claimed they are not going to do, which we know they are going to do, we come back to deficit numbers which are almost exactly what the President's deficit numbers are.

There is no \$500 billion deficit in the fifth year; it is \$924 billion—if you put back in what they have hidden, claimed, obfuscated, manipulated, and generally tried to play games with around here.

So the President's numbers were accurate. He deserves credit for that. But this budget is a fraud on its baseline numbers. The reason this is important, besides the fact that there is actually \$400 billion of spending almost every year that is not accounted for in this budget, is that the deficit, at these numbers, is around 5 percent of GDP. A deficit of around 5 percent of GDP and a public debt of around 80 percent of GDP leads you to being a country that is essentially unsustainable in its fiscal policy. It leads to a nation where the dollar loses its value, where our debt cannot be sold, where inflation is rampant, tax policy is basically so heavy that productivity is significantly stifled. They want to hide that number. At least the President had the integrity to admit that. The House and Senate Democrats have tried to hide that.

There is one other point that needs to be made here, because of the foolishness of the statements about how they are going to reinstitute a real pay-go. You know, I understand that the Blue Dog Democrats on the House side come from districts where their people expect them to be fiscally responsible. They have gotten on this banner of pay-go. They say we are going to assert pay-go. That will be the rules that guide us, and we will make sure all the spending is paid for and the tax cuts are paid for. That is called pay-go. They say that as a mantra, to the point where it has become a term of art that implies you are fiscally responsible.

Look at this budget. My colleagues on the House side, who are Blue Dogs, claim to wrap themselves in the banner of pay-go, but they have no banner on their pole. There is no pay-go in this bill that will have a significant impact. In fact, the budget passed by the House and Senate put in place policies that would obfuscate pay-go to the tune of approximately \$2.4 trillion. So on the face of this, they have ignored pay-go in their own budget. The ultimate insult is that the most significant public policy event we are going to do, probably in the term of anybody in this Congress, going back to the beginning of ROBERT C. BYRD's term, forward to

the end of probably the youngest Member of the Congress who is serving today's term, which is the issue of rewriting the health care system of this country—17 percent of our GDP—the single most significant public policy event we will ever undertake—affecting every American everywhere, at all different levels, they formally, by law, waive pay-go in this bill for that exercise.

The Blue Dog Democrats in the House say we have the pay-go protection. Nobody who is being forthright with their constituents should go out and claim that pay-go is going to be a disciplining event. It isn't, hasn't been, and will not be—especially on the most significant issue we confront, which is the question of health care reform.

We have already talked, of course, about reconciliation and the affront that is to the Senate procedures and the constitutional role of the Senate. But it should be noted that using reconciliation also creates the situation where you can run through a massive tax increase, such as the carbon tax, and use it to pay for health care reform. Don't think that that is not being considered around here. Assuming that reconciliation won't be used in that area is an optimistic projection, because the majority leader has already said publicly that—and I am paraphrasing—isn't it interesting that the revenues from the carbon tax, or the national sales tax, light switch tax, pretty much is what we need in order to do the first few years of the health care bill as we see it.

So offsetting those two has obviously been an idea that has presented itself to the majority leader, and he wields significant authority here. He was able to keep reconciliation in over the objections of our chairman, allegedly, so I know he is powerful, because the chairman is extraordinarily powerful. When two powerful forces meet, if one of them survives, we know that one is really powerful. We know the majority leader is really powerful because he was more powerful than the chairman on the issue of reconciliation. So that is serious. We could use the carbon tax to pay for the health care, which is possible. I am not saying it is going to happen, but it is possible while using reconciliation.

That brings me back to my closing point, which I want to reiterate. It is about debt. It is about the fact that when this is all said and done, when all the smoke has risen, there will still be burning a massive explosion of Federal debt, an explosion so large, increases so dramatic, that I don't see any way out from under it with this budget. I am so concerned about where this takes our opportunities as a Nation. When you pass on—and it is not that far away because we are talking 2013, 2014, when we start getting big numbers. When you pass on a deficit of 4 to 5 percent of

GDP, a debt of 60 to 80 percent GDP, where do we go as a Nation? Let's think about that for a minute. How does a nation get out from underneath that? Doesn't the world start to look at us and say, my God, has America lost its way? Is it no longer capable of disciplining itself and living in a responsible manner? When they say that about us, where does our Nation end up? Where do we leave our children?

It is a serious issue. Yet it is right here, and this budget is the point. If we pass this budget in its present form, with the outyear spending and outyear debt, I don't know how we get out from behind it.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I found the presentation of my colleague, for whom I have great respect—but on this presentation I found it highly entertaining, and it bears almost no relationship to the document that is at the desk.

It is very interesting, if you read the charts that the Senator presented, they all relate to the President's budget. You notice they don't relate to the budget that is before us. The fact is that we made significant changes in the President's budget, because after the President presented his budget, we learned in the Congressional Budget forecast that we were losing \$2 trillion of revenue because of the economic slowdown over the next 10 years. So we made a series of very significant adjustments to respond to that reality.

In fact, over 5 years alone, we changed the Obama budget by \$555 billion. Not one dime of that was reflected in the Senator's charts. They say if you are a lawyer and if you have the facts, argue the facts; if you have the law, argue the law; if you have neither, attack your opponent. That is what we have heard. They don't have the facts, they don't have the law, and they certainly are not talking about the legislation before us; so they launched an ad hominem attack.

Let me go back to the facts, because they are stubborn things. On spending, let's be clear. This budget takes domestic discretionary spending, as a percentage of GDP, from 4.4 percent in 2010 to 3.4 percent in 2014. That is not a big spending budget; that is a tough budget that reduces the share of our national economy going to Federal domestic discretionary spending. On non-defense discretionary spending, in dollar terms, over the 5 years of the budget, the spending is increased, on average, by 2.9 percent a year. That is less than the growth in national income. That is why the share of domestic discretionary spending as a part of our economy is going down under this budget.

The Senator said that somehow there is a \$180 billion tax increase in this

budget. Where? I mean, he made this same assertion last year. He said the budget last year was going to increase taxes. What happened with last year's budget? Did it increase taxes? No. It cut taxes by hundreds of billions of dollars. That is what this budget does. This budget cuts taxes, on balance, over 5 years by \$764 billion. That is a fact. That is not made up for the convenience of a political debate. That is a fact. Taxes are cut under this budget \$764 billion.

On reconciliation, I must say the speech by the Senator is beyond the pale. He acts as though reconciliation is against the Constitution of the United States. Well, it is interesting what he had to say when the shoe was on the other foot. When the shoe was on the other foot in 2001, and he wanted to use reconciliation, what did the Senator say then? Unfortunately for the credibility of his speech here, we have the RECORD. We know what he said then. Here is what he said then:

Reconciliation is a rule of the Senate, set up under the Budget Act. It has been used before for purposes exactly like this on numerous occasions. The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation, support that position. Is there something wrong with majority rules? I don't think so.

So when they wanted to use reconciliation, it was a rule of the Senate, and it simply allowed the majority to work their will, and there was nothing wrong with it. Now when we have a reconciliation instruction as a backup, as an insurance policy, now it is somehow against the Constitution. Please. That is not going to stand up against the Senator's own record. The fact is that reconciliation has been used 19 times—13 by the party on the opposite side. I didn't hear and see crocodile tears from them about how it threatened the Constitution. In fact, the Senator described it then as a simple Senate rule that allowed the majority to rule.

I take great offense to the suggestion that this budget is made up. This budget is not made up. It is scored by the CBO, which is nonpartisan. This budget does precisely what I have presented it as doing. It reduces the deficit by two-thirds over 5 years. As a share of GDP, it cuts the deficit by three quarters. The Senator says, you have hidden the doc fix, which is this. We know doctors who treat Medicare patients are scheduled to take major reductions. We have not hidden a thing. We have said that, after 2 years, fixing the downward spiral on doctors' reimbursement for those who treat Medicare patients will have to be paid for. That is not hidden; that is very clear, direct, and it is what we should be doing here—paying for things.

When we found we were in a circumstance in which we had \$2 trillion less than the President had to write a budget, we had to make changes, and

we did. We made responsible changes. One of the changes we made was to say that, no, doctors should not be cut. We will provide the money in this budget for the next 2 years so they are not cut. But after that, additional fixes would have to be paid for. That is what we have to start doing around here—paying for things.

And there is the alternative minimum tax. We have said in this resolution that the alternative minimum tax should not be imposed on anybody, and for the next 3 years it can be done without offsets, without paying for it, because we don't want to raise taxes during a time of economic downturn. But after the 3 years, further moves to prevent the AMT from being imposed have to be paid for.

The same is true on TARP funding. The Senator said we excluded TARP funding. Yes, we did because we could not pass \$250 billion of TARP funding after the way TARP has been handled in the first round. It would not pass. The President said put it in as an insurance policy. He does not have a specific proposal before us, in any event. But we did not include it here because it could not pass this body.

On health care, the Senator suggests this is going to add \$1 trillion to the debt. Not under this budget. Again, he failed to read the document. It makes very clear, if we are going to have health care reform, it has to be paid for. The reserve fund he kind of glossed over is very specific. I can only change the allocations to committees if the issue is paid for. I have no authority to change the allocation to committees unless health care reform is paid for.

On Make Work Pay, the President's middle-class tax cut, in addition to all the 2001 and 2003 tax cuts that are all included in this budget, over \$500 billion of tax cuts for the middle class that are in this budget, the President's middle-class tax cuts that are over and above those that were included in 2001 and 2003, the so-called "make work pay" provisions, they are already provided for in the stimulus package. That is already the law for the next 2 years. If it is to be extended, this budget says we have to pay for it. That is exactly what we are going to have to do to bring the deficit down. We are going to have to start paying for things.

There are so many things that were said that are in error about this budget, it is breathtaking.

I wish to conclude on this note. If this budget is so bad, why didn't the Senator offer an alternative? In 2001, when I thought the Bush budget was fatally flawed, I offered an alternative on the floor of this body. This year, the Senator has offered no alternative. All he offers is complaints and misrepresentations and a rewriting of history.

The debt is on an unsustainable course. Why? Because the previous administration doubled the debt, tripled

foreign holdings of U.S. debt, and put us on a course in which we face the worst recession since the Great Depression. That is why the debt is burgeoning. It is not as a result of this budget document. This budget document moves the deficit down, reduces it by two-thirds over the next 5 years.

We inherited a colossal mess—colossal. To suggest this President is responsible for this colossal mess after he has been in office 100 days does not stand the test of truth and will not stand any scrutiny. We all know how we got to where we are. The previous administration doubled the debt of the country at a time when the economy was relatively good. Unfortunately, when they left office, the economy was in the worst shape in 60 years. History will not treat the previous administration and their supporters on the Hill gently or kindly because they put us in this ditch. The President is seeking to lift us out of it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House of Representatives, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 13), setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 27, 2009.)

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I rise to discuss the conference report on the fiscal year 2010 budget. Unfortunately, I will not be able to support this legislation. As a member of the Senate Budget Committee since I have been in the Senate, I spoke on this budget during the committee consideration, and I also spoke on it while it was on the Senate floor. I was unable to support it those two times, and I am disappointed to say I will not be able to support it here either.

Today marks the 100th day of the Obama administration. It is still too early to see most of the effects the different pieces of legislation the President has signed into law will have on America. However, we do know one thing: It sure has cost a lot.

The price tag for the so-called stimulus bill was over \$1 trillion, if you in-

clude the interest. The cost of the Omnibus appropriations bill was about \$410 billion. What does this mean? It means that over these first 100 days, President Obama has spent an average of \$12 billion a day. That is a staggering rate of spending. We cannot continue to manage our Nation's finances like this.

The budget proposed by the Obama administration several weeks ago is no more responsible than these other bills. It spends too much, it taxes too much, and it borrows much too much.

I have mentioned these numbers before, but they are worth repeating. The President's proposal will double the publicly held national debt to more than \$15 trillion. Annual spending would leap from \$24,000 per household to \$32,000. This plan would also raise taxes by \$1.4 trillion over 10 years.

Those are not my numbers. I didn't make them up. The people hired by the Democrats, the Congressional Budget Office, picked by Senator REID, Speaker PELOSI and one member of the Finance Committee and one member of the Ways and Means Committee, Senator BAUCUS and Congressman RANGEL—those are the people who picked CBO's Director, and those are his numbers.

The increase in debt is also staggering. The President's proposal would double the debt held by the public in 5 years and nearly triple it over 10. In fact, the proposal would create more debt under every previous President from George Washington to include George W. Bush.

I know today we are not voting on the Obama proposal. However, I still think it is completely reasonable to discuss it. This proposal gives us a great insight into how President Obama views Government. We see he wants to greatly expand it. He also no longer is a member of the legislative branch. However, he is the leader of the party that controls the legislative branch. We know he will have influence on how legislation is written.

One of the most troubling aspects of the document before us is the inclusion of reconciliation instructions for health care and education legislation. I don't want to talk about arcane Senate procedure today. However, this is an abuse of the process. Reconciliation is supposed to be used to return money to the taxpayers and the Treasury. It makes legislation that accomplishes this much easier to pass. These instructions require a total savings of \$2 billion. This is absurd because we know health care reform and education legislation will cost much more than \$2 billion. In fact, as we know from the numbers I mentioned above, the administration has spent \$2 billion every 4 hours or so. This will not be any kind of significant deficit reduction.

Another worrying feature of this budget is the assault on small busi-

nesses. President Obama admits that 70 percent of job growth will come from small businesses. So why does this budget tax them out of existence?

My colleagues on the other side of the aisle claim they are only raising taxes on a handful of small businesses, but they ignore the fact that they are hurting the businesses that are responsible for two-thirds of small business jobs. Small business jobs are key to our economic recovery. But look at what the failed policies of this Congress have done for small businesses.

The so-called stimulus bill that added over \$1 trillion to our national debt spends less than one-half of 1 percent—one-half of 1 percent—on small businesses. Also, after mortgaging our future on the TARP bailout, 70 percent of the large banks have actually decreased their small business lending. Now these small businesses that have been devastated by the economy and cannot get a loan to make payroll are going to be hit with a massive tax increase. How are these small business owners going to be able to hire even one more worker? This budget is an assault on small businesses. It taxes too much, and it should be defeated.

I would like to mention energy policy before I conclude my remarks. Throughout this year's budget debate, we have talked a lot about energy, particularly a proposed cap-and-trade tax proposal. At a time when our Nation's energy needs are continuing to grow, we should turn our focus on how best to meet those needs while creating jobs instead of taxing American families. If we act too rapidly by imposing carbon taxes, all Americans will pay the cost through dramatic increases in utility prices. If enacted, a cap-and-trade revenue program would institute one of the largest tax increases in American history. Every American will pay a sales tax whenever they turn the light switch on or start their car. This tax will be untargeted and regressive. Even our poorest citizens will be hit by this tax. This is a dangerous policy, and I am startled by how much support it has received from this current administration.

So much for the President's promise not to tax anyone making less than \$250,000 per year. Maybe that is because he knows he needs more money than he can raise by taxing just the rich to pay for all of his plans to make Government even a bigger part of ordinary Americans' lives.

As I have outlined above, this budget has some problems. It spends too much, it taxes too much, and it borrows too much. I urge my colleagues to join me in support of fiscal responsibility by voting against this piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I rise today to express my extreme disappointment in the outcome of the

conference report, specifically the blatant disregard of the will of a bipartisan majority of this Senate. Madam President, 67 Members—67 of us—spoke with one voice in opposition to allowing cap-and-trade legislation to be slipped into the law in a way that stifles amendments and debate.

Almost 70 of us spoke, again in a very bipartisan voice, to instruct the budget conferees to include our amendment in their report to ensure that the bright light of transparency shines on cap-and-trade legislation. Yet that very amendment, supported by 67 Senators, is nowhere to be found in the conference report. So the door has been reopened to pass sweeping cap-and-trade legislation with a simple majority.

The Budget Committee leadership did include report language about climate change, but it really has no meaning. The sentence in the conference report states:

It is assumed that reconciliation will not be used for changes in legislation related to global climate change.

In reality, this statement is not worth the paper on which it is written. This assumption is made by people who don't have any control over the process. Frankly, the Budget Committee can assume whatever it wants, but the truth is that the majority leadership can roll them at any time.

And then what is our recourse? Well, there is none. This Budget Committee assumption has no teeth whatsoever. It is simply a nice platitude to try to lull us to sleep.

Certainly you can understand my skepticism. Sixty-seven Senators supported an amendment that had real enforcement teeth to shield the American people from being railroaded in the dead of night. It would have ensured open debate and the opportunity to offer amendments on the Senate floor. Yet when the conference agreement returned, the amendment had been stripped from the budget resolution to ensure it appears nowhere—nowhere in black and white.

So today we must be on our guard again. Some might suggest we relax because there are no reconciliation instructions entitled "cap and trade." In fact, some will argue that because there are no instructions from the Senate for the Committee on Environment and Public Works at all, so there is no need to worry; case closed.

Don't fall for it. Remember, the House Energy and Commerce Committee has reconciliation instructions in the final resolution. So the House could easily use these instructions to enact cap and trade. They could generate over \$1 trillion for nationalized health care or really for any other initiative. They could go to the conference, and then, presto, cap and trade emerges from the conference with not a single Senate amendment offered and only 10 hours of debate on the Senate floor.

Consider this: A hard-working American on the night shift could literally go to bed after a long night's work and wake up to find cap and trade is the law of the land. What a rude awakening that would be: his family facing a new \$3,000 tax and his job in jeopardy of moving overseas where no carbon tax exists. And let's not be fooled. There will be tremendous pressure on the committee to follow this exact path.

Many will want to avoid such inconveniences as consultation with the American people. After all, these discussions would be very uncomfortable. Who would want the very unpleasant job of explaining to the American people that they are going to be taxed every time they turn on a light switch or start the washing machine or throw clothes into the dryer? I can see why some think it would be easier just to slip the legislation through with no transparency.

It is not just cap and trade that could become the law of the land without a robust debate. Budget reconciliation could be used to pass universal health care. Some describe this as an insurance policy. Insurance policy for what? Don't the American people, through their elected representatives, have a right to use Senate procedure to examine this very important change?

My point is this: Many have risen over the years to speak against reconciliation to pass complex legislation. Budget reconciliation is simply ill-suited to pass difficult, comprehensive legislation such as cap and trade or health care.

Well, what has happened is this: By mixing complex policy questions with budget reconciliation instructions and the Byrd rule, you get a witch's brew. The result is a bizarre set of rules. You could literally have a situation where a high bar would be set—a 60-vote requirement—to pass very noncontroversial, budget-neutral health care provisions, and yet—listen to this odd result—major overhaul provisions which cost hundreds of billions of dollars would need just a simple majority. We have reduced the Senate to not the deliberative body but a body where literally we get around the rules.

And that is where we will be. Some simple sections of the health care bill will require 60 votes, while the tax increases and the extravagant spending provisions within the same bill will require a simple majority. I challenge any Member to come to the floor and explain to me why that makes any sense. How unfortunate. It certainly is no way to legislate. It is not what I planned on when I came to the Senate. This situation will make a mockery of the work we do on this floor.

Allowing only 20 hours of debate on this extremely complex issue will result in very piecemeal policies with glaring weaknesses. Eventually, the American people will catch up with this and say: What were you thinking?

I am not interested in a band-aid solution. I am not interested in playing politics with such an important issue. It is a game changer. I am interested in being thoughtful and careful about our approach to such important policy—legislation that will affect the lives of virtually every single American.

The budget rules were never intended to expand Government programs or to be the catalyst for major policy implementation. The American people deserve better than the course this budget resolution is charting.

I will also say that I don't believe I was elected to come here and assign blame. Let's just follow our rules, starting today, and bring transparency to these complex issues. Debate them, amend them, then cast our vote.

I urge all Americans to pay close attention because I think we are on a dangerous course. There is troubling potential for health care reform and climate legislation to constitute the largest tax increase ever witnessed in the history of this country. I ask the American people today, therefore, in view of where we seem to be headed, to be vigilant. They have to demand honesty. They must demand transparency. And demand that those in Washington remember the principles of democracy and remember why we were sent here—to have great debates, to follow our rules, to amend where we can, and then to cast our vote. Unfortunately, this budget resolution takes us on a different course.

Madam President, I yield the floor, and because I don't see anyone else queued up, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, could you inform me when 10 minutes has expired?

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. I thank the Chair.

I rise today to speak about the budget and the debate we are having in the Senate about the budget. Quite frankly, if you asked me to give a scenario that would best explain what a politician thinks about life and politics, I would say: Let them write a budget. When you give a political leader the opportunity to sit down and spend money coming from the taxpayer, it tells you a lot about their priorities, it tells you a lot about how they view the role of Government. And I am here to say that this budget is not good news for the American taxpayer.

Today marks the anniversary of the President's first 100 days, and I think

the biggest accomplishment in the first 100 is a budget that is transformational in terms of how it transforms the country in a way that I don't think is healthy.

The one thing we have had going for us as Americans, from one generation to the next, is the hope and belief that the ones to follow—our kids and grandkids—would have a chance to do better; that we would do what is right and what is necessary on our watch so they would have a chance to do better. If this budget passes, you are going to have a hard time looking the next generation of Americans in the eye and saying: You are going to have a chance to do better than people alive here today.

What this budget does is it doubles the national debt. President Obama's proposal, a 10-year budget—I will give him credit for making it a 10-year window—triples the national debt. This budget creates more debt for America in the first 100 days of the Obama administration than every President since George Washington combined. We have spent, in the first 100 days, \$12 billion a day. We are running up the deficit and the debt at an alarming rate, and we are growing the size of the Government in a way that future generations are going to have to pay for.

The question for the country, if this budget passes, is this: Are we creating a government that is sustainable by the next generation? Can the next generation, with this budget in place, have a chance of doing better than we have? I don't think so. I really don't. And I never thought I would hear myself say that.

As we look down the road, we see how the budget explodes the national debt and the deficit—67 percent of the debt held by the public as a percentage of GDP. That is what happens under the Obama budget in 2014. This is a 5-year budget, and we have ignored some of the things we know we are going to do to make the numbers look better because the President's budget was so large and so unnerving in terms of long-term indebtedness.

The worst that Bush did—and we did not do a good job on our watch as Republicans—was to have a \$500 billion deficit.

The best this budget does, 10 years from now, is about \$600 billion, and we sustain trillion-dollar deficits for several years. But the percentage of publicly held debt relative to GDP, gross domestic product, is going to be 67 percent down the road. That is Third World nation status.

The budget is a 5-year budget. The numbers look better, but we have not done anything to fix the doctor reimbursement problem, the last 2 years of the AMT fix are not included, and we are expanding the Make Work Pay tax credit. What we have done is mask the real cost of what we know is going to be there after 5 years.

The budget that was proposed by the President triples the national debt and increases taxes by \$1 trillion on people who make over \$250,000 a year. That may sound good because I don't make \$250,000 a year. Maybe 2 or 3 years of my entire life I have. I am the first person in my family to go to college. My dad and mom owned a liquor store. We had a middle-class lifestyle at best, but we were happy. I never looked across the street at the person who owned the big business in town and had the nice house as my enemy. They are not.

In a recession and a global economy that is on its knees, if we start raising taxes on American business people, they are going to look to take their business somewhere else. To go from 35 percent to 39.5 percent on people who earn over \$250,000 is in theory more money for the Government, but it is less money for the people who have taken a huge risk to create a business. The day we start punishing people and rewarding the Government for the risks they take is the day America gets off track.

Raising the capital gains rates, as this budget does, from 15 to 20 percent, will make it less likely that people will engage in entrepreneurial activity. But one thing John Kennedy understood is, low tax rates generate business activities that actually generate more money for the Government. So what we are doing is raising taxes, and we are playing class warfare.

The defense spending in President Obama's budget over a 10-year period went to 3 percent of gross domestic product. It is about 4.5 or 4.6 percent now. That would put us on the low end, in the Nation's history, for defense spending. So liberals raise taxes, and they cut defense at a time when I think we can't afford to do either.

The world, to me, in the next 10 years is not going to be safer unless we act. Iran and North Korea are pursuing nuclear programs that could jeopardize our lives as we know it. The one thing I can tell you about Iraq and Afghanistan, we made plenty of mistakes, but we have the best trained, best equipped military in the world, and that really does matter. We are going to win in Iraq if we continue the course we are on, and we are going to turn Afghanistan around, but it is going to take blood and treasure.

The one thing I am not looking for from an American perspective is a fair fight. When we go to war—and sometimes that is required to protect the national interest—we need to go to win, and we need to overwhelm the enemy. We need to have technology they do not. We need to have more troops than they do. We need to have equipment that can destroy their equipment without destroying our people. That requires investment. The whole world is reducing their defense budgets.

Our NATO allies spend less on defense combined than we do. Like it or not, we are the arsenal of democracy, and now is not the time to reduce the arsenal and to be cheap on defense and grow the domestic side of Government. We need butter and we need guns, but let me tell you right now we need a lot of guns in the world we are about to inherit in the next 10 years.

Finally, the increase in domestic spending puts the country on an unsustainable path, and the next generation is going to have to pay for this big government. To pay for it we are going to have to raise their taxes. To make it all work we are cutting defense.

There is a better way. Let's keep taxes competitive and as low as possible, realizing we have a government to run. Let's spend wisely. Let's reform health care so the Government doesn't become the one group in the country that decides what doctor we can see and what the doctor makes and what kind of treatment we get.

This climate change issue is real, in my opinion. I think manmade emissions, CO₂ emissions, are heating up the planet. In the President's budget he was going to put a \$646 billion cap-and-trade tax on industry and American consumers—\$3,100 per family—at a time when we could ill afford it. That was taken out of the budget. That is good news. But what I am trying to say to my Democratic colleagues is, this is your Government now. You run this place. The problems in the past, the mistakes made by Republicans are real. You don't fix those mistakes by spending more money than we did. You don't fix the problems that America faces for the next generation by growing the Government at a pace and a level you can't pay for down the road unless you have to give up some of your hopes and dreams.

There is a role for Government. There is a role for us in health care. There is a role for us to play in the economy of our times: to help business and to be a safety net for those who have lost their jobs. But we are about to pass a budget that will increase the national debt, double what we have today. There will be a day in 2014 when we will spend more money paying the interest on the national debt than the entire Defense Department budget. That is not healthy for this country.

We have done nothing to reform Medicare or Social Security. We are talking about \$1 trillion more in spending on health care when we spend more than any nation in the world.

We are going to pass this budget. It is my hope the American people will weigh in. The stimulus package was \$787 billion of spending—a lot of growth in Government and very few jobs created. You need to speak out. You need to get involved. You need to tell us all, Republicans and Democrats: I expect

you to collect taxes from me. I expect you to offer services to me and my family. But I do not expect you to make it so that my children and my grandchildren cannot have the life I have had. I expect you to do what I am doing, tighten your belt and set priorities.

This is your Government at the end of the day. It is fashionable and appropriate to criticize political leadership. But in a democracy, when you look in the mirror, that is "we the people." So for America to change it is going to require Americans to demand it from both of us, Republicans and Democrats. I believe in you. Your Government is dysfunctional. It will be made better if you want it to be. There are people here listening. Speak out before it is too late.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I would like to pick up where my colleague from South Carolina left off and talk a little bit about the need to have a budget agreement that reflects the will of the American people, to have Republicans and Democrats both engaged, involved in that, not only in Washington in the Senate but Republicans and Democrats around the country. What we saw in this budget was a certain number of amendments that were accepted on the floor of the Senate, Republican amendments, all of which were stripped out in the conference committee with the House—which many of us predicted. But there were lots of good amendments that addressed key, core issues.

We had amendments that addressed the issue of climate change, which the door is left open to in this budget. We had amendments that addressed issues such as the deduction for charitable giving, which was an amendment I offered on the Senate floor. It was adopted by a vote of 94 to 3. That was struck in the conference.

We had amendments that were offered that were designed to protect those with incomes less than \$250,000 a year from having tax increases in the budget. That was an Ensign amendment. That was stripped out. So any Republican input or involvement in this budget process was nullified by the work of the conference committee, the Democrats who led the conference between the House and the Senate. So we are left with a budget that has been sanitized of any of those protections against higher costs for energy, against higher taxes, and a whole range of other things—protection against losing the deduction that is available to people, the tax benefit available to people for charitable giving, that being stripped away and used to pay for other things.

The budget essentially now is a Democratic budget. My colleague from North Dakota was here earlier talking

about how these problems were all inherited; that the spending all occurred on the past administration's watch and now they are just trying to clean up the mess.

I have to point out to my colleagues in the Senate and to the American people that there are certain givens I think we all would subscribe to, one being the fact that we did have a \$5.8 trillion debt at the end of the last administration. Many of us have acknowledged that Republicans didn't do a good enough job when we were in charge of keeping Federal spending under control. But that does not negate the fact that in the next 5 years that \$5.8 trillion debt is going to double. In 10 years it is going to triple. In fact, if we go back in the annals of American history, go back starting at the time of the Revolutionary War through the last Presidency, that of President George Bush, from George Washington to George Bush, the accumulated debt over that entire time period will be equaled by the public debt that America will pile up in the next 5 years. It will be tripled in the next 10 years. That is a staggering number.

When you start looking at doubling of the public debt in a 5-year timeframe, tripling in 10 years, when at the end of the 10 years we have \$7 trillion in debt or 82 percent of our gross domestic product that is composed of publicly held debt, we have not seen that kind of number since the end of World War II, since 1948.

I would daresay, with all due respect to my colleague from North Dakota who made the point that these are all problems that were passed on by the previous administration, that it was not the Bush administration that put on the table and passed a trillion-dollar stimulus bill. I think it is fair to ask the question, is this trillion dollars in stimulus spending going to be carried on and extended and considered part of the baseline so it will create obligations and liabilities for our Government in the future?

We talked about \$1 trillion on the floor of the Senate that actually, according to the CBO, when asked the question, if the spending in this bill is extended and not terminated, how much would it cost, the answer was \$3 trillion—with interest, over \$3 trillion. That was not a Bush administration policy, nor is the fact that the Omnibus appropriations bill that was passed earlier this year, which had an 8.3-percent increase in spending in it, which was more than double the rate of inflation in this country, nor does this more recently passed budget—is the Bush administration responsible for that? This is the budget that was put forward by the new administration, that was passed in the Senate without a Republican vote. It went to conference where any amendments that were adopted on the floor of the Senate that had been

offered by Republicans were subsequently stripped out.

This budget is a statement of priorities and reflects the spending choices that are made by the new administration and by this Congress. So we cannot blame the past administration for the trillion-dollar stimulus which, if those programs are extended in the future, end up being not \$1 trillion but \$3 trillion. We cannot blame the past administration for the more than double rate of inflation increase in spending in the annual appropriations bills we passed earlier this year, and we cannot blame the past administration for a budget, a \$3.6 trillion budget, that increases nondefense discretionary spending by 8.9 percent this year and piles mountains of debt on future generations.

If we look at the deficits—just the 5-year, which we are limited to—earlier, I used some 10-year numbers. But the 5-year numbers on the deficits we are going to accumulate—2009, the current fiscal year, almost \$1.7 trillion; 2010, \$1.2 trillion; 2013, \$916 billion.

Incidentally, this year, 2009, as a percentage of GDP, that deficit is 12 percent—12 percent of our GDP. The benchmark for getting into the European Union is you cannot have a deficit, as a percentage of GDP, that exceeds 3 percent. Some of our European brothers, I assume, with the bad economy, are in excess of that now too, but the point is we are going to have a 12-percent deficit to GDP ratio which is four times the benchmark for entering the European Union.

The debt as a percentage of our GDP, the debt held by the public, starts at 55 percent this year, goes to 61 next year, 64 the year after, 66 the year after that, 67 the year after that—in 2014, 67 percent of public debt as a percentage of GDP, and if you extend it out for 10 years, which we saw in the original budget blueprint, we are talking about a debt that is 82 percent of our gross domestic product. That is not something for which the past administration is responsible. These are decisions that have been made by the present administration and this Congress when it comes to spending the American taxpayers' dollars.

So you have a stimulus bill which is a trillion dollars, and then again, as I said earlier, if those programs are extended in the future, it ends up being in excess of \$3 trillion; you have an Omnibus appropriations bill that passed earlier this year that increased at more than twice the rate of inflation and a budget which increases nondefense discretionary spending in front of us today by 8.9 percent and adds, over the next 5 years, about \$5 trillion, \$5.5 trillion to the Federal debt. Those are decisions that are being made real-time.

A lot of my colleagues on the other side have a sort of Bush administration

phobia. They want to talk about everything that has happened before. Well, there comes a point at which you own these decisions. Decisions have consequences, and there are consequences of the decisions that are being made here.

A lot of people believe that if we continue this rate of spending and taxing and borrowing, in the future, if we continue to pile up the interest on the debt—again, incidentally, at the end of the 10th year, we will spend more on interest on the debt than we actually spend on national defense, about \$4 trillion over the course of the next 10 years in interest on the debt, or \$52,000 for every household in America. That is just the interest on the debt.

A lot of people think the level of borrowing is going to lead inevitably to higher inflation down the road and therefore higher interest rates and all kinds of other bad economic outcomes that will put this Nation's economy in peril and make it more difficult for us to recover.

So if we are going to have a debate here in the Senate about this budget resolution and the conference report that came out, it should be about what is in front of us, not what has happened in the 8 years previous, because this budget is a budget that was presented and submitted by this administration, adopted by this Congress, adopted here in the Senate without a single Republican vote, then went into conference with the House of Representatives where any Republican amendments which were agreed to on the floor of the Senate, many of which got big votes: Well, just let them go ahead, vote for this stuff. We do not want to put out bad votes against these good amendments; we will strip them in the conference with the House. So those amendments, all of them, were stripped out. So we now have in front of us a budget that includes or makes possible the prospect of a climate change or the carbon tax proposal being done through reconciliation.

The Senator from North Dakota put out a statement that says: Assume that reconciliation will not be used for changes in legislation related to global climate change. Well, that is really nice, but it is a statement. The amendment that was offered by the Senator from Nebraska, Mr. JOHANNIS, which was adopted here on the floor of the Senate, which got 67 votes, was binding, basically said that reconciliation would not be used for climate change legislation. It got an overwhelming vote here in the Senate. A lot of Democrats voted for it. It got stripped in the conference committee, which opens the door to a cap-and-tax proposal that, by some estimates, could cost the average family in this country over \$3,000 a year in higher electricity costs. That is not a previous administration issue. This is a real-time budget. This is a

real-time issue. These are decisions that are being made by the current administration and the current Congress, make no mistake about it.

The final point I wish to make is that in the context of this—and they have been coming down and saying: There is really no tax increase in this. Well, there is. Taxes are going to go up on a lot of people. Well, they may say it is high-income people, but there are a lot of small businesses that are going to be captured under that net. This is not just going to hit the high-income people because a lot of small businesses that are organized as LLCs or subchapter S's or in some way that allows the income they derive from their small business to flow through to their individual tax return are going to pay higher income tax rates. Instead of paying at 33 and 35 percent, they are going to pay at 40 and 42 percent. Taxes are going to go up on capital gains. Taxes are going to go up on dividends. There are tax increases in there, there is no question about that, and the American people are going to find that out very soon.

The other thing that did not happen in this budget, in this whole sort of pursuit of new Government spending—and there are reconciliation instructions in here for health care reform which can be very costly to the economy and which there is no way of paying for in the budget. It is just assumed at that point that they will come up with the revenue source for that. But you have a health care reconciliation instruction, a climate tax reconciliation instruction, all of which could cost the economy enormous amounts of money, and yet nothing was done in the budget to deal with the fundamental issue that is driving these deficits and this debt for years and years into the future, and that is entitlement programs: Social Security, Medicare, Medicaid. All of these programs on the mandatory side of the budget that continue to drive Government spending, to drive deficits and drive debts well into the future, there is nothing that is done to reduce the overall cost of these mandatory spending programs, these entitlement programs, or to reform them.

The President said we need to reform these and look at all of these entitlement programs. Well, this budget does nothing of the sort. All it does is increase spending, increase taxes, and add mountains and mountains to the public debt—a debt that we hand off to future generations.

So I hope my colleagues will reject and vote down this conference report. It would have been better, it would have been a much improved product had some of the amendments my colleagues on the Republican side had adopted when it was debated here in the Senate been retained in the conference committee. But they weren't.

They have been struck, all of them struck, many of which passed by large margins. As I said, I had a couple of amendments on the floor, one with 89 votes and another was 94 votes. You would think, when the Senate makes that kind of statement in support of a particular amendment or policy, you might want to think about retaining that in the conference. Those were struck. The amendment by my colleague from Nebraska, Senator JOHANNIS, which got 67 votes, which directed the conferees not to use reconciliation for climate change legislation, was struck from the conference report.

That is unfortunate. This could have been a better budget. It wouldn't have been a good budget because it still spends too much, taxes too much, and borrows too much, but it certainly would have been improved had some of those amendments been retained.

So I urge my colleagues to vote against this, and I hope, now that this budget is going to pass here and we start doing appropriations bills, that this Congress will get serious about controlling Federal spending, about doing the serious work that is necessary to get our fiscal house in order. We cannot afford to continue to pass on these mountains and mountains of debt to future generations. It is not fair to them, and it is not fair to the American taxpayer. It is high time we started focusing on this issue and did something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Madam President.

Let me start by commending Chairman CONRAD for his leadership of our Budget Committee and especially for the hundreds of hours he and his staff have dedicated to getting this budget done and accommodating both the priorities and concerns of so many of us in this body. Putting together a budget is never an easy process, but I believe our chairman has achieved a very good balance that will set us on a course both to reduce our deficits and invest in the areas we know will make us stronger in the future: energy, health care, and education. A budget is a statement of priorities, and ours are very clearly in this budget. We put the middle class first, and we get our country back on track by investing in our future.

There is no doubt that we have inherited great challenges at this time. We now face the worst economic crisis in generations. Since December 2007, we have lost 5.1 million jobs, including 3.3 million of those in just the past 5 months. So before we consider where we are going, I believe it is important today to talk a little bit about where we have been.

Our colleagues on the other side of the aisle have been bemoaning deficits

and debt with not a moment of consideration for their own record on this issue. Back in 2001, Republicans controlled the full power of our entire Government. Under the leadership of President Bush and Republicans in Congress, record surpluses that were created under President Clinton became record deficits. Those Republican deficits grew and grew, and now today they add up to trillions of dollars in new debt that is going to be shouldered by future generations of Americans.

So it was with this perspective, which I hope our Republican friends will start to acknowledge and own up to, that we know at this point in time we have two choices: Choice 1 is to continue down the Republican deficit path—no investments in the future, a widening gap between the rich and the middle class, and more massive deficits. Choice 2 is represented by the budget we present today. It improves the economy by investing in energy and education and health care reform so that we are stronger in the future, cutting taxes to the middle class, and addressing deficits so that our children do not continue to bear the burden of bad decisions well into the future.

After 8 years of the Bush administration's very shortsighted budget and misplaced priorities, we are now working with President Obama to invest in our Nation's needs and chart a new course for America. We have chosen a new path with this budget. The American people deserve an economic plan that works for everyone in this country. Our budget makes responsible choices that will help get our economy moving again. I want to talk about a few of them. Let me start with education.

We all know that education and training are the keys to our future strengths. In this new global economy, a good education is no longer just a pathway to opportunity, it is a requirement for success. We will not rebuild our economy and be competitive long term unless we can both create jobs and ensure that our American workers have the education and skills needed to fill those jobs.

This budget before us invests strongly in education and in training. We also place a priority on making sure American students do not fall behind as they make their way into the global marketplace. Our budget helps to retrain American workers for careers in those new high-growth and emergent green industries, such as health care or renewable energy and energy-efficient construction, so that those workers stay in the middle class.

This budget makes strong investments in early childhood education and home visiting programs to make sure that our young students are healthy and that they are ready for school. It also, importantly, invests in making sure college is affordable and accessible

for more of our students. We want all of our students to achieve a postsecondary credential, whether it is through a registered apprenticeship, through a community college, or through a university. This budget helps point us in that direction.

As a nation, we have to change the way we think about preparing our young people for careers, starting with making sure education works better.

This current economic crisis has cost us dearly. Every weekend I go home to my home State of Washington, and I hear about another business that has closed or another family who cannot pay the bills. But we know that if we make changes and we make smart investments, we can move our country forward. Investing in education and investing in training is one of those smart investments.

That brings me to our next investment. As we are all aware today, energy issues are some of the most pressing facing our Nation today. Our dependence on foreign oil has left us beholden to other nations, as middle-class families pay the price at the pump. By making renewable energy a priority, we can reduce our dependence on foreign sources of energy in the future and help create green jobs here at home and leave a cleaner environment for future generations. This budget does that.

On an issue that everyone knows is near and dear to my heart, I commend both the committee and President Obama for making veterans a priority in this budget process. Our men and women in uniform and their families have served and sacrificed for our Nation. After years of underfunded budgets and being overshadowed by other priorities, this budget finally does right by them. I commend my Budget chairman and our President and all of us for making sure that happens in this budget.

This budget is honest with the American people about the cost of war, not just by paying for our veterans care but by paying for the wars in Iraq and Afghanistan on budget for the first time since they started over 6 years ago.

I also note that this budget meets our commitment to nuclear waste cleanup in my State and across the country. Workers at Hanford nuclear reservation and people of that community sacrificed to help our Nation win World War II. Hanford and other sites are now still home to millions of gallons of waste, and our Government needs to live up to our promise to clean them up. This budget does that.

As is the case in many States across America, farming and ranching and agricultural production is my home State's largest industry. Protecting our agricultural sector is critical to the economy, the environment, and to our quality of life. We have to make

sure our rural communities are strong. We worked to make sure we have a bright future for our farm families. Production agriculture, such as Washington State's wheat farming, is a very volatile business. A workable safety net such as in the farm bill is vital to the security of our family farms. I have also long supported the Market Access Program which provides funds for our producers to promote their products overseas and expand into those important international markets. Especially in these difficult economic times, when our foreign competitors are trying to limit our market access with tariffs, the last thing we should be doing is cutting programs such as MAP that will help growers in a competitive marketplace.

I want my colleagues to know I will continue to work with everyone to make sure we find ways to support one of the staples of our economy, our agricultural community.

We all know our health care system is broken. It needs real reform. Today we have an historic opportunity to finally tackle this challenge. These investments are not luxuries. They are essential to this country's future strength. That is why we have to prioritize the health professions workforce and access to quality care in rural areas. We have to work to ensure that preventive measures are given priority so American families are not left with giant bills for expensive care down the road.

Some critics of this budget are saying now is not the time to tackle health care reform. I believe that is pretty shortsighted reasoning. There is a direct connection between our Nation's long-term prosperity and developing health care policies that stem the chronic bleeding in business and in State and national budgets. A recent editorial in the Everett Herald newspaper in my home State made this point very well. They said:

Yes, the economy is the most urgent challenge. But our broken health care system and addition to oil threaten to become our long-term undoing.

They're all intertwined: Failing to find solutions to our long-term problems will likely stunt future economic expansions, creating longer and deeper downturns.

Health care is an important priority in this budget before us.

There has been a lot of talk over the past few weeks about the inclusion of reconciliation in this budget. Some following this debate are probably very surprised that our Republican colleagues, who were so adamant about using this procedural motion when it came to passing huge tax cuts for a very few while paying for it on the backs of many, would now be arguing against its inclusion in this budget. As I said earlier, there is a direct connection between America's long-term prosperity and improving our health care system. Today nearly 46 million Americans do not have health insurance. One

in five working adults does not have good coverage today. There was a survey by the Kaiser Family Foundation this month that found 6 in 10 American families put off care because of cost, and 42 percent of those people said they relied on home remedies instead of going to see a doctor.

Of course, just this week the covers of newspapers across the country are filled with photos of people wearing surgical masks. TV screens are filled with commentators talking about the possibility of a new strain of flu crippling the country and our economy. I can't think of a better time to be talking about the need to insure all Americans, to focus on prevention, and to make absolutely certain that when there is the possibility of a public health crisis, no one puts off medical care because they don't have the means to pay for it. But in order to do all that, we have to work together.

Democrats would strongly prefer to address health care in a bipartisan manner and by going through the regular legislative process. It is our full intent to do just that. Democrats believe all Americans deserve high quality health care that reduces our costs, makes care more affordable, and creates jobs in the health care sector. We believe in protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care for the millions of Americans who have none. We know the only way for our economy to fully recover is by making this critical investment in health care today. We are committed to working with Republicans to do that. But they have to demonstrate a sincere interest in legislating, because the stakes are too high and the cost of inaction is too great for us not to move forward. As long as Republicans want to be at the table, they have a seat. We welcome them. This is simply too important an issue not to have their voices. But it is also too important an issue to stall using partisan tactics. We have to address this crisis. We intend to move forward this year.

I urge all colleagues to stop debating the process and, instead, join the conversation about how we move forward on this issue that is so critical to America's families today and to our Nation's future economic strength.

America has paid dearly for the Bush administration's failure to invest in our Nation. We all know that. We don't have to tell the American people. They wake up to it every day: rising health care costs, pink slips, crumbling infrastructure, bills and mortgages they can't afford to pay. We tried it the other way for 8 years. It is time to invest in America again. It is time to give the middle class a break. It is time for honesty, and it is time to make bold decisions. This budget invests in our future and begins to get us back on track.

I thank our chairman who is now in the Chamber and tell him I appreciate the tremendous work he and his staff and so many people did to make sure we now have a budget before us that begins to get America back on track.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to especially thank Senator MURRAY. She is next in line on the Budget Committee. When I really want to threaten her, I tell her I am going to leave as chairman of the committee and she can take over.

Mrs. MURRAY. Every day I pray for the health and welfare of the chairman of our committee.

Mr. CONRAD. We could not have a stronger or better ally than the Senator from Washington. Senator MURRAY is exceptional. I have so enjoyed getting to know her over the years and working with her. When there is something you need to get done, you need an assignment that can actually get done, you want Senator MURRAY on the case. She is somebody who is a performer. She gets results. I have such respect for her and the contribution she makes to this committee and to this Chamber. We are fortunate to have Senator MURRAY in the Senate.

I tell my colleagues, they have seen her in vote-arama go around this floor, convincing colleagues that perhaps this is not the time to offer an amendment, perhaps they could wait. They have seen how effective she can be in personal interactions to get results. It goes way beyond the procedural. It goes to the question of policy and getting a good result for the country. I am so blessed to have Senator MURRAY as the top Democrat on the committee. I thank her personally for everything she has done as a conferee to bring us to this point, to have a successful resolution and a budget that is responsible, that does help get America back on track.

I have heard from the other side: We have tax increases here. Let's get to the facts. The fact is, on balance, we have a very substantial tax cut in this budget proposal aimed at the middle class. They are the ones who deserve and need it. We have also heard that this leaves open the possibility of global climate change being used in reconciliation. Nonsense. There is an absolute commitment from everyone who is a party to this discussion. It is in the wording of the resolution that climate change will not come to this body or to the other body through reconciliation. It is not going to happen. It has the absolute commitment of the majority leader, of the Speaker, and of the President himself. He has said it to me directly. So let's not be chasing straw dogs here. Climate change is not going to be done through reconciliation, period.

Again, I thank Senator MURRAY for her constructive work on this budget.

Mrs. MURRAY. Mr. President, if I may respond to the chairman of our committee, I appreciate his thanks and praise. But our colleagues should know, no one has spent more time and energy, not just for a few months but for a very long time, to make sure we have a responsible budget we can all be proud of to vote on today. I again thank him and his staff for their tremendous leadership, in calls late at night, when I am out on the west coast, and I know it is even later for him. I appreciate the tremendous amount of work he does, both policywise and making sure we keep the right fiscal balance. There is no one who is stronger in our caucus talking about how important it is to make sure we look at not just what we do today in terms of this budget but how we to do it in the future. Keeping that balance between spending and deficit is at the forefront of his mind. We would not be here today without him. I thank him.

Mr. CONRAD. I thank the Senator for her kindness. Next we have Senator HUTCHISON. How much time would the Senator require?

Mrs. HUTCHISON. May I have 15 minutes?

Mr. CONRAD. You certainly may.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee. I want to say about the chairman that I do believe he made very credible changes in the original budget proposal by saying he would not sign on to many of the even bigger spending items that went over the 10-year period. This budget has some redeeming value, and I appreciate his leadership. Because it is very

I am speaking against the budget resolution today because the overwhelming parts of the budget that are unacceptable outweigh the few good things that were done. Reconciliation was the subject of conversation. Reconciliation, of course, is the procedure that is used to completely wipe out the minority's opportunities for input. Maybe we will have input, but no Republican amendments will pass. On reconciliation, you do not have the ability to filibuster at all. While reconciliation is not completely allowed on the climate change bill, the report says:

It is assumed that reconciliation will not be used for changes in legislation related to global climate change.

I am going to take the chairman at his word saying that global climate change will not be subject to reconciliation because it is very important we have amendments. One of the amendments I had on this budget resolution, which was taken out by the conference, relates to the energy portion of the bill. So not having reconciliation and

taking away the ability to filibuster in the climate change bills that will come later is a positive.

However, reconciliation is in the health care part of this budget, which means health care reform and the single-payer system that has been proposed by the President and the leaders in Congress is in reconciliation, which means there will be no opportunity to filibuster or possibly have input—certainly no leverage by the minority. That is in the health care section of the resolution, which may be the most important one that affects people's lives.

We know our system of health care in America is the best in the world. There may be a few other countries that have equal access to private choices and doctor choices and the ability to choose what hospital and the type of care you are going to get and the kind of insurance coverage you get. But I think it is best in America. I know the countries that have gone to the single-payer system—which takes the private sector largely out of health care, takes the choice out of health care—end up with a system that allows people to die while they are waiting to have the procedures they need that they would have in the United States of America within a week.

So we have that in this budget in reconciliation, which means it is a 51-vote bill. That in itself is enough for us to vote against this budget. But there are other reasons as well.

We know our Nation is in the middle of an economic crisis the likes of which none of us have ever seen. Yet we are looking at a \$3.5 trillion budget resolution that says basically to the American people: We know you are struggling. We know you are trying to make ends meet. We know you cannot get loans from the bank. We know your small businesses are struggling to stay open. But not the American Government. The American Government is growing. It is getting bigger. It is going to be a burden that is going to be beyond what we will be able to bring back or contract if we can get through this economic crisis.

So while the American people are proving their resilience in the face of hardship, we are seeing the American Government grow as if we had all the money in the world to spend, which we do not. We are now looking at an unprecedented growth in Government in this country with a \$3.5 trillion budget, on top of a \$1 trillion stimulus bill, on top of a \$410 billion Omnibus appropriations bill—all of which have been passed in the last 100 days.

The American people know this increase in Government spending is not free and it is not sustainable. The American people will be forced to pay for it. It is a short-term gain for a very long-term cost. It will double the public debt in 5 years. In 10 years, this budget will triple the American debt.

The distinguished chairman, Senator CONRAD, would not allow this budget to go forward for 10 years because he saw that debt and he had the integrity to say no. So it is 5 years. Hopefully, when this budget resolution is adopted—because it is going to despite our objections—hopefully, in the next 2 years, if we can see the economy coming back, the people with integrity in the majority will say it is time to start reversing some of the debt that has been created, get these deficits down, and give our country a chance to recover for the long term and not hand our children this debt. Because if we go on with this budget as it is today, which will presumably be adopted by Congress today—because the House has already adopted it—it will create more debt than every President from George Washington to George W. Bush combined—more debt than all the Presidents of our country combined.

In 10 years, this budget will spend nearly four times more on interest payments than on education, energy, and transportation combined. That is staggering. I would urge my colleagues to think twice before they vote for this resolution because reversing it will be very difficult.

There are some good parts of this budget. One is I want to commend the majority leader, HARRY REID, because he did take the lead in making permanent the State and local sales tax deduction. It is something I have worked on with him and with others in this body, who represent the eight States that do not have a personal income tax, just to get equity. Senator CANTWELL, Senator MURRAY, myself, and the Senators from Tennessee have all worked tirelessly, along with Senator REID and Senator ENSIGN, to rectify the inequity that has plagued the eight States that do not have the State income tax. But they do have sales taxes.

What the majority leader has led the fight to do is to allow those eight States, on a permanent basis, to deduct our sales taxes on our Federal income taxes, just like all the other 42 States in our country are able to deduct their State income taxes on their Federal income taxes.

This all started in 1986, when the sales tax deduction was eliminated, but the income tax deduction was kept. Since 1986, until 2004, we had that inequity. But we corrected it in 2004 with the efforts of many of us. Thank goodness we have had extensions. Now we will make it permanent. That is a fundamental issue of fairness, and I commend Senator REID for his leadership.

However, my amendment to permanently eliminate the marriage penalty, which was adopted by the Senate, was taken out in conference. I think it is the most egregious antifamily tax we have in this country today.

We, in the plan that is before us, did not make that tax relief permanent.

We have had it since the tax cuts of 2001 and 2003. I hoped to make it permanent. But we were not able to do that. What is going to happen after 2010 is the marriage penalty is going to come back in full force for those who make over \$200,000—many of which are subchapter S corporations. They are the small businesses that create jobs.

We have a common goal: President Obama and the Democrats in Congress and the Republicans in Congress all want to create jobs. The problem is, the policies that are put forward in President Obama's budget and in the one that is getting ready to be adopted will hit, with tax increases, the people who will create jobs, by increasing their tax brackets, by increasing the marriage penalty on them. We should follow our goals with policies that will achieve them. But instead, unfortunately, we are going in the opposite direction.

Here is another example: the Outer Continental Shelf. President Obama said in the campaign, and he has said since: We have a goal of energy independence for America. Sixty percent of our energy needs are imported from foreign countries—countries that do not want us to succeed, countries such as Venezuela, countries in the Middle East. We are importing our energy needs from countries that would like to shut us down.

We have a goal. It is a common goal, once again—Democrats and Republicans—energy independence for America. But we are taxing the only energy source in this country that actually produces enough energy to make us independent.

Drilling on the Outer Continental Shelf would open exploration and give every State that allows that exploration a part of the royalties. We would encourage environmentally safe drilling off our shores, using our natural resources for our common goal of energy independence for our country.

But, no, the amendment the Senate adopted was taken out of the conference report that would have encouraged the expansion of oil and gas production in the Outer Continental Shelf. It has been shown by the drilling in the Gulf of Mexico, which is today our largest source of oil off our own shores—because we know how to drill in an environmentally safe way, just like we could do in ANWR, where the people of Alaska want to be able to drill in a very small frozen tundra in Alaska, where we would have an even bigger resource than the Gulf of Mexico, and yet that, too, has been shut out.

We have a unique position in the world; that is, we are the only country in the world with abundant natural resources that could reduce our energy dependence in an environmentally safe way. Yet we refuse to use those natural resources. Other countries in the world

fight for natural resources that we have in abundance but are unable to use because we have shut those down.

Every one of us in this body believes that wind energy is great, that solar energy is great, that we need to do more research in technology, so that solar and wind energy will be more available on a 24-hour, everyday basis. We want more technology to learn how batteries can increase their capacity so we can have electric cars that could run for a long time. We want those things but not at the expense of environmentally safely using the resources we have—such as nuclear energy, for instance, which is the cheapest source of electricity in this country. There are no carbon emissions from nuclear energy. We have not built a new nuclear powerplant in this country in over 30 years. We must encourage these energy sources that would make us energy independent in an environmentally safe way.

There are so many parts of this budget that are wrong, and I hope that we will say no to it—if only for the reason of having reconciliation in health care and adding an unprecedented amount of money to our debt, giving us deficits that are unable to be stopped as far as the eye can see. Go back to the drawing board and bring us a budget that tells the American people: We get it. We know a big increase in Government is not in a family's best interest, a family that is struggling to make ends meet and stay in their home and either keep their job or produce jobs for others. This budget will not do that. I hope the majority will listen to what we are saying: Defeat this budget and then, in a bipartisan way, we can come up with a plan that will be good for America and that will give Americans confidence that they are going to have an economy once again that will create jobs and good incomes for their families.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Delaware.

Mr. CARPER. Mr. President, I will talk, as my colleague has, about the Federal budget, the budget resolution that has been prepared for our consideration as a result of the conference that has occurred between the House and Senate. I express my thanks particularly to the chairman of the committee, Senator CONRAD, for the work he and his staff and other members of the committee have done, Democrat and Republican, including Senator GREGG.

I wish to respond a bit to what my colleague from Texas said. This administration didn't inherit a day at the beach. They have inherited a tough situation. We as a country have been around sort of officially since 1787, and if you go from 1787 to 2001, I think that is about 214 years. We ran up in that period of time roughly \$5 trillion worth

of debt. We essentially doubled that over the last 8 years. We doubled it in only 8 years. We ran up as much new debt in the last 8 years as we did in 214 years as a nation. I didn't hear nearly the kind of bemoaning and railing about the growth in the deficit and the national debt during those 8 years as we hear today from our friends on the other side of the aisle.

I think my colleagues know I am not a real partisan guy, but I think it is important to say this is the hand we have been dealt. The question is what do we do about it. We have a couple of wars we are fighting. We have an economy that is the worst since the Great Depression and we have to do something about it. One of the first things we have decided to do about it is to try to jolt the economy back to life. I remember those old Frankenstein movies where Dr. Frankenstein is in the lab trying to put the electrodes to the monster and jolt that monster back to life. We are trying to jolt not a monster back to life but an economy back to life. Economists on all sides—liberal, conservative, and everything in between—have said, you have to spend a lot of money and hopefully it will be used to produce jobs and add to the value that will be for a good purpose in our country.

That is what we have done with the stimulus package. As we go through this year, and probably the next year or so, the deficit is going to be a whole lot bigger than I am comfortable with. I was elected to the House and served there for 10 years before I became Governor. I was a deficit hawk and in my heart I still am. I wish to talk about some things we can do, ought to do, and in some cases are doing, to bring the deficit down further.

I am encouraged when I hear our new President say the deficit is large this year, but over the next 4 years we will reduce the deficit in half. I think that is fine. The important thing is we don't just stop there, and if we have the same administration or a new one, it is important that we continue to make progress and drive the deficit back to zero. I am one of those people who thinks it is appropriate to spend when we are in a time of economic calamity, when we are in a time of war, and as it turns out right now we are in both. Hopefully, 4 years from now—hopefully sooner than that—we won't be in both and we can turn back our spending. When the economy is sound, when we are not in a national disaster, in war in places around the world, I think it is appropriate to balance our budget. In fact, one of the things I was proudest of as Governor is we not only balanced our budget for 7 years in a row, we reduced taxes and paid down our debt a little bit, and that made me proud, and the legislature too. Hopefully, we will be in a position in the years to come, as we were in 1999 and 2000, when we paid down the debt.

I have suggested to the administration some things we can do, and I have talked about them here on the floor, to reduce the deficit. I wish to talk about one of them and mention one of the others as well. In order to better match revenues and expenditures going forward, we obviously cannot avoid the question of taxes. As far as I am concerned, before we start raising a lot of taxes, the first thing—maybe the better thing—for us to do is to collect the taxes that are owed. Every year we hear about the tax gap. The last one was actually officially done, I think, about 8 or 9 years ago by the IRS and they figured that at the time we had a tax gap—monies owed to the Treasury, not being collected by the Treasury—of about \$300 billion a year. By most estimates I hear today, it is almost \$400 billion a year. If we can only recover half of it or a third of it, we are talking about real money that would make a real dent in our deficit.

We make a lot of improper payments in this Government of ours. I chair a subcommittee that has jurisdiction over that sort of thing. We know our improper payments that we made into the Federal Government last year were right around \$72 billion, mostly overpayments, some underpayments. We need to do a better job. At least we know now for the most part where the improper payments are going, or at least the departments that are making them, but we are not doing a very good job of actually going back, after we have made an overpayment, especially, and recovering the money, recapturing that money. We call it postaudit cost recoveries. We are just beginning to scratch the surface in one of our big entitlement programs, Medicare. Starting about 3 years ago we hired some private firms and said, For monies we have overpaid to providers or medical suppliers, corporate suppliers, let's go back and get the money we have overpaid. We said we were going to do it in three States—California, Texas, and Florida. The first year of this effort we recovered almost nothing. The second year we recovered a little bit. Last year we recovered about \$700 million. That is real money. The idea is not to just do it in 3 States but to do it in all 50 States, and I am encouraged that we are going to do that. If we can recover that kind of money for overpayments in Medicare, my guess is we could recover some money in Medicaid. If we have two of our three big entitlement programs that are sucking up a lot of money, one of the first issues we should face there is reducing the overpayments and going after the money and recovering that money we have overspent or, in some cases, misspent.

The third area we need to focus on is the area of major weapons systems. We have spent a lot of money. Going back to I think it was 2000, we were overspending on major weapons systems

cost overruns by about \$50 billion in 2000. In 2005 we were up to \$200 billion. Last year we were close to \$300 billion in major weapons systems cost overruns. Clearly that is an area where we can do better and have to do better. Secretary Gates has come forth with a number of proposals and reforms that deserve our support, and I hope they will enjoy our support as we go forward, to try to better align our weapons systems with buying for the kinds of wars we are likely to fight. We could do a much better job in terms of controlling our costs for those weapons systems as well.

The Federal Government owns a lot of property, not just land, not just military bases, not just buildings, but all of the above, and in some cases we don't use them. We pay security for those properties, we may pay utilities for those properties, but we don't use them. We don't do a very good job of disposing of properties that are not being used. We need to dispose of those properties. Those are only a couple of things we can do and ought to be doing. I hope in the years to come we will do more of each of those.

One other thing I would mention is most Governors have what we call line item veto power—the ability to go and line out a single line item in a budget. They have it by virtue of the Constitution so they can veto bills, they can go through the lines of their bills and veto lines and different pieces of a spending package that they have signed into law. We have something like that in the Federal Government. It is called rescission power. The President can sign an appropriations bill into law, submit that to the Congress, and the Congress can vote it up or down. But if we don't do anything, then it kind of goes away. The President sends rescission messages to us from time to time and we don't do anything, and the rescission of the proposal sort of goes away.

If we go back to 1995, 1996, there was a proposal in the Clinton administration that changed that. The idea was to make the President's rescission powers look more like line item veto powers. I thought it was a flawed effort. I think line item veto powers are oversold in terms of their value of reducing the deficit, but there is some virtue there. They are a good tool to have in the toolbox. But in 1995, 1996, what they came up with, it passed here in the House and Senate and it was signed into law. The President proposes a rescission, the Congress has to vote on it, and unless they vote it down with a two-thirds vote in the House and in the Senate, that proposed rescission is going to become law. Think about that. We are not talking about a bill. We are saying a line or a couple of lines in a bill, the President could propose to rescind those and his recommendations on rescinding spending in an appropri-

tions bill or a tax bill or an entitlement bill, or all of the above, would actually become law unless two-thirds of the House and the Senate said no, we are going to override that. That is a huge shift of power from the legislative branch to the executive branch. I didn't think it was a good idea then. The Supreme Court didn't think it was a good idea either. If not the Supreme Court, one of the top circuit courts of appeal said they didn't think it was a good idea. They threw it out for being unconstitutional.

Having said that, I think the idea of at least compelling us to give a Presidential rescission a day in court, a day on the floor, is a good idea. What a number of us, 21 of us have done, is we have cosponsored legislation that we introduced this week, Democrats and Republicans. The idea behind the legislation is when the President signs a spending bill—not a tax bill, not a revenue bill, not an entitlement measure, but when he or she signs an appropriations bill into law, he or she would have the right to send us a rescission message to propose to reduce or rescind spending in that spending bill. We would constrain how much the President could rescind. He couldn't rescind more than 25 percent. If they are unauthorized, there is no limit. The long and short of it is, though, the President would send a rescission message and we would have to vote on it. We could vote it down with a simple majority; in the Senate, 51 votes, or in the House with 218—not a two-thirds override, not both Houses, just a simple majority in either the House or the Senate. We limit the time for this to occur. In fact, we limit the amount of years that this could be law to 4 years—4 years. I call it a 4-year test drive with enhanced rescission powers for a President. If the President abuses it, if the President should say to the Presiding Officer from New Mexico: Unless you vote for my top priorities, I am going to go after your top priorities, to try to intimidate a Member of the Senate or House—that could happen. As a result, we provide for this 4-year sunset. After that, the law goes away. If Presidents, current or future, continue to abuse this, they will not continue to enjoy this particular balance.

Do I think this will balance the budget? No, I don't. Do I think it might be of some help? Yes, I do.

I will close with a comment on earmarks. Some people think earmarks are the devil's work. The earmarks that we submit in my State—Senator KAUFMAN and myself, Governor Castle before he became Governor—were earmarks that we are proud of. We have three budgets in Delaware State government, and one of the major budgets is the operating budget which basically runs the State. The second is the capital budget—bricks and mortar, schools, roads, prisons, and that sort of

thing. The third piece of our budget, the third budget, if you will, is something called a grant and aid budget. The Governor proposes the operating budget. The Governor proposes the capital budget in my State. The Governor doesn't propose the grant and aid budget in my State. That comes from the legislature. We found in the 1990s that the grant and aid budget was growing like Topsy, kind of crowding out spending in the operating budget and the capital budget. What we decided to do was put a constraint on the growth of the grant and aid budget, no more than 2 percent; no more than 2 percent of revenues. That put a halt to the growth and kind of put things back on the right keel.

With respect to earmarks, among the things we have done here—there is nothing inherently wrong with earmarks, directed spending, but when they are growing like Topsy, as they were for a while, that is not a good thing. We have now decided to limit earmarks to 1 percent of revenue which I think is appropriate.

The second thing we didn't know for the longest time is where the earmarks were coming from and who was asking for them. We didn't know necessarily who was going to benefit from the earmark. We have addressed that so we know both.

The other thing I believe we have addressed is called air drops, where you have a conference committee with the House and Senate on appropriations bills, you don't have an earmark in either one, yet out of the conference committee emerges an earmark from somebody and we don't know where it came from and it wasn't in either bill. That shouldn't be allowed.

The last thing I would mention is at the end of the day, you have the ability for the President to look through a bill, whether with earmarks or other forms of spending, and say maybe this is a bad idea. This is an egregious form of spending. It should be addressed, and basically say to us in the Senate or the House: I have signed this bill into law, but I wanted to come back and vote on a couple specific items. If I cannot get 50 colleagues to vote for an earmark that I have made on behalf of Delaware, I should probably not be asking for that earmark in the first place. That is the long and short of it.

There are a lot of things we can do to continue to make progress. We are getting down to 3 percent of GDP in the next 4 years, and I applaud that. There are other things we want to do. I look forward to working with the chairman. Those are just a few of the ways we can make additional progress.

I applaud the chairman, and I thank him for all his work. I cannot imagine what it is like to bear the burden of this or any budget, but he has done it well and in good humor for a long time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Delaware, who has been so constructive on many critical issues since he joined the Senate. He is somebody whose career I followed closely when he was in the House of Representatives and as Governor of his State. He is one of the real clear thinkers on fiscal issues before this body. I thank him for all of the contributions he has made.

Next, we have Senator WHITEHOUSE, a very valued member of the Budget Committee. He is one of the people who put a great deal of effort and energy into producing the budget resolution that came from the Senate which really served as the model of what we have before us in terms of the conference report. This is a conference report, as I have said repeatedly, that captures the President's key priorities of reducing our dependence on foreign energy, focusing on excellence in education, and providing for health care reform, which is a special passion of the Senator from Rhode Island. It also contains substantial middle-class tax cuts—in fact, over \$750 billion in middle-class tax cuts—all the while reducing the deficit by two-thirds over the next 4 years.

As measured against a share of GDP, it is even better. We reduce the economy on that metric—and the economists say that is the best metric—by three quarters. No member of the committee has made a greater contribution on health care issues than the Senator from Rhode Island, Mr. WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman of the committee for his kind words. I congratulate him on having brought this budget successfully to the floor for a vote at this point. The procedures the budget must go through are very complex. The consequences for this body, if the budget should fail, are dire, and the economic catastrophe the country and our new President have been presented with have made this a particularly challenging budget substantively to work with. Through all that, the distinguished chairman has persevered and succeeded with his customary diligence, grace, and good will; and it is customary on our part to rely on his expertise. He made a remarkable contribution. It would not be right to not acknowledge what a spectacular achievement, under the circumstances, this has been.

What is particularly useful about this budget is the emphasis on the pressing priorities that our country faces—particularly clean energy technology and energy efficiencies, the education of our young people, and I think most important, as the distinguished

chairman has suggested, it lays the groundwork for a vitally necessary, far-reaching reform of our health care system in the coming months and years.

This reform cannot come soon enough. Our health care system is a mess. The number of uninsured Americans continues to climb and will soon hit 50 million. The annual cost of the system is over \$2 trillion a year, and that will shortly double. We spend 16 percent of our Nation's gross domestic product on health care—more than any other industrialized country in the world, and double the average of our European Union economic competitors. There is more health care than steel in the cost of Ford cars. There is more health care than coffee beans in the cost of Starbucks coffee. Unless we act quickly, the recession we are living through now will seem like nothing compared to what will happen when \$35 trillion in unfunded Medicare liability—against which we have set not one nickel—comes due.

Even more important, however, is the extraordinary price that hard-working Americans pay every day for this dysfunctional system. In America, we have the best doctors, the best nurses, the best procedures, the best hospitals, and the best equipment in the world. Yet our broken health care system grinds that up and produces mediocre results.

More than 100,000 Americans are killed every year by unnecessary and avoidable medical errors. Many more are faced with longer health care stays and higher costs. Life expectancy, obesity rates, and child mortality are much worse than they should be in a country such as ours. More families in America experience bankruptcy because of medical expenses for that family than any other cause.

Fundamentally, the system itself doesn't work. Hospitals are going broke, doctors are furious, and paperwork chokes the system. Quarrels between providers and payers drive up the cost, while potential savings in billions of dollars for improved quality and prevention lie there on the table. It is a system in crisis, and it threatens our Nation's fiscal security. It must be repaired, and we have to see this as an urgent task.

Mr. President, a few months ago, I added a new feature to my Web site, which is a Health Care Storyboard, to give Rhode Islanders a chance to share personal experiences in the health care system and their ideas for how to fix it. Since we launched the Storyboard, more than 300 people, from 45 different communities, have sent me their stories. While I was in Rhode Island over the recess, I had the chance to meet with some of the people who sent in stories, so I could talk to them firsthand.

Joyce from Warwick told me she is supposed to take two medications

every day, but her insurance will pay for only one. There is no generic for the one she must pay for out of pocket. She would love to retire, but she simply cannot because her medical coverage would cost too much. She is trapped at work by health care.

Judith and Scott from Cranston have been struggling ever since he needed a liver transplant in 2006. Their family incurred \$60,000 in medical bills that weren't covered by insurance as a result. Scott has been unable to work since 2004 due to his illness, which meant the family was relying on Judith's insurance. But 18 months ago, Judith lost her job, which meant her family had to go on COBRA. To make matters worse, their COBRA is about to run out, and Judith still cannot find a job.

Like hundreds of thousands of American families, Judith and Scott had to file chapter 7 bankruptcy on February 12, 2008, because of the medical costs of Scott's illness.

Claudia from Providence is self-employed and pays for her own health insurance. She recently did a few precautionary tests at her annual doctor visit when the doctor suggested they were a good idea. However, she found out her health coverage only covers 80 percent of her visit, and she had to pay an extra \$176. At the time, she didn't realize how much these tests would cost her. She told me she might have skipped them had she known it was not included in her premium.

She, like so many Americans, would have bypassed necessary health care in order to save money. Claudia told me calling what we have a "health care system" is too kind. It is more like a trap that people fall into.

Marie from Wakefield told me she had been healthy her entire life until extreme pelvic pain sent her to the emergency room twice in 2006. She was eventually diagnosed with endometrial cancer, which was treated with a hysterectomy and six sessions of chemotherapy. Fortunately, Marie had excellent coverage and paid very little for the countless doctor visits, blood work, hospitalizations, scans, and specialists. But now her employer will be changing her coverage dramatically. She may not have post-retirement health care options, and her copay may rise considerably. She has no idea what her future health care needs will be. All she knows is she was once promised one thing, when her career began, and now as she looks toward retirement, she is faced with very different options.

Finally Barbara from Exeter, a registered nurse since 1983 and works in hospice care. She told me about her experience "watching our health care system fall apart at the seams, while insurance giants have gotten out of control." Barbara said she had witnessed providers who no longer determine what the best care is for patients

based on clinical excellence, but rather on what the insurance company demands and will pay for. She has seen patients forgoing needed medical care because of costs, and ultimately spending more because when they finally seek treatment, their illnesses have become more severe. "The whole concept of insurance is not what people expect it to be," she said.

These are just stories of six Rhode Islanders. In them we see a loss of dignity, a loss of security, a loss of confidence and comfort, a loss that is shared by millions of Americans. Their stories remind us that health care reform isn't just an abstract Washington problem—that underneath the awful numbers we see coming out of our health care system are even more awful human tragedies.

As we work to reform our health care system, two goals loom large: One, ensuring that health care is available for all, and that it is affordable. But the stories I have heard from these and hundreds of Rhode Islanders remind us it is not just enough to solve the problem of coverage. When the boat is sinking, it is not enough to get everybody out of the water and into the boat. Instead, we must also reform the health care system itself, making it more intelligent, more sensible, more helpful, more efficient, better supported by information technology, and better grounded in quality and prevention. We need an information technology infrastructure so every American can count on his or her own secure electronic health record. We need improvements in the quality of health care so care is both cheaper and more effective. We need to reform our misaligned payment and reimbursement system so the health care we want is the health care we are paying for.

This budget begins the process of making that possible, and I am proud to support it. These delivery system reforms in health care cannot be just flipped on like a light switch. They will require complex workforce, regulatory, and infrastructure changes, and then those changes will have to be implemented and administered. It will take time. It could take years. It is all the more reason we need to start now. This budget launches us on that journey.

We made good progress yesterday by confirming Secretary Kathleen Sebelius, an experienced and determined leader who will be an enormous asset in this fight. I am encouraged by her confirmation, and I look forward to her leadership at the helm of this effort. Reforming our health care system will be more than a financial problem, more than a policy puzzle, and more than a political fight. This is a landscape of human tragedy, and families all across this country are struggling every single day that we fail to act.

This budget does that. It is a good thing. Before I leave the floor, I have

to add this because I have been listening across the internal television network to the speeches of my colleagues—in particular, Republican colleagues. From their speeches, you would never know that during the Bush administration the difference between the budget that President Bush inherited and the budget projections he was given the day he took office and the actual budget outcomes that the Bush administration produced, the difference was nearly \$9 trillion—\$9 trillion of debt. During that time, there was not a peep from our Republican friends about this carnival of debt, this orgy of fair weather debt in which George Bush and the Republican party engaged.

Now something has changed. We have a different President, and suddenly we are hearing a whole different message from the Republicans. Now that we have a serious recession, the one time when families are contracting their budgets, businesses are contracting their budgets, and State and local governments are contracting their budgets, and the Federal Government has an economic obligation to spend counter cyclically to keep the budget from melting down, now at this time we hear the most intense caterwauling about debt and deficit.

I ask my colleagues, where were you when the Bush administration was running up nearly \$9 trillion, putting a war in Iraq on the credit card, and giving tax relief to America's billionaires? Where was the economic urgency of putting those things on the American debt tab? This is the one time when it makes sense to countercyclically spend, to deficit spend through a recession. Yet we hear these complaints.

I am a lawyer, as is the Presiding Officer, formerly a distinguished attorney general of New Mexico. We both know that when you are arguing in a court of law, if you intend to make a point, it is usually helpful if the point you are making is consistent with what you have done in the past. It is called the clean hands doctrine. You cannot come into court and argue for a position when you have acted counter to it in the past. You don't have clean hands, and the court will take that into account.

I submit that our friends on the other side, the party of no, is now the party of no consistency and the party of no clean hands on this subject. It is impossible to ignore the Bush debt of nearly \$9 trillion and come to the floor and claim that this President, in this emergency he inherited from the previous administration, should not do the one thing economists say makes sense in this timeframe, which is in a recession to have the Government spend countercyclically. It makes no sense. I think we need to do what President Obama does: Look to the future, look to the pressing priorities of our time,

look to the urgent demands, such as health care, and support this budget.

I will conclude, again, with my very great appreciation for the extraordinary work my chairman on the Budget Committee has done to bring us to this day. I think we can look forward to this budget passing, although there will be a certain amount of back and forth until we get there. I think we are doing the American people a service by passing this budget and it is thanks to the chairman's leadership.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I, again, thank the Senator from Rhode Island, Mr. WHITEHOUSE, who is such a valuable member of the Senate Budget Committee, as is the occupant of the Chair, who has newly joined us and is already making good contributions to our work. We are delighted to have Senator MERKLEY, the occupant of the Chair and a Member of the Senate Budget Committee, with us and appreciate so much the efforts of Senator WHITEHOUSE and Senator MERKLEY in developing a budget resolution that, by the way, our outline was largely followed in the conference committee. It is very close to what passed the Senate earlier. I think the reasons for that success are, No. 1, we did capture the President's priorities of reducing dependence on foreign energy, a focus on excellence in education, providing for major health care reform that is absolutely critical to the country's future and, at the same time, cutting the deficit by two-thirds over the next 5 years, by three-quarters as measured by the gross domestic product, and also providing very substantial middle-class tax relief, hundreds of billions of dollars—in fact, over \$700 billion—of middle-class tax relief that is in this budget. I think we can be proud of that.

We have already seen the budget earlier today pass in the House of Representatives by a very wide margin. I anticipate, when we have our vote, it will also pass with a healthy margin.

I, again, especially thank Senator WHITEHOUSE and Senator MERKLEY, who are key members of the Budget Committee who did so much to help us fashion a document that can command the respect of our colleagues.

For one moment, I would like to, as we are waiting for Senator GRASSLEY to arrive, indicate that earlier there were a number of comments made to which I wish to respond. First, that reconciliation could still be used for global climate change legislation. Technically, that is true, but it is not going to happen. We have the absolute assurance of all those who are in leadership positions in the House and the Senate, the President of the United States—in fact, the President has assured me directly—directly—that he

would not allow that. Let's take that off the table.

Second, we have heard concern from our Republican colleagues about the use of reconciliation. I share those concerns. I have opposed the use of reconciliation for these purposes. But my own belief is health care will not use the reconciliation process. I believe health care will move in the regular order. The committees of jurisdiction have until October 15 to do so.

I see now that Senator DURBIN, who is a member of our leadership, is here. If he is ready to go—how much time does the Senator request? I yield 15 minutes to the Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, I thank the chairman of the Senate Budget Committee, Senator CONRAD of North Dakota, not only for yielding but also for his leadership in the preparation of this important document.

The budget resolution is a blueprint. We pass it and then we go to work with the individual parts of it in the appropriations bills. But we have to get this done first because the budget resolution tells us how much we can spend in total. Once we have that guidance, it is turned over to the Appropriations Committee on which I serve. We then parcel it out among the different appropriations subcommittees and go to work looking at the individual budgets. I have one of those subcommittees for which I am responsible. We cannot start working until this budget resolution is agreed to.

It is not an easy political task. First, it is a highly technical document which few Members understand in detail, the chairman and ranking member being notable exceptions. Second, it is highly political because when you start describing what your budget is going to look like, not only next year but several years down the road, you are doing more than putting figures on paper, you are spelling out your values, what do you want to do.

The budget submitted to us by President Obama is significantly different than the budgets we have seen in years gone by. His priorities differ from previous administrations, particularly of President George Bush. We have to realize that in the last 8 years, there has been a significant change in Government spending. In the entire history of the United States of America, through all the Presidents, including President Clinton, we had accumulated about \$5 trillion in debt. That is all the debt of America. That was our mortgage when President George W. Bush took office. When he left office—let me go back.

When he assumed office, he assumed a surplus. In other words, the last budget left to him generated more money than we were spending. What did we do with the surplus? We reduced the debt of the Social Security trust fund, which meant that Social Security could last a few years longer.

President Bush inherited a surplus in the budget and a \$5 trillion mortgage that all the Presidents had accumulated.

When he left office, what did he leave behind? Eight years after he was elected President, he left a national mortgage of over \$10 trillion. It had doubled in an 8-year period of time, and he left to the new President, President Obama, the largest deficit in the history of the United States. I believe it was in the range of \$1.3 trillion—a huge amount of money that we were in red ink facing.

President Obama faced a tough task dealing with an economy that was flat on its back in a recession and how to revive it, how to make sure we create and save jobs, how to get businesses back on their feet, how to give some tax incentives and help particularly to working families, how to fund the things in Government which are essential because, as we know, when we get into a recession, people need more things.

I went to a plant in Chicago with Vice President BIDEN on Monday, a plant which last December laid off 240 employees and now was reopening. We, of course, couldn't be happier that was occurring. I asked one of the workers coming back: How did you get by for the last 4 or 5 months? Senator, unemployment, that is how I got by.

Unemployment compensation is one of the things Government pays out in the midst of recession. With more and more Americans out of work, we have been paying out more for unemployment insurance, for food stamps, the basic things people need to survive until the economy turns around and their lives turn around.

Faced with that, this Budget Committee had to sit down and try to write a budget that moved us toward reducing the deficit in America and also revitalizing the economy. That is a tough job. If your goal is just to reduce spending, that is pretty obvious. We know how to do that. But if your goal is to still spend enough to get the economy moving and yet create a trend that moves us at least closer to a balanced budget, then you have a tough assignment.

Now add in two other elements that make this even more complicated. President Obama said if we are going to spend money in this economy, we need to invest it in what has meaning, long-term investments in America. There is this caricature of WPA, under Franklin Roosevelt, of people leaning on shovels, folks sitting at desks where phones never ring. I am not sure that is any more than caricature.

Today President Obama said: Let's create jobs that we will use to invest in our future. Let's build things that will have value to us in the outyears. He looked at two or three areas in specific terms. One is health care, and the

President is right. If you look at the curve line on the increase in costs of health care in America, it continues to rise. It will continue to rise unabated to the point where there is no hope for us to balance this budget. We will start spending more and more on health care for the elderly, for the poor, for those who are disabled to the point where we cannot even consider any kind of balanced budget. The President said: As part of this next budget, let us move toward the day when we have a new health care system in America, one that serves everyone and is reasonably priced. That is a tough assignment, no doubt about it. But in this budget, we address that issue.

Senator CONRAD has talked about reconciliation. That is a term which beyond divorce court most people do not know what you are talking about. For most Americans, it is a term of mystery. For us, it is a procedure on the Senate floor that changes the vote necessary to pass a bill. This is, after all, the Senate, and a majority does not get the job done on a given day. In the Senate, you need 60 votes out of 100 to do anything that is controversial or important. Reconciliation says: On any given issue under reconciliation, a majority is sufficient. But there are strict rules on what you can put in there, strict rules on what you can consider.

Senator CONRAD had to deal with this whole question: What procedure would we use to move toward health care. I think he came up with a reasonable conclusion, and it is one I support. If by October 15 we have not made progress toward health care reform, we can consider it under the reconciliation rules.

My friends on the other side of the aisle, the Republican side of the aisle, have protested this saying it is fundamentally unfair, unconstitutional, and ungodly. But the fact is, it has been used repeatedly, 18 or 19 times in the last few years, and it has been used as frequently, if not more so, on the Republican side of the aisle as the Democratic side. I don't think there is anything inherently evil in it unless you are in the minority and it diminishes your power in the Senate.

Senator CONRAD struck the right balance. He gives us a chance to deal with it in a bipartisan fashion but says, if at the end of the day, October 15, we are not going to have anything to show for our efforts, we can at least consider reconciliation. I think that is a reasonable approach.

This budget resolution also offers a promising vision when it comes to education. The budget will dramatically expand access to quality early childhood education, including Head Start. The budget invests in teachers and innovative programs. This budget will help us build the education system we need to compete in the global economy.

It is almost a cliché in politics for us to talk about education. Every politician, every candidate does. But the American people know intuitively this was their ladder to success. Unless you were born on some crystal staircase, you were lucky enough to get a good education and make your way in life. We want to make sure more kids are reached earlier in their school years, their learning years, and given that chance. This budget does it.

It also takes into account the fact that tuition costs are increasing dramatically. I left a hearing in the other building of a person who is seeking a Federal circuit court judgeship. That is a pretty high-level appointment. I noted this man, who is roughly 51 years old and has been a lawyer and a judge, at the age of 51 still has over \$40,000 in student loans to pay off—51 years old, \$40,000 left.

It is no surprise, if you are putting a child through college and they are fortunate enough to be accepted at a great school, they could end up with a great debt. We want to make sure, particularly for those in lower income groups, that there is more Federal money available to help them.

Since 2000, the average cost of tuition at a 4-year college has increased by 29 percent, and financial aid has not kept up. This bill moves us toward more financial aid for students.

Energy is another element the President focused on because if we don't find ourselves more independent when it comes to energy sources, we are not only going to be at the mercy of other countries with these energy resources, our economy cannot thrive the way we want it to. If we are not sensitive to the fact that responsible use of energy would make certain we don't increase global warming and climate change and jeopardize future generations, we will pay an even heavier price.

This budget lays the groundwork for cutting back on energy sources that generate greenhouse gases. The budget proposes we spend less money burning conventional fuels and more money on cleaner energy sources, and it helps us create good-paying jobs in energy pursuit. Some of the most exciting areas of our economy—I think the areas that will grow us out of this recession—relate to new visions on energy.

I tell the story about the Sears Tower—now called the Willis Tower—in Chicago. This magnificent building, built 35 years ago, has 16,000 single-pane windows—totally energy disastrous. They are going to be replaced, hopefully with energy-efficient windows. And I hope they will be made in Chicago. We have a new plant there that can do it.

The point is, at the end of the day, in 3 years, Willis Tower—once Sears Tower—can recapture the cost of those windows in energy cost savings. In the

meantime, we can produce this new window, creating jobs for people to make 16,000 windows. It fits together nicely and it reduces the carbon footprint of this building. Buildings are one of the major sources of pollution in America.

Finally, let me say that this conference report provides tax relief for American families when they need it the most, and I hope we can continue on that.

It is sad and disappointing to me that the budget offered in the House of Representatives, the one we will vote on later, didn't receive a single Republican vote, not one, not a single vote. The stimulus bill the President brought forward to try to turn the recession around—the Recovery and Reinvestment Act—didn't receive a single Republican vote in the House of Representatives. Fortunately, three Republican Senators stepped up and said they would join us in passing it over here; otherwise, it wouldn't have happened.

Well, in comes the President's budget—an effort to reduce the deficit by half over 4 or 5 years, an effort to make the right investments—and not a single Republican in the House of Representatives would support it. They have become the party of "no" when it comes to this Obama administration. He continues to open the door and invite them in, and too many of them say: No, we are not interested.

Well, the American people are interested. The American people voted for change. They voted for new direction and new leadership. And I commend the Senator from North Dakota for bringing this to the floor, and I hope we pass it with a convincing vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the whip, Senator DURBIN, for all of the leadership he has provided that has helped us get to this point. We had some pretty direct meetings with some of our colleagues. Sometimes voices were raised, and there was a lot of energy in the room, but it is that kind of dialog which is essential to getting agreement. I think we have done that, and we have achieved it in a way that is responsible and fair, and I thank him very much for his leadership and his friendship.

Mr. President, Senator GRASSLEY is next, and I would yield—how much time?

Mr. GRASSLEY. I thought they reserved 15 minutes.

Mr. CONRAD. I yield 15 minutes off Senator GREGG's time to Senator GRASSLEY, who is, by the way, let me just say, a very valuable member of the Senate Budget Committee, the ranking member of the Finance Committee, and somebody who is extremely constructive. We don't always agree. That

is the beauty of democracy. But when Senator GRASSLEY speaks, people listen because he has earned their respect.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair, and I thank the distinguished chairman of the committee for those kind remarks, and I hold him in high esteem as well.

First of all, the budget we are voting on had bipartisan opposition in the House of Representatives. Seventeen Democrats voted against this budget. Most of those are what you call conservative Democrats, or whatever title they want. That is what I will call them—fiscally conservative Democrats. They think this budget leaves too much of a legacy to our children and grandchildren in the way of debt. So bipartisan opposition ought to tell this White House and this majority something, and I hope in time that will become very clear.

Today, the Senate begins its debate on the congressional budget resolution, and it will pass shortly, I am sure. The budget process started, of course, with the President's budget coming to the Hill on February 26. That was about 2 months ago. During the committee process—and I participated in that process, and I participated in the floor process—we faced one key question, and that was: Should we apply more or less budget discipline to the record debts and deficits of my President, President Obama, on what he inherited January 20, 2009?

Over the past few weeks, we have heard a lot about revisionist fiscal history or it might best be described as heavy editing of recent budget history. I was pleased to see the distinguished Budget Committee chairman make the record clear: President Obama inherited a \$1.3 trillion deficit. I agree with that. I don't take exception to that. Those are quantifiable facts. Republicans don't disagree that President Obama inherited a large deficit.

One point of clarification, though, needs to be made. The deficit and the debt were bequeathed on a bipartisan basis. That was due to the makeup of the Presidency last time and the Congress over the last 2 years. The Democratic leadership obviously controlled the House and Senate during the years those budgets were drawn up—2007 and 2008. The Democratic leadership wrote the tax and spending bills President Bush signed in the last Congress. So congressional Democrats negotiated the bailout bill with the Bush administration. Those fiscal policy decisions, though at times very combative, in the end were jointly made on the one hand by a Congress, controlled by the Democrats, and by the administration, controlled by a Republican President. So it was bipartisan.

The antirecessionary spending, together with the lower tax receipts and

the TARP activities, set a fiscal table of a debt of \$1.3 trillion. That, in fact, was on the President's desk when he took over the Oval Office on January 20 this year. That is the highest deficit as a percentage of the economy in post-World War II history. Not a very pretty picture, Mr. President.

I have a chart here that shows that part of the story, and that part of the story is the gray there, as you can see.

As predicted a couple of months ago, that picture got a lot uglier with the stimulus bill. So for the folks who saw that bill as an opportunity to "recover" America, with Government taking a larger share of the economy over the long term, well, they can say: Mission accomplished. For those who voted for the stimulus bill—and I didn't—you put us on a path to a bigger role for the Government. Over \$1 trillion of new deficit spending was hidden in that bill. It caused some of the extra red ink in this chart.

So I point to what is called the inherited aspect of the debt, and those are the red bars on top of the gray bars—what was inherited.

I think supporters of that bill need to own up to the fiscal course they charted. Again, that is the red line, if you want averages, and it is the red bars for what has been done since this President has come to office.

To be sure, after the other side pushed through the stimulus bill and the second \$350 billion of the TARP bill, CBO reestimated the baseline. A portion of this new red ink up front is due to that reestimate. The bottom line, however, is that reestimate occurred several weeks—several weeks—after the President and a more robust Democratic majority took over in January of this year. Decisions were made. And do you know what happens here? Decisions have consequences. So fiscal consequences followed.

The budget before us, for the most part, follows the fiscal trail blazed by President Obama. As the administration's top budget official said: This budget is 98 percent like the President's budget. I want to congratulate the chairman on keeping some of the tax priorities of the Senate, however. One deals with the alternative minimum tax patch. Although shorter than I proposed, it is dealt with over 3 years. The chairman also kept part of the Senate's middle-income tax relief.

But on both the tax and the spending side, we need to take a hard look at what is going on at the end of this budget term—2014. The budget resolution conference report claims to reduce the deficit from \$1.7 trillion this year to about \$520 billion in 2014. However, the final year of the budget fails to include the revenue loss from the alternative minimum tax patch for that year. It fails to include the revenue loss for fully extending the 2001 and 2003 middle-class tax relief, the Presi-

dent's Making Work Pay tax credit, the Medicare physician fix, and natural disasters, but it does include illusory, unspecified future discretionary spending cuts. When you add it all up, the thing it fails to do—or claims to do but doesn't—the conference report falls hundreds of billions of dollars short of its claimed deficit reduction.

So let's return, then, to the basic question I asked at the very beginning and also asked when we started the budget process several weeks ago. The question, once again, is this: Should we apply more or less budget discipline to record debts and deficits which my President, President Obama, inherited on January 20, 2009? This budget does answer that basic question. It makes the fiscal situation even worse. Inherited debt doesn't stay at its unacceptably high level; it doubles to 82 percent of gross national product.

So we have another chart here, with the red line going up toward the top in the 10-year outlook that the Congressional Budget Office shows to be over 80 percent. Abnormal deficit levels become normal deficit levels. Again, you see here what is normal and what isn't normal. Levels once considered a fiscal vice by most people—at, say, the peak during the Bush years—of 3 to 4 percentage points—here in the years 2007 and 2008, as you can see from the chart—are very dramatically dwarfed during the outyears of the President's budget. Fiscal vices become what? Fiscal habits, under this budget. I would ask anyone whether they define that plan as fiscal discipline.

Everyone in this body wants to help get our economy back on track. If the economy gets back on track, everybody wins. From a fiscal situation, there is no better policy development than growing the economy. More economy to be divided over an increasing population, so more economy for more people to have more. If we do not grow the economy, we have less for more people.

I think everyone in this body would agree that we ought to grow the economy. Likewise, we know small businesses are an extremely important part of our U.S. economy. I like to say that small business is the engine that drives the U.S. economy. President Obama agrees that small businesses have generated 70 percent of the net new jobs over the past decade, and most economists agree with that.

One month ago we debated the budget resolution on the Senate floor. During that debate, the Senate spoke on this point. Senator CORNYN's small business tax relief amendment passed by an overwhelming 82 to 16; in other words, 82 of the people in this body agreed with President Obama.

Senator SNOWE had a similar amendment that was accepted by the managers of the floor bill. Last week the Senate spoke again. This time the question was phrased on a motion to

instruct the budget resolution conferees on the importance of keeping taxes on small business low. The vote grew even more: 84 in favor of it, 9 against it. Unfortunately, the conferees did not adopt the Senate budget resolution protecting small businesses from tax increases.

America's small businesses have been suffering during this recession. We will hear it in our events back home—I do. A very good source of answers on the environment for small businesses is found in the monthly survey of small businesses, the survey by the National Federation of Independent Business, NFIB, a spokes-organization for small business. They are well known around here. They have been conducting this survey for 35 years.

The NFIB membership includes hundreds of thousands of small businesses all across America. I encourage every Member to check out this important survey and particularly this month's survey.

This survey shows some extremely disturbing trends. On credit availability, small businesses are getting squeezed very hard. We have a chart that shows this trend. Particularly, look out here at the year 2009 on the right side of this chart. It is way down as far as the percentage change compared to before. This credit crunch and other factors have contributed to a near record low in the NFIB's index of small business optimism.

I have a chart that puts this data in perspective. We have here, over a long period of time, the optimism of small business. What you see is the attitude of decisionmakers in small business America. Those are the decisionmakers for businesses that President Obama and Congress agree are the businesses most likely to grow or contract jobs. The pessimism is at its second lowest point in those 35 years of surveying. The data should concern every policymaker in this town.

As bad as the two sets of data are, it gets even worse. This chart shows the net increase or decrease in small business hiring plans. The survey asks the business owner whether he or she planned to expand or contract employment over the next 3 months. As you can see right here, it is very negative. This chart shows small business activity contracting tremendously. Small business hiring plans are at their most negative level in the 35-year history of this survey.

With this pessimistic environment, we should not be surprised, then, that small businesses are hemorrhaging jobs. The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of the President's small business plan will allow the Federal Government to spend up to \$25 billion to purchase the small business loans that are now hindering small banks and lenders.

Unfortunately, very well intentioned as it is, that is a drop in a very empty bucket. Remember, small business accounts for about half of the private sector.

Moreover, the positives that will come to small business from this relatively small package of loans which will ultimately have to be paid back will be heavily outweighed by the negative impact of the President's proposed tax increases on those very same small businesses, the business sector. Helping small businesses get loans just to take the money back in the form of tax hikes is not wise. It would be wise to make those loans possible, but these tax policies that the President is thinking about doing are going to hinder small business.

Don't take my word for it. Just today the National Federation of Independent Business wrote to all of us, all the Members of the Senate, on this point. NFIB's hundreds of thousands of small business owners oppose this conference report. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, April 29, 2009.

DEAR SENATOR, On behalf of the National Federation of Independent Business (NFIB), the nation's largest small business advocacy organization, I am writing in opposition to S. Con. Res. 13, the fiscal year 2010 budget conference report.

NFIB is discouraged that the conference report does not contain more relief for small businesses, but instead places more burdens on them. The March small business optimism index hit the second lowest reading in the 35-year history of the NFIB Small Business Economic Trends (SBET) survey, with plans to hire and make capital expenditures at or near an all-time low. Small business is the source of job creation, but economic growth will be stalled if Congress continues unchecked spending while increasing taxes and placing new mandates on America's job creators.

Specifically, NFIB is concerned the conference report assumes the top individual tax rates will expire, which would mean a tax increase for some small business owners. Increasing audits and the tax filing burden as a way to close the tax gap would be a direct hit on small businesses. In addition, despite bipartisan support in the Senate for additional relief from the estate tax, this help for small business was removed in the conference.

We are also concerned that considering healthcare legislation under the reconciliation process will lead to a bill that does not generate bipartisan support. Essential to the long-term economic stability of our nation's small businesses is the need to address the unsustainable, ever-increasing costs of healthcare. However, reforming the healthcare system is a large undertaking impacting all Americans and—as we have stated repeatedly—must be a bipartisan effort.

The budget conference report does not contain the right policy direction for our na-

tion's small businesses, and I encourage you to vote against it.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. GRASSLEY. Here is what the NFIB says in that letter:

NFIB is concerned the conference report assumes the top individual tax rates will expire, which would mean a tax increase from some small business owners.

Do we really want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers? With these small businesses already suffering from the credit crunch before the entire country, do we really think it is wise to hit small business again with this double-whammy of a 20 percent increase in marginal tax rates?

As we move forward from the budget process, the President and the congressional Democratic leadership have an opportunity to change course. From my 33 town meetings in Iowa during spring break, they want to change that course. There is a lot of concern about the legacy of debt that we are leaving to children and grandchildren. Both budgets would perpetuate the double whammy of constricted credit and high taxes directed at America's job engine, small business.

So as I close, in the coming months we Republicans will try to persuade our Democratic friends who have all the controls of fiscal policy to change course. One way they can change course is to focus like a laser beam on jump-starting the Nation's job engine—the small businesses of America. We need to reverse the direction of the sharply downward-sloping arrow that you have seen on some of these charts. That is where the President and the Congress agree that we need to get more job growth.

I quoted the President: 70 percent of the new jobs—small business. We in this party agree with that. As we move on from the budget, let's recognize the reality and the importance of small business.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me take a moment to review what is in the resolution before us with respect to taxes because I think it is important to go over it. The actual tax changes on a net basis in this package are a reduction from current law of \$764 billion. We have \$512 billion of middle-class tax relief. All of the 2001 and 2003 provisions that provide individuals tax relief to the middle class are provided for the next 5 years in this budget resolution. The 10 percent bracket, marriage penalty relief, all the other 2001 and 2003 tax cuts, including the child tax credit and the education incentives, all of them are in this budget.

We also have alternative minimum tax reform for 3 years, as the Senator

indicated. We have estate tax reform going to \$7 million a couple excluded from any estate tax. That means 99.8 percent of estates would pay nothing, zero.

The tax extenders for business are all included for a subtotal of tax relief of \$861 billion.

On the other side we have \$97 billion of tax raises. That \$97 billion is loophole closers aimed primarily at offshore tax havens and abusive tax shelters. Let me just indicate, only 2 percent of taxpayers with business income are affected by the changes in the top rate because, again, all the 2001 and 2003 tax cuts are extended for those earning less than \$250,000 a year. Only 2 percent of taxpayers with small business income are affected by the top rate changes. That means 98 percent are not.

Under the definition being used by our colleagues across the aisle, former Vice President Cheney would qualify as a small businessman because what they are describing as small business people is "anybody who has on their income tax returns small business income." There are a lot of people who are very big business people, have big businesses, who show small business income on their returns.

Vice President Cheney, under the definition used by our colleagues on other side of the aisle, like any taxpayer with any small business income, qualifies as a small businessman. Vice President Cheney in 2007 had income of \$3 million. He had \$180,000 of small business income, small businesses in which he apparently has an interest. Under their definition, he is a small businessman.

I would say that is a tortured definition. There are people with much greater wealth—under their definition, Bill Gates is a small businessman. The richest or second richest man in the world is a small businessman. Under their definition, Warren Buffett is a small businessman. I don't think so.

In the Bush tax cut in 2007, people averaging over \$1 million a year in income got on average a tax reduction of almost \$120,000 a year. The vast majority of people got next to nothing, as this chart shows. But those with average incomes of more than \$1 million got tax reductions averaging \$120,000. That is one of the reasons we are in the deep hole we are in.

My assertion is, on the loophole closers we have, we can go after money that is owed that is not now being collected. The tax gap in the most recent year for which there is a calculation, 2006, amounted to \$345 billion a year, money that is owed that is not being collected. That is the first place we ought to focus before we talk about a tax increase for anyone.

The second place we ought to look is these offshore tax havens. These offshore tax havens are running amok.

Here is the conclusion from our own Homeland Security and Government Affairs Permanent Subcommittee on Investigations. This is from their work in 2007:

Experts have estimated that total loss to the Treasury from offshore tax evasion alone approaches \$100 billion per year—

It is \$100 billion a year in these offshore tax haven scams—

including \$40 to \$70 billion from individuals and another \$30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

We do not have to wonder if our own Permanent Subcommittee on Investigations knows what they are talking about. We can just go to the newspaper. Here is February 20 of this year, the *New York Times*:

The UBS memo was blunt: The “Swiss solution” could help affluent Americans.

That message, sent to the bank’s executives in July 2004, referred to a UBS plan to help rich customers evade taxes by hiding money in offshore havens like the Bahamas.

The memo, along with dozens of e-mail messages like it, were disclosed on Thursday in a blistering court document filed by the Justice Department, which sought to compel UBS, based in Switzerland, to divulge the identities of 52,000 Americans whom the authorities suspect of using secret offshore accounts at the bank to dodge taxes.

We do not have to use our imaginations very much to figure out what is going on. Here is a little five-story building in the Cayman islands called Ugland House. It claims to be the home of 14,000 companies. Can you see them there in this little five-story building? Do you see them doing their business out of this building, 14,000 companies, supposedly doing business out of this little building down in the Cayman Islands?

They are not doing any business out of that building. They are engaged in monkey business. What they are doing is an elaborate tax scam, much of it revealed in the UBS court documents; much more revealed in the collapse of Stanford Financial, which has shown that there are loads of companies, loads of individuals, who are engaged in dodging what they legitimately owe the United States by establishing these offshore tax haven locations, where they claim they do business, and all they are doing is dodging taxes.

Let me say, most of the largest U.S. corporations have subsidiaries in tax havens. Eighty-three of the one hundred largest publicly traded U.S. corporations have subsidiaries in tax havens, and 42 of these companies have subsidiaries in 10 or more tax havens—10 or more.

Sixty-three of the one hundred largest U.S. Federal contractors have subsidiaries in tax havens, and 33 of these companies have subsidiaries in 10 or more tax havens. Look, anybody who does not see what is going on is blind.

Here is the picture I hope people will pay attention to. This is a sewer sys-

tem in Europe. A sewer system in Europe. What has that got to do with the budget of the United States? Well, it turns out to increasingly have a lot to do with the budget here, because this is a sewer system that was bought by a U.S. company that is not in the sewer business. They bought this sewer system in Europe to depreciate it on their books in the United States to suppress taxes they legitimately owe here. Do you know what they did. After they bought it so they could depreciate it, they leased it back to the European city they bought it from and paid for it in the first place.

If we do not cut down and stop this kind of scam, shame on us. Shame on us. And some of our friends over here say that is a tax increase. Well, sign me up if that is a tax increase to shut down this kind of scam. The vast majority of us pay what we owe, but a few get by with establishing these accounts in these offshore tax havens and engaging in these unbelievably abusive tax shelters.

So we need tax reform. We have got a tax system that is out of date and hurting U.S. competitiveness. We are hemorrhaging revenue. Right now we are only collecting about 75 percent of what is actually due under the current code. So without any tax increases, we can completely close the structural gap between spending and revenue in this country if we collect what the current system says is owed.

The fact is, the vast majority of us on tax day pay what we owe. But increasingly we have got big companies, wealthy individuals, who are not. Let’s end it. Let’s end it.

The AMT is another problem threatening millions of middle-class taxpayers that we have addressed in this proposal. Additionally, we have a long-term imbalance that must be addressed between spending and revenue. Finally, we need simplification and reform to keep rates low for the vast majority of us who are honest.

I have heard the argument on the other side that we have got the highest corporate rate in the world. Well, what is true is we do have one of the highest nominal tax rates, stated tax rates. But our effective tax rate on corporations is among the lowest in the world. That is because, while the statutory rate is 35 percent, the effective rate, what companies actually pay, is only 13 percent. When you take that into account, here is where we stack up. Here are the major industrialized countries in the world. Here is the average. Here is where the United States is. The only countries that have a lower effective corporate tax rate than the United States are Slovakia, Poland, Austria, and Germany. Everybody else has a higher effective corporate tax rate than do we. I make this review for the purposes of establishing this in the RECORD.

Mr. GRASSLEY. Mr. President, I would like to briefly respond to my friend from North Dakota, the chairman of the Budget Committee. The chairman was responding to my remarks on small business and the effects of proposed 20 percent higher marginal rates on small business owners.

The budget brought before us raises taxes on small business owners. There can be no question about it. Here is how it works.

The President’s budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama’s marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses. The chairman appears to fall into this camp.

Proponents of these tax increases, like the distinguished chairman, the senior Senator from North Dakota, seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. In testimony before the Senate Finance Committee, Dr. Bob Greenstein, director of the liberal think tank, Center on Budget Policy and Priorities, also used that figure. Moreover, Secretary Geithner has testified that this Treasury Department agrees with that figure. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and business cycle. The nonpartisan Joint Committee on Taxation has indicated that, for 2011, approximately 3 percent of small business filers will be hit by these proposed higher rates. These statistics compare to a 2007 treasury which showed 7 percent of flow-through business owners paying the top rate. In the latest analysis, when the impact of the alternative minimum tax—AMT—is fully included, that percentage may drop some.

Small Business Administration—SBA—data provide evidence of the dynamic nature of small business. You can find that data on the SBA Web site in its frequently asked questions discussion. The website is www.sba.gov/

advo. According to SBA, 67 percent of small businesses survive for 2 years; 44 percent of small businesses survive at least 4 years; and 31 percent of small businesses survive at least 7 years.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. You can see it right here on this chart.

According to the SBA, about two-thirds of the Nation's small business workers are employed by small businesses with 20–500 employees.

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over \$250,000. This is a conservative number, because it doesn't include flow-through business owners making between \$200,000 and \$250,000 that will also be hit with the budget's proposed tax hikes.

Now, as is frequently the case in debate, the proponent of an idea seeks to change the nature of the debate by changing the question. We witnessed a bit of that this afternoon.

Notice the distinguished chairman did not dispute the basic thrust of the points I raised. Instead, he said, we, on this side, used an unfair or inappropriate definition of small business. He cited examples of former Vice President Cheney and Microsoft founder Bill Gates, Jr. The point seems to be that the 750,000 flow-through small business

owners, again those most likely to expand or contract their workforces, who will be in the bulls-eye of the 20 percent higher marginal rates, should be ignored. We should focus instead on one or two examples. The point seems to be that it is fine to target the large group of small business owners if you can find a Cheney or Gates example.

On this point, I direct the distinguished chairman and the full Senate to the Treasury Conference on Business Taxation and Global Competitiveness Background Paper. It was put out on July 26, 2007. The current Treasury is spending some time updating this data and will be incorporating the full effect of the alternative minimum tax—AMT—for 2011. If colleagues examine the study at page 20, table 3.3, they will find an insightful analysis. The study sorted Treasury data for flow-through entities. The analysis sorted the data to isolate active manager/owners from the broader pool of all flow-through filers. When so sorted, Treasury found that the lion's share of income and tax was still born by those manager/owners. I ask consent to have printed in the RECORD a copy of the Treasury table.

Even the Tax Policy Center, an institution in accord with President Obama and the congressional Democratic leadership's goal of raising the top rates on small business, shows a large slug of active small business income in taxpayers in the top two brackets. I will ask consent to include a TPC chart printed in the RECORD.

The proponents of a tax increase of up to 20 percent in the marginal rates of small business owners should bear

the burden to disprove the concerns those on our side have raised. Perhaps they could work with Senator SNOWE, Senator CORNYN and others to craft an exception that shields the small businesses that employ two-thirds of all small business workers from the tax increase. Pointing to an extreme example, like a Vice-President Cheney or a Bill Gates, Jr., may make great sound bites for politics.

It, however, will not amuse the small business owners who have worked hard to build a business. It won't amuse the workers they need to layoff. It won't amuse the suppliers they have to curtail purchases from. The bottom line is the budget contains a tax increase that is aimed at small businesses most likely to expand or contract. That tax increase is significant and real to those small business owners. They, not the politicians voting in the tax increase, will have to deal with the added tax burden.

Last week, a strong bipartisan group of 84 Senators agreed there is a problem here. We are raising taxes on Small Business America. We ought to be careful.

Throwing out a red herring involving Vice-President Cheney or Bill Gates, Jr. doesn't deal with the problem we have raised.

Mr. President, I ask unanimous consent to have the materials to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOW-THROUGH INCOME AND INDIVIDUAL INCOME TAXES, 2006

	Taxpayers with Flow-through income/loss		Flow-through income/loss*		Tax on Flow-through income/loss*	
	\$millions	%	\$billions	%	\$billions	%
All Flow-through income						
All taxpayers	27.5	100	938	100	159	100
Top 2 tax brackets	2.1	8	671	72	131	82
Top tax bracket	1	4	573	61	113	71
Active, positive flow-through income						
All taxpayers	18.3	100	762	100	145	100
Top 2 tax brackets	1.4	7	433	57	109	75
Top tax bracket	0.7	4	349	46	92	64
Flow-through income >50% wages						
All taxpayers	11.9	100	880	100	156	100
Top 2 tax brackets	1.1	9	608	69	127	81
Top tax bracket	0.6	5	527	60	110	70

*—"Flow-through income/loss" includes net ordinary income from sole proprietorships, S corporations, and partnerships plus net long-term and short-term gains from partnerships, S corporations, estates, and trusts.
Source: U.S. Department of the Treasury, Office of Tax Analysis-analysis of unpublished IRS data.

TABLE T08-0164—DISTRIBUTION OF TAX UNITS WITH BUSINESS INCOME BY STATUTORY MARGINAL TAX RATE—ASSUMING EXTENSION AND INDEXATION OF THE 2007 AMT PATCH, 2009¹

Statutory marginal income tax rate	All tax units		Tax Units with business income ²		Percent of tax units with business income ³				Business income as percent of AGI ³
	Number (thousands)	Percent of total	Number (thousands)	Percent of total	Greater than 0	Greater than 10% of AGI	Greater than 25% of AGI	Greater than 50% of AGI	
Non-filers	20,758	13.8	999	2.9	4.8	3.7	3.3	3.0	7.5
0%	23,434	15.6	6,960	20.0	29.7	28.6	26.0	22.8	62.7
10%	22,375	14.9	4,740	13.6	21.2	16.2	12.6	8.9	12.1
15%	49,522	33.0	11,024	31.7	22.3	12.5	7.8	4.5	6.9
25%	25,506	17.0	6,662	19.2	26.1	12.0	7.1	4.2	6.7
26% (AMT)	2,434	1.6	1,160	3.3	47.6	21.0	12.9	7.8	11.4
28% (Regular)	3,137	2.1	1,175	3.4	37.4	20.6	15.4	10.4	13.0
28% (AMT)	2,164	1.4	1,353	3.9	62.5	38.2	29.6	20.5	21.5
33%	335	0.2	206	0.6	61.7	46.3	38.0	29.9	31.6
35%	577	0.4	457	1.3	79.2	57.6	50.3	40.7	38.8
All	150,241	100.0	34,736	100.0	23.1	15.2	11.4	8.4	14.7

Source: Urban-Brookings Tax Policy Center Microsimulation Model (version 0308-5).

(1) Calendar year. Assumes extension and indexation of the 2007 AMT patch. Tax units that are dependents of other tax units are excluded from the analysis.
 (2) Includes all tax units reporting a gain or loss on one or more of Schedules C, E, or F.
 (3) Business income is defined as the sum of the absolute values of the gains or losses reported on Schedules C, E, and F.

Mr. CONRAD. I note my colleague Senator SANDERS, who is an important member of the Budget Committee, is here. I ask the Senator how much time does he seek?

Mr. SANDERS. I need 5 minutes.

Mr. CONRAD. I would be happy to yield 5 minutes. If the Senator would like more at the end of that time, he only needs to ask.

Mr. SANDERS. I thank the chairman for yielding. I want to congratulate him and his staff for the excellent work they have done on this budget, which I certainly will be voting for.

What I wanted to do is to take a brief moment to highlight a provision in the budget resolution that I introduced, along with Senators FEINGOLD, WEBB, and BUNNING. That deals with the outrage that exists in our country at what happened last year and this year on Wall Street. I think, as most Americans know, as a result of the greed, the recklessness, the illegal behavior we have seen within some of our largest financial institutions, our country and, in fact, much of the world, has been plunged into a very deep recession which has cost millions of Americans their jobs, their homes, their savings, and their ability to get a higher education.

A lot of people are suffering because of the greed and recklessness of Wall Street. In my view, the regulatory efforts of the last several decades, which I strongly opposed as a member of the House Financial Services Committee, have proven to be a grotesque failure.

The bottom line is, when you deregulate Wall Street, they do what we would expect that they do; that is, they do anything and everything they can to make as much profit as they can in as short a period of time as they can, no matter how recklessly they behave in the process.

They create a bubble. When that bubble bursts, as it surely would, the American people are left holding the bag in the midst of a very deep recession. In my view it goes without saying that we must restore regulations on Wall Street.

One part of that process is to bring about substantially increased transparency. It is beyond comprehensive, it is absurd, that trillions of dollars in credit default swaps and other exotic and complicated financial instruments are traded every single day with no public understanding about who owns these instruments or the impact these trades are having on the world's financial system.

I am happy to note that as one small step forward in terms of transparency, this budget resolution incorporates provisions that passed the Senate by a 59-to-39 strongly bipartisan vote. What that amendment does is quite simple:

It adds the reality that in the midst of this financial crisis, the Federal Reserve has lent out over \$2 trillion to financial institutions. If you were to ask the American people, if you were to ask any Member of this Senate, any Member of the House, who received that money, which financial institutions got it, and what the terms are that they received it are, nobody would be able to tell you. No one in this country understands it, because that has been kept secret.

What the provision that I introduced into the budget resolution does is simply say: We have got to make that public. The American people have a right to know who is getting those loans and what the terms are.

I am delighted that that provision is in the budget resolution. In my view, this is a small step forward in fighting for transparency within the Fed. It is a smaller step forward, overall, in beginning the reform measures that we need to create a new Wall Street, so that never again will we be placed in the position that we have been over the last few months.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, again I thank Senator SANDERS for his kind remarks and for his contributions to the work of the Budget Committee. He has been a very energetic and important member. He has done an outstanding job of questioning witnesses before the committee, and he has also been someone who has worked very hard on community clinics, which I think are going to make a great difference across the country. There is a very significant increase for those clinics in this resolution, and the person responsible and the person who deserves credit is the Senator from Vermont, Mr. SANDERS. We thank him for that contribution.

We are now approaching the 4 o'clock hour. We have Senator COBURN who wishes to come and speak at roughly 4:30; Senator MCCAIN, whom I understand wishes to speak at roughly 4:45; I understand that Senator UDALL from Colorado wishes speak as in morning business. I want to alert his staff, if they are listening, this would be a good time for him to come and speak, because we have some time between now and when we expect Senator COBURN.

I hope we are able to move to a vote soon after Senator MCCAIN concludes his remarks. But we have yet to hear definitively that that will be the case.

I want to very briefly go over what I think is important about this budget. First, it preserves the President's key priorities of reducing our dependence on foreign energy, which is critically important to our national security and our economic security; a focus on ex-

cellence in education, because if we are not the best educated, we are not going to be the most powerful country for very long; and, third, fundamental health care reform.

We are on a course that is completely unsustainable in health care. We are spending nearly 18 percent of our gross domestic product on health care. That is \$1 of every \$6 in this country. But we are on a trend line to spend 37 percent of our gross domestic product on health care. That is more than \$1 in every \$3. That can not be the outcome. That will put us at a huge disadvantage both in terms of competitiveness in this global economy, and it would have devastating consequences on American patients, American consumers, American families, American business.

We know we need fundamental health care reform. The President has put that front and center before the Congress of the United States, and it is accommodated in this budget resolution. No. 4, we have the extension of middle-class tax cuts, over \$700 billion in tax cuts included in this bill, most of it directed at the middle class.

In addition, this budget reduces the deficit by two-thirds over 5 years. Relative to GDP, we are reducing the deficit by more than that, by three-quarters between now and 2014, from 12 percent of GDP in 2010, to 3 percent of GDP in 2014. Those are the fundamentals of this budget.

Is it perfect? There is no document that is prepared by the hand of men and women that is perfect. So we understand this is not a perfect document. This is the product of compromise between 435 Members of the House of Representatives and 100 Members of the Senate. This is purely a congressional document. It does not become law. It is not signed by the President of the United States. It is a document to guide the spending and the revenues of the United States for the next 5 years.

Obviously, since we do another budget next year, the most important thing is what this budget does over the next year.

Remember that this President inherited an extremely difficult situation—massive deficits, an economy that was in the worst shape since the Great Depression, a circumstance in which the United States is having two wars. This President inherited a very tough situation.

We also know we are starting to see the signs of a turn in terms of consumer spending, in terms of housing sales, in terms of automobile sales. For the first time, we are seeing an improvement. Last week we had before us in our caucus Mr. Bernanke, Chairman of the Federal Reserve, who said he

sees the economy turning, that the precipitous downturn seems to have stopped or ebbed at least, and he sees the prospect of the beginning of recovery later this year. We all hope that is the case.

This budget is an important part of an overall economic recovery strategy. While we have not adopted precisely the budget the President sent us, there is good reason for that. Because from the time the President's people made their estimates of the revenue available over the next 10 years, the Congressional Budget Office, some months later, did a new estimate which is the basis for our budget. The President's budget had \$2 trillion more available to him when he wrote his budget than we have had available to us in writing our budget. That necessitated changes in order to achieve the deficit reduction he had called for and the deficit reduction most economists say is fundamentally necessary.

We wrote a 5-year budget, not a 10-year budget. Of the 34 budgets that have been written under the Congressional Budget Act, 30 of the 34 have been 5-year budgets. Why is that? Because forecasts for 10 years are notoriously unreliable. That is why Congress, 30 of the 34 times it has done a budget, has done 5-year budgets because the forecasts, even then, for the outyears were highly suspect. When we are talking about a 10-year forecast, that is just throwing a dart.

That is where we are. We have worked in a credible way to fashion a budget document that meets the needs of the American people, that puts us in a better position for the future. I freely acknowledge we must do much more, especially in the second 5 years. It is absolutely imperative we do more to get our long-term financial house in order. That is going to require entitlement reform—Medicare, Social Security. That is going to require tax reform because we have a tax system that is only collecting about 75 percent of the money due and owed under the current tax rates. We wouldn't need any tax increase of any kind to balance the books if we would just collect what is due and owed under the current system. Unfortunately, while the vast majority of us pay what we owe, we have an increasing number of people and companies that don't. That has to stop.

With that, I thank the Chair and suggest the absence of a quorum.

We are expecting Senator COBURN at roughly 4:30, Senator MCCAIN at roughly 4:45, and Senator UDALL of Colorado. If he is available and his people are within earshot, this would be a good time for him to come and use the time he has requested.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CONRAD. I have received information now that Senator UDALL will be with us at roughly 4:15. Senator UDALL at 4:15 for 10 minutes and then Senator COBURN at 4:30 for 10 or 15 minutes and then Senator MCCAIN at 4:45 for roughly 15 minutes. I am not asking unanimous consent because we don't want to be locked in if one of them comes before another. We don't want to be wasting time. I may need time to respond to what other Senators might offer. We are hopeful that if there are any others who wish to speak, they will let their respective cloakrooms know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it is my understanding Senator UDALL of Colorado would like to speak as in morning business.

Mr. UDALL of Colorado. Correct.

Mr. CONRAD. How much time would the Senator like?

Mr. UDALL of Colorado. Ten minutes maximum.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Colorado as in morning business.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from North Dakota and thank him for his great work on behalf of this important budget we are going to adopt in short order.

LINE-ITEM VETO

Mr. President, I rise in support of the Budget Enforcement Legislative Tool Act my colleague from Delaware, Senator CARPER, is introducing today.

I am also pleased to be a cosponsor of the Congressional and Line-Item Veto Act, introduced recently by Senator FEINGOLD.

Both bills have my support and the support of other Democrats and Republicans who typically fall on opposite sides of the ideological divide. But while we may disagree with each other on many issues, we agree that a constitutionally sound version of the line-item veto will help increase both fiscal responsibility and congressional accountability—both of which have been in short supply in recent years.

Establishing a line-item veto has long been a goal of mine. Three years ago, I introduced legislation in the House—the SLICE Act—to establish a legislative line-item veto, and I worked

with Representative PAUL RYAN from Wisconsin, a Republican, in the House to pass similar legislation in June 2006. We reintroduced that legislation in the House again in the last Congress.

As we worked to advance this bill in the House, Senator FEINGOLD and Senator CARPER were each working on similar bills in the Senate, and they have again introduced their bills in the 111th Congress. While their bills differ in the details, they are both intended to employ the legislative line-item veto as a tool to help rein in unnecessary spending and begin the difficult work of reducing budget deficits.

These goals have a greater urgency than ever before. Why? Over the last decade, we have seen a dramatic change in the Federal budget—a change for the worse. We have gone from Federal budget surpluses to enormous deficits and from reducing the national debt to increasing the “debt tax” on our children.

We know how this has happened: tax cuts that did not grow the economy, wars that have been financed by borrowing, reckless earmark spending, and a deep recession. We know today's economic crisis has required that we stimulate job creation with public sector spending to prevent another Great Depression.

Our challenge is daunting. In the short term, we must spur the economy back to life, even at the risk of incurring historic deficits, and yet still lay the foundation for dramatic deficit reduction in the long term.

We have heard some say deficits do not matter. But this cannot go on forever. The President's own Budget Director agrees that if recent CBO projections are accurate, we could see a deficit exceeding 5 percent of gross domestic product—clearly, a dangerously high level that many economists across the spectrum believe is not sustainable.

No one wants our country, no one wants America, to suffer from the crippling hyperinflation that plagued Germany after the First World War or the combination of economic decline and inflation—which we called stagnation—some of us remember from the 1970s. Again, this means laying a foundation for entitlement reform and deficit reduction. This means using every tool in our toolbox and creating new ones, if necessary, to attack this problem.

I am a strong supporter of the economic recovery package we passed in February. I say to the Presiding Officer, it will be important for our home State of Colorado. But I am also mindful that we are borrowing from our children and grandchildren to save the economy from collapse. That makes it all the more important that the spending we engage in today is wise and necessary.

A legislative line-item veto will give Congress and the President a tool to

keep our spending decisions both wise and necessary.

I say to the Presiding Officer, many Presidents from both parties have asked for the kind of line-item veto that can be used by Governors in our home State of Colorado and several other States. In 1996, Congress actually passed a law intended to give President Clinton that kind of authority. However, in 1998, the Supreme Court ruled that the legislation was unconstitutional—and I think the Court got it right.

By trying to allow the President, in effect, to repeal a part of the law he has already signed and saying it takes a two-thirds vote in both Houses of Congress to restore that part—the Congress of 1996 went too far. I think that kind of line-item veto would undermine the checks and balances between the executive and legislative branches of the Government.

But the SLICE Act I introduced in 2006 and the bills Senator CARPER and Senator FEINGOLD have introduced in this Congress are different. They are practical, effective, and, best of all, constitutional versions of a line-item veto.

Current law says the President can ask Congress to rescind; that is, cancel, spending items. But the Congress can ignore those requests and often has done so. These bills will change that. Under the Carper and Feingold bills, the President could identify specific spending items he thinks should be cut, and Congress would have to vote up or down on whether to cut each of them.

This legislation—don't get me wrong—would give the President a powerful tool, but it would also retain the balance between the executive and legislative branches.

Presidents are elected to lead, and only they represent the entire Nation. These bills recognize that by giving the President the leadership role of identifying specific spending items he thinks should be cut.

But under the Constitution, it is the Congress that is primarily accountable to the American people for how their tax dollars will be spent. The legislation respects and emphasizes that congressional role by requiring a vote on each spending cut proposed by the President.

Of course, without knowing—and I think the Presiding Officer would join me in this sentiment—what the President might propose to rescind, I do not know, in a speculative fashion, if I could support those proposals. But I do know people in Colorado and across the country believe there must be greater transparency in our decisions on taxing and spending. I know they are also demanding we take responsibility for those decisions. That is the purpose of the Carper and Feingold bills.

If there was ever a time in our history when we needed to reassure the

American people that Congress understands the need for reform and integrity in the process of spending taxpayer dollars, it is now. Along with reform of the earmark process and other reform measures, I believe the legislative line-item veto is an essential tool in restoring public confidence and trust in the legislative process.

The American people expect Federal spending will reflect critical national priorities and broader public purpose. Most of all, they expect Congress to pass funding bills in ways that ensure wise use of taxpayer dollars. These are the purposes of this legislation. We must reassure the American people that their dollars—and the debt future generations incur as a result of our spending—will be debated in the sunshine of public scrutiny.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Colorado. He has been such a bright addition to this Chamber, and we are delighted he is here. He comes very well respected from the House of Representatives. We count ourselves fortunate to have him participating in this budget discussion, and I look forward to working with him in the future.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from North Dakota for those sentiments. I look forward to working with him on the very important work to balance the needs of this country when it comes to spending but also to make sure we do not pass on unsustainable debt to our children. He has been a leader in this effort, and I look forward to working at his side in the future days and months and years to come.

Mr. CONRAD. Mr. President, I thank the Senator.

Mr. FEINGOLD. Mr. President, I will support this conference report, but I do so with great reluctance. Given the irresponsible and even reckless budget policies of the previous administration, our highest budget priority must be to get back onto a fiscally responsible budget path. This budget resolution does that. It may not go as far as I would like with respect to reducing annual budget deficits, but it is a significant improvement over what we have experienced during the past 8 years.

Moreover, the budget resolution sets this path under the most challenging of conditions. The Bush administration's legacy is one not only of fiscal recklessness, but also of economic recession, crisis in the financial markets, and a housing market in collapse. Even without the cost of cleaning up a set of international security policies that undermined our national security and cost trillions of dollars, this budget has been the most demanding a President has had to write since the Great Depression. And by and large it addresses

our national priorities in a responsible manner.

However, there are some features of this resolution with which I take exception, most notably the use of reconciliation as a tool to expedite health care reform. The arguments over the use of reconciliation are familiar to this body. Sadly, a tool intended to streamline the painful process of deficit reduction has been used to clear a path for major policy changes that have, at best, only a passing relationship to reducing the budget deficit. This is not the first budget resolution to abuse the special budget procedures to ease the enactment of significant and potentially controversial policy changes. Perhaps the grossest misuse of reconciliation was to pass sweeping changes to the Tax Code in 2001 and 2003 that far from reducing the deficit actually exploded annual budget deficits and government debt. Indeed, we are still living with the downstream effects of those fiscally reckless measures that have left us less able to meet either the current economic crisis or our long-term fiscal challenges.

I had hoped that with a new President in the White House and Democrats in control of both Chambers we could restore a respect for the proper use of budget procedures. But while the budget we pass today is a huge improvement over those submitted by the previous administration, both with respect to honest budgeting and the fiscal path it embraces, its misuse of reconciliation to advance policy priorities is regrettable.

I opposed using reconciliation when it was abused by the other party to enact fiscally reckless tax cuts and when it was attempted to be used to open up the Arctic National Wildlife Refuge for oil drilling. I opposed it earlier in this debate as a way to expedite climate change legislation, and I oppose it now as a vehicle to fast-track health care reform.

Congressional leadership indicate they may not need to use reconciliation to enact health care reform, that it will be used only as a last option to ensure Congress acts on that vitally important issue. That may be, and I certainly hope this body will pass a health care reform measure under regular procedures. Health care reform is long overdue, and I look forward to the Senate finally acting on an issue that is so important to my constituents. But let's not kid ourselves. It is no more appropriate to use reconciliation as a hammer to push through health care reform under regular procedures than it is to use it directly to enact those reforms. Both are abuses. Both undermine its original intent. Both invite even greater abuses in the future.

Mr. BYRD. Mr. President, I like this budget. I support many of the policies that the President's budget embraces including middle-class tax relief, and

badly needed investments in our Nation's infrastructure but I cannot, and I will not, vote to authorize the use of the reconciliation process to expedite passage of health care reform legislation or any other legislative proposal that ought to be debated at length by this body.

Using reconciliation to ram through complicated, far-reaching legislation is an abuse of the budget process. The writers of the Budget Act, and I am one, never intended for its reconciliation's expedited procedures to be used this way. These procedures were narrowly tailored for deficit reduction. They were never intended to be used to pass tax cuts or to create new Federal regimes. Additionally, reconciliation measures must comply with section 313 of the Budget Act, known as the Byrd Rule, which means that whatever health legislation is reported from the Finance Committee or legislation from any other committee that is shoe-horned into reconciliation will sunset after 5 years. Additionally, numerous other nonbudgetary provisions of any such legislation will have to be omitted under reconciliation. This is a very messy way to achieve a goal like health care reform, and one that will make crafting the legislation more difficult.

Whatever abuses of the budget reconciliation process which have occurred in the past, or however many times the process has been twisted to achieve partisan ends does not justify the egregious violation done to the Senate's constitutional purpose. The Senate has a unique institutional role.

It is the one place in all of government where the rights of the numerical minority are protected. As long as the Senate preserves the right to debate and the right to amend we hold true to our role as the Framers envisioned. We were to be the cooling off place where proposals could be examined carefully and debated extensively, so that flaws might be discovered and changes might be made. Remember, Democrats will not always control this Chamber, the House of Representatives or the White House. The worm will turn. Some day the other party will again be in the majority, and we will want minority rights to be shielded from the beartrap of the reconciliation process.

Under reconciliation's gag rule there are 20 hours of debate or less if time is yielded back, and little or no opportunity to amend. Those restrictions mean that whatever is nailed into reconciliation by the majority will likely emerge as the final product. With critical matters such as a massive revamping of our health care system which will impact the lives of every citizen of our great land, the Senate has a duty to debate and amend and explain in the full light of day, however long that may take, what it is we propose, and why we propose it. The citizens who

sent us here deserve that explanation and they should demand it. We must not run roughshod over minority views. A minority can be right. An amendment can vastly improve legislation. Debate can expose serious flaws. Ramrodding and railroading have no place when it comes to such matters as our people's healthcare. The President came to the White House promising a bipartisan government because he knew how sick and tired the American public is of scorched earth politics. I daresay President Obama should not be in favor of the destruction of the institutional purpose of this Senate in which he served any more than he would bless a rigged pseudo-debate on healthcare, completely absent minority input.

While I support the admirable budget priorities outlined in this resolution, I cannot and will not condone legislation that puts political expediency ahead of the time-honored purpose of this institution.

• Mr. SESSIONS. Mr. President, I am firmly opposed to this proposed budget conference report. It is, I sadly conclude, the most irresponsible budget in the history of the Republic. This budget will increase nondefense discretionary spending in 2010 9.7 percent over this year's levels.

As a result of this reckless spending, the budget proposal doubles the national debt to \$11.5 trillion in only 5 years, and will nearly triple it in 10. The amount of money we spend each year to pay the interest on this debt will also soar because of the conference report. This year alone we will spend \$170 billion to service the national debt. In 5 years we are projected to spend \$428 billion on interest payments in that year alone, and we will likely spend over \$800 billion in 2019 to pay the interest on our national debt alone. By comparison, the Federal Government spends less than \$100 billion a year on education, and about \$40 billion a year on highways. In 10 years, this budget will spend more on interest payments on our national debt than it spends on education and highway funding combined.

I am also disappointed that the conference report includes reconciliation instructions to expedite sweeping changes to our Nation's health care laws under special rules that limit debate and require only a simple majority for final passage. The purpose of reconciliation is to maintain fiscal control over the Government, not to fundamentally change the government's policies. The American people deserve a robust and full debate on the merits of health care reform. Using the reconciliation process to move health care legislation would preclude the reasoned and informed debate necessary to ensure that the best possible policy is enacted. Therefore, I urge my colleagues to oppose this dangerous budget. •

Mr. DURBIN Mr. President, today the Senate will vote on final passage of the budget resolution conference report for fiscal year 2010.

We will be voting on fundamental decisions about the shape of our economy and the prosperity of our country.

We need to face the facts—we have inherited the worst economic crisis in generations.

We took an important first step in returning our Nation to prosperity earlier this year by passing the economic recovery package.

The Obama administration continues to work hard to repair our financial system so that businesses can make payroll and families can borrow for college.

But there is much more to do to put our economy back on track, and the budget resolution conference report we are considering follows the principles President Obama laid out in his budget proposal.

This budget resolution sets a path to regain the balance our country once enjoyed—careful investments in our future, while creating opportunity for working families who have lost ground over the last decade.

It provides the flexibility the authorizing committees need to tackle our toughest challenges.

And it begins to repair years of neglect by making critical investments to recover economically—particularly in health care, education, and energy.

We need to reform our health care system fundamentally, and we need to do it this year. This budget gives the Congress the flexibility we need to get this job done.

The budget resolution includes a deficit-neutral reserve fund that will allow the Finance and HELP Committees to take on the challenge of fundamental health care reform this year.

We hope to work on a bipartisan basis to reform the system in a way that benefits all Americans—patients, providers, insurers, and the taxpayers.

But if the Republicans decide to try to obstruct these reforms, the reconciliation instructions included in this budget give us the tools we need to pass meaningful reform.

Those instructions don't take effect until October 15, and so we have several months to work together before reconciliation is even an option.

I very much hope that we don't need to use this approach. But reform can no longer wait.

The budget resolution conference report also offers a promising vision for education. First, the budget will dramatically expand access to quality early childhood education programs, including Head Start. And the budget invests in teachers and innovative programs so that all children can succeed in the classroom.

This budget will help us build the education system we need to compete

in the global economy, not just today, but in the next generation.

This budget would also help families afford the high cost of tuition by raising the maximum Pell grant award and streamlining student loan programs.

The cost of college is higher than ever before. Since 2000, the average cost of tuition at public 4-year college has increased 29 percent, far outpacing inflation and increases in household income.

Financial aid hasn't kept up these costs. Thirty years ago, a Pell grant could cover 77 percent of public college costs. Now it covers just 35 percent.

The budget would increase Pell grants to \$5,550, which will help the 7 million students who rely on these grants pay for college.

We can't transform our education system overnight. But we can start to provide the investments and the programs that will help to get us there soon. This budget would do just that.

This budget also starts the process of reducing our dependence on foreign energy by funding the President's request for energy funding in 2010.

This budget also lays the groundwork for cutting back on energy sources that generate greenhouse gases.

The budget proposes we spend less money burning conventional fuels and more money developing cleaner energy sources.

This budget helps us create good jobs, dramatically improve energy efficiencies, and protect the environment before climate change inflicts permanent damage.

Finally, the conference report provides for tax relief to American families at a time when that relief is much needed.

The budget provides \$764 billion in tax cuts, mostly to the middle class.

The conference report provides \$512 billion to extend middle-class tax cuts such as the child tax credit, marriage penalty relief, and education incentives.

It includes \$214 billion for 3 years of alternative minimum tax reform.

The budget matches the President's estate tax proposal, which would permanently extend the 2009 exemption of \$7 million for couples and index that for inflation.

And the resolution provides \$63 billion for 2 years of "tax extenders" for businesses and individuals.

Preparing a budget is about making choices.

It is a moral document, one that describes what you believe in.

The conference report prepared by the Budget Committee would make critical investments in our Nation's highest priorities, at a time when America needs them most.

This budget would provide a little bit of help to hard-working families that desperately need it.

This budget would bring true, long-lasting change to America that is smart, fair, and responsible.

I urge my colleagues to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about the budget that is before us and make some simple notes.

In 73 pages, this budget spends \$3.5 trillion in 1 year. That is an astounding amount of money. It spends \$17.9 trillion, at a minimum, over the next 5 years.

This budget is more than a document full of numbers. It is a statement of priorities. My feeling is it does not address some of the key fundamental challenges we face as a nation. In fact, it is going to make some of the challenges we have worse because we are going to be spending money we don't have on things we don't need. Every family in this country today, as we know by decreased consumer spending, is making hard choices. They are making priorities. Their priorities are: How do we do the absolute minimum necessary, as well as how do we say we are going to have the largest savings rate we have had in 40, 50 years in this country so we can save for tomorrow? Most of the time, those families are not just thinking about the adult members of those families; most of the time those families are making those decisions because they are thinking into the future about their children.

We are not doing that with this budget. As a matter of fact, the only thing we are thinking about in this budget for our children is how much we are going to put on their backs because we refuse to face the realities of living within our means as every family is trying to do out there today. We are going to transfer a doubling of the publicly held debt. Over the next 5 years, it is going to double, and over the next 10 years it is going to triple.

That is going to have a serious impact on us as a nation, but it is going to have a personal impact on every young child out there today. Let me tell my colleagues what the impact is going to be. We are going to steal opportunity from them because we refused to make the hard choices today. The impact is going to be that a large portion of them aren't going to be able to afford to go to college. We know education is one of the areas that advance our society, that create opportunities for American exceptionalism, that create opportunities for advancement of all through education. Yet the things we are doing today, by stealing the money from them in the future and burdening them with an interest obli-

gation that most of them won't earn the amount we are going to have to pay every year, seem to me to be penny wise and pound foolish.

The other thing this document does is it has go-pay. It doesn't have pay-go in it; it has go and pay. What it says is: We are not going to be responsible, so you—meaning the next two generations—you go and pay for it. We claim pay-go, but, as seen in all of the documents, there is no pay-go application to the biggest expenditures in this bill. We just take it off line and we allow us to create all of these new programs and new items. Yet we don't have to be responsible to make the hard choices about what is important, what is a priority, and what is not a priority.

Last year, families across this country saw less than a 2-percent increase in their incomes. After a 9-percent across-the-board—not counting the stimulus, just the omnibus bill—we are going to then bump up another 7.2 percent. So we are going to grow the Government 4 times faster than the income increase was last year, and now we are going to grow it 3½ times more, faster, than what personal income has risen and 70 times greater than what the net inflation is going to be. That is called real spending, real growing the Federal Government, not making the hard choices. What it results in, in spite of what we call it—whether it is my favorite pet program or somebody else's—what it results in is less liberty, less freedom for the generations that will follow. You tell me a country where you can have real freedom when you have no economic freedom. There isn't freedom when there is no economic freedom. What we are doing with this budget is slashing into the economic liberties of the children and grandchildren who follow us.

During the Senate consideration, I offered numerous amendments that were designed to make us make hard choices, including allowing penalty-free withdrawals from retirement accounts to make some of the mortgage payments people are having trouble with today, to allow us to help. It was accepted unanimously. Not one person voted against it. It is not in this final document.

Ending bogus performance bonuses by Government contractors and executives—not one person expressed an objection to that—it is not in the final budget.

Reviewing the budget line by line for waste, fraud, inappropriateness, and metrics was agreed to. As a matter of fact, the chairman said right before we voted on the final bill that this is one we will try to protect in the conference. It comes out of conference, nothing is there. That is one of President Obama's promises. We won't even help him do the things he said he wanted to do.

To set performance standards to identify failing Government programs,

not one person objected on the Senate floor. It was unanimous. Yet when it comes out of the conference, none of it is there.

Ending no-bid contracts—something every American knows this Congress has a problem with because we let the favorite one get no-bid contracts, the well-connected, the well-heeled; requiring competitive bidding on anything above \$25,000 outside of national security issues, nobody objected to that. It actually had a vote prior where we had a 97-to-nothing vote. When it comes out of the conference, it is not in there.

Protecting patients and health care providers from health care coercion, it is not in there.

So we are going to pass a budget and say: You go pay, and all the things we really need to do to make the programs we have today efficient and to measure the programs we have today and control some of the waste, fraud, and abuse that is over \$300 billion a year—all of the things that needed to be in this budget to make sure that happens got rejected in the conference. What should the American people think about that? They are certainly not going to go out and have their plumbing redone in their bathroom without getting some quotes on it. They are going to make people competitively bid. If they buy a car, they are not just going to go to an automobile showroom and pay the first place they go; they are going to price that because it is a necessity to get good value today. Yet we reject that as a body. The House rejected it. The Senate rejected it in conference. What should the American people think about us? We won't do any of the commonsense things they are having to do right now so we can get rid of some of the \$300 billion of waste that we don't want to charge to our children. We won't do it. Why is that? Why is it we won't do that? Is there some other reason? Can somebody explain to me why we would not want to go through the budget in a time when we are going to run close to a \$2 trillion budget deficit that is all charged to our kids, that we wouldn't want to go through it and find the waste, fraud, and abuse in the programs that don't work? This conference report rejects doing that. Are we just lazy? Maybe we don't care. Which is it? It certainly can't be that there is a logical reason we wouldn't do that. Yet we didn't do it. Why would we not get rid of some of the waste? We have \$80 billion worth of fraud a year in Medicare and Medicaid. Nothing is being done about it.

We are going to have a reconciliation process that is going to totally change the history of the Senate forever in terms of the 1974 Budget Act. We are going to hand to us a redo of all of the health care, and the health care we run today, which accounts for 61 percent if you count everything that the Federal

Government is into, is the most wasteful, fraudulent, lame system in the world. Yet we won't address it.

I don't want a legacy of stealing opportunity from my grandchildren or anybody else's. If you vote for this budget without this kind of hard work that we should be required to do, of accountability to the American people to get rid of some of the waste, and do what any other prudent person would do in terms of competitively bidding projects, you are saying that is OK, it is OK to steal. There is no other word for it. It is theft of opportunity from our children and our grandchildren because we don't have the backbone to stand up and do the hard work.

President Obama has asked for this. He has asked for us to go line by line. We have an opportunity with a bill moving through the Senate to do that. What do we do? We say, no, it is our way or the highway, Mr. President. You can do it over there. But we are the ones who control all of these programs. And we have done a terrible job. As a matter of fact, if you look at the oversight hearings that occurred in the Senate and measure them compared to all of the other hearings, they count for about 2 percent of the hearings we had. What do we do when a new problem comes up? We don't look to see how the present program is working and what we can do to fix it; we just create another one and charge that to our grandkids rather than say: Where are the metrics to measure what this program is doing? Is it accomplishing what we want? Is it efficient? Could we do it a different way? We just ignore it and we create a brandnew program. This budget is full of that.

So I will finish my remarks by again saying that if you vote for this budget, there is a real question in my mind whether you actually can represent to your constituencies that you feel their children are worth the hard work of this body. There is also the question of whether what President Obama ran on in terms of doing a line-by-line, of getting rid of the waste, of actually measuring the effectiveness of programs, whether we are going to help him do that. This document says we are not.

So all the commonsense reforms that would put some burden on us we have taken out, and then in this budget we have said: Children, we are going to be at \$17.3 trillion of publicly held debt in 10 years, and you go pay for it. You go pay for it because we don't have the courage and we don't care for you enough to make the hard work and hard decisions now to lessen that burden on you.

That is what this budget is about. It is about growing the Federal Government at a size and a pace that we have never seen before in this country—have never seen—and growing the debt to a level that is going to cripple productivity and opportunity in the future.

There are the votes to pass this budget, but the American people need to know what this budget really is. What it is is an escape from responsibility, an expansion of the Government knowing best, and an elimination of opportunity of generations to come.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank my colleague from Oklahoma for his strong statement and his eloquent description of the consequences of the budget resolution we are about to pass. This is a \$3.5 trillion budget resolution. Frankly, it amounts to little more than generational theft. It represents a massive growth in Government spending and sets our Nation solidly on a course to bankruptcy. The resolution assumes a deficit of almost \$1.7 trillion in fiscal year 2009, which is then supposed to fall to \$523 billion in fiscal year 2014. It is only a 5-year budget, not a 10 year; it doesn't show the massive deficit increases that will kick in after 5 years under the President's plan.

I have seen games played with budget resolutions over the years, but I think it is really remarkable that this budget, by being only 5 years, doesn't show that the debt held by the public will rise from \$7.7 trillion in fiscal year 2009 to \$11.5 trillion in 2014. This represents an increase in the debt as a percentage of gross domestic product from the current 55 percent to 66.7 percent in 2014.

After trillions of dollars for bailouts and huge amounts of spending disguised as stimulus, this budget makes no hard choices and doesn't do anything more to ensure the future fiscal viability of our Nation. It is irresponsible. It is an irresponsible act of generational theft which will mortgage our children's futures and our grandchildren's futures. We cannot have this level of spending because it is totally unsustainable.

Mr. President, we didn't have to do this. We could have made tough choices here. We could have adopted a resolution that required us to embark on a path to a balanced budget.

The conference report contains reconciliation instructions that would allow for a massive overhaul of America's health care system with little or no input from the minority—just as this conference report had little or no input from the minority.

I don't have to tell the American people and my colleagues that the American health care system is too expensive, it is broken, and we have to fix it. We want to be part of that solution. And to include it in a budget resolution, obviously, does a great disservice to the American people who expect a full and complete ventilation of the issues surrounding our health care system in America.

I realize that elections have consequences. However, it doesn't justify

the misuse of a process intended to help reduce Federal deficits—and, I might add, the Democratic proposals floating around recently would have the opposite effect.

So, again, we are not changing the climate in Washington; we are continuing it. I want to make it clear that I understand that Republicans have, in the past, used the reconciliation process to further their party's agenda. I wish it had not been done. I hope it will not be done now. But the groundwork was laid, and I think this would be a grave mistake. Apparently, it is also possible that climate change could be addressed in the budget reconciliation process.

I noted during the consideration of the Senate's budget resolution that, unlike the budget submitted by the President, this one only budgets for 5 years. Budgeting for a 5-year period hides the cost of the expansion of Government that is sure to take place after 2014. In a recent Washington Post op ed, entitled "Hiding a Mountain of Debt," probably the most respected columnist in America, David Broder, wrote:

The Democratic Congress is about to perform a coverup on the most serious threat to America's economic future.

The Congressional Budget Office sketched the dimensions of the problem on March 20, and Congress reacted with shock. The CBO said that over the next 10 years, current policies would add a staggering \$9.3 trillion to the national debt—one-third more than President Obama had estimated by using much more optimistic assumptions about future economic growth.

The ever-growing national debt will require ever-larger annual interest payments, with much of that money going overseas to China, Japan and other countries that have been buying our bonds.

Reacting to this scary prospect, the House and Senate budget committees took the paring knife to some of the spending proposals and tax cuts last week. But many of the proposed savings look more like bookkeeping gimmicks than realistic cutbacks.

But the main device the Democratic budgeteers employed was simply to shrink the budget "window" from 10 years to 5. Instantly, \$5 trillion in debt disappeared from view, along with the worry that long after the recession is past, the structural deficit would continue to blight the future of young working families.

Here are some cold, hard facts. Our current national debt is \$11.2 trillion. The projected deficit for 2009 is \$1.7 trillion. The total cost of the recently enacted "stimulus" bill is over \$1.1 trillion. We gave the TARP, Troubled Asset Relief Program, \$700 billion—with every expectation being that the administration will request hundreds of billions of dollars more. President Obama recently signed an Omnibus appropriations bill totaling \$410 billion. The Federal Reserve pumped another \$1.2 trillion into our markets, and we now have before us a budget resolution totaling nearly \$3.6 trillion. We bailed out the banks, insurance giants, and

automakers—and the list goes on and on.

We are seeing the largest transfer of authority from the private sector to the Government that we have ever seen in the history of our country.

I see the chairman of the Budget Committee on the floor, whom I admire and respect. I asked him on the floor, during the consideration of the budget, whether health care would be considered in the reconciliation. The Senator's response was that he was against it. I note that he voted for it.

We are in the midst of a severe recession. The economy shrank at a rate of 6.1 percent in the first quarter of this year. Times are tough; I don't have to tell any of my colleagues or any fellow Americans.

What we are doing is committing an act of generational theft. We are laying a debt on future generations of Americans that is not sustainable. The chairman of the Budget Committee has been involved in recent years in attempts to reform Social Security. I will—and I hope my colleagues will—join him in that effort. Unless we reform Social Security and Medicare, we will have an unsustainable debt.

In the recent campaign, the President campaigned on a theme of changing the climate in Washington. The climate hasn't changed. Bills have been passed with Democratic majorities voting almost completely for them—whether it be the stimulus, the omnibus, and other major pieces of legislation, and also on this budget—on a totally partisan basis. I understand that. I understand that elections have consequences. But to say you are going to "change the climate" in Washington and then not sit down in serious negotiations, whether it be on a stimulus package or on a budget, is not changing the climate.

Let me tell you what serious negotiations are. I have been involved in them over the last 20-some years. I have sat down across the table in negotiations. What they are is compromise. They are compromise, where you say, OK, I give this and you give that. It is not visits and conversations, and it is not phone calls. It is face-to-face, hard-nosed negotiations based on compromise. That is how we got the gang of 14 and averted a crisis in this Senate that would have required only 51 votes for the confirmation of judges. That is how we got numerous pieces of legislation done on a bipartisan basis.

That is not happening now in the Senate. I understand that. I understand that elections have consequences and the votes are there on the other side of the aisle. But I also say to my colleagues that I have been here quite a while. I have seen the Democrats in the majority and I have seen the Republicans in the majority. I saw abuses over on this side of the aisle. I am now seeing those same abuses repeated, re-

inforced, and done in a more egregious fashion than I have ever seen it in the years I have been a Member of the Senate.

I believe our economy will recover. I am confident, because, as I said during the recent campaign, I believe with the foundations of our economy—entrepreneurship, productivity, the finest workers in the world, and best technology—we will come out of this malaise and crisis we are in, and our economy will be restored. But I can also tell you that we will have to debase the currency and experience inflation if we pass this kind of budget and we continue on this spending spree.

What was the administration's reaction? It was that we will get together and cut \$100 million in spending—after spending trillions and trillions of dollars in the most irresponsible fashion, in my view.

Now we are the owners of the automobile industry and of banks. What is the Government going to own in America as we continue on this incredible takeover of the free enterprise system? The automobile manufacturers should have gone into structured bankruptcy a long time ago, and they could have come out and been viable. Instead, we are spending billions and billions of dollars of American taxpayer dollars to prop up an industry that needed to go into prestructured bankruptcy—which they probably will do after we have spent billions of dollars propping them up.

I vigorously, strongly condemn and will vote against and oppose this budget resolution. It is laying the path to a crisis in America that may be as severe as this one if we experience the hyperinflation and debasement of the currency that can only be the result of deficits as far as the eye can see.

With great respect for the chairman of the Budget Committee and those who worked hard on this issue, this is a product that the American people will pay a very heavy price for in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, there are a couple of things I wish to respond to. I have respect for the Senator from Arizona, Senator MCCAIN. We came to this Chamber at the same time. First, he said, on reconciliation I told him I was against it. In fact, I did not include it in the budget resolution out of the Senate. He said in conference committee I voted for it. I say this. I voted for the final agreement. I did not vote specifically for reconciliation. I opposed it every step of the way publicly and privately. I think it is a mistake. I have said so publicly and privately. I believe reconciliation will not be used for health care, even though it is authorized under the conference report. I believe that as people examine what

would actually happen using reconciliation, they will be convinced it is not the appropriate way to do health care. I believe that, at the end of the day, the reconciliation approach will not be used for health care reform.

With that said, I want to make very clear—and you can ask any of the participants—I argued strenuously against reconciliation every step of the way. It was not included in the resolution here, over which I had direct control. It is included in the final conference agreement because the President wanted it as an insurance policy, the majority leader wanted it as an insurance policy, and the Speaker of the House wanted it as an insurance policy. And, frankly, although I have some influence, I don't have the ability to overcome the President, the majority leader, and the Speaker of the House.

The Senator also questioned a 10-year budget versus 5-year budget. Let me repeat what I said before. We have had 34 budgets under the Budget Act; 30 of the 34 have been 5-year budgets. The basic reason for that is not hiding things, as was asserted here; it is because forecasts beyond 5 years are notoriously unreliable. That is why Congress in 30 of the 34 times has written the budget on a 5-year basis. Frankly, the outyears of a 5-year forecast are not very credible, but years 6 through 10 are throwing a dart. I used to forecast revenue for my State. I know something about forecasting revenue and expenses. When you get beyond 5 years, you are in kind of a world that doesn't exist. That is total guesswork.

Beyond that, I didn't accept the trajectory the country was on in the 10-year budget that the President proposed. I believe we have to do far better. That is why the ranking Republican and I have proposed a task force of Democrats and Republicans, with the responsibility to come up with a plan, and if 12 of the 16 members of the task force could agree, that plan would come to Congress for a vote—not another study to sit on a dusty shelf somewhere, but a vote.

The Senator made a number of other assertions with respect to this budget. He termed it "generational theft." Let me say that the trajectory we are on has nothing to do with this budget but has everything to do with the reality of the fiscal circumstance of this country. Our spending is above our revenue. There is a structural gap; and the Senator is absolutely right, if we allow that to play out uninterrupted, it will constitute generational theft. But this budget makes the first steps toward turning that around. It reduces the deficit by two-thirds, in dollar terms, over the next 5 years, and, in terms of a share of GDP, which the economists say is the better measure, it reduces the deficit by three-quarters, 75 percent, from 12 percent of GDP to 3 percent. Additionally, at 3 percent of GDP

you basically stabilize the growth of the debt relative to our national income.

Why are we in this circumstance? It is because the previous administration doubled the debt, put this economy in the worst recession since the Great Depression, and now we have to dig out. The first thing we have to do is give lift to the economy. The stimulus was passed to provide liquidity to the American economy, because the only place it could come from was the Government. We have learned in past economic downturns that if the Government fails to act, you could have a deflationary spiral that would suck the economy down as we saw in the Great Depression.

In the short term, I make no apologies. I am known as a deficit hawk, somebody who believes in balanced budgets, somebody who has fought for them my whole career. But when you have a severe economic downturn, that is not the time to turn away from the Government being the last resort, the Government providing the liquidity to the system to prevent a collapse.

This budget is responsible. As I have said at every step: in the second 5 years, we must do much more. The President has said that. The President is committed to it. So am I. If our colleagues are serious about entering into a long-term negotiation about entitlement reform and tax reform, count me in. Count me in. It has to be done. It is in the interest of the country. That is where we agree.

Mr. President, I see Senator ALEXANDER is here, a very valued member of the Budget Committee, someone for whom I have high regard. We may not agree on every detail, but I certainly have great respect for the contribution he has made to the Budget Committee.

How much time does the Senator desire?

Mr. ALEXANDER. Mr. President, not more than 10 minutes.

Mr. CONRAD. I yield 10 minutes off Senator GREGG's time and say to the Senator, if he requests more, we will absolutely be happy to extend it.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the chairman of the Budget Committee. I am here to speak on a personal matter more than the budget. I made my comments on the budget this morning. I was listening, though, to the Senator from Arizona and the Senator from North Dakota. I have heard the Senator from North Dakota say he is opposed to using reconciliation to run the health care bill through the Senate with 51 votes. I have heard him say that. I agree with him. I know he stood up against some in his party for doing that.

But if I am not mistaken, there were three Senate conferees, and if the Senator from North Dakota voted no, we

would not have reconciliation instructions included in this conference report. I think I am correct about that.

Mr. CONRAD. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. CONRAD. Let me say, if I had not agreed, I probably would not have been a conferee. There are certain things such as higher powers around here.

Mr. ALEXANDER. That is a very honest response, and I accept that. But the point is there are three conferees from the Senate, including Senator GREGG who was opposed to including reconciliation. So if the Senator from North Dakota had said no, maybe he would not have been a conferee, but there would not be reconciliation in this Budget Resolution.

Let me move to something more bipartisan than that.

TRIBUTE TO TOM INGRAM

Mr. President, on May 1, Tom Ingram is leaving his post as chief of staff for the Alexander office and as staff director of the Senate Republican Conference. I know what it is to be a staff member of the Senate, having come here in 1967 as Senator Howard Baker's legislative assistant. That is back when each Senator only had one. I know that staff members are the lifeblood of this institution, that they regularly come and go, and that we Senators are grateful for their service.

But Tom Ingram's service for the Senate and for me personally is a good deal more than the usual coming and going. Tom and I first met in 1966 when I was a young volunteer on Howard Baker's Senate campaign and Tom was an even younger reporter for the Nashville Tennessean. The Tennessean was then such a Democratic newspaper that it was said that Tom was the first reporter ever assigned by that newspaper to cover a Republican candidate on a regular basis. In fairness to the Tennessean, there had not been much to cover. Senator Baker in 1966 became the first Republican Senator in Tennessee history. We had not elected a Republican Governor since the Harding sweep in 1920.

In 1974, Tom served as press secretary for what could only be described as my upstart campaign for Governor of Tennessee. We did pretty well for some young guys, winning the primary over more established figures, but losing the general election. That was the Watergate year. There were only 12 Republican Governors left in America after that debacle, and I figured my political career was over at a very young age.

But in 1978, as things tend to do in politics, times changed, and I was elected Governor, walking a thousand miles across Tennessee in a red and black plaid shirt. Tom this time was my successful campaign manager. He then managed my transition into the Governor's office, served as chief of staff and deputy to the Governor for 5

years. Then he left to form a very successful business in Nashville.

During his business career, he found time to help establish my office when I became president of the University of Tennessee. He did the same when I became the first President Bush's Education Secretary.

The long and short of it is, when Tom Ingram has been around, I have done my best work, and perhaps so has he. We know each other so well that we operate independently toward the same goal and get twice as much done than either of us could do working alone.

One of Tom's gifts is team building. An Ingram-led staff is fun to be a part of, and it is a purposeful group. He has made sure that each of us, Senator included, remember who hired us. For example, the entire Washington staff and State staff spent 3 days in Memphis a couple of weeks ago making sure that we understand as much as we can about the people and the needs of our State's biggest city and biggest county. As Tom leaves to reenter the private sector, he has taken time to make sure that the new staff is well led and well organized, and for that I am especially grateful.

Tom's greater contribution may have been to the Senate as a whole. He has helped our Republican conference develop a clearer message. And working with Bob Russell, Senator MARK PRYOR's chief of staff, he created a bipartisan chiefs of staff group that has been more successful at working across party lines than their bosses have been. The Senator from Illinois and I are part of a group of Senators from both parties that meets on Tuesday mornings. There are 8, 10, 15, 20 of us sometimes. But more than half the chiefs of staff get together on a regular basis as part of this bipartisan alliance, which is a remarkable number in this already over-organized and busy place.

Tom Ingram came to the Senate expecting to stay a few months. He is leaving after 6 years. I am grateful to him for that, and the Senate is a better place.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the bipartisan chiefs of staff organization from Roll Call which appeared on March 10, 2009, and an article about Tom's work that appeared in the Knoxville News Sentinel last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Knoxville News Sentinel, Apr. 20, 2008]

SIDE BY SIDE: INGRAM-ALEXANDER
PARTNERSHIP PERSEVERES

(By Michael Collins)

WASHINGTON—Tom Ingram used to have the same jaded view of the nation's capital as many other Americans.

But working as U.S. Sen. Lamar Alexander's chief of staff has opened his eyes in ways he didn't expect.

"I've become less cynical and more optimistic as I get to know the city and the people and what we're all about," Ingram said.

Is Washington perfect? Of course not. Are there things that should be done differently? Absolutely, Ingram said.

But, "this is still the greatest country in the world, and this is the capital of the greatest country in the world," he said. "I believe most people are here because they want to be part of that in a positive, constructive way."

Call it a revelation or an epiphany or whatever noun you choose. But you can't call it a political novice's naivete.

Ingram has been active in politics—Tennessee politics, in particular—for more than three decades. He has been at Alexander's side as a political strategist, trusted aide and personal confidante during campaigns for governor, president and the Senate. Theirs is one of the most powerful political partnerships in the state.

Now, their influence is growing in Washington.

Alexander moved into the upper echelon of power last December when his GOP colleagues chose him as chairman of the Senate Republican Conference. The position makes him the Senate's third-highest-ranking Republican.

Ingram's stock has risen, too. He now holds dual roles as Alexander's chief of staff and as staff director for the Republican conference, a job that allows him to help craft the GOP's message in the Senate.

His clout hasn't gone unnoticed.

Two Washington publications that closely follow politics recently named Ingram one of the top movers and shakers on Capitol Hill. Roll Call lauded his knack for "spin, know-how and access." The Politico called him "an old hand in a new job" and noted, "Now he's gotten to the inner circle of the Republican leadership."

Ingram, who lives in Knoxville, has spent most of his career working behind the scenes. He seems uncomfortable and even a little embarrassed by all the adulation.

"I don't get too juiced up about these lists," he said recently, seated behind a table in Alexander's suite of offices near the Capitol. "If you look at the names on those lists, most people are associated with (Congress) members who have done well. There are very few of us who make those lists without our members going ahead of us."

Alexander, however, said Ingram's skill and instincts are invaluable.

"I do my best work when I'm working with Tom," the senator said. "It's because we're complementary. . . . He fits what I'm doing like a glove."

ON THE RISE, SIDE BY SIDE

The two first met on the campaign trail in 1966. Ingram was a skinny young newspaper reporter working his way through college, and Alexander was fresh out of law school and a volunteer in Howard Baker Jr.'s Senate campaign.

They clicked immediately. Alexander hired Ingram to be his press secretary when he ran for governor in 1974. They lost that race. But four years later, with Ingram as his campaign manager, Alexander ran again. This time they won. Ingram would go on to work as Alexander's chief of staff and deputy during his first term in the governor's office.

Later, when Alexander ran for president, Ingram helped put together his statewide organization in Iowa. When Alexander ran for U.S. Senate in 2002, he again called on Ingram to help with the campaign and, after he won, asked Ingram to help set up his Senate staff.

Ingram arrived in Washington for what he thought would be a six- or eight-week assignment. He never left.

"I have great respect for Lamar," Ingram said. "I think he embodies what we want in a public servant. He's here for all of the right reasons. And we're buddies. We have a good time working together."

Alexander said Ingram is a good manager who hires talented people, assigns them to jobs that fit and then creates an environment in which they like to work. "That leaves me free to focus on being a good governor or senator," he said.

Ingram has never tried to act like he's the one who was elected, Alexander said, but "we work side by side. I don't consider him in a subordinate role. And I think people who work with us understand that, and it makes us much more effective in what we do."

TENNESSEE TIES

When not working for Alexander, Ingram has held a number of jobs in the private sector, including a sometimes-controversial stint as president and chief executive officer of the Knoxville Area Chamber Partnership.

Several business and civic groups had formed the partnership to unify economic development efforts and to increase their influence.

Yet under Ingram's leadership, the partnership often took positions at odds with the city. Some organizations resented being under the partnership's umbrella and at times continued to work independently. Ingram also was criticized for making personnel changes and for continuing to work as a political consultant to Alexander.

"That was a tough job," Ingram said. "Knoxville is a great city with so many assets. The partnership was a bold venture, and there was a lot of resistance at the time. But I think some of the suggestions we had about working together as a region and stimulating local government and focusing on downtown redevelopment, I hope some of those ideas are still perking and contributing to some of the success that we are seeing in Knoxville now."

Alexander isn't the only politician who has benefited from Ingram's expertise over the years.

Fred Thompson sought his advice when he was considering a run for the U.S. Senate in 1994. U.S. Sen. Bob Corker of Chattanooga credits Ingram with helping turn around his campaign in 2006.

Before Ingram came on board, "there were many things I personally was involved in that were a distraction to me as candidate," Corker said. "Tom really allowed me to focus on being a candidate. . . . It was just a really hand-in-glove fit at a time when we really needed it."

WASHINGTON WEEKDAYS, EAST TENNESSEE
WEEKENDS

Ingram figures he was probably in the first or second grade when he saw his first living, breathing politician. Some of the details have been erased by the passing of time, but he remembers stopping with his grandfather alongside a road—at a gas station, perhaps—when they came across Big Jim Folsom, the colorful, populist Alabama governor who liked to dress in cream suits and a matching western hat.

"He was just this huge, bigger-than-life guy who kind of moved into this small group of people and took over," Ingram said. "It was very impressive to a small young person at the time."

Ironically, Ingram's family wasn't all that interested in politics. He was born in Ozark,

Ala. His father was a Church of Christ preacher. His paternal grandmother thought it was wrong to vote. The family moved frequently and lived in Alabama, Florida and Georgia before eventually settling in Nashville.

Politics may be Ingram's lifeblood now. But when he was younger, newspaper ink was in his veins.

When he was in the fifth grade, Ingram started his own newspaper with a buddy. They would write about events like the circus coming to town, and his friend's mother would type up their articles and run off copies. Then, they'd circulate the paper in the neighborhood and sell it to relatives.

Later, he spent years as a reporter and editor in Nashville before making the move into politics. To this day, he genuinely likes reporters, he said, but he's not a fan of the 24/7 news cycle, which he dismisses as "mostly 24/7 entertainment."

In Washington, Ingram works around the clock Monday through Thursday and catches the last flight out Thursday night so he can be with his family back in Knoxville on the weekends. He and the senator have an agreement that he'll stay in the job as long as it's fun and he can make it work at home, he said.

"If you get up every day and think maybe I can make a little difference in something, that's a pretty good feeling," Ingram said. "And I feel like over the years, working with Lamar and others, that I've taken part in things that do make a difference."

[From the Roll Call, Mar. 10, 2009]

CHIEFS ESCHEW PARTISANSHIP

(By David M. Drucker)

In an institution that has seen the rise of many a bipartisan "gang" in recent years, the monthly meeting of Senate chiefs of staff now in its seventh year might be the best-kept secret on Capitol Hill.

Launched almost by accident in 2002 by Sen. Lamar Alexander's (R-Tenn.) chief of staff, Tom Ingram, and Sen. Mark Pryor's (D-Ark.) chief of staff, Bob Russell, the group of top Senate aides has grown from a family of two to about 60 regulars. Known informally as the bipartisan chiefs of staff group, the bloc has no leadership structure, just a 12-member advisory board of six Democrats and six Republicans.

In addition to their monthly breakfasts at Capitol Hill's Monocle restaurant, the chiefs meet in the evening bimonthly usually welcoming a special guest. They span the political spectrum, with aides to Sens. Tom Coburn (R-Okla.) and Barbara Boxer (D-Calif.) participating.

"We started doing breakfast in the Senate dining room once a month," Russell said of the group's early gatherings. Ingram interrupted, "And we ended up taking up about four to six tables and being a little rowdy. And so the Senators—some of the Senators—suggested that maybe we should . . ."

"They ran us out of the Senate dining room," said Russell, jumping back into the conversation to finish Ingram's sentence.

In a joint interview with Roll Call, Ingram and Russell discussed how the group blossomed amid what many longtime Senate observers believe were some of the chamber's most partisan years. The two aides arrived on Capitol Hill following the 2002 elections. Alexander won an open seat; Pryor was the only Democrat to defeat a GOP incumbent that year.

Neither newly minted chief of staff was a Washington, D.C., veteran. But they had much in common. Both were close personal

friends with their bosses; both worked for Senators with an interest in working across the aisle; both had an extensive private-sector background; and neither intended to stay in town very long. Ingram was in private business in Tennessee, and Russell was an attorney in Little Rock, Ark.

What began as a way for Ingram and Russell to discuss the nonpolitical, managerial aspects of their new jobs and reach across the aisle for some political and policy insight quickly mushroomed. The pair initially invited some of their fellow GOP and Democratic chiefs to join them at their breakfasts, but as word of the gatherings spread, more top Senate aides wanted in.

"Tom and Bob are natural leaders, and they understand the best way to get things done in this town is by keeping the lines of communication open," said Susan McCue, a charter member of the group and Senate Majority Leader Harry Reid's (D-Nev.) former chief of staff.

"During some of the most divisive [President George W.] Bush years, we kept those lines of communication open," continued McCue, who now runs the firm Message Global. "The group might have been the only functioning and productive group of bipartisan operatives working throughout those years."

Indeed, the bipartisan chiefs flourished during some of the Senate's most partisan hours. And while they won't claim any involvement, they watched closely as a bipartisan group of Senators came together in 2005 to form the "Gang of 14." That Senate gang, the first of several, helped cut a deal and avert a showdown over Bush's then-stalled judicial nominees.

The upcoming Senate battle over President Barack Obama's fiscal 2010 budget proposal is not likely to be resolved via the bipartisan chiefs. Nor are the Democratic and Republican chiefs likely to forge a bipartisan deal on health care anytime soon.

Resolving political differences between their Senate bosses is not the group's goal, nor has it ever functioned that way. In fact, Ingram and Russell describe the meetings as a haven from politics that has maintained its character even as the Senate became more Republican in 2004, flipped to Democratic control in 2006 and became further Democratic last November.

The gatherings offer a forum for top Senate aides to develop bipartisan relationships—the kinds that would be difficult to come by otherwise. The group also provides a vehicle for chiefs to discuss the more mundane but still very important aspects of their jobs such as personnel and office managers.

The group recently concluded its inaugural retreat, a weekend in Philadelphia featuring a lecture by historian David McCullough.

The evening events have been held at locations such as the Newseum, George Washington's historic home at Mount Vernon and the National Archives, with noted special guests over the years such as Supreme Court Justices Stephen Breyer and Antonin Scalia, ex-White House officials Mike McCurry and Karl Rove, and ex-Senate Majority Leaders Howard Baker (R-Tenn.) and Tom Daschle (D-S.D.).

"The real purpose of it all is building relationships. So a large part of it is getting to know each other and getting comfortable with each other," Ingram said.

"I now know most of the chiefs of staff and am very familiar with them," Russell said. "So no matter what the issue is, whether its coming from the staff or coming to me from the Senator, I can pick up the phone and call

a chief of staff. . . . Before, without knowing who was on the other side, you just didn't know how anybody might respond or even where to start."

The chiefs' primary purpose has always been relationship building, but the organization has also spawned splinter groups with more specific goals.

One such group is a policy study roundtable on issues relating to China. Another deals with conflict resolution and how to address the various problems faced by chiefs of staff on a daily basis.

The group has served as a unique forum for the chiefs to share with each other their thoughts and stories that would be difficult for others to understand, such as when Shawn Whitman, then chief of staff to Sen. Craig Thomas (R-Wyo.), recounted for his colleagues what it felt like when his boss died. Thomas lost his battle with cancer in June 2007; Whitman is now chief of staff for Thomas's successor, Sen. JOHN BARRASSO (R).

Jackie Cottrell, chief of staff to Sen. PAT ROBERTS (R-Kan.), recalled the aftermath of the tornado that wiped out Greensburg, Kan. and the help and support her office received from several of her counterparts. Cottrell said there were offers to provide extra staff, including to handle the phones, which were ringing off the hook, as well as words of support.

Cottrell credited the bipartisan chiefs group almost solely for the help Roberts' office received as it dealt with the tragedy and worked to help Kansas and the residents of Greensburg recover. Additionally, Cottrell said the group has improved the ability to communicate with other Senate offices on policy matters, which she said has had a direct benefit not only on the Senate, but on Kansas.

"I think it's probably one of the best stories on the Hill for bipartisanship that no one knows about," Cottrell said. "There are 100 offices up here, and we all have the same challenges, no matter what our boss's party affiliation is."

Mr. ALEXANDER. Mr. President, I thank the chairman of the Budget Committee for the time. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator ALEXANDER. I am serious when I say he is a very valuable member of the Budget Committee. He has made a real contribution there, and we thank him for it.

We now have exhausted all of the speakers who have given us notice on both sides. We are awaiting word on whether we can go to a vote. I am hopeful we can go to a vote soon, but we will need to hear from the leadership on both sides as to when that might be possible.

We have had a spirited, healthy debate today on the question of the budget. I feel strongly that this is a responsible approach. Adopting the President's clear priorities of reducing our dependence on foreign energy, focusing on excellence in education, providing for major health care reform, all the while providing more than \$750 billion of additional tax relief to the American people, focused on middle-class taxpayers, and reducing the deficit dramatically, reducing it by more than

two-thirds in dollar terms, by more than three-quarters as a percentage of the gross domestic product, getting to a deficit level which will stabilize growth of the debt.

Again, I am swift to say much more needs to be done in terms of long-term deficit and debt reduction. I believe deeply we ought to have a special process for entitlement and tax reform. As I have noted throughout this debate, for the long term, we are on an unsustainable course in this country. That is a situation that is not the creation of President Obama. That is a situation that was the creation of the previous administration that inherited massive surpluses and turned them into massive debts. That is a fact, and there is no way to change that fact.

The previous administration left this country in the deepest recession since the Great Depression. Of course, the deficit has skyrocketed as a result. That is not the fault of the President who has been in office for 100 days. He inherited this mess. He is expected to clean it up, and he has taken aggressive, vigorous action to move us in the right direction, and the American people are responding. The latest polls show that now there has been a tripling of the percentage of people in this country who believe we are now on the right track—a tripling in the 100 days of this Presidency.

I was the second Senator to endorse Senator Obama. The first Senator to endorse him was his colleague from Illinois, Senator DURBIN. I was the second Senator to endorse him. I had never endorsed in a Presidential primary before. I did it because I saw something exceptional in Senator Obama. I saw in him somebody who is not only very smart, but extraordinarily calm, somebody who has the right temperament to deal with the crises that any President confronts.

I must say, I have been so proud to have been an early supporter of this President because I believe he is keeping the promise that he made to the American people to turn us in a new and better direction. He adopted the motto of "Yes We Can." That is the motto I had when I first ran for the Senate in 1986. When he found out, he said maybe he owes me royalties. I said: No, you don't owe me a thing.

I am so pleased that he is the President of the United States at this moment in time. He has the right background, the right temperament, the right intelligence, the right character to be our leader at this extraordinary time of challenge.

While our budget is quite different than his because we had \$2 trillion less in revenue to write the budget because of the changing forecast, because of the nature of the economic downturn, nonetheless we were able to preserve his key priorities, and I am proud of it.

Mr. President, I see the ranking member, Senator GREGG, is here. Per-

haps he can enlighten us as to whether there are additional speakers or when we might be prepared to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask the Senator, would he like additional time for debate or should we call the vote for 5:30 p.m. and yield back all time?

Mr. GREGG. Mr. President, I would like a few minutes. First, I know that one of the senior staff members on the chairman's side, Joel Friedman, is going through some very difficult health situations. I know he wanted to talk a little bit about that. We wish him the best. I know my staff, who works closely with him, feels great concern. The concern goes out to him and his family. We certainly wish him the best during this very difficult period dealing with this very difficult health issue.

Mr. CONRAD. First, I thank Senator GREGG for that sentiment. Let me say that Joel Friedman of my staff, who is a very senior member of the Budget Committee staff, one of my deputy staff directors, is in the hospital, has been there for about a week. We are very concerned about his recovery. I care deeply about Joel, his wife Debbie, his family, his children. He is someone who has labored extraordinarily hard in the months leading up to consideration of the budget. I know he is frustrated not to be able to be here, and I want him and his family to know we are thinking of them, we love them, we miss him very much, and we are praying for his swift recovery.

We have a circumstance in which we have intense debates, as we have had today, but on both sides there is a respect for the professionalism of the other side, and we certainly appreciate Senator GREGG's professional staff. They are outstanding. Their word is good, they are people of character, and they wish nothing but the best for this country. Senator GREGG is an outstanding leader; someone whom I actually share many views with about our long-term budget circumstance. Sometimes that is not altogether clear as we have this debate about short-term budget situations, but I believe he is absolutely right about our long-term budget condition and the need to do much more.

I appreciate very much the way he approaches his job. He takes on his position with knowledge, he does it in good faith, and I appreciate very much the way he conducts our Members on the other side and the work of the com-

mittee. We have a very smooth-functioning committee because of the good professional relationship we enjoy.

Again, I wish to applaud his staff, certainly my staff as well, especially Mary Naylor, my staff director, my other professional staff, John Righter, Steve Bailey, Sarah Egge Kuehl, Jim Esquea, Josh Evenson, Michael Feldman, Brodi Fontenot, Joel Friedman, John Fuher, Joe Gaeta, Robyn Hiestand, Cliff Isenberg, Mike Jones, Jackie Keaveny, Matt Mohning, Jamie Morin, Stu Nagurka, Koby Noel, Anne Page, Steve Posner, Purva Rawal, Josh Ryan, Matt Salomon, and Ben Soskin. Let me say they have worked weekends for months and months and months, late into the night for months and months and months, as has Senator GREGG's staff, and we all owe them a great debt of gratitude.

Mr. GREGG. Mr. President, let me, again, express the concern of my staff and myself for Joel and his family and wish him the best in this very difficult time and wish his family the best. We certainly hope he returns to good health soon.

Let me second the words of the chairman. This committee has contention. Even when the chairman produces a bill which is utterly incorrect and takes us totally in the wrong direction, I totally respect his efforts. I say that with some humor. The strength of this committee, besides the fact that it is a very influential committee in the Senate, is that we approach the issues in a forthright, professional manner. There is, on both sides of the aisle, a genuine and sincere and very successful effort to make sure the committee does its business in an orderly, professional, and cooperative way, which we hope brings credit to the Senate and the way the Senate should function. I believe it does.

It is, in large part, because the chairman sets that tone, as does his staff—Mary Naylor and the excellent people she has working for her; and on my side, Cheri Reidy, Jim Hearn, Allison Parent, and all the other folks who spend hundreds of hours, especially during this very intense period as we run up to the final passage of this extremely important piece of legislation. Their commitment, their professionalism is what allows this Congress to function well, and we very much appreciate it.

I could go on at some length on the issue of the budget, but I think people have probably heard enough of myself on this issue—although I wouldn't want to say that—and I know I would love to hear the chairman further discuss this, and he would love to hear myself further discuss it, but it is probably time to move it along and allow the chips to fall where they may. I would suggest we yield back all time and we vote at 5:30.

Mr. CONRAD. Mr. President, we would be agreeable on our side. Again,

I wish to thank the ranking member for his graciousness throughout this process and for organizing the work of the committee and the work on the floor in a way that I think does reflect well on this body and certainly well on the committee. This is the way the Senate should function. We debate vigorously, but at the end of the day, we get the job done in a way that assures that the American people can feel both sides have been represented with vigor. That has certainly been the case today.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to a vote on adoption of the conference report to accompany S. Con. Res. 13, the concurrent budget resolution, with all statutory time yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, it is in order to ask for the yeas, I understand. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question is on the adoption of the conference report to accompany S. Con. Res. 13.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted: "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—53

Akaka	Burr	Dorgan
Baucus	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Gillibrand
Boxer	Conrad	Hagan
Brown	Dodd	Harkin

Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lincoln
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Sanders

Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl
Lugar
Martinez

McCain
McConnell
Murkowski
Nelson (NE)
Risch
Roberts
Shelby
Snowe
Specter
Thune
Vitter
Voinovich
Wicker

NOT VOTING—3

Kennedy Rockefeller Sessions

The conference report was agreed to.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I thank all of my colleagues for the way the debate was conducted. I especially thank those who voted for the conference report. We are missing a number of Senators, and we hope for their speedy recovery, Senator KENNEDY and Senator ROCKEFELLER. We also very much appreciate the extraordinary work of staffs on both sides. I again thank the ranking member of the committee for his continuing courtesy and professionalism.

MORNING BUSINESS

Mr. CONRAD. I ask unanimous consent there now be a time for morning business with Senators able to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FACING FORECLOSURE

Mr. DURBIN. Mr. President, tomorrow we will consider a measure that will change the Bankruptcy Code. Currently, the Bankruptcy Code says if

someone is facing foreclosure on their home and they go into the bankruptcy court, the bankruptcy court cannot rewrite their mortgage under section 13 of the Bankruptcy Code. The problem is, if someone happens to own a piece of property that is a vacation home, such as a condo in Florida, or if they own a ranch or a farm, the bankruptcy judge seeing this foreclosure can rewrite the mortgage, but not for their home.

What difference does it make? It means that the millions of people who are facing foreclosure today do not have the protection of a bankruptcy court that can ultimately give them a chance to stay in their homes.

This is not the first time the Senate will consider this measure. A year ago I offered virtually the same amendment, with some changes to it, and it was rejected by the Senate. It was opposed by the banking industry. They argued that it was unnecessary. They said at the time that we were likely to only see about 2 million homes facing foreclosure. That was a year ago. I said at the time I hoped they were right, but some people thought it could get worse.

Today it is projected by Moody's that 8.1 million homes in America will go into foreclosure. Put that in perspective. One out of every six home mortgages in America will go into foreclosure. That means on your block, on your street, it is likely somebody's home will go into foreclosure.

What does it mean to you? A foreclosed home on your street diminishes the value of your home. Even if you have made every mortgage payment, that is what happens. And if you happen to be in a neighborhood where other bad things occur, that foreclosed home can deteriorate quickly, can be an eyesore, could even be a criminal haven where drug gangs can hang out. If you think I am exaggerating, I can take you to neighborhoods in Chicago where that has occurred. The boarded-up home has become the hangout for the gangs. What was otherwise a very nice family neighborhood is being threatened because of a foreclosed home.

Mr. President, 99 percent of the homes that go into foreclosure go back to the banks. Do the banks turn around and sell them or rent them? Usually not. They sit vacant waiting for the market to turn around. I am afraid it is going to be a long wait because, sadly, too many of these homes are headed toward foreclosure and the banks that hold the mortgages are not sitting down with people to work out the differences.

I have met people who are facing this situation. Some of them go to work every day with good jobs—people who bought their homes in good faith and then saw a mortgage reset or a set of circumstances where the value of their home started to plummet and become

lower and the value became lower than the principal owed on the mortgage. They say they are underwater. It destroys their credit just because the home has less value than the principal they owe on the mortgage.

So they cannot refinance the home. They are stuck with an interest rate that is too high. They cannot take advantage of the lower interest rate because the bank says: You have bad credit. And they say: My bad credit is my home. If you will refinance it, I can stay there. No. They will not do it. So people end up facing default, delinquency, and foreclosure.

We have sat down with the banks for months to try to work out some agreement with them, some compromise, and we have come up with an approach which I think is reasonable. What we say is, the homeowner facing foreclosure has to go to the bank at least 45 days before they go into bankruptcy court and present all their legal documents to prove their income and their net worth—everything you would have to present to ask for a mortgage. Then, if the bank offers them a mortgage—a mortgage for which the homeowner would pay at least 31 percent of their gross income in mortgage payments—if the bank offers them a mortgage, and they do not take it, then they cannot go to bankruptcy court and ask the judge to rewrite the mortgage. The bank has, in good faith, offered them a renegotiation of their mortgage, and if they turn it down, then the bank has met its obligation.

I do not think that is unreasonable. We put a limit so you could not have mansions and multimillion-dollar homes affected by it. The maximum value of any home under this amendment is \$729,000. It only applies to mortgage loans that were originated before January 1 of this year, and only loans that are at least 60 days delinquent are eligible for bankruptcy modification. What we are trying to do is to create a circumstance where people can go in and renegotiate a mortgage before they lose their home.

I think this is reasonable. It puts a burden on the bank to do something positive, puts a burden on the borrower to go back into the bank and sit down at the desk and see if they can work it out, and, frankly, says if it cannot be worked out—if the offer is made and the mortgage cannot go through—that is the end of the story and it is going to be a bad outcome. The person is going to face ultimate foreclosure and loss of their home.

I tried now for months to get the banks to agree to this. We have sat down with the American Banking Association, with the community bankers, with the major banks in America. Only one banking interest, Citigroup, has been supportive. Virtually every other banking operation has refused to meet with us, refused to negotiate with us,

refused to come up with any kind of a compromise.

How many people will be affected if we adopt this Durbin amendment tomorrow? It is 1.7 million families. That is the number of families who will either be helped in them being able to save their home or be allowed to be thrown out on the street if this amendment fails.

Later this week, the Senate will have an opportunity to vote—tomorrow—on this Helping Families Save Their Homes Act, which would help 1.7 million families avoid foreclosure. My amendment would make a small change in the Bankruptcy Code, but it would create a new environment for people facing foreclosure.

When a foreclosure is avoided and people can stay in their homes, everybody wins. The family gets to keep their home. The neighborhood is not assaulted by foreclosure. The banks, which can be out of pocket \$50,000 in a foreclosure, will not have to put that money into it. The banks do not end up owning this home and worrying about the safety and security and maintenance of the property. The lenders do fine and the Government as well.

I have come to the floor each week to talk about this issue because I know many of my colleagues have been quoted in local newspapers and have not sat down to take a look at what we are going to vote on tomorrow. I understand. We are busy. We had a budget resolution, a lot of things people need to take a close look at.

This amendment is different than what I offered last year. It is an amendment which I think is reasonable and allows banks the last word, basically a veto, as to whether this issue can be raised in bankruptcy court.

Our objective is to help more Americans stay in their homes, to help them renegotiate mortgages that will work for them and their families. Mortgage servicers are given a full veto regarding which of their borrowers can go into bankruptcy court. They have the keys to the courthouse door. You would think that was enough—that if you say to the bankers: You have the final word as to whether this person goes to bankruptcy court, you would think that was enough, but it is not. The American Bankers Association walked away from the table and said they were not interested in negotiating. They are in a situation where they have basically said they do not believe they have any obligation to these people facing foreclosure.

There is a movie I have seen probably 100 times called "It's a Wonderful Life," with Jimmy Stewart. Remember that? You can't miss it at Christmas. It comes up over and over. Jimmy Stewart, in a little town—Bedford Falls, I think, was the name of it—had a building and loan just trying to help people build and own their homes. He was up

against the big banker, Henry F. Potter, played by Lionel Barrymore. They had some great lines in that movie.

They had a little exchange there where George Bailey had met with this Henry F. Potter, and Mr. Potter had said George Bailey's father, who started this whole building and loan, was a failure in life. Jimmy Stewart—through the character of George Bailey—was speaking to this banker, Henry F. Potter. He was talking about the average people who bought homes through the building and loan, which he ran. He said to Henry F. Potter:

Do you know how long it takes a working man to save five thousand dollars? Just remember this, Mr. Potter, that this rabble you're talking about . . . they do most of the working and paying and living and dying in this community. Well, is it too much to have them work and pay and live and die in a couple of decent rooms and a bath?

Well, you know how the story ends. The people in the community who have been helped by the building and loan end up rallying to save George Bailey's business, and it is a great, wonderful movie: "It's a Wonderful Life."

I will tell you what, dealing with the banks on this issue, I am afraid they are more inspired by Henry F. Potter than George Bailey.

The banks that are too big to fail are saying that 8 million Americans facing foreclosure are too little to count in this economy.

The banks that are fighting for their multimillion-dollar executive bonuses will not consider giving a struggling homeowner a chance to save the most important asset in their life.

The banks that are opening beautiful branch offices on every street corner cannot be troubled by America's Main Streets devastated by foreclosure.

That is the sad reality, as these banking groups have walked away. Do not forget, these are the same banking groups that have collected literally billions of dollars from taxpayers across this country because of their own failures in leadership and management, because of the housing crisis which they created, which they fostered, and which is threatening our economy even today.

They take the money from the Federal Government, from average working taxpayers, because of the mistakes they have made, and they will not turn around and lift their finger, give a helping hand to people who are about to lose their homes.

I know it sounds harsh when I say it this way, but I believe it. I have been at this too long not to understand what is at stake. These banks are unwilling to risk a dollar in profit to allow a family to stay in their home. That is what it boils down to. They are unwilling to risk a dollar in profit.

Well, I do not think that is good for America. I hope a majority of my colleagues in the Senate agree. I sincerely hope that those who are having second

thoughts about this measure will take the time to read it. We have worked long and hard to make this a reasonable approach, one that will help the 8 million people who are facing foreclosure and save 1.7 million homes and do it in a manner that I think most people would agree is reasonable.

It has been a long battle. I lost it a year ago. People said: Well, you know this housing crisis is not going to get any worse, Durbin. You are just telling us things that are not going to happen.

Well, I wish they were right and I was wrong. But, sadly, history shows that this foreclosure crisis continues. Do you want to see an end to this recession? Put an end to this housing crisis. Let people stay in their homes if they can possibly put it together. Create a market for new homes to be built. And put Americans back to work building those homes and remodeling and renovating them. That is what is going to breathe life into this economy.

But this Senator wants to put the banking interests on notice, I am not going to be a party to shoveling billions more in taxpayer dollars your way if you will not lift a finger to help these people who are facing foreclosure across America today.

100 DAYS OF THE OBAMA ADMINISTRATION

Mr. DURBIN. Mr. President, we have come to the day that many pundits solemnly mark as the day for taking the measure of a president: his 100th day in office.

In reality, there is little real difference between the 99th day of Barack Obama's term and the 100th day, but there is value in taking stock, in assessing whether we are on track and whether adequate progress is being made.

From the moment our new President was sworn in, he faced enormous economic problems, rising unemployment, and a financial system nearly in meltdown. He was inaugurated as the Commander in Chief of two wars, with trouble brewing in other nations around the world. And he faced daunting challenges in the areas of health care reform, education, and energy policy.

There are many ways he could have begun. Calvin Coolidge once said:

Perhaps one of the most important accomplishments of my administration has been minding my own business.

Teddy Roosevelt had a different view:

Far better it is to dare mighty things, to win glorious triumphs, even though checked by failure, than to take rank with those poor spirits who . . . live in the gray twilight that knows not victory nor defeat.

There is no question which view our new President embraced. Barack Obama took the view that we must "dare mighty things." He hit the ground running, and our Nation is better off for it.

In the midst of a recession that many compared to the beginnings of the Great Depression, perhaps these lines from Franklin Roosevelt's first inaugural address seemed appropriate:

There are many ways [the Depression] can be helped, but it can never be helped by merely talking about it. We must act, and we must act quickly.

That is what Barack Obama and this new Congress did.

We took action and we acted quickly.

So what have we accomplished in 100 days?

We passed the most ambitious economic recovery package in history, to create millions of jobs over the next 2 years, provide tax relief to 95 percent of all workers, and take steps to address our longer term challenges.

The legislation made a wide range of investments to restore our economic strength: It is putting people to work rebuilding roads, bridges, rail and waterways. It is developing alternative energy sources that will lessen our dependence on foreign oil. It is helping States keep police officers, teachers, and firefighters at work serving their communities. It is funding health care coverage for the least fortunate among us and helping families keep their insurance coverage if they lose a job. It combines tax cuts for working families with incentives to businesses to hire. It is improving our schools and making college more affordable. It includes longer term steps to reduce health care costs by expanding medical research and jumpstarting health information technology, which will improve efficiencies in our health care system and reduce medical errors. And it extends unemployment insurance to people who have lost their job.

This President and Congress have also extended health care coverage to millions more uninsured children of working families; preserved the principle of equal pay for equal work for America's working women; addressed the crisis in our credit markets so that small businesses, homeowners, and students could have greater access to the loans they need to move forward; and expanded our Nation's national service programs, so that more people can give back to our nation's communities and help meet local needs.

What does all of this mean for us in Illinois? We are facing tough economic times.

The Illinois unemployment rate has jumped to 9.1 percent, significantly higher than the national average of 8.5 percent.

The administration has already announced \$6.5 billion in funding for Illinois from the stimulus and economic recovery legislation we passed.

That measure will create or save 157,700 jobs in Illinois over the next 2 years. Over 90 percent of the jobs will be in the private sector, in industries ranging from clean energy to health care to transportation.

Two weeks ago I travelled throughout Illinois to see first-hand how the Recovery Act is affecting workers in my State. One of my first visits was to the Rockford area, where the unemployment rate is 13.5 percent—the highest of any metropolitan area in Illinois. Many workers there have been hard hit by the state of the automobile industry.

Production at the Chrysler plant in nearby Belvidere has slowed to a crawl and hundreds of workers have been laid off.

I met some of those workers in nearby Rockford, where I visited the Eiger Lab—a manufacturing research and educational institution that works with the local community college.

The local workforce investment board used some of the \$5 million in stimulus funding it received to boost enrollment of the training and education programs offered at the facility.

This funding was able to help some of the recently displaced workers begin acquiring new skills to help them find work.

The Recovery Act included \$45 billion for transportation investments throughout the country.

This funding has been critical for Illinois. Illinois has already seen more than a billion dollars of this funding and may receive upwards of \$2 billion for our airports, highways, mass transit and rail systems.

The Federal Aviation Administration has already announced \$40 million for 10 airport improvement projects in Illinois.

One of those projects included \$6 million to help build a new terminal facility at the Peoria airport. Construction is underway now and the project is moving forward thanks to the stimulus funding. The terminal project in Peoria will create between 250 and 300 jobs by the time the work is completed in October of next year. The stimulus funding for this project will not just add temporary construction jobs—it will help keep Peoria competitive in the global economy.

Airports have a major impact on a local area's economy—a modern airport and the service it provides directly affects a community's ability to create and attract new businesses to the area. Thanks to the Recovery Act, Peoria Airport will soon have a 125,000 square-foot terminal facility that will provide the airport with the additional capacity for more commercial operations and allow the airport to handle 2 million passengers per year.

This is exactly the type of investment we should be making during a downturn in the economy—targeted infrastructure investments that will make our economy stronger in the future.

And we are making this kind of investment not only in Peoria but also at other airports around the state. For example, we have provided \$12 million to

rehabilitate Chicago O'Hare runways; \$5 million for the Rockford International Airport; \$2.4 million for ramp reconstruction at the Abraham Lincoln Airport in Springfield; and \$3.7 million for runway construction at the Quad Cities Airport.

The Recovery Act also included \$7.5 billion for mass transit across the country. In Illinois, that funding is having an impact now. The CTA, the Nation's second largest transit agency, just announced an \$88 million project to rehabilitate the subway track on Chicago's Blue Line. The Blue Line subway track was in dire need of repair. Without a massive overhaul of the track, trains would have been forced to crawl at 15 miles per hour or less through the subway.

The delays would cause transit users to leave the trains and return to their cars—multiplying the gridlock on our highways and adding to the pollution in our air.

The CTA could not find the funds to overhaul the track and instead has been spending millions in maintaining track that is many years beyond its useful life.

The funding in the Recovery Act allowed the CTA to start replacing the track last week and the CTA expects to create or save 400 jobs by doing so.

The renewed subway track will also save the CTA millions of dollars in maintenance costs, allowing the transit agency to making badly needed improvements in other parts of the system.

The Recovery Act is also saving jobs and improving lives with an \$84 billion investment in education and training. The funding has helped schools avoid layoffs and is providing job training in new and expanding fields.

Investing States face difficult choices in addressing their budget gaps. Education funding provided by the Recovery Act has made those decisions slightly less painful, saving teaching jobs and keeping classrooms smaller.

Last week, Illinois received \$1.4 billion in Recovery Act funding through the State Fiscal Stabilization Fund. With that funding, the State will avoid severe cutbacks in education and help prevent layoffs of teachers and staff.

Illinois also has received nearly \$500 million so far in increased funding for special education and the title I program for disadvantaged students.

With the Recovery Act, this President and the Congress have helped ensure that Illinois schools and children do not fall victim to the recession.

I want to say an additional word about Pell grants, which are an important component of this education investment.

The recovery package included \$13.9 billion to increase the maximum Pell grant by \$281 next year and by \$400 in the 2010-2011 academic year.

Students will be able to receive assistance up to a maximum of around \$5,000 in the 2009-2010 school year and \$5,300 the following year.

This will bring us closer to closing the gap between the value of a Pell grant and the cost of higher education.

A Pell grant increase will help 7 million Americans—including 275,000 Pell grant recipients in Illinois—finance their education without going even deeper into student loan debt.

The Recovery Act isn't the only legislation enacted that is strengthening the country. Last week, the President signed the Edward Kennedy Serve America Act into law. This new law will triple the number of national service participants to 250,000 participants within 8 years.

Along with this expansion, the bill will also create new service corps within AmeriCorps focused on areas of national need—education, the environment, health care, economic opportunity, and veterans.

The bill will also increase the education award for the first time since the creation of the national service program and make it transferable, so that older volunteers can transfer the education award to their children or grandchildren.

In my State of Illinois, 2.7 million volunteers provide 300 million hours of service each year. The estimated annual economic contribution of these hours is \$5.9 billion.

More than 66,000 of these Illinois volunteers are participating in national service programs through 144 different projects and programs.

Because of the Serve America Act, more volunteers will be able to serve and improve communities across Illinois.

Another legislative accomplishment worth mentioning is the Children's Health Insurance Program Reauthorization Act, which will provide health coverage for an additional 4 million children nationwide. The CHIP program has allowed the State of Illinois to reach more children than ever before by supplementing the state's All Kids Initiative. Today, 1.8 million Illinoisans are without health insurance, including 350,000 children. Currently, the All Kids program covers more than 1.5 million children in the state—170,000 under the CHIP program alone. But the State wants to reach Illinois's remaining 250,000 uninsured children by doing more with the program. With new funds and a formula that takes into consideration the individual needs of the State, Illinois can cover an additional 30,000 kids just with the CHIP program. Mr. President, 30,000 children who are uninsured today will have the ability to see a doctor, get a check-up, and stay healthy—thanks to the work we have accomplished here in the first 100 days of the Obama administration.

Let me return one more time to the Economic Recovery Act, because that

package is addressing health care and the health care system in dramatic ways.

The law will help many working families continue to pay for health insurance after the loss of a job through what is known as the COBRA insurance program.

The average monthly unemployment benefit in Illinois is just over \$1,300, while the average monthly family COBRA premium is just over \$1,100. That means a newly unemployed breadwinner in Illinois would have to spend 84 percent of his or her jobless benefits to pay for family health insurance.

In the Recovery Act, we were able to provide a 65 percent premium subsidy for individuals who lose their jobs, or lost them after September, to help cover the cost of COBRA premiums.

The measure also will help keep the doors open for health care services for millions of people who have been hit hard by this economic downturn.

Rising unemployment and falling State tax revenues have put the States' Medicaid Program in a bind. Just as more people need Medicaid and other publicly funded health programs, States are having increased difficulty meeting the surging need while also balancing their budgets.

The recovery package will provide an additional \$2.9 billion for Illinois over the next 2 years allowing the State to pay its providers and meet the increased demand for services as the newly uninsured turn to the State for help.

Nearly 1 million families in Illinois have at least one uninsured family member and 360,000 families making above \$50,000 have at least one uninsured family member. More and more Illinoisans are seeking community health centers as their medical home. Since 2000, Illinois community health centers have more than doubled the number of patients they serve—from less than 500,000 then to 1.1 million today. The needs in the community have only increased as the economy struggles—and the recovery package invests \$1.5 billion in community health centers. Illinois received more than \$20 million for more than 300 clinic sites around the state that are providing quality, affordable health care to anyone in need.

I have only scratched the surface of what we have accomplished in these past 100 days. Among the other steps we taken to address needs, specifically in Illinois: \$147 million for Argonne National Laboratory and Fermilab; \$49 million for improvements to the EJ&E bridge near Morris, which is currently the biggest safety concern for ship traffic on the 300-mile-long Illinois River; \$20 million for the Rock Island Arsenal; more than \$6 million for the Great Lakes Naval Station; and more than \$6 million for continued work on the barrier project to prevent the spread of

invasive species, including Asian Carp, in the Great Lakes.

This President and this Congress will continue to work to address the needs of our nation.

We have made important progress in these first 100 days. We still have a long way to go.

This President is invested in rebuilding this economy, restoring our diplomatic strength around the world, reforming our health care system and taking concrete steps to reduce global warming. We have only just begun.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS RICHARD DEWATER

Mr. MERKLEY. Mr. President, I rise today in remembrance of one of Oregon's finest young men, PFC Richard Dewater. A former resident of Grants Pass, OR, PFC Richard Dewater tragically lost his life on April 15 while on patrol in Afghanistan. PFC Richard Dewater will be flown back to Oregon and laid to rest in Roseberg National Cemetery.

Private First Class Dewater was assigned to the 1st Battalion, 26th Infantry Regiment, 3rd Brigade Combat Team, 1st Infantry Division based out of Fort Hood, TX. Private First Class Dewater was deployed to Afghanistan in July in support of Operation Enduring Freedom in Afghanistan. Just days before his death, Private First Class Dewater's brigade ambushed a Taliban unit near Korengal Valley.

Joining the U.S. Army was something Private First Class Dewater was extremely passionate about. Ever since Private First Class Dewater was a young child he wanted to become a soldier. Private First Class Dewater loved the work he was doing and was very proud of his service in the military. He also enjoyed fishing and camping and considered Grants Pass, OR, to be his home. Private First Class Dewater was a devoted husband to his wife Valerie, whom he married in Topeka, KS, back in June 2008.

I offer my heartfelt prayers and condolences to Private First Class Dewater's wife Valerie, his family and friends. I am forever grateful for Private First Class Dewater's service and his dedication to our country. Private First Class Dewater was a courageous and selfless man and deserves to be remembered for his valiant service. I ask that my fellow Oregonians and all Americans join me in honoring PFC Richard Dewater and the sacrifice he and his family have made for our country.

SERGEANT LEROY O. WEBSTER

Mr. GRASSLEY. Mr. President, it is with great sorrow that I rise today to honor a fallen soldier. SGT LeRoy Webster, a 28-year-old soldier from Hartley, Iowa, was fatally shot while on patrol on April 25, 2009 in Kirkuk, Iraq. LeRoy was serving with the B Battery, 3rd

Battalion, 82nd Field Artillery Regiment, 1st Cavalry Division, out of Fort Hood, TX. My prayers and condolences go out to his wife Jessica, daughters Natasha, Kaydence, and Jady, and his parents Donald and Crystal Webster.

LeRoy was deployed to Iraq in January. He had previously served in Afghanistan in 2004 and 2005 and in Baghdad, Iraq from October 2006 to January 2008.

An Iowa native, LeRoy was born in Spencer, IA, and graduated from Hartley-Melvin-Sanborn High School in 1999. His family has deep roots in Hartley, the community where LeRoy grew up and met his wife, who was his high school sweetheart.

LeRoy Webster was a decorated soldier, having earned numerous military awards, and he is remembered by friends as dedicated, good-natured, and an excellent father. His family said he was "proud to serve in the United States Army." LeRoy's sacrifice deserves the gratitude of the entire nation and is a reminder of the high cost of freedom. I express my deepest respect and admiration for this American hero.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

NOMINATION OF GOVERNOR KATHLEEN SEBELIUS

• Mr. KENNEDY. Mr. President, I strongly supported the confirmation of Governor Kathleen Sebelius to the Secretary of Health and Human Services.

America needs strong and effective leadership in public health. That is true at all times but never more so than when the Nation faces a grave threat from a serious disease epidemic. We face such a threat now from swine flu. The world has looked on with growing apprehension as cases of this deadly new illness appeared first in one nation, then in another, and another. Yesterday, Spain reported its first case. Today, New Zealand. Tomorrow, who knows where the epidemic will have spread.

In our own Nation, we have seen cases of swine flu in New York, California, Texas, Kansas, and Ohio. The disease will surely become more widespread before it abates.

That is why we need effective leadership at the helm of our public health agencies with the authority that only Senate approval can confer. To have delayed this vote would make no sense—the epidemic would grow and more cases would be reported. The Nation urgently needs Governor Sebelius' leadership at HHS in the fight against this deadly epidemic.

Governor Sebelius will face other important challenges as well. None of these is more pressing or more urgent than the need to reform America's broken health care system.

Today we stand at a historic crossroads in health care in America. The United States spends more than \$2 trillion a year on health care, accounting for roughly one-sixth of our entire economy. We spend more per person on health care than any other country. Yet our health outcomes, as measured by key benchmarks like infant mortality and life expectancy, lag behind other developed countries. Nearly 47 million Americans are uninsured including over 8 million children and a disproportionate share of minorities. 25 million more of our citizens remain underinsured, and even those with insurance often receive substandard or inappropriate care. Our health care system cries out for reform, and now is the time.

Governor Sebelius has the experience, compassion and steady hand to take the helm of the Department of Health and Human Services and help lead our Nation toward high-quality, affordable health care for all. She has served the people in Kansas well for over 20 years as State legislator, as insurance commissioner and as Governor, and she has demonstrated deep knowledge of the problems plaguing our health care system, and the vision and skill to fix them. Time and time again she has reached across the aisle and achieved practical solutions that have resulted in tangible benefits to families and businesses.

She was asked by former Republican Governor Bill Graves to design and lead the Kansas Children's Health Insurance Program in 1998, and she led an expansion of coverage from 15,000 to over 51,000 children. As Governor, her Healthy Kansas Initiative has helped to contain runaway health care costs, streamline the bureaucracy, and make health insurance and prescription drugs more affordable for thousands of children, working parents and small businesses. To give all children a healthy start on life, she further proposed providing health insurance to every uninsured child from birth to age five.

Governor Sebelius set up counseling programs as well to help senior citizens navigate the complexities of the Medicare prescription drug benefit plan and choose the best plan for their needs. She also established a multistakeholder group of business leaders, consumer groups, health care providers and private insurers to make recommendations on modernizing the health system, promoting coordination and consistency of care and reducing administrative burdens on patients and providers alike.

Through this broad consultative process, Governor Sebelius created a public-private partnership to build and install nationally-recognized health information technology systems, and she pioneered the Kansas "smart card" the first health insurance ID card to implement state-wide standards.

Achievements such as these have brought wide accolades. Governor magazine named her as one of its Public Officials of the Year when she served as Kansas insurance commissioner in 2001. Time magazine named her one of the Nation's top five Governors in 2005. Her nomination is supported by the American Medical Association, the AFL-CIO, and scores of other stakeholders. As Warren Buffet said, "With this appointment, the President just hit one out of the park."

I thank my Senate colleagues for confirming Governor Sebelius' nomination as Secretary of the Department of Health and Human Services, and I look forward to working with her in the months ahead to achieve real health reform for the American people this year at long last. ●

AMERICAN LEGION POST 27

Mr. GRASSLEY. Mr. President, I would like to take a moment to recognize the achievements of American Legion Post 27 out of Muscatine, IA. This group hosted its first World War II Honor Tour in Washington, DC, in October 2008, sponsoring 30 World War II veterans from the Muscatine area. The local community raised funds by holding yard sales, dances, and tournaments, and also by asking help from local businesses and friends. The veterans attending the tour were accompanied by family members and volunteers who donated their time and money to come along on the trip. While in DC, the group visited several historical sites including the World War II Memorial and Arlington National Cemetery. I am very proud to represent these honorable veterans and ask unanimous consent that an article written about their time in Washington by Melissa Regennitter of the Muscatine Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Muscatine Journal]
(By Melissa Regennitter)

MUSCATINE, IOWA.—A trip to Washington D.C. became a memorable experience for 30 World War II veterans who had the chance to share memories and make new ones with old friends. Many people made new friends along the journey as well.

Muscatine hosted its first WWII Honor Tour in October after much hard work and dedication from area volunteers who raised more than \$35,000 to give the vets an all-inclusive tour of D.C. and Virginia memorials. That trip included a visit to their memorial, the World War II Memorial in D.C.—situated between Lincoln Memorial and the Washington Memorial. The trip came about after Pam Ramer, former president of the American Legion Post 27 Auxiliary heard a heartwarming story about an Honor Tour her uncle Jim Marshall, 82, a former Navy radio operator from Mount Pleasant, had done. His wife Pauline helped him out and their tour took place in April.

Marshall had already taken the trip, complete with meals, bus tour, hotel and flight,

so Ramer looked to him to get things in order. He had told her of the emotional journey it had been, how the vets were treated with dignity, cheers and handshakes, and how much it seemed to mean to them to go on a trip they otherwise may never have taken. By June Ramer had set her mind to the goal and knew it would be about \$1,100 per person. Though it felt like an impossible target, fundraising and a town with a love for its veterans made the elaborate scheme possible.

Fundraisers galore! Post 27 held a yard sale, 1950s-60s dance, car show, volleyball and golf tournaments, dinners and silent auctions. Business in town took part, offering a place to hold the events, donations and prizes. Senators, corporations and school kids who collected change donated money and were recognized on the "flag of honor" wall at the Legion. A woman even gave a house full of furniture to auction off and a local auctioneer volunteered his time to help sell it.

Everyone involved contacted businesses and business associates to ask for support. The reception from the community was remarkable as the word spread; the goal was met a few weeks before the send-off ceremony was held.

AirTran Airways went out of their way to make scheduling accommodations for the 48 people who went; 30 veterans and 18 family members and helpers. The pilots were as happy to have the vets on the plane as the vets were to be going to D.C. When the plane landed at the Ronald Reagan Washington National Airport, fire trucks sprayed the aircraft down as it taxied in. The captain said it was a high honor and a way to show appreciation for the vets.

Many monuments. The group arrived on Thursday, Oct. 2, to a Tysons Corner Marriott in Northern Virginia. The weekend was packed with visits to historical sites including The World War II, Jefferson, Lincoln, Vietnam, Marine Corps and Korean memorials as well as Air Force and Navy memorials and museums. They also went to Arlington National Cemetery, the Pentagon, Mt. Vernon and the estate of George Washington, the U.S. Capitol, the White House and downtown D.C. where they shopped for souvenirs and saw Ford's Theater where Abe Lincoln was shot and the home he died in.

At Arlington, a visit to the Tomb of the Unknown Soldier brought tears to the eyes of many and honor to all as a group of the Muscatine-area veterans were allowed to participate in a wreath-laying ceremony.

The veterans were treated to fine dining where they enjoyed extravagant meals and desserts which were all a part of the tour package. A helping hand. Along with the 29 men and one woman veteran were 10 family members who paid their own way to take the trip. In addition to those people, eight volunteers paid their own way so they could be there to push wheelchairs, lend a hand to those who might need it, keep things organized and even make the veterans laugh. What ended up happening was a new found sense of honor for those who had served. The helpers were at times more emotional than the veterans and bonds grew that no one really expected. All of the helpers say that they came home with new friends and made memories they'll never forget.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Saying that "The continual increase in the cost of fuel is affecting Idahoans" is a major understatement. I, my friends, my family, and a large number of my co-workers have already cancelled a number summer activities and vacations here in Idaho due to the price increases. All fuel consumption has been whittled down to just bare necessities such as only driving to work, school, and to purchase groceries. And because of the gas prices, all store products have increased tremendously. My family pays approximately \$50 to \$60 more each week for our basic routine groceries.

I recently found out that my husband and I did not draw on the hunts we put in for this year. And, instead of being disappointed, we were somewhat relieved because of the money that we would have had to spend in order to hunt. We sold our snowmobiles this spring because of the money it would take us in the future to trailer them and keep them operational. I am considering selling my horse trailer because I cannot afford to trailer my horse anywhere. People are trying to unload their horses and stock because the price of hay has literally doubled and they cannot afford to feed their animals. Finding hay is a chore in itself because the majority of it is being purchased and transferred out of state. All outdoor activities have come to a screeching halt. And not only for my family but for many, many others.

Half of the raise I received at work this past year went to the increase in bus transportation to work; the other half went to the increase in my benefits. And with the continual increase in fuel prices (which affect the cost of all other things like groceries, and utilities) I cannot even say I "broke even." I am actually behind the economy. The bus services at work are considering raising the cost of the bus passes again because of the fuel cost. People are starting to carpool, and the traffic to work has increased tremendously, and that has increased the danger factor of more accidents. Some of my co-workers have purchased motorcycles because they use less fuel. One employee out here at the site had a near-fatal accident when he collided with an antelope while riding his motorcycle to work.

How sad is it that I had to tell my son that if he made All-Stars in baseball this year, he

may not get the chance to play because we cannot afford the trips out of town. We had planned a family trip to Mount Rushmore this summer, and my husband and I told our children that that trip is not likely going to happen. My Power Stroke diesel truck stays parked in the garage and only gets run occasionally to keep in operating well.

Everyone seems to have put the "living" in their lives on hold and have been going through the motions of just getting by hoping that there will be a break in this gloom. People keep saying "something has got to give", "something has got to happen" and the only thing happening is the continual increase in the cost of gas. This week my husband filled two portable gas cans at a local gas station so we can mow and weed-eat our yard. When he returned home, he held up both gas cans and said "You are looking at over \$40 worth of gas here".

I hear a number of reasons and theories to why fuel has skyrocketed. No one seems to know for sure, but we are all (unhappily) trying to live with the effects of it. Thank you for the opportunity to be heard.

ANDREA.

We are a retired couple. I work to provide the extras, which these days are anything except the absolute necessities for life. We have always been a conserving family, having lived in Phoenix, Arizona, previously for 25+ years. We have compact fluorescent bulbs throughout our 3,200-square foot home, costly energy saving insulation, ceiling fans, we cook and heat with natural gas, and we do have a huge 1,800-square foot garden and orchard but water efficiently and preserve all our produce and fruit. We have central air conditioning but only use it during the hottest part of hot days.

About 2½ years ago, foreseeing that gasoline was going to become a major cost, we traded our gas guzzling 9 mpg Chevrolet Trail Blazer for a vehicle which gets about 17-20 mpg in town. We combine our errands to more efficiently use gasoline. We have not taken a traveling vacation in four or five years as gas costs too much.

We also financially aid an 18-year-old daughter at home struggling to provide transportation for her to a part-time job and college classes. We have a married child we have had to financially help as they acquire more education to increase their earning capacity. We have done all we can on our limited retirement incomes to conserve. We still suffer and financially fall further behind every year.

In the past this was caused by tremendous premium increases in our health insurance premiums combined with increases in the cost of electricity and natural gas. Roughly two years ago when gas rose to \$2 per gallon and continued to increase, we started observing and feeling the impact of rising fuel cost as it affects every item we consume or use.

Recently our 32-year-old son came to live with us as he could not support himself any longer living in Phoenix. We felt that big time in the food budget.

We recently had a family meeting and we as a family are doing or not doing the following trying to be proactive so as not to have to sell our home, fall behind in our debt paying or being in a position of bankruptcy.

Conservation of water, limited showers, laundry and running of dishwasher. No more gas money for daughter; she must now limit her trips for anything other than work or school. Computer and accessories are turned off at end of day. No wasting of food, take smaller portions. No extra goodies at the

grocery store. (We have always primarily shopped at Winco.) Hardly any entertaining; cannot afford the food cost. No more lights left or TVs running and no one watching. Waiting longer to turn the AC on and turning the thermostat higher. The stimulus check (which is a waste of government money) is in our saving account. Will probably have to use it for gas or food.

I have all but lost my job as no one has the money to spend at the business where I am barely employed. Also I was working full time 40 + hours at the Outer Limits Fun Zone. In January my hours were cut to 16 hours or less per week and June 26 my hours were reduced to a mere 6 hours weekly. Yes, I am going to have to find at least another part-time job to stay afloat.

If this keeps up I do not know if we can survive. It is getting real scary!! Thanks for listening.

BRENDA.

I drive from Middleton to Boise 5 days a week to work. The traffic is heavy and sometimes slow. I wish there was a motorcycle lane on the freeway for those that want to ride our motorcycles to work. It costs a lot less to ride a motorcycle than a car. My husband rides his motorcycle to work every day when weather permits. He spends \$7 per week. That is a relief for us, since his truck would cost a lot more to fill up.

Nuclear power—I do not believe we need to pollute the Earth with this poison. During World War II, our government paid scientists to develop the nuclear bomb. These people worked hard, until they were successful in their endeavors. Why then can not we do the same to find other non-pollutes forms of energy?

It is imperative that we do not continue to pollute the Earth. When a natural disaster happens, like floods, earthquakes, etc., the poisons of the Earth hunt mankind. Let us learn from what is happening around the world—disasters, and let us develop forms of energy that will not come back to haunt us later.

TELMA.

You asked Idahoans to share their stories of how high energy prices are affecting us. Many of us in Adams County and surrounding areas face an even greater crisis than the high cost of energy. We are being denied fuel to heat our homes. And it is not the big oil companies or OPEC that are leaving us out in the cold. It is the U.S. Forest Service.

As you know, all of America's national forests are required to develop new Travel Management Plans to designate roads and motorized trails in order to curtail indiscriminate cross-country motorized travel and protect natural resources. Private citizens, our Adams County Commissioners, and the Adams Natural Resource Committee have worked diligently with the Payette National Forest for the past two years to try to craft a reasonable, pragmatic travel plan. After all, the Payette National Forest makes up nearly two-thirds of the land in our county. It is important to us to be good stewards of our public land while maintaining access for work and play. For many residents of Adams County, that access includes the ability to gather firewood to heat our homes.

Throughout the NEPA process for the Travel Management Plan, we submitted hundreds of comments regarding the importance of firewood collection for personal use. Many families in west-central Idaho continue to heat their homes exclusively or primarily

with wood. However, the Forest Supervisor has determined that firewood gathering is a "non-significant issue," according to the FEIS. Decisionmakers seem determined to move ahead with the alternative that closes all roads on the forest unless they are designated open. In addition, wood cutters would be limited to traveling no more than 300 feet from a designated road to retrieve firewood. I invite you to come drive the few roads that will remain open to motorized travel and try to find enough firewood that meets all of the current and proposed restrictions. You quickly will see why so many Idahoans are hot about these unnecessarily restrictive regulations.

Firewood is a renewable bio-fuel, not a fossil fuel that is expensive to locate, extract, refine and distribute. Under former firewood guidelines, with careful scouting, we were able to find suitable firewood within 20 to 30 miles of our homes. Under the proposed firewood restrictions, we may have to travel 60 to 80 miles each time we need to bring home a load of wood. And each household will have to make several of those lengthy, fuel-consuming trips each year to lie in enough wood for the winter. In addition, as accessible firewood becomes more and more scarce because of these restrictions, we will see more user conflicts, resource damage, and accidents among woodcutters forced into close proximity.

The solution to this problem is obvious. The Payette National Forest can simply designate all existing forest roads open to motorized travel unless specific resource concerns necessitate closure. Remember, the purpose of the national rule was to control indiscriminate cross-country travel. The directive is to keep motorized vehicles on the roads and trails. Blanket closures of more roads and trails does not accomplish that goal. In fact, such sweeping closures are counterintuitive. Nor has the Forest conducted a thorough analysis of existing roads and trails, despite our repeated requests. Furthermore, these extensive closures create a genuine hardship for Idaho families who are trying to heat their homes efficiently and economically, using renewable biomass that is close to home, rather than scarce fossil fuels from halfway around the world.

Please restore some sanity to this process. Encourage the Payette Forest Supervisor to select the less radical and less onerous alternative for the new Travel Management Plan. By designating all existing forest roads open unless otherwise marked, she will make it possible for rural Idahoans to continue to gather firewood from our National Forest. At the same time, she will help better distribute use across the forest, rather than concentrating users on few roads and condensed areas, which would actually accelerate damage to the resource, increase user conflicts, and raise the risk of accidents when too many woodcutters converge in smaller and smaller confines.

Let us utilize renewable biomass while reducing the wildfire fuel load in our backyard. Thank you for supporting responsible use of our natural resources and our public lands.

WENDY, *Indian Valley.*

I am glad you are willing to listen to the residents of Idaho. Gas prices continue to amaze me and we have cut back on traveling as much as possible. As a result in increased fuel prices, food prices continue to climb as do electricity costs. Unfortunately, salaries and benefits do not continue to rise as well.

I know that it is hard to know what to do to help the situation, but I have one solution

that would benefit us. Get rid of daylight savings. Not only do my children (and I) have a hard time adjusting to the time change every spring and fall, but I honestly feel it causes us to use more energy. We have to stay up until nearly midnight every night just to allow the house to cool down. My children also stay up later because it is still light outside until 10 p.m. so it is easy to lose track of time. I believe one of the states did a study as well and found that daylight savings does indeed cause us to use more energy not less. My son just returned from visiting family in Arizona, and he is ready to do away with daylight savings as well. Please consider this as a potential help to our energy problems.

SHERYL.

I am a 73-year-old senior trying to live on Social Security and a bit of other income. Over 2 years ago, we took guardianship of a great-granddaughter; her mother is incarcerated due to meth addiction. We have a diabetic daughter whose kidneys failed; she is now undergoing treatment three times a week. She nearly bled to death three times in one month, as she was home sleeping and her shunts opened. They had to close them off and use a chest catheter now. She is scheduled for a triple bypass and to correct a heart defect on July 8.

We are so grateful to still have her with us. We have to help her with her many bills (medical, food, gas etc.), as she lives alone in a small house about 3 miles from us. She still is able to enjoy some freedom in her life, as long as we can afford all this. I do not know how long we can do this. She is able to get some assistance, but not nearly enough.

My husband, who will be 77 in August, has gone back to work on a temporary job at the INEL, for as long as he can handle. He is gone 12 hours a day from home.

Yesterday, I went to Wal-Mart, and a 5-pound block of cheddar cheese was \$18.97 per cube.

Just how much can this go on? Why was this allowed to go on at all? With an energy bill all these years. As far as I am concerned, everyone who voted against these bills [was not considering the long-term. Now the American public is paying for the shortsightedness of these actions.]

LYDIA, Idaho Falls.

I am writing in concerns to the raising gas prices and how it is affecting me. I currently work full-time as a paper delivery person. I have nine routes between two paper companies, the Spokesman Review and the Daily Bee. Last year I was forced to pick up more routes within my area just so I could pay for gas and still support my three little girls. This year as gas continues to climb, I am forced to go to work cleaning houses on the side during the day, on top of my paper routes. I am a mother who was working nights so I could be home with my kids and not pay someone else to raise my kids for me. Last year I started home schooling my two school-age children due to lack of faith in the public school system. My kids love it and are excelling now where one was behind at the beginning of last year.

Now I face trying to juggle two jobs, my own schooling and the schooling of two of my children. I am trying to better myself, and every time things look up financially, the cost of gas or something else goes up, but the cost of living and the going pay rates stay the same. Tell me how a single mother of three is supposed to get out of poverty when the cost of everything, especially gas

for those who work in the service industry, is going up faster than the money is coming in. I am not looking for hand-outs; I just want things to be reasonable. When delivering papers, you can have a walk route or motor route. The motor routes get paid twice to three times as much as the walk routes. I have walk routes but so many papers that I have to drive, not to mention the wear and tear of the stop and go of the job. I also have to porch 90 percent of my papers, which has caused wear and tear on my body that cannot be fixed. I feel that a paper route is a paper route, and you should get the same rate per paper, not a different rate for different mileage. What about the miles on my body that is twice as much as someone with a motor route? I would like to see changes in the way we are reimbursed for gas because 40 cents to the gallon, when a gallon is \$4 just is not fair for anyone.

ACCALIA, Sandpoint.

Our family has cut back on the use of our auto. We have a high mileage Honda Civic that gets 40+ mpg on trips but we only make a trip when we have to. We combine errands and use the car for dual tasks. We will walk or carpool when possible.

Now I have an immediate short-term solution to the high price of gas, jet fuel, and diesel. It involves our government subsidizing the cost of energy to hold the price of gas at around \$2.50 a gallon to the consumer. It would not increase the Federal Government's budget. You could simply eliminate all the pork packages added to about every bill that is passed. You could also eliminate the subsidies to the big oil companies and, if necessary, eliminate the agricultural subsidies, especially the ethanol support. What I am saying is that if government would use the taxpayers' money with frugality and common sense, they would have the resources to hold the price of fuel down until a permanent solution surfaces. If we do not get a handle on the rising cost of fuel our economy and the economies of the world will be destroyed.

JERRY, Boise.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL DANIEL V. WRIGHT

• Mr. GRAHAM. Mr. President, I wish today to recognize and pay tribute to MG Daniel V. Wright, the Deputy Judge Advocate General of the Army, for his many years of exceptionally meritorious service to our country. General Wright will retire from the Army on May 29, 2009, having completed a distinguished 36-year military career. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the global war on terror.

Born on the Fourth of July in 1951, in Birmingham, AL, this great patriot grew up in Miami, FL. He graduated in 1973 from the United States Military Academy and was commissioned as an infantry officer. His initial assignment was to the 25th Infantry Division, Schofield Barracks, Hawaii, where he served as an infantry officer until 1977. He was then selected by the Army to

attend law school through the Funded Legal Education Program and completed his legal studies at the University of Miami.

His career as a Judge Advocate spanned the globe and included the most challenging assignments. He quickly distinguished himself as an expert in operational law when he served as the first Regimental Judge Advocate for the 75th Ranger Regiment, America's premier rapid-reaction assault force. He later served as the legal adviser for the Joint Special Operations Command at Fort Bragg, NC, where he participated in operations in Somalia and Haiti. As the Staff Judge Advocate for the U.S. Army Southern European Task Force, SETAF, in Vicenza, Italy, he twice deployed to central Africa as the Joint Task Force legal adviser in support of regional stabilization, refugee return, and noncombatant evacuation operations. From 1999 to 2001 he served as the Staff Judge Advocate for XVIII Airborne Corps and Fort Bragg, where he advised the operational commander of over 85,000 soldiers worldwide.

Upon selection and promotion as a general officer in 2001, he assumed responsibilities as the Commander, U.S. Army Legal Services Agency, and Chief Judge, U.S. Army Court of Criminal Appeals. His service included supervision of the Army's considerable litigation program, government and defense appellate programs, and Chief Judge of the Army's criminal appellate court.

In 2003, he was appointed the Assistant Judge Advocate General for Military Law and Operations, where he forged a cohesive team of experts who delivered legal advice across a wide range of disciplines including the establishment of the Office of Military Commissions, the evolving role of the law in judicial reconstruction and stability operations, and the significant growth of contractors as force multipliers.

General Wright was appointed Deputy Judge Advocate General on October 1, 2005, and promoted to the rank of major general. In this position he served as the principal assistant for the largest legal services corps within the Department of Defense, with more than 9,000 uniformed and civilian attorneys, paralegal NCOs, and civilian support staff across 651 offices in 19 countries. General Wright routinely advised the Judge Advocate General, the Vice Chief of Staff of the Army, and other senior military leaders on the most sensitive matters of policy, personnel, ethics, operational law, and military justice. His advice has been invaluable because it was built on decades of perspective, experience, and study, and was delivered with clarity and candor.

General Wright's awards include the Defense Superior Service Medal, the Legion of Merit, Army Meritorious

Service Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Armed Forces Expeditionary Medal, and Humanitarian Service Medal. He has earned the Expert Infantryman's Badge, the Master Parachutist Badge, and the Ranger Tab.

I know all my colleagues join me in saluting MG Daniel V. Wright and his wife, Jan, his daughter Melissa, also an Army veteran, his daughter Katie, and his son Brian and his son Jeff, for the family's many years of truly outstanding service and support to the Judge Advocate General's Corps, the U.S. Army, and our great Nation.●

TRIBUTE TO JESSE KUHAULUA

● Mr. INOUE. Mr. President, I would like to recognize Mr. Jesse Kuhaulua, renowned sumo wrestler and stablemaster. June 6, 2009, marks Mr. Kuhaulua's 65th birthday, and official retirement from the sport of sumo. It is with warm aloha that I congratulate Mr. Kuhaulua on these milestones.

The traditions of sumo span centuries. During the 8th century, sumo wrestling matches were integrated into the ceremonies of the Imperial Court. With the support of the Imperial Court, sumo evolved and developed rules and techniques that closely resemble the sumo of today. In the 12th century, under a military dictatorship, intense warfare ensued, and sumo was used to improve fighting skills. When peace was restored in the early 17th century, professional sumo groups were organized to entertain the rapidly expanding mercantile class, and sumo came into its own as the national sport of Japan. The present day Japan Sumo Association has its origins in these groups. An amalgamation of Shinto ritual, skill, and entertainment, sumo is more than a practice of strength and combat. Sumo epitomizes Japanese culture and its affinity for tradition.

Mr. Kuhaulua was born and raised in Hawaii on the Island of Maui, and in 1964 left the islands to pursue the sport of sumo in Japan. Over the course of nearly 45 years, as both a wrestler and stablemaster, Mr. Kuhaulua has been a pioneer and a legend. As an individual athlete, his achievements are outstanding. Mr. Kuhaulua holds almost every all-time individual sumo record of endurance or in the iron-man category. As a trail blazer, he has earned a place in sumo history that will never be forgotten, as the first foreigner to win a tournament championship, and to open a sumo stable. His coaching skills helped develop the skills of Mr. Chad Rowan, the first foreigner to achieve the rank of Yokozuna. The legacy Mr. Kuhaulua leaves the world of sumo wrestling will continue to be an inspiration for generations to come.

I applaud Mr. Kuhaulua for his hard work and perseverance that has led to

his great achievements in sumo, and wish him the best in the bright years ahead.●

HONORING LIE-NIELSEN TOOLWORKS INC.

● Ms. SNOWE. Mr. President, American entrepreneurs often make their mark by honing their skills to meet a public demand. Today I wish to recognize Lie-Nielsen Toolworks Inc., a small business in my home State of Maine, that saw a need in specialty toolmaking, and moved quickly to fill it.

As a boy, Thomas Lie-Nielsen spent many hours in his father's workshop as seasoned woodworkers practiced their craft, absorbing their techniques. An English major in college, Mr. Lie-Nielsen always maintained a fondness for woodworking, and later worked for a mail order woodworking tools business. When larger manufacturers began to drop specialty tools from their lines, he moved to the small Maine town of West Rockport, where he opened his shop in 1981 to fill the specialty tool niche. In 1988, as the business grew, Mr. Lie-Nielsen moved the company to the neighboring town of Warren, where he later opened a 13,000-square-foot facility for its day-to-day operations. In 1998, Lie-Nielsen acquired the Independence Tool Company, further growing the company's size.

Starting out producing just two tools in 1981, Lie-Nielsen today manufactures almost 100 different tools, from planes to spokeshaves to special inlay tools. The company now employs more than 60 Mainers, crafting woodworking tools from a variety of native American hardwoods found mostly throughout New England. Lie-Nielsen ships its tools to customers abroad, as far away as Europe, Japan and Australia. The company also teaches the craft of woodworking through its training DVDs which feature how to get the most out of their specialty, hand-crafted Lie-Nielsen tools.

Mr. Lie-Nielsen remains personally committed to the success of his business, particularly through increased production and the development of new and sturdy products. He is particularly responsive to comments and suggestions from his company's customers in designing new tools they would like Lie-Nielsen to make. Additionally, Mr. Lie-Nielsen frequently travels throughout the United States and Canada discussing the woodworking and toolmaking trade at informational talks and presentations. He is also an accomplished author, having written "Taunton's Complete Illustrated Guide to Sharpening," as well as co-authoring "Taunton's Complete Illustrated Guide to Woodworking."

On April 17 of this year, Maine Governor John Baldacci presented Lie-Nielsen, along with five other excellent

Maine companies, with the 2009 Governor's Award for Business Excellence. Lie-Nielsen was selected for the company's innovative spirit and for its strong record of community service and dedication to investing in its workforce. I extend my congratulations to Lie-Nielsen Toolworks for this outstanding recognition.

Carving out a specialty niche in the woodworking world, Lie-Nielsen has excelled as a leader in the craft of toolmaking. It is the passion, drive, and innovation of entrepreneurs like Thomas Lie-Nielsen that will shape our economic future. I wish Mr. Lie-Nielsen, founder and CEO, and everyone at Lie-Nielsen Toolworks, Inc. a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 13) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014."

At 3:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 36. Concurrent resolution calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

H. Con. Res. 104. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message further announced that pursuant to 44 U.S.C. 2501, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. LARSON of Connecticut.

The message also announced that pursuant to 16 U.S.C. 431 note, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. MOORE of Kansas and Mr. BOSWELL of Iowa.

The message further announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Mr. JACKSON of Illinois.

The message also announced that pursuant to 20 U.S.C. 2004(b), and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Mr. SKELTON of Missouri.

The message further announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161), and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program for a term of four years: Mr. JAMES P. MCGOVERN of Worcester, Massachusetts.

The message also announced that pursuant to 20 U.S.C., 4303, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Galaudet University: Ms. WOOLSEY of California.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. HINCHEY of New York and Mr. HALL of New York.

The message also announced that pursuant to 22 U.S.C. 276h, and the

order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. PASTOR of Arizona, Chairman, Ms. GIFFORDS of Arizona, Vice Chairman, Ms. LINDA SANCHEZ of California, Mr. FILNER of California, Mr. REYES of Texas, and Mr. GENE GREEN of Texas.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on February 13, 2009: Mrs. TAUSCHER of California, Vice Chairman, Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. LARSON of Connecticut, Mr. MEEK of Florida, Mr. SCOTT of Georgia, and Ms. BEAN of Illinois.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Japan-United States Friendship Commission: Mr. MCDERMOTT of Washington.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 36. Concurrent resolution calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation; to the Committee on Foreign Relations.

H. Con. Res. 104. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1477. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the TRICARE Program for fiscal year 2009; to the Committee on Armed Services.

EC-1478. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Investigation of the Spectrum Requirements for Advanced Medical Technologies" ((FCC 09-23) (ET Docket No. 06-135)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1479. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Scranton; Pennsylvania" (MB Docket No. 08-244) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1480. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf" (RIN1010-AD30) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Energy and Natural Resources.

EC-1481. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of February 15, 2009, through April 15, 2009; to the Committee on Foreign Relations.

EC-1482. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0047-2009-0061); to the Committee on Foreign Relations.

EC-1483. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Low Income Home Energy Assistance Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction (Rept. No. 111-15).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 414. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Russlynn Ali, of California, to be Assistant Secretary for Civil Rights, Department of Education.

*Carmel Martin, of Maryland, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

*Charles P. Rose, of Illinois, to be General Counsel, Department of Education.

*Peter Cunningham, of Illinois, to be Assistant Secretary for Communications and Outreach, Department of Education.

*Brian Vincent Kennedy, of Virginia, to be an Assistant Secretary of Labor.

*T. Michael Kerr, of the District of Columbia, to be an Assistant Secretary of Labor.

*Gabriella Cecilia Gomez, of California, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

*Thomasina Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 922. A bill to amend the Internal Revenue Code of 1986 to modify the term "5-year property"; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 923. A bill to promote the development and use of marine renewable energy technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, Mr. LEAHY, Mr. BROWN, Mr. CASEY, Mrs. GILLIBRAND, and Mr. BURRIS):

S. 924. A bill to ensure efficient performance of agency functions; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself, Mrs. FEINSTEIN, and Mr. SCHUMER):

S. 925. A bill to direct the Secretary of Health and Human Services to study the presence of contaminants and impurities in cosmetics and personal care products marketed to and used by children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. CHAMBLISS):

S. 926. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating Government spending; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR:

S. 927. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself and Mr. CORKER):

S. 928. A bill to enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 929. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment powered by alternative power sources; to the Committee on Finance.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, and Ms. CANTWELL):

S. 930. A bill to promote secure ferry transportation and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. KENNEDY):

S. 931. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Res. 117. A resolution commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. HARKIN, Ms. COLLINS, Mr. LEAHY, Mr. LUGAR, and Mr. FEINGOLD):

S. Res. 118. A resolution to provide Internet access to certain Congressional Research Service publications; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 119. A resolution commending the University of Georgia gymnastics team for winning the 2009 NCAA national championship; considered and agreed to.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. Res. 120. A resolution congratulating the Trinity College Bantams for their 11th-straight College Squash Association Men's Team Championship; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Mrs. BOXER, Mr. FEINGOLD, and Mr. DODD):

S. Con. Res. 21. A concurrent resolution supporting the goals and ideals of National Early Educator Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCCH) was added as a cosponsor of S.

34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 144

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 229

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 318

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 318, a bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing

two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 456

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 534

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 534, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 590

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 590, a bill to assist local communities with closed and active military bases, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 636

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 655, a bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 714

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 717

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 816

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 832

At the request of Mr. NELSON of Florida, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 908

At the request of Mr. BAYH, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MARTINEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 922. A bill to amend the Internal Revenue Code of 1986 to modify the term "5-year property"; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two pieces of legislation S. 922 and S. 923, that I hope will be the next major step that this Congress takes to help an exciting form of renewable energy to become more established as a viable energy technology. I am referring to helping the expansion of the ocean hydrokinetic energy industry.

Today I am introducing the Marine Renewable Energy Promotion Act of 2009 and a companion tax provision. They are companion measures to one that has been introduced in the House of Representatives by Rep. JAY INSLEE of Washington.

For a number of years this Nation has been providing help with research and other assistance to promote the development of energy from our oceans and rivers, using the tides, currents, waves and even the thermal properties of our oceans to generate electricity. With 70 percent of our planet covered with water, and the energy that the sun produces—each day oceans absorb the energy equivalent of 250 billion barrels of oil—and the energy that winds produce and impart to that water, marine hydrokinetic energy has the potential to be a major source of the world's clean, non-carbon emitting power in the future.

The Electric Power Research Institute has estimated that ocean resources in the U.S. could generate 252 million megawatt hours of electricity—6.5 percent of America's entire electricity generation—if ocean energy gained the same financial and research incentives currently enjoyed by other forms of renewable energy.

In 2005 in the Energy Policy Act we started the process of leveling the playing field. Besides authorizing a greater Federal research preference, we granted ocean energy the federal purchase requirement and the federal production incentive. In 2007's Energy Independence and Security Act, we furthered energy research and authorized the funding of research and ocean energy demonstration centers. In 2008, ocean energy finally was qualified to receive a renewable energy Production Tax Credit—unfortunately at a lower rate than some other renewables receive. But the PTC establishes the principle that ocean energy is a valuable future technology to meet electricity generation needs.

Now we are proposing that additional Federal aid be granted to all potential forms of Marine Renewable Energy to allow the industry's growth to advance more rapidly. The bill authorizes the Department of Energy to increase its

research and development effort, working to develop new technologies, reduce manufacturing and operating costs of the devices, improve the reliability and survivability of marine energy facilities and make sure that such power can be integrated into the national electricity grid. The bill also encourages efforts to allow marine energy to work in conjunction with other forms of energy, such as offshore wind, and authorizes more federal aid to assess and deal with any environmental impacts. The bill also authorizes establishment of project standards and provides for incentives to help the industry comply with any standards developed.

Allows for the creation of a Federal Marine-Based Energy Device Verification program, so the Government tests and certifies the performance of new marine technologies to reduce market risks for utilities to purchase power from such projects.

Authorizes the Federal Government to set up an adaptive management program, and a fund to help pay for the regulatory permitting and development of new marine technologies.

A separate bill, likely to be referred to the Senate Finance Committee for consideration, authorizes that marine projects benefit from being able to accelerate the depreciation of their project costs over five years—like some other renewable energy technologies currently can do. That should enhance project economic returns for private developers.

The legislation in total authorizes up to \$250 million a year of Federal funding for research. It is in keeping with the goals of the Obama administration to markedly increase funding for prospective renewable energy technologies that can help reduce U.S. and global carbon emissions and reduce our dependence on fossil fuels for energy production.

The technology this bill could foster could be of immense benefit to coastal regions and the U.S. power grid overall. In my home State of Alaska, for example, there are nearly 150 communities located along the State's 34,000 miles of coastline plus dozens more on the major river systems, which may benefit from the economies that gaining power from the free fuels of nature's currents and waves provides. In a State where rural electricity is currently averaging 65 cents per kilowatt hour when generated from diesel fuels—ocean energy offers the potential to sharply reduce all costs and vastly improve the local economy and thus the economy of the entire Nation.

There are a number of difficult challenges ahead to realize the potential of marine renewable energy from building reliable devices at economical costs. But these bills are another step toward getting on with the task of identifying and meeting those challenges. The potential is well worth the cost.

I hope this body will quickly include these provisions in comprehensive energy legislation and help this new industry to advance for the benefit of all Americans.

By Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. CHAMBLISS):

S. 926. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating Government spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the United States Authorization and Sunset Commission Act of 2009. I am very pleased to be joined by my colleagues and good friends, Senators VOINOVICH, CHAMBLISS, ENSIGN and HUTCHISON, who share my commitment that every dime sent by taxpayers to Washington, DC is spent wisely.

The President has said several times that he intends to go through the Federal budget line-by-line—ending programs that we do not need and making the ones we do need work better and cost less. It is in this same spirit that I introduce this legislation.

The United States Authorization and Sunset Commission Act of 2009 creates an 8 member bipartisan Commission, made up of 4 Senators and 4 Representatives. The Commission will look at the effectiveness and efficiency of all federal programs, but will especially focus on unauthorized and ineffective programs. The bill is modeled after the sunset process that the State of Texas instituted in 1977 to identify and eliminate waste, duplication, and inefficiency in government agencies. This process has led to the elimination of dozens of agencies that have outlived their usefulness and has saved Texas taxpayers hundreds of millions of dollars.

The job of the Commission is to ask the fundamental question: "Is an agency or program still needed?"

The Commission has two major responsibilities. First, the Commission must submit a legislative proposal to Congress at least once every 10 years that includes a review schedule of at least 25 percent of unauthorized Federal programs and at least 25 percent of ineffective federal programs or where effectiveness cannot be shown by the Office of Management and Budget's, OMB, Performance Assessment Rating Tool, PART. The Commission's schedule will abolish each program if Congress fails to either reauthorize the program or consider the Commission's recommendations within 2 years.

Second, the Commission must conduct a review of each program identified in its review schedule and send its

recommendations for Congressional review. Congress will then have 2 years to consider and pass the Commission's recommendations or to reauthorize the program before it is abolished.

Congress has two bites of the apple when it comes to evaluating federal spending. First, when it authorizes a program and second when it appropriates the money for it. Yet, the Congressional Budget Office, CBO, annually finds that Congress spends billions of taxpayers' money on agencies and programs despite the fact that their authorization had expired. Many of these expired programs and agencies—perhaps most—deserve reauthorization. Nonetheless, Congress should aggressively determine whether these programs and agencies are working as intended and the Commission will help serve this purpose.

In addition, the Commission will use OMB's PART, which is a tool to assess and improve program performance. PART looks at all factors that affect and reflect program performance including program purpose and design, performance measurement, evaluations and strategic planning, program management, and program results. Using PART, OMB has scored over 1,000 government programs and found that 20 percent were not performing—they were found to be ineffective or their effectiveness could not be determined.

The Commission's work will be guided by 10 criteria, including the program's effectiveness and efficiency, achievement of performance goals, and whether the program has fulfilled its legislative intent.

Unfortunately Congress has a tendency to create commissions and then ignore their work and continue on with business as usual. This bill solves this problem. It requires Congress to consider, debate, and vote on the Commission's report under expedited procedures.

The United States Authorization and Sunset Commission Act of 2009 is an important step to getting our fiscal house in order and to making sure that Congress gets back to the hard work of oversight to determine if programs actually fulfill their stated purpose or yield some unintended or counterproductive results. Periodic assessments are essential to good Government and this is what the Commission will provide to Congress and to taxpayers across the country. For this reason, I ask that my colleagues join me in cosponsoring the United States Authorization and Sunset Commission Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Authorization and Sunset Commission Act of 2009".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term "Commission" means the United States Authorization and Sunset Commission established under section 3; and

(3) the term "Commission Schedule and Review bill" means the proposed legislation submitted to Congress under section 4(b).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this Act referred to as the "members"), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the

majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, five or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this Act—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this Act.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2039.

SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the “Commission Schedule and Review bill”).

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission’s review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act

and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission’s proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of

the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(C) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 929. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment powered by alternative power sources; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today with my good friend from Vermont, Senator SANDERS, to introduce legislation that will help our environment and our economy by providing a 25 percent tax credit towards the purchase of environmentally friendly lawn, garden, and forestry power equipment.

There are an estimated 50 million acres of lawns and managed turf grass in the U.S. and the small engines used in power equipment predominantly used today to maintain these lawns emit a variety of pollutants that can be harmful to people and the environment. By promoting the use of alternative fuels, we can reduce the carbon footprint of lawn and garden equipment and reduce air and water pollution.

The Environmental Protection Agency, EPA, recently finalized a new emission control program to reduce hydrocarbon emissions and evaporative emissions from the small, spark-ignition engines that are commonly used in lawn, garden, and forestry equipment. I applaud the EPA for setting these new emissions standards because they eventually will reduce the harmful health effects of ozone and carbon monoxide. I also appreciate the work being done in the State of California to set the stage for these tougher standards and to provide State funds for re-

bates to consumers who purchase the cleanest types of lawn and garden equipment.

We can do more, though, to advance the use of cleaner, alternative fueled equipment. Currently, the cleanest, alternative powered equipment typically costs dramatically more to produce—in part due to their relatively low volumes—compared to higher volume products powered by traditional technologies. Our bill is designed to help partially close this price differential so that consumers can afford the very cleanest products and help advance the most cutting-edge, new technologies.

That is why the bill we are introducing today would reduce air pollution even further than the EPA or California standards by providing an immediate incentive for people to go beyond the current powered equipment emission standards and purchase cleaner, alternatively powered or alternative fuel engines and equipment that emit half of the emission levels called for by the EPA and that operate on little or no fossil fuels. In line with past tax credits that were successful in advancing new technologies and boosting consumer demand for environmentally friendly products like hybrid vehicles and energy efficient home appliances, our new tax credit would give Americans a powerful incentive to buy cleaner, alternative energy power equipment.

I want to thank the Outdoor Power Equipment Institute and the National Audubon Society for their early endorsements of this bill. As the Senate prepares to take a thorough look at our energy and environmental policies this year, I look forward to working with my colleagues to find new ways to further reduce the air emissions and fossil fuel consumption of our Nation's lawn, garden, and forestry equipment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CERTAIN NONROAD EQUIPMENT.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. CREDIT FOR CERTAIN NONROAD EQUIPMENT.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 25 percent of the qualified nonroad equipment expenses for the taxable year.

“(b) LIMITATION.—The credit allowed under subsection (a) shall not exceed \$1,000.

“(c) QUALIFIED NONROAD EQUIPMENT EXPENSES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified nonroad equipment expenses’ means the cost

of any alternative power nonroad equipment the original use of which commences with the taxpayer and which is placed in service by the taxpayer during the taxable year.

“(2) ALTERNATIVE POWER NONROAD EQUIPMENT.—The term ‘alternative power nonroad equipment’ means any equipment that is primarily used for lawn, garden, or forestry purposes, and that—

“(A) is powered by a motor drawing current from solar power, electricity, or rechargeable or replaceable batteries,

“(B) has a hybrid-electric drive train or cutting system which is powered by a generator or electrical storage device combined with a small engine, or

“(C) is powered by alternative power sources and—

“(i) is regulated by the Environmental Protection Agency as a new, spark-ignition engine under part 1054 of title 40, Code of Federal Regulations (or any successor regulation), and

“(ii) is certified by the Environmental Protection Agency as having an engine family that emits no more than 50 percent of the number of grams per kilowatt hour of regulated pollutants allowable under Phase 3 of the exhaust emissions standards under section 103 of part 1054 of title 40, Code of Federal Regulations (or any successor regulation), relating to handheld engines, or section 105 of such part, relating to nonhandheld engines, whichever is applicable.

“(3) ALTERNATIVE POWER SOURCES.—The term ‘alternative power sources’ means any alternative fuel as determined by the Secretary, in coordination with the Office of Energy Efficiency and Renewable Energy.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “25E,” after “25D,”.

(3) Section 25B(g)(2) of such Code is amended by striking “section 23” and inserting “sections 23 and 25E”.

(4) Section 904(i) of such Code is amended by striking “and 25B” and inserting “25B, and 25E”.

(5) Section 1400C(d)(2) of such Code is amended by striking “and 25D” and inserting “25D, and 25E”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain nonroad equipment.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases made after the date of the enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. KENNEDY):

S. 931. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the Arbitration Fairness Act of 2007. Just as its name suggests, the Arbitration Fairness Act is designed to return fairness to the arbi-

tration system. This bill is not an anti-arbitration bill. If anything, it is pro-arbitration. I firmly believe that this bill will strengthen the arbitration system by returning arbitration to a more equitable design that reflects the intent of the original arbitration legislation, the Federal Arbitration Act.

President Calvin Coolidge signed the Federal Arbitration Act, FAA, into law on February 12, 1925. Congress passed the FAA to make arbitration an enforceable alternative to the civil courts. Even as early as the 1920's, there were concerns about the efficiency of the civil court system and a desire to allow a speedier alternative. The intent of the FAA, as expressed in a 1923 hearing before a Subcommittee of the Senate Judiciary Committee, was “to enable business men to settle their disputes expeditiously and economically.” In a later hearing on the FAA, it was clarified that the legislation was not intended to apply to the employment contracts of those businesses. This distinction is important because it illustrates that, while arbitration was something that the FAA's original sponsors wanted to promote, they were also careful to make clear that they didn't intend for arbitration to become a weapon to be wielded by the powerful against those with less financial and negotiating power.

Since the FAA's enactment, the use of arbitration has grown exponentially. Arbitration certainly has advantages. It can be a fair and efficient way to settle disputes. I strongly support voluntary, alternative dispute resolution methods, and I believe we ought to encourage their use. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Otherwise arbitration can be used as a weapon by the stronger party against the weaker party.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in civil cases in Federal court is contained in the Seventh Amendment to the Constitution. Many States provide a similar right to a jury trial in civil matters filed in state court.

I have been concerned for many years that mandatory arbitration clauses are slowly eroding the legal protections that should be available to all Americans. A large and growing number of corporations now require millions of consumers and employees to sign contracts that include mandatory arbitration clauses. Most of these individuals have little or no meaningful opportunity to negotiate the terms of their contracts and so find themselves having to choose either to accept a manda-

tory arbitration clause or to forgo securing employment or needed goods and services. Incredibly, mandatory arbitration clauses have been used to prevent individuals from trying to vindicate their civil rights under statutes specifically passed by Congress to protect them.

There is a range of ways in which mandatory arbitration can be particularly hostile to individuals attempting to assert their rights. For example, the administrative fees—both to gain access to the arbitration forum and to pay for the ongoing services of the arbitrator or arbitrators—can be so high as to act as a de facto bar for many individuals who have a claim that requires resolution. In addition, arbitration generally lacks discovery proceedings and other civil due process protections.

Furthermore, there is no meaningful judicial review of arbitrators' decisions. Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is fairly narrow: if there is reason to believe that the arbitrator committed actual fraud, or was biased, corrupt, or guilty of misconduct, or exceeded his or her powers. Because mandatory, binding arbitration is so conclusive, it is a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

Unfortunately, in a variety of contexts—employment agreements, credit card agreements, HMO contracts, securities broker contracts, and other consumer and franchise agreements—mandatory arbitration is fast becoming the rule, rather than the exception. The practice of forcing employees to use arbitration has been on the rise since the Supreme Court's Circuit City decision in 2001. Unless Congress acts, the protections it has provided through law for American workers, investors, and consumers, will slowly become irrelevant.

The Arbitration Fairness Act of 2009, which I am happy to say has already been introduced in the House by Rep. HANK JOHNSON, reinstates the FAA's original intent by requiring that agreements to arbitrate employment, consumer, franchise, or civil rights disputes be made after the dispute has arisen. The bill does not prohibit arbitration. What it does do is prevent a party with greater bargaining power from forcing individuals into arbitration through a contractual provision. It will ensure that citizens once again have a true choice between arbitration and the traditional civil court system.

I should note that the bill includes two notable changes from versions that have been introduced in previous Congresses. First, the bill creates a new

Chapter 4 of Title 9, separating the new provisions concerning arbitration of consumer, employment, franchise, and civil rights disputes from the Federal Arbitration Act. This should give some comfort to those who are concerned that the bill might have an unintended effect on business to business arbitration.

Second, the bill reverses the Supreme Court's April 2009 decision in *14 Park Plaza v. Pyett*. In that case, the Court held that arbitration provisions included in collective bargaining agreements can have the effect of preventing employees from pursuing employment discrimination claims in court. Unions have never believed this was the case. The decision once again expands the reach of arbitration, making less effective statutes specifically intended by Congress to protect workers. Therefore, the bill provides that it generally does not apply to arbitration provisions contained in collective bargaining agreements, except that such provisions may not waive employees' rights to take constitutional or statutory claims to court.

In our system of Government, Congress and state legislatures pass laws and the courts are available to citizens to make sure those laws are enforced. But the rule of law means little if the only forum available to those who believe they have been wronged is an alternative, unaccountable system where the law passed by the legislature does not necessarily apply. This legislation both protects Americans from exploitation and strengthens a valuable alternative method of dispute resolution. These are both worthy ends, and I hope that my colleagues in the Senate will join me in working to pass this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arbitration Fairness Act of 2009".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Arbitration Act (now enacted as chapter 1 of title 9 of the United States Code) was intended to apply to disputes between commercial entities of generally similar sophistication and bargaining power.

(2) A series of United States Supreme Court decisions have changed the meaning of the Act so that it now extends to disputes between parties of greatly disparate economic power, such as consumer disputes and employment disputes. As a result, a large and rapidly growing number of corporations are forcing millions of consumers and employees to give up their right to have disputes resolved by a judge or jury, and in-

stead submit their claims to binding arbitration.

(3) Most consumers and employees have little or no meaningful option whether to submit their claims to arbitration. Few people realize or understand the importance of the deliberately fine print that strips them of rights, and because entire industries are adopting these clauses, people increasingly have no choice but to accept them. They must often give up their rights as a condition of having a job, getting necessary medical care, buying a car, opening a bank account, getting a credit card, and the like. Often times, they are not even aware that they have given up their rights.

(4) Private arbitration companies are sometimes under great pressure to devise systems that favor the corporate repeat players who decide whether those companies will receive their lucrative business.

(5) Mandatory arbitration undermines the development of public law for civil rights and consumer rights because there is no meaningful judicial review of arbitrators' decisions. With the knowledge that their rulings will not be seriously examined by a court applying current law, arbitrators enjoy near complete freedom to ignore the law and even their own rules.

(6) Mandatory arbitration is a poor system for protecting civil rights and consumer rights because it is not transparent. While the American civil justice system features publicly accountable decision makers who generally issue public, written decisions, arbitration often offers none of these features.

(7) Many corporations add to arbitration clauses unfair provisions that deliberately tilt the systems against individuals, including provisions that strip individuals of substantive statutory rights, ban class actions, and force people to arbitrate their claims hundreds of miles from their homes. While some courts have been protective of individuals, too many courts have erroneously upheld even egregiously unfair mandatory arbitration clauses in deference to a supposed Federal policy favoring arbitration over the constitutional rights of individuals.

SEC. 3. ARBITRATION OF EMPLOYMENT, CONSUMER, FRANCHISE, AND CIVIL RIGHTS DISPUTES.

(a) IN GENERAL.—Title 9 of the United States Code is amended by adding at the end the following:

"CHAPTER 4—ARBITRATION OF EMPLOYMENT, CONSUMER, FRANCHISE, AND CIVIL RIGHTS DISPUTES

"Sec.

"401. Definitions.

"402. Validity and enforceability.

"§ 401. Definitions

"In this chapter—

"(1) the term 'civil rights dispute' means a dispute—

"(A) arising under—

"(i) the Constitution of the United States or the constitution of a State; or

"(ii) a Federal or State statute that prohibits discrimination on the basis of race, sex, disability, religion, national origin, or any invidious basis in education, employment, credit, housing, public accommodations and facilities, voting, or program funded or conducted by the Federal Government or State government, including any statute enforced by the Civil Rights Division of the Department of Justice and any statute enumerated in section 62(e) of the Internal Revenue Code of 1986 (relating to unlawful discrimination); and

"(B) in which at least 1 party alleging a violation of the Constitution of the United

States, a State constitution, or a statute prohibiting discrimination is an individual;

"(2) the term 'consumer dispute' means a dispute between a person other than an organization who seeks or acquires real or personal property, services (including services relating to securities and other investments), money, or credit for personal, family, or household purposes and the seller or provider of such property, services, money, or credit;

"(3) the term 'employment dispute' means a dispute between an employer and employee arising out of the relationship of employer and employee as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203);

"(4) the term 'franchise dispute' means a dispute between a franchisee with a principal place of business in the United States and a franchisor arising out of or relating to contract or agreement by which—

"(A) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor;

"(B) the operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logo-type, advertising, or other commercial symbol designating the franchisor or its affiliate; and

"(C) the franchisee is required to pay, directly or indirectly, a franchise fee; and

"(5) the term 'predispute arbitration agreement' means any agreement to arbitrate a dispute that had not yet arisen at the time of the making of the agreement.

"§ 402. Validity and enforceability

"(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of an employment, consumer, franchise, or civil rights dispute.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—An issue as to whether this chapter applies to an arbitration agreement shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by the court, rather than the arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement.

"(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of an employee to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9 of the United States Code is amended—

(A) in section 1, by striking "of seamen," and all that follows through "interstate commerce";

(B) in section 2, by inserting "or as otherwise provided in chapter 4" before the period at the end;

(C) in section 208—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”; and

(D) in section 307—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”.

(2) TABLE OF SECTIONS.—

(A) CHAPTER 2.—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

“208. Application.”.

(B) CHAPTER 3.—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Application.”.

(3) TABLE OF CHAPTERS.—The table of chapters for title 9, United States Code, is amended by adding at the end the following:

“4. Arbitration of employment, consumer, franchise, and civil rights disputes 401”.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act and shall apply with respect to any dispute or claim that arises on or after such date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 117—COMMEMORATING THE 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE, A PREEMINENT INTERNATIONAL WOMEN'S ASSOCIATION AND AFFILIATE ORGANIZATION OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION (AHEPA)

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 117

Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence, through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program (12 U.S.C. 1701q);

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is

the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc. supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the “Open Books” program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, providing an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness of cancer research, such as thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation of America, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Family Literacy, the Children's Wish Foundation International, the United Nations Children's Fund (UNICEF), Habitat for Humanity, St. Basil Academy, and others; and

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters such as hurricanes, earthquakes, and forest fires: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of people of Greek ancestry, and of Philhellenes, to the United States; and

(2) commemorates the 80th anniversary of the Daughters of Penelope in 2009, applauds its mission, and commends the many charitable contributions of its members to organizations and communities around the world.

Ms. SNOWE. Mr. President, this year marks the 80th anniversary of the founding of the Daughters of Penelope. I rise today to introduce with my colleague, Senator MENENDEZ, a resolution honoring their history of selfless service and achievement during these eight historic decades.

Founded November 16, 1929, in San Francisco, CA, the Daughters of Penelope was established to improve the well-being of women and provide them with the opportunity to make significant contributions to American society. Today its mission is to promote the ideals of ancient Greece—education, philanthropy, civic responsibility, family, and individual excellence through community service and volunteerism.

An affiliate organization of the American Hellenic Educational Progressive Association, AHEPA, a leading association of American citizens of Greek heritage and Philhellenes, the Daughters of Penelope have worked both within and beyond the Greek-American community to achieve remarkable accomplishments. Over its history, its members have tirelessly

sought to strengthen the status of women in society, shelter the elderly and the abused, educate our youth, promote Hellenic heritage, and raise funds for medical research.

One project adopted by the Daughters of Penelope is particularly near and dear to my heart—its charitable aid to St. Basil Academy, a Greek Orthodox Archdiocese home for children in need, which I attended for several years. Beginning in 1954, the Daughters of Penelope have been providing charitable aid to St. Basil Academy when it embarked on a Christmas Seal Campaign to raise funds to build the new water works for the Academy. Since then, the Daughters of Penelope contributed to the furnishing of new buildings that have been built on campus, built a heated outdoor swimming pool for the children, and has provided funds for ongoing maintenance and renovations to the Academy for such items as replacing outdated appliances and worn-out roofs.

In matching their own personal achievement with the desire to help others also achieve their goals, the Daughters of Penelope exemplify the very best in American and Hellenic values. As they embark on another 8 decades of service and accomplishment, I ask my colleagues to join me in congratulating them on their distinguished past, and wishing them every success in the future.

SENATE RESOLUTION 118—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. HARKIN, Ms. COLLINS, Mr. LEAHY, Mr. LUGAR, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 118

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF INFORMATION.

The Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CONGRESSIONAL RESEARCH SERVICE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 3 of this resolution—

(A) all information described in paragraph (2) that is available through the Congressional Research Service website; and

(B) an index of all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is the following:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director of the Congressional Research Service; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director of the Congressional Research Service, determines that making that material available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director of the Congressional Research Service, determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

SEC. 3. METHOD OF ACCESS.

(a) CRS INFORMATION.—Public access to Congressional Research Service information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate. The Sergeant-at-Arms shall ensure that the websites maintained by Members and Committees of the Senate provide the same capability to find information made available under section 2 as the Congressional Research Service website.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 4. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

SENATE RESOLUTION 119—COMMENDING THE UNIVERSITY OF GEORGIA GYMNASTICS TEAM FOR WINNING THE 2009 NCAA NATIONAL CHAMPIONSHIP

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following

resolution; which was considered and agreed to:

S. RES. 119

Whereas in 2009, the University of Georgia gymnastics team, the “Gym Dogs”, won its 10th National Collegiate Athletic Association (NCAA) women’s gymnastics championship;

Whereas the University of Georgia gymnastics program has won 16 Southeastern Conference (SEC) championships;

Whereas the University of Georgia gymnastics program has produced 7 Honda Award winners, with Courtney Kupets under consideration as a finalist for the 2009 award;

Whereas the 2009 national title is the Gym Dogs’ 5th consecutive national championship;

Whereas the University of Georgia gymnastics team is the most successful gymnastics program in the Nation;

Whereas the Gym Dogs have made 26 consecutive appearances in the NCAA gymnastics championships;

Whereas the 2009 Gym Dogs’s overall record was an amazing 32-1;

Whereas the 2009 Gym Dogs also achieved the highest team GPA at the University of Georgia, 3.36;

Whereas the gymnastics team’s coach, Suzanne Yoculan, will retire as the most successful collegiate gymnastics coach in NCAA history; and

Whereas Coach Suzanne Yoculan has, in 19 of her 26 years as head coach at the University of Georgia, taken her squad to an SEC title, an NCAA title, or both: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Georgia gymnastics team for winning the 2009 NCAA women’s national championship;

(2) recognizes that the Gym Dogs have won more national championships than any other gymnastics program in the Nation; and

(3) congratulates Suzanne Yoculan for a spectacular career as the University of Georgia’s gymnastics coach.

SENATE RESOLUTION 120—CONGRATULATING THE TRINITY COLLEGE BANTAMS FOR THEIR 11TH-STRAIGHT COLLEGE SQUASH ASSOCIATION MEN’S TEAM CHAMPIONSHIP

Mr. LIEBERMAN (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas, on February 23, 2009, the Trinity College Bantams defeated the Princeton University Tigers, 5 games to 4, in the final match of the College Squash Association Men’s Team Championship tournament;

Whereas the Bantams have won 11 national championships in a row;

Whereas the Bantams have won 202 straight matches, the longest winning streak in collegiate sports history;

Whereas junior Baset Chaudry, down 5-0 in the final game with the match tied 4-4, rallied to score 9 straight points and clinch the title for the Bantams;

Whereas seniors Gustav Detter and Manek Mathur, junior Baset Chaudry, sophomore Parth Sharma, and freshman Vikram Malholtra were named to the College Squash Association All-America First Team, and sophomores Randy Lim and Andre Vargas were named to the Second Team;

Whereas, on March 1, 2009, junior Baset Chaudry won the College Squash Association’s Men’s Individual Championship;

Whereas the diverse roster of the Bantams, which includes players from the United States, India, Jamaica, Pakistan, Sweden, Columbia, and Malaysia, highlights the diversity of Trinity College and the commitment of Trinity College to fostering cultural understanding;

Whereas Coach Paul Assainte has earned acclaim from his players for his role as coach and mentor and for underscoring the values of humility and respect for one’s opponents and teammates; and

Whereas each player, coach, and staff member of the Trinity College Bantams demonstrates a strong commitment to the pursuit and achievement of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Trinity College Bantams for their historic 11th-straight College Squash Association Men’s Team Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Bantams’ victory.

SENATE CONCURRENT RESOLUTION 21—SUPPORTING THE GOALS AND IDEALS OF NATIONAL EARLY EDUCATOR WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Mrs. BOXER, Mr. FEINGOLD, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 21

Whereas approximately 60 percent of the children in the United States under the age of 6 are in nonparental care during part or all of the day while their parents work;

Whereas the early childhood industry employs more than 2,300,000 workers;

Whereas the average salary of an early care and education worker is \$18,917 per year;

Whereas only ⅓ of early care and education workers have health insurance and even fewer have pension plans;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent each year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children’s development;

Whereas the compensation of early childhood program staff should reflect the importance of the job of helping the young children of the United States develop their social, emotional, physical, and cognitive skills and be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources should be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early childhood workforce is critical to ensuring high-quality early learning environments;

Whereas early childhood educators should receive compensation commensurate with their training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, the National Association for the Education of Young Children, and other early childhood organizations, recognize May 1 as "National Early Educator Worthy Wage Day": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Early Educator Worthy Wage Day; and

(2) urges public officials and the general public—

(A) to honor early childhood care and education staff and programs in their communities; and

(B) to work together to resolve the early childhood education staff compensation crisis.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 5, 2009, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Daniel B. Poneman, to be Deputy Secretary of Energy, the nomination of David B. Sandalow, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), the nomination of Rhea S. Suh, to be an Assistant Secretary of the Interior, and the nomination of Michael L. Connor, to be Commissioner of Reclamation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 30, 2009, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider the following:

1. Nomination of Dr. Yvette D. Roubideaux to be Director of Indian Health Service, U.S. Department of Health and Human Services;
2. S. 151, the Indian Arts and Crafts Amendments Act of 2009; and
3. S. 443, the Hoh Indian Tribe Safe Homelands Act.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Swine Flu Epidemic: The Public Health and Medical Response" on Wednesday, April 29, 2009. The hearing will commence at 3 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 10 a.m. to conduct a hearing entitled "Swine Flu: Coordinating the Federal Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Nominations" on Wednesday, April 29, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 29, 2009. The Committee will meet in room 562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Restoring Fairness to Federal Sentencing: Addressing the Crack-Powder Disparity" on Wednesday, April 29, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 2:30 p.m. to conduct a hearing entitled, "The Federal Government's Role in Empowering Americans to Make Informed Financial Decisions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CONRAD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 29, 2009 from 2 p.m.-4 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 896

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, April 30, following a period of morning business, the Senate proceed to the consideration of Calendar No. 52, S. 896, Helping Families Saves Their Homes; that

immediately after the bill is reported, Senator DURBIN be recognized to offer an amendment relating to "cram-down"—that is, bankruptcy; that there be 4 hours for debate with respect to the amendment and the time be equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to that amendment; that adoption of the amendment will require an affirmative 60-vote threshold; that if the threshold is achieved, the amendment be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, that it will be withdrawn; provided further that no amendment be in order to the amendment and that no further amendments on the subject of "cram-down" be in order during the pendency of S. 896; further, that upon disposition of the Durbin amendment, Senator DODD be recognized to offer a Dodd-Shelby substitute amendment.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, before we move on, there are times in the legislative process that you see someone who has invested a great deal of their personal time and passion on an issue. I came to Congress at the same time that Senator DURBIN of Illinois came. He is a man, we all know, who is very articulate. He is a person who can express himself very well. He is a person who believes in the legislative process. He understands that legislation is the art of compromise. But that can be carried a little too far.

Senator DURBIN has done everything within his power to get an issue that he believes in very strongly. I agree with him. It is unbelievable to me that people can have their primary residence in Las Vegas and have a beach house in Laguna, CA, and a ski chalet in Brian Head, UT, or some other ski area in Utah, and they come upon hard times. The resorts they have at the beach and up in the mountains, they can go to bankruptcy court and get that readjusted. Their primary residence, they cannot. But a person who has a home in Las Vegas or some other place in Nevada who comes upon hard times, they cannot do a thing with their home. They cannot go to bankruptcy court. They are stuck with this horrible process, we found.

I do not know how to summarize this other than to say that I hope the banks are proud of themselves. I hope they are proud of themselves, of what they have done—I add in that the financial institutions generally—what they have done to our country. And now they are standing in the way of our trying to help a little bit, trying to help people who have a home and they cannot get any relief. So the banks are going to wind up with a lot of peoples' homes

because they are going to foreclosure upon them and the people have no alternative.

On the morning news today, Phoenix, AZ, the price of the homes in the last year—at least the way I heard it on public radio today—the price of homes has dropped 50 percent. A home that was worth \$500,000 last year is worth \$250,000 now.

Everyone knows that the assistant leader of the Senate is Senator DURBIN. We work very closely together. And I help him whenever I can, as he helps me whenever he can. But I feel badly for the country. I am happy we got this agreement. Maybe we will be able to get very fortunate and pick up some votes. But I am very disappointed in the rope-a-dope that has been used on Senator DURBIN. He has tried everything—everything—to try to get this done. Quite frankly, the amendment he is going to offer, I wish we would have one a little stronger than that.

But I hope that there will be a night's rest and people will come in and say: I guess DURBIN is right. Let's do this. But I want the record spread with the fact that the people of the State of Illinois are very fortunate to have someone of his caliber, his integrity, working to help them and in the process help our country.

I ask unanimous consent that on Thursday, April 30, upon disposition—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Thursday, April 30, upon disposition of the Durbin amendment and after Senator DODD has called up his amendment, that has been previously worked out, the Senate proceed to executive session to consider Calendar No. 56, the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife; that there be 3 hours of debate with respect to the nomination, with 1 hour under the control of the majority and 2 hours under the control of the Republicans and 30 minutes of the Republican time under the control of Senator BUNNING; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that the confirmation require an affirmative 60-vote threshold; that upon achieving that threshold, the nomination be confirmed, the motion to reconsider be laid on the table, there be no further

motions in order, and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

So after we dispose of the Durbin amendment, we will move to the Dodd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to express my appreciation to Senator BUNNING who has been very reasonable in this process. There are certain things he wanted. He didn't get what he felt he was entitled to. Looking at his request, I think it was very reasonable. Senator BUNNING has not been unfair in the questions he asked. I appreciate his allowing us to get this consent agreement.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and all nominations on the Secretary's Desk in the Coast Guard; that the nominations be confirmed en bloc, and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

April S. Boyd, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF TRANSPORTATION

Robert S. Rivkin, of Illinois, to be General Counsel of the Department of Transportation.

Roy W. Kienitz, of Pennsylvania, to be Under Secretary of Transportation for Policy.

Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Dana G. Gresham, of the District of Columbia, to be an Assistant Secretary of Transportation.

Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration.

EXECUTIVE OFFICE OF THE PRESIDENT

Sherburne B. Abbott, of Texas, to be an Associate Director of the Office of Science and Technology Policy.

IN THE COAST GUARD

The following named officer for appointment as Vice Commandment of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Vice Adm. David P. Pekoske

The following named officer for appointment as Chief of Staff of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50a:

To be vice admiral

Rear Adm. John P. Currier

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Robert E. Day, Jr.

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. Jody A. Breckenridge

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN190 COAST GUARD nomination of Michael J. McNeil, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN191 COAST GUARD nomination of Desarae A. Janszen, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

NOMINATION OF RONALD H. WEICH TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. REID. I now ask that the Senate proceed to Calendar No. 65.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today the Senate considers another of President Obama's highly-qualified nominees for an important post in the executive branch. Earlier today, the Judiciary Committee reported favorably the nomination of Ron Weich to be Assistant Attorney General for the Office of Legislative Affairs at the Department of Justice. I had hoped that we could expedite this nomination before the recess so that Mr. Weich could begin doing his job for the American people, but lack of cooperation from the Republican side prevented us from confirming the nomination then. I am pleased that with cooperation today, we will confirm Mr. Weich.

In more than a decade on Capitol Hill, Ron Weich has advised three Senators: Senator SPECTER, Senator KENNEDY, and now Majority Leader REID, who introduced Mr. Weich at his hearing 3 weeks ago and strongly recommended his confirmation.

At his hearing, I put into the record a letter from Senator KENNEDY describing Mr. Weich as a "lawyer of exceptional intelligence, skill, and sound judgment" and praising his "remarkable ability . . . to work extremely well with Members and staff on both sides of the aisle and to guide us toward creative solutions to seemingly intractable problems." Many of Mr. Weich's former Republican colleagues wrote to this committee to attest to the fact that he is highly regarded among both Republican and Democratic staff, and they spoke of his "respect for opposing

views" and his "constructive approach to difficult legal issues." They described him as "honorable and trustworthy." And of course, Mr. Weich is equally well-respected outside of this chamber. A letter from the Fraternal Order of Police highlights his "long and sterling career as a public safety policymaker" and notes that he is "a passionate champion for justice."

In addition, Mr. Weich has a distinguished record of public service as an assistant district attorney in Manhattan, and as a special counsel to the United States Sentencing Commission. He is an experienced Senate hand who has earned the respect of Senators on both sides of the aisle. We know him well as a former member of the staff of the Judiciary Committee. I am confident he will be a welcome addition to the leadership at the Justice Department, and will make the Department more responsive to congressional concerns than we have seen over the last several years.

I congratulate Mr. Weich and his family on his confirmation today and look forward to working with him in his new capacity at the Justice Department.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid on the table and there be no further motions in order; that any statements relating to this nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

CONFIRMATION OF RON WEICH

Mr. REID. Mr. President, before I turn this over to Senator DURBIN to close, I want to say a word or two about this nomination we just completed. That is the nomination of Ron Weich.

I know Ron has waited with his family for a long time to get this done, but I have tremendously mixed emotions. A part of me was saying: I wish maybe he would not get confirmed. But the better part of me and, of course, common sense dictates that the country needs him. For me, to lose him from my staff is really very difficult. He was such an important part of what we have been able to accomplish here in the Senate. He is a really a fine lawyer

with a great legal mind. I have worked closely with him for years.

He is going to lead the Justice Department regarding legislative affairs. He has had prosecutorial experience and Government experience. I know and respect all he has done to strengthen our national security, forward the cause of justice, and raise the ethics standards of our Government and in the whole country. In fact, Ron took a lead role in the last Congress, as we passed the most sweeping ethics and lobbying reforms in the history of our Congress and our country.

Those who know and work with Ron value not only his extensive experience but just the person he is. I express my appreciation to Ron Weich for his sound judgment, his collegiality, his honesty, and loyalty to me. Eric Holder will find the same there.

While many of his colleagues from Columbia University and Yale Law School, where he was educated, are out in the private sector making a lot of money, Ron has spent most of his life in public service. He came back to the Senate after having been in a renowned law firm downtown. But he came back because this is what he wants to do. He is able to make enough money to raise his family. He is not interested in how much money he makes. He is interested in what good he can do for our country.

Our Nation benefits immensely when people as good at what they do as Ron is—and as good to others as Ron is—choose to make a difference.

As I have indicated, I am sad to see him leave this Capitol complex. I am comforted by knowing that Ron will play an important role in rebuilding Attorney General Holder's Justice Department to a place where all are once again equal under the law, protected by the law, and no one is above the law.

The PRESIDING OFFICER. The Senator from Illinois.

THANKING THE MAJORITY LEADER

Mr. DURBIN. Mr. President, I thank the majority leader for his kind words. He is a friend of long standing. We came to Washington together in the House of Representatives many years ago, and we certainly never could have dreamed, when we arrived here so many years ago, that today we would be able to work so closely and so well in the leadership of the Senate.

HARRY REID is a terrific leader. He has done an extraordinary job. Today a lot of praise is being given to the President for his first 100 days. I want to add in that chorus of praise HARRY REID, the Senator from Nevada, who has helped the President achieve the goals that he set out to achieve in the first 100 days. He has made an extraordinary commitment to make that happen, not just in time and effort but in patience

dealing with Members of the U.S. Senate.

I thank Senator REID for his earlier comments.

CONFIRMATION OF JOSEPH SZABO

Mr. DURBIN. Mr. President, I would like to congratulate Mr. Joseph Szabo on his confirmation as the next Administrator of the Federal Railroad Administration.

Joe Szabo has made a significant contribution to my State of Illinois, and I believe he is going to bring great success to the Department of Transportation. Joe Szabo understands better than most the long days, unpredictable schedules, and sometimes hazardous working conditions that come with employment in the railroad industry.

He has worked for the railroad—both the Illinois Central and Metra—since he was 18 years old, including stints as yard switchman, road trainman, and commuter passenger conductor.

Five generations of his family worked on the railroad. Joe learned firsthand about the railroads from his father, a 40-year switchman for the Illinois Central Railroad. His father instilled in him a passion for rail work that has helped Joe become a trusted and respected voice in rail labor and in the industry.

Joe has a distinguished record of public service and many accomplishments to show for his work in Illinois. As elected mayor of Riverdale, IL, and State legislative director for the United Transportation Union, UTU, Joe has developed a reputation as a passionate and effective advocate for freight and passenger rail and its workers.

During his tenure as UTU State director, Joe's work was integral to the State of Illinois doubling its investment in passenger rail. This additional State investment Joe worked so hard to achieve allowed Illinois to double the frequency of Amtrak trains leaving Chicago for Quincy, Carbondale, and St. Louis, and to lay the groundwork for expanding service to Rockford and the Quad Cities—our next achievements, I hope soon.

Joe's advocacy helped Illinois passenger rail achieve the fastest growth in ridership and revenue in the entire national Amtrak system.

Joe will now bring his passion for the railroad industry and his experience with rail labor to Washington. As all of us know, President Obama, Vice President BIDEN, and this Congress have made the single largest investment in passenger rail in America's history.

The \$8 billion we included in the stimulus for high-speed passenger rail represents a commitment to taking the next step in intercity passenger rail for the 21st century.

Implementing this vision will be monumental. It will take a good-faith

working relationship between Congress, the White House, the industry, and State and local governments.

Thankfully, Joe Szabo has earned the confidence and full support of President Obama. Joe and the President worked closely together when then-State Senator Obama served in Springfield in the Illinois General Assembly.

Mr. President, I am here today to tell you what President Obama and I already know: When it comes to making high-speed rail a reality in the U.S. and ensuring that millions of Americans have access to safe, reliable passenger and freight rail, there is no one better for this job than Joe Szabo.

Mr. President, in the months and years ahead, I can assure you this country will find Joe Szabo understands the critical role our national rail system plays to the health of our economy, our environment, and our future.

I am proud to have added my voice to the chorus of so many who asked the administration to nominate Joe and give him this chance to serve our Nation. I know he is going to do an exceptional job.

COMMENDING THE UNIVERSITY OF GEORGIA GYMNASTICS TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 119, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 119) commending the University of Georgia gymnastics team for winning the 2009 NCAA national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas in 2009, the University of Georgia gymnastics team, the "Gym Dogs", won its 10th National Collegiate Athletic Association (NCAA) women's gymnastics championship;

Whereas the University of Georgia gymnastics program has won 16 Southeastern Conference (SEC) championships;

Whereas the University of Georgia gymnastics program has produced 7 Honda Award winners, with Courtney Kupets under consideration as a finalist for the 2009 award;

Whereas the 2009 national title is the Gym Dogs' 5th consecutive national championship;

Whereas the University of Georgia gymnastics team is the most successful gymnastics program in the Nation;

Whereas the Gym Dogs have made 26 consecutive appearances in the NCAA gymnastics championships;

Whereas the 2009 Gym Dogs's overall record was an amazing 32-1;

Whereas the 2009 Gym Dogs also achieved the highest team GPA at the University of Georgia, 3.36;

Whereas the gymnastics team's coach, Suzanne Yoculan, will retire as the most successful collegiate gymnastics coach in NCAA history; and

Whereas Coach Suzanne Yoculan has, in 19 of her 26 years as head coach at the University of Georgia, taken her squad to an SEC title, an NCAA title, or both: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Georgia gymnastics team for winning the 2009 NCAA women's national championship;

(2) recognizes that the Gym Dogs have won more national championships than any other gymnastics program in the Nation; and

(3) congratulates Suzanne Yoculan for a spectacular career as the University of Georgia's gymnastics coach.

CONGRATULATING THE TRINITY COLLEGE BANTAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 120 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 120) congratulating the Trinity College Bantams for their 11th-straight College Squash Association Men's Team Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 120

Whereas, on February 23, 2009, the Trinity College Bantams defeated the Princeton University Tigers, 5 games to 4, in the final match of the College Squash Association Men's Team Championship tournament;

Whereas the Bantams have won 11 national championships in a row;

Whereas the Bantams have won 202 straight matches, the longest winning streak in collegiate sports history;

Whereas junior Baset Chaudry, down 5-0 in the final game with the match tied 4-4, rallied to score 9 straight points and clinch the title for the Bantams;

Whereas seniors Gustav Detter and Manek Mathur, junior Baset Chaudry, sophomore Parth Sharma, and freshman Vikram Malholtra were named to the College Squash Association All-America First Team, and sophomores Randy Lim and Andre Vargas were named to the Second Team;

Whereas, on March 1, 2009, junior Baset Chaudry won the College Squash Association's Men's Individual Championship;

Whereas the diverse roster of the Bantams, which includes players from the United States, India, Jamaica, Pakistan, Sweden, Colombia, and Malaysia, highlights the diversity of Trinity College and the commitment of Trinity College to fostering cultural understanding;

Whereas Coach Paul Assainte has earned acclaim from his players for his role as coach and mentor and for underscoring the values of humility and respect for one's opponents and teammates; and

Whereas each player, coach, and staff member of the Trinity College Bantams demonstrates a strong commitment to the pursuit and achievement of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Trinity College Bantams for their historic 11th-straight College Squash Association Men's Team Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Bantams' victory.

DISCHARGE AND REFERRAL

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the nomination of John Morton, to be Assistant Secretary of Homeland Security, reported by the Committee on Homeland Security and Governmental Affairs on Monday, April 27, now be referred to the Judiciary Committee for a period of 30 calendar days; that at the end of the 30 days, if the Committee on the Judiciary has not reported the nomination, then it be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to P.L. 110-229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Susan Gonzales of Washington, D.C.; Moctezuma Esparza of California; Carlos Ezeta of Nevada; and Katherine Archuleta of Colorado (non-voting member).

ORDERS FOR THURSDAY, APRIL 30, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate consider S. 896, the Helping Families Save Their Homes Act of 2009, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote to occur at or about 2:30 p.m. That vote would be in relation to an amendment I will offer relating to bankruptcy.

We were also able to reach an agreement to consider the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife, with up to 3 hours for debate prior to a vote.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:53 p.m., adjourned until Thursday, April 30, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANDREW CHARLES WEBER, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE FREDERICK S. CELEC.

DEPARTMENT OF TRANSPORTATION

PETER M. ROGOFF, OF VIRGINIA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE JAMES S. SIMPSON, RESIGNED.

DEPARTMENT OF STATE

ERIC P. GOOSBY, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE AND COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY.

DEPARTMENT OF EDUCATION

MARTHA J. KANTER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION, VICE SARA ALICIA TUCKER, RESIGNED.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE NANCY MONTANEZ-JOHNER, RESIGNED.

DEPARTMENT OF COMMERCE

ROBERT M. GROVES, OF MICHIGAN, TO BE DIRECTOR OF THE CENSUS, VICE STEVEN H. MURDOCK, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, April 29, 2009:

DEPARTMENT OF COMMERCE

APRIL S. BOYD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

ROBERT S. RIVKIN, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

ROY W. KIENITZ, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.

PETER H. APPEL, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

DANA G. GRESHAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

JOSEPH C. SZABO, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

EXECUTIVE OFFICE OF THE PRESIDENT

SHERBURNE B. ABBOTT, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be Vice Admiral

VICE ADM. DAVID P. PEKOSKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be Vice Admiral

REAR ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be Rear Admiral (Lower Half)

CAPT. ROBERT E. DAY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be Vice Admiral

REAR ADM. JODY A. BRECKENRIDGE

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RONALD H. WEICH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE COAST GUARD

COAST GUARD NOMINATION OF MICHAEL J. MCNEIL, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF DESARAE A. JANSZEN, TO BE LIEUTENANT COMMANDER.

HOUSE OF REPRESENTATIVES—Wednesday, April 29, 2009

The House met at 10 a.m.

Rev. Grzegorz "Greg" Brozonowicz, St. Mary's, Mother of the Redeemer Roman Catholic Church, Groton, Connecticut, offered the following prayer:

Gracious God, the men and women assembled here to serve the American people ask You for a blessing.

We pray that, through Your grace, they gain the vision to see clearly, the courage to act rightly, the humility to consider all sides of issues, the love to accept disagreement, and the faith to persevere through discouragement and adversity.

May they have the wisdom to see America's destiny as linked to Your will.

We thank You, Lord, for the opportunity to serve and to grow in that service.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. GRZEGORZ "GREG" BROZONOWICZ

The SPEAKER. Without objection, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 1 minute.

There was no objection.

Mr. COURTNEY. Madam Speaker, it is a pleasure to introduce this morning Father Grzegorz Brozonowicz, otherwise known as "Father Greg," at St. Mary's, Mother of the Redeemer Parish, in Groton, Connecticut, who delivered a beautiful prayer this morning, and he has a wonderful story in his life.

He was born in Poland, was educated in Poland, came to the U.S. in 1990, went through the seminary in our country, was ordained as a parish priest by the Archdiocese of Norwich in 1996, and is now a leader at his church in Groton, Connecticut.

He does appear to have a humble demeanor, but I would just say, Madam Speaker, that he is a very dynamic priest. He has a growing parish. He has many programs reaching out to young people, having them involved in the community, helping the disadvantaged. He is setting up a twinning parish program in Haiti to try and reach out, again, to deal with the huge challenges that that impoverished country faces.

He became an American citizen a few days before Christmas, this past Christmas of 2008, and like many Roman Catholic churches throughout our country, there clearly is a pipeline from Poland now that is populating our parishes and keeping a vibrant church alive and well in the U.S.

I want to thank him for his great service and for his great words this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

NATIONAL AUTISM AWARENESS MONTH

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today in honor of National Autism Awareness Month.

Each April, Americans have a special opportunity to learn more about autism. In south Florida, we have a vibrant community of activists and families fighting every day to raise awareness and funds for scientific research on the causes of and cures for autism. Two of the strongest voices in our community belong to Suzanne and Bob Wright, the founders of Autism Speaks.

In just 4 years, this extraordinary organization has committed an unprecedented \$128 million in new research funding to uncover causes, treatments and cures for autism. In addition to supporting scientific research, Autism Speaks builds community among families with autism, and it raises awareness in south Florida, around the country and around the world.

In recognition of Autism Awareness Month, I commend Susan and Bob Wright and Autism Speaks, as well as all of the families in our community facing autism.

HONORING THE WOMEN AIR FORCE SERVICE PILOTS OF WWII

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of H.R. 2014, a bill that Congresswoman SUSAN DAVIS and I have introduced, which honors the Women Air Force Service Pilots of World War II.

WASP, or Women Air Force Service Pilots, were the first women in history to fly America's military aircraft. Between the years 1942-1944, these courageous women volunteered to fly non-combat missions so that every available male pilot could be deployed in combat.

By the time the war ended, 38 women pilots had lost their lives while flying for our country.

These valiant women have never received the full recognition that they deserve for their wartime military service to America. Their example paved the way for women who today fly every type of aircraft.

My daughter-in-law, Lindsay, flies F/A-18 fighter jets for the Marine Corps thanks to these courageous women. Of the 1,102 WASPs trained during World War II, only 300 of these women pioneers are still alive today.

Madam Speaker, the time is now for us to honor these women with this body's highest honor, the Congressional Gold Medal. As such, I urge my colleagues to cosponsor this bill, and I urge its prompt consideration.

HONORING FORMER STATE SENATOR CONSTANCE WILLIAMS

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise to acknowledge the fortitude, forbearance and intelligence of former State Senator Constance Williams, who brilliantly represented the 149th Legislative District of Pennsylvania from 1997 until 2001. She then was victorious in a special election and was elevated to Pennsylvania senator, serving with distinction the 17th Senatorial District of Pennsylvania from 2001-2008.

Connie, a leader who chose to devote her energies to political life in support of her district's citizens, served in that post until she retired at the peak of her powers and abilities just last year.

Throughout her career in public life, Connie always led by example and

never lost sight of the fact that political leaders are, first and foremost, public servants. She was a tireless and revered champion of so many issues, from women's rights and equality to strong public schools, and her embrace of the principles of honest, good governance earned her respect and admiration throughout the community and across the political spectrum.

When asked about her life in politics, Connie had the best and, perhaps, the only appropriate response: "I love working with and for people," she said.

Senator Constance Williams remains a vibrant figure in Pennsylvania politics today, and is a deserving example of future leaders to embrace.

THE RELEASING OF INTERROGATION MEMOS HAS MADE US LESS SAFE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the selective release of memos on the enhanced interrogation methods of the previous administration has made us less safe.

Four former CIA Directors, as well as the current Director, advised against releasing these memos.

As ex-CIA Director Michael Hayden recently said, "If you look at these documents that have been made public, it says 'Top Secret' at the top. The definition of 'Top Secret' is information which, if revealed, would cause grave harm to the United States' security." Furthermore, General Hayden said that the use of these interrogation techniques against these terrorists made us safe.

The release of the top secret memos were motivated by politics, pure and simple. They were designed to embarrass, not to protect. So much for President Obama's promise to look forward, not backward. These memos never should have been released.

As another former CIA Director, Porter Goss, recently wrote, "We can't have a secret intelligence service if we keep giving away all the secrets."

HONORING THE MEN AND WOMEN OF TROOP B, 1-98TH CAVALRY REGIMENT OF THE MISSISSIPPI NATIONAL GUARD

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Madam Speaker, I rise today to honor the brave men and women of the Troop B, 1-98th Cavalry Regiment of the Mississippi National Guard.

These soldiers of Company B, based in Booneville, Mississippi, were deployed in January of 2005 as part of Operation Iraqi Freedom. After extensive

training, Company B has loyally served our Nation in the past, and will leave soon to once again protect freedoms abroad.

I would like to call attention to the very nature of the Mississippi National Guard and of their fellow units in Mississippi as well as in other States. These weekend warriors are prepared not only to serve abroad but to assist in domestic situations when called upon, all the while working everyday jobs and supporting their families.

I thank my colleagues for keeping Troop B, 1-98th Cavalry Regiment of the Mississippi National Guard in their thoughts and prayers as these heroic men and women redeploy to the Middle East. Please join me in honoring Troop B 1-98th for their continuing service to America.

□ 1015

DEBT DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Debt Day is the day on which the government runs out of money in a given year and all of the government spending for the rest of the year is borrowed money. For 2009, Debt Day fell on April 26, this past Sunday. This is an astonishingly early day in the year to run out of money. Last year, it was August 5. So in 4 months, this Congress and this administration has shattered all previous records for debt levels, moving Debt Day up in the calendar over 3 months from last year. President Obama and this Congress make the Bush deficit look trivial.

Friends, this is the most valuable and expensive credit card in history, a Member of Congress voting card. This Congress has taken out their credit cards and saddled our children and grandchildren with debt, mortgaging their future.

Since the first of the year we've spent \$350 billion in TARP, billions in auto bailouts, \$787 billion in stimulus, \$410 billion in omnibus, \$3.5 trillion in the budget—mostly borrowed money—all of this debt dumped on future generations.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, President Obama reaffirmed his commitment for comprehensive immigration reform in an interview on Univision. The President believes "that it is in the interest of everybody, and in the interest of the U.S. economy over time, for us to resolve this issue in a comprehensive way."

The immigration crisis is not a problem to be left to solve tomorrow or sometime in the future. I support President Obama as he reiterates that we need to "resolve the issue in a comprehensive way that provides a pathway to legalization but also deals more effectively with our borders." He has created hope and the change that this country really believes in.

We cannot ignore the 12 to 14 million undocumented immigrants working beside the rest of us every day. Thousands of young children who are U.S. citizens are being left stranded to fend for themselves as an immigration system is tearing them from their parents.

I urge my colleagues and House leadership to work with the CHC and President Obama to support a comprehensive immigration reform that respects all families.

STOP THIS SPENDING

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, Mr. President, I think it's time to listen to the American people. I recently received a letter from one of my constituents. They said, "I have a job, a family, a mortgage and, yes, I have indulged in the credit card mess, but my husband and I have been working diligently over the last 13 months to reduce our debt. My husband took on a part-time job to help in the matter. I have also gone back to college to further my education."

"Our lives are crazy with work, school, family, teenagers and obligations, yet we manage to pay our bills and make sure Uncle Sam receives his fair share. We have scaled back luxury items to achieve the goal of one day being debt free. We have a budget for our personal finances, and when the money is gone, we stop spending."

"The idea of Congress and our President has of spending money that does not exist is absolutely insane. What kind of message are we sending to our children when our government cannot even balance its own budget and abide by it?"

Madam Speaker, Mr. President, listen to the American people: Stop this spending.

CLEAN GOVERNMENT

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Good morning, Madam Speaker.

I rise this morning to address the importance of clean government and to urge my colleagues to support a number of measures that will come before this House to help assure that clean government.

Citizens deserve and expect to know that their elected representatives are acting purely in their best interests and they, particularly in this moment of crisis, should know that we act exclusively without conflicts of interest.

I am proud to cosponsor legislation that would prohibit Representatives in this House from taking campaign contributions from those for whom they have made appropriations requests. And I am proud to cosponsor a bill introduced by my good friend and fellow Connecticut Representative John LARSON. The gentleman's bill will make huge strides in removing the money that so sullies our politics. The American people deserve no less, and I urge my colleagues to support these bills as they approach the floor of this House.

STUDY FINDS MEDIA ACT AS SHILL FOR OBAMA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, network news programs gave President Obama over three times more coverage than President Bush at the same time in their presidencies, according to a new study by George Mason and Chapman Universities. During President Obama's first 50 days in office, the three network evening news programs devoted over 1,000 stories lasting almost 28 hours to President Obama—about half of their entire newscasts. By contrast, President Bush received less than 8 hours of network news coverage at the same point in his Presidency, less than one-third as much. There is no reason to think the first 100 days are any different.

Furthermore, 58 percent of all network news evaluations of President Obama and his policies were favorable while only 33 percent of evaluations of President Bush were favorable. These numbers aren't even close.

Americans need the media to report the news objectively; not act as a shill for a Democratic President.

PRICE OF INACTION ON BUDGET IS TOO HIGH

(Ms. CAPPS asked and was given permission to address the House for 1 minute.)

Ms. CAPPS. Madam Speaker, today we will have the opportunity to vote on the budget resolution, a budget which makes a sound investment in our Nation's future. I especially want to applaud the health care provisions in the resolution that will put us on track for improving access to quality health care for all Americans.

It is vital that we pass this bill with the reconciliation instructions intact so that we can achieve comprehensive health reform this year. The price of

inaction is way too high. Fortunately, the steps we will begin taking through the budget resolution reconciliation instructions will yield very positive rewards.

This includes reform of the broken Medicare reimbursement system. The budget addresses problems with geographic variations in spending in health care. It invests in proven nurse home visitation programs for at-risk first-time mothers. And it improves the women, infant and children nutrition program.

I urge my colleagues to join me in voting "yes" on the budget resolution.

ARE WE SAFER?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, a lot of hype has occurred about the first hundred days of the new government. The question to be asked is, is America safer today than a hundred days ago?

Well, the government has determined to close Guantanamo Bay prison in spite of evidence these terrorists still want to harm us; the United States is considering canceling the development of the most advanced fighter in world history, the F-22; foreign computer hackers have gotten into the Defense Department system; North Korea launched its first ballistic missile while we did nothing but object; the United States now wants to scrap its missile defense system in Poland because the Russians are complaining, even though the system was designed to protect us from Iranian missiles, not the Russians.

The little fellow from Iran, Ahmadinejad, still boasts of nuclear destruction of Israel while mocking our President behind his back; Homeland Security leaked vital intelligence about national security; the defense budget is going to be cut so the new government can spend money on its own pet projects.

Hopefully, the new government will change this dangerous trend and remember the first duty of government is to protect the American people.

And that's just the way it is.

YOU GOTTA BE KIDDING

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, under Chairman SPRATT's leadership, the Congress is poised to pass a budget resolution. But unfortunately it's likely to be a party-line vote. The Republicans are asking us to trust them, they have a better way. The only sane response to that is, You gotta be kidding.

You had 8 years to manage this country's budget and you blew it. In fact,

you took a \$5.6 trillion projected surplus and turned it into \$5.8 trillion of deficits. It's the worst fiscal management over a Presidential administration in American history. And now they want us to trust them?

In fact, we have stayed afloat by borrowing. And now our biggest debtor is the Communist Chinese dictatorship. They own more American debt than anyone else.

We have had more Americans unemployed, more Americans in poverty, and more Americans without health insurance. This budget needs to pass for the sake of the American people. We need to look back and realize who the American people can trust to be fiscally responsible.

HONORING THE BOY SCOUTS OF PENNSYLVANIA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize the Boy Scout program that has positively impacted the lives of thousands of young people in central Pennsylvania.

The Boy Scouts of America is one of the Nation's largest and most prominent values-based youth development organizations in the world. 2009 marks the 75th anniversary of the Seven Mountains Boy Scout Camp and the 80th anniversary of Juniata Valley Boy Scout Council.

Madam Speaker, I am proud of the scouting program that has made such a difference in the lives of young men and women for eight decades. For nearly a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes—and through nearly a century of experience, knows—that helping youth is the key to building a more conscientious, responsible, and productive society.

I congratulate the Juniata Valley Boy Scout Council, a National Quality Council, for 80 years of service. I would also like to congratulate the Seven Mountains Boy Scout Camp, a nationally recognized camping program, on its 75th anniversary.

DONATE LIFE MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, as the co-chair of the Congressional Organ and Tissue Donation Awareness Caucus, I am pleased to rise today in recognition of Donate Life Month, honoring all of the men and women who have made the decision to give the gift of life through organ donations.

In 2007, over 28,000 people received transplants. Still, over 100,000 people are currently, today, on the waiting list. The numbers grow each day. Despite amazing advances in medical technology and the tremendous work of the transplant community, sadly, many of the patients will not live long enough to receive a transplant.

Today, each of you have an opportunity to make a difference in the life of a daughter or mother, a father or a brother or a husband that is coping with a life-threatening illness. I encourage each of my colleagues to make a pledge today that has nothing to do with politics but everything to do with making a difference and that is to join me in supporting Donate Life Month by becoming an organ donor.

AN AMERICAN CLEAN ENERGY ECONOMY AND ENERGY INDEPENDENCE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, for decades, Washington has ignored the energy crisis imperiling our economy, our national security, and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil, and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable energy sources is the growth industry of the 21st century. President Obama says that our economic future demands we must lead the competition for clean energy. The President's energy policy will jump-start the creation of an American clean energy sector that will create millions of energy jobs.

His policy will break us from our dependence upon foreign oil and begin making America energy independent, and it will stop the pollution that we have going into our atmosphere. It is time to take a new tack on energy.

ENERGY INDEPENDENCE THROUGH RENEWABLE ENERGY

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, when I was 17 years old, I went to work in the oil fields making \$1.50 an hour on a pulling unit to help support my family. Over the years, I have done just about everything there is to do in oil and gas around New Mexico. People know that I am an oilman, and I am proud of that.

In 2007 when I announced that I would be running for Congress, people were surprised to find an oilman like myself campaigning for energy inde-

pendence through renewable energy. I told people in Hobbs, Roswell, Carlsbad and all across southern New Mexico that technologies like wind, solar and biofuels were not only good for the environment but would also create jobs in our communities and bolster our national security.

If we are going to keep up with an increasing demand for energy, we need to put Americans to work producing energy from the wind, the sun and such new and strange things as algae. Our energy future should not be defined by dependence on one source of energy, the vast majority of which we do not control.

Like I said, I am an oilman, always have been, always will be; but sometimes it takes an oilman to say it: America simply can't continue to be addicted to foreign sources of oil.

□ 1030

HEALTH INSURANCE COSTS (FAMILIES USA REPORT)

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Madam Speaker, I rise today to bring attention to the dramatic rise in the cost of health care for American families and the need to take action.

Yesterday, Families USA, a national health advocacy group, released a report that showed in my home State of Florida and all across the country, more and more families are dealing with huge increases in premiums and copays. The report explains that for many years now, rising health care costs have been devouring a larger and larger portion of family income. Health care costs were too high even before this economic crisis. And now the rising costs are a serious drag on economic recovery for middle class families and businesses, unless we act soon.

The Families USA report highlights how vital it is that we tackle health care reform now to help American families out of this middle class squeeze. Our health care reform efforts must be focused on making care more affordable for families and businesses.

To lower costs, we must focus on prevention, computerizing medical records, eliminating waste, and more cost-effective treatments.

Thankfully, the White House and many in Congress are committed to taking action this year.

CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to section 2 of House Resolution 371, proceedings will now resume on the conference report to

accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed on Tuesday, April 28, 2009, 20 minutes of debate remained on the conference report.

The gentleman from South Carolina (Mr. SPRATT) has 10 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 10 minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I get a little bit of a sense of *deja vu* this morning. We've kind of been around this vote a while. But we got some new news this morning that's troubling news. The economy in the first quarter of this year has declined by 6.1 percent, 6.1 percent negative economic growth, the worst drop in our economy now since the mid 1970s. And if you look at the data, it shows you that the American consumer is more or less hanging in there. It's the investment from businesses that has dried up. It is business investment that's not occurring in this economy that's creating this great recession leading to all these job losses.

So as we look at this budget, I think a few new points ought to be brought to light since we have been around this budget quite a bit, which is, number one, looking at the economic data underneath this budget. It shows you that the debt and deficits that are currently projected in this budget are going to go much higher.

If you take a look at the economic assumptions that the Office of Management and Budget uses, they're a whole lot rosier than what's occurring. If you look at their inflation projections, which inflation just came in at 2.9 percent this quarter, they're a whole lot rosier, meaning put reality into the budget and the deficits and debts go even higher.

We already see that the Congressional Budget Office is telling us, versus the President's budget numbers, were about \$2.1 trillion deeper into deficits. Now with this new data, even more red ink.

But worse yet, as I just described, the current bad economic numbers we got, business investment is down. That means businesses are not investing.

So what does this budget do? It raises taxes on investment. It raises taxes on businesses.

You've got to remember, Madam Speaker, that almost 70 percent of our jobs come from small businesses. More than half of those who pay those top tax rates are small businesses. It's those industrial companies that are in

the business parks that ring the sides of our cities in Elkhorn and Janesville and Kenosha and Racine, Wisconsin. That's where most people get their jobs.

So what does this bill do? It raises taxes on those small businesses. It actually raises their taxes such to the point where they pay a higher tax rate than the largest corporations in America.

This budget also repeals tax deferral. Now, what does that mean? That means all of our big businesses that make things in America and sell them overseas, we're going to tax them twice and make our exports even less competitive. We're going to tax business investment. What does it do on capital gains and dividends, on the seed corn and seed capital that funds the innovations, that funds the entrepreneurial startups, that the small businesses go to to get their money to expand and invest and create jobs? It raises taxes on that as well.

So we are raising taxes on the very things that give us business investment and give us jobs. We are raising taxes on the very things that make up our pensions, our 401(k)s, and our college savings plans. And we are raising these taxes \$1.5 trillion a year in order to chase ever higher spending.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 30 seconds to say that we are raising taxes, the most we have ever done. I know the chairman will give us some convoluted explanation on how this is actually cutting taxes. Keeping taxes where they are on some tax policies is not cutting taxes; it's keeping taxes where they are. Making them go up means you're raising them to chase higher spending. The higher taxes in this bill never catch the higher spending; so we have a mountain of debt among the likes we have never seen before.

That is why we have such a difference of opinion with this budget. That is why we offered a principled alternative to this budget, which is controlling spending, keeping taxes low, and getting our debt under control.

Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member for his views.

There is a disagreement, Madam Speaker. We have had a substantive disagreement for a long time. In fact, when I was elected to the Congress in 1981, we had a very substantive disagreement on what the economic policies would produce in terms of the supply-side economic theory. My view, which differs from Mr. RYAN's, is that

it produced large deficits, and it produced large deficits in every year that it was practiced in the 29 years that I have been here. Only in the 8 years where President Clinton had the veto pen and said no, we're not going to go down that road, did we produce surpluses. Now, they were produced in large part because of an economy that rose more rapidly than any of us expected because of the chip, the information technology explosion, all of which was to the best interest of our country. We had a \$5.6 trillion surplus projected in 2001 by President Bush as a result. Unfortunately, we pursued a policy with which I disagreed and which I said would produce high deficits and would not help our economy. In fact, we produced high deficits, and our economy was in the worst shape that any President has inherited an economy since Franklin Roosevelt. President Obama was confronted with an economy that was in substantial decline.

Today the House has the rare opportunity to set America on a responsible course for the future. I congratulate Mr. SPRATT, I congratulate Mr. BOYD and Ms. DELAURO, members of the conference, for the courage and leadership they have displayed. Mr. SPRATT has been, as always, extraordinarily informed and extraordinarily involved with all of our Members in trying to get to this point. The course that we set ourselves on, in my view, is one of lasting prosperity, and I urge my colleagues to seize this opportunity.

Along with the American Recovery and Reinvestment Act, this budget is a key part of our response to this recession. We have the power to emerge from this recession a stronger Nation, one with a future of clean energy and energy independence and a workforce ready to compete with the best in the world and a reformed system of health care. This budget provides for those objectives. We also have a chance to vote for the principles of fiscal responsibility and put ourselves on a truly sustainable course.

There is a real difference in this House, in the Senate, and in this country about what fiscal responsibility means. I believe it means we pay for what we buy rather than simply cutting our revenues, increasing our purchases, and hoping somehow something magical will happen to balance the budget. It has never happened in the 20 years that I have served with Republican Presidents pursuing that philosophy.

On energy, the budget funds incentives for cutting-edge research and clean energy jobs, as well as an energy-efficient, money-saving, critically necessary smart grid.

On education this budget builds upon the recovery plan with additional support for early childhood education, elementary and secondary school stu-

dents, and efforts to help more Americans obtain a college degree. It expands access to education in the make-or-break years of early childhood—I think critical if we are going to be competitive in world markets. It increases Pell grants to help more students afford higher education and promotes job training and significant education reform.

On health care this budget responds to the skyrocketing costs that are straining families and businesses across this Nation. Family premiums have more than doubled since the year 2000, and over the past 5 years, our total health care spending has increased at more than twice the rate of inflation, consuming more and more of our economy and our budget each year. This budget fights that trend by making a significant down-payment on the reform, taking steps to lower health care costs, improve quality, and expand access. That is what America voted in 2008. That is the responsibility that we are carrying out.

The budget also allows us to use reconciliation to provide for an up-or-down vote on reforming health care, not as an option or first resort but as a fallback if partisanship blocks progress.

Essentially we're saying the majority will make policy. It didn't take 60 percent to elect the President. It didn't take 60 percent to elect any of us to this body. The premise of our Founding Fathers was if a majority of Americans believe we ought to move in a direction, that's the direction we ought to move. That has proved a very successful policy for over two centuries. It is a policy that we are providing for here. It is a policy that was provided for by the Republicans when they were in charge time after time after time.

As the bipartisan Concord Coalition points out: "The budget reconciliation process was used in 1997, 1999, 2000, 2001, 2003, and 2005 to reduce taxes," as opposed to deficit reduction, which, of course, reconciliation is designed to address.

Moreover, a case can be made that health care reform that includes spending restraints and squeezes inefficiencies out of the system is integral to reining in the rapid growth of health care costs, which is a major, a major driver of deficits.

I want to stress that last point. It is essential that health care reform includes difficult choices to cut costs, which will eventually result in lower deficits. Why? Because of the \$2.4 trillion that we spend on health care, half of that comes from the government, either Federal or State.

All of these investments are vital to our future economic health and competitiveness. As President Obama recently pointed out: "A cash-strapped family may cut back on all kinds of luxuries but will insist on spending

money to get their children through college."

Our country is in the same position. These tough times are no excuse to cut back on investments that will pay off many times over down the road.

□ 1045

Finally, this budget puts America back on the path of fiscal responsibility. It's no secret that past budgets have made easy choices and kicked the difficult ones down the road.

Let me say, as I have said so many times before, it takes no courage whatsoever to cut taxes. None. Zero. What takes courage, political courage, if we want to buy things, is to pay for them. That's what takes courage. You can make one of two decisions: Don't buy and keep revenue stable, or buy and pay for so that your children aren't paying for it. Those are the decisions that I am prepared to make and, very frankly, have made over the last 40 years that I have been in office.

This House needs to make those choices. That's why ALLEN BOYD, JOHN SPRATT and others have pursued so vigorously statutory PAYGO requirements. That's why I am in such support of them.

In 1990, statutory PAYGO led to that surplus that I referred to. Jettisoning that in the early part of this decade led to the deficits that we have experienced.

And why did you jettison PAYGO? Because you were unprepared to pay for the revenue losses that you voted for.

But by passing this budget we will be leaving a different legacy, one that makes clear that our government must pay for what it buys. This budget cuts the deficit from 10.5 percent of GDP in 2009 to 3 percent of GDP in 2013—in other words, by nearly two-thirds. Those savings come from spending restraint and oversight that save taxpayer money. We must do that. We cannot pursue the policies that we have been pursuing. They are not sustainable.

Most importantly, the House is strongly committed to statutory PAYGO. President Obama asked Congress, and again I quote, to develop a PAYGO law that would help return the Nation to a path of fiscal responsibility, and that is what we intend to do.

That is what this budget does. The House will not consider any bills on middle-income tax cuts, the estate tax, AMT relief, or the sustainable growth rate in the Medicare program unless they include statutory PAYGO, they are fully offset, or statutory PAYGO has already been enacted. Everybody wants to deal with those four issues. Let us see if everybody is prepared in this generation to pay for them and not pass those costs on to the next generation.

I urge my colleagues to approve this conference report, pass this budget and show our constituents that the priorities they voted for in 2008 are ours as well.

I again congratulate the chairman, the members of the conference committee and the members of the Budget Committee for their leadership and for their courage.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to our distinguished minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman. Madam Speaker, I sit here and I listen to the majority leader, and it strikes me that in my four terms having served in this body, I do not think that there has ever been a time when there are two more divergent views of the direction in which we should take this country.

The news today demonstrated that the last quarter we saw a 6.5 percent shrinkage in the GDP in this country, two consecutive quarters of GDP shrinkage, more than any in 60 years. We've got serious, serious economic challenges facing us in America, Madam Speaker, and our priority should be to get this economy back on track, to get people back to work in America.

Right now, 650,000 people lose their jobs every month. If you do the math, that is about 15 people a minute lose their jobs. That's real. When you lose your job, you don't have a vision of how you can even get through the month or put food on the table.

That's where, Madam Speaker, I have difficulty with the budget being brought forward. Because if our primary responsibility here is to create an environment where the job creators can go back to work and put people back to work, this budget falls woefully short.

How can you say that we are helping the small businesses of this country, the true economic engines of America, when we are taxing them and making it more difficult for them to maintain the jobs they have got and increase their payrolls?

The other side may say, oh, there is only 3 percent of small business people that actually are impacted by higher taxes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 1 additional minute.

Mr. CANTOR. Well, 50 percent of the people that get a tax hike here are small business people. How can we expect our economy to rebound?

Madam Speaker, this budget creates so much uncertainty on the part of investors, on the part of families, I don't see how we are going to work our way out of these economic doldrums.

To say that the energy policy is going to create green jobs, that's great

in theory. But I can tell you the cap-and-trade plan that's working its way through this House right now is going to result in a national energy tax imposing up to \$3,000 per household every year. How can that help the working families of this country right now?

Madam Speaker, we can do better. We can work together to achieve meaningful savings for the taxpayers. We can get off of this spending spree and refuse to put \$70,000 per added debt on every man, woman and child in this country.

Madam Speaker, we can do better. The Republicans stand ready to work with you in making sure that's the case.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Thank you, Chairman SPRATT. I appreciate your work on getting us to this point.

Ladies and gentlemen, you hear from the other side of this aisle criticism of this budget. I assume that means they believe we should go back to the policies that were followed in the last 8 years, and I want to review where those policies got us under the previous administration and the previous Republican-controlled Congress.

Unemployment, when George W. Bush came into office, was less than half of what it is today at 8.5 percent. Job growth in the previous 8 years under President Clinton had been approximately 250,000 new jobs created per month.

This month, after 8 years of the policies that are espoused by the ranking member, Mr. RYAN, and the distinguished minority whip, Mr. CANTOR, we are shrinking, losing 650,000 jobs on a monthly basis now.

GDP growth. Under President Clinton, that average growth was 3.7 percent annual rate. Now our economy is shrinking at the rate of 6.1 percent on a monthly basis. Median income, median wages are down.

Deficits. They speak for themselves. When President Bush took over, there was a surplus as far as the eye could see. Under the policies of the previous administration, now we have structural deficits as far as the eye can see. That is what President Obama has inherited.

Health coverage. During the 8 years of the Bush administration, over 5 million Americans lost their health coverage. That is at the very core of our economic problems, the health coverage problems in this Nation. Many would call it the misery index.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. BOYD. President Reagan talked about the misery index. I think if you look at all those economic indicators, there is not one economic indicator

that shows that we are better off than we were 8 years ago.

As a matter of fact, every economic indicator indicates that we are much worse off.

Ladies and gentlemen, it's time for a new direction. We must restore fiscal responsibility into this budgeting process. That's one of the things that Chairman SPRATT, Speaker PELOSI, and Majority Leader HOYER have given us through this budget process, and I am very proud to support this budget conference report and ask you to do the same.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend, the chairman, for yielding and congratulate him and thank him for his tremendous leadership in this effort.

The minority whip said that the House faces a choice between two very distinctive strategies. He is absolutely right. The strategy that the minority would like to pursue is a strategy that has been tried and has failed. It has led us to the peril that we face today.

The strategy that we would initiate is a return to principles that have succeeded. Following their strategy, for every one job their strategy has created, we have created 108. For every \$1 of economic growth their strategy has created, ours has created \$1.69.

The middle-class family that began this decade saw its purchasing power decrease by \$500 a year by the time the last President left office. During the 1990s, that same family saw its purchasing power increase by \$5,000.

The choice before the country is which strategy works. Ours does. Vote "yes."

Mr. SPRATT. Madam Speaker, how much time remains?

The SPEAKER pro tempore. There are 5½ minutes for the gentleman from South Carolina and 3½ minutes for the gentleman from Wisconsin.

Mr. SPRATT. I yield myself 3½ minutes.

Madam Speaker, we are here this morning to pick up where we left off yesterday, but really we are here to pick up the tab left over by the Bush administration.

The Bush administration has left us with an economy in recession, a Nation \$5 trillion deeper in debt, and a budget in deficit, deep deficit, \$1.845 trillion according to the CBO.

This is the hand dealt us. After 8 years of the Bush administration, we have to play the ball where it lies.

After listening to the debate on the other side of the aisle, I think it would be helpful to start by pointing out what this budget is not. This is not a budget that increases spending. Total spending in 2009 will be \$3.9 trillion. If

we pass this resolution, total spending in 2010 will be \$3.6 trillion. That's \$300 billion less, not more. And all the initiatives we specify will be paid for.

Despite what you have heard on the floor, this is not a budget resolution that increases taxes. It lowers taxes by \$764 billion over 5 years and by \$1.7 trillion over 10 years. It renews the middle-income tax cuts. It extends the estate tax at the 2009 level. This is not about tax increases. It's about tax decreases.

This is not a budget resolution that increases the deficit. Far from it. By 2014, this budget resolution will reduce the deficit from \$1.845 trillion this year to \$525 billion next year. This is a deficit reduction budget.

Let me also answer the extravagant claims made on the floor about how much debt accumulation will occur under this bill. Look at table 5 in your blue book here and look at the bottom line in debt net of financial assets. In the budget year, the first budget year, the debt net of financial assets is \$8.072 trillion. In 2014 it's \$10.642 trillion.

Now I am not here to tout a \$2.5 trillion addition to our national debt, although it pales in comparison to what happened under Mr. Bush. But I am simply saying this is better by far than anything you have heard characterized on the House floor.

Now the budget is about more than numbers. It's about values, visions and investments. And what we have to tout and talk about in offering this budget resolution to the House is what it will do for health care in our country, and particularly for the 46 million people who do not have coverage; what it will do for the educational system of this country if we can tell every child in America, yes, you can, you can get a higher education, Pell Grants will help you do so; what it will do to help build energy independence and reduce the carbon emissions in this country. We can have energy innovation.

All of this is provided for in this bill. And I would emphasize all of it is provided for in deficit-neutral reserve funds which do not add to the bottom line the debt of the United States. This is what we are presenting here.

Now the deficit before us is a structural deficit. It's part cyclical, but mostly structural. It's built into the budget that we have to deal with. After 8 years of the Bush administration, there is a massive mismatch between revenues and spending in the budget that creates the huge deficits we have got today.

□ 1100

We cannot turn this big battleship around overnight, but we can put it on the right path towards fiscal responsibility again. And that is exactly what this budget resolution does. That is why everybody in the House who believes in budget reduction, believes in

fiscal responsibility, should vote for this budget resolution.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 1½ minutes to our distinguished House Conference chairman, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I rise in opposition to the budget conference report because it borrows too much, spends too much and taxes too much, and the American people know it.

At a time when every American family is sitting down around kitchen tables making sacrifices and making the hard choices necessary to get through these difficult days, here in Washington, D.C., we see a Democratic majority and a new administration bring forward a budget that will double the national debt in 5 years and triple the national debt in 10, a \$1.2 trillion deficit in 2010 and deficits of nearly \$1 trillion a year every year for the next 10 years.

The distinguished majority leader spoke of "political courage" on the floor just moments ago, but let me say there are no profiles in courage in this budget. The truth is, the Democratic majority in this administration has brought to the floor the most fiscally irresponsible budget in American history.

Congress should be doing what every American family is doing—cutting expenses and finding within themselves the faith, and, yes, the courage to get through these times with sacrifice. Instead, here in Washington, D.C., it is more government, more spending, more debt and more taxes.

In just 100 days, a new administration and this Democratic majority have decided to continue and to greatly expand the mistakes of the past. But we can do better, and I believe, for the sake of our children and our grandchildren, we must do better.

Let's reject this conference report and start over with a budget that will serve ourselves and our posterity with fiscal responsibility.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the gentleman from Indiana just said that we don't want to repeat the mistakes of the past. He is right. So this budget does not repeat those mistakes. It does not give massive tax reductions to the wealthiest people in the country and hope they do the right thing with the money. It does not ignore the health care, education and energy needs of our country for the long term and weaken our global position. Finally, it does not further the path of deregulation of our markets, our financial system, which has led to the cataclysmic meltdown of the U.S. economy in recent weeks and months.

No, this does not repeat the mistakes of the past. It is a new direction. It is

a new opportunity. It is a new strategy that we believe will speak to the needs of the unemployed American, the American without health insurance, all of us who pay rising utility bills, and each of us who wants the finest quality education for our children.

This is a change. It is what the people asked for in November, and, with the help of the majority, it is what we will deliver today.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is a big moment. This is a big moment in our history that the historians will look back to as a key pivot in American history and the American experiment and the American project.

What this budget does not do is it does not practice Clinton economics. It does not practice the kind of economics we have had in this country that gave us the longest peacetime expansion, the kind of economics that gave us unprecedented prosperity. Bill Clinton cut tax rates and controlled spending in a bipartisan budget agreement in 1997 which paved the way for the surpluses that later occurred, which were projected, that went away. It was bipartisan.

This is different. This is new. This budget takes a look at those mistakes made in the past that we are hearing all these criticisms of, too much spending, too much debt, and what does it do? It adds to it. Instead of controlling spending, as the critics have said we should have done, this has spending go out of control. Instead of controlling the debt, as the critics say should have occurred, debt goes out of control.

I urge a rejection of this budget. Let's start over again and save this country and move us down the path of fiscal discipline, not fiscal recklessness.

Madam Speaker, at this time I yield our final minute to our distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Wisconsin for yielding, and thank him and all of our Republican members of the Budget Committee for their outstanding work.

Let me also congratulate the chairman. I know how difficult it is to bring a budget to the floor of the House. It is no easy task. Even though I disagree with the product, I know the chairman has worked very diligently on this project, and I congratulate him.

Our economy is in a difficult moment. We have got some of the highest unemployment we have seen in our country in 25 years. We have got economic dislocations underway. Banks aren't providing the credit that they once provided. As a result, there are a lot of people in America who are out of work, others worried about losing their job, and they are having to make difficult decisions on behalf of their families.

I think the American people look to their Congress and wonder, what difficult decisions are being made in Washington, D.C.? What is it that Washington is doing that is going to make it better for my kids and their kids?

What we see before us is a budget resolution that is nothing short of the most audacious move to a big socialist government in Washington, D.C., than anything I could have ever dreamed about before I ran for Congress, or, for that matter, any time over the last 18 years that I have been here.

Budgets are supposed to be about tough decisions. There are no tough decisions in this budget, because when you look at the document, what it does is real simple: It spends an awful lot of money, it raises a lot of taxes, and it puts all of this debt on the backs of our kids and our grandkids.

This is not the American way. The American way has been about a more limited government, a more limited role here in Washington, so we can allow American families and small businesses around our country to keep more of what they earn so they can reinvest it in themselves, reinvest it in their communities, and help our economy grow, providing opportunities for all Americans.

We live in the greatest country in the world, a country where you can grow up and be anything you want to be and do anything that you want to do. There is no country on the face of the Earth that is as good as America. Why? Because we allow our citizens the opportunity to be all that they can be. But that won't happen when government gets too big and when government takes too much out of the pockets of our citizens and government takes more control over our society.

Right here is the most expensive credit card in the history of the world. It is a voting card for a Member of Congress, and this voting card should be used responsibly on behalf of the American people. So far this year, a majority in this House have used this credit card irresponsibly. First, an \$800 billion stimulus bill that was supposed to be about jobs, jobs, and jobs, and turned into nothing more than an \$800 billion bill about spending, spending, and more spending and growing the size of government.

Then we had an omnibus appropriations bill, \$30 billion over budget, 9,000 earmarks. How responsible was that to pass?

Now we have an opportunity with this budget, a budget that spends too much, taxes too much and puts too much debt on the backs of our kids and grandkids. The American people expect us to use this credit card, this credit card that they gave us, they expect us to use this responsibly, and the responsible decision on this bill and on this budget is to vote "no."

Mr. SPRATT. Madam Speaker, I yield my remaining time to the distinguished Speaker of this House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

It is indeed an honor to call Mr. SPRATT "colleague." We say that from time to time about our Members, but never is it truer than in the case of Chairman JOHN SPRATT of South Carolina. He is a gentleman who has brought the values of our country, the principles of our great democracy, to bear on writing a budget.

Because of his leadership, today, for the first time in many, many years, we have a President's budget on the floor that is a statement of our national values. What is important to us as a Nation is reflected in this budget. It is a very happy day for our country, Mr. SPRATT, because of your leadership.

I thank all of the members of the Budget Committee for their hard work, expressing their views, coming forth with a budget that is a blueprint for the future. I also want to commend our conferees, Congresswoman ROSA DELAUNO and Congressman BOYD, for assisting you in the conference process.

Starting at the beginning of this year, this Congress passed a stimulus package to take our country in a new direction. Since that time, we have been on a sprint to create jobs, to lower the deficit, to cut taxes for the American people. This blueprint, this budget, is a bookend to that stimulus package. It is the foundation for how we go forward into the future.

In the first 100 days, it enables us to make the claim with these two pieces of legislation and bills that have come in between, for example, the SCHIP, children's health insurance, 11 million children in America; the public lands bill, the biggest conservation bill in many, many years; and other initiatives contained in our agenda in the past few months, enables us to say that more has been done in this period of time for health care than in decades, since Medicare was passed in this Congress and signed into law. More has been done on education than in generations, since the GI Bill was passed during World War II, and even more than that. And in terms of energy, there is absolutely no contest. It is far out there in terms of breaking ground and reducing our dependence on foreign oil, creating new green jobs for a green future for America's economy, for honoring our moral responsibility to protect God's beautiful creation, and to keeping our environment clean and healthy for our children. These three, education, health care and energy, are what the business community and other sectors of our community tell us are the investments that we must make in order to turn our economy around.

So here we are today with a budget before us that creates jobs, reduces

taxes, and takes us over a path of lowering the deficit. It does so in the most transparent way of any budget in our country's history, and certainly in this Congress' history. As it does so, as I say, it focuses on those three pillars of the Obama agenda: education, health care and energy.

In terms of energy, in the first 100 days an article in *Fortune* magazine of April 29 states that this is "the greenest budget ever. Obama's \$3.55 trillion budget proposal is a one-two punch for cleantech. It boosts funding for renewables while slashing tax breaks for fossil fuels. Obama's wish list," now, this is another organization called Climate Progress, "Climate Progress called the Obama wish list 'the first sustainable budget in U.S. history.' It includes \$15 billion per year for cleantech over a decade," and it goes on.

This is in addition to the initiative that was passed earlier on in the recovery package known as the stimulus package. It is called "greener stimulus." "Signed in February, the stimulus package is chock-full of cleantech goodies with \$43 billion for grants for clean power, extensions of tax credits for solar, wind, geothermal and energy efficiency programs, smart grid funding, weatherization programs and a new tax credit for cleantech hardware manufacturing."

I mention that because we must see this budget in the context of the issues which we are trying to advance. Of themselves, they are worthy. They have their justification, as I mentioned in the case of energy. But they are also investments that will grow our economy and create jobs.

When it comes to health care, another pillar of the Obama budget, as the President says, health care reform is entitlement reform. As we go forward with universal, quality, accessible health care for all Americans, which this budget will lead us to, we will be reducing the cost of health care for the American people, and in lowering those costs, we will lower the cost to our budget and the cost to the deficit of Medicare and Medicaid.

This is not just about the personal health of the American people. That would be justification enough, the personal well-being of our country. And it is not only about health care, it is about the health of the American people. It is about prevention. It is about diet, not diabetes.

□ 1115

So we are moving in a path that lowers costs, makes America healthier, and in doing so, as I say, not only helps individuals with their health, personal well-being, but we are helping businesses to compete. Health care costs are a competitiveness issue, and if we're going to compete domestically and internationally, we must lower

health care costs for businesses. It's about costs to our economy, of all of this money spent on health care and not having the commensurate health of America to go with it. And, again, it's about lowering the cost, reducing entitlement. Health care reform is entitlement reform.

In terms of education, this budget calls for innovative approaches from early childhood to tax credits for costs of college, as well as increasing the funding for Pell Grants and making college more affordable. So, from earliest childhood to higher education, and then beyond, this budget is a path not only for, again, the self-fulfillment of the American people, but the innovation of America. Innovation begins in the classroom.

So all three of these are measures which, again, are justified and necessary in their own right, but will reduce the deficit, will create jobs, and will do so in a new way, taking us in a new direction.

So, having said that, this is a budget about the future. I was very tempted, when I saw the leader with his voting card, to bring a picture of my granddaughter, my new granddaughter, just a little over a month old, to the floor. Oh, we do have it here. I won't resist the temptation, for two reasons. First of all, I can't take my eyes off of her, and second of all, this is what our commitment is about. It's our commitment to the future, to these children.

As we go forward, we must take the country in a new direction, and in doing so, reduce the deficit. We are not here to heap mountains of debt on our children and our grandchildren. That is what was done in the last 8 years in the Bush administration. This budget calls a halt to that and says no. It says no more debt.

We're going in the opposite direction. We're reducing the deficit as we create good-paying jobs in our economy, as we cut taxes for the middle class in our country.

This is a magnificent blueprint for the future. And again, I salute Chairman SPRATT for his extraordinary leadership in bringing it to the floor today and urge all of my colleagues to vote "yes" for a new direction for our country.

Mr. OBERSTAR. Madam Speaker, the Conference Report on the Budget Resolution (S. Con. Res. 13) provides a solid foundation for the surface transportation authorization act. I thank Chairman SPRATT and the Committee on the Budget for their leadership and vigorous support for transportation and infrastructure programs in the Conference on the Budget Resolution.

If the funding levels included in the Budget Resolution Conference Report are applied over the six-year period from fiscal years 2010 to 2015, the Resolution assumes a base allocation of \$324 billion for highway, highway safety, and transit programs, including \$312 billion of contract authority. Importantly, this al-

location restores \$82 billion over the six-year period of highway contract authority that had been cut from the Congressional Budget Office baseline, which assumed fiscal year 2009 rescissions would recur in all future years. The Senate had adopted this lower, unadjusted baseline and I am very encouraged that the Conference adopted the House provision providing a baseline of \$324 billion for the surface transportation authorization bill.

In addition, the Resolution establishes a Reserve Fund to allow this base allocation of \$324 billion to be adjusted upward as necessary to accommodate higher funding levels to the extent they can be supported by the Highway Trust Fund.

The Resolution also assumes the Airport Improvement Program is funded at \$4.0 billion in FY 2010, \$4.1 billion in FY 2011, and \$4.2 billion in FY 2012, consistent with H.R. 915, the FAA Reauthorization Act of 2009, as ordered reported by the Committee on Transportation and Infrastructure on March 5, 2009. This is an increase of \$840 million over the baseline funding level for this program over the three-year period from FY 2010–2012.

Finally, the Resolution rejects the Office of Management and Budget's proposal to change how programs funded by contract authority are treated for budget scoring purposes. This proposal, had it been adopted, would have converted the mandatory contract authority that currently funds our highway, highway safety, transit and airport grant programs to a simple authorization of appropriations for budget scoring purposes. I am pleased that the Budget Resolution continues to recognize the unique nature of trust-funded programs by rejecting this ill-advised proposal.

I urge my colleagues to join me in supporting the Conference Report on the Budget Resolution.

Mr. BUYER. Madam Speaker, I rise in strong opposition to the conference report on S. Con. Res. 13 the democrat budget for Fiscal Year 2010. This budget spends too much, borrows too much, and taxes too much.

The overall democrat budget is not good for Americans, including veterans. The democrat budget contains the largest tax hike in American History, a \$1.5 trillion tax hike, including a tax hike on veterans and their families, and veterans who own small businesses.

While I am supportive of the increase that the President's budget proposes for veterans, the overall budget request is really nothing more than more of the same old Washington shell game. Instead of proposing an open and transparent budget, as President Obama and the Democrats had promised, this budget contains many of the same old tax hikes and gimmicks that hide the truth from the American people about our real fiscal situation and the impact this budget will have on our current economy and our children's and grandchildren's future.

This budget also allows the use of the reconciliation process to force government-run health care down the throats of the American people without even considering how such a proposal could adversely affect the VA healthcare system. We don't need a government run health care system that takes life changing medical decisions out of the hands of doctors and patients and puts them in the

hands of government bureaucrats, while dulling the innovative and radical research that has increased the quality of healthcare in America.

Madam Speaker our nation's veterans deserve a budget that funds their priorities without causing harm to these same veterans with radical new taxes and a ballooning deficit, unfortunately this budget does not do this. I urge my colleagues to oppose the conference report on the democrat proposed budget.

Mr. DINGELL. Madam Speaker, I rise today in support of the fiscal year 2010 budget resolution. I know that today's proposal come as a result of much negotiation and discussion, and makes a number of difficult decisions about our financial future.

To be frank, 2009 has opened with a number of different challenges Congress and the Administration must address. We continue to face turmoil in our financial markets, our domestic auto industry and small businesses are struggling to stay afloat, and we have witnessed a dramatic loss of jobs. Like Roosevelt before him, Obama is facing an economic downturn of enormous magnitude. Guiding our country and our economy through this will require our government to make difficult and innovative changes. This budget resolution lays out the guideline for how these changes will be made.

As we begin to address health care reform, this budget resolution will provide the down payment to implement new changes to the way our health system cares for the sick. For the nearly 46 million Americans who are without health insurance, this budget resolution is a sign of our government's commitment to achieve reform that will ensure all Americans, regardless of their bank account, have access to quality and affordable health care. It also will ensure that our health system makes needed changes to reduce high administrative costs, and cut out fraud and abuse. Make no mistake; reforming our health care system is vital to the Nation's economic recovery efforts.

This legislation also increases investments in renewable energy and energy efficiency by nearly 10 percent for 2010. These investments will allow our country to provide loans for renewable power generation, increase the energy efficiency of our federal buildings, modernize the electricity grid to make it more efficient and reliable, among other things. Such investments will help to encourage the creation of new "green" jobs for workers who have been displaced, and more importantly, will help ensure that our energy needs are supplied by American innovation.

I am also pleased to support the conference agreement's provisions for our veterans. The agreement honors our veterans by ensuring they have the proper medical care. Among other things, the bill provides \$53.4 billion to the Department of Veterans' Affairs—an 11.7 percent increase for veterans' health care and other services, allows Congress to provide advance funding to the VA health care system, and expands enrollment eligibility for Priority 8 veterans.

Most importantly, this budget makes a commitment to our children and their grandchildren by investing in a quality education that will prepare them for their future careers. We know now that in order to compete with our

neighbors across the way our children need a high quality education and access to either higher education or training to prepare them to compete in a global economy. This budget will continue to raise the maximum Pell grant in order to ensure that its buying power increases and more low-income students will have access to the aid they need. In addition, the budget expands on the investments made in primary education and early childhood education ensuring that our schools are increasing student achievement and investing in high-quality facilities.

There is no doubt that these investments are costly, however, unlike the previous Administration, the Obama Administration and Congress have made a commitment to cut the federal deficit by nearly two-thirds in 2013. As a parting gift, President Bush provided the Obama Administration a \$1 trillion deficit. This is not a deficit that came about overnight; rather it is the result of poor fiscal planning from an Administration that inherited a \$5.6 trillion surplus. Madam Speaker, I rise in support of today's budget resolution not because I believe it will bring our economy out of recession overnight, but because I believe it will go a long way towards helping American families and workers who need it. For many of those in the 15th District and across the country, this economy has left their bank accounts battered and their 401(k)s depleted. Many of these folks have nowhere else to turn. A vote for this budget is a vote for those in need.

Mr. VAN HOLLEN. Madam Speaker, this budget agreement marks an important milestone on our road to economic recovery. It makes priority, forward-looking investments in the vital areas of education, health care and clean energy while providing \$1.7 trillion in tax relief for middle class families. It's also fiscally responsible, slashing our federal budget deficit by two thirds by 2013.

Madam Speaker, we didn't dig ourselves this ditch overnight and it's going to take some time to climb out of it. But with President Obama's leadership, we are now well on our way to creating the next era of genuine, broadly shared American prosperity.

It starts with honest accounting. Rather than hiding the true cost of our military engagements in Iraq and Afghanistan or our domestic response to natural disasters off budget, this conference report builds them right into the agreement. Additionally, this budget reaffirms the House's continued commitment to fiscal discipline by requiring statutory PAYGO as a condition for other policy adjustments in order to enforce a realistic baseline.

To build a rock solid foundation for economic growth, this agreement invests \$100 billion in education—expanding early childhood development programs, improving K-12 and special education and increasing access to college. It creates a deficit-neutral reserve fund to finally provide high quality, affordable health care for every American. It increases federal funding for clean energy by 10%. And it provides middle class tax relief for millions of Americans.

Finally, this budget takes the \$1 trillion deficit President Obama inherited and cuts it by two thirds over the next four years.

Madam Speaker, this is an honest, properly prioritized and fiscally responsible agreement. I urge my colleagues' support.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. Con. Res. 13, the Fiscal Year 2010 Budget Conference Report.

In order to rebuild our economy and achieve long-term fiscal sustainability, we must make strategic investments into our nation's health care, education, and energy programs, while simultaneously providing meaningful tax relief to families and businesses struggling to regain their economic footing. Each week, I hear from my constituents in Rhode Island about their challenges in today's economy, such as trying to save for their retirement, send their children to college, or protect their home from foreclosure. As a member of the Budget Committee, I believe this conference report reflects the crucial priorities that families face every day while adhering to an honest accounting of our fiscal challenges.

S. Con. Res. 13 builds on the significant funding and tax incentives incorporated into the American Recovery and Reinvestment Act by increasing investments and job creation in clean energy technologies and overall energy efficiency. It supports health care reform that will lower costs, improve quality, and pave the way for coverage to help all Americans lacking proper health insurance. This budget honors the service of our nation's veterans with an increase of \$5.6 billion for veterans' health care and other crucial support services. Finally, it recognizes the profound importance of education by increasing funding for programs like Title I, special education and Pell Grants for college.

Just as important as our investment in job creation and economic recovery is the commitment to tax equity and fiscal responsibility. This budget provides \$1.7 trillion in tax cuts for middle-income families, permanently extending the 2001 and 2003 income tax cuts for the vast majority of Americans. It also reduces the deficit by nearly two-thirds in four years, placing our country on the fiscally sustainable path necessary to regain our economic strength.

It is time for policymakers at all levels and across the ideological spectrum to join together and offer a new vision and new solutions to rebuild our economy. I would like to thank Chairman SPRATT for his leadership and dedication to working with Congress to ensure that this budget provides the framework necessary so that we may improve the health of our nation, reduce expenditures over the long term and ultimately regain the economic prosperity of our great nation.

I ask my colleagues to support this resolution and urge its final passage.

Mr. POSEY. Madam Speaker, I'm disappointed with the budget conference report before the House today. It's a \$3.555 trillion budget and leaves a \$1.233 trillion deficit for the year 2010. This budget increases taxes by \$1.5 trillion over the next 10 years and the Majority admits that the budget deficits never fall below \$523 billion. This budget borrows from Americans of tomorrow to pay for the wants of this current generation. Over 10 years, the budget more than doubles the national debt.

I hope the economy recovers for all Americans. But sadly, this budget plan takes us down a different path that will harm our long-term economy and will likely create sluggish

economic growth. This budget is not the right prescription for what ails this economy. Our children and grandchildren deserve better.

Congress needs to focus on creating the right kind of environment for job-creation, ensuring that businesses small, medium and large can grow and prosper. That means providing the right kinds of incentives for Americans to start a business, or for a business to grow and add jobs, or to provide benefits like health insurance. Sadly, this bill includes a budget process (known as reconciliation) to leave the door open for a plan to raise taxes on millions of small businesses and saddle them with billions of dollars in burdensome and costly "cap and trade" global warming taxes. American workers should be forewarned; the "cap and trade" tax will cost Americans millions of jobs.

So I ask, under this budget 'What's the incentive to do business here in America?' The U.S. has the second highest corporate income tax in the world which encourages employers to close up in America or at least do their expansions overseas rather than here at home. Cap and trade will add a further burden to businesses operating in the U.S.

And while this budget hires new bureaucrats in Washington, it allows tens of thousands of highly skilled technicians and engineers at NASA to be laid-off with the end of the space shuttle. Their jobs will of course be outsourced to Russia because the budget fails to bring the next generation space craft online for quite some time. This is a travesty when you think about the millions of high tech American jobs that have been created as a result of our investment in space—everything from cell phones, laptops and GPS to wireless technology and even Velcro. While the Budget gives lip service to additional funding for NASA and the Shuttle, the actual language in the budget does not provide actual dollars, would not add any additional Shuttle flights, and does nothing to close the human space flight gap.

For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. It seems to me what some want to do is reverse that order by having our children and grandchildren work hard so we don't have to make the hard choices now. This amounts to generational theft and it is wrong, plain and simple.

You know, while families and small businesses are making sacrifices when it comes to their own budget, Washington continues to spend trillions in taxpayer dollars—money it doesn't even have—on bailouts and expansion of government programs. This has got to stop and the government has to learn to live within its own means just like everyone else.

Madam Speaker, I rise in strong opposition to this budget conference report and urge my colleagues to vote against this plan that will saddle the next generation with an unbearable debt and kill millions of jobs here in America.

Mr. BACA. Madam Speaker, I urge my colleagues to support S. Con. Res. 13, the FY2010 Congressional Budget Resolution Conference Report.

Throughout our nation, Americans are suffering due to economic hardships caused by this recession.

In my district—unemployment is at almost 13 percent.

Parents are coming home from their last day of work, afraid and worried about how they will provide for their families.

They are losing their health insurance and their hope in the American dream is faltering.

If you vote for this budget resolution, you are voting for a solution. You are voting to help American families.

The budget conference agreement makes strategic investments in education, health care reform, and energy independence that are necessary to restore our crumbling economy—and put the country in a position to remain globally competitive.

This budget is instrumental in stabilizing our economy. It provides the resources necessary to help restore the standard of living for many American families.

It also puts our nation back on the path of fiscal responsibility.

The budget improves fiscal discipline by requiring statutory PAYGO as a condition for making current policy adjustments to the baseline for tax cuts and the Medicare physician payment system.

I urge my colleagues to approve this conference report, and pass this responsible budget.

Ms. LEE of California. Madam Speaker, I rise in strong support of the Democratic budget. This budget makes the vital investments that America needs to stabilize the economy and lay the groundwork for a new environmentally sustainable and energy independent green economy.

Let me thank the Chairman for his hard work on a budget that makes many hard choices and I thank him for his consideration of the budget priorities of the Congressional Black Caucus which augments and strengthens the President's budget.

The Democratic budget contains many of the shared priorities with the CBC and makes targeted investments in strengthening education, healthcare, clean energy, transportation, and strengthens foreign aid during a critical downturn in the global economy.

We must pass a budget that will continue the anti-poverty investments that we made in the American Recovery and Reinvestment Act.

It is critical during this economic crisis, which we inherited from the Bush Administration, that we pass a budget that will lift up the millions of Americans who have fallen into poverty.

Our budget must continue our economic recovery and return our nation to the fiscal responsibility that we last saw with the budget surpluses under President Clinton.

I urge my colleagues to vote yes on the Democratic budget.

Mr. MICA. Madam Speaker, I want to express my concern regarding the \$3.5 trillion Federal budget, S. Con. Res. 13, passed by the U.S. House of Representatives.

The size of the deficit in this budget, some \$1.7 trillion for one year, is almost beyond comprehension. This could be a prescription for future debt disaster for our Nation's finances. Even the United States can go bankrupt if we continue spending at this rate.

In the first 100 days of the new administration, Congress and the administration have run up more debt than the entire 8 years of the Bush Administration. The spending in the

first three months includes a \$787 billion so-called stimulus, \$406 billion Omnibus increasing discretionary spending by 10% this year and hundreds of billions in TARP dollars.

Not only does the 2010 budget represent astronomical deficit spending, it also raises taxes by \$1.5 trillion (that's trillion) dollars.

At some point soon this deficit spending, taxation and increased national indebtedness will have dramatic and negative consequences for our Nation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of the Conference Report on S. Con. Res. 13, Chairman, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. I thank Chairman SPRATT of the Budget Committee for his leadership and hard work on spearheading the effort to bring a budget to the floor that the American people can live with, helps fuel the engine of the government, makes America thrive, and makes it place that we all can be proud of. The President, the Conferees, and this Congress, should all be commended for helping bring this budget to the floor. I support the budget and I urge my colleagues to do the same. I support the budget for several important and distinct reasons.

Unlike the last Administration, which inherited a \$5.6 trillion surplus, this Administration inherited an economy in steep decline, a budget in record deficit, and faltering public services due to persistent underfunding and inattention. The Congress has already taken steps to create jobs, help Americans regain their home, help Americans pay their bills and put food on the table for their families. The Congress has also taken steps to rebuild our economy. The Congress has done all of these tasks by enacting the Recovery Act. The budget is an economic blueprint for the future that builds from these initial steps by making strategic investments to rebuild our economy over the long term. The budget provides for increased investment in health care reform, education, and energy independence and at the same time puts the budget back on a path to fiscal responsibility and sustainability.

The budget is to be applauded as nothing short of a miracle. It makes strategic investments in education, health care reform, and energy independence and puts the country back on track to remain globally competitive. It puts us on track to cut the Federal budget deficit by more than half by 2013. The budget reflects the Recovery Act. The Obama Administration inherited a deficit of well over \$1 trillion and the worst economic downturn since the Great Depression. The budget builds upon the President's plan. It provides tax relief to middle-income families, creates jobs through investment in infrastructure, and extends unemployment benefits for millions of Americans.

The budget addresses eight years of Republican policies that have brought on America's current economic woes. So far, we have seen 25 straight months of housing price declines; 14 months of job losses and 4.4 million jobs lost, the most since World War II, with 651,000 jobs lost in February alone; unemployment is currently soaring above 8.1 percent and in the double digits in the minority

communities across this great Nation; and 45 percent drop in major stock markets from their highs.

The budget supports the President's goals for Health Care Reform. The President's principles for healthcare reform include making health coverage affordable and available to all, improving safety and quality, and improving and providing Americans with a choice of health plans and physicians, including the choice of keeping their current health plan. The budget begins to address the rising health care costs. The average cost of an employer-sponsored health insurance policy exceeded \$12,000 in 2008, more than twice what it cost ten years ago. The President's plan would reduce the inefficiencies that have caused these prices to soar.

The budget sets us on a plan to increase coverage. The number of people without insurance grew from 38 million in 2000 to nearly 46 million in 2008. Nearly 1 out of 6 Americans is without health care coverage. Most uninsured are in working families. Millions more are underinsured. The budget assumes that health care will be paid for, so it does not add to the deficit. Importantly, the budget supports improvements to medicare's payment system for doctors. The budget supports legislation on medicare physician payments to provide for efficiency and higher quality care, promote fiscal sustainability, ensure that primary care receives appropriate compensation, and improves coordination of care.

The budget invests in education. The budget builds upon the Recovery Act's historic investment in education. The budget includes the \$100 billion in education funding provided for in the Recovery Act to help states maintain elementary, secondary, and higher education services. The Recovery Act targeted funds to Title I (Education for the Disadvantaged), Head Start, and special education, where the funding can be used to train more teachers to provide needed services. This supports Congress's efforts that resulted in increased maximum Pell Grant awards to \$619 to a total of \$5,350—the largest annual increase in history—and created the American Opportunity Tax Credit for eligible students receive a partially refundable tax credit of up to \$2,500 to cover college costs. Simply put, the budget makes education more affordable and accessible and increases education funding. It supports early childhood education and supports improved school breakfast and lunch programs. The budget will afford over 31 million children a healthy and nutritious meal.

The budget builds upon significant funding and tax incentives in the Recovery Act by increasing our investments in renewable energy and energy efficiency by some 18 percent for 2010. These investments will spur new sources of energy that we can produce here, creating "green collar" jobs for American workers. It will promote energy independence over the long term.

I urge my colleagues to support the budget. It takes the appropriate steps to put the budget back on track for fiscal responsibility and sustainability. It will cut the budget deficit by more than half in four years. Specifically, it will cut the budget from \$1.7 trillion in 2009 to \$586 billion in 2013. It also improves responsibility through statutory pay-go. It includes in-

vestment in oversight and enforcement yielding savings.

YOUTH JOBS

The budget includes funding for summer jobs for youth. Our youth, and individuals that have opted not to go to college or institutions of higher learning, need to be engaged and employed. Employment will provide them with skills and aptitudes that are necessary to be productive in society.

HEALTHCARE

The budget accounts for the cost of healthcare reform to ensure that the 45 million uninsured Americans (four million of which are children) have access to quality and affordable healthcare.

The budget accounts for the following:

Funding the Minority AIDS Initiative to build capacity among minority run non-governmental organizations and to conduct outreach services among minority communities.

Funding the Ryan White CARE Act to support care and treatment programs at the local level to address the needs of people living with HIV/AIDS.

Funding the CDC Prevention activities for HIV, STD, TB and Viral Hepatitis to fund testing initiatives and support innovative prevention efforts at the local level.

Funding for Housing for people living with HIV/AIDS (HOPWA) to provide supportive housing for people with AIDS.

INTERNATIONAL AFFAIRS

I commend the President for requesting an increase of \$15 billion for the Department of State and other international programs in FY2010, which is a 40% increase over the FY2009 level. The budget includes this increase in the budget resolution. I am hopeful that these additional funds will go towards the Global Fund to Fight AIDS, Tuberculosis and Malaria; USAID; migration and refugee assistance; peacekeeping efforts in Darfur; education, healthcare and cultural exchange programs; child survival and health programs; and development assistance.

NATIONAL DEFENSE

I support the robust funding for our troops and America's national defense. I support reducing funding for the failed Ballistic Missile Defense program and reallocating those funds within the Defense Department to fund increases in shipbuilding, troop readiness, military and civilian pay, cancer research, and mental health services.

I have consistently fought for funding to weed out waste, fraud and abuse within the Department of Defense. The Defense Department has already saved an estimated \$89 billion between FY01 and FY07 by implementing 1,682 of the Government Accountability Office's recommendations. The present budget, as does President Obama's FY2010 Budget Overview, reflects a similar commitment, as has the House Budget Committee under Chairman SPRATT's leadership.

INCOME SECURITY

As the economy continues to worsen, the budget accounts for the increased need for income security programs, such as the Supplemental Nutrition Assistance Program, Unemployment Insurance, Medicaid, and the Recovery Act's COBRA subsidy.

HOUSING PROGRAMS

The housing crisis lies at the center of the economic problems we face today. After the

series of TARP bills, the Congress has just found out that bank executives have used over \$100 million in TARP funds to pay for executive bonuses and other forms of compensation. The budget reverses eight years of underfunding of the nation's affordable housing programs and we are pleased that the Administration has proposed a HUD budget that increases funding for the Department by 19 percent. The budget matches this aggressive budget authorization and to support large investments into the Community and Regional Development and the Income Security functions in order to account for increases in Affordable Housing programs.

The budget supports the Administration's proposal to fund the National Affordable Housing Trust Fund at \$1 billion and to fully fund the Community Development Block Grant program. It funds HUD's housing programs for the elderly, disabled, and Native Americans, as well as for those programs that prevent homelessness. It increases funding for the Neighborhood Stabilization Program, which allows states, localities, and nonprofits to buy up and rehabilitate abandoned and foreclosed properties.

JUSTICE PROGRAMS

The budget accounts for funding efforts to combat and reduce juvenile crime and efforts to rehabilitate ex-offenders. Removing barriers to reentry has proven to reduce recidivism, which in the long run reduces crime. In addition, the budget accounts for much needed increases in youth crime intervention programs. Research has shown that targeting funding towards intervention rather than incarceration is more effective at reducing crime and saving the taxpayer money in the long run.

I have long supported efforts to increase funding for the Justice Assistance Program, the Juvenile Justice Program, Civil Rights Enforcement, the COPS Program, the Byrne Justice Grant Program, and State and Local Law Enforcement Assistance. The budget accounts for sustaining many of the important increases for these programs that was included in the American Recovery and Reinvestment Act.

EDUCATION

As the Chairwoman of the Children's Caucus, I support the budget's effort to reform and expand the Pell Grant program. Pell Grants are way to make education affordable to disadvantaged youth. This is very important to me.

The budget has sustained increases in education funding, especially for Title I and IDEA. Even though Congress is to consider the reauthorization of the No Child Left Behind Act this year, the Budget Committee should still account for the need to address the substantial funding shortfalls of this program over the last eight years. The American Recovery and Reinvestment Act made substantial increases, the budget accounts for sustaining many of these new investments.

The budget also account for needed increases in funding for Head Start, TRIO (including Upward Bound), GEAR UP, Youth Build, and vocational education programs. The budget accounts for funding for expanded grants to states for workplace and community transition as authorized in the Higher Education Opportunity Act. These grants will better assist and encourage incarcerated individuals who have obtained a secondary school

diploma or its recognized equivalent to acquire educational and job skills.

The budget accounts for funding for the historic increases in funding for Historically Black Colleges and Universities and Minority Serving Institutions authorized in the Higher Education Act reauthorization enacted last year.

INFRASTRUCTURE

The budget supports the President's initiatives to provide increased funding for infrastructural projects. The President's priorities are reminiscent of the New Deal where this country invested in building up our Nation and the budget reflects this. The President has made a significant effort at achieving this by his signing of HR 1, the Stimulus Act.

In the Stimulus Act, the President authorized money to be spent on infrastructural projects that were shovel ready, i.e., ready to be stated within 120 days. I know that America could use this money.

Indeed, Houston would benefit. Houston's Metro Rail needs to complete its RAIL service in certain quadrants of Houston. The project has been twenty years in the making. I have worked with Leadership and Chairman OBERSTAR to ensure that METRO Rail projects get the funding that they need to be completed.

Completion of this mobility project would decrease congestion and pollution as Houstonians would travel via rail instead of using their cars. This would increase Houston mobility and the health of Houstonians as they would be forced to walk around instead of using their private transport.

VETERANS

The budget provides increased funding for veterans over the next five years.

OTHER PRIORITIES

Fully fund the Community Development Block Grant.

Increased funding for the Public Housing Capital Fund to continue to address eight years of stagnant funding under the Bush Administration.

Fully fund the Child Care and Development Block Grant.

Fully fund the Social Services Block Grant. Increased funding for HOPE VI.

Fully fund the Neighborhood Stabilization Program.

Increased funding for the Affordable Housing Trust Fund.

Support for the creation of a National Infrastructure Bank.

Continued funding for Hurricane Katrina recovery and rebuilding efforts.

Increased funding for the Environmental Justice Small Grants Program.

Increased funding for the National Underground Railroad Network to Freedom program at the National Park Service. This is important to me. I worked to get funding for urban parks in the Stimulus bill. This increases the health and overall well being of constituents. It is necessary in urban Mecca's like Houston.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of the Budget Resolution Conference Report (S. Con. Res. 13). As a member of the Budget Committee, I would like to thank Chairman SPRATT for his continued leadership, and President Obama for advancing a budget that embodies our national values.

The serious problems caused by eight years of failed policies, including record deficits, doubling of the national debt and the smallest rate of job growth in three-quarters of a century, will not be solved overnight. Families across the nation, and in Minnesota, are struggling to make ends meet. Unemployment has soared to 8.5 percent, while health care costs are rising and housing prices continue to decline.

This budget is a new beginning. It charts a course toward economic recovery and signals the end of an era of disinvestment in America's families. Instead of ignoring the economic crisis, this agreement confronts it head-on by making strategic investments in education, health care reform and energy independence to help restore growth at home and keep the U.S. competitive in the global economy.

Today's students are tomorrow's workforce, which is why this resolution makes significant investments in education from early childhood programs to college affordability. This budget also recognizes that health care reform cannot wait: nearly one out of every six Americans is uninsured and many more are underinsured. This resolution takes steps to make health care coverage affordable and available to all, while also improving the quality and safety of patient care. In addition, this budget makes historic investments in renewable energy, energy efficiency and the clean energy research programs America needs to start down the path of energy independence.

After eight years of masking the costs of war and natural disasters, this plan ushers in a new era of honesty and accountability in budgeting. President Obama and this Congress have included estimates of these costs for every year in the budget.

The budget resolution is a blueprint for the future of our country, which recognizes the needs of America's families and will help to restore widely-shared economic prosperity for generations to come. As an important first step in this direction, the budget calls for tax cuts for families who make less than \$250,000 and permanently extends the middle-income tax cuts adopted in 2001 and 2003 for middle-income Americans. This plan will also place restraints on areas of unsustainable spending and cut the deficit in half by 2014.

I urge my colleagues to join me in supporting S. Con. Res. 13.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on the motion to suspend the rules on H. Res. 357, if ordered, and the motion to suspend the rules on H. Res. 109, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 193, not voting 7, as follows:

[Roll No. 216]

YEAS—233

Abercrombie	Green, Gene	Ortiz
Ackerman	Grijalva	Pallone
Adler (NJ)	Gutierrez	Pascarell
Altmire	Hall (NY)	Pastor (AZ)
Andrews	Halvorson	Payne
Arcuri	Hare	Pelosi
Baca	Harman	Perlmutter
Baird	Hastings (FL)	Peters
Baldwin	Heinrich	Peterson
Bean	Herseth Sandlin	Pingree (ME)
Becerra	Higgins	Polis (CO)
Berkley	Hill	Pomeroy
Berman	Himes	Price (NC)
Berry	Hinche	Quigley
Bishop (GA)	Hirono	Rahall
Bishop (NY)	Hodes	Rangel
Blumenauer	Holden	Reyes
Bocchieri	Holt	Richardson
Boswell	Honda	Rodriguez
Boucher	Hoyer	Ross
Boyd	Inslee	Rothman (NJ)
Brady (PA)	Israel	Roybal-Allard
Braley (IA)	Jackson-Lee	Ruppersberger
Brown, Corrine	(TX)	Rush
Butterfield	Johnson (GA)	Ryan (OH)
Capps	Johnson, E. B.	Salazar
Capuano	Kagen	Sánchez, Linda
Cardoza	Kanjorski	T.
Carnahan	Kaptur	Sanchez, Loretta
Carney	Kennedy	Sarbanes
Carson (IN)	Kildee	Schakowsky
Castor (FL)	Kilpatrick (MI)	Schauer
Chandler	Kilroy	Schiff
Clarke	Kind	Schrader
Clay	Kirkpatrick (AZ)	Schwartz
Cleaver	Kissell	Scott (GA)
Clyburn	Klein (FL)	Scott (VA)
Cohen	Kosmas	Serrano
Connolly (VA)	Langevin	Sestak
Conyers	Larsen (WA)	Shea-Porter
Cooper	Larson (CT)	Sherman
Costa	Lee (CA)	Shuler
Costello	Levin	Sires
Courtney	Lipinski	Skelton
Crowley	Loebach	Slaughter
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowe	Snyder
Dahlkemper	Lujan	Space
Davis (AL)	Lynch	Speier
Davis (CA)	Maffei	Spratt
Davis (IL)	Maloney	Stupak
Davis (TN)	Markey (MA)	Sutton
DeFazio	Massa	Tanner
DeGette	Matsui	Tauscher
Delahunt	McCarthy (NY)	Thompson (CA)
DeLauro	McCollum	Thompson (MS)
Dicks	McDermott	Tierney
Dingell	McGovern	Titus
Doggett	McMahon	Tonko
Donnelly (IN)	McNerney	Towns
Doyle	Meek (FL)	Tsongas
Driehaus	Meeks (NY)	Van Hollen
Edwards (MD)	Melancon	Velázquez
Edwards (TX)	Michaud	Visclosky
Ellison	Miller (NC)	Walz
Ellsworth	Miller, George	Wasserman
Engel	Mollohan	Schultz
Eshoo	Moore (KS)	Waters
Etheridge	Moore (WI)	Watson
Farr	Moran (VA)	Watt
Fattah	Murphy (CT)	Waxman
Filner	Murphy, Patrick	Weiner
Frank (MA)	Murtha	Welch
Fudge	Nadler (NY)	Wexler
Giffords	Napolitano	Wilson (OH)
Gonzalez	Neal (MA)	Woolsey
Gordon (TN)	Oberstar	Wu
Grayson	Obey	Yarmuth
Green, Al	Oliver	

NAYS—193

Aderholt	Bilbray	Brady (TX)
Akin	Bilirakis	Bright
Alexander	Bishop (UT)	Brown (GA)
Austria	Blackburn	Brown (SC)
Bachmann	Blunt	Brown-Waite,
Bachus	Boehner	Ginny
Barrett (SC)	Bonner	Buchanan
Barrow	Bono Mack	Burton (IN)
Bartlett	Boozman	Buyer
Barton (TX)	Boren	Calvert
Biggart	Boustany	Camp

Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam

Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson

Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 3, not voting 10, as follows:

[Roll No. 217]

AYES—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway

Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flemer
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich

Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson

Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster

Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Burgess
Granger
Hinojosa

□ 1148

Mr. ISSA and Mrs. LUMMIS changed their vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

SUPPORTING FINANCIAL LITERACY MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

NOES—3

Chaffetz
Flake
Paul

NOT VOTING—10

Boehner
Burgess
Butterfield
Granger

Hinojosa
Jackson (IL)
Lewis (GA)
Perriello

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1158

Mr. CHAFFETZ changed his vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 109.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 109.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOCCIERI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 218]

AYES—422

Abercrombie	Cantor	Duncan
Ackerman	Cao	Edwards (MD)
Aderholt	Capito	Edwards (TX)
Adler (NJ)	Capps	Ehlers
Akin	Capuano	Ellison
Alexander	Cardoza	Ellsworth
Altmire	Carnahan	Emerson
Andrews	Carney	Engel
Arcuri	Carson (IN)	Eshoo
Austria	Carter	Etheridge
Baca	Cassidy	Fallin
Bachmann	Castle	Farr
Bachus	Castor (FL)	Fattah
Baird	Chaffetz	Filner
Baldwin	Chandler	Flake
Barrett (SC)	Childers	Fleming
Barrow	Clarke	Forbes
Bartlett	Clay	Fortenberry
Barton (TX)	Cleaver	Foster
Bean	Clyburn	Fox
Becerra	Coble	Frank (MA)
Berkley	Coffman (CO)	Franks (AZ)
Berman	Cohen	Frelinghuysen
Berry	Cole	Fudge
Biggert	Conaway	Galleghy
Bilbray	Connolly (VA)	Garrett (NJ)
Bilirakis	Conyers	Gerlach
Bishop (GA)	Cooper	Giffords
Bishop (NY)	Costa	Gingrey (GA)
Bishop (UT)	Costello	Gohmert
Blackburn	Courtney	Gonzalez
Blumenauer	Crenshaw	Goodlatte
Blunt	Crowley	Gordon (TN)
Boccieri	Cuellar	Graves
Bonner	Culberson	Grayson
Bono Mack	Cummings	Green, Al
Boozman	Dahlkemper	Green, Gene
Boren	Davis (AL)	Griffith
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Guthrie
Boustany	Davis (KY)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	Deal (GA)	Hall (TX)
Brady (TX)	DeFazio	Halvorson
Braley (IA)	DeGette	Hare
Bright	DeLahunt	Harman
Broun (GA)	DeLauro	Harper
Brown (SC)	Dent	Hastings (FL)
Brown, Corrine	Diaz-Balart, L.	Hastings (WA)
Brown-Waite,	Diaz-Balart, M.	Heinrich
Ginny	Dicks	Heller
Buchanan	Dingell	Hensarling
Burton (IN)	Doggett	Herger
Buyer	Donnelly (IN)	Herseth Sandlin
Calvert	Doyle	Higgins
Camp	Dreier	Hill
Campbell	Driehaus	Himes

Hinchey	McIntyre	Sánchez, Linda
Hirono	McKeon	T.
Hodes	McMahon	Sanchez, Loretta
Hoekstra	McMorris	Sarbanes
Holden	Rodgers	Scalise
Holt	McNerney	Schakowsky
Honda	Meek (FL)	Schauer
Hoyer	Meeks (NY)	Schiff
Hunter	Melancon	Schmidt
Inglis	Mica	Schock
Inslee	Michaud	Schrader
Israel	Miller (FL)	Schwartz
Issa	Miller (MI)	Scott (GA)
Jackson-Lee	Miller (NC)	Scott (VA)
(TX)	Miller, Gary	Sensenbrenner
Jenkins	Miller, George	Serrano
Johnson (GA)	Minnick	Sessions
Johnson (IL)	Mitchell	Sestak
Johnson, E. B.	Mollohan	Shadegg
Johnson, Sam	Moore (KS)	Shea-Porter
Jones	Moore (WI)	Sherman
Jordan (OH)	Moran (KS)	Shimkus
Kagen	Moran (VA)	Shuler
Kanjorski	Murphy (CT)	Shuster
Kaptur	Murphy, Patrick	Simpson
Kennedy	Murphy, Tim	Sires
Kildee	Murtha	Skelton
Kilroy	Myrick	Slaughter
Kind	Nadler (NY)	Smith (NE)
King (IA)	Napolitano	Smith (NJ)
King (NY)	Neal (MA)	Smith (TX)
Kingston	Neugebauer	Smith (WA)
Kirkpatrick (AZ)	Nunes	Snyder
Kissell	Nye	Souder
Klein (FL)	Oberstar	Space
Kline (MN)	Obey	Speier
Kosmas	Olson	Spratt
Kratovil	Olver	Stearns
Kucinich	Ortiz	Stupak
Lamborn	Pallone	Sullivan
Lance	Pascarell	Sutton
Langevin	Pastor (AZ)	Tanner
Larsen (WA)	Paul	Tauscher
Larson (CT)	Paulsen	Taylor
Latham	Payne	Teague
LaTourette	Pence	Terry
Latta	Perlmutter	Thompson (CA)
Lee (CA)	Peters	Thompson (MS)
Lee (NY)	Peterson	Thompson (PA)
Levin	Petri	Thornberry
Lewis (CA)	Pingree (ME)	Tiahrt
Lewis (GA)	Pitts	Tiberi
Linder	Platts	Tierney
Lipinski	Poe (TX)	Titus
LoBiondo	Polis (CO)	Tonko
Loeback	Pomeroy	Towns
Lofgren, Zoe	Posey	Tsongas
Lowey	Price (GA)	Turner
Lucas	Price (NC)	Upton
Luetkemeyer	Putnam	Van Hollen
Lujan	Quigley	Velázquez
Lummis	Radanovich	Visclosky
Lungren, Daniel	Rahall	Walden
E.	Rangel	Walz
Lynch	Rehberg	Wamp
Mack	Reichert	Wasserman
Maffei	Reyes	Schultz
Maloney	Richardson	Waters
Manzullo	Rodriguez	Watson
Marchant	Roe (TN)	Watt
Markey (CO)	Rogers (AL)	Waxman
Markey (MA)	Rogers (KY)	Weiner
Marshall	Rogers (MI)	Welch
Massa	Rohrabacher	Westmoreland
Matheson	Rooney	Wexler
Matsui	Ros-Lehtinen	Whitfield
McCarthy (CA)	Roskam	Wilson (OH)
McCarthy (NY)	Ross	Wilson (SC)
McCauley	Rothman (NJ)	Wittman
McClintock	Roybal-Allard	Wolf
Hare	Royce	Woolsey
McCotter	Ruppersberger	Wu
McDermott	Rush	Yarmuth
McGovern	Ryan (OH)	Young (AK)
McHenry	Ryan (WI)	Young (FL)
McHugh	Salazar	

NOT VOTING—10

Hinojosa	Perriello
Jackson (IL)	Stark
Kilpatrick (MI)	
Kirk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "aye" on rollcall Nos. 216, 217 and 218.

PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW EN- FORCEMENT HATE CRIMES PRE- VENTION ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman, my friend from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 372 provides a closed rule for consideration of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation is a vital step towards bringing the full protection of the law to those targeted for violent, bias-motivated crimes simply because of who they are. This bill expands the Federal hate crimes law to include protections for crimes directed at individuals because of their gender, gender identity, sexual orientation, or disability.

These crimes are designed to intimidate entire communities on the basis of personal and immutable characteristics. All of us in this Chamber know that hate crimes tear the fabric of our society and fragment communities because they target an entire community or group of people, not just the individual victim.

This legislation makes important new changes to Federal civil rights law by providing new Federal authority for investigating and prosecuting criminal civil rights violations. It authorizes the Attorney General to provide assistance in the criminal investigation or prosecution of violent crimes motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim.

This bill spans interstate lines by establishing uniform Federal protections against hate crimes as a backdrop to existing laws in every State. It directs the Attorney General to give priority for assistance to cases in which offenders have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses associated with investigations and prosecutions.

This bill makes it a Federal criminal offense to cause or attempt to cause bodily harm through the use of fire, firearms, or explosive devices against a person due to bias-driven violence.

These provisions enhance our country's 233-year tradition of protecting liberty, freedom, and acceptance by protecting and recognizing the human dignity of every person. No person should live in fear of violence because of who they are.

Some have criticized this legislation by claiming that the hate crimes bill will infringe upon free speech, somehow turning Federal authorities into "thought police." In my view, this is simply not true. The hate crime bill adds no new classes of crime. This legislation is not about thinking or believing, but acting and harming.

This legislation strengthens, not weakens, the First Amendment freedom of speech protections. It prohibits for use as evidence a defendant's speech or association unless specifically related to the crime, and this legislation does not disturb constitutionally protected speech or associations.

It is preposterous to argue that this bill criminalizes thoughts and beliefs. The bill does not criminalize those who hate or disagree with other people or groups of people. It criminalizes acts of violence against people based on the victim's characteristics.

Under current law, the Federal Government's involvement is only authorized in those cases in which the victim was targeted because of race, color, religion, or national origin. The current protection is neither uniform nor comprehensive, and this has important practical and symbolic consequences.

It is vital that the Federal Government send a message to the American people that hate crimes committed because of one's sexual orientation, gender identity, gender, or disability are as intolerable as those motivated by race, ethnicity, national origin, or religion.

Some also argue that we're federalizing crimes already illegal under State laws, providing limited jurisdiction to investigate and prosecute bias-motivated crimes. However, Congress has rejected this argument repeatedly by passing hundreds of bills that give the Federal Government jurisdiction over crimes that States already consider illegal.

From 1995 to 2006, my friends on the other side controlled Congress and enacted nearly 100 public laws imposing new Federal criminal penalties for conduct that was already under State law and creating over 600 new Federal crimes.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family. But the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community—and sometimes, the Nation.

It is easy to recognize the difference between the arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue or mosque burning has a profound impact on the congregation, the faith community, the local community, and the Nation. We're all affected by violent acts of hatred, and there is ample evidence that violent, bias-motivated crimes continue to be a widespread and serious problem in our Nation.

□ 1215

In my home State, the most recent Florida Hate Crimes Report published by the Florida Attorney General re-

ported a total of 193 hate crimes, 14.5 percent of which were motivated by sexual orientation. Additionally, poll after poll continues to show that the American public supports hate crimes legislation inclusive of sexual orientation. FBI data show 1,265 hate crime incidents directed at gays and lesbians in the year 2007 alone, the third most frequent victims and over 16 percent of all hate crimes reported that year. And 79 hate crime incidents directed at disabled victims were also reported that year. And, unfortunately, we know it is widely accepted that hate crimes specifically against those with disabilities remain vastly underreported. Mr. Speaker, this is clearly a problem that merits the passage of an expanded hate crimes law.

Furthermore, this legislation is endorsed by over 300 law enforcement, civil rights, civic and religious organizations including the National Sheriffs Association, the International Association of Chiefs of Police, National District Attorneys Association, the American Civil Liberties Union, the Human Rights Campaign, the Presbyterian Church, the Episcopal Church, the NAACP, and the National Disability Rights Network.

Mr. Speaker, this measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support, through training and direct assistance, will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate Federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

As we consider H.R. 1913 today, let us remember that this hate crimes bill is also known as the Matthew Shepard Act, in memory of the 21-year-old University of Wyoming student who was brutally tortured and murdered in 1998 just because he was gay. At the time of his murder just a few years ago, no criminal statute existed in Wyoming to charge his killers with a hate crime nor was there Federal financial assistance available to aid the local authorities in Laramie, Wyoming, with investigating and prosecuting his murder.

The fact of the matter is hate crimes happen every day and we should not wait for another Matthew Shepard to ensure justice.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from the Rules Committee for yielding time to us to be able to discuss this bill, and I yield myself such time as I may consume.

The discussion surrounding this bill today will no doubt center on the idea of crimes committed out of hate. There will be talk about the scourge of violent hate crime, which begs the question: Is there such a thing as nonhateful violent crime?

But in all the debate over criminal acts, a larger and forgotten debate is often left unspoken, and that is the debate over the role of free expression in our society. If this bill becomes law, it will have a chilling effect on many law-abiding Americans' freedom of expression.

The robust and healthy exchange of ideas is an American distinction. Because we are a land where free expression is one of our cherished foundational ideals, we have a long tradition of protecting the speech of everyone, from those with the most mainstream ideas to those on the fringe. Why do we do this? Because we know that in the end, in a healthy marketplace of ideas where the public square allows for an airing of all ideas, the best ideas and principles come out on top. In a strong marketplace of ideas, an American marketplace, bankrupt ideas are destined to fail. We should not live and legislate in fear of bankrupt ideas.

Marginal concepts, bad ideas, and flawed philosophies will always be buried beneath the tide of free and democratic expression, where free speech protects the individual's right to hold and express an opinion, even if such an opinion may be wrong. Holding this ideal is one reason why we on the minority side are so distressed that this is a closed rule and we are not going to be allowed to offer amendments today because we know yesterday from the Rules Committee that some of our amendments would garner majority support, and we are very distressed about that.

Ultimately, a healthy public square always has a chilling effect on the forces of hatred. But today we are considering a bill that will start us down the road towards a public square that is less robust, more restrictive, and that will squelch our cherished constitutional right to free speech. It will establish a new category of criminal activity, which is thought crimes. Today it is the politically correct thought crimes, those directed toward certain protected groups, but when we open the door creating this new criminal category of thought crimes, it is but a small step to add new types of thought crimes to the list, and suddenly we find ourselves back on the Orwellian threshold of Nineteen Eighty-Four and staring down the specter of the thought police.

In George Orwell's novel *Nineteen Eighty-Four*, the government attempts to control not only the speech and actions but also the thoughts of its subjects, labeling disapproved thoughts with the term "thought crime." The Thought Police use psychology and omnipresent surveillance to find and eliminate members of society who are capable of the mere thought of challenging ruling authority.

The way this bill is written, law enforcement will be called upon to un-

earth a criminal's motivation for committing a crime. The questions must then be asked: What thoughts caused the perpetrator to commit the so-called hate crime? And what caused this person to have these thoughts? Could it have been, for example, the sermon of a local religious leader, perhaps a respected local rabbi, who preached a message out of a religious conviction and belief in a sacred book? Under this law that rabbi may be guilty of inducing an act of violence simply because of his religious convictions. And it wouldn't take many arrests to put a choke hold on the free speech of religious leaders across our Nation.

In closing, I would like to quote liberal commentator Glenn Greenwald, certainly no apologist for conservatives like myself. But he has some strong words for hate crime laws such as those which already exist in Europe and in our neighbor to the north, Canada. Writing on *salon.com* last year, he called hate crimes laws "oppressive" and "pernicious." Allow me to quote him at length because he summarizes the consequences of this type of legislation very well:

"Empowering the State to proscribe and punish speech is not only the most dangerous step a society can take, though it is that, it's also the most senseless. It never achieves its intended effect of suppressing or eliminating a particular view. If anything, it has the opposite effect, by driving it underground, thus preventing debate and exposure."

As I said earlier, the best antidote to hate, perceived or real, is the bright light of public debate and scrutiny, not the outright censorship contained in this so-called hate crimes legislation.

My friends, this legislation starts us down a slippery slope. No longer are all Americans subject to equal justice under the law. No. A murderer of a police officer can be treated more leniently under this law than someone who is convicted of a so-called hate-motivated murder of a protected class of citizens. This is not equal justice. This is the codifying of a thought crimes law that weakens our first amendment and that dilutes our long tradition of equal justice under the law.

I will urge my colleagues to vote "no" on this rule and "no" on the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from Colorado, my good friend and member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise in strong support of this rule for H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act, as well as the bill itself.

Last July a young transgender Latina living in Greeley, Colorado, was brutally attacked and murdered. Her killer, who became outraged after he discovered that she was transgender and beat her to death, told authorities that he had "killed it" and that "all gays must die." Just last week I am glad to announce that Angie's killer was convicted not only of first degree murder but also of a hate crime in the beating death of Angie under Colorado law. It was the first time in the Nation that a State hate crime statute resulted in the conviction of a transgender person's murder, and as a result, Angie's killer will serve life in prison without the possibility of parole.

Thanks in large part to Colorado's hate crimes law, which included gender identity as a protected class, justice was served in this case. But, sadly, this has more often than not not been the case. Just a few years earlier, Fred Martinez, a Navajo Native American in Cortez, Colorado, openly gay youth, was killed. The perpetrator, who along with an accomplice had met Fred at a carnival that night, attacked and beat him to death with a large rock. Later he bragged to his friends that he had "beat up a fag." In contrast to Angie Zapata, Fred's killer was not charged with a hate crime because no Colorado or Federal law protecting gender identity existed at that time. His assaulter received a 40-year sentence under a plea agreement but will be eligible for parole in 25 years. If he had been charged with a Federal hate crime, he would have received a life sentence without parole.

Sadly, Angie and Fred are not alone. Since 1991 over 100,000 hate crime offenses have been reported to the FBI with over 7,000 reported in 2006. And although much is talked about violent attacks against the lesbian, gay, bisexual, and transgender community, this is not just an LGBT issue. Violent crimes based on race, religion, ethnicity and national origin are reported every year.

What makes these crimes so odious is that they are not just crimes against an individual; they are crimes that terrorize entire communities and, indeed, are against the values and ideals upon which our country was founded. With each attack, these criminals are attempting to send a message of intimidation to the victim's entire community, a message that Americans do not belong and deserve to be victimized solely because of who they are.

Far from creating a class for special protection, we are establishing equal protection under the law for people who do not enjoy it today in this country. The hate crimes bill that we are voting on today is sending a message that these crimes will no longer be tolerated. I strongly support efforts to punish hate crimes and am a proud co-sponsor of the bill.

The bill is especially important for police departments in smaller towns that don't always have the resources to deal with hate crimes. For example, the cost of the investigation and prosecution of Matthew Shepard's killers dealt a severe blow to the Laramie, Wyoming, law enforcement budget, resulting in the furlough of five officers, undermining public safety. This bill would prevent that.

This bill also corrects two major deficiencies in current law: One, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain "federally protected activities"; and, two, the limited scope of the law.

It's important to note this legislation will not take rights away from anyone. Our country was founded upon certain inalienable rights, including the freedom of religion and free speech. This bill does not interfere with either of those principles, and that's why it's backed not only by hundreds of law enforcement agencies but by mainstream faith-based organizations.

It's time to pass this law. We must no longer turn a blind eye to hate crimes of any kind. Everyone, regardless of race, creed, color, and sexual orientation and gender identity, must stand equal in the eyes of the law. I encourage my colleagues to support the rule and the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, with all the challenges that we have in this Nation, we still hold these truths to be self-evident: that all men are created equal and that they are equal because they are all God's children. Therefore, the essence of America is that all people should be treated with the same respect and protected completely equally under the law. Whenever we begin to divide ourselves into groups and afford one group more protection than another, we necessarily diminish the protection and equality of all the remaining groups.

Mr. Speaker, regardless of whether a person is white, black, handicapped, healthy, old, sick, young, homosexual, heterosexual, a veteran, a police officer, a senior, whatever the case is, they deserve equal protection under the law.

□ 1230

That is the foundational premise of this Nation, and this legislation moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals, not on the basis of their crime, but on their alleged motivation for committing it. It requires law enforcement officials and prosecutors to gather evidence of the offenders' thoughts, rather than their actual actions and their criminal intent.

Furthermore, under this bill, such individuals who may not even have been aware of the crime could receive the same or similar penalties as the criminal himself. It would only take some arbitrary prosecutor to construe that the individual had influenced the beliefs or thoughts of a perpetrator of a crime and thereby somehow caused hateful or violent acts. One unscrupulous government entity, plus this hate crimes legislation, equals the perfect recipe for tearing away from American citizens some of the most basic constitutional rights in our Nation.

Mr. Speaker, the fundamental purpose of this body is to protect the lives and constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, this legislation would do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it would endanger the constitutional liberties of millions of Americans.

I thank the gentlelady for the time and urge my colleagues to vote "no."

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and former member of the Rules Committee, and my fellow Floridian, Ms. CASTOR.

Ms. CASTOR of Florida. I thank my colleague for yielding time and for his years of leadership in the fight against discrimination.

Mr. Speaker, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act and this rule.

Mr. Speaker, hate crimes are different from other types of crimes because the perpetrator targets a certain type of person based upon physical or other personal attributes. Hate crimes are a purposeful, violent and dangerous manifestation of prejudice.

Now, to increase public safety and fight crime, we offer today additional tools for law enforcement to fight hate crimes.

I am proud to be an original cosponsor of this legislation that will ensure that hate crimes based upon sexual orientation are covered along with other crimes committed with hatred based on race, religion and national origin.

This bill provides important resources to State and local law enforcement agencies to investigate and prosecute hate crimes, and it will also be a Federal criminal offense to cause or attempt to cause bodily harm.

I am proud today to stand up for all of my neighbors. You see, hate crimes are not only a problem for victims, but also for our communities and neighborhoods.

Unfortunately, my community in Florida has not been immune from hate crimes. Tampa leads the State of Florida in the number of reported hate crimes, according to an annual FBI report. It is likely that Tampa ranks high because the police there have a

zero tolerance policy. All possible or borderline cases are reported.

Last year in Florida we had cases like the KKK being scrawled on something and shoved into a family's mailbox. And a 25-year-old woman in Daytona Beach was intentionally hit by a car just because of the color of her skin. How do we know? Because the man driving the car yelled, "Help me kill these (blacks). These (blacks) have to die."

In 2007, a Polk County person was stabbed to death for being gay. Police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a high school.

The Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold services.

Hate crimes have no place in my community or anyplace else, but they are an unfortunate reality that must be addressed. Mr. Speaker, this legislation has languished, and it's time that it be signed into law.

I thank Chairman CONYERS for his leadership. I urge a "yes" vote on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank my friend for yielding.

Mr. Speaker, I believe this bill is a dangerous proposal which can transform the criminal justice system and in spite of all the protestations that now maybe we have safeguards, I think it threatens religious liberty.

The hate crimes bill federalizes each and every State and local crime. There is no evidence that States and localities are failing to prosecute crimes under existing law.

A person intentionally hit by a car is the victim of the same crime, regardless of why. The key there is "intentionally." Whether you intentionally decide you are going to run over somebody with a car because they are there and you are mad, the penalties should be the same and to suggest that it is not is a Federal mistake at the level we are suggesting mistakes would be made.

Hate crimes legislation invariably has threatened religious leaders and groups with criminal prosecution, an investigation into why that person's thoughts, beliefs or statements led to their actions.

This can easily jeopardize constitutional rights of freedom of speech and religious expression. In fact, the very fact that the people who wrote this legislation have gone out of their way to come up with a new protection suggests that there is danger. There has been danger in every other country that has come up with this kind of legislation.

This requires criminal investigations to probe if a crime occurred because of bias toward a protected group and opens the door to criminal investigations of a suspect's philosophical beliefs, politics, biases, religion, activities and past statements.

Due to the subjectivity of these kinds of feelings and motives, there is enormous potential here, Mr. Speaker, for error. This creates unequal treatment of victims by treating crimes against protected groups more seriously than nonprotected groups. Murder of a victim will be treated more seriously than murder of another victim.

Mr. Speaker, I believe that's wrong. I think this is a constitutional problem. Again, in every State, in every country that has had similar legislation, this has created a problem of speech.

Hate crimes become hate speech, become thought crimes too easily, and I urge a "no" vote.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I am proud to support the Local Law Enforcement and Hate Crimes Prevention Act.

This is a commonsense bill with broad bipartisan support. Our law enforcement agencies, the vast majority of whom support this legislation, deserve the tools to battle hate-filled violence.

Bias-motivated crimes based on sexual orientation have more than tripled since the FBI began collecting hate crimes statistics about 20 years ago. But our law enforcement agencies still have no authority to assist communities dealing with even the most brutal crimes committed against our gay, lesbian, bisexual and transgender neighbors and friends.

This is a travesty. H.R. 1913 is a commonsense step to fix this injustice. The bill allows the Justice Department to aid State and local jurisdictions, either by lending assistance or by taking the lead in investigations and prosecutions of violent crimes which are motivated by bias.

Mr. Speaker, let us be clear. Nothing in H.R. 1913 could or would change First Amendment protections, but violence is not free speech.

Like many of my colleagues, I live in a community that was tragically altered by a senseless hate crime. Early last year, Lawrence King, an eighth grader in my district in a junior high school, was shot and killed by another student in his computer class, again, at a middle school. Lawrence was a young man who identified himself as a gay person, and this was the cause of the violence that took his life.

The police correctly identified the murder and classified it as a hate crime.

Mr. Speaker, I am very honored to stand here today and support H.R. 1913 in memory of Lawrence King and so many others who have been victims of hate crimes and acts of violence.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING) a member of the Judiciary Committee, who offered several excellent amendments that were rejected by the committee.

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding the time.

Mr. Speaker, this issue was debated for 2 days before the Judiciary Committee. There were many, many amendments that were offered before the committee. Every one of them was rejected and shot down out of, I think, a desire to preserve the bill to be whatever it was that was presented to the committee.

And now here we are with a rule that results in a closed rule, Mr. Speaker, a closed rule because, as the gentlelady from North Carolina said, there is a fear that there could be amendments that would succeed that would be offered here.

One of those that I happened to have offered before the Judiciary Committee was to exempt pedophiles as a special protected status that is under this bill. Now, the rational thought on the other side I couldn't follow, Mr. Speaker, but I think it would be rational for this full body as a House of Representatives to make a decision on this. And I think that there was a fear on the part of the Rules Committee that that would also be a decision that would be made.

Well, I have before me a list from the American Psychological Association of the paraphilias, paraphilias being, I will call them proclivities in my vernacular, Mr. Speaker, and among them are pedophiles and a whole list of other kinds of activities. There are 547 of them altogether. We can't even exempt pedophiles, let alone the other proclivities that are there, from special protected status.

We can't define the language that's in the bill, the language in the bill that says "gender" versus "sex." Gender isn't the same thing as using the word "sex." Sex is what an individual can determine someone else to be. Gender is what a person thinks they are in their head. So the blurry language of gender replaces the clear language of sex that has been in our law for a long time in history.

Sexual orientation is another one of these. There are three different categories. We are figuring out what's in people's heads, the perpetrator and the victim. So under sexual orientation you have a mental definition, the head of, perhaps, the victim what's going on there. You have the plumbing of the victim, that's a different kind of a definition. And then you have the act that

might be carried out by someone of a specific sexual orientation. No definition exists in law.

Gender identity is another broad category that can be whatever any individual wants it to be. So how does someone discriminate against someone else? How do they determine what these particular proclivities are, Mr. Speaker?

These are the broad, mushy areas of law that lead us down a path that ends up with any combination of liberal activist judges who will turn this into a mass of special protected status people, sacred cows walking through our society, self-alleged.

The gentleman from Florida mentioned the immutable characteristics. No, that's not in the bill. We tried to put it in the bill, but that amendment was shot down. I wish we could protect immutable characteristics. I think they should be. And those characteristics are those characteristics that are independently verified and can't be willfully changed.

That's the subject matter, 1984, George Orwell. I brought this up the last time we debated this. And I think it's important that we look at the book that was written in 1949 and predicted by George Orwell that by 1984 we would be where we are today in 2009.

He was writing about the new totalitarians who learned from the Nazis and the Russian Communists. And they said, "The Party is not interested in any overt act; the thought is all we care about. We do not merely destroy our enemies, we change them. We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world." This is George Orwell, 1984, anticipating we would be having this debate in 1984, and today it's 2009, Mr. Speaker.

We should punish all perpetrators. There should be no special victims, and all perpetrators should be punished the same. And I think 25 years for assault on anyone is enough. But to the gentleman from Colorado that called for a life sentence for assault, what does he do to a murderer?

I oppose the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Judiciary Committee and the author of this legislation, my good friend, Mr. CONYERS.

Mr. CONYERS. Thank you, Judge Hastings.

I want to thank everybody on the Committee on Rules about the careful consideration they have given me and the legislation. We had a great discussion yesterday that will no doubt continue on.

□ 1245

I wanted to assure Dr. Foxx that there can be nonhate crime. There is plenty of it. As a matter of fact, most of the crime that is committed is not hate-based. Robbery is not hate-based. Breaking and entry is not hate-based.

And I wanted to tell my distinguished colleague on the committee, Mr. FRANKS, that it is too late not to decide to create a special category for hate crime, because had he been on the committee in 1968, he would have been invited to the White House when President Johnson invited in the Southern governors to explain to them that cross-burning had gotten so out of hand that it could no longer be classified as a State crime, that it had to be federalized with an attempt to contain it. As a matter of fact, they did contain it.

To our distinguished Member, Mr. BLUNT, I want him to be very relaxed in his getting of rest every night. There is no religious infringement whatsoever. As a matter of fact, we kept saying it so much that we finally put it into the bill itself. If you look at the last section in the bill, Section 8, it says in as clear a language as we could construct that anything protected by the Constitution cannot be eviscerated or modified by this hate crimes act, which has been going on now for 31 years.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for the time.

I just want to say I am as appalled as any Member of Congress by crimes committed as an act of hate. Criminals who commit acts like murder, rape and assault do belong behind bars. But I oppose this bill because it lays the groundwork for the prosecution and the potential persecution of citizens whose crimes are not actions, but rather crimes of thought and speech.

The end result of this bill and the hate crimes agenda will be the suppression of both the freedom of speech and the freedom of religion. By establishing crimes of speech and thought, this law places pundits, journalists, preachers and religious men and women at risk.

Other nations have gone down this path before and seen their liberties curtailed. In nations like Canada and Great Britain, where hate crimes legislation has been expanded to include speech, now columnists must avoid certain subjects, and cartoonists worry that their caricatures could become a crime.

Even in this country, hate crimes legislation has already been used as a political tool to suppress religious speech. In Pennsylvania, we saw a State hate crimes law used to file felony charges against 11 Christians

speaking their minds and preaching their beliefs concerning a gay pride parade. Because sexual orientation had been added to the Pennsylvania hate crimes statute, the Christian demonstrators faced the following charges: Criminal conspiracy; possession of instruments of a crime—and the instruments of the crime were bullhorns; reckless endangerment of another person; ethnic intimidation; riot; failure to disperse; disorderly conduct; and obstructing highways.

I believe America is the greatest country in the world because we do have freedom of speech and we do have freedom of religion, and we must protect those ideals.

Mr. Speaker, any acts of murder, rape, assault, harassment, theft or any other crime should be punished equally under the law. I cannot support legislation which establishes thought crimes or lays the foundation for a country in which religious and political speech can be deemed hateful and even criminal.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, for my colleagues, I think you are aware that when we are on the floor debating this procedural concept called the rule, we usually try to go into the structure of the bill so that we can be clear as we move to general debate to offer our philosophical positions. So let me try to frame what this bill is actually about so that my colleagues can offer their opinions certainly during the general debate.

This bill, though it is called the hate crimes bill, it is also a focus on local law enforcement, and the concept is that all we are doing here is providing assistance to those local and State law enforcement agencies to ensure they have the tools to prosecute a case of hate crime.

Now, it is interesting that my friends on the other side have highlighted that we are separating out and enhancing the sentencing of those who engage in hate. Well, we have done that in years past. The 1964 Civil Rights Act and our discrimination laws have indicated that we abhor discrimination against anyone.

All this bill is doing is providing the resources on a State basis in the framework of Federal constitutional protection, so therefore if someone is in a church arguing or somewhere their political beliefs, their religious beliefs, it is not covered by this bill. We are not enforcing actions against that individual.

If you look through the bill, you will find it talks about assistance, financial assistance, to ensure that a case can be investigated. What we need to under-

stand is a case can be investigated and the person can be vindicated, can be found not guilty or will not be prosecuted because the facts are not there. To burden local law enforcement and State law enforcement with getting to the truth is something that we want to help with, because the truth is in fact a part of ensuring the Constitution is in place.

Let me also make note of the fact that this is acts of violence. So free speech, as colorful as it can be, as we have all heard in our elementary school, words can hurt us, but it is only sticks and stones that hurt us.

I ask Members to support this legislation because it is fair on its face.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is time for us to respond to some of the comments that have been made here this afternoon by our friends on the other side, and I appreciate the gentlewoman from Texas bringing up an issue that I think needs to be responded to.

As she pointed out, these crimes are being taken care of in the States. Forty-five States already have hate crime laws. What we are doing with this bill, as one of my colleagues has said earlier, is going in and preempting what the States are doing. This is abrogating the 10th Amendment again. The Constitution has clearly left to the States and localities and the people things that are not spelled out in the Constitution.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield?

Ms. FOXX. As soon as I am finished, I will do that.

However, nobody has said that the States aren't doing an adequate job of administering the laws that they have already. We don't need the Federal Government going in and working with them.

The issue of giving them assistance is another issue. If nothing else, that is a good reason to vote against this bill, because the bill states "such sums as are needed." We are creating another entitlement program. Now, the grants say \$100,000, but we are going to have people going after this money, putting ourselves more in debt, not included in the budget, not included in the appropriations but outside the budget. If you didn't vote against this bill and against this rule for any other reason, you could vote against it because we are spending additional money.

I also would like to point out that there was a bill, the hate crimes bill called the Matthew Shepard Act, named after a very unfortunate incident that happened where a young man was killed. But we know that that young man was killed in the commitment of a robbery. It wasn't because he was gay. The bill was named for him, the hate crimes bill was named for him, but it is really a hoax that that

continues to be used as an excuse for passing these bills.

Ms. JACKSON-LEE of Texas. Will the gentleday yield?

Ms. FOXX. In just a moment.

I also want to point out that one of the concerns that we have and why we believe that free speech is being endangered by this bill is the fact that the word "perceived" is used so often in this bill. In fact, I have pulled each one of them out. It says "is motivated by prejudice based on actual or perceived race."

Throughout the bill, there are five instances where the word "perceived" is used, but the word "perceived" is never defined. We believe that that opens up a Pandora's box in terms of how people can use this bill to stifle free speech. Our colleagues on the other side have not been willing to define this word or, again, to take amendments that many of us believe would have made this bill much, much better.

So I say to my colleagues, this is not the kind of legislation we should be passing in this country in this day.

If the gentlewoman wants to ask me a question which I can answer quickly, since I am on my time, I will yield. If it is a matter to speak on, then I would ask her to ask for time on her side.

Ms. JACKSON-LEE of Texas. I agree. I would just ask the gentleday if she has read section 3 that indicates the State would ask for the assistance, and then page 12 of the bill that indicates, it is part (d), I don't want to go back to the section, but page 12, line 9, indicates that no voice where someone is speaking or making expression will be in evidence to prove that that person is engaged in a hate crime.

I would ask the gentleday if she looked at that thoroughly?

Ms. FOXX. I have read the bill and read it carefully, and I have great problems with the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished Congressional Black Caucus Chair, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me first thank the gentleman for yielding and for your steady and very fair leadership as a member of the House Rules Committee. Also to Chairman CONYERS, let me thank you for your leadership in making sure this important legislation gets to the floor today.

I also want to acknowledge the indispensable contributions of the LGBT Caucus, on which I serve as a member, which is led so ably by our colleagues Chairman BARNEY FRANK, Congresswoman TAMMY BALDWIN, and Congressman JARED POLIS.

This legislation is long overdue. In the long history of the United States,

there is much to admire and to celebrate. But, regrettably, there have been episodes in our history that are tragic, violent and shameful. Among the most horrific are violent crimes motivated by hate.

The notorious race riots in Greenwood, Oklahoma, and Rosewood, Florida, in the early years of this last century, to the church bombings and attacks on gay, lesbian, bisexual and transgendered persons, are painful reminders that we still have not perfected our Union. Whether it has been the color of their skin, their religion, gender, disability, national origin, or their sexual orientation or identity, the sad fact is that too many persons have been the victims of violence, often ending in death, simply because of a characteristic of birth.

Sadly, many of the recent attacks based on sexual orientation have been against gay black men, like Michael Sandy, who was beaten and robbed in New York by four men and lay in a coma for several days before he died. In court proceedings, it was revealed that his attackers viewed gay men as prey. Fortunately, New York's hate crimes law now includes sexual orientation as a protected class.

And closer to my home, right outside of my district in Newark, California, a young high school student named Gwen Araujo was viciously beaten to death by four young men and buried simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, and had lived her high school years as a girl with the love and support of her family, particularly her mother, Sylvia Guerrero.

Gwen's story really resonates with me. Children are entitled to be free from hate-motivated violence in schools. That is why when I was in the California legislature, I authored and Pete Wilson signed into law the California Hate Crimes Reduction Act.

Members of the clergy support this bill, the Congress of National Black Churches, the Episcopal Church and the Evangelical Lutheran Church of America.

□ 1300

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to our colleague from Texas (Mr. GOHMERT), who also offered several amendments that were not taken.

Mr. GOHMERT. Mr. Speaker, there should have been amendments to this because there are all kinds of problems with it. When, in America, we start dividing this country into groups, we've got trouble; and that's what this bill does. It divides America into groups and says these over here are more important to protect than the rest of you guys. That is a problem.

Now, I'd like to address the question that my friend from Texas raised about the rule of evidence I think is what she

was talking about. It does say, "In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense."

18 U.S.C. section 2(a) says if you aid, abet, counsel, induce someone to commit a crime, you are just as guilty as the one that committed it.

So, for example, I have a Bible here that my uncle was given when he entered World War II. It has a flyleaf cover that says, "As Commander-in-Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength, and now, as always, an aid to attaining the highest aspiration of the human soul."

That's signed Franklin D. Roosevelt in this little Bible.

But if you look over to Romans, it talks about, "For this cause God gave them up to vile affections, for even their women did change the natural use into that which is against nature; and likewise, the men, leaving the natural use of women, burned in their lust one to another, men with men, working that which is unseemly and receiving in themselves that recompense of their error which was meet."

If somebody hears a preacher preaching that and goes out and commits an act of violence, I mean, I was a prosecutor 30 years ago. It doesn't take much imagination to say, we had to arrest the preacher; it was clear he's the one that planted the seeds in this nut's head that went out and committed an act of violence. Therefore, this evidence of what he read from the Bible, even though FDR signed it and encouraged people to read it, FDR's not around, we can't go after him, but we can go after this preacher that put that in the mind of the individual. They induced it. They're guilty as a principal. And even if they're not, just arresting pastors a few times and saying, we're going to let the jury decide what his intent was will be enough to have a chilling effect.

There's no Federal nexus here. There is no epidemic. There's no evidence of an epidemic. There's no need. Every case that's been brought up, including Matthew Shepard, in that case they got life without parole. The other got two life sentences. James Byrd, the two defendants most culpable got what they deserved, they got the death penalty, and this case will not affect that. The other guy got life. Wouldn't affect him. There is no need. There is no epidemic. It divides America. Why don't we say "no" to this and let America be united again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased at this time

to yield 1 minute to my distinguished colleague and good friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman and rise in support of this rule and the underlying legislation.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim.

It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

And to say that pedophilia somehow belongs in here represents such uninformed, illogical and irrelevant thinking as to say kleptomania, drug abuse, school truancy, parking violation and road rage belongs here.

This bill is about hate crimes. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

I urge support of the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for her hard work on the Rules Committee, on this rule fight, and I rise in strong opposition to the rule and the underlying bill.

My goodness. How long are we going to debate this? 40 minutes or an hour? This very important piece of legislation under this rule?

I can understand why we only have that amount of time because, after all, we're going to be working as late as 4 this afternoon here in the House. How could we possibly go just a little later than 4 to debate a very, very important piece of legislation?

And then what amendments will we be debating? None. It's a closed rule.

This is an atrocity. This is a very highly contentious piece of legislation. We held a 2-day markup on this bill with numerous amendments in the Judiciary Committee, and it is very clear that we need a rule that will allow for amendments to be considered on the floor of the House. But we certainly don't have that.

So I urge my colleagues to oppose this rule.

I would also point out that this underlying piece of legislation, which I

will have the opportunity to speak more on in the general debate, is something that does, indeed, deal with thought. The only difference between beating up a senior citizen and beating up somebody who is in a protected class, under this piece of legislation, or beating up a pregnant woman, or beating up someone who's in a protected class, under this legislation, is the thought process that went into the motivation to assault that particular person. And that is legislation that is founded on criminalizing thought.

It is very deeply concerning, because I, like most Americans, believe that every victim of every crime is entitled to be treated the same under the law. Why would a senior citizen not be deserving of these additional protections that are provided based upon sex or sexual orientation or race or religion?

Why would pregnant women who suffer all kinds of violent crimes against them not be deserving of that same kind of protection?

This legislation is bad. Vote down the rule. Vote down the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the newest Member of the House of Representatives, at least for another 6 hours, until one newer than him is sworn in, Mr. QUIGLEY from Illinois.

Mr. QUIGLEY. I rise in strong support of H.R. 1913. I am new here, but I am not new to this issue. And I am extraordinarily aware that in our country hatred has an extraordinary tenacity, a tenacity which we must be on arm against, especially when that hatred takes the form of action.

In 2008, there were 72 reported hate crimes in the city of Chicago alone. When one of our neighbors is attacked, our entire community must feel the pain. Every American, regardless of who his parents are, where she worships, or who he chooses to love, deserves to be free from the fear of harm. This bill will go a long way towards ensuring all of our citizens have access, equal access to protection under the law.

I thank the Chair and urge my colleagues to support this important legislation.

Ms. FOXX. Mr. Speaker, I would like to yield 90 seconds now to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding.

I want to take it back to this question. We have these vague terms in this legislation that's before us, these vague terms that the Judiciary Committee majority refused to define and refused to allow a definition, and so I've looked up some definitions of this language, and here is one of them. Sexual orientation. We'll go to the Merriam Webster's Dictionary, under medical, and it says, sexual orienta-

tion: One's attraction to and preference in sexual partners. One definition.

Here's another definition that comes from the American Heritage Stedman's Medical Dictionary. It says sexual orientation is sexual activity with people of the opposite sex, the same sex or both.

So one is an attraction definition, and the other one is an activity definition.

And now I go to the American Psychological Association, those people that have identified 547 different paraphilias, and they say sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express that in their behaviors.

So, here we have, again, these broad definitions in the so-called hate crimes legislation that truly are thought crimes, because without the thought, you're not going to have the hate, and it can only be defined by trying to look into the skull of the victim and the perpetrator. And there's never been legislation that's presented that's been this broad or that imagines that it can define something that is in the head of a victim and in the head of the perpetrator at the same time, let alone what might be in the head of the judge, Mr. Speaker. So I oppose this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to inquire of the gentlewoman if she has any remaining speakers. I am the last speaker for this side and am prepared to reserve.

Ms. FOXX. Mr. Speaker, I am prepared to close.

Mr. HASTINGS of Washington. Then I would reserve the balance of my time until the gentlewoman has closed for her side and yielded back her time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, my colleagues who have spoken here today have been extremely eloquent, and they've done a very, very good job of saying why this rule is bad and why the underlying bill is bad.

I want to end with a summary and with a quote. I want to quote from a column by William Raspberry from The Washington Post, April 9, 1999. And I'm quoting from the end of that column. The title of it is Thought Crimes. "What I'm asking is this: Isn't it enough that people be punished for what they do, rather than for the attitudes that drive them to do it? What is the advantage of prosecuting people for what amounts to crimes of wrong thinking? Surely we don't expect expanded legislation to change their thinking, and we've already got laws against the awful behavior their warped thinking may produce. But I can't see that Clinton's proposal can do any good whatever. But as I said, it's likely to do negligible harm, so I'll just shut up."

Mr. Raspberry is certainly not a conservative speaker or writer. However, he shares the same view that I and my colleagues have shared today.

And let me summarize, again, why we're opposed to this bill. Our criminal justice system has been built on the ideal of equal justice for all. This bill turns that fundamental principle on its head. Justice will no longer be equal but will depend on the race, gender, gender identity, sexual orientation, disability or other protected status of the victim. The bill is unconstitutional, we believe, and will likely be struck down by the courts.

The hate crimes bill will restrict religious freedom and first amendment rights by raising the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities.

We believe this bill itself will spread fear and intimidation. Religious organizations may be chilled from expressing their ideas regarding homosexuality out of fear from involvement in the criminal process.

The bill also federalizes crimes that are being effectively prosecuted by our States and local governments.

In 2007, of the approximately 17,000 homicides that occurred in the United States, only 9 of the murders were determined to be motivated by bias. Regarding crimes where there are actual victims, there's no evidence that States are not fully prosecuting violent crimes involving "hate."

We all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim, but the larger community whose public safety has been violated.

□ 1315

That is why all violent crimes must be vigorously prosecuted. Individuals prosecuted under this legislation, though, are not going to be punished for just their actions, but for their thoughts.

Mr. Speaker, this underlying bill is a bad bill and it is a bad rule, and I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I have been on the Rules Committee a considerable amount of time, both in the minority and in the majority, and I have seen things come to the Rules Committee that I thought were trivializing the process, but yesterday took the cake for me.

We had an amendment offered by one of our colleagues to this particular legislation. I guess it was done in a creative fashion, and certainly the author of it did spend some time looking in

the dictionary or creating new terms. And I apologize to our transcriber, but I am going to put in the RECORD what we have to put up with in the Rules Committee.

"The term sexual orientation," this proposed amendment said, "as used in this act, or any amendments made by this act, does not include apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone scatologia, toucherism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia."

All I can say is the late-night comedians need to come up there with me sometime so that they can get into the spirit of spuriousness that comes there on certain occasions.

This is serious business. Mr. Speaker, we can't legislate love, but we can legislate against hate. This legislation may not rid us of the intolerance and prejudices that continue to taint our society, but it will provide an added deterrent to those for whom these feelings manifest themselves into acts of violence. They will be fully aware that, should they commit a hate crime, there will be no lenience and they will not slip through the cracks of the American legal system.

Further, passage of this Hate Crimes bill will increase public education and awareness and encourage Americans to report hate crimes that all too often are silent.

Mr. Speaker, this bill addresses our resolve to end violence based on prejudice, and to guarantee that all Americans, regardless of race, color, religion, national origin, gender, sexual orientation, gender identity or disability—or all of these philiads and fetishes and isms that were put forward—need not live in fear because of who they are.

I urge my colleagues to vote in favor of this rule so that we continue to move this country toward fully achieving its promise of justice and liberty for all Americans.

I urge a "yes" vote on the previous question and on the rule.

Mr. MCGOVERN. Mr. Speaker, I stand in strong support of this rule and of the underlying legislation.

H.R. 1913, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act allows for the Justice Department to assist local authorities, who are either unable or unwilling, with the investigation and prosecution of bias motivated crimes.

Hate crimes not only hurt victims and their families, but can impact a community or even an entire nation.

Perpetrators of violent hate crimes choose their victims based on an actual or perceived bias. It is a crime based on the victim's actual or perceived race, color, religion, national ori-

gin, gender, sexual orientation, gender identity, or disability.

This bipartisan legislation empowers the Justice Department with the authority it needs to combat the prevalence of hate crimes in our communities. Since the FBI began collecting hate crimes data in 1991, bias motivated crimes against LGBT Americans has tripled; though the federal government has not provided the necessary resources to stem this uptick.

The destructive nature of hate crimes permeates throughout our society, and if we refuse to address it, then we are refusing to provide for the public safety of all Americans.

Mr. Speaker, it's important to note that this legislation does not discriminate. All victims of hate crimes are protected by this bill: every race, every religion, every sexual orientation, every disability.

I'd also like to commend Chairman CONYERS and the Judiciary Committee for crafting a bill that provides both for the protection against hate crimes and for the protection of our constitutional right of free speech.

Nothing in this legislation allows for speech, violent or otherwise, to be prosecuted.

Hate crimes by definition must involve death or bodily injury. Speech alone cannot be prosecuted under this legislation.

However, violent hate crimes are not constitutionally protected rights, and this legislation is needed to help reduce the divisive and sometimes deadly effects they have on communities across our country.

This legislation boasts the diverse support of more than 300 law enforcement, civil rights, civic and religious organizations and individuals, including the American Civil Liberties Union.

Mr. Speaker, I'd like to remind my colleagues that victims of hate crimes are targeted for violence and suffered attacks because of who they are.

I'd like to tell you the story of Lisa Craig, a 35-year-old mother of two, from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers, who earlier in the evening had been shouting anti-gay epithets at the couple.

This story is just one of thousands across our country, and to prevent more from occurring, I encourage my colleagues to support this rule and the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 372 the Rule on H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. I urge my colleagues to support this rule.

The rule will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. The key element of the rule is its expansion of federal jurisdiction to cover crimes motivated by bias against a victim's perceived sexual orientation, gender, gender identity or disability. This legislation would make tremendous strides in garnering the civil and human rights of all Americans. Its passage would secure the equal protection of all

Americans under the law. It is a landmark and long overdue piece of legislation.

This is an important legislation and I have introduced similar legislation in this and prior Congresses. While I support this legislation and urge my colleagues to support it, I am disappointed that the rule did not include my amendment which I offered last Congress.

MY AMENDMENT LANGUAGE IN H.R. 1592

Last Congress, I offered an amendment to H.R. 1592, the legislation that was introduced last term. My amendment was accepted by unanimous consent by the members of the Judiciary Committee. Specifically, my amendment required "the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall report such findings back to the Congress within 180 days." If this language was included in the present bill, it would only serve to strengthen it and make it better. The amendment language was intended to gather information on adults that solicit and use youth in the commission of hate crimes. This issue arises with respect to hate groups such as the Skinheads, Neo-Nazis, KKK, and other similar type groups.

The Rule is aimed at combating hate crimes. Because the rule addresses hate crimes, it is necessary to define the criminal actions that constitute a hate crime in the first instance. The definition is straightforward. Hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation.

Opponents will argue that this bill abrogates constitutional rights of Freedom of Speech or other First Amendment guarantees under the Constitution. These arguments have no merit.

First, all speech is not protected speech. For example, one does not have the right to scream "Fire!" in a crowded movies theatre.

Second, nothing in this bill prevents a person from exercising their fundamental rights or their First Amendment right to free speech. The actionable crime here is crimes that cause bodily injury.

Third, the rule clarifies that neither this Act, nor the amendments made by it may be construed to prohibit any expressive conduct protected from legal prohibition, or any activities protected by the free speech or free exercise clauses of, the First Amendment of the United States Constitution. The legislation does not punish, nor prohibit in any way, name-calling, verbal abuse, or even expressions of hatred toward any group, even if such statements amount to hate speech. Because it covers only violent actions that result in death or bodily injury nothing in this legislation prohibits lawful expression of deeply held religious beliefs. Thus, clergy and other religious persons are not prohibited from decrying any acts, lifestyles, or characteristics that they deem repugnant or contrary to their beliefs. This speech is not actionable under this bill and is in no way proscribed.

The rule specifically provides at Section 8, in its Rule of Construction, that "Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the Constitution." Thus, the plain language of the rule makes clear that clergy or others exercising their First Amendment right to speech or expression will not be penalized by this law. Words or conduct that does not result in bodily injury is not actionable under this bill.

The Rule will address two serious deficiencies in the Federal civil rights crimes, in which a limited set of hate crimes committed on the basis of race, color, religion, or national origin are prohibited. The principal federal hate crimes statutes are 18 U.S.C. sec. 245 and 42 U.S.C. sec. 3631, this bill expands the application of hate crimes legislation.

In the last forty years, limitations in section 245 have become apparent and needed to be addressed. For example, the existing statute requires the government not only to prove that the defendant committed an offense because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of sex narrowly defined protected activities. These activities related to enrolling/attending schools, participating in or enjoying a service, program, facility, or activity administered or provided by a state or local government, applying for or enjoying employment, serving in a state court as a juror, travelling in or using a facility of interstate commerce, and enjoying the goods or services of certain places of public accommodation. This bill extends the application of hate crimes beyond these narrow and limited situations.

The Rule extends hate crimes in another important manner. The existing statute provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity or disability. The Rule covers these statuses.

When federal jurisdiction has existed in the limited hate crime contexts authorized under 18 U.S.C. sec. 245(b), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations has provided an invaluable investigative complement to the familiarity of investigators with the local community, people and customs. The limitations of section 245 have limited the opportunity for such collaboration in many incidents of violence.

As I mentioned out the outset, I understand the urgency and importance of passing this bill. I would however like to address two issues that I would like considered, and that I would like to work with leadership to ensure is included, in conference.

First, the rule adds a certification requirement that is not currently found in section. Specifically, it requires a written certification from the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General that the person has reason to believe that a hate crime has occurred and the person has consulted with local and state law enforcement.

This imposes yet another burden upon the Department of Justice and might infringe upon its right to bring and try hate crimes. I do not see any compelling reason for changing the existing law and adding this additional burden.

Similarly, with respect to the Rule of Evidence in section 7(d) of this legislation, it provides the following:

"In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness."

Thus, this new rule of evidence alters the relevance standard that already exists under the Federal Rules of Evidence. It would seem appropriate to use evidence, albeit circumstantial insofar as it is relevant. For example, consider the following hypothetical that a hate crime is perpetrated but under the current construction of section 7(d), it would be inadmissible to proffer evidence that the defendant collected racist magazine or paraphernalia unless such paraphernalia was directly used in the crime or is entered for purposes of impeachment. It defies reason that the existence of such paraphernalia is relevant and should be admissible to prove that a crime was racially motivated. Therefore, I would excise the language in section 7(d).

Hate crimes are real. The bodily injury, loss of life, and havoc that their perpetration wreaks on an individual, a family, community, and the country is wholly unacceptable. I urge my colleagues to support an end to such hate crimes and support this rule. Its passage would make America a fuller, freer and more equal society that ensures that all accorded equal protection under the laws of the United States.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and passing H.R. 46, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 181, not voting 17, as follows:

[Roll No. 219]

AYES—234

Abercrombie	Bishop (GA)	Carson (IN)
Ackerman	Bishop (NY)	Castor (FL)
Adler (NJ)	Blumenauer	Chandler
Altmire	Bocchieri	Clarke
Andrews	Boren	Clay
Arcuri	Boswell	Cleaver
Baca	Boyd	Clyburn
Baird	Brady (PA)	Cohen
Baldwin	Braley (IA)	Connolly (VA)
Barrow	Brown, Corrine	Conyers
Bean	Capps	Cooper
Berkley	Capuano	Costa
Berman	Cardoza	Costello
Berry	Carmahan	Courtney

Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)

Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Buyer

Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake

Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam

Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)

Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Granger
Gutiérrez
Inslee
Kilroy
Kosmas
Larson (CT)
McCarthy (CA)
Perriello
Stark
Thompson (MS)
Waxman

□ 1348

Mr. BACHUS changed his vote from “aye” to “no.”

Ms. BEAN changed her vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on April 29, 2009, I missed the vote on ordering the previous question on H. Res. 372 (rollcall vote 219), providing for consideration of H.R. 1913, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. Had I been present, I would have voted “aye” for H. Res. 372.

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 219 on ordering the previous question on H. Res. 372, providing for consideration of H.R. 1913. If present, I would have voted “aye.”

Stated against:

Mr. EHLERS. Mr. Speaker, on rollcall No. 219, I was inadvertently detained. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 190, not voting 8, as follows:

[Roll No. 220]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clerke
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva

Gutiérrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano

Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)

Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito	Johnson (IL)	Platts
Carney	Johnson, Sam	Poe (TX)
Carter	Jones	Posey
Cassidy	Jordan (OH)	Price (GA)
Castle	King (IA)	Putnam
Chaffetz	King (NY)	Radanovich
Childers	Kingston	Rehberg
Coble	Kirk	Reichert
Coffman (CO)	Kline (MN)	Roe (TN)
Cole	Kratovil	Rogers (AL)
Conaway	Lamborn	Rogers (KY)
Crenshaw	Lance	Rogers (MI)
Culberson	Latham	Rohrabacher
Davis (KY)	LaTourette	Rooney
Davis (TN)	Latta	Ros-Lehtinen
Deal (GA)	Lee (NY)	Roskam
Dent	Lewis (CA)	Ross
Diaz-Balart, L.	Linder	Royce
Diaz-Balart, M.	LoBiondo	Ryan (WI)
Donnelly (IN)	Lucas	Scalise
Dreier	Luetkemeyer	Schmidt
Duncan	Lummis	Schock
Ehlers	Lungren, Daniel	Sensenbrenner
Ellsworth	E.	Sessions
Emerson	Mack	Shadegg
Fallin	Manzullo	Shimkus
Flake	Marchant	Shuler
Fleming	McCarthy (CA)	Shuster
Forbes	McCaul	Simpson
Fortenberry	McClintock	Smith (NE)
Fox	McCotter	Smith (NJ)
Franks (AZ)	McHenry	Smith (TX)
Frelinghuysen	McHugh	Souder
Gallely	McIntyre	Stearns
Garrett (NJ)	McKeon	Sullivan
Gerlach	McMorris	Taylor
Gingrey (GA)	Rodgers	Terry
Gohmert	Melancon	Thompson (PA)
Goodlatte	Mica	Thornberry
Graves	Miller (FL)	Tiahrt
Griffith	Miller (MI)	Tiberi
Guthrie	Miller, Gary	Turner
Hall (TX)	Minnick	Upton
Harper	Moran (KS)	Walden
Hastings (WA)	Murphy, Tim	Wamp
Heller	Myrick	Westmoreland
Hensarling	Neugebauer	Whitfield
Henger	Nunes	Wilson (SC)
Hill	Olson	Wittman
Hoekstra	Paul	Wolf
Hunter	Paulsen	Young (AK)
Inglis	Pence	Young (FL)
Issa	Petri	
Jenkins	Pitts	

NOT VOTING—8

Boehner	Granger	Stark
Burgess	Perlmutter	Waxman
Butterfield	Perriello	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1358

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Stanley L. Zalen, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held

March 31, 2009, the Honorable Scott Murphy was elected Representative to Congress for the Twentieth Congressional District, State of New York.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE BOARD OF ELECTIONS,
Albany, NY, April 27, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, March 31, 2009, for Representative in Congress from the Twentieth Congressional District of New York, show that Scott Murphy received 80,420 of the total number of votes cast for that office.

It would appear from these unofficial results that Scott Murphy was elected as Representative in Congress from the Twentieth Congressional District of New York.

As soon as the official results are certified to this office by the County Boards of Elections involved, an official Certificate of Election will be prepared for transmittal as required by law.

Very truly yours,

TODD D. VALENTINE,
Co-Executive Director.

STANLEY L. ZALEN,
Co-Executive Director.

SWEARING IN OF THE HONORABLE SCOTT MURPHY, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable SCOTT MURPHY, be permitted to take the oath of office today.

His certificate of election has not yet arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the New York delegation present themselves in the well.

Mr. MURPHY of New York appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

WELCOMING THE HONORABLE SCOTT MURPHY TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York (Mr. RANGEL) is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Madam Speaker, it is my great honor as the dean of the New York delegation to present to this honorable body the Honorable SCOTT MURPHY.

Quite frankly, the Nation has said this has been a victory of Democrats over Republicans. That's just not so. This is just one great American that found himself in a district that had more Republicans who saw and wanted the best for this country.

It is my great honor to present the Honorable SCOTT MURPHY of the 20th District of New York.

Mr. MURPHY of New York. Thank you, Chairman RANGEL. It's an honor to stand on this floor of this House and join the outstanding men and women of this 111th Congress. I look forward to getting to know all of you, to learning from you, and, most of all, working with you in the spirit of bipartisan cooperation that our challenges so desperately demand.

Upstate New Yorkers made clear to me that while the challenges we face as a country are some of the greatest we have ever known, they're not Democratic challenges, they're not Republican challenges. And as our President has said, this country is not as polarized as our politics would suggest.

So while we may disagree at times on issues, we must never forget that our goals are the same: to make sure that we have good jobs for our workers; to keep our families healthy and safe; to help our small businesses grow and prosper; to build a cleaner, independent energy future; and to make sure that our kids can find jobs so that they can stay near their families and in our communities like those all across Upstate New York.

I have dedicated my career to creating jobs and helping small businesses grow, working with people of all backgrounds and parties to solve complex challenges. Beginning today, I will fight to invest in the 21st century infrastructure that will create jobs and get our economy moving again.

There are so many people to thank for making this journey here today possible. First and foremost, the voters of the 20th District of New York. I'm humbled and honored by the faith and trust that they have placed in me, and I pledge to work every day to make their lives a little bit better and to live up to my ultimate job description of being their voice here in this House.

Now, the first person I would like to thank is the most important person in my world, my best friend, the love of my life, my wife, Jen, who is up in the audience here. Without her encouragement and support, I never would have

tried this and would never have been successful.

I also want to thank my kids, Simone and Lux, who are down here on the floor with me, and my son Duke. Their curiosity and energy inspires me every day and reminds me and reminds all of us that we are here fighting for a brighter future for them and all of America's children.

I also want to thank my dad. And I am a very lucky man, I have my grandparents here with me today. I want to thank them and my mom, who is not around anymore, for teaching me the lessons of hard work and thriftiness and compassion that allowed me to achieve what I have in life and to join this body.

And I want to say thanks to the family and friends that have made the trip down from New York. Many of you have heard I've got a huge family. We have got 57 people in our immediate family. At least half of them are up here in the gallery. So thank you all very much for being here and for all your support.

And I want to say thanks to Speaker PELOSI for your wonderful leadership and to the rest of the leadership team: the majority leader, STENY HOYER; Caucus Chairman LARSON; Whip CLYBURN; Chairman VAN HOLLEN, who have all been very helpful in putting this all together, and I couldn't have gotten here without your help. So thank you very much.

A special thanks to Senator GILLIBRAND, who made this opportunity possible and who did an amazing job representing the families of Upstate New York, and I heard that consistently on the campaign trail. So thanks for your support and your wonderful work on behalf of our district.

I also want to say thanks to President Obama and Vice President BIDEN for their excellent leadership. And I look forward to working with them and all the Members of this body to make sure that we get the stimulus money, the economic recovery money out and make sure it's as effective as it can possibly be in impacting our communities and getting this economy moving.

Thanks also to the outstanding New York delegation that was so excited and helpful in this race. I am looking forward to working on behalf of a brighter New York with so many other Members from our fine State.

I want to say thanks to all the other leaders that were helpful, Governor Paterson and Senator SCHUMER and all the volunteers and staff, and particularly the excellent staff that I had that are here that did so much on our behalf for this campaign. So thank you to everyone who was involved.

As I began serving the people of Upstate New York, I pledged to work with each and every Member of this body to put people back to work, to take care

of the taxpayers of today and of tomorrow, and to give our kids a 21st century education, and, most of all, to summon the true spirit of cooperation that it will take to make sure that America's brightest days are still ahead of us. Thank you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentleman from New York (Mr. MURPHY), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-
TOR of Arizona). Without objection, 5-minute voting will continue.

There was no objection.

FAMILY SELF-SUFFICIENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 46.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 46.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 19, not voting 17, as follows:

[Roll No. 221]

AYES—397

Abercrombie	Bishop (NY)	Cantor	Johnson (IL)	Myrick
Ackerman	Bishop (UT)	Cao	Johnson, E. B.	Nadler (NY)
Aderholt	Blackburn	Capito	Johnson, Sam	Napolitano
Adler (NJ)	Blumenauer	Capps	Jones	Neal (MA)
Akin	Boccieri	Capuano	Jordan (OH)	Neugebauer
Alexander	Boehner	Cardoza	Kagen	Nunes
Altmire	Bonner	Carnahan	Kanjorski	Oberstar
Andrews	Bono Mack	Carney	Kaptur	Obey
Arcuri	Boozman	Carson (IN)	Kennedy	Olson
Austria	Boren	Carter	Kildee	Olver
Baca	Boswell	Castle	Kilpatrick (MI)	Ortiz
Bachmann	Boucher	Castor (FL)	Kilroy	Pallone
Baird	Boustany	Chaffetz	Kind	Pascarell
Baldwin	Boyd	Chandler	King (IA)	Pastor (AZ)
Barrett (SC)	Brady (PA)	Childers	King (NY)	Paulsen
Barrow	Brady (TX)	Clarke	Kirk	Payne
Bartlett	Braley (IA)	Clay	Kirkpatrick (AZ)	Pence
Barton (TX)	Bright	Cleaver	Kissell	Perlmutter
Bean	Brown (SC)	Clyburn	Klein (FL)	Peters
Becerra	Brown, Corrine	Coble	Kline (MN)	Peterson
Berkley	Brown-Waite,	Coffman (CO)	Kosmas	Petri
Berman	Ginny	Cohen	Kratovil	Pingree (ME)
Berry	Buchanan	Cole	Kucinich	Platts
Biggert	Burton (IN)	Conaway	Lamborn	Poe (TX)
Bilbray	Buyer	Connolly (VA)	Lance	Polis (CO)
Bilirakis	Calvert	Conyers	Langevin	Pomeroy
			Larson (CT)	Posey
			Latham	Price (GA)
			LaTourette	Price (NC)
			Latta	Putnam
			Lee (CA)	Quigley
			Lee (NY)	Radanovich
			Levin	Rahall
			Lewis (CA)	Rangel
			Lewis (GA)	Rehberg
			Lipinski	Reichert
			LoBiondo	Reyes
			Loebuck	Richardson
			Lofgren, Zoe	Rodriguez
			Lowey	Roe (TN)
			Lucas	Rogers (AL)
			Luetkemeyer	Rogers (MI)
			Lujan	Rohrabacher
			Lummis	Rooney
			Lungren, Daniel	Ros-Lehtinen
			E.	Roskam
			Lynch	Ross
			Mack	Rothman (NJ)
			Maffei	Roybal-Allard
			Maloney	Ruppersberger
			Manzullo	Rush
			Marchant	Ryan (OH)
			Markey (CO)	Ryan (WI)
			Markey (MA)	Salazar
			Marshall	Sanchez, Linda
			Massa	T.
			Matheson	Sanchez, Loretta
			Matsui	Sarbanes
			McCarthy (CA)	Schakowsky
			McCarthy (NY)	Schauer
			McCaul	Schiff
			McClintock	Schmidt
			McCollum	Schock
			McCotter	Schrader
			McDermott	Schwartz
			McGovern	Scott (GA)
			McHenry	Scott (VA)
			McHugh	Sensenbrenner
			McIntyre	Serrano
			McKeon	Sestak
			McMahon	Shea-Porter
			McMorris	Sherman
			Rodgers	Shimkus
			McNerney	Shuler
			Meek (FL)	Shuster
			Meeks (NY)	Simpson
			Melancon	Sires
			Mica	Skelton
			Michaud	Slaughter
			Miller (FL)	Smith (NJ)
			Miller (MI)	Smith (TX)
			Miller (NC)	Smith (WA)
			Miller, Gary	Snyder
			Miller, George	Souder
			Minnick	Space
			Mitchell	Speier
			Mollohan	Spratt
			Moore (KS)	Stupak
			Moore (WI)	Sullivan
			Moran (KS)	Sutton
			Moran (VA)	Tanner
			Murphy (CT)	Tauscher
			Murphy (NY)	Taylor
			Murphy, Patrick	Teague
			Murphy, Tim	Terry
			Murtha	Thompson (CA)

Thompson (MS)	Velázquez	Wexler
Thompson (PA)	Visclosky	Whitfield
Thornberry	Walden	Wilson (OH)
Tiahrt	Walz	Wilson (SC)
Tiberi	Wamp	Wittman
Tierney	Wasserman	Wolf
Titus	Schultz	Woolsey
Tonko	Waters	Wu
Towns	Watson	Yarmuth
Tsongas	Watt	Young (AK)
Turner	Waxman	Young (FL)
Upton	Weiner	
Van Hollen	Welch	

NOES—19

Blunt	Flake	Royce
Broun (GA)	Gohmert	Scalise
Camp	Goodlatte	Shadegg
Campbell	Graves	Stearns
Cassidy	Kingston	Westmoreland
Culberson	Pitts	
Duncan	Rogers (KY)	

NOT VOTING—17

Bachus	Dicks	Paul
Bishop (GA)	Doyle	Perriello
Burgess	Granger	Sessions
Butterfield	Larsen (WA)	Smith (NE)
Cummings	Linder	Stark
Diaz-Balart, L.	Nye	

□ 1421

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 372, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 111-91, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2009”.

SEC. 2. DEFINITION OF HATE CRIME.

In this Act—

(1) the term “crime of violence” has the meaning given that term in section 16, title 18, United States Code;

(2) the term “hate crime” has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term “local” means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, or tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, or tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, or tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012, such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or
 “(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) **ADDITIONAL FEDERAL NEXUS FOR OFFENSE.**—Whoever, in the special maritime or territorial jurisdiction of the United States, or in Indian country, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as those provided for offenses under those paragraphs.

“(b) **CERTIFICATION REQUIREMENT.**—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) **DEFINITIONS.**—

“(1) In this section—

“(A) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(B) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(C) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

“(2) For the purposes of this chapter, the term ‘gender identity’ means actual or perceived gender-related characteristics.

“(d) **STATUTE OF LIMITATIONS.**—

“(1) **OFFENSES NOT RESULTING IN DEATH.**—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) **DEATH RESULTING OFFENSES.**—An indictment or information alleging that an offense under this section resulted in death may be found or instituted as any time without limitation.

“(e) **RULE OF EVIDENCE.**—In a prosecution for an offense under this section, evidence of ex-

pression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

“249. Hate crime acts.”.

SEC. 7. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by, the Constitution.

The SPEAKER pro tempore. Debate shall not exceed 1 hour and 20 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, each of whom may yield control of blocks of that time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 40 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield control of 10 minutes of the debate to the gentleman from Illinois, Mr. MARK KIRK.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, the measure before us enables the Department of Justice to come to the aid of State and local law enforcement agencies in investigating and prosecuting bias-based brutality and helping defer the costs when they overwhelm State and local resources. And when necessary—and if approved by the highest, Senate-confirmed Department officials—it authorizes the Department to step in and prosecute at the Federal level.

What we are doing here today is expanding existing Federal hate crimes law beyond the confines of protecting access to a limited set of specified pro-

tected activities. What we do is add to the current list of group characteristics deservedly recognized for protection, the reason being due to their being well-known targets for bias-based violence. So we add new ones that also clearly belong on the list, and this is after careful scrutiny and hearings on this issue—they are sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just at those who are directly attacked; they are targeting the entire group with the threat of violence. So the groups in the bill differ from other groups that some have been trying to add on—and I understand some of their reasons for that—but which do not share the same kind of history of being targeted over a period of time for hate-based violence.

Our approach is consistent with the judgment made by the States that have hate crimes laws—45 of them. They have made the same judgment as we have made for Federal law, that these many other groups should be protected elsewhere in the law, not in hate crimes law.

I close by reminding Members that under Lyndon Johnson in 1968 we first started the hate crimes bill under the church arson bill. The President called us into the White House with the governors of southern States to advise them that the burning of churches, the arson, the cross burnings were so out of control in many States that there was no other remedy except by Federal statute. The Federal Government would have to be authorized to intercede where they invited them to do so. From that has grown this bill, based on law that has been tested in the Supreme Court and many other lower courts.

And so we come before you with a bill that does not encroach upon the First Amendment, or the Fourth Amendment, or the part of the Constitution that leaves all other powers to the States. I urge your continued careful consideration of it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year thousands of violent crimes are committed out of hate, but just as many violent crimes, if not more, are motivated by something other than hate—greed, jealousy, desperation or revenge, just to name a few. An individual's motivation for committing a violent crime is usually complex and often speculative.

Every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim and their family, but also to the larger community whose sense of safety has been violated. That's why all violent crimes should be vigorously prosecuted.

Unfortunately, this bill undermines one of the most basic principles of our

criminal justice system—equal justice for all. Under this bill, justice will no longer be equal. Justice will now depend on the race, gender, sexual orientation, disability or other protected status of the victim. It will allow different penalties to be imposed for the same crime. This is the real injustice.

One of the most troublesome aspects of this bill is that it divides America. It divides America by race, again, gender, sexual orientation, disability, or other status. We should focus on the opposite, uniting America, not dividing our country.

The bill also could have a chilling effect on the words of religious leaders or members of religious groups. For example, religious individuals who feel strongly about some values may hesitate to discuss their personal beliefs about homosexuality or gay marriage for fear of criminal investigation.

Some of my colleagues on the other side claim that the bill protects religious speech. But religious leaders could still be subjected to criminal investigations and be reluctant to preach the teachings of their faith as a result of this bill.

In addition, the bill itself is probably unconstitutional and will be struck down by the courts. There is little evidence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in *United States v. Morrison* struck down a prohibition on gender-motivated violence. In that case the court specifically warned Congress that the commerce clause does not extend to “non-economic, violent criminal conduct” that does not cross State lines.

□ 1430

Nor is the proposed legislation authorized under the 14th and 15th Amendments. Those amendments extend only to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th Amendment reaches private action such as individual criminal conduct, it is difficult to argue that one’s religion or national origin constitutes a “badge” or “incident” of slavery, the subject of the 13th Amendment.

Also this bill purports to federalize crimes that are being successfully prosecuted by our States and local governments. Furthermore, FBI statistics show that the incidence of so-called hate crimes has actually declined and substantially declined over the last 10 years. In 2007, for example, of the approximately 17,000 homicides that occurred in the U.S., only nine of the 17,000 murders were determined to be motivated by bias.

This legislation blurs the lines between violent belief, which is constitu-

tionally protected, and violent action, which is not. If we go down this road, where does it end? With speech monitors and thought police?

I urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KIRK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this bill and would recognize the work of President Bush 19 years ago when he signed the first hate crimes information bill into law. That law allowed us to collect data showing two hate crimes in my district, 191 in the State of Illinois, and 7,600 in America.

This legislation is backed by the National Sheriffs’ Association, the International Association of Chiefs of Police, the National District Attorneys Association, and 26 State Attorneys General.

Much of this bill may not have been needed in the earlier days of our country when we were, frankly, much less diverse. But unlike those earlier times, we have now built the freest country on Earth, with the largest economy and also the most diverse population.

This bill provides Federal help to fight violent crime. It can be important, especially to suburban police departments like Palatine, Illinois, that could be overwhelmed as two groups squared off, overwhelming the resources of a small suburban police department.

While this bill does provide modest Federal support to help preserve order against violent crime, in my heart I support this bill for a different reason. We have witnessed diverse societies in other countries crack up and go through much pain and anguish and suffering when one group attacks another simply because of their membership or identity.

In the United States military, I saw this most clearly in Bosnia and Kosovo. Part of the modern Yugoslavia, well-entrenched in Western European values, they thought their diverse society would always remain calm and peaceful with different groups relating to one another. In those societies, the arrogance of that idea was laid bare and the countries cracked up and we saw the darkest part of the human heart open, only a few hundred miles from the capitals of Europe where we draw our own cultural heritage. It would be the height of arrogance to say something like this could never happen in the United States of America, and it is the job of this Congress to make sure that never happens.

We see violence in other countries, like in Mexico, attempt to come across into this country. We see various groups try to bring their struggles from Asia or the Middle East to the United States. Our job is to make sure

not just big city police departments, but also suburban and rural police departments, have what they need to quickly respond and make sure that a kind of identity violence that has plagued so many other countries who may have thought that they were immune can never come to our shores.

If this bill in any way tried to interfere with the First Amendment or other speech of this country, I would not support it. But, instead it is directed against violent crime, and that is why I support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee and now the ranking member of the Constitution Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this bill. The motivation behind this bill is extremely well-intentioned. We should punish violent crime. We should punish violent crime where the animus is motivated by hate against an individual or against a group because of characteristics that they may have.

But this is the wrong way to go about it. What we should be doing is we should be insisting on sentence enhancements for those who are convicted of a violent crime, a murder, an aggravated battery, a simple battery, an assault. The reason we should do it that way is that way we make sure that those who are guilty of a violent crime which is motivated by hate against an individual or a group to which he belongs gets punished more severely.

What can happen under this bill by setting up a separate hate crime is that someone could be indicted for the violent crime and the hate crime simultaneously. At the first trial, the person is acquitted of the violent crime, and at the second trial the person is convicted of the hate crime, meaning what the defendant says during the commission of that crime. And that ends up criminalizing free speech, because the actual act of violence the jury determined that the defendant was not guilty, but because of what the defendant said during the commission of the crime aimed at the victim, the person is convicted of saying that.

That is where we have the First Amendment slippery slope. And I think if this ever happens, you will find this bill declared to be unconstitutional as a violation of the First Amendment in the blink of an eye.

Now, I know that there are a lot of groups that are strongly in favor of this type of legislation. One of our jobs here in the Congress of the United States, and particularly on the Judiciary Committee, is to make sure that what we consider and what we ask the House of Representatives to pass is well thought out and does not have this glaring gap that I have just described.

I would hope that my friends on the other side of the aisle who have been pushing this legislation would stop and think about what happens to this legislation if a defendant is acquitted of the crime of violence and then convicted for what that person says while committing the crime for which he was acquitted. Please think about that and come back with sentence enhancements, because that is the way to deal with this problem, not this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished majority leader, himself a longtime member of the bar and a supporter of civil rights, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding.

I am pleased to follow the distinguished gentleman who just spoke because what he said was he agrees with the objectives of this legislation. One could argue, I suppose, about the means, but really it is the objective that is the most important, and the objective is to in this country make a statement that violence against individuals because of the group of which they are a member or their nationality or their race or their religion or their sexual orientation, whatever the distinction might be, we in America have said that we believe all people ought to be treated equal.

This legislation, the Local Law Enforcement Hate Crimes Prevention Act, is a powerful statement, I suggest to you, of some of our most important American values. Mr. KIRK spoke of those just a little earlier; tolerance, respect for differences, and accountability for those who are driven to violence by hate.

I disagree with my friend from Illinois when he said perhaps we didn't need this earlier in our history. Yes, we have become more diverse, but in our early history, those whose skin was black were subjected to violence not because of their character, not because of anything they had done, but because of the fact that their skin was black, and because violence was visited against them, all who were similarly situated were put in fear. That is why this crime is different from simply violence animated, as the distinguished ranking member indicated, so many of our crimes are. He is right. But this is a particular character of crime that not only puts the victim at risk, but puts all members of the group to which that victim belongs at risk and at fear.

This bill allows us to expand the existing Federal hate crimes law, which was enacted nearly 40 years ago, and, as was pointed out, was signed by one of our previous Republican presidents. Under existing law, Federal jurisdiction over hate crime is limited to those acts directed at individuals on the basis of race, religion, color or national origin, and only when the victim is tar-

geted because he or she is engaged in a federally protected activity, such as voting.

My friends, if America stands for anything, it stands for equality under the law; of inclusion; of not making arbitrary and capricious distinctions based on factors other than American citizenship, endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

What hate crimes do is to put that at risk. What hate crimes do is adopt the premise that somehow there are some citizens less than the rest of us because of the group to which they belong.

That is what this bill is all about, the basic fundamental tenet of America that all men and women are created equal. God does not see the distinctions sometimes that we see, arbitrary, capricious, and, yes, tragically sometimes hateful, that then lead to violence and injury and death.

This legislation broadens this provision to cover all violent crimes motivated by race, religion or national origin, as I said. It also expands current law to prohibit the same conduct when motivated on the basis of a victim's gender, sexual orientation, gender identity or disability.

"All men and women." No parentheses, "except . . .", no comma, "not these . . .", no further comma, "but we don't mean these Americans . . .". "All," our Constitution and Declaration of Independence say. The principle is the same. Hate crimes sow fear and division in our communities, no matter what group is targeted.

Expanding the protections of the law responds to the reality in America today. For instance, hate crimes motivated by sexual orientation are almost as equally common as hate crimes motivated by religion. The gentleman from Illinois suggests there are less crimes, and we are pleased about that, but one is too many.

This bill would also allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes. Why? Because it is not simply a local threat. It is a threat to all Americans everywhere in every State if the group to which they belong, the distinction that is made because they are in that group is applied because of that membership. It clarifies the conditions under which such crimes would be federally investigated and prosecuted.

I have spoken to why this legislation is necessary, because hate crimes motivated by race, religion, national origin, gender, sexual orientation and identify or disability not only injure individual victims, as I have said, but also terrorize entire segments of our population and tear at our Nation's social fabric.

That is why this legislation, in my view, is so fundamental to what Amer-

ica is and means to our own citizens and to people around the world. This legislation does not affect, does not affect, does not affect free speech. It is actions, not speech, that is the object of this legislation.

□ 1445

It only seeks to punish violent acts. Enacting these important additions to current law will send a very powerful message. Crimes committed against any American, simply because of who he or she is, are a threat to all Americans and will be dealt with as such.

I urge my colleagues to support this legislation because it embodies the essential American values of tolerance, equality and justice.

I congratulate the chairman for his leadership. I thank the ranking member, notwithstanding his disagreement on this issue, for facilitating this bill coming to the floor.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the vice ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, we all agree that every violent crime is deplorable, despicable, regardless of its motivation and regardless of who the victim is. However, this bill, no matter how well-intended, undermines basic principles of our criminal justice system and raises significant constitutional and federalism concerns.

Under the provisions of H.R. 1913, justice will no longer be equal but will depend on the race, sex, sexual orientation, disability or other protected status of the victim. In my view, all victims should have equal worth in the eyes of the law.

Why should other groups like senior citizens, veterans, children and pregnant women not also receive the added protections under this bill?

The distinguished majority leader says that this is not about thought crime; it's about conduct. But the fact of the matter is that the identical crime, be it a murder, a rape, an assault, a battery, whatever it might be, conducted against one of the protected classes will receive additional penalties, compared to that pregnant woman or senior citizen or veteran or child, simply based upon the thought process of the perpetrator of the crime. Every victim is entitled to the same fair treatment under the law.

This will have a chilling effect on citizens' willingness to speak freely, as citizens will adapt to a new world where the Federal Government can use any unpopular statements they make against them in the future.

The bill raises the real possibility that religious leaders or members of religious groups could be criminally prosecuted based on their speech or protected activities. No one should be put in fear that their constitutionally

protected free speech about controversial issues will be subject to efforts by prosecutors attempting to link that speech to violent action taken by others.

There is no evidence that States are not fully prosecuting violent crimes involving hate. In fact, 45 States and the District of Columbia already have specific laws punishing hate crimes.

I abhor acts of violence against any citizen, including crimes motivated by bias against certain groups, and I believe that such crimes should be punished to the fullest extent of the law. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

I urge my colleagues to reject this legislation.

Mr. KIRK. I would now like to yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Act.

The sharp increase in crimes in Orleans and Jefferson Parishes since Hurricane Katrina is on the minds of my constituents in every corner of our district. Because of this serious matter, I am focused on giving our law enforcement officials the tools they need to fight crime and return safety to our streets.

All violent criminals must be fully prosecuted. Crimes committed against individuals based upon their actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability are particularly insidious.

This is a Nation of acceptance, where every individual is protected by the Constitution. This promise enables them to pursue their dreams free of persecution and attack. I, as a minority, am acutely aware of freedoms and protections offered by the laws of this land and what is expected of my fellow citizens.

The provisions of this bill will assist prosecutors in enforcing the rights guaranteed by the Constitution. It allows law enforcement officials to hold those committing violent crimes accountable for their actions. This is what this bill does.

What this bill does not do is restrict free speech. Freedom of speech and freedom of association guaranteed by the first amendment are respected by the language of this bill. Despite concerns to the contrary, this bill will not subject anyone to prosecution of what they think, say or preach.

Mr. Speaker, I am supporting this bill because hate crimes are an assault on a person's dignity and humanity. They represent a type of behavior that has no place in our dignified society, and it is our responsibility to enable prosecution of these heinous crimes to the fullest extent of the law.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and a former ranking member of the Crime Subcommittee.

Mr. FORBES. Mr. Speaker, I'm not going to pound the podium or yell and scream about this legislation, but I'd just say to the Speaker that sometimes all the spin that we hear in here about a particular piece of legislation during debate, or sometimes our getting down into the specifics of the semantics of the legislation or arguing about what the courts say it will or will not do, causes us to do what the average citizen at home does not do, and that is to miss the common sense and the rightness of a piece of legislation.

The distinguished majority leader came to the floor a while ago and stated two principles: that all people ought to be treated equally, and if America stands for anything, it stands for equality under the law. And that's what this legislation does not do.

Mr. Speaker, just a short time ago there was a pageant in the United States, the Miss USA pageant. One of the contestants, Ms. California, went up there, and she was asked a question by one of the judges, who is an openly gay judge, about her beliefs in marriage. And she stated what her beliefs were. That judge lambasted her over and over again in blogs, calling her the most vile names, spewing out hostility and hate, and even made the statement that if she had won, he would have stormed on the stage and snatched the tiara off her head. And other bloggers who had his same orientation and, therefore, were driven to the same hatred of this young girl, had similar things in their blogs.

Had he done that, had he done what he said he would do and stormed that stage and pulled that tiara off her head and had bodily harmed when he did it, there would not have been 1 ounce of protection under this piece of legislation for that young girl.

But after he did it, if she had, in response, made a statement back about the very sexual orientation that had led him to his hatred and dislike for her, and if she had responded by slapping him or any physical injury, she would have had the potential of a 10-year Federal piece of legislation coming against her.

If her father, sitting in the audience, had gone on that stage to stop this kind of hatred and orientation that drove him to have this feeling against that young girl and he had made a statement and he had responded with any kind of physical action, he could have had a 10-year Federal piece of legislation that would have come against him.

And, Mr. Speaker, I know you have the votes for this legislation. I know you have the resources to drive the

message and you have the media to do it, but the weight of all that combined can't do one solitary thing, and that is make this piece of legislation right, and that's why I'll vote against it.

Mr. CONYERS. I yield 2 minutes to the chairman of the Constitution Committee on the Judiciary Committee, JERRY NADLER of New York.

Mr. NADLER of New York. Mr. Speaker, this House faces a historic test. Will we act decisively to deal with some of the most destructive crimes in our society, violent assaults against victims who are singled out solely because someone doesn't like who they are?

Whether committed because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim, these violent acts are particularly reprehensible because they target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group. They're intended to say to members of a group, don't be who you are. Don't go where you're not wanted. Do not exercise your civil rights to be yourself, to speak publicly, to go wherever you want.

This bill enables the Federal Government to intervene, so as to punish such crimes and protect the rights of individuals and of groups unpopular in some quarters.

Do not believe the scare tactics. This bill does not criminalize thoughts or speech. No one will be prosecuted because of what they say or think. No preacher need worry about a sermon. Only crimes of violence are punishable under this bill.

The law routinely looks to the motivation behind a criminal act and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We punish crimes differently if they are terrorist acts, defined as violent crimes that "appear to be intended to intimidate or coerce the civilian population."

Existing civil rights laws take a similar approach. A person who uses force to interfere with someone's federally protected rights such as voting, working, attending school and the like, commits a Federal crime. And that's been the law for many years. We treat an act of violence more seriously if the intent is to deny someone his or her civil rights.

The only question this bill presents to Members is whether we believe people assaulted violently because of their identity deserve Federal protection.

For many years Congress refused to adopt antilynching laws. Those were not proud times in our Nation's history. We now have the opportunity to do the right thing. I hope we do.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. McCLINTOCK. Mr. Speaker, it comes down to this: Free societies punish acts. Authoritarian regimes punish opinions and thoughts.

Now, the supporters of this bill speak of punishing violent acts, but we already punish those violent acts, as well we should. This measure calls for additional punishment, not for the violent act, but for the opinion behind the act.

Before we embarked down this path, the opinions of the criminal were irrelevant. It was the act that we proscribed, and it was the act that we punished. Many civil libertarians warned us then that if we place in the hands of government the ability to define what opinions it likes and doesn't like, and then to punish those opinions on top of the acts themselves, then we've started down a very dangerous and slippery slope.

That opinion, I think, was clearly illustrated when the committee voted down an amendment to include veterans, for example, under these protections under the hate crimes law. Now, the supporters of this measure made it very clear that they're actively involved in singling out particular opinions with special protection and for special prosecution.

Mr. CONYERS. I am pleased now to recognize a senior member of the House Judiciary Committee, the gentlelady from Texas, SHEILA JACKSON-LEE, for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank you for your leadership and your persistence, and I thank my good friends for this vigorous debate.

I almost don't know where to start. But again, I would like to emphasize to my friends and colleagues what this legislation is about. It is about the assistance and the ability to help States in their prosecution of heinous hate crimes. And, as a very championed citizen of the State of Texas, I hesitate to make ourselves a poster child.

□ 1500

But having lived through the heinous crime of the dismemberment of James Byrd, I cannot help relating this legislation to what is real.

This will not bring down injustice on a person of faith who chooses to go into their pulpit or stand on a street corner and say that the wrath of the person they believe in will come down on those who practice lifestyles that they don't agree with, or a certain race or religion. They will go even further by saying the sword of justice, the sword of the Lord will come down and slay you.

That is not what this bill is about, but it is about individuals who would attack a person of color—in this instance, an African American male—in the dark of night, tie him to a pickup truck, and drag his human, alive body through the streets of Jasper, Texas.

When they were finished, he was dismembered, his arms and legs and head were left along the bloody road. It was this heinous crime that led a State like Texas to pass its own hate crimes bill. But yet, hate crimes have gone on since that time, and State legislatures have noted, why haven't these cases been tried in this State?

This bill will help those instances.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former judge and now the deputy ranking member of the Crime Subcommittee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, in a courthouse in Houston, Texas, where I worked 8 years as a prosecutor and 22 as a judge, there is a statement that says, "Equal justice for all." I guess now we need to change that, but to the phrase, "but more justice for some."

This bill makes some victims more important than other victims. If someone is in a legislated protected class—as this bill does—and a crime is committed against them, the defendant is treated harsher than if the crime is committed against a victim in a non-protected class. This legislation discriminates against victims that are not special people. It reminds me of the satire in the book "Animal Farm" where it says, "all animals are equal, but some animals are more equal than others." Likewise, this bill makes some victims of crime more equal than others. In my opinion, that denies non-special victims equal protection under the law, according to the 14th Amendment of the Constitution.

The question is, is it fair to treat some victims of crime better under our law than other people who are not special? This bill makes classes of victims; first-class victims and second-class victims.

No question about it, Mr. Speaker, motive for a crime has always been admissible in a court of law. In my experience at the courthouse, courts and juries nail offenders to the wall that commit crimes based upon racial hatred. Perfect example is the example that my friend, SHEILA JACKSON-LEE, just referred to in the Jasper killing. Without a hate law in Texas, the individuals that committed that crime against that individual, Mr. Byrd, two of them got the death penalty—and unlike some States, we execute folks in Texas—they have been executed, and the other person got a life sentence. No question about it, motive is admissible in all crimes in all courtrooms. However, this legislation is not the answer. It will chill free speech, while making some victims less important than others.

American law has always punished the act. This law changes that to punish the thought process of individuals and does make some people more spe-

cial than others when it comes to being victims of crime, and that ought not to be.

Mr. CONYERS. Mr. Speaker, I would like now to yield 2 minutes to a senior member of the Judiciary Committee, who is also a chairperson of another subcommittee, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of this important legislation.

Mr. Speaker, I wonder if our friends on the other side of the aisle would be singing the same offensive tune if we were talking about hate crimes based on race or religion. It seems to me that it is the category of individual that they are offended by rather than the fact that we have hate crimes laws at all.

We have already heard the powerful story of Matthew Shepard. His mother, Judy, addressed our caucus this week. As the Speaker noted, we are all inspired by Judy Shepard's 10-year quest to turn her pain and tears into change because these cases are tragic and real.

Ryan Skipper was a 25-year-old gay man from Polk County, Florida. Like Matthew, Ryan's body was found murdered and dumped along the side of the road about 2 years ago. Ryan's body had been stabbed 20 times and his throat was slit. His car was found abandoned nearby and contained the fingerprints of his two killers. One of his killers told the police his conduct was justified to rebuff unwanted sexual advances. Because there was no hate crime law with which to charge Ryan's killer in Florida, only one of Ryan's attackers has been convicted, and that was of a lesser charge.

Why do we need a hate crimes law? Because hate crimes do more than threaten the safety and well-being of individuals. Hate crimes do more than inflict incalculable pain and suffering on individual victims. Hate crimes target groups and terrorize communities. Left unpunished, hate crimes send powerful messages of intolerance. Hate crimes leave both the victim and others in their group feeling isolated, vulnerable, and unprotected.

I am proud to cosponsor this legislation again this Congress. I want to commend my colleague, Judiciary Chairman JOHN CONYERS, and my committee colleague, TAMMY BALDWIN, for their leadership in bringing this issue forward again this year.

Let's announce here and now that we will not tolerate this kind of terror in America. Let's vow that we will not turn a blind eye to hatred and violence in America. And let us pledge to give police and prosecutors all the resources they need to stamp out this scourge.

Mr. Speaker, Matthew Shepard and Ryan Skipper may be gone, but we can honor their lives today. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee and the deputy ranking member of the Court Subcommittee.

Mr. CHAFFETZ. Our Founding Fathers asserted the self-evident truth that all men are created equal. For the last two centuries, Americans of all backgrounds have worked toward the ideal of "equal justice for all," but the majority's Local Law Enforcement Hate Crimes Prevention Act doesn't eliminate inequalities in our justice system; instead, it creates inequalities. It gives special protected status to a small group of individuals based on their lifestyle choices. It increases criminal penalties not based on the criminal act itself, but based on the thoughts and beliefs of the person who committed the act. It requires the government to investigate and scrutinize the religious groups and other organizations with which we might freely associate under the First Amendment. For these reasons, and a number of others, I believe this bill is unconstitutional and must be rejected.

In the United States of America, we can all agree that any violent crime should be deplored. We all should be equally free from violence, regardless of our background or beliefs. We all should expect our government officials to provide equal protection under the law. But this hate crimes bill says some Americans are more equal than others and deserve special treatment. And religious leaders and others who hold traditional values of morality and decency should be careful not to speak too vocally about their beliefs or risk being held accountable for the actions of those who might overhear and then later commit a violent crime.

During our Judiciary Committee markup of this bill, when it became clear that the Democrats planned to report it despite these objections, my Republican colleagues sponsored amendment after amendment seeking equal treatment under this bill for senior citizens, men and women of the Armed Services, pregnant women, and unborn children. All were rejected by the Democrats.

It is unbelievable to me that the sponsors of this bill think those who have chosen a different personal lifestyle should enjoy greater protection under the Federal law than those who have chosen a lifestyle of service to our country—as our men and women in the military have done—or that they deserve more protection under the Federal law than pregnant mothers.

No violent crime should be condoned, and no one on either side of this issue believes it should. But selectively protecting some while punishing others more severely based on their thoughts and beliefs is unequal, unjust, and un-American.

I urge my colleagues to vote against this affront to the Constitution and to our Nation's heritage and traditions of freedom to think and believe according to the dictates of our own conscience.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to STEVE COHEN, a State legislator and lawyer for more than 24 years.

Mr. COHEN. Thank you, Chairman CONYERS. I appreciate the opportunity to speak on this bill of which I am a sponsor.

The gentleman who just spoke, who I respect, talked about the Founding Fathers and what has happened to our country. Well, it is a great country and I love our country, and it was a great country when it was founded. But when it was founded, women didn't have the right to vote and African Americans weren't citizens.

It takes time to perfect your law and to become a more perfect Union, and that is what this law is doing. It is taking an effort to perfect and make better our laws to reflect the society we have today and the thinking and the mindset that we have and the understanding of what happens in law.

If we go all the way back to always the Founding Fathers, we would have slaves, we would have second-class citizens—which are women—and we wouldn't have any rights for anybody that wasn't a white male who owned property.

Times have changed, and thank God they are changing today, Mr. Speaker. The fact is, this has no effect on anybody that speaks about hate crimes. It doesn't affect any minister that speaks from the pulpit. We have had hate crimes in this country in State legislatures, and Federal law as well, for decades, and no preacher or person using the spoken Word has ever been prosecuted or charged with a crime, and never would.

This law goes further than any law ever because it specifically says that no First Amendment rights or rights guaranteed through freedom of speech will be abridged or, because of the exercise thereof, have any charge brought against a person who exercises those rights. Never before has that been in a law that we have had here.

So more rights are given to people, even though it is unnecessary to give them because there is no problem, it is basically simply to guarantee and assure people, to calm their concerns.

People talk about people not being able to preach against people being gay. The fact is they can do it, and the fact is the Ten Commandments tell you not to bear false witness. And people who submit that preachers could be arrested for preaching against homosexuality, which they do today, that they could be arrested, there is a commandment about that, "Don't bear false witness." This is a good law.

Mr. GOHMERT. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOHMERT. I want a clarification, Mr. Speaker, for a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman said that there was a commandment against bearing false witness, as if that is what one does when they say someone can be prosecuted, and I would ask for a ruling from the Chair on whether that violates the rule of this body.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), former judge, and now the ranking member of the Crime Subcommittee.

Mr. GOHMERT. Well, unlike my friend from Tennessee, I am not going to allege that anyone on the other side of this issue is trying to bear false witness.

I believe the motivation is good, but we even heard the majority leader say this bill stands for equality under the law. I don't believe he meant to misstate the truth, but the truth is this bill sets out different classifications that are more special than others. Someone suggested that perhaps people would be happy if we just said, I'll tell you what. If you assault a white male, then you just get half the sentence of assaulting someone else.

We want equal justice under the law; that's what we are supposed to have. I have a letter here from the National Black Church Initiative that was sent to Senator LEAHY 2 years ago. It is signed by one, two, three, four, five, six, seven—well, I can't count them all. There are four pages of names. But the first is Anthony Evans, President of the D.C. Black Church Initiative. But it says things including, "The National Black Church Initiative is a coalition of 16,000 churches." "We have 18,000 sister churches." They are located in virtually every congressional district in America. "If the U.S. Senate passes this bill and thus codifies sexual orientation as a protected legal class, it will open up a constitutional war between the church and the radical gay community. We know the gay community plans to use this piece of legislation to try to legally force the church to recognize their abominable lifestyle"—some very strong statements there.

I have just received a letter dated April 29 from the United States Commission on Civil Rights. "We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act." They said, "We believe the bill will do little good and a great deal of harm." They say some suggest it will only apply to hate crimes. But they point out, It is sufficient if he acts because of someone's actual or perceived race, color, religion, national origin, gender, sexual

orientation, gender identity or disability. Consider, rapists seldom are in different to the gender of their victims. They are virtually always chosen because of their gender. A robber might well steal from women or the disabled. Why? Because they perceive them to be weaker and more vulnerable.

Moreover, they say, The objective meaning of the language and considerable legal scholarship would certainly include these being covered. So all of these things would now become Federal crimes.

□ 1515

There is no epidemic. There are fewer numbers now than 10 years ago. There is no nexus. Ryan Skipper and Matthew Shepard's cases keep being brought up. For the defendants in those cases, I would have been happy to have signed an order for death. They got life. It would not affect them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. GOHMERT. This law would not affect the Matthew Shepard case. It would not affect the Ryan Skipper case.

My friend from Florida brought up the Ryan Skipper case in Florida when I was talking in Judiciary and was asking: Is there a case you can give me where this would make a difference? That case was brought up. We did the research after the hearing. Well, guess what? Two defendants. One has already got life plus extra years on top of life. The other is about to go to trial. They didn't need a hate crimes law, a Federal hate crimes law.

This divides America. We don't need to divide America. Everybody deserves equal justice. The gangs who pick their victims based on violence against random targets get acquitted under this bill. They get acquitted for acting randomly.

We've got to vote "no" on this.

Mr. CONYERS. I am pleased to yield now 1 minute to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Speaker, Matthew Shepard died in a hospital less than 5 minutes from my home in Fort Collins, Colorado. The depth of hate that drives such an act of violence leaves all of those it touches bereft in the knowledge that such ugliness can exist on this Earth.

Angie Zapata was an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado this past July. It took a jury just 2 hours to convict Angie's killer under Colorado's first application of the hate crimes statute earlier this month.

This bill does not punish speech, thoughts, words or beliefs. It does not even punish hate speech. It punishes actions. It provides State and local authorities with Federal assistance in in-

vestigating and in prosecuting hate crimes. In this country, 45 States already have hate crimes legislation on the books. Many of these statutes are more robust than the current Federal law.

Matthew Shepard and Angie Zapata were two victims of hate crimes in my district. I have a duty to their memories that I take seriously.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, there are two very good reasons to vote "no" on this bill. This bill is called the hate crimes bill.

The first major reason to vote "no" is that this bill increases hatred in America. I will say it again. This bill increases hatred in America. How does that happen? It can be easily illustrated. Let's say that you're a parent and that you have a number of children but that you don't give the children equal laws. Some you favor and some you don't. What quicker formula to create animosity between children?

This law violates the most basic principle of law. Lady Justice is always supposed to have a blindfold across her face because, regardless of who you are when you appear before Lady Justice—whether you're black or white, male or female, rich or poor, fat or skinny—Lady Justice does not notice. This bill violates that basic principle. It creates animosity by elevating one group over another group; thus, it creates hatred. This is counter to everything American law has ever stood for, and it will increase hatred in America. For that reason alone, there should be a vote of "no."

A second good reason to vote "no" on this bill is that our courts have a large backlog of various cases. Our judges and juries have to take a look at a certain set of facts and must determine whether or not somebody did or did not do something that is specifically illegal in the law. This law says that now we're going to try and turn them all into psychologists and have them figure out whether the criminals had good attitudes or not when they did the crimes. That does not make sense to waste precious judicial resources in trying to make everybody psychologists to determine whether or not some specially protected class gets a special privilege.

It's a good reason, and there are many good reasons to vote "no."

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize for 1 minute the gentlewoman from California (Ms. WOOLSEY), who has been the cochair of the Progressive Caucus for many years.

Ms. WOOLSEY. Mr. Speaker, the bill before us today, the Local Law Enforcement Hate Crimes Prevention Act, is about protecting every member of our community from violence.

We understand that hate crimes don't just affect the victims of these

horrible acts but that they also threaten and affect the fundamental rights of every single one of us. Intolerance and prejudice are still a part of our world, but when the bigotry leads to violence, this Congress has a responsibility to stand up and say, "No more."

With this bill, we will extend and expand on the protections for victims of hate crimes, for victims of crimes based on gender, sexual orientation, gender identity, and on disability. All children and their families must have the freedom to celebrate who they are, and they should be protected under Federal law from personal attacks based on bigotry.

The time has come for Congress to pass this bill in order to send a clear message throughout the world that violence and hate are not acceptable. I urge my colleagues to join me in passing this legislation.

Mr. KIRK. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Speaker, today, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

This legislation will provide needed assistance to State and local law enforcement agencies, and it will make changes to Federal law to facilitate the investigation and prosecution of violent, biased-motivated crimes against people for no other reason than their perceived or actual race, religion, natural origin, sexual orientation, gender, gender identity or disability.

We must work together to protect all Americans from hate-motivated violence, which is alarmingly prevalent and so often goes unreported. Such crimes of hate have dramatic impacts on individuals, families and communities, and they must be subject to comprehensive Federal law enforcement assistance and prosecution. While State and local governments will maintain principal responsibility, an expanded Federal role will help ensure the investigation and prosecution of serious forms of hate crimes in cases when local authorities are either unable or are unwilling to do so.

Concerns have been raised that the measure will impinge free speech. I would like to reiterate that H.R. 1913 applies only to biased-motivated, violent crimes, violent actions that result in death or bodily injury. It does not restrict speech in any way. In fact, the bill explicitly states, "Nothing in this act or the amendments made by this act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clause of, the First Amendment to the Constitution."

H.R. 1913 is supported by virtually every major law enforcement organization in the country as well as by civil

rights, education, religious, and civic organizations. I urge my colleagues to join me in supporting the Local Law Enforcement Hate Crimes Prevention Act today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), who is a member of the Judiciary Committee and who is also deputy ranking member of the Administrative Law Subcommittee.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to speak in opposition to H.R. 1913, which unfortunately is being debated under a closed rule today.

This bill represents an unconstitutional, unprecedented departure from a deeply rooted American principle of equal justice under the law. Justice should be blind. It should be equal for all Americans. All violent crime is deplorable, and it should be punished to the fullest extent. Crimes that are not aimed at a certain class of people are just as reprehensible as those committed for other reasons; but this bill would treat senseless, random violence less harshly than "hate" crimes.

Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, during committee markup, I offered an amendment to add the unborn to this list. The amendment was ruled nongermane on the outrageous grounds that the unborn are not "persons." So much for defending our most defenseless.

In addition, this bill raises the very real possibility that religious teachers of every faith could be prosecuted on what they say in the pulpit, on what they preach, by permitting legal action against anyone who willfully causes an act to be done by another person. It is not hard to imagine charges being filed against a pastor if a prosecutor believes that the pastor's message caused someone to commit an act of violence. Subjecting pastors' sermons to prosecutorial scrutiny in this way would have a chilling effect on the rights of all individuals to freely practice their religion.

This so-called "hate crimes bill" not only discards the fundamental American legal principle of equal justice; it also lays the groundwork to criminalize individuals and groups that might not share certain values. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

I would urge a "no" vote on this bill.

Mr. CONYERS. Mr. Speaker, I rise to give 2 minutes to the Crime Subcommittee chairman for many years, BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. Despite the deep impact of hate violence on communities, current law limits Federal jurisdiction over hate crimes to incidents directed against individuals only on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability.

We need to change the law so that the Federal Government will have the authority to be involved in investigating and in prosecuting these cases when the State authorities cannot or will not do so.

Mr. Speaker, the bill is narrowly drawn. It only applies to bias-motivated, violent crime, and it has specific protections to ensure that it does not impinge on public speech, religious expression or on writing in any way. In fact, the only way that expressions could involve the defendant in this crime is if the language were such that it would already qualify as something like inciting a riot or other violent crimes.

Mr. Speaker, law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can cause damage to the social fabric of a community.

This problem cuts across party lines, and so I hope we will pass the bill on a bipartisan basis just as we did last year.

Washington, DC, April 27, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of thousands of clergy members, pastors, and African American community leaders within our African American Ministers In Action (AAMIA) network of People For The American Way, I urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA)—H.R. 1913.

As people of color, we are well aware of the hideous nature of race-based violence, and understand the importance of legislation that protects Americans who are victims of hate crimes. We also are not blind to the fact that violent hate crimes are motivated not just by racism. Knowing this, as clergy members and pastors who affirm the humanity of every person, we fully understand and embrace the call to advocate for an inclusive federal law that will extend protection to victims of hate crimes based on disability, sexual orientation, gender, or gender identity. H.R. 1913 is the bill that will make equal protection under the law for victims of hate crimes a reality and not just an American dream.

Unfortunately, propaganda and lies have prevented the protections that H.R. 1913 proposes from becoming law. One such falsehood is that this bill will eliminate churches' first amendment rights; that this legislation will "muzzle our pulpits" or dictate what we as clergy or religious communities can or cannot say. This is not true. In fact, H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs. The law makes clear that it cannot be used to prohibit any "expressive conduct" or "activities protected by the Constitution."

The AAMIA is passionate about protecting the civil rights of all Americans, especially those that protect people who are discriminated against because of who they are. Victims of violent hate crimes often come to our churches in search of a safe haven from enduring assaults, and they are in need of federal protections. Thus from our houses of worship to your house of policy, we trust that we can count on your support for the protection of American citizens from violent hate crimes. Please vote in favor of H.R. 1913.

Sincerely,

TIMOTHY McDONALD,

Founder and Chair,

African American Ministers In Action.

HATE CRIMES FACT SHEET

The African American Ministers in Action has joined those urging Congress to expand the current federal law to protect victims of hate crimes based on disability, sexual orientation, gender, or gender identity. As believers who are called to love our neighbors as ourselves, we do not support VIOLENCE against any human being.

ABOUT THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

We support The Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913) because it does in fact protect individuals against the incidence of VIOLENCE motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. The legislation also provides strong first amendment protections ensuring that the religious liberty and free speech rights of pastors, such as ourselves, and others are protected.

H.R. 1913 is crucial to protecting the rights of all Americans. This can be accomplished by strengthening law enforcement and closing loopholes in the current law, and is overwhelmingly supported by the civil rights community, law enforcement, and many religious organizations. As we work to secure the rights of women and minorities worldwide, we must also act to secure the rights of all Americans here at home.

INCIDENCE OF HATE CRIMES

Crimes against people based upon their disability, sexual orientation, gender, or gender identity are all too common. According to the most recent hate crimes statistics from the FBI (available at <http://www.fbi.gov/ucr/hc2007/index.html>), there were 9,535 victims (defined as persons, businesses, institutions, or society as a whole) of hate crimes in 2007. Of these, 1,512 were victims of hate crimes based on sexual orientation, and 84 were victims of hate crimes based on disability. Hate crimes legislation seeks to extend federal hate crimes protections to these and other (gender and gender identity) groups of people.

RELIGIOUS LIBERTY

H.R. 1913 protects free speech and religious liberty. The First Amendment of the Constitution will always protect preaching or

other expressions of religious belief—even name-calling or expressions of hatred toward a group. This legislation punishes only violent actions that result in death or bodily injury.

There is strong language in the legislation that explicitly says that evidence of expression or associations that are not specifically related to a violent hate crime may not be used as evidence.

HATE CRIMES MYTHS OF THE RIGHT

MYTH: Hate crimes legislation is a threat to religious liberty and will “criminalize Christianity” by restricting what pastors and other religious leaders are able to preach. Pastors will be arrested for preaching against homosexuality.

FACT: H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs. The law makes clear that it cannot be used to prohibit any “expressive conduct” or “activities protected by the free speech or free exercise clauses of the First Amendment.”

MYTH: Hate crimes legislation will lead to prosecution for “thought crimes.”

FACT: This legislation does not restrict anybody’s First Amendment rights. The law doesn’t create something called a “thought” crime for a particular group of people. H.R. 1913 strengthens law enforcement’s ability to fight violent crime—not vigorous debate, not sermons against homosexuality, not hateful speech, not the spreading of misinformation that thrives on constitutionally protected right-wing television, radio, and blogosphere, not even the infamous “God hates fags” protesters.

MYTH: Hate crimes legislation gives “special rights” to some people.

FACT: Freedom from violence isn’t a “special right.” It’s a human right. No one should be assaulted or killed because of who he or she is.

H.R. 1913 punishes only violent crimes and the hateful motivation directly related to such crimes. Distinctions like this are common place in our criminal justice system. For example, the intent of a suspected killer determines the difference between a first and second-degree murder charge.

WHAT CAN YOU DO TO HELP END VIOLENT HATE CRIMES?

Contact your Representative and Senators and tell them that you want all Americans, regardless of their race, religion, national origin, age, disability, sexual orientation, gender, or gender identity, to enjoy freedom from violence. Urge them to support hate crimes legislation, such as H.R. 1913, so that no American is treated as a second-class citizen. Sign up for People For the American Way action alerts, and we will keep you updated on new developments concerning this issue.

Mr. KIRK. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise in support of this bill, which provides needed assistance to State and local law enforcement agencies and allows the Department of Justice to investigate crimes committed on the basis of the victim’s race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

This legislation mirrors laws passed in 28 States, including in the State of

New Jersey. We in New Jersey are proud of the legislation we have enacted in this regard. Violence based on prejudice is a matter of national concern. Federal prosecutors should be empowered to help States.

Mr. Speaker, on the wall of the national memorial honoring Franklin Roosevelt, the following words are written: “We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.” This statement is as true today as when Franklin Roosevelt spoke it nearly 70 years ago.

I urge my colleagues to support this important legislation, and I look forward to its passage and, I hope, to its signature into law this year.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), who is also the chairman of the Values Action Team.

Mr. PITTS. I thank the chairman.

Mr. Speaker, I rise in opposition to H.R. 1913, the hate crimes legislation.

This bill would be more appropriately termed the “thought crimes act,” as it seeks to criminalize certain types of thoughts. Our legal structure was established to punish actions, not thoughts or beliefs, and this bill would set a dangerous precedent.

□ 1530

It will threaten our most basic right to free speech established under the First Amendment. Religious groups who hold certain convictions based on their faith could, in fact, be targeted by this law. In Sweden, a pastor was convicted by a trial court and sentenced to jail time for a hate crime after preaching a sermon that discussed biblical views of homosexuality. And in New York, the State hate crimes laws were used to justify taking down billboards on sexual immorality that a local pastor had paid to post.

This legislation seeks to create categories of citizens who are either more or less protected under the law depending on what category they fall into. This framework flies in the face of one of the most fundamental principles of our justice system. Chiseled in stone across the front of the Supreme Court building are the words “Equal Justice Under Law.” This means that all citizens, regardless of sexual identity or anything else, are to receive equal protection from the law. I support this basic principle that has long guided our Nation’s system of justice.

But this bill undermines that principle. It seeks to establish different groups of citizens with different levels of protection under the law. And the bottom line is that this legislation simply isn’t necessary.

If someone commits a violent crime, they should be punished to the full ex-

tent of the law regardless of who the victim is.

I urge you to preserve equal justice under the law and oppose H.R. 1913.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York, ELIOT ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee, my good friend from Michigan, for yielding me this time. And as a proud cosponsor of this bill, I am proud that it’s on the floor today.

This bill is a carefully crafted measure that would provide desperately needed resources to State and local governments for the investigation and prosecution of violent crimes based on sexual orientation, gender identity and disability. It is a bill long, long due to add sexual orientation and the others, including gender, to the list of hate crimes.

To my friends on the other side of the aisle who say that we are creating a special class, well, by that logic, right now we have race, color, religion and national origin protection. So by that logic, we should eliminate those as well. It’s ridiculous.

To those who say, “Why should we protect people who have chosen a different personal lifestyle?” our gay and lesbian friends don’t choose this lifestyle. They are what they are and they should be protected just like anybody else who has a religion, who has a gender obviously, color, religion or national origin.

This bill does not violate free speech or First Amendment protections. Nothing in this bill would prohibit the lawful expression of one’s religious beliefs. This bill only punishes violent crimes motivated by bias. Congress is saying clearly, unequivocally, that the people of this country reject and condemn all forms of hate violence. That’s why this bill is here.

Today, we uphold the principles that are considered the foundation of American democracy that all people are created equal and that all people are entitled to equal protection under the law. It includes gays and lesbians and includes everybody.

Pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee and the ranking member of the Immigration Subcommittee.

Mr. KING of Iowa. I thank the gentleman from Texas for his leadership in opposition to this issue and for yielding.

The gentleman, the previous speaker, just said this bill only punishes violent crimes. I take you to the language from the bill. Here’s the definition of a crime of violence. It means an offense that has, as an element, the threatened use of force against the property of another. If one threatens to use force

against the property of another—this is verbatim from the section that is referenced in the existing code—property crimes are included in this, threats against property crimes are included in this. Hate crimes, the definition of hate crimes in the Federal statutes means a crime when the perpetrator selects property because of the property owner's actual or perceived sexual orientation.

This isn't just violent crimes. It is in some of the Federal segment of it but not in the assistance that goes to local governments. And in local governments it also states in the bill that any local jurisdiction's hate crimes ordinance or legislation can be supported by supporting the prosecution of the local hate crimes legislation that's there.

And so whatever local jurisdiction may determine is a hate crime is covered under this bill. It might be a city, a county, a municipality; it might be a parish, it might be a State. It might be San Francisco's ordinance that says, Thou shalt not discriminate against the short, the fat, the tall, or the skinny. That is hate crimes ordinances that could be prosecuted with Federal assistance under this bill. The short, the fat, the tall, the skinny. That will cover some regular people, I think.

And so I would ask this: Why are you dividing us? Why are you pitting Americans against Americans? That's a rhetorical question, Mr. Speaker. This divides us and pits Americans against Americans. And the definitions in this bill are broad, ambiguous and undefined anywhere with any consensus, even among the professionals that deal with this on a daily basis.

In the committee, I asked specifically the question, "What is the definition for sexual orientation?" The answer that I got back from the gentlelady from Wisconsin was, "This bill only covers homosexuality and heterosexuality." Now it presumably excludes bisexuality, but in the rule debate, the gentleman from Florida (Mr. HASTINGS) said, "No, no. Here's what we have," and he read through a whole list of phillias, he called it.

There are 547 specific paraphillias that are listed by the American Psychological Association. About 30 of them have been read into this RECORD. I've got a list of these 30 phillias. Among them pedophilia—the obsession with children—which specifically was excluded from the bill when I offered the amendment by the Judiciary Committee.

So, Mr. Speaker, we're going down the path here of no one really knows. Am I going to buy into the statement made by the very senior member of the Rules Committee who says I want to protect all phillias whatsoever no matter what the proclivity? And many of them are perversions, Mr. Speaker. We're going to grant that protected

status to people who are actually breaking the law if they act on their particular sexual orientation, or are we going to limit it to—as the gentlelady from Wisconsin says—homosexuality and heterosexuality, not bisexuality.

I tried to explain this to the press as they asked me questions. And finally my answer became, "If this sounds confusing and gibberish, it is." And it leaves it open to any judge, any lawyer, anyone for anything that is in their head or might be their plumbing or might be in the perception of the perpetrator as well as, and/or, the perception of the alleged victim.

There is no precedent for this in law, this broad, broad idea that we're going to punish what is in the head of the perpetrator by dividing what may or may not have been in the head of the victim. That's where this legislation takes us.

Why are they dividing us, Mr. Speaker?

I oppose this legislation.

Mr. CONYERS. Mr. Speaker, would you advise us with regard to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11½ minutes. The gentleman from Texas has 8½ minutes. The gentleman from Illinois has 1½ minutes.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Pennsylvania, CHAKA FATTAH.

Mr. FATTAH. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I thank the Chairman for the time and for his work on this legislation. The Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913, is a long overdue effort to address the scourge of bias motivated crimes in communities across the country. This is not simply about criminalizing violent acts, those are already illegal. This is about recognizing that these crimes affect more than just the individual involved, they are meant to instill fear in whole communities.

Hate crimes in this country have a terrible history. For decades African Americans, particularly those who spoke out for justice and equality, were brutally lynched in communities across the country while law enforcement officials and upstanding members of the community stood by. Murder was illegal then too, but it took the brave efforts of citizens, including Ida B. Wells, for the problem to be addressed. These murders were meant to send a signal to newly freed men and women and often targeted veterans returning from war.

Our Jewish neighbors have been subjected to campaigns of terror with property destruction and symbols of hate sprayed across synagogues and community centers. Irish, Italian, Catholic, Latino, Muslim and Asian Americans have all seen "disagreements" and "displeasure" expressed with barbaric crimes meant to convey the message that they were unwelcome in this nation of immigrants.

Opponents have suggested that this legislation will affect what can and cannot be said in houses of worship. This is false. H.R. 1913

explicitly recognizes the right of individuals to be ignorant, narrow-minded, or malicious whether motivated out of faith, conscience, or generic hatred. This bill will have no effect on any interpretation of the Bible or religious tradition. They say that they worry there will be a "chilling effect" on religious speech. This is nonsense. This bill is about criminal acts, those that are already illegal, and enables law enforcement to carry out responsibilities they already have under current law.

The man whose name is now associated with this bill, Matthew Shepard, was tortured and killed because he was gay. This crime wasn't about him as an individual, it was about what he represented. Every day there are smaller incidences in neighborhoods around the country. Individuals are targeted coming out of certain bars, wearing certain clothes, or walking with too much flair. This is a systemic problem that requires a systemic approach. This bill will go a long way in allowing local law enforcement to do their job and providing Federal assistance where it belongs. It is about time.

Mr. CONYERS. Mr. Speaker, I now recognize the distinguished gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of the Declaration of Independence. All persons are created equal, endowed by their Creator, with certain inalienable rights, among them life, liberty and the pursuit of happiness. Not some people, not people of a particular race, not people who just happen to be heterosexual; all persons are created equal.

And for the record, I support the rights of gay people. Gay people have the same rights as any other Americans, and they have the right to pursue happiness. I support this—the Declaration of Independence speaks of it—and but for the grace of God, we all ought to realize, There go I. Any one of us could become the victim of a hate crime regardless of your race, your creed, or your color. We should support people and the rights of people.

For those who say that we are creating a separate class of people, we already have a class that we've distinguished in the State of Texas for peace officers. If you assault a police officer, your punishment is going to be enhanced.

That is what this is all about: enhancement of punishment.

Mr. SMITH of Texas. Mr. Speaker, I would like to reserve my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentlelady from Maryland, an attorney herself, DONNA EDWARDS, for 1 minute.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2009, H.R. 1913.

This really is about civil rights. Now, in an ideal world, I wouldn't be standing here speaking here before you now

because we wouldn't need legislation like this. But this is anything but an ideal world. And sadly, violent hate crimes are still an unfortunate reality in our society. Last year there were 150 reported hate crimes in my home State of Maryland, and local law enforcement estimates that the actual numbers are higher due to reporting discrepancies.

Now, recent statistics also say there were more than 9,000 reported hate crimes. So the time to do something about this is now. And as a long-time violence prevention advocate, I believe we have to do everything in our power to eradicate violence in all its forms.

By passing this legislation, we're saying that acts of violence motivated by hate will simply not be tolerated, not for any person, not for any reason.

Mr. Speaker, I thank you and I thank the leadership of the Matthew Shepard family for keeping us on mark about what it means to protect people.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, under this legislation, criminals who kill certain people will be punished more harshly than people who kill a police officer, a member of the military, a child, or a senior citizen.

Is a murder motivated by hatred for something other than the victim's membership in a particular group any less devastating or tragic? All crime victims should have equal worth in the eyes of the law. Ordinarily, criminal law does not concern itself with motive, why a person acted, but rather with intent, whether the perpetrator intended or knew that they would cause harm. If someone intends to harm a person, no motive makes them more or less culpable for their conduct.

This legislation will force law enforcement officials and prosecutors to gather evidence about the offender's thoughts and words regardless of the criminality of their actions.

When the government starts to punish thoughts, this is a dangerous road to travel. And where does it end? With thought police?

Mr. Speaker, we cannot legislate away hate, nor should we criminalize a person's thoughts, no matter how much we might disagree with them. I urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that I be permitted to control the remainder of the time that I previously yielded to the gentleman from Illinois (Mr. KIRK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I am now pleased to recognize the gentleman from Wisconsin who has served ably on the Committee on the Judiciary for a number of years, TAMMY BALDWIN, for 5 minutes.

Ms. BALDWIN. I want to thank Chairman CONYERS for the time and for your diligent work on this measure. It has been an honor and a privilege to work closely with you.

Today, by passing the Local Law Enforcement Hate Crimes Prevention Act, the House has a historic opportunity to reinforce the principles of equal rights and equal protection embodied in our Constitution.

Hate crimes are acts of violence motivated by prejudice and committed against individuals that end up victimizing entire groups of people.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, we acted to protect people who were victimized on the basis of their race, color, religion or national origin. Today, we strengthen our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation.

We add these characteristics to the hate crimes legislation not because they deserve special protection, but because of a history and pervasive pattern of heinous violent crimes committed against individuals because of these characteristics.

Some opponents of this legislation are disseminating misinformation in order to derail this bill. But make no mistake—this legislation we pass today has been carefully crafted to protect our First Amendment rights to free speech, expression, and association.

The First Amendment protects these freedoms, but it does not protect violence. This is not a hate thought bill. This is not a hate speech bill. This is a hate crimes bill that will provide needed Federal resources to local law enforcement authorities when they confront violent crimes motivated by prejudice and hate.

□ 1545

I want to share with you a few reasons why I believe the passage of this legislation is so urgently necessary.

I'm thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death with his fists and a fire extinguisher when he learned that she had been born a male. Thankfully, Angie's killer was brought to justice under a State hate crimes law. But we know that with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

Americans across the country, young and old alike, must hear Congress

clearly affirm that hate-based violence targeting gays, lesbians, transgender individuals, women, and people with disabilities will not be tolerated.

I think today of Matthew Shepard, who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect on the targeted community.

I think of Judy Shepard, Matthew's mother, who is here with us today, still courageously advocating for the passage of this legislation more than 10 years after losing her son.

The passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crime go away. But this bill gives State, local, and Federal law enforcement authorities the necessary resources and tools to combat violent crimes based on hate and bias.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, the lives have been lost that more than justify the passage of this legislation. I urge my colleagues to pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. PENCE), who is also chairman of the Republican Conference.

Mr. PENCE. I thank the gentleman for yielding, and I especially thank the ranking member of this committee for his strong and principled and thoughtful opposition to H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, those who know me, including my colleagues on this committee and the distinguished chairman of this committee, know that I abhor discrimination. I have associated myself throughout my career in Congress with efforts to advance the interests of minorities, and I will continue to do so. People who know me back home know that I have no tolerance for unkindness or disrespect to any individual for any reason, but most especially any disrespect or discrimination that is based on race, creed, or color is anathema to me. So I don't question the motives of those who would advance this legislation. I think I know the heart of many and understand it.

But I rise in opposition to this legislation for three reasons:

Number one, I believe that we should not treat thought the same way we treat action before the law. Number two, I believe this legislation is unnecessary when a careful examination of State prosecutions and the work that's being done at State levels is examined. And lastly and most ominously, I fear this legislation, intentionally or unintentionally, could have a chilling effect

on the religious expression and the religious freedom of millions of Americans. So let me speak to each of those points.

Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith and his worship, the legislative powers of the government reach actions only, not opinions." Thomas Jefferson again stated the core of my objection to hate crimes legislation as a whole, and that is that violent attacks against people or property are already illegal regardless of the motive behind them. And it seems to me that the wisdom expressed by Thomas Jefferson in that quote is wisdom that ought to discipline this legislative body, that we ought to focus the reach of government on actions only and not opinions. And that remains the core of my objection to hate crimes legislation.

But even to those who believe, Mr. Speaker, that this legislation is appropriate, I must say that it is also important for our colleagues and anyone looking in to understand that this legislation is also unnecessary. The underlying offense in each of these crimes is already fully and aggressively prosecuted in all 50 States.

This bill designates in particular gender identity for federally protected status without, I might add, any evidence of any hate crimes occurring against individuals for gender identity. The hate crimes bill before us today makes a Federal offense out of any violent crime that is alleged to be motivated by gender identity including, for instance, people who describe themselves as transsexuals, even though the Hate Crimes Statistics Act of 1990, as amended in 1994, never collected any data to show that such hate crimes are even occurring. In fact, the truth be told, FBI statistics show that the incidents of what are described as hate crimes has declined over the last 10 years, for which we have data. In 1997 a total of 8,000 what are called "bias-motivated" criminal incidents were reported to the FBI. The data for 3 of the last 10 years, 2003 through 2005, demonstrated a steady decline in the number of those crimes, and the incidents as the present day approaches decline even further.

And, also, lastly, there is zero evidence that States are not fully prosecuting violent crimes that are motivated by hate or for any other reason. Every State in the Nation prohibits a variety of violent crimes that constitute "willfully causing bodily injury." For whatever the purpose of the will of causing bodily injury, those crimes are prosecuted. And for those who advocate hate crimes legislation, a Federalist note: 45 States and the District of Columbia already have specific laws punishing hate crimes.

Which brings me to my last objection to this Federal legislation, and that is the concern that I have about the threat to religious freedom and religious expression. The gentlewoman who just spoke said, memorably, that this is not a hate speech bill, this is a hate crimes bill. But because those 45 States already have legislation involving hate crimes, we can see how this kind of legislation actually operates in practice.

One case in particular, in 2004 in Philadelphia, 11 individuals were arrested at something called OutFest, which is a gay pride festival. These individuals held signs that displayed segments of the Holy Bible. They were arrested after protesting peacefully. They were charged with three felonies and five misdemeanors. Their felony charges included "possessions of instruments of crime," which apparently was a bullhorn; ethnic intimidation, which was apparently their statement that they believed as Biblical Christians that homosexuality is a sin; and also they were charged with inciting a riot for reading passages from the Bible related to that moral practice. Now, whether or not a riot occurred involving these Christians was debatable, but they faced \$90,000 in fines and possible 47-year prison sentences.

In San Francisco a city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group. In New York a pastor who rented billboards posting Biblical quotations on sexual morality had them taken down by city officials who cited hate crime principles as justification.

We saw a new colleague today take that oath that we all take, and it was a solemn moment, Mr. Speaker. But we swear to support and uphold the Constitution, which reads, I remind my colleagues, "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof."

We must not pass this hate crimes bill. It is unnecessary and it threatens that constitutional obligation that we have.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, who is Chair of the Finance Committee but previously has served his entire career on the House Judiciary Committee, and his name is BARNEY FRANK.

Mr. FRANK of Massachusetts. My thanks to the gentleman from Michigan, who has been such an extraordinary moral force in his leadership in the Judiciary Committee and under whom I was proud to serve.

Let me begin by saying apparently we have in Philadelphia one of the longest pending criminal cases in history because the gentleman from Indiana mentioned that people were arrested and charged in 2004. But he

didn't tell us what happened to them. Well, he said it was terrible, they were charged. One would assume that people would be interested in knowing what happened.

I will tell the House what happened. The charges were dismissed. Now, the gentleman from Indiana apparently forgot to say that. Those arrests were false. They should not have taken place. But let me say this: If we were to repeal every criminal statute because some police officer may have made an improper arrest, things would be pretty anarchic.

I also do think if you're going to talk about an incident, certainly would be my practice, and if you talked about criminal charges and they were dismissed that you would say so, that you wouldn't leave people wondering. So I do want people who are worried about the fate of those poor people in Philadelphia who, if you listened to the gentleman from Indiana, these last 5 years have been facing felony charges, please don't worry. Those charges should not have been brought and they were dismissed. Now, you hear about that often because it's apparently the only case we do have. No one has been successfully prosecuted, nor should they be, for this.

Now, I do want to say this: I'm delighted to hear some of the most conservative Members of this House expressing support for free speech in this context. Only in this context. They have not been conspicuous in demanding the right of free speech, but I'll take it when I can get it.

There was a statute proposed here that interfered with the free speech of a member of the clergy. Now, he is a lunatic member of the clergy named Phelps, and he was going and standing out at cemeteries and denouncing them on his religious grounds. I did not think people should be allowed to disrupt funerals, but I voted against the bill, along with my colleague from Texas (Mr. PAUL) and my colleague from Oregon (Mr. WU), and all the rest of these great defenders of free speech on the other side said he couldn't stand half a mile from the cemetery an hour before with his anti-gay sign. Now, I will confess that when he heard that I had come to his defense, that caused him more aggravation than anything else; so it was for me a twofer. I got to defend free speech and aggravate a lunatic. But I don't remember a lot of free speech defenses then because it wasn't popular.

Now, in addition to free speech, there is one other thing that's very interesting. You would think this is the first time hate crimes ever came up in American history. There are on the books statutes that increase the penalty for crimes depending on the motivation. And people say everybody should be treated equally. By the way, I assume Members know that there was

a special statute that makes it particularly egregious in terms of sentencing if you assault a Member of Congress.

□ 1600

I assume nobody knew that on that side because they would have moved to repeal it. They apparently are perfectly comfortable getting a greater degree of Federal protection against crime than the average citizen.

Did they forget to repeal that? Where was that motion? Mr. Chairman, did that come up in the committee? Well, apparently not. But there were other categories, age and race.

Let's be very clear, Mr. Speaker. It is not the concept of hate crime protection that is controversial. We have had it and it has been administered. It is extending it to people like me, to those of us who are gay, to people who are transgender. And the assertion that there is no basis for protecting transgender people against violence, that's Marxist in its oddity.

And I mean by that, of course, Chico Marx, who said at one notable point when Groucho caught him red-handed, "Who are you going to believe—me or your own eyes?"

The fact is that crimes against people who are transgender have been very serious. I know they are not always prosecuted as well as they should have been. But I do want to stress, the notion of hate crimes, of increasing the penalty because of the motivation for certain characteristics of the victim, has not been controversial on the Republican side. They have made no effort to change it.

If they were really motivated by what they claim to be saying, or what they are saying, then they would be for repealing hate crimes in general. They would be for repealing hate crimes based on race and age and other categories. It's only when it deals with gay people. And because in some people's minds saying that it's wrong to assault someone who is transgender may mean that you have to show some respect for that person.

Well, let me reassure them. I do think that there ought to be hate crimes protection against gay, lesbian and transgender people. By that I mean that if there is a physical crime, actions that are otherwise criminal, the fact that it is based on that prejudice should count.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. I thank the chairman.

I want to make it very clear. Yes, I do want there to be protection against violence committed against people like me, but let me reassure those, some on the other side. In asking that transgender people or people like me or people like my colleague from Wis-

consin be protected against violence, I am not seeking your approval. Your approval of the way in which I live is not terribly important to me, I would say to them, Mr. Speaker, so I do want to differentiate.

Those of us who think that violence should be prevented are not asking for approval from people with whom we are perfectly prepared not to associate any more than necessary. This is not a request for acceptance. We don't want it. We don't need it from those people. What we are talking about is a protection against violence.

The last point is this. Why a hate crime? Because when someone is assaulted as an individual, that individual is put in fear. But when a group is assaulted because of race or religion or sexual orientation, members who aren't assaulted, if there's a pattern to this, are also put in fear. That's the rationale, and it applies here as well as elsewhere.

The SPEAKER pro tempore. The gentleman from Michigan has 30 seconds.

Mr. CONYERS. Mr. Speaker, I thank you.

I would like to congratulate the Members of the House for the debate that's occurred on the hate crimes legislation because of the very effective way that they have communicated their reservations about the way we approached the subject.

Mr. VAN HOLLEN. Madam Speaker, I rise today in strong support of the Local Law Enforcement Hate Crimes Prevention Act of 2009 of which I am a cosponsor.

Our country was founded on the bedrock principle of protecting individual freedoms. We need to protect the rights of individuals who are assaulted because of who they are.

This bipartisan bill provides local and state law enforcement agencies with the resources needed to combat the thousands of hate crimes that occur in our country each year. H.R. 1913 allows the Federal Government to equip our local law offices with the tools they need to prosecute hate crimes and provides monetary relief to those agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

Our nation thrives because of the freedoms we guarantee each of our citizens. Those liberties are at risk if hateful discrimination and violence are allowed to flourish and threaten the safety of individuals and our communities. Current federal hate crimes law authorizes federal aid in cases of violent crimes motivated by the victim's race, color, religion, or national origin. H.R. 1913 expands the federal definition of hate crime, allowing the Department of Justice to assist local authorities in cases of violent crimes committed against persons because of their gender, sexual orientation, gender identity, or disability.

I am proud to have voted for this legislation, as it will enhance civil rights protections and help protect individuals and our communities from the terror and anguish that hate crimes inflict.

Mr. PERRIELLO. Madam Speaker, although I could not cast my vote today due to sched-

uling conflicts, I would like to record my support for the Local Law Enforcement Hate Crimes Prevention Act. This legislation does two important things: it moves our communities one step closer towards having the support necessary to ensure that all Americans can live without fear and it advances the ongoing struggle to defend human rights.

This bipartisan bill reaffirms our commitment to protecting the rights of every individual citizen. It defends the dignity of all individuals and recognizes that no one should live in constant fear of hatred and discrimination. Importantly, it advances this goal while also protecting our Constitutional right to freedom of speech and of religious expression. Unlike many nations where individuals may be prosecuted for their words and beliefs, the United States remains firm in defending our ability to express our opinions and exercise our values without fear of legal action. Since the introduction of America's first hate crimes laws in 1968, such legislation has focused only on acts of violence, never on ideas, and this bill continues that commitment to the Constitution by explicitly stating that it cannot be used to limit our First Amendment rights, including the rights of faith leaders speaking from their pulpits. This legislation is a testament to the strength of our Constitution even in times of change.

The necessity of this bill has recently been highlighted in Virginia's 5th District, where several weeks ago an 18-year-old University of Virginia student and his friend were physically attacked in a parking lot because of their perceived sexual orientation. Such incidents remind us that there are still individuals who would use violence to intimidate and isolate others simply for who they are, and that hate crimes remain a serious and under-addressed problem in our communities.

These crimes not only target individual victims, but also terrorize entire communities. All individuals deserve to live free of fear of such attacks, and we must not allow violence inspired by hatred to go unpunished. Throughout our nation's history, we have been reminded that the principles of our founders endure, and so does their charge to us to remain vigilant in each generation about expanding those freedoms. We continue to emerge from these struggles a stronger and better nation, truer to our values and closer to fulfilling our highest aspirations.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1913, the "Local Law Enforcement Hate Crimes Prevention Act of 2009." As an original cosponsor of this legislation, I believe that H.R. 1913 is critically important to ensuring that those who commit hate crimes are appropriately prosecuted and punished. I want to commend Chairman CONYERS and the Democratic Leadership for bringing this legislation before the House of Representatives early in the 111th Congress so that we may finally get this bill to the President's desk.

Each story is tragic, someone who is assaulted or murdered because of nothing more than his or her race, gender, sexual orientation, or religion, for example. Someone who may have done nothing other than walk down a particular street, attend a certain house of worship, or simply be who they are. Today we send the important message that we will not

tolerate these acts of violence by ensuring that local law enforcement agencies have the necessary resources to investigate and prosecute hate crimes.

On June 11, 2000, at the annual Puerto Rican Day parade in New York City, more than fifty women were sexually harassed and assaulted by a group of men. I was outraged not only that the attacks occurred, but that according to many of the victims, the police did not take their allegations seriously. Unfortunately, women are all too often targeted because of their gender.

Although the bill as reported out of committee does not include provisions from legislation that I have introduced, H.R. 823, the "Hate Crimes Statistics Improvement Act of 2009," I understand that this language will be included in future legislation that Chairman CONYERS intends to bring before the House of Representatives. The provisions included in my bill would ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. Violence against women is a serious problem in this country. With accurate data, local communities will be better able to identify gender-based hate crimes in their area, ensure that the prosecution of such crimes is a priority, and chart their progress toward eliminating them.

H.R. 1913 is landmark legislation that I believe will go a long way in reducing violence in communities across this nation. I urge my colleagues to support the bill.

Mr. BLUMENAUER. Mr. Speaker, today I am proud to support the Local Law Enforcement Hate Crimes Prevention Act which will help prevent violence and ensure that justice is served.

The special attention that hate crimes require can easily stretch local law enforcement beyond their capacity. Many of these crimes go unreported, allowing the perpetrators to escape punishment. This is unacceptable.

The Local Law Enforcement Hate Crimes Prevention Act provides the necessary resources to state and local governments for the investigation and prosecution of these crimes. This kind of commitment to justice is the only way to prevent such random acts of violence from occurring in the first place.

In my home state of Oregon, four hate crimes have been reported this year and in 2008, twenty-nine hate crimes were reported. Just last month, a man and his boyfriend were on a spring-break trip over the weekend when they were beaten unconscious on a beach in Seaside, Oregon. Last November, a 20-year-old woman was walking along a street in Aloha, Oregon, when the man asked for a cigarette. He asked if she was gay and when she said yes, he then started berating her about her sexual orientation. Eventually he pushed her and she fell to the ground. She tried to defend herself, but he knocked her back down and struck her in the head with a rock.

These violent crimes effectively terrorize the entire community and chip away at our freedoms. We must protect all our citizens—whether they are black, disabled, Christian, or gay.

Mr. BACA. Mr. Speaker, I urge my colleagues to vote in support of H.R. 1913—the Federal Local Law Enforcement Hate Crimes Prevention Act of 2009. This legislation has

had bipartisan support during the 106th, 108th, 109th and the 110th Congresses.

Many law enforcement organizations throughout the nation have endorsed the bill. We have their support because local police and sheriffs' departments will get resources they need to help investigate and prosecute violent criminals.

The bill allows the Federal government to provide crucial federal resources to state and local agencies to equip local officers with the tools they need to prosecute hate crimes.

Everyone deserves to be protected and to feel safe in their communities. African Americans, Hispanics, disabled Americans, Christians, members of the GBLT community, and every other American deserve this right. And we should give our local law enforcement the tools and support necessary to ensure our safety. We are all created equal and should be afforded the same freedoms and protections.

H.R. 1913 will provide assistance to state and local law enforcement agencies and amend Federal law to facilitate the investigation and prosecution of bias-motivated crimes of violence.

I ask my colleagues to join me as we pass this much needed civil rights legislation.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009 and I am pleased to see the bill we reported out of the Judiciary Committee last week is on the House floor today.

I believe we finally have the opportunity to see this legislation signed into law and I encourage my colleagues to do the right thing today and support this bill.

We must ensure that all Americans can exercise their civil rights and be free from threats of violence against them because of their race, color, nationality, gender, age, disability or sexual orientation. It is past time to protect gays, lesbians, bisexuals and transgendered individuals from hate crimes. We must never again allow an 11-year-old child to be so bullied and harassed that he sees no other option to end his torture by taking his own life.

In 2004 in Los Angeles, the 15-year-old son of movie producer Lee Caplin and his wife, Gita, received death threats by a group of students at his private high school. According to the police complaint, some of the messages directed at their son were anti-gay slurs among other epithets.

In 2007 in Los Angeles, a mentally disabled man was beaten to death by an unidentified man wielding an aluminum baseball bat. The victim was James McKinney, 41, who was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera, but the attacker is still at large.

The most recent data from the FBI is from 2007. It shows that in Los Angeles, there were 279 crimes categorized as motivated by bias: 132 crimes based on race; 50 crimes based on religion; 43 crimes based on sexual orientation; and 54 crimes based on ethnicity.

While I strongly support this bill today, I know that more work is needed, particularly in the area of crimes against the homeless. As Chair of the Financial Services Subcommittee on Housing, I can tell you that with the hous-

ing and foreclosure crisis we are facing, more and more Americans are becoming homeless. Sadly, the number of violent crimes against the homeless are increasing, and I believe a significant portion of these attacks are indeed hate crimes. The State of Maryland just recently became the first state in the nation to add homelessness to their hate crimes statute. They noted that from 1999 through 2007 there were 774 acts of violence against homeless men, women and children in 45 states and Puerto Rico. These attacks resulted in 217 deaths.

I'm looking forward to working with Chairman CONYERS and our Crime Subcommittee Chairman SCOTT to get accurate data on violent crimes and hate crimes against the homeless. It is important to get this data promptly, and then, after an appropriate hearing, we can determine if additional legislation is needed.

In closing, I commend Chairman CONYERS for his tireless work on this legislation and urge my colleagues to do the right thing today and vote to pass this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I have been a strong supporter of increased law enforcement support and protections against hate crimes for many years, and today's vote represents a historic step forward in recognizing and fighting against violent bias-motivated crimes.

Each year there are thousands of individuals who are targets of violent crime based solely on their appearance, means, or lifestyle. These hate crimes are not only meant to physically harm the victim, but degrade all individuals of similar identity and instill a pervasive sense of fear amongst that community. While each and every violent crime is traumatic, hate crimes are not only devastating for the victim and their family, but for all individuals who identify with the victim, whether or not they actually knew that person.

Hate crimes are more prevalent than many may realize. Despite significant underreporting, more than 100,000 hate crimes have been reported since 1991. In addition, the number of hate groups that exist within our country continues to rise; espousing a message of hatred and often plans of targeted violence.

This legislation will allow for much needed federal assistance in the prevention and prosecution of hate crimes, and provide money to states to develop hate crimes prevention programs. No American deserves to feel a threat to their physical safety simply because of who they are or how they look.

While I strongly support the passage of this legislation, I do believe there is a strong need to include homeless individuals into this bill. Often nameless and faceless victims of violence, homeless individuals are amongst the highest targeted groups for hate violence.

According to statistics collected by the National Coalition for the Homeless, there have been 774 violent acts perpetrated against homeless individuals since 1999. These attacks occurred in 235 cities throughout our country, in 45 states, and in one territory. 217 of these attacks resulted in death ranging from these individuals suffering severe beatings to being set on fire. Many of these incidents

were committed by groups targeting the homeless, and some were even video-taped for future sale and amusement.

It is important that we recognize these acts as hate crimes at a federal level. Many states are currently considering the recognition of these violent acts as hate crimes, with Maryland having already done so. We cannot continue to ignore the plight of this group, and the fear and violence that have been experienced by scores of homeless individuals.

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the following letter from four members of the U.S. Commission on Civil Rights who are opposed to H.R. 1913:

UNITED STATES COMMISSION
ON CIVIL RIGHTS,
Washington, DC, April 29, 2009.

Re: H.R. 1913

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. STENY H. HOYER,
Majority Leader, House of Representatives,
Washington, DC.

Hon. JAMES E. CLYBURN,
Majority Whip, House of Representatives,
Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

Hon. ERIC CANTOR,
Minority Whip, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER AND MESSRS. BOEHNER, CANTOR, CLYBURN AND HOYER: We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913) ("LLEHCPA"). Although time does not permit this issue to be presented for formal Commission action, we believe it is important for us to write as individual members to communicate our serious concerns with this legislation.

We believe that LLEHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by "dual sovereigns," such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of LLEHCPA suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen "because of their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with LLEHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a "hate crime" in the minds of ordinary Americans are covered by LLEHCPA, then prosecutors will have "two bites at the apple" for a very large number of crimes.

DOJ officials have argued that LLEHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of LLEHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries at dludvigson@usccr.gov or at (202) 376-7626.

Sincerely,

GERALD A. REYNOLDS,
Chairman.

GAIL L. HERIOT,
Commissioner.

TODD GAZIANO,
Commissioner.

PETER N. KIRSANOW,
Commissioner.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation will include penalties in the federal code for crimes that are motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Further, H.R. 1913 allows the Department of Justice to make grants to support State and local programs designed to combat hate crimes, particularly those committed by juveniles. Finally, the bill supports programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes. In this way, the bill empowers state and local officials to investigate and prosecute these crimes without limiting their jurisdiction or authority.

I have heard concerns from some of my constituents that this legislation could infringe on the right to free speech. I could never support a bill that does that. In fact, Section 10 of the bill contains a specific exemption that clarifies that speech, no matter how hateful, is not

criminalized under this act. Only violent acts by those who willfully cause bodily injury are prohibited. I strongly oppose attempts to limit anyone's right to free speech or put one class of people above another.

While all acts of violence are deplorable, hate crimes are specifically meant to intimidate and frighten an entire group of people because of prejudice on the part of the perpetrator. Violent acts that are meant to terrorize American citizens should not go unpunished.

I urge you to support H.R. 1913.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express my strong support of the Local Law Enforcement Hate Crimes Prevention Act.

This bill will extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. Since the federal government began collecting data in 1991, over 100,000 hate crimes have been reported by state and local officials; but, most analysts believe this data significantly underreports the actual number of hate crimes. During this time period, approximately 16% of hate crimes were perpetrated because of a person's sexual orientation. With 1,265 reported incidents in 2007, sexual orientation is the third most common target of hate-based violence, trailing only race and religion. This bill is a logical improvement to existing federal law and is needed to ensure that the federal government has the jurisdiction to assist in all cases of hate-based violence.

In addition to expanding the categories of hate crimes, this legislation would allow the Justice Department to aid the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding. The cost of investigating and prosecuting these often high-profile cases can be prohibitive for a local community, forcing them to spend precious resources on one case. In these instances, it is essential for the federal government to be able to provide assistance to ensure that justice is served without unduly burdening local resources.

Finally, this bill would require the Justice Department to expand its tracking of hate crimes to include crimes based on gender or gender identity. The federal government currently collects data on hate crimes committed due to sexual orientation and disability, but not for gender or gender identity. This expanded resource will provide law enforcement officials the information they need to more accurately gauge the prevalence of hate crimes and to evaluate efforts to combat this violence.

The Local Law Enforcement Hate Crimes Prevention Act is an overdue step towards addressing all forms of hate-based violence that traumatize communities across the country. Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. That is what this bill does, and I ask all of my colleagues to support it.

Mr. ISRAEL. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1913, the Matthew Shepard Act.

Many of my colleagues have already spoken informatively about the bill's provisions,

how it will focus on enhancing resources at the local and state level for combating hate crimes, and how it will enable local and state officials to prosecute people who commit hate crimes. These are all important reasons to vote for this bill.

I want to tell you the story of a hate crime that happened in my community.

Marcelo Lucero lived in Patchogue, NY and was walking home one evening when a car load of teenage boys surrounded, beat and murdered him.

He was walking home, and they were out looking for someone who looked Hispanic. One of the defendants later told the police, "I don't go out and do this very often, maybe once a week."

Now, what happened to Marcelo Lucero is wrong when it happens to any person.

But what makes a hate crime so disturbing is that it's not simply aimed at the victim.

An entire community gets the message—you are not welcome here. And, what makes the story of his attackers so disturbing is the casualness of their attitude.

It reflects a comfortableness that is unacceptable in any community.

That is why I'm supporting this bill and why I urge my colleagues to support this bill: it sends a message back to those who would commit a hate crime. And that message is that hate is not welcome in my community.

I would like to thank Chairman COYERS for the time to speak and his leadership on this important issue.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Ten years have now passed since a University of Wyoming student was tied to a fence and fatally beaten just because he was gay. In the time since, we've seen a Texas man dragged to his death by a truck just because he was black and a woman brutally beaten and killed with a fire extinguisher just because she was transgendered. We've even seen young children at day camp shot just because they were Jewish.

Passage of comprehensive federal hate crime legislation that would allow the Department of Justice to assist state and local jurisdictions unable or unwilling to prosecute violent, bias-motivated crimes is long overdue.

Mr. Speaker, as a former Constitutional law professor at West Point, I want to make something perfectly clear. Nothing in this bill impinges the right of an individual's freedom of speech as guaranteed under the First Amendment of the Constitution. The ability to think or express sentiments repulsive to most members of society absent the fear of legal retribution is part of what makes this country great and free. The ability to prosecute to the fullest extent of the law those who cause injury or death to an individual because of who they are or what they believe is also what makes this country great and free.

Ensuring that states and local law enforcement throughout the United States have the resources they need to go after the perpetrators of these crimes is not just something we owe to the victims and their families. It also helps to free the rest of society—particularly members of the group to which the victim

identified—from being intimidated by the hate of a few.

I urge my colleagues to support this bill and send a clear message that those who injure or kill another human being because of who they are will be brought to justice for their crimes.

Mr. WAXMAN. Mr. Speaker, hate crimes are fundamentally different from other crimes. Hate crimes—violent acts that target victims precisely because of who they are, or are perceived to be—aim to terrorize, intimidate, and oppress an entire class of people. They are assaults not just on those victims, but on an entire community. When the perpetrators of these acts are not held accountable, we suffer as a nation.

As a cosponsor of the Matthew Shepard Act, I look forward to its enactment into law. Today there are only 11 States that have hate crime laws that cover both gender and sexual orientation. By expanding the federal definition of a hate crime to include one based on sexual orientation, disability, or gender, we take the first step toward reducing these violent acts across the country.

This legislation will provide much-needed federal support for local law enforcement so that police can more effectively identify, investigate, and prosecute hate crimes. By joining together at all levels, we can help build safer and more tolerant communities. I urge my colleagues to support this important bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. I would like to thank Chairman COYERS of the House Judiciary Committee for his leadership in bringing this timely legislation to the floor. H.R. 1913 will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. The key element of the bill is its expansion of federal jurisdiction to cover crimes motivated by bias against a victim's perceived sexual orientation, gender, gender identity or disability. This legislation would make tremendous strides in garnering the civil and human rights of all Americans. Its passage would secure the equal protection of all Americans under the law. It is a landmark and long overdue piece of legislation.

This is an important bill and I have introduced similar legislation in this and prior Congresses. While I support this bill and urge my colleagues to support this bill I am disappointed that the bill did not include my amendment which I offered last Congress.

MY AMENDMENT LANGUAGE IN H.R. 1592

Last Congress, I offered an amendment to H.R. 1592, the legislation that was introduced last term. My amendment was accepted by unanimous consent by the members of the Judiciary Committee. Specifically, my amendment required "the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall report such findings back to the Congress within 180 days." If this language was included in the present bill, it would only serve to strengthen it and make it better. The amendment language was intended to gather information on adults that solicit and use youth in the commission of hate crimes. This issue arises with respect to hate groups such as the

Skinheads, Neo-Nazis, KKK, and other similar type groups.

H.R. 1913 is legislation aimed at combating hate crimes. Because the bill addresses hate crimes, it is necessary to define the criminal actions that constitute a hate crime in the first instance. The definition is straightforward. Hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation.

For those individuals that will ask why this law is necessary, let me remind of a few incidents that have occurred in recent memory that demonstrate that this bill is indeed necessary.

Texas' violent history dates to the late 19th century when it was among the South's most lynch-prone states. At least 355 people, most of them blacks, died in Texas mob violence between 1889 and 1918.

Laws outlawing mob and less lethal hate crimes have since been passed, but incidents with possible racial components have continued to occur—even in Jasper, a city with a black mayor and a population that is 45 percent African-American.

In Texas, Austin came in fourth among cities in the number of hate crimes reported in 2006, according to a FBI compilation that canvassed agencies representing 85 percent of the nation's population. Documented are 7,722 criminal incidents involving 9,080 offenses resulting from bias against race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability. Of 5,449 "crimes against persons", intimidation accounted for 46 percent of hate crimes, simple assault 32 percent, and aggravated assault 21.6 percent. Three murders and six rapes were reported. The report lists offenders as 58.6 percent white, 20.6 percent black, 12.9 percent race unknown, and the rest as other races.

JAMES BYRD

Let me remind you of James Byrd. On June 7, 1998, Byrd, 49, accepted a ride from three men named Shawn Allen Berry, Lawrence Russell Brewer, and John William King. He had already known one of them. Instead of taking him home, the three men beat Byrd behind a convenience store, chained him by the ankles to their pickup truck, stripped the man naked, and dragged him for three miles. Although Lawrence Russell Brewer said that Byrd's throat had been slashed before he was dragged, forensic evidence suggests that Byrd had been attempting to keep his head up, and an autopsy suggested that Byrd was alive for much of the dragging and died after his right arm and head were severed when his body hit a culvert. His body had caught a sewage drain on the side of the road resulting in Byrd's decapitation.

King, Berry, and Brewer dumped their victim's mutilated remains in the town's black cemetery, and then went to a barbecue. A

wrench inscribed with "Berry" was found with in the area along with a lighter that had "Possum" written on it, which was King's prison nickname.

The next morning, Byrd's limbs were scattered across a very little-used road. The police found 75 places littered with Byrd's remains. State law enforcement officials along with Jasper's District Attorney Guy James Gray and Assistant Pat Hardy determined that since King and Brewer were well-known white supremacists, the murder was a hate crime, and decided to bring in the FBI less than 24 hours after the discovery of Byrd's remains. One of Byrd's murderers, John King, had a tattoo depicting a black man hanging from a tree, and other tattoos such as Nazi symbols, the words "Aryan Pride," and the patch for the Confederate Knights of America, a gang of white supremacist inmates. In a jailhouse letter to Brewer which was intercepted by jail officials, King expressed pride in the crime and said he realized he might have to die for committing it. "Regardless of the outcome of this, we have made history. Death before dishonor. Sieg Heil!", King wrote.

An officer investigating the case also testified that witnesses said King referenced The Turner Diaries after beating Byrd.

Brewer and King were sentenced to death. Berry received life in prison.

THE PERPETRATORS

John King—accused of beating Byrd with a bat and then dragging him behind a truck until he died. King had previously claimed to have been gang-raped in prison by black prisoners and, although he had no previous record of racism, had joined a white-supremacist prison gang, allegedly for self-protection. The testimony phase of his trial started in Jasper, Texas on February 16, 1999. He was found guilty of kidnapping and murder on February 23 and was sentenced to death on February 25.

Lawrence Russell Brewer—another white supremacist convicted of murdering Byrd. Prior to the Byrd murder, Brewer had served a prison sentence for drug possession and burglary, and he was paroled in 1991. After violating the parole in 1994, he was sent back to prison. According to his court testimony, he joined a white supremacist gang with King in order to safeguard himself from other prisoners. A state psychiatrist testified that Brewer did not appear repentant for his crimes. In the end, Brewer was also sentenced to death.

Shawn Allen Berry—The driver of the truck, Berry was the most difficult to convict of the three defendants because there was a lack of evidence to suggest that he himself was a racist. He had also claimed that his two companions were entirely responsible for the crime. Brewer testified that it was Berry who cut Byrd's throat before he was tied to the truck, but the jury decided that there was little evidence to indicate this. As a result, Berry was spared the death penalty and given a life sentence in prison.

MATTHEW SHEPARD

Matthew Wayne Shepard was a student at the University of Wyoming who was tortured and subsequently murdered near Laramie, Wyoming. He was attacked on the night of October 6–October 7, 1998 and died at Poudre Valley Hospital in Colorado, on October 12, from severe head injuries.

During the trial, witnesses stated that Shepard was targeted because he was gay. His murder brought national as well as international attention to the issue of hate crime legislation at the state and federal levels.

Russell Arthur Henderson pleaded guilty to felony murder and kidnapping, allowing him to avoid the death penalty. Aaron James McKinney was convicted of felony murder and kidnapping. Henderson is currently serving two consecutive life sentences and McKinney is serving the same but without the possibility of parole.

Matthew Shepard, oldest son of Dennis Shepard and Judy Shepard, was born in Casper, Wyoming, on December 1, 1976. Shortly after midnight on October 7, 1998, 21-year-old Shepard met McKinney and Henderson in a bar. McKinney and Henderson offered Shepard a ride in their car. Subsequently, Shepard was robbed, pistol whipped, tortured, tied to a fence in a remote, rural area, and left to die. McKinney and Henderson also found out his address and intended to rob his home. Still tied to the fence, Shepard was discovered eighteen hours later by Aaron Kreifels, who at first thought that Shepard was a scarecrow. At the time of discovery, Shepard was still alive, but in a coma.

Shepard suffered a fracture from the back of his head to the front of his right ear. He had severe brain stem damage, which affected his body's ability to regulate heart rate, body temperature and other vital signs. There were also about a dozen small lacerations around his head, face and neck. His injuries were deemed too severe for doctors to operate. Shepard never regained consciousness and remained on full life support. As he lay in intensive care, candlelight vigils were held by the people of Laramie.

He was pronounced dead at 12:53 A.M. on October 12, 1998 at Poudre Valley Hospital in Fort Collins. Police arrested McKinney and Henderson shortly thereafter, finding the bloody gun as well as the victim's shoes and wallet in their truck.

The two men had attempted to get their girlfriends to provide alibis. In court the defendants used varying rationales to defend their actions. They attempted to use the "gay panic defense", arguing that they were driven to temporary insanity by alleged sexual advances by Shepard. At another point they stated that they had only wanted to rob Shepard and never intended to kill him.

The prosecutor in the case charged that McKinney and Henderson pretended to be gay in order to gain Shepard's trust to rob him. During the trial, Chastity Pasley and Kristen Price (the pair's then-girlfriends) testified under oath that Henderson and McKinney both plotted beforehand to rob a gay man. McKinney and Henderson then went to the Fireside Lounge and selected Shepard as their target. McKinney alleged that Shepard asked them for a ride home. After befriending him, they took him to a remote area of Laramie where they robbed him, beat him severely (media reports often contained the graphic account of the pistol whipping and his smashed skull), and tied him to a fence with a rope from McKinney's truck. Shepard begged for his life. Both girlfriends also testified that neither McKinney nor Henderson was under the influ-

ence of drugs at the time. The beating was so severe that the only areas on Shepard's face that were not covered in blood were those where his tears had washed the blood stains away.

Henderson pleaded guilty on April 5, 1999, and agreed to testify against McKinney to avoid the death penalty; he received two consecutive life sentences. The jury in McKinney's trial found him guilty of felony murder. As it began to deliberate on the death penalty, Shepard's parents brokered a deal, resulting in McKinney receiving two consecutive life terms without the possibility of parole.

Henderson and McKinney were incarcerated in the Wyoming State Penitentiary in Rawlins but were transferred to other prisons due to overcrowding.

Wyoming did not have State hate crimes legislation.

LOYAL GARNER

On Christmas Day 1987, Loyal Garner, a Florien, LA., father of six, was arrested for drunken driving. Garner protested that he was sober, and asked for field sobriety and breathalyzer tests, but police took him to the county jail in Hemphill.

Garner asked to be allowed to telephone his wife. Instead, he was taken to the jail detox room and bludgeoned.

In 1990, Hemphill Police Chief Thomas Ladner and two county deputies, Billy Ray Horton and James M. Hyden, were convicted on state murder charges and sentenced to prison. Horton's conviction was later overturned.

KENNETH SIMPSON

In spring 1988, Kenneth Simpson, a 30-year-old black man arrested for the theft of a fountain pen, died in his Cleveland jail cell after being beaten.

Half the city police force was suspended as a result, but later returned to their jobs after being acquitted. However, Police Chief Harley Lovings remained under public pressure and resigned the following year.

The pen later was found atop a soft drink machine in the police station lobby.

TROY LEE STARLING

In August 1987, Troy Lee Starling, 24, of Mount Enterprise was fatally shot in the neck by a state highway trooper after a highspeed chase in Rusk County.

Though the trooper was cleared by a grand jury, Starling's family filed a civil rights lawsuit against the officer.

Not all incidents involved bloodshed, but still revealed a sordid side of East Texas culture.

Illustrative was the hostility faced by three black families who moved into an all-white public housing project in Vidor in 1994.

The families were part of the third effort to integrate the project. They moved in only after then-Housing and Urban Development Secretary Henry Cisneros allocated \$3 million to upgrade security.

But residents were soon frightened by death threats and the obvious patrols of Ku Klux Klan members through the projects displaying high-powered weapons.

The FBI later investigated alleged Klan death plots against William Hale, director of the Texas Commission on Human Rights, and Attorney General Dan Morales. Hale's group

had sued the Klan, accusing it of making threats against those trying to integrate the housing project.

Still, Joe Roy, head of the intelligence project of the Southern Poverty Law Center in Montgomery, Ala., suggested such crimes, though stereotypical of the South, no longer are limited to one region.

"I think this is a stark reminder, this case in Texas, of what can happen in this country," he said. "Education is not the sole answer, but it's one of the cornerstones of correcting it."

The tension between the races is fueled by competition between economically marginal groups, Roy said.

"This episode is a horrendous example of the rage that is out there."

OTHER HIGH PROFILE TEXAS CASES

Vidor, 1994: Civil rights groups sue the Ku Klux Klan, accusing the group of making threats to stop the integration of an all-white housing project.

Cleveland, 1988: Kenneth Simpson, a black man arrested for stealing an ink pen, dies in his jail cell after struggling with white officers, who are eventually cleared in the death. The police chief resigns under pressure the next year.

Hemphill, 1987: Loyal Garner, a black Louisiana truck driver, is beaten to death in the Sabine County jail. Hemphill's police chief and two county deputies are eventually convicted of murder, although one deputy's conviction is overturned.

Mount Enterprise, 1987: Troy Lee Starling, a 24-year-old black man, is fatally shot in the neck by a state trooper after a high-speed chase in Rusk County. The trooper is cleared but Starling's family files a civil rights suit.

In December 2005, Chris McKee was beaten by two men. McKee, who is gay, said his assailants had followed him after seeing him kiss another man, and anti-gay slurs were audible on a 911 call he made. His assailants were prosecuted under the State hate crimes legislation but they were acquitted.

In May 2006, Joshua Aaron Abbot, now 23, was acquitted in the 2005 death of 40-year-old David Wayne Morrison, a gay Denton resident who was HIV-positive. Abbott stabbed Morrison more than 20 times in the face, neck and chest with a pocketknife.

Abbott, who is straight, had gone to Morrison's residence for unknown reasons, and the pair ended up alone in Morrison's bedroom. At trial, Abbot claimed Morrison tried to rape him, and the jury ruled the defendant acted in self-defense. The prosecutors failed to prosecute the case as a hate crime because it was not clear that Morrison's sexual orientation was the sole motivating factor. However, the prosecutor admitted that Morrison's sexual orientation and HIV-positive status was key.

Since Texas State hate crimes legislation was passed in 2001, there have been few convictions. In 2007, there were only eight convictions.

These cases provide stark evidence that this bill is needed to federalize hate crimes. These crimes are still perpetrated.

Opponents will argue that this bill abrogates constitutional rights of Freedom of Speech or other First Amendment guarantees under the Constitution. These arguments have no merit.

First, all speech is not protected speech. For example, one does not have the right to scream "Fire!" in a crowded movie theatre.

Second, nothing in this bill prevents a person from exercising their fundamental rights or their First Amendment right to free speech. The actionable crime here is crimes that cause bodily injury.

Third, the bill clarifies that neither this Act, nor the amendments made by it may be construed to prohibit any expressive conduct protected from legal prohibition, or any activities protected by the free speech or free exercise clauses of, the First Amendment of the United States Constitution. The legislation does not punish, nor prohibit in any way, name-calling, verbal abuse, or even expressions of hatred toward any group, even if such statements amount to hate speech. Because it covers only violent actions that result in death or bodily injury nothing in this legislation prohibits lawful expression of deeply held religious beliefs. Thus, clergy and other religious persons are not prohibited from decrying any acts, lifestyles, or characteristics that they deem repugnant or contrary to their beliefs. This speech is not actionable under this bill and is in no way proscribed.

The bill specifically provides at Section 8, in its Rule of Construction, that "Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the Constitution." Thus, the plain language of the bill makes clear that clergy or others exercising their First Amendment right to speech or expression will not be penalized by this law. Words or conduct that does not result in bodily injury is not actionable under this bill.

This legislation is needed because hate crimes have been seriously underreported. FBI statistics have only documented more than 118,000 hate crimes since 1991. In 2007, statistics demonstrated 7,624 bias-motivated criminal incidents, and police agencies identified 9,535 victims arising from 9,006 separate criminal offenses. Racially-motivated bias accounted for approximately half (50.8 percent) of all incidents; religious bias accounted for 1,400 incidents (18.4 percent); sexual orientation bias accounted for 1,265 incidents (16.6 percent); and ethnicity/national origin accounted for 1,007 incidents (13.2 percent).

H.R. 1913 will address two serious deficiencies in the Federal civil rights crimes, in which a limited set of hate crimes committed on the basis of race, color, religion, or national origin are prohibited. The principal federal hate crimes statutes are 18 U.S.C. sec. 245 and 42 U.S.C. sec. 3631, this bill expands the application of hate crimes legislation.

In the last forty years, limitations in section 245 have become apparent and needed to be addressed. For example, the existing statute requires the government not only to prove that the defendant committed an offense because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of sex narrowly defined protected activities. These activities related to enrolling/attending schools, participating in or enjoying a service, program, facility, or activity administered or provided by a state or local government, applying for or enjoying employment, serving in a state court as a juror, travelling in or using a facility of interstate commerce, and enjoying the goods or services of

certain places of public accommodation. This bill extends the application of hate crimes beyond these narrow and limited situations.

The present bill extends hate crimes in another important manner. The existing statute provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity or disability. H.R. 1913 covers these statuses.

When federal jurisdiction has existed in the limited hate crime contexts authorized under 18 U.S.C. sec. 245(b), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations has provided an invaluable investigative complement to the familiarity of investigators with the local community, people and customs. The limitations of section 245 have limited the opportunity for such collaboration in many incidents of violence.

As I mentioned out the outset, I understand the urgency and importance of passing this bill. I would however like to bring up two issues that I would like considered, and that I would like to work with leadership to ensure is included, in conference.

First, the bill adds a certification requirement that is not currently found in section. Specifically, it requires a written certification from the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General that the person has reason to believe that a hate crime has occurred and the person has consulted with local and state law enforcement.

This imposes yet another burden upon the Department of Justice and might infringe upon its right to bring and try hate crimes. I do not see any compelling reason for changing the existing law and adding this additional burden.

Similarly, with respect to the Rule of Evidence in section 7(d) of this legislation, it provides the following:

"In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness."

Thus, this new rule of evidence alters the relevance standard that already exists under the Federal Rules of Evidence. It would seem appropriate to use evidence, albeit circumstantial insofar as it is relevant. For example, consider the following hypothetical that a hate crime is perpetrated but under the current construction of section 7(d), it would be inadmissible to proffer evidence that the defendant collected racist magazine or paraphernalia unless such paraphernalia was directly used in the crime or is entered for purposes of impeachment. It defies reason that the existence of such paraphernalia is relevant and should be admissible to prove that a crime was racially motivated. Therefore, I would excise the language in section 7(d). It adds restrictions to the rules of evidence that have no place in the inquiry.

Hate crimes are real. The bodily injury, loss of life, and havoc that their perpetration wreaks on an individual, a family, community, and the country is wholly unacceptable. I urge my colleagues to support an end to such hate

crimes and support this bill. Its passage would make America a fuller, freer and more equal society that all accorded equal protection under the laws of the United States.

Ms. MCCOLLUM. Mr. Speaker, I rise in strong support of the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913). This bill makes a profound statement that this country will not tolerate violence motivated by bigotry and ignorance against its citizens. I commend Chairman CONYERS for bringing this legislation to the floor.

The message of this bill is clear: the United States will not tolerate hate crimes. These crimes are unlike other violent acts of randomness. Targeting people because of their race, religion, ethnicity, sexual orientation, gender or disability is a form of domestic terrorism. Such violent crimes send a chilling message to entire communities that they are not welcome and that intolerance and ignorance is alive and well.

Since 1991, the FBI has received more than 118,000 reports of hate crimes and we know that crimes of this nature are frequently underreported. Current federal law covers crimes committed based on a person's race, color, religion, or national origin. H.R. 1913 extends federal protection to include hate crimes committed because of a person's gender, sexual orientation, gender identity, or disability. This bill allows the federal government to provide needed federal resources to state and local law enforcement officials to prosecute hate crimes and also authorizes grants to law enforcement agencies that have incurred expenses investigating and prosecuting hate crime cases.

Some opponents of H.R. 1913 have suggested that this bill legislates against thoughts and ideas. This is absolutely false. H.R. 1913 provides local authorities more effective means to prosecute violent acts of hate, not thoughts or speech. In fact, this bill explicitly includes First Amendment free speech protections for persons accused of acts of hate.

My first vote as a member of the Minnesota House of Representatives was for equal rights on housing and employment for the gay, lesbian, bisexual and transgendered (GLBT) community. As a Member of Congress, I have now voted for similar federal four times. The Local Law Enforcement Hate Crimes Prevention Act must become law so that all Americans can fully participate in and enjoy the rights of a democratic society.

I urge my colleagues to support this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise to declare my strong support for H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act, and to urge its swift passage in the House of Representatives.

This important legislation would expand the federal definition of hate-motivated crimes to include gender, sexual orientation, disability and gender identity. Violence provoked by prejudice has no place in our society. It jeopardizes not only the safety of the victims but also their friends and neighbors, and upsets public order by making people feel threatened in their communities.

For example, persons with disabilities are often vulnerable to criminal hateful acts because they may seem different or use unfa-

miliar assistive technologies. Thirty-one states and the District of Columbia, including my home state of Rhode Island, already recognize and prosecute these cases as hate crimes. However, there is still no uniform recognition on the national level that a disability could make a person uniquely susceptible to prejudice. Equally troubling is that Rhode Island law enforcement officials reported that nearly 50 percent of hate crime victims were targeted because of their sexual orientation. Yet even as so many Americans joined together to mourn the loss of Matthew Shepard last October, on the tenth anniversary of his brutal murder, hate-motivated crimes still go unrecognized under federal statute.

H.R. 1913 has the practical purpose of authorizing training and grants for local law enforcement officials to facilitate prevention, investigation and prosecution of hate crimes. However, the passing of this bill today is equally as important as the civil rights legislation that was enacted several decades ago, which enforced the principle that our country does not accept targeting any American for violence or discrimination based on hatred. I urge my colleagues to join me in fighting bigotry that threatens our communities by voting for the Local Law Enforcement Hate Crimes Prevention Act.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I am a cosponsor of this legislation because we must do all that we can to protect those who are injured because of their gender, sexual orientation, race, religion, or disability.

Hate crimes can occur in any community—even one as wonderful and diverse as mine. On July 4, 1999—when we should have been celebrating the welcoming and embracing traditions of our great country, my district was rocked by the killing spree of the white supremacist, Benjamin Nathaniel Smith. This madman left us grieving for Ricky Byrdson, a former Northwestern University coach, a well-known community leader, a deeply religious man, a man who was committed to his family. His only crime was the color of his skin—he was African-American. Smith also murdered Won Joon Yoon, an Asian American student from Indiana.

The bill we are considering today takes an important step toward making America a more just society, by closing a glaring loophole in our justice system that prevents the Federal Government from prosecuting cases where women, gay, transgender or disabled persons are victims of bias-motivated crimes for who they are. These crimes not only devastate victims and their family and friends, but they devastate the community to which the victim belongs by creating fear and intimidation. Hate crimes chip away at the very foundations of what it means to be an American—that all people are created equal and are afforded the same freedoms and protections.

America must no longer ignore hate crimes of any kind. Everyone, regardless of race, sexual, orientation and gender identity, must be equal in the eyes of the law. The passage of H.R. 1913 will send the powerful message that America stands for tolerance and inclusion, and is opposed to prejudice in all its forms. I want to thank my good friend, Congress-

woman TAMMY BALDWIN, and the entire LGBT Equality Caucus for their tireless work to get this bill passed and urge my colleagues to vote "yes" to H.R. 1913.

Mr. LEWIS of Georgia. Mr. Speaker, while it is an honor to be able to participate today's debate, I must say that it gives me feelings of both joy and sorrow. Sorrow, because in the year 2009, I would hope that we should not have a need for such a bill.

I find it most ironic that some of the very same voices in the community who speak out against this bill are the very same voices that question whether racism and prejudice no longer exist simply because a person of color has been elected President. Racism, prejudice, and hate did not disappear on November 4th, 2008. Nor did they disappear on January 20th, 2009.

Yet it gives me joy that we are able to do something about it. I grew up in the Deep South and faced vile hatred up close, and it gives me joy to vote "yes" on the Local Law Enforcement Hate Crimes Prevention Act. Today we proclaim that our country will not stand for, and will not tolerate hate crimes.

This bill is the right thing to do. It protects our citizens, our nation; our principles and our values.

We are all Americans—

Black Americans, White Americans, Hispanic Americans, Asian Americans, Native American, Christian Americans, Jewish Americans, Muslim Americans, Gay Americans, Straight Americans—all Americans. We are one people and one nation, the American nation. This bill will bring us one step closer to the Beloved Community, a nation at peace with itself.

A constituent came by my office just yesterday and spoke about her son who fought in Iraq. Her son completed two tours in Iraq. Her son has said that he was indeed concerned about his safety. But her son said that he was even more concerned about the safety of his father—a transgender woman, walking the streets of the United States of America every day.

President Obama has talked repeatedly about renewing America's promise. Today, I urge my fellow Members to vote "yes," and keep America's promise.

Mr. PETERS. Mr. Speaker, I rise today as a proud co-sponsor of H.R. 1913, the "Local Law Enforcement Hate Crimes Prevention Act of 2009." According to FBI statistics, 118,000 hate crimes have been reported since 1991. During the same period of time, reported bias motivated crimes based on sexual orientation has more than tripled, yet the federal government currently has no jurisdiction to assist states and municipalities in dealing with even the most violent hate crimes against gay and lesbian Americans. The FBI's 2007 Uniform Crime Reports showed that reported violent crimes based on sexual orientation constituted approximately one out of six hate crimes committed in 2007, with 1,265 reported for the year.

The Local Law Enforcement Hate Crimes Prevention Act of 2009 will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. This important legislation is

backed by a number of major law enforcement organizations, including the International Association of Chiefs of Police, the National District Attorneys Association, and the National Sheriffs Association.

This bill will strengthen existing federal law by expanding its jurisdiction to provide protections for crimes directed at individuals because of their gender, gender identity, sexual orientation or disability. The bill only applies to bias-motivated violent crimes and does not impinge public speech or writing.

This bill includes an explicit First Amendment free speech protection. Pastors, Sunday school teachers, and religious leaders cannot be prosecuted for the content of their speech. Many religious groups have expressed support for the bill, including the Episcopal Church, the Evangelical Lutheran Church of America, the Interfaith Alliance, the Presbyterian Church, the United Synagogue of Conservative Judaism, the United Methodist Church, and the Congress of National Black Churches.

I am proud to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 because it is grounded in fundamental American values: recognizing the dignity of every person, protecting religious freedom, and freedom of speech. This legislation protects people from violence based on who they are, and has explicit protections to ensure that the law does not punish what people think, feel, or believe, but rather actions that physically harm others. I urge passage of the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Ms. ROYBAL-ALLARD. Mr. Speaker, I was proud to cast my vote along with 249 other members of the House of Representatives in favor of the Local Law Enforcement Hate Crimes Prevention Act. This legislation will protect Americans by expanding the definition of hate crimes and providing law enforcement officers with the tools they need to prosecute these heinous crimes.

The Local Law Enforcement Hate Crimes Prevention Act is not a cure-all and it will not stop all hate violence, but it will send the message that senseless violence is unacceptable and perpetrators will be punished. Since law enforcement sometimes lacks the personnel, resources or determination needed to properly investigate and prosecute hate crimes, this measure will give the appropriate agencies the tools they need to combat hate violence in our communities.

Under current law, the Federal Government can only investigate hate crimes motivated by the victim's race, color, religion or national origin. The Hate Crimes Prevention Act extends Federal jurisdiction to hate crimes motivated by the victim's actual or perceived sexual orientation, gender, gender identity or disability. Because such crimes are directed at an entire group of people and not just one individual, the bill provides assistance to state and local law enforcement to streamline the investigation and prosecution of hate crimes.

It is my hope that the Senate will quickly take up and pass this important measure. Hate motivated crimes undermine our communities and final passage of this bill has been delayed for far too long. I look forward to the day when legislation like this will no longer be needed, but until that day comes I applaud passage of the Hate Crimes Prevention Act.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GOHMERT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes.

Mr. CONYERS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 1913 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 11, insert "and shall be subject to the penalty of death in accordance with chapter 228," after "or both,".

Page 9, line 11, after "or both," insert "and shall be subject to the penalty of death in accordance with chapter 228,".

Page 9, line 4, strike "or".

Page 9, line 4, insert "., age, status as a current or former member of the Armed Forces, or status as a law enforcement officer" after "disability".

Page 8, beginning in line 19, strike "OR DISABILITY" and insert "DISABILITY, AGE, STATUS AS A CURRENT OR FORMER MEMBER OF THE ARMED FORCES, OR STATUS AS A LAW ENFORCEMENT OFFICER".

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that there would be agreement to dispense with that portion of the motion dealing with the armed services.

Mr. GOHMERT. I would object.

The SPEAKER pro tempore. Does the gentleman from Michigan care to reserve his point of order?

Mr. CONYERS. No, sir, I do not.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, the motion to recommit is simple and straightforward. It adds three categories to the list of groups in this bill and provides the death penalty for certain hate crime offenses.

I would like to address what our friend from Massachusetts has indicated when he talked about the people who were arrested for their Christian position, nonviolent, and he kept indicating the charges were dismissed.

But as my friend from Massachusetts would surely know, when you can arrest people, even if you don't pursue charges, it has a chilling effect. Over and over it has a chilling effect.

And, also, there was some inference in his comments that we may believe

that transgender individuals who were not worthy of being defended under the law or were not victims, I wasn't sure, but the truth is every American deserves to be equally protected. That is the law. That's the way it should be. That's the way wherever you go in the country. You don't find cases that are held up as poster cases for hate crimes that justify the hate crimes.

The James Byrd family, bless their hearts, I grieved with them. And based on the evidence that was presented, it was clear that these defendants committed a violent crime for which they should have gotten the death penalty. The two that did got it appropriately. This bill will not affect that case one bit. It will not affect it.

So we have tried to say, look, please don't divide us. Don't keep dividing into different categories and say these deserve more protection than these. Treat us all the same. That has fallen on deaf ears.

Every amendment was voted down in committee that we tried to present to make it more clear and to treat Americans equally. It's clear the majority has the votes to move forward and pass this. So our effort is then to add other worthy classes to this.

For example, in 2004, Private First Class Foster Barton of Grove City, Ohio, was brutally beaten. Six witnesses who didn't know Barton said the person that beat him up was screaming profanities and crude remarks about U.S. soldiers.

In 2007, a Syracuse woman pleaded guilty for spitting in the face of a Fort Drum soldier she didn't know.

These things happen. My friend from Florida in committee had indicated that she was not sure it appeared that the military should be added as a protected class under this bill, that not necessarily were they victims.

But I can tell you personally, having been spat at and on, after Vietnam, when I was at Fort Riley, Kansas, and we were ordered not to wear our uniforms off post in our platoon because of violence that was being done to servicemembers. It still happens. It still happens.

And witness the unseemly events outside some of our military hospitals by those who are so very insensitive. Now even the administration is targeting returning veterans as potential extremists. As the report said, "Returning veterans possess combat skills and experience that are attractive to right-wing extremists." Even the administration is trying to target veterans. So we would hope that they were included.

And there is absolutely no question that law enforcement officers are frequently targeted specifically because of who they are and because they are wearing the uniform and attempting to protect all the rest of us. We have so many brave public servants. Even in

this building people have given their lives so that others in the building could have theirs. That needs to be honored.

The statistics show that even though the number of hate crimes, or crimes reportedly committed because of bias or prejudice, are lower now than they were 10 years ago. Those crimes have increased against law enforcement.

Age is another class that should be protected. The statistics are clear, and we have seen film evidence of elderly being attacked because they were perceived as elderly and less able to protect themselves. They deserve to be protected. These are classes that should be.

And then we come to another issue, and that is the fact that the hate crimes bill, as proposed, will not affect one of the hate crime bills held up so far as a poster case. We will add the death penalty so it can make a difference in those places where there was a horrible heinous crime. This will make a difference.

Mr. CONYERS. I rise in opposition to this motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I thank you.

I suppose this is the parliamentary part of the legislative process that a motion to recommit has to be entertained, but before I begin my discussion about the regrets of it, I still insist on complimenting the Members of the House of Representatives who have understood that there are particular acts of violence against the law that are intolerable and should be dealt with as effectively as possible.

The question is what is the most effective way.

Now, what we have been proposing, since 1968, during the civil rights era, where there was an inability to seek prosecution of violators of civil rights laws at the State level, a southern President, Lyndon Johnson, began realizing that there had to be a Federal method of dealing with certain crimes that were not only violent to the victims but served to send a message of intimidation to others in that same class or group. Those groups, we have listed.

These groups are being denied the most fundamental protection of liberty. They are targeted for the most extreme violence by extremists who have decided, in their own warped view of how we should exist among each other in our society, as people who don't deserve to have life.

□ 1615

The groups that are on this protected list and are identified as where hate crime laws kick in are being protected in the same way that has been going on all the way back these many years, since 1968.

The targets are not only the particular individuals who are attacked, but an extension of everyone in the group. The unmistakable intended threat to all is that not only are you not welcome, but you are despised, and you are not safe, and we are coming after you.

But this motion seeks simply to ignore these essential facts.

Let me talk about the three areas mentioned. The armed services, for example. While people who are disturbed at governmental policies and may direct anger at the military, members of the armed services are not victims of bias-based prejudice or hatred. To the contrary, they are honored for their service to our Nation, with national holidays in their honor, memorials, and other economic benefits, all of which are deserved. But they are not in the same situation as the groups we are seeking to protect in this bill. Besides, specific protections for members of the armed services already exist in the Federal law—it makes killing someone in the military a capital crime.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 241, not voting 7, as follows:

[Roll No. 222]

YEAS—185

Aderholt	Burton (IN)	Flake
Akin	Buyer	Fleming
Alexander	Calvert	Forbes
Altmire	Camp	Fortenberry
Arcuri	Campbell	Foster
Austria	Cantor	Foxx
Bachmann	Capito	Franks (AZ)
Bachus	Carter	Frelinghuysen
Barrett (SC)	Cassidy	Gallely
Barrow	Castle	Garrett (NJ)
Bartlett	Chaffetz	Gerlach
Barton (TX)	Childers	Gingrey (GA)
Bilbray	Coble	Gohmert
Bilirakis	Coffman (CO)	Goodlatte
Bishop (UT)	Cole	Graves
Blackburn	Conaway	Griffith
Blunt	Costa	Guthrie
Boccieri	Cuellar	Hall (TX)
Boehner	Culberson	Halvorson
Bonner	Davis (AL)	Harper
Boozman	Davis (KY)	Hastings (WA)
Boren	Deal (GA)	Heller
Boustany	Dent	Hensarling
Brady (TX)	Diaz-Balart, L.	Henger
Broun (GA)	Diaz-Balart, M.	Hersteth Sandlin
Brown (SC)	Dreier	Holden
Brown-Waite,	Duncan	Hunter
Ginny	Emerson	Inglis
Buchanan	Fallin	Issa

Johnson (IL)	McHugh	Roskam
Johnson, Sam	McKeon	Royce
Jones	McMorris	Ryan (WI)
Jordan (OH)	Rodgers	Scalise
King (IA)	Mica	Schmidt
King (NY)	Miller (FL)	Schock
Kingston	Miller (MI)	Sensenbrenner
Kirk	Miller (NC)	Sessions
Klein (FL)	Miller, Gary	Shadegg
Kline (MN)	Minnick	Shimkus
Lamborn	Mitchell	Shuster
Lance	Moran (KS)	Simpson
Latham	Murphy, Tim	Smith (NE)
LaTourette	Myrick	Smith (TX)
Latta	Neugebauer	Souder
Lee (NY)	Nunes	Space
Lewis (CA)	Nye	Stearns
Linder	Olson	Sullivan
Lipinski	Paulsen	Taylor
LoBiondo	Pence	Terry
Lucas	Petri	Thompson (PA)
Luetkemeyer	Pitts	Thornberry
Lummis	Poe (TX)	Tiahrt
Lungren, Daniel	Posey	Tiberi
E.	Radanovich	Turner
Manzullo	Rehberg	Walden
Marchant	Reichert	Westmoreland
Marshall	Richardson	Whitfield
Matheson	Roe (TN)	Wilson (SC)
McCarthy (CA)	Rogers (AL)	Wittman
McCaul	Rogers (KY)	Wolf
McClintock	Rogers (MI)	Young (AK)
McCotter	Rohrabacher	Young (FL)
McHenry	Rooney	

NAYS—241

Abercrombie	Edwards (MD)	Larsen (WA)
Ackerman	Edwards (TX)	Larson (CT)
Adler (NJ)	Ehlers	Lee (CA)
Andrews	Ellison	Levin
Baca	Ellsworth	Lewis (GA)
Baird	Engel	Loebach
Baldwin	Eshoo	Lofgren, Zoe
Bean	Etheridge	Lowey
Becerra	Farr	Lujan
Berkley	Fattah	Lynch
Berman	Filner	Mack
Biggert	Frank (MA)	Maffei
Bishop (GA)	Fudge	Maloney
Bishop (NY)	Giffords	Markey (CO)
Blumenauer	Gonzalez	Markey (MA)
Bono Mack	Gordon (TN)	Massa
Boswell	Grayson	Matsui
Boucher	Green, Al	McCarthy (NY)
Boyd	Green, Gene	McCollum
Brady (PA)	Grijalva	McDermott
Braley (IA)	Gutierrez	McGovern
Bright	Hall (NY)	McIntyre
Brown, Corrine	Hare	McMahon
Cao	Harman	McNerney
Capps	Hastings (FL)	Meek (FL)
Capuano	Heinrich	Meeks (NY)
Cardoza	Higgins	Melancon
Carnahan	Hill	Michaud
Carney	Himes	Miller, George
Carson (IN)	Hinchey	Mollohan
Castor (FL)	Hinojosa	Moore (KS)
Chandler	Hirono	Moore (WI)
Clarke	Hodes	Moran (VA)
Clay	Hoekstra	Murphy (CT)
Cleaver	Holt	Murphy (NY)
Clyburn	Honda	Murphy, Patrick
Cohen	Hoyer	Murtha
Connolly (VA)	Inslee	Nadler (NY)
Conyers	Israel	Napolitano
Cooper	Jackson (IL)	Neal (MA)
Costello	Jackson-Lee	Oberstar
Courtney	(TX)	Obey
Crenshaw	Jenkins	Olver
Crowley	Johnson (GA)	Ortiz
Cummings	Johnson, E. B.	Pallone
Dahlkemper	Kagen	Pascarell
Davis (CA)	Kanjorski	Pastor (AZ)
Davis (IL)	Kaptur	Paul
Davis (TN)	Kennedy	Payne
DeFazio	Kildee	Perlmutter
DeGette	Kilpatrick (MI)	Peters
Delahunt	Kilroy	Peterson
DeLauro	Kind	Pingree (ME)
Dicks	Kirkpatrick (AZ)	Platts
Dingell	Kissell	Polis (CO)
Doggett	Kosmas	Pomeroy
Donnelly (IN)	Kratovil	Price (GA)
Doyle	Kucinich	Price (NC)
Driehaus	Langevin	Putnam

Quigley Scott (VA)
 Rahall Serrano
 Rangel Sestak
 Reyes Shea-Porter
 Rodriguez Sherman
 Ros-Lehtinen Shuler
 Ross Sires
 Rothman (NJ) Skelton
 Roybal-Allard Slaughter
 Ruppersberger Smith (NJ)
 Rush Smith (WA)
 Ryan (OH) Snyder
 Salazar Speier
 Sanchez, Linda Spratt
 T. Stupak
 Sanchez, Loretta Sutton
 Sarbanes Tanner
 Schakowsky Tauscher
 Schauer Thompson (CA)
 Schiff Thompson (MS)
 Schrader Tierney
 Schwartz Titus
 Scott (GA) Tonko

NOT VOTING—7

Berry Granger Teague
 Burgess Perriello
 Butterfield Stark

□ 1644

Messrs. KIND, FARR, BISHOP of Georgia, PETERSON, RUSH, MORAN of Virginia, WAMP, CARDOZA, McMAHON, LYNCH and ADLER of New Jersey and Mrs. TAUSCHER, Ms. LEE of California, Ms. WOOLSEY, Ms. SPEIER and Ms. TITUS changed their vote from “yea” to “nay.”

Messrs. WILSON of South Carolina, DUNCAN and LUETKEMEYER changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 175, not voting 10, as follows:

[Roll No. 223]

AYES—249

Abercrombie Brady (PA) Costello
 Ackerman Braley (IA) Courtney
 Adler (NJ) Brown, Corrine
 Altmire Cao
 Andrews Capps
 Arcuri Capuano
 Baca Cardoza
 Baird Carnahan
 Baldwin Carson (IN)
 Barrow Cassidy
 Bean Castle
 Becerra Castor (FL)
 Berkley Chandler
 Berman Clarke
 Biggert Clay
 Bishop (GA) Cleaver
 Bishop (NY) Clyburn
 Blumenauer Coffman (CO)
 Boccieri Cohen
 Bono Mack Connolly (VA)
 Boswell Conyers
 Boucher Cooper
 Boyd Costa

Towns
 Tsongas
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gerlach
 Giffords
 Gonzalez
 Grayson
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodges
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Lance
 Langevin
 Larsen (WA)

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Barrett (SC)
 Bartlett
 Barton (TX)
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Boozman
 Boren
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginn
 Buchanan
 Burton (IN)
 Buyer
 Calvert
 Campbell
 Cantor

Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loebsock
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McMahon
 McNeerney
 Meek (FL)
 Meeks (NY)
 Michaud
 Miller (NC)
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Holt
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Nye
 Oberstar
 Pastor (AZ)
 Payne
 Pelosi
 Perlmutter
 Peters
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel

NOES—175

Capito
 Carney
 Carter
 Chaffetz
 Childers
 Coble
 Cole
 Conaway
 Crenshaw
 Culberson
 Davis (AL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 Donnelly (IN)
 Dreier
 Duncan
 Ehlers
 Ellsworth
 Emerson
 Fallon
 Flake
 Fleming
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Gallegly
 Garrett (NJ)
 Gingrey (GA)
 Gohmert
 Goodlatte

Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McHugh
 McIntyre
 McKeon
 McMorris
 Rodgers
 Melancon
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Moran (KS)
 Murphy, Tim
 Myrick
 Neugebauer
 Nunes
 Olson
 Paul
 Paulsen
 Pence
 Peterson
 Petri
 Pitts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Roskam
 Ross
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus

NOT VOTING—10

Berry Miller, George Stark
 Burgess Murtha Teague
 Butterfield Perriello
 Granger Ruppersberger

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE OBSERVANCE OF NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore (Mr. WALZ). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 337.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROTECTING INCENTIVES FOR
THE ADOPTION OF CHILDREN
WITH SPECIAL NEEDS ACT OF
2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009".

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111-8), title II of division F of such Act is amended under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", by striking "That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,*".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and exclude extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last fall, Congress passed bipartisan legislation that provided broad improvements to our Nation's child welfare system. The legislation, the Fostering Connections to Success and Increasing Adoptions Act, won unanimous approval in both the House and Senate last fall and was signed into law a short time later.

The landmark legislation represented the most significant reform in the child welfare system in over a decade.

Among the provisions of the Fostering Connections to Success and Increasing Adoptions Act was the reauthorization and improvement of the

Adoption Incentives Program. To encourage and reward States for increasing the number of children who are able to leave the public foster care system for a safe, permanent and loving adopted home, Congress established the Adoption Incentives Program in 1997 as part of the Adoption and Safe Families Act. The Adoption Incentives Program provides States with financial incentives for increasing, above a certain specific baseline, the number of adoptive families for children in foster care, particularly for those with disabilities or with other special needs or for older youth.

The bill under consideration, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, will ensure that the improvements made to the Adoption Incentives Program last fall are implemented as Congress intended.

The bipartisan bill eliminates a restriction that was inadvertently placed in the Adoption Incentives Program by the Omnibus Appropriations Act of 2009. The Omnibus Appropriations Act included a provision that required the Department of Health and Human Services, or HHS, to pay adoption incentive payments awarded for fiscal year 2008 in the same manner as they were awarded in the previous years. The provision was prior to the changes being made to the program of the Fostering Connections for Success and Increasing Adoptions Act.

The bill before us simply eliminates the provision included in the Omnibus Appropriations Act, thereby allowing HHS to base upcoming award payments on the new criteria established by last fall's bipartisan child welfare legislation. Removing the inadvertent provision will ensure that the newly reauthorized and improved Adoption Incentives Program is operated as intended by Congress.

I reserve the balance of my time.

Mr. LINDER. I thank the gentleman from Washington for bringing this bill to the floor.

Mr. Speaker, I rise in support of the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009. This bipartisan legislation makes an important technical fix to ensure that Congress' intent is carried out and that States have improved financial incentives to help more children in foster care find permanent, loving adoptive homes.

This legislation continues a long tradition of bipartisan activity by the Ways and Means Committee, a tradition designed to promote the adoption of children from foster care. In 1997, the committee played a key role in crafting the landmark Adoption and Safe Families Act; in 2003 the Adoption Promotion Act; and last fall the Fostering Connections to Success and Increasing Adoptions Act of 2008. These laws streamline the adoption process.

They encourage more efforts to quickly move children from foster care into permanent, loving homes, and they helped achieve the dramatic increases in the number of children successfully adopted from foster care in the past decade. In each case, the legislation was designed to benefit children who face some of the most daunting personal challenges in our country—those who have spent years, sometimes practically all of their lives, in the foster care system.

The legislation before us today would ensure the goals of last year's bipartisan Fostering Connections law are realized. That legislation encouraged increased adoptions from foster care by revising the Adoption Incentives Program and by extending its authorization through fiscal year 2013.

Among other improvements, the Fostering Connections law gave States more generous Federal funds if they helped more families adopt children now languishing for years in foster care, especially older and disabled children.

Unfortunately, the fiscal year 2009 omnibus appropriations bill, which passed through the House with limited consideration, included an error that effectively overrides some of the improvements in last year's Fostering Connections law. In short, the omnibus bill incorrectly stipulated that adoption incentive funds should be provided under the old, less generous rules Congress wanted to replace instead of the new, more generous rules included in the Fostering Connections law.

This legislation makes a simple repair of ensuring that congressional intent is followed so that States have the full intended incentives to promote the adoption of older and disabled children in foster care, among others. According to the Congressional Budget Office, this technical fix has no cost.

I would like to thank my colleagues, Representatives CAMP and RANGEL—ranking member and chairman of the House Committee on Ways and Means respectively—for introducing legislation to correct this error in the House. Their bill, H.R. 1840, is identical to the legislation before us, S. 735, which Senators BAUCUS and GRASSLEY introduced in the Senate and worked to pass earlier this month.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

APRIL 15, 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: On behalf of the American Public Human Services Association (APHSA) and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), we applaud and support your efforts to fix the incentive program for states that increase their numbers of adoptions from foster care and support H.R. 1840.

As you know, the adoption incentive program, originally part of the Adoption and Safe Families Act of 1997 (P.L. 105-89), was reauthorized in the previous Congress through the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). States perform well when provided with incentives. Between 1998 and 2006, states received approximately \$211 million in incentive bonuses for increasing the number of children adopted from foster care. During the same time period, nearly half a million children were adopted from state custody. Today, the waiting child population tends to have higher special needs and may pose challenges for caseworkers to find families willing to adopt them.

The reauthorizing language reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. For each child adopted above that baseline, a state will continue to receive \$4,000. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. The incentive amount for adopted children nine or older increased from \$4,000 to \$8,000 and adopted special needs children increased from \$2,000 to \$4,000. For the first time, Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers. Moreover, states now have 24 months to spend incentive funds on any Title IV-E and IV-B programs.

These were significant improvements to the program that would help many children languishing in foster care find permanent loving homes with adoptive families. However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. Prior to the reset of the baseline, many states were unable to reach continued higher goals of finalized adoptions and the numbers of children waiting to be adopted were starting to decline in many states.

On behalf of those that work so diligently to find homes for waiting children, we thank you for fixing this oversight. You are true champions for our nation's most vulnerable children.

Sincerely,

JERRY FRIEDMAN,
Executive Director.

AMERICAN HUMANE,
Alexandria, VA, April 27, 2009.

Re HR 1840—Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: American Humane supports HR 1840, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, which would ensure that States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

American Humane is a national, non-partisan membership organization that was founded in 1877 to protect the welfare of children and animals. Our support for the Protecting Incentives for the Adoption of Children with Special Needs Act reflects an over

100-year history of progressively advocating at the federal, state and local levels for laws that protect children and animals from abuse and neglect.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers.

However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. HR 1840 will restore the reset of the baseline to help give more children permanent homes.

Thank you for your leadership on such an important issue. We look forward to continuing to work with you. Please do not hesitate to contact Patty Chávez, Legislative Analyst, if we can be of further assistance.

Sincerely,

ALLIE PHILLIPS,
Director of Public Policy.

PATTY CHÁVEZ,
Legislative Analyst.

Mr. CAMP. Mr. Speaker, I am pleased to support S. 735, the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009."

Throughout my time in Congress, I have built on the lessons I learned working as an attorney helping families with their adoption proceedings. As a Member of the Committee on Ways and Means, I have been privileged to continue working on these issues, helping parents adopt children and form loving families. I am still impressed with the number of individuals, organizations, and legislators interested in the well-being and development of children and in encouraging more families to take in and adopt children in foster care.

Congress has made important strides improving the adoption process, by enacting my legislation, the Adoption and Safe Families Act, in 1997, followed by the Adoption Promotion Act in 2003. Additionally, just last fall I was pleased to support the Fostering Connections to Success and Increasing Adoptions Act of 2008, which was enacted with bipartisan and bicameral support. The legislation further encouraged adoptions from foster care by revising the Adoption Incentives program and extending its authorization through fiscal year 2013. Among other improvements, this law gave States more generous Federal incentive funds if they succeed in helping more families adopt children now languishing for years in foster care—especially older and disabled children.

Unfortunately, the fiscal year 2009 Omnibus Appropriations bill (P.L. 111-8), which passed through the House with limited consideration, included a flawed provision that effectively overrides the improvements to the Adoption Incentive program made in last year's Fostering Connections law.

In short, the Omnibus bill incorrectly stipulated that Adoption Incentive funds should be provided under the "old", less generous rules Congress wanted to replace, instead of the

"new", more generous rules included in the Fostering Connections law. That means States would have less incentive to pursue the adoption of older and disabled children in foster care, among others, because they would receive less Federal funds if they are successful in achieving those goals.

We can't know for sure which States would lose if this fix is not made, because we don't yet know which States will successfully improve their performance in increasing adoptions in the wake of the Fostering Connections law. But we do know that America's most vulnerable young people stand to lose if, as a result of this error, they spend more time in foster care instead of with loving adoptive families. We can't and shouldn't let that happen.

That is why I and my colleague CHARLIE RANGEL, the Chairman of the House Committee on Ways and Means, introduced legislation to correct this error. Our bill (H.R. 1840) is identical to the legislation (S. 735) the Senate passed on April 2 and that is being considered by the House today.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the Senate bill, S. 735.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 627 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore (Mr. AL GREEN of Texas). Pursuant to the order of the House of Tuesday, April 28, 2009, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 627.

□ 1709

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices

relating to the extension of credit under an open end consumer credit plan, and for other purposes, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the order of the House of Tuesday, April 28, 2009, the bill is considered read the first time.

General debate shall not exceed 1 hour, equally divided and controlled by the Chair and ranking member of the Committee on Financial Services.

The gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I would like to yield at this moment 2½ minutes to the chief architect, promoter, the person who really brought this bill to fruition here on the House floor not once but for the second time, the gentlewoman from New York, Congresswoman MALONEY.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Credit Cardholders' Bill of Rights, and I thank the Democratic leadership, Chairman FRANK, Chairman GUTIERREZ, and my Democratic colleagues for their support of this important legislation.

The House bill would provide consumers protection from credit card fraud and deception. Today's action builds on the vote that we had last year when the bill passed by 312-112. We held numerous hearings and meetings, and came forward with a set of gold principles that many issuers have voluntarily followed. Today's bill is another step forward towards making these protections permanent, and importantly, we expand upon them in a number of key areas to provide consumers with additional protections.

The bill targets specific abusive practices—retroactive rate increases that can trap cardholders in a downward spiral of unexpected debt, double-cycle billing that charges interest on balances that have already been paid, payment allocation rules that deny cardholders the right to pay down their high interest rate balances first, due date gimmicks that trick people into paying their bills late and then hitting them with retroactive rate increases, penalty interest rates, late fees, multiple over-limit fees for one over-limit transaction, and subprime cards of which the annual fees alone eat up most of the credit line before a single charge is ever made. It gives consumers more tools to better manage their own credit, such as setting their own credit limit.

This is not a bill that takes away consumer choice or that infringes on anyone's rights. It simply says it is not right to be deceptive, to be unfair or to engage in anticompetitive practices.

The bill has been endorsed by consumer groups, labor unions and civil

rights organizations that have made the passage of this bill a top priority because these unfair practices affect so many people every single day of the year. There have been more than 54 editorials and op-eds endorsing the need for credit card reform across our Nation. Just last week, President Obama called to the White House the top executives from the credit card industry to tell them that the days of any time/any reason increases must come to an end.

This is an important bill that affects many people. It is hard for me to come to the floor of Congress or to walk down the street without hearing some story of some type of credit card abuse. This would end the tricks and traps, and it builds also on the Federal rule that came out after our bill passed that resembles strongly our bill. Sixty-six thousand comments were written in support of the Federal rule which we are supporting today, too.

I urge a "yes" vote on this important legislation. It will help millions of people in America. We have done a great deal to help our banks shore up their capital requirements and allow them to provide more loans. This will allow consumers to protect their interest rates, to keep them lower so that they have more money, their own money, to invest in our economy. It's fair to all concerned. I urge a "yes" vote.

Mr. BACHUS. Mr. Chairman, let me start out by saying that I know the Members on the other side and I think there is one thing that we all share—most of the Members if not all of the Members—and that is that we want to protect consumers from unfair and deceptive credit card practices and ensure that they receive useful, complete, fair disclosures as they enter these agreements and, once they enter these agreements, that the terms and conditions are met and that they're not abused.

□ 1715

Like many of my colleagues, I have received calls from constituents about credit card practices that certainly don't seem to be fair. In fact, many times they are not fair. And I don't defend them. That's why I don't question the motivation or the sincerity of those who want to address this practice with this bill.

Having said that, I don't believe that this bill is the right solution. But there is an alternative, and I want to discuss an alternative that I think has been taken. Because in going in and over-restricting the offering of credit and overly restricting credit card companies' ability to price and by over-restricting terms and conditions, you do affect the availability of credit. In fact, the Small Business Administration has testified—not about this bill, so I don't want to mislead anybody; it is not about this bill—that they have said

that with small businesses, availability of credit is their greatest concern, restrictions on credit are their second greatest, and only third is the terms and conditions. And that there has to be a balance between the government—they didn't say this; this is what I am saying—if we over-restrict what companies or people offering credit, what they can do or offer, you do—and I think we all agree—you do, whether you unconsciously do it or intentionally do it, you do restrict the offering of credit.

This bill will do that. I mean, there will be people who can have a credit card today at a higher interest rate, or if they don't pay on a timely manner at a rate that escalates, that if this bill passes, will not get credit at all. Now some people might say, well, that's good.

But today, you have got to have a credit card. And we have to take, I believe, in offering rates and in changing rates from time to time, the payment history of the person, of the credit card holder, we've got to take into consideration whether they have met the obligations.

Now, the sponsor of this bill—and I have agreed for some time that there are some practices that we ought to address. Double-cycle billing. You mentioned this bill addresses that. And it ought to be addressed. Mr. GUTIERREZ and I talked about them offering a rate and then coming back in 6 months and suddenly changing that rate without any notice, number one, and then changing it on the existing balance as far as going forward. We both think that they shouldn't do that unless there are unusual or extenuating circumstances.

I think we also all agree that—and I have had complaints from other Members knowing that I am the ranking member of Financial Services—that people get their credit card bill and they are out of town and all of a sudden they couldn't get it back and they didn't have time to pay it. The gentlewoman from New York says we're going to extend that to 21 days. That's a good thing. But all three of those things, and several other things that we agree on, the Federal Reserve has acted.

Now there is a disagreement among us. Mrs. MALONEY has said, and others have said, that they ought to be able to do this in 30 days, or 60 days. But the Fed has issued 1,200 pages of regulations—1,200 pages—and we simply don't think that 30 days or 60 days, the credit card companies, the banks tell us—and these are not just the big banks; these are community banks, these are credit unions—they have all said, "Look, we agree there were abuses," and the Fed and members of this committee on both sides have pushed them into making changes. But I honestly don't think they can do it in 30 days or 60 days. That's a fair argument.

What I fear is, as I said, credit cards play a crucial role in the lives of everyday Americans and the overall economy. I mean, the availability of credit cards, credit card offers, they are essential. And any regulation or any legislation affecting credit card practices is going to have a profound effect on every American and every American family. Those effects can be good in cases. I think when you give people 21 days, I think that's a good thing. I think when you say let's not change someone's interest rate on a balance, you ought to give them like you do, and we agreed and the Fed agreed, to give them 5 years, amortize it and give 5 years.

I think it was a good thing to prohibit double-cycle billing. In fact, there are 12 or 14 things that the regulators have now told the banks they've got to do.

But I believe there is always if you say one size fits all, yes, there will be people, if this bill passes, that will receive a lower interest rate or their interest rates won't go as high. But there are other people, I think a far greater universe, where the interest rates will go up on people that pay on time, people that have better credit, and that this is sort of a leveling, and I think you're going to see that interest rates are going to go up from 10 to 12 percent.

Let me just simply stop there. I will give the lady a chance to respond. But I do want to say one thing and then I will quit.

We're in the midst of a severe economic downturn. Unemployment is up. Hardworking Americans are facing unparalleled difficulties. Now, if a credit card company doesn't treat them right, they just add to those difficulties. But if we over-restrict these offers of credit, put too much conditions on it, we've been told that the credit limits are going to come down. Some people are going to be told, "I'm sorry, we're pulling your lines of credit." That's already happened. And particularly, investors and people that invest and put capital behind credit card offerings are not going to be there. I do have all of those concerns.

For that reason, I sincerely believe that H.R. 627 is going to do some good, a lot of it the Fed is doing anyway, but it's going to do some harm. And you weigh all of that out, and I am afraid that the consumers are not going to benefit. Some will, but I think most won't.

At this time, I will reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield 1½ minutes to Mr. PASCRELL from New Jersey.

Mr. PASCRELL. Mr. Chairman, that was, to my good friend from Alabama, the best apologist presentation that I have heard in a long time.

The very same people stood on the floor of this House and condemned

folks trying to get a part of the American dream in buying a house and then finding out they couldn't afford it, condemned those people. Not the folks who loaned them the money, not the many unscrupulous people. I have heard it before and will hear it again, I am sure.

There has to be a balance, and I would agree. The question is we've gone out of balance, and no one can deny looking at the data of the past 20 years that we have reduced our standards, there have been financial products that nobody has overseen, and I place the blame on both political parties. Neither party is privy to virtue on this. We'll stand for the consumer this time. Hopefully we'll get it past this House and we will get it past the Senate. That's necessary.

We have before us here legislation which would give consumers protection against credit card abuses. That's what we are targeting here. And this is at a time when Americans are sick and tired of being the victims of a crafty and fatally opportunistic financial sector. You may defend that sector. You have all of the right to do it. Thank God we're in America.

Americans are discovering that even if they pay their bills, their interest rates still get jacked through the roof. Even if you pay your bills. The credit card industry and some Members have been quick to condemn this legislation. But today, I ask those who have spoken against the legislation, what possible detriment is there in increasing transparency in the imposition of fees? How can we possibly be against empowering Americans for taking control of their credit card finances?

Mr. BACHUS. Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) such time as he may consume.

Mr. HENSARLING. I thank the ranking member for yielding.

Before entering into the debate, I certainly want to acknowledge, as I have before throughout this debate, number one, the work of the subcommittee chairman with whom I have served, proud to serve as the ranking member, it has been a very open process, a very good debate. And I certainly want to congratulate the gentlelady from New York who I know has been quite passionate about this issue. And although we certainly disagree with the implications of her legislation, what I believe or I hope to believe are unintended consequences, I certainly share, at least, a number of the goals that she has.

However, I do have great concerns about this legislation.

First, if this was a debate on whether or not there are credit card companies in America that use misleading and deceptive practices, I think we could pass that legislation with unanimous consent.

Now, Mr. Chairman, if this was legislation about whether or not the aver-

age consumer can understand their credit card agreement—the average one running 6,691 words, it would take the average American almost an hour to read, much less comprehend—my guess is we could pass that with unanimous consent as well since indeed most Americans cannot understand the provisions in their credit card agreements.

But unfortunately, the legislation before us goes way beyond simply ending deceptive practices. It goes way beyond simply trying to effectuate effective disclosure for the consumer. And although the bill is entitled the Credit Card Bill of Rights, I have great fears that ultimately this will prove to be the Credit Card Bill of Wrongs.

I believe that ultimately three things will happen if this legislation is passed: Number one, because of its prescriptive way in dealing with risk-based pricing, by essentially imposing a form of price controls on late fees, either, number one, the borrowers who do it right—now, Mr. Chairman, that's half of America; half of America either pays their bill off in full at the end of the month or does it almost every month. And then there is about a quarter who miss some. And then there is about a quarter who are always universally late.

But what is going to happen, Mr. Chairman, is the people who are doing it right, who are working hard, trying to pay their bills, are going to be forced to bail out those who don't. This bill will take us back to a previous era, a bygone era where everybody paid higher interest rates, where a third fewer people had access to credit, and we had all of these dreaded annual card fees.

□ 1730

Now, that was a previous era before we had this thing called risk-based pricing, Mr. Chairman, and what is that? It says, you know what, if you have a checkered credit past or maybe you have a lower income, maybe you're having trouble meeting your bills, well, risk-based pricing says you can still get access to credit if you're willing to pay more for the risk of the creditor. The option, of course, is not to have any credit at all, in which case if you lose your credit card, then you're looking at some other option. And in that respect there are provisions of this bill that maybe ought to be called the "Pawn Shop Owners and Payday Advance Lenders Relief Act," because, Mr. Chairman, if you start to take away credit opportunities of those who have checkered credit pasts, those who are low income, they may be forced into options they don't like.

Now, again, I want to make it very clear I think the payday lenders, the pawn shop operators, they serve a very vital function in our economy. Many people use them. That's not my point. My point is the consumer ought to be

able to choose. So if you start taking that ability away to risk-based price, you're taking away credit, number one.

Number two, you're going to be forced to this bygone era where the people who did it right have to bail out the people who did it wrong. I mean, does that sound like a fairly consistent theme out of this particular Congress: bailout, bailout, bailout? And that's what this is, Mr. Chairman. Unfortunately, it will force the good credit cardholders to bail out those who aren't.

And you know what, Mr. Chairman. We have now seen out of this Democratic Congress a \$700 billion bailout bill costing the average American family over \$6,034. We have seen a \$1.13 trillion, with a "t," government stimulus plan, costing the average American household \$9,810. We've now seen out of this Democratic Congress, Mr. Chairman, an omnibus spending bill \$410 billion, costing the average American \$3,534. And now just today, just today, a \$3.6 trillion budget, which is going to triple the national debt in 10 years.

I mean, Mr. Chairman, isn't it enough that this Congress has taken all the cash out of our wallets? Is it going to take the credit cards out of our wallets as well? I hope not. I don't believe that's the intent of the legislation, but I fear that will be the effect.

Now, again, there are many problems in this credit card market. There are credit card companies, one in particular, that my wife and I absolutely refuse to do business with because we don't like their practices. But throughout this debate, and I challenge Members on the other side of the aisle to show to me, where is it that we don't have a competitive market? Where is it that the consumer doesn't have the choice? Now, up until the recent economic turmoil that we've had, I believe there were over 14,000 different credit card issuers in this Nation with a dizzying array of options for consumers to choose from. It's the competitive market that is the consumer's best friend.

Now, if people don't understand their disclosures, and I believe, again, many of them don't, what we ought to do is not take away the economic opportunities, not take away consumer choice, but ensure that there is effective disclosure written in English, not voluminous disclosure written in legalese. Part of this is the fault of Congress and the regulators. When you disclose everything, you end up disclosing nothing. Part of it is an answer to an explosion of liability exposure to where some of these credit card companies feel, well, if we don't disclose this, we may get sued.

And then last but not least but, again, there are misleading and deceptive practices of credit card companies. That should be stopped, and particularly under the Truth in Lending Act,

under the Deceptive Trade Practices Act. Sometimes, Mr. Chairman, the answer is to enforce the laws that we have on the books.

I don't see the gentlewoman from New York on the floor at the moment, but I want to commend her for that portion of the legislation that deals with disclosure. Now it roughly parallels that of the Fed regs that the ranking member spoke of, and I think a lot of good can be done here in informing consumers about what their rights and responsibilities are.

But, again, ultimately I feel that if we enact this legislation, bad things are going to happen. And it's not just a theory that I have. It's not just me personally. I mean, let's listen to our own Congressional Research Service. They said: "Credit card issuers could respond in a variety of ways," speaking of the legislation. They may "increase loan rates across the board on all borrowers, making it more expensive for both good and delinquent borrowers to use revolving credit. Issuers may also increase minimum monthly payments, reduce credit limits, or reduce the number of credit cards issued to people with impaired credit." So it's not my opinion. That's the opinion of the Congressional Research Service.

Now, I'm sure that every Member here has a number of financial institutions throughout their congressional districts. I'm proud to represent a number of community banks in the Fifth District of Texas. It's an informal poll, but I went to three of them—First State Bank in Athens, Texas; East Texas National Bank in Palestine; First State Bank in Mesquite, Texas—and I asked them what's going to happen if this legislation is passed? And what they told me was, you know, at that point the cost of these cards to community banks just become so much to justify continuing the program, the card portfolio ends up getting sold to the big banks and the consumers lose their options in smaller markets. That's what we are hearing from community bankers.

What do we hear from academics? Well, we heard testimony from Professor of Law Todd Zywicki at George Mason University: "Increased use of credit cards has been a substitution for other types of consumer credit. If these individuals are unable to get access to credit cards, experience and empirical evidence indicates that they will turn elsewhere for credit such as pawn shops, payday lenders, rent-to-own, or even loan sharks."

And, indeed, Mr. Chairman, we see this happening in the marketplace now. Pick up the newspaper. Recently in the *IndyStar*, I read: "More Middle Class Families Are Seeking Payday Loans As Financial Turmoil Mounts." The *Boston Globe*: "Tight Credit Drives Consumers Towards Pawn Shops." As you begin to take away

people's credit cards, you send them elsewhere.

And perhaps the most relevant piece of data, Mr. Chairman, is what happened in the U.K., in Great Britain, when they passed a similar law. They decided credit card default fees were too high, and they ordered the credit card issuers to cut them or face legal action. What happened? You can look at the record. Two of the three largest issuers promptly imposed annual fees on their cardholders. Nineteen of the largest raised interest rates. And by one independent estimate, 60 percent of new applicants were rejected. Those are what I assume to be the unintended consequences of this legislation.

So, Mr. Chairman, as people shoot at credit card companies, and there's a number of them that need to be shot at, I hope they don't end up wounding hardworking, struggling American families who rely on these credit cards to finance their small businesses, to help them with their health care needs, to buy groceries. And I know people can go and high-five each other and say, look, we beat up on the credit card companies today. But if you take away risk-based pricing, you're going to take credit opportunities away from the people who need it most. And if you impose this bill, what you're going to say is to half of America who pays their bill on time, well, folks, you're going to have to bail out somebody again. You know, we're reaching for your wallet. We're going to force you to bail out the people who don't do it right.

That's not right, Mr. Chairman. It is not fair. And because of that, this legislation in its current form needs to be defeated. We need disclosure. People need an adequate amount of time to pay off their balances if their interest rates or terms change, but we cannot restrict in a competitive marketplace the options and opportunities of struggling Americans at a time of a great credit crunch when they desperately, desperately need access to those credit cards today.

So I urge defeat of this legislation.

Mr. GUTIERREZ. I thank Mr. HENSARLING for his very kind words. I look forward to continue working with him.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas, a member of the subcommittee and of the full committee, a really dynamic member of Financial Services.

Mr. AL GREEN of Texas. I thank the chairman of the full committee, Mr. FRANK. I thank Mr. GUTIERREZ, our chairperson of the Financial Institutions Subcommittee. I would like to thank the ranking member, whom I have a great relationship with and I look forward to working with. And I would like to move quickly now to why I am supporting this legislation.

Mr. Chairman, the right time to do right is right now. We do not want to

allow ourselves to become victims of something known as the paralysis of analysis. We have analyzed this bill for years. It is now time for us to act.

It is right for us to do something about retroactive rate increases. This bill does something about it. If you have a balance and the rate goes up, should the interest rate increase apply to your previous balance or should it apply to balances going forward? That's what this bill does. It does not allow it to apply to charges that you've already made.

Should a person who is not emancipated, who is younger than 18 years of age receive a credit card? I don't think so. This bill prohibits this.

Should persons have adequate notice to deal with rate increases? Forty-five days is really not unreasonable if you get a rate increase on your credit card. This bill accords 45 days' notice of rate increases.

Should a person have the right to have the payment go to the lowest interest rate so as to pay off that rate first as opposed to the highest interest rate? Well, I think that we ought to let people pay off the highest interest rate so that they can make sure that they are not going to have higher bills in the future.

The right time to do right is right now. Let's not become a victim of what's known as the paralysis of analysis. Let's move forward. Let's pass this legislation.

Mr. GUTIERREZ. Mr. Chairman, I now yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), who came here to fight for our people here.

Mr. ELLISON. Thank you, Mr. Chairman, for yielding.

All appropriate thanks being given except for one person who deserves special thanks. I believe Congresswoman MALONEY must feel like a mother giving birth. This bill is phenomenal. I am so incredibly proud to be a friend of hers.

Let me say that I knew that we had a problem in America when my 19-year-old son, who didn't have a job and was a college student, kept getting solicitations for credit cards; but I was quite convinced we had a real problem when my 13-year-old son, who did nothing more than apply for a Sports Illustrated subscription, started getting credit card solicitations.

I hope some people don't have access to credit, namely my 13-year-old son. I hope some people don't get credit cards, people who cannot handle credit. But credit card companies have given credit card solicitations out all over the country to anyone, and so it's no doubt that some people have gotten credit cards who perhaps should not have them.

This legislation is about keeping good credit card companies good. Not all credit card companies engage in some of these policies that even the

Federal Reserve Bank found were deceptive and abusive. Some credit card companies didn't engage in universal default; some did.

This bill sets a basis for an entire industry so that good credit card companies never have to be tempted to engage in some of these nefarious practices just to stay competitive with companies that do.

I am happy that at least nine Republicans voted for this bill in committee. They understand the wedding of good policy and good politics.

□ 1745

My friends, this bill is popular because it makes sense for the American people. And so, from a partisan standpoint, I hope I do see a bunch of red up there from the other side of the aisle.

The fact is that in 2008, credit card issuers imposed \$19 billion in penalties and fees on families with credit cards. This year the credit card companies will break all previous records.

I am proud to be associated with this legislation.

Mr. GUTIERREZ. I am delighted to always see members of our leadership show up here.

Congressman VAN HOLLEN of Maryland is recognized for 2 minutes.

Mr. VAN HOLLEN. Mr. Chairman, this is an opportunity for all of us on a bipartisan basis to stand up for consumers around this country.

I want to recognize the terrific leadership of Congresswoman CAROLYN MALONEY, BARNEY FRANK, LUIS GUTIERREZ and the members of the Finance Committee who put this together.

We all know we are facing uncertain times, and many Americans around this country are trying to figure out how they can save, how they can plan financially to get through this difficult period. And yet I have received lots of calls from constituents in my district who have talked about how the abusive and often unpredictable practices of some of the credit card companies have made it impossible for them to plan.

A lot of them have played by the rules for years. They have used credit responsibly. Yet now they are being tripped up and surprised by unwarranted increases in their credit card fees and in their interest rates.

We all know about the Pew Charitable Trusts report that 93 percent of credit cards allow the issuer to raise any interest rate at any time by simply changing the terms of the account without adequate notice.

Other cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even in cases when only a portion of the account was less than 30 days past due. In fact, 80 percent of the cards showed that happened.

A constituent who called my office recently talked about how his card interest rate had been unfairly doubled

and that it, quote, materially and adversely affected his family's ability to pay down their debt and borrow in the future.

When they contacted the credit card issuer, all they got was no details as to why they had been downgraded in their credit, just it was, quote, made an adjustment based on economic conditions.

Another constituent, somebody else who also had been on time and paid reliably, saw her interest rate jump from 9.5 percent to 16.99 percent. When she contacted the company, she was told "the current financial conditions." That's what she was told, not why she saw her interest rates go up.

We have heard reports of credit card companies moving around the due dates or holding a payment in order to trigger a late charge. Some credit card companies mailed out bill statements close to the due date to trip up their consumers.

Those are the kinds of practices we have got to put an end to. This is our opportunity to say to the consumers, we're on their side.

Mr. GUTIERREZ. I recognize the gentleman from New York, who I enjoy working with on Judiciary and also on Financial Services, Mr. MAFFEI, for 2 minutes.

Mr. MAFFEI. I want to thank Chairman GUTIERREZ for yielding and for all his leadership. I want to thank the chairman of the full committee, BARNEY FRANK, as well. And especially I want to thank the former chairwoman of the subcommittee, CAROLYN MALONEY, for her persistence on behalf of American families.

Mr. Chairman, I rise to ask for support of this very important bill, because I feel strongly that we must stop the deceptive and unfair practices that have taken advantage of honest consumers.

For too long, credit card issuers have buried important details in the fine print or never showed consumers the 30-plus pages contract they are signing onto. Credit card issuers then hit consumers with rate increases and fees, always with the excuse, well, it's in the contract.

I am okay with needing a lawyer to close on a house, but regular people shouldn't need a lawyer just to get a credit card. We must make sure credit cards have fair rules.

I hear time and again from people in my district who have seen their interest rates substantially increased on their credit cards or the limits decreased for arbitrary reasons or no reason at all. This is an issue that crosses into every part of my district.

Without fail, someone shares some story each time I am at home. One, for instance, is Reverend Aaron Overton of the Temple Baptist Church Baldwinsville, New York. He saw his credit card company raise the rate on

his church's existing balance to more than 36 percent, even though he had evidence that his bill was always paid on time. And, believe me, this Baptist church showed no risk of default or of running away.

The Credit Cardholders' Bill of Rights takes important steps to level the playing field. It provides that customers receive 45 days' notice of an interest rate increase. It institutes commonsense changes, such as requiring that every statement display a clear due date.

Finally, and most important to my constituents, the Credit Cardholders' Bill of Rights ensures that companies cannot raise rates retroactively on existing balances. Raising rates on pre-existing balances means that issuers are raising rates on funds already disbursed to customers, and that's simply unfair.

The credit card issuers have taken advantage of American families, small businesses and even churches that are too responsible to run away or default but too financially strapped to pay off their balance. This is unfair at any time. But during a time of recession, it is unconscionable.

This bill of rights for credit cardholders will restore fairness to the consumers.

Mr. GUTIERREZ. If I could inquire of the Chair how much time is remaining on each side?

The CHAIR. The gentleman from Illinois has 18 minutes remaining. The gentleman from Alabama has 8 minutes remaining.

Mr. GUTIERREZ. I would like to yield 1½ minutes to someone who has a great history of protecting, came here to continue to expand protection of consumers, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Manager of the bill. I thank CAROLYN MALONEY, the Representative who has provided leadership on this from the Financial Services Committee.

The legislation that is before us is overdue. It does provide basic transparency and protection to consumers who had no rights to anything.

But there are two things that I hope will be part of the future debate about protecting consumers. Not in this bill. This bill on its own deserves to be passed.

But those two issues are, one, is it time to consider a cap on interest rates? And, number two, is it time to provide protection to the merchants, the small businesses?

I believe it is time to have an interest rate cap. We have historically had it until the Supreme Court took those away, but we have had caps on interest as far back as the Babylonian times. Commerce has succeeded when there have been reasonable interest rate caps.

It's one thing if somebody gets notice that their interest rate is going to go

from 8 percent to 38 percent. But it probably shouldn't go up to 38 percent and we ought to have a lid.

Second, there's an argument that the banks are making that this will compress credit, making it more difficult to get. The reality is that credit is shrinking already because of practices that have been excessive.

Over 8 billion solicitations go out, not just to consumers, but sometimes to their pets. There is an alarming parallel between what is being done here in credit cards, or what has been done, and what happened in the subprime crisis.

Credit card issuers securitize and pass off their risk to the secondary market, pass on the losses by increasing fees on responsible users of credit, and they fail to exercise reasonable underwriting standards. We have got to change the business model so there is responsibility on both sides.

Mr. GUTIERREZ. I yield an additional 2 minutes to the chief architect and sponsor of this bill, the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the chairman for yielding and for his leadership on this important bill in so many areas.

I would like this time to respond to my good friend and colleague on the other side of the aisle, Mr. BACHUS, where he pointed out that the bill may cause interest rates to rise and credit lines to be cut.

But what we are hearing now, interest rates are rising and credit lines are being cut, and we don't have the bill in place. In fact, what we are hearing from many people on this floor, and what we hear when we go home to our districts, that oftentimes when you pay on time and do not go over your limit, interest rates can go up, and it's totally legal.

I have talked to constituents and others who have told me that their rates have doubled. They have called the issuers, and they don't even have to give them a reason. Because, now, in the very fine print, they can raise the rates any time, any reason, retroactively on existing balances.

One astonishing hearing was when the head of Freddie Mac, Syron, testified before our Financial Services Committee, and he said that he and his wife read the credit card contract fine print for hours and could not figure out what it said. The Federal Reserve also came forward and said that Reg Z or disclosure was not enough. They said the practices were unfair and deceptive and misleading, that the average citizen, like the chairman of Freddie Mac, could not even understand what was in the fine print.

This bill really is very balanced and fair and allows consumers to have notice when interest rates are going up. They have 45 days' notice, so they can decide whether they want to opt into

this higher rate or go to another card that has a lower rate and pay off their balance. This will put competition into the system, and, I believe, lower rates.

I wanted to respond to the gentleman on the other side of the aisle. In good times and in bad times, the issuers have been opposed to this legislation, and we need it now. We are in bad times. Consumers need protection.

Mr. GUTIERREZ. Mr. Chairman, in continuing our agreement, I am going to yield myself 5 minutes. That will put us at about the same amount of time on each side of the aisle.

Mr. Chairman, first of all, let me rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Let me once again thank the gentlelady from New York, Congresswoman MALONEY, for her tireless effort and work on defending consumers. I can't think of a better legislative product that I could have as chairman of the Subcommittee on Financial Institutions to bring before this House of Representatives than the bill that the gentlelady has worked so tirelessly on over many, many years. I am delighted that I got this opportunity and it's, indeed, a great privilege.

We have more than 640 million credit cards in circulation that account for an estimated \$1.5 trillion of consumer spending. Clearly the U.S. economy has gone plastic.

I mean, you have been around. Nobody takes out a checking account anymore. Nobody sticks their hand in their pocket and brings out cash. We have become a credit card economy and society.

But America's love affair with credit cards comes with a hefty price. The average credit card debt among American households has more than doubled during the last 10 years. Today the average family owes roughly \$8,000, Mr. Chairman, on credit cards. The debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues don't come because you took \$200 at 10 percent, but come because the industry's revenues come from deceptive practices such as universal default terms spelled out in very fine print.

As a matter of fact, we now know that even the Federal Reserve Board when they evaluated this situation said, listen. I want the American people to understand that it isn't that they aren't smart, it isn't they can't read, it isn't that somehow they didn't get schooled well. Look, these things are designed to be deceptive. They are designed to trick you.

And so you get tricked, you get fooled. That's what we are here for, to make sure it no longer happens. And that has been independently confirmed. That's the way they do it. That's the magic of what they do. And kind of the recipe here is to make sure there is a

level playing field, and that's what this thing does.

The terms and conditions can be changed. Not only is there fine print, but then they can change it with 15 days' notice at any time for any reason.

According to a recent Pew study, 100 percent of 400 types of credit cards that they reviewed contained in its terms at least one practice that has been found, not by the Democrats, not by the Republicans, not by the Obama administration, but by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied allowed for any time, any reason, repricing, allowing an issuer to hike the APR on a consumer's credit card even if they never missed a payment.

So I wanted everybody to understand we are not talking about people who are late with their credit card bills, not paying late. They are not somehow scofflaws. These are people who every month paid on time, get it in to the credit card company, and they are still increasing their interest rate.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312-112, but it was unfortunately not signed into law. This year, once again, under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and it has moved swiftly to the floor for final passage.

□ 1800

We must pass this legislation once again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages. I want to say that again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which makes it harder for them to pay off their credit card debt. It makes it harder, more difficult.

If there was ever a time for the Congress of the United States to step up and defend consumers, it is now. We are in an economic crisis and meltdown. Unemployment, millions of people are unemployed, and probably hundreds of thousands more will continue to be unemployed.

Look, all we are saying is we did a lot for the banks. Everybody knows that. When they were in tough shape, we did a lot for them. Can't we do a little bit for the consumer, for the person who has to tirelessly work at these jobs, and their wages are going down and their health care benefits are going down and everything around them seems to be just causing more and more anguish and suffering? That is what I hear from the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUTIERREZ. I yield myself an additional minute, Mr. Chairman.

So we have to pass this.

Let me just end with this. Look, I understand that we don't want to restrict credit. We want people to have it. But, golly, if I go take a loan at 10 percent, and then all of a sudden they charge me 20 percent on the same money I took at 10 percent, that is wrong. That is just wrong. Nobody should be able to change the terms.

This is America, right? You shake hands, you make an agreement, you say this is how much you are going to pay on that \$100. But we know the credit card companies are not doing that. As a matter of fact, what they do is they say, you know, LUIS, that \$1,000 you took at 10 percent? I am not only going to charge you 20 percent on it, but, you know what? I am going to go back two or three months retroactively and charge you the 20 percent on that money.

That is wrong. And it is wrong when you pick up a telephone and you say, listen, I just got my bill, but it is 3 days before it is due. Can I pay you over the phone? And they tell you yes, for 15 or 20 bucks.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GUTIERREZ. I yield myself 30 additional seconds.

I will end with this. How many people in America haven't picked up the phone to complain to a credit card company, and if you get a little testy with them, which I have because they angered me, and I say, can you please explain this to me, they go click.

Well, you know what we are doing today? We are going "click" right back to the credit card companies, except this time we are hanging up the phone on abusive practices here in America against the American consumer.

Mr. Chairman, I rise in strong support of H.R. 627, the "Credit Cardholders' Bill of Rights Act of 2009."

With more than 640 million credit cards in circulation that account for an estimated \$1.5 trillion of consumer spending, the U.S. economy has clearly gone plastic. But America's love affair with credit cards comes with a hefty price. The average credit card debt among American households has more than doubled over the past decade. Today, the average family owes roughly \$8,000 on their credit cards. This debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues come from deceptive tactics, such as universal default terms spelled out in the fine print of cardholder agreements—the terms and conditions of which can be changed at any time for any reason with 15 days' notice or less.

According to a recent Pew study, 100 percent of the 400 types of credit cards they reviewed contained in its terms at least one of the practices that have been found by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied by Pew allowed for any-time, any-reason repricing, allowing an issuer to hike up the APR on a con-

sumer's credit card even if they've never missed a payment.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312-112 but it unfortunately was not signed into law. This year, once again under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and moved it swiftly to the floor for final passage.

We must pass this legislation once again. Today, Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which make it harder for consumers to pay off credit card debt. In fact, in 2008, we saw the percentage of accounts 30 days past due rise to an all-time high of 5.6 percent. On average, American families owe 24 percent of their income in credit card debt.

These are daunting figures in an unstable time, but Congress can and must do something about it, by making sure that unfair credit card practices and fees do not deter consumers from paying down their debt. The Federal Reserve has mandated new regulations that mirror many of the protections included in H.R. 627. I applaud the Board for its work on the UDAP and Regulation Z changes, but I believe that this Congress should codify these important consumer protections to send the message to the industry and consumers that Congress is serious about standing up for consumer rights.

H.R. 627 would level the playing field between card issuers and cardholders by applying commonsense regulations that would ban retroactive interest rate hikes on existing balances, double-cycle billing, and due-date gimmicks. It would also increase the advance notice of impending rate hikes, giving cardholders the information and rights they need to make decisions about their financial lives.

I urge my colleagues to support this important consumer protection bill.

Mr. BACHUS. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I was listening very carefully to my colleagues on the other side of the aisle, and, again, I want to say I believe every person in this Chamber would agree that there are misleading and deceptive practices with credit card companies. I have congratulated the gentlelady from New York for that title in her bill that would provide effective disclosure. Consumers need it, they demand it, and they are not receiving it.

But in taking one step forward, her legislation, unfortunately, probably takes 10 steps backwards. And ultimately what is unfair, what is unfair, Mr. Chairman, is in a time of a credit contraction to reach into people's wallets and take their credit cards away. Ultimately, that is what this legislation will do. Regardless of its noble intentions, that is what the legislation will do.

It is not just theory I have. It is history. We have seen similar legislation enacted in Great Britain, and that was the impact.

Now, I have heard in the context of the debate on the budget colleague after colleague on the Democratic side of the aisle decry budget deficits. "The budget deficit is horrible." Well, it was \$160 billion when they took it over, and now it is going to \$1.8 trillion. They increased it 10-fold.

Now I hear Democratic colleague after Democratic colleague lament the credit contraction. Yes, there is a credit contraction. Why do you want to worsen it? Why do you want to exacerbate it? And when you engage in forms of price controls, and you may come up with all kinds of different names for it, but if you are going to restrict fees for people who pay their bills late—they need to be disclosed, people need an opportunity to pay off their bills—but ultimately in a free market, people ought to have consumer choice and they ought to be able even with a checkered credit past to get credit.

People are counting on these credit cards. Risk-based pricing. You are taking tools away from those who use it and you are leading to two consequences. Either, number one, half of America is paying their bill on time and you are going to force them through this legislation to bail out the portion of America that doesn't; and for those who are struggling, you are going to deny them credit card options.

People need these credit cards for their small business. They need it for personal items. I hear from the people in my district. I hear from the Vehon family of Rowlett, who said, "We were laid off from our jobs at the same time," the gentleman talking about himself and his wife. "We moved into our first home together in July of that year. Needless to say, the layoff was quite a shock, and without access to our credit cards at the time, frankly, I don't know what we would have done." And yet the legislation before us could take away the credit cards of the Vehon family of Rowlett.

I heard from the Howard family of Canton. "My wife and I use our credit cards, at times, to pay for medical-related bills. My wife has a heart condition, which between her medical bills and mine we spend out-of-pocket \$18,000. And yes we had to put some of that cost on credit cards."

I heard from the Juarez family in Mesquite. "I oppose this legislation. I have utilized my credit cards to pay for some costly oral surgeries. I don't want to get penalized by this legislation for making my payments on time."

Let's not penalize the people that are doing it right. Let's not penalize the people who desperately need credit in a credit contraction. We need disclosure. We need adequate time to pay off bills. But don't take away credit in a credit contraction.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, don't believe that unless this Congress allows some credit card companies to abuse consumers, that no one will have credit. It is just not true. Don't believe that if we say no to double cycle billing, no to switching due dates around at random and arbitrary times, no to giving credit cards to minors, if we say no to these kind of practices, it will not drive out credit in America. It is nothing but fear-based stuff that will allow credit card companies, that have made record profits, to continue to take advantage of American consumers.

The Democrats, and many Republicans as well, are joining together to say we are on the side of the American consumer. Vote no to this bill at your own peril. The fact is that with the confusing disclosures that the gentleman from Texas has accurately said are present, this bill says those things are wrong. We ask everyone to join with us to say the provisions that allow these confusing disclosures should be stopped. We ask everyone in this Chamber to say no to this.

The fact is, Mr. Chairman, if we don't do something to protect the American consumer, we are abdicating our responsibility as stewards of this sacred trust of being a Member of Congress. This is the time to do something for the American consumer.

Mr. GUTIERREZ. I yield 2 additional minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and would like to respond to some of the statements that my good friend on the other side of the aisle made.

He mentioned the Great Britain example, but in the Great Britain example there were fee caps and interest rate caps. The Credit Card Bill of Rights does not have any caps on fees or interest rates. It merely gives information to consumers to better manage their credit and make decisions of how they would better manage their credit.

He gave the example that he did not want interest going up on consumers who are paying their cards on time and not going over the limit. Precisely what this bill does is protect those consumers from rate increases, any time, any reason, even when they have done everything right. It is totally, totally unfair.

And there is absolutely no penalty in this bill for anyone doing the right thing. If anything, it protects them from unfair and deceptive practices that could hinder and raise their interest rates.

He mentioned that he would like more choice, but that is basically one of the main goals of the bill. This bill is not a bill that takes away consumer choice or infringes on anyone's rights. It simply says it is not right to be deceptive, to be unfair or to engage in anti-competitive practices.

I would caution my friends on the other side of the aisle that voting against this bill is a rare opportunity to vote against the Federal Reserve, the body with the responsibility of safety and soundness in our financial institutions. They have come out in support of this bill with a rule that mirrors it to a great degree. The major points of this bill are encompassed in the Federal rule.

This is a bill that protects our consumers and has been endorsed by many editorial boards and consumer groups across the country.

Mr. BACHUS. Mr. Chairman, I yield myself the balance of my time.

Let me be very clear again. This bill, we requested the Congressional Research Service to analyze the bill, and they came out, and I am going to introduce this, with about 18 things that this bill does. Fifteen of those things, including probably what we spent 90 percent of our time on here today, the Federal Reserve required in their announcement. There are four provisions in this bill that are not in the Federal Reserve bill.

Let me tell you, raising interest rates, we are all against that. The Fed says you can't do it without good reason, and it strictly defines the reason. There is something you hadn't mentioned that the Fed does. It says if you have got a higher interest rate on certain payments and a lower interest rate on another, you have to either direct the payment at the higher interest rate, and your bill does too, or prorate it, which is fair.

Look, the American people are upset. You are absolutely right. Credit card companies haven't played by the rules. A lot of them have. Some of them haven't. But that is really not a difference of opinion, because we have the Federal Reserve saying you can't do it.

Now, here are the things that the Federal Reserve doesn't do that your bill does. Your bill says if the outstanding balance on the credit card consists only of accrued interest, and it could be several hundred dollars, then no fee may be imposed in connection with such balance, and the failure to make timely repayments on the balance shall not constitute a default.

Now, I don't understand that. Somebody owes \$600 or \$700, they are not paying on the bill, but it is not considered a default? Well, what is it? What is it?

□ 1815

Here's another one. And I think there is a real difference of opinion about this because we have gone round and round on this one. It prohibits a creditor from informing a credit bureau that they've opened a credit card with a, say, \$10,000 limit on a customer until such time as the customer uses that credit card, makes a charge against it.

Now, let me tell you what I have a real problem with. What if somebody

goes out and, hey, we've seen outrageous schemes perpetrated on the American people by some real crafty individuals, as well as firms? What if you went out and you got 10 credit cards for \$10,000 apiece, you didn't draw against any of them, you kept getting them, and I'm a community bank and I give you a 5 or \$10,000 line of credit, and I have no idea that you've opened up 10 just like it? You borrow the money, and you walk away with \$100,000. Now, that can happen. That's why the Fed looked at this and said, whoa, no way.

Now, here's the third one. Look, I've got five children, and I am just like the gentleman from Chicago. These credit card offers amaze me. But honest difference of opinion. What you say here is if you're under 18 years old, unless you've been emancipated by the State you're a resident of, you can't get a credit card. I don't think that's the right way to do it. I don't think that's

right, because, let me tell you, there are 16- and 17-year-olds in this country that they've been cut off by their parents. They've been abused by their parents. They're out there working, and they're going to need this.

So those are some differences of opinions we have. But I will tell you this: Most of what you do, and I commend you, what you have been proposing for years, and some of us on our side, is that the Federal Reserve is addressed.

But as I said to start with, I never imply that we don't have sincere differences on some of these points.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 26, 2009.

MEMORANDUM

To: House Financial Services Committee
From: Mark Jickling, Specialist in Financial Economics, 7-7784.

Subject: Comparison of H.R. 627 and the Federal Reserve's Credit Card Regulations.

This memorandum provides the comparison you requested between H.R. 627, the

Credit Cardholders' Bill of Rights Act of 2009, and the credit card regulations adopted by the Federal Reserve in December 2008. The table below sets out the provisions of the bill and the comparable provisions in the regulations.

The Fed's credit card regulations involve amendments to its Regulation AA (Unfair Acts or Practices) and Regulation Z (Truth in Lending). The Fed also issued rules related to overdrafts on deposit accounts and returned checks by amending Regulation DD (Truth in Savings). The latter set of rules do not apply specifically to credit cards and are not included in the table. The texts of the final rules, as printed in the Federal Register, are online: [www.federalreserve.gov/newsevents/press/bcreg/20081218a.htm]

TABLE I.—COMPARISON OF H.R. 627 AND THE FEDERAL RESERVE'S DECEMBER 2008 CREDIT CARD RULES

Issue	H.R. 627—as introduced	Federal Reserve regulations
Universal Default Clauses	Amends the Truth in Lending Act (TILA) to prohibit creditors from raising interest rates on an existing balance of a credit card account except for specified causes (see below). Also prohibits imposition of fees in lieu of a rate increase on an existing balance. (Sec. 2(a)).	See below ("Increasing Rates on Outstanding Balances")
Raising Interest Rates	Interest rates on existing credit card balances may not be increased, unless the increase is solely due to (1) a change in a published index not under the creditor's control, (2) the expiration or loss of a promotional rate; or (3) the consumer's minimum payment being at least 30 days overdue. In the case of expiration of a promotional rate, the new rate may not exceed the rate that would have applied under the terms of the agreement after expiration of the promotional rate. (Sec. 2(b)).	Requires banks, at the time an account is opened, to disclose all interest rates that will apply to the account. Banks may not increase those rates, except under certain conditions: (1) if a promotional rate expires, the rate may rise to a higher, previously-disclosed level; (2) rates may rise in a variable rate account if the rate is linked to an index; (3) after one year, banks may raise rates for new balances after giving 45 days advance notice; and (4) rates may increase if a minimum payment is received more than 30 days after the due date. (Reg. AA)
Repayment of Existing Balances	If a creditor raises rates, but the higher rate does not apply to an existing balance, the creditor must offer a 5-year amortization period for repayment of the existing balance, and may not increase the percentage of the existing balance included in the minimum payment by more than double. (Sec. 2(a)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Advance Notice of Credit Card Rate Increases	Requires creditors to provide written notice at least 45 days before any rate increase takes effect. The notice must describe in a complete and conspicuous manner the change in the rate and the extent to which such increase will apply to an existing balance. (Sec. 2(c)).	Consumers must be given written notice of an interest rate increase at least 45 days before the higher rate takes effect. This includes rate increases stemming from default, delinquency, or a penalty. Change-in-terms or penalty rate notices must include a summary table setting out the key terms being changed. (Reg. Z)
Double-Cycle Billing	Prohibits double-cycle billing, or finance charges on balances on a credit card account that are based on days in billing cycles preceding the most recent such cycle. Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Sec. 3(a)).	Prohibits banks from imposing interest charges using the "two-cycle" billing method. (Interest charges may not be calculated using the account balance for days in the previous billing cycle.) Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Reg. AA)
Account Balances Attributable Only to Accrued Interest	If the outstanding balance on a credit card account consists only of accrued interest to previously-repaid credit, no fee may be imposed in connection with such a balance, and failure to make timely repayments on such a balance shall not constitute a default on the account. (Sec. 3(b)).	No comparable provision.
Periodic Account Statement Disclosures	Each periodic credit card account statement shall contain a telephone number, Internet address, and web site at which the consumer may request the payoff balance on the account. (Sec. 3(c)).	Mandates new formats to clarify required disclosures, for example, by grouping fees and charges together. Both monthly and year-to-date totals for fees and interest charges are required. The effect of making only the minimum payment must also be disclosed. (Reg. Z)
Right to Cancel Account Before First Notice of Open Account Provided to Credit Bureau.	Prohibits creditors from providing information about a credit card account to a consumer reporting agency (credit bureau) until the consumer has used or activated the card. Permits a creditor to furnish information about an application for a credit card account or any inquiry about such account to a consumer reporting agency. (Sec. 3(d)).	No comparable provision.
Use of Certain Terms Describing Interest Rates	Specifies the way certain terms may be used. "Fixed rate" may only refer to a rate that may not change for any reason over a specified time period. The term "prime rate" must not be used to describe a rate other than the rate published in Federal Reserve statistical releases. (Sec. 3(e)).	Advertising may use the term "fixed rate" only if the rate cannot be increased for any reason during a specified time period. If no time period is specified, the rate may not increase for any reason as long as the account is open. (Reg. Z)
Due Dates and Timely Payments	Payments received by 5 p.m. (local time) on the due date must be considered timely; electronic payments received by 5 p.m. must be credited to the consumer's account the same day; and evidence that a payment was mailed 7 days before the due date creates a presumption of timely payment. (Sec. 3(e)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The "reasonable" standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA) Mailed payments received by 5 p.m. shall be considered timely. If payments are not accepted on the due date (if it falls on a weekend or holiday), payment received the next business day must be considered timely. (Reg. Z)
Pro Rata Payment Allocations	If the balance of a credit card account is charged 2 or more different interest rates (e.g., separate rates for cash advances and purchases), the creditor may not allocate more than a pro rata share of a consumer's payment to the part of the outstanding balance carrying the lowest interest rate. In the case of an outstanding balance subject to a promotional rate, other balances must be paid in full before payment (in excess of the minimum payment) is allocated to that balance. In addition, a creditor may allocate the entire amount paid to a balance on which interest has been deferred for the past 2 billing cycles. (Sec. 3(f)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Prohibition on Restricted Grace Periods	If a creditor offers cardholders a grace period within which to pay in full and not incur finance charges, that grace period must be available to cardholders who receive a promotional rate or deferred interest plan. (Sec. 3(f)).	No comparable provision.
Timely Provision of Periodic Account Statements	Creditors must send consumers periodic account statements not less than 25 calendar days before the due date. (Under TILA, the current standard is 14 days.) (Sec. 3(g)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The "reasonable" standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA)

TABLE I.—COMPARISON OF H.R. 627 AND THE FEDERAL RESERVE'S DECEMBER 2008 CREDIT CARD RULES—Continued

Issue	H.R. 627—as introduced	Federal Reserve regulations
Consumer Choice Regarding Over-the-limit Transactions, and Limits on Related Fees.	If a credit card plan has a credit limit, and fees are charged for exceeding that limit, consumers would be able to prevent the creditor from completing any transaction that would exceed the limit. (Federal Reserve would issue regulations to provide for certain de minimis exceptions.) Consumers must receive annual notification of their right to opt-out of such fee-incurring transactions. Over-the-limit fees may be imposed only once over the two billing cycles following the transaction that exceeded the credit limit. An over-the-limit fee due to a hold may not be imposed unless the actual transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit. (Sec. 4).	No comparable provisions. (A provision regarding holds on accounts that cause an account to go over-the-limit was part of the proposed regulations, but was not adopted in the final rules. See: Federal Register, Jan. 29, 2009, p. 5505.)
Information Collection Regarding Credit Card Lending	Directs the Federal Reserve to collect semiannual data on the types of transactions for which different rates are charged, the various types of fees, the number of cardholders who pay fees, finance charges, or interest, and other matters. The Fed shall report annually to Congress on the amount of credit card lenders' income derived from: interest paid at above and below 25%; fees from cardholders and merchants; and other material sources of income. (Sec. 5).	No comparable provision.
Subprime or "Fee Harvester" Cards	For cards whose annual fees exceed 25% of the credit limit, no payment of any fees (other than late fees or over-the-limit fees) may be made from the credit made available by the card. (Sec. 6).	Banks are prohibited from providing financing for security deposits and fees (such as account-opening or membership fees) if charges during the first 12 months would exceed 50% of the initial credit limit. Such fees and deposits charged at the time the account is opened may not exceed 25% of the credit limit. Any additional fees (up to 50%) must be spread over at least 5 billing periods. (Reg. AA)
Underage Consumers	Prohibits the issuing of credit cards to consumers less than 18 years old, except to consumers who are emancipated under applicable state law. (Sec. 7).	No comparable provision.
Applications and Solicitations	No provision.	Modifies required disclosures as to format and content. For example, key terms must be more clearly displayed, and new disclosures are required about penalty rates, grace periods, and variable rates. (Reg. Z)
Effective Date	3 months after enactment. (Sec. 8)	July 1, 2010

Mr. GUTIERREZ. I yield myself the balance of my time.

Well, let me first of all say, I look forward to continuing working with the ranking member of the full committee, SPENCER BACHUS. We have, indeed a great, I think, friendship. And we have a difference of opinion. That's what it is. And in America you can do that. That's part of what makes this the best Nation in the world.

And I look forward to continuing our discussion with Mr. HENSARLING. We may not agree, but we will agree not to be disagreeable or attack each other personally or question our motives about what we do and why we do it because, for me, the bill does not equate to price controls. And I think a lot of America, listening to my friends on the other side of the aisle, think there's price controls here. There are none. There is no limit in this bill on the interest rate that you can charge. None whatsoever. Free market.

Rather, what the bill does is it brings transparency. It brings openness to the credit card marketplace. What could be better than to shine daylight on any product? Because then the consumers know what they're getting and what they're not getting and they can say, no, I don't want that, or, yes, I do want that.

Transparency promotes competitiveness in the marketplace, which will eventually bring prices down. If you know what the price of something is at Store X and Y and Z, you're going to go where you can get the best deal because that's what Americans do. That's what this bill really does.

What this bill does is it tells the consumers and the credit card issuers, honor your contract. Here's the contract. You told me it was 10, you told me it was 15, you told me it was 20 percent. You can't change it.

Under existing law, issuers can change the contract terms in the middle of the game. And what do they leave consumers with? As we know, we

have a constricting credit, with nothing but to pay the higher interest rate.

You know, I want to tell the American people that right now, credit card companies can issue cards to 14-, 15-, 16-year-olds that are not emancipated. Now, who's going to pay those credit card bills? Mommy, Daddy, that's who's going to pay them. We all know that. Who's going to leave their kids out there? No one is. All good parents are going to say, well, that's my child, my son. I'm responsible for my daughter. I'm responsible. And the credit card companies know it. They know it. I don't know this to be a fact, but I'm sure they're checking into just what your credit ability is, and they say, well, Daddy can pay. Mother can pay. Let's give the child.

And listen, I want to make one thing clear. Even though the bill says 18, you know, emancipation, come on. In America, what 18-year-old is emancipated? You're not emancipated. They're 19, 20, 21, 22, and nobody throws their kids out of the house. Everybody keeps them and cherishes them and nurtures them and continues. Credit card companies know that, too, when they're issuing credit cards.

College students, you're paying tuition. You're paying for their room and board. You're paying for their health care. You're paying for their clothes, and then they send them a credit card to undermine your ability to give your child a college education.

And listen, everywhere you go in America, you want to buy clothes? Take a credit card. You want to fix your car? Got a credit card for you. Want to go buy a refrigerator? Take it on a credit card. Everybody offers you. So what we have is an economy that's on credit card basis. So all we're saying is, hey, since this has been promoted so much, let's make sure that we do this.

And listen, I remember when I didn't make \$174,000 as a Member of Congress. I remember when I lived paycheck to paycheck. I remember when the credit card companies would increase the in-

terest rate or tell me, Mr. GUTIERREZ, through no fault of your own, we're not going to extend you any more credit. Pay down your bill at this credit interest rate higher than the one you took it out. I remember. Maybe we should all go back to remembering when things weren't so rosy in our own personal lives in terms of being Members of Congress and put ourselves in the position of people who live paycheck to paycheck. If we do that tomorrow, I think what we're going to do is we're going to stand on the side of consumers.

As Mr. BACHUS says, consumers are angry. The American public is frustrated. They're outraged by what credit card companies are doing.

Ms. LINDA T. SANCHEZ of California. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders Bill of Rights Act.

I'd like to thank Congresswoman MALONEY for her work on this issue. She has been a longtime champion of credit card reform and I wholeheartedly support her efforts.

The Credit Cardholders Bill of Rights Act could not be more timely. The constant stress of mounting bills in the face of skyrocketing unemployment and a foreclosure epidemic has American families caught between a rock and a bigger rock.

More and more working families have been forced to rely on credit cards to cover basic living expenses. The least we can do is make sure the credit card issuers are fair, open, and honest about rates and terms.

For decades, credit card companies have been allowed to operate under special rules that, under any other circumstances, would be considered outlandish.

Take for instance the credit card industry's ability to raise an unsuspecting cardholder's interest rate because he was one day late paying a different card belonging to a different company. Where else can creditors suddenly change the rules in the middle of a game?

It's like an umpire deciding that a batter hit by a pitch can take two bases instead of one in the middle of a baseball game. Consumers are playing an unfair ball game and there's no way to win.

Cardholders continue to pay millions of dollars in hidden charges, outrageous late fees, and unpredictable interest rates.

Despite the fact that most consumers make monthly payments that are more than the minimum required, cardholders cannot seem to make a dent on the average credit card debt of \$8,600.

There's a term for such one-sided contracts: UNCONSCIONABLE. And that's exactly what these credit card agreements are.

In the midst of the worst economic crisis since the Great Depression, I am certain that the passage of the Credit Cardholders Bill of Rights Act is simply the "right thing to do."

Provisions in the bill will level the playing field for consumers by barring credit card companies from raising interest rates without proper and timely notification.

These much-needed changes are long overdue and will help struggling debtors from sinking deeper in a financial hole.

I urge my colleagues, on both sides of the aisle, to join in fixing the inequities in the credit card industry by supporting this vital legislation.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to show my support for H.R. 627, the Credit Cardholder's Bill of Rights Act of 2009.

For months, we've worked to get banks lending money again and now, it is essential that we level the playing field between cardholders and card issuers.

Americans are struggling in the midst of our economic downturn and they deserve tough new protections against excessive credit card fees, sky-high interest rates, and unfair, incomprehensible agreements that credit card companies revise at will.

By enforcing new transparency and accountability in this industry, our constituents will have a renewed faith in the credit card industry, which I believe is an essential step towards our economic recovery and faith in our system.

I am pleased to be an original co-sponsor of this bill because it is imperative to protect consumers against arbitrary interest rate increases, early pre-payment penalties, due date gimmicks and excessive fees.

We have focused so much time on helping banks, and this bill will help all Americans.

I strongly urge my colleagues to support this bill.

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act.

Last year, I was an original cosponsor of a similar bill, which passed overwhelmingly in the House by a bipartisan 312 to 112 majority (including 84 Republicans). I was disappointed that this legislation languished in the Senate.

Since last year's action in the House, many American families and businesses have been particularly hard hit by the economic crisis, including those who rely upon credit lines, who, through no fault of their own, have been subjected to predatory lending or abusive credit card practices that make it difficult for them to end the cycle of costly debt. Hundreds of constituents in my district have contacted me to express support for this critical legislation.

In 2008, credit card issuers imposed \$19 billion in penalty fees on families with credit

cards, and this year card companies will break all records for late fees, over-limit charges, and other penalties, amounting to more than \$20.5 billion for the industry. Credit card debt in the United States has reached a record high—nearly \$1 trillion—with almost half of American families carrying a balance averaging \$7,300 in 2007. One-fifth of those carrying credit card debt pay an interest rate above 20 percent.

H.R. 627 prohibits credit card issuers from raising rates retroactively on existing balances. The bill also requires a 45-day notice of any rate increase and prohibits companies from charging interest on balances from more than one billing cycle.

Members of the House have collaborated with President Obama to strengthen the bill by mandating that card issuers apply payments beyond the minimum to debts with the highest interest rate, requiring card companies to inform customers about the long-term costs of paying only the minimum balance, and allowing consumers to opt whether or not they want to go over their credit limit and be charged a fee for doing so.

This legislation codifies Federal Reserve rules prohibiting unfair or deceptive bank practices related to credit card accounts and overdraft services and goes further by banning the marketing and issuance of credit cards to minors under the age of 18, banning credit card companies from imposing unfair and arbitrary fees when customers pay their bills, and allowing customers to set a lower credit card limit.

The Credit Cardholders' Bill of Rights will level the playing field between card issuers and cardholders.

I urge my colleagues to support this measure.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chair, I rise in strong support of the Credit Cardholders' Bill of Rights, which will provide real relief to Americans who are being hit hard by unfair credit card practices.

Congresswoman CAROLYN MALONEY has been fighting for three years to bring these predatory practices to light, and I commend her tireless efforts.

Mr. Chair, college students are particularly vulnerable to credit card targeting and marketing. As they walk through campus, they come across offers ranging from free food to clothing just for filling out a credit card application. But after the free gifts, too many students are left with piles of debt and nowhere to turn.

For too long, credit card companies have had special deals with universities to let them market to students. Through these deals, schools receive large cash payments in exchange for handing over students' personal information and providing access to their campuses. Right now, with their families at home struggling, more students are turning to credit cards to fill the gap between their tuition bill and student loans. As a result they are racking up debts that take years to pay off. A Sallie Mae study recently reported that college seniors are graduating from school with an average of more than \$4,100 in credit card debt.

I strongly support today's bill, but as it progresses I hope to see a provision included to bring accountability to the deals credit card companies make with schools. We should re-

quire that companies report the terms and conditions of agreements with schools and call for a GAO report to show the impact these agreements have on overall credit card debt. I offered a bipartisan amendment with Congressman PETRI from Wisconsin to do just that, but unfortunately it fell to procedural hurdles.

This provision would provide much needed transparency—and hopefully help prevent students from falling too far behind before they graduate. I hope as this bill makes its way through Congress, our amendment will ultimately be incorporated.

Mr. Chair, this bill is an opportunity to do what's right for American consumers. I will continue to look for ways to provide more transparency to these practices—something that the American people are desperate for right now.

With this bill, we are taking a large step toward decreasing credit card debt. I urge my colleagues to keep the debt of college students in mind as this bill moves forward.

Mr. DINGELL. Mr. Chair, I rise today in strong support of H.R. 627, the "Credit Cardholders' Bill of Rights Act of 2009," a bill of which I am a proud co-sponsor. My friend and colleague, Representative CAROLYN MALONEY, who is the bill's author, has been a tireless advocate for protecting consumers from the abuses of the credit card industry. This legislation will mandate meaningful reform on an industry that has been permitted to run wild for far too long.

We hear daily of countless Americans, who are struggling to pay their bills. Compounding this lamentable state of affairs is the fact that workers in this country have suffered a decline in real wages over the past decade. As a result of being stretched to their financial breaking point, many families have had to resort to using credit cards to pay for unforeseen costs, such as car repairs or emergency room bills. Far too often, these families are subjected to arbitrary rate increases and also forced to pay iniquitous late fees.

H.R. 627 will help put an end to these shameful practices and require credit card companies to treat consumers fairly. Importantly, this legislation will restrict the practice known as "universal default," wherein a credit card company uses information about a cardholder's financial status, such as a change in his or her credit rating, to raise the cardholder's interest rate, even if the cardholder has not defaulted on payments or made them late. Moreover, H.R. 627 will also ban what is known as "double cycle billing," which is the collection of interest on amounts already paid by consumers to credit card companies.

In this time of severe recession, I feel it imperative that consumers be afforded fair protection from unfair credit card industry practices. I urge my colleagues to vote in favor of this common-sense legislation, which will help stem the tide of unscrupulous and predatory lending that has brought our nation to an economic precipice of gargantuan proportions.

Mr. MEEK of Florida. Mr. Chair, I rise today in support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009, but am frustrated by the delay in implementation that the bill allows. This legislation works to protect consumers from unfair credit lending practices, helping to

restore the much needed balance between consumers and credit lenders, but fails to do so quickly. I support my colleagues in the Senate and the speedy effective date which their companion bill contains.

In these tough economic times, more individuals and businesses are turning to credit cards to pay for basic necessities than ever before. In the U.S. credit card debt has reached nearly \$1 trillion, with the average American's credit card debt reaching nearly \$10,000 in 2007.

While Americans are struggling to make ends meet and making decisions about which bills to pay and which medications and other necessities they can go without, credit card issuers are making record profits; over \$19 billion in late fees, over-limit charges and other penalties.

Consumers desperately need legislation that will protect them from arbitrary interest rate hikes, over-limit fees, and other unfair charges so they can protect their hard-earned money. Many consumers are unaware that they are being charged penalty pricing on their cards, and credit card issuers routinely fail to explicitly notify lenders when invoking penalty pricing and repricing accounts when payments are made even one day late.

Consumers deserve better than due date gimmicks, and misleading terms. We must ensure that consumers not only know when they are being charged penalty pricing, but are notified before they are charged, so that they can make responsible financial decisions.

Consumers should be financially empowered, not defenseless against the whims of credit card issuers. This bill works to do that by halting these unfair fee practices and allowing individuals to set their own credit limits, so they don't unwittingly accumulate debt they can't possibly get out of. It also protects those who do make their payments on time, preventing them from being charged interest on debts paid during the grace period.

Consumers are being hit on all sides, with unfair credit card fees, overdraft banking fees and rising costs of goods and services. We must work immediately to protect consumers as financial institutions look to them to make up money lost in the economic downturn. My only concern is that these changes must be implemented immediately. Few of our constituents can wait out the year's implementation time period in the bill. I strongly urge institutions that can, to do the right thing and implement these changes as soon as possible.

I will continue to work hard on my legislation to bring financial relief to millions of Americans through bank abuse protections, and other efforts Chairwoman MALONEY makes to protect consumers and small businesses from unfair lending.

Although I believe this bill does not go far enough, fast enough to protect consumers, the Credit Cardholders' Bill of Rights Act of 2009 is an important step in the right direction and I urge its passage.

Mr. LEWIS of Georgia. Mr. Chair, for too long now, credit card companies have toyed with the lives and financial health of the American people. For far too long, credit card companies have seemed to offer hard-working Americans a lifeline, but that lifeline is really an endless web of debt.

Cardholders are surprised by huge hidden fees that are buried in the fine print.

Credit card companies aggressively prey on our young college students who are not yet working. These companies rove college campuses and entice students with gifts, with the intent of collecting interest payments as the student ravel herself in debt.

We are in the midst of a horrible recession. Millions of Americans are without work, trying to keep their homes, feed their families, and stay healthy, because a trip to the doctor could be the straw that breaks the camel's back. But credit card companies remain cold, chasing the almighty dollar.

Many people have a hard enough time just paying monthly interest charges, yet these companies add on additional fees and increase interest rates by 10 and 20 percent—all without notice.

The truth is they do not want consumers to pay off their balances. It is much more profitable to feast on the interest.

We must put an end to this. We can no longer allow these unjust practices to continue. We cannot allow this industry to continue to profit on the hardship of Americans who use their services.

Mr. PETRI. Mr. Chair, I am disappointed that Congressman MURPHY and I will not have the opportunity to offer our amendment to the Credit Cardholders' Bill of Rights Act which would require credit card companies to report on marketing agreements with institutions of higher education and alumni associations. The amendment also would direct the Government Accountability Office to analyze and report to Congress the impact of these arrangements on student credit card debt. To that end, today we will be introducing this amendment as a stand-alone bill, the Student Credit Card Transparency Act of 2009.

According to a recent study, students are now graduating with an average credit card debt of more than \$4,100, up from \$2,900 just four years ago. The average number of cards per student has grown to 4.6, with over half of college students reporting they have four or more cards. The combined impact of credit card debt and growing student loan debt can greatly limit a student's future career choice. Furthermore, compounding debt from late payments and high penalties can further jeopardize a young person's financial future by making it difficult to take out their first mortgage, buy a car or even rent an apartment.

As I'm sure we all know through our own experiences or through our children's, college students have become prime targets for credit card marketing campaigns. Most students enter college without a credit card and are quickly saturated with e-mails, direct mailings and on-campus solicitations to sign up for their first credit card. A recent report by the U.S. Public Interest Research Group revealed that, of the students they surveyed, 80 percent said they had received mail from credit card companies. Students reported receiving an average of nearly five mailed solicitations per month. In addition, 22 percent of students reported receiving an average of nearly four phone calls per month from credit card companies.

While the practice of targeting college students may not be much of a surprise, students

and parents may be alarmed to learn that many colleges, universities and alumni associations have entered into lucrative agreements with these companies to allow exclusive marketing of their cards. In these arrangements, schools receive large cash payments in exchange for handing over their students' contact information—such as address, e-mail address, and telephone numbers. These confidential agreements may also go further and give companies exclusive face-to-face access to students on campus, such as during sporting events or at the student union. Some provide the university or alumni with additional money based on a percentage of purchases using the card.

Despite the fact that hundreds of schools throughout the country have such arrangements, very little is known about them. Last year's "pay to play" scandal in the guaranteed student loan program exposed the practice of lenders and financial aid administrators putting their own interests ahead of their students' when it came to compiling their "preferred lender list." While arrangements between credit card companies and schools don't necessarily mean the student's financial interests are being harmed, I believe it is imperative to have at a minimum a better understanding of these arrangements. For instance, are schools and associated foundations making arrangements with companies that offer the best rates for their students?

This bill simply seeks greater transparency by requiring credit card companies to report these arrangements. Then Congress, students and parents will be able to judge whether these agreements reflect the best interests of students or that of the school or related institution.

I am happy to have the support of the United States Students Association, USPIRG, Consumer Federation of America, National Association of College Admissions Counselors, and the American Association of Collegiate Registrars and Admissions Officers and want to thank Congressman MURPHY for his work on this important bill.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act. Last week, I hosted my first telephone town hall meeting and my constituents called in with questions and concerns about what can be done to stop the deceptive practices by credit card companies. I was pleased to tell them that I was a cosponsor of this bill, which provides a sensible approach to reforming major credit card abuses and improving consumer protections for cardholders.

Credit cards have become an integral part of the American economy, offering consumers instant access to a convenient, flexible source of financing. Unfortunately, more and more Americans are turning to their credit cards to help pay medical and utility bills, buy groceries, and make ends meet in this troubled economy. Credit card debt now consumes a sizeable portion of the average family's income. To make matters worse, the playing field between card companies and consumers has become increasingly uneven in recent years. A credit card agreement is a contract between a card company and a cardholder, but these companies have taken advantage of their customers with deceptive billing practices

and hidden fees. Meanwhile, money that families are forced to divert to these unfair rates and charges could be better spent on goods and services that could help bolster our struggling economy.

Cardholders deserve more bargaining power, and the Credit Cardholders' Bill of Rights Act helps level the playing field. Cardholders are entitled to accurate information and the right to make decisions about their own credit. This bill will ban interest rate increases on an existing balance unless the borrower is 30 days overdue and requires card companies to give cardholders notification 45 days before any interest rate increase. This legislation also protects vulnerable consumers from fee-heavy subprime cards and prohibits issuing cards to minors. H.R. 627 would also ban "universal default," where a card company raises the interest rate on one card if the cardholder misses a payment on a separate credit card or their credit score lowers. All of the provisions in this bill are the result of careful study and analysis, and I believe this deliberative approach has produced a very balanced and moderate bill.

Mr. Chair, instead of looking the other way while Americans fall deeper into debt, Congress must protect their financial interests and put an end to the tricks and traps used by credit card companies to undermine a competitive market. The balanced reforms in the Credit Cardholders' Bill of Rights will help do just that, while also helping to foster fair competition and the values of the free market. I encourage all my colleagues to vote for H.R. 627.

Mr. STUPAK. Mr. Chair, I am proud to be a co-sponsor of H.R. 627, the Credit Cardholders' Bill of Rights Act.

In this economic crisis, far too many families have been forced to rely on short-term, high-interest credit card debt to pay for food, housing and other basic necessities.

In Northern Michigan, unemployment is at record highs. This has led many families to fall behind on their payments and fall victim to predatory practices of many credit card companies.

This legislation includes several provisions that would protect consumers from these abusive practices.

The bill would protect cardholders from arbitrary interest rate increases, ban collection of interest on amounts already paid, and would also set specific definitions for "prime rate," "fixed rate" and other terms to prevent deceptive use of these terms.

For too long, the credit card industry has preyed upon consumers through omission of honest billing practices, and through loopholes in credit regulation.

I, alongside my colleagues Mr. PRICE, Mr. MILLER, and Mr. MORAN among others, have offered an amendment that requires credit card companies to honestly report a customer's balance on their monthly credit card statement.

This includes reporting the monthly payment amount and total cost to the consumer for them to eliminate their outstanding balance in 12, 24 and 36 months.

I urge my colleagues to support our amendment and to support the underlying bill.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 627, the Creditcard Holders' Bill of Rights Act of 2009.

Now more than ever, working families need strong, fair lending and credit laws.

H.R. 627 curbs some of the most abusive and unfair credit card lending practices that trap consumers in an unending, costly debt.

The credit card companies' tricks and traps that are addressed by H.R. 627 have always been unfair, but in this time of growing economic uncertainty for the average family, the financial hardship can be overwhelming.

Companies should not be allowed to randomly hike the interest rate on a consumer's existing balance if they make their payments on time just because of an "anytime—any reason" clause in the contract. This practice is unfair and un-American.

Equal access to credit is a vital step in helping racial and ethnic minority families move out of poverty, into the middle class and be given a real shot at the American dream.

Much like the targeting and discrimination that occurs with home loans, our minority communities are steered toward credit cards with the highest fees and interest rates and most complicated payment terms.

According to the National Council of La Raza, one report showed that 15 percent of African-American and 13 percent of Latino card users have cards with interest rates over 20 percent, compared to only 7 percent of White card users.

More than one-third of Latinos use their credit cards to make ends meet.

As low-income Latinos use credit cards for safety-net purposes, they are more likely to get behind in their bills and become buried in unmanageable debt.

Instead of providing relief or a financial bridge, credit cards with abusive features and practices often create vicious cycles of debt.

The passage of this bill would be a historic victory for consumers of all backgrounds and ethnicities across the country.

I urge my colleagues to support this bill and the long over due consumer protections that it provides.

Ms. MCCOLLUM. Mr. Chair, I rise today to support H.R. 627, the Credit Cardholders' Bill of Rights. This important legislation reforms the relationship between credit card issuers and cardholders. I thank Congresswoman MALONEY, Chairman FRANK, and the House Leadership for their work on this legislation.

Credit is essential to growth and prosperity in our economy. Thanks to bold action by this Congress and President Obama, once-frozen credit markets are slowly beginning to move again. However, hundreds of my constituents have contacted me to share their experiences of unexpected, significant interest rate increases on existing credit card debt. Many responsible borrowers who do not miss payments and only borrow within their means now find themselves in situations of great financial uncertainty as a result of legal but dubious credit card company practices. Reforms are needed to restore fairness to the consumer credit market.

The Credit Cardholders' Bill of Rights will support responsible borrowing and lending and help to prevent predatory lending practices, which contributed to the economic crisis we find ourselves in today. This legislation will provide a range of new protections for consumers facing excessive credit card fees, sky-

rocketing interest rates, and ad hoc revisions of agreements. It will end unfair, arbitrary interest rate increases on existing balances, allow consumers to set their own credit limits, and end the practice of computing interest charges on balances from more than one billing cycle, which can lead consumers to pay interest on debt they have already paid.

The Credit Cardholders' Bill of Rights enhances consumer protection from predatory lending practices by instituting common-sense policies to promote responsible lending and borrowing. Many families in my district and across the country are struggling with personal finances and will benefit greatly from the provisions of this bill. I urge my colleagues to support this legislation.

Ms. ROYBAL-ALLARD. Mr. Chair, I rise in support of H.R. 627, the Credit Cardholders' Bill of Rights. I am very pleased that leadership has brought this important consumer protection legislation to the floor today.

As we all know, having a credit card account is essential to building the credit history needed to buy a home or obtain a loan. Given the necessity of having good credit, I am very concerned that in recent years, credit card companies have established policies which result in limiting the control that individuals have over their financial decisions. This inappropriate level of control has serious implications for people's lives and their financial security.

One common practice is that a credit card company will raise interest rates without warning. When a credit card holder tries to opt out, they realize they are locked into a plan that differs vastly from what they originally signed up for. These types of abuses against consumers have even more serious implications in these trying economic times, in that families may not be able to meet credit obligations that were not expected or planned.

The Credit Cardholders' Bill of Rights ensures that credit cardholders are protected from unfair and confusing credit card gimmicks that result in their being required to pay more than what they should owe to the credit card companies.

The bill protects cardholders against arbitrary interest rate increases, empowers them to set limits on their credit and requires card companies to fairly credit and allocate payments. It also prohibits charging fees just to pay a bill by phone or issuing credits cards to minors.

These new, common-sense protections will empower consumers and prevent the credit card industry from continuing to reap excessive profits from often unsuspecting customers.

I ask my colleagues to vote "yes" on this critical consumer protection measure, and I urge the Senate to act on this measure so that it can be quickly signed into law.

Ms. WATERS. Mr. Chair, I rise today in strong support of H.R. 627, the Credit Cardholders' Bill of Rights, and would like to thank Financial Institutions Chairman LUIS GUTIERREZ and Congresswoman MALONEY for their continued dedication and leadership on this issue.

I am proud to be an original cosponsor of H.R. 627. Thanks to this legislation, abusive billing practices will end. No longer will a company be able to harm consumers by engaging

in double-cycle billing. No longer will a company be able to harm consumers by applying their payments to the lowest-interest balance. No longer will these companies be able to harm consumers through arbitrary interest rate increases or universal default practices.

This bill also requires—as a result of an amendment I offered at markup—that the Federal Reserve conduct a study of how credit card companies are treating credit lines. Some companies are reducing the credit lines of consumers based on information such as where they shop—including the type of store and the neighborhood in which it is located. I am also aware that some companies have reduced credit lines based on the identity of the consumer's mortgage lender. This type of behavior is tantamount to redlining.

I hope that the Federal Reserve study contained in this bill will provide the Congress with the information we need to reign in these abusive practices.

I urge my colleagues to support H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Mr. GUTIERREZ. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MARKEY of Colorado) having assumed the chair, Mr. CUELLAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-92) on the resolution (H. Res. 379) providing for further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the Concurrent Resolution (S. Con. Res. 13) entitled "Concur-

rent Resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014."

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2702, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Joseph Cooper, Baltimore, Maryland

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 44 U.S.C. 2702, I am pleased to re-appoint Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. Mr. Thomas has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO THE CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan, Co-Chairman
Ms. KAPTUR, Ohio
Mr. HONDA, California
Mr. WALZ, Minnesota
Mr. WU, Oregon
Mr. SMITH, New Jersey
Mr. MANZULLO, Illinois
Mr. ROYCE, California
Mr. PITTS, Pennsylvania

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110-229), I am pleased to appoint Mr. Danny Vargas of Herndon, Virginia as a voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Aida Levitan of Key Biscayne, Florida and Mrs. Rosa J. Correa of Bridgeport, Connecticut were previously appointed and shall remain voting members.

Mr. Vargas has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1830

NEVER AGAIN: WHAT WE DO DOES MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, a few weeks ago, I came to this House floor to address my colleagues and bring to their attention the danger that Iran poses to Israel. I shared with my colleagues some of the things that the Iranian leader had said about Israel to illustrate the seriousness of the threat.

Madam Speaker, the Iranian President, Mahmoud Ahmadinejad, has again spoken. Last week, at the opening day of the United Nations Anti-Racism Conference, the Iranian President was given a platform on which to spread racist and hateful views. In his address to the conference, he called Israel "the most cruel and racist regime," said that Zionism "is a paragon of racism," and said the creation of Israel was founded on "the pretext of Jewish sufferings and the ambiguous and dubious question of the Holocaust."

While the Iranian leader's comments are disturbing in any context, it is even more troublesome that he would question the Holocaust on the day before we celebrated the Holocaust Remembrance.

It is hard to understand how the United Nations and so many other countries fail to take the Iranian threat seriously. It is more than ironic that the U.N. would give one who has denied the Holocaust and advocated for the destruction of Israel the opportunity to speak at a conference convened to combat hatred and racism.

Although the United States and a few countries had the sense to boycott the summit and thereby refuse to lend credibility to the conference and speakers like Ahmadinejad, too many nations continue to act with complacency.

Last Thursday, our Nation's leaders gathered in our Rotunda here in the Capitol for the National Commemoration of the Day of Remembrance to remember the 6 million Jews who were murdered in the Holocaust. The theme of this year's events was, "Never Again: What You Do Matters." That theme is a message for all of us to take very seriously.

When we say "never again," we need to think about the current threats to peace and security and take appropriate action to prevent senseless violence. Iran's pursuit of nuclear weapons is an existential threat to the people of Israel and a grave danger to the rest of the world.

Madam Speaker, the things we do do matter. It is time for us to join together and confront this Iranian threat.

Today, Israel celebrates its 61st anniversary of its independence; again, a day in which we ought to remember the threat that still remains. Congress can take action to address this threat by approving H.R. 1327, the Iran Sanctions Enabling Act, and H.R. 1985, the Iran Diplomatic Enhancement Act.

The Iran Sanctions Enabling Act gives States and local governments the authority to divest their assets from any company that invests \$20 million or more in Iran's energy sector. The other piece of legislation, H.R. 1985, would sanction any entity engaged in activities that contribute to Iran's ability to import gasoline or fine petroleum.

I am a sponsor of these bills, and I believe that sanctions will increase pressure on the Iranian regime to change course and abandon its pursuit of nuclear weapons.

The Days of Remembrance call us to soberly evaluate the changes to peace we face and take swift action as best we can to address them.

Madam Speaker, I ask the House of Representatives to quickly approve the Iran Sanctions Enabling Act and the Iran Diplomatic Enhancement Act. "Never again: What we do does matter."

A KINDER, GENTLER MARXISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Madam Speaker, recently I read an article by Gene Edward Veith entitled, "A Kinder, Gentler Marxism."

He begins his comments by saying, "Barack Obama is not a socialist, ex-

plained Eric Etheredge of The New York Times, he is a "social democrat." The administration's attempt to control private companies and the free market should not alarm us, according to Etheredge and other pundits. European nations do this all the time. It is simply an application of the European political and economic theory known as "social democracy."

We were promised several things by our President during his campaign. He promised us government reform, a renewed and repaired economy, and more ethical business practices. And he did all this as we watched our economy crash.

After these 100 days in office, we need to illuminate the path that this administration is actually taking us down. It could be the path that leads us from limited government, that stimulates our economy naturally, to a government mostly aligned with social democracy like the social economies of Western Europe, with massive taxes and chronic high unemployment.

An objective definition of social democracy from Merriam-Webster's online dictionary is as follows: "A political movement advocating a gradual and peaceful transition from capitalism to socialism by democratic means." Or a second definition, "A democratic welfare state that incorporates both capitalist and socialist practices."

So this political and economic system either moves from capitalism to socialism or combines both capitalism and socialism to form a welfare state. We need to know more.

Here is the first paragraph from the Encyclopedia Britannica about social democracy. "A political ideology that advocates a peaceful, evolutionary transition of society from capitalism to socialism using established political processes.

"Based on 19th century socialism and the tenets of Karl Marx and Friedrich Engels, social democracy shares common ideological roots with communism, but eschews its militancy and totalitarianism. Social democracy was originally known as revisionism because it represented a change in basic Marxist doctrine, primarily in the former's repudiation of the use of revolution to establish a capitalist society."

These definitions, paired with some of the actions we've seen so far in the administration, cause us concern that they may be indicative of gradual movement towards social democracy. We've got the stimulus bill, we've got the bank bailouts, now we've got the proposal that they will own 50 percent of General Motors, along with a 39 percent share for the unions, a 10 percent share for the bondholders, and a 1 percent share for the stockholders. As a result of these actions, the Federal Government's outrageous spending now

equals almost 90 percent of gross domestic product. The GDP for last year was 14.2, and now 12.8.

So the question is, did we elect a President because we wanted to have a social democracy system? When Americans cast their vote for Barack Obama and they cast it for the Democratic Congress, did they also intend that this country should adopt social democracy, that lesser form of Marxism?

These are issues we need to talk about. And if this is the place our country is going, then maybe we need to amend or adopt new founding documents that more fit this form of government.

These are thoughts we ought to all think about. I know I'm thinking about them. I hope you are, too.

NORTH KOREAN FREEDOM AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, in Dante's "Divine Comedy," the inscription above the entrance to hell reads, "Abandon hope all ye who enter here." That should also, sadly, be the inscription above the DMZ for those turning northward, for North Korea is truly hell on Earth.

This is a land where the techniques of torture and brainwashing have been finely perfected, as portrayed in the film "The Manchurian Candidate." This is a land where political prisoners labor under conditions of slow starvation and massive abuse, as reflected in the South Korean drama "Yoduk Story."

Madam Speaker, I wish I could say that North Korea was no more scary than an Orwellian novel or a Cold War movie or a tragic musical production. Sadly, however, North Korea is no mere bogeyman who disturbs a child's dreams in the shadows of the night. North Korea is a frightening reality, a daily reality for over 23 million people. It is an immediate threat to our Armed Forces in the Pacific and to our allies in South Korea and Japan. It is a proliferation of weapons of mass destruction to fellow rogue regimes in the Middle East.

North Korea haunts us all, but it is no mere ghost, it is a real and constant threat. That is why I introduced last week a bill, H.R. 1980, the North Korea Sanctions and Diplomatic Nonrecognition Act. United we must stand for North Korean human rights and for an end to the repression of innocent human beings. For if we wish to find the real meaning of repression, we should turn our gaze to Pyongyang. If we seek the true definition of torture, we need look no further than the killing fields of North Korea. We must not forget the horrific accounts which our

emaciated prisoners of war brought back to America after the 1953 Armistice.

We must not turn a deaf ear to the haunting tales of refugees and returned abductees who are among the fortunate few who are able to escape this hell on Earth. We must not silence our consciences in the name of diplomatic expediency. To be silent on fundamental freedoms and human rights is to tell the despotic leader, Kim Jong Il, that he can avoid these issues indefinitely. To be silent is to be an enabler.

We must highlight how prison guards cut still living babies out of the refugee mothers' wombs and slam their heads on the pavement for the so-called crime of being the mixed blood seed of Chinese fathers. We must shed light on the imprisoned Christians who were martyred by having hot molten metal poured on their exposed flesh. The executions carried out for stealing a little food to keep one's child alive during the famine. The refugees hunted down or trafficked in the sex trade in China.

On a regular business day in our Nation's Capitol, the topic of human rights and oppression may seem rather abstract. But human rights is found in each individual, case by case, and in their tears. It is found in the tears of Mrs. Yokota, waiting for over three decades for the return of her little girl snatched away by agents of North Korea. It is in the tears of our own American citizens, Mary Ling, waiting for the return of her daughter, journalist Laura Ling. Laura was grabbed, along with fellow U.S. journalist Euna Lee, 6 weeks ago by North Korean border guards and then imprisoned in the gulag.

Human rights is also found in the tears of a Chicago citizen, Esther Kim, waiting for the return of the remains of her husband, U.S. permanent resident Kim Dong-shik. Reverend Kim was kidnapped by North Korean agents in China 9 years ago while helping refugees, and reportedly died of starvation and torture at a North Korean military base. It is found in the tears of Israeli apartment dwellers hit by missiles developed by North Korea for Hezbollah in southern Lebanon in 2006 from tunnels dug with North Korean assistance.

It is a grim picture, but we must not despair, Madam Speaker. Justice will ultimately prevail. In the same manner that we prevailed against the evil empire and Soviet-style Communism, with perseverance, with dedication to the defense of human rights, and the promotion of core democratic principles, the suffering of the North Korean people can also be brought to an end. May it be so.

HONORING REVEREND TIMOTHY WRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today in honor of Reverend Timothy Wright, a loving husband, a dedicated father, faithful pastor, and compassionate humanitarian. Grammy-nominated singer and composer, and also my dear friend.

Sadly, last week, Reverend Wright, the founder of the Grace Tabernacle Christian Center in Brooklyn, passed away. He had suffered for nearly a year with complications resulting from a tragic traffic accident that claimed the life of his wife, grandson, and of course the driver who hit his car head on.

Despite his struggles against improbable odds, having undergone numerous surgeries, Reverend Wright maintained unwavering faith in his God, even in the darkest hour.

□ 1845

Through his example, he showed us that, although he was physically down, he was spiritually vibrant.

Committed to his professed calling in life, one of the reverend's main desires in his last days was to return to his Brooklyn pulpit where he could encourage his congregants. I believe that his ability to be selfless during great suffering is evidence of a man who treasured, loved and lived life to the fullest that way as well.

Rev. Wright understood and demonstrated that life is not defined by everyday circumstances, nor is it about one's accomplishments. He defined life by his love for people. Rev. Wright's life was embodied in the example of the way he treated people and by the sacrifices he made for his family, for his church and for the Brooklyn community. It was not uncommon to find him giving tirelessly for a charitable cause, lending an ear to someone in despair or even extending personal resources to help anyone who needed him. He reached out to those society had thrown away. The reverend thought that adversity kept you humble and that sacrifice was a way to demonstrate faith in God's promise.

Many the world over will remember the surmountable feats Rev. Wright accomplished as a renowned musician. Having released more than a dozen gospel albums over the span of his 40-year career, Rev. Wright's songs of praise and worship were a blessing to all who had an opportunity to hear and to experience the testimonies he shared through his music. From his 1984 song "Testify" to his Grammy-nominated album "Come Thou Almighty King," Rev. Wright's music touched millions all around the world. His final one was "Jesus, Jesus." That was a tremendous record, and of course, many people were able to purchase it and to know him in terms of what he was all about.

Born and raised in Brooklyn's Bedford-Stuyvesant neighborhood, the

passing of Rev. Wright is a great loss to Brooklynites, to New Yorkers and to, in fact, the world over because of his humanitarian spirit and, of course, his dedicated life in terms of how he felt and served people. He was an important voice and tireless advocate, concerned about the everyday issues that strangled his fellow neighbors. He hoped for the things his community hoped for, and he cared about the things that his parishioners cared about—family, friends and community.

The immeasurable contributions and countless investments that Rev. Wright made in the lives of people will far outlive his time on this Earth. Now absent in life, he will remain forever with us as his music, message and his legacy live on.

Let me just conclude by saying, "Sleep on, Rev. Wright. Sleep on. You truly made a difference, and I'm happy to have had an opportunity to know you and to live during your lifetime."

THE PASSAGE OF THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, with all of the challenges that we have in our country, the wonderful reality is that we still hold these truths to be self-evident that all men are created equal and that they are all equal because they are all God's children.

In fact, Madam Speaker, the essence of America is that all people should be treated with the same respect and should be protected completely equally under the law. To break up people into different categories and say that one group is more worthy of protection than another and then to grant special protection to some groups and not to others, it fundamentally diminishes the protection of all of the other remaining groups.

Madam Speaker, a short time ago, this body voted to pass H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009, and I believe that it did just that. Regardless of whether a person is white, black, handicapped, healthy, sick, old, young, homosexual, heterosexual, rich, poor, a janitor, a Senator, a veteran, a police officer, a senior, or whatever the case is, he deserves equal protection under the law. That is the foundational premise of this Nation. The legislation that we voted on today moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals not on the bases of their crimes but on their alleged motivations for committing those crimes. It requires

law enforcement officials and prosecutors to gather evidence of the offender's thoughts rather than of his actions and his criminal intent. This should strike us all as inherently dangerous.

The First Amendment of our Constitution was crafted because our Founding Fathers recognized that the freedom of thought and belief is the cornerstone of every other freedom. It is the foundation of liberty, itself, because, without it, every other freedom, including the freedom of speech, becomes meaningless.

Madam Speaker, there is another insidious aspect of this legislation which, I believe, would have the most tolerant Americans up in arms if they were truly aware of it, which is, not only does this legislation require law enforcement to investigate an individual's motivations—those are the thoughts and beliefs that seemingly motivate him or her to commit a crime—but it would expand the scope of the prosecution to include individuals or members of organizations or religious groups whose ideas or words may have influenced a person's thoughts or motivations when he committed a crime.

Under such a bill, individuals who may not have even been aware of the crimes could receive the same or similar penalties as the criminal, himself, receives. It would only take some arbitrary prosecutor to construe that an individual had influenced the beliefs or thoughts of a perpetrator of a crime and, thereby, somehow caused hateful or violent acts. This raises the very real possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech, association or other activities that have been specifically protected by the First Amendment of our Constitution for the last 220 years.

Madam Speaker, this would have a devastating and chilling effect on free speech in America. Who could blame pastors, educators or any other cultural leaders if they chose to cease expressing their beliefs for fear of being thrown in prison and charged with a Federal crime? This is not rhetorical speculation. It has already happened in the case of the Philadelphia 11 and in other cases. In the Philadelphia 11, 11 individuals were jailed, and they faced \$90,000 in fines and 47 years in prison for simply speaking the gospel openly and publicly.

One unscrupulous government entity plus this hate crimes legislation equals the perfect combination for tearing away from American citizens some of the most basic constitutional rights in our Nation's history. Advocacy groups and religious organizations will be chilled from expressing their ideas out of fear of criminal prosecution. In fact, "chilled" is probably a profound understatement. Many will be simply terrified or intimidated into complete silence.

The fundamental purpose of this body is to protect the lives and the constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, the hate crimes legislation will do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it will endanger the constitutional liberties of millions of Americans.

PUBLICATION OF THE RULES OF THE JOINT COMMITTEE ON THE LIBRARY, 111TH CONGRESS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Madam Speaker, the Joint Committee of Congress on the Library held its organizational meeting for the 111th Congress on Thursday, April 23, 2009. I am honored that the committee elected me its chairman. I look forward to working with my committee colleagues to discharge the panel's responsibilities.

As required by the rules adopted by the committee, I submit those rules for publication in the RECORD:

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY, 111TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personal or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the

absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE
CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

THE FIRST 100 DAYS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Madam Speaker. It's a pleasure to be able to join you, my colleagues and friends this evening.

The topic for our Wednesday evening discussion is "the first 100 days." It has become kind of a tradition for people to take a look back at previous Presidents and at the current President and say, "What happened in the first 100 days? What kind of records were set? What sort of tone was set? What were the accomplishments? What was sort of the pace of how the new President has approached the office?"

It's quite interesting. Obviously, there are very different Presidents, different political points of view, different things that they're going to focus on, and there are different times and different challenges. Tonight, we're going to take a look at that. We're going to take a look at those first 100 days. There were some records that were set, and there was a record that was set in a unique situation because, unlike any other time and for a long time, the Democrats have been totally in charge in Washington, DC.

In the case of our own House here, this is a body that, as to whichever side has the majority of votes, it pretty much does what it wants without too much regard for the other side. That has been fairly traditional, but it is even more so now under the Congress of Speaker PELOSI. They can do what they want, and they do do what they want. In fact, a lot of the legislation is written directly with the staff, and it comes to the floor and is voted on.

The Senate is a different matter. The Senate has always required 60 votes to get a bill before the Senate for just a regular vote. So you have 100 Senators. If you have 51 Senators voting in favor of something, you can pass a bill, but unless you have 60 votes, you can't get it to the floor to get it passed. It's kind

of an odd rule. Many people don't know that. Of course, the Democrats almost have the 60 votes they need to control the Senate as well, and of course they have the Presidency. So we have here on the flip chart "100 Days of Democrat Dominance." It is certainly the case.

Now, as to one of the things that the President challenged Americans to do when he came to office, he said, "I want you to hold our government accountable. I want you to hold me accountable." So we're going to take a look at these first 100 days and see accountable and what regard and what sort of records have been set.

One of the records that we set was accumulated debt. That's kind of an interesting number. If you take a look at President Clinton, in his first 100 days, he managed to rack up \$86 billion of debt. This is President Clinton. President Bush didn't rack up any debt at all. In fact, he had \$70 billion of surplus at the end of his first 100 days. The clear winner in this regard is President Obama with \$564 billion of debt. That's half of \$1 trillion of debt. So the clear winner in the accumulated debt contest has to go to President Obama.

Now, in coordination with this, if you take a look at National Debt Day—and we have a National Debt Day. That's the time when we have finished spending all of the money we've collected that year in taxes. As you know, we get the taxes in on April 15. People send their taxes in. The government gets its money, and it has been spending since the beginning of the year.

The question is, "How far do you get into the year before you run out of money?"

A lot of families have that problem in terms of the family budget, but usually what happens is we get to about, you know, August, sometimes to July in a bad year or to September. Not so this year. We have set another record in terms of debt day. It's already gone. It was 2 days ago. It was April 26. By April 26, we'd spent all of the money that was coming into the Federal Government in taxes this year. That's not a good sign. That says we're creating a tremendous amount of debt.

Therefore, that leads to another record. We have a clear winner in terms of who can pile up the most debt in a very short period of time. If you take all of the Presidents added together from George Washington to George Bush—the two Georges—you have a total of \$8.5 trillion in Federal debt. With President Obama—with his own numbers and with his proposed budgets—you have \$8.7 trillion, so he beats by 1½, just by his own spending alone, all of the other Presidents combined. So we have another great record that was set.

There have been other kinds of records, but I notice my good friend is here, the gentleman from Texas, Judge CARTER, a highly respected judge.

There's something about judging, and there's something about Texas which sort of combines common sense and not putting up with a lot of flowery kind of stuff.

Judge, you're known as a man who gets right to the point, so I'd like to yield you time. Help us and join in. Take a look at these last 100 days. Let's talk about records. Let's talk about holding people accountable. What has been going on?

□ 1900

Mr. CARTER. These are really not the kind of records we like to have. We don't try to set these kind of records. These are records that we will be paying for for generations to come.

I want to remind you that this is 100 days of Democrat dominance. So the President had some help on these things, and that is the Democrat majority and the House and Senate certainly helped to move this along—in record time, I might add. Sometimes those things just completely almost bypassed the whole process and just came popping up on the floor kind of like a Jack-in-the-Box surprise. "Here we are. Let's vote." And sure enough, we managed to break all kinds of existing records.

And I have to point this out because my daughter, I promised her I would. The last time I talked about this Debt Day, I failed to say that was my daughter's birthday. Danielle Carter. Her birthday is on the 26th day of April. And she probably, in her lifetime, has probably not gotten the biggest present in the world because it was so close to tax day that maybe she didn't get it. So she understands how close her birthday is to the day we pay our income taxes.

Mr. AKIN. Reclaiming my time, she really did get a present on Debt Day in a sense because that debt is being unloaded on her, isn't it?

Mr. CARTER. Oh, yes. It's like that college debt. It's going to go on forever. That's something that we ought to be thinking about as we run these things up.

I find it phenomenal that we can, in actually less than a hundred days, spend more money than everybody else spent in 200-and-some-odd years, including George W. Bush. Add them all together and sure enough, this Democrat Congress and this Democrat President managed to outspend them all. I mean, I tell you what, that's breaking some records right there.

Mr. AKIN. Reclaiming my time, there are some records being broken, aren't there? What we've seen is a lot of complaints over the last years about the high cost of the war in Iraq, the high cost of war in Afghanistan, President Bush just squandering and spending way too much money. And a number of us voted not to spend some of that money. But there were a lot of complaints.

And then you take a look, you add up the entire cost of the war in Afghanistan and Iraq, add it together, and within the first 5 weeks here in the Congress, the Democrats passed a bill at \$840 billion that was more than those two wars combined over a 6- and 7-year period.

This is a record-setting Congress when it comes to spending. If spending is going to make the economy strong, we're going to have the best economy the world has ever seen.

We're joined by a good friend from Louisiana, Congressman SCALISE. Comment on this first hundred days. Let's talk about records and what kinds of things we've seen here.

Mr. SCALISE. I thank my friend from Missouri for continuing to host these discussions where we can really talk about the policies, what happens here in Washington, how it affects people across the country.

But as we stand here today on the 100th day of President Obama's administration, it's going to become a tradition, as you said, going back to FDR—which there are a lot of ironic similarities to FDR in this administration—but that's when they started measuring Presidents by their first hundred days. A lot of people like doing letter grades for a President's first 100 days.

Mr. AKIN. What you're saying is A to F, is that what you're suggesting?

Mr. SCALISE. Some people stop at F. I actually use a different rating, and I have been asked, How do you rate President Obama's first hundred days? And I've said that I rate President Obama an "L" for "liberal."

Mr. AKIN. Reclaiming my time, that's cheating. I thought it was A to F. You're going all the way to "L" for "liberal."

Mr. SCALISE. Congressman FLAKE from Arizona, when we first had this conversation, and I agreed with him, and really, it's a characterization based on policy.

I think in terms of personality, clearly President Obama is one of the more articulate speakers in Presidents that we've had. I think President Reagan still rates up there as probably the top. Unfortunately, I don't think we have had anybody like Reagan since he left office and unfortunately passed away.

But in terms of policy—and I think this is really what really matters and that is what the American people are watching—it's this reckless spending. Spending at record levels. A budget that just passed today here on this House floor that all of us opposed but unfortunately passed, the largest budget in the history of our country, a budget that would double the national debt in 5 years, triple the national debt in 10 years.

I think if you look at what happened just a few weeks ago with these TEA parties, these taxpayer TEA parties, where hundreds of thousands of people

showed up around the country. They weren't necessarily revolting against this President or revolting for a party or against a party. A lot of people really don't understand what happened in the media who were covering the TEA parties.

What really happened on that day back on April 15 was people across the country said—maybe some of them voted for the President, some of them voted against—but they said, We're very concerned about the direction of our country because of the reckless spending and borrowing that goes with it and what it would do to our future generations, to our kids and grandkids, where, literally, we will be borrowing this money from China, from India.

Mr. AKIN. Reclaiming my time, I also had a chance to go to the TEA party in St. Louis, and parking in St. Louis is a real pain in the rear. And yet you had 7,000 people jammed into this square, and they were exercised. I mean, this was not politics-as-usual in America. And I think you're right. I think the high level of spending, but I think there were other things that were getting them energized.

There are some of these sort of interesting juxtapositions. Here's one that caught my attention.

The Obama administration announced a \$1.4 billion cut to missile defense, and the same week, North Korea launches their missile. That's the sort of thing people go, Wait a minute. I don't understand this. The North Koreans just launched this big missile. They are obviously working on nuclear devices and developing the technology through a missile to deliver a nuclear device and so they are shooting off their missile and we are cutting missile defense. That's the kind of thing in our TEA party, people were really mad. When I went down there they said to me, By golly, you've got courage to even show up down here because you come from Washington, D.C.

Judge Carter.

Mr. CARTER. Not only has this administration cut missile defense, but they are also cutting the F-22 fighter, which, by all analysis, we need a new fighter because of some real technological advances that the Russians and the Chinese have made in their fighting planes. And we have had fighter pilots telling us this for years. The F-22 has now been scrapped, the missile defense, as you point out, has now been scrapped.

So you can't accuse this budget of overspending in the area of defense because it actually is going less in the area of defense and is spending in other areas. Many of which, I would argue, are some sort of voodoo economics. But that's my personal opinion.

But make it clear, missile defense we need.

Mr. AKIN. Reclaiming my time, the argument is going to be made as we

slash the defense budget, we see a lot of things that are being axed, being on the Armed Services Committee, I am seeing those. And the argument is going to be made, Hey, you know, you can't just afford everything.

And what struck me was when we came here after the first 5 weeks the Congress had been in session, we're going to pass this, quote, stimulus—which I still call a porkulus bill—and I came across this floor—we just smoked \$840 billion. I started dividing that thing out because in the committee that I serve on, the biggest thing you spend money on is aircraft carriers. I mean, even the average person on the street knows aircraft carriers are big and expensive. They have got a whole wing of airplanes on them and thousands of people on board. Aircraft carriers, that's a substantial investment.

So we have 11 aircraft carriers. You take the average cost of that and divide that, about \$3 billion, into \$840 billion. Oh my goodness. You picture this. You're looking at 250 aircraft carriers end-to-end. I don't know how long they would go, but you're talking about a lot of aircraft carriers.

So we start talking about, well, we're going to cut missile defense right at the time when the North Koreans launch their missile. And then the other thing—talk about juxtaposition in timing—the Obama team sent a video to the Iranian people talking about a shared hope, and the Iranians responded by opening a plant to produce weapons-grade uranium. Somehow or other it's like ships passing in the night here. It's like, wait a minute, what are we talking about here?

We've been joined by another great Texan, a Congressman from the Brady district. KEVIN, we would be happy if you want to join us in our little discussion. We're taking a look at the last 100 days and different things, records that are being set, things that are a little unusual, distinctive characteristics.

I yield.

Mr. BRADY of Texas. Thank you. I appreciate you leading this discussion tonight with the American public. I'm glad to join my other friends, conservative friends, who, frankly, are worried about what the first 100 days mean to our country. I didn't move to Washington. I live in Texas with my family and just commute to work each week to Washington. Continental has given me my 1 million miles flown card, which is a lot of keeping in touch.

Sometimes you wonder, you know, the people up in Washington, they seem to be in a bubble. It's just so disconnected from the real world. I asked some of our Facebook friends what they thought of President Obama's first 100 days, sort of an out-of-Washington look at the Nation.

Rachel, who is a Sam Houston State University alum, said she was really

disappointed to see all of the spending on unnecessary programs that do not help the economy but, rather, put a further strain on it.

Norma expressed her disappointment to the taxpayer-funded spending spree. She said, It's a disaster. She wrote, At the current spending rate, the deficit is going to be an anchor around not only our necks but our grandchildren's as well.

Norma, you're right.

Melody said if she were to grade this President, it would definitely be a flunking grade. In the debates, he promised to cut spending and reduce the size of the deficit. Ha. I am sickened by the wasteful spending. It is like watching a train wreck happen.

I will come back in a minute and tell you a little more about my thoughts. But that's just an inkling of what real Americans think about this first 100 days.

Mr. AKIN. I appreciate you sharing that and particularly asking that question of just regular people. I am the same as you are, flying back and forth to Missouri, the Show-Me State, or some people like to call it the Great River State. And I am not sure that their perspective is quite the same as it is in D.C. as well.

Judge CARTER, did you have a thought or two about other kinds of records or unique circumstances? I think there are quite a few things as we start to think about it.

Mr. CARTER. There is so much to talk about, but the one that just pops off the page is the promise that was made that I will cut taxes on 95 percent of the American people. That's what the President of the United States told us during the campaign. "I assure you I will cut taxes on 95 percent of the people."

He also said he was going to raise taxes on the wealthy. You may have heard me talking earlier—one of the indications of social Democrats is class warfare, the hardworking American worker versus the rich man. How many times have we heard that?

But now we've got this great energy tax that they call cap-and-trade, which makes no sense at all. Even the name makes no sense. But the reality is, it's a tax on energy, all sorts of energy. And it's a tax on existing energy that's going to make everybody's bill go up because the American people are going to pay that tax, and that means the middle class.

Mr. AKIN. Reclaiming my time, let's take a look. What you're talking about is some of the promises that the President started out by saying, "I want you to hold our government accountable. I want you to hold me accountable."

So what we've done here, I've got some slides, and these are things that are quotes out of the President's speeches and all.

This one, as you recall, he says, "I can make a firm pledge under my plan,

no family making less than \$250,000 a year will see any form of tax increase." Now, when I heard that, I breathed a sigh of relief. By golly, I don't make \$250,000. I don't need to worry about any tax increase because he promised me that. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1915

Now, he repeated this promise to all of us in this Chamber before, saying, hey, if you're making \$250,000 a year, don't worry about paying any taxes. And now you're getting me very upset, judge, because what you're telling me is he's going to put a tax on energy. And my family doesn't make \$250,000 a year, but we turn on light switches. We burn propane gas, and we also burn gasoline in the cars.

Mr. SCALISE. Will the gentleman yield.

Mr. AKIN. Yes, I yield.

Mr. SCALISE. I sit on the Energy and Commerce Committee, and for the last 2 weeks we've been having hearings on President Obama's cap-and-trade energy tax. A number of things have come out that Judge Carter and that you've mentioned that are very frightening that have not been conveyed to the American people, in fact, go directly against President Obama's pledge there that people making less than \$250,000 would pay no new taxes. The President's own budget, again, a record budget, the largest in the history of our country, a bill that passed this House today, his budget has a line item in it that allocates \$646 billion that would come in the form of new taxes from this cap-and-trade energy tax. Now, that is a tax on energy that every American family uses.

A few of the things that have come out in committee that have not been denied by anybody: Number one, the President's own budget director just a year ago was testifying before Congress, when he was the head of the Congressional Budget Office, he said this cap-and-trade scheme would roughly add \$1,300 per year more to every American family's energy bill, their utility bill. That's a low estimate. We've had revised numbers that have gone over \$3,000 per American family that they would pay in higher energy taxes if this cap-and-trade energy tax passed.

Mr. AKIN. Reclaiming my time, I thought I heard the MIT professor say it was \$3,100 per average family.

This is something that's a little upsetting because first we have this promise. It couldn't be any more clear: If you're not making \$250,000, you don't have to worry about this tax increase.

Now, the energy tax hasn't been passed yet; right?

Mr. SCALISE. Fortunately, it has not. It's in committee still.

Mr. AKIN. So in that regard, he hasn't broken a promise. He's just pro-

posing it. But then how about this SCHIP that we voted on? This thing has got a tax increase in it for people making less than \$250,000.

You know, this kind of thing, saying one thing, doing something different, is what creates some of that tension, that frustration that we saw in the people with tea bags wanting to dump them in the Mississippi River.

I yield to the gentleman from Texas.

Mr. BRADY of Texas. I agree exactly with what has been said today. And I can tell you from the Ways and Means perspective, from the tax perspective, the President isn't keeping that promise. We saw that right off the bat. The second bill he signed was an increase on a lot of low-income and middle class families to the children's insurance program. And the budget that was rushed through Congress today that I will bet not one Member who voted for it actually read this multi-trillion dollar budget—again, this first 100 days has been a rush to bad legislation—it includes tax increases of \$1.5 trillion, the highest in American history.

As the gentlemen from Louisiana and Texas and as you pointed out, in addition to the national energy tax, you're looking at increased taxes on professionals and small business people; increased taxes on independent, small energy companies, the ones that drill 90 percent of the wells here in America; so we're going to outsource our American energy jobs. The climate change national energy tax. Increased taxes on capital gains and dividends, a source of a lot of revenue for our seniors in America and a source of capital. New taxes on real estate partnerships. On U.S. companies headquartered here who are trying to sell their products around the world, we're actually going to penalize them for selling American-made products around the world. It is crazy the number of tax increases.

Mr. AKIN. Reclaiming my time, how do you explain this promise in the context of what you're saying?

I yield.

Mr. BRADY of Texas. The promise was: "Under my plan no family making less than \$250,000 a year will see any form of tax increase." That promise has already been broken. And the budget we passed today ensures that it will be broken even further.

What everyone knows is with this spending, there's no free money. Someone is going to have to pay for this record deficit. It's going to be middle class families. It's going to be small business people. It's going to be people that make a whole lot less. And a good example, look at the stimulus bill. It started phasing out all of these benefits if you make \$80,000 a year. That's what it started to do, including the Making Work Pay tax credit, that measly \$1.10 in your paycheck. They start phasing it out at \$80,000. That's who this White House believes is wealthy. We've already seen the model.

Mr. AKIN. Reclaiming my time, it seems to me that pretty much everybody in Washington, D.C., and across the country, as we started this 100 days, if you asked what do you think the main deal needs to be? What does Washington, what does our political leadership, what does the President have to be paying attention to? Wouldn't you agree that that would be the economy? I mean I think everybody, regardless of your political stripe, would say you've got to pay attention to the economy.

And so if you take a look, one of the ways we measure the economy is the gross domestic product. That's how are things working? Is the machine oiled properly? Is it tuned properly? Is it running smoothly? And we got a number today. As I understand it, we set another record. We have a lot of records we've been setting. Unfortunately, they haven't been very good ones. And that was that the gross domestic product number for this quarter, the first quarter of the year, was that we had shrunk the economy by over 6 percent, which is how much the economy shrunk in the previous quarter. When you put those two together, it's the biggest shrinking in the economy in 60 years. Now, that's a record. I'm 61 years old. That's a record for me. But that's not a very good record.

And some of you who are on committees that deal immediately with the budget might want to comment. What does it mean to have the gross domestic product in this country shrink by 6 something percent? That never happened under President Bush's leadership. Anybody want to comment?

I yield to the gentleman from Louisiana.

Mr. SCALISE. What you're talking about, and we touched on it a little earlier, over the last few years we've heard a lot of complaints about previous Republican Congresses and the spending. I was definitely one of those people that was not happy with some of that level of spending. In fact, if you look back in 2006, the last Republican Congress that we had, I was not here, but in that 2006 Congress, the deficit, the Federal deficit, was about \$160 billion, a number I think that was too high, \$160 billion. Today, just 3 years later, with a Democrat Congress and the White House, that deficit went from \$160 billion in 2006 to what it is today, \$1.9 trillion.

So for those of us who had concerns about the deficit 3 years ago that are voting against this reckless spending today, what I think is hypocritical is you hear some people complaining about the spending that went on 3 years ago when it was \$160 billion, but yet they're voting for the spending today when it's \$1.9 trillion of deficit just this year.

So I think the American people are watching all of this. Clearly they were

watching it when they took to the streets on April 15 in those TEA parties and said enough is enough. We have got to stop this reckless spending because of what it's going to do to future generations. I have got a 2-year-old daughter, and my daughter, Madison, she's going to be the one, her generation is going to be the one, that's going to have to pay these bills.

And those of us that were here voting today, this is my voting card, and this is the card that Members of Congress use to cast their vote. Some people up here think that this is a credit card, that they can just rack up trillions of dollars of debt that the future generations of this country are going to have to pay. That's not responsible. Obviously that's what we are trying to stop.

Mr. AKIN. I would like to get back to that before we close tonight because I want to contrast that mentality with the mentality of what has been called the Greatest Generation, the generation of our parents and what they did.

Judge CARTER.

Mr. CARTER. You asked what that two consecutive quarters of 6 percent negative growth means. That means, I believe, and I know my friends talk about this all the time on the Ways and Means Committee, I believe that means recession. Two consecutive quarters is the definition of recession. So we are now in the Obama recession. So it's one of those things you've got to think about. As we keep blaming other people, at some point in time you have to take credit for what happens on your watch.

I heard two Members arguing today, an interesting argument: How long is it going to take us to pay off this debt we are accumulating? One of the Members said, well, it's estimated 3,000 years.

The other one said, no, that's not right. It's maybe perpetuity.

He said, how do you get that?

He said, the only way you get that 3,000 year number is you've got to show a surplus. And there is no surplus projected within a couple of lifetimes, based upon what we are doing right now. So, therefore, it's like this never-ending debt.

And another one said, well, that's like a Ponzi scheme. You get one bunch of investors to invest in your product, and this is like our boy that's in jail right now, and then you get another bunch of investors and you pay these investors from these investors, and then you pay these investors from these investors. Why isn't this a Ponzi scheme?

Mr. AKIN. What do you do when people do that? Don't you put them in jail?

Mr. CARTER. That's what we are supposed to be doing with them.

We have got to wake up and realize what we're creating. We're creating another generation paying for this generation and then another generation

will pay for that generation. And at some time when you get numbers like these, it becomes so overwhelming, what are we going to do?

Mr. AKIN. Reclaiming my time, the trouble with the Ponzi scheme is sometime the music stops and there aren't enough chairs and then the proverbial stuff slides down the wall and then there's a big problem. That's part of what started this whole thing, what was effectively a pyramiding scheme in a sense.

But some people want to say this is a failure of free enterprise, the problem that we're having in the economy. It's not a problem of free enterprise; it's a problem of socialism. It's a problem of this government telling Freddie and Fannie that they had to make loans that weren't going to work. If you tell someone you've got to do something and they're saying to you economically this isn't going to work and you force it and you keep doing that and then you have a bunch of other people playing along with the scheme and give it a AAA rating and sell it all over the world, pretty soon the music stops. And now what's happening is it's affecting the entire economy.

I yield to my friend from Texas, KEVIN.

Mr. BRADY of Texas. I wanted to answer the question, what does this double quarters of 6 percent mean? What it means for average Americans is that America is going to go much deeper into debt and our kids are going to have a burden that they can barely carry.

What's interesting is that the President's budget, the one that was rushed through the House again and Senate today, it based its assumptions and its huge deficits on a contraction this year, a shrinking of our economy, of 1 percent. They've used such rosy economic indicators.

Mr. AKIN. Reclaiming my time, you're saying the budget today that we passed said the economy is going to shrink by 1 percent. Is that per year?

Mr. BRADY of Texas. By 1.2 percent this year.

Mr. AKIN. This year. And then how much did we just shrink in the first quarter?

Mr. BRADY of Texas. Six point one percent and on top of 6.3 percent last quarter.

Mr. AKIN. I've heard of optimists before, but this stretches the long arm of conscience.

Mr. BRADY of Texas. I'm glad you raised that. The President said this is the most honest budget ever presented to Congress.

Mr. AKIN. Reclaiming my time, the President made some promises. One of them was there weren't going to be any tax increases if you made less than \$250,000. For "Show Me" guy from Missouri, that's puzzling, that promise.

Here's another promise: He promised transparency. He says, "I will not sign

any non-emergency bill without giving the American public an opportunity to review and comment on the White House Web site for at least 5 days." So we are going to have some transparency here.

Now, I wonder how much transparency there was in that budget you're talking about that says we are just going to assume it's going to contract 1 percent when this quarter it has already contracted 6 and it contracted 6 the last quarter. What kind of numbers are those?

I yield.

Mr. BRADY of Texas. Well, they're bad numbers. And I think that's why it was rushed through Congress so that people couldn't ask those questions. But the truth of the matter is the result of that, of cooking the books with rosy numbers that don't exist that no one agrees with, is that we will face close to a \$2 trillion deficit just this year.

□ 1930

There are trillion dollar deficits as far as the eye can see. So when Judge CARTER said we may not see another balanced budget in our lifetime, that's no exaggeration. We may not see a balanced budget in our lifetime.

Let me make one correction that I hear, I guess if you repeat something often enough people believe it, but you often hear up here Democrats who say President Clinton gave President Bush a surplus, and President Obama inherited a huge deficit.

That's awfully misleading. The truth of the matter is that the surplus that was given to President Bush wasn't created by Democrats in Congress but by Republicans in Congress who sat down with President Clinton and said we are going to balance this budget. And I was here on a night like this night where we passed the balanced budget agreement.

And guess who voted against it? Democrats.

And then, when you talk about the deficit President Obama inherited, that didn't come—

Mr. AKIN. Reclaiming my time, let me just summarize and see if I got what you said. What you are saying is we kept hearing from the Democrats that President Bush inherited all of this surplus, and it was somehow because, I guess, President Clinton had done something right.

But, in fact, those years, the Republicans controlled the House and they forced President Clinton to balance the budget, and that's why he got his surpluses because you guys made him have a surplus. Did I understand that correctly?

Mr. BRADY of Texas. And congressional Democrats voted against the balanced budget agreement. So that's the first part of the equation. The second one is President Obama did inherit

a big deficit, but he inherited it from congressional Democrats who held power for the last 2 years. They didn't even send President Bush a budget because they knew he would spend less.

And so my point of that is that you can't take credit for a surplus you didn't create and avoid blame for a deficit you did. That's one of the big, I think, misperceptions, the big lies in Washington, D.C.

I agree with other conservatives that Republicans, I think, got fired because we didn't control spending well enough, even though we whittled that deficit down, and we are learning from those mistakes. That deficit now is 10 times greater, and we are in a mess we may never recover from.

Mr. AKIN. Gentleman, you just said that you are talking about a deficit, was it \$2.1 trillion just for the next 2 years?

Mr. BRADY of Texas. Almost \$2 trillion just for this year.

Mr. AKIN. To put that into context, if you go from George Washington to George Bush, and you add up all of the debt that's been accumulated, you are looking at \$5.8 trillion. So what you are saying in 1 year, we are going to do not quite half of that, everything since 1770s to now, we are going to burn that in 1 year? My goodness.

Judge CARTER.

Mr. CARTER. And that's the deficit. The debt is worse than that, because we are borrowing all this money that we are spending right now.

And so when you look at all these packages that we put together, and you total them up, that's where your \$8.7 trillion comes in right there that you have got demonstrated there. It's the debt.

In addition, as KEVIN points out, they made false assumptions of the growth of this economy. Based upon those false assumptions, everybody's already told them they weren't going to work. They were told by all the authorities that look at these things, these numbers don't work. They went ahead with them, anyway, and now we're looking at a \$2 trillion deficit. So the debt gets even worse.

I heard somebody say this morning, somebody ought to tell every graduating senior this year that they can add \$156,000 to their school debt, because that's what they are going to have to pay off. That's going to be their share of what they are going to have to pay off in their lifetime.

Mr. AKIN. You said \$156,000?

Mr. CARTER. That's what the guy said. I don't want to take credit for that number. I am just telling you I heard it on the television this morning, and it shocked me.

Mr. AKIN. Some of these numbers do involve making certain assumptions, and if you doctor the assumptions, the numbers may look better than they really are. We just talked about one

where they said the economy is going to contract by 1 percent, and we have already gone through 6 in the first quarter.

I yield to the gentleman from Louisiana.

Mr. SCALISE. You know, when we throw all of these numbers around, obviously the massive amounts of money—and when you talk about trillions of dollars, it's such a large number that it's hard for many to grasp just what that really means.

When we talk about the budget, and ultimately you look across this country, we are in tough economic times. Families across this country are actually cutting their budget. They are tightening their belts to live within their means.

And I think what frustrates most people is when they look at what's happening in Washington, whether we are talking about hundreds of billions in deficits or trillions in deficits, which, unfortunately, we are in today, they look at these numbers and they say, what's happening up there in Washington when we are tightening our belts, we are cutting back, Washington is actually mushrooming spending.

There is a lot of blame to go around. But when you look at what happened just a few weeks ago when the first budget came up for a vote here on this House floor, it didn't get any attention, but there was a balanced budget amendment that was proposed that day. Many of us proposed that amendment and voted for that amendment.

Mr. AKIN. All of us standing here voted for it.

Mr. SCALISE. What's ironic is over 100 Republicans just 3 weeks ago voted to balance this Federal budget, to balance it.

And this is during the cries of many on the other side who were criticizing all the spending that went on. And as they were criticizing the spending, they were raising spending by 10 times what had happened under Republican administrations, not one Democrat voted for that balanced budget amendment that was proposed on the House floor while many of them turned around and voted for the largest budget in the history of the country.

I say that because people don't want to hear about the partisan politics. But what many people are being told by this administration, incorrectly, is that there are no alternatives proposed by the other side, and that the Republicans are the Party of "No." They don't propose any alternatives, which is clearly disingenuous because we have proposed many alternatives. They have been the party, not only of "no" because they have opposed those alternatives, they have been the party of fiscal recklessness, fiscal irresponsibility, of spending large amounts of money that literally will double our national debt in just 5 years. That's

what I think has gotten most Americans frustrated now is that they know what they are doing to take care of their business. They are cutting back, and they are watching this Democrat leadership in Congress and this administration spending record amounts of money, running up the debt and the deficit at record levels, and money at record levels that we know nobody can sustain. So I think when people look, they say, this has only been 100 days. We have already, today, as we stand here, added 20 percent to the national debt, money we can't even get back.

The stimulus bill alone added almost \$1 trillion of new debt, and we are still seeing some of the wasteful, frivolous spending.

Mr. AKIN. There is this transparency promise, that what's going on in Washington D.C., the public should be able to see it. You see this kind of transparency promise. And then when you take a look at what happened, the President first broke the promise of transparency in January when he signed this legislation which was the Lilly Ledbetter Fair Pay Act. It was passed January 27. And he since continued the problem with the State insurance, the SCHIP bill. It wasn't 5 days.

And the reason I mention this is when we came to that supposedly stimulus bill, our staffs got that thing at 11:30 at night, and we're supposed to vote on a 1,000-plus page bill the next day. Now, I am not a speed reader, and my staff doesn't sit around at 11:30 just waiting for some announcement from the Democrat Party.

Now I don't understand the transparency in that situation. But I do understand a little bit, because I don't know what \$780 billion is. I started to put it in terms of aircraft carriers, because I understood that. I understood that it was more than the war in Iraq for 6 years and the war in Afghanistan added to it for 7 years. I understand it was more than 250 aircraft carriers. We only have 11 of them. The debt service on it was nine aircraft carriers, and it's all money that we don't have.

So we have got a series, again, going to this 100 days, there is a lot of new records that are being set, particularly in the debt area. But there are other kinds of things, I think, that get these people at the tea parties upset. One is, have you ever heard of the President firing the president of General Motors? I have never seen that before.

I yield to my friend from Texas, Congressman BRADY.

Mr. BRADY of Texas. There is so much truth in what you say. I was referring back to, again, one of our Facebook followers, Melody from my district in east Texas, that she wrote that if she were to grade our new President and Democrats in Congress, she said it would definitely be a flunking grade. It is like watching a train wreck happen.

It's interesting. President Obama is very sincere when he says, I was elected to change the direction America could go, and he is very up front about it. I give him credit for that.

But from my way of thinking, in the Eighth District of Texas, we believe he is wrong on spending. He is wrong on nationalizing so much of our free market. He is wrong on Guantanamo. He is wrong on the CIA memos. He is wrong on this new national security threat of our veterans and our pro-life and our States' rights people.

I think just generally he is wrong in the belief that you can tax and spend and borrow our way back to prosperity. It won't work. I would say this. You always want to be helpful as a Member of Congress, so my advice to the President on this 100th day is, one, stand up to NANCY PELOSI and the Senate leaders in Congress. Be your own man and don't let them run the show as they have done for your first 100 days.

Extend a hand to Republicans who have got some great ideas on how to lower taxes, how to help small businesses create jobs, how we really get out of this economy and we are willing to work with you.

The final piece of advice is do less press conferences like tonight and more working meetings with Members of Congress who want to work across the aisle to solve these problems without going into a debt so staggering that we can never hope to get out. There are some great ideas up here, but so far for the first 100 days, it's been the congressional Democrats show.

Really, it's time for the President to follow through on his promise to change the way we work in Washington.

Mr. AKIN. I sure appreciate your making some positive comments. And I think it's important that when we are critical that we also offer a better idea.

I was taught that as a kid growing up. If you want to be critical of something, okay, but then say how would you do it better. I think that's an honest way for us all to proceed, and we certainly have a lot of ways to do that.

I would like to just take a few minutes and talk about what are some of the better ways to do things. You just mentioned Guantanamo. The numbers I have is that our best estimate is that 61 of those detainees are now fighting against us. After we let them go, they are back again in the battle fighting against our sons and daughters. My recommendation is when you get people that dangerous, don't let them go so easily.

Let's talk about some solutions. Let's just talk about how would we approach this situation. The economy has now been shrinking. We see this debt that is really skyrocketing, excessive spending on the part of all the Democrats.

Let's just say that working for the day, or we are President, we are re-

sponsible for turning this around, what are the steps we are going to take. I think it's fair to ask that question.

I will go to my friend from Texas, Judge CARTER.

Mr. CARTER. You've hit upon something that everybody needs to think about. First, you have to start with the premise that the government doesn't make any money. The government takes the citizens' money. That's the way it works. They are not a creator of wealth. They are a taker of wealth and a distributor of wealth. But they are not a creator of wealth.

So all this stimulus we have looked at, its purpose is to give a shot in the arm to the economy, if you believe in the Keynesian theory of economics, a shot in the arm to the economy, and make it start creating wealth again. But, in reality, we have seen no real indication. Japan can tell you for 10 years they did that and failed miserably. Most people will point to the Great Depression and say it failed miserably.

So the real solution is real wealth for America. You do that by putting more money in the American people's pocket, making it easier for people to be entrepreneurs. For small businessmen, don't tax them. Give them a chance to grow their small business. They employ the vast majority of the American people.

What we have got to turn around is real wealth from real jobs from real businesses for real people. That's what we've got to have.

Mr. AKIN. Summarizing what you said, Judge, what you are saying is, first of all, the Federal Government does not create wealth, other than we print money, which just waters down.

We tax people, slop the money around. But we never create it. We just redistribute it.

So how do you actually take an economy and help everybody to do better? And what you have to do is you have to allow the private sector, the entrepreneurs, the investors, the inventors, the small business people, to get out there and do that, the American dream.

Let freedom work and let people go and use their ingenuity and ability to actually create wealth.

□ 1945

Wealth is not static. It grows if you fertilize it the right way. So what you are talking about is doing things that are going to help small business.

Just an interesting number that someone tossed to me, and that is you take a look at companies with 500 employees. That is what is called a small business, 500 employees. Half of Americans work in a business with 500 or less employees, and those companies create 78 or 79 percent of the new jobs in America.

So if you are worried about the people not having jobs and you really want

to turn the economy around, what you want to do is you want to fire that engine of small business, you want to get those 80 percent of the new jobs, you want to start getting those things going. And what do you do to do that? You have to have liquidity for those companies to work.

I recognize another good friend of ours and an expert on small business, Congressman BRADY.

Mr. BRADY of Texas. Well, thank you, sir. Most people in my district know that I was raised in a small business. I was a Chamber of Commerce manager my whole life. So I ran a small business, made payroll, had to cut staff in the recession and work with other small businesses. So I know how hard it is for them these days.

But there are three ideas Republicans came forward with, I think better ideas. In the stimulus, in that stimulus bill, billions and billions of dollars, there was more money to buy public art in America than to help small businesses survive.

Mr. AKIN. Well, reclaiming my time, you are saying that porkulus bill that we passed, it had more money to buy artwork than it did to help small business that creates 80 percent of the new jobs in our economy?

I yield.

Mr. BRADY of Texas. The line item for the National Endowment for the Arts was \$50 million. The line item to help small businesses to buy new computers and equipment was smaller, \$41 million.

What we said as Republicans was, we said, look, let's create a 20 percent income tax reduction across-the-board for small businesses so they can keep more of their money, keep good workers on the payroll, maybe buy that new computer or piece of equipment, or just survive through this recession. We thought that was a better idea.

On housing, the government has come up with this new \$2 billion pool of money to buy foreclosed homes in your neighborhood and mine. The Republicans said wait a minute. Given a choice between having the government buy a home in our neighborhood or our neighbors buy that home, maintain it, keep it up and sell it once the market recovers, we created incentives that said, look, if you look around your neighborhood and community and you buy one of these distressed homes, foreclosed or someone who is in trouble, it is abandoned, we will treat it just like your own home. If you keep it up and maintain it, when you sell it, you can keep the profit.

Now, who is going to keep better care of a home in your neighborhood? Uncle Sam, or one of your neighbors?

Mr. AKIN. That is a no-brainer, gentleman. Keep going.

Mr. BRADY of Texas. Absolutely. Then on health care, they are looking at this big government-run health care

system. Many Republicans, including me, are proposing this backpack, where for the first time workers get an option where they can choose a health care plan that is right for them, just like Members of Congress do. They can put it in a backpack and take it with them throughout their life, from business to business or to home to raise the kids, or if you are going to start your own small business. Basically you get the same tax breaks businesses get. But you have one that you choose. It is your doctor, your relationship, the hospitals you choose to go to.

Mr. AKIN. That sounds like freedom working, doesn't it?

Mr. BRADY of Texas. It is. Instead of government one-size-fits-all, why don't we give more freedom and more incentives for people to have a health care plan that fits their needs?

We have great ideas. My colleagues here tonight I guarantee you could spend a lot of time with these new ideas. But we need a President who will be open. We need a Democrat Congress who will quit rushing bills through this Chamber and give a chance for those good ideas to come forward.

Mr. AKIN. Just reclaiming my time, if I were to list off some things for small business, and you have run a Chamber and run your own small business, it seems like to me there are some things we are doing that I just wouldn't do.

The first thing is the death tax. That is a bad idea. We are having that death tax come back so some poor guy loses his business, I mean he dies, and his son is going to run the business, but now he has to sell half the business to pay the tax on it. What is the logic of that? That destroys jobs and destroys small businesses. So first the death tax.

The next thing it seems to me like dividends and capital gains, boy, did we see the economy jump when we limited that and allowed people to keep more liquidity in the economy. So that is another thing we could to.

Another thing, it seems to me, is when you say you are going to tax people making \$250,000, a whole lot of money, those are the guys that own the small business. Do you want them to create jobs, or do you want to suck all the money away from them like some sort of leech until they are so dry and withered up they can't hire anybody anymore?

I think there are some things that we just didn't do. Just leave them alone and let them do what they do so well, which is follow the American dream.

I yield to my friend from Louisiana.

Mr. SCALISE. I thank again my friend from Missouri. You know, there are very critical areas of our economic problems that we have proposed alternative solutions to, three in particular I think that are critical to what is happening today that we presented to

President Obama. Unfortunately, he hasn't taken them in the first 100 days. Hopefully he will take them in the next 100 days.

But if we talk about the overall economy, number one, the banking system, which is still holding back our economy; number two, energy policies, where we still don't have a comprehensive national energy policy; number three . . .

Mr. AKIN. Reclaiming my time, are you saying that hugging Chavez is not really a national energy policy? Is that what you are trying to say?

I yield. I couldn't resist that.

Mr. SCALISE. Well, if you start with the overall economy, one of the biggest things we can do, rather than just massively growing the size of government and adding trillions of dollars to our national debt, we can empower our middle-class families and our small businesses. We presented a bill to do just that, a bill that would actually cut taxes for middle-class families and for small businesses, who create the bulk of our jobs.

What some people on the other side have said is, it is the tax cuts that have gotten us into this problem. What they fail to recognize is history. Every time we cut taxes, you can go back to when John F. Kennedy cut taxes or when Ronald Reagan or George Bush cut taxes, revenues to the Federal Government actually increased. What was always wrong was that the Congress spent more money than came in from those tax cuts.

So tax cuts clearly have worked. It is the fiscal discipline in Congress that has always failed us. So maintain fiscal discipline, cut the taxes to get the economy back on track, go into the banking system—we had proposed alternatives that would actually get the banks working again.

Mr. AKIN. You are talking so fast and what you are saying is so good, you are really referring to three different times in history, where instead of doing what FDR did and Henry Morgenthau tried to do, and came before Congress and said it failed, it doesn't work, this stimulus idea, this Keynesian idea, what has worked was what JFK did, what Ronald Reagan did, and what George Bush did, three separate times at 20-year different intervals, and that was they actually cut the taxes, and this seems like water going uphill, and the revenues of the Federal Government went up.

That is kind of an interesting phenomena, but it has happened time after time. And the reason behind that, I will go ahead and yield and let the gentleman explain that.

Mr. SCALISE. The problem is fiscal discipline hasn't been maintained by Congress. For all of the new revenue that came into the Federal Government, Congress always went on to spend even more money. So that is one area you can address.

On the banking system, we still have major problems in our banking system, a lot of it created by irresponsible lending by groups like Fannie Mae and Freddie Mac, who gave loans to people with no ability to pay, and they were encouraged by government. We need to end that.

On a comprehensive national energy policy, we can actually use our own natural resources, continue drilling for oil, natural gas, cleaning coal up and using nuclear power and take that extra revenue with those millions of jobs we would create and fund the alternative sources of energy, like wind and solar, to get us to that next level of jobs, rather than a cap-and-trade energy tax that would run millions of jobs out of our economy and also raise taxes on American families.

So we have presented these alternatives. In the first 100 days, unfortunately, President Obama has not worked with us to embrace any of these ideas, but hopefully that will change as more people become concerned about this record level of record spending.

Mr. AKIN. Congressman SCALISE, I really appreciate your positives and giving very specific kinds of things that can be done to turn the economy around, to reduce this level of spending.

We are just about out of time. I appreciate your expertise and joining us tonight. I am going to just recognize my friend Judge CARTER for a minute, and then we are going to have to wrap things up and I will come back to you.

Mr. CARTER. I just want to point out there are a few things we haven't talked about, like apologizing to the terrorists; labeling enemy combatants, they are now foreign detainees; labeling the war on terror as international contingencies; labeling the terror attacks as man-caused disasters; hugging up to the Castro brothers, who tried to make their island a launching platform for intercontinental ballistic missiles within my life; and hugging up to Hugo Chavez, the man who hates this country more than anybody, and taking his book, which is all about venom against this country.

These are just a few of many, many other things we haven't talked about tonight.

Mr. AKIN. It was basically labeled a Communist rant and an idiot's Bible, I think, by various people that reviewed that book.

Going last to my good friend, a very senior and distinguished Congressman from Texas, KEVIN BRADY.

Mr. BRADY of Texas. Well, I think the way you started this, and the issue is freedom, Thomas Jefferson said a government big enough to supply all your needs is big enough to take everything you have. It is important we keep that in mind as this country grows deeper, deeper, deeper into debt.

Mr. AKIN. I appreciate all of you joining us in this nice family discussion and hope that it has been of interest to our colleagues. I just ask us please to do a little better in the next 100 days.

FISCAL ISSUES AFFECTING THE COUNTRY

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 60 minutes as the designee of the majority leader.

Mr. CAPUANO. Madam Speaker, I am here tonight to talk about some of the fiscal issues that have affected this country and how they were caused and maybe a little bit of who caused them and who didn't cause them.

Over the last several months, obviously there has been a lot of debate about this and there have been a lot of people who want to point a lot of fingers at other people. And that is natural. We all tend to do some of that in our lives, and it is particularly natural here in Washington. People love to point fingers at somebody else when there are bad things going on, and people love to point fingers at themselves when there is something good that goes on.

In this particular case, with the financial crisis that we have, instead of stepping up and understanding that, I believe every single American, including me, has some degree of blame in the current fiscal situation. Everybody tried to get a piece of the American dream. Everybody tried to punch up whatever retirement plans they had. Everybody tried to get better rates on their loans. Everybody tried to get better rates on their credit cards. Everybody tried to get more mortgages than they could afford. Everybody tried to do it. And, of course, some people in business were there to try to provide those things.

So I think it is a little ludicrous to try to blame anyone in particular, or actually any group of people. I think it is all of us that have some degree of blame.

As I heard some of my colleagues just a few minutes ago try to blame Fannie and Freddie or try to blame individual Members of the House or individual Members of the Senate, I think that is ridiculous, and I actually have more faith in the average American than to think they would think any individual or any one group could do it.

In this particular case, let's go back just a little bit. What were Fannie and Freddie created for? They were created to help the middle class be able to purchase a home. That is why they were created. Because before their creation, home ownership was limited to only about 20 to 30 percent of Americans.

About 60 to 70 percent of Americans were never able to afford a home because banks simply wouldn't make loans unless they were absolutely guaranteed of always getting their money back. They wouldn't take any risk whatsoever.

So Fannie and Freddie were created in order to stabilize home ownership that was on the border. They were also created, most importantly, to expand the availability of mortgages to working people. And it happened slowly, over time. This country went from a place where only 30 percent of Americans own homes, to now in today's world approximately 70 percent of Americans own their own homes. That is in contrast to most of Western Europe, where it is about 90 percent of people own their own homes.

I personally think, having been raised in a middle-class, lower-middle-class family, that home ownership is still the best way to guarantee entry and maintenance of a middle-class lifestyle, because it is the largest purchase any of us will ever make, most of us will ever make. It is the most important purchase.

In the normal course of events, over time, you build up equity in a home. And most of us have to remortgage it to send our kids to college. That is how most of us afforded to be able to send our kids to college.

All that being said, Fannie and Freddie and their concept of a government-sponsored enterprise have created over time an immense number of homeowners, an immense number of people who would not otherwise have had an opportunity to get a mortgage.

□ 2000

I have no doubt. I totally agree that over the last 10 or so years, like everybody else, they decided to stretch some of the definitions to do some things that maybe were questionable, not necessarily for any nefarious reasons, but for the same reason banks were doing it, for the same reason hedge funds were created, for the same reason private equity firms were created, to get a little bit better return.

Now, there were many of us at the time, now I'm talking back in 2005 and earlier, who said, you know, maybe they've gone too far; maybe they've expanded it just a little bit too much; maybe they have to be reined back in.

And back at that time, our friends, the Republicans on the other side of the aisle, were in charge of the House, they were in charge of the Senate, and they were in charge of the White House. And we worked with them. We worked with Chairman Mike Oxley of the Financial Services Committee to try to come up with a bill that would address some of these very issues, and we did. We got a bill out of committee and on to the floor of this House in a bipartisan fashion that would have

reined in some of the concerns that these people that have just talked have about Fannie and Freddie, and not just Fannie and Freddie. I don't want to pretend in any way that they were the only ones doing this, but they were also the ones that we were responsible for. It would have reined them in. And it was done in a responsible way, in a bipartisan way, with Chairman Oxley and at that time Ranking Member BARNEY FRANK and the White House, the Bush White House, not the Obama White House, not the Clinton White House, but with the Bush White House.

When the bill got out here some of the more extreme Members wanted to shut down the whole thing, having no clue how most of their own constituents were able to afford a home, and they raised all their concerns, all the same ones you've heard tonight, that government should have nothing to do with mortgage rates. Well, that's ridiculous. That is ridiculous. And they just decided to kill it. This is back in 2003, 2004 and 2005.

And if you don't believe me, we have quotes here from Chairman Oxley himself, who was quoted as saying—now, this is after the fact. This is dated September 2008, talking about those times. And Chairman Oxley himself, this is a quote from the Financial Times, not necessarily the bastion of liberal thinking. He fumes about the criticism of his House colleagues. This is a quote: "All the hand-wringing and bed wetting is going on without remembering how the House stepped up on this," he says.

What did we get from the White House? We got a one-finger salute. When we tried to rein in Fannie and Freddie, the right-wing members of the Republican Party decided to say "no." They decided to let it ride.

Now, I understand what they were doing for political purposes. I don't understand, still don't to this day understand what they were trying to do for financial purposes or government purposes. But ideologues around this place never understand that sometimes doing what's right for people is better than winning an ideological argument.

In this case, if we had simply done that one thing, according to, again, this is the Republican chairman of the Financial Services Committee at the time, when the House was run by Republicans, the Senate was run by them and they had the White House. This is a direct quote. "We missed a golden opportunity that would have avoided a lot of the problems we're facing now." That's his quote, not mine. I happen to agree with him, obviously.

We didn't take the opportunity. And what happened? A few years after that things got a little worse. Democrats finally took the House back.

What was one of the very first things we did? We passed a bill to reform Fannie and Freddie. We passed a bill to

reduce and restrict subprime loans as quickly as we could. You can't put the genie back in the bottle. This was 2007, after most of the problems had been caused.

Now, that doesn't mean, I won't pretend that myself and others don't have some degree of blame. I am happy to accept my degree.

What did I do? What did people who agreed with me do?

I was happy to push to allow more people to qualify for mortgages. I thought at that time, and I still believe, that that is a good goal. I will admit, knowing what we know now, maybe we pushed a little too hard for some people. I agree with that. I understand that. That doesn't mean when times get better, people like me won't push again, because I still believe that the best way into the middle class and the best way to stay in the middle class is home ownership. And I don't know anyone who disagrees with that, except people that are already in the higher income brackets, who they have theirs, and they're more than happy to pull up the ladder for the next people trying to make it to the middle class.

People want to rewrite history. I understand that. It's not new. It's an old political game. But facts are facts. When the government agencies had overstepped some of their boundaries, we were there to try to help them, help get them back within those boundaries. We worked with Republicans. We got a good bipartisan bill out of committee, and then that bill fell into the hands of the Newt Gingriches and others of the world who just let their ideology control everything they do and everything they say.

And we didn't have the votes. As soon as we got the votes, we addressed the issues, and we are still addressing them now. Yes, we're trying to fix the mess that we inherited and we will continue to try to do so. But we're also trying to make sure, while we're doing that, that these things can't happen again. And we have done that already, to some degree. We have a few more things that we have to do.

As a matter of fact, today we spent a fair amount of time in Financial Services passing a bill that hopefully will be on the floor next week, or the week after, that will continue that process, to make sure that future mortgages, Number 1, are given to people who deserve it, Number 2, can be paid back, and yet, that balance to allow people to continue to access mortgages, to continue to build themselves up in the middle class, and to continue to be able to stay there.

With that, Mr. Speaker, I'd like to yield as much time as she might desire to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you, Mr. Speaker, and thank to you my colleague, Congressman CAPUANO for leading this Special Order tonight.

I wanted to just kind of go back and share with those who are listening tonight that when I came to Congress, I was elected in 2004, I came in 2005. I asked to serve on the Financial Services Committee. I had no idea at that time that it would be the busiest committee in 2009 as we've worked to address the economic downturn, the likes of which we certainly haven't seen in my lifetime.

But to reflect back on that history, what I was so pleased to discover, because we talk a lot about partisanship in the media and there's a feeling that there's never any working together in Washington, is I came to the committee in 2005 under the chairmanship of Republican Mike Oxley and Ranking Member BARNEY FRANK, and they demonstrated what work together really means. It was a committee that put partisanship aside. Both leaders of both parties recognized hard work and good ideas; it didn't matter which side of the aisle it came from. They worked hard to find common ground. And I was very happy to be there and learned a lot from Chairman Oxley and respect him, as I've also come to see that Chairman FRANK, as he took the gavel in 2007, has continued in that tradition. It's exciting to see what's possible in committees when ideas prevail over ideology.

As I mentioned, it's been a busy committee, and we haven't slowed down. And we have a chairman that's very deliberative and consensus-driven. Unfortunately, when Chairman FRANK took the gavel in 2007, he was faced with some serious challenges. The subprime mortgage crisis, the issue of bringing proper oversight to Fannie Mae and Freddie Mac, and he really stepped up to those challenges. In fact, prior to that, we'd already been working. In fact, prior to the recent problems with the mortgage crisis, in 2007, we immediately passed legislation to address the subprime crisis and, in fact, Chairman FRANK made sure that we passed robust oversight for Fannie Mae and Freddie Mac. That did pass and become law.

Unfortunately, the mortgage reform went to the Senate, where it did not move and get to the President for signature and did not become law. And we are now, just this week in committee, and, in fact, today, we were marking up another mortgage reform bill that we'll be bringing forward, and we're more hopeful that the Senate and the President will act on that and it will become law so that we can eliminate the lending practices of the past that introduce too much risk to the system and set up people to fail. It's not home ownership if you're only there for a little while and ultimately can't make your payments.

We have to move beyond the lack of due diligence and proper underwriting standards that allowed no doc, low doc loans, drive-by appraisals, triple A

rated securities that really weren't triple A that contributed to an economic downturn of not just systemic proportions domestically, but international ramifications. And we're continuing to work hard on those issues.

We've worked to address foreclosure avoidance. We've worked to address the credit crisis. And all of this has been led by a chairman who continues to respect good ideas, regardless of which party they come from.

I find it interesting that many have chosen to demonize particular individuals in the Congress, or suggest that one Member, particularly when he served in the minority, somehow could bring the downfall of Fannie or Freddie or our system in general, when, in fact, well, for over a decade, many on both sides of the aisle talked about the need for proper oversight to these large institutions, Fannie and Freddie. And yet, it wasn't until Chairman FRANK had the gavel that we actually moved from rhetoric to resolution and passed that resolution in the House so we could bring that oversight. Unfortunately, by the time it did pass, it was too late to preclude government takeover of these institutions.

Let me move on to a couple of other areas that we've been working on in committee and, again, where there's been effort to work together. Let's talk about the TARP funding. One of the things that I was impressed with was that when past President Bush came and Secretary Paulson at the time came to Congress requesting funds to support greater stabilization of our financial institutions, Chairman FRANK didn't hesitate to bring some sincere bipartisan effort to the equation. He didn't accept the request as it was, which was, essentially, a blank check. He demanded greater accountability and more specific definition of the purpose of those funds, and has continued to fight to improve that ever since.

But what he also didn't do is he didn't lay blame. He didn't step back and say, that's another party's problem. He brought constructive solutions forward. And that's what we all need to do in this body if we're to address the challenges we continue to face.

We've had countless hearings, not only in the past Congress, but in this Congress, to address issues about agency abilities and lack of abilities; if you look, for instance, at the Madoff scandal and the SEC's inability to have addressed that long before they finally did and when it was too late.

We've had hearings about the AIG fallout and does that bring about the need for a greater Federal role in insurance regulation.

We've had hearings about systemic risk and how we can bring a greater authority to have an umbrella oversight beyond the functional regulator so we can determine where there might be risks in the system that, in a future

downturn, could do what happened recently, affecting all of our businesses, our families' savings for retirement and for college, reducing the values of our homes. And we need to avoid that type of systemic fallout when we have future downturns, which we're always likely to have in normal cycles.

We've talked about providing resolution authority so that, as the FDIC has been able to wind down failing banks in a way that has not been disruptive to businesses and families who are depositors of those banks, but to reorganize those institutions in a way that doesn't bring further panic to the system, we don't have, and our Federal Government doesn't have, clear authority relative to someone like an AIG or other institutions that don't fall under FDIC's ability to do that.

So as we continue through these hearings and continue our hard work, I think it's important that we focus on solutions and not playing the blame game. This is my fifth year in Congress, and I've never come to this floor to attack an individual or a party, and I don't ever intend to do that. But I thought it was important to come, at least call it as I see it and lay the record more clearly where there have been those who have cast blame clearly in the wrong direction.

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Many economists are telling us this is the worst crisis we have seen since the Great Depression. We have been forced to make hard choices, and we are going to continue to make hard choices. And we are going to make some mistakes along the way, but our intent needs to be, on a bipartisan basis, that we roll up our sleeves, we work together, and we find the best solutions possible. I am glad that on the Financial Services Committee we have a chairman and a ranking member who both step up to bring that kind of leadership in the continued tradition that was here when I came in 2005 under Chairman Oxley and then Ranking Member FRANK. I am glad to be on that committee and will continue to do my part.

I will mention one other thing. I happen to vice chair a coalition that's called the New Dem Coalition, which is a pro-growth caucus. And we have been very focused on pro-growth, pro-innovation solutions to some of the challenges that we are facing. I also happen to chair the task force for the NDC on Financial Services regulatory reform. And I have also appreciated the chairman's deliberative approach and feedback to some of the suggestions we have made to him for committee consideration relative to regulatory reform.

We are focusing on regulatory performance. Clearly, the SEC's inability to determine that there was a problem that ultimately resulted in the Madoff

Ponzi scheme suggests that we don't need more regulation, but better regulation, and a greater degree of best practices in the agencies who should be accountable for it.

We are also working on addressing issues of market stability and transparency, making sure that we bring to the table some counters, or countercyclical mechanisms to offset the procyclical nature of our system as it occurs currently, which has contributed to repeat cycles of booms and busts and booms and busts. And we need to be more prescriptive in working with our regulators to ensure that they consider and have the flexibility to weigh in on things relative to capital requirements. So as we see a bubble in formation, maybe increasing some of those requirements so as to encourage some deleveraging where clearly we were overleveraged. Conversely, when we are in a precipitous downfall, as we have all experienced recently, that is probably the time that the regulator should have the ability to consider easing up on those capital requirements so it doesn't require forced selloff of other equities as it did when we had the mortgage crisis, which created a more systemic-wide problem.

We have to improve consumer and investor protections. And so we look at things like the credit default swap market, which has been roughly a \$62 trillion unregulated market that left many counterparties out there and ultimately required Federal intervention to assist AIG in their downturn.

Those are the kinds of things that we are working on. And we don't have all the answers, but we are working together on a bipartisan basis to find those solutions—and had a late night dinner this week. Those are the kinds of things that we are going to have to continue to do to bring real solutions to the table and help create an environment so that our businesses and our families are on a solid foundation that supports sustained growth as we turn our economy around.

Thank you. And I yield back.

Mr. CAPUANO. Mr. Speaker, I just want to take two seconds and show this chart.

As you can see, this chart shows the number of subprime loans over a period from 1996 to 2005. Pretty obvious what happened. Within the first couple of years, subprime loans were reasonable, and a number of them given out. This entire time the House was controlled by the Republican Party, the entire time of this chart.

As you can see from this hashed section, that is when the White House was taken by the Republican Party. And you can see what happened to subprime loans, they skyrocketed. They skyrocketed. And they didn't stop until 2008—actually, they didn't stop. They started slowing down in 2008 and they stopped in 2009.

What happened in 2007 was the Democrats took over the House and they passed legislation to deal with this. That same legislation—or similar, I shouldn't say the same, but similar legislation was passed through the Financial Services Committee in the year 2005 that would have done the same things earlier. Now, it wouldn't have stopped the problems, but it would have lessened the problems. And this chart speaks for itself.

It is amazing to me that people can blame others when the ones on the receiving end of that did not control this House, did not control the Senate, did not control the administration, did not control any of the appointments to any of the regulatory agencies, yet somehow they can be blamed for a lack of action. That is unbelievable rewriting of history. And I just think the people who know the facts will draw their own conclusions.

With that, I would like to yield to the gentleman from Colorado for as much time as he would like.

Mr. PERLMUTTER. Thank you, Mr. CAPUANO. And I appreciate the comments that you have made.

I have a chart that shows exactly how much was done under the Republican Congress and the Republican administration in terms of reforming and revamping the GSEs, or, in other words, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, and what was done to deal with subprime lending during the Bush administration, and at the same time when Congress was in the hands of the Republican Party.

My friends earlier today from the other side of the aisle were blaming everything on Democrats when they were in charge. Now, it is nice to try to lay blame when there is a realistic argument for laying that blame, but they can't do that. It simply is a fact that nothing was done to try to deal with what was becoming a tremendous housing bubble; that there were excesses in the way that lending was taking place, that restraints didn't exist, that regulation was being eliminated or ignored. And as a consequence, we had a tremendous burst of a bubble.

And it is under the Democratic Congress, under the chairmanship of BARNEY FRANK, that there has been a real effort to try to rein this in. So instead of having zero, this Congress, one of the very first things it did under the Democrats and under Chairman FRANK's leadership was to begin reforming Fannie Mae and Freddie Mac. It was one of the very first bills that the Congress in 2007, when I was elected, when Congressman ELLISON was elected, it was one of the very first things that we did, knowing full well that there were excesses with Fannie Mae, Freddie Mac, and the subprime lending. We still didn't have much success with the Bush administration.

Certainly, the Obama administration is going to deal with this directly.

We are in the process of working on subprime loans and predatory lending. We did finally get some Fannie Mae and Freddie Mac legislation passed at the end of last year. And now we can start regulating these kinds of vehicles, this kind of lending in a serious fashion, not one that is going to bring the market to a halt, but one that respects the fact that you can get out of control, and that is precisely what happened.

I know my friend from Massachusetts read the quote from Mr. Oxley, who was the Republican chairman who tried to do something but was stalled by the Bush administration. But I think it again bears reading. He says, this was last summer, when we actually passed the Fannie Mae and Freddie Mac legislation and all of a sudden there were a lot of Republicans saying the Democrats should have done something about Fannie Mae and Freddie Mac earlier before there were any kinds of financial problems. And he said something, he fumes about the criticism of his House colleagues—this is Republican former Chairman Mike Oxley, "All the handwringing and bedwetting is going on without remembering how the House stepped up on this. What did we get from the White House? We got a one-finger salute."

So when there was an attempt, even under the Republican Congress, to try to reform things, the White House refused to do that. So that kind of gives you this big zero, what actually happened.

The subprime chart that Congressman CAPUANO showed a second ago was another sign of the excesses that were taking place under the Republican Congress and the Bush administration. And then you see what we get from all of that.

My friends on the other side of the aisle were complaining about the deficit and the debt that is being incurred right now, but it is that debt that was created under the Bush administration. The Obama administration has inherited a \$1.3 trillion deficit; that's where they start. That is where this administration starts. And it starts with a banking crisis, a \$1.3 trillion deficit, loss of jobs, and a housing crisis.

What we are doing is to provide some funding so that people can buy homes at an interest rate that is reasonable. We are trying to stop the foreclosures that are occurring. So we are trying to stabilize the housing market and we are trying to stabilize the financial market.

Now, much of what we did to try and stop the crisis or the fall of the financial markets was done last fall, really under a bipartisan effort of the Democratic Congress and the Bush administration, but it was in free fall. So the Obama administration is trying to get

the financial markets on the right path again. It appears that that is going on.

And then we really, this Congress and that administration, also under the leadership of BARNEY FRANK, we came up with a stimulus bill, which is going to spur more jobs, creation of jobs, as well as a new energy economy, revamping education, and dealing with health care costs.

Now I would like to give my friend from Minnesota an opportunity to speak about this, and we will then have a conversation.

Mr. ELLISON. If the gentleman would yield, I want to ask the gentleman a question. Did the stimulus package also include the Neighborhood Stabilization Act, which is money, passed through the Democratic Congress, that would allow the neighborhoods to get money to help buy up some of these foreclosed properties? Did that happen?

Mr. PERLMUTTER. It has. The underlying principle of the American Recovery and Reinvestment Act, the stimulus bill, is jobs, jobs and stabilizing the housing market, financial market. But what it does with the Neighborhood Stabilization Act is it starts to absorb foreclosed properties, takes those foreclosed properties, upgrades them, rehabilitates the properties, and makes them energy-efficient homes. So not only does it stabilize the housing market, it creates jobs by upgrading these homes to energy-efficient standards, and then helps us move to a new energy economy, which is one of the key points in the stimulus bill. So it really has so many facets to it, the stimulus bill does, to get us back on track after falling off a cliff, as you can see what happened under the Bush administration.

I would yield back to my friend from Minnesota for any further comments; or I know my friend from Massachusetts is to be guiding all of us tonight, so wherever you would like to go.

Mr. ELLISON. Well, you know what, I appreciate that, but I am going to toss it back to the gentleman from Massachusetts, who I think is going to toss it to the gentlelady from Wisconsin. I am happy to wait my turn in the line since I was one of the last ones here tonight.

But I do appreciate the gentleman from Colorado's comments; I think they were dead on the mark. And I am very happy to be here tonight sticking up for the Democratic record and the leadership of BARNEY FRANK on Financial Services reform.

Mr. CAPUANO. There are just a few things I want to say before I pass it off to the gentlelady from Wisconsin.

There are a couple of things that people have to understand; yes, Fannie and Freddie have some blame in it, like we all do, but they didn't do anything that everybody else wasn't doing as well. They didn't create credit default

swaps. They didn't create excessive leverage. Yes, they did invest in them heavily. Why did they invest in them heavily? They did it because the rate of return was so high they couldn't walk away, because that higher rate of return allowed them to then put more money up for mortgages. They didn't do anything that everybody else wasn't doing.

So yes, we are talking about them tonight because they are government-sponsored entities, but a lot of this was created by people other than them, the private market.

There is one other thing I do want to say. The other thing I have heard an awful lot of is that somehow the CRA, Community Reinvestment Act, is somehow to blame for all of this.

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The CRA was a law that was passed because banks were happy to take money out of poor and lower income neighborhoods without putting any of it back in. People were allowed to deposit their money, but they weren't allowed to get mortgages. Simple law says, if you take the money out of these communities, you have to put some of that money back in.

Nothing in the CRA says a single loan should be given that is inappropriate. Nothing in the CRA says a single loan should be done in an unsafe or in an unprofitable manner. That's not what it says. As a matter of fact, it says things just quite the opposite. It simply says, if you want to do business in a certain community, you have to then do business in that community. It's quite simple.

One little fact: In 2006, 84 percent of the high-cost loans were originated by non-CRA covered banks. I'll say it again to make the point. Eighty-four percent of the loans given that were high-cost loans—all of these loans that mostly get a lot of people in trouble—were not given by banks covered by the CRA. How could they possibly then or how could that law possibly have caused this trouble if they were only giving out 16 percent of the troubled loans? No one else is to blame, just the ones that they don't like.

Mr. PERLMUTTER. Would the gentleman yield for just one second?

Mr. CAPUANO. Absolutely.

Mr. PERLMUTTER. I just have to go back to the quotes from Mr. Oxley, the Republican chairman at the time, trying to deal with excesses within the mortgage market. This is from the *Financial Times*, dated September 9, 2008.

He says, "We missed a golden opportunity that would have avoided a lot of the problems we're facing now if we hadn't had such a firm ideological position at the White House and the Treasury and the Fed."

With that, I'd yield back to my friend from Massachusetts.

Mr. CAPUANO. I'd like to yield to the gentlewoman from Wisconsin for as long as she might take.

Ms. MOORE of Wisconsin. Well, thank you so much, the gentleman from Massachusetts, the gentleman from Colorado and the gentleman from Minnesota. I'm very happy to participate in this Special Order tonight.

I think that, while we're talking tonight, it's really important to raise some really uncomfortable issues. I have heard many people on the other side of the aisle talking about CRA—the Community Reinvestment Act—and about Freddie and Fannie as causal of our current meltdown of the financial market. Let's get real about this. CRA and Freddie and Fannie are all proxies for a discussion of race, so I want to talk about race and about the whole history of the Community Reinvestment Act.

You know, I was out there, demanding as a community organizer that banks reinvest in communities in which they took deposits. I was one of the people demanding that they do it. Through extensive research, I was inspired, quite frankly, by a professor—now a professor at Georgetown University—who was a professor at the University of Wisconsin, Greg Squires, who found that minorities and particularly African Americans were being discriminated against in terms of getting prime loans.

What Professor Squires found is that, even when you controlled for income and when you controlled for other indices of creditworthiness, African Americans were less likely to get a prime loan and that redlining was the rule of the day and that, if you lived in a minority community, especially in the black community, no matter what your income, no matter what your credit score, no matter what your creditworthiness, being black—being an African American—would either not get you a loan at all or it would get you a subprime loan.

So the Community Reinvestment Act encouraged federally insured banks and thrifts to meet the credit needs of the entire communities that they served, including low- and moderate-income areas, that were consistent with safe and sound banking practices. The law was enacted in response to those of us who were out there who were concerned about disinvestment, and we produced evidence that lenders were systematically denying credit to certain communities, particularly to minority and low-income communities. They were actually practicing redlining.

As you indicated, the gentleman from Massachusetts, you were incorrect to say it was 84 percent of the high-cost loans that were made. It was 84.3 percent of these high-cost loans that were made in the 15 largest metropolitan areas. So what happened?

We went from CRA, which was a very good law, and Freddie and Fannie—these government-sponsored enter-

prises. We found that, in 2004, our former President, George W. Bush, demanded that Freddie and Fannie take on more of these mortgage-backed securities that were being produced by these subprime lenders, the 84.3 percent who were non-CRA lenders, and required them to buy more of these mortgage-backed securities. Now, mind you, Freddie and Fannie didn't write one single subprime loan, but they also became prey to the predators.

Now, why was there such a change of heart with respect to providing loans to minority communities? Because they found that there was a whole lot of money that could be made from these products, that there was a lot of money—a lot of moola—that could be made from these subprime loans. Low-income communities—minority communities—were targeted for these subprime loans.

So they went from not lending them money at all to providing loans to then forcing Freddie and Fannie, without getting regulation or with no one watching, to buy these mortgage-backed securities.

So I just want to get it straight here that, indeed, there were many, many, many loans made to African Americans and to Hispanics—people who were creditworthy, people who deserved prime loans. They didn't deserve these ARMs. Research and data are conclusive that African Americans, in particular, were given subprime loans even though they were worthy of prime loans. So I just don't want to hear it anymore.

When you hear CRA, the gentleman from Colorado; when you hear Fannie, the gentleman from Minnesota; and when you hear Freddie, that's a proxy for "we loaned to all of those black people, and that's why we're having this worldwide crisis." No. The reason we're having this worldwide crisis is because of greed, because of fraud, because of lax regulators, because of fraudulent appraisers, because of the 84.3 non-CRA—non-Community Reinvestment Act—financial institutions in the marketplace, and because of race.

Race was the single factor in determining over the course of the past 30 years, first of all, who would not get a loan, who would be redlined against, and now currently who would, in fact, get a subprime loan.

I would yield to the gentleman from Massachusetts in response to this. I know that race is extremely uncomfortable for people to talk about, but I think it's important to keep it real.

Mr. CAPUANO. It certainly is uncomfortable for a lot of us, and it certainly is real. I totally agree with everything the gentlewoman just said.

By the way, if it were a race item, in reality, wouldn't everyone losing their homes today be black? The answer is that it's not. It's across all lines. Blacks are losing their houses. Whites

are losing their houses. Hispanics are losing their houses. Why? We've all been victimized. I want to be clear. I want to repeat again:

Fannie and Freddie didn't do anything that everybody else wasn't doing. I'm not saying they're not without blame. They are as I am and as, I think, everyone is. We all have some degree of blame. Okay. At the same time, what about those who were in charge at the time? I'll go back to the chart of subprime loans.

During that entire time that subprime loans were charging upward, this House was controlled by Republicans. The Senate was controlled by Republicans almost that entire time. Particularly when they went through the roof, that's when they took over the White House. Why? Why did it happen overnight? Nobody sat down and said, "Let's do subprime loans."

What happened is we got an administration at the White House that said, "We don't need regulation. Let the market do whatever it wants. Let human greed go unregulated." Now, there's nothing wrong with human greed. We're all greedy. It's what drives a lot of us—we all want more—but unfettered greed, unregulated greed, unlimited greed always leads to disaster. It always does. We had an administration that believed the market could regulate itself, period. Now, the market can regulate itself to some degree, but when you say to the SEC, "Do nothing. Look the other way on credit default swaps. Sit on your hands when anybody comes up with new instrumentations and when banks have special investment vehicles that are off the books," this is the result.

Congress has some blame. No question about it. Personally, I should have screamed louder. Now we have the votes. Those people with the votes should have done something.

I want to point to the chart behind the gentleman from Colorado again. During the time period when Republicans had control, they did nothing. Nothing. Since we took over—and I'll go through the litany later because I'd like to yield to the gentleman from Minnesota—we have taken action. With action sometimes—there's no question about it—the horse is out of the barn to some degree. You can only do so much when that has happened, but we have done what we could do when we could do it. We will continue doing it this week and again next week.

With that, I'd like to yield to the gentleman from Minnesota.

Mr. ELLISON. Well, actually, I'd like to address the question that was raised by Congresswoman GWEN MOORE from Wisconsin. I'd like to pose a question to her, and this question is going to take a little buildup, so bear with me.

Ms. MOORE of Wisconsin. Okay.

Mr. ELLISON. Now, if you were responsible for deregulating the markets

and if you were responsible for unleashing the wildest impulses in human nature—greed among them—and if you presided over a catastrophic increase in the budget deficit as you cut taxes for the wealthiest Americans and if you let loose a war in Iraq that should never have been fought, after it all came crashing down, wouldn't you be looking for somebody to blame? Well, you might just blame the people who are the most vulnerable in our economy, and that is what is at the very root of the CRA mess.

You can't possibly expect people to accept responsibility. Look, when you look at these crossed lines here, this is when the party opposite ran the whole shooting match. This is when they had the White House and this House and the other body—the Senate. They ran the whole shooting match, and we got a big, fat, enormous, giant goose egg out of it as it relates to any kind of financial regulation.

As soon as the 110th Congress broke out and when we finally got a chance to do some regulation, what did we see? Through this House, we passed the shareholder vote on executive pay, the so-called "Say-on-Pay." If you were upset, frustrated, angry or were in any way annoyed by the AIG scandal and by the executive pay or by any of this stuff, you can know and feel good about the fact that it was the Democratic Congress and the Financial Services Committee, under the leadership of BARNEY FRANK, that passed Say-on-Pay, which said, "You know what? We're going to let those investors have a say-so over these executive pay packages. We're going to do that." That was passed in the 110th Congress, but it wasn't made law. It was passed through the 110th Congress.

Not only that, we did pass legislation to bring in regulation and oversight to the Office of the Federal Housing Enterprise Oversight. OFHEO was moved out, and the Federal Housing Financial Agency was moved in.

So, yes, the problems that the gentleman from Massachusetts identified with Fannie and Freddie were there. They did buy too many of these mortgage-backed securities. But what happened in the 110th Congress? We responded. We did something. We did not leave it to go unattended.

Not only that, we passed the Credit Cardholders' Bill of Rights in 2008, and we passed it again, and we're going to pass it again on the House floor tomorrow. I'm so excited about that. Let me just say something about it as we slow down to talk about it.

While we were debating the bill on the floor today, we had a good friend of mine speak, a gentleman whom I actually quite enjoy listening to, a gentleman from Texas. He's a fine man, but he's fond of saying, "Okay. You guys are talking about predatory lending, but what about predatory bor-

rowing?" You've heard this phrase, right? Well, let's talk about predatory borrowing for a minute.

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When somebody gets an extra amount of money called a yield spread premium to steer you to a high cost loan and it makes them money to do so, that's how you get people getting into loans they are not supposed to get into. They get into loans because the people they trust, the mortgage originators who they rely on, are incentivized to do so.

What are we doing about it in the 111th Congress? We're addressing this practice right now to try to say no, it's your job to look out for the borrower. You have got to look out for the borrower. You can make more money by doing a lot of loans, you can make more money doing bigger loans, but you can't make more money simply by steering somebody to a high-cost loan. That is going on now.

We passed the Credit Cardholders' Bill of Rights Act in 2008, and we're going to pass it again very soon, and, God willing, it will be law in the very near future.

But not only that, the gentleman from Colorado talked about passage of the Neighborhood Stabilization Act. This is a bill that directed the Secretary of Housing and Urban Development to make loans to qualified States, metropolitan cities and urban areas in accordance with HUD approval grants to carry out eligible housing stimulus activities, which included greenification—is that a word? Greening. Renewable energy. And also buying up houses so that you wouldn't have these vacant, boarded-up places that were an attractive nuisance for everything from arson to young people getting dragged into these places and copper strippers and all the rest.

I submit today that the Democratic Congress, since we became the majority, has been actively engaged in financial regulation. We have been actively engaged in trying to look out for the American consumer. We have been trying to bring stability and liquidity to the financial markets. And I will submit that in the 110th Congress and the 111th Congress, the majority has demonstrated—and some Republicans have been smart enough to vote with us—and say yes, America is a free market society. We believe in the generative power of markets. We believe markets should be allowed to run, but we know human nature needs some restraint sometimes, and we need to have some rules to this game, and thank goodness this is happening right now.

So look forward to the American Recovery and Reinvestment Act which put real financial change in, the Credit Cardholders' Bill of Rights Act of 2009, and the Mortgage Reform and Anti-Predatory Lending Act which was

passed in 2007 but hopefully will become law in the weeks to come and which should be on the House floor in the very near future. That's what I call being a good steward, that's what I call being a financial leader, and that's what I call the leadership of Barney Frank from Massachusetts. I am proud to be on the committee.

Mr. CAPUANO. I would like to thank the gentleman.

I would like to just read one little fact. May 25, 2005, there was a vote in the Financial Services Committee of the House that was then under the control of Republicans. The chairman was Mike Oxley, who's been mentioned here a couple of times. I knew him. I served with him. He was a good man. He was a true conservative. But he was a good man. He fought for his ideals as we all fight for ours. And he, at that time, had control. He won a fair number of times, but he would talk to you openly, honestly, and didn't pull any punches.

Chairman Oxley at the head, Representative FRANK as the ranking member of the minority party, May 25, 2005, H.R. 1461, a vote of 65-5. Every single Democrat and, obviously, most of the Republicans on that committee voted for a reform bill of Fannie and Freddie. That bill came out, went to the Rules Committee, and was changed. Dramatically changed. Why was it changed? Pure ideology.

The Republicans—as the Democrats do now—if the Democrats stick together, we can pretty much pass any bill we want out of Financial Services or any other committee. That's the way the House works. At the time, the Republicans were in the majority. They could have passed any bill they wanted without a single Democratic vote if they chose to do so. Chairman Oxley preferred to take an important issue and work hard to get bipartisan support. And he did.

My colleagues here all serve on the Financial Service Committee. You can't name me too many times we have a rollcall vote that we get a 65-5 vote on any issue of major importance today or almost ever. I have been on the committee 11 years now. It almost never happens. That is hard work. That is work that deserves credit. That is work that says it's a serious issue that should rise above ideology of either side. The bill wasn't perfect, in my opinion, but it was pretty good. And it was the best we could get at the time. We were in the minority. Understand that. Something is better than nothing.

So 65-5, the bill comes out and gets tossed aside by people that didn't know much about the issue, yet ran this House, because of ideological purposes. That tells you—I think it should tell you—there was an attempt to take action even in 2005. When that happens, you send the bill out, the committee has done its work, you think every-

thing is going well, you think people are in agreement; and when the leadership of this House says, "Forget about it. We're doing what we want to do on an ideological basis. We don't care about this bipartisanship," that tells you, don't even try this again. Don't waste your time. And there was nothing else that happened until Democrats took the House back, and we acted quickly. Representative ELLISON just listed a whole bunch of those items, and as he said, we're doing more today.

Mr. PERLMUTTER. Would the gentleman yield?

Mr. CAPUANO. Yes, I would.

Mr. PERLMUTTER. And I think that's the important point here. We want to explain to anybody who might be listening within this House. This is in an effort to be bipartisan. There was in 2005. There was when we took the control of the Congress in 2007 and 2008 and now 2009. BARNEY FRANK seeks that in every single vote and every single bill as we go through this, and then so does the President of the United States, Barack Obama. But we're not going to sit on our hands and allow the country to just stall out.

I mean, some of my friends on the other side, their mantra is "Just say no. We like the status quo." We can't afford the status quo any longer. So we're going to stabilize the housing market and the financial markets, we're going to stimulate this economy, and we're going to place back into the system reasonable regulations so that America can really get back on track. And we see signs of that today.

It's going to be a rocky time and a steep hill for us to climb, but we are turning the corner. I am just proud to be part of this Financial Services Committee with my friends here under the chairmanship of BARNEY FRANK and under a presidency of Barack Obama.

With that, I return the message to my friend from Massachusetts.

Mr. CAPUANO. I recognize the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Thank you.

I really agree with your sentiments, the gentleman from Colorado, that it's time to move forward. I only arrived here in the 109th Congress, and I was here for one session in the minority. But what I experienced then was BARNEY FRANK consistently working to try to reduce the systemic risk even before Paulson and Bush came and said, we're having a problem.

I remember the Federal Housing Financial Reform Act, to try to provide a good regulator for Freddie and Fannie, something that hadn't happened under Republican control. And, of course, no action was taken in the Senate. So thank God we've got maybe 60 votes now so that that won't be stalled out.

I saw BARNEY trying to provide what we did today, the Mortgage Reform and Anti-Predatory Lending Act of 2007. He

tried to do it before today. Of course, that stalled in the Senate. So thank God we have 60 votes now. Maybe some of his initiatives can go forward.

I remember taking a codel with BARNEY FRANK to London and Brussels where we talked about systemic risk, worldwide, long before anyone was owning up to the financial meltdown.

So BARNEY FRANK has really been on point, and hopefully with a Democratic majority and someone in the White House, his continued efforts to rein in systemic risk will not be stalled out as they have in the past.

Mr. ELLISON. BARNEY FRANK with a tremendous intellect, with a tremendous sense of humor, with a bipartisan spirit and an even hand has shepherded great legislation to help stabilize America and begin our ascent once again.

I want to say that even on the Credit Cardholders' Bill of Rights, a bill that I am emotionally involved in, I feel so good about, we got nine Republican votes and a bunch of Democratic votes.

Look. Even a lot of Republicans know that we have been doing the wrong thing by neglecting regulation. It's time for us to put all this squabbling aside and say no matter what the party is, no matter what party you may belong to, Democrats are just better at running the economy. I like Republicans. Some of my best friends are Republicans. My dad is a Republican. I think they're great.

But if you want good regulation that helps the economy grow, you can look at the 110th and 111th Congress for an example of who knows how to do that. It's happened successfully. It will continue to happen. And I bet you when that Credit Cardholders' Bill of Rights hits the floor of this House and I bet you when the anti-predatory lending bill hits the floor of this House, we're going to get a bunch of Republican votes because even they know that the Democratic Party is a good financial manager.

TIME TO LET GO OF THE PAST

The SPEAKER pro tempore (Mr. GRAYSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

In listening to the dialogue that has taken place here in the previous hour, I think it's time for a little bit of information to unfold, and, that is, it's time to move on. It's time to let go. It's time to take responsibility. It is not any longer time to come to this floor and spend your time beating up on George W. Bush. He's not the President today. Or beating up on Dick Cheney. He's no longer the President of the United States Senate today. And neither is Denny Hastert the Speaker of

the House. And neither is MITCH MCCONNELL the majority leader of the United States Senate. All of those things have changed, and they have changed recently, Mr. Speaker.

So to listen to this dialogue that's here tonight—and, by the way, fairly devoid of humility—with the exception of seeking to impose that on others—but 60 minutes of defense of, whose name came up more often than George Bush's and Dick Cheney's? BARNEY FRANK. Members of the committee here on the floor spending 60 minutes describing how it is that BARNEY FRANK's leadership was the correct path to follow throughout all of this time and explaining that we can't afford the status quo, that Republicans wanted the status quo.

I would just take you back, Mr. Speaker, to think about this. They talked about 2005. I remember the debate here in 2005, and I remember the exact date. It was October 26. And it was an effort to regulate Fannie Mae and Freddie Mac, a piece of the subject matter from all of these highly informed people from the Financial Services Committee. They seem to forget that Republicans weren't satisfied with the status quo; it was BARNEY FRANK that was satisfied with the status quo. The one who said over and over again into the record, on committee, here on the floor in debate, specifically on that date that I mentioned, that Fannie Mae and Freddie Mac were just fine, they don't need any more regulation. He would resist, and he aggressively resisted the effort to try to regulate Fannie Mae and Freddie Mac.

Mr. CAPUANO. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the gentleman. I had engaged in this and I was hoping you would come back.

Mr. CAPUANO. Well, I am leaving in a few minutes, but I will come back.

I don't have the records in front of me, and that's fine.

Mr. KING of Iowa. And I don't either.

Mr. CAPUANO. And that's fine. But would the gentleman agree that the Democrats didn't run the House?

Mr. KING of Iowa. Reclaiming my time, I would easily agree to that and that's the point I am seeking to make—that now today you do. That time has passed. Now you have President Obama and you have Speaker PELOSI and you have Majority Leader HARRY REID. And so that whole scenario that you were using to describe this in past Congresses, today it's a new world. It's time to move on.

Mr. CAPUANO. I totally agree.

Mr. KING of Iowa. That's my point.

I thank the gentleman for coming back and engaging. I always enjoy it.

Mr. CAPUANO. It's nice to agree for a change.

Mr. KING of Iowa. Continuing on, Mr. Speaker, that debate here on this floor,

October 26, 2005, was about seeking to regulate Fannie Mae and Freddie Mac.

There was an amendment that I recall that was brought by the gentleman, Mr. Leach, who believed strongly that Fannie Mae and Freddie Mac were underregulated, undercapitalized and I agreed with him, and a good number of the rest of us agreed with him.

But the defense was of Fannie and Freddie coming from the current chairman of the Financial Services Committee who has not only been all over the airwaves playing self-defense in this economic calamity that we're in the middle of but who, on the eve of our departure to go home for Easter vacation, came to this floor for a 60-minute Special Order to explain how it was that he was right and the rest of us were wrong.

And now I hear a committee that comes down and deploy themselves across the floor, and it's essentially the same thing. And they dig back into the Community Reinvestment Act and they argue that in that reinvestment act, there wasn't a requirement that there be bad loans made into bad neighborhoods.

□ 2100

That's true, Mr. Speaker. There wasn't a specific requirement that required lending institutions to make bad loans in bad neighborhoods. It was simply this: You will not expand your operations if you don't make bad loans in bad neighborhoods. And we know that there were people that came and sought to intimidate the lenders and pushed their desks around. And sometimes it was Members of Congress. I may have actually heard a confession here on the floor tonight, Mr. Speaker, to intimidate lenders into making these bad loans. And lenders put people on their payroll in order to fill out portfolios and be able to hand to the regulators their case that they had been complying not just with the letter of the Community Reinvestment Act but what they perceived to be the intent of Congress, the changing intent of Congress, in the Community Reinvestment Act. That act was part of the foundation for the financial problem we have today. Not the only reason. It wasn't the only reason at all. But it laid a rotten foundation for the other things that were built on top of it.

And when the gentlewoman from Wisconsin makes a statement that many, many loans were made to African Americans and Hispanics, I long for the day that there is no box to check in a loan application. I think we all should be treated equally. I think that we should be color blind. I think someone who qualifies for a loan should have that loan granted to them without regard to race, creed, religion, ethnicity, national origin, or any other characteristic. I don't want to see peo-

ple that are God's children categorized by skin color or national origin or sexual orientation, for that matter, or any other component that we are obsessing with here in this Congress.

This is about dividing people. This is what's going on. It's pitting Americans against Americans. You can hear it in the tone in the previous hour, where there's some more virtue in one ethnicity than there is in another. I don't believe that, Mr. Speaker. In fact, I heard the statement made that they were bragging about "we loan to black people," closed quote, from the previous hour. I wouldn't know I was doing that. I would think I'm lending to God's children without regard to race, ethnicity, color, national origin, or any other characteristic, mutable or immutable.

And it was said in the previous hour that race was the single factor in the past 30 years in determining who would not get a loan. Maybe it was in some cases, and I think that when that was the case, the motivation was right for the Community Reinvestment Act. It's just the policy that was wrong. There were lenders that were drawing a red line around different neighborhoods in the cities, especially in the inner cities, and they had concluded that the asset value of that real estate was going down, not up. And they had decided it wasn't a prudent business investment to make loans into those neighborhoods that were red lined.

Now, if they drew a line around a neighborhood because it was African American and probably wasn't Hispanic back in those days, if they did that for race reasons, that was wrong, Mr. Speaker. If they did it for economic reasons, it was perhaps a prudent economic calculation, a prudent business model, but not because of race.

So the Community Reinvestment Act was formed. Fannie Mae and Freddie Mac began picking up loans in the secondary market that were being issued in order to build a lender's portfolio so they could expand into these neighborhoods and beyond. And the book-keeping that was done to make this case to the regulators was set up more and more from, I'll say, a perverse incentive to make enough loans that they could characterize them as, well, race was the single factor in the past 30 years in determining who would not get a loan. It may well have been the single factor over that same period of time in determining who would get a loan under the Community Reinvestment Act.

I would just make a point, Mr. Speaker, and I, again, believe that we should not categorize people by race or ethnicity or national origin or any of these other characteristics that I've mentioned, but this data that I see shows that 96 percent of African Americans voted for our first black President. That's the largest percentage of

any ethnic group ever known to vote for a single presidential candidate in the history of the United States of America, the most pluralistic nation in the world, and we probably always will be. And I would just submit, Mr. Speaker, that this President would not be President today if any of the other races were so racially motivated in the ballots that they cast when they went to the polls.

So I think if there's going to be a color painted on anyone, a bias that's painted in there, an implication that comes out of this dialogue, I think the folks that were making those statements ought to look home to themselves first rather than outward to try to place some blame. And I'm happy to acknowledge every legitimate vote, and I think they should be counted. But I think we need to recognize that these things do swing both ways and it swung dramatically the other way.

I would just reiterate, Mr. Speaker, it's time to let go. It's time to move on. It's time to govern with the people that were elected in the majority today and not point fingers backwards and place blame where there is no blame due in particular. And I think when you hear a hue and cry come up, and when you see a relentless effort to advocate in favor of an individual in this Congress, and when I see him do it himself here on the floor as chairman of the Financial Services Committee, when I see these Members here tonight spend an hour essentially doing the same thing, that tells me there must be something there that caused them to want to be defensive. And I'm going to submit that the opposition to the regulation of Fannie Mae and Freddie Mac looms as another significant component in what went wrong in our finances.

So to run through this thing from the Community Reinvestment Act to Fannie Mae and Freddie Mac and to recognize that the secondary loan market was underregulated, undercapitalized, Fannie Mae and Freddie Mac, who were purchasing these loans and selling them back, and they were the secondary market and they were bundling them up and moving those on through the financial sector, they had an unnatural advantage. Less capital, less regulation. And behind them they had, technically speaking, and the gentleman from Massachusetts would raise an objection and disagree with me on this, but I'll submit this: Fannie Mae and Freddie Mac had the full faith and credit of the United States Government behind them. That made their capital more effective than the capital of a private lending institution that had to compete with them. And I will concede the point they would like to make if they were here, that technically they didn't have the full faith and credit. But they had the implication of the full faith and credit of the

United States Government that was there, which allowed them to take more risks and take those risks with less capital than if they had been another lending institution.

And what happened, Mr. Speaker? Clearly we know what happened. Fannie Mae and Freddie Mac got in trouble, in big trouble. And they were looking at \$5.5 trillion in contingent liabilities if their investments fell apart. They had to be capitalized. They had to be managed. So what happened? Roughly \$200 billion from the U.S. taxpayer went into capitalizing Fannie and Freddie, and they became nationalized, wholly owned subsidiaries of the Federal Government, no longer quasi government entities but wholly owned subsidiaries, nationalized. The guarantee of the full faith and credit of the United States Government did come to pass, and the taxpayers did fork over \$200 billion. And today these are nationalized government entities that were quasi private that had been wholly private.

And I introduced legislation to capitalize and regulate Fannie Mae and Freddie Mac and privatize them last September or perhaps October. It needs to be done yet, Mr. Speaker, although we have enough things going on in our finances today that I choose not to advocate aggressively on that path because we'll get bogged down and not be able to do the things we need to do.

So that's just the Community Reinvestment Act and Fannie Mae and Freddie Mac.

And if we move on and we look at some of the other things that went wrong, we had the bursting of the dot-com bubble that just started to happen in the last year or two of the Clinton administration. It was initiated by the lawsuit against Microsoft, and that was what pierced the dot-com bubble. I think it would have burst anyway. The bubble was created because we had technologically figured out how to store and transfer information more effectively than ever before, cheaper than ever before. And yet the speculators were investing in these dot-com companies, anticipating there would be a lot of money made in the industry. And there was. But the calculation that was the burst of the dot-com bubble was when the bubble had to collapse and let the air out of it that was there because there also had to be an increase in production and efficiency that came with all of that information. If it didn't create that, it didn't have an economic value. So we speculated on what that value might be. The bubble burst when it was pierced by the Microsoft lawsuit. And as the economy began to decline, George Bush was elected President. And we had this bubble going on.

Alan Greenspan saw this happening and concluded that he needed to create an economy that would fill the dot-com

bubble. So he began to ratchet interest rates down and to do so especially on our long-term loans, and we ended up with subprime loans, to create an economy that would fill the hole that was created by the bursting of the dot-com bubble. Alan Greenspan was busily ratcheting those interest rates down to unnatural levels, creating a housing bubble to fill the dot-com bubble hole, while September 11th rolled around and the United States was attacked by our enemies. The financial centers of the United States attacked by our enemies.

We saw this all happen. And while it was going on, we needed to make some adjustments to bring this economy around because we were wobbling when the attack came on September 11 of 2001. This Congress passed the first round of Bush tax cuts. It filled a minor hole. It was May 28, 2003, when the real Bush tax cuts took place, and they were the ones that had long-lasting value that brought this economy throughout the entire Bush term, even though we were in the middle of fighting a war, even though our financial center had been hammered. And while all this was going on, the housing bubble was being created yet, even though as the interest rates went higher, the subprime loans and the variable interest rates were being adjusted and putting people in trouble with homes that would have been in trouble probably anyway, many of them. Not all of them by any means.

So this was almost a perfect storm. And I haven't even gotten to the market-to-market accounting side of this thing and credit default swaps and AIG Insurance that had nobody looking over their shoulder that were setting their own premium rates and had such a market share that there wasn't a way that anyone could look in on them and second guess the rates they were providing to guarantee the return on the bundles of mortgage-backed securities.

So this perfect storm unfolded until the day Henry Paulson came to this Congress and called for \$700 billion. And he said, I've been watching this problem for 13 months.

And we said, Why didn't you do something?

He said, Well, if I had said anything, it would have accelerated a downward spiral in our economy.

Well, so what was he doing here in Congress asking for \$700 billion and doing press conferences and interviews every step along the way around this Capitol but scaring the living daylights out of everyone and demanding \$700 billion? So could he have just done that 13 months earlier, maybe we could have had a way to digest all of this and the crisis wouldn't have been as bad. But it got bad.

I will say, though, that where we are today, the United States economy hasn't taken the hit as hard as the rest of the industrialized world has and that

President Obama picked up the plan that was proposed by Henry Paulson and endorsed by President Bush. He picked this up. And, by the way, he came back to vote for the \$700 billion TARP, and yet as elected President, he was fond of saying, I inherited a trillion dollar deficit; so don't blame me for all the things that have gone wrong in the past.

Well, part of that trillion-dollar deficit he voted for. Maybe not all of that because he didn't spend a lot of time in the United States Senate, but he voted for a lot of the deficit that President Obama claims to have and for a significant portion of it did inherit.

But it's his economy. He voted for it. He supported it. President Bush initiated it. Who knows how far he would have gone. Would President Bush have allowed General Motors and Chrysler to move into Chapter 11, or would President Bush have simply decided enough was enough? We actually will never know what President Bush would have done. But we do know what President Obama has done and what he has said. And what he has said is the New Deal actually did work, that FDR got part of it right, but he ran out of nerve and he got worried about spending too much money; so he backed off in the second half of the decade of the 1930s, and that brought about a recession within a depression.

□ 2115

This is the President talking, not me. I don't believe that this is what happened. I've studied it and I draw a different message from it.

But the message that our President drew was that FDR should have spent a lot more money. If he had done that we would have recovered from the Great Depression before World War II had to come along to be the largest stimulus plan ever and get us out of this depression. Not that anybody is concluding that we would not have had World War II if we had had a stronger economy. I don't think that's actually a valid exercise in the study of history.

But I will make this other point. Whenever you borrow billions of dollars from the future of our children, and you inject it into the economy and make-work projects that do not have economic value, you put this Nation in a debt that is harder and harder for it to climb back from. That's what this policy has done, that's what this stimulus plan does, and that's what many of the proposals that have unfolded here from this Federal Government have done.

If Franklin Delano Roosevelt had gotten it right, we would have seen a positive recovery from the Great Depression take place in the thirties. But instead we saw unemployment rates going into World War II that were very similar to the unemployment rates in the middle of the decade. I will say

that FDR inherited some very high unemployment rates.

The numbers that I recall are about 25 percent. That would be the peak. But at 15 percent, it's really serious. And we are seeing unemployment rates now that show at least 11.5 million people in America that are out there actively looking for jobs.

Now this 25 percent unemployment rate that we had in the early thirties carried through at 15 percent, in that range or a little more, on throughout that entire decade, and then World War II came along and put people to work. When I hear people tell me that 4.6 percent is a historically low unemployment rate—and we had that rate 3 or 4 years ago—I would disagree, Mr. Speaker. When I look through the rates, my recollection is, and I am very confident I am right on this, at the close of World War II, 1945, the United States of America had a 1.2 percent unemployment rate.

That's about as close to a full employment economy as you can actually devise out of a society, because there's always going to be some people in between jobs. That was the scenario of a full employment society.

And had we done the free-market thing back in the thirties, had we just simply pulled government back out of the way, lowered some taxes and given the entrepreneurs an opportunity, instead of competing directly with them for capital, for employees, and, actually, for jobs, had we let the private sector flourish in the thirties, I believe we would have seen a lower unemployment rate and real economic growth going on into towards World War II. The war would have happened, anyway, but we would have been on the footing of not carrying the debt we did into the Second World War which put a tremendous amount of debt on our economy.

We need to remember, Mr. Speaker, that from the time that FDR was inaugurated as President of the United States and initiated the New Deal program—let me back up a little more. I will back up to October 1929 when the stock market crashed.

The stock market on the day that it crashed, that point as a benchmark, we went through to 1930, the beginning of the decade of the thirties, all the way through the thirties, not reaching the point where the stock market had been when it crashed in October of '29, all the New Deal, we exhausted every dollar invested in New Deal, spent it all, make-work projects of all kinds, borrowed money hand over fist, hired people to work directly for the Federal Government to do make-work projects, to dig holes and fill them back up, all the way through the thirties, and still the stock market hadn't recovered in a substantial way.

We went into World War II and industrialized all of America and we were the surviving industrial nation at the

close of World War II, and still the stock market hadn't caught back up with where it was in October of '29.

So we had the post-World War II era when our troops came back home and the economy got a shot in the arm because we had good, well-trained employees that were starting families, and there were real investments going on. And throughout that period of time, from 1945 until the early fifties, still the stock market didn't catch up with where it was in October of '29.

And then the Korean War began, and we went over there and fought that war and lost those soldiers over there and negotiated to a draw in Korea. And still the stock market didn't catch up with where it was in October of '29. Not until 1954, Mr. Speaker, not until Franklin Delano Roosevelt had been dead for 9 years did the stock market recover from where it was on the day that it crashed in October of 1929.

That's not data that tells me the New Deal worked. But our President has adopted the idea that the New Deal actually did work, to use his terms, except FDR lost his nerve.

And I can say this, Mr. Speaker, this President will not lose his nerve when it comes to spending money. If there is one thing that he has courage to do, that's to spend our money. And he has spent trillions of our money, and I predicted when he made the pitch for the stimulus plan that his economic recovery model was about an \$8 trillion project. And I got ridiculed for being such a radical reactionary.

But he has surpassed \$8 trillion some time back. His very budget that he presents to this Congress creates a \$9.3 trillion deficit.

Mr. Speaker, I can't help but seek to inform you and the balance of the body of what a trillion dollars is. You know I come from Iowa, and we happen to be, and we are pretty proud of it—and I don't raise any of it so I don't get the credit—we are the number one corn producing State in the Union. We raise a lot of it, and we are pretty good at it. We have the right weather and the right soil and the right people to do it. We have been increasing yields 3 to 4 percent a year for some time, and we will do that for sometime into the future.

But we will raise about 2¼ billion bushels of corn in this 2009 crop that's being planted, well, as we speak, if it's not raining at home. Two and a quarter billion bushels. Let's just say for the sake of simplicity and math, it's worth \$4.40 a bushel. It's not today. It's worth less than that, less than \$4 today. We have had some markets that went well above that. This works out so that I can memorize these numbers. I can't do the math this fast in my head.

That makes Iowa's corn crop this year worth about \$10 billion. So we have a good yield, the markets are down a little, or if we have not such a

good yield, the markets are up a little, we will raise enough corn to cash sale that for \$10 billion.

Now, how much is a trillion? Well, let's see. If we could take all the corn we could raise in Iowa this year and next year and next year and the year after, and we handed every kernel of corn over that we could raise in Iowa for the next 100 years, we would have generated a trillion dollars. A hundred years of Iowa's corn crop just to pick up the trillion dollars that is not even enough to pay for the first proposal on the stimulus plan, let alone the Obama budget deficit, which comes to \$9.3 trillion. A century of all of our corn accumulated comes to a trillion dollars.

But this is not a trillion dollar deficit. It's a \$9.3 trillion deficit created. And if you would just bear with me, and we will presume that we are going to round this up to 10 trillion for simplicity, and because government always spends more money than they promise you they will—we know that to be a fact. It's a historical truth.

So a \$10 trillion deficit created by Obama's budget, now, how much corn is that? It's all the corn that Iowa can raise, and not one century or two centuries or three centuries, Mr. Speaker, the deficit created by the Obama budget is the equivalent to all of the corn, the value of all the corn that Iowa can raise in a thousand years, an entire millennium of our corn crop, a thousand years, way longer than anybody has been farming this ground. It will take a thousand years of all of our corn just to pay the deficit created by this budget.

And now, if you wanted to add to that the value of the existing deficit, which is around \$11.3 trillion, now it's easy. It's easy to get to \$20 trillion.

In fact, the numbers will come to between \$20.8 trillion and \$23 trillion. But let's just use 20. This is a conservative number.

How much is \$20 trillion? That's if we take the present value of the production of corn in Iowa from the time of the birth of Christ and multiply that every year for more than 2,000 years, you would finally, at the end of two millennia, accumulate enough money in present value to pay off the Obama budget and the national debt. \$20 trillion. That's how big this is, Mr. Speaker. This is a huge deficit put upon our children and our grandchildren.

And I happen to think that the economic problems that this country has aren't the worst problems that we have. They sound insurmountable. Perhaps on another night I will approach this with a solution, and I have in the past.

But I think what happened here on the floor of the House of Representatives today tells us something about the other problems that are great, that are huge, that undermine the core of our civilization, the character of our

nation. That is, Mr. Speaker, the hate crimes legislation that passed the floor of the House of Representatives today.

This is legislation that sets up a special protected status for sexual orientation, gender identity, gender, I think they have also disability in there, which I am not particularly concerned about. We did a 2-day markup in the Judiciary Committee on this legislation, Mr. Speaker.

What it does is it defines special classes of people that will have special protection from, let's say assault, and special classes of people whom if someone does assault them, the perpetrator, if convicted, will get an enhanced penalty, an enhanced crime. It sets up sacred cows in our society. This civilization that we are so blessed to be part of has always punished the overt act, not the thought, not the hate that's underneath many of the crimes that we have, but we have punished the act, not the thought.

Because throughout history, we have understood that. We can't know what goes on in someone's head, but we can prove definitively, many times, the extent of the crime that was committed and who committed it. It's the crime that's wrong, not the thought associated with it that's wrong. This is a free country that we have, after all.

And so this legislation reflects for me George Orwell's book, 1984, written in 1949, studied by many of us as we went through the educational system, and I would present for your consideration, Mr. Speaker, some phrases from George Orwell's book, 1984. He was writing about the force of the new totalitarians. That's my term, not his. Well, actually it is his.

He didn't call them the new totalitarians, but he called them the totalitarians. And they were the successors of the German Nazis and the Russian Communists. And he argued that the totalitarians wanted total control, not just total control of the economy and the military and the society. They wanted to control everyone's minds, Mr. Speaker.

So here is what goes on. This hate crimes legislation seeks to punish, to punish not the overt act but the thought that is associated with the overt act. There wouldn't be any reason to have hate crimes legislation if we were just going to punish people for committing the crimes, because we have laws against them.

But this legislation puts up a special penalty for the perception that is in the head of the perpetrator, which is identified by the perception that's in the head of the victim.

And for the first time, there would be legislation, passed this House today, that evaluates the skull contents of the perpetrator and of the victim, and what goes on in that gray matter and what motivated them, rather than the crime itself. Now, George Orwell wrote,

and I quote, "The party is not interested in the overt act. The thought is all we care about. We do not merely destroy our enemies, we change them. We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world, however secret and powerless it may be. Even in the instant of death we cannot permit any deviation." That's out of George Orwell's 1984, Mr. Speaker.

The party then, the new totalitarians, were not interested in the overt act. But they were interested in the thought. Because they knew that if you control the thought, you control the act.

Now, that was written to stretch our minds and, I think, predict for us what could happen when government got to be the be-all, end-all, super intrusive conscience for everyone. And I think we have heard that here tonight.

As I look at this legislation, Mr. Speaker, I find all kinds of gaps in it.

□ 2130

When I take it apart piece by piece and go through it word-for-word, line-by-line and subsection by subsection, I find that this legislation doesn't hold together, that it has references in it that references other sections of code that are inconsistent with the language in the bill itself.

So as I look through these definitions that are here, I recall the gentle lady from Wisconsin in committee saying that sexual orientation only meant homosexuality or heterosexuality. Apparently it didn't mean bisexuality, and obviously according to that definition doesn't include all of the proclivities listed in the American Psychology Diagnostic List.

So if that is the case, I am still concerned. But I offered an amendment to eliminate pedophiles as a special protected class of people. And, Mr. Speaker, if we are going to put a shield of statutory protection around someone for their proclivity, couldn't we at least exempt it for the pedophiles? But on a party line vote, the Democrats in the Judiciary Committee voted no on the exemption of pedophiles from special protected status. And that is just one of those groups, Mr. Speaker. It is just one of the groups.

Here is a list. This is a list that is a list of the paraphilias. Paraphilias, things that I call proclivities, they are the powerful and persistent sexual interest other than typical interest and behavior. That is paraphilia. There are, according to one of the well-respected definitions, how about from the Diagnostic and Statistical Manual of Mental Disorders, here is a list of some of the paraphilias. There are 547 of them altogether, Mr. Speaker.

Among them there is a high list of 30 that we will recognize some of. Let me see which ones could I actually mention into this RECORD without embarrassing myself.

One is Asphyxophilia, and that is a sexual gratification derived from oxygen deprivation. I didn't know that was out there. But that is a special paraphilia, a proclivity, that would be protected under the hate crimes legislation. So one dare not assault one of those folks or discriminate against them in any way, because you could be subjected to a Federal hate crimes legislation.

I will argue that everybody ought to have protection without regard to any of these things. But these are special protected classes of people created by this law. And even that side, even though they won't discuss it and they won't answer the questions, doesn't agree with each other. I get a different message from the gentlelady from Wisconsin, Ms. BALDWIN, and a different message from her from the gentleman from the Rules Committee, Mr. HASTINGS.

Mr. HASTINGS read from a list of paraphilias, and I don't remember just which ones he read into the RECORD, there are so many. But, let's see, as he read through these philias, he said he thinks they are all protected under the legislation under the definition of sexual orientation. So Autogynephilia, Coprophilia, what other philias do we have here, there are a number of others, Kleptophilia, sexual excitement from stealing. I didn't know that existed. Klismaphilia, I won't give you the definition of all of them. Necrophilia, that is fixation with a corpse. Pedophilia, I mentioned that to you. I think all these philias should be in the bill and are covered by sexual orientation. But his own party member and main proponent of the bill says no, it is only heterosexual and homosexual, but not apparently bisexual.

This is a major discrepancy in this approach, but what it does is it allows the courts to decide what is and isn't covered under "sexual orientation," a very, very broad definition of the term.

Then, Mr. Speaker, as I reach to pull this bill out, here is a definition of gender identity. Gender identity, when I make the point that there is no definition of gender identity, I get this response. Yes, there is. It is defined in the bill. Just look in the bill.

So, I looked in the bill, and I read here that I guess you could argue it is defined, although I wouldn't want to make this argument. Gender identity, from the bill: "For the purposes of this chapter the term gender identity means actual or perceived gender-related characteristics."

Okay, so if you are coming in off the farm, what in the world does that mean? I say I don't know what gender identity is, can you help me out here,

because we are going to be setting the destiny of America. So define it for me. I would like to know.

Well, gender identity means actual or perceived gender-related characteristics.

All right. Let me see, how would you define clothing? Well, clothing could be actual or perceived clothing-related characteristics. Well, would that be like a heavy Russian winter coat, or would it be a itty-bitsy bikini, or a pair of blue jeans? What would you describe it as? It is not very specific. Could you identify that all as clothing without a definition of clothing as having clothing-related characteristics? Can't we do better in law?

I argued that fence posts come in a lot of different versions too. We have creosote-treated pine fence posts. That would be wood. We have hedge posts. We have cedar posts, split cedar posts. We have steel post, T-posts, electric fence posts. What if I defined it as fence posts mean actual or perceived fence post-related characteristics? Now what have we?

I am just telling you this, Mr. Speaker, because these are inanimate objects that I am describing here, and even still the silliness of this I think emerges in my argument. But when you start talking about not inanimate objects, but animate objects that are being described by what goes on in their mind and using terms such as "gender" instead of the word "sex" and "gender identity" and "sexual orientation" and recognizing that there are three different categories for some of these definitions, Mr. Speaker.

One of them is gender, okay, for example, as opposed to sex. Sex is a physical characteristic. Gender can be a physical characteristic, or it can be what you think you are, a mental characteristic. All right. So there is two different categories of gender, two different definitions of gender.

You have sexual orientation. Gender identity. Let me go to gender identity. Gender identity can be whatever you think you are, I don't know about the physical component of this, and sexual orientation can be what you think you are, what you act upon, or let's just say the composite of those two. And the thought, the act and the physiology are the three categories we are trying to define here and blending and blurring them all together.

So it is no wonder that when I try to explain this law, it sounds like gibberish, Mr. Speaker, because it is gibberish. It is a piece of gibberish legislation that seeks to set up sacred cows, those people that would walk the face of the United States of America, could lay down in the center of traffic like a cow in India, they could walk through the bakery shop and do whatever they wanted to do, and everybody would have to walk around them for fear that the Federal regulators would come in

and bring hate crimes charges against them.

Or I described this scenario last night, Mr. Speaker. Let's just say we had a baseball game going on in Chicago and it was an inter-league game between the Cubs and the White Sox. And let's just submit that there were 15 Cub fans in the sports bar and they were of mixed ethnicity, mixed race, mixed sex/gender, sexual orientation and gender identity. These are the Cubs fans over here. While the game is going on hot and heavy, here are the White Sox fans over here mixed up the same way, every imaginable race, ethnicity, sexual orientation, gender and gender identity, and even whatever sex they might be.

Now, as the game goes on and the barbs fly back and forth and the insults go from the Cubs fans to the White Sox fans and back and forth, let me presume here there will be some racial slurs that will come out, there will be some gender-oriented slurs, there will be some slurs that have to do with these paraphilias that I talked about. Then a fight would break out, White Sox fans versus the Cubs fans. And they would line up along those lines, because they would know who was a Cubs fan and who was a White Sox fan. They might forget who fired which insult at which particular special protected sacred cow class that has been created by this Federal legislation if the Senate should pass this to the President.

Now we have the Feds coming in to sort out a bar fight in Chicago and bringing Federal charges against people whose primary motivation might not have been anything to do with any of the insults that they hurled back and forth. It might just have been a more effective way to insult a White Sox fan or a Cubs fan.

When you get into the path of punishing people for what goes on in their head, this law cannot figure it out. They can't even figure out how to define the terms that are in it, let alone psychoanalyze anybody that falls under the purview of this hate crimes legislation.

While we are on that subject, Mr. Speaker, let me just surmise this, that most of us would agree that preventive medicine is a good idea. So if we go to the doctor regularly and get our check-up and get our physical, he will run the blood samples on us and let us know what kind of shape we are in. And if he will do that and we submit ourselves to an exercise regimen and watch our diet, take the medication that we need to, that preventive medicine will save a lot of money and a lot of lives over time, and our lives will be more productive. It is a good and healthy thing to do to have preventive medicine.

Mr. Speaker, if we can divine what is in the head of the perpetrator of these

crimes, if we can go in and psychoanalyze the perpetrator without bothering to psychoanalyze the victim and taking their word for whatever their paraphilia might be, but if we could do that, why don't we just pick up the Orwellian approach to this, psychoanalyze people and figure out they are likely perpetrators before they commit the crime, rather than let us have a victim lead us to that perpetrator, and then we could have the preventive medicine of hate crimes.

Wouldn't that be great, if we could just punish people when they have the thought, before they actually acted upon it? I would suggest that if we can actually psychoanalyze people after the fact, we can psychoanalyze them before the fact, and then we could do crime prevention. But truthfully you all know, and I know you know, Mr. Speaker, I don't believe that can happen. I don't believe we can know what is in their head.

Let me take up another definition of sexual orientation. Even though we had a couple of different definitions along the way, sexual orientation as defined by the Merriam-Webster dictionary, medical dictionary, we have sexual orientation by Merriam-Webster as one's attraction to and preference in sex partners.

Here is another definition from the American Heritage Stedman's medical dictionary. Sexual orientation would be sexual activity with people of the opposite sex, the same-sex or both.

So one says it is the attraction, it is in the head. The other one says it is the activity. It is the overt act, or maybe a covert act, Mr. Speaker. That is two polar opposite definitions of sexual orientation, which is in the bill.

And we have two polar opposite definitions coming from the Democrats, neither of which is in the bill. One definition says homosexual, heterosexual, nothing else, not even bisexual. The other says every kind of proclivity, paraphilia, all philias whatsoever, Mr. HASTINGS from Florida.

I go to the American Psychological Association for their definition of sexual orientation, and this is it: "Sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express their sexual orientation in their behaviors."

So, you can give no sign that you have some particular paraphilia sexual orientation and be a special sacred cow protected class, that if someone commits a crime against you they are facing a punishment far more severe than they would be facing if it was just someone that wasn't carved out in this legislation as a special protected sacred cow class. And herein lies some of the flaw and some of the fault in this legislation.

Some other is this. It isn't just violent crimes against people, Mr. Speak-

er, because there is a reference in the legislation that takes us back to an existing section of the code that defines a crime of violence. Crime of violence in this bill means what it says in this section of the code, and I will read from that.

The term crime of violence means an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another or any other offense that is a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

So, the crime of violence means a physical act against a person or the attempted use or threatened use of that force, but also against property, Mr. Speaker, also against property. And it says an offense that has an element.

Now, if there is an offense, let's just say someone maybe perceives a thought that goes on in somebody else's head and decides they want to send him a message, and so they go and paint some graffiti on a garage door, there is a crime against property, not an individual. Well, that would be the crime of violence definition. It would meet it because it would have an element in it that the use of and/or the threatened use of physical force against property has taken place.

Physical force is another broad term. Is physical force leaning against the garage door? Is it pushing the spray button on some spray paint? Yes, it could well be. But the element that is part of that takes us back also to the thought crimes part of this, and it tells the pastors of the world, be careful if you preach from Leviticus, be careful if you preach from Romans, because if you do, there might be someone who could intimidate someone else based upon their new Biblical beliefs that you have just informed them of last Sunday, and now you have become an element in a hate crime that maybe was not any crime against an individual, but maybe even a crime against property. And this is set up so that we would send Federal forces in to assist in prosecution to political subdivisions, Mr. Speaker.

□ 2145

Political subdivisions being cities, counties, States, parishes, any subdivision smaller than that in the United States. And not only would we help them in the prosecution of hate crimes, but we'd also, according to this legislation, Mr. Speaker, we would be in there helping to enforce any of those political subdivisions' existing hate crimes laws, whether or not it fit the definition here in this bill. It doesn't have to conform with the Federal standard; it just has to be whatever they decide it's going to be.

And so, I happen to recall that the Speaker of the House's home city, San

Francisco, has an ordinance in San Francisco that says essentially this: Thou shalt not disparage the short, the fat, the tall or the skinny. Now, that's an antidiscrimination. One might characterize it as a hate crime if you disparage somebody that's short, fat, tall or skinny. I think all of us think we're one of those categories, sometimes two or three of them at the same time, but that would be a case where if we could actually have Federal prosecutors go in to San Francisco and decide they're going to support an ordinance like that.

Now, think how intimidating it is when you have Federal prosecutors coming in to enforce hate crimes legislation that's created by a city council that might be so utterly biased in their approach that they could reflect the judgment of the people on the other side of the aisle on the Judiciary Committee that brought this legislation to this floor under a closed rule, denying all amendments, and a very short period of time to debate, Mr. Speaker. It's no way to run the House of Representatives.

And so—and by the way, the pedophilia that was apparently approved for special protected status in two ways, voting down my amendment to exempt pedophiles from this special protected sacred cow status, and also, I think, if we listen to Mr. HASTINGS, and if he's right, if all philias whatsoever should be protected under this legislation, then a pedophile is this. It's an adult sexual disorder consisting in the desire for sexual gratification by molesting children, especially young children. That's the pedophile.

Here's another definition of sexual orientation. They're all over the place, Mr. Speaker. Refers to feelings and self-concept, not behavior. Maybe. But we know that another definition in the dictionary that I referenced says that it actually is the act, not the thought, not the attraction.

So, as we go through this piece by piece, Big Brother is reaching out and telling us that they're going to control our thoughts by passing hate crimes. And they're going to give us definitions like gender, gender identity, sexual orientation, and not even engage in a debate on what those words might mean, but leave it wide open for trial lawyers and defense lawyers and judges to decide what it is we might possibly mean. And how are they going to decide if we don't have clarity even from the proponents of the bill?

It'll be decided in a slipshod fashion, Mr. Speaker, and it will not be a happy result.

And I will submit also that we will see soon on the floor of this House the chairman of the Financial Services Committee's legislation called the ENDA Act, the Employment Non-Discrimination Act, which really means discriminate against employers and

impose your values on them, tell the churches they have to hire people that are the antithesis of their teachings, for example.

And in the end, there also was another amendment. There were many of them that were rejected. One of them was the immutable characteristics amendment. I just simply want to protect people who have immutable characteristics. It was mentioned in the opening remarks in the rules today erroneously. Immutable characteristics are not protected in this bill. It was specifically rejected when I offered it by amendment. Immutable characteristics are often poorly defined or wrongly defined.

And, Mr. Speaker, immutable characteristics are those characteristics of people which can be independently verified and cannot be willfully changed. Those characteristics we can protect when we cross the line and we start protecting especially behaviors. Those are not immutable characteristics. They are mutable. Behaviors are those kind of characteristics that one can just simply self-allege.

And so as the question was raised back in those years when I was in the Iowa Senate, constantly lobbied by the students, often they came from the University of Iowa, and they asked a State senator there, we need special protection because—and he said, why? What, protection from what? Well, discrimination. Well, how are you discriminated against, and how do you people discriminate against you? Because of your sexual orientation. And they said, well, they won't rent us apartments and we can't do this and that and the other thing. We don't have certain opportunities that might exist for others. We think we're discriminated against and we need special protected status.

So this State senator said, let me ask you a question. What am I? What, am I a heterosexual or am I a homosexual? And they looked him up and down and they finally said, well, we don't know. We don't know.

And his answer was, exactly my point. Now, if you don't know, how could you discriminate against me? Or if I don't know, how could I or anyone discriminate against you? If you keep those things private, there can be no discrimination. And that's what I submit is the right thing to do when it comes to sexuality, Mr. Speaker.

Except, I believe that the laws should be respected. And I don't believe that we should be establishing a special protected status for people who carry such proclivities that many of them are punished with prison time for the very sake of carrying them out.

I think this bill restricts religious freedom, and I think it restricts our First Amendment rights. I think it intimidates pastors. I think it takes us to a place where we are seeking, by

law, to define what is in the head of the perpetrator and what is in the head of the victim. And sometimes it's the plumbing of the victim and sometimes it's the mental attraction that exists for it within the victim and the perpetrator. And we can't agree. Even the authors of the bill don't agree on where the perception actually exists, whether it's in the head of the perpetrator or the head of the victim. I'll submit that it has to eventually be analyzed in both, and that cannot be done, not with today's science or technology.

And with today's understanding, I'm very concerned because, Mr. Speaker, this society has, to a large extent lost its ability to reason. We're racing from emotion to emotion, from feeling to feeling. We are not racing from scientific data to empirical analysis and logical conclusion arrived at by deductive or inductive reasoning. That seems to be lost in this civilization.

I look back on the Age of Reason of the Greeks 3,000 years ago, and I think of Socrates and Plato and Aristotle. I think of them sitting around under the shade trees in their togas analyzing, thinking, testing each others' brains, writing the classical works that they did, and shaping the foundation for Western civilization, the theorem, the hypotheses, the basis for our science, for our math, the basis for our reason. If it hadn't been for the Greeks, Western civilization maybe would have never found this modern era.

But the Age of Reason that came from the Greeks primarily, that flowed through and was the foundation for the Age of Enlightenment, centered in France, and at the dawn of the industrial revolution, that all came to the United States and found itself in an environment of almost unlimited natural resources, very low taxes, in many cases, no regulation, with a moral people that came over here for their religious freedom, with Judeo-Christianity the inspiration for freedom and the core of this culture. It found the perfect petri dish to thrive, and the vigor that we have in the United States enhanced by legal immigration that skimmed the donors from every other civilization on the planet, the best vigor, the best vitality, from each of those donor civilizations. And our Founding Fathers had the wisdom to sit down and place into the Declaration and into the Constitution the foundations for our freedom, the rights that come from God, that are vested in the people and the sovereignty of the people that loan that power, those rights, to their Congressional Representatives, their elected Representatives in this Constitution Republic that we have. The greatness of this Nation is diminished by the mushy thinking of hate crimes acts, Mr. Speaker.

□ 2200

ENERGY, ECONOMIC AND CLIMATE CRISES FACING OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes.

Mr. TONKO. Thank you, Mr. Speaker.

The opportunity for us to address several crises facing our Nation allows us to respond, I think, in very bold measure to opportunities that speak to an energy crisis, to an economic crisis and to a climate crisis in our Nation.

There is no mistaking that, as we work through this very tough economy under the leadership of the new President and his administration and Speaker PELOSI in this House and in Congress in general, the leadership is advised by several that we need to think in terms of an innovation economy—one that allows us to grow boldly into the future by addressing the basic core needs of not only our economy but of our climate, of our environment and certainly of our energy solutions.

As we look at the potential that exists out there for growing clean energy jobs—American jobs—that can generate American-produced power, we have the awesome opportunity to go forward in an innovative and creative way to provide for a response that reduces our energy dependency on fossil-based fuels that are oftentimes imported from some of the most troubled spots in the world.

We're given the opportunity to embrace our intellectual capacity as a Nation as we go forward with research and development investments—dollars that can invest in prototypes of design and that speak to the energy independence of this Nation—and to do it in a way that takes that prototype and further develops that technology into the manufacturing sector, deploying it into the commercial sector.

We see that today as work came forward to me in NYSEERDA—the New York State Energy Research and Development Authority. I was able to witness firsthand the soundness of the investment in R&D, making certain that we could take these projects that were coming through R&D investments and could grow them in a way that created American jobs, that embraced intellectual capacity—the brain trust of this Nation. It was greening up our economy and our thinking in terms of energy generation and energy emerging technologies.

That's what the measure about energy reform here in our House is all about. It's about making certain that we grow our energy independence and our energy security and, in so doing, grow our national security. This strikes as a win across the board for us as consumers, for us as job seekers, for

those of us striking to plan a comeback with this economy, and certainly for generations to follow in terms of a better environment that will be shared and passed on for other generations, coming generations, to steward.

So we are at that cutting edge, at the opportunity of ushering in a new era of thinking where we're able to invest not only in generation opportunities for energy's sake but to invest in those transmission opportunities.

I saw what happened just in my district, in the 21st Congressional District of New York, when we invested in groups like Superpower. Superpower is breaking its own records in producing a superconductive cable that allows us in the future to think of transmitting electrons in a way that provides far more opportunity and much greater efficiency as we wheel those electrons over a cable that can transmit far more electricity than can traditional cable of the same size. That's just one example.

We look at the opportunity with kinetic hydropower, that power that is produced by the turbulence of water flow. Just in the area of New York State, along the island of Manhattan, in the East River, we have seen the successful demonstration of kinetic hydropower. It is thought that some 1,100-megawatts' worth of power could be the solution just in one State by dealing with this innovation, by taking this cleverness of the intellect of energy reform and transitioning our economy into one that is based on far greater potential by investing in those sorts of designs.

So, as we move forward, we talk about clean-energy jobs, clean-energy jobs that cannot be shipped overseas. We talk about saving money for our families and for our businesses through efficiency. I saw what the investment of efficiency meant for many businesses, for many farms, for agriculture in the State of New York through NYSEERDA. The New York State Energy Research and Development Authority was there as a partner, working with the business.

That's what this is about. It's investing in our future. It's investing in new technology. It's investing in the opportunities to grow a better climate, to grow and to address the environmental needs, not only of this country but of the world, to make certain that we address climate change, that we address that carbon footprint that needs to be reduced. As stewards of the environment, we all have that responsibility, and it does a great deal to reduce that glutinous addiction that we have to foreign oil that is imported from some of the most unstable governments around the globe.

So here is a golden opportunity for us to turn green, to turn green in our energy outcomes and to grow a stronger American economy that finds us con-

trolling our destiny in much more bold expression.

You know, as we look at some of the opportunities here, we're looking at investments that could be made in not only the grid but with smart metering, making certain that we embrace new technology, cutting through some of the traditional patterns of the past and making certain that new choices, new cleverness, is incorporated into our energy thinking. Clean-energy jobs—it's calculated through the renewable electricity standard—can create some 300,000 new jobs, and in the area of efficiency, the talk is some 222,000 projected jobs. This is just in those two areas alone. That then equates to billions that are saved—\$100 billion with the opportunities for renewable electric standards and certainly some \$170 billion in efficiency savings.

We need to see efficiency measures as our fuel of choice. It is shelf-ready today. There are emerging technologies invested into through R&D today. There is the potential of growing countless other options, but the fact remains that we need to address the per capita consumption of electricity in this country in a way that enables us to see efficiency as something that is mined and drilled routinely. You know, as we mine for coal, as we drill for oil, we need to see that mining and drilling, for efficiency's sake, can produce great savings. It means the avoided cost of having to build additional plants. It means a clean outcome. It means less of a carbon footprint as we go forward with an investment in energy efficiency.

So all of this is at our fingertips. All of this great potential is here to allow us to create clean jobs. In so doing, we will strengthen our economy; we will provide certainty for our businesses in this country, and we will be able to address the pollution that is part and parcel to the residential, business and housing sections of this country—those sectors that all can be benefiting from energy thinking, that is of a nuance of sorts, that breaks from these traditional patterns and from the glutinous dependency.

So this evening, as we move forward in this hour of discussion, it is great to have colleagues here who will be talking about some of the opportunities that we have as energy consumers.

The fact remains that, for far too long, I believe we have invested in prototypes. We have invested in those new orders of thinking, but we have not done enough to stretch that budgeting to enable that prototype to be developed more fully and then to be entered into in the manufacturing sector.

When we think of the great potential, there are super opportunities for us to think in magnanimous terms, to think with a sense of vision that expresses our boldness for creating jobs not yet on the radar screen. When we develop

green-collar workforces out there, when we develop that array of workers that will join the traditional assignments through white- and blue-collar job opportunities, we will now be able to advance a new order of job creation of a green-collar variety. That new addition to the workforce out there will save those traditional white- and blue-collar jobs through the nuances that the green-collar job opportunities will bring.

I saw again, through the work done at NYSEERDA, where we were able to implement programs for training construction majors, for instance, in the new, cutting-edge technologies for solar and PV installation, making certain that those arrays are incorporated into the certification programs and matriculation programs at a local community college in the State of New York.

Hudson Valley Community College would train these green-collar workers and then would also reach out to other campuses and would enable them to develop that workforce that we will need as a society as we retrofit with this new order of thinking of efficiency, of conservation, of new technologies—emerging technologies—and of efficiency standards that will be enhanced so that we can go forward with new opportunities that this country can prosper by.

□ 2210

When we deal with the green collar job development, we're going to look at situations within the framework of this new thinking that will allow us to reach into the earlier grades, to allow students to think of the potential of a career path enabling us to develop with centers like BOCES and with trades, occupational efforts with apprenticeship programs, with the opportunities to go forward with community colleges, again developing their course work to comply with the growing needs of a green collar workforce and to offer those innovative opportunities into the college setting, into graduate studies. All of this, the array from trades on over to engineers, inventors and innovators, will all be required to be part of that process that provides that new thinking that will enable us to go forward in a way that will strengthen our economy and clean our environment and create opportunity.

The opportunities that befall us as a country are many, and knowing that in this process, it will draw down that dependency on fossil-based fuels knowing that we have precious little time to go forward, to clean up an environment that is impacted by some of the severe measurements that we see out there today.

That reminds us of a plan that we had in cleaning up acid rain that was part of the 1990s era, where through the efforts of the then-President, President

Bush, we moved forward and fought acid rain successfully by having a focus and a plan and cutting back on situations that made polluters pay. But we're talking today of having polluters pay for their consequential damage to the environment, we want to make certain that we benefit Americans, middle-class Americans with tax credits that will come from those who are polluting.

So it's encouraging clean companies, it's encouraging American-produced power, and it's providing tax credits to families, and it's investing resources from a clean-energy jobs programming that will invest in the new ideas that are being developed as we speak. But it's the sort of impetus that can be provided, the sort of incentive that is created that will really spur this sort of economic recovery that will make for a strong response.

I am reminded of a project that we had conducted while I was at the State Assembly in the State of New York as energy chair. We had reached out to energy service companies, we had reached out to academia, we had reached out to the farm bureau and worked with demonstration projects through local dairy farms and working through the auspices of NYSERDA, the State energy research and development authority, we were able to put together a review, an audit of those dairy farms, and take a situation where they were dealing with a perishable product and making certain that a highly regulated arena, as it should be, producing a basic nutritional need for this country that had to deal with the ebbs and flows of not only how they conducted business but dealing with energy cycles that they couldn't escape simply because of the forces of mother nature. With all of that being the dynamics of their day-to-day operation, we were able to work within that context to create energy efficiency opportunities that came through the guidance of groups at Cornell and Farm Bureau and the local utility and NYSERDA where we retrofitted to those dairy farms the sorts of demands for energy that dealt with pumping and cooling processes and put together a plan, a strategy, that really developed a very sound outcome—a pleasant surprise to those who participated in the demonstration project. In fact, it became so successful as a demonstration project that we advanced this notion to some 70 farms in the State of New York that prospered from this sort of activity, of auditing the farms and putting efficiency into play.

We also saw successful programs that came about with business incorporated into the energy-efficiency opportunities. And it reminds us that if we are going to compete, if we're going to ask our American businesses to compete in a global marketplace, then we need to advance every bit of opportunity of

doing it in smart fashion, doing it in a way that is clever, that is causing a stronger outcome, a more progressive outcome simply by the incorporation of a highly intellectual energy plan, a comprehensive energy plan that looks at cutting demand.

For too often we have reached to a supply situation as we were looking at energy solutions. We were developing more supply. We were content with using, consuming a lot of energy resources when, in fact, we should have moved forward with opportunities that allowed us to address the demand side of the equation.

Looking at that consumption factor, looking at the efficiency, looking at conservation were the clever strategies that were dictated simply by the dynamics of the given solution today.

So as we go forward, we see these opportunities to advance a plan that is encouraged by our President as he wants us to grow smart with our energy usage. He wants us to reach to innovation and a clever strategy using our creative genius to put together a source of investment in research and development, to grow those prototypes of the future, to further develop them and then move to the manufacturing of these commodities here in this country—domestic production of all sorts of nuances—making certain that we move forward not only in the energy generation world but in the energy transmission and distribution area giving commercial consumers the opportunity to work within the context of smart metering, making certain that they can have these smart meters to control their destiny so that they can see firsthand the amount that's being consumed and when to be on-peak and off-peak in given situations; to be able to have a transmission system that responds to weaknesses that were so highly visible in August of 2003 where we witnessed a huge collapse in the system, the delivery system, that started as far west as Ohio and moved into New York and New England and the mid-Atlantic States and into southeast Canada. That was a huge bit of blackout for consumers in that given bit of geography that stood as a glaring example of vulnerability, of a weakness in our system.

We need to go forward and advance the investments in a very wise and clever way that will enable us to strengthen that generation aspect of electricity, strengthen the transmission and distribution components, and to go forward with a commitment to efficiency and conservation. And looking at renewable opportunities. Taking advantage of so many opportunities that mother nature provides and where the President has called for an investment where we embrace our wind, our sun, our Earth to be able to make certain that we use that in a benign way to grow the energy response

that we require that will be clean, that will be innovative, and that will draw down our energy dependence in a way that allows us to prosper with bolder outcomes.

As we move forward, I would encourage us to cleverly look at the plans that have been advanced by the leadership of this House, the discussion that is made of growing a green energy economy, the ideals embraced by the President and his administration for this innovation economy that reaches to the American brain trust, that sees us with our science and tech potential to be ready and willing to go forward and provide for the nuances that will usher in a new era of energy thinking. That is what the opportunity for clean energy jobs is all about.

It's a clean energy jobs agenda that finds us producing jobs, developing jobs, retaining jobs, growing jobs in this country, avoiding the opportunities to ship overseas these jobs that have far too often escaped our American economy. And then for saving money for our families, our businesses, individuals in this country through efficiency opportunities, and ending that addiction, that gluttonous addiction to foreign oil, fossil fuels, that really do not enable us to think in the kind of boldness and the sense of vision that is required today.

Mr. Speaker, I thank you for the time to be here this evening and share these opportunities with you, to share the thinking that I believe can help us grow as a Nation and respond to the crisis that we see, the crisis with the energy situation, the crisis with our environment, the crisis with our economy. It can address a multitude of needs out there by embracing this sort of cleverness of thinking and advancing policies that are progressive and investing resources that will really strengthen us as a people, as a Nation, and certainly as a world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for the week of April 27 on account of official business in the district.

Mr. PERRIELLO (at the request of Mr. HOYER) for today on account of business in the district.

Mr. STARK (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PERLMUTTER) to revise and extend their remarks and include extraneous material:)

Mr. BOYD, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Mr. MICHAUD, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 6.

Mr. JONES, for 5 minutes, May 6.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, April 30.

Ms. ROS-LEHTINEN, for 5 minutes, May 5 and 6.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, April 30, 2009, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

SCOTT MURPHY, New York, Twentieth.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Winsome Packer	1/1	3/1	Austria		22,464.99		7,330.24				29,795.23
Shelly Han	1/19	1/21	Austria		622.00		6,084.31				6,706.31
Hon. Alcee Hastings	2/15	2/18	United Kingdom		1,241.91		5,170.29				6,412.20
	3/20	3/22	Belgium		1,373.13		6,762.93				8,136.06
Mischa Thompson	2/14	2/19	United Kingdom		1,655.88		8,323.35				9,979.23
	3/16	3/20	Austria		1,336.00		7,325.59				8,661.59
	3/20	3/25	Belgium		2,429.34						2,429.34
Fred Turner	3/20	3/22	Belgium		1,373.13		6,762.93				8,136.06
Committee total					32,496.38		47,759.64				80,256.02

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, Apr. 16, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JANUARY 1 AND MARCH 31, 2009.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Keenan Keller	3/17	3/21	Austria		768.00		7,464.53				8,232.53
Committee total					768.00		7,464.53				8,232.53

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Apr. 15, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1489. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1490. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1491. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1492. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1493. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1494. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1495. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1496. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1042] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1497. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1039] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1498. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1499. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1036] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1500. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1030] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1501. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8067] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1502. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8065] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1503. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8061] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1504. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Require-

ments in Public and Assisted Housing Programs: Delay of Effective Date [Docket No.: FR-4998-F-04] (RIN: 2501-AD16) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1505. A letter from the Associate General Counsel for Legislation & Regulation Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Further Deferred Applicability Date for the Revised Definition of "Required Use" and Solicitation of Public Comment on Withdrawal of Required Use Provision [Docket No.: FR-5180-F-05] (RIN: 2502-A161) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1506. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report covering the activities of the Office of Financial Stability and the TARP during the period of March 1, 2009 to March 31, 2009, pursuant to Section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1507. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1508. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status (RIN: 3133-AD52) received March 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1509. A letter from the Secretary, Department of Education, transmitting a legislative proposal, which would limit the application of the requirement to delay the effective date of certain student aid regulations under Title IV of the Higher Education Act of 1965; to the Committee on Education and Labor.

1510. A letter from the Acting Director, National Institute for Literacy, transmitting the Institute's report entitled, "Developing Early Literacy: A Scientific Synthesis of Early Literacy Development and Implications for Intervention"; to the Committee on Education and Labor.

1511. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Encouraging Early Submission of Citizen Petitions and Petitions for Stay of Agency Action"; to the Committee on Energy and Commerce.

1512. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's annual update on the use and effectiveness of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

1513. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on the issuance of passports during fiscal year 2008; to the Committee on Foreign Affairs.

1514. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Corporation's Annual Pol-

icy Report for Fiscal Year 2008 and the Report on Cooperation with Private Insurers, pursuant to Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1515. A letter from the Acting Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1516. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's annual report for fiscal year 2008, pursuant to 5 CFR 724.302; to the Committee on Oversight and Government Reform.

1517. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

1518. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1519. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Annual Report for Fiscal Year 2008, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1520. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report on the activities of the Family Court during 2008, pursuant to Public Law 107-114; to the Committee on Oversight and Government Reform.

1521. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report entitled, "Report on the Adequacy of the Rules Prescribed under the E-Government Act of 2002"; pursuant to Public Law 107-347, section 205(c)(3)(C); to the Committee on the Judiciary.

1522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Seddon Channel Turning Basin, Tampa, Florida. [Docket No.: USCG-2008-0093] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Long Range Identification and Tracking of Ships [Docket No.: USCG-2005-22612] (RIN: 1625-AB00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland harbor, Dock 32, Cleveland, OH [USCG-2008-0329] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No.: USCG-2007-0140] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change [Docket No.: USCG-2007-0043] (RIN: 1625-AA09) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD. [Docket No.: USCG-2008-0315] (RIN: 1625-AA11) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-0644; Directorate Identifier 2007-NM-321-AD; Amendment 39-15659; AD 2008-18-02] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0613; Directorate Identifier 2008-NM-066-AD; Amendment 39-15794; AD 2009-02-04] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2007-0254; Directorate Identifier 2007-NM-209-AD; Amendment 39-15795; AD 2009-02-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes [Docket No.: FAA-2008-0150; Directorate Identifier 2007-NM-325-AD; Amendment 39-15818; AD 2009-04-12] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-1006; Directorate Identifier 2008-NM-110-AD; Amendment 39-15822; AD 2009-04-16] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2008-0908; Directorate Identifier 2007-NM-190-AD; Amendment 39-15788; AD 2009-01-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Paralegal Specialist, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2006-24145; Directorate Identifier 2006-NE-06-AD; Amendment 39-15823; AD 2009-04-17] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2007-29255; Directorate Identifier 2007-NM-085-AD; Amendment 39-15821; AD 2009-04-15] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30653; Amdt. No. 479] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 102-281, section 429(b); jointly to the Committees on Financial Services and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 379. Resolution providing for further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes (Rept. 111-92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. CASTLE, Mrs. MCCARTHY of New York, Mr. KIRK, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey):

H.R. 2159. A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. BORDALLO, Mr. LUTKEMEYER, Ms. KILROY, Ms. ZOE LOFGREN of California, and Mr. THOMPSON of Mississippi):

H.R. 2160. A bill to promote and encourage the valuable public service, disaster relief, and emergency communications provided on a volunteer basis by licensees of the Federal Communications Commission in the Amateur Radio Service, by undertaking a study of the uses of amateur radio for emergency

and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PAYNE, Mr. HARE, Mr. COURTNEY, Ms. HIRONO, Mr. KUCINICH, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. LOEBACK, Mr. GRIMALVA, Mr. HINOJOSA, Mr. WU, Ms. DEGETTE, Ms. MOORE of Wisconsin, Ms. SUTTON, Mrs. MALONEY, Ms. WATERS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CASTOR of Florida):

H.R. 2161. A bill to nullify certain regulations promulgated under the Family and Medical Leave Act of 1993 and restore prior regulations and to direct the Secretary of Labor to revise certain additional regulations under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 2162. A bill to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A. Littleton Postal Station"; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2163. A bill to authorize the Secretary of Transportation to make grants for certain streetcar projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2164. A bill to amend title 49, United States Code, to modify the authority of the Secretary of Transportation to make grants for new fixed guideway capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. MARKEY of Massachusetts, and Mr. WAXMAN):

H.R. 2165. A bill to amend Part II of the Federal Power Act to address known cybersecurity threats to the reliability of the bulk power system, and to provide emergency authority to address future cybersecurity threats to the reliability of the bulk power system, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR:

H.R. 2166. A bill to amend the Communications Act of 1934 to provide universal service support to head start programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself, Mr. HINOJOSA, and Mr. ORTIZ):

H.R. 2167. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Los Caminos del Rio Los Caminos del Rio National Heritage Corridor,

and for other purposes; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 2168. A bill to amend the Internal Revenue Code of 1986 to suspend the penalty on underpayments of Federal income tax for unemployed individuals; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2169. A bill to limit Federal spending to a percentage of GDP; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 2170. A bill to direct the Secretary of Agriculture to establish a program to provide covered institutions loans for conversion to use of biomass for energy generation; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. PLATTS, Mr. FATTAH, Ms. SLAUGHTER, Mr. BARROW, Mr. GORDON of Tennessee, Mr. LOEBSACK, Mr. GERLACH, Mr. MCGOVERN, Mr. POE of Texas, Mr. ARCURI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. GONZALEZ, Mr. NADLER of New York, Mr. TONKO, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 2171. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. MCMAHON, Mr. YOUNG of Alaska, Mr. SIRES, Mr. INSLEE, Mr. KAGEN, Mr. PASCRELL, Mr. DELAHUNT, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. JONES, Mr. COURTNEY, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mr. MCINTYRE, Mr. REICHERT, and Mr. McDERMOTT):

H.R. 2172. A bill to promote secure ferry transportation and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2173. A bill to designate the facility of the United States Postal Service located at 1009 Crystal Road in Island Falls, Maine, as the "Carl B. Smith Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2174. A bill to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself and Mr. BRADY of Pennsylvania):

H.R. 2175. A bill to prohibit as indecent the broadcasting of any advertisement for a medication for the treatment of erectile dysfunction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, and Mrs. CAPPS):

H.R. 2176. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SPRATT, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. COOPER, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. DINGELL, Mr. FILNER, Mrs. MALONEY, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. ELLISON, Ms. HIRONO, Mr. HALL of New York, Mr. ETHERIDGE, Mr. FARR, Mr. BLUMENAUER, and Mr. PAYNE):

H.R. 2177. A bill to require accountability for personnel performing private security functions under Federal contracts, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 2178. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 2179. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho, which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TEAGUE (for himself and Mr. FILNER):

H.R. 2180. A bill to amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service; to the Committee on Veterans' Affairs.

By Ms. TITUS (for herself and Mr. CARDOZA):

H.R. 2181. A bill to require servicers of mortgages on single family homes to provide notice to mortgagors of possible eligibility for Federal mortgage assistance; to the Committee on Financial Services.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. KUCINICH, Mr. PLATTS, Mr. WELCH, and Mr. CONNOLLY of Virginia):

H.R. 2182. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SKELTON (for himself, Mr. MCHUGH, Mr. MARSHALL, Mrs. DAVIS of California, Mr. WILSON of South Carolina, Mr. FLEMING, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Ms. BORDALLO, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. ANDREWS, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. ORTIZ, Ms. GIFFORDS, Mr. COURTNEY, Mr. MCKEON, Mr. SPRATT, Ms. PINGREE of Maine, Mr. FORBES, Mr. MILLER of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, Mr. BARTLETT, Ms. LORETTA

SANCHEZ of California, and Ms. TSONGAS):

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army; to the Committee on Armed Services.

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

By Mr. BUCHANAN (for himself, Mr. CAO, Ms. BORDALLO, Mr. LEE of New York, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. ROONEY, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CASTLE, Mr. DENT, Mr. ALTMIRE, Mrs. BACHMANN, Mrs. MYRICK, Mr. LATTA, Mr. GOMERT, Mr. BROWN of South Carolina, Mr. NEAL of Massachusetts, Mr. BARTLETT, Mr. REICHERT, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. MACK, Mr. WAMP, Mr. SCHRADER, Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. BOOZMAN, Mr. UPTON, and Mr. ABERCROMBIE):

H. Con. Res. 114. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor our Nation's disabled veterans; to the Committee on Oversight and Government Reform.

By Mr. CALVERT (for himself and Mr. ABERCROMBIE):

H. Res. 377. A resolution recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mr. MCCOTTER, Mr. PAYNE, Mr. MACK, Mr. INGLIS, Mr. CAMPBELL, Mr. BILIRAKIS, Mr. ROHRBACHER, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. GALLEGLY, Mr. SCHOCK, Mr. ROONEY, Mr. WOLF, Mr. CHAFFETZ, Mr. OLSON, Mr. FLAKE, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. LAMBORN, Ms. ROSS-LEHTINEN, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, and Mr. CALVERT):

H. Res. 378. A resolution recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. WU, Ms. SPEIER, Mr. REYES, Mr. BILBRAY, Ms. DEGETTE, Mr. CLAY, and Mr. CAMP):

H. Res. 380. A resolution expressing support for designation of April as "National Donate Life Month" and expressing gratitude to all Americans who have communicated their intent to be organ and tissue donors; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII,

38. The SPEAKER presented a memorial of the State Senate of Georgia, relative to Senate Resolution 632 affirming states' rights based on Jeffersonian principles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 21: Mr. KIND and Mr. KILDEE.
H.R. 155: Mr. HALL of Texas.
H.R. 179: Mr. PIERLUISI.
H.R. 181: Ms. LINDA T. SÁNCHEZ of California.
H.R. 197: Mr. CONAWAY, Mr. PETERSON, and Mr. SCALISE.
H.R. 207: Mr. HUNTER and Mr. WITTMAN.
H.R. 208: Mr. BARRETT of South Carolina, Ms. BALDWIN, Mr. YARMUTH, Mr. CARNEY, Mr. McMAHON, Mr. PLATTS, Mr. ROSS, Mr. WELCH, Ms. BORDALLO, and Mrs. NAPOLITANO.
H.R. 213: Mr. MOORE of Kansas, Mr. POSEY, and Mr. DAVIS of Kentucky.
H.R. 218: Mr. PLATTS.
H.R. 265: Mr. FRANK of Massachusetts.
H.R. 270: Ms. TSONGAS.
H.R. 303: Mr. MORAN of Virginia, Mr. FILLNER, Mr. LATHAM, and Mr. LATOURETTE.
H.R. 347: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. MURTHA, Mr. CARSON of Indiana, Mr. CANTOR, Mr. DINGELL, Mr. FATTAH, Mr. FOSTER, Mr. NYE, Mr. SPACE, Mr. ALEXANDER, Mr. BARTON of Texas, Mrs. BIGGERT, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COLE, Mr. CRENSHAW, Mr. DAVIS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Ms. FOXF, Mr. FRELINGHUYSEN, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HOEKSTRA, Mr. INGLIS, Mr. KING of Iowa, Mr. WITTMAN, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARCHANT, Mr. MICA, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. UPTON, Mr. YOUNG of Alaska, Mr. WAMP, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. CLYBURN, Mr. DAVIS of Alabama, Ms. DELAURO, Mrs. HALVORSON, Mr. HEINRICH, Ms. KILPATRICK of Michigan, Ms. MARKEY of Colorado, Mr. MASSA, Mr. OBERSTAR, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. BURTON of Indiana, Mr. PUTNAM, and Mr. TERRY.
H.R. 430: Mr. BISHOP of New York and Mr. ROE of Tennessee.
H.R. 433: Mr. KING of New York.
H.R. 442: Mr. CHILDERS, Mr. MARCHANT, Mr. CONAWAY, and Mr. BARROW.
H.R. 450: Mr. WESTMORELAND.
H.R. 482: Mr. HOEKSTRA.
H.R. 510: Mr. COBLE and Mr. BOOZMAN.
H.R. 556: Mr. ROTHMAN of New Jersey and Mr. CONNOLLY of Virginia.
H.R. 574: Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. FARR, Mr. PETERSON, and Mr. COURTNEY.
H.R. 618: Mr. SESTAK.
H.R. 622: Mr. SMITH of Washington.
H.R. 635: Mr. GRIJALVA.
H.R. 816: Mr. BISHOP of Utah, Mr. GOODLATTE, Mr. BURTON of Indiana, Mr. BROWN of Georgia, Mr. McNERNEY, Mr. ROSKAM, Mr. TIM MURPHY of Pennsylvania, Mr. KIND, Mr. LATOURETTE, and Mr. SCALISE.
H.R. 840: Mr. POE of Texas, Ms. SHEA-PORTER, and Mr. INSLEE.
H.R. 847: Mr. COHEN.
H.R. 904: Mr. FATTAH.
H.R. 927: Mr. KRATOVL.
H.R. 982: Mrs. BIGGERT, Mr. BRADY of Texas, and Mr. CHAFFETZ.
H.R. 1067: Mr. ROONEY.
H.R. 1074: Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. CONAWAY, and Mr. BARROW.
H.R. 1102: Mr. ALTMIRE.
H.R. 1174: Mr. LIPINSKI, Mrs. CAPITO, and Mr. PIERLUISI.
H.R. 1189: Mr. MICHAUD and Mr. GENE GREEN of Texas.
H.R. 1190: Mr. PETERSON.
H.R. 1191: Mr. PASCRELL and Mr. REICHERT.
H.R. 1193: Mr. CONNOLLY of Virginia.
H.R. 1194: Mr. UPTON, Mr. HASTINGS of Florida, and Mr. BUTTERFIELD.
H.R. 1203: Mr. MICHAUD, Ms. ZOE LOFGREN of California, Mr. JACKSON of Illinois, Mr. UPTON, and Mr. POMEROY.
H.R. 1206: Mr. CRENSHAW, Mr. HASTINGS of Washington, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. BURGESS, and Mr. ROHR-ABACHER.
H.R. 1207: Mr. WILSON of Ohio, Mr. HALL of Texas, Mr. KLINE of Minnesota, Mrs. BONO MACK, Mr. TIM MURPHY of Pennsylvania, Mr. CALVERT, Mr. McDERMOTT, Mr. UPTON, and Mr. BACHUS.
H.R. 1208: Mr. WAMP, Mr. McCLINTOCK, Mr. REHBERG, Mr. STEARNS, Mr. ROE of Tennessee, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. KIRK, Mr. ROHR-ABACHER, Mr. SCALISE, and Mr. LATOURETTE.
H.R. 1269: Mr. HENSARLING.
H.R. 1283: Mr. HIGGINS.
H.R. 1308: Mr. CARSON of Indiana, Mr. DINGELL, Mr. HALL of New York, Mr. MOORE of Kansas, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1324: Mr. SERRANO, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. GRAYSON, Mr. TONKO, Mr. INSLEE, Mr. STUPAK, and Mr. SKELTON.
H.R. 1326: Mr. TIERNEY.
H.R. 1327: Mr. CHANDLER, Ms. BEAN, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. KISSELL, Mr. AL GREEN of Texas, Mr. JORDAN of Ohio, Mr. McNERNEY, Mr. COSTA, Ms. SPEIER, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. MAF- FEE, Mr. LEE of New York, Mrs. MYRICK, Mr. COHEN, Mr. BOOZMAN, Mr. CROWLEY, Mr. BARRETT of South Carolina, Mr. HERGER, Mr. MANZULLO, and Mr. CLEAVER.
H.R. 1392: Mr. TIBERI.
H.R. 1411: Ms. JACKSON-LEE of Texas.
H.R. 1422: Mr. MARCHANT.
H.R. 1430: Mr. MOORE of Kansas, Mr. GERLACH, Mr. PAYNE, and Mr. SMITH of New Jersey.
H.R. 1458: Mr. PASCRELL and Mr. COSTA.
H.R. 1470: Mr. PETERSON.
H.R. 1479: Ms. FUDGE and Mr. MEEK of Florida.
H.R. 1522: Mr. OBERSTAR, Mr. STARK, Ms. LEE of California, Mrs. CAPPS, Mr. COURTNEY, Mr. SESTAK, Mr. MCGOVERN, Ms. BORDALLO, Mr. HINCHY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of New York.
H.R. 1547: Mr. LEWIS of Georgia, Mr. COLE, Mr. LUCAS, Ms. RICHARDSON, Ms. ESHOO, Mr. CROWLEY, Mr. McNERNEY, Mr. NEUGEBAUER, Mr. ALTMIRE, and Mr. BRADY of Pennsylvania.
H.R. 1549: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1551: Ms. LINDA T. SÁNCHEZ of California and Mr. QUIGLEY.
H.R. 1552: Mr. GRAYSON, Mr. WITTMAN, Mr. HOLDEN, Mr. MCINTYRE, Mr. SHULER, Mr. BOREN, Mr. WILSON of Ohio, Mr. ARCURI, Mr. COSTA, Mr. PETERSON, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, and Mr. CUELLAR.
H.R. 1585: Mr. CONNOLLY of Virginia, Ms. ZOE LOFGREN of California, Mr. ALTMIRE, Mr. PETERSON, Mrs. MALONEY, and Mr. GENE GREEN of Texas.
H.R. 1616: Mr. QUIGLEY, Mr. MILLER of North Carolina, Ms. CLARKE, and Mr. PIERLUISI.
H.R. 1670: Ms. WOOLSEY and Mr. PITTS.
H.R. 1675: Mr. CAPUANO.
H.R. 1684: Mr. SCALISE, Mr. SOUDER, and Mr. CONAWAY.
H.R. 1700: Mr. PETERSON.
H.R. 1708: Ms. SCHWARTZ.
H.R. 1709: Mr. HOLT and Mrs. BIGGERT.
H.R. 1723: Mrs. CHRISTENSEN.
H.R. 1736: Mr. HOLT.
H.R. 1787: Mr. VAN HOLLEN.
H.R. 1792: Mrs. LOWEY.
H.R. 1802: Mr. FORBES and Mr. SIMPSON.
H.R. 1813: Mr. BURTON of Indiana.
H.R. 1836: Mr. ROONEY.
H.R. 1841: Mr. KING of New York.
H.R. 1842: Mr. HALL of Texas.
H.R. 1864: Mr. YOUNG of Florida, Mrs. SCHMIDT, Mr. HASTINGS of Washington, and Mr. GINGREY of Georgia.
H.R. 1881: Mr. FARR, Ms. BERKLEY, Mr. LYNCH, Mr. HARE, Mr. MASSA, Ms. SHEA-PORTER, Mr. MITCHELL, Mr. ALTMIRE, Mr. PAL- LONE, and Mr. BACA.
H.R. 1894: Mr. PASCRELL and Ms. ZOE LOFGREN of California.
H.R. 1910: Mr. CUELLAR and Mr. LANCE.
H.R. 1912: Mr. LANCE and Mr. POLIS of Colorado.
H.R. 1933: Mrs. LOWEY.
H.R. 1941: Mr. MINNICK and Mr. BISHOP of Utah.
H.R. 1958: Ms. BORDALLO.
H.R. 1976: Mr. FARR.
H.R. 1977: Ms. MOORE of Wisconsin and Mr. TAYLOR.
H.R. 2000: Mr. McNERNEY and Mr. BRADY of Pennsylvania.
H.R. 2006: Mr. MICHAUD, Mr. KILDEE, and Mr. NADLER of New York.
H.R. 2014: Mr. BARRETT of South Carolina, Mrs. LOWEY, and Mr. GARY G. MILLER of California.
H.R. 2021: Mr. SMITH of Nebraska, Mr. PAUL, Mr. HASTINGS of Washington, Mr. MANZULLO, Mr. CASSIDY, and Mrs. BONO MACK.
H.R. 2047: Mr. LINDER and Mrs. MILLER of Michigan.
H.R. 2063: Mrs. BLACKBURN, Mr. GOHMERT, Mrs. EMERSON, and Mr. SAM JOHNSON of Texas.
H.R. 2090: Mr. BISHOP of New York and Mr. ACKERMAN.
H.R. 2113: Ms. NORTON.
H.R. 2116: Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CARNEY, and Mr. MITCHELL.
H.R. 2117: Mr. REYES.
H.R. 2118: Mr. SESSIONS.
H.R. 2119: Mr. SESSIONS.
H.R. 2132: Mr. MEEK of Florida.
H.R. 2148: Mrs. CAPPS.
H.R. 2149: Mrs. MALONEY.
H. Con. Res. 58: Mr. ABERCROMBIE and Mr. SESTAK.
H. Con. Res. 87: Mr. McCOTTER and Mr. COSTA.
H. Con. Res. 102: Mr. PETERSON and Mr. LATHAM.
H. Con. Res. 111: Ms. BERKLEY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOSWELL, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. DENT, Mr. FRANKS of Arizona, Mr. FOSTER, Mr. HODES, Mr. LOBIONDO, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, Mr. McMAHON, Mr. HOLDEN, Mr. CULBERSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAMBORN, Mr. GALLEGLY, Mr. POE of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. MORAN of Kansas, Mr. CONAWAY, Mr. DAVIS of Tennessee, Mrs. SCHMIDT, and Mr. STEARNS.
H. Res. 42: Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. McHUGH, and Mr. ALEXANDER.
H. Res. 111: Mr. ROONEY, Mrs. SCHMIDT, Mr. YARMUTH, Mr. PERLMUTTER, and Mr. SHIMKUS.
H. Res. 130: Mr. CHILDERS.
H. Res. 192: Mr. BACA, Ms. MCCOLLUM, Ms. EDWARDS of Maryland, Mr. TIBERI, Mr. LOBIONDO, Mr. THOMPSON of California, Mr. SARBANES, and Mr. WILSON of Ohio.

H. Res. 204: Mr. GINGREY of Georgia, Mr. PITTS, Mr. HALL of Texas, Mr. SHADEGG, Mr. BARTON of Texas, Mr. MCHUGH, Mr. POSEY, Mr. PETERSON, Mrs. EMERSON, Mr. CULBERSON, Mr. LINDER, Mr. EDWARDS of Texas, Mr. WAMP, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. GENE GREEN of Texas, Mrs. BIGGERT, Ms. FOXX, Mr. BAIRD, Mr. SHUSTER, Mr. WESTMORELAND, Ms. DeLAURO, Mr. FLAKE, Mr. HARPER, Mr. GUTIERREZ, Mr. COBLE, and Mr. KUCINICH.

H. Res. 209: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ENGEL.

H. Res. 232: Mr. BUYER.

H. Res. 236: Ms. KOSMAS.

H. Res. 252: Mrs. LOWEY and Ms. BERKLEY.

H. Res. 291: Ms. BORDALLO.

H. Res. 300: Mr. McKEON and Mr. CASSIDY.

H. Res. 309: Mr. WILSON of South Carolina, Mr. BOOZMAN, and Mr. FRANKS of Arizona.

H. Res. 333: Mr. ELLISON.

H. Res. 362: Mr. FILNER, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. PASCARELL, Mr. POLIS of Colorado, Mr. SKELTON, Mr. McGOVERN, and Mr. BRADY of Pennsylvania.

H. Res. 364: Mr. OLSON, Mr. CROWLEY, Mr. BRADY of Pennsylvania, and Mr. NADLER of New York.

H. Res. 366: Mr. MOORE of Kansas, Mr. LAMBORN, and Mr. CAPUANO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Gutierrez or a designee to H.R. 627 the Credit Cardholders' Bill of Rights, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING CODY CANNON FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Cody Cannon showed hard work and dedication to the sport of basketball; and

Whereas, Cody Cannon was a supportive team player; and

Whereas, Cody Cannon always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Cody Cannon on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

APRIL 29, 2009: MEDIA SHOW DOUBLE STANDARD IN TEA PARTY COVERAGE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SMITH of Texas. Madam Speaker, recently, tens of thousands of Americans expressed their opposition to out-of-control government spending by participating in hundreds of TEA party protests around the country on Tax Day.

The national media responded by ignoring, dismissing, or blatantly ridiculing the protests.

There was no mention of the TEA parties the next day on the front pages of the Washington Post or New York Times, even though the Times found space on its front page for a story about protests in Afghanistan.

In contrast, the media covered liberal protests during President Bush's term frequently—and without criticism.

A Washington Times editorial argued that the media's handling of the TEA party protests went a step beyond bias. "Forget media bias," the Times wrote. "The liberal press judges stories before investigating them. That's prejudice."

Whether it's due to bias or prejudice, the national media failed to cover Americans' widespread resistance to big government. And that's the real story.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. KLEIN of Florida. Madam Speaker, Thursday, April 23, 2009 I was unavoidably detained. Had I voted, I would have voted "yes" on rollcall No. 200.

A PROCLAMATION HONORING MI- CHAEL EVANS FOR WINNING THE BOYS' DIVISION IV STATE BAS- KETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Michael Evans showed hard work and dedication to the sport of basketball; and

Whereas, Michael Evans was a supportive team player; and

Whereas, Michael Evans always displayed sportsmanship on and off of the court: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Michael Evans on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

RECOGNIZING DOROTHY CULLEN OF VINELAND, NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LoBIONDO. Madam Speaker, it is my honor to recognize Dorothy (Dotty) Cullen of Vineland, New Jersey for being awarded the MetLife Foundation's 2009 Older Volunteers Enrich America Award. Dotty has been involved with the Vineland Boys and Girls club for over 15 years, served on the Vineland Development Center Board for almost two decades, and has been a leader for veterans care throughout her life.

Not one to slow down, Dotty currently serves as the President of the Residents Council at the Baker House, where she herself resides. The Baker House has become known for its patriotism and dedication to the community, participating in Toys for Tots, National Guard packages for soldiers serving abroad, and Read Across America. For her unwaver-

ing service to her community and to the country, she was selected for this prestigious national honor.

I have personally known Dotty for more than 40 years and I can attest to the invaluable contributions she has made to her community. Her focus on recognizing the sacrifices of our veterans and providing them with the assistance they need is an inspiration to us all.

I offer my sincere congratulations to my dear friend, Dotty Cullen, for receiving this honor and thank her for her continued dedication to the residents of Vineland, the State of New Jersey, and the United States of America.

RECOGNIZING DAN SALLET ON THE DAY OF HIS RETIREMENT FROM THE AYER SCHOOL COM- MITTEE

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. TSONGAS. Madam Speaker, I rise today to recognize and honor Dan Sallet of Ayer, Massachusetts upon his retirement from the Ayer School Committee.

Respected throughout the community for his commitment to public service, Mr. Sallet is leaving the School Committee after 14 years of dedicated service, including serving as Chairman for six years. Sallet was instrumental in leading the schools out of significant financial difficulties in 2006–2007 and was a prime mover in establishing the Ayer Tri-Board, a joint committee of Selectmen, School and Finance Committees, which works cooperatively to develop budgets and resolve financial issues for the town. Mr. Sallet's words are respected as the voice of reason at Ayer Town Meetings.

Mr. Sallet has also represented the community as a member of Devens Education Advisory Committee (DEAC) and on the finance subcommittee for the Devens Disposition Executive Board. Mr. Sallet has also been active in Ayer youth baseball, soccer and basketball programs.

Mr. Sallet and his wife Julie have lived in Ayer since 1994 with their three children, Connor, Patrick and Molly.

I thank Mr. Sallet for his commitment to our community and congratulate him on his many years of service to the Town of Ayer and its children.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

**A PROCLAMATION HONORING
CHRIS FAIRCHILD FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Chris Fairchild showed hard work and dedication to the sport of basketball; and Whereas, Chris Fairchild was a supportive team player; and

Whereas, Chris Fairchild always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Chris Fairchild on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

**HONORING CHIEF JUSTICE ALMA
L. LÓPEZ**

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GONZALEZ. Madam Speaker, I rise today to honor Chief Justice Alma L. López, a public servant who has dedicated her professional and personal life to empowering Hispanics in the spheres of law, education and politics. Justice López has been a passionate advocate, a dedicated jurist and kind friend to the San Antonio community.

Born in Laredo, Texas, she moved to San Antonio, Texas, where she was raised and educated. Justice López began her higher education at San Antonio College and then went on to graduate from St. Mary's University with a B.B.A. and from St. Mary's Law School with a J.D. She practiced law for 25 years, twenty of those as a solo practitioner prior to being appointed to the court. She credits her choice of the law as a career to her maternal grandmother, who noticed that even at the age of five she had the skills of a mediator and negotiator.

Justice López made history when she became the first Hispanic woman to serve on the Fourth Court of Appeals. She has been a true leader becoming the first Hispanic woman to serve as Chief Justice in the State of Texas, as well as the first Hispanic woman to serve as a Chief Justice in the United States.

Justice López has been a strong advocate for the Hispanic community serving on a number of local, state, and national boards of directors. She is committed to being a role model not just for Hispanic women, but for the entire community.

Madam Speaker, I ask my colleagues to join me in honoring Chief Justice Alma López as we celebrate and honor her career and outstanding contributions to the community. Her dedication to justice and the City of San Antonio

are remarkable and I wish her continued success in all her future endeavors.

**INTRODUCTION OF THE PRE-
SERVING THE AMERICAN HIS-
TORICAL RECORD (PAHR) ACT**

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. McHUGH. Madam Speaker, I rise today as a proud cosponsor of the Preserving the American Historical Record (PAHR) Act. I appreciate the work my friend, the gentleman from New York (Mr. HINCHAY), has done to develop this important legislation, which would greatly enhance efforts to preserve and disseminate our Nation's rich historical records.

Americans have long recognized the importance of preserving history through the support of such institutions as the Library of Congress, National Archives, and the Smithsonian Institution. However, efforts to preserve records held by State and local historical societies, archives, and libraries are currently hindered due to a lack of resources necessary to ensure adequate preservation.

The PAHR Act, which I also cosponsored during the 110th Congress (H.R. 6056), would authorize \$50 million annually for grants to States, local governments, and other entities to preserve these important records. In addition to preservation assistance, the PAHR Act will enhance safe access to those records for public use. Of note, the Act could result in the expanded use of a wide variety of access tools, including archival finding aids, documentary editions, indexes and images of key records online.

This measure will also support initiatives to use records in ways that highlight the importance of state, territorial, and community history. For instance, in New York's 23rd Congressional District, which I am proud to represent, there are some 300 non-profit organizations and more than 650 local governments that hold numerous records documenting both the people and history of central and northern New York. A few examples of these records include:

The Adirondack Museum Library has the largest collection documenting that unique region, with records ranging from architectural drawings of "Great Camps," catalogs for J.H. Rushton canoes, early maps of the Adirondack Park, and recordings of Adirondack folk musicians.

The Essex County Historical Society holds records from Republic Steel that document not only the mining industry but the employment of hundreds of miners from Peru who lived and worked in Port Henry, New York in the 1920s.

The Lewis County Historical Society is home to the papers of Dr. Franklin Hough, the father of American forestry.

The Sackets Harbor Battlefield Historic Site Library houses manuscripts, documents, maps, archeological reports, and records related to the Sackets Harbor Battlefield, the War of 1812, and the Sackets Harbor Naval Station.

St. Lawrence University retains manuscripts which document the economic, social, political, religious, and cultural activities of Adirondack communities; environmental issues; the Lake Placid Winter Olympics; and the development of the St. Lawrence Seaway.

These are just a few citations outlining the wealth of historical records that could benefit through the enactment of the PAHR. Many other worthy examples exist throughout the nation. Accordingly, I look forward to working with the gentleman from New York to enact this legislation and thereby preserve additional aspects of America's rich history.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, April 27, 2009. Had I been present, I would have voted "aye" on rollcall vote No. 207 (Motion to suspend the rules and Agree to H. Res. 329), "nay" on rollcall vote No. 208 (Motion to Suspend the Rules and Agree to H.R. 1746), and "aye" on rollcall vote No. 209 (Motion to Suspend the Rules and Agree to H. Res. 335).

**A PROCLAMATION HONORING
WESTEN HALE FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Westen Hale showed hard work and dedication to the sport of basketball; and Whereas, Westen Hale was a supportive team player; and

Whereas, Westen Hale always displayed sportsmanship on and off of the court: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Westen Hale on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

**COMMEMORATING THE 100TH ANNI-
VERSARY OF THE FOUNDING OF
SOUTHAMPTON HOSPITAL**

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to commemorate an important milestone in the history of public health in the

community of Southampton, New York. A century ago this year, a group of committed local doctors and philanthropic citizens founded Southampton Hospital, beginning a tradition of quality, compassionate care that continues today.

In 1908, two Southampton doctors received an emergency call from a woman living on the outskirts of the village. The doctors could not risk moving their patient to the nearest hospital, so they conducted a life-saving operation by kerosene lamp in the woman's attic. This incident crystallized the need for a local health care facility where modern emergency procedures could be performed in safety.

In 1909, Southampton Hospital received a charter from the State of New York and a modest home was acquired to house a dispensary and nurse. Since that time, the hospital facility at Meeting House Lane and Lewis Street has been expanded and augmented with the latest in medical technologies. Its mission to provide the highest standard of health care continues to be sustained by the generous and grateful community.

Today, Southampton Hospital offers a full range of inpatient and outpatient services and is staffed by more than 240 physicians, dentists, and other health professionals. Board-certified emergency physicians staff the hospital every hour of every day. In addition, satellite facilities have been established throughout the South Fork of Long Island to provide services in primary care, radiology, physical therapy and rehabilitation to the broader area.

Madam Speaker, as a native of Southampton, the Hospital is an institution especially close to my heart. Two years ago, the hospital administrators gave me a beautiful drawing depicting the hospital and grounds that I proudly display in my personal office in Washington. I was born at Southampton Hospital, as were my two daughters, and it has served my family well in times of distress and joy. As the hospital enters its second century, I offer its staff and administration my deep thanks and best wishes for the future.

**HONORING THE STUDENTS OF THE
INSULATE! PROGRAM FOR THEIR
CONTRIBUTIONS TO WESTERN
NORTH CAROLINA**

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SHULER. Madam Speaker, I rise today to recognize the invaluable contributions of a group of altruistic college students from Warren Wilson College in Asheville, NC. INSULATE! is an ongoing project at Warren Wilson College through which students assist low income home-owners in reducing their utility bills and their carbon footprints by means of weatherization.

As part of the INSULATE! program, students weatherized 5 homes in five days during their Spring Break this year. The students were able to help one 84-year-old retiree who was spending over a third of her income on utilities alone. After the students' intervention, her utility costs have decreased over 20 percent.

Their efforts will be filmed later this year in an attempt to educate and empower those with similar ambitions on how to help reduce their carbon footprint.

The benefits of increased energy efficiency at a national level are immense. As the United States moves towards energy independence and a large-scale reduction of greenhouse gases, efficiency must play a major role. The ultimate goal of the INSULATE! program is ambitious, they seek to improve the lives of those less fortunate on an individualized basis. The potential on a national level is staggering—in Western North Carolina alone there are 44,000 eligible households. For each of these households helped by INSULATE! roughly two tons of carbon dioxide are prevented from escaping into the atmosphere each year.

On behalf of myself, and my constituents, I would like to thank the INSULATE! program for their contribution to meeting America's energy goals and for their assistance to those less fortunate in our community.

**A PROCLAMATION HONORING
WADE HOWARD FOR WINNING
THE BOYS' DIVISION IV STATE
BASKETBALL CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Wade Howard showed hard work and dedication to the sport of basketball; and Whereas, Wade Howard was a supportive team player; and

Whereas, Wade Howard always displayed sportsmanship on and off of the court: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Wade Howard on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

**HONORING THE MABRY MIDDLE
SCHOOL BAND PROGRAM**

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to honor the Mabry Middle School Band, which is currently on a special trip to Washington, DC. Mabry Middle School is located in my hometown of Marietta in Georgia's 11th Congressional District. The Mabry Band Program, directed by Jill Barnock and Kimberly Bruce, has 377 students enrolled in grades 6–8.

Madam Speaker, members of the band program consistently earn recognition in both the Georgia All-State Band and the Georgia District 12 Honor Band. All of the school's bands

earned straight superior ratings in the Georgia Large Group Performance Evaluation. The Mabry Band program has also received invitations to perform at prestigious conferences and competitions throughout the country, including the International Band & Orchestra Conference in Chicago in 2008, the Georgia Music Educators Conference in Savannah, Georgia in 2007, the Southeastern Middle School Band Clinic at Troy State University in 2003, and the University of Georgia Mid-Fest in 2002.

Mabry Middle School has been an exemplary part of the Marietta City School System since it opened in November of 1978. The school is ranked in the top ten schools in the state of Georgia and is a Georgia School of Excellence. In 2005 Mabry Middle School was awarded the Scholastic and Intel's Schools of Distinction Award for Technology Innovation and Georgia's Silver Award for Academic Achievement. Mabry is also a 2008 No Child Left Behind Blue Ribbon School of Excellence. I ask that my colleagues join me in recognizing the accomplishments of the students and band of Mabry Middle School.

**TRIBUTE TO DAVID DWYER OF
CONNECTICUT**

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to urge my colleagues to join me recognizing Mr. David Dwyer of Bristol, Connecticut. Mr. Dwyer is a lifelong Connecticut resident and has been employed by UPS for over 37 years, where he remains a member in good standing of the International Brotherhood of Teamsters Local 671.

He has also been a member of the Forestville Fishing Club, the oldest fishing club in America, since 1978. From 1984 through 1987, Mr. Dwyer served on the club's Board of Managers, and served as Second Vice President from 1987 through 1994. In 1994, Mr. Dwyer was elected President of the Forestville Fishing Club. During his tenure, among other notable accomplishments, he presided over the expansion of club boundaries and successfully completed the Grannis Pond Revitalization Project in 2009.

I wish to congratulate Mr. David Dwyer on his 14 years of dedicated and devoted service as President of the Forestville Fishing Club, and encourage all of my colleagues to join me in wishing him the very best in all of his future endeavors.

**A PROCLAMATION HONORING J.D.
HALE FOR WINNING THE BOYS'
DIVISION IV STATE BASKETBALL
CHAMPIONSHIP**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, J.D. Hale showed hard work and dedication to the sport of basketball; and

Whereas, J.D. Hale was a supportive team player; and

Whereas, J.D. Hale always displayed sportsmanship on and off of the court: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate J.D. Hale on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

HONORING BERNARD OLIVE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to recognize Bernard Olive, a respected and noble citizen of the city of Baytown.

Mr. Olive has been devoted to serving his community and through his devotion has been nominated for The Baytown Sun's Citizen of the Year award. Serving as the Fire Marshall for the city since 1992 as well as the Emergency Management Coordinator from 1999 to 2007 he has displayed a true commitment in aiding his fellow neighbors in times of need.

Along with his service Mr. Olive has shown an enthusiasm in volunteering throughout his community. Speaking to different organizations concerning hurricane preparedness, fire prevention, and other various topics he has become a source of knowledge that others seek for advice. Mr. Olive is a member of Cedar Bayou Masonic Lodge 321, a member of the 6th Cavalry Association of Living History, and is a board member on the Hill of Rest Cemetery, as well as the Baytown Heritage Society.

For his invaluable service to the City of Baytown community I extend my deepest gratitude, and honor Mr. Bernard Olive.

TRIBUTE TO MR. JIM SCHMIT

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the numerous organizers and volunteers of the 2009 Special Olympics World Winter Games in Idaho. It was because of the hard work and dedication of the volunteers from Idaho and elsewhere and their commitment to Special Olympics that this great event was possible. I would like to recognize one volunteer in particular, Mr. Jim Schmit. Mr. Schmit served as the Chairman of the Games Fundraising Committee, and he did an exemplary job.

The Special Olympics World Winter Games attracted more than 2,000 athletes from nearly 100 countries. It was the largest multi-sport event ever held in the State of Idaho. While my home state was proud to host this pres-

tigious event, we faced many unique challenges along the way. Host sites are typically named four years in advance of the Games, but Special Olympics International awarded the Games to Idaho just 24 months in advance. This left the Fundraising Games Committee with an extremely condensed timeframe in which to raise money and prepare for the event. The Committee faced an even greater challenge created by the difficult economic times that our businesses, corporations, and citizens confronted, which caused donations to charities and non-profits to drop significantly.

Working on an unpaid volunteer basis, Mr. Schmit worked tirelessly with businesses and corporations in Idaho and throughout the country to secure both monetary donations and in-kind donations of food and beverages for the athletes as well as supplies needed to run the events. He coordinated with the state and local governments to obtain assistance from them. In addition, Mr. Schmit worked closely with Senator Craig and me to help us in our efforts to secure federal funding in support of the Games. Faced with such a difficult economic environment, Mr. Schmit and his team were able to raise sufficient funds to put on the hugely successful Games and still have funds left over to donate back to the community.

Madam Speaker, I have had the honor of knowing and working with Mr. Schmit in his position as President of Qwest Idaho for many years. Today, I am honored to commend him for his tremendous work as the Chairman of the Games Fundraising Committee. His commitment and dedication were critical to making the Games such a huge success, and I would like to take this opportunity to recognize him for all of his hard work.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE RESTORATION ACT

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SHEA-PORTER. Madam Speaker, I am proud to introduce today the Family and Medical Leave Restoration Act. Since its enactment in 1993, the Family and Medical Leave Act (FMLA) has helped workers and family members to balance the responsibilities of the workplace with their or their family's medical needs. This job protected leave provides workers with the comfort of knowing that their job will be safe while they tend to their health needs, or the health needs of a loved one.

FMLA leave is unpaid leave, but it provides the worker with the basic assurance that their job will be protected while taking the family or medical leave that they need. Unfortunately, the previous Administration issued new rules regarding the use of FMLA leave that place additional burdens on workers. Workers who find themselves in a position that requires FMLA leave should not have to worry about meeting additional requirements for accessing their FMLA leave.

The Family and Medical Leave Restoration Act will repeal the most restrictive of the new

regulations, restoring the common sense—and fair—regulations that were previously in place. It also directs the new Secretary of Labor to revisit and revise other FMLA regulations that were promulgated under her predecessor.

I look forward to working with Secretary Solis—a proven champion for workers' rights—on this issue, and on behalf of the workers of New Hampshire and the nation.

A PROCLAMATION HONORING KYLE ONDERA FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Kyle Ondera showed hard work and dedication to the sport of basketball; and Whereas, Kyle Ondera was a supportive team player; and

Whereas, Kyle Ondera always displayed sportsmanship on and off of the court: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Kyle Ondera on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 basketball season.

HONORING MELVIN GOINS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. RAHALL. Madam Speaker, I rise before you today to honor a great West Virginian, Melvin Goins. Like Jimmy Stewart's character in "It's a Wonderful Life," this Friday, surrounded by friends and family and the love and admiration of his community, Melvin Goins will be the richest man in Bramwell—a town noted for the millionaire coal barons who called it home at the turn of the 20th Century.

A phenomenally talented bluegrass musician, Melvin Goins has spent a lifetime making music and gaining fame throughout all of bluegrass country. His photo once graced the cover of Smithsonian Magazine. He was named an "Appalachian Treasure" by Morehead State University in 2000, and he was inducted into the "Bluegrass Hall of Fame." But I suspect that the recognition by his hometown of a local boy done well is, to him, the most sublime of all possible honors.

As a youngster, Melvin, along with his brother Ray who passed away in 2007, worked and scraped to buy their first instrument—a banjo—a treasure they were afraid to reveal to their father, Glen. Fortunately for all of us, having received Glen Goins' approval of their fine purchase, the two sons soon embarked on a path that would take them to the heights of bluegrass renown.

Over the decades of their careers, the pair brought the sounds of a finely tuned string

band to countless men and women throughout the world, who found delight in such tunes as "Mouse Tracks in the Bacon Grease." Likewise, gospel tunes as "I'll Fly Away" and "The Wayfarer Stranger" have touched many a heart and soul.

They played as part of the Lonesome Pine Fiddlers and the Clinch Mountain Boys, before going on their own to play as the Goins Brothers. But eventually Ray hung up his banjo and Melvin carried on, establishing the Windy Mountain Boys.

Over the years, Melvin's generosity, exemplified by the guidance and encouragement he gave so freely to younger musicians, earned him lifelong respect and gratitude. And despite his success, the once-dirt poor boy has never lost his sense of those basic values honed in the hills of his West Virginia home at the knee of his mother Pearl.

If it means keeping our feet firmly planted on Good Mother Earth and our head out of the clouds like Melvin Goins, then growing up "dirt poor" is a luxury more Americans should enjoy.

Melvin Goins life has spanned the days of the battery operated radio that provided the family's only entertainment to the age of the Internet, MP3 players, and iPods. Having spent the better part of his nearly 60 years on the road, performing live concerts at venues from the renowned to the unlikely, Melvin Goins now reaches his multitude of fans worldwide, in their own living rooms, through a virtual visit to YouTube.

Even in his 70's, Melvin continues a successful and busy musical career, remaining much in demand by all who enjoy a little pickin', singin' and a good story to boot.

That he has earned this continuous following throughout those decades of change is testament to the depth of Melvin's talent and the breadth of his musical appeal.

This Friday, I will join the people of Bramwell, West Virginia in celebrating "Melvin Goins Day." But today, I bring his extraordinary life and musical talent to the attention of the U.S. Congress and urge my colleagues to join me in recognizing Melvin Goins, an American treasure.

RECOGNIZING THE BOLTON AND MENK FIRM FOR THEIR INNOVATIVE DESIGN OF A NEW WASTEWATER TREATMENT PLANT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor the Bolton and Menk Firm for their innovative design of a new Wastewater Treatment Plant in the City of Buffalo, Minnesota. Their fresh ideas earned them a place of honor in the American Council of Engineering Companies 2009 Engineering Excellence Awards Competition.

This facility is the first of its kind in innovation and renewable resources for water treatment. The City of Buffalo, Minnesota asked for a state-of-the-art system and Bolton and Menk delivered. The facility provides a high quality

treatment process and keeps the energy costs incredibly low to the city and its residents. By recycling and reusing, the wastewater treatment plant makes all biosolids disappear. Some of the biosolids are even reused in the community's road construction and repair. In the end, the City of Buffalo has one of the most eco-friendly and fiscally responsible wastewater treatment plants in America. In fact, estimated savings for the first year of operation are expected to exceed \$90,000 and \$500,000 in the next 20 years.

The 2009 Engineering Excellence Award has found a worthy recipient and I rise today to commend both Bolton and Menk for their innovation and attention to the needs of today's communities and the people of Buffalo, Minnesota for vision and a real commitment to excellence.

HONORING THE LIFE AND WORK OF PAUL SIDNEY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to honor the life and work of Paul Sidney, legendary radio personality and fixture of community life in Eastern Long Island for 45 years.

With his rapid patter and unpolished voice, Paul provided "local news of local interest" to generations of Long Islanders from the studios of WLNG radio in Sag Harbor. Joining the station in 1963 as programming director, he later became WLNG's vice-president, general manager and, eventually, president.

Paul was recognized as a pioneer in community radio when he was inducted into the New York State Broadcasters' Hall of Fame in 2007. One of his innovations at WLNG was his early embrace of on-location remote broadcasting. Local events from retail store openings to Easter Egg hunts could expect a visit from Paul in the station's mobile broadcasting bus, and anybody in attendance was eligible for an impromptu on-air interview.

Perhaps what endeared Paul most to his listeners was his dedication to keeping WLNG on the air during even the most severe hurricanes and blizzards, earning him the nickname "the master of disaster." With his commitment to keeping the community informed in trying times, Paul was part entertainer and part public servant.

Between shifts on-air, Paul would hold court from his favorite bench between the Sag Harbor Pharmacy and the Variety Store on Main Street, dispensing wisdom, talking baseball and maybe collecting a few anecdotes for a later broadcast. A lifelong bachelor, his listeners were both his friends and his family.

Madam Speaker, if being successful in life is loving your work, Paul Sidney was one of the most successful people I have ever known. That irrepressible voice has fallen silent, but Paul and his achievements over the years at WLNG will always be remembered.

A PROCLAMATION HONORING JESSE SLONE FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker: Whereas, Jesse Slone showed hard work and dedication to the sport of basketball; and Whereas, Jesse Slone was a supportive team player; and

Whereas, Jesse Slone always displayed sportsmanship on and off the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jesse Slone on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 basketball season.

ON THE PASSING OF ERNIE BARNES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BUTTERFIELD. Madam Speaker, today we mourn the loss of Ernie Barnes, an athlete, artist and North Carolina native.

As a child, Mr. Barnes would accompany his mother to work, where she oversaw a prominent attorney's household staff in a home where he was captivated by the extensive collection of art books available to him. It was the start of a lifelong love of art.

As a junior high school student, Mr. Barnes was overweight and introverted. He spent his time drawing and hiding from the taunting bullies. A sympathetic teacher helped steer him into a weightlifting program, which enabled him to excel in both football and track and field once he got to high school.

Because of segregation, he was unable to consider nearby University of North Carolina or Duke University, and instead attended my alma mater, North Carolina Central University—then known as North Carolina College—on a football scholarship and majored in art.

Mr. Barnes was drafted in by the Washington Redskins, who, upon discovering he was Black, traded him to the then-world champion Baltimore Colts. He later played offensive lineman for the San Diego Chargers and Denver Broncos.

While on the playing field, Mr. Barnes said he was studying the human form and developing an eye for capturing the drama of sports. Each week he would sketch the defensive lineman who would be across from him in that Sunday's game.

"The drawings would help me understand the man I would be facing," he said in an interview.

Mr. Barnes' work relied on elongation and distortion to create a sense of energy, power, grace, intensity, and fluidity. His art also features people with their closed eyes, reflecting

his sense, as he once expressed it, "we are blind to one another's humanity."

He was commissioned by the Los Angeles Olympic Committee to provide paintings for the Games and by the National Basketball Association to commemorate its 50th anniversary. He was also commissioned to provide paintings by the owners of the Los Angeles Lakers, New Orleans Saints, Oakland Raiders, and the Boston Patriots. Carolina Panthers owner Jerry Richardson, a teammate with the Baltimore Colts, commissioned Mr. Barnes to create the painting, "Victory in Overtime," that permanently hangs at the Charlotte football stadium.

Mr. Barnes' ability to capture the powerful energy and movement of sports earned him "America's Best Painter of Sports" by the American Sports Art Museum in 2004.

In 2007, in a New York tribute exhibition sponsored by the National Football League and Time Warner, Time Warner Chairman and CEO Richard D. Parsons said, "Imagine the courage and determination it took for a working class child from the segregated south in the 1940s to ignore all the naysayers and dare dream of becoming a successful artist."

Mr. Barnes's work embodied his strong personal beliefs and spirit, crossing political, racial, and geographic boundaries.

Madam Speaker, I ask that my colleagues join me in observing the passing of a great American and one of the Nation's foremost African American artists. We are blessed that Mr. Barnes helped raise our collective consciousness and encouraged everyone to see the gifts and strengths in one another. We mourn his loss, celebrate his achievements, and send our deepest condolences to his family.

RECOGNITION OF THE PASSING OF DEPUTY BURTON LOPEZ, OKALOOSA COUNTY SHERIFF'S DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Deputy Burton Lopez, Okaloosa County Sheriff's Department, who gave his life in the line of duty on April 25, 2009. Deputy Lopez served the Okaloosa Sheriff's Department with honor and distinction, and I am humbled to recognize this American hero.

Deputy Burton "Burt" Lopez began his career in the United States Air Force, proudly serving for over twenty years before retiring as a sergeant. His career took him across the world, including Northwest Florida's own Eglin Air Force base. He joined the Okaloosa Sheriff's Department shortly after his retirement, fulfilling a lifelong dream of becoming a police officer. His fellow officers knew him as a dedicated public servant and a true family man who loved serving his community.

Deputy Lopez was killed when he and another patrol deputy went to apprehend a suspect during a domestic violence dispute. The gunman fired at the officers, fatally wounding Deputy Lopez and a fellow officer. These two

deaths mark only the second and third Okaloosa Sheriff's deputies to ever be killed in the line of duty, a truly sad, but powerful testament to the quality of the entire Sheriff's Department.

The people of Okaloosa County have many reasons to be proud of Deputy Lopez, and I am honored to be able to represent those people, as well as the memory of this brave police officer. Vicki and I will keep his entire family, especially his wife, Michelle, and children, Jesse, Erik, Madilyn, Jami, and Jake, and grandson, Caleb, in our prayers. May God Bless Deputy Lopez and all of the officers across this great country who courageously protect their citizens and their communities.

FAST STARTS ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BLUMENAUER. Madam Speaker, I began work on the Portland Streetcar as a Commissioner of the City of Portland. Our first line opened on July 20, 2001, becoming the first modern streetcar system in North America. It represents a remarkable local partnership. I'm proud of its success.

As a Member of Congress, I have championed streetcars at the federal level, introducing the Community Streetcar Development and Revitalization Act in 2003, which became part of the Small Starts program and was included in SAFETEA-LU.

Unfortunately, the implementation of the Small Starts program failed to deliver any form of federal partnership to our communities. Communities across the country have struggled to utilize the Small Starts program as the Federal Transit Administration delayed these projects. These delays have caused steep cost increases and stalled worthy projects that otherwise would generate investment and development in these communities.

The Fast Starts Act responds to the vast pent-up demand in communities around the country caused by the prior administration's obstruction and delay with regard to streetcar projects. It authorizes the Secretary of Transportation to make grants to streetcar projects provided that they are supported by an acceptable degree of local financial commitment, have met all necessary environmental requirements, and can be under construction not later than March 1, 2012.

These bills will revitalize America's neighborhoods and urban spaces, while providing transit options, reducing sprawl, and curtailing greenhouse gas emissions. I am looking forward to seeing a resurgence of streetcars around the country and nowhere more so than in Portland, Oregon.

A PROCLAMATION HONORING JORDAN STRICKLAND FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jordan Strickland showed hard work and dedication to the sport of basketball; and

Whereas, Jordan Strickland was a supportive team player; and

Whereas, Jordan Strickland always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jordan Strickland on winning the Boys' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 basketball season.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Education—National Projects, Innovation and Improvement
Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Ave. NW, Washington, DC 20009

Description of Request: Funding will be used for purposes authorized in Section 5451 of the Elementary and Secondary Education Act. Reading is Fundamental enhances child literacy by providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations throughout all fifty states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Education—National Projects, Innovation and Improvement
Legal Name of Requesting Entity: Reach Out and Read National Center

Address of Requesting Entity: 56 Roland Street, Boston, MA 02129

Description of Request: Reach Out and Read is a national program that promotes literacy and language development in infants and young children, targeting disadvantage and poor children and families. ROR has proven to among the most effective strategies to promote early language and literacy development and school readiness: pediatricians and other healthcare providers guide and encourage parents to read aloud to their children from their earliest years of their life, and send

them home from each doctor visit with books and a prescription to read together. Currently, nearly 50,000 doctors and nurses have been trained in ROR's proven strategies, and more than 3,500 clinics and hospitals nationwide are implementing the program, reaching more than 25% of America's at-risk-children. Funding provided by Congress through the U.S. Department of Education has been matched by tens of millions of dollars from the private sector and state governments. Program has benefited over 18,000 children in the First District.

HONORING BOY SCOUT TROOP 72

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Boy Scout Troop 72 on achieving an important milestone, its 75th anniversary. Originally chartered on April 16, 1934, Troop 72 has turned hundreds of young men into community leaders, fulfilling the Boy Scouts of America mission to build character in young men and train them to become responsible citizens engaged in physical fitness and community development activities.

Troop 72 is in the Washington District of the Cradle of Liberty Council of the Boy Scouts of America. The chartering organization, the Roychester Community House in the Overlook Hills neighborhood of Abington Township, has provided a home for the young men of Troop 72 for many years.

Since its inception, 175 boys from the Troop have attained the coveted Eagle Scout designation, Scouting's highest award. Each project that has propelled these young men toward the achievement of the rank of Eagle Scout has had an incredible impact on the betterment of the community. While successfully fulfilling the mission of the Boy Scouts of America to train young men to become responsible, engaged citizens, Troop 72 has also successfully established strong ties to its town. Troop 72's annual food drive collects thousands of canned goods each year.

The Troop's active and committed adult leadership implement outreach, advocacy and fundraising activities to strengthen the Troop's enduring presence and serve as positive role models for these young men. Over the past 75 years, Troop 72 has served as a powerful catalyst, encouraging young men to make ethical and moral decisions and shaping them into productive, engaged citizens. I am honored to represent this organization's leadership and members in Congress.

Madam Speaker, I ask that my colleagues join me in celebrating the 75th anniversary milestone of Boy Scout Troop 72 and wishing the Troop and its members many more years of community enrichment and service.

CONGRATULATING MR. ADAM MILLIKIN, JR. ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Adam Millikin, Jr. on the occasion of his 100th birthday.

Mr. Millikin was born on May, 12, 1909 in East Carroll Parish, and is currently a proud resident of Lake Providence, La. In addition, Mr. Millikin and his late beloved wife were the proud parents of 10 children.

Truly an integral part of Louisiana history, Mr. Millikin's fascination with politics has deep roots. He was just one of four males who first obtained the right to vote in East Carroll Parish.

A retired farmer, Mr. Millikin serves today as a deacon of the Rose Hill Baptist Church. He has served in this capacity for 58 years.

In addition, his hobbies include watching his favorite baseball team, Los Angeles Dodgers, and following the news.

Mr. Millikin is a friend to many, and is deemed a gracious and hardworking person to all who have had the privilege of making his acquaintance.

Friends and family of Mr. Milliken will gather on May 24, 2009 to celebrate this momentous birthday.

I ask my colleagues to join me in wishing Mr. Adam Millikin, Jr. a very happy 100th birthday.

IN HONOR OF ROBLEY REX

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. YARMUTH. Madam Speaker, I rise today to honor Robley Rex, an American Hero from my home town of Louisville, KY, who peacefully passed away just days away from his 108th birthday. Mr. Rex always disputed the fact that he was a hero. He said he was only doing his duty, but to the people of Kentucky, we simply can't see it any other way.

The area's last surviving World War I era veteran served with the Army in Europe at the end of the Great War. He remained with the Army for four years, but he retained a commitment to serve for the rest of his life. He served as chaplain of the Okolona VFW until his death and logged more than 13 thousand volunteer hours at the Louisville VA hospital—since his 85th birthday.

Still, what made Mr. Rex special to us isn't the quantity of hours or years—though there were many of both—but the quality of his time. The veterans who had the good fortune to spend some time with him, during his many visits to the VA Hospital, spoke with a man who not only shared their experience but also helped blaze the trail for their service. For those brave men and women who served their country and received treatment for illness or

injury, the ubiquitous smile of Robley Rex made a world of difference when working toward recovery. He tried to cheer them up, he'd say. And if you ask anyone he encountered, you'll hear that he succeeded.

Today, it's difficult to imagine a time when America was not yet the most powerful nation in the world, when the military might of United States was in question. Robley Rex served at a time when our states had been reunited for little over five decades and the road ahead lay in question. It was on the will, courage, and determination of soldiers like Robley Rex that the future of the United States was secured. Whether he admitted it or not, Madam Speaker, he was a treasure to our community, a true American Hero, and he will not be forgotten.

I am humbled by his life's service, thankful for all he did, and I know my colleagues will join me in honoring the life and legacy of Robley Rex.

TRIBUTE TO MR. D. M. (DENNY) SAMUEL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. COSTA. Madam Speaker, today I would like to pay tribute to Mr. D. M. Samuel on his retirement with 42 years of service with Chevron Corporation of California.

Denny joined Chevron in 1967 and moved extensively throughout North America in the marketing department. As sales manager in Puerto Rico, and marketing manager in Canada, he was successful in notable advancements in Chevron's return to stockholder investment. He has been Chevron's legislative advocate in Florida, Washington, Oregon, Idaho, and California.

Most recently, Denny has served as chief advocate for the company in Sacramento, serving as Chevron's lead with the California State Legislature and several governorships for more than 20 years. In this capacity, he has been a true leader within the business lobbying community. He has served on the Government Affairs Committee of the California Manufacturers and Technology Association, and is the outgoing chairman of the Western States Petroleum Association's California Petroleum Resource Group. Denny has been honored by both parties recently, as the top business lobbyist in the State; by the Latino Caucus with a Lifetime Achievement Award; and by many peers and leaders in Sacramento and an honest and hard working advocate on behalf of California's largest company, Chevron.

Denny is a solid citizen. He has served on the boards of many community and industry organizations including the Sacramento Child Abuse Prevention Council and served as chairman of the River Oaks Center for Children. He is known for his compassion and willingness to help others.

Samuel graduated from the University of Washington, did post graduate studies at Golden Gate University, and received his master's in business administration (MBA) from Pepperdine University.

Samuel enjoys golf and fishing and resides with his wife and mother of four, Fran, in Loomis, CA.

I congratulate Denny on his retirement and thank him for his diligent service to the energy industry, particularly in the great State of California.

CONGRATULATING EVERETTE
BROWN ON BEING DRAFTED BY
THE CAROLINA PANTHERS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to congratulate and recognize a young man from my hometown who was selected in last weekend's National Football League draft. The Carolina Panthers selected Everette Brown, a graduate of Wilson, North Carolina's Beddingfield High School and Florida State University.

Mr. Brown was the Seminoles starter at the right defensive end position in each of the 13 games during the 2008 regular season, and he was a finalist for the Ted Hendricks Award as the Nation's top defensive end. And, after leading the Nation in tackles for a loss, Mr. Brown was named to the All-Atlantic Coast Conference football first-team and runner-up as the ACC Player of the Year.

In addition to his tremendous play on the field, Mr. Brown has been a leader when it comes to community service. He has donated his time freely, volunteering at schools, The Able Trust, MDA Summer Camp, Tallahassee Seminole Club, Dick Howser Center for Childhood Services, Life Skills Center and Read Across America, among many others.

Madam Speaker, my community is extremely proud of this young man and I ask you to join me in congratulating him on his accomplishments. We must also recognize Mr. Brown's parents, Odell and Jenai, on raising this fine young man. I know they must be so proud and pleased that he will be playing his games so close to home.

CONGRATULATING MARTHA
BUFFINGTON, TEACHER SE-
LECTED TO ATTEND 2009
MICKELSON EXXONMOBIL
TEACHERS ACADEMY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride that I rise today to commend Martha Buffington, a teacher at A.L. Smith Elementary for being selected to attend the 2009 National Mickelson ExxonMobil Teachers Academy.

Martha is one of 200 highly-qualified third-through fifth-grade teachers from around the country selected to attend the intensive professional development program this summer.

She was chosen from more than 1,600 teachers nationwide by a panel of educators

from the National Council of Teachers of Mathematics (NCTM) and the National Science Teachers Association (NSTA). Their selection criteria was based on Martha's remarkable qualifications, unyielding dedication to inspiring students at an early age, as well as her overall commitment to enhancing the teaching profession.

The ExxonMobil Teachers Academy is designed to further help each selected participant to engage students in math and science, and to help retain their interest in these subjects through college and into their careers.

I ask my colleagues to join me in congratulating Martha Buffington for being accepted into the ExxonMobil Teachers Academy. Martha is an excellent teacher who is truly deserving of this recognition.

LEVI LOCKLING

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Levi Lockling who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Levi Lockling is a 7th grader at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Levi Lockling is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Levi Lockling for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNITION OF THE PASSING OF
DEPUTY WARREN YORK,
OKALOOSA COUNTY SHERIFF'S
DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Deputy Warren York, Okaloosa County Sheriff's Department, who gave his life in the line of duty on April 25, 2009. Deputy York served the Okaloosa Sheriff's Department with honor and distinction, and I am humbled to recognize this American hero.

Deputy Warren "Skip" York served his country for over 20 years in the U.S. Air Force. A highly decorated airman, Skip joined the Okaloosa Sheriff's Department upon his retirement from military service and has bravely protected his community as a patrol deputy ever since. He could often be seen riding around northwest Florida on his Harley-David-

son as part of the Blue Knights Motorcycle Club or attending church services at St. Michael's of Eglin Air Force Base. Skip will be remembered by all who knew him for his great attitude and caring personality.

Deputy York was killed when he and another patrol deputy went to apprehend a suspect during a domestic violence dispute. The gunman fired at the officers, fatally wounding Deputy York and a fellow officer. These two deaths mark only the second and third Okaloosa Sheriff's deputies to ever be killed in the line of duty, a truly sad, but powerful testament to the quality of the entire Sheriff's Department.

The people of Okaloosa County have many reasons to be proud of Deputy York, and I am honored to be able to represent those people, as well as the memory of this brave patrolman. Vicki and I will keep his entire family, especially his wife, Janel, and his son, Michael, in our prayers. May God bless Deputy York and all of the officers across this great country who courageously protect their citizens and their communities.

FEDERAL STREETCAR
REVITALIZATION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BLUMENAUER. Madam Speaker, the Federal Streetcar Revitalization Act creates a transportation investment program that, under a competitive program, offers grants to transit projects. These projects must be justified based on a review of their effects on local economic development, land use, travel patterns, and greenhouse gas reduction potential.

This program will unlock streetcar investments across the country and will fulfill the promise of the Community Streetcar Development and Revitalization Act that I introduced in 2003 and which later became part of the Small Starts program in SAFETEA-LU. Unfortunately, the implementation of the Small Starts program failed to deliver any form of federal partnership to our communities. Communities across the country have struggled to utilize the Small Starts program as the Federal Transit Administration delayed these projects. These delays caused steep cost increases and stalled worthy projects that otherwise would generate investment and development in these communities.

For an example of the benefits of streetcar systems, the Portland Streetcar opened on July 20, 2001, becoming the first modern streetcar system in North America. This system has created jobs and spurred development along the streetcar corridor. In fact, the Portland Streetcar has spurred \$3.5 billion in new development in downtown Portland. The streetcar system also provides tremendous environmental benefits. The Portland Streetcar is one reason that vehicle miles traveled per capita have declined by 6% since 1990 in Portland, Oregon. Providing sustainable transportation options to our communities can significantly reduce our carbon footprint.

These bills will revitalize America's neighborhoods and urban spaces, while providing

transit options, reducing sprawl, and curtailing greenhouse gas emissions. I am looking forward to seeing a resurgence of streetcars around the country.

KATERINA KUBLITSKAYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Katerina Kublitskaya who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Katerina Kublitskaya is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katerina Kublitskaya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Katerina Kublitskaya for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING MADDESON
ELIZABETH BILLMEYER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the courage and resolve of Maddeson Elizabeth Billmeyer. Maddeson went to the hospital after falling on the ice this past winter. During her hospital visit, a tumor was detected and diagnosed. This fall was a blessing in disguise, as it allowed for her to be diagnosed sooner rather than later.

Maddeson was diagnosed with Ewing Sarcoma which has only about 150 cases reported each year. This rare cancer has spread to both lungs. The cancer will be treated with 6 sessions of chemotherapy, followed by surgery to remove the tumor and any remaining cancer. Maddeson will then continue with chemotherapy for a minimum of 42 weeks.

Maddeson is only 6 years old and is in the process of dealing with a terrible disease. Maddeson and her family have a difficult road ahead of them and they need community support. The Billmeyer family needs emotional, educational, and practical support from their family and friends.

I want to use this unfortunate circumstance as an opportunity to promote childhood cancer awareness, and the need for childhood cancer education. Ours thoughts and prayers are with Maddeson Billmeyer and her family.

JOSH LOBATO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Josh Lobato who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Josh Lobato is a 7th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Josh Lobato is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Josh Lobato for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING NICHOLAS EVERETTS, AMERICAN LEGION DEPARTMENT OF ARIZONA ORATORICAL CONTEST 1ST RUNNER UP

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Nicholas Everetts of Fountain Hills, Arizona, who was chosen to represent his area in the recent Constitutional Speech Contest held by the American Legion Oratorical Scholarship Program. This competition is sponsored by the American Legion to promote a broader appreciation and understanding of the Constitution.

Nicholas won his local contest in the Phoenix area, and then moved on to compete in the state competition with students from all over Arizona. As a sophomore at Fountain Hills High School and the youngest participant in the state contest, Nicholas proved his ability and validated his hard work by placing second.

As a member of the Committee on Veterans' Affairs, I commend Nicholas for his participation in this competition, and his active role in the veterans' community. In his speech, Nicholas insightfully noted that "the treason that our forefathers committed when signing the Declaration of Independence has led us to live in such a great country." I am confident that we will see great things from Nicholas in the future, and I gratefully wish him well in his future endeavors.

Madam Speaker, please join me in recognizing Nicholas Everetts for his success in the Constitutional Speech Contest, and his dedication to America's veterans.

JENIFER LUNDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jenifer Lunde who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jenifer Lunde is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jenifer Lunde is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jenifer Lunde for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN HONOR OF MADISON DEVON DODGE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Madison Devon Dodge for her efforts in the fight against diabetes and her profound impact on the lives of thousands of individuals who suffer from the disease.

From May 2 to 5, 2009, Madison Dodge will be honored here, in Washington, D.C., at the 14th Annual Prudential Spirit of Community Awards. I find Madison's accomplishments over the last eight years, although she is only thirteen years old, beyond extraordinary. She has raised in excess of \$40,000 for diabetes research and treatment since she began volunteering in 2001. I am confident that she will not only continue to raise money to fight diabetes, but more importantly, that she will continue to bring hope to those suffering from diabetes and impact their individual lives in meaningful ways.

To promote her fight against diabetes, Madison familiarized herself with Washington D.C. at an early age. She has met with numerous congressman and senators to keep them informed about the challenges associated with this debilitating disease. She also holds the distinct honor of being named a two-time Delaware delegate to the Call to Congress program. Additionally, Madison was invited to attend a recent House Education and Labor Committee hearing entitled Renewing America through National Service and Volunteerism to discuss and examine the importance of national service in meeting some of our country's critical economic needs, at which I had the opportunity to highlight her volunteer work. In Delaware, she takes part in several fundraisers every year such as her biannual Skate

4 A Cure, Dinners for Diabetes, and other events including raffles and craft sales. It is inspiring to see that such a young lady can be so passionate about this worthy cause and demonstrate her passion so vigorously on a daily basis. As the co-chair of the Congressional Diabetes Caucus, I personally understand how important her mission is to Members of Congress, as well the countless families impacted by diabetes.

I would like to thank Ms. Madison Dodge for her years of service to the men and women suffering from diabetes, as well as our greater community here in the State Delaware. I am confident that her Prudential Spirit of Community Award will only inspire her to help more people and strengthen her resolve in the fight against diabetes.

DENISE LOYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Denise Loya who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Denise Loya is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Denise Loya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Denise Loya for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO SID OMAN

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Sid Oman, who was 81 when he passed away on Monday, April 27, 2009.

America lost a political icon with the death of Sid Oman. Sid will certainly be remembered for both his successful business and political careers. Nationally, he was recognized by President Reagan for his role in the War on Drugs, and he was widely known for being elected to serve as mayor of two cities in different states, Chesapeake, Virginia and Elizabeth City, North Carolina.

From the beginning, Sid Oman planned to be a funeral director. He founded his own business—Oman Funeral Homes—and he set the standard for the way in which he ran his business. He served as President of both the

Virginia Funeral Directors Association and the Tidewater Funeral Directors Association. His business reputation led to his role as the director of General Douglas MacArthur's funeral in 1964.

Sid was so much more than a funeral director. He was a Marine, a Sunday school teacher, a marriage commissioner, and he played a leadership role in numerous civil groups committed to the communities in which he lived and worked every day, including business, health care, education, and service organizations.

Sid was deeply engaged in connecting with citizens and friends in the community through technology and media. He hosted weekly TV and radio shows, including "The Sounding Board," "The Vantage Point," "Call to City Hall," and "Mayor's Report."

In his later years, Sid's personal battle with cancer and his resilient commitment to ensuring access to cancer treatment for others resulted in Chesapeake General Hospital naming its Cancer Treatment Center in his honor.

At home, Sid was the proud husband of Lillian Callis Oman since 1947. He had two children—his daughter Susan, and his son, Robert, who followed his father's footsteps into the funeral business.

However, for Chesapeake residents he represents the personification of the office of Mayor, an office he officially held for six years, but for which he was known for the remainder of his life. Sid's love for people and his city will not soon be forgotten or easily replaced, and his contributions to our lives in Chesapeake will live on for generations.

BRYCE LANGE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Bryce Lange who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Bryce Lange is a senior at Faith Christian Academy and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Bryce Lange is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Bryce Lange for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF AMY LIU

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Amy Liu for establishing the Sichuan Earthquake Relief Fund and raising over \$43,000 to aid victims of the earthquake that struck south-central China in May 2008.

From May 2 to 5, 2009, Amy Liu will be honored here, in Washington, D.C., at the 14th Annual Prudential Spirit of Community Awards. The efforts of Ms. Liu in her attempt to aid those devastated by the disaster in China are remarkable in and of themselves. Amy founded, organized, and led a month long fundraising effort that sent more than \$20,000 directly to the Chinese Red Cross, where it was redistributed for disaster relief and rebuilding. I find Amy's accomplishments in this situation to be absolutely extraordinary. Not only did she raise an incredible amount of money to help people in dire need, she served as an exemplary role model for her peers in the process.

Ms. Liu has also volunteered at the First State Chinese School, the A.I. DuPont Hospital, the Brandywine Hundred Library, and the Stand Up for What is Right and Just program. In addition, Amy was a guest of mine at a recent House Education and Labor Committee hearing entitled Renewing America through National Service and Volunteerism to discuss and examine the importance of national service in meeting some of our country's critical economic needs. At the hearing, I had the opportunity to highlight Amy's exemplary community service. I am confident that Amy will not only continue to volunteer and serve the Delaware community and people in need, but more importantly, that she will continue to impact individual's lives in profound and meaningful ways.

I would like to thank Ms. Amy Liu for her service to the men and women who suffered in China after the May 2008 earthquake, as well as for her continual service within our greater community in the State of Delaware. I am confident that her Prudential Spirit of Community Award will only inspire her further to help more people and act as an even larger and more prominent role model for the young and old in our community.

ANNA LAZIO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anna Lazio who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anna Lazio is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anna Lazio is exemplary of the type of achievement that

can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anna Lazio for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CONGRESSWOMAN SPEIER ENCOURAGES ORGAN AND TISSUE DONATION REGISTRATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SPEIER. Madam Speaker, today, 17 Americans awaiting organ transplants will die because a suitable donor was not available. These will be our mothers, fathers, children, and friends—some of the 100,000 of our fellow Americans on the national organ transplant waiting list.

But unlike so many threats that are out of our control, this is something that each of us can change simply by signing up with your state program.

Volunteering to be an organ or tissue donor is a simple, painless, and selfless act of love and generosity, the impact of which cannot be understated. A single organ donation can save up to 8 lives and the donation of one person's tissue can save the lives of up to 50 others. Each year, 28,000 men, women and children are saved through organ donation. Despite the 80 million of us who are enrolled in state donor registries, there is still a need for more.

Sadly, one-third of those on the national transplant waiting list will likely run out of time before a donor is found.

Madam Speaker, in honor of National Donate Life Month, I urge my colleagues, my constituents and my fellow Americans to register as organ and tissue donors.

ALEXANDRA LOGAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alexandra Logan who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alexandra Logan is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alexandra Logan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alexandra Logan for winning the Ar-

vada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

ALEX LESKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alex Lesko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alex Lesko is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Alex Lesko is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alex Lesko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

ADRIANNE LOZANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Adrienne Lozano who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Adrienne Lozano is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Adrienne Lozano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Adrienne Lozano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint commit-

tees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 30, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 5

9:30 a.m.

Armed Services

To hold hearings to examine ongoing efforts to combat piracy on the high seas.

SR-325

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Daniel B. Poneman, to be Deputy Secretary, David B. Sandalow, to be Assistant Secretary for International Affairs and Domestic Policy, both of the Department of Energy, and Rhea S. Suh, to be Assistant Secretary, and Michael L. Connor, to be Commissioner of Reclamation, both of the Department of the Interior.

SD-366

10 a.m.

Finance

To hold hearings to examine expanding health care coverage.

SD-106

Joint Economic Committee

To hold hearings to examine the economic outlook.

SH-216

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S-116, Capitol

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

S-407, Capitol

3 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine piracy on the high seas, focusing on protecting our ships, crews, and passengers.

SR-253

MAY 6

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulating and resolving institutions considered to be too big to fail.

SD-538

Veterans' Affairs

To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of

<p>Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs.</p>	<p>MAY 7</p> <p>9:30 a.m.</p> <p>Armed Services</p> <p>To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States.</p>	<p>10:30 a.m.</p> <p>Agriculture, Nutrition, and Forestry</p> <p>To hold hearings to examine the nominations of Krysta Harden, of Virginia, to be Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of the Department of Agriculture.</p>
<p>10 a.m.</p> <p>Judiciary</p> <p>To hold an oversight hearing to examine the Department of Homeland Security.</p>	<p>SH-418</p> <p>10 a.m.</p> <p>Health, Education, Labor, and Pensions</p> <p>To hold hearings to examine pending nominations.</p>	<p>SR-216</p>
<p>2 p.m.</p> <p>Aging</p> <p>To hold hearings to examine solutions to stop Medicare and Medicaid fraud from hurting seniors and taxpayers.</p>	<p>SD-106</p> <p>Judiciary</p> <p>Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.</p>	<p>SD-430</p> <p>2:30 p.m.</p> <p>Appropriations</p> <p>Legislative Branch Subcommittee</p> <p>To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance.</p>
<p>SH-216</p> <p>2:15 p.m.</p> <p>Armed Services</p> <p>Strategic Forces Subcommittee</p> <p>To receive a closed briefing to examine space issues.</p>	<p>SVC-217</p> <p>2:30 p.m.</p> <p>Commerce, Science, and Transportation</p> <p>Communications and Technology Subcommittee</p> <p>To hold hearings to examine the future of journalism.</p>	<p>SD-138</p>
<p>SR-253</p> <p>Judiciary</p> <p>Terrorism and Homeland Security Subcommittee</p> <p>To hold hearings to examine the passport insurance process, focusing on ending fraud.</p>	<p>SD-226</p> <p>Commerce, Science, and Transportation</p> <p>Science and Space Subcommittee</p> <p>To hold hearings to examine the consequences of a gap in human space flight.</p>	<p>MAY 13</p> <p>10 a.m.</p> <p>Commerce, Science, and Transportation</p> <p>Competitiveness, Innovation, and Export Promotion Subcommittee</p> <p>To hold hearings to examine tourism in troubled times.</p>
<p>SD-226</p>	<p>SR-253</p>	<p>SR-253</p> <p>MAY 21</p> <p>9:30 a.m.</p> <p>Veterans' Affairs</p> <p>Business meeting to markup pending legislation.</p> <p>SR-418</p>